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Halacha – Jewish Law

QUESTION: Actress M.B. Brown released a bestselling novel, although a ghostwriter actually wrote it using Brown's input and ideas. The book credits M.B. Brown as the sole author—there is no mention of the ghostwriter on the cover, nor has Brown acknowledged her in interviews. However, the ghostwriter agreed to this arrangement and had no objections.

Does one transgress the prohibition of deception (“Geneivas Daas”) or telling a lie (“Midvar Sheker Tirchak”) in the foregoing? Does it matter that the ghostwriter consented to the arrangement?

As an aside, it is interesting to note that when Prince Harry published his book, he did publicly credit his ghostwriter and his book sold just as well.

ANSWER: Your question touches on two distinct issues: a possible wrong that was committed toward the ghostwriter, and the matter of deceiving the public.

Regarding the Ghostwriter

The Gemorah in Sukkah 45b establishes, as Rashi explains there, that falsely attributing work to another is permitted only when that person consents. The case discussed is that of Yosam ben Uzziah who attributed all of his wise rulings to his unlearned father to honor his father. His father gave Yosam ben Uzziah consent to do this, and Rashi's exact words indicate that consent is the pivotal factor. Accordingly, since the ghostwriter of M.B. Brown agreed to the arrangement, there is no wrong done to her personally.

Regarding the Deception of the Public

The Gemorah in Chullin 94a, cited by Shmuel, establishes that the prohibition of Geneivas Da'as — deceptive behavior — applies to Jews and non-Jews alike. The Gemorah also cites a Beraisa listing four examples given by Rabbi Meir of forbidden deceptive practices, establishing that Geneivas Da'as is violated even in non-financial contexts. As for its precise legal status, the Sefer Yereim and the Ritvah believe that Geneivas Da'as is a biblical prohibition, while the SMaK considers it rabbinic — but all agree it is a full and unqualified prohibition.

Readers who purchase Brown's book are deceived into believing that they are reading her own literary creation and form of personal expression. This is directly analogous to the

Mishna in Bava Metzia (59b), which forbids a seller from mixing old produce with new produce and presenting the entire mixture to the buyer as new. The parallel is obvious: The buyer of the M.B. Brown book is analogous to the buyer of produce who thinks he is buying one thing but is receiving another.

Regarding Attribution and Intellectual Property

The Machane Efraim (responsum CM 49) writes explicitly that taking credit for another's work violates Genaivah and Hasagas Gevul — the prohibitions of theft and encroachment on another's intellectual domain.

The Maharam Shick (responsum YD 156) says that such conduct violates Midvar Sheker Tirchak and Geneivas Da'as. He does not believe that taking credit for another's work is actual theft because he believes that to violate a prohibition of theft, one must take an object or something tangible. However, the Maharam Shick notes that if professional standing and future income are built upon false attributions, then it would constitute outright theft. In our case, M.B. Brown's literary reputation, future commissions, speaking fees, and awards are all built, at least in part, by a false pretense that she wrote her own book.

We should also note the principle: "Whoever cites a teaching in its originator's name brings redemption to the world" (Megillah 15a). As mentioned in the introductory question, Prince Harry openly acknowledged his ghostwriter as the author of his book—a demonstration of honesty that, despite the other flaws he may have, did not hurt his sales. In fact, his book was just as successful, showing that being truthful does not result in loss.

Chizuk - Inspiration

On a frigid Thursday, January 14th, 1937, the RMS Aquitania glided into New York Harbor, carrying among its third-class passengers a penniless refugee rabbi, his wife, and three young children. The man who disembarked that day brought with him no material wealth — only the clothes on his back, and a few possessions.

That man was Rav Moshe Feinstein. He had survived pogroms and Communist persecution in Soviet Russia. He arrived in America with nothing. During his early years at Mesivta Tifereth Jerusalem, Rav Moshe's salary was \$35 a week. Because he could not afford the carfare home, Rav Moshe slept all week

on a bench in the Bais Medrash (house of Torah study).

During these early years in America, an incident occurred that would prove decisive in establishing Rav Moshe's reputation as a Posek (leading Halachic authority) who could not be influenced by considerations of politics or power. He was asked to adjudicate a major dispute between some of the most powerful Rabbanim in the United States and some Shochtim — ritual slaughterers who worked in the slaughterhouses that these Rabbanim supervised. The dispute involved complex questions of Jewish labor law and the authority of rabbinic supervisors over the workers they managed.

The powerful rabbis expected a ruling in their favor. They were well-connected, established, and politically formidable. Rav Moshe was a newcomer — a refugee with no connections, position or power.

He ruled in favor of the Shochtim.

The response was swift and fierce. The establishment rabbis were furious. They reportedly warned that Rav Moshe would be "finished in America."

That was not to be. That was actually Rav Moshe's beginning in America. A new Posek had emerged - one who could not be intimidated. One who ruled solely on his understanding of Halachah and one who was willing to contradict powerful figures when he believed they were wrong. This was precisely the quality that people wanted in a Posek - absolute integrity, freedom from political influence, commitment to truth above all else. The long-term consequences of this incident were exactly the opposite of what the angry Rabbanim had threatened. Rather than being "finished in America," Rav Moshe's reputation was made. Thereafter, every difficult Din Torah (Jewish court case) in America was referred to Rav Moshe. People who feared the political power of the establishment, who worried that established rabbinical courts might be influenced by considerations beyond pure Halachah, who needed a Posek they could trust to be completely objective, turned to Rav Moshe Feinstein ZT"L.

On The Parsha

Rashi on Shemos 32:1 explains why and how Bnei Yisrael sinned with the Golden Calf. Moshe had told Bnei Yisrael that he would return after forty days. They miscounted and included the day that he ascended Mount Sinai, which they should not have counted. Then Rashi adds a detail that is easy to read past:

"The Satan came and caused confusion in the world, making it appear dark, gloomy, and overcast, intimating that Moshe had certainly died and therefore confusion has come to the world. The Satan then said to them: 'Moshe is dead, for six hours have passed and he has not yet come.'"

Rashi is essentially telling us that the Satan did two distinct things in sequence. First: "he came and caused confusion in

the world, making it appear dark, gloomy, and overcast." Then: "The Satan said to them: 'Moshe is dead, for six hours have passed and he has not yet come.'"

The explicit false claim — Moshe is dead — is right there. The Satan lied. That is not in dispute. But here is what needs explanation: Why did the Satan need to cause darkness and confusion first? If the people were susceptible to believing Moshe was dead, why couldn't the Satan simply tell them so?

The answer is that a bare lie delivered into a clear and stable perceptual environment, is surprisingly hard to sell. People have resistance. They look around, they see normalcy, they weigh the claim against their own experience and find it wanting. The lie is not convincing and is not believed.

What the Satan understood — and what Rashi is revealing to us — is that the precondition for a successful lie is not a credulous audience but rather - a destabilized one. The darkness and confusion that the Satan brought did not in and of itself provide evidence that Moshe was dead. It provided something far more valuable to the deceiver: It disrupted the people's capacity to evaluate the situation reasonably and objectively. Instability does not make people believe false things because the false things seem more true — they make people believe false things because the normal cognitive tools for resisting falsehood stop functioning properly.

Once the Satan created the instability, he knew that the lie of Moshe's death would be believed.

This is the playbook for many manipulative sales techniques. The high-pressure salesman does not typically begin with a false claim. He begins with the Satan's first move: He creates instability, darkness, confusion and fear.

He tells you that your current situation is more precarious than you realized — your roof is one storm away from collapse, your retirement savings are dangerously exposed, your competitors are already using this technology and leaving you behind. The atmosphere he creates is carefully manufactured, calibrated specifically to the threshold required to impair your judgement.

Once you are in that state, he makes his actual pitch. The pitch itself may even be true. The product may be genuinely useful. But it has been sold through a process that bypassed your rational mind.

When someone—whether a salesperson, politician, or provocateur—tries to make you feel afraid by suggesting that disaster is approaching and you must act now, keep in mind that this is not an outright lie just yet. You are actually being set up to be lied to later.

With this knowledge, you can pause, reflect, and organize your thoughts when confronted with such tactics, allowing you to evaluate any sales pitch rationally and objectively.