

MAY YOU EVER LIE?

VaHashem Elokim Emes. Hashem is reality¹, the Emes². All existence is from Him alone³. *Lo yiyeh lecha elohim acheim al panai*⁴. There is no other source to success, but Hashem. Thus, while falsehood might seemingly offer instantaneous success, it is nothing but a mirage and a fleeting temptation.

Hashem created us so that we could merit enjoying His Shechina⁵. One merits *bracha* from Hashem by aligning one's Middos with the Middos of the Omnipotent, whereby becoming compatible with His Blessings⁶. Thus, one who acts truthfully will merit *bracha* in his or her life.

In fact, the Sefer Chassidim⁷ promises that one who chooses⁸ to live within the realm of reality and takes care to speak and think only the truth will likewise merit that Hashem will ensure that his or her words and thoughts will indeed reflect reality. In other words, Hashem will actualize the *brachos* and thoughts of a truthful individual.

In contrast; liars and cheats are abhorred by the G-d of Truth⁹. They are simply unworthy and incapable of beholding the *Shechina's* countenance¹⁰. Thus, while initially, a liar may enjoy a luring gain, which is in fact the nature of sinful temptation¹¹, he or she will ultimately encounter a life of misfortune¹². Hence, the Be'er Hagola¹³ testifies, *"I write this for generations, 'I saw many who became wealthy because of deceit, but ultimately lost it all and left no blessing for their children'."*

Truthfulness is not merely a noble mode of conduct for children, *tzaddikim* and simpletons. Tanach is replete with biblical¹⁴ and rabbinic¹⁵ exhortations to deal truthfully and desist from deceit. One of the first questions that the Heavenly tribunal will grill us on is, *"Were you honest in business?"*¹⁶

The Quandary

Bilaam referred to our Avos as Yesharim, *just*¹⁷. Accordingly, R. Chiya bar Aba quotes R. Yochanan as terming Sefer Bereishis- the life lessons of our Avos- as the Sefer Yesharim¹⁸.

¹ Yeshayahu 44:6

² Yirmiyahu 10:10

³ Bereishis 1:2, 14: 19, Divrei Hayamim 29: 11

⁴ Shemos 20:2

⁵ Mesillas Yesharim Chapter 1

⁶ Sefer HaChinuch 74

⁷ Sefer Chassidim 1185, See Orchos Yosher of R. Chaim Kanievsky

⁸ Devarim 30: 19

⁹ Devarim 25: 16

¹⁰ Maseches Sotah 42, Rabbeinu Yona 3: 172

¹¹ Bereishis 3:6

¹² Sefer HaChinuch 74

¹³ Choshen Mishpat 348, R. Moshe Ravkesh of Vilna, uncle of the Vilna Gaon, R. Eliyahu Kramer Zt"l

¹⁴ Shemos 20 12, 23:7, Vayikra 19: 36, Devarim 1: 17

¹⁵ Yirmiyahu 9: 4

¹⁶ Maseches Shabbos 31a

¹⁷ Bamidbar 23: 10

MAY YOU EVER LIE?

Amidst a barbaric and egocentric environment¹⁹, our Avos battled their evil inclinations²⁰ and consistently guided their lives in accordance with the just Middos of Hashem, whereby introducing humanity to kindness, truthfulness and G-dly ethos²¹.

This brings us to a number of enigmatic tales of how our Avos, the paradigm Yesharim, seemingly employed deceit to advance numerous causes. The Torah is teaching us that under certain circumstances, falsehood could and should be employed.

Our challenge will be to probe through Tanach, Tamudic and Rabbinic literature in order to accurately identify the circumstances where speaking the untruth is permissible.

Avraham made a pact with Sara to present themselves during their travels as siblings instead of as husband and wife in an effort to spare his life²². Yaakov presented himself to Yitzchak as the firstborn in order to manipulate Yitzchak, into conferring the *brachos* upon himself instead of Eisav²³. After Yaakov died, the brothers lied to Yosef and told him that their father instructed that he forgive them and deal kindly with them posthumously²⁴. And perhaps most of astonishing of all, Hashem Himself lied to Avraham and said that Sara doubted the Angel's prediction that she would bear a child. While she said, "and my husband is old²⁵," when Hashem reported the comment to Avraham, He altered her words as though she said, "and I am old."²⁶

So when may one lie?

Were we to simply justify Avraham's sly dealings with Pharaoh and Avimelech by employing Dovid Hamelech' description of an *eved Hashem*²⁷ who uses trickery to outsmart the criminal in order to uphold justice, in the spirit of *וְגַם עֲקֹשׁ תִּתְּפֹתֶל* and *with a crooked man, outsmart him*²⁸, we would be still be challenged to explain the following Gemara.

How do you know that Reuven may not fabricate an aggregated claim in court against Shimon in order to pressure Shimon to admit to a portion of the claim, which in truth is the amount that Shimon really owes Reuven? From the words "midvar sheker tirchak."²⁹

It would seem from the quotation above that one may not use trickery to get that which he/she rightfully deserves.

¹⁸ Avodah Zara 25a

¹⁹ Yechezkel 16: 49, 50

²⁰ Bereishis 14: 22, Ramban

²¹ R. Yeruchem Levovitz

²² Bereishis 12: 13, 20: 2

²³ Bereishis 27: 19

²⁴ Bereishis 50: 16, 17

²⁵ Bereishis 18: 12

²⁶ Bereishis 18: 13

²⁷ Tehillim 18: 1

²⁸ Tehillim 18: 27

²⁹ Maseches Shavuos 30b, see Shu"t HaRashba 3:81

MAY YOU EVER LIE?

So when may one lie?

Looking a little closer at two of the tales, we find that Avraham defended his false claim to Avimelech by saying that in reality him and Sara were also blood relatives³⁰. Yaakov tells Yitzchak, *Anochi Eisav bechorecha*, I am Eisav your first born. Rashi comments that these words can be understood as *anochi, I am, he who brought you your food, Eisav Bechorecha, Eisav is your firstborn*³¹.

Is the Torah telling us that one may say half-truths and slick speech to fool others in an effort to advance one's cause?

Let us examine together a few sources and discover just when one may or may not lie. This week we will highlight four different categories of scenarios, each with its own respective guidelines.

Let us begin with the Pasuk of *midvar sheker tirchak*.

ו לא תטה משפט אבינד, בריבו. ז מדבר-שקר, תרחק; ונקי וצדיק אל-תהרג, כי לא-אצדיק רשע.
ח ושמד, לא תקח: כי השמד יעור פקחים, ויסלף דברי צדיקים.

Do not bend the judgment of your destitute in his law suit. Distance yourself from deceit. Do not kill one who is innocent or vindicated in court, for I will not exonerate a wicked person. You shall not take a bribe, for the bribe will blind those who can see and make righteous words crooked.

While the Talmud aptly rules that *Midvar sheker tirchak* is an all encompassing directive incorporating situations in legal³², interpersonal³³, and private life³⁴ and the word *tirchak*, exhorts us to stay far away from falsehood; whereby conveying that lying is abhorred, be it blatant or insinuated; the pasuk *midvar sheker tirchak* is nevertheless situated within the context of a court setting,

As such, the Gemara³⁵ delineates stringencies by which one must abide specifically in court and court like settings, which need not and at times should not be upheld in other settings.

In court

The Gemara lists thirteen examples of employing slyness to advance one's cause within the context of a court case or adjudicating a law/ruling. All of these behaviors are prohibited under the *midvar sheker tirchak* directive. Not only are blatant lies forbidden by any player in the court, e.g. judge, witnesses, prosecutor, defendant, etc. but within the context of din, *midvar sheker tirchak*, anything that smells from inaccuracy is flatly forbidden, even if the objective is to bring out the real truth.

³⁰ Bereishis 20: 12

³¹ Bereishis 27: 19, Rashi

³² Shemos 20: *lo saane bereiacha aid shaker*

³³ Vayikra 19: *lo sishkaru ish ba'amiso*

³⁴ Mishlei 6:19 *yafiach Devarim aid shaker*

³⁵ Maseches Shavuot 30b

MAY YOU EVER LIE?

Within a Beis Din setting, the Torah exhorts us to abide by the rules and leave the rest to Hashem to take care of *for I have many agents to do My work*³⁶. And so, do not jeopardize the integrity of the court system even to advance your just cause. The ends may not justify the means. *עַקֵּשׁ תִּתְּפֹתֶל* is not an option within the court setting.

✂What is included in the context of a court setting? A beis din, a civil court, legal document, affidavit?

Tricking out of Court

As noted, lying and tricking outside of court is also prohibited. Geneivas Da'as, or fooling another human being, Jew and gentile alike is prohibited³⁷.

To Uphold Justice

Nonetheless, outside of the court setting, as was the case of Avraham and Sara vs. Pharaoh and Avimelech, and Yaakov's pursuit of the brachos; the definition of *emes* is defined by the objective rather than the approach, says R. Yaakov Kaminetsky³⁸. As justice warranted Avraham staying alive and Yitzchak bequeathing Yaakov, Avraham's spiritual inheritance, Avraham and Yaakov's altering of their words was not only permitted but was required. *Failure to uphold justice by being a stickler for truthful words, in itself is promoting falsehood!*

A case in point.

In 2010 O' Donnell ran for US Vice President Joe Biden's former senate seat in Delaware. She was a strong promoter of *telling* the truth. She claimed, *"telling the truth is always the right thing to do, I believe, and that's what always gets you out of a situation."*

In an interview, Comedian Eddie Izzard pressed her on just how far she would take her anti-lying beliefs. Izzard asked O'Donnell whether or not she would lie to Nazis who showed up at her door during WWII and demanded to know if she were hiding any Jewish people in her house. O'Donnell refused to even entertain the notion of concealing the truth from Nazis in that scenario because *"you never have to practice deception!"*

What is the Halacha?

R. Yaakov Kaminetsky explains that as the Jew does not deserve to die in the hands of the Nazi, *emes*, justice demands that one deceive the Nazi under such circumstances.

Hence, the following ruling.

A person is escaping from captivity and needs to cross the river. A greedy opportunist attempts to extort an unprecedented fee from the fugitive to take him across the river on his raft. The

³⁶ Shemos 23: 7 Rashi

³⁷ Maseches Chulin 93b

³⁸ Emes LeYaakov Bereishis 27: 12

MAY YOU EVER LIE?

*fugitive may give him his word and when he gets to the other side simply pay the opportunist the going rate and say, "I was just kidding."*³⁹

The opportunist was unjustified in his behavior. In turn, the fugitive may outsmart the crooked man.

Inconsequential Lying

Lying is a Biblical prohibition⁴⁰ even if the lie does not result in ill gotten gains. Some examples include spreading fictitious stories and exaggerations when people take you literally⁴¹.

In fact, the Binyan Zion⁴² rules that a *gabbai* calling someone up with the wrong name transgresses *midvar sheker tirchak*.

However, outside of court setting, and when not harming or eliciting ill gotten gains, *emes* is a *midda*. *Midda* means character trait, but also means measure. As with all Middos, one must take the entire picture into account before deciding how truthful one should be. One's Middos must be measured!

Hashem teaches that to protect Avraham from having hard feelings about Sara's comment, one may alter the truth. The brothers were permitted to attempt to generate good will between Yosef and themselves by fabricating a call for peace by their late father.

Thus, the Gemara⁴³ teaches us that if being a stickler for the truth will create unnecessary hard feelings between people, breach of *tznius*, convey an air of haughtiness, or cause unwarranted harm to others, one must lie.

Similarly, to generate good will between a bride and a groom, Beis Hillel permits a wedding guest⁴⁴ to praise the bride beyond the line of accuracy.

In all of these situations, as no ill gotten gains are being elicited through the inaccuracy, one may compromise on the truth for the sake of generating peace, goodwill, privacy, humility, and to protect society from harm.

Exceptions:

³⁹ Maseches Yevamos

⁴⁰ Sefer HaChinuch 74, Sma"g asei 107, Sma"k 227, Sefer Yad HaKetana Hilchos De'os 1:1, Chafetz Chaim asei 13, Sharei Teshuva 3:181

⁴¹ Maseches Nedarim 25b, Rashi permits exaggerating when people understand your intent. By exaggerating you did not convey falsehood. Conversely, Poskim note that if you call a wedding for 7:00 PM in a society where 7:00 means 9:00 PM, by writing 7:00 PM, you conveyed that the wedding would begin at 9:00 PM. Thus, beginning at 7:00 PM punctually would be a transgression of *midvar sheker tirchak*. (Obviously in a society where 7:00 PM means 7:00 PM, you should start at 7:00 PM.)

⁴² Shu"t Binyan Zion HaChadashos 21, R. Yaakov Ettlinger author of Aruch Laner 1798- 1871, Germany

⁴³ Maseches Bava Metzia 23b, Maseches Sanhedrin 97a see Mahara"l's Nesivos Olam Nesiv Ha'Emes

⁴⁴ Before the wedding though, lying about one party's attributes may cause severe damage. As such, the guidelines are different. A treatise on this topic is beyond the scope of this article.

MAY YOU EVER LIE?

Even when it would otherwise be permissible to lie, Chazal are emphatic that one not do so if there is a chance that such behavior would train one to lie or would cause a Chillul Hashem⁴⁵.

One who trains a child to lie is guilty of *limdu leshonam daber sheker*⁴⁶, they taught their lips to speak falsehood.

Accordingly, one must take heed to fulfill all of his/her commitments to a child⁴⁷ as failure to fulfill a commitment to a child teaches the child to lie. An adult should be careful not to lie in front of a child, even once, or encourage him/her to lie⁴⁸.

As *limdu leshonam daber sheker*, is a warning against developing a bad habit of lying, even an adult must take heed. As such, an adult may not regularly lie even for the sake of peace etc. as such regular behavior is habit bearing⁴⁹.

In terms of causing a Chillul Hashem, if just lying might be viewed by unlearned Jews or gentiles as deceitful and as such, degrade in their eyes or compromise on their respect of Hashem, Torah and/or its students, it is forbidden to lie.

Moreover, even when telling the untruth is permissible, one should try to minimize to the best of his/her ability the extent of untruth emanating from his/her mouth. Thus, although Avraham was justified in lying to Avimelech, if he could minimize the untruth by presenting Sara as his blood relative, as she really was, he was required to do so. Yaakov who was compelled to deceive Yitzchak was nevertheless required to choose an expression that could be understood in a truthful manner as well.

In Conclusion: When May One Lie?

In Court	Never
Out of Court	To uphold Justice
Inconsequential Lies	To generating peace, goodwill, protect privacy, humility, and to protect society from harm.
Exceptions: To uphold justice out of court or Inconsequential Lies are forbidden even in order to generate peace etc. under these circumstances:	Children, adults on a regular basis, Chillul Hashem, when objective can be accomplished by minimizing lie

⁴⁵ Shu"t HaRosh 9: 1, 2

⁴⁶ Yirmiyahu 9: 4

⁴⁷ Maseches Succah 46b

⁴⁸ Maseches Yevamos 63a

⁴⁹ Yam Shel Shlomo Yevamos 6: 46 R. Shlomo Luria 1510-1573 Lithuania