



## The Mitzvah of Rebuke

1. Primarily, the biblical mitzvah of rebuke still applies nowadays.<sup>1</sup>
2. If one sees a person sin unintentionally and knows that he will not heed rebuke, if the sin isn't explicit in the Torah, one shouldn't rebuke that person. Some say one should rebuke a person only if he is familiar with him.<sup>2</sup>
3. The mitzvah of rebuke does not apply to a person who has rejected the yoke of Torah or violates Shabbat in public.<sup>3</sup>
4. Just like any halachic inquiry should be brought to a qualified posek, questions regarding this mitzvah should certainly be brought to a qualified posek.<sup>4</sup>

1. The Torah (Vayikra 19:17) commands us to rebuke our fellow Jew. The Rambam in Sefer Hamitzvot (Asin 205) considers this a Biblical Mitzvah, and the Sefer HaChinuch (239) adds that it applies to all Jews for all times.

2. The Gemara (Bava Metsia 31a) writes that based on the double language of the pasuk, there is an obligation to continue to give rebuke even 100 times. The Rambam (Dei'ot 6:7) rules like the opinion that one is obligated to continue to rebuke until the sinner strikes the one giving reproof and declares that he is not going to listen. Bei'ur Halacha 608:2 s.v. Ad quotes the Sefer HaChinuch, who clarifies that the obligation applies only until the sinner is ready to strike the one giving reproof; there is no obligation to wait until he actually strikes.

The Gemara (Yevamot 65b) records Rabbi Iylah's statement that just as it is a mitzvah to say Tochacha when it will be heeded, so too it is a mitzvah not to say Tochacha if it will not be heeded. Nemukei Yosef (Yevamot 21b) writes that if one is rebuking a congregation that will not listen, one should rebuke them only once. If one is rebuking an individual, one should continue to rebuke until the sinner hits or curses him.

Additionally, the Gemara (Beitzah 30a) introduces the principle of Mutav Sheyehu Shogegin, meaning that it's better not to protest against someone who is sinning unintentionally because by doing so the listener will become an intentional transgressor. The Rosh (Beitzah 4:2) and Ran 16b quote some who explain that this principle applies only to prohibitions that aren't explicit in Torah; however, if it is explicit in Torah, one must protest.

Based upon the Nemukei Yosef and Rosh, the Rama 608:2 rules that one should continue to rebuke an individual sinner until he hits or curses the rebuker. Additionally, if the sinner is violating the sin unintentionally and the sin isn't explicit in the Torah, one shouldn't give rebuke. The Magen Avraham 608:1

explains that one shouldn't rebuke an unintentional sinner about a non-explicit sin only if he knows that the listener will not heed the rebuke. He implies that if there's a doubt whether the Tochacha will be heeded, there is a mitzvah of Tochacha. Mishna Brurah 608:3, Kaf HaChaim 608:8, and Igrot Moshe 2:36 agree.

Birkei Yosef 608:4 suggests that if we don't have control to enforce Torah observance, one should not give rebuke if the listener will not heed the rebuke even if the prohibition is explicit in the Torah. While the Bei'ur Halacha s.v. Mochin questions the Birkei Yosef, Tzitz Eliezer 13:63 defends his position.

Magen Avraham 608:3 quotes the Sefer Chasidim's view that one should only rebuke a person one is familiar with, because if one were to rebuke a stranger, he may hate or take revenge against the rebuker. Bei'ur Halacha s.v. Chayav and Kaf HaChaim 608:19 agree.

3. Bei'ur Halacha 608 s.v. Aval writes that the mitzvah of Tochacha doesn't apply to a person who has totally rejected the yoke of Torah such as someone who violates Shabbat in public. The reason for this is that he is not included in the Torah's description of "one's fellow." Aruch HaShulchan 608:7, Tzitz Eliezer 17:36, and Shevet HaLevi 1:205:608 agree.

4. The Gemara (Arachin 16b) learns from the end of the pasuk that it is forbidden to give rebuke if it will cause one to embarrass the one receiving rebuke. Thus, the Rambam (Dei'ot 6:7) and Sefer HaChinuch (239) rule that one should begin to give rebuke in a gentle tone, using soft words, and in private. Kitzur S'A 29:15 concurs. Rabbi Aryeh Lebowitz (The Mitzvah to Rebuke) points out that before giving anyone rebuke, one must be absolutely sure that the person actually did a sin and wasn't simply following an acceptable posek or minhag. Thus, Rav Moshe Feinstein (Igrot Moshe EH 4:63) writes that just like any other halachic inquiry, questions regarding rebuke must be asked to a posek so as not to violate the serious prohibitions including ona'at devarim.