

JUDGING FAIRLY PART 1

by Rabbi Yehonasan Gefen

"Judge the members of your people fairly.¹ "

Most of the commandments that we have thus far discussed involve speech or actions towards other people but they do not necessarily instruct us about our thoughts. The commandment to judge others fairly breaks this trend - the Torah requires us to develop certain attitudes towards the behavior of our fellow man.

There are four basic categories of people towards which we are commanded to have different attitudes (two of which will be discussed today and the other two, next week.):

1. The person described as a 'Tzadik', (a righteous man): He is someone who consistently behaves in a highly moral fashion. If we see a tzadik seemingly commit an uncharacteristic negative action then we are commanded to give him the benefit of the doubt and search for some justification for his actions. For example, John sees his Orthodox Rabbi enter into a non-kosher restaurant. John knows that his Rabbi is strict about observing the Torah laws. John must presume that his Rabbi had a valid reason for entering the restaurant, for example, he may have needed to relieve himself and this was the nearest location for him to do so. However, the requirement to judge fairly goes even further. Even if John were to see his Rabbi actually place non-kosher food into his mouth he must still attempt to find justification for his Rabbi's actions. In this case the most common explanation is that his Rabbi has some kind of health issue and at times must eat the nearest food available to him or face the possibility of threat to his life².

2. The person described as a 'Beinoni' (a normal person); He is someone who strives to be a good person and generally succeeds but falters on occasion. If he behaves in a way that could equally be construed as permitted or forbidden then we are commanded to presume that he acted in the permissible fashion. For example, if we know a person who is generally careful not to speak negatively (lashon hara) about others but sometimes fails. If we see that person whispering to his friend in such a fashion that could involve forbidden speech but equally could consist of permissible speech, then we are commanded to give him the benefit of the doubt and presume that he had spoken permissibly. However, if this person committed an action that strongly leans towards a negative interpretation, then the onlooker is not commanded to judge him favorably, however it is considered praiseworthy to do so nonetheless.

The underlying concept behind this commandment is to view people from a fair, logical and

balanced perspective. The righteous person who always acts positively deserves to be judged favorably even if he appears to be committing a sin; this is because it is logical to believe that he has not totally strayed from his regular behavior. Similarly, a person who generally acts positively but sometimes strays, deserves to be judged favorably when he commits an action that leans equally to the good and bad. This is because more often he does act righteously, therefore it is logical and fair to presume that he acted this way on this occasion. However, if he does something that strongly leans to a disapproving interpretation then one is allowed to presume that he did act negatively, because it is in fact more likely that he did indeed do so.

¹ Kedoshim, 19:15.

² In a situation in which a person's life is in danger, the Torah requires him to break all but three of the 613 Commandments - those three being murder, idol worship and forbidden relations.