

Sanhedrin 68b-71a: Ben Sorer uMoreh

Deuteronomy 21:18-19, 21

כִּי־יְהִיָּה לְאִישׁ בֶּן סוֹרֵר וּמוֹרֵה אִינּוֹ שְׁמַע בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אֹתוֹ
וְלֹא יִשְׁמַע אֲלֵיהֶם: וְתִפְּשׂוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל־זִקְנֵי עִירוֹ
וְאֶל־שַׁעַר מְקוֹמוֹ:...וַרְגְּמֵהוּ כָּל־אֲנָשֵׁי עִירוֹ בְּאֲבָנִים וְיָמַת וּבַעֲרֹתָ הָרַע מִקִּרְבְּךָ
וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וַיִּרְאוּ:

"If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, and when they have chastened him will not listen to them, then his father and his mother will seize him, and bring him out to the elders of his city, and to the gate of his place...And all the men of his city shall kill him with stones, that he dies. You shall burn up evil among you, and all of Yisrael shall hear and fear."

מתני' בן סורר ומורה מאימתי נעשה בן סורר ומורה משיביא שתי שערות
ועד שיקיף זקן התחתון ולא העליון אלא שדברו חכמים בלשון נקיה

MISHNA: From when does a stubborn and rebellious son become liable to receive the death penalty imposed upon a **stubborn and rebellious son? From when he grows two pubic hairs, until he has grown a "beard" around. The reference here is to the lower beard surrounding his genitals, and not the upper beard, i.e., his facial hair, but the Sages spoke in euphemistic terms.**

שנאמר (דברים כא, יח) כי יהיה לאיש בן בן ולא בת בן ולא איש קטן פטור
שלא בא לכלל מצות:

As it is stated: "If a man has a stubborn and rebellious son" (Deuteronomy 21:18), which indicates that the penalty for rebelliousness is imposed upon a **son, but not** upon a **daughter**; and upon a **son, but not** upon a fully grown **man. A minor** under the

age of thirteen is **exempt** from the penalty imposed upon a stubborn and rebellious son, **because he has not yet reached** the age of **inclusion in mitzvot**.

גמ' קטן מנלן דפטור מנלן כדקתני טעמא שלא בא לכלל מצות

GEMARA: The Gemara inquires about the source of the halakha taught in the mishna: **From where do we derive that a minor is exempt** from the punishment imposed upon a stubborn and rebellious son? The Gemara comments: This question is puzzling: **From where do we derive this halakha? The reason is as is taught** in the mishna: **Because he has not yet reached** the age of **inclusion in mitzvot!**

ותו היכא אשכחן דענש הכתוב דהכא ליבעי קרא למיפטריה

And furthermore, where do we find that the verse punishes a minor, such that a special verse should be required here in order to exempt him?!

אנן הכי קאמרינן אטו בן סורר ומורה על חטאו נהרג על שם סופו נהרג
וכיון דעל שם סופו נהרג אפילו קטן נמי

The Gemara clarifies: **This is what we are saying: Is a stubborn and rebellious son killed for a sin** that he already committed? No, **he is killed for what he will become in the end**. The Torah understands that since the boy has already embarked on an evil path, he will continue to be drawn after his natural tendencies and commit many offenses that are more severe. It is therefore preferable that he should be killed now so that he may die in relative innocence, rather than be put to death in the future bearing much more guilt. **And since he is executed for what he will become in the end**, one might have thought that **even a minor as well** can be sentenced to the death penalty as a stubborn and rebellious son.

ועוד בן ולא איש קטן משמע אמר רב יהודה אמר רב דאמר קרא וכי יהיה
לאיש בן בן הסמוך לגבורתו של איש:

And furthermore, the exclusion: "A son," but not a man, indicates that a **minor** is in fact included in the halakha, as he is not yet a man.

מתנני' מאימתי חייב משיאכל תרטימר בשר וישתה חצי לוג יין האיטלקי

MISHNA: From when is a stubborn and rebellious son liable? From when he eats a *tarteimar* of meat and drinks a half-log of Italian wine.

מתנני' גנב משל אביו ואכל ברשות אביו משל אחרים ואכל ברשות אחרים
משל אחרים ואכל ברשות אביו אינו נעשה בן סורר ומורה

MISHNA: If he stole that which belonged to his father and ate on his father's property, or he stole that which belonged to others and ate on the property of others, or he stole that which belonged to others and ate on his father's property, he does not become a stubborn and rebellious son...

עד שיגנוב משל אביו ויאכל ברשות אחרים רבי יוסי בר' יהודה אומר עד
שיגנוב משל אביו ומשל אמו

...unless he steals that which belonged to his father and eats on the property of others. Rabbi Yosei, son of Rabbi Yehuda, says: He does not become a stubborn and rebellious son unless he steals that which belonged to his father and that which belonged to his mother.

גמ' גנב משל אביו ואכל ברשות אביו אע"ג דשכיח ליה בעית משל אחרים
ואכל ברשות אחרים אע"ג דלא בעית לא שכיח ליה וכל שכן משל אחרים
ואכל ברשות אביו דלא שכיח ליה ובעית עד שיגנוב משל אביו ויאכל
ברשות אחרים דשכיח ליה ולא בעית

GEMARA: The Gemara explains the reasons for the various *halakhot* taught in the mishna: If he stole that which belonged to his father and ate on his father's property, even though this is accessible to him and it is easy for him to steal, he is afraid that his father will see him eating what he had stolen, and therefore he will not be drawn after his action to further evil. If he stole that which belonged to others and

ate on the property of others, even though he is not afraid of them, as they neither know him nor watch over him, this theft **is not** easily **accessible to him**, as it is performed on someone else's property, and therefore he will not be drawn to additional sin. **And all the more so** if he stole that which belonged **to others and ate on his father's property**, in which case **it is not accessible to him, and he is also afraid** of his father. Therefore, he is not liable **unless he steals** that which belonged **to his father and eats on the property of others**, in which case **it is** easily **accessible to him, and he is not afraid**, and there is concern that he will be drawn after his action to additional sin.

מתנ"י היה אחד מהם גידם או חיגר או אלם או סומא או חרש אינו נעשה בן סורר ומורה

MISHNA: If one of the parents was without hands, or unable to be mobile, or mute, or blind, or deaf, their son does not become a stubborn and rebellious son, as it is stated: *"Then shall his father and his mother lay 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 stubborn and rebellious; he will not obey our voices; he is a glutton and a drunkard"*

שנאמר ותפשו בו אביו ואמו ולא גדמין והוציאו אותו ולא חגריין ואמרו ולא אלמין בננו זה ולא סומין איננו שומע בקולנו ולא חרשין

The Sages derive: *"Then shall his father and his mother lay hold of him,"* therefore not people without hands, who cannot do this. *"And bring him out,"* but not people who cannot walk. *"And they shall say,"* therefore 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.

מתנ"י היה אביו רוצה ואמו אינה רוצה אביו אינו רוצה ואמו רוצה אינו נעשה בן סורר ומורה עד שיהו שניהם רוצין רבי יהודה אומר אם לא היתה אמו ראויה לאביו אינו נעשה בן סורר ומורה:

MISHNA: If his father wishes to have him punished **but his mother does not wish** that, or if **his father does not wish** to have him punished **but his mother wishes** that,

he does not become a stubborn and rebellious son, unless they both wish that he be punished. **Rabbi Yehuda says: If his mother was not suited for his father**, the two being an inappropriate match, as the Gemara will explain, **he does not become a stubborn and rebellious son.**

רבי יהודה אומר אם לא היתה אמו שוה לאביו בקול ובמראה ובקומה אינו
נעשה בן סורר ומורה מאי טעמא דאמר קרא איננו שומע בקלנו מדקול
בעינן שוין מראה וקומה נמי בעינן שוין

Rather, Rabbi Yehuda **is saying** that the boy's mother must be **identical to his father** in several aspects. The Gemara comments: **This is also taught** in a *baraita*: **Rabbi Yehuda says: If his mother was not identical to his father in voice, appearance, and height, he does not become a stubborn and rebellious son.** The Gemara asks: **What is the reason** for this? **As the verse states: "He will not obey our voices [kolenu]"** (Deuteronomy 21:20), which indicates that they both have the same voice. And **since we require** that they be **identical in voice, we also require** that they be **identical in appearance and height.**