YESHIVAT HAR ETZION

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THE WEEKLY MITZVA

PARASHAT NITZAVIM-VAYELEKH

[TESHUVA (REPENTANCE)](http://etzion.org.il/en/teshuva-repentance)

By Rav Binyamin Tabory

"This mitzva which I command you today is not beyond your understanding, nor is it distant from you… It is very close to you, in your mouth and hearts (so that you can) do it." (Devarim 30:11,14)

 To which mitzva does the Torah here refer? The Rambam (Hilkhot Talmud Torah 3:8) seems to have understood (based on the Gemara, Eiruvin 55a) that it refers to the mitzva of Talmud Torah. He interpreted the sentence, "it is not in the Heavens" (ibid. verse 12) to mean that Torah knowledge is not found in haughty people. The phrase "It is not across the sea" (verse 13) indicates that Torah scholarship is not found among people who frequently travel. We may assume that according to this approach, the clause, "It is very close to you" likewise refers to Torah knowledge, and informs us that it is attainable and within our reach. Indeed, the Talmud (Nidda 30b) teaches that every child studied Torah while in the mother's womb; meaning, the Torah is innately part of the human personality. However, the verse continues, "in your mouth and in hearts." "In your mouth" perhaps alludes to the idea that Torah should be learned verbally, out loud, as the Gemara (ibid. 54a) comments, that Torah serves as a "source of life" for those who study out loud. Finally, the verse's final word, "la-asota" ("to do it") could refer to the fact that one should study Torah not merely as an intellectual exercise, but with the intention to put what he learns into practice and observe all the laws he studies. There are different versions of the text of the Mishna (Pirkei Avot 4:5) regarding a person who studies Torah for purely intellectual purposes, ("lilmod u-lelamed" – to learn and to teach). However, it is clear that the Mishna places "lilmod la'asot" – learning for the purpose of fulfilling Torah – on a higher level.

 The Ramban suggested – but then dismissed - an alternate understanding of this parasha. He said that this "mitzva" might be a generic term for all of Torah. In that case, Moshe here does not introduce any new concept or idea, but simply admonishes Benei Yisrael to observe the entire Torah. For grammatical reasons, however, the Ramban rejected this interpretation, and finally concludes that the "mitzva" spoken of is really the mitzva of teshuva, the topic addressed in the preceding verses. The Ramban adds that the Torah describes Benei Yisrael's teshuva in narrative, rather than imperative, form, thus alluding to a divine promise that ultimately, Benei Yisrael, as a group, will perform teshuva. The Rambam similarly writes in his Mishneh Torah (Hilkhot Teshuva 7:5) that the final redemption will arrive only in the merit of Benei Yisrael's teshuva, and the Torah promised us that we will, eventually, do teshuva. Rav Soloveitchik zt"l noted that this comment of the Rambam becomes ever more significant in light of his inclusion of the belief in redemption among the thirteen principles of faith. If we are obligated to believe in redemption, and redemption can occur only through teshuva, then it turns out that we are obligated to believe this divine promise that Am Yisrael will collectively do Teshuva (Al Ha-Teshuva, pp.95-96).

 In any event, the Ramban, after establishing that this section refers to teshuva, proceeds to explain each phrase as it relates to teshuva. According to his reading, Moshe here informs us that teshuva is not a distant, foreign concept; one can perform teshuva at any time and in any place. "In your mouth and heart" means that we must orally confess our sins, return to God with all our heart and accept Torah forever.

 R' Ovadya Seforno agreed with this idea of the Ramban but explained the actual verses somewhat differently. He wrote that "Teshuva is not found in the Heavens" implies that one does not need scholars (who are in "the heavens," or ivory towers) to facilitate his teshuva. And "It is not found across the sea" teaches that one can do teshuva anywhere, and need not consult scholars living in distant lands.

 In any event, both the Ramban and Seforno understand the word "mitzva" in this context as a reference to teshuva, and thus maintain that there is a mitzva of teshuva. By contrast, the Rambam famously counted viduy (confession) as one of the mitzvot (Sefer Ha-Mitzvot – Mitzvat Aseh 73), but omitted the mitzva of teshuva. Many Acharonim (Avodat Ha-melekh of Rav Menachem Krakowsky; Minchat Chinukh 364; Mishpat Kohen of Rav Kook, et al) felt that there is no need for a specific mitzva of teshuva. After all, if a person sinned once, he certainly would not be allowed to continue sinning. It is inconceivable that a person could exist in a state of sin; he obviously would have to rectify the situation as best he can.

The Chida (cited by Rav Kook) added a brilliant "proof" to the fact that there is no mitzva of teshuva. We know that there is no punishment of makkot (lashes) for any transgression which can be rectified by performing a mitzvat asei ("lav ha-nitak le-asei"). For example, if a man divorces his wife in a case where the Torah forbids doing so (see Devarim 22:29 and Makkot 15a), he would not receive makkot since he must rectify the situation by remarrying her. Thus, the Chida writes, if there were a mitzva of teshuva, there would never be a case of makkot, since every prohibition must be rectified by teshuva. Of course, one can easily debate this point and explain that makkot are not administered when there is a specific mitzvat asei that requires correcting the violation. Teshuva, however, even if it were an independent mitzva, would constitute a generic form of atonement and would not fall under that category.

 A completely different analysis of the Rambam is found in "Al Ha-Teshuva" (pp. 38-45). Although some writers, as we have seen, think that the Rambam did not view teshuva as a mitzva, the situation seems to change on Yom Kippur. The Rambam wrote (Hilkhot Teshuva 2:7), "Yom Kippur is the time for individual and communal Teshuva… Therefore, everyone is required to do teshuva and recite viduy on Yom Kippur." Thus, although the Rambam does not consider teshuva a mitzva generally, an obligation of teshuva does apply on Yom Kippur.

 Rabbeinu Yona (Sha'arei Teshuva 2:14) states quite clearly that there is a mitzva to perform teshuva on Yom Kippur. He later (4:17) remarks that although the mitzva of teshuva applies all year round, there is an additional obligation on Yom Kippur to attain tahara (purification). Wherein precisely lies the distinction between teshuva, which applies all year, and the special mitzva of tahara, which applies only on Yom Kippur? Rabbenu Yona may have meant that all year round, a person who commits a sin bears an obligation to perform teshuva for that particular sin. On Yom Kippur, however, we are required to attain a state of purification from all our sins (see Vayikra 16:30). If a person performs teshuva for only part of his sins, he does not meet this requirement and does not fulfill the mitzva. Rabbeinu Yona (ibid. 1:9) indeed writes that forgiveness is granted for any type of teshuva, whereas purity requires much more. To illustrate this point, Rabbenu Yona draws an analogy to a soiled garment. Standard laundering may remove some stains, but the garment will remain dirty until it is laundered thoroughly and all stains are removed.

 Four possible perspectives regarding the mitzva of teshuva emerge from this discussion. Rabbeinu Yona (and perhaps the Rambam) thinks that there are two mitzvot of teshuva, one that applies all year and another that is special to Yom Kippur. The Ramban and Seforno maintain that there is a single mitzva of teshuva all year round. The Rambam (as explained by some Acharonim) holds that there is no such mitzva at all. Yet a fourth possibility, as we suggested in the Rambam, is that the mitzva of teshuva applies only on Yom Kippur, but not throughout the year.