

LASHON HARA ABOUT SPIRITUAL MATTERS

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1. What is forbidden as Lashon Hara?

It is forbidden to speak about another person -- even if not to that person's face -- about truthful information, for the information causes shame to the subject of the Lashon Hara. The prohibition is not lessened when the information does not reflect the subject's present situation, such as recounting the evil ways of his ancestors or relatives, or discussing his misbehavior at an earlier point in life, regardless of whether the misdeeds mentioned are "bein adam l'makom" (between man and G-d) or "bein adam l'chaveiro" (between man and man). Now that he conducts himself properly it is forbidden to disparage him for this and is considered Lashon Hara.

Even if the speaker recently witnessed the subject violating a commandment "bein adam l'makom" in a private setting (regarding violations "bein adam l'chaveiro" there are many details, which we will discuss with the help of Heaven in chapter 10), it is forbidden to disparage the subject about this, even when not in front of him, except under the conditions which we will discuss in paragraph 7 of this chapter.

2. What may not be spoken about?

It does not matter whether the information is about a flagrant violation of a commandment written in the Torah which is widely known about, for certainly the subject of the Lashon Hara would be greatly shamed in the eyes of the listener by such information, or even if the information reflects an observance about which many are neglectful, and about which there is not such great shame, such as saying that the subject is not very interested in studying Torah, or the information that Ploni said is not accurate (provided that there is no value to telling the listener of the inaccuracy; if there were value to the conversation, the speaker must have only that constructive intent, along with other requirements which we will discuss in chapter 10), and similar examples; in any case relating the information would be forbidden. Regardless of the degree of shame, such Lashon Hara still implies that the subject is not properly observing the Torah.

Even to speak about someone with respect to their enthusiasm for observance, such as saying that someone is miserly and does not honor the Sabbath, a requirement indicated by the positive commandment "Zachor" (remember) and also written about in the book "Charedim"; or even saying that someone does not observe an optional stringency of Rabbinic origin that is not even required under optimal conditions; even if the speaker only criticizes the subject behind his back, and the information is true because the speaker personally witnessed the subject's actions, it is forbidden.

3. How to react to someone who commits a misdeed

We will subdivide this subject into several categories.

If the sinner is a "beinoni" (an average person), a typical person within the community, such that his way to to be careful not to sin, and he falters and sins only occasionally, and it's possible to assume that he committed this sin without intending to, or he didn't know that the action was forbidden, or he thought it was an optional stringency only kept by very pious individuals, then even if the witness saw the sinner commit this misdeed several times, the witness certainly should assume that one of these possibilities is indeed the reality.

It would be forbidden to reveal this information about this "beinoni", so that he shouldn't be disgraced in the eyes of his people; even disgracing him in his own eyes would be forbidden. It is also forbidden to hate him on the basis of what was witnessed, for the witness must judge him favorably, as this is the fulfillment of the positive commandment (Lev. 19:15), "Judge your fellow people righteously," according to several halachic authorities.

4. A first-time offender

If it seems that the sinner knows that what he is doing is forbidden, and also that he realizes that he

is committing a sin, such as in the case of adultery, eating forbidden foods, or similar violations which are generally known throughout the Jewish nation, then the observer's response depends as follows: if the sinner is a "beinoni" (spiritually average individual) in all other things, such that he generally guards himself from sinning, and also if the sinner has not been witnessed faltering with regard to this particular sin except for one time in a non-public situation, it is forbidden to reveal his sin to others, even behind his back.

One who discloses such information bears great guilt, for perhaps the sinner has repented from his evil way: he has grieved in his thoughts, and he has borne his sin before G-d, for the essence of repentance is established through anguish of the heart. Yet when the witness tells the masses about the sinner's misdeed, the sinner will be disgraced and embarrassed in their eyes, even after he regretted his wrong and received forgiveness for his transgression; therefore the fool who relates the sinner's misdeed is himself a sinner and is guilty.

There is also no reason to reveal the information to the town judges, even if the observer has a second person who can uphold his testimony (for if there weren't a second person, it would certainly be forbidden to reveal the information for the judges would be prohibited from believing the solitary speaker's words and they would conclude that he is a Ba'al Lashon Hara, a habitual speaker of L"H), since there would be no purpose in such a discussion.

Instead the witness must rebuke the sinner privately, regarding his causing G-d to be bitter with him through this sin, and help the sinner see ways to protect himself from this point onward from the causes which brought him to the sinful situation, so that he should not come to sin again. The speaker should be careful to speak with gentle language so that he will not shame the sinner, as it is written (Lev. 19:17), "You must surely rebuke your neighbor, and not bear sin because of him."

All that we have written applies even if the person is only a "beinoni" with respect to other areas of observance. Certainly if the offender is a Talmid Chacham (wise Torah scholar) and fears sin yet now his inclination overtook him, it is certainly a great transgression to publicize his sin. It is forbidden even to suspect the scholar, for he has certainly repented, for if his inclination overtook him once, his soul is bitter about the sin afterward, and his heart is fearful and he trembles over his guilt. As our Sages have said, if you have witnessed a Talmid Chacham violate a commandment at night, do not suspect him during the day for he has certainly repented.

5. If the person won't respond to rebuke

If, however, this first-time sinner will respond to rebuke by justifying himself or repeating the action, the witness should take the matter to a communal court, so that he will receive rebuke from an effective source. It seems that speaking to the sinner's relatives would similarly be permissible provided that his words will be believed (see Hebrew footnotes for more detail). The speaker should

be certain that he has only the right motivations, zealousness for the glory of Heaven and not hatred toward the sinner for some other reason. Also, the judges should speak to the sinner privately and not embarrass him, as it is written (Lev. 19:17), "*rebuke your fellow, but do not bear sin because of him*" (i.e. don't commit a sin - such as embarrassing him - in the process).

This applies only if the witness was one of two who saw the incident, for if he is a solitary witness he should not tell an influential community figure because he will not be believed, as it is written (Deut. 19:15), "One witness shall not rise up against a man for any iniquity or for any sin." Should the witness relate what he saw, he will be considered as "motzi shem ra," circulating lies about the subject. Also, the Sages speak harshly against someone who speaks as a solitary witness with regard to observance (i.e. non-monetary cases): "Three types of individuals are hated by the L-rd, and one is someone who sees his fellow in an adulterous situation and testifies alone against him."

However, the witness could reveal the information privately to the sinner's Rabbi or close friend if he knows that he will be believed as if he were two witnesses. It would be permissible for his Rabbi to hate the sinner because of his misdeed and isolate the sinner from his social circle, until it is clear that the sinner has repented. It would be forbidden, however, for his Rabbi to reveal this to others; as we learned in paragraph 4, it wouldn't even help if he witnessed it himself.

6. A Frequent Sinner

If someone has committed a sin numerous times, it is permissible to inform the appropriate individual (teacher, friend, relative, etc.) to rebuke the sinner. Even if the transgressor's Rabbi is not careful with such information, so that others will hear about it, it might be permissible nonetheless to relate the problem, provided that the sinner will listen to the rebuke.

In the case of someone who picks up bad habits easily (i.e. when he sins he is likely to repeat it), it is forbidden to discuss the matter with anyone. Rather, we view him as any one-time sinner: accord him the benefit of the doubt that he has been inspired to repentance, and rebuking him (privately) if appropriate.

(Note: in the second case, the referral of an incident to a communal leader or relative should only be done if the listener will use proper discretion in discussing the matter. In both cases, nothing should be repeated unless there are two witnesses or the one speaker's word will be respected as two witnesses.)

7. An intentional sinner

So far, we have discussed individuals who have a sincere feeling of regret for straying from the path of our heritage. However, if someone proves himself to be one who does not care about Torah

observance, either by

- a. demonstrating a flippant attitude in these matters, or
- b. intentionally violating any commandment several times or intentionally violating a commandment which everyone knows about...

...it is permissible to embarrass him and publicly speak derogatorily about him both in front of him and behind his back. Furthermore, if he does or says something which can be interpreted in different ways, as an established evil doer he is judged as guilty. The Sages instruct us to treat a consistently wicked person this way so that the community is separated from the religious disgrace ("chilul Hashem" = desecrating the name of G-d) that the individual has created. The community members should dishonor him until after the sinner returns from his corrupt ways.

8. One who ignores the instructions of a Beit Din

When a Beit Din (Rabbinic Court) instructs someone regarding a "kum v'aseh" (action to perform, in contrast to a prohibition), whether the command is Bein Adam l'Makom or Bein Adam l'Chaveiro (between man and G-d or between man and fellow man), and the individual does not want to follow their instruction whatsoever, and the individual has no explanation as to why he does not want to follow it it is permissible to disparage him in public, and even write about the situation for future generations.

If however, the person has some excuse defending why he does not fulfill the instruction of the Beit Din, and the veracity of excuse depends upon the intentions in his heart, the rule is as follows: if we understand his answer is not sincere but rather to extract himself from our scrutiny, we are not required to believe him, and it would be permissible to speak about the disgrace and even write it up as mentioned above. If, however, the sincerity of his excuse is only questionable, it is forbidden to speak negatively about him.

9. Someone with a Negative Character Trait

Let us return to the main topic of this chapter, the prohibition against denigrating one's fellow and talking about his character faults. If someone exhibits a negative character trait, such as arrogance, anger, or another improper trait, it is forbidden to disparage him, even if the observer is certain of his perceptions.

The principle "dan l'kaf z'chut" (give the benefit of the doubt) gives us several reasons why not to talk about this person:

- Perhaps he has repented and feels terrible about it.
- Maybe he doesn't realize the severity of possessing such a trait (he thinks its "bad", but not a specific violation of anything).
- it has probably not occurred to him that he is doing something wrong: *"Each man's way is straight in his own eyes."* (Proverbs 21:2).

The proper response would be not to discuss it with others but rather to try to convince the individual to change his ways. The speaker should (gently) explain the prohibition of exhibiting the trait (anger, arrogance, etc.), and is thereby fulfilling the commandment *"Rebuke your neighbor"* (Lev. 19).

10. When is it permissible to repeat something negative about another?

While the speaker should first try to influence the individual directly, if he observes certain negative character traits in the individual, such as arrogance or anger, or that the individual is an idler at the expense of Torah growth, it is proper for the person to speak to that individual's children or students and caution them not to learn from his behavior. The principle defined by the Torah prohibition against speaking Lashon Hara even if true, is if the speaker's intention is to disparage his fellow and rejoice in the other's disgrace. If, however, the speaker's intention is to protect another friend such that he will not learn from the actions of the other, it is clearly permissible, even a mitzvah (positive action).

When a speaker intends to warn others, we see that the speaker is required to tell the listener his reason for speaking L"H, so that the listener should not err by freely speaking L"H about the subject as a result of the conversation. so that the listener will not think that he is a hypocrite, sometimes saying it is forbidden to speak L"H yet now the speaker is speaking it himself, for it is a great mitzvah to help distance young children from the sin of Lashon Hara as we will learn further in chapter 9.

11. When may one inquire about other people?

Consider an additional, fundamental concept with regard to when one may engage in Lashon Hara about others: if someone wishes to enter into dealings with another, such as to hire him as a worker or to arrange a shidduch (marriage) or anything similar, even if the person has not heard anything against the other, it is nonetheless permissible to inquire and investigate through others about the other's character and activities. Even if people will tell him negative information about the other person it is nonetheless permissible, for his intention is for his own good, such that he will not later suffer harm or be part of a dispute and cause a Chillul Hashem (desecration of G-d), Heaven forbid.

It appears to me, however, that the person must inform whoever he asks that he intends to arrange

a shidduch or other involvement as mentioned above. Therefore there will be no suspicion against the questioner when he asks about the other person, for he does not intend to malign the person he asks about but rather for his own protection. (He should be careful, however, not to believe with certainty what others tell him since acceptance of L"H is limited to a general suspicion in order to protect oneself.) By informing those he asks, the questioner also does not violate the prohibition "lifnei iver lo titen michshol" - do not place a stumbling block before the blind - for even if the person responds with negative information, he is not doing so to disparage the potential partner but rather to help the questioner. (The one responding should, however, take great care not to exaggerate beyond what he personally knows to be true, as well as fulfilling several other parameters; see chapter 9 of Hilchot Rechilus for details. Additionally, the questioner should take care not to ask negative information from an enemy or rival of the potential partner.) If, however, the questioner does not identify his reason for inquiry, but rather acts as if the person he is asking about is a stranger to him in order to discover what that person is really like, it seems clear that he thereby transgresses the prohibition "lifnei iver," for through his questioning he led his fellow man to speak words of incrimination .

Even if the information is true, for as we clarified elsewhere, that according to all halachic authorities the prohibition against L"H applies even if the information is true. Similarly, one cannot say that the person responding intended that somehow the negative information he relates will help another; and that in this case it does help someone; regardless , the speaker intended to disparage the person he spoke about, and therefore the questioner is required to follow what we have written above. (In a footnote, the Chafetz Chaim describes a well-known Talmudic case: someone who intended to eat pork but mistakenly ate a kosher meat is considered partially guilty and obliged to repent, despite the actual outcome.)

12. Repentance for Speaking Lashon Hara

If one sinned and spoke Lashon Hara about another and wants to repent, depends upon the following: if the listeners did not accept his words so that the subject of his L"H was not disparaged whatsoever in the listeners' eyes, in such a case the only violation is that between man and G-d, because the speaker acted against the will of G-d who commanded against such behavior, as we discussed in the introduction. The repair is that of all sins which are between man and G-d:

- To regret the improper action
- Viduy (to confess privately before G-d)
- To commit oneself not to repeat the sin again.

If, however, the speaker's improper speech did cause the subject of the Lashon Hara to be disparaged in the listeners' eyes, and as a result the subject incurred some damage to his person or

finances, or he experienced emotional oppression from the Lashon Hara, the repentance is the same as any violation between man and fellow man such that even Yom Kippur or death does not atone for the sin until appeases. In such a case the speaker must ask forgiveness from the person, and once the sinner is appeased and forgives him, only the sin between man and G-d remains so that he should follow the procedure above. Even if the subject of the Lashon Hara was not aware of what was done against him, the speaker must reveal that he acted improperly against the subject*, and ask forgiveness, now that the subject knows that the speaker harmed him. From this we can understand to what extent man must take care to avoid this terrible trait (gossip), for to someone who is accustomed - Heaven forbid - to acting in such a manner, it is nearly impossible to repent. He certainly will not remember all the numerous souls to whom he caused distress through his Lashon Hara. Further, even those individuals of whom he remembers having directed evil against them do not know that he wronged them, and therefore he will be embarrassed to tell them. Worse, in the instances when he spoke negatively about a family, he damaged all future generations and cannot achieve forgiveness for this, as our Sages said, "One who speaks about the negative traits of a family has no wordly atonement." Therefore one must distance himself from this awful trait so that he should not find himself - Heaven forbid - spiritually corrupted beyond repair.

* The Netiv Chaim and Shvilei Chaim, commentators on the Sefer Chafetz Chaim, discuss whether someone can cause the subject discomfort by informing him of what was spoken about him. In most cases, because the subject would be pained or embarrassed by what the speaker said, the speaker is not permitted to inform the subject of what exactly was said. Rather, the speaker should say, "I acted wrongfully against you," and ask the person's forgiveness. Rav Yisrael Salanter explains that the speaker cannot receive forgiveness at the expense of his fellow man (who, in this case, he spoke against). The B'er Mayim Chaim, the Chafetz Chaim's own commentary or footnotes on his work, notes that the speaker should go back to his original audiences and tell them he was mistaken in his derogatory remarks, to prevent further spreading of his Lashon Hara.

 **Chapter 3**

Chapter 5 

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