



From the desk of  
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## Office of the Rabbinate of Elad, Rosh HaAyin and Herzelia

Religious Court of Elad \* Batei Hora'ah \* Religious Services \* Marriage Licensing \* Kashrut \* Mikvaot \* Eiruvim

### TORAT

### Parashat Bamidbar

### HAMELECH

#### The Requirement and Benefit of Judging One's Fellow Favorably

##### Question:

1. The *parashah* begins with a commandment to count "all the congregation of Israel" [1:2]. Yet it continues with an instruction specifically **not** to count the tribe of Levi. That being the case, how can this be a count of all the congregation of Israel, if the tribe of Levi is not being included?

#### The Answer Lies in Judging All of Israel Favorably

R' Yosef Chayim of Baghdad, in his *sefer Od Yosef Chai*, answers that when the Torah states "all" of Israel it does not mean all of the tribes. Rather, it means that each tribe counted should be counted in its entirety without differentiating between individuals who are on a higher status and those on a lower status. This is because the Torah wishes to teach that one should not view any member of the Jewish Nation in a negative light, even the wicked members of our nation. Rather, one must always judge every individual favorably, since he inevitably has a particular merit. For we find that Hashem was upset with Moshe Rabbeinu over the fact that he referred to the Jewish people as "rebels" in *Parashat Chukat* and with the prophet Yeshaya for referring to them as "a nation with impure lips." He was similarly upset at Eliyahu Hanavi for exclaiming that the Jews had "forsaken Your covenant." There were others as well who Hashem punished for uttering

a derogatory word about the Jewish People. This applies as well to each and every individual who opens his mouth without thinking and insults, belittles, or slanders the Jewish people. His punishment for doing so will be very severe, and one should therefore always seek out a particular merit with which to judge the Jewish people favorably.

#### A Story About Praising the Jewish People

An individual once approached the Ben Ish Chai and told him that the Europeans acted in a reprehensible manner. The Ben Ish Chai asked him why he did not attempt to defend them. The man answered that he could not find any favorable merit with which to judge them. The Ben Ish Chai told him that he wished to tell him a story that transpired in the previous generation. There had been a wealthy European, who, due to his enormous wealth, had a close relationship with the royal kingdom. He ate and drank together with them, until his Jewish identity was no longer apparent. Nevertheless, he was openly proud of his Jewish lineage. The Ben Ish Chai explained that this is the intention of the Torah's words "all of Israel." It includes even those wicked individuals whose only merit is the fact that they trace their lineage back to their Jewish roots. This is why the *pasuk* continues that they should be counted, "according to their family and the household of their fathers." It also appears that this is the reason that the word *si'u* is used in



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the *pasuk* to mean “counting.” This word can also mean to “raise,” and it is alluding to the fact that we must raise up each and every Jew, including the wicked, even just for the merit of being proud of their Jewish lineage. How much more so are we required to judge favorably individuals possessing an abundance of merit! This is according to what our Sages have taught in *Masechtot Eiruvim* [19a], *Berachot* [57a], *Chagigah* [27a], and *Sanhedrin* [37a] that the sinners of Israel are filled with mitzvot like a pomegranate. Therefore one must judge each member of the Jewish Nation favorably.

### “And Judge Everyone Favorably”

These are the words of the Tanna in *Pirkei Avot* [1:6]: Yehoshua ben Prachia said...and judge everyone favorably.” The importance and extant to which one must judge another favorably is related in *Masechet Shabbat* [127b]. There the gemara relates a story about an individual from the Upper Galil who was hired to do work for an employer from the South for three years. On *Erev Yom Kippur* he requested to get paid so that he could feed his wife and children. His employer replied that he had no money. He then requested fruit instead, but once again the man replied that he did not have any. He requested land, livestock, pillows and blankets, but each time the employer told him that he did not have any of the items. The worker slung his sack over his shoulder and returned home in a solemn state. Following the *chag*, the employer took the worker’s payment and, together with three

donkeys laden with food, drink, and clothing, went to the worker’s home. After they ate and drank together, he paid the worker. The employer asked what the man had suspected him of when he had asked for money only to be told that he did not have any. The worker replied that he figured that the employer must have had an opportunity to buy cheap merchandise, and he had therefore spent the money. He then asked him what he suspected when the man had told him that he had no livestock. The worker replied that he figured the livestock was rented to someone. The employer then proceeded to ask what the worker had suspected him of each time he subsequently told him that he could not pay him. Each time, the worker responded that he had judged him favorably. Finally he asked what the worker had suspected when he said that he had did not have any pillows and blankets, to which he responded that he thought the employer must have sanctified all of his property, and therefore no one could benefit from it. The employer responded that indeed, he had taken such an oath, and that was why he was unable to pay. He had subsequently annulled the oath and now had come to pay the worker. He therefore said that just as the worker had judged him favorably, so too, should Hashem judge him favorably. We see from here just to how great an extant one must judge another favorably. Just as the worker judged the employer favorably and was accurate in his assessment, despite the fact that it was difficult to believe, so too, we must judge others favorably even though it seems difficult to believe how such a thing could be



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true. This is how the *Shulchan Aruch* rules in *Choshen Mishpat* [*Hilchot Dayanim* 17:10], that a judge must rule according to what he sees. If two men come before the judge, and one is a wicked man and the other a decent Jew, the judge should not say, *this man is wicked and can be assumed to be lying, and the other can be assumed to be telling the truth*, and he will therefore rule against the wicked man. Rather he must judge the case as it appears, and when they leave, he should view them both as decent Jews, once they have accepted his ruling. The *Shulchan Aruch* concludes, **“And He must just each one favorably.”**

### The Ramban's Instruction to See the Positive Qualities of One's Fellow

Above we quoted the Mishnah in *Pirkei Avot* which taught that one must judge everyone favorably. Before this, however, the Mishnah preceded with two other instructions: 1- Choosing for oneself a *rav*; 2- Acquiring a friend for oneself. Once an individual has carried out the first two instructions, he is now left with learning how to interact with the general public. The Tanna therefore tells him to get accustomed to judging others favorably, by always seeking out the positive qualities in one's friend and not the negative traits. This is as the Ramban writes in the letter to his son: “And each man should be greater than you in your own eyes, and if he is scholar or wealthy man then you should honor him. If he is poor and you are wealthier or more scholarly than he, consider it as if you have more

sins than he does. For if he sins it is accidental, but if you sin it is intentional.”

### Words of the Baal Shem Tov

However, instead of learning from the good ways of another and improving his own behavior, man does the opposite. This is as R' Yisrael Salanter *zt"l* was known to have said, that Hashem creates man with two eyes; one for seeing his own shortcomings and one for seeing his friend's positive qualities in order to learn from them. Yet man does the opposite; with one eye he sees the shortcomings of his friend. With the other, he sees his own positive qualities. Furthermore, even if one does praise the positive qualities of another, he usually adds that he has, however, a particular shortcoming so that others don't think that his friend is superior to him. This then, exclaims the Baal Shem Tov, is what the Tanna intends when he says *הוי דן את כל האדם לכף זכות*, that one must judge everyone favorably. There is specifically the letter *ה* before the word *אדם* as if to say that one must judge the “entire man” favorably and not to also point out his negative traits at the same time. This is as our Sages have taught in *Masechet Baba Batra* [164b] and *Masechet Eiruvim* [16a] that one should not speak about his friend's positive characteristics, because he will eventually come to speak negatively about him. Rather, one must always judge his fellow favorably, because one can never judge his fellow until he stands in his place as our Sages have taught us. Until he is in the same health, financial, social, and familial predicament that his



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fellow is in, he cannot judge him, for who is to say that he would act differently if he was in the same situation? Only in such a manner can one increase love and unity and live in harmony with society.

### A Story that Teaches How to View Another

The following story was related to me by a rav, who heard it first hand: A *menahel* in a yeshiva requested a teacher to teach a student who had been unsuccessful in school, no matter how many attempts were made to help him. He indeed accepted the student and tried to teach him as well, but nothing helped. The teacher, frustrated, approached the *menahel* and told him that he could not teach the boy. He added that it was either him or the boy; he simply could not tolerate it any longer. The *menahel* said that they would decide what to do tomorrow. That night, the teacher dreamed that the student had been terribly injured in an accident and had passed away. In his dream, the parents of the boy requested the teacher to eulogize him since he had been his teacher. The teacher was in a dilemma – what eulogy could he offer after just having told the *menahel* the day before that he could no longer bear teaching the boy? He sat, thought and tried to think about the life of the student. Suddenly, he thought of various positive points that the student possessed. The more he pondered, the more merits he thought of, until he compiled a eulogy. He began to eulogize him, praising him and his extraordinary attributes.

Suddenly he awoke – it had been a dream! He sat and thought over what had just taken place. *Can it be?* He thought. *Just yesterday, I viewed this student as a black sheep, without any positive qualities, and now I realize just how many positive traits he has!* He understood the message, and approached the *menahel* the following day. He said that he regretted what he had said and that he would continue to teach him. From this story we can learn just how much someone can err in the way he views another; it is all dependent on which angle he is looking from. Is he looking for the positive qualities he possesses or just the negative ones? *Chas ve'Shalom* we should not have to eulogize in order to see someone's positive qualities. This is the requirement of each man; to always see the positive qualities of his friend and to live with love, unity, peace, and friendship.

### Words of Mussar

We have now learned to what extent man must judge his friend favorably and to see his positive qualities. If an individual wants, it is always possible to find some positive trait in his fellow man. This is the path that the Torah has bequeathed to us. By doing so, we will increase love and unity amongst the Jewish Nation, and this is the key to receiving the Torah. We should merit seeing the *Beit Hamikdash* rebuilt speedily in our days. Amen.

**Shabbat Shalom,**  
**Rav Mordechai Malka**