

Hilkhot Teshuva 2:5  
Public Versus Private Repentance  
By David Silverberg

It is greatly praiseworthy for the penitent sinner to confess to the public and inform them of his iniquities and disclose the transgressions [committed] between him and his fellow to others, and he should say to them, "I have indeed sinned against so-and-so and I did such-and-such to him. I hereby repent and regret." And whoever arrogantly refuses to inform [people of the transgression] and instead conceals his misdeeds – his repentance is incomplete... Regarding what is this said – regarding transgressions between man and his fellow. But with regard to transgressions between man and the Almighty – he need not publicize himself, and it constitutes brazenness if he discloses them [the transgressions]. He should rather repent before the Almighty, enumerate his sins before Him, and confess for them publicly without specifying. And it is preferable for him that his shame is not disclosed...

(Hilkhot Teshuva 2:5)

I.

Maimonides here addresses the question of whether confession and repentance should be performed publicly or privately; whether a person should endeavor to keep word of his misdeeds concealed, or make a point of revealing them to the public. In answering this question, Maimonides distinguishes between the two familiar categories of transgressions: *bein adam la-Makom* (sins between man and God) and *bein adam la-chaveiro* (sins between man and his fellow). In the former case, publicizing one's wrongdoing constitutes "brazenness" (*azut panim*), whereas in the latter case it is proper to publicly confess and express remorse, as doing otherwise would be viewed as arrogance.

The Ra'avad (Rabbi Avraham Ben David of Posquieres, 1120-1198), in his critique of *Mishneh Torah*, qualifies Maimonides' ruling concerning the category of *bein adam la-Makom*. In his view, even regarding sins of this type one should publicize his *teshuva* if the news of the incident has already become known. The Ra'avad writes, "For just as the sin has been publicized, so must he publicize his repentance and shame himself publicly." Once the news of one's transgression has become public knowledge, he should endeavor to publicize his repentance, as well, regardless of the humiliation and embarrassment he will experience as a result.

Rabbi Yosef Karo (author of the *Shulchan Arukh*, 1488-1575), in his *Kesef Mishneh* commentary, contends that Maimonides in fact accepts the Ra'avad's qualification. Maimonides denounces one who "discloses" offenses committed against God, seemingly referring only to cases where the sin has yet to reach the public ear. Once the news of the wrongful conduct is known, then certainly, the *Kesef Mishneh* contends, even Maimonides would allow, and in fact encourage, the sinner to make his repentance public.

The source of this discussion appears in a Talmudic passage towards the end of Masekhet Yoma (86b) where the Gemara addresses a seeming contradiction between two verses with regard to this issue. King David declares in the Book of Tehillim (32:1), "Fortunate is he...whose sin is concealed," suggesting that one's religious failings should not be made public. In the Book of Mishlei (28:13), however, King Shelomo teaches, "He who conceals his iniquity will not succeed." The Gemara cites two traditions among the *Amoraim* for reconciling these two conflicting verses. Rav distinguished between sins that have already become public knowledge, and those that have escaped the public's ear. The verse in Mishlei speaks of misdeeds that have been publicized, for which one should publicly repent, whereas in Tehillim David speaks of sins that have been kept private, the *teshuva* for which should also remain concealed. Rav Nachman, however, drew the aforementioned distinction between sins committed against the Almighty and offenses against one's fellow, as discussed earlier.

The Ra'avad clearly maintained that these two traditions complement, rather than dispute, one another, and both are in fact correct. In his view, Rav Nachman's distinction between the categories of *bein adam la-Makom* and *bein adam la-chaveiro* already assumes the distinction drawn by Rav between public and private misdeeds. Rav Nachman simply clarifies that even for sins kept private one should repent publicly if the sin involved an offense against his fellow. The only time one should keep the transgression concealed is when it affected only one's relationship with the Almighty, and it has not already become public knowledge. According to the *Kesef Mishneh*, as we saw, Maimonides accepts this view, as well.

## II.

A number of questions, however, must be addressed concerning Maimonides' presentation of this *halakha*, and its underlying rationale. Let us begin by considering these two distinctions drawn by the Gemara – the distinction between the categories of *bein adam la-Makom* and *bein adam la-chaveiro*, and that between public and private transgressions. The latter distinction appears, at least at first glance, readily understandable and intuitively logical. If the violation is already public, it is reasonable to encourage the sinner to publicize his repentance so that others will recognize the wrongfulness of the act and not look to the sinner's misconduct as a model to emulate. Otherwise, it is best to keep the information private rather than allow news of the violation to spread and cause unnecessary shame to the sinner. In other words, public sin should be followed by public repentance in order to discourage potential imitators, while in cases of concealed sin no purpose is served in disseminating the information and subjecting oneself to embarrassment.

The second distinction, however, seems more difficult to explain. If a person committed an offense against his fellow that has not become public knowledge, what is gained through publicity of the *teshuva*? Why would we encourage a sinner to expose his wrongdoing? Moreover, one might question the validity of such a distinction to begin with. Isn't every transgression against one's fellow also a sin against God? If the perpetrated act is forbidden by the Torah, then it certainly amounts to a transgression *bein*

*adam la-Makom* as much as it constitutes an offense *bein adam la-chaveiro*. How, then, might we explain this distinction?

Furthermore, an explanation is required for Maimonides' concluding remarks in this passage, where he discusses the proper manner of confessing for sins *bein adam la-Makom*: "He should rather repent before the Almighty, enumerate his sins before Him, and confess for them publicly without specifying...." Maimonides requires public confession even in cases of *bein adam la-Makom*, but maintains that this confession should be generic, rather than specific. One should, indeed, publicize the fact that he has sinned, but without publicly identifying which sin has been committed. The Gemara makes no mention of this *halakha*, and it appears puzzling why we should encourage a generic confession. Is this not also embarrassing for the sinner, and perhaps also a defamation of God in publicizing the fact that one has transgressed the Torah?

Finally, we might question the structure and form of Maimonides' ruling in this passage. Instinctively, we would have perhaps expected him to establish from the outset that the issue of concealing or publicizing one's sin hinges on its nature, whether the offense was committed against man or against God. But Maimonides chose to structure this ruling differently, by first establishing the general rule that "it is greatly praiseworthy for the penitent sinner to confess to the public and inform them of his iniquities..." He then proceeds to qualify this rule by restricting it only to offenses *bein adam la-chaveiro*. The implication of this structure is that cases of *bein adam la-Makom*, when one is encouraged to keep the information private, marks the exception rather than part of the basic rule, and the question naturally arises as to why this is so.

### III.

To explain this passage, we should perhaps view it in context of the previous *halakha* (2:4), in which Maimonides enumerates the *darkhei ha-teshuva*, the modes of conduct that are appropriate for a penitent sinner to follow as part of his process of repentance:

It is in accordance with the ways of repentance for the penitent sinner to always cry before God with weeping and supplication, to perform charity according to his ability, to distance himself greatly from the matter regarding which he sinned, to change his name as if to say, "I am somebody else, and I am not that person who committed those acts," and to change all his actions favorably and to the proper path, and to leave his location into exile, for exile atones for sins as it causes one to be subdued and be humble and lowly of spirit.

Immediately following this description, Maimonides proceeds to speak of the importance of publicizing one's sin, rather than keeping it concealed: "It is greatly praiseworthy for the penitent sinner to confess to the public and inform them of his iniquities..."

The relationship between these two passages likely relates to the central importance afforded to humility and submissiveness as part of the experience of *teshuva*. In explaining the function served by changing location as a measure of penitence,

Maimonides writes that relocating "causes one to be subdued and be humble and lowly of spirit." Conversely, in *halakha* 5, Maimonides condemns the concealment of one's wrongdoing, asserting that this constitutes an expression of arrogance: "And whoever arrogantly refuses to inform [people of the transgression] and instead conceals his misdeeds – his repentance is incomplete..." We might therefore conclude that Maimonides looked upon public confession as an important means of humbling oneself as part of the process of repentance. Like exile, publicly confessing wrongdoing – as opposed to the natural tendency to portray oneself as innocent and infallible, and to always defend one's conduct – brings upon a person a sense of humility and submissiveness. Both measures cause a degree of uneasiness and discomfort which should accompany the experience of *teshuva*. Hence, Maimonides begins this *halakha* by establishing as a general rule that "it is greatly praiseworthy for the penitent sinner to confess to the public," thereby lowering and humbling himself as the process of repentance demands.

However, the value of public confession must be weighed against the concern for what Maimonides calls "*azut panim*" – brazenness. The Talmud (Sota 7b) records Rav Sheshet as declaring, "I consider somebody who specifies his sin brazen" ("*Chatzif alai de-mafrit chata'ei*"). Rashi explains that speaking openly about one's wrongdoing leaves the impression that he experiences no shame over what he has done, and feels perfectly at ease speaking about the incident. Thus, there exists a certain tension with regard to the issue of publicizing or concealing one's misdeed. On the one hand, it leads to an appropriately subdued spirit, but on the other, it could be mistaken for a display of indifference and a lackadaisical attitude towards the gravity of the act.

Characteristically, *Halakha* is sensitive to these conflicting concerns and acknowledges the complexity inherent in this issue. (Very often, seemingly "trivial" halakhic minutiae and complexities are actually a reflection of a profoundly delicate balance between conflicting values or concerns. A complete, uncompromising, integrated Torah lifestyle means loyally devoting oneself to a wide array of ideals and principles, which, understandably, will frequently clash with one another. The halakhic system is geared towards guiding the observant Jew towards a proper sense of balance and proportion in his *avodat Hashem*, instructing him when and where to afford precedence and how to build his scale of religious priorities.) *Halakha* carefully established specific guidelines as to when and how a sinner is encouraged to publicize or conceal his wrongdoing, taking into account both the value and the danger of public confession. In this regard, it chose to distinguish between interpersonal offenses and sins committed against only the Almighty. The basis for this distinction, perhaps, is the assumption that when confessing directly to the "victim," to the person (or, in the case of God, the Being) against whom the crime was committed, the sense of shame outweighs the "brazenness." When a person confronts the victim himself and confesses his crime, his confession serves as an expression of shame and guilt far more than it reflects indifference. A disobedient child, for example, who violated his parent's word behind their backs, would generally discuss the matter with them only out of contrition and shameful remorse. He would tell them of what he did as a sincere expression of regret and as part of a solemn request for their forgiveness. And, if he truly feels remorseful, he would be too ashamed to share the information of his wrongdoing with anybody else. An

unregretful child, however, would try to conceal the incident from his parents, but is likely to boast to his peers about how he succeeded in disobeying his parents without their knowledge.

Similarly, when a Jew violates the word of his "Father" in heaven, speaking about his misconduct with others would reflect a degree of "brazenness" and indifference towards the gravity of this breach. It is therefore appropriate to confess only when speaking directly and in private to the Father Himself, when praying silently to the Almighty. In such a setting, the sinner confesses out of shame and humble submission, and not to boast about violating God's word. Therefore, in cases of sins committed *bein adam la-Makom*, Maimonides rules that one should publicly confess in only generic terms, for the purpose of humbling himself and achieving a sense of unease similar to the experience of geographic relocation. Specific confession, however, cannot be done publicly, as this would bespeak a kind of apathy towards the violation that the sinner had committed.

In cases of *bein adam la-chaveiro* violations, by contrast, one is encouraged to bring his confession to the public's attention. Interpersonal offenses, to one extent or another, often entail a violation of social conventions or creeds, such that they constitute a kind of betrayal of society at large. A crime against one's fellow is, in essence, a crime against the community, a breach of the basic agreement of civil conduct upon which all societies are to be built. Hence, *Halakha* encourages a sinner to confess his interpersonal crime to the public, as an expression of genuine remorse and shame. Since he directly faces the "victim," the collective body whose laws he has breached, his confession reflects shame and guilt, rather than indifference.

Accordingly, Maimonides begins this passage by establishing that in principle, a sinner is encouraged to make his sin public, as a means of achieving humility and unease which, as he established in the previous *halakha*, are critical components of the *teshuva* experience. How this publicizing is to be done, however, depends on the nature of the transgression. In cases of interpersonal offenses, one should inform the public of precisely the misdeed he committed, whereas in situations of sins affecting only one's relationship to God, public disclosure would reflect an inappropriately casual, dispassionate feeling towards one's religious failings. Therefore, in such situations one should confess only generically, without specifying the particular misdeed, so as to achieve the desired sense of submissiveness without showing disregard for the gravity of the matter.

According to the *Kesef Mishneh*, we must slightly modify this construct to accommodate the exceptional case of *bein adam la-Makom* offenses that have already become public. As we saw, the *Kesef Mishneh* understood that Maimonides agrees to the Ra'avad's contention that public confession is warranted in this case, since the transgression has already been made known to the public. According to this view, there is no element of "brazenness" in open and frank discussion of that which has already been publicized. To the contrary, as we noted, once the sin has become public knowledge it behooves the violator to publicly express his remorse in order to prevent the act from becoming an established precedent. In such a case, then, Maimonides would urge the



violator to come forth publicly to confess and express remorse, even where the transgression involved the realm of *bein adam la-Makom*.