

Shabbat shalom! I hope all of you had easy and meaningful fasts. I'm continuing this week with the theme of lashon hara from SBM, and you can hear my SBM shiur on the texts below at

<http://www.torahleadership.org/lectures.html#sbm09shiur> (July 27).

Rav Moshe Feinstein in these responsa takes a very strong stand against having teachers compel students to tell who among them committed a specific wrong, even as he acknowledges that students who spontaneously tell may be doing something praiseworthy, and that telling may well have very positive consequences for the school society. His explicit ground for this opposition is that it will cause students to undervalue the prohibition of lashon hara, and I suggest that an implicit underpinning is a belief that restraint from saying lashon hara is a core element of good character, or an essential element of virtue.

The question is whether this virtue should be universalized, whether society is better off if no one is willing to say negative things about others (see my discussion of Tif'eret Yehonatan to Parashat Kedoshim; http://www.torahleadership.org/categories/tif_eret_yehonatan_kedoshim.pdf). Rav Moshe leaves a way out of this conflict in the first responsum by permitting people to spontaneously inform, if they have faith in their motives, but in the second he seems to say that no one should trust their motives in this matter. But surely he does not mean to suggest a halakhic omerta code, in which all police inquiries are met by stony silence?

Another question worth raising is whether Rav Moshe's objection would apply to schools that run on the honor system, in which all students are obligated to report each other's violations. Is this just his case of coerced informing writ large, or would he recognize that allowing student society to take collective responsibility is a tremendous positive for character development, and believe that students can distinguish honor bound reporting from tattling and gossiping?

I suspect that this issue must be treated contextually, rather than answered in absolute crosscultural terms. Your comments are of course always welcome. I note that many of you wrote last week to suggest that Pele Yoetz's idiom "no wood without smoke" meant that no fuel burns without waste, and by analogy that there is no person who has no imperfections, whereas I had emended to "no fire without smoke". I have not yet found an antecedent for either option, and would welcome evidence.

Please look for the annual SBM Sh'eilah uTeshuvot – the sh'eilah to which the Fellows and I will write response will be posted on the website early next week.

שו"ת אגרות משה חלק יו"ד ב סימן קג ד"ה ובדבר אם

ובדבר אם רשאי המלמד לומר לתלמידים שאם יודעין מי עשה את דבר הגנאי יודיע לו, הוא דבר מכוער לעשות כן, דזה יגרום שיקילו בלשון הרע, אף שהדמיון להא דאמר הקב"ה ליהושע "וכי דילטור אני לך"? בסנהדרין דף מ"ג לא דמי, דהתם הרי יודע בעצמו ע"י הגורל ויקויים העונש, והכא אפשר שלא יודע, שלכן אם היה זה לכוונת תוכחה לשמה משום שע"ז יענש ויטיבו דרכם היה שייך להתיר, כדמצינו בערכין דף ט"ז שאמר ריב"נ הרבה פעמים לקה עקיבא על ידי שהייתי קובל עליו לפני ר"ג בריבי, עיי"ש, שהיתה זה תוכחה לשמה והוצרך שידע מזה ר"ג, וכן ודאי הוא גם עובדא דר"ה וחייא בר רב שאמר לשמואל שהיה בשביל שלהתוכחה הוצרך ששמואל ידע זה, אבל הא שייך זה כשמתעורר מעצמו לספר להרב כדי שיוכחו, ולא כשהרב יגזור על תלמידיו שיספרו לו אם יודעים דבר מגונה, אף כשהתלמידים הם גדולי עולם, ואצלינו לא שייך להחשיב בכלל שהוא לשמה אף בגדולים וכ"ש שלא שייך זה בקטנים.

שו"ת אגרות משה חלק יו"ד ד סימן ל

בענין הענשת תלמידים ואיום עליהם

בע"ה עש"ק א' דהגבלה תשמ"א.

מע"כ ידידי הרה"ג מוה"ר מאיר מונק שליט"א.

א. ביאור מה שכתבתי שדבר מכוער הוא שהמלמד יאמר לתלמידיו שיגלו לו מי עשה דבר גנאי

ראשית אתרץ מה שכתבתי בח"ב דיו"ד סימן ק"ג דדבר מכוער הוא שהמלמד יאמר להתלמידים שאם יש מי שיודע מי עשה דבר הגנאי יודיע לו, וגורם שיקילו בלה"ר, שהוקשה לכתר"ה ודעימיה דהא הוא משום שהרב סובר שישפיע על התלמיד שלא יעשה עוד דבר הגנאי. וגם יתכן שאם התלמיד ידע שהרב יודע במעשיו ימנע מעשות יותר. ודימה להא שכתב הח"ח באיסורי לה"ר (כלל ד' סעיף ו') שמותר לספר לאנשים שדבריהם נשמעים לו כשיוכיחוהו,

הנה כתבתי שם דהיתר לכוונת תוכחה לשמה, כעובדא דרבי יוחנן בן נורי בערכין ט"ז ע"ב, דאמר מעיד אני עלי שמים וארץ שהרבה פעמים לקה עקיבא על ידי שהייתי קובל עליו לפני רבן שמעון ברבי גמליאל, ורב הונא וחייא בר רב שם, שרב הונא סיפר בגנותו של חייא בר רב בפני שמואל, הוא שייך דווקא כשמתעורר מעצמו לספר להרב כדי שיוכחו, אבל לא שהרב יגזור על תלמידיו שיספרו לו אם יודעים דבר מגונה על אחד,

ומצד החשש דאם לא יגלה ולא ידעו לענשו אפשר לא יחושו מלעבור על דבר הגנאי, הרי

כשמצווה להם לגלות הרי הוא כמיקל להו איסור לה"ר החמור מאוד!

ולענין מניעת העבירה שעשה התלמיד, הא יכול לבאר - אף בלא ידעו מי עשה, שממילא לא

יענש - חומר האיסור וגנאי הדבר. ואף אם בלא עונש לא יועיל בידיעת חומר האיסור, נמי לא

שייך להתיר איסור לה"ר, דמאן מפיס להעדיף איסור אחד על חברו.

Igrot Mosheh 2YD:1-3

Regarding whether an educator is permitted to tell students that if they know who did the shameful thing they should tell him – it is a vile thing to act so, as this will cause them to take lashon hara lightly, even though the analogy to that which The Holy One Who is Blessed says to Yehoshua: ‘Am I an informer for you’ (Sanhedrin 43) is inexact, as there Yehoshua would have known via the lottery anyway (that Akhan was the one who had taken spoils from Yericho) and carried out the punishment, whereas here the guilty party may never be identified, and therefore if the information were given with the intent of sincere rebuke, in the hope that the guilty party would be punished and as a result improve his ways, there would be grounds to permit, as we find (Arakhin 16) that Rabbi Yochanan ben Nuri said: “Many times Akiva was punished at my hand, as I would complain about him to Rabban Gamliel when I was aggrieved” – see there - and this was sincere rebuke, and Rabban Gamliel needed to know, and certainly this was also the case regarding Rav Huna and Rav Chiyya bar Rav who told Shmuel, that this was because Shmuel needed to know in order to rebuke, but all this applies only when someone is autonomously aroused to tell the Rav so that he will rebuke the guilty, and not when the Rav decrees on his students that they should tell him if they know something negative, even if the students are great men, and with regard to us, it is implausible to consider that even adults have the sincere intent, and a fortiori this is implausible with regard to children.

Igrot Mosheh 4YD:30

I will first explain what I wrote in 2YD:103, that it is a vile thing for an educator to tell students that if anyone knows who did the shameful thing they should tell him, and that it causes them to take lashon hara lightly, which your honor and companions found difficult, as the motive of the Rav is to have influence on the guilty student so that he will not do further shameful things, and it is also reasonable that if the guilty student knows that the Rav knows of his deeds, he will cease doing them, and you compared this to what Chafetz Chayyim wrote in “Prohibitions of Lashon Hara 4:6”, that it is permitted to tell of wrongdoing to people who are more likely to have influence so that they can rebuke the wrongdoer. Now I wrote there that the permission for the sake of sincere rebuke, as in the story of Rav Yochanan ben Nuri on Arakhin 16, who said: “I call Heaven and Earth to testify that Many times Akiva was punished at my hand, as I would complain about him to Rabban Shimon ben Gamliel”¹, and in the story of Rav Huna and Rav Chiyya bar Rav there, where Rav Huna spoke the denigration of Chiyya bar Rav in front of Shmuel, applies only when one is autonomously aroused to tell the rav so that he will rebuke the wrongdoer, but not when the rav decrees upon the students that they must tell him if they know something negative about somebody, and as for the concern that if the matter is not brought to light, and they don’t know whom to punish, perhaps others will not be concerned about violating the same norm – when he orders them to reveal it, he is as if making light to them the very severe prohibition of lashon hara! And in terms of deterring the violation that the student did, he can explain – even without knowing who did it, which means that he will not be punished – the severity of the prohibition and its intrinsic wrongness. And even if knowledge of the severity of the prohibition will be ineffective in the absence of punishment, it is still not possible to permit the prohibition of lashon hara, as who has the temerity to prioritize one prohibition over another.

¹ The text here differs from the citation in the previous teshuvah