

מימיני מיכאל  
Essays on Yom Kippur and *Teshuvah*



Michael Scharf  
Publication Trust  
Yeshiva University Press



**MAGGID**



Rabbi Michael Rosensweig

Mimini Mikhael

**מימיני  
מיכאל**

Essays on Yom Kippur and Teshuvah

EDITED BY

Rabbi Avraham Wein

The RIETS Hashkafah Series  
Rabbi Daniel Z. Feldman, Series Editor

The Michael Scharf Publication Trust of Yeshiva University Press  
Maggid Books

*Mimini Mikhael*  
*Essays on Yom Kippur and Teshuvah*  
First Edition, 2023

*Maggid Books*  
*An imprint of Koren Publishers Jerusalem Ltd.*

POB 8531, New Milford, CT 06776-8531, USA  
& POB 4044, Jerusalem 9104001, Israel  
[www.korenpub.com](http://www.korenpub.com)

© Rabbi Michael Rosensweig, 2023

The publication of this book was made possible  
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ISBN 978-1-59264-645-6, *hardcover*

A CIP catalogue record for this title is  
available from the British Library

Printed and bound in the United States

עמודי תורה

הרב חיי בן ר' אברהם ז"ל

*by his loving wife and family  
Mrs. Ann Arbesfeld  
Dr. Benjamin & Sara Arbesfeld & family  
Mr. Eli & Michelle Salig & family  
Dr. David Arbesfeld, Pnina Arbesfeld*



*In honor of our dear parents  
Selma and Jacob Dyckman,  
and Channa and Steve Wintner.*

*Ezra and Adena Dyckman*



*In honor of*

הרב מיכאל רוזנצווייג שליט"א

*by*

*The Berman Family, including the following talmidim:*

*Julius Berman  
Zev Berman  
Judy Berman  
Elie Berman  
Josh Berman  
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## מחזקי תורה

לכבוד מורנו ורבנו הרב מיכאל רוזנצווייג שליט"א

We would like to express our heartfelt appreciation for your extraordinary commitment to teaching and spreading Torah for over three decades within our community. Your unwavering dedication to *talmud Torah* and your tireless efforts to impart your vast knowledge and wisdom to your students has had a profound and lasting impact on us, those privileged to have studied with you.

Your remarkable dedication to your students and your steadfast desire to raise their level of learning and *yiras shomayim* is truly inspiring. May we be blessed to continue learning together for many years.

With sincere gratitude and admiration,  
the past and present attendees of the Queens Monday Night Shiur:

Dr. Benjy Arbesfeld  
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*Dedicated in honor of*

מורנו ורכנו

הרב הגאון מיכאל רוזנצווייג שליט"א

*whose guidance, encouragement, support, wisdom, and rigor  
have profoundly impacted the lives of thousands of students  
and their respective shuls, schools, communities, yeshivot, and batei  
midrash.*

אשרינו שזכינו להתאבק בעפר רגליך ולשתות בצמא את דבריך.

*By Rav Rosensweig's shiur assistants:*

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Rav Josh Kaufman  
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Josh Appel



Dear Rabbi Rosensweig,

On behalf of the Fifth Avenue Synagogue, we would like to congratulate you on the publication of this new *sefer*, *Mimini Mikhael*.

Thank you for your extraordinary dedication to teach a weekly Tuesday evening class at our synagogue for the past two-plus decades. Your brilliance and sterling character have left an indelible impression on all of us who have had the pleasure of learning with you.

We wish you continued success in all your future endeavors, and we look forward to learning from you at our synagogue for many years to come.

With gratitude and admiration,

Rabbi Sol Roth, Rabbi Emeritus  
Cantor Joseph Malovany, Senior Cantor Emeritus  
J. Ezra Merkin, Honorary President  
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תומכי תורה

בהערכה *and in honor of*

*Rabbi Michael Rosensweig*

*Terry and Gail Novetsky*



*With much gratitude and appreciation to*

*Rav Michael Rosensweig*

*For his many years of devotion in teaching Torah and its values –  
thirty-two years (and counting) for the Tuesday morning shiur.*

*Barbara and Simcha Hochman*



Dear Rabbi Rosensweig,

Mazal tov on the publication of *Mimini Mikhael!*

Marilyn and I would like to thank you for always being there for our family yahrzeits.

You have given so graciously of your time to give *shiurim* at Congregation Rinat Yisrael, Teaneck, NJ, twice each year, as we marked our fathers' yahrzeits in the spring, and our mothers' yahrzeits in Elul.

We continue to benefit from your Torah through your two *talmidim*, Rabbi Schrier and Rabbi Strauchler, who are now rabbinic leaders at Congregation Bnai Yeshurun and Congregation Rinat Yisrael, respectively.

לעילוי נשמת

דוד אריה הכהן (י"א בניסן תשכ"ו)  
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לעילוי נשמת

יעקב שמואל בן משה דוד אריה (כ"ב באייר תש"ס)  
ולאה בת משה (כ' באלול תשע"ב)

Wishing you continued success in your efforts to be *marbitz Torah!*

*Dr. Joseph and Marilyn Solomon Bench*



Dear Rabbi and Rebbetzin Rosensweig,

We are so proud to have learned from you in YU/Stern and beyond. We will forever cherish the time we have spent with you, and we are always yearning for more. Your tireless efforts on behalf of your students and the community at large are amazing and inspiring. We love you, and may Hashem give you the strength and wisdom to keep proliferating Torah through speaking and writing ועשרים ועד מאה.

*A Grateful Talmid*



*David and Talia Eis*

*In loving memory of our grandparents,  
whose dedication to a Torah life continues to inspire us.*

*Joseph K. Miller*

יוסף בן אהרן שמואל הי"ד

*William T. and Edith Steinlauf*

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*Rabbi Arnold B. Marans*

הרב אברהם דב בן אהרן ז"ל



*Li'iluy nishmas*

*Rabbi Dr. Jacob Reiner z"l,*

*who, along with his dear friend and colleague Rabbi Dr. Berel Rosensweig z"l, shaped countless lives in his role as both a rabbi and educator. We are so fortunate to have Rav Rosensweig as our Rebbe and to continue this bond through the generations.*

*Elisheva and Ariel Reiner*



*Daniel and Hindy Lifshitz  
In memory of our grandparents*

*Moshe and Tzipora Lifshitz*

*Isaac and Bette Einhorn*

*Aaron Yitzchak and Sonia Bronstein*

*Yisrael Gershon and Perel Ruck*



*Dr. and Mrs. Gerald Zahtz  
in memory of his mother*

**מאשה בת הרב אברהם שלמה ז"ל**

*Masha Zahtz Gellman z"l*

## נודבים

*Sam and Yehudit Ash*

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*Nehama and Lawrence Teitelman*

*Rabbi Dovid Zirkind and Riverdale Jewish Center*



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## Foreword

It is with tremendous joy that we present this exceptional volume by Rabbi Dr. Michael Rosensweig *shlit"á* on *teshuvah* and the period of the High Holy Days to our esteemed readers. Rabbi Rosensweig is renowned for his perspicacious insights and breathtaking analysis in all areas of Torah study. Multiple generations of students have merited to study at his feet, and his *shiur* at Yeshiva University/RIETS boasts an abundant and outstanding student base. This book captures his remarkable ability to engage, expound upon, and elucidate deep ideas in Jewish thought, Jewish law, and Talmudic exposition.

R. Joseph B. Soloveitchik *zt"l* would refer to the *teshuvah* process, which is a centerpiece of this volume, as a personality transformation (see Rambam, *Hilkhot Teshuvah* 2:4). I vividly remember the Rav likening the *teshuvah* experience to that of a boy who, against his father's instructions, throws a ball against a window of his house, causing the window to break, and then, after a period of estrangement, comes weeping to his father and declares, "I am not the same boy who broke the window! I am a different person now." Through a proper understanding and execution of *teshuvah*, we "grow up" over the course of a lifetime and continuously transform ourselves religiously, emotionally, and intellectually.

The Rambam (*Moreh Nevukhim* 3:17–18) discusses how the degree of an individual's Divine Providence is based on intellectual achievement; the higher one's intellectual plane, the closer his relation-

ship with the Creator. Since the foundation of our ability to cleave to Hashem is the study and fulfillment of the words of the Torah (see *Hilkhot Teshuvah* 10:3–6), it seems appropriate to understand this statement of the Rambam in that context. Indeed, the Rambam (*Moreh Nevukhim*, *ibid.*) specifically relates intellectual perfection to one's level of piety. Through studying Torah on a high plane of intellectual sophistication, we strengthen our devotion and connection to the Almighty. This is the mandate articulated by our Sages: “*Tiheyu amelim ba-Torah*,” toil mightily in understanding Torah (see, e.g., Rashi, *Vayikra* 26:3).

Rabbi Rosensweig is a paradigm of this ideal. Each of his ideas is meticulously developed through a careful analysis of source materials, comparisons with other texts, and multi-layered explanations rich in nuance, meaning, and purpose. As we seek to elevate ourselves through the *teshuvah* process, Rabbi Rosensweig enables us to access and develop our higher selves and move to a loftier plane of intellectual existence, suffused with the spiritual grandeur of the Torah and concomitantly a greater closeness to the Divine.

We are enormously indebted to Rabbi Rosensweig for writing this transformative treatise, and we look forward to many more of his contributions in the future. Our *yeshiva* and our community are truly enriched to have Rabbi Rosensweig in our midst to enlighten, elevate, and ennoble us in the service of Hashem.

We thank Rabbi Daniel Feldman for continuing his wonderful work as the Executive Editor of the RIETS Press, Avraham Wein for his superb editing in connection with this volume, and the RIETS leadership team of Rabbi Dr. Ari Berman, President of YU/RIETS, and Rabbi Menachem Penner, Dean of RIETS, for their dedication to the RIETS Press and to stellar Torah education for our community.

Yona Reiss  
Director, RIETS Press

## Editor's Preface

**E**very Sukkot, *mori ve-rabbi* Rav Rosensweig hosts a *simhat beit ha-sho'evah* in his family's *sukkah*. Each student shares a substantive *dvar Torah*, which R. Rosensweig subsequently comments on. One year, fittingly, I discussed the mitzvah of *kabbalat penei rabbo ba-regel* (the obligation to visit one's primary *rebbe* on the festivals). While some commentators understand the obligation as an opportunity to engage in Yom Tov-related Torah learning or a way to sanctify these holy days, Rambam adopts a different stance. Instead of including this *halakhah* in *Hilkhot Yom Tov*, he places it in *Hilkhot Talmud Torah* (5:7), in the section detailing the laws of honoring one's primary *rebbe*. Additionally, he links this mitzvah with the obligation of *amidah lifnei rabbo* (standing before one's *rebbe*). Clearly, Rambam views this mitzvah as an expression of one's more general obligation to honor his *rebbe*.

I noted in my *dvar Torah* that I remained puzzled by the underlying logic of Rambam's position. What is it about Yom Tov that prompts this specific expression of *kevod rabbo*? Rav Rosensweig answered that Yom Tov is a natural opportunity to express *kevod rabbo* because the *mo'adim* trigger a sense of nostalgia and appreciation for one's *rebbe*. It would thus be inconceivable and even inappropriate to fail to express *kavod* to someone who, through his teachings, enhanced one's entire experience of the *hag* to such a degree.

Rav Rosensweig shared that this obligation is a particularly special one for him, as he experienced this feeling each *hag* with his own *rebbe*, R. Joseph B. Soloveitchik. Although the Rav's *shiur* rarely deviated from discussing the *masekhet* being studied, prior to a *hag*, he delivered a *shiur* relating to the *hag*, and this, Rav Rosensweig remarked, continues to contribute immense meaning and perspective to the *hag* for him each year.

This explanation resonated deeply with me then and even more so now. My own Yom Tov experiences have been transformed by and are inextricably linked to the profound ideas Rav Rosensweig developed in his *shiurim* on the *mo'adim*, many of which appear in this book. My hope is that readers of this volume will enjoy a similar enrichment of their Yom Tov experiences.

I would like to make a few brief comments concerning Rav Rosensweig's methodology that may assist the reader in their journey through this *sefer*. The chapters of this volume clearly display many of the hallmark elements of the Brisker method of Talmudic study prominently found in the works of Rav Rosensweig's primary *rebbe'im* – R. Soloveitchik and especially R. Aharon Lichtenstein. These include a heavy focus on Rambam's positions, analysis of the underlying conceptual basis of the varying opinions on each topic, and precise conceptual classifications. Like R. Lichtenstein, Rav Rosensweig presents an extremely thorough treatment of each *sugya* and employs an extensive library of commentaries, especially *Rishonim*.

However, there are unique features of Rav Rosensweig's method of study that are worthy of mention. The following two are most salient. First, the reader will notice repeating key sources and themes throughout the chapters. While some of the repetition is undoubtedly an outgrowth of natural overlap between topics and the origin of these chapters as independent *shiurim*, this phenomenon primarily derives from and exemplifies a critical aspect of Rav Rosensweig's style of learning: identifying overarching themes and *hakirot* (conceptual distinctions) that interweave many individual topics into one larger *sugya*. This more sweeping focus of study, a *meta-sugya*, allows many standalone *sugyot* to coalesce under a broader topic because of their common network logic. This valuable next step in the development of the Brisker method of study is clearly demonstrated in this *sefer*.

## *Editor's Preface*

Second, as previously mentioned, although Rav Rosensweig seeks to develop larger fundamental themes within these meta-topics, simultaneously the reader will notice an intense focus on seemingly minor details in these chapters. These two elements of his style not only do not contradict each other but also work in tandem. The narrow details help contribute to building the broader conceptual framework, but once the macroscopic themes have been developed, they allow for a deeper appreciation of the nuances and details of the minutiae within the related *halakhot*.

It has been a tremendous *zekhut* to work on this *sefer* and to be able to experience Rav Rosensweig's breadth of knowledge, depth of insight, and intellectual integrity so closely. In particular, I would like to thank my fellow *talmidim* who helped with various parts of bringing this *sefer* to print. Special recognition is warranted for two of Rav Rosensweig's outstanding *talmidim* who were particularly helpful during the writing and editing process: Rabbis Noach Goldstein and Yehoshua Katz.

May Hashem bless Rav Rosensweig and his wife with continued health and *nahat* from their children and grandchildren, *banim* who are his *talmidim* and *talmidim* who are like *banim*, and may the broader Torah community continue to benefit from his *harbatzat Torah* for many years to come.

Avraham Wein  
Tevet 5783



## Introduction

# מימיני מיכאל: Essays on Yom Kippur and *Teshuvah*

“**M***ikra kodesh*” – the most ubiquitous and consequential term employed in the Torah’s depiction of the *mo’adim* (*Shemot* 12:16; *Vayikra* 23:1–44; *Bamidbar* 28:18, 25, 26, 29:1, 7, 12) – is somewhat obscure and perhaps even intentionally ambiguous, a testament to the multidimensional character of the *mo’adim*. It is unsurprising that the phrase stimulated vigorous exegesis, producing a wide range of different interpretations, each underscoring an important theme in festival commemoration.

While many commentators focus on the content and modes of observance on these special days – prayers, festive meals, formal attire, and the like<sup>1</sup> – Targum Onkelos and Targum Yonatan accentuate the very magnitude and character of these singular and sanctified days, rendering “*mikra kodesh*” as “מערע קריש,” a holy event. Ramban posits that the conception of “*mikra kodesh*” as a “*me’ora*” was inspired by the verse “*asher yikra etkhem be-aharit ha-yamim*” (*Bereishit* 49:1), which alludes to the pivotal, transformative experiences that will define the end of days.

---

1. See *Sifra* 12:4; *Sifrei, Pinehas* 147; Rashi, *Vayikra* 23:27; Rashi and Tosafot, *Shevuot* 13a, s.v. *lo kera’o*; Rashi, *Keritut* 7a, s.v. *mikra kodesh*; Ramban, *Vayikra* 23:2.

A “*me’ora*” is significantly more than an occurrence, anniversary, or even experience that affords opportunity to express thanks or to revisit the spiritual implications of past events. The term conveys a perspective that perceives singular spiritual experiences in our national history as transformative milestones, times invested with inherent sanctity (*kedushat ha-yom*), forces that shape our worldview and define and reinforce core halakhic principles and values. Indeed, the unique festival recitations in *tefillah* and *Birkat ha-Mazon* are referred to as “*mei-ein ha-me’ora*.”

Elsewhere, Onkelos equates the verb form of *me’ora*, “דערעית,” with “פגשתי,” signaling a consequential encounter. This association further projects *mikra kodesh* as a memorable spiritual or divine encounter.<sup>2</sup> This supports the complementary theme, also developed and popularized by Rav Soloveitchik *zt”l*, that the festivals constitute an experience and manifestation of “*lifnei Hashem*” (*Vayikra* 23:28, 40; 16:30), being in the presence of God – a consequential halakhic category.

Further telling is Ramban’s conclusion that the Targum’s perspective on *mikra kodesh* entails the halakhic mandate emphasized by other commentators – that festival meals and attire must unequivocally attest to the sanctity of these milestones:

ורבותינו אמרו ארעם במאכל ובמשתה ובכסות נקיה, כלומר שלא יהא חוקם אצלך כחוק שאר הימים. אבל תעשה להם מקרא של קודש לשנותם במאכל ובמלבוש מחול לקודש, וגם זה דעת אונקלוס.

Our Sages taught: Distinguish them through food and drink and clean clothing – that is, that you should not treat them in the manner of ordinary days, but rather make them sacred events by transforming the profane into the sacred through food and dress. And this too is the view of Onkelos.

A final dimension of *mikra kodesh* as “*me’ora kadish*” is highlighted by Rashbam, who links the concept to the anticipation and prior affirmation of the *mo’ed*:

---

2. Onkelos, *Bereishit* 33:8. See also Onkelos, *Bereishit* 28:11, *Shemot* 4:27, 5:3, 20.



כל לשון קריאה שאצל מועדים לשון קביעת זמן הוא כמו קרא עלי מועד  
(איכה א:טו). וכן התרגום: מערע קדיש.

The language of “*kri’ah*” in the context of the *mo’adim* refers to the establishment of a set time, as in the verse, “He has proclaimed a set time against me” (*Eikhah* 1:15). This is conveyed by the Targum: “*me’ora kadish*.”<sup>3</sup>

It is characteristic of the impact of these singular days, which define our aspirations and embody our destiny, that one cannot merely “happen” into them. Conscious and targeted preparation is a *sine qua non* for internalizing the seminal themes of *kedushat ha-yom* and for capitalizing on the spiritual opportunities afforded by festival observance. The requirement of previewing the halakhic details and concepts pertinent to each *mo’ed* facilitates a rigorous reflection on the special character and unique principles encapsulated in each unique festival.<sup>4</sup>

Although every *mo’ed* qualifies as “*mikra kodesh*,” Yom Kippur constitutes the quintessential or preeminent “*mikra kodesh*.” While the term is ordinarily employed in connection with the prohibition against the performance of “*melekhet avodah*” on each of the *mo’adim*, only on Yom Kippur is it applied to the more particular character of this most acute *kedushat ha-yom* and its singular imperative – “*ve-initem et nafshoteikhem* – you shall afflict your souls” (*Vayikra* 23:27; *Bamidbar* 29:7). It is surely no coincidence that the intrinsic sanctity of this day is also more pronounced. This is reflected in the definition of Yom Kippur as “*Shabbat Shabbaton*” (*Vayikra* 16:31, 23:32), as well as the fact that all elements of the day are presided over by the *Kohen Gadol*, who is permitted entrance into the otherwise impenetrable *Kodesh ha-Kodashim* (*Vayikra* 16:2). The explicit emphasis on “*lifnei Hashem*” (*Vayikra* 16:30, 23:28) as the telos of the day further reinforces the unparalleled acuity of “*mikra kodesh*” on this unique yet most consequential day of the calendar.

3. Rashbam, *Vayikra* 23:2. The *Zohar* and other sources (cited by *Ha-Ketav ve-Hakabbalah*, *Vayikra* 23:2) support this emphasis as well.

4. See *Megillah* 32a; *Pesahim* 6a.

The essays presented in this volume were initially formulated as *shiurim* presented in Yeshivat Rabbeinu Yitzchak Elchanan of Yeshiva University and in the broader community in advance of the *Yamim Nora'im*, in the spirit of *mikra'ei kodesh* in all its multiple dimensions. These *shiurim* were designed to highlight the inimitable *kedushat hayom* of Yom Kippur, to demonstrate how this heightened sanctity is concretized in specific norms and modes of observance, to underscore the pivotal institution of *teshuvah*, and to illuminate the opportunity afforded by Elul and the *Aseret Yemei Teshuvah* in cultivating a halakhically meaningful life inspired by the experience of “*lifnei Hashem*.” Preparing for the *Yamim Nora'im* through Torah study and halakhic analysis surely enhances the experience and maximizes the impact of this unique period, a significant facet of “*mikra kodesh*” itself.

### Acknowledgments

I have merited to have exceptional *talmidim*, about whom I can honestly affirm: “*U-mitalmidai yoter mi-kulam*.” They are exemplary in their character and in their intense commitment to *talmud Torah* and to lives of Torah and *avodat Hashem*. A number of them, including sons and sons-in-law, contributed significantly to this project. I would like to thank R. David Mandelbaum, R. Yakir Forman, R. Isaac Shulman, R. Yaakov Schiff, R. Chanan Freilich, R. Robert Schrier, R. Elliot Schrier, R. Yonatan Mehlman, R. Asher Finkelstein, R. Ariel Rosensweig, R. Avigdor Rosensweig, R. Itamar Rosensweig, and R. Shlomo Friedman, each of whom generously invested significant time and effort in this project, particularly in the initial stages of converting the oral *shiurim* into written form. I am very appreciative of the additional efforts and editing of R. Yehoshua Katz and R. Noach Goldstein, which have greatly enhanced the final product.

R. Avraham Wein, a young *talmid hakham* and special *talmid*, spearheaded and orchestrated this project. He organized the cadre of talented and dedicated *talmidim* to transcribe and to render the audio recordings of each of the *shiurim* into text form, personally reviewed and often significantly reworked the material, and worked closely with me on the final drafts, which in some cases required extensive additional editing. His contribution was invaluable, and his dedication to the integrity

of the material and to the realization of the goal was exceptional. He has shepherded this *sefer* through all its phases with great skill, extraordinary diligence, great personal devotion to the author, and admirable patience. It has been a true pleasure to work with Avraham and to experience his pervasive *menschlikhkeit*. I look forward to continuing this special collaboration, *le-hagdil Torah u-leha'adirah*.

I would like to acknowledge the generous support of R. Hyman Arbesfeld *z"l*, a true *tomekh Torah* and a wonderful family friend, and of R. Ezra Dyckman, a long-time cherished *talmid*, who facilitated formative work on this *sefer*. I also thank Yigal Segal of the Jewish Literacy Foundation for his assistance in this effort.

I am grateful for the participation of RIETS Press, and I thank R. Yona Reiss and R. Daniel Feldman for their assistance in facilitating this project. I appreciate R. Yaakov Werblowsky's close reading of the manuscript and his helpful comments and editing.

I am appreciative of the very professional and efficient efforts of Maggid Books in bringing this work to publication. I want to thank publisher Matthew Miller as well as Meira Mintz, Nechama Unterman, Ita Olesker, and R. David Silverstein for their meticulous editing of the manuscript, and Nachum Goldstein and Cobi Nadel for preparing the indexes. I am grateful to R. Reuven Ziegler, an early and much esteemed *talmid*, for his personal interest and for overseeing Maggid's involvement with this project.

This *sefer* is called *מימיני מיכאל* first and foremost to reflect my boundless gratitude for the *siyata di-shemaya* I have experienced in all dimensions of my life. The Targum and other commentators interpret the verse in *Tehillim* (80:18), "*Tehi yadekha al ish yeminekha* – May your hand be upon the man of Your right hand," as referring to one who is recipient of divine support and providence that enables a life of purpose characterized by the attainment of halakhic and spiritual growth.<sup>5</sup>

I have been privileged to be raised in a family devoted to *avodat Hashem* and *harbatzat ha-Torah*. I have been profoundly influenced by parents (R. Dr. Bernard and Rebbetzin Miriam Rosensweig *z"l*) and

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5. See Radak and *Metzudat Tziyon* (in contrast to Rashi and Malbim), as well as the Targum: "על גבר דקיימת ליה ביד ימינך."

parents in-law (R. David and Prof. Yaffa Eliach ז"ל), who dedicated their careers and lives to *Klal Yisrael* and who contributed significantly to Jewish education and scholarship. I have been immeasurably blessed together with *ishti ke-gufi*, Professor Smadar Rosensweig, the full partner in all my endeavors, to raise a family of *banim u-veni banim osekim ba-Torah*. We are very proud of the achievements, admire the priorities, and cherish the special character of our children: R. Ariel and Jackie Rosensweig, R. David and Moriah Weiss, R. Dr. Itamar and Dr. Esty Rosensweig, R. Avigdor and Devorah Rosensweig, R. Chanan and Ayalah Freilich, Asher and Avigayil Finkelstein, and Etan and Elisheva Soclof. We treasure the growing bond with our wonderful grandchildren, Rena, Yonah, and Binyamin Rosensweig; Miri, Ashira, Shalva, and Azarya Weiss; Ayelet, Noam, and Adi Rosensweig; Nachshon Rosensweig; and Yaffa, Yitzchak, and Miri Freilich. We look forward with great anticipation to their continued growth as *benei* and *benot Torah*.

Beyond *hakarot ha-tov*, the title מימיני מיכאל also reflects the aspiration to merit a life defined by and immersed in rigorous *talmud Torah* and *avodat Hashem* that is an extension of and fiercely loyal to the principles and *mesorah* conveyed by my family and *rabbe'im*. The Talmud describes those who plumb the depth of halakhic knowledge as "מיימינין" who are worthy and "rightful" recipients of Torah wisdom.<sup>6</sup> Rashi clarifies that this entails rigor and purity of motive: "שמפפשיין טעמיהן ברקדוק ובוררין" – כימין המיומן למלאכה...אי נמי מיימינין בה עוסקים לשמה לשמה carefully for the explanations and examine as though with the right hand, which is adept at labor.... Alternatively, they toil in Torah study for its own sake."<sup>7</sup> In another passage, Rava declares that Torah knowledge is the elixir for spiritual health only for those who cultivate a מיימינין commitment: "למיימינין בה סמא דחיי, למשמאילים בה סמא דמותא" – To those who are 'right-handed' in their approach to Torah, it is an elixir of life; to those

6. *Shabbat* 63a: "ת"ח המחדרין זל"ז בהלכה... זוכין לתורה שניתנה בימין שנאמר ותורך נר" – ראות ימינך...זוכין לדברים שנאמרו בימינה של תורה – Torah scholars who sharpen one another in matters of Halakhah...merit the Torah, which was given with the right hand, as the verse states, 'So that your right hand shall perform awesome things' (*Tehillim* 45:5)...and they merit the matters stated with regard to the right hand of the Torah."

7. Rashi, ad loc., s.v. *la-meyamnin*.

who are ‘left-handed,’ it is a drug of death.”<sup>8</sup> Rashi again accentuates the intense effort to fathom and to internalize *devar Hashem*: “עסוקים בכל כחם” – וטרודים לרעת סודה כאדם המשתמש ביד ימינו שהיא עיקר יקר – They are involved with all their might and engaged to know its secret, like a man who uses his right hand, the main one.”<sup>9</sup> The term ימין is linguistically associated with affirmation (אמן), and commitment (as it is used in taking an oath), as well as with trustworthiness and loyalty (נאמן).<sup>10</sup>

I am immensely proud to be counted among the *talmidim* of *mori ve-rabbi* Ha-Rav Yosef Dov ha-Levi Soloveitchik *zt”l* and of *mori ve-rabbi* Ha-Rav Aharon Lichtenstein *zt”l*, towering *hakhmei mesorah*, giants of Torah knowledge and halakhic thought and paragons of *yirat Hashem* and personal integrity, whose transformative impact cannot be overstated. The worthy goal of striving to be one of the rigorous *meyamnin*, as well as a true *ne’eman*, a faithful trustee of a remarkable *mesorah*, is encapsulated by these inspiring role models.

I am also very grateful for my long and rich association with Yeshivat Rabbeinu Yitzchak Elchanan, my spiritual and intellectual home from a formative age and for many decades. The yeshiva has significantly facilitated my experience of “שבתי בבית ה’ כל ימי חיי לחזות” – “בנועם ה’ ולבקר בהיכלו.” In addition to being a conducive framework for personal growth, I have been afforded the singular opportunity to teach *havayot de-Abaye ve-Rava* and to explore the endlessly fascinating intricacies of *devar Hashem* with exceptionally diligent, idealistic, and receptive *talmidim*. It has been a privilege to witness their advancement in Torah and life and to forge the special bonds of “הרי אלוי – ושננתם לבניך – תלמידך” – ‘Teach them to your children’ – this refers to your students.”<sup>11</sup> I have personally experienced an added special dimension of this equation – the wonderful *zekhut* of having each of my sons and sons-in-law as *talmidim* as well. תהי ירך על איש ימינך, indeed!

Finally, I would like to dedicate this *sefer* of essays on the *Yamim Nora'im* in memory of my parents, R. Dr. Bernard Rosensweig, הרב דוב

8. *Shabbat* 88b.

9. Rashi, ad loc., s.v. *la-meyamnin*.

10. See also *Ha-Ketav ve-Hakabbalah, Shemot* 15:6.

11. *Sifrei* and Rashi, *Devarim* 6:7.

הרבנית, Rebbetzin Miriam Rosensweig, בער בן מאיר רוזנצווייג זצ"ל, מרים ברכה בת הרב מאיר יהושע ע"ה. Each of my parents was a singular personality with special qualities of mind and heart. Each was an indispensable and impactful force in my life and in the lives of each member of our family. The *demut deyuknam* (influential image) of my parents remains a very powerful presence for us all.

My father was a devoted *talmid* of Rav Soloveitchik זצ"ל, an influential national rabbinic leader, a dedicated communal *rav* for more than a half-century, and a beloved professor of Jewish History at Yeshiva University. He relished teaching Torah on various levels and lecturing on Jewish scholarship, but he particularly savored the challenge of preparing and presenting advanced Shabbat Shuvah and Shabbat ha-Gadol *derashot*. I recall vividly being profoundly inspired, even exhilarated, by my earliest exposure to the grandeur and depth of serious halakhic thought in these meticulously organized and formulated *shiurim*. My fascination and engagement with *Yamim Nora'im* themes are inextricably bound up with those formative experiences, but also merely exemplify my father's pivotal role in shaping my values, interests, and direction in life.

My mother, scion of a royal rabbinic family, a caring and involved rebbetzin, and an enthusiastic master teacher, was a rare combination of regal nobility and warmth, of *atzilut* and accessibility. Her sincerity, integrity, balance, *simhat ha-hayim*, and unbridled devotion to family are unforgettable and have struck deep roots in each of us. Her optimism, idealism, and understated deep faith particularly shone through on the *Yamim Nora'im*. My formative impressions of the ineffable atmosphere of transcendence on the *Yamim Nora'im* were imbibed from experiencing my mother's natural if unselfconscious posture during this inimitable period of the year.

My parents' legacy lives on in their considerable accomplishments and in their indelible imprint on the personalities of their children, grandchildren, and great-grandchildren, but also in the *mesorah* of principles, priorities, and values they imparted throughout their influential lives, both explicitly and subtly. May we continue to aspire to be *מיימינין* and *נאמנים*, consistent with and as a tribute to their memory. *יהי זכרם ברוך*.

# *Teshuvah*





## Chapter 1

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

**I**n describing the mitzvah of *teshuvah*, Rambam employs the term “*lifnei Hashem*” or “*lifnei ha-Kel*” (“before God”) no fewer than three times (*Sefer ha-Mitzvot*, *aseh* 73; *koteret* to *Hilkhot Teshuvah*; *Hilkhot Teshuvah* 1:1). Given the phrase’s rare usage and extraordinary implications, it is startling to see this phrase appear repeatedly in Rambam’s characterization of *teshuvah*.<sup>1</sup> What is it about *teshuvah* that compels Rambam to remind us consistently that it must be done *lifnei Hashem*?

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

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1. The phrase *lifnei Hashem* is used in the Torah primarily in reference to the *mo'adim*. R. Soloveitchik emphasized the idea of *lifnei Hashem* as a signature theme of the *mo'adim* and as signifying and characterizing the experience of *simhat ha-regel* and *kedushat ha-zeman*, particularly in the *Mikdash*.

In his *koteret* (heading) to *Hilkhot Teshuvah*, 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 before Hashem from his sin and confess.

In this introduction, Rambam seems to indicate that the primary mitzvah discussed in this section is the mitzvah of *teshuvah*, with *viduy* constituting a component of that mitzvah. However, even a cursory glance in the body of *Hilkhot Teshuvah* and *Sefer ha-Mitzvot* indicates that this is not Rambam's view.

In *Hilkhot Teshuvah* 1:1, Rambam writes:

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 הא-ל ברוך הוא.

If one has violated any mitzvah in the Torah, whether a positive or negative commandment, whether done purposely or accidentally, *when he does teshuvah and returns from his sin*, he is obligated to confess before God, blessed be He.

In this context, Rambam seems to assume that it is axiomatic that *teshuvah* will occur; he subsequently codifies the obligation to say *viduy* in the context of the inevitable *teshuvah*. Similarly, in *Sefer ha-Mitzvot* (*aseh* 73), Rambam writes:

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

[The mitzvah is] that He commanded us to confess the sins and transgressions that we committed before God and to mention them together with doing *teshuvah*.

Here too, the primary mitzvah seems to be the *viduy*, while *teshuvah* is either assumed or considered to be an ancillary component of the *viduy*. How do we reconcile these two sources, which imply that the mitzvah is *viduy*, with the *koteret* to *Hilkhot Teshuvah*, which portrays *teshuvah* as the centerpiece of the mitzvah?

### **The Interplay between *Teshuvah* and *Viduy*: Three Approaches**

In addressing this question, Mabit chooses to accentuate the *koteret* while deemphasizing the other two sources.<sup>2</sup> He asserts that Rambam did not intend to exclude the initiation of *teshuvah* as part of the mitzvah; rather, he simply wanted to emphasize that the mitzvah of *teshuvah* is incomplete until one does *viduy*. However, while this explanation is consistent with the language of Rambam in *Sefer ha-Mitzvot*, it is not as compatible with his formulation in *Hilkhot Teshuvah* 1:1.

*Minhat Hinukh* is so troubled by this enigma that he reaches the startling conclusion that there is no obligatory mitzvah of *teshuvah*. Rather, if one elects to do *teshuvah*, there is a mitzvah to express *viduy*. *Teshuvah*, according to this perspective, is perceived as a spiritual opportunity; however, one may choose to bypass *teshuvah* and remain in a state of *het* (sin).<sup>3</sup>

R. Soloveitchik strongly rejects this argument. On a textual level, he feels that *Minhat Hinukh*'s approach does not properly account for the *koteret*, which clearly conveys that there is a mitzvah to do *teshuvah*. More importantly, R. Soloveitchik believes *Minhat Hinukh*'s position to be philosophically and halakhically untenable. The Rav argues that it is inconceivable that *teshuvah* is merely discretionary. Just as the Torah condemns sin *a priori*,<sup>4</sup> it is equally repulsive, and hence inconceivable,

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2. *Kiryat Sefer* 1:1.

3. *Minhat Hinukh*, mitzvah 364. *Minhat Hinukh* 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, he fulfills a mitzvah if he does it in accordance with the laws of the Torah.

4. *Hazal* teach in numerous places (e.g. *Pesikta*, *Parashat Shelah*) that despite the Torah's phraseology in passages such as "*Im be-hukotai teilekhu* – If you follow My ordinances" (*Vayikra* 26:3), one should not mistakenly believe that the Torah is

to consider as halakhically legitimate the option of remaining in a state of sin.<sup>5</sup>

The Rav offers a different approach to solving this quandary in understanding Rambam.<sup>6</sup> We need not declare absolutely that Rambam thinks that either *teshuvah* or *viduy* is the mitzvah. Rather, Rambam is referring to two different motifs: the *ma'aseh* (action) of the mitzvah of *teshuvah* and the *kiyum* (inner fulfillment) of the mitzvah of *teshuvah*.<sup>7</sup> In certain cases, the method of performing a mitzvah is different from the effect that one creates through that performance. In fact, Rambam often emphasizes two different aspects in the *kotarat* and in the *halakhot* of *Mishneh Torah*, and our case is no exception. Thus, the *koteret*, which emphasizes *teshuvah*, refers to the *kiyum ha-mitzvah*, while in the *halakhah* and in *Sefer ha-Mitzvot*, Rambam is practical and writes that the method of doing *teshuvah*, the *ma'aseh ha-mitzvah*, is to say *viduy*.

This understanding of Rambam's opinion, although 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

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merely telling us the consequences of *aveirot* and that we may choose to do them if we so desire. Rather, the consequences delineated in these passages reflect the severity of the choices. There is an acceptable choice and an unacceptable choice.

5. A possible justification for *Minhat Hinukh's* opinion is that he views *teshuvah* as an extraordinary opportunity that defies the causal relationship of *het*, and he therefore perceives it as a gift or option, as opposed to an obligation. If *teshuvah* is merely a way to expunge the effect of *het* and is not about enhancing the broader relationship with God, then each person may take the initiative to take advantage of it, but one is not required to do so.
6. *Al ha-Teshuvah*, 44–45.
7. The Rav presents numerous cases in which this dichotomy holds true. Two similar examples are the *mitzvot* of *tefillah* and *Keri'at Shema*. In both cases, the *ma'aseh ha-mitzvah* is strictly the verbalization of the words. However, in the case of *tefillah*, the *kiyum* is *avodah she-balev*, and in the case of *Keri'at Shema*, the *kiyum* is *kabbalat ol malkhut Shamayim*. Another example is the mitzvah of *aveilut*, where the *kiyum* is the *tza'ar* that one feels over the loss, while the *ma'aseh* consists of numerous actions or forms of conduct, both passive and active, that promote that end (*nihugei aveilut*). On this basis, the Rav explains that we mistakenly consider certain actions to be *issurei aveilut* (prohibited conduct) when they are in fact *kiyumei aveilut*, as abstaining from these actions engenders a certain effect that reinforces the sense of loss.

is not always the case that the *Sefer ha-Mitzvot* details only the *ma'aseh ha-mitzvah* to the exclusion of the *kiyum*. In *Sefer ha-Mitzvot*, Rambam succinctly captures the essence of a mitzvah, and he sometimes does delineate the *kiyum*, motifs, and themes of *mitzvot*.

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 *teshuvah*? Moreover, even were we to accept that *viduy* is the *ma'aseh ha-mitzvah* of *teshuvah*, 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 *teshuvah* alone?

Further, I do not think that this approach does full justice to the formulation of Rambam in *Hilkhot Teshuvah* 1:1, where he writes that one is obligated to say *viduy*, “*ke-sheya’aseh teshuvah ve-yashuv mei-heto* – when he does *teshuvah* and returns from his sin.” What is the purpose of this double formulation? It sounds as though there are two types or two levels of repentance that Rambam is trying to describe: doing *teshuvah* and returning from sin.

A problem of larger proportions emerges upon analyzing the broader evidence in Rambam’s corpus. Although it is true that Rambam uses the term *hiyuv* in *Hilkhot Teshuvah* 1:1 only with respect to *viduy*, he does use the term with respect to *teshuvah* elsewhere in *Hilkhot Teshuvah*. In 2:7, in discussing the *teshuvah* on Yom Kippur, Rambam writes:

יום הכפורים הוא זמן תשובה לכל ליחיד ולרבים והוא קץ מחילה וסליחה לישראל. לפיכך חייבים הכל לעשות תשובה ולהתודות ביום הכפורים.

Yom ha-Kippurim is the time set aside for repentance for all, the individual as well as the many; for it is the apex of exoneration and pardon for Israel. Therefore, all are obligated to repent and confess on Yom ha-Kippurim.

Here, Rambam codifies an obligation to do *teshuvah* while simultaneously referring to *viduy*. If *teshuvah* is the *kiyum ba-lev* and Rambam in *Hilkhot Teshuvah* focuses exclusively on the method of achieving that, the *ma'aseh ha-mitzvah*, why does he emphasize *teshuvah* in this *halakhah*?

Moreover, since he employs the language of obligation with respect to *teshuvah* on Yom Kippur, why does Rambam not count two separate *mitzvot* of *teshuvah* in the *koteret* – one for *viduy* for the entire year and another for *teshuvah* on Yom Kippur? Finally, why does Rambam choose to discuss the obligation of *teshuvah* on Yom Kippur in *Hilkhot Teshuvah*, instead of in *Hilkhot Shevitat Asor*, where most of the *halakhot* of Yom Kippur are found? By choosing *Hilkhot Teshuvah* as the location to discuss this obligation, Rambam may be implying that the *teshuvah* of Yom Kippur relates more closely to *teshuvah* of the rest of the year than we might have thought.

In order to understand the relationship between *teshuvah* and *viduy*, we must first investigate various other challenging formulations in *Hilkhot Teshuvah*. By doing so, a pattern will emerge that will help us develop a solution to our questions.

### The Singular Character of *Viduy*

The text of the *viduy*, as described by Rambam, is of vital importance in comprehending the nature of *viduy*. In the continuation of *Hilkhot Teshuvah* 1:1, Rambam writes:

כיצד מתודין אומר אנה השם חטאתי עויתי פשעתי לפניך ועשיתי כך וכך והרי נחמתי ובושתי במעשי ולעולם איני חוזר לדבר זה. וזהו עיקרו של וידוי. וכל המרבה להתודות ומאריך בענין זה הרי זה משובח.

How is the verbal confession made? The sinner says thus: “I beseech You, O Great Name! (*Anna Hashem!*) I have sinned (*hatati*); I have been obstinate (*aviti*); I have committed profanity against You (*pashati*), particularly in doing such and such. Now, behold! I regret and am ashamed of my actions; I will never relapse into this thing again.” This is the elementary form of confession; whoever elaborates in confessing and extends this matter is praiseworthy.

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>8</sup> In contrast to Rambam, Rashi<sup>9</sup> and the *Sifra*<sup>10</sup> imply that these two words are unique to the *Kohen Gadol's* *viduy* on Yom Kippur. Additionally, in *Hilkhot Ma'aseh ha-Korbanot* (3:16), Rambam 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 them in the text of the *viduy* of *teshuvah* 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*. *Minhat Hinukh* questions 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 may commit. Would it not make more sense for a person's *viduy* to entail only the category of sin the person committed and for which they are doing *teshuvah*?<sup>11</sup>

The text of the *viduy* in *Hilkhot Teshuvah* 1:1 integrates several other components worth examining. Aside from the three categories of sin, the recitation of the *viduy* includes the concepts of *nehamah* (change of heart), *bushah* (shame), and *kabbalah al ha-atid* (resolution not to commit the same transgression in the future). This presentation differs from that of Rambam in *Hilkhot Teshuvah* 2:2, where he considers the definition of *teshuvah*:

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8. *Yoma* 35b.

9. Rashi, *Yoma* 37a.

10. *Sifra*, *Parashat Aharei Mot*, *Parsheta* 3.

11. *Minhat Hinukh*, *ibid*. Due to this difficulty, *Minhat Hinukh* concludes that one would use all three of these verbs only if he had, in fact, committed and was doing *teshuvah* for all three types of sin. Otherwise, one should relate only the applicable type(s) of sin for his *teshuvah*. Accordingly, 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 *teshuvah*. However, *Minhat Hinukh's* suggestion does not appear to do justice to the words of Rambam.

ומה היא התשובה הוא שיעזוב החוטא חטאו ויסירו ממחשבתו ויגמור בלבו שלא יעשהו עוד שנאמר יעזוב רשע דרכו וגו'. וכן יתנחם על שעבר שנאמר כי אחרי שובי נחמתי. ויעיד עליו יודע תעלומות שלא ישוב לזה החטא לעולם שנאמר ולא נאמר עוד אלהינו למעשה ידינו וגו'. וצריך להתודות בשפתיו ולומר עניינות אלו שגמר בלבו.

What is repentance? The sinner shall cease sinning, remove sin from his thoughts, and wholeheartedly conclude not to return to it, as the verse states, "Let the wicked forsake his way" (*Yeshayahu* 55:7); so, too, shall he be remorseful on what was past, as the verse states, "Surely after I was turned, I repented" (*Yirmiyahu* 31:19). In addition, He who knows all secrets should testify about him 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" (*Hoshe'a* 14:3-4). It is, moreover, essential that his confession shall be by spoken words of his lips, and all that which he concluded in his heart shall be formed in speech.

In this context, Rambam seems to define *nehamah* and *kabbalah al ha-atid* as distinct from the *viduy* that a person recites, and the concept of *bushah* is absent altogether from this formulation. It is essential to ascertain whether *Hilkhot Teshuvah* 1:1 and 2:2 are dealing with the same type of *teshuvah* and to investigate the differences if they are not, as the variation in formulation suggests.

A final question regarding *Hilkhot Teshuvah* 1:1 concerns the concluding phrase of the text quoted in the beginning of this section. Reminiscent of the obligation of *sippur yetzi'at Mitzrayim*, we are told that any additional effort in the daunting task of *viduy* ("*ve-kol ha-marbeh le-hitvadot*") is praiseworthy. What is it about the character of *viduy* that invites and invokes the use of such an obviously significant phrase?

Several broader questions about the concepts of *teshuvah* and *viduy* will enable us to ultimately paint a more comprehensive and satisfying picture of the interplay between the two concepts.

The *gemara* tells us that if a man marries a woman on condition that he is a *tzaddik*, the marriage takes effect even if this man is known to be a completely wicked person. How can this be? The *gemara* explains,



“*shema hirher teshuvah be-da’ato* – perhaps he engaged in thoughts of *teshuvah*.”<sup>12</sup> *Minhat Hinukh* asks that if, according to Rambam, it is only *viduy* and not *teshuvah* that constitutes the mitzvah, how can *hirhurei teshuvah*, mere thoughts of *teshuvah*, suffice to characterize a man as a *tzaddik* for the purposes of *kiddushin*? Should we not also require *viduy* in order for his *teshuvah* to have any halakhic efficacy?<sup>13</sup>

Finally, the very existence of the institution of *teshuvah* prompts Hida to question how a scenario can exist in which *beit din* may impose corporal punishment for transgression of a *mitzvat lo ta’aseh* (negative commandment). After all, since *teshuvah* is ostensibly a *mitzvat aseh* (positive commandment), shouldn’t every single *lav* be considered *nitak la-aseh* (able to be rectified through a *mitzvat aseh*), in which case the *lav* does not incur *makkot*?<sup>14</sup> This *reductio ad absurdum* argument demonstrates the need for further careful thought about the core relationship between *teshuvah* and sin.

## Two Levels of Teshuvah

A solution to the difficulties outlined above and the key to unlocking the proper perspective on *teshuvah* lies in the words of Ramban toward the end of his *Derashah le-Rosh ha-Shanah*. Ramban writes that when a person sins, his infraction transcends a single action and moment in time. As long as he does not redress his sin by means of *teshuvah*, he is *omed 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.

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12. *Kiddushin* 49b.

13. *Minhat Hinukh*, *ibid.* Mabit (*Kiryat Sefer*, *Hilkhot Teshuvah* 1:1) anticipated and preempted this question by explaining that while the mitzvah is *teshuvah*, *viduy* constitutes the *gemar ha-mitzvah* (completion of the mitzvah). In order for one to achieve the status of a *tzaddik*, *hirhurei teshuvah* can suffice. However, to complete the mitzvah and attain true and maximal *kapparah*, *viduy ba-feh* is absolutely necessary.

The Rav, in one of his annual *teshuvah* lectures, answered *Minhat Hinukh*’s question by explaining that the mitzvah of *teshuvah* and the status of being a *tzaddik* are two entirely different things. It is wholly possible to achieve the status of being a *tzaddik* (in this case, through *hirhurei teshuvah*) without having fulfilled the mitzvah of *teshuvah*. This idea will be explored further below.

14. *Ya’ir Ozen* 400:15:2.

We may infer from Ramban's words that the basic obligation of *teshuvah* does not stem from an independent mitzvah of *teshuvah* 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 would reject the suggestion of *Minhat Hinukh* that it is acceptable for one to bypass the opportunity of *teshuvah* and remain in a state of *het*. Rambam certainly maintains that there is an obligation of *teshuvah*. However, he believes that the obligation of *teshuvah* stems from the sin itself, not from a separate mitzvah.<sup>15</sup>

Moreover, returning to Hida's question, it would be nonsensical to refer to a sin as a *lav ha-nitak la-aseh*, with the mitzvah of *teshuvah* as the subsequent *aseh*. This is because the *teshuvah* in which a person is *hayav* stems from the *lav* itself, not an ancillary *aseh*.

If this is the case, what is the purpose of the actual mitzvah of *teshuvah*? The mitzvah of *teshuvah* begins where *omed be-mirdo* ends. *Teshuvah* is the step beyond, the step that an aspirational *oved Hashem* takes once he has already neutralized his sin. This fits perfectly with the formulation of Rambam in *Hilkhot Teshuvah* 1:1, when he describes “*ke-sheya'aseh teshuvah ve-yashuv mei-heto* – when he does *teshuvah* and returns from his sin.” This seemingly repetitive statement effectively describes two levels of *teshuvah*: simply neutralizing the sin that one has committed and then taking a much more ambitious step with regard to one's relationship with Hashem.

Mabit 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” (*Hoshe'a* 14:3).<sup>16</sup> If this is indeed Rambam's source, the context is particularly significant. The previous verse states, “*Shuva Yisrael ad Hashem Elokekha ki khashalta*

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15. See the commentary of *Avodat ha-Melekh* (*Hilkhot Teshuvah* 1:1), who presents a similar approach.

16. Mabit, *ibid*. This contrasts with most other thinkers, who believe that the source for *viduy* is from the verse “*Ve-hitvadu et hatatam asher asu* – They shall confess the sins that they committed” (*Bamidbar* 5:7).

*ba-avonekha* – Return, Israel, to Hashem your God, because you have stumbled over your sins.” The first *pasuk* speaks of returning “*ad Hashem Elokekha*,” referring to the initial step of *teshuvah*, the neutralization of sin and implied rebellion. This returns the transgressor to square one after a period of alienation due to sinfulness – “*ki khashalta ba-avonekha*.” The next *pasuk* then aims higher, seeking to attain the spiritual ambition of “*el Hashem*.” This second level of *teshuvah* aspires to elevate one’s status to the point at which one can boast of an intimate connection with Hashem. This level of *teshuvah* is accomplished via *viduy*, as Mabit points out.<sup>17</sup>

This second step of *teshuvah* is thus epitomized and encapsulated by the *viduy*. As noted above, 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 *omed be-mirdo*, the formula of the *viduy* used when offering any other *korban* would suffice. It would not be necessary to include the three terms *hatati*, *aviti*, and *pashati* regardless of the sin; one could merely insert whichever terms are relevant to one’s situation. However, if the mitzvah of *teshuvah* is intended to be transformative, to enable one to reach a higher status, it is compelling to argue that *viduy* must target beyond a specific sin. According to this view, the *viduy* 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 *het*. The

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17. It is fascinating that the *Sifra* (*Parashat Ha’azinu*, *piska* 306) interprets the “*devarim*” mentioned by Hosh’e’a as referring to *talmud Torah*, connecting the verb “*kehu*” with other *pesukim* that either explicitly or obliquely refer to *talmud Torah*: “*Ki lekah tov natati lakhem, Torati al ta’azovu*” (*Mishlei* 4:2) and “*Ya’arof ka-matar lik’hi*” (*Devarim* 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 R. Hayim Volozhiner (*Nefesh ha-Hayim* 4:31), who says that *teshuvah mei-ahavah* (whose lofty attributes are recounted in *Yoma* 86b) can be achieved only through *talmud Torah*. This idea is indicated by the juxtaposition of the phrases “*hashiveinu Avinu le-Toratekha*” and “*ve-hahazireinu bi-teshuvah sheleimah lefanekha*” in our daily *Shemoneh Esrei* prayers.

For a more extensive analysis of the relationship between *teshuvah*, *ahavat Hashem*, and *talmud Torah*, see the chapter “*Ahavat Hashem and Talmud Torah: The Telos of Teshuvah*.”

sinner ensures that the *het*, while initially a step backward, will now be a catalyst toward 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 *hatati*, *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 *teshuvah* in the first place. He is not simply attempting to restore his prior status. The transgressor realizes that *het* cannot be dismissed merely as a local misstep. He comes to realize that while sin causes a profound distancing from Hashem, aspirational *teshuvah* 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 Teshuvah*. Chapter 1 deals with the aspirational second level of *teshuvah*, whereas chapter 2 deals with the basic phase of *teshuvah* that removes a person from the status of *omed be-mirido*. Thus, the *viduy* in *Hilkhot Teshuvah* 1:1 includes the concept of *bushah*, even though it is not an integral component of basic *teshuvah*, as indicated by its omission from *Hilkhot Teshuvah* 2:1. In addition, the concepts of *kabbalah al ha-atid* and *nehamah* are integral to the *viduy* of the ambitious stage of *teshuvah* but are ancillary to the *viduy* of the elemental level of *teshuvah*.

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 maintains specifically characterize Halakhah's perspective on a given theme.<sup>18</sup> Thus, it is fitting that Rambam mentions *viduy* in

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18. This constitutes a general pattern in Rambam's formulations. For example, see the *koteret* to *Hilkhot Ishut*, where Rambam includes *ketubah* in the mitzvah of marriage, even though the institution of *ketubah* appears to be only *de-Rabbanan*. Rambam highlights *ketubah* in the *koteret* because the concept and theme of *ketubah* is what

both 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 *teshuvah*.

### **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 *teshuvah* on Yom Kippur, even as he refrained from counting *teshuvah* on Yom Kippur as a separate mitzvah. Now that we have a clearer understanding of *viduy's* special role, the solution to these difficulties quickly materializes. *Teshuvah* 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 utilizes the singular phrase "*lifnei Hashem/ha-Kel*" three times in reference to *viduy* and *teshuvah*. If there is any expression that perfectly encapsulates the character of Yom Kippur, it is "*lifnei Hashem*." This phrase is used five times in the course of the Torah's discussion of Yom Kippur in *Parashat Aharei Mot*

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separates and elevates the Jewish concept of marriage relative to the universal notion of marriage. Rambam's emphasis on the role of *kiddushin* in the context of *nissu'in* is also consistent with these themes.

Another example may be found in the *koteret* to *Hilkhot Gerushin*, where Rambam seemingly gratuitously incorporates the concept of *gerushin bi-khetav* (written divorce) in the *mitzva de-orayta* of *gerushin*. Again, this inclusion may reflect his view that the concept of *gerushin bi-khetav* highlights the unique character of *gerushin* as a whole. Rambam's inclusion of numerous *matirin*, such as *shehitah*, in the count of 613 *mitzvot*, a position that triggered much controversy and debate, may also be explained in this manner.

For more on these topics, see my "*Be-Inyan Shitat ha-Rambam be-Ketubah*," *Beit Yitzhak* 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 Yitzhak* 32 (2000), 63.

(Vayikra 16), culminating in the phrase, “*lifnei Hashem tit’haru* – you shall be purified in front of Hashem.”<sup>19</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. For example, part of the special *viduy* for Yom Kippur includes the *tefillah* of *Al Het*. The very first phrase of this lengthy confession is an acknowledgment and a plea for forgiveness for all the sins that we committed, whether willfully or by accident. The inclusion of *aveirot be-ones*, accidental sins, in our *viduy* is a curious one, as they do not appear to require *teshuvah* at all.<sup>20</sup> However, Yom Kippur is not merely a day on which one attempts to neutralize 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. Thus, it is not surprising that we seek forgiveness and express regret and humiliation even for sins committed unwittingly or under duress.<sup>21</sup>

It is also not surprising that one could be obligated to do *teshuvah* even for sins for which he had previously atoned on prior Yom Kippurs.<sup>22</sup> The very association and identification with sin is anathema to the ambitious *oved Hashem*, even if there is no technical halakhic *ma’aseh aveirah* or legal culpability. The taint of transgression constitutes a certain

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19. Rabbeinu Yonah (*Sha’arei Teshuvah* 2:14) suggests that this verse is the source for a separate mitzvah of *teshuvah* on Yom Kippur.

20. In *Hilkhot Teshuvah* 1:1, Rambam omits *aveirot be-ones* from his list of the sins for which a person must do *teshuvah*. Rambam’s larger view is somewhat complex. See *Perush ha-Mishnayot, Yoma* 8:6.

21. In part, this depends on how we understand the concept of “*ones Rahmana patrii*.” If this concept signifies not merely a *petur onesh* (exemption from punishment), but also that actions under duress do not legally constitute halakhic actions (*hafka’at ha-ma’aseh*), then it would appear completely unnecessary for one to seek forgiveness for sins committed through *ones*. However, one might still be mortified for being a vehicle for and tainted by sin, notwithstanding the absence of any legal culpability.

22. There is a dispute in the *beraita* in *Yoma* (86b) regarding whether such a requirement exists. Rambam (*Hilkhot Teshuvah* 2:8) rules in accordance with the opinion that one is obligated to do *teshuvah* in this scenario, but *Minhat Hinukh* (*ibid.*) is troubled by this conclusion.

pathology in its own right. It is still a “*mehitzah ha-mavdelet beino u-vein Kono*,” an obstacle separating one from his Creator. One who values his relationship with Hashem 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 *teshuvah* on Yom Kippur and *viduy* the entire year provides.

This approach may further explain the singular role of the *korban olah* (burnt-offering) in the Yom Kippur *viduy*. The *Al Het* list introduces *olah* violations before *hatat* (sin-offering) transgressions. This is perplexing, since the offering of *korban hatat* always precedes that of the *korban olah*.<sup>23</sup> However, it is the *olah* that uniquely captures the opportunity, ambition, and focus of Yom Kippur. Although the *hatat* focuses on neutralizing each individual sin, which is also a priority on Yom Kippur, it is the *olah* – which is totally consumed on the altar (*kalil la-Hashem*) – that conveys the total commitment of *kulo la-Hashem* (entirely for Hashem).<sup>24</sup>

Moreover, the *olah* addresses the totality of the religious personality and experience, as it is offered to compensate for the neglect of spiritual opportunity (*bitul mitzvot aseih*, failure to perform positive commandments) and for improper attitudes and intentions (*hirhurei aveirah*, thoughts of sin). It is therefore 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 aveirah*. It is natural that the *teshuvah* of Yom Kippur, which accentuates the *olah* theme, emphasizes the *korban olah* even as it includes the *korban hatat*.<sup>25</sup>

The *olah*'s priority over the *hatat* in the *viduy* may reflect an additional dimension as well. The *gemara* likens the *korban olah* to a *doron*, a gift to Hashem.<sup>26</sup> In general, the *korban hatat* precedes the *korban olah*,

23. *Zevachim* 7b; see parallel discussion in *Magen Avraham, Orach Hayim* 1:5.

24. See Ramban (*Vayikra* 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 Ritzuy Olah*,” *Kol Tzvi* 13 (2011), 25.

25. For further development of this idea, see the chapter “The Unique *Teshuvah* of Yom Kippur,” below.

26. *Zevachim* 7b.



because it is inappropriate and unacceptable to bring a gift to the king before one has first smoothed 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 – by giving God a gift, so to speak. The text of *Al Het* accentuates this emphasis and order by delineating *olah* violations before *hatat* transgressions.<sup>27</sup>

### **Teshuvah for Non-Jews**

Several statements of *Hazal* indicate that *teshuvah* is limited to *Klal Yisrael*. Commenting on the verse “*Yisa Hashem panav eilekha – May Hashem show favor to you*” (*Devarim* 32:4), the *Midrash Tanhuma* states that while Hashem will show favoritism to those who engage in *teshuvah*, this preferential treatment applies only to Jews, not to gentiles. Similarly, *Sifri Zuta* says that *viduy* may be achieved only by Jews.<sup>28</sup>

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27. This may also help us explain a curious *hava amina* in the *gemara* (*Zevachim* 6a). The *gemara* asks whether an animal that has been designated as a *korban olah* (*hafrashah*) may atone for the *ba'al ha-korban's* neglect of a *mitzvat aseh* that took place before he actually offered the sacrifice (*hakravah*). A *korban hatat* would not atone in the analogous case, when a person committed a *hiyuv lav* after *hafrashah*. 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* suggests that just as a single *korban olah* may atone for several *hiyuvei aseh* (as opposed to a *korban hatat*, which can atone only for a single *het* at a time), it may similarly atone for the neglect of an additional *mitzvat aseh* after *hafrashah*.

What is the connection between these two seemingly disparate points? I believe that the *gemara* is highlighting the core difference between *hatat* and *olah*. The *gemara* conveys that the purpose of the *hatat* is to negate the impact of a particular *ma'aseh aveirah*, in which case one would need a separate *korban hatat* for each additional *het*, and one would certainly not receive *kapparah* if he were to commit an additional *het* after *hafrashah*. However, a *korban olah* addresses the holistic religious personality and whether he is considered *ratzuy la-Hashem* (favorable before Hashem), as evidenced by its ability to cover the disregard of several *mitzvot aseh* at once (and, as we mentioned above, even *hirschurei aveirah*). 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 toward a *mitzvat aseh* even after *hafrashah*.

28. *Sifri Zuta*, *Bamidbar* 4:4.



These two statements seem quite troubling and problematic, considering that one of the main storylines of the book of *Yonah* involves the capacity of a gentile nation to successfully do *teshuvah*. Moreover, the *mishnah* recounts how the city of Nineveh not only succeeded in its *teshuvah* quest, but also came to be regarded as a paradigm for honest and sincere *teshuvah* to which *Klal Yisrael* should aspire!<sup>29</sup>

We may resolve this difficulty by invoking the previously described two levels of *teshuvah*. The basic notion of *teshuvah* is a universal concept. Any gentile who wishes to live a meaningful life must follow the seven Noahide commandments,<sup>30</sup> which themselves mandate the basic level of *teshuvah* when one inevitably errs. This is parallel to the *teshuvah* obligation when a Jew sins, an obligation that is generated by the *mitzvot* themselves. In the case of Nineveh, this *teshuvah* is symbolized by their leader's exhortation, "Ve-yashuvu ish mi-darko ha-ra'ah u-min ha-hamas asher be-khapeihem – Let each man return from his wicked ways and from the violence that is in their hands" (*Yonah* 3:8).<sup>31</sup> However, the additional and aspirational second level of *teshuvah*, one that can transform sins into heavenly favor because it upgrades the relationship with Hashem to previously unattained levels, is a *Klal Yisrael*-specific opportunity. *Teshuvah* certainly does not constitute an independent mitzvah for *Bnei Noah*. But according to the concept we have developed

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29. *Ta'anit* 16a, codified in Rambam's *Hilkhot Ta'anivot* 4:2.

30. These seven *mitzvot* may be more extensive and inclusive than they appear. *Sefer ha-Hinukh* (mitzvah 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 Noahides are obligated in martyrdom (*kiddush Hashem*).

31. If this is the case, 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 *teshuvah*, 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 Yonah's personal *teshuvah*. Finally, this story may also serve the purpose of teaching us about the scope and opportunity of *teshuvah*, as Hashem still wished for *teshuvah* even in a case in which it might ultimately cause harm to others or lead to a greater *hillul Hashem* in the future, as was the case with the people of Nineveh and their descendants.

that elemental *teshuvah* stems from the primal religious obligation itself, it applies to Noahides, as is attested to by the book of *Yonah*.

If this is the case, 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 *Klal Yisrael's teshuvah*.

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

This idea may also illuminate the interesting interplay reflected in *Haza'l's* analysis of the relative statuses of the *ba'al teshuvah* (penitent) and the *tzaddik gamur* (completely righteous individual). The *gemara* informs us of the superiority of the *ba'al teshuvah* over the *tzaddik gamur*,<sup>32</sup> but it does not define and characterize 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,<sup>33</sup> and the assumption is that he will subsequently engage in *teshuvah*. Thus, the very attempt to discern any significant difference between the *tzaddik gamur* and the *ba'al teshuvah* appears to be an exercise in futility, or at most a theoretical task.

I believe that the explanation is that the *ba'al teshuvah* is exactly what his moniker describes: He allows himself to be defined by his *teshuvah*. He is one who capitalizes on the opportunity provided by the circumstance of his alienation and *het* to resolve to never again allow himself to experience that situation.<sup>34</sup> He is therefore motivated to undergo a core reassessment and transformation to reconcile and strengthen his relationship with Hashem.

In response to *Minhat Hinukh's* question about *hirhurei teshuvah*, it can now be suggested that just as *hirhurei teshuvah* may be enough to neutralize one's sin, *hirhurei teshuvah* may be sufficient to grant one the status of *tzaddik*. However, to become a true *ba'al teshuvah*, one is required to say *viduy* (which includes *nehamah*, *bushah*, and *kabbalah al*

32. *Berakhot* 34b; *Sanhedrin* 99a.

33. See *Kohelet* 7:20; *Mishlei* 24:16.

34. For further development of this theme, see the chapter "*Le-David and Teshuvah: Achieving Clarity of Purpose.*"

*ha-atid*, along with the three levels of sin), given what it reflects about the scope and magnitude of the *teshuvah* process. This enables the *teshuvah* to define him going forward. The *viduy* of the *Kohen Gadol* on Yom Kippur is a *sine qua non* for achieving the aspiration of a *ba'al teshuvah*.

This heightened ambition of the *ba'al teshuvah* is reflected by a statement in the *gemara*<sup>35</sup> and codified by Rambam.<sup>36</sup> The *ba'al teshuvah* (or a "*ba'al teshuvah gemurah*" in Rambam) is defined as one who previously sinned, subsequently did *teshuvah*, 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 *het*, but it is necessary to attain the status of *ba'al teshuvah*.<sup>37</sup>

Rambam cites the *gemara* describing the superiority of the *ba'al teshuvah* over the *tzaddik gamur* in an interesting context. He introduces that *halakhah* by dismissing the notion that *teshuvah* applies exclusively to acts of sin. Instead, he contends that *teshuvah* 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 teshuvah* 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 teshuvah* is far superior to that of the *tzaddik gamur*.<sup>38</sup> Now that we have demonstrated that *teshuvah*'s scope extends even to character traits and values, the hierarchy of *ba'al teshuvah* and *tzaddik gamur* is quite understandable.

There are several additional examples of *teshuvah*'s capacity to redefine the religious persona. The *gemara* states that in addition to the effectiveness of repentance, which enables the penitent's entry into the idyllic *Olam ha-Ba*, he also attains the elevated status of "*Rebbi*."<sup>39</sup> This

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35. Yoma 86b.

36. *Hilkhot Teshuvah* 2:1.

37. In that *halakhah*, Rambam has a clear hierarchy between a *ba'al teshuvah gemurah*, a *ba'al teshuvah*, and one who is merely "*nimhalin lo*," forgiven. This again solidifies our theory of the several existing gradations of *teshuvah*.

38. *Hilkhot Teshuvah* 7:3.

39. *Avodah Zarah* 17a.

is not merely an honorific; the term “*Rebbi*” implies great stature in the world of Torah and Halakhah. Yet it is evidently an apt description of a *ba'al teshuvah*. In addition, the *gemara* says regarding *ba'alei teshuvah*, “Praiseworthy is our old age, which has atoned for our misspent youth.”<sup>40</sup> Once again, these are indications of *teshuvah*'s far-reaching implications.<sup>41</sup>

Rambam refers to the possibility of transformative change through *teshuvah* numerous times throughout *Hilkhot Teshuvah*, especially in chapter 7. There, he poignantly expresses how a true *ba'al teshuvah* never puts the experience of *het* out of his mind, although one is forbidden to remind him of it.<sup>42</sup> The penitent, 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 teshuvah*.

## Conclusion

We have seen that there is a tremendous gap between a *ba'al teshuvah* and one who merely does *teshuvah*, and even between a *ba'al teshuvah* and a *tzaddik gamur*. One's goal on Yom Kippur, as well as whenever engaging in *teshuvah* and *viduy* throughout the year,<sup>43</sup> should not be solely to become a *tzaddik*, but rather to achieve the pinnacle of becoming a *ba'al teshuvah*.

It is therefore quite fitting that in the crescendo of *Hilkhot Teshuvah* (chapter 10), Rambam defines and writes about the value of *avodah mei-ahavah* (service of Hashem motivated by love), as well as how one can achieve it. The role of *teshuvah* in achieving not only *avodah mi-yirah* (service motivated by fear) but *avodah mei-ahavah* is of utmost impor-

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40. *Sukkah* 53a.

41. For another example highlighting Rambam's expansive perspective on *teshuvah*, see the chapter “*Mi-Darkhei ha-Teshuvah: Authentic Repentance*.”

42. *Hilkhot Teshuvah* 7:8.

43. Yom Kippur is the single most unique day of the year, but it is also the most *relevant* day of the year. Maharsha (*Megillah* 32a) notes that Moshe Rabbeinu's enactment that one begin to review the *halakhot* of a particular festival in the preceding month was never articulated with respect to Rosh ha-Shanah and Yom Kippur. He explains that the theme of *teshuvah* that dominates this period belongs to the entire year, while Moshe's *takanah* applies only to themes that are unique to a particular festival.

tance. That is why it is a fitting conclusion to Rambam's *Sefer ha-Madda*, in which the essentials of *avodat Hashem* are discussed.<sup>44</sup> *Teshuvah* is the conclusion and culmination of what began with *Hilkhot 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 teshuvah gemurah*.

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44. For a more extensive analysis of the placement of *Hilkhot Teshuvah* in *Sefer ha-Madda*, see the chapter "Ahavat Hashem and Talmud Torah: The Telos of Teshuvah."