

JUDGING FAIRLY PART 2

by Rabbi Yehonasan Gefen

Last week we began discussing the command to judge fairly; we said that there were four different categories of people for whom there are different guidelines of how we should judge them. We discussed the first two categories, that of the 'tzadik' (righteous man) and the beinoni (average man). The righteous man is someone who always does the right thing - even if he does something that strongly leans to a negative interpretation he must be given the benefit of the doubt. The beinoni is someone who generally does the right thing but sometimes stumbles. If he commits an action that equally lends itself to positive and negative interpretation then we must also judge him favorably. However, if it leans more to negative interpretation then we are not commanded to give him the benefit of the doubt, although it is commendable to do so.

The third category is the unrighteous man - he is someone who generally acts in an immoral fashion. If he commits an action that could equally be interpreted positively or negatively then we have no obligation to judge him favorably, in fact we should presume that he has indeed done the wrong thing. Moreover, even if his actions lean to a favorable interpretation, we should still not fool ourselves and presume he was doing the right thing. For example, if a person is known to be a compulsive thief and we see him doing something that could be construed as an innocent act or could be interpreted as involving thievery, then we should presume that he is indeed stealing. The reason for these guidelines with regard to the unrighteous man is that the Torah does not want us to be irrational and naïve. When we see a person who regularly acts in a negative way then it makes sense to presume that he has continued in that fashion unless he continuously shows that he has changed his ways.

It should be noted that whilst we should not be naïve about what the person is doing, nonetheless, it is highly commendable to try to view his actions in an understanding fashion. So, even though we can believe that a compulsive thief has indeed committed another act of theft if the evidence points that way, nonetheless we should strive not to look down on him as a 'bad person'. There are many reasons why a person acts in a negative way - it may be due to a difficult childhood, his current financial situation, or any number of possible reasons. The Mishna in Pirkei Avos (Ethics of the Fathers) tells us that we can never truly understand and judge the actions of a person because we are not privy to all the numerous details of his life history. We must try to be understanding of why a person acts immorally and try to help him if possible.

Text Copyright © 2008 by Rabbi Yehonasan Gefen and **Torah.org**