



Shabbat Table Discussions

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TATTLETALING & WHISTLEBLOWING

Dedicated by Jason Dov and Naomi Greenblatt in honor of their children:
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Two young women were sitting on a bus talking negatively about a classmate who recently got engaged and commenting that they felt badly for the groom. A woman in the row in front of them turned around and said "How do you know that I am not the mother of the groom? Do you realize that your conversation could have caused the breakup of the engagement? Are you prepared to say what you said directly to the groom?"

Speaking badly about others (*lashon harah*) is prohibited by the Torah and can be very damaging to the person we speak about. Yet, there are times when other people deserve to know negative information. These situations are very delicate because we don't want to unnecessarily damage someone's reputation but we also don't want someone to lose out because of our silence. Let's look at the following situations:

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CASE ONE

Someone played a prank on the teacher and accidentally broke her coffee mug. She is not interested in punishing anyone but would like the culprit to replace it. Shlomo, who was the only witness, gets the impression that the culprit does not plan on stepping forward. Shlomo is concerned that if he reports the culprit, his classmates may tease him. What should he do?

CASE TWO

Chani witnessed a classmate doing something wrong at school and is not sure whether she should tell the principal. She would like to discuss her dilemma with her mother, who will certainly figure out who it was. May she discuss it with her mother or should she find someone else?

CASE THREE

Aliza works for a regional branch of a national company and she recently learned that her branch manager might be using an accounting gimmick to make their branch look more successful than the others. Although there is no violation of law, Aliza feels that the company would want to know about this as they do make financial decisions based on these numbers. Nevertheless, she is hesitant to make accusations without having all of the facts. What should she do?

These scenarios deal with a specific area of the laws of *lashon harah*- the conflict between the prohibition against *lashon harah* (slander) and the commandment to protect others from monetary loss. For further details about these laws and all other laws of *lashon harah*, one should consult R. Yisrael Meir Kagan's *Chafetz Chaim*, which is considered the authoritative work on the vast laws of *lashon harah* and their widespread applications.¹ These scenarios may lead to a conversation about associated areas of halacha such as *mesirah* (reporting to the government), obedience or situations involving physical harm, which are beyond the scope of this discussion.

Examining the sources

R. Kagan notes in his *Chafetz Chaim* (*Rechilus* ch. 9, note 1) that the conflict between *lashon harah* and protecting others from harm or loss is addressed by Rambam:

We are warned against neglecting to save a life ... or loss (of money) when we have the possibility of saving it ... This warning is derived from the verse (Vayikra 19:16) "Do not stand idly by your neighbor's blood." Our rabbis stated that included in this prohibition is withholding evidence, since their friend is losing money and by testifying, they have the possibility of saving it.

Sefer HaMitzvot of Rambam, Negative Commandment #297

שהזהירנו מהתרשל בהצלת נפש ... או
ההפסד ויהיה לנו יכולת להצילו ... ובאה
האזהרה מהמנע להצילו באמרו יתעלה
(ויקרא יט:טז) לא תעמוד על דם רעך. וכבר
אמרו שמי שיכבוש עדות תכלהו גם כן זאת
האזהרה כי הוא רואה ממון חבירו אובד
והוא יכול להחזירו אליו באמרו האמת.
ספר המצוות לרמב"ם לא תעשה רצו

Question for the Table

- If someone has information that can protect someone else from damage or loss are they **allowed** to disclose it or are they **obligated** to do so?

While Rambam doesn't specifically address the permissibility of speaking *lashon harah* in these situations, it is addressed by *Sefer HaChinuch*:

We are required to refrain from slander as it states (Vayikra 19:16) "You shall not be a tale-bearer." The idea is that if we hear someone speak badly about a friend, we should not tell them "Someone is saying such and such about you" unless our intent is to prevent damage or to quiet a fight.

Sefer HaChinuch no. 236

שנמנענו מן הרכילות, שנאמר לא תלך
רכיל. והענין הוא שאם נשמע אדם מדבר רע
בחבירו, שלא נלך אליו ונספר לו פלוני
מדבר כך וכך, **אלא אם כן תהיה**
כוונתנו לסילוק הנזקין ולהשבית ריב.
ספר החינוך מצוה רלו

Questions for the Table

- When disclosing information, does it matter what our intention is? What if we also stand to gain by disclosing negative information? Can you think of an example where someone might be motivated by personal gain to report someone else?

Case #1

Is Shlomo **required** to provide this information at the expense of possibly being teased by some of his classmates?

The Talmud, *Sanhedrin* 73a, states that saving a life requires greater effort than an ordinary mitzvah. Does this also apply to the obligation to save someone from damage or loss? R. Kagan actually addresses this issue in another one of his works:

It is stated in Sanhedrin 73, that even if one cannot personally save someone who is drowning, one must exert effort and hire others to

אמרינן בסנהדרין ע"ג דאפילו אם אינו
יכול להצילו בעצמו כשהוא טובע מחויב
להטריח ולשכור פועלים שיצילהו מרעתו

save them. Therefore, according to what it states in Sifri that the prohibition against standing idly by includes monetary matters, the same applies [and one must exert effort and hire others to save someone's money]. If one is not sure if they will recover the expenses incurred [to save someone else's money], there is no requirement to spend one's own money to save someone else's.

Ahavat Chesed, Peticha, Netiv HaChesed no. 5

וא"כ לפי מה שאיתא בספרי דלאו דלא תעמוד כולל נמי ענין ממון כנ"ל הוא ג"כ בכל גווני כנ"ל. ואם המעות שיטיל על זה אינו בטוח שיגבם לבסוף אין מחוייב בדבר. שיהיה לו הפסד כדי להציל חבירו מהפסד. אהבת חסד, פתיחה, נתיב החסד אות ה'

Application to Case #1

- Shlomo might have to endure ridicule by reporting to the teacher. Is that similar to the case of someone who would lose money in order to save someone else's money?
- What other solutions to the situation could Shlomo explore?

Case #2

In the ordinary situation of disclosing information to someone, the person hearing the information benefits and not the person giving the information. In case #2, Chani is looking for clarity and she is the one who benefits by receiving advice from her mother. Is it permissible to disclose information in this situation?

R. Kagan addresses a similar situation:

It is possible that if one's intent in speaking is to settle one's own mind, it is [permissible,] similar to [other forms of speaking] for the purpose of [positively] affecting a future event.

Chafetz Chaim, Hilchot Lashon HaRah no. 10

ואפשר דהוא הדין אם כונתו בספורו להפיג את דעתו מלבו, הוי כמכוין לתועלת על להבא. חפץ חיים הל' לשון הרע כלל י' בהגה

Application to Case #2

- How can the aforementioned comments of *Sefer HaChinuch* support R. Kagan's ruling?
- If Chani was not faced with a dilemma and simply wants to discuss something with her mother about someone else that is deeply troubling her, would she be permitted to do so? Is case #2 different? In what way?
- If Chani has someone else to talk to about this situation, but she trusts her mother most, should she consult with someone else?

Case #3

Aliza's company makes financial decisions based on the success of each branch. If her branch manager is truly manipulating the numbers, the company is losing money by making bad financial decisions. Is it permissible to disclose information to prevent potential loss to others if one is not sure of the facts?

The Talmud, *Niddah* 61a, states that if one hears a disparaging rumor, one may not believe it, but one may take action to protect oneself in case it is true. Rabbeinu Asher addresses protecting others:

One may act upon disparaging rumors when it is possible that the listener or someone else will be harmed.

Rabbeinu Asher, Niddah 9:5

יש לחוש ללישנא בישא היכא שיכול לבוא לידי היזק לו או לאחרים. רבינו אשר, נדה ט:ה

R. Kagan, (*Chafetz Chaim, Rechilut* ch. 9, note 9) deduces from Rabbeinu Asher, that one may tell others about the rumor if it could protect them. Nevertheless, R. Kagan notes that if informing someone about a rumor involving potential loss may have a negative effect on the alleged violator, one must also consider the consequences of the rumor being false:

By removing the concern for damage from one, it causes damage to the other and perhaps that rumor is false ... Even if it is permissible to inform a potential victim so that they may protect themselves, nevertheless, they should not be told as if it is an absolute truth. Rather one should say "I heard the following about this person and it might be true so you should be careful."

Chafetz Chaim, Rechilut ch. 9, note 9

כי על ידי מה שהוא מסיר חשש היזק מזה הוא גורם להשכנגדו ופן שקר הוא הלעז ששמע עליו ... אף אם נאמר דמותר לספר לנידון, כדי שישמור את עצמו ממנו וכנ"ל, מכל מקום לא יספר לו סתם, דיהיה משמע, כאילו הוא יודע בעצמו שכן הדבר, רק יאמר שמעתי על פלוני כך וכך ופן אמת הדבר, על כן נכון לך לחוש לשמור את עצמך ממנו.
הפץ חיים הל' רכילות, באר מים חיים ט:ט

Application to Case #3

- How would you compare Aliza's case to the case of an unverified rumor?
- What factors should Aliza consider before taking the next step? If she does call the company headquarters, how should she present it?
- Are there other options that Aliza should explore?

Before we provide negative information about someone else, we should consider the consequences for all of the parties involved. Do the recipients need to know this information? Are we unnecessarily damaging the reputation of the person we are speaking about? We should also consider how we are affected. Will we be violating a prohibition against *lashon harah* or fulfilling a mitzvah to protect others? What other consequences will it have on us? When we think about these considerations, we will learn to carefully consider what we say before speaking about other people.

Compiled by Rabbi Josh Flug, Director of Torah Research, Yeshiva University's Center for the Jewish Future

BIOGRAPHICAL SKETCHES OF AUTHORS CITED

Rabbeinu Asher (also known as Rosh, c. 1250-1327) was one of the last of the Tosafists. He studied under R. Meir of Rottenburg in Germany and was forced to flee to Spain when R. Meir was imprisoned. His comments on the Talmud are extremely influential in the determination of practical halacha.

R. Moshe ben Maimon (also known as Rambam and Maimonides, 1138-1204) is one of the most famous rabbis in Jewish history. His works on Jewish law and Jewish philosophy are extremely influential and are studied regularly by students of Jewish law and philosophy. He began his life in Cordoba, Spain but eventually settled in Egypt.

Sefer HaChinuch was written anonymously and published in the 13th century. It contains a discussion of each of the 613 mitzvot and provides the basics laws as well as a suggested reason for each of the mitzvot.

R. Yisrael Meir Kagan (1838-1933) is known to many as "The Chafetz Chaim" after his famous work on the laws of slander. He spent most of his life in Radin, Belarus, where he established a yeshiva. He authored many other works, most notably Mishna Berurah, which is considered by many to be the authoritative work on Jewish law relating to daily life.

¹ These laws are primarily found in *Hilchot Rechilut*, chapter 9. There are a number of English language works on *lashon harah* that are based on *Chafetz Chaim*. See <http://www.artscroll.com/Categories/spe.html> for a partial listing.