BS”D

Parshas Mishpatim

*Honesty and integrity in the legal process and in dealing with our fellow-man in general is a paramount principle of the Torah.*

Keep Away From Falsehood

By Rabbi Chaim Zev Citron

The Torah states, “Keep far away from falsehood; do not kill an innocent or righteous person, for I will not acquit an evildoer.” (Shmos 23:7)

What does not killing an innocent person have to do with G-d not acquitting an evildoer?

Rashi explains it this way: If a person was found guilty of a capital crime and sentenced to death and someone presents a claim that may prove him innocent, you must reopen the case because “Do not kill an innocent person.”

If someone was acquitted of a capital crime and declared “righteous” and someone presents a claim that may prove him guilty, you may not reopen the case because even though this person may not really be innocent, he is nonetheless judicially righteous. Therefore, “Do not kill the righteous person.”

But you may say it’s not fair since a guilty person may go free if he is not retried. Therefore, the Torah concludes, “I will not acquit an evildoer.” You must leave it in the hands of G-d to punish the person who was acquitted even if he is indeed guilty.

The Ibn Ezra understands the verse, “Do not kill an innocent person” as referring to a case where the accused should be found innocent in this particular capital case. But the judge knows that he did some evil act in the past and got away with it. The judge may be tempted to find the accused guilty in this case (although he is in fact innocent) to punish him for his earlier crime. So the Torah says, you may not do that. “For I will not acquit an evildoer” means G-d says you must let him go, but I, G-d, will punish him for his previous crime.

The Rashbam connects the later part of the sentence with the earlier part. “Keep far away from falsehood” means if you see a case where it is clear to you that the witnesses are lying, refuse to sit as a judge. But if you did judge the case and the witnesses exonerated the accused, even though you know they were lying, you have no choice but to acquit the accused and not “kill the innocent.” In that case, you must leave the final punishment to G-d who will not acquit the evildoer.

The beginning of the passage under discussion is about keeping far away from falsehood. The Talmud (Shavuot 31a) gives various examples of this:

How do we know that if a judge had an opinion and he realizes that his opinion may be wrong, that he should not find means of defending his (erroneous) opinion? The Torah says, “Keep far away from falsehood.”

How do we know that if a judge knows that his fellow-judge on the case is a thief that he should recuse himself? The Torah says, “Keep far away from falsehood.”

How do we know that if the judge senses that the witnesses are lying, he should not say, “I have a right to rule by the testimony of the witnesses?” Because the Torah says, “Keep far away from falsehood.”

How do we know that if a student sees the judge making a mistake, he should not wait until the judge makes his wrong ruling and then correct him, thus getting credit for rectifying the judgment? Because the Torah says, “Keep far away from falsehood.”

How do we know that if your teacher says, “I have only one witness against my opponents, come to court and stand next to the witness so that the litigant will think that I have two witnesses (and be intimidated)? Because the Torah says, “Keep far away from falsehood.”

How do we know that if a (wealthy) litigant appears in court dressed in expensive garments and the other litigant is dressed in rags, the judge must tell the wealthy litigant to either dress in the manner of his opponent or provide him with garments equal to his own? Because the Torah says, “Keep far away from falsehood.”

Although when the Torah states, “Keep far away from falsehood” it is primarily addressing judges, it certainly can also be understood in the general sense as well, that is, to keep far away from anything that may lead to falsehood.

Honesty and integrity in the legal process and in dealing with our fellow-man in general is a paramount principle of the Torah. We must practice honesty in our lives without compromise. We must not look for loopholes; we must not accept excuses. We must be honest to G-d, to our fellow-man, and to ourselves. We must “keep far away from falsehood.”