

HILCHOT DE'OT

THE LAWS OF PERSONALITY [DEVELOPMENT]

[This text describes] eleven mitzvot: five positive commandments and six negative commandments, as follows:

- a) to imitate His ways
- b) to cling to those who know Him
- c) to love others¹
- d) to love converts
- e) not to hate one's fellow Jews
- f) to admonish [a wrongdoer]
- g) not to shame
- h) not to oppress the unfortunate
- i) not to bear tales
- j) not to take revenge
- k) not to bear a grudge.

These mitzvot are explained in the following chapters.

הלכות דעות

יש בכללן אחת-עשרה מצוות: חמש מצוות עשה, ושיש מצוות לא תעשה.
וזהו פרטן:

- (א) להדמות בדרךיו.
- (ב) להדבק ביודעיו.
- (ג) לאהב את רעים.
- (ד) לאהב את הגרים.
- (ה) שלא לשנא אחים.
- (ו) להוכיח.
- (ז) שלא להלבין פנים.
- (ח) שלא לענות אמללים.
- (ט) שלא להלך רכיל.
- (י) שלא לנקם.
- (יא) שלא לנטור.

ובאור כל מצוות אלו בפרקים אלו:

1) The Rambam uses the term מרים, which means friends. His choice of terminology is based on Leviticus 19:18: ואהבת לרעך כמוך. This verse is the source for the mitzvah to love one's fellow Jew, and applies to all Jews, regardless of whether they are friends in the conventional sense or not. (See Chapter 6, Halachah 3.)

course; i.e., he should display anger only when the matter is serious enough to warrant it, in order to prevent the matter from recurring. Similarly, he should not desire anything other than that which the body needs and cannot exist without, as [Proverbs 13:25] states: "The righteous man eats to satisfy his soul."

Also, he shall not labor in his business except to gain what he needs for immediate use, as [Psalms 37:16] states: "A little is good for the righteous man."

He should not be overly stingy nor spread his money about, but he

feeling, rather he should [adopt] an intermediate course; i.e., he should display anger - Our translation is based on Chapter 2, Halachah 3. (Note also the commentary of the *Knesset HaGedolah*.)

only when the matter is serious enough to warrant it - The Rambam appears to be referring to matters which evoke personal feelings. Nevertheless, the *Misrat Moshe* interprets this passage as referring to an instance in which Torah law would require a display of anger - e.g., a colleague's transgression of Torah law.

in order to prevent the matter from recurring.

Similarly, he should not desire - This refers to physical desire.

anything other than that which the body needs and cannot exist without, as [Proverbs 13:25] states - The Rambam quotes supporting verses for only two of the "intermediate traits;" perhaps, because his description of the middle-of-the-road position for these traits might appear to veer toward one extreme. We might expect the intermediate point between gluttony and its opposite extreme to be eating to one's satisfaction. However, here we are told that we should desire only what is sufficient in order to exist.

However, the Rambam is not telling us to deny ourselves satisfaction. Deuteronomy 8:10 teaches: "You shall eat and be satisfied, and bless God, your Lord." Based on that verse, *Berachot* 48b explains that we are obligated to recite grace only when we feel physically satisfied. (The Rambam quotes this concept in *Hilchot Berachot* 1:1.) In Chapter 3, Halachah 1, and in *Shemonah Perakim*, Chapter 4, he elaborates on the negative aspects of asceticism.

Thus, his intent cannot be that we deny our desires, but rather that we school ourselves to desire and feel satisfied with what we need, without excess. This is a dominant theme in the sections on diet in Chapter 4, and those describing the conduct of a Torah sage in Chapter 5.

"The righteous man eats to satisfy his soul." - The verse continues: "But the belly of the wicked will want." The commentaries note that the contrast between the two does not center on the quantity of food they eat, but on the attitude with which they eat it. Because the righteous are not given over to pursuit of gratification, they can be satisfied. Conversely, it is the gluttony of the wicked which actually causes their want.

Note also the Midrashic interpretations of this verse:

"The righteous..." This refers to Eliezer, who said to Rebecca: "Let me sip a little water" (Genesis 24:17) - a single sip.

לא יכעס, אלא על דבר גדול שראוי לכעס עליו, כדי שלא יעשה פיוצא בו פעם אחרת.

וכן לא יתאנה אלא לדברים שהגוף צריך להן ואי אפשר להיות בזולתן, כענין שנאמר: "צדיק אכל לשבע נפשו".

וכן לא יהיה עמל בעסקו, אלא להשיג דבר שצריך לו לחיי-שעה, כענין שנאמר: "טוב מעט לצדיק".

ולא יקפץ ידו ביותר, ולא יפזר ממונו; אלא נותן צדקה כפי מפת ידו, ומלנה כראוי למי שצריך.

"And the belly of the wicked will want." This refers to Esau, who said to Jacob: "Stuff me..." (Genesis 25:30). Rabbi Yitzchak ben Zeira said: he opened his mouth agape like a camel and said: "I will open my mouth and you put it in" (*Tanchumah; Pinchas* 13; *BeMidbar Rabbah* 21:18).

Also, he shall not labor in his business except to gain what he needs for immediate use, as [Psalms 37:16] states: - Here again, the Rambam quotes a Biblical verse, because his definition of an intermediate path may seem extreme. The verse also clarifies that the Rambam is not denigrating the idea of work, but excessive preoccupation with one's profession as a means of acquiring possessions.

It is highly unlikely that the Rambam would criticize work per se. Note Proverbs 6:6: "Sluggard, go to the ant, see its ways and become wise;" and *Berachot* 8a:

He who enjoys the toil of his hands is greater than one who fears God..., as it is stated: "If you eat of the work of you hands, you are fortunate and will possess the good" (Psalms 128:2).

"You are fortunate" - in this life, and "will possess the good" - in the world to come.

The Rambam, himself, quotes the latter passage in *Hilchot Talmud Torah* 3:11. Thus, the Rambam is not criticizing a person for working hard, but rather teaching us that work and its profits should not be our greatest priorities.

"A little is good for the righteous man." - The verse in its entirety expresses a contrast: "A little is better for the righteous man than the great wealth that many [of the] wicked possess." Note the commentary of ibn Ezra: "The righteous man will be happier with his small lot than the wicked with their great wealth."

He should not be overly stingy - The printed editions of the *Mishneh Torah* have יקפץ (close his hand). However, most manuscripts use the term: יקבץ (gather).

יקבץ recalls Deuteronomy 15:7: "Do not close your hand from your needy brother." Thus, the contrasting extreme would be freehandedness. יקבץ, like ויקבץ in Halachah 1, reflects miserly behavior, the opposite of which is being a spendthrift. The variant texts might reflect a difference of opinion as to which opposing extremes the Rambam had in mind.

nor spread his money about, but he should give charity according to his capacity - See *Hilchot Erachin* 8:12-13, which places restrictions on the extent of one's generosity.

extreme and carries himself lowly is called pious. This is the quality of piety. However, if he separates himself [from pride] only to the extent that he reaches the mean and displays humility, he is called wise. This is the quality of wisdom. The same applies with regard to other character traits.

The pious of the early generations would bend their temperaments from the intermediate path towards [either of] the two extremes. For some traits they would veer towards the final extreme, for others, towards the first extreme. This is referred to as [behavior] beyond the measure of the law.

We are commanded to walk in these intermediate paths - and they

not actually adopt the other extreme, but rather, he should tend his behavior in that direction.

and carries himself lowly is called pious. This is the quality of piety - which represents a deviation from the mean.

However, if he separates himself [from pride] only to the extent that he reaches the mean and displays humility, he is called wise. This is the quality of wisdom. - In his commentary on *Avot* 5:6, the Rambam contrasts the wise and the pious:

A boor is one who lacks both intellectual and ethical development...

A wise man possesses both these qualities in a complete way, as is fitting.

A pious man is a wise man who increases his piety - i.e., his emotional development - until he tends toward one extreme, as explained in Chapter 4 [of *Shemonah Perakim*], and his deeds exceed his wisdom.

Thus, the wise man is one whose ethical behavior has been developed to the point at which it reflects his intellectual sophistication. He is able to appreciate the mean of each trait and express it within the context of his daily life. The pious man also possesses this quality, but due to his desire for ultimate self-refinement, he is willing to sacrifice himself and tend slightly to the extreme in certain instances.

Although in this halachah, the Rambam differentiates between the middle path - the path of the wise - and "beyond the measure of the law" - the path of the pious, in *Hilchot Yesodei HaTorah* 5:11 he describes how, "according to the greatness of the Sage, should be the care he takes to go beyond the measure of the law." Thus, it appears that a truly wise man will ultimately seek pious ways.

The same applies with regard to other character traits. - i.e., there is a mean which is the path of wisdom, and a deviation from that course with a positive intent, which is the path of piety.

The pious of the early generations - This expression is borrowed - out of context - from the Mishnah, *Berachot* 5:1.

would bend their temperaments from the intermediate path towards [either of] the two extremes. For some traits, they would veer towards the final extreme - excess (*Shemonah Perakim*, Chapter 4)

for others, towards the first extreme - lack (ibid.). Depending on the circumstances involved, deviation to either extreme can produce positive results.

This is referred to - by our Sages...

ואם נתרחק עד האמצע בלבד ויהיה ענו - נקרא חכם, וזו היא מדת חכמה.

ועל דרך זו שאר כל הדעות.

וחסידים הראשונים היו משין דעות שלהן מדרך האמצעית כנגד שתי הקצוות:

יש דעה שמטין אותה כנגד הקצה האחרון, ויש דעה שמטין אותה כנגד הקצה הראשון, וזהו לפנים משורת הדין.

ומצוין אנו ללכת בדרךים אלו הבינונים, והם הדרךים הטובים והישרים, שנאמר: "והלכת בדרךיו".

as [behavior] beyond the measure of the law. - We find this expression used in a number of Talmudic passages. For example, *Bava Metzia* 30b relates that Rabbi Yishmael, Rabbi Yossi's son, was on a journey. A porter traveling the same road asked him to help lift a load of wood. Rabbi Yishmael was a distinguished scholar, and, therefore, this base task would have been demeaning for him. Nevertheless, rather than refuse the porter entirely, Rabbi Yishmael purchased his entire load from him. This was considered as behavior beyond the measure of the law.

See also *Berachot* 7a and 45b, *Bava Kama* 100a, *Bava Metzia* 24b. However, in these and other Talmudic passages where the term is used, the emphasis appears to be on the ethical or legal imperative involved, without stressing the aspect of character development. [Note *Hilchot Aveidah* 11:7, the *Shulchan Aruch*, *Choshen Mishpat* 259:3 and 263:3, and *Sefer Mitzvot Katan* (Positive Commandment 49), which mention our obligation to go beyond the measure of the law.]

Thus, the Rambam appears merely to be borrowing the term used by the Sages without referring to any specific instance. The path of behavior prescribed by one's intellect corresponds to law, and an intentional deviation from that course for the sake of piety is "beyond the measure of the law."

We are commanded - The *Sifre* (on Deuteronomy 13:5) states: "'You shall walk after God, your Lord' - this is a positive commandment." The *Zohar* (*Ki Tetze*, p. 270) also makes a similar statement. However, neither source elaborates.

Among the *Geonim*, the *Ba'al Halachot Gedolot* does list it as a commandment. Rav Sa'adiah Gaon does not include it as a specific commandment.

Sefer HaMitzvot (positive mitzvah 8) and *Sefer HaChinuch* (mitzvah 610) include this as one of the Torah's 613 mitzvot. However, the Rambam's inclusion of this commandment as one of the 613 mitzvot is somewhat problematic. In *Shores* 4 of his introduction to *Sefer HaMitzvot*, he states that he does not include any "general mitzvah" which does not involve a specific activity in his reckoning of the 613 mitzvot. For this reason, "Observe My statutes" (Leviticus 19:19) or "Be holy" (Leviticus 19:2) are not included in the 613 mitzvot. On the surface, the command the Rambam mentions here also seems to be an all encompassing charge to develop ourselves spiritually without any specific activity.

"Almighty," "Powerful," and the like. [They did so] to inform us that these are good and just paths. A person is obligated to accustom himself to these paths and [to try to] resemble Him to the extent of his ability.

7. How can one train himself to follow these temperaments to the extent that they become a permanent fixture of his [personality]?

He should perform - repeat - and perform a third time - the acts which conform to the standards of the middle road temperaments. He

I, Chapters 53 and 54, the Rambam explains that these names are not descriptions of God, who cannot be defined by any specific quality. To do so would limit Him and detract from His infinite and transcendent state of being.

Rather, the use of these titles must be understood as follows: God brings about activities, which, had they been carried out by man, would have been motivated by these emotional states. For example, instead of utterly destroying the Jews after the sin of the Golden Calf, God allowed our people to continue. Were such a deed to have been performed by a human ruler, we would describe him as "slow to anger." Though that term cannot serve as a description for God - for He cannot be described - the Torah and the prophets referred to Him by such terms with the following intent.

[They did so] to inform us that these are good and just paths. - i.e., God acted in ways which we identify with these qualities - and the Torah and the prophets mention these actions - because these are attributes which man should strive to achieve.

A person is obligated to accustom himself to these paths and [to try to] resemble Him - *Likkutei Sichot* (ibid.) states that with the latter phrase, the Rambam is adding a new thought. As explained above, God cannot be described by any particular quality. If He manifests a quality, it is for a specific intent.

In *Moreh Nevuchim* (ibid., Chapter 54), the Rambam mentions that the leader of a country should act in a similar manner.

Sometimes he will be merciful and generous to some people - not because of his feelings and natural compassion, but because they are deserving of such treatment.

Sometimes he will bear a grudge, seek revenge, and rage against certain people - not out of feelings of anger... - but in order to produce positive results....

The ultimate ideal man can achieve is to imitate God according to his potential... i.e., to have our deeds resemble His deeds.

For this reason, human behavior should not be motivated by the spontaneous expression of emotion. Rather, man's emotions should arise as the result of a deliberate process of thought.

This reflects themes brought out in the previous halachot of this chapter: that a person must constantly evaluate and review his emotions (Halachah 4); that it is a wise man who is able to appreciate the middle path (Halachah 5).

This is what is meant by the imitation of God: that a person not be controlled by the unchecked expression of his emotions. Rather, he should control his feelings and, motivated by his desire to resemble God, search to find the correct and proper quality, the middle path, appropriate to the situation at hand.

'צדיק וישר', 'תמים', 'גבור וחזק', ו'יוצא בזה' -
להודיע שהן דרכים טובים וישרים, וחזק אדם להנהיג עצמו בזה
ולהדמות אליו כפי כחו.

ז ו'כיצד ירגיל אדם עצמו בדעות אלו עד שיקבעו בו?
יעשה וישנה וישלש במעשים שעושה על-פי הדעות האמצעיות, ויחזר

to the extent of his ability. - for man is ultimately finite in nature, and no true resemblance to God is possible.

Commentary, Halachah 7

How can one train himself to follow these temperaments to the extent that they become a permanent fixture of his [personality]? - Having established personality development as a mitzvah in the previous halachah, the Rambam begins his explanation of how this mitzvah is fulfilled.

He should perform - repeat - and perform a third time - Thus, a person's deeds will shape his character traits.

In this process of personal change, the stress is on the repetition of an act, and not on its quantity or intensity. In his Commentary on the Mishnah, *Avot* 3:15, the Rambam writes that giving a thousand coins to one person at one time is not as effective in stimulating feelings of generosity as giving a single coin one thousand times.

As mentioned in Halachah 4, though the Rambam's explanations in this chapter parallel those of the fourth chapter of *Shemonah Perakim*, the texts differ in stressing actions (as the opening lines of that chapter imply), or on character development, which is the theme of our text.

For this reason, the two texts also perceive the process of causation differently. In *Shemonah Perakim*, the Rambam states: "These actions [good actions] are produced as a result of these [the good] traits," while here he sees the traits being produced by the actions.

Nevertheless, the two texts do not actually contradict each other. Both statements are true. Our deeds reflect our personalities, and they also help shape those personalities. Generally, this means that a person's behavior will reinforce and strengthen the character traits that motivated those very deeds. However, this chapter - and more particularly, this halachah - deals with a person who has made a commitment to change and refine his character. Therefore - based on his intellect and the directives of the Torah, rather than his spontaneous feelings - he chooses to perform deeds that will bring about this process of inner change.

which conform to - reflect and are motivated by...

the standards of the middle road temperaments - described in Halachot 4 and 5.

He should do this constantly, until these acts are easy for him and do not present any difficulty. - A trait possessed by a person produces activities naturally and

CHAPTER TWO

1. [Who has reached] complete Teshuvah? A person who confronts the same situation in which he sinned when he has the potential to commit [the sin again], and, nevertheless, abstains and does not commit it because of his Teshuvah alone and not because of fear or a lack of strength.

For example, a person engaged in illicit sexual relations with a woman. Afterwards, they met in privacy, in the same country, while his love for her and physical power still persisted, and nevertheless, he abstained and did not transgress. This is a complete Baal-Teshuvah. This was implied by King Solomon in his statement [Ecclesiastes 12:1] "Remember your Creator in the days of your youth, [before the bad days come and the years draw near when you will say: 'I have no desire for them.'"]

COMMENTARY, HALACHAH ONE

[Who has reached] complete Teshuvah? - This halachah is a quote from *Yoma* 86b. However, the Talmud begins with the question: "What is an example of a Baal Teshuvah?" The Rambam adds the word "complete." The Talmud mentions several examples of Teshuvah and this rung represents the most elevated level.

A person who confronts the same situation in which he sinned when he has the potential to commit [the sin again], and, nevertheless, abstains and does not commit it because of his Teshuvah alone - In Halachah 2, the Rambam describes the conditions necessary to show that a person's repentance is complete and he will not return to sin. In this instance, however, his abstinence from sin is sufficient evidence that he has reached this level (Meiri, *Chibur HaTeshuvah*).

and not because of fear - of other men; alternatively, not because of fear of Divine retribution,

or a lack of strength - physical vigor.

For example, a person engaged in illicit sexual relations with a woman. Afterwards,

פרק שני

א אי זו היא תשובה גמורה?

זה שפא לידו דבר שעבר בו, ואפשר בידו לעשותו, ופרש ולא עשה מפני התשובה; לא מיראה ולא מכשלוך-כח. כיצד?

הרי שפא על אשה בעברה, ולאחר זמן נתיחד עמה, והוא עומד באהבתו בה ובכח גופו ובמדינה שעבר בה, ופרש ולא עבר — זהו בעל תשובה גמורה. הוא ששלמה אמר: "וזכר את בוראיו בימי בחרותיך".

they met in privacy, in the same country, - In a different place, it is possible that other factors aside from Teshuvah would prevent him from sinning.

while his love for her and physical power still persisted, and nevertheless, he abstained and did not transgress. This is a complete Baal-Teshuvah. - The expression Baal Teshuvah means "master of Teshuvah." According to the Mabit (*Beit Elohim, Sha'ar HaTeshuvah*), it implies one has "subjugated" the attribute of Teshuvah, making it a permanent aspect of his nature.

This was implied by King Solomon in his statement [Ecclesiastes 12:1] "Remember your Creator in the days of your youth, - A similar concept is implied by *Avodah Zarah* 19a in its interpretation of Psalms 111:1 "Happy is the man who fears God." The Talmud comments: "Happy is one who fears God in the full power of his manhood."

In a related matter, *Sanhedrin* 31b mentions Nathan bar Ukvah as a classic example of a Baal Teshuvah. Rashi's commentary relates his story, explaining that he was strongly attracted to a married woman. His desire for her was so powerful that he became sick and had to be confined to bed.

Once this woman suffered a series of financial losses and was in dire need of money. She sent word to Nathan that if he would lend her the money, she would consent to his wishes. He eagerly did so.

When she came to him, he was suddenly overcome by the fear of God and sent her home untouched. Afterwards, his face shone with a Godly light which the Sages compared to the rays of Moses' countenance.

[before the bad days come and the years draw near when you will say: 'I have no desire for them.'"] - The continuation of the verse refers to old age. It is placed in brackets because it is omitted by most publications of the *Mishneh Torah*.

abandon his ways....” Similarly, he must regret the past as [Jeremiah 31:18] states: “After I returned, I regretted.”

[He must reach the level where] He who knows the hidden will testify concerning him that he will never return to this sin again as [Hoshea 14:4] states: “We will no longer say to the work of our hands: ‘You are our gods.’”

He must verbally confess and state these matters which he resolved in his heart.

the Rambam emphasizes that, not only are we granted the opportunity to repent, we are commanded to do so.

b) The continuation of the verse: “the depraved man, his thoughts,” alludes to the purification of thought mentioned by the Rambam.

Similarly, he must regret the past as [Jeremiah 31:18] states: “After I returned, I regretted.” - Thus, the service of Teshuvah contains two phases: remorse over the past and the resolution to amend one’s behavior in the future.

Of the two, the second element is more significant. Accordingly, Torah law (*Choshen Mishpat*, Chapter 34) defines Teshuvah as the commitment never to transgress a sin again and, only in certain instances, requires an expression of regret.

[He must reach the level where] He who knows the hidden - God

will testify that he will never return to this sin again - The *Lechem Mishneh* interprets the Rambam’s statements to mean that a person who repents should take God as a witness that his resolve is sincere. However, the Rambam’s words appears to imply that God must testify, not only in regard to a person’s present commitment, but also in regard to his future behavior.

It is possible to explain this halachah in the context of the previous one which alludes to the different levels within the service of Teshuvah. On the most basic level, Teshuvah requires a commitment never to repeat the sin again. However, if a person’s evil inclination forces him to sin after he has repented, the effect of his repentance is not nullified (*Emunot V’De’ot*, Discourse 5, Chapter 5). Accordingly, when questioning whether a person has repented or not, Torah law (*Choshen Mishpat*, *ibid.*) considers a person’s present actions without trying to determine what will transpire in the future.

וְכֵן יִתְנַחֵם עַל שְׁעָבָר, שְׁנֵאמַר: “כִּי אַחֲרֵי שׁוּבִי נִחַמְתִּי.”
וְיַעֲדֵד עָלָיו יוֹדֵעַ תַּעֲלִימוֹת, שֶׁלֹּא יָשׁוּב לְזֶה הַחֲטָא לְעוֹלָם, שְׁנֵאמַר: “וְלֹא
נֵאמַר עוֹד אֱלֹהֵינוּ לְמַעֲשֵׂה יְדֵינוּ וְגו’.”
וְצָרִיךְ לְהַתְיַדוּת בְּשִׁפְתָיו וְלִדְבַר עֲנִינּוֹת אֱלֹהֵי שְׁגָמָר בְּלִבּוֹ.

Nevertheless, this does not represent the highest rung in Teshuvah. In its most complete sense, Teshuvah can have an effect on the future as well as the past. A person’s commitment can be so powerful that God will be able to testify that he will never return to sin. Though this is the highest rung of Teshuvah, the Rambam mentions it in the beginning of his discussion of the subject to emphasize how each Jew has the potential to reach this level.

as [Hoshea 14:4] states: “We will no longer say to the work of our hands: ‘You are our gods.’” - The *Kessef Mishneh* questions the relation of this verse to the concept expressed by the Rambam and explains that it must be read as a continuation of the previous verses: “Israel, return to God, Your Lord, for you have stumbled in your iniquity. Take with you words and return to God....”

The relation of these verses to the concept of testimony is explicitly mentioned by the *Yalkut Shimoni* which relates that the word עַד, *Ad*, translated as “to” should be figuratively interpreted as *Ayd*, “witness.”

Israel asks God: “Master of the World: If we repent, who will testify on our behalf?”

God replies: “I served as a witness regarding your evil as [Malachi 3:5] states: ‘I will be a swift witness against the sorcerers and the adulterers, those who swore falsely, and those who oppressed a hired worker,’ surely, I will testify concerning your good.”

He must verbally confess - See Commentary, Chapter 1, Halachah 1.

and state these matters which he resolved in his heart. - By making this confession, a person reveals the feelings of remorse contained within his heart. In addition, this review of his sins increases his feelings of regret and reduces the chances of his lapsing into sin again in the future (See *Sefer HaChinuch*, mitzvah 364).

4. Among the paths of repentance is for the penitent to
- constantly call out before God, crying and entreating;
 - to perform charity according to his potential;
 - to separate himself far from the object of his sin;
 - to change his name, as if to say "I am a different person and not the same one who sinned;"
 - to change his behavior in its entirety to the good and the path of righteousness; and

COMMENTARY, HALACHAH FOUR

Among the paths of repentance - This expression implies a course of behavior that will lead a person to true and complete repentance. Also, these acts will to reinforce and strengthen a commitment to Teshuvah that has already been made.

The *Kesef Mishneh* explains that the course of action prescribed will bring a person to complete atonement and nullify any negative effects caused by his previous behavior. Accordingly, he cites the source for this halachah as the statement, *Rosh HaShanah* 16b: "Four things rend the [evil] decree against a person: charity, crying out to God, changing one's name, and changing one's behavior. Others add: changing one's place."

is for the penitent to a) constantly call out - The term used, צעקה, implies heartfelt and intense prayer.

before God, crying and entreating; - *Rosh HaShanah* (ibid.) quotes Psalms 107:28, "They call out to God in their distress, He saved them from their afflictions," as the source for this concept.

b) to perform - The Rambam does not state "to give charity." In addition to whatever money a person gives, he must act in a charitable manner, performing deeds of kindness and actually doing favors for his fellowmen.

charity - In this context, *Rosh HaShanah* (ibid.) cites Proverbs 10:2: "Charity will save from death."

according to his potential; - Many authorities view this expression as a limit, implying that, even as an act of Teshuvah, a person need not give beyond his

ד מדרכי התשובה, להיות השב צועק תמיד לפני השם בבכי ובתחנונים, ועושה צדקה כפי כחו, ומתרחק הרבה מן הדבר שחטא בו, ומשנה שמו, כלומר: אני אחר, ואני אותו האיש שעשה אותן המעשים. ומשנה מעשיו כלן לטובה ולדרך ישרה,

potential. Accordingly, he should not contribute more than a fifth of his income to charity as prescribed in *Hilchot Matanot Ani'im* 7:5.

However, *Iggeret HaTeshuvah* (Chapter 3) relates that, in this instance, there is no need to comply with these restraints. Just as a person would give up all his financial resources if his physical health was at stake, similarly, he should be willing to make overly generous donations to gain atonement for his sins.

c) to separate himself far - In *Hilchot De'ot*, Chapter 2, and in *Shemoneh Perakim*, Chapter 4, the Rambam explains that though, in general, a person must follow "a middle path," if he has strayed from that path in one direction, he must correct that imbalance by turning to the opposite extreme. Similarly, in this instance, a Baal-Teshuvah must place a great distance between himself and those influences which tempt him to sin.

from the object of his sin; - This is a further extension of the quality of "changing one's behavior," mentioned in *Rosh HaShanah* (ibid.).

d) to change his name, - The Jerusalem Talmud (*Ta'anit* 2:1) states that "three things rend an [evil] decree" and does not mention changing one's name or changing one's place, for these two are merely intermediaries to stir a person to complete Teshuvah.

as if to say, "I am a different person and not the same one who sinned;" - The *Zohar* (Vol. I, 133b) relates that after Abraham sent Hagar away, she reverted to the idol-worshipping practices of her native land. Later, she returned to belief in one God and changed her name to Keturah as a public statement of her repentance.

There is a further dimension to the Rambam's statements. To refer to the concepts of *cheftza* (the article) and *gavra* (the person) mentioned in Chapter 1. There are times when a person's Teshuvah will not be powerful enough to transform his sins (*cheftza*) into merits. Nevertheless, since he (*gavra*) has repented, he will not be effected by them. He is a different person and not the individual who sinned. This change of personality is reflected in the change of name.

e) to change his behavior in its entirety to the good and the path of righteousness; - *Rosh HaShanah* (ibid.) cites the example of the people of Nineveh. "God saw their deeds, that they had repented from their evil ways."

When does the above apply? In regard to sins between man and man. However, in regard to sins between man and God, it is not necessary to publicize one's [transgressions]. Indeed, revealing them is arrogant. Rather, a person should repent before God, blessed be He, and specifically mention his sins before Him. In public, he should make a general confession. It is to his benefit not to reveal his sins as [Psalms 32:1] states: "Happy is he whose transgression is forgiven, whose sin is covered."

When does the above apply? In regard to sins between man and man. However, in regard to sins between man and God, - *Yoma* 86b notes an apparent contradiction between the verse from Proverbs quoted above which requires public confession and the verse from Psalms mentioned at the conclusion of the halachah. It resolves that difficulty by making this distinction between types of sins.

it is not necessary to publicize one's [transgressions]. - Doing so is dishonorable to God for it publicly demonstrates that people sin against Him (Rashi, *Yoma*, ibid.) Indeed, revealing them is arrogant. - *Berachot* 34b relates that a person who makes a public confession of this nature appears to imply that he is not embarrassed about his behavior.

Rather, a person should repent before God, blessed be He, - The *Yalkut Shimoni* (Hoshea 14) states:

Generally, if a person asks for forgiveness after embarrassing a colleague in public, the latter will reply: "You shamed me in public and now, you want to apologize to me in private! Bring me all the people who heard you embarrass me and then, I will accept your apology."

God does not follow this practice. Even though a person scoffs and scorns Him in public, God tells him: "Repent in private, just between Me and you, and I will accept your Teshuvah."

and specifically mention his sins before Him. - Making individual mention of each sin as required by Halachah 3.

במה דברים אמורים? בעבירות שבין אדם לחברו; אבל בעבירות שבין אדם למקום, אינו צריך לפרסם עצמו, ועזות-פנים היא לו אם גלם. אלא שב לפני האל ברוך הוא ופורט חטאיו לפניו, ומתודה עליהם לפני רבים סתם.

וטובה היא לו שלא נתגלה עונו, שנאמר: "אשרי נשוי פשע כסוי חטא".

In public, he should make a general confession - stating merely: "I sinned," without mentioning each sin individually.

The Ra'avad requires that a public confession to be made concerning a sin which is already public knowledge. This will cause the sinner to experience greater shame and motivate him to turn to God with more intense feelings of repentance.

Sha'arei Teshuvah (Chapter 1, Section 8) accepts the Ra'avad's opinion, but offers a different rationale. The public knowledge of a sin causes the desecration of God's name. That can only be corrected by a public confession.

The Ra'avad's opinion is also derived from the passage from *Yoma* mentioned above which also offers this distinction as a resolution to the contradiction between the two verses. The Rambam does not quote this opinion in accordance with the Talmudic principle that, when two opinions are offered, the final one should be accepted as halachah. The Ra'avad explains that this principle only applies when the different opinions contradict each other. In this instance, both opinions can be accepted as halachah.

The *Migdal Oz* cites a number of examples of public confessions of sins against God in support of the Ra'avad's position, e.g., Akhan's confession (Joshua 7:20). In practice, the *Shulchan Aruch* (*Orach Chayim*, Chapter 607) omits mention of the need for a public confession in accord with the Rambam's opinion. However, many Ashkenazic authorities (the *Bayit Chadash*, the *Magen Avraham*, the *Shulchan Aruch HaRav*, and the *Mishneh Berurah*) accept the Ra'avad's view.

It is to his benefit not to reveal his sins as [Psalms 32:1] states: "Happy is he whose transgression is forgiven, whose sin is covered." - Nevertheless, a person may make a public confession if there is a reason that necessitates it. Accordingly, Genesis 38:26 relates how Yehudah confessed his relations with Tamar in order to save her from capital punishment (*Pri Chadash*).

When does the above apply? To an individual. However, in regard to a community, whenever they repent and cry out wholeheartedly, they are answered immediately as [Deuteronomy 4:7] states: "[What nation is so great that they have God close to them,] as God, our Lord, is whenever we call Him."

7. Yom Kippur is the time of Teshuvah for all, both individuals and the community at large. It is the conclusion of forgiveness and

When does the above apply? To an individual. - An individual is given this special opportunity to come close to God only during the ten days of repentance.

However, in regard to a community, - A community is considered as a new entity and not merely a group of individuals. Accordingly, they possess additional merit. Thus, *Rosh HaShanah* 18a declares that the Teshuvah of a community can nullify a harsh heavenly decree even though it has already been sealed.

whenever they repent and cry out wholeheartedly, - Though the combined merit of the community is great, their prayers must still be sincere.

Psalms 78:36-38 states:

They flattered Him with their mouths and lied to Him with their tongues. Their heart was not straight with Him, neither were they faithful to His covenant. [Nevertheless,] He was full of compassion, forgiving iniquity.

On this basis, *Ta'anit* 8a states that the prayers of a community need not be totally sincere. On the contrary, God will forgive them even if their call to Him is not totally genuine.

Accordingly, Rav Akiva Eiger questions why the Rambam requires the community to "cry out wholeheartedly." As a possible resolution, he offers the thesis that at least one member of a community must pray with true sincerity for its plea for atonement to be accepted.

they are answered immediately - throughout the entire year.

as [Deuteronomy 4:7] states: "[What nation is so great that they have God close to them,] as God, our Lord, is whenever we call Him." - *Yevamot* 49b relates the following episode: King Menasheh judged the prophet, Isaiah, as worthy of death for contradicting Moses' prophecy. "How can you restrict our connection with

במה דברים אמורים? ביחיד; אבל צבור — כל זמן שעושים תשובה וצועקים בלב שלם, הם נענין, שנאמר: "כה' אלקינו בכל קראנו אליו".

ז יום-הכפורים הוא זמן תשובה לכל, ליחיד ולרבים, והוא קץ מחילה וסליחה לישראל.

God," the king complained. "Moses told us that God is close to us 'whenever we call him' and your prophecy implies that there only certain times 'when He can be found.'"

Nevertheless, *Rosh HaShanah* 18a explains that Isaiah's prophecy is not restrictive. On the contrary, Moses' prophecy referred only to a community, while Isaiah's explains that, during the ten days of repentance, an individual can enjoy the same privileges.

COMMENTARY, HALACHAH SEVEN

Yom Kippur - This halachah continues the theme of the previous one, emphasizing how, out of His great love for the Jews, God ordained special times in which their Teshuvah would be more readily accepted (See *Pesikta, Parshat Shuvah*).

Nevertheless, the division of the subject into two halachot implies that there is a difference in the levels of Teshuvah associated with each time. Though Teshuvah is "more desirable" in the ten days of repentance, Yom Kippur represents an even higher level, it...

is the time of Teshuvah for all, both individuals and the community at large. - On the surface, there is no one "time for Teshuvah for all." Immediately, after a person sins, he should repent. If a person has not sinned, there is no need for him to repent.

The Rambam's statements can be explained as follows: Yom Kippur "is a time of Teshuvah." The spiritual nature of the day obligates repentance. Just as the fifteenth of Nisan, the date of the exodus from Egypt, is eternally fixed as "the season of our freedom." The tenth of Tishrei, the day on which God forgave the sin of the golden calf, is established as a day of repentance and atonement for all time.

Accordingly, even though a person has already asked for forgiveness for his sins, he must repent for them again on Yom Kippur. This concept is implied by the following halachah: "Sins which were confessed on one Yom Kippur should be confessed on another Yom Kippur." Thus, since, "there is not one righteous man who will do [only] good and never sin (*Ecclesiastes* 7:20)," every individual has some aspect of his behavior for which he will have to repent on Yom Kippur.

At which point [in the service] should one confess? An individual confesses after the Amidah and the Chazan confesses in the midst of the Amidah, in the fourth blessing.

8. The confessional prayer customarily recited by all Israel is: "For we have all sinned...." This is the essence of the confessional prayer. Sins which were confessed on one Yom Kippur should be confessed

and the Chazan - joined by the congregation confesses in the midst of the Amidah, in the fourth blessing - The Amidah of the Sabbath and festivals includes seven blessings. The first and final three are blessings of praise, recited each day, while the fourth blessing is devoted to the theme of the day. Accordingly, it is appropriate to recite the confession at this point in the service. See *Hilchot Tefilah* 2:7.

COMMENTARY, HALACHAH EIGHT

The confessional prayer customarily recited by all Israel is: "For - The usage of the word "for" parallels Joseph's brothers' statements (Genesis 42:21) "for, surely, we are guilty..." (Avudraham).

we have all - The confessional prayer is recited in the plural for all Jews share mutual responsibility (ערכות). The fate of our entire people is interrelated and we share each other's merits and deficiencies.

sinned...." - This line is recited before the confessional prayer "*Ashamnu*," the alphabetical confessional prayer.

It must be noted that the liturgy ordained by the Rambam at the conclusion of Sefer Ahavah reads:

Our God and the God of our fathers, may our prayers come before You and may You not turn away from our supplications. We are not so brash and stiff-necked as to declare before You, we are righteous and have not sinned, for surely we and our fathers have transgressed....

The Ashkenazic liturgy states *Chatenu* - "we have sinned," as this halachah implies was the practice, before beginning the *Ashamnu* prayer. In contrast, the Rambam's own text of the confession omits this line.

This is the essence of the confessional prayer. - *Yoma* 87b relates:

If one states: "for we have sinned....," nothing more is necessary as Bar HaMadodi commented: "[The Chazan was] repeating the Amidah before

והיכן מתנודה? יחיד - אחר תפלתו, ושליח-צבור - באמצע תפלתו, בכרקה רביעית.

ח הודוי שנהגו בו כל ישראל: "אבל אנחנו חטאנו (כלנו)", והוא עקר הודוי.

עברות שהתנודה עליהם ביום-הכפורים זה - חוזר ומתנודה עליהן ביום-

[the Sage,] Shmuel who remained seated. When the Chazan recited 'for we have sinned,' he arose and recited it." Accordingly, we may derive that this is the essence of the confessional prayer.

Though the Rambam's statement is a direct quote from the Talmud, it has provoked much debate among the commentaries for it appears to contradict his statements in Chapter 1, Halachah 1:

How does one confess: He states: "I implore you, God, I sinned, I transgressed, I committed iniquity before you by doing the following.... Behold, I regret and am embarrassed for my deeds. I promise never to repeat this act again."

These are the essential elements of the confessional prayer.

Similarly, in Halachah 3 of this chapter, the Rambam requires a person to mention specifically the sin he committed in his confession.

The *Lechem Mishneh* proposes that, in fact, the Rambam is relying on his previous statements and hence, does not mention the full text of the confession here. In contrast, the *Turei Even* suggests that here, the Rambam is not defining the confession necessary for a particular sin, for that is governed by the rules already stated, but rather refers to a general confession to be recited on Yom Kippur even if one is not aware of any particular sins for which he must confess.

Other commentaries explain that "we have sinned" is the basic element of the confession and hence, can be recited out loud. The particular sins should be added by each individual as part of his silent confession.

Sins which were confessed on one Yom Kippur should be confessed on another Yom Kippur - This statement is the subject of a debate among the Sages in *Yoma* 86b. Rabbi Elazar ben Ya'akov mentions the opinion quoted by the Rambam. However, other Sages maintained that, not only is one not required to confess one's sins the following year, it is improper to do so. They compare such behavior to, "a dog returning to lick his vomit."

[It must be emphasized that] even if a person restores the money that he owes [the person he wronged], he must appease him and ask him to forgive him.

Even if a person only upset a colleague by saying [certain] things, he must appease him and approach him [repeatedly] until he forgives him.

If his colleague does not desire to forgive him, he should bring a group of three of his friends and approach him with them and request [forgiveness]. If [the wronged party] is not appeased, he should repeat the process a second and third time. If he [still] does not want [to forgive him], he may let him alone and need not pursue [the matter further]. On the contrary, the person who refused to grant forgiveness is the one considered as the sinner.

[It must be emphasized that] even if a person restores the money that he owes [the person he wronged], he must appease him and ask him to forgive him. - *Hilchot Chovail U'Mazik* (5:9) states:

A person who injures a colleague's body cannot be compared to one who damages his property. Once a person who damages his colleague's property pays him what he is obligated to pay him, he receives atonement.

In contrast, a person who injures a colleague... does not receive atonement even though he pays... until he asks [for forgiveness] from the person he injured....

Commenting on that passage, the *Lechem Mishneh* differentiates between theft and damages, explaining that a thief benefits from the stolen article. In contrast, a person who damages his colleague's property does not derive any benefit from his act.

Even if a person only upset a colleague by saying [certain] things, - without causing him monetary damage

he must appease him and approach him [repeatedly] until he forgives him. - The *Bayit Chadash*, *Orach Chayim*, 606) states that a person who wronged a colleague must ask for forgiveness himself. It is not sufficient to charge in agent with making such a request. However, other authorities do not make such a stipulation.

אף-על-פי שהחזיר לו ממון שהוא חייב לו - צריך לרצותו ולשאל ממנו שימחל לו. אפילו לא הקניט את חברו אלא בדברים - צריך לפיטו ולפגוע בו עד שימחל לו.

לא רצה חברו למחל לו - מביא לו שורה של שלשה בני-אדם מרעיו ופוגעין בו ומבקשין ממנו.

לא נתרצה להן - מביא לו שניה ושלישית. לא רצה - מניחו והולך לו, וזה שלא מחל הוא החוטא.

If his colleague does not desire to forgive him, he should bring a group of three of his friends and approach him with them and request [forgiveness]. - *Yoma* 87a derives this concept from Proverbs 6:2-3: "If you are snared by the words of your mouth... do this, an deliver yourself... humble yourself and bring many friends."

If [the wronged party] is not appeased, he should repeat the process - Phrasing his apology and request for forgiveness in a different manner (*Maharil*, *Bayit Chadash*, *Orach Chayim*, 606)

a second and third time. - An allusion to these three requests may be taken from Joseph's brothers' request that he forgive them (Genesis 50:16): "We appeal to you, please. Please, overlook.... Please forgive...." The word "please" is mentioned three times (*Yoma*, *ibid.*).

If he [still] does not want [to forgive him], he may let him alone - The *Mordechai* (*Yoma*, *ibid.*) requires one to collect ten people and inform them of his efforts to appease his colleague, lest others think of him as being to proud to seek forgiveness.

and need not pursue [the matter further]. - The *Pri Chadash* states that a person is forbidden to request forgiveness from a colleague more than three times. However, the *Bayit Chadash* and the *Magen Avraham* allow one to make the effort if doing so will not disgrace the honor of the Torah.

On the contrary, the person who refused to grant forgiveness is the one considered as the sinner. - *Yoma* (*ibid.*) derives the latter principle from Samuel's statements to the people (I Samuel 12:23): "Far be it from me that I should sin against God by not praying for you."

The Talmud notes that previously the people acknowledged their mistakes:

11. If a person wronged a colleague and the latter died before he could ask him for forgiveness, he should take ten people and say the following while they are standing before the colleague's grave: "I sinned against God, the Lord of Israel, and against this person by doing the following to him...."

If he owed him money, he should return it to his heirs. If he is unaware of the identity of his heirs, he should place [the sum] in [the hands of] the court and confess.

God noticed the ill-feeling they carried in their hearts and punished Israel for the deeds of their leader. For three years, the land was parched with drought.

When King David enquired concerning the reason for the lack of rain, God told him to appease the Gibeonites. They refused to forgive the sins against them until they were given seven of Saul's sons to kill. They slaughtered these men in cold blood and hung their corpses in public view. When David saw that they lacked the basic traits of kindness inherent to the Jewish people, he decreed that they never be allowed to marry a native born Israelite.

COMMENTARY, HALACHAH ELEVEN

If a person wronged a colleague and the latter died before he could ask him for forgiveness, - A person is only required to go a colleague's grave to ask for forgiveness if he wronged him during his lifetime. If he slandered him after his passing, he may request forgiveness from him in any place (*Magen Avraham, Orach Chayim* 606:7).

he should take ten people - In this way, his confession will be made public as required by Halachah 5.

and say the following while they are standing before the colleague's grave: - The

יא החוטא לחברו, ומת חברו קדם שיבקש מחילה - מביא עשרה בני-אדם ומעמידן על קברו, ויאמר בפניהם: חטאתי לה' אלקי ישראל ולפלוני זה, שקף וכו' עשיתי לו. ואם היה חייב לו ממון - יחזירו ליוורשים. לא היה יודע לו יורשין - יניחנו בבית-דין ויתודה.

Yam Shel Shlomo (Yoma 87a) allows a person who lives more than a modest journey away from the deceased's grave to send an agent to the grave to make amends for him.

"I sinned against God, the Lord of Israel, - For as mentioned, wrongs against one's fellowmen are also considered sins against God.

and against this person - While a person is alive, it is necessary to apologize to him before confessing to God. However, after his death, the order is reversed (*Ma'aseh Rokeach*).

by doing the following to him...." - In this instance as well, a particular confession is required. Each sin should be mentioned individually.

If he owed him money, he should return it to his heirs - who will divide it as part of the deceased's estate.

If he is unaware of the identity of his heirs, he should place [the sum] in [the hands of] the court - Who will keep it in trust for the heirs or if no heirs are found, distribute it as they see fit (*Rambam, Commentary to the Mishnah, Bava Kama* 9:5).

and confess - as above.