

Is It Ever OK to Lie?

A Talmudic Disquisition on the Ninth Commandment

By Arthur Goldwag

*“Thou shalt not bear false witness against thy neighbor.”*

Among other things, the Ten Commandments are a social compact, a set of rules and regulations which provide a community with a common moral and ethical frame of reference. Obviously a society whose members disrespect their parents, fornicate with other people’s wives and husbands and cheat and rob and murder each other will not cohere for very long. Likewise, people who habitually slander and libel one another will quickly become enemies, even if they start out as kinsmen and co-religionists.

On a higher (but still earthbound) level, human beings need laws and, since laws are no sooner made than broken (if people didn’t want to do all the things that are illegal there’d be no need to forbid them), we require institutions to enforce them. It’s been a long time since the God of the Bible intervened directly in the human world of justice. Shavuot, a commemoration of the revelation at Sinai, celebrates the divine origin of Jewish law but at the same time acknowledges that its administration would henceforth be the responsibility of human beings. We need courts—not just to arraign and prosecute criminals, but to provide straightforward and actionable solutions when ambiguous situations arise. If someone kills in self defense, are they a murderer? How about if they were drunk or insane? Or if they were really, really provoked? If someone plants a tree on their property and one of its branches falls on my property and kills one of my slaves,

who has to pay for the burial? Perhaps two women lay claim to the same child. Under what (if any) circumstances may an employer cheat a laborer out of promised wages? (There will be more on this last one later.)

For a court to have standing, its judges have to have the authority and the means to enforce their decisions, to dependably cause thieves' hands to be lopped off and embezzler's assets seized—but if they're not also perceived to be equitable, then the social glue will quickly become unstuck. Perjury not only harms the plaintiff or the defendant in those cases in which it occurs, it undermines the overall authority of the court by tainting its decisions.

Hence, the Ninth Commandment. Don't say that you saw one of your fellow tribesmen doing something that he or she shouldn't have been doing if they didn't do it. If someone testifies truthfully, don't impeach their testimony. If you're called upon to give testimony yourself, you're obligated to be honest—especially in those situations when you'd prefer to lie. How about if you're dragged into a foreign courtroom and asked to give testimony against a foreigner who you know to be innocent of the crime he's accused of, but who you also know is guilty of behaving villainously to one of your countrymen? That's a different question entirely; one that falls outside of the purview of the Ninth commandment, which only covers our obligations to our neighbors.

Does the Ninth Commandment also mean, as it's often said to, that we should never lie, even when we're not under oath? Any number of commentators has answered this question in the affirmative, but I would say that that only goes to show how little thought they gave to the issue, or how complacent they were about their own hypocrisy. Just as there are different kinds of truth, there are different kinds of lies. There are

metaphysical truths—for example, that there is One God. Within Judaism, this is a priori and beyond debate. Any Jew who worships idols or otherwise denies it is implicitly lying on a grand scale; there are no gray areas here. The Talmud says that when one neglects to keep the Sabbath, one is bearing false witness against God. God hallowed Shabbat after he created the world in six days. Not keeping Shabbat is a little like teaching Darwin—it is to deny that God did precisely as He said He did when He delivered the Commandments.

But many lies are trivial in essence and anodyne in practice. If our cancer-stricken neighbor asks us if we haven't noticed how much better she's been looking since she stopped eating processed foods, shouldn't we tell her what she wants to hear? If our friend cooks us a dinner that tastes really awful, would anyone condemn us for telling him that it was delicious? As anyone who's ever read science fiction knows, one of the big differences between robots and human beings is that human beings know when it's appropriate to tell a white lie.

Heschel has written that The Baal Shem “taught that love ranked higher than Truth. What really counted was a little compassion.” Of course Heschel doesn't leave it at that. Heschel's last book was a study of the Kotzker Rebbe, the nineteenth century sage who Heschel revered as Hassidism's answer to Kierkegaard. To the Kotzker, Heschel tells us, Truth was higher than Love.

“Many ask, What quality, without reservation may be identified with the Divine? Some reply, Love, or compassion, justice. The Kotzker maintained that it was *Truth*.

Truth leads to love, whereas love may be blind and yield to untruth.”

Are untruths always bad? Is it never ok to tell a lie? A fascinating article I stumbled on and downloaded from the Internet, *Should Moral Individuals Ever Lie? Insights from Jewish Law*, written by Hershey H. Friedman, a PhD economist at Brooklyn College, and Abraham C. Wiesel, a lawyer, recounts how the Talmudic sage Rabbi Nathan argued that it can be a mitzvah to lie if the lie brings peace. It was said of Aaron that he would reconcile two feuding parties by telling each of them how sorry the other one was, whether they were the least bit sorry or not. Rabbi Isaiah di Trani “notes that the opinion of the Sages is that one has to be pleasant with people, even if it means that he has to lie.”

When we encounter an ugly bride, the school of Shammai counsels us to “praise the bride as she is.” The School of Hillel tells us to say what we instinctively know we should: “that she is a beautiful and graceful bride.” Another tractate unnecessarily gilds the lily by adding a utilitarian wrinkle to Hillel’s humanity: Saying that an ugly bride is pretty, it says, strengthens the bonds between the new husband and his wife, which has the consequence of preserving life, an undeniable mitzvah. In the Babylonian Talmud, Nedarim 27b, we read that

“One is permitted to make a vow to murderers, plunderers, and tax collectors that the produce they wish to seize is *terumah* (only to be eaten by priests) even if it is not *terumah*, or that the property they wish to seize belongs to the Royal House, even if it does not.

In another tractate, Rava says that it’s ok for a Torah scholar to declare that he is a ‘servant of fire’ or a fire-worshipper in order to take advantage of a tax exemption that’s only available to pagan priests. The reason for this is 1) One is only cheating on one’s taxes, not renouncing God, and 2) The term “fireworshipper” *could* refer to God, whom the Torah calls “a consuming fire.” In other words, it all depends upon what your definition of is is.

Once when Rebbi was teaching a class, he was disturbed by the smell of garlic. “Let the person who has eaten the garlic, please leave,” he said. Rabbi Chiya got up and left the room. Chiya hadn’t eaten any garlic, but he didn’t want to shame the person who had. Rabbi Yochanan had gum disease so he went to a pagan woman for treatment. She mixed him his medicine on a Thursday and then on a Friday. “What about tomorrow?” The rabbi asked. “I can’t come to you on Shabbat.” She assured him that he could skip a day. “But what if I can’t?” the rabbi pleaded. At last she told him that she would tell him how to mix the medicine himself only if he swore “to the God of Israel” that he wouldn’t reveal the formula anyone. He took the oath. The next day in synagogue, he told it to all and sundry.

Yochanan’s lie was justifiable for two reasons, the Talmud tells us. The first was because he’d sworn not to reveal the secret “to the God of Israel.” He’d kept his promise, since he didn’t reveal the formula to God, just Jews. The second reason is less blatantly casuistic. He did it because the disease he suffered from was serious and widespread, and he wanted to save lives. In fact one commentary on this story has it that the wronged healer converted to Judaism when she learned how the rabbi had betrayed her because she was so impressed that he’d given her cure away for free instead of selling it. Still another relates that she committed suicide.

The *Schulchan Aruch* tells us that that Talmud concludes that it’s permissible for an employer to falsely promise to pay higher wages to a worker who needs to quit a job because of illness or a death in the family if he can’t be replaced and his absence will cause the employer to suffer irreparable harm. And you wonder why Christians accuse us Jews of being sharp dealers! I was so shocked by this last story that I searched an

online Talmud myself, to find the original arguments. In fairness to the *Schulchan Aruch*, it was simplifying one small part of a vastly complicated (and frustratingly open-ended) discussion, which almost always came down on the side of the laborer. The complication in this case was caused by the notion of “irreparable” harm, which applied to both parties. Under most circumstances, the Talmud sensibly and fairly states that “If one hired servants, and they retracted, they have to suffer; if, however, the employer retracted, he has to suffer. (This is the rule: Whoever changes or retracts his words, has to suffer for the injury caused).”

The same tractate concludes with a story about some laborers who broke a barrel of wine belonging to Rabba b.b. Hana. To pay for the damage, he made them give him their clothes. When they complained to Rabh, Rabh commanded Rabba to return the garments.

When the latter questioned him: Does the law prescribe so? He answered: Yea; as it is written [Prov. ii. 20]: "In order that thou mayest walk in the way of good men." Rabba b. b. Hana did so. The carriers, however, complained again: "We are poor, we were working the whole day, we are hungry and have nothing to eat." And Rabh told Rabba he must pay them for their labor. And he asked again: Is so the law? And he answered: Yea; as it is written [*ibid.*, *ibid.*]: "And observe the path of the righteous."

When in doubt, follow the path of righteousness—the commandment of all commandments.

Innumerable passages in the Talmud and other *halakhic* texts admonish scrupulous honesty, no matter what the cost. You have to honor an oral agreement, even if no money changed hands to seal it, or if market conditions changed since it was made. A famous passage in the Talmud relates that the first question you’ll be asked in the next world is whether or not you dealt honestly.

Was Jacob justified in lying to Isaac when he told him he was Esau? Rashi says that he didn't actually lie. When Isaac asked which son had brought him his stew, Jacob truthfully answered "I am," meaning, "I am the one who brought you your stew." Then he said, "Esau your firstborn," meaning "whereas Esau is your firstborn." Of course other commentators call a spade a spade—one midrash has it that when Jacob woke up the morning after he thought he'd married Rachel and found Leah in his bed instead, he asked her why she'd deceived him. Her answer was, "And you, why did you deceive your father?"

Modesty often requires us to tell falsehoods. When we receive an honor, we're expected to disparage or deny our accomplishment. For instance, once Abba Chilkiyah was asked to pray that a drought would come to an end. He did and it immediately began to rain. Modestly, he denied that he'd had anything to do with it. There are only three sins that you must die rather than commit—idolatry, incest, and murder. Most authorities agree that you can lie to save your life, provided that you don't lie about being Jewish. You can dissimulate, you can pass yourself off as a Gentile, but if directly asked—and especially if publicly asked—you have to tell the truth. The sages come down on the side of truth most of the time. Before I conclude, I want to go back to Heschel for one brief moment. Lies are wicked things, but they are things—and as such, they are ephemeral, transient, and ultimately unimportant. Truth—by which I mean metaphysical truth, not something that's merely factual—is something else entirely. Heschel wrote that Truth is

Not within man's reach. It is only in God. It is a peak of insight. One must strain to attain it. There are no proofs to validate ultimate Truth, since perception and reason say one thing and Truth may reveal the opposite. The only alternative is to eliminate the self, to grow in faith. Faith is more perceptive than reason.

Obviously laws are important, but I personally don't believe that we need revelation to tell us what's ethical; to teach us how to live decent lives in the world. For me, the glory of revelation isn't the Ten big commandments or the 613 mitzvot, all of those hairs you can split and splice until they lose all meaning. For me, the real content of revelation is the stuff you can't talk or think about at all, but only respond to with humility and awe.