

הלבנת פני חברו ברבים

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This week's *parsha* records the story of Yehuda and Tamar, on which the *gemara Sotah 10b* comments that it is better for a person to throw himself into a fiery furnace rather than embarrass someone else in public. I would like to present a few interesting *ha'aros* on the *inyan*.

Rambam in *Hilchos Dei'os 6: 8* writes that one is not allowed to embarrass another person, certainly not in public, and even though doing so is not punishable by *malkus* it is still a terrible sin. This is as *Chazal* say, "one who embarrasses another in public has no *cheilek ba'olam habah*." Rambam does not bring the *lashon* of the *gemara Sotah* and the Meiri in *Sotah 10b* explains why. He proposes that Rambam holds that giving up one's own life to avoid embarrassing someone else in public is merely a *midas chassidus* and not *mei'ikur hadin*.

This is unlike *shitas Tosafos*, who says that it is *k'ilu* the fourth *aveira chamura*. [Only the other three are listed because they are *mefureshes bikra*.] *Rabbeinu Yonah* in *Sha'arei Teshuvah (Sha'ar 3, Os 139)* says that *Halbonas Ponim* is an *avak* of *rechitzah* and that is why it is counted separately from the actual *Gimmel Chamuros*. It is *mashma* from both of these *meforshim* that the *gemara Sotah* is really a *chiyuv*.

One *ha'oro* I have is that if indeed it is only a *midas chassidus* to die instead of *malven pnei chaveiro*, what was Tamar's *hetter* to do so? Rambam writes in *Hilchos Yesodei HaTorah 5: 4* that one who is supposed to commit an *aveira* instead of giving up his life but does in fact sacrifice himself, is *mis'chayev b'nafsho*. Rambam holds that one cannot be *machmir* in giving up his life when he isn't *mechuyav* to.

The *Kesef Mishneh (Yesodei HaTorah 5: 5)* cites the *Nemukei Yosef* who says that when there are dire circumstances that people need to see an extreme sacrifice in order to come to serve and fear Hashem, then it is *muttar* for a *chossid* to give up his life when he would normally not be *mechuyav* to. According to this, Tamar had a right to do so because she had the status of *chossid* and was showing her generation and future generations that this concept exists and has a time and place. Maybe Rambam agrees to this as well. (The *Mishneh L'Melech* writes that maybe a *ben Noach* can be *machmir* on himself even according to Rambam. We just have to figure out why that would be acceptable.)

The *Pri Megadim*, in a *kuntres* called *Matan S'choron Shel Mitzvos (Chakira 2)*, deliberates the following question: *Tosafos* in *Pesachim 24* says that one may allow himself to be used as a "bullet" to be thrown upon a baby to kill it. Even though we say that one cannot kill someone else to save his own life because "his own blood isn't any redder than the other person," the case of being thrown upon a baby is different because the person is totally passive. According to this, and taking into account that we hold *dibur* is not considered a *ma'aseh*, is one allowed to be *melaven pnei chaveiro b'rabim* to save his own life? It would seem that it should be just as OK as being thrown onto a baby. The *Pri Megadim* leaves it as a *tzorich iyun*.

Lich'ora, the *tzu-shtel* is difficult. The *Binyan Tzion 172*, in a *teshuvah* regarding a different question, writes that even according to *Tosafos* the reason one may allow himself to be thrown on the baby is because he himself is completely passive. In our case, however, even though *akivas sefosayim lo heve k'ma'aseh*, he cannot describe himself as being completely passive. Maybe then, it is not so simple to be *mevazeh* someone else to save his own life.

[*Derech agav*, the *Pri Megadim* discusses the definition of "b'rabim." He says that it means in front of three people, and the *mekor* is from *safeik tuma b'rabim tahor* which is a case of three people. In front of ten people would already be *b'geder b'farhesya*.]

Einayim l'Mishpat has another interesting *ha'oro*. When the *gemara Sanhedrin 57a* discusses the *chiyuvim* of *bnei Noach*, it says there are "k'yotzei bo" (almost, but not quite the same) of the *zayin mitzvos* along with the actual seven. However, it states that there is no "k'yotzei bo" of *shefichas domim*. *Einayim*

l'Mishpat asks why not? Why not consider *malven pnei chaveiro b'rabim*, like *Rabbeinu Yonah*? He suggests that maybe a *ben Noach* is not *chayiv* in *yehareg v'al yaavor* for embarrassing someone else.

The *ikur sh'eilo* I wanted to discuss is the following fascinating question which I saw R' Shlomo Zalman Auerbach deals with in *Minchas Shlomo, siman 7*: Is it *muttar* to be *mechalel Shabbos* in order to prevent one's self from being *malven pnei chaveiro b'rabim*?

We can propose a *kal vachomer* as reason to be able to be *mechalel Shabbos* over it. If one is allowed to be *mechalel Shabbos* to save someone from death, then for sure he should be able to do so to prevent himself from publicly embarrassing someone else. The *gemara* views publicly embarrassing someone else as being more *chamur* than *shefichas domim*, as evidenced by the fact that one should give up his own life to avoid doing so.

The *issur* which Tamar was shielding Yehuda from being embarrassed over was not even *assur* until *Beis Din Chashmona'i*, which was hundreds of years later. I believe Rambam writes in *Moreh Nevuchim* that *kodem Matan Torah* it was the normal way of life to be with a *k'deisha*. Certainly, if someone was running to embarrass someone else *b'rabim* with lies or what have you, one should be able to break *Shabbos* to stop them.

I want to *shtel-tzu* a couple of things to be *dan* on this *sh'eilo*.

If Reuven is chasing Shimon to kill him and at the same time Levi is chasing Yehuda to embarrass him publicly, which one do you step in to save? Even if Shimon was a *pashutte mensch* and Yehuda was a *gadol baTorah*, which in a regular case of *hatzola* the *gemara Horiyos 13b* states the *talmid chochom* has *kedima*, in our case no one would suggest leaving Shimon to die to save Yehuda from *bizayon*.

Related to this is the following case of the *Sfas Emes* in *Yoma 82*: If Reuven is chasing Shimon to kill him and Levi is chasing an *ervah* to be *bo'al oleha*, the bystander has a *chiyuv* to save Shimon over the *ervah* (even though both Reuven and Levi are fair game to be killed by the bystander). This is because, despite the devastating *busha* which the woman will have to endure afterwards (which is so severe that the Torah allows killing Levi to prevent it), it is easier for her to overcome it than Shimon overcoming being dead.

According to this, we can apply the same logic to our case of saving Shimon the *pashutter yid* from death over saving Yehuda the *talmid chochom* from *bizayon*. It is infinitely easier for Yehuda to move past the *busha* than Shimon getting over his death.

What about a case where the two mutually exclusive *hatzolos* are saving an *ervah* versus saving someone from being *mevuzeh*? There is no finality of death in play, both the *ervah* and the subject of *bizayon* will still be alive with the *efsharus* of *tikun* afterwards. Which one gets precedence to be saved?

The *Mishneh l'Melech (Hilchos Shabbos 24: 7)* says the *Rif* is *mashma* that one is allowed to kill a *rodef achar h'ervah* on Shabbos to save the woman. If true, how does this affect our question?

It would seem that since there is no *mekor* for *hatzolas halvonas ponim* to allow *chillul Shabbos* but there is by *hatzolas ervah*, it comes out that the Torah is *machshiv* the *pegam* of *rodef achar ha'ervah* as worse than *halvonas ponim*.