

Sources from “Providing References for Schools or Jobs”

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Background: The Power of Language

As a preface, the authors bring sources that describe the dangerous power of language. How might these sources contribute to a more general philosophy of language? Do the sources seem to care about whether or not the statement is true?

<p>Talmud Bavli Bava Metzia 58b</p> <p>Someone taught before Rabbi Nahman bar Isaac: If a man put his neighbor to shame, it is as if he shed blood. Rabbi Nahman said to him: Well have you spoken, for we see how the red disappears [in the victim's face] and the pallor comes.</p>	<p>בבלי בבא מציעא נח: תני תנא קמיה דרב נחמן בר יצחק: כל המלבין פני חבריו ברבים כאילו שופך דמים. אמר ליה: שפיר קא אמרת, דחזינא ליה דאזיל סומקא ואתי חוורא.</p>
<p>Talmud Bavli Arakhin 15b</p> <p>The tongue slays three people: the speaker, the listener, and one spoken about.</p>	<p>תלמוד בבלי ערכין טו: לשון תליתאי קטיל תליתאי, הורג למספרו ולמקבלו ולאומרו.</p>
<p>Talmud Yerushalmi Peah 1:1</p> <p>Rabbi Manah derived them all from reasoning about a verse [Deuteronomy 32:47]: “For this is not a trifling thing for you,” this is study of the Torah; “it is your very life,” this is honoring one’s father and mother; “through it you shall long endure,” this refers to acts of loving kindness; “on the land,” this is bringing peace between one person and another. In contrast to these virtues, there are four great sins for which a person is punished in this world, and their capital, or stock, remains in the form of punishment dealt out to him or her in the world to come. These four are idolatry, incest, murder, and slander, the last of which is as bad as all the other three put together.</p>	<p>תלמוד ירושלמי פאה א:א ר' מנא שמע כולהון מן הדין קריא כי לא דבר רק הוא מכא זה תלמוד תורה כי הוא חיים זה כיבוד אב ואם ובדבר הזה תאריכו ימים זו גמילת חסדים על האדמה זה הבאת שלום בין אדם לחבירו וכנגדן ארבעה דברים שהן נפרעין מן האדם בעולם הזה והקרן קיימת לו לעולם הבא ואלו הן ע"ז גילוי עריות ש"ד ולשון הרע כנגד כולן</p>
<p>Leviticus Rabbah 33:1</p> <p>Rabbi Shimon ben Gamliel said to his servant Tabbai: “Go to the market and buy me good food.” He went out and brought back a tongue. He told him, “Go out and bring me bad food from the market.” He went out and brought him a tongue. He then asked him: “Why is it that when I said ‘good food’ you brought me a tongue, and when I said ‘bad food’ you also brought me a tongue?” He replied: “It is the source of good and evil. When it is good, it cannot be surpassed; when it is evil, then there is nothing worse.”</p>	<p>ויקרא רבה לג:א ארשב"ג לטבי עבדיה פוק זבין לי צדו טבא מן שוקא נפק זבן ליה לישן א"ל פוק זבין לי צדו בישא מן שוקא נפק זבן ליה לישן א"ל מהו דין דכד אנא אמר לך צדו טבא את זבן לי לישן וכד אנא אמר לך צדו בישא את זבן לי לישן א"ל מינה טבתא ומינה בישתא כד הוה טב לית טבה מיניה וכד ביש לית ביש מיניה</p>

III Types of Forbidden Speech

I: Lies (*Sheker*)

<p>Exodus 23:1,7</p> <p>You must not carry false rumors...Keep far from falsehood</p>	<p>שמות כג:א,ז לא תשא, שמוע שוא...מדבר- שקר, תרחק</p>
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Leviticus 19:11 You shall not steal; you shall not deal deceitfully nor lie to one another.	ויקרא יט:יא לא, תגנבו; ולא-תכחשו ולא-תשקרו, איש בעמיתו.
Talmud Bavli Sanhedrin 89b "This is the penalty for the liar: even when he tells the truth, no one believes him."	תלמוד בבלי סנהדרין פט: כך עונשו של בדאי, שאפילו אמר אמת - אין שומעין לו

- Despite the clear biblical prohibition, why might the rabbis also discuss the social consequences of lying?

II: Slurs and Defamation (*Leshon Hara*)

Rambam Mishneh Torah Laws of Ethics (<i>De'ot</i>) 7:2 There is a sin much greater than this [that is, greater than telling tales about someone else], and it is included in this negative prohibition, namely, slurs (literally, "talk about the bad," <i>lashon hara</i>). That is someone who talks negatively about someone else, even if he speaks the truth. But one who [additionally] tells lies is called "one who spreads a bad name" (<i>motzi shem ra</i>) about someone else. One who engages in such slander sits and says: "So-and-so did this," "So-and-so were his ancestors," "So-and-so I heard about him," all of which are [false and] defamatory. For such a person Scripture says, "May the Lord cut off all flattering lips, every tongue that speaks arrogance" (Ps. 12:4).	רמב"ם הלכות דעות ז:ב יש עון גדול מזה עד מאד והוא בכלל לאו זה והוא לשון הרע, והוא המספר בגנות חבירו אע"פ שאומר אמת, אבל האומר שקר נקרא מוציא שם רע על חבירו, אבל בעל לשון הרע זה שיושב ואומר כך וכך עשה פלוני וכך וכך היו אבותיו וכך וכך שמעתי עליו ואמר דברים של גנאי, על זה אמר הכתוב יכרת ה' כל שפתי חלקות לשון מדברת גדולות.
Deuteronomy 25:3 He may be given forty lashes, but not more, lest being flogged further, to excess, your brother is degraded before your eyes.	דברים כה:ג אַרְבָּעִים יִכְנוּ לֹא יוֹסִיף פְּרִי־סִיף לְהַכּוֹתוֹ עַל־אֵלָהּ מִכָּה רַבָּה וְנִקְלָה אַחִיד לְעֵינֶיךָ:
Mishnah Avot 2:15 Rabbi Eliezer said: Cherish your fellow human's honor as your own.	משנה אבות ב:טו רבי אליעזר אומר יהי כבוד חברך חביב עליך כשלך.

- Why would telling the truth about someone be forbidden?
- How does the verse from Deuteronomy balance the desire to have just punishment with the desire to treat every person with honor? What might this look like today?

III: Oppressive Speech (*Ona'at Devarim*)

Mishnah Bava Metziah 4:10 Just as there is wronging others in buying and selling, so too there is wronging others done by words. [So, for example,] one must not ask another, "What is the price of this article?" if he has no intention of buying. If a person repented [of his sin], one must not say to him, "Remember your former deeds." If a person is a child of converts, one must not say to him, "Remember the deeds of your ancestors," because it is written [in the Torah], "You shall neither wrong a stranger nor oppress him" (Exod. 22:20).	משנה בבא מציעא ד:י כשם שאונאה במקח וממכר. כך אונאה בדברים. לא יאמר לו בכמה חפץ זה. והוא אינו רוצה לקח. אם היה בעל תשובה. לא יאמר לו זכור מעשיך הראשונים. אם הוא בן גרים. לא יאמר לו זכור מעשה אבותיך. שנאמר (שמות כב) וגר לא תונה ולא תלחצנו:
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- How does this category relate to *leshon hara*? How is it similar? How is it different?
- What does this source say about the relation between a person's past action and their future choices?

How and Why Would You Share Information?

Admitting Ignorance

<p>Talmud Yerushalmi Nedarim 10:11</p> <p>R. Hiyya bar Abba came to R. Eleazar. He said to him, “Win the favor of R. Yudan, the patriarch, so that he will write on my behalf a letter of recommendation, because I am going abroad to make a living.” He won his approval, and he wrote him as follows: “Lo, we send you a great man as our messenger. He is our agent and is in our status until he comes back to us.” R. Hezekiah, R. Dosetai, R. Abbai bar Zamina, and some present tell the tale in the name of R. Dosetai the Elder: Thus did he write for him, “Lo, we send you a great man, who is not ashamed to say, ‘I have not heard the answer to your question.’”</p>	<p>תלמוד ירושלמי י:יא דברי חייה בר אבא אתא לגבי ר' לעזר אמר ליה פייס לרבי יודן נשייא דיכתוב לי חדא איגרא דאיקר דאיפוק לפרנסתי לארעא ברייתא ופייסיה וכתב ליה הרי ששלחנו לכם אדם גדול שלוחינו וכיוצא בנו עד שיגיע אצלנו. רבי חזקיה רבי דוסתי רבי אבא בר זמינא ומטו בה בשם רבי דוסתי סבא אכן כתב ליה הרי שלחנו לכם אדם גדול שאינו בוש לומר לא שמעתיו</p>
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- What is the importance of admitting your own ignorance?
- How does this affect speaking about other people?

Motivations for Sharing

<p>R. Dorff and Gary, p. 15-16</p> <p>Specifically, these legal sources are relevant to what he says: Leviticus 19:14, וּלְפָנַי עֹזֵר לֹא תִתֵּן , מִכְשָׁל , “Before a blind person do not put an obstacle,” which the Rabbis apply not only to a physically blind person, but also to one who lacks important information that could likely harm him or her; Leviticus 19:16, לֹא תֵעָמַד עַל־דַּם רֵעֶךָ , “Do not stand idly by the blood of your brother,” which the Talmud interprets to require that we seek to rescue people who are in harm’s way, and which the Rabbis in the <i>Sifre</i>, Maimonides, Rashbam, Tosafot, and <i>Sefer Ha-Hinukh</i> apply to monetary harm as well as physical harm; and the Talmud’s law of the pursuer (<i>rodef</i>), where a third party must intervene, even lethally, to protect an innocent third party.¹</p> <p>Hafetz Hayim, Laws of Slurs (<i>Leshon Hara</i>), 6:2</p> <p>There is of course a distinction between hearing and accepting, because in the case of listening there is no prohibition unless the information has no future relevance to the listener. If, however, the information - should it be true - does have relevance to the listener, for example if the listener realizes at the outset that the speaker wants to show through his story that the subject is untrustworthy or some other such trait and the listener is considering a business dealing or partnership with the subject, or arranging a marriage for him or any similar involvement, it is permissible to listen in order to explore the information and protect himself. The listener’s desire to hear the information must not be to listen to the disparagement of his friend, but rather to protect himself so that he will not sustain damage or end up in a dispute, or any other sort of misfortune.</p> <p>It is also a principle that if the listener will not benefit by hearing the information, but through his listening good can come to others, it is permissible. For example, if he listens to the information so that he can later verify it and then rebuke the individual in question such that perhaps through [his involvement] the sinner will repent, or he will return stolen goods to their</p>

¹ Throughout the paper, the authors emphasize the importance of disclosing sexual abuse of children, past felonies, or other relevant, dangerous actions.

owner or he will appease the person he incensed, or similar rectifications, his listening would be permissible, as explained above....

R. Dorff and Gary p. 19-20

Thus, if the candidate has some negative qualities vis-à-vis the school or job for which s/he is applying, but they do not rise to the level of completely disqualifying the person or making it dangerous for the school to admit him/her or for the employer to hire her/him, then the evaluator can and should say, if it is true, that the person will benefit from the kind of support that the school or employer can give him/her in carrying out the required tasks. Many schools now offer such support to students with special needs, and, in part because of the Americans with Disabilities Act, more and more employers are making accommodations for some forms of disability as well. So evaluators should definitely identify whatever negative qualities will affect the job or academic performance of the candidate, but they should also note when specific forms of support can enable him/her to succeed in the school or job for which s/he is applying.

- One tension in this material is distinguishing between the force of law (forbidden and permitted actions) and moral action (right and wrong). Taking into account the importance of telling the truth and the need to protect others from making dangerous choices, what might be the right way to talk about a person's past experience?
- One motivation for writing the paper was reacting against the trend where companies do not give any reference other than proof that the person worked at the company. What motivates the ethical desire to
- Is the final passage good advice? How would you hear that as an employer?

Appendix: III Permissions to Lie

I: Tact

Talmud Bavli Ketubbot 16b-17a

What words must be used when dancing before the bride? The School of Hillel said: "Say, 'O bride, beautiful and gracious.'" The School of Shammai said: "If she is lame or blind, is one to say, 'O bride, beautiful and gracious'? Does it not say in the Torah, 'Keep far from lying'?" (Exod. 23:7). The Hillelites said, "Then, if someone makes a bad purchase in the market, is one to commend it or run it down? Surely one should commend it." Hence the wise say, "Always make your disposition sympathetic to that of your neighbor."

תנו רבנן: כיצד מרקדין לפני הכלה?
בית שמאי אומרים: כלה כמות שהיא,
ובית הלל אומרים: כלה נאה וחסודה.
אמרו להן ב"ש לב"ה: הרי שהיתה
חיגרת או סומא, אומרי' לה, כלה נאה
וחסודה? והתורה אמרה: (שמות כ"ג)
מדבר שקר תרחק אמרו להם ב"ה
לב"ש: לדבריכם, מי שלקח מקח רע מן
השוק, ישבחנו בעיניו או יגננו בעיניו?
הוי אומר: ישבחנו בעיניו, מכאן אמרו
חכמים: לעולם תהא דעתו של אדם
מעורבת עם הבריות.

II: Maintaining Peace

Talmud Bavli Yevamot 65b (summary from p. 26)

A second exception to the requirement to tell the truth is when one is engaged in an effort to bring peace. The Rabbis

תלנוד בבלי יבמות סה:
א"ר אילעא משום רבי אלעזר בר'
שמעון מותר לו לאדם לשנות בדבר

deduce this exception from the very words of God, who changed Sarah's words to say that she was worried that she was too old to have children rather than that Abraham was too old; from the lie Joseph's brothers told Joseph after Jacob's death to try to attain his forgiveness and peace among the brothers; and from God's advice to Samuel to lie to Saul that he was coming to bring a sacrifice even though his real purpose was to tell him that God had decided to wrest the throne from him and give it to David.	השלום שנאמר אביך צוה וגו' כה תאמרו ליוסף אנא שא נא וגו' ר' נתן אומר מצוה שנאמר ויאמר שמואל איך אלך ושמע שאול והרגני וגו' דבי רבי ישמעאל תנא גדול השלום שאף הקדוש ברוך הוא שינה בו דמעיקרא כתיב ואדוני זקן ולבסוף כתיב ואני זקנתי:
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III: Maintaining Hope

Talmud Bavli Mo'ed Katan 26b Our Rabbis taught: If the close relative of a sick person dies, we do not inform the sick person lest he be emotionally overwhelmed (<i>titaref da'ato</i>).	תלמוד בבלי כו: תנו רבנן: חולה שמת לו מת - אין מודיעין אותו שמת, שמא תטרף דעתו עליו.
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What sort of situations would invoke these exceptions? Do you think they affect the giving of references and recommendations?