

Teshuva & Viduy

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This דבר תורה is being written in honor of my father, Rav Moshe Aryeh ben Yonasan, Dr. Leon Gersten, who passed away in תשע"ז and my mother Feiga Leah bas Helman who was niftar in תשע"ט. I pray that תשע"ט will grant me the wisdom and insight necessary to penetrate the depths of Torah, and that any Torah learned will be an elevation for my parents' neshamot.

A number of years ago, while studying הלכות תשובה in the רמב"ם, it occurred to me that I had fundamentally misunderstood the Rambam's view of תשובה (repentance) and וידוי (confession) throughout my life, and my revised understanding affected not only the theoretical plane, but also impacted and changed the nature of the actual experience. While I believe that what will be suggested in this article is the plain meaning of the words of the רמב"ם and contains no true חידושים, I think it is possible that others may have labored under the same misconceptions I had, and therefore believe there may be value in sharing these thoughts with the public.

The רמב"ם in הלכה א states,

”כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בזדון בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני האל ברוך הוא שנאמר איש או אשה כי יעשו וגוי והתודו את חטאתם אשר עשו זה וידוי דברים וידוי זה מצות עשה

If a person transgresses any of the mitzvot of the Torah, whether a positive command or a negative command - whether willingly or inadvertently - when he repents, and returns from his sin, he must confess before God, blessed be He, as it [Numbers 5: 6-7] states: "If a man or a woman commit any of the sins of man... they must confess the sin that they committed." This refers to a verbal confession. This confession is a positive command."

A careful reading of the words of the רמב"ם leads to a question that has been the subject of much discourse and discussion. It would appear that the רמב"ם holds that upon committing an עבירה, the doing of תשובה is optional and not obligatory, and it is only upon the completion of תשובה that an obligation of וידוי emerges. For the רמב"ם states that after transgressing, when a person does תשובה, he must recite וידוי, but he never says that one is obligated to do תשובה! How can it be that a person who commits a חטא has no obligation to repent, and it is only his repentance that obligates him in וידוי? It is counterintuitive and simply not עולה על הדעת that after violating a מצוה, a person has the halachic option to simply walk away and has no obligation to take corrective action.

The רמב"ם continues in הלכה א by delineating the core elements of וידוי, stating, כיצד מתודין, אומר אנא השם חטאתי עויתי פשעתי לפניך ועשיתי כך וכך והרי נחמתי ובושתני במעשי ולעולם איני חוזר - לדבר זה וזהו עיקרו של וידוי - How is confession done? One says; Oh G-d, I have sinned by accident, intentionally and out of a spirit of rebellion before you, and I have done this specific sin, and I regret and am ashamed of my action and I shall not return to this matter again (I will never do it again), and this is the essential confession.” The רמב"ם goes on to say that it is praiseworthy to add to and dwell on the confession, thus making it unambiguously clear that every part of the basic text the רמב"ם delineated for וידוי is critical and fundamental.

One question that is raised on this text is why is it absolutely necessary to begin by saying, “Oh G-d, I have sinned before you?” While these words may be commendable, it would seem sufficient for the basic level of תשובה for a person to regret what he has done, feel ashamed, and resolve to never commit the transgression again.

An answer that is often suggested is that every transgression involves at some level a denial of G-d, and therefore a critical component of תשובה is to recognize and acknowledge G-d. While there is great merit to this interpretation, the case of an accidental sin poses a significant challenge to its basic premise; is it so that a transgression committed בשוגג reveals a denial of G-d? While it could be debated that this question can be answered in the affirmative, this article will seek an alternate path to understanding why it is essential to begin וידי with לפניך. אנא השם חטאתי לפניך.

In יהלכות תשובה פרק ב הל' ב, the דמב"ם states;

ומה היא התשובה הוא שיעזוב החוטא חטאו ויסירו ממחשבתו ויגמור בלבו שלא יעשהו עוד שנאמר יעזוב רשע דרכו וגו' וכן יתנחם על שעבר שנאמר כי אחרי שובי נחמתי ויעיד עליו יודע תעלומות שלא ישוב לזה החטא לעולם שנאמר ולא נאמר עוד אלהינו למעשה ידינו וגו'

And what is repentance - It is that the sinner should forsake the sin and remove it from his thoughts and decide in his heart never do it again as it says an evil person will leave his ways etc., and so too he shall regret what he has violated in the past as it says after I returned I regretted, and the one who knows hidden things shall testify about him that he shall never return to the sin again.

This paragraph is extremely puzzling as it appears that the רמב"ם has forgotten that he already defined the elements of תשובה in יפרק א as being regret, shame, and a declaration that he will not violate this מצוה again. The definition of תשובה the רמב"ם postulates in יפרק ב as a committed decision of the heart to never again repeat the transgression and regretting what has been done is the very same formulation he already established in יפרק א!

In addition to unraveling why the רמב"ם felt it necessary to again define תשובה in יפרק ב, it is also necessary to explain a discrepancy between the order expressed in יפרק א and the order expressed in יפרק ב. In יפרק א the רמב"ם has the בעל תשובה first express his regrets and then pledge to never again commit the sin, while in יפרק ב the order is reversed, with the first requirement being to commit to never again engage in the sin, and afterwards to focus on regret. Why is the order reversed in יפרק ב?

Another issue that merits attention is the insistence of the רמב"ם that תשובה requires that G-d, The One Who Knows All Hidden Things, testify that the person will never return to the sin again. While it is understandable that a true תשובה necessitates that the person will in reality never perform the transgression again and that good intentions are not enough, the idea that there can exist an obligation in which it is impossible for the people obligated to know if they have ever fulfilled their obligation or not seems difficult. While this does not appear to be a logical or even halachic impossibility, it is most unsettling to have a מצוה whose actual fulfillment is unknowable to the one who must accomplish it.

The רמב"ם goes on to say in יהלכה ג -

כל המתודה בדברים ולא גמר בלבו לעזוב הרי זה דומה לטובל ושרץ בידו שאין הטבילה מועלת לו עד שישליך השרץ וכן הוא אומר ומודה ועוזב ירוחם -

Anyone who verbalizes his confession without resolving in his heart to abandon [sin] can be compared to [a person] who immerses himself [in a mikvah] while [holding the carcass of] an impure sheretz/rodent in his hand. His immersion will not be of avail until he casts away the carcass. This principle is implied by the statement, [Proverbs 28:13], "He who confesses and forsakes [his sins] will be treated with mercy."

While the ruling of the רמב"ם that performing a verbal confession without resolving in one's heart to refrain from repeating the transgression is not effective is intuitive and even self-evident, the

analogy he makes to one who immerses in the mikvah while holding on to an impure sheretz is puzzling and perplexing. In the case of the person immersing himself in the mikvah, the מטהר, the purifying act, is being done properly, however the person is holding on to a מטמא, something that continues to render him טמא, so purity is not achieved, even though the מטהר has been performed.

However, in the case of one who performs וידוי without actually being committed to abandoning the sin, the problem is that the person is not actually doing תשובה. We know that תשובה requires תשובה על העבר-regretting the past, and קבלה על העתיד-resolving to act differently in the future, so one who has not resolved in his heart to abandon the sin has simply not done תשובה! A more appropriate analogy would seem to be to a case of one who has an אתרוג but not a לולב, in which the Mitzvah is not fulfilled because one has not performed all the critical components of the mitzvah; so too, one who has not resolved to act differently in the future is simply missing a critical component of תשובה. Furthermore, it is difficult to understand why the רמב"ם feels the need to prove his position from a verse, when it seems obvious that confessing a sin verbally without actually internally accepting to be different is worthless; he simply didn't perform the Mitzvah of Teshuva!

After stating in יהלכה ח that on יום הכיפורים there is an obligation on all Jews to undergo תשובה and perform וידוי, the רמב"ם states in יהלכה ט-
הוידוי שנהגו בו כל ישראל אבל אנחנו חטאנו (כולנו) והוא עיקר הוידוי The confessional prayer customarily recited by all Israel is: "For we have all sinned..." This is the essence of the confessional prayer" Here the רמב"ם seems to contradict what he said above that וידוי without קבלה על העתיד is worthless, as all that is found in the וידוי of יום הכיפורים is recognition of sin and contrition, without any promises regarding future behavior.

To briefly review, seven questions have been raised;

- How is it possible for the רמב"ם to maintain that the commission of a sin does not result in an obligation to do תשובה?
- Why is beginning with אנא השם an indispensable element of וידוי?
- Why does the רמב"ם define the process of תשובה in פרק ב, when he has already done so in פרק א?
- Why in פרק א does קבלה על העבר precede פרק ב, whereas in פרק ב it is reversed?
- Given the Rambam's requirement that G-d testify that the person will never repeat the transgression, it would seem the Rambam is describing a Mitzvah in which it is impossible for the people obligated to know if they have fulfilled it!
- The comparison of a person who does וידוי verbally without internally resolving to refrain from sinning again to one who immerses in a mikvah holding a sheretz seems faulty. Such a person has simply not done תשובה and it is more comparable to someone who has only immersed halfway into the mikvah!
- Given this comparison, how can there be a וידוי on יום הכיפורים that merely consists of confessing sin and does not involve קבלה על העתיד?

While contemplating these difficulties, it occurred to me that the problems I was facing were intractable because I was laboring under the wrong idea of the מצוה of וידוי. In my mind, the concept of the מצוה of וידוי was that when people have internally completed the process of תשובה in their hearts and minds, they are obligated to crystallize the תשובה by expressing it orally. Simply put, I believed that the definition of the מצוה of וידוי is the enunciation of one's תשובה out loud.

However, I am now convinced that this is a major misconception, and that in truth, תשובה and וידוי are two distinct institutions, and are of a very different nature. תשובה is fundamentally a

private affair in which people who have transgressed work on their character and souls, removing the stain of the sin from their being and eliminating it as a part of their identity and spirit. Teshuva is completed by reaching a level in which the repentant will no longer commit this transgression, and wishes that it had never done it in the first place. When people are ashamed of what they have done, regret that it occurred, and will no longer repeat the sin, תשובה has taken place, but not וידוי – even if verbalized. וידוי is a totally different experience.

ידוי means coming before G-d, facing the Master of the Universe, and confessing that one has sinned. It is an intense, frightening, humbling and awe-inducing experience in which one must confront the True Judge and recognize that one has failed to live up to what He has asked of him. While the technical halachic structure of וידוי demands verbalization, much like prayer, the verbalization is not its essence. The רמב"ם informs us that when we violate a Mitzvah, the resultant obligation is not תשובה, **for we are not getting off that easy!** It will not suffice to undergo a personal process of perfection and change, rather one must bring oneself in front of G-d and confess the sin.

This is not a חידוש, an innovative idea, rather it is exactly what the רמב"ם says, "כשיעשה תשובה" וישוב מחטאו חייב להתודות לפני האל ברוך הוא **obligated to confess before G-d blessed is He**". It is now perfectly clear why וידוי begins with the declaration of "אנא השם חטאתי לפניך" – Oh Hashem I have sinned before You", for that is the very essence of וידוי. One who declares that he has done such and such sin, and is embarrassed and regretful and committed to refrain from repeating the iniquity in the future may have done תשובה, but absent השם הוא he has not at all done וידוי, even though he has verbalized his repentance.

It is my contention that what creates the obligation of Vidui, the מחייב of וידוי, is the transgression; when people transgress, they become obligated to come before G-d and perform וידוי. However, there is one caveat. It is not sufficient to simply feel bad and confess, rather one must come before G-d as a שׁב-one who has repented, confessing the חטא and expressing total determination to never again repeat the sin. This is why the רמב"ם says that after sinning, when a person does תשובה, he must do וידוי. Not because תשובה is the מחייב of וידוי, but rather because תשובה is a prerequisite for the person to be able to perform the וידוי that one becomes obligated to do as a result of the sin.

The language of the רמב"ם in his ספר המצוות bears this out, מצוה עג - היא שצונו להתודות על העונות, והחטאים שחטאנו לפני האל ולאמר אותם עם התשובה - The 73rd command is to confess the sins we have done before G-d and to enunciate them with Teshuva". It is clear from this passage that וידוי is something the confessor must express as part of coming before G-d. This is why וידוי must wait until תשובה is done, not that תשובה creates the obligation of וידוי.

It can now be understood why the רמב"ם undertakes to describe and define תשובה again in פרק ב'. In פרק א' the Rambam formulates the institution of וידוי and the תשובה required for it, whereas in פרק ב' the Rambam is defining teshuva per se, which in and of itself is a critical process and medicine for a person recovering from sin and striving for perfection. Consequently, there are a number of important distinctions that result.

One is regarding the order of the components; when it comes to תשובה itself the most pressing and exigent matter facing the sinner is to put an end to the commission of the transgression by resolving to refrain from any further violations. Once the emergency of active involvement in a sin has been dealt with, the person then turns his attention to regretting the past and removing the past experience from his being and soul.

However, when one comes before G-d to confess, the proper order is to recognize and admit the sin, express regret, and then promise to never do it again. This may also explain why in פרק א' the

רמב"ם requires one to express shame, whereas in פרק ב, he only lists regret and removing the sin from one's thoughts. Embarrassment may not be critical to תשובה, if one wishes one had not done the sin and removes the sin from his sphere of interest, that may suffice for תשובה; however, when one stands before the Supreme Being confessing one's transgressions, one must feel ashamed. Failure to feel shame is a clear indication that one has not really brought one's self in front of G-d.

Another critical difference between the תשובה necessary for וידוי and the תשובה of פרק ב regarding the requirement of קבלה על העתיד, accepting not to repeat the transgression in the future. When it comes to וידוי, all that is required is that the מתודה/confessor come before G-d and declare his true full intention to never again commit the sin. As long as he is sincere and truly believes this is the case, the person has absolutely fulfilled the obligation of וידוי, and it does not matter that God knows that in three years he will slip up and sin again. (It may be that whenever the רמב"ם makes reference to תשובה in the first chapter of תשובה, he is referring to this form of תשובה)

However, in the first two paragraphs of פרק ב, The Rambam is discussing the institution of תשובה as it relates to the perfection of a person's character and soul, and the total removal of any effect of the transgression from one's נשמה; it is within this framework of תשובה that it is necessary that the One Who Knows Hidden Things testify that the person will never commit the sin again.

That there is a framework of תשובה regarding perfection beyond the issue of the halachic requirement to respond to an עבירה is clear from the רמב"ם in the 7th chapter of תשובה where he states,

(ג) אל תאמר שאין תשובה אלא מעבירות שיש בהן מעשה כגון זנות וגזל וגניבה אלא כשם שצריך אדם לשוב מאלו כד הוא צריך לחפש בדעות רעות שיש לו ולשוב מן הכעס ומן האיבה ומן הקנאה ומן ההתול ומרדיפת הממון והכבוד ומרדיפת המאכלות וכיוצא בהן מן הכל צריך לחזור בתשובה -

One should not say that Teshuva is only for transgressions that involve an action such as prohibited sexual acts and stealing, rather just like a person must repent from these acts, so too must one scrutinize one's negative character traits and repent from anger, and jealousy, and the pursuit of money... from all these traits one must repent".

One can pursue money and live a materialistic life without necessarily violating any halacha, yet one on such a path must do תשובה.

In the first halacha of פרק ב, the רמב"ם discusses various levels and facets of תשובה, applying the label of תשובה גמורה, complete repentance, to someone who has the opportunity to engage in the same transgression again and refrains only on account of his repentance, and differentiating between תשובה done in youth and תשובה that is done in old age.

These distinctions are clearly not relevant to the הלכה of וידוי discussed in the first chapter, where as long as one regrets the sin and is ready in his mind to truthfully declare that he will never engage in the transgression, one is ready to fulfill the commandment of confession. It is untenable that for וידוי to be done one must reach a level where G-d testifies that the person will never again commit the sin, for since this fact is unknowable to the transgressor, and the רמב"ם demands that a person do תשובה as a prerequisite to וידוי, it will turn out that one can never know if one is eligible to do וידוי, as no one would ever be able to know if one has accomplished the prerequisite תשובה.

Rather, in פרק א the requirement for וידוי is simply קבלה על העתיד, resolving not to do it again. It is only regarding the framework of absolute תשובה for the soul, that the testimony of The One Who Knows Hidden Things that the person will not return to the crime is relevant.

Now that a distinction has been made between תשובה and וידוי, and it has been explained that the essence of וידוי is coming before the True Judge, the comparison between confessing a sin while intending to engage in it once more, and immersing in a mikvah while holding on to a dead rodent can now be understood. For since what creates the obligation of וידוי is really the sin, and it is possible to come before G-d filled with regret and embarrassment while still knowing that one has not conquered one's evil inclination, one might have thought that וידוי has been accomplished even though one has not done תשובה, and a certain טהרה, purification, has been achieved.

The essence of וידוי, which is to come before G-d confessing that one has transgressed, can take place even when one still feels he will succumb to the evil inclination again. Therefore, the רמב"ם must clarify that the intention to repeat the sin connects him to the transgression – an ongoing מטמא that prevents the וידוי from achieving any halachic significance or טהרה.

However, the above is only true regarding the personal obligation of וידוי that emerges from committing a sin, but is not so in respect to the וידוי of יום הכיפורים. On Yom Kippur, being that it is a time of atonement and pardon, there is a collective obligation on all Jews to engage in וידוי. The וידוי that all Jews recite and experience together cannot possibly contain a commitment to refrain from transgressing again, as this can only be said by someone who in reality has formed such a commitment, and thus cannot be made part of a standardized recited text to be said by all.

If so, how can there be any collective standardized וידוי? The answer may lie in the verse in ויקרא ויום הכיפורים פרק טז' ל

כִּי בַיּוֹם הַזֶּה יִכַּפֵּר עֲלֵיכֶם לְטַהֵר אֶתְכֶם מִכָּל חַטֹּאתֵיכֶם לִפְנֵי יְדֹנָד תִּטְהַרְוּ -

For on this day He shall effect atonement for you to cleanse you. Before the Lord, you shall be cleansed from all your sins”.

The וידוי that is said on יום הכיפורים springs forth from the motif of תִּטְהַרְוּ לִפְנֵי יְדֹנָד, that purification on Yom Kippur is achieved by coming before G-d. As the essence of וידוי is coming before G-d and recognizing we have sinned, תִּטְהַרְוּ לִפְנֵי יְדֹנָד creates a וידוי on יום הכיפורים that is effective without תשובה. It should be noted that there is also a requirement of תשובה on יום הכיפורים. This can not be placed in the תפילה and must be done by every individual separately, and an appropriate וידוי that includes the promise not to repeat sin must be done in conjunction with the תשובה.

This may also explain why there is no וידוי on ראש השנה, as the phenomenon of תִּטְהַרְוּ לִפְנֵי יְדֹנָד does not exist on ראש השנה, and a halachically significant confession would require commitment to refrain from sin in the future, which cannot be formalized into the standard text of tefila. (As to how אשמנו בגדנו can be recited in selichot, it can be suggested that it is recited only as a means or a stepping stone, and not as something that has its own inherent significance. However, were it to be recited on ראש השנה, it would imply that it has its own integral significance, and therefore may not be recited.

Another approach may be that when selichos are being recited, we are taking advantage of the dictum recorded in Talmud Rosh Hashana 17b that whenever the Jews transgress, the Jews should recite the Thirteen Attributes and G-d will forgive them. The recital of the Thirteen Attributes demands that we recognize and confess our sins, but the וידוי per se is not a Mitzvah and is not producing any Tahara or forgiveness. The question remains why selichos is not recited on Rosh Hashana,)

A חבר and colleague of mine, Rabbi Baruch Harris, pointed out that this understanding of וידוי as coming before G-d answers the question raised by some from the mitzvah of וידוי מעשרת, confession of the tithes. The halacha is that every three years, farmers in Israel have to make sure

they had properly designated all their terumot and tithes, and then perform what is known as וידוי מעשרות, in which the farmers come before G-d in the Beit Hamikdash, and declare that they have taken out the required measures of tithes and terumot from their grains and their fruit. Some have found the application of the term וידוי to both repentance and tithes troublesome, as one involves repenting from sin and the other a declaration of the good one has done.

They appear to be two unlike and even antithetical experiences. But now that we have posited that וידוי is not the crystallization of תשובה but is rather the experience of coming before G-d to declare what one has done, there is no longer any problem. What unites both וידוי חטא and וידוי מעשרות is that they both involve the obligation to come before G-d; in one case to confess before G-d the sin one has done, and in the other to declare the good deeds one has done.

Based on what has been written, it would seem that people who are mute or otherwise unable to speak should nevertheless perform וידוי in their minds, as the תשובה they have done internally is not the same experience as וידוי. They too must present themselves before G-d. Perhaps coming before the Ultimate Judge requires verbalization only when possible, but if not possible, then the mitzvah is fulfilled without it. Even if this is not the case and the technical מצוה of וידוי is not fulfilled without verbalization, people who cannot speak should still engage in the core experience of the mitzvah of confession, just as one who cannot speak should still stand before G-d in prayer, even if the technical halachic obligation of prayer is not fulfilled.

It is my hope that these words will not only provide fuel for intellectual thought, but also help inform the תשובה and וידוי experience. תשובה is an intense personal experience of introspection, self-analysis and working on changing one's character, while וידוי is an encounter with אל אדון על, and if done properly is a humbling, frightening, and awe inducing experience that will have its own profound impact on the person.

One of the challenges that can be raised against our thesis is that in 'פרק ב' הלכה ב' in רמב"ם follows the demand that לעולם לעולם by again stating "וצריך" "להתודות בשפתינו ולומר עניינות אלו שגמר בלבו", that it is necessary to confess verbally the matters that have been resolved in one's heart". This is disturbing because in this paragraph the רמב"ם was discussing the meaning of תשובה, which according to the theory of this article stands apart from the institution of וידוי.

This objection can perhaps be resolved by asserting that the רמב"ם is teaching that there is indeed a requirement that arises from תשובה itself that repentance be crystallized and expressed verbally. This is borne out by the fact that in this instance the רמב"ם does not state that one must confess before G-d as he stated earlier. What is being argued is that there are two halachos of וידוי;

- A. There is a primary obligation to come before G-d as a repentant and verbally confess one has sinned.
- B. תשובה itself is not fully realized until the repentance is crystallized in a verbal expression.

One might inquire that if the רמב"ם is asserting a separate requirement that תשובה must be verbalized that does not emanate from the verse אשר עשו והתודו את חטאתם, what source did the רמב"ם have for positing that תשובה should be verbalized. A solution to this question was suggested to me by a colleague of mine, Rabbi Benjy Owen. In 'ספר דברים פרק ל' it states;

''(וי) כי תשמע בקול יְדוּד אֱלֹהֶיךָ לְשֹׁמֵר מִצְוֹתָיו וְחֻקֹּתָיו הַכְּתוּבָה בְּסֵפֶר הַתּוֹרָה הִזָּה כִּי תָשׁוּב אֶל יְדוּד אֱלֹהֶיךָ
בְּכָל לְבָבְךָ וּבְכָל נַפְשְׁךָ :
(יא) כִּי הַמִּצְוָה הַזֹּאת אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם לֹא נִפְלְאת הוּא מִמֶּךָ וְלֹא רְחֹק הוּא :
(יד) כִּי קְרוֹב אֵלֶיךָ הַדָּבָר מְאֹד בְּפִיךָ וּבְלִבְבְּךָ לַעֲשׂוֹ :

10 for you will obey the Lord your God to keep his commands and decrees that are written in this Book of this Toarh and return to the Lord your God with all your heart and with all your soul.

11 Now what I am commanding you today is not too difficult for you or beyond your reach.

14 For the matter is very near you; it is in your mouth and in your heart to do it.”

Many commentaries, including the רמב"ן maintain that verse 14 continues the subject matter of verse 10, which is תשובה, and is thus stating that תשובה is both in our mouths and our hearts, clearly instructing that the תשובה that is in our hearts must be verbalized by our mouths.

The fact that the verse states “in your mouth” before it states “in your heart” merits some attention. If, as the רמב"ם states, the halacha is to verbalize the matters that have been decided upon in one’s heart, shouldn’t the verse have stated it is in your heart and in your mouth? It can be answered that the Torah is seeking to teach that the requirement to enunciate one’s תשובה is because it will in turn affect what is taking place in one’s heart. It is well known that halacha often seeks for a Mitzva to have a well defined structure that is realized in a specific technical form.

One might have thought that the need to verbalize one’s תשובה is for the purpose of achieving a proper halachic form. This indeed would be the case had the verse written in your heart and in your mouth. By writing in your mouth before writing in your heart, the Torah indicates that the verbalization is an important component of achieving a complete internal repentance of the heart.

I am aware that there are still many problems to be addressed, and even difficulties that have been exacerbated or even created by this approach. Chief among them is how the רמב"ם could not include a request for forgiveness as part of the וידוי experience. If וידוי was essentially a verbalization of תשובה, this would be somewhat understandable, but if it is at its core coming before G-d to confess the sin, how can it be that there is no request for pardon! All I can offer regarding this issue is to point out that indeed in the ספר המצוות the רמב"ם includes בקשת מחילה, seeking forgiveness, as part of the formulation of וידוי. I do not have a satisfactory answer as to why he did not include it in the formulation in the Mishnah Torah, and prefer to let the question stand instead of offering displeasing and deficient answers.

Another disturbing matter is that the Rambam seems to fluctuate between discussing וידוי and תשובה; for example the halacha that anyone who verbalizes his confession without resolving in his heart to abandon the sin can be compared to one who immerses himself while holding an impure rodent seemingly should have been included as part of the first chapter that discusses Vidui, rather than waiting for the second chapter that began with an exploration of the meaning of תשובה, and its various forms. Despite these and other difficulties, it is believed by this author that there is merit in this approach, and האמת יורה דרכו, the truth shall show the way.