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## Halacha – Jewish Law

**QUESTION:** Dear Rabbi, I recently read an intriguing study published in the Journal of Experimental Psychology (January 30, 2024), which found that in some situations, people may actually lie to seem more honest—even if it means losing money. For instance, lawyers who logged exceptionally long hours would sometimes report fewer billable hours so their clients wouldn't think they were being overcharged. Is this a permissible practice?

**ANSWER:** Before I respond, it is important to understand how law firm billing works. The lawyer bills the client at a certain hourly rate, but the lawyer himself typically only receives a fraction of that as his salary or draw. The law firm keeps the rest to cover overhead — rent, staff, malpractice insurance, administrative costs — and profit for the partners.

The arrangement, however, varies by firm structure. At a large firm, an associate might bill \$500–\$1,000 an hour but take home a straight salary of perhaps \$200,000–\$400,000 a year, while the firm collects the full billing amount. Partners typically receive a share of the firm's profits on top of or instead of a straight salary, so they benefit more directly from high billings.

Accordingly, if a lawyer were to underreport his billable hours, this lie reduces the law firm's income and affects all of the employees monetarily. The governing principle, therefore, as told to me by Rav Dovid Cohen Shlita, is that falsifying billing records — whether by inflating or deflating hours — constitutes lying in a monetary matter, which Halachically renders the person a thief (Gazlan). It does not matter that the falsification in this case benefits the client financially. The Torah prohibition of Midvar Sheker Tirchak — "Distance yourself from falsehood" (Shemos 23:7) applies to the act of creating a false record, regardless of which direction the money flows.

The Halachic irony here is the very motive the researchers identified — lying specifically in order to protect one's reputation for honesty. Rav Nachum Yavrov ZT"l in his Niv Sfasayim (Vol. II, #5 and #6) establishes a fundamental principle: He writes that the well-known dispensation of Mutar Leshanos Mipnei HaShalom — that one is permitted to deviate from the

truth for the sake of peace or to avoid harm — is available only to a person who is genuinely committed to a life of everyday Emes. As the Gemara in Yevamos 65b states, and as Rav Yavrov elaborates, if it is a person's habit to calculate when to lie, even for ostensibly good reasons, the leniency does not apply to them at all. The Gemara in Yevamos 63a reinforces this: Rav warned his son Rav Chiya that even a technically permissible deviation from truth, practiced habitually, leads one down the path of "They have taught their tongue to speak lies." (Yirmiyahu 9:4).

This creates a devastating paradox for the people in the study. The lawyers who underreport their billing are lying strategically to manage their reputation for honesty — which means they are likely viewed by Rav Yavrov as people who calculate when to lie. That very habit is precisely what, according to Rav Yavrov, disqualifies a person from the leniency of lying for the sake of peace which the lawyers could have potentially invoked — i.e., I will underreport my hours to keep the peace and not be humiliated, called a liar, etc. They are, in effect, spending the only currency that could have protected them.

However, not all Halachic authorities agree with Rav Yavrov. Some believe that one is permitted to invoke the leniency of lying to keep the peace even if one is not necessarily committed to a life of everyday Emes. According to those authorities, in a case where one works for himself and therefore no one other than himself would be hurt monetarily by the underreporting of billable hours, it may be a permissible practice to lie and underreport hours to keep the peace as outlined above.

## Chizuk - Inspiration

At the edge of the town of Radin stood a small store, regularly filled with customers. The reason for its popularity was not merely the products it offered, but the reputation of its owners: Rabbi Yisrael Meir of Radin, renowned as the "Chafetz Chaim," and his wife. Both Jews and Gentiles preferred shopping there, confident they would be treated with honesty and fairness. The Chofetz Chaim's reputation for integrity was so widespread that no one doubted the fairness of their transactions. Additionally, many considered it an

honor to support such a distinguished Torah scholar through their purchases.

The store sold many items by weight, using a traditional balance scale with two arms—one for the merchandise, the other for standardized weights. Every morning, the Chofetz Chaim would carefully check each weight to ensure its accuracy. If he found a weight that had worn down and was no longer correct, he would immediately discard it and replace it with a new one. He was concerned that using a deficient weight, even unintentionally, would mean taking money unjustly from a customer, as the customer would receive less product than paid for.

One day, the Chofetz Chaim entered the store at midday. The shop was, as usual, busy with customers, and his wife was serving them. As he looked around, he noticed a small quantity of salt remaining in the balance of the scale. It was clear to him that a customer had purchased salt, but some had accidentally been left behind on the scale during the transaction. Deeply troubled, the Chofetz Chaim declared, “What have we done? Our customer paid for a full kilo of salt but did not receive all the salt that he was entitled to! We have stolen from one of our customers!” He carefully measured the leftover salt and, although it was only worth a few pennies, was determined to return it. The challenge now was to identify the customer.

The Chofetz Chaim and his wife proceeded to investigate the situation and after considerable effort, including consulting with other patrons present at the time, the Chofetz Chaim’s wife recalled that a Gentile woman from a nearby village had recently bought salt. Further inquiry revealed that she was from Kujnitza, approximately forty kilometers from Radin, and had visited Radin to participate in the weekly regional market.

Without delay, the Chofetz Chaim hired two messengers and sent them to the market, hoping to find the woman. They asked merchants and villagers alike but found no one who could identify her.

With no other options, the Chafetz Chaim himself loaded a sack of salt onto a wagon and traveled to Kujnitza. After hours of travel, he arrived and began inquiring among the villagers about the woman who had bought salt from his store the previous day. Unable to identify her, he measured out small packages of salt, each equal to the amount that the woman left behind on the scale, and distributed the packages free of charge to every family in the village. By the end of the day, the sack of salt was empty, and the Chofetz Chaim was satisfied that the customer who had been shortchanged the day before

had been repaid, even if he could not be certain exactly who it was.

### On The Parsha

“Speak to the Bnei Yisroel, and they shall take for Me, Terumah, from every person whose heart is so moved...” (Shemos 25:2)

The words “take for Me, Terumah” would appear to be the incorrect words to use. The correct words to use would be “give to me, Terumah”.

Rav Eliyahu Dessler ZT”L in his Michtav M’Eliyahu explains that the best way that one can become close to another individual is to give something to him. When one gives to another, one forms a close bond with that person. Based upon this Michtav M’Eliyahu, perhaps we can say that when one gives Terumah to Hashem, one becomes close to Hashem and there is no greater gift that one can receive from Hashem than becoming close to Him. Therefore, when Bnei Yisrael were enjoined to give Terumah to Hashem, the correct term to use was “take” because Bnei Yisrael were taking from Hashem far more than they were giving Him, because of the benefits that they would be receiving by becoming close to Him.

The benefits of closeness to Hashem are manifold. Rav Nosson Wachtfogel ZT”L, the Mashgiach of the Lakewood Yeshiva, explains that Hashem has generously provided each person with vast amounts and various forms of wisdom, qualities, and capabilities. To access all that Hashem has bestowed, one must achieve closeness to Hashem – Deveikus. This closeness is contained deep within the soul of man and is part of the nature of man. However, one does not readily feel and cannot readily achieve closeness to Hashem because there are barriers that stand in the way.

The essence of our service in this world is to remove these barriers. One of the barriers that stands in our way is caused by dishonesty. Working on our honesty and integrity is a sure way to remove this barrier and become closer to Hashem.

Perhaps this is also alluded to in the verse we quoted above, “... take for Me, Terumah, **from** every person whose heart is so moved...” The word in Hebrew for the word “**from**” in this verse is “מִמֶּנֶם”. The Kabbalistic works say that this word refers to truth, because if you unscramble the letters in “מִמֶּנֶם”, you get “מֵמֶנֶם”. In other words, the verse could be read to mean that one should come close to Hashem by giving Terumah (as in our first thought above – giving creates a close bond between the giver and recipient) or through “מֵמֶנֶם” which is “מֵמֶנֶם”.