YESHIVAT HAR ETZION

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***Bein Adam Le-chavero*: Ethics of Interpersonal Conduct**

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**Shiur #07: Orphans and Widows — Sensitivity and Care for the Vulnerable**

**Heightened Prohibitions of *Onaa***

In last week’s lesson, we saw the unique laws of *onaa,* the prohibition of causing pain to others in non-physical ways. We explained that the underlying connection between the various forms of *onaa* (as related to issues of *mamon*, money, and *devarim*, words) is the attempt to take advantage of another’s weakness and exploiting another’s vulnerability.

Generally, *onaat devarim* includes practical jokes, misinformation, pointing others in the wrong direction and the like — taking advantage of those who are unable to hold their own in specific circumstances. However, a number of the examples in the Talmud relate to those who are more prone to be vulnerable to others’ abuses. For instance, the Talmud prohibits reminding people who are trying to put their pasts behind them, particularly penitents and converts, of their less-than-spotless records.

The Talmud also makes note of other individuals who are in a constant state of vulnerability and therefore must be treated with extra care. The source for a specific focus on the *onaa* of the weak is reflected in the Torah’s singling out of specific individuals who, due to their unfortunate circumstances often feel helpless and depressed, unable to demand or defend their rights. The Torah prohibits afflicting them while simultaneously requiring that they receive preferential kindness. The Torah doesn’t stop with a prohibition; it goes on to express the utter disdain that God has for those who violate it and the harshness which will be displayed against perpetrators of this conduct. This message is clear: not only is it forbidden, but it will not be tolerated in any manner.

To better understand the prohibition and the unique outlook the Torah strives to impress upon us, let us take a deeper look.

**Women, Spouses and Family Members**

Beyond the general context of *onaa,* there is special attention given to individuals who may be particularly vulnerable. The Talmud (*Bava Metzia* 59a) emphasizes the specific care one must take towards one’s wife:

A person must always exercise care with regard to the *onaa* of his wife, for since her tears are common, her *onaa* is common.

The Talmud here appears to acknowledge the particular emotional sensitivity of women, and it therefore urges husbands to exercise extreme care in speaking to their wives. Women's emotional vulnerability, coupled with the ongoing contact and communication between husband and wife, renders the context of marriage particularly susceptible to *onaa*, and the Talmud therefore issues a specific warning to husbands in this regard.

Rav Avraham Pam is quoted as pointing out that some people are prone to speaking kindly and courteously to everyone except for their own family members. The Talmud wants to teach us that it is specifically in the home where one must work extra hard to ensure one behaves with the same sensitivity that one displays toward strangers.

One may also understand that although the Talmud singles out a wife, this rule would be applicable to spouses in general, even a wife speaking to a husband. The ideal relationship of spouses makes them the closest confidantes and friends. While the Talmud specifically speaks of one’s wife, every spouse is uniquely vulnerable to being hurt by the other’s insensitivity. The reliance that a spouse has on his or her mate makes avoiding *onaa* all the more significant, but also much more difficult. Thus, it requires much care and concern.

The general prohibition of *onaa,* which is aimed at all of society, requires developing sensitivities, especially as regards the weak points of other individuals. One must learn how to ensure that one doesn’t act insensitively and hurt another’s feelings. While this general prohibition would be sufficient to forbid mistreating anyone, including those who are more easily hurt, the Torah goes out of its way in numerous places to require heightened sensitivity for the individuals who are in a constant state of uneasiness due to their plights. Numerous times the Torah mentions the converts, widows, and orphans; it seeks to educate every individual to the importance of caring for the underprivileged and certainly not aggrieving them. These individuals are often looked down upon, so the Torah stresses its disdain for this form of behavior.

The Torah warns us twelve times to have special consideration towards the orphan (*yatom*) and the widow (*almana*). The first such commandment is followed directly by a description of the consequences for society in its entirety if the command is violated.

Do not take advantage of any widow or orphan. If you take advantage and they cry out to me, I will certainly hear their cry. My anger will be aroused, and I will kill you with the sword; your wives will become widows and your children orphans. (*Shemot* 22:21-23)

Rav S.R. Hirsch (ad loc.) explains the term “take advantage” as “to make someone feel his dependent position, to exploit his weakness and lack of protection,” similar to his explanation of *onaat devarim* (see previous lesson).

While the Torah makes specific mention of the widow and the orphan, the Mekhilta, cited by Rashi, explains that all unfortunate individuals are included in the prohibition.

This is the law for all people. Here the text speaks to the present reality, for these are not particularly strong, and it is common to find them afflicted. However, it applies to all who are bereft of their human protectors and destitute of the physical force to defend their rights.

While the Rambam (*Hilkhot De’ot* 6:10) seems to focus his understanding of the verse specifically on the widow and the orphan, he also explains that the reason the Torah singles these individuals out is due to their sensitive situation.

A person is obligated to show great care for orphans and widows because their spirits are very low and their feelings are depressed… How should one deal with them? One should only speak to them gently and only treat them with honor. One should not cause pain to their persons with work or aggravate their feelings with harsh words; one must show more consideration for their financial interests than for one's own. Anyone who vexes or angers them, hurts their feelings, oppresses them or causes them financial loss transgresses this prohibition. Surely, this applies if one beats them or curses them.

The aforementioned verses are quite explicit about the unusual harshness that will be meted out to one who mistreats a widow or orphan. Widows and orphans are generally the most vulnerable members of society, having no husbands or fathers to defend them. God therefore declares that He will fill this role. If a widow or orphan is mistreated, God will respond as one would when a member of his own family is abused, with anger and vengeance. As the Rambam continues:

Even though a violator is not liable to receive lashes, the retribution he will suffer is explicitly stated in the Torah: "My anger will be aroused, and I will kill you with the sword." There is a covenant between them and He Who spoke and created the world — whenever they cry out because they have been wronged, they will be answered, as it is stated: "If you take advantage and they cry out to me, I will certainly hear their cry."

**Defining the Widow and the Orphan**

One might assume that the Torah’s specific concern for the widow and orphan should be limited to those who have no means of support, limiting the definition to those orphaned of both parents or those widows who are left poor, without any means of support. The Rambam tells us otherwise. As Rav Hirsch explains, the verse specifies “any widow,” for “not only poor widows and orphans, but even rich ones, are exposed to exploitation and maltreatment.”

Regarding the financial situation of the widow or orphan, the Rambam (*ibid*.) writes:

A person is obligated to show great care for orphans and widows because their spirits are very low and their feelings are depressed… This applies even if they are wealthy. We are commanded to do so even for a king's widow and his orphans, as it is stated, “Do not take advantage of any widow or orphan.”

Regarding the inclusive definition of one orphaned of either parent, he writes:

This applies to those orphaned either from their father or their mother. Until when are they considered orphans in this context? Until they no longer need a mature individual to support, instruct and care for them and they are able to see to all their own needs by themselves, like other adults.

Rav Hirsch explains that the Torah’s terms “*yatom*” and “*almana*” expresses their condition:

**“***Almana***”** comes from the term for mute, and “*yatom*” is related to roots which mean to mutilate or cut off. The widow has lost her mouth along with her husband, having nobody to speak for her any longer. The orphan… has been cut off from protection.

**Understanding the Verses**

Further analysis of the verses in *Shemot* reveals a number of difficulties regarding the simple understanding. The Torah introduces the prohibition in the plural, and then it immediately turns to the singular. In the next verse, it returns to the plural. Whom is the Torah addressing? Why is the audience constant changing?

The Mekhilta makes note of the changing terminology in the verses and also comments on the double conjugation of the verb “to take advantage”. The latter is initially expounded “whether a grievous affliction or a trivial one,” followed by a second opinion that “the doubling teaches us that one is not culpable until he takes advantage once and then repeats his offense.”

The Ibn Ezra explains that the verse uses this style in order to indicate that the prohibition includes not only active violators, but anyone who stands idly by.

The text first states: “Do not take advantage,” in the plural, and then switches to “If you take advantage.” Whoever sees a person afflicting an orphan or widow and does not succor them, he also is counted as an afflicter. Now the punishment meted out when one is guilty of afflicting and no one intervenes applies to all; for this reason, the text continues: “My anger will be aroused, and I will kill you with the sword” — all of you.

The implications of the Ibn Ezra’s understanding are frightening. It is insufficient to prevent oneself from hurting others; even standing by without protest is included in the prohibition. Here the obligation to care for the weaker strata of society is magnified; avoiding hurting their feelings is not sufficient. One must do all he can to prevent their abuse, lest his passive standing will make him an accessory to the crime. By allowing iniquity and injustice to prosper, the Torah maintains, he makes himself an accomplice.

Rav Hirsch continues with an explanation of the rationale:

In most countries, aliens are discriminated against and deprived of their rights by law. For this reason, the previous verse, speaking of converts, is phrased in the singular, warning the Jewish state to shun this practice. By contrast, it is hard to find a legal system that discriminates against widows and orphans. However, in social relations and gatherings, they have no one to stand up for them, to support them, to guide them; and so, they are subject to discrimination and humiliation. Hence, in their case, the Torah addresses society as a whole, warning it not to exploit them or make them feel the weakness of their predicament.

Thus, the vulnerable are not discriminated against by law as much as by people in the community, often the most powerful individuals. God does not want to be the only protector of the weak; He wants man to do the same.

**Why the Severity?**

As the Torah stresses, God will personally punish anyone who mistreats the vulnerable members of society. We must then ask the following question: what is so severe about poking fun at the desperate that deserves such harshness?

The Chinnukh (Mitzva 338) points out that although there are no lashes for the violation of *onaat* *devarim*, God has many other means which He employs to punish those who afflict others. The Peleh Yoetz (*Onaa*) advises that in order to ensure that one doesn’t hurt another’s feelings, one should always think what would annoy him or her and refrain from doing it to others. Understanding that even a small thing may cause untold pain to another should be sufficient to remind everyone to be “very cautious” in all their actions.

The Maharal (*Netivot Olam, Ahavat Reia*) explains the rationale behind God’s harsh reaction to *onaat* *devarim*. Unlike physical abuse which hurts one’s body, the pain caused by *onaa* goes straight to one’s *nefesh* (soul). God shows extra concern for the *nefesh* of His people and therefore treats the affliction of the soul with the severity that the verses describe.

Rav Baruch Simon (*Imrei Baruch, Shemot* p. 139) takes these ideas one step further and explains that one who afflicts widows and orphans is rebelling against God, who describes Himself as (*Tehillim* 68:6) “the father of orphans and the judge of widows.” By the same token, God takes particular interest in all vulnerable individuals and views any attack against the weak as an affront and rebellion against the Kingship of Heaven.

**The Cry and the Punishment**

The understanding of the reasons for the severity of the prohibition will also help us understand another difficulty with the text. The middle verse seems to be thematically incomplete. Literally, it read:

If you take advantage, for (*ki*) if they cry out to me, I will certainly hear their cry.

Rashi explains:

This is an elliptical phrase which leaves the penalty and consequence understood… It is as if it were to say: you will suffer in the end. Why? For they will surely cry out to me.

The Be’er Yitzchak (quoted by Nechama Leibowitz, *Iyunim*, p. 393) explains Rashi’s comment that the Torah is using the language of the man in the street. The Torah wishes to emphasize the gravity of hurting the weak and defenseless. The pity and indignation aroused by that scene is too difficult to be expressed in words; therefore, the Torah does not complete the sentence.

The Ramban argues with Rashi and explains that the verse isn’t an incomplete sentence; rather, it is intended to teach us that God’s intervention will come immediately in response to a situation which brings a victim to cry out, without any need to wait.

The word “*ki*” implies that if you afflict him, he has only to cry out to me, and I will immediately hear his cry. He stands in need of nothing else; because I will save him and exact vengeance for him from the persecutor. You oppress him because he has no defender, but in reality he will be helped more than any other person. For though other people go to great lengths to find champions to exact vengeance, these often aren’t helpful. But this one — his very cry will be saved by God, and He will take vengeance from you, for God avenges wrong and scourges the guilty with His wrath.

God’s vengeance is described in the verses as expressing itself with a difficult punishment.

My anger will be aroused, and I will kill you with the sword; your wives will become widows and your children orphans.

Rashi explains that the verse contains more than one punishment:

From the implication of what is said — “and I will kill you” — do I not know that your wives will be widows and your children orphans? Rather, this is another curse, namely that the wives will be bound in living widowhood; there will be no witnesses to their husbands’ deaths, and thus they will be forbidden to remarry. The children will be orphans because the court will not allow them to have their fathers’ property, since they do not know whether they died or were captured.

The Ramban points out that despite the Torah’s explicit mention of a punishment of death for one who afflicts these vulnerable individuals, it is still not mentioned in the exhaustive list of acts for which one receives death at the hands of the Heavenly Court (listed in *Sanhedrin* 83a). He explains that the verse differentiates this death “for here the death is not like other deaths by the hand of Heaven; rather, the individual will be killed by the sword in battle, and his wife and children will not know and will become widows and orphans.”

**The Power of a Cry**

The Meshekh Chokhma explains this slightly differently. This death is not similar to other cases of divine capital punishment, and it is therefore not listed with them.

Here it states: “For if they cry out to me” — only if the victim cries out will the offender be punished, but if the former doesn’t cry out… the latter will only receive a punishment, but not death by the sword.

The Meshekh Chokhma goes on to explain that it is actually dangerous to scream out to God against another, as the Talmud (*Bava Kama* 93a) states that one who invokes the wrath of Heaven may expect to be punished for his or her own sins first. Therefore, it is ideal that the victim not seek that God punish the oppressor with death.

The idea of God hearing the pain of those who have been mistreated and the severe punishments He will inflict upon hearing the cry of the troubled is not a new idea. The destruction of Sedom occurs after God comes to hear the cry of the city (*Bereishit* 18:21), and the brothers of Yosef (*ibid*. 42:21) fear that their own misfortunes are recompense for their failure to respond to their brother’s cries:

They said to one another, “Indeed we are guilty concerning our brother inasmuch as we saw his heartfelt anguish when he pleaded with us and we paid no heed; that is why this anguish has come upon us.”

Rav Hirsch explains how intent God is on hearing and acting on the cry of the one who is wronged and has no one else to turn to. He explains that the verse warns both leaders and the public.

Woe to you, state leaders, if the state as well ill-treats them and makes them feel the pain of having lost their defenders and supporters. Woe to the state whose widows and orphans suffer among the people, where even the official public representatives do not stand up for them and uphold their rights… Woe to you if their only resort is to cry out to Me; for I will surely hear their cry; I will make the state and the society pay dearly for it, if their weakest members must appeal to Me to find justice.

**The Implications**

The implications of this mitzva obviously require that one refrain from hurting others’ feelings, especially those of widows and orphans, family members and other vulnerable individuals. The Ibn Ezra points out that one is also held accountable for failing to react and come to the rescue of those who are discriminated against. Therefore, avoiding the prohibition of *onaat devarim* also requires that one who sees a situation of injustice, especially one in which orphans, widows or any others unable to protect themselves are being victimized, must get involved. This would seem to indicate an obligation to take action on the behalf of a woman refused a divorce and others subjected to abuse.

Rav Hirsch’s description of the societal focus of the verses also must lead us to ask if we have created a society of justice which serves to ensure that the underprivileged are taken care of. Understanding the Torah’s concern for the underprivileged should reframe our state of mind. It is insufficient to merely provide financially for the poor; one must try to boost their spirits, to give life to their *nefesh*.

In truth, cries come in many different forms. HaRav Yehuda Amital founded Yeshivat Har Etzion with the message of the need to “hear the cry of the infant” (*Jewish Values in a Changing World*, p. 157), which he interprets thusly:

It is important that in every society and in every family there be those who feel that the burden of society or the family rests upon their shoulders, and as a result they will initiate and organize activities on behalf of the community. Various obligations fall upon the community, both interpersonal matters and matters between man and God. In order for these obligations to be fulfilled, individuals must step forward and assume the responsibility of seeing that they are executed. It is a bad sign for any association of people if none of its members are willing to assume this role.

Simultaneously, the mitzva seems to increase our sensitivity to others’ needs, to care for those who are suffering from depression or just plain vulnerable. If one realizes that he or she has said something hurtful to another, even unintentionally, the speaker must try to placate the sufferer, for it is the victim who determines whether speech (or action) has been harmful or not.

By paying attention to the plight of others who are less fortunate, one not only recognizes Judaism’s care for the underdog; one may come to recognize a certain closeness of those in pain to the Almighty — “but in his loneliness, he met the Lonely One” (Rav Soloveitchik, “The Lonely Man of Faith,”XI).

**Modeling Ourselves after God**

One of the fundamental principles of Jewish ethics is “*Ve-halakhta bi-drakhav”* (see Year 1, Lesson 4), modeling our behavior after that of God. God takes specific care to help the underprivileged and listens to their calls. This idea is expressed in the verse in *Yeshayahu* (57:15), "I dwell on high, in holiness, yet with the despondent and lowly of spirit, to revive the spirit of the lowly and to revive the heart of the despondent." A similar verse in *Tehillim* (34:19) declares, "God is close to the brokenhearted, and He brings salvation to the despondent of spirit."

Whereas our instinct is to look upon the poorest citizens as the least important and valuable members of society, the Torah admonishes us to do just the opposite, to relate to them with honor and distinction. The Almighty "dwells," as it were, among the "lowly of spirit," the disadvantaged members of society.

One finds that a mention of God’s greatness is always coupled with a description of His care for the underprivileged. The Talmud in *Megilla* (31a) states:

In every place that you find God’s greatness, you also find His humility. This idea is found in the Torah and reiterated in *Neviim* and again in *Ketuvim*. It is written in the Torah (*Devarim* 10:17) “For Lord your God is the God of gods and Lord of lords, the great and mighty and awesome God Who shows no favor and takes no bribe.” The next verse continues, “He does justice to the orphan and widow and loves the stranger, providing him food and clothing…”

The Talmud continues to quote verses, such as the one in *Yeshayahu,* which reiterate this point. Any verse proclaiming the greatness of God also makes mention of His providing for the needy and vulnerable. One who wishes to follow in the footsteps of God’s greatness must also realize that an element of His greatness is His commitment to the needy of society, not only physically, but emotionally as well. The prohibitions of *onaa*, specifically the verses which make special note of the vulnerable, are to teach us to mold our behavior after God’s true greatness.

By doing so, we can also achieve true happiness (see Year 1, Lesson 20) as the Rambam describes the ultimate joy that one may achieve on Purim (*Hilkhot Megilla* 2:17):

Indeed, there is no greater and more splendid happiness than to gladden the hearts of the poor, the orphans, the widows and the converts.

One who brings happiness to the hearts of these unfortunate individuals imitates the Divine Presence, of which it is stated: “To revive the spirit of the lowly and to revive the heart of the despondent.”