



A TRUTHFUL 'JUDGE'

Dear Parents,

Erev Purim, Erev Shabbos Parashas Tetzaveh 5781

Purim is a time to focus on community, unity and *Ahavas Yisroel*. Three of the four *Mitzvos* of the day are tied directly to strengthening bonds of love and closeness between people. The Purim miracle came about because the Jewish people were able to unify and put aside their differences. In an eye-opening talk for educators, given a number of years ago, *Rabbi Yitzchak Berkowitz, Shlita, Rosh Yeshiva of Yeshiva Aish haTorah in Yerushalayim*, examined one of the foundations of *Bein Adam L'Chaveiro*, interpersonal relationships.

Rabbi Berkowitz suggested that being *Dan L'Chaf Zechus*, judging others favorably, is a key to loving relationships between people. Being critical and finding fault with others is a wedge that separates people. Learning to see others in a positive light draws people together. The difficulty in judging favorably is the apparent need to be extremely creative in conjuring up far-fetched scenarios to explain away seemingly bad behavior. This is a misconception, says *Rabbi Berkowitz*, and he proves it through another question.

The *Torah* source for judging favorably is *B'Tzedek Tishpot Amisecha (Vayikra 19:15) with righteousness shall you judge*. This *Pasuk*, however, is also the source of several *Halachic* requirements that assure that judges will judge in accordance with the truth. Judges judging is all about the truth, no matter how harsh that may be, but judging favorably seems to bend the truth in order to be kind to one's fellow. How could the same *Pasuk* teach both?

Rabbi Berkowitz explained: Judging favorably is not a departure from the truth. In actuality, judging favorably as the *Halacha* requires is coming closest to the truth under the circumstances. For example: A person known to be a *Shomer Shabbos* person is spotted driving a car on a *Shabbos* afternoon. What are the facts? 1) He is known as a *Shomer Shabbos* person. 2) He was driving a car on *Shabbos*. Is it more plausible to say he suddenly stopped being careful about a severe, universally known violation of *Shabbos*, or is it not more likely that this is a *Halachically* sanctioned circumstance in which it is permitted to drive on *Shabbos*? Judging favorably means that what makes the most sense is that this person has not reversed a decades-old manner of behavior and acted out of character. Although what appears in front of us now points to something different, it is more plausible to apply an unusual circumstance to this case than to say a lifetime of behavior has just reversed itself.

In a more likely scenario, when a close friend fails to come to your *Simcha* (pre-Covid!) or an otherwise trustworthy friend does not return a borrowed item, judging favorably can help us block the instinctive, emotional reaction that dredges up feelings that there was mal intent on the part of your friend. Working on allowing our intellect to dominate our mind rather than being flooded by emotion, will bring us to an understanding and appreciation that unusual circumstances arise and cause unusual behavior. Think – “Has this ever happened to me?”

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This explains how the same *Pasuk* can teach both judging honestly in a courtroom and judging others in a favorable light in the courts of our mind. It also makes the task of judging favorably infinitely easier. We are not dealing in a surreal world where reality is suspended to make others look good. We're not supposed to be fools, we're not to allow ourselves to be taken advantage of. We judge favorably as the *Torah* requires, because a careful analysis of all the factors involved yields the most likely and therefore truthful conclusion; that a person who is known to be careful in a certain matter, did not suddenly reverse his own pattern of behavior. That is why the *Halacha* is different for a *Tzadik*, a middle-of-the-road type person (*Beinoni*) and a *Rasha*. (*see below)

This is a somewhat complicated concept to teach young children. What is very simple, however, is teaching them by living it. Were we to live by the *Torah's* precept of judging favorably, our children will learn from what we do way more than what we say. *B'ezras Hashem*, they will come to a higher level of *Ahavas Yisrael*, through witnessing and experiencing their parents' behavior. This will help them have a more successful and happy life, every parent's goal for their beloved children.

Have a *Simcha* and *Achdus*-filled *Purim* and a wonderful *Shabbos*,

Rabbi Kalman Baumann

**Rabbeinu Yonah* explains these are not global descriptions, but every person can be a *Tzadik* in one area, a *Beinoni* in another etc. For example, someone careful about *Kashrus* but not as careful about *Loshon Hara* is considered a *Tzaddik* about *Kashrus* issues and a *Beinoni* about *Lashon Hara* issues. When judging such a person, their prior performance in each particular area determines how he or she is to be judged in this case.

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