

# Judging Others Favorably

"בְּצֶדֶק תִּשְׁפֹּט עַמִּיָּהָ"

As we go about our daily affairs observing and interacting with our family, friends, acquaintances, and business associates, we are subconsciously (and sometimes consciously!) making judgments about others, either negatively or positively. Every interaction is entered into our mental computer. We can become inclined to judge people negatively. However, the Torah requires that we judge almost everyone positively (except someone with a known reputation for being a real bad fellow). A positive attitude toward others can redefine the entire context of our lives and revolutionize all of our personal relationships.

This session will address the following questions:

- **Why *should* I judge others positively? Isn't it better not to judge others at all?**
- **Must I be naïve and always give the benefit of the doubt?**
- **How can I judge someone negatively, maybe his upbringing and life circumstances forced him to act the way he did?**
- **How does judging positively affect one's mindset in general?**

**1 – BASIC SOURCES:**  
**WRITTEN & ORAL TORAH**

**Source 1. Vayikra (Leviticus) 19:15 – God tells us to judge our fellow “with righteousness.”**

<p>“You should not commit a distortion of justice [as a judge in court]. You should not favor the poor, nor honor the great. With righteousness you should judge your nation.”</p>	<p>”לא תעשו עֵוֹל בְּמִשְׁפָּט לֹא תִשָּׂא פָנֵי דָל וְלֹא תִהְדָּר פָּנֵי גָדוֹל בְּצֶדֶק תִּשְׁפֹּט עַמִּיתְךָ.”</p>
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The simple explanation of this verse is that it is referring to actual judges, in a judicial-capacity. What, then, does it mean to “judge with *righteousness*”? The Gemara explains:

**Source 2. Shavuos 30a**

<p>The Rabbi’s taught: “<i>With righteousness you should judge your nation</i>” – that is to say, that one [litigant] should not be sitting, while the other is standing; one should not be allowed to speak to his hearts-content, while the other we instruct to keep it short.</p> <p>Another explanation: “<i>With righteousness you should judge your nation</i>” – judge your fellow to the side of merit</p>	<p>ת"ר (ויקרא יט, טו) בצדק תשפוט עמיתך שלא יהא אחד יושב ואחד עומד אחד מדבר כל צרכו ואחד אומר לו קצר דבריך</p> <p>ד"א בצדק תשפוט עמיתך הוי דן את חבריך לכף זכות</p>
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According to the first explanation of the verse, the underlying concept is to treat litigant’s equally in court.

According to the additional explanation, the Gemara teaches that this verse is also teaching a lesson for outside of court, namely, to judge others favorably.

Elsewhere in the Talmud, there’s another lesson which is expounded from the same verse:

**Source 3. Sanhedrin 3a**

<p>According to Torah-law, one (judge) is also acceptable, as it says in the verse “<i>With righteousness you should judge your nation</i>”, rather [the reason, according to Rabbinic-law, that 3 judges are required to adjudicate] is because of ignoramuses.</p> <p>[Question] And with 3 judges there won’t be ignoramuses?!?</p> <p>[Answer] It’s impossible that there won’t be at least one who is learned.</p>	<p>מדאורייתא חד נמי כשר [בהודאה והלואה] שנאמר (ויקרא יט, טו) בצדק תשפוט עמיתך [תשפוט לשון יחיד] אלא משום יושבי קרנות</p> <p>אטו בתלתא מי לא הוו יושבי קרנות</p> <p>אי אפשר דלית בהו חד דגמיר [תגרין שאין בקיאיין] בטיב דינין וזכה את החייב ויחייב את הזכאי:</p>
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“*With righteousness you should judge your nation*” teaches that any person who is capable of judging a dispute is personally obligated to do so.<sup>1</sup>

<sup>1</sup> This is, in fact, considered a Biblical Mitzvoh, by both the Rambam [Sefer HaMitzvohs, positive #177] and the Chinuch [#235]

**In summary**, the verse “בְּצֶדֶק תִּשְׁפֹּט עַמִּיתָךְ” teaches us 3 things:

Lesson #1 – Treat litigants equally, in court

Lesson #2 – Judge others favorably, outside of court

Lesson #3 – Judge! (If you’re qualified to do so), in court

The Sefer HaChinuch explains the underlying theme of these 3 halachos:

**Source 4. Sefer HaChinuch, Mitzvah #235**

The **root of this mitzvah** is quite obvious: Through equality in judgment comes societal-harmony. For, if the judge were to favor one of the litigants, the other will be hesitant to express his arguments/case, and, because of this, justice will emerge crooked.

Similarly, in regards to that which we said, that it’s incumbent on any qualified individual who’s capable of judging to indeed do so, this also brings great benefit to society: for this wise and upright individual will reach truth in his judgements. Conversely, if he, who is qualified, will refuse to judge, then others, who are not qualified will judge, and the ruling will inadvertently be perverted towards one of the litigants.

Also, in regards to that which we said, that each person is obligated to judge his fellow meritoriously: this will cause peace and friendship amongst people. It turns out that the essential purpose of this mitzvah is to bring harmony amongst people, through justice; and to instill within them peace, by way of removing suspicion between people.

**שרש המצוה** נגלה הוא, כי בהשווית הדין יתישב העולם, ואם יכבד הדיין את האחד מבעלי הדין על האחר יפחד בעל הריב מלהגיד כל טענותיו לפניו, ומתוך כך יצא המשפט מעקל.

ובמה שאמרנו שמצוה על החכם בדברי תורה והוא איש ישר לדון בין החולקים, שזהו בכלל המצוה, כמו כן, גם בזה תועלת, כי החכם והישר, ידין דין אמת. ואם הוא היודע לא ירצה לשפט ישפטום שאר בני אדם שאינם חכמים ויטו הדין על האחד מבעלי הדין בלי ידיעה.

גם במה שאמרנו שכל אדם חייב לדון חברו לכף זכות, שהוא בכלל המצוה, יהיה סבה להיות בין אנשים שלום ורעות, ונמצא שעקר כל כונת המצוה להועיל בישוב בני אדם עם ישר הדין ולתת ביניהם שלום עם סלוק החשד איש באיש.

The underlying **objective** of these 3 halachos is well understood: they’re all essential tools to bring about societal harmony, through the pursuit of justice.

## 2 – THE PROBLEM

What is peculiar, though, is the **means** by which they achieve this. Lessons #1 & #3 are easily reconcilable: both are emphasizing the pursuit of truth and justice; to ensure that people’s disputes are dealt with in a competent, fair, and objective manner in court. Lesson #2, “judging others favorably”, however, seems *not* to be about the pursuit of truth and objectivity, but, rather, to have a pious and optimistic (i.e. *not* objective!) attitude on other people’s behavior (as beautiful and idealistic as this may be).

The following story, brought in the Gemara in Shabbos, accentuates this problem:

### Source 5. Shabbos 127b – Going to extremes to judge favorably

The rabbi's taught: one who judges his fellow favorably, will himself be judged by them (the Higher Courts) favorably. There once was an incident with a particular man (no less than the great R' Akiva himself. (שאלות דרב אחאי גאון פ' שמות שאלתא מין) who left his home in the Galil, and was hired as a worker (by R' Elazar ben Hurkinus) in southern-Israel for 3 years. On the day before Yom Kippur, he told his employer: "Please give me my wages, so I can go home and provide food for my wife and child." "I don't have any money."

"Give me fruit." "I don't have"

"Give me land." "I don't have."

"Give me an animal." "I don't have."

"Give me pillows and linen." "I don't have." He packed up his stuff, and headed home down-trodden.

After the holidays, the employer took the wages in his hand, along with 3 loaded-donkeys (1 with food, 1 with drink, and 1 with jewelry), and went to the employees home. After they ate together, he paid him his wages. The employer asked him: "When I told you I didn't have any money, what did you think?"

"I said, maybe he got a great business deal, and he'd tied up all of his cash with it."

"When I told you that I didn't have any animals, what did you think?"

"I said, maybe they've been rented-out."

"When I told you that I didn't have any land, what did you think?"

"I said, maybe it's been leased-out."

"When I told you that I didn't have fruit, what did you think?"

"I said, maybe they've not yet been tithed."

"When I said that I did not have any pillows or linens, what did you think?"

"I said, maybe he's consecrated all of his physical possessions to the Beis HaMikdash"

Ho told him "That's in fact what happened: I made oath, consecrating all of my possessions, as a result of the fact that my child had veered from the path of Torah, and when I visited the sages in southern-Israel, they annulled my oath [so now I have what to pay with]. As for you: just as you judged me favorably, G-d should judge you favorably as well."

ת"ר הדן חבירו לכף זכות דנין אותו לזכות ומעשה באדם אחד שירד מגליל העליון ונשכר אצל בעה"ב אחד בדרום שלש שנים ערב יוה"כ אמר לו תן לי שכרי ואלך ואזון את אשתי ובני אמר לו אין לי מעות אמר לו תן לי פירות אמר לו אין לי תן לי קרקע אין לי תן לי בהמה אין לי תן לי כרים וכסתות אין לי הפשיל כליו לאחוריו והלך לביתו בפחי נפש

לאחר הרגל נטל בעה"ב שכרו בידו ועמו משוי ג' חמורים אחד של מאכל ואחד של משתה ואחד של מיני מגדים והלך לו לביתו אחר שאכלו ושתו נתן לו שכרו אמר לו בשעה שאמרת לי תן לי שכרי ואמרתי אין לי מעות במה חשדתי אמרתי שמא פרקמטיא בזול נזדמנה לך ולקחת בהן ובשעה שאמרת לי תן לי בהמה ואמרתי אין לי בהמה במה חשדתי אמרתי שמא מושכרת ביד אחרים בשעה שאמרת לי תן לי קרקע ואמרתי לך אין לי קרקע במה חשדתי אמרתי שמא מוחכרת ביד אחרים היא ובשעה שאמרתי לך אין לי פירות במה חשדתי אמרתי שמא אינן מעושרות ובשעה שאמרתי לך אין לי כרים וכסתות במה חשדתי אמרתי שמא הקדיש כל נכסיו לשמים א"ל העבודה כך היה הדרתי כל נכסי בשביל הורקנוס בני שלא עסק בתורה וכשבאתי אצל חבירי בדרום התירו לי כל נדרי ואתה כשם שדנתני לזכות המקום ידין אותך לזכות

#### QUESTION:

"Judging favorably" seems to be about dreaming-up far-fetched explanations to justify another's seeming misbehavior. As pious and beneficial as that may be (both for oneself, as well as for society), that does not seem like the pursuit of "justice" – "צדק"! How can the same verse be teaching contradictory ideas???

**How can all these 3 lessons be derived from the same verse – they seem to be contradictory!?!**

### 3 – THE DETAILS OF THE MITZVAH

In order to begin answering this question, we need to better understand the specific details and parameters of the mitzvah of judging favorably:

#### Source 6. Pirkei Avos (Ethics of the Fathers) 1:6

Yehoshua ben Perachya says, “Establish a rabbi for yourself, acquire a friend, and judge every person favorably.”	יהושע בן פרחיה אומר עשה לך רב וקנה לך חבר והוי דן את כל האדם לכף זכות.
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What is this Mishna teaching us exactly?? The Torah itself, in the verse “בְּצֶדֶק תִּשְׁפֹּט עַמִּיתְךָ” already obligates us to judge favorably! We don’t need a Mishna in Perkei Avos (which is almost entirely focused on how to act meritoriously and beyond the letter-of-the-law) for this. The Rambam explains:

#### Source 7. Rambam’s explanation of the Mishna

<p>“Judge every person favorably” – This refers to someone whom you do not know, and therefore cannot tell if he is a <i>tzaddik</i> [an upright person] or <i>rasha</i> [habitual wrongdoer]. In such a case, if you see him doing something or saying something that could be interpreted in two ways, one good and one bad, you should give him the benefit of the doubt and assume the action was good ... This approach is <u>praiseworthy</u>.</p> <p>However, if the person is publicly known to be a <i>tzaddik</i>, and is known for doing good deeds, and the observer sees an action that looks entirely negative – and nobody is able to interpret it in a positive light, unless he makes an unlikely assumption – it is still proper to take the positive approach and see the action as good. Since there is some possibility that it was indeed a good action, you are not permitted to suspect him of having acted wrongly.</p> <p>Similarly, if someone is a <i>rasha</i>, and his negative actions are well-known, and we see him perform an action, which according to all who see it gives the impression of being good, with only a small possibility of it being negative, it is proper to be wary of him and not believe that the action was good, since there is a possibility that he acted negatively.</p>	<p>הוי דן את כל האדם לכף זכות - ענינו כשיהיה אדם שלא תדע בו אם צדיק הוא אם רשע, ותראהו שיעשה מעשה או יאמר דבר שאם תפרשהו על דרך אחת יהיה טוב, ואם תפרשהו על דרך אחרת יהיה רע, קח אותו על הטוב ולא תחשוב בו רע... וכשיהיה בלתי ידוע ... צריך בדרך החסידות שתדין לכף זכות.</p> <p>אבל אם יהיה האדם נודע שהוא צדיק מפורסם ובפעולות הטובות, ונראה לו פועל שכל עניניו מורים שהוא פועל רע, ואין אדם יכול להכריעו לטוב אלא בדוחק גדול ואפשר רחוק, הוא ראוי שתקח אותו שהוא טוב, אחר שיש שם שום צד אפשרות להיותו טוב ואין מותר לך לחושדו.</p> <p>וכן כשיהיה רשע ויתפרסמו מעשיו ואחר כך ראינוהו שיעשה מעשה שכל ראיותיו מורות שהוא טוב ויש בו צד אפשרות רחוק לרע ראוי להשמר ממנו ושלא תאמן בו שהוא טוב אחר שיש בו אפשרות לרע.</p>
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This Mishna is referring to someone we do not know. Regarding him, judging favorably is not included in the Mitzvah of “בְּצֶדֶק תִּשְׁפֹּט עַמִּיתְךָ” - it is simply meritorious. However regarding someone we do recognize, it’s a different story.



## 5 – REVISITING THE STORY

We can now re-evaluate the story brought earlier, and see it in an entirely different light. It seemed that R' Akiva was making up outlandish justifications for his employers apparent misbehavior, and, in the end, it just so happened to be that they turned out to be true.

But let's look closer.

Who was the employer exactly? What caliber-person was he? He was the R' Elazar ben Hurkinus, one of the greatest sages of the generation! A tzaddik!

And when did the story take place exactly? On the day before Yom Kippur, the holiest day of the year, where each human-being is judged for his behaviour, when every person is on their absolute best behaviour!

When R' Akiva came to get his wages, and saw his employers awkward behaviour, *he simply judged reasonably and justly*: “What’s more likely here? That this great man, this *tzaddik*, right before the holiest day of the year, is ripping me off?! Or, perhaps, there must be some more plausible explanation!”

For R' Akiva to have judged any *differently* than he did, not only would that have been *unreasonable*, and a *betrayal* of justice, it would have been downright callous!

## 6 – BRINGING IT HOME: YOU ARE A JUDGE!

This leads us to one final point, which really brings these lessons close to home.

Why judge at all? Would it not have been better for the Torah to simply command “*Thou shall not judge your fellow*”??

It is human nature to draw conclusions. It would be naïve to think that we will not instinctively judge the actions of other people. We *are* judges. The Torah acknowledges the human mindset, and therefore gives us guidelines on how to judge others *correctly*:

**“Judge”!**

***But, do it correctly: by thinking – critically and objectively – about what’s really going on with the other individual.***

**EXAMPLES:**

1. John and Jason are co-workers in an IT-company, and work in close proximity to each other in the office. They're not super chummy, but are friendly, and enjoy each other's company. One day, John notices Jason acting awkwardly: he looks around to his right and left, grabs a handful of company pens, and quickly stashes them in to his bag. *How should John 'judge' this scenario?*
  
2. Dave is at the Jays game with his family. Even though they're losing, everyone's having a fun time. Dave notices that, sitting in the next aisle is none other than Rabbi Velder himself, the beloved Rabbi of congregation Shomrei Yom Tov. As surprised as Dave is to see the good Rabbi at the Jays game itself, he's even more surprised when he sees the "get your beer here!" guy come down the aisle, and, as his back is turned, R' Velder snatches a beer without paying! *How should Dave assess this situation?*
  
3. Ricky is on his way home after a long day at work. He's patiently waiting his turn in the long line of cars to exit the Allen-expressway, off the 401-Highway, to get on to Lawrence avenue. Just as he's about to go up the ramp, a car speedily cuts-in, right in front of him, circumventing everyone else in the line. Ricky happens to catch a glance of the renegade-driver, and recognizes him as a person in his community, only, that he does not know personally. *How should Ricky judge the stuntman?*
  
4. Eric and his family are in the car, heading to the airport for their family vacation in Mexico for a 3-day Phish music-festival. As they're waiting in a left-turn lane, the car in front of them does the most ghastly thing ever in the history of mankind: it does not *immediately* turn on the advanced green! Eric, in his raging frustration, yells out "*Oh come on! Don't you know how to drive!!*" Eric's kids are sitting in the back, carefully absorbing their fathers' behavior. Later, Ben, the oldest son, politely asks his father "Abba, I don't mean to be rude, but isn't there a mitzvah to judge others favorably? Why were you yelling at the car?" *How should Eric answer his son's question? Was he indeed mistaken?*