

**Wembley Synagogue**

שפטים

Insights from the commentators into the Sidra of Shoftim 5768**What's the Sidra about?**

1st and 2nd Aliyot: Moshe details the most important characteristics of a Judge: the ability to remain objective and the strength to refuse bribery. The singular focus of the Shofet must be to carry out the will of G-d as detailed in the Halacha. Nothing must deter him in carrying out his mission of justice. Idolatrous practices must be eradicated and punished. Idol worship represents the greatest perversion of justice by replacing divine justice with human failings and desires. The Sanhedrin is our direct link with divine intent, and as stated in Pasuk 17:11, we view the rulings and interpretations of the Supreme Court as G-dly directives.

Our Monarch must be selected for his unyielding commitment to G-d, Torah, and the people. This is why he must write his own Sefer Torah and carry it with him at all times. He must be first and foremost a Shofet, a Judge. **3rd and 4th Aliyot:** Moshe again addressed the place of the tribe of Levi, re-emphasising the care and attention due to them by the rest of the nation. They are our teachers. Without their instruction we will neither understand or be able to properly apply justice. **5th Aliya:** For justice to exist, it must be accepted as a divine ruling. Only G-d's justice can be trusted to take into account all variables and possibilities. Moshe instructed his nation regarding the true Navi - prophet and the false prophet. No other forms of divination can be used to ascertain G-d's justice, and all false prophets and methods of divination must be destroyed. The value of human life is determined by our system of justice, and Moshe reviewed the laws of the unintentional killing in contrast with the intentional murder. **6th, and 7th Aliyot:** The end of Parshas Shoftim discusses both proper and false witnesses, as well as the Torah's approach to warfare. It may be that the judicial quality of a nation can be ultimately assessed by its behaviour during war, more so than during times of peace. The Parsha concludes with the unique mitzvah of the Eglah Arufa and the process through which the community takes responsibility for the unsolved murders. This ceremony, which reflects the priceless value of life, might be the most eloquent expression of G-d's judicial system. (Source: Rav Aron Tendler)

IS IT EVER PERMITTED TO LIE?

The Weekly Halacha Discussion- A review of practical halachic topics related to the weekly Sidra By Rabbi
Doniel Neustadt

וַיִּהְיֶה אֱמֶת נֶכֶן הַדָּבָר - And behold, it is true, the testimony is correct (17:4)

Yaakov Avinu was the amud ha-emes, the Pillar of Truth. Indeed, according to the Talmud(1), the greatest fear that Yaakov Avinu had was that he might encounter life situations where he would be forced to lie. When Rivkah commanded Yaakov to falsely present himself to his blind father as Eisav, he protested, for our Sages(2) compare lying to idol worship. It was only when Rivkah told him that it was the will of Heaven that he be the one to receive the blessings from his father Yitzchak, that Yaakov relented and allowed his mother to disguise him to appear as Eisav.

What is the definition of lying? Rabbeinu Yonah(3) lists nine different categories of lies. In order of severity, they are:

- People who cheat in business, causing others financial loss;
- People who exploit others after gaining their trust through deception;
- People whose lies cause others to lose out on some gain or benefit that was coming to them;
- People who fabricate stories merely for the sake of lying;
- People who hold out the promise of giving another person material goods while never intending to follow up on their promise;
- People who intend to keep a promise but do not honor their commitment;
- People who claim that they did a favor or a good deed for another when in fact they have not;
- People who praise themselves for virtues that they do not possess;
- People who change minor details when retelling an episode.

A careful analysis of these nine categories shows that all of the lies are told either for the purpose of cheating another person, or for self-glorification, etc. R' Yonah, however, does not list those who lie for a "good" purpose or for a "good" reason. Thus, we may ask, is it ever permitted to lie?

Throughout Talmudic literature, we find stories about our Sages veering from the truth for "good" reasons (4). Obviously, however, only the poskim can draw practical conclusions from such cases, since these very episodes can be understood on various levels. Moreover, not everything quoted in the Talmud is applied in practical Halachah, as we often rule differently from an opinion stated in the Talmud. The following, however, are some real-life situations with which the poskim deal: If one is asked information about a matter that is supposed to remain secret, he may answer, "I don't know"(5). Similarly, although one is not allowed to lie in order to avoid telling bad news (6), it is permitted to say, "I don't know"(7). During an appeal for funds, one is not allowed to announce a donation in an amount greater than he is planning to give, even if the aim is to spur others to commit themselves to larger donations(8). A wealthy man is permitted to lie about his wealth if he fears "the evil eye" (ayin ha-ra) or if he does not want to arouse jealousy (9). When collecting funds for a poor Torah scholar, one may say that he is collecting for hachnasas kallah, marrying off a bride, if he thinks that people will be more receptive to that cause(10). It is also permitted to raise funds for hachnasas kallah even when the collection is primarily for the benefit of the groom(11). It is prohibited to lie for the sake of financial gain, even when no stealing is involved(12). If one fears that a package will be mishandled, it is permitted to write "glass" on it, even though it does not contain any glass(13). If one sees that his wife will be late for Shabbos, he is permitted to tell her that the hour is later than it really is. This is permitted only when it is clear that she is procrastinating. If, however, she is rushing and harried and telling her that the hour is later than it really is will only pressure her further, it is forbidden to do so(14). If, by refusing to receive a visitor, the visitor's feelings will be hurt, one is permitted to leave instructions saying that he is not home(15). One should not, however, instruct a minor to lie about his parents' whereabouts, since that teaches the child to lie.

FOOTNOTES:

1 Makkos 24a. 2 Sanhedrin 92a. 3 Sha'arei Teshuvah 3:178-186. 4 See, for example, Berachos (43b) - episode with R' Papa; Pesachim (112a) -attributing a statement to a fabricated source so that it will be readily accepted; Sukkah (34b) - quoting Shemuel's threat to the haddasim merchants; Yevamos (65b) - lying for the sake of peace; Bava Metzia (23b) - departing from the truth for the sake of humility, modesty or discretion; Bava Metzia (30a) -episode with R' Yishmael. There are many other such examples. 5 Harav S.Z. Auerbach and Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 76. 6 Y.D. 402:12. 7 Harav S.Z. Auerbach, Harav S.Y. Elyashiv and Harav Y.Y. Fisher quoted in Titen Emes l'Yaakov pg. 89. See also Metzudos David, II Shemuel 18:29. 8 Minchas Yitzchak 3:97, based on Maharsha, Sukkah 29a. 9 Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 78. 10 Teshuvos Mishneh Sachir (end of vol. 1) quoting a story with the Chasam Sofer. Part of the ruling is based on the Midrash Rabbah (Ki-Sisa) that compares a talmid chacham to a kallah. In that story the Chasam Sofer allowed a tzedakah fund intended for hachnasas kallah to support a well-known talmid chacham. 11 Harav S.Z. Auerbach quoted in Titen Emes l'Yaakov, pg. 55. 12 R' Yonah (Sha'arei Teshuvah 180,186); Rashas"h (Shabbos 140b) and Sdei Chemed (vol. 4, pg. 87) opposing the Maharsha (Shabbos 140) who implies that it is permissible; Chafetz Chayim (Sefas Tamim 2). 13 Harav S.Y. Elyashiv, Harav Y.Y. Fisher and Harav C. Kanievsky, quoted in Titen Emes l'Yaakov, pg. 66. 14 Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 86. 15 Harav S.Z. Auerbach and Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 76. See also Machatzis ha-Shekel O.C. 156 which states that if one has no time to answer a question about a particular subject, he may say that he is not learning that subject now and cannot answer the question.

שבת שלום! Shabbat Shalom



Shabbat starts 7.24pm



Shabbat ends: 8.24pm

The *Insights into the Sedra* sheet is edited by Chazan Anthony Wolfson

Online at: http://www.wembleysynagogue.org/html/sedra_notes.html