

ONEG SHABBAS

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Oneg Shabbas explores drinking in the weekly Torah portion, along with timely essays on drinking in Jewish life.

How the Early Rabbis Considered the Wayward & Rebellious Son

When encountering the curious, yet somewhat morally challenging situation of the rebellious son, there are many different directions to pursue (indeed, a simple search yields hundreds, if not thousands of results on the Internet). As this publication focusses on drinking, that is precisely our direction to consider. When we encounter the section in which it appears, it's not entirely clear what this child is doing drinking-wise during his transgressing (Deut. 21:18-21):

If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, (19) his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. (20) They shall say to the elders of his town, "This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a [???]." (21) Thereupon, his town's elders shall stone him to death. Thus, you will sweep out evil from your midst: all Israel will hear and be afraid.

(יח) כִּי־יִהְיֶה לְאִישׁ בֶּן סוֹרֵר וּמוֹרֵד אֵינֶנּוּ שֹׁמֵעַ בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וְיִסְרּוּ אֹתוֹ וְלֹא יִשְׁמָע אֲלֵיהֶם: (ט) וְתִפְשׂוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְוָמוֹ: (כ) וְאָמְרוּ אֵלֶּיָּהֶם זִקְנֵי עִירוֹ בְּנֵי עֵד זֶה סוֹרֵר וּמוֹרֵד אֵינֶנּוּ שֹׁמֵעַ בְּקוֹלֵנוּ זוּלָּה וְסָבָא: (כא) וְרָגְמוּהוּ כָּל־אֲנָשֵׁי עִירוֹ בְּאֲבֵנִים וָמוֹת וּבָעִרְתָּ הָרָע מִקִּרְבְּךָ וְכָל־יִשְׂרָאֵל יִשְׁמָעוּ וְיִרְאוּ



Mishnaic Parameters

When our sages consider what triggers a transgression for this problematic boy, they focus only on wine, as they quote the verse in Proverbs (Mishnah Sanhedrin 8:2):

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.

Rabbi Yosei says: "A *maneh* of meat and drinks a *log* of wine."

If he ate them with a mitzvah gathering, or he ate them at the intercalation of a month, or he ate them as second tithe in Jerusalem, if he ate the meat of unslaughtered animal carcasses or animals that had wounds that would have caused them to die within twelve months or repugnant creatures or creeping animals, or he ate untithed produce, or first tithe from which its *terumah* was not separated, or second tithe outside Jerusalem or consecrated food that was not redeemed, if he ate an item that a mitzvah or an item of a transgression, or if he ate any food but did not eat meat, or if he drank any beverage but did not drink wine, he does not become a stubborn and rebellious son, unless he eats meat and drinks wine, as it is stated: "is a glutton and a drunkard" (Deut. 21:20). And although there is no proof to the matter, there is an allusion to the matter, as it is stated: "Be not among wine drinkers, among gluttonous eaters of meat" (Prov. 23:20).

מֵאִמְתִּי חֵיב, מִשִּׁיאֵכֶל טְרִטִימֵי בֶּשֶׂר וְיִשְׁתֶּה חֲצִי לֵג יוֹן הָאִיטָלִי. רַבִּי יוֹסִי אוֹמֵר, מִנֶּה בֶּשֶׂר וְלֵג יוֹן. אֲכַל בְּחִבּוּרֵת מִצְוָה, אֲכַל בַּעֲבוּר הַחֹדֶשׁ, אֲכַל מַעֲשֵׂר שְׁנִי בִירוּשָׁלַיִם, אֲכַל נְבִלוֹת וְטָרְפוֹת, שְׂקָצִים וְרִמָּשִׁים, אֲכַל טָבַל וּמַעֲשֵׂר רֵאשׁוֹן שְׁלֹא נִטְלָה תְרוּמָתוֹ וּמַעֲשֵׂר שְׁנִי וְהַקֹּדֶשׁ שְׁלֹא נִפְדּוּ, אֲכַל דֶּבֶר שֶׁהוּא מִצְוָה וְדִבֵּר שֶׁהוּא עֲבִירָה, אֲכַל כָּל מֵאֲכָל וְלֹא אֲכַל בֶּשֶׂר, שֶׁתֵּה כָּל מִשְׁקֶה וְלֹא שֶׁתֵּה יוֹן, אִינוּ נֶעֱשֶׂה בֶן סוֹרֵר וּמוֹרֵד, עַד שִׁיאֵכֶל בֶּשֶׂר וְיִשְׁתֶּה יוֹן, שֶׁנֶּאֱמַר (דְּבָרִים כא) זוּלָּה וְסָבָא. וְאִם עַל פִּי שְׁאִין רָאִיָּה לְדִבֵּר, זֶכֶר לְדִבֵּר, שֶׁנֶּאֱמַר (מַשְׁלִי כג) אֲל תִּהְיֶה בְּסָבָאִי יוֹן בּוֹזְלִי בֶּשֶׂר לֹמֶה

How Can We Understand סבא

I have explicitly removed the translation of the word סבא - what is this



person? This word of סבא does not appear many times in the Bible (this is its only appearance in the Torah). It does, however, appear in successive verses in the book of Proverbs and a couple of times in the prophets. In addition to appearing in Ezekiel 23:42, it appears in Isaiah 56:12:

"Come, I'll get some wine; Let us swill beer. And tomorrow will be just the same, Or even much grander!"

אֲתִי וְאֶחָה־יָיִן וְנִסְבָּאָה שִׁכָּר וְהָיָה כְּזֶה יוֹם מָחָר גָּדוֹל יֵתֵר מֵאֵד

While the verse in Ezekiel refers to a group of drunken men, it is interesting that the verse in Isaiah mentions wine, but getting drunk off of beer. In Proverbs, it appears in 23:20-21 where it refers to wine:

Do not be of those who guzzle wine, Or glut themselves on meat; For guzzlers and gluttons will be impoverished, And drowsing will clothe you in tatters.

אֲל־תִּהְיֶה בְּסָבָאִי־יָיִן בּוֹזְלֵי בֶּשֶׂר לֹמֶה כִּי־סָבָא וְזוּלָּה יִיָּרֵשׁ וְקִרְעִים תִּלְבִּישׁ נֹמָה



So we see that it refers once to beer and once to wine in the Bible. So, perhaps we can translate סבא as a "guzzler".

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If you have any comments, compliments, or suggestions, feel free to reach out at Drew@JewishDrinking.com

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Aside from all of the conditions concerning eating, when it comes to problematic drinking, the sages narrow down the problematic drinking to a certain amount of wine and no other beverages. How much wine this boy is to drink to become culpable, according to the anonymous opinion, is around 7 ounces, whereas for Rabbi Yosei, it is over 13 ounces. This is certainly not an insignificant amount of wine, but considering all of the loopholes, it is pretty small, considering that 13 ounces is just over half of a typical bottle of wine these days. Another aspect is that if it is a non-wine intoxicating beverage, this child is able to be exempt from this category, such as beer.

Quantitative Minimum of Culpability

Concerning the quantitative consumption of this boy, Rachel Rosenthal describes in her 2019 doctoral dissertation ("Rebel with a Clause: Interpretation, Pedagogy, and the Problem of the Stubborn and Rebellious Son", 91-92):

Even as the volumes of meat and wine seem smaller than we might have expected, tying the stubborn and rebellious son to only meat and wine still accomplishes the unstated goal of limiting the scope of the case.

After framing the base amounts of meat and wine that are required for conviction, the mishnah further limits its already narrow requirements...by limiting the cases where those requirements are imposed. ... The notion that a son cannot be prosecuted as a stubborn and rebellious son when he is performing a commandment is rational. Judaism is not a religion of asceticism. Bodily pleasure is not only permitted but encouraged, as long as it takes place within prescribed parameters. This becomes even more true when partaking in pleasure is for the sake of fulfilling a commandment, whether through consuming a sacrifice or the celebratory Sabbath meal. Within this framework, the possibility of overindulgence seems probable, if not ideal.

More importantly, as we see in our mishnah, eating and drinking can sometimes be at the heart of performing a commandment. It is not ancillary or a reward for the fulfillment of the commandment, but actually at the heart of the commandment itself. Even as it seems unlikely that the son, who has so little regard for his parents, will have much regard for the fulfillment of commandments in general, there is a clear benefit in encouraging him to fulfill commandments, even if they are performed for the wrong reason. The hope is that commandments that are fulfilled for the wrong reasons can ultimately be observed for the right reasons.



Related Episode

A related episode of *The Jewish Drinking Show* features Dr. Rebekah Welton, as we discuss The Wayward and Rebellious Son (בן סורר ומורה), an interesting, enigmatic, and curious passage relating to raising children (Deut. 21:18-21). Dr.

The Rebellious Son (Ben Sorer Umoreh)



Welton is a lecturer in Hebrew Bible at the University of Exeter in the UK. Her monograph, *He is a Glutton and a Drunkard: Deviant Consumption in the Hebrew Bible* (Brill, 2020), focuses on the use of food and drink in ancient Israel.

In addition to being on YouTube and podcast players, you can also find it at

JewishDrinking.com/RebelliousSonDeut

Paradoxical Reduction of Culpability Through Transgressive Behaviors

Indeed, according to this mishnah, there are plenty of occasions on which this child would be able to consume such amounts of wine, yet not be culpable, whether of laudatory mitzvah activities or of regrettable transgressions, as we read of Rosenthal further describing this problematic son (Ibid., 95):

Ultimately, the stubborn and rebellious son, as defined by the mishnah, is a son who is out of control. He shows no fear of his parents and follows his appetites wherever they lead him—even, eventually, to violence. Because of the potential severity of his crimes, a reader might come to believe that the rules for qualifying foods should be extended to include food that is otherwise forbidden, and especially food that rightfully belongs to the priests, the Levites, or the Temple. The mishnah comes to tell us that this is not the case. The requirement of meat and wine is absolute, and the meat and wine themselves have to be otherwise permissible in order for the son to be eligible for conviction as stubborn and rebellious. No other case can be combined with that of the stubborn and rebellious son—a dramatic limitation imposed on the case. This does not mean that he will not be prosecuted for eating forbidden things in a forbidden way, but rather, that the violation blocks him from being stubborn and rebellious. Here, categories of violations cannot be mixed, and again, a layer of protection is added for the son.

As we understand from Rosenthal, there are other non-consumptive limitations that the sages place on this boy, making it seem to be so comically narrowly possible for one to actually be culpable for this category. This aspect of non-culpability for this son when engaging in these activities is certainly curious, although a fascinating approach to these factors described by Rabbi Shmuel Hain in the 191st episode of *The Jewish Drinking Show*:

I actually don't think that that's the aim of that particular Mishnah, or the primary aim of that particular Mishnah, just to kind of figure out ways to minimize the way for this to happen. And part of that is because there's already such a built-in limitation in that the parents have to be the one to bring the child to the court to carry out this harsh punishment. What I think this Mishnah is really focusing on, and the Mishnayot more generally, is a different kind of question. The Mishnah's focus is this idea of נידון על שם סופו, that we anticipate where this is going to go. We see the wayward and rebellious son as a threat because this behavior is going to spiral further out of control. And that person is then going to, like Dr. Rosenthal says, commit acts of violence. And I also think that person is going to then be a threat to influence others. And I think that might be part of the reason why all those requirements of the Mishnah are put together.

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Perhaps, then, the rabbis' remarkably narrow construction in the Mishnah of the wayward and rebellious son is not merely an attempt to make his conviction nearly impossible, but rather an effort to identify with extraordinary precision the particular pattern of behavior that portends his feared trajectory. Paradoxically, his commission of other transgressions can actually interrupt that pattern, rendering those very transgressive behaviors a shield against his culpability as a stubborn and rebellious son.

The Paradox of Potential Harm

The whole notion of this mitzvah being in the Torah is certainly an interesting one, but what is going on with it? One early second century rabbi provided a framing for why the Torah included this mitzvah (*Sanhedrin* 72a):

It was taught: Rabbi Yosei, the Galilean says: "Just because he ate a <i>tarteimar</i> of meat and drank a half-log of Italian wine, the Torah states that he should be taken out to court to be stoned? Rather, the Torah penetrated the ultimate mind-set of the stubborn and rebellious son that, in the end, he will squander his father's property, and, seeking that to which he had become accustomed but not finding them, he will go out to the crossroads and rob people. The Torah said he should die innocent, and not die guilty, because the death of the wicked is beneficial to them and beneficial to the world, [while the death] of the righteous is detrimental to them and detrimental to the world...."	תניא רבי יוסי הגלילי אומר וכי מפני שאכל זה תרטימר בשר ושתה חצי לוג יין האיטלקי אמרה תורה יצא לבית דין לסיקל אלא הגיעה תורה לסוף דעתו של בן סורר ומורה שסוף מגמר נכסי אביו ומבקש למודו ואינו מוצא ויוצא לפרשת דרכים ומלסטם את הבריות אמרה תורה ימות זכאי ואל ימות חייב שמיתתן של רשעים הנאה להם והנאה לעולם ולצדיקים רע להם ורע לעולם
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While there is certainly a lot to unpack in his statement, Rabbi Yosei the Galilean is pointing out the broader value to the society of ending this boy's life at this point in time. Moreover, it is only the boy's parents who have the ability to bring him to be considered to be guilty of this problematic behavior. I am also fascinated by his indirect reference to the subsequent verse in Proverbs that is not quoted in The Mishnah, that such people will become "impoverished and drowsing will clothe you in tatters" (Prov. 23:21). This whole consideration is clearly a challenging situation where the boy has defied his parents to such a great degree and is consuming in a clearly problematic way that they are even concerned for his well being, not only in the present, but certainly the future. While teenagers may eat a lot of food, to be drinking even seven or 13 ounces of wine may seem only a moderate amount for adults, when one considers



New Episode

Not only is there a brand new episode of *The Jewish Drinking Show* this week, but it also relates to The Wayward and Rebellious Son (בן סורר ומורה), which is found in this week's Torah portion (Deut. 21:18-21). The featured guest is Rabbi Shmuel Hain, a pulpit rabbi, educator, and community builder. This episode features a dive into what the early rabbis (the Tannaim) said about this Wayward and Rebellious Son.

The Early Rabbis on The Rebellious Son (Ben Sorer Umoreh)



In addition to being on YouTube and podcast players, you can also find it at

JewishDrinking.com/RebelliousSonTannaim

when one considers how their appetite for meat grows, their tolerance for wine will also likely grow, yielding an older teenager or young adult who consumes to such a great degree as to be quite worrisome. What we ultimately end up with is a curious tension between never wanting to see such a situation occur with a young boy, but also seeking to curb ravenous appetites and dangerous behaviors.

However, as Rabbi Shmuel Hain points out in the 191st episode of *The Jewish Drinking Show*, this approach....

Yeah, so that on the surface solves one problem, but generates another. The problem that it solves is, and this is about the biblical verses, but it's what occupies a lot of the Tanaitic material here, is we're trying to figure out what exactly did this young man do to warrant this punishment?



You know, typically we have an explicit verse where we can point to, you know, the *לא תרצח* in the 10 commandments, it says, thou shalt not kill. And so then we know that there is a punishment. Another verse says, *מות יומת*, that you receive a punishment for that. With this portion in Deuteronomy, all we have is that he's called a wayward and rebellious son, he hasn't listened to his parents, and there's this element of meat and drinking wine, and - all of a sudden - we're stoning him and getting rid of this problem.

And so one of the things that occupies the rabbis is, I think both from an ethical perspective, but also from an internal mechanism of generating a punishment:

- What are we killing him for?
- What's the prohibition he's violated?
- What has he done?
- What's the act that he's done?

And so the answer of the Mishnah and of this *baraita* is, "Well, he hasn't really done anything yet which warrants that, but he will. And we're worried about what he's going to do." So that solves one problem, one textual/ethical problem of why are we killing him, what did he do? It generates another problem, which is: what about free will? What about the ability to choose?

Broadening his perspective in describing the early rabbis and their culpability structure, Rabbi Hain continues to provide a fascinating description of their approach:

They're trying to figure out the precise kinds of behaviors and dispositions that we can really hone in on as nearly proof-positive that he is going down this path. And that's where all the requirements are, they're not just to make sure we don't do this that often, if at all. They're also to really identify who is a potential threat, who deserves the label of *ben sorer umoreh*. How is the eating and drinking gotten to the point where we can then predict that it's going to continue and eat his parents out of house and home, and eventually he'll then be on the highway and robbing and eventually killing people.

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Has It Ever Occurred?

With all of the restrictions involved, even a second-century rabbi points the very narrow likelihood of anyone achieving such culpability (*Sanhedrin* 71a):

It was taught: Rabbi Shimon said:	תנא, אמר רבי
"And just because this one ate a	שמעון: וְכִי מִפְּנֵי
tartemar of meat and drank a half-	שָׂאֵל זֶה תִּרְטִימָר
log of Italian wine, do his father and	בְּשֵׁר וְשִׁתָּה חֲצִי לֹג
his mother bring him out to be	יֵין הָאִיטָלִיקִי, אָבִיו
stoned? Rather, [a stubborn and	וְאָמֹו מוֹצִיאִין אוֹתוֹ
rebellious son] never was and never	לִסְקָלָא? אֵלָא לֹא
will be. Why then was it written [in	הָיָה וְלֹא עָתִיד
the Torah]? Expound [it] and receive	לְהִיט, וְלִמָּה נִכְתָּב?
a reward."	דְּרוּשׁ וְקָבֵל שְׂכָר.

While this text presents an easy way out of the moral considerations of killing such a young person for these activities, a deeper description of Rabbi Shimon's opinion is articulated by Rabbi Shmuel Eidels (1555-1631), (popularly known as Maharsha) who described his words in the following way (מהרש"א, חידושי אגדות, סנהדרין עא, ד"ה מדקול בעינן שוה):

he is saying that his father and	דאביו ואמו ודאי דלא
mother would certainly never bring	יוציאו אותו בשביל
him out to be stoned for this,	זה לסקילה שהם
because they will certainly not	ודאי לא יגיעו לסוף
foresee his ultimate destiny and	דעתו ויאמרו שסופו
will, instead, say that he will	לחזור מדרכיו
eventually turn back from his evil	הרעים ויהיו חסים
ways and will take pity on him.	עליו וע"כ לא היה
Therefore, [such a case] never was	ולא עתיד להיות
and never will be, because his	שאביו ואמו לא יגיעו
father and mother will not foresee	לסוף דעתו (ויכסו)
his ultimate destiny and will take	[ויחסו] עליו
pity on him rather than take him out	מלהוציאו לסקילה
to be stoned for a single tartemar	בשביל תרטימר
[of meat].	אחד

Why then was it written? Rather,	ולמה נכתב אלא
expound it so that his father and	דרוש שאביו ואמו
mother will study that the Torah	ידרשו שהתורה
foresaw his ultimate destiny - that,	הגיעה לסוף דעתו
for such behavior, he deserves to be	דבכה הוא ראוי
stoned and, through this, they will	ליסקל וע"י זה יוכיחו
rebuke and discipline their children,	ויסרו את בניהם
receiving a reward for it.	ויקבלו על זה שכר

In an essay from a couple of years ago, Rabbi Shmuel Hain writes ("*Ben Sorer Umoreh* Never Was and Never Will Be": Making Sense of *Bavli Sanhedrin* 71a"):

Rabbi Shimon's view of "never was and never will be," according to the Maharsha, doesn't mean to suggest that the law of [*ben sorer umoreh*] is inherently morally problematic. What would have been the point of it being in the Torah if it is immoral and we are not supposed to implement it? Rabbi Shimon is not bothered that in theory we would execute such a child; rather, he would be shocked if it ever happened. No set of parents thinks that their child is irredeemable and so no set of parents would bring their child to be stoned. Moreover, Maharsha believes that this more psychological/practical view of "lo haya" works in tandem with *nidon al shem sofo*, which is the broader rationale for the law. Finally, Maharsha models how to expound the law of [*ben sorer umoreh*] and derive lessons from it. All parents should take heed of the underlying message of this mitzvah, even if they will never implement the biblical punishment in reality.

What emerges from Maharsha's reading, then, is that Rabbi Shimon's declaration that the stubborn and rebellious son "never was and never

Best-in-Show Visits

With the first-ever kosher-certified spirits competition having taken place this summer, Jewish Drinking's Rabbi Drew visited each of the three companies whose products won Best-in-Show. In each of these visits, he recorded his conversations with the people behind these spirits in order to hear more about them and to share about them with the public.

The first of these visits took Rabbi Drew to Ruach Distillery to discuss their award-winning Ruach Ascent, an Israeli single-malt whisky.



The video is viewable on YouTube and at JewishDrinking.com/KSA2026RuachAscent

will be" does not render the Torah's description irrelevant. Quite the opposite: precisely because parents will continue to hope for their child's repentance and refuse to regard him as irredeemable, the law is unlikely ever to reach its gruesome conclusion. Yet the Torah's depiction of a child whose appetite for meat and wine signals a dangerously developing pattern still serves a purpose. Thus, even if the drinking and eating of the ben sorer u-moreh never actually resulted in an execution, their appearance in the Torah provides an opportunity to consider how seemingly limited acts of excessive consumption might point toward much more consequential behaviors.

Conclusion

Perhaps the most fascinating drinking-related feature of the wayward and rebellious son is just how precise the rabbis are about his consumption. It cannot simply be excessive drinking: it must be wine, in a particular quantity, consumed alongside a particular quantity of meat, and under particular circumstances. These requirements may make the case exceedingly rare, but, as Rabbi Hain suggests, they may also be attempting to identify the precise moment when ordinary appetite has become something much more troubling. The rabbis thus transform the Torah's brief description of a "guzzler" into a remarkably nuanced consideration of when drinking ceases simply to be drinking and begins to signal a dangerously developing disposition.

Rabbi Shimon's insistence that such a case "never was and never will be" shifts our attention from carrying out the punishment to learning from the warning. Perhaps that is ultimately where the drinking dimension of the wayward and rebellious son leaves us: not simply asking how much is being consumed, but what patterns of appetite and behavior our drinking reflects, and where those patterns may lead. They invite us to study how ordinary appetites can become troubling patterns and how those patterns might be recognized before reaching a dangerous point. In that sense, perhaps the reward for studying this strange drinking case is precisely that it encourages us to consider our consumption before it becomes problematic, rather than only responding once it already has.

L'chaim