

IN THE "JUDGING BUSINESS"

by Rabbi Yisroel Ciner

This week we read the parsha of Kedoshim. "And Hashem spoke to Moshe saying: Speak to the entire congregation of Bnei Yisroel and say to them: Kedoshim tih'yu {You shall be holy} because I, Hashem your G-d, am holy. [19:1]" Our parsha then enumerates thirteen positive and thirty-eight negative commandments through which one obtains this kedusha {holiness}.

"Do not pervert justice, do not favor the poor nor shall you honor the mighty; judge your neighbor righteously. [9:15]"

Rashi explains that the passuk is addressing two very real obstacles to a rigorously honest judicial system. A judge, understanding that the rich have an obligation to support those less fortunate than themselves, might decide to judge in the poor man's favor. This would allow the poor man to be supported in an honorable fashion. Similarly, a judge might be cowed by the rich and powerful and feel unable to humiliate such a person by judging against him.

The last command of the pasuk-judge your neighbor righteously-is explained by the Sages as going far beyond the established judicial system. Throughout our days and our lives we are constantly 'judging' all that goes on around us. We judge other's actions, words and even what we're sure they are thinking. As such, we are in the 'judging business' far more extensively than any professional judge. The Torah thus commands us to judge others favorably.

We very often find this to be a most difficult task. Many times we are presented with situations which appear to be very clear. It seems almost impossible to view it in any other way. This person was obviously wrong, malicious, dishonest, insensitive or any of the many other terms we use to describe someone who we feel acted inappropriately. How can we be expected to search and research for an explanation which might seem farfetched?

I heard an interesting thought on this. Let's examine ourselves and our actions and see if we don't do just that when something important to us is at stake. Imagine that as you're getting ready to leave to the airport you realize that you have misplaced your passport. When you realize that it's not in the envelope where you usually keep it you check the entire drawer. If it's not in that drawer, you check all of the drawers in that entire cabinet-even though you know that you only keep it in that one drawer. When that search still leaves you without your passport, you begin to search the entire house. Gradually moving from places which might reasonably contain your passport to those places which make no sense whatsoever that your passport would be there. Interspersed between every

new area searched are return trips and searches in the places where it really should be. You checked there already but you check again and again. Although the chances of it having somehow returned there while you were searching elsewhere are next to nil, you nevertheless check and recheck that drawer where you usually keep it.

What becomes apparent is that when something important to us is at stake, we are willing to pursue farfetched avenues which don't seem to make the most sense. We're willing to act on very small possibilities. The honor of another person must be as important to us as that missing passport. In order to preserve another person's honor we must be willing to pursue small, farfetched possibilities which might not seem to make the most sense. We must be willing to judge favorably.

The Talmud [Shabbos 127B] relates the story of a man from the Upper Galilee who worked for a man in the south for three years. On the eve of Yom Kippur the worker approached his employer in order to receive his wages but was told that he had no money with which to pay him. "Then pay me with fruits," he requested, but he was again refused. His pleas for payment in the forms of land, animals and finally bedding were all turned down. Empty-handed, he slung his belongings over his back and began the long trek home.

After the holidays, the employer made the trip up north bringing the wages along with three donkeys laden with food, drinks and delicacies. He paid the worker and they then sat down to eat a festive meal together. Afterwards, the employer curiously asked his worker "When you asked for your hard-earned wages and I told you that I had no money, what were your thoughts?"

"I assumed that an opportunity had arisen to buy wares at a very cheap price and you were left without any available cash," the worker responded.

"And when I refused your request for animals, what were you thinking?"

"Perhaps all of your animals had been rented out," he replied.

"And land?"

"Perhaps it all had been given over to sharecroppers."

"And fruits?"

"Perhaps you hadn't yet had the opportunity to properly tithe them."

"And when I refused to pay you in bedding?"

"I assumed that you had pledged all of your property to be given for holy purposes."

The employer turned incredulously to the worker and swore that was exactly what had happened...

Commentators write that the worker was none other than Akiva before he began studying Torah at the age of forty. Only much later did he become the renowned sage, Rabbi Akiva.

We are now in the midst of S'firas Ha'Omer, counting the days from Exodus to Sinai. A certain degree of mourning is observed because during these days the students of Rabbi Akiva had died for not according one another proper honor and respect. Though we would never have noticed any disrespect whatsoever in their interpersonal dealings, on the exalted level demanded from them they fell short.

Having gotten a glimpse of Rabbi Akiva's respect for the honor of others before he began learning Torah, we can only imagine the dizzying height it must have reached once he became one of the greatest sages of all time. Once again, we can only imagine the level demanded from those students who had merited to witness that respect first-hand.

May we learn to search out ways to accord others honor.

Good Shabbos,
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