

Mitzva 37: Thou Shall Not Bear False Witness

Rabbi Chaim (Ian) Pear

1) Sefer HaChinuch

שלא להעיד בשקר - שלא להעיד עדות שקר, שנאמר (שמות כ"ג) לא תענה ברעך עד שקר, ונכפלה במקום אחר בלאו אחר עד שוא.

To not testify falsely: To not testify [with] false testimony, as it states (**Exodus 20:13**), "You shall not bear false witness against your neighbor." And it is repeated in another place in another negative commandment - the "vain witness."

שרש מצוה זו נגלה, כי השקר נמאס ונאלח לעין כל משכיל, גם כי בעדות אמת העולם עומד, שכל דברי ריבות בני אדם מתבטלים בעדות אנשים. ואם כן עדות שקר סבה לחרבן הישוב.

The root of this commandment is revealed, as falsehood is 'disgraceful and vile' in the eye of any intelligent one; also because the world stands upon true testimony, since all [types] of arguments can be [settled by] the testimony of people. And, if so, false testimony is a cause for the destruction of the world.

ונוהגת בכל מקום ובכל זמן בזכרים אבל לא בנקבות, שאין הנשים בתורת עדות, שהעדויות צריך כיון וישוב הדעת הרבה. והעובר על לאו זה והעיד עדות שקר בחבירו, שם הכתוב (דברים י"ט) גבול ענשו לעשות לו כאשר חשב לעשות לחבירו, ויש בו מלקות (מכות ב. א) כמו כן. ושם בסנהדרין גם כן מתבאר.

And [it] is practiced in every place and at all time by males, but not by females. As women are not [included] in the category of testimony, since testimony requires focus and much concentration. And the verse put a limit on the punishment of the one who transgresses this negative prohibition and testifies falsely against his fellow, to do unto him as he thought to do his fellow (**Deuteronomy 19:19**). And there are also lashes for it (**Makkot 2a**). And it is also elucidated there in Sanhedrin.

2) Babylonian Talmud, Yebamoth 65b

Rabbi Ille'a said in the name of Rabbi Elazar son of Rabbi Shimon: It is permitted for a person to deviate from the truth in the interest of peace, as it says (Genesis 50: 16-17): "Your father [Jacob] commanded before his death, saying: So shall you say to Joseph, 'O Please forgive the offense of your brothers and their sin for they have treated you so wickedly.'"

Rabbi Nathan said it is a commandment [to deviate from the truth in the interest of peace], as it says (I Samuel 16:2): "And Samuel said, 'How can I go? If Saul hears of it, he will kill me.'"

At the Academy of Rabbi Yishmael it was taught: Great is the cause of peace, seeing that for its sake, even the Holy One, blessed be He, changed the truth, for at first it is written (Genesis 18:12), 'My lord [i.e., husband Abraham] is old, while afterward it is written (18:13), "And I am old."

3) Babylonian Talmud, Kethuboth 16b-17a

The Rabbis taught: How does one dance before the bride [i.e., what does one say in praise of her]? The School of Shammai says: We praise the bride as she is. The School of Hillel says: We say that she is a beautiful and graceful bride. The School of Shammai said to the School of Hillel: If she was lame or blind, does one say about her that she is a beautiful and graceful bride? But the Torah said (Exodus 23: 7): "Distance yourself from a false matter." The School of Hillel said to the School of Shammai: According to your opinion, if someone made an inferior purchase in the marketplace, should one praise it or deprecate it in his eyes. Surely, one should praise it. From here [the latter statement of the Hillel School] the Sages said: A person's disposition should always be pleasant with people.

4) Babylonian Talmud, Bava Metzia 23b-24a

Rabbi Yehuda stated in the name of Shmuel: In the following three matters it is the practice of the rabbis not to tell the truth: In matters of a tractate, a bed, and hospitality.

5) Babylonian Talmud, Nedarim 27b

One is permitted to make a vow to murderers, plunderers, and [corrupt] tax collectors that the produce they wish to seize is *terumah* [which is only permitted to be eaten by priests and therefore of little value; an alternative explanation is that even murderers and robbers would not violate the prohibition against using *terumah*], even if it is not *terumah*, or that the property they wish to seize belongs to the Royal House, even if it does not.

Thus, there are several circumstances where one is permitted or sometimes required to lie:

- Lying to preserve the cause of peace, not to hurt another person's feelings, or to provide comfort.
- Lying in a situation where honesty might cause oneself or another person harm.
- Lying for the sake of modesty or in order not to appear arrogant.
- Lying for the sake of decency, i.e., not telling the truth about intimate matters.
- Lying to protect one's property from scoundrels.