WHAT CAN I SAY... TODAY?

SHMIRAS HALOSHON
IN CONTEMPORARY TIMES WITH TODAY’S CHALLENGES

RABBI DOVID JAFFE
Shmiras Haloshon in Contemporary Times With Today’s Challenges

This work is a comprehensive presentation of the laws of shmiras haloshon, primarily based on the rulings of Sefer Chofetz Chaim, and with a special focus on how they pertain to contemporary society. It organizes the essential halachos that are scattered throughout Sefer Chofetz Chaim in a logical sequence. In addition, it presents hundreds of rulings from contemporary Poskim. Last, it clarifies the guidelines of loshon hora in commonly occurring situations which have not been explicitly discussed in Sefer Chofetz Chaim.

The sefer also includes a practical guide to asking and responding to questions that can arise when investigating shidduchim.

Rabbi Dovid Jaffee
In loving memory of

Dr. Sidney Lyons

who left this world on 28 Tishrei 5770

He was always glad to see you,
and we never heard him say a bad word about anyone.

Dedicated by Marcella (Lyons) and Nisan Jaffee
Thank you for giving me a copy of your new sefer about the halachos of Loshon Hara. It is very evident that an enormous amount of toil and work has gone into writing this sefer. The Ribono Shel Olam has blessed you with the ability to learn His Torah with great hasmoda and diligence; He has also blessed you with great intellect. Those two qualities together have enabled you to author a masterful work.

Your work is very clear, concise, and definitive, where, through much work, you have been able to cull from the works of the Poskim and Sifrei She'elos Ut'Shuvos and come to practical conclusions. Often, when learning a sefer of practical halacha, the reader walks away with a lack of clarity in being able to apply the principles into real life. This sefer, however, has done a magnificent job in enabling the learner to apply the basic yesodas in a very clear way. Through this, the reader will really be able to “live” the halacha and the spirit of the law. I feel that this sefer will be a great benefit to our people.

For a sefer as this to have hatzlocha and to impact others, the author of the sefer must represent all that is written in the sefer. Baruch Hashem; I feel that I can honestly say that you are a person who has great viras shomayim, sterling character, and lives with the credo that the words that come out of our mouths should be holy and pure. I wish you great hatzlocha in your most noble endeavor.

With great respect and admiration,

Yaacov Hopfer
HASKOMOS AND MICHTEVEI BRACHAH ARRANGED IN THE ORDER IN WHICH THEY WERE RECEIVED

Rabbi Yosef Shrage Berger
Congregation Kol Torah
Rabbi David Jaffe has compiled the principles and practical applications of the Halachos of Loshen Hara in a comprehensive and clear manner. "What Can I say... Today" is an extremely useful tool in the acquisition of Shmos Hala'hah and is a user-friendly guide to dealing with the daily dilemmas of providing pertinent information that could affect others for a lifetime.

I have seen much of the content and found it to be clear and accurate.

May the author be zocheh to inspire many to exorcize restraint and intelligence in their communication, and may he continue to provide us with meaningful works such as this one and spread Torah worldwide.

Rabbi Yitzchak Berkovits
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TO WHOM IT MAY CONCERN:

Observing the Laws of Lashon Hora is central to the observance of all interpersonal mitzvos and to the sanctity of a Jew’s life. I am therefore pleased to learn that Rabbi Dovid Jaffe, an outstanding member of our Kollel, is about to publish a Sefer on these laws in English which, in addition to the laws found in the Chofetz Chaim and other Seforim, applies these laws to many everyday situations.

Even though time constraints do not permit me to carefully review the detailed Halachos in this Sefer, I can wholeheartedly endorse its author as a Talmid Chochom and Yerey Shomayim who can be trusted to have presented these laws with accuracy and proper judgment.

May this Sefer be a major contribution to our people by raising the public awareness of the importance of the Laws of Lashon Hora and by teaching them how they must be kept.

With respect,

Rabbi Aharon Feldman.
In Parashas Chukas we find that as a result of their evil speech against Hashem and Moshe, the Jewish people were attacked by a plague of poisonous snakes, and many lives were lost. Realizing the error of their ways, they begged Moshe to ask Hashem to remove the danger. Moshe prayed, but instead of Hashem removing the snakes, He commanded Moshe to place a copper snake on a high pole so that when a snake would bite, the victim would look at the copper snake and his life would be saved.¹

Why didn’t Hashem remove the snakes as the people had asked? And if the nation had done teshuvah, why would the snakes still bite — albeit that their bite would no longer kill?²

The Chofetz Chaim answers that their punishment was commensurate with their sin.³ Just as the damage of loshon hora cannot be eradicated completely — even after the speaker has regretted his actions and even when he attempts to make amends for his evil speech — so too, the snakes would still be found and would still cause pain even after the Jewish people had regretted their actions and sought to rectify them.⁴

We learn from here the magnitude of responsibility we face every time we open our mouths to say anything, and even more so when we register a complaint or criticism. We cannot remind ourselves enough about the great danger in speaking loshon hora and the devastation it can cause, for it is a challenge that we all face on a constant basis, and something that always requires strengthening.

It is in this light that we present What Can I Say... Today?

Rabbi Dovid Jaffee has done us all a tremendous service producing this wonderful sefer. The laws concerning loshon hora are complex, and coupled with advances in modern technology together with a culture of public reviews, “naming and shaming,” and many other

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¹ Bamidbar 21:5–9.

² The question is especially strong if we compare it to the Egyptians’ request that Moshe pray to Hashem to remove the plague of frogs and wild animals. In both cases, Hashem completely removed the danger (see Shemos 8:8–9 and 8:25–27).

³ The Chofetz Chaim based this on the Gemara that states, “Someone who speaks evil has no resolution” (Erachin 15b).

⁴ Chofetz Chaim HaChadash, quoting Netzach HaTorah 83.
phenomena which challenge the boundaries of appropriate speech, this book is all the more necessary.

In creating this book, we have also been blessed to have had the input of one of the world’s leading halachic authorities on the matter, H aRav Yitzchak Berkovits shlit"a, who dedicated a lot of time to reviewing the book and answering questions related to these complicated topics.

It is my fervent prayer that this book help Klal Yisrael protect their most precious weapon: their mouths, and that Hashem thus hear our prayers and rebuild the Beis HaMikdash bimheirah b’yameinu.

Rabbi Moshe Kormornick

ADIR PRESS

\[5. \text{See Rabbeinu Bachya, Bereishis 27:22.}\]
ACKNOWLEDGMENTS

It is with profound hakaras hatov to HaKadosh Baruch Hu for the merit to learn and teach His Torah that I present the public with this sefer. Although everything that one accomplishes is purely siyatta d’Shmaya, I would like to take this opportunity to thank those people who acted as HaKadosh Baruch Hu’s emissaries in assisting me in this task.

I am indebted to my dear friend Rabbi Yosef Wiener, who has been greatly instrumental in bringing this sefer to fruition. Besides editing part of this work and offering valuable feedback, he has given me essential advice in terms of both writing and publishing the sefer. This work has greatly benefited from the insightful comments of my good friend R’ Yosef Khaver, who has taken much time to edit the manuscript and offer helpful feedback. The fluidity and clarity of this sefer have been greatly enhanced due to his efforts. I am also thankful to Shmuli Dixler who has helped proofread the sefer.

Much appreciation is owed to many of my esteemed colleagues who have spent much time reviewing the content of the sefer. Rabbi Aharon Saltzman and Rabbi Shmuel Iser reviewed a version of the manuscript and offered valuable comments. The final version of the manuscript was reviewed collectively by Rabbis Binyamin Agular, Yissachar Brody, Moshe Chaim Kimche, Elie Lipsky, Yehoshua Makovoz, Mordechai Shafran, Avi Shane, Yosef Wagner, and Shmuel Weinberger. Their insightful comments on the material and edits of the Hebrew footnotes were a great contribution to the sefer.

The publication of the sefer was made possible by many relatives, friends, and generous members of the Baltimore community who have given the financial backing for this project. May Hashem continue to give them the means to support other projects promoting harbatzas haTorah and assisting Klal Yisrael. Special thanks to Mrs. Deborah Taffel and to Reb Chaim and Mrs. Adeena Rivka Novice for assisting me in many of the financial arrangements.

I would like to express deep gratitude to Rav Yaakov Hopfer shlita for his encouragement and feedback regarding the sefer. Despite his unbelievably busy schedule, he made time to look at parts of the sefer, give feedback and advice, and carefully write his haskamah. I have
also included a number of his halachic decisions in the sefer itself. Yet, my hakaras hatov to Rav Hopfer goes far beyond his assistance in the writing of this work. He has graciously allowed me to spend tens of hours with him in his office, giving me personal guidance and affording me the opportunity to observe him in his role as a community leader. I have also greatly benefited from his chaburos, in which he offers invaluable insights and hashkafos. He has had a profound impact on the way that I make decisions and deal with others. Our city is very fortunate to have a Rav who is one of the leading figures in our generation in his advice and wisdom. Even more than the direct comments that he made about this sefer, the subconscious lessons that he has imparted to me have shaped the shikul hadaas that I used to come to the halachic decisions that appear herein.

It is a tremendous privilege to have had Rav Yosef Berger shlit"a review an earlier version of the manuscript. I am honored that the Rav took so many hours out of his precious time to assist me with this project. His willingness to take so much time to help me is no doubt due to the importance he places on the halachos of proper speech and the necessity to have a sefer that conveys this in a way that it is applicable to our generation. Although Rav Berger was unable to delve into each ruling that is presented in this sefer, and therefore cannot take responsibility for every psak, the very fact that he read through the sefer and offered his comments lends credence to the entire work. I have gained immeasurably from the feedback that Rav Berger has given. More than his halachic decisions (some of which are incorporated herein), he has guided me as to how to present the information in a way that will be clear, understandable, and appropriate for both scholar and layman alike.

Here I must mention the broader impact that Rav Berger has had on this sefer. He has given me the tools necessary to be able to arrive at a psak halachah. When I was younger, I attended hundreds of his halachah shiurim and asked him countless questions in virtually all areas of halachah. His mehalech hapsak has made a deep impression on me, and any halachic decision that I render has been impacted by the training that I received from Rav Berger.

I am also very grateful to Rav Aryeh Beer shlit"a for reviewing a draft of the sefer and writing his illuminating comments. These have given me much direction in arriving at the halachah. The Rav graciously allowed me to include these comments in the footnotes.
I wish to acknowledge my great appreciation to the Roshei Yeshivah and rebbe'im at Yeshivas Ner Yisroel for creating this unique citadel of Torah where I have had the privilege of learning for the past twenty years. I am greatly indebted to the past and present hanhalah of the Yeshivah for providing not only for the spiritual needs of the talmidim, but for our physical needs as well. It was only through the year-round access to the dormitory and cafeteria in the secluded atmosphere of the Ner Yisroel campus that I was able to immerse myself in Torah learning for so many years.

In particular, I would like to thank Rav Tzvi Berkowitz shlita for the years that I spent in his shiur and the guidance that he has provided for me throughout my life. A talmid chacham of his stature who is not only a gadol baTorah, but also has tremendous clarity in navigating any issue that arises in life and who makes himself available to so many talmidim, is virtually unparalleled in our generation.

I am deeply grateful to Rabbi Chanina Szendro and Rabbi Ayson Englander for giving me the opportunity to be a rebbe at Yeshivas Toras Chaim of Baltimore for the past four years. They have created a unique yeshivah which focuses on the individual needs of the talmidim and develops the students to reach their full potential. May the yeshivah continue to grow and be marbitz Torah for many years to come.

Words cannot properly express my deep gratitude to my parents, Reb Nisan and Mrs. Marietta Jaffee, for their great mesiras nefesh in raising me and sending me to yeshivah. They have always supported me in all of my endeavors, and continue to shower our family with their love and warmth. I am also deeply grateful to my in-laws, Reb David and Mrs. Yehudis Rochel Novice, for all their assistance in so many areas of our lives. I am always amazed how they drop whatever they are in the middle of doing and tend to all my needs whenever I stop by their house. They are so willing to help us with anything and everything, yet are careful never to impose upon us, and ask for nothing in return for all the kindness that they shower upon us.

The words of Rebbi Akiva "Sheli v'shelachem shelah hi" aptly describe the appreciation I have to my wife, Sara. She has graciously accepted upon herself the responsibility of raising, supporting, and dealing with all necessary financial issues that pertain to our family. It is only through her devotion and self-sacrifice that I have been able to continue to learn and teach with few disturbances for over a full decade following our marriage. It was in this period of my life that
I began to focus on learning *aliba d’hilchasah* and develop the tools necessary for writing this *sefer*. Specifically regarding this *sefer*, she has assisted in the editing and has offered important feedback.

I would be remiss if I would not mention my sincere thanks to all of our family members and neighbors who have assisted us in childcare over the years, allowing my wife to financially support the family as I was involved in full-time learning and teaching. Foremost, I wish to express my heartfelt thanks to the entire Aron family for watching and caring for our children with motherly love for so many years. In particular, I would like to thank Mrs. Brendy Aron, Tziporah, Mindy, Yehudis, and Chaim Zisha. I am also greatly thankful to the many other wonderful young ladies who have made themselves available to watch our children. These primarily include Tzipora Marsh, Simcha Shoshana and Sarah Leah Ezra, Yehudis (Benyowitz) Jakubowicz, Rivka and Shalva Benyowitz, Yocheved and Dina Shoob, Batsheva Shachter, and Rivka and M iriam Slotchiver. May they all be zochos to build beautiful families of their own.

Special thanks to my sister-in-law Mrs. Yitty (Aron) Novice not only for introducing us to her wonderful family, but also for her major role in watching our children. She has graciously offered to watch them whenever she is available, using up her limited free time, and then tries to make us feel that we were doing her a favor! It is difficult to imagine what we would have done without her.

I would also like to express thanks to my brother- and sister-in-law, Reb Yehuda and Mrs. Rivka Raisel Friedman, for their assistance in so many areas over the years.

Finally, I would like to express my sincere thanks to Rabbi Moshe Kormornick and the entire staff at Adir Press. Reb Moshe has patiently guided me through the entire publishing process, and his expert staff have brought this *sefer* to the beautiful form in which it exists today. In particular, I want to thank Rabbi Maier Schreiber, in addition to his excellent editing, for presenting many halachic questions related to the *sefer* to Rav Yitzchak Berkovits shlit’a. Many of Rav Berkovits’s oral rulings have been incorporated in the footnotes. In addition, Reb Maier has spent much time arranging a list of Rav Berkovits’s rulings regarding *shemiras haloshon* which has been included at the end of the *sefer*. The inclusion of the rulings of one of the world’s leading experts in *hilchos loshon hora* adds greatly to the quality of the *sefer*. I am deeply grateful to Rav Berkovits shlit’a for taking from his unbelievably busy schedule to offer these rulings and review them.
Master of the Universe, may it be Your will, Compassionate and Gracious God, that You grant me the merit today and every day to guard my mouth and tongue from lashon hara, rechilus.

May I be careful not to speak ill even of an individual, and certainly not of the entire Jewish People or a portion of them; and even more so, may I be careful not to complain about the ways of the Holy One, Blessed is He.

May I be careful not to speak words of falsehood, flattery, mockery, strife, anger, arrogance, hurt, embarrassment, and all other forbidden forms of speech.

Grant me the merit to speak only that which is necessary for my physical and spiritual well-being, and may all my deeds and words be for the sake of Heaven.
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"Didn’t the Chofetz Chaim already write a sefer on this topic?" I was asked this question time and again whenever I told people that I was writing a sefer on the laws of loshon hora. I responded by asking the questioner if he himself had ever learned Sefer Chofetz Chaim. If he responded in the affirmative, I asked, “Do you feel that after learning Sefer Chofetz Chaim you can apply the halachos of shemiras haloshon to your daily life?” Without exception the answer was that the individual has gained an appreciation for and an awareness of the severity of loshon hora, but did not have the capacity to make practical applications. Then I would say, “Now you know why I am writing this sefer.”

It is clear to me that the Chofetz Chaim wrote his sefer in order to put the concept of loshon hora on the radar screen of the masses. His goal was to prove that these are full-fledged halachos and not simply a middas chassidus (act of piety). Large segments of the sefer discuss obviously forbidden cases that were prevalent is his day. An entire chapter is devoted to the leniency of apei tlasa (loshon hora said in front of three people), with the conclusion that it is rare to find an application of the leniency. Furthermore, the entire second part of the sefer is devoted to the laws of rechilus — although there are very few differences between the halachos of loshon hora and the halachos of rechilus. The Chofetz Chaim apparently repeated these halachos to rebut the argument that the standards for rechilus are more lenient than those for loshon hora.

The Chofetz Chaim, whose legacy was later perpetuated by the Chofetz Chaim Heritage Foundation, was extremely successful. In our day and age, every religious Jew knows that loshon hora and rechilus are as forbidden as the other Torah prohibitions. Nonetheless, loshon hora is still very prevalent. Why is this? In my opinion, a significant factor is that it can be difficult to pinpoint which speech is bona fide loshon hora. People have many questions and doubts regarding these halachos. Is it loshon hora if I am denigrating someone who did an aveirah and deserves to be degraded? If the subject of the loshon hora is irreligious, is the prohibition of loshon hora applicable? After it
was already printed in the papers, there isn't any prohibition to relate
the information — or is there?

Many of these issues are not dealt with explicitly in Sefer Chofetz
Chaim. One has to read between the lines, find the relevant footnotes,
or search through the scattered writings of contemporary Poskim to
find the appropriate answers. Furthermore, there are many apparent
contradictions within Sefer Chofetz Chaim itself. One needs to have
enough familiarity with the sefer to be aware of the contradiction as
well as the scholarship to resolve the contradiction in order to attain
clarity in the matter. It should also be noted that there are places in
the sefer where the Chofetz Chaim adds important details to a topic
mentioned much earlier in the sefer. Finally, there are a number of
contemporary issues that arose since the publication of Sefer Chofetz
Chaim. These include the status of irreligious Jews in today’s day and
age, relating information that can be found on the internet, and ques-
tions relating to shidduchim in light of the contemporary shidduch
system. Accordingly, in this sefer I have included the writings of many
authorities that were printed within the last century, including Chazon
Ish, Igros Moshe, Shevet HaLevi, Minchas Yitzchak, Tzitz Eliezer, Chut
Shani, and Teshuvos V’Hanhagos, among others.

This work is the product of years of effort and research. For many
years I have been troubled that these halachos have not been clari-
fied sufficiently. Whenever I came across a source that was relevant
to practical issues of loshon hora, I made a note of it, until I had
compiled a large collection of information, culled from many works
throughout Rabbinic literature. Then, I decided to work on writing
a sefer on the topic. I began to learn the relevant sugyos in depth and
then learned Sefer Chofetz Chaim thoroughly. As I worked through
Sefer Chofetz Chaim, I began to write the sefer.

Many contemporary works have been written to clarify and an-
alyze Sefer Chofetz Chaim. I have found the Nesivos Chaim (which
includes Nesiv Chaim, Shvilei Chaim, and Zera Chaim) to be extremely
thorough and helpful. The author deals with many apparent contra-
dictions and questions that can be asked on Sefer Chofetz Chaim. His
style is clear, and he has not only a full mastery of Sefer Chofetz Chaim,
but also a command of the Rishonim (writings of early authorities).

ע"ע מקה"ח (ט:ג בהג"ה) שכתב דבסמ"ג והגהות מיימוני משמע דנורא בי פלניא הוי לשה"ר
גמורה. וכתב מקה"ח דמהאי טעמא הוא השמיט את ציור זו בכלל ט’. וכתב דחזר ממה שהביא
אותו בכלל ב’ במ”ח סק”ב (וכן ממה שכתב במקה"ח ג:ב).
upon which the *Chofetz Chaim* is based. His work has added immeasurably to the present *sefer*. Another building block of this work is *Chut Shani*, compiled from the lectures of Rav Nissim Karelitz. Besides being one of our generation's leading halachic authorities, his *sefer* is written with tremendous clarity, and he renders definitive decisions in many practical scenarios. These, among other works, along with the compilation of hundreds of other sources, have comprised the bulk of the present *sefer*.

I have attempted to write this *sefer* in a concise manner that can be understood by the layman. I feel that lengthy discussions are a burden on the reader, causing him to lose interest in the subject. Therefore, each halachah is written simply and clearly, with some basic background. When necessary, I have included examples and anecdotes that illustrate the idea that I am trying to convey. All of the intricate halachic discussions have been reserved for the Hebrew footnotes. These footnotes are intended for *talmidei chachamim* (Torah scholars) who desire a deeper understanding of how I have drawn my conclusions. The footnotes are written in a thorough and comprehensive fashion, and I have tried to source or prove everything that I wrote in the *sefer*. (Note that although I have attempted to accurately source all of my material, it is inevitable that there will be mistakes in the exact citation of some of the thousands of references throughout the *sefer*. If the reader discovers such a typing error, I would be grateful to be notified in order to correct it for future publications.)

Please be aware that in the footnotes I referenced sources from a wide array of *sefarim*, and not all of them are equal in their level of authority. Clearly, the Chofetz Chaim and the classic *Poskim* are authoritative and may be relied upon without hesitation. However, I have also quoted many modern-day works which vary in the weight of their halachic decisions. When I have quoted such a *sefer* as my source, it is often only because I agreed with its conclusion – not because I relied upon the authority of the *sefer*. The reason I chose to quote many of these contemporary works is to demonstrate to the reader that others agree with my conclusions, and to enable the reader to do further research by studying the *sefer* that was sourced.

Recently, a number of excellent *sefarim* have been published, both in Hebrew and in English, to deal with many of the contemporary issues of loshon hora. Some of these *sefarim* are commentaries on
Sefer Chofetz Chaim and attempt to clarify the Chofetz Chaim’s words and resolve contradictions. Others focus on a clear presentation of the relevant halachos with minimal emphasis on the sources and proofs for each halachah. The present work is unique in that it attempts to accomplish both goals. The English section gives the reader clarity regarding the practical halachos, with many relevant examples and applications, while the footnotes delve into the sources and resolve many questions that the scholar may have when analyzing the halachos.

Please note that I have chosen not to insert titles before the name of an author, such as HaGaon, nor after the name of an author, such as z”l or shl”a. Rather, the standardized title for all is simply HaRav. It is difficult to know the proper title for each Rav, and I do not want to write something that will slight someone’s honor. I also quoted writers in journals with whom I am not familiar and do not know the proper way to write their titles. Hence, for the purpose of this sefer, the name of the Rav will be his honor.

It should be noted that the many examples and practical applications that are set forth in this sefer do present somewhat of a danger. The halachos of loshon hora are unique in that they are often not set in stone, rather, they must be applied, bearing in mind the many specific nuances of any given circumstance. A halachah presented in this sefer may change based on a subtle distinction to which many readers may not be sensitive. Therefore, this sefer is not intended as a reference guide for the layman to turn to when he is in doubt as to whether or not a certain conversation is loshon hora. For that one needs to consult his Rav to make a determination based on the details of the case.

What then is the purpose of this sefer? It is to give the reader a general sense of the basic guidelines of the prohibition of loshon hora and to enable him to know when to ask a Rav. Many people are so confused about the halachos that it seems to them that almost everything is forbidden because of loshon hora. When everything is forbidden then everything becomes permitted — because it is not practical to ask a Rav every time one opens his mouth. After read-
ing this sefer, one will have a clear sense of the basic guidelines and will know that many conversations pose no problem of loshon hora. When a question arises, he will ask a Rav and will be able to present the issues in a knowledgeable manner, thus enabling the Rav to render an accurate psak.

Why are so many practical applications included if the unscrupulous individual may come to make his own erroneous applications? I have decided to present the many examples in order to give the reader a sense of how these halachos apply to our everyday lives. Many people do not even realize that so many of their conversations involve loshon hora. My hope is that the reader will read a discussion about a scenario in this sefer and then be cognizant of the guidelines of loshon hora when a similar situation arises in real life. In a different context, our Sages comment אוי לי אם אומר אוי לי אם לא אומר, “Woe to me if I say [the halachah, for perhaps it will be misused]; woe to me if I do not say [for then the upright Jews will not know that correct halachah].” Yet, they concluded to publicize the halachah at hand, relying on the passuk ישרים דרכי ד’ צדיקים ילכו בם ופושעים יכשלו בם, “The ways of Hashem are upright; the righteous will follow them while the sinners will stumble in them.” It is in this light that I have written the present sefer, relying upon the integrity of the reader to seek the guidance of a Rav when necessary and not to rely on his own decision.

This sefer also demonstrates how each situation must be judged by the proper halachic guidelines. Many people have the mistaken attitude, due to the lack of clarity surrounding these halachos, that one just needs to follow his intuition as to whether or not a certain statement is loshon hora. This is not so. Although intuition and proper judgement are essential, they must be used within a context of the halachic parameters. One Rav commented that this sefer shows that the halachos of loshon hora must be evaluated based on the guidelines of the Gemara and the Poskim, just as is required in all other areas of halachah.

Furthermore, this sefer is a valuable tool for Rabbanim who need to answer questions regarding loshon hora. It presents all of the major practical issues in a clear, well-sourced manner. It will save them hours...
of research and enable them to render a clear *psak* in each situation. Indeed, one of the leading *Poskim* commented that he gained much from reading this *sefer*.

I would like to clarify a couple of points regarding the style of the *sefer*. The chapters have been subdivided into sections, and further subdivided into paragraphs. I have cross-referenced extensively in order to allow the reader to develop the fullest understanding of the material. The cross-references include all of the aforementioned divisions. Thus, “7.B.2” means “chapter seven, section B, paragraph two.”

I have put much effort into writing clearly and concisely. However, at times, I fear that the reader may be left confused due to the many details and intricacies discussed. In such instances, I have written summaries at the end of a section to enable the reader to focus on the main points under discussion. Please note that these summaries are not comprehensive and should not be relied upon for matters of practical halachah. They are merely for the purpose of review.

It is my heartfelt prayer to Hashem Yisbarach that this *sefer* will be used in the proper fashion and assist all of the readers to enhance their understanding and adherence to the halachos of *shemiras haloshon*. 
CHAPTER ONE:  
THE PROHIBITION OF SPEAKING  
LOSHON HORA

PART A: DEFINING LOSHON HORA
PART B: WORDLESS AND INEXPLICIT LOSHON HORA
PART C: SPEAKING TO ONE'S SPOUSE
‫‪Chapter One: The Prohibition of Speaking Loshon Hora‬‬

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‫‪Part A:‬‬
‫‪Defining Loshon Hora‬‬
‫‪LOSHON HORA AND RECHILUS‬‬
‫‪1. The term loshon hora translates as “derogatory speech.”1 It re‬‬‫‪fers to the prohibition of communicating negative information about‬‬
‫‪another person.2‬‬
‫‪ .1‬ע' שו"ת שבט הקהתי (ח"ב שכא‪:‬ב) שדן בהא שלא נזכרו הלכות לשון הרע בהשלחן ערוך‪ .‬ורק‬
‫הובאו ברמב"ם (הלכות דעות פרק ז')‪ .‬וכתב שזה לא קשה שהרבה דברים שאיסורם פשוט לא נשנו‬
‫בשו"ע‪ .‬ומציין לרמב"ם (פיה"מ ריש פרק ד' דמנחות) שכתב דהא שלא נזכר במשנה דיני תפילין‬
‫מזוזה וציצית הוא לפי שהיו הדברים האלו מפורסמים כו'‪ .‬ומוסיף שבט הקהתי שאיסור לשון הרע‪,‬‬
‫רכילות‪ ,‬ומוציא שם רע נזכרו כמה פעמים בשו"ע בדרך אגב (ע' או"ח תרו‪:‬א‪ ,‬חו"מ יא‪:‬א‪ ,‬חו"מ סי'‬
‫י"ט וש"ך שם סק"ב)‪.‬‬
‫ויש להעיר דהמגן אברהם (ס' קנ"ו) כשבא למנות את כל האיסורים שהשמיט השו"ע‪ ,‬באמת‬
‫מעתיק את דברי הרמב"ם בענין דיני לשון הרע (והובא נמי במשנה ברורה ושאר הפוסקים שם)‪.‬‬
‫והנה לענ"ד נראה מבואר להמעיין בדברי המ"א שם שבאמת השו"ע השמיט את רוב הדינים בין‬
‫אדם לחבירו שנזכרו ברמב"ם בהלכות דעות שם‪ .‬ואינו נראה שכולם היו מפורסמים וידועים לכל‪.‬‬
‫ויש לשאול עוד‪ ,‬למה הרמב"ם רק הביאם בהלכות דעות – שרובו דברי מוסר והנהגות טובות – ולא‬
‫בספר נזיקין ששם כולל את הדינים בין אדם לחבירו‪ .‬ונראה שהוא מקושר להא שהם איסורים‬
‫מוסריים עם הגדרות בלתי ברורות מן הש"ס‪ ,‬ויש לעיין בזה עוד‪ .‬אבל יהיה איזה טעם שיהיה‪ ,‬נראה‬
‫ששו"ע השמיטם מכח הא שהרמב"ם הביאם בהלכות דעות‪ .‬ולאו למימרא שלאו הלכות נינהו‪ ,‬אלא‬
‫דמאיזה טעם לא הביא השו"ע את סוג הנ"ל של הלכות‪.‬‬
‫והעירני עוד ידידי ר' יונתן גריר שעיקר כונת השו"ע הוא להביא את חובות האיברים והדינים‬
‫התלויים במעשה‪ ,‬אבל חובות הלבבות‪ ,‬אפילו בדברים יסודיים כמו אמונה בה'‪ ,‬השמיט‪ .‬וא"כ יש‬
‫לומר שגם דינים התלויים בדיבור – שאין בו מעשה – השמיט השו"ע‪ ,‬אע"פ שהם הלכות גמורות‬
‫(ומהאי טעמא השמיט גם דיני שקר‪ ,‬חנופה‪ ,‬וליצנות)‪ .‬ולעוד ציונים בהענין ע' ‪Feldman, False Facts‬‬
‫‪.and True Rumors (Maggid Books, 2015), p. 23‬‬
‫‪ .2‬יש לדון אם האיסור של לשון הרע הוא דוקא בדיבור של גנאי או אם כל דיבור המזיק הוא‬
‫בכלל איסור לשה"ר אפילו אם אינו של גנאי‪ .‬והנה ברמב"ם (דעות ז‪:‬ב) כתב שלשון הרע הוא המספר‬
‫בגנות חבירו‪ .‬ומשמע מזה שאם אינו מספר בגנות חבירו אינו בכלל האיסור‪ .‬אבל אח"כ (הלכה ה')‬
‫כתב שהמספר דברים שגורמים להזיק את חבירו בגופו או בממונו או להצר לו או להפחידו הרי זה‬
‫לשון הרע‪ .‬וכאן הרמב"ם משמע שלא בעינן גנאי כדי להיות בכלל לשה"ר‪ .‬וע' שמירת הלשון (חלק‬
‫ב' פרשת קדושים) שלשון הרע נקרא אם אחד מספר לחבירו דבר גנאי על אחר או שאר דברים‬
‫הגורמים להזיק לו בגופו או בממונו או להצר לו‪ ,‬עכ"ד‪ .‬הרי מבואר שם שכל דיבור המזיק הוא בכלל‬
‫לשה"ר אפילו אם אינו גנאי‪( .‬אלא שיש לעיין עד כמה יש ללמד להלכה מדברים הכתובים בדרך אגב‬
‫בספר שמירת הלשון‪ ).‬וע' לקמן (פרק ט' הערה ‪ )519‬שהבאנו עוד אחרונים הסוברים כן‪.‬‬
‫ונוגע לזה הוא האיסור של גילוי סוד (ע' מקה"ח רכילות ח‪:‬ה)‪ ,‬כי שם אסור מפני ההיזק אע"פ‬
‫שאינו של גנאי‪ .‬אמנם אין איסור זה בכלל לשה"ר‪ .‬ולדעת החפץ חיים (שם ח‪:‬ה על פי רבינו יונה)‬
‫אף אינו בכלל רכילות (וע"ש בבמ"ח סק"ז)‪ .‬וא"כ אינו ראיה לענינינו‪ .‬אך אפילו אם דיבור המזיק‬
‫שאינו של גנאי אינו בכלל האיסור של לשה"ר‪ ,‬יש לדון לאסרו משום ההיזק שגורם‪ .‬ויתכן שהוא‬
‫בכלל איסור רכילות (ע' נתיב חיים ריש פרק ט' דהלכות רכילות)‪ .‬וע"ע במ"ח (רכילות ריש כלל‬
‫ט')‪ ,‬שבילי חיים (שם סק"ב)‪ ,‬וזכרון אברהם ברוך (עמ' רצא‪-‬רצב)‪ .‬עוד יש לציין לדברי זרע חיים‬
‫(עמ' שנ"א אות ה') שסובר שלא שייך רכילות בדבר שיכול לגרום היזק לפלוני אא"כ הדיבור מוסב‬
‫על מעשיו ועניניו של אותו פלוני‪ .‬ולמשל‪ ,‬הרוצה להזיק לסוחר שלא יקנו ממנו ע"י שמוציא קול‬
‫שעומדים להביא סחורה בזול לעיר‪ ,‬אין כאן גדרי רכילות על אף רוע בחירתו להזיק לחבירו‪.‬‬
‫גם יש לדון שעכ"פ יהיה אסור משום אבק לשה"ר שלא גרע ממשבח חבירו‪ ,‬שאסור אם יביא‬
‫לידי הסיפור בגנותו (ע' חפץ חיים פרק ט')‪ .‬ואף שיש לחלק ששאני התם שעכ"פ בסוף יביא לידי סיפור‬

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In addition to the prohibition of Loshon Hora, there is a prohibition known as *rechilus*. Rechilus refers to information related to a person that will cause him to feel anger or resentment toward another person. Unlike Loshon Hora, this information is not necessarily negative. However, it still incurs the prohibition of rechilus if it has the potential to cause resentment.

The details of the halachos of Loshon Hora and rechilus are almost identical. Therefore, virtually all of the halachos that will be discussed in regard to Loshon Hora will be equally applicable to rechilus. In Chapter 13, we will discuss the few differences in halachah between rechilus and Loshon Hora.

**THE SOURCE OF THE PROHIBITION**

2. The Torah says, *“Lo seilech rachil b’amecha”* — Do not be a gossipmonger among your people.⁴ According to many opinions,⁵ this prohibition includes not only rechilus, but also Loshon Hora.⁶ Furthermore, Chazal teach⁷ that the prohibition of Loshon Hora is also derived from the verse, *“Lo seilech rachil b’amecha”*, *“Do not be a bearer of false information.”* T he reader is referred to the introduction to *Sefer Chofetz Chaim* for a thorough discussion of other possible prohibitions that can arise when one speaks Loshon Hora. Indeed, the prohibition of Loshon Hora is uniquely severe, and Chazal have emphasized its severity in many places.⁸
ELABORATION ON THE DEFINITION

3. In defining the basic prohibition of loshon hora, the Rambam writes that the prohibition of loshon hora applies when one says something derogatory about another person, even though it is true. He also writes that words that could cause physical or monetary damage or even emotional pain or fear are all included in the prohibition. (This is true even if it is true that being related will...
not cause harm until it spreads to others. One who says words that can cause this indirect form of damage still violates the prohibition.\textsuperscript{15}

For instance, it is prohibited to relate an inappropriate action that one did in his youth.*\textsuperscript{16} This is because relating this information will probably cause embarrassment to the subject. It may also even damage his reputation, ruining his chances for \textit{shidduchim} or certain jobs.

**EXAMPLE:** David tells his friend, “I remember when Yaakov and I were in middle school together. He used to get sent to the principal’s office at least once a week.” Although David is talking about an event that occurred many years ago, he has still violated the prohibition of \textit{loshon hora}, as the information can cause embarrassment to Yaakov today.

Similarly, one may not convey derogatory information about an individual’s parents. Even if the parents are no longer alive and the information will not harm them, it may cause damage or humiliation to their live descendants.\textsuperscript{17}

**DISCUSSING SOMEONE’S KNOWLEDGE OR INTELLIGENCE**

4. Another example of this prohibition pertains to saying that one is not smart or knowledgeable. As we have noted before, this can hamper that individual’s ability to find a \textit{shidduch} or job, and thus constitutes \textit{loshon hora}.\textsuperscript{18} Moreover, if the individual finds out what was said about him, it will certainly cause him pain.\textsuperscript{19}

\textsuperscript{*} Regarding recent transgressions, the halachah will change depending on a number of different factors, as we will discuss in Chapter 5.
knowledge under discussion is Torah knowledge or worldly knowledge is irrelevant in regard to this halachah.20

**DISPARAGING A SERMON**

5. An unfortunately prevalent example of this prohibition is when people critique a lecture or sermon.21 Even if one did not enjoy a speech or disagrees with what was said, criticizing the content or the delivery of the speech is genuine loshon hora and is strictly forbidden.

**EXAMPLE:** A yeshivah student comments, “Why does the yeshivah always ask Rabbi Goldberg to speak? He talks in a monotone, and he never tells any good stories!” This statement constitutes loshon hora.

**CAUSING OTHERS TO LOSE RESPECT**

6. Hampering another person’s image is also a form of damage. Thus, information that will cause the listeners to lose respect for the subject is classified as loshon hora, and is forbidden.22 This is true even if the listeners will not act on the information. (Limitations and parameters of this extension are discussed in 2.E and Chap. 12.)

(It should be noted that in many cases the prohibition applies even if the listener will not personally lose respect for the subject. This is out of concern that the listener will relate the information to someone else, who would indeed lose respect for the subject. See 2.F for more details.)

**NO INTENTION TO DENIGRATE**

7. One may not say loshon hora even if he has no intention to degrade the subject.23 Therefore, even if one merely mentions negative

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20 מקיה (ה:ד)
21 מקיה (ב:יב)
22 ולשון הער
23 טקיוו (כללי ד:סiffs) ומקיה (כללי א:סiffs) שם בדין פלוני על ידי הדיבור בענייני השמעוןuts תשבך

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information in passing, as part of a conversation, he still transgresses the prohibition of Loshon Hora.

EXAMPLE: Levi says to Shmuel, “Mr. Cohen is a really good teacher. He is very interesting, and all of his students like him. Even though his handwriting is atrocious, that isn’t a problem because he teaches everything with PowerPoint.” Although Levi’s intention was to praise Mr. Cohen, and he only mentioned that he has a poor handwriting in passing, he has still transgressed the prohibition of Loshon Hora.

NO INTENTION TO SPEAK TO OTHERS

8. Some authorities rule that one who speaks Loshon Hora in a way that is loud enough for others to overhear, even if he is talking to himself, still transgresses the prohibition of Loshon Hora if his words are overheard. He has conveyed negative information by speaking audibly, even though he did not intend to transmit the information to others.
Furthermore, one who says hurtful words to an individual in front of others transgresses the prohibition of loshon hora according to some opinions. (This is aside from the prohibition of onaas devarim, hurting through speech, which he also transgressed.) These embarrassing words constitute loshon hora if they lower the status of the subject in the eyes of the listener (however, see footnote[26]).

**EXAMPLE:** Ephraim sang his first solo at the yeshivah banquet. Unfortunately, his singing was less than optimal. Afterwards, Doni mocked Ephraim's performance in front of Yosef. Although Doni had no intention of speaking to Yosef, some Paskim consider this loshon hora, as Doni's words were audible and Yosef was able to overhear him.

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**PURIM SHPIEL**

9. It is forbidden to speak loshon hora even if it is said in a joking manner.**27** Based on this, many authorities are opposed to the practice of gramen (poems) or Purim shpiels (skits) that poke fun at people.**28**

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**SHMUEL HOMNER**

26. "את החפץ חיים על זה (וספיקתו הוא משום דלמא אמרינן הרהור כדיבור לענין זה), והחפץ חיים両 in the regulation of loshon hora, and in the matter of refraining from lashing with words against others. The hakhamim (the Babylonian Talmud) stated that a person who said words that hurt another person's feelings is forbidden to speak gramen or Purim shpiels.

27. "אכימל מיומע (תענית קדש) ע"פ דברי החפץ חיים בשמירת הלשון (ח"ב ס' כ') שמוכיח לך מצוות בין אדם לחבירו,כיון ש.Remote from the yeshivah banquet, Ephraim's solo performance was less than optimal. Unfortunately, Doni mocked Ephraim's performance in front of Yosef. Although Doni had no intention of speaking to Yosef, some Paskim consider this loshon hora, as Doni's words were audible and Yosef was able to overhear him.

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28. "רש"ת קניה (ח"ל ב' סל' כ') ע"פ דברי החפץ חיים בפתיעה (אות י'ג, ע"ש בשבילי חיים סקמ"ב). אמנם דברי החפץ חיים בב' מקומות הנ"ל סותומים הם, ויש מקום לדון לפרשמן באופ"א ואכימל. גם הפשטות של השע"ת (ג:ריד) משמע דמי שמבייש את חבירו ברבים אינו עובר על לשה"ר, וצ"ע.
Others attest to the fact that such *shpiels* were practiced in illustrious yeshivos for generations.29 In light of this, some attempt to justify *gramen* and *shpiels* for a variety of halachic considerations.30

In practice, one must consult a *Rav* before including any demeaning statements or a humorous portrayal of people as part of *gramen* or a *shpiel*. One must recognize that he is playing with fire. Extreme caution must be exercised even according to the lenient opinions. Indeed, it is common in many yeshivos that the students present the *gramen* or *shpiel* to one of their teachers beforehand in order to receive approval before presenting it in public.

**HARMFUL INFORMATION THAT IS NOT NEGATIVE**

10. The information need not necessarily be negative in order to be classified as loston hora. For instance, revealing private information about someone's business that could harm him if publicized, even if it is not negative, constitutes loston hora and is forbidden.31

The Gemara relates the following episode: The great Rabbis of the Mishnah were conversing about the Roman empire.32 Rebbi Yeheudah praised the Romans for their development and construction of marketplaces, bridges, and bathhouses. However, Rebbi Shimon...
argued that they deserve no praise since all of their construction was done with selfish motives. Rebbi Yose remained silent.

Yehudah ben Geirim overheard their conversation and mentioned it to others. Ultimately, it reached the ears of the Roman government, which sentenced Rebbi Shimon to death for his critical remarks and exiled Rebbi Yose for remaining silent and not protesting.

Yehudah ben Geirim said nothing disparaging about Rebbi Shimon and Rebbi Yose. They had been permitted to act as they did, and aside for the government, no one would look negatively upon such conversation. Nevertheless, he transgressed the prohibition of loshon hora for relating information that could cause harm.\(^\text{33}\)
PART B: WORDLESS AND INEXPLICIT LOSHON HORA

WORDLESS COMMUNICATION

1. The prohibition of loshon hora is not limited to speech. Thus, the prohibition also applies if the information is conveyed through writing or any other form of communication.

HINTING OR ALLUDING

2. Furthermore, one transgresses the prohibition of loshon hora by merely hinting or using body language to express the loshon hora, even though he did not explicitly say anything negative. Similarly, it is forbidden to relate anything about an individual or his actions that has negative connotations.

EXAMPLE: Rivka asked Avigail what she thought about Devora, the new girl in the class. Avigail simply sighed and rolled her eyes. Although Avigail said nothing, she has violated the prohibition of loshon hora by conveying disapproval of Devora.

Similarly, leaving out the name of the subject does not circumvent the prohibition if the subject’s identity will be apparent to the listener (over the course of the conversation or otherwise).
author’s opinion that the same is true even if it is merely likely that
the listener will discover the identity of the person under discussion.
However, if it is unlikely that the listener will discover the identity of
the individual under discussion, the prohibition of loshon hora does not
apply.38 Still, other prohibitions may be relevant (see footnote).39

Note that if the speaker knows the identity of the individual under
discussion, it is forbidden for the listener to respond negatively about
that individual, even if he is unaware of his identity.40
**Example:** Eli is telling Manny that an unnamed plumber did a poor job fixing his sink. Manny may not respond by expressing shock or his opinion that such an inferior job is inexcusable. Though it is true that Manny does not have any idea about whom he is speaking, Eli is aware of the subject’s identity. Were Manny to talk in such a manner, he would be lowering the status of that individual even further in Eli’s eyes.  

**SHOWING A LETTER**

3. As an extension of the above, the Chofetz Chaim provides a surprising example of lashon hora. He writes that merely showing someone a letter that was written poorly constitutes lashon hora, as it can diminish the status of the writer in the eyes of the reader.  

**Example:** Shoshana, a thirty-year-old lady, penned a letter using the vocabulary of a fourth-grader. It would become clear to anyone who reads the letter that Shoshana is intellectually challenged. It constitutes lashon hora merely to show this letter to others, as it would cause them to think less of Shoshana.

In this case, nothing was *said* about the writer of the letter at all. Yet, it is still considered lashon hora, as something derogatory about her will become known through this interaction. This example combines both wordless and indirect lashon hora into one case.

**A POORLY WRITTEN BOOK**

4. Based on this, one may be led to think that it is forbidden to show someone an article or book that was written poorly, as this could cause the reader to lose respect for the writer. In truth, though, this is permitted. The prohibition above refers to a private letter or something similar. However, in this case, the author himself has publicized
his work. It is clear that he wants it to be read. This is comparable to a situation in which the subject of loshon hora does not mind if the information is spread. In such a case, the prohibition of loshon hora does not apply, as we will discuss at length in Chapter 3.44

Note that the above dispensation is limited to merely showing the article or book to another person. In all cases, though, it is forbidden to make a critical comment about the article or book when showing it to others.45 See 3.B regarding book reviews.

OBVIOUS OMISSIONS

5. There in another form of subtle, wordless loshon hora. At times, one is asked a question about an individual, and he either refuses to answer or answers with glaring omissions in his statement. If the silence or omissions obviously imply something negative about the individual, this constitutes loshon hora.46 The proper way to respond in such a situation is to answer in a way that these omissions are not apparent. If this is not possible, one is even permitted to alter the facts in order to avoid this implicit form of loshon hora. The details of this halachah are discussed in 11.4.

EXAMPLE: Shimon asks Chaim, “I heard that you used Mr. Friedman to do your taxes. Did he do a good job?” (In this case, Shimon is not in need of an accountant, and he is simply asking out of curiosity.) Chaim was not pleased with Mr. Friedman's performance. However, he does not want to speak loshon hora, so he responds, “Yes, he knows how to add and subtract very well.” This answer is forbidden, as praising an accountant for his basic arithmetic skills clearly implies that his primary skills are deficient. Instead,
Chaim should say truthfully, “I was impressed by his honesty and integrity.” In this way, Chaim focuses on another important aspect of the accountant, and does not imply anything negative about the accountant’s skills.

Note that were Chaim to feel that the above statement would imply that Mr. Friedman is lacking in his skills (for whatever reason), he may not say it. Instead, he may lie by saying, “Yes, he did a fine job.”

Similarly, at the end of Chapter 9 we will see that it is forbidden to praise an individual while blatantly omitting positive qualities that the listeners would expect to hear. In such a case, the omissions will also imply something negative about the individual, and thus constitute Loshon Hora.
PART C: SPEAKING TO ONE’S SPOUSE

SPEAKING TO ONE’S SPOUSE

1. Unfortunately, there is a circumstance in which the prohibition of speaking loshon hora is commonly transgressed. It is common for one to talk to their spouse about how their day went upon coming home from a hard day’s work. Indeed, this is a commendable practice, and it is important for shalom bayis (marital harmony).\(^{48}\) However, it is not permissible to tell loshon hora to one’s spouse.\(^{49}\) Therefore, even if an individual feels very close to their spouse and shares everything, they may not relate anything negative about another person.\(^{50}\) Furthermore, Chazal teach that one who regularly relates loshon hora to his wife will ultimately bring troubles upon himself.\(^{51}\) Furthermore, he will eventually lose her respect and negatively impact his marriage.\(^{52}\)

**Important Note:** Regarding the need to share something with one’s spouse in order to receive advice for dealing with the situation or out of a genuine need to let off steam, see 7.G.
RAV PAM’S SILENCE

2. There was a period when Rav Avraham Pam was concerned about a controversy involving some people with whom he was very close. He was kept abreast of the situation on a daily basis. Once, Rebbetzin Pam was seated at a simchah, and a woman at the table brought up the controversy. Rebbetzin Pam was the only one at the table who had no idea what she was talking about! Apparently, Rav Pam had been careful to refrain from letting his wife know anything about the situation.

THE BIRTH OF RAV ELYASHIV

3. Rav Avraham Elyashiv and his wife, Chaya Musha, were pious Jews who lived in Shavel, Lithuania. They had been married for many years but remained childless. One day, Chaya Musha was hanging her laundry outside to dry. A cantankerous neighbor walked by, spitefully pulled down the laundry, and threw it in the mud. As a result, Chaya Musha was forced to laboriously hand-wash all of the laundry again. Although Chaya Musha herself had witnessed what happened, she restrained herself and said nothing.

A short time later, the neighbor’s son became deathly ill. The neighbor was distraught, and she went to her Rabbi, known as Reb Shlomo, to ask what to do to save her son. Reb Shlomo told the neighbor that Hashem has a reason for everything that He does. He asked her if she had done anything wrong recently for which she was being punished. The lady recalled the incident with Chaya Musha’s laundry. Reb Shlomo said that she must go to the lady whom she had harmed and ask her for forgiveness.

So, the neighbor went to the Elyashiv home. Rav Avraham opened the door and told her that his wife was not home. The neighbor insisted that she must speak to Chaya Musha in order to ask for her forgiveness. Rav Avraham replied that if she had done anything so terrible to his wife, he certainly would have heard about it. He concluded that as he had not heard of anything, the neighbor must have confused another lady for his wife. In truth, he argued, she had not done anything to his wife at all.

The neighbor went back to Reb Shlomo and asked him what to do. She related that she knew it was Chaya Musha whom she had harmed, and she even knew that Chaya Musha had seen what happened, but
Rav Avraham had insisted that it must have happened to someone else. Reb Shlomo responded that Chaya M usha was a saintly woman, and presumably she did not say anything to the neighbor so that she would not be embarrassed. Similarly, she must have not even related the incident to her husband so that he would not know that the neighbor had dirtied their laundry and lose respect for her.

Soon afterwards, Chaya M usha gave birth to her only child, Rav Yosef Shalom, who grew up to become one of the greatest Torah giants of his generation. It is said that Chaya M usha merited the birth of her extraordinary son as a reward for her restraint from embarrassing or speaking negatively about her neighbor.

Although few of us are on the level of Chaya M usha, this story can serve as inspiration for us to be meticulous regarding what we relate to our spouses.

**THE IMPACT ON CHILDREN**

4. The Chofetz Chaim writes that in his opinion, a primary cause for the prevalence of loshon hora is the lack of chinuch (training one's children) regarding the prohibition and its severity. It is often challenging for a baal teshuvah to start keeping, for instance, the laws of Shabbos or kashrus. However, for those who were raised keeping these laws, they are second nature. If children would be trained from a young age to be as careful about what comes out of their mouths as they are about what goes into their mouths, they would find it easier to adhere to these halachos as adults (see further in 7.E.4).

Rav Nissim Karelitz related a story that he had heard from his mother: As a young child, she once overheard someone speak negatively about her father, the Rabbi of the town. She subsequently told her father what she had heard. Her father shouted, “Rechilus!” (re-

* See further (7.E.4) for details regarding how and when to train children to refrain from speaking loshon hora.
buking her for telling him something that would cause him to become upset at the one who spoke against him.) Rav Karelitz’s mother said that this made a lasting impression on her regarding the obligation to distance oneself from forbidden speech.35

The best form of chinuch is by example. When parents adhere to the laws of shmiras haloshon, the children will pick up on it. Conversely, if parents are not careful themselves, even teaching the laws of shmiras haloshon to their children will be ineffective. This contradictory behavior will only plant seeds of confusion and rebellion, and is counterproductive.
CHAPTER TWO:
PARAMETERS OF THE PROHIBITION

PART A: NUANCES IN LANGUAGE
PART B: SUBJECTIVE LOSHON HORA
PART C: PERSONAL BIASES
PART D: GROUPS
PART E: PEOPLE WHO WILL NOT BE ADVERSELY AFFECTED
PART F: WHEN IT DEPENDS ON THE LISTENER
PART G: BAALEI TESHUVAH
INTRODUCTION

In Chapter 1, we set forth the basic definition of lashon hora and discussed various examples. In this chapter, we will attempt to deal with the more subtle classifications of the prohibition. As we will see, small nuances and subjective details can differentiate between a Torah prohibition of lashon hora and a conversation that is completely permitted.

There is a myriad of factors that must be considered when deciding whether or not a given conversation is permitted. Therefore, we will only be providing the basic guidelines. The astute reader can accurately ascertain how to apply these rules in each specific situation. This is a daunting task both for the author and for the reader. One must be well versed in the halachos and extremely cautious in their application in order to adhere to the guidelines of this serious prohibition. The scrupulous individual will refrain from speaking any words that have the possibility of being lashon hora until he consults with a Posek who is well versed in these halachos.
PART A: NUANCES IN LANGUAGE

There are times that the same information can be conveyed in two different ways, one of which constitutes loshon hora while the other does not. This is when one is relaying information that is not inherently derogatory but can be disparaging if said in a demeaning fashion.56

Example: Mrs. Hoffman calls the Goldberg residence and asks to speak to Mrs. Goldberg. Mr. Goldberg answers sarcastically, “No, she doesn’t have time to talk to anyone nowadays. She’s too busy shopping for ‘important things’ that nobody needs.” Mr. Goldberg has spoken loshon hora about his wife, as his words were degrading. However, it would be perfectly fine to answer, “No, she is out shopping.”

The Poskim discuss various words that are found in sefarim, or used verbally, when the author or speaker is arguing with a Torah scholar. They attempt to classify which use of language is considered degrading and which is not.57 On a practical level, it is difficult to set concrete rules in this area. Many factors must be taken into account, such as the context of the comment and the greatness of the Rabbi versus the person who is talking about him. A Rav should be consulted in each situation.

Example: Mr. Rosen relates a disagreement that he had with Rabbi Levy. If he says, “Rabbi Levy said this, but I disagreed,” it is certainly not loshon hora. However, if he were to say, “Rabbi Levy doesn’t know what he’s talking about,” he would transgress the prohibition.
of loeshon hora. In this case, his words can cause damage to the Rabbi’s reputation.\footnote{In this situation, the speaker has also violated the severe transgression of degrading a Torah scholar.}
PART B: SUBJECTIVE LOSHON HORA

INTRODUCTION

1. Some information is not objectively negative, but it can be derogatory depending on the nature of the subject and the circumstances. The context of the statement can also determine whether or not the information constitutes lashon hora.

HOW MANY HOURS A DAY ONE LEARNS TORAH

2. The Chofetz Chaim provides an example of one who says that another person learns Torah for three or four hours a day. If this person is in kollel, this statement would be forbidden, as someone who is in kollel is expected to learn much more. However, if this person works full-time, it is permitted to relate that he learns for a few hours each day, as this is praiseworthy.59

NOT PROFICIENT IN TORAH KNOWLEDGE

3. If one says that the Rabbi of the city is not proficient in Torah knowledge, this is considered lashon hora.60 It is apparent that this will diminish the stature of the Rabbi, and it has the potential to adversely affect his livelihood.61

However, consider the case of someone who says, “Shmerel the shoemaker is a good, wholehearted Jew, but he didn’t have the opportunity to learn in yeshivah, and he doesn’t know so much.” In this case, the halachah depends on the situation. If the speaker is describing the Torah that one would expect Shmerel to know, it does not constitute lashon hora. However, if the speaker is describing less Torah that one
would expect Shmerel to know, his statement constitutes lishon hora (even if it is the truth).

**COMPARING THE GREATNESS OF TWO SAGES**

4. Let us bring another illustration of this point. The *Poskim* write that it is not lishon hora to say that one Torah sage is greater than another.\(^62\) This is because people generally do not lose respect for one sage merely because another sage is greater. Therefore, when describing the rabbis in a particular yeshivah, it is permitted to say that one of them is the greatest *laman* (master of analytical distinctions), *Posek* (authority of Jewish Law), or any similar distinction.

However, there are some yeshivos where it is assumed that the *Rosh HaYeshivah* (dean) is the greatest scholar. (This is not always necessarily the case, and depends on the yeshivah.) If so, it would be forbidden to say that someone else is greater than he. Such a statement would lower the apparent stature of the *Rosh HaYeshivah* in the listener’s eyes.\(^63\)

\(^{62}\) עי’ שדי חמד (כללים מערכת ש’ כלל פ”ו) שמוכיח כן מהא שכתב הרב ריב”ש שר”ת היה גדול יותר משאר הראשונים. ועי’ ספר לימודי דעה (ס’ מ”ח עמ’ ק”כ) שמוכיח מאבות (ב:ח) וגיטין (סז.) שמותר לספר שفحص של חכמים (ועי’ במ”ח ט’ סק”ג), אף שנמצא שמגדיר את חכמתם בתורה, ואי שמשמע והנה ספר הנ”ל (עמ’ קי”ט) כתב לחדש יותר גם מדבריו שכל אחד יש לו מעלה שחרר לו לשני, מדבריוTELUS 설명 ממקומם של חכמים (והנה ספר הנ”ל (עמ’ קי”ט) כתב לחדש יותר安东 הדבריםTELUS בהלכהTELUSulado מהא תלמודי תורהTELUS לא נתונים בין שני תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם י戲וף לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمناطق בין שני תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תורהTELUS ר’ יהודה תלמודי תורהTELUS אוסר שאדם יsignIn לעצמו הדmousemove בין שני תלמודי תורהTELUS אך כ’ שנאمنذ מהא תלמודי תора
T his distinction is based on subtle nuances in each scenario, and can be affected by a variety of factors. Thus, one should always consult a Posek before applying these laws to a given situation. Note that even when the information does lower the stature of the individual, there are circumstances that still allow one to relay the information under the dispensation of to’elos (constructive purpose) (see Chapter 7 at length.)

PHYSICAL WEAKNESS

5. The Chofetz Chaim discusses whether it is permissible to say that one is weak. He writes that it depends on the situation. If the person has a job that entails physical labor or the like, such information would constitute lashon hora, as it could cause him to lose his job. The same would apply if there can be any other negative consequence of the statement. Otherwise, the statement is permitted. *

THE GUIDING FACTOR

6. In all of the aforementioned leniencies, one must remember the rule that we stated above in Part A: the information must not be

* There is always the possibility that a new scenario will arise in which the information will cause him harm. It seems that the Chofetz Chaim feels that one need only be concerned about something that is likely. The same applies to the cases above, regarding how much someone knows or how many hours a day he learns.
said in a degrading fashion. Even information that is not inherently negative can cause one pain or minimize his stature in the eyes of others if it was said in a demeaning manner.\(^6\)

It is unnecessary to provide an endless list of the applications for this principle. In every case, one must determine whether the information has the potential to lower the status of the subject in the eyes of the listeners, or can cause him harm. If any such potential exists, the statement is forbidden. If it does not, the statement is permitted.
**PART C: PERSONAL BIASES**

**OBJECTIVELY NEUTRAL**

1. A question arises regarding information that is objectively neutral but is considered negative to the listener. For instance, take a person who had a bad experience involving a lawyer, and now hates all lawyers. Is it forbidden to tell him that someone is a lawyer, which would lower that person's status in his eyes?

Many Poskim say that this is forbidden, as the listener will now think less of the subject.\(^\text{67}\) Nevertheless, an argument can be made that it is permitted since hatred toward lawyers is unusual and unreasonable. This dispensation is based on a combination of halachic factors (see the footnote for elaboration).\(^\text{68}\) However, this assumes that no physical or emotional harm would come to the lawyer as a result of this information. If relating such information would lead to any form of harm to the lawyer, saying so would constitute loshon hora, as we have explained above (1.A).\(^\text{69}\) In practice, a Rav should
be consulted. The reader is also referred to responsa 9 of Rav Yitzchak Berkovits (found at the end of the sefer).

**BIAS OF A SIGNIFICANT MINORITY AGAINST OBJECTIVELY POSITIVE INFORMATION**

2. What is the halachah in a situation where there is a significant minority that possess a bias against a particular group of people? One unfortunate example applies to those who possess a negative attitude toward those who learn in kollel. Is it permitted to tell a member of that minority that a certain person learns in kollel?

This, too, is subject to the previous discussion. According to the stringent opinions discussed above, this is also forbidden. However, the lenient argument offered above can also be made here. The institution of the kollel is vital for the existence of the Torah community and is strongly supported by all Torah leaders. Thus, it could be argued that there is no problem with relating something inherently positive, even if a significant minority view it as negative. Again, this assumes that the only harm that will come out of this information is that the listener will lose respect for the person. If the person in kollel would suffer verbal abuse or a monetary loss as a result of the information, it is definitely forbidden to relate that he learns in kollel.

In this case, too, a Rav must be consulted.

**BIAS OF A SIGNIFICANT MINORITY AGAINST OBJECTIVELY NEUTRAL INFORMATION**

3. We have discussed telling objectively neutral information to someone who has a personal bias. We also examined relating objectively positive information to a member of a significant minority that has a bias against this information.
What about relating information that is objectively neutral, but not positive, to someone who is from a significant minority that have unwarranted reasons to view it negatively? In this case, one should certainly act stringently and refrain from relating the information.  

**LEGITIMATELY NEGATIVE INFORMATION**

4. The above discussion is limited to something that can be deemed positive or neutral from an objective standpoint. However, there is much information that is generally viewed as positive or neutral, but is considered negative by certain individuals for legitimate reasons. In such instances, it is certainly forbidden to relate such information to anyone who sees it as negative, even if only a small minority view it as such. This is true even if the speaker considers it to be positive. For more elaboration on this subject, see Part F below.
PART D: GROUPS

SPEAKING ABOUT A GROUP

1. The Chofetz Chaim writes that speaking negatively about a group of people constitutes a more serious transgression of lashon hora than speaking about an individual.⁷⁴ In the former case, more damage is done than in the latter case.⁷⁵

AN INDIVIDUAL FROM A GROUP

2. What is the halachah regarding an individual who is part of a group and the name of the individual is not mentioned? For instance, may one relate that a student from Yeshivah X did something negative?

In this case, the halachah is based on the following: If the information being communicated reflects negatively on the entire yeshivah, it is forbidden to relate it. Otherwise, it is permitted.⁷⁶ For instance, it is permissible to relate that a student (without specifying his name) from Yeshivah X came late to davening, because it is well known that every yeshivah has some boys who come late to davening. Hence, nobody will think negatively of the yeshivah as a result of hearing this information. Indeed, even relating more severe offenses may not constitute lashon hora if people will recognize that it is completely out of place. They will understand that this occurrence must have been an isolated incident. However, to relate, for instance, that a significant number of boys from Yeshivah X take drugs generally reflects negatively on the yeshivah, and constitutes lashon hora.

Again, there are no rigid rules for this, as it depends on the specifics of the case. However, the general guideline and the examples presented above should be sufficient to supply one with a framework.
to work with. As always, a Rav should be consulted for guidance when applying these principles to a specific scenario.

**ASSUMPTIONS ABOUT INDIVIDUALS OF A GROUP**

3. So far, our discussion has been about the individual’s reflection on the group. It should be noted that there is also a concept of the group’s reflection on the individual. There are times when one may speak negatively about a group of people under the dispensation of _to'eltes_ (see Chapter 7; see also 5.E). Some Poskim write that in such a situation, if there are individuals in the group who are not guilty, one must be sure to clarify that not everyone in the group has committed the offense. Speaking about the group would imply that even innocent individuals within it have acted improperly. However, many disagree, permitting one to speak about the group as a whole without specifying that there are exceptions."
NOT CAUSING DAMAGE

1. We stated earlier (1.A.3) that loeshon hora is defined as information that could cause harm or embarrassment. However, the Chofetz Chaim rules that it is forbidden to make derogatory remarks about another person even if the words will not cause any damage to the subject. The Torah does not want us to exercise the bad quality of speaking against another person; the result of the related information is irrelevant.

ABOUT CHILDREN

2. However, this stringency has its limits. According to some Poskim, it is permitted to convey information that will not cause adverse effects provided that the information will not belittle the subject. However, a situation in which the information is negative but
has no adverse effects or belittlement is unusual. Still, this leniency can be applied regarding speech about young children. It can be argued that sharing negative information about a child does not embarrass or degrade him (in certain situations). For instance, people often chat about a young child’s silly or mischievous antics. In most cases, there is no issue with discussing such behavior. There is no concern that it will cause any damage to or belittle the child, as such behavior is common among children, and no one would think less of the child. Furthermore, young children will not be embarrassed when others relate such information.
Note that this dispensation does not apply when relating the information will embarrass the child (such as with older children). Since embarrassment is considered a form of damage (see 1.A.3). It certainly does not apply if the spread of the information can potentially cause more severe forms of damage, such as regarding an orphan who may be removed from his foster home if the information is publicized.\textsuperscript{85} In any such situation, relating the information is prohibited. In light of this, one should be hesitant to relate negative information about a child.\textsuperscript{86} There are a number of foreseeable situations in which the information can indeed cause harm, such as preventing the child from getting accepted into a particular playgroup or school. A Rav should be consulted for guidance.

**ABOUT THE DECEASED**

3. The strict prohibition of loshon hora does not apply when speaking about people who are no longer alive, as they cannot be embarrassed or similarly damaged.\textsuperscript{87} However, there is a post-Talmudic dispute.

1. **Rashba** (ד) said: The term ‘deceased’ (יהו) means ‘not living’. This is understood in relation to a person who is deceased (יהו), so you cannot speak ill of a deceased person. However, there is an additional halakha. A ‘Rav’ should be consulted.

2. May a person speak ill of another person (יהו), or his parents (יהו יברך)? The Rambam (י) said: ‘The term ‘deceased’ (יהו) means ‘not living’. This is understood in relation to a person who is deceased (יהו), so you cannot speak ill of a deceased person. However, there is an additional halakha. A ‘Rav’ should be consulted.

3. A ‘Rav’ should be consulted.

4. A ‘Rav’ should be consulted.
Note that this ban only prohibits spreading false information. Still, the Poskim note that even when the information is true and the ban does not apply, a prohibition to degrade or curse the deceased remains. In regard to mentioning true, derogatory information about the deceased that does not appear to be particularly degrading, a Rav should be consulted.

Part E: People Who Will Not Be Adversely Affected
Chapter Two: Parameters of the Prohibition

It must be noted that any information that will reflect badly on the deceased’s live descendants, thus damaging or embarrassing them, certainly may not be related.94

SUMMARY

The prohibition of loshon hora does not apply when speaking about the deceased. However, a separate prohibition exists if one relates any of the following:

• False information
• Degradating information (even if true)
• Information that could embarrass or harm live relatives

94 Also Chidush, Ḥakam Mezuzah, B. Ḥakotav Bein Cohanim, Veha-Tohorot, chap. 24, notes that it is possible to make a distinction between those cases where it was the deceased’s intention to harm his descendents and those cases where it was not; however, such a distinction is not possible in this case.
PART F:
WHEN IT DEPENDS ON THE LISTENER

BACKGROUND
1. We explained above (1.A) that the basic definition of loshon hora is information that can cause physical or emotional harm. In the previous section (Part E) we added that the Torah does not allow for engaging in derogatory speech, even when no harm will come from the information. Thus, it emerges that it is not considered loshon hora when the speaker has no malicious intentions and the words themselves will not have negative repercussions.

At times, whether or not the information will cause harm depends on the audience. Some listeners will view the information as negative, whereas others will not. This was explained above (at the end of Part C). Moreover, there are times when there will be no harm if an individual discovers the information, but there could be damage if it becomes known to the public. Since the speaker cannot control or monitor the spread of the information, it is generally forbidden to relate it, as it may reach the ears of the wrong person. In this section, we will discuss a dispensation that is limited to a situation in which the information will definitely not spread in a way that it causes damage.

THE DISPENSATION
2. According to the Chofetz Chaim, it is permitted to say loshon hora when all of the following conditions apply:95

- The speaker has no intention to degrade the subject.
- The speaker knows that the listener will not lose any respect for the subject of the information when he hears it.96
He knows that the listener is a *chacham tzanua* (this phrase refers to a Torah scholar who is in control of his words and never discloses confidential information).

When these three conditions are met, no embarrassment or harm can come from relating the information.* Therefore, relating it is permitted. Even if the subject of the information would prefer that it not be shared, it is not considered loshon hora, as no harm can come from it.97

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* This dispensation is not based on the principle of *to‘les*. Rather, the information in this case is not considered derogatory at all. Hence, the conditions to allow loshon hora for a *to‘les* (outlined in Chapter 7) are not required here.

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97 שכרתא שארא ותאצחה תואאנא מכסה את ראשה אסרזה לסרפ לאשה כמותה על אשה שלישית ולהן שערא שארא בידיה שלן.
לחותמרא בדידה שלן.
שו”ל יוחי (רש”י סק“ד).

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2 • F • 2
PART G: BAALEI TESHUVAH

Note: This section is a continuation of Part F above. The reader is advised to review that section before reading the applications discussed in the present section.

REVEALING THAT SOMEONE IS A BAAL TESHUVAH

1. One contemporary application of the dispensation delineated in Part F involves relating that a now-religious individual was formerly not religious (known as a baal teshuvah). It is commonly assumed that it is permissible to relate that one is a baal teshuvah. However, doing so may be prohibited, as it can cause embarrassment or other damage to the subject of the information. Based on what we have learned, it is only permitted if all three of the aforementioned conditions are met. To review:

- The speaker must have no intention of degrading the baal teshuvah.
- The speaker must know that the listener will not lose respect for the baal teshuvah.
- The listener must be the type of person who will definitely not reveal this information to anyone.

Note that in some situations the third condition is not necessary. When the information is said in a way that it is not embarrassing to the baal teshuvah, and it is clear that nobody in the community where the word can get out would lose respect for him, no damage is being caused. In this case, it is irrelevant if the information will get out to others, because no one who discovers the information will view it as negative.

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98. הווה על פי השבילי חיים (שם סק''א).
99. הלiami רבבות אפרים (שם סק''א) שכתב שאינו יודע למה אנשים מקילים בזה. וע' בהמשך.
100. דברינו מה שכתבנו ליישב. ע' שבילי חיים (כלל ד' סק''ב).
Naturally, the dispensation mentioned here to omit the third condition assumes that the *baal teshuvah* will not be embarrassed by the spread of the information. However, if his past is embarrassing to him, it is forbidden to relate the information to someone who might reveal it to others. In this case, it is possible that the *baal teshuvah* will discover that people know about his past, and he will suffer emotional pain.\(^\text{101}\) (Note that as long as the subject is not embarrassed by it, it may be related even if he prefers that the information not be spread. See the end of F.2 above.)

**IF THE BAAL TESHUVAH DOES NOT MIND**

2. If the *baal teshuvah* has made it clear that he truly does not mind if people are aware of his *baal teshuvah* status, the prohibition does not apply, regardless of what the listener will think. This is a general rule regarding lashon hora, as we will explain in 3.A. Nonetheless, the information may not be related in a degrading manner even in this case, as that is something that would definitely offend the *baal teshuvah*.

**KNOWN TO THE PUBLIC**

3. Another mitigating factor may help explain why it is common practice to relate that an individual is a *baal teshuvah*. In 6.B, we will explain that under certain conditions there is no prohibition to relate something that is already known to the public at large. In many situations, it is well known that an individual is a *baal teshuvah*. It may be that the person himself had revealed this information to many friends, that he davens at a shul where the congregation is mostly made up of

\[^{101} \text{ע' במ' ח מ' סק' א: שאפילו אם המספר אינו מכוין לגנותו וגם לא יתגנה הלה בעיני} \]
baalei teshuvah, or that it is clear to those whom he comes into contact with that he did not have a yeshivah education. In such a situation, the prohibition is greatly limited.\textsuperscript{102} See Chapter 6 for more details regarding revealing public information.

However, consider the scenario of a baal teshuvah who went to yeshivah at a young age and is fully acclimated to the Torah community. Such a person generally would not want his friends to find out that he is a baal teshuvah. The information is not well known, and it may embarrass him. In this instance, it is certainly forbidden to reveal that he is a baal teshuvah, unless all three aforementioned conditions (in Paragraph 1) are met.

**FOR A CONSTRUCTIVE PURPOSE**

4. Even when none of the dispensations apply, it is still permitted to relate that one is a baal teshuvah when it is for a to’elēs. There are numerous reasons why it may be necessary for one to tell another person that an individual is a baal teshuvah. For instance, the listener may need to know that the baal teshuvah is sensitive to certain topics of discussion or will need extra guidance in the performance of specific mitzvos.\textsuperscript{103}

However, applying the dispensation of to’elēs is complex, and a Rav should always be consulted. The reader is referred to Chapter 7 for a comprehensive discussion of to’elēs.
SUMMARY

It is permitted to relate that someone is a baal teshuvah in any of the following circumstances:

- When all of the following requirements are met:
  A. The speaker has no intent to degrade.
  B. The listener will not lose any respect for the subject.
  C. The listener is a chacham tza'nu'a, who will certainly not relate the information to anyone else.

- When all of the following requirements are met:
  A. The speaker has no intent to degrade.
  B. The information is said in a way that is not embarrassing to the baal teshuvah.
  C. None of the people who would inevitably discover the information would lose respect for the baal teshuvah.

- The baal teshuvah does not mind if people find out about his past (and the information is not said in a degrading manner).

- It is public knowledge that this person is a baal teshuvah (see Chapter 6 for more details).

- There is a valid to’eles.

CONVERT

5. Although the focus of our discussion was about a baal teshuvah, it should be noted that a very similar set of guidelines should be followed when speaking about a ger tzedek (convert to Judaism).  

A TORAH SCHOLAR’S HUMBLE BEGINNINGS

6. A similar discussion pertains to speaking about a great Torah scholar who had a humble beginning. It is prohibited to say that he wasted his time or did not take learning seriously when he was young...
(unless it is for a constructive purpose, such as encouraging a youngster to take his studies more seriously; see Chapter 7).*

It is not always permitted even to relate that the Torah scholar was of average learning level or commitment to his studies when he was younger. The ruling in this case depends on the guidelines delineated above regarding a baal teshuvah. However, it is certainly permitted to say simply that he was not born the way that he is now, and that he only became who he is through hard work. This is entirely praiseworthy, and is indeed the standard path towards greatness.105

* Our present discussion applies to a Torah scholar who is still alive. If he is deceased, the prohibition of lashon hora does not apply. However, there is a different prohibition involved. See 2.E.3.

105 ע"ש דרשו של"ז (עיין של"ז).
CHAPTER THREE:
WHEN THE SUBJECT OF
THE LOSHON HORA DOES NOT MIND

PART A: INTRODUCTION
PART B: BOOK AND PRODUCT REVIEWS
PART C: LOSHON HORA ABOUT ONESELF
PART A: INTRODUCTION

WHEN THE SUBJECT OF NEGATIVE SPEECH DOES NOT CARE

1. The Chofetz Chaim writes that the prohibition of lashon hora applies even if it is reasonable to assume that the subject will not be makpid (particular/upset) about what was said. He proves this from the story brought in the Torah of when Miriam spoke negatively about Moshe Rabbeinu. Miriam was his sister, and she loved him dearly. She was only speaking with Aharon about Moshe for Moshe’s benefit. In such a case, it was likely that Moshe would not mind. After all, the Torah testifies, “V’ha’ish Moshe anav me’od — Moshe was a very humble man.” This teaches us that, in fact, Moshe did not take any offense from what was said. Still, this story is the example that the Torah uses to teach us about lashon hora.

EXPLICIT PERMISSION

2. The above assumes that permission to speak negatively was never granted. However, according to some Poskim, if someone was given explicit permission to speak lashon hora in advance (such as Yosef saying to Menashe, “I don’t mind if you say that about me”), it is permitted to relate the information.

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Note that this dispensation is greatly limited, as we will explain at length in the paragraphs to follow. In addition to the halachic restrictions, one must properly assess that the subject truly intended to grant permission. Due to the intricacies involved, one should never rely on this dispensation without explicit direction from a Rav.\footnote{Note that the dispensation is greatly limited, as we will explain at length in the paragraphs to follow. In addition to the halachic restrictions, one must properly assess that the subject truly intended to grant permission. Due to the intricacies involved, one should never rely on this dispensation without explicit direction from a Rav.}

**LIMITATIONS ON EXPLICIT PERMISSION**

3. Before relying on this dispensation, one must ascertain that the subject truly does not mind. For instance, one might be asked if he minds if a certain piece of information is related about him, and he only grants permission out of embarrassment or social pressure. If this is the case, the aforementioned dispensation does not apply.\footnote{One may only apply this leniency if there is no reason to suspect that the permission was not given wholeheartedly.}

Moreover, some Poskim rule that information that is extremely degrading may never be related, as we must always assume that any

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permission to reveal such information was not given wholeheartedly. For instance, there are certain things that no person would ever want to become known (from an objective standpoint). Regarding such information, even if he specifically says that he does not mind if others spread such information, it is assumed that he never really intended to grant such permission, and his words are disregarded. In practice, a Rav must be consulted.

**MORE LIMITATIONS ON EXPLICIT PERMISSION**

4. There are other limitations to the leniency of revealing information with the subject’s permission. We will discuss three such scenarios.

First, if the individual merely gave permission to *reveal* the information, that does not allow one to reveal it in a *degrading manner*, as this could certainly cause embarrassment, for which no permission had been given.

Rachel asked Sara to help her with her math homework. Rachel explained, “I have a hard time with math, and I always need to find people to help me.” Sara said that she was not available, but offered to ask her sister if she could help Rachel. Sara asked Rachel, “Will it embarrass you if I tell my sister that you need help?” Rachel responded, “No, I won’t be embarrassed. You can let the whole world know — I have strengths in other areas.” The next day, Sara said to Rivka, “Rachel is such a pathetic student. She always needs people to help her with her math work, as if she doesn’t even have a brain in her head!” Although Rachel said that Sara may tell people that she has poor math skills, Sara has spoken lashon hora, because Rachel never gave her consent to be disparaged.
A second limitation is that one may not grant permission to speak
loshon hora that affects others as well. One may only give permission
to spread information regarding himself. He has no right to grant
permission if he is not the only party who will suffer from the spread
of the information.

Rabbi Cohen is a respected Rabbi in the community. His thirteen-
year-old son, Yehudah, has been having severe discipline issues,
and was sent to meet with a psychologist. Yehudah talks to the
psychologist about many of the things that he has been doing
wrong, both at home and at school. As Yehudah turns to leave,
the psychologist says to him, “Don’t worry, nothing that you told
me will leave these four walls.” Yehudah responds, “You can tell
people if you want — it doesn’t matter to me.” It is prohibited
for the psychologist to publicize Yehudah’s misbehavior, as the
spread of the information will likely embarrass Yehudah’s father,
Rabbi Cohen.

Finally, it is questionable whether explicit permission allows
the speaker to relate this information with intent to spread the
information or degrade the subject of the loshon hora (see footnote). Some
Poskim are stringent in this regard and only allow the information to
be related if the speaker has no such intentions. In practice, a Rav
should be consulted.

As we mentioned above (in Paragraph 2), due to the intricacies
involved, one should never rely on the dispensation of explicit permission
without clear direction from a Rav.
PART B: BOOK AND PRODUCT REVIEWS

ASSUMED PERMISSION TO CRITIQUE

1. A relevant application of these laws applies to book reviews. It is prohibited to write something critical about another person’s book, as this reflects negatively on the author of the book. Such a critique is no different from any other negative comments about an individual (see 1.B.1, where we saw that there is no difference if the loeshon hora is conveyed verbally or in writing).118

However, if the author of the book gave his consent to publish the book review, it is permissible to disseminate it. Some extend this dispensation to any situation in which it can be assumed that the author would give his consent, even if he did not give explicit consent. Based on this, they disagree with the prohibition mentioned in the previous paragraph, and assert that book reviews are always permissible, as they are to the benefit of the author of the book. An author wants his book to be published, complimented, and recommended in order to increase sales. He knows that if there are no critiques of his book, any praise may not be taken seriously. Hence, it can be assumed that the author would...
not be opposed to the publication of the book review. A Rav should be consulted for guidance as to the application of this dispensation.

**EXAMPLE:** According to some Poskim, it is permitted to write in a book review, “It read smoothly and made great use of metaphors. Some may consider the plot to be simplistic.” This review details both positive and negative aspects of the book, and the author would be happy that his book is publicized. Moreover, once the review does contain both aspects, the author would want as many people as possible to see it, even if they had no intention of ever reading the book, on the chance that the review will pique their interest and get them to buy it.

Note that a review that is entirely negative or makes degrading statements does not have any clear permissibility, as the author of the book certainly does care about this.

Regarding showing someone a book that was poorly written without commenting on it, see our discussion in 1.B.4.

**A TO’ELES**

2. There are times when information in a review can be considered to be for a to’elos. For instance, if the book contains inaccurate halachos or improper hashakafos (outlooks), it is commendable to write a negative review in order prevent readers from being misled by the book.* (However, see Chapter 7, where the details and limitations

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* One may question whether such a critique may be printed in newspapers or magazines, which are read by many people who were not aware of the book at all. Although the information is a to’elos for some, it is not a to’elos for the readers of the paper who would never have read the book in the first place. If there is a way to publicize the review only to those who would consider reading the book, this should be done. If this is not feasible, a Rav should be consulted. (Note that this consideration is only applicable to a negative review that is written based on the dispensation of to’elos. However, when the dispensation of implied consent from the author is applicable — namely, when the review is written in a way that the author prefers that people see it even though some of the information is negative, due to the positive information in it — one may publicize the review even to those who would not consider reading the book.

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119 שמעתי אמנים סברא נינה, הורא צדקה ברקוביץ ארמר שניהם מככד ליימן. חזון קראי טען.
120 וע”ע בהערות. הגדרים כאן הם מאת הרב יצחק ברקוביץ (אבל לא הציור).
121 הוראות הרב יצחק ברקוביץ (הוראת הרב יצחק ברקוביץ).
of *to’elos* are discussed at length. Particularly, one must be careful to only write the minimal amount necessary to accomplish the *to’elos*. Any additional negative information should be omitted.)

Another relevant example applies to product reviews that are written for a *to’elos*. Indeed, it is certainly a constructive purpose to make a potential consumer aware that a product is of inferior quality. However, one must be careful to meet all of the necessary conditions to allow the *to’elos* exception to be in effect, as we will outline later (7.A).  

> See responsum 3 of Rav Yitzchak Berkovits (found at the end of the *sefer*) which delineates all the issues and considerations involved. A further illustration is discussed in responsum 10.

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**Shitכן False Facts and True Rumors (Maggid Books, 2015), p. 125.**

ראיתי סברא בספר שגדרי תועלת אינם רק להציל את הקונה מגזל ונזק. אלא כל מה שצוירד בדי תועלת وخשש מים והזהר לעלייה של ההודעה.

ראיתי ר.port בז' פורנוגר אוף היה יפה כי הוא בטוח, אך הוא בולא, לו הוא יכל להבעיה. גם הוא יכל להבעיה, כי הוא מעין שקינון חדל משקורי לעלייה של ההודעה. המספר כי כותב המה שפוגר לא מראיב לעיון כדי להשקיף שגדרי תועלת אינן רק להציל את הקונה מגזל ונזק. אלא כל מה שצוירד בדי תועלת וחשש מים והזהר לעלייה של ההודעה. גם הוא יכל להבעיה, כי הוא מעין שקינון חדל משקורי לעלייה של ההודעה.

ש Kemel אוחז יכל להציבור עדות, כי הרואים מ [|שהודעה] מכרת שם מכרת ומברר מה הם שמחים, והם שלח כירי.

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PART C: LOSHON HORA ABOUT ONESELF

One is permitted to speak loshon hora about himself. This is based on the principle (A.2) that the prohibition of loshon hora does not apply if the subject does not mind if the information is related. When one relates the information about himself, he clearly allows himself to relate the information. Thus, it is permitted.123 (It should be noted that if one speaks about himself in a manner counter to his nature or if the subject mind it, he may not relate the information.)

123. As demonstrated in the halakhic literature, various cases and situations have been discussed regarding the prohibition of loshon hora about oneself.

[Text continues in the document as per the requirements.]
ed that although one may speak about himself, he may not include any negative information about anyone else. Even if he and another person were involved in the same derogatory act, the dispensation to speak about himself in no way removes the prohibition against speaking about others.\textsuperscript{124}

Dan is naturally a lazy person. It is hard for him to get anything done in a timely manner. He is trying to improve, but he has had little success. He may tell his friends that he is frustrated with his laziness and may even make a self-defacing joke about it.

However, if the listener does not know the identity of the speaker, and believes as a result that he is speaking about another person, it is forbidden to relate negative information about himself. This is because the listener believes that he is listening to forbidden lashon hora. Hence, the speaker is causing the listener to have this forbidden intent, thus violating the prohibition of lifnei iver (causing others to sin).\textsuperscript{125} In this case, there may also be an additional prohibition —
causing himself to be suspect (by the listener) of speaking looshon hora (see footnote).\textsuperscript{126}
CHAPTER FOUR:
LOSCHON HORA THAT IS NOT ABOUT JEWISH PEOPLE

PART A: REGARDING AKUM
PART B: SPEAKING ABOUT SOMEONE’S POSSESSIONS
PART C: NEGATIVE SPEECH ABOUT ERETZ YISRAEL
**PART A: REGARDING AKUM**

**RELATING LO SHON HORA TO AN AKUM**

1. It is certainly forbidden to tell lo shon hora about a Jew to an *akum*. The Chofetz Chaim writes that this prohibition is even more severe than telling the information to a Jew, as it also causes a *chillul Hashem* (desecration of Hashem's Name) among other reasons.  

2. There is room for discussion regarding a Jew speaking lo shon hora about an *akum*. In Chapter 5 we will mention that the prohibition of lo shon hora is relaxed when speaking about a Jew who commits certain sins. This is because the prohibition of lo shon hora only applies when speaking about an individual who follows the Torah and keeps the mitzvos. It follows that it should also be permitted to speak lo shon hora about an *akum*, as he, too, does not adhere to the Torah and mitzvos.
Nevertheless, the Medrash states that one who speaks against someone who is not part of his nation will come to speak about those who are part of his nation.132

From this Medrash, some authorities derive that it is forbidden to speak lashon hora about an akum.133 However, others rule that the above statement is only a guideline to proper behavior, and there is no prohibition according to the strict letter of the law.134 In practice, one may rely on these lenient opinions.135 Still, it must be mentioned

Part A: Regarding Akum

127. ר"עא דא טיב. "לא תלך רכיע בעברה. " איה שאר דל רמא ומדיה בבלל פמצית, אבל דרי ומעי

128. מיזא מתא פר שומע אירהו ומדלי (ירש בן אשת ות"ע) שומע אירהו ומדלי (ירש בן אשת ות"ע)

129. דכ"א א"א דא טיב. "לא תלך רכיע בעברה. " איה שאר דל רמא ומדיה בבלל פמצית, אבל דרי ומעי

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135. דכ"א א"א דא טיב. "לא תלך רכיע בעברה. " איה שאר דל רמא ומדיה בבלל פמצית, אבל דרי ומעי
that we can see the truth of the words of the Medrash with our own eyes — those who speak Loshon Hora about akum are the same ones who speak Loshon Hora about Jews. Therefore, whenever possible, one should certainly distance himself from this negative character trait.\footnote{136}

**LISTENING TO LOSHON HORA ABOUT AN AKUM**

3. The above discussion applies only to *speaking* Loshon Hora about *akum*. However, all agree that there is no prohibition of listening to or believing Loshon Hora about them.\footnote{137} This dispensation is based on the fact that there are no indications in any primary sources that there is any problem with accepting Loshon Hora about non-Jews.\footnote{138} Refer to the footnote for an explanation of the distinction between speaking and accepting.\footnote{139}

**SUMMARY**

- There is a disagreement about whether speaking Loshon Hora about an *akum* is permitted or not. Strictly speaking, one may be lenient in this matter. However, one should distance himself from this negative character trait whenever possible.
- According to all opinions, one may listen to and believe Loshon Hora spoken about an *akum*.
**PART B: SPEAKING ABOUT SOMEONE’S POSSESSIONS**

THE SIN OF THE MERAGLIM

1. *Chazal* refer to the sin of the Meraglim (Spies) as loshon hora. As is recorded in the Torah, the Meraglim spoke negatively about Eretz Yisrael (Israel), and they died a terrible death as a consequence. *Chazal* comment that if the punishment of one who gives a negative report about sticks and stones (referring to Eretz Yisrael) is so severe, there will certainly be serious consequences awaiting one who slanders his friend.

2. From the description of our Sages, it is clear that the Meraglim sinned by speaking negatively about the Land. The *Sefer Yerei'im* derives from this that one may not say derogatory information about another person’s possessions. Therefore, if one is giving a present to another, it is forbidden for someone else to speak critically about the gift. The Chofetz Chaim presents a different example of this prohibition, writing that a storekeeper may not degrade the merchandise of his competitor.

This form of loshon hora, speaking about possessions, is really just another application of the standard prohibition of loshon hora (משנה ערכין (טו.), דבכמת וכתובים (דעת ו:ז). ערכין (טו:) 141. ספר יראים (סי’ קצ”א 142 היראים בא מכח הגמרא הנ”ל שмиירי לענין מוציא שם רע, ולכן הוא כתב ציור לענין דברי שקרים. אבל אנחנו נקטנו בפונים דה”ה לענין לשון הרע, והיינו אע”פ שהדברים הם אמיתיים. ונראה שכן נקט החפץ חיים שהבואו בפונים בסמוך. ויש להוסיף שגמ’ הנ”ל עשה ק”ו מכח המרגלים, וע”פ שה님ְלָח בלשון של "מוציא שם רע", יש מקורות לומר שלעולם דברי המרגלים היו אמת. ואריכות דבורי יש בנידון הזה, ע’ רש”י (שלח יג:כז, סוטה לה. ד”ה אינו), רמב”ן (בראשית ב:ט, וישב לז:ב, שלח יג:לב ויד:לז), כלבו (ח”א עמ’ פ”ט), שו”ת רדב”ז (ח”א ס’ נ”ג), ועוד. משנה ערכין (טו.) ובכמה דוכתי. וע’ רמב”ם (דעות ז:ו 140). ספ”י (ו:ז). מוקה”ח (ח:ז).

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about another person. In truth, by speaking negatively about a person's possessions, one is saying lashon hora about the person himself. In the case of the Sefer Yerei‘im, the receiver of the present will now be less appreciative of the one who gave him the present. In the case of the Chofetz C’haim, the first storekeeper can negatively affect the business of the second storekeeper. The only novelty in this law is that it is forbidden even though the information is not aimed at the person, but rather at the item.145 (However, if negative speech about an item were to have no impact on a person, the prohibition of lashon hora would not apply.)146

Based on this, we can identify a common case of forbidden lashon hora. Suppose someone is eating at a wedding or another catered event, and he makes a derogatory comment about the food. In most situations, this comment reflects negatively on the caterer, and has the potential to adversely affect his business. Moreover, he may be lowering the esteem of the host in the eyes of any listeners, as he is implying that the host was unable to find (or afford) a skilled caterer who makes tasty food. Thus, this statement is forbidden because of the ramifications that it has, even though the focus of the comment was on the food.147

**STORY WITH THE CHOFETZ CHAIM**

3. A man once came to the house of the Chofetz C’haim and was served black bread. The man made a derogatory comment about black bread in general. Subsequently, the Chofetz C’haim made a point to mention three positive aspects of black bread, and then he told the man that his derogatory remarks constituted lashon hora.148

We have already established that there is no prohibition to speak negatively about an object when it does not harm a person. In light of...
this, it would seem difficult to understand why this should be loshon hora. The Chofetz Chaim may have meant that it was loshon hora about the Chofetz Chaim’s wife, who had chosen to serve the bread. Alternatively, he may not have meant that it is deemed loshon hora according to the letter of the law, yet it is not within the spirit of the law to make any derogatory comments whatsoever. For a similar idea, see A.2 and 6.E.

It is worthwhile to mention another story, as quoted in the Chovos HaLevavos, which is along the same lines. The author writes that a certain pious individual was traveling with his students when they came upon a putrid, rotting carcass. When the students commented about the foul odor emanating from the carcass, the teacher praised the whiteness of its teeth. This pious man was trying to distance himself from any form of derogatory speech even though there is no halachah that forbids speaking negatively about the (ownerless) carcass of an animal.

**SUMMARY**

- One may not speak loshon hora about another person’s possessions or business, as it can cause harm to the owner.
- There is no prohibition against speaking negatively about non-humans, provided that it will not cause any harm to a Jew. However, it is an act of piety to refrain from all forms of negative speech.
PART C:
NEGATIVE SPEECH ABOUT ERETZ YISRAEL

INTRODUCTION
1. We have seen that *Chazal* deemed the sin of the M eraglim to be looshon hora about Eretz Yisrael.\(^{151}\) Based on this, we delved into the parameters of looshon hora about non-humans in our previous discussion. We concluded that there is no technical prohibition in this case, although it is generally to be discouraged. In our present discussion, we will explore whether or not there is a specific prohibition against speaking negatively about Eretz Yisrael.

SOURCES PROHIBITING DENIGRATING ERETZ YISRAEL
2. *Chazal* say that it was a merit for Sancheiriv (the wicked king of Assyria who eventually exiled the Ten Tribes at the end of the era of the first Beis HaMikdash) that he did not speak negatively about Eretz Yisrael.\(^{152}\) They then give a negative representation of the Jews at that time, who *did* speak in a derogatory fashion about Eretz Yisrael.

*Chazal* also relate that certain Sages of the times of the Gemara would go from the shade to the sun when it was too cold, and vice versa when it was too hot, when in Eretz Yisrael. This was so that they would have no complaints about Eretz Yisrael.\(^{153}\) The Ben Yehoyada, one of the classic commentators on the Aggadic sections of the Gemara, writes that we can learn from here that one should be careful never to say a single critical word about Eretz Yisrael.\(^{154}\) He says that...
this includes the land, the climate, the temperature, the fruits, the buildings, and any other aspects that pertain to Eretz Yisrael.

CONCLUSION

3. We have seen in Chazal that one should distance himself from speaking negatively about Eretz Yisrael. However, this prohibition is not mentioned in the Poskim. We must conclude that although such speech is improper, it is not absolutely prohibited.

It should be noted that this entire discussion pertains to negative information that relates exclusively to the Land (for example, the climate). However, any derogatory information about the Land that reflects negatively on the people who live there is full-fledged lashon hora, and is forbidden (as explained above in B.2).
CHAPTER FIVE:
RELATING THAT SOMEONE COMMITTED A SIN

PART A: INTRODUCTION

PART B: ONE WHO SINS CONSTANTLY

PART C: APIKORES, MUMAR, AND TINOK SHENISHBA

PART D: FOR THE SAKE OF THE TRUTH

PART E: POINTING OUT A SIN IN ORDER TO LEARN FROM IT
PART A: INTRODUCTION

Based on the definition of lo shin hora as explained in Chapter 1, it is forbidden to relate that someone committed an aveirah (sin), as this is an inherently derogatory act. This even applies to sins about which many people are not careful. (However, regarding sins that are well known to be committed by a certain group, see 6.C.5.)
PART B:
ONE WHO SINS CONSTANTLY

The above is true regarding one who sins occasionally. It also applies to someone who regularly commits a sin but does not realize that it is forbidden.\(^{159}\) However, regarding a person who is constantly sinning and who shows clearly that he has no fear of Hashem, the halachah changes. In this case, not only is it permitted to publicize his aveirah, it is even commendable to denigrate him and to reveal his sins to the public. This dispensation is in order to discourage others from committing aveiros, and to distance them from sinners.\(^{160}\)

It must be noted that there are many limitations and conditions necessary in order to allow one to degrade a sinner. In essence, degrading a sinner to prevent others from learning from his ways is a form of to’ele. Thus, the reader should refer to Chapter 7 for a full discussion of the conditions that are necessary in order to speak loshon hora for a to’ele. If those conditions are not met, it is generally forbidden to denigrate a sinner. See Appendix A for a lengthy discussion of all issues involved.
PART C: APIKORES, MUMAR, AND TINOK SHENISHBA

APIKORES AND MUMAR

1. There is no prohibition of loshon hora when speaking about an apikores or a mumar, as defined by Chazal. These are Jews who have rejected the Jewish religion, either through their beliefs or their actions.

TINOK SHENISHBA

2. There are numerous details involved when classifying the exact parameters of an apikores or mumar. However, as a matter of practical halachah, the application of this halachah is severely limited. This is based on the concept of tinok shenishba. This title refers to one who is not at fault for his neglect of the Torah, as he never had the proper exposure to the beauty of a religious lifestyle. A tinok shenishba is not faulted for his beliefs and actions, and therefore, does not fall under the category of apikores or mumar. According to many Poskim, the vast majority of nonreligious Jews today fall into the category of tinok shenishba. Therefore, all halachos of loshon hora apply until determined otherwise by a Rav. The reader is referred to Appendix B, where the numerous details related to these halachos are elucidated at length.

When speaking about a tinok shenishba, one leniency does apply. Contemporary Poskim allow one to say loshon hora about someone in this category provided that the focus is not on degrading the individual, but rather, the way of life that he follows (i.e., one may point out to others that the lifestyle that such a person follows is damaging and unhealthy, unlike a Torah-true lifestyle). See the footnote re-

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Footnote: See the footnote reference at the bottom of the page.

See the footnote reference at the bottom of the page.
garding whether the other conditions of loshon hora for a to'el is are also necessary in this situation.

**RELATING SINS IN OTHER SITUATIONS**

3. It may even be permissible to tell someone about an aveirah that a religious Jew has committed so that others will not emulate him (in error or otherwise), or (regarding actions such as theft) to help the victim recover his loss. The details of this dispensation will be discussed at length in Chapter 7.
PART D:
FOR THE SAKE OF THE TRUTH

It is common that one observes another person committing a sin or another injustice, and he wants to tell others because of *kinah ha'emes* (his zeal for the true path). In other words, one may feel disturbed by what has occurred, and in order to regain his equilibrium, he feels a need to publicize that it is wrong and should not be done. Being bothered in principle that an *aveirah* or injustice was committed is *not* a sufficient basis to permit one to say *loshon hora.*

**TO ILLUSTRATE:** Gershon says to his friend, “I can't stand it that some people waste away a significant part of their learning *seder* (set time for learning) schmoozing. I saw Aharon talking to his *chavrusa* (study partner) for an *hour* before he finally opened his *Gemara.*” Gershon has transgressed the prohibition of speaking *loshon hora,* despite the fact that his criticism was valid and he was disturbed by Aharon’s *bittul Torah* (wasted time).
PART E: Pointing Out a Sin in Order to Learn from It

THE TORAH TELLS US THE MISDEEDS OF GREAT PEOPLE

1. Some authorities assert that there are situations when it is permissible to point out someone's misdeeds for the purpose of learning—how not to act. This is based on the concept of *to'elos*, which we will discuss in Chapter 7. Indeed, the Torah is full of critiques of the greatest of men.163 These critiques teach us how to act and what Hashem expects of us.164 Similarly, the Gemara is full of critiques of the various Sages discussed therein.165 (Note that the critiques mentioned in the

(Part E.2) Chapter 7. Indeed, the Torah tells us...
Torah are not to be understood at face value. The personalities in the Torah and the Sages of the Gemara were spiritual giants. The Torah magnifies their misdeeds in order to teach us lessons on our level.\textsuperscript{165}

The Torah even gives us a specific commandment to remember what occurred to Miriam when she spoke against Moshe Rabbeinu.\textsuperscript{167} The Ramban writes that it would have been proper to conceal the \emph{aveirah} of this great woman, but the Torah revealed it — and commanded us to discuss it — so that the sin of lashon hora will constantly be on our minds.\textsuperscript{168} This is because lashon hora is a terrible sin which people commit on a regular basis.

\section*{The Necessary Conditions}

2. However, this dispensation has its limitations. Many of the conditions that allow lashon hora for \emph{a to'elos} (enumerated in Chapter 7) apply here as well.\textsuperscript{169} The reader is referred there for a full discussion of the conditions that are necessary. Here, we will highlight the conditions that are the most relevant to our present discussion:

\begin{itemize}
  \item The speaker must intend to speak for an \emph{a to'elos} (to accomplish a constructive purpose).
  \item He must ensure that no undue harm will befall the person he is speaking about.\textsuperscript{170}
  \item He must be exceedingly careful to ascertain that there will actually be an \emph{a to'elos} from what he says. In such a case, the added advantage that allows for \emph{a to'elos} is only when this particular incident enhances the impact of the lesson. If omitting this specific incident will not detract from the power and effect of the lesson, there is no \emph{a to'elos} in relating it.
\end{itemize}
By now, it should be clear that this leniency is very limited, and requires much contemplation before it is applied. In practice, one must consult with a Rav for guidance before relying on this leniency in any given situation.

AN APPLICATION: A STORY WITH RAV PAM

3. The following story is an illustration of how to use a real situation to teach a lesson. Rav Avraham Pam once went to a certain shul with his son, Reb Dovid, to daven Minchah and Maariv. In between Minchah and Maariv, someone got up to teach a mishnah or two, as is common in many shuls. The person was clearly unprepared and did an inadequate job explaining the mishnah. When they left the shul, Rav Pam commented to his son, “Do you see what it looks like when one doesn’t prepare?”

At first, Reb Dovid was taken aback to hear this from his father, who was known to be very careful about his speech. It seemed to be blatant lashon hora. However, he later realized that his father must have felt that his words were for a to’el, as the situation served as a powerful example of the ineffectiveness of an unprepared speech. An unprepared teacher causes students to go away confused and having...
wasted their time. Rav Pam was teaching his son that one must prepare if he wants his students to properly understand and appreciate the *shiur*.\(^{174}\)

For more cases in which there is a *to'ele* to relate an *aveirah* or improper behavior of an individual, see 7.D.
CHAPTER SIX:
APEI TLASA AND PUBLIC INFORMATION

PART A: APEI TLASA
PART B: PUBLIC INFORMATION
PART C: PRACTICAL APPLICATIONS
PART D: SOMEONE WHO IS ALREADY AWARE OF THE INFORMATION
PART E: BEYOND THE LETTER OF THE LAW
PART A: APEI TLASA

MORE LISTENERS INTENSIFY THE SIN

1. Chazal teach us that anything that is said b’apei tlasa (in front of three people) is not subject to the prohibition of loshon hora. However, this seemingly unequivocal statement cannot be understood at face value. In fact, it should be obvious that the more people are present, the more severe is the prohibition! The Rishonim (early authorities) offer various explanations for this passage, as we will discuss.

IF LOSHON HORA WAS ALREADY SAID IN FRONT OF THREE

2. One explanation is as follows: If one, b’dieved (ex post facto), said loshon hora in front of three people, there is no longer a prohibition for those three people to relate it to others. This is based on the concept of “chavrach chavra ees lei — every friend has a friend.” In other words, information that is revealed to a few people will ultimately spread to others and become public knowledge. This halachah assumes that there is no longer a prohibition on loshon hora that has already become known to the public.

The Chofetz Chaim explains the underlying concept behind this dispensation. The prohibition of loshon hora is to spread gossip, like a peddler selling his wares. However, one who relates information that was already public does not bear a resemblance to such a peddler.
THE SPEAKER MAY NOT INTEND TO SPREAD THE INFORMATION

3. This dispensation is limited to cases in which the loshon hora is only being repeated casually, without the intent to spread the information further.\(^\text{179}\) However, if the speaker intends to spread the word, his words constitute forbidden loshon hora, despite the fact that the information will become known anyway. For instance, suppose an individual is outraged by something that someone else did, and he goes around telling everyone what happened. Even if this information has already been said in front of three people, repeating it in such a fashion still constitutes loshon hora.

The precise guidelines of this qualification are somewhat ambiguous. Therefore, we will attempt to clarify this halachah with a number of examples. Suppose the speaker is repeating something he heard in front of three (or more) people because it is interesting. In this case, it is permissible, as he is not saying it in any official capacity, and he does not intend to spread the word; rather, he is merely conversing with his friend.\(^\text{180}\) In contrast, going around telling everyone, “Did you hear . . . ?” is forbidden. In the latter case, the speaker clearly intends to spread the information.\(^\text{181}\)
Example of one who is not intending to spread the news further: Mr. Stein returns home from work. Mrs. Stein asks her husband about his day, and Mr. Stein responds that nothing unusual occurred. He continues, “My boss gave me a job that I completed; it was pretty easy. I’m glad I didn’t have a day like Mr. Rosenberg. He completely messed up on his project, and the whole firm was talking about his incompetence.”

Example of one who is trying to spread a rumor: Yossi sits down at the lunch table in the school cafeteria. “Do you know what just happened?!” he announces excitedly to the other boys at the table. “Shimon was using foul language when the principal walked in. He was suspended from school on the spot! Most of his class already knows about it, but I was the first one in our class to find out.”

(Note: Some sources indicate that the main qualification is that the speaker may not intend to degrade the subject. This point needs further clarification [see footnote].)

Chapter Six: Apei Tlasa and Public Information

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even the latter situation would be permitted, provided that the speaker truly does not intend to degrade the subject [although this is unlikely].

THE LISTENER MUST NOT BELIEVE IT

4. We will mention (Chapter 10) that in addition to the prohibition of conveying loshon hora, it is forbidden to listen to or believe loshon hora. The Chofetz Chaim indicates that the dispensation of *apei tlasa* only allows the speaker to *convey* the information and the listener to *hear* it.183 However, it does not allow the listener to *believe* what he hears. Therefore, the Chofetz Chaim writes that the dispensation does not apply when the speaker knows that the listener will believe the information.184 This severely limits the application of this dispensation.

MORE SIGNIFICANT LIMITATIONS

5. The Chofetz Chaim further qualifies the parameters of this leniency. It is not my intention to discuss them since the Chofetz Chaim’s conclusion is that there are so many qualifiers for this leniency to apply that it is of little practical significance.185 The Chofetz Chaim adds that it is not clear whether the halachah even follows the opinion (delineated in Paragraph 2) that allows one to spread bo-
na-fide loshon hora after it was said in front of three people. If we do not follow that opinion, it would completely negate the validity of the dispensation under discussion.186
PART B: PUBLIC INFORMATION

Note: Part B is a continuation of Part A. Therefore, one should review the discussion in Part A before proceeding to Part B. Furthermore, the details of the dispensations that we will discuss will be developed throughout this section. Therefore, no practical conclusions should be drawn from our presentation before completing the entire section.

LOSHON HORA THAT IS PUBLIC KNOWLEDGE

1. Although we have established that the dispensation of apei tlasa is rarely relevant, there is some practical significance to the concept. The Chofetz Chaim indicates in numerous places that one may indeed relate information that has become a davar mefursam (public information). In contrast to information related b’apei tlasa, which is merely projected to become public, the publicity has already been actualized by a davar mefursam. Indeed, there is reason to argue that

[ Further discussion and sources are provided here, including references to the Chofetz Chaim and other authorities. ]

[ End of extract ]
the dispensation to relate public information is endorsed by all opinions and is not subject to the limitations pertaining to apēi tlasa.*

**NO INTENTION TO SPREAD THE INFORMATION**

2. Notwithstanding the dispensation to relate public information without adhering to the many limitations of apēi tlasa, the restriction mentioned in Part A — that it may only be related casually, when the speaker has no intention of spreading the word — still applies. (We mentioned there that some understand this limitation differently. They maintain that the main qualification necessary is that the speaker not intend to degrade the subject of the information.)

**NOT ADDING A NEGATIVE SLANT**

3. Furthermore, sometimes the information that is public knowledge is not necessarily negative, and there is room to judge the subject favorably. In such a case, one who presents the information with negative connotations has certainly violated the prohibition of loshon hora.

**EXAMPLE:** Mr. Goldman, a religious senator, voted against a certain law. Binyamin comments to his friend, “Goldman made a poor decision. There are so many factors that he did not take into consideration.” Such speech is highly questionable. It is true that Mr. Goldman's decision may have been misguided, but such criticism should be phrased in a more neutral manner.

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*This is because most of the limitations ensure that the matter was indeed on its way to becoming public knowledge. However, when it is indeed public, such as in this case, these limitations do not apply.
Goldman's decisions are public knowledge, but it is probably not definitively clear that he is making an unwise decision. Indeed, *Chazal* comment that even if all of the heavens were scrolls, the seas ink, the reeds quills, and the people scribes, it would still be impossible to write down all of the considerations that government officials take into account when making a decision.\textsuperscript{191} The layman is generally not aware of everything involved. When Binyamin presented the decision as a poor one, he added a negative slant to neutral, public information.

Note that this example illustrates a prevalent subject of conversation that inevitably leads to loshon hora: politics. One who expresses his opinion on matters of public leadership is treading on very thin ice. Discussing politics is usually forbidden even when discussing something known to the public. As demonstrated in the example above, people who speak about politics usually add a negative slant which renders their words full-fledged loshon hora. See responsum 18 of Rav Yitzchak Berkovits (found at the end of the *sefer*) for further elaboration on this topic. (If the words constitute *a to'ele*, see Chap. 7 and Chap. 5, note 164. If one is discussing an *akum*, see 4.A.)

**NOT EXAGGERATING, EMBELLISHING, OR ADDING**

4. Moreover, even in cases in which it is permissible to pass on negative public information, one must exercise extreme caution not to exaggerate or embellish the information. He may only relate the information as it is, without adding a single word.\textsuperscript{192} Tragically, it is all too common for those who rely on this dispensation to lose sight of this condition, causing their words to become bona fide loshon hora, and sometimes, even *motzi shem ra* (slander).

Furthermore, one may not add details that are not publicly known, even when the bulk of the information is well known.\textsuperscript{193}
Chapter Six: Apei Tlasa and Public Information

ONLY WHERE THE INFORMATION HAS SPREAD

5. According to the Chofetz Chaim, it is only permissible to relate public information in the same city that the information originated in. However, he wrote this in the nineteenth century, when it was not assumed that information would spread outside its place of origin. Today, this depends on the situation. Due to the advent of modern means of communication, information spreads easily across the world. This should negate the aforementioned limitation. However, this only applies to information that is of global interest. Information that would not interest people outside of a certain community will probably not spread outside of that particular community (even though it is theoretically accessible to the world at large), due to lack of interest. This concept is clearly affected by a broad range of factors, and a case-by-case assessment is necessary to determine where any given piece of information constitutes public knowledge.

A VISITOR FROM ANOTHER LOCALE

6. It is now necessary to clarify an important, basic point. When something is considered public knowledge in a certain place, one is permitted to reveal it to someone who is not yet aware of the information. The basic definition of loshon hora includes causing the spread of negative information. If the information would have been spread regardless, the speaker does not violate the prohibition of loshon hora. However, the Poskim do not discuss whether one may reveal the information to a visitor from a place where the information is not public. In such a case, it appears to the author that the halachah would depend on whether or not it is expected that the visitor would discover the information during his stay where the information is public. Discovering the information is dependent on a variety of factors and requires a case-by-case assessment.
**Part B: Public Information**

**PRECISELY DEFINING PUBLIC INFORMATION**

7. The exact definition of “public information” still requires precise guidelines. If the information is only known to a few people, it is certainly not considered public. (Instead, it falls into the category of *apei tlasa*, as explained above). On the other hand, if the vast majority of people in a locale are aware of the information, it is certainly considered public, even if a small minority remains unaware.  

What if it is known by more than just a few people? How many people must be aware of the information for it to be considered public knowledge? Let us suggest the following definition of public information: any information that has been presented *publicly* and is known to a **significant** number of people.

**PUBLICIZED ONLY TO A SMALL GROUP**

8. We still need to clarify the status of information that became public within a smaller area. For instance, suppose negative information was publicized in a shul or yeshivah but is not well known in the rest of the city. Is the information public enough to be deemed a *davar mefursam*?  

In this scenario, it is only considered public information within the area where it is public. To apply this to the aforementioned case, within the shul or yeshivah where it was publicized, the information is, indeed, deemed a *davar mefursam*. Hence, one may mention it to individuals there who are still unaware of the information. However, in the rest of the city, it is not considered a *davar mefursam*. Therefore, it is forbidden to mention anything outside of the shul or yeshivah.
If the information did eventually spread to the rest of the city, then it attains the status of *davar mefursam* throughout the city.

**HOW INFORMATION BECOMES PUBLIC**

9. The dispensation of *davar mefursam* is not limited to information that was communicated through word of mouth. It also applies to information that became publicized through writing or other means of communication. Furthermore, something can be deemed a *davar mefursam* without any communication at all. For instance, were someone to do something foolish or improper in public view, his actions would be considered public knowledge without anyone saying (or otherwise communicating) anything.

**EXAMPLE:** A chazzan or *baal korei* made a mistake in the davening or Torah reading. Even though no one has said a word about it, this is considered public knowledge within that shul. Thus, it may be mentioned to people who are present at that shul (but not to others). Of course, the other guidelines of *davar mefursam* must be followed (such as not intending to spread the word).

**INFORMATION THAT IS ALREADY ASSUMED TO BE TRUE**

10. In 2.G.3, we discussed an application of the dispensation to relate public information regarding a *baal teshuvah*. We mentioned that it is possible for information to become public by means of the group of people with whom he associates himself.

Let us discuss another application of this principle. It is generally loeshon hora to say that someone does not have set times for Torah study. However, suppose an individual associates himself with a group of people who do not give the proper importance to Torah learning. Among this group, it is rare to find someone who has set times for Torah study. Some *Poskim* assert that due to this person's...
Part B: Public Information

association with the group, it can be considered public knowledge that he does not set aside time for Torah study, and the prohibition of loshon hora does not apply to this information.\textsuperscript{201}

This can be understood in light of the concept behind the general dispensation to relate public information (see A.2). The prohibition of loshon hora is to spread gossip, like a peddler selling his wares. However, in the present case, he is relating information that was already assumed by the public, and does not resemble such a peddler. Thus, even though this individual's learning habits have never been previously publicized actively by word of mouth, the information still falls under the category of davar mefursam, and relating it is permitted.\textsuperscript{202}

NO LONGER PUBLIC

11. Even after information was publicized in a certain area, it does not necessarily remain public information indefinitely. After a significant amount of time has passed, it is possible that the information has been forgotten. Alternatively, there may be a significant number of newcomers who were never aware of the information in the first place (and no one continues to discuss it). How long information remains known to the public is affected by many factors, and a Rav should be consulted to make an assessment in each instance.\textsuperscript{203}

BELIEVING THE INFORMATION

12. The dispensation under discussion applies to speaking and listening to public information. However, it is unclear whether the listener is permitted to believe the information. (We will elaborate on the guidelines of this prohibition in Chapter 10.\textsuperscript{204}) Some suggest that...
it may depend on whether the information was publicized only one time or has been publicized on numerous occasions due to repeated occurrences. However, this distinction is far from certain. This dispensation allows one to believe information that is going to be verified, as no one would falsify any information when his lie would presently become apparent to all. However, this distinction is far from certain.

Others attempt to permit one to believe public information based on the concept of "milsa d'avidal'igluyei — a matter that will become known." This dispensation allows one to believe information that is going to be verified, as no one would falsify any information when his lie would presently become apparent to all.

In the source of life (ז:א), it is written: 

"Even if the reporter says the things in publication before a few persons, it is forbidden to believe it."

However, this distinction is far from certain. The author who wrote this statement is not mentioned. The reason for this is that many people know.

Chapter Six: Apei Tlasa and Public Information
sation, too, is greatly limited, and does not apply to many instances of *davar mefursam*, as we will explain in 10.D.

If in light of the above, one would adopt a stringent approach restricting a listener from believing public *loshon hora*, it would greatly limit the entire dispensation. One would only be allowed to listen to or read the information if he was prepared to make a *conscious effort* not to believe it. (Indeed, as we will explain in 10.A.3, it is challenging to comply with the halachah not to believe *loshon hora* even when it definitely does apply.) In practice, one should consult a *Rav.*
Chapter Six: Apei T'lasa and Public Information

GENERAL SUMMARY

- One should not rely on the dispensation to relate loshon hora that has been said to three people.
- One may relate loshon hora that has become public knowledge when all of the following conditions are met:
  A. He only relates it casually, without any intention to spread it further.
  B. He only shares it in a place where it is already public knowledge.
  C. He is careful not to exaggerate, embellish, or add a negative slant to the information.
- Information can become public through both verbal and written communication.
- If the public witnesses an event or assumes something about a person by whom he associates himself with, the information is considered public without any communication at all.
- It is highly questionable whether one may believe the information, even if it is public knowledge.
Part C: Practical Applications

In the following section, our intent is only to clarify what is classified as public information. However, one must still fulfill the requirements delineated in Part B in order to relate such information. Most prominent are the requirements that the speaker not intend to spread the information and that he may not add a negative slant. The reader is referred to Part B for the other details necessary which will not be repeated in this section.

**NEWSPAPERS**

1. Information that became known to the public through national newspapers may be read or related anywhere (at least in that country). Information that was publicized in local papers may only be read or related in that locale, or in any other place where one can assume that the information will become known. Most prominent are the requirements that the speaker not intend to spread the information and that he may not add a negative slant. The reader is referred to Part B for the other details necessary which will not be repeated in this section.

2. Information that became known to the public through national newspapers may be read or related anywhere (at least in that country). Information that was publicized in local papers may only be read or related in that locale, or in any other place where one can assume that the information will become known. Most prominent are the requirements that the speaker not intend to spread the information and that he may not add a negative slant. The reader is referred to Part B for the other details necessary which will not be repeated in this section.
some suggest a more lenient approach, they agree that information that has become publicized in newspapers must be taken with a grain of salt. It is a proven fact that much of the information that is printed in newspapers is not completely accurate. Indeed, there have been incidents of even respected newspapers publicizing terrible information about individuals, and it was later discovered that crucial details were lacking, overlooked, or misinterpreted. Therefore, even according to the opinions that allow an individual to believe public information, one should not accept loshon hora related in a newspaper as an absolute fact without first consulting a Rav who is familiar with the details of the situation.217

**JEWISH NEWSPAPERS**

2. Information printed in Jewish newspapers that are disseminated throughout the Jewish world may be read or related anywhere since the information has become public to Jews worldwide. However, if the information has not entered into the secular media, it should not be related to non-Jews, or even nonreligious Jews who are not in regular contact with the religious Jewish community.218

**NEWSPAPER PUBLISHERS**

3. It is important to note that it is completely forbidden for those who publish these newspapers to include loshon hora (not for a to‘eles) that has not already become publicized. Furthermore, even if the information has already become public knowledge, it is highly questionable if negative information may be printed (when it is not for a to‘eles). This is due to the fact that information is printed in a newspaper with the expressed intent of spreading the news. (Refer to the Hebrew footnote and responsum 19 of Rav Yitzchak Berkovits [at...
WEBSITES AND BLOGS

4. Information found on popular news websites or news portals follows the same guidelines as newspapers. The information contained therein is considered public in any locale in which a large number of people visits that website. The defining factor here is where the information has actually become public knowledge. The fact that anyone in the world could access the website is irrelevant.

Based on this principle, if information is posted on someone's personal website or blog, this does not necessarily classify the information as public knowledge, even though it is theoretically accessible to the public. In such a case, the halachah depends on who commonly reads the blog and where they live. A case-by-case assessment must be made.

It must be stressed that a large percentage of information publicized in blogs is completely false. This is more so than in newspapers, as those who write personal blogs have no accountability for the information that they write. Lack of accountability yields a lack of credibility. Furthermore, anyone can create his own blog — there are no prerequisites to being a writer on a blog and no requirements that it be edited for accuracy. Anyone who has any complaints against another individual can freely defame him with any lies that he wishes to communicate, by means of blogs, Facebook, and other forms of social media. This results in a large amount of inaccurate, and even outright false information which is spread over the internet. Therefore, even when the information in a blog or social media has been publicized in a way that renders it public information, it is highly questionable whether one may even look at what is written there.
Certainly, one may not believe what is written, even according to the opinions that generally do allow one to believe public information. Rather, one must first consult with a Rav to determine if it has the proper credibility.\textsuperscript{222}

**DIVORCE**

5. Relating that a couple got divorced may reflect negatively on the couple and is deemed lo-shon hora.\textsuperscript{223} However, in many instances, one may mention that the individuals are divorced under the dispensation of public information.\textsuperscript{224} This may change based on the place and circumstances, so a Rav should be consulted.

Of course, one may not say anything degrading in regard to the divorce, nor may he speak with the intent to spread the information.\textsuperscript{225} Furthermore, it is forbidden to disclose the reason for a divorce. Such information is usually not known to the public and, therefore, is not included in the aforementioned dispensation. One may only say in general terms that the marriage did not work out.\textsuperscript{226}

It must be reiterated that one may not rely on any dispensations mentioned in this section without ensuring that the other requirements delineated in Part B are met.
PART D: SOMEONE WHO IS ALREADY AWARE OF THE INFORMATION

WHEN THE LISTENER ALREADY KNOWS

1. According to some Poskim, the concept behind the dispensation of davar mefursam can also apply to any situation in which the speaker knows that the listener is already aware of the information, even if it is not known to others.\(^\text{227}\) As mentioned above (A.2; B.9), when no new information is added, it does not constitute loshon hora.\(^\text{228}\) (Obviously, all of the restrictions regarding davar mefursam, as delineated above in Part B, also apply here.) However, see the footnote for dissenting opinions.\(^\text{229}\)
Note that a situation can arise in which a prohibition of loshon hora does apply even when relating something that the listener already knows. For instance, suppose that the listener did not focus on the event that occurred. He will only become cognizant of it if another person brings it to his attention. If the speaker points it out to him, the listener would lose some respect for the subject. In this case, because his words will have a negative impact, they are forbidden. Therefore, in practice, one must first consult a Rav to determine whether...

...يمن'), שאוסר על ספר הלשון הרע גם אם הדיון בנושא הפסוק מערכת של פל nåו על פל nåו של חברו. Và ניתן לשלוח על פי ידיעת האיסור של אדם אחר על פל nåו של חברו, אף על פיlegates על פל nåו של חברו. וכנגד, אין זה בגדר לשה"ר בכל עניין של הלשון הרע.

232. סברת של לחפץ חיים respecto לחפץ חיים בשאלה זו, שאסרו על שיחזור שיחה של חברו של אדם אחר, אף על פיlegates על פל nåו של חברו, אף על פיlegates על פל nåו של חברו. וכנגד, אין זה בגדר לשה"ר בכל עניין של הלשון הרע.

233. עניין זה נחקרה בטבלה שכתב חפץ חיים, שאסרו על שיחה של חברו של אדם אחר, אף על פיlegates על פל nåו של חברו, אף על פיlegates על פל nåו של חברו. וכנגד, אין זה בגדר לשה"ר בכל עניין של הלשון הרע.

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repeating the information will affect the listener's perception of the subject.

WHEN THE LISTENER DOES NOT KNOW FIRSTHAND

2. There is another instance in which the information cannot be related even when the listener is already aware of it. The dispensation that we are discussing only applies to information that the listener already knows for a fact (such as when he witnessed it himself). However, if he has only heard the information secondhand, it is highly questionable whether a second person is permitted to tell him the same information. Hearing the information a second time may verify it further and cause a lack of respect for the subject. A Rav must be consulted. (For a discussion of these issues pertaining to rechilus, see 13.D.3.)

A WORD OF CAUTION

3. When relying on the dispensation under discussion, one must be certain not to add any details that the listener was not already aware of. The prohibition to add information pertains even to subtle embellishments. Furthermore, if two people saw an individual acting improperly and one of those people does not know his name, it is forbidden for the other person to tell him who he is. As mentioned at
the beginning of Chapter 1, any information that can cause damage or lack of respect to the subject constitutes loshon hora. If an onlooker discovers the name of the individual who acted improperly, it could cause a lack of respect or harm to that individual. Therefore, it is considered loshon hora.\textsuperscript{233}
It should be mentioned that all of the aforementioned leniencies in this chapter are according to the letter of the law. However, those who are meticulous in their deeds are careful to distance themselves from any form of derogatory speech. Thus, it is praiseworthy to refrain from speaking loshon hora even when it has already been publicized or when it is known to the listener. For a similar idea, see 4.B.3.
CHAPTER SEVEN:
TO’ELES (CONSTRUCTIVE PURPOSE)

PART A: THE SEVEN CONDITIONS AND BASIC GUIDELINES
PART B: LOSHON HORA ABOUT THOSE INVOLVED IN MACHLOKES (STRIFE)
PART C: TO’ELES FOR ONESELF
PART D: PROTECTING FROM BAD INFLUENCES
PART E: REVEALING STUDENT INFRACTIONS
PART F: DEFLECTING THE BLAME
PART G: UNBURDENING ONESELF, ADVICE, AND CHINUCH
PART H: LISTENING TO LOSHON HORA FOR A TO’ELES
PART I: ENTERING INTO A PARTNERSHIP
PART A: THE SEVEN CONDITIONS AND BASIC GUIDELINES

THE DISPENSATION OF *TO'ELES*

1. Loshon hora (as explained in 1.A.1) is defined as speech that causes damage or harm. However, the prohibition is limited to cases in which the speaker has no constructive intention for relating the information. When the information is related for a constructive purpose, one may share the information. We will refer to damaging speech that is spoken for a constructive purpose by its Hebrew name, "to'ele." The halachic guidelines for defining a to'ele are intricate. In this section, we will set forth these guidelines.
AN EXAMPLE: THEFT

2. We will begin with a basic example. The halachah states that if one is aware that Reuven stole from (or damaged) Shimon, and also knows that Reuven has not made amends for it,* he is permitted to tell others about what happened to ensure that Shimon receives proper compensation.\(^{238}\) (However, see further.)

THE SEVEN CONDITIONS

3. The Chofetz Chaim writes that it is only permissible to say loshon hora for a *to’eles* when all of the following seven conditions are present.\(^{239}\) (We will discuss them as they pertain to the scenario mentioned above. The rules can be applied to all cases of *to’eles*, as will be explained later.)

1) **Firsthand knowledge:** The speaker knows firsthand or through absolute evidence that Reuven indeed caused a loss to Shimon. (This condition is not always necessary — see Part D below and the footnote here.\(^{240}\))

2) **No misinterpretation:** He contemplates the situation in order to ensure with absolute confidence that he did not misinterpret what occurred, and that it is indeed Reuven who is at fault — from an *objective halachic standpoint*.\(^{241}\) (This is particularly difficult if Shimon himself is the one relating the information.)

* However, if he is unsure about this, it is forbidden to relate the information [פקודא].

\(^{238}\) לעיל בפרק אastoocyte נבר את מה年产ה משני הפרקים הנ”ל. וכאשר הנ”ל השלים פרק ט’ מהלכות רכילות, הוא הוסיף מספרים, אז המספרים של הסעיפים במ楂”ח והסעיפים קטנים בבמ”ח חזרו להתחיל מאות א’. והנה כל פעם שציינו את פרק ט’ מהלכות רכילות, כוננו על המקה”ח והבמ”ח בעיקר הפרק לפני הציורים (אא”כ כתינו בהדיא שהוא בהציורים שבסוף הפרק).

\(^{239}\) מקה”ח (י:ב

\(^{240}\) שכתבנו כן לעיון דברי ר”ש הומינר (עיקרי דינים כלל ג’ בהערה 39 ע’ לעיל בפרק א’ הערה 39) וע”ע שו”ת אבני ישפה (ח”א סי’ כ”ה).

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information, as one has strong biases when his own money is involved.\textsuperscript{242}

3) **Rebuke**: He must first go to Reuven and inform him that he is obligated to compensate Shimon for the loss that he caused him, and Reuven must still refuse to pay.\textsuperscript{243} (If he knows that Reuven will not listen to him,\textsuperscript{244} he need not go to him first, provided that he will be in front of three people when he relates the information. [We explain the reason for this condition in Appendix A.] See note for situations in which this requirement does not apply.*)

In the following situations one is not required to say the information in front of three people:

a) If the one about whom he is speaking is a powerful person who has the means to harm him. (Note: the Chofetz Chaim does express some doubt as to the validity of this leniency.)

b) If the speaker has been established to be a person who only speaks the truth.

In addition, it must be well known that he fears nobody in the face of the truth.

Hence, everyone knows that he would not hesitate to relate anything he is saying about another person in front of the subject.

c) If relating the information in front of three people will negate the effectiveness of the \textit{to’eles}. (An example of this will be given in Paragraph 6 of this section.)

More details and explanations can be found in \textit{Sefer Chofetz Chaim}\textsuperscript{(a) (pay attention to the notes).}
4) **No exaggeration:** He may not exaggerate what happened. Furthermore, if he knows any additional information that will shed a more positive light on Reuven, he must relate it (even if it does not remove or have any effect on Reuven’s monetary obligation). Moreover, if he is able to achieve the same to’elos without revealing the full extent of the misdeed, thus minimizing Reuven’s degradation, it is praiseworthy to only mention what is necessary.

5) **Intention for to’elos:** His intention in saying the loshon hora must be for a to’elos. In other words, he must be saying it in order to help Shimon, and not out of personal hatred toward Reuven. (In the author’s opinion, even if the speaker has a minor degree of personal gain somewhere in his consciousness, it remains permissible to relay the information provided that his main intention is to help Shimon.) However, in such
a case one must first seek guidance from a Rav to ensure that his motives are legitimate.\(^\text{250}\) *  

6) No alternative: If there is any other way of ensuring that Shimon will be compensated without resorting to speaking about Reuven, one must do so.\(^\text{251}\) (However, see footnote.)

\(^{250}\) The Chofetz Chaim notes that this condition should not be misinterpreted as an excuse to refrain from speaking loshon hora for a to'ele. We will see (Paragraph 10) that there are times when one is obligated to relate the information in order to protect others from harm. In such instances, one has no right to refrain from notifying the relevant parties out of concern that his motives are not pure. Rather, he is required to force himself to have the proper intentions and convey the information as the halachah demands.

\(^{251}\) See [footnote].

\(^{252}\) See [footnote].
7) **Limited repercussions:** He may only relate the information if the result of saying it will not be more harmful to Reuven than what would have occurred had Reuven been testified against in *beis din* (a Jewish court of law).  

*Only if his words will make a difference*

4. The Chofetz Chaim emphasizes that the information may only be related if it is calculated that a true *to'elès* will result. If one feels that his words will not make a difference to the situation, it is forbidden to say anything negative. (See Appendix A for one application, regarding the *to'elès* of degrading sinners.) Furthermore, in any situation in which more harm than good will ensue, one should refrain from relating the information.

7 *The following case is also included: The listener himself will not do anything improper to the subject of the loshon hora, but it is likely that the word will get out, causing severe damage to the subject of the loshon hora. Ultimately, it is likely that relating the information will cause more harm than that which would have been administered by the *beis din*. T hus, it remains forbidden to relate the information, as the seventh requirement is lacking (see further in 8.B.12).*
SOMETIMES NOT ALL THE CONDITIONS ARE NECESSARY

5. There are certain situations in which some of the aforementioned criteria are not relevant. Furthermore, there are situations in which some of the conditions (although relevant) are not required. This will become clear in the continuation of our discussion. In each case, we will attempt to explain why some of the criteria are left out. (However, in some cases the explanation will be in the footnotes.)

Due to the intricate nature of these halachos, one should never decide that a condition can be omitted without first consulting a Rav.

PREVENTING SLANDER

6. The Chofetz Chaim provides another example of a to’eles. If Reuven has been slandering Shimon, it is permissible for Shimon to warn people that Reuven is spreading false rumors about him. It is even permissible to point out how terrible Reuven’s actions are. In this way, when Reuven comes to them with his false information, they will not believe him. In such a situation, one should not rebuke Reuven first if it is assessed that rebuke will not deter him from slandering. Indeed, rebuke is counterproductive here. If Reuven discovers that someone is trying to stop him, he will likely increase his efforts to spread the slander about Shimon. For the same reason, there is also no requirement to relate the information in front of three people (as this, too, may cause Reuven to find out and intensify his efforts).

DON’T SHOP AT THAT STORE

7. A common example is when one is going to buy something from a store in which the storekeeper overcharges or deceives his customers. Assuming that the information is accurate, it is permitted...
Part A: The Seven Conditions and Basic Guidelines

This assumes that the aforementioned conditions (enumerated at the beginning of this chapter) are met. In this case, though, conditions 1, 3, 5, and 6 may be unnecessary. See the footnote for details.

This dispensation is limited to a storekeeper who overcharges in a manner that is halachically forbidden under the prohibition of onaah. * However, if the storekeeper is not violating the prohibition of onaah, one should not inform a potential customer that his prices are high. T his is based on the concept of mai chazis, namely, one does not have the right to assist the customer at the expense of the seller. Since neither party is violating halachah, a third party should not get involved. If the potential customer has not decided to shop at the store under discussion, rather, he is merely considering it, a

* T his is the terminology for the Biblical prohibition against overcharging. The guidelines and parameters for when the prohibition of onaah applies are beyond the scope of this work. A Rav should be consulted.

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Chapter Seven: To'eles (Constructive Purpose)

Rav should be consulted.\footnote{263} Regarding price-comparison charts, see the footnote.\footnote{264}

Many Poskim allow one to advise a relative against shopping at an expensive store even if the storekeeper is not violating the prohibition of onaah. In this case, the obligation to help one's relatives awards one the right to give them precedence over others. Thus, the argument of mai chazis does not apply.\footnote{265} Some even extend this dispensation to friends and other parties whom one has a stronger obligation to help.\footnote{266} (See further in 8.B.6 for a similar discussion and dissenting opinions.) Furthermore, if one was asked specifically whether a particular store has high prices, he should answer honestly even if the questioner is not a relative or friend.

See responsum 10 of Rav Yitzchak Berkovits (found at the end of the sefer) about discussing bad experiences that one had with a particular salesman. See 3.B.2 regarding the application of to'eles as it pertains to product reviews.

FOR REBUKE

8. There are times when an individual witnesses someone acting in an improper manner. He feels that the person is in need of rebuke in order to inspire him to change. In many situations, the rebuke of a...
specific authority figure who is close to the person, such as a rabbi or teacher, is more effective than that of the layman who witnessed the inappropriate behavior. If the witness concludes that this is the case, he is permitted to notify the authority figure of the misdeed. This constitutes a to'elès since the information is being related in order to help the subject of the loshon hora change his ways. 268

ASKING SOMEONE TO DAVEN

9. An interesting example of a to'elès is when one wishes to ask another person to daven (pray) that an individual who is not acting properly be inspired to change. 269 In this case, it is permitted to mention the particular deficiency for which he wants his fellow to daven, even though doing so entails mentioning something negative about the person. However, one must be careful not to relate anything more than the absolute minimum required to accomplish this purpose. 270 A Rav should be consulted. 271

AN OBLIGATION TO SHARE NEGATIVE INFORMATION

10. Aside for instances in which it is permitted to tell negative information for a constructive purpose, there are also situations in...
which it is even an *obligation* to do so. The Torah warns us, “*Lo saamod al dam rei’echa*— Do not stand on the blood of your fellow.” This means that one may not stand idly by while his fellow Jew is in mortal danger. Some *Poskim* rule that this also applies to matters of monetary loss. Thus, the Torah is teaching us that one must do what he can to prevent another person from incurring damage, whether it is physical or monetary.

In many situations, another source requiring one to do what he can to prevent the financial loss of another person applies as well: the obligation to return lost objects. From the fact that one must return something that was already lost, *Chazal* derive that one must also take action to prevent a loss in the first place.

However, if the *to’el* is not certain — rather, there is merely a possibility that his words will prevent the loss — all agree that there is no *obligation* to relate the information (although it is still permitted to relate it). A *Rav* should be consulted to determine the precise parameters and applications of this distinction.
Part A: The Seven Conditions and Basic Guidelines

In situations involving the prevention of danger or loss, one may relate the information even if he possesses no firsthand knowledge (ignoring condition 1). However, if this is the case, he must present it as such (i.e., he must ensure that the listener knows that he is only relating what he heard, and not what he knows to be factual). See footnote regarding conditions 3–5.

PREVENTING PHYSICAL DANGER

11. If one is aware of an individual who poses a physical threat to others, he can and should relate this to a third party who is able to prevent the danger. This can include someone who is suspect of physical abuse, medical malpractice, or irresponsible driving. One must always consult a Rav to determine that there is, indeed, a danger of halachic significance, and for guidance regarding how to say the information.

There may be times that one must report an incident to the secular authorities. In this case, too, it is absolutely essential to consult a
leading Posek before taking any action. The halachic issues involved are beyond the scope of this work. 286

The discussion at the end of Paragraph 10 regarding omitting certain conditions for to’eles is relevant here as well.

**DOUBTFUL TO’ELES**

12. If the to’elles is doubtful or distant, it is not always permitted to relate the information.287 A Rav must be consulted to determine whether the to’elles in a given scenario is sufficient. For an application of this principle, see G.4.288

**THROUGH A THIRD PARTY**

13. Even when there is a valid dispensation to speak loshon hora for a to’elles, one must still minimize the loshon hora as much as possible and only relate the precise information that is necessary to accomplish the to’elles (see above Part A, condition 7 and G.4 below).

The question arises regarding an institution that needs to relate loshon hora in writing to an outside party (such as when a school must send a letter to parents regarding a student, or a beis din is transmitting information about a litigant). The standard protocol is that a secretary (who is a third party) composes the letter. However, to do so, the information must be conveyed to her. It would seem that this is forbidden since it is possible to convey the information directly without involving the secretary. However, many Poskim are lenient
for a variety of halachic factors. \(^{289}\) A Rav should be consulted for a final decision in each scenario. \(^{290}\)

See the end of C.3 below and responsum 21 of Rav Yitzchak Berkovits (found at the end of the sefer) for further illustrations of conveying information to a third party.
PART B: LOSHON HORA ABOUT THOSE INVOLVED IN MACHLOKES (STRIFE)

FOLLOWING THE GENERAL GUIDELINES OF TO'ÉLES

1. The Talmud Yerushalmi mentions a dispensation to speak loshon hora about those who are involved in a machlokes. In the opinion of the Chofetz Chaim, there are no special leniencies in this case; all parameters pertaining to loshon hora for a to'ëles must be followed. In other words, one may only speak against them if this will lead to stopping the machlokes, and assuming that the other aforementioned conditions are present. See the footnote for more details on this matter.

* However, there is a different general leniency that applies to denigrating sinners. See our earlier discussion in Chapter 5 for these guidelines.
2. On a practical level, one should be hesitant before speaking loshon hora about those involved in a *machlokes* even if the necessary conditions are all present. Unfortunately, it is quite likely that telling others will *not* put an end to the *machlokes*. On the contrary, it will likely add fuel to the fire. Therefore, in most cases, this leniency remains purely academic. Still, there may be practical applications of this halachah in rare instances. In such a situation, one may only act after consultation with an impartial *Rav* who is aware of the details of the case.
PART C: TO’ELES FOR ONESELF

GENERALLY LACKING THE INTENTION FOR TO’ELES

1. The Chofetz Chaim writes that one who was harmed, cheated, embarrassed, or similarly affected by another person must be careful not to tell this to others. Even if most of the conditions are present, the condition of intent for to’el will likely be missing. This is because such a person will probably not have the intention for to’el; rather, his motive will likely be to defame the person who wronged him.

IF ONE DOES INTEND FOR A TO’ELES

2. However, if one is careful to speak with the intent for a to’el, it is permitted. Therefore, if one was harmed or has suffered a financial loss, and the only way that he can ensure compensation is by telling this to others, he may convey the information provided that he has the intention for a to’el (i.e., in order to receive compensation).

ONE WHO WAS EMBARRASSED

3. Let us mention a novel application of to’el for oneself. Even one who was merely embarrassed may relate it to others if his intention is to alleviate himself of some of his emotional pain with their sympathy. This, too, is considered a to’el.* This dispensation will

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* ת”א ק"ח (י:יא)
כונה אחרונה שלא לשמה, מותר ע”ב במ”ח (י' סקי"ד). ושם יותר משמע שמיירי באדם שלישי שמספר בושתו של אדם אחר ובאdecessו כדי שיתמעט צערו בראותו שאנשים מצטערים בצערו (ותודתי נתונה להרב אריה בער שהעירני על זה). אמנם נראה שה"ה שהמתבייש עצמו מותר לספר כן משום תועלת הנ”ל, ובלבד שיזהר לכוין לתועלת ולא לספר מחמת שנאה. וציור זה הוא יותר נוגע למעשה מן הציור שמספר לא אחר על בושתו של אדם אחר.
וכעי"ז כתב במקה"ח (י:יד בהג"ה) שאפשר דאם כונתו בסיפורו להפיג את דאגתו מלבו הוי כמכוין לתועלת על להבא. והנה הרב שמואל הומינר השמיט את ההיתר לספר כדי להפיג את דאגתו מלביו בעקרי דינים שלו. והוא ביאר במכתב (ע”ב בריש ספר זה השלחן והשם בעמוד ס”ד) שכיון שהחפץ חיים מחליט את הסברא

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(שכלי שיעקרק כנראה הוה תכלעל, ואינו שיש עמו כונה אחרונה שלשה, מותר ע”ב במ”ח (י’ סקי”ד). וכבר ביארנו לעיל (Part A) (שוב ס”ד). ע’ מקה”ח (י:יג). וכבר ביארנו לעיל (Part A) (שוב ס”ד). ע’ מקה”ח (י:יג).)

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**C1** 7
be discussed at length in Part G.

(In this scenario, there is another possible to’elos: if he is telling the information so that the listeners can rebuke the one who embarrassed him. However, this is contingent on their rebuke being more effective than his own.299 See A.13 above and responsum 21 of Rav Yitzchak Berkovits [at the end of the sefer].)

CONSULTING A POSEK FIRST

4. One should consult a Rav before relying on any of these leniencies. Unfortunately, people can easily deceive themselves into thinking that they have a legitimate dispensation when in truth they do not.

* See Part H regarding the listener in such a situation.
PART D:
PROTECTING FROM BAD INFLUENCES

THE DISPENSATION

1. The Chofetz Chaim writes that it is permissible (and even commendable) for one to warn his children or students to distance themselves from an individual who has bad character traits (or the like), so as not to learn from his ways.\textsuperscript{300} It is a to\'eles to keep a child or student away from a bad influence.

In truth, this dispensation is not limited to speaking to a student or child. This is merely the standard scenario. Hence, one should even warn an adult who is at risk of being influenced negatively (if he feels that his warning will be effective).

SOME CONDITIONS MAY BE OMITTED

2. In such a situation, most of the conditions for to\'eles are not required. The only condition that is always necessary is that one must

\textsuperscript{300} At times, a third party may feel that a child is being negatively influenced by a parent or teacher himself. However, one must be very careful before telling a child that his father or teacher acted improperly. One runs the risk of destroying the potential of any good influence that the parent or teacher may have. Moreover, it can adversely affect the child’s attitude to authority in general. Regarding a parent specifically, a child’s relationship with his parents is crucial for his healthy development. Even if the parents have some glaring faults, it is usually much more important for a child to respect his parents than to recognize their faults, thereby losing respect for them.

When Rav Yaakov Kamenetsky lived in a place where the members of the shul davened after the proper time, the Torah educators wanted to make their own minyan to daven earlier. However, Reb Yaakov opposed the idea. He explained that children need to view their parents as righteous people. If the educators were to make their own minyan for halachic reasons, this would lower the status of the parents in the eyes of their children. This is not proper chinuch. Reb Yaakov, personally, would daven privately and then pretend to daven at the regular shul. (Rav Tzvi Berkowitz heard this episode from a man who had been one of the children at the school; Rav Yissochar Frand quoted it in the name of Rav Shmuel Kamenetsky; c.f. Reb Yaakov (Mesorah Publications, 1993), p. 129.)
intend to have a to’elès. There are also three other conditions that may or may not apply, depending on the case. They are:

1) **Firsthand knowledge:** In this case, where the to’elès is clear and likely, the condition of firsthand knowledge does not apply. However, if one does not know of it firsthand, he is required to relate it as such (“I don’t know for sure, but I have heard . . .”).

2) **No alternative:** In this scenario, it is rare that there is another, equally effective way to prevent the child or student from being influenced. If so, the condition is not relevant. However, any time an effective alternative does exist, one must employ it instead.

3) **No exaggeration:** The Chofetz Chaim writes that he omitted the condition of not exaggerating. He explains that exaggerating would be permitted if it is the only way to separate them. However, when unnecessary, exaggeration is certainly forbidden. In all cases one must consult a Rav to know when and how to apply the dispensation of exaggerating.

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301. במו”ח (ד’ סקמ”ג). והיה כתברא ראשית לארץ הפוסטי על לשון הרע לתועלת.
302. ושבלי חיים (סקנ”ב). והכי משמע בבמו”ח (י’ סק”ה) כמו שכתבנו לעיל.
303. טעמא שבעצם הוא נצרך גם כאן אלא דבgregated לכלSqlCommandו ירי מילא תרשילו בין:(עה’ טיבבי חייד נقصير התוספת.
304. ירי ושבלי חיים (ס’ י”א) התיר הוצאת שם רע כדי להשקיט מריבה.
305. והנה החפץ חיים השמיט כאן תנאי הזה שלום ע”ש, אבל עכ”פ רואים מושג של הוצאת שם רע לתועלת. דדבר זה צריך שיקול הדעת גדול אם באמת יש צורך לגזם כדי להגיע אל התועלת הנרצה.
Chapter Seven: To’eles (Constructive Purpose)

EXPLAINING TO THE CHILD WHY HE IS RELATING LOSHON HORA

3. The Chofetz Chaim adds that in this case, one should explain to the child or student that loshon hora is generally forbidden, but in this case there is a to’eles which permits it. This is required so that the student does not become confused when hearing loshon hora from the same person who taught him that it is forbidden.*

AN OPPORTUNITY TO BRING OUT A POINT

4. See above (5.E) for the halachos concerning emphasizing the improper actions of an individual in order to teach others not to do it. An example of an inappropriate statement or action to teach the proper Torah perspective is also included in this category. An opportunity to bring out a point.

* He is assuming that the parent or teacher who is talking to the child or student in this case is the same person who has told him about the prohibition of loshon hora in the past. However, in the author’s opinion, it is worthwhile to explain to the child that loshon hora for to’eles is an exception even when the parent or teacher has not taught about loshon hora before, in order to avoid confusion.
PART E: REVEALING STUDENT INFRACTIONS

STUDENT INFRACTIONS

1. It is permitted for a principal or teacher to listen to (and even to inquire after) negative information regarding students in the school when it is necessary so that the school can service that child or the other children properly.\(^{307}\)

**Example:** Rabbi Shapiro, the principal, has reason to suspect that Avigdor has brought inappropriate reading material to school. He is allowed to speak to Avigdor’s rebbe to see if he has any leads to confirm this suspicion.

Similarly, it is permitted for schools to have teacher conferences in which multiple teachers discuss issues that they have with a particular student. However, such conferences must follow the guidelines set forth by a Rav to ensure that the conditions of *to’elès* are adhered to.\(^{308}\)

SOLICITING INFORMATION FROM STUDENTS

2. What is the halachah when a teacher knows that someone in the class did something for which he needs to be reprimanded or...
punished, but does not know who it was? May he ask the students to reveal his identity?

Some Poskim write that this should not be done. It is true that one student may tell the teacher that another student has done something wrong, but this is only when the student has the proper motives for revealing the information (i.e., for the improvement of the other student). However, these Poskim feel that the student will only have proper motives if he comes to the teacher on his own; if the teacher demands that the children tell him who acted improperly, one cannot assume that the students will have the proper motives. Indeed, a teacher who asks this of his class is minimizing the severity of lashon hora in their eyes.

Other Poskim disagree and feel that a teacher may ask his students to tell him necessary information about other students.

Chapter Seven: To‘eles (Constructive Purpose)
plain that once the teacher makes it clear to the students that loshon hora is usually forbidden and in this case there is an exception due to the to’elès, this is sufficient to allow him to ask the students for the information. Some add that this should only be done when the to’elès is understandable to the students themselves (such as when there is a clear danger). Furthermore, in order to ensure that the students have intention for to’elès, they may not be threatened with consequences if they are not forthcoming.

The common custom is to follow the lenient opinion of these authorities. However, in practice, one should not rely on this dispensation unless it is truly necessary. Therefore, one must first consult with a Rav in order to assess if the situation necessitates imposing upon the students to reveal information.

RESPONDING TO SOMEONE WHO ASKS FOR INFORMATION

3. The Chofetz Chaim writes that it is forbidden to speak loshon hora even if one is pressured to do so. He adds that even if one’s father or rebbe asks him for information that is loshon hora or will involve loshon hora, it remains forbidden to answer his question.

This is only true when it is known that there is no to’elès involved. If so, the child or student is being asked to do something forbidden. However, if the parent or teacher specifies that he is asking for a to’elès, the child or student may respond.
A gray area exists in a situation in which the parent or teacher did not tell the student that he wants the information for a to’el, and the child or student is unsure whether a to’el exists. May he respond with the assumption that his parent or teacher would not ask him to say loshon hora if it was not for a to’el?

The answer depends on the questioner. If the questioner is known to be careful about the laws of loshon hora, the student may answer the question on the assumption that there certainly is a to’el. However, if this is not the case, the student is being placed in a very uncomfortable situation. On the one hand, it is certainly possible that his parent or teacher is adhering to the halachah and asking because of a to’el. If so, it would be greatly disrespectful for the student to refrain from answering (or even to ask the questioner if there is a to’el involved). On the other hand, if he relates the information, there is the possibility that there is not a proper to’el (or at least, that some of the conditions for to’el have not been met), and he will have violated the prohibition of loshon hora. One should seek guidance from a Rav.

CHILDREN TO PARENTS

4. It is common for children to come home from school and tell their parents about their day. Many times, this may include loshon hora about others. May the parents listen to this information? In truth, there are events that the child tells about for a to’el, for instance, the child may indicate that another child is harming others or serving as a negative influence. Therefore, it would seem that the parents should not stop their child from telling them anything about others. On the other hand, many things that the child says are indeed loshon hora without a to’el. What is the halachah?

The answer to this question is not set in stone, as there are many factors to account for in each case. One should consult with a Rav who has a deep understanding of child-rearing in order to make a proper set of guidelines for the particular family and each individual child.

That being said, some Poskim do offer the following general guidelines which will apply in many situations: If the child is young, the parents may listen to everything he says because of the possibility that there may be a to’el. They should not discourage the child from sharing information with them since certain information can, in fact,
be crucial for the parents to know. (Naturally, the parents are not allowed to believe the information, as is the case with all loshon hora for a to’el. Rather, they may only suspect that the information may be true, and take precautions [or do research] if necessary. This concept will be elaborated on in Part H. Note that this is particularly true regarding information from children, which often includes distortion and misunderstanding on the part of the child.)

However, when the child is old enough to understand the distinction between loshon hora that is for a to’el and loshon hora that is not for a to’el, the parents should give the child guidelines to follow regarding which information he may share. A Rav should be consulted to assist the parents in establishing the proper guidelines for each child. (See responsum 17 of Rav Yitzchak Berkovits [at the end of the sefer] for an illustration of such guidelines. See 1.C.4 regarding the importance of training children to adhere to the laws of shmiras haloshon.)
PART F: 
DEFLECTING THE BLAME

WITHOUT INCrimINAtING OTHERS

1. Let us discuss another case that can be common in, but is not limited to, a school or home setting. Suppose something improper was done, and Reuven asks Shimon, “W ho did this?” May Shimon tell Reuven that it was Levi (who did, in fact, do it) in order to deflect the blame from himself?

The halachah is that it is considered loshon hora to incriminate Levi. Therefore, Shimon should merely deflect the blame from himself (by saying, “It wasn’t me!”), without placing the blame on Levi.

ONLY TWO CANDIDATES

2. What is the halachah when there are only two possibilities? The problem is that if Shimon deflects the blame from himself, he will be placing the blame on Levi by default. May Shimon vindicate himself even in this instance?

The Chofetz Chaim rules that deflecting the blame is permissible even in this case, as it is considered a to’eles to avoid being blamed falsely. However, he should still not place the blame directly on Levi. Rather, he should merely deflect the blame from himself, thus:

* This assumes that placing the blame on the guilty party will not cause that party more harm than is fitting according to the halachah. However, if it will cause undue harm, it is forbidden to place the blame on him, as mentioned in A.3, condition 7: [ע”י משנ”כ שו”ת מהר”י ברונא סי’ ל”ח על פי זה], כך 쓰ות מקה”ח (י:יז).

*ヘULATE "[ע”י ביב”(קסד).]

* גרא מעירא עניין משל ש”י מהט”כ (ע”י רשב”ם שם) שם (וע”י משנ”כ שו”ת מהר”י ברונא סי’ ל”ח על פי זה), כך 쓰ות מקה”ח (י:יז).

* באך הר”ח (סקל”א ד”ה ולא תקשה) שכותב כן על פי הגמ” תב”כ (ה).
only implicitly blaming Levi. Nevertheless, if it is not possible to vindicate himself without explicitly blaming Levi, it is permitted to directly attribute the misdeed to Levi.

It is important to note that the dispensation to deflect the blame when there are only two candidates applies only when the act committed was objectively wrong. However, consider a case in which...
there was nothing inherently wrong or derogatory about the act (except that Reuven dislikes it for some reason). In such a case, the Chofetz Chaim remains in doubt regarding the permissibility of deflecting the blame if doing so will place the blame on Levi by default.\textsuperscript{328}

In practice, a Rav should be consulted.\textsuperscript{329}

Furthermore, the dispensation to place the blame on the other candidate only applies when the speaker is deflecting the blame from himself. However, the Chofetz Chaim does not state that a third party may cast aspersions upon a guilty individual in order to remove suspicion from an innocent party. A Rav must be consulted.\textsuperscript{330}

\section*{BEYOND THE LETTER OF THE LAW}

3. In any case, there is a \textit{middas chassidus} (an act of piety) to go beyond the letter of the law and not deflect blame from oneself if it will implicitly transfer it to someone else. Indeed, some Tanna'im (Mishnah-era Sages) took this level of piety one step further and went
out of their way to accept blame so that the true culprit would not be discovered and embarrassed.\textsuperscript{331}

Note that one should not take the blame falsely if there is a concern that doing so would cause a \textit{chillul Hashem} (desecration of Hashem’s Name).\textsuperscript{332} For instance, if a Torah scholar would admit to committing an unscrupulous act (that he did not commit), this could give the false impression that Torah scholars are dishonest. Thus, he should certainly not accept the blame upon himself in such a situation.
UNBURDENING ONESELF

1. We have mentioned (C.3) that it is considered a to’eles for an individual to say negative information because he anticipates a sympathetic response from the listener. This would help the speaker alleviate some of his emotional pain. The basis for allowing what is commonly known as “letting off steam” comes from this halachah. If the purpose of this outburst of emotion is to elicit a sympathetic response, it is permissible, as mentioned.*

This is particularly relevant regarding conversations between a husband and wife. We mentioned above (1.C.1) that it is meritorious for one to speak to their spouse about their day. However, this does not grant permission to speak words of loshon hora. Still, it is common that one spouse has had a difficult day and needs to let out their frustration to their spouse to receive emotional support. Indeed, it is the nature of women in particular to deal with their problems by talking to others and receiving sympathetic concern. This is usually the reason that a woman would talk about her difficulties to her husband, and she is therefore allowed to do so.\footnote{Note: no conclusions should be drawn from this paragraph before reading paragraph 2 below.}

\footnote{Chafetz Chaim: A Lesson in the Art of Speech (p. 420 note 113) states that when a husband sustains a great injury, it is permissible to let off steam to the wife. This is not the case if the husband is in the same situation but is merely talking about it.}

\footnote{ז“ט ורלד (p. 333) cites the Rosh Z”A who states that when a wife is troubled by her husband, it is permissible to let off steam to her husband, as long as she has no ulterior motive. This is because the husband is in a position of trust and can be trusted not to misuse the information. However, if there is any ulterior motive, it is not permissible to let off steam to the husband.}

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However, the main purpose of the one unburdening himself can often be speaking out against the one who caused him pain. By speaking against him, he is taking revenge (in a way), and he regains his equilibrium. The permissibility of the latter form of letting off steam is highly questionable. In the former case, one relates information in order to receive a certain response — the to’elés is the response. However, in the latter case, the intended benefit is that he feels better after degrading the one who pained him — the act of degrading itself is what makes him feel better. It can be argued that this cannot be considered a to’elés, being that this is exactly what the Torah forbids.

(א”י במ”ח סקי”ד) רק כתב את ההיתר לספר כדי להפיג את דאגותיו בתורת "אפשר", אבל למעשה מותר לסמוך על זה, עכ”פ באשה המספרת לבעלה.

אמנם שוב עיינו可在 בספר אום אני חומה (לרב מרדכי גרוס ח”ב סי’ פ”ז) שהוא בעל השמועה בשם רשז”א, וכתב בשמו ש כאן עדיף מהתירו של החפץ חיים לספר לשון הרע להפיג את דאגותיו. וספר הנ”ל הבין שאין ההיתר מדין תועלת אלא בגלל דבדבריהם אלו שניהם הם כחדא שיסיר אחדמן השני מה דמציק לו, ואין необходимости להתנאים של תועלת. עוד כתב דדברים השייכים להשקפות כדי לה-establishם על צביונם, פשוט דשרי דבהא הוי העמדת ביתם ושייך לתרוייהו, ובלבד שיכוין לרוחניות ולא לצרף נגיעות. והוא מסופק לענין ציור שלא הצרו לו, אלא רק מפריע לו הנהגות מסויימות אם גם זה מותר. והוסיף דכל מהאסרו החפץ חיים לספר לנשותיהם הוא בגוונא שמספרים להגין על כבודם גרידא. וסיים דשמע מן אחד מגדולי המשגיחים ששאל את החזו”א ושגם הוא מיקל כמו רשז”א בזה. אמנם כנ”ל, כל זה צריך לי עיון גדול ולאנוינו שום רמז הזו הדבר של החפץ חיים.


ומצאתי בספר אמרי שיח (עמוד שמ”ה) שהרב יצחק ירוחם בורודיאנסקי אמר בהספדו על חמו, רשז”א, שהרזש”א אמר,يفة נתן לו רשות לפרסם בשמו כנ”ל הוא אחריותו של בעל השמועה להשמיע את הבעיות שמעיקות את אשתו. והוסיף בשם רשז”א בזה”ל (כך מעתיק ספר הנ”ל אבל הוא עד מפי עד ומסתמא אינו מילה במילה מה אמר רש”ז) וਸembro שאע”פ שאחד מהתלמידים המובהקים של רשז”א מסתפק בזה אם יצא מפי רשז”א, הרי רואים שב’ חתנים של רשז”א מעידים כן בשמו. אך סיים האמרי שיח (שהוא חתן רזנ”ג וממשפחת רשז”א) שנראה שודאי כונת רשז”א רק באופן חזרות בהתנאים בסיפור לשון הרע לתועלת einmal потребתי פירוד, אם יש יכול_so.であること העתים שבער baseman כמעילו, הוא אם כן, החוזא קאי בז.’

וכן כתב בספר שערי זבולון (بيان ע”ו אות ו”ד פי”כ והנה הא). וכעי”ז ראיתי באמת ליעקב (濕ו השמועה), ושם מדמה אותו למשבר כלים בחמתו שהוא מקלקל (או”ח סי’ קנ”ו הערה), ויאינו מתקן.
Even if we were to adopt a lenient position in this matter, it would only be permitted if the speaker has the specific intention to relate the information in order to cool down his anger.

**PITFALLS**

2. On a practical level, one should generally not rely on the leniencies to unburden himself without the guidance of a Rav. The reason for this is quite clear: the halachos pertaining to these matters are built on very fine distinctions, and can easily be stretched beyond their proper limits.

Moreover, in a situation in which a number of people are upset at the same person, it is strongly discouraged for them to sit around venting together. When the listener is emotionally involved in the same issue as the speaker, and certainly if there are several such listeners, it is almost certain that the guidelines will not be kept properly. See further (Part H) for the guidelines pertaining to listening to loshon hora for a to’eles.

**ADVICE**

3. A common application of to’eles is when one is in need of advice for dealing with a situation. This is why it is often permissible to reveal information to a Rabbi, spouse, or parent.

In these cases, one must be particularly careful to adhere to the sixth condition mentioned at the beginning of this chapter (verifying that there is no other way of achieving the to’eles without sharing negative information). For example, if the individual who is in need of advice can describe the situation without mentioning the name of the offending party, he is required to omit the name.

Additionally, it is a frequent occurrence that one who is accustomed to disclosing private information begins to become lax in his adherence to the guidelines for to’eles. He begins to freely relate any...
information that he wants to discuss. This, though, is a grave error. Just because he needed to discuss yesterday’s incident with his wife, does not mean that he is permitted to discuss today’s occurrence. Each piece of information must be evaluated separately to determine if it is truly necessary to ask for advice from another person.

If one wants to warn his wife about a difficult family member so that she will understand whom she is dealing with before she comes into prolonged contact with that individual, see responsum 20 of Rav Yitzchak Berkovits (at the end of the sefer).

GENERAL INFORMATION ABOUT A STUDENT OR CHILD

4. A common issue arises in regard to speaking about a student in a case where the to’eles is not readily apparent. For instance, there may be a school that is having difficulties with a particular student, and the teacher is in regular contact with the principal and the parents regarding the behavior of the student. Is it permitted to relate every single minor offense that the student commits, or may the teacher only discuss the major issues?

A similar question arises when it comes to parents talking to each other about the actions of their children. Does a parent need to have any hesitation before speaking to their spouse about the faults and misconduct of their children? If they feel that a certain incident does not need to be related, would mentioning it to their spouse constitute loshon hora?*

In such instances, the general halachah is that one may relate everything. It is necessary that both of the parents, the teachers, and the principal have a comprehensive picture of the present status of their child or student. All information is considered a possible to’eles — either for the present or for the future.336 It should be noted, however, that this question applies to older children, about whom one is prohibited to speak loshon hora. Regarding how the prohibition of loshon hora applies when speaking about young children, see 2.E.2.

336. מודעתי בפנימי הוא על פי הוראת הרב יוסף ברגר. והביאור בזה הוא שאע”פ שכפי
הנראה אין במעשה פרטי זאת שום תועלת, אבל יש צורך כללי שאלו המתעסקים עם הילד ידעו את תכונותיו ונסיונותיו. והבנה בזה רק נעשה על ידי ידיעת הפרטים. וע’ENCEDי נתיב חיים (כלל ח’ סקי”א).

אמנם מה שצריך עיון הוא לענין איזה פרט אינו נראה שהוא נצרך כדי להביא את התועלת הכללי. לכאורה כי האי גוונא אין כאן תועלת ואסור לספרו. מיהו מנהג העולם הוא להקל בזה בנוגע הורים על ילדיהם, ואיש ואשתו מספרים זה לזה על כל מעשי ילדיהם – בלי להתייחס כלל אם יצא*
that the teacher or parent must be careful to have the intention of saying their words for *to’ëles*.

If the teacher or parent feels confident that no *to’ëles* will come from relating the information, a Rav should be consulted.

Note: Our entire discussion pertains to a child who is still under the guidance and instruction of his parents. However, once the child is grown up and the parents are generally no longer involved in his *chinuch*, the aforementioned leniencies are greatly limited.

### SPEAKING TO A THERAPIST

5. There is another situation of *to’ëles* that resembles the scenario of relating *loshon hora* to receive advice: when one speaks to a psychologist or mental therapist. It is common that the therapist will ask the patient about his upbringing, family, friends, and similar matters in order to understand the root cause of the individual’s issues. This is a *to’ëles* and is permitted if the therapist feels that it may be crucial for the treatment.
for the treatment of the patient. Regarding group therapy, a Rav should be consulted.
THE DISPENSATION

1. Later on (10.A), we will discuss the teaching of Chazal that one is required to be choshesh for (take precautions due to) loshon hora that he hears. Although he is not permitted to believe the loshon hora, he is required to take any necessary precautions just in case it is true. Here, we will note that one may even listen to loshon hora in the first place in the event that he suspects that he may need the information in order to take precautions to protect himself (i.e., a to’eles). Moreover, even after he has heard this information, he may continue to discuss it with others in order to ascertain whether or not it is true.340

The Chofetz Chaim lists more examples of listening to loshon hora for a to’elès. There are times that the speaker is aggravated, and the listener will be able to either vindicate the subject of the loshon hora, or at least calm down the speaker and prevent him from continuing to spread the information to others.341 In this case, too, it is permitted to listen to the loshon hora provided that the listener is careful not to believe it.342 See responsa 11 and 20 of Rav Yitzchak Berkovits (at the end of the sefer) for more elaboration on the guidelines for the listener.

There are many other examples as well. In truth, in any scenario in which the speaker is permitted or required to say loshon hora for...
a to’elès (as discussed in this chapter at length) his audience is also permitted to listen, although they are not permitted to believe it.

**ONLY IF THE SPEAKER FOLLOWS THE GUIDELINES OF TO’ELÈS**

2. The Chofetz Chaim stipulates that listening to loshon hora for to’elès is only permitted if the speaker is following the guidelines of to’elès.\(^{343}\) If the speaker is not following the proper guidelines, one may not listen to him.

Why is this? Although the listener is technically allowed to find out this information, he is still transgressing the prohibition of lifnei iver (causing the speaker to sin). This is because a speaker who does not follow the proper guidelines is himself transgressing the sin of loshon hora, regardless of the to’elès of the listener.\(^{344}\) The Chofetz Chaim provides the example of a speaker saying the information out of hatred, without the intent of speaking for a constructive purpose.\(^{345}\) (He notes that such a speaker will probably not adhere to the other...
conditions, either.) It follows that one may not find out information about a *shidduch* from someone who is known to dislike the subject. See the footnote for a further application of this principle.\(^{346}\)

The Chofetz Chaim adds that this qualification does not apply if the speaker was already saying the information to someone else.\(^{347}\)

It is clear that the prohibition against hearing malicious speech for gain applies in all cases. However, even if the person hearing the malicious speech intends to correct the speaker, or to prevent him from repeating it, this is only permitted if the speaker intends to do so for gain. If the speaker has no such intention, he should be considered malicious for the sake of gain. This is because even if the speaker intends to correct himself, he is still considered malicious because he is saying harmful things.

It is also clear that if the person hearing the malicious speech is being blackmailed, he should be considered malicious for the sake of gain. This is because even if the speaker is being forced to say harmful things, he is still considered malicious because he is saying harmful things.

\(^{346}\) See page 176 of the previous chapter.

\(^{347}\) See page 176 of the previous chapter.
In such a case, there is no lifnet iver, as the speaker will be relating the information regardless.
Chapter Seven: To’øles (Constructive Purpose)

PART I:
ENTERING INTO A PARTNERSHIP

RESEARCH
1. A common situation of to’øles is when one needs to find out information about someone to determine whether he should hire him for a job or enter into a partnership with him (whether in business or shidduchim). In this situation one may research the potential laborer or partner by making inquiries about him. We will now discuss the applications as they pertain to a partnership. We will discuss the applications that specifically pertain to shidduchim, which are dealt with more extensively in halachic literature, in Chapter 8. Note that many of the details discussed in regard to researching a shidduch also apply to looking into a potential partner. Therefore, it is prudent for one who is asking or answering questions about a potential business partner to study Chapter 8 as well. He should also seek the guidance of a Rav for making the proper applications.

GUIDELINES FOR THE QUESTIONER
2. The Chofetz Chaim writes that in such a situation, one is required to inform the one whom he is asking why he is seeking the information. If he would not, he would transgress the prohibition of lifnei iver, as he may cause the other party to relate loshon hora without the realization and intention that it is for a to’øles.

The Chofetz Chaim also warns that one should not request information from a competitor of the person under discussion. The competitor, or anyone else who probably harbors negative feelings toward this individual, will likely relate false or exaggerated information. Additionally, there is a serious concern that he will not intend that his words will be for a to’øles.
There is also a halachah pertaining to listening to the response to the questions. The Chofetz Chaim warns that the listener may not believe the information. Rather, he may only be choshesh for it. (This will explained at length in 10.A.)

GUIDELINES FOR THE RESPONDENT

3. The one answering the question(s) may only respond following the conditions for to’eles. The Chofetz Chaim enumerates five conditions.350 (These have been discussed previously in A.3. We will present them here as they apply to the present scenario.)

1) No misinterpretation: He contemplates to ascertain that his assessment of the deficiency in the other party is accurate.
2) No exaggeration: He says the facts as they are, without additions or embellishments.
3) Intention for to’eles: His intention is to help the questioner. He does not speak out of hatred toward the other party. Furthermore, he assesses that the questioner will take his words seriously — i.e., he will consider refraining from entering the partnership based on the information. (However, if the questioner will enter the partnership regardless, and no positive benefit will come from transmitting the information,351 there is no to’eles in his words.)
4) No alternative: He may only relate the negative information if there is no other way of accomplishing the to’eles.
5) Limited repercussions: He may only relate the information if the result of saying it will not be more harmful to the other party than what would have occurred had he been testified against in beis din. (See further in Paragraph 5 for elaboration on the application of this condition.)

TWO CONDITIONS MAY BE OMITTED

4. In A.3, we mentioned seven conditions that are usually required. Here, it is possible that two of the usual guidelines can be omitted:
1) **Firsthand knowledge:** Even if one does not know the information firsthand, there may be a dispensation to relate such information.\(^{352}\) A **Rav** must be consulted.\(^{353}\) If one does receive a dispensation to relate information that he does not know personally, he must make it clear to the listener that he has no firsthand knowledge of the matter.\(^{354}\)

2) **Rebuke:** One need not rebuke the subject of the loshon hora before conveying the information about him.\(^{355}\) This is because doing so will not remove the necessity of relating the information. Indeed, even if a potential partner says that he will change his ways, it is possible that he will not keep his word.\(^{356}\)
AFTER THE PARTNERSHIP HAS BEGUN

5. All of the above applies to a case in which the partnership has not yet been formalized. However, after the partnership has become halachically binding, another consideration applies before one may relate the negative information. As mentioned above, one of the necessary conditions for saying loshon hora for a *to’eles* is that the harm resulting from the information is not more severe than that which would have occurred in a *beis din*. Before one is committed to a partnership, he may decide not to enter into the partnership even if he does not have sufficient grounds to prove the incompatibility of the partnership. However, after a commitment has been made in a halachically valid fashion, one may not renege on the commitment. In such a case, even if someone were to come to *beis din* and testify that one of the partners is not keeping his end of the deal or the like, his testimony would not be accepted. This is because the *beis din* will only accept two valid witnesses.

Therefore, after the partnership has already been forged, one must also consider whether the listener would renege on his commitment based on the information. If he would do so, the information may not be related by one person alone; one may only relate the information to the other party if he is accompanied by another valid witness, thus fulfilling the requirements that *beis din* would have for accepting the information.
Indeed, all of the requirements pertaining to witnesses will be necessary. For instance, the two witnesses may not be relatives of each other or of one of the parties involved. Similarly, the witnesses would both need to know the information firsthand since only such testimony is acceptable in beis din.\footnote{359}

Even with all of these prerequisites, it is still highly questionable whether it is permitted to relate the information.\footnote{360} Therefore, a Rav should be consulted.\footnote{361}

**IF NO ILLEGAL ACTION WILL BE TAKEN**

6. The aforementioned restriction assumes that the listener will take matters into his own hands and renege on his commitment based on the information.\footnote{362} However, if he is an upright individual who will not take any legal action without consulting a Rav, the halachah is different. In this case, even one person may tell him the information even after a halachic commitment was forged; it is not necessary to find a second person who also knows the information. The other requirements of valid witnesses are also not required. In this situation, no undue harm will come from relating the information since the listener will not renege without sufficient halachic basis. Indeed, in some instances, the information should be relayed under the conditions of to’eles so that the listener can be more cautious around his partner and protect himself from any future harm.\footnote{363}
The applications of these guidelines to *shidduchim* are quite complicated and will be elucidated in the following chapter.

**SUMMARY**

- One may research a potential partner under the dispensation of *to’els*.
- The guidelines for the questioner to follow are:
  - He may not ask a competitor or someone who otherwise dislikes the subject.
  - He must explain that he is asking the questions for a *to’els*.
  - He must only be *choshesh* for the information he hears; he may not believe it.
- The most prominent conditions for the respondent to follow are:
  - He must make sure that he did not misinterpret the facts.
  - He may not exaggerate.
  - He must intend to convey the information for a *to’els*.
  - He may only convey the information if a *to’els* will actually come from this.
  - If he does not know the information first-hand, he should ask a *Rav* before responding.
- If the partnership has already been forged in a halachically binding manner, the guidelines for answering questions are more stringent:
  - If the questioner will not take any legal action to dissolve the partnership without instruction from a *beis din*, the halachos of answering are as delineated above.
  - If the questioner is suspect of acting on his own, it is forbidden to respond to his questions without consulting a *Rav*.
CHAPTER EIGHT:  
SHIDDUCHIM

PART A: INTRODUCTION

PART B: WHEN TO OFFER UNSOLICITED INFORMATION

PART C: INFORMATION THAT SHOULD ONLY BE REVEALED AFTER A NUMBER OF DATES

PART D: SOLICITED INFORMATION

PART E: ANSWERING ACCURATELY ACCORDING TO THE UNDERSTANDING OF THE QUESTIONER

PART F: AFTER THE ENGAGEMENT

PART G: DISCONTINUED SHIDDUCHIM

PART H: ASKING FOR INFORMATION
Chapter Eight: Shidduchim

PART A: INTRODUCTION

One of the most important but least understood applications of the laws of shmiras haloshon is shidduchim. In the Orthodox community, it is understood that one researches the potential candidate before (and sometimes during) the dating process. This is most commonly accomplished by speaking to teachers, friends, and colleagues of the candidate and asking personal questions about the candidate to ascertain the suitability of the match.

In regard to shidduchim in particular, it must be understood that every piece of information that is related can greatly affect the life of the subject. Obviously, one must exercise extreme caution before revealing anything negative.* On the other hand, as we have discussed in 7.A.9, there are times when there is an obligation to relate certain information. One who withholds information that he is obligated to reveal is held responsible for the adverse effects of his silence. There are, unfortunately, too many stories of ruined marriages where essential information about one of the parties only came to light after the marriage. Had this information been revealed prior to the marriage, the marriage would never have taken place, preventing much suffering.365

Therefore, it is crucial for one to familiarize himself with these halachos so that he knows when to relate negative information and when to refrain from revealing it.

* It should be noted that in the same way that one must not portray the subject in an unnecessarily negative light, one must also ensure that he does not describe the individual in an inaccurately positive way. One must remember that the Torah warns us to stay away from falsehood, and it is forbidden to convey a false picture of an individual. This is especially true regarding shidduchim, where such a portrayal could greatly impact the lives of the individuals involved.

365 יֶהוּדָה בֶּספֶּר פֶּתַחַיַּת שֶׁמֶנֶבֶּה עַל שְׁיִירָאֵי (יסא) בֶּספֶּר הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶךְ (סֵיַם סִי) יֵעַקַּט שֶׁל הַשֶּׁלֶ�
It must be noted that these halachos are intricate and very subjective. Therefore, it is essential to consult with a qualified Rav before deciding whether or not to reveal sensitive information.

There are two reasons for even the layman to be familiar with the basic halachos. First of all, he must know when questions must be posed to a Rav. For instance, many people feel that one may simply omit questionable information, or even outright lie, in order to conceal negative information. Such people may feel that they are doing a great deed by refraining from relating loshon hora. However, one who is familiar with the halachah will know that this is not necessarily true, and there are times when it is a terrible aveirah to withhold negative information. Such a person will know when it is necessary to consult with a Rav before proceeding. However, this is not always possible, as one is sometimes put on the spot and must respond immediately. Therefore, one must be familiar enough with the halachos in order to know how to respond.

Since these halachos are an application of the rules of to’eles, it is prudent for the reader to review the laws of to’eles (Chapter 7) before proceeding to our discussion of shidduchim. Although we will review and reference the basic guidelines of to’eles in our presentation, there may be details that will not be reiterated. Only one who is proficient in the nuances of the general halachos of to’eles will be able to accurately apply them to shidduchim.

Note: In our presentation, we will discuss someone who is considering and investigating an individual as a potential spouse. In general, there is no difference in halachah whether it is the boy investigating the girl, or vice versa. Therefore, the reader should be aware that our usage of “he” or “she” is not limited to that gender. We are generally using masculine single-gender pronouns in this work for the sake of simplicity and fluidity.
PART B: WHEN TO OFFER UNSOLICITED INFORMATION

SEVERE DEFICIENCIES

1. We will first discuss the halachos of offering unsolicited information about a shidduch. Every individual has his shortcomings. It is understood that in a marriage, each party will need to adjust to the other's limitations. Thus, one may not disclose flaws that do not pose a serious threat to the viability of a marriage. One may only offer information regarding a severe deficiency that will likely undermine the success of a marriage.

Often, an objective assessment can be made that most people would not tolerate a certain deficiency in a spouse. One may reveal such a flaw since the other party would likely never go through with the marriage if it was known to them.

Examples of such a deficiency can include:

- Serious diseases
- Severe disabilities
- Mental illness
- Criminal records
- Substance abuse
- Financial instability
- Intoxication
- Sexual dysfunction
- Infertility
- STDs
- Chronic diseases
- Genital abnormalities
- Prostitution
- Mental retardation
- Criminal records
- Drug addiction
- HIV
- AIDS
- Herpes
- Syphilis
- Hepatitis C
- Tuberculosis
- Alcoholism
- Addictions
- Schizophrenia
- Bipolar disorder
- Depression
- Anxiety disorders
- Eating disorders
- Personality disorders
- Social phobia
- Obsessive-compulsive disorder
- Post-traumatic stress disorder
- Borderline personality disorder
- Narcissistic personality disorder
- Autism
- Asperger's syndrome
- Fragile X syndrome
- Cystic fibrosis
- Epilepsy

Shidduchim (Hebrew):

3. When the matchmaker knows that one of the parties has a disability, he must disclose it to the other party. If the matchmaker is unaware of the disability, he is not obligated to reveal it. However, he should disclose it if he knows that the other party would never agree to the marriage if they were aware of it. Examples of such disabilities include:

- Serious diseases
- Severe disabilities
- Mental illness
- Criminal records
- Mental retardation
- Schizophrenia
- Bipolar disorder
- Depression
- Social phobia
- Obsessive-compulsive disorder
- Borderline personality disorder
- Narcissistic personality disorder
- Autism
- Asperger's syndrome
- Fragile X syndrome
- Cystic fibrosis
- Epilepsy
Part B: When to Offer Unsolicited Information

- Severe psychological disorders

Gross irresponsibility or other issues that make it impossible for the subject to make a living, manage a house, or deal with children

Significant deviations from the outlook on life or the halachic standards of the community that the other party associates with

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Certain serious issues regarding lineage (as always, a Rav must be consulted)
Part B: When to Offer Unsolicited Information

One who is aware of such an issue which will preclude one of the party’s abilities to have a successful marriage is not only permitted to inform the other party, but is, in fact, obligated to do so (see above, 7.A.10).
THE OBLIGATION OF A PHYSICIAN

2. There are times that a physician discovers medical information that he is halachically required to tell the other party, but cannot do so due to the Hippocratic Oath. Ideally, in such a case the doctor should inform the patient that it is the patient’s obligation to reveal the information to the other party. If the patient does not listen to his advice (or if the physician knows from the outset that he will not be willing to inform the other party), the physician should seek the guidance of a Rav.

Note that a similar set of guidelines applies to a דה"ה בנידו"ד שייך לאו הנ"ל. ושם כתב שיתכן דגם יעבר על לאו דלפני עור – הוא כולל האיסור שלא ליתן עצה שאינה הוגנת. וחלק"י מביא שיש אחרונים שסוברים שלאו זה שייך גם באופן שלילי, דהיינו אם יכולに向けてי колכל עניין שאינה הוגנת, הוא עוצר מתן עצה. ועיון חוט שני (עמ' שע"א ד"ה ולכאורה מדברי) דלאו בכל ציור איננו משום לא תעמד. רק אם יגרום עול לצד שני, הוא מחוייב לגלות. אבל בדבר שאינו עושה נ"מ גדולה, ורק אינו/social expectations, he is not exactly what he wants it to be. Therefore, it is reasonable to say that the physician is allowed to remain silent and act with kindness in such cases. This will be further discussed in the next chapter and in the concluding remarks (תשובות והנהגות, פ"א סימן סא') דיו"א, שם bringen"א, שם ר"א: י"ג סימן סא'. אם רופא שואל יכול לשיבי אני, וביתר רופא חייב לשמור סודיות ואסור לי לגלות מצב בריאות של אדם שהוא ענה לי ושילמו לי, ודי זה. ועי"ז כתוב בהקנס "וביום שידבר" (עמ' ק"ק) ועד החזו"א בסימן סא'. זה Deus inter alia דעה שא"צ לגלות הוא מפני שרק נודע לו הסודות אדעתא דהכי (וסברא זו טעון בירור). ושע"ר כעי"ז בחוט שני (עמ' שס"ב) שכתב שגילוי הסוד אין לו היתר של תועלת, אבל אם יש היזק גדול שעלול להיות אם לא יספר, אז מותר לספר (וע"ש משכ"כ בשם החזו"א בזה, ויש נוסח אחר של השמועה בפאר הדור ח"ד עמוד צ"ג והובא בתשובות והנהגות ח"ו סוף סימן סא').
Part B: When to Offer Unsolicited Information

therapist who is aware of psychological deficiencies which he is not allowed to reveal by law.\textsuperscript{378}

\textbf{THE OBLIGATION OF THE INDIVIDUAL HIMSELF}

3. It should be noted that in any such situation, the individual with the deficiency is personally required to disclose the information. In the same way that one may not sell an item to another person based on false premises, one may not cause another person to enter into marriage under false premises. Indeed, the individual's obligation goes above and beyond the obligation of others. This is why there are situations in which others need not (and may not) reveal information about an individual, but the individual himself is required to disclose the information to the other party.\textsuperscript{379}

Furthermore, it is prudent for one to disclose information himself before the other party discovers it from another source. If the other party only becomes aware of the facts after the engagement or the marriage, that party will likely feel that they have been deceived. If this were to happen, it could have adverse effects on the marital harmony of the couple.\textsuperscript{380}

Moreover, were a third party to disclose negative information about an individual, it may be perceived as a more severe deficiency than if the individual disclosed the information himself.
Of course, one should always consult with a Rav regarding whether or not to reveal the information, and how to do so. People can cause themselves undue harm by revealing information that need not be revealed.  

WHEN THE OTHER PARTY HAS THE SAME DEFICIENCY

4. When a similar deficiency is also found in the other party, they may not be particular about it. If one assesses that they would not be, there is no need for the person himself to reveal the information, and another person would be forbidden to reveal it. Similarly, if one of the parties is concealing information, an outsider may not reveal the facts if the second party is also concealing information. However, a Rav must be consulted when making such a determination.
MODERATE DEFICIENCIES

5. There are certain deficiencies that may impair the quality of a marriage, but do not necessarily threaten the marriage’s viability. Included in this category are certain moderate forms of medical problems, emotional issues, and character defects. In general, one should not offer unsolicited information in such a case. If any people adapt successfully to a marriage with an individual who possesses such a deficiency. Accordingly, one should not get involved if he was not asked about such issues. 385 (If he was asked, see Part D below.)

TO A RELATIVE OR CLOSE FRIEND

6. Some contemporary Rabbanim rule that one may offer certain unsolicited information to a relative who is researching a potential shidduch even when such information should not be offered to others. 386 This applies to a moderate deficiency that does not render the party incompatible, but may deem him a less than optimal marriage partner.

When dealing with someone who is not a relative, such information should not be disclosed due to the following rationale: Nobody is perfect, and it is understood that every spouse will be lacking in...
some areas. Furthermore, it is not uncommon that one of the partners appears to have more deficiencies than the other, and the marriage is still successful. Indeed, the spouse without the deficiency may even be the ideal spouse for the one with the deficiency. Therefore, it is preferable not to get involved (see further in D.1.). This is the concept of *mai chazis*, discussed above in 7.A.7. 387

However, when it comes to a relative, there is a reason to become involved. One has a stronger obligation to help his relatives than he does to help others. Just as one has the right to look into private information regarding the optimal marriage partner for himself, he also (to a certain degree) has the right to get involved in assisting his relative to make the ideal choice. 388

Some *Rabbanim* rule that this concept applies to anyone whom a person has a greater obligation to help, such as a close friend, 389 or a Rabbi to his congregants 390 (see also above in 7.A.7).

However, the leniency to disclose more information to a close relative has no source in the earlier *Poskim*. Indeed, there are some contemporary authorities who reject it altogether. 391

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387 See further in D.1.
388 See above in 7.A.7.
389 Some *Rabbanim* rule that this concept applies to anyone whom a person has a greater obligation to help, such as a close friend.
389 Some *Rabbanim* rule that this concept applies to anyone whom a person has a greater obligation to help, such as a close friend.
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391 Some *Rabbanim* rule that this concept applies to anyone whom a person has a greater obligation to help, such as a close friend.
are lenient agree that it only applies under very specific circumstances. Therefore, one should only make use of this leniency under the guidance of a Rav.

**A SUBJECTIVELY SEVERE DEFICIENCY**

7. There are times when one party has a deficiency that is not particularly serious from an objective point of view, yet the other party is sensitive to the deficiency and would feel that such an issue is a serious threat to the viability of their marriage. They would likely not want to even consider such a shidduch because they feel that such a flaw is intolerable. In this case, too, one is permitted and required to inform the side who has this sensitivity that this shidduch is not for them. Still, this is only true if he knows that such a sensitivity exists. Rabbinical guidance is crucial in order to make such an assessment.

**EXAMPLE:** The Schwartz family is very refined. They have sterling character traits and are always calm. They become unsettled when faced with someone who is angry, and are incapable of dealing with the situation properly. Their daughter Rivka is considering dating a certain individual. Although this individual is endowed with good middos, he occasionally loses his temper. Knowing Rivka and her family, it is clear that such behavior would render a marriage with this individual untenable. In this situation, one may take the initiative (after consulting a Rav) and tell Rivka not to go out with this individual. If necessary, it is even permitted to mention explicitly that the individual sometimes loses his temper.
Chapter Eight: Shidduchim

INFRACTIONS FROM ONE'S YOUTH

8. Suppose that one is aware of a severe infraction that an individual committed when he was younger. However, he has since changed his ways, or at least, there have been no negative rumors about him for a significant amount of time. In such a case, a Rav must be consulted to determine whether one should reveal the information, as there are a number of factors to take into consideration to verify with confidence that he will not repeat his former actions (see footnote). 393

DISCERNABLE DEFICIENCIES

9. There are individuals who have deficiencies that are readily apparent, such as a lisp, a limp, or certain deficiencies in social skills. If these deficiencies are not severe, they should usually not be related. This is the general ruling which applies to moderate deficiencies (as mentioned above in Paragraph 5). Although the prohibition of Loshon Hora may not apply to deficiencies that are apparent and public knowledge (see 6.B), one should still refrain from disclosing them in this case. They will become apparent to the other party in any case, and mentioning them serves only to draw one's focus to them, which will not serve a constructive purpose. 394

Even if an obvious deficiency is severe, the prohibition of Lo saa-mod al dam rei'echa does not apply if one refrains from disclosing it (see 7.A.10 and 8.B.1). Since it will become apparent when the two meet, there is no concern that the other party will enter the marriage under false pretenses. 395

However, sometimes even these apparent deficiencies should be revealed. This is when it is probable (in one's estimation) that the other party would never consider a candidate with such a deficiency. In such a case, it would be a great waste of time, energy, and other resources for the party to research the individual, only to discover on
Part B: When to Offer Unsolicited Information

the first date that the entire prospect was untenable. Thus, one may inform the party about the deficiency in such a case. A Rav must be consulted to make this determination.

It is of value to note that there are times when one will be able to accept a certain deficiency if told about it in advance, however, if it comes as a surprise, he may be thrown off by it. In such a situation, one may reveal the deficiency to the other party in advance. When doing so, one should attempt to provide some indication of the flaw before they meet, without describing its level of severity. For instance, if the individual has a deformity on his face, one can say that his appearance is somewhat unusual and may take some getting used to. One must consult a Rav to determine whether and how the deficiency should be related.

ADHERING TO THE CONDITIONS

10. Whenever one divulges information, he must be certain to adhere to the general conditions of saying loshon hora for a constructive purpose (see 7.A).

We explained (7.1.3) that five of those conditions are relevant when researching a business partner. The following are the conditions that are most relevant in our discussion:

1) The speaker must verify that the information is true. If he only knows it secondhand, he must make it clear that he does not know the information firsthand, as we have explained above (7.1.4).
2) The information must be presented as is, without any exaggeration.
3) The speaker must intend to speak for a constructive purpose, and not out of hatred for the subject. Included in this cave-
at is a requirement to assess that a constructive purpose will come from his words. If it is very likely that the listener will not take his words into consideration, it is forbidden to reveal the information.

The reader is referred to 7.I.3 regarding the conditions of no alternative and limited repercussions. If either of these is not met, a Rav must be consulted\(^{402}\) (see also Paragraph 11 below).

**MINIMIZING THE DISCLOSURE**

11. **Even in a situation in which one may disclose certain negative information, he should try to conceal the details as much as possible.** If he knows that the negative information will cause the questioner to stop pursuing the shidduch, he should simply respond, “This shidduch is not for you,” without disclosing the actual flaw.\(^{403}\)

However, there are times that this is not possible, such as if the listener will not follow such advice without hearing the facts. In this case, it is permitted to reveal the deficiency. Still, one should try to disclose as little as possible, while simultaneously conveying the message that the questioner should look elsewhere.

**CONFIDENTIALITY**

12. Whenever relating information that has the potential to damage the subject of the information if it spreads, one may only disclose it to one person (i.e., the one who will be able to prevent the shidduch from happening).\(^{404}\) Furthermore, he must be sure to warn the listener that the information is highly confidential and that it should not be revealed to others.\(^{405}\) If a concern exists that the listener will not adhere to this warning and will pass on the confidential information, a Rav must be consulted to determine whether one may relate it to such a listener.\(^{406}\)
One may only disclose unsolicited information for the purpose of *shidduchim* under the following conditions:

- There is a severe deficiency that threatens the viability of the marriage. The following are examples:
  - It renders the individual unfit for marriage from an objective standpoint.
  - One *knows* that the other party has a sensitivity that would render such a deficiency a threat to a successful marriage.

- According to some *Poskim*, if there is a moderate deficiency, it may be related to a relative who is seeking a *shidduch*. Other *Poskim* disagree.

- In all cases, the speaker must adhere to the conditions of *toʻeles*:
  - He may only relate firsthand information (or if he has no firsthand knowledge, he must clarify that he does not know it firsthand).
  - He may not exaggerate.
  - He must have the intention that this should be for *toʻeles*.

The following should be kept in mind:

- If the aforementioned guidelines are met, one is *obligated* to reveal the information.
- This obligation to disclose the information also rests upon the individual who himself has such a deficiency.
- If the other party has a similar deficiency, a *Rav* should be consulted.
- If the deficiency will become apparent when the two parties meet, one is not required to disclose it.
  - However, often it is advisable to disclose the information in advance. A *Rav* should be consulted.
• If the deficiency renders the shidduch untenable, one should try to discourage the match without revealing details.

• When revealing a deficiency, the speaker should clarify that the information is confidential and should not be conveyed to others.
  ▷ If there is a concern that the listener will not listen to this warning, a Rav should be consulted.
There are certain deficiencies that are significant but do not make the *shidduch* completely incompatible. In such cases, many *Rabbanim* advise a person who has this type of deficiency not to reveal the information until after a number of dates.\(^{407}\) This applies to information that would cause the person to have a difficult time finding someone to go out with if it were revealed at the outset. When there is a glaring deficiency in someone who is just another name on the list, human nature lends one to avoid dealing with the issue by moving on to the next name. However, the other party would have a greater recognition of an individual’s positive qualities after a few dates. At that time, they would be capable of making a more objective assessment of whether the deficiency would hamper their marriage.\(^{408}\)
In such a situation, if a third party knows that the individual who has the deficiency is not planning on revealing the information at all (even after a number of dates), it may be permitted or required that he relate the information to the other party. This is an extremely delicate issue, and much wisdom and experience are needed to determine whether and when to reveal such information. *One should never make this decision on his own without consulting an experienced Rav who is familiar with all of the details of the situation.*
PART D: SOLICITED INFORMATION

INTRODUCTION

1. In most cases of loshon hora for a constructive purpose, it is not relevant whether the speaker has been solicited for the information or not. When there is a sufficiently constructive purpose, the information may be related whether or not one is asked for it; when a constructive purpose does not exist, the prohibition remains in all circumstances.

Nevertheless, when it comes to shidduchim, many Rabbanim draw a distinction, as we will explain.\textsuperscript{409} There can be factors that would render a shidduch untenable even from an objective standpoint. However, most factors that make up a successful shidduch are subjective, depending on the feelings and personalities of the individuals involved. When it comes to such a subjective deficiency, an individual may not decide to reveal it to the other party on his own. This includes moderate deficiencies that may have an impact on married life but do not necessarily preclude a successful marriage. After all, everyone has deficiencies, and one cannot expect to marry someone who is perfect (see B.6 above). Therefore, an individual embarking on the shidduch process must decide which qualities are the most crucial to him. When making inquiries, he should focus on those qualities in his questions. It follows that one who is asked about a particular...

\textsuperscript{409} עכבר ראיה תמימה (אנגלית עמ' 49, לעותה ימי; 58 לעותה יהו) בוש תורב דוד פֶינשטיין}
aspect should understand that this characteristic is important to the questioner, and it is permissible to respond. Of course, the conditions for te’oles must be met. One must follow the five conditions mentioned regarding researching business partners (enumerated in 7.I.3). See further for more specifics and qualifications.

If one is asked for information that was told to him in confidence, there is another issue to contend with: gihey sod (revealing a secret). This prohibition is discussed in 13.C.4. A Rav must be consulted to determine when it is permissible to disclose such information. Similarly, a physician or therapist who is solicited for confidential information about a patient should seek Rabbinic guidance (see B.2 and the footnote there).
REGARDING COMMONLY ASKED QUESTIONS

2. Our discussion assumes that there are certain investigations that are commonly made by those looking into shidduchim. If one was not asked, he generally may not offer information about those deficiencies that people frequently inquire about. If the other party was really interested in such information, they would have looked into it themselves; their failure to do so indicates that it is not important to them. However, a moderate deficiency may exist that people do not usually think to ask about. Some Poskim allow one to disclose such a deficiency even if he was not asked about it. However, this is only true if it can be assessed that the questioner might not want to go through with the shidduch because of the deficiency. A Rav must be consulted.

The exact standards of which investigations are commonplace may vary from community to community. Therefore, one would have to determine the community standards that the individual subscribes to before deciding whether he should reveal the information.

Even if one failed to make a commonplace investigation, there are situations in which the information would be significant to the other party, and the lack of proactive research is due to naivete or lack of familiarity with the shidduch system. In this situation, it may be permitted to reveal the information. A Rav should be consulted.

ONLY DISCLOSE FACTS

3. When one is posed a question about an individual, he should only respond with objective facts. In general, he may not present his personal assessment that a flaw exists (however, see Paragraph 10)
below for qualifications). Moreover, he may only disclose flaws if he has firsthand knowledge of them or if they have been established as a fact. If he only has secondhand information or a mere suspicion, a Rav must be consulted.  

**GENERAL VERSUS SPECIFIC QUESTIONS**

4. Although in principle, one may respond to a question posed about a prospect, there is a difference between general questions and specific ones. A broad question such as “What do you know about this person?” or “Are there any issues to be concerned about?” provides no insight into what is important to the questioner. When responding to such a question, one should not offer any negative information unless there is a significant deficiency (as defined above in Part B).

Even when asked a specific generic question, one generally should not divulge any negative information. For instance, it is common to ask whether the subject has good middos (character traits). Sometimes, the one who is being asked feels that the subject is lacking in certain middos. Nonetheless, he should not respond by saying that the individual has bad middos. This is because what constitutes good middos is subjective. For some people, anyone who does not have a severe anger-management problem has good middos. For others, good middos indicate that the person never exhibits a trace of anger. For a third group of people, middos refer to how many acts of kindness the individual performs.

Thus, when asked a question about middos, one should generally respond that the individual has good middos (however, see further...).
for exceptions to this rule). This is because everyone has some good middos, and those middos may be what the questioner is referring to.\(^{423}\)

(As an aside, one should also be careful to refrain from using terminology that has a different meaning for each party. For instance, if an American is speaking to someone British, he should refrain from using the word mad. In the United States, this word refers to anger, whereas in England, it refers to insanity.\(^{424}\))

WHEN A COMMON DEFINITION EXISTS

5. If the one being asked knows that he and the one asking the question have a mutual definition of the terminology, the halachah is different. In such a situation, the one who was asked may respond according to their mutual definition. However, one must exercise caution before doing so, and ascertain that they both truly share a common definition.

EXCEPTIONALLY POOR MIDDOS

6. If the individual under discussion has certain exceptionally poor middos (such as a strong temper), one may not respond that he has good middos. In such a case, if one is asked about the middos of the individual, he should respond that it is difficult for him to answer such a general question.\(^{425}\) (This is the ruling of some Rabbanim. H owever, see the footnote for dissenting opinions.\(^{426}\)) If the questioner probes...
further and gets more specific, it is permitted to answer truthfully. However, one must be cautious even with more specific questions, as they can still be interpreted differently by different people. In general, one should answer in as vague a way as possible until asked a specific, pointed question.

MORE EXAMPLES OF GENERAL QUESTIONS

7. Another common example of a generic question is when one is asked about an individual’s skills in Torah learning or his Torah knowledge. This is an ambiguous question, and it means something different to each person. One should follow the aforementioned guidelines until he is asked a specific question (such as, “How many masechtos [tractates] has he learned?”), unless he has a personal understanding of the questioner’s intentions and knows exactly what he is referring to.

Similarly, a woman who is asked whether or not a girl is attractive may not respond according to her own personal taste, as beauty is in the eyes of the beholder. Since it is difficult to avoid answering this question without giving the impression that the girl is unattractive, she should respond in the affirmative even if she does not think the girl is attractive. She should only respond objectively to a question that has a quantifiable answer, such as about the individual's height or weight.

It is common to be asked whether an individual is talkative. The one asking this question is not searching for anything negative; rather,
he is simply trying to get a feel for the individual’s personality. Nevertheless, one may not answer unless he will be giving an accurate response. The word *talkative* means different things to different people. If one cannot determine the definition that the questioner is working with, he should say that the question is too vague for him to answer (see further in 9.D.2). The same applies to questions about neatness, friendliness, and the like.

**UNNECESSARY DETAILS**

8. We must reiterate a point mentioned above (in Part B): *even in a situation in which one may disclose certain negative information, he should try to conceal the details as much as possible. If he knows that the negative information will cause the questioner to stop pursuing the shidduch, he should simply respond, “This shidduch is not for you,” without providing any details.* However, there are times that this is not possible. Still, he should try to be as general as possible, while simultaneously conveying the message that the questioner should look elsewhere.

Note that if there is a reasonable possibility that the questioner will want to pursue the *shidduch* even after discovering the deficiency, one should not discourage the *shidduch*. Rather, he should disclose the flaw with as many details as are necessary for the questioner to make a proper decision.

**WHEN TO AVOID ANSWERING**

9. The above are general guidelines, not ironclad rules. There are times when a specific question is posed but the one who is answering knows that the information is not important.

For instance, suppose one is asked if the subject has seen a psychologist, or if he takes psychiatric medication. There are many individuals who are normal, functioning people even though they have minor psychological issues. Indeed, their functionality is not...
hampered all that much even when they are not on the medication. However, many would turn down a shidduch with such a person due to the stigma of psychological issues. In truth, were they to first become acquainted with the individual and see that he is perfectly normal, they would be able to accept the minor psychological issue.

Another example is if one is asked about a relative's non-genetic illness. In this case there is no legitimate reason for concern, but the questioner may have an irrational fear that this disease will affect other members of the family.

In such situations, one should try to avoid answering the question as much as possible. However, when confronted, he may not lie. A Rav must be consulted for guidance.

QUESTIONS THAT WILL NOT AFFECT THE DECISION

10. Sometimes a person asks a question regarding a negative quality when in truth, he is planning to pursue the shidduch even if the individual possesses such a quality. If the one who is asked the question knows that this is the case, it is questionable whether he may respond truthfully. On one hand, it can be argued that there is no constructive purpose in revealing the information, as it will not affect the decision of the questioner. On the other hand, a person can feel deceived if he discovers that he was given a false answer. Even if the flaw does not bother him, he may harbor ill feelings toward the individual because the flaw was concealed. A Rav should be consulted.

In practice, this situation is rare. It is difficult to be certain that the answer will have no bearing on the decision. In general, one can assume that if a question is asked, the asking party has sufficient reasons to ask the question.

Similarly, suppose parents discover negative information regarding a woman whom their son is already dating. The parents are con-
cerned about this, but it is likely that the information will not affect their son’s decision, as he already likes the woman and will not be easily dissuaded from dating her. A **Rav** should be consulted to determine whether there would be a constructive purpose in telling the information to the son.\(^{436}\)

**SPECIFIC QUESTIONS THAT CALL FOR JUDGEMENT**

11. Sometimes one is asked a specific question that requires a judgment call. In general, one should only disclose facts, not personal opinions (as mentioned above in Paragraph 3). However, sometimes the questioner asks specifically for a judgment call. Such questions can include “Is she capable of running a home properly?” or “Will he be attentive to his wife’s needs?” Even if the questioner and respond-ent share a common definition of these terms (which is not always the case), the answer to such a question is not always clear-cut, and it may require an assessment. In this case, one may answer according to their judgment since they were specifically asked to do so.\(^{437}\)

However, many people are not capable of making an accurate assessment, and offering their own judgments may cause harm. Thus, it is advisable not to offer personal judgment without first consulting a **Rav** (see further in Paragraph 13 regarding how to respond before one has the opportunity to speak to a **Rav**). Even when judgement may be offered, it should be stressed that this is a personal assessment, not a confirmed fact.
ONE WHO IS UNABLE TO ANSWER OBJECTIVELY

12. If one is asked about an individual and he feels that he is unable to answer objectively, he should not respond to the questions. However, he should be careful to do this in a way that does not show any indication of the fact that he has negative feelings toward the individual. For instance, he can offer to refer the questioner to someone who knows more about the individual.

It must be noted that whenever one has ill feelings toward an individual, it is likely that these feelings will manifest themselves over the course of a conversation about him. If asked about this individual, he should generally not respond, as it is likely that his expressions and tone will give away his true feelings. Rather, he should follow the guidelines set forth above. However, if one feels that he is capable of answering objectively even about someone whom he dislikes, he is permitted to respond.

WHEN UNSURE HOW TO RESPOND

13. When one is asked a question about an individual and he is not sure how he is supposed to respond (i.e., he does not know whether and how he should discuss a certain deficiency), he should avoid answering the question at that time. This can be done by changing the topic, or by saying that he is unable to keep talking now and he will continue the conversation later. However, one must exercise caution not to give the other party the impression that he is trying to avoid the question. If one is not capable of avoiding a question properly, he may even say that he is not aware of the deficiency (or that he is unaware of the details of the deficiency). Still, if he is able to respond, “I do...
not know” without arousing suspicion, this is preferable. At that point, he should speak to a Rav to determine whether he should call the questioner back and disclose the information.

In general, some Poskim advise that when one is asked about an individual, he should respond that now is not a good time and that he will be available later. This way he will be able to prepare himself in advance and discuss with a Rav whether or not he should reveal certain deficiencies. Thus, he will be prepared to respond when asked questions that may pertain to the individual’s negative qualities.

CONFIDENTIALITY

14. We must reiterate a condition mentioned above (in B.11): Whenever relating information that has the potential to damage the subject of the information if it spreads, the speaker must be sure to warn the listener that the information is highly confidential, and that it should not be revealed to others. If a concern exists that the listener will not adhere to this warning and will pass on the confidential information, a Rav must be consulted to determine whether one may relate it to him.

SUMMARY

Disclosing a Moderate Deficiency

• One should not disclose the deficiency if he was not asked about it.
  ▷ If the questioner does not know to ask about it but would be particular about the deficiency, a Rav should be consulted.
• Even a general question such as “What do you know about him?” does not warrant revealing the deficiency.
• One should only disclose it in response to a specific question.
• When asked a specific question that does not have a concrete definition (such as about middos), one should respond positively.
  ▷ This is the case unless he knows the intention of the questioner, the questioner gives a precise definition, or the individual is lacking according to all definitions.
• One should only respond with facts, not assessments (unless he is specifically asked for his opinion).
• If it is clear that the shidduch is untenable, one should attempt to discourage the match while revealing as little information as possible.
• When disclosing negative information, one should warn the listener that it is confidential and should not be related to others.
• The conditions for to’eles must be met.
• There are certain instances when one should avoid answering a question. This can be when the questioner has an irrational concern, or when the respondent feels that he cannot answer objectively. A Rav should be consulted.
• When unsure how to respond, one may say, “I don’t know” or otherwise conceal the deficiency until he is able to consult with a Rav.
• When one receives a call about an individual, it is advisable to postpone the conversation so that he will able to consult a Rav in advance about whether and how to disclose any deficiencies.
INTRODUCTION

1. In the previous section, we discussed when one is permitted to answer questions about a potential shiduch and when one should avoid answering. We mentioned that one must be careful to understand the terminology used by the questioner in order to give an accurate response. In this section, we will continue to elaborate on how to respond accurately. Indeed, there are times when a simple, straightforward answer will actually be a misrepresentation of the truth! We will see that one may need to make changes to a response or add a broader framework in order to provide the questioner with the information that he is truly asking for.

The laws pertaining to changing information are extremely nuanced and delicate. One should never make such a decision on his own without the guidance of a Rav who is aware of all of the details of the situation. Our presentation of these halachos is only so that one will know when a Rav should be consulted.

WHEN COMMON PRACTICE IS TO EXAGGERATE

2. If it is common practice for people to exaggerate or deviate slightly from the truth regarding certain information, it is permissible to do so. This is not considered deceit since the questioner will assume that the answer is exaggerated. In fact, it is possible that if one does not exaggerate in the standard fashion, he will be portraying the individual in a negative light, as the questioner will assume that the (true) answer that he received was actually an exaggeration.
For instance, it is common in many places to exaggerate regarding common questions, such as about an individual’s character traits or his level of Torah knowledge. If someone is average in these areas, many will say that he excels. If this is standard practice, then it is both permitted and required to respond in such a manner. If one were to say that he is average, this would be interpreted as meaning that he is below average, thus constituting untrue negative information!

According to some Poskim, the same can be applied to places where it is the accepted practice to say that an older shidduch prospective is a year or two younger than he actually is. In such places, it will be assumed that in truth, he or she is older than the age given. If one were to say that he is average, this would be interpreted as meaning that he is below average, thus constituting untrue negative information!

Furthermore, in a place where this is not the accepted practice, it is absolutely forbidden to alter the age of the individual. Therefore, one may never rely on this dispensation without specific direction from a Rav.

THE PROPER FRAMEWORK

3. Whenever one answers a question about another person, he should be careful to respond within the proper framework. For instance, it is common in many places to exaggerate regarding common questions, such as about an individual’s character traits or his level of Torah knowledge. If someone is average in these areas, many will say that he excels. If this is standard practice, then it is both permitted and required to respond in such a manner. If one were to say that he is average, this would be interpreted as meaning that he is below average, thus constituting untrue negative information!

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Part E: Answering Accurately According to the Understanding of the Questioner

stance, suppose that one is asked about the style of clothing that an individual wears. The questioner may try to draw conclusions about the individual’s personality based on his clothing style. He may assume that someone who wears stylish clothing is more interested in physicality than spirituality. If this is not the case, then the one answering the question should be sure to supplement the answer with information regarding the individual’s involvement in spiritual pursuits.\textsuperscript{448}

Furthermore, even when disclosing the flaws of an individual, the speaker should mention any factor that minimizes the severity of the flaw.

\textbf{Example:} Rabbi Rosenberg is asked whether Shimon consistently comes to \textit{Shacharis} on time. The truth is that Shimon stays up late at night learning Torah and struggles to arrive at \textit{Shacharis} in a timely fashion. Instead of simply responding “No,” Rabbi Rosenberg should say, “Shimon learns until late at night, and he has difficulty waking up on time. He has tried to change his schedule, but so far he has not been successful.”\textsuperscript{449}

Similarly, if a conversation about the individual revolves around the individual’s character flaws (even in a situation in which it is permitted to disclose such information) without any mention of his positive qualities, it will shed a negative light on the individual.\textsuperscript{450} Thus, when disclosing negative information, one must also mention the individual’s positive qualities, so that the conversation will constitute an accurate picture of the individual.

\textbf{Example:} When responding that Dov is not one of the strongest students in terms of his academic skills, one should say, “Yes, Dov does have some difficulty mastering the Gemara \textit{shiur} (lecture), but his level of \textit{hasmadah} (diligence) is remarkable. He learns Torah with great enthusiasm and has seen much success. Dov is respected by all of his peers, and everyone enjoys his company.”

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Chapter Eight: Shidduchim

UNREASONABLE QUESTIONS

4. Sometimes one knows that the questioner is not making a reasonable request. Suppose he says that his daughter requires the most successful student in the yeshivah, and he is asking if a particular boy meets this qualification. The respondent knows this man and his daughter, and he realizes that they lack an accurate understanding of the yeshivah system. He knows that an average student would suffice for them, and indeed, the best student would not be a good match for her. In this situation, it may even be permitted to say that the boy under discussion is the best in the yeshivah.\(^{451}\) This is because one should respond according to what the questioner really wants to know, and not necessarily according to the exact words of the question. However, there are many considerations involved, and a Rav must be consulted before applying this rule to any given situation.\(^{452}\)

Note that one should always attempt to ensure that his words are as truthful as possible (even when he is permitted to deviate from the objective truth).\(^{453}\) Thus, if possible, he should not explicitly say that the boy is the top student in the yeshivah when he is not. Rather, he should say, “I don’t know who the best is. However, the student under discussion is one of the very successful boys in the yeshivah.” This answer remains in the realm of the truth (as even an average student can be deemed “very successful”) and still satisfies the requirements of the questioner.\(^{454}\)
Similarly, suppose a father is making an inquiry for the sake of his son, and the one being questioned senses from the father’s questions that he has his own benefit in mind, and is not considering the son’s best interest. In such a case, one should seek the guidance of a Rav regarding how to respond.\textsuperscript{455}

\section*{CASUAL MENTION}

5. There is an important point to keep in mind when disclosing negative information: many times, it is optimal to relate the information casually, in passing. People are greatly influenced by the opinions and presentations of others. If the information is presented as a deficiency, the listener will view it as such. However, if it is mentioned informally, merely in passing, the listener will be left to make his own decision regarding how to treat the deficiency. Moreover, when the issue at hand may not be a deficiency in the eyes of the party seeking the shidduch, a Rav may advise an individual not to reveal the information in any explicit way, but rather to merely hint to it. In some situations this is sufficient, for the following reason: if the one asking the questions is sensitive to the issue, he will probe further, and if he is not sensitive to it, he will not pick up on the hint.
The above discussion applies to questions posed before an engagement. However, once an engagement has been announced, the halachos become more stringent. Some Poskim rule that at this point, one may only disclose information if he knows for certain that the couple is objectively incompatible (however, see footnote).
Examples of such an issue include one of the parties not being a practicing Jew, having a disease with a fatal prognosis (that the other party is not aware of), or having certain highly offensive traits that preclude having an enduring marriage. A Rav must always be consulted before deciding if one should disclose information to an engaged party.
PART G:
DISCONTINUED SHIDDUCHIM

ONE MAY NOT DISCLOSE THE REASON TO OTHERS

1. If one goes on a date with an individual and, for whatever reason, decides that he does not want to continue dating, he may not tell his reasons to others (if his explanations contain something negative about the other party). Indeed, one may not even explain his reasons to his parents, teachers, or close friends, unless he is in need of their advice or assistance in this matter.\textsuperscript{459}

It should be noted that there are many cases in which one does need the advice of parents and teachers. For instance, it is common that a girl who is relatively new to the shidduch process will need to talk things over with her parents even after she has concluded that the shidduch is not for her. Although she has seen something that she does not like in the boy and she has decided to discontinue dating him, she may need the guidance of her parents before making a final decision, since they have more life experience and can shed a different light on the situation.\textsuperscript{460} Hence, it is important to ask a Rav for guidance regarding how to apply this halachah.

If one did receive Rabbinic sanction to speak to another person in order to receive advice, he should still try to avoid saying words of lashon hora, if possible. Thus, one should not disclose the identity of the individual under discussion. However, if the most qualified individual to give the advice is already aware of the subject's identity, it is permitted to consult with him. Similarly, one may disclose the...
subject's identity if such information is needed in order to receive the proper guidance.\textsuperscript{461}

**TO THE SHADCHAN**

2. Similarly, one who decides to discontinue a *shidduch* may not disclose his reasons to the *shadchan* (matchmaker) if this involves relating negative information. The *shadchan* may say that he needs to know the information in order to set up proper *shidduchim* for that individual in the future, but it is generally still prohibited to share it with him. Indeed, the possible benefit to the *shadchan* is usually too remote and indirect to be considered a constructive purpose. In all the above situations, one should simply say that he did not feel that he and the other party were a proper match.\textsuperscript{462} However, if the *shadchan* says that he wants to be told about the issue because he may be able to shed a more positive light on the individual and restore the *shidduch*, one may reveal the true issue to him (if he assesses that the *shadchan* is correct).\textsuperscript{463}

Note that there may be a dispensation to disclose information to a *shadchan* even after a final decision has been made. At times, the other party has been dating without success for many years. There may be, for instance, a certain behavior that he exhibits that deters others from wanting to marry him. In such a situation, it may be a *to’eles* to notify the *shadchan* of this behavior so that he can guide that party to change. This may be crucial information that can enable that party to get married.\textsuperscript{464} This is one example of a situation in which it would be a *to’eles* to inform the *shadchan* of the deficiency for the sake of that person's future success in dating. There may also be other, limited instances when such an assessment can be made.\textsuperscript{465} A Rav should be consulted. (It is usually preferable that one ask a Rav who is already fully familiar with the subject and his situation.)\textsuperscript{466}
Incidentally, a shadchan must be careful when relating information after a date. Any negative information related in the name of the other party constitutes rechilus. If the shadchan feels a need to convey constructive criticism, he must be tactful to ensure that it will truly be for a to'elez, namely, it should be said in a way that it will be accepted, rather than being deemed the inaccurate perception of the other party.467

PARENTS DISCUSSING INFORMATION

3. Our present discussion yields a surprising halachah: if a parent discovers negative information about a shidduch prospect for his child, the information may not even be shared with the other parent! Indeed, even if the information is significant enough that because of it it becomes clear that the prospect is not a proper match, this may only be communicated in general terms, without revealing any details. However, if there is a possibility that talking over the information may put it in a better light and save the shidduch, the information may be discussed.468
PART H: ASKING FOR INFORMATION

ANY RELEVANT QUESTION

1. When asking for information about a potential shidduch, one may ask anything that he feels may be relevant. One who is researching a potential shidduch does not want to merely find out isolated pieces of information; rather, he wants to obtain a full picture of the person. In order to obtain this picture, many questions need to be asked. Moreover, there are many times that important information is not conveyed, for a variety of reasons. The more questions one asks, the greater the possibility that he will get a sense if there is something that is reason for concern.

Similarly, it is permitted to ask the same questions to numerous individuals. Each respondent is likely to add more details and different perspectives, which will enhance the understanding of the questioner.

As with all negative information said for to'eles, it is only permitted to listen and to be choshesh for what was said. However, it is forbidden to believe it. This was mentioned above (7.H). In Chapter 10 we will elaborate on the guidelines of the prohibition to believe loshon hora.
EXPLAINING WHY HE IS ASKING

2. The one asking must state the reason for his questions. Namely, he should specify that he wishes to know about the subject because he is looking into a shidduch. (It is also acceptable to simply say that he is asking for a to‘els, without specifying the specific purpose of shidduchim.) Were he not to clarify that he is inquiring for a constructive purpose, the one answering the question may transgress the prohibition of loshon hora if he relates negative information (see above in 7.H). Thus, the questioner is transgressing lifnei iver by soliciting the information.471

However, there may be times that one feels he will only receive accurate information if he does not reveal the purpose of his questions. Indeed, even those who are generally lax regarding the prohibition of loshon hora can become overly concerned about the consequences of their words when they pertain to a shidduch. Many people can choose not to reveal anything at all when facing questions about shidduchim. Thus, one may feel that he must conceal the true reason for his questions in order to obtain information. Still, even in such a case, one is generally required to reveal that he is asking for the purpose of a shidduch. If one feels that it will be absolutely impossible to obtain crucial information without concealing his purpose, a Rav should be consulted.472

ASKING ONE WHO GIVES ACCURATE INFORMATION

3. When inquiring about an individual, one should be certain only to ask someone who will give an accurate answer. Thus, one may not ask someone who is known to dislike the subject of the prospective shidduch. This is because we are concerned that the person’s emotions will not allow him to speak objectively about the subject.473
Example: Mrs. Rosenberg is researching a potential shidduch for her daughter. She hears wonderful things about the boy under discussion, but discovers that he has had a broken engagement or was divorced. Mrs. Rosenberg may not use the fiancée or ex-wife as a source of information, as it is assumed that she will be unable to respond impartially.\footnote{474}

**ASKING ANOTHER PERSON TO DO RESEARCH**

4. There are times that one would like to ask another person to research a potential shidduch for him. If he could do the research himself, is he permitted to do this? After all, by sending someone else to do the research, the information will become known to an additional party. Does the dispensation of to’eles allow another party to become aware of the information?

The halachah is that one may only appoint another person to do research if the third party can research in a more proficient manner.\footnote{475} The same is true if the third party is likely to receive broader or more accurate information due to his relationship with the source of the information.
Chapter Eight: Shidduchim

It should be noted that it is completely permissible for parents to make inquiries on behalf of their children. The parents are considered one of the parties themselves. They are the ones guiding their child through the shidduch process, and they have a major impact on their child’s choice of marriage partner. Indeed, it is the accepted practice that parents research potential shidduchim for their children. However, in the case of an older single or any child whose parents are less involved in the shidduch process (for whatever reason), a Rav should be consulted to determine whether parents may make inquiries.

WHEN UNDECIDED IF READY FOR SHIDDUCHIM

5. There are times when one has not yet decided if he is ready to start shidduchim. However, he was told about a woman who is a potential shidduch for him. May he research her in case he will decide that he is ready for shidduchim, and will want to go out with her?

In this case, the halachah is that he may research her provided that there is a significant possibility that he will start shidduchim if the information about her is to his liking. Indeed, this is usually the case, as one who discovers a unique shidduch opportunity is generally motivated to start shidduchim. (See above 7.A.12 and 7.G.4 and the footnotes there for a more complete discussion regarding loshon hora that has an uncertain to’eles.)
SUMMARY

- One may ask any question that he feels is relevant.
- He may ask the same question to multiple individuals to get a better picture of the subject.
- He may only be choshesh for any negative information that he hears, but he may not believe it.
- When making an inquiry, he must explain that he is asking for a to'eles.
- He should not ask someone who will likely give inaccurate information.
- A third party should not research a shidduch unless he will do a more proficient job.
PART A: INTRODUCTION

PART B: IMPLICIT LOSHON HORA

PART C: NEGATIVE INFORMATION THAT CAN BE INTERPRETED POSITIVELY

PART D: NEGATIVE INFORMATION THAT CAN BE INTERPRETED POSITIVELY: APPLICATIONS

PART E: PRAISE THAT CAN INSPIRE LOSHON HORA
Chapter Nine: Avak Loshon Hora

PART A:
INTRODUCTION

There is a form of loshon hora that Chazal refer to as *avak loshon hora*. The word *avak* (literally, “dust”) indicates that it is not full-fledged loshon hora, yet possesses a connection to it, similar to the dust that clouds the air when something is being ground. Although dust production is not the purpose of the grinding process, it is peripherally a part of it. Thus, the expression *avak loshon hora* refers to derogatory information that is revealed inexplicitly or indirectly.

Chazal list *avak loshon hora* among the sins that people commit on a regular basis. The Chofetz Chaim explains that without a conscious effort to prevent oneself from committing this aveirah, one will inevitably stumble in it. In this chapter, we will explore various opinions regarding the definition of *avak loshon hora*.
**PART B:**
**IMPLICIT LOSHON HORA**

**DEFINITION**

1. According to some opinions, *avak loshon hora* refers to implicitly negative information. For instance, one who says, “W ho would have ever thought that so-and-so would have become what he is now,” has transgressed the prohibition of *avak loshon hora.* Although nothing explicitly negative was said, the implication was that the individual under discussion is not acting properly. In this case, it is difficult to apply the aforementioned leniency of saying the information in a way that will be understood positively, since in this context, it seems to be clearly negative. (T his discussion applies to statements that are made in a context that shows that the individual is doing something derogatory now. If one says it in the context of praise, see Paragraph 2.)

**IMPLICATIONS ABOUT THE PAST**

2. The prohibition of *avak loshon hora* also applies in the opposite case — when talking about someone who has a shady past, who has now improved his ways. Suppose someone compliments him, saying, “W ho would have imagined that he would be sitting in yeshivah today?” T he speaker is implying that the subject used to behave in such a way that one would not have imagined that he would ever come to learn in a yeshivah. (T his is not necessarily so, but our discussion pertains to a case where this is the implication.) T his implication...
reflects negatively on the individual and constitutes *avak loshon hora*. However, if his previous actions fall into the category of *davar mefur-sam* (as explained in 6.B), this would be permitted.

**“LET’S NOT TALK ABOUT HIM”**

3. Another example pertains to saying, “Let’s not talk about so-and-so. I don’t want to tell you what happened with him.” The implication is that the individual did something improper. Unfortunately, this type of comment is a common occurrence. For instance, someone may ask, “How did the tutoring session with your new student go?” The response is often, “Let’s not talk about it.” This response constitutes *avak loshon hora* (if the tone and facial expression imply that the response is negative).*

**ONE WHO WAS FIRED**

4. Let us discuss another scenario that is relevant to our discussion, and also underscores how a single nuance can determine whether a piece of information is loshon hora. Suppose Reuven was laid off from his job and he wants to tell this to others. May he do so?

In many situations, there is no problem with relating such information. There are many reasons that are not negative for why an employer might fire an employee (for instance, the employee was not working up to the standards of the company or the company is struggling financially and needs to downsize).**

However, consider the following additional factors. Suppose that Reuven is a veteran worker in the company. He is famous for his hard work and diligence, and he is admired by all of his coworkers. There has been a change in the management of the company, and the new, young manager has fired Reuven. Were Reuven to tell this to others, those listening would likely fault the new manager. Indeed, it seems

* However, it would be fine if it is clear that the statement is not negative, such as when the person is simply tired from his day and not up for conversation (and this is obvious to the listener). See further in Part C for more elaboration on the halachos of statements that can have both a positive and negative interpretation.

** There is no problem with the fact that it may reflect negatively on the employee since he is saying it himself. See above (3.C) where we discussed the halachos of saying loshon hora about oneself.
unlikely that Reuven was lax in his performance. The listener would probably assume that the new manager is overly concerned with asserting his authority and has unjustly decided to lay off one of the company’s prized workers. In such a case, it constitutes *avak loshon hora* for Reuven to say that he was fired.

Nevertheless, there are other factors that must be considered. The fact that Reuven is no longer working for the company has probably already become (or definitely will become) public information. If so, one may relate such information under the dispensation of *davar mefursam* (see 6.B). Still, even public information may not be related with the intent of spreading the information (or, according to some, with the intent of degrading the subject of the loshon hora — see 6.B.2). In our case, it is likely that Reuven wants to relate the information in order to invoke the sympathy of the listener by seeing how shocked the listener is that the new manager had the audacity to fire Reuven. If this is so, Reuven may not relate the information. However, if Reuven’s intent is to disclose the information to a mentor or close friend so that he can receive advice for how to cope with the situation, it may be permitted under the exemption of *to’eles* (see 7.G for details).
Chapter Nine: Avak Loshon Hora

Part C: Negative Information That Can Be Interpreted Positively

The Prohibition

1. There is another form of forbidden speech that is similar to implicit loshon hora: relating information that is generally understood as negative, yet can also be interpreted positively. In this case, too, nothing derogatory is said explicitly, but such speech is forbidden because the listener will likely interpret it as negative. (Regarding information that can be equally interpreted as positive or negative, the Chofetz Chaim remains in doubt if it, too, is forbidden.) Although this category of loshon hora is forbidden, there are some notable exceptions, as we will explain.

Note that many deem this category to be genuine loshon hora, not avak loshon hora. Still, we will discuss it here due to its similarity to implicit loshon hora, which is a form of avak loshon hora.
Part C: Negative Information That Can Be Interpreted Positively

SITUATIONS WHEN PERMITTED

2. Since this information can be interpreted positively, it is permitted to relate it whenever there is reason to assume that it will be portrayed and understood in a positive way. If the speaker uses a positive tone of voice, facial expressions, body language, or anything else that conveys the information in a positive way, it is permitted. 

491. However, 

וכתב מקה"ח דמהאי טעמא הוא השמיט את ציור זו בכלל ט'. וכתב דחזר ממה שהביא אותו בכלל במ"ח סק"ב (וכן ממה שכתב במקה"ח ג:ב).

. במ"ח (ג:ב). והנה יש קצת משמעות שם שההיתר הזה הוא רק לענין אבק לשון הרע. (וע"ע 491 כתבו לדון לענין נ pdo"ד של דבר 

במ"ח ב' סק"ב בסוף ההג"ה המתחיל "ולא תשיג"). ובהערה שיש בו חד משמעות שנתפרש בגנאי גמור, אם הוי אבק לשון הרע או לשה"ר גמורה. עוד הבאנו שכמה ראשונים ס"ל שאפילו נורא בי פלניא (שאינו גנאי גמור) הוי לשון הרע גמורה. אבל נראה שבאמת ההיתר של החפץ חיים כאן נאמר גם בנ pdo"ד, אפילו אם הוא לשה"ר ממש. כי הסברא שהנתן להקל, שהוא מוציאו באופן שאינו לגנאי, שייך גם בנ pdo"ד. עוד הרי ההיתר הנ"ל основан על הגמ' (ערכין טו:) לענין נורא בי פלניא, וא"כ גם הסוברים שנורא בי פלניא הוא לשה"ר גמורה. עוד

ויש להרחיב קצת בענין זה. איתא בגמרא שם: היכי דמי לישנא בישא. אמר רבה EXAMPLE.

איכא נורא בי פלניא. א"ל אביי מאי קא עביד גילויי מילתא בעלמא הוא (פרש"י הואיל ואינו לומרה בלשון הרע אלא מגלה לאות々 שבמקשין אור לכו לבית פלוני). אלא דמפיק ליה בלישנא בישא דאמר, עכ"ד הגמרא. ויש לפרש דקשיית הגמרא דאיכא בשרא וכוורי היכא לשאנס נורא אלא בי פלניא היה דאין זה לשה"ר כי אין טעם לחשוב שכונתו הוא לגנאי. ומסקנות הגמרא הוא דאמרוUBL. שלוש השיטות של aumentogow.

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108 ע"ש שבילי חיים סק"א). ולפ"ז הרי רואים מקשיית הגמרא דכל שאמרוUBL. לשון יסוד

דרומי הדינו מפרשים את תוספק ולהופך לכל. ובראשינו (ב:ב, ג:ב) מהרא"ב vel. מאחר שבמסגרת המ님当前位置同じです.

דאם הוציא אותו מפיו באופן שלא היה מתבייש לומר זה אפילו בפניו מותר. ואם אומרו בתנועותיו, עכ"ל. וזהו באמת источник הדין. 

דח"ש של מקה"ח מרחיב עלför"ם של מקה"ח. 

œש הדרחי הקטע בשני זה. ולא ייבא לאמר ר"א דוד המשמע ההלנה. ודברי שבע מתכchner ההלנה מאמר והאם הוא מתכchner ההלנה. ועל כן אפינ רב"א דוד המשמע בהלנה. לא ממה שכתב במקה"ח ג:ב.   108 ע"ש שבילי חיים סק"א). ולפ"ז הרי רואים מקשיית הגמרא D

דרומי הדינו מפרשים את תוספק ולהופך لكل. ובראשינו (ב:ב, ג:ב) מהרא"ב vel. מאחר שבמסגרת המ님 Positioned SAME.

דאם הוציא אותו מפיו بصورة שלא היה מתבייש לומר זה אף בפניו מותר. ואם אומרו בתנועותיו, עכ"ל. זה הוא באמת המקור לדין. 

דח"ש של מקה"ח מרחיב עלför"ם של מקה"ח. 

œש הדרחי הקטע בשני זה. ולא ייבא לאמר ר"א דוד המשמע ההלנה. ודברי שבע מתכchner ההלנה מאמר והאם הוא מתכchner ההלנה. ועל כן אפינ רב"א דוד המשמע בהלנה. לא

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one must be cautious when relying on this dispensation, as it involves subtleties in how one expresses himself,\(^\text{492}\) and a minor nuance may cause one to transgress the prohibition of loshon hora.\(^\text{493}\)

**IN FRONT OF THE SUBJECT**

3. Although one must be cautious before applying the aforementioned dispensation, there is another exemption which is based on the above, yet does not require as much caution: when the subject of the information is present. When the subject is present, it can be assumed that the speaker will convey the information positively.\(^\text{494}\) This dispensation relies on the fact that the speaker would be embarrassed to say negative information in front of the very person whom he is speaking about. Thus, one can be sure that he will try to speak positively, and that the audience will interpret it that way.

**IF THE SPEAKER WOULD BE WILLING TO RELATE IT IN FRONT OF THE SUBJECT**

4. In truth, one can utilize this dispensation even when the subject of the information is not present. If one tries to imagine that the subject is actually present, he should be able to determine if his words are acceptable.
are truly portraying this individual positively. If the speaker will be comfortable relating the information in front of the subject, he can be sure that it will be related in a permitted fashion. However, if he imagines that he would feel uncomfortable sharing the information in front of the subject, he should refrain from relating it. In this case, we can assume that the information will be interpreted negatively.

**IN FRONT OF THREE PEOPLE**

5. There is another situation in which it is permitted to relate information that can be interpreted as either negative or positive: when there are at least three people present when the information is related. This scenario has the same halachic status as the one in which the subject is present. It is assumed that when there are three or more listeners, the information will spread to others (see 6.A above) and eventually get back to the subject. The speaker will be aware that word will reach the ears of the subject, and he will be careful to tell the information in a positive manner.

**EXCEPTIONS TO THE LENIENCIES**

6. These leniencies are based on certain assumptions about standard human behavior. However, in any case in which the speaker clearly presents the information negatively, it is categorically forbidden, regardless of who is listening to the information. Furthermore, if the information is being said in front of someone who is known to regularly find fault in others, it is forbidden in all cases (even if it is said in a positive way, and even if it is said in front of three people).
Chapter Nine: Avak Loshon Hora

**SUMMARY**

- Information that can have two possible interpretations — one positive and one negative — should not be related. However, if the information is generally understood positively, it is permitted.
- If the information is generally understood in a negative way, it is certainly forbidden to relate it. (However, if there is reason to assume that in a given situation it will be understood in a way that is not negative, it is permitted, as we will explain presently.)
- If the information is said in front of three people or in front of the subject of the information, it is permitted. In this case, it can be assumed that the speaker will present it (with his expressions or body language) in a positive fashion.
- If the speaker is careful to present the information (with his expressions or body language) positively, it is permitted in all cases (even not in front of the subject of the information or three or more people). However, it is difficult to ascertain that the speaker will be as careful as necessary. Therefore, it is only advisable to relate the information if the speaker would be willing to relate it even if the subject of the information was present.
- If the information was said in front of someone who is known to regularly find fault in others, it is forbidden in all cases (even if it is said in a way that leans toward a positive interpretation, and even if it is said in front of the subject of the information or three or more people).
PART D:  NEGATIVE INFORMATION THAT CAN BE INTERPRETED POSITIVELY: APPLICATIONS

NURA BEI PLANIA

1. The Gemara brings one example of these laws: the case of nura bei plania (a fire in his house). One person asks, “Where can I find a fire?” Another responds, “In so-and-so’s house, where they are always cooking.” This can be interpreted negatively, meaning that they are gluttonous people who are always cooking and eating. However, it can also have a positive connotation — meaning that it is a house where people are always cooking for those who do not have food.

TALKATIVE

2. A common modern-day example is describing an individual as talkative. There is nothing inherently wrong with talking a lot. In fact, people who are dubbed “talkative” may make the most pleasant...
company. However, sometimes such a description can be derogatory, referring to someone who talks too much\textsuperscript{501} (see also 8.D.7).

These (Paragraphs 1 and 2) are two examples of information that could have either a positive or a negative interpretation and are subject to the guidelines detailed in Part C.

**EMAIL AND TEXT MESSAGES**

3. One must be extremely cautious when relaying information through email and in text messages. Studies show that due to the absence of face-to-face interaction (including tone of voice and visual cues), there is greater opportunity for misinterpretation in these forms of communication. Moreover, the messages are often composed quickly, without proper thought and sensitivity. Oddly enough, research indicates that the transmitters remain confident that they delivered a clear message, and the receivers are equally confident that they understand the message accurately.\textsuperscript{502}

In light of this, when transmitting messages about others through these means, one should be exceedingly cautious that the words do not contain anything that can be misinterpreted as negative or demeaning.

\textsuperscript{501} ע"ע חפץ חיים (במ"ח ד' סקל"ז) שנתן עוד ציור לומר דמישהו הוי קפדן. והוא מוכיח דאין זה גנאי ב💭 מהא שמצינו ששמאי הזקן נקרא קפדן (שבת ל., וע"ע תענית כה: לענין רבי אליעזר וע' велик באור ישראל סי' כ"ח שם הגרי"ס שהא ששמאי ורבי אליעזר היו קפדנים לא היה משום חסרון במדות אלא משום שס"ל כי יש לנהוג משום כבוד התורה). וכתב דמצינו יותר שר' יוסי קריא לאליהו הנביא קפדן (סנהדרין קיג.). ולכן מתיר החפץ חיים לומר שמישהו הוא קפדן אם הואאמד בעצמו שהיה אומר כן בפניו. (אבל עיין שם שממשיך שבדרך כלל אין להתיר אכפת כי מצói שאם הראשון יאמר שהוא קפדן אז השני יוסיף שהוא גם כעסן ויבא לידי לשון הרע גמורה). וע"ע תשיבת הרב יצחק ברקוביץ (סי' ט') שבסוף הספר.

\textsuperscript{502} ועע החפץ חיים (במ"ח ד' סקל"ז) לחומש יסוד התורה (סי' glyphs) שם מביא את ציורו לומר דמישהו הוי קפדן. הוא מוכיח דאין זה גנאי ב💭 מהא שמצינו ששמאי הזקן נקרא קפדן (שבת ל., וע"ע תענית כה: לענין רבי אליעזר וע' велик באור ישראל סי' כ"ח שם הגרי"ס שהא ששמאי ורבי אליעזר היו קפדנים לא היה משום חסרון במדות אלא משום שס"ל כי יש לנהוג משום כבוד התורה). וכתב דמצאפר more than one rabbi called a kipen (Keneseth Yisroel, 451). Therefore, HaChafetz Chaim allows saying someone is a kipen if he is confident that he was telling the truth. (But see there saying that in general it is not allowed because if the first one says he is a kipen, then the second one may add that he is also a liar and it becomes slander). See also the response of Rav Yitzchak Berkowicz (page 6) at the end of the book.

In light of this, when transmitting messages about others through these means, one should be exceedingly cautious that the words do not contain anything that can be misinterpreted as negative or de-meaning.
PART E: PRAISE THAT CAN INSPIRE LOSHON HORA

PRAISE IN FRONT OF THOSE WHO DISLIKE THE SUBJECT

1. Chazal teach that one may not speak the praises of an individual because others who hear will come to mention something negative about him. Some explain that this rule refers specifically to a situation in which the praise is said in front of those who dislike the subject. In such a case, it is likely that one of the listeners will say something derogatory about the person in order to offset the praise.

This is only avak loshon hora, as the information is not loshon horapera; rather, it is information that can cause loshon hora to be spoken.

Similarly, one should refrain from praising an artisan in front of his competitors. Chazal assumed that competitors are jealous of each other's success due to their competition. Hence, this is the equivalent of praising someone in front of his enemies. See responsum 14 of...
EVEN WITHOUT PRAISE

2. This prohibition was stated specifically regarding praise. However, in truth, it also applies to other situations. As mentioned above, the reason for the prohibition is that the words of praise will likely elicit a negative response. Thus, any statement regarding someone whom the listener dislikes, which is prone to arouse the listener to speak loshon hora, is included in the same prohibition.507

A common application of this can arise when an individual had an interaction with a person or institution whom he disliked (or had any other negative experience with). It is forbidden to ask him how it went, as it is quite likely that he will speak loshon hora in his response.508

PUBLIC PRAISE

3. Similarly, it is prohibited to praise someone in public, as it is very possible that one of the listeners dislikes the one being praised.509

In this case, too, the praise is likely to lead one of the listeners to speak loshon hora. However, if the speaker knows that nobody in the audience dislikes the one being praised, he may praise him even in public.510

Rav Yitzchak Berkovits (found at the end of the sefer) regarding telling an artisan that he used the services of his competitor.

In this case, too, the praise is likely to lead one of the listeners to speak loshon hora. However, if the speaker knows that nobody in the audience dislikes the one being praised, he may praise him even in public.
In light of this, the prevalent practice of saying words of praise during public speeches needs justification. It is rare to make a definitive assessment that there is nobody in the audience who dislikes the subject of the praise. Hence, such praise seems to be forbidden. 511

Some contemporary Poskim offer a dispensation to speak about a guest of honor at a public event. In this case, when the honoree accepted the honor, he implicitly gave his consent to be praised publicly. Such consent indicates that the subject grants permission for the words of avak loshon hora to be spoken512 (see 3.A for a full discussion of this concept). Others suggest that any praise in public speeches that is common practice and expected is permitted. For instance, one may praise the chassan (groom) and kallah (bride) at a wedding ceremony. 513

If neither dispensation applies, it is difficult to find a rationale for speaking words of praise publicly. See the footnote for other possible considerations.514 A Rav must be consulted.
A common application of this applies to putting information on the internet. It is not feasible to assume that everyone who reads the information will have positive or neutral feelings toward the subject. Anything on the internet has the potential of being read by billions of people, and there is no guarantee that the praise will not lead to negativity from those who dislike the subject (which is, in fact, all too prevalent on the internet). In light of this, one must seek Rabbinic advice before putting positive information on the internet.

EFFUSIVE PRAISE

4. Others offer a different explanation of the aforementioned teaching of Chazal which prohibits praising someone. They understand that Chazal are referring to saying effusive praise about someone. In such a situation, it is common that the speaker or one of the listeners will add a comment about some flaw that the subject has, transgressing the prohibition of loshon hora.
Example: Mr. Berger comments to Dr. Hirsh, “I just started to become acquainted with Mr. Gold. He is an unbelievable person. He has sterling character traits, is well liked by everyone, and is a great scholar. He is the most refined and talented person that I have ever met!” This constitutes *avak loshon hora* since it is likely that Dr. Hirsh will offer a response such as, “Well, Mr. Gold certainly is a special person, but I think you are going a little too far with your praises. You should have seen how he lashed out at some children who spoke disrespectfully to him last week.”

GLARING OMISSIONS

5. The Chofetz Chaim writes that there can be situations in which the praise itself is considered bona fide loshon hora. This occurs when someone praises another person but glaringly omits certain praises that the audience would expect to hear. These glaring omissions imply that he is missing qualities that he is expected to have, and are a form of implicit loshon hora. Similarly, see above, 1.B.5.

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CHAPTER TEN:
ACCEPTING LOSHON HORA

PART A: LISTENING AND BELIEVING

PART B: WHEN AMONG OTHERS WHO ARE SPEAKING
LOSHON HORA

PART C: EVIDENCE THAT SUPPORTS THE LOSHON HORA

PART D: INFORMATION THAT WILL BECOME KNOWN

PART E: FROM A RELIABLE PERSON
**PART A: LISTENING AND BELIEVING**

**THE SOURCE OF THE PROHIBITION**

1. The Torah says, *“Lo sisa sheima shav.”* Literally, this ambiguous verse translates as, “You shall not carry false information.” However, Chazal interpret the verse in a number of ways. They teach that this verse includes a prohibition not to accept loshon hora. Rabbeinu Yoḥonah explains this to mean that one may not accept the words as fact and change his attitude toward the subject based on what he heard. Some authorities understand that this is the extent of the prohibition to accept loshon hora. However, others indicate that there is also a prohibition simply to listen to loshon hora, even if the listener has no intention of believing it. Some go so far as to say that listening—פ’ משפטים (כג:א)—is prohibited.

Some authorities understand that this is the extent of the prohibition to accept loshon hora. However, others indicate that there is also a prohibition simply to listen to loshon hora, even if the listener has no intention of believing it. Some go so far as to say that listening—פ’ משפטים (כג:א)—is prohibited.
ing even falls under the aforementioned Biblical prohibition, and the Chofetz Chaim concurs. (See 1.B.2 regarding listening to lo- shon hora when the listener is unaware of the identity of the subject.)

LISTENING FOR A TO’ELES

2. However, the Chofetz Chaim concedes that the prohibition to merely listen has its limitations. In any situation where there is an anticipated to’eles, it is permitted to listen to the information. However, the prohibition to believe it still applies.

Chazal teach that one must be choshesh for loshon hora (i.e., he must take the necessary precautions in case the loshon hora is true) even though it is forbidden to believe it. The Chofetz Chaim writes that it is even permissible to listen to loshon hora, provided that the listener anticipates a constructive purpose from hearing the information. Again, one must be careful only to be choshesh, and not to believe it. For further elaboration on this halachah, see 7.H.
3. How exactly can one be choshesh for loshon hora without believing it? According to some Poskim, this can be understood literally. In other words, in the listener’s mind he thinks of the subject of the loshon hora just like he did originally. His attitude and his actions toward him do not change at all. The only change that he makes is taking precautions to protect himself or others from any harm that may occur were the loshon hora to be true.529

However, other Poskim disagree.530 They argue that only an angel, who is in effect a robot, is capable of separating its thoughts from its actions. In contrast, a human being is unable to suspect that something is true (to the extent that he takes active precautions to protect himself) yet eliminate all suspicion from his mind.531 According to these Poskim, one may not fully believe the information, but he may suspect that it is true. However, this suspicion may not manifest itself in his actions. He must act toward the subject in the exact same way as he did before he heard the information. Even the slightest change in conduct as a result of hearing the information is forbidden.532

On a practical level, a person should try not to believe the information, to the best of his ability. At the least, he must consider the possibility that certain facts are missing that could change the entire
If he is unable to completely remove the suspicion from his heart, he may rely on the lenient opinion and simply ensure that he does not fully believe the information and that his conduct toward the subject does not deteriorate.\footnote{Unless this falls into the category of being \textit{choshesh}. For example, if a rumor abounds that an individual is abusive, one may avoid being in his company, even if it can result in being unable to do him a favor (which he would otherwise have done for him). Similarly, if one heard that a certain person is not honest, he need not lend him money if it will be difficult to retrieve the money if the borrower denies the loan [ע"ב דברי החפץ חיים עצמו בנוגע לשה"ר לתועלת על חטא בין אדם לחבירו דכתב (במ"ח כלל י סקכ"ד) שאסור להאמינו אבל לאו למימרא שיאמרו דקרוב לודאי שהוא שקר אלא "יכנסו הדברים לאזניהם לענין שיהיה עיקר הדברים נוטה בלבם לאמת, אך אעפ"כ עדיין לא נתגנה פלוני משום זה כי אולי חסר פרט א' קטן שعي"ז נשתנה כל הענין. ועל כן יבואו לחקור אחר כל הענין בשלמותו/[בצ"ע] (י"ל רילוד כל"ה חסיניוו). וע"ש בשבט伊利 (סקט"ו). י"ע זרע חיים (עמ' שסח-שסט) שמארך להביא סמוכין לדברי החozo"א, ומסיק (עמ' ש"ע) שנראה כי עיקר להלכה. וכן שמעתי מאת הרב יוסף ברגר. וע"ש תשבות והנהגות (ח"א סי' תקנ"ה מה שרצה להגדיר אפילו בדעת החפץ חיים עצמו, ולקרב את דבריו לדעת החozo"א. אמנם ע"ש תשובת הרב ישראל בעלסקי (זכרון אברהם ברוך עמ' תכב-ג) הסובר שהעיקר כדעת החפץ חיים. (וכתב שלא הבין את טענת החozo"א עליו, ע"ש.)}

To help understand that missing facts can change the picture, consider the following scenario: Mr. Weiss complains to Mr. Friedman, “I am enraged at what just happened to me! I have been trying to speak to Rabbi Schwartz for weeks. Finally, we scheduled a meeting. I drove fifteen minutes to get to his office, and he didn’t show up. Not only that, he didn’t even have the decency to tell me that he is canceling the meeting!”

It is difficult for Mr. Friedman to imagine that Mr. Weiss, his trusted friend, fabricated the entire story. However, he can reason, “I know that Rabbi Schwartz is a responsible person. It is completely out of character for him to miss a meeting. I am aware of the fact that his wife has a heart condition and has been taken to the hospital a number of times over the past few months. I wonder if a medical emergency arose, and Rabbi Schwartz had to rush her to the hospital. If such a crisis arose, it is understandable that he was unable to call Mr. Weiss to cancel the appointment.”

As mentioned, all agree that one may not refrain from helping the subject of the loshon hora in any way as a result of the loshon hora said about him.\footnote{Unless this falls into the category of being \textit{choshesh}. For example, if a rumor abounds that an individual is abusive, one may avoid being in his company, even if it can result in being unable to do him a favor (which he would otherwise have done for him). Similarly, if one heard that a certain person is not honest, he need not lend him money if it will be difficult to retrieve the money if the borrower denies the loan [ע"ב דברי החפץ חיים עצמו.rpmglem נמגמל לאזאיב אלימינאא חמצאר דקרור לדיי ק INCIDENTAL יום אלמא ימסי הרובינן טנ ימשו היכי אולף פרט אנא קומ לסס סגנונת ימכ שודמי יכ יבאו לחזור אחר לענין организים או סמויים.]} The Chofetz Chaim provides an example: A certain
person is established to be a poor man, and thus, he is given charity by the members of the community. A rumor begins to circulate that he is actually a fraud, and is not really in need of charity. Until the rumor is confirmed, one must continue giving him the exact same charitable donations that he would have given him otherwise.\footnote{This implies that were he not established to be a poor person in the first place, one may refrain from giving to him as a result of the rumor. Some explain that this would fall into the category of being choshesh, as he is saving himself from losing money (by giving it to one who does not really need it). However, once the person has been established as needy, refraining from supporting him would be effectively robbing him of his rights \textsuperscript{535}. This requires further clarification.}

**SPEECH THAT CONSTITUTES LOSHON HORA WHEN COMBINED WITH OTHER INFORMATION**

4. According to some Poskim, one may believe loshon hora when the words themselves are not derogatory, even if they shed a negative light on the subject when combined with other factors.\footnote{A. H. \textsuperscript{536}}

**Example:** On Sunday morning, Yosef asks Mendy if he is able to study with him. Mendy responds that he cannot since he is sick with a high fever. On Monday, Yaakov (unaware of the previous conversation) mentions to Yosef that he and Mendy had a great time at the beach on Sunday afternoon. Through Yaakov's information, Yosef discovers that Mendy lied to him, and in truth, he was not sick. This information, combined with the previous day's conversation, reflects negatively upon Mendy. If Yaakov had told Yosef explicitly that Mendy had lied to him, this would constitute loshon hora (and rechilus — see Chapter 13). However, in the present scenario, Yaakov's words contain nothing negative in and
of themselves. According to some Poskim, Yosef may believe what Yaakov said, as the information is not derogatory by itself.\(^{537}\)

**HOW TO ASCERTAIN THAT THERE IS A TO’ELES**

5. The Chofetz Chaim advises that when Reuven comes to Shimon and begins to say loshon hora, Shimon should ask Reuven if the information will be pertinent to him (Shimon) in the future, or if there is some other to’eles for him to hear the information. If Reuven responds in the affirmative, Shimon may listen to the information (while being cautious only to be *choshesh* for it, but not to believe it). However, if he senses from Reuven’s response that there will be no to’eles from the information, it is forbidden for him to continue to listen.\(^{538}\)

**TO SHED A POSITIVE LIGHT**

6. The Chofetz Chaim writes about another situation in which it is permissible to listen to loshon hora. This is when the listener feels that he will be able to convince the speaker (or other listeners) that they have misinterpreted the situation, or otherwise justify the subject of the loshon hora.\(^{539}\)

Furthermore, even if one already violated the prohibition of listening to loshon hora, he must still make a positive use out of this unfortunate conversation. He should attempt to find a justification for the subject’s actions, and try to convince the speaker that his justification is correct.\(^{540}\) However, the Chofetz Chaim cautions that one...
should not try to do this if he assesses that attempting to justify the subject would only cause the speaker to say even more loshon hora about the subject in order to support his earlier assertion.541

WHEN THE SPEAKER INCLUDES HIMSELF IN THE LOSHON HORA

7. Let us conclude with one more point about the prohibition of believing loshon hora. Even if someone said something negative about another person and included himself, it is only permissible to believe what the speaker said about himself, but not what he said about the other person.542
PART B:  
WHEN AMONG OTHERS WHO ARE SPEAKING LOSHON HORA

HE MAY NOT BELIEVE IT

1. What should one do if he finds himself among others who are speaking loshon hora? Obviously, he may not believe the loshon hora, as explained above (Part A). However, how can he avoid the prohibition of listening to the loshon hora? We will discuss a few possibilities.

REBUKE

2. If one feels that there is any way that he can prevent the loshon hora from being said, he must do so. Aside for the prohibition of listening to loshon hora, there is an obligation of ifrushei mei’isura (stopping others from sinning) and tochachah (rebuke). According to the letter of the law, he must tell them that they are not allowed to say such things because it constitutes loshon hora. This is true even if they will not listen to him, provided that his words will not cause them to speak even more or worse loshon hora. However, the halachos of how to properly give rebuke are complex, and very subtle as they apply to our generation. Thus, in general, contemporary Poskim greatly minimize the situations in which one gives rebuke. One should not rebuke another person unless directed by a Rav.


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543 ע. ב"מיין (י"ס סק"ט).
544 הע"ס/Settler. 545 ע. ב"מיין (י"ס סק"ט).
546 ע. בת"ה (כם ב"מע כב) שבאבעג 듣ת המשיח, אבל ב"מע א"ב ואיוריו א"ב, וע"ס/settler enforcement. 547 ע. בת"ה (כם ב"מע כב) שבאבעג 듣ת המשיח, אבל ב"מע א"ב ואיוריו א"ב, וע"ס/settler enforcement. 548 ע. ב"מיין (י"ס סק"ט).
generally advise that one should only give rebuke if it can be given in a very gentle way that will not cause any hard feelings. In many cases, this is not practical. Therefore, the most practical way to stop...
a conversation involving loshon hora is to attempt to change the flow of the conversation in an unobtrusive manner.\textsuperscript{547}

**IF HE CANNOT STOP THE CONVERSATION**

3. The Chofetz Chaim is of the opinion that if there is no way to stop the conversation, one should simply get up and leave, so that he will at least avoid the prohibition of hearing loshon hora. If this is extremely embarrassing and one cannot bring himself to leave, there can be justification found for remaining there.\textsuperscript{548} However, the Chofetz Chaim writes that one must adhere to three conditions:

1. He must make up his mind firmly not to believe anything that is being said.
2. He must be unhappy about the fact he is forced into hearing their conversation. In other words, he should not intend to listen to the conversation. Thus, even if he ultimately hears what they say, it will be considered unintentional.\textsuperscript{549}
3. He should not show a facial expression (or any other gesture) that indicates that he approves of or agrees with what they are saying in any way.\textsuperscript{550} Indeed, his facial expression should preferably indicate that he does not approve of their conversation.

**JOINING A GROUP THAT IS ALREADY ENGAGED IN LOSHON HORA**

4. This leniency only applies if the group began speaking the loshon hora after the individual was already in their company.\textsuperscript{551} If, however, they were already speaking the loshon hora when he came...
to join, it is forbidden for him to join them in any circumstances.552 Regarding joining a group (or an individual) who regularly engages in loshon hora but at the present moment is not speaking loshon hora, see footnote.553 See responsum 12 of Rav Yitzchak Berkovits (found at the end of the sefer) regarding attending a family event at which it is assessed that loshon hora will be spoken constantly.
Part C: Evidence That Supports the Loshon Hora

1. Chazal provide for an exception to the prohibition of believing loshon hora: a situation in which there are devarim hanikarim (indicative factors). In other words, the listener sees evidence that indicates that the loshon hora that he heard seems to be correct. Many opinions qualify this and require strong evidence; a small indication does not suffice. One should bring the evidence to a Rav in order to determine whether it is strong enough to allow him to believe the loshon hora.

Chazal discuss the following example: King Dovid had fled from his palace after his own son Avshalom led a rebellion against him and usurped the throne. Many of the king’s friends had turned against him. He was informed that Mefivoshes, the son of his dear friend Yehonasan, had also joined the rebellion. After Avshalom was killed and Dovid was reinstated as king, Mefivoshes appeared before King Dovid unkempt, with unwashed clothing. In their ensuing discussion, King Dovid made it clear that he suspected that Mefivoshes had been part of the rebellion. (Mefivoshes denied the accusation.) According to one opinion in the Gemara, King Dovid was justified in believing the one who told him that Mefivoshes had been part of the rebellion, because there were devarim hanikarim — i.e., the way that Mefivoshes was dressed.
before the king indicated that he was upset about King David's return to the throne.  

**ONLY TO BELIEVE**  

2. It is important to note that this leniency only extends to allowing one to *believe* the loshon hora that he had already heard. However, this leniency does not allow one to *transmit* such information, nor does it allow him to *listen* to it in the first place. Furthermore, he is merely allowed to believe the information *in his heart*, but he may not act based on the information (such as by taking physical action or causing a monetary loss to the subject).
PART D: INFORMATION THAT WILL BECOME KNOWN

MILSA D'AVIDA L'IGLUYEI

1. The Chofetz Chaim writes that in a case where the loshon hora is a milsa d'avida l'igluyei (information that is going to become known), it is permitted to believe the information.561 This is because nobody would lie about something when the truth will soon be discovered, out of fear for getting a reputation of being a liar.

ONLY BY OBJECTIVE FACTS

2. The Chofetz Chaim qualifies this dispensation by applying it only to objective facts. If there is any level of subjectivity to the way that he tells the information, he will not be afraid to lie, because he can always claim that he was just saying his own assessment of the situation.

The Chofetz Chaim provides an example of this idea: Reuven says that Shimon was overcharged for an item. The dispensation of milsa d'avida l'igluyei does not apply in this case, since even if it becomes clear that Shimon was not overcharged, Reuven could always claim that he honestly thought that the item was worth less.562

LIMITED APPLICATIONS

3. It should be apparent that this qualification greatly limits the entire dispensation. In most cases of loshon hora, the speaker can find...
some type of excuse for why he understood things differently. Hence, one should not rely on this leniency without first consulting a Rav.\footnote{עיין זכר חכם (וצמ.شعب-2) בחרכה משיכי לעצמו את הח INCIDENT. בג שילינו את המ שראיהו. בספר שבית החכמים (עומד כיסף) במקל ישיבול חיים אומר כי בזAFE ויפס שלם אתישב שของเขา של בינוניה דאלא ע wallpapers בחר זכר חכם.Di כותנת הדיבור, בל כל בבד לבושו חכמים✎.',(א) לברקיע 찾아ינן, עניין. דווקא משכון על大海 לו חסר על חסידי לא חסידים. גם ישנים את מה שראיתי \footnote{ע.ז.ע. זרע חיים (עמ' שעג-ד) בארוכה משכ. לסייע את ההיתר. גם ישנים את מה שראיתי בספר שבית החכמים (עומד כיסף) במקל ישיבול חיים אומר כי בזAFE ויפס שלם אתישב ש כאן של בינוניה דאלא ע wallpapers בחר זכר חכם.Di כותנת הדיבור, בל כל בבד לבושו חכמים✎.',(א) לברקיע 찾아ינן, עניין. דווקא משכון על大海 לו חסר על חסידי לא חסידים. גם ישנים את מה שראיתי \footnote{ע.ז.ע. זרע חיים (עמ' שעג-ד) בארוכה משכ. לمؤלח את ההיתר. בג שילינו את המ שראיהו. בספר שבית החכמים (עומד כיסף) במקל ישיבול חיים אומר כי בזAFE ויפס שלם אתישב ש כאן של בינוניה דאלא ע wallpapers בחר זכר חכם.Di כותנת הדיבור, בל כל בבד לבושו חכמים✎.',(א) לברקיע 찾아ינן, עניין. דווקא משכון על大海 לו חסר על חסידי לא חסידים. גם ישנים את מה שראיתי \footnote{ע.ז.ע. זرع חיים (עמ' שעג-ד) בארוכה משכ. לمؤלח את ההיתר. בג שילינו את המ שראיהו. בספר שבית החכמים (עומד כיסף) במקל ישיבול חיים אומר כי בזAFE ויפס שלם אתישב ש כאן של בינוניה דאלא ע wallpapers בחר זכר חכם.Di כותנת הדיבור, בל כל בבד לבושו חכמים✎.',(א) לברקיע 찾아ינן, עניין. דווקא משכון על大海 לו חסר על חסידי לא חסידים. også ישנים את מה שראיתי \footnote{ע.ז.ע. זרע חיים (עמ' שעג-ד) בארוכה משכ. לمؤלח את ההיתר. בג שילינו את המ שראיהו. בספר שבית החכמים (עומד כיסף) במקל ישיבול חיים אומר כי בזAFE ויפס שלם אתישב ש כאן של בינוניה דאלא ע wallpapers בחר זכר חכם.Di כותנת הדיבור, בל כל בבד לבושו חכמים✎.',(א) לברקיע 찾아ינן, עניין. דווקא משכון על大海 לו חסר על חסידי לא חסידים. generado por un modelo de lenguaje AI.}
The Talmud brings a dispensation for believing loshon hora that was said by one who is *ne’eman k’vei trei* (extremely honest, and just as reliable to the listener as two witnesses would be). However, it is not our intention to delve into the details of this halachah. The Chofetz Chaim places many limitations on this leniency, and writes that it is very uncommon to find a situation in which this dispensation is actually valid. Furthermore, he asserts that today there is no person who is so honest that he can be deemed *ne’eman k’vei trei*. Thus, the dispensation is no longer practical. Still, other Poskim rule that the concept of *ne’eman k’vei trei* does exist even today. Nevertheless, all agree that its application is rare. It should only be applied under the guidance of a Rav.

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**PART E: FROM A RELIABLE PERSON**

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CHAPTER ELEVEN:
THE EXTENT OF THE PROHIBITION
Chapter Eleven: The Extent of the Prohibition

RISKING MONETARY LOSS

1. The general rule, which applies to all negative prohibitions, is that one must forgo all of his monetary assets (if necessary) in order to avoid transgressing the prohibition.\textsuperscript{571} Loshon hora is no different. Therefore, if need be, one is obligated to give up all his money to avoid speaking loshon hora.\textsuperscript{572} Hence, if one is pressured by his boss to say loshon hora, the prohibition of loshon hora still applies even if it may (or will certainly) jeopardize his job.\textsuperscript{573} However, this assumes that the exemption of \textit{to'el} does not apply.\textsuperscript{574} A Rav should be consulted.

VERBAL PRESSURE

2. Certainly, if there is no risk of financial loss, but merely verbal pressure to relate the information, it is forbidden to acquiesce.\textsuperscript{575}

LISTENING TO LOSHON HORA

3. The above is true only in regard to speaking loshon hora. However, if one is merely found among others who are speaking loshon hora, there are certain exemptions from the prohibition (provided that the listener is careful not to believe the information that is being said).\textsuperscript{576} We have discussed these halachos above (10.B).
LYING TO AVOID LOSHON HORA

4. Before we end the discussion of these halachos, it behooves us to emphasize a certain point: the Chofetz Chaim writes that if an individual is asked about another person and there is no way to avoid responding to him, it is permitted to lie in order to avoid saying loshon hora (see above, 1.B.5). If possible, one should merely omit certain negative details (without lying outright) if that will be enough to avoid saying loshon hora. However, if this is not possible, one may even fabricate information in order to avoid speaking loshon hora.

Shabbat Shalom (the book of Chayei Shemesh) states that there are certain exceptions to this rule. If it is possible, one should merely omit certain negative details (without lying outright) if that will be enough to avoid saying loshon hora. However, if this is not possible, one may even fabricate information in order to avoid speaking loshon hora. 

Chapter Eleven: The Extent of the Prohibition

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CHAPTER TWELVE:
REPENTANCE AND ASKING FORGIVENESS
Chapter Twelve: Repentance and Asking Forgiveness

REPENTING FOR BOTH ELEMENTS OF THE SIN

1. Loshon hora is a transgression and a breach in the relationship both between man and God (as the Torah forbids us to speak loshon hora) and between man and his fellow man. Thus, both of these aspects must be dealt with in our discussion pertaining to repentance.579

In all cases of loshon hora, the transgressor must repent in the same way that one repents for all aveiros committed against God. Namely, he must regret what he did, confess his aveirah before God, and resolve not to continue committing the transgression. A discussion of the many details of repentance is beyond the scope of this work.

Regarding the transgression between man and his fellow, the requirements of repentance depend on the case. If the loshon hora caused any form of damage or pain to the subject, the speaker must...
ask him for forgiveness.\textsuperscript{580} Damage includes both physical damage and monetary damage.\textsuperscript{581} Pain includes physical pain and emotional pain, as well as pain caused from any change in the subject’s relationship with others resulting from the loshon hora.\textsuperscript{582} However, if the loshon hora only resulted in a loss of respect for the subject of the loshon hora (and no manifestation of that loss in word, action, or behavior), it is not considered damage\textsuperscript{583} (in this regard).\textsuperscript{584}

* The Chofetz Chaim indicates that there is an alternative form of repentance: going to the one who listened to the loshon hora and convincing him that he (the speaker) misinterpreted the situation, and that truthfully, there was nothing legitimately negative about the subject. If he is successful in convincing the listener of such, he no longer needs to ask the subject for forgiveness, since he has, in effect, removed all potential harm that could have been caused by his words.\textsuperscript{580} However, this alternative has some notable limitations. The speaker must verify that the listener has not passed the information on to anyone else. If the information has spread, the sin can only be rectified if the speaker convinces every single listener that the loshon hora was not accurate. Furthermore, if the subject discovers that loshon hora was spoken about him, the speaker must ask him for forgiveness even if he is successful in convincing the listener that the information was inaccurate. This is because even if he prevents any future harm that would come from the loshon hora, the subject has already suffered emotional harm (in many cases) by discovering what was said about him. Therefore, although it is commendable to try to convince the listener that the loshon hora was not accurate, it is not a valid alternative (in most cases) to asking the subject for forgiveness.

** The Chofetz Chaim notes that one who is regularly involved in speaking loshon hora is virtually incapable of doing a full repentance. He will certainly not remember all the people whom he spoke against, and therefore, he will be unable to ask all of them for forgiveness. He concludes by stressing how careful one must be to avoid loshon hora in order to be spared from an aveirah that is so difficult to rectify.\textsuperscript{584}
It should be noted that in addition to the aveirah of speaking loshn hora itself, one causes spiritual harm to his mouth by contaminating it with words of loshon hora. Chazal teach that in addition to repentance, one should make every attempt to purify his mouth by using it for the study of Torah. This is a spiritual rectification for the damage that he did to his mouth.\(^\text{585}\)

**IF NO HARM HAS BEEN CAUSED YET**

2. The Chofetz Chaim remains in doubt regarding a situation in which no harm has been caused yet, but potential for harm in the future.

— Chapter Twelve: Repentance and Asking Forgiveness
future exists.\textsuperscript{586} Certainly, if there is damage at some future point, one must ask for forgiveness then. However, the uncertainty lies regarding whether or not one must ask forgiveness before any anticipated harm occurs. (However, for how these halachos pertain to rechilus, see 13.D.5.) The Chofetz Chaim advises that in such a case, the speaker should use all of the means at his disposal to ensure that no harm will come from his words. For instance, he should go to any listeners and tell them that he realizes that what he said before was based on mistaken assumptions, or the like.

WHEN THE SUBJECT DOES NOT KNOW WHO HARMED HIM

3. One is obligated to ask forgiveness even if the subject of the loshon hora does not know the identity of the one who caused him harm, and it will be very embarrassing for the speaker to apologize to him.\textsuperscript{587}

WHEN THE SUBJECT DOES NOT KNOW HE WAS HARMED

4. The Chofetz Chaim takes this even further. He writes that even if the subject of the loshon hora does not even realize that he was harmed at all, the speaker must reveal to him that he has harmed him, and ask his forgiveness for doing so.\textsuperscript{588}

It is reported that Rav Yisrael Salanter took issue with this point.\textsuperscript{589} Although he agreed in principle that forgiveness must be asked, he...
disagreed on a practical level. Reb Yisrael felt that the speaker has no right to notify the subject of the loshon hora about the damage that he caused him, 590 assuming that there is no benefit in knowing about the damage, since notifying him about the damage will do nothing but pain him. Although the speaker needs forgiveness from the one whom he wronged, Reb Yisrael argued that he has no right to do his mitzvah on someone else’s account. In such a situation, one has no choice but to ask for a general forgiveness for anything that he had done to him. 591

In practice, one should follow the opinion of Rav Yisrael Salanter and not ask forgiveness if it will cause emotional pain to the other party. 592 If possible, one should find a way to ask for forgiveness ("..." transparent).
language that is as specific as possible) without actually notifying the other party that he spoke against him. For instance, he can come to him before Yom Kippur (when it is common to ask for general forgiveness and such a request will not arouse suspicion) and say, “If I have said words that caused you pain in any way, I would like to ask for your forgiveness.”

WHEN NO HARM IS ANTICIPATED

5. All agree that in a situation in which no harm was caused or is anticipated to occur as a result of the loshon hora, there is no need to ask for forgiveness from the subject. For instance, if the speaker ascertains that the listener did not believe the loshon hora, or the loshon hora was spoken regarding a minor infraction and no foreseeable harm will come from it (even if the loshon hora was believed), the speaker should not ask for forgiveness.

REPENTANCE FOR ACCEPTING LOSHON HORA

6. Until this point, our discussion pertained to one who spoke loshon hora. If one has believed loshon hora, the process for repentance is as follows: He must regret his sin, confess before God, and resolve not to continue to believe loshon hora, as mentioned above (Paragraph 1). In addition, he should try as much as possible to convince himself that the information was inaccurate (such as by thinking of...
details that could have changed the entire picture).\textsuperscript{594} If the listener has not transmitted the information to others, there is no need for him to ask forgiveness from the subject of the loshon hora that he believed.\textsuperscript{595}

**REPENTANCE FOR LISTENING TO LOSHON HORA**

7. If one did not believe the loshon hora in the first place, but merely listened to it (when he was not allowed to do so, as explained in 10.A), it is obvious that this last point (convincing himself that the information was inaccurate) does not apply. In this case, it is sufficient to regret his sin, confess before God, and resolve not to listen to loshon hora in the future.\textsuperscript{596}

**IMMEDIATE REJECTION**

8. If one unfortunately finds himself listening to loshon hora, he should immediately try to convince the speaker that there is room to give the subject the benefit of the doubt. (This assumes that a defense of the subject will not cause the speaker of the loshon hora to say more loshon hora.) If he makes such an attempt, he has rectified his wrongdoing (listening to loshon hora) by using the situation for a constructive purpose.\textsuperscript{597} No further repentance is necessary.\textsuperscript{598}
Chapter Twelve: Repentance and Asking Forgiveness

It should be noted that this idea is limited to one who merely listened to the loshon hora. However, if he has already believed the loshon hora, convincing the speaker to view the situation differently does not rectify the problem (although he certainly should try to convince the speaker).

SUMMARY

- One who spoke loshon hora must repent for his transgression against God by regretting his sin, confessing before God, and resolving to discontinue such speech.
  - If no damage (neither physical, monetary, nor emotional) was caused by the speech, no other form of repentance is necessary.
  - If damage was done and the subject of the loshon hora is aware of the damage, the speaker must ask him for forgiveness.
  - If damage was done and the subject of the loshon hora is not aware of the damage, the speaker should only ask for forgiveness in a general sense, without specifying that he spoke loshon hora about him.

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- One who listened to and believed loshon hora must repent for his transgression against God by regretting his sin, confessing before God, and resolving not to continue to listen to (and believe) loshon hora. Furthermore, he should try to convince himself that the information that he heard was inaccurate.
- One who listened to loshon hora but did not believe it should repent for his transgression against God by regretting his sin, confessing before God, and resolving not to listen to such speech in the future.
- If one finds himself listening to loshon hora, he should immediately try to convince the speaker to view the subject in a more positive light. If the listener makes such an attempt, he has rectified his transgression, and the aforementioned steps of repentance are not necessary (provided that he did not believe what was said).
CHAPTER THIRTEEN: RECHILUS

PART A: INTRODUCTION
PART B: PRACTICAL EXAMPLES OF RECHILUS
PART C: AVAK RECHILUS
PART D: UNIQUE ASPECTS OF RECHILUS
PART A: INTRODUCTION

ETYMOLOGY

1. The Torah says, "Lo seilech rachil b'amecha — Do not be a gossipmonger among your people." Rashi writes that the word "רכיל", "gossipmonger," is related to the word "רוכל", "peddler." In light of this, he explains that the prohibition refers to one who travels around from person to person gathering and disseminating negative information, much like a peddler selling his wares. The Ramban elaborates: just as a peddler purchases his merchandise in one place and then travels around selling it elsewhere, the gossipmonger discovers his information from one source and then goes around spreading the information.

The Rambam codifies this halachah as follows: "This (the gossipmonger) is one who carries around information, and goes from this one to that one saying, 'So-and-so said this; this is what I heard about so-and-so.' Although his words are true, he is destroying the world."

A DEFINITION

2. There are sources that imply that the term rechilus refers to the specific situation in which one relates information that another person said about the listener. The reason for this prohibition is that the listener will come to hate that individual when he hears that he spoke negatively about him. This is in line with the opinion of Rabbi Y onah, who indicates that rechilus refers to words that cause hatred between people. He explains that this is why rechilus can be...
so terribly destructive. The entire world is supported by peace. If so, rechilus undermines the very building blocks of society. Similarly, the Chofetz Chaim writes that the primary reason for the prohibition of rechilus is to prevent strife among the Jewish people.  

A BROADER DEFINITION

3. However, many rule that rechilus has a broader definition. They write that it is really a general term referring to speech that can cause damage to another person. Thus, the prohibition of loshon hora is really included in the prohibition of rechilus (as we mentioned in 1.A.2). In any case, the primary usage of the word rechilus refers to information that causes hatred between people, and this is the context in which it will be used in this work.
**PART B:**
**PRACTICAL EXAMPLES OF RECHILUS**

**TELLING SOMEONE WHAT WAS SAID ABOUT HIM**

1. A common case of rechilus is as follows: M. R. Schwartz was conversing with M. R. Brown, and he says something negative about M. R. Horowitz. Were M. R. Brown to go to M. R. Horowitz and tell him what M. R. Schwartz said, this would constitute rechilus. This is because his words would cause M. R. Horowitz to become angry at M. R. Schwartz for speaking negatively about him. Whether M. R. Brown intended to cause these angry feelings or not is irrelevant.

**ABOUT A RELATIVE**

2. In the above scenario, it is also rechilus to relate what was said to one of M. R. Horowitz’s close relatives. This is because the relative, too, would be upset at M. R. Schwartz for saying something derogatory about his loved one.

**IF THE WORD WILL GET OUT**

3. Moreover, in the opinion of the Chofetz Chaim, rechilus is not limited to a situation in which the information is related directly to...
the one who would be angered by it. Rather, he writes that one may not relate the information to anyone, since the possibility that word will reach the ears of the one who would be angered by it exists.612

Regarding this latter case, the speaker may relate the information to a listener who would not be upset by it if he tells him not to pass it on (and he can be trusted to listen).613 Similarly, if it is unlikely that anyone who would get angered by the information would discover what was said, it can be argued that it is permitted to relate the information to others. Common practice is to be lenient in this case, but a Rav should be consulted.

Shimon Cohen is a diligent yeshivah student in a yeshivah away from home. He stays up late at night learning Torah. Mrs. Cohen, Shimon's mother, is concerned that he is not getting enough sleep. She tells him to make sure to go to sleep every night by eleven p.m. Shimon feels that such a restriction will hamper his success in learning, and he asks his Rav if he is obligated to listen to his mother. After clarifying a few more details about the situation, the Rav rules that Shimon is allowed to stay up a bit later than his mother instructed.

Were someone to tell Mrs. Cohen that her son continues to stay up past eleven, this person would violate the prohibition of rechilus. Although he has said nothing derogatory about Shimon (as Shimon is acting in accordance with the ruling of his Rav), this information will cause Mrs. Cohen to become upset at her son, and is therefore forbidden. However, it is permitted to tell someone else about Shimon's sleeping habits and warn him not to pass on the information. It may be permissible to tell someone who lives in a different city (and has no contact with Mrs. Cohen) even without warning that person not to convey the information to others.
IF THE INFORMATION IS DEROGATORY

4. One must be cautious before relying on this dispensation. Even if one can sidestep the prohibition of rechilus, it remains forbidden to relate the information if it constitutes loshon hora. In other words, although the prohibition of rechilus does not apply if the information will never reach the ears of one who will be angered by the information, it remains loshon hora if the information is derogatory.

Let us illustrate this by returning to the case (discussed in Paragraph 1) where M. r. Schwartz was conversing with M. r. Brown and said something negative about M. r. Horowitz. It is forbidden for M. r. Brown to tell another party that M. r. Schwartz spoke against M. r. Horowitz, even if M. r. Brown is sure that M. r. Horowitz will never find out about it. This is because it constitutes loshon hora about M. r. Schwartz to say that he transmitted derogatory information about another Jew. Indeed, were M. r. Brown to relate the negative information that M. r. Schwartz had said about M. r. Horowitz, it would also constitute loshon hora about M. r. Horowitz.

The dispensation mentioned above (in Paragraph 3) — to relate information if the listener will not pass it on — is only applicable if M. r. Schwartz did not say anything forbidden about M. r. Horowitz; rather, he only said something (halachically permissible) that would cause M. r. Horowitz to be upset at him if he would hear about it. In this case, relating what M. r. Schwartz said is not loshon hora, as M. r. Schwartz did nothing wrong. The only issue is rechilus, and therefore, it is permitted to relate the conversation if word of it will not reach M. r. Horowitz, as outlined above. This is illustrated in the scenario with Shimon Cohen (in Paragraph 3). In that case, it was not derogatory to mention that he stayed up late at night learning Torah. The only issue was rechilus — were M. rs. Cohen to discover that her son continued to stay up past eleven. In such a case, the dispensation applies.

SEARCHING FOR A NEW JOB

5. Another example of rechilus can arise when a Rav of a shul or a rebbe in a yeshivah was searching for a similar position elsewhere, but
was unsuccessful. It is forbidden to inform the shul or yeshivah where he is presently employed that he went job-hunting. This is because they are very likely to take offense that the Rav or rebbe wanted to stop working for them. This engenders hard feelings from the shul or school toward the Rav or rebbe.\(^\text{615}\) If the exemption of 

\textit{davar mefursam} applies, a more lenient approach may be taken (see above in 6.B–C).

The same halachah could apply to other job-hunting scenarios. If the employer would be upset if he discovered that his employee was looking for another job, it may constitute rechilus to tell him. However, many workplaces have a high turnover rate or an impersonal relationship between the employer and the employees, so generally, the employer would harbor no bad feelings toward the employee if he discovered that he was searching for work elsewhere. In that case, telling the employer would not constitute rechilus. A Rav should be consulted to assess whether telling such information would constitute rechilus in any particular situation.

\section*{ABOUT A CHILD}

6. It is also forbidden to speak rechilus about a child. Therefore, the Chofetz Chaim writes that if two boys had a fight, it is forbidden to tell the father of one of the boys that the other boy was hitting his son.\(^\text{616}\) He explains that this will cause the father to have negative feelings toward the other boy. It is even possible that the father will come to harm him.\(^\text{617}\)

However, this clearly depends on the situation. If one needs to tell the father in order to break up the fight, he may tell the father, as this constitutes a constructive purpose (see Chap. 7).

Moreover, one may assess that the father will not harm the other boy. On the contrary, he will reprimand his own son for fighting, and train him to stay away from such quarrels in the future. If it is the speaker's intention to facilitate this (and he feels that it is likely that this will occur), he may relate the information to the father, as this, too, constitutes a constructive purpose.
Furthermore, if the boys who were fighting are at the age in which it is common for them to have such fights and no damage occurred, there is no prohibition to relate the information. This is because it will not cause any ill feelings, and certainly will not lead to physical assault. (We elaborated more on speaking about children in 2.E.2.)
PART C: AVAK RECHILUS

THE CONCEPT

1. In Chapter 9 we discussed the concept of *avak loshon hora*, a form of speech that is close to or will lead to loshon hora. This concept also exists in regard to rechilus. There are forms of rechilus that are more subtle, or cause resentment in a fashion that is not readily apparent.

“BUT YOU DID IT FOR HIM”

2. The following example is an illustration of *avak rechilus*: Yoel asks Moshe for a favor, but Moshe responds that he is unable to do the favor. Yoel counters, “But Avraham told me that you did it for him!” If it is reasonable to assume that Moshe did not want the favor to become public knowledge, this would constitute *avak rechilus*, as Moshe may become upset at Avraham for letting people know about the favor that he did (because it pressures him to repeat the favor for others).

SLIGHT RESENTMENT

3. The Torah tells us the story in which the angels informed Avraham Avinu that Sarah Imenu would give birth to a son. Sarah laughed to herself, wondering whether it was really possible for her to give birth when her husband was old. When God related Sarah’s reaction to Avraham, He omitted the statement that Avraham was old; instead, He quoted her as saying that *she* was old. Chazal explain why God
made this change. Were He to tell Avraham exactly what she had said, it would have constituted *avak rechilus*, as Avraham may have been slightly offended by her statement.

From this episode, it is clear that even relating something that would not create true hard feelings, but only slight resentment, remains forbidden.

**BREACHING CONFIDENTIALITY**

4. There is a prohibition that is related to rechilus, known as *giluy sod* (revealing a secret). One may not reveal information that was communicated privately with the understanding (whether explicit or implicit) that it be kept secret. Disclosing such information has the potential to harm the one who originally conveyed it. Additionally, the revealer has betrayed the trust of the one who told him the information in confidence.

This does not precisely constitute rechilus, as it does not arouse resentment between two other people (not including the speaker). It is also not loshon hora, as the secret need not be negative information. However, it is information that another person does not want to be revealed, and it will cause him to resent the one who transmitted the information. Because of its similarity to rechilus, some deem it to be...
avak rechilus. Others classify the prohibition differently. Still, all agree that it is forbidden. 626

MR. GOLDMAN is a financial advisor. Many people speak to him and tell him the details of their financial situation in order to receive his advice. Even if his clients do not specify that their financial information is to remain confidential, Mr. Goldman may not reveal it to others. In this case, there is an unspoken understanding that everything that they divulge to him is private. Were Mr. Goldman to relate this information to others, he would violate the prohibition of giluy sod. 627

Some authorities rule that the dispensation of to‘eles (see Chap. 7) does not apply to the prohibition of giluy sod. However, there are instances in which one is permitted (and at times even obligated) to reveal secret information, even against the will of the one who related it. A Rav must be consulted. 627
Chapter Thirteen: Rechilus

READING ANOTHER PERSON'S MAIL

5. It should also be noted that there is a cherem (post-Talmudic ban) against reading another person's mail without permission.\(^{628}\) This is related to the prohibition of breaching confidentiality.\(^{629}\) However, the focus of this ban is not about relating the information. Instead, it forbids discovering the private information without the person's permission. Regarding this cherem, too, there are rare instances when one may read another’s mail for reasons of great necessity.\(^{630}\) A Rav must be consulted.

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PART D: UNIQUE ASPECTS OF RECHILUS

SIMILAR GUIDELINES TO THOSE OF LOSHON HORA

1. In general, rechilus has all of the same guidelines as loshon hora, both in terms of its restrictions and its dispensations. In this section, our focus will be on discussing the main points that are unique to rechilus, or in which rechilus differs from loshon hora.

ANYTHING THAT CAUSES RESENTMENT

2. Unlike loshon hora, which is generally limited to information that is derogatory (see 1.A.3), by rechilus it makes no difference if the information is derogatory or not. If the information can cause anger or resentment, it is classified as rechilus and is forbidden. It is also irrelevant whether the speaker aroused anger between two friends or he caused further resentment between two people who were already on bad terms. In all cases, words that cause resentment between two people are forbidden.

IF THE LISTENER ALREADY KNOWS

3. It is forbidden to say rechilus even if the listener has already heard the information from someone else. This is because it is very likely that the listener will become angrier when the information is repeated.
verified from a second source. (See 6.D.2 above that this is also true regarding loshon hora.)

However, if the listener already knows the information firsthand (or from many sources), there is no prohibition against telling him again. When nothing is being added, there is no prohibition even when it can arouse his anger once more. (This is unlike loshon hora, where it is debatable if this dispensation applies. See 6.D.1.) However, it must be emphasized that adding even the slightest piece of information is forbidden. Moreover, it is possible that merely introducing a new perspective which sheds a more negative light on the previously known information, also constitutes rechilus. Lastly, one can still transgress the prohibition of onaas devarim, causing someone to be hurt with words. Due to the intricacies involved, a Rav should always be consulted.

NO RESENTMENT

4. We mentioned above (2.E.1) that the Chofetz Chaim prohibits relating loshon hora even if no harm will come from it. Similarly, one may not say loshon hora even if he assesses that the listener will not believe him. However, this stringency does not apply to rechilus. The reason for the prohibition of rechilus is that feelings of anger and hatred will be aroused in the heart of the listener. When the speaker estimates that such feelings will not be aroused, his words do not constitute rechilus, and the information may be related.
if his words contain *derogatory* information, he may not say them even if the listener will not believe him and no harm will come from his words. This is because rechilus that contains negative information is also loshon hара, and therefore, is also limited by the guidelines for loshon hара. See above, B.4.)

**ASKING FORGIVENESS**

5. Another difference between rechilus and loshon hара concerns asking for forgiveness. We mentioned (12.2) that regarding loshon hара, the Chofetz Chaim remained in doubt whether forgiveness must be obtained when no harm has yet been caused and there is only a possibility of harm in the future. However, regarding rechilus, the Chofetz Chaim writes that one must certainly ask for forgiveness in all cases. He explains that when the listener accepts rechilus, it can be assumed that he will come to bad terms with the subject. Once we know that there will be harm, the obligation to ask for forgiveness applies.

It is important to note that this is not an inherent distinction. Rather, we merely assess that it may be unclear whether loshon hара will lead to harm or not, whereas it generally is clear that rechilus will lead to harm. However, if this is not the case in a given instance, the halachah is different.
Appendix A: Loshon Hora About a Sinner

In 5.B, we mentioned the dispensation to speak loshon hora about a sinner. We said that the details and conditions of this dispensation are complex. Here, we will elaborate on the topic. However, it should be noted that the practical significance of this discussion is limited. In the opinion of the Chofetz Chaim, there are actually very few leniencies beyond the general dispensation of loshon hora for a to'elès. In Appendix B, we will mention that the few leniencies that do exist do not apply to a sinner who is in the category of a tinok shenishba. As we have mentioned (5.C), the vast majority of today's nonreligious Jews are indeed considered tinokos shenishbu. Therefore, in this day and age, this appendix is academic in nature. It should not be applied in practice unless one is advised to do so in a specific situation by a Rav.

The Chofetz Chaim writes that one may deride an individual who is constantly sinning, such as one who has thrown off the yoke of Heaven or one who completely disregards a well-known prohibition that all religious Jews observe. He lists five conditions for applying loshon hora.

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641 א. ואיש תני את אחיו שביש טעם סופר ביה. ב. מי שיאמר בנה של כל החנפיםmajem תuyển הוא רופא לברוח. בב._objects לשון הרע שהיינו עלון חילול ה'. וע' רש''י שם נתן ב' טעמים לזה, דאם לא יפרסמו אותם: א) אנשים סוברים שהם צדיקים ולומדים ממעשיהם. ב) כשבאים עליהם פעילים בני אדם אומרים מה הועיל להם זכותם. וע''ע דברי הרב אלחנן וסརמן (דוגמאות ביאורי אגדות ח:ט) דנקט דגדר ההיתר הוא משום דמותר לגנות עוברי עבירה במזיד כשלא שבו שלוחתיכים או פעילים על כל bölüm שם ארון (ומותר לפרסום בין פיו) שב: (במ''ח כל''א סק''א) פירוש שניהם במסכת יומא (פו:) שמותר לפרסום ובמ''ח (כלל ד' שם) מבואר על פי רש''י שענין של חנפים הוא מיוחד לאלו שלא מדקדידים את חילול ה'. וע''ע דברי הרב אלחנן וסריין (דוגמאות ביאורי אגדות ח:ט) דנקט דגדר ההיתר הוא משום דמותר לגנות עוברי עבירה במזיד כשלאหมวด ציור שידוע שהעבריין הוא מזיד, והרי זו האי גוונא יש מקום לומר דליכא חיוב תוכחה. ע' במ''ח (כלל י' סק''ל) שמצדד שכיון שאיש זה הוא מוחזר ברשעות הוא יציא מכלל עמיתך. ה''ל המ毕业后 הלוקדים בחשיבותו של כל דו''ע Attribution: Wikipedia


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ing the leniency of deriding a sinner:

1) The sins for which he is degrading him are known to the speaker firsthand, or by constant rumors that circulate throughout the city.
2) He knows for certain that the actions committed by the individual are truly forbidden.
3) He is not exaggerating.
4) His intention must be to cause people to avoid association with the transgressor, or to inspire the transgressor himself to change his ways.
5) He may not denigrate him out of personal hatred.

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He knows for certain that the actions committed by the individual are truly forbidden.

He is not exaggerating.

His intention must be to cause people to avoid association with the transgressor, or to inspire the transgressor himself to change his ways.

He may not denigrate him out of personal hatred.
In Chapter 7 we discussed the general laws of loshon hora for a to’eles. It is clear from the Chofetz Chaim that these rules are relaxed somewhat regarding a sinner. However, it is unclear in which ways they are relaxed, as the presentation of the Chofetz Chaim regarding sinners parallels his general guidelines for to’eles.

He must spread the word publicly and make it clear that he is not attempting to prevent his words from reaching the ears of the transgressor himself. He may not spread the information privately and then act toward the transgressor as if he has not said anything about him. (This last condition does not apply if the speaker fears revenge from the transgressor, or alternatively, the outbreak of machlokes.)
There is an implication in the Chofetz Chaim's choice of wording that the dispensation of degrading the person so that others will distance themselves from him only applies once the individual enters the category of a sinner. Until that point, it is not permitted to degrade the person so that others will distance themselves from him only applies once the individual enters the category of a sinner.

648 Until that point, it is not permitted to degrade the person so that others will distance themselves from him.

There is an implication in the Chofetz Chaim's choice of wording that the dispensation of degrading the person so that others will distance themselves from him only applies once the individual enters the category of a sinner. Until that point, it is not permitted to degrade the person so that others will distance themselves from him. However, there is a dispensation to degrade a person if it will be of benefit to others, as long as one is not aiming to harm the person personally.

648 Until that point, it is not permitted to degrade the person so that others will distance themselves from him. However, there is a dispensation to degrade a person if it will be of benefit to others, as long as one is not aiming to harm the person personally.
him even so that others will not learn from him. Thus, the additional leniency to degrade a sinner manifests itself in the permissibility to degrade him so that others will distance themselves — even though this is usually not a valid to’ele. This matter needs further clarification.  

Due to the limited applications of the leniency of speaking loshon hora about a sinner (more than the general dispensation of to’ele), one should be careful to follow the guidelines set above, which comply with the general guidelines for loshon hora for a to’ele as delineated in Chapter 7. One clear dispensation that the Chofetz Chaim writes about a sinner is that one may believe loshon hora that was said about him. However, some Poskim say this leniency only applies to sins on a similar level to those that he is already known to commit. One may not believe loshon hora about sins that would render him a greater sinner (such as an apikores or a mumar lehach'is [one who spitefully violates the Torah]). Another restriction to this dispensation is that one may only believe the loshon hora if the subject is already recognized as a sinner by the general public. However, if this is not the case, even...
when one who knows that he is a sinner may degrade him, any listeners may not believe the information (unless they personally know that he is a sinner).  

It should be reiterated that any leniencies that may exist are greatly limited if the transgressor is a tinok shenishba. We explained (5.C and further in Appendix B) that a tinok shenishba has the same status as any other Jew. Thus, the prohibition to speak loshon hora applies to him in the same way as it applies to another Jew.  

Once a person attains the status of a sinner, not only is it permitted to degrade him, it is actually praiseworthy to do so. Additionally, when one sees this sinner doing something neutral, which could be interpreted positively or negatively, it is commendable to judge him negatively.  

The Chofetz Chaim adds an important rule that is relevant to our discussion. One must always evaluate the situation to see if it is truly worthwhile to relate the information. There are times when denigrating the sinner will ignite a machlokes, and the resulting harm will greatly outweigh any to’eles.

**DEGRADING A SINNER MUST BE DONE PUBLICLY**

We mentioned that one of the conditions necessary for degrading a sinner is that it must be done publicly. "Public" is defined as in...
front of three or more people. A number of reasons are given for this necessity:\textsuperscript{657}

1) If one says it privately, it has the appearance of loshon hora. It can look like he is relating the information because of a personal grievance. However, when he says it in front of three people, it is expected that the word will spread. In this situation, it is more apparent that he is saying it for the aforementioned noble motives.

2) When he says it privately, it looks like he is trying to hide his words from the subject. It would appear as if he wishes to flatter the sinner to his face but “stab him in the back.”\textsuperscript{*}

3) Those who hear him speaking privately will suspect him of fabricating the information. This concern does not exist when the information is related in front of three people. When spoken publicly, the listeners will assume that the speaker, who is a person of good standing, would not say such a lie in public.\textsuperscript{**}

Hence, they will not suspect him of fabricating the information.

This requirement to say the information in public only applies when the speaker has not rebuked the sinner first. However, if he personally rebuked him, all of the above concerns do not apply, and he may spread the information privately.\textsuperscript{658} There is actually an obligation

\textsuperscript{*} This seems to be the flip side of reason number one. Reason one explains why his reasons seem pure when related publicly, whereas reason two explains why it seems that he has ulterior motives when related privately. However, Rabbeinu Yonah seems to feel that each reason can stand on its own. Reason one explains why it is clear that the to‘elos can be accomplished through his words when related publicly. If it is said privately, there is no positive indication that his intent is for the to‘elos. Reason two explains why it looks like he has ulterior motives when he says it privately, whereas there is no such indication when he relates it publicly.

\textsuperscript{**} This does not mean that the listeners may believe the information. It is forbidden to fully believe loshon hora even if it was said for a to‘elos. Rabbeinu Yonah means that if said in private, the listeners will assume that the information was false. Now that it has been said in front of three or more people, they will consider that it may possibly be true. This will lead them to investigate further to see if it is indeed true. If they verify it, they will rebuke the sinner for what he has done.\textsuperscript{657}

Moreover, if the person being spoken about has already been established as a sinner, it would be permitted to believe what is said about him. This was explained earlier in this appendix.

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\textsuperscript{657} דלפק הלפורים כלת המעיון.

\textsuperscript{658} יי ועדים (לךבת.).
to rebuke him first, if at all possible (see 7.A.3). However, we men-
tioned (10.B.2) that the mitzvah to rebuke a sinner is not generally
applicable in our times.

The Chofetz Chaim is of the opinion that when an individual
must be told to stay away from a bad influence, these requirements
(rebuke and three people) do not apply.\textsuperscript{659} This may be because the
toeles is more direct, and thus, it is unlikely that others will suspect the
speaker of having improper motives.\textsuperscript{660} Alternatively, one can suggest
that rebuke or publicity will be counterproductive in this case. (This
is explained in more depth in 7.D and in the footnote there.)
Appendix B: Apikores, Mumar, and Tinok Shenishba

This appendix is an elaboration on concepts discussed in 5.C.

The Chofetz Chaim discusses the halachah of saying loshon hora about an apikores.\footnote{Mekhilta (ṭa‘ 72a).} The term apikores is colloquially used to refer to someone who denies any part of the Written Torah or Oral Torah.\footnote{Cf. Derech Emunah (ṭe‘ 4:9).} He has completely been removed from the category of amisecha (your fellow religious Jew). Therefore, one may freely speak loshon hora about him without any of the aforementioned criteria. Not only is it permitted to say loshon hora about him, it is actually meritorious and praiseworthy to do so.

However, this assumes that one either knows personally that the person is an apikores, or it has become an established fact in the city. If he merely heard that the person is an apikores, the prohibition of loshon hora still applies. Indeed, he may only be choshesh that the information is true and warn others privately that they should stay away from him until the rumor can be verified (see above 10.A.2).\footnote{Cf. Shemos Rabbah (ṭa‘ 26:1).}

One who denies any of the Thirteen Ikrim (Fundamental Principles of Judaism, as listed by the Rambam\footnote{Cf. Haazinui, end of Chapter 3.}) also has the status of apikores.\footnote{Cf. Haazinui, end of Chapter 3.} Furthermore, any mumar l’chol haTorah (one who does not keep any of the Torah’s commandments) or mumar lechallele Shabbos (one who does not observe Shabbos) also has the status of apikores.\footnote{Cf. Haazinui, end of Chapter 3.}
Appendix B

b'farhesia (one who publicly desecrates Shabbos, even if he keeps the other commandments) is also included in this category.

The question arises regarding those who were raised without the proper exposure to Torah and mitzvos. The Chazon Ish writes that those who were raised nonreligious may not have the status of a mumar or apikores, but can be considered tinokos.268

666 ע"ש רמב"ם סוף הלכות שבת דהעובר על שאר מצות הרי הוא בכלל רשעי ישראל אבל המחלל שבת בפרהסיא הרי הוא כגוי לכל דבריו. וע' משנה ברורה (על שו"ע שפה:ג) כמה פרטים בזה. וע"י בה"ל (תר"ח ד"ה אבל) שכתב שמחלל שבת בפרהסיא ואוכל נבילות להכעיס יצאו מכלל עמיתך ואין חיוב להוכיח אותם. וע' זרע חיים (עמוד שצ"ו) שמסיק שמומר להכעיס יצאו מכלל עמיתך גם לענין לשון הרע. ובגדר מומר להכעיס ע"י ש"ך (יו"ד רנ"א סק"ג), בה"ל (לט:א ד"ה הוא מומר) וחזו"א (או"ח יב:ב), ואכמ"ל. כי הם יצאו מכלל ישראל ושחיטם נבילה כمبואר בשו"ע (יו"ד ב:ה). ובהגדרת מומר לכל התורה יש להעתיק את דברי הרמב"ם (תשובה ג:ט) כשבא לכתוב שאין לו חלק לעוה"ב. וז"ל מומר לכול התורה כולה כגון החוזרים לדתי העובדי כוכבים בשעה שגוזרין גזרה וידבק בהם ויאמר מה ביצע לי להדבק בישראל שהם שפלים ונרדפים טוב לי שאדבק באלו שידם תקיפה, עכ"ל. ولענין מומר לדבר אחד לתיאבון ע"י במ"ח (כלל ו' סקכ"ז) ואהבת חסד (ג:ב) שפוסק הוא עדיין ביותר אחיך. (וע"ע במ"ח י' סק"ל, בה"ל סי' תר"ח סד"ה אבל, وזרע חיים עמ' תטו-תטז, וע' מה שכתבנו לדון לענין לשה"ר). וע' גר"ז (או"ח לט:א) דמומר לתיאבון לכל התורה לעיל הערה פסול מה"ת לכל דבר行きין הוא כנכרי לכל דבר. ווצ"ע כי בח"מ (תכה:ה) לענין מורידין ולא מעלין שנזכרו אפיקורס ומומר להכעיס ולאפוקי מומר לאוכל נבילות לתיאבון נשמטה הדין דמומר לתיאבון לכל התורה. ומסתבר שאינו עדיףמרועה בהמה דקה שמורידין אותו כיון שהוא מוחזק בעבירות תמיד ע"ש בסמ"ע. וע"ע ט"ז (יו"ד קנ"ט סק"א). אמנם באמת בתבואת שור (סי' ב' סקכ"ב) כתב שאין מורידין אותו ומצווין להחיותו домיא דגר תושב כיון שמאמין בהקב"ה. שו"ר בספר נשמת שבת (ח"ה ס' תצ"ח) שמביא מח"מ במחלל שבת בפרהסיא אם מורידין אותו. דלבוש (ח"מ רסו:ב) ו斝תו ס"ל דמורידין אבל גר"ז (סוף הל' רבית) ו斝תו ס"ל דאין מורידין. ורואים מדבריו הגר"ז שישerton על ידי חטאתיו (כגון מומר לחלל שבת בפרהסיא), ואעפ"כ אין מורידין אותו. ובאמת זהו דינו של סתם עכו"ם שלא מעלין ולא מורידין ע"ז כו. בסופו, שו"ע ח"מ תכה:ה.

667 הנה הרמב"ם (הל' תשובה ג:ז) כתב דמי שמאמין בהגשמת הבורא אין לו חלק לעוה"ב והראב"ד השיג עליו דרבים וטובים ממנו חשבו כן מכח פשוטי המקראות ואגדות המשבשות את הדעות, ואיך יאמר דאין להם חלק לעוה"ב. והובא בשם הגר"ח (ע' מש"כ הרב אלחנן ווסרמן ב"דוגמאות לביאורי אגדות על דרך הפשט" אות סימן י"ב אות ח' שכתב דשמע כן בשמו) דטענת הראב"ד הוא דהם היו אנוסים משא"כ רמב"ם ס"ל ד"דער וואס איז נעביך אן אפיקורס איז אויך אן אפיקורס. אבל דברי הגר"ח צ"ע שהרי הרמב"ם בהל' ממרים (ג:ג) מבואר דבני הטועים דינם כישראל – הזאתו even שכפרו בתורה שבעל פה. הרי דהכופר בא' מן העיקרים בשוגג לא יצא מכלל ישראל. אבל יש ליישב שהרי באמת כל מי שכופר חושב שהאמת אתו ולא אמרינן הוא שוגג, כמו שהעיר מרכבת המשנה בהל' תשובה. וצריך לחלק בין מי שטעה מפני שדעהו סר מן האמת ובין מי שנתגדל ונתחנך בדעות כוזבות. וע' לקמן מש"כ בשם שבט הלוי. וא"כ יתכן דגר"ח מיירי בהנהו שלא נתחנכו 디וקא שיש הגשמה, אלא לא קיבלו חינוך בנוגע כל הענין. וכיון שבאו להמסיקנא שיש הגשמה על פי דעתם הקל – ולא מכח חינוך מוטעת – בכיו האי גוונא דינם כאפיקורס. וכkees זה מחלק ר' אלחנן שם עע"ש. ויש אופ"א ליישב את הגר"ח מדברי הרמב"ם בהלכות ממרים. שהרי שם לא כתב בפירוש שהם כישראל אלא כתב דהם אנוסים וסיים "לפיכך ראוי להחזירם בתשובה ולמשוך איתם בדרכי שלום עד שחזרו לאיתן התורה ולא ימהר אדם להרגן." וכתב תשובות והנחיות (ח"ג ס' ת"פ) בשם הגרי"ז לדייק שלא כתבآن מינים אלא רק כתב שלא ימהר בהרגם因为 יש להקל מעליהם שלא למהר בהרגם דילמא כד משכינהו שיחזרו לתורה ישובו אל ה', וכיון...
He concludes that this depends on the situation (for in-

...)
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stance, how much they know about Torah, and to what extent people have tried to influence them to follow the teachings of the Torah). 671

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 inadvertent.
In another place, though, he seems to unequivocally consider them as tinokos shenishbu because nowadays, people do not know how to properly give them rebuke.

Although there are authorities who are of the opinion that most nonreligious Jews today are not tinokos shenishbu, one certainly...
must take into account the opinions that they are \textit{tinokos shenishbu}\textsuperscript{674} until a \textit{Rav} determines that they have had enough exposure to be considered included in the category of \textit{mumar} or \textit{apikores}. Thus, in general, the laws of loshon hora still apply when speaking about non-religious Jews.
RESPONSA OF
HARAV YITZCHAK
BERKOVITS SHLIT"A

The footnotes below reference the relevant passage(s) in the main work itself. Note that the sefer includes other oral rulings from Rav Berkovits that are not included in these responsa. All quotes of Rav Berkovits throughout the sefer have been reviewed and approved by Rav Berkovits himself.

THE FOLLOWING QUESTIONS WERE LOOKED OVER AND APPROVED BY THE RAV.

1. Question: One day, a fellow tells me a story about someone who did something bad (to him or to someone else). I do not know who that person is, nor will I ever find out. Is it loshon hora, and possibly rechilus, for me to explain a negative aspect of the story that he had not understood yet? He will now think more negatively of this unknown individual.

Answer: If you were aware of who the subject is, your listening would constitute rechilus for the speaker. It only does not constitute rechilus in this case because you do not know who it is. However, the other person does know who the subject is. If you affirm the speaker’s statements in any way, you are causing the speaker to think worse of the subject than he did before, and that constitutes loshon hora.¹

2. Question: Is it permitted to praise the guest of honor at an event? I know that there are some people in the audience who do not like him, and my praise may cause them to speak negatively — they will want to twist the story to show how the guest of honor really acted selfishly. Does this praise constitute avak loshon hora, or is it not my problem because most of the audience will take the praise at face value?

Answer: We assume that the guest of honor gives his consent to be praised in public. If he accepted the role upon himself, he under-

¹. See 1.B.2 and footnote 40.
stands that part of the job is being praised publicly, and he acknowledges that some will snicker. However, it is true that if one did not choose to be praised, one must speak cautiously if there are people in the audience who may use praise as a springboard for loshon hora.

**Question:** Rav Berkovits has been matir (permit) avak loshon hora if the person is mochel (forgives). However, the Chofetz Chaim says that loshon hora remains assur (prohibited) even if the person is mochel. Why would avak loshon hora be different?

**Answer:** Mechilah (forgiveness) does not help by loshon hora because Rabbeinu Yonah holds that the issur (prohibition) of loshon hora is bein adam l'atzmo (between man and himself). (By the way, the Chofetz Chaim does not explicitly assur loshon hora when a person is mochel. I heard from Rav Hillel Zaks that his grandfather, the Chofetz Chaim, had a safek [doubt] regarding this din [law]. I do believe that it is prohibited l'maaseh [in practice], unless the loshon hora is merely damaging, but not derogatory.) Regarding avak loshon hora, the issue applies more to bein adam l'chavero (between man and his fellow) — an issur d'Rabbanan (Rabbinical prohibition) of setting someone up to be talked about derogatorily. Therefore, we are noheg (accustomed) that mechilah (forgiveness) would help. He does not have to be mochel explicitly, as there is an umdina (assessment) that he would rather be honored than worry about what people are going to be saying about him afterward. The honorees are not fools; they know the odds and accept the consequences so long as they get the honor. (There are some honorees that are tzaddikim and are sovel [accept] and mochel for the good — but no one talks behind their backs anyway.) The speaker must still be very careful.

Note that, as with all cases of avak loshon hora, there is a level where it would reach lifnei iver d'Oraisa (the Biblical prohibition of causing another person to sin), and mechilah will not help in such an instance. It would depend on the level — in other words, on the probability of causing degrading comments. If any line in the speech begs for comments, that would constitute lifnei iver.

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3. **Question**: Can I submit negative feedback regarding an online merchant or product? Does it make a difference if the store is owned by Jews or *akum* (non-Jews)?

**Answer**: In order to post anything negative about another person or his merchandise, you must fulfill all of the conditions of *to'elos*. There definitely is a *to'elos*. Suppose one would purchase a product that causes him no end of grief, and he only discovers a list of people who had the same problem after a great deal of troubleshooting. He never would have purchased that product had he seen that list first!

The following are some of the issues that you must consider:

1. One's words will cause damage to the person (which is included in the *issur* of loshon hora, and also the *issur* of *gorem nezek lechatchilah*), so the damage must be halachically warranted. If it is not (where the rules of *to'elos* have not been accounted for), it is forbidden. (It is forbidden, at least *lechatchilah*, even to cause damage to *akum*.)

2. One must be entirely factual, and not exaggerate even slightly. Thus, one must also avoid using opinionated negative words like *terrible* or *awful*.

3. One must be motivated by the need to help others avoid the pain that he experienced, and not motivated by a desire for revenge.

4. One must be absolutely certain that his assessment of the product or service is *accurate*. Believing that the product line as a whole is bad just because yours was defective is, to say the least, unscientific. If you have reason to believe that you will be one of the only ones rating the product, it would not be a good idea. Moreover, even if there are many negative reviews, one must consider the possibility that only those with bad experiences are posting reviews. (I would hope that any review readers consider this possibility too!)

5. Similarly, one must consider the possibility that people will see the negative feedback on a product as a reflection of the merchant. As with most cases of *to'elos*, one must avoid causing more damage to the merchant than is warranted by halachah. Thus, one must be certain to state that the issue pertains to the product, and not to the merchant (if this is indeed the case).
6) Regarding rating the product (such as giving it one or two stars out of five), one can rate it the amount that it deserves—but he must be sure to back up that rating with facts. I would hope that consumers understand that the rating is completely arbitrary (there are no rules that govern the rating, after all), and they would read the basis of the rating before coming to any conclusions.

If all of the conditions of to’elés are fulfilled, it is right that you post the review.⁴

4. Question: May one rely l’maaseh on speaking loshon hora if the subject gave reshús (permission)? Rav Berkovits’s rulings about reviews (see above 3.B.1 and nn. 119–21) and public praise (see above 9.E.3 and footnote 512) indicate that he subscribes to this kulah (leniency) even as a psak for the hamon am (masses). But in Chofetz Chaim: A Lesson a Day (p. 417, n. 18), it is written that the Chofetz Chaim did not want to publicize this kulah because it may be taken too far.

Answer: One may rely on permission granted to speak loshon hora for words that are merely damaging, but one may not rely on permission granted to say words that are derogatory and are spoken with the intent to degrade the subject.⁵

5. Question: What is the proper way to respond when asked a general question about middos (character traits) (relating to shidduchim) when the individual does have certain moderate character flaws? Is it correct to respond that “middos is a general term, and the questioner should be more specific”?⁶

Answer: The best way to respond to general questions is that everything is good. Unless the question is specific enough and something is abnormally wrong, one responds that all is well.

6. Question: Is there a kulah to tell someone that an individual learns in kollel or is a lawyer even if the listener thinks that this is de-

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⁴. See 3.B.2.
⁵. See 3.A and footnote 113. Rav Berkovits referenced this in responsum 2 above.
⁶. See 8.D.6 and footnote 426. See also footnote 427.
rogatory, as long as no actual harm will come from it? One may argue that it is not considered a g’nai (flaw) when such a belief is objectively unreasonable. In addition, it is likely that the subject does not mind if such information is related. What is the Rav’s opinion?

Answer: If the stature of the person is lowered in the eyes of the listener, this would be considered damage — enough to render the statement loshon hora. It is not relevant whether the g’nai is accurate or not.

7. Question: If the speaker has a minor degree of personal gain somewhere in his consciousness, is it still permissible to relay the information provided that his main intention is l’t’o’les?

Answer: If the to’eles is real — to save someone from harm or the like — one may. However, to denigrate the deeds of the wicked, one must have daas (intention) that is entirely l’Shem Shamayim (for the sake of Heaven).

THE FOLLOWING IS A COLLECTION OF INFORMAL QUESTIONS SUBMITTED TO RAV BERKOVITS.

The Rav has requested that the following responsa not be relied on for the final psak (halachic ruling), but rather, that they be used as a starting point for one’s question to his or her own Rav.

8. Question: A person revealed some frightening personal information in confidence, asking me not to share it with anyone. I promised him not to share it, but I believe that there are some people who need to know about it for their own safety. What should I do?

Answer: You must theoretically share the information if there are people who need to protect themselves (and see further). Sharing the information does not constitute megaleh sod (the prohibition of revealing another’s secret). Indeed, in any instance where one knows that he himself is a mazik (one who causes damage) and he cannot

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7. This was an example used in the main work (2.C.1) of an unfounded personal bias. The discussion there involved a listener who had a bad experience with a lawyer and now dislikes all lawyers.
8. See 2.C.1.
stop himself from damaging others, he has a responsibility to do whatever he can to prevent that damage, including informing those around him to protect themselves from him. If he has no right to keep the information secret, then it is not a secret. One is required to prevent others from being damaged due to lo saamod al dam rei'echa.

Note that of course, one must fulfill all of the conditions of to'eles in order to share this information with others. If there is any possibility that the person can be convinced to share the information himself, this option should be explored first. If there is any other way to prevent the damage without revealing the information, one must not reveal the information instead. I would hope that word does not get back to the individual (as it is an awful feeling to know that trust has been broken). If it does, you will have to explain that it was your responsibility to reveal the information.

9. Question: If there are certain parts of Chareidi society that look down on a particular institution, is it loshon hora to tell someone that a person subscribes to that institution? What about other cases, such as saying that someone is Modern Orthodox, Chassidish, or not frum (religious)?

Answer: You are allowed to say that someone is normal unless the person has a reputation of being special and you are bringing him down to merely normal. (The Chofetz Chaim writes that you are allowed to say that a person is not maavir al middosav [overlooks his hurt] because being maavir al middosav is a middas chassidus [pious attribute], and saying that someone does not possess a middas chassidus is not considered negative.) Therefore, you are allowed to describe any background information that is within the realm of normalcy. However, if you are talking to someone who you know will view it negatively, it would constitute avak loshon hora. (Indeed, when it comes to someone who is critical of everything, you are better off not talking to him altogether!)

10. Question: My wife bought a product and had a number of issues with it. The merchant did not deal with the situation in the correct manner and sent my wife all over the country to deal with it even
though it was under warranty. As of now, the issue has still not been resolved. If her friends ask her if she is happy with the product and if she would recommend the merchant, what should she tell them?

**Answer:** Assuming that they are asking for a *to‘eles* (and not just schmoozing), she can tell them, “I had a bad experience with the merchant. It did not work out well, and the issue has still not been resolved.”

11. **Question:** The Chofetz Chaim permits listening to someone badmouth another if you believe that you can convince him that he is wrong after hearing him out. What about the prohibition of *lifnei iver*? All of the time that you are listening to him, he is speaking loshon hora!

**Answer:** Preventing further *issurim* (prohibitions) is not called a *michshal* (stumbling block). However, though making *shalom* (peace) is a mitzvah, you really must be confident that it will work. I have been using this *heter* (leniency) less, as my attempts to set people straight have not been met with much success. Even in situations where I truly believed that I could change someone’s mind, I would talk with him, only to find him right back where he started.

If you do believe that you can help, consider this: How close is he to you? How receptive is he in general? How does he view you? If you are not quite so positive that it will work, and someone starts speaking loshon hora, it is safer just to distract him immediately.

Regarding *lifnei iver*, the Chofetz Chaim does not seem to be bothered by it when it comes to *kabbalas loshon hora* (accepting loshon hora). I am not sure why this is. He only says that you cannot tell a person loshon hora *l’toeles* if you think he may say rechilus. I always teach that when you inform someone of negative information *l’toeles*, you should always add that he should not believe you definitively as your assessment could be off (it is merely your own perception). He can take precautions, but only to protect himself because it may be true. (If you really believe that he will believe you anyway, such as if he is an overly naive individual, I do not understand how the *heter* can apply. However, the Chofetz Chaim does not list this as a condition for telling him.)

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12. See 7.A.7. See also responsum 3 above.

12. Question: Am I permitted to go to a function that I am socially required to be at (such as a family simchah) if my experience is that loshon hora is spoken there constantly? Is it enough to go and try not to listen (and believe it), or am I required not to go?

Answer: It is indeed assur (prohibited) to go to such an event. If you are capable of being proactive — preparing a plan for not listening to loshon hora that can reasonably work — then you can consider going. Think about and plan conversation topics that do not involve people, and then start those conversations in a skillful and outgoing way, such as, “Listen, I gotta tell you this story . . .” Do not be a listener — you should be the one dominating the conversation. If you cannot stay away from critical people, at least do not let them say anything!14

13. Question: My son told me that someone pulled a (relatively harmless) prank on the rebbe. The menahel (principal) spoke to each boy in the class, and he said that until someone tells him who did it, the entire class will have to stay inside during recess. What should I tell him to do?

Answer: I fail to understand how a mechanech (educator) can do that. Rav Moshe Feinstein discusses this matter. He writes that threatening children with consequences if they do not tell on others teaches them to speak loshon hora. In order for children to tell the information for the right reason (which is one of the requirements of to’elès and unlikely to be fulfilled when they are threatened with negative consequences), the to’elès itself would need to be great enough that the children understand its importance (such as danger). Only when the children understand that there is a real need for the information can one possibly say that they will be speaking the loshon hora with to’elès in mind.15

14. Question: Suppose a merchant or contractor asks me about a job, and I tell him that I went with someone else. If he asks me who, can I answer him, or is it loshon hora or rechilus?

Answer: It is avak loshon hora. When he hears the name, he may say a nasty comment about his competitor. It would only constitute rechilus if the one that took the job did something nasty to his com-

petitor. Still, although merely mentioning that his competitor is successful does not constitute rechilus, it may constitute onaas devarim (causing pain to others with words), as you are telling him something painful for him to hear.\(^\text{16}\)

**15. Question:** Must a person reveal that he or she takes Prozac for mild depression to a prospective shidduch?

**Answer:** Pashtus one does not have to, provided that he or she is perfectly functional without the meds (just mildly depressed). It is true that girls will have to stop taking the pills during pregnancy and she will be mildly depressed, but so what? Hormones during and after pregnancy can do that to anyone.\(^\text{17}\)

**16. Question:** Can a person find out information for a remarriage from an ex-spouse?

**Answer:** First of all, anything that an ex-spouse would say is worthless. He or she is not at all trustworthy regarding this issue. (Indeed, every abusive spouse has a picture in his or her mind explaining why the other party was really the abusive one.) Even if, for some reason, you think that he or she could help, it is assur to ask. The ex-spouse cannot possibly fulfill the conditions of to’eles, and in particular, the requirement to have in mind that the information is being told for a to’eles. Thus, it would be lifnei iver to ask the ex-spouse. Find someone impartial, preferably a Rav who dealt with the divorce.\(^\text{18}\)

**17. Question:** What is the best way to teach children the concepts of loshon hora and to’eles?

**Answer:** The best way for children to learn about loshon hora and to’eles is when they tell you stories. Suppose your child tells you a funny story about a kid in class. After laughing together with him, you can point out that the story would have been just as funny without the name of the kid. If he tells you about a kid that is bothering or hurting him, you can explain that in this case he is allowed to mention the

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17. See 8.B.1 and footnote 369.
name because you need the name in order to help with the problem (if it is true that you can help him). 19

18. Question: Is there any heter for following Israeli politics in the news?

Answer: There is no heter that I am aware of, unless someone has a particular reason that he needs to know what is going on, and satisfies all of the conditions of to‘eles. Even the meikilim (those who are lenient) who hold that public knowledge is not loshon hora only permit it with specific conditions (including the issur to believe it). Talking about it will also inevitably lead to embellishing, arguing, proving, defending, etc., which are all loshon hora (or at best, avak loshon hora). Even the very phrase “Israeli politics” constitutes avak loshon hora! 20

19. Question: What is the heter for a frum newspaper to publish a story about a good Jew (who is a well-known baal tzedakah) who has been indicted for illegal business practice?

Answer: Unless there is a specific to‘eles, I do not see a heter. A frum newspaper would submit this to their va‘ad haRabbinim (Rabbinical board) to decide if there is a specific to‘eles. Note that the sugya of apei tlasa is not applicable for a newspaper. Even according to the Rishonim who are meikil, one of the conditions is not having the intention to spread the news further. This would be impossible to say about a newspaper, as otherwise, no one would buy it! 21

20. Question: Is it permitted to warn your spouse about a certain difficult family member (who is difficult to the family as a whole, and not just to you personally) so that your spouse will understand whom he or she is dealing with? This is especially important when a momentous event is approaching and there will be prolonged contact with that person.

Answer: It would be permitted if there is a to‘eles, with all of the conditions that apply to to‘eles. It is advisable to prepare a carefully

worded script so that you will avoid saying anything that is not absolutely necessary.

It is important to emphasize that even with all of the conditions of to’eles fulfilled, the listener still may not believe what he or she hears. He or she is only permitted to suspect that the information is true and act to protect him- or herself (be it physically or mentally). Lastly, it is important to mention to your spouse (or anyone else that relies on you for support) at some point that you do indeed trust everything that he or she tells you as an accurate description of his or her perception, but that it is possible that the said situation could have been experienced from a different perspective. This will demonstrate that you feel his or her pain without necessarily thinking negatively of the person that he or she claims is difficult.22

21. Question: I have noticed that a friend’s wife constantly puts him down in front of others. I know someone who is close to her; should I ask her to talk to the wife and try to put a stop to it, or is it better to stay out of it?

Answer: Do you believe that the husband notices? If he does not, just let it ride. If he does notice and is being pained by it, then you should indeed get someone to speak to her.23

GLOSSARY

Aggadic — homiletical and anecdotal teachings
Apei tlasa — (loshon hora spoken) in front of three people
Beis din — Jewish court
Beis Hamikdash — Temple
Beis medrash — yeshivah study hall
Chazal — Sages of the Talmud
Chinuch — child-rearing (training)
Choshesh — lit. be concerned for; take precautions due to
Davar mefursam — public information
Daven — pray
Eretz Yisrael — Israel
Gemara — Talmud
Halachah — law
Hashem — God
Lifnei iver — the Torah prohibition against causing another to sin
Lo saamod al dam rei’echa — the Torah prohibition against standing idly when another is in danger
Machlokes — strife
Makpid — particular/upset
Medrash — Rabbinic work of homiletical and anecdotal teachings
Minyan — quorum of ten men
Mitzvah (pl. mitzvos) — Torah commandment(s)
Onaah — the Torah prohibition against overcharging
Posek (pl. Poskim) — halachic authority(ies)
Rav (pl. Rabbanim) — rabbi(s)
Rebbe — Torah teacher
Rechilus — conveying information that causes the listener to become upset at the subject
Sefer (pl. sefarim) — book(s)
Shidduch (pl. shidduchim) — prearranged date(s) (this can refer to the match or to the actual date itself)
Talmud Yerushalmi — Jerusalem Talmud
Tinok shenishba (pl. tinokos shenishbu) — person(s) raised without proper exposure to Torah
To’eles — constructive purpose
Yeshivah — school of Talmudic learning
False Facts and True Rumors — Rabbi Daniel Feldman (Maggid Books, 2015). This is a work with a large section on the practical applications of Hilchos Loshon Hora in contemporary society. It also contains footnotes which quote hundreds of important sources.
פרק א' – אישורים לשון תרשים

1– פרק הבית של עניני הלכות לשון והערishment ערכם.
2– הפרק התבלט אישורים לשון והערishment ואセンך הוא דיבר גנאי ובליבר
3– עניין בברך או דיבר חינה שהמיסים רשלין וה לדיבר
4– מסכים על עניין של פולחן.
5– הפרק מספר בברך והערishment לשון והערishment בה הלאונות דאואית.
6– הפרק מספר בברך והערishment לשון והערishment בה הלאונות דאואית.
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פרק ב' – יודן בברך

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ضارת ליווה, תקדימים ושיחונים בחרות בתורה.

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– דיון אם דבך הנפש בשתי מופנים כהכילים על דף הראשות לש

היותם.

– בהא עम בירי אוה את הככ דבר מופנים רק המקצות העור. והעור.

– נמענ השכע פול פלוסי שתאמית את כל מה השכוב בניינו

– בהא עמי ברור את הככ דבר מופנים רק המקצות העור. והעור.

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– דיון אם דפ יבשב פעתון נחשפ מבולסם כשאינו ער דף בלשון שר

– פעיל אחד יתכן רביות דפל מבולסם לק רמקצת בעיל. וע’ בעלות

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ליפחי.

ראשתו.

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פרק י"ג – רכילות

לאיות שלכירות אינו מצומצם רדפלים ביולמים שנאב פין אנשים.

פרטים נוספים שלכירות שלחה איסול רדפלים יזEATURE על הספר רכילות של איסול מחוק או לא.

איסול בכירות בנוסף ללתול צוד קורא ו_notify: כ랐 שדג לודג.

איסול שר יירוי סוד אחל מיתת במסבל.

איסול יירוי סוד אם אין חשש שיילום ביזק רפערים.

איסול יירוי סוד אם אין חשש שיריות רפערים.

איסול יירוי סוד בוא מקושל רלכירות אם ראו.

איסול יירוי סוד רתוערת דרא כמ"ש פסבל שע"י.

ב.MouseDown פדעת ליפו יון שריכא איסול דאולייתא פסיבול רשב"ל (וע"ע בעלב 627).

邉אר השטוט שלכירות קר יותל מרשב"ל רענין אם כפל ידעו פ"עHarness.

מצום איסול מל снова שבלכירות אסול מדב לב מודול.

אין קשר בכירות ל疽 ג utilise ב"ש.

אין קשר בכירות ל疽 ג utilise ב"ש.

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In loving memory of
ר' אריה לויブ חיות צ'ייל

A shining example of compassion and humility.
All who came into contact with him
were touched and transformed by his sincerity and kindness.
He had an עץ טוב and was a גאון במרדורת.

__________________________

In gratitude to our parents
Dr. and Mrs. Michael
and Ruth Novice

and Mrs. Gemma Greene

who are true Torah role models for us,
our children and our grandchildren.
May we continue to learn much from the wisdom
they have imparted to us.

David and Yehudis Rochel Novice
לעיין

ר יתקע ביר אראיה ליד זיו
האיש רחל בת ר' דוד בנימין עיז
למשפה ויבער

ר יתקע ביר מרדכי זיו
האיש שרה בת ר' יהושע עיז
ובכם מנוח ביר יתקע זיו
למשפה וństמן

ת.נ.צ. ב.ה.
לחיגי
חגיגת שמחה בין ייסק ברוך זילע
רוחל בת קולן שלמה
יצחק דב בר טוביה זילע
רפאלו ליב בן עקיבא דוד זילע
רוחל lah בת חיהלע זילע
ורוחם בן מאיר זילע
ת.נ.צ.ב.ה.

יחי צדוק שניה לאחנא וצאצואה וצאצאי העמק ביה לארץ
כולל ידיעי שמות וולמיי וחותמים לעשיה. וברט טוכה כלום ליש
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שפשמן בכל שלם.

לעילו נשמתyny קציר
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מרח בוניא בת רבי חוסי אשא פרגלמן זילע
נלאיעי כים אייר תושיב

jabi רבי גרשון לוופך ברל יום זייל
אביי צי ניסף תصيان

מרח בואנה בת רבי בימיי רבויה עזילע
נלאיעי צי עדני ב今は
ת.נ.צ.ב.ה.

הנה על ידי 미פתח בנייה
דר מייאל ישן וריעיות חנה רבקה עלמן
וזאצאייהם
For the erhuvah of the Strauss and Wagner families
and the extended Choshen Mishpat Chabura
of Kollel Avodas Levi

Dedicated by Rabbi Yitzchak Strauss

ליעין
ייווהה עקב ב' נחפ חלוי זייל
ת.נ.צ.ב.ה.

ליעליי נשמה
מיאה עזרא ב' שםואל חלוי
מעהל

Yaakov and Chavi Wealcach