



TESHUVA AND REBIRTH

The *Shulhan Arukh* (*Orah Hayim* 606:1) records the well-known practice to immerse in a mikva prior to Yom Kippur:

יכול לטבול וללקות מתי שירצה, רק שיהיה קודם הלילה; ואינו מברך על הטבילה.

One may immerse and strike himself (as part of his performance of vidui)

whenever he desires, as long he does so prior to evening, and he should not recite a blessing on his immersion.

Many have advanced suggestions as to the objective of the immersion prior to Yom Kippur.¹ The Maharil, however, offers a most striking explanation:

טבילת ערב יום כפור אמר מהר"י סג"ל יש פוסקים לטבול אחר סעודת המפסקת בערב, כי עיקר הטבילה משום תשובה היא ויותר שיקרבנה לעצומו של יום יפה הדבר... וכן טבילת גר כשנתגייר טובלין אותו משום תשובה.

Regarding immersion on the eve of Yom Kippur, the Maharil states that according to some posekim, one should

This essay is dedicated to the memory of Rabbi Hy Arbesfeld z"l, a wonderful neighbor and special personal friend of mine and of my wife, Professor Smadar Rosensweig, as well as of our entire and extended family. R. Arbesfeld was a rare personality who was a giant in Torah philanthropy and Jewish communal leadership. He was deeply involved and impactful in all facets of Torah life. He was incredibly idealistic and principled in his *kelal* work, unequivocally dedicated to advancing Torah study and the centrality of Torah values in multiple venues and frameworks. He was a *marbiz Torah*, a *lomed Torah*, and a *tomekh Torah*. His unbridled enthusiasm and passionate support for our yeshivah — its mission, its values, its *derekh* in *talmud Torah* and life — and his special and reciprocal bond with the Roshei Yeshiva were extraordinary. His loss is irrevocable, but his contribution is everlasting and unforgettable, and his memory will continue to inspire our yeshivah and the broader Torah community.

immerse in the afternoon after his se'uda ha-mafseket because the central purpose of his immersion is for the sake of repentance, and the closer his immersion is to the day (of Yom Kippur) itself the better ... And so too, when a convert immerses as part of his conversion, we immerse him for the sake of repentance.²

Maharil argues that our immersion on the eve of Yom Kippur and a convert's immersion share a common denominator: both immersions are for the sake of teshuva.

The *Darkei Moshe* (*Orah Hayim* 606) refers to Maharil as well but interprets the Maharil differently:

וּכְתַב עוֹד מֵהַר"ל (שם סי' ג) דַּאֲף עַל פִּי שְׁטַבַּל בְּעֶרְבֵי רֵאשִׁי הַשָּׁנָה וְיִוְדַע שֶׁלֹּא רָאָה קִרְיָ אֶפִּילוּ הֵכִי יִטְבּוֹל בְּעֶרְבֵי יוֹם הַכְּפוּרִים מִשּׁוּם תְּשׁוּבָה כְּגֵר הַמֵּתְגַיֵּיר:

The Maharil also wrote that although one who immerses on Erev Rosh ha-Shana and knows that he did not experience a seminal emission afterwards, nonetheless, he should immerse prior to Yom ha-Kippurim for the sake of repentance, just like a convert at their conversion.

According to the *Darkei Moshe*, the immersions of the eve of Yom Kippur and a convert not only share a common denominator, but the immersion on Erev Yom Kippur is actually intended to mimic the immersion of the convert. The Gemara says that a convert experiences a type of rebirth, “ger she-nitgayeir ke-katan she-nolad dami — a convert at their conversion is like a new-born child” (*Yevamot* 22a). Similar to a convert, one who



undergoes the process of repentance also experiences a fundamental rebirth.

The *Darkei Moshe's* understanding compels us to question the character of the rebirth of the repentant. What is the mechanism of such a rebirth and what is its precise nature?

A response to these questions may be formulated through considering the uniqueness of teshuva. The Yerushalmi (*Makkot* 2:6) states:

שֶׁאֵלּוּ לַחֲכָמָה חוּטֵא מֵהוּ עוֹנְשׁוֹ אִמְרוּ לֵהֶם [מִשְׁלֵי יִג כֵּא] חֲטָאִים תִּרְדָּף רַעָה שֶׁאֵלּוּ לְנִבּוּאָה חוּטֵא מֵהוּ עוֹנְשׁוֹ אִמְרָה לֵהֶן [יְחֻזְקָאֵל יַח ד] הַנֶּפֶשׁ הַחוּטֵאִת הִיא תִּמּוֹת שֶׁאֵלּוּ לְקוּדְשָׁא בְּרִיךְ הוּא חוּטֵא מֵהוּ עוֹנְשׁוֹ אִמְרָה לֵהֶן יַעֲשׂוּ תְּשׁוּבָה וְיִתְכַפֵּר לוֹ.

They asked Wisdom, “What is the punishment of a sinner,” and it responded, “Sinners will chase after evil” (Mishlei 13:21). They asked Prophecy, “What is the punishment of a sinner,” and it responded, “The sinful soul will perish” (Yechezkel 18:4). They asked the Holy One Blessed be He, “What is the punishment of a sinner,” and He responded, “he should repent and attain forgiveness.”

The Yerushalmi expresses the innovative and rule-breaking character of the concept of teshuva. According to laws of cause and effect, repentance should be impossible. Wisdom and Prophecy assume, sensibly, that sinners must suffer the consequences of their sins because they cannot uproot the past. G-d, however, establishes teshuva as a possibility. Repentance is based not on human logic but on Divine logic, perhaps Divine generosity and compassion.

The uniqueness of teshuva as described in the Yerushalmi presses us to formulate some understanding of its mechanism in human terms. Broadly speaking, there are two approaches.

The first approach is that the efficacy of repentance is rooted in a distinctive view of time. While usually the past is assumed inaccessible, the novel concept of teshuva allows us to redeem or even rewrite our past. Teshuva proceeds on the assumption of access to the past.³ This access, in turn, enables the neutralization, reconciliation, even the revision



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of past transgressions. Repentance motivated by Divine fear (*teshuvah mei-yirah*) or inspired by *ahavat Hashem* (*teshuvah mei-ahavah*), each of which have the capacity to reframe previous misconduct according to the Talmud (*Yoma* 86b), exemplify this process.

Teshuva is not a refuge from legal or moral responsibility, but a mechanism that actually assumes greater accountability, allowing for the reconciliation and sometimes even redemption of past infractions.

The second understanding is that teshuva is possible because teshuva is transformational. This view is subtly articulated by the Rambam. The penitent transforms himself to such an extent that he may declare, “*eini oto ha-ish*, I am not that same person...”⁴ If the penitent achieves this comprehensive transformation, then he is no longer held accountable for sins of the past, the transgressions of his previous religious persona. It is this perspective that characterizes the “rebirth” of teshuva. Our past does not define or undermine our present after the experience of teshuva.

However, it is critical to emphasize that even as we undergo a change of identity, the halakha rejects the notion of a “born-again” Jew. No such concept exists in Judaism.⁵ Our

transformation through the process of teshuva is limited and not absolute; we cannot fully divorce ourselves from our past. Rather, the authentic *ba'al teshuva* is transformed while maintaining continuity with his past, the constructive and the deplorable; his personal identity continues but is also transformed in the present.

It is significant that the Rambam (*Hilkhot Teshuva* 2:8) himself underscores this balance with his ruling that on Yom Kippur, we should confess all our sins, even transgressions from previous years; our sins from previous years are still a part of our identity, although they are no longer held against us. Moreover, we cannot and do not elude or evade concrete punishment by means of teshuva. Teshuva is not a refuge from legal or moral responsibility, but a mechanism that actually assumes greater accountability, allowing for the reconciliation and sometimes even redemption (*avonot she-na'asot sheggagot o zekhuyot* — *Yoma* 86b) of past infractions. In fact, this consideration constitutes the convergence of the two approaches we have delineated, which conceptually underpin the institution of teshuva. Indeed, proportional, halakhically mandated consequences contribute to and facilitate transformational teshuva by integrating the problematic past with an unencumbered present and future.⁶

Endnotes

1. See *Tur* (*Orah Hayim* 606) who quotes Rosh (*Yoma* 8:24) as entertaining the possibility that the practice is due to one's obligation to purify oneself prior to a holiday (*RH* 16b).

2. *Hilkhot Erev Yom Kippur*, 3.

3. This is a prominent theme in the Rav's

Al ha-Teshuva and relates to the Bergsonian theory of time. For a more extensive treatment of this topic, see my forthcoming article titled “The Relationship Between Ha-Kadosh Barukh Hu and Klal Yisrael.” It is worth noting that while the idea of this principle is particularly central and helpful in explaining several anomalies of teshuva, it is a principle that extends to all of *kedushat ha-zman*, and even to other categories of halakha. For example, the notions of *sippur* and *zekhirat yetzi'at Mitzrayim*, the re-enactment of the *Aseret ha-Dibrot* on Shevuot, and the more general notion of *zakhor* which arises in various contexts are tied to this outlook on time. Moreover, this perspective on time also pertains to the notions of *zekhut avot* and the *brit* formulated in Deuteronomy 29:14.

4. Rambam, *Hilkhot Teshuva*, 2:4. For an extensive treatment of this perspective, which the Rambam characterizes as *mi-darkei ha-teshuvah*, see my “*Mi-Darkei Ha-Teshuva: The Authentic Repentance*,” *Kol Hamevaser* (10:2), 5-7.

The themes developed in that article dovetail with the approach developed herein.

5. See Maharal (*Netivot Olam, Netiv ha-Teshuva*, 8:1) who argues that heresy and *arayot* are sins that are so transformative that they are excluded from the process of teshuva in the human world — repentance can only be achieved through death. The Maharal's contention supports the notion that even the genuine *ba'al teshuva* is still connected to his past; teshuva, in its fullest sense, from such defining sin would entail a total disconnection from the past, which is antithetical to authentic teshuva.

6. The concept of *ger she-nitgayer ke-katan she-nolad dami*, though more weighted on new legal status, also does not completely negate the past. Conversion is not a pathway to avoid *No'ahide* punishments, and notwithstanding the new identity of the *ger*, there are certain universalist halakhot (*onshin, pru u-revu*, and *yerushat bekhorei*) which remain connected to his past (*Yevamot* 22a, 48b, 62a, *Sanhedrin* 71b). Either way, it is worth noting that the Maharal's formulation, in contrast to the *Darkei Moshe's*, perceives teshuva as the paradigm for transformation, underscoring the component of integration with the relevant parts of our past. Also see Ritva (*Ketubot* 3b).