

Parshat Kedoshim

The Mitzva of Rebuke: Interference, Criticism, or an Act of Love?

I imagine that most of you have heard of the *Mitzva* of *Tochacha* - "Rebuke." In short, we have here a law which - according to the popular understanding - says that if a Jew witnesses a fellow Jew engaged in a religiously inappropriate or illegal act, he is mandated to inform him of his sinful act and to reprimand the offender. "You must surely rebuke your fellow."

CONTEMPORARY RELEVANCE?

How many of us are prepared to do this? Apart from risking a bloody nose if we interfere in a total stranger's life, a basic problem that a modern person has with this rule is that it seems to fly in the face of a modern consciousness. In the Western world, every person has a right to live their life as they wish, as long as it does not interfere or offend anyone else. The law of Rebuke would seem to overstep the boundaries of our "personal space," asking us to offend one of the deepest sub-currents of contemporary Western society.

In addition, changes to the Jewish world at large ever since the Emancipation have left us with a demographic situation in which more Jews are Halakhically non-observant than those who are fully "*Shomer Halakha*." Many have never heard of *Kashrut*, let alone *Netilat Yadayim*! In that case, how does one approach a secular Jew and instruct them to keep Halakha? Is this what the Torah wanted?¹

MODERN AFTER ALL!

But whereas at our initial glance the Mitzva of Rebuke seems the antithesis of tolerant liberal society, on second thought we might beg to differ. After all, society at large DOES allow one to interfere with the public domain. I imagine that people on a bus would feel free to ask a smoker to stop smoking. A homeowner would rebuke someone who parked over his driveway. A person would say something if a work associate was driving their child without a seat belt. People might express indignation and insult if a workmate was making racist or sexist remarks. What would Americans do if a fellow-citizen burned an American flag in a public place? Students would be up in arms if a fellow student's right to free-speech were violated.

In other words, if we are dealing with a consensus issue in the Western pantheon of truths, then a person may, in fact one is obligated to intervene in order to obstruct a crime, an offensive act, an infraction of Human Rights.

So, maybe this law is not so strange after all. There is a system of communal pressure, of people power that enforces

the law, without any resort to the Judiciary. Every society has a set of consensus values and practices whose violations are an affront to the very underpinnings of that society. A violation of essential truths, moral standards, are certainly a cause to raise one's voice in warning, and then dissent or protest.

The Halakhic aspects of this topic have been widely dealt with. See the volume of the Orthodox Forum, and the

This week we shall discuss the Mitzva of *Tochacha*, Rebuking a fellow Jew.

Chavruta

See the pesukim 19:17-18:

- Ask yourself ... How many mitzvot are contained in these particular pesukim, a mini-parsha?
- What is the conceptual connection between these different statements?

2. What is the relationship between the act of "rebuke" and the statement "you shall not bear sin upon him"?

- What does that end-phrase mean? See *Mepharshim*:

3. Rambam *Hilchot Deot* Ch.6-7 reads almost like an expansion of these pesukim. Worth studying!

Shiur:

You shall not hate your brother in your heart, you shall surely rebuke your fellow, and not bear sin because of him. (Lev. 19:17)

We have a series of statements here:

1. Do not hate your brother in your heart
2. Rebuke your fellow-Jew
3. Do not bear sin because of him

How do these statements all fit together?

THE SEFER HACHINUCH

Here is the language of the *Sefer HaChinuch*.

"(It is an active obligation) to rebuke any fellow Jew who acts against the law, whether a societal law (*bein adam lechavero*) or a Mitzva between man and God, as it states "You shall surely rebuke your fellow Jew, and you shall not bear sin against him." The Sifra tells us that even if one rebuked an individual four or five times, one must continue to inform the person as it states "*Hocheach-Tochee'ach*" (In other words; rebuke, and then rebuke again!) ... The Sifra also says: Is one instructed to rebuke in a manner which will cause embarrassment? It states: "DO not bear as sin because of him""

In other words, the Mitzva here relates to any of the 613 instructions of the Torah. One must confront a Jew who

¹ <http://tinyurl.com/dczw5>

breaks the Torah, even informing them time and time again. But one may not embarrass the person.

The Chinuch (quoting the Sifra) neatly explains the phrase: "You shall not bear sin because of him," as indicating that despite the confrontation, one may not overstep the limit and embarrass the individual. This clearly means that the rebuke should be gently delivered!

However, the first phrase in the verse seems a little out of place. How does "You shall not hate your brother in your heart" fit in?

RESPONSIBILITY

The Ramban raises a second possibility for the phrase, You shall not bear sin because of him,"

"You will bear guilt if he sins and you have not rebuked him."

The principle of "Kol Yisrael Areivin Zeh LaZeh" of a mutual responsibility between Jews, is invoked here. If I have the ability to influence another person and I fail to exercise my moral responsibility, then I am in some manner culpable for the criminal act.

The question however, still remains as to how the clause: "You shall not hate your brother" is a relevant and appropriate opener at this juncture.

Perhaps the Rashbam's comment is fitting here:

"Love Your Fellow (colleague) as Yourself: If he acts as your "fellow," if he is a good person. But not if he is evil. Then, "fear of God is the hatred of evil."

Might we say that in order not to reach the point of neighbours who are entrenched in evil, we need to exercise our neighbourly influence and to issue a rebuke if it is relevant.

RESOLVING MISUNDERSTANDINGS

Some commentators understand the passuk very differently as referring entirely to the interpersonal dimension. The Rambam writes (Hil. Deot 6:5-6):

[5] Anyone who hates another Jew in his heart transgresses the command: 'Do not hate your brother in your heart' ... [6]When one person sins against another, the latter should not hate him and remain silent. As it is said about the wicked: 'And Absalom spoke to Amnon neither good nor evil, although Absalom hated Amnon.' Rather, he is commanded to speak to him and to say to him, "Why did you do such-and-such to me? Why did you sin against me in such-and-such a matter?" As it is said, "You must surely admonish your neighbour." If he repents and requests forgiveness from him, he must forgive and not be cruel, as it is said, "And Abraham prayed to G-d . . ."

Here the passuk fits together beautifully:

1. Do not hate your brother in your heart

hence

2. **Rebuke him!** In other words, if he offends or affronts you, "**Rebuke him,**" confront him about it and talk it through with him. Maybe you have made a mistake...

so that

3. **You will not bear against him a sin** i.e. by hating him without cause.

Here the various phrases come together beautifully. (This reading is shared by the Rashbam, Ramban, Hizkuni.)

But we have at the same time, radically reframed this classic Mitzva. I think that it should be evidently clear that this mitzva is not about interfering in anyone's personal life. Rather, it is about resolving interpersonal misunderstandings, talking problems and arguments through, and ensuring that we do not, God forbid, bear animosity towards any Jew.

"Love your neighbour as yourself. But not all neighbours are loveable. There are those who, out of envy or malice, have done you harm. I do not therefore command you to live as if you were angels, without any of the emotions natural to human beings. I do however forbid you to hate. That is why, when someone does you wrong, you must confront the wrongdoer. You must tell him of your feelings of hurt and distress. It may be that you completely misunderstood his intentions. Or it may be that he genuinely meant to do you harm, but now, faced with the reality of the injury he has done you, he may sincerely repent of what he did. If, however, you fail to talk it through, there is a real possibility that you will bear a grudge and in the fullness of time, come to take revenge – as did Absalom." (Rabb Sacks 5767)

What is so impressive about the Torah is that it both articulates the highest of high ideals, and at the same time speaks to us as human beings. If we were angels, it would be easy to love one another. But we are not. An ethic that commands us to love our enemies, without any hint as to how we are to achieve this, is simply unlivable. Instead, the Torah sets out a realistic programme. By being honest with one another, talking things through, we may be able to achieve reconciliation – not always, to be sure, but often. How much distress and even bloodshed might be spared if humanity heeded this simple command.

In these days of the Omer when R. Akiva's students died because they did not treat each other respectfully, let us try to ensure maximal sensitivity to all those around us.

Shabbat Shalom