

Zera Shimshon

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Chapter XXX: Kedoshim (Lev. 19:1–20:27)

Essay 3. Reporting a gossip to the secular authorities

פְּסוּק "לא-תלך רכיל בעמיה לא תעמד על-דם רעה" וכו'. צריף טעם למה מתחלה אמר "עמיה" ולבסוף אמר "רעה". ועוד צריף לבאר קשר הפסוק דסמיה ליה "לא תעמד על-דם רעה" ומאי איצטריף הקא לומר "אני ה'?" ומלבד פירוש רש"י יש לומר דאיתא בשלחן ערוך חושן משפט סי' שפ"ח (סעיף ט') אסור למסור ישראל ביד גוי בין בגופו בממונו ואפלו הנה רשע ובעל עבירות ואפילו הנה מצר לו ומצער עכ"ל. ויליף ליה מההיא דמר עוקבא דשלח לר' אלעזר בנאי אדם העומדים עלי ובידי למוסרם למלכות מהו, אמר לו "דום לה" והתחולל לו" וכו' הוא נפילם לפנה חללים. ועוד שם (סעיף י"ב) פל המוסר הצבור ומצערן, מותר למוסרו ביד נכרי להפותו וליסרו אבל מפני צער יחיד אסור למוסרו עכ"ל.

There is a verse: **“You shall not go about as a gossip among your people; don’t stand against the blood of your neighbor: I am the L-rd”** (Lev. 19:16).

Question 1: **A sense is needed why in the beginning of the verse it is said “your people”** in the plural form, **and at the end it is said “your neighbor,”** in the singular form?

Question 2: **It is also necessary to clarify the connection of the two parts of the verse, as it juxtaposes “You shall not go about as a gossip among your people” to “don’t stand against the blood of your neighbor.”**

Question 3: **Also, why is it necessary to say here at the end, “I am the L-rd”?**

The explanation of Rashi is that there is a relationship between the Hebrew word *rachil* [רכיל] [“gossip”] and *ragil* [רגיל] [“going on foot”], which Rashi relates to the spies [*meraglim*] [מרגלים] sent into Canaan.¹ He explains that that gossips are people who spy on others in order to spread malicious reports about them.

Besides that, one can say that it’s brought in the Shulchan Aruch (Choshen Mishpat) (siman 388, paragraph 9). It is brought there that: **“It is forbidden to inform on an Israelite to the gentiles, whether [it could harm] his person or his finances, even if [the Jew] is wicked and sinful, and even if he is the cause of one’s distress and pain.”**² Thus, **“Mar Ukva, [the Exilarch in Babylonia], sent [a letter] to Rabbi Elazar [in the Land of Israel]: ‘[Regarding]**

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¹ The root is also related to the three Festivals [*regalim*] [רגלים], because of the pilgrimage to Jerusalem, which could involve foot travel.

² The text appeared earlier in the Rambam’s Mishneh Torah, One Who Injures a Person or Property 8:9.

people who stand over [and torment] me, and it's in my hand to inform upon him to the government, what is [the halacha]?' . . . [Rabbi Elazar responded:] "Be patient and wait for the L-rd" (Ps. 37:7) and He will strike them down as corpses.'"³ In other words, if the gossip is causing problems to only one person, we cannot get him in trouble with the authorities.

Also, there in Shulchan Aruch, Choshen Mishpat, siman 388, **paragraph 12**, "If one informs on the public and causes them pain, one may inform on him to the gentiles to strike him, to imprison him, or to fine him. One cannot inform on him, however, because of an individual's pain." Thus, we can't inform upon a gossip who harms one person, but we can inform upon him if he harms many.

ומשום הכי מתחלה הנהיר הכתוב על "לא תלך רכיל בעמך" דמשמע בעושה מעשה עמך כדאמרין על "ונשיא בעמך לא תאר", הא אם אינו עושה מעשה עמך, מותר למוסרו בגד גוי. אבל כל זה הוא דוקא בשמוסר או מצער את הרבים, אבל אם מוסר או מצער לאדם אחד לבדו, אינו מותר למוסרו. ונהו "לא תעמד על דם רעה", "רעה" דוקא דהיינו נזק יחיד, אלא מה יש לה לעשות? "דום לה' והתחולל לו", ונהו שפיים הכתוב "אני ה'" נאמן ליפרע.

Answer 1: **Because of this, at the beginning, the verse warns, "You shall not go about as a gossip among your people."** The beginning of the verse, "your people," means we can't inform on a gossip who is a fit Jew **who acts as a member of "your people," as it is said, "Do not curse a ruler among your people"** (Ex. 22:27). If one performs an action befitting "your people," we do not curse him.⁴ **But if he is not acting as a member of your people, it is permissible to inform upon him to the gentiles. But all of this is precisely when he is informing upon or tormenting the public, but if he is informing upon or tormenting one man alone, it is not permitted to inform upon him. This is why the beginning of the verse says "your people" and the end says "your neighbor" in the plural form, but switches to the singular form, "don't stand against the blood of your neighbor," for a "neighbor" specifically [means] the harm of one individual.**

Answer 2: From the first part of the verse, "You shall not go about as a gossip among your people," we have learned that one can't inform upon an individual who only harms one person. But from the second part, "don't stand against the blood of your neighbor," we also learn that we can't ignore the harm that he is committing, even if only one person is affected? That's the connection between the two.

Answer 3: But if we can't inform upon him, **what is one to do? "Be patient and wait for the L-rd," and this is the meaning of the conclusion of the verse, "I am the L-rd,"** I am faithful to exact punishment.

³ Gittin 7a.

⁴ Bava Metzia 48b.

ואתו שפיר נמי מה שמצינו דאפקיה קרא ענגן הרכילות בלשון הליכה, דמלבד מה שפרש רש"י עוד יש לומר שבא לרמוז שאינו חייב ואינו נקרא רשע רק כשהולך הוא מעצמו למסור חבירו, אבל אם נאנס על כך אף על פי שעושה איסור אינו חייב, ועיין בשלחן ערוך חושן משפט סימן הנ"ל. ואם היה אומר לא תרגל בעמך וכיוצא בלא לשון הליכה הייתי אומר שחייב על כל פנים.

It is fine also that we find that Scripture expresses the matter of gossip in terms of walking. For apart from what Rashi explained, that there is a relationship between the Hebrew word *rachil* [רַכִּיל] [“gossip”] and *ragil* [רגיל] [“going on foot”], one can also say that it’s coming to hint that he is not liable and is not called “wicked” unless he walks by himself, i.e., of his own volition, to inform upon his fellow. But if he is compelled [by violence to inform], even though he has violated a prohibition, he is not liable, and see the Shulchan Aruch, Choshen Mishpat, siman above, viz 388, paragraph 3. If [Scripture] had said, “Don’t spy on your people,” and the like, without the language of walking, i.e., using a word that wasn’t similar *ragil* [רגיל] [“going on foot”], I would have said that he would be liable on all accounts, i.e., even if he had been beaten and compelled to inform on his fellow.

ובנה יובן מאי דאמרינו בפרק ח' דקמא שהיא גברא דבעי אחווי אטיבנא דסברי, אתא לקמיה דרב אמר לו לא תסגי לא תסגי, אמר לו מחנינא ומחנינא. וקשה למה כפלו לשונם.

In this [way] will be understood what is said in the eighth chapter of tractate Bava Kamma:

A certain man desired to show another’s straw [to the gentile authorities, who would have seized it]. He came before Rav, [who] said to him: “Do not show it and do not show it” [i.e., you are absolutely prohibited from showing it]. [The man] said to him: “I will show it and I will show it.” Rav Kahana was sitting before Rav [and upon hearing the man’s disrespectful response], he dislodged [the man’s] neck from him [i.e., he broke his neck and killed him].

- Bava Kamma 117a

It is difficult to understand why they doubled their language, i.e., why Rav repeated “do not show it” and why the man repeated “I will show it.”

ויש לומר דאיתא בשלחן ערוך סימן הנ"ל (סעיף ב') במה דברים אמורים כשהראה המוסר מעצמו. אבל אם אנסוהו עכו"ם להראות והראה חרי זה פטור מתשלומין. ולכן אמר לו רב לא תסגי בלא אונס ואפילו אנסוהו להראות לא תסגי, הואיל שבאת להמלך, אף על פי שאינך חייב בתשלומין איסורא מיהא איתיה, והוא השיב לו בעזות פנים מחנינא אם אנסוני ואפילו אם לא אנסוני.

It can be said that it’s brought in the Shulchan Aruch, Choshen Mishpat, siman as above [388], paragraph 2: “What is being spoken about? When the informer shows [the

authorities his fellow's property] of his own accord. But if the gentiles compel him to show [the property and he showed it], he is exempt from paying compensation [to the owner who suffered a loss when the property was compensated]."

Therefore, Rav said to him, "Do not show it" without compulsion. Also, even if they compel you to show it, I will tell you, "do not show it"— since you came to consult with me, that is my ruling. Even though you would not be obligated in paying compensation to the owner who would experience a loss when his property is confiscated, because you were compelled to inform upon him, it is forbidden in any event. He responded to him brazenly, "I will show it," if they compel me "and I will show it" even if they don't compel me.

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