

The Most Subtle Form of Oppression

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Parashat Behar

Biblical terminologies for improper behavior towards another

The Bible contains a number of Hebrew terms connoting oppression, persecution, and suffering. Not in any particular order, we find “Lachat” (to pressure);¹ “Nagas” (to cause to work hard; the act of taking interest on a loan);² “Ina—Ayin Nun Heh” (to afflict);³ and “Ina—Alef Nun Heh” (to oppress).⁴ It is interesting to note that several of these words appear to be used interchangeably with respect to physical and psychological persecution and oppression on the one hand, the paradigm being what the Egyptians did to the Jewish people during the period of the latter’s enslavement, and monetary improprieties on the other, e.g., taking interest from a poor individual, price gouging, etc. The term “Ani”⁵ derives from the root “Ayin Nun Heh”, and while its specific connotation is an impoverished individual, the etymology of the word suggests that the psychological state of suffering and humiliation lies at the heart of such a person’s situation, and it is this specific suffering that is relieved when financial aid in one form or another is offered to him/her.^{6 7}

The most difficult oppression to avoid perpetrating is the least overt

The subtlest form of oppression discussed by the Tora is one step removed from blatant financial untowardness; yet the Rabbis derive such prohibited behavior from a verse that seems at first glance to deal with common monetary issues. VaYikra 25:14⁸ instructs that during the

¹ Shemot 3:9; 22:20; 23:9; Devarim 26:7.

² Shemot 5:10, 14; Devarim 15:3.

³ Beraishit 15:3; 16:6, 9, 11, 45; 29:32; 31:7, 42; 34:2; 41:52; Shemot 1:11, 12; 3:7, 17; 4:31, 16:3; VaYikra 16:29, 31; 23:27, 29, 32; BaMidbar 29:7; Devarim 8:2, 3, 16.

⁴ Shemot 22:20; VaYikra 19:33; 22:14, 17.

⁵ Shemot 22:24; VaYikra 19:10; 23:22; Devarim 16:3; 24:14, 15.

⁶ RaMBaM, Hilchot Matanot Aniyim, 10:7 writes that among the highest forms of Tzedaka is to provide an individual with a means by which he can support himself through work. Consequently, even when an individual has to earn his keep, nevertheless the fact that he has his dignity back, further illustrates how crucial the psychological element is when dealing with someone who is down on his/her luck.

⁷ Another indication that Tzedaka is given only when the perceived need of the impoverished individual is met stems from the Talmud’s interpretation of the phrase in Devarim 15:8, that one is obligated to give the “Ani” “Dai Machsuro” (enough to satisfy his/her needs), whatever the individual may think s/he is lacking. The extremes to which some have gone in order to try to fulfill this requirement is embodied in Ketubot 67b’s account of Hillel the Elder, who with regard to someone who had been used to riding upon a horse and even having someone run in front of the horse, provided these luxuries for the newly impoverished individual. Not only did Hillel provide these things, the Gemora recounts, but once, when he could not find someone to run in front of the rider, Hillel did so himself. (I find it hard to understand how the “Ani” permitted the great scholar to demean himself and do this. Perhaps it was only because Hillel insisted.) In this case, Tzedaka was not fulfilled by simply giving the “Ani” money so that he could purchase whatever he wanted, but rather by trying to restore his dignity by replacing aspects of his life that he now desperately missed, and as a result was plunged into depression.

⁸ 25:14 And if thou sell aught unto thy neighbour, or buy of thy neighbour’s hand, ye shall not oppress one another.

25:15 According to the number of years after the jubilee thou shalt buy of thy neighbour, and according unto the number of years of the crops he shall sell unto thee.

course of sales, barter, acquisitions, and any other form of transfer of property by one person to or from another, “Ona’ah” (from the root Alef Nun Heh) must not occur. Bava Metzia, beginning on 49b, discusses this prohibition, and defines its essence as a restriction upon making too much profit or paying too little for something that is being bought and sold. As opposed to the proposition that a seller should be able to charge whatever the market will bear, and that the buyer should strive to pay as little as possible for that which he wishes to acquire, the Tora places limits upon the extent to which individuals engaging in commerce can exploit the current supply and demand situation for their personal benefit. 25:14 is followed by verses 15 and 16 in which the Tora points out that with regard to sales of real estate, the number of years until the Yovel (the Jubilee Year, the fiftieth year of the Sabbatical year cycle—see VaYikra 25:10) must serve as the basis for pro-rating the price of the land being made available for purchase, since the purchaser will be able to make use of the land only until the time when it returns to its original tribal owner. These verses too appear to be dealing with a mercantile context, much like the preceding verses. Consequently, when we reach verse 17, “A person should not oppress his fellow, and you will fear Your Lord, because I am the Lord, your God”, our first impression is that here too the Tora is dealing with some sort of monetary abuse.

However, the Mishna in Bava Metzia 58b presents a different interpretation of 25:17, beginning with a financial scenario, but then continuing into areas that have nothing to do with monetary considerations:

Just as there is oppression with respect to buying and selling, so too there is oppression by means of one’s words.
What are examples of this prohibition?

- a) An individual should not say, “How much is this object?” when he has no intention of purchasing it.
- b) If the individual is a penitent, one should not say to him, “Remember your actions of the past.”
- c) If he is the child of converts, do not say to him, “Recall the actions of your forbearers”.

Additional scenarios are listed in a Baraita immediately following the Mishna, on the same page of the Talmud, beginning with non-monetary contexts, but returning to financial issues in the last two examples:

...d) If he is a convert and is coming to study Tora, do not say to him, “The mouth that once consumed non-Kosher foods, comes now to study Tora which emanates from the ‘Mouth’ of the All-Powerful One?”⁹

25:16 According to the multitude of the years thou shalt increase the price thereof, and according to the fewness of the years thou shalt diminish the price of it; for the number of crops doth he sell unto thee.
25:17 **And ye shall not oppress one another; but thou shalt fear thy God; for I am the LORD your God.**

⁹ If we are expected to be so careful regarding the sensibilities of “Geirim”, it has always struck me as strange when the Talmud quotes someone who makes an apparently extremely unfriendly remark about such individuals. Kiddushin 70b—R. Chelbo said: “Geirim” are as problematic for the Jewish people as

e) If afflictions come upon him, or sickness befalls him...do not say to him as did Iyov's friends, (Iyov 4:6,7) "Is not your fear of God your confidence, and your hope the integrity of your ways? Recall now who was innocent has ever perished? Or where were the upright cut off?" (i.e., these things are happening to you as a result of some sort of shortcoming on your part.)

f) If donkey owners come to a person looking to purchase grain, don't tell them, "Go to Ploni (So and So) who will sell grain to you" when you know that Ploni never sold grain to anyone before.

g) R. Yehuda says: Don't stare at something for sale when you have no money by which to purchase it...

While examples a), f) and g) remain within the realm of commercial affairs, and therefore constitute natural extensions of the principles enunciated in the verses immediately preceding 25:17, albeit they nevertheless seem to have more to do with causing a sense of disappointment and frustration on the parts of sellers and farmers, rather than actually costing them money,¹⁰ b), c), d), and e) appear to have nothing to do at all with what the Tora had been including under the rubric of "Ona'ah" in VaYikra 25, i.e., inappropriate behavior with regard to the exchange of property. Even if one were to contend that since the Tora had already delineated a prohibition in this regard in 25:14, 25:17 is thereby rendered superfluous and subject to original and creative interpretation, what led the Rabbis to assume that what was being discussed was specifically verbal abuse by casting aspersions on one's present by dredging up one's past?

Accounting for the introduction of the Rabbinic concept of Ona'at Devarim (verbal oppression)

The basis of the Rabbinic interpretation is most probably the context of the verb "Alef Nun Heh" in its two earlier appearances in the Tora, Shemot 22:20 and VaYikra 19:33. "You shall neither oppress a 'GEIR' (a sojourner) nor pressure him, for you were 'Geirim' in the land of Egypt"; "And if a GEIR sojourns with you in your land, you shall not oppress him." By drawing

"Sapachat" (a form of Tzora'at, i.e., spiritual leprosy), as it says, (Yeshayahu 14:1) "When HaShem will Have Mercy on Yaakov and will again Choose Yisroel, and Place them upon their land, and the 'Geir' will accompany them, 'VeNispechu' (and they will be absorbed) into the house of Yaakov". It is written here, "VeNispechu" and it is written there (VaYikra 14:56) "For a rising, 'U'LeSapachat', and for a bright spot." While Tosafot d.h. "Kashim Geirim" includes the comment of R. Avraham HaGer who posits that the reason why "Geirim" pose difficulties for the rest of the Jewish people is because they take Mitzva performance more seriously than do those who were born into the religion, thereby putting the latter group into an unfavorable light, nevertheless, the Talmud's recording such a sentiment, i.e., the problem is not only with R. Chelbo to whom the comment is attributed, but also with Ravina and R. Ashi, the editors of the Talmud, without providing its own additional comment or interpretation, would appear to be a violation of not subjecting "Geirim" to verbal oppression.

¹⁰ While a circumstance could be imagined where a loss of money occurs, i.e., the salesperson works on commission, and if you waste his time, when he could have been serving a customer that would make a purchase, then you have deprived him irrevocably of the chance to earn such a commission by preoccupying him needlessly; or the buyers have deadlines by which to fulfill contracts, and by sending them on a wild goose chase, you will be putting their contractual obligations at risk, etc., the Oral Tradition appears to be including such cases as examples where it is one's feelings rather than one's resources that are being attacked.

attention to the social status of a potential victim of oppression,¹¹ the Tora suggests that its edict is violated not only when monetary inequities are perpetrated, but also by means of attacks against the legitimacy and self-esteem of the individual in question. Consequently, we now understand where examples c) and d) in Bava Metzia 58b originate as well as the textual basis of b), i.e., not abusing a penitent. RaMBaN, on Shemot 22:20 succinctly states two rationales for these commandments:

...And RaShI explains that it (“...because you were ‘Geirim’ in the land of Egypt”) is the reason why one may not oppress him (a Geir), warning that you are not to oppress him verbally, because if you oppress him, he can return the favor, and say that you too are descended from sojourners. A flaw that applies to you, avoid calling attention to it in another.¹²

And Ibn Ezra explains: Remember that you were a sojourner just like him. And there is lacking in all these the essential reason for the prohibition (i.e., if you would not have experienced the state of “Geirut”, it would be acceptable to be disrespectful to these individuals?)

The correct understanding, in my opinion, is that you must not oppress a Geir and put pressure upon him, thinking that there will be no one to come to his assistance. You know that you were sojourners in the land of Egypt and I Witnessed the pressures to which the Egyptians subjected you, and I Took Revenge from them, because I See the tears of the oppressed who have no one to comfort them, and no power in the face of their oppressors. And I Save every man from those that are stronger than him. Similarly, (Shemot 22:21, 22) “The widow and the orphan you must not afflict...if you afflict them and they cry to me, I will surely Hear their cry.” Because all of these do not depend upon themselves, but rather depend upon Me.

The common denominator becomes the exploitation of the weak by those who are more secure, more accepted, more powerful, more socially connected. While with regard to an individual who is at an economic disadvantage either because his need for an object outstrips its availability, or because s/he did not do the requisite research in order to determine the market value of the object in question, resulting in either someone making a “killing”¹³ or getting “ripped off”, not only might we not readily recognize that this is objectionable behavior, but that the prohibition

¹¹ The term “Geir” has two basic connotations: a) “Geir Toshav” (a sojourner who is a co-dweller, in contrast to a co-religionist)—an individual who is not Jewish, but who nevertheless observes the Seven Noachide commandments (for a discussion of the Noachide commandments, see the essay on Parashat Emor, 5764 “Striving to Create an Atmosphere of Respect” <http://www.kmsynagogue.org/Emor.html>), and b) “Geir Tzedek” (a righteous sojourner)—one who has become Jewish and thereby accepted upon him/herself to carry out Jewish law in its entirety. While the latter has more in common with the rest of the Jewish people in terms of lifestyle and beliefs, xenophobia nevertheless inspires intolerance, bigotry, and improper treatment even to “Geirai Tzedek”, let alone “Geirai Toshav”.

¹² This appears to be another form of the Rabbinic dictum, (Kiddushin 70a-b) “Kol HaPoseil, BeMumo Poseil” (whomever castigates another by categorizing him as possessing a particular deficiency, is projecting his own deficiency).

¹³ This idiomatic usage conveys the violence involved as well as the figurative obliteration of the “loser”.

can even be voided if the parties involved full-heartedly agree,¹⁴ the same cannot be said concerning saying insensitive things to “Geirim”, the suffering, and/or the penitent.

Why in Ona’at Mamon (monetary oppression) can the “victim” forgo the Tora’s protection, but not with regard to Ona’at Devarim (verbal oppression)?

The double standard between the ability to consciously obviate transgressions of Ona’at Mamon as opposed to Ona’at Devarim parallels a distinction that is made by the Talmud with regard to personal injury. Bava Kamma 92a notes that even if a person states that he will not take umbrage if someone else were to blind his eye, cut off his hand, or break his foot, the perpetrator would be considered culpable, the same is not true with regard to one’s property, i.e., if the owner invites someone to destroy one of his possessions with the understanding that he will not be prosecuted, this is permissible.¹⁵ An individual has inherent holiness due to his standing as having been created Be’Tzelem Elokim (in the Image of God), which cannot be said for that which he owns. While Tzadikim (the righteous) are depicted as possessing hyper-regard for their property—

Chullin 91a

(Berashit 32:25) “And Yaakov was left alone.”

Said R. Eleazar: He remained behind for the sake of some small jars.

Hence [it is learnt] that to the righteous their money is dearer than their body; and why is this? Because they do not stretch out their hands to robbery.¹⁶

such a sentiment or conception is not expected of the ordinary individual who can not only legally renounce (make Hefker) his possessions, but even destroy them.¹⁷

Conclusion

Reflecting upon this particular prohibition in the Tora should not only be a study in Rabbinic interpretation and understanding, but will helpfully sensitize all of us to how precisely and carefully we have to consider what we say and to whom we say it. Deep empathy with the significant as well as not-so-significant others in our lives will not only help us to avoid offending them, but also to enjoy one another’s company and support as we all encounter life’s challenges.

¹⁴ Shulchan Aruch, Choshen Mishpat, 227:21 notes that a buyer and seller can obviate the laws of monetary Ona’ah by spelling out the fact during their negotiations that either the object is worth significantly less than the asking price, or it is worth significantly more than the offering price. Consequently Ona’ah is a sin only when exploitation takes place unbeknownst to one party or another. However, if they mutually agree to be “Mochel” (forego the requirement that no more than 1/6 profit can be earned), no violation is considered to take place.

¹⁵ While it might be permissible for the perpetrator to act upon the invitation of the property owner, it would appear that the latter would have to answer for Devarim 20:19 “...Lo Tashchit” (you shall not destroy), or in more common parlance, “Bal Tashchit”.

¹⁶ The premise of this Talmudic passage was explained by R. Chaim Yaakov Goldvicht, ZTzL, founding Rosh Yeshiva of Yeshivat Kerem B’Yavneh, to reflect the assumption by the righteous that all that comes into their possession is for some sort of Divinely Inspired purpose. Consequently, if they waste any of their possessions, it is as if they are trespassing on the Divine Plan, taking something out of their possession that truly belongs there, consequently a form of thievery—from themselves!

¹⁷ Keeping in mind the caveat mentioned in fn. 15.