



Hilkhot Teshuva 2:6
The Ten Days of Repentance
By David Silverberg

Although repentance and prayer is always beneficial, during the ten days from Rosh Hashanah until Yom Kippur it is especially beneficial and accepted immediately, as it says, "Seek out the Lord when He is present; call to Him when He is near" (Yeshayahu 55:6). Regarding what is this said – regarding an individual. But a congregation – anytime they perform repentance and cry [in prayer] wholeheartedly they are answered, as it says, "[For who is a great nation to whom God is near] like the Lord our God, whenever we call to Him" (Devarim 4:7).

Maimonides here draws two distinctions: 1) between repentance performed during the *Aseret Yemei Teshuva* (Ten Days of Repentance) and repentance performed at other times; 2) between private and congregational repentance. The Ten Days of Repentance are unique in terms of the opportunity they provide the individual to have his *teshuva* "accepted immediately." Throughout the rest of the year, only a *tzibur*, a congregation or community, is guaranteed the acceptance of their "wholehearted" prayer, whereas individuals do not enjoy such a guarantee.

"Repentance and Prayer is Always Beneficial"

Before addressing these distinctions, it is worth noting the implications of the introductory clause to this passage: "Although repentance and prayer is always beneficial..." With these words Maimonides appears to take an unequivocal stance on an issue that was subject to controversy among the *Tanna'im*, namely, whether or not repentance and prayer have the capacity to eliminate a *gezar din* – a heavenly decree. The Talmud in Masekhet Rosh Hashanah (18a) records a debate as to the reason why two people stricken with the same illness and who recite the same prayers do not necessarily experience the same fate; occasionally, one succumbs to his illness while the other recovers. Rabbi Elazar explained that when this occurs, it means that God had (for reasons obviously unknown to us) issued a decree against the first patient, and a divine decree cannot be revoked even through heartfelt repentance and prayer. If another patient survives, Rabb Elazar contends, this can only be because God had not issued a *gezar din* against him.

Rabbi Yitzchak, however, disagreed, arguing that "crying [in prayer] is beneficial for a person both before a decree and after a decree." Even once a decree is issued, Rabbi Yitzchak claims, the individual has the power to escape its execution through the means

of prayer. Rabbi Yitzchak's view is echoed in the famous passage in the High Holiday liturgy (according to Ashkenazic tradition), "*U-teshuva u-tefila u-tzedaka ma'avirin et ro'a ha-gezeira*" ("Repentance, prayer and charity eliminate the harsh decree"). According to this view, the phenomenon of two patients meeting with different fates can be attributed only to their different levels of *kavana* – concentration and sincerity – during prayer. The Gemara thus cites Rabbi Meir as explaining, "Why was one answered and the other was not answered? The one who prayed a wholehearted prayer was answered; the one who did not pray a wholehearted prayer was not answered."

Maimonides clearly embraces Rabbi Yitzchak's position, that a sinner has the opportunity to revoke harsh decrees, that "repentance and prayer is always beneficial." A number of writers, including Rabbi Menachem Krakowsky (in his *Avodat Ha-melekh* commentary to *Mishneh Torah*) and Rabbi Yaakov Etlinger (in his *Arukh La-ner* commentary to the Talmud), explain that Maimonides arrived at his ruling based on an earlier discussion of the Talmud in Masekhet Rosh Hashanah (16a). The Gemara cites a number of different opinions as to how frequently divine judgment occurs, whether God judges man annually, daily, or at every moment. After recording the different positions, the Gemara addresses the question of whether these different opinions accommodate the common practice to pray on behalf of gravely ill patients. Initially, the Gemara presumes that this practice must follow the view that a new judgment is rendered at every moment; otherwise, it would be futile to pray on behalf of a patient whose fate had already been determined at the beginning of the year or at the beginning of that day. Thereafter, the Gemara notes that if we accept Rabbi Yitzchak's position, affirming the effectiveness of prayer even after the issuance of a decree, then the practice of praying on behalf of the ill accommodates all views. Even if man is judged only once a year, on Rosh Hashanah, we are still justified in praying on behalf of our peers and beseeching God to revoke any harsh sentence that had been decreed.

In light of this discussion, we can readily understand why Maimonides codified Rabbi Yitzchak's position. The Mishna (Rosh Hashanah 16a) explicitly rules that divine judgment takes place annually, on Rosh Hashanah, and not every day or every moment. Accordingly, the widespread practice to pray on behalf of the ill must presume the position of Rabbi Yitzchak, that prayer and repentance have the capacity to revoke harsh sentences, and this must therefore represent the accepted view.

The Unique Status of the Ten Days of Repentance

What is less clear, however, is how the period of *Aseret Yemei Teshuva* differs from other days of the year in this regard. If, as discussed, an individual has the ability to revoke a *gezar din* at any time through heartfelt prayer and repentance, then what is the unique significance of prayer and repentance during the *Aseret Yemei Teshuva*? What special opportunity does this period afford a sinner that does not present itself during the rest of the year?

Indeed, the straightforward reading of the aforementioned passages in Masekhet Rosh Hashanah (18a) appears to indicate that Rabbi Yitzchak draws no distinction between the Ten Days of Repentance and other periods. The Talmud describes the special status of *Aseret Yemei Teshuva* as affording individuals the opportunity to have their decree revoked, whereas decrees issued against communities can be revoked at any

time. Seemingly, this distinction is inconsistent with Rabbi Yitzchak's position, which claimed that prayer remains beneficial even after a decree is issued.

One approach taken by several commentators (including the *Avodat Ha-melekh*) focuses on Maimonides' comment that during these ten days, one's repentance is accepted "immediately." The difference between this period and other times thus might lie in the possibility of immediate acceptance. Throughout the year, forgiveness is not necessarily guaranteed, nor is it granted immediately when the sinner repents. A "probation" period might be required, whereby he must prove the sincerity of his *teshuva* and his commitment to change. Repentance during the period from Rosh Hashanah to Yom Kippur, by contrast, has the ability to grant a person "immediate" acceptance before God. So long as his prayers are recited and his resolutions are made with genuine remorse and a sincere commitment to discontinue his wrongdoing, he can earn the instant revocation of the decree regardless of what occurs after Yom Kippur. This approach is developed in great detail by Rabbi Yitzchak Hutner, in his work *Pachad Yitzchak* (Yom Kippur, 21).

The *Arukh La-ner* suggested a different explanation by redefining the term *yafeh* ("beneficial") in Rabbi Yitzchak's comment. The Ran (Rabbenu Nissim of Gerona, Spain, 14th century), in his commentary to Masekhet Rosh Hashanah, noted that Rabbi Yitzchak does not necessarily acknowledge the possibility of revoking a *gezar din*. Rather, he speaks of prayer post-*gezar din* as "beneficial," in that it has the ability to somehow lighten the sentence. Throughout the year, an individual sinner is guaranteed the possibility of lessening the severity of a *gezar sin* through prayer and repentance; during the *Aseret Yemei Teshuva*, however, individuals, like communities, are afforded the opportunity to earn the complete annulment of whatever decrees had been issued against them. Thus, whereas generally an individual is able only to alleviate the severity of a sentence, during the Ten Days of Repentance God allows for the opportunity to revoke a decree entirely.

"Seek out the Lord When He is Present"

Maimonides' ruling in this passage may reflect the characteristic interplay between the two levels of Biblical interpretation – *peshat* (the simple, straightforward reading) and *derash* (the homiletic reading). Recall that the unique stature of the *Aseret Yemei Teshuva* period is indicated in a verse from the Book of Yeshayahu (55:6): "Seek out the Lord when He is present; call to Him when He is near." As the Talmud (Rosh Hashanah 18a) noted, the prophet here implies that the Almighty is "present" and "near" at specific times, and he thus bids the Jewish people to capitalize on this opportunity by doubling their efforts in prayer and repentance on these occasions. (That the prophet speaks here of repentance is clearly expressed in the subsequent verse: "Let the wicked man abandon his way, and the sinful man his thoughts; he shall return unto the Lord and He shall have compassion for him...") The Sages contrasted Yeshayahu's exhortation with the verse in the Book of Devarim (4:7) which speaks of God's "closeness" to *Am Yisrael* "whenever we call to Him," suggesting constant availability. To reconcile these two verses, the Sages distinguished between communities, to whom God avails Himself at all times, and individuals, who are guaranteed access to divine compassion only "when He is present" – during the *Aseret Yemei Teshuva*.

Seemingly, however, one may interpret Yeshayahu's appeal differently, as conveying the precise opposite message. The term *be-himatz'o* (generally translated as "when He is present") could, on the *peshat* level, be understood to mean "given that He is present." Similarly, the second clause in this verse – *be'hyoto karov* (generally translated as "when He is near") – could mean "given that He is near." According to this reading, Yeshayahu exhorts the people to repent because God is always near and present, prepared and willing to accept His nation's repentance. Yeshayahu suspects that the sinners among the nation may be reluctant and unwilling to repent, thinking that they had already strayed too far, that they are at this point incapable of change and God has rejected them. The prophet thus reminds the people that God is always "present" and "near," and that regardless of a person's sinful past he still has the ability to build a better future. Thus, Yeshayahu in fact emphasizes our constant access to divine mercy, rather than delimiting it to a specific season.

Chazal, of course, read this verse differently, as restricting God's "closeness" to a particular time of year, when an individual's repentance is more readily accepted.

These two levels of interpretation thus express the two levels of acceptance mentioned by Maimonides in this passage. On the one hand, as suggested by the *peshat* level, "repentance and prayer is always beneficial"; a sinner is always granted the opportunity to return, repent and escape retribution, even after a decree has been issued. However, during the special period of the Ten Days of Repentance, God is especially "near" and receptive to one's prayers and repentance, more so than during other times of the year, as inferred through the homiletic reading of this verse.

"Anytime They Perform Repentance and Cry Wholeheartedly"

Many writers raised a question concerning Maimonides' description of the unique effectiveness of a community's prayer. He writes in this passage, "But a congregation – anytime they perform repentance and cry [in prayer] wholeheartedly they are answered" – clearly indicating that a favorable response is guaranteed only if they pray "wholeheartedly," with concentration and sincerity. The Talmud, however, in *Masekhet Ta'anit* (8a), states explicitly that a congregation's prayers earn acceptance even when recited without proper concentration. Commenting on the verse (*Tehillim* 78:36), "They deceived Him with their mouths; they spoke falsely to Him with their tongues," the *Gemara* explains that Asaf (author of this Psalm) refers here to insincere, mindless prayer. And yet, the next verse tells, "But He is compassionate and atones iniquity." The *Gemara* explains that God mercifully forgives a congregation even if they pray with inadequate feeling and concentration; the very fact that people have assembled to pray together evokes divine compassion, even if the prayers are not recited with the proper mindset.

Why, then, does Maimonides guarantee the effectiveness of public prayer only "anytime they perform repentance and cry wholeheartedly"?

Numerous approaches have been suggested to reconcile Maimonides' comments with the Talmud's discussion in *Masekhet Ta'anit*. Rabbi Akiva Eiger (1761-1837), in his glosses to *Hilkhot Teshuva*, cites Rabbi Chaim Alapandri as explaining that both Maimonides and the Talmud require that at least one participant in the public prayer service beseeches God "wholeheartedly." The Talmud indeed acknowledges the

effectiveness of public prayer even in the absence of *kavana* (concentration), but on the condition that at least one worshipper prays with concentration. We should note, however, that Maimonides speaks of the entire congregation praying "wholeheartedly," and not merely one worshipper, as this approach claims. Rabbi Alapandri suggested a second answer, as well, namely, that the Gemara refers to public prayer during the Ten Days of Repentance. According to this explanation, just as the *Aseret Yemei Teshuva* afford a unique opportunity to an individual, so is this period especially beneficial for the community, who can earn collective acceptance even in the absence of proper *kavana*. Once again, however, it must be noted that the Gemara in Ta'anit makes no mention whatsoever of the Ten Days of Repentance, and it thus seems unlikely that it spoke only of this particular period.

Rabbi Yosef Kapach, in his commentary, cites a more compelling approach in the name of a work entitled *Ben Yedid*, distinguishing between standard prayer, and a petition for the revocation of a decree. The Gemara in Masekhet Ta'anit addresses the situation of a congregation that assembles for the regular daily prayer services, and, as is unfortunately often the case, they recite their prayers hurriedly and dispassionately. In such cases, God, in his His infinite compassion, is prepared to accept their prayers despite the lack of feeling and concentration. (Presumably, the Gemara refers to an occasional instance of dispassionate prayer, and not to a community that habitually prays mindlessly without concentration.) Here in Hilkhhot Teshuva, of course, Maimonides addresses public repentance, a situation where a community gathers for the purpose of collectively confessing their wrongdoing and committing themselves to improve. Driven either by the recognition of widespread misconduct or the advent of some crisis or calamity that awakens them to *teshuva*, the congregation assembles not for the standard prayer service, but rather for the specific purpose of repentance. Needless to say, repentance must, by definition, be performed "wholeheartedly," with a sincere admission of guilt and resolution to improve. Regardless of whether we deal with an individual or with an entire community of penitent sinners, sincerity and concentration are indispensable components of the *teshuva* process; words of confession and pleas for forgiveness are meaningless without genuine feelings of contrition. The Talmud's comment in Masekhet Ta'anit regarding daily prayer thus has no bearing upon Maimonides' discussion here in Hilkhhot Teshuva, and for good reason he requires concentration and emotion on the part of a congregation performing *teshuva* as prerequisites for its guaranteed acceptance.

(A similar approach is taken in Rabbi Eliezer Ginsburg's *Ve-ata Be-rachamekha Ha-rabim* commentary to Hilkhhot Teshuva, though he focuses on the distinction between the standard liturgical text and personalized prayer. The recitation of the standard text formulated by the Men of the Great Assembly is beneficial even without proper concentration, whereas personal prayers are meaningful only when recited with *kavana*. Rav Ginsburg bases his comments on a well-known passage in the *Meshekh Chokhma* Torah commentary to Bereishit 48:22. We should also note that Rabbi Zvi Hirsch Chayes, in his notes to Masekhet Ta'anit, offers a much different interpretation of the relevant passage, such that it does not refer at all to prayers recited without concentration.)

Following God's Example

In conclusion, it is worthwhile to present a meaningful insight into this passage in *Hilkhot Teshuva*, by Rabbi Yitzchak Blazer of St. Petersburg (1837-1907), in his work *Kokhevei Or*. God "draws near" during the period of *Aseret Yemei Teshuva* out of His deep love and compassion for His people, in order to encourage sinners to make the effort necessary to improve themselves and thereby earn reward and escape punishment. As the Almighty famously proclaimed through the prophet Yechezkel (18:23), "Do I at all desire the death of the wicked man...Do I not [desire] that he repents and lives?" God wishes for all sinners to change their conduct and return to the path of proper observance, and for this reason He designated a period of the year especially suited for repentance, when He is more receptive to our prayers and willing to assist us in our efforts to improve.

Rabbi Yitzchak Blazer remarked that in the spirit of *Ve-halakhta be-drakhav* (Devarim 28:9), the obligation to emulate God's treatment of His creatures (see *Sefer Hamitzvot, aseï* 8), the concept of *Aseret Yemei Teshuva* establishes an example of conduct that each person must follow. Namely, we, too, must avail ourselves to those who have acted wrongly against us, and offer forgiveness. Indeed, the Gemara (Masekhet Yoma 87a) tells that Rabbi Zeira would make a point of spending time in the immediate vicinity of a person who had wronged him, so that the perpetrator might initiate reconciliation and seek forgiveness. Rabbi Zeira understood that many times, offenders truly wish to ask forgiveness, but they fear the discomfort and humiliation that this process general entails. He therefore decided that he would take the first step by availing himself to the offender which would perhaps alleviate some of the discomfort and unease.

Rabbi Zeira learned this approach from the Almighty Himself, who "avails" Himself to *Am Yisrael* each year during the Ten Days of Repentance. Rather than simply wait for us to return, He draws near and beckons us to earn expiation through the process of *teshuva*. This gesture not only affords us a unique opportunity for compassion and atonement that does not present itself throughout the year, but also establishes a model that we should follow towards those who have wronged us. Rather than retain the feelings of resentment, we are bidden to initiate the process of reconciliation and show the same willingness to forget and forgive that the Almighty shows the Jewish people each and every year.