



Hilkhhot Teshuva 2:7
The Obligation to Repent on Yom Kippur
By David Silverberg

Yom Kippur is the time for repentance for every individual and for the many [the nation], and it marks the final pardon and forgiveness for Israel. Therefore, all are obligated to perform repentance and confess on Yom Kippur. The *mitzva* of the Yom Kippur confession begins on the eve of the day, before one eats...

(Hilkhhot Teshuva 2:7)

In this passage Maimonides introduces the special obligation to repent and verbally confess one's misdeeds on the occasion of Yom Kippur, the day especially designated for atonement as the Torah explicitly establishes in the Book of Vayikra (16:29-30): "This shall be an eternal statute for you: in the seventh month, on the tenth of the month, you shall afflict your souls... For on this day He shall atone for you, to purify you; you shall be purified from all your sins before the Lord."

From the perspective of strict *Halakha*, this obligation of repentance on Yom Kippur requires some clarification. How can the *mitzva* of *teshuva* be confined to, or even associated with, a particular calendar date? Doesn't *Halakha* require a sinner to repent the moment he transgressed? Additionally, if the Biblical obligation of *teshuva* applies only on Yom Kippur, why does Maimonides make no mention of this critical detail until the second chapter of Hilkhhot Teshuva, and omit it from his definition of this *mitzva* in *Sefer Ha-mitzvot (asei 73)*?

Rabbenu Yona: Two Biblical Obligations

Rabbenu Yona (Spain, 1180-1263), in the second section of his famous work *Sha'arei Teshuva* (14), writes, "There is an affirmative Biblical command for a person to arouse his spirit to repent on Yom Kippur, as it says (Vayikra 16:30), 'you shall be purified from all your sins before the Lord'." According to Rabbenu Yona, the Torah here does not merely inform us that God atones for the nation's sins on Yom Kippur, but rather introduces an obligation to repent on this day. In his view, the phrase "you shall be purified" must be understood as a command, rather than a promise. The Torah here calls upon each member of *Benei Yisrael* to "be purified" through the process of introspection and repentance – in addition to the standard obligation of *teshuva*. Thus, according to Rabbenu Yona, there exist two distinct commandments regarding repentance: a general command to repent, whenever a person commits a transgression, and a separate command to repent on Yom Kippur.

Rabbenu Yona returns to this issue later in his work (4:17), where he clarifies that the two references to "purification" in the aforementioned verse speak of two very different phenomena. The phrase "For on this day He shall atone for you, to purify you" obviously refers to forgiveness; God "purifies" us in the sense that He grants us pardon

and eliminates our sins from our record. The final clause of this verse, however, which declares, "you shall be purified from all your sins before the Lord," issues a command to *Benei Yisrael* to earn atonement on Yom Kippur by undergoing the process of *teshuva*. The term "purification" in this clause thus refers to self-improvement and spiritual growth, rather than forgiveness and atonement. (See also *Targum Yonatan Ben Uziel* and Seforno on this verse.)

In any event, the general consensus among the later scholars is that Maimonides did not subscribe to this position of Rabbenu Yona. He, unlike Rabbenu Yona, does not cite a Biblical source for the special obligation of *teshuva* on Yom Kippur. Instead, he attributes this obligation to this day's status as "the time for repentance for every individual and for the many" and the day of "the final pardon and forgiveness for Israel." But what precisely does this status mean? At first glance, it appears as though Maimonides simply advises his readers to capitalize on the opportunity that Yom Kippur provides for earning atonement. This is clearly not the case, however, as he explicitly writes, "Therefore, all are *obligated* to perform repentance and confess on Yom Kippur." Maimonides undoubtedly presents *teshuva* on Yom Kippur as a strict halakhic obligation, rather than just an advisable measure. What, then, is the source and nature of this obligation?

Designating Yom Kippur as the "Day of Atonement"

One approach taken by a number of scholars views the repentance obligation as an intrinsic feature of the observance of Yom Kippur. The obligation to observe Yom Kippur as a *mikra kodesh* – a "sacred" occasion (Vayikra 23:27) – necessarily entails a requirement to repent. Since the essential definition of this occasion is a "day of atonement," its observance *ipso facto* demands that one undergo repentance on this day. Some writers, including Rabbi Avraham Gurwitz, in his work *Or Avraham*, and Rabbi Shimon Diskin, writing in the journal *Moriah* (Shevat, 5749), compare Yom Kippur in this regard to the occasion of a personal sin-offering. *Halakha* requires declaring verbal confession when one brings a mandatory sin-offering, even if the sinner had already spent many days in tearful prayer and confession begging the Almighty for forgiveness. Irrespective of the standard obligation of *teshuva*, the occasion of bringing a sin-offering requires that one confess as part of the designation of the sacrifice as an offering brought for the purpose of earning atonement. Correspondingly, the observance of Yom Kippur requires that one repent as part of his designation of this occasion as a "day of atonement." No separate Biblical source for this obligation is necessary, because it stems naturally from the obligation to mark the occasion of Yom Kippur.

Rabbi Gurwitz cites as an early source for this approach the following comment of the *Levush* (Halakhic work by Rabbi Mordechai Yaffe of Prague, 1530-1612): "Since Yom Kippur is the day of forgiveness and atonement, as it says, 'For on this day He shall atone for you...,' therefore, every person must confess his sins, just as we find regarding all sacrifices that are brought for atonement..." According to the *Levush*, any event that occurs for the expressed purpose of atonement must, by definition, be accompanied by repentance. Thus, the very definition of Yom Kippur as an occasion for forgiveness requires that one repent as part of its observance.

Another possible source for this perspective is a brief comment in the *Kiryat Sefer* commentary to *Mishneh Torah* (written by the *Mabit*, Rabbi Moshe of Trani, 1505-1580): "Since Yom Kippur atones only for those who repent, it [repentance on this day] constitutes a Biblical obligation." Meaning, the Torah commands us to observe this occasion as a "day of atonement," and since atonement cannot be achieved without repentance, this observance necessarily entails an obligation to perform *teshuva*.

A commentary to *Mishneh Torah* entitled *Yagel Yaakov* (cited in the *likutim* section of the Frankel edition) infers this theory from a passage in the Talmud. The Gemara in Masekhet Shevuot (13a) cites a *berayta* (passage from the *Tanna'im*) reflecting the minority position of Rabbi Yehuda Ha-nasi that a sinner achieves atonement on Yom Kippur even without repenting. The *berayta* states:

Perhaps Yom Kippur does not offer atonement unless one fasted, observed it as a sacred occasion, and did not perform forbidden activity? If one did not fast, did not observe it as a sacred occasion, and performed forbidden activity – from where [do we know that his sins are nevertheless forbidden]? The verse states, "it is a day of atonement" – regardless.

The Talmud identifies this *berayta* as expressing Rabbi Yehuda Ha-nasi's position, that repentance is not required for one to earn atonement on Yom Kippur, and yet, it makes no mention of repentance. This passage speaks of a person who "did not fast, did not observe it as a sacred occasion, and performed forbidden activity"; conceivably, this individual may have indeed repented on Yom Kippur for transgressions committed during the year, but violated the Yom Kippur laws. On what basis does the Gemara assume that this *berayta* refers to a person who did not repent altogether?

The *Yagel Yaakov* answered that the Gemara evidently understood the phrase "observed it as a sacred occasion" ("*kar'o mikra kodesh*") as a reference to *teshuva*. Whereas Rashi explained this expression to mean reciting the blessings in the Yom Kippur prayer service, and Tosefot (Keritut 7a) claimed that it refers to wearing festive clothing, the *Yagel Yaakov* proposes that this phrase speaks of *teshuva*. One observes the day of Yom Kippur as a "special occasion" by engaging in the activity for which this occasion was designated, namely, repentance. Thus, the notion of *teshuva* required as part of the essential observance of Yom Kippur may perhaps have origins already in the Talmud.

Yom Kippur as a "Deadline"

Rabbi Moshe Leib Shachor, in his commentary to Hilkhos Teshuva entitled *Ko'ach Ha-teshuva*, suggests a different explanation, namely, that Yom Kippur marks the "deadline" for performing *teshuva*. The obligation to repent assuredly takes effect immediately upon the occurrence of sin, but one is not considered to have neglected this *mitzva* unless he did not repent until after Yom Kippur. Thus, Yom Kippur is not the only day on which the *teshuva* obligation applies, but rather marks the final opportunity allowed for those who have yet to repent.

A source for this theory is a comment in the anonymous work *Sefer Ha-chinukh* (364) in its presentation of the *mitzva* of repentance:

One who transgresses this [law requiring one to repent] and did not confess his sins on Yom Kippur, the day designated since the beginning of time for forgiveness and atonement, has neglected this affirmative command, and woe unto a person should he die without confessing and thus bear his iniquity!

The *Sefer Ha-chinukh* makes this comment in reference to the general obligation of *teshuva*, and not in the specific context of the Yom Kippur observance. Revealingly, he determines that one is in violation of this *mitzva* only if he fails to repent even on Yom Kippur. This likely means that Yom Kippur marks the final "deadline" for repentance, after which one has neglected the obligation of *teshuva*. Of course, if he does repent at some point after Yom Kippur, he still has the opportunity to achieve atonement; however, he is in violation of the law requiring a sinner to perform *teshuva* (and he would presumably be required to repent also for this transgression, of failing to repent).

This understanding of the status of Yom Kippur with respect to the *teshuva* obligation perhaps sheds light on Maimonides' description of this occasion as "the final pardon and forgiveness" (*ketz mechila u-slichá*), a phrase taken from the *ne'ila* prayer service (the final prayer service recited on Yom Kippur). According to the perspective that Yom Kippur marks the "deadline" for performing the *mitzva* of repentance, we should perhaps explain these words to mean, "the final time for requesting pardon and forgiveness" through the process of *teshuva*. Meaning, this is the point by which a sinner is obligated to repent.

(One might question this approach in light of Maimonides' ruling in the subsequent passage (2:8) that one must confess on Yom Kippur even those sins that he had confessed on previous Yom Kippurs. Seemingly, if Yom Kippur does not introduce a separate obligation of repentance, but merely marks the "deadline" for repentance, there would seem to be no reason to repent again for sins of previous years. This topic deserves a more comprehensive analysis and lies beyond the scope of our discussion.)

Seizing the Opportunity

Rabbi Menachem Krakowsky, in his *Avodat Ha-melekh* commentary, suggests what appears to be a more compelling approach in explaining the nature of the obligation of which Maimonides speaks in this passage. Rabbi Krakowsky cites a comment of the Sages in the Midrash *Pesikta Rabbati* (*hosafa* 1) which bears considerable resemblance to Maimonides' remarks here in *Hilkhos Teshuva*:

May His Name be blessed...for He cherishes Israel and instituted for them the Ten Days of Repentance, on which even an individual can repent and be accepted, like the repentance of the many. Therefore, all Israel must grab onto repentance and make peace between one another and forgive one another on Yom Kippur eve, so that their repentance and prayer will be accepted before the Almighty...

This Midrashic passage indicates that one must perform *teshuva* during the Ten Days of Repentance simply because these days present a precious opportunity that must not be squandered. The very fact that the Almighty "draws near" during this period, as

Maimonides writes in the previous *halakha* (2:6), results in an obligation to repent and seize this opportunity.

This concept is developed at length by Rabbenu Yona, in the first section of his *Sha'arei Teshuva*:

You must know that when a sinner delays repentance from his sin, his punishment becomes exceedingly more severe each day, for he knows that [God's] anger has been aroused against him and he has a place to where he can escape – namely, repentance – but he remains in his state of rebellion and evil. Though he has the ability to escape the devastation, he has no fear of the anger and wrath, and his evil is thus very severe. Our rabbis of blessed memory said regarding this topic (*Kohelet Rabba* 7:32): "This is analogous to a group of thieves whom the king incarcerated in prison. They dug a tunnel, broke through and left, but one of them remained. The jail warden saw a dug tunnel and this man still in jail. He beat him with his staff and said to him, "Wretched man! The tunnel is dug right in front of you – how did you not hurry and run for your life?"

Rabbenu Yona speaks of delaying *teshuva* generally, but this concept applies particularly during the Ten Days of Repentance, during which God offers the unique opportunity for individuals to repent and achieve atonement. One who fails to seize this opportunity displays an attitude of indifference towards the Almighty and his personal relationship to Him, and a disinterest in repairing that relationship.

Herein, perhaps, lies the special obligation to repent on Yom Kippur. As Maimonides describes, Yom Kippur marks "the final pardon and forgiveness," meaning, the final opportunity to respond to God's special invitation to repent during the *Aseret Yemei Teshuva*. The obligation to repent on Yom Kippur thus stems from the imminent culmination of the Ten Days of Repentance, which requires us to intensify our efforts to repent and thereby seize the opportunity offered by this period.

The Yom Kippur Confession

This question, as to the nature and source of the special obligation of *teshuva* on Yom Kippur, might hinge upon the issue of the confessional text recited on this day. In the subsequent passage (*halakha* 8), Maimonides writes, "The customary [text for] confession throughout Israel is, 'Indeed, we have sinned' – and this constitutes the essential confession." Many writers have noted that this ruling appears to directly contradict Maimonides' comments earlier in *Hilkhot Teshuva* (1:1), where he presents a far more elaborate confessional text that one must recite as part of his repentance: "How does one confess? He says: Please, O God, I have sinned, acted wrongly and acted disloyally before You, and I did such-and-such. I am hereby ashamed and embarrassed by my actions, and I will never repeat this." If confession must include all the themes mentioned here by Maimonides, why with regard to Yom Kippur does he allow reciting simply, "Indeed, we have sinned"?

According to the first of the three approaches presented earlier, the answer is readily obvious. As we saw, this approach ascribes the obligation of *teshuva* on Yom Kippur to the observance of this day, rather than to the standard *mitzva* of repentance.

According to this view, one must repent on Yom Kippur not to fulfill the general obligation to repent for one's sins, but rather as part of the special requirements of the Yom Kippur observance. Just as Yom Kippur requires a person to abstain from eating and other forms of enjoyment, so does it require a person to repent.

As such, the details of the *teshuva* obligation on Yom Kippur are not necessarily bound by the particular laws that apply to repentance generally. Since the Yom Kippur obligation stands separate and apart from the standard obligation of *teshuva*, we have no reason to expect absolute parity between these two requirements of repentance.

Accordingly, we can easily understand why Maimonides prescribes a much briefer, more succinct, and more general text for the Yom Kippur confession. As mentioned earlier, the obligation to repent on Yom Kippur might be necessary simply to designate this occasion as a day of atonement, similar to the requirement to confess while bringing a sacrifice as part of its formal designation as a sin-offering. Hence, it suffices in this context to declare a generic confession – "Indeed, we have sinned" – rather than declaring the more elaborate text required by the general obligation of *teshuva*.

It should be noted, however, that other answers have been suggested to reconcile the succinct confessional text presented here with Maimonides' comments towards the beginning of *Hilkhot Teshuva*. Rabbi Yosef Kapach, in his commentary to *Mishneh Torah*, contends that in truth, Maimonides requires an elaborate confession even on Yom Kippur. When he speaks here of "Indeed, we have sinned" as the standard confessional text, he refers to the complete text of *viduy* (confession) which he presents at the end of the *Ahava* section of *Mishneh Torah* along with the text of all other prayers recited throughout the year. In fact, as Rabbi Kapach notes, in one Yemenite edition of *Mishneh Torah* the word "etc." ("*ve-gomer*") appears in this passage after the phrase "Indeed, we have sinned." According to this edition, Maimonides clearly did not intend to allow reciting only this brief phrase as the Yom Kippur confession. Rather, he refers to the complete text he presents later, which indeed contains all the themes mentioned in the confessional text codified in the beginning of *Hilkhot Teshuva*.

If so, then there is in fact no discrepancy between the confession required on Yom Kippur and the *viduy* recited as part of *teshuva* generally. Even on Yom Kippur, one's confession must follow the conventional format outlined towards the beginning of *Hilkhot Teshuva*, including specific mention of the particular transgression committed, an expression of remorse, and a sincere commitment to refrain from such activity in the future.