JUDAISM AND JEWISH LIFE

EDITORIAL BOARD
Geoffrey Alderman (University of Buckingham, Great Britain)
Herbert Basser (Queens University, Canada)
Donatella Ester Di Cesare (Università "La Sapienza," Italy)
Simcha Fishbane (Touro College, New York), Series Editor
Meir Bar Ilan (Bar Ilan University, Israel)
Andreas Nachama (Touro College, Berlin)
Ira Robinson (Concordia University, Montreal)
Nissan Rubin (Bar Ilan University, Israel)
Susan Starr Sered (Suffolk University, Boston)
Reeva Spector Simon (Yeshiva University, New York)

ACADEMIC STUDIES PRESS

VIXENS DISTURBING VINEYARDS:

EMBARRASSMENT AND EMBRACEMENT OF SCRIPTURES:

Festschrift in Honor of Harry Fox (leBeit Yoreh)

Edited by: Tzemah Yoreh, Aubrey Glazer,
Justin Jaron Lewis and Miryam Segal

Boston
2010

his foundations). Translating the passage about Solomon's work being "hung upon David" in terms of "attribution" or "ascription" suggests too simplistic a move; the hanging of text and temple upon David is not merely to call them by his name, but to claim something more complex about origins, dependence, and influence.

Solomon's relationship to his ancestor condemns, constrains, protects, and exalts him all at once. The great achievements of his life as understood by later readers — the temple and three scriptural wisdom books — are both dependent on his ancestor: the temple he built is the בית דוד, "house of David"; his worthiness to author the Song of Songs and Qohelet must be legitimized at least partly through David's merit. Solomon remains an ambivalent figure who, in his own family drama as it unfolds through biblical interpreters, can never get out from under his father's mighty shadow. In his dependence on the past, is Solomon exalted — is he lifted up — or is he strung up for his sins? I think, rather, that he hangs in the balance. Judgment on his life is swung to and fro like a pendulum by his rabbinic interpreters, but is always, ultimately, suspended.

FROM GLUTTON TO GANGSTER

Eliezer Segal, University of Calgary

Any list of embarrassing or morally troubling passages in the Torah must surely reserve an honored place for the law of the stubborn and rebellious son, as set out in Deuteronomy 21:18-22. According to the unembellished words of the scripture, this son is subjected to death by stoning for transgressions that amount to little more than general defiance and overindulgence. In the law that emerges from the Mishnah and Talmuds, the rabbis' discomfort with the application of this law is implicit in their success at effectively neutralizing it. They make the conditions under which the lad could be executed so absurdly restrictive that they could never occur in real life.

It should be noted that the approach described so far is one that was associated primarily with Rabbi Akiva, who was distinguished by his general antipathy towards the death penalty, and whose school played the key role in shaping the teachings of the Mishnah. Akiva's school applied similar hermeneutic strategies to capital crimes in general—though perhaps not as blatantly as in the case of the rebellious son—in order to turn judicial executions into very uncommon occurrences.[1] Talmudic traditions preserve records of opposition to his approach, with respect to both capital punishment and the elimination of the law of the rebellious son. The view to uphold the spirit of the Torah's original purpose is represented by Rabbi Jonathan who is associated with the rival school of Rabbi Ishmael.[2] The novelty of Rabbi Akiva's

1 mMakkot 1:10.

2 David Hoffmann, *Zur Einleitung in die Halachischen Midraschim*, Jahresbericht des Rabbiner-Seminars zu Berlin (Berlin: M. Driesner, 1988); J. N. Epstein, *Prolegomena ad Litteras Tannaiticas*(Tel Aviv and Jerusalem: The Magnes Press and Dvir, 1957), 570 [Hebrew]; Ch.

approach may be appreciated more clearly when we bear in mind that first century Jewish authorities from outside the official rabbinic circles—Philo of Alexandria[3] and Joseph ben Matthiah[4] —are relatively untroubled by the prospect of executing the disobedient son. To their minds, it was sufficient to argue that the authority of the parents in the family was so vital to the foundations of society that any challenge to that authority had to be resisted with uncompromising severity.[5]

Moshe Halbertal has surveyed with admirable clarity the three different hermeneutical strategies that the rabbis employed in order to deal with, and neutralize, the moral embarrassment of the biblical law: (1) by rendering the law unenforceable; (2) by justifying it as an inscrutable divine decree; and (3) by pointing out the profound divine insight into adolescent behavior that anticipated the delinquent's inevitable descent into a pattern of hardened criminality.[6] My purpose here is neither to repeat Halbertal's discussion, nor to dispute its main arguments. I wish merely to focus on a single hermeneutical anomaly that relates to the last of his three strategies, and to propose an explanation for that phenomenon.

Albeck, *Introduction to the Talmud, Bavli and Yerushalmi* (Tel-Aviv: Dvir, 1969), 102, 129-130 [Hebrew]; Gunter Stemberger and Hermann Leberecht Strack, *Introduction to the Talmud and Midrash*, trans. Markus N. A. Bockmuehl, 2nd ed. (Edinburgh: T. & T. Clark, 1996), 247-251. The fact that Rabbi Jonathan's tradition is attested only in the Babylonian Talmud (bSanhedrin 71a) adds some support to the argument originally proposed by I. Halevy [Isaac Halevy, *Dorot harishonim*, reprint ed. (Jerusalem: 1966), 1:678-681, etc.] that the school of Rabbi Ishmael migrated to Babylonia in the wake of the Bar Kokhba revolt. See the discussions in: Jacob Neusner, *A History of the Jews in Babylonia*, 2nd ed., 5 vols. (Leiden: E. J. Brill, 1965-1970), 1:125; Isaiah Gafni, *Jews of Babylonia in the Talmudic Era: A Social and Cultural History*, Monographs in Jewish History (Jerusalem: The Zalman Shazar Center for Jewish History, 1990), 81-86 [Hebrew]. But cf. tNega'im 6:1

3 See sources assembled by Isaac Heinemann, *Philons griechische und judische Bildung*, 2nd ed. (Breslau: M. & H. Marcus, 1932), 231-261; Gerald J. Blidstein, *Honor thy Father and Mother: Filial Responsibility in Jewish Law and Ethics* (New York: Ktav, 1976), 7-8, 161; Adele Reinhartz, "Philo's Exposition of the Law and Social History: Methodological Considerations," in *SBL Annual Meeting Seminar Papers* (Atlanta: Scholars Press, 1993), 19-20; Adele Reinhartz, "Parents and Children: A Philonic Perspective," in *The Jewish Family in Antiquity*, ed. Shaye J. D. Cohen, Brown Judaic Studies (Atlanta: Scholars Press, 1993).

4 E.g., Antiquities 4:24-27.

5 See the discussion in: Moshe Halbertal, *Interpretative Revolutions in the Making* (Jerusalem: Magnes, 1997), 64-67 [Hebrew].

6 Ibid., 46-67.

The Mishnah in the tractate Sanhedrin (8:3) explains that the Torah's "stubborn and rebellious son" is being judged and put to death while still a minor in anticipation of his eventual outcome: "The Torah said that he should die [while still] in a state of innocence, and that he should not [wait to] die in a state of guilt."

A baraita brought in the Jerusalem Talmud (ySanh. 8:3 26b) and other sources explains this Mishnah:[7]

> The Holy One (blessed is he) perceived[8] that this person was destined to deplete his father's property and his mother's property;[9] and he would station himself at the crossroads and rob people and kill souls. And in the end he would forget his learning. Therefore the Torah said: Better that he should die in a state of innocence and he should not die in a state of guilt...[10]

7 Sifre to Deuteronomy, 220 [Louis Finkelstein, ed., *Siphre ad Deuteronomium* (New York: Jewish Theological Seminary of America, 1969), p. 253]; David Hoffmann, *Midrash Tana'im 'al Sefer Devarim*, 2 vols. (Tel Aviv: [Makor], 1962), 131; bSanhedrin 72a; Tanhuma Ki Tese 1; Solomon Buber, ed., *Midrash Tanhuma*, reprint ed., 5 vols. (Jerusalem: Wagschal, 1990), 5:33. See Halbertal, *Interpretative Revolutions*, 48-49.

8 *Midrash Tanna'im*: "For it is evident and known before the one who spoke and the universe came into existence, etc." See Halbertal, *Interpretative Revolutions*, 50, n. 15.

9 The fear that profligate young men would squander their inheritances by indulging their desires was a recurring motif in ancient moral and religious preaching, and was of special concern to Augustine; see: Geoffrey Stephen Nathan, *The Family in Late Antiquity: The Rise of Christianity and the Endurance of Tradition* (London and New York: Routledge, 2000), 148.

10 The Palestinian Talmud contains the following discussion (ySanh 8:2): "...He is not guilty until he eats it lightly roasted. If he ate it raw, then he is a dog! If he ate it cooked, he is a [normal] human." The traditional commentators to the passage (e.g., M. Margaliot's *Penei Moshe*) interpreted it in light of the Babylonian Talmud's approach, that a fugitive bandit will not become entrenched in his illicit lifestyle unless he develops a liking for half-roasted meat. This, however, does not appear to be a real concern for the Yerushalmi. The mishnah under discussion is likely describing a mode of eating consistent with the "gluttony" and "drunkenness" mentioned in the Deuteronomy; for that purpose, gluttonous eating is being restricted to a narrow range between normal eating and animalistic habits. Understood this way, the passage should probably be grouped together with all the other ones in which the death penalty is effectively avoided by means of absurdly narrow limitations of the conditions under which it can be applied.

The assumption that the lad's rebelliousness involves committing theft against his parents appears in several of the sources, but it is not clear precisely how the rabbis arrived at that assumption,[11] which is not indicated in any obvious way by the text in Deuteronomy. Nevertheless, the Mishnah (Sanhedrin 8:3) states:

> If he stole from his father's property and ate in his father's domain; or from others and ate in the domain of others, from others and ate in his father's domain—he is not deemed a "rebellious son" until he steals from his father and eats in the domain of others.[12]

Similarly, in a baraita cited in several rabbinic compendia, we read the following:

> ...For this reason it teaches "who will not obey" (Deuteronomy 21:18); "who will not obey" (21:21)—in order to draw a verbal analogy [*gezerah shavah*]: Just as the latter "will not obey" means until he steals from his father and from his mother, so too the former "will not obey" implies: until he steals from his father and from his mother.[13]

11 Maimonides, *Mamrim* 7:2 seems to resign himself to the assertion that the rabbis' interpretations of these laws are based on received tradition, and therefore are not subject to exegetical or logical justification. See Chanoch Albeck, ed., *Shisha Sidrei Mishnah* (Jerusalem, Tel-Aviv:Mosad Bialik, 1958), 4:451.

12 The arbitrary quality of this assumption underlies the discussion by Ch. Albeck in his notes to mSanhedrin 8:3. He cites Rabbi Meir Abulafia who was also puzzled by it and suggested two possible reconstructions of the Mishnah's reasoning. According to the first, the assumption was necessary in order to arrive at the conclusion that the lad would eventually take up the profession of armed banditry. This explanation is, of course, circular, since the banditry scenario is no easier to account for exegetically. Abulafia's second proposal links the law to the Torah's phraseology (21:18) "they chastise him"—which he reads in the common rabbinic sense of punishing by lashes, a penalty that could be inflicted for the crime of theft. Considering how many other transgressions are punished in the same manner, this is hardly persuasive. Nevertheless, following a similar mode of reasoning, Albeck suggests that the rabbis were trying to devise a punishable offense that could have been committed by a young adolescent who was still living under his parents' roof and eating at their table. In that context, stealing food from the parents is a natural and understandable example. (Cf. Halbertal, 55, n. 22.)

13 Hoffmann, *Midrash Tana'im 'al Sefer Devarim*, 130: The editor is in doubt as to whether this passage is part of the original midrash. Finkelstein, ed., *Siphre ad Deuteronomium*, 218, 251-252; bSanhedrin 71a.

While the latter verse (Deuteronomy 21:20) is more informative than the former (21:18) in that it specifies the offenses of gluttony and drunkenness, it makes no mention of larceny.[14] This supposed midrashic proof is, therefore, flawed by the circularity of its reasoning. This incongruity indicates how deeply rooted was the assumption that the path of the rebellious son involved stealing. After the condition that the son must have stolen from his parents was enshrined in the Mishnah, it was simply presupposed by the subsequent amoraic discussions. It still seems odd that the rabbis did not propose more rigorous attempts to justify it by means of midrashic or logical reasoning.

It is conceivable, perhaps, that the sages saw in theft a convenient instance of a punishable offense that could develop out of a minor "eating disorder" of gluttony, and then expand into the capital crime of murderous highway robbery.[15] Nevertheless, the conventions of talmudic argumentation lead us to expect a more explicit statement of the reasoning that produced that conclusion.[16]

14 On these matters see the discussions below.

15 Compare the words of Ps. Plutarch [cited by Emiel Eyben, *Restless Youth in Ancient Rome* (London: Routledge, 1993), 14]:
But the iniquities of youth are often monstrous and wicked—unlimited gluttony, theft of parents' money, gambling, revels, drinking-bouts, love affairs with young girls, and corruption of married women. The impulses of young men should therefore be kept fettered and restrained by careful supervision. For life's prime is prodigal in its pleasures, restive, and in need of a curb, so that parents who do not take hold of the reins with firm hand at this period of life, are manifestly, by their folly, giving to their sons license for wrongdoing.

16 Cf. *Midrash Tana'im*,131: "'Shall stone him with stones...' (Deuteronomy 21:21)—We have heard the penalty, but we did not hear the admonition. Therefore it teaches: 'You shall not eat any flesh with the blood in it' (Leviticus 19:26) [interpreted as:] You shall not eat in a manner that leads to bloodshed. This is the eating of the rebellious son." bSanhedrin 63a cites this passage in the name of the Rabbi Yose bar Hanina, presumably the tanna of that name. The standard printings of the Talmud ascribe the dictum to the amora Rabbi Yohanan; the syntax of the passage (before emendation), however, suggests that it is the continuation of the baraita. See Raphael Nathan Nata Rabbinovicz, *Variae Lectiones in Mischnam et in Talmud Babylonicum [Dikduke Soferim]*, reprint ed., 2 vols. (New York: M. P. Press, 1976), n. 10. "Rabbi Yose ben Hanina is the author according to the printed editions of the *Sifra* (Qedoshim C. 6:1); the dictum, however, is missing from the Vatican manuscript [Louis Finkelstein, *Sifra: or Torat Kohanim, according to Codex Assemani LXVI.* (New York: Jewish Theological Seminary of America, 1956), 405].

The Tosefta teaches:[17]

> The stubborn and rebellious son, even if he set on his table a feast like that of Solomon in his day, is not judged under the law of the stubborn and rebellious son until he inserts into his mouth the designated amount, or until he eats *in the company of similar people.*

The "company of similar people" presupposes membership in a band of robbers,[18] a detail that is not, as far as I am aware, derivable from the biblical sources. It is the same principle that was stated in the Talmud by the amora Rabbi Abbahu: "He is not culpable until he eats in a company that consists entirely of worthless individuals."[19]

It is not difficult to concoct any number of alternative trajectories that would lead from gluttony and drunkenness to an offense punishable by death.[20] If we bear in mind the number of ritual transgressions that involve death penalties according to biblical law, the crime does not even have to involve murder or manslaughter.[21] At any rate, a survey of the relevant tannaitic sources demonstrates beyond doubt that the glutton-thief-brigand trajectory was regarded

17 tSanhedrin, 11:6 [Moses Samuel Zuckermandel, *Tosefta Based on the Erfurt and Viennna Codices*, reprint ed. (Jerusalem: Wahrmann, 1970), 431-432]. See also: Hoffmann, *Midrash Tana'im 'al Sefer Devarim*, 131. The rabbinic sources treat this stipulation as an inference from the Mishnah's ruling (mSanhedrin 8:2) that the Rebellious Son law would not apply where the lad consumed the food in the context of a society assembled for the purpose of performing a religious precept. I am suggesting that the opposite process is more likely, i.e., that the older traditions spoke of his involvement in a gang, and that the Mishnah was subsequently impelled to clarify that the reference was only to a criminal gang, not to an association that was devoted to virtuous activities.

18 On this problematic expression, cf. Saul Lieberman, *Tosefeth Rishonim*, 4 vols. (Jerusalem: Bamberger & Wahrmann, 1939), 2:160.

19 bSanhedrin 90b. See Halbertal, *Interpretative Revolutions*, 56.

20 For that purpose, drunkenness would probably make a more convenient starting-point than gluttony. Eyben, *Restless Youth*, 107-112 gives us an abundant collection of Roman testimonies about drunken mobs of young hooligans prowling the public thoroughfares in search of hapless victims upon whom to wreak violent acts.

21 Poetic justice might ostensibly prefer that the major offense should be one that is punishable by stoning; the Mishnah (mSanhedrin 7:4-8:5) catalogues some eighteen crimes that fit that definition, including sexual offenses and idolatrous or blasphemous practices to which a wayward youth might be seduced by prospects of fine food or liquor. Murder is not one of them; it is punishable by *hereg*, understood as death by sword (see mSanhedrin 9:1).

by the rabbis as much more than a convenient hypothetical possibility. It is described in substantially identical terms throughout the literature. *Midrash Tana'im* has the following discussion:

> You might have argued: Because this one has consumed his father's property he should die! —You say that the rebellious son will be judged on how he turns out? For it is revealed and known before the creator that one day he will ultimately squander all his father's property; and then he will go around in search of more, but will not find any, as it says (Prov. 30:15) "The leech has two daughters; 'Give, give,' they cry." So he goes out to watch the roads and destroys many lives. For this reason the Torah declared: It is preferable that one life be destroyed, rather than allowing many lives to be destroyed.[22] Rabbi Yose the Galilean said: And because this one ate a tartimar[23] of meat....

In the following passage from Midrash Tanna'im,[24] the authors (if only for rhetorical effect) have to explain why the Torah could not simply have treated the case of the rebellious son as a mere sub-category of robbery:

> The rebellious son should have been subsumed under the general rule, as it states (Leviticus 19:13) "You shall not ...rob him";[25] and nonetheless scripture excludes him from the general rule, both in order to treat him leniently and to

22 Hoffmann, *Midrash Tana'im 'al Sefer Devarim* , 131. The editor observes: "Thus far the words of the Mekhilta. From here onwards are the words of the Sifre."

23 τριτημόριον, *triens*; a third [of an *as* or a gold denar, or a weight]; see: Alexander Kohut, ed. *Aruch Completum* (Tel-Aviv: Shiloh, 1970), 4:78; Marcus Jastrow, *A Dictionary of the Targumim,the Talmud Babli and Yerushalmi, and the Midrashic Literature with an Index of Scriptural Quotations* (New York: Jastrow Publishers, 1967), 552; cf. Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, Dictionaries of Talmud, Midrash, and Targum (Ramat Gan: Bar-Ilan University Press, 1990), 231.

24 Hoffmann, *Midrash Tana'im 'al Sefer Devarim*, 130.

25 See Hoffmann's comment: "This is because the rebellious son is not liable until he steals etc." At the beginning of its pericope on mSanhedrin 8:3, ySanhedrin brings Sifra Qedoshim Parashah 2:1-2 [Finkelstein, *Sifra Vatican MS*, 397], which deals with the scriptural sources for theft in general, but makes no specific reference to the rebellious son. The Sifra text leads to a conclusion (in par. #5, not included in the Yerushalmi citation) that "If you committed theft, then in the end you will deny it, in the end you will commit perjury, in the end you will swear falsely in my name." Perhaps the source was brought here in the Yerushalmi by virtue of their common motif, of a relatively minor offense leading inevitably to a cardinal transgression.

> treat him more stringently, in that he is subject to lashes at the beginning and he is subject to death. It is for this reason that this passage had to be stated.

Sifre Deuteronomy also presumes that the son is being punished for consuming his father's property.[26]

We see, then, how the postulate that stealing is an essential stage in the son's decline is not being offered as just one of several hypothetical scenarios. On the contrary, the tannaitic texts treat it as an essential stage of the process. Yet we remain unable to trace or reconstruct an exegetical path that can account convincingly for the details of this rabbinic depiction of the rebellious son as a delinquent hedonist sliding towards a life of murderous banditry on the crossroads. This difficulty invites us to seek out alternative explanations for the origin of the phenomenon.

There is one particularly well-known passage in ancient literature that suggests itself as a possible source. I am referring to the section at the beginning of Book IX of Plato's *Republic* in which Socrates provides an account of how the progeny of a "democratic personality" is apt to degenerate within a few generations to a state of moral, social and political tyranny.[27] According to Socrates' scheme, the original democratic personality steered a course midway between the austere frugality of his oligarchic father and the anarchic immorality of the worthless masses. This then produced a disciplined and thrifty character that would restrain him from indulging his extravagant passions. Now, however, the son of the democratic man is also being subjected to temptations from "drones," men who are ruled entirely by their lawless desires and make no attempt to inhibit the perverse urges that, in healthy personalities, would be confined to the realm of dreams.

> Then the bestial and savage part, full of food and drink (ἢ σίτων ἢ μέθης πλησθέν), casts off sleep, and seeks to gratify its own characteristic instincts...

26 Sifre to Deuteronomy, no. 218; *Siphre ad Deuteronomium*, 251.

27 James Adam, *The Republic of Plato: Edited with Critical Notes, Commentary and Appendices*, 2d ed., 2 vols., vol. 2 (Cambridge UK: Cambridge University Press, 1963), 325.

> It will commit any foul murder, and there is no food it refuses to eat. In a word, it does not refrain from anything, no matter how foolish or shameful.[28]

The discipline, however, that this son has inherited from his democratic father is too diluted and weak to offer tangible resistance to the enticements of the mob:

> His father and the rest of his family come to the aid of the appetites.[29]

The healthy parental influences cannot compete with the lure of the selfserving drones. The son is now subjected to the tyranny of his hedonism, especially that of drink.[30]

> Socrates: And hasn't a drunken man, my friend, something of a tyrannical cast of mind too?
> Adeimantus: He has.[31]

The young man is enticed to become a leader of the gang of drones who reinforce his base appetites.

> Socrates: And don't lots of terrible appetites sprout up each day and night beside it, creating needs for all sorts of things?
> Adeimantus: Indeed, they do.
> Socrates: So, any income someone like that has is soon spent.
> Adeimantus: Of course.
> Socrates: And the next thing, surely, is borrowing and expenditure of capital.[32]
> Adeimantus: What else?

28 571c-d. Plato, *Republic Translated from the New Standard Greek Text, with Introduction*, trans. C. D. C. Reeve (second ed.; Indianapolis and Cambridge: Hackett, 2004), 270; See the Volume 2 in *Plato: The Republic in Two Volumes*, tr. Paul Shorey, ed. T. E. Page (The Loeb Classical Library; London and Cambridge MA: William Heinemann and Harvard University Press, 1956), 336-337.

29 572e; Reeve, 271-272; Loeb 338-339.

30 See Adam, *Republic*, 324.

31 573b-c (Reeve, 272); Loeb 342-343.

32 See Adam, *Republic*, 326.

Socrates: And when everything is gone (ταχὺ ἄρα ἀναλίσκονται ἐάν τινες ὦσι πρόσοδοι), won't the violent crowd of appetites that have nested within him inevitably shout in protest? And when people of this sort are driven by the stings of these other appetites, but particularly of Passion itself, which leads all the others as if they were its body-guard, stung to frenzy, don't they look to see who possesses anything that can be taken from him by deceit or force?

Adeimantus: Certainly.

Socrates: He must take it from every source, then, or live in great suffering and pain.

Adeimantus: He must.

Socrates: And just as the late-coming pleasures within him do better than the older ones and steal away their satisfactions, won't he himself, young as he is, think he deserves to do better than his father and mother? And if he has spent his own share, won't he try to take some of his father's wealth by converting it to his own use?

Adeimantus: Of course.

Socrates: And if his parents resist him, won't he first try to steal it and deceive them? (ἂν δὲ δὴ αὐτῷ μὴ ἐπιτρέπωσιν, ἆρ' οὐ τὸ μὲν πρῶτον ἐπιχειροῖ ἂν κλέπτειν καὶ ἀπατᾶν τοὺς γονέας)

Adeimantus: Certainly.

Socrates: And if he cannot, won't he next try to seize it by force? (ὁπότε δὲ μὴ δύναιτο, ἁρπάζοι ἂν καὶ βιάζοιτο μετὰ τοῦτο)

Adeimantus: I suppose so.

Socrates: And if... the old man and woman stand their ground and put up a fight, would he take care and be reluctant to act like a tyrant?

Adeimantus: I am not very optimistic about the parents of someone like that![33]

For as long as he can maintain his habits and those of his cronies by deceiving or terrorizing his parents, the aspiring tyrant will continue to do so.

Socrates: What happens to someone like that when the possessions of his father and mother give out (ὅταν δὴ τὰ πατρὸς καὶ μητρὸς ἐπιλείπῃ τὸν τοιοῦτον)

33 573d-274b (Reeve 273); Loeb 344-347.

and the swarm of pleasures now inside has grown dense? Won't he first try to break into someone's house or snatch the cloak of someone walking late at night? Next, won't he try to clean out some temple?[34]

As he relinquishes all shreds of moral self-restraint, he is ready to act out all his previously repressed fantasies.

...so there is no terrible murder, no food, and no act from which he will refrain (οὔτε τινὸς φόνου δεινοῦ ἀφέξεται οὔτε βρώματος οὔτ' ἔργου).[35]

If his tyrannical ambitions cannot be fulfilled in his native city, he might leave to join a foreign tyrant or serve as a mercenary. Otherwise, he will become the chief of a criminal mob in his native town. By setting his sights on political ambitions, he is capable of becoming a true tyrant, lording it over his fellow citizens. Plato, speaking through Socrates, goes on to describe how miserable the life of this tyrant must be, at the mercy of his insatiable lusts, deprived of real friendship, and in a state of constant paranoia.[36]

Clearly, the decline of Plato's tyrant includes all the elements that were presupposed by the rabbinic narrative, as he follows the inexorable course that begins with enslavement to his physical appetites and culminates in the vocation of a cold-blooded warlord. The inevitability of the transition, as Plato presents it, provides a persuasive foundation for the rabbinic argument that "his beginning is being judged in light of his outcome."[37] The sequence includes all the stations that were mentioned by the rabbinic tradition, including the theft of the parents' belongings, the depletion of their resources, the resort to crime in order to maintain his expensive habits, and his ultimate transformation into a powerful and violent robber baron.

34 574c-d (Reeve, 274); Loeb 346-349.

35 574d (Reeve, ibid.); Loeb 348-349.

36 See Kraut, 323-327; Adam, *Republic*, 325.

37 The impression (or illusion) of inevitability is enhanced by the literary implementation of the *Republic*'s dialogic character. After the opening pages in which Socrates conducts real debates with the contrary positions of Polemarchus and Thrasymachus, the work turns into a virtual monologue, as Glaucon and Adeimantus do little more than punctuate Socrates' presentation with periodic words of agreement and admiration, giving the impression that the processes and situations that he is describing must follow from one another with inexorable logic.

As we have seen, the halakhah's insistence that theft of the parents' property is an indispensable condition for the son's indictment cannot be plausibly explained without positing an intermediate tradition in which that element is introduced. While this is not as obvious with respect to the "gluttony" aspects of the crime, I would nonetheless argue that a similar inference is justified to some extent.

The Mishnah specifies that the son, in order to be liable, must have consumed a *tartemar* of meat and drunk half a *log* of wine.[38]

> And though there is no absolute proof, there is an indirect allusion to this, as it is written, "be not among winebibbers; among gluttonous eaters of flesh" (Proverbs 23:20).

Actually, the proof-text from Proverbs appears to be a fully adequate one for substantiating the Mishnah's claim that *zolel* and *sobe* in Deuteronomy refer to eating meat and drinking wine.[39] Therefore, the Mishnah's cautious formulation that this is a mere allusion might well be read in the sense that the law was not originally derived from the analogy with Proverbs 23:20, but entered the oral tradition from a different source; while the exegetical proof-text, persuasive as it may be, was a *post facto* addition devised to lend it added force.

38 mSanhedrin 8:2; see also Sifre to Deuteronomy 219 [Finkelstein, ed., *Siphre ad Deuteronomium*, 252]; bSanhedrin 71a.

39 Some of the traditional commentators to the Mishnah and Talmud were sensitive to this problem, and proposed diverse reasons for why the proof was not accepted as fully satisfactory. See Yom-Tov Lipmann Heller's *Tosefot Yom Tov*, Israel Lipschutz's *Tif 'eret Yisra'el* to the Mishnah, etc. On the meanings of the key Hebrew terms see Francis Brown and others, *A Hebrew and English Lexicon of the Old Testament: Based on the Lexicon of William Gesenius as Translated by Edward Robinson* (Oxford: Clarendon Press, 1977); Halbertal, *Interpretative Revolutions*, 49, 51 (n. 16). The Aramaic Targums to 21:20 insert the words "meat" and "wine"; see Bernard Grossfeld, *The Targum Onqelos to Deuteronomy*, ed. Martin McNamara The Aramaic Bible (Wilmington: M. Glazier, 1988), 65; Ernest G. Clarke, *Targum Pseudo-Jonathan: Deuteronomy*, ed. Martin McNamara, The Aramaic Bible (Collegeville, Minn.: Liturgical Press, 1998), 59; Martin McNamara, *Targum Neofiti: Deuteronomy*, ed. Martin McNamara, The Aramaic Bible (Collegeville, MN: Liturgical Press, 1997), 105. Sifre 218 [Finkelstein, ed., *Siphre ad Deuteronomium*, 251] and *Midrash Tanna'im*, 230, suggest some alternative renderings of *zolel ve-sove*, but neither states explicitly that it alludes to theft. The sentence in Sifre that mentions "because this one consumed his father's property" is missing good witnesses, and Finkelstein suggests plausibly that it really belongs to the "Mekhilta to Deuteronomy" (i.e, the original *Midrash Tanna'im*), though it is not found in Hoffmann's edition.

Given that several of those particulars cannot be derived in any overt way from the biblical texts (even when they are channeled through the creative midrashic hermeneutics), it does not seem extravagant to suggest that the author or authors of this early rabbinic depiction of the rebellious son, with all its exegetical and halakhic ramifications, were reading Deuteronomy through a Platonic subtext.

If this reconstruction is correct—and I entertain no illusions that it is conclusive—then it would require us to posit that at least some of the rabbis were familiar enough with Greek philosophical literature for this passage to come to mind as a useful subtext for illuminating the problematic biblical precept. This, in fact, brings us into some notoriously hazardous historical territory. The question of "how much Greek in Jewish Palestine?" is one that has continued to provoke scholarly debate. As I see it, however, the range of scholarly positions on this question is relatively limited. No serious historian would try to claim that the Palestinian rabbis of late antiquity were isolated from the vibrant Hellenistic culture that existed in the land of Israel. The disagreements relate to the degrees of direct or mediated familiarity that the rabbis had of the respective genres of Greek literature and thought. Some, like Yitzhak Baer, stressed the deep influences of Greek philosophical methods and ideas on fundamental areas of rabbinic discourse, in ways that reflect intimate familiarity with Hellenistic literature.[40] Saul Lieberman argued from the dearth of explicit mentions of Greek authors or philosophical terminology, that the rabbis' familiarity with Greek motifs, though perhaps extensive, must have been indirect, based on informal verbal exchanges.[41] An alternative possibility is

40 Y. F. Baer, *Israel among the Nations* (Jerusalem: Bialik Institute, 1955). Saul Lieberman, "How Much Greek in Jewish Palestine?," in *Biblical and Other Studies*, ed. Alexander Altmann (Cambridge MA: Harvard University Press, 1963), 123-125, refers approvingly to studies by Joel, Bacher, Neumark and Kaminka that demonstrate the penetration of Greek philosophical concepts (particularly Stoic ethics) into rabbinic circles. The oeuvre of E. E. Hallevi is largely devoted to the exhaustive amassing of parallels between rabbinic and Greco-Roman texts in order to underscore the fact that talmudic and midrashic Judaism was thoroughly imbued with the cultural conventions of Hellenistic civilization.

41 Lieberman, "How Much Greek in Jewish Palestine?"

that the rabbinic corpus might have undergone an intentional censorship to remove explicit references to Greek thinkers and doctrines.[42]

To be sure, the annals of ancient history furnish an abundance of stories (whether true or propagandistic) of bands of youths who were rallied to the banners of assorted demagogues or political factions that led to violent action and political revolts. In some of those episodes, the delinquents were patricians who were determined to maintain their privileged lifestyles against democratic reforms; in others, they were destitute plebeians who could be seduced by initial offers of debauchery and hedonistic pleasures.[43] A typical characterization was offered by Pseudo-Sallust:[44]

> Mere youths think it a fine thing to waste their own substance and that of others, to refuse nothing of their own lust and the demands of their fellows, to regard such conduct as evidence of manliness and high spirit...Therefore the headstrong spirit...subverts the established order of things, and is eager for a revolution.[45]

42 Such a situation is supposed by Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, Divinations (Philadelphia: University of Pennsylvania Press, 2004), to account for his thesis that Philonic Logos-theology was widespread among Palestinian Jews (as reflected in the popular Targums), but absent from all the other variegated works of rabbinic literature. See also: Eliezer Segal, "'The Few Contained the Many': Rabbinic Perspectives on the Miraculous and the Impossible," *Journal of Jewish Studies* 54, no. 2 (2003): 281-282. At any rate, we do possess at least one unimpeachable example of the rabbis' familiarity with a passage in a Platonic dialogue; namely, Aristophanes' myth of the androgynous creation of the first humans, from the Symposium. On the uses of this passage in rabbinic literature, see Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993), 36-44; Eliezer Segal, *From Sermon to Commentary: Expounding the Bible in Talmudic Babylonia*, ed. Stephen Wilson, Studies in Christianity and Judaism (Waterloo, Ont.: Canadian Corporation for Studies in Religion/Corporation Canadienne des Sciences Religieuses by Wilfrid Laurier University Press, 2005), 21-27. Some scholars have argued for the Platonic origin of the rabbinic passages describing the preexistence of the soul and its possession of wisdom that is forgotten at birth. See Yitzhak Baer, "Le-veirurah shel torat aharit ha-yamim bimei ha-bayit ha-sheni," *Zion* 23-24 (1958-1959), Efraim Elimelech Urbach, *The Sages: Their Concepts and Beliefs* (Cambridge, MA: Harvard University Press, 1987), 235-250.

43 Eyben, *Restless Youth*, especially 51-67.

44 Cited by Eyben, 63.

45 Much of the scholarly writing on Jewish banditry in the first and second centuries C.E. has tried to stress its political character, especially its connections to the Zealot resistance against Rome. For a balanced presentation that also takes into account the criminal and socio-economic aspects of the phenomenon, see Gedalia Alon, *The Jews in Their Land in the Talmudic Age: 70-640 C.E*, trans. Gershon Levi (Jerusalem: Magnes Press, 1980), 570-575. See also Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D*, trans. David Smith (Edinburgh: T. & T. Clark, 1989), especially 380-404; S. Freyne, "Bandits in Galilee: A Contribution to the Study of Social Conditions in First-Century Palestine," in *Social World of Formative Christianity and Judaism: Essays in Tribute to Howard Clark Kee* ed. Jacob Neusner et al. (Philadelphia: Fortress, 1988), 50-68; Terence L. Donaldson, "Rural Bandits, City Mobs and the Zealots," *JSJ* 21 (1990): 19-40.

It should be noted as well that though Greek authors offer many rationales for strict enforcement of paternal authority and filial respect—most of which are echoed by Philo and Josephus—the notion of a predictable decline into depravity does not, as far as I am aware, appear elsewhere than in Plato.[46]

Even if Plato was not the actual literary or conceptual source for the rabbinic depiction of the rebellious son, the similarities between the descriptions serve to underscore the degree to which the biblical law was *not* perceived as a source of embarrassment for Jews in the Hellenistic cultural environment. This allows us to appreciate the remarkable "new sensitivity"[47] Rabbi Akiva and his school instilled into rabbinic thinking for the sanctity of human life that would relegate this law to the purely theoretical plane, until most Jews would come to regard the execution of the stubborn and rebellious son as abhorrent, and all but unimaginable.

46 For a useful survey of the relevant texts, see Peter Balla, *The Child-Parent Relationship in the New Testament and its Environment* (Tubingen: Hendrickson MA, 2005).

47 My use of this expression derives from David Flusser, "A New Sensitivity in Judaism and the Christian Message," *Harvard Theological Review* 61 (1968): 107-127.

WORKS CITED:

Adam, James. *The Republic of Plato: Edited with Critical Notes, Commentary and Appendices*. Vol. 2. 2 vols. 2d ed. Cambridge UK: Cambridge University Press, 1963.

Albeck, Ch. *Introduction to the Talmud, Babli and Yerushalmi*. Tel-Aviv: Dvir, 1969.

_____, ed. *Shisha Sidre Mishnah*. Jerusalem, Tel-Aviv: Mosad Bialik, 1958.

Alon, Gedalia. *The Jews in Their Land in the Talmudic Age: 70-640 C.E.* Translated by G. Levi. Jerusalem: Magnes Press, 1980.

Baer, Y. F. *Israel among the Nations*. Jerusalem: Bialik Institute, 1955.

_____, "Le-Veirurah Shel Torat Aharit Ha-Yamim Bimei Ha-Bayit Ha-Sheni." *Zion* 23-24 (1958-1959): 3-34, 141-165.

Balla, Peter. *The Child-Parent Relationship in the New Testament and Its Environment*. Tubingen: Hendrickson MA, 2005.

Blidstein, Gerald J. *Honor Thy Father and Mother: Filial Responsibility in Jewish Law and Ethics*. New York: Ktav, 1976.

Boyarin, Daniel. *Carnal Israel: Reading Sex in Talmudic Culture* New Historicism. Berkeley: University of California Press, 1993.

_____, *Border Lines: The Partition of Judaeo-Christianity* Divinations. Philadelphia: University of Pennsylvania Press, 2004.

Brown, Francis and others. *A Hebrew and English Lexicon of the Old Testament: Based on the Lexicon of William Gesenius as Translated by Edward Robinson*. Oxford: Clarendon Press, 1977.

Buber, Solomon, ed. *Midrash Tanhuma*. Jerusalem: Wagschal, 1990.

Clarke, Ernest G. *Targum Pseudo-Jonathan: Deuteronomy* The Aramaic Bible, ed. M. McNamara. Collegeville, Minn.: Liturgical Press, 1998.

Donaldson, Terence L. "Rural Bandits, City Mobs and the Zealots." *JSJ* 21 (1990): 19-40.

Epstein, J. N. *Prolegomena Ad Litteras Tannaiticas*. Tel Aviv and Jerusalem: The Magnes Press and Dvir, 1957.

Eyben, Emiel. *Restless Youth in Ancient Rome*. London: Routledge, 1993.

Finkelstein, Louis. *Sifra: Or Torat Kohanim, According to Codex Assemani Lxvi*. New York: Jewish Theological Seminary of America, 1956.

_____, ed. *Siphre Ad Deuteronomium*. New York: Jewish Theological Seminary of America, 1969.

Flusser, David. "A New Sensitivity in Judaism and the Christian Message." *Harvard Theological Review* 61 (1968): 107-127.

Freyne, S. "Bandits in Galilee: A Contribution to the Study of Social Conditions in First-Century Palestine." In *Social World of Formative Christianity and Judaism: Essays in Tribute to Howard Clark Kee* ed. J. Neusner and others, 50-68. Philadelphia: Fortress, 1988.

Gafni, Isaiah. *Jews of Babylonia in the Talmudic Era: A Social and Cultural History* Monographs in Jewish History. Jerusalem: The Zalman Shazar Center for Jewish History, 1990.

Grossfeld, Bernard. *The Targum Onqelos to Deuteronomy* The Aramaic Bible, ed. M. McNamara. Wilmington: M. Glazier, 1988.

Halbertal, Moshe. *Interpretative Revolutions in the Making* Jerusalem: Magnes, 1997.

Halevy, Isaac. *Dorot Ha-Rishonim*. reprint ed. Jerusalem, 1966.

Heinemann, Isaac. *Philons Griechische Und Judische Bildung*. 2nd ed. Breslau: M. & H. Marcus, 1932.

Hengel, Martin. *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D.* Translated by D. Smith. Edinburgh: T. & T. Clark, 1989.

Hoffmann, David. *Midrash Tana'im 'Al Sefer Devarim*. 2 vols. Tel Aviv: [Makor], 1962.

_____, *Zur Einleitung in Die Halachischen Midraschim* Jahresbericht Des Rabbiner-Seminars Zu Berlin. Berlin: M. Driesner, 1988.

Jastrow, Marcus. *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi ,and the Midrashic Literature. With an Index of Scriptural Quotations*. New York: Jastrow Publishers, 1967.

Kohut, Alexander, ed. *Aruch Completum*. Tel-Aviv: Shiloh, 1970.

Lieberman, Saul. *Tosefeth Rishonim*. 4 vols. Jerusalem: Bamberger & Wahrmann, 1939.

_____, "How Much Greek in Jewish Palestine?" In *Biblical and Other Studies*, ed. A. Altmann, 123-141. Cambridge MA: Harvard University Press, 1963.

McNamara, Martin. *Targum Neofiti: Deuteronomy* The Aramaic Bible, ed. M. McNamara. Collegeville, MN: Liturgical Press, 1997.

Nathan, Geoffrey Stephen. *The Family in Late Antiquity: The Rise of Christianity and the Endurance of Tradition*. London and New York: Routledge, 2000.

Neusner, Jacob. *A History of the Jews in Babylonia*. 5 vols. 2nd ed. Leiden: E. J. Brill, 1965-1970.

Rabbinovicz, Raphael Nathan Nata. *Variae Lectiones in Mischnam Et in Talmud Babylonicum [Dikduke Soferim]*. 2 vols. reprint ed. New York: M. P. Press, 1976.

Reinhartz, Adele. "Parents and Children: A Philonic Perspective." In *The Jewish Family in Antiquity*, ed. S. J. D. Cohen, 61-88. Atlanta: Scholars Press, 1993.

_____, "Philo's Exposition of the Law and Social History: Methodological Considerations." In *SBL Annual Meeting Seminar Papers*, 6-21. Atlanta: Scholars Press, 1993.

Segal, Eliezer. "'The Few Contained the Many': Rabbinic Perspectives on the Miraculous and the Impossible" *Journal of Jewish Studies* 54, no. 2: 273-282.

_____, *From Sermon to Commentary: Expounding the Bible in Talmudic Babylonia* Studies in Christianity and Judaism, ed. S. Wilson. Waterloo, Ont.: Canadian Corporation for Studies in Religion/Corporation Canadienne des Sciences Religieuses by Wilfrid Laurier University Press, 2005.

Sokoloff, Michael. *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* Dictionaries of Talmud, Midrash, and Targum. Ramat Gan: Bar-Ilan University Press, 1990.

Stemberger, Gunter, and Hermann Leberecht Strack. *Introduction to the Talmud and Midrash*. Translated by M. N. A. Bockmuehl. 2nd ed. Edinburgh: T. & T. Clark, 1996.

Urbach, Efraim Elimelech. *The Sages: Their Concepts and Beliefs*. Cambridge, MA: Harvard University Press, 1987.

Zuckermandel, Moses Samuel. *Tosefta Based on the Erfurt and Viennna Codices*. reprint ed. Jerusalem: Wahrmann, 1970.