



Hilkhot Teshuva 1:1
Teshuva as an Indispensable Means of Atonement
By David Silverberg

Maimonides emphasizes in the first *halakha* of Hilkhot Teshuva that verbal confession and repentance are indispensable means of earning atonement even in situations where other "corrective" measures are required for the given misdeed. He speaks here of three such situations:

- 1) "And all people [requiring] sin-offerings and guilt-offerings – when they bring their offerings for their unintentional or intentional transgressions, they do not achieve atonement through their offering until they perform *teshuva* and declare verbal confession."
- 2) "Similarly, all who are liable to death by court or to lashes do not earn atonement through their death or their lashes until they perform *teshuva* and confess."
- 3) "Similarly, one who causes bodily harm to his fellow or causes damage to his property – even though he paid him what he owes him, he does not earn atonement until he confesses and repents from committing this sort of act again."

In these three instances, the Torah imposes upon the sinner certain obligations geared towards rectifying his wrongful act. The sinner must either bring a sacrifice, subject himself to court-administered punishment, or make restitution payments. Nevertheless, these measures are independently insufficient for achieving full atonement; they earn the sinner complete expiation only when combined with verbal confession and sincere repentance.

Repentance with Sacrifices

After the first clause cited above, where Maimonides speaks of the necessity of *teshuva* even when offering a sacrifice, he proceeds to cite a verse from the Book of Vayikra (5:5) as the Biblical source for this *halakha*: "he shall confess that which he had sinned." This verse appears in the particular context of the *korban oleh ve-yoreid*, the sin-offering required in specific situations of sin (a false oath denying having witnessed an event, sins involving ritual impurity, and accidental violation of oaths). Maimonides apparently felt that although the Torah speaks here only of sins requiring a *korban oleh ve-yoreid*, the obligation to confess established in this verse applies in all situations of sin for which an offering is brought.

Several later writers raised the question of why Maimonides chose not to cite a different verse as the Biblical source for this provision, a verse from the section to which Maimonides points as the source for the general *mitzva* of confession. Recall that in Maimonides' view, the Torah introduces the obligation to confess in the fifth chapter of the Book of Bamidbar (verses 6-7): "A man or woman who commits any of the sins of man, transgressing against the Lord, that soul shall bear guilt. They shall confess their sin that they committed." The Torah here very clearly applies this obligation to situations of "any of the sins of man" ("*mi-kol chatot ha-adam*"), which would certainly include sins requiring a sacrificial offering. Seemingly, then, this verse explicitly extends the obligation of *teshuva* to all sins, even to those which require additional measures to achieve atonement. Indeed, the Midrashic work *Sifrei Zuta* derives from this phrase – "any of the sins of man" – that *teshuva* is required even in situations of *ashamot*, sins for which one brings a guilt-offering. Why did Maimonides feel compelled to cite a verse from the specific context of *korban oleh ve-yoreid* as the source for this law, rather than pointing to a verse that directly applies the *teshuva* obligation to "any of the sins of man"?

One possible answer emerges from a discussion of Rabbi Moshe Leib Shachor (20th century, Israel), in his work *Ko'ach Ha-teshuva* (pp. 81-82), concerning Maimonides' comments in this passage. Maimonides speaks here of the indispensability of repentance as a means of complete atonement, and in this context mentions that sacrifices do not earn one full expiation because *teshuva* is a requisite precondition for the complete erasure of sin. In truth, however, sacrifices must be accompanied by *teshuva* for a much different reason. The Gemara in Masekhet Zevachim (7b) addresses the situation of a person who brings a sacrificial offering without performing *teshuva*, and applies to such a person the verse (Mishlei 21:27), "*Zevach resha'im to'eiva*" – "The sacrifice of the wicked is an abomination." Offering a sacrifice without an accompanying process of *teshuva* undermines the value of the sacrifice, and transforms it into "an abomination." God has no interest in accepting gifts from "the wicked," from shameless and unregretful sinners. Thus, a sacrifice without repentance is not merely insufficient for earning atonement, but is also valueless, and causes even further damage to one's relationship with the Almighty.

If so, then we might wonder why Maimonides must cite a Biblical source at all for the obligation to repent as part of the process of sacrificial offerings. Repentance when bringing a sacrifice is required not merely due to the obligation of *teshuva*, but also as a precondition for the acceptance of the sacrifice, given the principle of "*Zevach resha'im to'eiva*." Why, then, does Maimonides find it necessary to cite a source to establish that the obligation of *teshuva* applies even to sins requiring a sacrificial offering?

Rabbi Shachor answers by distinguishing between intentional and inadvertent sins. When the Gemara applies to an unregretful violator the verse "*Zevach resha'im to'eiva*," it refers only to one who had transgressed intentionally and feels no remorse for his act. Such a person is indeed classified as a *rasha*, a "wicked" person, whose offerings are rejected and despised the Almighty. Such a sacrifice is inherently flawed and, regardless of the obligation of *teshuva*, cannot possibly earn the sinner even partial atonement, let alone full expiation. When Maimonides cites a Biblical source for the

requirement to repent even when bringing a sacrifice for one's misdeed, he refers only to cases of accidental transgressions. Although an inadvertent violator requires atonement, he does not earn the status of *rasha*, even if he does not confess or repent. Such a person's sacrifice is not an "abomination," but it is insufficient in achieving full atonement given the obligation of *teshuva*. It is for this *halakha* that Maimonides finds it necessary to cite a Biblical source. The Torah commands a sinner to confess even as he offers a sacrifice, demonstrating the indispensability of confession to the atonement process. Maimonides infers from this command that even where an unrepentant sinner's sacrifice is not deemed an "abomination," it nevertheless requires an accompanying process of repentance to achieve full atonement.

Accordingly, we can perhaps explain Maimonides' decision to cite the verse in the context of the *korban oleh ve-yoreid* as the source for this *halakha*. Most of the cases requiring one to offer a *korban oleh ve-yoreid* involve inadvertent violations, such as when a person entered the *Mikdash* forgetting that he was in a state of impurity, or a person who violated a personal vow that he had taken and then forgotten. Since Maimonides seeks a source for the obligation to perform *teshuva* even when offering a sacrifice for an inadvertent violation, he cites a verse that requires confession in all cases of a *korban oleh ve-yoreid* – most of which involve inadvertent transgressions.

Repentance in Cases of Execution or Corporal Punishment

Numerous writers have noted the seeming discrepancy between Maimonides' ruling here in *Hilkhot Teshuva* and his comments in *Hilkhot Eidut* (12:4) regarding the possibility of earning atonement through court-administered corporal punishment. Here, Maimonides rules unequivocally that court-administered punishment – and even execution – does not suffice to independently earn a sinner atonement; even after enduring these punitive measures, one achieves full expiation only through *teshuva*. In *Hilkhot Eidut*, however, Maimonides appears to portray *malkot* (lashes) as an independently viable substitute for repentance. He addresses there the qualifications to serve as a witness in a Jewish court, and, more specifically, how somebody who is disqualified due to a certain transgression can regain his qualified status. In this context, he rules that if a person committed a transgression punishable with *malkot*, then once he repents *or* receives lashes by the court, he becomes re-eligible to serve as a witness. In direct contrast to his comments in *Hilkhot Teshuva*, Maimonides there acknowledges the possibility of erasing a transgression without repentance, by undergoing corporal punishment. In *Hilkhot Sanhedrin* (17:7), too, Maimonides appears to deny the need for repentance to earn atonement in cases where corporal punishment is administered: "Anyone who sinned and was lashed returns to his state of validity."

The simplest approach, perhaps, to reconcile these seemingly conflicting passages, as suggested by Rabbi Yaakov Karchin, in his *Eikev Anava* commentary to *Hilkhot Teshuva* (Jerusalem, 5752), is to distinguish between the heavenly and human court systems. Here in *Hilkhot Teshuva*, Maimonides speaks of clearing one's record in the heavenly court, repairing his relationship with the Almighty that had been tainted as a result of his sinful behavior. This cannot be achieved without sincere, heartfelt

repentance and verbal confession. Judaism does not afford any ritual or any form of suffering the power to atone for a person's misdeeds without the process of *teshuva*, whereby the sinner confesses, expresses remorse, and commits never to repeat the given offense. Maimonides thus emphasizes right at the beginning of Hilkhot Teshuva that repentance is an indispensable means of earning atonement, which cannot be substituted with any form of punishment or suffering.

In Hilkhot Eidut and Hilkhot Sanhedrin, by contrast, Maimonides addresses an entirely different issue, namely, a person's status with respect to the legal proceedings of a *Beit Din* (Rabbinical court). Human judges, unlike the True Judge of the universe, do not have access to the inner working of a person's mind and soul. *Halakha* cannot determine an individual's status with respect to testimony, for example, on the basis of his outward expressions of remorse, shame and firm resolve to improve. Human judges cannot conclude with any degree of certainty that these outward expressions accurately reflect the internal experience of *teshuva*. In establishing the normative procedures for determining one's status in legal contexts, *Halakha* instructs the court to follow certain objective standards, rather than attempt to make a subjective assessment of the individual's standing with the Almighty – something that only the Almighty can do. Thus, for example, a *Beit Din* must administer the prescribed punishment to a sinner regardless of his expressions of remorse. Even if he observes multiple fasts, donates enormous sums to charity, studies until the late hours of night and tearfully confesses his guilt, he is not excused from the prescribed punishment for his violation. The courts are instructed to follow only the objective facts on the ground, and not the judges' speculative assessment of one's religious standing.

It should come as no surprise, then, that the criteria for changing one's status in the eyes of the *Beit Din* differ from the standards required by the *mitzva* of *teshuva*. The latter involves one's relationship to God, which can be repaired only through the process of repentance. By contrast, an individual's formal status of *kashrut*, his suitability to serve as a witness, must be determined only by raw, objective data. Therefore, even though an unrepentant sinner certainly does not achieve atonement before God through corporal punishment, the experience of *malkot* suffices to formally transform his status as far as the human courts are concerned.

***Teshuva* in Cases of Restitution Payments**

The third and final situation Maimonides addresses in this context is that of an interpersonal crime for which one must make restitution payments to the victim. Maimonides rules that the reparations do not achieve complete atonement without an accompanying process of repentance. As in the case of transgressions requiring sin-offerings, Maimonides here cites a Biblical source for the requirement of *teshuva* in such a case, the verse mentioned earlier – "any of the sins of man" – which indicates that all sins, including those committed against one's fellow, require confession and repentance.

The reason why Maimonides found it necessary to support this ruling with a Biblical source is clear. Intuitively, one might have assumed that a felon achieves atonement for crimes committed against his fellow by confessing to the victim and

earning his forgiveness. Since he transgressed against another person, and not against God, the address to which he should direct his penitence, it might seem, is the victim, and not the Almighty. Why should one come before the Almighty to confess, "I have sinned, acted wrongly and acted disloyally before You," if he sinned against another human being, and not against God?

Maimonides therefore cites proof from the Torah that even crimes committed against one's fellow are deemed crimes against the Almighty, as well. God commanded us to respect the rights, dignity and property of others, and disobeying these commands thus necessarily entails a breach of divine authority. As such, the sinner must confess and repent before God just as one must upon transgressing any of the Almighty's laws.

With regard to this *halakha*, too, a number of scholars noted a seeming discrepancy between different passages in *Mishneh Torah*. In Hilkhoh Chovel U-mazik (5:9), Maimonides addresses the *halakha* requiring one who caused harm to his fellow to ask his forgiveness. He writes:

One who causes bodily damage to his fellow differs from one who causes monetary damage, in that one who causes his fellow monetary damage earns atonement once he pays that which he is required to pay, whereas one who causes his fellow bodily damage does not earn atonement even after he pays the five [required] payments...until he asks the injured victim to forgive him.

Maimonides explicitly rules that in cases of property damage, the guilty party earns atonement "once he pays that which he is required to pay," strongly suggesting that his misdeed is atoned even without repentance. This implication, of course, runs in direct contrast to Maimonides' comments in Hilkhoh Teshuva, where he speaks of *teshuva* as an indispensable means of atonement even in cases of crimes involving property damage. Even if one is not required to ask forgiveness from the victim if only his property was damaged (as opposed to crimes involving bodily injury), we would nevertheless expect Maimonides to require verbal confession and repentance as part of the process of atonement.

The answer, it would seem, lies in the distinction between the two realms of accountability in cases of interpersonal offenses, as described earlier. A person who commits a crime against his fellow must make amends both to the victim, and to the Almighty, as it were. In Hilkhoh Teshuva, Maimonides outlines one's responsibilities towards God after violating the Torah, and emphasizes that the obligation of confession and *teshuva* applies after any kind of Torah violation, including those involving interpersonal relations. In Hilkhoh Chovel U-mazik, Maimonides concerns himself only with one's responsibilities towards his fellow, the question of which measures are required by virtue of people's mutual obligations to one another. In cases involving bodily harm, monetary compensation does not suffice. Since money cannot compensate for the physical and emotional pain incurred by the victim, the perpetrator owes it to the victim to approach him and express his regret. In cases of property damage, compensatory payments suffice to fulfill the guilty party's obligations towards the victim.

With regard, however, to the perpetrator's obligations towards God, this violation, like any breach of Torah law, requires a process of repentance. Monetary compensation and asking forgiveness from the victim suffice to fulfill one's responsibilities towards the injured party, but to earn complete atonement he must confess before God and make a sincere commitment never to repeat the given act.