At a highlight moment in the Chag of Shavuot, we stand for the reading of the Aseret HaDibrot, recalling the experience of hearing the commandments directly from G-d at Mt. Sinai on the first Shavuot in history. One of the unique features of the 9th commandment, לא תַעֲנֶה בְרֵעֲךָ עֵד שָׁקֶר – you shall not bear false witness against your fellow, is that among all the dibrot it is the only one that doesn’t seem to apply to most people, nor at most times. Each person deals independently with their faith in G-d and the oneness of G-d, and their relationship to G-d’s name. The same goes for the observance of Shabbat, the respect shown to parents, avoiding murder, adultery, theft and coveting that which belongs to others. But this particular commandment seems only applicable in the context of a court, and only for one who comes to offer testimony. Does it have a greater meaning for our day-to-day lives?

A relevant insight may be gained from a linkage made by the Meiri in his analysis of the Aseret HaDibrot. Noting that the commandments did not simply appear in list form but were rather broken up into sets of five over two tablets, he suggests they are meant to parallel one another. The first commandment matches the sixth in theme, the second matches the seventh, and so on. Thus, Shabbat and לא תַעֲנֶה are paired with one another.

How so? Observance of Shabbat is a personal testimony of the belief that G-d created the universe. Thus both commandments require truth in characterizing our relationship with – and what we know of the actions of – the ‘other’ (whether that other is G-d or a human being). Seen in this light, לא תַעֲנֶה אָל – more is than a juridical mitzvah. It applies beyond courtroom proceedings and directly to our perceptions and evaluations of the actions of those around us.

The Talmud Yerushalmi notes a subtle change in wording between the manner in which this commandment is phrased in Shemot and how it appears when the 10 commandments are listed in Sefer Devarim. In Shemot, the commandment specifies a prohibition against false (”sheker”) testimony. In Devarim, the Torah instructs us not to offer testimony in vain (”shav”). Those two terms are not quite synonymous; the former involves attesting to something untrue. The latter seems to include the unnecessary as well. Well aware of the difference, the Yerushalmi states that these two terms were spoken concurrently at Sinai (“bedibur echad ne’emru”). They are meant to go hand in hand, despite their seeming alternate foci. What is the message the Gemara is sharing with us?

By linking the notions advanced by the Meiri and the Talmud Yerushalmi, I believe one can garner a more global view of the mitzvah of לא תַעֲנֶה. Of course, one must speak honestly in court. The entire judicial system depends upon the ability to gather truthfully stated evidence and evaluate its relevance and implications. And that is the direct meaning of this commandment. But judgment is not limited to the courts of justice. We engage in judgment all the time and are required to do so as discerning people. One cannot responsibly walk through life believing that all behavior (and all people in the ways in which they conduct themselves) are equally good. And yet at the same time, it is all too easy to come to conclusions about others based on insufficient and inaccurate evidence. We may overhear a snippet of conversation, witness actions out of context and without a full picture of the life of the other, or accept a rumor. And just like that, we come to form an opinion of them and their character. We so easily accept the ‘testimony’ of such false witnesses.

The Yerushalmi equated testimony in vain with that which is false. Judging others when we don’t need to form an opinion can be just as destructive as an outright lie. But our world is now learning an important lesson, as social distancing has limited our ability to interact with others. In its way, Covid-19 is opening our eyes to realize that we never really knew quite what was happening in someone else’s world from the outside. Perhaps we would do best to learn the lesson of the penultimate commandment, and cease forming unnecessary opinions at all.

1 Shemot, 20:13.
2 Beit HaBechira, Introduction to the Talmud Bavli.
3 Talmud Yerushalmi, Masechet Nedarim 3:2.
4 Devarim 5:17.

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