

Nothing but the Truth?

MARK DRATCH

IS IT A MIZVAH TO TELL THE TRUTH, THE whole truth, and nothing but the truth?

Covert CIA operations, the Iran-Contra arms deal, and the Water-gate crisis have questioned the deceptive and clandestine activities of government officials. How do we balance the concern for law and truth with concerns for public welfare? Does the *halakhah* permit governments to lie for national security and the public good?

May lawyers defend clients who, they know, will commit perjury on the witness stand? What does Jewish law say about other contemporary moral dilemmas involving truthfulness and falsehood, including revealing the truth to dying patients and lying in order to protect business interests or interpersonal relationships?

The issue of truth-telling has captured the ethical imagination of theologians, philosophers, and jurists throughout the ages. Many have asserted the necessity, and attempted to describe the limits, of the obligation to speak truthfully. This essay will consider whether veracity is an absolute moral maxim which may never be breached, or whether there are circumstances in which truth-telling may, indeed, be circumscribed.

Augustine, the fifth century Church Father, expressed the essential reason for trustworthiness: "When regard for truth has broken down or even slightly weakened, all things remain doubtful."¹ Without staunch adherence to truth-telling, observed eighteenth-century Scottish philosopher, Francis Hutcheson, all confidence in communication would be lost.² This undermining of credibility is reflected in the Talmudic observation, "Such is the punishment of the liar — even if he tells the truth he is not believed" (*Sanhedrin* 89b).

Augustine and the thirteenth century scholastic, Thomas Aquinas, are among the theologians who completely banned all falsehoods without exception. They did distinguish among lies, however, with Augustine espousing an eightfold hierarchy, beginning with lies uttered in the name of religion — the worst of all — and ending with readily pardonable lies which harm no one and yet save someone from physical injury.³ Aquinas,

1 Augustine, "Lying," *Treatises on Various Subjects*, ed. R. J. DeFeo, *Fathers of the Church* (New York: Catholic University of America Press, 1952), vol. 14, chap. 14.

2 Francis Hutcheson, *A System of Moral Philosophy*, Bk. 2 (New York: Augustus M. Kelly, 1968), pp. 31–35.

3 St. Augustine, "The Enchiridion" in Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Books, 1978), p. 34.

MARK DRATCH is Rabbi of Congregation Beth Israel in Schenectady.

too, differentiated between lies, defining three types: officious (helpful), jocose (told in jest), and mischievous or malicious. According to him, only the latter constitute mortal sins.⁴

Immanuel Kant, in the eighteenth century, advocated an absolutist position even more radical than those of Augustine and Aquinas. Not only did he prohibit all lies, but he eliminated any distinction among them. He maintained that veracity is an "unconditional duty which holds in all circumstances," and that it is limited "by no expediency," regardless of "however great may be the disadvantage accruing to himself or to another." According to Kant, even if a lie does not wrong any particular individual, it always harms mankind generally, "for it vituates the source of law" and destroys the human dignity of the liar.⁵

Dissenting from the absolutist school are three approaches which take a more lenient position.

The seventeenth century Dutch scholar, Hugo Grotius, did not accept the axiomatic proscription of all lies. He maintained that a falsehood is considered a lie and, therefore, is forbidden only if it deprives the truth from someone who deserves to hear it. An extortionist, for example, has no right to the information which he seeks to obtain, therefore, to speak falsely to him is not considered lying.⁶

Casuist thinkers developed the notion of the "mental reservation." This theory allows a person to make a completely misleading statement as long as he adds something in his mind to make it true on the grounds that he cannot be held responsible for another's misinterpretation of the statement.⁷ This approach would allow a young boy who has broken his neighbor's window innocently to deny responsibility, as long as while he is saying that he did not break the window he has in mind that he did not break the window — yesterday.

In the nineteenth century, the English philosopher, Henry Sidgwick, offered a third category, questioning the assumption that every falsehood is morally wrong.

In the first place, it does not seem clearly agreed whether Veracity is an absolute and independent duty, or a special application of some higher principle. . . . Where deception is designed to benefit the person deceived, Common Sense seems to concede that it may sometimes be right.⁸

Does the Jewish tradition maintain an absolute or a conditional concept of honesty? At first glance, Judaism appears to be an advocate of the

4 Thomas Aquinas, *Summa Theologica* 2 2 ques. 110, art. 2

5 Immanuel Kant, *Critique of Pure Reason and Other Writings in Moral Philosophy*, ed and trans, Lewis White Beck (Chicago: University of Chicago Press, 1949), pp. 346–9

6 Hugo Grotius, *On the Law of War and Peace*, trans. F. M. Kelsey and others (Indianapolis: Bobbs Merrill Co., 1925), bk. 3, ch. 1

7. See Bok, pp. 15–9

8. H. Sidgwick, *The Methods of Ethics* (London: Macmillan and Co., 1907), p. 316

absolutist Augustinian-Aquinist-Kantian school, prohibiting every form of mendacity. The Bible seems to be quite explicit: “You shall not bear false witness” (Ex. 20:13), “Keep far from a false matter” (Ex. 23:7), and “Neither shall you deal falsely nor lie to one another” (Lev. 19:11) are the Torah’s prescriptions for normative behavior in this area, and they appear to be unconditional. Rabban Shimon b. Gamliel, in *Pirkei Avot* I:18, ranked the truth with peace and justice as one of the fundamental principles of society.

In examining the purpose of this obligation of veracity, Rambam wrote, in his Letter of Moral Instruction to his son, Abraham:

A life of truth and justice should necessarily be more acceptable even if it might appear less profitable than one of falsehood and wickedness, as the sages said in the Book of Proverbs, “Buy the truth and sell it not” (23:23). Know that these qualities constitute the ornaments of the soul which endow the body with strength, confidence, and permanence.⁹

R. Saadiah Gaon viewed truth-telling as one of the three sources of the rational laws of the Torah:

To the third division . . . are to be added the practice of justice, truth, fairness, and righteousness. . . . [Divine] Wisdom has made it one of its first injunctions that we speak the truth and desist from lying. . . . [A lie] will be regarded by the soul as something grotesque.¹⁰

Rabbi Samson Raphael Hirsch offers this rationale for the prohibition of lying:

[H]e who, instead of truthfully expressing in words what he has experienced to be real, communicates a false image of it to his brother, who accepts it and bases his behavior on it . . . that man turns into a curse the supreme blessing of the Creator; for he who denies truth to his brother, thus violating the highest duty towards him which God has imposed, calls down a curse.¹¹

It is apparent from these sources that truth-telling is basic to human dignity and a fundamental obligation of the Torah. This great principle of trustworthiness was translated into normative halakhic terms by the Talmudic sage, Abbaye, when he ruled that “one must not speak one thing with the mouth and another with the heart.”¹²

Yet, despite this apparent advocacy of unconditional truth-telling,

9. In Leon D. Suskin, *Letters of Maimonides* (New York: Yeshiva University Press, 1977), pp. 145–6.

10. *Emunot Ve'Deot*, Commands and Prohibitions, ch. 2.

11. *Horeb*, III 50, par. 368–76. For further exposition of the importance of truth-telling see *Sanhedrin* 97a, R. Yonah, *Shaarei Teshuvah*, Gate 3, 178, *Hazon Ish*, *Emunah U'Veitahon*, 4:13, and *Hafez Hayyim*, *Sefat Tamim*, ch. 1, 2, 6, and 7. The difficulty in finding truth in the world is reflected in *Gen. R.* 8 4, which records Truth's objection to the creation of Man. 12. R. Yose b. R. Yehuda said, “What is taught by the verse, ‘A just *him* [shall you have], surely *him* is included in *ephah*?’ But it is to teach that your “yes” [*hen*] should be just and your “no” should be just!” Abbaye said, “That means that a person must always speak the same thing with the mouth and with the heart.” (*B. M.* 49a) This is a play on words. *him*, a measure, and *hen*, the Aramaic word for “yes.” See *Yad*, *Hil. De'ot* 2:7. and *Hoshen Mishpat* 228 6.

there are sources which permit and sometimes even mandate the telling of lies. The famous dispute between Bet Hillel and Bet Shammai recorded in *Ketubot* 16b–17a is a case in point:

Our Rabbis taught: How does one sing the praises of the bride? Bet Shammai says, "The bride as she is." And Bet Hillel says, "Beautiful and gracious bride!" Bet Shammai said to Bet Hillel, "If she was lame or blind, may one say to her 'Beautiful and gracious bride' when the Torah said, 'Keep far from a false matter?'" Said Bet Hillel to Bet Shammai, "According to your words, if one has made a bad purchase in the market, should one praise it in his eyes or deprecate it? Surely, one should praise it in his eyes." From this the Sages deduced, "Let a person always be sensitive to others."

How is it that Bet Hillel brushes off Bet Shammai's invocation of "Keep far from a false matter" by invoking a claim of mere social etiquette, i.e., sensitivity to one who has made an unseemly purchase? What motivated Bet Hillel to deviate from the moral dictate of veracity?

There are two approaches, reflected in the works of the theologians and philosophers discussed above, that can help to clarify the view of Bet Hillel. The first may be connected, although it is not identical with, the casuist "mental reservation" approach. We may term this the "ambiguity rationale," one which plays upon the inherent equivocation in the suspect statement. According to this interpretation, Bet Hillel maintains that the wedding guest is not lying and is well within the constraints of the falsehood injunction because the guest's compliment is not an evaluation of the bride's physical beauty, but, rather, an appreciation of the "thread of graciousness that is spread over her," i.e., her moral character.¹³ (Compare the contemporary colloquialism, "she is a beautiful person.") The guest spoke truthfully; it is the bride who may have misinterpreted his comment. A similar understanding posits that Bet Hillel's greeting is a standardized formula which, while recited to all brides, refers only to those who fit the description.¹⁴ Once again, the guest is deliberately ambiguous and, because he mentally interprets his statement as a metaphor or as a conventional formula, his basic integrity is intact.

Halakhic support for the validity of the mental reservation theory may be found in *Nedarim* 62b. In this case, Rava asserts that one may claim to be a "servant of fire" in order to be exempt from paying a poll tax. To the Persian government, such a statement would suggest that the person is an idolator. In reality, he has professed no loyalty to fire worship; he meant either that he was a servant of a pagan who accepted this form of idolatry,¹⁵ or that he was a loyal Jew who worshipped the one God who, in *Deuteronomy* 4:24, is designated as "consuming fire."¹⁶

13. *Ritva* to *Ketubot* 16b. See also *Kallah Rabbati*, ch. 10, which incorporates this approach into Bet Hillel's response to Bet Shammai.

14. R. Joseph Nathanson, *Divrei Shaul* to *Ketubot* 16b.

15. Rashi, s.v. *avda de'nura*.

16. Ran, s.v., *avda de'nura*. See also *Berakhot* 43b, in which it is possible to interpret R. Papa's words in accordance with the mental reservation theory. He could have meant that, in gen-

Another proof text for the permissibility of the equivocal statement occurs in *Gittin* 62a. Here R. Hisda and R. Kahana disregard Rava's mandate to refrain from greeting a heathen with the words "*Shalom, shalom*." Rashi maintains that these Sages did not intend to direct the greeting to the heathen, but had in mind, rather, to direct it as a blessing to their teacher.

Despite precedent for the ambiguity rationale, it seems contradicted by the Talmudic interpretation of "Keep far from a false matter" which prohibits any behavior or statement which can be interpreted falsely:

How do we know that a disciple to whom his master says, "You know that if I were given a hundred manehs, I would not tell a lie; now, so-and-so owes me one maneh, and I have only one witness against him" (i.e., the master invites his disciple to testify wrongly to something which the master *asserts* is truthful); how do we know that the disciple should not join with him? Because it is said, "Keep far from a false matter?" Surely this is definitely perjury and the Torah said, "You shall not bear false witness against your neighbor." 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, "Keep far from a false matter" (*Shevuot* 30b).

This is also implied in the linguistic formulation of the verse which warns one to stay away from any false "matter;" it is not limited to outright lies. Even though the ambiguous speaker may have a technical claim to truth, he is perverting the very purpose of the commandment by failing to communicate "nothing but the truth."

Support for this rationale may be found in other areas in which *de-varim she'ba-lev* ("words in the heart," i.e., mental reservations) are considered in the halakhah:

A certain person sold his possessions in order to move to Israel. At the time of the transaction [however], he did not stipulate [that the sale was conditional upon his moving]. Rava said, "These are mental reservations and mental reservations are meaningless" (*Kiddushin* 49b).

The seller is bound to fulfill the details of the agreement as articulated to the purchaser, regardless of any unexpressed conditions.

There are circumstances, however, in which mental reservations are acceptable:

One may vow to murderers, robbers, and publicans (Jewish tax collectors for the Romans) that [the produce they demand is *terumah* (set aside as a tithe), even if it is not (in order to save the produce from them, as *terumah* is forbidden to all but priests), or that it belongs to the royal house, even if it does not (*Nedarim* 27b).

R. Amram's explanation that this person vows, "May all the fruits of the world be forbidden to me, if this does not belong to the royal house" raises difficulties. If he said "May they be forbidden," then, in fact, this

eral, Rava rules for Bet Hillel, even though in this case he does not. See *Responsa R. Menahem Azariah*, 5

fruit is forbidden, and if he stipulated that this vow restricts his eating on a limited basis, then the publican will not be turned away.

He mentally stipulates "today," but makes no explicit reservation; and though we [normally] rule that mental reservations are invalid, it is different when made under duress (*ones*) (*Nedarim* 28a)

When a person is coerced into making a false oath, his mental reservation is meaningful. The *force majeure* translates the ambiguity of his statement in consonance with his mental reservation. *Tosafot*, s.v. *bemokhes*, observes that any great need is considered *ones*, compulsion.

In the latter case, concerning oaths and vows, mental reservations are taken into account in situations of coercion. In the former case, dealing with business transactions, mental reservations are meaningless, despite *ones*.

Why the difference? Business transactions require one to have full understanding of the positions of the other parties involved. One cannot be expected to read hidden meanings and to divine alternate intentions in the statements of others. If conditions are intended, they must be expressly stipulated. This is a fundamental rule, not only in business, but in all interpersonal communication and is a basic principle of the truth-telling obligation.

Oaths and vows, which concern moral, rather than social obligations, are different. In the moral realm, divine dispensation grants meaning to mental reservations if they were occasioned by *ones* and forgives whatever obligations may have been incurred by articulated vows. The transgression of "Fulfill what comes out of your mouth" (Numbers 30:2) is neutralized by unarticulated stipulations.

How does this relate to our discussion? The obligation of truth-telling has two purposes, one social and one 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. In social intercourse, the falsehood prohibition prevents any breach of unconditional trustworthiness. Misleading statements communicate the same misinformation as do outright lies; hence, the prohibition of equivocal statements. However, when ethical imperatives demand less than absolute veracity (as will be outlined shortly), the ramifications of lying upon one's moral integrity must be considered. As seen above, mental reservations are, indeed, effective in these matters. Concern for the social consequences of lying is ignored, and the ambiguity rationale protects the integrity of one's moral character.

A second interpretation of Bet Hillel's prescription of proper praise for the bride may also be located in Sidgwick's evaluation. According to this theory, truth-telling is not an absolute and unconditional moral maxim; there are circumstances in which other vital principles circumscribe its application. What are they?

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 concern 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, I pray you, the transgression of your brothers . . ."' (Gen. 50:61). 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 . . ."' (I Samuel 16:2). At the School of R. Ishmael 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 it is written, [as God reports Sarah's reaction to Abraham], "Wherefore did Sarah laugh saying, 'Shall I bear a child, who am old?'" (Gen. 18:12-13) (*Yevamot* 65b).¹⁷

In addition to the interests of peace, there are other causes which limit the obligation to tell the truth.¹⁸ R. Yehudah maintained that learned men deviate from the truth in matters of "a tractate, bed, and hospitality." If asked if he is familiar with a certain tractate of the Talmud the scholar, even though he is familiar with it, may answer "No." His motivation for lying in this case is humility. If questioned about his marital relations, a scholar may refuse to give correct information. This is a lie for the sake of modesty. Finally, a scholar may refuse to give correct information concerning his host's hospitality — a lie to protect his host from being taken advantage of by others (*B. M.* 23b–24a).¹⁹

R. Yehoshua b. Hananiah was motivated by tact and sensitivity when he remarked:

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" (*Eruvin* 53b).

It is apparent from the conclusion drawn by the Sages that Bet Hillel, when formulating the greeting to be addressed to the bride, was motivated by concern for tact and sensitivity. It is possible that Bet Shammai agrees that sensitivity limits the scope of the application of "Keep far from

¹⁷ See *Beitzah* 20a–b for another example of lying in order to avoid a quarrel. *Sefer Hassidim*, 426, maintains that one is permitted to lie for the sake of peace only when discussing those matters that have already occurred. If, however, one is asked about the present or the future, he is not permitted to lie. See *Orhot Hayyim*, 156, who cites many sources which do not accept this position.

¹⁸ See Azulay, quoted in *Orhot Hayyim*, 156. See also *Sefer Petah HaDevir*, *Orhot Hayyim* 1:7.

¹⁹ Based on this Talmudic statement R. Eliahu from Lublin quips in *Responso Yad Eliahu*, 62, "A person must always speak *emet*, truth, except in cases of *emet* — *alef, mem, tav* (the letters of the Hebrew word *emet*). This acronym stands for *Ushpiza*, hospitality, *Mesekhta*, tractate; and *Tashmish*, conjugal relations.

a false matter." According to this approach, Bet Shammai agrees that one should praise an unseemly purchase. The objection to Bet Hillel's position in the care of the bride is based on the premise that the specific falsehoods should not be legislated. This is the position of *Tosafot*, s.v. *yesha-bhenu*, who maintain that Bet Shammai holds that even though one is permitted to praise a bad purchase, nevertheless, "it is not for the Sages to establish an enactment which would require one to lie." As such, even Bet Shammai maintains that one should be sensitive and tactful when greeting a bride; the sole objection is to the formalized and official manner in which the lie was mandated. According to *Tosafot*, the conclusion drawn by the Sages is derived from the positions of both Bet Hillel and Bet Shammai.

Not only may truth telling not be an absolute moral maxim according to this interpretation, but it is possible that there is no such imperative in interpersonal relations at all!²⁰ The Talmud (*Shevuot* 30b–31a) lists a series of cases in which the falsehood prohibition obtains. Strikingly, the discussion relates solely to judicial matters, regulating the behavior of judges and witnesses. The exclusiveness of this list is the source of Ibn Ezra's observation that the jurisdiction of this verse [Exodus 28:7] extends only to Judges. The context of the verse likewise implies this limitation: "Keep far from a false matter, and do not cause the death of the innocent and the guiltless; for I the Lord will never acquit the guilty." Other prohibitions of falsehood, like that of bearing false witness or making false oaths, are also limited to the judicial area.²¹

A survey of *Rishonim* (earlier post-Talmudic authorities), who enumerated the commandments shows that while some do list "Keep far from a false matter" as an obligation to tell the truth in nonjudicial matters,²² others, including Saadia Gaon, Rambam, Ramban, *Sefer HaHinukh*, and *Halakhot Gedolot* do not.

One is not to conclude from this discussion that there are no halakhic restraints on falsehood. Even those *Rishonim* who do not include speaking truthfully in their list of commandments, restrict falsehood in other of their works.²³ A reason for the absence of truth-telling from their list of

20 For an elaborate exposition of this position see Rabbi Y. Perlow's commentary to his edition of *Sefer HaMizvot* of R. Saadia Gaon, Positive Commandment 22. This appears to be Mar Zutra's opinion (*B. M.* 23b–24a) in that he does not assume absolute integrity on the part of any sage. See also *Yevamot* 63a, in which Rav is wont to find a Torah verse to restrict his son's falsehoods.

21 See Maimonides *Sefer HaMizvot*, Positive Commandments 248–9 and *Sefer HaHinukh* 222, 226–7.

22 See *Sefer Mizvot Gadol*, Positive Commandment 106, *Sefer Mizvot Katan*, 226, *Rashbaz Zohar Rakiah* to Commandments of R. Shimon b. Gaviel, 49, *Sefer Yereim*, 235, and *Sefer Hareidim*, 12–26. See also *Responsa of Rema* 11, which implies that "Keep far from a false matter" is a general commandment.

23. See Maimonides *Yad. Hil. Deot* 2–7, Saadia Gaon, *Emunot VeDeot*, Command and Prohibition 2, Ramban to Genesis 18–13 as understood by *Responsa Hatam Sofer* VI 59.

commandments can be understood in light of R. Hayyim Vital's observation that ethical precepts that are so fundamental to the divine commandments were not included among the 613 *mizvot*.²⁴

Biblical accounts in which the Patriarchs wrestled with the issue of truth-telling and lying have raised questions about their moral character and integrity. A survey of how these situations are understood by our Biblical exegetes sheds light on the nature of the patriarchal behavior as well as the commentators' general approach to this complex moral problem.

It is clear that Abraham lied to Abimelekh, identifying his wife as his sister (Gen. 12:12–13;20:2). Ramban criticizes this behavior, observing that even though Abraham's statement was truthful (they shared the same paternal grandfather), he committed a sin. Rashi and Ibn Ezra allow for this ambiguous statement due to the dangerous nature of the situation that he confronted.

As noted above, God Himself "lied" when relating to Abraham Sarah's reaction to her impending pregnancy. Rashi accepts this outright lie, noting that God was concerned with preserving marital harmony. Ramban is joined by Rashbam and Ibn Ezra in disapproving outright lying — even with cause — and carefully notes that no lie was told in this case — Sarah had included herself as a subject of her laughter and God reported only one aspect of her reaction.

Rashi's more positive view of the flexibility of truth-telling and lying is further defined in his explanation of the dialogue preceding Isaac's blessing to Jacob. Dressed in animal skins and Esau's garments, Jacob entered Isaac's tent and when asked to identify himself, replied, "*anokhi Esav bekhorekha*," "It is I, Esau, your first born" (Gen. 27:19). In order to save Jacob from lying outrightly during this masquerade, Rashi repunctuates this response so that the son, even though he told the truth, was misunderstood by his father. Thus, Rashi reads the verse "*Anokhi, Esav bekhorekha*," "It is I; Esau is your first born." Ramban, who does not accept the validity of these equivocal statements, as shown above, maintains that Jacob told an outright lie.

The question of integrity is most poignant as it relates to Jacob's behavior. He deceived his father and stole the blessing from Esau, he tricked Esau into selling him his birthright; and he tricked Laban time and again. His behavior can best be explained by R. Yehudah heHassid who maintained that it is permissible for a righteous person to act deceitfully in order to save religious objects and moral virtues from being desecrated and destroyed by evil people — an ethical imperative to be added to our above discussion.²⁵

The conflicting demands of the principles of truth, peace, modesty, and sensitivity are not easily reconciled. The conditionality of a moral im-

24. *Shaarei Kedushah* 1:2

25. *Daat Zekenim Meba'alei haTosafot* to Gen. 25:34

perative is often abused and becomes a wedge leading to its undoing. Subjective interests and selfish manipulation of these principles can pervert the ultimate purpose for which lying is at times mandated, and can destroy, rather than foster, harmonious relations. Because human intercourse is complex and its intricacies defy comprehensive prescription, it is difficult to delineate all-encompassing rules for truth-telling and lying in a simple codified form. Nevertheless, some general guidelines and attitudes are necessary:²⁶

1. Absolute veracity is essential in judicial proceedings. This is mandated by the Decalogue's regulation against false-witness, as well as by the verse, "Keep far from a false matter." The Talmud (*Shevuot* 30b–31a) lists a series of situations in which "Keep far from a false matter" unconditionally controls the behavior of all those involved in the judicial process.

2. Lying is forbidden when it results in harm to another.²⁷ This is the guiding principle in the prohibition of *genevat da'at*, deceit, a derivative of "Thou shalt not steal," as well as the exhortation "Keep far from a false matter."

It was taught. R. Meir used to say, A man should not urge his friend to dine with him when he knows that his friend will not do so. And he should not offer him many gifts when he knows that his friend will not accept them. And he should not open [for a guest] casks of wine, which, [if unused] are to be sold to the shopkeeper, unless he informs [the guest] of it. And he should not invite him to anoint himself with oil if the jar is empty (*Hullin* 94a).²⁸

In each of these cases the liar, in deceiving others, causes damage by deriving undue benefit from his friend in the form of undeserved gratitude or returned favors.

3. One may deviate from the truth for the sake of peace as well as for other ethical imperatives such as humility, modesty, and sensitivity. However, extreme care must be exercised, for while the functioning of society demands that a person be sensitive to others and tactful in his relationship with them, a society in which others can always be suspected of lying cannot survive — how does one ever know if he is being told the truth? In this sense, all falsehood, regardless of the lack of immediate and measurable damage, is ultimately deleterious because it can destroy the

²⁶ *Responsa Torah Lishmah*, 364, provides an exhaustive list of Talmudic sources from which he encourages his questioner to derive his own guidelines. He warns, at the end of his responsum:

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.

²⁷ *Sefer Yereim*, 235. See also *Responsa Taz Ehezzer* XV:12.

²⁸ This restriction applies equally to relationships with Jews and non-Jews, *Hil. De'ot* 2:6, *Hil. Mekhirah* 18:1, *Hoshen Mishpat* 228:6. See Bah and Savv *Lere'ay* to *Sefer Yereim* 225 for contrary opinions.

element of trust that is so essential to maintaining the fabric of society. This is true of trivial “white” lies as well.²⁹ Lying is permitted only when the society or relationship will suffer harm because of truth-telling.

4. Even in those cases in which mendacity is permitted, habitual falsehood is forbidden:

Rav was constantly tormented by his wife. If he told her, “Prepare me lentils,” she would prepare him small peas; [and if he asked for] small peas, she prepared him lentils. When his son, Hiyah, grew up he gave her [his father’s instruction] in the reverse order. “Your mother,” Rav once remarked to him, “has improved!” “It was I,” the other replied, “who reversed [your orders] to her.” “This is what people say,” Rava said to him, “Thine own offspring teaches thee reason.” You, however, must not continue to do so; for it is said, “They have taught their tongue to speak lies, they weary themselves” (Jeremiah 9:4) (*Yevamot* 63a).

Certainly, lying to preserve marital harmony is permissible. The reason that R. Hiyah’s falsehoods were disallowed is that they were habitual.³⁰

5. The falsehood injunction proscribes more than the articulation of untrue statements. It includes any communication or impression of false ideas — articulated and unarticulated, through action and through inaction, in speech and in print.

6. In those cases when lying is permitted, ambiguity is to be preferred over an outright falsehood. It is preferable to make an equivocal statement that is truthful in its intended version but that may be misinterpreted by the listener.

Let us now return to the questions raised at the beginning of our discussion.

1. Governments are permitted to lie for the sake of the public good, but self-serving and indiscriminate lying, or lying to cover up illegal activity, is forbidden. (See Rules 3 and 4)

2. A lawyer is not permitted to defend a client who is perjuring himself on the stand. (See Rule 1)

3. It is forbidden to tell a dying patient the truth about his condition if it will cause him undue concern and harm his well being. (See Rule 3)³¹

4. A businessman may not deceive his clients. (See Rule 2)

5. Lying to preserve harmonious interpersonal relationships is, at times, permitted. (See Rules 3 and 4)

Contemporary man is continually confronted with moral choices which involve truth-telling and lying. These choices are difficult, often troubling. Rededication to the principles of honesty and veracity is the first step in reestablishing a world of mutual respect, trust, and peace. “As for the rest,” as Hillel told the proselyte in another context, “go and learn.”

29 This is a major theme in Bok’s *Lying*.

30 *Yam Shel Shelomo* to *Yevamot* 6:46.

31. See also *Sukkah* 46b. It is to avoid habitual lying that Rambam limits the Sages’ principle, “A person should always be sensitive to others” (*Ketubot* 17a) only to scholars (See *Yad Hil Deot* 5:7) and does not extend it to *hoi polloi*.