FACEBOOK or FACE OFF!

BEIN ADAM LECHAVIRO & THE DIGITAL REVOLUTION

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Especially Prepared by Project Fellow for Aish HaTorah Beit Midrash program in Ramat Eshkol in conjunction with CBE
About this Class:

Torah from the word Hora’h; to teach and guide; is not relegated only to the synagogue or classroom. The Torah is eternal and all-pervasive; expressing Hashem’s direction for a Jew regardless of the circumstances he or she may find himself/herself.

We do not adapt Judaism to modernity. Halacha does not budge because of social pressure; nor does Halacha ignore worldly phenomena.

Instead, our responsibility is to approach the challenges of time and view them through the prism of Torah. Torah does not run away from the World. Instead, it provides the guiding light through which we can view the World through the Eyes of the A-lmighty. The objective of this class to display how pervasive Torah is and how Torah provides the guidance and answers to every situation which we might encounter.

As our lives progress; so will we encounter new inventions and challenges. Let us train ourselves to analyze situations and hold them up to the timeless microscope of Torah.

The Mishna teaches:

דרש ר' אלעזר בן עזריה מכל חטאתיכם לפני ה', ותתפרו, עבירות שבין אדם לאדם למקומם, עבירות שבין אדם לabeled ע' מקמר, עבירות שבין אדם לabeled ע' מקמר, עבירות שבין אדם לabeled ע' מקמר.

Yom Kippur can cleanse one who transgressed interpersonal sins only once the sinner has placated the victim.

As such, the particular issues we will discuss together tonight are quite an appropriate preparation for Yom Kippur.

May we all merit to find favor in G-d’s Eyes.
THE SCENARIO:

Consider this public news story:
"The personal details of 100 million Facebook users have been collected and published online in a downloadable file, meaning they will now be unable to make their publicly available information private.

An online security consultant used code to scan the 500 million Facebook profiles for information not hidden by privacy settings. The file allows people to perform searches of various different types and several thousand people by now downloaded it.

This means that if any of those on the list decide to change their privacy settings on Facebook, anyone who has the file will still be able to access information that was public when it was compiled.

The consultant's actions also mean people who had set their privacy settings so their names did not appear in Facebook's search system can now be found if they were friends with anyone whose name was searchable.

The consultant wrote, "Facebook helpfully informs you "[a]nyone can opt out of appearing here by changing their Search privacy settings" - but that doesn't help much anymore considering I already have them all (and you will too, when you download the torrent).

Once I have the name and URL of a user, I can view, by default, their picture, friends, information about them, and some other details. If the user has set their privacy higher, at the very least I can view their name and picture. Therefore, if any searchable user has friends that are non-searchable, those friends just opted into being searched, like it or not! Oops"

(Source: MSNBC)

1. Was it permissible for the consultant to scan the 500 million profiles not hidden by privacy settings?

2. Was it permissible to post it?

3. Was it permissible for the initial individuals to download the information?

4. Now that the information is publicly available, is it permissible to download the information and to figure out the names of those who hid their information by setting their privacy settings high? Is it ethical?

Guys!

What's the Halacha?
**THE SOURCES:**

You shall not abuse a stranger and you shall not oppress him, for you were strangers in the land of Egypt. You shall not persecute a widow or orphan. If you will persecute him...! For if he will cry out to me, I surely will hear his cry. My anger will burn and I shall kill you by the sword, and your wives will be widows and your children orphans.

Do no bear a meritless report (gossip), do not put your hand with an evil person (corroborate) by agreeing to be a fraudulent witness.

You shall not curse a deaf person, and you shall not place a stumbling block in front of a blind person about a particular matter by giving inappropriate advice; and you shall have fear of your G-d – I am Hashem.

You shall not go about gossiping among your people, you shall not stand over the blood of your friend – to view his death when you can save him – I am Hashem.

You shall not take revenge and you shall not bear a grudge against the members of your people; and you shall love your fellow as yourself – I am Hashem.
Do not harass one another, and you shall have fear of G-d; for I am Hashem your G-d.

Rashi: “Here the Torah enjoins us regarding verbal harassment that one should not annoy his fellow nor give him inappropriate advice but is instead in accord with the mode of life and benefit of the advisor. And if you will say “Who knows if I had bad intentions when I gave the advice?” That is why it says “You shall have fear of your G-d’ the One who knows thoughts, He knows your intentions. Anything given over to the heart which no one can recognize except the one whose heart the thought is, of it Scripture says ‘you shall have fear of your G-d’.

במדהבר פרק "י" ד: ה'
ולא-יינו הכורח ועדותו...

And he shall not be like Korah and his assembly (do not fan a machloket, a dispute). [see Sanhedrin 110a]

dabrim heikim vb: י"ט

And they shall fine him one hundred silver shekels...for he had spread a bad name (false report) against a virgin of Israel.

dabrim heikim vb: כ"ד: ח', ט'

השמע.balance שערי לשמרו, ולמעש: כל אושר-יוצר אחוכם ההכוהיםvla; כלאושר-יגם, אחוכם ההכוהיםvla; ושמורו

וכל אושר-מעשה ד’ אלולק לטרים, ברקוע, בצור,c בצרות, מצרות.

Take care about the tzaraas affliction, to be very careful and to act; according to everything that the Kohanim and the Levites shall instruct you – as I have commanded them – you shall be careful to perform. Remember what Hashem, your G-d, did to Miriam on the way, when you were leaving Egypt.

Rashi: If you wish to take care that you not be stricken with tzaraas do not speak derogatory talk. Remember what was done to Miriam who spoke against her brother, Moses, and was stricken with the afflictions of tzaraas.

dabrim heikim vb: כ"ד: ב"ד

אורי, מנאה רעהו; אמר כל-حما, אמר.

Accursed is the one who strikes his fellow in secret (Rashi: Malicious talk). And the entire people shall say, “Amen”.

משלי פרק "א"י": כ

הולך רכלי, מגלת-סוד; ובאותה-רזה, מכסה זכר.

He who goes about as a talebearer reveals secrets, but one who is trustworthy in spirit conceals a matter.
He who goes about as a talebearer reveals secrets; do not meddle then with one who sets his lips prating foolishly

R. Yose ben Chanina: He who gains honor by foolishly sets his lips prating does not have a share in the World to Come.

"A man, if his mouth is faint and his words are few, let him be quiet in the presence of a wise man. A fool sets his lips prating and makes trouble. A wise man spares others, and a fool reveals secrets. A fool who prates foolishly is like a talebearer, a man who meddles, does not meddle with one who prates foolishly."

He who gains honor by foolishly sets his lips prating has no portion in the World to Come.
By giving a Nazarite a cup of wine or a Noachide a limb of a live animal, one transgresses, ‘Do not place a stumbling block in front of a blind person’.

If the transgressor can sin without your help, then if you present him with the wherewithal to sin before he actually does so, you have not placed a stumbling block before him. However, if he is about to sin, you have an obligation to prevent him from doing so, by giving him the wherewithal instead of preventing him from sinning, you are an accomplice to the sin and have transgressed a Rabbinic prohibition. [*Yaakov Ettlinger, Altuna, Germany 1798-1871, a.k.a. Aruch Laner*]

If someone told you a secret about himself in confidence, you may not divulge it. [*R. Yisrael Meir Kagan HaKohen author of Mishna Berura d. 1939 Radin, Poland*]

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APPLICATION:

The millions of Facebook walls include an immeasurable amount of gossip, damaging information, and information if made public can cause the breakdown of relationships, marriages, partnerships, fan disputes, humiliate people and pain widows, orphans etc.

Spreading, listening, reading, and accepting this information is evil and is counted amongst the gravest sins. Posting and indiscriminately viewing the forbidden information, one transgresses an innumerable amount of such sins.

[In fact, before going on anyone's Facebook wall or reading a news clip for that matter; one must realize that there is a risk of transgressing many such colossal sins should one read the wrong type of information.]

One may not remind a penitent of original bad deeds. Take for example a sinner who had a low privacy setting. Years later he or she repents and raises his/her setting. The consultant continues to avail the original information to the public is guilty of gossip and insulting a penitent.

Posting the information lures downloaders to sin. Downloading the information gives credence and is like corroborating with a sinner. Becoming a hero over a fellow's downfall is forbidden.

It would appear as though the consultant however did not transgress the prohibition to disclose secrets.

"It is forbidden to disclose information that a person told you about himself/herself in confidence." A person is the "owner" of his or her private information. [Chofetz Chaim Hilchos Rechilus 8: 5]. However, once information is not a secret, disclosing it to others would not be a transgression of this prohibition. One has to understand that any information he or she posts on Facebook, even with the highest privacy settings are not "told in confidence." As such, while the consultant made the information more readily available, at least he is not guilty of disclosing private information. Nevertheless, as delineated above, the consultant transgressed numerous grave sins and anyone who downloads the file, indiscriminately searches the pages and views the information risks transgressing many of these sins as well.

If Facebook led you to buy into the fact that no "security consultant" would act in such a manner, they could be guilty of fooling their clients.