

Do You Forgive Me? The Halachos of Asking Mechilah

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As the summer draws to a close and we return to our regular sedarim and routines, our thoughts turn to the approaching month of Elul—referred to by Chazal as yemei harachamim—a period uniquely suited for spiritual growth and aliyah (see Mateh Ephraim, Hilchos Rosh Hashanah). An essential component of this elevated avodah is the process of teshuvah, through which one can alter the trajectory of his life in ways that are particularly accessible during the lofty days of Elul. We are granted the opportunity to rectify past misdeeds and elevate ourselves through the powerful gift of teshuvah.

As is well known, teshuvah must be addressed in two realms: bein adam laMakom and bein adam lechaveiro. This article will focus on the halachic requirements in the latter category—how to repair interpersonal relationships in accordance with halachah.

FROM WHOM TO ASK MECHILAH

The Rema in Hilchos Yom Hakippurim (Orach Chaim 606:2) records the minhag to ask others for forgiveness on Erev Yom Kippur. The Aruch Hashulchan explains that this applies even if one is unaware of having wronged the other; nevertheless, it is proper to ask forgiveness in case some offense was committed unknowingly. The Kaf HaChayim (606:24) notes that this is particularly relevant in the context of one's parents. One who fails to ask mechilah from his parents for any wrongdoing is considered lacking in basic kavod and deficient in the mitzvah of kibbud av va'eim.

One must also ask mechilah from a katan whom he may have wronged. According to Rav Nissim Karelitz zt"l (Chut Shani, p. 101), a minor's willingness to forgive suffices to be moichel the one who wronged him. Others, however, disagree and maintain that a katan does not possess the daas to offer effective mechilah. Therefore, one must be particularly cautious not to cause harm to minors (Rav Dovid Zucker shlit"a, based on the Steipler Gaon and Rav Shlomo Heiman zt"l).

If one wronged another person who subsequently passed away, he is obligated to request mechilah at the kever, in the presence of ten people (Shulchan Aruch ibid.). The Magen Avraham writes that one should remove his shoes before approaching the kever. The purpose of assembling a minyan is to bring the presence of the Shechinah; once that is accomplished, the deceased will certainly forgive (Aruch Hashulchan ibid.).

HOW TO ASK MECHILAH

Preferably, one should ask the person he wronged for forgiveness in person. The very act of humbling oneself to request forgiveness is itself a form of teshuvah, as the busha of doing so serves as a kapparah (Mateh Moshe). If that is too difficult, one may appoint a shaliach to convey the request (Mishnah Berurah ibid. 2). If even that is not possible due to excessive embarrassment or discomfort, one may do teshuvah privately and rely on the victim's recitation of Tefillas Zakah to achieve atonement (Rav Elyashiv zt"l, Ashrei Halsh, Orach Chaim 3:20:5). Still, this is only b'dieved and not the preferred way.

Although the Shulchan Aruch (Orach Chaim 606:1) writes that one should initially ask mechilah in the presence of three others, the Biur Halachah cites the Rambam and the Yerushalmi who hold that for the first attempt, one may approach the individual privately. If he is not forgiven after that, subsequent requests should be made in front of three people. Rav Shmuel Kamenetsky shlit"a (Kovetz Halachos, p. 306) writes that even minors may be included in this group, citing a maaseh with Rav Chaim Brisker

zt"l, who once brought his young son (the future Brisker Rav) with him when asking forgiveness—despite the child being a katan.

If the wrongdoing occurred publicly, then mechilah must be sought in the presence of at least ten people (Mekor Chaim, Aruch Hashulchan Choshen Mishpat 422:2).

One is required to ask for forgiveness up to three times. If after three sincere requests the individual still refuses to forgive, the obligation has been fulfilled (Mekor Chaim 606). These three attempts may be made consecutively; one need not leave and return to fulfill the requirement.

When asking in front of others, one should avoid specifying the nature of the wrongdoing, as it is inappropriate to publicize such matters (see Igros Moshe, Even Ha'ezer 4:47:3). Even when approaching the person alone, some poskim hold that if the other party is unaware of the offense, it may be wrong to bring it to their attention, as this could cause pain or resentment (Halichos Shlomo 3:6; also cited in the name of Rav Yisrael Salanter zt"l). However, the Chofetz Chaim (Sefer Chofetz Chaim 4:12) appears to require one to specify the aveirah committed against another.

If one stole from someone without their knowledge, returning the object discreetly to a secure location may be sufficient for teshuvah—provided the owner was unaware it had gone missing and did not incur any loss (Rav Elyashiv zt"l, Ashrei Halsh, Orach Chaim 3:20:8; see also Sefer Ateres Dudaim, Parshas Ki Seitzei). If there was any hefsed or awareness, then one must request mechilah and offer full compensation.

DO I HAVE TO FORGIVE?

One is not obligated to forgive if he does so merely to avoid appearing cruel (Shulchan Aruch 606:1). The Magen Avraham clarifies that withholding forgiveness is permitted when it is for one's own well-being or for the benefit of the offender, such as encouraging genuine remorse and change.

Even if forgiveness is not granted, once a person has sincerely asked for mechilah three times, he has fulfilled his obligation (Shu"t Yeshuas

Yaakov 606:1). Nevertheless, if the hurt party continues to suffer, the one who caused the harm may still be held accountable in Shamayim.

One who publicly damaged another's reputation is not automatically entitled to be forgiven (Shulchan Aruch ibid.) due to the ongoing embarrassment and lasting harm to the person's name (Magen Avraham, Levush). However, one who aspires to the middah of anavah is encouraged to be mochel even in such cases (Magen Avraham, Mishnah Berurah 606:11).



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