

## *Teshuva and Viduy: The Ambitious Method of Coming Closer to Hashem*

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Rambam, no fewer than three times (*Sefer ha-Mitzvot, Aseh 73*; Introduction to *Hilkebot Teshuva*; *Hilkebot Teshuva 1:1*), employs the term *lifnei Hashem* or *lifnei ba-Keil* (“before God”) when describing the mitzvah of *teshuva*. It is startling to see this phrase appear again and again in Rambam’s characterization of *teshuva*, given the phrase’s rare usage and extraordinary implications.<sup>1</sup> What is it about *teshuva* that compels Rambam to consistently remind us that it must be done *lifnei Hashem*?

The answer to this question lies in a more complete understanding of *teshuva* and its crucial role in the life of a committed *eved Hashem* (servant of God) as well as an understanding of the interplay between *teshuva* and *viduy* (confession).

In his *Koteret* (introduction) to *Hilkebot Teshuva*, Rambam summarizes the single mitzvah that he will discuss in this section:

מצות עשה אחת, והוא שישוב החוטא מחטאו לפני ה' ויתודה.

[This section includes] one positive commandment, which is that a sinner should return towards Hashem from his sin and repent.

It sounds like Rambam is telling us that the primary mitzvah discussed in this section is the mitzvah of *teshuva*, with *viduy* being a component of this mitzvah. However, even a cursory glance in the body of *Hilkebot Teshuva* (1:1) and *Sefer ha-Mitzvot (Aseh 73)* indicates that Rambam thinks otherwise. In *Hilkebot Teshuva 1:1*, Rambam writes:

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<sup>1</sup> The phrase *lifnei Hashem* is used in the Torah primarily in reference to the *mo'adim*. The Rav, in particular, was very sensitive to *lifnei Hashem* as a signature theme of the *mo'adim* and as signifying and characterizing the experience of *simbat ha-regel* and *kedusbat ha-zman* particularly in the *mikdash*.

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כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בזדון  
בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני הק—ל ברוך הוא.  
If one has violated any mitzvah in the Torah, whether an *aseh* or a *lo  
ta'aseh*, whether done purposely or accidentally, **when he does  
teshuva and returns from his sin**, he is obligated to say *viduy* before  
Hashem, blessed be He.<sup>2</sup>

In this instance, Rambam seemingly assumes that it is axiomatic that teshuva will occur; he subsequently codifies the obligation to say *viduy* in the context of the inevitable teshuva. Similarly, in *Sefer ha-Mitzvot (Aseh 73)*, he writes,

היא שצונו להתודות על החטאים והעונות שחטאנו לפני הא—ל יתעלה ולאמר אותם  
עם התשובה.

That which He commanded us to say *viduy* on the various sins that we committed before Hashem, and to say the *viduy* together with teshuva.

Here too, the primary mitzvah seems to be the *viduy*, while teshuva is either assumed or considered an ancillary component of the *viduy*. How do we reconcile these last two sources, which imply that the mitzvah is *viduy*, with the *Koteret* to *Hilkehot Teshuva*, which projects teshuva as the centerpiece of the mitzvah?

### The Interplay Between *Teshuva* and *Viduy*—Three Approaches

Addressing this question, Mabit (*Kiryat Sefer* 1:1) chooses to accentuate the *Koteret* while deemphasizing the other two sources. He asserts that Rambam did not intend to exclude the initiation of teshuva as part of the mitzvah; rather, he simply wanted to stress that the mitzvah of teshuva is *incomplete* until one does *viduy*. While this explanation is consistent with the language of Rambam in *Sefer ha-Mitzvot*, it is not as compatible with his formulation in *Hilkehot Teshuva* 1:1.

*Minbat Hinukh* (364) is so troubled by this enigma that he reaches the startling conclusion that there is no obligatory mitzvah of teshuva. Rather, if one elects to do teshuva, then there is a mitzvah to express *viduy*. Teshuva, according to this perspective, is perceived as a spiritual opportunity, however, one may choose to bypass teshuva, thereby remaining in a state of *heit*.<sup>3</sup>

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<sup>2</sup> The translations of the *Mishneh Torah* in this article are primarily adapted from translations provided by sefaria.org.

<sup>3</sup> He draws an analogy to the mitzvah of *gerushin* (among other *mitzvot*): one is not obligated to divorce his wife, but if one does divorce his wife, then he fulfills a mitzvah if he does it in accordance with the laws of the Torah.

Rav Soloveitchik, ז"ל, strongly rejects this argument. On a textual level, he feels that *Minbat Hinukh's* approach did not properly account for the *Koteret*, which clearly conveys that there is a mitzvah to do teshuva. More importantly, he believes *Minbat Hinukh's* position to be philosophically and halakhically untenable. The Rav argues that it is inconceivable that teshuva be merely discretionary. Just as the Torah condemns sin *a priori*,<sup>4</sup> it is equally repulsive, and hence inconceivable, to consider as halakhically legitimate the option of remaining in a state of sin.<sup>5</sup>

The Rav, in *Al Ha-Teshuva* (44-45), offers a different approach to solving this quandary in Rambam. We need not declare absolutely that Rambam thinks that either teshuva or *viduy* is the mitzvah. Rather, Rambam in these sources is referring to two different motifs: the *ma'aseh* (action) of the mitzvah of teshuva, and the *kiyum* (inner fulfillment) of the mitzvah of teshuva.<sup>6</sup> In certain cases, the methodology of the performance of the mitzvah is different from the effect that one creates through doing the mitzvah. Rambam often emphasizes two different aspects in the *Kotarat* and in the halakhot of *Mishneh Torah*, and our case is no exception. The *Koteret*, which emphasizes teshuva, refers to the *kiyum ha-mitzvah*, while in the halakha (and in *Sefer ha-Mitzvot*), Rambam is practical and writes that the method of doing teshuva, the *ma'aseh ha-mitzvah*, is to say *viduy*.

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<sup>4</sup> Hazal say in numerous places (for example, see *Pesikta, Parshat Shelah*) that one should not mistakenly believe that the Torah, in passages such as “*im be-bukotai teileikhu*” (Leviticus 26:3), is merely telling us the consequences of doing *aveirot*, and that we can choose to do them if we so wish. Rather, the consequences delineated in these passages reflect the severity of the choices. There is an acceptable choice and an unacceptable choice.

<sup>5</sup> A possible justification for the *Minbat Hinukh's* opinion is that he also sees teshuva as an extraordinary opportunity which defies the causal relationship of *heit*, and therefore, he perceives it as a gift or option and not as an obligation. If teshuva is only a way to expunge the effect of *heit* and not about enhancing the broader relationship, then each person may take the initiative to take advantage of it but is not required to use it.

<sup>6</sup> The Rav illustrates numerous cases where this dichotomy holds true. Two similar examples would be the *mitzvot* of *tefilla* and *keri'at shema*, where the *kiyum* is the *avodah she-be-Leiv* in the case of *tefilla* and *kabbalat ol malkhut Shamayim* in the case of *keri'at shema*, while the *ma'aseh* in both cases is strictly the verbalization of the words.

Another example would be the mitzvah of *aveilut*, where the *kiyum* is the *tz'a'ar* that one feels over the loss, while the *ma'aseh* consists of numerous actions or conduct both passive and active that promote that end (*nibugei aveilut*). On this basis, the Rav explains that we mistakenly look at actions that appear to be *isurei aveilut* (prohibited conduct), but are in fact *kiyumei aveilut*, as abstaining from these actions engenders a certain effect that reinforces the sense of loss.

This understanding of Rambam, while compelling, raises several issues. First, it is not clear that the dichotomy proposed by the Rav between *Sefer ha-Mitzvot* and the *Koteret* is true in all cases. It is not always the case that the *Sefer ha-Mitzvot* details only the *ma'aseh ha-mitzvah* to the exclusion of the *kiyum*. As this book has the ability to succinctly capture the essence of a mitzvah, it sometimes does delineate the *kiyum*, motifs, and themes of a certain mitzvah. In addition, in our case, Rambam also mentions *viduy* in the *Koteret*. Why is *viduy* included in this framework, if it defines only the *ma'aseh* and is disconnected from the *kiyum* of the mitzvah of teshuva? Moreover, even were we to accept that *viduy* is the *ma'aseh ha-mitzvah* of teshuva, it seems appropriate to ponder the purpose of this *ma'aseh*. What is it that *viduy* brings to the process that cannot be accomplished by teshuva alone?

Further, I do not think that this approach does full justice to the formulation of Rambam in *Hilkebot Teshuva* 1:1. There, he says, “*ki-she-Ya'aseh teshuva ve-yashuv mei-bet'oh, hayav le-hitvadot lifnei ha-Keil barukh Hu-* When he does teshuva and returns from his sin, he is obligated to say *viduy* before Hashem.” What is the purpose of the double formulation of “when he does teshuva and returns from his sin”? It sounds like there are two types, or two levels, of repentance that Rambam is trying to describe: doing *teshuva* and returning from sin.

A problem of larger proportions emerges when analyzing the broader evidence in Rambam. While it is true that Rambam in *Hilkebot Teshuva* 1:1 uses the term *hiyuv* only with respect to *viduy*, he does, in fact, use the term with respect to teshuva elsewhere in *Hilkebot Teshuva*. In 2:7, when speaking about teshuva on Yom Kippur, he says:

יום הכפורים הוא זמן תשובה לכל ליחיד ולרבים והוא קץ מחילה וסליחה  
לישראל. לפיכך חייבים הפל לעשות תשובה ולהתנדוד ביום הכפורים.  
*Yom ha-Kippurim* is a time of teshuva for all, for the individual and for  
the masses, and it is the pinnacle of *mehila* and *seliha* for Israel. There-  
fore, all are obligated to do teshuva and to say *viduy* on *Yom ha-Kip-  
purim*.

Here, Rambam codifies an obligation to do teshuva while simultaneously, also referring to *viduy*. If teshuva is the *kiyum be-lev* and Rambam in *Hilkebot Teshuva* focuses exclusively on the method of achieving this, the *ma'aseh mitzvah*, why does he emphasize teshuva, which is the *kiyum* of teshuva on Yom Kippur? Additionally, since he employs the language of obligation with respect to teshuva on Yom Kippur, why does Rambam not count two separate *mitzvot* of teshuva in the *Koteret*: one for *viduy* for the entire year, and another for teshuva on Yom Kippur? Lastly, why does Rambam choose to discuss the obligation of teshuva on Yom Kippur here

in *Hilkebot Teshuva*? Why not discuss them in *Hilkebot Shevitat Asor*, where most of the halakhot of Yom Kippur are found? By choosing *Hilkebot Teshuva* as the location to discuss this obligation, Rambam may wish to imply that the teshuva of Yom Kippur relates more closely to teshuva of the rest of the year than we may have previously thought.

To begin to understand the relationship between teshuva and *viduy*, it is incumbent upon us to investigate various other challenging formulations of Rambam in *Hilkebot Teshuva*. By doing so, we will see a pattern emerge that will identify a solution to these questions.

### The Singular Character of *Viduy*

The text of the *viduy*, as described by Rambam, will be of vital importance in comprehending the true nature of *viduy*. In the continuation of *Hilkebot Teshuva* 1:1, Rambam writes:

כיצד מתנדבין. אומר אָנָּא הַשֵּׁם הַטָּאֵתִי עֲוִיתִי פָּשַׁעְתִּי לְפָנֶיךָ וְעָשִׂיתִי כִּד וְכָד וְהָרִי  
נְהַמְתִּי וּבִשְׁתִּי בְּמַעֲשֵׂי וּלְעוֹלָם אֵינִי חוֹזֵר לְדַבֵּר זֶה. וְזֶהוּ עֲקָרוֹ שֶׁל וְדוּי. וְכָל הַמְרַבֵּה  
לְהַתְנַדֵּוֹת וּמֵאַרְיֵד בְּעֵנְוֵן זֶה הָרִי זֶה מְשַׁבַּח.

How is the verbal confession made? The sinner says thus: “I beseech Thee, O Great Name! I have sinned; I have been obstinate; I have committed profanity against Thee, particularly in doing thus and such. Now, behold! I have repented and am ashamed of my actions; forever will I not relapse into this thing again.” This is the elementary form of confession; but whosoever elaborates in confessing and extends this subject is, indeed, praise-worthy.

We will begin with the first two words of Rambam’s presentation of *viduy*: *Anna Hashem*. These two words originate in the special *viduy* that the Kohen Gadol recited on Yom Kippur.<sup>7</sup> In contrast to the opinion of Rambam, Rashi (*Yoma* 37a) and the *Sifra* (*Parshat Aḥarei Mot, Parsheta* 3) imply that these two words are unique to the Kohen Gadol’s *viduy* on Yom Kippur. Additionally, Rambam in *Hilkebot Ma’aseh ha-Karbanot* (3:16) omits these two words when he codifies the text of the *viduy* that accompanies all other *korbanot* brought throughout the year. If these two words are indeed unique to the *viduy* of the Kohen Gadol on Yom Kippur, why does Rambam include these two words in the text of the *viduy* of teshuva that we recite year-round? This inclusion is neither obvious nor intuitive.

Another difficulty stems from Rambam’s inclusion of three different words for sinning in the *viduy*: *hatati*, *aviti*, and *pashati*. *Minḥat Ḥinukh* (ibid.) asks why all three of these words are necessary for a typical *viduy*. After all, these terms describe three entirely different types of sin that a person

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<sup>7</sup> See the *mishna* in *Yoma* (35b).

may commit. Would it not make more sense for a person's *viduy* to entail only whichever category of sin the person committed and for which they are doing teshuva?<sup>8</sup>

In addition, the text of the *viduy* in *Hilkehot Teshuva* 1:1 integrates several other components worth examining. Aside from the three categories of sin, the recitation of the *viduy* includes the concepts of *nehama* (change of heart), *busha* (shame), and *kabbala al ha-atid* (resolution not to commit the same transgression in the future). This presentation differs from that of Rambam in 2:2, where he asks what is the definition of teshuva:

ומה היא התשובה. הוא שיעזב החוטא חטאו ויסירו ממחשבתו ויגמר בלבו שלא יעשהו עוד שפאמר (ישעיה נה ז) "יעזב רשע דרכו" וגו'. וכן יתנחם על שעבר שפאמר (ירמיה לא יח) "כי אהרי שובי נחמתי". ויעיד עליו יודע תעלומות שלא ישוב לזה החטא לעולם שפאמר (הושע יד ד) "ולא נאמר עוד אלקינו למעשה ידינו" וגו'. וצריך להתנדות בשפתי וליומר ענינות אלו שגמר בלבו:

What is repentance? The sinner shall cease sinning, and remove sin from his thoughts, and wholeheartedly conclude not to return to it, even as it is said: "Let the wicked forsake his way" (Is. 55.7); so, too, shall he be remorseful on what was past, even as it is said: "Surely after that I was turned, I repented" (Jer. 31. 19). In addition thereto he should take to witness Him Who knoweth all secrets that forever he will not turn to repeat that sin again, according to what it is said: "Say unto Him.... neither will we call any more the work of our hands our gods" (Hos. 14.3–4). It is, moreover, essential that his confession be by spoken words of his lips, and all that which he concluded in his heart shall be formed in speech.

There, Rambam seems to define *nehama* and *kabbala al ha-atid* as distinct from the *viduy* that a person recites, and the concept of *busha* is absent altogether from this formulation. At the very least, it is essential to ascertain whether 1:1 and 2:2 are dealing with the same type of teshuva, and to investigate the differences if they are not, as the variation in formulations suggests.

A final question regarding *Hilkehot Teshuva* 1:1 in Rambam concerns the concluding phrase of the text that is quoted in the beginning of this

<sup>8</sup> Due to this difficulty, the *Minbat Hinukh* concludes that one would use all three of these verbs only if one had, in fact, committed and was doing teshuva for all three types of sin. Otherwise, one should relate only the applicable type(s) of sin for his teshuva. When Rambam lists all three categories in the text of his *viduy*, he is either referring to one who has committed all three categories, or he is allowing the penitent to customize his *viduy* in accordance with the designations that are germane to his particular teshuva. However, this suggestion does not appear to do justice to the words of Rambam.

section. Reminiscent of the obligation of *sippur yetziat Mitzrayim*, we are told that any additional effort in the daunting task of *viduy* (“*ve-kol ha-marbeh le-bitvado!*”) is praiseworthy. What is it about the character of *viduy* that invites and invokes the use of such an obviously significant phrase?

Lastly, several broader questions about the concepts of *teshuva* and *viduy* will enable us to ultimately paint a more comprehensive and satisfying picture of the interplay between these two concepts.

The *gemara* (*Kiddushin* 49b) tells us that if a man was *mekadesh* a woman on condition that he is a *tzaddik*, she is married even if this man is known to be a completely wicked person. How can this be? The *gemara* says that “*sbema hirbeir teshuva bi-da’ato*—perhaps he engaged in thoughts of *teshuva*.” *Minbat Hinukh* (*ibid.*) asks, that if, according to Rambam, it is only *viduy* and not *teshuva* that constitutes the *mitzvah*, how can *hirburei teshuva*, thoughts of *teshuva*, suffice to characterize this man as a *tzaddik* for the purposes of *kiddushin*? Should we not also require *viduy* for his *teshuva* to have any halakhic efficacy?<sup>9</sup>

Finally, the very existence of the institution of *teshuva* prompts Hida (*Ya’ir Ozen*, 400:15:2) to ask how a scenario can exist in which *beit din* may impose corporal punishment for transgressing a *mitzvat lo ta’aseh*? After all, since *teshuva* is ostensibly a *mitzvat aseh*, should not every single *lav* be considered *nitak la-aseh* (able to be rectified through a *mitzvat aseh*), in which case the *lav* does not incur *malkut*? This *reductio ad absurdum* argument demonstrates the need for further careful thought about the core relationship between *teshuva* and sin.

## Two Levels of Teshuva

A solution to the difficulties stated above, and the key to unlocking the proper perspective on *teshuva*, lies in the words of Ramban towards the end of his *Derasha le-Rosh Ha-Shana*. Ramban says that when a person sins, his infraction transcends a single action and moment in time. All the while

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<sup>9</sup> Mabit (*Kiryat Sefer*, *Hilkebot Teshuva* 1:1) anticipated and preempted this question by explaining that while the *mitzvah* is *teshuva*, *viduy* constitutes the *gemar ha-mitzvah* (completion of the *mitzvah*). In order for one to achieve the status of a *tzaddik*, *hirburei teshuva* can suffice. However, to truly complete the *mitzvah* and attain true and maximal *kappara*, *viduy bi-peh* is absolutely necessary.

The Rav, in one of his annual lectures on *teshuva*, answered *Minbat Hinukh*’s question by explaining that the *mitzvah* of *teshuva* and the status of being a *tzaddik* are two entirely different things. It is wholly possible to fulfill the stature of being a *tzaddik* (in this case, through *hirburei teshuva*) without having fulfilled the *mitzvah* of *teshuva*. This idea will be explored further later in this essay.

he does not redress his sin by means teshuva, he is *omeid be-mirdo*, he persists in his active state of rebellion against Hashem. It is egregious to stand in the presence of the king while in a state of rebellion. We may infer from Ramban's words that the basic obligation of teshuva does not stem from an independent mitzvah of teshuva at all. Rather, sin itself obligates one to repent, lest he perpetuate a state of rebellion against Hashem. The impropriety, illegality, and rebellious implications of his original transgression necessitate that he rectify the situation and redeem his status as an *oved Hashem*, a religious persona.

Based on this analysis, we may posit that Rambam certainly believes that there is an obligation of teshuva, rejecting the suggestion of the *Minbat Hinukh* that it is acceptable for one to bypass the opportunity of teshuva and remain in a state of sin. However, he believes that the obligation of teshuva stems from the sin itself, not from a separate mitzvah.<sup>10</sup> Moreover, returning to the question of Hida, it would be nonsensical to refer to a sin as a *lav ha-nitak la-aseh* with the mitzvah of teshuva as the subsequent *aseh*. This is because the teshuva in which a person is *bayav* stems from the *lav* itself, not an ancillary *aseh*.

If this is the case, then what is the purpose of the actual mitzvah of teshuva? The mitzvah of teshuva begins where *omeid be-mirdo* ends. Teshuva is the step beyond, the step that an aspirational *oved Hashem* takes once he has already neutralized his *heit*. This would fit perfectly with the formulation of Rambam in *Hilkebot Teshuva* 1:1, when he says, “*ki-she-Ya'aseh teshuva ve-yashuv mei-beto*—when he does teshuva and returns from his sin.” This seemingly repetitive statement effectively describes two levels of teshuva: simply neutralizing the *heit* that a person committed, and then taking a much more ambitious step with regard to one's relationship with Hashem.

Mabit (*ibid.*) proposes that the source for Rambam's mitzvah of *viduy* comes from the verse “*kehu imakhem devarim, ve-shuvu el Hashem*, Take words with you and return to the Lord” (Hosea 14:3).<sup>11</sup> If this is indeed Rambam's source, the context is particularly significant. The previous verse states, “*Shuva Yisrael ad Hashem Elokekha ki khashalta ba-avonekha*, Return, Israel, to Hashem your God because you have stumbled over your sins.” The first *pasuk*, when it speaks of returning “*ad Hashem Elokekha*,” refers to the initial step of teshuva, the neutralization of sin and implied

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<sup>10</sup> See the commentary of the *Avodat Ha-Melekh* (*Hilkebot Teshuva* 1:1) who presents a similar approach to our suggestion.

<sup>11</sup> This contrasts with most other thinkers, who believe that the source for *viduy* is from the verse “*ve-bitvadu et hatatam asher asu*, they shall confess the sins that they committed” (Numbers 5:7).



rebellion. This returns the transgressor to square one after a period of alienation due to sinfulness—“*ki khashalta ba-avonekha*.” However, the next *pasuk* goes beyond simply “*ad Hashem Elokekha*,” instead aiming higher, seeking to attain the spiritual ambition of “*el Hashem*.” This second level of teshuva aspires to elevate one’s status to the point where one can boast of an intimate connection with Hashem. This level of teshuva is accomplished via the *viduy*, as Mabit points out.<sup>12</sup>

This second step of teshuva is epitomized and encapsulated by the *viduy*. As noted previously, Rambam’s formulation of the text of the year-round *viduy* is identical with the *viduy* of the Kohen Gadol on Yom Kippur. Were the purpose of the *viduy* simply to neutralize one’s sin and his status as *omeid be-mirdo*, then the formula of the *viduy* used for any other *korban* would suffice. It would not be necessary to include the three terms *batati*, *aviti*, and *pashati* regardless of the sin; one could merely insert whichever terms are relevant to one’s situation. However, if the goal of the mitzvah of teshuva is intended to be transformative, to enable one to reach a higher status, then it is compelling that *viduy* must target beyond a specific

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<sup>12</sup> It is fascinating that the *Sifra* (*Parshat Ha’azinu*, *Piska* 306) interprets the “*devarim*” in our *pasuk* as referring to *talmud torah*. [It connects the verb “*kehu*” with other *pesukim* that either explicitly or obliquely refer to *talmud torah*: “*ki lekah tov natati lakhem, torati al ta-azonu*” (Proverbs 4:2) and “*ya’arof ka-matar likhi*” (Deuteronomy 32:2).] One may achieve the enviable status of “*ve-shuvu el Hashem*” specifically through the medium of *talmud torah*.

This is reminiscent of the opinion of *Nefesh ha-Hayyim* (4:31), who says that *teshuva me-abava* (whose lofty attributes are recounted in *Yoma* 86b) can be achieved only through *talmud torah*. This is indicated by the juxtaposition of the phrases “*hashiveinu avinu le-toratekha*” and “*ve-bahazireinu be-teshuva sheleima lefanekha*” in our daily *Shemona Esrei* prayers.

Ramban interprets the verses “*ki ha-mitzvah ba-zot... lo ba-shamayim hi*” (Deuteronomy 30:11-12) as referring to the mitzvah of teshuva. In contrast, the *gemara* (*Erwin* 55a), Rashi (Deuteronomy, *ibid.*), and Rambam (*Hilkehot Yesodei ha-Torah* 9:1) understand that they are referring to *talmud torah*. While this would appear to be a clear dispute, the matter is more complex. It is self-evident that Ramban was clearly aware of the celebrated passage in *Erwin* that explicitly links this verse with Torah study.

Apparently, Ramban did not see any contradiction in the fact that the same *pesukim* may refer to both teshuva and *talmud torah*. This can be explained inasmuch the most ambitious form of teshuva, *teshuva me-abava*, can be achieved only through the medium and mechanism of *talmud torah* (as *Nefesh ha-Hayyim* said), for that is the premium method through which a Jew may internalize positive values. For a more extensive analysis of the relationship between *Teshuva*, *Ahavat Hashem*, and *Talmud Torah* see my “*Ahavat Hashem and Talmud Torah: The Telos of Teshuva*,” *CJF Torah To-Go* (Rosh Hashanah and Yom Kippur 5778), 28–31.

sin. The *viduy*, according to this view, is perceived as a vehicle for deep introspection, for critically examining how one could have become enmeshed in sin in the first place. *Viduy* affords the opportunity not merely to neutralize, but to capitalize on the *heit*. The sinner ensures that the *heit*, while initially a step backwards, will now be a catalyst towards a superior overall relationship with Hashem. The *viduy* of the Kohen Gadol on Yom Kippur is ideally suited to accomplish this goal, as are the three terms *batati*, *aviti*, and *pashati*, which address the broader category of human missteps, and are not restricted to the individual transgressions committed by the particular individual.

For this reason, Rambam emphasizes the praise due to one who puts extra effort into his *viduy*. The greater the quality and quantity of the *viduy*, the more it reflects the individual's keen self-appraisal and his deep understanding of the impetus of teshuva in the first place. He is not simply attempting to restore his prior status. The transgressor realizes that *heit* cannot be dismissed merely as a local misstep. He comes to realize that while sin causes a profound distancing from Hashem, aspirational teshuva affords a tremendous opportunity to advance his spiritual persona, to come closer to Hashem than ever before.

This perspective also sheds light on the discrepancies between the presentation of *viduy* in the first and second chapters of *Hilkhot Teshuva*. Chapter 1 deals with the aspirational second level of teshuva, whereas Chapter 2 deals with the basic phase of teshuva to remove a person from the status of *omeid be-mirdo*. This is why the *viduy* in *Hilkot Teshuva* 1:1 includes the concept of *busha*, even though it is not an integral component of basic teshuva, as indicated by its omission from *Hilkhot Teshuva* 2:1. In addition, the concepts of *kabbala al ha-atid* and *neḥama* are integral to the *viduy* of the ambitious stage of teshuva but are ancillary to the *viduy* of the elemental level of teshuva.

While the *Koteret* and *Sefer ha-Mitzvot* are ostensibly the venue for a succinct depiction or identification of the mitzvah, I believe that it can be consistently demonstrated that Rambam employs these frameworks to integrate details, including the method of performing the mitzvah, that, he concludes, specifically characterize the nature of Halakha's perspective on a given theme.<sup>13</sup> Thus, it is fitting that Rambam mentions *viduy* in both

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<sup>13</sup> This constitutes a general pattern in Rambam's formulations. For example, see the *Koteret* to *Hilkhot Ishut*, where Rambam includes *ketuba* in the mitzvah of marriage, even though the institution of *ketuba* appears to be only *de-rabanan*. Rambam highlights *ketuba* in the *Koteret* because the concept and theme of *ketuba* is what separates and elevates the Jewish concept of marriage relative to the

the *Koteret* and *Sefer ha-Mitzvot* because it is precisely the *viduy* that highlights and characterizes what is singular about this aspirational second level of teshuva.

### **Viduy and Yom Kippur—Going Beyond Individual Sins**

We were previously troubled by Rambam's decision to invoke the language of "obligation" with respect to teshuva on Yom Kippur even as he refrained from counting teshuva on Yom Kippur as a separate mitzvah. However, with a clearer understanding of *viduy's* special role, the solution to these difficulties quickly materializes. Teshuva on Yom Kippur is not counted separately because it and *viduy* throughout the year are two sides of the same coin. The purpose of *viduy* is not merely to neutralize any outstanding transgressions that one may have committed. Similarly, the goal of Yom Kippur is not simply to start with a clean slate, unsullied by the errors and missteps of the past year. Rather, the goal of both institutions is to elevate one's status as an *eved Hashem*, making the most of the opportunity to intensify one's relationship with Hashem.

Thus, it is no accident that Rambam thrice utilized the singular phrase "*lifnei Hashem/ha-Keil*" in reference to *viduy* and teshuva. If there is any expression that perfectly encapsulates the character of Yom Kippur, it is "*lifnei Hashem*." This phrase is used five times throughout the Torah's treatment of Yom Kippur in *Parshat Aḥarei Mot* (Leviticus 16), culminating in the phrase "*lifnei Hashem titḥaru*—you shall be purified in front of Hashem."<sup>14</sup> Yom Kippur's very essence is a day of being *lifnei Hashem*.

This characteristic of *lifnei Hashem* is manifest in myriad aspects of Yom Kippur. Part of the special *viduy* for Yom Kippur includes the *tefilla*

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universal notion of marriage. Additionally, Rambam's emphasis on the role of *kiddushin* in the context of *nisu'in* is also consistent with these themes.

Another example may be found in the *Koteret* to *Hilkebot Gerushin*, where Rambam seemingly gratuitously incorporates the concept of *gerushin be-keṭav* (written divorce) in the *mitzvah de-orayta* of *gerushin*. Again, this inclusion may reflect his view that the concept of *gerushin be-keṭav* highlights the unique character of *gerushin* as a whole. Rambam's inclusion of numerous *mattirin* like *sheḥita* in the count of 613 *mitzvot*, a position that triggered much controversy and debate, may also be explained in this manner.

For more information on these topics, see my "Be-Inyan Shitat ha-Rambam be-Ketuba," *Beit Yitzḥak* 26 (1994), 441, "Be-Inyan Shitat ha-Rambam be-Mitzvat Kiddushin," *Hazon Nahum* (1998), 35, and "Shitat ha-Rambam be-Inyan Ketav Yad be-Gittin, Kiddushin, u-Milveh," *Beit Yitzḥak* 32 (2000), 63.

<sup>14</sup> Rabbenu Yona, in *Sha'arei Teshuva*, suggests that this verse is the source for a separate mitzvah of teshuva on Yom Kippur.

of *Al Heit*. The very first phrase of this lengthy confession is an acknowledgement and a plea for forgiveness for all the sins that we committed, whether willfully or by accident. The inclusion of *aveirot be-oneis*, accidental sins, in our *viduy* is a curious one, as they do not appear, at first glance, to require teshuva at all.<sup>15</sup> However, Yom Kippur is not merely a day when we attempt to neutralize our past sins. It is the time when one takes stock of his standing as an *eved Hashem*, attempting to repair the breach in the relationship between himself and his Creator while concurrently aspiring to elevate his status and upgrade his religiosity to achieve new heights. If so, then it is not surprising that one would seek forgiveness, or express regret and humiliation, even for sins committed unwittingly or by duress (*oneis*).<sup>16</sup> It is also not surprising that one could be obligated to do teshuva even for sins for which he had previously atoned on prior Yom Kippurs.<sup>17</sup> The very association and identification with sin is anathema to the ambitious *oveid Hashem*, even if there is no technical halakhic *ma'aseh aveira*, or legal culpability. The taint of transgression constitutes a certain pathology in its own right. It is still a “*mehitz'a ha-mavdelet beino u-vein kono*—an obstacle separating one from his Creator.” One who values his relationship with Hashem, then, will be impelled to mobilize all available resources to negate any vestigial barrier to facilitating the maximal bond with his Creator. That is the opportunity that teshuva on Yom Kippur, and *viduy* the entire year, provides.

This can also explain the singular role of the *korban olah* (burnt sacrifices) in the Yom Kippur *viduy*. The *Al Heit* list introduces *olah* violations before *hatat* (sin offerings) transgressions. This seems perplexing since the offering of *korban hatat* always precedes the *korban olah* (*Zevahim* 7b; see parallel discussion in *Magen Avraham, Oraḥ Hayyim* 1:5). However, it is

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<sup>15</sup> Rambam in *Hilkhot Teshuva* 1:1 omits *aveirot be-oneis* from his list of the sins for which a person must do teshuva. Rambam's larger view is somewhat complex. See *Perush Ha-Mishnayot*.

<sup>16</sup> In part, this depends on how one understands the concept of *oneis rahmana patrei*. If this concept signifies not merely a *petur onesh* (exemption from punishment), but that actions under duress do not legally constitute halakhic actions (*hafka'at ha-ma'aseh*) then it would appear completely gratuitous for one to seek forgiveness for sins committed through *oneis*. However, one might still be mortified, by being a vehicle for and tainted by sin, notwithstanding the absence of any legal culpability.

<sup>17</sup> It is a dispute in the *berayta* on *Yoma* 86b whether such a requirement exists or not. Rambam (*Hilkhot Teshuva* 2:8) rules in accordance with the opinion that one is obligated to do teshuva in this scenario. *Minḥat Hinukh* (*ibid.*) is troubled by this conclusion.

the *olah* that uniquely captures the opportunity, ambition, and focus of Yom Kippur. While the *hatat* focuses on neutralizing each individual sin (which is also a priority on Yom Kippur), it is the *olah* that conveys the total commitment of “*keulo la-Hashem, entirely for Hashem,*”<sup>18</sup> symbolized by its total consumption on the altar (*kalil la-Hashem*). Moreover, the *olah* addresses the totality of the religious personality and experience, confronting also the neglect of spiritual opportunity (*bitul mitzvot aseh*, not performing positive commandments) and improper attitudes and intentions (*hirburei aveira*, thoughts of sin). It is therefore quite appropriate that the *korban* that most approximates and embodies the theme of Yom Kippur atones for these mistakes, even if they may not technically be triggered by a *ma’aseh aveira*. It is entirely appropriate that the teshuva of Yom Kippur, accentuating the prominence of the *olah* theme, accentuates *olah* even as it includes *hatat*.<sup>19</sup>

However, the *olah*’s priority over the *hatat* in the *viduy* may reflect an additional dimension. The gemara (*Zevahim* 7b) likens the *korban olah* to a *doron*, a gift to Hashem. In general, the *korban hatat* precedes the *korban olah* because it is inappropriate and unacceptable to bring a gift to the king before one has first squared his relationship with the king, appropriately apologizing for past misdeeds. However, the very theme of Yom Kippur is the extraordinary opportunity to elevate one’s spiritual profile by reorienting one’s religious priorities and agenda. The text of *Al Heit* accentuates this emphasis and order by delineating *olah* violations before *hatat* transgressions.<sup>20</sup>

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<sup>18</sup> See Ramban (Leviticus 1:4), who develops an approach to *korban olah* that is the basis for our approach. For a more extensive analysis of the *korban olah*, see my “*Be-Inyan Ritzu Olah,*” *Kol Tzvi* 13 (2011), 25.

<sup>19</sup> For further development of this idea, see my “Teshuva on Yom Kippur,” available at torahweb.org

<sup>20</sup> This may also help us explain a curious *hava amina* in the gemara (*Zevahim* 6a). The gemara asks whether a *korban olah* after *hafrasha* (the animal’s separation and designation for this *korban*) may atone for the neglect of an additional *mitzvat aseh* of the *ba’al ha-korban* in the meanwhile, before he actually offered the sacrifice (*hakrava*). After all, the *korban hatat* would not atone in the analogous case, when a person committed a *hinyuv lav* after *hafrasha*. However, the gemara entertains the possibility that the *olah* would differ in this respect from the *hatat*. What evidence is there to signify such a discrepancy? The gemara says that perhaps, just as a single *korban olah* may atone for several *hinyuvei aseh* (as opposed to a *korban hatat*, which can atone only for a single *heit* at a time), so too, it may atone for the neglect of an additional *mitzvat aseh* after *hafrasha*.

## Teshuva for Non-Jews

There are several statements of *Hazal* that indicate that teshuva is limited to *Kelal Yisrael*. The *Midrash Tanhuma* (Deuteronomy 32:4), concerning the verse “*Yisa Hashem panav eilekha*, May Hashem show favor to you,” says that while Hashem will show favoritism to those who engage in teshuva, this preferential treatment will apply only to Jews, not to gentiles. Similarly, *Sifri Zuta* (Numbers 4:4) says that *viduy* may be achieved only by Jews. These two statements seem quite troubling and problematic, considering that one of the main storylines of the Book of Jonah involves the capacity of a gentile nation to successfully do teshuva. Moreover, the Mishna (*Ta’anit* 16a, and codified in Rambam’s *Hilkebot Ta’anivot* 4:2) recounts how the city of Nineveh not only succeeded in its teshuva quest, but also came to be regarded as a paradigm for honest and sincere teshuva to which *Kelal Yisrael* should aspire!

We may resolve this difficulty by invoking the previously described two levels of teshuva. The basic notion of teshuva is a universal concept. Any gentile who wishes to live a meaningful life must follow the seven Noachide commandments,<sup>21</sup> which themselves mandate the basic level of teshuva when one inevitably errs. This is parallel to the teshuva obligation when a Jew errs, which is generated by the mitzvot themselves. In the case of Nineveh, this teshuva is symbolized by their leader’s exhortation, “*ve-*

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What is the connection between these two seemingly disparate points? I believe that the *gemara* is again highlighting the core difference between *hataat* and *olah*. The *gemara* conveys that the purpose of the *hataat* is to negate the impact of a particular *ma’aseh aveira*, in which case, one would need a separate *korban hataat* for each additional *heit*, and one would certainly not receive *kappara* if he committed an additional *heit* after *hafrasha*. However, *olah* addresses the holistic religious personality and whether he is considered *retzuy la-Hashem* (favorable before Hashem), as evidenced by its ability to cover the disregard of several *mitzvot asech* at once (or, as we mentioned previously, even *hirburei aveira*). The crux of the matter is about *who* he is, not *what* he has done. Therefore, the *gemara* briefly considers the possibility that the *olah* would even atone for one who had an additional episode of inattention towards a *mitzvat asech* even after *hafrasha*.

<sup>21</sup> These seven *mitzvot* may be more extensive and inclusive than they appear; *Sefer ha-Hinukh* (416) describes how the seven *mitzvot* are actually seven *categories* of *mitzvot* obligatory to gentiles. This perspective has its roots in the exchange between Abaye and Rava (*Sanhedrin* 74b), regarding the question of whether Noachides are obligated in martyrdom (*kiddush Hashem*). Certainly teshuva does not constitute an independent mitzvah for Bnei Noach. Yet, according to the concept we have developed that elemental teshuva stems from the primal religious obligation itself, it applies to Noachides as is attested to by the book of Jonah.

*yashuvu ish mi-darko ha-ra'ab u-min ha-hamas asher be-kehapeibem*—let each man return from his wicked ways and from the violence that is in their hands” (Jonah 3:8).<sup>22</sup> However, the additional and aspirational second level of teshuva, one that can transform sins into heavenly favor because it upgrades the relationship with Hashem to previously unattained levels, is a *Kelal Yisrael*–specific opportunity. If this is the case, then it is very appropriate that the *Sifri Zuta* specifically references *viduy* and its uniquely Jewish character. It highlights that the ambition inherent in *viduy* reflects the higher purpose and distinctive character of *Kelal Yisrael*’s teshuva.

### ***Tzaddik Gamur vs. Ba'al Teshuva***

This may also illuminate the interesting interplay reflected in *Haazal*’s analysis of the relative status between the *ba'al teshuva* and the *tzaddik gamur*. The gemara (*Berakhot* 34b; *Sanhedrin* 99a) informs us of the superiority of the *ba'al teshuva* to the *tzaddik gamur*. However, the gemara defines and characterizes the two terms, which leads to speculation about the differences between them. Further, it is certain that any *tzaddik* will occasionally stumble and fall prey to sin (*Ecclesiastes* 7:20; *Proverbs* 24:16), and the assumption is that he will subsequently engage in teshuva. Thus, the very attempt to discern any significant difference between the *tzaddik gamur* and the *ba'al teshuva* appears to be an exercise in futility, or at most, a theoretical task.

I believe that the answer is that the *ba'al teshuva* is exactly what his moniker describes: he allows himself to be defined by his teshuva. He is one who capitalizes on the opportunity provided by the circumstance of his alienation and *heit* to resolve never again to allow himself to experience that situation.<sup>23</sup> He is therefore motivated to undergo a core re-assessment and transformation to reconcile and strengthen his relationship with Hashem.

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<sup>22</sup> If this is the case, then it remains an open question why it was decided that we should read from this book on Yom Kippur. The simplest answer may be that while Yom Kippur’s theme is the aspirational level of teshuva, the foundational level is also of utmost importance, as we established earlier in our discussion of the *korbanot olah* and *hatat*. An alternative possibility is that it was chosen to teach us about Jonah’s personal teshuva. Finally, this story may also serve the purpose of teaching us about the scope and opportunity of teshuva, as Hashem still wished for teshuva even in a case where it may ultimately cause harm to others or lead to a greater *hilul Hashem* in the future (as was the case with Ninveh and its descendants).

<sup>23</sup> For further development of this theme, see my “Le-Dovid and Teshuva: Achieving Clarity of Purpose,” *YULamdan* (Elul 5778).

In response to *Minbat Hinukh's* question about *hirbur teshuva*, it can now be suggested that *hirburei teshuva* may be sufficient to grant one the status of *tzaddik*, just as *hirburei teshuva* may be enough to neutralize one's sin. However, to become a true *ba'al teshuva*, one is required to say *viduy* (which includes *nehama*, *busha*, and *kabbala al ha-atid*, along with the three levels of sin), given what it reflects about the scope and magnitude of the teshuva process, allowing the teshuva to define him going forwards. The *viduy* of the Kohen Gadol on Yom Kippur is a sine qua non for achieving the aspiration of a *ba'al teshuva*.

This heightened ambition of the *ba'al teshuva* is reflected by a statement in the gemara (*Yoma* 86b) and codified by Rambam (*Hilkehot Teshuva* 2:1). The *ba'al teshuva* (or a *ba'al teshuva gemura* in Rambam) is defined as one who previously sinned, subsequently did teshuva, and then had a second opportunity to engage in the same transgression (with circumstances similar to the first time) but nevertheless withstood the temptation. This concrete spiritual about-face if it arises may not be necessary to neutralize *heit*, but it is necessary to attain the status of *ba'al teshuva*.<sup>24</sup>

Moreover, Rambam (*Hilkehot Teshuva* 7:3) cites the gemara describing the superiority of the *ba'al teshuva* to the *tzaddik gamur* in an interesting context. He introduces that halakha by dismissing the notion that teshuva applies exclusively to acts of sin. Instead, he contends that teshuva extends even more significantly to values, inclinations, and emotions (such as anger, jealousy, or lust), dimensions that are indigenous to human personality. He emphasizes that one should not think that a *ba'al teshuva* is inferior to the *tzaddik*; rather, "he is beloved and desired before Hashem, as if he never sinned at all." He then cites this gemara to reinforce his position that the stature of the *ba'al teshuva* is far superior to that of the *tzaddik gamur*. Now that we have demonstrated that teshuva's scope extends even to character traits and values, the hierarchy of *ba'al teshuva* and *tzaddik gamur* is quite understandable.

There are several additional examples of teshuva's capacity to redefine the religious persona. The gemara (*Avoda Zara* 17a) states that it is not sufficient for a *ba'al teshuva* to be merely accepted by all communities; it is additionally incumbent on all of us that he uniformly be recognized as a person deserving of the title "Rebbe." This is not merely an honorific. The term "Rebbe" implies great stature in the world of Torah and halakha, and yet it is evidently an apt description of a *ba'al teshuva*. In addition, the gemara (*Bava Metzria* 58b) says that it is forbidden to refer to a *ba'al*

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<sup>24</sup> In that halakha, Rambam has a clear hierarchy between a *ba'al teshuva gemura*, a *ba'al teshuva*, and one who is merely "*nimhalin lo*, forgiven." This again solidifies our theory of the several existing gradations of teshuva.



*teshuva* as a child of converts, even if it is technically correct; *teshuva* can redefine the *gavra*, the holistic definition of this person. Finally, the *gemara* (*Sukkah* 53a) says, “Praiseworthy is our old age, which has atoned for our misspent youth” regarding *ba’alei teshuva*. Once again, we gain insight into *teshuva*’s far-reaching implications.<sup>25</sup>

Rambam refers to the possibility of transformative change through *teshuva* numerous times throughout *Hilkehot Teshuva*, especially in Chapter 7. In 7:8, he poignantly expresses how a true *ba’al teshuva* never puts the experience of *heit* out of his mind, though one is forbidden to remind him of it. He, of his own initiative, must be omni-aware of his roots, previous challenges, and deficiencies. This is an interesting dialectic: one cannot remind him of his past misdeeds, but he naturally draws upon the fullness of his experience as a *ba’al teshuva*.

## Conclusion

We have seen that there is a tremendous gap that exists between a *ba’al teshuva* and one who merely does *teshuva*, and even between a *ba’al teshuva* and a *tzaddik gamur*. One’s goal, on Yom Kippur and whenever engaging in *teshuva* and *viduy* throughout the year,<sup>26</sup> should be not solely to become a *tzaddik*, but rather to achieve the pinnacle of becoming a *ba’al teshuva*.

It is therefore quite fitting that in the crescendo of *Hilkehot Teshuva* (Chapter 10), Rambam defines and writes about the value of *avoda mei-abava* (service of Hashem motivated by love), as well as how one can achieve it. The role of *teshuva* in achieving not just *avoda mei-yira* (service motivated by fear) but *avoda mei-abava* is of utmost importance. That is why it is a fitting conclusion to *Sefer Mada* of Rambam, where the essentials of *avodat Hashem* are discussed.<sup>27</sup> *Teshuva* is really the conclusion and culmination of what began with *Hilkehot Yesodei ha-Torah*, precisely because it has at the center of its ambition the potential transformation of even a *tzaddik gamur* into a *ba’al teshuva gemura*. ❧

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<sup>25</sup> For another example highlighting Rambam’s expansive perspective on *teshuva* see my “*Mi-Darkei Ha-Teshuva: The Authentic Repentance*,” *Kol Hamevaser* (10:2), 5–7.

<sup>26</sup> Yom Kippur is the single most unique day of the year, but it is also the most *relevant* day of the year. Maharsha (*Megilla* 32a) notes that Moses’ enactment that one begin to review the *halakhot* of a particular festival in the preceding month was never articulated with respect to Rosh Hashanah and Yom Kippur. He explains that the theme of *teshuva* that dominates this period belongs to the entire year, while Moshe’s *takana* applies only to themes that are unique to a particular festival.

<sup>27</sup> For a more extensive analysis of the placement of *Hilkehot Teshuva* in *Sefer Mada* see “*Ahavat Hashem and Talmud Torah: The Telos of Teshuva*,” 29.