

# Lashon Harah in Business: Part II

## APPLYING THE RULES OF TO'ELES

Rav Baruch Meir Levin

### TWO LEVELS OF LASHON HARA:

We explained in Part 1 that when *Lashon Hara* will not negatively affect the one being spoken about, it is a prohibition *bein odom l'makom* and is permitted if there is any *toeles*. Whereas, if it will cause harm to a person, it is also a prohibition *bein odom l'chavero*, and is only permitted if the one being spoken about is damaging someone else and relating the information will stop him from hurting that person.

With these guidelines, we can understand the Chofetz Chaim's ruling that when someone is considering entering into a *shidduch* or business partnership with someone else, it is permitted to tell him negative information about the potential spouse or partner if it is a major problem, but not if it is only a minor problem. On the other hand, he rules that even if one is only aware of a minor problem, he is not allowed to be the one to suggest the *shidduch* or advise one to become a business partner with this person because this would be a transgression of "*lifnei iver lo sitein michshol*", placing a stumbling block in front of a person who cannot see it. This leads to an obvious question. If the minor problem is considered serious enough to make it forbidden to be the one to initiate the *shidduch* or partnership, why isn't it considered significant enough to allow one to reveal it when the *shidduch* or partnership is suggested by someone else?

According to the above, we can explain that the reason it is permitted to speak *Lashon Hara* about this potential spouse is that he or she is a potential

"damager" who is about to harm the other party, as by not revealing their own problem they are guilty of *geneivas daas*, which renders them a *mazik*. However, when a blemish is only minor, not revealing it would not necessarily constitute *geneivas daas*. Accordingly, if there is only a minor problem, the one with the blemish is not a damager and there is no *heter* to speak *Lashon Hara* about him. On the other hand, it still would be forbidden to suggest the *shidduch* because of *lifnei iver lo sitein michshol*.

### RUINING AN OPPORTUNITY:

The major question we can ask about this and many other cases is that they do not seem to fall under the category of actually causing damage to the one being spoken about; rather, one is only preventing an individual from benefiting from an opportunity to enter into a *shidduch* or business partnership. This is not the same as causing a person to lose something they already have; therefore, it is hard to understand why one who takes away this opportunity can be considered to be harming the one he spoke about. If so, why isn't it permitted to speak *Lashon Hara* like this for any *toeles* (even to reveal a minor problem)?

We can further illustrate this case by comparing it to a case discussed by the Poskim. A customer is shopping in a store and places an item in his cart. Another man, who happens to own a competing store, sees this and informs him that he can purchase the same item in his store for a much lower price. The customer listens and returns the item to the shelf. The Poskim say that the

competing storeowner has transgressed the Rabbinic prohibition of *ani hamehapech becharah* (stealing a customer from a competitor).

If, however, someone who does not own his own store sees someone placing an item in his cart and helpfully tells him that he could get that item for cheaper in another store, there is no prohibition of *ani hamehapech becharah*. They explain that putting an item in one's cart does not finalize a sale. Even after a customer places something in his cart, he can decide not to buy it. Hypothetically, if he would somehow discover on his own that he could purchase the item in his cart for cheaper elsewhere, he would, of course, be permitted to choose not to buy it; therefore, according to these Poskim his friend is also allowed to act on his behalf and let him know that there is a reason he may not want to buy this item from this store, as long as he is not personally benefiting from doing so.

Similarly, if a man is waiting by a bus stop, a taxi driver would not be permitted to pull up and offer to take him instead, as this would be stealing a customer from the bus company; however, a friend may pull over in his car and offer him a free ride, as he himself is not gaining anything and the man waiting for the bus is allowed to change his mind and take the ride instead.

Having said this, we can ask why a case of a *shidduch* would be any different. A boy can certainly make his own decision not to marry a girl. If so, why can't his friend help him out by letting him know about a minor problem she has to help him reach this decision?

## WHOSE BLOOD IS REDDER?

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The Chofetz Chaim seems to answer this question by saying that the reason to look out for one's friend's interests is because of the mitzvah of *v'ahavta l'reacha komocha*. In the case of a *shidduch*, however, one has an equal obligation to look out for the interests of each side. If one would inform one side about a minor problem with the other side, he is helping one side but hurting the other; therefore, the two parties cancel each other out and it is better for one to remain silent and say nothing.

This means that even though one is not damaging the one being spoken about by revealing a minor problem,

as he is only causing him to lose an opportunity, it is still not permitted because it is not considered a *toeles* at all to relay this information because the benefit to one side is canceled out by the loss to the other. As we said, even when there is no harm caused by speaking *Lashon Hara*, it is only permitted when there is some *toeles*. Since there is no *toeles* at all in this case, it is forbidden.

## NEUTRAL INFORMATION:

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What if the information being shared is not negative at all? For example, what if someone sees his friend heading into a restaurant and tells him, "That place is very crowded." This information is not negative. In fact, it is a testament to the popularity of the restaurant. But it also may cause the man to decide not to eat there. Is this forbidden?

In this case, the speaker is not causing damage to the restaurant; he is only causing them to lose the opportunity of earning money from this customer. While there would need to be a *toeles* to permit one to speak any type of *Lashon Hara*, in this case there is a *toeles* to let one's friend know that he might not be comfortable in the restaurant because it is crowded. Furthermore, the Poskim say that even though we said previously that one is not permitted to benefit one side at the expense of the other, in this case it is permitted because the speaker is not saying anything negative about the other side at all. For that reason, these Poskim rule that telling such information to one's friend is permitted.

I saw that Rav Hillel Zaks does forbid one to say this; however, he doesn't forbid it because it is *Lashon Hara*. Rather, he forbids it because of a Gemara in Bava Metziah that says when a person sees two people about to enter an agreement, he should not mix in and say something that will ruin the deal because this would be depriving the sides of a benefit.

## ONE-SIDED HARM:

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However, we may posit that even Rav Zaks would agree that it is permitted to relate such information in some instances. For example, if one knows that his friend hates crowded rooms, and he sees him heading into a restaurant that he knows is crowded, even Rav Zaks would permit him to let his friend know that this

place is crowded. This is because one is only forbidden from mixing in when both sides of an agreement are happy and the information that he wants to reveal would ruin a perfectly fine partnership. If one side will be unhappy, this prohibition does not apply.

When it comes to *shidduchim*, if someone knows of a minor problem that is not negative – for example, he knows that the boy has a certain personality trait that might not jive with the girl, even though it is not negative – it would seemingly be permitted to reveal this, as relating information that is not negative is permitted in cases where no actual damage is caused, as long as there is any *toeles*.

### TO SUMMARIZE:

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If speaking *Lashon Hara* about someone will cause harm to the subject, it is only permitted if by doing so one will save himself or someone else from being damaged. On the other end of the spectrum, if speaking *Lashon Hara* will not cause any harm at all to the one being spoken about, it is permitted as long as there is any *toeles*.

In the middle case, where the one being spoken about will not be harmed but he will lose a potential opportunity for gain, if the information being related is negative, it would only be permitted if there is a real *toeles* to one over the other; however, if the other party would be affected adversely, the two sides cancel out and one is not permitted to relate

the information.

### WHEN YOU MAY FAVOR ONE SIDE:

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The Chofetz Chaim does describe several instances where it is permitted to favor one side over the other, meaning that the sides will not cancel each other out. He says that if one side is a *talmid chochom*, one is supposed to look out for his good, and his benefit would outweigh the detriment to the other side. Furthermore, if one side is a relative, one is supposed to look out for his good, and this would override the detriment to the other side. Some Poskim say that the same would apply to a close friend.

The Chofetz Chaim also says that one should only remain silent about a small problem if he is not approached. He should not go on his own to offer the information. If, however, he is approached and asked about this particular thing, he should relay the information. In such a case, where one side is asking for answers, the one being asked has to take his side into consideration more than the other side, and the two would not cancel out.

Finally, in a case where the information being related is not negative and the one being spoken about will only be losing an opportunity and will not actually be harmed, according to some Poskim it is permitted to say as long as there is any type of *toeles*.