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PARASHAT HASHAVUA

PARASHAT EMOR

The Man who Cursed
By Rav Meir Spiegelman

At the end of our parasha, we find two issues woven together, though at first glance there appears to be no connection between them:

"God spoke to Moshe, saying: Remove from the camp the one who cursed, and let all who heard him place their hands upon his head, and let all the congregation stone him. You shall speak to Bnei Yisrael, saying: Anyone who curses his God shall bear his sin. And one who blasphemes the name of God shall surely die; the entire congregation shall surely stone him; both the stranger and the native born - if he blasphemes, he shall die.

A person who kills any other person shall surely die. If a person kills an animal, he shall pay for it - an (animal) life for a life..." (Vayikra 24:13-18)

Why does the Torah intermix the subjects of the blasphemer and the laws of damages? In fact, why does the Torah mention this subject here at all? It appears to have no connection to either the preceding discussion ("lehem ha-panim" - the showbread) or to the following one (shemitta).[1]

THE SIN OF THE BLASPHEMER

We may understand the sin of "the person who cursed" in two different ways. One possibility is that the person cursed God. This is difficult to maintain, though, since the Torah gives no reason for his doing so. Nowhere are we told that God punished this person or brought on him any suffering prior to the incident of cursing. All that we are told is that "the son of an Israelite woman" fought with an "Israelite man," and - as a result of this fight - the son of the Israelite woman cursed. Hence, there is no reason to suppose that he cursed God.[2]

A different way of understanding the story is to assume that this person cursed his adversary in God's name. According to this view, the word "va-yikov" is derived not from the root "k-v-v" (cursing) but rather "n-k-v" (specific mention): he mentioned God's name while cursing his opponent. He wished to harm his adversary by cursing him, and for this purpose he invoked God's name.[3] If we adopt this explanation, it is easy to understand the connection between the person who cursed and the laws of damages. A person may be injured in many different ways; one of them is through use of God's name in order to inflict harm.

OUR PARASHA VS. PARASHAT SHEMOT

There is an interesting parallel between the episode of the man who cursed and the beginning of Moshe's mission. On the level of content, both stories describe two people fighting (in Sefer Shemot - first an Israelite vs. an Egyptian, and then two Israelites; in our parasha - an Israelite vs. the son of an Egyptian father and an Israelite mother [4]), and Moshe kills the offending party. There are also linguistic parallels between the two parashot:

1. in Shemot we are told, "And Moshe grew up, and he went out to his brethren", while in our parasha we read: "And the son of an Israelite woman went out;"
2. in parashat Shemot, Pharaoh hears of the incident, while in our parasha, the nation hears the curse;
3. in Shemot, Moshe is forced to flee and he becomes a "stranger in a foreign land;" in our parasha, the person who curses is himself a stranger.

Obviously, having discovered this considerable degree of parallel between the two parashot, we must ask what its significance might be.

It seems that, in light of the parallel, we may point to a connection between the man who cursed and the parasha that follows. In parashat Behar, we find a list of some mitzvot that God conveyed to Moshe upon Har Sinai - some of the mitzvot related to the land of Israel, and the laws of freeing slaves. Moshe, too - after fleeing to Midian - arrived at Mt. Sinai, received his mission at the burning bush, and God commanded him to free Bnei Yisrael from their bondage and to bring them to the Land. Possibly, then, the Torah mentions the incident of the cursing here in order to complete the parallel reminding us of the beginning of Moshe's mission and the burning bush.

But what is the significance of this reminder? It seems that the Torah is attempting to turn all of Sefer Shemot and Sefer Vayikra thus far - i.e., all that appears in between these two episodes - into a sort of lengthy digression. Parashat Behukotai - detailing the covenant that God makes with Israel at Mt. Sinai - is the direct continuation of the Exodus from Egypt. Had Moshe gone to Pharaoh immediately after the revelation at the burning bush, and had Pharaoh freed Am Yisrael immediately upon hearing God's command (via Moshe) to do so, then Bnei Yisrael would have been given the mitzvot related to the Land that appear in parashat Behar, immediately upon leaving Egypt.[5]

Hence, we can understand why our parasha opens with a special command to put the man who cursed to death. This draws a parallel between killing him here and the killing of the Egyptian in parashat Shemot. Perhaps the Torah chooses the punishment of stoning specifically because this is the only form of capital punishment that is carried out by the entire congregation, rather than by an appointee of the court. In parashat Shemot, Moshe takes the responsibility upon himself and kills the Egyptian, since he feels that "All of Israel are responsible for one another." In our parasha, the Torah emphasizes that when one Israelite curses another, all of Israel are responsible for punishing him. The authority that Moshe assumed for himself at the start of his mission is transferred here to the entire nation. Following the Revelation at Sinai, Am Yisrael is already a nation, and must assume this authority.

STRUCTURE OF THE PARASHA

An examination of the parasha under discussion reveals that it has a chiasmic structure:

"AND GOD SPOKE TO MOSHE, SAYING [6]:

REMOVE THE PERSON WHO CURSED from the camp...
AND THE ENTIRE CONGREGATION SHALL STONE HIM.

Any person who curses his God shall bear his sin. And one who blasphemes shall surely die; the entire congregation shall stone him.

WHETHER A STRANGER OR A NATIVE-BORN - if he blasphemes, he shall die.

AND IF A PERSON SHOULD KILL ANY OTHER PERSON - HE SHALL SURELY DIE.

A PERSON WHO KILLS AN ANIMAL SHALL PAY FOR IT; an animal for an animal.

IF A PERSON CAUSES HIS FELLOW TO BE MAIMED - AS HE DID, SO SHALL BE DONE TO HIM.

INJURY FOR INJURY,

An eye for an eye...

A TOOTH FOR A TOOTH,

AS HE MAIMED ANOTHER, SO SHALL HE BE MAIMED.

A PERSON WHO KILLS AN ANIMAL SHALL PAY FOR IT.

A PERSON WHO KILLS ANOTHER SHALL DIE.

A single law shall be for you, FOR BOTH THE STRANGER AND THE NATIVE-BORN, for I am Hashem your God.

[7]

AND THEY REMOVED THE PERSON WHO CURSED from the camp AND THEY STONED HIM with stones.

And Bnei Yisrael did AS GOD HAD COMMANDED MOSHE."

Why is there no parallel for the law, "A person who blasphemes his God shall bear his sin"? This would not seem the proper place for this law, for it has no connection with the laws of damages or with the person who curses his fellow in God's name.[8]

Apparently, the Torah is not referring here to a person who blasphemes, but rather to one who curses the judges, who are called "elohim" [9] (as in "their matter shall come to the 'elohim' – judges"). Since the parasha is talking about punishment for sinners, the Torah teaches here that anyone who rebels against the court, receives a punishment from God Who appointed them. If our assumption here is correct, there is yet another parallel to the beginning of parashat Shemot: Moshe appoints himself as a judge over the two Israelites, and the offending party rebels against him: "Who made you a prince and judge over us?" Hence, the Torah warns here about the respect due to a judge.

What is the significance of the chiasmic structure of the parasha? In my shiur on parashat Mishpatim, I noted two alternative explanations for the punishment given to a criminal: it may be considered compensation for the injured party, or it may be considered a punishment for the offender. The latter alternative may in turn be understood in two different ways: a person may be given a punishment because of some serious act that he committed, but we may also tell a person that he must bear the consequences of his actions. The difference between these two perspectives finds expression in a case where a person tries to harm his fellow, but is not successful. If the punishment is given because of his actions, then the fact that his attempt was unsuccessful should not exempt him from the punishment owing to him for his intention. If, on the other hand, a person is simply bound to bear the consequences of his actions, then there is no room for punishment for a person who tried to kill his neighbor but did not succeed.

When the Torah formulates a certain parasha in chiasmic form, it may have a number of objectives. In the present case, it would seem that the Torah is aiming to present a dual understanding of the punishment meted out to the offender. To clarify this point, let us examine the differences between the two parallels. The first time we are told, "a person who kills an animal shall pay for it – an (animal) life for a life,"[10] while the second time the expression "a life for a life" is not mentioned. Likewise, concerning a person who causes his fellow to be maimed, the first time we read "as he did – so SHALL BE DONE TO HIM," while the second time we read, "As he maimed a person – so shall he be maimed." It appears that the first appearance describes the person's responsibility to bear the consequences of his actions: he pays "a life for a life," and receives the same mutilation that he caused to his friend, measure for measure. The second appearance, in contrast, describes the punishment meted out to the culprit: a person who kills an animal must pay its value, while a person who maims his fellow receives the same mutilation as punishment.[11]

[1] See Ibn Ezra, who provides a somewhat forced explanation, and Chizkuni, who "moves" this section and places it adjacent to the story of the man found gathering wood on Shabbat – a story similar in many respects to this one.

[2] See Chizkuni, who resolves this problem by relying on the midrash that connects our parasha to the killing of the Egyptian by Moshe at

the beginning of Sefer Shemot. Below I shall connect these two episodes in a different manner.

[3] Ibn Ezra mentions both possibilities, and leans towards the second. Some commentaries combine the two explanations (Rashi, Rashbam) and explain that this person cursed in God's name and then cursed Him.

[4] Thus, in our parasha the Torah fuses the Israelite and the Egyptian into a single figure. Hence, it is possible that the reason the Torah mentions that the person who deals the blow is the son of an Egyptian is in order to create a parallel between our parasha and parashat Shemot. There is then no need to force an explanation that the Torah mentions his lineage in order to denigrate him (see Ramban and Seforno). It should be added that Chazal specify that Moshe killed the Egyptian through use of God's name. This teaching would appear to be based upon the parallel between the two parashot.

[5] Perhaps even the issue of damages in our parasha may be a parallel to parashat Mishpatim: parashat Mishpatim is the first cluster of laws given to Moshe at Mt. Sinai.

[6] The Torah distinguishes between that which is told to Moshe, and that which he must pass on to the nation. Similarly, at the conclusion of the parasha we are told once that the man was stoned, and then again that Bnei Yisrael did as God had commanded. This apparent repetition comes to emphasize the above point – that there is special significance to this matter specifically in relation to Moshe, because of the parallel to Sefer Shemot.

[7] We could arrange the comparison slightly differently: If we abandon the attempt to include the introductory verses told to Moshe alone, we could draw a parallel between this command and the act of stoning, which was carried out by Bnei Yisrael. The parallel as set out in the article above is simpler; in any event, the difference is not a fundamental one.

[8] One could, perhaps, explain that what connects them is the concept of cursing, but this explanation sounds forced.

[9] The Torah here deliberately uses a different name for God. When discussing the act of mentioning God's name, the Torah uses the Tetragrammaton. When discussing the act of cursing, the Torah uses the name "E-lokim." This, too, supports the view that the verb "vayikov" does not refer to blasphemy, and that "cursing elohim" refers to judges and not to God.

[10] Ibn Ezra maintains that this expression, too, refers to one who kills another person.

[11] However, the difference between "so shall be done to him" and "so shall he be maimed" is not so simple. But in the parasha concerning the "conspiring witnesses," the Torah commands, "You shall do to him as he conspired to do to his fellow." The conspiring witnesses did not succeed in executing their plan, and they are punished only for their intention. (Chazal even establish, "[He is punished] when he conspires, but not when he actually performs.") The Torah does not say, "And you shall do to him as he did," – for he did not succeed in doing anything, in fact. Hence the verb "did" is reserved for an instance in which the person did actually manage to pull off what he had planned. Therefore, in our parasha the expression, "As he did – so shall be done to him," indicates a person who did manage to do what he intended to, and leads us to understand the punishment as bearing the necessary consequences of the sin.

(Translated by Kaeren Fish)

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