

Ki Teitzei 5766
September 2, 2006
Rebel Son

Shabbat Shalom.

Like most eleven-year olds, I was anxiously waiting to find out the date of my Bar-Mitzvah and quite curious about which *parashah* - which Torah portion - would become my Bar-Mitzvah portion. Since our synagogue was quite small, I knew my parents could choose. They told me that it would be on September 8 – *Parashat Ki Teitzei* – today's *parashah*. I ran upstairs to my room and began to read. I got to:

“For you will have a stubborn and rebellious son who does not listen to his father’s voice or to his mother’s voice even after they discipline him.”

This seemed like an intriguing text, so I continued: “His father and his mother shall take hold of him and bring him to the elders of his town at the public place of his community. They shall say to the elders of his town, ‘this son of ours is disloyal and defiant; he does not listen to us. He is a glutton and a drunkard.’”

“Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid.” (DT 21:18-21)

And I was. I was afraid and taken aback. Was it mere coincidence that my parents had chosen this text as my Bar-Mitzvah portion? Or was this some sort of parental warning?

Like all civilizations and religions, Judaism has its controversial texts. For most people, the Torah’s attitude towards the stubborn and rebellious son is problematic. How can you stone a boy to death? The punishment does not fit the crime.

Throughout the Torah, there are laws that might seem inappropriate for our day and time. Of course, this is logical; the Torah was written in another time. And our conception of the world has changed dramatically over the last three millennia.

Today, we believe that the world is round and that we evolved over billions of years and that there are nine planets in our solar system; OK, only eight now, since Pluto has passed away.

While we do not understand everything about our physical world, we certainly comprehend much more than our ancestors did. And those understandings may have an impact on our reading of the Torah. What happens when a sacred text becomes problematic?

The Torah itself can shed some light on this situation. In last week's *parashah* – *Parashat Shoftim*, we read about difficult court cases - cases where we cannot easily resolve the dispute. We must bring these cases before the Levitical Priests or the magistrate and carry out their verdict.

“You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or the left – *yamin u'smol*.” (DT 17:11)

So we must do what our judges or our sages say. We cannot deviate in any direction from their decision – not to the right nor to the left. This phrase – *yamin u'smol* – to the right or to the left – is an interesting formulation, which led our sages to expound this verse further.

But before that, it should be noted that right and left here are not associated with political inclinations, which, I believe, came from seating arrangements in post-revolutionary France.

Commenting on this verse, Rashi declares that one must follow the words of the judges EVEN if the judges declare right, left and left, right. Rashi understands these words – *yamin u'smol* – to be an indication of the power of the judges and Rashi emphasizes that the judges must be followed even if it is counter-intuitive; even if they declare that your right hand is your left or your left hand is right - something that is obviously incorrect - we still follow them. Nachmanides, the great Spanish commentator, elaborates on this point – even if you know in your heart that the judges are wrong, you must listen to them. That is the power of their office; they determine Jewish law.

In the course of Jewish history, the *talmid hakham* – the student of the wise teacher or the rabbi assumed the role of the judges who could adjudicate *halakhah* – Jewish law. The halakhic authority creates the real meaning of the Torah by deciding the law, just as the Supreme Court creates the real meaning of the Constitution.

Let me give you an example of how the sages create this real meaning of *halakhah* or Jewish law. The Talmud in *Masekhet Shabbat* asks how we can recite the blessing: “Who has sanctified us with God's commandments and commanded us to kindle the Hanukkah lights” – how can we recite this blessing for Hanukkah? (Shabbat 23a) Hanukkah arrives in Jewish history long after the Torah and God's revelation – how can we possibly claim that God commanded us to light the Hanukkah lights when we know that it was the sages who prescribed this mitzvah?!

Rabbi Avyah explains that we can recite this blessing and claim that God commanded us to light the Hanukkah lights. His source is the aforementioned

verse – *lo tasur min hadavar asher yagidu lekha yamin u'smol* – “do not deviate from the verdict that they announce to you either to the right or to the left.” Rabbi Avyah claims that because our great sages designated the Hanukkah lights as a mitzvah, it is as if God commanded it, and, therefore, not only can we recite the blessing “*asher kidshanu b'mitzvotav v'tzivanu* – who has sanctified us with God's commandments and commanded us, but we must recite this. We must acknowledge God's involvement in the mitzvah of the Hanukkah lights because the sages ordained it. Maimonides codifies this as law – whatever the sages say, you must do. (Rambam Hilkhhot Brakhot 1:3)

But while this Hanukkah example points to the power of this legal principle, there is another side to this debate about right and left: the Jerusalem Talmud comments on this same verse in another manner altogether. “You might think that when they tell you that right is left and left is right – you should listen to them. No! The Torah comes to teach us that only when they claim that right is right and that left is left should we listen to them.” (Yerushalmi Horayot 2b – 1:1) Only when something is true to us should we accept it.

This source directly contradicts the previous opinions. Here, in the Jerusalem Talmud, we are told that we should listen to the sages only when they are speaking the truth as we understand it. Previously, we were instructed to listen to the sages even when what they are saying is counter-intuitive. So, which is it? Should we follow the sages all the time or only when we think that they are correct?

Let us return to my opening example from this week's *parashah*, which will hopefully shed some light on this dilemma. By looking at the case of the stubborn and rebellious son, we can understand how this theory of law – *lo tasur min hadavar asher yagidu lekha yamin u'smol* – do not deviate from the verdict that they announce to you to the right or to the left – from *parashat Shoftim* applies to this week's *parashah*: *Ki Teitzei*.

The law in the text seems to be clear. A stubborn and rebellious son must be stoned to death. And we know we must follow the law. What do Hazal – our sages, may their memories be a blessing, do with this law?

Our sages were not comfortable with the law about the stubborn and rebellious son – they wanted to limit its impact. The Mishnah and the Talmud applied this law to a son for only the three months after he has turned thirteen and, then, only after he has devoured semi-cooked meat and also drunk partially mixed wine before a group that does not include even one decent person. This cannot be on a religious occasion; he must pay for the food with his father's money and consume it in his father's domain. This can occur only when both parents are living and are not deaf, mute, blind, lame, or maimed in the hand and only if both parents agree to prosecute him. (Mishnah Sanhedrin 8: 1-4; Sanhedrin 69a)

The Talmud then declares: “*Ben sorer u’moreh – lo hayah v’lo atid l’heyot* – A stubborn and rebellious son [who deserves the death penalty] there never was such a case and there never will be.” (Sanhedrin 71a)

So, it’s clear: the rabbis weed out the problematic halakhah from the tradition. What is written in black on white in the Torah is cleverly defined out-of-existence. The theory of: *lo tasur min hadavar asher yagidu lekha yamin u’smol* – do not deviate from the verdict that they announce to you to the right or to the left – has been applied to a Torah law and has thoroughly changed the law so that it is as if the law does not exist.

Now, you will ask: why can’t we do this to other “problematic” *halakhot*? There are other laws that we just read this morning in *Parashat Ki Teitze* that are objectionable – perhaps we should “limit” them in the same manner the stubborn and rebellious son was “limited” out of existence? We can hire the best scholars of *midrash* to simply perform clever exegesis and interpret these laws out of our tradition.

Now, before we get too excited: perhaps I should slow down a minute. Before we simply take the white-out to our ancient tradition and erase sections of the Torah, let’s take a look back at the same section of Talmud which declared that there never was nor never will be a *ben sorer u’moreh* – a stubborn and rebellious son. After stating that, the Talmud asks a question: *V’lamah nekhtav?* Why was this halakhah written if it never was nor ever will be implemented?

The Talmud replies: “*D’rosh v’kabel sakhar* – so that you may study it and receive a reward.” In other words, learning Torah is itself a goal – it is the pursuit of Torah, it is the process in which this law evolved that is critical. Studying this law teaches us how a son should behave. It teaches us how a community is involved in the upbringing of a child. And, most importantly, it teaches us how we should approach our tradition, how we should appreciate its lessons, while allowing our sages – who are steeped in Torah – to renew our tradition so that it responds to each generation in every place, while never deviating from the core too much to the right or to the left.

We can change Torah only if we allow the Torah to change us. First, we must allow Torah to get under our skin – to become a part of us. Those who are immersed in Torah and the lives of the Jewish people – our Torah scholars, in certain circumstances, can undertake the task of reshaping it. If we live a life of Torah, if we are bound to the Torah, if we speak Torah day and night, then maybe we, too, will have the *skhar* – the merit – to become closer to God, to know God’s will and, perhaps, to renew God’s Torah. Even making left, right and right, left.

Shabbat Shalom.