

Shana Tovah.

A piece of yiddish folklore goes like this: a man, having heard something juicy about his neighbor, passed the news along. Although the news was factually accurate, the neighbor was devastated by the spreading of her story. The news-teller went to the rabbi for relief from his guilt. "Take two feather pillows," the rabbi instructed, "and tear them open in the center of our shtetl." "I've done it!" He reported back to the rabbi. "Good," said the rabbi, "now go and collect all of the feathers." The man found that the hundreds of feathers had scattered far and wide, and he could only retrieve a precious few. "Of course," said the rabbi, "once words are spoken, they are hard to gather up again."

The generic term for harmful speech is *loshon hora* (the Sephardic and modern Hebrew pronunciation is *lashon ha-rah*), literally meaning “evil tongue.” The initial prohibition is found in Leviticus, where it is written: “Do not go around spreading tales among your people – do not stand by when your neighbor’s life is at stake.”

Every year at this time, we take a cold, hard look at the ways in which we’ve gone astray. The word “cheit,” meaning *to go astray*, is the one we most commonly translate as sin -- as in the *Al Cheit* prayer that we say today – the recitation of sins. Where we are striving toward the mark of righteousness, *cheit* refers to missing that mark.

Written as an acrostic, the *Ashamnu* prayer that we recite today is a kind of symbolic A to Z spectrum of the ills that we humans perpetrate. While neither overly specific nor exhaustive, the *Ashamnu* is one way of claiming our residency somewhere in the vast world of bad behavior. Spoken in the first person plural, the *Ashamnu* does not say, “one of us has transgressed,” but instead, “we have transgressed.” We’ve all done some bad stuff, and we’ve found a myriad of ways to do it. And if we can’t remember what we did that wasn’t so hot, we can own our neighbors’ transgressions, too. Surely among us one or more of us has done something on the list, and we are ultimately responsible for the trespasses that we’ve generated, allowed, or encouraged in our community.

Of the 43 sins we recite in the Al Cheit, 11 of them are sins of speech. That's over 25%! There's a reason our tradition features prominently its admonitions about the transgressions of the tongue. We are a people who traffic in words -- we have suffered because of the words said against us -- and we acknowledge today how individuals (worlds even) can be made or destroyed by their use.

The rabbis say that a minimum of three people are implicated in a single act of *loshon hora*: the speaker, the listener and the subject. While spreading lies is always *verboten*, *loshon hora* includes spreading truths: passing judgment or even making observations which could harm (or affirm) the subject's reputation. This includes any kind of "negative truth," from expressions

of distaste with someone else, to affirmations of another's shortcomings. A huge exception to this rule on "negative truth spreading" is to prevent future harm, but such harm must be exceptionally grave: it does **not** even include great personal financial loss or dishonor.

Both written and spoken words count as speech for purposes of loshon hora, of course, but so do gestures and omissions. You shouldn't share someone's own writing if it could expose her to negative reactions by disseminating it. And, according to Rabbi Meir Kagan (also known as the Chofetz Chaim, a 19th century Rabbi who wrote and spoke prolifically on loshon hora) you can't even disparage *yourself* or your group (as in, "no one in my class was very motivated"). Loshon hora

includes speaking *positively* of someone else: you cannot know to what effect you are invading the subject's privacy, or shaming the listener. For example, "I heard Jane was offered that coveted job that so many of us vied for. I wonder if her firm knows she's looking to leave!"

If that's not enough, here are some more examples of prohibited speech: a merchant failing to disclose the specific defects on discounted merchandise, suggesting that someone is responsible for his illness, speaking ill of the dead, inviting someone to a party when you know the invitation will be declined, taking samples of merchandise you don't intend to buy. This may deprive some of us a weekly meal at the farmers market -- no more samples for their own sake! It is also forbidden to

disparage someone who speaks publicly in the beis midresh or syngagogue (which is how I got the nerve to get up here!)

The sages of the Gemara wrote that committing loshon hora is worse than murder, and deprives speakers (and listeners) of their portion in ha'olam haba, the world to come. The Chofetz Chaim explained that there is no sin more severe in the entire Torah than loshon hora. That's a sin among sins, considering it trumps murder and treason of the highest order, because its power is so strong -- it can destroy many, many people, seemingly effortlessly.

Uh oh. After puzzling through this list of prohibitions, I've been pretty uncomfortable. I have found myself blushing at what I previously considered

innocent, important public discourse, and conscious of all of the ways I go astray. Reading the story in the New York Times of a couple who embezzled millions of dollars from a free lunch program – for preschoolers – I was outraged! Then I thought, do I *need* to know this? They're being prosecuted, already. Is this really my business?

For those of you who don't know me (and that's at least three hundred of you, I'm sure): I am married to a woman; we have one child, and I'm an attorney. And I'm an identical twin. My twin sister is here today, too. Now tell me if that doesn't make you want to see the two of us together to observe our similarities, distinctions, mannerisms, etc., and then get to discuss it amongst yourselves. But I should also tell you that, having spent

our lifetime on display in spite of ourselves, I find it particularly and poignantly painful to realize that people we don't know – and people we do – have spent time comparing and contrasting us, blithely concluding who is the more fill-in-the-blank twin. And I hesitate to tell you *that*, because I know how unintentional the harm is. (And I forgive you.)

Even though other people's appropriation of my sister and me as objects of scrutiny can be challenging, I have been aware, since before I could talk, of *my* genuine interest in other people. At night, my sister and I would settle ourselves to sleep through imitation and storytelling, recounting what we'd gleaned from our days. We could spend hours just trying to perfect our Grandpa's accent, or recounting the wackiness of

the class clown. In short, we came to know our world through processing the people around us.

And I'm still that way. I am drawn to study even the people I find difficult to take. I watch, I listen, I chat.

And I can't always tell if this is my chief sin or my vital art form. As Grace Paley wrote about her kind: *It is the responsibility of writers to listen to gossip and pass it on.*

It's the way all story tellers learn about life. As an attorney, I observe an absolute duty to maintain the confidences of my clients. So when I talk to my law partner to "discharge" some of the tension or heaviness I've absorbed during business hours by retelling the events of the day -- who said what to whom -- I sometimes have to question whether my motive is pure: am I processing my own secondary trauma, or am I

using the process as an excuse to indulge my own performative inclinations? Am I entertained and entertaining without adequate regard for my subjects? Or myself?

My sister and I talk face-to-face and on the phone with great regularity. I reenact conversations I've had, *kvetch* about people, *kvell* over others. For those of us who remember the Muppet Show, I confess I harbor an inner Muppet – I'm secretly one of those two curmudgeonly judges who observes the other Muppets (and audibly comments to his counterpart) as their dramas unfold in front of them. I have talked, listened, and judged when I shouldn't.

Not long ago, a friend and I ran into a colleague, who mentioned the name of an acquaintance. When my

friend later asked me who the named acquaintance was, I told her that I know his ex-wife, and, without prompting, I explained that he had left her for his assistant, only to be dumped by his assistant shortly thereafter. “How awful!” my friend cried. “I know!” I said. We sat a minute in satisfied and mutual dismay.

I have been regretting this deeply. Why did I repeat this story? That tale was not mine to keep alive, it was about the private pain of its subjects, and in telling it I may have further abused their reputations. I betrayed a minimum of three people for reasons for which I am still searching.

Loshon hora may serve many purposes, not all of them bad ones. There are now many gossip studies out there, and they almost all conclude that talk about other

people, without their express knowledge or consent, appears to be intrinsic to the human condition as we see it. Through this kind of talk, we form emotional bonds, broadcast values or moral beliefs, reinforce group identities. We alternately find ways to empathize with or distance ourselves from others' tragedies. In her seminal work on gossip in 1985, Professor Patricia Meyers Spacks concluded that gossip often engenders an erotic charge amongst its adherents. When I mentioned to a relative that I wanted to talk today about this topic, she immediately recited a list of all the reasons that it *helps* her – and her community – to discuss what she observes, even likes and dislikes about others. She was preaching to the choir.

But in talking about others, to complain, criticize, or pass on personal information, we may also seek to establish our self-importance or to project apparent power. Companies are spending huge sums to address workplace gossip, for all of the harm that it's done to their infrastructures. We've lost or weakened civic leaders – some who had much to offer us in their official capacities -- because we saw fit to exploit their private (or accidentally public) behaviors. There are few, if any, of us in this room who cannot call up injuries we have suffered for what has been said about or to us. In fact, there are undoubtedly people here (or even, tragically, people who chose not to be here) who are now nursing the injury caused by being the deliverer, recipient, or subject of loshon hora.

And now with the assistance of new technologies, loshon hora is like a supervirus. The New York Times recently featured a front-page article about how online gossip sites are single-handedly tearing rural communities apart, pitting neighbor against neighbor, and driving people out over anonymous comments. Just under three weeks ago, a queer-identified 14 year-old named Jamey Rodemeyer took his life after some of his peers exploited his self-doubt, posting cruel comments online about his sexual orientation, body image, and intelligence. Almost unspeakably, a group of kids publicly tormented Jamey's sister and friends mere days after his death, saying "we're glad he's dead." Hope Witsell was only thirteen when she hanged herself two years ago after a topless picture of her circulated among

her classmates, and her peers mercilessly named her a slut. “Bullying” is not just threats of physical harm, it’s cruel talk that amplifies one’s sense of helplessness and isolation. It’s *loshon hora*.

So what can we do with this? How can we take on the slippery slope of harm that is *loshon hora*? We may not find every rule on *loshon hora* to be constructive. I don’t. But I do propose a kind of *kashrut* of the tongue: I can pledge to become mindful of what I say or listen to about other people. For some of us, we may need to embrace not an abstinence model, but a harm reduction approach. For me, becoming conscious of *loshon hora* is a first step, and being willing to stop it in my presence is a second one. Asking myself before I observe or report something about someone else, even to my partner or

sister: is there a compelling reason to act on my impulse? Am I saying or hearing something that just feels mean? Is someone breaking a confidence in what he is telling me? How would I characterize my speech if I realized the subject of my conversation just overheard me? What needs are being met by this kind of talk – is there a nobler way to get there?

If you like (or need) stories about other people, consider *glatt* kosher ways of getting them: listen to storytelling radio shows like This American Life or the Moth. Watch an Anna Deveare Smith play. Read Studs Terkel's classic oral history tomes. And when you're moved by a story from one of those sources, feel free to tell your friends all about it.

How about a harmful speech fast or cleanse:
designate days of the week or month for which you will
be committed to being wholly intentional about what you
say about others. Let's start in this moment. Today, of
all days, as we contemplate our fate being sealed for the
coming year, let us pledge to lie down in peace tonight.

And for those of us who are the smarting subjects
of loshon hora, we are wise to remember that what
people say behind our backs is none of our business. As
Dan Savage has practically copyrighted, it will get
better. (And I'm particularly directing that message to
the tweens and teens in the back – or (more realistically
right now) in the basement – who may be suffering right
now from the most loshon hora-heavy time of their
lives, either as subjects, listeners, or perpetrators of

negative talk.) What we *can* do is to take ourselves boldly out of the loshon hora arena, hold up our heads, seek support from those we trust, aim to live with integrity, and abstain from fighting fire with fire.

So just because we may say that loshon hora is intrinsic to our condition, it doesn't mean we need to go for it. We have the great good fortune to have *this* moment, this silent, intimate, communal moment, to become conscious of our acts, and of what impact they may have. We can resolve to wake up, to change (however incrementally), to find our better selves, to come closer to the mark. We can give ourselves the gift of internal peace, per the *Hashkiveinu* prayer. We can internalize Rabbi Angel's meditation on *Elohai N'Tzor* (which is found in our siddur):

Merciful God, during those times in my life when I suffer, grant me the strength to endure the challenges I face, even as I may feel provoked and angry. Give me a gentle tongue to refrain from responding with slander. Help me to remember that thrashing in a sea of hostile impulses will only lead me to spiritual drowning, when instead I can choose to swim toward the safety of your shelter.

This time, like this lifetime, may be so fleeting that it's statistically insignificant. But it's also eternal. Or, as Susan Lubeck reminded us in her drash on the second day of Rosh Hashanah, we live our lives between, "I am dust and ashes," and "the world was created for my sake." In the space between those two paradoxical truths, we have the opportunity to rise to our better selves, to come closer to the bright white light of the divine. Let us grow together as individuals, as a community, in strength, and trust, and kindness.

GMAR CHATIMAH TOVAH – May you be sealed
today in the book of life.