

Zera Shimshon

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Chapter XXXVIII: Korach (Num. 16:1–18:32)

Essay 9. Permissible derogatory speech

וְעַל הַאִי דְאִמְרִינן בִּירוּשְׁלַמִי מוֹתֵר לִזְמוֹן הֶרַע עַל בְּעָלֵי הַמַּחְלֻקֹּת, צָרִיךְ טַעַם לְמַה כָּךְ. וְכִי בְשָׁבִיל שֶׁהוּא חוֹטֵא יִהְיֶה מוֹתֵר לָנוּ לַעֲשׂוֹת אִיסוּר וּלְסַפֵּר לְשׁוֹן הֶרַע אִם הַמְסַפֵּר לְשׁוֹן הֶרַע עֲנָשׁוֹ חֲמוּר יוֹתֵר מִשְׁלֵשָׁה עֲבִירוֹת: עֲבוּדָה זָרָה, גִּילּוֹי עֲרִיּוֹת, וּשְׁפִיכוֹת דָּמִים, וּכְאִילוֹ כּוֹפֵר בְּעֵיקָר.

It is said in the Jerusalem Talmud, quoting Rabbi Shmuel bar Nachman, in the name of Rabbi Yochanan, that it is permitted to utter derogatory speech (*lashon hara*) against those involved in controversy (Peah 4b). Regarding this, we need a reason why this is so. For is it because [the participant in controversy] is a sinner that it will be permitted to us to engage in what is otherwise a strong prohibition, and to utter derogatory speech? For typically, the speaker of derogatory speech [deserves] a punishment harsher than the cumulative punishment for three major sins: idol worship, illicit relations, and spilling blood (i.e., murder), and the sin is equivalent to denying the fundamental [belief of G-d]!¹

וְלְכַאוּרָה הִיָּה נִרְאָה לְתַרְזֵן עִם מֵאֵי דְאִמְרִינן בִּירוּשְׁלַמִי דְפָאָה שֶׁהַמְסַפֵּר לְשׁוֹן הֶרַע מְסַלֵּק הַשְּׂכִינָה לְמַעְלָה, וְכֵן דוּד כְּשֶׁנִּרְאָה מְעֻשָׂה דוֹאָג וְהִזְיָפִים אָמַר "רוּמָה עַל-הַשָּׁמַיִם" וְכוּ'. כְּלוּמַר סְלַק שְׂכִינְתָּהּ מִבִּינֵיהוֹן, שְׂאִין הַשְּׂכִינָה שׁוֹרָה מִתּוֹךְ שְׁנֵאָה וְאֵיבָה וְכַעַס וְתַתְּרוֹת רַק מִתּוֹךְ שְׁלוֹם וְאַהֲבָה. וְהוֹאִיל שְׁנֵאָה כְּבָר הוּא בְּעַל מַחְלֻקֹּת וְאִין הַשְּׂכִינָה עֲמוּ מוֹתֵר לִזְמוֹן הֶרַע עָלָיו, שֶׁלְשׁוֹן הֶרַע זֶה לֹא יִגְרוֹם סִילּוּק שְׂכִינָה וְשֶׁכְּבָר סִילּוּקָה וְעוֹמְדָת.

Apparently, it would seem possible to solve the question by what was said in the Jerusalem Talmud, tractate Peah (4b), that the speaker of derogatory speech, i.e., referring to one who is involved in controversy, removes the Shechinah upward from the Earth. It could be that Rabbi Nachmani meant to write “one involved in controversy” rather than “the speaker of derogatory speech,” and yet we see that one who is involved in controversy, will also be engaged

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¹ Yerushalmi Peah 8a: “There are four sinful things for which punishment is exacted from a person in the world while the principal retribution remains intact for him the world to come. And these are the sins: idol worship, illicit relations, spilling blood, and *lashon hara* is equal to all of them [combined].” See also Babylonian Talmud, Arachin 15b: “Rabbi Yochanan says in the name of Rabbi Yosei ben Zimra: Anyone who speaks malicious speech is considered as though he denied the fundamental belief in G-d . . . The school of Rabbi Yishmael taught: Anyone who speaks malicious speech increases his sins to the degree that they correspond to the three cardinal transgressions [combined]: idol worship, illicit relations, and spilling blood.”

in *lashon hara*. For example, in the last week's parsha, we had the spies, who argued against entering the Land of Israel, and in the process spoke *lashon hara* against the Land. In this week's parsha, Korach creates a huge controversy, and he utters derogatory speech against Moses and Aaron. Rabbi Nachmani proceeds to give another example: **Thus David, when he saw the acts of Doeg and the Ziphites,² said, "Exalt Yourself over the heavens, O G-d, let Your glory be over all the earth!" (Ps. 57:6). As if to say, "Remove Your Shechinah from their sons,"³ for the Shechinah does not dwell among hatred, and enmity, and anger, and competition, but only among peace and love. Since he is already a participant in controversy and the Shechinah is not with him, it is permissible to utter derogatory speech about him, since this derogatory speech won't cause a removal of the Shechinah, which is already removed [from him] and continues [to be absent from him].**

אָבֶל מְכַל מְקוֹם עֲדִיין לֹא יִצְאָנוּ יְדֵי חוֹבְתָנוּ, שְׂאֵם מֵעֲלֵיו גִּסְתַּלְקָה הַשְּׂכִינָה, לֹא גִסְתַּלְקָה מֵעֲלֵינוּ, וְאִיךָ הוֹתֵר לָנוּ לֹמֵר עָלָיו לְשׁוֹן הָרַע? הֲלֹא בְּסִפּוּרָנוּ נִגְרוֹם פְּגָם לְנַפְשָׁנוּ, חַס וְשְׁלוֹם? וְאִי מִשּׁוֹם דְּאֶמְרֵינוּ בִּירוּשְׁלָמִי דְּפָאָה אֲזַקְרָה לְלִשׁוֹן הָרַע, מִנֵּן "לֹא-תִלְדָּה רַכִּיל בְּעַמִּיךָ", וְדוֹקָא בְּמִי שְׁעוֹשֶׂה מַעֲשֵׂה עֲמָדָה אֲסוּר לָךְ לֹמֵר לְשׁוֹן הָרַע עָלָיו, אָבֶל מִי שְׂאֵינוּ עוֹשֶׂה מַעֲשֵׂה עֲמָדָה מוֹתֵר, דּוֹמְיָא לְמֵאֵי דְּאֶמְרֵינוּ "וְנִשְׂיָא בְּעַמְּךָ לֹא תֵאָר" בְּעוֹשֶׂה מַעֲשֵׂה עֲמָדָה. אִם כֵּן מֵאֵי אִירֵיָא בְּעַל מַחְלֻקַּת אֶפְיָלוּ לְשִׂאָר עֲבִירוֹת נְמִי?

But in any case, we have not yet fulfilled our obligation to answer the question fully, for even if the Shechinah has departed from [the participant in controversy], it has not departed from us. How are we allowed to utter derogatory speech of him? Won't our speaking of derogatory speech cause a defect to our souls, G-d forbid? Tractate Peah in the Jerusalem Talmud states a warning against derogatory speech, based on the verse, "You shall not go spreading tales among your people, nor shall you stand idly by the blood of your fellow; I am the L-rd" (Lev. 19:16). This is true especially about one who acts according to the deeds of your people, but regarding one who does not act according to the deeds of your people, it is permissible to utter derogatory speech. This is similar to what is said regarding the verse, "You shall not curse a prince of your people" (Ex. 22:27), this means one who acts according to the deeds of your people" (Bava Metzia page 48b). If so, why point at one who participates in

² I Sam. 22:9–13: "Doeg the Edomite, who was standing among the courtiers of Saul, spoke up: 'I saw the son of Jesse come to Ahimelech son of Ahitub at Nob. He inquired of the L-rd on his behalf and gave him provisions; he also gave him the sword of Goliath the Philistine.' Thereupon the king sent for the priest Ahimelech son of Ahitub and for all the priests belonging to his father's house at Nob. They all came to the king, and Saul said, 'Listen to me, son of Ahitub.' 'Yes, my lord,' he replied. And Saul said to him, 'Why have you and the son of Jesse conspired against me? You gave him food and a sword, and inquired of G-d for him—that he may rise in ambush against me, as is now the case.' "

I Sam. 23:19–20: "Some Ziphites went up to Saul in Gibeah and said, 'David is hiding among us in the strongholds of Horesh, at the hill of Hachilah south of Jeshimon. So if Your Majesty has the desire to come down, come down, and it will be our task to deliver him into Your Majesty's hands.' "

³ Yerushalmi Peah 4b: After learning of the actions of Doeg and the Ziphites, "at the same hour, David said before the Holy One, Blessed be He, 'Master of the Universe, why should Your Shechinah descend [to Earth]? Remove Your Shechinah from their sons.' This is what is written, "'Exalt Yourself over the heavens, O G-d, let Your glory be over all the earth!' (Ps. 57:6)."

controversy, more so than the other offenses? That is, it may be permissible to utter derogatory speech against those involved in controversy, but why do it, if it risks harm to ourselves? Also, why are we focused on the permissibility of uttering derogatory speech against those involved in controversy, as opposed to speaking against one who is engaged in idol worship, illicit relations, and spilling blood?

וַיֵּשׁ לֹאמֵר שֶׁהָאִיסוּר שֶׁל לְשׁוֹן הָרַע הֵינּוּ מִפְּנֵי שֶׁהוּא מְטִיל שִׁנְאָה וּמְחִלּוּקָת בֵּין הָאֱהוּבִים וְנִקְרָא שׁוֹנֵא שְׁלוֹם, וְאִם הוּא בְּעַל מְחִלּוּקָת כְּבָר הוּא שׁוֹנֵא שְׁלוֹם וְאִם כֵּן אֵינּוּ רְאוּי לִישָׁב בְּשְׁלוֹם, דְּכַתִּיב "אֵין שְׁלוֹם אָמַר ה' לְרָשָׁעִים", וְלִכֵּן כְּדֵי שְׁלֵא יֵשֵׁב בְּשִׁלְוָה מוֹתֵר לֹאמֵר לְשׁוֹן הָרַע עָלָיו כְּדֵי שִׁשְׁנָאוּהוּ, בְּמִדָּה שְׂאֵדָם מוֹדֵד בָּהּ מוֹדְדִין לוֹ.

It can be said that the prohibition of derogatory speech is because he who engages in it **imposes hatred and strife among the beloved** of G-d, i.e., Israel, **and he is called a hater of peace.** Again, the reference to derogatory speech here means the one who participates in controversy. **But if he is a participant in controversy, he already hates peace, and if so, he does not deserve to sit in peace. As it is said, “There is no peace, said the L-rd, for the wicked”** (Isaiah 48:22), **and therefore in order that he not sit in tranquility, it is permissible to utter derogatory speech against him, in order that people should hate him,** as it is said, **“With the measure that a person measures, he is measured with it.”**⁴ Thus, as one who is engaged in controversy is also engaged in derogatory speech [*lashon hara*], the measure-for-measure [*middah k'neged middah*] punishment that he deserves is to have *lashon hara* spoken about him.

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⁴ Mishnah Sotah 1:7.