

## **Rosh Hashanah 5781 Day 2: Judging Others Favorably**

### **Rabbi Marc Israel**

This past Spring, on April 10, I received an email from a parent of a camp friend of Oren's with a subject line "Ramah 2020 Plan B." This parent was concerned that camp might be shut down due to COVID-19 and wanted us to find a way to bring this group of friends together for a camp-like experience in person and away from devices. We found a small campsite in Connecticut to rent at a reasonable rate and we began to determine costs and ask people to make commitments. All of us were concerned to not create a super-spreader event, so we consulted with immunologists and developed a protocol to determine how we could do this with a reasonable level of safety. We agreed to quarantine for two weeks prior and two weeks following the program and/or to be tested before and afterwards. We agreed to take temperatures daily and monitor the children closely for symptoms.

We were to be the only people on the camp. The set up required the teens to share rooms and eat meals together in a dining hall. Wearing masks in such conditions would not be helpful, since they would not be able to sleep or eat with them anyways. Therefore, we either had to trust each other to follow the guidelines, accepting that there was still an inherent but calculated low risk, or choose not to attend. We decided to go along with 15 other children and several other parents and we had a fantastic week – for Oren and his friends, it was the best week of their summer. As a parent, it was wonderful to see him with his friends and to see all of them take responsibility to make it a success. Thankfully, everyone arrived healthy and stayed that way and none of us developed any illness afterwards.

Excited by the careful work we had put into planning this week and seeing it come to fruition, I shared a post on my Facebook page, saying "It's great to see these camp friends together after months of quarantine. They have expanded their bubble for the week to be together for a parent-run, privately-rented campground in CT. So nice to be with them out in the fresh air!"

I also included a picture of the group standing together outside, without masks. Immediately, posts and direct messages started coming in, questioning our judgment and telling me that we were the reason for the spread of Covid. Nobody bothered to ask questions about how or why we were doing this, they just jumped to the assumption that we were acting recklessly.

And I get it. We are living in a very scary moment in human history, made more scary by the fact that despite the intensity of our individual actions and sacrifices, our fate as a society is often decided by those who choose to ignore medical advice. We have so little control over the situation and that scares us. And because we are afraid, we jump immediately into our fight or flight reactions. And many people seem to be choosing "fight."

I watch this every day as my children look at social media posts of their friends and quickly make assumptions about who is acting riskily. I see it within families, both my own and throughout our community, where adult children will call up and yell at their senior-aged parents for the decisions they are making, while grandparents are feeling isolated and frustrated by not being able to see their grandchildren. I hear it in the grocery stores where

someone sees another with their mask slightly off kilter or not wearing a mask and immediately go into attack mode, rather than to ask kindly to put one on or adjust it. And we have all seen the videos that have gone viral with people throwing fits because they were asked to wear a mask.

Nor is this phenomenon limited to COVID – my children report that friends will shame others for not posting enough to their account about Black Lives Matters, as if social media posts are going to solve the issues of systemic racism in our nation. People judge one another based on the political candidate they support, and the activities they do or don't do. Parents scream and sometimes even sue school districts that won't offer in-person classes, while teachers and maintenance staff sue the districts that do offer in-person classes.

And here we stand today, on Rosh Hashanah, also known as Yom Din – the Day of Judgment. On most years, and to a certain extent this year too, I feel a great sense of trepidation when I think about this aspect of Rosh Hashanah. Even as I understand the judgment to be metaphorical, the metaphor works. I examine myself and consider how I would feel if I were actually standing before God on the Day of Judgment. Most years, I feel similar to what Rabbi Alan Lew, ז"ל, describes. He says about these days and this notion of judgment: "This is real. This is very real. This is absolutely unescapable. And I am utterly unprepared. And we have nothing to offer but each other and our broken hearts. And that will be enough." Each year I pray that indeed it will be enough, but I am never quite sure.

This year, in particular, though, I resonated differently with this notion and it was the words of King David that came to mind, words that we recite daily as part of the Tachanun prayers. But these words from the end of the book of Shmuel II, struck me this year in a way that it never had before. וַיֹּאמֶר דָּוִד אֶל־גֹּד צַר־לִי מֵאֲד נִפְלֵה־נָא בְיַד־יְהוָה כִּי־רַבִּים רַחֲמוֹ [רַחֲמִיּוֹ] וּבְיַד־אָדָם אֶל־אֶפְלָה: David said to the prophet Gad, "I am in great distress. Let us fall into the hands of the LORD, for God's compassion is great; let me not fall into human hands."

We regularly extol God for being patient, understanding and compassionate – in fact we just did so in front of the *aron* as we prepared to read Torah. But God in the Tanakh is also frequently meting out some pretty harsh punishments. It's a pretty high-stakes bet to appear in God's court, knowing you can either be forgiven and get a fresh start, or... on the other hand, you can be swallowed up alive by the earth into a giant sink hole. Those are high stakes. While human courts, have their problems, they generally don't have such powers.

But this year, I'm ready to place that bet. As I watch and listen to the harsh judgments people make against one another, I like my chances before God even more. Because God in the Torah is portrayed as knowing all of our inner-most thoughts and sees the whole picture. Even though I might still want to hide my secret thoughts from God too, at least God will understand my faults within the context of my entire self.

We as humans, on the other hand, only act as if we are all knowing. The truth is, none of us really know all the circumstances of another person. We are only privy to that which has been revealed to us. Whereas God is able to see even the secrets.

And it is precisely because we are not omniscient that the Torah and our sages warn us to be careful about jumping to conclusions, especially when it comes to judging others. Leviticus 19, the section of that we will read on Yom Kippur afternoon, extols us לֹא־תִעָשׂוּ עֵינַיִם בְּמִשְׁפָּט לֹא־תִשְׁטָא "You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly." Just two verses later we are taught You shall not hate your kinsfolk in your heart. Reprove them but incur no guilt because of them." The rabbis teach us that the juxtaposition of these verses is meant to teach us that one must be as careful in judging fairly because otherwise, if we err, we would incur guilt.

The Torah understands the human heart and our rush to judge others. That is precisely why it reminds us here to be very careful in such matters.

The rabbis take this a step further. In Pirkei Avot, Yehoshua Ben Prachya says:

יְהוֹשֻעַ בֶּן פְּרַחְיָה אוֹמֵר ... וְהָיָה דָן אֶת כָּל הָאָדָם לְכַף זְכוּת :

Joshua ben Perahiah taught that we should judge each person favorably.

He did not mean this as a "get out of jail free" card. Rather, Yehoshua ben Prachiah is teaching that we should begin with a presumption of innocence. Our goal should be to judge others as we would want to be judged, taking all circumstances into consideration. Commenting on this passage, Maimonides teaches: "every person is believed to have goodness within them, and that one who judges is obligated to look for those good qualities."

What does this look like in real life? It is to understand that perhaps the person whose mask is slightly off actually does have a respiratory problem. Imagine that the person who cut you off on the highway is racing home to try and see a dying parent before they pass. Assume that the store clerk ignoring you on the phone is talking to a sibling for whom they might be the primary caretaker. Are those case scenarios likely to be true? Perhaps not. Probably But we don't know. And that's the point. Given that we can't see the full picture, how should we act:

So lets consider the possible outcomes of assuming it one way or another.

If we assume the worst, or even the most likely, situation, we are primed to get angry – and often for very good reason. In each case above, you have suffered in some way because of the actions of the individual. Even though the anger is justified, expressing ourselves while angry rarely gets us the desired outcome. The person not wearing the mask correctly is unlikely to change because someone yelled at them. Nor the driver because you laid on the horn. And that clerk probably didn't care that much that you walked out of the store without purchasing the merchandise. What does happen? You get angry, you get aggravated, your blood pressure rises, you stay angry and it can ruin your whole day.

And what if you assumed the best about that person and they didn't deserve it? Two options: One you can say something in a kind and calm manner and avoid accusatory language. They might now be able to listen and understand how their actions impacted you. If this happens and

they change their actions, everyone wins. And if they don't? The worst case scenario here is you are back in the same place as if you had reacted angrily. But its doubtful it will be worse and more likely that even if you don't get what you wanted, you will still in a better place emotionally.

So there are 3 likely outcomes – you stay calm, they listen and everyone wins. 2) you stay calm, they don't listen and you feel frustrated. And 3) You express your frustration, they ignore you or get angry and everyone walks away upset. The only possibility that there is likely to have a good outcome is if we judge *b'kaf z'chut*, assuming the best. Its no guarantee, but it gives us a chance.

And that's why King David took his chances in God's court– there could have been a good or bad outcome, but, if left to the hands of the people, it was almost certainly to have ended badly because they would not have given him the benefit of the doubt.

American motivational author and speaker Earl Nightengale teaches “When you judge others, you do not define them, you define yourself.” And so we have to decide how we want to define ourselves? Do we want to be more judgmental or more understanding? Do we want to add to the negative energy or be a source of positive energy?

Yom HaDin is not about judging others. I'm not even sure it's about God judging us. For me, the Yom HaDin aspect of Rosh Hashanah is ultimately about how I want to be judged by God and by others. It's defining who I want to be and examining my actions to see which ones are currently aligned and which ones are currently not currently aligned with that vision, with the hope that next year, it will be a little better aligned.

And, as for the others – choosing this route does not let anyone off the hook or release them from accountability. Judging someone with the assumption that they have good within them simply buys us time to think about how to best approach the situation to achieve the outcome we want. And it releases you from the burden of fixing every problem in the world, allowing us to focus on the areas where we might have the power to make a difference.

When I think back to that Facebook post about Oren and his friends (perhaps I need to consider not posting so much!), I realize that I could have been more careful about what I posted and how it might be perceived. But I also think about how different my reaction would have been if someone had asked “How were you able to create a safe space to have an event like this?” compared to being told “You're the reason why corona isn't going away.”

Perhaps this Yom HaDin, we can leave questions of ultimate justice to God, as we seek to follow RAMBAM's rule to first see the good in each person before we consider passing judgment.

Shanah tovah