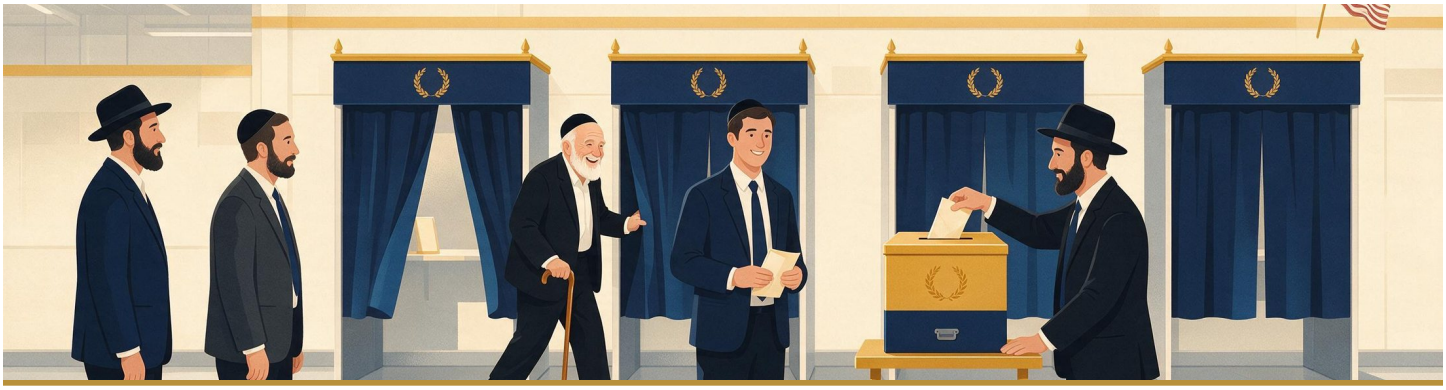
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Illustration

HALACHA & OUR TIMES

Elections and Lashon Hara: What May We Say, and What May We Hear?

written by Rabbi Shay Tahan

The recent elections brought out a flood of slander. Candidates attacked each other, campaigns spread stories, and the same dirt was passed from WhatsApp group to WhatsApp group, at the Shabbat table and in shul. Many good people joined in without a second thought: "It's politics," "Everyone knows it anyway," "It's true."

But the Torah's rules don't take a break during election season. Is it permitted to say these things? Is it permitted to listen?

TRUE IS NOT A HETER

The Chofetz Chaim (Lashon Hara, Klal 1:1) rules that it is forbidden to speak negatively about another Jew even if it is completely true. That is exactly what Chazal call lashon hara, and the speaker transgresses "Lo telech rachil be'amecha." If any falsehood is mixed in, it becomes motzi shem ra, which is far worse. And one who makes a habit of it, sitting and telling "so-and-so did this, I heard that about him," is called a baal lashon hara, whose punishment is much greater (Klal 1:3).

LISTENING IS ALSO FORBIDDEN

The Chofetz Chaim (Klal 6:1) rules that it is a Torah prohibition to accept lashon hara, meaning to believe in your heart that the story is true. Even just listening is forbidden by the Torah, even if you don't plan to believe it, since you are lending your ear (Klal 6:2).

However, there is a difference between listening and accepting. If the information is relevant to you for the future, for example you were about to go into business with this person, you may listen in order to be cautious and protect yourself. The same applies if hearing it will help others. But to accept it, to decide in your heart that it is true, is forbidden in every case (Klal 6:2).

And if one sits in a group that starts speaking forbidden things and rebuke won't help, it is a great mitzvah to leave or even to put a finger in one's ears (Klal 6:5).



Illustration

WHEN IT IS PERMITTED: LE'TO'ELET

The Torah does not want a person to be harmed because others kept quiet. The Chofetz Chaim (Rechilut, Klal 9:1) writes that if one sees that his friend wants to go into partnership with someone, and he believes it will surely cause him harm, he must tell him in order to save him. But this requires five conditions (Klal 9:2):

> **1 Do not jump to conclusions. First examine carefully whether the matter is truly bad.**

2 **Do not exaggerate. Tell it no worse than it actually is.**

3 **Intend only to help, to prevent the harm, and not out of hatred for the other person. Included in this, first think whether telling will actually accomplish anything. If the listener won't heed you and will partner with him anyway, and later, when they quarrel, will say "so-and-so was right about you," there is no heter at all.**

The elections will pass. The words we spoke, and the ones we listened to, remain.

4 **If the benefit can be achieved without revealing anything negative, it is forbidden to tell.**

5 **The telling may not cause the person actual harm. Losing the benefit the other would have given him is permitted, but causing him real damage requires further conditions, and certainly no harm beyond what halacha would impose.**

In Lashon Hara (Klal 10:1-2), the Chofetz Chaim adds that one who saw someone wrong his fellow may publicize it to help the victim and to denounce the act. The conditions there include: he saw it himself rather than heard it, he first rebuked the wrongdoer gently, he does not exaggerate, his intent is to help and not to enjoy the other's shame, there is no other way, and no harm results beyond what beis din would rule. And if the speaker is guilty of the same sins himself, it is forbidden, because his intent is not for good but to gloat (Klal 10:3).

THE TZIYURIM

At the end of Hilchot Rechilut, the Chofetz Chaim brings Tziyurim, practical cases. In the first: you see Reuven wanting to go into business with Shimon, who doesn't know him, and you know well that Reuven doesn't care about other people's money. Warn Shimon beforehand. This is not lashon hara, but all the conditions of Klal 9 must be met.

WHAT THIS MEANS FOR ELECTIONS


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Title page of the sefer Chofetz Chaim, first edition, 1873 · Public domain

Choosing a leader is, in a sense, entering into a partnership with him. We place our community's interests in his hands. So there can be real to'elet in warning people about a candidate, if one truly knows something that would harm the public. But all the conditions apply: know it firsthand or verified, examine it carefully, don't exaggerate, speak only to protect and not out of party hatred, say only what is necessary, and stay within the truth. Spreading a story you saw forwarded, mocking a candidate, or repeating rumors to make "our side" look good does not meet these conditions. That is plain lashon hara, and often motzi shem ra.

The requirement of firsthand knowledge also includes hearing on line a speech in which he made a promise that could potentially harm our community, or the like. Also, if he has a record of engaging in behavior that is harmful to our way of life, this may be relevant as well. Furthermore, the requirement to rebuke him first may not apply in this case, assuming that he would not listen anyway (Klal 10:7).

The same goes for listening. A voter who wants to know relevant facts about a candidate in order to vote responsibly may listen, in order to be careful. But he may not accept as fact everything he hears, and he must not sit and enjoy an hour of political gossip.

Another heter is when the candidate is a wicked person who doesn't believe in hashem or the torah. Or if he vows to fight the torah and the yeshiva system (klal 7:5 and Tshuvot vehanagot 3:478).

The elections will pass. The words we spoke, and the ones we listened to, remain. May we merit to guard our mouths and our ears, and to see true leaders who bring blessing to Klal Yisrael.

Rabbi Shay Tahan is the Rosh Kollel of Kollel Shaarei Ezra located in Bnei Yosef, on Avenue P and Ocean Parkway, and he is the head of the Bet-Horaha Arzei Halevanon. You can hear Rabbi Tahans classes at Torahanytime.com and in Askhalacha.com.

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THE TORAH'S OPINION ON VOTING

Does My Vote Really Matter If Hashem Decides?

written by Rabbi Shay Tahan

Whenever there is an election, we need to understand what our role in it is. Is there any reason to go out and vote? Or maybe it is a waste of time, because everything is already decided above, and Hakadosh Baruch Hu decides exactly who will be in charge for the next four years. Do we have any say in the matter at all?

At first glance, Chazal seem to give two answers that we must reconcile.

EVEN THE MAN AT THE WELL IS APPOINTED FROM HEAVEN

The Gemara speaks about the "resh garguta," the one appointed over the well, deciding who draws water today and tomorrow. Even such a small position is appointed by Hakadosh Baruch Hu. As the pasuk says, "Lecha Hashem hamamlacha, vehamitnasei lechol lerosh" — You appoint every appointee, even over small things.

The Yalkut Reuveni, at the end of Parashat Pinchas, brings that we cannot appoint a leader over the public down here unless he was first announced above in Heaven. On the pasuk "Yifkod Hashem... ish al ha'eda," Hashem is the One who appoints a leader over the congregation. Every position of authority a person holds is from Hashem. That is why, when we see a king, even a non-Jewish king, we make the bracha "shenatan mikvodo levasar vadam" — Hashem gave from His honor to a human being.

The Gemara in Brachot (55a) says in the name of Rabbi Yochanan that there are three things Hakadosh Baruch Hu announces Himself: famine, plenty, and a good leader. A good leader we learn from the pasuk "Re'eh karati veshem Betzalel" — Hashem called up Betzalel to oversee the building of the Mishkan.



Wooden ballot box · National Museum of American History, Smithsonian · Public domain

If that is the case, it seems there is no need to vote at all. Hashem has already decided.

"UNLESS HE CONSULTS WITH THE COMMUNITY"

But look at the very next line in the same Gemara. Rabbi Yitzchak says: "Ein maamidin parnas al hatzibur ela im ken nimlachin batzibur" — we do not appoint a leader over the community unless we consult with the community first.

Here is an explicit source that you have to ask the people. And how do you ask the people? How do you ask 300 million people what their opinion is? You vote. That is the way.

The Gemara learns this from Betzalel. Hashem told Moshe Rabbeinu, "See, I have called Betzalel." Later Moshe tells the people, "See, Hashem has called Betzalel." Why does the Torah need to tell us that Moshe informed the people? Of course a leader's people are informed; otherwise how would he lead? Rather, Chazal explain that there was a back and forth here. Hashem asked Moshe: Is Betzalel fitting in your eyes? Moshe, in his humility, answered: If he is fitting in Your eyes, certainly in mine. Hashem said: Go and ask the people. And Moshe asked Am Yisrael: Is Betzalel fitting in your eyes? And they answered: If he is fitting before Hashem and before you, certainly before us.

Think about it. Hakadosh Baruch Hu Himself wanted Betzalel, and Betzalel was a tzaddik who knew how to combine the letters with which the world was created. Still, Hashem consulted with Moshe, and Moshe consulted with the people.

So the answer to the contradiction, as brought in the Ein Yaakov, is this: even though the man over the well is appointed from Heaven, we still need the consent of the public, just as with Betzalel. If the people say yes, he is appointed. If they say no, even though Hashem wanted him, he does not get the job. It needs to be approved by Hakadosh Baruch Hu and by Am Yisrael.

THE CHATAM SOFER: A LEADER WITHOUT THE PEOPLE IS INVALID

This principle appears in several sefarim. The Chatam Sofer, in Choshen Mishpat, discusses a case where the government removed the old rabbi of a city and put in a new one. The new rabbi was a chashuv rabbi, a dayan, knowledgeable and fit for the job. But since he was appointed by the government and not by the people, the Chatam Sofer says he did two evil things: he took a position of leadership against the will of the community, and he pushed out the previous rabbi. For each of these he is disqualified from leading and from ruling.

The Chatam Sofer brings the frightening words of the Maharam about someone who takes authority without the people's will, or through officials. Who can appoint a leader? The people.

The Chatam Sofer adds a second condition. The leader must be someone fitting, a righteous person with the right qualities. Sometimes the public picks someone who is comfortable for them, who will tell them everything is permitted. That is no good. And sometimes a person is great and righteous, but the people are not interested in him. That is also no good. Two things are needed together: the majority of the public wants him, and he is worthy. And it goes by majority, because you will never have everyone agree.

An example is Yehoshua ben Gamla. The Gemara in Bava Batra (21a) remembers him for the good: if not for him, Torah would have been forgotten from Yisrael, because he established teachers for the children. Yet the Chatam Sofer discusses how he obtained his position through the king rather than the people. Even great personal merit does not erase the question of how a leader is appointed.

David Hamelech, too, did not take the kingship until the nation came to ask him to lead. The Urim VeTumim warns of the damage caused when someone takes authority over a community without its will.

EVEN MOURNERS MUST GO OUT

So we have two sides. Hakadosh Baruch Hu decides who should lead, but even after He decides, the nation has the last word. That is how Hashem made it, and that is what He wants. Only if a person is completely disqualified, and Hashem does not want him at all, can the people not change that.

This is so serious that when Chacham Ovadia Yosef was asked, halacha lemaaseh, whether avelim during the seven days of shiva may go out to vote, he ruled that they must go out and vote. He said the same about avreichim who had accepted a taanit tzibbur. They must go and vote. And it is known that in Eretz Yisrael, before elections, the rabbanim say it is a mitzvah to vote, and the people listen.

YOUR VOTE IS COUNTED EITHER WAY

Some say: the result in my area is clear, so my vote will not change anything. But the government sees how many people voted in each area. If Jews come out in masses, officials take them into account. If they see that Jews do not vote, they can ignore them. That affects how decisions are made toward our communities.

So on Election Day, every person should make a wise decision, go out and vote for those who are good for Am Yisrael, who do for Am Yisrael and do not endanger Am Yisrael, and for what is good for his family and his kehillah.

Chazak u'baruch.

Rabbi Shay Tahan answers halachic questions at askhalacha.com.

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