

Social Media and the Mitzvot of Tochecha, Halbanat Panim and Lashon Hara

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(Biblical and Talmudic translations are from Sefaria)

CASE

Sarah, a proud Jewish day school graduate, got a job soon after college working for her synagogue as Director of Social Media and Publications. Having grown up attending the synagogue and its youth activities such as day trips and overnight camps, she was excited to give back to the community that gave so much to her. She was thrilled that her Youth Director from when she was young was promoted to National Director of her youth group. He would stop in regularly to see how things were going and always gave Sarah a warm welcome.

However, things started to get uncomfortable for Sarah when the National Director, also a rabbi, frequently stopped by at the end of the day after the office staff had left, to “catch up” with her. He had been enormously supportive of her candidacy for the job and wrote her a warm letter of recommendation, something he reminded her of every so often.

He continued to be helpful, always suggesting resources she could use to boost exposure within various networks and regularly sending her invaluable updates from the national office. He even discussed on several occasions about wanting Sarah to advance and work with him directly in the coveted national position.

But she found herself uneasy about being alone in the building with him, especially since the conversation always became personal. He was very interested in her personal relationships and dating behavior. In their last conversation, he asked her, almost too casually, if she was using protection when she “slept around.” She became flustered and responded that she does not sleep around and that she is in a committed relationship with one person.

Was that normal for a rabbi to be asking such questions? She began asking friends from the youth group if they had ever felt uncomfortable, but she was met with mostly blank stares or even unequivocal rejections of what she was trying to insinuate. She became less sure of herself. Nonetheless, within the same time period, she began to hear of other directors and rabbis scattered across the world who exhibited similarly inappropriate behavior. The overall feeling was that there was nothing to do about it.

Because of her daily interaction with social media, she came across Sh**ty Media Men the day that it hit the web. Although it was fairly short-lived (given the volatile nature of the document), it gave her pause. She had previously heard about whisper networks - the unofficial information channels used to warn people about individuals whose behavior falls on the spectrum from creepy to criminal – and she wondered if there was something similar for men and women working in the Jewish sector.

One afternoon, she ran into her friend, Cassidy, who was working in the national office. Sarah hesitantly asked her if the rabbi had ever made her feel uncomfortable. She paused and then said that she had never personally experienced anything uncomfortable but that she had heard about a young intern who left the office after leveling what was deemed unfounded accusations against the National Director. The entire incident was kept very quiet but it had left Cassidy feeling unsettled and led her to avoid any direct interaction with the Rabbi thereafter, even though it limited her professional advancement. He was a very powerful figure in the movement. It was known that his favorites moved on to become important leaders.

Sarah felt she could not keep quiet. She decided to make a list on Google Docs of the people in the local Jewish community who were known to make persistent and unwanted advances towards other members of the community, predominantly women. She kept it very quiet, sharing it only with the people she trusted. Individuals who gained access to the Google Doc were able to view and add names as well as details of any person who made repeated unwanted advances towards them. It was a closed list of only twenty trusted friends and it had eight names on it. She was cautious about sharing it with people outside of her own group of colleagues, but she recognized that the list had value and could spread awareness and caution to others. Ideally, she wanted her close colleagues to share access to the whisper network with their close network of people.

At a coffee meeting with her good friends, Rivkah and Dave, she confided in them about the list and her plans to make it more widely available. Rachel sympathized with her considering the difficult experience she had with the Rabbi, but she thought that the list, if it went unchecked, would cause more harm than good. She described it as cyber-vigilantism where anyone could place a name on the list and tarnish that person's reputation for good. Dave disagreed and said that the benefits of such a list would far outweigh any negatives. He believed that people have

the right to protect themselves against inappropriate behavior and that this would be a discreet way of ensuring it happens.

However, Rivkah was not convinced. She felt that if any person behaves improperly that it should be reported and followed up with the appropriate, official authorities. She suspected that the Torah's principle of lashon hara (evil speech) – Do not go about as a talebearer among your people (Lev. 19:15) would apply in this circumstance since people would be reporting perceived indiscretions that could have drastic effects on the named individuals. Dave disagreed and felt that if the list were kept discreet then it could be an effective way to protect vulnerable people in society. He felt that men and women who are targeted by more powerful employers or colleagues often have nowhere to go and that there is a mitzvah (commandment) to protect someone from potential harm. He also explained that it is not always so simple to go to an institution's board or to the police because the incidents are often he said-she said; there is a fear that nothing will happen; and the person who makes the report is often labeled a troublemaker and may face repercussions. The whisper network, he felt, avoids these issues and attempts to stop things from happening in the future.

Sarah came away from her discussion with more questions than when she came in. She decided to take the case to the beit din (Jewish court of law) of the city to weigh in on whether whisper networks, in their current form, conform to Jewish law in the following areas:

- a. The mitzvah to rebuke someone who is transgressing Jewish law (tochecha)
 - b. The mitzvah of not standing idly by while your brother's blood is being shed (lo ta'amod al dam r'eacha)
 - c. The mitzvah of not gossiping (rechilut) or speaking evil speech (lashon hara)
 - d. The mitzvah of not humiliating someone publicly (halbanat panim)
1. Can any of these concepts prevent or support Sarah's construction of her whisper network?
 2. How does Jewish law guide us in determining whether these whisper networks should continue to function in their current form, be revised in certain ways, or be substituted by an alternative mechanism?

Section A

- **To rebuke (tochecha)** – The Torah says you must rebuke your fellow, although no guidelines are given. The Talmud will limit the ability to rebuke based on the prohibition of humiliating someone in public (halbanat panim).
- **To not shame or publicly humiliate (halbanat panim - literally, whitening of the face)**. It is regarded as a severe prohibition even though there is no clear Biblical source for it.

Section B

- **To not tale-bear/gossip (rechilut)** – One who tells tales or spreads information even if is true and causes no denigration. Based on a verse in the Torah.
- **To not utter evil speech (lashon hara)** – The origin of this prohibition is unclear but it is tied to a verse that suggests that it is prohibited to carry gossip within the nation. Lashon hara refers to gossip and tale-bearing which may or may not be true and harms a person.

Section C

- **'You shall not stand idly by your neighbor's blood'** (lo ta'amod al dam r'eacha). A Torah prohibition whose implications are broadened by Rabbinic tradition. It could apply to the victim or the perpetrator.

Section A: To rebuke (tochecha) and to not shame or publicly humiliate (halbanat panim)

The Torah is composed of five books (Genesis, Exodus, Leviticus, Numbers and Deuteronomy) and is the core text of the Jewish religion.

1. Leviticus 19:17

ויקרא פרק יט:יז

<p>You shall not hate your fellow in your heart. You shall surely rebuke your fellow and incur no guilt because of him.</p>	<p>לֹא־תַהֲשִׁגָּנָא אֶת־אָחִיךְ בְּלֹכְךְ הַכְמָה Тַוְכִּיחַ אֶת־עַמִּיךְ וְלֹא־תַשְׂאֵל עַלְיוֹ חַטָּאת:</p>
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Rashi (1040-1105, Troyes, France) is an acronym for Rabbi Shlomo Yitzhaki, Famous Bible and Talmud Commentator,

2. Rashi on Leviticus 19:17

ריש"י ויקרא פרק יט:יז

(יז) ולא תשא עליו חטא - לא תלבין את פניו בربים:
"And incur no guilt because of him" - Do not whiten his face
[humiliate him] in public.

The Babylonian Talmud was compiled around the 5th Century during the Jewish exile in Babylonia. It's a core part of the oral tradition containing Jewish laws, debates and stories.

3. Babylonian Talmud Arakhin 16b

תלמיד בבל מסכת ערכין דף טז.

<p>How do we know that if a man sees something unseemly in his neighbor, he is obliged to reprove him? Because it states [in the Torah: Lev 19:17]: <i>You shall surely rebuke</i>.</p> <p>If he rebuked him and [the neighbor] did not accept it, how do we know that he must rebuke him again? The Torah states: [you shall] 'surely rebuke' multiple times.</p>	<p>מניין לרווחה בחבירו דבר מגונה שחייב להוכיחו? שנאמר: הוכח תוכיה, תלמוד לומר: תוכיה, מכל מקום;</p> <p>יכל אף' משתנים פניו? ת"ל: לא תשא עליו חטא.</p>
<p>One might assume [this to be obligatory] even though his face whitened [he was humiliated from the rebuking], therefore the text states: 'You shall not bear sin because of him' [to limit it up to the point of humiliation in public].</p> <p>...How far shall rebuke be administered? Rav said: Until he [the reproof] be beaten.</p>	<p>עד היכן תוכחה? רב אמר: עד הכהה,</p> <p>ושמואל אמר: עד קללה,</p> <p>ורבי יוחנן אמר: עד נזיפה.</p>
<p>Samuel said: Until he be cursed.</p>	
<p>Rabbi Yochanan said: Until he be shunned.</p>	

4. Babylonian Talmud Bava Metzia 59a - 59b

תלמוד בבלי מסכת Baba מציעא נ"ח. - נת:

<p>A sage from the tannaatic period [approx. 0-200 CE] taught a baraita [statement] before Rav Nahman bar Yitzhak: Anyone who humiliates another in public, it is as though he were spilling blood. Rav Nahman bar Yitzhak said to him: You have spoken well, as we see that after the humiliated person blushes, the red leaves his face and pallor comes in its place, which is tantamount to spilling his blood.</p> <p>It is preferable for a person to engage in intercourse with a married woman [whose status is] uncertain and not humiliate another in public.</p>	<p>תני תנא קמיה דרב נחמן בר יצחק כל המל宾 פני חייבו ברבים כאיל שופך דמים א"ל שפיר לא אמרת דחוינא ליה דזיל סומקא ואתה חורא אמר ... נו לו לאדם שיבא על ספק אשת איש ואיל ילבין פני חייבו ברבים ... ואני אומר להם מיתתו בחנק וייש לו חלק לעוה"ב אבל המל宾 את פני חייבו ברבים</p>
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<p>...And I say to them: One who engages in intercourse with a married woman, his death is by strangulation, but he [still] has a share in the World-to-Come. But one who humiliates another in public has no share in the World-to-Come.</p> <p>And Mar Zutra bar Toviyya says [that] Rav says; and some say Rav Ḥana bar Bizna says that Rabbi Shimon Ḥasida says; and some say Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: It is more comfortable for a person to cast himself into a fiery furnace rather than humiliate another in public.</p>	<p>אין לו חלק לעוה"ב</p> <p>(ואמר) מר זוטרא בר טוביה אמר רב ואמרי לה אמר ר' חננא בר ביזנאנא אמר ר' ש' חסידא ואמרי לה א' ר' יוחנן משומש רב"י נוח לו לאדם שיפיל עצמו לבשן האש ואל ילכין פנוי חבירו ברבים ...</p>
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5. Babylonian Talmud Shabbat 54b

תלמיד בבלי מסכת שבת נ"ד:

<p>Rav, and Rabbi Ḥanina, and Rabbi Yoḥanan, and Rav Ḥaviva taught: Anyone who had the capability to protest the sinful conduct of the members of his household and did not protest, [he himself is] apprehended [for the sins] of the members of his household [and punished].</p> <p>[If he is in a position to protest the sinful conduct of] the people of his town, [and he fails to do so], he is apprehended [for the sins] of the people of his town.</p> <p>[If he is in a position to protest the sinful conduct of] the whole world, and he fails to do so, he is apprehended [for the sins of] the whole world.</p>	<p>רב ורבי חנינה ור' יוחנן ורב הביבא מתנו בכוילה מסדר מועד כל כי הא זוגא חלופי רבי יוחנן ומיעיל רבי יונתן כל מי שאפשר למחות לאנשי ביתו ולא מיהה נתפס על אנשי ביתו באנשי עירו נתפס על אנשי עירו בכל העולם כלו נתפס על כל העולם כלו</p>
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Rambam is an acronym for *Rabbi Moses Ben Maimon* (also known as *Maimonides*), 1135-1204, Spain and Egypt, physician, philosopher, Talmudist, codifier of Jewish law. His most famous works are the *Mishneh Torah* which is a comprehensive codification of all Jewish law from the Talmud, and the *Guide to the Perplexed*, an important work of Jewish philosophy.

5. Rambam, Mishneh Torah, Laws of Knowledge 6:7-8

רמב"ם משנה תורה הלכות דעתות ו-ז-ח

<p>7. He who beholds his fellow stooping to sin or following an unrighteous path, is obliged to return him toward the good, and to let him know that he is actually sinning against himself in pursuing wicked deeds for, it is said: "And you shall surely rebuke your neighbor" (Lev. 19.17).</p> <p>He who rebukes his fellow, whether it be regarding a sin committed between man and man, or whether it be regarding matters between man and God, it is essential that the rebuke be administered only between them both; and he shall speak to him calmly, employing soft language, telling him that he does not speak of it to him, save for his own good, to bring him to a life in the world to come. If he receive it attentively from him, it is well; if not, he should rebuke him a second, even a third time. So is the constant duty of a man to continue to rebuke his fellow, even until the sinner strike him, and say unto him: "I will not listen." He in whose power it is to prevent sin and does not take the means to prevent it, he himself is ultimately overtaken by their sin, since it was possible for him to prevent them.</p> <p>8. ...Although he who does put his fellow to shame is not flogged, it is a grievous sin. Even so did the wise men say: "He who publicly puts his</p>	<p>ז. רואה חברו שחתא או שהלך בדרך לא טובה מצואה להחזירו למוטב ולהודיעו שהוא חוטא על עצמו במעשה הרעים שנאמר (ויקרא ט' ז') "הוכח תוכחה את עמיך". המוכחה את חברו. בין בדברים שבינו לבין חברו. בין בדברים שבינו לבניו להוכיחו בניו לבין עצמו. וידבר לו ב衲ת ובלשון רכה ווודיעו שאינו אומר לו אלא לטובתו להבאו לחיה העולם הבא. אם קיבל ממנו מوطב ואם לאו יוכחנו פעם שנייה ושלישית. וכך תמיד חיב אדם להוכיחו עד שיכוחו החוטא ויאמר לו אני שומע. וכל שאפשר בידו למחות ואני מווהה הוא נתפש בעון אלו כיוון שאפשר לו למחות בהם:</p> <p>ח. מכאן שאסור לאדם להקלים את ישראל וכל שכן ברבים. אף על פי שהמקלים את חברו אינו לוקה עליו עון גדול הווא. אבל בדברי שמים אם לא חור בו בסתר מצלמין אותו ברבים ומפרנסים</p>
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fellow's countenance to shame has no share in the world to come" (Pirke Avot, 3.15).

However, all these refer to matters touching the relationship between man and man; but if it concern heavenly matters, if the sinner does not repent after being rebuked privately, he should be shamed publicly, and his sin should be proclaimed, and harsh words should be used in his presence, and he should be shamed and cursed till he repent and take up the good path, even as all of the prophets in Israel did with the wicked.

חטא ומחרפים אותו בפניו ומבזין ומקלין
אותו עד שיחור לモטב כמו שעשו כל
הנבאים בישראל:

Section B: To not tale-bear or gossip (*rechilut*) and no evil speech (*lashon hara*)

9. Leviticus 19:16

ויקרא יט:טו

Do not go as a talebearer among your people, do not stand idly by your neighbor's blood, I am God.

לא-תALK רכili בעה פיך לא תעמוד עלידם רעך אני ה'

The book of Psalms (Tehillim) is part of the section called Writings (Ketuvim) of the Jewish Bible (Tanach). It contains 150 psalms, poetic in nature, which explore the diversity of human experience.

10. Psalms 34:13-15

תהלילים לד:יג-טו

(13) Who is the man who is eager for life, who desires years of good fortune? (14) Guard your tongue from evil, your lips from deceitful speech. (15) Shun evil and do good, seek peace and pursue it.

(יג) מירח איש חחצחים אַתָּב בְּמִים ?קְרֹאֹת סֻוב: (יז) נִצְּר לְשׁוֹנָךְ מְגֻעָן וְשִׁפְתָּחִיךְ מְדַבֵּר מְרַמָּה: (טו) סָור מְגֻעָן וְעַשְׂה-צָוֹב בְּקַשׁ שְׁלוֹם וְרַקְפָּהוּ:

11. Maimonides, Mishneh Torah, Book of Knowledge 7:1-3

רמב"ם משנה תורה הל' דעות ז:א-ג

2. Who is a talebearer? One who loads himself up with matters, and goes from this one to that one, saying to each: such did that man say, thus and such have I heard concerning that man; even though it be true, behold him, he destroys the universe.

There is yet an extremely grosser iniquity, which, too, is included in this prohibitive commandment, and that is, the evil tongue (*lashon hara*), one who spreads scandal about his fellow even though he be telling truth. If he be lying, he is called a maligner who invents an evil name against his fellow. The owner of an evil tongue, behold him, he sits in company and relates, saying: thus and such did that certain party, thus and such were his parents, and thus and such I did hear about him and of course, he relates scandalous matters. Of him, the Verse says: "May the Lord cut off all flattering lips, the tongue that speaketh proud things" (Ps. 12.4).

ב: אי זה רכili. זה שיטווען דברים והולך מהה
לזה ואומר כה אמר פילוני כה וככה שמעתי על
פלוני. אף על פי שהוא אמת קורי זה מחריב
את העולם. יש עון גדויל מנה עד מאוד והוא
בכלל לאו זה והוא לשון ערע. והוא הקטיפ
בגנותה קבריו אף על פי שאומר אמת. אבל
האומר שקר נקרא מציא שם רע על קבריו.
אבל בעל לשון ערע זה שיושב ואומר כה וככה
עשוה פילוני וככה וכי אוותמי וככה וככה
שמעתי עלייו ואמר דברים של גנאי. על זה
אמר הפתוח (תהלים יב:ד) "יִכְרֹת ה' כָּל
שְׁפָטִי חֲלֻקֹת לְשׁוֹן מְדֻבָּרָת גָּדוֹלָות":

Hafetz Hayim (Rav Yisrael Meir Kagan 1839-1933). Lived in Krakow, Poland. With his works on *Lashon Hara*, the Hafetz Hayim transformed what was an essentially ethical norm or halakhic imperative into codified law. He expanded the scope and deepened the severity and awareness of laws around speech.

13. Hafetz Hayim Laws of Lashon Hara 1:10:1-2

חפץ חיים, שמירת הלשון א'י

1 If a person saw someone harming his/her friend, whether robbing them, wronging them, or causing them damage, whether the one robbed or damaged knew of it or not — or if the person shamed them or aggrieved them, or wronged them with words — and it became known to them clearly that the person did not return the theft or reimburse them for the damage and did not beseech them to forgive the transgression — even if the person saw this thing alone, they can relate it to others in order to help the one who was wronged and to condemn these evil deeds before people; but they must be sure to fulfill the following seven conditions:

1. that they witness themselves and not hear of it from others, unless it becomes clear to them afterwards that the thing is true.
2. that they take great care not to immediately determine the thing to be theft, or wronging, or damage, and the like, without carefully analyzing whether it actually is theft or damage according to the law.
3. that they reprove the sinner first, gently — perhaps it [the proof] will avail the perpetrator who will thereby rectify his ways. And if the person does not listen to them, then they should apprise the people of this person's guilt — how the person deliberately harmed another. (And if they know that the reproof will not be accepted — this will be explained below, God willing, in section 7.)
4. that they should not exaggerate the wrong beyond what it is.
5. that they should intend the benefit [of others] and not, God forbid, to benefit themselves from the taint ascribed to the other, and not out of preexisting hatred.
6. if they can bring about the desired benefit itself without recourse to exposing them for their act, then, in all instances, it is forbidden to speak [of what they did].
7. that they should not cause the one spoken about more damage than they would suffer if the matter were brought to trial in rabbinic court. (The rationale for this is to be found below in the laws of gossip, Principle 9, where it properly belongs.)

א אם אקח ראה אDEM, שעשרה עולה לחברו, בגון
שגבון או שעשו או היקום, כי אם הפנול והונק
יוקדים מיה או לא, או שביבו, או שעצצרו ווינה אותו
בלברם. ונוסף לו בברור, שלא השיב לו את הגזלה
וללא שלם לו את נקיו ולא בקש פניו להעביר לו על
עונו, אפלו ראה דבר זה ביחסיו, יכול לסתור קדרים
לבני אDEM כדי לדען לאשר אשם לו ולגנות המתושים
קורעים בפניהם הבריות, אה זיהר, שלא יתפרק אל

א. שיראה זה הקבר בעצמו, ולא על ידי שמיעה מהרים, אם לא שנתברר לו אחר כה, שהקבר אמת

ב שזיהר מأد, שלא נקליט מכך את הענין
בצדעתו לאגול ועשה או לחזק וכיווץ בזה, רק יתבונן
היטב את עצם הענין, אם הוא על פי דין בכלל גזל
זה.

ג שׁוֹכֶבֶת אֶת הַחֹטָא מִתְחַלָּה וּבְלֹשׁוֹן רֶכֶת
 אֲוֹלֵל יוֹכֵל לְהַושְׁלֵל לוֹ, וַיְסִיבֵּר עַל יְדֵי הָאֶת
 דָּרְכֵינוּ, וְאִם לֹא יִשְׁמֻעַ לוֹ, אֹנוֹ יָזְדַּעַן לְבָבִים אֲתִאָשָׁמה
 קָאִישׁ הַזֶּה, מִה שְׁהַזֵּד עַל רַעַתָּה. (וְאִם יִזְעַב בָּוֹ, שֶׁלֹּא
 יִקְבְּלֶנְהוּ תְּכוּחָתוֹ, בָּאָרֶל לְקָמָן, אִם יַרְצָחָה הַבְּסָעִיר ז')
 ד שֶׁלֹּא נִגְדֵּל קְטוּנָה יוֹתֵר מִמָּה שְׁדָא .

ה שיכנו לחשלה, וכמו שיבאך לךן בצעיר ד', ולא
להנות, חס ושלום, מהפניהם הוהו, שהוא נומו בחברו,
ולא מצד שנאה, שיש לו עליון מכבר.

ו אם הוא יכול? סבב את הטעולות הזאת גן פא
 עצמה? בעצה אחרת, שלא יצאר לספר את עניין
 הפלשות ברע עליון, אויב כל גנני אסורה לספר.
 ו שלאל סובב עלי ידי כספוף חזק להגדון יותר מכל
 סדרון, שהה יוצאת, אלו הוועד עליון באפוניה על דבר
 זה בבית דין, ובאוור דבר זה עינו לאםון בהלכות
 תלמידים ברבנן, כי זו שער רשות

15. Babylonian Talmud Moed Katan 17a

There was a certain student about whom there were bad rumors.

Rav Yehuda said: "What should be done? Should he be banned? But the rabbis need him! Should he not be banned? But the name of Heaven is being desecrated!"

He said to Rabbah bar bar Hannah: "Have you heard any traditions on this matter?" He replied: "Rabbi Yohanan said the following: 'What is the meaning of the verse, "For the lips of a priest guard knowledge, And men seek rulings from his mouth; For he is a messenger of the Lord of Hosts" (Mal. 2:7)? If the master resembles a messenger of God, seek Torah from his mouth. If not, do not seek Torah from his mouth.'"

Rav Yehuda banned him.

In the end, Rav Yehuda fell ill, and the sages came to seek his welfare, and [the students] came with them as well. When Rav Yehuda saw him [the banned student], he laughed.

[The student] said to him: "Is it not enough that you banned [me], but you are also laughing at me?" He replied: "I am not laughing at you, but rather at the fact that when I go to that world, I am happy that I did not even favor a man like you" but instead I treated you fairly in accordance with the halakha.

Rav Yehuda died.

The ostracized scholar came to the study hall and said to the Sages: Release me from the decree of ostracism. The Sages said to him: There is no man here as eminent as Rav Yehuda who can release you from the ostracism. Rather, go to Rabbi Yehuda Nesia in Eretz Yisrael, as only he can release you. That scholar came before Rabbi Yehuda Nesia. Rabbi Yehuda Nesia said to Rabbi Ami: Go and examine his case. If it is necessary to release him from his decree of ostracism, release him on my behalf.

Rabbi Ami examined his case and thought at first to release him from his ostracism. But Rabbi Shmuel bar Nahmani rose up on his feet and said: If the maid servant in the house of Rabbi Yehuda HaNasi once ostracized another person, and the Sages did not relate frivolously to her decree of ostracism and did not revoke it until three years had passed, all the more so, with regard to a decree of ostracism placed by Yehuda our colleague, we must take it seriously and not release this scholar.

Rabbi Zeira said: What caused this Elder, Rabbi Shmuel bar Nahmani, to come before us in the study hall today though for many years he did not come, and now he comes precisely during this discussion. Learn from this that it is not necessary to release him from his decree of ostracism, as this combination of events is certainly not a coincidence. Rather, it should be viewed as an instructive sign from Heaven. Consequently, Rabbi Ami did not release him from the ostracism, and the ostracized scholar left in tears.

A wasp came and stung the ostracized scholar on his penis and he died. Because he was a great Torah scholar, they took him into the caves in which the pious are interred in order to bury him there, but the caves did not accept him. A snake stood at the entrance of the caves and did not let them pass. They then took him into the caves of the judges, and they accepted him.

The Gemara asks: What is the reason that he was accepted there? The Gemara answers: Even though he sinned, he still acted in accordance with the opinion of Rabbi Ilai, as it is taught in a *baraita*: Rabbi Ilai says: If a person sees that his evil inclination is gaining control over him and he cannot overcome it, then he should go to a place where he is not known. He should wear black, and he should wrap his head in black, as if he were a mourner. Perhaps these changes will influence him, so that he not sin. Even if these actions do not help, he should at least do as his heart desires in private and not desecrate the name of Heaven in public. Although this person had sinned, he did so in private and in a manner that did not publicly desecrate God's name, and therefore it was fitting that he be given an honorable burial.

The Gemara asks: What is the story mentioned by Rabbi Shmuel bar Nahmani involving the maid servant in the house of Rabbi Yehuda HaNasi? It was related that the maid servant in Rabbi Yehuda HaNasi's house saw a certain man who was striking his adult son. She said: Let that man be excommunicated, due to the fact that he has transgressed the injunction: "You shall not place a stumbling block before the blind" ([Leviticus 19:14](#)), as it is taught in *abaraita* that the verse states: "You shall not place a stumbling block before the blind," and the verse speaks here of one who strikes his adult son, as the son is likely to become angry and strike his father back, thereby transgressing the severe prohibition against hitting one's parent.

Similarly, it was related that Reish Lakish was guarding an orchard for payment when a certain man came and ate some figs that were growing there. Reish Lakish raised his voice and yelled at him, but this man paid no attention to him and kept eating. Reish Lakish said: Let that man be in a state of excommunication. The man eating the figs said to him: On the contrary, let that man, i.e., Reish Lakish, be in a state of excommunication, for even if I have become liable to you for payment, as I have eaten of the figs without permission, have I become liable to you for excommunication? With that statement, the man left.

Reish Lakish went to the study hall to inquire about the *halakha* with regard to this man. The other Sages said to him: His decree of ostracism is valid, but your decree of ostracism is not. In other words, that man was correct and Reish Lakish should not have ostracized him in response to his actions.

Reish Lakish then asked: If so, what is the remedy for this decree of ostracism? The Sages answered him: Go to him so that he may release you from it. Reish Lakish replied: I do not know him. They said to him: Go then to the *Nasi*, so that he may release you from the ban, as it is taught in a *baraita*: If one was ostracized, but he does not know who ostracized him, he should go to the *Nasi*, and the *Nasi* may release him from his decree of ostracism.

The Gemara continues: Rav Huna said that in Usha it was enacted: If the President of the court sinned, he is not ostracized. Although this would be the appropriate punishment, he is not ostracized, so as not to cause a desecration of God's name. Rather, they say to him the words of the verse: "Keep your honor and stay at home" ([II Kings 14:10](#)). That is to say, to preserve your dignity, it would be best if you were to stay at home, resign your position, and refrain from further public appearances. If he sins again, he is ostracized, due to the desecration of God's name that would ensue were people to think that he was spared his rightful punishment due to his high position.

16. Question to Rambam, n. 111 (trans. Rabbi Dr. Daniel Roth)

We ask the grace of our lord, light of the world, our master and Rabbi Moses ben R. Maimon, what say you - great rabbi, wonder of the generation from sunrise to sunset - of a certain Hazzan, who is also a Talmid [Chacham] [Wise person], regarding whom an unmentionable rumor (*rinun*) has proliferated, but no witnesses have come forth, and he has enemies. Should he be expelled from his position or not? ...

Responsa of the Rambam n. 111

The answer: What every intellectual should know.

(1.) That no official should lose his position because of a mere rumor, even if he has no enemies. And certainly not if there are in the city people who hate him, and have evil intent. Because in matters like these it cannot be said "for it is no good report" (Samuel I, 2:24). That is only if he has no enemies. But, if he has enemies, [we say] it is his enemies who have spread the [adverse rumor]." (Babylonian Talmud Moed Katan 18b)...

(2b) And if this rumour has been spread about him, he should not be removed and it should not be publicized. As it has been said: "if a Rabbinic Sage has committed an offensive deed they do not 'ban' him publicly, because it is said: Therefore shalt thou stumble in the day and the prophet also shall stumble with thee in the night (Hoshea 4:5), [that is to say] Keep it dark, like night.... But then, when a Collegiate did incur the ban, how did he act? - As they do [in the West]: for in the West [Palestine] they appoint a tribunal for lashing a Collegiate but do not appoint a tribunal for pronouncing a ban." [Babylonian Talmud Moed Katan 17a]. ...

(2d) And do not let the story of Rav Yehudah regarding that collegiate mistake you, because they explained this and said, that he acted in accordance with Rabbi Il'ay, that he went where he is not known; and did the deed that his heart desired, and it was necessary to publicize the matter to them, so that the people would see the matter themselves and not just hear it through a rumour alone.

(3a) And the man who spoke of this person without seeing him for himself should be banned, because there is no greater *afkarta* (irreverence) than that.

(3b) He should be lashed for spreading libel... and be careful of the honour of Torah, for a mitzva [commandment] is a candle and the Torah, light.

And Moses wrote.

31. Responsa Maharik 188 (translation Nechama Goldman Barash)

I have seen the words of the early and later sages and they speak in tandem with one another and it is clear that this Rabbi Aharon Riskia, is being relentlessly pursued without reason and it is clear even to the babes in the study hall of Beit Rabban that there is no value to the words of this cursed woman..and even if this one witness was a righteous and believable individual, he would not be believed at all...even more so with regard to a woman like this one who separated herself from the modest daughters of Israel, who is not believed even as one witness and not even as half of one and even to hate him (which is allowed if someone is wicked but it can't be proven) according to her testimony is prohibited...and even more so it is prohibited to embarrass him and to excommunicate him based on the words of that woman and one who disgraces him should ask for mercy since the dignity of the sons of Abraham, Isaac and Jacob is negligible in his eyes; and certainly it is an abomination towards especially if he caused someone to be disgraced in public as was done to this poor old man Rabbi Aharon, who was disgraced and humiliated and prevented from reading from the Torah in public and there is no greater "whitening of the face" than this...as it is written it is worse to whiten the face of a person than to commit adultery for that sin results in strangulation but allows for the world to come and disgracing someone in public excludes one from the world to come and one should behave with utmost caution to avoid disgracing someone in public for nothing and one must examine and reexamine the case many times before behaving in such a way and one who is lenient with this, blood is on his head without a doubt....

And if a person wants to be stringent about what is written in Kiddushin 81a that one flogs a man based even on a rumour, the matter is simple, this is only when there is consensus among the majority of people that the rumour is true and it is not based on nothing. Furthermore, it is known that the rumour has a reliable source. Here however, where we know the rumour comes from a source that is not fit to be believed, and that it is known that this cursed

woman started the rumour, and she cannot be believed in any way for several reasons that were explained above, then it becomes clear as day that this rumour has no substance and there is no need to elongate for it is simple, even according to the babes in the study hall of Beit Rabban for how can a man err and say that because of the echo of a rumour coming from such a woman, a man, who has the presumption of righteousness, will be lashed.

God forbid that we do such a thing in Israel for if so, we have not left a son to Abraham our patriarch, who will not be lashed...And therefore, justice will then be perverted, God forbid, for the promiscuous among our people will then rise up and spread rumours about anyone they hate and with malice they will spread these rumours and in such a way, rumours will reported and everyone will be subject to lashes God forbid!

And it is true, the Rambam wrote in the laws of Sanhedrin, “that the rabbinic court can give lashes to a man based on bad rumours around promiscuity. This applies provided the rumor is heard continuously and the man has no enemies” However, I saw in the letter bywho testified based on his honorable mother from...that she (the woman spreading the rumours) was advised to say that Rabbi Aharon impregnated her to quiet Rabbi Aharon for he was the one who knew the rumour about her (meaning about how she really became pregnant) and disgraced her (by letting her know he knew the truth of the pregnancy) by her account.

And if this is the case, then this is the definition of enemies spreading rumours out of hatred.

And it is known that she spread the rumour to quiet him and to take revenge for he knew the rumour about her as I learned ...

And behold, this unfortunate old man, Rabbi Aharon, cries out that he was never alone with her since they travelled in a group of three men [which is enough to remove doubt regarding promiscuous behavior].

And it is clear that he should not be excommunicated or disgraced and certainly not without a warning and even if you want to say that the court will use this as an example and excommunicate him because he did not put up enough of a fence around his behavior [by traveling with a woman], then why make an example of him when so many of the uneducated fold behave like this all the time and we ignore their behavior and it will seem like the court hates this poor man.

And it seems that this alienation of Rabbi Aharon was not correct and the court sinned terribly and its possible it was done inadvertently and if they continue in this terrible manner, from here on in, they will have to ask mercy for themselves for the incurring the punishment of one who disgraces and whitens the face of his friend in public for nothing, as I have written above

...And I requested from the holy community of Padua I that they include Rabbi Aharon in every matter having to do with holiness and what was is no longer relevant and because they are an important congregation, I bear their iniquity for they did not listen to our teachers and sages and they brought ill will upon Rabbi Aharon

...And to the community leader of the Padua congregation, I say that he will be worthy of excommunication if he does not call Rabbi Aharon up to the Torah.., especially since he stood and cried out that he would accept the court's verdict if he was in fact found guilty...

Based on all of this, I declare that on the first Shabbat that comes around, Rabbi Aharon will come to the synagogue of the Ashkenazim of Padua during the Torah reading and will be called up to read from the Torah like all of the other members of the faith...and this issue will no longer distance him and will not disgrace him further in public which leads to a loss of the world to come and if he hears these words, peace be with him and may he be blessed for good.

Rabbi Isaac ben Sheshet Perfet (1326-1428, Spain) also known as the Rivash survived the Spanish persecution, and wrote important responsa (translation Nechama Goldman Barash).

32. Responsa Rivash 265

To those who investigate the offenses in the Algiers community:

I saw your correspondence. The case brought to you by Algohar, wife of Rabbi Jacob son of Joseph, against Rabbi Isaac HaCohen as follows:

That he walks behind her without warning and tells her that he loves her. He said to her, if you do not do this for me, give me one kiss, I will die of love for you.

And also, another time, he called her to come up to his house and she understood his intentions were for evil and did not want to come up and then he said terrible things to her and told her that he is practiced in doing such things to others.

And Rabbi Isaac responded to her allegations and denied everything. And explained that he never intended anything for evil. But since they were once neighbors, they had played together, in jest, as lovers do. And they

never became accustomed to such things. For he is a righteous Jew.

And the investigators asked her: Why did you not come until now since you have described several instances in which he came upon you.

And she answered: Out of fear for her husband, so that he not fight with him and possibly cause his death.

And they further said to her: Do you have a witness to any of this?

And she said that she told all of this to Anshmuel son of El Raviach. And he testified and took an oath that he did not know and did not see any such thing. But he admitted that she did tell him these things as described above.

And he said to her at the time, why did you not say anything until now? And she answered him, so that a fight not break out between her husband with another Jew. And she also answered and told the investigators: This man was already warned by those investigating, not to speak to the wife of Shmuel Pniel, and not to come near her, because of suspicion [of him]. And Rabbi Isaac explained: This was because of a disagreement he had with Shmuel Pniel. And this was more than six years ago. And since then, there has been no suspicion of him. These are the claims.

Answer: Since Algoher has no witnesses to her claim against Isaac HaCohen, there is no reason to accept the legality of her words only and to suspect him of such an ugly thing and to punish him for it.

But, in order to separate them from what it is prohibited, it is appropriate to order him, upon pain of excommunication to never speak to her neither good nor bad and they should not live in the same neighborhood. And also, if there is a presumption in your eyes of suspicion of sexual impropriety, even if there are no witnesses, it is appropriate to rebuke him sharply and to threaten him: If he does not act in a righteous manner, he will be ostracized from the community and you will push him away with two hands as is written in Kiddushin 81a to give lashes based on a bad rumour (regarding sexual misconduct)...and as the Rambam wrote as well.....

Section C - You shall not stand idly by your neighbor's blood (lo ta'amod al dam r'eacha)

25. Leviticus 19:16

ויקרא יט: טז

Do not go as a talebearer among your people, do not stand idly by your neighbor's blood, I am God.

לא תעמוד רכiley בעמיך לא תעמד על דם
רעה אני ה'

26. Rambam, Mishneh Torah, Laws of Murder and Preserving Life 1:14-15

משנה תורה הל' רוצח א:יד-טו

14. Anyone who can save and does not save transgresses 'do not stand by the blood of your neighbour'. So too one who sees his friend drowning in the sea, bandits attacking him or a bad animal attacking him and he is able himself to save him or he could hire others to save him but he does not; one who hears idol worshippers or informers plotting harm for him or laying a trap for him and he doesn't tell his friend and inform him; or if he knows that an idol worshipper or a thug are on their way to his friend and he could appease them on behalf of his friend to change their intention and he doesn't appease him; and so too any similar case; One who does any of these transgresses 'do not stand idly by your neighbour's blood'.

15 The one who sees a pursuer going after his friend to kill him or after a woman to rape her and is able to save [the pursued] and does not, this one has cancelled a positive commandment: "and cut off her hand" (Deut. 25:12) and has transgressed two negative commandments: "do not turn away your eyes" (Deut. 25:12) and "do not stand idly by your neighbor's blood" (Lev. 19:16.)

יד כל יכול להציל ולא הציל עזבר על (ויקרא יט טז) "לא תעמוד על דם רעך". וכן קרוואת חבירו טובע בנים. או ?פסים באים עליו. או זהנה רעה באה עליו. ונכול להציל הוא בעצמו. או שישבר אחרים להצילו ולא הציל. או ששמעו עזבר כובדים או מוסרים מתחשבים עלייו רעה או טומניין לו פח ו לא גלה אין חבירו והודיעו. או שדעת בעכו"ם או קאועס שהוא בא על חבירו ונכול לפסו בגל חבירו להסיר מה שבלבבו ולא ייסו. וכל כיויא בחררים אלו. העוצה אותם עזבר על לא תעמוד על דם רעך :

טו קרוואה רודף אמר חבירו לך רגנו או אחר ערוה לבעלה ונכול להציל ולא הציל. קרי זה בטל מצוות עשה שעניא (דברים כה יב) "יקצתה את כפה". ו עבר על שמי לאוון על (דברים כה יב) "לא תחוס עניך" ועל (ויקרא יט טז) "לא תעמד על דם רעך"

The **Shulchan Aruch** is written by Rabbi Joseph Karo (1488-1575, born in Spain, lived in Safed, Israel). Rabbi Karo transformed the study and observance of Jewish law known as halakha with his far reaching codification of Halakha into four volumes generating dozens of commentary on his code and revolutionizing the way halakha was decided.

27. Shulchan Aruch, Choshen Mishpat, 426:1

שליחן ערוך חושן משפט תכ"ו: א

If one person sees another drowning in the sea or being attacked by bandits, or being attacked by wild animals, and although able to rescue him either alone or by hiring others, does not rescue him; or if one hears a non-Jew or informers plotting evil against another or laying a trap for him and he does not call it to the other's attention and let him know; or if one knows that a non-Jew or a violent person is going to attack another and although able to appease him on behalf of the other and make him change his mind, he does not do so; or in any similar case—he transgresses the prohibition, "You shall not stand by while your fellow's blood is shed."

חייב אדם לדצל את חבריו בין בגפו בין במוינו ובו סיעך א': הרואה את חבריו טובע בהם או ליסטים בגין עלייו או חייה רעה באה עלייו ויכול להצליל הוא בעצמו או שישcrop אחרים להצליל ולא הצליל או ששם עכו"ם או מוסרים מהשבים עלייו רעה או טומנים לו פח ולא גילה און חבריו והודיעו או שידע בעכו"ם או באנס שהו בא על חבריו ויכול לפיסו בגלל חבריו ולהסיר מה שבלו ולא פיסו וכיוצא בדברים אלו עובר על לא תעמדו על דם רעך:

Tosafot Rosh (by Asher Ben Yehiel, 1250 to 1327, born in Germany and died in Spain) is an important commentary on the Talmud. He is also known as the Rosh.

21. Tosafot Rosh on Nidda 61a. (cited above) (Translated by Nechama Goldman Barash):

רא"ש מסכת נדה פרק ט

Ravina said, this type of lashon hara, even though one cannot accept it as truth, one can be mindful of it...and it seems to me to be according to the words of Rabbi Acha Gaon who wrote in the *Sheiltot* [Jewish Law Responsa from the Gaonic period, 7th to 10th century] if you killed someone, you are liable to the [secular] king (the court) who warns against accepting murderers.

And in this case, one should pay heed to the lashon hara, for he could come to harm or cause others to be harmed if he does not pay heed to the rumours as in this case and as in the case of Gedaliah.

But in any other case, it is forbidden to pay attention to lashon hara and to believe it at all.

Pitchei Teshuva (by Rabbi Yisrael Isserlin, 1827-1889) is a commentary on the four volumes of the Shulchan Aruch (Code of Jewish Law). It was largely authored by Avraham Tzvi Hirsch Eisenstadt (1813-1868). Only this volume, Orach Chayim was written by Rabbi Isserlin.

22. Pitchei Teshuva, Orach Chayim, 156 (Translation by Rabbi David Brofsky)

The Magen Avraham and others went on at length about the stringency around Lashon Hara, and I felt compelled to note, that on the other hand, there is a greater transgression that is also very prevalent, and that it is not to give his friend information when there is a chance to save the oppressed from his oppressor because of the fear of Lashon Hara. For instance, one who sets a trap to kill someone in an undetectable manner or who digs a tunnel in the middle of the night in the darkness into the house or store of his friend and prevents himself from telling his friend and warning him in time, because he is afraid that this is a transgression of Lashon Harah, and in truth, one who behaves this way, his sin is too great to bear and he transgresses the prohibition of Do Not Stand Idly By While Your Brother's Blood is Being Shed.

By not speaking you violate the mitzvah of returning that which is lost to its owner (Deut 22:2)...The general principle is that these are matters which depend upon the speaker's motivation. If the informant's intent in relating to these matters is entirely to cause harm, that is lashon ha'ra. However, if his intent is to bring about benefit to the other person and to save him and to protect him – then it is a great mitzvah...unfortunately, I have seen many times where someone witnesses another person trying to cause harm to someone – and he suppresses the

informantion and says "Why should I get involved in a matter which isn't my business...however, one needs to be very careful about these and similar matters. Our Sages have said – when the permissibility depends on motivations – it says, "And you should be afraid of your God."

Rabbi Moshe Sternbuch (born 1926 in London, lives in Jerusalem) is a major rabbinic figure in the Haredi rabbinic court in Israel that impacts Orthodox Jewry around the world. (Thank you to Rabbi David Brofsky for this source citation)

23. Teshuvot Ve'Hanhagot, Rabbi Moshe Sternbuch

We have merited the wonderful book of the Hafetz Haim on the laws of lashon ha'ra..and within the book, the Hafetz Haim it appears that at times there is no prohibition to speak lashon ha'ra, rather there is a mitzvah to speak, such as when one misleads his neighbor in business transactions, or one who borrowed money but did not repay, or regarding marriage arrangements when a match which is not proper is offered and may lead to harm and he refrains from telling his as he does not wish to speak poorly or to cause damage, he violates "that he not stand idly by the blood of your neighbor"..and it turns out that he is using the commandments of our Lord blessed be He, in order to injure his friend when he was never commanded to do so...as well as the commandments of "and you shall love your neighbor as yourself"...and I have warned about this many times and therefore one should be careful to learn the laws of lashon ha-ra well and to know when it is prohibited and when it is permitted as sometimes there is an obligation to tell, under certain conditions, as the Hafetz Haim himself explained.

Rabbi Shlomo Yosef Elyashiv (1910-2012, born in Lithuania, lived in Israel). Head of the Haredi-Lithuanian Communities in Israel and the Diaspora. (Thank you to Rabbi David Brofsky for this source citation)

24. Rabbi Shlomo Yosef Elyashiv, Yeshurun 15 (2005)

"Thus, all this only permits informing the authorities in a situation in which it is clear that the person did in fact do this deed and in this case there is in fact, an aspect of tikun olam or fixing the world. However, with regard to the question of whether to permit where there is not even "legs" to the matter (i.e. reasonable cause to suspect wrongdoing), but merely some vague suspicion, not only is there no tikun olam [fixing the world], but there is destruction of the world in this case as it is possible that because of some student's grudge against a teacher, a student may accuse the teacher or because of some baseless suspicion, a person could be placed in a situation in which he is better off dead, though he is innocent of wrongdoing and I see no place to permit this"