

Some years ago a photograph of several US Senators pledging allegiance to the flag was published in a newspaper. All the senators had their hands over their hearts. One of them was Daniel Inouye of Hawaii. The next day a letter appeared in the local newspaper questioning the Senator's patriotism because he put his left hand over his heart instead of his right hand. The writer was incensed that a person with so little regard for protocol would be serving in our country's Senate. The only conclusion he could come to was that Senator Inouye was not an American patriot.

Had the incensed writer taken just a little time to do a cursory search of Senator Inouye, he would have found out that he served in World War Two in Italy. During an intense fire fight with the Germans, Senator Inouye had his right arm shattered by a German machine gun. Even with his right arm useless and with serious wounds to the rest of his body, he was still able, with his left hand, to throw grenades at the German's and helped his troop win that battle. He also spent 20 months in a hospital recovering from his injuries.

It wasn't that Senator Inouye didn't know protocol nor that he wasn't a patriot. He couldn't salute the flag with his right hand because he didn't have one.

This immediate, negative assumption is unfortunately all too common today.

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The rabbis teach us in Pirkei Avot, the teachings of our Sages: [Chapter 1, Mishna 6]

והוי דן את כל האדם לכף זכות:

'Judge all people with their measure of merit.'

Dan l'khaf zkhut is usually translated as giving people the benefit of the doubt but it really means judging them by the completeness of their actions.

How can we assess a person's measure of merit? If a person generally is known to treat others badly, to talk about people in negative ways, to be stingy with money or time then we come to expect that. But if a person is generally kind and generous, puts others first and cares for those who are in need, we come to expect that. Of course even the most selfish person can do acts of kindness and the kindest person can do things that are thoughtless. None of us is perfect even though we hopefully strive to be better every day. But, unless we are with people we know to be truly evil, it's important that we assume the best of them.

Here are two examples of judging someone by their measure of merit; one from the Talmud and one from current events.

We learn in our Talmud [Shabbat 127b], the one who judges his neighbor on his measure of merit is himself judged favorably.

A certain man who lived in Upper Galilee worked for three years for a man in the South. He wanted to return home on Kol Nidre and asked his employer to give him his wages. His employer claimed to have no money. So the man asked for produce. His employer also claimed to have no produce. The employer said the same thing about land, cattle and bedding. The worker went home with a heavy heart.

But right after the holiday the employer traveled from the South to the Galilee in the north to bring the man his wages along with three donkeys laden with food and drink. After they had eaten and the employer had given the man his wages, the employer asked

the worker what he thought when he was told he would get nothing for his three years of work.

Here's what the worker say: He assumed the employer had no money because he used it to buy inexpensive merchandise that he would later sell. He had no cattle because he had hired them to others. He had no land because he had leased that to others. He had no produce because he had not yet taken the tithing from it and so could not give any of it away. And he had no bedding because he had sanctified all his possessions to God. All of this was true.

Without being told any of that, the worker knew that his employer was honest and he would eventually get paid for his work. Even though it was hard for him to go home empty handed, he was willing to wait for his pay. The worker never thought his employer was trying to keep his earnings from him.

This is one of the classic rabbinic tales about giving someone his measure of merit. Even though it may be hard for us to believe today that the worker trusted his employer like that, this story tells us about how we too can think the best of others because of their usual positive behavior.

The other story about rushing to false judgments is much more chilling. A 14 year old boy in Florida was arrested for kidnapping a three year old girl. If we watch only the video tape from the store, we see this teenager, who at 6 foot 3 inches looks much older than his age, enter the store with his mother. He walks off alone to get a shopping cart. He then walks over to a little girl, bends down, speaks to her and then takes her hand and leads her out of the store. This certainly doesn't look good.

But when the store security guards surrounded him and questioned him, he said he approached the girl because she looked lost and he took her out of the store to two women who looked like they were waiting for someone. When they said they weren't waiting for the child, he headed back into the store still holding the girl's hand where he was stopped by the store security.

Even though the police released him from house arrest after two weeks and acknowledged mistakes they made in handling this case, including leaking police documents to the press, this teen was vilified on the internet. He will never be able to put this behind him. I searched for his name, not an uncommon one, on the internet and the first 7 pages of links were almost completely filled with articles about him.

The teen's reaction to this: 'Before I didn't realize how society was. I'm being watched wherever I go...I've got to watch what I do...so they won't get the wrong impression.' What a sad commentary on our times. And what a sad way for a 14 year old to be treated.

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We can easily see how we can jump to a conclusion based on appearance only. And how informing ourselves of the truth of a situation can cancel out our negative assumption.

I've heard people say recently that perception is more important than reality. And that's true. But it's true only when we want to believe the worst about another person. If we don't, we will ask questions about what we saw or heard rather than make assumptions and even worse spread those assumptions to other people.

If we make incorrect assumptions because that's easier than checking out our information, we are doing damage to the other person and to ourselves.

We damage the other person because we are wrongly defaming that person's character. We are making it harder for others to trust that person no matter what he or she does.

We damage ourselves because we create false and unnecessary divisions in our community. We separate that person from others and create dissension where none should exist. We create an atmosphere in our community where any one of us could be the next person maligned by a false assumption. This weakens the very foundation that every community needs to grow and change. It stifles open dialogue and creates a closed system where only some, but not all, people are allowed to speak freely. This is not a community that any of us want to live in.

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George Kelly, a psychologist who practiced in the 1930's, created a theory that teaches us how assumptions are ingrained in us from a very early age. Dr. Kelly created the Personal Construct theory which explains how we create a framework of core values and principles that we base our lives on. This framework is set up like a scientific experiment. We constantly form and test hypotheses that each of our experiences teaches us.

We are continually making assumptions based on our individual experiences. They tell us what to anticipate as we go through each day. To take a very mundane example. Say chocolate is our favorite food, we will then look forward to eating it. If at some point, we eat a piece of chocolate that we don't like, we will probably assume it was just a bad piece of chocolate. And we will continue to eat chocolate. But if suddenly every piece of chocolate tasted bad, we would decide that chocolate was no longer our favorite food. We'd have to find something else.

The construct theory shows that we are constantly trying to make sense of our world, to create order out of chaos. What do we like? What can we count on? As scientists we are looking for patterns of cause and effect and then we create our actions based on our expectations of what will happen.

Kelly tells us that each time we have an experience, we have three conscious or unconscious choices: we can adapt our expectations to something new—chocolate will always taste awful, I'll never eat it again. We can immunize our expectations—this must have been a bad batch of chocolate but the next one will be better. Or we can have our constructs confirmed, yes, chocolate is still my favorite food.

As Kelly tells us, none of our individual constructs, none of our expectations, are objective. They are filled with the subjectivity of every one of our experiences from the day we are born.

And as we can imagine, the biggest problem we have is trying to understand constructs that are different from ours. It sometimes seems like we are speaking a completely different language from some of the people we talk with. This is especially true for those we disagree with. We can certainly become frustrated about that. But we have to remember that from their life experiences, they are just as frustrated with us. And they believe that they are right just as fervently as we believe that we are right.

The main purpose of Kelly's construct theory is to encourage each of us to enlarge our understandings so that we can know how other people are thinking, feeling and acting. Kelly says that the more empathy we have, the more we can understand someone else's construct.

Kelly is actually quoting our rabbis in Pirkei Avot: 'Don't judge a person unless you have walked in his shoes.' The goal for each of us is to open our constructs, to open our understandings, to allow room for others, to imagine why the other person would act the way they do. And how we can engage them in conversation that is productive and not divisive.

Sometimes we even decide not to talk to others if their understandings are very different from ours.

But if we do that, we are essentially limiting ourselves to an echo chamber of our own beliefs and ways of being. This is not a healthy thing for any of us to do. We can't close ourselves off from a part of the world just because we don't agree with it or don't understand it. It is only from these differences that we are able to grow, to change, to expand our community to include those who are new to it and those who bring a different experience and understanding of how the world functions. As ben Zoma said in Pirkei Avot, Who is wise? The one who learns from everybody.

It is so important that we honor, respect and welcome differences. It is in that way that we can strengthen our community, that we can bring more harmony, peace and holiness into our community and into our lives. And when that happens, we all are enriched.

L'shana tova u'mituka.