

Shmirat Halashon

"Come, my children, listen to me, and I will teach you to fear Hashem. Who is the man who desires life, to love each day and see only goodness in them? Let him then guard his tongue from speaking evil and his lips from speaking deceit. Turn away from evil and do what is good, desire peace and pursue it." Tehillim 34

Shmirat Halashon literally means "guarding the tongue." If we as women can learn the mitzvah of guarding our tongues, then we will have holy homes, holy communities and we will truly be wellsprings of life.

Below are the laws of Lashon Hara for study.

The Laws of Lashon Hara and Rechilut

According to

the Chofetz Chaim

Prologue

- By
carefully guarding our speech daily, we can do up to 31 different mitzvot.

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Speech
is such a powerful force - it must be guarded carefully.

As Chazal says:

"Which is the strong man? Someone who can control his own desires."

Mishna Avos

The 31 Prohibitions and Positive Commandments Relating Lashon Hara

The Chofetz Chayim enumerated thirty-one Torah commandments which may be violated when a person speaks or listens to lashon hara. The number of infringements will vary in accordance with circumstances, but on each occasion when lo shun hora is spoken many commandments are violated. Anyone reading this list will see that refraining from lashon hara is not merely a meritorious act, but an obligation of the highest magnitude.

1. "You shall not go as a talebearer among your people." (Vayikra 19:16)

This is the prohibition dealing specifically with lashon hara and r'chilut. Lashon hora is the term used for a derogatory or damaging statement. R'chilut is the term used for a report that someone has spoken or acted against the listener. Both are prohibited even when true. Just as a peddler (rochil) goes from house to house selling his wares, so too, a habitual gossip goes from person to person picking up and leaving behind tidbits of derogatory information about others (see Rashi on Lev. 19:16).

2. "You shall not utter a false report." (Shmos 23:1).

This verse is also rendered as "You shall not accept a false report." This prohibition bans the speaking or accepting of lashon hara.

3. "Take heed concerning the plague of leprosy." (Dvorim 24:8).

Sifri

explains that this verse refers to lashon hara which is punishable by the infliction of tzara'at (commonly translated "leprosy").

4. "Before the blind do not put a stumbling-block."
(Vayikra 19:14).

This verse prohibits us from placing a spiritual stumbling-block in the path of others. If someone causes another to sin, he violates this prohibition. By speaking or listening to lashon hara, you not only sin yourself, but also cause others to transgress.

5. "Beware lest you forget the LORD your G-D"
(Dvorim 8:11).

This is the prohibition against being conceited. One who ridicules others is generally motivated by a feeling of superiority. If he were aware of his own faults, he surely would not deprecate others. The Talmud equates arrogance with idolatry and states that whoever has this trait will not be privileged to be resurrected by tchiyas hamaisim.

The gravity of the transgression is increased if the speaker elevates his own esteem through the medium of degrading some one else. Our Sages have declared that such a person will lose his share in olam haboh (World to Come).

6. "You shall not profane
My Holy Name." (Vayikra 22: 32)

We are warned not to cause chilul Hashem. There are a number of aspects to this prohibition (see Rambam, Sefer Hamitzvos 63). If a person commits a transgression without deriving physical pleasure from it, it is considered a revolt against Hashem Yisborach and a chilul Hashem. Speaking lashon hara is in this category.

Another

aspect of the chilul Hashem involved in lashon hara is the laxity shown towards this mitzvah. If someone was accidentally eating pork and a friend would point this out to him, he would immediately spit it out. When someone is censured for speaking lashon hara, however, he has a thousand rationalizations and excuses. He will argue that what he is saying is not considered lashon hara and that the person he is speaking about is in a category that gives one license to speak against him. Not only will he not heed the rebuke but he may be spurred on to increase his lashon hara. This total disregard for one of G-d's mitzvos is a chilul Hashem.

Yet another

aspect of chilul Hashem is when a distinguished person transgresses and others follow his example. Therefore one who studies Torah has an even greater obligation than others to guard his speech.

7. "You shall not hate your brother in your heart."
(Vayikra 19:12)

If you act in

a friendly manner towards someone in his presence but speak against him behind his back, you violate this prohibition. This prohibition refers only to concealed hatred (Sifra). When you openly tell someone about your dislike for him, you do not transgress this prohibition but are guilty of not fulfilling the mitzvah of loving a fellow Jew.

8-9. "You shall not take vengeance nor bear any
grudge against the children of
your people." (Vayikra 19: 18).

If you are

angry at someone because he refused to grant you some favor and in revenge you speak lashon hara about him, you have violated these two prohibitions, in addition to having spoken lashon hara. For recalling that person's refusal to render you assistance, you are guilty of, bearing a grudge. For slandering him, you are guilty of taking vengeance. You are obligated to forget the entire incident.

(To illustrate the extent of these two prohibitions, a certain scholar related the following anecdote:

Lost and

wandering in a desert, Gavrial finally spotted a man leading a herd of camels. Half-crazed from thirst, Gavrial crawled up to the man and begged for water. The camel owner refused and left Gavrial to the elements. Gavrial miraculously managed to get back to civilization and in a short time became very wealthy. One day, Gavrial's secretary announced that a camel dealer was interested in obtaining a loan from him for the purpose of enlarging his stock. When the man entered Gavrial's office, Gavrial immediately recognized the face. It was the person who had refused to aid him in his hour of need.

Gavrial is

obligated to grant the loan without recalling the desert incident. This is a true and difficult test of Gavrial's strength of character, but it is required of him by these two mitzvos.

10. "One witness shall not rise up against a man for iniquity or for any sin." (Dvorim 19: 15).

If a solitary

witness testifies against someone before a Bais Din in a non-financial matter, he violates this prohibition besides being guilty of speaking lashon hara. In financial matters the testimony of a single witness has practical effects. (It can obligate someone to make an oath.) In non-financial matters, however, the Bais Din cannot accept the testimony of only one witness.

Therefore his

coming to testify merely blackens the reputation of the person he speaks against without any beneficial results.

11. "You shall not follow a multitude to do evil"
(Shmos 23:2)

If you join a

group to speak or hear lashon hara, you violate this prohibition (see Shaarey Tshuvah 3 : 50).

12. "You shall not act similar to korach and his

company" (Bamidbar 17:5).

This verse
forbids us to maintain disputes (Sanhedrin 110a).

If you will
cause the continuation of a quarrel by relating lashon hara, you violate this prohibition.

13. "You shall not wrong one another" (Vayikru
25:17).

This verse
forbids us to say anything that will insult or anger another person (Bava Metzia 58b). Some
examples of this would be:

(1) reminding
someone about his previous misdeeds

(2)
embarrassing someone for his family background

(3)
ridiculing someone for his lack of Torah knowledge

(4) insulting
someone for his lowly status

(5) asking
someone how he would answer a certain question
when you know that he is not competent to reply.

If you relate
lashon hara to others in the presence of the victim, besides being guilty of speaking lashon hara, you also
violate this prohibition.

14. "(You shall rebuke your neighbor) and you shall not bear sin because of him." (Vayikra 19:17)

This verse

prohibits us from embarrassing others even when privately delivering rebuke (Erchin 16b). Rebuke must be delivered in a tactful manner that will not cause shame. If you speak lashon hara about a person and cause him shame, you violate this prohibition.

If you shame

someone in public, the crime is so severe that it is punishable by the loss of olam haboh (Bava Metzia 59a).

15. "Any widow or orphan shall you not afflict" (Shmos 22:21).

If you speak lashon

hara about widows or orphans in their presence, no matter what their social or financial position, you violate this prohibition.

16. "You shall not pollute the land wherein you are" (Bamidbar 35 : 33).

This verse

forbids us to flatter a wrongdoer. If you know Reuven dislikes someone, the correct thing to do is to admonish Reuven for his hatred. By speaking lashon hara to Reuven about his enemy in order to find favor in his eyes, you violate this prohibition. A listener to lashon hara can also be guilty of this prohibition. It is very common for people to nod their heads or vocally show approval when someone tells them lashon hara. This flattery is termed chanifus and is a very serious offense (see Shaarey Tshuvah 3: 187-199).

17. "You shall not curse the deaf" (Vayikra 19:14).

This verse

forbids us to curse others with G-d's name. It applies even to a deaf person. All the more so are we forbidden to curse someone who is able to hear (Choshen Mishpot 27). If you speak lashon hara about someone in anger, you are apt to curse him.

Positive Commandments

1. "Remember what the Lord your G-d did unto Miriam by the way as you came forth out of egypt" (Dvorim 24:9).

The Torah

obligates us to vocally recall the punishment Miriam received for speaking lashon hara about Moshe Rabainu (Ramban Commentary). There were numerous factors that might have mitigated the gravity of Miriam's sin and thus her punishment:

(1)
She
spoke about her brother whom she loved dearly.

(2)
She
risked her life to save Moshe when he was an infant.

(3)
She
raised him in his childhood.

(4)
She
did not say anything actually derogatory about Moshe; she merely minimized the extent of his great-ness.

(5)

Since she did not speak in Moshe's presence, he didn't suffer embarrassment.

(6)
She did not speak against him in public; she privately spoke to Aharon, her brother.

(7)
Moshe Rabainu was the paragon of humility and was not affected by what Miriam said about him. Despite her righteousness Miriam was punished with leprosy. Anyone who speaks lashon hara violates the commandment to recall what Hashem Yishborach did to Miriam.*

2. "Love your neighbor as yourself" (Vayikra 19:18).

Torah obligates us to be equally considerate of the property and dignity of others as we are of our own. By speaking or listening to lashon hara a person shows that he does not love the subject, definitely not to the degree that he loves himself. Although a person might be aware of his own faults, he does not want anyone else to speak about them. If someone does relate his faults, he hopes that the listeners will reject what they hear. Anyone who speaks or accepts lashon hara violates this commandment.

3. "In righteousness shall you judge your neighbor" (Vayikra 19:15).

This verse obligates us to give someone the benefit of the doubt when we see him performing an action that could be interpreted in his favor (Rambam, Sefer Hamitzvos, Positive Precept 177).

If an average mitzvah observer does or says something and the chances of a favorable judgment and unfavorable judgment are equal, we must grant him a favorable judgment. If the person in question is a G-d fearing man, we must judge him favorably even if the unfavorable side outweighs the favorable one. If you assume that this person's action was improper and you relate it in that manner to others, besides violating the prohibition of lashon hara, you also violate this commandment.

Often, a narrative may consist of entirely true facts, but because the action or words referred to were taken out of context, a completely distorted picture is conveyed. Also, many things are said or done in anger that under normal circumstances would not have been said or done. It is unfair to judge such incidents without taking the circumstances into consideration.

4. "If your brother be waxen poor and his means fail him when he is with you, then you shall uphold him" (Vayikra 25:35).

The Torah obligates us to give financial aid to a fellow Jew in order to prevent his becoming poor. This could be in the form of a grant, a loan, or a source of income. If you relate lashon hara and as a consequence the subject loses his job or income, you have violated this commandment.

5. "You shall rebuke your neighbor" (Vayikra 19:17).

If someone begins to tell you lashon hara, and instead of re-buking him you assist him by listening to his narrative, you violate this commandment.

It is important to remember that rebuke should be administered as soon as you realize that a narrative contains lashon hara. Do not wait until the other person finishes speaking. Every single word of lashon hara is a separate transgression, and it is your obligation to stop the other person from sinning.

6. "To him shall you cleave" (Dvorim 10:20).

This commandment requires us to keep in the company of Talmidai Chachomim so that we should learn from their example. If you forsake their company to join a group of people who are speaking lashon hara, you violate this commandment.

7. "You shall fear my sacred place" (Vayikra 19:30).

We are obligated to act with reverence when we enter a shul or Bais Medrash since they are considered a mikdosh m'at - a minor scale Bais Hamikdosh. Anyone who speaks lashon hara in a shul or Bais Medrash violates this commandment.

8. "Before the gray-haired you shall rise up, and you shall honor the face of the old man" (Vayikra 19:32).

This verse requires us to honor a Torah scholar, even if he is not aged, and an elderly person, even if he is not a scholar (Kiddushin 32b). If someone relates lashon hara about a Talmid Chochochom or an elderly person in his presence, he violates this commandment.

9. "You shall sanctify Him" (Vayikra 21:8).

This verse obligates us to show respect to kohanim - members of the priestly family. If you speak lashon hara about a kohain in his presence, you violate this commandment.

10. "Honor your father and mother" (Shmos 20:12).

The Torah obligates us to honor our parents. If you speak lashon hara about your father or mother, you violate this commandment. This verse also includes an elder brother.

11. "The lord your G-d shall you fear" (Dvorim 10:20).

We are obligated to realize that Hashem Yisborach is aware of every move we make, and that there is retribution for every wrongdoing. Someone who is careless with his speech violates this commandment.

12. "You shall teach them diligently to your children, and you shall talk of them when you sit in your house, and when you walk by the way, and when you lie down, and when you rise up" (Dvorim 6:7).

Every single word of the Torah that you study is a fulfillment of a mitzvah. Conversely, for every single word of lashon hara that you speak, you are guilty of bitul Torah, not having spent your time fruitfully in studying Torah.

13. "From a false matter you shall keep yourself"(Shemot 23:7).

If you add untrue details to the lashon hara that you speak about someone, you violate this commandment.

14. "Walk in his ways" (Dvorim 28 :9).

We are required to emulate the attributes of Hashem Yisborach.

"Just as He is merciful and compassionate, so too, we must be merciful and compassionate" (Shabbos 133b). Among G-d's attributes is His hatred for lashon hara.

When Jericho was conquered, a ban was put on taking spoil from the city. When his army was defeated in a subsequent battle, Joshua was told by G-d that the ban was violated. Joshua asked G-d for the identity of the transgressor, but G-d replied, "Am I an informer'? Make a lottery to find out" (Joshua 7; Sanhedrirz 11a). Anyone speaking lashon hara has failed to emulate G-d, and violates this commandment.

General rules of Lashon Hara

Lashon Hara is any remark that puts down another person or causes him damage - damage in any

way! The Torah forbids speaking Lashon Hara about any fellow Jew or anyone who is amitecha (members of the nation which are together with you in the performance of Torah and Mitzvos).

Derogatory Statements

(1) Any comment which belittles someone - even if no damage was caused (for instance, the listener did not believe it).

(2) These statements are negative in all aspects and do not lift a person up or give the benefit of the doubt.

(3) The Torah also prohibits belittling another person even though you don't harm anyone.

a.
...even
if the listener already knows the story

b.
...even
if the story is public knowledge OR

c.
...or
no one thought any less of the person being spoken about.

Damaging Statements

(1) Any comment that will cause a person either to feel bad, get physically hurt or to lose money (job, opportunity, position).

(2) These statements are negative in all aspects and do not lift a person up or give the benefit of the doubt.

"But I didn't mention the person's name!" is an excuse which many will use as an excuse for speaking Lashon Hara. This is a mistake!!! If the listener is able to discern the person of whom you are speaking about, and your intention either to harm or just poke fun about that person, then you have committed Lashon Hara.

Topics of Lashon Hara

Duties To Hashem

(1) One may not relate that a person has violated any Torah law - whether that law is a positive or negative commandment, or one instituted by the Sages.

(2) It is also forbidden to speak of any transgression of a detail of a larger mitzvah.

(3) It is also forbidden to speak of a person's old aveirot (sins)

(4) a) even if the aveirah was done purposefully and with full knowledge of Torah

(5) b) if it was done accidentally or without understanding the seriousness of the law

(6) c) if the aveirah was done

on purpose and it has been some time since it was committed, the person should be assumed to have repented and returned to the status of amisecha.

Relationship To Other People

(1) One may not relate that a person is negligent in duties towards others. Such things forbidden to say are:

a.
does
not honor his/her parents

b.
refuses
to do favors for others

c.
is
unfriendly

d.
bears
a grudge

!!Be easy on others and give them the benefit of the doubt!!

One should not be so quick to judge people negatively. Although WE MIGHT NOT BE AWARE OF IT, they might be feeling badly about those traits and are working very hard to try and get rid of them.

Ways of Transmitting Lashon Hara

1. Speaking - If what you are saying could be

taken 2 ways

2. Writing
3. Facial expressions - what you are really intending
4. Hinting - figure it Out Lashon Hara
5. Showing a letter of a writer's faults

! No matter what the pressure, what people will say, what you could lose, you may not speak Lashon Hara!

Avak Lashon Hara - The "Dust" of Lashon Hara

1.
Implied Lashon Hara - A comment which hints at someone's faults. This is Avak Lashon Hara since it can cause someone to speak Lashon Hara about a person.

2.
Lashon Hara Resulting From Praise - When a person is being praised excessively, others may find reason to find faults with that person. Therefore, this is forbidden to praise someone excessively in front of a person or a group. It is recommended also to avoid mentioning a person's name in the presence of his/her enemies.

How To Act when confronted with Lashon Hara

1.

If
you find yourself in the presence of people who are speaking

2.
Lashon
Hara, you can:

-
ask
them to stop, even if you know no one will listen OR if you feel that your
words will only provoke them to continue to speak even more Lashon Hara then
you should not tell them to stop.

-
try
to stop the Lashon Hara by changing the topic of conversation OR if this
doesn't work, you must avoid listening. This means you should leave the
gathering or find a way to shield your hearing.

3.
If
all of the above fails, you must:

-
Resolve
to absolutely not believe what you hear.

-
Decide
in your mind you are absolutely uncomfortable listening to the Lashon Hara.

-
Avoid
nodding, smiling or acting in any way which would show your agreement with the
Lashon Hara.

-
Preferably
act in a way which shows your disapproval of the Lashon Hara.

! By
standing up for yourself and protecting yourself from Lashon Hara, you are
standing up for the Torah and for those who can't defend themselves when they
are being spoken about in private or public!

General rules of Rechilut

Rechilut

refers to a talebearer - someone who peddles Lashon Hara that he/she hears and brings it to the people who were the topic of the Lashon Hara OR brings any information that is meant to incite the listener.

1. Relating Rechilut To Family Members

a)
One cannot share information that will cause family members to become upset and bear a grudge toward one another.

b)
One cannot share information regarding a situation which would cause a family member to become angry with an outsider.

2. Rechilut By Revealing Someone's Secret Plans

a)
If someone planned to dissolve a company relationship, an engagement and many people were aware, it is still forbidden to speak of it to the company, partner of the engagement, etc...

3. Rechilut By Shifting The Blame

a)
If someone is harmed or belittled and presses a person to identify the culprit, the person may not reveal the culprit - even if the person might be suspected as the culprit.

b)
Only if serious damage (accident, theft, or other serious harm) has occurred may one give the culprit's name.

Just

food for thought....does the story of Adam and Chava sound familiar as an example of Rechilut?

4.

Indirect

Rechilut

a)

If a person witnesses an event or hears something negative, he/she may not tell a third party what he/she saw. Why? Because sooner or later, if this information was shared, it would eventually get around to the person who might be offended by what happened.

b)

Indirect rechilut is just as bad as rechilut.

5.

"Figure

It Out For Yourself" Rechilut

a)

Even if no names are spoken, if indirect rechilut is still prohibited since it can cause incitement.

b)

If someone believes the rechilut, then that person is also guilty of rechilut.

c)

If someone hears the rechilut and confronts the perpetrator, that person is also guilty of rechilut.

Cases Where Rechilut Is Permissible

Investigating a Future Partner

1.
A person should look into a future spouse, partner or employee to avoid possible harm. A person should not establish everything heard as absolute fact, but be careful with information given.

2.
In order to receive the information, you must inform the person that the reason you are asking is for a constructive purpose.

3.
Ask the right people for the information - not an enemy or competitor of the person you are seeking information about.

Give Honest Advice

-
When asked about a proposed partnership, you must give a truthful reply - even if it isn't favorable. To withhold information would be to place a stumbling block before the blind.

-
You may not say things regarding poverty or dishonest advice.

Warning An Existing Partner

-
You may warn a partner of something serious if you are sure he/she is Torah observant

and will take the right measures before reacting to the information.

Warning Someone About Impending Harm Or Danger

- Make sure the danger is present.
- Try and find an alternate way of preventing the harm.
- Don't exaggerate.
- Speak with pure motivation.
- Make sure the results will be positive.
- Make sure there will be no undeserved harm.
- If
someone really intends to inflict harm on someone and you are sure of it, you must review the conditions above in sharing Rechilut and then proceed.
- If you
heard the information secondhand, you must make that clear.
- If your
warning will only incite a situation and make it worse, then it is best to avoid sharing the information at all.
- If you
know about a dishonest storekeeper, salesman, or businessman and someone you know is going to purchase or make a transaction with that person, you must warn him/her. If, however, someone has already made a purchase from such a person, you are not allowed to tell the person any of this information since it will only aggravate the situation.
- If the
purchase can be rectified and the person can get his/her money back, then you may share the information as long as you do not exaggerate, have pure motive, help the person and cause the person to be aware without informing him directly.