

Dan l'Chaf Z'chut

Rabbi Rachel Safman – delivered Yom Kippur morning (5782) – Temple Beth-El (Ithaca, NY)

I knew that something was amiss when my toddler shouted to me from the back seat, "Mommy, you are driving the wrong way!"

What? Was I daydreaming? Had I really taken a wrong turn?

"This isn't the 'wrong way'," I assured him after a moment's thought. "The grocery store is just up the road. We just took a back way that you don't recognize. "

"No," my son replied. "I don't mean that you're driving to the wrong place. I mean there's something ... umm ... the way you're driving is just not good." He shrugged his shoulders as his three-year old's understanding of the art of driving dissolved into befuddlement.

My concern turned to annoyance and then, almost as quickly, to shame. What had transformed my child – always a keen observer, but typically generous in spirit – into a Smurf-like 'backseat driver'? Where had he learned that it was 'okay' – perhaps even laudible – to fill the quiet spaces in conversations with unsolicited critiques of others?

Something was disconcertingly amiss in our dynamic that afternoon. And something remains seriously amiss in our culture and in its messaging about finding fault in others – in the way that it teaches us to regard and to interact with our fellows. We, as a society, have internalized the message that we can elevate ourselves by putting others down. And this habit of finding fault does not serve us well. On the contrary, it contributes to an interpersonal climate of verbal sniping and back-biting, of fierce defensiveness and risk-aversion. Beyond that, it is just plain unpleasant, even punishing, at a human level.

Don't get me wrong. It is not that I believe all criticism to be misguided. There is clearly a role for constructive critical inquiry, for the robust exchange of views, including the expression of difference or contradictory perspectives, in any healthy society. This is the engine by which we which we come to identify aspects of our conduct, aspects of our thinking that need to be revisited as a precursor to meaningful change.

When constructive criticism goes on between individuals, it is known in traditional Jewish parlance as *tochecha* ("correction advanced in measured terms with the aim of helping one's fellow to better him or herself") and is understood to be an expression of vestedness in one we care about. When it takes place internally, within each of us, it is known as *teshuvah* and is our central charge in this season devoted to reflective self-improvement.

But both *tochecha* and *teshuvah* consist of criticism advanced with the aim of empowering their target. They are measured, balanced and offered in a spirit of encouragement and love.

The reflexive critical response to those around us – the savage sophistry that sometimes passes for sophistication – is something else entirely, something best captured in Knute Rockne's adage, "The best defense is a good offense," or the joke of which the punchline is, "You don't have to run faster than the bear to get away. You just have to run faster than the guy next to you".

Criticism that is motivated by self-promotion or interpersonal rivalry, or even that which arises by force of habit – encouraged by a society that views the ability to demean another as an indication of superior erudition and/or social status – is seldom either credible or efficacious. Nor does it advance any greater societal good.

It also runs profoundly contrary to Jewish values and traditions. For what the *Moreh Nevuchim*, Maimonides' compendium of Jewish law and philosophy, holds to embody the highest form of righteousness in inter-personal conduct is "to show kindness [even] to those who have no claim upon us ... and to be gracious to others and generous ... in greater measure than they deserve" (Part III, 53:2).

Such an attitude, the very obverse of gratuitous correction, is referred to in the Jewish tradition as *la-dun l'chaf z'chut* (literally, "to judge others with a full measure of merit" or "with generosity of spirit"). The expression references a passage in *Pirkei Avot* (1:6) that advises:

עֲשֵׂה לְךָ רֵב, וְיָקִיף לְךָ חֵבֵר, וְהָיוּ דָן אֶת כָּל הָאָדָם לְכַף זְכוּת :

Appoint for yourself a teacher and acquire for thyself a companion. Judge every person with the scale weighted in his or her favor.

Sefer HaChinukh, an anonymous 13th century text that endeavors to unpack the reasoning behind the 613 mitzvot, explains that "*the purpose of [dun l'chaf z'chut] is to imbue society with a sense of righteousness and create peace by removing mutual suspicion.*"

"Removing mutual suspicion." What does that even look like?

I will share with you one example taken from a story told about the 18th century mystic, Rebbe Levi Yitzhak of Berditchev – but I do so with the caveat that Rav Levi was a truly exceptional individual, a *Hasid* (a generous, righteous man) in every sense of the word:

It was told that Rav Levi once came upon a Jew who was smoking on Shabbat. He addressed him in the spirit of *tochecha*, saying, "My friend, perhaps you forgot that today is Shabbat?"

"No, rabbi. I know that it is Shabbat," the man replied.

"Well then," the rabbi persisted, "perhaps you did not realize that it is forbidden for a Jew to smoke on Shabbat?"

"Of course, I know that it is forbidden to smoke on Shabbat!" the man retorted.

Rebbe Levi paused for a moment before lifting his gaze to the Heavens and addressing the Divine, "*Ribbono shel Olam* [Master of the Universe], do you see how upright this pious Jew is?! Even when presented with the opportunity to lie and escape culpability, he insists on scrupulous honesty!"

That might be a charitable mindset to aspire to, but I think for myself, at least, it strains credulity to imagine that I will someday achieve that level of benevolence. So in a spirit of humility let me share a few practical pointers as to how we can nudge our attitudes and behavior in the desired direction.

Try placing actions in their context – and in an exculpatory context if you can envision one

In the spirit of Rebbe Levi, try to imagine the inner life of that neighbor who never fails to find fault with your somewhat chaotic household management. Where do they find the time to so meticulously observe the behavior of others? Perhaps their aggravating behavior stems precisely from the fact that they have no family or friends with whom to engage.

That shopkeeper whose behavior is so consistently parsimonious – could they, perhaps, be facing real economic distress?

And maybe that child who is inattentive or goofing off in class, or the colleague who is acting like a boor at work, are facing truly distressing circumstances at home.

Even if your speculations prove inaccurate or unwarranted, what have you lost in giving the other individual the benefit of the doubt, at least initially? Indeed, Rav Levi Yitzhak, in his seminal work *Likutei Moharan* (282, 1:1), taught that in advancing to another individual some measure of *chein* (“grace” or “unearned generosity”), we actually have the potential to shape that person into the ben-Adam (the descendent of Adam) that we imagine them to be. That is to say, in recognizing in that curmudgeon of a neighbor a person who actually aspires to more personable interactions – and behaving accordingly – we might, every so slightly, help make of them a more gracious fellow.

We are always better than our worst action

Another way to tone down the critical voice that sometimes wells up inside us when we see others doing things that seem worthy of censure is to remind ourselves that each of us is a mix of good and bad traits, tendencies and motivations. None of us consistently behaves like *mal'akhim* (angels) or *tzaddikim* (saintly, pious people) – nor should we expect others to do so. Just as we would hope that others would be fair – even generous – in where they decide to place their focus in evaluating us, so we need to advance the same generosity to others.

The *S'fat Emet*, aka Rabbi Aryeh Yehudah Leib Alter, considered one of the greatest teachers of Torah in the modern era, elaborated on this idea, basing his comments on the teaching in Pirket Avot from which the term *dan l'chaf z'chut* derives. He focused on the *seifa* (latter part) of this Mishnah in which it states that we should judge “*kol adam*” favorably and explained that while *kol adam* might conventionally be translated as “every human being,” it can also be understood to mean “the entirety of a human being”. As he goes on to explain: “Thus even if we know someone to have done something that wasn’t kosher, we should still resolve to judge them favorably. For it is conceivable that they have other traits that counterbalance that failing.”

I should point out, too, that this idea of purposefully calling attention to a person’s strengths, rather than their weaknesses plays a prominent role in the High Holiday liturgy. The refrain *HaYom Harat Olam*, that we recite upon each sounding of the shofar at Rosh Hashanah, asks God to weigh our deeds

of the past year “*im k’vanim, im k’avadim*” (“either as God’s children or as God’s servants”). In either case, we acknowledge, it would be possible to judge us in an unfavorable light, but we hope and pray that God, being compassionate, will instead choose to show us grace.

Ask yourself: what if I am wrong?

The third corrective that our tradition offers in its attempts to nudge us towards a more generous and civil manner of interacting with one another is probably the most bracing psychologically. It asks us to consider the possibility that ... drum roll, please ... we might, in fact, be wrong. We might be wrong in what we think we see another person doing, in our assessment of what their intentions are, in as to whether their actions are actually blameworthy.

There is a wonderful midrash – too long to share with you in its entirety in this context – taken from Masechet Shabbat (127b). It describes a worker who is heading home on the eve of Yom Kippur and asks his employer to pay him for his work before the holiday. He first requests money, and is denied; then he requests food, clothing, land, any form of compensation for his work, all eliciting the same response.

Not only is the employer in this story being a jerk, but he is actually in violation of a Biblical mandate to pay one’s employees on the day that work is done. However, the worker says nothing and returns home empty-handed, only to find that at the fast’s conclusion his employer has arranged an elaborate banquet for him and his fellow employees to enjoy with their families.

It turns out the boss’ refusal to pay his workers on the eve of the festival was due to the fact that he was temporarily short on funds, having devoted all his assets to dealing sumptuously with them a day or two later. By the way, if you’re wondering how the worker feels about this, the Talmud assures us that he believes he has been treated very graciously.

To return, though, to the story’s intended *nimshal* (its “take-home message”), one could defensibly have concluded at multiple points in the narrative that the employer was acting on selfish motives and taking advantage of his employees. Indeed, it would not have been wrong for the workers to have confronted him directly on this basis.

But in withholding judgement, at least for a time, while allowing additional information to shed light on the underlying dynamics, the workers made space for every party to be judged comprehensively and fairly, and for the relationship to play out on harmonious terms.

Is that not a goal worth striving for? Worth investing in? Wouldn’t we prefer to live in a society in which we did not feel ourselves to be constantly under gratuitous scrutiny, constantly in danger of having well-intentioned actions undercut or belittled, our motives questioned, our integrity maligned?

Couldn’t we all, especially in a pandemic environment in which we already feel so besieged, benefit from being made to feel a little more comfortable and valued by a collegial reception that celebrates our triumphs and strengths, when possible, rather than one draws attention to shortcomings of which we are likely already far-too-aware?

We are, alas, living in times whose circumstances, can grind down our propensity to generosity. Like that perpetually dissatisfied neighbor, many of us have far too much time to spend contemplating the

sources of dissatisfaction in our lives, including those aspects of our fellows we find disappointing or grating. We are uncertain of our futures, fearful for our health, concerned about what prevailing conditions will mean for those we care about. None of enhances the bandwidth we have to extend an empathetic hand – literally or metaphorically – to all the others who may be experiencing a similarly difficult time.

But as Reb Levi of Berditchev suggested, this exercise in self-conscious generosity has the potential to amount to much more than merely polite and pleasant interpersonal exchanges. Becoming habitually more generous can fundamentally change the way that we experience the world – and thus the way that we regard ourselves, both as unique individuals and as actors in the world.

What if the behavior I had modelled for my son had encouraged him to say to me spontaneously, "Thanks for getting us to the store safely, Mom. I bet driving wasn't easy with the roads slippery and the traffic bad." I realize this is probably not a realistic expectation of a toddler, but it does represent the kind of person I hope he will grow into. Maybe the path to helping him get there is to first reshape myself.