

Can Hilkhoh Lashon Hara Be Salvaged?



By Jeremy Sher

There is a lot of good in hilkhoh lashon hara, and I would hate to throw out the whole concept entirely. But hilkhoh lashon hara have been fully and systematically weaponized against victims of abuse by rabbis and other powerful people in Jewish communities. This upside-down logic casts victims as perpetrators and perpetrators as victims, enforcing a system of full impunity for those in power and no recourse or rights for those who are not. Such a system is rotten and must be rethought from the ground up with attention to the harm it has caused. Surely the Chafetz Chaim and older poskim of lashon hara did not intend this harm, but their thinking is often naive and often extremely biased toward those in power, especially rabbis. How can we salvage hilkhoh lashon hara to keep the good in them while making this area of halakhah consistent with basic requirements of community safety, let alone justice and human rights?

חפץ חיים, פתיחה להלכות לשון הרע ורכילות, הקדמה
 אסור אפלו על דבר אמת, כמו שנבאר לקמן, אם ירצה השם,
 בשם כל הפוסקים. גם דאסור לשון הרע ורכילות הוא בין בפניו
 ובין שלא בפניו. גם דאין חלוק בין מספר למקבל, כמו שנבאר
 הכל לקמן. ומקבל מקרי במה שמאמין בלבו להספור שמספר לו
 חבירו, אפלו אין מסייע לו בהספור, רק שמאמין בלבו להספור

לשון הרע ורכילות ששמע, בזה מקרי נושא שמע שוא ועובר על
 ידי זה הקלאו (שמות כג, א) ד"לא תשא שמע שוא"

Chafetz Chaim, Introduction to the Laws of the Prohibition of Lashon Hara and Rechilut, Opening Comments

(7) It [lashon hara and rechiluth] is forbidden even if true, as will be explained below, please G-d, in the name of all the poskim. Also, the prohibition of lashon hara and rechiluth applies both in his [the object's] presence and not in his presence. Also, there is no difference between speaking and receiving [lashon hara and rechiluth], all of which we shall explain further. A "receiver" of lashon hara is one who believes in his heart what is told him by his friend even if he does not abet him in the telling but only believes in his heart the lashon hara and rechiluth that he has heard. If he does believe it, he is called "the bearer of a false report" and transgresses (Shemoth 23:1): "Do not bear a false report."

A pattern in this whole area of Jewish thought is false equivalency. The victim of a serious crime is, by this thinking, obligated to judge their perpetrator in the scales of merit, lest they themselves find every little fault of theirs judged in the scales of guilt. The threat to victims is: if you don't want your every little fault judged harshly, you must judge the grievous, heinous wrong that was done "in the scales of merit." The question of whether a given wrong or perpetrator *deserves* to be judged leniently or

harshly is not engaged. The facts of a case and the attitudes of the individuals involved don't seem to matter.

חפץ חיים, פתיחה להלכות לשון הרע ורכילות, לאוין ה' (ה) ועובר נמי המספר לשון הרע בלאו (דברים ה' י"א) ד"השמר לך פן תשפח את ה' אלהיך, שהוא אזהרה לגסי הרוח, כי כיון שהוא מלעיג ומתלוץ על חברו, מסתמא הוא מחשיב את עצמו לחכם ולאיש באנשים, כי אלו היה מכיר את נגעי עצמו, לא היה מלעיג מחברו

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(5) And the speaker of lashon hara also transgresses (Devarim 8:11): "Take heed unto yourself lest you forget the L-rd your G-d," which is an exhortation to the proud of spirit, for since he mocks and ridicules his friend, he apparently considers himself wise and "a man among men." For if he knew his own faults, he would not deride his friend.

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ג ז' כמו שאמרו רז"ל: הדין את חברו לכף זכות, המקום ידינהו לכף זכות, והוא נכנס בכלל מאמרו יתברך: "בצדק תשפט עמי תד".

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as Chazal have said: "If one judges his friend by the scales of merit, G-d will judge him by the scales of merit." And this is included in the Blessed One's behest (Vayikra 19:15): "In [the scales of] righteousness shall you judge your fellow."

Rather than denying our faults and impugning those who point them out, we, especially as rabbis in positions of spiritual power, should be willing to accept accountability. But the Chafetz Chaim doesn't seem to support the idea of accountability for those in power.

חפץ חיים, פתיחה להלכות לשון הרע ורכילות, עשיין ב' (ב) ועובר על ידי הספור הזה גם על מצות עשה (ויקרא י"ט י"ח): "ואהבת לרעך כמוך", שנצטוינו בזה לחוס על ממון חברו, כמו שהוא חס על של עצמו, ולחוס על כבוד חברו ולספר בשבחו, כמו שהוא חושש על כבוד עצמו, והמספר לשון הרע ורכילות על חברו, או המקבל, אף אם הדבר אמת, נראה בעליל שאינו אוהבו כלל, וכל שכן דכמוך בודאי אינו מקיים.

והראיה הגדולה על זה, דהלא כל אדם יודע את נגעי עצמו, ואף על פי כן אינו רוצה בשום אפן, שחברו ידע מזה אף אחד מאלף. ואף אם ארע, שנודע מעט מחסרונותיו אצל חברו, וחברו הולך ומספר זה לאנשים, אף על פי כן הוא עומד ומצפה, הלואי שיתן

ה' שלא יקבלו את דבריו ולא יאמינו לו, והכל כדי שלא יתחזק בעיניהם לאדם שאינו הגון, אף שהוא יודע בעצמו הרבה והרבה מהעונות, יותר ממה שספר חברו עליו, אף על פי כן מרוב האהבה שהוא אוהב את עצמו, נדחה הכל מחמת זה. כן באפן זה ממש צריך על פי התורה לעשות לרעהו, לחוס על כבודו בכל האפנים.

ולא לחנם כתבה לנו התורה מעשה דנתח (בראשית ט' כ"א-כ"ב):

"וישבת וישכר ויתגל וגו' וירא חם וגו' ושם ויפת כסו את ערות אביהם", וגם ספרה לנו התורה את הברכה שברכם נח ונתקיימה לבסוף, להראות לנו את גדלת המדה הזאת, שצריך האדם לחפות על גנות חברו בכל כחו כמו על של עצמו.

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(2) And he [the speaker of lashon hara] also transgresses (Vayikra 19:18): "And you shall love your neighbor as yourself," whereby we have been commanded to be as solicitous for our friend's money as we are for our own, and to be solicitous of his honor, and to speak in his praise, as we are solicitous for our own honor. And if one speaks or receives lashon hara and rechiluth against his friend, though it be true, it is apparent that he does not love him at all — how much more so is he in violation of "as yourself!"

And the great proof of this [that he is in violation of "as yourself"] is

as follows: Does not every man know his own shortcomings? — in spite of which he would not want his friend to know, under any circumstances, even one thousandth of them! And even if it happens that a few of his faults become known to his friend, who goes and speaks of them to others — how he stands and waits, wishing the Lord to grant that they not accept his words and not believe him! And all so that he not be seen in their eyes as unworthy — even though he knows himself to be guilty of very many sins, far more than his friend has revealed. In spite of this, in the access of his self-love, everything is swept away. Thus, exactly in this way must one conduct himself vis-à-vis his friend according to the Torah, to be solicitous of his honor in every respect.

And not in vain did the Torah relate to us the episode of Noach, viz. (Bereshith 9:21-23): "And he drank from the wine and he was inebriated and he uncovered himself in the midst of his tent. And Cham the father of Canaan saw the nakedness of his father and he told his two brothers outside. And Shem and Yefeth took the garment and placed it on the shoulders of both and they covered the nakedness of their father, and their faces were [kept] turned backwards [when they drew near him to cover him], and the nakedness of their father they did not see." And the Torah also relates to us the blessing by which Noach blessed them (viz. Ibid 26-27) and which was ultimately realized — to reveal to us the greatness of this attribute, that one must cover up any unseemliness in his friend with all of his power, just as he would for himself!

The Chafetz Chaim often seems more concerned about the welfare of the perpetrator than that of the community--or anyone else. Apply the following paragraph to a rabbi who embezzled a large amount of money from the synagogue and was caught (rather than confessing and attempting to make amends). Such a rabbi is unfit to serve and ought to lose their job. But the Chafetz Chaim is concerned about this rabbi's continued employment and is not concerned about the welfare of the community.

The Catholic Church was justly in trouble for keeping priest pedophilia secret and reassigning offending priests to new parishes when they began to raise suspicion in their old parishes. The Chafetz Chaim would appear to endorse this practice, if it were to occur among rabbis (*and it has*). He is concerned about the rabbis' livelihood at any cost. He shows no evidence of concern about all the innocent people who are needlessly victimized because the clergy offender was not fired.

חפץ חיים, פתיחה להלכות לשון הרע ורכילות, עשיין ד' (ד) ואם על ידי ספורו הלשון הרע או הרכילות השפיל את חברו, עד שאבד מחיתו על ידי זה, (ד) כגון שמפני רע לבבו פרסם על חברו, שאינו איש מהימן, או אם הוא בעל מלאכה, פרסם עליו שאינו ראוי למלאכה ההיא, וכל פיוצא בה, עובר גם פן על מצות עשה, שנאמר (ויקרא כ"ה ל"ה): "גר ותושב וחי עמך" ונאמר (ויקרא כ"ה ל"ו): "וחי אחיך עמך", שנצטוינו בזה להחזיק ביד

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ישראל שמך, ולתן לו מתנה או הלואה או לעשות עמו שתפוח או להמציא לו מלאכה, כדי שיתחזק בזה ולא יפל ויצטרך לבירות, ועל אחת כמה וכמה דמצוין אנו, שלא לגרם לו שיאבד מחיתו.

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(4) (4) And if through his lashon hara or rechiluth he lowers his friend so that he loses his livelihood as a result, as when through evil-heartedness he publicizes his friend as being dishonest, or, if he is a worker, as being unfit for his work, or the like, he also transgresses (Vayikra 25:35): "And if your brother grows poor and his hand falls with you, then you shall uphold him [even if he be], proselyte or sojourner; and he shall live with you." And (Ibid 16): "And your brother shall live with you," whereby we have been commanded to uphold the hand of an Israelite who has fallen ["on hard times,"], either by giving him a gift or a loan, or by going into partnership with him, or by finding a job for him, so that he be strengthened thereby and not fall and be beholden to men. How much more so are we commanded not to cause him to lose his livelihood!

Should we apply the following text to George Santos? What if a charlatan were to pose as a rabbi (I know this has happened)?

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ה ב'

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דִּהְלֵא כָּתַב הַרְמַב"ם בְּפֶרֶק א' דְּאָבוֹת (מ"ז) וְזֶה לְשׁוֹנוֹ שָׁם:
 וְלִשְׁוֹן הָרַע הוּא סְפוּר רְעוּת הָאָדָם וּמוֹמְיוֹ וּלְגַנוּתוֹ בְּאֵינָה צַד
 שְׂיֵהִיָּה מִן הַגְּנוּת, וְאֶפְלוּ אִם יִהְיֶה הַמְּגַנֵּה חָסֵר וְכוּ'. וְכִמּוֹ שֶׁהָאֲרִיז
 שָׁם דְּלִשְׁוֹן הָרַע נִקְרָא אִם הוּא אֵמֶת מֵה שֶׁדִּבֶּר עָלָיו, עַיִן שָׁם. וְגַם
 מִמֵּה שֶׁכָּתַב בְּפֶרֶק ז' מֵהִלְכוֹת דְּעוֹת (הֵלַכָּה ה'), שֶׁלִּשְׁוֹן הָרַע
 נִקְרָא דְבָר שְׂגוֹרָם, אִם יִתְנוּדַע זֶה לְאֲנָשִׁים, לְהַזִּיק לוֹ בְּגוּפוֹ אוֹ
 בְּמִמוֹנוֹ אוֹ לְהַצִּיר לוֹ אוֹ לְהַפְחִידוֹ, נִרְאֶה בְּרוּר, שֶׁחֲסָרוֹן שְׁלִילַת
 הַמַּעֲלוֹת לְשׁוֹן הָרַע גְּמוּרָה הוּא מִן הַתּוֹרָה, שָׂאֵם נִתְבוֹנֵן הַיֵּטֵב
 נִמְצָא, שְׂיִוְכַל לְהִיּוֹת שְׂיִסְבֵּב עַל יְדֵי זֶה הַזִּיק בְּמִמוֹנוֹ אוֹ לְהַצִּיר לוֹ
 וְכוּ'.

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 For did the Rambam not write (Avoth 1:17): "Lashon hara is relating one's evils and his blemishes and demeaning a Jew in any way, even if the demeaned one were [indeed] deficient, etc." As he expatiates there, it is called lashon hara if what he says about him is true. (See also what the Rambam has written in Hilchoth Deoth 7:5 to the effect that lashon hara is something, which when it becomes known to men, causes someone to be harmed in his body or in his money or to aggrrieve him or to frighten him.) It seems clear, then, that negating one's possession of a certain eminence is absolute lashon

hara according to the Torah. For upon reflection we find that this can result in monetary loss or grief, etc.

Sefer Chafetz Chaim is replete with self-serving legislation that places rabbis and Torah scholars in a special class to be given special privileges and special deference. How can we be accountable to those we serve if we write laws that serve ourselves? This area of hilkhoh lashon hara very likely needs to be thrown out.

חַפְזֵי חַיִּים, חֵלֶק רֵאשׁוֹן: הַלְכוֹת אִיסוּרֵי לִשְׁוֹן הָרַע, כֻּלָּל ד' ד'
 וְכָל זֶה שֶׁכָּתַבְנוּ הוּא אֶפְלוּ אִם הוּא רַק אָדָם בִּינּוֹנִי בְּשֶׁאֵר דְּבָרִים,
 וְכָל שֶׁכֵּן אִם הוּא אִישׁ תַּלְמִיד חֶכֶם וִירָא חֲטָא, אִף עֵתָה גָּבַר יִצְרוֹ
 עָלָיו, בְּוֹדָאֵי עוֹן גָּדוֹל הוּא לְפָרְסָם חֲטָאוֹ וְאִסוּר אֶפְלוּ לְהַרְהֵר
 אַחֲרָיו כִּי בְּוֹדָאֵי עֲשֵׂה תְּשׁוּבָה, וְאִף אִם יִצְרוֹ נִתְחַזַּק עָלָיו פַּעַם
 אַחַת, נִפְשׁוּ מְרָה לוֹ אַחַר כֵּף עַל זֶה וּלְבָבוֹ יֵרָא וְחָרַד מְאֹד עַל
 אֲשַׁמְתּוֹ, וְכִמּוֹ שֶׁאֲמָרוּ חַז"ל: אִם רָאִיתָ תַּלְמִיד חֶכֶם, שֶׁעָבַר עֲבָרָה
 בְּלִילָה אֶל תְּהַרְהֵר אַחֲרָיו בַּיּוֹם, שֶׁבְּוֹדָאֵי עֲשֵׂה תְּשׁוּבָה.

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 And all of this that we have written applies even if he is only a mediocre person in other respects; how much more so if he is a Torah scholar and a fearer of sin, who was suddenly overpowered by his evil inclination, in which instance it is a great sin to publicize his sin. And

it is forbidden even to bethink himself of it, for [it is to be assumed that] he certainly repented and that though his evil inclination overpowered him once, his spirit is bitter unto him and his heart is extremely fearful within him over his guilt. As Chazal have said (Berachoth 19a): "If you have seen a Torah scholar who transgressed at night, do not think evil of him in the daytime, for he has certainly repented."

We know that the above is simply not true of all rabbis. A person's degree of learning or community authority, unfortunately, is no guarantee of their good character. The conflation of community power with good character is what creates aristocracies everywhere, and we abdicate our responsibility to serve the community if we make ourselves into an aristocracy.

On the other hand, Sefer Chafetz Chaim permits and even requires the public shaming of heretics. If we're going to have the concept that it's a mitzvah to shame someone who has departed from the status of "your fellow," is heresy in a matter of one kal v'chomer, rather than, say, rabbinic sexual abuse, really the right criterion for that?

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ה' ה'
 (א) וְכֹל זֶה הָאִסוּר שֶׁל לְשׁוֹן הָרַע הוּא דוֹקָא עַל אִישׁ, שֶׁעַל פִּי דִין תּוֹרָה הוּא עֲדִין בְּכֻלָּל "עֲמִיתָךְ" דִּהְיִינוּ עִם שְׂאֵתָךְ בַּתּוֹרָה וּבְמִצְוֹת, אֲבָל אוֹתָן הָאֲנָשִׁים, שְׂמִכְרָם, שִׁישׁ בָּהֶם אֶפְיִקוֹרְסוֹת, (ח) מִצְוָה

לְגִנוּתָם וּלְבִזּוּתָם, בֵּין בְּפִנְיָהֶם וּבֵין שְׂלֵא בְּפִנְיָהֶם, בְּכֹל מָה שֶׁהוּא רוֹאֶה עֲלֵיהֶם, (ט) או שְׂשׁוּמַע עֲלֵיהֶם, דְּכִתְיִב: "לֹא תוֹנוּ אִישׁ אֶת עַמִּיתוֹ", וְ"לֹא תִלְךְ רֵכִיל בְּעַמִּיךְ", וְהֵם אֵינָם בְּכֻלָּל זֶה, שְׂאִינָם עוֹשִׂים מַעֲשֵׂה עֲמָךְ, וְנֶאֱמַר (תהלים קל"ט כ"א): "הֲלוֹא מִשְׁנֵאָיִךְ ה' (י) אֲשַׁנָּא וּבִתְקוּמָמִיךְ אֶתְקוּטָט" וְכו', וְאֶפְיִקוֹרְס (יא) נִקְרָא הַכּוֹפֵר בַּתּוֹרָה וּבְנִבּוּאָה מִיִּשְׂרָאֵל, בֵּין בַּתּוֹרָה שֶׁבְּכֹתֵב וּבֵין בַּתּוֹרָה שֶׁבְּעַל פִּה, וְאֶפְלוּ הוּא אוֹמֵר, כָּל הַתּוֹרָה מִן הַשָּׁמַיִם, חוּץ מִפְּסוּק אֶחָד או קל וְחֹמֶר אֶחָד או גִּזְרָה שְׁוֶה אֶחָת או דְּקָדוּק אֶחָד, גַּם הוּא בְּכֻלָּל הַזֶּה.

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(1) And this entire issur of lashon hara applies only [when spoken] against the man who is in the category of "your neighbor" [amitecha], "am she'techa," "a people who is with you" in Torah and in mitzvoh. But those people whom he knows to have "apikorsoth" [heresy] among them, it is a mitzvah to demean and to shame, both in their presence and not in their presence, in everything that he sees or hears about them. For it is written (Vayikra 25:17): "And you shall not wrong, one man, his fellow [amito]" and (Vayikra 19:16): "You shall not go talebearing among your people [be'amecha]." And they are not in this category, for they do not act as Your people. And it is written (Tehillim 139:21): "Do I not hate your haters, O L-rd? And against those who rise up against You do I strive." And one who

denies the Torah and prophecy of Israel, both the written and the oral Law, is called an apikoress [heretic], even if he says all the Torah is from Heaven, except for one verse, or one kal vachomer [a fortiori argument], or one gezeirah shavah [identity deduction], or one dikduk [inference].

Does the following text apply to rabbis or other powerful people who have committed serious abuse as a matter of common knowledge?

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ח ז'
(א) וְדַע עוֹד, דְּאִם מַחֲזִיק בְּעֵיר לְרִשָּׁע (יד) מִפְּנֵי שְׂאֵר עֲוֲנוֹת, שְׂמַתָּר עֲבוּרָם לְגִנּוּתוֹ, (טו) גַּם כֵּן דִּינָא הֵכִי {כך}, (ועֵין בְּבֵאֵר מִים חַיִּים הַפְּרֻטִים, שְׂצָרִיד לְזֶה), וְאִיזְהוּ מַחֲזִיק? כָּל שֶׁהִסְכֵּם בְּפִנֵּי אֲנָשֵׁי הָעִיר לְרִשָּׁע, עַד שֶׁלֹּא יִפְּל לָהֶם בּוֹ סִפְק (מַחֲמַת שְׂמוּעוֹת הָרְעוּת, שְׂיוֹצְאוֹת עָלָיו תְּמִיד מִעֲוֲנוֹתֵי גְאוּף וְכִיּוּצָא בְּזֶה, דְּבָרִים שְׂנַתְּפִשֵׁט יְדִיעַת אִסוּרָן בְּכָל יִשְׂרָאֵל)

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(1) And know also that if one is acknowledged in the city to be an evildoer, because of other transgressions which it is permitted to demean him for, the din is the same. And who is "acknowledged"? One whom the people of the city agree to be an evildoer beyond doubt (because of evil reports that are always spread about him in the

area of fornication and the like, things which all of Israel know to be forbidden).

The Chafetz Chaim also says that "it is forbidden to categorize a Jew as an evildoer." Perhaps it is forbidden for one person to do so, but if the entire city has already done so, it is to be taken as a fact.

חפץ חיים, חלק שני: הלכות איסורי רכילות, כלל ו ג'
(א) וְאִם הָיָה לוֹ הֶזְק בְּעֶסְקוֹ, וְלֹא נוֹדַע לוֹ סִבְתּוֹ, כְּגוֹן, שְׂמַחֲזִיק הָאֲרַעְנֵדַע {חכירה} מִשָּׂר, וְסִלֵּק אוֹתוֹ הַשָּׂר, וְלֹא נוֹדַע לוֹ, אִם אֶחָד הִלְשִׁין עָלָיו, אוֹ שֶׁהַשָּׂר מִצַּד עֲצָמוֹ הִעֲבִירוֹ, וְכִיּוּצָא בְּזֶה, אִסוּר לוֹ לְחַשֵּׁד לְאֶחָד מִיִּשְׂרָאֵל, (אם לֹא שָׁיֵשׁ לוֹ עָלָיו דְּבָרִים הַנִּפְרָים, וְכִפִּי מֵה שְׂתִיבְאָר לְקַמּוֹ, מֵה נִקְרָא דְּבָרִים הַנִּפְרָים, אִזּוֹ מִתָּר לְהַחֲלִיט בְּלִבּוֹ עָלָיו, אֲבָל לֹא לְהַפְסִידוֹ עַל יְדֵי זֶה וְכַדְלִקְמָן) דְּאִחְזוּקֵי אֲנָשֵׁי בְּרִשְׁיַעֵי לֹא מַחֲזִיקִין. וְעַל זֶה נֶאֱמַר: בְּצַדֵּק תִּשְׁפֹּט עַמִּיתְךָ.

Chafetz Chaim, Part Two, The Prohibition Against Rechilut, Principle 6 3

(1) And if he suffered a business loss and did not know its cause, as when he held a lease from a landowner and was dismissed by him, and he did not know whether someone had slandered him or whether the landowner had dismissed him at his own initiative — it is forbidden to suspect a Jew (unless there are "indications" pointing

to him [as will be explained below], in which instance he is permitted to believe the rechiluth in his heart; but he is not permitted to cause him [the suspect] any loss thereby [as will be explained below].) For it is forbidden to categorize a Jew as an "evildoer." And concerning this it is said (Vayikra 19:15): "In [the scales of] righteousness shall you judge your fellow."

There is a well-known prohibition in the received halakhah against demeaning the dead, which presents serious barriers to Jewish communities confronting the wrongs of their past, making amends, and maintaining safe communities in the present. How can community safety be supported if the wrongs of the past continue to be excused?

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ח ט'
(א) וְדַע עוֹד, דְּאִסוּר לְשׁוֹן הָרַע הוּא אֶפְלוּ אִם מְגַנֵּה אוֹתוֹ בְּפָנָי יִשְׂרָאֵל, וְכָל שֶׁפָּנָה אִם מְגַנֵּהוּ בְּפָנָי נְכָרִים, דְּעוֹנֵנוּ גְדוֹל הַרְבֵּה יוֹתֵר, כִּי מְלַבֵּד שֶׁהוּא מְבַזֵּה כְבוֹד יִשְׂרָאֵל וּמַחְלִיל כְבוֹד שָׁמַיִם עַל יָדָי זֶה, עוֹד הוּא גּוֹרֵם בְּזוּה רְעָה רַבָּה לְחֻבְרוֹ, כִּי אִם יִסְפֵּר עַל חֻבְרוֹ בְּפָנָי יִשְׂרָאֵל עֲנִין גְּנוּת, לֹא יַחְלִיט תַּכְף לְדַבְרָיו, אֲבָל אִם יִסְפֵּר עַל יִשְׂרָאֵל בְּפָנָי נְכָרִי, שֶׁהִי יִשְׂרָאֵל הִזָּה הוּא רְמָאֵי וּמְאָנָה לְבָרִית וּכְיוֹצֵא בְּזוּה, יַחְלִיט תַּכְף לְזֶה וּיְפָרְסֵם דְּבַר זֶה בְּפָנָי כָּל, (וּכְעֵין זֶה אֵינָא בְּתוֹסְפוֹת בְּבָבָא בְּתָרָא דְף ל"ט, בְּמָה שֶׁפָּרְשׁוּ הַנְּפָקָא מִנָּה

Chafetz Chaim, Part One, The Prohibition Against Lashon Hara, Principle 8 9

(1) And know further, that even to shame and insult the dead is forbidden. And the poskim have written that there is a prohibition and a ban of the early masters not to defame or to spread an evil report about the dead. All this, even if the dead one was an ignoramus; how much more so, if he were a Torah scholar, is the one who shames him guilty of a great sin and liable to the ban for this! (viz. Yoreh Deah 243:7). And the issur of shaming a Torah scholar obtains even if he shames the scholar himself; how much more so is it forbidden to shame his words of Torah!

It is understandable how texts like the following could have evolved in an environment of oppression, but when this is interpreted as a prohibition on calling the police when a rabbi abuses, the halakhah becomes a supporter of impunity and wrong.

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל ח י"ב
(א) וְדַע עוֹד, דְּאִסוּר לְשׁוֹן הָרַע הוּא אֶפְלוּ אִם מְגַנֵּה אוֹתוֹ בְּפָנָי יִשְׂרָאֵל, וְכָל שֶׁפָּנָה אִם מְגַנֵּהוּ בְּפָנָי נְכָרִים, דְּעוֹנֵנוּ גְדוֹל הַרְבֵּה יוֹתֵר, כִּי מְלַבֵּד שֶׁהוּא מְבַזֵּה כְבוֹד יִשְׂרָאֵל וּמַחְלִיל כְבוֹד שָׁמַיִם עַל יָדָי זֶה, עוֹד הוּא גּוֹרֵם בְּזוּה רְעָה רַבָּה לְחֻבְרוֹ, כִּי אִם יִסְפֵּר עַל חֻבְרוֹ בְּפָנָי יִשְׂרָאֵל עֲנִין גְּנוּת, לֹא יַחְלִיט תַּכְף לְדַבְרָיו, אֲבָל אִם יִסְפֵּר עַל יִשְׂרָאֵל בְּפָנָי נְכָרִי, שֶׁהִי יִשְׂרָאֵל הִזָּה הוּא רְמָאֵי וּמְאָנָה לְבָרִית וּכְיוֹצֵא בְּזוּה, יַחְלִיט תַּכְף לְזֶה וּיְפָרְסֵם דְּבַר זֶה בְּפָנָי כָּל, (וּכְעֵין זֶה אֵינָא בְּתוֹסְפוֹת בְּבָבָא בְּתָרָא דְף ל"ט, בְּמָה שֶׁפָּרְשׁוּ הַנְּפָקָא מִנָּה

בין לשון הרע, למחאה, עין שם) ויסבב לו הזק וצער מזה. וכל שכן אם הוא הולך ומלשין על ישראל בפני נכרים, בודאי עונו גדול מנשא, כי הוא נכנס על ידי זה בכלל המלשינים, ודינו שוה לאפיקורס והכופרים בתורה ובתחית המתים, שגיהנם כלה, והם אינם כלים, כמו ששנינו במסכת ראש השנה {דף י"ז}, על כן צריך כל איש ישראל לשמר את עצמו מזה עד מאד. ומי שעובר על זה והולך ומלשין על ישראל בפניהם, הרי הוא כאלו חרף וגדף והרים יד בתורת משה רבנו עליו השלום

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(1) And know also that the issur of lashon hara obtains even if he demeans him before a Jew; how much more so if he demeans him before gentiles! For aside from his shaming the honor of Israel and desecrating the honor of Heaven thereby, he also causes great evil thereby to his friend. For if he speaks demeaningly of his friend before a Jew, he will not be immediately believed. But if he speaks about a Jew to a gentile, [telling him] that this Jew is a deceiver and a wronger of men and the like, he will believe this immediately and spread it to all and cause him harm and grief. How much more so, if he goes and informs against a Jew before gentiles, is his sin too great to bear. For he enters by this into the class of "the informers," and his din is like that of a heretic and of those who deny Torah and the resurrection, "Gehinnom ending, but they not ending." (viz. Rosh

Hashana 17a). Therefore, every many of Israel must greatly guard himself against this. And one who transgresses this and goes and informs against a Jew before them is like one who would insult and blaspheme and lift his hand against Moshe Rabbeinu, may peace be upon him (viz. Choshen Mishpat 26).

Much of hilkhote lashon hara rests on the Chafetz Chaim's seven tests for when lashon hara l'toet (for a purpose) can be engaged in. Here are those criteria:

חפץ חיים, חלק ראשון: הלכות איסורי לשון הרע, כלל י א'-ב'
 (א) אם אָחַד רָאָה אָדָם, שְׁעָשָׂה עוֹלָה לְחֵבְרוֹ, כְּגוֹן שֶׁגִּזְלוּ אוֹ עָשָׂקוֹ אוֹ הִזְיָקוֹ, בֵּין אִם הִנְגִּיל וְהִנְזִק יוֹדְעִים מִזֶּה אוֹ לֹא. אוֹ שִׁבְיָשׁוּ, אוֹ שֶׁצָּעְרוּ וְהוֹנָה אוֹתוֹ בְּדַבָּרִים. וְנוֹדַע לוֹ בְּבָרוּר, שֶׁלֹּא הָשִׁיב לוֹ אֶת הַגִּזְלָה וְלֹא שָׁלַם לוֹ אֶת הַנְּזִקוֹ וְלֹא בִקֵּשׁ פְּנֵי לְהַעֲבִיר לוֹ עַל עוֹנוֹ, אֲפִלּוֹ רָאָה דָּבָר זֶה בִּיחִידִי, יְכוּל לְסַפֵּר הַדַּבָּרִים לְבְנֵי אָדָם כְּדִי לְעֹזֵר לְאִשֶּׁר אִשָּׁם לוֹ וּלְגִנּוֹת הַמַּעֲשִׂים הָרָעִים בְּפָנֵי הַבְּרִיּוֹת, אִךְ יִזְהַר, שֶׁלֹּא יַחְסְרוּ אֵלּוֹ הַשְּׂבָעָה פְּרָטִים, שֶׁנִּבְאָרָם בְּסֻמוּךְ.

(ב) וְאֵלּוֹ הֵן: (א) שִׁירָאָה זֶה הַדָּבָר בְּעֲצֻמוֹ, וְלֹא עַל יְדֵי שְׂמִיעָה מֵאַחֵרִים, אִם לֹא שָׁנַתְּבָרָר לוֹ אַחַר כֵּן, שֶׁהַדָּבָר אָמַת.

(ב) שְׂיִזְהַר מְאֹד, שֶׁלֹּא יַחְלִיט תַּכְּף אֶת הָעֵנִין בְּדַעְתּוֹ לְגַזֵּל וְעֶשֶׂק אוֹ לְהִזְק וְכִיּוֹצֵא בְּזֶה, רַק יִתְבּוֹנֵן הֵיטֵב אֶת עֲצָם הָעֵנִין, אִם הוּא עַל פִּי דִין בְּכֻלָּל גָּזֵל אוֹ הִזְק.

(ג) שְׂיִזְכִּיחַ אֶת הַחוּטָא מִתְחִלָּה וּבְלִשׁוֹן רַכָּה, אוֹלֵי יוֹכֵל לְהוֹעִיל לוֹ, וְיִיטִיב עַל יְדֵי זֶה אֶת דְּרָכָיו, וְאִם לֹא יִשְׁמַע לוֹ, אָז יוֹדִיעַ לְרַבִּים אֶת אֲשַׁמַּת הָאִישׁ הַזֶּה, מִה שֶׁהִזִּיד עַל רַעְהוּ. (וְאִם יוֹדֵעַ בּוֹ, שֶׁלֹּא יִקְבַּל תּוֹכְחָתוֹ, יִבְאֵר לְקַמּוֹ, אִם יִרְצֶה ה', בְּסַעֲיָהּ ז').

(ד) שֶׁלֹּא יִגְדִיל הָעוֹלָה יוֹתֵר מִמֶּה שֶׁהִיא.

(ה) שְׂיִכְוֵן לְתוֹעֵלַת, וְכִמּוֹ שֶׁנִּבְאֵר לְקַמּוֹ בְּסַעֲיָהּ ד', וְלֹא לְהַנּוֹת, חֵס וְשְׁלוֹם, מִהַפְגָּם הַהוּא, שֶׁהוּא נוֹתֵן בְּחִבְרוֹ, וְלֹא מִצַּד שְׂנֵאָה, שְׂיִישׁ לוֹ עָלָיו מִכְפָּר.

(ו) אִם הוּא יְכוֹל לְסַבֵּב אֶת הַתּוֹעֵלַת הַזֹּאת גּוֹפָא {עֲצָמָה} בְּעֵצָה אַחֲרָת, שֶׁלֹּא יִצְטָרֵף לְסַפֵּר אֶת עֵנִין הַלִּשׁוֹן הָרַע עָלָיו, אָזִי בְּכֻלָּ גּוֹנֵי אֲסוּר לְסַפֵּר.

(ז) שֶׁלֹּא יְסוּבֵב עַל יְדֵי הַסְּפוּר הַזֶּה לְהַגְדוֹן יוֹתֵר מִכְּפֵי הַדִּין, שֶׁהִקָּה יוֹצֵא, אִלּוּ הוֹעֵד עָלָיו בְּאִפְּן זֶה עַל דְּבַר זֶה בְּבֵית דִּין

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Principle 10 1-2

(1) If a man saw someone harming his friend, whether robbing him, wronging him, or causing him damage, whether the one robbed or caused damage knew of it or not — or if he shamed him or aggrieved him, or wronged him with words — and it became known to him clearly that he did not return the theft or reimburse him for the damage and did not beseech him to forgive his transgression — even if he saw this thing by himself, he can relate it to others in order to help the one who was wronged and to condemn these evil deeds before men; but he must take care that there not be lacking the following seven details which we shall now explain:

(2) (a) that he see the thing himself and not hear of it from others, unless it become clear to him afterwards that the thing is true.

(b) that he take great care not to immediately determine the thing to be theft, or wronging, or damage, and the like, without carefully analyzing whether it actually is theft or damage according to the din.

(c) that he reprove the sinner first, gently — perhaps it [the proof] will avail him and he will thereby rectify his ways. And if he does not listen to him, then he should apprise the people of this man's guilt — how he deliberately harmed his friend. (And if he knows that his reproof will not be accepted — this will be explained below, the L-rd willing, in section 7.)

(d) that he should not exaggerate the wrong beyond what it is.

(e) that he should intend the benefit [of others] and not, G-d forbid, to benefit himself from the taint he ascribes to his friend, and not out of hatred that he bears him from before.

(f) if he can bring about the desired benefit itself without recourse to exposing him for his act, then, in all instances, it is forbidden to speak [of what he did].

(g) that he should not cause the one spoken about more damage than he would suffer if the matter were brought to trial in beth-din.