

CURSING A FELLOW JEW

An outline of Bais HaVaad on the Parsha Shiur delivered

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ולא אבה ה' אלוֹקִיד לשמע אל בלעם ויהפך
"ה' אלוֹקִיד לך את הקללה לברכה כי אהבך ה' אלוֹקִיד
(דברים כג:ו)

The Torah forbids cursing another, as derived from the specific prohibition to curse a *cheresh* (see Vayikra 19:14 and Rashi).

- What exactly is the reason for this prohibition?
- Rambam (*Sefer HaMitzvos*) explains that cursing another cultivates bad *midos* and causes animosity.
- *Sefer HaChinuch* notes that Rambam apparently believes that a curse cannot intrinsically cause harm, but *Sefer HaChinuch* argues that a curse can indeed harm another. He explains that Hashem gave us speech as a heavenly power and that can indeed cause harm to others.
- Rav Yonasan Eibeshitz (in the *Urim V'tumim*) agrees with the Rambam that curses have no power. He derives this from the Gemara *Makkos* that states that those who killed *b'shogeg* and were exiled might pray for the Kohen Gadol to die so they could go free. Only in that case might their *tefilllos* be effective since the *Kohen gadol* was partially responsible for the deaths caused (he should have *davened* to prevent it), but otherwise, the Gemara declares that such a curse is ineffective.

LIABILITY FOR DAMAGE CAUSED BY A CURSE

According to those that hold that a curse can cause harm, would one who thereby injured another be liable to damages?

- *Halachos Ketanos* considered that perhaps he is, and using words to harm another may be equivalent to a *maaseh*.
- Mahari Assad agrees as well based on the Midrash that Moshe killed the Egyptian with the *Shem Hameforash*, and yet the Torah refers to it as "striking."
- Steipler Gaon cites a number of proofs that killing by cursing would be *patur*, and suggests that this is where one convinces the *beis din shel maaleh* to punish someone. But when one harnesses the natural powers of a curse itself to harm someone, he would not be *chayav*.