

One of the most troubling passages in this veritable smorgasbord of laws and ordinances concerns the *ben sorer u'moreh*, the wayward and rebellious son, “who does not obey his father or his mother, and they chasten him, and [he still] does not listen to them, his father and his mother shall take hold of him and bring him out to the elders of his city, and to the gate of his place. And they shall say to the elders of his city, ‘This son of ours is wayward and rebellious; he does not obey our voices; [he is] a glutton and a drunkard.’ And all the men of his city shall pelt him to death with stones, and he shall die. So shall you clear out the evil from among you, and all Israel will listen and fear.” (21:18-21)

Raising children has always been challenging, especially clever children whose emotional and social intelligence are underdeveloped. The drastic solution in the text is, of course, offensive to us today. But the various recommendations offered by modern professionals and would-be experts, from blaming the parents and the environment while trusting the child to finally do the right thing, to “tough love” bootcamps and juvenile incarceration are all problematic. We still search for answers, but most of us realize that radical solutions are counterproductive. Because the sanctity of all life is a core tenet of Judaism, our sages took elaborate measures to render the few death sentences called for in our scriptures impossible to carry out. This particular passage so troubled the rabbis of the Talmud that they discussed it at length in 4 consecutive folios (Sanhedrin 68b-72a). The restrictions they imposed ensured that no child would suffer the death penalty. First of all, they defined the age of liability: “From when he grows 2 pubic hairs until he has grown a beard around ...” (his genitals, not his facial hair), and they pointedly exempted daughters. In addition, sons of minors were excluded: “...if a minor fathered a son, the son cannot become a stubborn and rebellious son.” Then, “... the time during which it is possible to judge and sentence a stubborn and rebellious son is only 3 months.” (Referring to the onset of puberty and adulthood at Bar Mitzvah age) The ensuing discussion (69b) on the ability to father and bear children at extremely early ages is a shocking discourse in itself as it winds through myriad examples in the TaNaKh with mathematical meticulousness. The next debates concern the charges of gluttony and drunkenness: eating and drinking where, when, and with whom; tithe and kashrut status; quality of wine and meat, and how it was obtained; and physical and emotional state – again with various scriptural references. In short, gluttony and excessive drinking are not really sins, and certainly not capital offenses. Next, the sages turn their attention to imposing restrictions on the parents: They must both agree that the son should be punished, and they must be suited for each other, i.e., appropriately matched. Citing 21:20 (underlined above), the rabbis stipulate that the mother be identical to the father in voice, appearance, and height, again offering a number of scriptural examples to prove the impossibility of this requirement. Finally, “If one of the parents was without hands, or lame, or mute, or blind, or deaf, their son does not become a stubborn and rebellious son ... ‘Then shall his father and mother lay hold of him,’ but not people without hand, who cannot do this. ‘And bring him out,’ but not lame people, who cannot walk. ‘And they shall say,’ but not mutes. ‘This son of ours,’ but not blind people, who cannot point to their son and say *this*. ‘He will not obey our voices,’ but not deaf people, who cannot hear whether or not he declined to obey them.” The ensuing arguments make it clear that capital punishment for minor children is impossible. Running through the entire series of discussions are 2 opposing views: One justifies the severity of the law as a preventive measure. A child who steals from his parents in order to obtain the food and drink in which he indulges is likely to go on to a life of crime; therefore, it is better to kill him before he can become a thief or a murderer. The rabbis who hold this view believe that it is possible to determine the character of a person in advance. The other opinion (“There has never been a stubborn and rebellious son, and there never will be one in the future.”) discards the entire question because the huge variety of stipulations make it impossible to successfully prosecute such a case. Therefore, these 4 verses are only discussed “So that you may expound upon new understandings of the Torah and receive reward for your learning.” (71a:15) Immediately Rabbi Yonatan counters by saying he sat on the grave of a stubborn and rebellious son. This small exchange contains a profound message: There are people in the world who are capable of doing enormous evil and in the interest of public safety powerful deterrents are necessary. However, we dare not indulge in stereotyping. There is a fine line between precaution and profiling, and we must be scrupulously discerning so that we do not cross it. There are no simple solutions to the enormous variety of complex problems in our increasingly complex world. We can only try to address each new challenge in accordance with our highest ideals. And especially in this *teshuvah* month of Elul, we must never forget that every person has the capacity to acknowledge wrongdoings, learn from mistakes, and embark on a better path. In doing so ourselves, we may inspire others to do likewise – for rebellious, stubborn – and highly impressionable – youngsters, powerful examples indeed.

Shabbat shalom!