YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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

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**Shiur #29: *Nekima* (Revenge)**

**The Introductory Questions**

In last week's lesson, we introduced the prohibitions of *netira* and *nekima,* bearing a grudge and taking revenge, respectively. We pointed out that the prohibited revenge is not limited to vigilantism and violence; it includes the mere refusal to lend items to another due to a prior similar act. While we have dealt with the prohibition of bearing a grudge at length, the injunction against taking revenge, *nekima,* must be dealt with in more depth.

The most important issue is what exactly is to be included under the proscription of *nekima.* Are all forms of revenge to be treated equally? In fact, in this lesson we will quote some opinions that limit the prohibition greatly. If this is the case, what does this mean about the Torah's desire to maintain peace and harmony?

**Understanding the Prohibition**

Is *nekima* a technical prohibition or a fundamental one? A given act may be forbidden even though on its own it may not be objectionable, for fear that it may lead to something worse; such an act would be classified as a technical prohibition. A fundamental prohibition is one in which the act is forbidden because it is inherently extremely objectionable. Even if the prohibition of *nekima* is to be viewed as fundamental, is the act of retribution fundamentally prohibited, or is the Torah really concerned with the destructive mindset of one waiting for the right moment to take revenge?

In last week's lesson, we saw that the Talmud (*Yoma* 23a) defines the prohibition of *nekima* as the refusal to lend out a tool to one who has previously refused to do so. It seems self-evident that this passage does not mean that the only type of prohibited *nekima* is refusing to help another with one's property. Notably, the Sifra (*Kedoshim* 2:4) uses the same examples, but it introduces them differently. Instead of “What is revenge and what is bearing a grudge?” the Sifra asks: “How far does the power of revenge extend?” and “How far does the power of bearing a grudge extend?” This seems to indicate that even though these prohibitions extend to speech, certainly much more severe forms of vengeance would be included as well.

Indeed, this might lead one to understand that the Torah is focused on developing a healthier mindset towards the minor offenses of others; it is not truly fearful of things getting out of hand.

A number of commentators focus their explanation of the prohibition on the negative mindset that seeking revenge can develop in a person. The Torah’s aim is to educate man as to what is truly important in life and what is not worth agonizing about.

**The Rambam's Rationale**

The Rambam (*Hilkhot De'ot* 7:7) speaks of the attitude of one who seeks revenge and the unnecessary anger that interpersonal disputes can cause.

Even though it is not punishable by lashes, it is a very bad trait. Instead, a person should be forgoing of his rights as regards all mundane things, for men of understanding consider all these things as vanity and emptiness which are not worth seeking revenge for.

However, at the end of the next law (8), the Rambam identifies *netira* as being the root cause of taking revenge. One who is able to avoid bearing a grudge will not come to avenge himself or herself. The Rambam there concludes by advancing a practical benefit of this behavior.

A person who acts in this manner violates the prohibition against bearing a grudge. One should eradicate the thing from his heart and not bear a grudge. For as long as one nurses a grievance and keeps it in mind, one may come to take vengeance. Therefore, the Torah emphatically warns us not to bear a grudge, so that the impression of the wrong shall be obliterated and no longer remembered. This is a proper quality which permits a stable environment, trade, and commerce to be established among people.

Evidently, the Rambam is not oblivious to the positive societal benefits of a society free of revenge. However, the focus of the prohibition is the negative mindset one displays.

This idea of the Rambam, that vengefulness demonstrates undue care for mundane matters, is also expressed by the Keli Yakar (*Vayikra* 19:18). He writes:

*Nekima* and *netira* are [the manifestation of] negative character traits, for it is not proper to seek revenge upon any person from among “your countrymen.” Ostensibly, revenge is sought for injury to your body or your possessions, but these things are not so treasured and important to justify taking vengeful action… for physical infractions, God does not want man to take revenge.

The Keli Yakar continues with a parable. A child at play builds a structure, and another person comes along and demolishes it. The screaming child wants to wreak vengeance upon the wrecker, but the parent realizes that the incident is insignificant. Similarly, God sees many things which anger us, which we often consider to be of utmost importance, but from God's standpoint, as long as they don't injure a person spiritually, they should be overlooked.

The Keli Yakar's explanation provides a rationale for understanding that the desire to take revenge reveals that one’s priorities are in the wrong place. What is particularly astounding regarding his approach is that he declares all physical slights as unimportant and not worthy of any grudge or act of revenge.

The Chinnukh (Mitzva 241) also provides an explanation for the prohibition based on one's mindset, though he differs from the previously cited views, arguing that all insults and injuries really originate with the One above, and, therefore, it is futile to take action against humans below.

We are prohibited from taking revenge upon another Jew. This applies to a case in which a Jew has harmed or inflicted pain on another in any manner, so that the common custom would be to pursue he who was wronged them unceasingly until they have paid him back for his evil action or until they have given him pain as he had given them. The Torah forbids us to do so by saying, "You shall not take vengeance…”

At the root of the precept lies the purpose that a man should know and reflect that whatever happens to him, good or bad, is caused to him by God; nothing which happens to man by any person or by a brother can occur without God willing it so. Therefore, should another inflict pain or suffering on him, let him know in his soul that his bad deeds have caused God to will this result upon him, and let him not set his thoughts to take revenge from him. Indeed, the perpetrator is not the primary cause of his trouble, since it is God that brought it about. Thus, King David said, "So let him curse, for God has told him" (II *Shemuel* 16:10); David attributed the matter to [his own] sin, not to Shimi ben Gera.

Though the Chinnukh's focus is on the attitudinal problem, he also concedes that there is a societal benefit as well.

Moreover, there is another great benefit resulting from the precept: to stop contention and remove hate from people's hearts. And when there is peace among people, God makes peace for them.

**Forbearance: The Power to Shun Grudges and Revenge**

In Lesson 12, we learned about one’s being *maavir al middotav*, acting with forbearance towards those who have done him or her wrong. We also discussed Rav Soloveitchik's definition of the halakhic view in his *Catharsis*: man is purified by displaying the might to control one's emotions and withhold one's natural urges. In fact, the Rashbam (*Vayikra* 19:18) explains the verse as a mitzva to be *maavir al middotav* when one has been wronged.

The most basic practical question is the following: is there any mechanism to ingrain within a person the power to resist the emotional tendency to bear a grudge and take revenge? After all, the mere realization that bearing a grudge is forbidden may prove insufficient, much as one may want to try to forgive and forget. Rav Avigdor Nebenzahl (*Jerusalem Stone,* page 328) remarks:

We are neither required nor expected to forget the wrongs done to us. We are forbidden to act in response to them or to allow them to affect negatively our relationship with the person involved.

Rav Nebenzahl explains that the individual who represents this forbearing capacity more than any other is Yosef, in his dealings with his brothers. Yosef clearly remembers his brothers' actions, but his greatness lies in his ability not to act on this memory. (See his analysis *ibid*. in which presents a number of rationales for how Yosef found the inner strength of character to forgive the brothers who threw him into a pit and led him into more than twenty years of exile from his family.)

**Limitations on the Prohibition: Personal Insult**

So far, we have seen rationales behind the Torah's prohibition of *nekima* which would readily explain a blanket prohibition of taking revenge in any and every situation, while, according to the Keli Yakar, it is only financial or physical damage which is to be forborne, not spiritual attacks. The Talmud in *Yoma*, however, seems to place a number of possible limitations on the prohibition, some related to the nature of the grievance which serves as an impetus for revenge, others focused on the individual who chooses to take revenge.

But before we turn to the Talmudic limitations, we should note that from the biblical source itself, it is clear that not every time that one is harmed by another must he or she be forbearing and just let it go. The Ramban (*ad loc.*) points out that this prohibition does not apply when there is room for due process according to the law:

Our Rabbis have already explained that the matters of taking revenge and bearing a grudge apply only to cases in which there is no monetary indemnity… For in a case where his fellow owes him money, because of damage that he caused him or for similar reasons, one is not obliged to let his fellow go free. On the contrary, he should sue him before the court and receive payment from him… How much more so is this true in capital cases! One must be vengeful and bear a grudge towards him until the blood of his brother shall be redeemed by a court that will render judgment according to the laws of the Torah.

The Ramban cites the case of the blood redeemer, the kinsman of a blood redeemer who is mandated to avenge his relative’s deathby calling upon the court system to mete out punishment. Essentially, the Ramban classifies the courts as the permitted means of taking revenge. (See also Lesson 13, where we noted the Chinnukh's opinion that during the heat of an attack, one is permitted to respond, though this may not be the optimal reaction.)

However, the Talmud (*Yoma* 22b-23a) seems to open up room for revenge even outside of the courts. The Talmud addresses Rabbi Yochanan's statement in the name of Rabbi Shimon ben Yehotzadak: "Any Torah scholar who does not avenge himself and bear a grudge like a serpent is no true scholar." Ostensibly, this would contravene the verse prohibiting *nekima* and *netira*. The Talmud responds with a startling answer: “That prohibition refers only to monetary affairs,” citing the passage which we saw last week, which applies *nekima* and *netira* to physical items, tools and clothing. Regarding situations where one is personally offended, on the other hand, there is no prohibition; in fact, a Torah scholar is obligated to take revenge. (In our next lesson, we will examine this concept at length.)

The Talmud's statement seems to put our understanding of the prohibition in a completely new light. Relegating the prohibition to monetary matters seems to require an entirely new analysis of the basis of the prohibition. It is quite understandable that neither the Rambam nor the Chinnukh cite Rabbi Yochanan’s ruling, indicating that they may, in fact, not view it as normative law.

In fact, it is interesting to note that the Chinnukh chooses to quote the aforementioned passage from the Sifra, which seems to use the example of refusing to lend items as a novel case included in *nekima*; surely personal offenses would be included! The Chinnukh writes:

These are the words of the Sifra: How far does the power of revenge extend? If one asked another "Lend me your sickle…." With regards to such cases, it says "You shall not take vengeance." All similar cases are included as well.

He might have understood the Sifra’s view as arguing with that of the Talmud, with the former’s opinion being that there is no difference between monetary matters and personal offenses.

Similarly, the Minchat Chinnukh (*ad loc*.) notes that the Rambam does not mention any permissive ruling regarding *nekima* for personal offenses.

In truth, the Rambam mentions no explicit prohibition regarding personal offenses (arguably the Chinnukh concurs). It may very well be that they too accept the limitation but for some reason choose not to mention it.

Rav Avraham Yitzchak Ha-Kohen Kook (*Mitzvat Re’iya,* page 98) posits that even the Rambam accepts the limitation, but he chooses not to mention it openly so as not to give people the license to be permissive in regards to *nekima* even in cases in which it is clearly prohibited.

Others in fact try to find sources where the Rambam might indeed refer to this distinction, while still others attempt to explain why the Rambam might reject it. The Rambam’s son, Rabbi Avraham, in his responsa (*Maaseh Nissim* 13), cites an alternative text of the Talmud which differentiates between mundane matters and Torah matters. Regarding any form of mundane matters, be they monetary or personal, the prohibition applies, while regarding the honor of God (such as when a Torah scholar is disgraced), the prohibition does not apply.

Save the Rambam and the Chinnukh, almost all other Rishonim seem to accept Rabbi Yochanan’s dictum, indicating that the prohibition of *nekima* is limited to monetary matters. This opinion is accepted explicitly by the Semag, Semak, and Rabbeinu Yona. In fact, the Yere’im explains the reason why we should understand the verse in this manner. He makes reference to the exegetical principle that we must interpret and analyze laws based on their context. He adds that the various interpersonal laws stated in the surrounding verses primarily concern monetary matters; therefore, the prohibition of *nekima* should presumably be understood in this context. However, he does add that even though the examples cited by the Talmud specifically address lending physical items, there is no good reason to limit them to these cases. Since the Torah does not give these examples, they are not absolute, but revenge should be forbidden only in similar cases, i.e. monetary offenses.

In his *Mishna Berura* (*OC* 196:4), Rav Yisrael Meir Ha-Kohen Kagan quotes this view of the Yere’im that all monetary matters are included in the prohibition, not only lending and borrowing. Though it would seem that he would also accept the reasoning of the Yere’im that revenge for personal insults is not forbidden, his statements elsewhere seem to indicate otherwise.

The same author, in his *Sefer Chafetz Chayim* (Introduction, Negative 8-9) writes that even though most commentators accept the Talmudic exception for personal insults, nevertheless, because the Rambam and the Chinnukh (as well as the Ritva) seem to rule otherwise, this is a matter of doubt concerning a Torah prohibition, and therefore it must be treated stringently.

**Practical Ramifications of the Nature of the Prohibition**

This approach to the prohibition also may affect the question of its scope. If the reason for the prohibition is that seeking revenge encourages negative character traits, there is reason to believe that no affront, even a personal offense, should be sufficient license to damage one's character.

Secondly, the Chinnukh's reasoning regarding accepting life's vicissitudes, even if brought about through the acts of another, as being divinely ordained should hold true for personal insults. In fact, the verse quoted by the Chinnukh explicitly makes reference to King David's reaction to a personal insult!

As we mentioned, in *Sefer Chafetz Chayim*, Rav Kagan rules that we must treat these biblical prohibitions stringently. In *The Right and the Good* (p. 112), Rav Daniel Feldman cites a number of possible ramifications regarding the scope of the prohibition that might be dependent on its fundamental nature. For instance, is the prohibition of *nekima* violated if one attempts to take revenge but for some reason fails to reach the targeted party?

There might be other circumstances under which the opinion of the Rambam and the Chinnukh might actually turn out to be more lenient and permissive of *nekima.* For instance, can one take monetary "revenge" on behalf of a third party? For instance, if one witnesses an individual refuse to lend another his ax, can one afterward refuse to lend him a sickle, in order to show him that it is unpleasant when one doesn't lend. The Rambam and Chinnukh might allow this, as this is not an act of personal score-settling but rather moral education; on the other hand, the Yere’im would probably forbid such an act, as there is not sufficient reason to withhold beneficence.

In practical terms, though a number of commentators seem to ban taking revenge of any sort, even after personal insults, the concept of *nekima* as an outright violation under all circumstances seems to be difficult to accept.

**The Yad Ha-ketana's Approach**

The Yad Ha-ketana provides a fascinating outlook into this mitzva by calling into question the very assumption that vengeance is to be viewed negatively. He notes that such an approach would contradict numerous *mitzvot* which are seemingly aimed at exacting retribution from those who have sinned. Requiring a robber to pay double and punishing perjured witnesses with the exact punishment they intended to deliver to the defendant are acts of vengeance, so why should they be permitted and *nekima* forbidden? Furthermore, he wonders how it is that the first individual who refused to lend his article is not faulted, while the one who refuses in return is in violation of a negative commandment. Lastly, he asks, if indeed *nekima* is a rotten act, how can a Torah scholar who is bidden to live a more righteous life be required to be vengeful and grudging like a snake?

The Yad Ha-ketana uses these questions as a platform for a fresh look at the prohibition. There is no prohibition of using the courts as a means to punish an evildoer, even to the point that the measure of punishment is sometimes akin to *nekima*. The prohibition is limited to cases in which one is not required to proceed in a specified manner, despite the fact that there is a clear, proper way to act. This is the example provided by the Sages. In cases where the first party refuses to lend his tools, this act is improper, but it doesn't violate an explicit commandment. In such an instance, one should not only avoid causing physical harm in retribution; on the contrary, one should be forgiving and help the offender, even in the precisely reversed situation. Doing so will ensure that society gets along well and does not let every little disagreement spiral into major problems.

The beauty of the Yad Ha-ketana's explanation is that he uses all his questions as pointers that the prohibition is very different than originally understood, The Torah forbids *nekima* specifically because the first individual was not obligated to do anything, and therefore there is no reason to hate this individual for the refusal. Doing so is paying unnecessary attention to an act which the Torah says should not be taken to heart, and any refusal for the sake of revenge would be an act of *sinat chinnam* and destroy the fabric of society.

By the same token, when an actual sin is performed by the first party, there is no prohibition of *nekima*. For this reason, he explains the Talmud's statement that one can take revenge for a personal insult. That individual has sinned, and therefore there is no prohibition of *nekima*. However, still it is proper for one to be *maavir al middotav* and to forgo the anger. However, in the case of a Torah scholar who has been embarrassed publicly, the Talmud states that he is obligated to be as vengeful and grudgingas a snake, as the aggressor party has violated a mitzva and disgraced the Torah. Any acceptance by the scholar would be tantamount to degrading God’s honor. Still, after the other party repents, one must be willing to be forbearing and accepting.

The Yad Ha-ketana adds just one question which he fears may destroy his whole approach. The basic claim of his understanding is that the prohibitions of *nekima* and *netira* apply when responding to initial acts which were permissible, though perhaps improper. However, he notes, refusing to lend tools is in fact forbidden, if done out of callousness and begrudging envy; he cites a number of sources which indicate the impropriety of refusing to lend out one’s items to another. This being the case, how can one limit the prohibition of *nekima* to responding to a mean but not forbidden act?

The Yad Ha-ketana explains that certain actions and *mitzvot* cannot be defined in a short, concise manner because their application is dependent on the unique circumstances of each and every case. The failure to lend out one's possessions is not an outright act of sin, but it may qualify, depending on the circumstances. One may have a very good reason for refusing to lend out an item, but the act is forbidden when done out of callousness. Since the responding individual is unable to judge the true reason for the first party's refusal, the responder is completely forbidden from bearing any type of grudge or taking any form of revenge.

Next week, we will conclude this topic and our series for this year.