

“Are We Your First Choice?”
Is it proper to ask this question to a student applying to a yeshivah/seminary, and must they answer honestly?

By: ASHER BUSH

Question

During the often-stressful interviewing process, many students are asked by the yeshivah/seminary/college to which they are applying whether that school is indeed their first choice. Aside from the fact that they may not yet be sure, and that the interview itself may be part of the student’s decision-making process, all students have been told that they cannot just apply to one school, as acceptance by one’s first choice is not to be taken for granted, with many students eventually attending their second- or third-choice schools. As a result, this seemingly innocuous question presents a dilemma, in that if a student shows anything less than full enthusiasm towards that school, it may poorly affect their chances of admission to a competitive institution.

I have been asked by students and Israel guidance advisors whether a student must be truthful when such an answer may harm their chances of admission. The corollary to this question is, assuming that a student must indeed be fully truthful, whether such a question is proper or may itself violate halachic norms. In either event, it must be clarified whether such a question is appropriate, particularly as part of *Torah Hinukh*.

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Answer

The Problem

The Talmud (שבת נה.) states that truth is the seal of God. Clearly, this is not something said about too many other laws, concepts or *mitzvot*, seemingly providing it with a unique status.

This is most dramatically seen in the way the Torah presents the idea of telling the truth and avoiding falsehood, as it doesn't just say "don't" or "you may not" as generally seen in other prohibited activities, but rather (שמות כג:ז) מדבר שקר תרחק, "Keep far from a falsehood." This mandate is understood by our Sages (שבועות ל:) to not just prohibit outright lying, but even prohibits giving a false impression or allowing falsehood to be viewed as truth. Examples include where a person stands next to a witness, not intending to testify falsely, but merely to intimidate a litigant into confessing since their presence seems to show their intent to testify, or a judge who might think to say that since there are witnesses testifying, he must rule based on their testimony even when he does not trust their word. To these and so many other cases, the Torah states, "Keep far away from a falsehood"; we are commanded not to speak falsehood or even let it happen on account of us or on our watch.

This is explained by the *Sefer HaHinukh* (*mitzvah* #74), which says that the Torah has uniquely insisted on our distancing ourselves from falsehood לרוב מיאוסו, due to the detestable nature of such conduct, insisting that we not be party to such information even if it only "may" be false.

This is further seen in *Pirkei Avot* (1:18) where R. Gamliel states that על שלשה דברים העולם עומד, על הדין ועל האמת ועל השלום, "The world stands on three things, on justice, on truth and on peace." However, as much as this Mishnah stresses the unique role of truth, it seems to place equal emphasis on justice and peace. Accordingly, this leads to the real-life question: What to do when these values seemingly cannot all exist at the same time? So, despite the imperative of honesty, what are we to do if there is a conflict between peace and truth?

Additionally, the Sages addressed other cases where truth may conflict with different Torah values. So aside from how to balance truth with peace, these potential conflicts include balancing truth with not speaking *lashon hara* or *rekhilut*, with not causing emotional pain or insult, with not causing embarrassment to others or oneself, and even with balancing truth with humility. These are all real-life issues, are often of great consequence, and likely can be brought to shed light on our case.

Before addressing specific details, given that each of these cases involves genuine conflicts between Torah teachings, some may have a sense

of despair, thinking that whatever choice is made, they will be in the wrong since a law of the Torah will be violated. Others may think that all choices must be equally valid as in any case a law of the Torah will be fulfilled. It is critical to clarify that neither approach is correct; rather, one of the great challenges with which the Torah often presents us (and in more difficult cases, our *poskim*) is how to decide not just between good and bad, or right and wrong, but between different imperfect choices, each of which contains much good. It is this challenge that will be addressed in these words.

It should also be mentioned that even though the context of the words מדבר שקר תרחק is regarding a court proceeding, our Sages did not see this as a limited concept or law, understanding that it applies to all areas of life. This is most graphically seen in the debate between Hillel and Shammai (כתובות טז-יז) where Shammai invokes these words regarding the permissibility of offering seemingly undeserved compliments.

Issues for the Student

The Talmud (בבא מציעא כג:) speaks about the criteria of identification for returning a lost object to its owner. In addition to סימנים, identifying marks, which clearly show or prove ownership, it also introduces a lower standard of identification called טביעות עין, which are identifying markers that even though they are not full proof, provide a fairly good indication of ownership. For this lesser level of identification, the Talmud says that only a meticulously honest person can and should be relied on, a good example being a *talmid hakham*. It was about such a meticulously honest person that the Talmud states they would never fail to tell the truth except in three cases, where it is not just done, but is considered as acceptable (and perhaps even meritorious) to be something less than truthful. [While somewhat of an aside, it is worth noting that the *Arukh HaShulhan* (ח"מ ארו"ח) writes that even though the Talmud mentions a *talmid hakham*, this is not specifically a matter of his learning but an example of a meticulously honest individual.]

These three cases are מוסכתא, פוריא, אושפיזא:

מוסכתא refers to learning. This is explained by Rashi to mean that if a person is asked whether he has learned or knows a certain body of knowledge, such as “Rabbi, have you learned all of *Shas*?”, proper modesty teaches that one may—even should—downplay one’s knowledge of the material. (This does not pertain in a case when a person is asking a rabbi a halachic question, as then the rabbi’s responsibility is to provide

the needed information and answer the question.) Rambam (הל' גזילה) (ואבדה פי"ד הלכה י"ג) says that this refers to a case where a Torah scholar is asked if he is presently learning a certain *masekhta* and he deliberately says that he is learning a different one in order that he not be queried about it. The *Lehem Mishneh* explains that this seemingly strange lie was in order to avoid potential embarrassment if he could not properly answer questions about that material.

פוריא is generally translated as “bed.” While there is some debate between Rashi and Tosafot about details, it is generally explained to be a case where a person is asked a most inappropriate question about their personal/marital life. Even though simply telling the person that his question is out of line or none of his business and will not be answered would seem to make sense, in some cases this would only egg on the kind of person who would ask this kind of a question. If for reasons of modesty and discretion an honest answer cannot be given, one need not remain honest.

The case of אושפיזא is regarding hospitality that one has received. Were one to truthfully state the high level of hospitality received, it may well subject that host to countless freeloaders and worse, a most unwelcome situation. So, the gracious hospitality received is dishonestly downplayed as a favor to the host.

Taking a broader look at these cases, our Sages saw certain information as not appropriate to share, and there may be times when the only way to avoid doing so is to be less than truthful. While this is certainly not a desired option, as the Chafetz Chaim wrote (הל' איסורי רכילות, כלל א', הלכה ח') if no other realistic alternative exists, other than to outright lie, it is indeed permitted.

In a somewhat different vein, the Talmud (כתובות טז:-יז.) addressed the question of offering comments that might be less than complimentary. The context of the discussion is regarding how effusive the attendees at a wedding should be with praises and compliments that might not exactly be true. Shammai is most disturbed at the prospect of offering compliments that are less than truthful, while Hillel seems not to be bothered. When asked by Shammai how this fits with the verse “to keep far from a falsehood,” Hillel rhetorically responds by asking, “If your friend came home from the market with a bad purchase, would you praise it or insult it? Of course, you would praise it! From here the Sages said that a person must always be genial with other people.”

Conspicuously, Hillel did not offer a source in response to Shammai’s question, merely responding that such a possibility is just not an option. To insult, degrade, or otherwise hurt people with our words is just not an

option, and to avoid such negativity we may even be less than truthful. (This is the understanding of the Geonim as seen in the *שיטה מקובצת*.) The Meiri regards this as a desirable character trait, to make others feel good through generosity of spirit, including words that may be overly generous.

But the question remains: Do any of these cases shed the needed light on our case of the student who is concerned with the impact of honestly answering this question?

In the case of *פורייה*, where a most inappropriate question has been asked, and merely brushing it aside would not suffice, one is permitted to lie. There is little doubt that this does not just pertain to matters of intimacy, but, for example, if one was queried about one's health and medical matters, income, wealth, business dealings, legal situations, or other personal matters, the same would apply. This is borne out by the understanding of Rambam that *מסכתא* was also in order to not have to say, “I have not learned enough to answer your question.” Famously, Rabbeinu Gershom created a ban (*herem*) on those who read the mail of others as the violation of privacy is viewed as such a serious concern. Whether this should reflect on our case might yet remain an unanswered question, as in all those cases the person who asked the question had no valid reason to know, and was just being overly curious, while in the case of the interview, the school is attempting to ascertain what its enrollment might be for the next school year, a legitimate concern for an institution.

Many of the cases of the Talmud include sensitivity for the feelings and needs of others, not just by not insulting them, but even by saying less than laudatory things about the hospitality offered. If such levels of concern are sufficient to justify dishonesty to protect another, one would assume that this is true for oneself as well. This seems to be borne out by the fact that in so many of these cases the underlying principle in Halakhah that motivates our actions is *ואהבת לרעך כמוך*, that we should love our neighbors as ourselves. As Rambam (*הלכות דעות פ' ו' הל' ג'*) so beautifully writes, one of the prime ways this law is manifest is that we should not cause harm to them in so many ways, with their finances, reputation, honor, friendships, and so much more. Just as people would not want these bad things to happen to themselves, they should not cause them to happen to others. If we are bidden to be concerned with the wellbeing of our friends and neighbors, it is obvious that the same protections exist for ourselves.

It is hard to imagine what justification a friend would have to share information with a school regarding another person (such as whether this is their first or second choice of schools) if this would put their friend at

any sort of a disadvantage, as this would be a violation of *rekbilut*, sharing personal information which may cause harm to another person. If it is forbidden to do this to other people, it would only follow that students themselves would certainly not have an obligation to place themselves in a negative position.

Issues for the School

In the process of deciding which students to admit, many factors are considered. These certainly include academic criteria, personality, motivation, compatibility, and, for the yeshivah/seminary, issues pertaining to religious commitment and interest in growth, as well as many others. Some may ask about physical or emotional health, clearly not the same as the more standard questions mentioned above, and while their propriety is worth addressing, this *teshuvah* will not address that topic. But returning to the issue at hand, inquiring about the potential student's interest in one institution compared to another, is an issue which has little or no bearing on whether the student will succeed in a given school. As such, it should not have any bearing on admission.

A school, however, may well claim that it is for the wellbeing of the institution which wants to have as good an idea as possible about future enrollment, and while expressions of interest offered during an interview are not binding, they may well give the interviewer a good idea regarding the likelihood of a given student enrolling. At the same time, it is also true that with experience, schools and interviewers should generally have a good idea as to what percentage of those accepted will choose to enroll. Accordingly, the question might not really be so pertinent, particularly given the number of students who genuinely have not yet decided or may yet change their minds despite having previously given a good faith answer expressing their intent.

But even if the institution has legitimate needs in asking such questions that cannot be met through other means, this still leaves major ethical and halakhic concerns. Every student has been instructed by their high school to apply to multiple yeshivos/seminaries/colleges, as one can never assume that admission will be granted to one's first choice. Since a second- or even third-choice school may well become the school that a student ends up attending, it is necessary for the student to make his or her best impression with each school to which they apply; this is something that will not happen if they are forced to express ambivalence about attending. It is also true that the interview process itself may help students make up their minds, so to expect an honest and thought-out answer may in many cases not even be possible. Students have told me that it was

often only after the interviews were all over that they had the clarity that ultimately helped them decide. And perhaps most importantly from this perspective, in many cases students do not even know enough to have a true preference, and the largest single factor may be which school accepts them, and perhaps their friends.

All the above concerns might be dismissed as mere opinions of one rabbi which one might not accept. However, given the reality of young people nervously looking to their future, this line of questioning may well involve a major halakhic violation. Based on the words *לפני עור לא תתן מכשול* (ויקרא יט:ד), not to place a stumbling block in front of the blind, the Talmud offers several fascinating rulings regarding parent-child relationships. While corporal punishment is rarely used today, it was certainly common in earlier generations, and when used in moderation would not be a violation if a parent appropriately disciplined their child. However, if a parent would attempt to use it on a grown child (likely meaning a teen), the Talmud (*מועד קטן יז.*) views this as a violation of placing a stumbling block before the child, as the parent has placed his child in an untenable situation, given that it is very likely that the teenage son will resist and strike his father, a major violation of Torah law. Significantly, rather than berate the teen who might hit back, the Sages viewed such a parent as simply unrealistic and out of line. Similarly, in a case where Rav Huna tore a garment in the presence of his son, the Talmud (*קידושין לב.*) wondered why this case would also not violate this same prohibition, as it was only reasonable to expect that the son would get angry (and yell) at his father. In this case, it explained that the father had preemptively forgiven his son so that no violation would be incurred even if the son did get angry or yell at his father. Had this preemptive forgiveness not taken place, Rav Huna would have been in the wrong for setting up his son to do wrong.

What clearly emerges from each of these cases is that the rabbis of the Talmud did not just look at the child, who would seemingly be the offending party, and condemn him; rather, they looked to see whether an unfair and unrealistic burden was placed on that child. When they deemed that to be the case, they did not hesitate to invoke *לפני עור* as a violation of the parent.

Given the pressures felt by many teens throughout the admissions process, asking a question not at all related to how well they will function in that school, that could well harm their chances of admission, is almost certainly a violation of the Torah's prohibition of not placing a stumbling block, certainly no less than Rav Huna tearing a garment in the presence of his son. Is it any more realistic to expect a nervous teen to tell an adult,

often a rabbi, that “your yeshivah/seminary is my second choice” or “my safety school”?

Accordingly, to ask this question is to place an inappropriate burden on the applicant and should cease.

Alternatively, if indeed the institution truly needs this information to best plan for the year ahead, it might think it appropriate to reach out to the high schools themselves for this information. However, given that each high school is tasked with serving its own students in the best way possible, and this information only benefits the yeshivah/seminary, there is little reason why a high school should be forthcoming if it might harm its applicants’ chances of acceptance.

It should also be noted that many students are accepted into two or three of the schools to which they have applied, selecting only one. While not every student has this opportunity, it is quite common, continuing year after year. This reality would tend to suggest that at least in many cases, this information is really not so important for the yeshivah/seminary.

Nevertheless, there does seem to be a benefit gained by shifting this question from the student to the high school, but that is not because the high school should be answering this question, either. Rather, it is because while a young person could not reasonably avoid this question when asked during an interview, an institution can create policies that could preclude sharing such information even when known. Some have already enacted such practices and are to be commended. It might even be a good idea for yeshivah high schools to coordinate with each other on this matter so that students in all schools will be given the same benefits and respect, with none gaining or losing based on the fact that their high school does or does not find this question appropriate. Perhaps this *teshuvah* can also be a resource in effecting this change as well.

However, there does seem to be one case where sharing this information could be beneficial for all. The circle of yeshivos/seminaries and the yeshivah high schools that send their students is a rather small one, often including many long-time and personal relationships. Due to these relationships, in some cases the yeshivah/seminary shares with the high school which students it plans on accepting, and which ones they are not sure about. In the case of the latter, this doubt is often resolved by ascertaining whether these students would in fact want to attend the yeshivah/seminary. When this is the case, it is a mutually beneficial situation designed to find spots for as many students as possible and to help the Israeli schools fill their slots without overcrowding, and does not enter the realm of *rekbilut*.

Conclusions

When commenting on why the Torah needed to command us to keep far from a falsehood, given that elsewhere it prohibits lying, Rav Zalman Sorotzkin (אזנים לתורה, שמות כג:ז) wrote that part of keeping far from a falsehood is that even when it is technically permitted, one should still make all efforts to avoid lying. In other words, even if it is permitted for a student to be less than forthcoming or truthful in this regard, that is not what the Torah wants of us.

To put this into practical terms, the last thing that *mehankbim* should want to do to our students is to place them in situations where part of going to yeshivah/seminary means that they need to struggle with the question of “Do I need to lie in order to continue my Torah education?” Whether such a lie is technically justified or not, permitted or not, the very idea that part of getting into and attending yeshivah/seminary should almost by definition include an act of dishonesty is a massive desecration of all that is holy and will far outweigh any possible good that this knowledge might offer.

There is simply no acceptable way a student can be instructed to be anything other than truthful; this is not an option. Avoiding this situation is a responsibility that falls directly on those interviewing on behalf of the yeshivah/seminary. Perhaps a wiser educator might find another way to address both the Halakhah and the interests of all parties; if so, that would be a great service to our community. But, in any case, it is clear that the status quo should not continue.

Additionally, one of the biggest dangers of this type of behavior is that it can well become part of a way of life, as Rabbeinu Yonah wrote in his commentary on *Pirkei Avot* (1:18): ואמרו חז"ל אפילו סיפור דברים בעלמא אין לו לאדם לשקר... שנאמר למדו לשונם לדבר שקר, כי האדם המרגיל לשונו לדבר שקר... לא יוכל לדבר האמת... וההרגל שולט עליו... that even when no one is being harmed, our Sages said one should not lie, as the prophet says “they train their tongues to speak falsehood, for a person who accustoms himself to lie... is not able to tell the truth, as this practice becomes a part of him.” If even going to yeshivah/seminary justifies lying, that will not bode well for a life of integrity with family, friends, finances, business, and even with God. ❧