

YESHIVAT HAR ETZION
VIRTUAL BEIT MIDRASH PROJECT(VBM)

TALMUDIC METHODOLOGY

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SHEKER AND DARKHEI SHALOM

The Torah warns us in Shemot 23:7, "Mi-devar sheker tirschak," "Distance yourself from anything false." Despite the broad scope of this prohibition (see Rabbeinu Yona in Sha'arei Teshuva regarding the four types of prohibited sheker) there is one notable instance in which lying is permitted and possibly even encouraged. This case of "darkhei shalom" (the imperative to foster goodwill among people; lit., "ways of peace") will form the topic of this week's article.

The gemara in Ketubot introduces us to the famous machloket between Beit Shammai and Beit Hillel regarding "keitzad merakdin lifnei ha-kalla." How should one while rejoicing at a wedding, proceed to compliment an unattractive bride? Is one permitted to lie, and if so, what is the scope of this allowance? Beit Shammai (one might say characteristically) adopts the "hardline" position that the truth must be pursued at all costs, even if that compromises the feelings of the kalla. They maintain that one may only pronounce "kalla kemot she-hi" - effectively, he must tell it as it is. Conversely, Beit Hillel maintain that the rejoicer is permitted to praise the kalla as "na'a ve-chasuda," comely and pleasing, even though his flattery is mendacious.

As in the past, we begin our analysis by identifying the intuitive position. On first glance Beit Shammai's opinion is reasonable. We derive an issur de-oraita (prohibition of biblical origin) from the verse "Mi-devar sheker tirschak," and this should dictate a universal proscription. Indeed, the gemara quotes this source when describing Beit Shammai's stance. How might Beit Hillel address this our concern with the issue of sheker? What underlies this sanction to lie despite the speciousness of the praise?

Providing an explanation for Beit Hillel requires a closer look at the basis of Beit Shammai's position. Presumably, Beit Shammai adopts two assumptions: 1) that truth and falsehood are measured by objective standards and it is therefore sheker to praise an unattractive kalla, 2) that there can be no extenuating circumstances in which lying may be permitted. Conversely, to defend his position, Beit Hillel has the option of dismissing either assumption. We will begin by studying the second question. Is there any extenuating factor which can justify lying?

The Ritva explains Beit Hillel's position based upon the factor of darkhei shalom. In order to avoid controversy and bruised emotions, the rejoicer is permitted to alter the truth and offer his compliments (for a parallel, see the gemara in Yevamot 65b).

Though the Ritva fully explains Beit Hillel, the opposing position of Beit Shammai remains unaccounted for. Do Beit Shammai indeed absolutely reject the allowance of darkhei shalom? If Beit Hillel formulated their allowance around the exception of darkhei shalom, why did Beit Shammai reject this stance?

Quite possibly Beit Shammai concurs with the principle of darkhei shalom but simply LIMITS it. Beit Shammai maintains that only issurei de-rabanan, prohibitions of rabbinic origin, may be overridden for the purposes of darkhei shalom. If we are to accept this analysis to justify Beit Shammai's rejection, we now must circle back to Beit Hillel to reinvestigate their opinion. If there exists an issur de-oraita against falsifying, how can darkhei shalom override this prohibition?

To reconcile Beit Hillel we are left with two primary options. First of all, it is possible that Beit Hillel expand the scope of the darkhei shalom permit, and apply it even to instances of issurei de-oraita. In other words, a special license to commit even an issur de-oraita is granted in cases of darkhei shalom. Alternatively, Beit Hillel might agree that an issur de-oraita cannot be violated for the purposes of darkhei shalom but take issue with the fact that lying to a kalla is an issur de-oraita. Clearly, one who lies at another's cost (particularly if it causes him a monetary loss, but even if the lie merely insults him) has violated the biblical prohibition of sheker. What about someone who lies without in any way damaging a victim though it is certainly an immoral action does it fall under the rubric of the issur de-oraita? The Yerei'im in Chapter 235 and Rabbeinu Yona in his Sha'arei Teshuva (sha'ar shelishi, where he discusses the fourth category of sheker) each maintain that harmless lies are forbidden only at the rabbinic level. Hence, Beit Hillel are justified in allowing this "white lie" to serve the purposes of darkhei shalom. In short, Beit Hillel may admit that issurei de-oraita are not deferred for darkhei shalom but classify this lie as a harmless one which is only assur mi-derabbanan and deferrable for purposes of darkhei shalom.

You might have guessed what the next step is: what about Beit Shammai? If indeed the issur is only derabbanan (since it causes no harm), and if, in general, Beit Shammai accept the dispensation of darkhei shalom, why is a lie to a kalla forbidden? Conceivably, Beit Shammai might respond by broadening the category of biblically proscribed sheker to include even harmless lies. If any and every lie falls under the heading of a sheker de-oraita, it cannot be overridden in a case of darkhei shalom. If this is the case, Beit Shammai and Beit Hillel argue about the scope of the issur of "mi-devar sheker." A second possibility is that Beit Shammai affirms the rule that only harmful lies are categorized as issurei de-oraita but disputes the idea that lying to a kalla is considered harmless. Though it causes no discernible harm the flatterer is still insulting the intelligence of the groom! This is known in halakha as geneivat da'at - by unduly praising the kalla in the presence of her new husband he has "stolen the knowledge" of the husband. And in fact, the Yerei'im explains Beit Shammai based upon this line of reasoning.

SUMMARY:

We have studied the machloket from one particular vantagepoint. Three interconnected issues arose: What sort of issur is displaced because of darkhei shalom; which type of lie is de-oraita; and is the "white lie" in our sugya really so white? Beit Shammai and Beit Hillel could conceivably argue about any of these three factors.

The second general approach to take in explaining the position of Beit Hillel is to investigate whether inaccurate praise of an unattractive kalla is really considered a lie. After Beit Hillel's position is cited, the gemara draws an analogy between this case and that of one who shows off a recent purchase to a friend. The gemara maintains that even though the friend might not think the purchase was such a good bargain given the inferiority of the item or its high price, he should not burst the purchaser's bubble but, instead, praise the item. The gemara comments that such sensitivity is mandated by the principle "le-olam tehei da'ato shel adam me'urevet im ha-beriyot" (a person should always be pleasant and favorable in the eyes of his fellow human beings). By praising rather than belittling his decision, one may establish himself as likable and agreeable. Rashi comments on this case by adding that one achieves this state by attending to the specific needs of each individual and by recognizing their particular likes and dislikes. If this person needs to hear confirmation and encouragement regarding his purchase, a sensitive friend will respond. Rashi, by elaborating upon this passage, might be suggesting the following truism: Truth is subjective. The fact that I disdain a particular product does not mean that, objectively, it is inferior. My contemporary might see within this item certain desirable features which to me go unnoticed, or if noticed, are not necessarily desirable. That is what makes people different! Essentially, by praising the purchase, I have not lied; I have merely shown greater sensitivity to the subjectivity of personal judgment and have harnessed this faculty to secure friendships and generate goodwill. If this is true in the analogy which the gemara cites, it might also apply in the original case - that of complimenting an unattractive kalla. If the quality of items is subjective, then certainly beauty is as well. To properly fulfill his mitzva of celebrating the marriage, the rejoicer merely has to apply this principle and recognize that despite his judgment, others - namely the groom - view the kalla as attractive. Even ignoring the subjectivity of beauty or quality IN GENERAL, the heightened emotions of the wedding certainly make the woman "na'a ve-chasuda" in the eyes of her beloved. The Shitta Mekubetzet appears to take this stance in assessing Beit Hillel when it quotes an old manuscript version of Rashi (Mahadura Kama) which declares that even though she is unattractive it is possible that she possesses a "chut shel chesed" (an enchanting charm). Certainly the husband thinks so, and the praise on this day should be formatted to his taste and no one else's. Beit Hillel allow this compliment because it is not a falsehood; it is merely an attempt, on a very unique and momentous day, to see things from another person's perspective (which is perhaps a good idea in general).

Before concluding this article one remaining issue has to be dealt with. Why do we not explain that Beit Hillel urge the rejoicer to focus upon the woman's other, non-physical attributes. After all, looks aren't everything; each person has many comely traits. Beit Hillel might be stating that if the woman possesses little physical beauty, alternate features should be highlighted and celebrated. In truth, this issue WAS raised

by the Rishonim, not in the context of Beit Hillel's position, but to elaborate BEIT SHAMMAI'S. When Beit Shammai declared that the rejoicer should describe her as "kemot she-hi" (the way she is) how literally did they intend this directive? The Rishonim offer three alternatives. Some suggest that if she is not attractive, one should either remain silent or utter the very words "kemot she-hi" - just as Hashem made her (which ultimately is the highest form of praise; see the Shitta Mekubetzet, especially the segment he cites in the name of the Ri Migash). Other Rishonim reject these options. Silence in this context would be the equivalent of an insult and merely commenting "kemot she-hi" also serves to underscore the lack of specific compliments. Tosafot raise the possibility that according to Beit Shammai the focus should be placed upon the kalla's other features. Tosafot here are referring to physical features. For example, an unattractive person might nonetheless have pretty eyes or other comely features. In contrast, Rashi and the Ri Migash each relate to non-physical issues (personality, profession etc.). Each however are defining Beit Shammai's directive as referring to alternate features. Evidently, then, Beit Shammai, at least according to some opinions, are the ones who raise the possibility of complimenting various other features. Conversely, Beit Hillel apparently maintain that at the moment of the chatuna physical qualities must be addressed. They either sanctioned a lie because of darkhei shalom or redefined the definition of beauty and attractiveness.

METHODOLOGICAL POINTS:

1. This sugya provides a classic example of the multi-stage approach to analyzing a machloket. To begin, we isolated Beit Shammai as the "intuitive" approach. Our first step then became to search for an explanation or basis for Beit Hillel. After one was provided, it proved so reasonable that we were forced to backtrack and ask why Beit Shammai did not accept this reasoning. After justifying Beit Shammai's rejection, we then addressed Beit Hillel and asked why they insisted upon their position. The basic idea is that it is always easier to analyze one position at a time. (This would appear to be self-evident but like all such truths, it needs to be formulated consciously.) The trick is to continually play each shita, with its logical basis off the other until you can dig deep enough beneath the surface to uncover the fundamental issues which separate the positions. The hope is that, at a certain point, the steps merge and one leaps immediately to the heart of the machloket. One purpose of these shiurim is to familiarize students with those steps so that, ultimately, the process is accelerated.

2. Whenever we witness a sanction to violate an apparent prohibition there are two possible foundations for this decision. We might accept the issur but raise a concern which overrides it. Conversely we might redefine the case so that it no longer falls in the category of the issur. Here, is sheker violated in favor of darkhei shalom, or do we redefine beauty so that this praise is no longer sheker?

FOOD FOR THOUGHT:

See the gemara Gittin (59b) which states that the entire Torah is geared toward the achievement of darkhei shalom. May be all merit to gaze upon the ultimate and objective beauty of the Bayit Shelishi built in the spirit of "hod ve-hadar lefanav" - majesty and splendor are before Him) Tehillim 96:6. (See Targum Onkelos on the verse, "Zeh Keili ve-anveihu," This is my God and I will praise Him, Shemot 15:2).

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