

“Just” Joking

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In this week’s *parashah*, the Torah explicitly and unequivocally prohibits exploitative behavior or shady practices in financial transactions:

ויקרא כה:יד

וכי תמכרו ממכר לעמיתך או קנה מיד עמיתך אל תונו איש את אחיו:

VaYikra 25:14

When you buy or sell merchandise from your fellow, a person shall not exploit¹ his brother.

Our Rabbis understand this prohibition as relating to the “softer” crimes of overcharging and exploiting a potential business partner’s lack of knowledge about whether or not they are getting a reasonable price,² since the Torah already prohibits theft and outright lying.³

The Torah then repeats the prohibition on exploitative practices three verses later.⁴ This enables the Rabbis to understand that the prohibition on this type of behavior extends beyond the realm of the strictly monetary and into all realms of interpersonal interaction and discourse. The Rabbis emphasize that even when there is no financial harm which can be litigated in court, hurting someone else’s feelings is just as grave a sin. Understanding the contours of the type of offense that is prohibited here can help us gain insight into what it means to truly take the feelings of others into account and can enable us to become more aware and sensitive people.

¹ The language of *lo tonu, do not exploit*, has been translated in different ways: e.g. mistreat, oppress, harm. My translation is supported by R. Samson Raphael Hirsch’s definition of *ona’ah*: “the exploitation of the weakness of man, in order to cheat him.”

² See Mishnah Bava Metzia 4:3-4.

³ See the prohibition on dishonest weights and measures, VaYikra 19:36.

⁴ See VaYikra 25:17 וְלֹא תוֹנוּ אִישׁ אֶת עֲמִיתוֹ וְרֵאתָ מֵאֲלֵהֶיךָ כִּי אָנֹכִי ה' אֱלֹהֵיכֶם.



The source for the prohibition on painful speech is in the Talmud, in Bava Metzia:⁵

תלמוד בבלי בבא מציעא נח:

לא תונו איש את עמיתו (ויקרא כה:ז) - באונאת דברים הכתוב מדבר⁶... הא כיצד? אם היה בעל תשובה, אל יאמר לו: זכור מעשיך הראשונים. אם היה בן גרים, אל יאמר לו: זכור מעשה אבותיך. אם היה גר ובא ללמוד תורה, אל יאמר לו: פה שאכל נבילות וטרפיות שקצים ורמשים בא ללמוד תורה שנאמר מפי הגבורה! אם היו יסורין באין עליו... אל יאמר לו כדרך שאמר לו חבירו לאיוב: **הלא יראתך כסלתך תקותך ותונו דרכיך, זכר נא מי הוא נקי אבד** (איוב ד:ו).
אם היו חמרים מבקשין תבואה ממנו, לא יאמר להם: לכו אצל פלוני שהוא מוכר תבואה, וידע בו שלא מכר מעולם.
רבי יהודה אומר: אף לא יתלה עיניו על המקח בשעה שאין לו דמים, שהרי הדבר מסור ללב, וכל דבר המסור ללב נאמר בו **ויראת מאלהיך**.

Talmud Bavli Bava Metzia 58b

A person shall not exploit their fellow (VaYikra 25:17). [In this verse] the Torah is speaking about exploitative speech... How does this manifest?

- 1) If one is a penitent, another should not say to them, "Remember your prior deeds."
- 2) If one is the child of converts, another should not say to them, "Remember the deeds of your ancestors."
- 3) If one is a convert themselves and is coming to study Torah, another should not say to them, "The mouth that ate non-kosher food⁷ is now coming to study Torah, which was spoken from the mouth of the Almighty?!"
- 4) If one is experiencing suffering...another should not respond as [insensitively] as Iyyov's friends did [saying], **Isn't your fear your foolishness? Your hope and the perfection of your ways—remember now who is clean and has been destroyed**" (Iyyov 4:6)?!
- 5) If there were donkey drivers asking him for feed, he should not say to them, "Go to so and so who sells feed" when he knows that that person has never sold.
- 6) R. Yehudah says: He shouldn't even look too much at merchandise at a time that he doesn't have money. And this is something that only the heart knows, and about anything that only the heart knows, it is said: **You should fear your God**.

The Talmud here gives six examples of *ona'at devarim*, painful or oppressive speech. The last two are clear extensions of the respectful business practices that monetary prohibitions on *ona'ah* are designed to reinforce. They teach: Don't steal someone's time by giving them misinformation about whether or not you are a customer or someone else is a relevant merchant. However, the first examples of *ona'at devarim*, such as reminding someone of their status as a convert or *ba'al teshuvah*, don't fit neatly as extensions of exploitative business

⁵ Based on Mishnah Bava Metzia 4:10.

⁶ The section of the text that I omitted states that since the earlier verse has already established the prohibition on financial exploitation, this verse must be speaking about verbal or emotional abuse.

⁷ Lit. carcasses of Kosher animals, non-Kosher mammals, birds or insects, and creepy crawlies.



practices. First, though these statements are cruel, they are in no way misleading. In these cases, one person highlights the lower status of another, but it does not appear that the person of lower status is being taken advantage of in any way. If the prohibitions on cruel speech are so broad, why include them under the framework of *ona'ah*?

Although the violations look quite different, there is a strong link between the financial and verbal manifestations of *ona'ah*. The perpetrator is in possession of a similar mindset regardless of the type of *ona'ah* they engage in. And there is a similar impact on the heart of the victim. We can see this through Rabbeinu Bahya's⁸ explanation of why *ona'ah* of this type is so terrible and so dangerous:

רבנו בחיי על התורה, ויקרא כה:ז,א

ולא תוננו איש את עמיתו ויראת מאלהיך. זו אונאת דברים שלא יקניט את חבירו ולא ישיאנו עצה שאינה הגונה לו, ואמרו רז"ל כל השערים ננעלו חוץ משערי אונאה... והטעם לפי שהמתאנה מצטער ביותר ומחליש דעתו ולבו נכנע על צרתו ומתפלל מתוך דאגת לבו בכוונה ונשמע. ואם הוא אומר "ומי יודע אם נתכונתי לרעה," לכך נאמר ויראת מאלהיך.

Rabbeinu Bahya on VaYikra 25:17a

A person should not exploit their fellow and you shall fear your God. This [verse refers to] exploitative language. A person should not antagonize their fellow or give them inappropriate advice. And our Rabbis of blessed memory said: All of the gates [of prayer] can be closed except for the gates of exploitation...⁹ And the reason [why these gates stay open] is that the exploited person is exceedingly upset and is distressed (*maḥlish da'ato*) and his heart is subsumed by his sorrow. And he prays out of his worry with intention and he is heard.

And if [the exploiter] says [to himself], "Who will know if I intended harm?" Therefore it says **and you shall fear your God.**

In his commentary, Rabbeinu Bahya highlights two dimensions of *ona'ah*—first how it affects the victims in a uniquely terrible way and then, in spite of this, how the perpetrator might still be able to interpret his own behavior charitably. The problem with *ona'ah* of both the financial and the “merely” verbal type is that, in either situation, there is plausible deniability on the part of the person who does it. When the perpetrator asks, “Who will know if I intended harm?” she is reflecting that her behavior is not clearly wrong to an outside viewer. How is another person supposed to know whether I am intentionally giving bad advice? Maybe I don't know what the market value is of the item, and that's why I'm overcharging! Maybe I am trying to be complimentary when I refer to the past of a *ba'al teshuvah*; I'm letting

⁸ Bahya ben Asher, 1255-1340, Spain.

⁹ Talmud Bavli Bava Metzia 59a.



everyone know how far this person has come! The act of *ona'ah* is so subtle and slight that it can go by unnoticed.

More significantly, this behavior might even be undetectable to the person who engages in it themselves! A person might ask *themselves* the question of whether or not they intended to hurt their friend and conclude, "It's not like I meant any harm!" We can delude ourselves into thinking that if a comment isn't designed to be hurtful or isn't obviously harmful, then it must be ok. We can cite the "no offense" defense; if I didn't *mean* to offend you, then you should not be offended. If I didn't "mean anything" by my comment, or I meant it to be funny, especially if I meant it to be kind or helpful, then I'm not responsible for the effect that my words had. However, the laws of *ona'ah* and *ona'at devarim* focus on the outcome for the victim. If they were cheated or they were hurt, then the person who caused them that pain is responsible. The absence of malintent does not absolve us when we cause harm.

This understanding of the mindset of the perpetrator of *ona'ah* is highlighted in Rabbeinu Bahya's first insight into why *ona'at devarim* is so bad; it can have a uniquely harmful, psychological effect on its target. Because the perpetrator can plausibly deny that they have done anything wrong, the victim might be led to blame themselves for feeling hurt or disenfranchised. A person might even second-guess themselves saying, "Maybe I deserve this bad price because I'm not a savvy shopper" or "Maybe I don't deserve to grow in learning because I came from a non-Jewish background." A person might deny their own, legitimate feelings and criticize *themselves* for being oversensitive. This possibility is reinforced by the way Rabbeinu Bahya characterizes the bad feelings of someone who suffers on account of *ona'ah*. "His heart is subsumed by his sorrow" can be more literally translated as "his heart is submissive on account of his sorrow," meaning that he subjects himself to the *ona'ah* narrative and submits to its power to corrode his own sense of self and his dignity.

Rabbeinu Bahya also uses another instructive term to describe the distress felt by someone who has been exploited in any way: *maḥlish da'ato*. This language is used throughout the Talmud to refer to someone who experiences profound psychological pain. Significantly, it is used later in Bava Metzia to describe the pain felt by Reish Lakish and R. Yoḥanan when they make insensitive comments to one another along the lines of *ona'at devarim*:¹⁰

תלמוד בבלי בבא מציעא פד.

...אקרייה ואתנייה, ושויה גברא רבא. יומא חד הוו מפלגי בי מדרשא: הסייף והסכין והפגיון והרומח ומגל יד ומגל קציר מאימתי מקבלין טומאה? משעת גמר מלאכתן, ומאימתי גמר מלאכתן? רבי יוחנן

¹⁰ The Talmud brings a different story to explicitly illustrate the damage of *ona'at devarim*—the story of R. Eliezer in the oven of Akhnai, on Talmud Bavli Bava Metzia 59a-b.



אומר: משיצרפם בכבשן, ריש לקיש אמר: משיצחצחן במים. אמר ליה: לסטאה בלסטיותיה ידע! אמר ליה: ומאי אהנת לי? התם רבי קרו לי, הכא רבי קרו לי. אמר ליה: אהנאי לך דאקרבינך תחת כנפי השכינה. חלש דעתיה דרבי יוחנן, חלש ריש לקיש...

Talmud Bavli Bava Metzia 84a

[Reish Lakish had been a bandit and R. Yoḥanan] taught him how to read [Torah] and [study Mishnah] and made him into an important man [in the realm of Torah study]. One day there was an argument in the *beit midrash* [about the status of the following instruments and whether or not they were considered to be finished tools susceptible to contracting impurity]:¹¹ the sword, the knife, the dagger, the spear, a hand scythe or a harvesting scythe—at what point can they contract impurity? When the work on them is completed. And when is their work completed? R. Yoḥanan says: When he fires them in the kiln. Reish Lakish says: Only after they are cooled in water. [R. Yoḥanan] said to him, “A bandit knows his banditry!” [Reish Lakish] said to him, “And how have you benefited me?! There they called me Rav and here they call me Rav.” [R. Yoḥanan] said to him, “I benefited you by bringing you under the wings of the Shekhinah.” R. Yoḥanan was exceedingly distressed (*ḥalash da’ateih*), Reish Lakish was so distressed that he took ill (*ḥalash*).

There does not appear to be any tension between R. Yoḥanan and Reish Lakish in the story before the moment that R. Yoḥanan says, “A bandit knows his banditry.” When R. Yoḥanan made this extremely hurtful comment—reminding this *ba’al teshuvah* from whence he came—he most likely did not think much of it. He maybe even thought of it as a clever joke. Reish Lakish presumably does know more about swords and knives as a recovering bandit than he would as a fair-skinned Rabbi! R. Yoḥanan was therefore completely unprepared for Reish Lakish’s defensive comment, a comment sharp enough to sting him in turn. Reish Lakish and R. Yoḥanan never reconcile; Reish Lakish almost immediately takes his pain to his grave and R. Yoḥanan also never recovers from this loss.¹²

It is possible to argue that both Reish Lakish and R. Yoḥanan are overreacting, that they are being too sensitive to comments that were not intended to cause such drastic harm and break up this legendary *ḥavruta*.¹³ But that is exactly the point. Telling someone to be less sensitive, to learn how to take a joke, does not make them tough, does not prevent hurt feelings. Therefore it is the responsibility of the person who is about to make the comment to stop themselves first and ask: Why am I making that joke or comment at someone else’s expense?

¹¹ Raw materials are not susceptible to contracting impurity; only finished objects are. For example, shorn wool can not become impure, but if that wool is woven into a sweater the sweater can become impure. The debate in the story is about when these objects are considered to be fully completed tools and then susceptible to becoming impure.

¹² When R. Yoḥanan is unable to replace Reish Lakish as his *ḥavruta*, he too dies from loneliness.

¹³ They were also brothers-in-law; according to this story, Reish Lakish married R. Yoḥanan’s sister.



Am I elevating myself by putting them down? Am I exploiting them for my own gain? In the Sefer HaHinukh's¹⁴ articulation of the prohibition, he puts special emphasis on being sensitive to the feelings of people whom we might feel overly comfortable with. Sometimes we are more likely to justify being insensitive to those whom we are especially close:

ספר החינוך שלח:ד

ונוהגת מצוה זו בכל מקום ובכל זמן בזכרים ונקבות, ואפילו בקטנים, ראוי להזהר שלא להכאיב בדברים יותר מדאי, זולתי במה שצריכין הרבה כדי שיקחו מוסר, ואפילו בבניו ובנותיו בני ביתו של אדם, והמקל בהם שלא לצערם בעינינים אלה ימצא חיים וברכה וכבוד. והעובר על זה והכאיב את חברו בדברים באותן שפרשו חכמינו זכרונם לברכה בבעל תשובה ובחולה וכיוצא בהן עבר על לאו זה, אבל אין לוקין עליו, לפי שאין בו מעשה. וכמה מלקיות מבלי רצועה של עגל יש ביד האדון המצוה על זה, יתעלה ויתברך.

Sefer HaHinukh, Mitzvah 338:4

And this *mitzvah* (the prohibition on *ona'ah*) is applicable in all places and all times, for both men and women. And it even applies to young children. It is proper to take care not to cause them too much pain on account of what is said to them, [and not to speak more harshly than is necessary] in order to teach them a lesson. And even the sons and daughters, the members of a person's household, one who is gentle¹⁵ with them in these matters so as not to cause them pain will find blessing and honor. And one who violates this and hurts his friend verbally in the way that our sages of blessed memory articulated—like [speaking insensitively to] a penitent or an ill person etc. violates this prohibition, but they do not receive lashes because [speaking] is not a concrete act. But how many lashes can the Master of this *mitzvah*, may He be elevated and blessed, administer on this account even without a whip of leather.

Parents are accustomed to having to speak frankly to their children, pointing out to their shortcomings in order to guide them to improved behavior, and the closest families often engage in some light making-fun of family members for one foible or another. But we have to consider everyone's feelings in every context, even those we think we could never hurt. We have to listen carefully when we make a joke—is the subject of the joke laughing too? Or are we targeting our loved ones and using our love and closeness as an excuse to treat them poorly? *Ona'at devarim* is so dangerous because it is so ubiquitous and so easy to justify, but that does not make it truly justifiable. It makes it even more pernicious and something we need to work harder to root out of our interactions with one another. When we feel inclined to accuse someone else of being “over-sensitive,” let's ask ourselves instead, “Am I being sensitive enough?”

Wishing you a Shabbat of truly loving laughter.

¹⁴ Anonymous, 13th cent. Spain.

¹⁵ Lit. lenient.

