YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Bein Adam Le-chavero:* Ethics of Interpersonal Conduct**

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**Shiur #22: *Tokhacha* II**

In last week's lesson, we analyzed the Torah's description of how to give *tokhacha*, how to constructively criticize another who has transgressed. In this week's lesson, we will deal with the important questions of what types of actions require rebuke and whether this *tokhacha* should always be given. If there is a legitimate reason to believe that one's comments may not change the behavior of the perpetrator and may even be counterproductive, is *tokhacha* still called for?

**What Situations Obligate Rebuke**

The verse obligating *tokhacha* is not specific as to what types of violations require comment. Thecommentators on the verse speak of two different scenarios: either one has been affected by the actions of another or one who has witnessed another transgressing. Being offended by another's actions is seemingly dependent on the particulars of each case, whatever causes one to feel hurt; but it is the definition of a transgression which must be defined more concretely. Is it only severe violations that require rebuke, or does any transgression occupy this level?

While logic might limit the need for rebuke to outright violations, the sources seem to expand the obligation beyond that level. The Talmud in *Arakhin* (16b) speaks of unseemly behavior.

From where do we derive that one who sees something reproachable about his companion should rebuke him? It is said, “You shall certainly rebuke your comrade.”

The Talmud doesn't speak of an outright violation, but rather unseemly behavior. Furthermore, the Talmud *Berakhot* (31a) analyzes Eli's rebuke of Channa thusly:

“He said to her: ‘How long will you be drunk...'” (I *Shemuel* 1:14) — Rabbi Elazar said: “From here we derive that when one sees something improper about his fellow, he should rebuke him."

It is important to note that the source of obligation here is Eli's interaction with Channa; it is not explicitly learned from an imperative in the verse. Thus, it remains unclear as to whether this obligation is an explication of the biblical mandate "You shall certainly rebuke” or a separate post-Sinaitic obligation taught by the Prophets. Nevertheless, Tosafot in *Berakhot* (*ad loc.* s.v*.* *Davar*) are explicit in stating that this source includes any unbefitting conduct, even if it is not an explicit violation:

This refers to a case in which there is no violation of a Torah prohibition, for in any case in which there is a violation of a Torah prohibition, it is obvious, as it is written: "You shall certainly rebuke."

According to Tosafot, the Talmud is not talking about a case in which there is a clear violation of Torah law, as this is governed by "You shall certainly rebuke your comrade."

Similarly, the Rambam explicitly states in *Hilkhot De'ot* 6:7 that *tokhacha* is required even for one who is setting out on a bad track:

If one observes that a person has committed a sin or is pursuing a path which is not good, it is a duty to bring the one in error back to the right path and point out to him that he is wronging himself by his evil actions, as it is said: "You shall certainly rebuke your comrade."

The phrase "a path which is not good" is a bit vague, but considering the case of Eli’s berating Channa for public intoxication, despite the lack of an explicit prohibition against this, it would seem to include actions that might lead to sin.

Requiring *tokhacha* even for implicit violations would seem to be in line with our lesson of last week. *Tokhacha* is an expression of care for a fellow Jew's wellbeing. One who really cares about another is called to action whenever the other is slipping or beginning to behave in a manner not in consonance with his or her spiritual potential.

In truth, this discussion, as well as all of the difficult questions involving when rebuke is called for, may relate to an inquiry of HaRav Aharon Lichtenstein regarding the nature of the mitzva of *tokhacha*.

**Nature of the Mitzva**

In a fascinating article, HaRav Aharon Lichtenstein (see <http://www.vbm-torah.org/archive/halak57/01rebuke.doc>) deals with an important question regarding the nature of the obligation. Is the *mitzva* of rebuke an interpersonal mitzva, *bein adam le-chavero*, or an obligation *bein adam la-Makom,* between man and God? Is it rooted in one's desire to save his or her fellow Jew from destructive behavior, or in the obligation to defend God's honor whenever His word is violated?

Certainly, the requirement not to embarrass the recipient of rebuke takes into account the feelings of the sinner. However, this does not mean that the impetus is not actually God's honor; the interpersonal aspect would enter into the picture not as the source, but as an additional component.

One ramification of this question might be the previously posed query of what actions require rebuke. If the obligation is to react to sin, it may only apply to an act that has the status of an actual sin. If, however, we are obligated by this *mitzva* to set others on the right path in life, one must help another correct even improper behavior (like drunkenness) and character traits.

A second related issue may be the all-important question of whether one is obligated to rebuke one's fellow when there is reason to believe the admonishment will be ignored. If it is an interpersonal obligation, then logic may dictate that one should refrain from commenting if it will not be heeded. After all, besides possibly putting a strain on one's friendship, making the other aware of the nature of the act will change the individual from an ignorant perpetrator to a deliberate one.

Let us take a look at the sources.

**When One May be Ignored**

Regarding one's obligation to rebuke another under circumstances in which it is not clear the latter will listen, there is a great confusion amongst the sources. A number of the Talmudic texts seem to equate the need and desirability of *tokhacha* with its successful results, while others seem to require *tokhacha* under all circumstances in which wrongdoing is found. Making sense of the texts is left to the Rishonim, while the halakhic authorities codify the practical law. We will trace the basic discussion but focus on the implications for understanding the nature of *tokhacha*.

The Talmud (*Shabbat* 55a) states:

Rav Zeira said to Rav Simon, “The master should rebuke the household of the Exilarch.”

He replied, “They will not listen to me.”

He answered, “Even if they will not accept rebuke from you, rebuke them nevertheless."

Though Rav Simon initially thinks it unnecessary to rebuke the Exilarch, the political head of Babylonian Jewry, when his call would not be heeded, Rav Zeira teaches him otherwise. This means that one who is capable of rebuking must continue to do so even when it is ineffective. Who knows if it will be effective? As for when a person may cease rebuking another, the early Amoraim (*Arakhin* 16b) argue, but the point is very far.

To what point must one rebuke? Rav says, “Until one is hit;” Shemuel says, “Until one is cursed;” Rabbi Yochanan says, “Until one is scorned.”

The simple meaning of the text is that one is obligated to continue rebuking until one is hit, cursed or reprimanded.

These sources seem to make clear that one should always rebuke, even though there is no possibility that the words will be accepted; one may only cease if physically assaulted or cursed.

In contrast, the Talmud in *Yevamot* 65bstates that one is actually obligated to refrain from *tokhacha* if it will not be effective:

Rabbi Ilaa further stated in the name of Rabbi Elazar son of Rabbi Shimon: “Just as one is commanded to say that which will be heeded, so is one commanded not to say that which will not be heeded.”

Rabbi Abba said: “It is an obligation, as it is said (*Mishlei* 9:8), ‘Reprove not a scorner, lest he hate you; reprove a wise man and he will love you.’"

Along the same lines, the Talmud in *Beitza* 30a sets down a principle that one should allow those unknowledgeable in their actions to continue if they won't accept rebuke. It is mentioned in the context of the rabbinic prohibition of dancing and clapping on Shabbat.

Yet today we see people doing this, and we do not take them to task… Here also: Let Israel go on their way; it is better that they should err in ignorance than deliberately.

The Talmud continues there with a discussion regarding the cases in which this principle applies, originally entertaining the idea that withholding rebuke in this context is limited in scope to a rabbinic prohibition, while a biblical violation would obligate one to rebuke the sinners. However, it concludes otherwise:

But it is not so, for whether it is biblical or rabbinical, we do not tell them anything; indeed, the additional time of Yom Kippur is a biblical requirement, yet people eat and drink until dusk and we do not say anything to them.

This Talmud deals with three different cases to which the principle applies: the rabbinic prohibition of clapping or dancing on Shabbat, a rabbinic prohibition to sit at the edge of an alleyway which has a side post on Shabbatand the biblical requirement to start one's fast on Yom Kippur before sunset. This source would seem to indicate that at least when a person sins unintentionally and is expected not to accept rebuke, one should prefer not to confront the sinner, as this may lead to intentional sin.

As we saw last week, ineffective rebuke often leads to the exact opposite result, reinforcing within the sinner the desire to continue in sinful ways. Understandably, that might be the rationale behind the principle not to rebuke if it won't be effective.

The contradictory sources inspire a great deal of discussion by the Rishonim. There are two primary approaches in the Rishonim: those who limit the obligation to effective rebuke, with some exception, and those who stress the obligation to rebuke under almost all circumstances. Understandably, this dispute may reflect two fundamentally different ways of understanding the essence of the mitzva, as per Rav Lichtenstein's distinction.

**Only Effective Rebuke**

The Semag (11) maintains that one is forbidden to proffer rebuke if it will not be accepted, in line with the passage in *Yevamot*. The Chinnukh likewise writes (Mitzva 239):

Nevertheless, the Sages have also said that if one sees that his rebuke will not have any effect ... he is not obligated in this mitzva towards such a person. This is what they meant when they said, “Just as it is a mitzva to say something that will be accepted, so it is a mitzva to stay silent if his words will not be accepted,” because such a situation brings shame to the one rebuking and no benefit to the one receiving rebuke.

This understanding would explain *Arakhin* 16b, obligating rebuke until one is hit, cursed or scorned, as referring to a situation in which there is still a possibility that the listener will eventually pay attention to the rebuke.

This approach is readily understandable if the goal of the mitzva of rebuke is to help others better themselves. In certain situations of doubt, one may continue to rebuke, but if it is clear that the rebuke will be ineffective, it is better to be silent.

**Opinions Regarding the Need to Protest**

A different approach is offered by the Nimukei Yosef (*Yevamot* 21b, Rif) and formulated nicely by the Yere’im (223), who limits the concept of refraining from rebuke when it will prove ineffective to those who sin unwittingly, not those who do so knowingly:

If it is clear to the rebuker that they will not listen to him and they are sinning unknowingly, it is better to keep quiet, as we say in *Beitza*... But as for those who sin willingly, even though one increases his culpability, for he now sins after being forewarned… one must rebuke him, even though he will not be receptive.

The Yere’im explains that even when the rebuke will not benefit one's fellow, it is necessary as an act of protest, indicating that one must not remain apathetic to sin.

Various Rishonim who comment on the issue offer various distinctions. Some distinguish between cases in which one knows for certain that the rebuke will not be heeded and cases in which this is doubtful (see Tosafot *Arakhin ad loc.* s.v. *Af*); others differentiate between the mandatory first act of *tokhacha* and subsequent acts (Ritva, *Shabbat ad loc.*), or between individuals and the community (*ibid*.). (For an extensive discussion of the various opinions, please see Rav Yair Kahn’s essay, <http://www.vbm-torah.org/archive/halak57/01rebuke.doc>).

In fact, there is sufficient room to understand that there is a dual nature to the mitzva of *tokhacha*. There is certainly an aspect of *tokhacha* rooted in helping one's fellow improve his or her behavior, and this aspect should take into account its efficacy. In addition, at times one must react to sin, expressing disapproval and even protesting, even though the rebuke itself may prove ineffective.

**The Normative Halakha**

The Rema in *Orach Chayim* (608:2) differentiates between different instances regarding the obligation to rebuke. He comments on the statement of the Mechabber that one need not offer reproof to those unknowledgeable individuals who eat right up to nightfall before Yom Kippur, for fear that they will continue to do so knowingly. The Rema adds:

The same applies to all forbidden matters: we say thatit is better that they should err in ignorance than deliberately. But this is only when it is not stated explicitly in the Torah, even though it is by Torah law. If, however, it is stated explicitly in the Torah, we must object. If a person knows that his words will not be heeded, he should, in the case of community-wide wrongdoing, offer rebuke only one time, but he should not rebuke many times, since he knows that he will not be heeded. In the case of an individual, however, he is obligated to reprimand until he is struck or cursed.

The Rema differentiates between explicit sins and non-explicit ones regarding when one is permitted to remain silent. This distinction can be understood based on the view of the Rashba (*Beitza* 30a), who explains that the reason explicitly-stated commandments are treated more severely is because one cannot consider them unintentional.

Secondly, the Rema distinguishes between the case of an individual and that of the community, understanding that the passage in *Yevamot* applies only to the community. Rav Lichtenstein offers an explanation of the Rema's distinction based on the question we posed above. He explains that one may view the initial rebuke as relating to that element of the mitzvaof rebuke between man and God, whereas the subsequent rebuke stems from the interpersonal aspect of the mitzva. Since rebuke will not help, there is no reason to continue reprimanding after the initial rebuke. The initial rebuke is not meant only to change and reform the sinner, but rather to avoid remaining silent in the face of the sinful behavior that surrounds one.

One must develop a balance between protesting sin and being an effective comrade. Understanding modern man's dislike for rebuke requires us to further understand how to help others improve their ways.

**Limitations of *Tokhacha***

Despite the explicit obligation codified by the Rema regarding the obligation to proffer rebuke for a matter explicitly mentioned in the Torah as a form of protest even if it will not be adhered to, the Chafetz Chayim points out that we may not be able to act that way in our days.

In *Bei’ur Halakha* (*OC* 608:2), he cites a number of limitations:

It is reasonable to say that the ruling of the Rema, which states that for something written explicitly in the Torah we are obligated to protest, applies only to infrequent sins, but for people who reject religious observance completely – for example, those who violate Shabbat in public or eat non-kosher food specifically in defiance of Halakha — such people are excluded from the term “*amitekha,”* and one is not obligated to give them reproof.

The Chafetz Chayim understands that even the aspect of protest as part of the mitzva is limited to those who are in the category of “*amitekha,”* “your comrade” — those who are interested in keeping the Torah but might slip at some point. Even though they may do so intentionally, they are not interested in being wicked. He cites support for this ruling from *Tanna De-vei Eliyahu* (ch. 18), which is quoted in short by the Vilna Gaon. He explains that one should not rebuke another who will only hate one for doing so (*Adderet Eliyahu, Kedoshim* 19):

The word “*amitekha*” is meant to include someone who is your comrade in *mitzvot* but exclude someone who is wicked and will only hate you for your rebuke, as the verse states “Reprove not a scorner, lest he hate you; reprove a wise man, and he will love you."

This understanding essentially limits the concept of *tokhacha* to explicit sins committed by those who are liable to accept rebuke. The Chafetz Chayim himself debates the need to rebuke one who sins out of an inability to control desires while having no explicit interest to defy the Torah.

If so, one can understand the limited applicability of *tokhacha* to certain parts of society. In truth, rebuke in our day and age raises a couple of other issues as well.

**Rebuking Modern Man**

As we noted earlier, in the Talmudic era, some already considered rebuke anachronistic. The Talmud (*Arakhin* 16b) teaches:

Rabbi Tarfon said, “I wonder if there are any in this generation who are able to give rebuke…”

Rabbi Elazar son of Azarya said, “I wonder if there are any in this generation who are able to receive rebuke.”

If no one knows how to give rebuke, should the mitzva still be practiced? If the obligation is for the benefit of one's fellow, one could imagine forgoing it if it would only prove detrimental. However, if one views rebuke as an obligation of protest, one can imagine doing so even with the knowledge that it won't succeed in changing the other’s practice; regardless, one will succeed in making it clear that this behavior is not in consonance with what God wants. This might explain the statement of the Chokhmat Shelomo (605), who writes:

If [the sin was committed] in public and there is a possibility that others will learn from the sinner, one should protest the transgression of even a rabbinic law.

One might also view the rebuke as beneficial — if not for the individual who has sinned, then at least for the wider audience who witness the actions.

In truth, there might be an alternative form to the mitzva of *tokhacha*, the focus of which is not primarily rebuke but rather education. In the *Shitta Mekubbetzet (Beitza ad loc.*), we find:

The Ritva *z"l* said that one of the great Ashkenazic rabbis testified that his rabbis in France, among them the Ri and the Maharam of Rothenburg, said that [the rules of *tokhacha*] only applied in the generation of the rabbis of the Talmud. However, in this generation, where we are lenient in many matters, it is fitting to make a fence for the Torah. [Therefore] we should protest and exact fines even for transgressing rabbinic *mitzvot* so that people should not commit either unknowing or willful sins.

**Rav Hirsch and Modern *Tokhacha***

In our contemporary climate, giving and receiving rebuke are much more difficult; indeed, the attitude of love which rebuke is supposed to be viewed with (see Lesson 19) is utterly absent.

Rav S. R. Hirsch, witnessing the beginnings of Reform Judaism, points out an important distinction between cases in which one should be silent for fear others won't listen to and cases in which one must nevertheless speak up. He explains that the biblical mandate to avoid embarrassing another in the process of rebuke and the Talmudic principle of ignorance being preferable to deliberate violation are both limited. In addition to the Rambam’s differentiation between interpersonal offenses and ritual sins (for the latter, one is allowed to embarrass the perpetrator), he adds another distinction:

In our opinion, the ruling applies only to reproof at the time of the commission of an offense; at most, it applies to special appeals to those who commit offenses. The ruling does not mean, however, that it is forbidden to teach Torah to a wide audience and to instruct people in regard to the forbidden and the permitted. On the contrary, these are the duties that are incumbent at all times upon all teachers of Torah, especially if adherence to the law suffers due to widespread ignorance.

He brings support from the text of the Talmud, which specifically mentions a limitation on reproof at the time of committing an offense, then continues:

To interpret otherwise is to say that whenever people become habituated to sin because of ignorance, one may not rectify the situation by teaching Torah. How absurd! Were this true, the Torah would gradually become irrelevant.

Then he quotes the Ritva's remark that this caveat applies only when Torah observance is widespread and offenders are few; otherwise, one must raise objections.

In a fascinating article, HaRav Yehuda Amital adds (see <http://www.etzion.org.il/vbm/archive/halakha-combined.htm>) that the mitzva of *tokhacha* is equally inapplicable for unaffiliated Jews, because one who doesn't accept the divinity of the Torah will not be moved by exhortation, and specifically regarding them it is "proper to refrain from things which will not be heeded."

Nevertheless, taking Rav Hirsch’s lessons to heart, we need not be silent amidst an ignorant world. *Tokhacha* must have long-term goals, rooted in an educational system that will be able to slowly edify those who are unknowledgeable. One might say that our protest will be accomplished by being committed to the word of God and uncompromising in our own individual observance, but in our dealings with others, we will model our actions after the insightful words of the Rashba (*Responsa* 5:238):

Be aware that a soft-spoken word shatters bones, and different ways will clear a path before the people to remove obstacles from them. Therefore, one must progress from the easy to the difficult and not attempt the entire package all at once. These words are directed towards the intentions of the heart…[Our Rabbis] have already shown us good and clear counsel, as it states in *Avoda Zara* (15a)… that Rabbi Yehuda intended to uproot the entire practice, and therefore he uprooted it slowly, bit by bit.

Furthermore, you should know that it is impossible to deal with all people equally. Recall that David, our king, decided to overlook the misconduct of Yoav and Shimi, even though they deserved death, for to everything there is an appropriate time, and ignoring something sinful is occasionally a positive commandment, and everything must be measured by the needs of the hour...

The Rashba states that even though, generally speaking, it is improper to ignore the behavior of a sinner, at times it is a mitzva, if the situation so requires. The Rashba says further:

And if silence, employed to ultimately yield positive results, is occasionally ineffective, the use of force will only engender the opposite.

The Rashba seems to be saying that even if the strict letter of the law requires *tokhacha,* often a more thought-out, long-term approach will be more efficacious. This method was employed by Rav Yisrael Salanter in France, where an extended educational effort about the importance of Shabbat replaced outright protest.

There is nothing more difficult than knowing when the mitzva is to say something and when the mitzva is to be silent. While protest is sometimes called for, at other times we must develop a more proper and modulated balance.

In our day, many of those who leave the path of Torah are doing so more to express their lack of connection rather than their lack of knowledge; they are aware that what they are doing is wrong in the eyes of the committed. For those who lack commitment, even an act of protest might be ineffective. If so, then the modern expression of the mitzva of *tokhacha* is often not through rebuke but rather through *kiruv*, drawing others close by outreach and inspiring others. In the next lesson, we aim to expound on the basic mitzva to help others in spiritual need, specifically those who are weighed down by religious confusion.