

“Cleaning the Slate”

Repentance & Forgiveness in Interpersonal-Relationships

מצות תשובה בנוגע לעבירות בין אדם לחבירו

As Rosh Hashana approaches, we prepare to enter a time of year known as the “10 days of repentance”, culminating in Yom Kippur.

There is a Biblical Mitzvah of “*teshuva*” - repentance: to cease from one's self-destructive activities, apologize, and rectify the behaviour for the future.

Teshuva manifests itself both in the realm of one's relationship with the Almighty, as well as in ones relationships with others. The parameters of *teshuva* in these 2 realms, though, may vary. This is the subject of this learning session.

In this learning session, we will explore the following issues:

- How does one ‘settle the score’/repent regarding damaging another property?
- Does a personal affront require more atonement?
- What exactly is required in order to ‘repent’ fully?
- Do I actually have to *ask* for forgiveness, or is it enough if the other simply says it’s ok?
- Do I have to say sorry to the Almighty too, or can I leave Him out of my interpersonal-relationships??

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1 – THREE CONTRADICTORY RAMBAM’S

The subject of the following sources that we’ll want to focus on is: when one causes harm to his fellow, what exactly is required in order to rectify the damage(s) and obtain atonement; i.e. to get a ‘clean slate’??

Source 1. Rambam, Laws of Assault & Damages 5:9

<p>A man who inflicts physical injury upon another is unlike one who damages another's property. If one damaged another's property, as soon as he has paid what he is required to pay he obtains atonement.</p> <p>If, on the other hand, he wounded another person, even though he has paid compensation on five counts (see appendix A below) he does not obtain atonement, even if he has offered up all the rams of Nevaïot (i.e. he’s brought sacrifices), unless he asks forgiveness of the injured person who should pardon him.</p>	<p>אינו דומה מזיק חברו בגופו למזיק ממונו. לשהמזיק ממון חברו כיון ששלם מה שהוא חייב לשלם נתכפר לו.</p> <p>אבל חבל בחברו אף על פי שנתן לו תמשה דברים אין מתכפר לו. ואפלו הקריב כל אילי נביות אינו מתכפר לו ולא נמחל עונו עד שיבקש מן הנחבל וימחל לו</p>
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Let’s summarize “Rambam #1”:

- If you damage another’s *possessions*, what do you need to do in order to clean the slate?? → Pay him off, and you’re done.
- If you damage the person *himself*, what do you need to do in order to clean the slate?
 → Pay him off (which includes all 5 categories of financial obligations: damage, pain, medical costs, loss of livelihood, and humiliation) **and** ask him for forgiveness (and actually obtain it)

Food for Thought

Parenthetically, it’s certainly worth noting from this 1st source an obvious question:
Question: What is the difference between damaging another’s possessions as opposed to damaging his self? Why are more reparations required regarding the latter in order to clean the slate?

What do you think??

Answer: There’s both a technical, as well as conceptual explanation for this distinction.
Technically, the difference is simply that the Talmudic source for the requirement of asking for forgiveness ^[Bava Kama 92a; see Appendix A below] was only said regarding damage to another’s self.¹

Conceptually, we could well appreciate that an affront to one’s self is more severe than an affront to ones possessions: there’s my stuff, and then there’s me!

Keeping this all in mind, let’s move on to the second source – “Rambam #2”:

¹ צ"ב ע"ז דהלא מאבימלך אנן לומדין ומה בדיוק היתה העוולה התם הלא היא לקיחת אשת אברהם ונאמר שזה בגדר חובל הלא זה דומיא טפי להזק ממון?

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Source 2. Rambam, Laws of Teshuva 2:9

<p>Neither repentance nor the Day of Atonement atone for anything except for sins committed between man and God, for instance, one who ate forbidden food, or had forbidden coition and the like;</p> <p>However, sins between man and man, for example, one injures his neighbor, or curses his neighbor or plunders him, or offends him or the likes, he is not absolved unless he makes restitution of what he owes <i>and</i> begs the forgiveness of his neighbor. And, although he made restitution of the monetary debt, he is obliged to pacify him and to beg his forgiveness. Even he offended his fellow only with words, he is obliged to appease him and implore him till he be forgiven by him.</p>	<p>אין התשובה ולא יום הכפורים מכפרין אלא על עבירות שבין אדם למקום כגון מי שאכל דבר אסור או בעל בעילה אסורה וכיוצא בזה.</p> <p>אבל עבירות שבין אדם לחברו כגון החובל את חברו או המקלל חברו או גוזלו וכיוצא בהן אינו נמחל לו לעולם עד שימתן לחברו מה שהוא חייב לו וירצהו. אף על פי שהחזיר לו ממון שהוא חייב לו צריך לרצותו ולשאל ממנו שימחל לו. אפלו לא הקניט את חברו אלא בדברים צריך לפיסו ולפגע בו עד שימחל לו.</p>
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Here, the Rambam introduces us to 2 categories of infractions: those between you & God (בין אדם למקום), and those between you & others (בין אדם לחבירו).

- Regarding infractions man-to-God, what is required in order to clean the slate?
→ Repent², & go through the soul-washing machine called Yom Kippur³
- Regarding infractions man-to-man, what is required in order to clean the slate?
→ Compensation (where applicable), and requesting + receiving forgiveness

Now, let us carefully note what types of interpersonal-infractions require forgiveness: the Rambam lists “for example, one injures his neighbor, or curses his neighbor or plunders him, or offends him or the likes,”

The simplest reading of this Rambam is that *all* interpersonal-infractions require apologizing. In other words, that it is insufficient to simply ‘write out a check’ and call it a day. Rather, both if you’ve damaged the person himself, or even if you’ve only damaged his possessions, or even if you’ve caused not actual damage whatsoever but rather only aggravated the other, in any event you need to go apologize and get the other to forgive you!

² The mitzvah of teshuva has a number of components to it, which the Rambam details at length in the 2nd chapter of the Laws of Teshuva. For brevity’s sake there’s essentially 3-parts – past, present, and future:

- **Past:** Discontinue the problematic behaviour, and regret having done it (עזיבת החטא וחרטה)
- **Present:** Apologize for the mistake (בקשת מחילה)
- **Future:** Resolve to change ones ways (קבלה על העתיד)

³ There are actually 4 categories of *aveiros*, some of which require Yom Kippur to achieve atonement, some of which do not require Yom Kippur, and some of which that are so severe that even Yom Kippur does not suffice for and rather require a more aggressive form of spiritual-cleansing such as suffering or even death. [הל' תשובה סוף פ"א]

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If this is correct, then...

Rambam #2 seems to contradict Rambam #1!!!⁴

Choose your own adventure:

It's certainly worthwhile to take some time to think how you'd suggest reconciling these 2 sources.⁵

However, there's one more Rambam that we need to look at in order to round-out the picture, which is going to make things even a bit stickier...

Source 3. Rambam, Laws of Teshuva 1:1

All commandments of the Torah, whether they be mandatory or prohibitive, if a man violates any one of them, either intentionally or erroneously, when he will repent himself and turn away from his sinful way, he is obliged to confess before God, as it is said: "When a man or woman shall commit any sin.... Then they shall confess their sin which they have done (Bamidbar 5.6–7)", this is the mitzvah of confession with words. Such confession is a positive commandment.

How is the verbal confession made? He says: "Please! Hashem! I have sinned; I have been obstinate; I have committed profanity against You, particularly in doing thus and such. Now, behold! I have repented and am ashamed of my actions; forever will I not relapse into this thing again." This is the elementary form of confession; and whoever elaborates in confessing and extends this subject is, indeed, praise-worthy.

Likewise all those who bring offerings, when they offer their sacrifices, whether for their errors or for their spitefulness, find no atonement in their sacrifices, unless they repent, and deliver themselves of a verbal confession, even as it is said: "He shall confess that he sinned in that thing" (Yayikra 5.5)...

Even he, who injures his friend **or causes him damages in money matters**, although he makes restitution of what he owes him, finds no atonement, unless he makes verbal confession and repents by obligating himself never to repeat this again, even as is said: "Any sin that man commits" (Bamidbar 5.6).

כָּל מִצְוֹת שֶׁבְּתוֹרָה בֵּין עֲשֵׂה בֵּין לֹא תַעֲשֶׂה אִם עָבַר אָדָם עַל אַחַת מֵהֶן בֵּין בְּזָדוֹן בֵּין בְּשִׁגְגָה כְּשִׁיעֲשֶׂה תְּשׁוּבָה וַיָּשׁוּב מִחֲטָאוֹ חַיֵּב לְהִתְנַדֵּוֹת לִפְנֵי הָאֵל בְּרוּף הוּא שֶׁנֶּאֱמַר (במדבר ה ו) "אִישׁ אוֹ אִשָּׁה כִּי יַעֲשֶׂוּ" וְגו' (במדבר ה ז) "וְהִתְנַדְּוּ אֶת חַטָּאתָם אֲשֶׁר עָשׂוּ" זֶה וְדוּי דְבָרִים. וְדוּי זֶה מִצְוֹת עֲשֵׂה.

כִּיצַד מִתְנַדִּין. אוֹמֵר אָנָּה הַשֵּׁם חַטָּאתִי עָוִיתִי פָשַׁעְתִּי לִפְנֵיךָ וְעֲשִׂיתִי כָךְ וְכָךְ וְהָרִי נַחֲמֵתִי וּבִשְׁתִּי בְּמַעֲשֵׂי וּלְעוֹלָם אֵינִי חוֹזֵר לְדַבֵּר זֶה. וְזֶהוּ עֵקֶרוֹ שֶׁל וְדוּי. וְכָל הַמְרַבֶּה לְהִתְנַדְּוֹת וּמֵאָרִיף בְּעֲנָנָו זֶה הָרִי זֶה מְשַׁבַּח.

וְכֵן בְּעֲלֵי חַטָּאוֹת וְאֲשָׁמוֹת בְּעַת שְׂמִיאיִן קָרְבָּנוֹתֵיהֶן עַל שִׁגְגָתָן אוֹ עַל זְדוּנָן אִין מִתְכַּפֵּר לָהֶן בְּקָרְבָּנָם עַד שִׁיעֲשׂוּ תְּשׁוּבָה וַיִּתְנַדְּוּ וְדוּי דְבָרִים שֶׁנֶּאֱמַר (ויקרא ה ה) "וְהִתְנַדְּוָה אֲשֶׁר חָטָא עָלֶיהָ"....

וְכֵן הַחוּבֵל בְּחֵבְרוֹ וְהַמְזִיק מִמוֹנֵו אִף עַל פִּי שֶׁשָּׁלַם לוֹ מֵה שֶׁהוּא חַיֵּב לוֹ אֵינֵו מִתְכַּפֵּר עַד שִׁיעֲשׂוּ תְּשׁוּבָה וַיִּתְנַדְּוּ לְעוֹלָם שֶׁנֶּאֱמַר (במדבר ה ו) "מִכָּל חַטָּאת הָאָדָם"

⁴ סתירה זה בדברי הרמב"ם כבר עמדו עליה גדולי האחרונים בהל' חובל ומזיק: עיין לחם משנה, מעשה רוקח, ופרי אדמה.

⁵ הלח"מ ת' דיש לחלק בין גזילה להיזק ממון וז"ל: י"ל דשאני גזלן דנתהנה מאותה עבירה ועוד שצער הרבה לנגזל שלקח ממנו בעל כרחו אבל מזיק הממון שלא נתהנה מהיזק ההוא אלא שהיזק לו ולמזיק לא באה הנאה ממנו ולא נצטער כל כך הניזק כמו הנגזל כיון ששלם לו היזקו די ולכך כתב רבינו ז"ל כאן שנתכפר לו מיד משא"כ בנגזל כדכתבנא עכ"ל

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Here, the Rambam rules explicitly:

- In order to achieve atonement, what is required of one who's damaged his fellow either personally or *even monetarily*?
→ Confession (ודוי)

In other words, if you damage another person's stuff, is it sufficient to simply 'cut the check', and get a clean slate?? No! You *also* have to confess and apologize to...God!

Let's take a birds-eye-view of where we're holding:

THE BIG PICTURE

Regarding having damaged another's possessions (היזק ממון), what exactly does one need to do in order to get a clean slate?

Rambam #1 – Write him a check.

Rambam #2 – Write him a check, and apologize to him & get forgiven.

Rambam #3 – Write him a check, and apologize to God!

These 3 Rambam's seem to contradict each other...so which Rambam is correct?!?

The answer, of course, is all of them.

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2 – PUTTING THE PUZZLE TOGETHER

A note of introduction:

One of the great joys of learning Torah in general, and the learning of Rambam in particular, is how *every word is so exact* – we can often glean worlds of insight if we carefully analyze the precision-oriented phraseology of each halacha.

This principle holds true not only regarding *how* the Rambam says certain things, but also *where* he says them: there are different sections in halacha⁶, and the distinct section in which the Rambam chooses to insert a halacha is often very noteworthy.

This having been said, let us observe:

Rambam #1 – in what section of halacha is this found?

→ “The Laws of Assault & Damages”

Rambam #2 – in what section of halacha is this found?

→ “The Laws of Repentance”

Resolving Rambam #1 & #2

Now we can make a simple inference: Rambam #1, which distinguishes between damaging another’s possessions as opposed to damaging his self, is not dealing with the issue of repentance/atonement whatsoever. Rather, he’s *only* discussing financial compensation – what do I need to do in order to repair the damage that I’ve perpetrated upon another? – that’s it. If you damaged his stuff, then cut him the check, and that’s the end of the story as far as reparations are concerned.

However, that’s only *half of the story* – the half regarding the one who’s *been damaged* (ניזק).

But then there’s the *other side of the story* – regarding the one who *caused the damage* (מזיק): as far as the offender himself is concerned, cutting the check is insufficient. What *else* must he do? Apologize, and ask for forgiveness. For what reason? For *his own* rectification.

This second element is what Rambam #2 is addressing. And, low and behold, in which section of Halacha did the Rambam place this 2nd Halacha...in the “Laws of *Teshuva*”!!

⁶ The Rambam divides the entire body of halacha in to 14 sections: Basic foundational principles, holidays, agriculture, spiritual-purity, damages, etc. Have a look ☺

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Responsible Learning!!!

One could (and should!) challenge this proposed solution between the two sources (i.e. that Rambam #1 is not dealing with atonement altogether, rather, only with compensation):

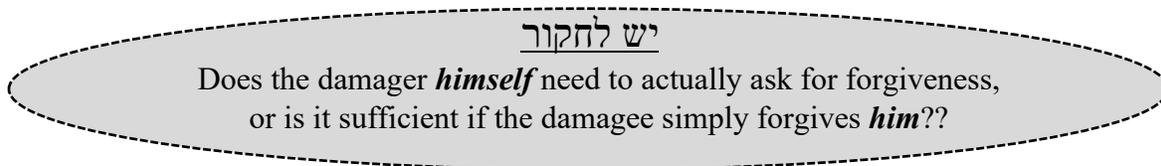
Hey, even in Rambam #1, regarding damage to another's self, the Rambam says explicitly "*he's not attained atonement and he's not forgiven until he's asked for forgiveness.*" In other words, this sounds like the Rambam is dealing with atonement, and **not** simply with compensation!!!

Good question.

But we can explain as follows: when one damages another's self (which includes even insult), as opposed to his possessions, there are 2 reasons he needs to apologize: one, for the **damager** (מזיק), and two, for the **damagee** (ניזק):

- For the damager himself, he needs to apologize for the sake of his own personal repentance; but...
- He also needs to apologize for the damagee's sake; nothing to do with repentance, but, rather, as part of the process of remuneration! (See explanation below⁷)

A way of illustrating the difference between these 2 different reasons for which a damager needs to apologize is as follows:



What do you think??

- **If** the point of apologizing is purely for the **damagee's** sake, it would be sufficient if he forgives the infraction of his own volition. But...
- **If** the point of apologizing is (also) for the **damager's** sake, then it would be insufficient if the damagee simply forgives the infraction: for his own atonement, the offender needs to go through the process of expressing his regret and asking for forgiveness!!⁸

⁷ Remuneration means *repairing whatever damage has been inflicted*. So, if I damaged his car, I understand exactly how to repair the damage: cut the check. But, if I damaged *him*, then beyond the technical damages of medical bills and time off of work etc., there's also the personal feelings of insult, ill-will, and violation...and how can I repay him for that?! (There are, after all, some problems that even money cannot solve!). **Instead**, I need to apologize, and ask him for his forgiveness. In this context, then, my apology is not for my own, personal repentance, but, rather, a form of financial remuneration!!

⁸ הה"ר רב ברקוביץ שליט"א אמר שכן יש לדייק בלשון הרמב"ם בהל' תשובה דכ' "וירצהו", שהוא שנוי לשון ממש"כ בהל' חובל ומזיק. נפלא!! באמת כן ס"ל להלכה הפלא יועץ במאמרו על תשובה

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Let’s just clarify where we’re holding:

If one damages another, whether monetarily, personally, or even emotionally, he needs to do 2 things:

1. Provide any relevant financial compensation;
2. Apologize and ask for forgiveness

But there’s one more piece in the puzzle – one more thing that he needs to do...for let us not forget about Rambam #3!! In addition to the above, he also needs to...

3. Apologize to the Almighty!!

Question:

Why? What does God have to do with me and my relationship with others??

What do you think??

Answer: We must infer, then, that every infraction in the realm of interpersonal relationships is *also* an infraction in the realm of ones relationship to God.

In other words, every “בין אדם לחבירו” is also a “בין אדם למקום”.

The *reason* this is so is, quite simply, because 3300 years ago at Mount Sinai God instructed the Jewish people: “Don’t hurt your fellow!”⁹

Noting the Profundity

This last point – that every infraction between me and my fellow is *also* an infraction between me and God, which therefore requires repentance and confession etc. – although conceptually understandable, carries with it significant practical applications:

It turns out, that for *every* mistake that I make against another, aside from settling the score with them, I *also* need to apologize to God!!

The good news is that God is infinitely merciful, and is eagerly awaiting our repentance. He’s outlined for us the process of rectifying our mistakes, and promised us that the gates of repentance are always open.

He wants us to succeed, and He’s given us the Torah which teaches us how to do it. We need only to make our best efforts, and get to work.

⁹ Aside from a (justified) technical discussion as to what biblical mitzvohs are violated by each interpersonal infraction (such as in the introduction to the laws of *loshon hara*, where the Chofetz Chaim elaborates on the 17-negative and 14-positive commandments which are potentially violated when one speaks derogatorily of another), there is an over-arching principle here: Judaism’s concept of what constitutes “right & wrong” or “good & bad” – the very core of morality itself – pivots on one point: what does the Almighty, Creator of the universe say? If it’s ‘wrong’ to harm another, it is ‘wrong’ only because God says so.

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APPENDIX A

Source 4. Bava Kama 92a

<p>MISHNA: Despite the fact that the assailant who caused damage gives to the victim all of the required payments for the injury, his transgression is not forgiven for him in the heavenly court until he requests forgiveness from the victim, as it is stated that God told Abimelech after he had taken Sarah from Abraham: “Now therefore restore the wife of the man; for he is a prophet, and he shall pray for you, and you shall live” (Bereishis 20:7). <i>[Inferring that if you do not apologize, and he will not pray for you, then you will die!]</i></p>	<p>מתני' אע"פ שהוא נותן לו אין נמחל לו עד שיבקש ממנו שנאמר (בראשית כ, ז) ועתה השב אשת וגו'</p>
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Source 5. Bava Kama 83b – The “5 Payment” Required for Physical Assault

<p>MISHNA: One who injures another is liable to pay compensation for that injury due to five types of indemnity: He must pay for damage, for pain, for medical costs, for loss of livelihood, and for humiliation.</p> <p>How is payment for damage assessed? If one blinded another's eye, severed his hand, broke his leg, or caused any other injury, the court views the injured party as though he were a slave being sold in the slave market, and the court appraises how much he was worth before the injury and how much he is worth after the injury. The difference between these two sums is the amount that one must pay for causing damage.</p> <p>How is payment for pain assessed? If one burned another with a skewer or with a hot nail, or even if one burned another on his fingernail, which is a place where he does not cause a bruise that would affect the victim's value on the slave market, the court evaluates how much money a person with a similar threshold for pain as the victim is willing to take in order to be made to suffer in this way. The one who burned the victim must then pay this amount.</p> <p>How is payment for medical costs assessed? If one struck another, then he is liable to heal him by paying for his medical costs. In a case where growths, e.g., blisters or rashes, appeared on the injured party, if the growths are due to the blow, the one who struck him is liable; if the growths are not due to the blow, the one who struck him is exempt. In a case where the wound healed, and then reopened, and again healed, and then reopened, the one who struck him remains liable to heal the injured party by paying for his medical costs, as it is apparent that the current wound resulted from the original injury. If the injury healed fully, the one who struck him is not liable to heal him by paying for any subsequent medical costs.</p> <p>How is payment for loss of livelihood assessed? The court views the injured party as though he were a watchman of cucumbers, and the one who caused him injury must compensate him based on that pay scale for the income that he lost during his convalescence. This indemnity does not take into account the value of the standard wages of the injured party because the one who caused him injury already gave him compensation for his hand or compensation for his leg, and that compensation took into account his professional skills.</p> <p>How is payment for humiliation assessed? It all depends on the stature of the one who humiliates the other and the one who is humiliated.</p>	<p>החובל בחבירו חייב עליו משום חמשה דברים בנזק בצער בריפוי בשבת ובושת:</p> <p>בנזק כיצד סימא את עינו קטע את ידו שיבר את רגלו רואין אותו כאילו הוא עבד נמכר בשוק ושמין כמה היה יפה וכמה הוא יפה:</p> <p>צער כואו (או) בשפוד או במסמר ואפילו על ציפורנו מקום שאינו עושה חבורה אומדין כמה אדם כיוצא בזה רוצה ליטול להיות מצטער כך:</p> <p>ריפוי הכהו חייב לרפאותו עלה בו צמחים אם מחמת המכה חייב שלא מחמת המכה פטור חייתה ונסתרה חייתה ונסתרה חייב לרפאותו חייתה כל צורכה אינו חייב לרפאותו:</p> <p>שבת רואין אותו כאילו הוא שומר קישואין שכבר נתן לו דמי ידו ודמי רגלו:</p> <p>בושת הכל לפי המבייש והמתבייש</p>
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