

1. The verse introduces the Law of the Rebellious Son. The process begins with "ויסרו", translated as lashes, and proceeds to execution. The Torah leaves undefined the precise nature of his transgression and the age of the transgressor. These issues are covered in the Talmud, but we will cover them in Rambam's summation.
2. In addition to providing those details, Rambam notes that we inspect the son to make sure he is still of the appropriate age before sentence of execution is passed.
3. Kessef Mishnah asks: Why is there an inspection before sentence of death, but not before lashes? After all, if he is already adult at the time of the lashes, he can't ever become a Rebellious Son!
4. Arukh HaShulchan says that the inspection is unnecessary before lashes as we can rely on probability – the majority of boys do not reach full physical maturity within three months of puberty. The inspection before sentence of execution is mandated by a specific midrash – "this our child", implying a need to verify that the child is in the same physical condition as when presented for lashes.
5. Chazon Ish suggests that it's obvious that the son must be inspected prior to being lashed. Maimonides' mentions the inspection before sentence of execution only to teach us that once that sentence is passed, unlike sentence of lashing, reaching full physical maturity does not exempt from punishment.

6-7. R. Yochanan says that the verse prohibiting the action of the Rebellious Son is found elsewhere in the Torah. His need for such a verse is the general principle that Torah punishments are associated with a specific Biblical peremptory verse. R. Chayyim, perhaps reasoning that since we are dealing with prevention rather than punishment with regard to execution, execution requires no peremptory, argues that this verse is the source only for the prohibition leading to lashes. He then argues that the age conditions apply to the prohibition leading to lashes only incidentally, as the prohibition is to act in a way that could lead to execution, which is possible only if one acts while of the proper age. Aging after the act is irrelevant, thus no pre-sentencing or pre-lashing inspection is required or relevant.

8-10. The Gemara suggests that since the execution of a Rebellious Son is preventive rather than punitive, it requires a special drashah to exempt minors. Punishments, however, never apply to minors. R. Chayyim points out that this refutes his earlier claim. If we cannot execute without going through the stage of lashes, and lashes are punitive rather than preventive, then we should have known without the drashah that minors cannot become Rebellious Sons, as they can never be lashed!

R. Chayyim accordingly modifies his theory to say that while the lashes are also preventive, the age conditions are said of the execution primarily and the lashes secondarily. This seems to mean that the age condition for execution is directly defined, whereas with regard to lashes it is defined merely as the set of conditions necessary for execution. He suggests that this still allows room for his argument above.

11-12. R. Chaim reads the Talmud as suggesting that, were it not for the formality of gemar din making someone a gavra ketilla, superannuation would exempt the Rebellious Son from execution whenever it happened. In other words, while gemar din re execution makes one a gavra ketilla, gemar din of lashes does not make someone a gavra hulka. Therefore, R. Chayyim concludes, if superannuation applied to lashes, it would apply until the actual application of the lashes, not only until the sentence was passed. This was the Chazon Ish's conclusion – R. Chayyim, though, thinks this an impossibility. Accordingly, he concludes that the rule that "change of relevant status exempts from punishment" applies only to

execution and not to other punishments. He notes that exempting someone from punishment post facto is in any case a peculiar idea, and thus should not be extended without compelling evidence.

I would add that R. Chayyim's theory offers an intriguing explanation for the power of courts to execute in defiance of *lo tirtzach*. Maybe they only execute dead men, as the sentence removes the status of life without killing.