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## Modest Communication

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**Question:** How can a Jew promote oneself professionally and socially without violating Jewish norms of modesty (*tzi'ni'ut*) in communication? Put another way, in light of the fact that in social media people actively seek affirmation (likes, shares, etc.) for their posts and the fact that some jobs even require the generation of such quantifiable affirmations, how can and should a Jew living in this social and professional environment participate in it while still observing traditional Jewish norms regarding modest speech?

**Answer:**

### Introduction

Now that our colleagues, Rabbis David Booth, Brukh Frydman-Kohl, and Ashira Konisgburg have completed their rabbinic ruling on modesty in dress,<sup>1</sup> I intend in this responsum to continue their work in a related area, modesty in communication. In a companion responsum, I will also discuss harmful communication.

In this responsum in particular it is important to note at the outset that many of the norms that are discussed could be understood, on the positive end of the spectrum, as either laws obligating a particular form of behavior or, in contrast, as aspirational modes of behavior (*middat hassidut*), and, on the negative end of the spectrum, some will straddle the line between legally prohibited and permitted but discouraged. Along these lines, the *Mishnah Berurah* points out that “There are many continual commandments, both positive and negative, that are incumbent on a person to do or to refrain from doing at all times but are not included in the *Shulhan Arukh*,” including the laws of language developed by the *Hatetz Hayyim*.<sup>2</sup>

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<sup>1</sup> “Modesty Inside and Out: A Contemporary Guide to Tzniut,” <https://www.rabbinicalassembly.org/sites/default/files/Modesty%20Final.pdf>.

<sup>2</sup> S.A. *Orah Hayyim* 156:1, and the *Mishneh Berurah* #4 there. I would like to thank Rabbi Daniel Nevins for this reference.

The line between legal obligations or prohibitions and moral ones is important to note,

and it exists in Jewish law as well as in civil law. In my own theory of Jewish law, though, I see the religious context of Jewish law, in which the law is given by a moral and good God, however the process of that giving (*mattan Torah*) is understood, to require understanding the law as intertwined with foundational theological convictions and moral norms,<sup>3</sup> far more than a secular system of law would require – although many legal philosophers claim that civil law also must be interpreted with morality in mind because the lawmaker can be assumed to be moral or because the effects on the people governed must be taken into account in interpreting the law.<sup>4</sup> Furthermore, this committee is specifically constituted and named “the Committee on Jewish Law and

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<sup>3</sup> Elliot N. Dorff, *For the Love of God and People: A Philosophy of Jewish Law* (Philadelphia: Jewish Publication Society, 2007), esp. Chapters Two, Three and Six. I recognize, of course, that the relationship between Jewish law and morality is hotly debated. So, for example, Rabbis J. David Bleich and David Weiss Halivni have maintained that Jewish law would lose its divine authority if human interpreters would intentionally import moral concerns into how they interpret it: see J. David Bleich, "Halakhah as an Absolute," *Judaism* 29:1 (Winter, 1980), pp. 30-37, and David Weiss Halivni, "Can A Religious Law Be Immoral?" in *Perspectives on Jews and Judaism: Essays in Honor of Wolfe Kelman*, Arthur Chiel, ed. (New York: Rabbinical Assembly 1978), pp. 165-170. In contrast, in the Orthodox world, Rabbis Eliezer Berkowitz (*Not In Heaven*, 1983, esp. pp. 19-32), Shubert Spero (*Morality, Halakha, and the Jewish Tradition*, 1983, entire), and David Hartman (*A Living Covenant*, 1985, Chapter Four), among others, have argued that Jewish law must be interpreted with moral norms in mind, and so have other Conservative legal theorists – for example, Rabbis Seymour Siegel, "Ethics and the Halakhah," *Conservative Judaism* 25:3, Spring, 1971, pp. 33-40, reprinted as Chapter 7 in the volume he edited with Elliot Gertel, *Conservative Judaism and Jewish Law*, 1977; Simon Greenberg, *The Ethical in the Jewish and American Heritage*, 1977, Chapter I, Sections 7-10, and Chapter III), and Robert Gordis, *The Dynamics of Judaism: A Study in Jewish Law*, 1990, Chapter Three. Rabbi Joel Roth discusses moral concerns as one of the “extralegal” factors that can influence how a rabbi decides among several possible alternative precedents, but for him moral concerns cannot supersede legal precedents; see Joel Roth, *The Halakhic Process: A Systematic Analysis*, 1986, Chapter 9, esp. pp. 285-304. Classical Reform thinkers thought that only Jewish moral norms were authoritative, but recent Reform thinkers have taken Jewish law more seriously and have discussed its relationships to morality. See, for example, Mark Washofsky, *Jewish Living: A Guide to Reform Practice*, 2001, Introduction and Chapters 6 and 9; and Moshe Zemer, *Evolving Halakhah: A Progressive Approach to Traditional Jewish Law*, 1999, Chapters 1 and 3.

<sup>4</sup>The literature on the relationships between secular law and morality is vast. In modern times, see, for example, the Hart-Fuller debate between H.L.A. Hart, asserting a positivist legal theory, where the law must be read as it appears in its texts without undermining its authority with any outside considerations, and Lon Fuller, maintaining a natural law theory that bases the law in morality: *Harvard Law Review* 71 *Harvard Law Review* 593. 71 (4): 593–629 (1958); and Fuller’s response, *71 Harvard Law Review* 630. 71 (4): 630–672 (1958), expanded further in their subsequent books, H.L.A. Hart, *The Concept of Law* (1961), and Lon Fuller, *The Morality of Law* (1964). Another attack on Hart’s legal positivism that roots law in moral principles and rights without grounding it in natural law theory was mounted by Ronald Dworkin in his books, *Taking Rights Seriously* (1977), *A Matter of Principle* (1985) and *Law's Empire* (1986). More recently, the same debate is evident in the conflicting theories of law by two U.S. Supreme Court justices – namely, Antonin Scalia, who takes a legal positivist view in his book with Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* (2012), and Stephen Breyer, who sees law and morality as intertwined in his book, *Making Our Democracy Work: A Judge's View* (2010), where he argues that the purpose of the law and the consequences of potential interpretations must be used by judges in making decisions in addition to the texts of the relevant laws, their historical contexts, precedents, and traditions.

Standards,” and so discussion of standards of conduct to which we should aspire or which we should avoid is definitely within the purview of our mandate, even if some of them go beyond the requirements of law.<sup>5</sup> In the course of this responsum, then, I will sometimes identify a particular norm as legal or moral, but most often I see them as a combination of both, with the legal side stronger in some cases and the moral side in others.<sup>6</sup>

Finally, although some of the applications in this responsum are new because we now have new forms of technology for communicating, the values and laws are not. That will be evident in the sources I cite. Readers might also want to consult other contemporary treatments of the Jewish ethics of communication as well as earlier works of Jewish ethics (the biblical Book of Proverbs; the Mishnah’s tractate, *Pirkei Avot*; the second section of Maimonides’ *Mishneh Torah*, *Hilkhot De’ot*; Bahya ibn Pakuda’s *Hovot Ha-Levavot*; Moshe Hayyim Luzzato’s *Mesillat Yesharim*; Mussar literature, etc.).<sup>7</sup> As a

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<sup>5</sup> The word “standards” is used ambiguously in Conservative movement literature to mean (1) minimal standards of observance, (2) aspirational standards of ethics and piety, and (3) rules required of every Conservative/Masorti rabbi and synagogue. The first two usages derive from the legal theory of Rabbi Jacob Agus. The “Law Committee,” consisting of Seminary professors and chaired first by Rabbi Levi (Louis) Ginsberg and then by Rabbi Boaz Cohen, issued rulings on questions of Jewish law between 1927 and 1948. After the Second World War, however, congregational rabbis felt that the Seminary professors, learned as they were, did not understand the realities of Jewish life in America, and so they created the kind of committee that still exists, consisting of rabbis who were academics but also many congregational rabbis and rabbis in education and other areas of rabbinic service. Rabbi Jacob Agus was a key figure in articulating the theory, structure, and the very name of the new committee – the Committee on Jewish Law and Standards. He used the word “standards” in both senses (1) and (2). Thus, in the 1950 responsum on Sabbath observance that he wrote with Rabbis Morris Adler and Theodore Friedman, the three rabbis suggested minimal standards of Shabbat observance for lay Jews who could not observe Shabbat fully. In his theory of Jewish law, however, articulated especially in a long article that appeared in the journal, *Conservative Judaism*, in that same year, he uses the word in sense (2), describing a ladder of observance in both the ritual and moral parts of Jewish practice, with Jews bidden to rise ever higher on that ladder – at its higher reaches to go, in the terminology of the Rabbis, *lifnim me’shurat ha-din*, even beyond the letter of the law. The 1972 Rabbinical Assembly convention used the word “standard” in sense (3), declaring the way in which rules of behavior mandated for every rabbi would be adopted, the violation of which would subject the offender to expulsion from the Rabbinical Assembly. For some of the minutes and responsa of the original Law Committee and its history, along with the responsa and minutes of the early decades of the Committee on Jewish Law and Standards, see David Golinkin, ed., *Proceedings of the Committee on Jewish Law and Standards* (Jerusalem: Rabbinical Assembly and Institute of Applied Halakhah, 1997), 3 volumes. For Jacob Agus’s theory of Jewish law, see his essay, “Law as Standards – The Way of Takkanot,” *Conservative Judaism* 6:4 (Summer, 1950), pp. 8-26, excerpted and explained in Elliot N. Dorff, *The Unfolding Tradition* (New York: Aviv Press, 2005; revised edition, 2011), pp. 129-177 in the 2005 edition, pp. 125-173 in the 2011 edition.

<sup>6</sup> I would like to thank my friend and teacher, Rabbi Uzi Weingarten, for discussing this topic with me when I was just beginning to work on it and for suggesting some sources. For their help on this responsum and its companion on harmful speech, I would also like to thank the Ethics Subcommittee of the Committee on Jewish Law and Standards – namely, Rabbi Avram Reisner, Chair; Rabbis Pamela Barmash, Baruch Frydman-Kohl, Daniel Nevins, and Micah Peltz; Mr. Edward Rudofsky; and Dr. Toby Schonfeld..

<sup>7</sup> For contemporary treatments of Jewish moral norms regarding communication, see, for example, Elliot N. Dorff, *The Way Into Tikkun Olam (Repairing the World)* (Woodstock, VT: Jewish Lights, 2005), Chapter 4; Alyssa M. Gray, “The Ethics of Speech,” in *The Oxford Handbook of Jewish Ethics and Morality*, Elliot N. Dorff and Jonathan K. Crane, eds. (New York: Oxford University Press, 2013), Chapter 25; and Joseph Telushkin, *Words That Hurt, Words that Heal: How to Choose Words Wisely and Well* (New York: William Morrow and Company, 1996). For

result of these precedents, some might see the topics of this responsum and its companion, Harmful Communication, as more appropriate to a rabbinic letter than to a legal ruling. In order to create such a letter or other educational materials about these topics, however, the law on which they are based needs to be clear, and these two responsa are intended to make that so. Once these two responsa are discussed and approved, educational materials for both teenagers and adults on these subjects will hopefully be developed.

### **What Constitutes Communication?**

It is important to clarify that the concept of communication as used in this responsum is intended to be understood expansively. Though the media by which we communicate have evolved over time, the principles discussed in this paper can be easily applied to all modern forms of communication. This includes interactions that are spoken in person or written, whether face-to-face, behind someone's back, or posted online. This also includes what philosophers call "speech acts," such as hand signals and the clothing one wears; such speech acts can be benign or even positive (such as a hug to comfort someone, or a "high five" to congratulate someone); but they can also be immodest and even harmful if the intent is to demean others. Saying things; writing remarks on paper; speech acts; posting photos, videos, or written posts or comments; texting; messaging; and any other form of virtual communication all fall under the category of communication – or what I will sometimes call "speech" – as the topic of this responsum and its companion responsum, "Harmful Communication."<sup>8</sup>

### **The Value and Concept of Modesty**

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descriptions of Jewish ethics as articulated in the Mussar movement, see Immanuel Etkes, "Rabbi Israel Salanter and His Psychology of *Mussar*," in Arthur Green, ed., *Jewish Spirituality* (New York: Crossroad, 1986), 2: 206-244, and Ira F. Stone, "Mussar Ethics and Other Nineteenth Century Jewish Ethical Theories," in *The Oxford Handbook of Jewish Ethics and Morality*, Dorff and Crane, eds., Chapter 6. See also the other chapters of Part I of *The Oxford Handbook of Jewish Ethics and Morality* for a description of biblical, rabbinic, mystical, medieval, and early modern theories of Jewish ethics as well as other chapters on twentieth-century theories.

<sup>8</sup> I want to thank Rabbi Ashira Konigsburg for alerting me to the need to make clear that the principles and rules developed in this responsum and its companion, "Harmful Communication," apply to a wide range of modern techniques of communication and for her help in a number of the following sections in specifying the increased harm that social media and other modern techniques of communication, in contrast to older forms of communication, can cause when used to deceive, insult, shame, or bully others. I also want to thank Dr. Toby Schonfeld for alerting me to include speech-acts, such as hand signals and clothing, in this definition of the kinds of communication that this responsum and its companion, "Harmful Communication," cover. In the same vein, I want to thank Rabbi Gail Labovitz for suggesting that because all these forms of communication are part of what I am addressing, the titles of both this and its companion responsum should use the word "communication" rather than "speech," the latter of which is too easily restricted to vocal forms of communication.

Modesty is clearly an important value in Judaism. In the Bible and Rabbinic literature, it is a character trait associated with some of Judaism's most prominent representatives. Nobody was ever as humble as Moses.<sup>9</sup> One should strive to be as humble as Hillel.<sup>10</sup> Rabbi Judah the Prince, redactor of the Mishnah, was so humble that his disciples all failed to be like him in this virtue; as the Talmud puts it, "When Rebbe died, humility disappeared."<sup>11</sup> Humility is also one of three things that Micah demands of us in what is arguably the most famous line in Prophetic literature:

הַגִּיד לְךָ אָדָם מֵהַטּוֹב וּמֵהַיָּהוָה דְּרַשׁ מִמֶּנּוּ כִּי אִם-עֲשׂוֹת מִשְׁפָּט וְאַהֲבַת הַחֵסֶד וְהִצְנָע לְכַת עִם-אֱלֹהֶיךָ:

He has told you, O man, what is good,

and what the Lord requires of you:

Only to do justice,

and to love goodness,

and to walk modestly with your God.<sup>12</sup>

What, though, do we mean by "modesty" in the first place, and why is that important?

Webster's dictionary defines the English word "modest" as follows:

1. Having or showing a moderate or humble opinion of one's own value, abilities, achievements, etc.; unassuming.
2. Not forward; shy or reserved, as *modest* behavior.
3. Behaving according to a standard of what is proper or decorous; decent; pure; now, especially, not displaying one's body.
4. Showing or caused by moderation; not extreme or excessive, as a *modest* request.
5. Quiet and humble in appearance, style, etc., as, a *modest* home, apartment, etc.<sup>13</sup>

<sup>9</sup> Numbers 12:3.

<sup>10</sup> B. *Shabbat* 30b.

<sup>11</sup> B. *Sotah* 49a.

<sup>12</sup> Micah 6:8. For a discussion of the topic of humility in the Jewish tradition, see Sol Roth, "Toward a Definition of Humility," *Tradition* 14 (1973-1974): 5-22; reprinted in *Contemporary Jewish Ethics and Morality: A Reader* (New York: Oxford University Press, 1995), pp. 259-270.

<sup>13</sup> *Webster's New Universal Unabridged Dictionary* (New York: Simon and Schuster, 1983), p. 1154.

Maimonides defines the Hebrew equivalent, *tzini'ut*, first in dress and then, in the law

immediately following that, in speech:

צְנִיעוּת גְּדוּלָה נוֹהֲגִים תְּלַמְּדֵי חֻכְמִים בְּעֶצְמָן. לֹא יִתְבַּזּוּ וְלֹא יִתְגַּלוּ רֵאשׁוֹן וְלֹא גּוּפָן. וְאַפְלוּ  
בְּשַׁעֲהָ שְׂיִכְנֹס לְבֵית הַכֶּסֶּא יֵהָא צְנוּעַ וְלֹא יִגְלֶה בְּגָדָיו עַד שְׂיִשָּׁב .

Torah scholars conduct themselves with great modesty. They do not disgrace themselves and reveal neither their heads nor their bodies. And even at the time that he goes to the toilet, he is modest and he does not remove his clothing until he sits....

תְּלַמְּדֵי חֻכְמִים לֹא יֵהָא צְנוּעַק וְצוֹנֵן בְּשַׁעֲתָ דְּבוּרוֹ כְּבַהֲמוֹת וְחִיּוֹת. וְלֹא יִגְבִּיֵה קוּלוֹ בְּיוֹתֵר אֲלֵא דְּבוּרוֹ בְּנַחֲתָ  
עִם כָּל הַבְּרִיּוֹת. וְכִשְׂיִדְבֵּר בְּנַחֲתָ יִזְהַר שְׂלֵא יִתְרַחֵק עַד שְׂיִרְאֶה כְּדַבְּרֵי גְּסֵי הַרְיוֹת. וּמִקְדִּים שְׁלוֹם לְכָל  
הָאָדָם כְּדֵי שְׂתִהְיֵה רֵיחֵן נוֹחֶה הִימְנוֹ. וְדָן אֶת כָּל הָאָדָם לְכַף זְכוּת. מְסַפֵּר בְּשִׁבְחָ חֲבֵרוֹ וְלֹא בְּגִנוּתוֹ כָּלֵל.  
אוֹהֵב שְׁלוֹם וְרוֹדֵף שְׁלוֹם. אִם רוֹאֶה שְׂדַבְּרָיו מוֹעִילִים וְנִשְׁמָעִים אוֹמֵר וְאִם לֹא שׁוֹתֵק . כִּי צַד . לֹא יִרְצֶה  
חֲבֵרוֹ בְּשַׁעֲתָ כְּעֶסוֹ. וְלֹא יִשְׁאַל לוֹ עַל גְּדָרוֹ בְּשַׁעֲהָ שְׂנֵדֵר עַד שְׂתִתְקַרֵּר דְּעֵתוֹ וְיִנּוּחַ. וְלֹא יִנְחַמְנוּ בְּשַׁעֲהָ  
שְׂמֵתוֹ מְטִיל לְפָנָיו מִפְּנֵי שֶׂהוּא בְּהוּל עַד שְׂיִקְבְּרֶהוּ. וְכֵן כָּל כִּיּוֹצֵא בְּאֵלוֹ. וְלֹא יִרְאֶה לְחֲבֵרוֹ בְּשַׁעֲתָ קְלַקְלָתוֹ  
אֲלֵא יַעֲלִים עֵינָיו מִמֶּנּוּ. וְלֹא יִשְׁנֶה בְּדְבוּרוֹ. וְלֹא יוֹסִיף וְלֹא יִגְרַע אֲלֵא בְּדַבְּרֵי שְׁלוֹם וְכִיּוֹצֵא בְּהֵן. כָּלֵלוֹ  
שְׂל דְּבַר אֵינּוּ מְדַבֵּר אֲלֵא בְּדַבְּרֵי חֻכְמָה אוֹ בְּגִמְלוּת חֻסְדִּים וְכִיּוֹצֵא בְּהֵן....

The wise man should not shout and scream in his speech like a cow or wild animal; nor should he even raise his voice too high, but rather his conversation with all people should be gentle. In the gentleness of his conversation he shall take heed not to distance himself [*yitrahek*, from the other person, or possibly “quickly retreat” without waiting for a response, or possibly “exaggerate,” using big words when simpler language does the job] so as to give the appearance of those who are coarse [or haughty]; he should also anticipate every man with his polite greetings, so that all should be pleased with him; he should judge every person favorably, speaking only of the merits of his friend and not of his demerits; he should love and pursue peace. If he perceives that his words might prove beneficial and people will listen to them, he should speak; otherwise, he should remain silent. For instance, he should never attempt to pacify his neighbor while the latter is angry; nor make any effort to absolve one from his vow at the moment when it was uttered, but should wait until the mind of the person who made the vow becomes calm and composed; nor should he console the mourner while the dead lies before him, because the mourner is too upset before the burial, and such like; nor should he watch his friend at the time of his

disgrace but rather should withdraw his eyes from it; nor should he veer from his word, neither to add to it nor to diminish, except to establish peace and similar goals. The general rule is that he speaks only on matters of wisdom, or to effect benevolence, and the like...<sup>14</sup>

Maimonides' examples come directly from Rabbinic literature.<sup>15</sup> They apply to us today as much as they did to people living in the ancient and medieval periods. Before we get into some of the specific ways in which the Jewish value of modesty should inform our communication today, though, it is appropriate to delineate the theological convictions and moral values that serve as the foundation for this value.

### The Theological Convictions and Moral Values Underlying Judaism's Concern for Modesty

The value of modesty, like most, if not all, Jewish values, rests on broader theological convictions and values. We would suggest that at least the following are relevant to the value of modesty:

1. *The human being is created in the image of God and thus deserves respect.* There are many ways in which this biblical concept that human beings were created in the image of God can be interpreted and applied,<sup>16</sup> but surely one is that human beings deserve respect. This does not mean that everything that a person does should be condoned, let alone praised, for Jewish law spells out many actions that a person should and should not do; but fundamental respect for each person is required.<sup>17</sup> Conversely, disrespect of human beings amounts to disrespect of God:

<sup>14</sup> M.T. *De'ot* 5:6-7.

<sup>15</sup> To speak gently: B. *Yoma* 86a. To avoid carrying a point too far: *Derekh Eretz Zuta*, 2:3. To greet people, following the example of Rabban Yoḥanon ben Zakkai: B. *Berakhot* 17a. To speak well of people, following other rabbis' examples: B. *Gittin* 67a; B. *Kiddushin* 29b. Not to speak ill of others: B. *Nedarim* 81a. To pursue peace: M. *Avot* 1:12. To say only that which will likely be heard: B. *Yevamot* 65b; see also *Shemot Rabbah* 41. Not to try to appease a person when that person is angry, not to try to comfort a person when a deceased relative has yet to be buried, not to challenge a person when making a vow, and not to intrude on a person suffering a misfortune: M. *Avot* 4:18 (4:23 in some editions). The precedent of none other than God to alter the truth for the sake of peace: B. *Yevamot* 65b, based on the conflict between Genesis 18:12 and 18:13.

<sup>16</sup> The doctrine: Genesis 1:27; 5:1; 9:6. For a thorough examination of the range of interpretations of this doctrine in rabbinic and kabbalistic literature, see David Mevorach Seidenberg, *Kabbalah and Ecology: God's Image in the More-Than-Human World* (New York: Cambridge University Press, 2015), Parts I and II.

<sup>17</sup> See the discussion of *k'vod hab'riyyot*, honor due to all people, in Elliot N. Dorff, Daniel S. Nevins, and Avram I. Reisner, "Homosexuality, Human Dignity, and Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards," esp. pp. 9-17, [https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/20052010/dorff\\_nevins\\_reisner\\_dignity.pdf](https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/20052010/dorff_nevins_reisner_dignity.pdf). See also the forthcoming article by Elliot Dorff and Daniel Nevins, "Dignity in the Jewish

רבי עקיבא אומר (ויקרא יט, יח): וְאָהַבְתָּ לְרֵעֶךָ כְּמוֹךָ, זֶה כָּלֵל גְּדוֹל בְּתוֹרָה, שְׁלֹא תֹאמַר הוֹאִיל וְנִתְבַּזְּיִתִי יִתְבַּזֶּה חֲבֵרִי עִמִּי, הוֹאִיל וְנִתְקַלְלִיתִי יִתְקַלֵּל חֲבֵרִי עִמִּי. אָמַר רַבִּי תַנְחֻמָּא אִם עָשִׂיתָ כֵּן דַּע לְמִי אַתָּה מְבַזֶּה בְּדַמוֹת אֱלֹהִים עָשָׂה אוֹתוֹ.

Rabbi Akiba said: “Love your neighbor as yourself” (Leviticus 19:18) is a fundamental principal of the Torah. You should not say that inasmuch as I am despised, let my fellow human being be despised with me, [or] inasmuch as I am cursed, let my fellow human being be cursed with me. Rabbi Tanhuma said: If you act in this manner, know Who it is you despise, for “God made the human being in the image of God” (Genesis 1:27; 9:6).<sup>18</sup>

2. *All of our faculties were created by God and should be valued as such.* In Western thought, beginning with Plato, the body is the animal in us and the mind is the distinctly human part of us. Similarly, Christian thought asserts that the body is the animal in us and the soul is the divine in us. In some versions of these doctrines (e.g., Plotinus, Augustine, and the Greek element in Maimonides<sup>19</sup>), the body is disparaged so that one should satisfy the body’s needs only minimally, with total chastity and poverty required for some groups of Catholic clergy.

The Jewish tradition sees all of our faculties as God-given. Our self-serving instincts (our *yetzer ha-ra*)<sup>20</sup> are engrained in us from birth, while our altruistic instinct (our *yetzer ha-tov*) is first born thirteen years later;<sup>21</sup> hence the age of Bar/Bat Mitzvah, when one has the ability to choose which of these faculties to use in any given situation. From the age of thirteen on a person spends the rest of life seeking a proper balance

Tradition,” to be published by the University of Notre Dame Press in a volume tentatively titled *Dignity and Conflict: Contemporary Interfaith Dialogue on the Value and Vulnerability of Human Life*, edited by Matthew R. Petrussek and Jonathan Rothchild.

<sup>18</sup> *Genesis Rabbah* 24:7.

<sup>19</sup> Maimonides, *Guide for the Perplexed*, Part I, Chapter 2 (Shelomo Pines, trans., Chicago: University of Chicago Press, 1963, p. 24); his rationale for the prohibitions of illicit unions in Part III, Chapter 49 (in Pines, ed., p. 606); and his comparison of a sexually active man to a rooster in M.T. *Laws of Dispositions (De’ot)* 5:4 and *Laws of Prayer* 4:4. See also *Guide*, Part II, Chapter 36, p. 371 and also his rationale for circumcision, which is “to bring about a decrease in sexual intercourse and a weakening of the organ in question so that his activity be diminished and the organ be in as quiet a state as possible” (Part III, Chapter 49, p. 609). The image of a sexually active man as a rooster, intended derogatorily to indicate that he is never satisfied and seen as an attribute that Jewish scholars should shun, first appears in Jewish sources in B. *Berakhot* 22a and is repeated in the passages of M.T. cited earlier in this note and in S.A. *Orah Hayyim* 88 and 240:1 and S.A. *Even Ha-Ezer* 25:2.

<sup>20</sup> I define it as such in light of the Midrash cited below at note 19, for the activities listed there are critical for the survival of human beings and therefore not “evil.”

<sup>21</sup> The self-serving instinct is ingrained in us from birth: B. *Sanhedrin* 91b. (Consider also the behavior of infants, who do are fully self-serving and, according to psychological research, do not even recognize that their parents who are supplying their needs are separate from themselves until several months after birth.) The good, altruistic instinct is thirteen years younger than the self-serving instinct: *Avot D’Rabbi Natan* 16, Version A.

between the two inclinations, for neither by itself is good—one can be too altruistic just as one can be too selfish.<sup>22</sup> As a result, the Rabbis consider the fact that we have both inclinations to be why the Torah declares the sixth day of creation, on which human beings were created, to be not only “good,” as God declared the previous days to be, but “very good:”

רבי נחמן בר שמואל בר נחמן בשם רב שמואל בר נחמן אמר, הנה טוב מאד, זה יצר טוב. והנה טוב מאד, זה יצר רע. וכי יצר הרע טוב מאד, אתמהא. אלא שאלולי יצר הרע לא בנה אדם בית, ולא נשא אשה, ולא הוליד, ולא נשא ונתן.

Rabbi Nachman bar Shmuel bar Nachman said in the the name of Rabbi Shmuel bar Nachman, "Behold, it is very good," that is [referring to] the impulse to the good; and "Behold, it is very good," that is [referring to] the impulse to the bad. And it is a wonder - is the impulse to the bad very good? Rather, [it is because] without the impulse to the bad [that is, the self-serving instinct], a man would not build a house and not marry a woman, and not engage in commerce.<sup>23</sup>

Furthermore, Jewish law actually requires us to eat, not only to live,<sup>24</sup> but also to celebrate the Sabbath and Festivals.<sup>25</sup> It also commands us to engage in conjugal relations for both the bonding of the couple<sup>26</sup> and procreation.<sup>27</sup> So Judaism does not denigrate the physical aspects of our nature as Greek and Christian thought do, for the physical aspects of our being, no less than the intellectual, moral, and conative features, were created by God. This will be important especially in the section below on profanity, for swear words are often based in either sex or excretion, which are not to be denigrated but rather honored for the critical components of our lives that they are and as components of our being, created by God.

### 3. *As Creator of the world, God owns everything in it, including all human beings.*

הו ליהנה אלהיך השמים ושמי השמים הארץ וכל אשר בה:

Mark, the heavens to their uttermost reaches belong to the Lord your God, the earth and all that is on it. (Deuteronomy 10:14)

ליהנה הארץ ומלואה תכל וישבי בה:

<sup>22</sup> See B. *Ta'anit* 24a for an instance in which the Rabbis recognized that too much altruism, to the neglect of one's own needs and those of one's family, is not good either.

<sup>23</sup> *Genesis Rabbah* 9:7.

<sup>24</sup> M.T. *Laws of Dispositions (De'ot)* 4:1-3.

<sup>25</sup> M. T. *Laws of the Sabbath* 30, esp. 30:6-10.

<sup>26</sup> M. *Ketubbot* 5:6, defining what is required by Exodus 21:10 as the Rabbis interpret it.

<sup>27</sup> Genesis 1:28; 9:1. M. *Yevamot* 6:6. B. *Yevamot* 61b-63b, esp. 62b that expands the commandment from a minimum of two children to as many as one can on the basis of Isaiah 45:18 and Ecclesiastes 11:6. M.T. *Laws of Marriage* 15:4, 16. S.A. *Even Ha-Ezer* 1:5.

The earth is the Lord's, and all that it holds, the world and its inhabitants. (Psalms 24:1).

4. *Humility is appropriate.* We should be humble, as some of the most important figures in

the Jewish tradition listed at the beginning of this responsum were, because we are not God. We certainly should strive to improve ourselves and the human lot in life, and we can even be proud of what we have learned or done; but ultimately we must recognize that our accomplishments are small and temporary from the viewpoint of God.<sup>28</sup> Furthermore, we have limited control over life, and ultimately our very birth and death are not in our hands.<sup>29</sup>

In contrast to Stoicism and Buddhism, however, Judaism did not encourage people to detach themselves from life to avoid its pain and futility; it instead asserts that we should live life to its fullest, that our Covenant with God, modeling ourselves after God, and doing God's work in the world give our brief lives on earth eternal meaning, that we indeed have a duty to strive to make this a better world.<sup>30</sup>

5. *Gratitude is appropriate.* God's ownership of the world requires us to be thankful to God

for what we have. Gratitude is actually a core theological value in Judaism, and its opposite, ingratitude and instead haughtiness about one's own achievements, are the essence of a non-religious stance as the Torah defines it:

הַשֹּׁמֵר לֹא פֶן־תִּשְׁכַּח אֶת־יְהוָה אֱלֹהֶיךָ לְבַלְתִּי שְׁמֹר מִצְוֹתָיו וּמִשְׁפָּטָיו וְחֻקֹּתָיו אֲשֶׁר אֶנְכִי מְצַוֶּה הַיּוֹם: פֶּן־תֹּאכַל וְשִׂבְעָתָ וּבָתִּים טוֹבִים תִּבְנֶה וְיִשְׁבְּתָ:

<sup>28</sup> This is the dominant theme of Kohelet (Ecclesiastes) (e.g., 1:2-4, 9-11; 2:11-17; 3:14-22; etc.) and a recurring one in Psalms (e.g., 33:8-11, 16-17; 37:35-36; 39:5-8; 49; 103:14-17; 146:3-4; etc.). Similarly, what was originally a Yom Kippur prayer (B. *Yoma* 87b) that became part of the early morning daily liturgy asserts, "What are we? What is our life? What is our piety? What is our righteousness? What is our attainment, our power, our might?... Compared to You, all the might are nothing, the famous nonexistent, the wise lack wisdom, the clever lack reason. For most of their actions are meaningless, the days of their lives emptiness. Human preeminence over beasts is an illusion what all is seen as futility." (*Siddur Sim Shalom*, pp. 12-13; *Siddur Lev Shalem*, p. 105). See also M. *Avot* 2:7 (2:8 in some editions); 3:1; 5:22 (5:29 in some editions) for other expressions of the importance of seeing life in a humble way.

<sup>29</sup> M. *Avot* 4:22. The journal, *Sh'ma*, published an entire edition on humility that is worthwhile seeing as an expansion of this discussion: <https://forward.com/shma-now/humility/> (accessed 1/14/18). I want to thank Rabbi Jane Kanerek for calling my attention to this.

<sup>30</sup> Kohelet's response to the recognition of our limited abilities is to live life to its fullest (e.g., Kohelet 9:7-10). The prayer cited in note 20 instead asserts that our Covenant with God is what gives life meaning. Multiple sources in the Jewish tradition require that we do what we can to improve the human lot in life; see Elliot N. Dorff, *The Way Into Tikkun Olam (Repairing the World)* (Woodstock, VT: Jewish Lights, 2005). All of this is in sharp contrast to Stoic or Buddhist thought, both of which use the recognition of the fleeting nature of life to say that we should detach from it as much as possible.

וַיִּקְרָא וַיֹּאמֶר יִרְבְּלוּ וַיִּכְסְפוּ וַיִּזְבְּבוּ יִרְבְּהוּ לָהֶם וְכָל אֲשֶׁר-לָהֶם יִרְבֶּה׃  
וְרַם לִבְבָּהֶם וְשָׁכַחַת אֶת-יְהוָה אֱלֹהֵיהֶם׃

... וְאָמַרְתָּ בְּלִבְבָּךְ כַּחַי וְעַצְמִי יָדִי עָשָׂה לִי אֶת-הַתִּיל הַזֶּה׃

וַיִּזְכַּרְתָּ אֶת-יְהוָה אֱלֹהֵיךָ כִּי הוּא הִנְתֵּן לָךְ כֶּסֶף לַעֲשׂוֹת תִּיל לְמַעַן הִקִּים אֶת-בְּרִיתוֹ אֲשֶׁר-נִשְׁבַּע לְאַבְתָּיִךְ  
בְּיוֹם הַזֶּה׃

When you have eaten your fill, and have built fine houses to live in, and your herds and flocks have multiplied, and your silver and gold have increased, and everything you own has prospered, beware lest your heart grow haughty and you forget the Lord your God ... and say to yourselves, “My own power and the might of my own hand have won this wealth for me.” Remember that it is the Lord your God who gives you the power to get wealth, in fulfillment of the covenant that He made on oath with your fathers, as is still the case.<sup>31</sup>

6. *God calls us to be a holy nation.* Finally, the theological basis for the discussion of modesty in speech must also take note of the high standard to which Judaism asks us to aspire. None of us is perfect – morally, emotionally, socially, professionally, or in any other way -- and none of us will ever be so; but we are told at the beginning of Chapter 19 of Leviticus, “You shall be holy, for I, the Lord your God, am holy,” which acts as a header for the commandments in the rest of the chapter that define what holiness means, including commands us to revere our parents, keep the Sabbath, give to the poor, have honest weights and measures, rescue those in dire straits, and, ultimately, “Love your neighbor as yourself.” This clearly does not mean that we must be so serious about the moral duties of life that we may never take time to enjoy it, and it does not mean that we should feel eternally guilty for not matching up to a standard of perfection; but it does mean that we need to aspire to be better than we would otherwise be.

These tenets, fundamental to the Jewish way of understanding who we are and ought to

strive to be, will have a major role to play in addressing the specific topic of this responsum – namely, what Judaism’s demand that we be modest in our communication requires that we say and avoid saying. The norms of modest speech described in this responsum are in addition to the other norms of speech discussed in my companion responsum to this one on harmful speech and those discussed in the readings listed in

<sup>31</sup> Deuteronomy 8:12-14, 17-18.

note 2 there as well as those delineated in the responsum by Marc Gary and me on providing references for schools and jobs.<sup>32</sup>

Even though the totality of these norms should make us think seriously about what we say and how, Jewish norms governing speech certainly do not require us to be silent or even close to it; as Jewish texts, historical sources, and contemporary experience amply demonstrate, Jews, if anything, are more verbose and argumentative than most other peoples and cultures. It is just that in using our powerful faculty of speech, we need to do so with positive intentions and results, and Jewish norms governing speech can help us do that.

### Lies (*sheker*)<sup>33</sup>

One way of being immodest is to tell lies about oneself, hoping that others will think better of you than you really are. This is the exact opposite of the first kind of modesty in Webster's definition cited above, for instead of "showing a moderate or humble opinion of one's own value, abilities, achievements, etc.," people who lie about their personal qualities or accomplishments are usually trying to impress other people about their greatness.

Telling lies, though – that is, knowingly and intentionally telling someone something that you know to be false – undermines people's trust in one another. Indeed, at the extreme – that is, if everyone lied so often that one could never assume that the next person was telling the truth – social cooperation, commerce, friendships, and family relations would become impossible. We would all be living in a terrifying world. It is not surprising, then, that the Torah specifically prohibits lying: *לֹא תִשָּׂא שְׂמֵעַ שׁוֹן מִדְּבַר –* "You must not carry false rumors (literally, "worthless words to be heard") ... *שָׁקֵר תִּרְחֶק* "Keep far from falsehood (*sheker*),"<sup>34</sup> and

*לֹא תִגְנוּבוּ וְלֹא תִכְחָשׁוּ וְלֹא תִשְׁקְרוּ אִישׁ בְּעַמִּיתוֹ*

"You shall not steal; you shall not deal deceitfully nor lie to one another."<sup>35</sup>

The Rabbis understood the social consequences of lying:

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<sup>32</sup> Elliot N. Dorff and Marc Gary, "Providing References for Schools or Jobs," <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/providingreferences.pdf>.

<sup>33</sup> At the suggestion of Rabbi Avram Reisner, I have imported a few paragraphs about lying from the responsum that Marc Gary and I wrote on providing references (*ibid.*) because lying about oneself is one important way in which one is immodest.

<sup>34</sup> Ex. 23:1, 7.

<sup>35</sup> Lev. 19:11.

כך עונשו של בדאי, שאפילו אמר אמת - אין שומעין לו

“This is the penalty for the liar: even when he tells the truth, no one believes him.”<sup>36</sup>  
 They also condemned it as a form of theft, indeed the worst form of theft: שבעה גנבין הן  
 הראשון שבכולן גונב דעת הבריות “There are seven types of thieves. The person who steals a  
 person’s thought [i.e., deception] is the worst of them.”<sup>37</sup>

Why did the Rabbis think of lying as the worst form of theft? Why is it worse than stealing money or property from a person? One answer is that even though people who have been robbed often feel personally violated, in the end it is one’s property that the thief has encroached upon, not one’s person. Often the thief does not even know the person from whom he or she has stolen. Deception, though, is immediately and directly personal: the liar knows you and did not think enough of you to tell you the truth, and so you rightly feel dishonored and molested.

Lying is wrong not only in and of itself, but also as a violation of proper modesty when someone is lying about what she or he has done or can do in order to get a job or simply to impress others. One certainly has a right to describe what are actually one’s accomplishments and skills, especially when applying for a job, but even in that context one must do so truthfully and in proportion to the actual value and importance of what one has done and the level of one’s talents in order to avoid lying.

### **Haughtiness and Bragging: *Ravrevanut, Hitpa’arut, Hitya’ahrut, Gassut Ru’ah***

At the outset of this subsection, it is important to note that it is *not* a violation of Jewish rules and values of modesty accurately and fully to describe one’s strengths in applying for a school or job or in any other context when there is a practical necessity to do so. That is not haughtiness; when done correctly, such a listing of one’s strengths is an exercise in honesty and a warranted expression of ability and pride.

When, however, there is not a practical reason to talk about one’s accomplishments or skills, modesty would suggest that one do so only rarely and even then in an understated way. In fact, haughtiness and its verbal expression, bragging, are arguably the exact opposite of humility, as Maimonides specifies in his definition of modest speech, quoted above.<sup>38</sup> In some manifestations, particularly with regard to how many possessions one has acquired, haughtiness also violates our duty to

<sup>36</sup> B. *Sanhedrin* 89b.

<sup>37</sup> T. *Bava Kamma* 7:3.

<sup>38</sup> M.T. *De’ot* 5:6-7.

recognize that God owns the world and that we will not take our property with us when we die.

It is not surprising, then, that Jewish sources are at one in condemning haughtiness and bragging. Here, for example, is one:

בשביל ד' דברים נכסי בעלי בתים יורדין לטמיון על עושקי שכר שכיר ועל כובשי שכר שכיר ועל פורקי עול מעל צואריהם ונותנין על גבי חבריהן וגסות הרוח כנגד כולן.

For four things the property of their owners is lost to them (literally, goes to the government's treasury): for oppressing the salary of a hired hand, or for keeping the salary of a hired hand, or for taking the yoke off their necks and putting it on their friends' backs; and haughtiness is the basis of all of these.<sup>39</sup>

It is certainly proper, though, for people to try to do good things in life and be proud of

doing so. Therefore Maimonides uses exactly this human trait of degrees of self-worth (along with degrees of anger) to demonstrate the value of the Golden Mean:

וכיצד היא רפואתם. מי שהוא בעל חמה אומרים לו להנהיג עצמו שאם הנה וקלל לא ירגיש כלל. ויגלה בדרך זו זמן מרבה עד שיתעקר החמה מלבו. ואם הנה גבה לב ינהיג עצמו בביזיון הרבה וישב למטה מן הכל וילבש בלוי סחבות המבזות את לובשיהם וכיוצא בדברים אלו עד שיעקר גבה הלב ממנו ויחזר לדרך האמצעית שהוא דרך הטובה. ולקשיחזר לדרך האמצעית יגלה בה כל ימיו. ועל קו זה יעשה בשאר כל הדעות אם הנה רחוק לקצה האחד ירחיק עצמו לקצה השני וינהג בו זמן רב עד שיתחזר בו לדרך הטובה והיא מדה בינונית שבכל דעה ודעה:

And how are they to be cured? If he is a man given to passion they direct him to accustom himself not to mind in the least, were he even to be abused or beaten. And that he should proceed in this way for a considerable time, until passion he uprooted from his heart. Again if a man happens to be of a haughty mind, they direct him to accustom himself to endure the greatest contempt; to occupy the lowest position when sitting in company; to put on inferior clothes, which reflect no respect on those who wear them; or such like things, until his haughtiness of mind be uprooted from within him, and he turns to the middle course, which is the good way; and having thus turned to the middle course he ought to proceed in the same all his days. According to this standard he ought to proceed with regard to all other dispositions; namely, if he happen to lean towards the one

<sup>39</sup> *Derekh Eretz Rabbah* 2:29. The term, *gass ru'ah* or *gassut ru'ah*, in some contexts, like this one and in the second quotation from Maimonides immediately following this quotation, clearly means bragging. In other contexts, including some discussed in the subsections of this responsum below, it refers to coarse character or behavior.

extreme, he ought to remove to the other extreme, and to train himself to it for a considerable time, until he returns to the good way, which is the middle course between the different dispositions.<sup>40</sup>

In my own view, Maimonides had it right here: a healthy sense of self-esteem is the desired end – namely, one that is not too haughty and not too humble but somewhere in between. In the very next section, though, he argues that haughtiness is an attribute that one should try to root out of oneself altogether (he continues to say the same thing about anger):

וַיֵּשׁ דְּעוֹת שְׂאֵסוּר לֹא לְאָדָם לְנַהֵג בְּהֵן בְּבִינוּיָת אֲלֵא יִתְרַחֵק מִן הַקְּצָה הָאֶחָד עַד הַקְּצָה הָאֲחֵר. וְהוּא גְבוּהָ לֵב. שְׂאִין דְּרָךְ הַטּוֹבָה שְׂיִהְיֶה אָדָם עֲנֹו בְּלִבָּד אֲלֵא שְׂיִהְיֶה שְׂפֵל רוּחַ וְתִהְיֶה רוּחוֹ נְמוּכָה לְמָאֵד. וְלִפְיִכָּךְ נִאָּמַר בְּמִשְׁנֵה רַבְּנֵנוּ (בְּמִדְבָר יב ג) עֲנֹו מָאֵד" וְלֹא נִאָּמַר עֲנֹו בְּלִבָּד. וְלִפְיִכָּךְ צִוּוּ חֻמְמִים מָאֵד מָאֵד הַגּוֹי שְׂפֵל רוּחַ. וְעוֹד אָמְרוּ שְׂפֵל הַמְּגִבִּיָה לְבוֹ כְּפַר בְּעֵקֶר שְׂנֵאָמַר) דְּבָרִים ח יז" (וְרַם לְבָבְךָ וְשִׁכַּחְתָּ אֶת ה' אֱלֹהֶיךָ". וְעוֹד אָמְרוּ בְּשִׁמְתָא מֵאֵן דְּאִית בֵּיה גְּסוּת הָרוּחַ וְאֶפְלוּ מִקְצָתָהּ ...

Yet there are some dispositions, in regard to which it would not be commendable for a man to remain in the middle cause only, but rather to remove from one extreme to the other. Now this is the case with *haughtiness of mind*; for it is by no means the good way for a man to be *meek* only, but he ought really to be of a *humble* mind, and an exceedingly low spirit; and therefore it is said, with regard to Moses our Teacher, that he was not only meek, but very meek. Our sages have therefore strictly enjoined us: *Be of an exceedingly humble mind*. Again they say: that he who has a haughty mind, denies the radical religious principle; for it is said: *Then your heart will be lifted up, and you will forget the Lord your God*, (Deut. 8:14); and again they say: He ought to be held in contempt who is in the least disposed to an overbearing spirit....

I think that Maimonides has gone overboard here. It is certainly a proper recognition of one's frailty and God's governance to be humble, but people do need a sense of self-worth. In fact, one major factor characterizing people in prison for violent behaviors is a lack of a sense of self-esteem.<sup>41</sup> It is, of course, haughtiness that

<sup>40</sup> M.T. *Laws of Human Dispositions (De'ot)* 2:2.

<sup>41</sup> Thomas J. Scheff, Suzanne M. Retzinger, and Michael T. Ryan, "Crime, Violence, and Self-Esteem," in *The Social Importance of Self Esteem*, Andrew M. Mecca, Neil J. Smelser, and John Vasconcellos, eds. (Berkeley, CA: University of California Press, 1989), pp. 165-200, available at <http://publishing.cdlib.org/ucpressebooks/view?docId=ft6c6006v5&chunk.id=d0e5821&toc.id=&brand=ucpress>; Jim Liske, "Self-Worth Saves Lives: Most People Who Take Lives Have Yet to Value Themselves," *US News and World Report*, October 30, 2014, <https://www.usnews.com/opinion/blogs/faith-matters/2014/10/30/prisoners-show-better-self-worth-can-save-lives>.

Maimonides is condemning here and not self-worth, but in advocating being as humble as he describes here he is, in my view, understating the importance of having a sense of self-esteem. This, in fact, is a dispute in the Talmud itself: after a number of passages condemning arrogance, Rava asserts that Jewish scholars who have too much self-worth and also those who have too little are to be held in contempt (the term can also mean “should be excommunicated”), while Rav Nahman bar Yitzhak argues that Jewish scholars should have no pride at all:

אמר רבא בשמתא דאית ביה ובשמתא דלית ביה א"ר נחמן בר יצחק לא מינה ולא מקצתה מי זותר  
דכתיב ביה) משלי טז, ה (תועבת ה' כל גבה לב

Rava said: [A Torah scholar] who has [arrogance] should be excommunicated, and one who does not have [arrogance at all] should [also] be excommunicated. Rav Nahman bar Yitzhak said: [Even a Torah scholar] should not have any [arrogance] or any part of [arrogance, for] Is it a small matter that it is written with regard to it [arrogance]: “Everyone that is proud of heart is an abomination to the Lord” (Proverbs 16:5)?<sup>42</sup>

I am with Rava on this, and I think that the Hasidic *bon mot* had it right:

Rabbi Bunam said: Everyone must have two pockets, so that he can reach into the one or the other, according to his needs. In his right pocket are to be the words: “For my sake was the world created;” and in his left, “I am earth and ashes.”<sup>43</sup>

In any case, whatever the proper *degree* of self-worth, the *reasons* for one’s self-esteem,

what one should be proud of, are delineated succinctly by Jeremiah:

פָּה | אָמַר יְהוָה אֱלֹהֵי-תְהַלֵּל חָכְמָם בְּתַכְמֹתָו וְאֵלֵי-תְהַלֵּל הַגִּבּוֹר בְּגִבּוֹרָתוֹ אֵלֵי-תְהַלֵּל עֲשִׂיר בְּעֲשָׂרוֹ:  
כִּי אִם-בְּזָאת יְתַהַלֵּל הַמְתַּהַלֵּל הַשָּׂכֵל וְיָדַע אוֹתוֹ כִּי אֲנִי יְהוָה עֹשֶׂה תְּסֻד מִשְׁפָּט וְצִדְקָה בְּאֶרֶץ כִּי-בְּאֶלֶה  
תִּפְצְתִי נְאֻם-יְהוָה:

Thus said the LORD: Let not the wise man glory in his wisdom; Let not the strong man glory in his strength; Let not the rich man glory in his riches.

<sup>42</sup> B. *Sotah* 5a.

<sup>43</sup> Martin Buber, *Tales of the Hasidim: Later Masters* (New York: Schocken Books, 1948), pp. 249-250. “For me the world was created” comes from the Mishnah’s description as to why God created only one person first in M. *Sanhedrin* 4:5. “I am but dust and ashes” is from Abraham’s speech to God in Genesis 18:27.

But only in this should one glory: In his earnest devotion to Me. For I the LORD act with kindness, justice, and equity in the world; For in these I delight — declares the LORD.<sup>44</sup>

### **Incivility (*gassut, boorut, hoser nimus*)**

Lack of civility in speech is the core of what Maimonides, in the section of his code of laws cited earlier and repeated here in part, defines as lack of modesty:

Torah scholars conduct themselves with great modesty.... The wise man should not shout and scream in his speech like a cow or wild animal; nor should he even raise his voice too high, but rather his conversation with all people should be gentle. In the gentleness of his conversation he shall take heed not to distance himself [from the other person] so as to give the appearance of those who are coarse [or haughty]; he should also anticipate every man with his polite greetings, so that all should be pleased with him; he should judge every person favorably, speaking only of the merits of his friend and not of his demerits; he should love and pursue peace.... Nor should he be present at the time of his friend's misfortune or failings, but should withdraw his eyes from it; nor should he veer from his word, neither to add to it nor to diminish, except to establish peace and similar goals. The general rule is that he speaks only on matters of wisdom, or to effect benevolence, and the like...<sup>45</sup>

There are various forms of incivility in language. All of them violate the respect that we need to have for others, including those with whom we disagree, as well as our own self-respect. As such, crude speech besmirches and diminishes the image of God embedded in all human beings.

One form of incivility is calling people derogatory names, such as “pathetic,” “crazy,” “disgraceful,” or “a loser.” In some cases, this kind of discourse can actually harm the person who is the object of the name-calling, and I will treat such cases in the companion responsum to this one on harmful speech. Even if the person who is the object of such characterizations and those who hear such remarks think less of the speaker than the person described in these ways, however – that is, even if the harm done is more to the reputation of the person making the derogatory remarks than the person who is the object of them -- the use of such negative descriptions of people

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<sup>44</sup> Jeremiah 9:22-23.

<sup>45</sup> M.T. *De'ot* 5:6-7. See note 35 for the meaning of the term “*gassut ru'ah*.”

cheapens and divides society and so are to be avoided and condemned for that reason as well as the general disrespect involved in such uncivil speech.

Furthermore, there is no guarantee that those who hear such insults will blame the speaker rather than join in the taunts. All too often people who hear such language from others, especially from leaders, are instead encouraged to add to it with insults of their own. Some people do that because it makes them feel part of the crowd. Others do that because denigrating others makes them feel superior – particularly when other people are doing it too and thus supporting them in this activity. Still others join in the hate speech because they feel insecure and want to lash out at those whom they think are damaging their status or welfare. Such belittling of others comes, though, at the expense not only of the ones being maligned, but of society as a whole, for it devalues the level of social discourse and undermines the respect that we should have for each other. In doing that, it unravels the very fabric of society and the ability of people to plan constructively for the future.

One example of this occurs in the realm of business. Rudeness, it turns out, is bad for business. Christine Porath of Georgetown University and Christine Pearson of Thunderbird School of Global Management reported in their article, “The Price of Incivility” in the *Harvard Business Review*, that employees who are treated badly take out their frustration on customers. Furthermore, creativity suffers, performance and team spirit deteriorate, and customers turn away.<sup>46</sup> Nobody is perfect, and constructive criticism, especially in private, can benefit everyone concerned, both in business and in interpersonal relationships generally; but disrespectful, rude, and intemperate speech instead ruins our ability to get along with each other and cooperate for everyone’s good.

The requirement to be civil in one’s interactions with other people straddles the border between law and morality. As indicated at the beginning of this section, it is part of Maimonides’ law code. It is also part of *Pirkei Avot*, the section of the Mishnah devoted to moral instruction and character formation. So, for example, Shimon ben Shetah and Avtalyon taught us there that we need to be careful with our words, for ill-chosen words can lead to lies, exile, and death.<sup>47</sup> Further, as Hillel taught,

הוא הנה אומר, אין בור ירא חטא... ובמקום שאין אנשים, השתדל להיות איש:

<sup>46</sup> Christine Porath and Christine Pearson, “The Price of Incivility,” *Harvard Business Review*, January-February, 2013.

<sup>47</sup> M. *Avot* 1:9, 11.

"A boor cannot fear sin ... Where there are no worthy persons, strive to be a worthy person."<sup>48</sup>

Instead one should greet people with a smile and strive to make peace among them:

שְׁמַאי אוֹמֵר, ... וְהָיָה מִקְבֵּל אֶת כָּל הָאָדָם בְּסִכָּר פְּנִים יְפוֹת:

Shammai says, ... "Receive every person with a pleasant countenance."<sup>49</sup>

הִלֵּל אוֹמֵר, הָיָה מִתְלַמְּדֵי שֶׁל אַהֲרֹן, אוֹהֵב שְׁלוֹם וְרוֹדֵף שְׁלוֹם, אוֹהֵב אֶת הַבְּרִיּוֹת וּמְקַרְבֵּן לַתּוֹרָה:  
Hillel says, "Be of the disciples of Aharon, loving peace and pursuing peace, loving the creatures and bringing them closer to Torah."<sup>50</sup>

### Foul Language: *Nivvul Peh*

Incivility and immodesty in speech are augmented by using expletives, which makes social discourse even coarser. This violates the third part of Webster's definition of modesty, "Behaving according to a standard of what is proper or decorous." The Rabbis clearly thought that those who utter obscenities (*divrei nevailah*), along with those who are haughty or speak ill of other people, are in line for a bad ending:

גְּסֵי הַרוּחַ וּמְסַפְרֵי לְשׁוֹן הָרַע וּמְדַבְרֵי נְבִלָה וְחַכְמִים בְּעֵינֵיהֶם עֲלֵיהֶם הַכְּתוּב אוֹמֵר (כִּי הִנֵּה הַיּוֹם בָּא בּוֹעֵר כְּתָנוּר

A haughty person, those who tell slurs (*lashon ha-ra*, true but defamatory things about people), those who speak obscenities, and those who are wise in their own eyes are described in this verse: "For lo! That day is at hand, burning like an oven. [All the arrogant and all the doers of evil shall be straw, and the day that is coming – said the Lord of Hosts – shall burn them to ashes and leave of them neither stock nor boughs.]"<sup>51</sup>

People use profanity (1) to dishonor others, (2) to assert one's earthiness and camaraderie with the masses for social or political reasons, (3) to seem more honest,

<sup>48</sup> M. Avot 2:6 (2:5 in some editions).

<sup>49</sup> M. Avot 1:15.

<sup>50</sup> M. Avot 1:12.

<sup>51</sup> *Derekh Eretz Rabbah* 2:2. The verse cited, translated here in its entirety to reveal the intention of the author of this source who quotes only its beginning, trusting that the reader will know the rest, is Malachi 3:19.

and/or (4) to emphasize some point that they are trying to make. All four of these uses of expletives are problematic.<sup>52</sup>

- (1) The use of foul language to degrade others, whether an individual or a disfavored

group (e.g., derogatory names for African-Americans, homosexuals, Jews, etc.), will be discussed in greater length in the companion responsum to this one on harmful speech. Such language is prohibited by Jewish tradition for the reasons discussed above: we do not have to like everyone, and we certainly do not have to approve of what everyone does, but we must respond to others – even when condemning their behavior – with respect for the image of God within them. So if vulgarities are being used for this purpose, they are prohibited as an affront to God as well as a violation of the respect due to God’s creatures.

- (2) Some use profanity to curry social or political favor with those who regularly use

such language (“being one of the boys” – or girls). In an article in the *Los Angeles Times* on August 1, 2017, Jonah Goldberg wrote the following:

...Among the rank and file on Twitter and Facebook, etc., there’s a competition to be as vulgar as possible or to be as vigorous as possible in defending presidential vulgarity.

Of course, the president [Trump] is not only changing standards – he’s the product of them. Over the last decade or so, a whole cottage industry of young anti-left sensationalists has embraced the romantic slogan, *Epater la Bourgeoisie!* Their crudeness isn’t a bug, it’s a feature.

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<sup>52</sup> Steven Pinker lists five uses of profanities: (1) Dysphemism (the opposite of euphemism), where the word is used to call attention to something uncomfortable where the point of politeness has passed and one wants to rub the listener’s face in how awful something is – e.g., “Please pick up your dog shit,” or “While I was taking care of the kids, you were fucking your secretary”; (2) abusive, where the point is to insult or curse someone (e.g., “Get your shit together,” “Your work is piss-poor”); (3) idiomatic swearing, where the point is to act cool, macho, informal, and one of the gang; (4) emphatic swearing, where the point is to emphasize something (e.g., “That was fucking brilliant,” “I am pissed off by what you did”); (5) cathartic swearing, where the point is to let off steam, which he connects to rage-circuit theory and the response cry in animals. See Steven Pinker, *The Stuff of Thought: Language as a Window into Human Nature* (New York: Penguin, 2007), Chapter 7. In my own description here of the uses of foul language, I have reorganized them, combined his (1), (4), and (5) into one category, and added a category where the point of using foul language is to seem honest. I want to thank Rabbi Avram Reisner for calling my attention to Pinker’s discussion of this in his Youtube talk, which led me to his book. See also Benjamin K. Bergen, *What the F: What Swearing Reveals About Our Language, Our Brains, and Ourselves* (New York: Basic Books, 2016).

The rising vulgar tide is typically justified either by the need to seem authentic or as genuflection to the sacred right to fight political correctness. Never mind that not everything that is politically incorrect is therefore correct. (William F. Buckley was not P.C., but he had the best manners of anyone I ever met.)

And the competition to seem verbally authentic has spilled over the ideological retaining wall. The Democratic National Committee sells a T-shirt that reads “Democrats Give a S\*\*\* About People.” Several leading Democrats have started dropping F-bombs and other phrases to prove their populist street cred.<sup>53</sup>

(3) The very next day, August 2, 2017, the *Los Angeles Times* published an article by

Benjamin Bergen, “Are the Foul-Mouthed Among Us, Like the Deposed Mooch, More Honest?” Bergen is a professor of cognitive science and director of the Language and Cognition Laboratory at the University of California, San Diego. His most recent book is *What the F: What Swearing Reveals About Our Language, Our Brains, and Ourselves*. In the *Los Angeles Times* article he cites several studies about the connection between the use of profanities and honesty. He writes:

On The Donald reddit thread, for example, they opined that Scaramucci’s dirty mouth was an indication that he “tells it like it is,” that he was “unafraid.” When he was ousted on Monday, some lamented that the next communications capo would be more smooth, less “real”....

When you dig into the details, however, it becomes clear that swearing does not reliably signal honesty. Even the best evidence is not particularly convincing....

People in that January study were asked to estimate how often they swear and also how often they do a variety of things generally agreed to be desirable, such as keeping their promises. Those who reported swearing more also reported more *undesirable* traits.

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<sup>53</sup> Jonah Goldberg, “Power Changes the Length of Your Tie,” *Los Angeles Times*, August 1, 2017, A13, available at <http://www.latimes.com/opinion/op-ed/la-oe-goldberg-republican-language-20170801-story.html>.

In an acrobatic piece of reasoning, the researchers interpreted this as showing that swearers are more likely to come clean about their bad habits. But you could equally well conclude that people who swear simply have lots of undesirable personality traits.

Another study<sup>54</sup> measured lying directly.

Scientists told volunteers to pick heads or tails on a coin, and explained that if the coin came up on that side twice, they would receive an additional \$7. The volunteers were then instructed to flip the coin twice in complete privacy. When they came out of seclusion, they reported their coin-flip results, collected their winnings — if any — and answered questions including one about how often they swore.

The researchers found that people who reported never swearing claimed a prize about a quarter of the time, which is what you'd expect if they were being honest about their choice for the two coin flips. But those who reported sometimes swearing claimed a prize far more often, more than 40% of the time. Such a high rate suggests they must have been lying to earn the extra cash.

One can't conclude from this experiment that swearing is *always* a sign of a dishonest character, but at the very least, the relationship between swearing and honesty appears murky. Scaramucci's swearing doesn't necessarily mean that he's more honest.

Nevertheless, people in the population at large — just like those Trump-supporting redditors — tend to perceive profanity as revealing honesty.

In a 2005 study,<sup>55</sup> researchers gave female Dutch undergrads written testimony from a burglary suspect denying his involvement in the crime. Half read a version that included profanity; the other half read a version with the profanity removed. And then they rated how credible they found the suspect's denial. Those who read the swearing testimony found it significantly more credible.

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<sup>54</sup> Reinout E. de Vries, Benjamin E. Hilbig, Ingo Zettler, Patrick D. Dunlop, Djurre Holtrop, Kibeom Lee, and Michael C. Ashton, "Honest People Tend to Use Less—Not More—Profanity: Comment on Feldman et al.'s (2017) Study 1," <http://journals.sagepub.com/doi/pdf/10.1177/1948550617714586>.

<sup>55</sup> Eric Rassin and Simone Van Der Heijden, "Appearing Credible? Swearing Helps!" *Psychology, Crime, and Law* 11:2 (2005), 177-182, <http://www.tandfonline.com/doi/abs/10.1080/106831605160512331329952>.

Profanity causes other positive effects. Researchers at Northern Illinois University presented 88 introductory psychology students with a video in which a man argues that tuition should be lowered at another university. But there were two different versions of the video, one in which he used profanity, another in which he did not. The participants who saw him swear not only agreed more with his position — they were more persuaded by the argument — but they also rated him as more passionate and enthusiastic.<sup>56</sup>

So here's the rub. Profanity may leave a good impression in certain ways, but our impressions are not reality. The potty-mouthed among us, like Scaramucci, may or may not be speaking honestly and may or may not be passionate, regardless how much their word choices make them seem that way.

If the next White House communications director has a similarly colorful vocabulary, let's rely on other more reliable indicators to determine how truthful he or she is.<sup>57</sup>

(4) If the point of using foul language is to stress how intensely one feels about a given

point, typically connected to the strong emotions involved in sex or the disgust involved in excrement, that use of foul language involves several problems. First, if one does that often — some teenagers and adults use expletives in virtually every sentence — then verbal inflation takes place, and the swear words lose their power. Nobody recognizes that your swear words indicate that you feel especially strongly about a given topic if you use them habitually. So on a completely practical level, using expletives routinely is counterproductive.

Furthermore, people with a good education can express intense feelings without using foul language, and they are well advised to do so. Nobody respects you more because of your use of swear words; at best, good friends will excuse that behavior. Thus, just as much as respect for others demands that one avoid using obscenities, so too does self-respect.

Another factor reinforces the point that one should desist from using foul language to protect one's own self-respect. An article assigned in my college freshman English course argued that the swear words various societies use bespeak the aspects of

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<sup>56</sup> Corey R. Scherer and Brad J. Sagarin, "Indecent Influence: The Positive Effects of Obscenity on Persuasion," *Social Influence* 1:2 (2006), 138-146, <http://www.tandfonline.com/doi/abs/10.1080/15534510600747597>.

<sup>57</sup> Benjamin Bergen, "Are the Foul-Mouthed Among Us, Like the Deposed Mooch, More Honest?" *Los Angeles Times*, August 2, 2017, A11, available at <http://www.latimes.com/opinion/op-ed/la-oe-bergen-mooch-language-20170802-story.html>.

life that they find troubling. In the United States, with its Puritan heritage, foul language is primarily sexual. In Germany, with its focus on cleanliness, obscenities are based on the lack of cleanliness, particularly of the sort involved in excretion. Italians, people in largely Catholic southern Germany, and according to Harvard Professor Steven Pinker, in Quebec, where he grew up, swear using various epithets for the Church.<sup>58</sup> This thesis should not be taken too far, for the processes of excretion also form the basis for how Americans swear, and Germans, I am told by native German rabbinical student at the Ziegler School of Rabbinic Studies, also use sexual functions to swear. Furthermore, in varying degrees, religious curses (e.g., “damn”) are ubiquitous, indicating people’s problems with authority, their lack of control over many things in their lives, and, ultimately, their mortality. Still, the primary forms of using profanity do vary by culture in their emphasis, responding to what a particular culture finds troubling or fearsome. For American Jews and Western Jews generally, this means that when people swear, they are revealing their discomfort with their own sexual and excretory functioning.

From a Jewish perspective, that analysis points to yet another reason why obscenities are problematic. As explained above, our bodies, including their sexual and excretory parts, are, according to Jewish sources, made by God no less than our minds, our emotions, our wills, and all other parts of our inner being (our “souls”). In fact, in the Rabbis’ interpretation of the Torah, God commands sex within marriage for both procreation and the mutual bonding and enjoyment of the couple,<sup>59</sup> and we are supposed to recite a blessing after every act of excretion, thanking God that our bodies excrete properly, for without that ability, “It would be impossible to exist and to stand before You.”<sup>60</sup> Consequently, to use sexual or excretory terms to curse or denigrate others is not only to insult the people at whom the remarks are directed, but also to slur God.<sup>61</sup>

Finally, obscenities befoul the social atmosphere, making it rough and uncouth rather than respectful and polite. It is, as this source suggests, a form of pollution:

ר"א בן יעקב אומר (אדם נאה ומשובח ומוציא דבר מגונה מפיו). משלו למה הדבר דומה לטרקלין גדולה וביב של בורסקי קבוע בתוכה כך אדם נאה ומשובח ומוציא דבר מגונה מפיו

<sup>58</sup> Pinker, *The Stuff of Thought* (at note 48 above), 329-330.

<sup>59</sup> Genesis 1:28 (and 9:1); Exodus 21:10. For a discussion of appropriate sexual conduct as defined by the Jewish tradition, see Elliot N. Dorff, *This Is My Beloved, This Is My Friend: A Rabbinic Letter on Human Intimacy* (New York: Rabbinical Assembly, 1996); reprinted in Elliot N. Dorff, *Love Your Neighbor and Yourself: A Jewish Approach to Modern Personal Ethics* (Philadelphia: Jewish Publication Society, 2003), Chapter Three.

<sup>60</sup> Edward Feld, ed., *Siddur Lev Shalem* (New York: Rabbinical Assembly, 2016), p. 99.

<sup>61</sup> One example of this in the classical tradition is that the Rabbis insisted that in every instance in the Bible of what was clearly foul language to describe sexual intercourse – *tishagalnah* – we substitute the apparently cleaner language of *tishakavnah* when we read the biblical text; see Isaiah 13:16; Zekhariah 14:2.

Rabbi Elazar ben Jacob said: A pleasant and praised person who utters something unseemly (coarse) with his mouth is like a big, beautiful parlor room in which there is a pipe [spewing foul odors] from a tannery planted in the middle of it; so is a pleasant and praised person who utters something unseemly (coarse) from his mouth.<sup>62</sup>

The Rabbis undoubtedly had many of these factors in mind when they ascribed many maladies to using foul language:

בעון נבלות פה צרות רבות וגזירות קשות מתחדשות ובחורי שונאי ישראל מתים יתומים ואלמנות צועקין ואינן נענין שנא 'על כן על בחוריו לא ישמה ה' ואת יתומיו [ואת] (ו) אלמנותיו לא ירחם כי כלו חנף ומרע וכל פה דובר נבלה ...

אמר רבה בר שילא אמר רב חסדא כל המנבל את פיו מעמיקין לו גיהנם שנאמר "שוחה עמוקה פי זרות" רב נחמן בר יצחק אמר אף שומע ושותק שנאמר (זעום ה' יפול שם

Because of the sin of using foul language (*nivlut peh*), problems increase and harsh decrees are instituted, and the youth of Israel die,<sup>63</sup> orphans and widows shout out and there is nobody to answer them, as it says (Isa. 9:16-17), "That is why my Lord will not spare their youths, nor show compassion to their orphans and widows; for they are ungodly and wicked, and every mouth speaks impiety.... Rabbah bar Sheilah said in the name of Rabbi Hisda: Anyone who uses foul language falls deeper into hell, as it says, "The mouth that speaks perversity is a deep pit" (Prov. 22:14). Rabbi Nahman bar Isaac said, "Also for one who hears and is silent [does not protest], for it is said [in the next part of the same verse], "He who is doomed by the Lord [for not protesting] falls into it" (Prov. 22:14).<sup>64</sup>

So none of the four suggested reasons to justify the use of foul language is sufficient to

overcome the many reasons to avoid such language that are described above, including the specifically Jewish ones. This leads us to the conclusion that using vulgarities violates Jewish norms of modest speech and should be avoided.

<sup>62</sup> *Derekh Eretz Rabbah* 3:3.

<sup>63</sup> The Talmudic text actually says, "the youth of the enemies of Israel die." Because the Rabbis could not even utter the words that the youth of Israel should die, they used a euphemism.

<sup>64</sup> B. *Shabbat* 33a; see also B. *Ketubbot* 8b.

Discussion of sexual attraction, of course, is not necessarily intended or understood as vulgar. On the contrary, as the biblical book, Song of Songs, amply illustrates, explicit descriptions of parts of the body as sexually alluring can be a very positive part of sexual attraction and activity. What distinguishes such positive use of sexual language from its pornographic or execratory use are the context and intentions of the communication.<sup>65</sup>

### Salacious Talk (*z'nut ha-peh v'ha-ozen*)

Closely related to foul language, and often including it, is salacious talk, where the point is to articulate lust and presumed power over someone else's body and person.<sup>66</sup> Sometimes known as "locker-room talk," this expresses the desire to have sex rather than the discomfort with it indicated in swear words. Salacious talk often involves descriptions of another person's body as sexually alluring, and it can be used by both women and men in both heterosexual and homosexual contexts. Sexual attraction is one of the great gifts that God has given us in creating our bodies as they are, and there is nothing wrong – and, indeed, everything right -- with having feelings of sexual attraction and acting on them in appropriate contexts and ways. In fact, as noted earlier, in such contexts sexual activity is fulfilling one or both of two of God's commandments, as the Rabbis understood them.<sup>67</sup> The problem with salacious talk is that it objectifies other people, making them solely the objects of one's desires, and thus disempowers and dehumanizes them. This is exacerbated by the fact that almost always such talk outside of marriage occurs in situations where there is little, if any, chance that the speaker will actually convince the object of this talk to engage in consensual sexual relations.

Moses Hayyim Luzzato (1707-1746, Italy), in his book, *Mesillat Yesharim (The Path of the Just, or Upright, or Righteous)*, describes speaking and listening to such talk as prostituting the mouth and ear. He cites the Jerusalem Talmud, which, based on a play on words between *davar* (thing) and *debbur* (words), makes swearing nothing less than a violation of the Torah itself:

דבר עוד בענין זנות הפה והאוזן, דהיינו, הדיבור בדברי הזנות או השמיעה לדברים האלה, כבר צווחו ככרוכיא ואמרו (ירושלמי תרומות פ"א): ולא יראה בכך דבר (דברים כג) : ערות דיבור זה ניבול פה.

...

<sup>65</sup> I want to thank Rabbi David Booth for reminding me to make this distinction.

<sup>66</sup> I want to thank Rabbi Avram Reisner for calling my attention to the distinction between foul and salacious language.

<sup>67</sup> See note 55 above.

ואם לחשך אדם לומר, שמה שאמרו על נבול פה, אינו אלא כדי לאיים ולהרחיק אדם מן העבירה, ובמי שדמו רותח הדברים אמורים, שמדי דברו בא לידי תאוה, אבל מי שאמרו דרך שחוק בעלמא, לאו מילתא הוא ואין לחוש עליו.

אף אתה אמור לו, עד כאן דברי יצר הרע. כי מקרא מלא שהביאוהו ז"ל לראיתם (ישעיה ט) : על כן על בחוריו לא ישמח ה' וגו' כי כלו חנף ומרע וכל פה דובר נבלה, הנה לא הזכיר הכתוב הזה לא עבודה זרה ולא גלוי עריות ולא שפיכת דמים, אלא חנופה ולשון הרע וניבול פה, כולם מחטאת הפה בדיבור ועליהם יצאה הגזירה. על בחוריו לא ישמח ה' ואת יתומיו ואת אלמנותיו לא ירחם.

אלא האמת הוא כדברי רבותינו זכרונם לברכה, שנבול פה הוא ערותו של הדיבור ממש, ומשום זנות הוא שנאסר ככל שאר עניני הזנות, חוץ מגופו של מעשה, שאף על פי שאין בהם כרת או מיתת בית דין, אסורים הם איסור עצמם, מלבד היותם גם כן גורמים ומביאים אל האיסור הראשי עצמו. וכענין הנזיר שזכרו במדרש שהבאנו למעלה.

With regard to prostitution of the mouth and the ear, that is, speaking words of prostitution (*z'nuf*) or listening to them, our Sages "screamed like cranes" (J. *Terumot* 1:4 [6b]), that is, emphatically denounced such actions) in saying, "Let God not find anything unseemly thing among you' (Deut. 23:15), that is, unseemly words," which is befouling one's mouth (*nivvul peh*)....If one would gain your ear and tell you that the Sages said what they did about obscene speech only to frighten you and to draw you far from sin, and that their words apply only to hot-blooded individuals who, by speaking obscenities, would be aroused to lust, but not to those who air them only in jest, who have nothing whatever to fear – tell him that his words are those of the evil inclination; for the Sages have adduced an explicit verse in support of their statements (Isa. 9:16): "That is why my Lord will not spare their youths, nor show compassion to their orphans and widows; for they are all flatterers and speakers of evil, and every mouth speaks impiety ..." This verse mentions neither idol worship, nor illicit relations, nor murder, but flattery and slander and obscene utterance, all sins of the mouth in its capacity of speech; and it is because of these sins that the decree went forth... The truth, then, is as our Rabbis of blessed memory have stated, that uttering obscenities constitutes the very "nakedness" of the faculty of speech and was prohibited as an aspect of fornication along with all other such forms of it. Although outside the realm of illicit relations themselves (as indicated by the fact that [the penalty for] obscene speech is not as harsh as it is for illicit sexual relations, [which is] being cut off from the Jewish People [*karet*] or the death penalty), obscene speech is nonetheless prohibited in itself, apart from its leading

to immoral sexual acts, as explained above in the analogy from the law concerning the Nazarite.<sup>68</sup>

### **Rulings (Piskei Halakhah):**

The words “communication” and “speech” in this responsum include interactions that are spoken in person or written, whether face-to-face, behind someone’s back, or posted online, as well as all forms of virtual communication, such as posting photos, videos, or written posts or comments, texting, and messaging. Those terms also include speech acts, such as hand signals and the clothing one wears if the intent is to convey a clear message.

The theology, moral norms, and laws of the Jewish tradition demand the following as parts of the general requirement that we practice modesty in our communications:

1. One may not lie to give others a false, positive impression of one’s abilities or achievements.
2. Although people may and should have a healthy sense of self-worth and can and should be justly proud of their accomplishments, they should not be haughty and brag about what they have done or can do, for that is a breach of the humility required of us in recognition of our own fragility and the sovereignty of God. People may and even should, however, fully and accurately delineate their strengths in applications for schools or jobs or in other contexts when there is a practical need to describe one’s qualifications.
3. Incivility in communication is prohibited as an affront to the image of God in every person and as a threat to the fabric of society that enables us to cooperate to meet life’s challenges.
4. We should not use obscenities, for they are an insult to God who created our faculties of sex and elimination (and, in some cases, an insult to religion). Such language is not justified by any of the suggested arguments to use it.
5. Our sexual desires are a gift of God, and when acted upon in proper ways and contexts, are not only good, but the fulfillment of commandments. Speaking lustfully in public, however, objectifies the person being spoken about, reduces him or her to the object of one’s sexual desire, and thus diminishes him or her as a person created in the image of God.

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<sup>68</sup> Moshe Hayyim Luzzato, *Mesillat Yesharim: The Path of the Just*, Shraga Zilbershtain, trans. (New York: Feldheim, 1987), Chapter 11, sections 41-50; see also *Mesillat Yesharim: The Path of the Upright*, Mordecai M. Kaplan, trans. (Philadelphia: Jewish Publication Society, 1966), pp. 164-169. This is my translation. This section of this teshuvah on foul language comes from Dorff, *The Way Into Tikkun Olam* (at note 24 above), pp. 71-74.