

Collateral Damage

Excerpted and adapted from a shiur by Dayan Daniel Dombroff

December 23, 2021

https://baishavaad.org/wp-content/uploads/2021/12/SHE82_001_Shemos_We_Want_Life-Concepts_and_Fundamentals_of_Loshon_Hara.mp3

He replied: Who made you a man, a ruler, and a judge over us? Are you saying that you will kill me, as you killed the Egyptian? Moshe became frightened and said: Indeed, the matter has become known.

Shmos 2:14

According to Chazal, Moshe was distressed by the *lashon hara* spread by Dasan and Aviram.

There was an incident in a yeshiva in which a boy committed a serious offense. The *menahel* wanted to call the parents to a meeting, but the offender's brother complained that a meeting would cause *lashon hara* to be spread that could hurt him as well. May the *menahel* hold the meeting? The Chafetz Chaim (Be'eir Mayim Chaim, beginning of *Hilchos Rechilus*) cites the Rambam (*Hilchos Deios* Ch. 7) who draws a parallel between the rules of *lashon hara* and those of damages. If so, perhaps we can compare this incident to a case in the Gemara (Bava Basra 54b) where a gentile sold a field to a Jew but did not write a *shtar* to transfer ownership as he should have, and another Jew came along and took possession of the field. When the original purchaser asked the seller for a refund, he agreed but said not to worry, as he would "take care of" the other person.

It seems from this Gemara that the original purchaser was permitted to ask the gentile to refund his money, even though the seller may do harm to the man who acquired the field. The original purchaser is not responsible for that damage, because he was allowed to ask for his money back. Likewise, one can argue that the *menahel* is entitled to deal with the guilty party as he sees fit, and he would not be responsible for the indirect repercussion of harm to the brother's reputation.