**Racism and Prejudice in Halakhah and Hashkafa**

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58 min.

The topic of Jews and group identity is a complicated one. And especially in these *parshas* we just read about the creation of the Jewish people, as an entity as a *mamleches* *kohanim* and *goy kadosh*, as a holy nation that’s meant to represent something, it brings up the question of just how much do we view things through a group identity lens, and it’s striking to note that in yesterday’s *parasha,* in *Parshas* *Yisro* we find a number of commentaries emphasizing that shouldn’t be the focus even within the context of that *parasha*.

So, for example, there is the statement of the *Orach Chayyim* at the beginning of the *parasha*, where the *Orach Chayyim* emphasizes that even though people like to brag about Jews being smart, the *parasha* is named after a non-Jewish individual who came up with a smart idea. And perhaps the Torah is trying to emphasize that we’re not looking to claim any type of inherent attributes to the Jewish people. It’s not about whether we’re smart or anything else, but it’s about a commitment to a values system that has created this identity of the Jewish people. And indeed, the *Oznaim L’Torah* … when the *parasha* later on talks about the Jews forming one entity at *Har Sinai*, that he emphasizes, we know Rashi’s comment that they are *k’ish echad b’lev echad,* that they’re all as one person. And the *Oznaim L’Torah* emphasizes the idea that what joined the Jews at that time was a values system, more than anything else. Not really any other attribute other than the fact that they were committing together at that time to stick to a shared code of ethics, a shared religious system. That’s what created this group entity.

And certainly, it’s not something that should give rise to any feeling of superiority or of any allowance of any kind of disparagement of any other group, especially on racial terms. And we find that gedolim such as Rav Moshe Feinstein, and Rav Yaakov Kamenetzky both wrote in their writings very strong statements against any type of racism, Rav Moshe Feinstein had a letter, where he was talking about Ethiopian Jewry, and he was horrified at the thought that anyone would make any distinction based on skin color. And Rav Yaakov Kamenetzky in his comments on *Chumash* in *Parshas Noach*, and elsewhere, emphasizes very strongly how any attitude of racism is completely antithetical to the Torah system. And he and others point to a Gemara in *Maseches Sanhedrin*, on *daf lamed zayin* (37), where the Gemara tells us that the reason that humanity was created as a single individual was so that nobody would be able to claim to anyone else, “well I come from a superior group to yours, I’m descended from someone who was greater than your descendent.” And in order to discourage that type of mentality, and to imprint at the very beginning of history that that’s not an acceptable approach, humanity is created from the single individual and that should be the message, that’s a part of the theme.

So, we find various messages philosophically and *hashkafically* about how problematic and how antithetical to Torah values racism is. I’d like to explore more a little bit from a *halakhic* perspective because it’s not often noted, not often paid attention to the fact that there are significant *halakhic* principles that are at stake here as well, and just to spend a few minutes calling attention to that.

One area to note to begin with, is the area of *Lashon Hara*. Now we know, we’re all very familiar with the fact that we’re not supposed to talk loosely or casually about any individual, in a disparaging way. And yet, for some reason we sometimes get the impression that if we were to speak about a group of people, that that’s better. And perhaps the mentality comes from the notion that if you’re speaking about a group and any individual is offended, so you can always say, “well I wasn’t talking about you, I was talking about all the others, you’re the exception.” Maybe that’s the reason one gets into that mentality. But the fact is if we think about it for a minute we realize that really it’s the opposite that’s the case. That, if when it comes to *Lashon Hara*, we have to worry that if we talk about any individual perhaps we are inflicting unjust harm, perhaps were putting them in a position of being disparaged, that’s not justified. So, all the more so, that is true if you are speaking about a group of people. The chances that you are saying something that is going to be harmful on a level that’s not deserved or warranted, is much greater, it’s something we can really figure out on our own, if we think about it for a minute. But we don’t have to look too far to find it in the *halakhic* sources. So, what do you expect, the *Chofetz Chayyim* writes this, it’s here its source number one I believe, where he talks about just as an example, a city, but he makes the point that if someone is talking about a larger group of people, this is in *Hilchos Lashon Hara*, in *klal yud, seif yud beis*, than there’s no question that there is a greater *aveira* of *Lashon Hara*, once one talks about a group rather than an individual. And there’s a certain point that this is an idea that is found in various *midrashim*, that’s found in various *sefarim*, of the *rishonim*, that we find throughout *Tanakh*, that figures such as *Moshe Rabbenu* and *Yeshayahu HaNavi* and others are criticized, are called to task because sometimes they would speak about people as a whole, and there are necessarily going to be people within that group who don’t deserve whatever it is they’re saying. And that should be a problem of unjust disparagement that should be a problem of *Lashon Hara*. So that’s the idea, that we find reflected in the *Chofetz Chayyim* and elsewhere.

And we can understand again why that is. That if when we speak about a person, so we’re worried that we’re not being fair, the chances that we’re not getting the whole picture in whatever detail we focus on is there when considering the individual. So, certainly all the more so, it’s true when you’re talking about a group of people, the chances that you’re disparaging people as individuals who are completely outside the scope of what you’re saying is inevitable. That’s for sure the case. And there are number of commentaries in the *Chofetz Chayyim* in the past few decades since the *Chofetz Chayyim* came out and made such an impact on the world. There are many many commentaries that have been written on the *Chofetz Chayyim*, that’s increasing every year. I have a whole shelf on my wall right now all just devoted to commentaries in the *Chofetz Chayyim*. So many of them explain a little bit more what’s going on here, what exactly is the issue. So, for example, one of the earlier commentaries in the *Chofetz Chayyim*, one that is the elder among the commentaries, a *sefer* called, *Nesiv Chayyim, Zerach Chayyim* its one of those three-part *sefarim* like the *Chofetz Chayyim* itself. So, it’s a number of titles, written by Reb Moshe Kaufman, so he notes that we understand that when people make such comments they’re not talking about every individual. They’re talking generalistically, they’re talking collectively. But still that’s the point, he says if one were to be claiming that they’re talking about every single member of a group, that of course it would be *Lashon Hara*, then it’s clearly *Lashon Hara* times however many members there are in that group. But the point is that even when one knows that he’s not talking about an entire group he’s talking about whatever, *al pi rov*, whatever kind of number he thinks he’s taking about, doesn’t change the fact that that is still going to be *Lashon Hara*. Even though he’ll tell you right out that he doesn’t think that what he’s saying is referring to everyone. And other commentaries are, more recently, is the commentary called the *Rigshei Chayyim* who takes his point a little bit further. And he notes that even if someone is explicit and says, “I know that there are many exceptions to what I’m talking about,” but still talking in a general sense, they think such and such is true…so that’s still going to be a problem because you are casting disparagement on the group as a whole, it doesn’t matter that you are excluding however many individuals from the group. The fact is that everyone deserves to be looked at as an individual, not to be claimed as a part of any kind of group identity, when you are assessing them.

My friend Rabbi Isaac Rice called my attention to a comment that can be found in the *Mesivta Pirkei Avos*, Mishna in *Pirkei Avos* which says, *heve dan et kol ha adam lchaf zchus*, so there’s a lot of discussion as to why the Mishna has the language of *kol HA adam*, you’d think it should just say *Kol Adam* - you should judge everybody. So in this *sefer*, it quotes from the *sefer* *Mussar Avos*, that focuses not so much on that but the question why it says *KOL Ha Adam*, why not say *heve dan adam lchaf zchus*, why does it say *KOL adam*, and he writes there that there is a tendency sometimes people have, when they have a bad experience with someone to say, “oh they’re all like that, everybody has this trait,” and that’s something they can extrapolate from the individual to some kind of a larger group. And therefore, the Mishna takes pains to emphasize that you should look at everybody individually, and not see them as connected to any kind of a group with which you might want to form any type of judgement.

There is also an interesting observation the same *sefer Nesiv Chayyim* that we mentioned before of Rabbi Kaufman, where he notes that it’s interesting that the *Chofetz Chayyim* claims that this is *Lashon Harah*. Because he thinks that really it should be called *avak* *Lashon Harah*, that we find in *Hilchos Lashon Harah* that there are different categories, that the pure *Lashon Harah* *min haTorah* is called, *Lashon Harah*, and that *Avak* *Lashon Harah* is really second-degree *Lashon Harah*. *Lashon Harah* that’s at a remove. Even though they’ll comment in a moment on some of the cases of *avak* *Lashon Harah* are possibly more damaging than straight out *Lashon Harah*. But nonetheless it’s a different level to some of the *rishonim*, there’s a difference coming in the *rishonim* as how you exactly translate this term *avak* *Lashon Harah*. But some of the *rishonim* understand that *avak* *Lashon Harah* is the way the Rambam understands it, that *avak* *Lashon Harah*, is a generality, which will cause damage even though you’re not being specific.

So, for example, normal *Lashon Harah* is you say, “so and so is such and such, did such and such.” And *avak* *Lashon Harah*, is “oh don’t get me started on that guy, you should just know, it’s amazing that guy turned out okay, considering what happened.” So, whatever you say, you don’t specify what it is that the criticism is, and the truth is, if you’d ask me, I think that *avak* *Lashon Harah* is more damaging than *Lashon Harah*, when you make a specific claim, so then there’s room to evaluate it. When you just say “oh don’t get me started on this guy, you don’t want to know what there is to say about so and so, whew. It’s a miracle we’re still here.” That’s not going to be easily addressed. And it’s more insidious, it creates a greater damage. So as far as the effect, whether or not it’s a prohibition on the same level, it seems to be more dangerous, in some ways, then straight-out *Lashon Harah*. But in any event, so the *Nesiv Chayyim* asks, that this sounds like it’s really in the category of *avak* *Lashon Harah*. You’re not saying about any individual specifically. You’re saying something in the general way. So, why shouldn’t we call that *avak* *Lashon Harah*? He tries to explain, why it is *Lashon Harah*. And he gives an interesting comparison. He says if I were to tell you that something bad is true about so and so, an individual. So that’s normal *Lashon Harah*. Let’s say if I were to tell you this without naming the individual. So were just saying a certain individual, something bad about that person. So, theoretically, that’s less problematic because you can’t assign it to any given person. So, you feel a little bit less problematic in that context. Let’s say it’s a person who you would name, but the person you’re talking to, they don’t know this person at all. So, they’re never going to interact with this person. So theoretically that’s not very different than not knowing the name at all if they have no connection or involvement with that person.

Then he goes on to postulate what if the person is a well-known figure, a celebrity of some sort. So, the person you’re talking to doesn’t actually know this individual, and may never interact with this individual, but they have an image, in the mind, of who this individual is. So now, by saying what you’re saying, you are going to harm that image, you’re going to disparage that picture, which is abstract to begin with, and that’s damaging. That’s something that really should be categorized as genuine *Lashon Harah*. So, he thinks that that’s true here as well, that when you’re talking about a group of people, even though again, there is that possibility of separating out any individual from the group, still you’re creating an image about that entire group, you’re creating a disparaging effect. And therefore, that’s not only *avak* *Lashon Harah*, its genuine *Lashon Harah*. The truth is that it has the severity of both, as he indicated a few minutes ago. *Avak* *Lashon Harah* in some ways is more damaging, is more insidious, both because it’s very hard to refute, because you could always say you’re talking about something else. But also because of this way that It has this kind of reverse impact, in how you think “oh it’s okay, I’m not talking about you, I’m talking about all the other people,” that it has a way of working an even greater harm, and perhaps there is both there. There is the genuine *Lashon Harah* in the full sense, and there is *avak* *Lashon Harah*. Both of them are dangerous.

Some of the commentaries in the *Chofetz Chayyim* only came out in the past few months, this is a continuing endeavor, so one that just came out very recently, it’s too big to put on my shelf, a big *sefer*, called the *Imrei* *Siach*, so he has another comment on the *Chofetz Chayyim’s* point here. And he says that he thinks part of the *chiddush* is that somebody might think that they’re doing something good, by making this comment. That maybe there defending somebody, that they’re saying, “Okay, you know, you should know that this individual the reason that they are the way they are is because they’re a part of this group, and there’s a lot of pressure to be that way, and that’s what puts them at this point, and you should give them credit, for trying to overcome that,” or whatever it is. So, his point that even if you think you’re helping with that kind of comment, but you’re disparaging everybody else in the group, and that’s essentially what the *Chofetz Chayyim* is coming to tell us. That that’s not at all a defense, that that’s still something that is damaging, and that’s still something that we have to worry about.

When we talk about the *Hilchos* *Lashon Harah*, from this perspective, then there is another detail that makes it actually also much more severe. Something that we really have to be concerned about, that there is in general a problem when it comes to *Lashon Harah*, we’ve probably discussed it this year in other contexts, the questions of how exactly do you do *teshuva* for *Lashon Harah*, there are all kinds of challenges to doing teshuva for *Lashon Harah*. Part of it is that it’s hard to undo the damage, if not impossible. Sometimes part of the problem is that the person you spoke about doesn’t know that you spoke about them, and in order to try to address it you’re going to have to tell them and cause them pain. Now it’s a topic of a well-known *machlokes* between Reb Yisroel Salanter and the *Chofetz Chayyim*, there are all kinds of challenges that come up when we try to undo the harm of *Lashon Harah*. We try to do *teshuva*, so when you speak about a group you have a real profound challenge, because the question is how do you ever find all the people who you hurt, how do you ever find all the people who you disparaged? And undo that. So that’s very tricky. So, it leaves us with the question so what exactly do you do? So that’s part of the reason, as we see, there are many reasons, but its part of the reason why *Lashon Harah* is a good *aveira* to avoid. Because it’s really complicated to try to undo. And that’s why we find that this is really an area where an ounce of prevention is worth a pound of cure because there is a profound challenge in trying to undo it. And therefore, we should… a ton of cure, yeah it’s worth a lot of cure. So, it’s something that we should try to be very careful…

A very quick question, we should probably leave questions to the end, but we’ll come back to it.

So that’s something to keep in mind, that’s a major consideration, just how difficult it is. How do you fix it when you cause harm to a large group of people? It’s not so clear how to address that. The Gemara brings it up in another context, the Gemara talks about if somebody had dishonest business practices, let’s say they had weights or measures in their store that were mis-calibrated so basically everybody who passed through the store was cheated, so the question how do you *teshuva* for that, you can’t track down all the people who came through your store during this time? So, the Gemara addresses how do you try to do *teshuva* for that? When you steal money, to do *teshuva*, you’re supposed to try to return the money,

How are you going to be able to do that in that context? So, the Gemara talks about a possible suggestion, maybe you have to try to help the public as a whole, you have to try to donate to the public welfare, you have to kind of view things ironically in this case as a group, so you hurt the group, you try to figure out how to help the group or whatever it is, but that’s one of the suggestions you’d find in that context. Of how to address a harm that was done to a lot of people. In terms of *Lashon Harah*, specifically, and even when it comes to individuals, the Rav Soloveitchik in his sefer on the Rambam, *Sefer Mada*, so he discusses that discussion that we mentioned before between Rav Yisroel Salanter and the *Chofetz Chayyim* about what do you do if you’ve spoken about someone who doesn’t know about it, and for that reason it’s difficult for you to approach the person and ask them for forgiveness.

So, there he suggests that perhaps you can’t for *mechila*, maybe you can try to counteract the damage, you can try to say positive things that will offset the negative things that you’ve said. But that kind of advice is easier said than said, it’s not really so easy to undo the damage. Again, this the kind of *aveira*, that you would certainly be wise to avoid.

Now, it’s also important to point out that at the same time it doesn’t mean that it’s never justified, and we do find sometimes statements in *Chazal* or in the Torah itself that seem to address groups. What it means, this is something that *Sefer…Yoetz* discuses at length, because he emphasizes very strongly, Rav Papa, he emphasizes very strongly the *Lashon Harah* damage that can happen when one speaks about groups. So, at the same time he notes that there are sometimes statements that seem to talk about an entire city or the like, so he tries to figure out what the *toeles* theoretically could be, maybe there was some public need. But, still something that comes with tremendous consequences, and just like dealing with *Lashon Harah*, as an individual, so sometimes there’s a calculation, and sometimes there are other factors, but the same time, so there are other elements that have to be very strongly concerned, they have to be very strongly worried about, and in that situation from that plane, it’s something that we find is similar to *Lashon Harah*, about an individual.

It’s also worth pointing out that some of the contemporary sefarim observe that this could also happen the other way, that let’s say you were talking to an individual and you want to insult that individual by saying “oh you’re terrible, your actions are such and such,” and you want to use a group identity to disparage the single individual, that you’re talking to. That of course is also quite problematic, it of course is also an act of *Lashon Harah* by using whatever group identity as an insult, so you’re casting aspersions on that whole group just as a tool to look at one person. So that is…

So, let’s get to *Hona’as D’varim* in a second, that’s the other half of it.

But while you’re doing that, so you’re disparaging the people who aren’t in the room at the same time, and that’s a significant issue also. Just while were talking about *Lashon Harah*, while we’re talking *Lashon Harah* here, so we should also add that one might question, since some of the people who you might be disparaging this way may not be Jewish, so maybe the question is come to your mind, so do the prohibitions of *Lashon Harah* apply when talking about non-Jews as well?

So, I think the answer is yes, there’s a *midrash* along these lines, which I think is here…Yeah it’s in source number four…and there are other statements in the earlier sources as well, that suggest that *Lashon Harah* is prohibited no matter who you’re talking about. And it’s a discussion in the later *sefarim* whether this is the same prohibition, whether it’s connected to the prohibition, and the *Orchos Chayyim*, the *Rosh* has a statement along these lines as well, Rav Chayyim Kanievesky in his commentary on that *sefer* understands it to be the same prohibition, that this is something which is included, doesn’t necessarily distinguish between Jew and non-Jew. And you can understand why, that if the issue with *Lashon Harah* as we’ve understood it here in another context, is that it’s not fair judgement that you’re causing harm to people, that is not deserved, then it shouldn’t really distinguish, it depends exactly what kind of *Lashon Harah* it is perhaps, but at least in the broad sense, the *Lashon Harah* that’s going to cast unjustified harm on people, so it shouldn’t really matter who you’re talking about. There’s a discussion about this in a number of contemporary *sefarim*. As to whether, whether again it’s the same mitzvah as *Lashon Harah* whether it’s a general *middos* issue, which really shouldn’t differentiate too much. Whether it is an issue of causing anguish to any human being, which itself is a prohibition. So, all of that seems to dictate that on one level or another, the mentality of *Lashon Harah*, at least, the mindset of *Lashon Harah*, certainly is something which is relevant no matter who it is you’re talking about.

Among the problems with *Lashon Harah*, in general, the question of why *Lashon Harah* should ever be prohibited, what exactly is the issue? So, one of the issues that comes along with *Lashon Harah* is that you’ve caused people to suffer harm. Not just that you are depriving them of their reputations, but you’ve caused other problems, and other situations that could evolve from whatever you’re saying, whether it’s a direct connection, somebody is guilty of this, so they should be treated in such and such a fashion, or it’s more indirect, it just becomes easier to believe other things about people once you start knocking down the walls a little bit. So, all of this is inherent in the issue of *Lashon Harah*. And it’s clear that that’s all the more true, and history points it out if we don’t see it right away, how that is one of the major issues when making comments about groups, about entire populations. So, you begin to dehumanize that population, you begin to characterize them on a level where they’re not entitled to whatever protections everyone else is entitled to. They’re not entitled to the benefit of the doubt the way other people are. And that ends up having such consequences, that is, causing actual physical harm, and other types of harm to the people you’re talking about. So, the idea that *Lashon Harah* carries with it this component, again is all the more true, when you talk on a mass level, when you talk about people in generalities. So, it’s true about the harm that others may do to individuals, and to groups, because of that. And it’s true also about the way people see themselves, so there is a concept called stereotype threat, there’s a book called *Whistling Vivaldi*, it was written by Claude Seal a few years ago, where he documents throughout the book, about how people when they’re subjected to stereotypes so they sometimes become self-fulfilling prophecies, they create a situation where its very hard to sometimes feel like you can break free of that. Ant therefore there’s all kinds of harm, there’s harm that comes from the outside, there’s harm that comes from the inside, and all of these come along, with any type of characterization in that sense. And that’s also something that you have to be very seriously worried about.

So, all of that has to do with talking about people, people who may or may not necessarily be in the room with you at the time. Talking about them, in such ways runs the risk of serious and perhaps irreversible prohibitions of *Lashon Harah*. And that’s a problematic enough. That’s one of the components of what we talk about, when we refer to racism. Racism, nowadays, becomes a very broad term, but racism and prejudice become very broad terms, but the truth is they really complex phenomena that involve many different types of actions, and many different types of concerns, so one of them is how you talk about people who aren’t there, and all of the attendant issues that come along with that. And often those are connected to principles of what we see in the area of *Lashon Harah*.

But, as you alluded to there’s also another very serious Torah prohibition, that could be involved if you’re speaking directly to somebody, when you speak to somebody, in a disparaging way, so there is a specific Torah value and Torah prohibition that’s connected to that, which is mentioned, is called the prohibition of *Hona’as D’varim*, the Torah in *Parshas Behar* tells us that we’re not supposed to oppress people, we’re not supposed to afflict people. And that’s a term that the Mishna explains *Hona’as D’varim*, causing people to feel pain that is unnecessary, and unjustified, in an emotional sense. And, the Mishna tells us examples of what does that, if you talk to somebody about their past, if you talk to somebody about their parents past, if you talk to somebody about anything that is painful, if you use language, the Mishna says, that evokes things that are painful, that brings to mind things that have to do with anguish in the past, anything that’s a part of your language in how you relate to somebody, that causes them emotional pain, in ways that are not directly crucial to whatever situation is in front of you, so then that’s a prohibition of *Hona’as D’varim*. When it comes to *Hona’as D’varim*, so there you find that there are a couple of meta-ideas that are involved. What exactly is the nature of the problem of *Hona’as D’varim*? So, the examples in the Mishna provoke a lot of commentary. To try to figure out what exactly is the issue. Is the issue just that you are causing someone to feel emotional *tzaar*, to feel that type of anguish, and that itself a problem in the broader sense? Are there components to that as well? So, for example, there is a big discussion in one of the examples in the Mishna, is if you go into a store and you ask how much something costs, and you have no intention whatsoever of buying it, you hadn’t even considered buying the item, so that’s a problem of *Hona’as D’varim*. So, the commentaries have many different theories as to what the issue is. It’s most commonly understood that the issue is one of disappointment, that you get the hopes up of the salesperson and then you don’t intend to follow through.

But there are probably added elements here as well. So, for example Reb David Bleich wrote about this in an article in one of the journals many years ago. Others have commented along these lines, that they think that the idea of *Hona’as D’varim* is that you relate to somebody as if they are less than you, you relate to somebody with a mentality that they are inferior that they’re there to help you only, and that they’re there to serve you, that’s the problem that comes along with *Hona’as D’varim*. So that example about the store, is reflective of this, because normally if you’re thinking of buying something, you go into a store and ask how much it costs, so there’s some type of mutual relationship there, you’ll tell me how much it is, you’ll take your time out to discuss the product with me, and I’ll possibly buy it from you, maybe you’ll end up benefiting from the interaction. But if I have no interest at all in buying it, and I just tell you, “you got to work for me now, you got to tell me how much it costs, even though you don’t actually work for me, I don’t pay you, so then that its relating to someone else as if they’re just there for your needs, they’re just there to serve your purposes and that’s a whole mentality of seeing somebody else as inferior and perhaps that’s what’s reflected in this idea of *Hona’as D’varim*.

And that’s also something that can come across in all kinds of ways, whether they’re explicit or implicit, the *Sefer Yeraim* writes you can violate *Hona’as D’varim* just the way you look at somebody. You have a countenance that makes people feel bad when you look at them, my father *zichrono levracha* was very *makpid* on this, to quote the *Sefer Yeraim* that you can violate *Hona’as D’varim* in more subtle ways than just saying something. And that’s a part of the mentality here as well. That’s also a part of what we see.

So, it’s also interesting that when the Gemara talks about *Hona’as D’varim*, in *Bava Metzia* in the end of *Perek HaZav*, where it talks about the whole prohibition of *Hona’a*, which usually has other applications in the financial sphere, so in that perek in *Bava Metzia*, the end of the *perek* it talks about *Hona’as D’varim*. So, the Gemara there also says that there is something also that is a very serious prohibition, first the Gemara starts talking about embarrassing people in public, which is one of the most egregious forms of *Hona’as D’varim*, and then the Gemara goes on to say, that there’s also a very serious prohibition and that is referring to somebody by a disparaging nickname. So, the Gemara asks, “Well clearly that’s bad, but why do I need an extra category for that?” So, we just said that embarrassing people is a serious prohibition, so calling somebody by a negative nickname is also embarrassing them. So why do I need a separate category of that? So, the Gemara says that this is to tell you that even if the nickname that you’re using, it’s been in vogue so frequently, that it’s become a custom, that it’s become habituated and it doesn’t any longer necessarily inflict humiliation the way it would have if it was new, if it was just being created, still it’s a separate prohibition that is something that exists in and of itself apart from any type of embarrassment that it may inflict, which is a fascinating idea.

It seems to be though what the Gemara is saying, is that when you cut somebody off from their identity, from their individual identity, by using a name that’s not their own, then that’s a problem, even separate from the fact that it also causes humiliation. It’s an interesting discussion in the *rishonim*, it sounds like the Gemara is talking about negative nicknames, there’s some positions in the *rishonim* that even if it is talking about positive nicknames, you’re potentially going to run into problems. And that seems to reflect this idea, that it’s not only about the embarrassment, but it’s about disassociating someone from their identity. That that is a serious concern, and that’s something that also we have to keep in mind. Sometimes people as individuals like a nickname, it’s a different story. But just to be aware of the issues that come along with it. That’s a part of what this Gemara is conveying to us, that it’s also a very serious consideration.

So, part of how we talk to people, not only how we talk about people, but how we talk to people, there are some very significant concepts that are relevant. And also, there is a meta-value, which the Gemara mentions in a number of places, four of five places, that there is a notion of *kavod habrios*. That there is a *halakhic* value of human dignity, and that value is so huge that it impacts many other *halakhic* details. That sometimes if there’s a conflict, the Gemara has a whole system to figure out how you work out clashes. But that there is a very significant weight given to human dignity. Given that *kavod habrios*, and the notion of *kavod habrios* like the Mishna tells us in *Pirkei Avos*, is a function of the fact that *adam nivra btzelem*, that humanity, all of humanity is created in the image of God. And therefore, as a recognition of that, it’s crucial that we treat everybody with, and again, it doesn’t seem as any reason to distinguish between Jews and non-Jews, that there’s is this core value of *kavod habrios* that emanates from the recognition of being created *btzelem elokim*. And the Mishna also in *Pirkei Avos*, a little bit later, tells us therefore *al t’hiye vaz l’kol adam,* that one should not disparage any person, because again, that’s a reflection of the fact that they are created *bezelem elokim*, it’s also fascinating that there is a *machlokes* in the Mishna, *machlokes* in the *midrash* rather, there’s a *midrash* that has a back and forth, which were not always so familiar with, because we only know part of it. That we have a principle of *v’ahavta l’re’acha kamocha*, a beautiful idea as well, one of our central values. And it’s such a central value, that the Gemara says *ze klal gadol batorah* that this is a central value in the Torah. *Klal gadol* doesn’t mean it’s a big mitzvah, it’s not saying “oh that’s a good one.” A *klal* means that it’s a principle, means that it’s an idea, which again, is a meta-value, goes beyond any specific details of its own instruction, and it’s something that informs everything else. It’s something that is in the background. Now when you look at other *mitzvos* and you make other decisions, this notion of the *v’ahavta l’re’acha kamocha* is part of that calculation, is a part of that backdrop. So, that *klal gadol batorah*, so we know that’s Rabbi Akiva’s statement. Rabbi Akiva said *v’ahavta l’re’acha kamocha* *ze klal gadol batorah*. But the *midrash* goes on to say, I think this should also be here, probably, that yeah, this is source 18, right, so Ben Azzai said, well he likes that *Pasuk* *v’ahavta l’re’acha kamocha,* is a good one, but I have even a better one…

Eight, what did I say, eighteen, so the next sheet, you don’t have source eighteen, oh my gosh, alright so yeah source eight… yeah I know…

So, source eight…which has, sorry…yes, exactly, so like a gematria, so the last source, here, the last line of it, Rabbi Akiva says that *klal gadol baTorah*, and *ben Azzai amar ze sefer toldos adam, ze klal gadol mizeh* the *Pasuk* in *Parshas Bereishis* is even better than *v’ahavta l’re’acha kamocha*. And that is *ze sefer toldos adam,* that the joint creation of all of humanity at the beginning of history, that is even greater than *v’ahavta l’re’acha kamocha*. As you can imagine there are many many *meforshim* who try to figure out what exactly this *machlokes* is about, to the extent that it is a *machlokes*. I say to the extent that it is a *machlokes* because it’s not like Ben Azzai is saying no *v’ahavta l’re’acha kamocha*, I don’t like that one, forget about that, he’s saying, *ze klal gadol mi ze* that this is even greater, that’s a tremendous *klal*, and I’ll go you one better, that is also the *sefer toldos Adam*, which takes it’s a different level. So, some understand that the nature of the *machlokes* is that *v’ahavta l’re’acha kamocha* it’s a big discussion whether that is something that is specifically about Jews or not, there are some that suggest that it’s not only about Jews, it talks about the whole world, but even were one to assume that it is, still certainly the *pasuk ze sefer toldos adam* is addressing all of humanity, so as a *klal* as something that we keep in mind as we interact with everybody, the recognition that that shared humanity has to be a part of the mentality, so that is a very major element as well.

And as we consider some of the other factors, so we see that there is an issue, and we talked about these component parts of racism, so there’s an issue in how you talk about people, and there’s an issue in how you talk to people, so what about things that aren’t related to talk?

What about how you think about people? Is there an issue of a thought crime so to speak? Is there an issue that thinking about someone in a negative way, does that violate any prohibitions? So, the truth is complicated, but very possibly yes. And we have to figure out exactly, what to do with that. But when it comes to *Lashon Harah*, to go back to that model, so we find that *Lashon Harah* has another prohibition that comes along with it. And it’s a surprising one. And that is the prohibition of *Kabbalas* *Lashon Harah*, that not only are we not supposed to talk badly about others, but were not supposed to receive *Lashon Harah*, which is a fascinating concept which deserves a lot of attention in of itself, because if you were to say that *Lashon Harah* is not only a prohibition for the speaker, but also for the one receiving, you could hear that, you could say that it’s something that logically, emerges from the fact that there is a prohibition to speak, so if we don’t want people to engage in such speech, so if there was no audience eventually it would die out. This is going to encourage people to speak further. So, we tell, we should say that not only shouldn’t speak *Lashon Harah*, you also shouldn’t receive it. You also shouldn’t be on the other end. But then okay we wouldn’t need any sources for that, we would just know that the prohibition of *Lashon Harah* should extend to the whole conversation. So, it’s fascinating is that there is an extra *Pasuk* which is in this week’s *parasha*, in *Parshas Mishpatim*, so the Torah tells us, *lo sisa shem la shav*, that were not allowed, to explain, try to translate the *Pasuk* in a second, but the Gemara in *Pesachim* tells us that’s the source for the prohibition of *Kabbalas* *Lashon Harah*, that we shouldn’t receive *Lashon Harah*. So, the idea of a specific source from somewhere else in the Torah telling us that we shouldn’t be on the receiving end is itself striking. Because you might say why is that necessary? And what’s even more striking is that the Gemara over there in *Pesachim* seems to have an opinion that not only is that source there in and of itself, but maybe that’s the main source, that it’s not that the one who’s listening is helping out the speaker, is an accessory to his crime, but maybe it’s the other way around, that the real crime is in the listening, is in the receiving, I should say listening is a more passive act, but is in the receiving. And the speaker is the accessory, that the real issue is that one takes in the mindset of the disparagement. And the one who is speaking is making it possible is giving that information, but the real transgression comes in the way the information is processed. So that’s a fascinating idea. It seems to suggest that there is a real issue here not just that what you’re saying, but how you relate to others, and it has to do also with the injustice of it, the unfairness of it. It’s also striking, I mentioned we didn’t really translate the *Pasuk*, again when you’re listening to *leining* this week, you’ll see that it’s a difficult *Pasuk* to translate*, lo sisa shem la shav* that you should not uphold, you should not bear a report, *shem*  is a report, that is *shav.* So, what does *shav* mean? So *shav*  we had in this week’s, this past week’s *parasha* also. *Shav* we often translate as unnecessary, so it could be that’s why it’s in the context of *Lashon Harah*, a report that is unnecessary, but is negative about someone, you shouldn’t accept. But many of the big *rishonim*, like Rashi, and also Onkelos has this, they translate *shav* as *sheker*, and the idea is you shouldn’t accept a false report. And that’s a difficult idea, because when we refer to *Lashon Harah*, so were always taught that *Lashon Harah* refers even to things that are true, you’re saying something that is true about someone, you’re still in violation of *Lashon Harah*. So, its striking that the *Pasuk* which the Gemara says in *Pesachim* is the source for the prohibition to receive *Lashon Harah*, is apparently translated as “don’t accept a false report.” So why is it referring to a false report?

So, Rabbenu Yona writes over there, Rabbenu Yona writes in *Shaarei* *Teshuva*, that he thinks you have to add in a word in the translation, that it means don’t accept a report that is *safek sheker*, that if something you know is not true, you don’t need the Torah to tell you don’t accept something that you know is false. You’re not going to take it if you know it’s not true. But the point is that even if it is *safek sheker*, meaning that who knows if it’s true or not, but its easier just to assume that tis true, so that’s our human tendency, to assume things are true if they might be true. So, therefore the Torah emphasizes “no, that if there’s a chance that it’s not true, if there’s a possibility that what you’re hearing is false, so then it’s your responsibility as listener to be careful of that.”

That *Sefer HaChinuch* associates that with another *Pasuk* in this week’s *parasha*, this is the idea of *midvar sheker tirchak* that we’re told stay far away from falsehood. And all the *meforshim* try to figure out if the Torah wants to prohibit falsehood, it could just say “don’t” – we have four different words in the Torah, the Gemara says that there are four different words the Torah uses to prohibit something *hishamer lach, pen, al* – so what is *tirchak*? Say, “stay away from something.” What does that mean? There’s a whole discussion in the commentary. The *Sefer HaChinuch* says that it’s so bad that you’re told to stay far away from *sheker*, means don’t even be on the receiving end of *sheker*, don’t even get something told to you that is false, that if people are telling you things that are not accurate, it’s your responsibility to not even allow that to come into your consciousness as the recipient. And that he understands that idea of *lo sisa shem la shav* that way as well, that we have an obligation to try to be discerning listeners, and to recognize when things that are being told to us are not true are not fair, or not just.

And even without these interpretations, this idea of *lo sisa shem la shav* seems to reflect the fact that even when people think they’re saying that are factual, so often there are elements that are not, there’s a picture that’s created that is unfair, and the Torah is telling us that we have an obligation as the consumer, as the listener, to be sensitive to that, we need to be aware of that. So, it’s very striking, if we say that this is the core issue when it comes to *Lashon Harah*. So, it suggests that really that’s the nature of the problem, the perception that we have of others that is not fair, that is not justified or warranted, that is negative in a way that hurts people, and that isn’t justified, by anything – so that’s really the issue. And we’re worried that our speech is going to enable that. That our speech is going to cause that. Now, clearly on the other hand it’s much harder for people to address this, it’s something that exists below the surface, and that’s something that takes a much more concerted effort to try to rectify. But nonetheless, is it possible that this is an issue? Is it possible that it’s not only how we speak but we how we think? That is also the concern of *Halakha* and *Hashkafah* it definitely is possible. It’s something that we need to be aware of. So with those introductions, essentially, so I want to just emphasize two different halves of the coin, that first of all, I think all of these points make it clear that there are very serious issues in the component parts of racism again we use that term so broadly but in terms of how we talk about people, how we talk to people, how we think about people, all of this has very serious halachic values that address it, in and of itself.

But it’s also particularly acute that in this day and age at this point in history so we have baruch hashem in the world, realized that racist and prejudiced attitudes have been the cause of so much human suffering, and there is a much more refined perspective of this issue then there ever has been. And there has been tremendous moral advancement in history especially in the past century. Even at the same time as challenges in this area are perhaps more pressing than they have been, but at the same time, there has been much growth and there’s been much enhancement of our human awareness on this issue. And therefore, as a matter of *kiddush hashem* the fact that Jews are on the forefront of all of the advances in morality, so this should be something which we take especially seriously, something which we recognize and in terms of the value of being a *mamleches kohanim* and *goy kadosh* which the *Pasuk* just told us this past weeks *parasha*, that were meant to be a light unto the nations, the language of the *Navi*, so all the more so, this becomes a value which is particularly important, is a very significant, and is something that we should take very seriously.

We should also be aware thought that that responsibility should primarily start with ourselves that we should be very careful in the way that we talk in the way that we think in the way that we interact with people. And in all the things that come along with that. And sometimes the focus shifts a little bit more to what other people are doing, how other people talk or how other people are acting or thinking. And a very aggressive effort to try to judge what other people’s thought processes are. And that’s not necessarily the most productive path. Sometimes that can itself become a type of group identity prejudice that can itself become an unfair judgement. And the fact is that there are very different nuances in the way people think. And I think this is one of the many areas in life where its *kdai* to have a double standard, meaning that in our own behaviour we should try to stick to the highest level of sensitivity and care, in the way we communicate, in the type of language that we use, in the types of ideas that we express. And at the same time, recognize that not everyone is thinking the same way, and sometimes what might mean one thing to us may sometimes be more innocent in somebody else’s usage. And therefore, the mentality that we have to first try to seek out how we can criticize everyone else’s speech is not always the most productive path. And may theoretically also stumble over some of the same issues that we’ve been talking about till now. So hopefully we’ll be able to live up to that double standard. And on the one hand in the way that we put things out there, we will be able to stick to this highest, most elevated level of thinking and communicating. And make that the focus and understand that it’s not always necessarily the most productive to try to direct a very critical eye towards others.

So maybe we’ll just take a quick question…

[inaudible]

Yeah, that’s a little different though, that’s talking about *halachic* categorizations which is not to be referred, to be *avadim* or *ktanim*, that’s not judging them, that’s assigning…

[inaudible]

Oh, a *kna’ani*… [inaudible] right, I thought you said *avadim* and *ktanim*, right, I thought you said *avadim* and *ktanim*, so that’s also like we mentioned before that the *Pal Yoetz* comments on that point in making this context. That there are a number of statements in *Chazal* that we have to figure out exactly what the context is. And the *sefer* *Chofetz Chayyim,* so he publishes at the end a letter from the *Chofetz Yair* that he notes that there are statements in *Chazal* that we don’t often understand exactly how to extrapolate from them, for our behaviors, so that leaves it as an individualized question. It means that in these kinds of contexts, so we have essentially a conflict perhaps because we have *klalim*, we have principles which are clear. And then sometimes we have individual cases where we can’t figure out how to fit the *klalim*. So, sometimes we can figure it out if we work a little bit because like we said, even within normal *Lashon Harah* considerations there are other factors which sometimes explain it. And, if we can’t figure it out, so then, okay we know there’s something we have to figure out, but we know what the *klalim* are. And the general principles are there, so those clearly become the key directive and we have to figure out how every individual example fits in.

[inaudible]

Right, like that’s the context.. right…

Maybe there is, that’s the question, we didn’t necessarily understand it but that’s part of what the *Pal Yoetz*, if you want to take a look, that’s what he addresses, that there are comments that we have to assume that *Chazal* had some reason why they felt it was necessary to emphasize the certain cultural notion, sometimes. But it doesn’t again change the *klalim* so if we have a broad principle and then we have the specific examples, so maybe we’ll be able to figure out how the examples fit in to the principles, maybe we won’t. Maybe if we think a little bit harder we will be able to figure it out. But still we know that there’s conflict between the two, so were left with the *klalim* and that’s our responsibility to follow the principles.

Okay, so maybe we should just try to review what we spoke about then…we’ll see if we have time left for questions, I’m worried about running into the next time slot. So, just to review, we spoke about, so we mentioned first that the *Parshas Yisro* that we just read this past *Shabbos* is a time which calls our attention a little bit to the nature of the group identity of the Jewish people, *mamleches kohanim v’goy kadosh*. And yet at the same time it’s a *parasha* where a number of the *meforshim* are quick to emphasize that whatever bonds us together as a group is a shared value system and really not anything else. And certainly not any in born attributes that we assume that give us superiority to any other group.

We’ve mentioned the comment of the *Orach Chayyim* about *Yisro* getting the name of the *parasha*, we’ve mentioned the comment of the *Oznai’m L’Torah* about the uniting factor of the Jewish people at the time of the giving of the Torah, and we made reference to some strong statements against racism that can be found in the writings of Rav Moshe Feinstein in the 1984 letter. And the writings of R Yaakov Kamenetzky in the *sefer* on the *Chumash* and a few others. And we noted, as Reb Yaakov does, the Gemara in *Maseches Sanhedrin* which tells us that humanity is created from a single individual, so that we would have the mindset that we can’t tell anyone else, “we’re superior to you because we come from a greater ancestor.” And we looked it more from a *halachic* lens that we know that if we’re not supposed to speak badly about individuals so it should logically transfer that we certainly shouldn’t speak about a group.

And yet we probably have this mentality that to any individual who gets offended when we talk about a group, we say, “Oh I wasn’t talking about you I was talking about everyone else.” So, the *Chofetz Chayyim* tells us it’s not the case, when we speak about a larger group, so certainly that is a problem of *Lashon Harah*. On a bigger scale, and the commentaries in the *Chofetz Chayyim* explain why that is, and they note that if you were claiming to talk about every member of that group than for sure it would clearly be greater instances of *Lashon Harah*. But here we’re saying that even when it’s understood that you’re talking about whatever generalities you feel you’re referring to, the fact is that that also constitutes *Lashon Harah*, and that it has a disparaging effect on the entire group, regardless. We mentioned also the comment on the *Sefer Mussar Avos* and the Mishna of *heve dan kol adam l’chaf zchus* that the idea is that everyone should be looked at as an individual, not as some exemplar of a group of people that you had an issue with. And we discussed the question that Reb Chayyim talks about, about why isn’t this characterized rather as *avak Lashon Harah*, as a more general form of *Lashon Harah*, and not something that really takes on the form of the targeted individual *Lashon Harah*. We mentioned how both of those forms really have their own unique damaging attributes, and we mentioned his explanation about how you end up characterising a group that is recognizable to you with a certain disparaging notion and why that should be considered specifically *Lashon Harah* in and of itself. And then we talked about how you fix *Lashon Harah*, how that’s always problematic for many reasons, but it’s an even greater problem when you’re talking about a group, because how in the world are you going to apologize to all of those people? And we mentioned some of the suggestions that you find in other contexts, where the Gemara says about stealing from the public, how you should try to address that, or Reb Aharon Soloveitchik about how you should address *Lashon Harah* when you can’t ask for *mechila* for other reasons.

We talked about how those are possibly suggestions but at the end of the day this is an *aveira* that’s very good to avoid because it’s very hard to really fix.

And then we talked about some other considerations that come here as well. We talked about the question, “what’s the problem with *Lashon Harah* in general?” how it causes unjust harm, and how it inflicts pain upon people beyond what’s being said, and allows other suffering to come from that, and how that’s true both externally and internally. We talked a little bit about stereotype threat and how that’s also an element here, and then we talked about the question of *Lashon Harah* applying to non-Jews, and we took the position that presumably based on some level it does apply to non-Jews, perhaps on every level, at least on some level. And certainly, the mentality applies to bring all of these considerations together with it.

And then we talked about the issue of *Hona’as D’varim* that it’s not only how you speak about people, but certainly how you speak to people and the Mishna gives all these examples, and some of the examples talk about referring to people’s family, referring people’s history, and how its possibly understood from some of the examples that any type of a relationship to the other as somebody who’s less than you, is a part of the mentality of *Hona’as D’varim*…how it’s not even just how you talk, it can be conveyed in other ways, and how the Gemara gives us a sperate category to using disparaging nicknames, that that’s its own type of prohibition even when it doesn’t inflict humiliation. And we suggest that perhaps that has to do with cutting someone off from their identity.

And then we took to the question of *kavod habrios*, *kavod habrios* is a fundamental value in *halacha*, because were all created *btzelem elokim*, how that’s true again about all of humanity, and how the Mishna also goes on to say *al tihye vaz l’kol adam*. And we talked about the two perspectives of Rabbi Akiva and Ben Azzai, what is the *klal gadol ba’Torah*, is it *v’ahavta l’re’acha kamocha* or is it that plus is it also the idea of *ze sefer toldos adam*, which refers to the creation of humanity in a single context.

And then we considered that If it’s not just an issue how you talk about people or to people, is it also an issue of how you think about people? We talked about the value of *Kabbalas Lashon Harah* which seems to address also how we perceive others. And on the one hand, it’s harder to address that but on the other hand its not to say that this is something we are free from having to worry about.

And then we talked about the value of *kiddush hashem* and *chilul hashem* and how especially as this an area which has arisen to the sensitivities of the world in a unique fashion, that this is an area where *mamleches kohanim v’goy kadosh* has to have an even greater sensitivity to.

And then we talked about the question of the double standard that is focus should really start with how we conduct ourselves, and it’s not necessarily always so productive to look to, to assess everyone else. But to work to try to model the idea of *or la goyim* as the *Navi* puts it, to try to model a standard of behavior that will be uplifting and will be elevating and hope that everything else will emerge from there.

I think we’re just about out of time, let’s see if there’s very quick questions so who’s up first, alright…

[inaudible]

Probably not… okay

Probably not…

[inaudible]

Yeah, I would refer you again to the *Chofetz Yair*, that the sefer *Chofetz Chayyim* again at the end prints the *teshuva* of the *Chofetz Yair*, which tries to address things like that already in the Gemara, and in perhaps the *rishonim* as well. So, I would say again use the double standard, because in terms of assessing others we have to assume, especially because we’re talking about *rishonim* were talking about the those who are on a very different level than us, assume that there is a purpose that we may not fully appreciate or that there is a context which is also true. We see for example, this comment has been made about, without mentioning names, about the Rambam’s frequent interlocuter who often expresses his, his…sorry?

Yeah, he often has a way of saying things that’s colorful, and the point probably is that you know there…it’s weird, it’s hard for us, hundreds of years later, to assess just how language comes across.

So, nowadays we have a certain sensitivity, in the way we speak to people, and you can see a phrase from the context, were talking literally hundreds and hundreds of years ago, that it may strike us as very surprising and perhaps it’s a good thing that it strikes us as very surprising. It is a good thing that it strikes us as very surprising. But it’s very hard for us to judge how exactly it came across in that context.

And that’s also again another reason why I think our focus shouldn’t be so much on whoever it is were talking about, why they speak this way, why they speak that way, because there are complexities that are very hard for us to really work out.

So, when there is, just to repeat this point, when there is a tension between the rules that we see, the *klalim* and whatever examples are in front of us, if we can reconcile them, so, good. But if we can’t reconcile them, so then we know the *klalim* are the rules, so the rules are what we’ll try to work with, and we’ll be *dan lchaf zchus*, again I think this…

[Inaudible]

Same thing, its… right, again, that goes back to the double standard point which I think is the wisest path. Again, it doesn’t mean that every example is justifiable, it goes back to other questions, of *heve dan et kol ha’adam lchaf zchus*, right, that comment. So, we mentioned before the Mishna says *heve dan et kol ha’adam lchaf zchus*, so we mentioned, the comment we said before was addressing *kol adam, kol ha’adam*. A lot of the *meforshim* talk about, and they note that *kol ha’adam* is unusual language and they suggest that sometimes there are things in front of us that we can’t figure out how to see positively, no matter what we do.

But we realize *kol ha’adam*, that there’s a context beyond whatever’s in front of us and it’s not our job to judge people and to try to assess them. So, I would emphasize that idea, again. That as far as anybody else, maybe there’s an explanation, maybe there isn’t a good explanation. Maybe there is, maybe there isn’t, we don’t always know. But it’s not so much a productive endeavor to try to assess that in others. So, we know what our responsibilities are, to try to live up to those responsibilities and to focus first on the rules in front of us, and then if we’re able to understand specific examples, then we can… and if we can’t, we can’t. But it doesn’t change what we know are the principles that are laid out in front of us.

Are we going anyone? We have…who else is up here, you were up before…

[Inaudible]

So, it’s a good question, it’s definitely going to take us over time. Just to try to address that very quickly, that’s a part of the complexity here, because sometimes there are valuable things you can learn from data, from what they call “big data.” Nowadays, the fact that you can extrapolate certain things from mass numbers. But there’s a book called *Big Data* that addresses this actually pretty explicitly, the author’s name is Schoenberger. And then there are other books which prove other points, that the one hand, we…that the…name? Victor Schoenberger is his name, right?

That so, to a certain extent there is a value to the aggregate information coming out of here, but the consequence is that sometimes we can lose sight of the fact that any individual is not necessarily subject to that. So, to be able to strike that balance, to be able to figure out how will we get some benefit from whatever data in the aggregate is coming…At the same time, not allow that to color the view that you have of any individual, is a part of the challenge. And I think that’s also why we have to kind of emphasize and reemphasize these points, because there is the risk that the one can overwhelm the other. So, I think that that remains true.

So, maybe well take questions privately because I think we’re just about out of time. I don’t want to delay the next speaker, but thank you all very much, I wish you…