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## **The internet revolution and Jewish law**

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THE INTERNET: LASHON HARA JUST A CLICK AWAY

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## THE INTERNET: *LASHON HARA* JUST A CLICK AWAY

Amy Scheinerman

*Great minds discuss ideas, average minds discuss events,  
small minds discuss people.<sup>1</sup>*

*"Death and life are in the hand of the tongue."*

*Does the tongue then have a hand?*

*This comes to teach us that just as the hand can kill, so can the tongue kill<sup>2</sup>*

### *Flying Feathers Carried Through The Ether of the Internet*

The classic image of words of gossip as feathers scattered by the wind is a stallion in the stable of Jewish folklore. In the story, often attributed to Rabbi Levi Yitzhak of Berdichev (1740-1809), the irretrievable feathers symbolize irreversible utterances. The message is that *lashon hara*, *rechilut*,<sup>3</sup> and *motzi shem ra* can be neither repealed nor nullified, and atonement is not truly possible because their damage can never be fully mitigated. One who slices open a feather pillow and scatters its contents even in a windstorm knows that the feathers will travel only so far. With the advent of the Internet, this image is outdated. The information revolution has connected human beings as never before. Feathers loosed on the Internet can span global distances almost instantaneously, multiply indefinitely, and reach far more people than ever before. Imagine one person sending an email to ten others, who in turn send it to ten people, who do the same. Within an hour, the message could reach one million people, and this presumes no one has a distribution list greater than ten names. The Internet as high-speed highway provides us with more vehicles for communicating *lashon hara* and *rechilut* than ever before: email, texting, IM, blogs, tweets, and comment for example, to name but a few. The Internet has the potential to transform the quaint story of the feathers into a high tech version of Hitchcock's "The Birds."

In recent months many examples of *lashon hara* and *rechilus* have spread like a virus through the Internet, sometimes with devastating consequences.

Rutgers University Freshman Tyler Clementi's roommate and another student videotaped Clementi engaging in a sexual encounter with another male student in his dorm room. The roommate streamed the video live over the Internet, making it immediately available to a large audience of Clementi's peers. Clementi jumped to his death from the George Washington Bridge on September 22, 2010.<sup>4</sup>

Duke University senior Karen Owen composed a mock senior thesis entitled "An education beyond the classroom; excelling in the realm of horizontal academics." The Power Point piece, parodying an academic study, revealed personal and even intimate details of 13 male athletes with whom Owen had had sexual encounters. Owen emailed the Power Point to two friends. Within days, it spread not only through the Duke campus, but was posted on numerous websites and was being discussed by major news networks.<sup>5</sup>

How many of us have received the email hoax claiming that President Barack Obama is a Muslim? Or perhaps I should ask: How many times have you received this email?<sup>6</sup>

Employers now routinely make use of social networking sites to vet prospective hires. Few companies have crafted policies to govern how information gathered on the web may be used, perhaps because it is not possible to determine the accuracy of information collected in this manner. Anyone can publish anything about anyone.

Last summer, conservative political firebrand Andrew

Breitbart released a selectively edited video clip from a speech delivered by USDA official Shirley Sherrod at a NAACAP Freedom Fund Banquet on March 27, 2010. In the speech, Sherrod told a story about having once – prior to her employment at the U.S. Department of Agriculture – seen things through the lens of race. Sherrod's point in telling the story was that she had discovered – on her own – that racism in all its manifestations is morally wrong. The video clip, posted by Breitbart to the Internet without context or explication, caused a media frenzy and went viral. Agriculture Secretary Tom Vilsack, viewing only the deceptive and damning clip excerpted by Breitbart on an iPod, sought to end Sherrod's employment at the USDA. In the end, the truth came to light, but not before Sherrod became a household name, an icon of intentional defamation via the Internet.

Many rabbis have described Internet conversations – usually by email – held among the leadership of their institutions that were marked by egregious *lashon hara* in the name of synagogue business. Many congregations have formulated Internet guidelines for their leadership to avoid this problem.

Two days before this paper was presented, the front page center article of the New York Times<sup>7</sup> concerned a 14-year-old girl who took a photo of herself nude and texted it to a boy, who texted it to another girl, who added a nasty caption and sent it on to a large number of their classmates. Three middle school students were arrested and charged with disseminating child pornography, a Class C felony. Among the three was the boy who sent only the photograph. We must now consider that not only words – spoken, printed, and

conveyed electronically – but graphic images, as well, can constitute *lashon hara*. Can images that are *chezek r'iah* (visual damage) be considered *lashon hara* as well?

The Internet is a remarkably efficient vehicle for spreading *lashon hara* and *rechilut*. Expecting or hoping that we can rid the Internet of such material is like expecting ocean waves to cease crashing against the shore. However, each of us has the choice whether or not to put a toe into that ocean, or to remain on shore as far from the churning waters as possible. Therefore, we will not discuss the tsunami itself, facilitated by the Internet, but rather what a committed and ethical Jew can do in the face of the incoming storm.

*Numerous Questions Leap to Mind:*

1. Is the circulation of *lashon hara* and *rechilut* on the Internet morally and halakhically equivalent to verbal utterances? Torah recognizes speech as the natural medium of *lashon hara* and *rechilut*, but the modern world is Internet saturated. Do email, tweets, blogs and websites hold the same halakhic status as speech vis-à-vis *lashon hara*? Just as the U.S. Constitution recognizes the written word as “speech,” so too do electronic words (shall we call them e-words?) function as speech in our age and indeed, the Internet is a far more effective and powerful medium for conveyance.
2. How should we, as Jews, respond to an ever-burgeoning “In Box” filled with stories, gossip, and hot-off-the-press revelations that constitute *lashon hara* and *rechilut* at a speed<sup>8</sup> inconceivable to our Sages and increasing exponentially?
3. Is *lashon hara* disseminated via the Internet qualitatively different than normal human speech or conventionally printed material, or only quantitatively different? Does it differ in kind, or only in degree? Is the Internet new and unprecedented? Even if not, do the

speed, immediacy, and magnitude of what is circulated render it a new phenomenon, and if so, what are the moral implications of this new medium?

4. Are the *halakhic* standards designed to discourage *lashon hara* and *rechilus* adequate to the problem of *lashon hara* and *rechilus* on the Internet?

5. Given the importance of conveying and receiving accurate information and news, what should be our approach to what is circulated on the Internet concerning those in positions of power and authority?<sup>9</sup> U.S. law draws a distinction between public figures and private individuals with respect to protection from slander and insult; only private individuals enjoy legal protection.<sup>10</sup> Does this distinction apply in *halakhah* to material circulated on the Internet?

*Social, Cultural, and Psychological Phenomena that Impact Our Assessment of Lashon Hara on the Internet*

To address these questions, I highlight three recently identified phenomena (one social, one cultural, and one psychological) whose effects are greatly magnified by the Internet, and have implications for answering these questions.

The first is a social phenomenon described by Malcolm Gladwell in *The Tipping Point*.<sup>11</sup> The tipping point is a concept investigated not only by sociologists, but also mathematics and computer scientists using computer algorithms in an attempt to predict how such a cascade can be modeled using social network analysis.<sup>12</sup> In short, the “tipping point” is how fads are created: mob mentality in the cultural arena, fertilized and nourished by the Internet. It happens in a flash, and often the Internet is the catalyst or the accelerant.

Richard Dawkins described the cultural phenomenon in his 1976 bestseller *The Selfish Gene*, where he coined the term “meme,” now

a staple of Internet vocabulary, and a very telling term of the times. An Internet meme is any cultural idea (concerning fashion, technology, ideology, politics, art, for example) that is propagated through a web channel (hyperlink, video, website, hash tag) via social networks, blogs, email, news feeds, or twitter. Internet memes can spread astonishingly quickly. Among the best-remembered and innocuous memes are the Trojan Room coffee pot<sup>13</sup>, Obama Girl<sup>14</sup>, and Rick Rolling.<sup>15</sup> Youtube has become the most powerful purveyor of memes. In the commercial world, memes are used to launch viral marketing, creating free “buzz” for products and services. Memes can launch new artists, musicians, actors, and comedians. For better or worse, that includes Justin Bieber. However, if memes carry false or inaccurate information, innuendos, or outright lies, they can reach a worldwide audience before anyone has the chance to vet them, by which time it is too late to positively influence many of those who have received them. Memes can launch myths, lies, and gossip, conveyed with stunning speed around the globe, and accepted as truth by countless numbers of people on the basis that “everyone knows” and “everyone heard” and “everyone received that email.” Examples include false equivalences, moral equivalences, and death panels.

The psychological phenomenon arises from a new sub-field of psychology called CyberPsychology that was spawned by the Internet. CyberPsychology explores a host of issues that arise in the ether of the relative anonymity, immediacy, asynchronicity<sup>16</sup>, and lack of face-to-face feedback endemic to cyberspace. Chief among these issues is the “disinhibition effect” which may prove benign (such as the revelation of secret emotions, fears, and desires) or toxic (such as the unleashing of harsh criticism, anger, hatred, and threats). Sitting at a keyboard, many people feel both invisible and anonymous. Words they would normally never utter in public flows out of their fingertips on talk-backs, discussion boards, or by simply hitting “forward.” Professor of psychology John Suler<sup>17</sup> argues that some people go so far as to develop an alternative “self” – dissociated from their real self – on the Internet. Suler writes:

Inhibiting guilt, shame, or anxiety may be features of the in-person self but not the online self. This constellations model also helps explain other online phenomena, like identity experimentation, role-playing fantasy games, multitasking project, and other subtle shifts in personality expression as we move from one online environment to another.<sup>18</sup>

If this is the case for one's self and its boundaries, does it not have significant implications for behavior related to *lashon hara* and *rechilus*? If I hide behind a wall of perceived anonymity, I can believe I'm not responsible for what I disseminate, however fictitious and malicious. The speed and immediacy of the Internet are augmented by the perceived anonymity of cyberspace. "I just forwarded what I received," "I thought it was interesting," and "I'm just passing it along" are oft-heard explanations for engaging in cyber-assisted *lashon hara* and *rechilus*.

#### *Formulating a Halakhic Response to Lashon Hara on the Internet*

Torah enjoins us *lo teilekh rakhil b'amekha*, "Do not go about tale-bearing among your people" (Leviticus 19:16).<sup>19</sup> Our Rabbis understood this prohibition in conjunction with *lo tonu ish et amitov'yareita mei'elohekha ki ani adonai eloheikhem*, "Do not wrong one another, but fear your God, for I, the Lord, am your God" (Leviticus 25:17) to establish a broad ban on talking about other people, whether what is said is true or false, malicious or benign, injurious or innocuous. The Rabbis understand Miriam's affliction with *tzara'at* in the Wilderness to be a consequence of *lashon hara* when she speaks about Tzipora. Arakhin 15b tells us:

*Tzara'at* was a "miraculous" disease that occurred when the *Bet ha-Mikdash* was still standing. If a person spoke evil about someone else, first his home was affected. If he did not repent, his clothes were affected. If he still did not repent, his body was ultimately affected. He had to separate from



civilization. He was publicly proclaimed an "impure person" as a result of his evil speech.

One has the sense that eliminating *lashon hara* and *rechilut* are all but impossible; God therefore unleashes a drastic disease in a failed attempt to stop us from uttering what so naturally issues from our mouths. *Lashon hara* is likened to a progressive disease. Even Rambam, who rarely launches into philosophical discussions in the *Mishneh Torah*, makes an exception here. He writes:

"...and concerning this matter we are warned in the Torah: Remember that which the Lord your God did to Miriam on the road (Deuteronomy 24:9). The Torah is saying: contemplate what happened to the prophetess Miriam. She spoke about her younger brother whom she loved and helped raise. She had endangered her own life to save him from the Nile. She (furthermore) did not speak malicious evil about him. She just erred by equating his greatness to that of other prophets [who do not separate themselves from their wives]. And Moses was not bothered by any of her comments, as it is written, *And the man Moses was extremely modest* (Numbers 12:3). Nevertheless she was immediately punished with *tzara'at*. *Kal va-chomer* [how much the more so] how great a punishment will come to those wicked fools who frequently speak great and wondrous (criticisms)."<sup>20</sup>

Maimonides, following the traditional midrashic interpretation of the account of Miriam's speech and subsequent affliction with *tzara'at* in Numbers, chapter 12<sup>21</sup>, concludes that although Miriam's *lashon hara* is not malicious and causes no one injury, even well-intentioned talk about another is poisonous in the end.

Our Rabbis understood the dangers of *lashon hara* and *rechilut* for the individuals involved, the cohesion and spiritual health of the

community, and the integrity of the broader society. Talmud abounds with exhortations to guard our tongues, going so far as to declare, Whoever engages in *lashon hara*, God says of him: "He and I cannot inhabit the same world."<sup>22</sup> A similarly hyperbolic passage in Midrash Tanhuma serves as an emotional summary and exhortation:

If a person involves himself in *lashon hara*, he makes himself worthy of death, because *lashon hara* is as serious as murder, for one who murders only takes one life, while the bearer of *lashon hara* kills three: the one who says it, the one who listens to it, and the one about whom it is said.<sup>23</sup>

This hyper-sensitivity to how our communication effects others, and how our role in listening to, and disseminating, the communication of others, forms the strong Jewish moral aversion to gossip and tale-bearing even as we recognize it is the sin all of us commit the most often, and most egregiously.<sup>24</sup> Moreover, atonement for the hurt and damage of *lashon hara* can never be complete. Words, like feathers, loosed into the world have a life and trajectory that cannot be controlled. All the more so, *lashon hara* disseminated via the Internet.

Maimonides' formulation of the laws of *lashon hara* and *rechilut* in the *Mishneh Torah*, *Hilkhot Deot*, chapter 7 forms the backbone of the Jewish approach to whether, when, and how we may speak about others (see Appendix A). Rabbi Israel Salanter, founder of the Musar Movement made a significant contribution to the discussion, as well. The most extensive writings on the subject are those of Rabbi Yisrael Meir Kagan, the Chofetz Chaim, in his landmark work, *Sh'mirat haLashon*. With each reformulation, the requirements for avoiding *lashon hara* and *rechilut* are considerably heightened until, after reading *Sh'mirat haLashon*, the well-meaning Jew isn't sure if he can safely open his mouth at all. Perhaps the strategy of our Sages and teachers was to view *lashon hara* and *rechilut* as a zero-sum game: because our natural proclivities are likely to bring us so low morally,

the bar is raised exceedingly high in the hopes that people will rise to something that constitutes a tolerable level.

There was a time when we heard a tidbit about someone, or a story about someone and then some time elapsed before we had the opportunity to retell it, time that could be used to consider its veracity and the propriety of passing it along. Today, hitting the “forward” button takes but an instant, and is often done with little thought. The speed with which memes are circulated on the Internet – even without carefully reading or considering its content – reflects both the ease and speed with which one can forward a link, making the Internet an ideal vehicle for *lashon hara* and *rechilut*. That “everyone knows already” or “everyone has seen it” lends a sense of legitimacy to hitting the “forward button,” or at least gives us cover to say, “I didn’t start it; I’m just passing it along.” This is Sulen’s “disinhibition effect” at work.

The Internet certainly affords a quantitative leap of many magnitudes in disseminating gossip, stories, rumors, and outright lies. The immediacy and relative anonymity of the Internet discourage thoughtful reflection. A knee-jerk, emotional response is possible with the click of a mouse. The nature of immediacy, and the speed and quantity of dissemination of communications via the Internet amount to a wholesale qualitative change from conventional means of spreading *lashon ha-ra* and *rechilut* by word of mouth or print media. The Internet is different not only in degree, but also in kind. This has profound ethical implications for us. We must exert increased caution and vigilance over our use of the Internet commensurate with the increased danger – quantitatively and qualitatively – it presents for committing *lashon hara*.<sup>25</sup>

As rabbis, we must redouble our efforts to teach the ethical value of keeping far from *lashon hara* and help our people develop standards for their own behavior on the Internet. While we cannot control what

others circulate on the Internet, we can control what we do. I offer seven points:

First, remind people to stop and think before hitting the “forward” button. It’s not just common sense; it’s a religious obligation, because casual “forwarding” is ethically identical to carefully planned and intentional “forwarding.” Consider whether what you’re about to forward, post, or circulate is *lashon hara*, *rechilut*, or *motzi shem ra*.<sup>26</sup> Consider the effect the material might have on another person’s reputation, career, and life. Repeating something already in the public domain that is true and factually accurate is not *lashon hara*, but it may be *rechilut*. Rambam points out that the prohibition against *rechilut* (Leviticus 19:16) includes in the very same *pasuk* the words, *lo ta’amod al dam rei’ekha* “Do not profit by the blood of your neighbor” to remind us of the gravity of the prohibition against evil speech.<sup>27</sup>

Second, avoid being an audience for *lashon hara*, *rechilut*, and *motzi shem ra*. Tanhuma makes the astute observation that “*Lashon hara* kills three [people], the one who speaks it, the one who listens to it, and the one about whom it is spoken.”<sup>28</sup> Those who listen to – and in the case of the Internet, willingly receive and read or listen to – *lashon hara* are compromising their own spiritual wellbeing. Simultaneously, they are contributing to the circulation of *lashon hara*, which, without an audience, would go nowhere. While it may seem uncomfortable to say to a friend or acquaintance, “Please do not send me messages like this, containing unsubstantiated rumors and innuendoes, because it violates my religious ethics to read it,” doing so will not lose one the respect of a friend or acquaintance, and may well inspire the sender to curtain his or her trafficking in such material.

Third, remember that material sent by email, posted to blogs, or tweeted does not fade away. Much is archived, and much remains on the web, easily located by people with malicious intent. Like the

feathers that cannot be gathered in, our posts are accessible for a long time. Rambam hyperbolically warns that we are forbidden to live in the neighborhood of people who traffic in evil speech.<sup>29</sup> The Internet has reduced the entire globe to one electronic neighborhood. There are no borders or fences, and distances have been reduced to zero.

Fourth, there are times when it *is* appropriate to pass along information about someone. Here, proper intention is crucial, as is the commitment to prevent harm to others. Consider the example of Rachel who is applying to be a counselor to alcoholics, and has posted pictures of her drunk on facebook. May Rebekah, stumbling across these photos, make them known to Rachel's potential employer? First, because Rachel posted the photos to her facebook page, Rebekah would not be committing *lashon hara* because Rachel made the photographs available. However, we might ask if this is *rechilus*. If Rebekah – with proper intent – shows the photographs to the potential employer, there is no *rechilus*. The Chofetz Chaim tells us that Reuven may convey negative information about Shimon to Yaakov if it would save Yaakov from a disastrous business deal with Shimon that would have caused him financial loss.<sup>30</sup> Our example is not, strictly speaking, a case of monetary risk in a business venture. In fact, perhaps more is at risk – the welfare of recovering alcoholics – and Rebekah's intention is to protect them from someone who misrepresents himself. Similarly, if we possess reliable information about a pedophile living in the neighborhood, we may convey it to neighbors with children living at home? So too, if we have reliable evidence that a doctor is incompetent, we may, on a need-to-know basis, inform others. But may we post our suspicions or an account of our experience with the physician on an Internet site that rates doctors? The Chofetz Chaim offers us five safeguards to insure that what we share is done with proper intent and in an appropriate manner:

1. Don't make a knee-jerk negative judgment. Investigate thoroughly.
2. Do not exaggerate the information.

3. Intend only to achieve a beneficial outcome.
4. Share the information only as a last resort, once you have determined there is no other way to avoid a harmful outcome.
5. The information may be shared only if the potential harm to the recipient far outweighs the harm done to the person whose information is shared.

These criteria can help us decide any number of situations, including whether or not to delete or forward the stories and allegations that daily deluge our In-Boxes and what it is appropriate to circulate and post to websites.

Fifth, we have a legitimate need for, and right to, information about leaders and politicians in positions of power and authority. However, that need does not obviate the responsibility to evaluate the accuracy of what we read, and especially what we share with others. In becoming a public servant or politician, one does not forfeit one's right to not become the subject of *lashon hara*. Our public servants and politicians are not "fair game" for our frustrations, suspicions, and political differences.<sup>31</sup>

Sixth, we can teach people the concept of *avak lashon hara*<sup>32</sup> (the dust of *lashon hara*) which means language or writings intended to lower a person's reputation in the eyes of others, or which invites others to engage in *lashon hara* with statements such as, "Let's not talk about Ploni because I don't want to reveal what I know about him." Similarly, praise at the wrong time, or delivered in such a way that it raises doubt about a person's integrity, is *avak lashon hara*. News stories specialize in the dust of *lashon hara*

Seventh, we need to begin teaching our children the meaning of *lashon hara*, *rechilus*, and *motzi shem ra*, and the Jewish values that pertain, when they are young, because children in our society are gaining access to the Internet at a younger age than ever before, and it constitutes an increasingly large proportion of their daily

communication with others. Legion are the reports of children engaging in cruel gossip using Instant Messenger tools, email, and texting. These teachings should become a staple of every religious school curriculum from the earliest age and taught often in an age-appropriate manner.

### Conclusion

We live in a society that thrives on gossip. Alice Roosevelt Longworth is said to have quipped, "If you haven't got anything good to say about anyone, come and sit by me." Norman Rockwell's painting "The Gossips" lovingly depicts 14 people transmitting a tantalizing bit of gossip. The number 14 seems quaint when we consider the numbers of people one can reach on the Internet via email, facebook, and twitter with just one click.

Rabbi Israel Salanter said, "Man is a drop of intellect drowning in a sea of instincts."<sup>33</sup> Considering human nature, we cannot realistically say to people, "Don't read what comes around." But we can remind them that our tradition places a moral premium on avoiding *lashon hara*, *rechilus*, and *motzi shem ra* for the sake of human dignity and causes emotional harm. We can encourage people to critically filter what they read, and forward, post, or disseminate only that which they are certain rises to the level our tradition approves. We can remind them that what they do may influence and affect many others, and redouble our efforts to teach the principles of *lashon hara* especially in connection with use of the Internet.

I began with the story of the feathers scattered abroad. Presciently, our Rabbis understood that *lashon hara* has a broad range of operation. As Bereishit Rabbah observes, "it is uttered in Rome and kills in Syria."<sup>34</sup>

Midrash Tehillin expresses it this way:

The tongue is compared to an arrow. Why? Because if a person draws a sword to kill his fellow man, the intended victim can beg mercy and the attacker can change his mind and return the sword to its sheath. But an arrow, once it has been shot and begun its journey, even if the shooter wants to stop it, he cannot."<sup>35</sup>

The Internet has no error-correcting code for lashon hara. The only brakes we can place on *lashon hara* and *rechilus* traveling through the Internet is by halting it at the one source we can control: ourselves. The private meditation of Mar ben Ravina recounted in Berakhot 17a serves us well here with a slight update for the 21<sup>st</sup> century: *Elohai, n'tzor l'shoni mei'ra u's'fa'tay mi-dabeir mirmah* "O Lord, guard my tongue from evil, my lips from speaking guile, and my fingertips from disseminating *lashon hara*."

#### APPENDIX:

Moses Maimonides, *Mishneh Torah, Hilkhot Deot*, chapter 7

1. A person who collects gossip about a colleague violates a prohibition as [Leviticus 19:16] states: "Do not go around gossiping among your people." Even though this transgression is not punished by lashes, it is a severe sin and can cause the death of many Jews. Therefore, [the warning]: "Do not stand still over your neighbor's blood" is placed next to it in the Torah (*ibid.*). See what happened [because of] Doeg, the Edomite.

2. Who is a gossip? One who collects information and [then] goes from person to person, saying: "This is what so and so said," "This is what I heard about so and so." Even if the statements are true, they bring about the destruction of the world. There is a much more serious sin than [gossip], which is also included in this prohibition: *lashon hara*, i.e., relating deprecating facts about a colleague, even if they are true. [*Lashon hara* does not refer to the invention of lies;] that



is referred to as defamation of character (*motzi shem ra al chaveiro*). Rather, one who speaks *lashon hara* is someone who sits and relates: "This is what so and so has done;" "His parents were such and such," "This is what I have heard about him," telling uncomplimentary things. Concerning this [transgression], the verse (Psalms 12:4) states: "May God cut off all guileful lips, the tongues which speak proud things..."

3. Our Sages said: "There are three sins for which retribution is exacted from a person in this world and, [for which, nonetheless] he is denied a portion in the world-to-come: idol worship, forbidden sexual relations, and murder. *Lashon hara* is equivalent to all of them." Our Sages also said: "Anyone who speaks *lashon hara* is like one who denies God as [implied by Psalms 12:5]: "Those who said: With our tongues we will prevail; our lips are our own. Who is Lord over us?" In addition, they said: "*Lashon hara* kills three [people], the one who speaks <sup>36</sup> it, the one who listens to it, and the one about whom it is spoken."<sup>1</sup> The one who listens to it [suffers] more than the one who speaks it.

4. There are certain matters that are considered "the dust of *lashon hara*" (*avak lashon hara*). What is implied? [For example, a person says:] "Who will tell so and so to continue acting as he does now," or "Do not talk about so and so; I do not want to say what happened," or the like. Similarly it is also considered the "dust of *lashon hara*" when someone speaks favorably about a colleague in the presence of his enemies, for this will surely prompt them to speak disparagingly about him. In this regard, King Solomon said (Proverbs 27:14): "One who greets his colleague early in the morning, in a loud voice, curses him," for his positive [act] will bring him negative [repercussions]. Similarly, [to be condemned is] a person who relates *lashon hara* in frivolity and jest, as if he were not speaking with hatred. This was also mentioned by Solomon in his wisdom (Proverbs 26: 18, 19): "As a madman who throws firebrands, arrows, and death and says: 'I am

only joking.” [Also to be condemned is] someone who speaks *lashon hara* about a colleague slyly, pretending to be innocently telling a story without knowing that it is harmful. When he is reproved, he excuses himself by saying: “I did not know that the story was harmful or that so and so was involved.”

5. [There is no difference] whether one speaks *lashon hara* about a person in his presence or behind his back. [The statements] of people who relate matters which, when passed from one person to another, will cause harm to a man’s person or to his property or will even [merely] annoy him or frighten him are considered as *lashon hara*. If such statements were made in the presence of three people, [one may assume that the matter] has already become public knowledge. Thus, if one of the three relates the matter a second time, it is not considered *lashon hara*, provided his intention was not to spread the matter further and publicize it.

6. All the above are people who speak *lashon hara*, in whose neighborhood one is forbidden to dwell. How much more so [is it forbidden] to sit [together] with them and hear their conversation. The judgment against our ancestors in the desert was only sealed because of *lashon hara*.

*Who is the man who desires life,*

*who desires years of good fortune?*

*Guard your tongue from evil,*

*and your speech from deceitful speech.<sup>36</sup>*

#### APPENDIX

Moses Maimonides, *Mishneh Torah*,

Hilkhot Deot, Chapter 7

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among your people.” Even though this transgression is not punished by lashes, it is a severe sin and can cause the death of many Jews. Therefore, [the warning]: “Do not stand still over your neighbor’s blood” is placed next to it in the Torah (ibid.). See what happened [because of] Doeg, the Edomite.

2. Who is a gossiper? One who collects information and [then] goes from person to person, saying: “This is what so and so said,” “This is what I heard about so and so.” Even if the statements are true, they bring about the destruction of the world. There is a much more serious sin than [gossip], which is also included in this prohibition: *lashon hara*, i.e., relating deprecating facts about a colleague, even if they are true. [*Lashon hara* does not refer to the invention of lies;] that is referred to as defamation of character (*motzi shem ra al chaveiro*). Rather, one who speaks *lashon hara* s someone who sits and relates: “This is what so and so has done;” “His parents were such and such,” “This is what I have heard about him,” telling uncomplimentary things. Concerning this [transgression], the verse (Psalms 12:4) states: “May God cut off all guileful lips, the tongues which speak proud things...”

3. Our Sages said: “There are three sins for which retribution is exacted from a person in this world and, [for which, nonetheless] he is denied a portion in the world-to-come: idol worship, forbidden sexual relations, and murder. *Lashon hara* is equivalent to all of them.” Our Sages also said: “Anyone who speaks *lashon hara* is like one who denies God as [implied by Psalms 12:5]: “Those who said: With our tongues we will prevail; our lips are our own. Who is Lord over us?” In addition, they said: “*Lashon hara* kills three [people], the one who speaks.<sup>36</sup> It, the one who listens to it, and the one about whom it is spoken. The one who listens to it [suffers] more than the one who speaks it.

4. There are certain matters that are considered “the dust of *lashon hara*” (*avak lashon hara*). What is implied? [For example, a person says:] “Who will tell so and so to continue acting as he does now,” or “Do not talk about so and so; I do not want to say what happened,” or

the like. Similarly it is also considered the “dust of *lashon hara*” when someone speaks favorably about a colleague in the presence of his enemies, for this will surely prompt them to speak disparagingly about him. In this regard, King Solomon said (Proverbs 27:14): “One who greets his colleague early in the morning, in a loud voice, curses him,” for his positive [act] will bring him negative [repercussions]. Similarly, [to be condemned is] a person who relates *Lashon hara* in frivolity and jest, as if he were not speaking with hatred. This was also mentioned by Solomon in his wisdom (Proverbs 26: 18, 19): “As a madman who throws firebrands, arrows, and death and says: ‘I am only joking.’” [Also to be condemned is] someone who speaks *lashon hara* about a colleague slyly, pretending to be innocently telling a story without knowing that it is harmful. When he is reproved, he excuses himself by saying: “I did not know that the story was harmful or that so and so was involved.”

5. [There is no difference] whether one speaks *lashon hara* about a person in his presence or behind his back. [The statements] of people who relate matters which, when passed from one person to another, will cause harm to a man’s person or to his property or will even [merely] annoy him or frighten him are considered as *lashon hara*. If such statements were made in the presence of three people, [one may assume that the matter] has already become public knowledge. Thus, if one of the three relates the matter a second time, it is not considered *lashon hara*, provided his intention was not to spread the matter further and publicize it.

6. All the above are people who speak *lashon hara*, in whose neighborhood one is forbidden to dwell. How much more so [is it forbidden] to sit [together] with them and hear their conversation. The judgment against our ancestors in the desert was only sealed because of *lashon hara*.

#### Notes

1. Variously attributed to Eleanor Roosevelt and Admiral Hyman G Rickover.

Rickover quoted it in "The World of the Uneducated" (*The Saturday Evening Post*, November 28, 1959) where he prefaces it with, "As the unknown sage puts it..." There are variants attributed to others, as well.

2. Ibid. There is a tendency to regard the Talmud's adage as hyperbole, but the branding of Prime Minister Yitzhak Rabin ז"ל a *boged* (traitor) and *rodef* (pursuer whom one is obligated to kill before he commits murder) by a rabbi contributed to creating an atmosphere in which it was far more likely that someone would act on the "logic" and assassinate Rabin, as Yigal Amir did on November 4, 1995. See Moshe Zemer, "Crime and Punishment in Jewish Law: essays and response," W. Jacob and M Zemer (ed.) *Studies in Progressive Halakhah* (Freehof Institute of Progressive Halakhah, 1999), and Chaim Povarsky, "The Law of the Pursuer and the Assassination of Prime Minister Rabin," *Dinei Yisrael* 18 (1995-1996), pp. 7-59

3. Leviticus 19:16 instructs *le teileikh rakhil b'amekha* "Do not go about tale-bearing among [JPS: deal basely with] your people. Leviticus 25:17 more generally instructs, *lo tonu ish et amitov yareita me-elohekha ki ani Adonai Elohekha* "Do not wrong one another, but fear your God; for I the Lord am your God." Tradition has long identified such "wrong doing" with gossip and tale-bearing, including statements that humiliate, insult, deceive, or cause emotional distress to another person. The Bavli, in masechet Baba Metzia 58b boldly interprets *lo tonu ish et amitov* – overreaching in buying and selling – as applicable in the realm of spoken social intercourse, i.e. verbal wrongs. Numerous examples are given in the Mishnah, which are repeated and elaborated upon in the Gemara, and illustrated by an extended aggadah in which we learn that even God can commit the verbal violation of *tonu ish*.

4. In the weeks following Clementi's death, many people noted that three other adolescents – Billy Lucas, 15; Seth Walsh, 13; and Asher Brown, 13 – took their lives in response to taunting and bullying related to their real or perceived homosexuality. While Tyler Clementi's case is related to these because the harassment he suffered concerned sexual orientation, the use of the Internet to publicize his private behavior distinguishes this case for our purposes.

5. Owen documented highly personal information about basketball, lacrosse, and tennis players, including photographs, scores, and sexual ranking.

6. I received it from one congregant, wrote back providing documentation that it was a hoax, and received it again from the same congregant two months later. This testifies to how casually people forward hoaxes, lies, and inaccurate "information" without taking the time to examine and vet it, and even failing to note when others

have done so for them.

7. "A Girl's Sexy Text, and Altered Lives," Hoffman, New York Times, Sunday, March 27, 2011 (Vol. CLX, No. 555,357), p. 1 and 18.

8. Currently high-speed connections run at 256 gigabytes, but soon that number will seem quaint.

9. There are exceptions to the prohibition against *rechilus*. One may give testimony in a court to insure that justice is served; indeed one's obligation to give truthful testimony – even if it involves what appears to be *rechilus*, overrides the prohibition against tale bearing. One may speak about another person in order to protect a person from bodily harm (e.g., revealing a person's intention to commit murder). Similarly, one may reveal information about another to protect a person from entering into a business arrangement with a person who is untrustworthy or dishonest. This last exemption is complex and requires careful thought and a cautious approach.

10. The First Amendment of the U.S. Constitution, as interpreted by the Supreme Court in the 1964 case *New York Times v Sullivan* requires a public figure to prove not only defamation, but also "actual malice." This means that the person making the defamatory statement must know it to be false and issue it without regard to the truth. Ariel Sharon, accusing *Time Magazine* of libel for its February 21, 1983 issue that alleged that Sharon had "reportedly discussed with the Gemayels the need for the Phalangists to take revenge" for the assassination of Lebanese Christian President Bashir Gemayel prior to the massacres at the Sabra and Shatila refugee camps. *Time Magazine* was exonerated because although their story contained falsehoods and was defamatory, they had not acted with "acted out of malice." The courts have ruled that the category "public figure" can include individuals, who have involuntarily attracted public attention, such as those accused of crimes, or those whose actions bring them media attention, even for a limited period of time.

11. Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* Little, Brown, 2000. Gladwell, analogizing from the observed phenomenon in physics, describes the "tipping point" as an event that, previously rare, has become suddenly and dramatically common. Dr. Mark Granovetter, professor of sociology at Stanford University, observed the phenomenon and termed it the "threshold model of collective behavior." Examples abound in economics, human ecology, and epidemiology.

12. As just one example, three Cornell computer scientists, David Kempe (now at the

University of Washington), Jon Kleinberg, and Eva Tardos, authored a study published in 2003 in the Proceedings of the Ninth ACM SIGKDD International Conference on Knowledge Discovery and Data Mining. In their paper, the authors discuss how many people, and who, are needed to seed a cascading trend in a given social network. The seed group will convince others to follow the trend, transforming it into a "viral" phenomenon. They analyze what is the smallest seed group needed to initiate the cascade and who the individuals of that seed group might be.

13. The Trojan Room coffee pot was located in the old University of Cambridge (England) Computer Laboratory. A webcam was set up to provide constant monitoring of the coffee pot to save people the waste of time of making pointless trips to the coffee room. In 1993, the camera that had provided a live 128x128 grayscale picture of the coffee pot on workers' computers was connected to the Internet, and soon people around the world were checking to see the state of the Trojan Room coffee pot.

14. Actress and model Amber Lee Ettinger made an online video in 2008 entitled "I Got a Crush on Obama" that was viewed well over 21 million times (as of 2/6/2011) and garnered her appearances in a *Saturday Night Live* sketch, as well as an interview on *Geraldo at Large*.

15. Rick Astley's "Never Gonna Give You Up" (1987) became an internet meme in 2007, when it began to be used as a "bait and switch" joke: people provided a link to an article or video on a prescribed topic, but the link instead took the user to Astley's video. Other examples of memes include "The Last Lecture" by Randy Pausch and various *Saturday Night Live* sketches.

16. People do not interact with one another in real time in email and on the message boards. Responses may take minutes or weeks. Feedback - such as disapproval or refusal to listen to *lachon hara* and *rechilut* is lacking.

17. Dr. John Suler, Ph.D., professor at Rider University, is author of numerous articles in the new field of CyberPsychology, and edits a journal entitled *CyberPsychology and Behavior*. His online article on the "Disinhibition Effect" is found at <http://users.rider.edu/~suler/psyber/disinhibit.html>; it is based on an article published in *CyberPsychology and Behavior*, 7, 321-326.

18. <http://users.rider.edu/~suler/psyber/disinhibit.html> (gathered 12/8/2010). There, Suler writes: "Life in cyberspace tends to disrupt these factors that support self-boundary. The physical body and its five senses no longer play as crucial a role as in face-to-face relationships. What others know or don't know about me is not

always clear. The feeling of a linear past, present, and future becomes more obscure as we move back and forth through synchronous and asynchronous communication. As a result, this altered state of consciousness in cyberspace tends to shift or destabilize self-boundary. The distinction between inner-me and outer-other is not as clear. The person shifts to what psychoanalytic theory calls "primary process thinking" in which boundaries between self and other representations become more diffuse, and thinking becomes more subjective and emotion-centered. Within the transitional space of online communication, the psyches of self and other feel like they might be overlapping. We allow the hidden self to surface because we no longer experience it as a purely inner self; but at the same time we also sense, sometimes vaguely and sometimes distinctly, the intrusion of an unknown other into our private world, which results in suspicion, anxiety, and the need to defend our exposed and vulnerable intrapsychic territory."

19. The Jewish Publication Society translation of Leviticus 19:16 reads: "Do not deal basely with your countrymen," and provides a footnote that the meaning of the Hebrew is uncertain.

20. Maimonides *YadhaChasakah*, Tum'at Tzara'at 16:120.

21. *Sifrei Metzora* on Numbers loc.cit.: *Avot de-Rabbi Natan* loc.cit.

22. Babylonian Talmud, Arakhin 15 b.

23. Midrash Tanhuma, *parshat Metzora*.

24. Of the 43 sins enumerated in the traditional *al Cheit* confessional of Yom Kippur, eleven are sins committed through speech.

25. One dramatic example of the confluence of these many new facets of communication via the Internet will suffice to dramatize the degree of the problem. A popular advice column, "Ask Amy," authored by Amy Dickinson and syndicated in newspapers across the country, printed a letter on February 14 and 15, 2011 in which a customer service employee claimed she was fired due to an angry young customer who refused to speak with the manager yet tweeted her complaint later that evening. Managers at the headquarters learned of the tweet and fired the employee. (The letter was available on 4/3/2011 at <http://www.startribune.com/lifestyle/116183554.html>.)

26. Two additional pieces of advice to reduce *lashon hara* at the keyboard: (1) impose a waiting period before forwarding or sending anything that might contain



*lashon hara* because a waiting period reduces the urgency and pleasure of sending or forwarding something that is inappropriate; and (2) ask someone you trust to read and vet what you are considering sending to others. 27. Moses Maimonides, *Mishneh Torah*, *Hilkhot Deot* 7:1.

28. Maimonides quotes this passage from *Arakhin* 15b in *Hilkhot Deot* 7:4. See Appendix A. *Ibid.* 7:6. See Appendix A.

29. *Ibid.* 7:6. See Appendix A.

30. Chofetz Chaim, *Shmirat haLashon*, *Hilkhot Esurei Rechilut* 9:1. The safeguards that follow are from the same citation.

31. In this regard, halakhah comes to a different conclusion than U.S. law, which does not provide protections for public personages as it does for private individuals.

32. *Ibid.* 7:4.

33. Attributed to Rabbi Israel Salanter (1810-1883), founder of the Musar Movement.

34. *Bereishit Rabbah* 98:23.

35. *Midrash Tehillim* 120, ed. Buber, p. 503.

36. *Psalm* 34:13-14.

37. Rambam quoting *Arakhim* 16b and *Midrash Tanhuma*, *Parashat Metzora*.