

SPEAKING LASHON HARA - TO AND ABOUT WHOM

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We now begin the eighth chapter of sefer Chafetz Chaim, in which we will study the particulars of speaking Lashon Hara (until now we have focused on our halachic concerns as listeners to Lashon Hara). Many of these halachot are derived from two incidents in the Torah:

- A. Yosef telling his father about his brothers' faults (Genesis 37)
- B. Miriam talking about Moshe's behaviour with Aharon (Numbers 12)

In both cases, the speaker was a sibling of the subject(s), and was speaking for the benefit of the subject(s). Nonetheless, both received Heavenly punishment for their actions.

1. About whom it is Forbidden to speak Lashon Hara (general)

There is no distinction between speaking Lashon Hara:

- a. whether the speaker is a man or woman;
- b. close relative of the subject or otherwise;
- c. even if the subject has repeatedly overlooked the speaker's derogatory comments about him because of their close relationship;
- d. even if, as is common among relatives, the speaker does not intend to disparage the subject, but rather speaks out of a desire for truth, since in the speaker's opinion the subject behaved inappropriately toward another in the matter;

despite [the mitigating nature of] any of these situations, if the speaker errs in his description, such as being too quick to judge the subject unfavorably, that while in truth the speaker might not be actually liable for his speech, his speech does not completely escape the principles of Hilchot Lashon Hara.

2. Speaking Lashon Hara About Family Members

And with this paragraph we will begin to elaborate about whom the Torah forbids us to speak Lashon Hara. The prohibition against speaking Lashon Hara applies whether the subject [about whom it is spoken] is a man or a woman. There is no distinction between speaking about one's own spouse versus any other individual, yet many err in this matter, allowing themselves to speak against their spouse and in-laws when talking to their own siblings or others from their own family.

According to Jewish Law, there is no difference [between family members or anyone else, so that speaking Lashon Hara is forbidden], unless the speaker intends a constructive purpose to come from his words, and his intent is not to disparage the person, nor does he add any false details, along with every other requirement [for speaking Lashon Hara for a constructive purpose] which is discussed in [chapter 10, paragraph 13 onward](#).

3. Speaking Lashon Hara against a Minor

Sometimes the prohibition against speaking Lashon Hara applies when speaking about a minor. For example, it would be forbidden to speak negatively about an orphan within the home of those who are raising him, because speaking about him may influence his foster parents to send him away. Similarly, in any other situation in which one's speech could harm or emotionally oppress a youth, Lashon Hara is forbidden. (Regarding a matter which is publicly known, refer to Chapter 2, paragraphs [6](#) and [9](#), and also Hilchot Rechilut [Chapter 2](#) paragraph [6](#).)

If one intends by his speech to correct the youth and guide him in the proper way, it is permissible. The speaker must take care, however, to investigate that the story is true, and not rush to believe something that he heard from others. Additionally, as we will elaborate in the tenth chapter, the

speaker must evaluate the consequences of telling the information, as justice is frequently perverted in such circumstances [i.e. the subject of the Lashon Hara is harmed far more than any court would ever deem an appropriate punishment for his actions].

4. Speaking Lashon Hara About Scholars and Non-Scholars

The prohibition of Lashon Hara applies even with regard to an "Am HaAretz" (person of low intelligence or limited education), because he is also considered part of the nation of G-d's emissaries who were taken out of Egypt.

All the more so is it forbidden to speak about a Torah scholar (lit. "Talmid Chacham", also a role model in study, observance, and righteous conduct) certainly the speaker's violation is even more severe [because he transgresses additional commandments]. The Sages tell us, "Anyone who speaks about the strayings of a Torah scholar falls to Gehinom..." Also, by speaking the Lashon Hara, one might violate the prohibition against shaming a Torah scholar. The punishment of disgracing a Torah scholar is described in tractate Sanhedrin, and the Shulchan Arukh cites this in Yoreh Deah 243:6, "For he has disgraced the word of G-d...his soul shall be cut off."

The evil inclination incites man to believe that the law regarding shaming a Torah scholar is no longer relevant: that it is from the times of the Talmud, and refers to people as great as the scholars from those times, not those living today. This is a grave error, for the ranking of a Torah scholar is according to the generation, so even if nowadays someone is trained only in Yoreh Deah (the basic program for Rabbinic ordination, consisting primarily of the laws of Kashruth) and is accomplished in Torah study, he merits to be called a Torah scholar.

Therefore one who disgraces any Torah scholar--even through meaningless comments--whether to the scholar's face or when he isn't present, commits a severe sin and is thereby deserving of excommunication (as discussed in Yoreh Deah 243:7 and also the Shach's comments on 334 in note 68).

The transgression is more serious if the speaker of Lashon Hara is a community leader. Each community member is obliged to regard the scholar as a communal authority, treating him with respect and following his guidance. Furthermore, by disparaging the Torah leader he dissuades others from the worship of G-d, for in response to his words others will say, "Why should we go ask him [the Rabbi] the details of the Torah that we need to clarify, since he [is not qualified to] pass judgement?" Then everyone will "build their own altar" [a reference to the days of the Judges, when individuals created their own moral guidelines and modes of worship], and otherwise contribute to a breakdown of Torah observance, may Hashem protect us from this.

5. Speaking Lashon Hara About a Heretic

The prohibition against speaking Lashon Hara applies when spoken about someone who is considered "amitecha" (of your people), namely in observance of Torah and mitzvot. However, regarding those who are recognizably "apikorsim" (heretics), it is a mitzvah (fulfillment of a positive commandment) to disparage and shame them, to their face and behind their back, for everything that one witnesses or hears about them.

The Torah states (Lev. 25:17 & Lev. 19:16) "One should not wrong his fellow" and "Do not act as a talebearer among your people," but heretics do not fit under this category for they do not act as "your people." Therefore, we follow the practice (as taught in Avot D'Rabbi Natan, a work from the Talmudic era), "those who hate you, L-rd, I will hate, and your rebellious ones I will dispute."

An "apikorus" (heretic) is one who denies the laws and prophecies of Israel, whether the Written Law or Oral Law. Even if he says, "All the Torah is true with the exception of one Scriptural verse, kal v'chomer, g'zeira shava, or one grammatical detail," he is included in this category. ["Kal v'chomer" and "g'zeira shava" are Talmudic terms for two of the logical principles from which we understand many laws.]

*Important note: there is a large in-between category not mentioned in this paragraph, namely those who do not observe - or even commit some sins - but without the malicious intent of heresy. Lashon Hara against someone in this middle category is forbidden. The purpose of these laws permitting speech against an actual heretic is not for a community to degenerate into nasty name-calling, but rather to protect itself against the influence of those who flagrantly do not care about the image they set for the community and even intentionally wish to destroy it.

6. Determining Whether Someone is Considered an Apikorus

[The permissibility to speak against an apikorus (heretic)] applies if one heard words of heresy directly from an individual. However, if he heard the heresy second hand, he is forbidden to speak against the person, whether in his presence or behind his back. Rather, he should suspect the person as an apikorus, and also warn others to stay away from him until the matter is clarified. Further, he should not believe in his heart that the information is true, according to the laws against accepting Lashon Hara discussed in [chapter 6](#).

Verification is required when one hears that an ordinary person has spoken heresy, but if the person is a publicly confirmed heretic one may speak Lashon Hara about him as if he heard the heresy himself.

7. Speaking Lashon Hara about an Established Sinner

If a resident of a city is an established sinner, violating well-known laws, it is permissible to speak Lashon Hara about him.

(Here the Chafetz Chaim refers to his footnote enumerating the conditions that must be fulfilled to speak Lashon Hara in this case:

1. The speaker must have constructive intentions to encourage others to avoid the ways of evil, once they realize that such behavior is disparaged, and perhaps even to inspire the sinner himself to repent. He should not intend to benefit from exposing the other's faults, nor should he speak out of hatred.
2. The speaker may not exaggerate about the subject's behavior.
3. The speaker also should not act deceitfully, disparaging the person privately behind his back, yet flattering him in his presence; he should be comfortable speaking about him publicly. If, however he has a specific fear of retribution or swishes to avoid a public controversy, he may tell individuals privately. The speaker must be certain that his intentions are to prevent others from learning from the sinner's evil ways.)

Who is classified as an established sinner? One who is designated as such by the town elders, based on which there can be no doubt, due to constant, numerous reports regarding his adulterous acts or other transgressions that are of the type that everyone knows they are forbidden.

If, however, there were only a rumor about him, it would be forbidden on that basis to speak against him, Heaven forbid. Even to decide in one's heart is forbidden, as we discussed previously in [chapter 7](#).

8. Speaking Lashon Hara about Ba'alei Machloket

Regarding the permissibility to speak Lashon Hara about those who are "ba'alei machloket" (people who are either polemic by nature or regularly engage in prolonged public disputes), it applies in certain circumstances. If a dispute is rooted in a deception [which violates Torah law] on the part of one side [thereby called a "ba'al machloket"], and if exposure of the deception will reveal that his position violates the halacha and will, therefore, more quickly resolve the dispute, then Lashon Hara is permitted. If the dispute will not be resolved as a result of the Lashon Hara, it is forbidden.

In addition, the following conditions are required:

- a. The individual or group on the deceiving side are established "ba'alei machloket," not merely rumored to be such, but rather verified by the speaker himself.

2. The speaker must have pure intentions, as discussed above. He must speak out of desire to resolve the quarrel, not out of hatred.
3. If silencing the dispute can be done by means other than speaking about the dishonest individual or group, such as direct rebuke or the like, it is forbidden to resort to Lashon Hara. (Unless he is afraid to rebuke them, for when they learn that he does not agree with them, they will negate what he tells others, and he will have no way to further address the situation.)

Speaking against ba'alei machloket requires careful consideration, and one should not rush to decide that one side is wrong and conclude that they are the ba'alei machloket. Rather, he must deliberate thoroughly according to the guidelines of Torah law. And if one cannot clarify which of the parties is correct, it is better not to get involved.

9. Speaking Lashon Hara about the deceased

The prohibition against speaking Lashon Hara also applies when speaking about the deceased. Halachic authorities write that an ancient decree was enacted against speaking derogatorily about the dead. This applies to speaking about an "am ha'aretz" (simple person); all the more severe is the transgression if the deceased individual is a Torah scholar: the speaker is deserving of excommunication as stated in the Shulchan Aruch, Yoreh Deah 243:7. The prohibition of disgracing a Torah scholar applies when he disgraces the person; how much more so is it forbidden to disgrace his Torah teachings.

10. Discussing Lashon Hara With a Spouse or Business Partner

Now let us discuss to whom it is forbidden to tell Lashon Hara. There is no distinction in the prohibition between speaking to others - relatives or not - or to one's spouse, unless the speaker must warn the spouse for a future purpose.

For example, if one's wife is associating with wicked people and it will be difficult later to disentangle her from them, he should tell her about their evil character and warn her not to associate with them. This is also the case for business partners, in that one must warn the other about individuals who are not trustworthy, and other similar situations. (Like a warning by Rabbi Yehuda in Kiddushin 52b "not to allow the students of Rabbi Meir to enter [the Beit Midrash] because they are argumentative and do not come to learn.")

Even if one does not know the people in question personally, but rather only heard about their bad character, it is permissible to tell one's spouse and warn her. However, speaker should not accept the information absolutely, but only suspect that the information is

true. [The Chofetz Chaim explained previously what suspicion vs. conclusive belief means: one may investigate the information and conduct himself in a way that prevents his getting harmed; however, he may not violate the Torah in avoiding the person (e.g. certain commandments involving goodwill must be fulfilled), because the individual retains the status of a proper Jew.] This means that the speaker must not tell the information in a way that will cause the listener's acceptance, but rather in a way like, "I heard about So-and-so , so be careful not to associate with him."

However, if there is no future purpose in speaking the Lashon Hara, telling it is forbidden.

Many people make this mistake; they come home and tell their spouses everything that transpired between themselves and others in the synagogue or at the market. Not only is this a violation of speaking Lashon Hara but it also increases conflicts, because the spouse feels hateful toward the individual in the story, fights with him and his household, and further incites the speaker to quarrel with the person, so that ultimately the spouse brings embarrassment upon the speaker! Therefore one who is careful guards themselves from revealing such events to their spouse.

11. Speaking Lashon Hara to a Relative

Also there is no distinction between speaking Lashon Hara to one's relatives or to those unrelated to him. Even one brother [speaking] about another to his father would be Lashon Hara.

Even if the speaker says the Lashon Hara so that others will rebuke the subject it is forbidden nonetheless, because the laws of Lashon Hara require that the speaker first rebuke the subject directly, not immediately go and talk about his misdeeds. (If however, the speaker assesses that his own rebuke will have no effect, it is permissible.)

12. Speaking Lashon Hara to Gentiles

Furthermore, the prohibition of Lashon Hara applies when the speaker disparages the subject before a Jew; all the more severe is his transgression if he disparages the speaker before gentiles.

By speaking to gentiles he disgraces the honor of Israel and defames the honor of Heaven. Further, he causes his fellow great harm, for if the speaker were to tell another Jew, at least the Jew would not conclude immediately that the information was true. However, if he speaks to a gentile, and tells him that the subject is a cheat, a swindler, or something similarly negative, the gentile will believe it immediately and publicize it, and

the subject will be harmed and aggrieved.

So certainly if one speaks Lashon Hara about a fellow Jew to an audience of non-Jews, his sin is too great to bear (cf. Gen. 4:13), for he enters into the class of "malshinim" (those who slander their fellow Jews to the anti-Semitic government). His judgement is therefore akin to an apikores (heretic) and the disbelievers in Torah [because a "malshin" informs the government of hateful qualities of the Jews in order to prevent them from observing the Torah], when the dead are reawakened, he will be given permanent dwelling in Gehinom, as discussed in Tractate Rosh HaShanah. Therefore every Jew must take great care to guard himself from this.

One who violates this and slanders a Jew before gentiles flagrantly rebels against Torat Moshe Rabbeinu (the Torah which Moses taught us), as is discussed in the Shulchan Aruch, Choshen Mishpat 26.

13. Prohibitions Against Accepting Lashon Hara

Now, we shall discuss "kabalat lashon hara," accepting Lashon Hara. The Torah cautions us against accepting Lashon Hara, stating that we should not believe in our hearts that the information is true. There is no need for us to expand on who should not accept Lashon Hara, nor on who he should not accept the Lashon Hara about, for there are almost no exceptions. The rule is as follows: it is forbidden to accept Lashon Hara about any member of the Jewish people, with the exception of heretics, "malshinim" (informants; Jews who encourage Jew-hating authorities to oppress other Jews) and others who are outside of the realm of "amitecha" (your people, a phrase in the Torah prohibition against speaking Lashon Hara about one's fellow Jews).

14. Preventing Lashon Hara Between Family Members

There is also no distinction between accepting Lashon Hara whether it is heard from any individual or one's own father, mother, or others in the listener's household. Furthermore, Tana D'bei Eliyahu (a work similar to Pirkei Avot) chap. 21 says, "If one man sees his father and mother speaking in excess, such as words of Lashon Hara and the like, not only should he be extremely careful not to accept their words, but he should also prevent them from speaking this way." [The Chafetz Chaim inserts a note that he should take care to do this in a respectable way, not violating 'Honor thy mother and father'.] "If he remains silent, both he and they are subject to grave punishment."

It is also said in Tractate Shabbat (54b) that one who is able to instruct members of his

household is held accountable for them in the World to Come. Therefore one should be in the habit of rebuking those in his house regarding these matters--but in a gentle manner--and to articulate the severe punishment in the World to Come, and the great reward for one who is vigilant from it.

One should also take great care that the members of his household should not hear him speak derogatorily about others. If he himself violates the prohibition of speaking Lashon Hara, Heaven forbid, not only does he acquire his own transgression, but he also weakens his position to rebuke others, for he will have no basis upon which to prevent them from behaving the same way. In general, the behavior of the members of a household is determined by the behavior of the head of the household, such that one must be very careful in these matters, and as a result he will receive great benefit in this world and the next.

 **Chapter 7**

Chapter 9 

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