



Volume VI Issue #4

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Parshas Chayei Sarah, 24 Cheshvan, 5786

November 15, 2025

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Halacha – Jewish Law

QUESTION: My relative is a lawyer facing an ethical

dilemma. If his client, who was investigated by former federal prosecutors, wishes to file an administrative claim against the Department of Justice for damages, alleging that the investigation was improper or politically motivated—even though the client did engage in wrongdoing, is it permissible for the attorney to pursue a claim on these grounds despite the client's wrongdoing?

ANSWER: As a general rule, an attorney should not represent a client that he knows is lying. This principle includes cases where both plaintiff and defendant are non-Jews. The foundation for this standard is established in several key Scriptural passages. Firstly, "Midvar Sheker Tirchak" calls upon individuals to distance themselves from falsehood. Secondly, "V'Halachta BiDrachav" obligates us to emulate the ways of Hashem, whose ways are synonymous with truth. The Sifre, as cited by the Chofetz Chaim in the seventh chapter of Sefer Sefas Tamim, elaborates that failing to uphold truth or participating in deception runs counter to this commandment. Thirdly, "Lifnei Iver" prohibits placing a stumbling block before the blind—interpreted as causing another person to sin. When a lawyer represents a client that he knows is lying, he is causing and enabling the client to lie. In addition, there is a similar Rabbinical prohibition of, "MeSayei LeOvrei Aveirah" a prohibition of enabling evil doers. For further reading, see Rav Yechiel Tauber's Maishiv Bahalacha Siman 85.

However, the answer to your question above requires a different analysis. If the lawyer knows that his client committed illegal acts, but the client seeks to pursue a claim that the underlying investigation was improper or politically motivated, a specific distinction must be recognized. A client's allegations regarding political motivation represent an independent factual claim, separate from the underlying conduct. Exposing flaws or biases in investigative procedures can serve the interests of justice, even when the subject is liable for wrongdoing, because the

administrative claim concerns procedural integrity rather than a declaration of innocence. Permitting politically motivated investigations to go unchallenged can undermine the entire legal system. Here, your relative is not enabling the original misconduct but rather addressing a separate procedural concern.

This approach aligns with "Tzedek Tzedek Tirdof" (Deuteronomy 16:20), which directs the pursuit of justice through just means. Furthermore, "Lo Sakiru Panim BaMishpat" (Deuteronomy 1:17) commands impartiality in judgment—an obligation that extends equally to those conducting investigations. Where investigations are compromised by political bias, this foundational principle is contravened irrespective of the defendant's culpability. Additionally, "Lo Sisa Panim BaDal VeLo Sehda Penei Gadol, BeTzedek Tishpot Amisecha" (Leviticus 19:15) instructs judges to maintain fairness and avoid favoritism, safeguarding the integrity of the judicial process itself. Challenging an unjust procedure upholds these principles and ensures that justice is administered equitably. Accordingly, it appears that your relative may represent the client in this context, provided he does not assert false claims regarding the client's innocence.

Chizuk - Inspiration

Throughout his rabbinical tenure, Rav Shamshon Refoel

Hirsch ZT"l was paid his salary by the congregation every quarter, receiving payment in advance. In his later years, as he faced the realities of aging, he became concerned about an ethical issue: what would happen if he died before the end of a paid quarter? He would have been compensated for time he did not serve. While many people might consider this level of concern excessive, for Rav Hirsch it was a matter of integrity and therefore, not a small matter.

He privately instructed his family that if he were to pass away mid-quarter, they should calculate any unearned portion of his salary and return it to the congregation.

Remarkably, Rav Hirsch passed away on the 27th of Taives—his Yahrtzeit, which this year, falls on Friday, January 16th. In 1888, however, the year of his death, that day corresponded to December 31st, the last day of the quarter (and year). His family did not need to carry out his instruction because he had completed to the very last day, the period for which he had been paid.

His students and community members saw this not as a simple coincidence, but as a fitting, divinely orchestrated ending for someone whose unwavering integrity extended even to the smallest details of life.

On The Parsha

When Avraham seeks to purchase the Cave of Machpelah to bury Sarah, he encounters Ephron, a man whose story teaches a profound lesson which may apply more to us than we think. The Torah records the transaction with unusual care, and Rashi reveals a subtle and devastating critique hidden in the spelling of Ephron's name, which may have universal application.

Ephron begins with magnanimous words. When Avraham asks to purchase the cave, Ephron declares: "What is [a mere] four hundred Shekel of silver between me and you? Bury your dead!" The implication is clear—the money means nothing to him. He presents himself as someone so generous, so above material concerns, that the price is barely worth mentioning. Between two friends like us, he suggests, why even discuss money?

But the Torah knows better. When the transaction actually occurs, the text spells Ephron's name without the letter vav (ו), writing it defectively as ורפע instead of the usual ורפעו. Rashi explains this textual anomaly with precision: "The name Ephron is written defectively to indicate that there was something defective within Ephron—sincerity."

What was missing? Rashi tells us explicitly: "He promised much but did not do even the very least." Ephron's friendship and generosity evaporated the moment it came time to act. Not only did he take the full payment, but he demanded large shekels—"centenaria"—coins worth a hundred times the standard unit. The man who suggested that the money meant nothing to him made sure to extract every last bit of value from the grieving Avraham.

There is such a thing as an overpriced real estate transaction.

But there is something more here at play. Here we find a precise diagnosis of a particular form of dishonesty—the gap between words and deeds. Ephron's sin was not that he charged for the land; Avraham had come prepared to pay and pay well. His sin was the performance of generosity without the substance. He wanted the credit for magnanimity without the cost.

The Torah's response is elegant and severe: it removes a letter from his name. Just as Ephron's integrity was incomplete, so too his name is written incompletely. The missing vav in his name reflects the missing sincerity in his character.

The Torah could have simply recorded that Ephron sold the land at an inflated price. Instead, it preserves his flowery speech and then goes ahead and marks his name with a textual deficiency. Why? Because the Torah wants us to understand that integrity is not just about avoiding outright lies—it is about ensuring that our words align with our actions.

When we make grand promises we do not intend to keep, when we speak of friendship while calculating within our heads - profit, when we present ourselves as generous while inwardly being miserly—we too become like Ephron, our names metaphorically written with missing letters. The completeness of our character is judged not by the beauty of our words but by the consistency between what we say and what we do.

Avraham, in contrast to Ephron, says little but acts with absolute integrity. He insists on paying, he weighs out the exact amount publicly, and he ensures the transaction is legally binding before all witnesses. His integrity is complete—and his name, unlike Ephron's, is always written in full.

*"May I back out of a school carpool that
I have already committed to?"
"Should I report a co-worker who is acting dishonestly?"*

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