



DEAR EDITOR,

In the article “*Teshuvah* for the Bankrupt” (*Parashas Vayechi*/ December 23), Binyomin Wolf makes a comparison between *teshuvah* and U.S. bankruptcy laws.

Sourcing bankruptcy laws to the Torah is hard to appreciate. The Torah constantly stresses the importance of paying back money that is owed, and I challenge Mr. Wolf to find examples in *Choshen Mishpat* where there is a mandate to forgive a borrower in order to provide him with a fresh start.

In addition, the Torah leaves it to the aggrieved party the power to forgive. Even Hashem only forgives sins that are committed against Him. He will not forgive ‘on behalf’ of an injured party despite the fact that He surely knows how penniless and regretful a penitent is. Similarly, *beis din* does not forgive on behalf of a lender — and yet the American Bankruptcy Law does just that.

It was also quite surprising to see an article focus on *teshuvah*, yet omit any of the standard texts pertaining to that subject. Perhaps this is because the author wishes to presume — in his words — that “*teshuvah* liberates ... without feelings of guilt or unworthiness because of the past,” which is incompatible with Torah *hashkafah*.

The steps described in *Shaarei*

Teshuvah and the Rambam’s *Hilchos Teshuvah* involve tremendous feelings of guilt and unworthiness. It is true that often one’s past must be ignored in order to focus on the future. *Shaarei Teshuvah* writes that a habitual sinner must first stop his ways before he can begin the *teshuvah* process, and forgetting about the past is often a crucial prerequisite for being able to break free. But this forgetfulness must not be permanent. For, as crucial as it is, breaking free is only the first of many steps.

The description of Hashem wiping the slate clean merely because a person cannot ‘pay up’ also seems to be inconsistent with what *Chazal* teach us. *Mesillas Yesharim* in *perek dalet* quotes the *passuk* “*Ki kol drachav mishpat*” and stresses that every deed has a consequence and Hashem never “looks the other way.” Rather, in His benevolence, Hashem takes the painful anguish that a sinner feels and applies it to the quota of punishment that the sinner deserves. A person is able to achieve a clean slate only through regretting past deeds and mending his ways.

In conclusion, many — if not most — U.S. judicial laws stem from the Torah, but bankruptcy does not seem to be one of them.

Respectfully,

YOCHANAN SCHNALL

AUTHOR’S RESPONSE:

I very much appreciate your letter. I am happy you read my article and grateful for the opportunity to answer your questions. Your first substantive paragraph and conclusion took me to task for “sourcing bankruptcy laws to the Torah.” Unfortunately, it appears that you misread the article. I wrote that the structure of bankruptcy law “reflects” and parallels the spirit of *teshuvah*, but I made it clear that it was not consciously based on or sourced in Torah.

You might have also missed my footnote making it clear that “[t]his article is not meant to serve as a halachic discussion of the propriety of filing for bankruptcy,” and directing readers to speak with their own Rav or *posek* before considering actually filing.

Additionally, you imply that you are not yet aware of the *poskim* who permit filing for bankruptcy under certain circumstances. I therefore recommend that you contact this magazine for a link to the article “Bankruptcy — A Viable Halachic Option?” by Stephen H. Resnicoff, which contains a helpful introduction to how *poskim* treat the issue.

Your second paragraph puzzlingly assumes that it is “incompatible with Torah *hashkafah*” to believe that “*teshuvah* liberates a person from his past, allowing him to work toward

AAH BANKRUPT

BY BINYOMIN WOLF

righteousness again without feelings of guilt or unworthiness because of [his] past.” The *Gemara* (*Kiddushin* 40b) states, “Even a person who was wicked his entire life who does *teshuvah* at the end — they [in Heaven] do not remind him again of his [prior] wickedness.” The Rambam (*Hilchos Teshuvah* 1:3, 2:1) codifies this in *Mishneh Torah* as well. While it is true that **during** the act of doing *teshuvah*, *charatah* — regret — plays an important role, it seems strained to suggest that a person should wallow in “tremendous feelings of guilt and unworthiness” even **after** *teshuvah* and complete forgiveness.

Incidentally, many *tzaddikim* discuss continuous *teshuvah* for things for which one has already done *teshuvah*, as the *passuk* (*Tehillim* 51:5) says, “And my sin is before me always,” but this is a *middas chassidus* beyond the scope of my article and beyond that which we should focus on when discussing those still mired in actual sin.

In your last paragraph, you quote a section in *Mesillas Yesharim* to support a concept my article neither addressed nor contradicted, *chas v’shalom*, i.e., that “Whoever [attempts to justify sinning prior to the sin by] saying that Hashem overlooks things will have his life ‘overlooked’” (*Bava Kamma* 50a). It goes without saying that the simple fact, referenced in my article (based on Torah and *Chazal*), that

Hashem forgives sin when a person does *teshuvah* does not imply that one should use the availability of *teshuvah* *b’di’eved* to justify the commission of a sin *l’chatchilah*.

May my article and readers’ further study of the sources quoted therein remind us that *teshuvah* and Hashem’s forgiveness are not merely theoretical concepts, but concrete realities of which Hashem lovingly wishes us to avail ourselves in order to put our spiritual debts behind us to make a new start.

BINYOMIN WOLF

DEAR EDITOR,

Mr. Binyomin Wolf’s article on the connections between bankruptcy and *teshuvah* was thought-provoking and enlightening. It was very well researched and provided readers with an encouraging and positive approach to *teshuvah*, much needed especially in our generation where the fire and brimstone path of *mussar* does not work as well as it did in years past.

Rav Shlomo Wolbe, *zt”l*, in *Alei Shur* (Volume 2, p. 173) stresses that in our generation we need to build ourselves up first through encouragement and positivity, working on the exaltedness of man, *romemus ha’adam*, and not knock ourselves down. Once we have established and strengthened ourselves, then at a later time we can

work on our major weaknesses.

A classic source that states Mr. Wolf’s point is this from the *Shaarei Teshuvah*:

Rabbeinu Yonah (*Yesod Hateshuvah* — printed in the back of the *sefer*) says one should consider himself as brand new when he does *teshuvah*: “Throw away all your sins and consider yourself as if you were born today. You have neither merits nor transgressions. Today is the beginning of your life.”

When we do *teshuvah*, Hashem gives us an amazing gift. Not only can we apologize for ignoring Him and have Him accept our apology, but He considers us brand new.

When we truly repent for our less than stellar relationship with Hashem, we should become excited to now begin a beautiful relationship with Him. Sure, we wish we had done things differently and we wish we had experienced our epiphany far sooner than we did, but we have to believe that *teshuvah* really works and that we have truly repaired the damage we inflicted so that we can now enjoy reaping the benefits of our new bond with *Hakadosh Baruch Hu*.

It is as if the old relationship never existed. We repented and declared “bankruptcy” and Hashem accepts us with loving arms.

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