

# A Simple Explanation of the Evil Eye

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## Section I - Introduction: The Evil Eye

A cornerstone of the monotheistic belief of Judaism is the denial of idolatry and superstition.<sup>1</sup> Judaism advocates that its adherents walk simply with God<sup>2</sup> -- their life should be based on moral ideals and reason. Demons, charms and spells have no place in ones considerations.<sup>3</sup>

It therefore comes as a surprise to the religious Jew when certain laws appear to be based on the supernatural. A simple example will suffice -- the following may be found in the code of Jewish law:

It is prohibited to give two brothers (or a father and son) consecutive Aliyahs (calling to the Torah) since *we fear that this might invite the evil eye*.<sup>4</sup>

This is certainly perplexing! First it is counterintuitive -- the religious Jew does not expect concepts like evil eye to enter into his required practices. This law however, also seems contrary to the Biblical law against superstition. Compare the following citation:

*It is Biblically prohibited to divine. What is an example of divination: A person who says: A black cat crossed my path; therefore I will not embark on a new business deal.*<sup>5</sup>

What indeed, is the difference between abstaining from a business deal because of the black cat that passed my path versus the person who abstains from receiving an Aliyah because his brother just received the last aliyah.

Aren't these abstentions one and the same? Why is one classified as Biblically prohibited while the other is rabbinically required? It seems that we must clarify more than an intuition here--we must clarify the actual source of prohibition. Our goal in this short essay is to rationally explain the concept of the evil eye in a manner consistent with the rest of Jewish law and Biblical language.

## Section II: Background - Tort Laws

Our starting point will be a review of Jewish tort laws. Jewish civil law has a large spectrum of actions considered damaging. In the sequel we will review 4 such laws. In each case we will ask three questions:

- **Issue A: Prohibition:** Is the act Biblically or Rabbinically prohibited?
- **Issue B: Sue:** If a damage takes place can the person be sued?
- **Issue C: Waiver:** Does the damagee have the right to waiver (allow the damaging act without consequence)?

The review of these 4 laws will sharpen our focus and understanding of the three issues: **Prohibition, Sue and waiver**. We can then reexamine the evil eye using our new understanding.

### **Example 1: Breaking my arm**

**Issue A:** It is Biblically prohibited for another person to break my arm.<sup>6</sup> **Issue B:** If another person does break my arm they must pay me damages in 5 categories.<sup>7</sup> **Issue C:** I do not have the right to waiver. In other words if I sign a valid Jewish contract(witnessed and signed) allowing someone to break my arm it is not binding. I can turn around and sue the person who breaks my arm even though I waived it.<sup>8</sup>

### **Example 2: Breaking my vase**

**Issue A:** It is Biblically prohibited for another person to break/destroy my property.<sup>9</sup> **Issue B:** If another person does break my vase I can sue them for damage.<sup>10</sup> **Issue C:** I do have the right to waiver--that is I can allow a person to break my vase--if he then breaks then he has not sinned and he owes me nothing.<sup>11</sup>

### **Example 3: Privacy**

**Issue A:** After a lengthy Talmudic debate the conclusion is reached that violating privacy is a tort.<sup>12</sup> I cannot for example build a window overlooking my neighbors courtyard.<sup>13</sup> I also cannot leave our two adjacent courtyards unfenced.<sup>14</sup> **Issue B:** My neighbor can sue me for privacy. He can force me to shut down the window I build overlooking his courtyard.<sup>15</sup> Similarly he can build a fence between our two courtyards and then sue me for 50% of reasonable expenses.<sup>16</sup> **Issue C:** A variety of waiver vehicles are sometimes permitted. For example: If my neighbor gives me some window cleaner after I build my new window then he is deemed to tacitly approve of it and can no longer require me to shut it down. Similarly if he is silent for several weeks after the window is built he loses his right to sue me (His silence is considered a tacit approval)<sup>17</sup>

### **Example 4: Nuisances**

**Issue A:** It is prohibited for me to create nuisances on my property if they annoy my neighbor. For example I can not perform woodcutting work if the sawdust travels to his property.<sup>18</sup> **Issue B:** My neighbor has the right to sue me to abstain from the work (However he cannot collect damages except under special circumstances)<sup>19</sup> **Issue C:** A strong waiver is possible but a weak waiver is not possible: If my neighbor has put up with my woodcutting activities for several years he can still turn around and sue me(to stop). However if he contractually agrees to allow me the woodcutting then the waiver is binding.<sup>20</sup>

**Summary:** Let us summarize what we have learned: **Issue A:** It is prohibited for me to damage--this prohibition exists whether I damage a persons body, a persons property, or just cause a nuisance. **Issue B:** Certain damages carry with them the right to sue for monetary compensation (with from 1 to 5 dimensions of lawsuit damages possible). Other damages carry with them the right to sue for cessation but not for monetary compensation. **Issue C:** In general one can not waive ones right to damage. In certain circumstances a

waiver is allowed but Jewish law may require an assertion of seriousness of intent (Such as a contractual agreement).

### **Section III: The Evil Eye revisited**

Quite simply I suggest that the evil eye prohibitions are damage prohibitions similar to privacy. The acts prohibited due to the, evil eye, seem to all involve conspicuously placing a person in the public light. As such they resemble invading their privacy. We would therefore suggest translating evil eye as public eye. Like privacy damage, public eye damage creates a feeling of unpleasantness and uneasiness--Jewish law protects people from such public eyes.

True there is no right to sue for compensation if one is given two consecutive aliyahs--but we have already seen that many damages only confer rights to sue for cessation. Similarly we have seen many damages for which no waiver exists so it does not come as a surprise if public-eye damages cannot be waived.

To defend our thesis that the evil eye is the public eye we review the 2 dozen occurrences of public eye in the Talmud.<sup>21</sup> We will see that our suggested translation of public eye fits these laws well. We first revisit the consecutive Aliyah prohibition.

#### **Example 1: Consecutive Aliyahs**

If two brothers or a father and son get two consecutive aliyahs it unnecessarily puts them in the public eye. People may feel that this family is getting too much honor.

#### **Examples 2,3,4: Business Anxiety**

We all know how uneasy we feel when we are about to consummate a big business deal. We are nervous something might go wrong. We are also nervous that once people find out how much money we have they will start asking us for favors. Succinctly, we are nervous about being in the public eye. Compare the following three Talmudic laws

Our Rabbis taught: He who trades in cane and jars will never see a sign of blessing. What is the reason? *Since their bulk is large, the [evil] eye has power over them.*

*Rashi: Market traders are exposed to the public gaze, and so to the evil eye, which is a potent source of misfortune.*<sup>22</sup>

A similar explanation would hold for the following law

*One may not stand over his neighbors field when its crop is full grown.*<sup>23</sup>

Finally, anxiety over people knowing about possessions which may lead to their theft is also found in the following law

*He may not spread it [a lost article] upon a couch or a frame for his needs, but may do so in its own interests. If he was visited by guests, he may not spread it over a bed or a frame, whether in his interests or in its own! Because he may thereby destroy it, either through an [evil] eye or through thieves.<sup>24</sup>*

#### **Example 4: Joseph**

Several places in the Talmud reference is made to the fact that Joseph and his descendants could not be affected by the public eye.<sup>25</sup>

Using our conceptual model this is not hard to understand. Joseph was a religious Jew in a high public position of the Egyptian government. Such a person is in the public eye anyway. So Joseph got use to the public eye -- it did not cause him the anxiety it causes the rest of us. Furthermore adding a bit more of publicity to these already public officials does not affect them the way it would affect those who are not in the public eye.

Still another way to look at the Joseph immunity is the following: Public eye is not intrinsically evil--public figures sometimes help people. Thus the desire to be blessed like Joseph and be free of the public eye is a simply a desire that one should appreciate publicity as a force for good instead of possible threat. Nevertheless, this is a personal decision and Rabbinic law protects those of us who are not yet at Josephs level from the public eye.

A similar perspective holds in the privacy laws. Privacy is not intrinsically evil. True, I may mind my neighbor seeing what I do in my courtyard; but I might also want a good neighbor who can oversee my yard and help me when I need it. Hence the privacy laws allow the concept of waiver even though other personal torts do not allow waivers.

## **Section IV A Harmonizing Approach**

We have identified the Talmudic concept of evil eye with public eye. We have equated the avoidance of the evil eye with avoidance of anxiety due to excessive publicity. We have classified the public eye as a damage similar to the privacy torts. Our goal in this last section is to show a complementary harmony between the rational and supernatural explanations of this law.

First we consider a Biblical precedent. King Saul is described as being possessed by an evil spirit.<sup>29</sup> Examination of his symptoms (a) his mistrust of his son-in-law<sup>26</sup>, David, and (b) his excessively aggressive tendencies<sup>27</sup> suggests that in fact evil spirit refers to the bio-chemical disturbance of paranoia. Indeed, this is consistent with the Talmuds exemption of

Saul from moral responsibility for his actions<sup>28</sup> as well as with the fact that Saul used musical therapy.<sup>29</sup>

It is easy in this case to harmonize the physical explanation of paranoia with the supernatural explanation of an evil spirit. Saul had murdered a city of Priests.<sup>30</sup> Their souls caused him guilt and it is this guilt which manifests itself in paranoia. Thus we see a complement of the two approaches: The **supernatural**-- *the souls of the dead causes guilt*, and the **rational**--*the guilt manifests itself in a bio-chemical disturbance of parnaoia*.

Such a dual approach is also possible with the public eye prohibitions. True a person has anxiety from these prohibitions---but this anxiety is caused by not following in the footsteps of Joseph who helped the community with public service.

Thus we see that the rational understanding of these laws should lead to greater appreciation of them and a fuller religiosity

## **Acknowledgment**

The basic idea expressed in this article, appeared in various forms, several times on the email group Torah.Forum located at **www.Torah-Forum.Org**. The author expresses his gratitude to the moderators of Torah-Forum for hosting a site where original Torah ideas can develop. The present article develops the thesis more fully with complete references. This article was also published in the September 2003 issue of *Kol HaShomrim* -- a periodic publication of *Congregation Shomrei Emunah* of Baltimore.

## **Notes**

1. e.g. The Rambam includes all prohibitions against superstition in the Laws of Idolatry (Chapter 11)
2. Deuteronomy Chapter 18 Verse 13
3. Compare Rambam Idolatry Chapter 11 Paragraph 16
4. This law does not occur in the Talmud but is brought down in the Code of Jewish law in the Laws of Torah leining and is commonly accepted in all synagogues.
5. Rambam Idolatry Chapter 11 Paragraph 5.  
Note that this prohibition is Biblical: Deuteronomy 18:10
6. Rambam Torts Chapter 5 Paragraph 1
7. Rambam Torts Chapter 1, Paragraph 1
8. Rambam Torts, Chapter 5, Paragraph 13
9. Rambam Torts, Chapter 6, Paragraph 1

10. Rambam Torts Chapter 6, Paragraph 1
11. Rambam Torts, Chapter 5, Paragraph 12
12. Rambam Neighbors, Chapter 2, Paragraph 13
13. Rambam Neighbors, Chapter 5, Paragraph 6
14. Rambam Neighbors, Chapter 3, Paragraph 1
15. Rambam Neighbors, Chapter 5, Paragraph 6
16. Rambam Neighbors, Chapter 3, Paragraphs 1-4
17. Compare Rambam Neighbors Chapter 2 Paragraph 13  
Chapter 7, Paragraph 6.(Thus there is a waiver by  
silence for the window but no such waiver for a fence)
18. Rambam Neighbors Chapter 11, Paragraph 1
19. Rambam Neighbors Chapter 11, Paragraph 2
20. Rambam Neighbors Chapter 11, Paragraph 4
21. I used the Davka Soncino CD Rom. It found 51 instances  
of evil-eye covering 25 distinct Talmudic portfolio. Several  
of the portfolio had identical citations. The citations are from  
the Soncino Talmud.
22. Pesachim 50b
23. Baba Metziah 107a
24. Baba Metziah 30a
25. e.g. Beracoth 20a and many others
26. e.g. Samuel 1, Chapter 20, Verses 30-31  
or Samuel 1, Chapter 18, Verses 6-9
27. e.g. Samuel 1, Chapter 18, Verses 10-13  
or Samuel 1, Chapter 22, Verses 17-19
28. See Talmudic comments on the verse, 1 Samuel 28,19  
*Tomorrow you are with me (In Paradise)*, implying  
that Saul was not punished further for his actions
29. Samuel 1, Chapter 18, Verse 10
30. Samuel 1, Chapter 22, Verses 17-19