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**False Facts  
and  
True Rumors**

**Lashon HaRa  
in Contemporary  
Culture**

The Michael Scharf Publication Trust of  
Yeshiva University Press  
Rabbi Isaac Elchanan Theological Seminary

The RIETS Halakhah Series

Maggid Books

*Dedicated in memory of my father,  
Rabbi Dr. David M. Feldman,  
who epitomized lashon tov in so many ways*

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Primary Hebrew sources for this book can be found at  
[www.yutorah.org/\\_materials/lashon-hara-sources.pdf](http://www.yutorah.org/_materials/lashon-hara-sources.pdf).

Section One:  
*The Theory*

# Introduction: The Mysterious Peddler

**M**any hundreds of years ago, a traveling peddler arrived in the Galilean town of Tzippori (Sepphoris), proclaiming, in the style of the day, the wares he had to offer. The peddler announced to all who would listen, “Who wishes to purchase the elixir of life?” As a crowd gathered, the peddler was exhorted to provide the enticing brew he was advertising. Finally, the peddler reached into his bag, but what he revealed was not a potion, but a parchment. He was holding a biblical text – specifically, the Book of Psalms – and, with great drama, he read from it: “Who is the man who desires life, and loves days, that he may see good? Guard your tongue from evil, and your lips from speaking deceitfully. Turn from evil, and do good; seek peace, and pursue it” (34:13–15).

Apparently, the peddler was not simply reciting biblical verses; nor were his prospective customers disappointed. Even great scholars, such as the venerable R. Yannai, were deeply impressed. He was moved to exclaim that King Solomon, the son of the psalmist King David, had made a similar statement: “One who guards his mouth and his tongue guards his soul from troubles” (Prov. 21:23). R. Yannai stated nonetheless



that he had studied this verse in Psalms all his life, and never fully appreciated its scope until the peddler opened his eyes.<sup>1</sup>

The tale of the peddler captured the attention of many rabbinic commentators, who offer varying insights as to the thrust of its message. To some, the significance of the story is not to identify the transgression of malicious speech – that prohibition, as we will see, is thoroughly expressed throughout the entire development of Jewish law, in the Torah and in the rabbinic writings, in narrative sections as well as in legal declarations, in admonishments of character refinement, and in prophetic condemnations.

Rather, the intent of the peddler's message is to convey the havoc that gossip wreaks upon life in this world, the here and now – not only the spiritual devastation that is imposed, and the guilt incurred, but the damage inflicted upon day-to-day life. Thus, the question is “who desires life”: not only the eternal life of the soul, but the physical life of the social being on this earth.<sup>2</sup>

Others feel that the story conveys a positive, proactive perspective on the unsavory subject of malicious gossip. The devastating impact of evil speech is well known – the shattered reputations, the destroyed relationships, and the devastated psyches cannot go unnoticed. But the idea that vigilance in this area can be presented not only as a cautionary exhortation, but as an affirmative worldview, as a recipe for a rich and meaningful existence, an “elixir of life”; this is innovative and invigorating. Thus, not only does the verse emphasize “turn from evil,” but equally, “do good; seek peace, and pursue it.”<sup>3</sup>

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1. Versions of this story appear in *Leviticus Rabba* 16:2 and in *Yalkut Shimoni* 11:767. A different version, involving R. Alexandri, can be found in *Avoda Zara* 19b. The presentation here is a composite of these versions. For a harmonization of the various versions, see Rabbi Yaakov Shechter, *Divrei Yaakov*, Prov. 4:3, n. 5. See also Maharal of Prague, *Netivot Olam* 2, *Netiv HaLashon*, ch. 1, and Rabbi Reuven Schwartz, *Emek HaLashon* 23.

2. See, for example, Rabbi Betzalel Rudinsky, *Mishkan Betzalel*, *Leviticus*, pp. 114–15; see also Rabbi Yosef Greenwald, *Vayehi Yosef*, *Genesis*, p. 57, and *Kokhav MiYaakov*, cited in Rabbi Yoel Menahem Mendel Saḥarov, *Menahem Yisrael*, in *Otzar Tehillot Yisrael*, p. 346.

3. On the exact reading of this verse, see *Tosafot* to *Yevamot* 109b, s.v. *atia*.

This positive emphasis carries a further message: not only can the ethic of speech be addressed in a life-affirming fashion, but perhaps it must be done so; maybe the only successful approach in this realm is one that centers on the promise of a rich, optimistic life rather than a fearful existence of silence. Thus, the exemplar of the message is not a cloistered monk, but a gregarious, talkative salesman.<sup>4</sup>

In fact, the salesman seems to be a deeply ironic choice. The word used to identify him – the *rokhel* – describes the very same occupation the Torah uses to *prohibit* malicious speech: “You shall not go about as a *rokhel* among your people” (Lev. 19:16). In this verse, the peddler is seen as representative of one who travels from place to place with his “wares,” the salacious tales he has gleaned about others. In the verse in Psalms, the peddler plays the opposite role, leading some major thinkers to conclude that he represents a penitent former gossip, infused with the zeal of the converted.<sup>5</sup> He is one who has been deeply affected by the corrupting effects of disparaging others and has come out on the other side, transformed and imbued with a passionate appreciation for positivity and a desire to share that with others. This is, in effect, his penance – to serve as the apostle for elevated speech, to engage others in his new vision of what life can be like.<sup>6</sup>

More than one hundred years ago, a humble yet revered Polish rabbi by the name of Yisrael (Israel) Meir Kagan (1838–1933) took up both the charge and the language of the mysterious peddler. Rabbi Kagan

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4. See, along these lines, Rabbi Avraham Shmuel Binyamin Sofer, *Ketav Sofer* to Leviticus, *Parashat Metzora*; Rabbi Natan Gestetner, *Lehorot Natan*, to Leviticus; *Mishkan Betzalel*, Leviticus, pp. 103–11; and the approbation of Rabbi Isser Zalman Meltzer to Rabbi Shmuel Hominer, *Ikkarei Dinim*. See also Rabbi Asher Weiss, *Minhat Asher*, Leviticus, pp. 478–79 and *BeYad HaLashon*, pp. 307–10. See also Rabbi Yehiel Libshitz, *HaMidrash VeHaMaase* 111, *Parashat Metzora* 1, who explains accordingly the difference between *shemira* and *netzira*.

5. This was the view of Rabbi Tzaddok HaKohen of Lublin.

6. For further analysis of this story, see also the discussions in Rabbi Yosef Tzvi Dushinsky, *Torat Maharitz*, Leviticus, and Rabbi Yaakov Kaminetsky, *Emet LeYaakov*, *Parashat Metzora*, as well as the interpretation of Rabbi Barukh Meir Klein, *Imrei Barukh* to *Parashat Metzora*, and Rabbi Yosef Oḥayon, in the journal *HaMaor*, Kislev–Tevet 5773, p. 29, citing the work *Yoshev Ohalim*. See also Rabbi Barukh Mordekhai Ezrahi, *Birkat Mordekhai* to *Parashat Metzora*.

published a volume, first issued in 1873, that revitalized the study of the Jewish laws of speech, taking his title from the phrase that the peddler emphasized: *Hafetz Haim*, or “Desirer of Life.” In doing so, the rabbi, who came to be known by the title of his work, placed the principles of careful speech at the forefront of the awareness of a broad section of the population, and sparked a movement that continues to grow to this day, inspiring Jews all over the world to devote their energies to “guarding their tongue.”<sup>7</sup> In this, he gave magnificent realization to the message of the peddler, which, according to some thinkers, was that the well-known and ancient precepts of speech needed to be actively brought to the attention of the public, and that doing so is the elixir of life to which the verse refers.<sup>8</sup>

The Jewish prohibition against malicious gossip – known by the Hebrew phrase *lashon hara* (lit., evil tongue), is at once simple and complex, easy to observe and irresistibly difficult, intuitive and shocking, obvious and deeply mysterious.

The prohibition of *lashon hara* may have the distinction of being the quintessential Jewish precept. Rooted firmly in the realm of interpersonal law, it is not a ritual statute, but is accessible to human understanding. Yet, it builds on a somewhat nonintuitive element that places it just beyond the range of laws that society would be assumed to innovate, absent divine command.<sup>9</sup>

Often rendered as “slander,” the term “*lashon hara*” in contemporary usage is generally exclusive of that term. Slander is a false allegation, which in Jewish law is termed *motzi shem ra*. *Lashon hara*, by contrast, disparages by conveying true information. This is one area in which the

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7. For emphatic rabbinic endorsements of the study of this work in different generations, see *Sedei Hemed*, *Maarekhet HaLamed*, *klal* 63, and Rabbi Yisrael Yaakov Kanievsky, *Karyana Delgarta* III:846.

8. See *Lehorot Natan*, Leviticus, and see also Rabbi Yitzhak Arama, *Akedat Yitzhak*, Leviticus, *shaar* 62. See also the commentary of *Maharzu* to the Leviticus Rabba, 16:2, who notes that the main lesson of the verse can be identified in the dramatic presentation “who wishes to purchase the elixir of life?” rather than a more prosaic formulation such as “life can be attained through guarding one’s tongue.”

9. In fact, the editor of *BeYad HaLashon* (pp. 291–93) suggests that the lesson that R. Yannai learned from the peddler is that the precepts of *lashon hara* are not self-evident, and require a knowledgeable teacher to convey them.

novelty of the halakha (Jewish law) manifests itself. The wrongdoing of slander is self-evident, and thus the offense is subject to civil sanction, along with its written correlate, libel. However, in the realm of slander and libel, truth is an absolute defense. The notion that a statement could be true, and yet still be forbidden, is profoundly innovative. Granted, indulgence in gossip is unsavory; nonetheless, it is presumed that a divide exists between the nasty and the criminal.

It is here, then, that the halakha makes a unique contribution. An action perceived to be mean-spirited, but permissible, instead displays the interconnectedness between malice of thought and legislated prohibition. As such, Jewish law guides the individual toward an elevated perception of interpersonal sensitivity. Thus, there is as well a unique opportunity in this subject matter: to unite elements of thought, attitude, and philosophy with deed and effect, all deeply and richly guided by the Torah and rabbinic literature, toward an integrated and effective personality. Perhaps this is the message of the peddler: amid all the other rules and precepts of Jewish practice, here is an area where particular attention can yield the key to “life.”<sup>10</sup>

From the time of the Talmud until this very day, Jewish legal literature has focused its attention on comprehending the prohibition of *lashon hara* and its many related precepts. Its parameters have been defined, over the course of much (continuing) debate and rabbinic exchange; its nature has been probed; its damage has been assessed; and its effect has been analyzed and decried, the subject of equal measures of cold legal analysis and hot ethical excoriation. At the same time, this transgression has been understood as a corruption of character rather than commission, an element of personality more than practice.

Therefore, it is worth examining the relationship of thought to deed in regard to the prohibition of *lashon hara*, and the extent to which this relationship is manifest in the legal underpinnings of the precept. To do so, we must consider the roots and the values of *lashon hara* and its related concepts.

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10. See *Hiddushei HaRadal* to Leviticus Rabba, 16:13, and compare Rabbi Simḥa Bunim Sofer, *Shaarei Simḥa, Parashat Metzora*, s.v. *BiHaMedrash*.

A number of glaring questions present themselves, for example:

- As mentioned above, *lashon hara* certainly includes, if not exclusively, stating true facts. Are we bidden then, to conceal the truth, to be in any sense less than honest? How can a religious system built on truth, commanded by a God whose “seal is truth” (Shabbat 55a), tolerate, let alone demand, an embargo on factual revelation?
- Not only is it prohibited to speak gossip, there is an equal (perhaps greater) prohibition of “receiving,” which might be understood as “believing,” such gossip. How can one be expected to control his beliefs? More pointedly, if the information is indeed true and factually accurate, would not refusing to believe be an act of willful ignorance and self-deception? Can Jewish law actually demand such a perspective?
- Further, does a reluctance to speak and believe the truth not expose the public to terrible danger from those who would seek to do them harm? How can the undeniable and crucial mandate to protect the innocent accept such restrictions? How does Jewish law expect danger to be avoided, and society to be healed of its ills, let alone progress to be made in any area, if negative speech is to be banned?
- Why should such a severe prohibition be attached to mere speech, with no accompanying “sticks and stones”? This is particularly surprising in light of the fact that all human beings at some time or another are irresistibly tempted by at least minor gossip: Is an impossible standard being demanded, against an inevitable element of life?

In the contemporary era, these questions have become only more complex and more urgent. We live now in an era of unprecedented connectedness, where the global village is smaller than ever. The benefits of the information age are widely recognized, and the ability of an informed citizenry to both protect its interests and advance its aspirations is deeply appreciated. Advances in technology together with the accomplishments of many fields of social sciences and arts have brought

new value to openness and disclosure. Increasing awareness of horrible crimes and offenses that have been perpetrated under the veil of secrecy and concealment has further indicated that there exists today a greater access to vital information that has not always been forthcoming.

At the same time, the potential for devastation from a misplaced item of information or innuendo has reached unprecedented heights. The speed and ease with which utter personal destruction and irreparable social division – whether the result of malice, misinformation, or well-intentioned miscalculation – can be brought about through the transmission of words is staggering. The need for a deeper appreciation of all of the conflicting values and realities in this realm is manifestly self-evident.

In the coming pages, we will attempt to address these questions. Clearly, any effort to do so sits under an enormous shadow, cast by the giant who influences every discussion of the topic, in general or on any specific point, the *Ḥafetz Ḥayim*. The contribution of the *Ḥafetz Ḥayim* provides us with much more than a compendium of sources and rulings; the very existence of his work, just as that of the midrash that recounts the peddler's mission, serves as a vital foundation for further discussion.

Over the past two centuries, objections have been raised against the *Ḥafetz Ḥayim's* methodology, particularly regarding the risks inherent in converting principles that seem to be directed toward character into rules of practice, and, further, the codification of regulations in an area that involves highly variable situations with subjective interpretations and conflicting imperatives.<sup>11</sup> However, it is our premise that the *Ḥafetz Ḥayim's* works represent a crucial step in the communal discussion, establishing that this area, so often perceived as outside the arena of conventional halakha, is in fact a deeply mandatory and regulated realm treated as such by the Torah, the Talmud, and great medieval halakhic codifiers such as Maimonides. Such awareness, however, need not ignore the complexities raised by the objectors. It may, though, necessitate a different approach of halakhic discussion: one that integrates an exploration of the theory of the concept; a consideration of the relevant psychological, sociological, and interpersonal realities; and a traditional

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11. See Benjamin Brown, "From Principles to Rules and from Musar to Halakhah: The *Ḥafetz Ḥayim's* Rulings on Libel and Gossip," *Dine Israel* 25 (2008): 171–256.

## *The Theory*

analysis and survey of the legalistic material in the hope of emerging with a refined sensitivity to the issues at hand. This, in turn, should result in a more ideal realization of the practical commandments of the Torah. It is our aspiration in the coming pages to take at least a few small steps in this direction, and it is our hope that in doing so, we can give further expression to the promises of King David, the mysterious peddler, and the *Hafetz Hayim*, for a better life.