

Zera Shimshon

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Chapter L: Ki Tavo (Deut. 26:1–29:8)

Essay 4. Adultery that leads to idolatry

“Accursed is the man who makes a graven or molten image abhorred by the L-rd, a craftsman’s handiwork, and sets it up in secret” (Deut. 27:15).

We know from Ex. 22:19 and Deut. 13:6–10 that idolatry warrants the death penalty, so why does Deut. 27:15 only say the man is cursed? Why is there no repeat mention of the death penalty?

סוטה פרק ז' דרש רבי יהודה בן נחמני מתורגמניה דריש לקיש: כל הפרשה פולה לא נאמרה אלא בשביל נואף ונואפת, שנאמר "ארור האיש" וכו'. אטו מאן דעביד "פסל ומסכה", בארור סגי ליה? אלא זה הבא על הערונה והוליד ממנה בן, והלך בין האומות ועבד עבודה זרה. אמר הקב"ה ארורים אביו ואמו של זה וכו' עכ"ל.

Tractate Sota, 7th chapter:

Rabbi Yehuda ben Nachmani, the translator¹ of Reish Lakish, expounded, “The entire *parasha* [of Ki Tavo] was only said on [account of] an adulterer and adulteress, as it is said, ‘Accursed is the man who makes a graven or molten image . . . and sets it up in secret’ (Deut. 27:15). For one who serves “a graven or molten image”, is a curse sufficient [punishment]? Rather, this [curse is referring to] one who engaged in sexual intercourse with a married woman and had [a *mamzer*²] son by her. And [the son, who is not allowed to marry a Jew of unflawed lineage], went [to live] among the nations of the world and engaged in idol worship. The Holy One, Blessed be He, said, “Accursed is his father and his mother for causing him [to worship idols].”

- Sota 37b

So Deut. 27:15 is focused on a new type of sin: the guilt of adulterous parents who are indirectly responsible for idolatry, because their adulterous act created a *mamzer* child.

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¹ For the benefit of a Jewish audience that did not understand Hebrew, a *meturguman* would provide a verbal translation into Aramaic.

² Sometimes mistranslated as “bastard.” However, it is not related to a child born out of wedlock, but rather to a child born out of adultery or incest.

קשה, דעדיין הקושניא במקומה עומדת: אטו מי שפא על הערונה, בארור סגי ליה? וליכא למימר דיהנה לו קללת ארור נוסף על המיתה דאם כן אף במאן דעביד פסל ומסכה נימא הכי.

A difficulty is that the question still stands: If, as Rabbi Yehuda ben Nachmani explains, Deut. 27:15 is talking about **one who engaged in sexual intercourse with a married woman**, leading to the birth of a *mamzer* who will worship idols, **is a curse sufficient** [punishment] for the father's indirect sin of idolatry? **We don't say that he will have an additional curse of "Accursed [is the man]" and deserving of the death penalty. If that's the case, then even [regarding his *mamzer* son] who serves a graven or molten image, let us say that**, that the idolatrous son should only receive a curse but not the death penalty! But we know that's not true, as the son's direct action of idolatry certainly warrants the death penalty.

ויש לומר דקיימא לן דמיתת בית דין היתה פירה על כל עונותיו וזה שפא על הערונה כבר נתפפר לו במיתתו.

Rather, **it can be said in accordance with [the opinion] that death at the hands of the court is an atonement for all of his transgressions³ and this one who engaged in sexual intercourse with a married woman** leading to the birth of a *mamzer* son who worshipped idols **has already been atoned for by his death** due to his adultery. That is, the father was directly guilty of adultery with a married woman, for which the Torah elsewhere explicitly says he is deserving of death.⁴ The son is directly guilty of idolatry, for which the Torah elsewhere explicitly says he is deserving of the death penalty. In Deut. 27:15, the Torah need not say that the father deserves the death penalty for his indirect guilt of idolatry, because it has already said that he deserves the death penalty for his direct commission of adultery.

אבל עכשיו שבנו עובד עבודה זרה, הבריות מקללים אותו, ארור שנה ילד ארור שנה גדל, שחטא האב גרם זה. והאב ישא בעון הבן שנברא בחטאו, וזה גרם לו ליפול בחטא אחר ומצא מין את מינו וגיעור.

But now that his son is an idol worshipper, people curse him, "Accursed is the one who gave birth to him, accursed is the one who raised him."⁵ The father will carry the sin of the son⁶ who was created by [the father's] sin, and this one, i.e., the son, caused that one, i.e., his father, to fall into another sin. I.e., the father becomes indirectly guilty for his son's idolatry. And "the former takes on the identity of the latter,"⁷ i.e., the father takes on the identity of his son, as being an idolator.

³ Sanhedrin 44b.

⁴ Lev. 20:10.

⁵ Sanhedrin 52a.

⁶ Cf. Ezek. 18:20, "The person who sins, he alone shall die. A child shall not share the burden of a parent's guilt, nor shall a parent share the burden of a child's guilt . . ."

⁷ Eruvin 9a; Avodah Zarah 73a; Bechorot 22a, 23a.

אָבֵל בַּפֶּסֶל וּמִסֵּכָה, לִיכָא לְמִימַר בְּהוּ הָכִי, שְׁהָרִי כְּשֶׁעָשָׂה "פֶּסֶל וּמִסֵּכָה . . . וְשֵׁם בִּסְתֵּר", דְּהֵינּוּ שְׁעָבַד אוֹתָהּ לְשֵׁם עֲבוּדָה זָרָה כְּדִאֲמָרֵינוּ בְּמִסְכַּת עֲבוּדָה זָרָה יְהִיָּה סִיּוֹב מִיָּתֵהּ בְּבֵית דִּין וּמִיָּתֵהּ כְּפָרְתוֹ. וְלֹאֲחֵר זְמַן אִי אֶפְשָׁר שְׁאָדָם אַחֵר יַעֲבֹד הַפֶּסֶל וּמִסֵּכָה שְׁעָשָׂה זֶה וַיֵּאמְרוּ אַרְוֵר שְׁזָה יֵצֵר אַרְוֵר שְׁזָה עָשָׂה, דְּנִדְּאִי אִם הֵבֵית דִּין יִמִּיתוּ אוֹתוֹ עַל שְׁעָבַד עֲבוּדָה זָרָה אִף אוֹתָהּ הָעֲבוּדָה זָרָה יִשְׁתַּקּוּהָ וַיִּשְׂרְפוּהָ, וּמִשּׁוֹם הָכִי אִי אֶפְשָׁר אֱלָא לְאוּקְמֵי בְּנוֹאֵף וּבְנוֹאֶפֶת.

But for the son, who directly worships a graven or molten image, you can't say this, that he should only receive a curse. For when he makes "a graven or molten image . . . and sets it up in secret," which is that he serves it in the name of idol worship, as it says in tractate Avodah Zarah 52a, he is obligated to death at the hands of the court, and his death will be his atonement.

Later, it's impossible that another man will serve the graven or molten image that he made, so that [people] will say, "accursed is the one who created this, accursed is the one who served this." For certainly, if the court will kill [the *mamzer*] for idol worship, even the idol that he created will be laughed at and burned by the court.

Because of this, it's impossible for the verse to be taken as anything other than support [for teaching about the grave consequences of] an adulterer and adulteress.

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