Forgiving the Unforgivable?
Jewish Insights into Repentance and Forgiveness

The Problem

Victims of domestic violence travel a long and arduous road toward achieving justice and realizing healing for the physical, psychological, emotional and spiritual wounds foisted upon them by their attackers. For many, the destination is arrived at successfully. For many others, it is never reached. For yet others, the path itself is fraught with pitfalls, dangers, and further abuse by the systems and people that are there to help them. Religions and religious systems, ostensibly havens of comfort and protection, have at times failed their flocks because of personal and professional limitations of their clergy, the deficiencies in the attitudes and opinions of their communities, and even, sometimes, through the well intentioned demands of their faiths.

The issue of forgiveness is a case in point. What is a beautiful, decent and honorable theological concept has, at times, been a stumbling block to healing and justice for victims, and has colluded, albeit unintentionally, in perpetuating the scars of violence and creating a few of its own.

What is a Jewish view of forgiveness? What role does forgiveness play in the healing process of a victim? And what is its relationship to repentance, the obligation of offenders to make restitution, to transform their characters, to heal the wounds they created and to mend their relationship with their victims and with their God?

In order to formulate a Jewish response, we must cull the various and complex texts of Jewish law for their insights and attitudes. Briefly, this literature can be divided into two groups: the Written Law and the Oral Law. The Written Law is constituted by the Torah (the Five Books of Moses) and the rest of Scripture, the Prophets and the Writings, with the Torah being the most authoritative and its 613 commandments (*mitzvot*) considered legally binding. The Oral Law contains regulations that can be traced back to Moses at Mt. Sinai, as well as rabbinic exegesis, analysis, interpretation and legislation that has developed throughout the ages. The first written record of the Oral Law is the Mishnah (completed c. 200 C.E.), and also includes the Babylonian Talmud (completed c. 500 C.E.), the *Shulhan Arukh*, (the 16th century Code of Jewish Law) and rabbinic commentaries and codes that continue to be written to this day, evaluating, analyzing and defining past positions and applying their values and principles to contemporary challenges.

The Fundamental Nature of Forgiveness

"Fortunate is one whose transgression is forgiven, whose sin is covered. Fortunate is the person to whom the Lord does not impute iniquity, and in whose spirit there is no guile" (Psalms 32:1-2).

Forgiveness is a divine gift bestowed to flawed, finite human beings who, by dint of their very humanity, fail to attain a state of perfection, "For there is not a righteous person upon earth, that does good, and does not sin" (Ecc.7:20). So essential is forgiveness for the very survival of humanity and of human society that it is one of seven things that were created even before the world was created,[1] as it is written, "Before the mountains were brought forth, before you had

[1] *Pesahim* 54a.

formed the earth and the world, from everlasting to everlasting, you are God. You return (note: the Hebrew word for return is the same word as repent) humans to dust; and say, Turn back, O children of humanity!" (Psalms 90:1-2)

According to rabbinic tradition, the gift of repentance and the formula for its attainment were revealed to Moses on Mt. Sinai as he pleaded for mercy for the children of Israel following the sin of the golden calf. The Bible records,

> And the Lord descended in the cloud, stood with him there, and proclaimed the name of the Lord. And the Lord passed by before him, and proclaimed, "The Lord, The Lord God, merciful and gracious, long suffering, and abundant in goodness and truth, keeping mercy for thousands, forgiving iniquity and transgression and sin, and that will by no means clear the guilty; visiting the iniquity of the fathers upon the children, and upon the children's children, to the third and to the fourth generation." (Exodus 34:5-7)

In describing the unfolding of the scene recorded in these verses, the Talmudic sage Rabbi Johanan explained:

> Were it not written in the text, it would be impossible for us to say such a thing; this verse teaches us that the Holy One, blessed be He, drew his *tallit* (prayer shawl) round Him like the prayer leader of a congregation and showed Moses the order of prayer. He said to him: "Whenever Israel sin, let them carry out this service before Me (i.e., read these passages containing the thirteen attributes of God's mercy), and I will forgive them.[2]

And Rabbi Judah added that the verse, "Behold I make a covenant" (34:10) recorded just a few verses later, indicates that the revelation of these thirteen attributes actually formed a covenant that guaranteed that the people would never be turned away without forgiveness. This formula is the central theme of the penitential *Selihot* prayers recited during the High Holy Day season, culminating with Yom Kippur.

Essentially, God is a forgiving God who desires the repentance of sinners. Three times a day during the daily prayers, Jews recite the blessings:

> Bring us back, our Father, to Your Torah and bring us near, our King, to Your service. Cause us to return to You in perfect repentance. Blessed are You, God, Who desires repentance.
>
> Forgive us, our Father, for we have sinned. Pardon us, our King, for we have transgressed. For You pardon and forgive. Blessed are You, God, the gracious One Who pardons abundantly.

This theme is repeated again and again throughout the liturgy. The rabbis even saw divine kindness and mercy reflected in God's Name itself. The Tetragrammaton, YHWH, is

[2] *Rosh Hashanah* 17b.

used as God's Name when He manifests His *middat ha-rahamim* (love, kindness and forgiveness), whereas *Elohim* is used to designate His attribute of justice.

What is forgiveness?

Three words are used in Jewish literature to signify forgiveness: *mehilah*, *selihah* and *kapparah*. While these three terms deal with the same concept, they are not totally synonymous, and their nuanced meanings will be helpful in this analysis. The term *kapparah* is most familiar to a general audience as the root of the name of the holiday *Yom Kippur*, the annual Day of Atonement, a day of fasting, confession and penitence, in which sins are expiated. To a more select group, the term *selihah* may resonate as the root of the name of the pre-High Holy Day penitential prayer service, *Selihot*.

What do these words mean and what do they reveal about the nature and process of forgiveness? *Mehilah* is a technical, legal term that applies when the lender of money forgoes or waives all or part of the debt another person owes him. When applied to the consequence of sin, *mehilah* is the remission or cancellation of the punishment and any of the legal consequences of the sinful act.[3] But in the repentance process, *mehilah* alone is insufficient because, in addition to a sinner's liability for compensating for the losses he caused his victim to endure or for the prescribed punishment that he must bear, sin has other consequences. It also damages and contaminates a sinner's soul and causes him to become alienated from God, ("But because your iniquities have separated you and your God" (Isaiah 59:2)). A sinner requires purification and the healing qualities of *selihah* (forgiveness) as well. The great twentieth century sage and teacher, Rabbi Joseph Soloveitchik suggested that *selihah* "is a process which cleanses and sanctifies the metaphysical dimension of the personality."[4] The purification and sanctification that results from proper repentance are reflected in Rabbi Akiba's homily found in the Mishnah, *Yoma* 85b, records,

> Rabbi Akiba said: Fortunate are you, Israel! Who is it before Whom you become purified? And who is it that makes you pure? Your Father Who is in Heaven, as it is said, "And I will sprinkle clean water upon you and ye shall be pure" (Ez. 36:25) and it further says, "Thou Hope of Israel, the Lord!" (Jer. 17:13. The word *mikveh* is a homonym meaning both 'fountain' (*mikveh* or ritual bath) and 'hope'), just as the *mikveh* renders pure the impure, so does the Holy One, blessed be He, render Israel clean.

And the Talmudic sage Rabbi Hama son of Hanina said, "Great is penitence, for it brings healing to the world, as it is said, 'I will heal their backsliding, I will love then, freely.'" (Hosea 14:5)[5] Further, Rabbi Levi said, "Great is repentance, for it reaches up to the Throne of Glory, as it is said: 'Return, O Israel, unto the Lord thy God.'" (Hosea 14:2)

According to Rabbi Soloveitchik, *kapparah* and *mehilah* are synonymous from the Torah's perspective. We will soon see that other authorities distinguish between them.

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[3] Pinhas Peli, *On Repentance: The Thought and Oral Discourses of Rabbi Joseph Dov Soloveitchik* (Northvale, NJ: Jason Aronson Inc., 1996), p. 270.
[4] Peli, p. 271.
[5] *Yoma* 86a.

How is forgiveness achieved?

God has the power to grant unilateral pardon only for those sins committed against Him (i.e., ritual laws). Forgiveness for violations perpetrated against another human being is not initially in God's hands, but first requires compensation of the victims who themselves were the injured party, who themselves were violated, who themselves have claim to reparations, and who themselves need to be appeased before divine forgiveness is available. The Mishnah, *Yoma* 85b, states,

> For transgressions between humans and the Omnipresent, the Day of Atonement procures atonement, but for transgressions between one person and another, the Day of Atonement does not procure any atonement, until [the perpetrator] has appeased the victim.[6]

According to Rabbi Eleazar son of Azariah, the verse is read as follows: From all your sins before the Lord, (i.e., sins between God and people) the Day the Atonement procures forgiveness; but not for those which are committed not "before the Lord," but against another person, the Day the Atonement cannot procure forgiveness. God must wait until the sinner has achieved forgiveness from his fellow, and then and only then can He forgive that transgression. Clearly both pardons are necessary as the sin, a violation of a biblical commandment, violated both relationships, the one between the two people and the one that the sinner has with God.

In formulating this concept in his legal code, *Mishneh Torah*, the twelfth century philosopher and legal authority Maimonides[7] (known by the acronym Rambam, which stands for Rabbi Moses ben Maimon) writes as follows:

> [The liability of] one who causes physical harm to another is different from who causes financial harm. For in the case of one who causes financial harm, once compensation is made, the damager achieves atonement (*nit**kaper**).* But, in the case of physical harm, even if the aggressor made the five payments,[8] it is not atoned (*mit**kaper**)* for him. Even if he offered [as sacrifices to God] all of the rams of Navioth,[9] it is not atoned (*mit**kaper**)* for him and he is not forgiven

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[6] This is based on an interpretation of the verse, "From all your sins before the Lord shall ye be clean" (Ez. 36:25).

[7] One of the greatest Torah scholars of all time, Rabbi Moses ben Maimon (Rambam, Maimonides) was born in Cordova, Spain in 1138, and died in Egypt in 1204. He was a physician, philosopher and jurist. He authored a commentary to the Mishnah, the philosophical Guide to the Perplexed; *Mishneh Torah*, which summarizes the entire oral law concisely and in organized fashion; *Sefer Ha-mitzvot*, which lists the 613 commandments; and many responsa.

[8] *Baba Kama* 83b,

> One who injures a fellow becomes liable to him for five items: for depreciation of personal worth, for pain, for healing, for loss of time and for degradation

[9] Based on Isaiah 67:7, referring to the choicest flocks, and reflecting an attempt to achieve forgiveness through ritual, prayer and confession to God alone.

(*ni**mhol**)* until he requests [forgiveness] from the victim and [the victim] forgives him (*yi**mhol**)*.[10]

In this statement, Rambam highlights the steps required in order to earn forgiveness by employing two terms: *kapparah* and *mehilah*. In this context, these words are not synonymous. In this formulation, *mehilah* (forgiveness) refers to the forgiveness an injured party grants to the perpetrator and *kapparah* refers to the subsequent atonement that a sinner achieves from God.

In order for an aggressor to achieve forgiveness he must first regret his actions, and then,

1) make restitution for the damage he caused, as well as pay any other fines that he may have accrued while sinning;
2) appease the victim and acquire his forgiveness; and then, and only then,
3) seek atonement from God through prayer, confession and other acts of penitence.[11]

Must One Forgive?

An initial survey of traditional Jewish texts argues that for ethical and *halakhic* (Jewish legal) reasons, one *must* forgive. Consider the Mishnah in Ethics of the Fathers, 5:11, in which conciliation and appeasement are deemed pious traits.

> [There are] four types of temperaments: easy to become angry, and easy to be pacified: his gain disappears in his loss; hard to become angry, and hard to be pacified: his loss disappears in his gain; hard to become angry and easy to be pacified: [he is] a pious man; easy to become angry and hard to be pacified: [he is] a wicked man.

The Talmud, *Rosh Hashanah* 17a, teaches that one who is forgiving of the sins of others is forgiven for all of his sins. This formulation follows the classical view of *middah ke-neged middah*, that we receive our just desserts and are dealt with in this world on a "measure for measure" basis, just as we deal with others. And so, the cultivation of a kind and sensitive disposition that is quick to be appeased and quick to forgive is desirable, reflects positively on the forgiver, and stands him in good stead in his own life.

The Talmud informs us that the prayers of the great sage, Rabbi Akiba, were answered not because he was intellectually greater than his colleagues, but because he was forbearing and forgiving.[12] And Rabbi Nehunia ben ha-Kaneh, when asked by his disciples to what merit he ascribed his longevity, replied that among other things, "the curse of my fellow did not go up on my bed with me." One sage explained that every night before he went to sleep, Rabbi Nehunia ben ha-Kaneh said, "I forgive all who have aggrieved me."[13]

Furthermore, the withholding of forgiveness is considered a mark of cruelty. The Mishnah, *Baba Kamma* 92a, states,

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[10] *Hil. Hovel u-Mazik* 5:9.
[11] *Hil. Teshuvah* 1:1 and 2:2.
[12] *Ta'anit* 25a.
[13] *Megillah* 28a.

> Whence can we learn that should the injured person not forgive him he would be [stigmatized as] cruel? From the words: "So Abraham prayed unto God and God healed Abimelech" (Genesis 20:17).

And even if one is hesitant to forgive one who has transgressed against him, he must do so after being asked three times:

> Rabbi Yose son of Hanina said: One who asks pardon of his neighbor need do so no more than three times, as it is said: "Forgive, I pray thee now . . . and now we pray thee" (Gen. 50:17)[14]

These verses are recorded following the death of the patriarch Jacob. At that point, his sons approached their brother Joseph pleading three times for his forgiveness for having thrown him into the pit and selling him into slavery. This precedent is the source of this ruling. It appears that these three requests serve a dual purpose. One, they are a serious attempt to appease the victim and to restore his sense of dignity and self worth. And two, they are meant to humble the aggressor who must now appear, hat in hand, before the one he previously mistreated and victimized. Should the victim then withhold forgiveness, despite the sincere and genuine petitions of the wrongdoer, he, the victim, then becomes guilty of debasing the petitioner and is deemed cruel.

Permission to Withhold Forgiveness

But the granting of forgiveness is neither inevitable nor automatic, even if the sinner entreats his victim three times. Forgiveness must be deserved, and it is earned only after a victim has received restitution and has been appeased. The righting of wrongs and the exacting of justice are prerequisites for achieving forgiveness.

Despite the sources that call upon victims to forgive readily, liberally and eagerly, most Jewish authorities are of the opinion that there is no absolute obligation to forgive in all circumstances. Let us reconsider the Mishnah quoted above:

> Whence can we learn that should the injured person not forgive him he would be [stigmatized as] cruel? From the words: "So Abraham prayed unto God and God healed Abimelech."

A careful reading of this text indicates that there is no *legal* obligation to absolve another for a transgression. Note that the proof text comes from a narrative part of the Bible, not from a legal one, indicating an attitude and not an obligation. Further, the Mishnah suggests that one who withholds absolution might be considered to be cruel—a critique that reflects upon his moral character—and not "wicked," a designation of his legal status.[15]

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[14] *Yoma* 87a; *Hil. Teshuvah* 2:9; *Orah Hayyim* 606:1.

[15] This is not the case for Rambam who refers to one who withholds forgiveness as a *hotei* (sinner) and not just someone who is cruel. See *Hi.l Teshuvah* 2:9. (See *Bemidbar Rabbah*, par. 29.) Nevertheless, in 2:10 he refers to the withholder as cruel.

There are texts that support this contention that one is not necessarily cruel, even when refusing forgiveness. The Talmud, *Yoma* 87b, recounts how the great Talmudic sage Rabbi Hanina son of Hama refused to forgive Rav for over thirteen years!

> Once Rav started to expound portions of the Bible before the Rabbis, when Rabbi Hiyya entered. [In deference to this great rabbi,] Rav started again from the beginning; as Bar Kappara entered, he started again from the beginning; as Rabbi Simeon the son of Rebbi entered, he started again from the beginning. But when Rabbi Hanina son of Hama entered, he said, "So often shall I go back?" And he did not begin his discourse again. Rabbi Hanina was insulted. Rav [sought forgiveness for slighting Rabbi Hanina and] went to him on thirteen eves of the Day of Atonement, but [Rabbi Hanina] would not be pacified. But how could [Rav debase himself by asking for forgiveness thirteen tims?] Did not Rabbi Yose ben Hanina say: One who asks pardon of his neighbor need not do so more than three times? It is different with Rav. (He goes beyond what the law requires; his humility and kindness refuse to recognize limits in such matters.) But how could Rabbi Hanina act in such [an unforgiving manner]? Had not Raba said that if one passes over his rights, all his transgressions are [forgiven]? Rather, Rabbi Hanina had seen in a dream that Rav was being hanged on a palm tree, and since the tradition is that one who in a dream is hanged on a palm tree will become head [of an Academy] he concluded that authority will be transferred [from himself] to [Rav]. [Rabbi Hanina] would not be pacified. [Rav eventually] departed to teach Torah in Babylon.[16]

Even nightly grants of absolution for all those who wronged him that day, like that of Rabbi Nehunia son of ha-Kaneh cited above and that of Rabbi Papa cited elsewhere,[17] was a *middat hasidut*, an act of piety, and not an obligatory one. Why else would he be praised for it and why else would it be cited as an unusual act by which he merited longevity?[18]

In addition, if one vows never to forgive another, that vow is binding. Now, had it been legally forbidden to withhold forgiveness, the vow itself would have been null and void as is any vow that attempts to nullify a biblically prescribed obligation.[19]

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[16] After the death of Raba, Rabbi Hanina became head of the Academy and he interpreted the dream to mean that he would die soon, to make place for Rav. In order to allow for another interpretation, with less fatal results to himself of that vision, he refused to become reconciled to Rav, forcing the latter to go to Babylonia, where in accord with that dream he did become before long head of the School of Sura.

[17] *Megillah* 28b.

[18] See Ritva to *Rosh Hashanah* 17a.

[19] Responsa Rashi, no. 245. See also *Shevilei Leket*, II, *Hil. Nedarim u-Shevu'ot*.

Rema,[20] in his gloss to the Code of Jewish Law, *Shulhan Arukh, Orah Hayyim* 606:1, rules explicitly that an injured party may withhold forgiveness if he does so with the intention of benefiting the offender. Such benefit may include enabling the aggressor to achieve a stat of humility or helping him to see his evil ways.[21] Other commentators add that one may even withhold forgiveness for one's own personal benefit as well, as is seen in the actions of Rabbi Hanina quoted above who withheld pardoning Rav, thereby enabling himself to retain his position of leadership in the Academy.

Consider as well that the biblical Joseph never forgave his brothers for having sold him into slavery in Egypt. Despite their repeated request, "Forgive, I beg you now, the trespass of your brothers, and their sin; for they did to you evil; and now, we beg you, forgive the trespass of the servants of the God of your father (Genesis 50:17)," there is no record that Joseph actually forgave them. The biblical commentator Rabbeinu Bahye suggests that the brothers never made proper amends, never having appeased their brother Joseph, and therefore were undeserving of forgiveness.[22]

Another account of withholding forgiveness comes from the rather off-putting comment of Rabbi Eleazar son of Rabbi Simeon found in the Talmud, *Ta'anit* 20b:

> Once Rabbi Eleazar son of Rabbi Simeon was coming from Migdal Gedor, from the house of his teacher, and he was riding leisurely on his ass by the riverside and was feeling happy and elated because he had studied much Torah. There chanced to meet him an exceedingly ugly man who greeted him, "Peace be upon you, Sir." He, however, did not return his salutation but instead said to him, "*Raca*, ("good for nothing") how ugly you are. Are all your fellow citizens as ugly as you are?" The man replied, "I do not know, but go and tell the Craftsman Who made me, 'How ugly is the vessel which You have made.'" When Rabbi Eleazar realized that he had done wrong he dismounted from the ass and prostrated himself before the man and said to him, "I submit myself to you, forgive me." The man replied, "I will not forgive you until you go to the Craftsman Who made me and say to him, 'How ugly is the vessel which you have made.'" [Rabbi Eleazar] walked behind him until he reached his native city. When his fellow citizens came out to meet him greeting him with the words, "Peace be upon you O Teacher, O Master," the man asked them, "Whom are you addressing thus?" They replied, "The man who is walking behind you." Thereupon he exclaimed, "If this man is a teacher, may there not be any more like him in Israel!" The people then asked him, "Why?" He replied, "Such and such

[20] Rabbi Moses ben Israel Isserles (Rema) was born in 1525 in Cracow, Poland, and died there in 1572 where served as head of the rabbinic court and yeshivah. His notes which reflected Ashkenazic halakhic practice were added to Rabbi Joseph Caro's *Shulhan Arukh*, which reflected Caro's Sephardic practices. Rema also authored responsa and works about philosophy and Kabbalah.

[21] *Magen Avraham, Taz, Mishneh Brurah.*

[22] It is for this reason, he suggests, that the rabbinic tradition connects the subsequent deaths of the ten martyrs at the hands of the Romans as punishment for the sin of the ten brothers of Joseph.

> a thing has he done to me." They said to him, "Nevertheless, forgive him, for he is a man greatly learned in the Torah." The man replied, "For your sakes I will forgive him, but only on the condition that he does not act in the same manner in the future." Soon after this Rabbi Eleazar son of Rabbi Simeon entered [the study hall] and expounded thus, "A man should always be gentle as the reed and let him never be unyielding as the cedar." And for this reason the reed merited that of it should be made a pen for the writing of the Torah scroll, phylacteries and *mezuzot*.

God wants the sinner to repent, as expressed in Ezekiel 18:30-32,

> Therefore I will judge you, O house of Israel, everyone according to his ways, says the Lord God. Repent, and turn yourselves from all your transgressions; so that iniquity shall not be your ruin. Cast away from you all your transgressions, in which you have transgressed; and make for yourselves a new heart and a new spirit; for, why will you die, O house of Israel? For I have no pleasure in the death of him who dies, says the Lord God; therefore turn, and live.

Nevertheless, despite God's desire for repentance, His essential capacity for mercy and His identification as a God of forgiveness, He Himself may withhold forgiveness at times. This is so when a penitent has not truly repented or if he uses the future possibility of penitence as an excuse to justify his illicit behavior, as the Mishnah, *Yoma* 85b, indicates,

> If one says, "I shall sin and repent, sin and repent," no opportunity will be given to him to repent.[23] [If one says], "I shall sin and the Day of Atonement will procure atonement for me," the Day of Atonement procures for him no atonement.

This source is most relevant in our discussion of the victim of domestic violence. An abuser is one who perpetuates a cycle of violence. His request for forgiveness from his victim is often less than real, or is only a temporary retreat from future violence that he will cause, and can be compared to the one who says, "I shall sin and repent, sin and repent." In such cases, there is no true repentance and thus there is no obligation upon the victim to forgive.

Forgiveness may also be withheld if a sin is so heinous or irreparable that it is simply unforgivable. The Talmud, *Sotah* 47a, posits, "Whoever sinned and caused others to sin is deprived of the ability of doing penitence." Rambam lists twenty-four conditions that either preclude repentance altogether or make it practically impossible to achieve.[24] Rema, in his gloss to the Code of Jewish Law, *Shulhan Arukh, Orah Hayyim* 606:1, rules that one who has maliciously slandered another need not ever be forgiven as he can never rectify the damage he caused to his victim and to his victim's family. And in the ethical treatise *Orhot Tzaddikim, Sha'ar ha-Teshuvah,* the author describes certain interpersonal violations for which it is practically impossible to atone. These include theft of objects of unknown ownership because it

[23] Because this statement indicates that he never experienced genuine regret.
[24] *Hilkhot Teshuvah*, ch. 4.

is impossible to perform proper restitution, the siring of an illegitimate child whose status can never be rectified, and compulsive and continuous violations of the same sin.[25]

The Talmud, *Hagigah* 15a-15b, records the story of Rabbi Elisha son of Abuyah, known as *Aher* (lit., the other), a prominent teacher and scholar and a leading light of his generation whose apostasy had a negative influence and devastating impact on his generation, and who was barred from ever repenting. When encouraged by his student, the great sage Rabbi Meir to repent, *Aher* replied, "Have I not already told you that I have already heard [a Heavenly Voice] from behind the Veil, 'Return ye backsliding children' — except Aher."[26]

Applying this principle to the victims and perpetrators of domestic violence it is important to note that the act of abuse is an ongoing, recurring behavior that violates the physical, emotional and psychological well being of a victim and, often, her family as well. Demanding that a victim forgive her abuser after one or even three requests by the perpetrators may, in fact, not only be unhelpful, but may further victimize the victim, denying justice and preventing the recovery and healing processes to progress and her self worth to be restored. Furthermore, abuse often impacts one's family, especially one's children who themselves may be abused or become abusers. In such circumstances, reparations and healing may be unattainable and forgiveness may be impossible.

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[25] See also *Baba Batra* 88b,

> [In] what [respect], then are [the punishments for giving false measures] greater [than those for marrying forbidden relatives]? — There, [in the case of incest] repentance is possible, but here, [regarding false weights and measures] repentance is impossible.

One cannot remedy the sin of robbery, by repentance alone. The return of the things robbed must precede it. In the case of false measures, it is impossible to find out all the members of the public that have been defrauded.

[26] The Talmudic selection continues,

> [R. Meir] prevailed upon him and took him, to a schoolhouse. [*Aher*] said to a child, "Recite for me your verse! (i.e., the verse which you studied today, the answer thus obtained was considered to have the prophetic authority.)" [The child] answered, "There is no peace, says the Lord, unto the wicked" (Isaiah 48:22). He then took him to another schoolhouse. [*Aher*] said to a child, "Recite for me your verse!" He answered, "For though you wash yourself with niter, and take thee much soap, yet your iniquity is marked before Me, says the Lord God" (Jeremiah 2:22). He took him to yet another schoolhouse, and [*Aher*] said to a child, "Recite for me your verse!" He answered, "And you, that are spoiled, what do you do, that you clothe yourself with scarlet, that you deck yourself with ornaments of gold, that you enlarge your eyes with paint? In vain do you make yourself fair, etc." (Jeremiah 4:30). He took him to yet another schoolhouse until he took him to thirteen schools; all of them quoted in similar vein. When he said to the last one, "Recite for my your verse," he answered, "But unto the wicked God says, 'What have you to do to declare My statutes, etc.?" (Psalms 50:16). That child was a stutterer, so it sounded as though he answered, "But to Elisha God says, [What right have to you to declare my statutes, or to take my covenant in your mouth?]"

If a person feels compelled by family or friends, or because of perceived religious principles, to forgive a perpetrator when she is not ready or eager to do so, such a perfunctory pardon granted under duress is of no value whatsoever. The victim was never appeased, as is required by Jewish law. Healing has not taken place. Justice has not been served and no transformation of the character or behavior of the aggressor was secured. Since the abuser's repentance is incomplete, forgiveness is impossible. This is so even if a person received some sort of compensation or reparations for harm suffered.[27]

How do we know if a person's repentance is sincere?

Forgiveness is relevant only after a person has sincerely repented. What is the measure of such repentance? The Talmud, *Yoma* 86b, suggests that penitence can only be ascertained if the sinner, finding himself in the same circumstances with the same opportunities in which he previously sinned, refrains from repeating his wrongful behavior.[28]

Further answers to this question can be gleaned from the guidelines used to determine the legal standing of witnesses in Jewish courts. Because Jewish law maintains that the testimony of one who is in violation of Jewish law is inadmissible,[29] it is necessary for the courts to establish standards to judge when one has sufficiently repented and can then function once again as a proper witness. The Talmud elaborates upon the repentance required of those engaged in illicit activities that bring undeserved or illegal financial gain such as dice playing, usury, pigeon raising, and trading in the forbidden produce grown in the Sabbatical year. In each circumstance, the sinners must not only compensate any losses they may have caused others to suffer, but must conduct themselves in ways that are straight and honest and must bend over backwards to prove their integrity and transformation in those specific areas in which they sinned.[30] Consider the case of a butcher who deceives his customers by selling non-kosher meat as kosher, "he who is suspected of passing non-kosher meat [as kosher] cannot be rehabilitated unless he leaves for a place where he is unknown and finds an opportunity of returning a lost article of considerable value, or of condemning as non-kosher meat of considerable value, belonging to himself."[31]

What are we to do when a person claims to have repented and we are not in a position to test that sincerity out of our conviction to protect innocents from becoming future victims? Because repentance is a private, personal matter, it is impossible for all intents and purposes for us to judge the seriousness, comprehensiveness or effectiveness of another's moral transformation. God alone has the ability to evaluate the sincerity of repentance, as He said to Samuel regarding His preference for Eliab as the future King of Israel, "Look not on his countenance, or on the height of his stature; because I have refused him; for the Lord sees not as man sees; for man looks on the outward appearance, but the Lord looks into the heart." (I Samuel 16:7) A human court cannot be certain about such private, intimate matters, it cannot judge another's thoughts and motivations, and must, therefore, be guarded in its approach, be

[27] Responsa Rashba, II, no. 278.
[28] *Hil. Teshuvah* 2:1.
[29] *Hoshen Mishpat*, ch. 34.
[30] *Sanhedrin* 25b.
[31] *Sanhedrin* 25a.

suspicious of the sinner's transformation and impose upon him the prescribed punishment for any violation that he may have committed, regardless of his protestations of repentance.[32]

Furthermore, the above measures pertain only when the sinner himself initiates the process of repentance and not when he does so after having been "caught" or because of external pressures and demands. If one engages in repentance because of outside pressures, the bar is raised and his new behavior must meet an even higher standard.[33]

Revenge, Grudges and Hate

Other biblical prohibitions are relevant to this discussion as well. The Bible states, "You shall not hate your brother in your heart; you shall rebuke your neighbor, and not bear sin on his account. You shall not avenge, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself; I am the Lord" (Lev. 19:17-18).

Is it possible that if a victim does not forgive an abuser that she violates the prohibitions against hating a neighbor, taking revenge and bearing a grudge?

These prohibitions certainly sensitize us to the spiritual and ethical challenges that victims face. The effects of abuse can certainly rock the foundations of one's moral character, ethical balance and personal sensitivities. Feelings of hate and revenge are normal responses in these circumstances. According to Jewish law, since an aggressor needs to pacify his victim and it is the victim's prerogative to withhold forgiveness until asked three times or until appeased, it is obvious that one who does not forgive immediately does not violate any of these prohibitions.

Furthermore, these prohibitions do not obtain when one has been victimized personally. The consensus among the religious decisors is that the prohibitions against grudge-bearing and revenge apply only in monetary matters and do not apply when *tza'ara de'gufa* (personal affliction) is involved.[34] Others[35] do not make this distinction.[36] However, it is evident that even these latter authorities do not relate these other prohibitions to the withholding of forgiveness. They reason that if these prohibitions were violated when forgiveness was withheld, the Mishnah, *Baba Kamma* 92a, which states that one who does not forgive another would be stigmatized as cruel and brings as a proof text, "So Abraham prayed unto God and God healed Abimelech" (Genesis 20:17), would have stated that by withholding forgiveness the victim is in violation of the biblical prohibitions against revenge and grudges and that he would be considered a sinner. Since the Mishnah does not do so, it is apparent that are not linked. Furthermore, all authorities permit withholding forgiveness and even exacting revenge in case as heinous and as irreparable as that of slander.[37]

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[32] Responsa *Tuv Ayin*, no. 6.
[33] *Hoshen Mishpat* 34:29.
[34] *Semag*, prohibition 12; *Sha'arei Teshuvah* 38; *Hafetz Hayyim, Petiha, Be'er Mayyim Hayyim*, 8-9 based on *Yoma* 23a.
[35] *Sefer ha-Hinukh* 241-242; *Hil. De'ot* 7:7-8.
[36] Elyakim Krombein, "*Nekimah ve-netirah bimkom tza'ar guf," Tehumin*, VI, pp. 292-304.
[37] Rema, *Orah Hayyim* 606:1, *Terumat ha-Deshen*, *pesakim* 212.

Early 20th century authority Rabbi Elhanan Wasserman suggests that none of these prohibitions obtain when "violating" them serves a positive purpose.[38] Among other examples that he brings, Rabbi Wasserman argues that although in general it is forbidden to hate, one is permitted to hate another if that other is an unrepentant sinner,[39] as it is written, "The fear of the Lord is to hate evil; pride, and arrogance, and the evil way, and the perverse mouth, do I hate" (Proverbs 8:13) and "Do I not hate them, O Lord, those who hate you? And do I not strive with those who rise up against you? I hate them with the utmost hatred; I count them my enemies" (Psalms 139: 21-22). Thus, he concludes, that if the purpose of avenging a wrong is to exact justice or to teach the aggressor a lesson, otherwise vengeful acts are permitted as well.

However, Rambam's formulation in his code indicates that he disagrees and that one who withholds forgiveness does violate these strictures. In *Hilkhot Teshuvah* 2:10, he writes,

> It is forbidden for a person to be cruel and unappeased. Rather, one should be easily mollified and hard to infuriate. And when asked to forgive, one should forgive wholeheartedly and enthusiastically. Even if the aggressor maltreated him and sinned against him a great deal, one should not bear a grudge and not take revenge. This is the way of the seed of Israel and their proper hearts. But heathens of uncircumcised hearts are not this way; they maintain their wrath forever…

And in *Hilkhot De'ot* 6:6, he writes,

> When one person sins against another, [the victim] should not harbor hatred and remain silent… Rather, it is incumbent upon him to speak [to his assailant] and to say, "Why have you done such and such and why have you sinned against me [by doing] such and such?" as it says, "Thou shalt surely rebuke your fellow." If the [aggressor] repents and asks for forgiveness, he must forgive. The forgiver must not be cruel, as it says, "And Abraham prayed to God."

However, it is crucial to note that even Rambam requires full and sincere repentance as an indispensable prerequisite for the granting of forgiveness. Rambam would agree that one is under no obligation to entertain petitions for forgiveness and would not violate the prohibitions against taking revenge, bearing grudges and hating until true repentance, reparations and personal transformation have been achieved.

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[38] *Kovetz He'arot*, *Yevamot*, no. 655.

[39] *Pesahim* 113b. See, however, *Berakhot* 10a,

> There were once some highwaymen in the neighborhood of Rabbi Meir who caused him a great deal of trouble. Rabbi Meir accordingly prayed that they should die. His wife Beruria said to him: "How do you make out [that such a prayer should be permitted]? Because it is written, 'Let *hatta'im* cease?" (Psalms 104:35) Is it written *hot'im* (sinners)? It is written *hatta'im* (sins)! Further, look at the end of the verse: 'and let the wicked men be no more.' Since the sins will cease, there will be no more wicked men! Rather pray for them that they should repent, and there will be no more wicked. He did pray for them, and they repented.

Repentance, Not Forgiveness

This analysis shows that the classical Jewish approach emphasizes repentance, not forgiveness. Thus, the burden is on the perpetrator to right the wrongs for which he is responsible. Justice must be served. Thus, perpetrators of violence against others must focus first and foremost not on their own spiritual or psychological welfare or on their desire for forgiveness, but, rather, on the physical, emotional, psychological and spiritual well being of their victims. They need to restore their victims to health and safety. They need to protect the safety and security of future, potential victims and keep them from suffering at their hands. They need to undergo treatments and therapies, if such are possible and effective, and they must be prevented from repeating their heinous acts. Society must be given the opportunity to seek justice and to rectify the wrongs that have been perpetrated against individuals and to prevent further violations of individuals and society as a whole. Then, and only then, is forgiveness possible.

Repentance is a difficult task. After all, how can one undo the past? Even if physical scars can be healed, and that is not always possible, how can one erase the memories and horrors that afflict victims years and lifetimes after they have been attacked? Perhaps that is the true mystery of repentance and forgiveness, when it is properly earned. Perhaps that is why sincere repentance is so difficult to accomplish and forgiveness is so difficult to achieve.

The Talmud, *Avodah Zarah* 17a, tells the story of one man's attempt to achieve forgiveness for a lifetime of debauchery. Using metaphor, the following talmudic account tells us of this sinner's many attempts fix the blame for his failings on external factors—society, nature, his parents—and his desire to place the onus of his moral transformation upon others.[40] Ultimately he learns that "the matter then depends upon me alone!"

> It was said of Eleazar son of Dordia that he visited every harlot in the world. Once, on hearing that there was a certain harlot in one of the towns by the sea who accepted a purse of denarii for her hire, he took a purse of denarii and crossed seven rivers for her sake. As he was with her, she blew forth breath and said: As this blown breath will not return to its place, so will Eleazar son of Dordia never be received in repentance. He thereupon went, sat between two hills and mountains and exclaimed: O, you hills and mountains, you plead for mercy for me! They replied: How shall we pray for you? We stand in need of it ourselves, for it is said, "For the mountains shall depart and the hills be removed!" (Isaiah 54:10) So he exclaimed: Heaven and earth, you plead for mercy for me! They, too, replied: How shall we pray for you? We stand in need of it ourselves, for it is said, "For the heavens shall vanish away like smoke, and the earth shall wax old like a garment." (Isaiah 51:6) He then exclaimed: Sun and moon you plead for mercy for me! But they also replied: How shall we pray for you? We stand in need of it ourselves, for it is said, "Then the moon shall be confounded and the sun ashamed." (Isaiah 24:23) He exclaimed: You stars and constellations, you plead for mercy for me! Said they: How shall we pray for you? We stand in need of it ourselves, for it is said, "And all the hosts of heaven shall molder away." (Isaiah 34:4) Said he: The matter then depends upon me alone! Having

[40] See R. Yonatan Eyebeshitz, *Ye'arot Devash*, sermon 3, p. 56a

> placed his head between his knees, he wept aloud until his soul departed. Then a Heavenly Voice was heard proclaiming, 'Rabbi Eleazar son of Dordai is destined for the life of the world to come!'… Rabbi [Judah the Prince, on hearing of it] wept and said, "One may acquire eternal life after many years, another in one hour!" Rabbi [Judah the Prince] also said, "Repentants are not only accepted, they are even called 'Rabbi'!"

This unusual and powerful account relates how, in response to the cutting remark of a prostitute, Eleazar son of Dordai was moved to seek divine mercy. He looked to blame his behavior on external factors and forces. He concluded, however, that he alone was responsible for his behavior and his deep-felt remorse led to repentance and, ultimately, to forgiveness. So too in the situations under consideration in this article, abusers are the one's who are responsible for the violence they perpetrate. And victims have the right to justice. Abusers are the ones who must admit their wrongs, heal the damage they caused and transform their own lives. Clearly, we as a society have a vested interest in helping them in this path, both for their own good and for ours. But it is impossible to talk about forgiveness until, like Eleazar son of Dordai, the abuser acknowledges, "The matter then depends upon me!"

Our conclusion is clear. Repentance and forgiveness are essential to the human condition; without them, we are lost. Without them, people remain at odds with each other and sinners remain alienated and distanced from God. But forgiveness is not easily acquired. True repentance is a necessary and indispensable prerequisite for forgiveness, a state that must be earned and deserved. Repentance must rectify the abuses and damages of the past and heal the traumas to the emotional and spiritual well being of victims. Offenders must be sincerely contrite and do what is necessary to transform their characters and never repeat their offenses. Justice must be served. Then they may be worthy of true *mehilah*, *selihah* and *kapparah* and of the human and divine gifts of forgiveness.