

## Perspectives on Truthfulness in the Jewish Tradition

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### Introduction

THE VALUE OF TRUTH PERMEATES THE FABRIC of Judaism both legally and philosophically. Legally, at least three times the Torah mentions the imperative to tell the truth and refrain from lying: 1) "You shall not bear false witness" (Exodus 20:13); 2) "Keep far from a false matter" (Ex. 23:7); and 3) "Neither shall you deal falsely nor lie to one another" (Leviticus 19:11). The Prophets continue to admonish the people to speak the truth, as in: Jer. 9:2-6 and Zach. 8:16. Philosophically and theologically as well, truth is deemed of the utmost importance. It is viewed as God's insignia (Jer. 10:10, Yoma 69b). The Torah is called "Truth" (Proverbs 23:23); one of the thirteen attributes ascribed to God is truth (Ex. 34:6). Likewise, in Proverbs 12:22, King Solomon admonishes: "Lying lips are an abomination to the Lord, but they who deal truly are His delight." The Talmud declares that liars are one of the four classes of people who will not be admitted to the Divine presence in the world to come (*Sanhedrin* 103a). Later authorities, such as Rabbenu Bahya, Rav Saadiah Gaon and Maimonides, continued to extol the virtues of truth.<sup>1</sup> Given all of the above, as well as countless other examples found in Jewish tradition of the importance of truth, it would seem that it is an absolute, supreme principle in Judaism. However, there are other ethical imperatives in Judaism which are, in fact, often found side by side with truth. An example is peace (*shalom*), as in: "Love the truth and peace" (Zach. 8:19), and "On three pillars the world is sustained: On truth, on justice and on peace" (*Pirkei Avot* 1:18). The problems arise when two or more of these principles come into conflict.<sup>2</sup>

The question can be addressed from both philosophical and legal perspectives. From a philosophical outlook, the question is: which one of the purposes of truth-telling is primary — the social or the moral? The former is to ensure the smooth functioning of society, which is possible only when there is complete confidence in communication; the latter is to safeguard one's own moral integrity.<sup>3</sup> As is often the case with a legal/philosophical issue, the black and white answer is not to be found, and both philosophical aspects of truth-telling are vital, neither yielding totally to the other.

To help clarify the issues, the problem can be broken down into spe-

cific components. The qualifications of truth that can be addressed include:

1) Circumstance — Is it always imperative to speak the truth, as is required by a witness, or may one choose to remain silent? Is the issue one of refraining from lying or, rather, of an obligation to speak the truth? If one does lie, is there a difference between a spontaneous, one-time lie or a formulated, oft-repeated lie, either by the individual or society? If it is sometimes *permitted* to lie, might it also sometimes be *required*?

2) Context — Does it matter if the lie was said in a judicial or social setting? Does Ex. 23:7 ("keep far from a false matter") refer only to legal matters, as its context would imply,<sup>4</sup> or to nonjudicial matters as well?<sup>5</sup>

3) Result — Is it relevant if the results of the lie are harmful? benign? beneficial?

4) Method — Does it matter how a lie is told? If only a portion of the facts are related, is that considered a lie? If the statement has two meanings (although the listener may understand only one), is that a lie? Does mental reservation or insincerity about a promise constitute a lie? Is exaggeration a lie?

5) Motive — Is it permissible to lie if there is an underlying "legitimate" motivation, e.g., ultimately to uphold the truth? keep peace? prevent financial loss or acquire financial gain? preserve another's dignity?

In order to explore these and related questions, it is appropriate to study historical examples, both Biblical and rabbinic, of lying (or at least the appearance thereof), as well as rabbinic statements which define when one could, should, or should not lie, together with the later commentators' reactions to all of the above.

In the Bible one can find at least a dozen examples of apparent lying, concealing of truth or half-lying. The motivation for these lies may include: protecting life; maintaining peace between brothers; maintaining peace between husband and wife; acquiring something that was rightfully one's own from an evil person; or protecting a sick person from bad news. Many post-Talmudic commentators differ on how to interpret these stories. Some are more willing to accept the idea that the forefathers, prophets, and even God Himself, as it were, lied, while others go through strenuous contortions to remove any stigma of a lie. They may have done so because the idea of these lies *per se* leaves a bad taste in their mouths, or for fear of setting what they felt was bad precedent. It is crucial, therefore, also to look at how the Talmudic and Midrashic sources do exactly that — use some of these stories as precedent for when one could or should lie. In addition, it is important to evaluate if a lie has been dismissed because of an attitude towards the speaker, i.e., a forefather, or because of the lie itself.

The approach that will be used here in an attempt to incorporate and organize these sources will be a topical one: Biblical, Talmudic and post-Talmudic commentaries will be brought to bear on each.

### Pikuah Nefesh (Saving a Life)

The most serious conflict that can confront truth telling is that of *pikuah nefesh* — saving a life. It is not entirely obvious that, based on the principle that all commandments, save three,<sup>6</sup> may (or must) be violated to save a life, one may lie to save life. The above stated principle clearly applies to prohibitions that are solely between man and God. It is not so clear that this always applies to violations which affect another person.<sup>7</sup> I have found no outright statement in the Talmud or elsewhere permitting lying in such circumstances, but a number of specific laws, as well as interpretations of Biblical narratives, would seem to indicate this as a legitimate motive.

One of the first instances in the Torah of what appears to be lying is the following:

And there was a famine in the land, and Abram [later his name was changed to Abraham] went down to Egypt . . . and it came to pass when he was come near to enter Egypt that he said to Sarai [later changed to Sarah] his wife: . . . say, I pray thee, you are my sister that it may be well with me for your sake (Gen. 12:10-14).

At first glance it seems that Abraham is asking Sarah to lie about their relationship in order for him to gain some benefit. Radak (R. David Kimhi, 12th-13th centuries, Provence) accepts this as a request to lie, not for material benefit, but to save his life. He understands the statement "that it may be well with me" to mean that Abraham would be left alive. Based on the concept that one is not permitted to rely on a miracle in order to save his life, and the Radak's opinion that preservation of life prevails over the competing moral imperative of not lying, Abraham was permitted, perhaps even required, to lie in order to save his life.

Ramban (Moses ben Nahman, Nahmanides, 1194-1270, Spain) understands the scenario differently. Agreeing that one may lie to save a life, he remarks that Abraham should have put greater faith in God's ability to protect him, and says that it is for this sin that he and his descendants were punished with the Egyptian bondage. Generalizations to practical halakhah cannot be drawn from this criticism, however, because Abraham is here being held to a higher standard than are average people.

The *Ba'al HaTurim* (Jacob Ben Asher, 1270?-1340),<sup>8</sup> while agreeing that Abraham was permitted to lie and to say that Sarah was not his wife in order to save his life, even permits an extension to the lie. Once they were lying, they might as well do so in such a way that there is also material benefit; therefore, Abraham asked Sarah not only to deny that they were husband and wife, but also to say that she was his sister. Thus, the *Ba'al HaTurim* understands the phrase, "that it may be well with me," to refer to material benefit (in agreement with Sorno and Rashi, and unlike Radak and Ramban), and thus he allows the extension of a permitted lie for additional, less compelling, motives.

This scenario of Abraham and Sarah claiming to be brother and sister is re-enacted later for Avimelech, although there Abraham states the "lie" on his own, without consulting with Sarah (Gen. 20:1-18), and, again, in the next generation, with the players this time being Isaac, Rebecca, and (a new?) Avimelech (Gen. 26:7-12). Again, in these stories, Radak justifies the lies as being for the sake of saving a life.

In all of the Bible there is only one example in which it seems that God is instructing someone to tell a lie. Depending on how it is interpreted, this may also be a case of *pihuah nefesh*, saving a life. This occurs soon after God rejects Saul as king, and dispatches Samuel to anoint David in his place. The text says:

And the Lord said unto Samuel: "How long will you mourn for Saul, seeing I have rejected him from being king over Israel. Fill your horn with oil and go, I will send you to Yishai of Bet-Lehem [Bethlehem], for I have provided Me a king among his sons." And Samuel said: "How can I go? If Saul hears it he will kill me." Whereupon the Lord said: "Take a heifer with you and say I am come to sacrifice to the Lord." (1 Samuel 16:1-2).

On the surface it appears that, in response to Samuel's fearing for his life, God suggests a subterfuge.<sup>9</sup> The *Hovot Halevanot*<sup>10</sup> understands that this was not considered a lack of faith. Rather, God viewed this caution as praiseworthy, and suggested a lie. Thus, according to the *Hovot Halevanot*, in order to avoid a danger to life it is permissible, and perhaps even imperative, to lie. Additionally, Radak offers numerous proofs that even a prophet on a mission from God has a right — more, an obligation — to worry for his safety and not to rely on supernatural protection.<sup>11</sup> As will be seen below, one opinion in the Talmud suggests another rationale, one with more general applicability, for this lie.

The incident involving Elisha the prophet and Ben-Hadad is often brought as a source in discussions regarding truth-telling to dying patients. II Kings relates:

And Elisha came to Damascus, and Ben-Hadad, the king of Aram, was sick and it was told to him saying: "The man of God is come here." And the king said to Hazael: "Take a present in your hand and go meet the man of God and inquire of the Lord by him saying: 'Shall I recover of this disease?' " ... and Elisha said to him: "Go say to him, you will surely live," nonetheless the Lord has shown me that he shall surely die" (II Kings 8:7-15).

*Hizkuni* (R. Hizkiah ben R. Manoah, 13th century), Ibn Ezra (Abraham Ibn Ezra, 1089-1164) and Rabbag<sup>12</sup> (Levi B. Gershon, 1288-1344) assert that Elisha was lying. The justification for such a lie, says Rabbag, is that if Ben-Hadad had been told the truth and then died, people might say that he died of fright. By lying to Ben-Hadad, but publicizing the true prophecy, it strengthens belief in God and His prophets, acceptable practice for a prophet. The Rabbag, thus, learns little from this incident about lying by others. The only thing that may be derived from the Rabbag's words is that he recognizes that *people believe* that telling a dying person

how sick he is might hasten his death.<sup>14</sup> Thus, lying to avoid the deleterious effect of telling a dying person about his prognosis, may be learned from this incident, with possible limitations, because in this case it was a prophet who bore the news.

The *Mezudat David* (by Jechiel Hillel b. David Altschuler, 18th century) explains that Elisha's request that Hazael lie was in order to console a sick individual, Ben-Hadad, and the moral imperative of consoling the sick overrides that of truth-telling.

This incident involves informing a person of his own *prognosis*, which only a prophet can do. However, with regards to telling a sick person a known fact, the Talmud<sup>15</sup> tells us that, e.g., patients should not be told of the death of a relative, lest it hasten their own demise.

An additional incident, when Jonathan lies to his father, Saul, in order to save David's life (1 Samuel 20:18-42, particularly 28-29), may indicate permission to lie in order to save another life. This lesson emerges also from an incident alluded to in the Talmud and spelled out by Rashī, 16 about Jews who were threatened with mass execution on account of the body of a king's daughter who was found murdered. Two Jews came forward, lied, and claimed they had done it. They were summarily executed, and the Talmud states that no one has such an exalted place in the Garden of Eden as these two martyrs. Thus, from Abraham, Samuel, Elisha, Jonathan, and the Talmudic story, it appears that saving a life is a valid motive for lying.

### Preserving Peace

When *Emet* (truth) and *Shalom* (peace) come into conflict, the Talmud gives us clear direction.

R. Ilai stated in the name of R. Eleazar b. R. Shimon: One may modify a statement in the interests of peace; for it is said in Scripture [regarding the fear of Joseph's brothers, following their father Jacob's death, that Joseph might avenge the wrongs they perpetrated against him], "Your father commanded us before he died saying, 'So shall you say unto Joseph: Forgive me, I pray you, the transgression of your brothers...' " (Gen. 50:16). R. Nathan said: It is a commandment [to lie in the interests of peace], for it is stated in Scripture [when God commanded Samuel to anoint David as successor to King Saul], "Samuel said, 'How can I go? If Saul hears it he will kill me.' And the Lord said, 'Take a heifer with you and say, I am come to sacrifice unto the Lord.' " (Samuel I 16:2). At the School of R. Yishmael it was taught: Great is peace, seeing that for its sake even the Holy One, blessed be He, modified a statement; for it is written [regarding Sarah's reaction to the prophecy that she would bear a son], "My husband is old," while afterwards Sarah laugh saying, "Shall I bear a child, who am old?" (Gen. 18:12-13; B. *Yeromaot* 65b)<sup>17</sup> (emphasis added).

R. Ilai and R. Yishmael are here giving permission to modify the truth for the sake of peace, as was demonstrated by the brothers in speaking



to Joseph, and by God in speaking to Abraham, while R. Natan actually *mandates* lying for peace, as God instructed Samuel to do. From these sources it seems that all agree that one may lie for the sake of peace; the debates are about whether it is permitted or required, and other ambiguous circumstances. Thus, the *Ben Yehoyada*<sup>18</sup> suggests that there are certain limitations to the rule that (at the very least) it is permitted to lie for the sake of peace. This rule, he contends, applies only where a pre-existing problem exists, as in all three quoted Biblical sources, and a lie would help to bring peace. If, however, no problem exists, the rule is not applicable, and one cannot lie in order to ward off a future problem and, thereby, insure future peace.

It is worth examining two of the Biblical sources quoted in the Talmud, tractate *Yevamot*, and seeing how the commentators treat them. The first source involves the sons of Jacob speaking to their brother Joseph. After Jacob's death the brothers all go to the Land of Israel to bury him. Following this, we are told:

And Joseph returned to Egypt, he and his brethren . . . and, when Joseph's brothers saw that their father was dead, they said [to each other]: What if Joseph will hate us and will pay us back the evil which we did him? And they sent word urgently to Joseph, saying: "The father did command before he died, saying: 'So shall you say to Joseph, Forgive, I pray thee now, the trespass of thy brothers and their sin, for they did evil to thee'; and now, we pray thee, forgive the trespass of the servants of the God of your father" (Gen. 50:14-17).

Clearly, according to R. Hai, as noted above, this was a fabricated statement on the part of the brothers. The *Torah Temimah* (by R. Barukh Ha-levi Epstein, 1860-1942, Russia) suggests that the fact that the Torah gives a reason (Gen. 50:15) — that the brothers were afraid — implies that they fabricated this message. Otherwise, they should simply have told Joseph the message because their father commanded it, and not for the ulterior motive stated. Additionally, nowhere do we even find that Jacob was informed about the brothers selling Joseph.<sup>19</sup> Hence, it is implausible that he would leave a message for Joseph to forgive them. The Ramban (Nahmanides) explicitly states that the brothers fabricated this command, and Rashi<sup>20</sup> and Luzzatto concur. Since all of these commentators agree that the brothers were lying, and none even hints at a criticism, it is clear that they all approve of this lie.

The third episode mentioned in the Talmud is found in the Abraham-Sarah narrative in Genesis; within the story there appear to be two acts of lying.

And the Lord appeared to him [Abraham] . . . and he raised his eyes and looked and there were three men . . . And they said to him: "Where is Sarah your wife?" and he said: "Here, in the tent." And he [an angel] said: "I will certainly return to you at this season, and behold Sarah your wife shall have a son." And Sarah heard it in the tent door which was behind him. Now Abraham and Sarah were old, advanced in age, and it had ceased to be with

Sarah after the manner of women. Therefore, Sarah laughed within herself, saying: "After I am grown old shall I have pleasure, my lord [Abraham] being old also?" And the Lord said to Abraham: "Why did Sarah laugh, saying 'shall I, indeed, bear a child, when am old' . . . ?" Then Sarah denied, saying "I laughed not," for she was afraid. And He said: "No, but thou didst laugh" (Gen. 18:2-16).

The first apparent lie (or, perhaps, an incomplete truth is that which God Himself says when he reports to Abraham what Sarah said. (In addition to having been brought as evidence that one may lie for the sake of peace, it is also cited in the Talmud as proof of how great peace is, for the truth was changed for its sake.<sup>21</sup>) While Sarah had, in fact, mentioned Abraham's advanced age along with her own age as a source of problems, God relayed only half the story to Abraham. Rashi, quoting the Talmud, says that God changed the language for the sake of peace. The Ramban understands the Talmud as saying not that God actually changed any language, but, rather, that God reported only half of Sarah's comments — an omission. Thus, according to the Ramban, no lie was actually told; rather, half the truth was concealed. He may be qualifying the Talmud's permission to lie or he may be troubled about ascribing a lie to God.

*Da'at Zekanim* were troubled by the Ramban's and similar explanations, which try to minimize the lie, for, if they are correct, then what is so noteworthy to merit mention in the Talmud about "what God did for the sake of peace"? Instead, *Da'at Zekanim* say that Sarah really was saying: "I am old but have, by a miracle, returned to functioning like a young woman. Abraham, however, is old and is still functioning like a young man." Thus, Sarah actually did mention only Abraham as a stumbling block to their having children, and God *really did change the story for the sake of peace* in reporting it to Abraham. The *Hitzkuni* gives a similar explanation (and, in addition, says that that is the change to which Rashi is referring).

The Radak, seemingly ignoring the Talmud, sees no lie here at all; rather, God was merely paraphrasing the important points that Sarah had made, with no intent of changing or concealing. The *Ohel Hachayim* (R. Hayim Ben Moses (Ibn) Alar, 1696-1743), while acknowledging the Talmudic statement, is deeply bothered by the prospect of God even leaving out a part of the truth, and, thus, re-interprets Sarah's statement so that God told the whole truth and nothing but the truth.<sup>22</sup>

Because this incident is the only one in the Torah where God is the articulator of the purported lie, it is important to summarize and learn from the various opinions. They range, in increasing order of "lie"-ability, from the *Ohel Hachayim*, who sees no possibility of anything being changed or omitted; to the Ramban, who says that leaving out part, without changing what is said, is legitimate; to Rashi, who permits change, although it is not clear what kind; to *Hitzkuni* and *Da'at Zekanim*, who specify what aspect was the real lie; to the Radak, who skirts around the whole issue.<sup>23</sup>

Even more blatant than God's statement, is Sarah's denial. From a simple reading of the text, it appears that Sarah lied out of fear. The *Hitzuni*, therefore, uses this as a proof that women are invalid as witnesses because they will lie out of fear, just as Sarah did. The Ramban attempts to minimize, if not justify, Sarah's lie as being for the sake of marital harmony. Sarah thought she was warding off an accusation from her husband, who was making a judgment about her thoughts — based on her facial expressions or the like — regarding their ability to have a child. She therefore lied, in the belief that it would preserve marital harmony. The *Ohr Hakeyin*, consistent with his general approach of not accepting that God or the forefathers really lied, re-interprets two aspects of this episode to remove any trace of a lie.

There are numerous examples in Rabbinic literature of lies uttered in order to preserve peace. In *Avot d'Rabbi Natan* (12:3)<sup>24</sup> we are told:

So, too, when two men had quarreled with each other, Aaron would go and sit down with one of them and say to him: "My son, mark what thy fellow is saying! He beats his breast and tears his clothing, saying, 'Woe unto me! how shall I lift my eyes and look upon my fellow?' I am ashamed before him, for it is I who treated him foully."

He would sit with him until he had removed all rancor from his heart, and then Aaron would go and sit with the other one and say to him: "My son, mark what thy fellow is saying! He beats his breast and tears his clothing, saying, 'Woe unto me! how shall I lift my eyes and look upon my fellow?' I am ashamed before him, for it is I who treated him foully!" He would sit with him until he had removed all rancor from his heart. And when the two men met each other, they would embrace and kiss each other.

Thus, the Rabbis attribute to Aaron a lie which was uttered to restore peace in a situation where there was a pre-existing problem.

The *Gemara* (B. *Baba Batra* 16a) also attributes lying and stealing to Job, in order to bring peace and to help orphans and widows, and prescribes such actions in a positive light.

Rabbi expounded: What is meant by the verse, "The blessing of him that was ready to perish came upon me, and I caused the widow's heart to sing for joy" (Job 29:13). "The blessing of him . . . came upon me" — this shows that Job used to rob orphans of a field and improve it and then restore it to them. And I caused the widow's heart to sing for joy" — if ever there was a widow who could not find a husband, he used to associate his name with her [Rashi] — by saying that she was a relative of his, or pretending to woo her, and then someone would soon come and marry her.

The *Gemara* (B. *Bezaḥ* 20a) cites a story in which Hillel is said to have lied to maintain peace and prevent a debate within the Temple. With respect to the question of performing *smikhah* (laying of hands) on sacrifices on a festival (pressing down with one's strength arguably resembles work which would be forbidden on a festival), the house of Hillel maintains that it is permitted and, thus, even a *Korban Olah* (a burnt offering, always a male, that is fully consumed, in contrast to a *Shlamim*, which can be male or female, that the offeror eats, where *smikhah* would be permitted) can

be brought on that day, while The House of Shammai maintains that it is forbidden, and, thus, only a *Korban Shlamim* (peace offering) can be brought. The *Gemara* continues with the story:

It once happened that Hillel the Elder brought his burnt-offering into the Temple court on a Festival for the purpose of laying hands thereon. The disciples of Shammai the Elder gathered around him and asked: "What is the nature of this animal?" He replied to them: "It is a female and I brought it as a peace-offering." [Thereupon] he swung its tail for them and they went away.

Swinging the tail was designed to show that the animal was female and, thus, could be a *Korban Shlamim*, in contrast to an *Olah*, which had to be a male. Thus, not only did Hillel lie, but he actually went one step further by performing an action (swinging its tail rapidly to suggest that the animal was female) to substantiate his lie and to make it more believable.

### Limitations

Given the above, seemingly broad, permissibility to lie, under what circumstances does the Talmud apply Ex. 23:7 ("From a false matter keep far")? In *Shavuo* 31a, the Talmud finds multiplicities of applications:

How do we know that a disciple to whom his master says: "You know that if I were given a hundred *maneh* (coins) I would not tell a lie; now, so-and-so knows me one *maneh*, and I have only one witness against him." How do we know that the disciple should not join with him? Because it is said "From a false matter keep far" (Ex. 23:7). Is this, then, deduced from "From a false matter keep far"? Surely this is definitely lying, and the Divine Law said: "Thou shalt not bear false witness against thy neighbor" (Ex. 20:13). Well, then, for example, if he said to him: "I have definitely one witness, and you come and stand there and you need not say anything, so that you will not be uttering a lie from your mouth," even so it is prohibited, because it is said: "From a false matter keep far."

How do we know that he who has a claim of a hundred *zuzim* against his neighbor should not say: "I will claim two hundred, so that he will admit a hundred, and be liable for an oath . . ." Because it is said: "From a false matter keep far" . . . And how do we know that, if three persons have a claim of a hundred *zuzim* against one person, one should not be the litigant, and the other two the witnesses, in order that they may extract the hundred *zuzim* and divide it? Because it is said: "From a false matter keep far."

Thus, it is seen that, though some of these lies ultimately are to uphold the truth or peace, etc., they are still prohibited. Wherein does the difference lie between these lies, and those permitted above? The difference seems to be, that these examples in *Shavuo* impact on the functioning of the judicial system, and any lie — even if ultimately to preserve the truth — which impinges on the normal judicial process, is forbidden. This is necessary to ensure the secure foundation of the legal system. However, outside of the legal system, lying can be more freely permitted.<sup>25</sup>

## Financial Loss/Loss at the Hands of the Unscrupulous

There are other reasons for which the Talmud gives permission to lie, e.g., to save oneself or one's property from a defrauder. The Midrash<sup>26</sup> asks: when Jacob identifies himself to Rachel, he calls himself the brother of her father (Gen. 29:12), while he was actually the son of her father's sister. Why then, did he say that he was her father's brother?

The Midrash gives two answers. The first states that, with these words, Jacob was trying to convey the following idea: If Laban (her father) deals with me in deceit, then I am her father's brother [and can do likewise]; and if he deals with me in righteousness, then I am the son of Rebecca and will deal with him in righteousness.

The second explanation is more involved. According to this exegesis, the words of the Torah are, in reality, only a shorthand record of a rather lengthy discussion between Jacob and Rachel. Among other subjects, the topic of marriage had been broached and, when Jacob proposed, she pledged herself to him. However, she quickly added, "I have a father who is a deceiver and you will not be equal to him." "Why would he deceive me?" asked Jacob. "Because I have an older sister," she replied, "and he will not permit me to marry before her." "In that case," Jacob retorted, "then I am his brother in deceit." To this, Rachel remonstrated, "Is a *zadik* permitted to resort to trickery?" "Yes," came his reply, "for it is written, 'With the pure, You show Yourself pure, but with the perverse You show Yourself subtle.'" (2 Samuel 22:27). He then gave her secret signs to thwart Laban's deception.

The Midrash is clearly saying that, in the face of an evil person like Laban, even a righteous person like Jacob is permitted to be deceptive. In presenting the whole of the conversation between Jacob and Rachel, the midrash, it would appear, is also trying to teach us some of the guidelines as to when this type of lying or deception is permitted.<sup>27</sup> First, it must be clear that the antagonist truly has evil intent. Hence, the need for Rachel to forewarn Jacob explicitly. His questioning of the reasons that Laban might have for being deceitful indicate that there must be adequate motivation or evidence to justify one's concern. Second, this behavior, although permitted, should not be the *a priori* action. Rather, one must give the antagonist a chance; maybe this time he will not be deceitful. Even if it then becomes apparent that one is being deceived, all other means should be used before retaliating in kind. Hence, Jacob gave Rachel secret signs. Finally, the item at stake must be of a serious nature, as in this midrash, where Jacob was dealing with the selection of his future wife. In later statements of Jacob to Laban and Rachel, it is evident that, in all his dealings with Laban, he took these moral considerations into account.<sup>28</sup>

In a similar vein, the Mishnah (*Nedarim* 27b) rules:

One may vow to murderers, robbers and publicans that the produce they demand is *Terumah* [produce set aside for the Priests] even if it is not [in order

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to save the produce from them], or that it belongs to the royal house even if it does not.

The *Gemara* restricts and justifies this rule but, nonetheless, this example of a permitted lie is recorded as the halakha.<sup>29</sup>

A Biblical example of a lie, or at least a reordering of the truth, which can be explained as an attempt to prevent financial loss, is found in the story of Eliezer, Abraham's servant, who seems to veer from the truth while he is "acquiring" Rebecca as a wife for Abraham's son, Isaac. While speaking to her parents and brother (Gen. 24:47), he reverses the order of events that took place when he first met Rebecca, making it appear that he gave her gifts *after* asking about her family.<sup>30</sup> Rashi, quoting a midrash, explains that Eliezer did so in order not to get entrapped by her family's questioning. The *Ohel Ha'ayim*, uncharacteristically, also accepts the fact that Eliezer re-arranged the events, and justifies the "lie" as not said father. Laban, who sought to obtain all of the gifts for himself. Thus, avoiding great embarrassment or financial loss at the hands of the unscrupulous may be legitimate motives for lying.

The Talmudic sages were serious about lying in order to recover (or keep) property from illegitimate hands:

R. Meir and R. Yehuda and R. Yossi were on a journey together. . . . Once, as they came to a certain place, they looked for a lodging and, as they were given it, R. Yehudah and R. Yossi entrusted their purses to him [the innkeeper]; R. Meir did not entrust his purse to him, but went and placed it on the grave of that man's father. . . . In the morning they [the two Rabbis] said to him: "Give us our purses. . . ." He said: "There never was such a thing! . . ." Thereupon they took him [the host] into a shop [and gave him wine to drink]. Then they . . . went to his wife and gave her . . . a sign,<sup>31</sup> and thus obtained their purses and took them back (*Yoma* 83b).

The *Gemara* seems to give room for even outright lies and deception, in a case where a woman was under obligation to marry her husband's unworthy brother in a Levirate marriage, the rabbis, to save her and all her money, ordered the levir to permit her to be freed from her bond to him [*halizah*] on the condition that she pay him some money:

After [the levir] had submitted to *halizah* at her hand, [Abava—the sage] said to her, "Go and give him [the stipulated sum]."<sup>32</sup> R. Papa [her brother-in-law] replied, "She was merely fooling him! . . . From this it is evident that one can say to the other [to deceive the unworthy], 'I was merely fooling you'; so here also [the woman may say], 'I was merely fooling you' (*Yeravamot* 106a).

Similarly, a mishnah in *B.M.* 75b gives the upper hand to an employer whose workers have broken their contract:

If a man engages artisans . . . and they [the workers] break their engagement, if it is a place where no others are available at the same wage, he may hire [workers] against them or deceive them.

The *Gemara* (*B.M.* 76b), in elaborating on this mishnah, explains: "How



does he deceive them? He says to them: 'I have promised you a *seia* (a coin), come and receive two,' and after they complete their work he may give them only the one *seia* originally promised." This *Gemara* is cited in the *Shulhan Arukh* as the *halakhah*.<sup>39</sup>

### Humility, Modesty and Hospitality

The *Gemara* gives three instances where rabbinic scholars (and presumably others as well) are permitted to lie, and it does not detract from their credibility; we still believe them in all other matters. These three (as explained by Rashi) are: 1) matters of a tractate — If someone asks him if he is familiar with a specific tractate he may say no, although he might really be. This is a quality of humility; 2) bed — If asked if he performed his marital responsibilities he may untruthfully answer no, considered a quality of modesty;<sup>40</sup> and 3) hospitality — If he was a guest somewhere and others question how he was treated, he may lie and answer worse than it really was, so his hosts will not be overburdened with guests.

The *Gemara* gives no explanation for why it is permitted to lie in these three cases. *Tosafot* (13th century commentators on the Talmud) seem to give two answers. First, that these three are merely common examples of the general rule that it is permitted to lie for the sake of peace. Alternatively, *Tosafot* on the first and third examples concludes that this *Gemara* must be referring to a case where the questioner is an unscrupulous person and thus, as we have seen, there is no need to give him the correct answer. Rashi's rationales may, perhaps, be extended to cover all cases that are like the three cases cited; where modesty, humility, or dire consequences come up against truth, a lie may be told. An alternative explanation is that all three of these represent examples where the truth could potentially be very embarrassing, i.e., for the sake of *kevod ha'britol* (respect for other human beings).

### Dignity<sup>41</sup>

In the discussion of how one should praise a bride, there is a dispute between the pupils of Hillel and Shamai. All agree that one should dance with words of praise before a bride, an issue of *kevod ha'britol*, but what exactly should be said is disputed.

Our Rabbis taught: How does one dance before the bride? *Beit Shamai* say: The bride as she is. And *Beit Hillel* say: Beautiful and graceful bride! *Beit Shamai* said to *Beit Hillel*: If she was lame or blind, does one say of her: Beautiful and graceful bride? Whereas the Torah said, "Keep thee far from a false matter" (Ex. 23:7).<sup>42</sup> Said *Beit Hillel* to *Beit Shamai*: According to your words, if one has made a bad purchase in the market, should one praise it in his [the purchaser's] eyes or deprecate it? Surely, one should praise it in his eyes. Therefore, the Sages said: Always should the disposition of man be pleasant with people (*Keturat* 16b-17a).

A closer examination of this debate<sup>43</sup> will shed much light on the Sages' opinion of lying. As is evidenced by *Beit Shamai's* response, the definition of lying is at the heart of this debate. *Tosafot* contends that *Beit Shamai* is advocating one of two responses to a defective bride. Either one should remain silent or find some specific feature about her, such as her eyes or hands, and praise that specific trait. *Beit Hillel*, according to *Tosafot*, is bothered by this response, since a selective praise or silence is an implicit criticism and this will cause anguish to the bride. Thus, every bride must be praised uniformly. *Beit Shamai's* lack of response to *Beit Hillel's* counter-argument seems to imply that they agree that in the case of a purchase one would praise it to the buyer. However, *Beit Shamai* would argue that just as the Rabbis did not institute a standard praise there, they should not institute a standard one here in the case of brides. Just as one should be required to look for a specific positive attribute to praise, so it should be with a bride.

The debate between *Beit Shamai* and *Beit Hillel* can be explained in a number of other ways. It may be that they are arguing over the merits of "double meaning" lies (see below). Or it may be that they are debating whether lying for the sake of peace is permitted or mandatory.<sup>44</sup> They also sometimes disagree on how one should lie.<sup>45</sup> In this vein, the *Taz*<sup>46</sup> and the *Maharsha*<sup>47</sup> offer the explanation that *Beit Shamai's* phrase is in accord with *Beit Hillel's* idea: "the bride as she is" means that one should or vague, and thus presents an alternative formula, "beautiful and graceful bride." If even one person would agree with it, *Beit Hillel* says it is acceptable, and the *mitzvah* to make the bride happy justifies it. *Beit Shamai*, however, say that it must be a universally acceptable statement for it to be considered true, even where a bride is involved.

The *Rashash* (R. Samuel Ben Joseph [Zaskovitzer] Strashun, 1794-1872, Vilna) offers another possible explanation. In his view, *Beit Hillel* is telling *Beit Shamai*, "You should agree in this case [as in the case of a completed purchase] for, according to you, *Beit Shamai*, divorce is only permitted in the case of adultery. Thus, there is no practical purpose in telling the truth and you too, *Beit Shamai*, should agree that here a lie is permitted since the purchase [the marriage] is irrevocable." The *Rashash* seems to give a whole new dimension to when a lie is permitted: if no al gain is attained with a lie, then the lie is permitted.

The *Ritvah*,<sup>48</sup> possibly agreeing with *Tosafot* on B.M. 23b,<sup>49</sup> who said that all permitted lies are really subsets of the one sweeping permission (*Yevamot* 65b)<sup>50</sup> that a lie is permitted for the sake of peace, suggests that *Beit Hillel* permits lauding all brides as another example of lying for the sake of peace.

Using this idea of *Tosafot*, that all, or at least most, of the lies found in the Talmud are actually just examples of lies for the sake of peace, it

is possible to explain some of the seemingly otherwise difficult to explain lies. In *Bechorot* 36a, a story is related in which it appears that R. Yehoshua lied about an answer he had previously given to a questioner. When confronted, he responded:

R. Yehoshua stood up on his feet and said: "How shall I act? If, indeed, I were alive and he were dead, the living can contradict the dead. But since both he and I are alive, how can the living contradict the living?"

In R. Yehoshua's final statement, according to *Tosafot*, he is saying that he, indeed, intended to lie and deny his earlier statement, but is now unable to since there is a witness to his previous statement who is there to testify. He is, thus, clearly stating before the entire *Yeshiva* that he had intended to lie. The justification is possibly that this would be a lie for the sake of peace.<sup>45</sup>

R. Yehoshua b. Hananiah was similarly motivated by a desire to prevent embarrassment, in this case to an innkeeper, when he told the lie found in *Eruvin* 53b:

I was once staying at an inn where the hostess served me beans. On the first day I ate all of them, leaving nothing. On the second day, too, I left nothing. On the third day she overseasoned them with salt and, as soon as I tasted them I withdrew my hand. "My master," she said to me, "why do you not eat?" I replied: "I have already eaten earlier in the day."

In *Sanhedrin* 11a, the following three stories are related:

It once happened that Rabban Gamliel said: "Send me up seven scholars early in the morning to the upper chamber." When he came in the morning and found eight, he asked: "Who is he who has come up without permission? Let him go down." Thereupon, Shmuel Hakatan arose and said: "It was I who came up without permission...." Rabban Gamliel then answered: "...you are worthy.... But in reality it was not Shmuel Hakatan [who was the uninvited member] but another; he only wished to save the intruder from humiliation.

Similarly it once happened that while Rabbi Judah, the Prince, Pararch of the Jewish community under Roman rule, 200 C.E., was delivering a lecture, he noticed a smell of garlic. Thereupon he said: "Let him who has eaten garlic go out." R. Hiyva arose and left....<sup>46</sup> And from whom did R. Hiyva learn such conduct? From R. Meir. For it is taught: A story is related of a woman who appeared at the *Beit Hamidrash* (study hall) of R. Meir and said to him: "Rabbi, one of you has taken me to wife by cohabitation." Thereupon he rose up and gave her a bill of divorce,<sup>47</sup> after which every one of his disciples stood up in turn and did likewise. And from whom did R. Meir learn this? From Shmuel Hakatan.

In the last two stories, the method of saving another from embarrassment is a lie through action rather than a verbal one.<sup>48</sup> However, in the first story, the one taken as the paradigm for the other two, Shmuel Hakatan utters an untrue statement in order to save another from humiliation. Here too, it is clear that he did this for the sake of peace.<sup>49</sup>

## "Dual Meaning"<sup>50</sup>

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From a number of sources it appears that if one must or may lie, it is preferable to do it in such a way that the statement can be interpreted in two ways, one true and one false. And though the false interpretation is the clearer of the two and is the way the listener will understand it, this somehow makes it less of a lie. This is how Rashi understands most of the seeming lies in the Bible.

Among the three forefathers, the one whose life seems to involve story after story of deceit, ironically enough, is the one whom the Sages characterized with the quality of Truth — the one the Torah calls an *Isi Tam*, a man of innocence — Jacob. He seems to have tricked Laban over 25:34, and to have stolen the blessings that Isaac intended for Esau (Gen. 27). On Gen. 25:34, the *Da'at Zekenu* quote Rav Yehuda Hahasid who, with one sweeping statement, justifies all of these. He says that from the birthing incident we derive the principle that if a wicked person has in his possession a Torah scroll or some other religious article, it is permitted for a righteous person to act deceptively in order to take it from him.<sup>51</sup>

This permission notwithstanding, we find Jacob verbalizing what appears to be an outright lie in the process of acquiring the blessings. He gets dressed for the part, and then,

he came to his father and said: "My father," and he [Isaac] said: "Here I am; who are you, my son?" And Jacob said to his father: "I am Esau your firstborn; I have done according as you didst tell me" (Gen. 27:18-19).

Rashi, as in the earlier Genesis stories, again is willing to accept some sort of a lie,<sup>52</sup> but, rather than view it as an outright lie, he finds a dual meaning in Jacob's words (as he does for Abraham in Gen. 12). Rashi repunctuates the verse to read: "It is I; Esau [is] your firstborn."<sup>53</sup> Thus, although Jacob did "tell the truth," he was misunderstood by his father.<sup>54</sup>

Rashi offers a similar explanation in the incident where Abraham told Avimelech that he and Sarah were brother and sister. "Indeed, she is my sister; she is the daughter of my father, but not the daughter of my mother" (Genesis 20:20).<sup>55</sup> And, though even an outright lie may have been permitted to save his life, according to Rashi, Abraham preferred to use a "weaker" lie with a secondary, true connotation, rather than an outright lie.

This same approach is again seen in relation to the Elisba-Ben Hadad story quoted above.<sup>56</sup> Rashi repunctuates II Kings 8:10 so that the first part — "shall surely live" — is directed at Hazael, the messenger, while the second part — "shall surely die" — relates to Ben-Hadad.

The Radak also reinterprets the verse. He understands Elisba's message to imply that from the present disease he will, indeed, not die; however, God has shown him that Ben-Hadad will soon die from another cause. Paraphrased, Elisba was telling Ben-Hadad: "Hazael will soon die."



though not from this disease. You will be the next king. My advice is therefore to tell him he will live and you do what you have to do."

Thus, from both Rashi and Radak, it may be possible to deduce again that, in general, if there is a good reason to lie, and it can be done in such a way that there is a double meaning, it may be permissible.<sup>57</sup>

### Self Understood Lies/Exaggeration

Some "lies" may be permissible not because of a valid motive such as creating peace, but because everyone knows it is a lie. An example of this is an exaggeration — a *guzmah*. The *Gemara* (*Hullin* 90b) relates a number of such exaggerations about various aspects of the Temple and its operations, citing Deut. 1:28 and 1 Kings 1:40 as examples of exaggerations in the Bible. Each of these is considered so preposterous that the Torah, the Prophets, and the Sages used these expressions without fear of being misunderstood. It was obvious that they were saying these "lies" not to deceive or convince anyone of a non-truth, but rather, as hyperboles, in order to make a point. Thus, the *Gemara* here implies that exaggeration is an accepted practice used by everyone and, where there is no fear of being misunderstood, it is permitted. Thus, in *Megillah* 7b, the Talmud tells us that, while intoxicated on Purim, "Rabbah arose and slew R. Zera." Rav Abraham ben Hakamham and the Maharsha both quote this passage as an example of a story not to be taken literally but to be understood as hyperbole.

### Habitual

Some lies, though they may have some validity, may nevertheless be forbidden. For example, though a lie may be permitted at times in raising a child, its deleterious effects on teaching the child to be a liar may prohibit it, as found in *Sukkah* 46b, where it is stated:

R. Zera further ruled. One should not promise a child to give him something and then not give it to him, because he will thereby teach him lying, as it is said, "They have taught their tongues to speak lies" (Jer. 9:4).

### In Support of a Halakhic Position

An interesting form of lie found in the Talmud is that which is brought in order to bolster one's halakhic position. An example of this is in *Shabbat* 115a.<sup>58</sup>

Rabbah's household scraped pumpkins (on Yom Kippur). Seeing that they were doing this (too) early, he said to them, A letter has come from the west in R. Yohanan's name [to the effect] that this is forbidden.

It seems that Rabbah fabricated the story of a letter to lend support to his opinion.

Another, almost unbelievable, story involving lying to validate an ha-

lakhic position is ascribed to Moses in the *Tanna d'Vei Elyahu*.<sup>59</sup> After Moses came down from Mount Sinai, saw the Jews worshipping the Golden Calf, and broke the Tablets, the Torah tells us that

he took the calf which they had made and burnt it in the fire... and made the children of Israel drink it... then Moses stood in the gate of the camp and said, "Who is on the Lord's side, let him come to me"... and he said to them, "Thus says the Lord God of Israel... stay every man his brother..." and the children of Israel did according to the word of Moses (Exodus 32:20-28) (emphasis added).

The problem with this text is that nowhere do we find that God commanded Moses to have the people go and kill one another, a command which resulted in the death of 3000 Israelites. Rashi, quoting the *Mikhlal*, tries to answer this question by saying that the "Thus says the Lord" part of the verse is referring to when God had said, "He that sacrifices to any god... shall be utterly destroyed" (Ex. 22:19), and, based on that, Moses ordered the killings. The *Tanna d'Vei Elyahu* provides an alternate, unbelievable answer:

<sup>60</sup> cause heaven and earth to testify for me, that the Holy One, Blessed be He, never said to Moses, "Stand in the gate of the camp and say 'Who is for God come to me,' and each person should put sword in hand and kill his brother, friend and neighbor." Yet Moses said just that. Because Moses cultivated on his own, "If I say to them go and kill your brother, friend and neighbor, the Jews will figure... and say, 'Why are you [causing the] killing [of] 3000 in one day?'" He therefore went and pinned it on God and said "Thus says the Lord."

This statement is shocking. Apart from the murder of 3000 Israelites, whether they were guilty or not, it appears that Moses said a falsehood by attributing to God something which God did not actually say. The question is answered by a number of commentators, who discuss the permissibility of lying to establish the halakhah as one deems it to be. One commentator, quoted in standard editions of *Tanna d'Vei Elyahu*, says that what Moses did, for which he received reward, is based on *Pesachim* 112a, saying that you should "hang things on a big tree," that is, ascribe a mitzvah to an important person. This commentator explains that it is permitted to attribute the halakhah to a greater individual if you have reason to believe he (or He) would say such a thing, and you have good reason to believe it would not be accepted otherwise, as was the case here.

### Miscellaneous

Two interesting, but problematic, examples of lying, which seem to not fall into any of the earlier categories, are found on one page in *Shabbat* 129a.

R. Nahman b. Yizhak said to his disciples: I beg of you, tell your wives on the day of the blood-letting, "Nahman is visiting us." [Rashi — that they may prepare substantial meals.]

R. Nahman is here requesting that his students lie to their wives about his coming, in order to gain adequate-size meals on days when they have blood-letting. If it were a matter of life and death, it is hard to believe that the wives would not cook adequately for their husbands, if simply asked. If it was a matter of hiding the fact that the students engaged in blood-letting, then this is more than just a lie to the wives — it is a whole scheme for his students to pull one over their wives — something that seems even more problematic.

The second story, found a few lines later, relates how:

Abba found Shmuel sleeping in the sun. Said he to him, "O Jewish Sage! Can that which is injurious be beneficial?" "It is a day of bleeding," replied he.<sup>61</sup> Yet, it is not so [it had not been a day of bleeding], but there is a day when the sun is beneficial for the whole year, the day of the Tammuz [summer] solstice, and he said to himself, "I will not reveal it to him."

Here, Shmuel, who possessed advanced knowledge, lied in order to keep his knowledge to himself. This seems even more problematic, due to the fact that it was medical knowledge, which could possibly have helped others, which he was not only hoarding, but also lying about in order to keep it from others.

## Conclusion

Questions of when and how it is permitted to lie have been discussed, with examples from Biblical times<sup>62</sup> up until the present. Some codifiers, including some recent ones, have given specific guidelines for when one can and cannot lie, as in *B'nei Ha'arama*, sec. 55; Rav Moshe Feinstein in *Thumim*, vol. 5,<sup>63</sup> *Ziv Eliezer*, vol. 15:12,<sup>64</sup> and Rav Yosef Hayim Sonnenfeld and "The Ragerchaver," as found in the memoirs of Rav Yosef Hayim, *Ha'ish al Ha'Homah*, vol. 2, p. 154.<sup>65</sup> In addition, some of the articles cited, such as those by Cohen, Drach, and Lavit,<sup>66</sup> provide some specific rules on when it is permitted to lie. An alternative approach, one which seems appropriate in light of the vast array of sources, is given by Rav Yosef Hayim of Baghdad, in *Torah Lishmah*, section 364:

Behold, I have set for you a table full of many aspects of permissibility in the matter of lying and deceit which are mentioned in the words of the Sages. Carefully examine each case and extract conclusions from each of them. But place the fear of the Lord before you so as not to be excessively lenient ... and learn restrictions from these cases as well.

This has been succinctly summed up by Mark Twain: "When in doubt, tell the truth. It will confound your enemies and asound your friends."<sup>67</sup>

## NOTES

1. See, Babva ibn Paguda, in *Kad ha Kemah*, *Emanah* [Faith]; Saadiah Gaon, "Divine wisdom has made it one of the first injunctions that we speak the truth and decess from lying" (*Emanah V'Ve'el* [Commands and Prohibitions], Ch. 2); Maimonides, in his Letter of Moral

Instruction to his son: "A lie of truth and justice should necessarily be more acceptable even if it might appear less profitable than one of falsehood."

In addition, numerous word plays on the letters of both *emet* (truth) and *sheker* (false-

hood) serve as quick reminders of the importance of truth in daily life. For example: 1) The Hebrew letters of *sheker* — *shin, kaf, resh* — are next to each other in the alphabet, since falsehood is easy to come by, while the letters of *emet* — *ayin, mem, tav* — are as far as possible from each other, since truth is more difficult to come by; 2) If one deviates even a little from *emet* — truth, symbolized by removing the *ayin* — a letter which has a numerical value of only one (*gematria*), what is left is *met* — death; 3) The letters of *emet* all have solid bases or two even legs, and, so too, truth itself is solid and can stand on its own. All the letters of *sheker* have rounded or uneven legs and, thus, falsehoods cannot stand on their own (*alukah* *Shimon*, Genesis 3).

2. Mark Drach, "Nothing But the Truth," *Judaism*, 37:2 (Spring, 1988): 219.

3. Ibid., p. 223.

4. Cf. interpretations of Saadiah Gaon, Ibn Ezra, Maimonides, Nahmanides, and *Sifsei Ha'arama*.

5. Cf. *Sifrei Mizrei Ha'arav* (Acha 106), *Sifrei Mizrei Ha'arav*, and *Sifrei Terim*.

6. Murder, idolatry and illicit sexual relations.

7. For a detailed discussion, see Mark Drach, "His Money or Her Life? Heinz's Dilemma in Jewish Law," *The Journal of Halacha and Contemporary Society*, XX (Fall 1990).

8. *Bat Ha'arama*, *Perush Ha'Arav* on the Pentateuch.

9. It is possible that Samuel did really offer a sacrifice, and thus, when he told the people that he had come to sacrifice, he was not lying, but simply omitting the fact that he also came to anoint a new king. This type of "lie" is "the truth, but not the whole truth."

10. Written by Babva ibn Paguda (11th century, Muslim Spain), *Treasure on Faith*, chap.

11. Abarbanel (16th century) rejects both the idea of Samuel being afraid, and of God

suggesting a lie. Rather, he understands that Samuel had no desire to go and anoint someone to replace Saul, and this was his way of trying to put it off (similar to Moses saying, "But is your problem, then take a helper, etc."

12. In *Yevamot* 65b, Rav Natan understood Samuel's lie as being in the name of peace, and from there he derived a general imperative to lie to preserve peace, as discussed below.

13. The first two on Genesis 27:19, and Rabba in II Kings.

14. If absolute candor would in fact hasten the patient's death, lack of truthfulness is not only permissible, but mandatory. See Rabbi Bezalel Stern, *Teshuvot be'Zvi ha'Homah* 11, no. 55; *She'ar ha-Mitzvot be-Halakhah* 191:2; and J. David Bleich, *Judaism and Healing*, 27-33.

15. *Mo'ed Katan* 20b. This is quoted as the halakah in *Yoreh De'ah* (Y.D.) 337:1 and *Rambam*, *La'ot de' Mitzvot*, Chap. 8. *The Beit Hillel* on the *Shulhan Arukh*, and the *Aruch haShulhan* both extend this law to not even informing a patient of a parent's death. This halakah is an example of not being required to tell everything. They do not discuss how to respond if explicitly asked by the patient. However, based on Y.D. 402:12, where the halakah is of a relative (though one may answer ambiguously), it seems to me that with regards to a sick individual one may lie outright.

16. *Taanit* 18b.

17. A similar statement is found in *Vayikra Rabba* 9:9. See also *Yerushalmi*, *Pe'ah* 1:1 and *Uk'at* 3:12 on this verse and the value of peace.

18. On *Yevamot* 65b.

19. *Ramban* (on Genesis 43:27) and *Rashi* (on Genesis 50:16) both say that Jacob was never told. However, this contradicts a Rashi on Genesis 49:6, where Rashi indicates that Jacob did know of the brothers' deeds.

20. Based on *Genesis Rabba* 100:9, *Vayikra Rabba* 9:9 and *Yevamot* 65b.

21. *Bab. Metz.* 87a: also in *Genesis Rabbah* 48:18 and *Vayikra Rabbah* 9:9.  
 22. Nobody seems to suggest that God could have simply not repented to Abraham anything that Sarah had said, and thus obviated the need to "lie."  
 23. See also *Kohet'el Rabbah* 5:6 and *Yalkut Shimoni on Parshat Naso, Vayikra Rabbah* 9:9 points out a similar modification for the sake of peace between husband and wife in Judges 13:7.

24. See also *Yalkut Shimoni on Hukal*.

25. Other examples of where there is an imperative to tell the whole truth rather than remain silent, as a witness is obligated to do, are:

- 1) If a murderer who went into exile in a city of refuge, and the people of the city wished to honor him, he should say to them, "I am a murderer" (*Makkot* 120).  
 2) A person should not hide a blemish within his family if he is marrying off his child, if it is such that the person could later claim he had a false impression when he accepted (*Me'ekha Ta'uv*) (*Siftei Hosanim* 507).

3) Said Abaya: A disciple of a Sage has to make himself known. How so? A man who knew one tractate, [who] went to a place [where] they wish to pay him honor as if he knew two tractates, has to tell them, "I know only one tractate" (*Yerushalmi, Makkot* 2:6).

26. *Yalkut Shimoni*, Gen. 29:12, sect. 125, *Bava Batra* 123a, *Meg.* 13b.

27. Norman Frimer, "A Midrash on Morality, or When is a Lie Permissible," *Tradition*, 13:4 and 14:1 (Spring/Summer 1973): 25-26.

28. Gen. 31:6-7, 31:36-40, 31:42.

29. *Yerushalmi* 232:14.

30. *Tosafot* (Hullin 95b, s.v. *le'Eliezer*) says that there was no switching of order. The way Eliezer told it was exactly the way it was. Accordingly, the first story is different than Eliezer's retelling of it, because "there is no order in the Torah."

31. Telling her that her husband had sent them for the purses, and giving her, as their proof [having seen lentils on the innkeeper's mousachel], the fact that lentils had been the last meal in her house (*Sonchino Talmud*).

32. Though the *halakha* was valid, Abaya held that the condition must be complied with.

33. *Hoshen Mishpat*, 333:5. A similar type of *halakha*, relating to illegitimate tax collectors, is found in *Nedam* 62b and cited in *Yerushalmi* 157:3.

34. The word used in the text is *Purim*. Both Rashi and *Tosafot* understood it to mean bed. However, *Tosafot* argues that no one would ask such a question, and it is, instead, referring to one who is trying to conceal a nocturnal emission. Maharsha disagrees with this translation and says, instead, that it is referring to Purim, i.e., if someone asks if you are drunk, you are permitted to lie and say "yes" even when still sober, because one is obligated to drink a lot on Purim.

35. A lie for the sake of dignity is not always permitted. The *Shulhan Arukh* (*Yerushalmi* 344:1) rules that, although it is important to give a deceased a eulogy, one should not mention things that are not true. Rather, the person's good attributes should be mentioned and then added to a lie. On this last comment, the *Taz* explains that what is referred to is not a lie, but an extension of his known actions which we assume to be true as well. Cf. the *Shulhan Arukh* 334:3, and Shakh, s.k. 4.

36. See also tractate *Kallah, Rabbati*, Chap. 6.

37. The debate is, in fact, decided in favor of *Brat Hildel* in *Even Ha'ezer* 65:1.

38. See section on "Peace." See also, Yisrael Meir Loew, "Truth and Lack of Truth—For the Sake of Peace" (Hebrew), *Torah Shebe'al Peh Journal*, 1980: 86-100.

39. See, e.g., *Nedam* 28a.

40. *Even Ha'ezer* 65:1.

41. On this text in *Ketubot*.

42. On *Ketubot* 16b.

43. See section on "Humility, Modesty and Hospitality."

44. See section on "Peace."

45. It is actually quite similar to the lie that Sarah told when confronted about her laughter upon hearing that they would have a child. She lied (though she did not admit it) because she assumed it would contribute to marital harmony, and she believed that she could get away with it because she assumed Abraham did not know better.

46. He did this in order to save the real offender from humiliation.

47. Thus attaching the blame to himself.

48. Re: lies taking other than a verbal form, see Responsa *Zit Eliezer*, vol. 15:12, where he says unequivocally that a written lie is just as prohibited as a verbal lie. A source possibly indicating that a non-verbal lie is better than an explicit one, is provided by Rabbah on the Samuel story (I Samuel 16). Rabbah there seems to be of the opinion that God was advocating a lie, although possibly a non-verbal one.

49. For a similar, more recent, real life story regarding A. Wilhelm Roentgen (1845-1923, discoverer of X-rays, and Nobel Laureate in Physics, 1901), see Vivian Grey, *Roentgen's Revolution: The Discovery of the X-Ray* (Boston: Little, Brown and Co., 1973), pp. 5-6. Roentgen's punishment for lying to protect another, however, turned out to be permanent expulsion from the school rather than a compliment from Rabbah Gamliel.

50. See Y.D. 402:12 for a practical example of this.

51. See section above on "Financial Loss."

52. The *Ohel Halayim*, on the other hand, maintaining his policy of not admitting to lies by the forefathers, explains that Jacob was saying that, since he had purchased the rights of the firstborn from Esau, he had become Esau in so far as firstborn issues are concerned. Thus, his response of: "I am Esau your firstborn," was indeed true, as were all further statements.

53. Rashi similarly explains Jacob's answer in the continuation of the dialogue in Genesis 27:24. Isaac asked "Are you my son Esau?" and Jacob simply said "I am," which could be variously interpreted, rather than saying, "I am Esau." Cf. n. 54.

54. See *Siftei Hakohanim*, who is troubled with even this repugnance. At the very least, this statement seems to violate the law against "placing a stumbling block before the blind," both figuratively and literally. And, irrespective of how Jacob's statement is interpreted, Isaac passed judgement on it when he said to Esau: "Your brother came with guile and took away your blessing" (Genesis 27:35).

55. Ibn Ezra, on the other hand, does not see Abraham's explanation here as a justification, but rather as an effort to placate Avimelech. According to Ibn Ezra, Abraham was, in fact, lying, but was permitted to do so in a time of need. See Ibn Ezra on Gen. 27:19. Sifonno sees Abraham's justification in yet a different light. Abraham left out half the truth, but not with respect to the brother-sister relationship; rather, he simply neglected to mention that they were also husband and wife. Radak justifies this lie, as he does Jacob's lie in Gen. 27:18-19, by saying that it is not a true lie if it has a valid reason. Jacob knew he deserved the blessing (his mother, who knew it through prophecy, told him so), so it was permitted to lie.

56. See section on *Pikach Nofel*.

57. An application of this principle is found in a story regarding Rav Zaiman, the brother of the Vilna Gaon mentioned in *Torah Le'edah*, vol. XVII, number 18. Rav Zaiman Sorotkin, in *Ozneyem LeTorah*, finds a hint for the permissibility of the dual-meaning lie by the seemingly superfluous word, "davar" ("word," as used in: "From the word of a lie you shall keep far"), in Exodus 23:7.

58. See *Exodus* 5:1a, and *Psalm* 112a: ascribing a saying to an important person, to ensure acceptance of the *halakha*, is cited with approval in *Shagat Abrahami, Orach Hayim* 156. An additional, less obvious, example is found in *Pesachim* 27a. There, it is reported that Samuel reversed the names in a debate in order that the law should be established the way he thought it should be.

59. *Seder Einyahu Rabbah* of Tanna d'Vei Einyahu (3rd-10th centuries?), 4:1.

60. Tanna d'Vei Einyahu speaks in the first person, as if Elijah the prophet was the speaker.



61. And I require heat. (Soncino Talmud)

62. Additional occurrences of lies, or the appearance thereof, in the Bible which were not discussed herein, include, e.g., Gen. 21:3,6; Gen. 22:5; Gen. 31:35 (possible lie); Gen. 34:13; Gen. 37:32; 1 Sam. 12:3,6; 1 Kings 22:15; Daniel 4:16 (according to Ibn Ezra). See also *Ozneyim LaTorah* on 1 Kings 18 (re the *ba'flood* to Kittusa).

63. Both of whom deal with the problem of lying to dying patients.

64. Who deals with the problem of lying in the presentation of medical data.

65. They were presented with the problem of Jews trying to get into Israel in the early 1930s. The British would give a certain number of permits to the Jews of each country. The question posed concerned the Jews of one country lying and claiming to be from another country which had extra permits. Rav Sonnenfeld, the head of the *Eydeh Haradiah*, ruled that it was not permitted to lie in such a circumstance. However, once near the shores of Israel, the Jews would throw their passports overboard and claim to be natives of Israel. Rav Sonnenfeld said that this was permitted, and the "Ragechaver Rebbe" said that this claim could even be sworn to in court, based on the verse: "But of Zion it shall be said, 'This and that man were born in her'" (Psalms 87:5).

66. Jack S. Cohen, "Halachic Parameters of Truth," *Tradition*, 15:3 (Spring, 1977):83-97; Mark Drach, "Nothing but the Truth," *Judaism*, 37:2 (Spring, 1988):218-228; Gary J. Lavie, "Truth-telling to Patients with Terminal Diagnoses," *The Journal of Halacha and Contemporary Society*, No. 15 (Spring, 1988):94-124.

67. Mark Twain, *Pudd'nhead Wilson's New Calendar*, quoted in *Lying: A Critical Analysis*, by Warren Shibles (The Language Press, 1985).