

# Harmful Speech, Sensitivity and Political Correctness

*The Applications and Limitations  
of Ona'as Devarim<sup>1</sup>*

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Contemporary Western society is well-attuned to the feelings and sensitivities of the various individuals that comprise it. Undoubtedly, sensitivity and concern for another person's feelings are desirable virtues. However, there has been pushback on this development within American culture, as radical sensitivity for the sake of one party may result in the restriction of the "freedom of expression" of the other party.

After the 2016 United States presidential election, I found myself on a retreat with two colleagues of different political persuasions. Colleague A brought up the topic of elections and requested that Colleague B divulge for whom he had voted. Colleague B did not wish to share his political beliefs, but after sufficient prodding, he revealed that he had not voted for the same candidate whom Colleague A had selected. Upon hearing this, Colleague A expressed that he was "offended" and "did not feel safe" around Colleague B, thereby rebuking him into silence.

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1. I would like to express gratitude to my teacher R. Dr. Jacob J. Schacter for thoroughly reviewing this paper and for referring me to a number of the essays to which I refer. Additionally, I would like to thank my colleague R. Yair Lichtman, who offered significant feedback while reviewing an earlier draft of this essay.

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In a case where Reuven is inclined to make a statement or use a term that Shimon finds offensive, does the onus fall upon Reuven to accommodate Shimon's sensitivities, or does Shimon have no right to impose limitations on Reuven's personal expression?

In contemporary political discourse, individuals who identify as "progressive liberals" would likely emphasize the need to accommodate Shimon's feelings,<sup>2</sup> while "enlightenment liberals" or those with conservative proclivities would be primarily concerned with Reuven's unencumbered freedom of speech, for the sake of maintaining the unhindered marketplace of ideas.<sup>3 4</sup> How should we, as halachically committed Jews, navigate this fraught landscape? In particular, how far must one go to accommodate another person's idiosyncratic - and at times demanding - sensitivities?

As one would expect, Judaism does not conveniently align with the ideology of any particular political party. Nonetheless,

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2. Fish, S. E. (1994). *There's No Such Thing As Free Speech: And It's a Good Thing, Too*. New York: Oxford University Press.

Lawrence, C. R. (1990). If he hollers let him go: Regulating racist speech on campus. *Duke Law Journal*, 1990, 431-437.

Matsuda, M. (1993). *Words That Wound: Critical Race Theory, Assaultive Speech, And The First Amendment*. Boulder: Westview Press.

Scatamburlo-D'Annibale, V. (2019). The 'Culture Wars' Reloaded: Trump, Anti-Political Correctness and the Right's 'Free Speech' Hypocrisy. *Journal for Critical Education Policy Studies (JCEPS)*, 17(1).

3. Conway, L. G., Repke, M. A., & Houck, S. C. (2017). Donald Trump as a cultural revolt against perceived communication restriction: Priming political correctness norms causes more Trump support.

Chait, J. (2015, 26 January). Not a Very P.C. Thing to Say: How the language police are perverting liberalism. *New York Magazine*.

Furedi, F. (2016). *What's happened to the University?: A sociological exploration of its infantilisation*.

Rauch, J. (2013). *Kindly Inquisitors: The New Attacks on Free Thought* (expanded edition. ed.). Chicago: The University of Chicago Press.

4. This framework is presented and challenged by Dzenis, S., Nobre Faria, F. *Political Correctness: The Twofold Protection of Liberalism*. *Philosophia* 48, 95-114 (2020). <https://doi.org/10.1007/s11406-019-00094-4>.

we will try to demonstrate which ideologies are most in accordance with halacha. Our thesis will be that as a baseline, sensitivity for one party's feelings supersedes the freedom of expression of the other party. Thus, in our scenario, Reuven would be enjoined to adapt his speech to accommodate Shimon's feelings, regardless of the inconvenience. This premise would most strongly align with a progressive-liberal framework. However, we will also make the case that in certain circumstances, halacha would more closely align with a conservative ideology and champion the freedom of expression over another individual's sensitivities.

While there is no First Amendment in Judaism granting "freedom of speech," there is a biblical prohibition called *ona'as devarim*, which forbids causing pain or anguish to one's fellow Jew. An analysis of the parameters of this prohibition will be the fundamental basis for our discussion. If the prohibition of *ona'as devarim* is exceedingly expansive, it leaves little room for freedom of expression; if *ona'as devarim* is limited in scope, then by default, it leaves more room for freedom of expression.

We will begin by demonstrating the severity and expansiveness of *ona'as devarim* and how it is generally consonant with a progressive-liberal approach to sensitivity. Subsequently, we will explore two pertinent circumscriptions to *ona'as devarim*: 1) Only those who qualify as "with you in Torah and mitzvos" are protected by the injunction against *ona'as devarim*; 2) if Shimon is seeking to take offense, he is viewed as causing *ona'as devarim* himself, and Reuven is not responsible. This latter point will be critical for establishing instances in which halacha more closely aligns with a conservative approach to freedom of expression.

## **The Prohibition of Causing Emotional Distress**

The source in the Torah for *ona'as devarim* is *Vayikra* 25:17: "Do not wrong your fellow, but fear your G-d; for I am Hashem, your G-d."

The Talmud<sup>5</sup> points out that just a few verses earlier,<sup>6</sup> the Torah instructs: “When you sell property to your neighbor, or buy anything from your neighbor, you shall not wrong one another.” Since this latter verse refers to monetary wrongdoing, the Talmud understands the first verse to refer to verbal wrongdoing and emotional harm.

The Mishnah<sup>7</sup> provides several concrete examples of how *ona'as devarim* can manifest itself:

If a man was a repentant sinner, one must not say to him, “Remember your former deeds.” If he was a son of converts, one must not taunt him, “Remember the deeds of your ancestors.”

The Talmud then provides further examples, such as providing philosophical justifications to an individual who is suffering, in the manner the friends of Iyov did. Additionally, the Talmud<sup>8</sup> includes insulting nicknames in the category of *ona'as devarim* (though it does not explicitly invoke the term). The Rambam<sup>9</sup> adds a less obvious example of *ona'as devarim*:

If a question regarding a point of knowledge was raised, one should not ask a person who has never studied that field of knowledge: “How would you answer this question?” or “What do you think about this matter?” The same applies to other matters like this.

The Rambam appears to stretch the category of *ona'as devarim* to include a more subtle case of undermining someone's intelligence.<sup>10</sup> The *Ohr Samei'ach*<sup>11</sup> suggests that the Rambam is not making a novel assertion, but rather is rooted in the

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5. *Bava Metzia* 58b.

6. *Vayikra* 25:14.

7. *Bava Metzia* 58b.

8. *Ta'anis* 20b.

9. *Hilchos Mechirah* 14:14.

10. See also *Sefer Chassidim* 312.

11. *Hilchos Mechirah* 14:14.

Talmud,<sup>12</sup> which records an unresolved question pertaining to a debate between R. Meir and the Rabbis regarding *mikra bikkurim*:<sup>13</sup>

R. Shimon ben Elyakim said to R. Elazar: What is the reason for R. Meir's opinion in [the case of] one tree and for that of the Rabbis in [the case of] two trees [that they qualify for *bikkurim* but not for *mikra bikkurim*]? He replied: Do you interrogate me in the house of study on a matter about which the ancients gave no reason in order to shame me?

Since it was established that there was no known answer to R. Shimon ben Elyakim's question, his inquiry was perceived as an attempt at stumping R. Elazar.

The previously cited passage in the Talmud<sup>14</sup> continues with an exhortation about the severity of *ona'as devarim*:

R. Yochanan said on the authority of R. Shimon bar Yochai: Verbal wrong is more heinous than monetary wrong. For regarding the former, not the latter, it is written, "And you shall fear your G-d." R. Elazar said: The former affects his [the victim's] person, while the latter [only] affects his money. R. Shmuel bar Nachmani said: For the former restitution is possible, but not for the latter... R. Chisda said: All gates are locked except the gates [through which pass the cries of the victim of] *ona'ah*, for it is written, "Behold, G-d stood by a wall of wrongs, and in His hand were the wrongs."<sup>15</sup>

*Ona'as devarim* is a serious halachic violation. In fact, the

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12. *Bava Basra* 81a-81b.

13. This refers to the set of verses recited upon bringing one's first fruits to the *Beis Hamikdash*.

14. *Bava Metzia* 58b-59a.

15. *Amos* 7:7.

Mordechai<sup>16</sup> adopts a radical position, asserting that someone who violates the prohibition of *ona'as devarim* is even liable to receive *malkos* (lashes)!<sup>17</sup>

Not only is *ona'as devarim* treated with the utmost gravity, but it is also frighteningly easy to violate. In fact, the *Sefer Yerei'im*<sup>18</sup> expands this prohibition from just including *devarim* (words) to include any form of communication that causes emotional distress, including winking or gesturing.

In our scenario, Shimon would ostensibly have the right to demand that Reuven adjust his speech to accommodate Shimon's sensitivities. However, what is the halacha if Reuven claims that he had no intention of causing Shimon emotional harm – would Reuven still be required to accommodate Shimon's preferences, or does Reuven only violate *ona'as devarim* when he deliberately causes pain?

### Do Intentions Matter?

It seems clear from many sources that for Reuven to violate *ona'as devarim*, there must be at least some form of intent.

Consider, for example, Rashi's comments on the verse that prohibits *ona'as devarim*:

Lest you say, "Who knows whether I had any intention to do him evil?" The Torah therefore states: "But you

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16. *Bava Metzia* 306.

17. The *Beis Yosef* (C.M. 1) and *Chiddushei Anshei Sheim* (on Mordechai *ibid.* 2) attempt to temper the Mordechai's assertion from a biblical requirement of lashes to a rabbinical one. However, the Mordechai's formulation strongly implies that the violator of *ona'as devarim* is punishable by lashes on a biblical level. This is in contradistinction to the majority position that our case is not an exception to the rule that a *lav she'ein bo ma'aseh* (a violation without an action) does not incur lashes. Since speaking does not constitute a *bona fide* action, most commentaries assume that it does not qualify for corporal punishment. It is difficult to understand why the Mordechai deviated from this well-established rule.

18. 180.

shall fear your G-d," He Who comprehends men's thoughts - He truly knows them. In all cases where a matter is determined by intention, when no one knows the truth except the one who has the thought in his heart, the Torah states: "But fear your G-d."

It is clear from Rashi that *ona'as devarim* requires some form of ill intent. Furthermore, the *Shulchan Aruch*<sup>19</sup> adds a significant factor necessary for nicknames to constitute *ona'as devarim*:

Be careful not to attribute a negative nickname to your fellow, even if he is accustomed to being called by it; if your intention is to humiliate him, it is prohibited.

Only when Reuven's intention is to humiliate and cause distress to Shimon do his words fall into the category of *ona'as devarim*. However, if Reuven only had positive intentions, his words cannot be considered malicious, and thus they are not considered *ona'as devarim*.<sup>20</sup>

However, it is important to distinguish between intention and awareness. When authorities and codes, such as the aforementioned passage in the *Shulchan Aruch*, use the term "*kavanah*," do they mean that Reuven had no intention to harm the listener or that Reuven was also not aware of the harmful results of his or her words? To understand this distinction, we will explore three permutations of the role of consciousness in perpetrating *ona'as devarim*.

### *Awareness with Intent*

One possible paradigm for our scenario can be found in the Talmud.<sup>21</sup> In the Book of *Shmuel*,<sup>22</sup> we are introduced to

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19. C.M. 228:5.

20. See *Maggid Mishneh* (*Hilchos Mechirah* 14:18), who succinctly formulates this principle.

21. *Bava Basra* 16a.

22. I:1.

Peninah and Chana, the two co-wives of Elkanah. Peninah, the wife with children, provokes Chana, who is barren. And while she may appear to be acting out of enmity, the Talmud fills in a few details:

R. Levi said... Peninah intended for the sake of Heaven... Of Peninah it is written, "And her rival provoked her in order to make her fret."

Rashi<sup>23</sup> understands this to mean that Peninah had a positive goal. Her plan was to cause Chana distress so that she would pray out of anguish and have a better chance that her prayers for children be answered.<sup>24</sup> While Peninah's plan ultimately yielded positive results, since she was not only aware of the harm her words caused Chana, but she even intended it, her action constituted *ona'as devarim*, and as a result, she was punished with the premature death of her children.

This passage in the Talmud explicitly indicates that one may not intend harm, even if one hopes for positive results in the long run. However, our scenario does not go this far, as Reuven is only aware of the harm that he is causing but has no intent to cause any form of distress, even in the short term, to Shimon. Therefore, the narrative of Peninah cannot serve as an adequate precedent for the subject of our analysis.

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23. *Bava Basra* 16a s.v. *ba'avur* and *Shmuel* I:1:6.

24. It should be noted that the Talmud is departing from the simple reading of the biblical narrative to offer a more charitable portrayal of Peninah's antagonism. This is akin to when the sages declare that "Anyone who says that Reuven sinned [with Bilhah] is nothing other than mistaken" (*Shabbos* 55b) and "Anyone who says that David sinned is nothing other than mistaken" (*Shabbos* 56a). The dissonance between the basic understanding of the narrative and the sages' interpretation led the *Ben Yehoyadah* (*Bava Basra* 16a) to offer an alternative approach. He proposes that Peninah only feigned an interest in helping Chana so that their righteous husband, Elkanah, would not intervene. In fact, he suggests that Peninah was acting with nefarious intentions out of pure rivalry. This offers a more compelling reason why she was punished with the death of her children.

### *Absence of Awareness and Intent*

Another potential paradigm can be found in in the *Kuntresei Shiurim* by R. Yisrael Zev Gustman,<sup>25</sup> who writes that while someone who inadvertently commits *ona'as mamon* (monetary harm) is required to return the money, that person has not violated a sin that requires repentance. R. Gustman's assertion is that if the seller inadvertently overcharges the buyer, he has not violated the prohibition of causing *ona'ah*. I would suggest that from this perspective, it stands to reason that if monetary *ona'ah* requires awareness, so too does *ona'as devarim*. Indeed, R. David Ariav<sup>26</sup> rules that when one causes emotional harm about which he could not have been easily aware, he has not violated the prohibition of *ona'as devarim*.

This case, however, is not analogous to the question we seek to address. In our scenario, Reuven is, in fact, aware that his expression will offend Shimon, but he avers that since he bears no ill intention toward the listener, he should be free to speak as he wishes.

### *Awareness Absent Intent*

It is challenging to find a clear Talmudic precedent addressing the precise scenario at hand.<sup>27</sup> In our case, Reuven finds himself in a liminal zone between the two poles of bearing

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25. *Bava Metzia* 22:6, p. 180.

26. *L'rei'acha Kamocha* vol. 3 Ch. 1 (par. 11, pp. 24-25).

27. A potential Talmudic precedent can be traced to *Berachos* 18a, which teaches that if one even inadvertently insults the deceased, he has violated the prohibition of being *lo'eig larash* "(mocking the poor)". (The example in the Gemara is about dragging one's *tzitzis* over a grave.) However, since the Gemara does not invoke *ona'as devarim*, instead attributing it to a separate violation of *lo'eig larash*, this source cannot serve as a compelling precedent.

See also *Kesubos* 62b, which relates how R. Rechumei was punished for not returning home at the date that his wife expected him, thus causing her emotional distress. However, this case too does not serve as a compelling precedent, since a husband has specific obligations to his wife, and thus this case is not necessarily generalizable to standard public conduct and discourse.

flagrant malicious intent and being genuinely oblivious to Shimon's feelings. However, the *Chafetz Chaim*<sup>28</sup> seems to take a position on this query:<sup>29</sup>

Due to the habits of an individual, from time to time one might come to utter a matter of disrepute or something that is emotionally harmful toward his neighbor without intending to do so (*shelo b'miskavein*). Such a statement is included in [the violation] of *lashon hara* and *ona'as devarim*.

The premise of awareness being tantamount to intent can, perhaps, be traced back to the Talmudic principle of *psik reisha*. The Talmud in various places<sup>30</sup> informs us that if an individual performs a permissible action that will certainly also result in an unintended violation of Shabbos, it is prohibited to perform the entire action. This is a perplexing principle, as a biblical violation of Shabbos (*melachah*) is only possible when one does so intentionally. R. Elchanan Wasserman,<sup>31</sup> based on the *Aruch*, suggests that an individual who was aware that he would inevitably be causing a collateral *melachah* cannot claim that he did not also intend for it to be done. Awareness of a particular outcome is by definition intent.

Similarly, in our scenario, when Reuven is certainly aware that Shimon will be offended, he cannot claim that he did not also intend to cause him *ona'as devarim*, since his absolute awareness of the outcome *eo ipso* means he intended the result.

Ostensibly, then, the limits of what can qualify as *ona'as devarim* know virtually no bounds. The only case where Reuven would not be held culpable for offending Shimon would be *ex post facto*, when he was initially unaware of the harm he might cause and was only informed after the fact.

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28. *Chovas Hashemirah* Ch. 8, par. 4.

29. See *Kuntress Ona'as Devarim* p. 27.

30. *Inter alia*, *Shabbos* 75a and *Kesubos* 7a.

31. *Koveitz Shiurim Kesubos* 18.

However, if Reuven does not intend harm but is merely aware of the harmful results of his words, he is not permitted to make his statement *ab initio*.<sup>32</sup>

At this point, the regulations governing *ona'as devarim* 'appear to be consonant with a progressive-liberal ideology, in which the disposition of Shimon is prioritized over the "freedom of expression" of Reuven. If Reuven is aware that using a terminology or expressing an opinion might cause emotional pain to Shimon, he is required to curtail or alter his speech.

While this remains the baseline of our thesis, there are two exceptions to this rule that significantly limit the scope of *ona'as devarim* as it relates to the question of "political correctness." Based on these exceptions, we will demonstrate how the parameters of *ona'as devarim* are more nuanced and at times are consonant with a conservative political *weltanschauung*. We will begin with the first limitation, which requires us to ask the question: is it forbidden to express *ona'as devarim* to all Jews?

### **"With You in Torah and Mitzvos": Limitations on Jewish Communal Eligibility**

As we have established, it is forbidden to knowingly cause another individual emotional harm, even absent malicious intentions. However, not every individual qualifies to be

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32. It is conceivable that this more constrained approach to *ona'as devarim* would only apply in a personal social context. However, when Reuven posts a statement on social media or delivers a public lecture, it would be harder to impose limitations on his freedom of expression simply because Shimon, who will be offended, happens to be a member of the audience. This is perhaps analogous to when R. Yechiel Yaakov Weinberg (*Seridei Eish* 2:56) permitted Torah to be taught on the radio or in a public lecture hall despite the fact that non-Jews were listening in. One of the considerations was that since some of the presenter's listeners were Jewish, the presenter's intent was directed toward them. In the context of *ona'as devarim*, we could make a similar claim - when a significant portion of the audience will not be offended, the speaker is permitted to express his ideas regardless of its reception by the other listeners.

halachically protected from being on the receiving end of *ona'as devarim*.

The Rama<sup>33</sup> records two ambiguous, if not startling, rulings:

There are those who say that we are only commanded [to refrain from] *ona'as devarim* for those who are G-d-fearing. And regarding one who causes *ona'ah* to himself, it is permitted to cause him *ona'ah*.

There are two questions that must be addressed here. Firstly, on what basis does the Rama limit the violation of *ona'as devarim* to a case where the victim is G-d-fearing? Moreover, how should we make sense of the second exception - if one causes *ona'ah* to oneself, should someone else be permitted to inflict further pain upon that person? Certainly, if Reuven strikes himself, that does not grant Shimon the permission to strike Reuven as well! Then why should that be permitted when it comes to emotional harm?

First, let us examine what is clearly the basis for the first exception presented by the Rama. The Talmud<sup>34</sup> relates:

R. Chanina the son of R. Idi said: What is meant by the verse, "You shall not wrong one another [*amiso*]?" Do not wrong someone that is with you in Torah and mitzvos.

The Talmud clearly tells us that not everyone falls under the protection of the prohibition of *ona'as devarim*. Only those who are "with you in Torah and mitzvos" qualify for the benefits of this halachic principle.

Similarly, the *Nimukei Yosef* writes that anyone who is "not God-fearing" is essentially not "with you in Torah and mitzvos." He bases this assertion on the following Talmudic passage:<sup>35</sup>

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33. C.M. 228:1.

34. *Bava Metzia* 59a.

35. *Megillah* 25b.

R. Nachman said: All scoffing is forbidden except scoffing at idolatry, which is permitted... R. Huna bar Manoach said in the name of R. Acha the son of R. Ika: It is permitted to say to a *kusi*: Take your idol and put it in your "*shin tav*." R. Ashi said: It is permissible to abuse a person of ill repute with the term "*gimel shin*."<sup>36</sup>

Based on the *Nimukei Yosef's* interpretation of this passage, if someone is not merely rumored, but rather known to involve himself in sinful activities, such as debauchery, it is then permitted to ridicule him, since he is not a G-d-fearing individual and thus not "with you in Torah and mitzvos."

Thus, the premise of the *Nimukei Yosef* serves as the basis for the first exception recorded by the Rama that there is only a prohibition to cause *ona'as devarim* to those who are G-d-fearing. However, the second exception given by the Rama of "one who causes *ona'ah* to himself," still remains difficult to decipher.

One approach suggested by the *Sma*<sup>37</sup> (and adopted by the *Nesivos Hamishpat*<sup>38</sup>) is that an individual who tends to cause *ona'as devarim* to himself is not "*michlal bnei hayishuv v'haderech erez*," which appears to mean that he does not conduct himself as a functioning member of society. For this reason, he does not fall into the category of being a contributing member of "your nation" (*amisecha*) for the purpose of being protected from *ona'as devarim*.

While this approach fits well with the phraseology of the Rama, it is challenging to comprehend the rationale. How is an individual who causes *ona'ah* to himself excluded from "your nation" on the basis of extreme social ineptitude?<sup>39</sup>

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36. These are references to crude insults. See Rashi s.v. *shin v'tav* and s.v. *b'gimmel v'shin* for elaboration.

37. C.M. 228:4.

38. C.M. 228:1.

39. R. J. David Bleich (*Hadarom* 35 p. 140) posits that *ona'as devarim* is only

To address this difficulty, the *Sma*, based on the *Nimukei Yosef*,<sup>40</sup> offers an alternative elucidation of the Rama's second exception. An individual who constantly causes *ona'ah* to himself and conducts himself in an undignified manner is not considered to be a G-d-fearing person. Due to this individual's irreverence for G-d and His commandments, he does not fall into the category of "with you in Torah and mitzvos."<sup>41</sup>

Accordingly, the second exception of the Rama for "one who causes *ona'ah* to himself" is, in fact, not an additional exception, but rather an application of the Rama's general exclusion from the protections of *ona'as devarim* for anyone who is not G-d-fearing.

If so, we must determine what kind of sin one must commit to disqualify from being G-d-fearing and thus lose the benefits of membership in the Jewish nation such as protection from *ona'as devarim*. The *Chafetz Chaim*<sup>42</sup> codifies the presentation of Rabbeinu Yonah,<sup>43</sup> who distinguishes between sins that are committed out of temptation and sins that are performed as a matter of principle:

And all of these laws that we have set down apply only to a man who is wont to regret his sins. But if you have probed his ways and seen that the fear of G-d is not before his eyes and that he always persists

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violated when Reuven conveys to Shimon, even implicitly, that he does not respect him and holds him in low regard. Presumably, most insults convey that message by definition. He uses this approach to elucidate the *Sma*'s interpretation of the Rama: since Shimon does not respect himself, Reuven cannot be said to have diminished Shimon's dignity. I would like to thank R. Gil Student for bringing R. Bleich's essay to my attention.

40. *Bava Metzia* 32b in the Rif's pages.

41. It is challenging to understand how Jewish law would permit one to harm someone who is already struggling with self-harm. Based on the formulation of the *Sma*, it seems that he is not addressing someone who has a *bona fide* psychological disorder, but rather someone who simply does not conduct himself with dignity.

42. *Hilchos Lashon Hara* 4:7.

43. *Sha'arei Teshuvah* 3:219.

in a way that is not good, such as one who divests himself of the yoke of Heaven or is unheedful of a transgression that every one of his people knows to be a transgression — that is, whether the sin you wish to reveal has been committed deliberately many times by the sinner or he often transgresses deliberately a different sin that is known by all to be a sin — then it is apparent that it is not because his evil inclination overpowered him that he transgressed the word of G-d, but rather that he does as his heart sees fit and the fear of G-d is not before his eyes. Therefore, it is permitted to shame him and to speak of him in a demeaning manner, both before him and in his absence...And thus have our Rabbis said: "And you shall not wrong one man his fellow" — a people who is with you [*am she'ito*] in Torah and mitzvos, do not wrong him with words!" And if one does not direct his heart to the word of G-d, it is permitted to shame him for his deeds, to make known his abominations, and to spill scorn upon him.

According to Rabbeinu Yonah and the *Chafetz Chaim*, losing one's Jewish national membership benefits, such as being protected by the injunction against *ona'as devarim*, is not limited to sins such as idolatry or sexual immorality. In fact, any sin can fall into that category so long as one rejects the prohibition as a matter of principle; either one does not believe that G-d commanded it, or one rejects G-d's right to forbid certain activities.

Based on the *Nimukei Yosef, Sma*, Rabbeinu Yonah and *Chafetz Chaim*, we can conclude that one who sins out of principle is not protected by *ona'as devarim*. Therefore, if, for example, one publicly advocates for religious recognition of same-sex marriage or acquiescence to unequivocal egalitarianism that is undoubtedly problematic and antithetical to the Torah,<sup>44</sup>

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44. I deliberately omitted the example of misgendering an individual who

there is no prohibition of *ona'as devarim* in excoriating him. The act of campaigning for the acceptance of that which is prohibited by the Torah classifies someone as a *mumar l'hachis*, a heretic who rejects even one mitzvah out of principle. However, one who sins out of temptation and lust is only a *mumar l'tei'avon* and remains a part of the Jewish nation and is protected from *ona'as devarim*. If we apply these factors to our original scenario, Reuven would not be required to accommodate Shimon's sensitivities if Shimon is known to publicly campaign in favor of blatant Torah violations.

The danger of this dispensation is that if Reuven dislikes Shimon for personal reasons, Reuven might be tempted to find a quasi-plausible basis to brand Shimon a *mumar l'hachis*, whereby he is now not only permitted, but even required to cause him emotional distress. Due to this concern, the *Chafetz Chaim* writes<sup>45</sup> that one is forbidden to ridicule a person who is not G-d-fearing out of personal spite; he may only do so when it serves a *to'eles* (benefit). The benefit can either be that this individual will recognize his errant ways and repent or that the public will know not to emulate him.<sup>46</sup> However, Reuven would not be permitted to make gratuitously harmful remarks to Shimon if they do not provide any benefit. It should be noted that Reuven also must speak with the purpose of bringing about this benefit rather than with the intention of humiliating Shimon. (Of course, this requires Reuven to have a degree of integrity and self-awareness.)

While there is almost a complete consensus that one needs

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underwent a complete gender reassignment surgery, as this is a more complex issue beyond the scope of the current presentation. See *Tzitz Eliezer* 10:25:26.

45. *Be'eir Mayim Chaim* 4:32.

46. The *Aruch Hashulchan* (C.M. 228:1) makes a similar point. Also, R. Elchanan Wasserman writes (*Koveitz He'aros* 70) that the rule of thumb is that interpersonal prohibitions are only problematic when done for destructive purposes. When there is a *to'eles* (benefit), such as disciplining a student, one may use firm language.

a *to'eles* in order to sanction the use of harmful language,<sup>47</sup> R. Binyamin Zilber writes<sup>48</sup> that ridiculing one who has shirked the yoke of G-d's commandments is inherently considered a *to'eles*. R. Zilber's argument is as follows: there is nothing intrinsically wrong with speaking ill of an animal, but it is better to avoid doing so in order to avoid compromising one's positive character traits. Similarly, while it is biblically permitted to speak gossip (*lashon hara*) about a gentile, it might be prohibited rabbinically. However, R. Zilber asserts, a Jew who has actively chosen to reject the yoke of Heaven is a degree below a gentile or animal, and thus not only is there no prohibition, but there is even a *to'eles* to denounce him and his G-dless way of life.<sup>49</sup>

It should be noted that this is a radical position, and as we will see, there is an important limitation in determining who qualifies as a *mumar l'hachis* and thus is not eligible to be considered a G-d-fearing member of the Jewish people.

## The Captive Child

Before one is tempted to deny protection from *ona'as devarim* to all of the Jews who have ostensibly rejected the yoke of Heaven, it is important to note that R. Shmuel Wosner<sup>50</sup> argues that most non-observant Jews today should not be labeled as heretics, but rather should be placed in the category of a *tinok shenishba* (lit. a captive child).

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47. In the journal *Ma'aneih Lashon* (Vol. 1 *Choveres* 3), R. Chaim Kanievsky is reported to take the position that one may insult a person who is not G-d-fearing, even absent a *to'eles*. This is akin to the aforementioned passage in *Megillah* 25b.

48. *Teshuvos Az Nidberu* 14:60.

49. R. Zilber appears to be applying a *kal vachomer* (a *fortiori* argument) from gentiles and animals to heretical Jews. However, his assertion does not account for the principle of *dayo l'ba min hadin l'hiyos k'nidon* (i.e. that a *kal vachomer* cannot produce a result whereby the more "stringent" situation is more strict than it's "lenient" source), since he is applying a harsher status rather than an equal status.

50. *Teshuvos Sheivet Halevi* 5 *Kuntress Hamitzvos* 51.

R. Wosner asserts that a child who is raised in a non-Jewish or non-observant household was never granted the opportunity to learn and choose to observe G-d's ways and thus should be portrayed as a child who has been captured and taken away from the path of the righteous. The *locus classicus* for this precedent is where the Rambam<sup>51</sup> applies the principle of *tinok shenishba* to excuse the children of Karaites who were not raised to follow Rabbinic Judaism.

A similar line of reasoning was employed by R. Yaakov Ettlinger,<sup>52</sup> who argued that when a Jew in the nineteenth-century does not abide by the laws of Shabbos, he should not be branded as a heretic. Traditionally, Jewish law perceived a public violator of Shabbos as a heretic, since his transgression was symptomatic of denying G-d's creation of the world and subsequent rest. However, argued R. Ettlinger, the people who do not fully observe Shabbos in more modern times cannot be said to be denying G-d as the Creator, for these same individuals also recite prayers and *kiddush* in which they explicitly acknowledge G-d's sovereignty! Accordingly, they should be no less a part of the Jewish people than the Karaites and thus have the status of a *tinok shenishba*.<sup>53</sup>

In recent times, the popularization of the *tinok shenishba* dispensation has been attributed to R. Avraham Yeshaya Karelitz (the *Chazon Ish*). R. Karelitz posits<sup>54</sup> that one can only be branded a *kofer* (a denier of G-d) when G-d's miracles and providence are obvious in this world. Since we do not see the hand of G-d as clearly as in the days of yore, it is not reasonable to blame someone for not achieving the ideal level of faith. Along similar lines, R. Dr. Norman Lamm<sup>55</sup> suggests

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51. *Hilchos Mamrim* 3:3

52. *Teshuvos Binyan Tziyon* 2:23.

53. See R. David Tzvi Hoffman (*Teshuvos Melamed L'ho'il* O.C. 29), who cites this responsum as basis to include non-observant Jews in a minyan.

54. See *Chazon Ish* Y.D. 2:16. See also Y.D. 2:28, where he fleshes out the implications of this lenient position.

55. "Loving and Hating Jews as Halakhic Categories," published in *The*

four reasons why today's non-observant Jews should not be ousted from the halachic benefits of being a Jew.<sup>56</sup> Two of them are pertinent to our discussion:

Reason #1: Heretics today are 'coerced' by the *zeitgeist* we live in, which ineluctably affects their *weltanschauung*<sup>57</sup>... Reason #3: Heresy in our day is most often not a positive rejection of Jewish principles of faith but a lack of conviction or belief; this doubt, according to Rashi's gloss,<sup>58</sup> is not equivalent to heresy.

R. Dr. Lamm explicates what I believe R. Ettliger and others assume: contemporary non-observant Jews do not reject halacha out of principle, but, perhaps due to their upbringing, were never graced with the true profundity of Judaism. They simply do not comprehend and appreciate what they are missing. Accordingly, there is virtually no such thing as a Jew nowadays who is not "G-d-fearing," and therefore, even the Rama et al. would maintain that non-observant Jews are protected from *ona'as devarim*.

However, it is difficult to maintain that virtually all non-observant Jews qualify for *tinok shenishba* status. One challenge is formulated by R. Shlomo Zalman Auerbach,<sup>59</sup> who observes that one needs to be willfully oblivious to believe that most secular Israelis are not familiar with the basic precepts of

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*Orthodox Forum, Jewish Tradition and the Nontraditional Jew* (pp. 173-174).

56. Cf. R. Yuval Cherlow, "The Halakhic Status of the Secular Jew: A Question of Public, Not Personal, Halakhah" ("The Relationship of Orthodox Jews with Believing Jews of Other Religious Ideologies and Non-Believing Jews", pp. 230-231, New York 2009), who presents a framework for accepting secularized Jews, even if they do not qualify for the classical, innocent conception of a "captive child." I wish to express gratitude to my teacher, R. Dr. Jacob J. Schacter, who brought the *Orthodox Forum* volumes cited in this article to my attention.

57. In other words, non-observant Jews are simply a product of what society has inculcated in them.

58. *Shabbos* 31a s.v. *gayrei*.

59. *Ma'adanei Shlomo, Mo'adim* pp. 29-30.

Shabbos and kashrus observance.<sup>60</sup>

In his essay “Homosexuality, Sin and *Tinok She-Nishba*,”<sup>61</sup> R. Yehudah Henkin formulates one of the most scathing critiques of the over-application of *tinok shenishba*:

The problem with this expanded application of *tinok she-nishba* is that it can be misused to justify or exonerate everything and anything. The worshippers of the Golden Calf? Why, they were all *tinokot she-nishbu* as slaves in Egypt. The worshippers of Ba'al? *Tinokot she-nishbu* on account of the pervasive Canaanite influence in the region!... As Orthodox Jews cast the net of *tinok she-nishba* wider and wider, using it to exonerate increasingly large circles of Jewish society, they run the risk of the ultimate corruption: applying the concept of *tinok she-nishba* to themselves, thereby eradicating any sense of guilt and precluding the need for and possibility of *teshuvah* (repentance).

Moreover, while *tinok shenishba* may be a useful dispensation for creating inclusivity among Orthodox and non-Orthodox Jews, it is not always applicable. There are intellectuals, academics, and generally well-read individuals who deliberately choose not to follow traditional Rabbinic Judaism and the tenets of the halachic system. While we may wish to pitch a large, open tent, it is farcical for us to declare that such people sin simply because they do not know any better. Therefore, if an individual knowingly and openly promulgates an ideology that is antithetical to halacha, we would be deluding ourselves to categorize him or her as a *tinok shenishba*. As R. Joseph B. Soloveitchik said<sup>62</sup> in the context of the wayward city:

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60. Cf. R. Dr. Nachum L. Rabinovitch's more accommodating approach to secular Israeli Jews in his essay "All Jews Are Responsible for One Another," *Jewish Tradition and the Nontraditional Jew*, p. 192.

61. Henkin, Y.H., (2008). *Understanding Tzniut: Modern Controversies in the Jewish Community*. Urim Publications. (Ch. 12 p. 135)

62. *Droshos Un Ksovim*, pp. 241-244. This passage can be found quoted in *Chumash Mesoras HaRav (Devarim 16:16 p. 119)*.

The Torah can be quite tolerant of individuals' sins whose motives are lust and desire. The Torah knows the human being, with all of his weaknesses, and has a good deal of empathy for him. "For I have no desire for the death of the wicked, but that he turn from his way and live" (Yechezkel 33:11). But when does this all apply? As long as the sin is not intermingled with ideology. If, however, a person fashions an entire ethics of sin and "sanctifies" the sin by applying G-d's name to it, he becomes the most dangerous criminal.

One who "sanctifies the sin" does not qualify for *tinok shenishba* status, but is, in fact, a paradigmatic heretic. Even R. Ettliger, who advocated the acceptance of non-Shabbos-observant Jews, added the qualification that they can only attain the status of *tinok shenishba* when they are not "*me'izin peneihem neged chachmei hador*" (acting with derision toward the Torah scholars of the generation.) Indeed, a hallmark of both ancient and contemporary heresy lies in the decentralization of and, at times, derision toward faithful Torah scholars.<sup>63</sup>

Returning to our scenario, if Shimon is known to campaign for the revocation of unequivocal Torah violations, he would no longer be considered "G-d-fearing," thereby excluding himself from "your people" and the protection of the injunction against *ona'as devarim*.

However, one can suggest that thinkers such as R. Lamm might remain unmoved by such flagrant actions and maintain that when Shimon advocates against Torah law, he only does so because he is in fact an authentic *tinok shenishba* who does not know better. Nonetheless, while such a school of thought might consider the *gavra* (individual) a legitimate member of the Jewish people, certainly they would need to concede that he is still capable of propounding a message that runs contrary to Torah law. The practical import of this is that one

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63. See also *Teshuvos Minchas Elazar* (1:74).

would generally be forbidden from causing a *tinok shenishba* emotional harm, in accordance with the standard parameters of *ona'as devarim*. But what if the reason Shimon feels hurt is because he is offended by a Torah principle that Reuven espouses, such as laws pertaining to gender distinctions or Jewish particularism? Certainly, even if Shimon would still be classified as a *tinok shenishba*, he would not be able to claim *ona'as devarim* if the source of his feeling offended is the laws of the Torah itself. If that were possible, one could potentially silence any public Torah learning *ad infinitum*. It would be the epitome of irony if one were to utilize one prohibition, *ona'as devarim*, to eliminate the dissemination of the rest of the Torah's strictures.

Furthermore, while one may be tempted to capitulate in order to avoid dispensing a rebuke to one who will not listen,<sup>64</sup> there would still remain an imperative of *macha'ah* (protest) against any public violation of the Torah. This is well-formulated by R. Aharon Lichtenstein in his essay "The Parameters of Tolerance":<sup>65</sup>

Hence, where *tohakhah* [rebuke] will not result in the desired effect, and might even be counterproductive, it is best forgone. *Meha'ah*, by contrast, is publicly oriented. It is part of an ongoing struggle of communal spiritual integrity... Consequently, the restrictive term, *amitecha*, which singles out a spiritual confrere, "a member of the nation who shares in your Torah and mitzvot," for the spiritual remedy of *tokhahah*, has no bearing upon *meha'ah* which is mandated by an event rather than by its agent.

In instances where Shimon unabashedly advocates against Torah principles, even if he does indeed qualify for *tinok shenishba* status and is thus included as a member of "your

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64. Based on *Yevamos* 65b.

65. Lichtenstein, A. (2003). *Leaves of faith: The world of Jewish learning* (Vol. 2). KTAV Publishing House, Inc. (Ch. 4, p. 98)

people,” there still remains an imperative to counter his erroneous claims to ensure Jewish “communal spiritual integrity.” If this factor were to be added to the equation of our original scenario, Reuven would not only be permitted but required to denounce Shimon for publicly propounding an anti-Torah position, irrespective of how Shimon is emotionally affected by the matter.<sup>66</sup>

That being said, many topics of modern political debate do not center around policies that are unequivocally prohibited by the Torah. There is generally nuance and reasonable argumentation on both sides of the political aisle when it comes to questions of transitioning to renewable energy, military aid, and wealth redistribution. Even in more contentious areas of disagreement, such as abortion rights, there can still be multiple valid opinions; there are schools of thought in Jewish law that consider abortion murder,<sup>67</sup> while others deem it permissible in extenuating circumstances.<sup>68</sup> More often than not, both sides of a political debate can be represented by *bona fide* Torah sources, and thus, the onus of proof would fall on Reuven to demonstrate how Shimon’s position is unequivocally at odds with Torah law and morality. Only if and when Reuven can make a compelling case would the scales of *ona’as devarim* weigh in Reuven’s favor.

### **Being Offended vs. Taking Offense: When the “Victim” Becomes the Culprit**

As we have established, it is exceedingly difficult to exclude someone from being a member of “your people,” and thus it is fair to assume that even the typical secular Jew remains

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66. Certainly, if Reuven were to express approval of Shimon’s actions or beliefs, it could constitute being *machzik yedei ovrei aveirah*, the prohibition of encouraging others to sin. See *Yam Shel Shlomo (Bava Kamma 4:9, 38a)* and *Igros Moshe (O.C. 2:51)*. A succinct presentation of this issue can be found in *Chavatzeles Hasharon, Vayeilech* (p. 148).

67. *Igros Moshe C.M. 2:69*.

68. *Tzitz Eliezer 13:102*.

protected by the injunction against *ona'as devarim* due to his *tinok shenishba* classification. Furthermore, it is also difficult to determine whether the public propoundment of one's political ideology should ever incur reproach (*tochachah* or *macha'ah*) unless it unequivocally supports a Torah violation.

The other major exception to the prohibition of *ona'as devarim*, which we will now explore, has nothing to do with the halachic status or ideology of Shimon, but rather his intentions. Unlike earlier, where Reuven's good intentions were not a sufficient basis to exonerate himself from causing Shimon *ona'ah*, in a case where it is Shimon's intentions that are suspect, the tables may be turned in Reuven's favor. Until this point, Shimon has been the passive victim of Reuven's harmful language, and our scope of analysis was mostly limited to Reuven's behavior. However, what happens if the circumstances were to flip in a manner that would turn "Shimon the victim" into "Shimon the offender?"

The *Sma*<sup>69</sup> that we referenced earlier provides a third approach to elucidate the Rama's dispensation to use *ona'as devarim*: self-defense. If Reuven causes Shimon emotional harm, Shimon may then cause Reuven *ona'ah* in order to verbally defend himself. In the words of the *Sefer Hachinuch*:<sup>70</sup>

For it is not reasonable to expect a man to be like a stone that cannot be overturned. Furthermore, to remain silent is tantamount to capitulation.

One is not expected to sit idly by and suffer verbal abuse, similar to how one would not be expected to submissively suffer physical violence. Even though there are instances where righteous people ignored personal slights, the *Chafetz Chaim*<sup>71</sup> asserts that the typical person is not expected to silently accept verbal and emotional maltreatment.

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69. C.M. 228:4.

70. Mitzvah 338.

71. Introduction, *Lavin* 8-9 in *Be'eir Mayim Chaim*.

While this rationale is compelling in principle, there is reason to raise concern regarding its practical application. For instance, the harm caused by Shimon's retaliation can far outweigh the initial "offensive" nature of Reuven's expression. Even though there is no malicious intent, nor is *bona fide* trauma evoked, Shimon the "victim" may choose to exaggerate the impact of Reuven's comment in order to achieve gratification by generating feelings of moral superiority.<sup>72</sup> Subsequently, Shimon the "victim" may choose to publicly humiliate Reuven by posting something about him on social media, thereby further exacerbating the situation. Ironically, when the dust clears, there is a greater issue for the *ona'as devarim* perpetrated by the "victim" than by the original "offending" party.

While it is important that every individual have the self-esteem to stand up for himself, there needs to be a line drawn between a comment that is reasonably categorized as insensitive versus an instance in which the "victim" consciously or subconsciously *seeks* to take offense.

Returning to our anecdote about my colleague who attempted to censor my other colleague for not voting like him – this is a case in point where the "victim" sought to take offense and made an unreasonable claim of *ona'as devarim* (albeit without invoking the halachic category) to claim the moral high ground. Such a claim is untenable. For what would happen if both individuals claimed that they are utterly offended by the opinion of the other? The conversation would enter into halachic deadlock whereby neither party would have the right to express his ideas and beliefs! If we were to accept that consequence as valid, any contentious debate could inevitably be censored due to the mutually assured destruction of competing claims of *ona'as devarim*.

This concern for exaggerated feelings of offense and

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72. Rothschild, Z.K., Keefer, L.A. A cleansing fire: Moral outrage alleviates guilt and buffers threats to one's moral identity. *Motivation and Emotion* 41, 209–229 (2017). <https://doi.org/10.1007/s11031-017-9601-2>.

ensorship are not only present in casual social settings, but have significantly impeded professional relationships in the workplace for many years. The September 2006 issue of the Harvard Business Review recognized the counterproductive nature of cultivating a culture of hypersensitivity in an article entitled “Rethinking Political Correctness”:

In cultures regulated by political correctness, people feel judged and fear being blamed. They worry about how others view them as representatives of their social identity groups. They feel inhibited and afraid to address even the most banal issues directly. People draw private conclusions; untested, their conclusions become immutable. Resentments build, relationships fray, and performance suffers.<sup>73</sup>

It is not reasonable for a person to live with the constant anxiety that one small misstep could incur the ire of his friend or co-worker – nor is it ethical for that friend or co-worker to impose such standards. R. Aharon Lichtenstein already recognized the writing on the wall at a 1997 conference of the Orthodox Forum:<sup>74</sup>

Recent declines in toleration, among “politically correct” circles in America... are perturbing not only because of the erosion of “traditions of civility” *per se*, but because of the heavy-handedness which has accompanied them.

Perforce, a line must be drawn where we can establish that Reuven has discharged his requisite obligation of sensitivity, at which point Shimon’s taking offense would not be attributed to Reuven’s words.

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73. Ely, R. J., Meyerson, D. E., & Davidson, M. N. (2006). Rethinking political correctness. Harvard Business Review, 84(9), 78.

74. Lichtenstein, A. (2003). Leaves of Faith: The World of Jewish Learning (vol. 2). KTAV Publishing House, Inc. (Chapter 4, p.109).

Indeed, R. Asi HaLevi ibn Yuli<sup>75</sup> asserts that there is a distinction between causing *ona'as devarim* to an individual versus an individual who causes *ona'ah* to himself. He bases this claim on the Talmud,<sup>76</sup> which deals with a case of *geneivas da'as*, the prohibition of deceiving another individual in order to ingratiate oneself. The Talmud rules that if Shimon commended Reuven for making the journey to honor him, Reuven would not be required to inform Shimon that he travelled there for a completely different reason. Why is Reuven allowed to remain silent? Is he not deceiving Shimon? The answer is that Reuven has done nothing wrong, since it was Shimon who deceived himself. Similarly, when it comes to *ona'as devarim*, there are instances where individuals seek to take offense in unreasonable circumstances. In such cases, Reuven would not be culpable for causing *ona'as devarim*, since Shimon caused the *ona'ah* to himself.<sup>77</sup>

One may suggest that R. Asi HaLevi ibn Yuli's limitation on *ona'as devarim* may in fact be the intention of the aforementioned Rama when he writes: "And one who causes *ona'ah* to himself, it is permitted to cause him *ona'ah*." Perhaps Rama is referring to the case where Shimon takes a relatively neutral statement by Reuven, clutches his pearls, and chooses to make a mountain out of a molehill. In effect, the reason the Rama permits Reuven to speak *ona'as devarim* to Shimon is because Reuven is, in fact, not causing any *ona'ah* to begin with. Rather, it is Shimon who takes Reuven's *devarim* and

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75. *Kuntress Ona'as Devarim*, essay No. 4 (p. 33, n. 5). I would like to thank R. Daniel Z. Feldman for bringing this book to my attention.

76. *Chullin* 94a.

77. A similar line of reasoning can be found in *Igros Moshe* E.H. 2:1. The case involves an older brother who wants his younger brother to avoid getting married first in order to spare him (i.e. the older one) from the humiliation of remaining single. R. Moshe Feinstein offers various reasons for why the younger brother should not delay his marriage. Toward the end of the responsum, he asserts that it is not the fault of the younger brother that the older one feels humiliated. The younger brother has done nothing wrong - rather, the older brother has chosen to view his younger brother's marriage as a slight to his dignity.

manipulates them in a way that causes *ona'ah* to himself. Therefore, if Shimon seeks opportunities to take offense by setting unreasonable standards for those he interacts with, such as censoring those with different political opinions, it will have no halachic bearing on Reuven's ability to express himself.

The topic of sensitivity and political correctness in Jewish law is a nuanced issue. On one hand, halacha's baseline assumption is closer to the politically progressive school of thought, which values sensitivity to Shimon over the free expression of Reuven. Thus, Reuven's speech would be limited in instances where Shimon would be harmed, even inadvertently. However, one would be enjoined to publicly protest even against a *tinok shenishba* if this individual advocates for policies that are unequivocally at odds with the Torah. In such a case, the imperative of *mecha'ah* supersedes *ona'as devarim*. While that is a less common case, a more widely applicable exception to the prohibition of *ona'as devarim* can be found in the modern phenomenon of political correctness. If Shimon seeks to take offense and sets unreasonably restrictive standards for Reuven, Reuven is not guilty of violating *ona'as devarim*, since Shimon takes Reuven's innocuous *devarim* and construes them as *ona'ah* to himself.

## Conclusion

While there are numerous exceptions to the prohibition of *ona'as devarim*, it is worth reiterating how severe the Torah regards one who unrightfully causes another individual emotional pain and anguish. R. Chaim Shmuelevitz<sup>78</sup> notes that Peninah's children were taken before their time due to the pain that she caused Chana. Even though Chazal explain that Peninah had good intentions, causing another individual pain "is like putting your hand inside a fiery furnace, in which your intention makes no difference." One must be

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78. *Sichos Mussar* (5775 edition pp. 327-328).

exceedingly sensitive to others' feelings, because engendering *ona'as devarim* is akin to playing with fire.

On the other hand, we are social creatures, and we cannot function normally if every conversation becomes a minefield whereby a small misstep is blown out of proportion. It can become psychologically taxing, especially when the "victim" derives gratification from censoring and branding other individuals or ideologies as offensive. R. David Ariav<sup>79</sup> notes that although Tosafos<sup>80</sup> write that one is supposed to be more careful about avoiding causing physical harm to another person than protecting oneself, this is only true regarding one's responsibility to make restitution for damages caused. Interpersonal relations, on the other hand, are guided by the principle of "Love your neighbor as yourself," and one is only required to be as careful about *ona'as devarim* as one would want someone else to be careful about causing it to him or her. In general, conversations between two people are not supposed to be contentious.

The bottom line is that Reuven should endeavor to accommodate Shimon's feelings, while Shimon should extend the benefit of the doubt to Reuven. The contemporary inclination to classify opposing opinions as "offensive" has disrupted genuine dialogue and debates. While there are certainly those who wish to offend and others who seek to take offense, I believe that most individuals are sincere and should be granted the opportunity to engage unhindered in fruitful discourse and disagreement.

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79. *L'rei'acha Kamocha* Vol. 3 Ch. 1 (p. 25 n. 15).

80. *Bava Kama* 27b s.v. *amai*.