



The Responsibilities of Bystanders: The Power and Risks of Rebuke

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Abuses of power have taken place within both secular and sacred institutions since time immemorial. In the wake of the #MeToo movement, we have collectively come to a greater awareness of how extensive the problem of gender-based harassment is, not only in the general culture but also in Jewish spaces. People in power have used their power to belittle those without power, subjecting them to a wide range of abusive behaviors, from harassing language, comments, and images to unwanted and/or aggressive acts of a sexual nature. Often those with less power are or feel forced to trade silence for approval, job security, or the hope of future advancement. Victims may choose not to speak up, in order to avoid being labeled a troublemaker, to escape further disrespect and disruption, or with the vain hope of avoiding further harassment. And in the Jewish community, other particular considerations may factor in, such as the fear of being accused of lashon ha-ra (and other categories of forbidden negative speech about others), or the knowledge that a perpetrator may be a revered teacher or community leader.

While some of the worst abuses of power are hidden from view, harassment and bullying often happen out in the open, and bystanders have the opportunity to intervene in ways that can be

transformative. Becoming an “upstander” by intervening when one has witnessed wrongdoing not only serves to protect those who have been targeted, but also gives the wrongdoer an opportunity to change course.

Knowledge, skill, and courage are all needed to take effective action when we witness harassment or bullying. Sometimes it is best to intervene directly in the moment; sometimes it is better to cause a distraction; sometimes the most effective intervention is one that happens later, in private. Often, the best and safest option is to involve other people, including, when applicable, authorities. With training and planning, organizations and communities can develop ways to encourage safe and effective interventions. Individuals can gain skills and confidence in taking action and speaking up.

One place that the importance of speaking up and taking action is conveyed in the Jewish ethical tradition is in the mitzvah of *tokhecha*, or rebuke. Discussions of this biblical commandment emphasize the importance of offering rebuke, and also the difficulty in giving and receiving it well. The texts below provide opportunities to consider what might make it possible for members of a community to speak up effectively when they observe acts of wrongdoing.

TEXT 1: THE COMMANDMENT TO REBUKE IN THE CONTEXT OF RELATIONSHIPS

Leviticus 19:17

This verse is the foundation of later Jewish discussions of the ethics of rebuke. It appears in what biblical scholars call “The Holiness Code,” an extended section of *Vayikra*, Leviticus, which opens with the call, “You shall be holy because I YHWH your God am holy,” and presents core moral teachings, like “Love your neighbor,” and “Love the stranger.”

- a. Do not hate your kin in your heart;
- b. you shall surely rebuke your fellow
- c. and you shall not incur sin on their account.

לֹא־תִשְׂנֵא אֶת־אֲחִיךָ בְּלִבְּךָ
הוֹכַח תּוֹכִיחַ אֶת־עַמִּיתְךָ
וְלֹא־תִשָּׂא עָלֶיךָ חַטָּא:

This verse has three different clauses (here marked a, b, and c), and later Jewish commentators debate how the three sections relate to each other. Their different views point to slightly different translations of the Hebrew. Targum Onkelos is an ancient interpretive translation into Aramaic; it expands on the Hebrew to suggest that one who sees an act of wrongdoing and fails to offer rebuke will incur guilt for the wrongdoer’s sin (that is, you should offer rebuke so *that* you don’t incur guilt for the other person’s sin). But others understand section c differently.

According to Rashi (Rabbi Shlomo Yitzchaki, 1040-1105), the Torah here warns of the guilt that one incurs if one offers rebuke in a way that is too harsh or embarrassing (you should offer rebuke *in a way that* does not incur guilt). For Rashi, then, a better translation of section c would be “*But* you shall not incur guilt on his account.”

1. How do you understand the relationship between not “hating in your heart” and “rebuke” in sections a and b?
2. How do you understand the connection between section c and the rest of the verse? Do you read this part of the verse as encouraging *tokhecha* (as Targum Onkelos does), or as a note of caution about doing it wrong (like Rashi)?
3. What might this verse suggest about the dangers and difficulties of offering rebuke? Of not speaking up?

Immediately after this verse comes Leviticus 19:18:

- a. Do not take revenge or bear a grudge
- b. but love your neighbor as yourself;
- c. I am the Lord.

לֹא־תִקֵּם וְלֹא־תִטַּר אֶת־בְּנֵי
עַמְּךָ וְאָהַבְתָּ לְרֵעֶךָ כְּמוֹךָ אֲנִי יְהוָה:

The commentator Nachmanides, Rabbi Moshe Ben Nachman (1174-1270), saw these two verses as deeply connected. For him, rebuke is the antidote to hatred, vengefulness, and grudges. Nachmanides points out that one’s negative judgments of another person may not be well-founded, and in speaking up one might discover that one’s judgments were wrong. Keeping silent nurtures suspicion, while speaking up preserves relationships.

4. Can you think of instances when rebuke has strengthened relationships?
5. How might rebuke be an expression of the principle to love one’s neighbor as oneself?

TEXT 2: REBUKE, SHAME, AND EMBARRASSMENT

Sifra Kedoshim 4

Sifra is an early work of midrash, a rabbinic interpretation of the book of Leviticus. It was edited in the third century CE and preserves the statements of the *tannaim*, the leading sages during the formative period of rabbinic Judaism. This short excerpt is drawn from the section of Sifra that interprets Leviticus 19:17.

... And from where do we know that if one rebukes another even four or five times that they should rebuke again?

This is why the Torah says "you shall surely rebuke" (Lev. 19:17b).

Is this to say that one persists in rebuking even if the other's countenance changes?

[No!] This is why the Torah says, "But you shall not incur sin on their account." (Lev. 19:17c).

ומנין שאם הוכחתו ארבעה
 וחמשה פעמים חזור והוכיח
 תלמוד לומר הוכח תוכיח
 יכול אפ"י את מוכיחו ופניו
 משתנות תלמוד לומר ולא
 אטח וילע אשת.

The phrase that is translated "you shall surely rebuke" is a translation of the Hebrew *hokheach tokhiach*, a grammatical construction that repeats the same Hebrew root twice for emphasis. For the midrash, however, this repetition is not understood as a mere matter of grammar, but rather as providing new and important information about the fulfillment of the commandment. For the midrash, the repetition of the word for rebuke means that one is commanded to offer rebuke repeatedly. The midrash here suggests that one does not fulfill the obligation simply by voicing a criticism—the goal is to actually intervene in a way that makes a difference, persuading the wrongdoer to recognize their mistake and change course.

The expression "causing their countenance to change" is generally taken to be a reference to blushing, or to another expression of embarrassment. Here, the midrash implies that a person should be persistent and determined in offering *tokhecha*, but must stop short of causing the one they are rebuking any kind of embarrassment that would register on their face. This is one of many examples of concern about causing shame or embarrassment among the Rabbis. For the Rabbis, to cause shame is to cause harm, and so it is to be avoided in every situation. When it comes to rebuke, there is an additional consideration—one who is suffering shame will most likely not be in a state of mind in which learning and reflection are possible. To the degree that the experience of embarrassment impedes the wrongdoer's ability to reflect on the wrongdoing and change course, embarrassment undermines the purpose of rebuke altogether.

1. How might this concern about embarrassment affect the question of whether or not to offer rebuke at all?
2. How could it shape the way in which one is to offer a rebuke? What are some ways to mitigate embarrassment when you speak up?
3. The Rabbis here express concern for the embarrassment of the wrongdoer. What would it mean to extend this concern with embarrassment further? How, for example, might one take into account the embarrassment of victims? Are there others who might additionally experience embarrassment from your rebuke?

TEXT 3: KNOWING HOW TO GIVE AND RECEIVE REBUKE

Sifra Kedoshim 4 – Attributed Section

This passage comes from the same section of Sifra as Text 2 above.

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|--|---|
| a. Rabbi Tarfon said, "I swear, if there is anyone in this generation who is able to rebuke!" [i.e., there is no one who is able to rebuke] | a. אמר ר' טרפון העבודה
אם יש בדור הזה יכול להוכיח |
| b. Rabbi Elazar ben Azaryah said, "I swear, if there is anyone in this generation who is able to receive rebuke!" [i.e., there is no one who knows how to receive rebuke] | b. אמר רבי אלעזר בן
עזריה העבודה אם יש
בדור הזה יכול לקבל תוכחת |
| c. Rabbi Akiva said, "I swear, if there is anyone in this generation who knows how to rebuke!" [i.e., there is no one who knows how to give rebuke] | c. אמר ר"ע העבודה אם
יש בדור הזה יודע היאך מוכיחים |
| d. Rabbi Yoḥanan ben Nuri said: May heaven and earth bear witness regarding me, that more than four or five times Akiva received lashes from Rabban Gamliel because of me, | d. אמר רבי יוחנן
בן נורי מעידני עלי שמים וארץ
שיותר מארבעה וחמשה
פעמים לקה עקיבא על ידי
לפני רבן גמליאל |
| e. because I would complain to [Rabban Gamliel] concerning [Rabbi Akiva], | e. שהייתי קובל לו עליו |
| f. and with all that, I know that it made him love me more." | f. וכל כך הייתי יודע
שהיה מוסיף לי אהבה. |

The language of this midrash is both terse and formal. "I swear" is a rough translation of the exclamations that Rabbis Tarfon, Elazar ben Azaryah and Akiva make. Literally they say, "The Temple service!" the way we might say, "By God!"

The sages mentioned here are very well-known Rabbis who appear throughout the Mishnah, the foundational book of rabbinic law and teaching. Rabbi Akiva is perhaps the most celebrated Rabbi of the whole era. Rabban Gamliel was not only a well-respected sage; he also served in the role of Patriarch, which likely meant that he was entrusted with civil authority by the

Romans, who ruled in the Land of Israel. While scholars debate how much authority and influence the Rabbis and the Patriarch had over the Jewish community of the time, Rabban Gamliel is remembered in rabbinic lore as a forceful and somewhat imperious leader of the rabbinic academy (see Mishnah Rosh Hashanah 2:8-9).

At the end of this passage, the comment by Rabbi Yohanan ben Nuri shifts the conversation about rebuke when he describes actions that move beyond speech to another kind of intervention. Rabbi Yohanan ben Nuri does not attempt to reprimand the great Rabbi Akiva directly, but instead brings his complaints to Rabban Gamliel who then punishes Rabbi Akiva. As patriarch, Rabban Gamliel was perhaps the best-placed person to chastise Rabbi Akiva. One way to understand Rabbi Yohanan ben Nuri's comment is that he wisely recognized the limits of his own efforts and therefore reached out to a superior for assistance. This interpretation encourages us to consider the role of power relations in rebuke.

However, there is another way to understand the function of Rabbi Yohanan ben Nuri's comment in this context. While Rabbi Tarfon and Rabbi Akiva both attest to how difficult it is to offer rebuke, they don't explain what is so challenging about it. Rabbi Yohanan ben Nuri's actions may provide us with an example of rebuke gone awry. Feeling unable to rebuke Rabbi Akiva himself, Rabbi Yohanan ben Nuri recruits someone else who engages in physical violence. Assuming that this was successful, Rabbi Yohanan ben Nuri then assumes that his actions inculcated Rabbi Akiva's love for him. It seems unlikely that these lashings fostered greater love. (Throughout the Mishnah and other early rabbinic literature, "lashes," a physical punishment, is presented as a kind of punishment that Rabbis could impose on each other and others for a range of infractions.) Understood in this fashion, Rabbi Yohanan ben Nuri's anecdote warns the reader about the dangers of both outsourcing confrontation and assuming that we know how a person feels about being confronted.

As Rabbi Elazar ben Azariah points out, rebuke is not only difficult to give, it is also difficult to receive. The text does not elaborate, leaving it to the reader to reflect on what makes rebuke difficult to receive. We have already seen that the Rabbis are very concerned about embarrassment. Embarrassment is not only inherently damaging; it also may render rebuke ineffective. What else makes it difficult to receive rebuke? Because this text is so terse, there is a lot of room for interpretation and imagination.

1. What might Rabbi Tarfon mean when he says that there is no one in his generation capable of giving rebuke? And what might Rabbi Elazar mean by saying that there is no one in his generation capable of receiving rebuke? In what ways might either of these observations be true of our generation?
2. How is Rabbi Akiva's statement about knowing "how" to rebuke different from R. Tarfon's statement about being "able to rebuke"? Can you think of situations when you knew the right thing to do but were nevertheless unable to do it? How is this difference relevant for us today?

3. Do you think Rabbi Yohanan ben Nuri's behavior is a good model? What are the benefits of channeling rebuke through an authority figure? What are the drawbacks?
4. What does this text suggest about the relationship between power and upstander intervention?

Further Discussion

This section builds on the text study and reflection done above, more deeply exploring the challenge of avoiding public embarrassment while responding effectively and the ways that an understanding of power differentials can shape conditions in which effective rebuke is possible. It concludes with an opportunity to think through the issues in this piece with direct application to individual experience and to the organizational contexts in (or for) which this learning is taking place.

AVOIDING PUBLIC EMBARRASSMENT

The first challenge relates to human dignity, and our concern about embarrassing the person who has done something wrong. In many situations, the moral imperative to offer rebuke may appear to be in direct conflict with the moral imperative not to shame or embarrass others. In these situations, the general value of offering *tokhecha* seems to align with the needs of victims, while the value of not causing embarrassment aligns with the needs of the wrongdoer. The Sifra identifies this tension, but does not resolve it.

1. How might effective *tokhecha* be beneficial to all parties involved, serving to prevent rather than cause embarrassment?
2. How does understanding the tension between conflicting ethical behaviors (offering rebuke, and avoiding embarrassing others) help shape strategies for encouraging rebuke that is not only effective but respectful? Are there instances where you might prioritize one value over the other? What would guide your thinking in those moments?
3. How might these two values actually work together?
4. What is the role of rebuke in preventing those with high status and power from falling into patterns of undermining the dignity of others? What are its limitations in this regard?
5. What is your reaction to the injunction to consider at all the feelings and experience of the one whose behavior is causing injury to others?

In recent years we have witnessed the rise of “call-out culture,” in which people publicly shame one another for something that they deem unacceptable. This is a phenomenon that is difficult to talk about, because the language of “calling out” is often used in tandem with “cancel culture,” and has become politicized. When a victim, survivor, or advocate seeks accountability for an act of wrongdoing and they are accused of “calling out,” this language has the effect of silencing or marginalizing victims. On the one hand, public calls for accountability can provide a vehicle for victims of sexual and other forms of harassment to seek justice and prevent further harm—especially when other methods fail. On the other hand, sometimes people are “called out” inappropriately as a means of bullying or as a form of peer pressure. Rather than “calling out,” some have recommended “calling-in” as a mechanism for privately confronting people for their behavior.⁽¹⁾ The complexity of “calling out” and “calling in” to some degree mirrors what we have already observed about *tokhecha*.

1. What are the benefits and dangers of cultivating a culture of calling out and *tokhecha*?
2. In what ways does *tokhecha* model calling people “in” rather than calling them “out”?

POWER DIFFERENTIALS

The only successful, effective example of *tokhecha* that the Sifra offers is not a case of direct rebuke, but rather a complaint to the leading rabbinic authority, Rabban Gamliel. The implication seems to be that Rabbis with lower status or less power cannot directly rebuke their colleagues.

1. What are the various reasons that it is often difficult to intervene when the person who is abusive has more power than you do? What makes it inherently challenging? Risky? Why else is it hard?
2. How does understanding these challenges and risks make it possible to create strategies to overcome barriers to skillful rebuke? What conditions do you imagine would make it possible for individuals at all levels of responsibility to speak up effectively and appropriately?

REBUKE IN OUR OWN COMMUNITIES AND ORGANIZATIONS

Tokhecha can have widespread application. One can rebuke colleagues and friends, supervisors and supervisees, or even someone who we do not really know. But *tokhecha* is not one size fits all. When engaging in rebuke, one should consider the many different forms that respectful intervention can take. When is a subtle hint more effective and when is an explicit confrontation necessary? What is your relationship to the person, what do you know about them, and what is the best way to convey your message? Is it better to speak up in the moment or to wait for a private conversation? *Tokhecha* is a versatile tool for working to improve one another and exercising our responsibility for one another.

As we have seen, the commandment of *tokhecha* is embedded within a larger biblical passage that prohibits hate and commands love. The Torah thus magnifies the importance of rebuke and projects a vision of community where principled acts of speech strengthen and elevate relationships. For the Torah, rebuke is an expression of love. Unfortunately, this vision can be very distant from our own experience in community.

In truth, many of us refrain from speaking up or taking action as bystanders because we are self-conscious about calling attention to ourselves or worried about alienating ourselves from others. In these situations, the biggest impediment to offering *tokhecha* is not our concern for others' dignity so much as our comfort and confidence about our own dignity. Oftentimes, the risks that accompany *tokhecha* are serious; speaking up against wrongdoing can be the undoing of friendships, put jobs on the line, and even jeopardize safety. Even in the absence of these risks, concerns about isolating ourselves from the community can still get in the way of voicing our concerns.

Doing the right thing can be risky for individuals. Leaders in communities and organizations can make a difference by modeling and protecting speech that is principled, courageous, and loving, and clearly prohibiting retaliation against good-faith reports. Putting ethics at the center of our communities and organizations means creating a culture where individuals are honored and valued when they speak up to protect victims, prevent wrongdoing, and enact the organization's values.

CONSIDERATIONS FOR INDIVIDUALS

1. Think about one or more situations or scenarios in which you have experienced a dilemma between the value of *tokhecha* (or speaking up more generally) and the value of avoiding public embarrassment. Which value carried the day? What was your process for weighing these values?
2. How was your decision-making influenced by your own comfort in speaking up, by your relationships with the people involved, and by their relative power? Upon reflection, is there anything you would have liked to do differently?

CONSIDERATIONS FOR COMMUNITIES AND ORGANIZATIONS

1. How does your community teach, model (whether explicitly or implicitly), and practice *tokhecha* currently? Are there times or circumstances when *tokhecha* is actively encouraged? Discouraged? What norms or practices protect the dignity of those who are rebuked?
2. Moving beyond *tokhecha* to other forms of intervention: What values, customs, practices and relationships in your organization might make it hard for people to speak up or take action when they see wrongdoing? What are some specific ways you can remove these impediments?

3. Who are the “Rabban Gamliels” in your organization? Do those who are in positions of power have the skills, confidence, opportunities, and authority they need to receive complaints and offer tokhekha? Is who they are widely known, and if not, how can you let people know who they are and how they are available?
4. How can you encourage people at every level and in every role to feel confident, skilled, and safe in speaking up about wrongdoing?
5. What are the considerations in figuring out when and whether to “call out” someone vs. “calling them in”? What might be lost and gained by each choice?

Endnotes

<https://www.nytimes.com/2020/11/19/style/loretta-ross-smith-college-cancel-culture.html?action=click&module=Top%20Stories&pgtype=Homepage/>.

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