

TEACHER'S GUIDE

Rambam's Hilchos Teshuva *Chapter 2*

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Distributed by TorahLab and AJOP (Association for Jewish Outreach Programs)

RAMBAM'S HILCHOS TESHUVA, CHAPTER 2

Halacha 1

Key Points:

He is a *baal teshuva* ('master of repentance'): The phrase *baal teshuva* means that the repentance is permanent and thus the person is the 'master' of his repentance. Rambam adds that even if someone repents when they are older it is still possible to reach the level of *baal teshuva* and their repentance has permanence. However if they only repent on their dying day Rambam writes that 'all their sins are forgiven', but they are not called a *baal teshuva*. This is from the Talmud Kiddushin 40a where Rabbi Shimon bar Yochai says that someone who repents at the end of their life is not considered wicked. In other words that their sins are forgiven (but they are not on the level of *baal teshuva*).

It seems that even though there are different levels of repentance, which each have do different things in terms of forgiving the sins, nevertheless if a person did any of them they have fulfilled the mitzvah and obligation of repentance. (*R' Mordechai Gifter*)

He is a 'master of repentance': It seems from the Mabit that only a young person, who has the opportunity to return to the original sin can be a 'master of repentance', but once it is no longer possible for him to commit the sin he cannot reach that level of repentance. This contradicts Rambam's understanding of this Gemara.

One doesn't sin because of his repentance: If a person refrains from sin only because it is forbidden they are not considered a 'master of repentance' They must refrain because of their repentance. Why should that be?

Rabbeinu Yona explains that a person is rewarded every time they refrain from breaking a negative commandment, and the reward is for keeping the commandment of 'fearing G-d'. However this has no connection to the actual sin that they didn't commit. Therefore Rambam says they must refrain from sinning because of the repentance. In this way they are rewarded for not committing the sin, and overcoming their desire to sin. Thus they are called a 'master of repentance' (*Pachad Yitzchak Yom Kippur 19: 2*)

One doesn't sin because of his repentance: Rambam seems to be saying that repentance doesn't require a change of intent, but only of action. Even though a person still wants to sin, but refrains because of his repentance he is considered a 'master of repentance'. Yet in chapter 6 of Shmoneh Prakim that a pious person should not desire to break mitzvot that are logical (that we would have known even without the Giving of the Torah). It is only with *chukim*, such as kashrus or shatnez, that a person should say 'I want to do it, but I will refrain because I have been commanded not to do it'.

It seems that there are two levels of repentance. The first level is to become a 'master of repentance', and not sin. After that a person should strive for the higher level of piety where they no longer have any desire for the sin at all. (*R' Yaacov Haber*)

Sources:

Talmud Bavli 86b

What is a 'master of repentance'? Rav Yehuda says: For example if he has the opportunity to sin once or twice and is saved from it. Rav Yehuda pointed out: With the same woman at the same time and in the same place.

Kiddushin 40b

Rabbi Shimon ben Yochai says, even someone who is completely righteous their entire life, and rebels on their last day, loses all their earlier merits, as the verse states "the righteousness of the righteous will not save him on the day of his iniquity" (Yechezkel 33: 12). And even someone who is completely wicked all his life and repents on their last day, will not be reminded again of his wickedness, as the verse states "and the wickedness of the wicked will not cause him to stumble on the day of his repentance from his wickedness" (ibid.). [The Gemara asks] why is [the righteous person who sins] not considered half guilty and half innocent? It is talking about a case when he regretted his previous actions.

Mabit - Beis Elokim Shaar Hateshuva chapter 3

We must ask why it says "What is a 'master of repentance'?" Don't we know that a 'master of repentance' is someone who repents and thinks of repentance in his heart, regretting the past acts that he has done and resolving to abandon the sin in the future. Rather it seems that the question was only about a 'master of repentance', as the words say. This means, who is already considered to have repented and who won't ever return to the sin that he committed, to the extent that he has already fulfilled all the requirements of repentance? And the answer is someone who has the same opportunity to sin with the same woman at the same time, and refrains. Since he had the same opportunity and didn't return to the sin it is clear that his repentance is genuine and complete, because he has fulfilled in actuality what he resolved to do in his mind, to abandon the sin when he has the opportunity to commit it. For this reason he

היכי דמי בעל תשובה אמר רב יהודה כגון שבאת לידו דבר עבירה פעם ראשונה ושניה וניצל הימנה מחוי רב יהודה באותה אשה באותו פרק באותו מקום.

ר"ש בן יוחי אומר אפילו צדיק גמור כל ימיו ומרד באחרונה איבד את הראשונות שנאמר צדקת הצדיק לא תצילנו ביום פשעו ואפילו רשע גמור כל ימיו ועשה תשובה באחרונה אין מזכירים לו שוב רשעו שנאמר ורשעת הרשע לא יכשל בה ביום שובו מרשעו וניהוי כמחצה עונות ומחצה זכיות אמר ריש לקיש בתוהא על הראשונות.

ויש לשאול במה שאמרו ה"ד בעל תשובה, כי ידוע הוא מי הוא בעל תשובה השב ומהרהר תשובה בלבו שניחם על מה שעשה ועוזב החטא לעתיד, אלא נראה כי לא שאל אלא על בעל תשובה, כמו שאמר ה"ד בעל תשובה, כלומר מי הוא אותו שהוא מוחזק כבר בתשובה שלא ישוב עוד למה שחטא כאילו קיים כל עיקרי התשובה, והשיבו כגון שבא לידו דבר עבירה באותו מקום באותה אשה באותו פרק ופירש הימנה, כיון שנזדמנה לו כבתחלה ולא שב אליה, נראה כי תשובתו היתה גמורה ושלמה שקיים בפועל מה שחשב במחשבתו שיעזוב החטא כשיבא לידו, ובזה נקרא בעל תשובה, שאותו העון שעשה מקודם נהפך לו עתה לזכות, כי הוא מן הידוע כי לפי תאות יצרו של אדם לעבירה והוא כובש אותה כשתבא העבירה לידו יש לו שכר הרבה בעמלו, כי ענין השכר שמקבל האדם על מצות לא תעשה כשתבא לידו העבירה לעשותה כמו בשבתות ויו"ט שיש ספוק בידו לעשות

is called a 'master of repentance' because the same sin that he committed originally has now become for him a merit. It is well known that the reward is commensurate with the level of desire that a person has for the sin yet they refrain from committing it when they have the opportunity. The amount of reward a person receives for not breaking a negative commandment, like breaking Shabbat or Festival, depends on what opportunity the person has to break it and refrains from doing so, then he has reward for not breaking the negative commandment which depends on those times.

Maharal Nesivos Olam 2 - Nesiv Hateshuva ch. 3

When it says 'in the same place with the same woman' it doesn't mean that is the only way to repent. What would happen if the woman would die - would repentance be impossible? Rather it means that if a person is so upset by the sin that he certainly would not transgress the same sin again even if he would be confronted with it now, he is called a 'master of repentance'. He has completely repented from his sin. But if he is not that upset by the sin he is not called a 'master of repentance'.

Beis Elokim Shaar Hateshuva chapter 12

After we have explained the concept of repentance, which is regret and abandoning the sin, we must clarify that this is not like other mitzvos. Someone who only does part of a mitzvah doesn't have the reward for that mitzvah, for example someone who only puts tzitzis on three corners of his garment doesn't have three quarters of a mitzvah, since all four are required, and so it is as if he didn't do anything at all. However with repentance, even though the mitzvah would not be complete without the components of regret for the past and resolve for the future, nevertheless, regret on its own, without the resolve for the future helps to a certain extent. Similarly, abandoning the sin without regret for the past also does something. We find with Achav that he humbled himself before G-d when he tore his clothes,

מלאכה ואינו עושה אותה יש לו שכר על מצות ל"ת התלויות בזמנים אלו שלא חטא בהן.

ואין ר"ל במה שאמר באותו מקום ובאותה אשה כי לא תמצא תשובה אלא דוקא בענין זה, שאם כן אם מתה אותה אשה לא יהיה לו תשובה, אלא ר"ל שאם מצטער על החטא שודאי לא היה עובר אותה עבירה אם אותה עבירה היתה באה עתה אליו זה נקרא בעל תשובה שהרי הוא שב מאותו חטא ממש, אבל אם אינו מצער כ"כ לא נקרא בעל תשובה.

ואחר שנתבאר ענין התשובה כי היא החרטה ועזיבת החטא, נאמר כי אינם כשאר המצוות שהעושה חלק המצוה אין לו חלק שכר המצוה, כמו שתאמר מצות ציצית הוא בד' הכנפות והעושה ציצית בג' כנפות לבד, אינו מקיים ג' חלקי המצוה שהרי ד' ציציות מעכבין זה את זה והרי הוא כאילו לא עשה שום דבר, ואולם התשובה גם כי אינה שלימה עד שתהיה בחרטה לשעבר ועזיבת החטא לעתיד, עם כל זה החרטה לבד בלי עזיבת החטא מועיל קצת, וכן עזיבת החטא בלי חרטה, וכמו שמצינו באחאב שנכנע מלפני ה' במה שקרע בגדיו וצם ושכב בשק, שנראה כמתחרט על מה שעשה, ולא עזב כל חטאיו, ועם כל זה הועיל לו, כדכתיב (מלכים א' כ"א) יען כי נכנע מפני לא אביא הרעה בימיו וגו', וכן מצינו באנשי נינוה ששבו לעתיד שעזבו החטא, ולא נתחרטו על

fasted and wore sackcloth, which appears to be regret over the past. However he didn't abandon the sin. Even so it helped him, as the verse states "Because he humbled himself before Me, I will not bring the evil during his days..." (Melochim 1 21: 29). We also find with the people of Nineveh that they abandoned their sins and resolved for the future, but they didn't regret the past. The instruction of the king of Nineveh was "every man shall turn back from his evil say and from the robbery that is in his hands" (Yona 3: 8). It seems that only the robbery that was in their hands still was returned, but that which had been spent already, which is difficult to return, they didn't return. Rabbi Yochanan goes even further and says 'the money that was in their hands they returned, but the money that was in boxes, safes or towers they didn't return'. (Yerushalmi Taanis chapter 2).

העבר, כי אפילו באזהרת המלך לעם אמר (יונה ג') וישובו איש מדרכו הרעה ומן החמס אשר בכפיהם, אשר כפי הנראה כי החמס אשר עודנו בכפם לא בלעוהו הוא שהיו מחזירים ולא הגזל הנאכל שקשה להשיבו, ויותר מזה א"ר יוחנן (בירושלמי תענית פ"ב) מה שהיה בכף ידיהם החזירו, בשידה תיבה ומגדל לא החזירו:

Halacha 2

Key Points:

What is repentance? Any repentance, even if it doesn't fulfill all of the criteria that Rambam lists here still achieves an aspect of forgiveness, although it doesn't achieve the full atonement and the person has not completely fulfilled the mitzvah of repentance. (*R' Mordechai Gifter*)

That the person should abandon his sins, remove them from his thoughts and resolve never to do it again: It is clear that the order is that the regret comes after abandoning the sin rather than before. This is because until a person has completely abandoned the sin, thinking about it and trying to regret it will not take them away from the sin but bring them back to it.

Rabbeinu Yona in Shaarei Teshuva (chapter 1: 11) disagrees and holds that the regret and confession must precede abandoning the sin. Look also at what he writes in chapter 1: 19. (*R' Mordechai Gifter*) See also Shaarei Teshuva chapter 1: 40 where he lists confession as one of the fourteen essential components of repentance. It seems that apart from the mitzvah of confessing the sin, the confession also strengthens the repentance, and helps the person to internalize the abandoning and regretting of the sin. (*R' Mordechai Gifter*)

[He must reach a level of repentance that G-d,] the Knower of secrets, testifies [about him] that he will never return to that sin: It seems that part of the acceptance has to be that the person accepts G-d as a witness, which strengthens the resolve for the future, motivated by the depth of regret. This explanation is also explicit in the Kesef Mishneh and Lechem Mishneh here.

The source for this idea is the Yalkut on the verse "Return Israel to (Ad) G-d" (Devarim): Rabbi Eliezer the son of Rabbi Yossi HaGlili says: Israel say to G-d, 'Master of the Universe, if we repent, who will testify for us?' G-d replied, 'if I am the witness when you sin, certainly I will testify for you when you repent'. This is the meaning of 'to G-d' [*ad* is read as *ed* – witness]. (*R' Mordechai Gifter*)

Sources:

Shaarei Teshuva chapter 1: 11

Know that for someone who sinned occasionally, because the desire got too strong and his urges overpowered him; (his intellect and senses were unable to save him, and weren't sufficient to drive back the sea of desires; the urges snared him and he was caught in their trap for a short while, while the spirit of the urge held him; not because he wanted to sin or to continue with it afterward). The first component of such a person's repentance must be regret. To feel depressed in his heart for his sin and for his soul to be bitter as wormwood. Afterward he can add every day the fear of G-d to his soul, and put awe of the L-rd in his heart at all times. Until his heart will be firm in trusting G-d. If his evil

ודע כי מי אשר חטא על דרך מקרה, כי התאוה תאוה ויחזק עליו יצרו ויתקפהו, ולא נחלצו רעיוניו וחושיו בפגעו בו, ולא מהרו לגעור בים התאוה ויחרב, על כן יגורוהו היצר בחרמיו, ונפל במכמוריו לפי שעתו ועתו, בהיות רוח היצר רע מבעתו, ולא מאשר חפצו ורצונו למצוא עונו, ולעשות כמוהו אחרי זאת - ראשית תשובת האיש הזה החרטה, ולשים יגון בלבו על חטאתו ולהיות נפש נענה ומרה כלענה, אחרי כן יוסיף בכל יום יראת ה' בנפשו, ויתן חתת אלקים בלבבו בכל עת, עד אשר יהיה נכון לבו בטוח בה', כי אם יוסיף יעבור בו היצר ויפגשוהו כפעם בפעם, ורבה עליו תאוותו כמשפט הראשון. לא יהיה נפתה לבו עליו - ויעזוב דרכו, כמו שנאמר (משלי כח, יג):

urge tries again to seduce him and increases his desires like the last time, he won't allow himself to give in, but he will abandon that path. As the verse states "but one who admits and leaves the sin will be shown mercy". First he must admit, through regret and confessions, and afterwards 'leave the sin'.

But someone who is firmly entrenched in the wrong path, and daily walks over his previous sins and repeats them, and has repented many times, but each time he still loves the wicked way and the enticement of sin is constantly before his eyes, meaning his drives and evil urges, and they are his goal and his desire such that he can't do anything that he had resolved to do. For this person the first step of his repentance must be to abandon the wicked path and thoughts, and to agree to fulfill and accept upon himself not to sin any more. Afterwards he must regret the destruction he has caused, and confess his repentance before G-d. As the verse states "Let the wicked man forsake his way, and the unrighteous man his thoughts, and let him return to the L-rd and He will have mercy on him." (Yishayahu 55: 7). The analogy for this is someone who is holding an impure creature and wants to immerse in a ritual pool to purify themselves. First they must put down the impure creature and only afterwards immerse and purify themselves. As long as the creature is in their hand he remains impure, and the immersion doesn't help. Abandoning the thought of sin is the impure creature, and the regret for the sin and confession in prayer is the immersion pool.

"ומודה ועוזב ירוחם", הזכיר תחלה "ומודה" על החרטה והודוי, ואחר כך "ועוזב".

אך האיש המתיצב על דרך לא טובה, תמיד, וגבר על חטאיו דורך בכל יום ושונה באולתו, ושב במרוצתו גם פעמים רבות, וכל עת אוהב הרע ומכשול עונו ישים נוכח פניו, רוצה לומר התאוה והיצר, וחפצו ומגמתו, אשר לא יבצר ממנו כל אשר יזם לעשות - ראשית תשובת האיש הזה, לעזוב דרכו ומחשבתו הרעה, ולהסכים לקיים ולקבל עליו לבל יוסיף לחטוא, אחרי כן יתחרט על עלילותיו הנשחתות, ויתודה לשוב אל ה', כמו שנאמר (ישעיה נה, ז): "יעזוב רשע דרכו ואיש און מחשבותיו וישוב אל ה' וירחמהו". והמשל בזה - למי שאוחז השרץ ובא לטבול ולהטהר, כי יניח השרץ תחלה ואחרי כן יטבול ויטהר. וכל זמן שהשרץ בידו עוד טומאתו בו, ואין הטבילה מועילה. והנה עזיבת מחשבת החטא - היא השלכת השרץ, והחרטה מאשר חטא והודוי והתפלה - במקום הטבילה.

Beis Elokim Shaar Hateshuva chapter 12

We should explain the concept of repentance that a person does each year, and yet returns each time to the same sin. Does this repentance help at all for the previous sins even though they go back to them afterwards to sin? Or do we say that since they return to those same sins it is clear that their repentance was not genuine, and they didn't resolve in their hearts to abandon the sins, since they went straight back to them? It seems to me from the words of our Rabbis that if a person repents from the sins that they have done and resolves in their heart not to do them again, G-d removes those sins because of that repentance. If the person returns to sin afterwards, that is because his evil urge seduced him anew to go back to sinning, but the original sins do not come back, since they were removed by the repentance.

ראוי לבאר ענין התשובה ששב האדם בכל שנה ושנה, וחוזר אחר כך למה שחטא, אם תועיל התשובה שעשה על העונות הקודמים גם כי חזר אח"כ לחטוא אותם החטאים, או אם נאמר שכיון שחזר למה שחטא יראה שלא היתה תשובתו נכונה ושלימה ולא גמר בלבו לעזוב החטאים והעונות הואיל וחזר אליהן אחר כך. ואומר כי נראה מדברי רבותינו ע"ה כי כיון שחזר האדם בתשובה מן החטאים שעשה וגמר בלבו שלא לעשותם עוד, השם יתברך מעביר חטאתו בתשובה זאת, ואם אח"כ חוזר לחטוא, יצה"ר הוא שפתה אותו מחדש לחזור למה שחטא, ולא יהיו החטאים הראשונים חוזרים וניעורים אחר שנתבטלו בתשובה הקודמת.

Halacha 3

Key Points:

But does not resolve in his heart to leave the sin: The Talmud (Yoma 86b) says 'one who confesses but doesn't repent'.

From this Halacha it is clear that this confession without resolution is still considered 'immersion in a mikveh', even though it doesn't purify the person. We don't say that it is nothing at all. Even though this confession doesn't have resolution and commitment to abandon sin, but it still has the potential to affect a person and awaken them to repent. However, unless they use that potential, they will end up returning to their sin.

Rambam writes 'to leave the sin' because this is the main component of repentance. Even if the person has not yet regretted the past, as long as they have resolved to leave the sin their 'immersion' is good, even though they have not yet fulfilled the mitzvah of repentance completely.

Kesef Mishneh explains why Rambam doesn't hold like Rabbi Akiva on this, because the continuation of the Gemara in Yoma is according to the opinion of Rabbi Yehuda ben Bava.

It may be that even Rabbi Akiva agrees that it is necessary to specify the sin, since that strengthens a person's feelings of embarrassment and grief over the sin. However he holds that it would be better if a person achieves a level of repentance where he is too embarrassed to actually mention the sin.

Rashi (Yoma 86b) explains that the honor of Heaven is increased if a person doesn't publicly confess a sin that was previously unknown. Any sin which becomes public (either when committed or through public confession) reduces the honor of Heaven. (*R' Mordechai Gifter*)

See the Mishna Sanhedrin 43b that before a person is put to death by Beis Din they should list and specify their sins. Public confession when a person is being punished is not considered insolent. (*R' Mordechai Gifter*)

He must specify the sin: It amazes me that we don't seem to fulfill our obligation on Yom Kippur. We don't specify our sins, but simply list in the plural all of the sins of all the Jews (*Ashamnu, Bagadnu... Al Chet SheChatanu...*). Look at the Rama (Orech Chaim 607: 2) who explains that this is considered prayer not confession. So it seems that we don't fulfill the Mitzvah of confession on Yom Kippur at all.

From this it seems clear that the real obligation of repentance is all year long, and particularly during Elul and the Ten Days of Repentance. However some sins are not atoned for until Yom Kippur. Therefore the proper confession, specifying the sins, takes place before Yom Kippur, and on the day itself we pray to G-d to forgive us for the sins that we have already confessed and repented, but which are not forgiven until the day of Yom Kippur. Therefore there is no need to specify the sins on Yom Kippur, since they have already been specified when the person originally repented.

If a person waits until Yom Kippur to repent it seems that they must do the proper confession and specify their sins in order to receive forgiveness. (*R' Moshe Shternbuch*)

Sources:

Talmud Bavli Yoma 86b

He must specify his sin, as the verse states "Please, this nation has sinned a great sin and made for themselves a golden god" (Shemos 32). This is the opinion of Rabbi Yehuda ben Bava. Rabbi Akiva says "Fortunate is he whose transgression is forgiven, whose sin is covered" (Tehillim 32: 1).

Talmud Eruvin

Rabbi Yaakov and Rabbi Zreika said: The Halacha is like Rabbi Akiva [if he argues against] one other person.

Rambam Seder Tefilos Nusach Havidui

The wording of the confession is: Our G-d and G-d of our fathers, may our prayers come before You, don't turn away from our supplications, for we are not brazen and stubborn enough to say before you we are righteous and haven't sinned. Rather we and our ancestors are guilty, we have rebelled,

Talmud Bavli Sanhedrin 43b

Mishna: When they were about ten amos away from the execution site, they said to him: 'Confess'. This is the way of all people who are put to death, that they should first confess. Anyone who confesses has a share in the world-to-come. We find this with Achan, as it states "My son, give honor to G-d, L-rd of Israel, and give Him confession... Achan replied to Yehoshua saying, 'it is true that I have sinned and this is what I did...' (Yehoshua 7: 19-21). How do we know that this confession atoned for him? As the verse states "Yehoshua said, 'why have you caused us so much trouble? G-d will cause you trouble this day'" (ibid. 25). On this day He will cause you trouble, but not in the world-to-come.

וצריך לפרוט את החטא, שנאמר (שמות לב) אנא חטא העם הזה חטאה גדלה ויעשו להם אלהי זהב דברי רבי יהודה בן בבא. רבי עקיבא אומר: אשרי נשוי פשע כסוי חטאה.

רבי יעקב ורבי זריקא אמרו: הלכה כרבי עקיבא מחבירו.

נוסח הוידוי: אלהינו ואלהי אבותינו תבא לפניך תפלתנו ואל תתעלם מתחנתנו שאין אנו עזי פנים וקשי עורף שנאמר לפניך צדיקים אנחנו ולא חטאנו אבל אנחנו ואבותינו אשמנו בגדנו.

משנה. היה רחוק מבית הסקילה כעשר אמות, אומרים לו: התודה, שכן דרך כל המומתין מתודין, שכל המתודה יש לו חלק לעולם הבא. שכן מצינו בעכן, שאמר לו יהושע (יהושע ז) בני שים נא כבוד [לה] אלהי ישראל ותן לו תודה, ויען עכן את יהושע ויאמר אמנה אנכי חטאתי וכזאת וכזאת וגו'. ומנין שכיפר לו וידויו - שנאמר ויאמר יהושע מה עכרתנו יעכרך ה' ביום הזה, ביום הזה אתה עכור, ואי אתה עכור לעולם הבא.

Halacha 4

Key Points:

It is the way of repentance...: Even though the Gemara implies that each one of these things by itself has the ability to destroy the negative judgment, nevertheless no individual knows which is the method that will work for his particular sin. Therefore all of them together are good, because at least one of them will work.

The Lechem Mishneh however understands that a person should do all of them, because even though each works by itself, all of them together work better. For complete repentance he holds that all five activities are required.

Rabbeinu Yona (Shaarei Teshuva chapter 2) implies that even though charity on its own, or crying on its own, destroys the negative judgment, they are both essential elements of repentance, which is similar to the opinion of the Lechem Mishneh.

See Shaarei Teshuva chapter 1, 15th principle for a description of the prayer. See also there siman 43 where he says that a person should pray constantly that G-d should help them to repent. (*R' Mordechai Gifter*)

Cries out constantly before G-d with tears and supplications: See the Gemara Bava Metzia 59 'Even though the gates of prayer may be locked, the gates of tears are never locked'. It seems that there is a particular benefit to shedding tears, as Rambam writes here. (*R' Moshe Shternbuch*)

Gives as much to charity as possible: Rambam stresses that he should not only give the minimum required by Halacha, but give as much as possible, which saves a person from death. (*R' Mordechai Gifter*)

Changes his name: Rabbeinu Yona in Yesod Hateshuva says that a person should consider themselves as if they have been reborn, and they are now beginning anew. In this way he casts off the weight of the previous sins that he had committed. (*R' Mordechai Gifter*)

Changes all his actions for the better to the straight path: This has two meanings.

1. A person should improve himself in those areas where he didn't sin, as the Gemara says 'if he used to learn one chapter a day he should now increase to learn two chapters each day'.
2. The action in which he sinned should be changed for the better. (This is the 16th principle of Rabbeinu Yona in Shaarei Teshuva).

This second meaning is one of the fundamentals of repentance, for without stopping the sin it is as if a person is immersing themselves while holding an impure creature. Therefore Rambam must intend the first meaning. In our prayers when we say 'repentance, prayer and charity remove the negative judgment' it must mean repentance accompanied by prayer and charity. (*R' Mordechai Gifter*)

He should also exile himself from his place, for exile atones for sin, for this causes him to be subdued, humble and meek: The Meiri explains that exile give a person the feeling that they are a different person, just like changing their name. Rambam explains that it gives a person humility.

The Ritva (Rosh Hashanah 16b) explains in the name of his teacher based on the Gemara (Moed Koton 17b) that if a person sees that their evil inclination is getting the better of them they should dress in dark clothing and go to a place where nobody recognizes them, and then do whatever they desire. He says that if a person is unable to control themselves and avoid sinning, at the very least they should go to a place where nobody knows them and in this way minimize the desecration of G-d's Name that would occur in a place where everyone knows them. (*R' Mordechai Gifter*)

We could also explain this Gemara differently. That if a person remains in their place they won't be able to overcome their desire to sin. However if they move somewhere else and wear dark clothing, this will lead to humility and the desire to sin won't be so powerful. Then they will be able to 'do whatever they desire'. The desire of a Jew is always to serve G-d, and it is only because of the evil inclination that they don't do so (*as explained by Rambam at the end of chapter 2 of Hilchos Gerushin*).

He should also exile himself from his place: Nowadays that exile makes it more difficult for a person to serve G-d, he should instead 'exile' himself to Synagogue or the Beis Hamidrash, and accustom his feet to run after mitzvos and kind deeds. This is considered like exile. (*R' Moshe Shternbuch*)

Sources:

Talmud Bavli Rosh Hashanah 16b

Rabbi Yitzchak says: Four things destroy the judgment against a person. They are: charity, crying out, changing name and changing actions.

ואמר רבי יצחק: ארבעה דברים מקרעין גזר דינו של אדם, אלו הן: צדקה, צעקה, שינוי השם, ושינוי מעשה.

Talmud Bavli Bava Metzia 59a

Rabbi Elazar says: From the day the Temple was destroyed the gates of prayer have been locked, as the verse states, "though I cry and plead, He shut out my prayer" (Eicha 3: 8). But even though the gates of prayer are locked, the gates of tears are not locked, as the verse states, "Hear my prayer, G-d, give ear to my cry, do not remain silent to my tears" (Tehillim 39: 13).

אמר רבי אלעזר: מיום שנחרב בית המקדש ננעלו שערי תפילה, שנאמר (איכה ג') גם כי אזעק ואשוע שתם תפילתי. ואף על פי ששערי תפילה ננעלו שערי דמעות לא ננעלו, שנאמר (תהלים ל"ט) שמעה תפילתי ה' ושועתי האזינה אל דמעותי אל תחרש.

Meiri - Rosh Hashanah 16b

Even though a person is decided in their sins until the line of justice dictates that their final judgment should be negative, a person should never despair of mercy, prayer or repentance. They should increase their prayer and charity, and change their actions and find a strategy of change to awaken themselves. Through changing their behavior, their name, until the change changes them into a different person and their actions are different, due to the change of name. Or they should change their location or anything similar to this.

אע"פ שהוחלט אדם בעבירות עד שקו הדין נותן להיות נגמר דינו לרעה לא יתיאש מן הרחמים ומן התפלה ומן התשובה וירבה בתפלות ובצדקות וישנה מעשיו ויעשה בעצמו תחבולות להתעורר בשנוי הנהגותיו כגון שנוי השם עד שיתעורר בשנוי זה שהוא אחר ושהנהגותיו יתחדשו בהתחדשות השם או שישנה את מקומו וכן כל כיוצא בזה.

Ritva Rosh Hashanah 16b

Some say also changing place – because this humbles a person, like we find in the Talmud (Moed Koton 17a): If a person sees that his evil urge is overpowering them, he should go to a place where they don't recognize him, wear dark clothing and wrap himself in black, and do their what his heart desires.

This is difficult to understand. How can the Talmud allow him to do what he desires? My teacher explained that this is only talking about someone doing something which is permitted, but because of their stature in their city it was cause G-d's name to be profaned.

ויש אומרים אף שינוי מקום. פי' שזה מכניעו מאד וכמו שאמרו (מו"ק י"ז א') אם רואה אדם שיצרו מתגבר עליו כיצד יעשה ילבש שחורים ויתכסה שחורים וילך למקום שאין מכירין אותו ויעשה מה שלבו חפץ, וק"ל היכי אמר שיעשה מה שלבו חפץ? ואומר מורי נ"ר שאין צריך לזה שזה נאמר על העושה דברי רשות שיש בהם חילול ה' מפני שהוא אדם גדול בעירו.

Halacha 5

Sources:

Yoma 86b:

Rav Yehuda said that Rav contrasted two verses: It says “He who covers up his sins won’t succeed” (Mishlei 28: 13) but it also states, “Fortunate is he whose transgression is forgiven, whose sin is covered” (Tehillim 32: 1). Rav Zutra bar Tuvia said in the name of Rav Nachman, one is talking about sins between people and G-d, one is talking about sins between people and people.

אמר רב יהודה רב רמי כתיב אשרי נשוי פשע וכתוב
מכסה פשעיו לא יצליח ל"ק כאן בחטא מפורסם כאן
בחטא שאינו מפורסם רב זוטרא בר טוביה אמר רב
נחמן כאן בעבירות שבין אדם למקום כאן בעבירות
שבין אדם לחבירו.

Halacha 6

Key Points:

They are even better in the ten days between Rosh Hashanah and Yom Kippur: Better in this context means easier for the person. Any time of year if a person repents completely they are forgiven immediately (depending on the type of sin, as Rambam explained in the previous chapter). However it is difficult for a person to achieve complete repentance so that G-d will accept it. However during the ten days, when G-d is 'close and near by' it is much easier for a person to complete their repentance to the point where G-d will accept it.

Rambam doesn't distinguish between an individual and a community. He seems to argue on the principle of the Gemara Rosh Hashanah 17a that after the judgment is sealed an individual cannot repent. Perhaps he holds that this is a minority opinion and the Halacha is like the opinion of Rav Yitzchak in the Gemara on 16a that crying out to G-d is always effective. (*R' Mordechai Gifter*)

Sources:

Tosefos Rosh Hashanah 16a K'man matzlinan:

According to which opinion do we pray nowadays for sick people and bad things? Like Rabbi Yossi (who says that a person is judged every day). – According to the opinion of the Rabbanan (who argue with Rabbi Yossi), do we not pray in the Amida 'Heal us...' and 'Bless this year...'? And Rabbi Yehuda, who here is of the opinion that the judgment is written on Rosh Hashanah and signed on Yom Kippur, yet in Talmud Shabbos (12b) he says that when visiting a sick person we should say 'May G-d have mercy on you and on all the sick people of Israel'.

Rabbeinu Tam explains that only according to Rabbi Yossi can we pray that someone shouldn't get sick. But according to everyone we may pray that a sick person should get better. The judgment was only when they would fall ill, but it was not decreed when they would get better. We pray for prosperity in the Amida blessing of 'Bless this year...' based on what the Talmud says later (17b) that if it was decreed that only a small amount of rain will fall, G-d can cause it to fall and at the right place at the right time.

כמאן מצלינן האידינא אקצירי ואמריעי כרבי יוסי - וא"ת לרבנן נמי מי לא מצלינן רפאנו וברכת השנים ועוד רבי יהודה דאמר הכא אדם נידון בר"ה וגזר דין שלו נחתם ביוה"כ הא אמר בפ"ק דשבת(דף יב) הנכנס לבקר החולה אומר המקום ירחם עליך ועל חולי עמו ישראל ואומר ר"ת דשלא יחלה ודאי לא מצלינן אלא לר' יוסי אבל שיתרפא מצלינן אליבא דכולי עלמא דמתי יחלו נגזר מתי יתרפאו לא נגזר ... ומה שמתפללין ברכת השנים היינו כדלקמן בפרקין (דף יז:): שאם פסקו גשמים מועטין שיורידם המקום בזמנן.

Rosh Hashanah 17b

Once the judgment of an individual has been sealed his repentance will no longer be accepted. For a community, even after their judgment has been sealed their repentance will still be accepted.

Rabbeinu Tam explains that only according to Rabbi Yossi can we pray that someone shouldn't get sick. But according to everyone we may pray that a sick person should get better. The judgment was only when they would fall ill, but it was not decreed when they would get better. We pray for prosperity in the Amida blessing of 'Bless this year...' based on what the Talmud says later (17b) that if it was decreed that only a small amount of rain will fall, G-d can cause it to fall and at the right place at the right time.

אמר רבי יוחנן: גדולה תשובה שמקרעת גזר דינו של אדם, שנאמר (ישעיהו ו) השמן לב העם הזה ואזניו הכבד ועיניו השע פן יראה בעיניו ובאזניו ישמע ולבבו יבין ושב ורפא לו. אמר ליה רב פפא לאביי: ודלמא לפני גזר דין? - אמר ליה: ורפא לו כתיב, איזהו דבר שצריך רפואה - הוי אומר זה גזר דין. מיתיבי: השב בינתים - מוחלין לו, לא שב בינתים, אפילו הביא כל אילי נביות שבעולם - אין מוחלין לו! - לא קשיא; הא - ביחיד, הא - בצבור.

Halacha 7

Key Points:

Before eating, in case one chokes to death during the meal: This seems like a highly unlikely eventuality. I found another version of the text which says 'in case one goes crazy'. This means because of all the food and drink the person may not be able to concentrate properly on their confession in the evening, therefore they begin confessing before eating in the afternoon. (*R' Moshe Shternbuch*)

For individuals and communities: Since a community is comprised of individuals, and every individual is repenting at this time, what is the repentance of a community? It must be repentance for sins of the community, which are also atoned for during this time, as we find with the sin of the Golden Calf, for which the Jews were forgiven. (*R' Mordechai Gifter*)

See Minchas Chinuch 364 who seems to be saying differently than Rambam. (*R' Moshe Shternbuch*)

Sources:

Sefer Hachinuch Mitzvah 364 Mitzvah of Confession

We are commanded to confess before G-d all the sins that we have committed at the time when we regret them. This is the confession that a person says when they repent: Please G-d, I have accidentally sinned, I have transgressed and I have willfully sinned, and I have committed the following sin.... In other words the person must specify the sin, and seek atonement for it. He should speak at length in his confession, as much as he is able.

The roots of this mitzvah: When a person admits their sin, it reveals their thoughts and shows that they truly believe that all a person's actions are revealed and known before G-d, and this person doesn't pretend that G-d can't see what they have done. Also, through detailing the sin and regretting it the person will come to be more careful next time not to stumble in the same sin. They have verbally stated their sin and confessed that they are watching their actions so that they will not return to the sins again. In this way it will be accepted by G-d, and the good G-d who desired the best for His creations will lead them on the path of merit.

שנצטוינו להתודות לפני ה' על כל החטאים שחטאנו בעת שנתנחם עליהן, וזהו ענין הוידוי שיאמר האדם בעת התשובה אנא השם חטאתי עויתי ופשעתי כן וכן, כלומר שיזכיר החטא שעשה בפירוש בפיו, ויבקש כפרה עליו ויאריך בדבר כפי מה שיהיה צחות לשונו.

משרשי המצוה, לפי שבהודאת העון בפה תתגלה מחשבת החוטא ודעתו שהוא מאמין באמת כי גלוי וידוע לפני האל ברוך הוא כל מעשהו ולא יעשה עין רואה כאינה רואה, גם מתוך הזכרת החטא בפרט ובהתנחמו עליו יזהר ממנו יותר פעם אחרת לבל יהיה מכשול נכשל בו, אחר שיאמר בפיו כזו וכזו עשיתי ונסכלתי במעשי יהיה נגדר שלא ישוב לעשות כן, ומתוך כך ירצה לפני בוראו, והאל הטוב החפץ בטובת בריותיו הדריכם בדרך זו יזכו בה.

This mitzvah applies in all places at all times, for men and women.

A person transgresses this mitzvah if they don't confess their sins on Yom Kippur which is the time fixed eternally for forgiveness and atonement. Woe to such a person – if they die without confessing they will have to bear their sin.

ונוהגת מצוה זו בכל מקום ובכל זמן, בזכרים ונקבות.

ועובר על זה ולא התודה על חטאיו ביום הכפורים שהוא יום קבוע מעולם לסליחה וכפרה ביטל עשה זה, ואוי לו לאדם אם ימות בלא וידוי ונשא עונו.

Halacha 8

Key Points:

`For we have sinned ...'. This is the core of the confession: The source of this is Yoma 87b. However it is very difficult to understand because 'we have sinned' lacks resolve for the future which is an essential component of repentance. This phrase is only admission of guilt, and is not repentance at all.

It seems that the Sages were very wise in their description of confession for Yom Kippur. If a person would accept never to sin in the future without being sincere the confession would not be repentance but a sin, telling lies to G-d. It is possible that someone would make the declaration of resolve for the future while knowing in their heart that they will not keep it, and they would be transgressing one of the things that they are confessing for 'For the sin that we sinned before You with insincere confession'! Therefore the Sages taught us to say only 'for we have sinned', and this is sufficient for a person to not be considered wicked. Someone who wants to repent properly should do so before Yom Kippur with all the components required by Halachah. (*R' Moshe Shternbuch*)

`For we have sinned ...': At the end of Seder Ahava Rambam writes out the wording of all the prayers. There he says the correct version of confession is 'For we and our ancestors have sinned...'. In Baruch Sheamar he explains that by mentioning our ancestors we alleviate our guilt, because they also sinned. Therefore we shouldn't be punished so harshly. (*R' Moshe Shternbuch*)

Halacha 9

Key Points:

But sins against other people such as injuring, cursing or stealing are never atoned for until he has paid what he owes the person and appeased him: In Hilchos Chovel Umazik (5: 9) Rambam says that if someone injures his friend and pays him for the damage, they are not required to ask for forgiveness. See Lechem Mishneh there who explains: (*R' Mordechai Gifter*)

Until he has paid what he owes the person and appeased him: Yam Shel Shlomo Yevamos chapter 8 (siman 27) claims that is not sufficient to ask for forgiveness but the penitent should also ask the person they sinned against to pray for him. Only then will G-d completely forgive the person. (*R' Mordechai Gifter*)

Even if one only made fun of someone else he has to appease him and entreat him until he forgives him: Mishna Brura 606: 3 says that the penitent has to specify the sin when they come to ask for forgiveness. However in Chofetz Chaim 4: 12 he writes that "if someone sins against another, for example by speaking badly about them, but they didn't cause them any loss, damage or embarrassment through this because the listeners didn't take him seriously, he does not need to ask his friend for forgiveness. The sin is only between the person and G-d, therefore he should repent and accept upon himself never to speak badly about others in the future. However if he sinned against another person without their knowledge, but the person was degraded in the eyes of the listeners, or it caused some loss or damage, even though the person knows nothing about it, the penitent must reveal to the person what they said about them when asking for forgiveness'.

However it is said in the name of Rabbi Yisrael Salanter that a person must weigh carefully whether by telling them what they said will be beneficial or not. It may be that they will cause them pain by revealing what was said, and this itself is an additional sin. Therefore, in such a case, a person should ask for forgiveness without specifying the sin, like people normally ask for forgiveness for 'everything they may have done'. (Apparently his disagreement on this point was the reason that Rabbi Salanter refused to write a letter of approbation for the Chofetz Chaim). (*R' Mordechai Gifter*)

This person who did not forgive is now the sinner: It appears to me that if the person does not forgive immediately (without good reason) they have already sinned since they now force the penitent to humiliate himself further by returning with three people and asking another time. Rambam only calls the person a sinner after three times. It must be that after three times the actual sin that he should have forgiven becomes his sin (as well as the sin of humiliating the penitent). (*R' Moshe Shternbuch*)

Sources:

Mishnah Berura 606:3

He should return to ask for forgiveness – each time he should try a different way of appeasing the injured party. When he asks for forgiveness he must specify the sin, unless he knows that by telling the person it will embarrass them (and cause more damage). In such a case he should not specify the sin. If a person asks forgiveness in general from a group of people he has not fulfilled the mitzvah if he knows a specific sin against an individual.

Rambam Hilchos Chovel Umazik 5: 9

Someone who injures a person is not the same as someone who damages their property. If someone damages property of another, once they have repaid what they owe they are atoned. But someone who injures someone else, even though they pay any damages they owe, they are not atoned, even if they offer all the sacrifices in the world, until they ask the injured person to forgive them.

Lechem Mishna Hilchos Chovel Umazik 5: 9

In chapter 2 of Hilchos Teshuva Rambam writes that someone who steals from another is not forgiven until they appease the person they stole from, as well as returning the stolen object. Theft is different because the thief gets benefit from the stolen item and also causes pain to the person from whom they stole, who is now without that item. But someone who damages someone else's property gets no benefit from the damage they caused, and the person who was damaged is not as troubled by it as the person who was stolen from. Therefore it is enough to repay the damage.

יחזור וילך - ויפייסנו בכל פעם במין ריצוי אחר ובשעת בקשת מחילה צריך לפרט מה שחטא לחבירו אם לא כשיודע שחבירו יתבייש מזה כשיפרט החטא אזי לא יפרט אותו ומי שהוא מבקש מחילה מרבים בכלל אינו יוצא אם יודע שעשה לאיזה יחיד בפרט.

אינו דומה מזיק חבירו בגופו למזיק ממונו, שהמזיק ממון חבירו כיון ששלם מה שהוא חייב לשלם נתכפר לו אבל חובל בחבירו אע"פ שנתן לו חמשה דברים אין מתכפר לו ואפילו הקריב כל אילי נביות אין מתכפר לו ולא נמחל עונו עד שיבקש מן הנחבל וימחול לו.

אע"ג דבהל' תשובה פ"ב כתב רבינו ז"ל דהגוזל את חבירו אינו מתכפר לו אלא אם ירצה לנגזל ויפייס אותו אע"פ שהשיב לו הגזילה. "ל דשאני גזלן דנתהנה מאותה עבירה ועוד שציער הרבה לנגזל שלקח ממנו בעל כרחו אבל מזיק הממון שלא נתהנה מהזק ההוא אלא שהזיק לו ולמזיק לא באה הנאה ממנו לא נצטער כל כך הניזק כמו הנגזל כיון ששלם לו היזקו די.

Yam Shel Shlomo Yevamos 5: 27

The law regarding someone who sins against his friend and appeases him is that he must ask him to pray for him and it is a mitzvah for the person to forgive.

The Talmud states (Yevamos 79a): When King David wanted to appease the Givonim for what Shaul had done to them, he said to them "What have I done to you? How can I atone so that you will bless the inheritance of G-d? (Shmuel 2 21: 3). This implies that even though the injured party is appeased, G-d still doesn't forgive completely unless the forgiver prays for the person. Therefore someone who is careful in such things, and who fears G-d, who sinned against someone else, when they ask for forgiveness they should also ask the person to pray for them. And it is a mitzvah for the injured party to accede to the request, because we find about Avraham "Avraham prayed for Avimelech" (Bereishis 21: 17).

Chofetz Chaim Hilchos Lashon Hara Klal 4: 12

If a person speaks badly about someone else and wants to repent, it depends whether the listeners accepted what he said or not. If the person wasn't degraded in their eyes, the only sin which needs atonement is the sin against G-d, because he spoke badly about another which is against G-d's will. His repentance is that he should regret that he transgressed, confess the sin and accept upon himself never to do it again in the future, like with all sins between people and G-d. But if the person was degraded in the eyes of the listener through what he said, and this caused him some financial or personal damage, or it caused him pain then it is like all sins between people, and even Yom Kippur or death won't atone for the sin until the person forgives him. Therefore he must ask for forgiveness from the person, and appease them. Once they have forgiven the sin is again only between the sinner and G-d, and he does as we said above. Even if the person doesn't yet know that anything was said, he must tell him what he did against him, and to ask him for forgiveness for it, since he knows that he has caused him this pain.

דין העושה איזה דבר נגד חברו, ומפייסו, יבקש ממנו שיתפלל עליו, והמוחל עצמו מצוה עליו לעשות כן: אמרינן בסוגיא (ע"ט ע"א) בשעה שרצה דוד המלך לפייס את הגבעונים, במה שעשה להם שאל, אמר להם (ש"ב כ"א, ג') מה אעשה לכם, ובמה אכפר, וברכו את נחלת ה', משמע, אעפ"י שנתפייס הנלקה, מ"מ אין הקב"ה מכפר כ"כ, אלא שיתפלל המוחל עצמו עליו, ועל כן ראוי, מי שמדקדק בדבר, ויראת ה' על פניו, ועשה בין אדם לחבירו, ומפייסו, יבקש ממנו שיתפלל עליו, והמוחל גופו, מצוה רבה שיעשה לו רצונו, וכן מצינו נמי באברהם (בראשית כ"א, י"ז) ויתפלל אברהם על אבימלך.

ואם עבר וספר לשון הרע על חברו ובא לעשות תשובה, תלוי בזה, אם השומעים דחו את דבריו, ולא נתגנה חברו על ידי זה כלל בעיניהם, אם כן לא נשאר עליו, כי אם העון דבין אדם למקום, דהינו שעבר על רצון ה', שצוה על זה כמו שכתבנו לעיל בפתיחה. תקונו, שיתחרט על שעבר ויתודה ויקבל על עצמו בלב שלם על להבא, שלא לעשות כן, כמו בכל עונות שבין אדם למקום. אבל אם חברו נתגנה על ידי זה בעיני השומעים ונסבב לו על ידי זה הזק בגופו או בממונו, או שהצר לו על ידי זה, הרי הוא ככל עונות שבין אדם לחברו, שאפלו יום הכפורים ויום המיתה, אין מכפר עד שירצה את חברו, על כן (מז) צריך לבקש מחילה מחברו על זה, וכשיתפייס וימחל לו, לא נשאר עליו, כי אם העון דבין אדם למקום ויעשה כנ"ל. ואפלו אם חברו אינו יודע עדין כלל מזה, (מח) צריך לגלות לו מה שעשה נגדו שלא כדיו, ולבקש ממנו מחילה על זה, כיון שהוא יודע, שעל ידו נסבב לו דבר זה.

Halacha 10

Key Points:

Rather he should be easily accepting and slow to anger: Rambam seems to explain that the source of the cruelty of not forgiving is anger. If a person is easily appeased they will be quick to forgive.

In Rambam's proof from the Givonim it seems that the root of not forgiving is a lack of mercy. The Gemara (Yevamos 79a) learns that the Givonim didn't forgive because they lacked the Jewish attribute of mercy.

Rambam must be saying that a person who refuses to forgive because they feel that the person who sinned against them does not deserve mercy, is really motivated by their attribute of anger. (*R' Mordechai Gifter*)

Sources:

Talmud Yevamos 79

There are three signs of this nation – they are merciful, bashful and do kindness for others.

שלשה סימנים יש באומה זו: הרחמנים, והביישנים,
וגומלי חסדים

Rashi Yevamos 79

This nation - Israel

באומה זו - ישראל.

Merciful – but the Givonim are not merciful, and therefore King David realized that they should not be allowed to become part of the Jewish nation. David decreed against them that they may not convert. Therefore the verse states “the Givonim are not from the Children of Israel” (Shmuel 2 21: 2)

הרחמנים כו' - והני גבעונים כיון דלא מרחמי אינן
ראויין לידבק בהן מיד גזר עליהן דוד לכך נאמר
והגבעונים לא מבני ישראל המה.

Halacha 11

Key Points:

If one sinned against another and that person died before he could ask forgiveness from him, he must bring ten people to stand by his grave: But if a person mocked someone who was already dead they don't need to bring ten people to the graveside, but must request forgiveness from the deceased in the place where they sinned (Magen Avraham 606: 7). It is not clear why they must be in that particular place.

The Rama (Choshen Mishpat 420: 38) says that they do still have to go to the graveside, but don't require ten people. Rambam here seems to be like the Magen Avraham rather than the Rama. (*R' Moshe Shternbuch*)

If he can't find anyone to send, the penitent may gather ten people where he is and ask for forgiveness in their presence. (*R' Ovadiah Yosef - Yalkut Yosef Moadim p. 82*)

Sources:

Shulchan Aruch Choshen Mishpat 420

Someone who speaks badly about someone who has passed away must accept fasts and repentance upon themselves, and monetary penalties according to the assessment of Beis Din. If they are buried nearby he should go to the grave and ask for forgiveness. If the grave is far away he should send a messenger on his behalf.

המדבר רע על שוכני עפר, צריך לקבל עליו תעניות ותשובה ועונש ממון כפי ראות בית דין ואם קבורים בסמוך לו, ילך על קבריהם ויבקש מהם מחילה, ואם הם רחוקים ישלח שם שלוחו.

Rama on Shulchan Aruch Orech Chaim 606: 2

If the person he sinned against has passed away he should bring ten people to the graveside and say, 'I have sinned against the G-d of Israel and this person who I have sinned against.

אם מת אשר חטא לו, מביא י' בני אדם ומעמידם על קברו ואומר: חטאתי לאלהי ישראל ולפלוגי זה שחטאתי לו.

Magen Avraham 606: 7

And he must go there barefoot. If it is more than 3 furlongs away he should send a messenger. If he degraded someone after they died he doesn't need to go to their grave but must ask for forgiveness in the place where he degraded him.

וצריך לילך לשם יחף ואם הוא חוץ לג' פרסאות ישלח שלוחו ואם. חירפו לאחר מיתה א"צ לילך על קברו אלא מבקש ממנו מחילה במקום שביישו.

Mishna Brura 606: 14

To his grave – and he must go there barefoot. If it is more than three furlongs away he should send a messenger, and the messenger should gather ten men and go to the graveside to ask for forgiveness in the name of the person who degraded him. He should say 'I am the messenger of so-and-so. I publicly admit that he sent me to say that he sinned against the G-d of Israel and ...'.

One who sins against their friend. Statement of Rabbi Yehuda bar Chanina.

על קברו - וצריך לילך לשם יחף. ואם הוא חוץ לשלשה פרסאות ישלח שלוחו לשם והשליח יקח עשרה אנשים וילך על קברו ויבקש מחילה בשם המחרף ויאמר הנני שליח פלוני מודה ברבים ששלחני פלוני לאמר שחטא לאלקי ישראל וכו'.