

This is an excerpt from the book "False Facts and True Rumors: Lashon HaRa in Contemporary Culture" by Rabbi Daniel Feldman, courtesy of the author. This chapter deals with the topic of doing teshuva for spreading lashon hara.

VII. FIXING IT: REPARATIONS, REPENTANCE, AND REDEMPTION

Financial Restitution

An oft-told story involves a man who came to his rabbi to seek advice on how he can repent for the offense of speaking *lashon hara*. The rabbi advised him that it is indeed possible, albeit complicated. He instructed him to take a pillow - the old-fashioned kind, with feathers inside – and to cut a hole in it and then walk around his town, allowing the feathers to escape from the pillow. Having done that, he returned to the rabbi and asked him for the next instruction. The second step was significantly harder than the first: "now pick up all the feathers ".

The message was, clearly, that *lashon hara* is uniquely challenging for the penitent. As has been noted, one explanation for the particular severity attributed to *lashon hara* has to do with the impediments to repentance, restitution and repair¹. Indeed, much literature is devoted to assessing what can be done after the offense of *lashon hara* has taken place.

One question is whether any restitution is due to the victim. On this front, there is not much to be done, as this offense is generally not enforceable by a rabbinic court through the collection of damages. As noted earlier, damages that are inflicted indirectly are generally not actionable, and *lashon hara*, even when it has a significant negative impact, causes its harm indirectly.

However, this does not mean that a rabbinic court must ignore an act of *lashon hara*, and particularly an egregious one. The medieval authorities agreed that even if the letter of the law does not provide for restitution, extralegal methods exist in order to discourage such behavior and to address to some extent the rift and the harm that has been created. For example, Rabbenu Asher² asserted that due to the great severity of the sin and the emotional pain imposed by this act, the court should excommunicate the offender until he appeases the victim in accordance with his personal honor, and in his responsa,³ he notes that it is the custom of "all Israel" to enact safeguards and penalties in this matter. Similarly, Maimonides⁴ notes that while the letter of the law does exempt the offender from restitution, it is appropriate for a rabbinic court to establish protective measures and penalties, "in every time and every place as they see fit", although he does not mention excommunication. The later codifier Rabbi Yaakov, author of the Tur, and son of Rabbenu Asher, combines his father's view with that of Maimonides in his rulings.⁵ The code of Jewish law, the *Shulchan Arukh*⁶, rules that one who embarrasses another with words should

¹ The early literature extensively refers to *lashon hara* as a transgression that is resistant to repentance; see Rif, Yoma 6a with Ran; Machzor Vitri, 531; Sefer HaChinmukh, 364; Mishneh Torah, Hilkhos Teshuvah 4:1, and 4:5, with Kesef Mishneh to 4:1; Responsa Rambam 121; Rosh, Yoma 8:18; Sha'arei Teshuvah 1:52,

² Bava Kama, VIII, 2.

³ Responsa of Rosh, 101:1.

⁴ Hilkhos Choveil UMazik 3:5.

⁵ Tur, Choshen Mishpat, 1, and 420. See R. Tzvi Lifshitz, in the journal *Techumin*, XVI, pp. 381-391.

⁶ Choshen Mishpat, 1:6.

be excommunicated until he appeases the victim, and R. Moshe Isserles, in his glosses⁷, emphasizes that slander is included in this category. Despite the basic exemption from monetary damages, the victim may legitimately condition his forgiveness on some kind of restitution.⁸ Indeed, throughout the generations, rabbinic courts and individual authorities have considered the question of what actions should be taken against specific perpetrators of disparagement and slander, and have acted accordingly.⁹ In 1965 (with later amendments), the Israeli government, basing itself on the values of Jewish tradition, passed a law that imposes penalties, including imprisonment, for acts of *lashon hara* against another.¹⁰

However, the question of monetary compensation is actually the less vexing part of the equation; it is the appeasement that is significantly more challenging. As noted, the effects of *lashon hara* are far ranging and often irreparable. As such, it is often not possible for the offender to come to the victim and claim he has resolved the issue and rectified the problems he has caused, and consequentially, it is understandable if the victim is hesitant to forgive what is essentially an ongoing offense.

Indeed, there is a view in the Talmud and brought in the later codes, that while it is considered "cruel" or even sinful not to forgive someone who is truly penitent, it may be acceptable not to forgive a slanderer¹¹. As the commentaries explain, attempts at rectification are unreliable; too many people may have heard the slanderous accusations but not the correction and apology.¹² Regardless, it is still laudable and recommended to forgive nonetheless¹³, but the justification of the hesitancy is instructive. (Presumably, these considerations are not limited to slander, but any of the set of interpersonal offenses that have irreparable consequences are subject to this balance.) Some authorities assert that if the speaker has made a sincere effort to correct his slander in the eyes of the listeners to the greatest intent possible, he indeed has a right to be forgiven.¹⁴

It should also be noted that if forgiveness from the victim is needed following an act of *lashon hara*, an additional factor is then present in the disparagement of a group of people, rather than

⁷ CM 420:38; see *Sma*, #49.

⁸ See *LeReakha Kamokha*, VII, pp. 317-319.

⁹ Professor Nachum Rackover thoroughly reviews the history and substance of these rulings in the journal *Sinai*, vol. XXVI, 51, pp. 197-209 and pp 326-345 and in the journal *Sha'arei Tzedek*, X, pp. 282-294. Much of the literature builds on analysis of a talmudic passage (*Pesachim* 113b) in which an individual brought testimony against another in rabbinic court, but because he did so without another witness as necessary for any action to be taken, his testimony was considered unproductive disparagement, and the court flogged him. Regarding the question of whether a wife who engages in *lashon hara* forfeits her *ketubah*, see R. Eliyahu Bar Shalom in the journal *Beit Hillel*, p. 63. Concerning the disqualification of one who speaks *lashon hara* from testimony, see R. Kalfun Moshe HaKohen, *Responsa Shoel VeNishal*, II, YD, 52. See also *Resp. Ohalei Yehudah*, pp. 153-158.

¹⁰ R. Ratzon Arusi considers the implications of this law from the perspective of Jewish law and rabbinic responsibility in the journal *Sha'arei Tzedek*, X, pp. 267-281.

¹¹ *Yerushalmi Bava Kama* 8:7; *Mordechai*, *Yoma* 723; *Sefer Chasidim* 613 and 631; *Sefer Mitzvot Gadol*, *eseh* 16; *Hagahot Maimoniot*, *Hil. Teshuvah* 2:10; *Resp. Terumat HaDeshen*, 307 and *psakim* 212, and Rama, O.C. 606:1

¹² *Magen Avraham*, loc. cit. #5.

¹³ *Ibid*. Note however *Pnei Moshe* to *Yerushalmi*. See also *Matteh Ephraim* 606:3; *Responsa Chaim She'al*, II, 13; and R. David Eichenstein, *Responsa Devar Tov*, 6. See as well the discussion in R. Aharon Kahn, *Yismach Avikha*, II, pp. 50-57.

¹⁴ See *Arukh HaShulchan* 606:2.

an individual. In that case, obtaining forgiveness from all the victims is likely impossible, if it is even feasible to identify all of them¹⁵.

Asking Forgiveness: The Controversy

However, there is another factor that is very significant in obstructing reconciliation in many cases of *lashon hara*, and it sits at the center of a major dispute between two giants of Jewish ethical leadership.

One of the primary advocates of the active focus on character development, known as *musar*, was Rabbi Yisrael Salanter (1810-1883). Given this focus, it is to be expected that he would have strongly supported the efforts of the *Chafetz Chaim* in his writings. Nonetheless, according to several reports, he declined to give a written endorsement to the book. Apparently, while he agreed with the work's general message, there was one ruling in it that he felt he could not associate himself with, and that the risk was too great that his endorsement would be seen as concurrence with this ruling.¹⁶

This single controversial ruling concerns the question of apology and reconciliation following an offense of *lashon hara*. The Talmud teaches that repentance is ineffective for offenses committed against another person unless apology is made to the victim and forgiveness is obtained¹⁷. As a general rule, at least the first part, the apology, is in the hands of the offender to do. However, *lashon hara* may present a unique challenge. It is usually expected that in apologizing, one is required to specify the offenses of which one is aware, rather than mouthing a general confession lacking any recognition of the particular manner in which harm has been done to the other¹⁸. Often, the hurtful comments have been made outside the presence of the subject, who is blissfully ignorant. To apologize under such circumstances would mean the infliction of emotional pain on one who has already been the victim of malicious gossip. Is that warranted?

To R. Yisrael Salanter, the answer was clear. The Torah's strong prohibition against causing emotional suffering is the priority. The offender would have to find some other way to assuage his conscience and set things right; but to do so at the expense of his victim was not acceptable. However, to the *Chafetz Chaim*, the issue was somewhat more complicated.

If the gossip was ineffectual, causing no apparent damage to the subject, the *Chafetz Chaim* agreed that there is little to be gained by informing the subject in order to obtain his forgiveness. However, if there was indeed harm inflicted by the speech, it would then be necessary to tell the subject what had been done and to apologize.¹⁹ Reportedly, R. Yisrael found this ruling so

¹⁵ See *Birkat Yitzchak*, p.182.

¹⁶ See R. Eliyahu Lopian, *Lev Eliyahu*, vol. 1, p. 108, and *Meorot HaGedolim* 141; *Mishnat Yisrael*, p. 337 in fn; and R. Ahron Soloveichik, *Parach Mateh Aharon, mada*, pp. 186-189. See also R. Yom Tov Zanger, *Ma'adanei Yom Tov*, III, 10. However, it is noteworthy that R. Yitzchak Blazer, perhaps the most prominent student of R. Yisrael Salanter, writes in the introduction to his *Responsa Pri Yitzchak* that he does not have an approbation from R. Yisrael, as it was his general practice not to provide them.

¹⁷ *Yoma* 85b.

¹⁸ See *Bayit Chadash*, O.C. 606:2.

¹⁹ *Chafetz Chaim*, part 1, *Klal* 4:12.

objectionable that he refused to associate his name with the entire book, despite its immense overall value.

The ruling of the *Chafetz Chaim* had a strong foundation, apparently based on an earlier statement of the great medieval ethicist Rabbi Yonah of Gerondi²⁰. Nonetheless, many of the later authorities seemed to be in agreement with R. Yisrael²¹. It is reported that the famed R. Aharon Kotler, who founded and led the Lakewood yeshiva, asserted that R. Yisrael was qualified to argue with the rulings of the great medieval authorities due to his phenomenal expertise and prominence in these matters. Others endorsed R. Yisrael's position while interpreting the view of Rabbi Yonah as being in agreement as well (and in some case also interpreting differently the view of the *Chafetz Chaim*)²².

If seeking *mechilah* and specifying the offense is indeed contraindicated, options may still exist. The first is to ask for a general forgiveness, without identifying a particular wrongdoing. This does tend to arouse suspicion, and in this vein some note that this may be a situation in which a less than ideal social phenomenon may be utilized. As Yom Kippur draws near, many approach all of their friends and associates and ask for forgiveness practically by rote, without identifying (usually even in their own minds) any specific offense. While this actually falls short of the standard normally required of such apologies, in this case it may be preferable.²³ Some argue, however, that this may be effective only when the gossip is routine. If the *lashon hara* was extensive and egregious, though, it is harder to assume the subject is able to issue any kind of meaningful forgiveness.

²⁰ *Sha'arei Teshuvah*, *Sha'ar* 3:207.

²¹ See R. Moshe Mordechai Karp, *Hilkhot Chag BaChag*, *Hil. Yamim Noraim* ch. 21 #111, and R. Shlomo Zalman Auerbach in *Halikhot Shlomo*, *moadim*. 3:6. See, though, *Aleinu LeShabeach*, *Devarim*, I, responsa, # 138, where R. Yosef Shalom Elyashiv is quoted as emphasizing the spiritual benefits accruing to the victim who is told about the offense, as he can be gracious and forgiving and earn great merit through his suffering for the sake of a sinner's forgiveness. However, this seems more of a consolation after the fact rather than a recommended approach; this is also implied in the presentation R. Yisrael Veinman, *Mishnat Yisrael*, p. 241, who extensively surveys practical approaches to the issue (pp. 233-242). A different approach can be found in R. Elimelech Winter, *Minchat Elimelech*, II, p. R. Moshe Shternbuch, *Responsa Teshuvot VeHanhagot*, V, 397, quotes R. Eliyahu Dessler as endorsing the approach of R. Yisrael Salanter, while ultimately recommending a dual approach of omitting the painful revelations while emphasizing overtures necessary for reconciliation.

²² See, for example, R. Binyamin Yehoshua Zilber, *Responsa Az Nidberu* VIII, 68 who was of the opinion that the *Chafetz Chaim* would certainly agree that the victim should not be informed of negative talk against him of which he is unaware; it is only when he knows of the gossip but not the source that he would advocate confession. . A similar suggestion is made by R. Yisrael Isser Hertzog in the journal *HaDarom* LII, 62-67 as well as by R. Zvi Hirsch Scheinberger in the journal *Beit Aharon ViYisrael*, XVIII, 1 (103), p. 84. See also *Responsa LeChafetz BaChaim*, I, 5. See also *Sh'eilat Shmuel*, in *Orchot Chaim to Shulchan Arukh*, and R. Yochanan Segal Vosner, *Responsa Chayei HaLevi*, III, 100, who suggests that the *Chafetz Chaim* was referring to a situation in which the offense would have eventually become known to the victim, and thus it is better heard from the antagonist than from anyone else. (Note *Chafetz Chaim*, *Be'er Mayim Chaim* 48). See also *Chut Shani*, p. 335 and R. David Binyamin Brezacher in the journal *Kol Torah*, *ibid.*, pp. 67-68.

²³ See R. Shlomo Wahrman, *Orot Yemei HaRachamim*, 37, and R. Moshe Shternbuch, *Moadim U'Zmanim* 1:54. However, in his *Responsa Teshuvot VeHanhagot* (V, 397), he writes that a completely nonspecific request is insufficient; it should rather be a request along the lines of, "perhaps I spoke some *lashon hara* about you, I don't remember exactly..." without providing the full details. See also the discussion of this in R. Mordechai Babad, *Minchat Machvat* (II,132) and *Ma'or HaSha'ar to Sha'arei Teshuvah*. See also *Yalkut Yosef*, *Kitzur Shulchan Arukh* 2, 606:16, and *Nit'ei Gavriel*, *Hil. Yom HaKippurim*, ch. 17 n2, and see also R. Yosef Lieberman, *Responsa Mishnat Yosef*, IV, 44.

Interestingly, some of the students of R. Yisrael Salanter may have also endorsed such an approach. One of his most prominent disciples, R. Yitzchak Blazer (1837-1907), corresponded with another, R. Naftali Amsterdam, as the former was leaving a rabbinical position and was concerned that he may have spoken badly about some of his congregants and now needed their forgiveness. The latter advised him to apologize in a general way, noting that this transition provided a good opportunity to ask for a broad forgiveness for any offenses during his tenure, without provoking focus on any specific deed²⁴.

R. Ahron Soloveichik²⁵ suggests that in the instance of *lashon hara*, in place of begging absolution, it is appropriate to spread information that will counteract the negative effects of the gossip; in this case, such action is more consistent with increasing harmony than seeking the victim's pardon²⁶. However, this advice is easier said than said; as we have seen, successfully countering the effects of the initial negative speech can be, more often than not, a very daunting task.²⁷

The question as to whether the ruling of the *Chafetz Chaim* has been accepted in practice could actually start with the opinion of the *Chafetz Chaim* himself. The *Chafetz Chaim* was also the author of an extremely authoritative commentary on the code to Jewish law known as the *Mishnah Berurah* (which was published after the *Chafetz Chaim*). In that work, in the laws of asking for forgiveness prior to Yom Kippur, the author approvingly quotes a view of the 17th century authority *Magen Avraham* that appears at odds with his position in the *Chafetz Chaim*. There, the ruling is that if a request for forgiveness will embarrass the victim, the offender should not specify his wrongdoings. Thus he appears in this work to favor the view of R. Yisrael Salanter, against his own position in *Chafetz Chaim*²⁸.

There are number of suggestions in the later literature towards reconciling the two statements, although the basis for any of the distinctions is hard to find in the original sources. One suggestion is that in *Chafetz Chaim*, the author was referring to a situation where the request will cause anguish to the victim, a result he apparently considers necessary. In *Mishnah Berurah*, he was referring to actual embarrassment, which does indeed make apologizing counterproductive²⁹. However, this distinction is hard to assess, as well as not being indicated in the original source material. Further, the infliction of anguish and of embarrassment are both

²⁴ Published in R. Avraham Rosenberg, *Tenuvot Sadai* p. 354; note fn on page 355; also, *Kokhvei Ohr, mikhtavim*, 11, p. 225. See *Mishnat Yisrael*, p. 240.

²⁵ *Parach Mateh Aharon, mada*, pp. 186-189. The dispute between R. Kagan and R. Lipkin is recounted in detail here; see also, pp. 86-88. This is part of a longer discussion as to the function and mechanism of *teshuvah* and *mechilah*. R. Soloveichik suggests a similar notion in a different context as well, that of when the precise victim is unknown (p. 197).

²⁶ Similarly, see R. Re'em HaKohen, *Responsa Badei HaAron*, O.C. 19, who asserts that if damage was done to the subject on a public level, then repentance would require addressing that damage, but not necessarily telling the victim, as this would inflict unjustified pain.

²⁷ R. David Ariav, *LeReakha Kamokha*, VII, 7:3 in *Nir LeDavid*, asserts that one would not have to adhere to strict honesty in attempting to "undo" *lashon hara*, as this would be included in the talmudic license of dishonesty in the service of harmony.

²⁸ *Orach Chaim* 606:3. See also *Shalmei Todah, Yamim Noraim*, p. 200.

²⁹ See *Halikhot Shlomo* in *Orchot Halakhah*, ch 3 #24, and *Moadim UZemanim*, I, 54, n. 1 (who rules against the position of the *Chafetz Chaim*).

included in the same Torah prohibition, making it difficult to distinguish between them in practice³⁰.

Another suggested distinction, somewhat related to the first, is that the situation described in *Mishnah Berurah* is one in which the victim knows about what has happened, but would endure embarrassment to hear it revisited. R. Yisrael Salanter is referring to more than that, where the victim does not know in the first place, and in that case rules that he may not be told.³¹

A third possible distinction is that in *Mishnah Berurah* the ruling is that one need not go into detail that would increase a sense of embarrassment to the victim, but to simply inform him that something was said is still necessary. If this is indeed the position, one can understand the objection of R. Yisrael Salanter, who presumably would be concerned that informing the subject of the fact of negative speech without detailing its contents is likely to cause him equal if not greater anguish³².

It is important to note that R. Yisrael's position is not a leniency, exempting the offender from the necessity of apologizing. Rather, it is a stringency; the need for reconciliation and forgiveness for damages inflicted is still present (and in this sense, perhaps R. Yisrael is actually in theoretical agreement with the earlier ruling of R. Yonah), but the offender is precluded from achieving atonement because of the cost to the victim.

Thus, it would emerge that *lashon hara* is a transgression that poses a unique challenge to repentance, for many reasons including this one, and an ounce of prevention is worth a pound of cure. Some have suggested that the purpose of offering apology is to express concern and sympathy for the victim and a concern for his well-being; in that case, refraining from asking for forgiveness, when doing so would inflict pain, is actually the more compassionate and thus more appropriate choice. Thus, the inaction is in place of, and preferable to, the action of informing the victim³³.

This controversy, the dispute between the two titans, the *Chafetz Chaim* and R. Yisrael Salanter, may revolve around differing conceptual understandings of the main principles involved. For example, it may be that they disagree as to the underlying concepts of *lashon hara*. Perhaps, at least as far as repentance is concerned, the *Chafetz Chaim* is focusing on *lashon hara* as a negative character trait; thus, attempting to reconcile with the victim, even if it is a difficult conversation for him, may still be an attempt to reverse the taint of character. Conversely, R. Yisrael may understand the offense as inflicting harm through speech; thus, to inflict even more harm, by anguishing the victim through informing him, would be blatantly counterproductive.

³⁰ See *Mishnat Yisrael* p. 238.

³¹ See *Moadim UZemanim* I, 54, n. 1, and *LiTeshuvat HaShanah* 2, s.v. “vekhoh hamitga’eh” #3). See *Mishnat Yisrael*, *ibid.*, who again notes the absence of support in the text, and also the position of R. Naftali Amsterdam in the above-cited letter who disputes this interpretation of the position of the *Magen Avraham*.

³² See *Mishnat Yisrael*, and *Machatzit HaShekel* to *Magen Avraham*. See also *Sha'arei Avraham*, pp. 439-440, in fn, who assumes there is no contradiction between what is written in *Chafetz Chaim* and in the *Mishneh Berurah*, nor with the position of R. Yisrael Salanter; the ruling in *Mishneh Berurah* is authoritative, and he merely did not record the point in *Chafetz Chaim*

³³ See R. Shmuel Azriel, *Chazon Shmuel*, pp. 250-251, and R. Yitzchak Hutner, *Pachad Yitzchak, Yom HaKippurim*, 2:8.

Alternatively, the debate may be as to the true purpose of seeking forgiveness. R. Yisrael may understand that the purpose is a removal of tension between the parties; thus to create tension would certainly be ill advised. Conversely, the *Chafetz Chaim* may see a waiver of claims for damages as a primary focus; thus, it is necessary to inform the victim so that he is able to release the claims.

It is similarly illuminating to consider the *Chafetz Chaim*'s distinction on the matter, in which he maintains that one need only apologize if the *lashon hara* was "successful", but not if it did no damage³⁴. This lays the foundation for a number of questions. First, it is worth noting that the *Chafetz Chaim* distinguishes on this point between *lashon hara* and *rekhilut*. In the case of *lashon hara*, it is possible that the speech had no impact, as the listener may not have really been interested in the subject or paying any attention. However, in the case of *rekhilut*, the listener is the subject, and therefore by its very nature there will be some negative impact. Accordingly, the *Chafetz Chaim* rules in the latter instance that his premise that an apology is necessary is applicable in all cases.

This distinction emerges from a context in which the *Chafetz Chaim* poses a question on his own position³⁵. What if the gossip does not appear to have inflicted any damage yet, but there is reason to believe that it will in the future? Certainly, it would be ideal that the process be stopped in its tracks. However, considering that that is often not possible, should the apology requirements correlate to the current extent of damage or anticipated future damage? In presenting this question, the *Chafetz Chaim* distinguishes between *lashon hara*, which may not impose significant damage if the listener is disinterested, and *Rekhilut*, in which can be assumed that there is always some degree of damage³⁶.

The *Chafetz Chaim*'s position is also noteworthy in his assumption that it is possible to have *lashon hara* which does not inflict damage. In such a situation, the *Chafetz Chaim* asserts that there is no interpersonal impact, although there is certainly a sin involved, and the indulgence of a negative character trait. Thus, the offender must repent, but this penitence is between him and God and need not involve the subject. This distinction reflects the dual nature of the transgression of *lashon hara* that we have thus far seen.

However, there are those who challenge the claim that there can ever be a situation of *lashon hara* which does not cause damage. Rabbi Yitzchok Hutner³⁷, who in practice endorses the position of R. Yisrael Salanter that one should not inform the victim for the sake of seeking apology, nonetheless addresses the *Chafetz Chaim*'s assumption on this point. He asserts that every act of derogatory speech has a negative impact, regardless of the acceptance of the listener. This is due to the mandate to "love your fellow as yourself". To express negative sentiments about the other, even if they are not accepted by another party, is to detract from the feelings of love due to that subject. He supports this point by noting Maimonides' position that one who

³⁴ See also R. Shlomo Aviner, *Am KeLavi* 1:181, and R. Yitzchak Ben Shoshan, *Responsa Toldot Yitzchak* 1:29.

³⁵ See *Chafetz Chaim*, loc. cit, in *Be'er Mayim Chaim*, #48, and in *Hil. Rekhilut* 4:3, in *Be'er Mayim Chaim*, 4.

³⁶ This explanation is expressed in *Mishnat Yisrael*, p. 236. See also *Rokeach*, number 28.

³⁷ *Sefer Zikaron LeMaran Ba'al HaPachad Yitzchak Zatzal*, p. 335 #8.

curse his fellow, also a Torah prohibition, must seek forgiveness from the target of the curse³⁸, despite the fact that Maimonides does not ascribe any actual practical impact to the curse itself³⁹.

The distinction of the *Chafetz Chaim* also gives rise to the question as to what meets the threshold for damage. Does this refer to actual material harm, or would the "acceptance" on the part of the listener itself constitute damage?⁴⁰ As we have seen, acceptance is a prohibition in its own right, also presenting the question as to what penitence is necessary for the receiver. To this, the *Chafetz Chaim* asserts that an apology is not called for, but instead, the receiver would be required to "remove the matter from his heart".⁴¹

Clearly, that is also a task that can be far more daunting than the words may imply. However, it may go to the essence of the question of repentance for the transgression of *lashon hara*. If, as was discussed earlier, the acceptance of *lashon hara* is actually the primary offense, with the speaker the facilitator rather than the main protagonist, then the internal work necessary to correct the effects of *lashon hara* on the personality and the mental framework may actually be the question of central importance, and deserving of attention on its own.

Personal Repentance for *lashon hara*

Apart from the question of apology and reconciliation, *lashon hara* is a transgression like any other, and impacts the soul of the offender in addition to any harm it inflicts upon others. In fact, as we have seen, many factors exist that result in a greater spiritual corruption through *lashon hara* than is normally the case with a standard transgression, and *lashon hara* has a dual effect, harming the subject and the speaker at once. As such, in addition to the appeal for forgiveness from the victim, the basic steps of general repentance are called for: confession, regret, and commitment to better behavior in the future. However, there are additional themes that are particularly relevant to *lashon hara*.

The Torah prescribes that one who has been afflicted with *tzaraat*, and is thus assumed to have been guilty of speaking *lashon hara*, must be separated from the Jewish encampment. The Talmud explains the appropriateness of this measure, by noting that the gossip separated

³⁸ *Hilkhos Teshuvah* 2:9.

³⁹ This is in distinction to the position of the *Sefer HaChinnukh* (#231); see also *Chelkat Binyamin* to *Chafetz Chaim* loc. cit., and *Mishnat Yisrael*, *ibid*. Note also the understanding of Rabbi Yonatan Eibshutz, *Tumim*, 27:4, of the prohibition of cursing. See also *Shalmei Todah*, *Hil. Yamim Noraim*, pp. 199-200, and R. Baruch Rakovsky, *Birkhat Avot*, 42:2.

⁴⁰ For varying perspectives on this issue, see *Shvilei Chaim* #20; *Responso LeChafetz BaChaim*, 1, 5; and see also *Birkat Yitzchak* pp. 181-182.

⁴¹ *Hilkhos Lashon Hara* 6:4, in note; see *Chelkat Binyamin*, ad loc., and see also *Resp. LeChafetz BaChaim*, I, #5. Apparently, this is actually more than repentance, in that it eliminates the transgression retroactively and completely; see *Netiv Chaim*, ad. loc. 9 and *Ohev Yamim* ad. loc. 51. Regarding mere listening to *lashon hara*, which, as discussed above, the *Chafetz Chaim* maintains is independently prohibited, see *Responso Az Nidberu*, XI, 40 and 41, who asserts that the transgression is interpersonal in nature, but not one that calls for asking forgiveness from the subject.

people from each other through his harmful speech, and thus it is fitting that he should be separated from the community as a whole⁴².

The Talmud⁴³ also identifies another atoning element for *lashon hara* the special coat that was worn by the priests serving in the temple. The coat, which was fitted with bells, made sounds; thus, an item which makes sounds, utilized in the service of God, is invoked to atone for a transgression that involved sound. The Talmud states that the affliction and the priestly coats correspond to two different types of *lashon hara*. The affliction is visited upon one who has inflicted damage through his negative speech. If, however, no harm has actually taken place, then the speech is atoned by the coat.⁴⁴

This distinction is not a quantitative one, but a qualitative one. One who has not actually inflicted harm through his negative speech has committed a transgression that is primarily a corruption of his own personality. Thus, the symbolism expressed through the coat is an appropriate tool to address the mental attitude required for internal change. One who has actually injected divisiveness into the community, however, is in need of the more functionally oriented exile that is provoked by the affliction of *tzara'at*⁴⁵.

R. Shneur Kotler⁴⁶ noted an additional symbolism inherent in the coat. The coat incorporated the *tekhelet*, the particular shade of blue that is also included in the Torah's commandment of *tzitzit*, the fringes attached to four-cornered garments. The Talmud describes the significance of *tekhelet* as being representative of the ocean, which reflects the sky, which in turn reflects the heavenly throne. The imagery is that of being directed to an ever broadening picture that moves farther and farther back and its perspective. Thus, the message is to take in as broad a picture as possible, with as many details and as long-ranged a perspective as possible. The flaw of one who indulges in *lashon hara* is shortsightedness and narrowness of vision; thus, the coat and the *tekhelet* within it is an appropriate corrective.⁴⁷

⁴² See also R. Moshe Shternbuch, *Taam VeDaat*, who suggests, in a homiletic vein, symbolism in the *tzaraat* afflictions regarding the internal attributes that lead to indulgence in *lashon hara*. For one, the Torah uses the word, *se'ait*, which is related to the word meaning "to lift"; this represents an arrogant individual, **who sits in judgment of others and thus derogates them. Another term the Torah uses is *baheret*; this is related to the word meaning "clear", and represents one who finds matters to be so simple and obvious that he can assess their worthiness without consideration of additional factors or broader context.**

⁴³ *Arakhin* 16a.

⁴⁴ The Talmud also mentions another source of atonement for *lashon hara*, the incense, and suggests that the coat atones for *lashon hara* spoken in public, and the incense for that spoken in private. Regarding that distinction, see *Torat HaOlah* of the Rama, 3:7, and *Shemirat HaLashon*, II, 20:9. For a discussion of the symbolism of the incense as an atonement for *lashon hara*, see R. Avigdor Neventzhal, *Sichot LeSefer Shemot*, pp. 325-328 and *Sichot LeSefer Bemidbar*, pp. 156-158; *BiYad HaLashon*, pp. 153-154 and pp. 367-370 (by R. Michel Zilber); R. David Kronglass, *Sichot Chokhmah UMussar*, 20; and *Shmuot Chaim, Arakhin* ch. 3, #28. For further observations regarding both the coat and the incense, see *VaYita Eishel to Arakhin*, 100, and, at length, *Emek HaLashon, Kuntres Keter HaMe'il*, pp. 170-190. Note also the implication of the Talmud Yerushalmi, *Yoma* 5:3 is that the coat atones for all types of *lashon hara*; see *Emek HaLashon*, 17 for an analysis of the difference between the two formulations. See also R. Yehudah Aryeh Leib Choshki, *Lev Aryeh*, Gen. p. 109, who suggests that Joseph was given a coat as a gift by his father Jacob in order to offset the negative speech he relayed concerning his brothers.

⁴⁵ See *Divrei Yaakov to Arakhin*.

⁴⁶ In the journal *Kol HaTorah* 61, p. 47.

⁴⁷ For further comments on the symbolism of the coat, see R. Mordechai Benedict, *She'arim Metzuyanim al HaTorah*, pp. 458-459.

However, in the modern era, which has neither priestly investments⁴⁸ nor instances of the *tzaraat* affliction⁴⁹, there is still another specific remedy for *lashon hara* expressed by the Talmud, in addition to a general effort to increase one's sense of humility. There is one activity, we are told, which is able to accomplish that which other methods cannot in fixing the internal flaws associated with *lashon hara*, and that is the study of Torah⁵⁰.

However, many who were themselves great scholars found this suggestion difficult. The tendency towards *lashon hara* is broad and pervasive, and appears to exist even among those very well-versed in the Torah and the Talmud⁵¹. This concept requires some explanation, and to seek a greater understanding we turn now to our final chapter.

⁴⁸ Although some understand that the priestly vestments continue to atone today, per *Yoma* 72b.

⁴⁹ The *Chafetz Chaim* (*Shemirat HaLashon*, ch. 7) explains the absence of *tzara'at* in modern times as due to the lack of a purification process, explaining that the affliction was not meant to be punitive, but corrective; see also *Shmuot Chaim*, *Arakhin* 15b. Other perspectives are surveyed in *VaYita Eishel to Arakhin*, 99.

⁵⁰ *Arakhin* 15b, based on Prov. 15:4. The Talmud has two versions of this suggestion; in one version, Torah study and humility are effective for repenting from *lashon hara*; the other version maintains that no remedy is possible after the fact, but that these are effective in preventing *lashon hara* in the first place. This second view is addressed by the *Chafetz Chaim* in his *Shemirat HaLashon, sha'ar haTorah*, in a footnote, in which he offers two interpretations. One is that the Talmud is identifying the two aspects present in *lashon hara*, the interpersonal aspect which cannot be addressed without the forgiveness of the victim, and the corruption of the speaker, which is addressed through Torah study. A second distinction is cited from the *Menorat HaMaor, ner 2, klal 4*, who asserts that the view that there is no remedy is referring only to one who is habituated to *lashon hara* and continues to engage in it, not to one who has stumbled on occasion; see *Orach Meisharim*, 8:31. Note also BMC, *Hil. Lashon Hara* 4:49. Alternatively, R. Raphael of Hamburg, in his *Marpei Lashon*, takes the Talmud's statement at face value, and assumes that Torah study and humility are only effective in preventing *lashon hara* in the first place; after it has been spoken, the only option is absolute repentance.

See also *Lev Aryeh*, pp. 323-324; *Erekh HaChaim, Arakhin* 16b; *Shmuot Chaim, Arakhin* ch. 3 #20; and *Chelkat Yehoshua, Arakhin* 15b, #22. For another talmudic statement regarding the role of Torah study as a corrective for *lashon hara*, see *Yerushalmi Ta'anit*, 1:1. For further comments regarding Torah study as an atonement for *lashon hara*, see R. Eliezer Geldzehler, *Torat Eliezer*, letter #6, p. 205, n18, and see, at length, *Emek HaLashon*, pp. 228-236.

The Vilna Gaon, in his commentary to Prov., asserts that Torah study is only effective when it is constant; an explanation for the source for this idea (as well as one for another author's assertion that the motivation for the study must be pure) is suggested in *Responsa Birkat Reuven Shlomo*, IV, 49. See also *Shmuot Chaim, Arakhin* ch. 3 #21.

⁵¹ *Sotah* 21a.