

Yisrael Apfel

Morality in the Torah-

Opening Questions to throw out for Class Discussion

Are there ideas in Torah you have learned or heard of that at first glance seem immoral to you?

Where do your morals come from?

penetrated the ultimate mind-set of the stubborn and rebellious son and the inevitable results of his actions, and it is understood that he will continue on this path, and in the end he will squander his not finding them, he will go out to the crossroads and rob people.

1. How does the Gemara justify killing the boy for his sins?
2. Does this justification seem moral to you?

Now analyze another Gemara in Sanhedrin that seems to grapple with this struggle:

Gemara, Sanhedrin daf 72a

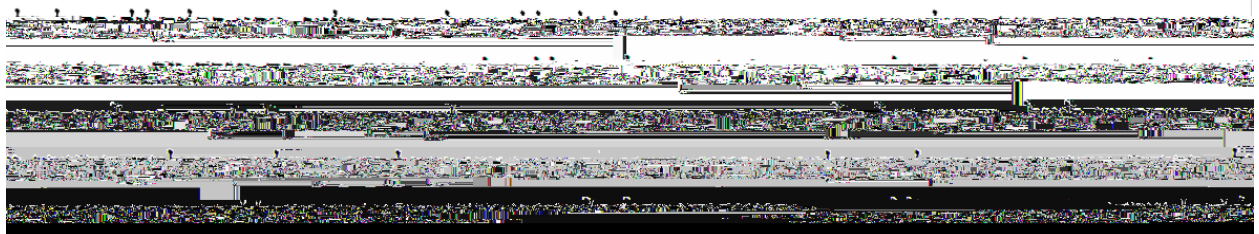
It was taught in a baraita: There has never been a stubborn and rebellious son and there will never be one in the future, as it is impossible to fulfill all the requirements that must be met in order to apply this halakha. And why, then, was the passage relating to a stubborn and rebellious son written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning,

How do you understand the concept of) " ")? What does the Torah want us to learn from something that seems so immoral but is not practically relevant?

Different approaches:

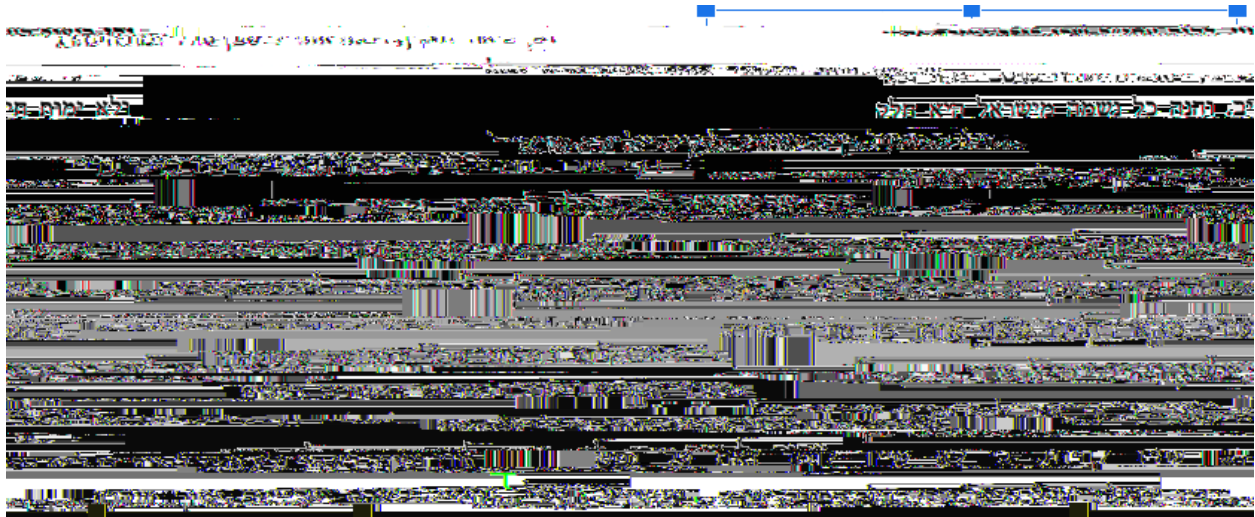
1) Ibn Ezra

It is a lesson about not chasing after pleasures of this world excessively



It is a lesson about the study of Torah. The goal is not only to apply the Torah that we learn on a practical level but to connect to God.

3) Rav Moshe Wolfson, Mashgiach Ruchani of Torah vaDaas



p on any Jew.

Let us see an insight from Rabbi Sacks that perhaps sheds a different light on how to understand the concept " " :

Some commands in the Torah were understood so narrowly by the sages that they were rendered almost inapplicable. One example is the ir ha-nidachat, the city led astray into

([Deut. 13: 16](#)). Another is the ben sorer umoreh, the stubborn and rebellious child, brought by his parents to the court and if found guilty, put to death. ([Deut. 21: 18-21](#)).

¹ As for the condemned city, Rabbi Eliezer said that if it contained a single mezuzah, the law was not enforced.² In the case of the rebellious child, R. Judah taught that if the mother and father did not sound or look alike, the law did not apply.³ According to these interpretations, the two laws were never meant to be put

⁴ They had only an educational, not a legal function.

*Why did the Oral tradition, or at least some of its exponents, narrow the scope of the law in some cases, and broaden it in others? **The short answer is: we do not know. The rabbinic literature does not tell us. But we can speculate.** A posek, seeking to interpret Divine law in specific cases, will seek to do so in a way consistent with the total structure of biblical teaching. If a text seems to conflict with a basic principle of Jewish law, it will be understood restrictively, at least by some. If it exemplifies such a principle, it will be understood broadly.*

The law of the stubborn and rebellious son was explained in the Talmud by R. Jose the

Therefore the

⁶ This is pre-emptive punishment.

The child is punished less for what he has done than for what he may go on to do. Rabbi Shimon bar Yohai, who said the law never was or would be applied, may have believed that in Judaism there is a contrary principle, that people are only judged for what they have done, not for what they will do. Retributive punishment is justice; pre-emptive punishment is not.

To repeat: this is speculative. There may have been other reasons at work. But it makes sense to suppose that the sages sought as far as possible to make their individual rulings consistent with the value-structure of Jewish law as they understood it. On this view, the law of the condemned city exists to teach us that idolatry, once accepted in public, is contagious, as we

*teach us how steep is the downward slope from juvenile delinquency to adult crime. **Law exists not just to regulate but also to educate.***