

“In justice you shall judge your fellow.”

Vayikra/Leviticus 19:15

Originally applying to the work of shofetim (judges) our sages understood this to apply to everyone. Most of us (excusing the Lamed Vavniks) get entangled in distorted negative judgements every day, perhaps judging all “Vancouver drivers” as dangerous because of the behaviour of a minority, or more perniciously forming negative racial, cultural, or gender stereotypes in our heads about the behaviours of “Chinese,” “men” “boomers” “millenials” or what have you. We judge a relative as selfish or lazy, overlooking the good that they have done or do, or become frustrated by an incompetent colleague, again overlooking all of their competencies and positive contributions.

The mitzvah to judge others favorably (dan l’chaf zchut, “one the side of merit”, Pirke Avot 1:6) does not mean that we should delude ourselves. It means that we should resist our tendency to judge others in a negative and condemning way. We can do this by considering extenuating factors- the person’s upbringing, the difficulties they face, the secret struggles they may be facing we don’t know about, the neurochemical or physical challenges they may have that we can’t see. We can also bring to mind the good things about their behaviour. The Ba’al Shem Tov advised that just as we love ourselves despite our faults, so we should try to love others despite their faults.

Rabbi Telushkin brings a teaching from Rabbi Zelig Pliskin which illustrates how one can judge another favorably or not: *“Thus, when a person is late, they dismiss his behavior as “passive aggressive.” If he arrives precisely on time, he is “obsessive-compulsive.” And if he comes early, he “fears disapproval,” and is overly concerned with what others think of him. Rabbi Pliskin offers a fairer model for explaining the behavior of others. “If someone is late, there is the possibility that he was detained through no fault of his own. If someone is punctual, it shows that he is orderly, and has good time management. If someone is early, it shows that he does not want to inconvenience another by causing [people to have] to wait.”*

One reason that we need to err on the side of judging others positively is that we have an internal drive to regard ourselves as better than others that we should not underestimate. Social media and news sites provide an endless stream of news to illustrate what is good about us and our team and what is bad about them and theirs. We tend to relish hearing about others bad behavior and stupidity not because we are sadists but because it makes us feel *better than them*. If they are stupid and immoral, then we are, by implication, just that much wiser and more moral.

Emma Young, a British researcher, found that “a substantial majority of individuals believe themselves to be morally superior to the average person....Most people believe themselves to be just, virtuous, and moral; yet regard the average person as distinctly less so.” Another researcher, Sarah Griffiths, in a poll of prisons, found that the average prisoner- many of them incarcerated for violent crimes- thought they were more moral not only than other prisoners but

than the average person outside prison as well. Prisoners rated themselves consistently as kinder than the average person, and more generous as well.

“Don’t judge your fellow until you have walked in their place,” counsels Pirke Avot (2:4) but few of us go deeply into the question of what would happen if faced with the stresses or opportunities of others we see acting badly. There may be a long list of bad things we haven’t done, but have we had the opportunity to do those things and thought we could get a way with it too? Maybe not. On the other side of the coin, we may not have the genetic or social factors that predispose us to that damaging behavior. The Alter Rebbe of Chabad once wrote that someone who is sorely tempted to a destructive behavior and limits it or resists it most of the time may be working much harder than someone who is not tempted in that direction at all, and though the one who is not tempted will commonly (and wrongly) be regarded as “righteous” the struggler is actually more of an *eved Hashem* (servant of the divine).

We should also be careful not to judge others based on rumour. There is a prohibition against believing *loshin hara* (negative gossip) which we will discuss tomorrow, but setting that aside, within the context of the mitzvah of judgement we should be cautious about what we hear. “The outrage of Sodom and Gomorrah is so great, and their sin so grave, I will go down to see whether they have acted altogether according to the outcry that has reached Me; if not, I will take note.” (Genesis 18:20–21). Since YHVH knew what was happening without “checking” the Rabbis teach that this was done to teach us how we should act: look into the evidence first.

Lastly, Rabbi Telushkin points out that “The Talmud teaches that “a fault that you have, don't go about pointing out in others” (Bava Mezia 59b). Often, for example, it is the child who shares a character or personality flaw with a parent whose behavior most provokes the parent's anger. If a parent feels the need to critique this trait in a child, then, to be fair, the parent must acknowledge to the child that she suffers from this, too. Similarly, if we are going to critique a flaw in another that is a flaw that we ourselves have, we should acknowledge this weakness, both to ourselves, so that we will be less harsh in our criticism, and to the other, so that he will be less defensive in his response.”