

ליקוטי ופסקי הלכות

"חוקי חיים"

ותלמוד
"הוקי חיים"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שבגנת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Halachos of Teshuvah

Haazinu – Shuvah 5784

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The Mitzvah of Teshuvah

Necessity of Knowing the Halachos

1. Every yom tov has its halachos. Obviously, there is a chiyuv to learn the relevant halachos for each yom tov in order to fulfill them properly. There are many halachos relevant to the mighty month ["ירח האיתנים"] of Tishrei, e.g., blowing shofar, hataras nedarim, the fast of Yom Kippur, daled minim, etc. However, there is a group of halachos which, sadly, is left at the wayside despite the fact that the main kedushah of these days is dependent on it – that is, the halachos of teshuvah.
2. Many people ask shailos to batei hora'ah and rabbanim in Elul and Tishrei about all sorts of halachos and about fulfilling the mitzvot in fine detail. However, only a very small percentage explore or ask shailos about the halachos of teshuvah, which is really the mitzvah of the day. Most people will tell you they never asked a shailah on this topic in their lives, not even about the main principles. Yet the Rishonim and other early rabbanim put in great efforts and toil in this area and wrote special sefarim about it. If so, we have a great responsibility to contemplate and study it well to know how to fulfill it properly (הליכות שלמה) (תשרי עמ' מ"ב). In fact, inspiration to do teshuvah comes from delving into and learning its halachos (באגרת המוסר).
3. **Halachah or mussar?** The halachos of teshuvah are not cited in one specific place in Shulchan Aruch; several of the halachos are scattered throughout Shulchan Aruch and its commentaries. However, they are primarily explained in Shaarei Teshuvah (Rabbeinu Yonah), Hilchos Teshuvah (the Rambam), and in various other mussar sefarim. Because of this, many people think the topic of teshuvah is a mussar matter, not a halachic chiyuv, and they therefore do not delve into these halachos. They are completely unaware that there are also halachos involved, and when one is missing a fundamental aspect of teshuvah, the teshuvah is invalid.

Chiyuv of Teshuvah

4. **All year.** We are commanded to do teshuvah in the posuk "ושבת עד ה'" (דברים ל, ב') "אלוקיך ושמעת בקולו" (דברים ל, ב') "אלוקיך ושמעת בקולו". However, this is not confined to a particular time. Thus, teshuvah is a mitzvah all year round, but not a complete chiyuv. Like the Rambam says (פ"א תשובה ה"א): *If one violates any of the mitzvot in the Torah – whether an asei or a lo saaseh, whether intentionally or unintentionally – when he does teshuvah and returns from his sin ...* Nevertheless, one should strive to do teshuvah promptly, for if he delays doing teshuvah, his punishment weighs on him every day (רבינו יונה, שערי תשובה שער א' פ"ב).
5. **Aseres Yemei Teshuvah.** Chazal (גמ' ר"ה דף ח"י ע"א) derive from the posuk (ישעיה נ"ה, ו') "דרשו ה' בהמצאו קראוהו בהיותו קרוב" that there is a chiyuv to seek out Hashem, daven to Him, and come close to Him during the ten days between Rosh Hashanah and Yom Kippur, as then Hashem is very much among us, as it were, and we can come close to Him. Some explain that the word "דרשו" implies that during these days, one should learn and delve into the halachos and ways to do teshuvah.
6. Thus, each person should search and examine his actions and do teshuvah for them in the Aseres Yemei Teshuvah (רמב"ם סי' תר"ג ס"א) (האזהרה). Since during these days Hashem is close to anyone who sincerely calls to Him and He opens His hand to those who do teshuvah, if a person does not call out to Him then with all his heart and soul to return to Him in teshuvah, he will surely be embarrassed and ashamed, and his sins are multiplied many times over (הדי"א, יוסף אומץ סי' תתק"ט) as he is disregarding a tremendous gift and a great opportunity Hashem gives us in this time period.
7. **Yom Kippur.** The day of Yom Kippur itself is the day Hashem lights up the path of teshuvah for us, as it were. It is very easy to do teshuvah with the power of this light. Therefore, we have a full chiyuv to do teshuvah in order to utilize the opportunity. As the Rambam writes (פ"ב ה"ז): *Yom Kippur is a time of teshuvah for everyone – the individual and*

the many – and the end of the forgiveness and atonement for Yisroel. Therefore, everyone must do teshuvah and confess on Yom Kippur.

8. This is derived from the posuk "יכפר עליכם לטהר אתכם מכל" (שע"ת שער ב' אות ד') "הטאתיכם לפני ה' הטהרו" which is a mitzvas asei d'Oraisa for a person to arouse his spirit to do teshuvah on Yom Kippur.
9. When the Beis HaMikdash stood, the Kohen Gadol did a process of Avodah unique to Yom Kippur in order to purify Klal Yisroel from their sins. However, *today that the Beis HaMikdash is not around and we do not have a Mizbeiach to atone, all we have is teshuvah. Teshuvah atones for all aveiros. Even if someone who was wicked his entire life did teshuvah at the end, nothing from his wickedness is recalled ... Yom Kippur itself atones for those who do teshuvah, as the posuk says, "כי רמב"ם פ"א ה"ג) "ביום הזה יכפר עליכם".*
10. **Yom Kippur only atones with teshuvah.** Although the day of Yom Kippur itself atones, that is on condition that it is with teshuvah. Yom Kippur does not atone for one who does not do teshuvah (גמ' יומא דף (פ"ה ע"ב, רמב"ם פ"א ה"ג, רמ"א סי' תר"ז ס"ו). The same is true if one does not do a proper teshuvah with all the fine halachic aspects of hilchos teshuvah – it is considered that he did not do teshuvah, so Yom Kippur does not atone. Thus, it is worthwhile for everyone to understand and learn the halachos of teshuvah so that he can be zocheh to the forgiveness, pardon, and atonement of this holy and wondrous day.

Shabbos Shuvah

11. **Value of teshuvah.** On Shabbos Shuvah, we read the Haftarah that starts with the posuk "שובה ישראל עד ה' אלוקיך" (הושע י"ד, ב'). As Chazal say: *R' Levi said, "Teshuvah is great, as it reaches the Kisei HaKavod, as the posuk says, "שובה ישראל עד ה' אלוקיך".* Through teshuvah, one can come close to Hashem – all the way to the actual Kisei HaKavod!
12. **Shabbos Shuvah drashah.** There is a minhag today to give a Shabbos Shuvah drashah. The main idea is to instruct the people about the ways of Hashem; to teach what to do; and to lay out before them the halachos of Yom Kippur and Sukkos. It is clear that this is a fulfillment of the halachah to inquire and teach the halachos of a yom tov within thirty days of it. The speaker must rouse the people about teshuvah: to do complete teshuvah before Hashem. If it is just analytical or merely a nice speech to display the speaker's wisdom in Torah, it does not fulfill the chiyuv (מ"ב סי' תכ"ט סק"ב).

Components of Teshuvah

Four Components of Teshuvah

13. We know from early rabbanim that there are four components to teshuvah: 1) Azivas hacheit [abandoning the aveirah] – the sinner must abandon his sin and remove it from his thoughts; 2) Vidui [confession] – He must verbally confess and say these matters that he resolved in his heart; 3) Charatah [regret] – He must regret his transgression, as the posuk says, "כי אחרי שובי נחמתי"; 4) Kabalah l'asid [future resolution] – he must resolve in his heart not to do it again (רמב"ם פ"ב ה"ב). We will explain and focus on each one of the four components to teshuvah.

Charatah

14. The sinner must have total regret for transgressing Hashem's will. The pain and regret will bring him to a complete, wholehearted desire to have never done what he did (רמב"ם הל' תשובה).
15. He should understand that he sinned against the G-d of Yisroel, and his regret should come from an awareness that he compromised Hashem's honor, not just from fear of punishment (שערי תשובה).

Vidui

16. One must confess each aveirah he did. That is, he must say and confess before Hashem that he sinned against Him.

17. **Reasons for vidui.** We find several reasons that define the mitzvah of vidui (הגרא"ז בלייער, קונטרס או ינע) 1) To be considered as someone doing teshuvah before Hashem (רמב"ם פ"א ה"א); 2) To have charatah, as it is normal for one who confesses to have regret (שע"ת ש"א אות ל"ט); 3) To humble oneself before Hashem through vidui (חובת הלבבות פ"ד) [this is why one must stand for vidui (ש"ע תר"ז ס"ג) – it is a more humbling way to do it and one will confess wholeheartedly (מ"ב סק"י)]. For this reason it is also proper to bow forward during vidui just like during Modim (מ"ב שם) and bend the head, as that is also a form of humility]; 4) As a type of azivas hacheit, as one who verbally expresses regret will be more careful not to do it again (חינוך מ"ע שס"ד).

Azivas HaCheit

18. Azivas hacheit means the sinner has to abandon the aveirah, change his negative characteristics that caused the aveirah, and change his ways. This is derived from the posuk "עזוב רשע דרכו ואיש און מחשבותיו" (שע"ר תשובה).

Kabalah L'Asid

19. The sinner must abandon the aveirah, remove it from his thoughts, and distance himself from all the factors that lead to the aveirah. Thus, one should resolve in his heart with all his will not to sin again. He should also strengthen himself not to sin, i.e., he should take protective measures to distance himself from the aveirah so that he doesn't easily repeat it. The Rishonim explain that the kabalah l'asid is part of azivas hacheit (שע"ר תשובה ש"א אות ל"א); just some say azivas hacheit is first, then charatah (רמב"ם), while others say charatah comes first, then azivas hacheit (שע"ר תשובה).
20. Out of the four components of teshuvah, vidui and charatah are things that are easy to do. As long as a person does not cast off the yoke of mitzvos, ח"ו, he truly regrets what was done. It is also easy to do vidui, as strictly speaking one who says "הסתאני עויותי ופשעתי" is yotzei (רמב"ם פ"ב ה"ז, טור, רמ"א ס"י תר"ז ס"ג). The difficulty in teshuvah is the kabalah l'asid not to sin anymore. We will now explain.

Kabalah L'Asid Not to Sin Again

Never to Repeat It Again

21. When he speaks about the nature of the kabalah that a baal teshuvah needs to accept upon himself, the Rambam (פ"ב תשובה ה"ב) writes, "The One Who knows hidden things will [be able to] testify about him that he will never repeat this aveirah." This implies one needs to accept it upon himself to the point that Hashem will testify that he will never repeat this aveirah.
22. Some are surprised and have difficulty with this concept. We were created with a yetzer hara that constantly burns within us and comes to convince us to do aveiros. "A person knows the bitterness of his soul," and one knows from experience that he doesn't always stand up like a strong wall to the yetzer hara. That being the case, how can one make such a kabalah? A person can deceive himself, but he can't deceive Hashem, Who knows hidden things. We wrote that each of the four components of kaparah are necessary – if so, we are at a loss as to how to fulfill the mitzvah of teshuvah.
23. **In his current state.** However, the Rishonim explain that the nature of the kabalah must be such that in his state and at the time he does teshuvah, he accepts upon himself – based on the regret, grief, and pain he has then – not to repeat that aveirah. Certainly, it must be a true kabalah that befits him then; if he knows right now that he wants to do the aveirah again, it has no validity.
24. However, once one sincerely accepted it upon himself that he does not want to do the aveirah, the teshuvah that he did remains and is not uprooted, even if it happens in the future ח"ו that he is unable to withstand the nisayon and does the aveirah again. That is just considered a new aveirah that must be rectified anew. This is true even if he repeats this aveirah multiple times (אמונות) רבינו סעדיה גאון, מאירי חיבור התשובה מאמר א', פ"ב, רבינו בח"י, כד הקמו ערך דעות מאמר ה' פ"ה, מאירי חיבור התשובה מאמר א', פ"ב, רבינו בח"י, כד הקמו ערך (כיפורים ב' בסופו, המב"ט בית אלקים פ"ו [Some infer this from the Rambam's wording: he refers to Hashem as "the One Who knows hidden things," not "the One Who knows the future."])
25. Obviously, if a person finds himself falling to an aveirah multiple times, part of his kabalah must be thinking about ways he can prevent himself from falling again and adding protective measures so that an assessment of the situation will show that he can find the strength to fight his yetzer. With that, he can resolve not to do the aveirah again. However, if, at the time of his teshuvah, he only has the desire not to repeat the aveirah but he does not do anything beyond that and he knows he will certainly stumble again, that is not even called a kabalah now. The desire not to do an aveirah alone is not a resolution not to do the aveirah.

R' Yisroel Salanter's Suggestion

26. **Kabalah for part of the aveirah.** R' Yisroel Salanter has a well-known chiddush regarding the kabalah l'asid that makes it easier for us to fulfill this component of teshuvah. That is, one can make a kabalah on one aspect of the aveirah even if he cannot make a kabalah on the whole matter. E.g., it is difficult for a person to accept it upon himself never to speak lashon hara no matter what. However, one can accept it upon himself not to speak lashon hara in a particular

place or situation or to a particular person. This kabalah in just a portion of the aveirah will also be considered for him a full teshuvah on Yom Kippur as long as he still has the drive to continually improve over time (שפת"י חיים יורה"פ עמ' ע"ד).

27. For every aveirah a person has, he must fix one portion of it. E.g., one can pick one hour in which he will not be mevatal Torah no matter what and not speak lashon hara no matter what, or the like.
28. **Kabalah on the easy parts.** Also, when one chooses to make a kabalah on a portion of an aveirah, he should choose something easier, not something harder. If something is easier to keep, the claim on a person for violating it is more severe. Thus, one should choose a kabalah in an easy area of the matter and take it upon himself in such a way that he will not violate it no matter what.
29. **Make me an opening the size of a needle point.** R' Yisroel Salanter's chiddush is that as long as one regrets the aveirah itself; takes it upon himself to make some sort of improvement in every aveirah he did; and does vidui for them; then Hashem lights up the way for him on Yom Kippur and cleans the filth of the aveiros. The gift of the day of Yom Kippur itself is opened like the entrance to a hall, with tremendous light and the benefits and segulos of the day's kedushah, so that one can be zocheh to a full kaparah.

Bein Adam L'Chaveiro Aveiros

Beis Adam L'Chaveiro

30. Yom Kippur does not atone for bein adam l'chaveiro aveiros until the person appeases his friend. Even if he only upset his friend with words, he must appease him (ש"ע סי' תר"ז ס"א).
31. **Rest of the year.** One must appease someone he sinned against the rest of the year too, and it is always worthwhile to appease the person right away so that he does not forget to ask forgiveness. Nevertheless, if one did not have time or forgot, he can wait until another day to appease him (מ"ב שם סק"י) or until before Yom Kippur.
32. **Erev Yom Kippur.** However, one is obligated on Erev Yom Kippur to rectify everything so that he can become purified from all his aveiros, as the posuk says, "כי ביום הזה יכפר עליכם מכל חטאתיכם." This also includes bein adam l'chaveiro issues, e.g., disputes and fights, telling and believing lashon hara, sinas chinam, etc.
33. **Monetary claims.** If one has some money he stole from someone else or anything else monetary-related, he should make sure to rectify it before Yom Kippur, as that is the biggest accusation against a person. As Chazal say, "A sa'ah of aveiros – which accuses at the head? Gezel accuses at the head." Thus, one who has a monetary claim against his friend should inform him. As a general rule, whenever it comes to money, one should not rely on his own rationalization, as the yetzer hara has lots of heteirim (ח"י אדם מ"ב שם סק"א).
34. Many bein adam l'chaveiro matters, e.g., theft or the like, also have an issur bein adam l'Makom. One must also do teshuvah on them to Hashem and do vidui before Hashem (מ"ב סי' תר"ז סק"ג). As long as one has not appeased his friend, thereby rectifying the bein adam l'chaveiro aspect, the bein adam l'Makom aspect of the aveirah is also not atoned for (מ"ב סי' תר"ז סק"א). The order is essential: one must specifically appease his friend first and only after that can he do teshuvah bein adam l'Makom (מ"ב שם); otherwise it is like going to the mikveh while holding something tamei (ח"י אדם).
35. **Litigants.** Also, people who have disputes about money or positions should resolve to go before a Jewish beis din; accept the beis din's psak as the Torah's halachah; appease each other; and create peace and harmony between the parties like brothers, friends, and people who love each other. That is Hashem's desire: to see His children loved down in this world, and then they will also be loved Above. They certainly should not go to secular court, ח"ו, in violation of our holy Torah (see Issue 168 at length), as if one does so, it is like he curses and blasphemes Hashem; he makes a chillul Hashem; and he lifts his hand against the Torah of Moshe Rabbeinu (ש"ע ח"מ סי' כ"ו ס"א). One who wrongfully goes to court should not be a shlich tzibur for Rosh Hashanah and Yom Kippur (מ"ב סי' נ"ג סק"ב).

Belief in Kaparah

36. Once a person does teshuvah properly, he must believe fully on Motzei Yom Kippur that he was zocheh to a complete kaparah and is like a newborn child. Some hold that if one does not believe this, his teshuvah indeed is not accepted. Thus, one should not, ח"ו, despair due to the great quantity of his aveiros. Instead, he should do Teshuvah and have tremendous joy in his heart that he was zocheh to a gift from Hashem in the form of kaparah for aveiros.

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