

Repentance for Violation of Interpersonal Laws

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There are two basic categories of mitzvot. *Mitzvot bein adam laMakom* are mitzvot that are of a ritual nature and do not affect other people. *Mitzvot bein adam lachaveiro* are mitzvot that affect other people. One practical ramification of this categorization is with regards to the requirements for repentance. The Mishna notes that there is an additional requirement regarding repentance for interpersonal violations:

Even if he provides him [restitution for damages] he is not forgiven until he requests [appeasement] from him.

Baba Kama 92a

אע"פ שהוא נותן לו אין נמחל לו עד שיבקש ממנו.

בבא קמא צב.

Interpersonal violations not only require monetary restitution (where applicable), they also require that the violator appease the victim. In this article, we will explore the nature of this requirement and how it relates to our observance of interpersonal laws. We will begin by presenting a number of questions relating to Rambam's opinion as well as the dialogue between Yosef and his brothers after the death of Ya'akov Avinu.

Questions Regarding Rambam's Opinion

Rambam discusses repentance and atonement for interpersonal laws three times:

Likewise, one who wounds his friend or damages his property, even if [the violator] paid what he owed, does not receive atonement until he performs the confessional and repents [so that] he does not engage in these types of activities anymore as it states "from all of the transgressions of man."

Hilchot Teshuva 1:1

Repentance and Yom HaKippurim only provide atonement for transgressions between man and God such as one who ate a prohibited item or had forbidden relations, etc. However, regarding transgressions between man and his friend such as wounding, cursing or stealing from him and other similar transgressions, he is never forgiven until he provides his friend with what is owed and he appeases him. Even if he returned the

וכן החובל בחבירו והמזיק ממנו אף על פי ששילם לו מה שהוא חייב לו אינו מתכפר עד שיתודה וישוב מלעשות כזה לעולם שנאמר מכל חטאות האדם. רמב"ם הל' תשובה א:א

אין התשובה ולא יום הכפורים מכפרין אלא על עבירות שבין אדם למקום כגון מי שאכל דבר אסור או בעל בעילה אסורה וכיוצא בהן. אבל עבירות שבין אדם לחבירו כגון החובל את חבירו או המקלל חבירו או גוזלו וכיוצא בהן אינו נמחל לו לעולם עד שיתן לחבירו מה שהוא

money that he owed, he must appease him and ask him for forgiveness. Even if he only angered him with words, he must appease him and embrace him until [the victim] forgives [the violator]. If the friend does not want to forgive, one should bring a row of three people who are his friends who will embrace him and request [forgiveness] from [the victim]. If he is still not appeased, he should repeat this a second and third time. If he is still not appeased, [the violator] may leave him and walk away and the one who does not want to forgive is the transgressor. If the [victim] is his teacher, he must try to appease him, even one thousand times until [the teacher] forgives him.

Hilchot Teshuva 2:9

Damage to a person's body cannot be compared to damage to a person's property. If one damages a person's property, once he paid for what he owes, he has received atonement. However, if one wounded another person, even if he paid him for the five forms of damage, he does not receive atonement. Even if he offered all of the rams of Neviot, he does not receive atonement and his transgression is not forgiven until he asks for appeasement from the victim and the victim forgives him.

Ramban, Hilchot Chovel 5:9

חייב לו וירצהו. אע"פ שהחזיר לו ממון שהוא חייב לו צריך לרצותו ולשאול ממנו שימחול לו. אפילו לא הקניט את חבירו אלא בדברים צריך לפייסו ולפגע בו עד שימחול לו. לא רצה חבירו למחול לו מביא לו שורה של שלשה בני אדם מריעיו ופוגעין בו ומבקשין ממנו. לא נתרצה להן מביא לו שניה ושלישית לא רצה מניחו והולך לו וזה שלא מחל הוא החוטא. ואם היה רבו הולך ובא אפילו אלף פעמים עד שימחול לו.
רמב"ם הל' תשובה ב:ט

אינו דומה מזיק חבירו בגופו למזיק ממונו. שהמזיק ממון חבירו כיון ששלם מה שהוא חייב לשלם נתכפר לו. אבל חבל בחבירו אע"פ שנתן לו חמשה דברים אין מתכפר לו. ואפילו הקריב כל אילי נביות אינו מתכפר לו ולא נמחל עונו עד שיבקש מן הנחבל וימחול לו.
רמב"ם הל' חובל ומזיק ה:ט

There are two apparent discrepancies in Rambam's formulation of this concept:

- 1) Rambam is of the opinion that one must appease the victim in order to receive atonement. Yet, in Rambam's initial presentation (*Hilchot Teshuva 1:1*), he does not require appeasement. Why does Rambam omit appeasement in the initial presentation?
- 2) When Rambam provides examples of interpersonal transgressions that require appeasement (in *Hilchot Teshuva 2:9*), he includes theft as an example. Yet, Rambam (in *Hilchot Chovel 5:9*) states explicitly that only bodily harm requires appeasement and not damage to property. Why then, does Rambam include theft on the list of transgressions that require appeasement?

Questions Regarding the Appeasement of Yosef

After the death of Ya'akov Avinu, the Torah records the following exchange:

And they sent a message unto Joseph, saying: 'Your father did command before he died, saying: So shall you say to Joseph: Forgive, I pray now, the transgression of your brethren, and their sin, for that they did evil to you. And now, we pray, forgive the transgression of the servants of the God of your father.' And Joseph wept when they spoke to him. And his brethren also went and fell down before his face; and they said: 'Behold, we are your bondmen.' And Joseph said

ויצו אל יוסף לאמר אביך צוה לפני מותו לאמר: כה תאמר לי יוסף אנא שא נא פשע אחיך וחסאתם כי רעה גמלוך ועתה שא נא לפשע עבדי אלהי אביך ויבך יוסף בדברים אליו: וילכו גם אחיו ויפלו לפניו ויאמרו הננו לך לעבדים: ויאמר אלהם יוסף אל תיראו כי התחת

to them: 'Fear not; for am I in the place of God? And as for you, you meant evil against me; but God meant it for good, to bring to pass, as it is this day, to save many people.

Bereishit 50:16-20 (adapted from JPS translation)

אלהים אני: ואתם חשבתם עלי
רעה אלהים חשבה לטובה למען
עשה כיום הזה להחית עם רב:
בראשית נ:טז-כ

According to the Gemara, the request of the brothers satisfied the requirement of appeasement. In fact, the Gemara derives one of the laws of appeasement from this exchange:

R. Jose b. Hanina said: One who asks pardon of his neighbour need do so no more than three times, as it is said: Forgive. I pray thee now . . . and now we pray thee.

Yoma 87a (Soncino Translation)

אמר ר' יוסי בר חנינא כל המבקש
מטו מחבירו אל יבקש ממנו יותר
משלש פעמים שנאמר אנא שא נא
ועתה שא נא.
יומא פז.

There are a number of questions that one might ask regarding the appeasement of Yosef:

- 1) There is a tradition (See Rabbeinu Bachya, Bereishit 44:17) that the ten martyrs murdered by the Romans (*asarah harugei malchut*) served to atone for the sale of Yosef. If the brothers satisfied the requirement to appease Yosef, why was there a need for atonement?
- 2) After the brothers requested appeasement three times, Yosef responded that there was no appeasement necessary. How then can this serve as the source that after three requests, there is no requirement to ask for appeasement? Perhaps the brothers would have asked for appeasement many more times had Yosef responded differently?
- 3) Yosef did not respond to the request with a direct sign of appeasement. Rather he stated that no appeasement was necessary. Why was no appeasement necessary? R. Chaim ben Atar (1696-1743), *Ohr HaChaim* 50:20, explains that it is comparable to someone who wanted to give a cup of poison to another individual, but ended up providing a cup of wine. *Ohr HaChaim's* explanation seems to raise more questions than it answers. How can one compare the sale of Yosef to a failed assassination attempt? Weren't Yosef's brothers successful in causing Yosef to suffer? Furthermore, the Gemara, *Nazir* 23a, states that atonement is required even for a failed attempt at a transgression. Even if one were to categorize the sale of Yosef as a failed attempt, wouldn't the brothers have still required atonement?

The Role of Appeasement in the *Teshuva* Process

There are two principles regarding violation of interpersonal laws that if combined, provide an insight into the role of appeasement in the *teshuva* process. First, R. Shlomo Zalman of Vilna (1756-1788, cited in *Toldot Adam* ch. 5) and R. Shmuel Garmizan (17th century, cited in *P'ri Chadash, Orach Chaim* 606:1) state that when one violates an interpersonal transgression, one must not only appease the person who was wronged, one must also repent before God for the violation of the Torah's commandment. Based on this idea, R. Shlomo Zalman of Vilna explains the apparent discrepancy in the rulings of Rambam in *Hilchot Teshuva*. Rambam's initial presentation of repentance for violation of interpersonal transgressions does not include a requirement to appease the victim because Rambam is focused on the method of repentance

before God. The repentance process itself does not require any form of appeasement. Appeasement is a necessary component of the atonement process. If one does not appease the person who was wronged, one cannot receive atonement, even if the repentance process was completed.

Second, R. Yisrael Salanter (1810-1883) discusses the Talmudic concept (see *Baba Metzia* 75b) that certain wrongdoings in the marketplace have no legal recourse but allow one party to bear a grudge (*tar'omet*) against the other party:

Nevertheless, the explanation of the concept is that a tar'omet is grudge that one bears in one's heart. Regarding interpersonal transgression, if one person sins against another person, even if he angered him with words, he must appease him ... and as long as he did not appease him, it is permissible [for the victim] to bear a grudge against [the violator] just that if the victim appeased him, he should not be unrelenting to forgive. The same applies if a person violates another person's property indirectly. Even though one is exempt from paying for indirect damages and there is no legal recourse, the victim may bear a grudge against the violator. However, bearing a grudge against another individual for no legitimate reason is a serious transgression.

Ohr Yisrael, Netivot Ohr 58a

אולם ביאור הדבר הוא כי ענין תערומת הוא קפיידא וטינא בלב, והנה עבירות שבין אדם לחבירו, אם יחטא איש לאיש, אפילו לא הקניטו אלא בדברים, צריך לרצות אותו ולפייסו, וכמבואר גמ' יומא דף פ"ז, וכ"ז שלא פייסו הנה עפ"י דין רשאי להיות לו עליו תערומת וקפיידא, רק אם חבירו פייסו לא יהא המוחל אכזרי מלמחול, וכן אם יחטא איש לחבירו בדברים שבממון ע"י גרמא, אך כי גרמא בנוקין הוא פטור ואין לו עליו תביעת ממון, מ"מ רשאי להיות לו עליו תרעומת, אולם שיהיה לאדם על חבירו תרעומת וקפיידא על חנם הוא עון גדול מאוד.
אור ישראל, נתיבות אור נה.

According to R. Yisrael Salanter, one is not permitted to bear a grudge against someone else unless one was the victim of a violation of an interpersonal law by that person. When that person appeases the victim and the victim accepts the appeasement, the victim can no longer bear a grudge.

If one combines the ideas of R. Shlomo Zalman of Vilna and R. Yisrael Salanter, one can posit that the only purpose of appeasement is to remove the grudge that the victim bears against the violator. When the victim bears a grudge against the violator, the violator cannot receive atonement, even if he repents. Once the grudge is removed, the atonement process is the same as a violation of a *bein adam laMakom* transgression.

There is another comment of R. Yisrael Salanter that is consistent with this idea. It is recorded⁵⁵ that R. Yisrael Salanter was of the opinion that if one violated an interpersonal law but the victim is not aware of the violation (e.g. the violator slandered the victim and the victim never found

⁵⁵ R. Binyanim Zilber, *Az Nidberu* 7:66, and R. Ahron Soloveichik, *Parach Mateh Aharon, Hilchot Dei'ot* 7:5, both record that when R. Yisrael Meir Kagan asked R. Yisrael Salanter for an approbation for his book *Chafetz Chaim*, R. Yisrael Salanter objected to the ruling in *Chafetz Chaim* (in section I, 4:12) that if one spoke *lashon harah* about another individual and the other individual is not aware of the transgression, one must reveal the transgression in order to receive atonement. R. Yisrael Salanter felt that it is better not to inform the victim of the transgression. R. Moshe Shternbuch, *Moadim U'Zemanim* 1:54, records R. Yisrael Salanter's ruling without mentioning the episode with R. Kagan.

out), one should not approach the victim for appeasement and make him aware of the violation because it will cause him anguish. How can one fully atone for the violation without appeasing the victim? One must conclude that appeasement is only necessary to eliminate a grudge that the victim bears against the violator. If the victim is not aware of the violation, there is no grudge and one can receive atonement.

Based on this idea, one can explain a comment of R. Menachem Meiri (1249-1306):

The thought component is not a critical factor in interpersonal violations for if one thought to steal or wound another individual and then calmed down and didn't allow the thoughts to come to fruition, there is no requirement for appeasement. Nevertheless, one must still confess to God. It is also true according to some commentators [that require repentance for thoughts] that if someone hates another in his heart and violates "Do not hate your brother in your heart," after one abandons that thought and begins to love that individual, there is no requirement to appease that individual. However, one must confess to God for violating the prohibition against hatred.

Chibbur HaTeshuva 1:7

אבל חלק המחשבה לא יחשב עון גמור בעבירות שבין אדם לחברו, שאם חשב לגזול או לחבלו ועצר כח ולא צרף מחשבתו למעשה אין לו על זה צרך פיוס לחברו, אלא שמכל מקום צריך להתודות לשם, וכן על דעת קצת מפרשים אם שנאו שנאת הלב שהוא עובר על מצות לא תשנא את אחיך בלבבך, אחר שעזב מחשבתו וכללו באהבתו אין צריך לפייסו אבל שיתודה לשם ממה שעבר בשנאתו אותו.
חיבור התשובה א:ז

According to Meiri, any interpersonal violation that remained in one's thoughts and never translated to action does not require appeasement. Yet, one must still perform *teshuva*. If there is a requirement for *teshuva*, why is there no requirement for appeasement? Based on the idea presented above, one can explain that when the violation only took place in one's thoughts, the victim is not aware of the violation and therefore, does not bear a grudge. When there is no grudge, there is no requirement for appeasement and the *teshuva* process is similar to a violation of a *bein adam laMakom* transgression.

There is a prayer that appears in some *siddurim* before *Kol Nidre* that states that the one reciting the prayer forgives all of those who have committed wrongdoings against him. Some recite a shorter version of this prayer on a nightly basis. Can the violator receive atonement if the victim forgives without the request of the violator? According to the idea presented above, the purpose of this prayer is to remove any grudge one bears against others. This prayer is a declaration that one does not bear a grudge against anyone else. Once the grudge is removed, the violator must still repent for the violation, but he is not required to appease the victim.⁵⁶

R. Avraham de Botton (c. 1560-1605), *Lechem Mishneh, Hilchot Chovel U'Mazik 5:9*, alludes to this approach in resolving the other apparent discrepancy in Rambam's writings. *Lechem Mishneh* suggests that although Rambam does not require appeasement if there was only damage to property, Rambam requires appeasement in the case of theft because the thief also causes emotional (or physical) suffering to the victim through his theft. If one accidentally damaged property and there was reimbursement for the damage, the damager did not cause any

⁵⁶ See *Az Nidberu* 2:65, and 7:65, and R. Yekutiel Halberstam, *Divrei Yatziv, O.C. 1:258*, who rule that if the violator knows that the victim has completely forgiven the violator for his transgression, there is no requirement to appease.

suffering and does not require appeasement. *Lechem Mishneh* also seems to subscribe to the idea that appeasement is only necessary in a case where the victim is entitled to bear a grudge against the violator.

Based on this idea, we can understand why one is only required to attempt appeasement three times. After three sincere attempts at appeasement, the victim loses his right to bear a grudge against the violator. Once there is no right to bear a grudge, the requirement for appeasement dissipates. This explains why Rambam states "If he is still not appeased, [the violator] may leave him and walk away and the one who does not want to forgive is the transgressor." Once the right to bear a grudge is lost, it is prohibited to bear a grudge. Therefore, if the victim refuses to forgive after three attempts at appeasement, he is considered a sinner.

Understanding the Appeasement of Yosef

The approach we presented above is compatible with a number of comments relating to the appeasement of Yosef. The *Ba'alei HaTosafot* note the peculiar timing of the request of the brothers for appeasement:

Why didn't they express this while their father was still alive? It is because they said "Why should we arouse the hatred that has since been forgotten?" Upon returning from burying their father, Yosef passed the pit that his brothers threw him into and said "Blessed [is He] who performed a miracle for me in this place." They said "There is still hatred buried in his heart." It was then that they expressed to Yosef [their father's wish.]

Da'at Zekeinim, Bereishit 50:16

ובחיי אביהם למה לא צוו אלא אמרו
מה לנו לעורר השנאה שהרי כבר
שכחה והלכה לה כיון שחזרו מלקבור
אביהם ועבר יוסף על הבור
שהשליכוהו אחיו אמר ברוך שעשה לי
נס במקום הזה אמרו עדיין יש שנאה
טמונה בלבו מיד ויצו אל יוסף.
דעת זקנים בראשית נ:טז

According to the *Ba'alei HaTosafot*, the brother did not feel that they had any requirement to appease Yosef because they assumed that Yosef had "forgotten" about the event. It was only when they realized that Yosef still bore a grudge that they felt that there was a need to appease him. The comments of the *Ba'alei HaTosafot* highlight the idea that the requirement for appeasement is a function of a grudge that the victim bears against the violator⁵⁷

R. Yehuda HaChasid (1140-1217) explains the cryptic statement of Yosef that the brothers were not required to appease him:

This is what [Yosef] said: "If it did not turn out well you would have been required to appease. However, since God meant it for the good, for both you and me, you do not require any forgiveness from me. Nevertheless, you do require forgiveness from God as one who thought to do harm, even if it turned out good."

Sefer Chasidim no. 1825 (Berlin edition)

אלא כך אמר אילו לא נעשה לטובה הייתם
צריכים מחילה אבל כיון שהאלקים חשבה
לטובה לכם ולי הרי ממני אינכם צריכים
מחילה אבל מן הקב"ה אתם צריכים מחילה
מי שיחשוב רעה אע"פ שלטובה נהפך.
ספר החסידים ס' תתתרכה (דפוס ברלין)

⁵⁷ The comments of the *Ba'alei HaTosafot* seem to indicate that one may rely on implied appeasement. It is not clear whether implied appeasement is accepted by other authorities. Furthermore, it is possible that the *Ba'alei HaTosafot* do not concur that the brothers' reliance on implied appeasement was acceptable.

According to R. Yehuda HaChasid, when the victim sees the event as having an overall positive result rather than a negative result, there is no requirement for appeasement. Yet, once the violation occurs, even if the victim sees it as having an overall positive result, one cannot ignore the violation. There is no grudge to bear and therefore, no requirement for appeasement, but the violator must still repent.

R. Chaim Y.D. Azulai (Chida 1724-1807), in his commentary to *Sefer Chasidim* titled *B'rit Olam*, no. 11, writes that although Yosef bore no grudge against his brothers, they did not receive full atonement because they did not repent properly before God. This is why the ten martyrs were required to atone for the sale of Yosef.⁵⁸

Based on the comments of R. Yehuda HaChasid, one can understand R. Chaim ben Atar's comparison of the sale of Yosef to someone who attempts to poison someone but instead provides a cup of wine. The attempt of the brothers to neutralize Yosef was certainly a violation and required atonement. From an overall perspective, it is not comparable to providing a cup of wine instead of a cup of poison because they were successful in causing Yosef a tremendous amount of suffering. However, from the perspective of the relationship between Yosef and his brothers, the only concern is whether Yosef was entitled to bear a grudge and whether he actually bore that grudge. Yosef was able to view the sale as an attempt to poison him that ended up with him receiving a cup of wine. This does not minimize the severity of the act itself. However, since Yosef bore no grudge, the matter was out of Yosef's domain and was now a matter between the brothers and God.

We must still explain how the Gemara proved from the conversation between Yosef and his brothers that one is only required to request appeasement three times. Perhaps one can suggest that while Yosef did provide an explanation why he *should not* bear a grudge, he didn't explicitly state that he *did not* bear a grudge. The Gemara seems to understand that if Yosef would have offered this response after the first request for appeasement, the brothers would have been required to continue to request appeasement. The fact that they ceased after three times indicates that after three requests, there is no obligation to ask for further appeasement.

⁵⁸ Rabbeinu Bachya, *Bereishit* 50:17, writes that the punishment of the ten martyrs was due to the fact that Yosef did not explicitly forgive his brothers. R. Halberstam, op. cit., notes that this is a difficult conclusion from a halachic perspective because after three requests for appeasement, there is no requirement for further appeasement.