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DOES THE TORAH FORBID US TO LIE?

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Nechama Leibowitz זת"ל often commented acerbically that Yeshiva students knew ten ways to explain how Yaakov really didn't kiss Rachel, even though the Torah says *vayishbak Yaakov l'Rachel* (Bereshit 29:11), but could not answer when asked whether the Torah specifically forbids lying. The correct answer was yes, based on Vayikra 19:11, which includes the phrase *lo t'shakru*.

I wondered whether this was entirely fair. Nechama's line was intended to critique an educational system that privileged knowledge of interpretations over knowledge of the text itself, and on that level was very often correct. But at least some students, perhaps the *baalei keriah* among us, knew the verse – we just didn't translate it in our heads as a prohibition against lying per se, but rather in a more halakhically qualified way. In other words, we thought of this verse the same way we thought of *vayishbak Yaakov l'Rachel* – through the lens of Rabbinic interpretation. Here, for example, is Rashi:

לפי שנאמר (ויקרא ה:כב) ונשבע על שקר
ישלם קרן וחומש;
למדנו עונש, אזהרה מנין?
תלמוד לומר ולא תשקרו

We learn from venishba al sheker (Vayikra 5:22) that one who swears falsely

(that they do not have the plaintiff's property in their possession) is liable to pay a 25% penalty (=a fifth of the total compensation due the plaintiff)

(In rabbinic legal exegesis, every statement of penalty must have an associated DO NOT):

We have thus learned a penalty, but where is the DO NOT?

So Scripture says: lo t'shakru.

We therefore argued that in fact there was no Biblical prohibition against lying, only against swearing falsely, and that this particular verse prohibited only swearing falsely as a defendant when accused of having the plaintiff's property in your possession. (Note that 19:12 explicitly prohibits swearing falsely by His Name – Rashi explains that this is intended to include all the Names of Hashem in the prohibition.)

Nechama's line of course was also intended as a moral critique. The problem was not so much that many of us didn't remember the verse, but that it wasn't obvious to us that the Torah forbade lying, while ironically it was obvious to us that Yaakov did not kiss Rachel romantically. In each case, she thought that we needed to see Rabbinic interpretation as reacting to the plain meaning of the verse, but not as intended to deny that meaning. (The reactions differ in kind: regarding Bereshit, they explain why a noble action by the hero might nonetheless not be a viable behavioral model for readers; regarding Vayikra, they explain why a verse stating a moral that should be obvious is not redundant in a formal legal context.)

Pedagogically, this is a very complex notion. The beit din I serve on recently had occasion to emphasize the centrality of truth-telling in Judaism, and despite having Nechama's line ringing in my head, I did not simply cite our verse. Instead, my colleagues and I cited *midvar sheker tidchak* (Shemot 23:7), "distance yourself from falsehood." To some extent this was because "Distance yourself from falsehood" has a stronger moral valence than simply "Don't say a falsehood," as it seems to exclude even misleading truths or lies by omission. And while we knew that Shemot 23:7 also has a limiting legal context – it specifically forbids judges in financial suits from approving a technically justified ruling that they know to be substantively false, or to serve together with judges they know to be incompetent – we also knew that Rabbinic literature cites its plain meaning as well.

Here, however, was a problem. The primary rabbinic citation of the plain meaning is on Ketubot 17a, where Beit Shammai and Beit Hillel dispute what one sings while dancing before a bride with objective physical flaws. Beit Hillel say that one praises her beauty regardless – *kallah na'eh vachasadah* – while Beit Shammai say that one praises her as she actually is – *kallah kemot shebi*. Beit Shammai challenge Beit Hillel on the basis of Shemot 23:7; Beit Hillel respond that we sing from the perspective of the groom. Beit Hillel's response leaves space for disingenuousness, and is itself a little disingenuous, as a purpose of the praise is to reinforce the groom's faith in his perspective.

Similarly, while “the seal of the Holy Blessed One is truth,” we sometimes learn this is contexts where He sacrifices the integrity of His seal. We are certainly permitted or obligated to lie for the sake of preserving marital harmony, as Hashem changed Sarah's words when speaking to Avraham about Sarah's laughter.

Chazal teach us that marital harmony is more important than pure truth, and more generally that pure truth is destructive to human society, but try at the same time to emphasize the critical social and moral necessity of almost-pure truth. This kind of dialectical pedagogy is extraordinarily difficult to pull off.

With this complexity in mind, I thought it worth briefly investigating whether the standard “peshat” commentaries on Vayikra 19:11 make any effort to preserve what Nechama claimed was the plain meaning. Rashbam, I noticed immediately does not. He apparently feels that the immediate context of the verse demonstrates that it is limited to the context of financial suits. The verse opens with *lo tignovu* = don't steal, and continues with *lo t'kbachshu* – don't deny, a verb also used in Vayikra 5:21 in the lawsuit context.

Ibn Ezra and Bekhor Shor each maintain the financial context, but expand the field. Ibn Ezra says the verse bans telling a creditor to obtain his funds from a third party, when in fact you have no account with that third party. Bekhor Shor says that it forbids committing to fulfill certain conditions in exchange for a financial advance, and then failing to fulfill those conditions. (It's not obvious to

me whether he refers only to a case in which one never intended to fulfill them. HaKetav VeHakabbalah however argues that the verb *teshaker* always refers to a statement that is false at the time it is uttered, and not to one that can be falsified later by nonperformance.)

Siftei Kohen (late 16th-early 17th century commentary by R. Mordekhai Cohen, a student of R. Yosef Caro in Tzefat) recontextualizes the entire verse to be about marital sexuality. It is possible but not obvious that he means to make a claim about the necessity of emotional honesty in the context of intimacy. Regardless, this seems less likely the plain meaning than the lawsuit context.

The only precedent I can find for Nechama is Rabbi Samson Raphael Hirsch, who contextualizes our verse as part of the parashah's overall theme of *kedushah* (=holiness). He argues that our verse is framed in the plural because it addresses not individuals but the community. As a result, he contends, we are not referring to gross financial sins, which are surely always the province of a minority, and which the majority will always put down by force. Rather, “we are referring here to those categories of theft, falsehood, and false oath-taking that are capable of penetrating every aspect of commercial and social life; not only that, but they can become the dominant characteristic of a nation; and once they are broadly flouted, all signs of opprobrium are removed from these acts. More than this – they become considered a skill, deserving of praise and honor. Nonetheless, in the eyes of Hashem they are as lowly and despised as actual robbery and falsehood and false oath-taking. These are what G-d prohibits here, Who seeks to sanctify His nation in the realms of commercial and social life . . . *lo t'shakeru* – the whole broad field of falsehood should have no place in commercial and social life, because truth, meaning the recognition of things and relationships as they actually are is the foundation of peace and faithfulness to commitment . . . whereas falsehood becomes the tool of all wickedness and evil . . .”

In the end, I am not convinced that this is the plain meaning of our verse (as opposed to Shemot 23:7.) But with apologies to Nechama, perhaps it would not be a terrible thing if during this Shabbat's leining we all first thought of her interpretation, and of Rav Hirsch's.