

The Power of Words to Create and Destroy:

Freedom of Speech in the Talmud

Assembled to Supplement the JCRC's "To Bigotry No Sanction" Speaker Series

1. Babylonian Talmud Tractate Bava Matzia 58b

Whoever shames their neighbor in public, it is as if they shed their blood.

Why is public shaming akin to murder?

Should there be limits to free speech that denigrates or shames another?

How do we balance holding people accountable for their words and actions while maintaining their dignity?

2. Babylonian Talmud Tractate Arakhin 15b

Speaking [badly] about a third person kills three people: the one who tells it, the one who accepts it, and the one spoken about.

L'shon hara is defined as speaking negative truths about another. Why is that considered a form of murder?

How does L'shon hara damage not only the person spoken about, but also the person speaking and the person listening?

Responding to L'shon Hara

3. Babylonian Talmud Tractate Pesachim 118a

And R. Sheshet said in the name of R. Elazar ben Azarya: Anyone who speaks lashon harah, and anyone who accepts [believes] lashon harah, and anyone who gives false testimony about another, it is fitting to throw him to the dogs.

What might you consider to be appropriate consequences for speaking L'shon Hara?

What do these sources suggest about appropriate consequences for hate speech?

Are there other ways to prevent this kind of speech besides harsh punishment?

L'shon Hara (Malicious Speech) vs. Tokhecha (Rebuke)

4. Babylonian Talmud Tractate Arakhin 16b

Where do we learn that a person who sees something unseemly in their fellow is obligated to rebuke them? It says, “You shall surely rebuke.” (Leviticus 19:17) If the person rebukes their friend but their friend does not accept the rebuke, where do we learn that the person should rebuke again? It says, “You shall *surely* rebuke,” i.e. as much as necessary. One might ask, even if their face changes (due to humiliation)? For this reason, the verse states: “Do not bear sin because of him,” meaning the one giving rebuke may not sin by embarrassing the other person.

Rabbi Tarfon says: I would be surprised if there is anyone in this generation who can receive rebuke. Why? Because if the one rebuking says to him: Remove the splinter from between your eyes, the other says to him: Remove the beam from between your eyes! Rabbi Elazar ben Azaria says: I would be surprised if there is anyone in this generation who knows how to rebuke correctly (without embarrassing the person he is rebuking).

And Rabbi Yoḥanan ben Nuri says: I call the heavens and the earth as witnesses before me that Akiva was punished, many times on my account, as I would complain about him before Rabban Shimon ben Gamliel the Great. And all the more so he thereby increased his love for me. This incident serves to affirm that which is stated: “Do not rebuke a scorner lest he hate you; rebuke a wise man and he will love you” (Proverbs 9:8). A wise person wants to improve themselves and loves those who assist them in that task.

5. Rabbi Jonathan Sacks on Parashat M'tzora, *Essays on Ethics*, p. 181

“...speech is what holds society together. Anthropologists have argued that language evolved among humans precisely in order to strengthen the bonds between them so that they could cooperate in larger groupings than any other mammal. What sustains this cooperation is trust....

That is why lashon hara is so destructive. It undermines trust. It makes people suspicious of one another. It weakens the bonds that hold the group together. If unchecked, lashon hara will destroy any group it attacks - a family, a team, a community, even a nation. Hence its uniquely malicious character; it uses the power of language to weaken the very thing language was brought into being to create, namely, the trust that sustains the social bond.

Are there instances when public rebuke, even to the point of shaming, is justifiable to prevent hateful speech or insinuation?

How do we build a society in which people are educated to speak well about other groups and in turn to trust one another?

*Assembled by Rabbi Ben Chaidell and Ross Z. Levy
(Translations from Sefaria.org with slight adjustments)*