

LISTENING TO LASHON HARA

קבלת לשה"ר

In the previous learning session, we were introduced to the basic principles of the negative effects of speaking Lashon Hara. The emphasis of this first discussion centered around the speaker himself. But there is another key element to this whole equation: the listener.

Not only does the listener play a key role in so far as he's facilitating the derogatory speech to be perpetuated, thereby transgressing the Torah's injunction of "Don't place a stumbling block in front of a blind person", but there's actually a separate and specific Torah prohibition custom-suited for the listener himself!

This session will explore the halachic-parameters and conceptual underpinnings of this prohibition.

In this learning session we will explore the following issues:

- **What is so bad about listening to Lashon Hara?**
- **Is the prohibition not to believe, or even not to listen?**
- **What should a person do with negative information they already heard?**
- **Does it make a difference if the information is potentially relevant to the listener?**
- **What if the speaker is a highly trustworthy individual?**

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1 – THE UNDERLYING CONCEPT: AVOIDING FALSEHOOD

Source 1. Shemos 23:1

“You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness”	לֹא תִשָּׂא שְׁמֵעַ שְׂוֵא אֶל-תְּשֻׁת יָדְךָ עִם-רָשָׁע לְהִיט עֵד חָמָס
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What does it mean to “carry false rumors” (which is a loose translation of “תשא שמע שוא”)?? In the context of the entire verse, including the second part regarding joining with a malicious witness, this verse seems to be addressing a *courtroom* situation. Rashi, however, explains that there’s more going on here:

Source 2. Rashi, *ibid*

“Do not carry a false report” — Take it as the Targum renders it: thou shalt not accept (listen to) a false report. This is a prohibition addressed to one who is about to accept a slanderous statement, and it is addressed also to a judge — that he should not hear the pleadings of one party to a suit before the other appears	לֹא תִשָּׂא שְׁמֵעַ שְׂוֵא .כְּתַרְגוּמוֹ, לֹא תִקְבַּל שְׁמֵעַ דְשִׁקְרָא , אֲזַהְרָה לְמַקְבַּל לְשׁוֹן הַרַע וְלַדִּין שְׂוֵא יִשְׁמַע דְבָרֵי בַעַל דִּין עַד שְׂיָבֵא בַעַל דִּין חֵבְרוֹ
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The translation of the verse, as Rashi explains, is as follows:

“תשא” – carry (literally “cause to be raised-up”)

“שמע” – a report (literally “a tidings” i.e. something that is heard)

“שוא” – which is false (literally “vain”)

➔ What does it mean not to “carry a false report”? **Two things:**

1. Don’t listen to one litigant while the other is absent (applicable to a judge, specifically, in a courtroom-setting)
2. Don’t listen to Lashon Hara (applicable to everyone, even outside of court)

Given that the Torah includes two concepts in the exact same verse – one, directed at ones conduct in a judicial setting, and the second directed at ones conduct in a more standard social setting – these two injunctions clearly have a similarity. But what is it, exactly? And what is this element of “falsehood” that seems to be being emphasized here?

Let’s see the Talmud’s description of this prohibition, as well as the Rambam’s halachic codification:

Source 3. Pesachim 118a

And Rav Sheshes said, citing Rabbi Elazar ben Azarya: Anyone who speaks slander, and anyone who accepts and believes the slander he hears, and anyone who testifies falsely about another, it is fitting to throw him to the dogs, as it is stated: “(And you shall not eat any flesh that is torn of beasts in the field), you shall cast it to the dogs” (Exodus 22:30), and afterward it is written: “You shall not utter [tisa]	וְאָמַר רַב שֵׁשֶׁת מִשׁוּם רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה כָּל הַמְסַפֵּר לְשׁוֹן הַרַע וְכָל הַמַּקְבֵּל לְשׁוֹן הַרַע וְכָל הַמְעִיד עֵדוּת שִׁקְרָא בְּחֵבְרֵי רְאוּי לְהַשְׁלִיכֵהוּ לְכַלְבִּים
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<p>a false report” (Exodus 23:1). Furthermore, read into the verse as though it stated: Do not cause a false report to be accepted [tasi], i.e., do not lead others to accept your false reports.</p>	<p>שנאמר לכלב תשליכון אותו וכתיב בתריה לא תשא שמע שוא וקרי ביה לא תשיא</p>
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Source 4. Rambam, The Laws of Sanhedrin 21:7

<p>A judge is forbidden to hear the words of one of the litigants before the other has arrived, or even if the other is simply not in front of him (currently). Moreover, even one word is prohibited, as the verse says, “<i>You shall hear from amongst your brothers</i>” (Devarim 1:16). Therefore, one who does this has violated a negative commandment, as it says in the verse “Do not carry a false report.”</p> <p>Also included in this prohibition is a warning against accepting Lashon Hara, as well as speaking Lashon Hara, and also testifying falsely. Moreover, the litigant himself is warned not to present his testimony to the judge before the other litigant has arrived.</p> <p>Regarding all of these sorts of matters the verse says, “<i>Distance yourself from falsehood!</i>” (Shemos 23:7)</p>	<p>אָסוּר לְדַיֵּן לְשִׁמְעַת דְּבַרֵי אֶחָד מִבְּעֵלֵי דֵינָיו קֹדֶם שֶׁיָּבֹא חֵבְרוֹ אוֹ שֶׁלֹּא בְּפָנָיו חֵבְרוֹ. וְאִפְלוּ דְבַר אֶחָד אָסוּר שֶׁנֶּאֱמַר "שִׁמְעַת בֵּין אֲחֵיכֶם" (דְּבָרִים א:טז). וְכֵן הַשּׁוֹמֵעַ מֵאֶחָד עוֹבֵר בְּלֹא תַעֲשֶׂה שֶׁנֶּאֱמַר "לֹא תִשָּׂא שִׁמְעַת שָׂוִא". וּבְכֻלָּל לָאוּ זֶה אֲזַהֲרָה לְמַקְבֵּל לְשׁוֹן הָרַע וּמְסַפֵּר לְשׁוֹן הָרַע וּמַעֲיֵד עֲדוּת שֶׁקֶר. וְכֵן בְּעַל דֵּין מְזַהֵר שֶׁלֹּא יִשְׁמִיעַ דְּבָרָיו לְדַיֵּן קֹדֶם שֶׁיָּבֹא בְּעַל דֵּין חֵבְרוֹ. וְגַם עַל זֶה נִכְיּוֹצֵא בּוֹ נֶאֱמַר "מִדְּבַר שֶׁקֶר תִּרְחֹק" (שְׁמוֹת כג:ז)</p>
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From all these sources, we see that the underlying concept and similarity between the prohibitions of listening to one litigant while not in the presence of the 2nd, and listening to Lashon Hara, seems quite clear: *stay far, far away from falsehood!*

This leads us to a very glaring question, though, for anyone who has learned a thing or two about the laws of negative speech: *isn't Lashon Hara prohibited even if it's true!?! The Chofetz Chaim points out in his holy book over and over – perhaps literally hundreds of times! – that speaking negatively of another is prohibited even if it's true?? Given that this is the case,*

Question:
Why does the scriptural prohibition of listening to Lashon Hara connote an element of “falsehood”??
 Isn't Lashon Hara forbidden even though it's true!?!

No less than the saintly Chofetz Chaim himself addresses this question. His answer reveals to us a phenomenal insight into the Torah's understanding of human-nature:

Source 4. Chofetz Chaim, Introduction: negative commandment #2

It goes without saying that this prohibition includes even derogatory speech about a matter which is true, since included in this negative commandment is also the prohibition for a litigant to present his argument in front of the judge before the other litigant has arrived (i.e. not in the others presence), as is taught explicitly in the Talmud [Shavuos 31a; Sanhedrin 7b], and this is prohibited even though the litigant says only things which are true. Even still, for some reason, the Torah calls this a “false report” (why)?

The reason is because the Torah has plunged to the depths of the human psyche, (and is noting that) since one is presenting his claims in the absence of the other litigant it is impossible that he will not incorporate in to his claims some words which are not entirely true...

Therefore, it goes without saying that this is also true regarding Lashon Hara, and, to the contrary, all the more so! For, regarding speaking negatively of another, the other ‘litigant’ (i.e. the subject of the derogatory speech) will *never* arrive to defend his half of the story and potentially show that that which is being said about him is false. That being the case, the speaker will certainly not be embarrassed to intermingle within his ‘presentation’ some words which are not true, in order to ‘flavor’ the matter in front of his audience.

ופשוט הוא דלאו זה כולל אפילו
לשה"ר על דבר אמת כיון דלאו זה
כולל נמי שלא ישמיע דבריו לדיין
קודם שיבוא בעל דין חבירו כדאיתא
בשבועות (ל"א ע"א) ובסנהדרין (ז':)
ושם בוודאי אפילו על אמת אסרה
התורה ואעפ"כ קראתו התורה שמע
שוא...

משום שהתורה ירדה לסוף דעת המספר
שכיון שהוא מספר טענותיו שלא בפני
בעל דינו אי אפשר שלא יערב בתוך
הטעמת דבריו דבר שאיננו אמת כ"כ
ועיין בשבועות (ל"א ע"א) ברש"י ד"ה
שמע שוא וא"כ פשוט הוא דה"ה לענין
לשה"ר וק"ו בזה שבזה בוודאי לא יבוא
בעל דין שכנגדו להכחישו ולהראותו
שמה שסיפר עליו איננו אמת כ"כ ע"כ
בוודאי לא יבוש לערב בתוך הסיפור
דבר שאיננו אמת כדי להטעים את
הדבר לפני השומע

Phenomenal! A person can lead himself to believe that he can remain objective while not in the presence of the other litigant or subject of the derogatory speech...but the Creator of the Universe knows better: you're stepping in to a world of falsehood! Given that the other party is absent and therefore incapable of defending themselves, you're picture of the situation is bound to be skewed.

Therefore, just as a judge whose pursuit is justice will distance himself from such conduct in the courtroom of law, so too an individual whose pursuit is honesty and integrity will distance himself from listening to Lashon Hara in the courtroom of daily life.

2 – NOW WHAT?

Ok, so you're not allowed to listen to LH.¹ But, now comes the million dollar question: what if, for whatever reason, one *did* hear negative information about another (perhaps unintentionally, by mistake, or on purpose; whatever the case may be)...now what? What is he obligated to do now? What's done is done; can we uproot the past??

In order to understand the Torah's protocol in such a situation, we need to distinguish the negative information in to two categories: irrelevant and relevant.

- *Irrelevant* means negative information about another which has no bearing on either the listener or others.
- *Relevant* mean negative information about another which bears with it potential consequences for either the listener himself or others.

The Torah guides us as to how one is to proceed in each one of these scenario's, as we shall see.

Before we proceed, though, a word of caution:

WARNING:
ADVANCED SPIRITUAL-SURGERY AHEAD!
KNOWLEDGE & TRAINING REQUIRED!

¹ The prohibition of "לא תשא שמע שוא" technically only forbids one from accepting Lashon Hara into their heart but may not *necessarily* prohibit listening to the negative information in the first place. In truth, this is a matter of debate amongst the medieval sages, but the Sefer Charedim [פרק כ"ג] does include within לא תשא also the prohibition even to listen, and it is thus codified by the Chofetz Chaim in his introduction.

Additionally, the Chofetz Chaim [הל' לשה"ר פ"ז ס"ק כד] brings from the Rabbeinu Yonah that since listening to derogatory information of another develops within a person a corrupt character trait and perspective on life, it's actually prohibited as logical-deduction from the prohibition of speaking Lashon Hara, which is prohibited for the same underlying reason.

CATEGORY A - Irrelevant Lashon Hara

Phase 1 – Stop from Penetrating

Having heard Lashon Hara, one is obligated to make efforts to prevent the information from settling into one's heart (that is, from believing that it true).

In fact, this is the basic essence of the prohibition of “לא תשא שמע שוא” – “קבלת לשה"ר”; “accepting slanderous information into ones heart!”

Lest one object, “Hey, that’s impossible! I mean, how am I expected to disassociate what I know in my head from what I feel in my heart!?”), we should note the following general principle:

Principle:
THE TORAH NEVER ASKS OF A PERSON SOMETHING THAT THEY ARE INCAPABLE OF DOING.
Application:
If the Torah instructs you to not let negative information you've heard about another from penetrating into your heart, that means, by definition, that you are capable of doing so!

That having been said, there is an *additional* Biblical injunction which is directly applicable and helpful in this specific sort of scenario, as described by the Chofetz Chaim:

Source 5. Chofetz Chaim, Lashon Hara 7:10

If there is in this matter, even if it be true, reason to judge the other meritoriously, either if it concerns the negation of advantages, or one of the other instances that we explained above in section 7, "contextual plausibility" does not apply here; for certainly we must judge him in the scales of merit, since he is a "mediocre" man [and not a confirmed evildoer], so that he not be shamed in our eyes because of this, as mentioned above.	אם יש בענין הזה, אפלו אם הדבר אמת, לשפטו לצד זכות, או בענין שלילת המעלות, או בכל שאר הפרטים, המבארים לעיל בסעיף ז', לא שיה' בזה דברים הנכרים, דנדאי אנו מחיבין לדונו לכף זכות כיון שהוא איש בינוני כדאי שלא יתבזה על ידי זה בעינינו וכנ"ל
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There is a Biblical mitzvah to judge others meritoriously. Having heard negative information about another, one is required to pause and **think critically**: “Do I have all the information here? Perhaps I’m missing something? Perhaps it was because of this, that, or the other? Etc...”

- This exercise of judging favorably will certainly help the process of preventing the negative information from penetrating into one's heart.

But, what if it doesn't?

Phase 2 – Remove from Heart

If the negative information about another has already been accepted into one's heart, then the following spiritual surgery is required:

Source 6. Chofetz Chaim, Lashon Hara 6:12

<p>And if he already heard <i>lashon hara</i> and accepted it in his heart, both in the area of "between man and his Maker" and that "between man and his fellow," his amendment is that he strengthen himself to remove these things from his heart, that he not believe them, and to take it upon himself for the future not to accept lashon hara anymore about any man of Israel. And he should confess this, and thereby he will correct [his transgression of] the negative and positive commandments that he was guilty of by accepting <i>lashon hara</i>, as explained above in the introduction, if he has not yet related it to others</p>	<p>וְאִם כָּבַר עֲבַר וְשָׁמַע לְשׁוֹן הָרַע וְהֶאֱמִין בְּלִבּוֹ, בֵּין שֶׁהוּא מִחֻלְקֵי הַגְּנוּת שְׂבִין אָדָם לְמָקוֹם וּבֵין שְׂבִין אָדָם לְחֻבְרוֹ, תְּקוּנוֹ, שְׂיִתְחַזֵּק לְהוֹצִיא הַדְּבָרִים מִלְּבוֹ, שְׁלֹא לְהֶאֱמִינָם, וְיִקְבֹּל עַל עֲצָמוֹ עַל לְהִבָּא, שְׁלֹא לְקַבֵּל עוֹד לְשׁוֹן הָרַע עַל אָדָם מִיִּשְׂרָאֵל, וְיִתְנַדֵּה עַל זֶה, וְיִבְזֶה יְתִשָּׁן הַלְאוּיִן וְהַעֲשִׂין שְׁעֵבֶר עַל יְדֵי קִבְלַת לְשׁוֹן הָרַע, כְּמִבְאָר לְעֵיל בְּפִתְיָחָהּ, אִם עֲדִין לֹא סִפֵּר לְאַחֵרִים.</p>
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To rectify the prohibition of having believed Lashon Hara, one is required to perform the following procedure, specifically in this order:

1. Remove the negative information from his heart²; and then,
2. Go through the *teshuva* process (i.e. regret, confess, plan for future, etc.)

All the while one still believes in his heart that the negative information is true, the process of repentance will be ingenuine and therefore invalid. Chazal express this as “הטובל ושרץ בידו”, one who attempts to purify himself whilst still holding on to an object of impurity in his hands!³

² The Chofetz Chaim does not elaborate for us *how* to do this. For more information on this topic see “Positive Word Power” by the Chofetz Chaim Heritage Foundation, page 32.

³ R’ Yitzchak Berkovitz *shlita*

CATEGORY B – Relevant Lashon Hara

What about negative information of another which is potentially relevant; is one still required to judge favorably and act as if nothings amiss? And, if one *is* allowed to take precautionary measure, does that mean that the prohibition of “לא תשא שמע שוא” is out the window?

The Talmud itself provides for us some general outlines as to how to approach potentially relevant negative information of others:

Source 6. Nidah 61a

<p>Rava said: Regarding this prohibition against listening to malicious speech, even though one should not accept the malicious speech as true, one is nevertheless required to be concerned about the harm that might result from ignoring it.</p>	<p>אמר רבא האי לישנא בישא אע"פ דלקבולי לא מבעי מיחש ליה מבעי</p>
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Chazal introduce us to the concept of “מיחש ליה מבעי” – One is allowed (or required) to be ‘suspect’ of the negative information.

What does this mean? Is he allowed to believe it? Is it no-holds barred now? What does this mean?

Once again, the holy Chofetz Chaim explains:

Source 7. Chofetz Chaim, Laws of Lashon Hara 6:10

<p>Even though we explained that the listening to Lashon Hara (that is, to accept in ones heart that the matter is true) is Biblically forbidden, even still Chazal taught us that one is nevertheless allowed and/or required to be suspect. The explanation is as follows: On the one hand, regarding oneself, one needs to receive the information as being possible, that is, in order to protect oneself from it to avoid any potential damage. On the other hand, though, regarding the subject himself, the information should not even be viewed as being potentially true at all, for we uphold every individual’s upstanding status. Therefore, one is still entirely obligated to positively interact with the subject in all the ways the Torah obligates, like all other members of the Jewish people, for his status is not diminished in our eyes whatsoever as a result of the derogatory speech.</p>	<p>אף על פי שבררנו, דקבלת לשון הרע, דהינו להחליט בלבו שמהדבר אמת, אסור מן התורה, מכל מקום אמרו חז"ל, דלחוש מיהו בעי {שלחשוש אמנם צריך}. ובאור הדבר, דצריך לקבל את הדבר בדרך חשש בעלמא הינו רק כדי לשמר את עצמו ממנו שלא יגיע לו הנזק על ידו, ולא יתנה זה הדבר אפילו בגדר ספק דמעמידין לאדם בחזקת פשרות, ולכן מחיב עדין להיטיב עם הנדון בכל הטובות, שצותה התורה, לשאר אנשים משראל, כי לא נגרע ערכו בעינינו על ידי הלישנא בישא {הלשה"ר} לשום דבר</p>
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Wow! What an impossible balancing act!!

- On the one hand, one may (and, perhaps even is required to) act accordingly, and be diligent as a result of hearing Lashon Hara.
- On the other hand, one is not allowed to believe it whatsoever! Moreover, one has to maintain the status-quo positive relationship with the subject, in every way whatsoever, as if the information is absolutely false! Once again, we have to apply our previous general principle:

Principle:

THE TORAH NEVER ASKS OF A PERSON SOMETHING THAT THEY ARE INCAPABLE OF DOING.

Application:

If the Torah instructs you to balance not believing negative information of another while simultaneously proceeding with protective diligence based on that very information, that means that you are capable of doing both!