

The Laws of Lashon Hara – Tikkun Leil Shavuot 2010

Selected and condensed from Sefer Chofetz Chayim

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by Zelig Pliskin

1:1 It is forbidden to relate derogatory information about a person even if the information is true.

2:1 It is forbidden to relate lashon hara to a single individual or to a group.

2:2 Harmless statements may be said in the presence of 3 people because it is assumed that if 3 people hear it, it will spread so the speaker will be careful when speaking before 3.

2:3 Well known derogatory information is still considered Lashon hara.

2:4 In discussions of meetings in which decisions are rendered, it is forbidden for anyone who attended the meeting to disclose who spoke or voted for or against. Doing so creates blame and plants the seeds of strife and anger in communities.

2:12 Although it is common to critique a lecture, it is forbidden to verbalize negative opinions without a constructive purpose, unless the lecturer made heretical remarks. It is permitted to discuss the lecture or disagree with points made.

5:2 It is lashon hara to offer assessments of a person's physical or mental abilities that are derogatory. These can harm a person in finding a match, in his livelihood, and in diminishing one's stature in the community.

3:4 Lashon Hara said in humor or jest is still forbidden.

3:6 Speaking lashon hara without mentioning someone's name is still considered lashon hara if the listener can deduce the identity of the subject.

4:3–6 Even if you see a Jew transgressing, judge the person favorably; perhaps it was an accident or he didn't know something was forbidden. If you are certain that the person sinned knowingly and purposely and has not done teshuva (repentance), you should speak to the person privately and rebuke him gently and with respect so that he will be open to the criticism. "You shall surely rebuke your fellow and not bear a sin because of him."(Lev 19:17)

If you are certain that the person will not heed your rebuke, you are required to seek someone (a parent, rabbi, etc.) to whom the subject will listen and relate the information on these 3 conditions:

1. The person you are telling must know you and be someone who will believe you.
2. You must tell the information in a sensitive manner.
3. The person you are telling must be someone who will handle the matter discretely.

6:1–2 It is forbidden to listen to lashon hara and to believe it, except for in the case of a constructive purpose (see below).

6:5–6 If you are with a group of people, and someone starts to speak lashon hara, you should:

1. Respectfully remind them that lashon hara is forbidden
2. Leave the conversation.
3. If you cannot leave, decide that you will not believe the lashon hara and do not show signs of agreement or approval.

9:1–2 Some statements are considered *avak lashon hara* (dust of lashon hara). These are statements that are not derogatory but can lead to lashon hara or can imply something derogatory. For example, “It’s amazing how far he’s come.” Or “I can’t talk about her. It would be lashon hara.” Also, praising someone excessively can lead others to say, “yes, but…” It is forbidden to praise someone in front of his enemies. Praising someone in public is also forbidden because it is likely that it will set off a negative statement from at least one person.

10:1–2 Sometimes it is necessary to speak Lashon hara for a constructive purpose (*l’toelet*) such as when it protects someone from harm when making a shidduch (match), a job reference, or a business relationship. In order for lashon hara to be for a constructive purpose, it must: (a) be solely to help protect someone or compensate a victim and not to degrade the subject, get revenge, derive pleasure, or promote oneself, and (b) prevent others from evil and possibly lead the subject to mend his ways. And ALL 7 of the following conditions must be met:

1. One must be absolutely certain that the information is accurate by either witnessing it oneself or verifying the matter beyond any doubt.
2. One must be certain that the action witnessed is actually forbidden and that there is no misunderstanding or misinterpretation of the act.
3. One must first admonish the wrongdoer. If you are certain that he will not heed you, you need not admonish him, but in this case, you must report the information in the presence of at least 3 people, making it clear that your intentions are pure. The listeners must not accept the information as absolute truth. If you fear that the wrongdoer will harm you, you need not report the information to 3 people.
4. One must not exaggerate in any way.
5. One’s intention must be solely to cause benefit and not to degrade the subject, get revenge, derive pleasure, or promote oneself.
6. If one can affect the same result without speaking lashon hara, then that option must be used.
7. Conveying the information must not cause the subject a greater loss than Torah law would require.

10:3 Derogatory information spoken for a constructive purpose may not be spoken by someone guilty of the same sin that he would be exposing because the information would be revealed with impure intentions.

6:3–4 Sometimes it is permitted to listen to lashon hara for a constructive purpose: If someone is about to speak lashon hara to you, ask them if there is something constructive to be gained from hearing it, such as the report is necessary for the success of a business venture. Even in that case, it is forbidden to believe what you hear as absolute truth, but you may use the information to exercise caution. Also, if someone, like a spouse, needs to unburden emotional pain from a distressful situation, one may listen and try to help the person cope. Similarly, if your friend is angry about someone, you may listen empathetically without showing approval and try to calm him down and uproot the ill will. Not listening or agreeing with him will further his rage and likely cause him to speak the lashon hara to others. Again, you must not believe what he tells you as truth.

Rabbi Chai Levy