

There is no concern of לשון הרע

לית בה משום לישנא בישא –

OVERVIEW

stated that anything which is said in the presence of three people there is no concern (anymore) of transgressing the prohibition of לשון הרע. There is a dispute between the רשב"ם and תוספות as to the meaning of this ruling.

פירוש¹ לאותו שאומר לפני ג'² –

The explanation of ל"ב בה משום ל"ב is regarding the one who gossiped before three people; he does not transgress

offers support to his explanation:

דבפרק יש בערכין (ערכין דף טו,ב) מיייתי עלה³ הא דאמר רבי יוסי –

ר"י cites that which ל"ב, regarding this issue of פרק יש בערכין the גמרא, said -

מעולם לא אמרתי דבר וחזרתי לאחורי –

‘I never said anything and then turned around’ to see if the intended was listening -

פירוש⁴ שלא היה חושש אם ישמעו בעלים⁵:

The explanation of ר' יוסי's statement is that he was not concerned if the

¹ (by writing 'פירוש') is rejecting the (בד"ה דמתאמרא) פ"י הרשב"ם, who explains that there is no לישנא בישא if one of the listeners of the gossip repeated it [in the name of the gossip] to the one who was gossiped about, after it was initially gossiped in the presence of three people. The reason is that since the gossip said it in the presence of three this shows that he does not mind if it is repeated to the intended person that which the gossip said about him. The gossip, however, initially transgressed the איסור לה"ר. However תוספות disputes this latter point.

² We are discussing a case (see תוספות in כל ד"ה ערכין) where he is saying something which can be interpreted either as derogatory or complimentary (as the case brought in ערכין מס' ערכין, where he said there is always fire in that person's house. He can mean [positive] that there are always guests in his house and he is continually cooking for them, or he can mean [negatively] that the people of that house are זולל וסובא always eating). If he says this in front of three people, where we know for sure that the intended will hear about it, we assume that he meant it in a positive manner for presumably no one insults someone to his face (and by saying it in the presence of three it is as if he saying it to him personally). However if he tells it to less than three, it seems that he is hiding this from the intended, then we assume that he means it in a derogatory fashion. [If however he said something which is certainly derogatory, then even if he says it before three (or in front of the intended) it is considered לה"ב.]

³ רבה stated there that anything which is said in front of the intended does not constitute לה"ב. This was challenged by מעולם לא אמרתי דבר וחזרתי לאחורי ר"י that ר"י agrees with ר"י, and רבה responded that he agrees with ר"י.

⁴ ל"א שאם באו הבעלים ואמרו: ד"ה וחזרתי רש"י in ל"א (פירוש) the may be negating (with the word תוספות): There would be no proof of interpretation if we were to assume this פירוש.

⁵ ר"י was careful in his speech so he was not concerned that the intended would hear what he said, since he only said complimentary comments about others. We can (also) understand this to mean that ר"י was aware that people are listening and so therefore he was careful as to what he said, that it be in a positive manner; similarly one who speaks in front of three also intends only to compliment the intended and not to embarrass him.

intended **people heard** what he said, since he was careful not to say anything derogatory about anyone.

SUMMARY

There is no ל"ב (even) to the gossiper (when what he is saying has a dual meaning), if he said it in the presence of three people.

THINKING IT OVER

1. What are the relative advantages of פ"י רשב"ם and פ"י התוספות in the understanding of this ruling and how it fits into the words of כל דמתאמרי בפני תלתא לית בה משום לישנא בישא?
2. What would תוספות maintain in the case of the רשב"ם, and what would the רשב"ם maintain in the case of תוספות?⁶

⁶ See סוכ"ד לט,א אות יב in עד"ז.