When It Is Time To Speak Up!

To’eles

Note: This is the third essay in the Lashon Hara Series. It is assumed that the reader has seen the first two essays in the series; “The Slandering Tongue - Lashon Hara” and “Giving an Ear to Lashon Hara – Kabalas Lashon Hara.”

Situational Dilemmas

In previous discussions, we have learned that saying something negative about our fellow man is lowly and slanderous. That is what is known as ‘Lashon Hara’. When we speak gossip that is likely to cause ill feelings between two parties, it is called ‘Rechilus’. In noting the Torah’s approach to such behavior, we have seen the picture that the Torah paints of a subculture of gossipmongers. Furthermore, we saw that the Torah goes so far as to forbid even the Kabala (or “accepting”) of Lashon Hara and Rechilus, insofar as it is a “validation of vanity.”

All these restrictions would seem to severely hamper our ability to communicate. Are there not times when relating Lashon Hara or Rechilus could be of extreme importance?

Take the following situational dilemma: To let your friend Jack know that Frank is the kind of guy who often has his hand in the cookie jar and therefore cannot be trusted, sounds very much like Lashon Hara. But what if Jack is planning on taking on Frank as a business partner? How could you let him go ahead with a business relationship that may very well destroy him financially? Your warning may prevent Jack from losing everything he owns. On the other hand, the Torah forbids us from saying Lashon Hara! So what do you do?

Let’s look at another situational dilemma. Your cousin, Sara, has recently been engaged to a man, Dave, who happens to be your coworker. You notice that Dave spends a lot of time at the water cooler sharing information that Sara obviously told him in confidence. Furthermore, it is clear from the very way he discusses her to others that he has little respect for her and that he may very well prove to be an emotionally abusive (if not physically abusive) spouse. To let just anyone know the less-than-flattering way a person spoke about him, is generally Rechilus. But again, this is not just anyone! This is the woman who is planning on marrying Dave, and she thinks he is a perfect gentleman! Can you let her go ahead with a marriage that is bound for failure, because Rechilus is forbidden?
What can you do in situations like these? Do the ends justify the means? We know that Lashon Hara and Rechilus are wrong and must be avoided, but at what cost? What about Jack’s future financial stability? How do we weigh Sara’s happiness against the prohibition of Rechilus?

**Discussion Point:** This may be an ideal point to stop and throw out this question to see what people think. The issue of the ends justifying the means is always a hot topic and generally boils down to the question of “what end and with which means?” But as we will see, that is ultimately *not* the point here.

**Only When It Is Lowly**

When we take a little bit of a deeper look at the issue, we see that in truth, there is no situational dilemma at all!

Rechilus, by definition, is anti-social, lowly, gossip mongering conversation. Lashon Hara is an extension of that lowness with the additional flaw of choosing to focus on the negative. Such conversations are destructive and beneath us. On the other hand, when the purpose of relating that information is constructive, when our speech helps that person or others, it does not fit into the mold of the prohibition as defined by the Torah. Such a conversation is, simply put, not lowly. The speaker in these situations is not joining some sub-class of hateful negative people. He is not seeking to destroy; he is seeking to build!

Thus, when the Sefer HaChinuch¹ defines the prohibition of Rechilus, he immediately notes that it does not include situations where “your intentions are to avoid some damage or to stop a fight.” These are not situations where Rechilus, or Lashon Hara for that matter, are permitted. Rather, these situations are *not Rechilus or Lashon Hara altogether*. These situations are outside of the realm of the prohibition.

When it comes to these cases, the ends do not need to “justify the means” in that the means need no justification. It is not Jack’s and Sara’s best interests versus the prohibitions of Rechilus and Lashon Hara. In these situations, there is no prohibition!

Admittedly, this is a bit of a bold statement. However, Rabbeinu Yona² says that it is obvious that there could be no prohibition of Lashon Hara and Rechilus when there is a To’eles (positive end) in mind. He proves this from the fact that the Torah requires us to testify when our testimony could be of help to one of the litigants. If we know that Danny stole from Manny, we must testify on Manny’s behalf. We might wonder, doesn’t our testimony constitute Rechilus and Lashon Hara? How could the Torah require us to violate these prohibitions? Obviously, Rabbeinu Yona concludes, under such circumstances – i.e. when there is a To’eles – there is no prohibition.

**The Seven Preconditions**
Even when a situation of To’ele allows us to transmit negative information, the Chofetz Chaim notes\(^a\) that there are seven conditions that necessarily must be fulfilled before one can open his mouth. The seven conditions are:

1. You personally witnessed the alleged evil.
2. You are 100 percent certain of all the facts (both technical and Halachic) and therefore know without a doubt that a wrong was indeed committed.\(^b\)
3. You may not exaggerate.\(^b\)
4. You tried to speak to the one who committed the evil first to get him to apologize/repent (This condition is only applicable if it won’t be counterproductive).
5. Similarly, if there is any other way to achieve the To’ele without resorting to spreading the word, then one must attempt those avenues.
6. You must be sure that the spreading of what occurred won’t cause the person in question undue harm.
7. Most importantly, your intentions must be for the To’ele in question. If in any of the above cases one’s main intention was to slander his enemy, then his speech is considered Lashon Hara or Rechilus (as the case may be) and is absolutely forbidden!

**Different Levels of To’ele**

Defining the parameters of To’ele can get a little complicated. It is clear that any old farfetched excuse of some possible positive outcome is not going to give us free license to engage in Rechilus and Lashon Hara to our heart’s desire. To’ele requires a very clear intention to engage in something positive. However, since some positive outcomes are more pressing than others, there will be different restrictions that become progressively looser as the urgency of the To’ele increases.

There are many different forms of To’ele that turn what might have been, under different circumstances, Lashon Hara, into constructive and permitted speech. We will focus on three types of situations and work to define the parameters of each.

The three situations are:

- Dealing with a person who has broken some Torah precept between man and G-d (Bein Adum L’Makom)
- Dealing with a person who has offended or otherwise harmed another person
- Trying to prevent some damage from happening in the future, which is considered one of the most pressing To’elos.

Let’s take a look at each one and discuss how To’ele comes into play.

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\(^a\) As opposed to Miriam, for example, who although she thought she was speaking Lashon Hara about Moshe Rabbeinu with a To’ele, was not because she was mistaken as to the facts.

\(^b\) That would be Motzei Shem Ra!
Bein Adam L’Makom

When an individual is consistently lax with regard to a Torah precept, there exist two forms of To’elies that may allow us to discuss his misdeeds.

1. The mitzva of hating evil
In the case of a repeated sinner, he Gemara\(^4\) notes that the usual prohibition of hatred does not apply. In fact, it may very well be a mitzva to hate such an individual. We have explained in an earlier essay\(^5\) that the mitzva entails hating his lifestyle but not his person. Such hatred is not optional; disregarding a commandment of the Torah is a line not to be crossed. As such, we are required to hate such a form of living.

What about spreading the word? Is it considered To’elies to let other people know about this person’s misdeed, with the hope that there will be some recognition that his path is not the proper one? Let’s assume that your neighbor does not keep Shabbos. Should you publish that fact in the shul bulletin?

The above Gemara actually poses a similar question. The Gemara asks whether you may tell your Rebbi about this fellow’s misdeed so that he too may hate such behavior. According to Rabbeinu Yona,\(^6\) the phrasing of the Gemara’s question indicates that you may not tell the public. Announcing your neighbor’s desecration of Shabbos in the shul bulletin was never part of the discussion. The only question is whether you may tell your Rebbi: a person who knows that people slip but may very well come back, a person who knows to keep his mouth under control. The public never forgives. In contrast, a wise and sage individual knows that this sinner must be avoided for now, but a time will hopefully come in the near future where all can be forgiven and forgotten. Until such time, he can be trusted to keep his thoughts to himself.\(^7\)

Finally the Gemara answers that you may indeed tell the Rebbi, but only if he will believe you. You may only tell him if you know that he considers you as faithful as two qualified witnesses.

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\(^4\) Don’t Hate, Discuss – Lo Sina

\(^5\) Furthermore, Rabbeinu Yona notes (Sha’arei Teshuva 3:219-220) that the Gemara is not referring to the type of sinner who would readily do Teshuva if just approached by you. For such a sinner, your requirement is to approach him directly and not tell even your Rebbi. The Gemara is referring to a person who is “a fool who constantly reverts back to his foolishness”. Although such a person does not deserve to be slandered to the general public, you may tell your Rebbi, or any other discreet individual for that matter.

If, however, the person is a completely rebellious individual – a true sinner – then word of his misdeeds may be spread so that the community understands that such behavior is absolutely unacceptable. Here, we disregard the fact that the public cannot forgive and forget in light of the fact that a very important message has to be made regarding crossing certain red lines. This of course, assumes that your primary motive is a desire to accomplish this To’elies. If you are just using the opportunity to speak some juicy Lashon Hara under the guise of To’elies, then it remains forbidden.

It should be noted that the Chofetz Chaim (Klal 8 #5, Be’er Mayim Chaim #8) holds that in the case of a true Apikores (a denier), there exists no prohibition of Lashon Hara altogether, even if you have no To’elies in mind. This dispensation is not entirely practical though, insofar as a large part of the sin of Lashon Hara is not the person we are hurting so much as it is the damage to ourselves – i.e. the choice to focus on evil. (Chazal viewed the primary sin of the spies as Lashon Hara against the land of Israel. If one can be faulted for Lashon Hara against an inanimate object, it is hard to say that the same reasoning does not apply to an Apikores.)
In sum, the requirement to hate evil can result in a situation where negative information should be transmitted. However, it may only be conveyed to specific individuals who will not spread it any further, and only if one knows his information will be accepted without question.

2. Bringing the sinner to repentance
There is, within this category of Bein Adum L’Makom, another To’eles that is much stronger. Specifically, there is the To’eles of getting the errant individual to do Teshuva (to repent). If one knows of an individual who has a strong positive influence over the sinner, he may share his knowledge of the errant fellow’s misdeeds with that influential person, so long as his intention is the reversal of the sinner’s negative actions. In that is his intention, the confidante need not be as discreet as in the previous situation. Here, one may even inform a person who may very likely let the cat out of the bag, so long as he thinks this person will really have a positive effect on the sinner. If this individual can get the sinner back on track, that To’eles is strong enough to warrant overlooking the fact that he has loose lips.6

In conclusion, there are two possible reasons for discussing someone’s misdeeds in the realm of Bein Adam L’Makom: aiding others in fulfilling their requirement of hating evil, or bringing the errant individual to repentance.

Bein Adam L’Chaveiro
When somebody has wronged his fellow man, and has as of yet not made amends, there are two possible reasons to let others know about this fellow’s misdeed. There is the reason we saw earlier, of letting others know that such behavior is not acceptable, and there is the additional reason of trying to force him to thereby make amends. Each of these motives has its own set of rules.

1. Spreading the word to better society
When the sin is in the realm of Bein Adam L’Chaveiro, the To’eles of letting society know that such behavior is taboo, is more powerful than a sin Bein Adam L’Makom. Here, the To’eles of putting social pressure on this fellow and thereby ensuring a more smoothly running society is so great that you may spread the word to the general public. You are not limited to sharing the information only with a discreet sage, and only if he unquestionably believes you.7 For example, if Simon went and defamed Lisa, one may stand up for Lisa and announce to the public that Simon’s actions were uncalled for.

However, the Chofetz Chaim notes that the To’eles of creating social red lines is still not strong enough to allow for spreading the word when the victim is unaware of the misdeed. That is, the To’eles of creating social pressure to ensure a more smoothly running society is not enough to permit Rechilus. Thus, if Lisa is unaware of Simon’s accusations, it would be Rechilus to announce them, even though one’s intentions are honorable.

Another Example: Letting the word out that Jonny cheated David out of $2,000 when David himself is not even aware of it, would be Rechilus and would not be permitted when the only To’eles is to show society that such behavior is looked down upon. If David was already aware of the swindling, however, you are permitted to spread the word.
2. Intending to right the wrongs
However, if your intention is to help a person recover what is owed him, then not only may you spread the word to the general public, but you may do so even if the offended individual is not yet aware of the damage. This form of To’elos does allow for Rechilus. If in the above example, spreading the word would help David recover his money, then one may indeed speak up, even though David is still unaware of any wrong committed against him.\(^8\)

At this point, we have covered four types of progressively stronger To’elos. First we saw the To’ele of hating evil. Then we saw the To’ele of getting the sinner back on track, which allowed sharing information even with someone who might not be discreet. Then we saw that there is a more pressing To’ele when it comes to social sins (Bein Adam L’Chaveiro), and as such we may even spread the word to the general public. Finally, when we can help the harmed individual recover his losses, we may spread the word even if he is unaware that he was victimized.

Before moving on to the To’ele of averting future damage, there is one more To’ele that is prevalent in cases of interpersonal issues. Often a person feels wronged or hurt by another and feels a strong need to seek out empathy from a trusted source of security. A woman who had a particularly difficult day, may feel very strongly that she needs to share her feelings with her husband. She might feel horribly hurt by the way her neighbor treated her, or she might feel that her boss at work hates her and relegates her to the more demeaning projects. She has a real need to vent and a strong desire for empathy. The Chofetz Chaim rules that one may indeed relate such information if the intention is to unload the heavy burden off one’s chest. Clearing your head and heart from pain is indeed a valid form of To’elos.

This concept often arises with children. When a child feels that a fellow classmate has hurt him or a teacher has mistreated him, he needs to know that he can go to his parents to discuss the issue. Parents should not discourage such communication. They are very much the address for their children’s grievances. If our kids cannot talk to us, whom can they talk to?

**Discussion Point:** It may be interesting to discuss how To’elos applies to the realm of psychological therapy. In truth it is just another application of the above idea. Here too there is the To’ele of discussing issues that are pressing and enveloping the client’s consciousness. Here again one is seeking a listening ear to unload a heavy burden. Again, this is not viewed as Lashon Hara.

In all these cases, the permit to speak is not necessarily a permit for the listener to believe! The listener must remember that he is only hearing one side of the story. If he were to accept the facts as presented by this individual, who is seeking to unload his sorrow on a listening ear, he would be guilty of “validating a vanity.”\(^e\) We learned that one who hears

\(^e\) The same is true for the other cases of To’elos. The fact that one may go and spread an evil that was committed by Mr. X so that society will know that evil is not tolerated, or so that Mr. Y can retrieve what is rightfully his, does not allow the listener to believe the events “lock, stock, and barrel” as they are being presented.
negative speech may allow that information to plant a seed of suspicion in his mind, but he may not believe it outright. At the same time, though, if he does not believe the speaker, his effectiveness in trying to help will be severely hampered! What he must therefore do is believe that this indeed is the way the speaker sees the situation. The speaker is not lying, but rather reporting the facts as they appear to him or her. In that limited dimension, the story being told is in fact 100 percent “true.”

Let’s move on now to the most obvious form of To’eles, which is also the strongest form.

**The To’eles of Preventing Future Damage**

The third category of To’eles is that of sharing negativity or engaging in a gossip-like conversation, but with the positive intention of averting some future problem. Here, your intentions are not to make a public statement or even to try and help someone recover a past loss. Rather, very much like in the examples at the start of this essay, your intentions are to address the fact that there is a pressing reality, which if you ignore, will cause someone harm.¹

In these and similar situations the To’eles does not just allow one to speak; it requires one to speak. The Torah exhorts us not to stand idly by while our fellow’s life is at stake (“Lo Sa’mode Al Dam Rayacha”) ¹⁰. This, the Chofetz Chaim notes¹¹, applies even outside of life-threatening circumstances, extending to financial setbacks as well.

It should be noted, that due to the nature and power of this To’eles, some of the seven preconditions mentioned earlier do not apply here:

a) We noted above that one of the most important conditions that must be fulfilled in order to speak what would otherwise be Lashon Hara, is that one is fueled by To’eles and not by any personal animosity. If one suspects that animosity is the true source of his desire to speak, then he usually is better off not speaking. However, that principle works differently in cases of potential damage. In a situation where one can avert a loss, he is required to overcome this animosity and speak solely out of concern for the damage that would otherwise come about. One could not exempt oneself from the requirement to help his fellow man by saying that he cannot fulfill the seventh stipulation of To’eles, that of pure motives. Instead, he has an obligation to remove his impure motivations and act!¹²

b) The requirement to have personally witnessed the event in question is not really necessary. In the example at the start of this essay, even if you had heard second hand that Frank is a crook, you may nevertheless tell Jack, who is considering a business partnership with the

¹ There is an interesting question related to this subject. What if a therapist is told information in confidence that he knows will adversely affect someone? Let’s say his client tells him that he has murdered his previous spouse, and he is about to get married again. Should the therapist tell? Many poskim are of the opinion that a therapist may not violate a confidence told to him as a professional under any circumstances. The reason is that if word got out that therapists have loose lips, people would stop using them. This would cause life-threatening danger on a global scale, and the concern over the well-being of the public overrides that of any individual.
When you relay the information, you must inform Jack that you are not certain that Frank is a crook – rather, that is what you heard.\(^{13}\) c) Furthermore, the requirement to first approach the individual in question to try and get him to mend his ways does not apply here. Even if you did approach him, who can guarantee that he will listen and that there no longer exists any danger of damage to your friend?\(^{14}\)

Nevertheless, especially in situations of shiduchim (dating), it is preferable to get the person in question to relay the information to the other side on his or her own, rather than having to inform them yourselves. For example, if you know that your classmate is dating a girl who has a serious health issue that she is keeping from him, you should attempt to convince her to share that information. If she nevertheless refuses to let him know, you may have to do so yourself. [In all such cases it is highly recommended to speak with a competent Halachic authority to verify that you have not missed any angles, as well as to get some advice as to how to go about revealing this information in the most sensitive fashion possible].\(^{h}\)

Other than these exceptions, the other conditions do indeed apply. Therefore, in the case of Dave and Sara, unless you are sure that you heard Dave correctly and that your assessments are correct, you may not tell Sara anything (i.e. condition #2 – complete certainty of the facts). Furthermore, if Sara is likely to overreact to the news of Dave’s shortcomings and she will hire goons to beat him half to death, once again you may not tell her (condition #6 – not causing undue harm).

Shiduchim:
While we are on the subject of engagements and shiduchim, it is worthwhile to discuss some of the Halachos of Lashon Hara and Rechilus as they manifest themselves in this very confusing arena.

Here we have to differentiate between objective problems like serious chronic illness, seriously warped philosophies, etc. on the one hand and subjective issues on the other. The case of Sara and Dave, mentioned at the start of this essay is an example of the former category. In such cases you are required to inform the party in question (i.e. Sara) as to the fiance’s flaw. In the case of illness or the like, as noted the best way to go is to have the ill person inform the other party on his or her own. They need not inform the other party upon the first meeting, but must do so before everyone is too emotionally vested to pull out.

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\(^{8}\) Question: If you know that Jack will go and tell Frank what you said about him, then are you still required to tell Jack? The Chofetz Chaim rules that not only are you not required to tell him, you are not allowed to tell him. If you were to tell him, you would in effect be setting him up for Rechilus. (Klal 9 Hilchos Rechilus #5 Be’er Mayim Chaim)

\(^{h}\) There are times when one more of the seven requirements may not be needed. One of the seven requirements was that it is forbidden to exaggerate – i.e. lie. There are limited cases where to reach the To’eles in question one must stretch the truth. The Chofetz Chaim (Hilchos Lashon Hara Klal 4 #10 and Be’er Mayim Chaim #43) notes that if one is trying to keep his children or students away from an individual who is a negative influence, he may resort to being Motzei Shem Ra on that individual. That is, he may exaggerate and lie as to the faults of that person so as to be sure that the children will indeed avoid him.

\(^{1}\) E.g. Apikorsus
When it comes to subjective issues there is no need, and in fact it is forbidden, for an outsider to go and tell the other side. For example, if the young man your friend’s daughter is dating is far from a learned individual, you may not go and tell your friend that little bit of information. The fact that someone is not a “Talmid Chacham” does not make him objectionably “damaged goods” as far as shiduchim are concerned. If the friend asks you point blank, however, you may tell him. By inquiring, he has revealed that this is very much an important factor to him, and therefore there is a To’eles in answering his question.

In general, though, when it comes to these subjective issues, it is best for outsiders to try to avoid getting involved altogether. Instead, two people who are mature and well acquainted with the individual parties involved in the shiduch should discuss the prospective shiduch with one another with some level of frankness and openness, with the best intentions of not “wasting anyone’s time.”

As for what feedback to share with the shadchan after a meeting, it is important to note a number of things. First of all, there is no obligation upon meeting the shadchan to tell him or her about all your reservations. The rule of thumb is often the less said the better. After having met the girl and upon reporting back to the shadchan, one often encounters a sticky situation that is fraught with Lashon Hara pitfalls. Unless you feel the shadchan is the address to discuss your doubts, there is generally no To’eles in telling him or her about the faults and shortcomings of the one you dated. You are under no obligation to explain to the shadchan why you decided not to go ahead with a further date. If one of the parties indeed relayed to the shadchan a negative point about the other side, the shadchan is obviously forbidden from reporting that information to the other side. That would be a clear violation of Rechilus.

Summary

Lashon Hara and Rechilus are by definition dependent on our intentions. Often, when we intend to bring about a greater good, the act of speaking evil or relating “loaded” information does not constitute Lashon Hara or Rechilus. When our intentions are to communicate that evil is worthy of hatred, to bring a sinner back to the proper path, to allow our fellow man to get back what he deserves, or to alleviate a broken heart, or most importantly to avert a future harm, we are not engaging in subversive, gossip mongering activities. We are acting with To’eles in mind.

As is evident from all of the above, the rules will vary depending on the situation, and one must therefore be aware of those rules or be in contact with someone else who is, before making use of a To’eles dispensation.

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1 You may not, however, suggest the shiduch if you know that is not what the woman is looking for. That would be a violation of Lifnei Iver (Etzah Sheina Ho’genes - providing bad advice). This is very important for a shadchan to realize. To advise a shiduch that one knows that the other party would not agree to had they been fully informed is forbidden – EVEN if one’s intentions are positive. If one is dealing with a particularly “picky” individual and believes that they don’t really mean it when they say “I will only date a young man who learned in Israel for three or more years,” then a Rav should be consulted.

k “Forgetting” to inform the shadchan about all of your quirks and annoying habits is not a violation of Lifnei Iver, notwithstanding the fact that you are trying to have this shadchan work for you without knowing the entire picture. The reason this is not Lifnei Ever is because you are not the “unbiased advisor” – but a very clear principal. Therefore, no one is under any illusions that you are not being partial.
Rechilus destroys people and relationships. Lashon Hara goes a step further and destroys us. When our designs are lowly, then we are placing ourselves among a subculture of hatred. When our thoughts are on a higher plain, then it may very well be a time to speak up.
Sources

1 #236

2 Sha’arei Teshuva 3:221

3 ibid #2

4 Pesachim 113b

5 Sha’arei Teshuva 3:215

6 Based on Chofetz Chaim Klal 4 Lashon Hara #6

7 Chofetz Chaim Klal 10 Lashon Hara #1, based on Aliyos D’Rabbeinu Yona Bava Basra 39a

8 Chofetz Chaim ibid #4

9 Haguos to Chofetz Chaim Klal 10 of Lashon Hara #14. (Although the Chofetz Chaimphrases the issue as being questionable, his family notes that when he uses such terminology in his work it means that he indeed felt that such was the Halacha – but he had no solid source to back it up.)

10 Vayikra 19:16

11 Hilchos Rechilus Klal 9 #1 and Be’er Mayim Chaim #1. It should be noted that the Chofetz Chaim bases this on a Rambam, but there is a different version of that Rambam that effectively takes away any such basis. Nevertheless, there is a different source that requires one to avert a loss coming to his fellow Jew, namely the requirement to return his lost object. This requirement includes even stopping flooding or fire (when possible) from impinging on his field.

12 Ibid Be’er Mayim Chayim #3

13 See Chofetz Chaim Hilchos Rechilus Klal 9 #2 where the condition of having witnessed the event is left out. See also Be’er Mayim Chaim #9 ad loc.

14 ibid