A Time To Tell, and A Time to Keep Silent: Confidentiality and Slander in Jewish Tradition

You should not go tell tales among the people, neither should you stand aside while evil befalls your friend, I am the Lord, your God.

You should not stand aside while evil befalls your friend (Leviticus 19:16): We have already stated that withholding testimony falls under the rubric of this injunction, since the individual sees the money of his friend being lost, and he is able to recover it for him through the telling over of the truth. [Thus, withholding testimony is a transgression] as it says, If he doesn't tell, and brings transgression upon himself (Leviticus 5:1). And in the language of the Sifra: "From where do we know that if a person knows testimony, that he is not allowed to stay silent? From the Torah in which it is written, You should not stand aside while evil befalls your friend (Leviticus 19:16)."

Your Bible Navigator

1. What are the two different parts of the verse telling us? Why do you think that they were put into the same verse?
2. How does Maimonides understand the second part of the verse? How does this affect the way that the verse is understood?

Three types of people God Hates:
One who speaks one thing with his mouth and another in his heart.
One who knows testimony for his friend but does not testify for him.
One who testifies alone that he saw his friend engage in illicit sexual relationships.
Tuviah sinned and Zigud came alone and testified before Rav Papa [whereupon] Rav Papa had Zigud punished. Zigud exclaimed, "Tuviah sinned and Zigud is punished!?" Rav Papa answered back, "Yes because it is written, One witness should not rise up against a man (Deuteronomy 19:15). Since you testified against him alone, you have only succeeded in bringing him into ill repute."

Your Talmud Navigator

1. Why do you think that God hates these three different types of people? Do you think that they deserve God's hatred?
2. What does the story of Zigud and Tuviah tell us about why a person who testifies alone in court cases concerning illicit sexual relationships deserves God's hatred?
3. Can you find a parallel between the verse in Leviticus and the different things that God hates? What kinds of tensions between a responsibility to tell and responsibility to keep silent come out of both the verse in Leviticus and the passage in the Babylonian Talmud?
4. If you were writing laws for when a person must speak up, and when a person must keep silent, how would you resolve these tensions?

Chafetz Chaim, Laws of Slander, Rule 10

Rabbi Yisrael meir HaCohen was a rabbinic master who lived at the turn of the century. He was known by the moniker, the Chafetz Chaim, after the title of his classic volume which dealt definitively with the laws of permitted and forbidden speech.

(Karra, Jason, and Laura are fictional names)
If Karra sees Jason doing a despicable act against Laura:
For example Jason is stealing from, oppressing, vandalizing, embarrassing, or causing pain and suffering to Laura, whether Laura knows about it or not, and Karra is sure that she can't turn Jason from, or that Jason won't make up for, his actions, then Karra, even if she alone witnessed Jason's actions, is allowed to tell others in order to help Laura, and in order to erase these evil deeds from the midst of humanity. But Karra must be careful to observe these seven qualifications:
1. Karra must have seen Jason's actions firsthand, and not have come into knowledge of them through hearsay, or Karra must investigate the matter to carefully verify the truth behind the rumors.
2. Karra must be careful not to rashly label Jason's actions as "robbery" or "vandalization," but must carefully investigate the matter in order to determine whether Jason's actions are indeed to be considered "robbery" or "vandalization" according to the letter of the law.
3. Karra must admonish Jason in a gentle tone because maybe she could turn him away from his evil ways. However, if Jason refuses to listen, then Karra should publicly reveal Jason's actions and what he intends to do to Laura.
4. Karra must be careful, in telling over the matter, not to inflate Jason's actions more than they really are.
5. Karra must tell over the matter in good faith, and not in order to derive enjoyment from destroying Jason through the revelation, or out of personal hatred for him.
6. If Karra is able to thwart Jason's actions through some other method, (Karra doesn't really need to accomplish this by slandering Jason) then she is forbidden to tell.
7. Karra should not cause more damage to Jason through her telling than she would have if she had testified in court.

Your Chafetz Chaim Navigator

1. How does the Chafetz Chaim resolve the tensions within the verse from Leviticus and within the passage from the Talmud? Would you have resolved them the same way?
2. What factors does the Chafetz Chaim include in his laws of slander that didn't come out of the verse in Leviticus or the passage in the Babylonian Talmud? Do you also find these factors important?
3. Do these laws have any relevance to you? When?