The Ben Sorer U'Moreh Paradox: Learning from the Impossible

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1)דברים פרשת כי תצא פרק כא פסוק יח – כא

ַניח) פֵּריִהְנָה לְאִישׁ בָּן סוֹרֵר וּמוֹלֶה אֵינֶנּוּ שֹׁמֵעַ בְּקוֹל אָבֶיו וּבְקוֹל אִמֶּוֹ וְיִסְרַוּ אֹתוֹ וְלָא יִשְׁמֵע אֲלֵיהֶם (יח)

ויט) וְתָפְשוּ בָּוֹ אָבֶיו וְאִמֶּוֹ וְהוֹצֵיאוּ אֹתֶוֹ אֶל־זִקְנֵי עִירָוֹ וְאֶל־שַּׁעַר מְקֹמְוֹ:

(כ) וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמֹלֶה אֵינֶנוּ שֹׁמֵעַ בְּקֹלֵנוּ זוֹלֵל וְסֹבֵא:

ָכא) וּרְגָמָהוּ כָּל־אַנְשַּׁי עִירָוֹ בָאֲבָנִים ׁ וָמֵׁת וּבַעַרְתָּ הָרָע מִקּרְבֶּּךְ וְכָל־יִשְׂרָאֵל יִשְׁמְעִוּ וְיִרָאוּ : ס

Deuteronomy 21:18-21

¹⁸ "If a man has a stubborn and rebellious son who will not obey the voice of his father or th e voice of his mother, and, though they discipline him, will not listen to them, ¹⁹ then his fath er and his mother shall take hold of him and bring him out to the elders of his city at the gat e of the place where he lives, ²⁰ and they shall say to the elders of his city, 'This our son is st ubborn and rebellious; he will not obey our voice; he is a glutton and a drunkard.' ²¹ ²¹ Then al l the men of the city shall stone him to death with stones. ²⁰ So you shall purge the evil from y our midst, ²⁰ and all Israel shall hear, and fear.

2)רש"י דברים פרשת כי תצא פרק כא פסוק יח

ובן סורר ומורה נהרג על שם סופו, הגיעה תורה לסוף דעתו, סוף שמכלה ממון אביו ומבקש לימודו ואינו מוצא, ועומד בפרשת דרכים ומלסטם את הבריות,ס אמרה תורה ימות זכאי ואל ימות חייב:

And a stubborn and rebellious son is executed because of his ultimate fate. The Torah reached the depths of his thinking - ultimately he will squander his father's wealth and seek his usual sustenance but will not find it, and he will stand at crossroads and rob people. The Torah said: Let him die while innocent rather than die when guilty.

3)בראשית פרשת וירא פרק כא פסוק יז

וַיִּשְׁמֵע אֱלֹהִים" אֶת־קוֹל הַנַּעַר וַיִּקְרָא מַלְאַדּ אֱלֹהָים! אֶל־הָגָר מִרְהַשָּׁמַׂיִם וַיָּאֹמֶר לָהּ מַה־לָּדְּ הָגָר אַל־תִּירְאִׁי כֵּי־שָׁמַע אֶלהָים אֶל־קוֹל הַנַּעַר בַּאֲשֶׁר הוּא־שֵׁם:

And God heard the voice of the boy, and an angel of God called to Hagar from heaven and said to her: 'What troubles you, Hagar? Do not fear, for God has heard the voice of the boy from where he is

4)רש"י בראשית פרשת וירא פרק כא פסוק יז

באשר הוא שם - לפי מעשים שהוא עושה עכשיו הוא נדון ולא לפי מה שהוא עתיד לעשות, לפי שהיו מלאכי השרת מקטרגים ואומרים רבונו של עולם, מי שעתיד זרעו להמית בניך בצמא אתה מעלה לו באר. והוא משיבם עכשיו מה הוא, צדיק או רשע, אמרו לו צדיק, אמר להם לפי מעשיו של עכשיו אני דנו וזהו באשר הוא שם

"from where he is" - According to the deeds he is doing now he is judged, and not according to what he is destined to do in the future. For the ministering angels were prosecuting and saying: "Master of the Universe, one whose descendants are destined to kill Your children by thirst - You are bringing up a well for him?" And He answered them: "What is he now - righteous or wicked?" They said to Him: "Righteous." He said to them: "According to his present deeds I judge him," and this is [the meaning of] "from where he is."

<u>5) משנה סנהדרין פרק ח'</u>

בֵּן סוֹרֵר וּמוֹרֶה, מֵאֵימָתַי נַצְשֶׂה בֵן סוֹרֵר וּמוֹרֶה, מִשֶּׁיָּבִיא שְׁתֵּי שְׂעָרוֹת וְעַד שָׁיַּקּיף זָקָן, הַתַּחְתּוֹן וְלֹא הָעֶלְיוֹן, אֶלָּא שָׁדִּבְּרוּ חֲכָמִים בְּלָשׁוֹן נְקַיָּה, שֶׁנֶּאֱמַר (דברים כא), כִּי יִהְיֶה לְאִישׁ בֵּן, בֵּן וְלֹא בַת, בֵּן וְלֹא אִישׁ. הַקְּטָן פְּטוּר, שֶׁלֹא בַא לִכָלַל מִצְוֹת :

מֵאֵימָתֵי חַיָּב, מִשֶּׁיּאֹכַל טַרְטֵימֵר בָּשָּׁר וְיִשְׁתֶּה חֲצִי לֹג יַיִן הָאִיטַלְקִי. רַבִּי יוֹסֵי אוֹמֵר, מֶנֶה בָּשָּׁר וְלֹג יָיִן. אָכַל בְּחֲבוּרַת מִצְוָה, אָכַל בְּעבּוּר הַחֹדֶשׁ, אָכַל מַצְשֵׁר שֵׁנִי בִּירוּשָׁלַיִם, אָכַל נְבֵלוֹת וּטְרֵפוֹת, שְׁקָצִים וּרְמָשִׁים, אָכַל טֶבֶל וּבְּחָבוּרַת מִצְוָה, אָכַל בְּעָבּוּר הַחֹדֶשׁ, אַכַל מַצְשֵׁר שֵׁנִי וְהֶקְדֵשׁ שֶׁלֹא נִפְדּוּ, אָכַל דָּבָר שֶׁהוּא מִצְוָה וְדָבָר שֶׁהוּא עְבַרָה, אָכַל כְּעֲשֵׁר רָאשׁוֹן שֶׁלֹא נִשְּׁלָה תְּרוּמָתוֹ וּמַצְשֵׁר שֵׁנִי וְהָאָיָה יַיִּן, אֵינוֹ נַעֲשֶׁה בֵּן סוֹרֵר וּמוֹרֶה, עַד שִׁיּאכַל בָּשָּׁר וְיִשְׁתֶּה יַיִּן, שְׁנֶּה בִּיְר, שֻׁנֶּאֲמֵר (משלי כג) אַל תְּהִי בְסֹּבְאֵי יָיִן בְּשָּׁרָב בְשָׁר לָמוֹ:

נָּנַב מִשֶּׁל אָבִיו וְאָכַל בִּרְשׁוּת אָבִיו, מִשֶּׁל אֲחֵרִים וְאָכַל בִּרְשׁוּת אֲחֵרִים, מִשֶּׁל אֲחֵרִים וְאָכַל בִּרְשׁוּת אָבִיו, אֵינוֹ נַצְשֶׂה בֵּן סוֹרֵר וּמוֹרֶה, עַד שֶׁיּגְנֹב מִשֶּׁל אָבִיו וְיאֹכַל בִּרְשׁוּת אֲחֵרִים. רַבִּי יוֹסֵי בַר רַבִּי יְהוּדָה אוֹמֵר, עַד שֶׁיּגְנֹב מִשֶּׁל אָבִיו וּמִשֵּׁל אָמוֹ :

ָהָיָה אָבִיו רוֹצֶה וְאִמּוֹ אֵינָהּ רוֹצָה, אָבִיו אֵינוֹ רוֹצֶה וְאִמּוֹ רוֹצָה, אֵינוֹ נַעֲשֶׂה בֵּן סוֹרֵר וּמוֹרֶה, עַד שֶׁיְהוּ שְׁנֵיהֶם רוֹצִים. רַבִּי יְהוּדָה אוֹמֵר, אָם לֹא הָיְתָה אִמּוֹ רְאוּיָה לְאָבִיו, אֵינוֹ נַעֲשֶׂה בֵן סוֹרֵר וּמוֹרֶה. הָיָה אֶחָד מֵהֶם אוֹ חָגֵּר אוֹ אָלֵם אוֹ סוּמָא אוֹ חֵרֵשׁ, אֵינוֹ נַעֲשֶׂה בֵן סוֹרֵר וּמוֹרֶה, שֶׁנֶּאֱמֵר (דברים כא) וְתָפְשׁוּ בוֹ אָבִיו וְאִמּוֹ, וְלֹא גִדְּמִין. וְהוֹצִיאוּ אֹתוֹ, וְלֹא חִגְּרִין. וְאָמְרוּ, וְלֹא אִלְמִין. בְּנֵנוּ זֶה, וְלֹא סוּמִין. אֵינֶנוּ שֹׁמֵעַ בְּקֹלֵנוּ, וְלֹא חֵרְשִׁין. מַתְרִין בּוֹ בִּפְנֵי שְׁלֹשָׁה וּמֵלְקֵין אוֹתוֹ. חָזַר וְקַלְקֵל, נִדּוֹן בְּעֶשְׂרִים וּשְׁלֹשָׁה. וְאֵינוֹ נִסְקָל עַד שָׁיְהוּ שָׁם שְׁלֹשָׁה הָרְאשׁוֹנִים, שָׁנָּאֱמֵר (שם) בְּנֵנוּ זֶה, זֶהוּ שֶׁלָּקָה בִּפְנֵיכֶם. בָּרַח עַד שֶׁלֹא נִגְמַר דִּינוֹ וְאַחַר כָּדְּ הִקִּיף זָקָן הַתִּחְתּוֹן, חַיָּב: מִשֶּׁנְגְמֵר דִּינוֹ בָּרַח וְאַחֵר כָּדְּ הִקִּיף זָקָן הַתַּחְתּוֹן, חַיָּב:

בֵּן סוֹרֵר וּמוֹרֶה נִדּוֹן עַל שֵׁם סוֹפוֹ, יָמוּת זַפַּאי וְאַל יָמוּת חַיָּב, שֶׁמִּיתָתָן שֶׁל רְשָׁעִים הֲנָאָה לָהֶן וַהְנָאָה לָעוֹלָם, וְלַצַּדִּיקִים, רַע לָהֶן וְרַע לָעוֹלָם. יַיִּן וְשֵׁנָה לָרְשָׁעִים, הֲנָאָה לָהֶוֹ וְהַנָאָה לָעוֹלָם, וְלַצַּדִּיקִים, רַע לָהֶן וְרַע לָעוֹלָם. כִּנוּס לָרְשָׁעִים, רַע לָתוֹלָם, וְלַצַּדִּיקִים, רֵע לָהֶן וְרַע לָעוֹלָם. כִּנוּס לָרְשָׁעִים, שָׁקֶט לָרְשָׁעִים, רַע לָהֶן וְרַע לָעוֹלָם, וְלַצַּדִּיקִים, הֲנָאָה לָהֶוֹ וַהַנָאָה לָעוֹלָם:

(1) A wayward and rebellious son – when does he become a wayward and rebellious son? From when he grows two hairs and until the beard grows full. [We are talking about] the lower beard, not the upper beard, [but this expression is used] as the Sages spoke in clean language. As it says, (Deut. 21:18) "If a man has a son": "a son" and not a daughter; "a son" and not a man. A minor is exempt, for he has not entered the category of [those obligated in] the commandments. (2) From when is he liable [to be executed for his sins]? When he has eaten a tarteimar of meat and drunk half a log of Italian wine. Rabbi Yosi says, a maneh [equal to one hundred zuz] of meat and a [full] log of wine. [If] he ate [it] in a mitzvah gathering; [if] he ate [it] in [celebration of] the intercalation of the month; [if] he ate [it] as ma'aser sheni] in Jerusalem; [if] he ate nevelot [an animal not properly slaughtered] or terefot [an animal that is not kosher even if slaughtered properly because it is likely to die] or creepy crawlies; [if he ate] tevel [untithed produce] or ma'aser rishon [the first tithe] from which terumah [the portion given to the priest] has not been taken; or ma'aser sheni or hekdesh that has not been redeemed; [if] he ate something [in fulfillment of] a commandment or something [in violation of] a transgression; [or if] he ate all foods but did not eat meat; [or] drank all drinks but did not drink wine, he does not become a wayward and rebellious son, until he eats meat and drinks wine [as described earlier]. As it says, (Deut. 21:20) "He is a glutton and a drunkard." And even though there is no proof for this [from a Scriptural verse], there is a reference to the matter, as it says, (Prov. 23:20) "Be not among excessive wine drinkers, nor among gluttonous eaters of flesh."" (3) If he stole from his father and ate in his father's domain; [if he stole] from others and ate in a domain that is not his; [if he stole] from others and ate in his father's domain, he does not become a wayward and rebellious son, until he steals from his father and eats in others' domain. Rabbi Yosi bar Yehudah says, until he steals from his father and from his mother. (4) If his father wants [to bring the son to court] and his mother does not want to, [or if] his father does not want to and his mother does want to, he does not become a wayward and rebellious son, until they both want. Rabbi Yehudah says, if the mother were not appropriate for the father, he does not become a wayward and rebellious son. If one of [the parents] had a hand cut off, or was lame, mute, blind, or deaf-mute, he does not become a wayward and rebellious son. As it says, (Deut. 21:19) "Then shall his father and his mother

lay hold on him," and not those whose hands have been cut off. "And bring him out," and not a lame person. (Deut. 21:20) "And they shall say," and not mute people. "This our son," and not blind people. "He does not listen to our voice," and not deaf-mute people. They warn him in front of three and lash him. If he repeats his misdeeds, he is judged by a court of twenty-three. And he is not stoned until the original three [judges] are present, as it says (Deuteronomy 21:20), "This our son," he who was lashed before you. If he flees before the verdict has been reached and then his lower beard grows full, he is exempt. But if once the verdict was reached he fled, and then his lower beard grew full, he is [still] liable. (5) The wayward and rebellious son is judged on the basis of his end. He should die innocent and not liable, because the death of the wicked is beneficial to them and beneficial to the world; but for the righteous, it is bad for them and bad for the world. Wine and sleep: for the wicked they are a benefit to them and a benefit for the world; but for the righteous, they are bad for them and bad for the world. Being scattered: for the wicked it is a benefit to them and to the world; but for the righteous, it is bad for them and bad for the world. Being gathered: for the wicked it is bad for them and bad for the world; but for the righteous, it is beneficial to them and beneficial to the world. Quiet: for the wicked it is bad for them and bad for the world; but for the righteous, it is beneficial for them and beneficial to the world.

6) תלמוד בבלי, מסכת סנהדרין דף עא עמוד א

דְּתַנְיָא, אָמַר רַבִּי שִׁמְעוֹן : וְכִי מִפְּנֵי שֶׁאָכַל זֶה תַּרְטֵימֶר בָּשָּׁר וְשָׁתָה חֲצִי לוֹג יַיִן הָאִיטַלְקִי, אָבִיו וְאָמּוֹ מוֹצִיאִין אוֹתוֹ לְסָקְלוֹי אֶלֶא לֹא הָיָה וְלֹא עָתִיד לִהְיוֹת, וְלָמֶה נִכְתַּביּ דְּרוֹשׁ וְקַבֵּל שָׂכָר. אָמַר רַבִּי יוֹנָתָן : אֲנִי רְאִיתִיו וְיָשַׁבְתִּי עַל קָבָרוֹ.

7) רבינו בחיי דברים פרשת כי תצא פרק כא פסוק כא

The Rebellious Son: It was taught [in the Talmud]: "The rebellious and defiant son and the condemned city never were and never will be. So why were they written? Study and receive reward." If so, one must ask: Why did the Torah need to inform us and write about

something that never was, and whose matter does not occur in the normal course of the world?

But this was from the wisdom of the Torah to teach the people knowledge of the great obligation of love for the Blessed Holy One. For there is no love as strong in the world as the love of a father and mother for their son. Yet when the son transgresses the commandments of the Blessed Name, and this is his foolish way, they are obligated that their love for the Blessed Holy One should overcome their love for their son, to the point that they themselves must bring him to the court for stoning.

This matter of the obligation of great love for the Blessed Holy One already came explicitly in the Torah in the matter of the Binding [of Isaac]. For Abraham, despite his love for Isaac being intense and strong—as a son who came to him after old age and despair—nevertheless, when He commanded him to offer him as a burnt offering, he immediately exerted himself in the matter and strengthened his love for the Blessed Holy One over his love for Isaac. And for this perfection of this virtue, He called him: "Abraham My beloved" (Isaiah 41:8). Then it became known to the entire world the greatness of the obligation of love for the Blessed Name, which is worthy of overcoming all types of love. From this they said: "Study and receive reward." Thus I heard from my teacher Rabbi Shlomo, may he live.

8) אבן עזרא דברים פרשת כי תצא פרק כא פסוק יח

זולל - מפורש והוא זולל בשר, רק הוא שם כלל לנותן בכל מה שיתאוה כל מה שיבוקש ממנו. וסובא - מרבה לשתות והוא המשתכר. והנה זה כמו אפיקורוס, כי לא יבקש חיי העולם הזה, כי אם להתענג בכל מיני מאכל :ומשתה. ונסמכה זו הפרשה בעבור אשת יפת תאר (יא), והעד: ושם אמו, והרמז שרמזתי בבני אהרן

Glutton (zolel) - This is explained as one who gluttons meat, but it is a general term for one who indulges in whatever he desires, whatever is sought from him. **And drunkard (soveh)** - one who drinks excessively and becomes intoxicated. Behold, this is like an epicurean, for he does not seek the life of this world except to take pleasure in all types of food and drink.

This passage was placed adjacent to [the passage about] the beautiful captive woman (verse 11), and the proof is: "and the name of his mother," and the hint that I hinted at regarding the sons of Aaron.

9) ספר התניא, הרב שניאור זלמן מליאדי

...שגי מצוות אלו לא ללמד על עצמן בלבד יצאו, אלא ללמד על כל הכלל כולו יצאו, דמה שקיימת אפשרות ...שגי מצוה שלא היתה ולא עתידה להיות, הרי זה מורה על אופיין של כל המצוות, דבעיקרן באו באמת

לשמש כתיאור לאלקות, וכלשון התיקונים שהובאו לעיל פקודין אינן אברים דמלכא, והיה נכונו במה שאמרו דרוש וקבל שבר, שלשם השלמת התיאור של המונת ד' ניתנו לפעמים מצוות שאין בהן בכלל תפיסה במציאות העולם למעשה.

10) הרב משה וולפסון, משגיח רוחני, ישיבת תורה ודעת

וכן בביאור העניין, דהנה אחזייל שבן סורר ומורה נהרג על שם סופו, שאמרה תורה מוטב ימות זכאי ולא ימות חייב. והנה כל נשמה מישראל היא חלק אלוה ממעל, ואין מציאות לפסוק על אדם מישראל שכבר אפסה כל תקוה ואין עוד אפשרות שיחזור למוטב. וכמו שרואים אנו בימינו אלה שאלו שכבר נשקעו בני שערי טומאה חוזרים בתשובה ומתרוממים בחילא רבא ממקום שנשקעו, ואייכ לייש להרוג בן סורר ומורה עייי סברא שימות זכאי ולא ימות חייב כי אייא לקבוע בודאות שלא יבוא עת שישתחרר מצפרני הסטייא ועלה במדרגת התשובה למקום שאין צדיקים גמורים יכולים לעמוד. וזה הכוונה שבן סורר ומורה לא היי ולא עתיד להיות, כי לייש הסברא הנייל, וממילא אין להמיתו. ולכן קבעה התורה תנאים

כבן סורר ומורה שיהיו אביו ואמו שוים בקול וכו׳ כדי שבמציאות לא יוכלו להמיתו. והטעם, כי אי אפשר לנשמה מישראל שתשקע לאפס תקוה. אלא שלכך נכתב בתורה בכדי שיכול האדם להתחזק ולהתעודד מהא דחזינן שאף אותו בן סורר ומורה שלפי הנראה אין לו תקוה וראוי להמיתו כדי שלא ימות חייב, עם כל זה אנו אומרים שלא היי ולא עתיד להיות, כי לא שייך לומר זאת על נפש מישראל ומזה יתחזק האדם שבאיזה מצב שהוא

... regarding this, that these mitzvot did not come forth to teach about themselves alone, but rather came forth to teach about the entire principle. For the fact that there exists a possibility of a mitzvah that was not [practiced] and will not be practiced in the future, this indicates the nature of all the mitzvot - that fundamentally they came truly to serve as a description of the Divine, as in the language of the Tikunim that was brought above: 'The commandments are limbs of the King.' And this was correct in what they said 'seek and receive explanation,' that for the sake of completing the description of the Divine Presence, mitzvot were sometimes given that are not included at all in practical reality in the world.

And so in explaining the matter, behold our Sages said that the stubborn and rebellious son is executed because of his end, as the Torah said 'it is better that he die innocent and not die guilty.' And behold, every soul of Israel is a portion of God from above, and there is no possibility to decree upon a person of Israel that all hope has been lost and there is no longer any possibility that he will return to good. And as we see in our days that those who had already sunk into the forty-nine gates of impurity return in repentance and are elevated with great strength from the place where they had sunk. So it makes no sense to kill the stubborn and rebellious son based on the reasoning that 'he should die innocent and not die guilty,' for it is impossible to determine with certainty that a time will not come when he will be freed from the claws of the Satan and ascend in the level of repentance to a place where even complete righteous ones cannot stand. And this is the meaning that the stubborn and rebellious son 'never was and never will be,' for the aforementioned

reasoning makes no sense, and therefore there is no need to execute him. Therefore the Torah established conditions

like the stubborn and rebellious son that his father and mother should be equal in voice, etc., so that in reality they would not be able to execute him. And the reason is that it is impossible for a soul of Israel to sink to complete hopelessness. Rather, it was written in the Torah so that a person can strengthen and encourage himself from what we see that even that stubborn and rebellious son who apparently has no hope and deserves to be killed so that he not die guilty, with all this we say that he 'never was and never will be,' for it is not applicable to say this about a soul of Israel. And from this a person should strengthen himself that in whatever situation he is..."

11) ספר חיים מהגר"ח (אחי מהר"ל מפראג), ספר גאולה וישועה סוף פ"ה

ודרש זה הוא מה שכתוב בספר הזוהר (בלק קצג, ב) שהוא רמז לישראל שהם בנים סוררים, וזה לא היה ולא נברא - דלא עלה על דעת אביהם שבשמים להחליף אומה באומה אחרת

12) יובל לינדן

And even if we say that it never happened, what are we meant to learn from this biblical passage? Beyond the unfulfilled threat over the wayward son, what is the lesson for educators back then, now and for the future? The basic concept I can relate to as an educator is that one must educate now while keeping an eye "on the basis of his end", meaning, educate in such a way that one is always looking toward a person's future. Just as you need to believe in them and see the positive potential within them, you must also demand that they work on and change their negative and harmful habits.

13) הרב יונתן זקס

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 idolatry, about which the Torah states that "you must kill all the inhabitants of the city by the sword" (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). In both these cases, some sages interpreted the law so restrictively that they said "there never was and never will" be a case in which the law was applied.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 into practice, but were written solely "so that we should expound them and receive reward."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 Galilean on the grounds that: "The Torah foresaw his ultimate destiny." He had begun with theft. The likelihood was that he would go on to violence and then to murder. "Therefore the Torah ordained: Let him die innocent rather than die guilty."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 see from the history of Israel's kings. The law of the stubborn and rebellious child is there to teach us how steep is the downward slope from juvenile delinquency to adult crime. Law exists not just to regulate but also to educate.