

## Deuteronomy 21:18-21

### Introduction

In this module, we explore a passage in the Hebrew Bible that discusses stoning a “wayward and defiant son” to death.

### Orientation to the Text

The book of Deuteronomy is the fifth book of the Hebrew Bible, and the final book of the Pentateuch or “Five Books of Moses.” In addition to historical narratives about the wanderings of the Israelites in the wilderness for forty years, Deuteronomy contains multiple passages that depict Moses conveying commandments from God to the Israelites. These commandments cover topics such as dietary restrictions, exhortations to treat widows and orphans fairly, and instructions on how to respond to actions that disrupt the desired everyday functioning of society.

One of the latter commandments is found in Deuteronomy 21, and discusses what happens “if a man has a wayward and defiant son,” who disobeys the instructions of his parents. The passage concludes that if certain criteria are met, the men of the city should execute such a “son” by stoning.

Deuteronomy was originally written in Hebrew.

## Getting Familiar with the Text

Read the excerpt from Deuteronomy printed below, then answer questions 1-3. These questions are designed to help you start getting familiar with the contents of the text.

### Deuteronomy 21:18-21 (translation: Jewish Publication Society 1985)

<sup>18</sup> 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, <sup>19</sup> 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. <sup>20</sup> 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 drunkard.”<sup>a</sup> <sup>21</sup> 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.

1. According to the text, what criteria and steps need to be fulfilled for a wayward and defiant son to be executed? What people are involved in the different stages of the process?
2. This passage has many “gaps” or things that are not specified in the text. For example, the passage does not talk about the age of the “son,” and it does not say precisely what sorts of behavior make a son “wayward and defiant.”
  - a. Does your view of the passage change if you think of the son as being seven years old, or fifteen, or thirty? How?
  - b. What types of “wayward and defiant” behavior came to mind when you first read verse 18? Did that change when you read the parents’ statement in verse 20?
  - c. What other “gaps” do you notice in the text?
3. What is your initial reaction to the passage? What thoughts or questions does it raise for you?

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<sup>a</sup> The phrase translated here as “he does not heed us” can also be rendered “he does not listen to our voice.”

## Exploring Later Interpretations

Deuteronomy 21:18-21 has been interpreted in a variety of ways by Jewish and Christian commentators over the centuries. One particularly notable discussion is found in the Babylonian Talmud, a core text of rabbinic Judaism from approximately the sixth century CE. The Talmud articulates a series of restrictions on what types of “sons” count as “wayward and defiant,” as defined in the passage.<sup>b</sup> These restrictions are summarized below.

*Read the summary, then discuss the questions listed on the next page.*

The commentators in the Talmud first point out that Deuteronomy 21:18 talks about a defiant “son,” not a defiant “man.” They conclude that the passage therefore does not apply to males who have reached full physical maturity (marked by ample growth of pubic hair, around age thirteen). The Talmud then states the passage does not apply to boys *under* the age of thirteen, either, since they are not yet held responsible for violating commandments. The commentators conclude that any son who commits defiant or disobedient acts, but does not fall into this narrow age window – which is capped at a maximum of three months – cannot be executed.

Drawing on Deuteronomy 21:20, the Talmud then states that the only way an individual can be classified as a “wayward and defiant son” is if he eats a *tartemar* or *maneh* of meat and drinks a half-*log* or *log* of Italian wine. (The precise amount he would need to eat and drink is debated by different commentators within the Talmud.) There is no other behavior that can put him in the category of “wayward and defiant.” In addition, the son has to buy *inexpensive* meat and wine, or else he is not liable. He also has to eat the meat *undercooked* and drink the wine *undiluted* rather than mixed with water.

Finally, the Talmud adds restrictions about the parents. *Both* parents must make the accusation against their son – because Deuteronomy 21:19 mentions “his father and mother.” In addition, the Talmud states that the mother and father must be physically alike in voice, appearance, and height, because Deuteronomy 21:20 says that “he does not listen to our voice” – referring to the singular “our voice” rather than plural “our voices.” If these conditions are not met, the son cannot be executed.

The Talmud passage ends with two comments about whether any such son has ever existed or could ever exist. One perspective recorded in the Talmud states, “There never has been a wayward and defiant son, and there never will be. Why then was the law written? That you may engage in study of the issue and thereby receive reward.” The passage then includes a dissenting viewpoint: “Rabbi Jonathan said: I saw him and sat on his grave.”

<sup>b</sup> See Babylonian Talmud, tractate Sanhedrin, 68b-71a. Another summary of rabbinic texts relating to the law of the wayward son can be found in *Encyclopedia Talmudica*, ed. Shlomo Josef Zevin (Jerusalem: Yad Harav Herzog, 1992), 4:379-87.

*Based on this summary of the Talmud, discuss the following questions:*

4. How many of the restrictions listed in the Talmud seem obvious from the scriptural passage itself? How many seem not so obvious?
5. The Talmud never says the scriptural commandment is bad, but it puts restrictions on who can actually be executed.
  - a. What sort of attitude toward scriptural commandments might this indicate?
  - b. How is the Talmud's approach to the scriptural commandment different from saying, "This commandment only applied back in the time of ancient Israel, but does not apply today"?
  - c. How is the Talmud's approach different from saying, "This commandment was not meant to be understood literally, but is a metaphor for our own inner rebellion against God"?
6. Are you surprised by the Talmud's statement "There never has been a wayward and defiant son, and there never will be"? What value or significance could the scriptural passage have if the commandment is never carried out in practice?
7. Some people today respond negatively to scriptural texts like Deuteronomy 21:18-21.
  - a. Imagine someone says to you, "Commandments such as Deuteronomy 21:18-21 make me nervous about any group today that would consider these sorts of texts to be sacred scripture." In light of the Talmud, how might you respond?
  - b. Now imagine someone (perhaps from a Christian or non-religious background) says, "The Old Testament has problematic stuff in it – look at Deuteronomy 21:18-21!" What do you think a good response to this statement would be?

### Further Reading

- Daniel H. Weiss (2012). “Just Peacemaking and Ethical Formation in Classical Rabbinic Literature.” *The Conrad Grebel Review* 30, pp. 76-95. Available at: [uwaterloo.ca/grebel/sites/ca.grebel/files/uploads/files/just\\_peacemaking.pdf](http://uwaterloo.ca/grebel/sites/ca.grebel/files/uploads/files/just_peacemaking.pdf).
- David Weiss Halivni (1978). “Can a Religious Law be Immoral?” In Arthur A. Chiel (ed.), *Perspectives on Jews and Judaism*. New York: Rabbinical Assembly, pp. 165-170.
- James Kugel (2007). *How to Read the Bible: A Guide to Scripture, Then and Now*. New York: Simon and Schuster (especially pp. 14-17 on “The Four Assumptions” of ancient biblical interpretation).
- Benjamin Sommer (ed.) (2012). *Jewish Concepts of Scripture: A Comparative Introduction*. New York: NYU Press.
- Laurie Zoloth (2021). “‘There never was and never will be’: Violence and Interpretive Erasure in the Jewish Tradition.” In Julia Snyder and Daniel H. Weiss (eds.), *Scripture and Violence*. London: Routledge, pp. 98-110.

### Summary of Key Takeaways from This Module

- Scriptural texts often have a lot of “gaps” or things that are not actually specified in the text. Different interpreters sometimes fill in the “gaps” in different ways.
- Religious communities often understand violent-sounding scriptural passages in ways that differ significantly from what one might expect.
- Religious communities can view certain scriptural commandments as having continuing validity without expecting those commandments to be carried out in actual practice, and without understanding those commandments to have been carried out in the past, either.