The Mitzvah of Sensitivity

**YOUR CHUMASH TALMUD NAVIGATOR**

The Talmud consists of two parts. The *Mishnah* (Hebrew for teaching) and the *Gemara* (aramaic for learning). The Mishnah is a terse compendium of legal concepts presented through specific cases and their corresponding positions. It was canonized in the third century by Rabbi Yehudah Hanassi (the prince).

Subsequent discussions which expand, digress from and disagree with the issues in the Mishnah are recorded in the Gemara, which was canonized in the sixth century.

The Talmudic text we are studying today grapples with the meaning of the following three verses. The first verse appears in the Mishnah and the other two verses appear the Gemara. Before you start to read the Mishnah, take a look at these three verses and ponder what new idea each one gives you.

**Exodus 22:20**

כָּאָלָה וְאֵלָה חַיָּה לְאָלָה חַיָּה הֹיִים הָאֲשָׁר לְאָלָה מַהְלֵתָה מַהְלֵתָה
You shall not aggrieve a stranger or oppress him, for you were strangers in the land of Egypt

**Leviticus 25:14**

יָדָאִים יָדָאִים מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה
When you sell property to your neighbor, or buy any from your neighbor, you shall not aggrieve one another

**Leviticus 25:17**

יָדָאִים אֶלְמַה אֶלְמַה אֶלְמַה אֶלְמַה אֶלְמַה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה אֶל מַהְלִיתָה
Do not aggrieve one another, but fear your God; for I am the Lord your God

Now witness how the Talmud through its close reading learns different things from each of these verses.
Mishnah: Just as [it is illicit] to aggrieve someone in business, it is also [illicit to] aggrieve someone with words. One should not say, "How much does this item cost" if he does not mean to purchase it. If a person had once led a sinful life, one should not say, "Remember what you used to do." If he was the grandchild of heathens, one should not say, "Remember how your ancestors behaved." As it is written: "You shall not aggrieve the stranger, and you should not oppress him." (Exodus 22:20)

YOUR MISHNAH NAVIGATOR: Ona'at Devarim, the mitzvah of sensitivity

The word "ona'ah" (translated as aggrieve) is used in two contexts, the financial and the personal. Just as price gouging is considered "ona'ah", so, too, are the examples elucidated in the Mishnah above.

If one price gouges one is taking unfair advantage over another. How does this form of ona'ah relate to the "ona'ah" where one asks the store clerk the price of something he has no intention to purchase?

Now, what do these examples have in common with the person who makes another recall the sins of his past?

Can we come up with a working definition of Ona'ah?

The Gemara which comments and expands upon the Mishnah opens its discussion with an alternative tradition which was excluded from the Mishnah, but was recorded at the same time. When Rabbi Yehudah Hanassi compiled the mishnah there were many rabbinic discussions that were excluded from his collection. Often times the later editors of the Talmud will bring those discussions which may either complement, expand, or take issue with what was stated in the Mishnah. This extra mishnaic material is called a Beraitha. Take a look at the Beraitha's explication of the verse "Do not aggrieve one another." Compare the examples listed in the Beraitha with the Mishnah and continue to create
a definition of Ona'ah. (Now, remember those verses in Leviticus? The Talmud is about to deal with them.)

Gemara: The rabbis taught: "Do not aggrieve one another..." (Leviticus 25:17)
Is the verse referring to aggrieving someone with words or is it referring to aggrieving someone in business? When an [earlier] verse states, "When you sell to your neighbor, or buy property from him [do not aggrieve one another.]" (Ibid:14) Here it is clear the context is referring to business, so therefore the other verse must teach us about aggrieving someone with words...

YOUR NAVIGATOR OFFERS A HINT
Look up the verses and see them in their original context. Why do the rabbis assume that the verse in Leviticus 25:17 cannot be referring to business practices?
Now, back to the Beraitha.

Gemara cont'...How does one aggrieve someone with words? If the person had a sinful past, don't say to him, "Remember how you used to behave." If he was the child of converts, don't say to him, "Remember, how your ancestors behaved. If he, himself, was a convert who had come to learn Torah, don't say to him, "The mouth that once feasted on foods is coming to learn the Torah that was uttered from the mouth of the Mighty One? Or, if someone fell ill, or he had buried a child, don't speak to him in the way that Job's friends spoke to him. As it is written: "Is not your piety your confidence, your integrity your hope? Think now what innocent man ever perished..." (Job 4:6-7) If donkey drivers asked a person for straw, he should not tell them to "Go to so and so's for he sells straw for animals."--when he
knows that the person has never sold it. Rabbi Yehuda says: One should not even cast his eyes on a purchase if he does not have the cash on hand, for this is something that is only known in the heart, and everything that remains in the heart bears the injunction, "[Do not aggrieve one another] and you shall fear the Lord your God..." (Leviticus 25:17)

YOUR TALMUD NAVIGATOR

As the Talmud struggles to give us a definition of ona'ah, it brings statements from many different rabbis, do these statements complement or contradict each other? The following Talmudic passage segues from defining ona'ah to a related issue. Note when that transition occurs. After they deal with the related issue they return to our issue of ona'ah. Note when you return to our issue of ona'ah. The gemara is sequenced associatively, much the way our minds work naturally. When we're tooling down the highway, we start with one thought and then gradually go to the next...and the next...and the next...until...finally...you say, "How'd I start thinking about that?"
Rabbi Shimon Bar Yochai said: "Aggrieving someone with words is worse than aggrieving someone in business. For when the verse is referring to business, the verse does not enjoin us to fear the Lord while when the verse refers to aggrieving someone with words, it also tells us to fear the Lord. Rabbi Elazar said: "Aggrieving with words harms the body, while aggrieving in business only harms his property." Rav Nachmani said, "One is possible to respond to while the other is not possible to respond to." The Tana taught before Rabbi Yitzchak: "Anyone who blanches the face [humiliates] of his fellow in public, is seen to have spilled his blood." Rabbi Yitzchak said, "Well spoken, For I have seen the redness drain from a person's face and he becomes pale."

Abayye said to Rav Dimi: "What are they most careful about in the west [in Israel]?" He said to him: "Making a face blanch. For Rabbi Hanina said:

"Everyone goes to Gehennom except for three."

"Does he really mean everyone goes to Gehennom?"

Rather he must mean everyone who does go to gehennom ascends from there except for three, and these are the three:

1. Anyone who has relations with another man's wife.
2. Anyone who humiliates a person in public.
3. Anyone who calls someone by a disparaging nickname.

Isn't calling someone by a disparaging nickname, the same as humiliating him? Even if the name has become so familiar [that it no longer blanches the face of the person.]...Mar Zutra Bar Tuvia said in the name of Rav, although some think it was Rav Chana Bar Bizna said it in the name of Rabbi Yochanan in the name of Rabbi Shimon Bar Yochai: "It is better that one would throw himself into a furnace than humiliate another in public. How do we know this? From Tamar, as it is written:

24. And it came to pass about three months after, that it was told Judah, saying, Tamar your daughter-in-law has played the harlot; and also, behold, she is with child by harlotry. And Judah said, Bring her out, and let her be burned.
25. When she was brought out, she sent to her father-in-law, saying, By the man, whose
these are, am I with child; and she said, Discern, I beg you, whose are these, the signet, and bracelets, and staff.

26. And Judah acknowledged them, and said, She has been more righteous than I; because I did not give her to Shelah my son. And he knew her again no more.

Rav Hanana the son of Rav Iddi said: Why is it written: "Do not aggrieve one another..." (Leviticus 25:17) Do not aggrieve him with the way you carry your Torah [study] and [your adherence to] the commandments. Rav said, "Let a man be careful about aggrieving his wife, for when she cries, she is close to having been aggrieved. Rabbbi Elazar said: When the Temple was destroyed the gates of prayer were locked, as it is written: "Even when I cry out and wail, my prayer has been blocked." (Lamentations 3:7) But even though the gates of prayer have been locked the gates of tears have not been, as it is written: "Hear my prayer, O Lord; give ear to my cry; do not disregard my tears." (Psalms 39:13)

R. Hisda said: All the gates have been locked, except for the gates [through which pass the cries of] wrong [ona'ah], for it is written, Behold the Lord stood by a wall of wrongs, and in his hand were the wrongs.(Amos 7:7) R.Eleazar said: All [evil] is punished through an intermediary, except for ona'ah, for it is written, And in his hand were the ona'ah. R. Abbahu said: There are three [evils] before which the Curtain [before God] is not closed: ona'ah, robbery and idolatry. Ona'ah, for it is written, and in his hand was the ona'ah. Robbery, because it is written, Robbery and spoil are heard in her; they are before me continually. (Jeremiah 6:7) Idolatry, for it is written, A people that provokes me to anger continually before my face; [that sacrifices to idols — in gardens, and burns incense upon altars of brick]. (Isaiah 65:3)...