



**Hilkhot Teshuva 2:3**  
**Specifying the Sin as Part of Verbal Confession**  
By David Silverberg

Maimonides rules that the obligation of *viduy* – verbally confessing one's sin – requires that one mention the specific offense he has committed. One does not fulfill the *mitzva* of confession with the generic declaration, "I have sinned"; it is necessary for a sinner to specifically state the wrong he had committed for which he expresses remorse. Maimonides cites as the Biblical source for this requirement Moshe's plea to the Almighty in the aftermath of the sin of the golden calf: "Indeed, this nation has committed a grievous sin – they made for themselves a golden deity" (Shemot 32:31). Moshe, confessing on behalf of *Benei Yisrael*, does not merely acknowledge that they "committed a grievous sin," but also specifies that sin: "they made for themselves a golden deity." This suggests that *viduy* requires specific confession, rather than a generic admission of guilt.

This installment will first explore the Talmudic background to Maimonides' ruling, and then briefly assess the broader conceptual issues relevant to this *halakha*.

**Rabbi Akiva and Rabbi Yehuda ben Bava**

As the commentators note, Maimonides here follows the ruling cited by the Talmud in Masekhet Yoma (86b) in the name of Rabbi Yehuda ben Bava, who requires specifying one's sin as part of confession and draws proof from Moshe's plea as mentioned above. However, the Talmud then proceeds to present the opposing view, cited in the name of Rabbi Akiva, who held that a penitent sinner need not specify his sin. To the contrary, Rabbi Akiva appears to indicate that one should preferably not make explicit mention of his wrongdoing, as he cites the verse in Tehillim (32:1), "Fortunate is one whose iniquity is pardoned; whose sin is concealed." In Rabbi Akiva's view, it is preferable for one's sin to remain "concealed," and it should therefore not be mentioned even as part of verbal confession. As for Moshe's specifying the sin of the golden calf, Rabbi Akiva advances a much different approach in explaining the underlying purpose of this specification. Namely, Moshe emphasized that the debacle of the golden calf resulted from the abundant wealth *Benei Yisrael* had amassed when they left Egypt. Laden with stockpiles of precious metals, it was only natural for *Benei Yisrael* to worship their gold rather than serve the Almighty. Thus, according to Rabbi Akiva, Moshe's remark, "they made for themselves a golden calf" did not serve as part of the confession, but rather constituted the beginning of his defense argument, noting that they were victims of the immense wealth God had given them as they left Egypt. As such, this

verse provides no basis for requiring a sinner to specify the violation for which he now repents.

In any event, Maimonides, as mentioned, codified the ruling of Rabbi Yehuda ben Bava, requiring that one specify his wrongdoing as part of verbal confession.

Many later writers raised the question of why Maimonides preferred Rabbi Yehuda ben Bava's position over Rabbi Akiva's. After all, the Talmud elsewhere (Eruvin 46b) establishes the rule that "*halakha ke-Rabbi Akiva mei-chaveiro*" – meaning, *Halakha* always follows Rabbi Akiva's view over that of a disputing opinion. In this instance, Rabbi Yehuda ben Bava and Rabbi Akiva clearly engage in a halakhic debate, and therefore we should seemingly follow the rule affording greater authority to Rabbi Akiva than to those who dispute his halakhic rulings.

Rabbi Yosef Karo addresses this question in his *Kesef Mishneh* commentary, where he suggests that Maimonides reached his conclusion on the basis of an earlier passage in Masekhet Yoma. The Talmud there cites Rav as noting a seeming contradiction between two verses regarding the issue of whether sins should remain "concealed" or be exposed. As mentioned earlier, one verse lauds the individual whose sin is "concealed," clearly advocating reticence with regard to one's past wrongdoing. A different verse, however, declares, "He who conceals his iniquities shall not succeed" ("*mekhaseh feshav lo yatzli'ach*" – Mishlei 28:13). Rav reconciled these two verses by distinguishing between wrongs that have already become public knowledge, and those which are as yet unknown to the public. Once a sin has already earned widespread attention, it is proper for a person to publicly confess his wrong and announce his contrition and future resolve. However, if the news of the transgression has yet to reach the public, it is far preferable for the perpetrator to keep the information private.

The *Kesef Mishneh* notes that this discussion reveals a clear disregard for the position espoused by Rabbi Akiva. Recall that Rabbi Akiva discouraged – or perhaps even forbade – specifying the sin during confession, a stance the required a rereading of Moshe's plea in the wake of the golden calf debacle. The incident of the calf was, of course, a widely publicized event, and yet Rabbi Akiva felt that Moshe did not have to specify the sin in confessing on behalf of the nation. We must therefore conclude that Rav, who established the distinction between publicized offenses and sins shielded from the public eye, rejected the view of Rabbi Akiva and worked within the position of Rabbi Yehuda Ben Bava. For this reason, the *Kesef Mishneh* suggests, Maimonides embraced Rabbi Yehuda's opinion despite the preference generally afforded to Rabbi Akiva's views.

Later writers, however, challenged the *Kesef Mishneh's* analysis. For one thing, Rav's discussion is followed by a different theory presented by Rav Nachman, who advanced another distinction to reconcile the conflicting verses cited above. According to Rav Nachman, *Halakha* distinguishes between violations against God Himself, which should be confessed privately, and crimes committed against one's fellow, which should be publicized. In the former case, God's honor is best preserved by keeping word of the violation private; with regard to interpersonal offenses, however, it is proper for the culprit to make a public apology to the victim. This distinction likely follows Rabbi Akiva's view, for, as we have seen, Rabbi Akiva and Rabbi Yehuda ben Bava addressed

the case of the golden calf, which was obviously an offense committed directly against the Almighty. Rav Nachman discourages specifying the sin under such circumstances, and thus must be working within the view of Rabbi Akiva, rather than that of Rabbi Yehuda, who held that Moshe was required to specify the sin in his confession.

Moreover, and perhaps more importantly, the *Kesef Mishneh* appears to confuse two separate and unrelated issues: the question of whether one must specify the transgression as he declares verbal confession, and the question of whether it is proper to confess publicly. The debate between Rabbi Akiva and Rabbi Yehuda relates to the issue of whether confession should be specific or generic. Rav and Rav Nachman, by contrast, discuss the separate issue of whether it is proper or advisable to publicize one's wrongdoing. Even if one accepts Rabbi Yehuda ben Bava's view, requiring one to specify his sin as part of confession, this does not necessarily mean that this should be done publicly. Thus, these two Talmudic passages need not relate to one another, and hence we cannot reach any conclusions with regard to the debate between Rabbi Akiva and Rabbi Yehuda ben Bava on the basis of Rav's discussion.

One might suggest a slight modification of the *Kesef Mishneh's* approach to explain how the discussion of Rav and Rav Nachman indeed formed the basis of Maimonides' ruling. It would appear that both Rav and Rav Nachman presume that specification is necessary as part of *viduy*. If they address the question of whether one must publicize his wrongdoing or keep it shielded from the public, then they likely work under the assumption that a generic confession does not suffice. Otherwise, if one indeed fulfills the *viduy* obligation through a generic confession, there seems little reason to distinguish between different kinds of misdeeds, such as between wrongs committed against God and crimes against one's fellow. If all one must declare is "I have sinned," it seems to make no difference whether he had sinned against the Almighty or against his fellow with regard to publicizing the fact he has sinned. Presumably, then, Rav and Rav Nachman both embrace Rabbi Yehuda's position, requiring specification of the sin, and then debate the question of whether this should be done publicly. On this basis, perhaps, Maimonides inferred that this debate between Rabbi Akiva and Rabbi Yehuda ben Bava marks an exception to the standard rules of halakhic decision-making, as in this instance *Halakha* does not follow the ruling of Rabbi Akiva.

### **Other Talmudic Evidence**

A number of later writers (as cited in Rabbi Yosef Kapach's commentary to *Mishneh Torah*) pointed to other Talmudic sources that might serve as a basis for Maimonides' ruling. A famous Mishna in *Pirkei Avot* (5:5) documents the various miracles that occurred regularly in the *Beit Ha-mikdash*, including the ability of all visitors in the crowded Temple courtyard to prostrate comfortably on the ground ("*omedim tzefufim u-mishtachavim revachim*"). Despite the crowded conditions, when it came time to bow all visitors in the courtyard suddenly found ample space in which to comfortably bow and prostrate before God. Rabbi Ovadya of Bartenura (1445-1524) explained that God performed this miracle for the pilgrims in order to ensure that they would not be able to hear each other's confession, so that nobody's sin would be

discovered by fellow pilgrims. This would appear to indicate that confession entails specific mention of the transgression that had been violated. For otherwise, if a generic confession suffices, there would be no reason for the pilgrims to be distanced from one another to spare them embarrassment. (It should be noted, however, that Maimonides himself, in his commentary to *Pirkei Avot*, appears to explain this miracle differently, and thus this Mishna gives no indication as to the nature of confession.)

Similarly, the Gemara in Masekhet Sota (32b) comments that the Sages required praying silently, rather than audibly, "in order not to embarrass sinners." As Rashi explains, the Sages wanted to ensure that worshippers in the synagogue would not hear each other's confessions and thus learn of the wrongs others have committed. This, too, would appear to suggest that confession must be specific, rather than generic, and would thus give rise to the concern of embarrassment were people to pray in an audible tone.

Rabbi Menachem Krakowsky, in his *Eved Ha-melekh* commentary, cites an even more specific source for Maimonides' ruling, namely, a Midrashic passage in *Pesikta Rabbeti* (45):

Who are these, whose iniquities are pardoned by the Almighty? These are Israel, who are meritorious on Yom Kippur and specify their misdeeds and iniquities, and the Almighty pardons their misdeeds. The verse states, "He who conceals his iniquities shall not succeed, but he who confesses and abandons [his evil ways] shall be pitied" (Mishlei 28:13). When Israel specify their misdeeds and confess before the Almighty, He forgives them and absolves them of their iniquities...

This passage clearly emphasizes the importance of specifying the sin as part of the process of confession and repentance, and thus reflects the position of Rabbi Yehuda ben Bava that *viduy* must be specific and not generic. Possibly, Maimonides inferred from these and perhaps other sources that Rabbi Akiva's view did not, for one reason or another, earn acceptance among the Sages, and he therefore codified Rabbi Yehuda ben Bava's position.

In truth, all this speculation might actually be unnecessary. Rabbi Menachem Kasher (1895-1983), in his *Torah Sheleima* (annotation to Shemot 32:31), cites the work *Dikdukei Soferim* as documenting a slightly different version of the Talmud's discussion in Masekhet Yoma, which appears in the Munich edition of the Talmud. According to this text, it was Rabbi Yehuda, a disciple of Rabbi Akiva, rather than Rabbi Akiva himself, who disputed Rabbi Yehuda ben Bava's ruling. (The name "Rabbi Yehuda" in the Talmud generally refers to Rabbi Yehuda ben Rabbi Ilai, one of Rabbi Akiva's five illustrious disciples, not to be confused with Rabbi Yehuda ben Bava, a close colleague of Rabbi Akiva.) The *Dikdukei Soferim* speculates that this version of the text perhaps appeared in Maimonides' edition of the Talmud. Since there is no rule governing disputes between Rabbi Yehuda and Rabbi Yehuda ben Bava, we need not question why Maimonides chose to codify the latter's opinion.

## **The Final *Halakha***

Maimonides' ruling on this issue was not universally accepted. Rabbi Yosef Karo, both in the aforementioned passage in *Kesef Mishneh* as well as in *Beit Yosef* (O.C. 607), notes that the Rif (Rabbi Yitzchak of Fez, 1013-1103) and the Rosh (Rabbi Asher ben Yechiel, 1250-1327) appear to accept Rabbi Akiva's ruling, that one need not specify his sin during confession. By contrast, the Tur (Rabbi Yaakov ben Asher, 1275-1349) cites Rav Amram Gaon (9<sup>th</sup> century) and Rabbenu Yona Gerondi (1180-1263) as following Rabbi Yehuda ben Bava's position, in accordance with Maimonides' ruling. The *Beit Yosef* adds that this is also the position taken by two prominent Ashkenazic authorities, the *Mordekhai* and the *Kolbo*. Accordingly, the Tur notes that Ashkenazic communities follow the practice of reciting on Yom Kippur a confessional text consisting of an alphabetical list of common transgressions, in order to include references to particular sins as part of *viduy*. Sephardic communities, the Tur observes, did not follow this custom.

In his *Shulchan Arukh* code (O.C. 607:2), Rabbi Yosef Karo rules that specification is not necessary when declaring verbal confession. This ruling is consistent with the *Shulchan Arukh's* policy of siding with the majority opinion among the Rif (Rabbi Yitzchak of Fez), the Rosh (Rabbi Asher ben Yechiel) and Maimonides. As mentioned, both the Rif and the Rosh rule that specification is not required, and thus the *Shulchan Arukh* naturally codifies this position. Interestingly, however, the *Shulchan Arukh* adds that although specification is not required, it is permissible; one who wishes to specify his sins as part of confession, particularly if he confesses silently, may do so. This ruling follows the theory Rabbi Karo advances in his *Beit Yosef* claiming that Rabbi Akiva did not forbid or even discourage specific confession. Even though Rabbi Akiva cites as the source for his ruling the verse, "Fortunate is one whose iniquity is pardoned; whose sin is concealed," which might suggest that it is preferable not to specify one's sin, Rabbi Karo understood that Rabbi Akiva in fact permits specification. It should be noted that although this reading of Rabbi Akiva's comments in the Gemara seems difficult to accept, it does have basis in other sources. In the Tosefta (Yoma 4:4) and Talmud Yerushalmi (Yoma 8:9), Rabbi Akiva's ruling is cited with the phrase, "*eino tzarikh li'frot*" – "he is not required to specify" – clearly indicating that Rabbi Akiva allowed for specification, even if he did not require it.

### **Specific and Generic Confession**

In conclusion, let us turn our attention to the conceptual underpinnings of this debate, as to whether a penitent sinner should declare generically, "I have sinned" or specify the transgression he had committed. What is the rationale underlying each position, and what broader issues might be at stake?

One issue that possibly underlies this debate was suggested by Yitzchak Reifman, as cited by Rabbi Meir HersHKovitz in an article that appeared in the journal *Or Hamizrach* (Tishrei, 5729). In the Yom Kippur prayer service, we preface the *viduy* section with a "disclaimer" of sorts, in which we acknowledge that we have no need to inform God of our misdeeds: "What shall we say before You, He who dwells on high, and what shall we tell You, He who resides in the upper heavens – do You not know all

secrets and hidden things?" We then elaborate on God's unlimited knowledge of even man's innermost secrets, and information that has never been revealed.

According to Reifman, this passage reflects the position of Rabbi Akiva as cited in the Talmud Bavli, which discourages and perhaps even forbids specifying one's transgression. Informing God of the offense one has committed gives the impression that He would otherwise be unaware of what had transpired. According to this view, it is an expression of arrogance or perhaps even heresy to approach God and say, "I have done such-and-such." It is far more appropriate to humbly come before Him and admit guilt in a generic sense, acknowledging that the Almighty quite obviously knows no less than the sinner himself of the act he committed. Omitting specific mention of the sin is necessary as part of the aura and attitude of humility and submissiveness that should accompany the declaration of *viduy*. Specifying the sin as though we must provide God with this information would reflect an element of confidence and assertiveness, if not outright conceit, that is not suitable for the context of *viduy*.

How, then, do we explain the view codified by Maimonides, allowing and in fact requiring that one specify his sin as part of verbal confession?

Reifman explains that this requirement is intended "in order that it [the sin] be inscribed upon the tablet of his heart and be opposite him at all times, and he will remember to correct that which is corrupted and fill that which is deficient; and King David similarly said, 'and my sin is opposite me always' (Tehillim 51:5)." The objective of repentance is primarily prospective, rather than retrospective. The obligation of *teshuva* bids the sinner to not merely come before God and humbly request forgiveness, but, primarily, to commit himself to improve. As we have discussed in previous installments in this series, Maimonides includes future resolve as part of the confessional text (see *Hilkhot Teshuva* 1:1), indicating the fundamental role future commitment plays in the halakhic process of repentance. For this reason, perhaps, *Halakha* requires – according to Maimonides' view – that one make specific mention of the sin he transgressed. Specifying the precise misdeed that has been perpetrated is necessary in order to focus the sinner's attention on the particular area in which he must commit himself to improve. This specification is directed not to God, but rather to oneself, as he declares his sincere resolve to see to it that the action will never be repeated.

Underlying this explanation of Maimonides' view is the notion that a commitment to improve must relate to particular measures, and cannot be a generic resolution. A person who commits himself to a higher standard in a general sense will not likely see marked improvement in his conduct and Torah observance. In most cases, growth and improvement is possible only through particular commitments, by pointing to specific practices that must be avoided and others that ought to be followed. *Halakha* therefore demands of a sinner to clearly specify the particular wrong he committed, so that he can effectively resolve in his mind and in his heart to avoid that misdeed, rather than simply declare his intention to improve in a generic sense.