

## Epistemology of Repentance: Why repent this year for last year's sins?

Dani Rabinowitz (Oxford University)

- 1) "For on this day he [the high priest] shall provide atonement for you to *cleanse* you; from all your sins before God shall you be *cleansed*" (*Leviticus* 16:30).
- 2) "If your sins are like scarlet they will become white as snow; if they have become red as crimson, they will become [white] as wool" (*Isaiah* 1:18).
- 3) The Rabbis taught in a baraita: "Transgressions that one confessed this Yom Kippur one should not confess them again on another Yom Kippur. But if one repeated the sins, one needs to confess again on another Yom Kippur. And if one did not repeat them and yet confesses them again, regarding such a person Scripture says, 'Like a dog that returns to its vomit so is a fool who repeats his foolishness' (*Proverbs* 26:11)." Rabbi Eliezer the son of Jacob says: "All the more so is one praiseworthy, as it is stated, 'For I recognize my transgressions and my sin is before me always' (*Psalms* 51:5). So then what do I establish as the subject of the verse 'like a dog that returns to its vomit ...?' That verse can be explained in accordance with Rabbi Huna's observation, as Rabbi Huna said, 'Once a person commits a sin and repeats it, it becomes permitted to him.'" (BT, Yoma 86b)<sup>1</sup>

---

<sup>1</sup> According to Maimonides (*Code*, Laws of Repentance 2:2), repentance, with respect to transgressions of commandments between man and God, is comprised of the following parts, where each part is to be considered a necessary condition for achieving forgiveness. One must (i) refrain from that sin, (ii) regret one's behavior, (iii) resolve never to commit that sin again, and (iv) confess one's sin before God. Since one only confesses so as to achieve forgiveness, I take the disputants in the debate to be speaking about repentance as a whole, confession being the completion of the penitential process. Both Rabbi Isaac Alfasi and Rabbi Asher ben Yechiel (BT, Yoma) quote the baraita in full. Rabbi Jacob ben Asher (*Orach Chayim* 607: 4) can be read as supporting both views given the language in which he words the law, as the disagreement between Rabbi Joseph Karo and Rabbi Yoel Sirkus (op. cit.) indicates. Maimonides (*Code*, Laws of Repentance 2:8), Rabbi Karo (*Orach Chayim* 607: 4), Rabbi Y.M. Epstein (ibid.8), Rabbi Israel Kagan (ibid. 13-14), and Rabbi M. Hariri (*Mikrei Kodesh: Laws of Repentance* 3:8) all rule according to the opinion of Rabbi Eliezer. Most of these scholars are motivated to rule in accordance with Rabbi Eliezer's opinion because of the legal principle that states that in a matter of dispute in a baraita the law is according to the opinion of Rabbi Eliezer (BT, *Eiruv*, 62b). Matters are complicated because some of those who support Rabbi Eliezer's opinion, e.g. Karo (ibid.), nevertheless word the entry on this issue using the verb "yachol" (can) instead of the more legally binding verb "chayav" (obligated). In other words, one *can* confess one's sins again, though one is not *obligated* to do so. The manner in which the law is recorded thus makes it difficult to determine how some of the legal scholars stand on this issue. Gerondi and Soloveitchik take the opposite view. Gerondi (op. cit. 4: 21), living before the above scholars, writes that one should *not* repeat one's repentance. In support of his view Gerondi quotes the *Midrash* on *Psalms* 32:2 that warns again repetitive repentance. Gerondi's view thus represents a much older tradition. However, matters are complicated because when Gerondi discusses the issue at hand he switches the opinions of the Rabbis and Rabbi Eliezer around. This reversal is also found in the *Midrash* (ibid.). Owing to this textual anomaly it is possible to argue that Gerondi, like the above scholars, follows the principle in *Eiruv* 62b. Additionally, it is rather peculiar that the legal scholars ignore the tradition found in the *Midrash*. Soloveitchik (Peli 1980: 254-8) cites Maimonides' ruling as the law but goes on to differentiate two types of confession; a confession that is part of repentance in contradistinction to a confession as propitiation. This distinction does not neatly fit the legal dispute and I therefore ignore here despite its deserving further research. Despite siding with Maimonides, one can read Soloveitchik as agreeing with the rationale of the Rabbis when he writes: "If confession is the ultimate act in the process of repentance, what place is there for 'confessing again' if one 'remains steadfast in his repentance?' We may thus infer that confession has another aspect ..." (Peli 1980: 254). Finally, today we recite a fixed communal confession on Yom Kippur according to the text of which we repent for all sins, including ones we did not fall into again this year or sins we have never committed. The reason why such communal confession does not make the issue of this paper irrelevant is because one has the entire year to repent for one sins.