

Fill Your Own Cup 5786 – Omer Series – Interpersonal Relationships

Session Three – Judging One Another Favorably

1) Waves on the Beach, Rabbi Harold Kushner

I was sitting on a beach one summer day, watching two children, a boy and a girl, playing in the sand. They were hard at work building an elaborate sand castle by the water's edge, with gates and towers and moats and internal passages. Just when they had nearly finished their project, a big wave came along and knocked it down, reducing it to a heap of wet sand.

I expected the children to burst into tears, devastated by what had happened to all their hard work. But they surprised me. Instead, they ran up the shore away from the water, laughing and holding hands, and sat down to build another castle.

I realized that they had taught me an important lesson. All the things in our lives, all the complicated structures we spend so much time and energy creating, are built on sand. Only our relationships to other people endure. Sooner or later, the wave will come along and knock down what we have worked so hard to build up. When that happens, only the person who has somebody's hand to hold will be able to laugh.

2) Mishna Avot 1:6

Joshua ben Perahiah and Nittai the Arbelite received [the oral tradition] from them. Joshua ben Perahiah used to say: appoint for thyself a teacher, and acquire for thyself a companion and judge all people with the scale weighted in their favor.

משנה אבות א:

יְהוֹשֻׁעַ בֶּן פְּרַחְיָה וְנִיטַי הָאַרְבֵּלִי
 קִבְּלוּ מֵהֵם. יְהוֹשֻׁעַ בֶּן פְּרַחְיָה
 אָמַר, עֲשֵׂה לָךְ רֵב, וּקְנֵה לָךְ
 חֵבֵר, וְהָיוּ דָן אֶת כָּל הָאָדָם לְכַף
 זְכוּת:

3) Rabeinu Yonah on Mishna Avot 1:6

And judge every person as meritorious: This is speaking about a person about whom we do not know if he is righteous or if he is evil; or if we know that he is a moderate person, sometimes doing evil and sometimes doing good. And if he does something that can make us judge him unfavorably and [also] judge him favorably in our understanding - or even if, (towards) according to what appears, it leans more towards the side of guilt - if he can judge him favorably from one aspect of the matter, he should say, "His intentions were good."

But these words are not [applicable] to the completely righteous or the completely evil. As with the righteous person, even with an action that is completely evil and leans toward guilt in every aspect, we should judge him favorably and say, "It was a mistake that came out from the hand of the ruler," and behold he regretted and observed [it] and [already] requested forgiveness." And it is like the sages, may their memory be blessed, said (Berakhot 19a), "If you see a Torah scholar who sinned at night, do not ruminate about him during the day, lest he has repented. 'Lest' comes into your mind? But rather, I will say he certainly repented." The explanation of "'Lest' comes into your mind?" is that since he is a Torah scholar and up until now, no corrupt thing has come to his hand; he certainly repented right away. You behold [from here that] one should never judge the perfectly righteous person unfavorably. And about him there is no reason to say, "judge every person as meritorious." And he also did not speak about the completely evil person. Even if his actions are completely good and it is not evident to be concerned about

רבינו יונה שם

והיו דן את כל האדם לכף זכות.
 זה מדבר עם אדם שאין יודעין בו אם הוא צדיק ואם הוא רשע. ואם מכירין אותו והוא איש בינוני פעמים עושה רע ופעמים עושה טוב ואם יעשה דבר שיש לדונו לכף חובה ויש לדונו לזכות בשיקול או אפי' (לידי) כפי הנראה נוטה לכף חובה יותר. אם משום צד ענין יכול לדונו לזכות יש לו לומר לטובה נתכוון. אבל אין הדברים בצדיק גמור ולא ברשע גמור. כי הצדיק אפי' במעשה שכלו רע ונוטה לכף חובה מכל עבר ידינהו לטובה לאמר כי שגגה היתה שיצאה מלפני השליט והנה ניחם והביט ובקש מחילה. וכמו שאמרו חז"ל (ברכות יט.) אם ראית תלמיד חכם שעבר עבירה בלילה אל תהרהר אחריו ביום שמא עשה תשובה שמא ס"ד אלא אימא ודאי עשה תשובה. פי' שמא ס"ד כיון שהוא ת"ח ועד עתה לא אירע דבר קלקלה בידו על כל פנים מיד עשה תשובה. הנה לך כי אין לדון לכוף חובה הצדיק גמור לעולם וממנו לא הוצרך לומר והיו דן את כל האדם לכף זכות. גם מן הרשע הגמור לא אמר. אפי'

him regarding an angle of iniquity, a person should judge him unfavorably and say, "He did it on the surface 'and his inside is not like his outside.'"

מעשהו כלו טוב ואין נראה לחוש עליו משום צד עון יש לאדם לדונו לכף חובה ולומר לפנים עשה ואין תוכו כברו.

4) Babylonian Talmud Tractate Shabbat 127b

The Sages taught in a *baraita*: One who judges another favorably is himself judged favorably. And there was an incident involving a certain person who descended from the Upper Galilee and was hired to work for a certain homeowner in the South for three years. On the eve of the Day of Atonement, he said to the homeowner: Give me my wages, and I will go and feed my wife and children. The homeowner said to him: I have no money. He said to him: In that case, give me my wages in the form of produce. He said to him: I have none. The worker said to him: Give me my wages in the form of land. The homeowner said to him: I have none. The worker said to him: Give me my wages in the form of animals. He said to him: I have none. The worker said to him: Give me cushions and blankets. He said to him: I have none. The worker slung his tools over his shoulder behind him and went to his home in anguish. After the festival of *Sukkot*, the homeowner took the worker's wages in his hand, along with a burden that required three donkeys, one laden with food, one laden with drink, and one laden with types of sweets, and went to the worker's home. After they ate and drank, the homeowner gave him his wages. The homeowner said to him: When you said to me: Give me my wages, and I said: I have no money, of what did you suspect me? Why did you not suspect me of trying to avoid paying you? The worker answered, I said: Perhaps the opportunity to purchase merchandise [*perakmatya*] inexpensively presented itself, and you purchased it with the money that you owed me, and therefore you had no money available. The homeowner asked: And when you said to me: Give me animals, and I said: I have no animals, of what did you suspect me? The worker answered: I said: Perhaps the animals are hired to others. The homeowner asked: When you said to me: Give me land, and I said: I have no land, of what did you suspect me? The worker answered: I said: Perhaps the land is leased to others, and you cannot take the land from the lessees. The homeowner asked: And when you said to me: Give me produce, and I said: I have no produce, of what did you suspect me? The worker answered: I said: Perhaps they are not tithed, and that was why you could not give them to me. The homeowner asked: And when I said: I have no cushions or blankets, of what did you suspect me? The worker answered: I said: Perhaps he consecrated all his property to Heaven and therefore has nothing available at present. The homeowner said to him: I swear by the Temple service that it was so. I had no money available at the time because I vowed and consecrated all my property on account of Hyrcanus, my son, who did not engage in Torah study. The homeowner sought to avoid leaving an inheritance for his son. And when I came to my colleagues in the South, the Sages of that generation, they dissolved all my vows. At that point, the homeowner had immediately gone to pay his worker. Now the homeowner said: And you, just as you judged favorably, so may God judge you favorably.

תלמוד בבלי מסכת שבת

קכז:

תנו רבנן: הדין חבירו לכהן זכות — דנין אותו לזכות. ומעשה באדם אחד שנירד מגליל העליון ונשפר אצל בעל הבית אחד בדרום שלש שנים. ערב יום הכפורים אמר לו: תן לי שכרי, ואלף 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 פרים וקסטות — אין לי. הפשיל כליו לאחוריו, והלך לביתו בפחי נפש. לאחר הרגל נטל בעל הבית שכרו בידו, ועמו משוי שלשה חמורים, אחד של מאכל, ואחד של משקה, ואחד של מיני מגדים, והלך לו לביתו. אחר שאכלו ושתו נתן לו שכרו. אמר לו: בשעה שאמרתי לי "תן לי שכרי" ואמרתי "אין לי מעות", במה חשדתני? אמרתי: שמא פרקמטיא בזול נודמנה לך, ולקחת בהו. ובשעה שאמרתי לי "תן לי בהמה", ואמרתי "אין לי בהמה", במה חשדתני? אמרתי: שמא מושכרת ביד אחרים. בשעה שאמרתי לי "תן לי קרקע", ואמרתי לך "אין לי קרקע", במה חשדתני? אמרתי: שמא מוחכרת ביד אחרים היא. ובשעה שאמרתי לך "אין לי פירות" במה חשדתני? אמרתי: שמא אינן מעושרות. ובשעה שאמרתי לך "אין לי פרים וקסטות" במה חשדתני? אמרתי: שמא הקדיש כל נכסיו לשמים. אמר לו: העבודה! כך היה. הדרתי כל נכסי בשביל הורקנוס בני שלא עסק בתורה. וכשבאתי אצל חבירי בדרום התיירו לי כל נדרי. ואתה, כשם שדנתני לזכות, המקום ידון אותך לזכות.

5) Ba'al Shem Tov, Kedoshim 2

"Judge your fellow with righteousness." Our Sages of blessed memory taught (*Sanhedrin* 32a): "Judge your fellow favorably." We received from our master, the divine Baal Shem Tov of blessed memory, that he interpreted the verse (*Psalms* 39:9): "Save me from all my transgressions; do not make me the disgrace of a fool" – that when a person sees something disgraceful from a wicked person who has committed a serious transgression, he should judge him favorably: because it is due to the pursuit of the evil inclination that burns within him that he acts this way, and because of the coarseness of his crude material nature, he does not know the severity of the prohibition. All of this and similar reasoning – and through this he also saves himself from judgment. For in truth, when one sees disgraceful things in another, he should know that within himself there is also something of this same matter, that there are judgments and accusers against him. And when he finds merit for his fellow, merit will be found for him as well. And by not arousing judgments against a sinful person who does some wicked act due to the overpowering of the evil inclination that burns within him, he fulfills: "Do not pervert the judgment of your poor person in his dispute" – at a time when trials and disputes from the bitter and willful waters pass over him – rather, you should arouse every kind of merit on his behalf.

And in truth, all of this is a great test. For we have received that no decree is issued against a person unless he himself rules it so – and certainly he would not rule it against himself. Rather, they show him a person who has committed some transgression similar to his own type of transgression, and he rules judgment against that person, and thereby seals that very judgment upon himself, God forbid.

בעל שם טוב, קדושים, ב'

בצדק תשפוט עמיתך. ודדשו רבותינו ז"ל (סנהדרין דל"ב ע"א) הוי דן את חבריך לכף זכות קבלנו ממרן אלקי הבעש"ט זי"ע שפירש הפסוק (תהילים ל"ט: ט') מכל פשעי הצילני חרפת נבל אל תשימני, כשרואה אדם דבר נבלה מאיש רשע, שעבר עבירה חזקה, ידין אותו לכף זכות, כי מצד רדיפת היצר הבוער בו, עושה, ומצד פחיתות חומר העב, שאינו יודע חומר האיסור, וכל זה וכיוצא בזה, ובזה מציל גם עצמו מדין, כי באמת כיון שרואה דברי נבלה בחבירו, ידע שיש בו בעצמו גם כן מעין דבר זה, שיש עליו דינים ומקטריגים, וכשימצא זכות לחבירו יהיה גם עליו זכות, ובזה שאינו מעורר דינים על איש חוטא, שעושה מחמת התגברות היצר הבוער בו, איזה מעשה רשע, מקיים בזה (בס' משפטים) לא תטה משפט אביון בריבו, בעת שעוברין עליו נסיונות וריבות ממי מריבה מים הרעים והזדונים, אלא תעורר עליו כל מיני זכות.

ובאמת כל זה נסיון גדול, כי קבלנו שאין נגזר על אדם שום גזר דין, אלא אם כן הוא פוסק בעצמו כן, ובוודאי לא יפסוק על עצמו, אלא מראין לו אדם שעשה איזה עבירה מעין מלאכתו, מלאכת עבירה שלו, והוא פוסק עליו את הדין, וחותר זה הדין על עצמו ר"ל:

6) Brené Brown, Dare to Lead: Brave Work. Tough Conversations. Whole Hearts.

"Assuming positive intent does not mean that we stop helping people set goals or that we stop expecting people to grow and change. It's a commitment to stop respecting and evaluating people based solely on what we think they should accomplish, and start respecting them for who they are and holding them accountable for what they're actually doing. And when we're overwhelmed and struggling, it also means turning those positive assumptions toward ourselves: I'm doing the very best I can right now."