



"You Shall Not Curse a Deaf Man"  
by David Silverberg

The Torah admonishes in Parashat Kedoshim, "You shall not curse a deaf man, and you shall not place a stumbling block before a blind man" (Vayikra 19:14). On the level of *peshat* – the straightforward reading of the text – we are bidden to avoid the temptation to unfairly capitalize on the disadvantaged conditions of others to cause them harm. Infirmities such as blindness and deafness render one particularly vulnerable to crime and mischief; the Torah thus issues a warning against abusing these sorts of handicaps, such as by placing an obstacle in the path of a blind man or uttering insulting maledictions against those whose impairment denies them the ability to respond and defend themselves.

The Talmud, however, extends this verse to include all members of *Am Yisrael*; although it speaks only of the deaf, the Torah here actually establishes a prohibition against cursing anyone among the nation (Sanhedrin 66b). The Talmud reaches this conclusion on the basis of an earlier verse, in Sefer Shemot (22:27), which forbids cursing a *nasi* – a prominent leader. If the Torah forbids uttering maledictions against both the powerful and the frail, the Talmud reasons, then apparently status and stature are not what determines the scope of this prohibition. It rather covers the entire spectrum of Jewish society, from the highest aristocratic echelons to the weakest and most vulnerable elements of the population. Accordingly, Maimonides, in his *Sefer Ha-mitzvot* (listing of the 613 commandments), lists as the 317<sup>th</sup> of the Torah's prohibitions the ban against cursing any member of *Benei Yisrael*, citing this verse as the source. He mentions and discusses this prohibition again in his *Code*, in Hilkhos Sanhedrin (26:1).

Of course, the Talmud's extension of this prohibition raises the question as to why the Torah specified the deaf. If, indeed, one is forbidden from cursing any individual, why does the Torah speak here only of cursing the deaf?

The simplest answer, perhaps, as suggested by the Rashbam and Nachmanides, in their respective commentaries, is that the Torah often introduces laws by singling out the context in which it is most commonly neglected. For example, as we discussed in our *shiur* to Parashat Mishpatim, the Torah forbids verbally abusing widows and orphans (Shemot 22:21), but according to some views, this prohibition actually applies to all people. Despite its broad application, this law is introduced specifically with regard to the emotionally frail and vulnerable, the most likely victims of verbal mistreatment. Similarly, we might claim that the Torah speaks of cursing the deaf, despite the general prohibition against cursing any person, because the hearing-impaired are the most vulnerable to curses and insults.

Maimonides, however, explained differently. In presenting this prohibition in his *Sefer Ha-mitzvot*, Maimonides discusses the specific reference to the deaf and understands it in light of this general approach to the Torah prohibition against cursing another. After all, why did the Torah forbid cursing another person? Are we truly concerned that harsh condemnation of another will result in his misfortune? Does the Torah recognize the "magical" power of a curse placed by one person upon another?



## **"That He Not Grow Accustomed to Anger"**

Maimonides introduces his answer by examining the motive for cursing envisioned here by the Torah. In an intriguing analysis of human nature, Maimonides delineates the various degrees of anger and vengeance, and claims that the means of soothing one's feelings of rage correspond to their intensity. At one extreme, there are situations where one experiences such fierce anger and lust for vengeance that it can be satisfied only by the death of his nemesis. At the opposite end, Maimonides writes, if the wrong committed against the person was very minor, he can pacify his urge for revenge simply by verbally venting his rage, regardless of whether or not the culprit even hears his diatribe. To bring a common, modern-day example, drivers often vent their frustration at the recklessness of other drivers on the road by shouting or cursing, knowing full well that the object of their outrage cannot hear their ranting. Interestingly, Maimonides adds, "This is well-known from the conduct of people of rage and anger – that their minds are put to rest to this extent with regard to minor offenses, even though the offender is unaware of their anger and does not hear their malediction." Empirical observation shows that anger often subsides through strong verbal venting, irrespective of any tangible effect upon the person towards whom the fury is directed.

Accordingly, Maimonides writes, one may have erroneously concluded that verbal expression of this type – which yields no physical or emotional effect upon any other person – is permissible. Sitting within the closed windows of one's automobile, one should, perhaps, be allowed to utter whatever expletives he deems necessary to calm his anger and vent his frustration. The Torah's prohibition against "cursing the deaf," in Maimonides' view, was intended for the specific purpose of dispelling this very notion. We are informed that even if it is a deaf man who ignites our ire, who will not hear or ever learn of our angry outburst, we must repress our urge for vengeance and release. In Maimonides' words, "For the Torah is not only concerned with regard to the one cursed, but is also concerned with regard to the one cursing, warning that his soul must not arrive at vengeance, and that he not grow accustomed to anger." The Torah prohibits cursing others not for their benefit, but for the purpose of training us to overcome anger and rage, and curb the urge for vengeance. We are bidden to respond to the hostility of others with patience and forbearance, and to act rationally and constructively, rather than allow the human instinct of rage to get the best of us. It therefore makes no difference whether the individual in question hears the expletives uttered against him; what matters is the imprecation's negative effect on the speaker, not the subject.

The Torah emphasizes this purpose of the prohibition by introducing it specifically with regard to a deaf person, who can and will never hear the harsh condemnation spoken against him. Although in truth one may not curse anyone, the Torah specifies the situation of a deaf man to reveal the fundamental nature and primary goal of this prohibition – to train a person in the art of self-control and forbearance.

## **Evidence from the Talmud?**



Rabbi Meir Simcha Hakohen of Dvinsk, Lithuania (early 20<sup>th</sup> century), in his work on Maimonides' *Code* entitled *Or Samei'ach* (Hilkhot Sanhedrin), suggests that Maimonides' position holds the key to interpreting an otherwise baffling passage in the Talmud. Towards the beginning of Masekhet Temura (3b-4a), the Talmud discusses the corporal punishment of *malkot* (flogging) administered for violating this prohibition of cursing another person. As the Gemara establishes, one is subject to corporal punishment only if he invokes a Name of God in his imprecation; otherwise, the court does not administer *malkot* for violating this law. At one point in its discussion, the Talmud questions whether a person who curses another with God's Name truly deserves the possibility of atonement that arises through the court-administered *malkot*. Perhaps, the Gemara argues, given that the violator has committed two wrongs – uttering a Name of God in vain, and causing a fellow Jew distress – he should be denied the "right" to *malkot*, which carries with it the prospect of expiation. The Gemara dismisses this argument by simply citing the verse, "You shall not curse a deaf person," without offering any explanation for how this verse counters the argument raised. Rashi and Tosefot, in their respective commentaries to the Talmud, struggle to explain the Gemara's response.

Rabbi Meir Simcha notes that according to Maimonides, this Talmudic exchange reads very easily. As Maimonides explained, the fact that the Torah introduces the prohibition against cursing a fellow Jew in this manner – "You shall not curse a deaf man" – reflects an emphasis on the utterance itself, rather than on the harm caused to the subject. Accordingly, the Gemara enlists this verse to dismiss the claim of this prohibition's two-tiered severity, that it entails both an affront to God's honor and an insult to a fellow Jew. As evidenced by this verse, this prohibition applies irrespective of any resulting emotional harm caused to one's fellow. Thus, the Gemara responds, we should not raise the gravity of this prohibition to the realm of a two-tiered violation; it involves only the single violation of an inappropriate verbal flare-up, and does not feature the additional dimension of insensitivity towards others.

### **Maimonides and the *Sefer Ha-chinukh***

The anonymous *Sefer Ha-chinukh*, though generally a loyal follower of Maimonides' teachings, charts his own path in identifying the rational underpinnings of this prohibition. The *Chinukh* points to two factors underlying the prohibition against cursing one's fellow, both of which run in opposition to Maimonides' theory. The *Chinukh* begins his discussion by acknowledging the metaphysical power of verbal imprecations. While admitting "that we do not have the ability to know in what respect a curse falls upon the person cursed and what power speech possesses to bring it upon him," he nevertheless asserts that the universal belief in the power of curses suffices as proof to this effect. Once it is commonly assumed that uttering a curse against another potentially causes him harm, we must refrain from such utterances. The *Chinukh* then proceeds to suggest an intriguing philosophical explanation for the power of maledictions, based on the lofty status of human speech in general. In any event, the *Chinukh* here attributes this prohibition to the harmful effects of curses, which he confirms based on either the time-honored, universal fear of curses, or to a broad, philosophical outlook on the metaphysical power of human speech.



This approach, like that of Maimonides, provides a simple explanation for why the Torah introduces this prohibition by speaking of specifically the deaf. The Torah thereby emphasizes that a curse affects its subjects regardless of his awareness of its having been uttered, and it therefore makes no difference whether or not the individual can or will learn of the harsh words spoken against him.

The *Chinukh* then suggests a second approach: "It is also possible to say that the point is to eliminate dissension among people, and that peace shall prevail among them, for a 'bird in the heaven' will bring the voice, and the words of one who curses will perhaps reach the ears of the person he cursed." According to this explanation, this prohibition serves to promote social harmony by banning people's verbal condemnation of one another. The Torah extended this prohibition to even cases where the subject will never hear of the malediction because, as King Shlomo wrote in the Book of Kohelet (10:20), "Don't malign a king even among your thoughts; don't malign a rich man even in your bedroom; for a bird of the air may carry the utterance..." It is forbidden to revile even a deaf man – for even he may, somehow, one day learn of what was said about him.

Clearly, as the *Chinukh* himself notes, Maimonides would disagree with both these approaches. These explanations focus exclusively on the practical effects of the curse – either metaphysical or social. Maimonides, however, emphasizes the point that this prohibition stands independent of any possible effect on the subject of the curse; it relates primarily to the character development of the speaker.

The *Minchat Chinukh*, the classic commentary to the *Sefer Ha-chinukh* (in mitzva 260), comments that this debate between Maimonides and the *Chinukh* could have interesting, practical implications. Consider the case of a person who maledicts an entire group of people in a single utterance. In such a case, the question arises as to how many transgressions the violator has committed. On the one hand, he uttered but a single curse; on the other hand, he reviled multiple individuals. During the time when rabbinical courts were licensed to administer punishment, it was critical to determine precisely how many series of lashes the individual receives for his violation. The *Minchat Chinukh* suggests that the issue in this case would hinge on the aforementioned debate. According to Maimonides, the prohibition focuses on the person uttering the malediction and the effect it has on his character. Quite reasonably, then, the number of people to whom his remarks are directed is irrelevant; he would receive only a single punishment for his utterance, even if it were directed toward a large group of people. The *Chinukh*, by contrast, views this prohibition in terms of the harm brought upon the subject. Conceivably, then, cursing an entire group of people would constitute multiple violations, perhaps warranting multiple series of lashes.

### **Metaphysical Effects of a Curse?**

In considering this debate between Maimonides and the *Chinukh*, it would seem that it revolves around the fundamental question concerning the power of curses. The *Chinukh*, of course, at least in his first approach, recognizes the metaphysical power of curses to cause harm to the one upon whom they are declared, and understood the prohibition to curse one's fellow on this basis. Maimonides perhaps argues on this very point. In his view, curses are practically meaningless as far as the



supposedly "condemned" individual is concerned; it affects only the personality of the one uttering the curse.

This issue arises with regard to the famous Biblical narrative of Bilaam, the gentile seer commissioned by the king of Moav to place a curse upon the threatening Israelites. As the Torah tells in the Book of Bamidbar (chapters 22-4), God prevented Bilaam from proclaiming the curse, and instead forced him to declare only blessings. At first glance, the need for divine intervention to prevent the curse from leaving Bilaam's mouth lends support to the *Chinukh's* position, that curses indeed yield some metaphysical effect. Otherwise, why couldn't the Almighty allow Bilaam to proceed with his curse? Evidently, Bilaam's curse would have posed a significant threat to *Benei Yisrael*, thus prompting God to intervene.

Maimonides perhaps felt that to the contrary, the Bilaam narrative precisely proves the point that God alone possess the powers of blessing and curse. Bilaam opens his first blessing to *Benei Yisrael* – which had been intended as a curse – as follows: "From Aram has Balak brought me; Moav's king, from the mountains of the East: Come, curse Yaakov for me; come, condemn Israel! How can I condemn whom God has not damned, how doom when the Lord as not doomed?" (Bamidbar 23:7-8). This declaration perhaps encapsulates the fundamental message of this entire episode: man is not empowered to place curses upon others. The Almighty alone holds the key to blessings and curses, and precisely for this reason God disrupts Bilaam's plans and forces him to bless *Benei Yisrael*.

Indeed, the 20<sup>th</sup>-century sage Rabbi Moshe Feinstein, in one of his responsa (*Iggerot Moshe*, O.C. 3:78), argues against the metaphysical powers of curses on theological grounds. He claims that the Almighty would assuredly not bring harm upon a person because of the angry imprecations of his fellow. God decides the fate of man independently, and is most certainly not bound by the curses uttered by Torah violators, who, instead of controlling their rage, allow it to erupt into a furious frenzy of expletives about others. Thus, Rabbi Feinstein contends, we cannot possibly explain the Torah's prohibition against cursing others as based on the practical effects of the curse. The only exception, he claims, is a situation where one curses himself. In such a case, God may very well heed the individual's call for his own misfortune and visit harm upon him. Curses uttered against others, however, elicit no response from the Almighty with regard to the intended subjects.

It is very likely that Maimonides subscribed to this line of reasoning, and for this reason did not accept the *Chinukh's* approach to this prohibition.

We should note that Rabbi Chayim Ben-Atar, in his classic *Or Ha-chayim* commentary to the Torah (commenting on the aforementioned verses in Bamidbar), suggests a theological explanation for the metaphysical effects of curses. In his view, although a malediction certainly will not prompt God to initiate harsh treatment towards the curse's subject, it can, under certain circumstances, have the effect of denying the given individual extra-judicial divine compassion and forgiveness. God normally treats mankind with a degree of compassion, far more graciously than they deserve. According to the *Or Ha-chayim*, a curse placed upon the individual could, potentially, interfere with this bestowal of gracious forgiveness and compassion, and result in his dependence upon God's strict judgment, without recourse to the divine attribute of mercy.



## Cursing the Dead

One might question how Maimonides' position accommodates the ruling of *Torat Kohanim* (a Tannaitic compilation on the Book of Vayikra), which he himself codifies (Hilkhos Sanhedrin 26:2), excluding from this prohibition curses uttered against a deceased individual. Seemingly, this exemption is best understood according to the *Chinukh's* view: since this prohibition stems from the concern for the welfare of the person spoken of, it does not apply when that person is no longer alive. According to Maimonides, however, this prohibition relates to the need for restraint and control of anger. Why, then, does the Torah exclude from this law venting one's anger against one who is no longer among the living? We should note that Halakha excludes from this prohibition not only cursing a deceased person, but also uttering a curse against a condemned violator sentenced for execution (Maimonides, Hilkhos Mamrim 5:12, based on Sanhedrin 85). Why, according to Maimonides' approach to this prohibition, should the status of the curse's subject be of any consequence?

This issue was addressed by Rabbi Yehonatan Eibshitz (18<sup>th</sup> century rabbi of Prague, and later of Altuna, Germany), in his legendary work, *Urim Ve-tumim* (a commentary on the "Choshen Mishpat" section of the *Shulchan Arukh* – 27:4). Rabbi Eibshitz cryptically writes, "Certainly, one who curses the dead or someone about to be put to death – what mean-spiritedness is there here? What hatred or love is there? Both his hatred and envy are lost." It appears that in the view of Rabbi Eibshitz, one violates the Torah prohibition against uttering a curse only if there is some substantive content to the malediction, when one expresses his desire for his fellow's misfortune. Wishing a person harm after his death, or even just prior to his execution, is inherently meaningless. Notwithstanding Judaism's firm belief in the immortality of the soul and the concept of an afterlife, Halakha does not recognize the concept of a "curse" effective only after death. Evidently, the independent existence of the soul after death is simply too esoteric or abstract for us to take seriously expressions of ire towards the deceased. Such ranting might indeed, in a more general sense, constitute an inappropriate outlet for releasing anger and vengeance, but the context does not qualify for the formal category of "cursing" envisioned by this prohibition.

## Beyond "Etiquette"

Maimonides' approach to the prohibition against cursing one's fellow should remind us of the important distinction between "etiquette" and absolute, objective values. In contemporary society, considerable emphasis is placed on proper etiquette and social protocol, on maintaining a polite, good-natured demeanor during social engagement. But these unwritten rules cease to apply the moment one retreats into his private world. They serve more as guidelines for winning favor and admiration, rather than objective ends unto themselves. One is therefore entitled to say or feel anything he wishes in private; what matters most is the impression left on others, rather than one's objective character. For Maimonides, by contrast, character refinement encompasses the totality of one's life, even in his most private chambers. Insulting banter is not tolerated even in the proverbial forest with no one to hear the falling tree; a person's pursuit of moral perfection must proceed even in a social vacuum, because Jewish ethics govern not only interpersonal relations, but also one's essential being and



self. Therefore, one may not curse even the deaf. Regardless of whether or not the remark is heard at all, its echo will reverberate within the speaker's soul for years to come, and this effect suffices to outlaw improper ranting even in solitude.