

שִׁים שְׁלוֹם AND אֱלֹקִי, נִצּוֹר THE CONNECTION BETWEEN

Of the nine (9) versions of prayers that our Sages recited after שמונה עשרה as reported in רבנו של עולם chose the version that begins with a request that the מסכת ברכות help us avoid: לשון הרע. What is the connection between the paragraph of א-להי, נצור and the ברכה of שִׁים שְׁלוֹם? In Chapter 53 of his book: הורב, entitled: Honour and Peace, לשון הרע, רכילות, Rabbi Shimshon Raphael Hirsch may provide an answer:

Honour and Peace¹ לשון הרע, רכילות

ויקרא פרק יט' פסוק טז'-לא תלך רכיל בעמך לא תעמד על דם רעך אני ה':

You shall not go up and down as a slanderer among your people; nor shall you stand against the blood of your neighbor; I am the Lord.

במדבר פרק יז' פסוק ה'-זכרון לבני ישראל למען אשר לא יקרב איש זר אשר לא מורע אהרן הוא להקטיר קטרת לפני ה' ולא יהיה כקרח וכעדתו כאשר דבר ה' ביד משה לו:

To be a memorial to the people of Israel, that no stranger, who is not of the seed of Aaron, come near to offer incense before the Lord; that he be not as Korah, and as his company; as the Lord said to him by the hand of Moses.

The image of a person as it appears in others' minds is called his honour. This image determines the others' attitude towards him and impression of him; if only for this reason, honour is very important as a classifying factor. But this image also determines the sentiments, the respect and love, which one has towards a person; and next to a clear conscience before G-d and the resultant self-confidence, there is nothing more comforting and rewarding for a man than the respect and love which his fellow-men give him. Thus honour becomes a condition of happiness. Man, who finds it so difficult to know himself by introspection, sees himself more easily, as it were in a mirror, in the image which others have formed of him in their own minds. And their reliance on that image is so profound that people who often do not mind defacing their own selves, who do not care about G-d's and their own judgment of themselves, nevertheless are prepared to go to any lengths in order to preserve that image unstained. Thus honour, however objectionable the motives, becomes not infrequently a spur to duty; and ultimately it will make for real virtue when the person, progressing from the appreciation of the opinion of others to respect for G-d's and his own opinion, learns to love his duty for its own sake as his G-d-given task.

Thus honour is a not unimportant part of life, of the joy of life, it is even a spur to virtue and its guardian, and you must therefore respect the human being in his honour, in this image of him, and not kill this image, thus endangering the precious and sacred possessions which derive from it; you must not speak disparagingly of it! Even if what you say is true, even if the

1. Reproduced from the Soncino Press edition, translated by Dayan Dr. I Grunfeld, 1997.

image where better than the reality, you ought to rejoice in it and not become its executioner (just as you are not allowed to kill somebody already sentenced to death), you should rejoice in it and not deprive the person of what is perhaps his last spur to being good; it is tantamount to defamation if you only draw attention to some evil trait in your fellow-man, or even if you only let it be known that you could say something disparaging about him if you wished.

But not only the individual's life and happiness, the welfare and good will of all depend on the detailed image of his fellow-man which one human being carries in his mind, that image which shows him his brother, not only generally, but in his peculiar relation to himself, as an expression of what he meant, means, and will mean in future to him and to everything that he calls his own. For on these details depends the blessings of all blessings – peace! If that image is friendly and does not spell harm and danger to one's own sphere, then man will join his fellow-man as a friend, will readily grant him his place beside himself on G-d's earth; will rejoice in his prospering by his side, enjoy his prosperity as though it were his own; everyone will live undisturbed for his own destiny, will help and be helped, and small groups as well as larger communities will present the picture which G-d intended when He created the world: the picture of untroubled development of communal life, the picture of shalom (שלום), of peace.

But when that image is hostile, when it shows one man destroying or menacing his brother's sphere of life, then hatred makes its appearance, hatred which does not leave room for two human beings on G-d's wide earth, hatred which sits brooding over the long-buried past and ponders over impending horrors; hatred which fills the hater with utter disregard for his own life so long as the hated person lives: hatred which wills the destruction of that hater if only the object of its hatred goes down with it. Then G-d's blessings are all wasted, for man turns them into curses, and shalom has fled. Instead of entwining themselves into a garland of peace in which each rejoices to adorn the other, to add beauty to other's life with his own life, people confront each other like hostile thorns (שנאה), hatching plans for mutual destruction (איבה); the chain which should join one human being to the other is broken. G-d's world is destroyed, hatred and discord hold sway at man's own invitation, and generate robbery and murder and evil without end. And this will happen everywhere, in the all-embracing circle of all mankind, or in the smaller communities the world over; in a country, a city, a community, a family, a house, or an intimate companionship which comprises two human minds.

Why did **ה'זו"ל** want us to ask for the **רבונו של עולם**'s help in avoiding **הרע**? Is this not an act that we can avoid on our own? In his **סידור המבואר**, Rabbi Avrohom Ganzel quotes from the book: **חובת השמירה מהחפץ חיים**:

מבקשים אנו, אמנם מהקב"ה שיציל אותנו מלשון הרע ומשקר. אולם האם עושים אנו מצדנו מאמצים בכיוון זה, לשמור את לשוננו מרע ואת שפתינו מדבר מרמה? ואם אנו מעצמנו איננו עושים כלום לשמור על לשוננו, כיצד רשאים אנו לבקש מהקב"ה שיעזור לנו בזה? הרי מצאנו הלכה מפורשת גבי פריקה וטעינה דכתיב: (דברים כב') הקם תקים עמו, ודרשו חז"ל (בבא מציעא לב) דוקא עמו, ביחד עם בעל המשא. לאפוקי אם הלך וישב ואמר הואיל ואליך מוטלת המצוה אם רצית לפרוק פרוק הרי הוא פטור. – והרי גם בעניינינו אותו דבר אם אנו מבקשים שהקב"ה יעזור לנו לפרוק מאתנו את העבירה הזו, טוען הקב"ה כלפינו, עזרו נא לי, אחרת אין כל מצוה לעזור לכם.

SUPPLEMENT

HALACHIC DECISION MAKING

Professor Daniel Sperber has written an important book on the issue of women reading from the Torah and receiving Aliyos entitled: **קריאת נשים בתורה פרקים: דרכה של הלכה**, Reuven Maas Publishing, 2007. My purpose in notifying you of the publication of his book is not to endorse his conclusion. I have made my views known in a response to an article written on the subject in the Edah Electronic Journal (www.edah.org). But I do believe that Professor Sperber's introduction is must reading for anyone who is interested in understanding the process by which Halachic decisions should be reached. I present to you his introduction:

ציווי של סבא

The Directive of my grandfather

מעין הקדמה על תפקידו של מורה הלכה

A short introduction concerning the role of a Halachic Decisor

כאשר פרסם רב צבי הירש חיות את ספרו 'תורת הנביאים' (זולקא תקצ"ו) הביע חשש "כי יבואו מבקרי מומין ויחפשו וימצאו" פגמים למיניהם בספרו. במכתב שכתב לו החת"ם סופר (בתשובותיו, או"ח סי' רח) שיבה מאוד את הספר, ולימד אותו ואת כולנו פרק בענייני הסכמה וביקורת.

When Rabbi Tzvi Hersch Ga'Yos publicized his book: "Toras Ha'Niviim" he expressed a concern that "those who look for defects will search my work and find such defects" in his book. In a letter written to him by the Chasom Sofer (Responsa, Orach Chaim section 208) the Chasom Sofer highly praised the book and in doing so the Chasam Sofer taught us a lesson in matters of approval and criticism.

במסכת ביצה (לח ע"א-ע"ב) מובא שר' אבא, לפני עלייתו ארץ ישראל, התפלל, 'יהא רעוא דאימא מלתא דתתקבל' (-יהי רצון שאומר דבר המתקבל 'לחכמי המקום, שלא אבוש' - לשון רש"י שם). ואולם, מספרת הגמרא, כשהגיע לבית מדרשו של ר' יוחנן בארץ ישראל גיחכו עליו התלמידים בשל הראיה שממנה רצה ללמוד בסוגיית היום. תפילתו, מסתבר, לא נשאה פרי.

In Maseches Baitza (38, 1 & 2) we learn that before making aliya to Israel, Rabbi Abba prayed: may it be G-d's will that I will teach matters of Torah that are accepted by the Sages of that place and that I not be embarrassed. As it turns out, when Rabbi Abba reached the Beis Midrash of Rabbi Yochanon in Israel, the students laughed at his attempt to bring proof for the matter that was under discussion that day. Rabbi Abba's prayer did not bear fruit.

לעומת זאת, מציין החת"ם סופר, במסכת ברכות (כה ע"ב) מובאת תפילתו של ר' נחוניא בן הקנה, 'יהי רצון מלפניך... שלא יארע דבר תקלה על ידי, ולא אכשל בדבר הלכה וישמחו בי חברי... וכו'.

In addition to that prayer, points out the Chasom Sopher, we find in Maseches Brachos (28, 2) the prayer of Rabbi Nichunya son of Ha'Kaneh: May it be G-d's will that an error not occur by my hand and that I not fail in a matter of Halacha and that my friends rejoice through my efforts.

מה ההבדל בין שתי תפילות הללו?

What is the difference between these prayers?

ר' אבא בקש למצוא חן והסכמה מצד השומעים, מסביר החת"ם סופר, ולכן לא זכה. כי "מה לי אם יקבל או לא? אמור דבריך לשם שמים. וע"כ נכשל". ואילו ר' נחוניא בן הקנה התפלל שיכוון לאמיתה של הלכה, ולא שם יהבו על רכישת הסכמתם של השומעים:

Rabbi Abba wanted to find favor and approbation from his listeners explains the Chasom Sopher, and therefore he was unsuccessful. His attitude should have been why should I be concerned whether my colleagues accept my teaching? I teach to benefit Heaven. Because he did not have that attitude, he failed. On the other hand, Rabbi Nichunya son of Ha'Kaneh prayed that his efforts be directed towards finding the true Halachic answer and not that he should receive the approval of his listeners.

אך יהא הויכוח להעמיד סברתי ודעתי על פי שכלי באופן מה שחברי טען נגדי אראה במחשבתי אם כנים דבריו אחזור בי, ואם לא נראים לי דבריו, אני עומד על דעתי. ומה לי בכך אם יודה או לא, כי אין כוונתי לנמות דעתו לדעתי.

Let the discussion on whether my thinking and opinion are correct begin by my considering my colleague's approach; if his rationale appears correct, I will withdraw my opinion but if his rationale does not appear correct to me, I will hold to my opinion. Why should it matter to me whether my colleague accepts my way of thinking or not. I do not put forth my opinion in order to change my colleague's mind.

ועל כן זכה. וקובע החת"ם סופר כי:

... היודע בעצמו כי כל מגמתו לשם הי"ת להגדיל תורה ולהאדירה, ורק מונע בר מפני חשש מבקרי מומין ומלעיגין ומלעיבין במלאכי ה'—עבירה היא בידו, וכשם שיקבל עונש על הדרישה הנ"ל כך יענש על הפרישה.

That is why Rabbi Nichunya son of Ha'Kaneh succeeded. The Chasom then established the following:

He who knows that his motivation is out of concern for heaven to strengthen Torah but who is concerned about those who look for defects and who mock those who are involved in G-d's work—he is mistaken; just as he will be punished for the thinking so too he will be punished for not staying with his position.

ועל כן אפתח גם אני בתפילתו של ר' נחוניא בן הקנה: 'שלא יארע תקלה על ידי, ולא אכשל

להבין את התפלה

בדבר הלכה, ובודאי אשמה גם אשמה אם 'ישמחו בי חברי'.

And so I too will begin with the prayer of Rabbi Nichunya son of Ha'Kaneh: May it be G-d's will that an error not occur by my hand and that I not fail in a matter of Halacha and certainly I will rejoice if my friends rejoice because of my efforts.

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סבי זכרונו לברכה, אבי אבא, ר' דוד שפרבר זצ"ל, היה מההולכים בדרכו של החת"ם סופר. וכתב אבי ז"ל, על מידותיו של סבא ז"ל:

מידת תלמידי חכמים היתה בו שהי' קשה כברזל לעת הצורך. היה דיין מומחה בענייני ציבור ודיני ממנות, והיו מזמינים אותו לשבת בבית דין כבורר או כראש בית דין בעניינים מסובכים קהילתיים או של יחידים. דיונים הללו היו מסעירים את הרוחות ויש שניסו להשפיע עליו בצורות שונות או שלא לקבל את פסק דינו.

My grandfather of blessed memory, the father of my father, Rabbi Dovid Sperber, was one who followed the path laid out by the Chasom Sopher. My father of blessed memory wrote concerning the attributes of my grandfather:

He had the attributes of a Talmid Chochom in that he was tough as iron when necessary. He was viewed as an expert judge in the areas of communal affairs and monetary matters. He would be invited to sit in judgment in a Beis Din as an investigator and as head of the Beis Din in complicated communal and individual matters. Often, these deliberations would cause a stir. There were those who tried to influence him in different ways or would not accept his decision.

זכרוני: היה זה אחרי שהוציא פס"ד בעניין שהיה בו דררא דממונא בסכום עצום וניסו לעמוד נגדו בכמה דרכים. אמר: לכאורה מפני מה בחרו בי לשבת בראש דין תורה זה? אם מפני ידיעת תורה, בודאי שיש גדולים ממני בתורה. אם מפני בקיאות בהוויות העולם, בודאי שיש בקיאים ממני. אלא מידה אחת יש בי שאני מקיים בנפשי 'לא תגורו מפני איש'...

I remember an occasion after my father rendered a decision in a matter where a large sum of money was involved and some tried to interfere in several ways. He said: why did they choose me to sit at the head of this Beis Din? If it is because of my Torah knowledge, there are certainly those who have more of knowledge of Torah; if because of my expertise in worldly knowledge, I am sure that there are those who know more. There is only one attribute that I have that others do not have, that I keep the rule of: not to succumb to the wishes of human beings...

וספרה אמי ז"ל, רבנית מרים שפרבר, שלאחר שנזרקה אבן על חלוננו של בית הסבא בעקבות פסילת כשרותו של בעל אמליז אחד, וכמעט וניזוקה תינוקת ששכבה ליד החלון, נשאל על ידי אבי, הרב שמואל שפרבר ז"ל: האם כדאי להיות רב, להקדיש שנים רבות לקהילה ואחרי כן לקבל אבן בחלון?, ענה הסבא: "כדאי וכדאי הדבר. דע לך בני, רב שאין לו מחלוקת, שאין לו לחץ, אינו רב; רב שנכנע ללחץ אינו בן אדם."

My mother of blessed memory, Rebbetzin Miriam Sperber, related to me that after a rock was thrown through the window of my grandfather's house on account of the fact that he

withdrew the kashrus certification from one butcher shop, and a baby who was lying near the window was almost injured, my father, Rabbi Shmuel Sperber of blessed memory asked: Is it worthwhile being a Rov, to dedicate many years to the community and to then have a rock thrown through your window? My grandfather answered: Yes it is worthwhile. Know my son that a Rabbi who has not been involved in a dispute, is not under pressure, is not a Rabbi; a Rabbi who succumbs to pressure is not a human being.

אכן זו היתה דרכם של הראשונים. ראה למשל את דבריו של ר' ישעיה דיטראני:

אך זאת אתי, כל דבר שאינו נראה בעיני- אי אמרה יהושע בן נון לא צייתנא ליה, ואיני נמנע מלדבר עליו מה שייראה לי לפי מיעוט שכלי . . . אלא אני דן בעצמי משל הפילוסופים . . . ואם תרכיב הננס על צוארי הענק מי צופה יותר למרחוק, הוי אומר הננס שעניני גבוהות עכשו יותר מעיני הענק.

This therefore was the way with our ancestors. Look for example at the words of Rabbi Yeshayahu Ditrani:

This is the way it is with me, if something does not appear to be right in my eyes -whether it was said by Yehoshua Bin Nun does not matter to me. I am not prevented from commenting on his opinion with what appears to be correct in my eyes . . . allow me to borrow a concept used by philosophers. When a dwarf sits on the shoulders of a giant, who sees further in the distance? I say it is the dwarf whose eyes are higher than the giant.

כך אנחנו ננסים רכובים על צוארי הענקים . . . במקום שאנו רואים שזה חולק על זה וזה אוסר וזה מתיר, אנו על מי נסמוך . . . אין לנו אלא לחקור אחרי דבריהם שאלו ואלו דברי אלוקים חיים הן, ולפלפל ולהעמיק מכת דבריהם להיכן הדין נוטה, שכך עשו חכמי המשנה והתלמוד, לא נמנעו מעולם האחרונים מלדבר על הראשונים ומלהכריע ביניהם ומלסתור דבריהם . . . וכו'

So too, we are like dwarfs who ride on the shoulders of giants . . . when we see that one disagrees with another and one permits while the other prohibits, on whom should we rely? . . . it is our obligation to investigate into the matter since the words of both are words of heaven. We should deliberate back and forth and delve deeply into their words to determine which opinion is correct. That is what the Sages of the Mishnah and the Talmud undertook. The later ones never felt prohibited from commenting on those who came prior and then chose between the opinions and to disagree with them.

וראה גם באגרות משה, יו"ד ח"ג, ס' פח, עמ' שכט, שמסיים תשובתו: " . . . וא"כ כ"ש וכ"ש שאין לחוש מלהקשות ומלחלוק על גדולי דורותינו אף הגדולים ביותר, אבל באופן דרך ארץ . . . " (ועיי"ש ראיותיו לכך).

See also in Igros Moshe (Yoreh Dai'Ya Chelek 3, Siman 88, side 329), where he ends his response by writing: therefore you should not be concerned with questioning and disagreeing with the great Sages of our generation, even those greater than you but do so in a respectful manner (se the proofs that he lists there).

ועד כתב בתשובה אחרת (יו"ד ח"ב, ס' מה, עמ' סא):

הנה מה שמתנצל בתר"ה מה שהוא סובר דלא כדברי, איני יודע למה הוא צריך להתנצלות. הא ודאי שכל אחד צריך לברר האמת לפי דעתו, בין לקולא בין לחומרא, אף כשהוא תלמיד נגד סברת רבו,

להבין את התפלה

וכ"ש לאחרים שאינם תלמידים. ועיין בספרי אגרות משה האו"ח ס' קט' [עמ' קעג] שהארכת בזה קצת .

And he further writes in a different Response (Yoreh Dai'Ya Chelek², Siman 45, side 61): That he apologizes for not agreeing with my opinion, I do not understand why he needs to apologize. Certainly each one must delve for the truth according to his knowledge, whether to be strict or lenient, even when it is a student who disagrees with his teacher and most certainly when it does not involve those who were his teacher. And see in my book Igros Moshe Orach Chaim Siman 109, [side 173] where I elaborated slightly on this point . .

ובתשובה אליה הוא מפנה בסיום דבריו הוא דן בנושא, ומסיים כך [ההדגשה שלי-ד"ש] . .
. לכן אף אם אחשוב אותי כתר"ה לגדול, רשאי לחלוק, וממילא מחויב לומר דעתו, ואין לו הצורך להתנצל."

In the response in which he ends by writing on this subject and end thus [the emphasis is mine] . . . therefore even if he considers me to be a great Talmid Chochom, he is entitled to disagree with me. In fact, he is obligated to give his opinion and he has no reason to apologize.

יודע אני שירננו עלי מקצת מחברי. ואולם, רואה אני את דברי אבי וסבי זצ"ל כצווי לי ולרבני הדור הזה.

I know that some of my colleagues will be disappointed in me. But I view the words of my father and grandfather of blessed memory as a command to me and to the Rabbis of this generation.

Professor Sperber's book is available directly from the publisher; www.massa.co.il

TRANSLATION OF SOURCES

הוֹבֵט הַשְּׂמִירָה מֵהַחֲפִיץ חַיִּים - סִדּוּר הַמְּבוֹאֵר - We ask from G-d that He prevent us from speaking Loshon Ha'Rah and untruths. However, what efforts do we make on our part to prevent speaking Loshon Ha'Rah and deceit? If we on our own do not make any efforts to restrain our tongues how are we permitted to ask G-d to assist us? Note that we find a clear directive in the Torah concerning helping others in loading and unloading, as it is written: (Devarim 22) Ha'Keim Takeim Imo (lift together with him). Our Sages derived (Baba Metziya 32): particularly "Imo" (with him), together with the one carrying the load. This excludes the case where the one carrying the load sits with his load and says to the one who comes to help him: since the obligation to help me is placed on you, you do it alone. In that case, the one who comes to help is under no obligation to help. So too in the matter of speaking Lashon Ha'rah; when we ask G-d to help us to refrain from speaking Lashon Ha'Rah, G-d answers us: you must make the effort to stop speaking Loshon Ha'Rah-otherwise, I have no obligation to help you.