



## “If He Does Not Give Information” Regarding the Responsibility to be Vocal

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### Parashat VaYikra 5777

This week we begin to read Sefer VaYikra. Despite its reputation, VaYikra is not exclusively concerned with holiness, sacrifices, and the relationship between human beings and God, but is also concerned with private interpersonal relationships. VaYikra underscores that these two realms, between people and God and between people and our fellows, are in fact fundamentally intertwined. And so, already in the first *parashah* of VaYikra, we engage with the topic of oral communication: oral communication between people, and oral communication between people and God; we engage with the necessity of speech on the one hand, and its hidden dangers on the other.

The first verse in chapter 5 of VaYikra demands that human beings not attempt to hide or

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evade responsibility when they have testimony: “If a person incurs guilt and hears the voice of a curse and—although able to testify as one who has either seen or learned of the matter—he does not give information, in that case he bears his sin...” (VaYikra 5:1). At first glance, it seems like the evasion described in this verse can be considered a passive silence. However, it can also certainly be

considered a deliberate act, an act of avoidance. A *midrash* adds another reading to the verse, one that implies a false statement, creating the sense that refusing to tell the truth is tantamount to actively lying. As such, the verse becomes a holistic prohibition on both improper speech itself and the avoidance of appropriate speech.

#### A. "So that He Bears His Sin"—False Statements Toward the Heavens

This *midrash* paints a painful picture of a disappointed and betrayed God in the wake of the sin of the golden calf. However God's disappointment isn't located in the worship of the Golden Calf itself, rather the context in which *Benei Yisrael* turned away from God, almost immediately after they had enthusiastically and decidedly said, "we will obey and listen." In light of that declaration, God had an expectation of fidelity and exclusivity, which makes the betrayal of the Golden Calf all the more difficult and bitter. VaYikra Rabbah explores this painful scene, based on an interpretation of a verse from Proverbs, "Do not be a baseless witness against your fellow, and you will have tricked (*va-bafitita*) with your lips" (Proverbs 24:28).

#### ויקרא רבה, פרשה ו, א

מֵאַחֵר שִׁפְתֵיכֶם אוֹתוֹ בְּסִינֵי וְאַמְרָתֶם 'כָּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע (שְׁמוֹת כד, ז), לְסוֹף אֲרֻבָּעִים יוֹם אַמְרָתֶם לַעֲגֹל 'אֵלֶּה אֱלֹהֵינוּ יִשְׂרָאֵל' (שְׁמוֹת לב, ד)

#### VaYikra Rabbah 6:1

After you seduced (*pititem*) Me at Mt. Sinai and you said, "We will obey and we will listen to all that God has said" (Shemot 24:7), and after forty days you said to the calf, "This is your god Israel" (32:4).

This *midrash* reads the first clause of the verse in light of its last clause. In other words, "And you will have tricked/seduced with your lips" in the second half of the verse is a

paradigmatic example of “Do not be a baseless witness”—the demand that Israel not give false or meaningless testimony. What is the empty testimony that is prohibited? The seducing that Israel did of God through uttering, “We will obey and we will listen.”

One of the noteworthy points of this *midrash* is its use of the term “fellow” to refer to God:

אֵל תְּהִי עֵד חֲנָם בִּרְעֶךָ וגו' (משלי כד, כ"ח). אֵל תְּהִי עֵד חֲנָם אֱלֹהֵי יִשְׂרָאֵל, שֶׁנֶּאֱמַר 'וְאַתֶּם עֵדֵי נָאֻם ה' וְאַנִּי אֵל' (ישעיה מג, י"ב) בִּרְעֶךָ (משלי, שם) זֶה הַקְדוּשׁ בָּרוּךְ הוּא, שֶׁנֶּאֱמַר 'רְעֶךָ וְרַע אֲבִיךָ אֵל תַּעֲזֹב וגו' (משלי כז, י').

“Do not be a baseless witness against your fellow.” Do not be a baseless witness—this is Israel, as it says “You are my witnesses, says God, and I am God” (Isaiah 43:12). Against your fellow—this is the Holy Blessed One, as it says, “Do not abandon your Fellow or the Fellow of your father” (Proverbs 27:10).

The *midrash* emphasizes that there is a familial heritage to this bond of fellowship that exists between Israel and God. The context in which the betrayal took place is even thicker with the expectation of loyalty and the devastation of betrayal. It wasn't just a momentary utterance that formed the backdrop here, it was a legacy of many generations, which makes the disappointment that much stronger.

Let us return to our *parashah*. This *midrash* is reading the opening verse of chapter 5 of VaYikra, “If a person incurs guilt and hears the voice of a curse and—although able to testify as one who has either seen or learned of the matter—he does not give information, so that he bears his sin...” On the *peshat* level, the level of the simple meaning, this verse is an urging of a person who has testimony to share it, to raise their voice. In a case where one has something to say in court and refuses, he bears that responsibility. However, according to the midrashic reading, it seems that the verse isn't urging speaking, but rather refraining from speaking in a way that isn't trustworthy, from baseless testimony. God's claim against

Israel is not for their silence, but rather for their promise. Though, in the case of the verse, the sinner should have spoken and did not, in the *midrash*, the speaking, the testimony is delivered, and the delivery of the testimony makes the betrayal worse. How can we understand the connection between the *midrash* and a verse with an opposing orientation?

The minor tractate Soferim, makes a suggestion that might illuminate the final words of our verse in VaYikra, "If he does not give information, so that he bears his sin...", and might help us substantiate the reading that seems to be the opposite of the plain sense of the verse. Soferim suggests that there are a few words in the Torah that need to be read differently than their written form suggests. One of these examples is our verse, where the "lo" of negation, becomes "lo," the possessive pronoun, of him or to him:

#### מסכת סופרים, פרק ו

שלשה 'לא' כתובים בלמ"ד אל"ף, וקראים 'לו'.

#### Soferim 6

There are three "lo"s written in the Torah as *lamed*, *aleph* (i.e. not) and we read them as "lo," *lamed rav* (i.e. to him, for him, his).

On this basis we can flip the end of the verse into a scenario where a person does in fact speak, "if he tells him," instead of "and if he does not tell." According to the *midrash*, this is exactly what happens between God and *Benei Yisrael*—the insult of the sin of the Golden Calf is exacerbated by what we said to Him right before it.

#### B. "If He Does Not Give Information—He Bears His Sin"

Looking at the verses on their own terms, and examining their plain meaning, the decision to be quiet, to not testify, is what causes one to bear responsibility for their sin.

## ויקרא ה, א'

וּנְפֹשׁ כִּי־תִחַטָּא וְשָׁמְעָה קוֹל אֱלֹהִים וְהָיָא עֵד אֹי רָאָה אֹי יָדַע אִם־לֹא יִגִּיד וְנִשְׂא עוֹנֹו.

### VaYikra 5:1

If a person incurs guilt and hears the voice of a curse and—although able to testify as one who has either seen or learned of the matter—if he does not give information, he bears his sin...

There is a burden of sin associated with not speaking—the choice of a person who has significant information to quash it, is sinful. What this verse is saying is that one may not legitimately choose not to involve oneself. As people, we need to be a part of society, to be among people, and to raise our voices. When we acquire important information based on something we have seen or found out or based on our own knowledge, it is incumbent upon us to make our voices heard. Passivity is not just inaction, it is an active choice to do the wrong thing, and one who does so bears his sin.

The next verse in our chapter, deals, seemingly, with a different topic: “Or when a person touches any impure thing—be it the carcass of an impure beast or the carcass of impure cattle or the carcass of an impure creeping thing—and the fact has escaped him, and then, being impure, he realizes his guilt...” (VaYikra 5:2). But, though it appears to be focusing on a different subject, we can read it in light of the first verse. Just as the *midrash* examines the content of verses, it also derives meaning from their placement. This is especially apt in our case, as those who violate the laws against quashing testimony need to undergo the ritual procedure of confession and sacrifice described later in the chapter, just as those who become impure in the ways described above do:

## ויקרא ה, ה'-ו'

וְהָיָה כִּי־יִנְאָשֶׁם לְאַחַת מֵאֵלֶּה וְהִתְוֹדָה אֲשֶׁר חָטָא עָלֶיהָ: וְהָבִיָּא אֶת־אֲשָׁמוֹ לֵה' עַל חֲטָאתוֹ אֲשֶׁר חָטָא...

### **VaYikra 5:5-6**

When he realizes his guilt in any of these matters, he shall confess that wherein he has sinned. And he shall bring as his penalty (*asham*) to God, for the sin of which he is guilty...

That is to say, the first and second verses of our chapter form instances in a short biblical list of crimes and sins for which the *asham* sacrifice will be brought. But why is the list constructed in this way, with quashing testimony as the first case and touching an impure object or animal carcass as the right by it? Why put the two cases of testimony and impurity next to one another? They are ostensibly two completely different areas of law.

On closer examination we can see that they do share some defining characteristics, which their proximity underscores and thereby teaches a lesson. One verse speaks of being “in a state of ignorance regarding impurity,” and the other of “a state of awareness regarding testimony.” In some ways they are opposite cases, although both are about people being held accountable for being “in a state.” One does not always choose to be a witness or choose to become impure, but even though it isn’t your fault, you aren’t free to ignore it.

*Coincidences and accidents do not exempt us from responsibility to act.*

We don’t always choose the circumstances in which we find ourselves. We do not necessarily choose a state of impurity, we do not necessarily choose to know, and we do not necessarily choose to see this aspect or another of our society. We do not always seek awareness regarding the wrongs taking place around us. But not having chosen does not exempt one from responsibility. Just as if we find ourselves in a state of impurity we need to purify —whether we chose this state consciously or not, so also not wanting to know does

not exempt one from action when one has knowledge.<sup>1</sup>

Thus the proximity of the case of impurity to the case of refusing testimony turns from surprising to telling. It testifies that even if we have not chosen circumstances that have brought us to a state of impurity, even if we have not chosen circumstances that have brought us to a state of knowledge—none the less we have an obligation to purify, one that is parallel to our obligation to stand up and give testimony. We must stand up and call out. Even if we have not willingly chosen the circumstances that turned us into people who know, our obligation to fix, to purify, and to alert is not dependant on those circumstances. We must raise our voice and if we don't we shall bear our sin.

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<sup>1</sup> A heartfelt thanks to Dena Weiss, Rosh Beit Midrash at Mechon Hadar, who translates this Dvar Torah series and pointed out this fascinating connection.