

GIVING THE BENEFIT OF THE DOUBT

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A man once came to the house of R. Yehoshua looking for lodging. R. Yehoshua fed him and brought him to the attic to sleep. When the guest was upstairs, R. Yehoshua removed the ladder. In the middle of the night, the guest packed up R. Yehoshua's belongings and tried to escape, only to discover, as he plunged to the floor, that the ladder was missing. In the morning, R. Yehoshua found his guest lying injured on the floor and commented to him that he removed the ladder because the guest seemed a little suspicious. (Source: Masechet Derech Eretz Rabbah 5:4)

Innocent until proven guilty. Give them the benefit of the doubt. Don't jump to conclusions. Look for the positive in people. All of these terms express, in one way or another, the idea that when we see or hear something that appears as if someone else did something wrong, we should judge them favorably and avoid thinking negatively about them. Even when we can't justify their misdeeds, Rabbeinu Yonah, *Commentary to Avot* 1:6, writes that we should assume that they realize their mistakes and are working on trying to improve themselves. This concept is often associated with the prohibition against accepting *lashon harah*. Yet, there are situations when we must make actual decisions based on our observations of other people.

Let's look at the following scenarios:

CASE ONE	Rina was absent this morning, sick at home, for Mrs. Silver's exam. As Mrs. Silver is walking down the street during her lunch break, she notices Rina through the window of the local ice cream store. Should Mrs. Silver question why she was in the ice cream store if she was supposed to be sick at home?
CASE TWO	The Kohens and the Kleins were planning on carpooling together. One day, Mrs. Kohen noticed that Mrs. Klein was texting while driving. Mrs. Kohen concludes that Mrs. Klein is not a safe driver and cancels the plan to carpool together. Is this appropriate?
CASE THREE	Shira is usually happy to let her friends use her laptop at school. One day, she is approached by a schoolmate who she doesn't know asking to use the laptop. Shira is a little uncomfortable lending it to a stranger, but doesn't want her schoolmate to feel that there is some reason to be suspicious of the schoolmate's request. What should she do?

☞ SOURCE BASED DISCUSSION ☞

The Talmud quotes a *Beraita* (a comment from the Mishnaic period that wasn't included in the Mishna) that comments on the verse (Vayikra 19:15) commanding us to judge righteously:

"Judge one's fellow righteously" - You shall judge your friend favorably.
Sh'vuot 30a

"בצדק תשפוט עמיתך" הוי דן את חברך לכף זכות.
שבועות ל.

Judging others favorably not only fulfills a religious requirement, it provides a number of benefits. Rashi notes that judging others favorably contributes to our ability to get along with others:

Judging one's friend favorably is included in making peace because when one gives the benefit of the doubt and says "he didn't wrong me, (or) it was an accident or he was well intentioned," there is peace between (both of) them.
Rashi, Shabbat 127b

דן את חברו לכף זכות בכלל הבאת שלום דמתוך שהוא מכריעו לזכות ואמר לא חטא לי בזאת אנוס היה או לטובה נתכוון יש שלום ביניהן
רש"י שבת קכז:

**☞ CAN YOU THINK OF A RECENT EXAMPLE OF SOMEONE WHO GOT ANGRY AT SOMEONE ELSE?
☞ DO YOU THINK IT COULD HAVE BEEN AVOIDED IF FAVORABLE JUDGMENT WAS USED?**

Sefer HaChinuch adds that judging others favorably contributes to a society where people can trust one another:

Also, what the (rabbis) stated that each person is required to judge his/her friend favorably ... promotes peace and friendship and therefore, the purpose of this mitzvah (the mitzvah to judge righteously) is to improve society with a sense of righteousness and provide peace by removing suspicion of one to another.
Sefer HaChinuch no. 235

גם במה שאמרו שכל אדם חייב לדון את חברו לכף זכות שהוא בכלל המצוה יהיה סבה להיות בין אנשים שלום וריעות ונמצא שעיקר כל כוונת המצוה להועיל ביישוב בני אדם עם יושר הדין ולתת ביניהם שלום עם סילוק החשד איש באיש.
ספר החינוך מצוה רלה

Additionally, the Talmud states:

Our rabbis taught: One who judges his friend favorably will be judged (by God) favorably.
Shabbat 127b

ת"ר הדן חברו לכף זכות דנין אותו לזכות
שבת קכז:

☞ ARE THERE DIFFERENT LEVELS OF TRUST? ☞

The Talmudic statement that discusses the obligation to judge favorably specifies "friends." Does this mean that we are exempt from judging non-friends favorably?

The Mishna in *Pirkei Avot* also discusses the idea of judging favorably, but with one major difference:

One should judge all people favorably.
Avot 1:6

והוי דן את כל האדם לכף זכות
אבות א:ו

Why does the Mishna extend the idea of judging favorably to all people when the other Talmudic statement limits it to friends? Rambam provides an important insight:

The idea is that if there is a person who you don't know and you can't tell whether he/she is righteous or evil and you see him/her doing something or saying something that if it is interpreted one way it is good and in another way, bad, you should interpret it as good and not think of it as bad. However, if the person is known to be righteous and well-known for good deeds and one sees an action that seems bad and the only explanation for it being good is not very plausible, one should explain it as good, since there is such a possibility.
Rambam, Peirush HaMishnah, Avot 1:6

עניינו, שאם יהיה אדם שאינו ידוע לך, לא תדע האם צדיק הוא או רשע, ותראהו עושה מעשה או אומר דבר, שאם יפורש באופן מה הריהו טוב, ואם תפרשהו באופן אחר הרי הוא רע - פרשהו כטוב, ואל תחשוב בו רע. אבל אם היה איש ידוע שהוא צדיק, ומפורסם במעשי הטוב, ונראה לו מעשה שכל תכונותיו יורו על היותו מעשה רע, ואין להכריע בו שהוא מעשה טוב אלא בדוחק רב מאד ובאפשרות רחוקה - צריך לפרש אותו כטוב, הואיל ויש צד אפשרות להיותו טוב רמב"ם פירוש המשנה לאבות א:ו

Why does Rambam explain that the case in the Mishna involves an individual who is not known to be righteous or evil? Why not explain that we are dealing with the more common scenario involving someone who we know well and we know that they don't always behave like a righteous individual?

R. Yisrael M. Kagan, *Chafetz Chaim*, Introduction, Aseh no. 3, explains that there are two different situations where we are expected to judge favorably. If we know the person and we know that they have their ups and downs, we are *required* to judge them favorably when we see them do something that can be interpreted positively or negatively. If we don't know the person, we are not *required* to judge them favorably but we should nevertheless strive to do so, if possible. The Mishna is dealing with the case of the unknown individual and therefore, does not use the term friend, rather "all people."

Rambam's insight teaches that there are multiple levels of trust. It would not be wrong to trust someone who we know more than someone who we don't know at all.

🔗 JUDGING FAVORABLY WHILE PROTECTING ONESELF 🔗

Does judging everyone favorably allow others to take advantage of us? R. Elazar Azkari in his *Sefer Chareidim*, discusses the lesson of the story involving R. Yehoshua and the thief:

Our rabbis taught: every person should be viewed as a bandit and you shall respect them like (you would respect) Rabban Gamliel. This is puzzling because our rabbis taught that we should judge others favorably, implying that we should see each individual as righteous and not suspect them at all? One can answer that in truth, everyone should be righteous in your eyes and one should respect them honestly and not out of flattery. Nevertheless, to protect oneself, one should suspect that the person may be evil unless they are verified (as righteous).

Sefer Chareidim, Mitzvat HaTeshuva Ch. 4

אמרו ז"ל כל אדם יהיו בעיניך כלסטים ומכבדו כרבן גמליאל ותימא שהרי אמרו והוי דן את כל האדם לכף זכות ומשמע שיהיה צדיק גמור בעיניו לכבדו בלב שלם ולא כחונף מכל מקום לענין להשמר ממנו יחשדנו לרשע אלא אם כן היה בדוק לו.

ספר חרדים, מצות התשובה פרק ד'

R. Azkari's comments contain three noteworthy points:

1. Our obligation to judge others favorably and give them the benefit of the doubt does not apply when we are protecting ourselves or others.
 2. The obligation to give others the benefit of the doubt relates more to specific actions than our thoughts. When we see someone doing something that looks inappropriate, it may be very difficult to convince ourselves otherwise. However, that doesn't give us the right to act upon those conclusions and treat the individual negatively. If we are confronted with a specific decision that involves protecting ourselves or someone else, we can only ignore the requirement to judge favorably for that specific decision.
 3. When we focus on what actions to take as opposed to what we think about the person, we can understand why R. Yehoshua gave lodging to someone who he suspected was a thief. Since R. Yehoshua was able to properly protect himself, he had no reason to deny from his suspicious visitor the kindness that he would have provided to anyone else who knocked on his door.
- How would you apply these discussions to case #1? Are there legitimate reasons for a person home from school to be in an ice cream store? Is Mrs. Silver protecting anyone by confronting Rina?
 - How would you apply these discussions to case #2? Is Mrs. Kohen correct in concluding that Mrs. Klein is not a safe driver?
 - How would you apply these discussions to case #3? Is it reasonable to worry about the consequences of lending a laptop to someone who you don't know that well?

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BIOGRAPHICAL SKETCHES OF AUTHORS CITED

Rabbeinu Yonah of Gerona (d. 1263) was a Spanish scholar. He is most well known for his ethical works such as *Sha'arei Teshuva* and his *Commentary on Pirkei Avot*. He originally opposed the philosophical works of Rambam, but he viewed the burning of the Talmud in 1242 as a sign that he was incorrect in opposing Rambam's philosophical works.

R. Shlomo Yitzchaki (also known as Rashi, 1040-1105) is arguably the most popular commentator on Tanach and Talmud. His commentaries are considered standard for almost all printings of Tanach or Talmud containing commentary. He lived in Northern France and was a survivor of the First Crusade in 1096.

Sefer HaChinuch was written anonymously and published in the 13th century. It contains a discussion of each of the 613 mitzvot and provides the basic laws as well as a suggested reason for each of the mitzvot.

R. Moshe ben Maimon (also known as Rambam and Maimonides, 1138-1204) is one of the most famous rabbis in Jewish history. His works on Jewish law and Jewish philosophy are extremely influential and are studied regularly by students of Jewish law and philosophy. He began his life in Cordoba, Spain but eventually settled in Egypt.

R. Yisrael Meir Kagan (1838-1933) is known to many as "The Chafetz Chaim" after his famous work on the laws of slander. He spent most of his life in Radin, Belarus, where he established a yeshiva. He authored many works, most notably *Mishna Berurah*, which is considered by many to be the authoritative work on Jewish law relating to daily life.

R. Elazar Azkari (1533-1600) was born in Israel to a family that settled there after the Jewish expulsion from Spain. He lived in Tzefat and was a colleague of other famous rabbis of Tzefat such as R. Isaac Luria, R. Yosef Karo and R. Shlomo Alkabetz. Like his colleagues, he devoted a lot of time to the study of Kabbalah. In addition to his most prominent work, *Sefer Chareidim* on the mitzvot of the Torah, he also wrote commentaries on some tractates of Talmud Bavli and Talmud Yerushalmi.