



לז"נ הרב שמעון יהודה זצ"ל בן הרה"ג ר' אברהם יעקב (זיידיל) עפשטיין שליט"א

LAST WEEK'S RIDDLE

Volume 7 Issue 5

When is it permitted to say you heard something from someone even if you didn't?

ANSWER

Many people answered that מפני השלום – for the sake of peace - one may say something which is untrue. We accepted the answer because it is correct but, in our question, we were specifically asking for an example of *quoting* someone as saying something even though he didn't. For purposes שלום one doesn't necessarily have to quote someone.

The מגן אברהם in קנ"ו סי' אר"ח says that, if someone hears a דין and feels that it's correct, he may say to others that a certain גדול told him this דין, even if he didn't, so that people will accept it.

He brings two sources for this דין. The עירובין נ"א. The רב יוסף רבה tells us that a ברייתא says that רבי יוסי said a certain הלכה. The גמרא says there that the ברייתא makes no mention of רבי יוסי but רבה said that it did, so that people will accept it as הלכה.

In the פסחים ק"ב. The גמ' פסחים ק"ב. In the אם בקשת ליחנק גדול, if you want to choke, hang yourself from a big tree. רש"י explains that this means if you want to have your decisions accepted by others (and, thereby, assume the life-and-death responsibility of deciding הלכה for others), say them in the name of a great man even if he never said them.

However, מגן אברהם asks the ברייתא, for at the end of מסכת כלה it says that if someone says that he heard something from a תלמיד חכם when he didn't, he causes the שכונה to depart from כלל ישראל.

The מגן אברהם does not answer his question but a number of answers are given by others. The אליהו רבה answers that if you are unsure whether they will accept your ruling you may quote the גדול so that the ruling will be accepted. But if they will accept your ruling in any case then there is no necessity to say that the גדול said and it is, therefore, אסור to quote the גדול.

Another answer given by the אליהו רבה is that if you heard the הלכה but not in anyone's name then you may quote an אדם גדול but if you heard it in the name of one גדול then you may not say a different גדול said it (because you are מבזה the תלמיד חכם who really said it.)

And yet another answer given by the אליהו רבה is that a הלכה that you say on your own may not be attributed to someone else (because you could be making a mistake) but if you heard it from someone else (and are sure that it is correct) then you may attribute it to an אדם גדול. The פמ"ג is unsure about this answer.

The חיד"א in his מחזיק ברכה says that a תלמיד who has not yet reached the level of being able to rule on Halachic issues may not quote someone else as saying the הלכה but someone who is הגיע להוראה and recognizes that a certain ruling is correct may attribute it to a greater תלמיד חכם so that it should be accepted.

Summing up the above answers and being מחמיר so as not to violate שקר תרחק, you would only be permitted to quote an אדם גדול who didn't say it

- 1) only if you really are able to decide in הלכה,
- 2) you are sure that this is the הלכה,
- 3) you didn't hear it in someone else's name and
- 4) people wouldn't accept your הלכה unless you quoted a great authority.

It is obvious that you may not quote an authority when you aren't really sure about the דין.

Rav Yaakov Emden in his מור וקציעה gives a different answer. If you have heard something from your רבי you may quote someone else of greater authority or say that many people said it even though they didn't, but if you didn't hear it from your רבי then it is forbidden to say that you did, because you could embarrass your רבי if he doesn't agree with what you said.

לשם שמים בשם הדברי חמודות שדי חמד מערכת הכ"ף אות ח'.

It is obvious from all these answers that there are very few occasions when the היתר brought by the מגן אברהם meets all the qualifications.

We received an additional answer from one of our חשובע readers in Lakewood. In an essay called "Traditional Jewish Piety" Rav Samson Raphael Hirsch זצ"ל brings from the ספר חסידים that if a student is sitting in front of a Rabbi and suddenly remembers a question that he, the student, had asked, he shouldn't say "I was the first to ask that question" but rather "I once heard such and such a question". While this wouldn't necessarily be an example of saying something in someone else's name, if you look in the ספר חסידים itself סי' ט"ו you will see that he does, indeed, give such an example. He says that if a Talmid suddenly remembers something in the middle of the שיעור he shouldn't say that he asked the question but he should say to the Rebbi "this is a question that you asked previously." We think that Rav Hirsch quoted it differently because often it would be strange to say to the Rebbi that he had asked the question when the Rebbi cannot recall such an episode. However, if it wouldn't be strange to say so, in certain situations it would seem to be the proper thing to do according to the ספר חסידים.