Norms and Narratives of Ethical Speech:

Tots, Timber, and Talmud

ABSTRACT: Hurtful speech is significant when it occurs in the personal sphere and does not enter the legal arena. Avoiding hurtful speech requires two levels of activity: following a set of simple behavioral rules, and learning to monitor carefully one's inner states. These points are supported by three kinds of data. (1) observations made by children; (2) last summer's Colorado wildfires; (3) ancient philosophical analyses and narratives in the Talmud. The philosophical analyses develop the behavioral rules, while the narratives reveal the inner states required to carry out the rules.

A Child's Perception of the Rules

Recently I asked my children, aged 7 and 9, to tell me some of the rules they would follow if they wanted to speak nicely, in a way that was not hurtful or impolite. Here is their list:

(1) Say "please," "thank you," and "you're welcome."

(2) Do not call people a mean name, like "ugly" or "picklehead."

(3) Do not talk while other people are talking.

(4) Do not say "I hate you." Instead, say "I love you."

(5) Try to say nice things instead of mean things.

(6) Do not talk behind people's backs, especially if what you have to say is mean.

(7) Do not brag.

(8) If you do not have something nice to say, do not say anything.

(9) Do not sing rude songs in front of your elders, unless they taught you the song.

At various points in our interview, however, they made annoying noises while their parents were speaking, they looked away to indicate disinterest, and they interrupted one another constantly.

This little story, in no way extraordinary, hints at several important points about the ethics of speech. First, it is no secret that careless speech can be hurtful. Even a child can tell you that. Second, hurtful speech is significant even when it occurs between friends or family members who would not dream of settling their differences in a court of law. A child can tell you that, too. Third, much hurtful speech can be avoided by the observance of a few simple rules. Even a child can tell you what those rules are. Fourth, these rules are extremely difficult to follow, for we experience much of what they are supposed to govern as automatic behaviors. In order to follow these rules, we have to become conscious of the hidden moment between an unarticulated thought and an articulated thought. Even an adult can tell you how difficult that is. Fifth, knowing the rules of right speech does not ensure that a person will apply them. No known set of rules can capture and articulate the self-discipline required for a person to become

aware of the psychological and social subtleties that make possible kind, thoughtful speech. These five points, illustrated so nonchalantly by my own children, are precisely the ones I shall develop below.

The Consequences of Hurtful Speech

A news item, Colorado, June 2002:

Terry Barton, a 38 year old Colorado woman, had 19 years of experience as a seasonal worker for the U.S. Forest Service. In June 2002, she was assigned to enforce the fire ban in the Hayman area of the tinder-dry Pike National Forest. Thus her fellow employees were shocked to learn that she, a reliable and experienced forester, had herself violated the fire ban. She lit a tiny fire, failed to extinguish it, and finally reported its spread to the Forest Service, without disclosing that she herself had sparked it. The tiny fire became the largest fire in Colorado's history. By the time Barton was investigated and arrested, the fire had swept across 100,000 acres, destroyed forty buildings, and involved more than two thousand firefighters in the attempt to control it.

Barton was charged with setting fire to timber in a national forest, damaging federal property, and making false statements to federal fire investigators. If found guilty, her sentence could include as many as ten

years in prison and as much as $500,000 in fines. Barton finally confessed the reason she had started the fire. She wanted to burn an upsetting letter she had received from her estranged husband.

Our legal system requires that Barton be accountable for her actions. Our expectations of her derive in part from an implied moral psychology. We expect an adult to recognize her or his negative emotions, to struggle with them self-consciously, and to respond with behaviors that are not violent or destructive. When Barton received an upsetting communication in the mail, she failed to meet these expectations. The chain of causes recognized by our legal system ends here, and Barton is solely responsible for her crime.

The contents of the upsetting letter she received have not been made public. They can no longer be verified, since the letter went up in smoke. But knowing something about the dynamics in troubled marriages, and knowing that the letter made Barton "burn," so to speak, I would speculate that the letter was not particularly kind, loving, and thoughtful. The words of the letter writer, however, are not relevant to any legal judgment about Barton's responsibility. The legal chain of causes ends with Barton's lack of self-control.

Yet I cannot shake the nagging feeling that Barton's estranged husband somehow played a part in igniting the blaze. His hurtful communication

sparked Barton's anger. One could object that he could not have predicted Barton's extreme reaction. But I could reply that Barton herself could not have predicted the drastic spread of her tiny campfire. I could argue further that Barton's estranged husband could have predicted Barton's hurt feelings with much more certainty than Barton could have predicted the spread of the blaze. Thus, Barton's husband, too, ought to have recognized his negative emotions, struggled with them self-consciously, and acted in a way that was not hurtful. By identifying his letter as a contributing cause of the blaze, I do not mean to absolve Barton of her responsibility. I wish to suggest that speech can be as destructive as direct action, not more destructive.

Articulating the Rules of Right Speech: A Talmudic Perspective

In order to develop a perspective from which I can argue meaningfully about the role of hurtful speech, I turn to a philosophical essay on the ethics of speech composed at least 1500 years ago. The essay is embedded in the Babylonian Talmud, a vast source book of dialectical analysis and narrative philosophy woven in 600 C.E. on moral, legal, and religious topics. The essay combines philosophical analysis with narrative ethics to argue that the consequences of hurtful speech are drastic, far-reaching, and irrevocable -- especially in spheres that cannot be regulated by law, such as scholarly

discourse, friendship, and family -- and that each individual must use multiple techniques to avoid speaking hurtfully.

An analytical discussion begins the essay as the sages try to understand a moral teaching they have inherited: Do not oppress your neighbor with verbal oppression. What, they ask, is meant by verbal oppression? They brainstorm a list of examples.

?? If you are in a store and you do not intend to buy anything, do not ask, "How much does this cost?"

?? If a sinner has repented, do not say to him or her, "Remember your earlier deeds!"

?? If someone is the child of religious converts, do not say to them, "Remember your parents' impious deeds!"

?? If someone is sick, or God forbid has to bury his or her children, do not say, "God never punishes the innocent."

?? If camel drivers are passing through your town, and they ask where they can buy produce, do not say, "Ms. Smith can sell you some," when Ms. Smith has never sold produce in her life!

At first glance, the list may seem to offer an odd potpourri of delicate situations and thoughtless remarks. The sages recognize this and try to

articulate what all of the situations have in common that brings them under the jurisdiction of a common moral principle.

None of these situations, they observe, rob people of their property. Thus, each one involves an attack directly on a person, rather than on their property. The damage done by the attack can never be restored the way property can. These verbal attacks diminish the very life of the one who is attacked. This is corroborated by physiological evidence. When a person is humiliated in public, the blood drains from her face. It is as if another person had shed her blood. Verbal oppression is thus defined implicitly as "a careless or malicious use of words that diminishes the life of its object in a way that cannot be compensated financially."

The moral teaching "do not oppress your neighbor with verbal oppression" is not fully clarified, however, until the sages understand to whom the words "your neighbor" refers. In other words, the instruction to avoid verbal oppression cannot be applied without knowledge of the situations in which it is meant to be applied. The sages offer three answers to the question of who counts as a neighbor.

(1) One should not wrong members of one's religious group. Presumably, members of this group are taking upon themselves the same moral obligations, and reciprocity can be expected.

(2) A man should not wrong his wife or, by implication, other family members. Because spouses live together closely, their hurt feelings become a shared burden. As the Talmud puts it, each person's tears are close to the other. To avoid hurt feelings in the family, a man should closely listen to the advice of his wife.

(3) A human being should not wrong God. God is particularly sensitive to damage caused by hurtful speech. It is as if God is near at hand, feeling every human pain caused by insensitivity, the divine tears near to the human tears. The sages quote a proverb to support this point, "The Gates of Prayer were locked when the Temple was destroyed, but the gates of tears are always open."

The sages end the analytical portion of the discussion by noting the times when a person needs to be particularly careful to avoid hurtful speech: when grain is scarce and when one is married. Hunger and competition can easily provoke hurtful speech. But so can close living with family members, even in times of plenty, when family members might easily slip into being inattentive to one another's feelings.

The actions of Terry Barton's husband, as I imagine them, violate many of the rules articulated in this Talmudic discussion. The Talmud says we should not use speech to drag up the past when a person genuinely wants

to move on. I do not know if this was the content of the letter, but I do know that this is often the content of hurtful communication between estranged spouses. The Talmud notes that the temptation to use hurtful speech with a family member is very great. There are no barriers imposed by the formalities of politeness, and no court of law that will intervene. Barton's husband certainly never imagined his personal letter would be entangled in a case of national importance. Although we imagine that the consequences of our speech will not come back to haunt us, the Talmud warns, the tears we cause are very close to us. If Barton's husband lived anywhere within a hundred miles of the fire, the consequences of the tears he caused were close indeed. The Talmud also insists that oppressive speech should be avoided, because it can diminish the very life of a person. In Colorado, Barton lost her sense of judgment, her knowledge of fire safety, and may lose ten years of her life to a prison term. It almost seems as if Barton's story could be the narrative portion of the Talmud's essay, illustrating a violation of the rules, and offering the moral: be careful what you say to an estranged wife, you may end up burning down the state of Colorado.

Beyond the Rules: A Narrative of Inner States

The narrative offered by the Talmud, however, is much more complex than Barton's story, if only a bit more fantastical. Instead of merely illustrating the rules for avoiding oppressive speech, the narrative suggests that the list of rules is too short and far too crude to address the subtleties of human discourse. According to the Talmud's own comment on the story, it begins with a dispute about an oven made from coils of clay, and unfolds as the sages surround Rabbi Eliezer with coils of words, crushing him like a python crushes its prey. Wordless, Rabbi Eliezer demonstrates his power in the only ways he still can, manipulating nature, starting fires, and praying for vengeance.

The story takes place in Palestine, 2,000 years ago. The sages, who hold the equivalent of today's Ph.D.s in Jewish Studies, are holding a debate in the Academy. The issue is ritual purity: An oven made of coils has become ritually impure, that is, unfit for use during religious ritual, because a critter accidentally got trapped in it and died. Can the oven be taken apart and repaired in such a way that it could become pure again? Rabbi Eliezer says it can. All of his colleagues say it cannot. Rabbi Eliezer uses every argument he can think of to support his case, but his colleagues are not really listening. So Rabbi Eliezer says, "If I am right, let this carob tree prove it!" The carob

tree uproots from its location and moves. His colleagues are not impressed. "A carob tree proves nothing!" they say. Rabbi Eliezer then reverses the direction of a stream of water, provoking the same scornful response from his colleagues. He appeals to heaven to prove he is right and a heavenly voice proclaims it. But his colleagues say, "The Torah is not in heaven!" God laughs and cries with mixed emotions, saying, "My children have defeated me!" Finally, Rabbi Eliezer says, "If I am right, let the walls of the Academy collapse!" The walls lean out of respect for Rabbi Eliezer, but do not fall completely, out of respect for the Acting Head of the Academy.

Rabbi Eliezer's colleagues collect all the items Rabbi Eliezer had declared ritually pure and burn them. They vote to excommunicate him from the Academy. "But," they ask each other, "who will inform him?" Rabbi Akiva, a loving disciple and supporter of Rabbi Eliezer volunteers. "I will tell him," says Rabbi Akiva, "so that someone unfit doesn't do it and accidentally destroy the whole world." Rabbi Akiva dresses in black, tears his garments, and takes off his shoes. He approaches Rabbi Eliezer and sits on the ground four cubits away from him, the closest he is allowed to come to an excommunicated colleague. "My teacher," he says, "it seems your colleagues have distanced themselves from you." Rabbi Eliezer understands immediately, falls on his face on the ground, and tears his garments.

On that day, one third of all the crops in Israel burn. The dough rising in women's ovens turns sour. Everywhere Rabbi Eliezer looks, a fire starts. A great storm comes up on the sea and waves crash over the boat of Rabban Gamliel, antagonistic brother-in-law to Rabbi Eliezer, and Head of the Academy. "God!" Gamliel cries out, "I only did this so that disagreements would not tear apart your people!" The storm subsides.

From that day on, Imma Shalom, who is Rabbi Eliezer's wife, and Rabban Gamliel's sister, does not let her husband Eliezer fall on his face for the "Tachanun" prayer to beseech God for mercy. But one day while Eliezer is praying, Imma Shalom goes to the door to give food to a beggar. She comes back to Eliezer's room to find him fallen on his face. "Get up," she says, "You have killed my brother." Moments later, they hear the sound of the shofar, the ram's horn, announcing the death of the venerated Rabban Gamliel. "How did you know?" an astonished Eliezer asks his wife. "There is a tradition I heard in my father's house," she says, "The Gates of Prayer were locked when the Temple was destroyed, but the gates of tears are always open."

In this story as well, the rules listed in the Talmud's philosophical analysis are broken, resulting int the consequences predicted by the analysis. The sages engage in a debate with Rabbi Eliezer with no intention of listening to

his arguments. This is analogous to a shopper asking a shopkeeper how much something costs when the shopper has no intention to buy. By doing this, the sages wrong a member of their elite religious community. They actually vote to humiliate him publicly. As a result, his life is ruined, and the nourishment of all of Israel is affected. Thus the tears caused by the sages turn out to be closer to them than they imagined. Rabbi Eliezer, in his turn, ignores the advice of his wife about how to deal with his hurt feelings. Out of his pain, he causes the death of someone near and dear to her. Thus, the tears that he causes are close to him as well.

But the story also contains many elements that do not appear in the philosophical analysis. The Academy, for example, is not merely a gathering of rabbis who meet for religious fellowship. It is an institution whose purpose is to facilitate debate. Yet within that very institution, the rabbis become so frustrated with one another that they stop listening to one another. Rabbi Eliezer resorts to flashy demonstrations of power; his colleagues resort to scorn. The institution is threatened; its very walls lean. Rabbi Eliezer's colleagues imagine they can restore the integrity of the institution by deciding to stop speaking to Rabbi Eliezer. It turns out, however, that excommunication requires communication, and it takes a thoughtful, measured and loving person to deliver that communication. When Rabbi

Eliezer receives that communication, he burns inside. The burning that he feels inside him cannot be contained, and the very land, air, and water around him become agitated by his presence. Rabban Gamliel, afraid of the roiling waters, makes a utilitarian argument, "Yes, I allowed my brother-in-law to be humiliated publicly, but I did it for the greater good of the nation!" Despite the public humiliation, Rabbi Eliezer does not cry out publicly hurtful words in response to his colleagues. Instead, he takes his pain to God, crying out in personal prayer. Unfortunately, it turns out that the meditations of his heart are as effective in the world as publicly spoken words. His wife Imma Shalom understands this, but, try as she might, she cannot control his private thoughts.

Woven into the story we find the hidden narrative behind the public exchanges, the inner states that contribute to the breakdown in communication. The list of failures is a list of the inner commitments, intentions, and abilities that make kind, thoughtful speech possible. These include:

?? a commitment to civility that the sages lack;

?? the gentle lovingkindness that Akiva somehow holds onto;

?? the control over feelings that Eliezer cannot muster;

?? a regard for the importance of every individual that Gamliel brushes aside;

?? and the ability to become aware of thoughts before they are blurted out -- even in a whisper -- that Eliezer has not yet developed.

Imma Shalom's failed attempt to restrain her husband Eliezer from expressing his feelings in prayer suggests that external controls cannot legislate these internal states. Each individual must actively work to develop them by herself or himself.

Thus, the wisdom Talmud offers on the subject of hurtful speech is not so different from the wisdom my children innocently and paradoxically conveyed. Much of hurtful speech can be avoided by following a few simple rules, which are not difficult to figure out. If we wish to avoid hurtful speech, we must be particularly careful around friends and family members, since it is easy to become less self-conscious around them. Finally, learning what the rules are is much easier than learning to follow the rules. Following the rules consistently requires vigilance over thoughts, feelings, and intentions, so that what we express in word and behavior comes out carefully formulated. This echoes the moral psychology that our own laws require of those who would refrain from violence. As the fantastical story of Rabbi Eliezer shows, and as the almost equally fantastical story of Terry Barton

shows, enforcing this level of vigilance is difficult. However, the rewards, which, to echo Rabbi Akiva, include "the preservation of the whole world," are immeasurable.

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