THE INTERNET: HALACHIC GUIDELINES

by Rabbi Doniel Neustadt

One of the great issues facing Orthodox Jews today is the Internet dilemma. On the one hand, Internet use has taken over our society as no other medium has. It is everywhere - to the degree that it is extremely difficult to live without it. And if present trends continue, in just a few short years all of our business activities, government interaction and general communication will be solely through the Internet. There just does not seem to be a way to avoid its use, certainly not altogether, and certainly not for the vast majority of people.

On the other hand, it is a tremendous danger, both spiritually and physically. The Internet is filled with immoral and decadent sites which have the capability of destroying one's yiraas shomayim and tzenius rapidly, before one even realizes how entrapped he is in their tentacles. It exerts a powerful force over many people that - if left unregulated - has the potential to destroy the fabric of the Jewish home. There are countless horror stories about young people falling prey to online seducers and the tragic consequences of their encounters. There is no need to repeat here that which is well known and documented.

So, in a perfect world, the Internet should be banned altogether. At this point, there are still many people who are able to do that, and hopefully they will be able to continue doing so. Unfortunately, many people are unable to live their lives without some type of Internet connection, and it is those people who must follow the guidelines established here so that they may protect themselves and their families from inevitable harm.

Question: Is there a halachic obligation to install a filter on a computer with Internet access?
Discussion: It is a strict Torah prohibition for a man to gaze - even glance - at a woman who is immodestly dressed, and one is required to do whatever is humanly possible in order to avoid this prohibition. The Talmud says that it is even forbidden for a man to go about his daily affairs in a setting where peritzus is present if there is "an alternative route" available. A man who chooses a "peritzus route" when he has a kosher alternative, is described by the Talmud as a rasha, even if he does not intend to glance at the peritzus violations, and even if he closes his eyes during the entire encounter.

Since it is well known that the Internet is - to say the least - a medium beset by horrible peritzus, one who uses the Internet to go about his business must take every precaution to avoid peritzus. Even a person who has no intention of viewing immodest or indecent material is subject to such sight as a result of an accidental click or a surprise popup advertisement. Therefore, installing an effective

filter that could block such peritzus on each and every computer one uses, at home, office, notebook or laptop, is mandatory, and in keeping with the Talmud's requirement of choosing "an alternative route" to go about one's business. Thus it is an halachic obligation to install a filter on any and all computers that one uses for his needs. One who fails to do so has chosen to reach his destination via "the peritzus route," and to incur the Talmud's epithet for a person who makes that choice.

There are many different filters - some of them free of charge - that can be installed, and one should do research to find the most effective one for his computer. Regardless of the filter being used, however, it is highly recommended to have someone else install the filter in the computer, protect the filter with a password, and keep the password hidden from the user. This way, the user can not be tempted to uninstall the filter in a moment of weakness.

Question: Are women obligated to install a filter in computers used exclusively by them?

Discussion: Women, too, are obligated to install a filter on the computers that they use. While most poskim are of the opinion that there is no specific prohibition for women to gaze at men, all poskim agree that it is forbidden for a woman to gaze or glance at pictures or stories of immoral conduct. Since there is no lack of such sites on the Internet, women are required to protect themselves by installing a filter on their personal computers. Failure to do so means that they have chosen to go about their business via "the peritzus route."

In addition to all of the above, there is another reason why all computer users - men and women - are required to install computer filters: We are commanded by the Torah to not only refrain from sin, but also to make sure that our fellow Jews, and especially our own family members, do so as well. Any computer with unrestricted Internet access is an open invitation for others to use it. One's children or grandchildren, the children's or grandchildren's friends, the babysitter, the occasional guest, are just some of the people who may be using your computer without your knowledge or consent. Having an unfiltered Internet available to all is similar to placing a stumbling block before the blind, which the Talmud expands to include those who cause others to sin.

People also need to be made aware that an unsecured Internet connection (DSL line) can be tapped into by others in the vicinity, and is another potential stumbling block which can be easily avoided by securing one's Internet access.

Question: Secure servers such as YeshivaNet and Jnet cost significantly more than the standard providers. Is one obligated to spend more money on these security upgrades?

Discussion: As mentioned earlier, every computer must be guarded with a filter and a password. If set up properly, those filters will be enough to fulfill the requirement of pursuing the "alternative route" discussed previously and one is not required to spend money on additional security upgrades for protection.

There are, however, some situations when a password and a filter are not sufficient. Primarily, this would apply when one's computer is used by other people, e.g., one's children or their friends. Some people, especially young people who may be more computer savvy than the computer's owner, are adept at deciphering even the most advanced passwords and breaking through some of the best filters available. It is also important to know that even a computer which is filtered and password protected can be bypassed by plugging the Internet access directly into a laptop. If this is a possibility, one may have no choice but to switch to a more expensive provider which has the ability to block indecent sites from ever reaching the computer and which is much more difficult to bypass.

Question: A highly effective tool to protect users from Internet dangers is a computer monitoring system [such as WebChaver] which alerts an appointed monitor of any inappropriate sites visited by the user, thus creating a strong deterrent. If, in fact, the monitor receives reports of consistent inappropriate activity by the user, may he inform the user's rav of his findings?

Discussion: At the time that the user and the monitor make their arrangements, they must decide what will take place if the monitor discovers that the user has visited forbidden sites: Does the monitor have permission to share this information with the user's wife, husband, rav/rosh yeshivah, etc., or not?

If, according to the terms agreed upon, the monitor does not have permission to divulge any information, it is questionable whether or not he may do so. Although speaking lashon ha-ra for a worthwhile purpose is permitted, and discussing the matter with a third party who may help the user overcome his addiction could certainly be beneficial and therefore permitted (and indeed a mitzvah), in our case it might be more harmful than beneficial to divulge the information ; for if the monitor were to break his word and divulge his secret information, the user will likely be angered by the breach of trust and be unwilling to accept rebuke or help.

However, since not all cases are alike, a rav should be consulted. Certainly, if the monitor discovers that the user is placing himself in physical danger through his Internet use, he may do whatever is necessary to protect him from harm.

Question: Is an employer required to notify his employees that he is planning to install a monitoring system on their personal computers so that he will be able to track their activities?

Discussion: This will depend on the common practice in the specific industry or business. If it is common practice to install a monitoring system on employees' computers, then the employer need not notify his employees that he is doing so. If, however, this practice is generally not followed and the employer is doing something unexpected by the employees, then he must notify his employees before monitoring them.

Question: Are parents halachically required to follow school rules which forbid or restrict Internet use in their home?

Discussion: When parents register their child at a school of their choice, they obligate themselves to adhere to the school's rules. Parents who deceive the administration by deliberately defying those rules are transgressing the prohibition against gneivas da'as, which is a form of stealing via deception, and is forbidden min ha-Torah. Possibly, they are guilty of monetary theft as well, since the school's administration is empowered by its donors to run the school as they see fit; parents who benefit from the school while violating the school's rules, are misusing the donors' money, a possible violation of the prohibition against stealing.

It is important to add that parents are obligated to know what their children are doing in their free time. If they suspect that a child may be visiting a neighbor who has unrestricted Internet use, the parents must put an immediate stop to it - even if doing so will cause a strain in the relationship with their neighbors. The important concept of darchei shalom, which includes maintaining a friendly relationship with one's neighbors, should not be a factor when it comes to protecting one's children from spiritual and physical dangers.

Question: Is it permitted to visit the so-called frum news websites or blogs which often contain lashon ha-ra and rechilus, or offensive material about Torah ideals or Torah scholars?

Discussion: Obviously, it is forbidden for one to read forbidden material such as those enumerated above. Certainly, if one did come across such material, he is not allowed to accept the information at face value. Still, not all frum websites are created equal: some are more careful than others in the halachos of lashon ha-ra, etc. Sometimes, too, there may be some benefit to the information being published. It is imperative, therefore, that each frum website employ a rav who will be available to rule on questionable material - whether it may, or should, be published. A frum website that does not engage a rav to rule on these questions is, by definition, not frum, and therefore should not be patronized by frum people. Certainly, anyone who advertises or supports frum websites that do not follow Halachah is guilty of aiding and abetting transgressors - clearly forbidden by the Shulchan Aruch.

It is important to add another point: A cursory review of the popular frum websites reveals that most of the forbidden material is found not in the presentation of the news itself, but rather in the readers'comments attached to the news item. The comments, which are written anonymously and without acceptable restriction or censorship, range from sheer, blatant kefirah to outright lashon ha-ra and degradation of all that is holy in yiddishkeit. Any site which allows comments such as these to appear on its website is not worthy of being allowed into a Jewish home.

Question: Is there a problem with utilizing a neighbor's Wi-Fi (wireless network) without his express permission?

Discussion: Accessing another person's wireless network without his permission may be forbidden on both halachic and legal grounds. Private individuals with an Internet connection pay monthly for a subscription to an Internet Service Provider (ISP), entitling them to a limited amount of access

("bandwidth") to the Internet. The speed of the access and the strength of the data signal will depend on the amount of available bandwidth; the wider the bandwidth the faster and better the service. When someone else shares that bandwidth space, even if he is merely checking his E-mail, he diminishes the available bandwidth albeit slightly. If he is downloading a large (multi-media) file, then the reduction in available bandwidth can be quite substantial. Either way, the subscriber is being denied total and full access to the bandwidth he is paying for and thus suffers a financial loss. This is considered stealing and is forbidden on halachic grounds.

On legal grounds, too, this may be forbidden, at least in some states. The Florida Statute known as the "Florida Computer Crimes Act" reads: "Whoever willfully, knowingly, and without authorization: Accesses or causes to be accessed any computer, computer system, or computer network; commits an offense against computer users." A similar law exists in Pennsylvania and in others states. Wherever an activity is illegal, engaging in it may also be a transgression of dina demalchusa dina. If there is a possibility of causing a chilul Hashem, then the prohibition is magnified many times over.

Question: Is it permitted to read Email intended for others which mistakenly ended up in your inbox?

Discussion: It is well known that R. Gershom along with his colleagues in the tenth century instituted a number of "takanos" (Halachic rulings), enforcing some of them with a cherem, a strict ban which is a form of excommunication. One of the bans was directed at protecting the privacy of communication between individuals, forbidding one from reading private mail intended for another person. There does not seem to be any justification for differentiating between a letter sealed in an envelope and intended for the eyes of the recipient only, and an electronic communication intended for the recipient only; in both cases it is forbidden for one to read another person's mail.

There are, however, situations where it may be permitted - or even required - to open another person's E mail. A parent or principal who suspects his child/student of communicating with undesirable persons, or an employer who suspects an employee of theft, are just some examples of people who may be permitted to search through personal Emails in order to either confirm their suspicions or to exonerate the innocent. Still, the decision to violate a cherem - even for a compelling reason - is a serious issue which should not be undertaken without consulting da'as Torah.

1."Immodestly dressed" means that that her legs from the knee and above, her sleeves from the elbows and up, or her neckline from the collarbone and down are not completely covered.

2.A modern-day example would be shopping in a store where the checkout lanes are staffed by clerks who are immodestly dressed. If a kosher alternative exists, one is required to avoid the "peritzus route."

3.Bava Basra 57b, as explained by Rashbam. See explanation in Shemiras ha-Lashon 6:5, Be'er Mayim Chayim 14, Igros Moshe, E.H. 1:56 and Chut Shani, E.H. 21:5.

4.For more information on the various filters available, call The Technology Awareness Group: 267-295-1954.

5.An even greater deterrent is having a monitoring system set up where reports of inappropriate sites visited are sent to another person (whom one appoints as his monitor).

6.See Igros Moshe, E.H. 1:69 and Chut Shani, E.H. 21:3.

7.Vayikra 19:14.

8.Pesachim 22b.

9.See Shemiras ha-Lashon 10:2 for the details involved in this halchah.

10.Ritva, Chullin 94a. Some Rishonim maintain that gnevias da'as is mi-derabanan.

11.In Halachic terms, the school's administration is the equivalent of a gizbar of hekdesh who has the authority to administer hekdesh as he sees fit; see Ketzos ha-Choshen 276:2.

12.See Shach, Y.D. 151:6.

13.Even if the amount being stolen may be less that a shaveh perutah, it is still forbidden to do so min ha-Torah; C.M. 348:1 and Sma 1. In reality, however, the theft in our case could be much more than a shaveh perutah.

14.It makes no difference if the individual with the Internet connection is a Jew or a non-Jew; either way, stealing from him is forbidden min ha-Torah; C.M. 348:1,Shach 2 and Aruch ha-Shulchan 1.

15.Chapter 815.06 (1) (a).

16.See Igros Moshe, C.M. 2:62.

17.See Tosefta, Bava Kama 10:8.

18.The laws concerning a person who is in cherem are discussed in Y.D. 334.

19.This ban, among others, is mentioned by Be'er ha-Golah, Y.D. 334:48. He adds that once the letter has been discarded, the ban is no longer applicable.

20.See Aruch ha-Shulchan, Y.D. 334:21 who questions whether or not it is permitted to read a postcard addressed to someone else, since the writer made no effort to hide the contents of the postcard. But even if we rule that it is permitted to read a postcard, it would not permit the reading of Email which is supposed to be a secure way of communicating.

21.See Maharik, Shoresh 184: Whoever violates a cherem is as one who violates a law in the Torah.

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