

CHAPTER 7, LAW 4 - BIRDS OF PREY

by Rabbi Dovid Rosenfeld

There are [within] this [topic] matters which are the 'dust' of lashon hara (gossip). How is this? [For example], "Who would have guessed that so-and-so would become what he is today?" Or one who says, "Be quiet about so-and-so. I don't want to tell you what happened with him." ;-) So too regarding any similar statements. [Editor's Note: The smiley is mine!]

So too when one discusses the good of his fellow in front of his enemies, this is considered the dust of lashon hara, for this will cause them to speak of his disparagement. Regarding this Solomon said, "One who blesses his fellow loudly, rising early in the morning, a curse it will be considered for him" (Proverbs 27:14) -- since from his good will result his bad.

So too one who speaks lashon hara in a joking and lightheaded manner, meaning that he does not speak out of malice. This is as Solomon says, "As a madman who shoots firebrands, arrows and death, so too is a man who deceives his fellow and says, 'Am I not just kidding?'" (Proverbs 26:18-19).

So too one who speaks lashon hara surreptitiously. This is when he speaks with [feigned] innocence, as if he does not know the matter is demeaning. Instead, when [others] object he says, "I didn't know that this is how so-and-so acted or that this is disparaging."

This week the Rambam discusses what he (and the Talmud) refer to as the "dust" of lashon hara (gossip). The apparent meaning is that such acts are not lashon hara per se, but peripherally involve the speaker in derogatory speech. "Real" lashon hara is only when one slanders his fellow with intent to malign and defame. The examples listed here are "lesser" forms of lashon hara, in which either the manner, the intent or the harm is not as severe. They are forbidden all the same, yet the Rambam saw fit to categorize them separately. We're not talking this week about transgressions which approximate denying G-d and trespassing the cardinal sins, yet serious they certainly are.

I should also add that the commentators note that many of the examples cited here are forbidden by the Torah, although some are only forbidden rabbinically. Thus, the distinction the Rambam here makes is not meant to imply we may treat any such types of lashon hara any more lightly. We must rather take care with any lapses in our speech lest we become accustomed to gossiping in more malicious manners.

The Talmud (Erchin 16a) states that the eight vestments worn by the High Priest in the Temple afforded atonement for eight different sins the Children of Israel transgressed. The idea was that

each of his garments bonded Israel to G-d in ways which undid the damage inflicted by those particular sins. One of these garments was the High Priest's turquoise robe ("*Me'il*"; see Exodus 28:31-35). This robe contained golden bells on the bottom, whose "sound would be heard upon his entering the Holy and on his departure [so that] he will not die" (v. 35). States the Talmud there, the High Priest's robe atoned for the sin of lashon hara, for, "says the Holy One, blessed be He, 'Let a noisy object (lit., 'an object of sound') atone for the act of making noise' (lit., 'for the act of voice')."

The Talmud there makes a similar statement regarding the purification of the leper ("*metzora*"). A metzora is a person afflicted by certain white patches on his skin, called tzara'as. This was not a physical ailment but a spiritual one, inflicted by G-d as punishment for sin. (It has no parallel to the disease we call leprosy today. In fact, nothing in the Torah or Talmud gives one the impression that the metzora so much as did not feel well. He just had discolored skin.) The primary sin which warranted leprosy was the speaking of lashon hara. The classic example of this is Miriam, sister of Moses, who complained to Aaron about Moses's separating from his wife and was consequently stricken with tzara'as (see Numbers 12).

The punishment for tzara'as was solitary confinement (Leviticus 13:46), outside of town, giving the gossipmonger -- whose contentious words created divisions among men -- a taste of his own medicine. (His confinement was **not** for the sake of quarantining the contagious!)

Now, after the metzora had repented and his condition healed, he would undergo a purification process, allowing him to return to society. Part of the process involved a pair of birds. One was slaughtered over an earthenware bowl containing stream water, and the other was dipped in the water-blood mixture in order to sprinkle it on the recovering metzora (see Leviticus 14). Asks the Talmud, why were birds in particular used for this procedure? It answers, "Says the Holy One, blessed be He: 'He did an act of chattering; therefore said the Torah, 'Let him bring a 'chatterer' as sacrifice'" (Erchin 16b). His use of his speech all too much resembled the interminable twittering of birds.

My teacher, R. Yochanan Zweig, asked that both of these Talmudic statements seem to really downplay the speaking of lashon hara. What earlier was tantamount to denying G-d is now equated to "noise" and the chirping of birds! Isn't it really so much worse? It's not "noise"; it's what the noise says! And we would certainly think that it takes far more than a jingling garment or twittering bird to atone for it!

R. Zweig answered that practically speaking, most of the lashon hara that's out there is really not much more than this. Person 1 did not speak against person 2 to defame him and ruin his life. He basically did so because he couldn't stand the silence. He had some juicy news to share with his buddies, gaining himself a little attention and popularity. Most people, when they speak about others, actually care little about the one they're speaking against. They're doing it for themselves -- with an eye towards their own image and popularity rather than (and carelessly inconsiderate of) the

resulting damage done to their fellow. Thus, the Sages correctly compared lashon hara (at least the sort so easily expiated) to the chirping of birds. So as not to look dull or slow on the uptake, we often engage in conversation about as worthy and profound as the twittering of birds. (None of this, by the way, says much for a popular on-line social tool.)

Likewise, the Rambam rightly calls speech such as lashon hara for a "joke" the "dust" of lashon hara. Forbidden it certainly is, but it should more accurately be seen as senseless noise-making rather than G-d-denial.

This is actually a dangerous point -- for it gives the impression that certain forms of lashon hara are not as bad as others -- proffering an extremely dangerous opening for the rationalization of our misbehavior. Let me therefore repeat that lashon hara is strictly forbidden in all its manifestations. Gossiping for a "joke" is about as justifiable as murdering for fun. And this is all the more true regarding lashon hara which hurts deeply the victim and represents a serious misuse of one of G-d's greatest gifts to mankind.

Even so, two points should be stated. First of all, we should not consider most of the Jewish people, though clearly not as careful with their speech as they should be, as the equivalent of heretics and transgressors of the cardinal sins. And second, even more significantly (and pointed out by my teacher), the victim of lashon hara, the person spoken against, must bear this in mind. When A spoke against me, he didn't really have it in for me. He just couldn't resist delivering a good punchline. It was actually not **me** he had in mind but **himself**. And it should be that much easier for the victim to find it in his heart to forgive the speaker for his careless -- but not vicious-- behavior, and let the entire episode pass.

Over forty years ago, when I was a teenager in high school, I happened to overhear someone make a nasty (but witty) comment about one of my siblings. It shook me up badly at the time, for I had previously considered the fellow particularly nice and menschlach (I won't try to translate that one). And I went about for several weeks after thinking, "So I was wrong about that jerk all along..." In hindsight, however, it's clear that the fellow had nothing whatsoever against anyone in my family. He's actually one of the few from those days who I still consider a friend today - and he really is a mensch. He just happened to have come up with a good remark -- which he was quick to put to use. (Such remarks are usually tendered quickly -- before the speaker has a chance to think about what he's saying.)

We are thus this week introduced to another level of gossip, the "dust" of lashon hara, which though clearly not as severe as malevolent lashon hara, is rather unsympathetically labeled by the Sages as twittering -- on the part of the birdbrains who actually speak it. So although for the sake of correctness we must categorize it as less severe than quintessential lashon hara, the Sages were equally clear that it must not in any way, shape or form be viewed as anything other than mindless drivel -- at the same time terribly wronging the person so thoughtlessly spoken about.

One interesting aside before I close. One of the examples cited by the Rambam above was praising another before his enemies -- as they'll be bound to counter with their own nasty two cents. This is based on Talmud Erchin 16a and Baba Basra 164b. The Talmud itself, however, makes no mention of the person's enemies. Rather, it simply states that one must not praise his friend -- apparently in front of any audience -- since from the good will result bad. The Rambam inserted this detail on his own, presumably because he saw no wrong in praising another before anyone other than his enemies, since what harm could possibly result?

Others, however, understand the Talmud according to its simple reading, that it is always forbidden to praise another (see Rashi to Erchin and Rashbam to Baba Basra). What could possibly be wrong with praising? Explains the commentator Rashi that what is forbidden is praising another **excessively**. And the reason is because the speaker himself will feel compelled to balance out his remarks by adding something derogatory. Alternatively, the listeners -- even if they harbor no ill-will towards the person -- will feel obliged to counter in some way, since no one feels comfortable when a person lays it on so thick. This explanation of the Talmud is too accepted in Jewish law (see Chofetz Chaim 9:1).

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