

CHAPTER 1, MISHNA 6(B): G-D'S JUSTICE SYSTEM

by Rabbi Dovid Rosenfeld

Yehoshua ben (son of) Perachia and Nittai of Arbel received the transmission from them [the rabbis of Mishna 4]. Yehoshua ben Perachia said: Make for yourself a rabbi, acquire for yourself a friend, and judge every person favorably.

Last week we discussed the first two statements of the mishna, the importance of acquiring both a rabbi and a friend. As we explained, personal relationships with both role models and equals are crucial for proper intellectual and spiritual growth -- for taking the Torah's messages, bringing them to life, and applying them to real-life situations.

This week we'll discuss the final statement of the mishna -- judging others favorably. As an opening observation, this perhaps relates to the mishna's first two statements. Only one who can overlook his friend's (and even his teacher's) faults while learning from his positive traits will be able to develop positive and growing relationships. There is no such thing as a person you will look up to in every way. Only with generous doses of patience and forbearance can any meaningful relationship get off the ground.

The Talmud derives the principle of judging others favorably from a verse in Leviticus (19:15): "In righteousness shall you judge your fellow" (Shavuot 30a). In its literal sense, the verse is addressing judges. The Sages derive from this the importance of being fair and impartial to both litigants, not giving better treatment to either one during the court proceedings.

The Talmud, however, additionally sees this verse as a general directive to us all, that we "judge" our fellows favorably. For better or worse, we are constantly judging our peers based on their words and behavior, and often our verdicts are as harsh and condemning as those of the most unyielding of judges. We are thus told to give others the benefit of the doubt, sometimes to bend over to see the good in our fellow where it is anything but readily evident. Perhaps he went into the MacDonald's to use the phone or bathroom. He acted that way because he had a rough day at work, or he is just not as sensitive about a certain issue as I.

Maimonides, in his commentary to the mishna, provides more precise guidelines for this obligation. There are three categories of people. An average person, who is neither particularly pious nor sinful (or at least is not known to you to be neglectful in the matter under question), must be given the benefit of the doubt only in situations in which there is reasonable room for doubt. If an act could go either way, judge him favorably. If, however, an act leaves little room for doubt -- and the person is

not exactly known for his saintliness -- one need not find some farfetched favorable interpretation of his act. The Torah does not ask for naivete, that we ignore what is in front of our noses. (Blabbing out what you saw to all who will hear, however, is known as *lashon hara*, evil speech, and is an entirely separate (and rather severe) transgression.) However, it is meritorious to look for some favorable or extenuating factor even in such a case.

The second type of person is one known to be righteous. Maimonides writes that we must view him or her favorably even if the circumstances do not warrant it, even in the case where his behavior appears sinful. We should bend over to view such a person favorably. Even if he clearly did sin, the Talmud writes that one should assume he reconsidered and repented his deed by the morrow (Brachos 19a). (Needless to say, if his "sinful" behavior involves financial loss to others we do not just cheerily dismiss his behavior as somehow acceptable; we notify the appropriate authorities and let **them** decide. Our mishna's focus is on the courtrooms of the mind alone.)

The final category of person is one known to be wicked. In this context, we define wicked as one who publicly and unashamedly flaunts his religion, and does not do so out of an ignorance of the true depth and beauty of Judaism. (As contemporary rabbis observe, it is actually difficult to find a person who fits the build today. Apart from the almost universal ignorance of Judaism as a whole today (whether or not someone has heard there are Orthodox Jews with long beards and coats in New York somewhere), a person today could have easily been raised to an Orthodox family and in an observant neighborhood -- and somehow never truly grew into what Judaism is all about. And there may not have been anyone there to properly guide and inspire him during some of the crucial early stages of his life. You cannot really pick up meaning and spirituality from your environment. It does not just seep in. We must each discover it for ourselves -- no matter who our parents and our teachers were or are.)

Regarding such a person, there is no obligation whatsoever to judge him favorably. He is not "your fellow" as referred to in the verse. In fact, we must rather bend over the other way in condemning his actions. We must always be wary that he is trying to create a respectable image so as to avert suspicion from his behavior -- and to entice others to his wicked ways.

The Talmud teaches us further: "Anyone who judges others favorably will be judged favorably in Heaven" (Shabbos 127b). This follows the general principle that G-d rewards and punishes us "measure for measure" (Mishna Sotah 1:7). If we are patient and understanding with others, G-d will act in the same manner towards us. If not, G-d will get his cues, so to speak, from our own behavior. Sadly, G-d's method of judgment is only too just.

This however presents a difficulty. When we judge others favorably, aren't we giving the benefit of the doubt because we **don't** know all the facts? We saw him walk into a MacDonald's and we don't know what happened next. Perhaps he went in for a soda. He was not in synagogue on Yom Kippur. Perhaps he wasn't feeling well. He made an inconsiderate remark. Perhaps he doesn't know how

sensitive that issue is to me, perhaps his boss just yelled at him, etc. But G-d **does** know all the facts when He judges us; there is no room for doubt. He knows the circumstances, the background, and all that preceded and followed. How can G-d judge us favorably when it involves overlooking what to Him are clear, hard facts?

The answer is that giving the benefit of the doubt is not only a matter of overlooking or interpreting details. It stems from an attitude. When we judge others, we are setting our own personal justice system. If I am constantly finding fault and criticizing others, I send a message to G-d. Shortcomings should be noticed and highlighted; there is no room for tolerance and understanding. And G-d allows us to fashion the very justice system with which He views us. If we see only the bad in others, we bring upon ourselves the very judgment which we, in our minds, visit upon others daily.

If, however, we view others favorably, we send an entirely different message to G-d. I know Joe is basically a good guy. He means well. Therefore, it is not likely to me that he actually did something wrong. And if he did, it is probably because he didn't really know better or he finds such behavior more challenging than I.

When we view others in such a manner, it sends a different message to G-d. I know Your creations are good human beings. They stumble and fall at times, but I have not lost faith in them as a result. They mean well, and I'm sure they'll pick themselves up again and try harder. And this is the attitude we should only wish G-d would have towards us. He (more than anyone else in creation) knows that human beings are basically good creatures. We have good souls and active consciences. If we recognize the innate goodness in others, chances are we will see it in ourselves equally well. And G-d will as well judge us mercifully. He knows we are His faithful servants regardless of our many slips and falls. We'll bounce back -- G-d knows we can do it -- and He knows as well that we can recognize this ourselves. And if He has that trust in us, we might just live up to His expectations.

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