

Is there a Mitzva to do Teshuva?

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The overarching theme of the forty day period that begins on Rosh Chodesh Elul and stretches until Yom HaKippurim (and perhaps even until Hoshana Rabba) is that of *teshuva*, repentance. Based on Isaiah 55:6 and other sources, we are instructed to “Seek Hashem when He is to be found”, and to thus spend this time of the year involved in introspection and in renewal of our commitment to God. However, while there is no question that *teshuva* is the major activity and idea of this time of year, is there actually a mitzva, a specific commandment, to do *teshuva*? If there is, then how is such a commandment fulfilled, and if there is not, then how are we to understand the myriad of sources that enjoin us to do exactly that?

Rambam, in his *Sefer HaMitzvot (Mitzvat Aseh #73)*, does not, at first glance, seem to include a specific mitzva of *teshuva*. He writes:

That He commanded us to confess our sins and transgressions that we have sinned before God and explicate them along with teshuva.

שצונו להתודות על החטאים והעונות שחטאנו לפני הא-ל יתעלה ולאמר אותם עם התשובה.

Based on the law that one has to offer a verbal confession when bringing a sacrifice, Rambam seems to indicate that there is a mitzva of verbal confession, and that the context within which this mitzva is done is that of *teshuva*. Similarly, in the heading to his laws of *teshuva*, Rambam writes that the commandment is for the sinner to return from his sin and to confess. Rounding out Rambam’s writings on this issue, the first chapter of the *Laws of Teshuva* indeed focus on the specific act of confession and in the very first law Rambam writes that when a person does *teshuva*, he is obligated to confess. In all three locations, Rambam acknowledges that one must do *teshuva*, but lists *vidui*, confession, as the specific mitzva to be fulfilled within that process.

Sensitive to this nuance in Rambam, the *Minchat Chinuch (mitzva #364)* seeks to distinguish between the concepts of *teshuva* and *vidui*. He raises the case of a person who did *teshuva* insofar as he mentally regretted his sins and committed himself not to continue in his sinful ways, but did not yet verbalize his feelings via actual confession. According to the *Minchat Chinuch*, if *vidui* is the active manifestation of *teshuva* then the *teshuva* cannot take hold until the *vidui* takes place. However, if the *vidui* is an independent mitzva, then perhaps such an individual can be forgiven for his sin and will simply have failed to perform the separate and distinct act of *vidui*, similar to someone who neglects to perform any positive commandment such as putting on *tefillin*.

However, upon further consideration, the *Minchat Chinuch* distinguishes between mitzvot such as *tefillin* and *teshuva*. *Tefillin* are an obligatory commandment that one must atone for if he neglected to perform and can be subject to punishment for delinquency in its execution. But what if one were to not put on *tefillin* and then fail to do *teshuva* for that sin – would he be punished, as well, for his failure to repent for the first sin? It seems that such would not be the case- a person would only be held culpable for failing to do the sin of *tefillin* but not for failing to repent afterwards, and thus there is apparently a distinction between the two mitzvot.

What emerges is that whether we are dealing with a mitzva of *vidui* or of *teshuva*, it is a mitzva that might be called a “meta-commandment”, insofar as it exists as a layer on top of other commandments. To take an example from the other side of the spectrum, a person cannot wake up in the morning and decide to do *teshuva* if he has not committed any sin. In order for him to be able to do *teshuva*, he must first do something else wrong, and once he does so the mechanism by which he repents is *teshuva* along with verbal confession.

However, within this formulation another potential problem arises. In general, a Jewish court can administer the punishment of lashes to someone who violates a negative commandment (with the paradigmatic example being one who muzzles his ox while the beast is plowing his fields). However, there are no lashes given for a negative commandment which has a corrective positive commandment appended to it (*lav ha-nitak la-aseh*). If, however, we claim that *teshuva* is really connected to the specific sin which engenders it, then we would never be able to give lashes, as every single violation of Torah law would be connected to the positive mitzva of *teshuva*! The *Sdei Chemed* (*Ma'arechet Ha-Lamed* #91) raises this issue and cites the *Nachalat Binyamin*, cited by the *Chida*, who claims that we only apply the rule of *lav ha-nitak la-aseh* when the corrective measure exists specifically for the purpose of righting that particular sin. However, *teshuva* is not intrinsically linked to any particular commandment, and thus this rule would not apply here and we would be able to administer lashes despite the possibility that the individual may do *teshuva*. As such, we remain unclear as to the status of *teshuva* as a mitzva – it clearly cannot exist as an independent mitzva without some other mitzva triggering it, yet its inherent and intrinsic connection to that mitzva is tenuous at best.

Rav Soloveitchik, in *Al HaTeshuva* (pp. 37-41) claims that the Rambam believes that *teshuva* itself, and not only *vidui*, is a mitzva. That being the case, how does he deal with the view of the *Minchat Chinuch* that reads Rambam the opposite way? He claims that *teshuva* falls into the category of commandments whose fulfillment and action are not identical. Whereas by *lulav*, one fulfills the commandment when he raises the four species, by *teshuva* one can fulfill his obligation to repent by going through the mental processes, but only the *vidui* is considered to be an action connected to *teshuva* (in halacha, thoughts do not count as actions). As such, Rambam follows his familiar pattern of first discussing the actual action involved in the mitzva in the first chapter of the *Laws of Teshuva*, even though the action does not encompass the full scope of the mitzva.¹⁵

¹⁵ Similar to Rambam's approach in his *Laws of Prayer*, where he begins with the rudiments of prayer itself, even though one's thoughts and intentions comprise the essence of prayer.

I would like to suggest that Rav Soloveitchik's formulation may help to solve an intriguing detail in the second chapter of Rambam's *Laws of Teshuva*. In the first law in that chapter, Rambam writes:

What is complete repentance? This is when one has the opportunity to commit a sin that he has previously committed and he is capable again of committing it and he separates himself from it and refrains from doing it because of teshuva (i.e. he resists the temptation because he has repented, not because there is any other impediment to his recidivism).

איזו היא תשובה גמורה?
זה שבא לידו דבר שעבר
בו ואפשר בידו לעשות
ופירש ולא עשה מפני
התשובה...

The very next law begins with the question “And what is *teshuva*?”, which is then followed by a three step process of repenting including abandoning the sin, accepting not to commit it in the future, and offering a verbal confession.

What is noteworthy and perhaps even strange in Rambam's formulation is that the laws appear to be backwards. It would seem most logical to begin with the three step process of *teshuva*, and then write that a person can go a step further and achieve complete repentance if his *teshuva* is not merely an academic exercise but if he actually has the opportunity to sin again yet refrains from doing so since he has undergone the *teshuva* process. Why does Rambam place these two components of *teshuva* in the reverse order?

Perhaps the answer is that Rambam is not speaking about two stages in one process of *teshuva*, but rather is speaking about two qualitatively different types of *teshuva*. The notion of “complete *teshuva*” is not regular *teshuva* plus one more step, but rather it is a completely different approach to repentance. I would like to suggest that someone who performs “complete *teshuva*” does not need to undergo the three-step process, but rather only has to experience that one excruciating moment of restraint. Why would this be so? A person who decides one day to repent for his misdeeds does so out of a general desire to improve himself and to return to Hashem, but not necessarily out of an immediate and overpowering sense of guilt brought on by his recent transgressions. As such, he is given a basic formula to follow that, performed properly, will re-orient his way of thinking and set him on the path to repentance, what Rav Kook refers to (*Orot HaTeshuva* 2) as “gradual *teshuva*”. Once that is done, he must verbalize those thoughts, and thus the confession contains elements of all three of the steps – and Rambam's formulation of the confession (*Laws of Teshuva* 1:1) indeed references the past sin, the regret, and the acceptance to not return to the sin in the future. In such a case, the commandment is *teshuva* in one's mind, and the formal action is the verbalization of that *teshuva* in the form of *vidui*.

However, one who has a moment of restraint does not need such a process. Taking Rambam's example, imagine a situation of a man who has had an illicit relationship with a certain woman, and now is placed in a situation where it is possible to commit that same action again. Not only that, but his desire for her is still as inflamed as it previously was at the time of the original transgression. However, for some reason, he holds himself back and does not sin, BECAUSE he is repenting at that very moment! In a flash, he accomplishes the entire three-step process. He realizes that he did something wrong, he regrets having done it, and he not only accepts upon himself to not do it again in the future, but he resigns himself to resisting temptation at that very

moment, what Rav Kook calls “sudden *teshuva*”! Such a person does not need a generic formula for *teshuva* – his *teshuva* is “complete”, as it exists not in his mental world but in an all-too-real reality.

In this latter situation, there is no need for *vidui*. The confession, as we have explained, is merely the external expression of the penitent’s thoughts. However, in this case the external expression is uniquely bound up with the entire moment. His very restraint is more of an expression of his commitment to *teshuva* than any verbal confession could ever hope to be. Thus Rambam does not include *vidui* in his description of “complete *teshuva*”, as it is not necessary and would, in fact, be completely extraneous in such a situation. Only those who have to rely on a more detached form of repentance need to confess their sins as well. The *vidui* is not the actual *mitzva*, but, in most cases, it is the necessary externalization of the real *mitzva* of *teshuva*.