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 Hilkhhot Teshuva; Hilkhhot Teshuva 1:1), employs the term lifnei Hashem or lifnei ha-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.1 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 Hilkhbot 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 Hilkhbot Teshuva (1:1) and Sefer ha-Mitzvot (Aseh 73) indicates that Rambam thinks otherwise. In Hilkhbot Teshuva 1:1, Rambam writes:

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1 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 simhat ha-regel and kedushat ha-zman particularly in the mikdash.

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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.²

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 ba-Mitzvot* (*Aseh* 73), he writes,

> אַחַם שְׁמַעְנוּ לְהַעֲנָהוּ וְעָנָהוּ וְשָׁמַעְנוּ לְהַעֲנָהוּ שֶׁשְּׁמַעְנוּ לְֹה אִלֵּה—לְהַעֲנָהוּ וְלָאוֹמֵר אֲדֻמָּה.  

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 *Hilkhot 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 ba-Mitzvot*, it is not as compatible with his formulation in *Hilkhot Teshuva* 1:1.

*Minhāt 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*.³

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

³ 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, z”l, strongly rejects this argument. On a textual level, he feels that Minhat 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 Minhat 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, it is equally repulsive, and hence inconceivable, to consider as halakhically legitimate the option of remaining in a state of sin.

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. 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 Koterot 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.

4 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-hinukotai 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.

5 A possible justification for the Minhat 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.

6 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 avudah she-be-Leiv in the case of tefilla and kabbalat ol ma’akhtol 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 (nihugei aveilut). On this basis, the Rav explains that we mistakenly look at actions that appear to be isurim 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 Hilkhot Teshuva 1:1. There, he says, “ki-she-Ya’aseh teshuva ve-yashuv mei-bet’oh, hayav le-bitvadot 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 Hilkhot 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 Hilkhot Teshuva. In 2:7, when speaking about teshuva on Yom Kippur, he says:

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. Therefore, all are obligated to do teshuva and to say viduy on Yom ha-Kippurim.

Here, Rambam codifies an obligation to do teshuva while simultaneously, also referring to viduy. If teshuva is the kiyum be-lev and Rambam in Hilkhot 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
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in *Hilkhot Teshuva*? Why not discuss them in *Hilkhot Shevitat Azor*, where most of the halakhot of Yom Kippur are found? By choosing *Hilkhot 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 *Hilkhot 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 *Hilkhot Teshuva* 1:1, Rambam writes:

> וַהֲרֵיכֵּיצַד מִתְוַדִּין. אוֹמֵר אָנָּּא הַשֵּׁם חָטָאתִי וֹיָּיתִי וֹאָּה יִפָּשַׁﬠְתִּי וֹאָּה וְכָּוָהוּ ﾅזָאָה וֹאָּה וְנָהוֵתִי ﾅזָאָה וֹאָּה וְזֶהוּ וֹאָּה שֶׁל וִדּוּינִחְמְתִּי וּבֹשְׁתִּי בְּמַﬠֲשַׂי וּלְעוֹלָם אֵינִי חוֹזֵר לְדָבָר זֶה בְּﬠִנְיָן זֶה הֲרֵי זֶה מְשֻׁבָּח..<br>
> 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. In contrast to the opinion of Rambam, Rashi (*Yoma* 37a) and the *Sifra* (*Parsbat Aharai Mot, Parsbeta* 3) imply that these two words are unique to the Kohen Gadol’s *viduy* on Yom Kippur. Additionally, Rambam in *Hilkhot 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*. *Minhat Hinukh* (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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7 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? In addition, the text of the viduy in Hilkhot 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:

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 Hilkhot Teshuva 1:1 in Rambam concerns the concluding phrase of the text that is quoted in the beginning of this

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8 Due to this difficulty, the Minhag Hinnukh 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-hitvadot”) 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 “shema birheir teshuva bi-da’ato—perhaps he engaged in thoughts of teshuva.” Minhut Hinnukh (ibid.) asks, that if, according to Rambam, it is only viduy and not teshuva that constitutes the mitzvah, how can hirhurei 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?9

Finally, the very existence of the institution of teshuva prompts Ḥida (Ya’ir Ōzen, 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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9 Mabit (Kiryat Sefer, Ḥilkhot 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, birhurei 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 Minhut Hinnukh’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 birhurei 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 Minhat 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. 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 *hayav* stems from the *law* 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 Hilkhot Teshuva 1:1, when he says, “*ki-shaYa’aseh teshuva ve-yashuv mei-heto*—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 “*keh u-imakhem devarim, ve-shuvu el Hashem*,” Take words with you and return to the Lord” (Hosea 14:3). 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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10 See the commentary of the *Avodat Ha-Melekh* (Hilkbot Teshuva 1:1) who presents a similar approach to our suggestion.

11 This contrasts with most other thinkers, who believe that the source for *viduy* is from the verse “*ve-hitvadu et hitatam ashru am*, 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.12

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 *hatati, aviti,* and *pasbati* 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

12 It is fascinating that the *Sifra* (Parsbut Ha’azinu, Piska 306) interprets the “davarim” in our pasuk as referring to *talmud torah.* It connects the verb “keh” with other pesukim that either explicitly or obliquely refer to *talmud torah:* “ki lekah tov natati lakhem, torati al ta-azvu” (Proverbs 4:2) and “ya’arof ka-matar likh” (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 ba-Hayyim (4:31), who says that teshuva me-ahava (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-hahazireinu be-teshuva sheleima lefanekha” in our daily Shemona Esrei prayers. Ramban interprets the verses “ki ha-mitzvah ha-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 (Hilkhot 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-ahava, can be achieved only through the medium and mechanism of *talmud torah* (as Nefesh ba-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.
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 **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 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 *Hilkot Teshuva* 2:1. In addition, the concepts of **kabbala al ha-atid** and **nehama** 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. Thus, it is fitting that Rambam mentions **viduy** in both

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13 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 Aharei Mot (Leviticus 16), culminating in the phrase “lifnei Hashem titharu—you shall be purified in front of Hashem.”14 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

universal notion of marriage. Additionally, 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 be-ketav (written divorce) in the mitzvah de-onaya of gerushin. Again, this inclusion may reflect his view that the concept of gerushin be-ketav highlights the unique character of gerushin as a whole. Rambam’s inclusion of numerous mattirin like shehita in the count of 613 mitzvot, a position that triggered much controversy and debate, may also be explained in this manner.


Rabbenu Yona, in Sha’arani Teshuva, suggests that this verse is the source for a separate mitzvah of teshuva on Yom Kippur.

14
of Al Heit. 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-oneis, accidental sins, in our viduy is a curious one, as they do not appear, at first glance, to require teshuva at all. 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). 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. The very association and identification with sin is anathema to the ambitious eved 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 “meḥitza ba-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, Orah Hayyim 1:5). However, it is

15 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.

16 In part, this depends on how one understands the concept of oneis rahmana patri. If this concept signifies not merely a petur onesh (exemption from punishment), but that actions under duress do not legally constitute halakhic actions (ba’ka’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.

17 It is a dispute in the berayya 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. Minhat Hinnok (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 “*kulo la-Hashem*, entirely for Hashem,”18 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 (*hirhurei 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.**19

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 Ha'ei* accentuates this emphasis and order by delineating **olah** violations before **hatat** transgressions.20

18 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 Ritzui Olah,” Kol Tzvi 13 (2011), 25.

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

20 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 mitzvoot *aseh* of the *ba’al ha-korban* in the meanwhile, before he actually offered the sacrifice (*hafrasha*). After all, the *korban hatat* would not atone in the analogous case, when a person committed a *h iyuv 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 *h iyuvot aseh* (as opposed to a *korban hatat*, which can atone only for a single *he’ei* at a time), so too, it may atone for the neglect of an additional mitzvoot *aseh* after *hafrasha*.
Teshuva for Non-Jews

There are several statements of Ḥazal 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 Hilkhot Ta’aniyot 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 Noahide commandments, 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-

What is the connection between these two seemingly disparate points? I believe that the gemara is again highlighting the core difference between ḥatat and olah. The gemara conveys that the purpose of the ḥatat is to negate the impact of a particular ma’aseh aveira, in which case, one would need a separate korban ḥatat for each additional peit, and one would certainly not receive kappara if he committed an additional peit 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 aseh at once (or, as we mentioned previously, even hirhurei 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 mitzvah aseh even after hafrasha.

21 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 ba-ra’ah u-min ba-hamas asher be-klapeihem—let each man return from his wicked ways and from the violence that is in their hands” (Jonah 3:8). 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 Hazal’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. He is therefore motivated to undergo a core re-assessment and transformation to reconcile and strengthen his relationship with Hashem.

22 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 hatiat. 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 hillul Hashem in the future (as was the case with Ninveh and its descendants).

23 For further development of this theme, see my “Le-Dovid and Teshuva: Achieving Clarity of Purpose,” YULamdan (Elul 5778).
In response to Minhāt Tinukh’s question about hirhur teshuva, it can now be suggested that hirhurei teshuva may be sufficient to grant one the status of tzaddik, just as hirhurei 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 ne’ema, busba, and kaḥba al ba-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 (Hilkhot 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.24

Moreover, Rambam (Hilkhot 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 Metzia 58b) says that it is forbidden to refer to a ba’al  

24 In that halakha, Rambam has a clear hierarchy between a ba’al teshuva gemara, a ba’al teshuva, and one who is merely “nimhalin lo, forgiven.” This again solidifies our theory of the several existing gradations of teshuva.
teshuvah as a child of converts, even if it is technically correct; teshuvah can redefine the gevura, 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 teshuvah. Once again, we gain insight into teshuvah’s far-reaching implications.

Rambam refers to the possibility of transformative change through teshuvah numerous times throughout Hilkhot Teshuva, especially in Chapter 7. In 7:8, he poignantly expresses how a true ba’al teshuva never puts the experience of hatti’ot 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 teshuvah, and even between a ba’al teshuva and a tzaddik gamur. One’s goal, on Yom Kippur and whenever engaging in teshuvah and viduy throughout the year, 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 Hilkhot Teshuva (Chapter 10), Rambam defines and writes about the value of avoda mei-ahava (service of Hashem motivated by love), as well as how one can achieve it. The role of teshuvah in achieving not just avoda mei-yira (service motivated by fear) but avoda mei-ahava 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. Teshuvah is really 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 teshuva gemurah.

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

26 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 teshuvah that dominates this period belongs to the entire year, while Moshe’s takana applies only to themes that are unique to a particular festival.

27 For a more extensive analysis of the placement of Hilkhot Teshuva in Sefer Mada see “Ahavat Hashem and Talmud Torah: The Telos of Teshuva,” 29.