

# To Forgive is Divine, and Human: The Bilateral Obligation of Forgiveness<sup>3</sup>

Rabbi Daniel Z. Feldman

Faculty, Stone Beit Midrash Program

## The Obligation to Ask Forgiveness

It is abundantly clear that the halakhic view places great import on influencing the individual's interaction with others in society. The relationship of man to his fellow stands as a formidable component of any Jew's spiritual record, an irreplaceable element of one's overall standing. It is thus not surprising that any reckoning of one's religious status is considered incomplete if lacking a thorough analysis of this interaction, along with whatever methods are necessary to rectify any aberrations or disturbances that may arise within this context. The Talmud introduces this concept clearly in the course of a discussion of the laws of Yom Kippur. The Day of Atonement effects forgiveness for all transgressions, under the appropriate circumstances and accompanying devices. Nonetheless, we are told: "Sins that are between man and God, Yom Kippur atones for them; Sins that are between man and his fellow, Yom Kippur will not atone until he appeases his fellow."<sup>4</sup>

This notion, the imperative to attain *mechilah*, forgiveness, from an aggrieved party, is more innovative than it may initially seem.<sup>5</sup> While impositions upon the rights of others constitute a significant portion of prohibited behaviors, the necessity to beg the pardon of the victim is by no means obvious. It might equally have been assumed that just as God issued commands as to the behavior of one individual toward another, He, too, serves as the aggrieved party Who must forgive when these commands are trod upon. The very fact that this role is placed in the hands of the human being reflects profoundly upon the halakhic recognition of the individual as an independent entity, presiding over the circumstances of his standing with others and of theirs with him.

Through this reality the oppressor becomes subject to the mercy of his victim, the expiation of his sins contingent upon the good graces of those who have suffered at his hands. The *Pri*

---

<sup>3</sup> Excerpted from "The Right and the Good: Halakhah and Human Relations" (Yashar Books, 2009)

<sup>4</sup> *Yoma* 85b; see *Mishneh Torah* 2:9 and *Shulchan Arukh, Orach Chaim* 606:1.

<sup>5</sup> Although some did consider this idea self-evident; see *Shlom Yerushalayim*, cited in R. Nachum Kahana's *Orchot Chaim* 606:1.

*Megadim*<sup>6</sup> explains that the control of the offended party extends beyond the damage incurred to him personally. The Talmud's statement that interpersonal violations are not atoned for without *mechilah* is absolute; even to the extent that these same actions are to be considered for whatever reason an affront against God, He, too, will not grant His pardon prior to the attainment of that of the aggrieved person.<sup>7</sup> R. Shmuel Germaizin<sup>8</sup> puts forward a more extended version of this position; as suggested earlier, every transgression against man by definition contains an aspect of rebellion against God.<sup>9</sup> Attaining the forgiveness of man is a prerequisite to being excused for the offense against God present in every sin. This formulation goes further in dealing not only with multileveled transgressions, as does the *Pri Megadim*, but also by identifying two elements automatically in every interpersonal wrongdoing.<sup>10</sup> Moreover, the Vilna Gaon<sup>11</sup> and others claim that no transgressions at all are forgiven until forgiveness is asked of offended people.<sup>12</sup>

Thus, the acquisition of *mechilah* fulfills a vital goal, the securing of a pardon from the party empowered to grant it. However, it seems that the actual role of the request for forgiveness encompasses more than this. While the consent of the aggrieved individual is indispensable for spiritual housekeeping, indications exist that additional elements are present in the necessity of appeasing the offended.

## The Problem of Unrequested Forgiveness

Were a waiver of claims the only goal of the process, it would follow that if the victim would forgive of his own initiative, without waiting for his oppressor to seek his pardon, the latter gesture would become redundant. Nonetheless, many authorities who concern themselves with this issue indicate that a request for forgiveness is necessary even if the other party has already excused the offense. R. Binyamin Yehoshua Zilber, (*Responsa Az Nidbaru* 2:65) among others, maintains that the obligation to seek *mechilah* is operative regardless. However, R. Yehoshua Ehrenberg (*Responsa D'var Yehoshua* 5:20) is inclined to believe that unrequested forgiveness is enough.

A story related by the Talmud (Yoma 87a) is cited by those who agree with R. Zilber as support for their position. Rav had been offended by a certain butcher, and, following the passage of some time, they had still not reconciled. As Yom Kippur was approaching, Rav took pains to make himself available to the butcher so that the latter may apologize. R. Yitzchak Blazer<sup>13</sup>

---

<sup>6</sup> *Mishbitzot Zahav, Orach Chaim* 606.

<sup>7</sup> See also *K'tzaih HaMateh to Mateh Ephraim* 606, citing *Birkei Yosef*.

<sup>8</sup> Quoted in *Pri Chadash*, *ibid.* Note Rashi, *Vayikra* 5:21; see also *Kerem Shlomo* in *Orchot Chaim*.

<sup>9</sup> See also *Pri Megadim* in *Eishel Avraham, Orach Chaim* 156; *Sefer Me'irat Einayim, Choshen Mishpat* 272:10; R. Moshe Schick, *Maharam Schick Al Sefer HaMitzvot* 272; *Torat Chaim, Bava Kama* 90a; R. Yosef Babad, *Minchat Chinnukh* 364; R. Elchanan Wasserman, *Kovetz Ha'arot, Biurei Aggadot* 7:7; R. Moshe Yechiel Epstein, *Be'er Moshe* to *Bereishit*, p. 39; R. David Cohen, *V'Im Tomar* 2:503; and R. Gedalya Felder, *Yesodei Yeshurun, Avot* 4:1.

<sup>10</sup> See R. Yessed Shaul Nathanson's *Responsa Shoel U'Meishiv, Mahadurah Revia* 3:64, for support for this position. See also *Peirush HaRif to Ein Ya'akov, Binyan Ariel*, and R. Chaim Pilagi's *Birkat Moadekha L'Chaim, Teshuvah Drush 15*, all cited in R. Shlomo Wahrman's *Orot Yemei HaRachamim* 37.

<sup>11</sup> See *Siddur HaGra*; see also R. Chaim Yosef David Azulai, *Birkei Yosef*, and R. Ya'akov Chaim Sofer, *Kaf HaChaim, Orach Chaim* 606.

<sup>12</sup> See R. S. T. Shapira, *Meishiv Nefesh to Hilkhote Teshuvah* 2:31. Note, overall, his discussions in 30:43.

<sup>13</sup> *Kokhvei Ohr* 5.

observes that in doing so, Rav was engaging in a form of *imitatio Dei*, as God also brings Himself closer to facilitate repentance during the Ten Days of Penitence between Rosh Hashanah and Yom Kippur.<sup>14</sup> That aside, the very necessity of accessibility on the part of Rav is troubling; as he is clearly prepared to forgive and forget, there should be no need for the butcher to ask. It seems, then, that the act of apologizing is integral to the forgiveness granted on Yom Kippur.<sup>15</sup> Similarly, R. Eliezer Ginsberg (*V'Atah B'Rachamekha HaRabim, Hilkhos Teshuvah 2:9*) writes that the *mechilah* would be ineffectual, lacking genuine penitence on the part of the sinner.

This element is relevant to another issue of concern among authorities. Yom Kippur, mentioned as a motivation to seek *mechilah*, is seemingly superfluous; if an offense has been committed, forgiveness must be sought irrespective of the time of year. R. Ephraim Zalman Margolios, in his classic collection of the laws relevant to the High Holy Day period, *Matteh Ehpraim*, 606, writes that this is, of course, the case; however, Yom Kippur is noted as the final deadline for this obligation. R. Pinchas A. Z. Goldenberger (*Responsa Minchat Asher 3:32*) suggests an approach in line with this. If an interpersonal violation is committed, pardon must be sought immediately; nonetheless, if the victim bears no grudge, then this action is of less necessity. However, the impending arrival of Yom Kippur imposes an additional requirement of obtaining *mechilah* that is not suspended in the event of unsolicited forgiveness.<sup>16</sup>

This added element may explain the reluctance of many authorities to allow reliance on the prayer composed by R. Avraham Danzig, the *Chayyei Adam*, known as *tefillah zakkah*.<sup>17</sup> In this invocation, recited by many immediately before the onset of Yom Kippur, all nonmonetary grievances are forgiven. As such, the widespread adoption of this prayer should render the requests for *mechilah* obsolete. Nonetheless, this has not been the view of many decisors. As R. Meir Isaacson (*Responsa Mevasser Tov 2:55*) observes, while the prayer plays a valuable role in strengthening the resolve to genuinely forgive others, the latter's obligation to actually apologize is not at all diminished. Along similar lines, R. Zilber (*Responsa Az Nidbaru 7:65*) advises against depending on the nightly recitation found in the Talmud (*Megilah 28a*) in the name of Mar Zutra, "I forgive all who have anguished me" (noting further that it is usually pronounced without much thought). However, in another responsum (8:68) he does acknowledge the *tefillah zakkah* as a last resort, but only in an instance where the aggrieved party cannot be reached.

## The Focus on the Process

Thus, it seems that the appeal for forgiveness accomplishes a goal above and beyond the absolution of the victim. R. Zilber provides a technical spin in his formulation, writing that the obligation is the request itself, and the aim of attaining the pardon of the offended party is only a method of measuring what degree of apology is necessary. Many rabbinic scholars felt that the operative element is the embarrassment experienced by the aggressor who comes, hat in hand,

---

<sup>14</sup> *Yeshayahu*, ch. 58, as per *Yevamot 49a*.

<sup>15</sup> See also R. Shlomo Zalman of Volozhin's *Toldot Adam*.

<sup>16</sup> See the similar interpretation in R. Moshe Shternbuch, *Responsa Teshuvot V'Hanhagot 2:285*.

<sup>17</sup> See *Chayyei Adam, Klal 144*.

to beg forgiveness; it is this act itself that effects atonement.<sup>18</sup> The Talmud (*Berakhot* 12b) states as much: “Whoever commits a sin, and is embarrassed of it, he is forgiven all of his transgressions.”<sup>19</sup> R. Shlomo Wahrman (*Orot Yemei HaRachamim* 37) suggests that it is contrary to the nature of the hardhearted sinner to admit wrongdoing to his victim; in conquering his nature, he earns his pardon.<sup>20</sup>

Interestingly, while forgiveness without the formality of the request is apparently insufficient, a case for the reverse circumstance is found in the writings of R. Shlomo Luria (*Yam Shel Shlomo, Bava Kama* 8:49). His discussion centers on a traditional procedure of appeasement, which involved the guilty individual standing before the congregation and declaring, “I have sinned against God and against this man.” The confession for the offenses against God, preceding that for the crime against man, seems premature; it has already been established that Heavenly forgiveness comes only after human forgiveness. R. Luria suggests that once the offender has shown his willingness to beg the absolution of his victim and commenced the process, even though he has not actually received the pardon of the wronged individual, God’s reprieve is forthcoming.

More so, even if the attempt at forgiveness is not successful, some authorities feel that the effort is sufficient.<sup>21</sup> The *Pri Chadash* explains in this manner the fact that the offender is not obligated to make his application more than three times.<sup>22</sup> The existence of an exemption after a certain point indicates that the process is more the concern than the result.

The element of subordination in the seeking of forgiveness comes into play as well in considering the issue of the effectiveness of a request for *mechilah* carried out by a third party. R. Baruch Rakovsky (*Birkat Avot*, 62) notes that the lack of confrontation results in a limited sense of submission, and to that effect cites the *Derekh HaMelekh* (*Hilkhos Teshuvah* 2:9) as discouraging such a practice; although the *Yefei Mareh* allows it, cited approvingly by the *Matteh Moshe* and skeptically by the *Pri Chadash*. The *Pele Yo’etz*, however, does warn against letting the stigma of embarrassment deter one from seeking *mechilah*.<sup>23</sup>

Another concept drawing relevance from this idea is that cited by the Gaon of Vilna (*Biur HaGra, Orach Chaim* 606) in the name of the *Midrash Tanchuma*: “If he has gone to appease him, and the latter has not accepted, what should he do? R. Shmuel says, Let him bring ten individuals, and form a line, and say to them, there was a quarrel between me and my friend, and I tried to appease him, and he did not accept... and God will see that he lowered himself, and he will have compassion.” Here, too, the embarrassment experienced by this public confession is

---

<sup>18</sup> See R. Yosef Cohen, *Be’eri BaSadeh* to *Hilkhos Teshuvah*;; and R. Mordechai Carlebach, *Chavatzelet HaSharon al haTorah*, (*Bereishit* pp. 722-5).

<sup>19</sup> See also *Hasagot HaRa’avad*, *Hilkhos Teshuvah*.

<sup>20</sup> See also *Moadim U’Zmanim* 1:54, at length.

<sup>21</sup> See R. Yitzchak Sorotzkin, *Gevurat Yitzchak* to *Hilkhos Teshuvah*.

<sup>22</sup> As to whether this is an exemption or a prohibition, compare *Bayit Chadash* and *Pri Chadash*; see also *Sefat Emet, Yoma* 87. Many of the commentaries to *Shulchan Arukh* maintain there is no prohibition as long as no “disgrace to the Torah” is involved; see R. Dovid Ariav, *L’Reakha Kamokha* (vol. 3, sec. 3, ch. 4, *Nir L’David*, 575), and R. Mordechai Eliyahu, in his *Bein Adam L’Chaveiro* (p. 38).

<sup>23</sup> See also R. Mordechai Eliyahu in his *Bein Adam L’Chaveiro* (p. 39).

integral to the atonement.<sup>24</sup> To this end, R. Yosef Chaim ben Eliyahu (*Responsa Rav Pe'alim* 63) questions whether it is necessary that the ten be men, as is required for communal prayer, or perhaps women are equally effective. He analyzes whether the publicity will be diminished, and whether equal embarrassment is felt in front of different social groups, in deciding the issue. R. Yechiel Michel Epstein, (*Arukh HaShulchan, Orach Chaim* 606:4) however, understands the role of the *minyán* differently; the purpose is to evoke the Divine presence, and thus to encourage forgiveness.<sup>25</sup>

This notion of personal redemption through the process of apology may also explain a difficult phrase in the Rama. After recording the admonition to an offended individual not to cruelly refuse forgiveness, the Rama adds that *mechilah* “may be withheld if it is for the good of the sinner.”<sup>26</sup> The meaning behind this is suggested by R. Yisrael Meir Kagan (*Mishnah Berurah* 606:9): the more the oppressor finds it necessary to appeal for absolution, the greater his sense of submission and thus, his atonement. R. Epstein, however, notes that such an attitude is more theoretically noted than practically recommended.<sup>27</sup>

## The Ultimate Goal

In any case, it might be suggested that an additional function is contained within the imperative of seeking *mechilah*, beyond the sense of submission that accompanies the ordeal. Even after an individual who has suffered at the hands of another forgives his oppressor, the scars of the offense remain. It is comparable to one who has incurred physical injury and pardons his attacker; although the assailant receives his absolution, the painful effects of his violence are left in full force. The imperative of seeking *mechilah* is as much the appeasement as the forgiveness.<sup>28</sup> It is possible for the latter to exist without the former; the emphasis on process as well as result is to ensure that both are obtained.<sup>29</sup> Thus, the *Shulchan Arukh* rules that an unsuccessful attempt at reconciliation must be followed by a second, and then a third; and, as the commentators on the *Shulchan Arukh* observe, each time employing a different method of self-ingratiation, earnestly attempting to find the one that succeeds.

Apparently, this too is a prerequisite for achieving atonement on Yom Kippur, that harmonious relationships among men must resume, that strife and discord be eliminated. This idea is explicit

---

<sup>24</sup> See also commentary of the Mordechai, *Yoma* 8:723. R. Mordechai Eliyahu, in his *Bein Adam L'Chaveiro* (p. 38), also mentions the submission as the operative factor in effecting the atonement, but implies the motivation for this particular ritual is to avoid “suspicion” among the public that the offender had not attempted to obtain forgiveness.

<sup>25</sup> See also the analysis of both possibilities in R. Shamaï Kehat Gross, *Responsa Shevet HaKehati* (5:104).

<sup>26</sup> OC 606:1; see *Nezirut Shimshon* in *Orchot Chaim*, and R. Ya'akov Yichizkiyah Fish, *Titten Emet L'Ya'akov*, p. 195. The source for the Rama's ruling is discussed in detail by R. Natan Note Kahana, *Responsa Divrei R'nanah*, 2.

<sup>27</sup> *Arukh Hashulchan, Orach Chaim* 606:2. See also the comments of his son, R. Baruch Epstein, *Torah Temimah, Bereishit* 20:17, and R. Yosef Cohen, *Ikvei HaSadeh to Hilkhoh Teshuvah*. R. Mordechai Eliyahu in his *Bein Adam L'Chaveiro* (p. 40) recommends that even in such an instance, the offended party should forgive the offender in his heart, only maintaining an outward appearance of rigidity.

<sup>28</sup> For an interesting discussion of certain aspects of this concept, see R. Yedidiah Monsonigo, *Responsa D'var Emet* 18.

<sup>29</sup> Interestingly, R. Mordechai Carlebach (*Chavatzelet HaSharon al haTorah, Bereishit*, pp. 645-6) recognizes this distinction, but assumes that appeasement generally precedes a waiver of claims (and he then proceeds to analyze this waiver). See also R. David Cohen, *Birkat Ya'avetz* (Vol. 1, pp. 57-9).

in the *Pirkei D'Rav Eliezer* (ch. 15), where it is stated that at the time of Yom Kippur, Samael argues for the defense of Israel, noting their similarity to the ministering angels. Among the comparisons is “What is true of angels? There is peace between them, so too Israel.” This argument is so compelling that God forgives the Jewish people their sins. R. Yechiel Michel Epstein identifies this idea as being behind the practice of asking *mechilah*, the conduit to peace. The *Midrash* states similarly: “Great is peace, for at a time when the Jewish people are united, even if they have worshipped idols, God forgives them.”<sup>30</sup>

In this spirit, Rashi (*Responsa Rashi* 245) notes that a show of reconciliation is as valuable as expressing the forgiveness: “If he hugged him and kissed him, there is no *mechilah* greater than this.”<sup>31</sup> However, absent some such display, some verbal forgiveness must be expressed.<sup>32</sup>

This notion is similarly manifest in a homiletic observation of R. Moshe Sofer.<sup>33</sup> Addressing his followers between Rosh Hashanah and Yom Kippur, he commented, “In the time when the *Beit HaMikdash* stood, we do not find that there was an obligation for every Jew to seek *mechilah* from his friend on the eve of Yom Kippur. For the nature of the sacrifices is to bring closer the hearts of men, and to make peace among them on their own.”<sup>34</sup>

R. Baruch Leizerofsky (*Responsa Ta'am Baruch* 21) notes the difference of expression in various talmudic sources; in one, (*Bava Kama* 92a) the process of attaining *mechilah* is called a “request”; in another (*Yoma* 85b) it is “appeasement.” These two descriptions appear to address specifically the twin goals of the process: the seeking of absolution and the bringing about of reconciliation.

If the goal of asking *mechilah* is more reconciliation than a technical release of claims, it may follow that in determining the need for a request, the focus is more on the disturbance of interpersonal equilibrium than on the act of transgression itself. The Rambam, in discussing the imperative of *mechilah*, includes theft among the offenses necessitating such action.<sup>35</sup> However, elsewhere in his code (*Hilkhot Choveil U'Mazik* 5:9), he comments about such a person who has damaged the property of another: “Once he has paid the damages, he is forgiven.” The implication is that no request is necessary. R. Avraham De Botton, the *Lechem Mishneh*, suggests that the distinction is due to the fact that theft benefits the perpetrator, while damaging property does not; thus, the former offense is more of a deliberate affront; while the latter, technically a crime, is less likely an intentional impingement.<sup>36</sup> Thus, it is assumed that theft causes a greater

---

<sup>30</sup> *Tanchuma*, *Parshat Tzav* 7, and *Bereishit Rabbah* 38:6; see *Bamidbar Rabbah* 11:7; *Derekh Eretz Zuta*, ch. 9; *Sefer Mitzvot Katan* 8; *Sefer Charedim*, ch. 7; *Peirush HaGra* to *Mishlei* 26:20 and 29:22; and *Torah Temimah* 19:6. See *Birkat Ya'avetz* (*ibid.*, pp. 59-60) for a different formulation of this idea.

<sup>31</sup> See also an analysis of this position in R. Carlebach's *Chavatzelet HaSharon al haTorah*, (*ibid.*, pp. 644-6 and p. 718).

<sup>32</sup> See *Responsa Mishpetei Shmuel*, # 119. and R. David Binyamin Brezacher, in the journal *Kol Torah*, vol. 20, pp. 68-69.

<sup>33</sup> *Derashot Chatam Sofer, Shabbat Shuvah*.

<sup>34</sup> See also R. Fishel Avraham Mael, *Shivtei Yisrael*, pp. 484-487.

<sup>35</sup> *Mishneh Torah, Hilkhot Teshuvah* 2:9. Compare *Sha'arei Teshuvah* 1:44 and 4:18.

<sup>36</sup> R. Brezacher, *Kol Torah, ibid.*, pp. 66-67, offers support for this suggestion; see, however, the *mafteach* of R. Shabtai Frankel to *Mishneh Torah*, citing *Ma'aseh Rokeach; Darkhei David, Bava Kama* 92a; *Tosafot Yom HaKippurim, Yoma* 85b, s.v. *aveirot*; and *Responsa Shte HaLechem* 15, who disagree. See also R. Y. M. Charlap, *Beit Zvul, Bava Kama* 5; R. Zalman Uri, in the journal *HaPardes*, vol. 35, no. 5:21-22 (45); and R. Zevulun Zaks, in the journal *Moriah*, vol. 24, no. 3-4, p 114-8. On asking forgiveness for theft, see R. Alon Avigdor, *Responsa Adnei Paz* 28.

rift between men and is therefore more subject to requiring *mechilah*.

For this reason, the Butchacher Rav<sup>37</sup> wrote that although ordinarily forgiveness should be sought immediately at any time of the year, one valid reason does exist for intentionally delaying it until just before Yom Kippur. If the passage of time preceding the request will contribute to the healing, if the more deliberate scheduling will lend greater permanency to the reconciliation, then it justifies a postponed appeasement.<sup>38</sup> Along similar lines, R. Yechezkel Levenstein<sup>39</sup> cautioned against issuing perfunctory, less than sincere pardons.<sup>40</sup>

## Counterproductive Apologies

In this light, one must also take into consideration those circumstances in which a request for *mechilah* would do more harm than good. R. Yoel Sirkes, *Bayit Chadash*, writes that in apologizing, one is required to specify the offenses of which one is aware, rather than mouthing a general confession lacking any recognition of the particular manner in which harm has been done to the other. In this vein, R. Yisrael Meir Kagan, in his classic work on the laws of *lashon hara* (malicious gossip), (*Chafetz Chaim*, part 1, *Klal* 4:12) rules that one who has spread damaging information about another must seek his forgiveness, basing his comments on those of Rabbeinu Yonah (*Sha'arei Teshuvah*, *Sha'ar* 3:207). R. Yisrael Lipkin (Salanter), revered founder of the modern *Mussar* movement, disagreed, noting that this would require informing the victim, who was until now blissfully ignorant. In inflicting emotional pain, such a gesture would be manifestly counterproductive.<sup>41</sup> R. Binyamin Yehoshua Zilber (*Responsa Az Nidbaru* 8:68)<sup>42</sup> was of the opinion that R. Kagan would certainly agree that the victim should not be informed of negative talk against him that he is unaware of;<sup>43</sup> it is only when he knows of the gossip but not the source that he would advocate confession.<sup>44</sup> Similarly, R. Shlomo Aviner (*Am K'Lavi* 1:181) writes that *lashon hara* that has “succeeded” in having a negative effect must be owned up to, but that which has not is better left alone.<sup>45</sup> R. Yochanan Segal Vosner<sup>46</sup> proposes that R. Kagan was referring to a situation in which the offense would have eventually become known to the victim, and thus it is better heard from the antagonist than from anyone else. R. David Binyamin Brezacher (*Kol Torah*, *ibid.*, pp. 67-68) suggests that anguish to the victim is sufficient reason to dispense with asking *mechilah*, but that the embarrassment of the offender is not.

When seeking *mechilah* and specifying the offense is indeed contraindicated, options still exist. The first is to ask for a general forgiveness, without identifying a particular wrongdoing. This

---

<sup>37</sup> *Eishel Avraham*; see *Orchot Chaim* 606:2.

<sup>38</sup> See R. Chaim David Weiss' *Responsa VaYa'an David* 1:26.

<sup>39</sup> Cited in R. Avraham Tobolsky's *Hizharu B'Khvod Chaveirkhem*, p. 99.

<sup>40</sup> See also R. Shammai Ginzberg, *Imrei Shammai*, pp. 90-91.

<sup>41</sup> It is said that R. Lipkin withheld his approbation of R. Kagan's work out of concern for this issue. See R. Eliyahu Lopian, *Lev Eliyahu*, vol. 1, p. 108, and *Meorot HaGedolim* 141.

<sup>42</sup> A similar suggestion is made by R. Yisrael Isser Hertzog in the journal *HaDarom* 52:62-67.

<sup>43</sup> See also *Sh'eilat Shmuel*, in *Orchot Chaim*.

<sup>44</sup> Earlier authorities did make exception for situations that would be embarrassing to the victim; see *Magen Avraham*, *Orach Chaim* 606:1, and *Machatzit HaShekel*; note also *Elyah Rabbah*.

<sup>45</sup> See also R. Yitzchak Ben Shoshan, *Responsa Toldot Yitzchak* 1:29.

<sup>46</sup> *Responsa Chayei HaLevi* 3:100. Note, in *Chafetz Chaim*, *Be'er Mayim Chaim* 48.

does tend to arouse suspicion, and in this vein R. Wahrman offers another approach to explain the relationship between requesting *mechilah* and Yom Kippur. Ordinarily, it is difficult to ask forgiveness without naming a crime; however, on the eve of Yom Kippur, when everyone is asking *mechilah* of everyone else, it is expected and raises no questions. This approach is found also in the writings of R. Moshe Shternbuch,<sup>47</sup> and to some extent in those of R. Avraham Erlanger,<sup>48</sup> who also suggests that this may be one situation in which it is preferable to rely on the *zakkah* prayer. R. Ahron Soloveichik (*Parach Mateh Aharon, mada*, pp. 186-189) suggests that in the instance of *lashon hara*, in place of begging absolution, it is appropriate to disperse information that will counteract the negative effects of the gossip; in this case, such action is more consistent with increasing harmony than seeking the victim's pardon.

## The Obligation of the Victim

Further, it is with this perspective that some motive can be offered for the victim to initiate the process that is the responsibility of the aggressor. R. Aviner (*Noam*, vol. 25, pp. 202-213) considers the case of a man whose acquaintance burst into his home and behaved in an offensive manner. After being removed from the premises, the intruder developed a grudge that remained powerful for months afterward, avoiding all interaction with this man, even as Yom Kippur loomed closer. R. Aviner advised the man that even though the blame lies with the aggressive individual, it is still recommended that he take the initiative in asking *mechilah*, as that is the only way reconciliation will be forthcoming. Thus, while forgiveness flows primarily from the victim to the oppressor, appeasement may go in either direction when indicated.<sup>49</sup>

Therefore, we find, not surprisingly, that *mechilah* is formulated as an obligation not only for the offender to seek but also for the aggrieved party to bestow. The *Mishnah* (*Bava Kama* 92a) warns that one who refuses to forgive is called *akhzari*, "cruel." The Meiri explains that he is apparently unconcerned about the punishment that will befall the now-penitent individual who wronged him. Such callousness is not befitting a descendant of Avraham, cited by the Talmud as the model of forgiveness. The text of the *Mishnah* as found in the Talmud Yerushalmi states the *halakhah* as a prohibition, noting the source for the *halakhah* that "one may not be cruel and refuse to forgive."<sup>50</sup> The necessity for harmonization demands that the imperative of *mechilah* be bilateral; granting forgiveness is as mandatory as requesting it.<sup>51</sup> In this light, some authorities discuss the status of those who swear in anger never to forgive. It is possible that this is considered an oath in violation of the Torah and is thus null and void.<sup>52</sup> Rabbeinu Asher, the *Rosh* (*Responsa HaRosh, Klal* 15:5), rules that a father who forbids his son to forgive a penitent adversary is commanding a violation of the Torah and thus forfeits his parental right to honor.

---

<sup>47</sup> *Moadim U'Zmanim* 1:54. See also the discussion of this in R. Mordechai Babad, *Minchat Machvat* (2:132).

<sup>48</sup> *Ma'or HaSha'ar to Sha'arei Teshuvah*.

<sup>49</sup> See also *Sefat Emet, Yoma* 87b, s.v. *ikpid*; *Piskei Teshuvot, Orach Chaim* 606:1; R. Mordechai Eliyahu, *Bein Adam L'Chaveiro* (p. 38)

<sup>50</sup> See also *Mishneh Torah, Hilkhot Teshuvah* 2:9, and *V'Atah B'Rachamekha HaRabbim*.

<sup>51</sup> Although there are specialized instances in which it is permissible to maintain some type of grudge; an analysis of these cases can be found in the journal *Torat HaAdam L'Adam*, vol 4, (pp. 283-91).

<sup>52</sup> R. Yoel Sirkes, *Responsa HaBach HaChadashot* 46, considers this possibility and rejects it on technical grounds. See also *Responsa Rashi* 245, *Responsa Geonei Batrai* 40, and R. Yosef Engel, *Gilyonei HaShas, Pesachim* 4a, and *Yoma* 87a.

Concerning the perspective of the victim, R. David Ariav<sup>53</sup> (referencing the writings of R. Joseph Epstein) relates an analytical theory of the nature of forgiveness that parallels the above theories concerning asking for *mechilah*. This theory builds on a difference in wording between the commentaries of Rashi and the Meiri in interpreting a Talmudic passage discussing forgiveness (*Bava Kama* 92a). In Rashi's understanding, the forgiveness is needed because the victim "worries" (present tense) about his suffering; while in the Meiri's rendering, the issue is that the victim "worried" (past tense) over his suffering.

While apparently a narrow distinction, this theory builds upon the difference to create two models of forgiveness. One is an emotional reality, the dissipation of bad feeling; this goal is indicated by Rashi, who looks for forgiveness to undo a current state of "worrying". Such an interpretation is consistent with the aforementioned position of Rashi in his responsa that any show of reconciliation is sufficient. The second, that of the Meiri, refers to a past situation, which may not have any current presence; thus, it is best compared to a monetary claim, that forgiveness removes as a "waiver".

R. Ariav notes that examining whether *mechilah* is to be viewed as an emotional reconciliation or as a release of debt is helpful for considering a number of hypothetical queries. Among them: Does one need apologize for anguish that has been forgotten? Is forgiveness effective if the victim expresses absolution, but does not genuinely feel it? Is there a formal language for granting *mechilah*? What if a victim forgives quickly for a semi-forgotten offense, and then later regrets, after recalling the acute pain that was felt? What if forgiveness was granted under false pretenses, for example to one who claims an intentional slight was unintended? What if the victim grants a perfunctory, general *mechilah*, in response to an unspecific request (as is common on the eve of *Yom Kippur*), not realizing that the perpetrator actually committed a genuine offense, for which significant appeasement would be needed (as with the above discussion concerning *lashon hara*)?

Further, some of his hypotheticals build upon the notion of the rules of monetary law governing the *mechilah* process, if such an inference can be drawn from the Meiri. Can *mechilah* be revoked? If a victim forgives mentally, but does not express it, can he deny forgiveness later, when asked? Can a child (who is not empowered to release monetary debts) fully express *mechilah*, or must the offender wait until the victim attains maturity? R. Ariav's essay weighs all of these questions, and concludes<sup>54</sup> that it is evidently crucial for the victim to take into account the necessity of both approaches, and to clearly express forgiveness, while at the same time doing his utmost to create an inner reality that is consistent with that expression.

The relationship between men serves as a barometer of their standing before Heaven. As the *Mishnah* (*Avot* 2:1) states, "What is the right course that a man should choose for himself? One which is an honor to the one doing it, and honorable to him from men." Any time the social equilibrium is disrupted, repairing the rift becomes a spiritual necessity of utmost urgency.

---

<sup>53</sup> *L'Reakha Kamokha*, vol. 3, *Kuntres haBiurim*, 7.

<sup>54</sup> In the following essay, #8.