



Volume 4. Issue 30

## Cursing

The last *Mishnah* in the fourth *perek* of *Shevuot* discusses the variations of language which cause a person to be bound under oath. In this *Mishnah* all these oaths contain the *Shem Hashem* which causes a person to be liable if the oath is transgressed. The *Mishnah* then tangentially describes various cases where one would be liable for cursing using G-d's name. The *Mishnah* states:

One who curses himself and his friend (with the above mentioned names) has transgressed a negative prohibition

What transgression is there in cursing oneself? The *Gemara* (*Shevuot* 36a) states that in this case the prohibition is not for saying *Hashem's* name in vain; rather, one is *chayav* because we are warned in the *pasuk*, (*Devarim* 4:9) "Only be weary and look after your soul". This *pasuk* teaches us that there is a prohibition against causing any harm to our bodies. The novel idea here is that this prohibition of not harming oneself extends even to merely words which one may think do not have substance and may not even be fulfilled.

The *Gemara* continues by stating that one who curses his friend transgresses a different prohibition. The *pasuk* in *Vayikra* (19:14) states "Do not curse a deaf person". This *pasuk* seems to be specifically referring to a deaf person. How does the *Gemara* claim that this is the source for cursing any person?

*Rav Bartanura* states that this is the source of the prohibition of cursing any person by logic of a *Kal v'Chomer*. The *Rav* states, that the subject of the *pasuk* is a deaf person and since he cannot hear you, will be unaffected by your curse. However, the *pasuk* still states that there is a prohibition of cursing such a person. Consequently it is logical that if you curse any other person - who can hear and will be affected by your curse - then you should be liable.

The *Rambam* (*Peirush Hamishnayot*) adds an idea based on this *pasuk*. The *Rambam* states that indeed one is liable for

cursing his friend. However, there are limitations. If a curse befits that person (i.e. He did an improper action which leads to the curse being stated) - the *mekalel* would not be liable. The *Rambam* brings a *diyuk* from the words of the *pasuk* which states "one may not curse a deaf man". The *Rambam* understands that this prohibition is only in place when one curses someone who is "deaf" i.e. deficient of a certain negative action which deserves a curse.

It seems that the *Rav* and *Rambam* are focused on protecting the subject of the *pasuk* (the "*cheresh*") from a curse, whether that be extended to any person, or people that are 'deaf' (underserving of a curse). This idea is also supported by the *Sefer HaChinnuch*. The *Chinnuch* writes that it is possible that *Hashem* created in man a "supernatural element" which has the power to act even on things that is beyond its control. Therefore, in warning not to curse people the *pasuk* is protecting the one who is cursed, in case the words that were spoken by the *mekalel* do in fact take effect. This concept is also highlighted by *Chazal* in their advice elsewhere - "*Al tiftach peh l'Satan*" (do not give an opening for the *Yetzer Hora*).

In contrast, *Rav Shimshon Raphael Hirsch* highlights an interesting idea from this *pasuk*. He notices that the word for curse - *k'lalah* is made up of the root - *kelal* (to lighten). When one curses, he wishes to inflict pain upon his fellow. However, at that moment he is unable to carry through with his wishes. Therefore he inflicts a curse upon his fellow which "lightens" his anger. Interestingly, his focus is not necessarily to protect the one who is being cursed. Rather, there is a need to highlight the *chisaron* in the person doing the cursing - to recognise the negative attributes that lead a person to get to the point of cursing somebody.

Once a person can recognise this point, he is able to put measures in place in order to ensure that he does not become accustomed to vengeance and anger and an eventual degeneration of positive character traits.

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<sup>1</sup> See Targum Onkelos who translates *Bereishit* 2:7 as "and man became a talking spirit".

**Revision Questions**

שבועות ד' ט' – ו' ד'

- Can a *shevuat edut* apply to cases that one may witness in the future? (ד': ט')
- Would it be considered a *shevuat edut* if the witnesses were adjured amongst a mass of people? (ד': י')
- Is it a considered a *shevuat edut* if:
  - The “witnesses” knew *ed mi'pi ed*? (ד': י"א)
  - One of the witness was an invalid witness? (ד': י"א)
  - The witnesses were adjured by the servant of the claimant? (ד': י"ב)
- What three expressions are listed for adjuring witnesses? (ד': י"ג)
- What are the three debates between *R' Meir* and the *Chachamim* related to the previous question? (ד': י"ג)
- To what is a *shevuat pikadon* more similar: *shevuat edut* or *shevuat bitui*? (ד': י"א)
- What sacrifice must one bring for a *shevuat pikadon*? (ד': י"א)
- In which case of *shegaga* is one still obligated to bring this *korban*? (ד': י"א)
- Explain how one makes a *shevuat pikadon*? (ד': י"ב)
- When is one obligated to bring one *korban* and when is obligated to bring many if he made *shevuat pikadon* regarding collaterals belonging to different people? (Include all three opinions) (ד': י"ג)
- What other case brought is similar to the one in the previous question? (ד': י"ג)
- Explain the debate regarding a *shevuat pikadon* in a case of *ones*? (ד': י"ד)
- Regarding which case involving a person's ox killing something would the owner's denial qualify as a *shevuat pikadon* and in which case would it not? (ד': י"ה)
- Complete the following rule: (ד': י"ה)
 

”כל המשלם על פי עצמו \_\_\_\_\_ ושאינו משלם על פי עצמו \_\_\_\_\_”
- What is a *shevuat dayanim* and when does it apply? (ד': י"א)
- Regarding what case would one not be obligated to a make a *shevuat dayanim* as it is considered *meishiv aveidah*? (ד': י"א)
- What is the law regarding a case where he admitted to owing another money, yet the next day said: (ד': י"ב)
  - “I gave it to you”? When is the law different?
  - “I never owed you anything”?
- If one person said the other owed him a gold object and the person admitted he owed him a silver one, regarding which object would he be obligated to make a *shevuah* and regarding which object would he be exempt? (ד': י"ג)
- Complete the following rule and explain: (ד': י"ג)
 

”הנכסים \_\_\_\_\_ זוקקין את הנכסים \_\_\_\_\_ לשבע עליהן”
- A claim made by which three people would not obligate the other party with a *shevuah*? (ד': י"ד)
- Who do we never obligate to make a *shevuah*? What other efforts are made on behalf of this person? (ד': י"ד)

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
16 <sup>th</sup> December א' טבת	17 <sup>th</sup> December ח' טבת	18 <sup>th</sup> December ט' טבת	19 <sup>th</sup> December י' טבת	20 <sup>th</sup> December י"א טבת	21 <sup>st</sup> December י"ב טבת	22 <sup>nd</sup> December י"ג טבת
Shevuot 6:5-6	Shevuot 6:7-7:1	Shevuot 7:2-3	Shevuot 7:4-5	Shevuot 7:6-7	Shevuot 7:8-8:1	Shevuot 8:2-3

