

CLEAN SPEECH UK

PROMOTING POSITIVE SPEECH



WORDS OF STUDY

Study sheets about the power of words and lashon hara

For Shavuot or other occasions



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Clean Speech UK is a collaborative project of Gift and Seed promoting positive speech, through the lens of Jewish wisdom.



CLEAN SPEECH **Tikun Leil Booklet**

Welcome to the Clean Speech Project UK Tikun Leil booklet! We live in a world in which speech is cheap and yet produces very 'costly' impact.

The Clean Speech Project UK runs programmes, events and sessions in 60 schools and communities across the UK about encouraging positive speech and avoiding negative speech. This set of varied shiurim is a great way to educate and inspire people about the use of speech. When giving these shiurim please make reference to the Clean Speech Project UK.

Here's what's in the booklet:

Hashkafic Shiurim: Speech in Jewish thought:

- ▶ The Jewish view of speech
- ▶ The depth of Lashon Hara

Halachic Shiurim: Speech in Jewish law:

- ▶ May I speak Lashon Hara about myself?
- ▶ Nicknames in Halacha



SHIUR ONE

Speech in Jewish Thought

There have never been so many modes and mediums of communication, each with their own niche, icons and style. Emails are not like texts or WhatsApp messages, and neither are like face-to-face conversations. These modes of communication often govern our expectations of and approaches to communication. For example, emails created an expectation of rapid response - no longer was it a case of 'if the boss is on holiday they are uncontactable'! And attention spans can be linked to types of communication too.

In this shiur we will look at Jewish communication – we will explore how the Torah sees the concepts of speech and communication, different to the Western worldview.

SECTION ONE

Outlining The Western view of communication as 'Encoding – Decoding / Conveying a message'

Oxford dictionary: communication is "the imparting or exchanging of information by speaking, writing, or using some other medium."

- ▶ When we communicate, we get a message across – whether that message is intellectual, emotional, instructive, or via speech or nonverbal communication.
- ▶ The popular Western view of communication is the Encoding-Decoding model.
- ▶ The speaker encodes their thoughts in words, and the listener then decodes the words – often in ways that are more suited to the listener than the speaker!

SECTION TWO:

The Jewish view of speech is more Divine than merely 'conveying a message' – in Jewish thought, speech has religious and theological significance, not just functional and interpersonal.

A. We have a tradition that to define a concept, go back to the first time it appears in the Torah. Let's look at early cases of communication in the Torah and see if it fits the Western 'exchanging information' model:

1. Hashem creates the world through speech - Bereishis 1:3

וַיֹּאמֶר אֱלֹהִים יְהִי אוֹר וַיְהִי־אוֹר

And Hashem said 'let there be light' – and there was light

- ▶ As stated in the Mishnah in Pirkei Avos, Hashem created the world in Ten Sayings; He was not speaking to someone – *He created light simultaneously with saying the word 'light.'*

2. Hashem speaks to humankind – Bereishis 2:16

טז) וַיִּצַו ה' אֱלֹקִים עַל־הָאָדָם לֵאמֹר מִכָּל עֵץ־הַגֶּן אָכַל תֹּאכַל
יז) וּמֵעֵץ הַדַּעַת טוֹב וְרָע לֹא תֹאכַל מִמֶּנּוּ כִּי בְיוֹם אֲכָלְךָ מִמֶּנּוּ מוֹת תָּמוּת

And Hashem commanded Adam, saying 'you can eat from any tree of the garden, but do not eat from the tree of knowledge...'

- ▶ *Here is atypical speech: it is not a communication exchange between two equal beings. It's the Infinite speaking with finite mankind.*

Why do you think this would be an example of speech the Torah uses?

B. Note the many mitzvos in the Torah that pertain to speech – showing that there is something of religious significance about speech...

- ▶ Lashon Hara – not reporting true, negative information about others
- ▶ Motzi Shem Ra – not lying in a negative way about others
- ▶ Rechilus - not spreading information that has the effect of breaking down relationships
- ▶ Tefillah, brachos, bensching, Torah study, viduy, the Kohen's Blessings, vows all spoken words
- ▶ Think also of major Jewish ceremonies and events (Kiddush, Havdalah, weddings, etc.) – words play a key part in all of them!
- ▶ How many more can you name?

1. The Torah sources about speech:

And Hashem formed man of dust from the ground, and He breathed into his nostrils the soul of life, and man became a living soul.

זוֹיִצָּר ה' אֱלֹקִים אֶת־הָאָדָם עָפָר
מִן־הָאֲדָמָה וַיִּפַּח בְּאַפָּיו נְשִׁמַת חַיִּים
וַיְהִי הָאָדָם לְנֶפֶשׁ חַיָּה

- ▶ *What does a 'living soul' mean? If Hashem created a person, of course he's alive! From the following sources we will see that the ability to speak (communicate profoundly) is at the heart of mankind.*

Targum Onkelus commentary:

דחיי והות באדם לרוח ממלא - *And man became a speaking spirit*

Based on the above comment of the Targum Onkelus,
the Sefer Hachinuch below outlines the power of our speech.

Sefer Hachinuch 350

ומשרשי המצוה, לפי שהאדם לא ישתתף בעליונים זולתי בדבור, והוא כל החלק הנכבד שבו, וזה יקרא באדם נפש חיה... ואם יפסיד האדם זה החלק הטוב ישאר הגוף מת וככלי אין חפץ בו, על כן נתחייב לקיים בדבורו במה שהוא משתמש בו בדברי שמים מכל מקום, כגון בהקדשות ובצדקות, וביתר כל עניני העולם ציוו חכמים והזהירו שלא ישנה אדם בדבורו... (בחקותי מצוה שנ)

A person's connection to the higher spiritual realms is through speech – through speech a person is a 'nefesh chayah...' therefore we have to be loyal to what we say.

Sefer Hachinuch 606

משרשי המצוה, לפי שהאדם מעורר מחשבותיו ומצייר בלבבו האמת בכח דברי פיו, על כן בהיטיב אליו השי"ת... ראוי לו לעורר לבו בדברי פיהו, ולחשוב כי הכל הגיע אליו מאת אדון העולם... (תבא מצוה תרו)

A person internalises truth through the words that they say. Therefore when Hashem does something particularly kind to us, we express our feelings of gratitude through speech.

Mishnah Brurah (Chofetz Chaim) 250:2:

וטוב שיאמר על כל דבר שקונה זהו לכבוד שבת כי הדבור הוא פועל הרבה בקדוש

When one does something to prepare for Shabbos (for example buying food for Shabbos), he should verbalise 'this is for Shabbos' for speech creates lots of holiness.

- ▶ *In Jewish thought, speech is more than communication. Speech is how we emulate the Divine, it is at the core of our 'Divine image.' When Hashem created the world He created 'something from nothing'. When we speak, we are taking infinite-esque undefined thoughts and encasing them in limited words. Our act of speech is mimicking the Divine act of creation.*

SHIUR TWO

The Depth of Lashon Hara

In this shiur we will look at the depth of Lashon Hara – why does it get such ‘bad press’ - after all, the person who speaks Lashon Hara is telling the truth!

A. Introduction – what is Lashon Hara? And the damage that Lashon Hara creates.

The Rambam outlines the prohibition of Lashon Hara and its severity.

Rambam, Hilchos De'os chapter 7

המרגל בחבירו עובר בלא תעשה שנאמר לא תלך רכיל בעמך,
זה עון גדול הוא וגורם להרוג נפשות ואף על פי שאין לוקין על דבר
רבות מישראל, לכך נסמך לו ולא תעמוד על דם רעך, צא ולמד
מה אירע לדואג האדומי

A person who collects gossip about a colleague violates a prohibition as [Leviticus 19:16] states: “Do not go around gossiping among your people.” Even though this transgression is not punished by lashes, it is a severe sin and can cause the death of many Jews. Therefore, [the warning]: “Do not stand still over your neighbour’s blood” is placed next to it in the Torah. See what happened [because of] Doeg, the Edomite (who told King Saul that the city of Nov had fed the fleeing David, resulting in Saul killing the entire city of Nov in revenge).

הלכה ב

אי זהו רכיל זה שטוען דברים והולך מזה לזה ואומר כך אמר פלוני
כך וכך שמעתי על פלוני אף על פי שהוא אמת הרי זה מחרים את
העולם, יש עון גדול מזה עד מאד והוא בכלל לאו זה והוא לשון
הרע, והוא המספר בגנות חבירו אף על פי א 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

Who is a gossiper? One who collects information and [then] goes from person to person, saying: “This is what so and so said”; “This is what I heard about so and so.” Even if the statements are true, they bring about the destruction of the world.

There is a much more serious sin than [gossip], which is also included in this prohibition: Lashon Hara, i.e., relating negative facts about a colleague, even if they are true.

[Lashon Hara does not refer to the invention of lies;] that is referred to as defamation of character. Rather, one who speaks Lashon Hara is someone who sits and relates: “This is what so and so has done”; “His parents were such and such;” “This is what I have heard about him,” telling uncomplimentary things...

אמרו חכמים שלש עבירות נפרעין מן האדם בעולם הזה ואין לו חלק לעולם הבא, עבודת כוכבים וגילוי עריות ושפיכות דמים ולשון הרע כנגד ב כולם, ועוד אמרו חכמים כל המספר בלשון הרע כאילו כופר בעיקר, שנאמר אשר אמרו ללשוננו נגביר שפתינו אתנו מי אדון לנו, ועוד אמרו חכמים שלשה לשון הרע הורגת: ג האומרו, והמקבלו, וזה שאומר עליו, ד והמקבלו יותר מן האומרו

Our Sages said: “There are three sins for which retribution is exacted from a person in this world and [for which] he is [nonetheless,] denied a portion in the world to come: idol worship, forbidden sexual relations, and murder. Lashon Hara is equivalent to all of them.”

In addition, they said: “Lashon Hara kills three [people], the one who speaks it, the one who listens to it, and the one about whom it is spoken. The one who listens to it [suffers] more than the one who speaks it.”

- ▶ From the above Rambam we can see that Lashon Hara is negatively impactful and damaging. Why do you think that Lashon Hara so bad?

B. Torah examples of the damage of Lashon Hara

- ▶ *From the next few sources we will observe that Lashon Hara has the power to impact past sins: a person’s past sins can be treated more lightly if one does not speak Lashon Hara, whilst they will be treated more severely if he does speak Lashon Hara.*

Shemos Chapter 2 – Moshe grows up in Pharaoh’s palace, before going out to see his fellow Jews and empathising with their slavery. He first kills an Egyptian who is beating a Jew. And on the next day he comes across two Jews fighting.

13. He went out on the second day, and behold, two Hebrew men were quarreling, and he said to the wicked one, “Why are you going to strike your friend?”

יג וַיֵּצֵא בַיּוֹם הַשֵּׁנִי וְהִנֵּה
שְׁנַיִם אֲנָשִׁים עֹבְרִים נֹצִים
וַיֹּאמֶר לְרָשָׁע לָמָּה תִכֶּה רֵעֶךָ:

14. And he retorted, “Who made you a man, a prince, and a judge over us? Do you plan to slay me as you have slain the Egyptian?” Moses became frightened and said, “Indeed, the matter has become known!”

יד וַיֹּאמֶר מִי שָׂמְךָ לְאִישׁ שָׂר וְשֹׁפֵט
עָלֵינוּ הֲלֹהֲרֹגְנִי אַתָּה אֹמֵר כְּאֲשֶׁר
הֲרַגְתָּ אֶת־הַמִּצְרִי וַיִּירָא מֹשֶׁה
וַיֹּאמֶר אֲכֵן נוֹדַע הַדָּבָר

Rashi's Commentary:

Indeed, the matter has become known the matter I was wondering about, [i.e.,] why the Israelites are considered more sinful than all the seventy nations [of the world], to be subjugated with back-breaking labour, has become known to me. Indeed, I see that they deserve it. [From Exod. Rabbah 1:30]

אכן נודע הדבר: כמשמעו.
ומדרשו נודע לי הדבר שהייתי
תמה עליו, מה חטאו ישראל
מכל שבעים אומות להיות
נרדים בעבודת פרך, אבל
רואה אני שהם ראויים לכך:

- *It seems from Rashi's comments that Moshe was perplexed – he could not understand why the Jews deserved such harsh slavery. Only when he witnessed them speaking Lashon Hara did he understand. The following sources will show other examples of similar cases – Lashon Hara amplifies other sins.*

Mishnah, Arachin chapter 3

שכן מצינו שלא נחתם גזר דין על אבותינו במדבר אלא על לשון הרע
שנאמר (במדבר י"ד) וינסו אותי זה עשר פעמים ולא שמעו בקולי

We have found that the decree to wander round the wilderness was only given after the sin of Lashon Hara (the sin of the spies), as it says (Bamidbar 14:22) 'you tested me ten times and did not listen to me.'

Yerushalmi, Peah

There were generations who were wicked but succeeded in battle because they spoke no Lashon Hara. There were generations who were righteous but lost wars on account of their speaking Lashon Hara.

C. The depth: why is Lashon Hara treated so severely?

Chofetz Chaim, Introduction to Sefer Chofetz Chaim

משום שְׁמֵעוֹרֵר בְּזֵה הַרְבֵּה אֶת, וְנִרְאָה פְּשׁוּט שְׁהִטְעַם שְׁהִחְמִירָה הַתּוֹרָה כָּל כּוֹף בְּזֵה הַעֲוֹן וְזֵה לְשׁוֹן הַזֵּהר. וְעַל יְדֵי זֶה הוֹרֵג כַּמָּה אֲנָשִׁים בְּכַמָּה מְדִינּוֹת, הַמְקַטְרֵג הַגְּדוֹל עַל כָּלֵל יִשְׂרָאֵל, דְּקִיָּמָא עַל כָּל אֲנָוִן מְאִרֵי דְלִישְׁנָא בִישָׁא, אֵית רֵוּחָא חֲדָא * : {ד"ד רס} הַקְדוּשׁ פְּרִשְׁת פְּקוּדֵי כְּדִין אֲתַעֵר, אוּ הֵהוּא בֵר נָש דְמִתְעָרֵי בְלִישְׁנָא בִישָׁא, דְכַד מִתְעָרֵי בְנֵי נָשָׂא בְלִישְׁנָא בִישָׁא וְאִיהוּ שְׂאֵרֵי עַל הֵהוּא אֲתַעֲרוּתָא דְלִישְׁנָא, דְאִקְרִי סְכֻסְכָּא, הֵהוּא רֵוּחָא בִישָׁא מְסַאָבָא דְלַעֲיִלָּא וְאִיהוּ עַל לַעֲיִלָּא וְגָרִים בְּהֵהוּא אֲתַעֲרוּ דְלִישְׁנָא בִישָׁא מוֹתָא, דְשָׂאֵרוּ בְּנֵי נָשָׂא, בִישָׁא וַי לְאֲנָוִן דְמִתְעָרֵי לְהֵאֵי סְטֵרָא בִישָׁא וְלֵא נְטָרֵי פּוּמִיָּהוּ וְלִשְׁנִיָּהוּ וְלֵא, וְסַרְבָּא וְקַטְלָא בְעֵלְמָא, 'חֲשָׁשׁוּ עַל דָּא וְלֵא יְדַעֵי דְהָא בְּאֲתַעֲרוּתָא דְלִישְׁנָא פְּלִיָּא אֲתַעֲרוּ דְלַעֲיִלָּא בֵין לְטָב בֵין לְבִישׁ כּוֹ, וְכוּלְהוּ בְּגִין הֵאֵי אֲתַעֲרוּ, וְכוּלְהוּ דְלִטוּרִין לְאֲתַעֲרָא לְהֵאֵי חוּנְיָא רַבָּא לְמַהְגֵּי דְלִטוּרָא עַל עֵלְמָא בְּדִקִּיָּמָא אֲתַעֲרוּתָא דִּילִיָּה לְתַמָּא, דְלִישְׁנָא בִישָׁא.

And it seems clear that the Torah was severe with this sin because he [the speaker of Lashon Hara] arouses the Accuser against Israel and thereby kills many people in many lands. Consider the language of the holy Zohar in (Shemos) Pekudei 264b: “There is a certain spirit appointed over all these speakers of Lashon Hara, which, when people are aroused to Lashon Hara, there is an unclean spirit above...”

Excerpt from Still Thinking, Still Aloud

The Chofetz Chaim explains this concept with a fascinating revelation about the effect of lashon hara. The Talmud Yerushalmi tells us that there were generations which committed many heinous sins but enjoyed material success, for they did not speak lashon hara, while there were other generations which committed very few sins, but were punished greatly because they spoke lashon hara.

So too, one's judgment in the Heavenly Court can be made more lenient if one does not speak lashon hara. The reason for this is that the Heavenly Court mirrors a human court. Thus, when one comes in for judgment to the Heavenly Court, there are character witnesses just like there are in a human court. These witnesses are a person's mitzvos and aveiros. Just like in a human court one can petition for a more lenient sentence on grounds of good behaviour, so too if a person showed special compassion or forgiveness to others their Heavenly judgment will invariably be more lenient. In the Heavenly Court there is a very special personality - the 'public prosecutor'.

As is the case down here, the job of the public prosecutor is to read out the charges and call witnesses against the defendant. The judgment in the Heavenly Court is based on the principle of 'measure for measure' (middah kenegged middah), whereby the judgment faced and verdict given are caused precisely by the deeds performed. Thus, the witnesses have been created by the deeds themselves. The public prosecutor, however, is created when one speaks lashon hara.

When one says things which are negative (but true) about others, the precise measure-for-measure effect in the Heavenly Court is that one creates a public prosecutor whose job it is to tell the court about the (true) negative things that the defendant has done. However, if a person does not speak lashon hara, the public prosecutor does not show up, so the bad character witnesses cannot testify against him (fully), and his judgment is much more lenient.

Therefore, if a person speaks lashon hara, he is punished for that lashon hara and he has allowed the prosecutor to bring witnesses for previous sins too - which is why he is punished for those sins as well.

SHIUR THREE

May I speak Lashon Hara about myself?

► Introduction

One of the central principles of our Western world is autonomy – I am free to do what I want (as long as it does not harm others). One of the central principles of Jewish thought is that I can't just do whatever I want – I have a soul created by Hashem and as a Jew I have responsibilities. Therefore, even if I don't harm others there are some things that are wrong for they do not represent our mission, potential and soul. For example, serving idols is wrong even though it harms nobody. Similarly, one may not hit or damage themselves. But may one speak Lashon Hara about themselves?

- Also note that not everything that's permitted is recommended. We should have and develop a positive self-image and we should not focus on our own negatives, shortcomings or failings. Whilst speaking negatively about oneself is not necessarily recommended, the question is whether it is technically permitted within the realms of the laws of Lashon Hara?

A. Damaging oneself in general

1. Rambam Laws of Striking & Damaging 5:1

אָסוּר לְאָדָם לְחַבֵּל בֵּין בְּעַצְמוֹ בֵּין בְּחֵבֶרוֹ

It is forbidden for a person to injure anyone, including themselves

2. Rambam Hilchos De'os 3:1

וְאָסְרוּ חֲכָמִים שְׂיֵהָ אָדָם מְסַגֵּף עַצְמוֹ בְּתַעֲנִית

Our Sages have forbidden a person to mortify himself by fasting.

- Why may one not injure or damage themselves? Isn't it 'my body to do what I want with it'?

Devarim 14:1 - Regarding harming oneself

You are children of the Lord, your God.

You shall neither cut yourselves nor make any baldness between your eyes for the dead.

אֲבָנִים אַתֶּם לַה' אֱלֹהֵיכֶם לֹא
תִתְגַּדְדוּ וְלֹא תִשְׂיִמוּ קִרְחָה
בֵּין עֵינֵיכֶם לְמֵת:

RASHI'S COMMENTARY:

You shall neither cut yourselves:

Do not make cuts and incisions in your flesh [to mourn] for the dead, in the manner that the Amorites do, because you are the children of the Omnipresent and it is appropriate for you to be handsome and not to be cut or have your hair torn out.

לא תתגודדו: לא תתנו גדידה
ושרט בבשרכם על מת כדרך
שהאמוריים עושין, לפי שאתם
בניו של מקום ואתם ראויין להיות
נאים ולא גדודים ומקורחים:

- We see from the above that we may not harm ourselves physically. But what about Lashon Hara - may a person speak Lashon Hara about themselves?

B. Speaking Lashon Hara about oneself

3. Chofetz Chaim Hilchos Lashon Hara 1:9

וְאָפְלוּ אִם בְּתוֹךְ הַגְּנוּת, שְׂגָנָה אֶת חֵבְרוֹ גָּנָה אֶת עַצְמוֹ, גַּם כֵּן בְּזָה הַגְּנוּת
(טו) וְאָפְלוּ, הַקְּדִים לְהַתְרַעַם עַל עַצְמוֹ בְּזָה אָפְלוּ הֵכִי {אָף עַל פִּי כוֹן}
מְכַלֵּל דִּילְטוֹרִיא לָא נִפְקִי {לֹא יֵצֵא}

Even if in speaking negatively about another person he also included himself in the tale (for example ‘we both ate on Yom Kippur’) - even if he started with speaking about himself, this is still prohibited.

- ▶ From the above comment it would imply that saying Lashon Hara about oneself is totally fine. After all, one has not harmed one’s God-given body – just one’s reputation. But there is a famous story that contradicts this...

4. Story of the Chofetz Chaim himself, sefer Tenuos Hamussar 4:104

90 years ago, a young man was travelling by train to Radin to see the holy Chofetz Chaim. The man noticed a short old man sitting there alone in the carriage and decided to strike up conversation to keep the man company. He told the old man that he was going to see the holy Chofetz Chaim and that he had heard that the Chofetz Chaim was the greatest sage of the generation. The old man turned around and said something that the man found extremely offensive: *“I live in Radin, and the Chofetz Chaim is not that great – he is an average person.”* The man was so incensed that legend has it that he hit the old man! As the train pulled into Radin there were crowds ready to greet the train. Apparently there was someone very important on board. The old man got off the train and the crowds came forward to meet him. The young traveller was puzzled, and asked someone in the crowd who this old man was. The response was the one he was least happy to hear: *that is the Chofetz Chaim!* Immediately the young traveller ran up to the Chofetz Chaim and begged forgiveness for having struck the venerable sage. The Chofetz Chaim was most obliging – *it is nothing; from you I learned that one should not even speak Lashon Hara about oneself!*

- ▶ What do we learn from the story? So may one speak Lashon Hara about themselves or not?

5. Rav Chaim Kanievsky, (quoted in the Dirshu Sefer Chofetz Chaim)

It depends on whether the listener is aware that the speaker is the subject of the gossip – in the case of the train story, the listener was not aware that the person speaking was himself the Chofetz Chaim! For when the listener does not know that the speaker is speaking about himself, it firstly looks like Lashon Hara (maris ayin) and secondly it may qualify as a ‘shema shav’ (a false report, see below) since the listener thinks he is listening to Lashon Hara.

6. Chofetz Chaim, Prohibitions of Lashon Hara #2

וְעוֹבֵר נִמִּי הַמְּסַפֵּר אוֹ הַמְּקַבֵּל בְּלֹא (שְׁמוֹת כ”ג א) דְּלֹא תִשָּׂא
שִׁמְעֵ שְׂוֵא וְקָרִי בֵּה נִמִּי לֹא תִשָּׂא, וְאִם כֵּן לֹא זֶה כּוֹלֵל לְשִׁנְיָהֶם

And the speaker or the receiver [of lashon hara] also transgresses (Shemos 23:1): “Do not receive [tissa] a false report,” which can also be read as: “Do not spread [tassi] a false report,” so that this negative commandment includes both [the speaker and the receiver].

SHIUR FOUR

Nicknames in Halacha

► In this shiur we will focus on a particular aspect of hurtful words – calling people derogatory nicknames. First some questions to ponder:

1. Why is it an issue to call somebody by a nickname?
2. Are you allowed to call someone by a non-negative nickname?
3. What if the person says that they don't mind you using their nickname?
4. If someone calls someone else a negative nickname should you step in and try to stop them?

A. General prohibition of uttering hurtful words

Gemara Bava Metsia 58b

משנה. כשם שאונאה במקח וממכר כך אונאה בדברים. לא יאמר לו בכמה חפץ זה והוא אינו רוצה ליקח. אם היה בעל תשובה לא יאמר לו זכור מעשיך הראשונים

Just as one may not overcharge when it comes to commerce, one may not speak hurtfully to others. For example, one may not mislead a seller by asking 'how much is this product?' when one has no intention of making a purchase. If a person used to be irreligious and is now religious, one may not say 'remember what you used to do...'

אמר רבי יוחנן משום רבי שמעון בן יוחאי: גדול אונאת דברים מאונאת ממון, שזה נאמר בו ויראת מאלהיך. ורבי אלעזר אומר: זה בגופו וזה בממונו. רבי שמואל בר נחמני אמר: זה - ניתן להישבון, וזה - לא ניתן להישבון

Rabbi Yochannan reported from Rabbi Shimon ben Yochai: 'Hurtful words are worse than overcharging – for hurtful words are done more secretly behind a person's back.' Rabbi Elazar added that hurtful words impact a person's self, but overcharging only hits their finances. Rabbi Shmuel bar Nachmani added that hurtful words can't be taken back, but money can be returned.

[Note the Shittah Mekubetzes commentary that even if a person gains forgiveness, the hurtful words were still uttered: **ואף על פי שאחר כך מרצהו בדברים מה שהיה היה**]

► We see from the above the general prohibition of uttering hurtful words. How does this apply to nicknames?

B. Nicknames in particular

► Based on the Gemara later on, the Tur includes giving a nickname to someone as part of the prohibition of Ona'as Devarim (note that although the Rambam also forbids using nicknames, he does not list it together with the other examples of Ona'as Devarim).

Tur Choshen Mishpat Hilchos Ona'ah, 228

א כשם שיש אונאה במקח כך יש אונאה בדברים (א) וגדולה אונאת דברים מאונאת ממון שזה ניתן להשבון וזה לא ניתן להשבון וזה בגופו וזה בממונו והצועק על אונאת דברים נענה מיד

Just as one may not overcharge when it comes to commerce, one may not speak hurtfully to others. And hurtful words are worse than overcharging, since money can be paid back and it does not attack their identity. And one who cries out from being hurt with words is answered immediately by Hashem.

ד ויזהר אדם מלכנות שם לחבירו כדי לביישו אפילו שהוא רגיל באותו כינוי כיון שכוונתו לביישו(ב):

One must be very careful not to call a person by a nickname in order to embarrass them – even if they are accustomed to this nickname.

Rambam, Hilchos Teshuva 3:14

כל אחד ואחד מעשרים וארבעה אנשים אלו שמנינו אף על פי שהן מישראל אין להם חלק לעוה"ב, ויש עבירות קלות מאלו ואעפ"כ אמרו חכמים שהרגיל בהן אין להם חלק לעוה"ב וכדי /וכדאי/ הן להתרחק מהן ולהזהר בהן, ואלו הן: המכנה שם לחבירו והקורא לחבירו בכינויו והמלבין פני חבירו ברבים והמתכבד בקלון חבירו

With regards to all of these 24 things we have listed (that prevent entry to the World to Come), there are some lighter offences that will produce the same punishment if they are repeated. One should therefore stay away from them. These are them: one who invents a nickname for someone, one who uses this nickname, one who embarrasses another person in public, one who is happy at someone else's failings...

Gemara Bava Metsia 59b

כל היורדין לגיהנם עולים, חוץ משלשה שיורדין ואין עולין. ואלו הן: הבא על אשת איש, והמלבין פני חבירו ברבים, והמכנה שם רע לחבירו. - מכנה היינו מלבין! - אף על גב דדש ביה בשמיה

One may not embarrass someone in public or call them by a negative nickname. But aren't these two the same concept? The nickname is a problem even if a person is used to being called that nickname.

RASHI'S COMMENTARY

דדש ביה - כבר הורגל בכך שמכנים אותו כן, ואין פניו מתלבנות, ומכל מקום - זה להכלימו מתכו

Even if one has become accustomed to being called by this nickname, and one's face does not become pale, nevertheless since this person has intended to embarrass/shame, it is forbidden.

Kesef Mishnah Commentary Hilchos Teshuva 3:14

ומכנה שם רע לחבירו. תניא בפרק הזהב [נ"ח:] דאין לו חלק לעוה"ב ואמרו שם דאפילו דש ביה בשמיה ופירש"י כבר הורגל בכך שמכנים אותו בכך ואין פניו מתלבנות ומ"מ זה להכלימו מתכוין עכ"ל. נראה מדבריו דאי דש ביה בשמיה וזה אינו מתכוין להכלימו דשרי ובוהן לבבות הוא יודע

It appears to me that if a) a person is accustomed to being called by a certain nickname, and b) there is no negative intent, then it is halachically permitted. But Hashem knows our true intentions!

► Why is it an issue to call someone by a nickname? Four answers are commonly provided:

1. You are embarrassing them
2. It's disrespectful – you wouldn't call an important person by a nickname
3. People may misinterpret the nickname as something very negative
4. If you get used to using nicknames you will go on to speak badly about people

► Go back to our questions – what do you say now?

5. Are you allowed to call someone by a non-negative nickname?
6. What if the person says that they don't mind you using their nickname?
7. If someone calls someone else a negative nickname should you step in and try to stop them?

► Is there precedent to avoid even non-negative nicknames?

Gemara Megillah 27b

שאלו תלמידיו את רבי זכאי: במה הארכת ימים? אמר להם:
מימי לא השתנתי מים בתוך ארבע אמות של תפלה, ולא
כניתי שם לחבירי

They asked Rabbi Zakai: 'why did you merit to live such a long life?'
He answered that '...I never called a friend by their nickname'

Tosafos Megillah 27b

ולא כניתי שם לחבירי - אפילו כינוי דלא הוי גנאי והא דאמרינן (ב"מ דף נח:)
דהמכנה שם לחבירו אין לו חלק לעולם הבא היינו בכינוי של פגם משפחה

Since there is nothing negative in the nickname it is permitted, though nevertheless Rav Zakai still refrained. (see the same idea in Tosafos Ta'anis 20b בהכינתו)

► But we meet nicknames in the Gemara:

Gemara Menachos 37a

רבי יוסי החורם אומר – Rabbi Yosi the Chorem said

Tosafos ibid

פי' בקונטרס חוטמו היה שקוע כעין חרום דבכורות (דף מג:): ותימה הוא לומר שכינהו בלשון גנאי אלא על שם מקומו נקרא כן, מ"ר

Rashi writes that this name 'the chorem' was due to his indented nose.

Yet how can this be – one may not use a negative nickname?!

Rather it must be because he came from a town called Choram.

(Perhaps Rashi would counter Tosafos's question that since there was no negative intent in this name, it is ok)

Halacha:

Shulchan Aruch Choshen Mishpat 228:5

יזהר שלא לכנות שם רע לחבירו, אף על פי שהוא רגיל באותו כנוי, אם כוונתו לביישו, אסור

One must be careful not to use a negative nickname, even if a person is used to it. For if one's intention is to embarrass, it is forbidden.

Sefer Hachinuch 338

וראוי להזהר שאפילו ברמז דבריו לא יהיה נשמע חרוף לבני אדם, לפי שהוא דבר קשה, כי התורה הקפידה הרבה באונאת הדברים מאד ללב הבריות

ולא יהיה באפשר לכתב פרט כל הדברים שיש בהן צער לבריות כי השם ברוך הוא יודע, אבל כל אחד צריך להזהר כפי מה שיראה, כל פסיעותיו וכל רמיזותיו

We must be tremendously careful not to offend others, even indirectly or through hints – for the Torah warns extensively about hurting others through words; for it is something very painful. It's impossible to enumerate every single rule or detail of what would cause harm to others, but everyone needs to be careful as appropriate – for Hashem knows what our intentions and thoughts are.

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