

2/6/13

Scott N. Bolton, Rabbi

Sanhedrin Chapter 8



TALMUD CLASS

DEUTERONOMY 21

PARSWAT KI TEITZE

first-fruits of his strength, his right first-born is his. ¶ 18. If a man have a stubborn and rebellious son, that will not hearken to the voice of his father, or the voice of his mother, and though they chasten him, will not hearken unto them; 19. then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place; 20. and they shall say unto the elders of his city: 'This our son is stubborn and rebellious, he doth not hearken to our voice; he is a glutton, and a drunkard.' 21. And all the men of his city shall stone

18 אָנוּ לוֹ מִשְׁפֵּט הַבְּכֹרָה: ׀ פִּי-יְהִיגָה לְאִישׁ בֶּן סוֹרֵר וּמוֹרָד אִינְנוּ שָׁמַע בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרּוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם: ׀ וַתִּפְּשׂוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל-כֹּהֲנֵי עִירוֹ וְאֶל-שַׁעַר מְקוֹמוֹ: ׀ וְאָמְרוּ אֶל-זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמוֹרָד אִינְנוּ שָׁמַע בְּקוֹלֵנוּ וּזְלַל וְסָבָא: ׀ וְרָגְמוּהוּ

him with stones, that he die; so shalt thou put away the evil from the midst of thee; and all Israel shall hear, and fear. *ii. ¶ 22. And if a man have committed a sin worthy of

כָּל-אִנְשֵׁי עִירוֹ בְּאֲבֹנִים וְנָמַת וּבְעֵרַת הָרַע מִקִּרְבּוֹ וְכָל-יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּ: * ׀ וְכִי-יְהִיגָה בְּאִישׁ חַטָּא

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כא, 19-20

כא, 21-23

21 וְרָגְמָהוּ כָּל-אֶנְוֵי עִירוֹ בְּאֲבָנִים וְמָת וּבְעֶרְתָּ הָרַע מִקֶּרְבָּהּ וְכָל-יִשְׂרָאֵל יִשְׁמְעוּ וִירְאוּ: שני
22 וְכִי-יְהִיָּה בְּאִישׁ חָטָא מְשַׁפְּטֵ-מִוֹת

21 וְכָל-יִשְׂרָאֵל יִשְׁמְעוּ וִירְאוּ. מִכָּאֵן שֶׁצָּרִיךְ הַכָּרֵן בְּבֵית דִּין: פְּלוּנֵי וְנִסְקָל עַל שֶׁהָיָה בֶן סוֹרֵר וּמוֹרָה: 22 וְכִי-יְהִיָּה בְּאִישׁ חָטָא מְשַׁפְּטֵ-מִוֹת סְמִיכוֹת הַפְּרָשׁוֹת מְגִיד שְׂאֵם חֲסִים עָלָיו אָבִיו וְאָמוֹ, סוֹף שֶׁיֵּצֵא לְתַרְבּוֹת רָעָה וְיִזְרְהוּ וְיַרְבּוּ

unto the elders of his city, and unto the gate of his place; 20. and they shall say unto the elders of his city, "This our son is stubborn and rebellious, he will not hearken to our voice; (he is) a glutton, and a drunkard."

אֶל-זִקְנֵי עִירוֹ וְאֶל-שַׁעַר מְקוֹמוֹ: 20 וְאָמְרוּ אֶל-זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמוֹרָה אֵינָנו שֹׁמְעִים בְּקוֹלָנוּ זוֹלָל וְסָבָא:

18. If a man hath

18 בִּי-יְהִיָּה לְאִישׁ



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a stubborn and a rebellious son, that will not hearken the voice of his father or the voice of his mother, and though they chasten him will not hearken unto them; 19. then shall they lay hold on him, his father and his mother, and bring him out

בֶּן סוֹרֵר וּמוֹרָה אֵינָנו שֹׁמְעִים בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמְעוּ אֲלֵיהֶם: 19 וְתִפְשׂוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ

Rashi — רש"י

and it is stated (Prov. 23.20): "Be not among winebibbers, (סבאי) among gluttonous eaters of flesh." (לולי) And a stubborn and rebellious son is put to death because of (what he may become) in the end. The Torah has arrived at his final intentions: eventually he will consume the wealth of his father, and will seek that to which he is accustomed, but will not find it, and he will stand at the crossroads and rob people. The Torah has (consequently) said: Let him die innocent, and let him not die guilty (Siphre; Sanhedrin 71).

וְנֹאמַר (מְשַׁלֵּי כ"ג): אֵל תְּהִי בְּסַבְּאֵי יַיִן בְּזוֹלְלֵי בֶשֶׂר לְמוֹ: וּבֶן סוֹרֵר וּמוֹרָה נִהְרָג עַל שֵׁם סוֹפוֹ, הַיְעִיָּה תוֹרָה לְסוֹף דְּעֵתוֹ, סוֹף שֶׁמְכַלֶּה מְמוֹן אָבִיו וּמְבַקֵּשׁ לְמוֹדוֹ וְאִינוֹ מוֹצֵא, וְעוֹמֵד בְּפִרְשֵׁת דְּרָכִים וּמְלַסְטֵם אֶת הַבְּרִיּוֹת, אָמְרָה תוֹרָה יְמוֹת וְכַאֲשֶׁר וְאֵל יְמוֹת חַיִּב (סְפָרִי, סֵנְה' ע"א):

18. Stubborn (He rebels against the words of his father. (The term מורה denotes "rebellious" (מורים) (Deut. 9.7, 24). And though they chasten him They must warn him in the presence of three, and they punish him with lashes (Siphre; Sanhedrin 71). A stubborn and rebellious son is not culpable until he has stolen and eaten half a manah of meat and has drunk half a log of wine, for it is written (v. 20), "A glutton,

18 סוֹרֵר. סָר מִן הַדְּרָךְ: וּמוֹרָה. מְסַרְבֵּב בְּדַבְרֵי אָבִיו, לְשׁוֹן מְמָרִים (דְּבָר' ט); וַיִּסְרוּ אֹתוֹ. מִתְרִין בּוֹ בְּפָנָי שְׁלֹשָׁה וּמְלַקֵּין אֹתוֹ (סְפָרִי, סֵנְה' ע"א); בֶּן סוֹרֵר וּמוֹרָה אִינוֹ חַיִּב עַד שֶׁיִּגְנוֹב וַיֹּאכַל תְּרִטִימַר בֶּשֶׂר וַיִּשְׁתֶּה חֲצִי לוֹג יַיִן, שֶׁנֹּאמַר זוֹלָל וְסָבָא,

and he be put to death, **וְהוֹמַתְךָ**
 and thou hang him on a tree; **וְתָלִיתְךָ אֹתוֹ עַל-עֵץ**
 23. his body shall not remain all night } **לֹא-תֵלִין נְבִלָתוֹ**
 upon the tree, **עַל-הָעֵץ**
 but thou shalt surely bury him **כִּי-קָבֹר תִּקְבְּרֶנּוּ**
 the same day; **בַּיּוֹם הַהוּא**
 for a reproach unto God **כִּי-קָלַלְתָּ אֱלֹהִים**
 is he that is hanged; **תָּלִי**
 that thou defile not **וְלֹא תִטְמָא**
 thy land **אֶת-אֲדָמָתְךָ**

21. And all the men of his city shall stone him } **וְרָנְמָהוּ כָּל-אֲנָשֵׁי עִירוֹ**
 with stones, **בְּאֲבָנִים**
 that he die; **וּמָת**
 so shalt thou put away the evil **וּבְעֶרְתָּ הָרָע**
 from the midst of thee; **מִקְרֶבְךָ**
 and all Israel **וְכָל-יִשְׂרָאֵל**
 shall hear, and fear. **יִשְׁמְעוּ וְיִרְאוּ**
 22. And if a man have committed a sin worthy of death, **וְכִי-יַהֲיֶה בְּאִישׁ חַטָּא מְשַׁפְּט־מוֹת**

unto the elders of his city,
 and unto the gate of his place;
 20. and they shall say
 unto the elders of his city,
 "This our son
 is stubborn and rebellious,
 he will not hearken to our voice;
 (he is) a glutton, and a drunkard."

Rashi — ס"י

and will be condemned to death by the court (cf. Tanhuma). } **וַיִּתְחַיֵּב מִיָּתֵהּ בְּבֵית דִּין (עַי" תַּנְחֻמָּה):**
 And thou hang him on a tree. } **וְתָלִיתְךָ אֹתוֹ עַל-עֵץ**
 Our Rabbis have said: } **רַבּוֹתֵינוּ אָמְרוּ:—**
 All who are stoned are (afterwards) hanged, } **כָּל הַנִּסְקָלִין נִתְּלִין**
 for it is stated, "for blaspheming of God ends in hanging", } **שֶׁנֶּאֱמַר כִּי קָלַלְתָּ אֱלֹהִים תָּלוּי**
 and he that blasphemes the Lord is stoned (Sanhedrin 45). } **וְהַמְּבָרֵךְ ה' בְּסִקְלָה (סִנְה' מ"ה):**
 23. For a reproach unto God is he that is hanged } **כִּי-קָלַלְתָּ אֱלֹהִים תָּלוּי**
 It is a slight to the King, } **וְלֹוּלוּ שֶׁל מֶלֶךְ הוּא**
 because man is made in the likeness of His image } **שֶׁאָדָם עָשׂוּי בְּדְמוּת דִּיֻּקְנוֹ**
 and Israel are his children. } **וְיִשְׂרָאֵל הֵם בְּנָיו**
 This may be likened to two twin brothers } **מִשְׁלֵשׁ לְשְׁנֵי אַחִים תְּאוּמִים**

21. And all Israel shall hear, and fear } **וְכָל-יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּ**
 Hence (we derive) that the court must proclaim: } **מִכַּאֵן שֶׁצָּרִיךְ הַכְרֹזָה בְּבֵית דִּין:—**
 Such and such a person was stoned } **פְּלוּנֵי גִסְקָל**
 because he was a stubborn and rebellious son. } **עַל שֶׁהָיָה בֶן סוֹרֵר וּמוֹרָה**
 22. And if a man have committed a sin worthy of death } **וְכִי-יַהֲיֶה בְּאִישׁ חַטָּא מְשַׁפְּט־מוֹת**
 The adjoining of these sections informs (us) } **סְמִיכוֹת הַפְּרָשִׁיּוֹת מְנַיֵד**
 that if his father and mother have pity on him, } **שֶׁאִם חֲסִים עָלָיו אָבִיו וְאִמּוֹ**
 eventually he will lead a bad life, } **סוֹף שֶׁיֵּצֵא לְתַרְבוֹת רָעָה**
 and will commit transgressions, } **וַיַּעֲבֹר עֲבֹרוֹת**

and it is stated (Prov. 23:20):
 "Be not among winebibbers, (סבאים) among gluttonous eaters of flesh."
 And a stubborn and rebellious son is put to death because of (what he may become) in the end.
 The Torah has arrived at his final intentions:
 eventually he will consume the wealth of his father,
 and will seek that to which he is accustomed, but will not find it,
 and he will stand at the crossroads
 and rob people.
 The Torah has (consequently) said: Let him die innocent,
 and let him not die guilty (Siphre; Sanhedrin 71).