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Written by Rabbi Yair Hoffman

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Chizuk - Inspiration

Rabbi Akiva Eiger ZT"l, was the Rabbi of

Posen and was known throughout Europe as one of the leading Halachic authorities of his time. He received a Shaila (question) on an intricate Halachic matter from the Jewish community of Lutsk almost 500 miles away from Posen, and at the time, in a different country entirely. Nonetheless, Rabbi Eiger responded to the "out of town" question, however, it was not before a significant delay. In his written response to the question, he provided the reason for the delay.

Rabbi Eiger explained that he was engaged as the Rabbi of Posen and was obligated to answer all of the Halachic questions of the city. In addition, he was also obligated to answer the questions of his entire province. He simply had no time to respond to this question that came from a community far outside his province. Therefore, he did not intend to answer the question.

However, after a period of time had passed, Rabbi Eiger realized that the question was already posed to him when he was at a Simcha (celebration such as a Bar Mitzvah or wedding) in Hamberg. Rabbi Eiger recalled that when he was asked if he would assist in answering this question, he did not respond with "Yes" or "No" but rather fell silent. However, Rabbi Eiger felt that in his silence, he may also have nodded his head slightly in the manner that people typically do when saying, "Yes, you have my attention, please continue."

Rabbi Eiger concluded his explanation for his delay, by saying that he was concerned that this slight nod of his head, may have been misinterpreted as a gesture meant to show that Rabbi Eiger would agree to answer the question. Since there was a slight chance that it would appear that Rabbi Eiger committed to answer the question and then decided later not to answer it, he felt that he must find time in his busy schedule to

answer the question from "out of town" and without further delay.

Halacha – Jewish Law

QUESTION: May a lawyer or To'ain represent a litigant in a Beis Din or court of law, when he knows that his client is lying?

ANSWER: Although this is a very complex topic, the short answer is that he should not advise him in this matter nor represent him if he knows that he is lying. He should urge him to present the truth before the Beis Din or court [See Sinai Vol. XXX pp. 46-61; XXXI pp 165-183]. The prohibition of representing someone who is certainly lying applies even when the lawyer's client and the opposition are Gentiles (See Rav Yechiel Tauber's Maishiv Bahalacha Siman 85).

The reasons for the prohibition are actually three-fold: (1) We are enjoined to stay far away from a false matter (Midvar Sheker Tirchak). (2) There is a Mitzvah of V'halachta Bidrachav - we must walk in Hashem's ways, and one of Hashem's ways is Emes. (3) There is a Torah prohibition of Lifnei Iver (do not put a stumbling block before the blind, i.e. cause another to sin) and there are similar Rabbinic restrictions of Mesayei L'Ovrei Aveirah – enabling evil doers. When a lawyer represents a client that he knows is lying, he is causing and enabling him to lie.

There may be times when a client will falsely say that he is guilty to protect another party. A Rav must be consulted regarding whether a lawyer may represent a client in such a case.

On the Parsha

"If his sacrifice is a burnt offering from cattle, he shall bring an unblemished male. To the entrance of the Ohel Moed, he shall bring it. [He shall bring it] willingly before Hashem." (Leviticus 1:3)

The Gemorah in Kiddushin (49b to 50a) says that the words of the verse above, “he shall bring it” teach us that he may be forced to bring the offering when the offering is required to be brought. The Gemorah then asks if this means that he may be forced to bring the offering even against his will? The Gemorah answers that the word “willingly” in the verse above means that he needs to do it off his own volition and not be forced. The Gemorah challenges this response, effectively saying, “Which one is it? Can he be forced to bring the offering, or does he need to do it willingly? The Gemorah answers, “He is forced (pressured) to do so to the point that he says I desire to do it willingly.” The Gemorah continues that we find the same concept regarding a Jewish divorce document (Get). Halachically, a Get must be given by the husband willingly. However, there are times where the man is obligated to give a Get. If he does not wish to do so, he is pressured to give the Get until he acquiesces and this is still considered, “willingly”.

The Rambam (Laws of Divorce 2:20) explains his ruling as to why a divorce forced by the Jewish authorities is considered valid. The Rambam explains that the concept of truly being compelled against one's will, applies only when speaking about something that the Torah does not obligate one to do. However, with regard to a man who refuses to give a divorce when he is obligated to, he still wishes to do the right thing and give the Get as he wants to perform all of the Mitzvos and perform its associated obligations. It is only his evil inclination that convinces him otherwise. Therefore, we can pressure him until his evil inclination has been weakened, and his internal wishes to fulfill his obligations come to the fore and in so doing, he is now considered to have performed the divorce willingly.

To help us gain further insight into this Rambam, there are two fascinating statements found in the Ibn Ezra and RaDaK on the verse in Tehillim 19:9, “The commandments of Hashem are upright, causing the heart to rejoice.” “Pikudei” (the Hebrew word in the verse for “commandments”), explains the Ibn Ezra, comes from a similar word “Pikadon” – something that is placed. He explains that the similarity between the

words means to convey that the commandments of Hashem are placed within the soul of each person. The RaDaK explains that the Pikudei of Hashem of which the verse refers to, causes spiritual joy that our intellect can revel in, rather than physical enjoyment. He derives this from the fact that the verse does not say that the Pikudei Hashem cause the “heart of man to rejoice”, rather it just says “the heart to rejoice.” Referring to the “heart” without “of man” means to refer to his intellect. Accordingly, the verse is saying that the commandments of Hashem causes the intellect to rejoice and that true joy, is spiritual joy.

We see from the Ibn Ezra and the RaDaK above, that Hashem has placed into a person's heart His commandments which brings spiritual joy that excites our intellects. We now have further insight into the Rambam mentioned above regarding the recalcitrant husband and his obligation to give a Get. Namely, Hashem's commandments and associated obligations are implanted deep into his heart. He wants to do them. They bring his intellect joy. It is just the evil inclination that gets in the way. Once we pressure him sufficiently to weaken the evil inclination, his true inclinations come to the fore and he wishes to give the Get willingly.

Editor's Note - Correction: The Parshas Ki Sisa edition of the Emes Parsha Sheet (March 2, 2024) discussed Rav Safra and his commitment to a high level of Emes called, “Dover Emes Bilvavo” – speaking truth in one's heart. It then discussed an example of his commitment, citing the story of his refusal to take a higher price from a customer when he already resolved in his heart to accept the lower, initial price that the customer had offered him. Please see the above referenced Parsha Sheet for further details. While the content of the piece was correct, the source of the content was incorrectly cited.

The correct source of Rav Safra committing to, “Dover Emes Bilvavo” is the Gemorah in Makkos (24a) and see Rashi there who discusses the story cited above to illustrate his commitment to this level of Emes. The author and editor regret the error.