



Hilkhot Teshuva 2:4
"Darkhei Ha-teshuva"
By David Silverberg

It is in accordance with the ways of repentance [*mi-darkhei ha-teshuva*] for the penitent sinner to always cry before God with weeping and supplication, to perform charity according to his ability, to distance himself greatly from the matter regarding which he sinned, to change his name as if to say, "I am somebody else, and I am not that person who committed those acts," and to change all his actions favorably and to the proper path, and to leave his location into exile, for exile atones for sins as it causes one to be subdued and be humble and lowly of spirit.

(Hilkhot Teshuva 2:4)

Maimonides here lists five measures that are required "*mi-darkhei ha-teshuva*" – "in accordance with the ways of repentance" – as part of a sinner's process of spiritual recovery:

- 1) Frequent prayer
- 2) Charity
- 3) Change of conduct
- 4) Changing of one's name
- 5) Change of location

Among these five measures, the first three are readily understandable and even intuitive. Heartfelt prayer, directly communicating one's thoughts and feelings to the Almighty, is self-evidently a critical step in repairing a strained relationship with one's Creator. Charity functions as a kind of "sacrifice" whereby one relinquishes some of his possessions as though offering a tribute with which to "appease" God, as it were. And clearly sincere *teshuva* requires an effort to avoid a recurrence of the sin, which entails changing one's lifestyle. As for the fourth and fifth measures – change of name and location – Maimonides sensed that these are less intuitive and therefore provided explanations for the purposes they are intended to serve. Changing one's name expresses the resolve to fundamentally change one's spiritual character, and the unease entailed in relocating to a new environment brings upon a person a sense of humility and submissiveness.

One might, at first glance, argue that Maimonides lists here a sixth measure, as well, namely, "to distance himself greatly from the matter regarding which he sinned." In truth, however, as noted by several writers, this requirement should be viewed as an

adjunct of sorts to that of changing one's lifestyle. In a famous passage earlier in *Mishneh Torah* (Hilkhoh Dei'ot, chapter 2), Maimonides elaborates on the need to resort to extreme conduct as a means of correcting an improper tendency or character flaw. Generally speaking, he writes, one is urged to conduct himself with balance and moderation in virtually all areas of life. When, however, a person finds himself veering towards extreme conduct in a certain area, he should work to correct this flaw by following the opposite extreme. Over the course of time, this resistance to his ingrained tendencies will restore a sense of balance and lead him back towards moderation. Hence, as part of Maimonides' admonition that a penitent sinner work to "change all his actions favorably," he adds that this requires keeping an exceptionally far distance from the context in which the sin had been committed.

In any event, while we can easily understand the general value of these measures as part of the repentance process, the question arises as to their precise halakhic classification within the rubric of the *mitzva* of *teshuva*. After all, Maimonides has already defined repentance just two paragraphs earlier (2:2), as a process consisting of abandoning the sin, regretting the act, and the verbal expression of these feelings. If this constitutes the essential definition of *teshuva*, then how might we understand the nature and function of the *darkhei ha-teshuva*, the five measures listed here? How are they to be viewed within the general halakhic definition of repentance?

The Talmudic Source

Many later writers, including Rabbi Yosef Karo, in his *Kesef Mishneh* commentary, cite as the source of Maimonides' remarks a Talmudic passage in Masekhet Rosh Hashanah (16b): "Rabbi Yitzchak said: Four things revoke a sentence issued against a person, and they are: charity, impassioned prayer, changing one's name, and changing conduct... And some say, also changing location." (See also *Bereishit Rabba*, 44.) This list of measures that one should take to have a heavenly decree repealed clearly corresponds with the five measures mentioned by Maimonides: charity, prayer, change of conduct, and change of name and location.

If, indeed, Maimonides' comments here are drawn from this passage in Masekhet Rosh Hashanah, then we might perhaps conclude that he requires these measures for the purpose of "revoking a sentence," to ensure the complete revocation of heavenly decrees. A sinner's misconduct may have easily resulted in a *gezar din*, a harsh sentence of retribution against him, and complete expiation can be achieved only through the measures listed in this passage. Earlier in this chapter, in *halakha 2*, Maimonides presented the essential definition of the *mitzva* of repentance, what the Torah obligation demands. However, strict fulfillment of this *mitzva* does not necessarily guarantee complete expiation. To ensure the revocation of harsh decrees, one must embark on the process described here by Maimonides. We might draw proof for this reading of Maimonides' comments from his explanation of the function served by changing one's location: "for exile atones for sins..." He emphasizes the capability of "exile" to earn atonement, perhaps indicating that his focus in this passage is to describe the means of achieving complete expiation. This appears to be the approach taken by the *Chatam Sofer* (Rabbi Moshe Sofer, Hungary, 1762-1839), in one of his responsa (*Kovetz Teshuvot*, 21).

In what way do these measures allow one to escape punishment? Wherein lies their capability to "revoke a sentence issued against a person"?

Rabbi Yosef Kapach, in his commentary to *Mishneh Torah*, explains Maimonides' comments as follows:

Meaning, if he follows all these [measures] regularly out of the sincere [desire] to fully repent – this is the path that can impact upon him emotionally and physically to cause him to withdraw entirely from his previous conduct, and thereby his sentence is repealed.

In other words, Maimonides' intent is to guide a sinner towards his complete detachment from his prior misconduct, which results in the erasure of his *gezar din*. Recognizing the difficulty entailed in personal change and self-improvement, Maimonides cites from the Talmud these measures that bring upon a person a sense of humble subservience which will assist him in upholding his commitment to full repentance.

The "Kiyum" of Teshuva

We might, however, describe the obligations that Maimonides presents here in more formal, halakhic terms. In the introductory essay to this series, we discussed the theory developed by Rabbi Yosef Dov Soloveitchik who distinguished between two different components of the commandment of *teshuva*. Rav Soloveitchik maintained that with regard to a small number of *mitzvot*, including that of repentance, we must carefully discern between the *ma'aseh ha-mitzva* – the physical act required – and the *kiyum ha-mitzva* – the essential fulfillment of the *mitzva*. The obligation of prayer, for example, is defined by *Halakha* as "service of the heart," the experience of directing one's thoughts and feelings toward God. In practical terms, the *ma'aseh ha-mitzva* that this requires is verbalizing the prescribed text. The *kiyum ha-mitzva*, however, the true fulfillment of this obligation, occurs internally, within one's mind and emotions.

Rav Soloveitchik applied this dichotomy to *teshuva*, as well. The formal "act" of repentance is defined by *Halakha* in terms of verbal confession, as Maimonides discusses in the opening passages of Hilkhot Teshuva. Essentially, however, the obligation of *teshuva* is defined in terms of internal transformation, recovering from spiritual failure and recommitting oneself to proper observance. The act of verbal confession, the *ma'aseh ha-mitzva*, is intended to lead a person to the *kiyum ha-mitzva* – the internal change that this obligation demands.

On the basis of this distinction, we might perhaps arrive at a more concrete classification of the *darkhei ha-teshuva* described by Maimonides. Rabbi Israel Schepansky, writing in the journal *Or Ha-mizrach* (vol. 31), observed a pattern in Maimonides' halakhic treatment of those *mitzvot* regarding which the *ma'aseh ha-mitzva* and *kiyum ha-mitzva* occur on different planes. Namely, with regard to these *mitzvot* Maimonides encourages unlimited involvement in the given area of activity, beyond the strict instructions prescribed by the Torah or the Sages. Most famously, perhaps, in Hilkhot Chametz U-matza (7:1) Maimonides codifies the rule stated in the *Haggadah* encouraging elaboration on the story of the Exodus: "There is an affirmative command to tell of the miracles and wonders that were performed for our forefathers in Egypt on the

night of the fifteenth of Nissan... And whoever elaborates on the events that occurred and took place – he is praiseworthy." The *mitzva* act of *sippur yetzi'at Mitzrayim* – retelling the story of the Exodus – requires the verbal recollection of the basic events that took place. Essentially, however, this *mitzva* is defined as experiencing genuine appreciation and a sense of awe and gratitude to the Almighty for the redemption. Accordingly, any additional involvement in studying and analyzing the events of *yeti'at Mitzrayim* are encouraged, as they contribute towards one's awe and gratitude to God, which constitutes the essential definition of this *mitzva*.

Rabbi Schepansky applies this theory to explain as well Maimonides' codification of the obligation of *mishlo'ach manot* on Purim: "A person is obligated to send two portions of meat, two kinds of cooked dishes, or two kinds of food to his fellow... And whoever increases his sending [of food packages] to friends – he is praiseworthy" (Hilkhos Megila 2:15). Possibly, Maimonides subscribed to the notion developed more explicitly by later scholars viewing the obligation of *mishlo'ach manot* as geared towards enhancing the feeling of friendship and camaraderie among Jews as part of the Purim festivities. Rabbi Schepansky thus suggested that whereas the *ma'aseh ha-mitzva* requires the act of delivering food packages to one's fellow, the *kiyum ha-mitzva* relates to the feelings of friendship engendered by this exchange of gifts. For this reason, Maimonides encourages sending many packages in order to enhance the feelings of camaraderie among the Jewish people to the greatest extent possible.

Rabbi Schepansky approaches Maimonides' remarks here in Hilkhos Teshuva along these lines. In this context, too, Maimonides encourages a person to go beyond the strict, formal demands of the *mitzva* in order to enhance his *kiyum ha-mitzva*, to achieve the highest possible level of fulfillment of the *mitzva*. Maimonides understood the Talmud's list of these measures as a prescription for realizing the essential definition of *teshuva* – internal change – to the greatest extent possible. Beyond the minimal *ma'aseh ha-mitzva* of verbal confession, a penitent sinner is urged to avail himself of all means that could help cement his resolve to change and recommit himself to proper conduct. Maimonides' list of the *darkhei teshuva* is thus to be understood as a formula for achieving the highest standards of the *kiyum ha-mitzva* of repentance.

"*Shinui Ma'aseh*"

Among the more striking features of Maimonides' list of the *darkhei ha-teshuva* is his description of what the Gemara calls *shinui ma'aseh* – changing one's conduct. Rashi, in his commentary to the Talmud, interprets this term to mean simply that one "turns away from his evil conduct" ("*shav mei-ra'ato*"). In his view, then, this term refers to *teshuva* itself, the resolve to refrain from the misdeeds that one has committed in the past. Maimonides, however, clearly understood this expression differently, as he speaks of changing "all his actions favorably and to the proper path." According to Maimonides, as we have seen, the *darkhei ha-teshuva* require more than the strict requirements of the *mitzva* of *teshuva*. Necessarily, then, *shinui ma'aseh* must mean something beyond the resolve not to repeat one's past wrongs, which is an essential element of *teshuva* itself. Accordingly, Maimonides describes *shinui ma'aseh* as changing "all his actions," completely changing one's lifestyle. Just as changing one's name is intended to help one change his identity, and view himself as a fundamentally different person than the one

who had transgressed the Torah, so does *shinui ma'aseh* serve as a means of changing identity. It relates not to simply refraining from past sins, but rather to a fundamental change in one's general lifestyle.

This idea, of changing the totality of one's conduct as part of the *teshuva* process, is developed more fully by Rabbi Menachem Meiri, in his *Chibbur Ha-teshuva* (1:9). The Meiri cites a number of verses indicating that *teshuva* requires a fundamental change of lifestyle, beyond simply refraining from the given misdeed, including God's promise conveyed by the prophet Yechezkel (36:26), "I shall give you a new heart, and I shall implant a new spirit within you." *Teshuva* entails a "new spirit," a fundamental change of character, conduct and self. The Meiri explains this requirement as follows:

All this indicates the need for a penitent sinner to abandon even his previous characteristics and to acquire for himself new qualities, and to awaken to improve his conduct. For if he accustoms himself to his previous characteristics, he will easily follow his evil path given that he retains the attributes to which he had grown accustomed. It is to this that the Sages referred when they spoke of *shinui ma'aseh* that revokes a person's sentence... In my view, *shinui ma'aseh* means that it is not sufficient for one to change his evil deeds and exchange evil for good; rather, it means abandoning his previous attributes, even those that entail no sin, and acquiring new, noble attributes...

Misdeeds do not grow in a vacuum; more often than not, they are the products of certain tendencies and habits. Hence, one who sincerely wishes to repent and commit himself to never repeat the forbidden act is enjoined to reexamine the totality of his conduct, and make the necessary adjustments to ensure that he remains steadfastly committed to the path of repentance.

Fasting as Part of the *Teshuva* Process

Rabbi Moshe Leib Shachor (Israel, 20th century), in his work *Ko'ach Ha-teshuva*, raises the question of why Maimonides does not include fasting among the modes of conduct that a sinner should adopt as part of the process of repentance. The basis for this question is a well-known passage later in *Mishneh Torah*, where Maimonides explicitly associates fasting with *teshuva*. In the beginning of *Hilkhot Ta'aniyot*, in which Maimonides presents the laws relevant to public fasts, Maimonides establishes the Torah obligation to conduct public prayer services and sound *chatzotzerot* (trumpets) in response to a threat or crisis that faces the community (such as a drought, warfare, or a deadly epidemic). Maimonides explains that this obligation is intended to remind the public that the crisis has surfaced due to the people's sins, and they must therefore conduct serious introspection and work towards improving their conduct. He then adds (*Hilkhot Ta'aniyot* 1:4) that the Sages enacted an additional obligation to observe public fast days when a community confronts a situation of crisis. Clearly, the Sages viewed fasting as an effective catalyst of *teshuva*. What more, fasting of course comprises a central feature of the observance of Yom Kippur, which quite obviously revolves around the experience of *teshuva*. The question thus arises as to why the Gemara – and

Maimonides – omitted fasting from the list of appropriate measures to take as part of the *teshuva* process.

Apparently, Maimonides distinguished in this regard between the situations of *tzara* (a crisis such drought or disease) and individual repentance. In the former instance, as Maimonides explicitly writes (Hilkhot Ta'anivot 1-2), the required observances are intended to awaken the community to repent, as a reminder that their personal conduct is, on one level or another, responsible for what transpires. To this end the Sages instructed that the community's leaders take the drastic measure of declaring a public fast. By contrast, the *darkhei ha-teshuva* described in the context of individual repentance, as we have seen, apply to a sinner who has already begun the process of *teshuva*. He does not require a "wake-up call" to assess and review his conduct to determine where he must improve. This individual is already well aware of his misconduct, and the *darkhei ha-teshuva* serve to ensure he remains loyal to his commitment to change. Therefore, even though fasting is deemed a necessary measure during times of public crisis, it is omitted from the list of the *darkhei ha-teshuva* required for individual repentance.

Furthermore, Maimonides describes the *darkhei ha-teshuva* as measures that one should adopt over an extended period of time. Though he does not ascribe any particular time-frame to this process, he undoubtedly speaks of practices that should be followed for a certain period until the individual has undergone a thorough transformation of habit and routine. We might therefore suggest, very simply, that fasting is excluded from this list because it cannot reasonably be practiced with frequency over an extended period. Both in Hilkhot Dei'ot (chapter 3) and in his introduction to Masekhet Avot (chapter 4), Maimonides strongly discourages habitual fasting and other forms of self-denial (though he also emphasizes the critical importance of moderation and avoiding excessive indulgence). While fasting certainly has its place in Jewish law, it must not be practiced routinely. It is perhaps for this reason that Maimonides could not encourage penitent sinners to observe fasts as part of their *teshuva* process, as fasting is simply incompatible with the extended time-frame within which the *darkhei ha-teshuva* are to be practiced.