

VOLUNTEERING TO BE A WITNESS

by Rabbi Yisroel Belsky ztl

QUESTION 41

One morning the Monsey bus was making a turn at 14th Street when a woman who had the right of way was crossing the street. The bus hit the woman to some extent. She apparently wasn't that hurt, but she came onto the bus, saying that she was a non-Orthodox Jew, and was a student at Cardozo Law school a few blocks away. She was angry, claiming that she could have been killed. She asked the people on the bus: "Did anyone see what happened to me?" No one responded. She said: "It's nice to know that my people are here for me when I need them", and she stormed off the bus. If any passenger had seen what happened to her, were they obligated to speak up and say so when she asked? Is the fact that she may have used that person as a witness in a secular court, rather than a Jewish court, a factor?

RABBI BELSKY

There is an obligation to give testimony even if it's uncomfortable. That's what the Torah says, "im lo yagid v'noso avono" ("if a person doesn't speak, he will bear his sin.") If you know something of benefit to someone else, then you should testify. As far as going to secular court, it may not be so terribly wrong in our case, because collecting insurance can only be done through a secular court. In fact very often the bais din (Jewish court of law) will permit a person to go to secular court, because insurance is collectible only via the secular court. And this is for the benefit of both parties involved.

There is another thing to keep in mind too, and that is the question of chilul Hashem (profaning G-d's name). People often view Orthodox Jews as covering up for one another. It's going on right now, with regard to certain well known issues. Covering up one for one another is a fine thing to do - to protect your friend. But not at the expense of someone else.

I would say that somebody should ask her, "I believe I might have seen what happened. I would try to be of help to you if I know exactly what you want. Do you want compensation for some suffering? Fine. But if you pursue this kind of thing in criminal court, with some kind of punitive objective, I can't go along with that. If it involves legitimately helping you, to cover your medical costs and suffering and that kind of thing, I would be glad to help..."

QUESTIONER

So is this in the category of a bitul aseh (avoiding a positive commandment), if one doesn't do that and testify?

RABBI BELSKY

Yes, "Im lo yagid v'noso avono" is a mitzvas assay (positive commandment). You have to help. But, if she wasn't physically hurt and she was just angry, and she does what many people in America like to do -- sue for all kinds of things, like mental anguish and suffering - and turn it into a personal attack, then there is no obligation to testify. I don't think that anyone is allowed to help one do those kinds of things, and then there's no issue of "Im lo yagid v'noso avono."

If somebody could come over to her and say, "There's a gentleman here who wants to talk to you about it, but he would rather not do it in front of everyone. Give me your telephone number", that may be a good way to handle it.

QUESTIONER

But he may not find out what the woman's intention is until after committing to speak to her. She may have her lawyer call you, and he's going to ask you questions, and you won't know what she intends to do.

RABBI BELSKY

If this just a meddlesome lawsuit, you could send a message to the court that you're not going to come. You're subpoenaed to be a witness, and you don't know much about it, and so on and so forth.

QUESTIONER

So you can finesse it.

RABBI BELSKY

Yes.

NEXT WEEK'S QUESTION 42: TAKING OFF FROM WORK, DOING OWN WORK AT WORK

I went to a one-day conference that ended at 3 PM. I could have gotten back to work by 4. In similar situations, my boss has told me I could go home. But there was something I was writing for myself that I wanted to do at my desk at work. I could skip that task, and go home. But if I wanted to do that task, and got to work at 4, and I usually work until 5, can I start on my own work before 5? What if my boss is often flexible by letting me go home early if I feel like it? What if it doesn't look suspicious, because I don't work near my boss or co-workers?

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