Foundations of Truth

The Scales of Judgement: A Novel Approach

Torah Thoughts From

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The Scales of Judgement: A Novel Approach

Rav Shmuel Yaakov Weinberg zt"l

Tipping the Scales

The Rambam rules in Hilchos Teshuva (Perek 3:1-2):

Halacha 3:1

כל אחד ואחד מבני האדם יש לו זכיות ועונות מי שזכיותיו יתירות על עונותיו צדיק ומי שעונותיו יתירות על זכיותיו רשע מחצה למחצה בינוני וכן המדינה אם היו זכיות כל יושביה מרובות על עונותיהן הרי זו צדקת ואם היו עונותיהם מרובין הרי זו רשעה וכן כל העולם כולו

"Each and every person has merits and sins. A person whose merits exceed his sins is a tzadik. A person whose sins exceed his merits is a rasha. If his sins and merits are equal, he's a beinoni.

The same applies to an entire country: If the merits of all its inhabitants exceed their sins, it is righteous. If their sins are greater, it is wicked. The same applies to the entire world."

Halacha 3:2

אדם שעונותיו מרובין על זכיותיו מיד הוא מת ברשעו שנאמר על רוב עונך וכן מדינה שעונותיה מרובין מיד היא אובדת שנאמר זעקת סדום ועמורה כי רבה וגו' וכן כל העולם כולו אם היו עונותיהם מרובין מזכיותיהן מיד הן נשחתין שנאמר וירא ה' כי רבה רעת האדם ושקול זה אינו לפי מנין הזכיות והעונות אלא לפי גודלם יש זכות שהיא כנגד כמה עונות שנאמר יען נמצא בו דבר טוב ויש עון שהוא כנגד כמה זכיות שנאמר וחוטא אחד יאבד טובה הרבה ואין שוקלין אלא בדעתו של אל דעות והוא היודע היאך עורכין הזכיות כנגד העונות

"If a person's sins exceed his merits, he will immediately die in his wickedness as it says [Yirmiah 30:14]: "[I have smitten you...] for the multitude of your transgressions." Similarly, a country whose sins are greater, will immediately be destroyed as it says [Bereishis 18:20]: "The outcry of Sodom and Amorah is great...." In regard to the entire world as well, if their sins are greater than their merits, they would immediately be destroyed as it says [Bereishis 6:5]: "God saw the evil of man was great... [and G-d said: `I will destroy man....']"

"This reckoning is not calculated just on the basis of the number of merits and sins, but also based on their magnitude. There are some merits which outweigh many sins as it says [Melachim 1, 14:13]: "Because in him, there was found a good quality." A sin may outweigh many merits as it says [Koheles 9:18]: "One sin may obscure much good." The weighing is only carried out according to the wisdom of the Knowing God who knows how to measure merits against sins."

A Puzzling Halacha

The question everyone asks on Halacha Beis (above 3:2) is:

That it's not so! How can you say a *rasha* will die immediately? It's a fact that you have *rasha'im* who don't die immediately but live many, many years, and prosper. You have the concept of "*rasha v'tov lo*" - "*an evil person will have good things*" as a *halacha*, and we also see it as a fact.

We also see it with countries. Germany was an evil country, no one can dispute that, and yet it prospered and continues to prosper today. How is it possible to say that immediately they'll be destroyed?

The Kesef Mishna wants to say that those people who we think are *rasha'im*, in the scales of Hashem, are really not *rasha'im*. But this answer isn't acceptable, you can't live with it.

You can't say this with the Germans, of course they were *rasha'im!* For them, you don't need a *mishkal* (measuring) to determine if they're *tzadikim* or *reshaim*; there's really nothing to discuss. So what does the *Rambam* mean?

Digging Deeper

But really there's another question on the *Rambam* that needs to be explained – namely, how to translate his words:

He has two *halachos*. *Halacha aleph* (3:1) is discussing when you have more *zechuyos* (merits) than *aveiros* (sins) and when you have more *aveiros* than *zechuyos*. *Halacha beis* (3:2) discusses again when you have more *aveiros* than *zechuyos* and adds that he'll immediately die. What is he accomplishing with these 2 *halachos*? He should have just combined *halcha beis* into *halacha aleph*, and simplified it as:

מי שעונותיו יתירות על זכיותיו רשע ומיד הוא מת ברשעו

"Whoever's sins exceed his merits is wicked, and he will die immediately in his wickedness"

Why does he need to repeat it separately in halacha beis if he already said it in halacha aleph?

Additionally, in *halacha aleph*, the *Rambam* says a din: someone with more *aveiros* than *zechuyos* is a *rasha*, period. While in *halacha beis*, he brings in the concept of *mishkal*, measuring, and says that the only one who can measure is *kaviyochol* Hashem. However, in *halacha aleph*, nobody is measuring, it's the way it is. What is this difference?

Reality: In the Balance

To answer this, we need to clarify: Where is there a measurement and who is measuring?

Only when there's a *din* do you have a measurement - when there's no *din*, there's no measuring. Therefore, *halacha aleph* which doesn't mention a measurement, is discussing when there is no *din*. Whereas in *halacha beis*, which does discuss a measurement, there is a *din*.

Further, the very essence of the *Rambam* in *halacha beis* is discussing *din* because the *pasukim* he quotes there, are explicitly, in the *pasuk*, referring to Hashem coming to judge; there's a *din*.

By the *mabul*, Hashem is making a decision; a decision is *din*. Therefore, *halacha beis* is discussing when there's a *hisorirus l'din* (Hashem focusing on making a judgement) while *halacha aleph* is not discussing when there's *a hisorirus l'din*.

Halacha aleph is discussing *metziyus*, the way it is. Nobody is measuring, and when it becomes a fact that his *avonos* exceed his *zechuyos*, then he's in fact a *rasha*. His *metzius*, his very being is a *rasha*. If his *zechuyos* exceed his *aveiros*, then he's in fact a *tzadik*; and similarly by a *beinoni*.

Existence and Judgment

So there's a category called *tzadik*, a category called *rasha*, a category called *beinoni*. If he woke up in the morning and his *aveiros* exceeded his *mitzvos*, but during the morning hours he did 20 *mitzvos* so that now his *mitzvos* exceed his *aveiros*, now he's a *tzadik*. From minute to minute, he can shift and change. One minute he can be a *rasha* and the next minute he can be a *tzadik*. Halacha aleph is discussing a category; he is what he is. The minute it happens, it's automatic.

While *halacha beis* is not automatic. It isn't that the moment his *aveiros* exceed his *mitzvos* that he dies! It's not so. There's an *arichus af* (patience) and a *midas rachamim* (attribute of Divine mercy).

It's a fact, that a person is often able to live for many, many years. He has a chance to do *teshuva*. He's even sent *yesurim* and *onshim*, hardships and punishments, to remind and arouse him to do *teshuva*. This can even be when his *avonos* are more than his *zechuyos*.

But if Hashem's wrath is on him... Once Hashem is sitting in *din*, then if his *avonos* outweigh his *zechuyos*, then immediately he'll die. There's no patience, no *rachamim*; there's only *midas hadin b'chol tokfo*, in it's full power. That's what the *Rambam* means.

Halacha beis is discussing a situation of *shikul*, measuring in *din*. The *pasukim* that the *Rambam* quotes in *halacha beis* are discussing *din*. If a *psak din* is finalized that a person is liable, then he will die immediately, like by *Sedom*.

In regards to a *din* like this on the entire world, after the *Flood*, we know there won't be a *din* like that again because Hashem gave us an assurance. However, the *halacha* is still *emes*. It's still true that if there were to be such a *din*, then the whole world would be destroyed. But Hashem said that He won't sit in *din* for this.

But Why?

So *halacha beis* is when there is a *shikul*, a measurement, and only Hashem can make the *shikul*. While *halacha aleph* is a fact, nothing to do with a *din*. No one is measuring, it's the way it is. The minute it happens, that's how it is. It's discussing the *metzius* of a *rasha*, nothing to do with a *din*, with reward or punishment.

If so, why is the *Rambam* even telling us that there is such a *halacha*? For what purpose do I need to know that if his *zechuyos* are more that he's called a *tzadik*, that he's a *rasha*, or a *beinoni*?

We see here, that there must be a *chiluk*, a distinction, in the *metzius* of a person. In his very existence, it makes a difference whether he's a *rasha* or a *tzadik*. But what is it?

The Rambam himself (Hilchos Teshuva 7:7) tells us what the chiluk is:

When a person is a *rasha*, he is *muvdal* and separate from the *Ribono Shel Olam*. *Tzoek v'Ainono Neneh*, he cries out but his prayers aren't accepted. He begs and pleads to Hashem, it's not accepted, he's a *rasha*. His *mitzvos* don't lift him up. *Mitzvos* are supposed to change a person, to lift up his *neshama*. A *rasha*, *rachmana l'tzlan*, his *mitzvos* are flat and don't do what a *mitzvah* is meant to do.

If he's a *tzadik*, he's *davuk* and connected to the *shechina* as the pasuk says (Devarim 4:4): *v'Atem Ha'Dvekim b'Hashem*...".

When he calls out, he's answered immediately. As the pasuk says (Yeshaya 65:24): "Before you call out, I will answer you" –"...v'Ani Neneh".

He does *mitzvos b'nachas u'vsimcha*, with tranquility and joy.

A Meaningful Relationship

This is a tremendous result and *nafka mina* in the *etzem chiyus ha'adam*; in his entire life and of what he is. His whole life, his whole being is dependent on what he is! If he's a *rasha*, he's a *muvdal*, separate and can't reach out to the *Ribono Shel Olam*. Do you need punishments or *dinim*? Is there a situation that's more horrifying than the fact that he's *muvdal* and far away from Hashem and can't relate to the *Shechina*?

A *tzadik* is a *karov*, he's a *davuk* and close to Hashem. The *Ribono Shel Olam kaviyochol* is *nisaveh* to his *mitzvos*; waiting for him with a desire, with *taiveh*. A *beinoni* is neither a *rachok* or a *karov*. You listen and that's what you do, but not that his prayers will be answered immediately, or that Hashem yearns for his *mitzvos*.

The *nafka mina* of all this is actually what our whole life is all about!

Dinim are whether we'll live or die. But what is our existence while we're alive? That depends if we have a *shem tzadik* or *rachmana l'tzlan* a *shem rasha* or *beinoni*. The whole quality of our life: can we learn? what happens when we learn? how we can relate to our children, how we can relate to friends, how we can relate to parents - it's all dependent on how we relate to the *Ribono Shel Olam*!

This existential reality of what we are, determines and is *koveya* how we live - and what kind of a life it is. Whether we are a *shem tzadik* or *shem rasha* is actually relevant much more than we can begin to describe.

Whether we have a judgement, a *din rasha* or *din tzadik*, that affects a moment in time. But what we actually are, affects every second of our life. Even for one minute, if we're a *rasha* where the *aveiros* are more, for that one minute we're far from Hashem. We can't *daven* properly, we can't do a *mitzvah* and have the proper consequences of the *mitzvah*. Can you imagine the horror for that one minute. The *metzius*, the actuality, that we are a *rasha*? This is relevant constantly, on an ongoing basis, that we need to make sure and seek a *shem tzadik;* and *chas v'sholom* that we shouldn't achieve a *shem rasha*.

A Different Outlook

For this *halacha*, that the *shem rasha* can disappear and that a *shem tzadik* can come, you wouldn't need all the intricacies and *gedarim* of *viduy*. The *gemara* says even if someone has *hirhurey teshuva*, thoughts of teshuva, he's already a *tzadik gamor*, a complete *tzadik*

To make me into a *tzadik gamor*, a hirur teshuva is sufficient. Every minute in a given hour, *hirhur teshuva* is the one thing that I can do. Every day, whether I've achieved *kapara* (atonement) or not, but I can attain a *shem tzadik*.

And as we saw, the *shem tzadik* is more important than whether I have *kapara* or not. *Kapara* is good, I'll have less *onshim*, I'll have fewer punishments. But with a *shem tzadik*, I'm *mechubar* and connected to *Hakadosh Barouch Hu* – he's a *Davuk Bo*! The *Ribono Shel Olam* is pleased with his *mitzvos*, he is answered immediately when he *davens*. You don't hear that *kapara* is way way secondary to this state of being *davuk b'Shechina* (*clinging to Hashem*), of being a *nisaveh lmitzvosav* (*Hashem yearning for his mitzvos*)?

How can the focus of this relationship with the *Ribono Shel Olam* not overshadow all the considerations of being rewarded or punished? Where do they come into play when we're talking about attaining a *shaychus* and state of being connected with the *Ribono Shel Olam*?

It's clear in the pasuk (Tehillim 115:17): "הלא כל ירדי דומה - "The dead will not praise G-d, nor all those who descend to the grave."

Good, so in the next world, you'll have *menucha*, rest, reward, and everything good - but he won't be a *mehallel Hashem*, someone who can praise Hashem. So what good does it do?!

I want to live to say Ashrei, to praise Hashem. While alive, I can make a *bracha*, I can be an *oved*, be someone who serves G-d.

Am a I *mechubar* to Hashem or a *rachuk*? Am I close to Hashem or distant? This affects our daily life so much more than "Do I have a *kapara*?"

For sure we want *kapara* and don't want to have to go through suffering or punishments. But you have to hear and understand clearly, how it pales to the very existence of a person's connection with the *Ribono Shel Olam*.

And it's this relationship, that has nothing to do with din. It has to do with what is his condition: What is he? Is he is a *rasha* or *tzadik*? For this, even a *hirur*, a thought of *teshuva* alone works.

Practical Suggestion

There's no better *eitza* or suggestion: *Kol Yamav BeTeshuva Shema Yamos*, to be in Teshuva all his days lest he die.

Constant *hirurei teshuva*. To know with clarity and certainty that he has a *shem tzadik* and a close relationship with the *shechina*, a *davuk*, his *davening* answered immediately, his *mitzvos* are *kaviyochol misameach Elyon* and bring joy to Hashem who desires him. There's no bigger *eitza* than this.

But *b'Avonoseinu Harabim*, in our great sins, this is not the easiest thing to do. The *parsha* of *teshuva* is a whole endeavor. Even without *viduy*, but it is a *parsha* of *teshuva* including a *kabala al lihaba*, to accept on yourself to avoid the sin in the future.

You know what *kabala al lihaba* means. He has to be distance himself from the sin. It's the best possible *eitza*, but you'd have to admit, if we had something easier to avoid the *shem rasha* and acquire the *shem tzadik*, it would be something that would evoke the greatest level of gratitude.

I have for you in the *halacha*, a suggestion that is so much easier. It's literally in our hands and available every single moment. It needs only a reminder, that's it.

A Perplexing Rambam

Listen to a halacha in the Rambam (Hilchos Teshuva 3:3).

The Rambam, right after he mentioned (in 3:2) "ואין שוקלין אלא בדעתו של אל דעות והוא היודע היאך עורכין" (*The weighing [of sins and merits] is carried out according to the wisdom of the Knowing G-d. He knows how to measure merits against sins*" says:

כל מי שניחם על המצות שעשה ותהה על הזכיות ואמר בלבו ומה הועלתי בעשייתן הלואי לא עשיתי אותן הרי זה איבד את כולן ואין מזכירים לו שום זכות בעולם שנאמר וצדקת הצדיק לא תצילנו ביום רשעו אין זה אלא בתוהה על הראשונות

וכשם ששוקלין זכיות אדם ועונותיו בשעת מיתתו כך בכל שנה ושנה שוקלין עונות כל אחד ואחד מבאי העולם עם זכיותיו ביום טוב של ראש השנה

"Anyone who changes his mind about the mitzvos that he has done and regrets the merits [he has earned], saying in his heart: "What value was there in doing them? I wish I hadn't performed them" loses them all and no merit is recalled for him at all as [Yechezkel 33:12] states "The righteousness of the tzadik will not save him on the day of his wickedness." This is referring to one who regrets his previous deeds. Just as a person's merits and sins are weighed at the time of his death, so, too, the sins of every inhabitant of the world together with his merits are weighed on the Yom Tov of Rosh HaShanah."

So there's a halacha in the *Rambam* that says that *Rachamana litzlan, a toheh al harishonos,* someone who regrets the mitzovs he did earlier, has the result of אין מזכירים לו שום זכות בעולם – his merits will be lost and won't be recalled for him.

Rav Elchonan Wasserman zt"l asks a perplexing question in the name of the Chofetz Chaim zt"l: It's well known in all the *sefarim*, everyone in Klal Yisroel knows that Teshuva is a special gift from Hashem. Really, it shouldn't be possible for *Teshuva* to help, he sinned against his Master.

Let's say he did *teshuva*, but he did the *aveira*! Why should *teshuva* come and wipe him clean of the *aveira*? It doesn't make sense. So it's understood that it's a special kindness that *Hakadosh Boruch Hu* did by creating the very existence of *teshuva*. It's something that flies in the face of logic and something the *malachim* couldn't know; only Hashem could know it.

The Chofetz Chaim asks: "How can you call it something special? If a person can regret his *mitzvos*, and lose those *mitzvos*, then certainly since *midah tovah meruba*, Hashem's kindness is greater, if a person regrets his *aveiros*, then certainly his sins should go away?

It couldn't be that his *aveiros* would stay with him more than his *mitzvos*. Just the opposite, if the *middos* of Hakadosh Baruch Hu are that he's always doing more for our benefit.

So obviously if you can lose the *mitzvos* by being sorry he did them, then certainly for *aveiros*, why would you need a special dispensation of *teshuvah*? Obviously *charata*, regret for the *aveiros* should wipe it out?"

Why Teshuva?

But to me, why ask the question this way? He could have asked the question in an infinitely stronger way as follows:

What do you need to say in order to wipe out all your *mitzvos*? An "I'm sorry, I wish I hadn't done it". So then why do you need a whole process to wipe out *aveiros*? Distancing yourself from the chet (*misrachek*), letting go of the *aveira* (*azivas hachet*), regret (*charata*), crying to Hashem (*maleh b'chi*), and an acceptance on the future (*kabala al lihaba*).

Why do you need to do all this? Just say you're sorry you did the *aveirah*?! If all you need to erase a *mitzvah* is "I'm sorry I did the *mitzvah*", then for *aveiros* an "I'm sorry" should also be enough. Why is an 'I'm sorry" not enough for *aveiros*?

Bigger Issues

But really, an even stronger question is: How could anyone say such a thing?

Hashem who is "*HaTzur Tamim Pa'alo*" (*Devarim 32:4*), "His ways are just" - is going to take away reward from one of his creations? A Jew did a *mitzvah* and he's not going to get his reward because he was *toheh*, he's sorry he did it?!

Is it possible to believe that Hashem, who is Just and does no wrong, is going to take away the reward of a mitzvah because the person was sorry he did the *mitzvah*? But he earned it?

A New Perspective

In actuality, the Rambam is making an entirely different point:

In *halacha beis* (3:2), the *Rambam* was discussing that his *mitzvos* are weighed against his *aveiros* and only Hashem can weigh. Here in *halacha gimmel* (3:3), the *Rambam* discusses how his *mitzvos* are weighed against his *aveiros* - after he dies and on every Rosh Hashanah.

The whole 3rd *perek* is talking about weighing *mitzvos* against *aveiros* and vice versa. In the middle of discussing all of these weighings, the *Rambam* throws in a *halacha* about *toheh al harishonos*, regretting that he did *mitzvos*? What does that have to do with anything? Mention that halacha in the 2nd perek; why bring it right in the middle of the *dinim* of weighing *mitzvos* against *aveiros*?! Why?

The answer is because that's exactly what we're talking about.

When it comes to a *toheh al harishonos*, of course he still keeps all the reward from all of his *mitzvos*. *Chas v'shalom*, he never loses his *mitzvos*.

We're discussing when the *mitzvos* and *aveiros* are being weighed. So the *Rambam* tells us a *halacha: Ein mazkirin lo* - the *mitzvos* he regretted and was *chozer bo*, are not put into the balance. In this way, we don't recall any of the *mitzvos* he did.

He still gets all the reward, but like we were saying before: is he a *rasha* or a *tzadik*? When you weigh things, those *mitzovs* that he regretted, are not placed into the balance.

If they would've been in the balance, he would have come out as a *tzadik*. But now that they're not in the balance, *rachmana l'tzlan*, he comes out a *rasha*!

A Greater Appreciation

That's also the very *pasuk* that the *Rambam* quotes: "*the righteousness of the tzadik won't save him on the day of his wickedness*". Why not? Because he was a *toheh al harishonos*. The *mitzvos* he has won't be weighed, they won't help him because he regretted them.

It's clear that this is the simple explanation of the very words of the *Rambam*. He's not going to *chas* v'shalom lose anything, he'll have all of his reward. But the *toeles* of the *mitzvah*, that he lost. That which the mitzvah attaches him to Hashem *kaviyochol*, that makes him a *davuk*, that lifts him up – this he lost (*m*'abdin lo)! It doesn't count in the balance.

If this is true by *mitzvos*, then you understand this is for sure true by *aveiros*.

If he's a *toheh*, he has *charata* and regrets having sinned. He says "Why did I do it? If only I didn't do that *aveira*", then for sure he loses the *aveira*. The evil *rishus* that the *aveirah* does, that it pulls him away from Hashem, that it dampens his *tefillos*, that his regret takes it away, it's gone.

For that, you don't need *hilchos teshuva*, all you need is *charata*, a true regret. Then it's no longer in the balance and those *aveiros* don't count when considering whether he has more *mitzvos* or more *aveiros*. He would have been deemed a *rasha*, but now these *aveiros* don't count and he's a *tzadik*.

Rachmana l'tzlan, he'll still receive punishment. In order to get *kapara*, to receive atonement, and take away the punishment, he needs to do *teshuva*. But not for weighing the *aveiros* – for that, *charata* "I'm sorry, I wish I never did it" is enough.

When the *Yom HaDin* of Rosh Hashanah arrives, the *aveira* won't be put it into the balance. For atonement from punishment, that's not enough. There are all the *halachos* of letting go of the *aveira* (*azivas hachet*) and an acceptance on the future (*kabala al l'haba*), all that Rabbeinu Yonah talks about to receive a *kapara*. But in order for them not to be counted in the balance, its enough that he wishes that he never did the *aveira*.

Achieving Greatness

This is *b'yadeinu*, it's something we can all do. Every Yid, when he stops to think about it, it hurts him that he did the *aveira*. Even if he can't bring himself to be *mekabel al l'haba*, to decide not to do it again; but he wishes he could!

It disturbs him, it hurts him that he has the *aveira*: "What did I do?" That, we can all do. A *maiymin*, someone who believes in Hashem, is ready at any minute, but the problem is that he forgets. If he reminds himself and says *Krias Shema*, and says "Vey iz mir!" – "I wish I hadn't done it", then it takes away all those *aveiros* from being weighed.

To have a *shem tzadik*, who's *davuk b'Hashem*, whose prayers are answered immediately, who *kaviyochol* brings joy to Hashem who desires his *mitzvos*, that he can achieve. "I wish I hadn't done that *aveira*" – that every one of us can do. It only needs to be *nisorer*, we just need to remind ourselves.

There's nobody who isn't sorry that he did *aveiros*, who wishes with all his heart that he could wipe them out. Immediately after the *aveira*, he's disgusted and wishes he didn't do it.

He has a *yetzer hara* and he might even do it again. But if he has a feeling of disgust and shame, that is something we can all do. "How could I have talked lashon hara?"! He may not be pained to the extent that he ought to be pained, but at least he wishes he didn't do it.

We don't stop and think, and go on and on in our minds. But putting atonement to the side, in terms of his *matzav*, his state of being, he can be a *tzadik*! He can get rid of the *aveiros* in terms of the balance.

Unfortunately, I think he also needs to be aware of the particular *aveira*. I don't think he can say "I'm sorry I did *aveiros*, I sinned." I think he needs to specify the specific *aveira*. "I said *loshon hara*, I talked during *davening*, I didn't say *amen*". I hope I'm wrong about this but that's what it sounds like to me. Because when it comes to regretting a *mitzvah*, a person says why did I do such and such *mitzvah*. Similarly, I think he needs to be sorry for the specific *aveira*, in order to be aware of what he's regretting.

This is worth doing when we lead our daily lives. Stopping to think "I'm sorry I did this, I'm sorry I did that". If we can do this, we can be *zocheh* to *zechusim*, merits, that words can't even begin to describe. We can be *davuk b'Hashem*. We can be uplifted through our *mitzvos*. We can *daven* to Hashem and be answered. We can be *zocheh* to amazing things with just a little *hisorarus* and awareness every day. Just a few times a day, and all the more so, if we can keep this in mind every moment.