



Reframing bad facts: a Jewish religious perspective

“THERE IS NOTHING EITHER GOOD OR BAD, BUT THINKING MAKES IT SO.”
(SHAKESPEARE’S HAMLET ACT II, SCENE 2)

As civil litigators and trial attorneys, in preparing for trial, we do not ignore bad facts because an “ostrich with its head in the sand” approach never works. Our adversaries, the jurors, and the court are not blind. They will see the same problems we do and, if we’re not candid with them, they will assume the worst – that we failed to tell the court the truth. Instead, we identify the problematic weaknesses of our case, confront the bad facts that are cloying, critical and dismissive of our theory of the case (embrace the ugliest parts of the case), analyze them in detail and address the warts and bumps in trial proofs (bad facts, bad law) to see if there is a viable way to either distinguish or turn the ugly-duckling facts into swans (i.e., reframing bad facts).

Because part of telling a truthful story is giving away bad facts, we disclose them as a price of buying and maintaining credibility. As Gerry Spence noted, “A concession coming from your mouth is not nearly as hurtful as an exposure coming from your opponents.”

In this article, I explore the art of reframing bad facts from a Jewish religious perspective.

In life, we all tend to worry, ruminate, spin, spiral, catastrophize and imagine nightmare scenarios and then get so worked up and anxious about them that it disrupts our ability to perform. These negative thoughts are called cognitive distortions, and we all have the propensity for these negative judgments.

But problems begin to arise the moment we turn our assessment into a story that creates pain – or in other words, dramatize our life situation. Instead of living in the moment, we mentally (and sometimes verbally) write a dramatic narrative that creates, surrounds, and concretizes our pain and perpetuates the unrest we experience.

The drama in our lives is created through the way we experience whatever happens to us: the way we judge what people say to us, the judgments we make

about ourselves, and the way we perceive all the situations and conditions we find ourselves in. It’s not the situation that creates the person, or the feeling within the person, but rather the way we view life that creates our sense of the situations we encounter. This pain is negative energy or negativity that moves us further away from happiness. Further away from Truth. Further away from Love. Further away from God.

Reframing and Cognitive Behavioral Therapy

“Reframing” is the discipline of looking at the facts and storyline from another’s perspective. As a litigator, Orthodox Jew, second-generation Holocaust survivor, and bereaved parent, I have found that the art of reframing also has enormous application to belief in God and coping with life’s traumas.

By teaching us to reframe, we strengthen our trust in God’s loving, beneficial supervision of our life. Then, when major challenges arise in life, we have within us the most powerful resource – in fact the only resource – that can carry us through.

Viktor Frankl (*Man’s Search for Meaning*) survived the Auschwitz concentration camp, enduring the worst conditions ever endured by human beings. As a prisoner there, Frankl discovered that the Nazis took away almost everything that made people human: their possessions, their clothes, their hair, their very names. Before being sent to Auschwitz, Frankl had been a therapist specializing in curing people who had suicidal tendencies. In the camp, he devoted himself as far as he could to giving his fellow prisoners the will to live, knowing that if they lost it, they would soon die. There he made the fundamental discovery for which he later became famous (Logotherapy):

We who lived in concentration camps can remember the men who walked through the huts comforting others, giving away their last piece of

bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one thing: the last of the human freedoms – to choose one’s attitude in any given set of circumstances, to choose one’s own way.

What made the difference, what gave people the will to live, was the reframed belief that there was a task for them to perform, a mission for them to accomplish, that they had not yet completed and that was waiting for them to do in the future. Frankl discovered that “*it did not really matter what we expected from life, but rather what life expected from us.*” There were people in the camp who had so lost hope that they had nothing more to expect from life. Frankl was able to get them to reframe and see that “*life was still expecting something from them.*” One, for example, had a child still alive, in a foreign country, who was waiting for him. Another came to see that he had books to produce that no one else could write. Through this sense of a future calling to them, Frankl was able to help them to discover their purpose in life, even in the valley of the shadow of death.

Reframing: Simon Wiesenthal, the famous Nazihunter

The mental shift this involved came to be known, especially in Cognitive Behavioral Therapy (“CBT”), as “reframing,” which is the therapeutic process of identifying and challenging negative and irrational thoughts. Just as a painting can look different when placed in a different frame, so can a life. The facts don’t change, but the way we perceive them does. Frankl writes that he was able to survive Auschwitz by daily seeing himself as if he were in a university, giving a lecture on the psychology of the concentration camp. Everything that was happening to him was transformed, by this one act of the mind, into a series of illustrations of the points he was making in the lecture:

“By this method, I succeeded somehow in rising above the situation, above the sufferings of the moment, and I observed them as if they were already of the past.” Reframing tells us that though we cannot always change the circumstances in which we find ourselves; we can change the way we see them, and this itself changes the way we feel.

There is a famous Yiddish saying: “*Tracht gut vel zein gul*” Think good, and it will be good. That if we reframe and change the way we think, we will change the way we feel.

Simon Wiesenthal, the famous Nazi hunter, was in the Mauthausen concentration camp, shortly after liberation. The camp was visited by Rabbi Eliezer Silver, head of the Union of Orthodox Rabbis of North America, on a mission to offer aid and comfort to the survivors. Rabbi Silver also organized a special service, and he invited Wiesenthal to join the other survivors in prayer. Wiesenthal declined, and explained why.

In the camp there was one religious man who somehow managed to smuggle in a *Siddur* (prayerbook). At first, I greatly admired the man for his courage – that he’d risked his life in order to bring the *Siddur* in. But the next day I realized, to my horror, that this man was ‘renting out’ this *Siddur* to people in exchange for food. People were giving him their last piece of bread for a few minutes with the prayerbook. This man, who was very thin and emaciated when the whole thing started, was soon eating so much that he died before everyone else – his system couldn’t handle it. If this is how religious Jews behave, I’m not going to have anything to do with a prayerbook.

As Wiesenthal turned to walk away, Rabbi Silver touched him on the shoulder and gently said in Yiddish:

“Why do you look at the Jew who used his *Siddur* to take food out of starving people’s mouths? Why don’t you look at the many Jews who gave up their last piece of bread in order to be able to use a *Siddur*?” Rabbi Silver then

embraced him, and the reframed Wiesenthal then went to the services the next day.

Reframing: Joseph in Egypt

This modern discovery of reframing is really a rediscovery, because the first great reframer in history was found in the biblical story of Joseph in Egypt. Recall the facts. He had been sold into slavery by his brothers. He had lost his freedom for 13 years and been separated from his family for 22 years. It would be understandable if he felt toward his brothers resentment and a desire for revenge. Yet he transcended and rose above such feelings and did so precisely by shifting his experiences into a different frame. Here is what he says to his brothers when he first discloses his identity to them:

I am your brother, Joseph, whom you sold into Egypt. And now do not be distressed, or angry with yourselves, because you sold me here; for God sent me before you to preserve life ... God sent me before you to preserve for you a remnant on earth, and to keep alive for you many survivors. So it was not you who sent me here, but God. (*Bereishis* - Genesis 45:48.)

And this is what he says years later, after their father Jacob has died and the brothers fear that he may now take revenge: “Do not be afraid! Am I in the place of God? Though you intended to do harm to me, “*Elokim Chashva Letova* God planned it for the good” in order to preserve a numerous people, as He is doing today. So have no fear; I myself will provide for you and your little ones.” (*Bereishis* - Genesis 45:48.)

According to Lord Rabbi Jonathan Sacks, Joseph had reframed his entire past. He no longer saw himself as a man wronged by his brothers. He had come to see himself as a man charged with a lifesaving mission by God. Everything that had happened to him was necessary so that he could achieve his purpose in life: to save an entire region from starvation during a famine, and to provide a safe haven for his family. This

single act of reframing allowed Joseph to live without a burning sense of anger and injustice. It enabled him to forgive his brothers and be reconciled with them. It transformed the negative energies of feelings about the past into focused attention to the future. Joseph, without knowing it, had become the precursor of one of the great movements in psychotherapy in the modern world. He showed the power of reframing. We cannot change the past. But by changing the way we think about the past, we can change the future.

The Babylonian Talmud provides several examples of the power of positive reframing. The Talmud Taanis 21a reports about a man named Nachum Ish Gam Zu, because his response to anything that happened to him was he would say: good “*Gam Zu Letova*” – This too is for the good.

Once, the Jews wished to send a gift to the house of the emperor. They said: Who should go and present this gift? Let Nachum Ish Gam Zu go, as he is accustomed to miracles. They sent with him a chest full of jewels and pearls, and he went and spent the night in a certain inn. During the night, these residents of the inn arose and took all of the precious jewels and pearls from the chest, and filled it with earth. The next day, when he saw what had happened, Nachum Ish Gam Zu said: This too is for the good.

When he arrived there, at the ruler’s palace, they opened the chest and saw that it was filled with earth. The king wished to put all the Jewish emissaries to death. He said: The Jews are mocking me. Nachum Ish Gam Zu said: This too is for the good.

Elijah the Prophet came and appeared before the ruler as one of his ministers. He said to the ruler: Perhaps this earth is from the earth of their forefather Abraham. As when he threw earth, it turned into swords, and when he threw stubble, it turned into arrows, as it is written in a prophecy that the Sages interpreted this verse as a reference to Abraham: “His sword

makes them as the dust, his bow as the driven stubble.” (*Yeshayahu* - Isaiah 41:2).

There was one province that the Romans were unable to conquer. They took some of this earth, tested it by throwing it at their enemies, and conquered that province. When the ruler saw that this earth indeed had miraculous powers, his servants entered his treasury and filled Nachum Ish Gam Zu’s chest with precious jewels and pearls and sent him off with great honor.

When Nachum Ish Gam Zu came to spend the night at that same inn, the residents said to him: What did you bring with you to the emperor that he bestowed upon you such great honor? He said to them: That which I took from here, I brought there. When they heard this, the residents of the inn thought that the soil upon which their house stood had miraculous powers. They tore down their inn and brought the soil underneath to the king’s palace. They said to him: That earth that was brought here was from our property. The miracle had been performed only in the merit of Nachum Ish Gam Zu. The emperor tested the inn’s soil in battle, and it was not found to have miraculous powers, and he had these residents of the inn put to death.

The Talmud Berachos 60b reports about the great Tannaic Sage Rabbi Akiva:

Rabbi Akiva said: “*Kol Man D’avid Rachmana Etav Avid*,” which in Aramaic meant: “All that the Merciful One does, He does for good.”

Rabbi Akiva was walking along the road and came to a certain city, he inquired about lodging and they did not give him any. He said: “*Everything that God does, He does for the best.*”

He went and slept in a field, and he had with him a rooster, a donkey and a candle. A gust of wind came and extinguished the candle; a cat came and ate the rooster; and a lion came and ate the donkey. He said: “*Everything that God does, He does for the best.*”

That night, an army came and took the city into captivity. It turned out

that Rabbi Akiva alone, who was not in the city and had no lit candle, noisy rooster or donkey to give away his location, was saved. He said to them: “*Didn’t I tell you? Everything that God does, He does for the best.*”

Whatever situation we are in, by reframing it we can change our entire response, giving us the strength to survive, the courage to persist, and the resilience to emerge, on the far side of darkness, into the light of a new and better day.

Equanimity and *Hishtavus*

Judaism also provides the key element and roadmap for how to reframe. Equanimity (equilibrium) or in Hebrew: *Hishtavus* is the steppingstone to reframing that enables us to find stability and balance. It is the height of emotional maturity.

Equanimity has been defined as “the capacity to maintain an open, connected state, free from emotional turbulence, no matter what daily chaos and challenges you face.” Psychiatrist Dr. Judith Orloff describes this in two words in her book’s title, “*Emotional Freedom.*”

According to Moshe Gersht, It’s All The Same To Me: A Torah Guide To Inner Peace and Love of Life, *Hishtavus* is related to the Hebrew word “*Shaveh*” which literally means “the same.” Thus, meaning “sameness,” “Oneness,” or “equanimity,” *Hishtavus* is a state of nonjudgmental awareness. You are able to totally accept reality as it is without labeling things as essentially better or worse. For example, seconds after you read an article on social media, you have emojis at your fingertips to express your approval or disapproval. The news event itself is neutral, not good or bad, but it is our reaction to the event that impacts our mental health.

The Jewish concept of reframing by *Hishtavus*, has parallel roots among the ancient Stoics, who believed that there is nothing about the universe that can be called good or bad, valuable or valueless, in itself. It’s we who add these values to things. Our minds color the things we

encounter as being “good” or “bad,” and given that we control our minds, we therefore have control over all of our negative feelings. Put another way, Stoicism maintains that there’s a gap between our experience of an event and our judgment of it. We have power over which thoughts we entertain and the final say on our actions. We can prepare the mind for whatever trials may come in just the same way we can prepare the body for some endurance activity. The world can throw nothing as bad as that which our minds have already imagined. Stoicism teaches us to embrace our worrying mind but to embrace it as a kind of mental inoculation.

Hishtavus is the mental discipline of suspending judgment whether the event is good or bad. By pausing, instead of passing judgment, we allow the possibility of goodness to manifest. This state of *Hishtavus* opens a space inside of us that engenders renewed creativity, optimism, hope, connection, and the experience of love to expand. It is the silence out of which a song is born, the quiet from which breakthroughs and epiphanies emerge.

There is an ease within that comes when we see a bigger picture. It is being able to hold space for unlimited potential and infinite possibility – an inner knowing that all things lead in the right direction, whether or not it unfolds according to how we think it should. We surrender and let go of how we think things should be and accept them as how they are. We let go of the smallness inside us that keeps us trapped in our ego.

A fascinating example of *Hishtavus* can be found in the biblical story of our Matriarch Sarah: “*And Sarah was a hundred and twenty seven years old; these were the years of Sarah’s life.*” (*Bereishis* - Genesis 23:1).

Having reported to us that Sarah lived for 127 years. The text then states again, “*such was the span of Sarah’s life.*” This repetition is an occasion for commentary; The *Midrash* explains this verse as follows: “*And Sara was a hundred...*” “*God knows the days of the perfect, and their inheritance shall be forever*”

(Tehilim 37:18) – just as they are perfect, so are their years perfect. (Bereishis Rabba 58:1)

The French biblical commentator Rabbi Shlomo Yitzchaki (also referred to by the acronym “Rashi”) notes that all of Sarah’s years were for the good.

Sarah experienced all of life’s ups and downs. She left her homeland with Abraham. She was passed off as Abraham’s sister and went briefly into the harem of a king. She suffered through attempts at having a child and suffered because of the attitude of her handmaiden Hagar towards her. Finally, she had a child in her old age, but she died before that child married, made a life for himself, and had his own children. Despite all these ups and downs, Sarah’s character remained unaffected. Her wisdom and righteousness abided through every moment of life. She had the quality of *Hishtavus Hanefesh* (equanimity of the soul). In the end, it was all good, nothing changed in her, despite all these changes.

Practical tips

I have found that assuming the role of your own attorney (as a defense attorney, a prosecutor, and a judge) helps to challenge cognitive distortions – which

are often just an exaggerated view of reality.

First, act as your own defense attorney by defending your negative thoughts. Ask yourself to make an argument for why the thought is true, to stick to verifiable facts. Interpretation, guesses, and opinions are not allowed. Next, ask yourself to act as the prosecutor, to present evidence against the negative thought. Finally, ask yourself to act as the judge, to review the evidence, and deliver a verdict. The verdict should come in the form of a rational thought.

If you find yourself spinning and catastrophizing, ask yourself a series of questions regarding your thoughts: Is my thought realistic? Am I basing my thought on facts or on feelings? What is the evidence for this thought? Could I be misinterpreting the evidence? Am I viewing this situation as black and white when it’s really more complicated? Am I having this thought out of habit, or do facts support it?

I try to “decatastrophy” by asking myself “what if”? We find ourselves overwhelmed with anxiety, thinking of all the things that might go wrong. With the decatastrophizing technique, we ask ourselves very simple questions: “What if?” or “What’s the worst that could

happen?” “So, what if those things come true?” “What happens then?” This sequence of questioning helps to reduce the irrational level of anxiety associated with cognitive distortions. It highlights the fact that even the worstcase scenario is manageable.

Final thought

What determines the direction of a ship at sea? Is it the direction of the wind, or the set of the sails? The sails determine the direction. No matter what direction the wind is blowing, you can sail in the direction you wish. The wind carries one ship east and another west according to the way that you set your sails. The sea is your life and you are the captain. The sails are your thoughts. Your thoughts, positive or negative, really do change the direction of your life. You are the captain of your own destiny. Regardless of which way the winds are blowing, you can set your sails in the right direction by reframing and *Hishtavus*.

Baruch C. Cohen, Esq., litigates business cases in state and bankruptcy courts as well as Bais Din (Jewish Arbitration). He is a descendant of 80 generations of Orthodox Rabbis. Email: bcc4929@gmail.com.