

## Laws of Loshon Hora:

### A - Introduction:

- **Leviticus 19:16** You shall not go about as a talebearer among your people.
- **Exodus 23:1** You shall not utter/accept a false report.
  1. Lashon Harah is any form of speech or communication that may harm someone else emotionally, financially, physically or damage their general reputation.
  2. The severity of Lashon Harah is so awesome that according to the Chafetz Chaim, violating the prohibition of Loshan Harah entails transgressing at least six negative Biblical commandments and at least two positive commandments.
  3. The Talmud tells us that just like studying torah is equal to all other mitzvot, so is the sin of lashon hara equal to all other sins.
  4. The Talmud says that people who speak lashon hara are included among those who are not permitted to greet the Shechinah.

### B - General Guidelines:

1. It's forbidden to speak about anything negative about a fellow Jew even if it's true. This prohibition is called Lashon Hara.
2. When communicating something false about another person, an even more severe sin is committed, that of Motzei Shem Ra (lit. producing a bad name for someone else).
3. Rechilus / רכילות, comes from the Torah commandment "לא רכיל בעמך" / "תלך רכיל" / "don't be a talebearer in your nation" (Vayikra 19:16); the word "רכיל", literally "peddler", refers to one who "carries stories" and 'peddles' them from one person to another, and says: "such and such \_\_\_ said",

"such and such I heard about \_\_\_\_". Even if this is true, and there is no denigration, this speech violates a negative commandment, is a severe sin, and causes souls of Jews to be killed.

4. It's equally forbidden whether one volunteered or if one was asked for information where one will come to say Lashon Hara or Avak Lashon Hara. One should not listen to one's father or Rabbi to say Lashon Hara or Avak Lashon Hara. (See circumstances where it is permitted in section Toeles).
5. Even if taking upon oneself not to speak Lashon Hara will cause one to sustain financial loss such as the loss of one's job (such as where the employer is very immoral and irreligious and considers one who is careful about this prohibition to be a fool and he'll fire that person), nonetheless, it is forbidden to speak Lashon Hara.
6. Even if it will cause one embarrassment not to say Lashon Hara one may not say Lashon Hara. Needless to say, such a heroic moral stance is rewarded exponentially, in line with the rabbinic dictum "Reward is in proportion to the effort."
7. This prohibition includes any communication that is verbalized, written, or simply implied even in a silent manner.
8. Even if while saying Lashon Hara one also degrades oneself it's still forbidden.

### **C - Types of negative information:**

1. Information is considered negative and damaging even if what is said is true and accurate. The discussion may be of criminal or general misconduct or of lackadaisical Jewish observance – relating either to interpersonal or general spiritual matters. One should not share, for example, that someone else does not give charity or keep kosher.
2. Defining what is considered negative can be very subjective. It is often relative or subject to judgment of the specific events in question. For example, saying one gives \$500 a

year to charity may be very positive or very negative, depending on the person being discussed.

#### **D - Listening to Lashon Harah:**

1. There is a Biblical prohibition of believing any form of Lashon Harah, even if the subject of discussion is present and does not deny what's being said about him.
2. The one who accepts Lashon Hara is worse than the one who says it.
3. Even if Lashon Harah is said for constructive purposes (and within the guidelines of what is allowed to be said), the listener may not wholeheartedly believe what is being said, but may only take precautions in dealing with the person about whom they have heard negative information.
4. Rav Moshe Shternbuch says that humans are incapable of such control and therefore explains that the prohibition of accepting lashon hara is only to have one's behavior toward the subject change as a consequence of having heard it. The mental acceptance however is permitted.
5. In addition, even if one has resolved not to believe Lashon Harah he might hear, it is still forbidden to continue listening to such conversation.

#### **E - Permitted forms of saying Lashon Harah:**

1. Saying Lashon Harah is only permitted when said for strictly constructive purposes. Even then, however, one is required to ensure what he is saying meets a criterion of seven conditions:
  1. The one saying the Lashon Harah has either personally witnessed or has corroborated that which he is saying with certainty.
  2. One is sure the offense committed is in fact wrong, and not just has the appearance of being a problem.

3. Before discussing the negative activity, one has to have attempted to highlight the wrongdoing to the person being spoken about, and have encouraged him to reconsider and change his behavior.
  4. One may not exaggerate that which he is retelling in any way whatsoever.
  5. He who relays negative information may only do so with a constructive motive and not based on any hatred toward, or thrill from speaking about, the subject.
  6. There must be no other way in which to achieve whatever constructive purposes saying the Lashon Harah will accomplish.
  7. Even if all other criteria are fulfilled, one still may not say Lashon Harah if the damage caused to the person discussed will be greater than can be justified by the shortcoming in question.
2. On the listener's part, he or she may only act protectively as a result of negative information heard. However, one may not accept the information heard as fact and consequently express disdain or animosity toward the subject, but only take precautionary measures as needed.
  3. If someone sees another Jew sin and he believes that it will be more effective for his father or rebbe to rebuke him than if he were to do so himself then it is permitted to tell his father or rebbe.

### **F - Permitted forms of eliciting Lashon Harah:**

1. If one is looking to engage another party – for a business partnership or family relationship, for example – and is at a stage where it is appropriate to research someone else's background, reputation, or character, he is permitted to inquire and obtain relevant information that might otherwise be considered Loshan Harah.

2. One does not have license to obtain any negative information unless it is really relevant and necessary to the potential partnership. Still, even when the impetus for the fact-finding is justified, one is very much obligated to disclose his reason for asking for negative information. This is so the person answering does not relate information with the wrong intention.

### **G - Additional safeguards:**

1. Certain forms of speech are not intrinsically prohibited but are nonetheless instituted rabbinically as safeguards to protect people from speaking Lashon Harah "Avak (Dust of) Lashon Hara" / (אבק לשון הרע). For example, one is not allowed to say, "Who would believe that he would turn out so well?" or "Let's not discuss him, because I do not want to say what he did."
2. Also, one may not talk about others in a positive way if doing so will cause the subject suffering or other problems – such as highlighting someone's extraordinary generosity, as the donor may then be overwhelmed from all the unsolicited attention.

### **H - Inappropriate Praise:**

1. One must be careful not to praise his friend in front of others who think negatively about him as this may lead them to speak negatively about him. It is also not allowed to speak excessively positively about any individual, as eventually the speaker or listener might be tempted to highlight some of the subject's negative characteristics as well.
2. When speaking in front of a large group of people, one is not permitted to speak positively about anyone else for fear of what negative features about the said person those in the audience might begin to discuss among themselves. Obviously if the context and reason for the speech lends to

positive discussion – about the honoree of the occasion, for example – then this prohibition does not apply.

### **I - In front of 3 people:**

1. It's forbidden to say Lashon Hara in front of one person and all the more so in front of many people. However, it is permitted to make an ambiguous statement that can be understood in two ways (positively and negatively) about a Jew only if one says it in front of three people. The reasoning is that since it is said in front of 3 people the word will spread to the one being spoken about. If the speaker knows that what he says will be heard by the one he is speaking about, surely he will be careful not to say something that is recognizably derogatory about another. For example, to say "fire can be found in a certain house": the comment may be construed positively (the family has many children and Hashem blessed them with wealth or that they are extremely hospitable), but it may also be construed as a criticism (i.e. in that house, they always eat gluttonously) .
2. Some say that if someone said Lashon Hara before 3 people, even though he certainly violated Lashon Hara, the people who heard it may repeat it to others as long as one doesn't intend to spread the word and publicize it. Some say it is forbidden except if it comes up tangentially in conversation.. Only those who heard it directly can repeat it, however, one who heard from someone who heard it originally may not repeat it.
3. If one of the 3 original people who heard it were yireh Hashem who are careful on Lashon Hara then it's forbidden to repeat it.
4. Something said before three people may only be repeated within the city and not in another city.
5. If the speaker said not to repeat the information to others then it is Lashon Hara to repeat it.

6. This leniency only applies to 1 speaking to 3 and not 2 speaking to 2.
7. One may not add even one word or to support it such as saying that story which was heard was accurate.
8. If it's well known that a certain person did wrong in his past but now acts properly or it's well known that his parents did wrong but he acts properly it's forbidden to say this negative information.
9. Even if one fulfills the other requirements of BeApei Telasa, if someone knows that the one listening will accept this information as true and add to it, it's forbidden to tell him.
10. ***One who is careful about their soul would distance themselves from this leniency altogether.***
11. It's absolutely forbidden to say that the Rabbi's Drashas (Divrei Torah) aren't substantive or that there's no point in listening because this is certainly Lashon Hara even if it's true. If he is someone who is concerned with his soul he would give advice to the Rabbi privately and fulfill V'ahavta Le'Re'acha Kamocha.
12. If a person revealed information relating to his business before 3 people, one who heard it may repeat it to others as long as he didn't express that he doesn't want this information repeated and the other conditions of Apei Telatsa are followed.

### **J - In front of one's fellow:**

1. It is forbidden to say Lashon Hara even if one would say that information in front of the one who is being spoken about. It's a grave prohibition to say Lashon Hara about a person actually in front of the one being spoken about.
2. That which Chazal permit when the speaker would have even said it in front of his fellow (the one being spoken about) that's only to say Avak Lashon Hara which is a statement that can be interpreted in two ways. Thus, if he

wouldn't be embarrassed to say it before his fellow it's clear that his intent isn't to say something negative and it's permitted. However, if he would be embarrassed to say it before his fellow it's clear that his intent is to say something negative and it's forbidden.

3. It's forbidden to say Lashon Hara even if one isn't doing it out of hatred and intent to speak negatively about one's fellow. Even if it's just a joke, it is a biblical prohibition.
4. It is forbidden to say Lashon Hara even if one doesn't mention the name of one's fellow but it's clear from the discussion who that fellow is.
5. Lashon Hara includes speech which isn't negative about one's fellow but it can cause one's fellow embarrassment and the speaker intended this.
6. It's forbidden even if one says it casually; pretending not to know that one is saying Lashon Hara or that these are the deeds of that fellow.
7. One may not say any negative about one's fellow even if it will not cause any bad to my fellow.
8. If one sees one's fellow do a sin; if he is God fearing, one must judge him favorably. If he is in between, and the situation is unclear whether he was doing something wrong or not, one must judge him favorably. Even if the situation leans to the side that he was doing something wrong it's very proper to leave it as a doubt and not judge him negatively. If the situation is leaning to the side that he didn't do something wrong it's forbidden to judge him negatively.

### **K - Saying Lashon Harah without conditions:**

1. The prohibition of Lashon Harah includes speaking about any fellow person – including men, women, children, and relatives, and of any level of Jewish observance.
2. However, if one is a heretic as defined by Jewish law, it is considered commendable to speak negatively about him in



order to assure others disassociate themselves from him. Furthermore, if one sees that speaking negatively about someone will help to curtail the damage the subject is intending to bring about unfairly, doing so is permitted – perhaps required even. To be sure, there are three conditions for doing so:

1. One must be sure that the person in question is attempting to be harmful.
  2. Speaking such Lashon Harah cannot be done out of a motive of hatred.
  3. If there is any other possible way to prevent damage, one must resort to it and avoid speaking Lashon Harah.
3. Loshon Hara may be spoken and believed about a non-Jew, as long as there is no risk of Chilul Hashem involved. However, one should not make a habit of sitting around and speaking about non-Jews, both because such idle chatter is considered a “sitting in a gathering of scorners” and because the conversation is likely to slip into negative talk about Jews as well, and to create a habit that is hard to control even when speaking about Jews.

### **L. Giving a Business Reference:**

1. If an employer is going to go to hire a certain person, and one knows that the potential employee isn't careful with other people's money or has some other quality that will cause the employer harm, one should alert the potential employer and it is not considered Lashon Hara because one's intent is completely to protect the employer and not to degrade the employee. This general rule has a number of important conditions that must be met in order for it to be permitted.
  1. One shouldn't decide too quickly that what the employer did was wrong, rather carefully consider if it was wrong.

2. One may not exaggerate.
3. One's purpose is to protect the employer and not because of personal hatred with the employee.
4. If it is possible to accomplish this task without speaking Lashon Hara, do that and don't speak Lashon Hara.
5. It is permitted if one's speech will cause the employee to lose a good opportunity, but if one's speech will cause a negative outcome (taking away something he already has) for the employee it is forbidden.

### **M - About the Land of Israel:**

1. It is forbidden to say Lashon Hara about the land of Israel, its fruits, its people or any other aspect of it.

### **N - About Deceased:**

1. It is also forbidden to speak Lashon Hara about the deceased.

### **O - R'chilus:**

1. "Do not go about as a talebearer among your people." (Leviticus 19:16)
2. Definition of R'chilus: Reporting to someone what others have done or spoken against him.
3. A report need not be derogatory to be considered r'chilus. If you are aware that someone will feel animosity towards a third party because of a certain action, you are forbidden to report that action to him.
4. R'chilus is forbidden even if you do not intend to cause hatred. Whenever you have reason to believe that your words might cause ill-will, it is considered r'chilus regardless of your intent.
5. R'chilus is forbidden even if all the details of your narrative are accurate.

6. R'chilus is forbidden even if the two people involved are already mortal enemies long before you said anything.
7. R'chilus is forbidden even if you are pressured into doing so.
8. R'chilus is forbidden even if your refusal to relate it will cause you to incur great financial loss.
9. You are forbidden to relate r'chilus even in the event that you will be cursed and insulted because of your silence.
10. You are permitted to lie in order to avoid relating r'chilus. If you can avoid telling an outright lie, you must do so.
11. Even if no names are mentioned in a conversation, if the listener will be able to deduce the identity of the person you are referring to, your narrative is considered r'chilus.
12. R'chilus through hinting or writing is forbidden.
13. You are forbidden to remind someone that another person abused him, even if you do so in a roundabout manner.
14. You are forbidden to tell the proprietor of a store that another person has belittled his merchandise, since this will cause animosity.
15. Be extremely careful when conversing with a person who assumes that others speak against him.
16. If a person secretly planned to break off his partnership (or engagement) but ultimately decided not to, you are forbidden to disclose this to the other partner.
17. It is forbidden to speak r'chilus by relating the narrative to a third person.

### **P - Common Invalid Excuses to Speak Loshon Hara:**

1. "But it is true."
2. " I didn't actually say anything bad about the fellow." (when you have hinted a fault)
3. "I did the same thing myself."
4. "Everybody knows it."
5. "I'd say it even if he were here."
6. "I was only joking."
7. He'll never know about it."

8. "I wouldn't mind if someone said it about me."
9. "We're close friends, so he won't mind."

### **Q - Positive & Negative Consequences of Speaking Loshon**

#### **Hora:**

1. Those who make it a habit to talk about others in a derogatory manner ("Did you hear.....", "Do you know she.....", etc.) are labeled *ba'alei lashon hara* (lit. masters of Lashon Hara, in that such speech is an integral part of themselves), and their transgression is far more severe. They regularly create a *chilul Hashem* (desecration of the name of G-d) because of their rebellious manner.
2. The Talmud says that for three transgressions one forfeits his portion in olam habah: murder, adultery, and idol worship, and that lashon hara is equivalent to all three.
3. Kabala: Loshon Hora opens up all prosecution above in the heavenly Court. Even Hashem can not save you from this sin.
4. 'Who is the man who desires life, who loves days of seeing good?' What is written subsequently? 'Guard your tongue from evil and your lips from speaking deceit...(Tehilim 34:13-14)

### **R - Teshuva for Speaking or Believing Loshon Hara:**

- Repentance, or Teshuva, involves three steps (in any order):
  1. Regretting one's actions
  2. Confessing the misdeed privately to G-d
  3. Committing to not repeat the error in the future

In addition, any sin one person commits against another also requires rectification:

4. make amends or repay the damages

## 5. ask for forgiveness

1. If someone spoke Lashon Hara, all five of the steps are required. The first three are the same as in all repentance – sincere regret, confessional prayer, and the resolve plus strategies to avoid speaking it in the future.
2. To make amends, the speaker must go back to all those who heard his Lashon Hara and explain to them that what he said was incorrect.
3. He must also apologize to the subject of the Lashon Hara and ask for forgiveness.
4. If, however, the speaker is certain that the Lashon Hara was never accepted, he is only required to complete steps 1-3.
5. If, as part of asking forgiveness, telling the subject about the Lashon Hara would cause the subject more anguish (either because he is hearing it for the first time or it renews his distress over the matter), the speaker is forbidden to mention it. Instead he should tell the subject that he sinned against him without specifying how, and ask his forgiveness.
6. If someone believed Lashon Hara, he should make amends by making himself no longer believe what he heard.
7. He should also seek repentance through the three standard steps for repentance for any sin: sincere regret, confessional prayer, and the resolve plus strategies to avoid believing what he hears (and ideally from hearing any of it) in the future.

### **S - Shabbos Talk At the Table:**

1. No *Loshon Hara* (literally, "negative speech"). Do not gossip!
2. See if you can avoid talking about work on Shabbos.
3. Try not to talk about money on Shabbos.
4. Attempt to include at least one "Torah" thought at each meal. (Keep some Jewish books handy to inspire you.) The more Torah talk - the better.

5. If you find yourself slipping, try to elevate the situation. A complaint-fest can be turned into a brainstorm about what is positive in your life; if you find yourself ranting about something, try to reframe it in your mind in a more positive way. ("My boss is so demanding" can be turned into "But at least I'm lucky enough to have a job I enjoy.")
6. Make an effort to listen to other people. Ask their views and really listen to their concerns.
7. Sing Zemiros
8. Share 'Pleasures of the Week.'
9. Don't overextend your meal.
10. Make sure to be liberal with your compliments to the host.
11. Tell inspirational stories about yourself or what you have read.