**Social Media Shaming in Halachah**

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1. [**Leviticus 19:17**](https://www.sefaria.org/Leviticus.19.17)

 (יז) לֹֽא־תִשְׂנָ֥א אֶת־אָחִ֖יךָ בִּלְבָבֶ֑ךָ הוֹכֵ֤חַ תּוֹכִ֙יחַ֙ אֶת־עֲמִיתֶ֔ךָ וְלֹא־תִשָּׂ֥א עָלָ֖יו חֵֽטְא׃

 (17) You shall not hate your kinsfolk in your heart. Reprove your kinsman but incur no guilt because of him.

1. [**Rashi on Leviticus 19:17:1**](https://www.sefaria.org/Rashi_on_Leviticus.19.17.1)

 (א) **ולא תשא עליו חטא.** לֹא תַלְבִּין אֶת פָּנָיו בָּרַבִּים (עי' ספרא):

i. e. though rebuking him thou shalt not expose him to shame (lit., make his face grow pale) in public, in which case you will bear sin on account of him (cf. Sifra, Kedoshim, Chapter 4 8; Arakhin 16b).

1. [**Pirkei Avot 3:11**](https://www.sefaria.org/Pirkei_Avot.3.11)

 (יא) רַבִּי אֶלְעָזָר הַמּוֹדָעִי אוֹמֵר, הַמְחַלֵּל אֶת הַקָּדָשִׁים, וְהַמְבַזֶּה אֶת הַמּוֹעֲדוֹת, וְהַמַּלְבִּין פְּנֵי חֲבֵרוֹ בָרַבִּים, וְהַמֵּפֵר בְּרִיתוֹ שֶׁל אַבְרָהָם אָבִינוּ עָלָיו הַשָּׁלוֹם, וְהַמְגַלֶּה פָנִים בַּתּוֹרָה שֶׁלֹּא כַהֲלָכָה, אַף עַל פִּי שֶׁיֵּשׁ בְּיָדוֹ תוֹרָה וּמַעֲשִׂים טוֹבִים, אֵין לוֹ חֵלֶק לָעוֹלָם הַבָּא:

 (11) Rabbi Elazar of Modi'in says: One who profanes the *Kodeshim* (sacred material); one who desecrates the holidays; one who whitens (embarrasses) the face of another in public; one who nullifies the covenant of Abraham our father, peace be upon him; one who reveals meanings in the Torah that run contrary to the law, even though he has Torah knowledge and good deeds, he has no share in the world to come.

1. [**Sotah 10b:6**](https://www.sefaria.org/Sotah.10b.6)

 (בראשית לח, כה) והיא שלחה אל חמיה לאמר לאיש אשר אלה לו אנכי הרה ותימא ליה מימר אמר רב זוטרא בר טוביה אמר רב ואמרי לה אמר רב חנא בר ביזנא אמר רבי שמעון חסידא ואמרי לה אמר רבי יוחנן משום ר' שמעון בן יוחי נוח לו לאדם שיפיל עצמו לתוך כבשן האש ואל ילבין פני חבירו ברבים מנלן מתמר

The verse concerning Tamar then states: **“She sent to her father-in-law, saying: By the man whose these are, am I with child”** (Genesis 38:25). The Gemara comments: **And let her say to him** explicitly that she was impregnated by him. **Rav Zutra bar Tuviyya says** that **Rav says, and some say Rav Ḥana bar Bizna says** that **Rabbi Shimon Ḥasida says, and some say** that **Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: It is more amenable for a person to throw himself into a fiery furnace** if faced with the choice of publicly embarrassing another or remaining silent even if it leads to being burned, **and not humiliate another in public. From where do we** derive this? **From Tamar,** as she was prepared to be burned if Judah did not confess, rather than humiliate him in public.

1. [**Tosafot on Sotah 10b:6:1**](https://www.sefaria.org/Tosafot_on_Sotah.10b.6.1)

ונראה האי דלא חשיב ליה (פסחים דף כה.) בהדי ג' עבירות שאין עומדים בפני פקוח נפש עבודת כוכבים וגילוי עריות ושפיכות דמים משום דעבירת הלבנת פנים אינה מפורשת בתורה ולא נקט אלא עבירות המפורשות:

It seems that the reason it is not mentioned with the three things for which one gives up his life, idolatry, forbidden sexual unions, and murder, is because embarrassing others is not explicit in the Torah, and it only mentions explicit sins.

1. [**Shaarei Teshuvah 3:141**](https://www.sefaria.org/Shaarei_Teshuvah.3.141)

 ההלבנה היא תולדת הרציחה

Embarrassing is a branch of murder.

1. **Shut Rivash 171**

לא אמרו בו שיהרג ואל יעבור, כמו באותן ג' עברות, וזה לא עלה על דעת שום אדם, ולא חשב אנוש. אלא שדרך החכמים להפליג בהגדלת העונות, כדי שישמר אדם מהכשל בהן.

They do not say regarding it that one should die rather than violate, like by the three sins. This never entered anyone’s mind and no person thought it. Rather, it is the ways of sages to exaggerate the magnitude of sins so people will refrain from stumbling in them.

1. Minchat Shlomo 1:7 takes rules like Tosafot, while Bnei Banim 1:41 rules against.
2. [**Mishneh Torah, Human Dispositions 7:1-5**](https://www.sefaria.org/Mishneh_Torah%2C_Human_Dispositions.7.1-5)

 (א) הַמְרַגֵּל בַּחֲבֵרוֹ עוֹבֵר בְּלֹא תַּעֲשֶׂה שֶׁנֶּאֱמַר (ויקרא יט טז) "לֹא תֵלֵךְ רָכִיל בְּעַמֶּיךָ". וְאַף עַל פִּי שֶׁאֵין לוֹקִין עַל דָּבָר זֶה עָוֹן גָּדוֹל הוּא וְגוֹרֵם לַהֲרֹג נְפָשׁוֹת רַבּוֹת מִיִּשְׂרָאֵל. לְכָךְ נִסְמָךְ לוֹ (ויקרא יט טז) "וְלֹא תַעֲמֹד עַל דַּם רֵעֶךָ". צֵא וּלְמַד מָה אֵרַע לְדוֹאֵג הָאֲדֹמִי:

 (ה) אֶחָד הַמְסַפֵּר בְּלָשׁוֹן הָרַע בִּפְנֵי חֲבֵרוֹ אוֹ שֶׁלֹּא בְּפָנָיו, וְהַמְסַפֵּר דְּבָרִים שֶׁגּוֹרְמִים אִם נִשְׁמְעוּ אִישׁ מִפִּי אִישׁ לְהַזִּיק חֲבֵרוֹ בְּגוּפוֹ אוֹ בְּמָמוֹנוֹ, וַאֲפִלּוּ לְהָצֵר לוֹ אוֹ לְהַפְחִידוֹ, הֲרֵי זֶה לָשׁוֹן הָרַע/

 (1) He who bears tales against his fellow violates a prohibitive commandment, saying: "Thou shalt not go up and down as a talebearer among thy people" (Lev. 19.16.); and although the punishment of flogging is not inflicted for violating this charge, it is a gross iniquity, and is the cause of the slaughtering of many souls in Israel; it is because thereof, that following this commandment is this Verse: "Neither shalt thou stand idly by the blood of thy neighbor" (Ibid.). Now, go ye and learn of that which happened to Doeg the Edomite.1*First Samuel, 22.9-19. G.*

 (5) Regardless of whether the slander is spoken in the presence of his fellow, or in his absence, or if the slander spread from mouth to mouth cause harm to his fellow, to his body, or property, even to cause him anguish, or fear to his soul, behold this is the iniquity of an evil tongue.

1. [**Mishneh Torah, Defilement by Leprosy 16:10**](https://www.sefaria.org/Mishneh_Torah%2C_Defilement_by_Leprosy.16.10)

וְעַל עִנְיָן זֶה מַזְהִיר בַּתּוֹרָה וְאוֹמֵר (דברים כד ח) "הִשָּׁמֶר בְּנֶגַע הַצָּרַעַת" (דברים כד ט) "זָכוֹר אֵת אֲשֶׁר עָשָׂה ה' אֱלֹהֶיךָ לְמִרְיָם בַּדֶּרֶךְ". הֲרֵי הוּא אוֹמֵר הִתְבּוֹנְנוּ מָה אֵרַע לְמִרְיָם הַנְּבִיאָה שֶׁדִּבְּרָה בְּאָחִיהָ שֶׁהָיְתָה גְּדוֹלָה מִמֶּנּוּ בְּשָׁנִים וְגִּדְלַתּוּ עַל בִּרְכֶּיהָ וְסִכְּנָה בְּעַצְמָהּ לְהַצִּילוֹ מִן הַיָּם וְהִיא לֹא דִּבְּרָה בִּגְנוּתוֹ אֶלָּא טָעֲתָה שֶׁהִשְׁוַתּוּ לִשְׁאָר נְבִיאִים וְהוּא לֹא הִקְפִּיד עַל כָּל הַדְּבָרִים הָאֵלּוּ שֶׁנֶּאֱמַר (במדבר יב ג) "וְהָאִישׁ משֶׁה עָנָו מְאֹד" וְאַף עַל פִּי כֵן מִיָּד נֶעֶנְשָׁה בְּצָרַעַת. קַל וָחֹמֶר לִבְנֵי אָדָם הָרְשָׁעִים הַטִּפְּשִׁים שֶׁמַּרְבִּים לְדַבֵּר גְּדוֹלוֹת וְנִפְלָאוֹת. לְפִיכָךְ רָאוּי לְמִי שֶׁרוֹצֶה לְכַוֵּן אָרְחוֹתָיו לְהִתְרַחֵק מִישִׁיבָתָן וּמִלְּדַבֵּר עִמָּהֶן כְּדֵי שֶׁלֹּא יִתָּפֵס אָדָם בְּרֶשֶׁת רְשָׁעִים וְסִכְלוּתָם. …

In warning against this, the Torah says: "In an attack of leprosy you shall be careful… Remember what the Lord your God did to Miriam on the journey" (Deuteronomy 24:8-9). The Torah means to say: Consider what happened to Miriam the prophetess who spoke against her brother, even though she was older than he, and had nurtured him on her knees after having endangered her life to save him from the sea. Now she did not disparage him but made the only mistake in placing him on a level with other prophets, and he did not mind all this, as it is written: "Moses was a very humble man" (Numbers 12:3). And yet, she was immediately punished with leprosy. How much more then is this applicable to evil men, those fools, who keep talking arrogantly and boastfully.

It is therefore proper for the man who would steer his course of life aright to shun their company and refrain from talking with them, that he should not be caught in the net of evil and arrogant men….

1. [**Shulchan Arukh, Choshen Mishpat 11:1**](https://www.sefaria.org/Shulchan_Arukh%2C_Choshen_Mishpat.11.1)

כיצד מזמינים בעל דין לדין שולחים לו ב"ד שלוחם שיבא ליום המזומן לדין לא בא מזמינים אותו פעם שנית לא בא מזמינים אותו פעם שלישית לא בא ממתינים לו כל היום לא בא מנדין אותו …

 (1) In which manner is a defendant summoned to appear in Court? — The [members of the] Court send their messenger to him in order that he come on the appointed day to Court. [If] he did not appear [on the appointed day], they summon him a second time; [if] he did not appear [after the second summons], they summon him a third time; [if] he [still] did not appear, they wait for him all day, and if he did not appear, they place him under the ban on the morrow.

1. **Rambam Laws of Torah Study 7:4**

(ד) מַהוּ הַמִּנְהָג שֶׁיִּנְהֹג הַמְנֻדֶּה בְּעַצְמוֹ וְשֶׁנּוֹהֲגִין עִמּוֹ. מְנֻדֶּה אָסוּר לְסַפֵּר וּלְכַבֵּס כְּאָבֵל כָּל יְמֵי נִדּוּיוֹ. וְאֵין מְזַמְּנִין עָלָיו. וְלֹא כּוֹלְלִין אוֹתוֹ בַּעֲשָׂרָה לְכָל דָּבָר שֶׁצָּרִיךְ עֲשָׂרָה. וְלֹא יוֹשְׁבִין עִמּוֹ בְּאַרְבַּע אַמּוֹת. אֲבָל שׁוֹנֶה הוּא לַאֲחֵרִים וְשׁוֹנִין לוֹ וְנִשְׂכָּר וְשׂוֹכֵר. וְאִם מֵת בְּנִדּוּי בֵּית דִּין שׁוֹלְחִין וּמַנִּיחִין אֶבֶן עַל אֲרוֹנוֹ כְּלוֹמַר שֶׁהֵן רוֹגְמִין אוֹתוֹ לְפִי שֶׁהוּא מֻבְדָּל מִן הַצִּבּוּר. וְאֵין צָרִיךְ לוֹמַר שֶׁאֵין מַסְפִּידִין אוֹתוֹ וְאֵין מְלַוִּין אֶת מִטָּתוֹ:

(4) What regulations should one under sentence of separation follow himself, and how should others act toward him? One under sentence of separation is forbidden to shave and wash, as one in mourning, all the days of his separation. He must not be counted in among three to bless God after meals, or among ten in any religious service which requires ten adults, and no one is permitted to sit within four ells of him. Nevertheless, he may give instruction to others and others may instruct him, and others may hire him and he may hire others. If his demise occurs while under sentence of separation, the tribunal has a stone sent which is deposited on his coffin, as if saying that he is being stoned because he had to be separated from the community. Needless to say that no mourning is permitted after him, and that his hearse is not followed.3Mo’ed Katan, 16b; Baba Mezi’a, 59a.

1. **Shaming in Judaism Past, Present, Future** by Tsuriel Rashi and Hananel Rosenberg (Journal of Religion and Society Volume 19, 2017)

**Shaming as Communal Pressure: Excommunication (Cherem)**

Another form of shaming was used to pressure someone who refused to conform to the community’s code of behavior or to bow to the authority of the communal institutions. The most striking of these was undoubtedly cherem (excommunication), which was the public denunciation of a member of the community and his expulsion from the social circle. This punishment was common from ancient times, as there is evidence that it was used among the Dead Sea sects (Weinfeld 1977; 2006). There were two steps in the excommunication process among Jewish communities in the Middle Ages: (1) the announcement of the intent to excommunicate; (2) the act of excommunication itself, which involved declaring that of the person was no longer considered a member of the community and a prohibition on joining with him in prayer, sitting near him, or speaking to him (for further details, see Maimonides, Laws of Talmud Torah 7, 4). Sometimes an excommunication was publicized in the streets of the town and/or in important communities throughout the country (Assaf). Excommunication was rare, and European rabbis resorted to it as seldom as possible. In general, when it was used, it was with the agreement of the community (Assaf: 34). The rabbi would announce the excommunication in the synagogue, taking out the Torah scrolls with a public proclamation of the sin for which the individual was being expelled from the community….

**Shaming as Punishment**

 Like the legal institutions that surrounded it, Jewish communities in the Middle Ages also made use of shaming as a punishment for criminals and sinners. So, for example, those who departed from the straight and narrow of communal norms and were caught in the sin of adultery, drunkenness, theft, or contempt of the communal court were publicly chastised. We find such an instance in the writings of Rabbi Moshe Mintz, the son of Rabbi Isaac HaLevi Mintz (1415–1485), one of the most important rabbis in the Rhineland, who obliged his community to denounce one of its members who had reneged on a monetary undertaking to a fellow Jew in the synagogue toward the end of the prayer service (Responsa Maharam Mintz 101). The objective of public criticism of the sinner is both to punish him and to warn the public that he is not trustworthy. Similar practices were effected through placing the names of members of the community who had sinned on the synagogue notice board. In 1804 the community of Fürth, Germany, placed the following notice on the wall of the women’s section of the synagogue: “On this tablet will be listed the names of women who dare to dance with men.” Similarly, a notice was posted about sixty years earlier in the city of Grodno, Belarus, on which was written: “Here will be recorded the name of anyone who does not wish to take a poor visitor home for a Sabbath meal” (Assaf: 40). In other communities, such as Zolkiew in the Ukraine, such names were listed in the “Community Register” (Buber: 109). These registers (pinkasim) were public minutes in which were documented important life-cycle events such as births, marriages, deaths, etc., and communal events such as the construction of communal buildings, disasters, epidemics, and pogroms. Sometimes shaming was accompanied by a physical act. For example, the “standing in the corner punishment,” in which the sinner was publicly denounced on one of the corners leading to the synagogue, usually the largest synagogue in the town. He was bound to the wall of the synagogue by chains on his hands or around his neck, in full view of the congregants as they came for services and then left. A record can be found in the register of the Jewish community of Cracow, where this punishment was meted out to a member of the community found guilty of stealing money from many of his fellows (Assaf: 133).

**Shaming as a Tool for the Individual to Correct an Injustice:**

 The Custom of Delaying the Prayer – The Right to Shame On the one hand, the practices noted above were used mainly as tools for community leaders to enforce the society’s social norms. On the other hand, “delaying prayer” (ikkuv tefillah) is a unique shaming practice that developed during the Middle Ages and was specifically a means by which a member of the community could respond to some personal offense that had been committed against him. The “delaying prayer” procedure included shaming the person who was the subject of the complaint….

**Shaming as Exposure and Public Criticism:**

 Pashkevilim In cases where communal authority did not provide the tools for the rabbinical court to punish the transgressor or when, for whatever reason, the leaders did not want to impose such harsh punishments as excommunication, we find a further practice of public shaming, particularly within the ultra-Orthodox community, that involves a print communications medium: the pashkevil (wall poster). Shaming via pashkevilim was carried out in the spirit of the edict, “Publicize the flatterers before a defamation of God’s name” (Babylonian Talmud, Yoma 86b). The stress here is on sins committed secretly or on people who pretend to be righteous, and the disclosure is designed to warn the public about their actions….

**Then and Now: The Shaming Dilemma on Social Media…**

… using social media for shaming in cases of men refusing to grant a divorce is no longer the action of an individual but has become institutionalized. This breakthrough occurred at the beginning of 2016 as part of legal proceedings of the court of Israel’s Chief Rabbinate. There have already been several hearings in the case of Dr. Oded Guez, a physics lecturer living in Israel, who refused to grant his wife a divorce for many years. Following several futile attempts to persuade the husband to divorce his wife, the rabbinical court published a particularly stinging ruling in which it asks the public to apply the “Ordinances of Rabeinu Tam” against him, in effect, to excommunicate and ostracize him:

It is incumbent on every Jewish man and woman and everyone associated with them not to have any dealings with him, whether in business or monetary matters, not to provide him hospitality, feed him or give him to drink, not to visit him when he is sick, and not to seat him in the synagogue, and all the more so not to call him up to the Torah, and not to let him say kaddish [prayer for the departed], and all the more so not to lead the prayer service, not to ask how he is, not to give him any form of respect or honor until such time as he relents from being stiff necked and listens to the words of the teachers, and grants a divorce in Jewish law to his wife, and to free her from her marital chains.

 The rabbinical court did not limit itself to this declaration; it further supported the application of his spouse to publicize his photograph together with the rabbinical court ruling on social media, thereby contravening the original prohibition regarding publicizing Guez’s name and picture. According to Pinchas Tannenbaum, spokesman for the chief rabbi,

The decision was taken with much pain, but there was no other choice. The rabbinical court does not publish advertisements and does not know the word “shaming”; however, in this case the rabbinical judges felt that publicity on social media would be a more effective tool. The wife claimed that from her acquaintance with her husband this was the right tool, and who should know better than her (Malek-Buda).

…These events have led to disagreements and wide-ranging discussions among rabbis and Jewish intellectuals to map out halakhic rules for the use of shaming in a religious context by both individuals and religious institutions.

David Stav, the rabbi of the town of Shoham and chairman of the Tzohar rabbinical organization, contends that the decision of the rabbinical a complex decision:

The rabbinical court here took a very high risk by applying such a severe punishment, because embarrassing one’s fellow in public is a very serious sin, almost like spilling blood, and he has no place in the world to come, and therefore the rabbinical court is obliged to give a convincing explanation as to why it is taking the step of shaming (Maariv).

 Rabbi Stav supports the rabbinical court in this specific case, if indeed it is an exceptional case, and then “it is right and proper to respect it and correct to compliment it that it took such steps to reduce instances of refusal to grant divorces. However, in other cases “it would be better to sanction with imprisonment, notwithstanding that in terms of rabbinical court rulings this is the most serious there is.” It is interesting that Rabbi Stav’s reasoning derives not only from the harm done to the one refusing to grant a divorce, but mainly from a concern that “the moment shaming is used in one case, shaming is likely to be used in 20 more cases over which distinguished rabbis who might think that it is or is not appropriate, are not presiding and thereby each would decide the law for himself” (Maariv). Social media reconstitutes the effectiveness of rabbinical courts’ social punishment, but in doing so grants access to such a strong tool to individuals who may not be bound by the seriousness of a rabbinic court, as well as to religious court judges who might be too hasty. In other words, Rabbi Stav’s position is that the democratization of shaming obliges the rabbinical court to use the utmost caution in using this tool, even more caution than was necessary in past practices: “I warn against releasing the brakes suddenly, and from here if someone does something we do not like, it is not a reason to embarrass him in public.” Rabbi Stav also emphasizes that, “Personally I would not do something publicly until the rabbinical court had handed down a decision” (Maariv).

A similar position can be found in the words of Chaim Navon, the community rabbi of Modi’in, who has argued that shaming on social media is simply a return to a modern version of excommunication as practiced by Jewish communities in the Middle Ages:

Once, when communities were communities, this is what excommunication looked like: effective social ostracism. Rabbinical courts made measured use of it against various scoundrels. The weakening of the communities alongside social mobility decreased the effectiveness of this tool. For these reasons, someone ostracized or excommunicated simply showed contempt for the rabbinical court, or at the most moved somewhere else and started over again. Social media in fact have restored the effectiveness of excommunication, and have returned it to what it was meant to be.

However, exactly for this reason, Rabbi Navon stipulates the border between shaming sponsored by the rabbinical court and the personal shaming of Internet surfers, which he considers “lynchtranet of someone just because I don’t like him, or I suspect him, or I don’t like his opinions, or he said something bad – that is a disgrace. Something completely different is to cooperate with a ruling of the rabbinical court, which checked out matters scrupulously, before it determined on such a step” (Ezra).

Contrary to Rabbi Navon’s position, one can find rabbis who specifically emphasize the responsibility of social solidarity of the individual in enforcement of ethical and religious norms even using shaming on the social networks. A typical example can be found in the words of Rabbi Yuval Cherlow, an Israeli rosh yeshiva [head of a rabbinic studies seminary] and a member of the Helsinki Committee for clinical trials on humans and other ethics committees. In his opinion, the ethical decision to use social media to write or share an embarrassing post is given to each person, and not just to religious institutions. Rabbi Cherlow emphasizes that in the age of social media the border between the individual and social institutions has been blurred, and sometimes the power of the individual to correct social wrongs is greater than that of traditional institutions, which accordingly obliges the individual to be part in this objective of fixing the injustice, and that it is the duty of the rabbis to lay down Jewish ethical rules and make them available to everyone. According to Rabbi Cherlow, the starting point for Jewish ethics concerning shaming via social media is not what is “permitted,” but rather what is “obligatory”: Jewish ethics holds that the concept of “the public’s right to know” is a distorted one. The public does not have a right to know everything about people’s private lives. Jewish ethics does recognize “the public’s right to know,” namely, those things that the public must know – it is an obligation to publicize them. It is not always easy to differentiate between the two, yet it is important that this be a guiding light for the one publicizing. In cases of injustice, standing shoulder to shoulder with victims or distributing information that should not be withheld to avoid harming people, there is an obligation to publicize that is incumbent on everyone. However, the risk of using shaming sometimes touches on the laws of life and death. Rabbi Cherlow stresses that “this reminder applies to both sides,” namely not just to the one about whom the shaming is publicized. This is true since sometimes an “overdose of harm may lead to actual questions of life and death, and words can kill.”

**Quote from R. Cherlow:**

On the one hand, without dissemination of the required information a tool in this fight has been lost, but, on the other hand, there are many opportunities for manipulation and using the reader’s good intentions for base purposes. Accordingly, it is worth using this tool as seldom as possible. . . . And even so, according to the questions in the Babylonian Talmud concerning slander, several principles can be stipulated for sharing the dissemination of shaming. Firstly, the reader of shaming must internalize that what he reads is not a fact but a story or narrative of someone who is writing him something, of which it is reasonable to assume that part is correct and part unclear. Secondly, the shaming reader must make an effort to hear the position of the other party, the wrongdoer, based on the injunction to rabbinical court judges, “Hear out your fellows and judge them righteously.” Any reading of shaming-type publications is a quasi-judgmental exercise, and requires making an effort to hear what can be known from both sides. Thirdly, the shaming reader must assess the necessity of disseminating these matters. If the things you pass on are not helpful, it is prohibited to convey them; if what you publicized is necessary to deal with wrongdoing, as it appears as far as possible, you are obliged to pass it on, stating: “Be advised that I am conveying information that I do not know to be correct, but it is important to pass it on, decide for yourself” or similar.

1. **רש"י מסכת חולין דף קלט עמוד א**

ובערת הרע - מצוה על כל הפוגע בחייבי מיתה להביאן לב"ד כדי לבער רשעים מישראל.

1. **ר' אשר וייס- מצוות היחיד והצבור**

ונראה לכאורה דגם מצוה זו ד"ובערת הרע מישראל" מוטלת על הציבור, וביותר על הבי"ד, וכעין מש"כ החינוך בכל המצוות הנ"ל.

דהנה בחולין קל"ח ע"ב מבואר לגבי מצות שילוח הקן:

"עוף טהור שהרג את הנפש פטור משלוח מ"ט דאמר קרא שלח תשלח את האם במי שאתה מצווה לשלחו יצא זה שאי אתה מצווה לשלחו אלא להביאו לבית דין. היכי דמי אי בגמר דיניה בר קטלא הוא, אלא דלא גמר דיניה ובעי לאתוייה לבי דינא לקיומי ביה ובערת הרע מקרבך". וברש"י שם "מצוה על כל הפוגע בחייבי מיתה להביאן לבית דין כדי לבער רשעים מישראל".

הרי לן מדברי רש"י דכל אחד מישראל מחוייב לקיים מצוה זו ומן המצוות המוטלות על הציבור היא, ואף דפשוט דעיקר החיוב על הבי"ד מ"מ כל מי שבידו לקיים מצוה זו חייב בה ואסור לו להשתמט מקיומה. ובאמת לולי דברי רש"י הוי אמינא דאין בזה אלא מעין רצון התורה. דכיון שמצוות התורה על הבי"ד לבער רשעים מישראל פשוט דכל אחד חייב לסייע ביד בית הדין לקיים מצוה זו (ועיין מנחת אשר דברים סימן נ"א בעיקר גדר זה דרצון התורה), אך מלשון רש"י נראה טפי דמצוה זו ממש רובצת על כל הפוגע בחייבי מיתה, ודו"ק בכ"ז.