



Yom Kippur

The Mishna towards the end of Masekhet Yoma (85b) lists the various *chilukei kappara*, or "categories of atonement." Different sins require different measures in order for the violator to achieve complete expiation, corresponding to the sin's severity. Certain transgressions are forgiven through repentance alone, while other, more grievous sins are atoned only through the observance of Yom Kippur or, in some cases, through death.

In his commentary to this Mishna, Maimonides remarks, "All this [applies] where one transgressed willingly; in a case of *oness*, however, he is exempt." Maimonides contends that the Mishna does not address situations of *oness*, where a person committed a transgression under extenuating circumstances, or as a result of factors beyond his control. Cases of *oness* differ in this regard from those of *shogeig*, where a person committed an offense out of negligence, such as due to lack of knowledge concerning the law or regarding the situation at hand (e.g. a person forgot it was Shabbat, or was unaware that the given activity constitutes a Shabbat prohibition). Maimonides explicitly writes in his opening comments to Hilkhot Teshuva that sins committed under situations of *shogeig* indeed require one to repent. In fact, certain *shogeig* violations render the violator obligated to bring a sin-offering, and, as Maimonides rules (Hilkhot Teshuva 1:1), the sacrifice earns him forgiveness only if it is accompanied by sincere repentance. Despite the inadvertent nature of the violation, the transgressor bears a degree of guilt due to his negligence or insufficient knowledge, and he must therefore undergo the same process of remorse, confession and future resolve that the Torah demands of intentional sinners. In cases of *oness*, by contrast, the misdeed transpired due to circumstances entirely beyond the individual's control, and hence he bears no guilt or obligation to *teshuva* at all. (See *Arukh Ha-shulchan* O.C. 602:7 who infers from Maimonides' remarks that no *teshuva* is required for sins committed in situations of *oness*.)

Maimonides' comments – intuitive and self-understood as they may be – call into question the very first of the *viduyim*, or confessions, that we recite numerous times during the Yom Kippur prayer service: "*Al chet she-chatanu lefanekha be-oness u-ve-ratzon*" – "for the sin we committed before You [both] through *oness* and willfully." We confess before God not only the wrongs that we perpetrated *be-ratzon* – with willful intent – but also the misdeeds we committed *be-oness*, under circumstances beyond our control. Why do we include the category of *oness* in our confession? If, as Maimonides claimed, a person bears no accountability at all for sins committed in such cases, why are they mentioned as part of the Yom Kippur confessional?

To answer this question, Rav Dov Weinberger, in his work *Shemen Ha-tov* (festivals, p. 123), suggested a novel reading of this passage of the *viduy*. When we confess for sins we committed "through *oness* and willfully," we actually refer to misdeeds that began as *oness* but ultimately evolved into willful transgressions.

Occasionally, when circumstances compel a person to lower his standards and commit an act that he would ordinarily deem unthinkable, this temporary measure has the effect of eliminating the intellectual and emotional taboo and bringing the violation within the range of acceptable conduct. A person's behavior under circumstances of *oness* at times has a way of resurfacing even under normal conditions, after the extenuating factors have been lifted. It is to this phenomenon, perhaps, that we refer when we confess the wrongs we have committed *be-oness u-ve-ratzon*; we speak of acts to which we had grown accustomed in situations of *oness* and thus remained with us even during times of *ratzon*. This passage should thus be read as, "for the sin we committed through *oness* **and then** willfully." What began as temporary, extraordinary measures found its way into our daily routine and basic standard of conduct, and for this we beseech the Almighty for His merciful forgiveness.