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THE FRAGILITY OF LIFE AND THE MEANING OF TIME: RAMBAM ON REPENTANCE

A number of years ago, a distinguished older gentlemen set up an appointment to meet with me to discuss a communal matter. Our meeting took place a few days before Rosh Hashana and after concluding our communal agenda, our conversation turned to more introspective, personal issues befitting the *Yamim Nora'im* season. At the time, my visitor was a successful businessman, physically fit, well respected within the community, living comfortably with his wife of 45 years and blessed with a loving family of four married children and a number of grandchildren. I opened this part of the conversation by asking my older friend about his future plans. After experiencing so much success and good fortune in his life, I inquired if he still had goals that he had not yet achieved, dreams that he had not yet realized. He answered in the affirmative and began to list a number of items that he hoped to still accomplish. Interestingly, not one of them was related to his professional life. I was impressed with his ambition, and immediately asked him why he did not devote his time to accomplishing the goals that he had just articulated. He replied that ideally he would like to focus his schedule on achieving these goals, but at the moment he was just too busy at work. He spends so much of his day in his office, he explained, that he simply could not find the time to start these new projects. I tried a second time to encourage him to rethink his schedule by pointing out that he was already financially secure and still physically able to achieve the goals that he had set out for himself. But he refused to even consider the option that he could change his schedule. He was too stuck in his routine to even contemplate the possibility that other life choices could prove to be more beneficial to him.

A few years later, after making *aliyya*, I was on a return trip to New York and I bumped into this man on the street. I had not seen him for a

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couple of years and was surprised to see the change in his appearance. His once healthy frame was now thin and weak; his face was pale and gaunt. Responding to my inquiry about his health, he openly shared his recent experience battling a sudden, potentially life-threatening medical emergency. After describing the major surgery that he underwent and the extensive amount of time and therapy required for him to recuperate, he reported that he was in much better physical condition and had made a full recovery. At the end of our conversation, I asked him how he was spending his days and he responded with the same answer that he mentioned in our meeting years earlier. He was very busy at work and still needed to go into his office. This time, though, I was more surprised to hear his response. What needs to happen to this man, I thought to myself, in order for him to realize that there is more to life than his job? Is he so stuck in his schedule, is his personal identity so wrapped up in his office, that he does not have the time to fulfill even his own dreams? With all of the trappings of success that surround this man, is he, in truth, so trapped by his success that his future is being dictated by the choices of his past?

In general, one might assume that the concept of *teshuva* does not apply to this man in his particular situation. Generally, we consider *teshuva* as relating to the issue of sin and repentance, and in this situation there is no specific transgression that this man has violated. This definition of *teshuva* is reflected in the holiday that most epitomizes the concept of repentance, Yom Kippur. With its emphasis on confession and atonement, Yom Kippur directs us to think of repentance as a process fundamentally related to sin. But, in truth, there is a second concept of *teshuva* that is not about sins but life choices, not about wrongful actions but missed opportunities, not focusing on past mistakes but on building a better future. This *teshuva* is not the *teshuva* of Yom Kippur but the *teshuva* of Rosh Hashana.¹ It is this concept of *teshuva* that, in fact, does apply to this individual, and the life lessons that one learns from this notion of repentance can add great meaning and purpose to one's years.

I. Awake, Awake, O Sleeper, from Your Sleep

This distinction between the *teshuva* of Yom Kippur and that of Rosh Hashana emerges from a close reading of Rambam's treatment of the topic

¹ For other approaches to understanding the *teshuva* of Rosh Hashana than the one we will suggest in this article, see R. Joseph Soloveitchik, *Before Hashem You Shall be Purified*, summarized and annotated by Arnold Lustiger, (New Jersey: Ohr Publishing, 1998), 6-10, and R. Yitzhak Hutner, *Pahad Yitshak: Rosh Hashana* (New York: Gur Aryeh Institute, 1997), 172-84.

in the *Mishne Torah*. In the third chapter of *Hilkhot Teshuva* (3:4), Rambam suggests that the *shofar* carries a specific message in its notes and sounds.²

Although the sounding of the *shofar* on the New Year is a decree of the Written Law, still it has a deep meaning, as if saying, “Awake, awake, O sleeper, from your sleep; O slumberers, arouse yourself from your slumbers; examine your deeds, return in repentance, and remember your Creator. Those of you who forget the truth in the follies of the times and go astray the whole year in vanity and emptiness which neither profit nor save, look to your souls; improve your ways and works. Abandon, every one of you, his evil course and the thought that is not good.”³

While this *halakha* in the *Mishne Torah* is well known, it is not easily understood. First, why does Rambam connect a positive command that applies to the entire Jewish people as specifically speaking to people who are asleep? In addition, how are we to understand the character of these sleeping people? In what way are these people asleep and why do they need to be awakened? Moreover, what is the power of the *shofar* to wake them up?

In addressing these questions, it is helpful to note that Rambam employs the metaphor of people waking up from their slumber in two other places in the *Mishne Torah*: once in *Hilkhot Avel* and a second time in *Hilkhot Mezuza*.⁴ By analyzing these parallel *halakhot*, we could better understand Rambam’s application of this metaphor in *Hilkhot Teshuva*.

1) *Hilkhot Avel*

In *Hilkhot Avel* (13:12), Rambam writes that the passing of a relative or friend should awaken one from one’s sleep and prompt one to do *teshuva*.

Whoever does not mourn as the sages commanded is considered callous; instead, one ought to be fearful and worried, search through his deeds and return in repentance. If one member of a group dies, the entire group should worry. For the first three days, one should imagine that a sword is resting upon his neck; from the third to the seventh, as if it is lying in the

² The Rambam also cites this explanation of the holiday of Rosh Hashana and the effect of the *shofar* in his *Guide to the Perplexed*, 3:43.

³ Isadore Twersky, *A Maimonides Reader* (New York: Behrman House, 1972), 76-7.

⁴ I am deeply indebted to my *Rosh Kollel* during my years in the Gruss Kollel Elyon, Rabbi Aharon Kahn, who first directed my attention to these parallel *halakhot* in the *Mishne Torah* and who taught me much about the *Mishne Torah*, *teshuva*, and living a life of meaning and purpose.

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corner; from seven and on, as if it passes across from him in the marketplace. All of this is to prepare him to return and awaken from his sleep. As it says in the verse: “You struck them, but they were not affected” (Jer. 5:3), implying that one must be wide awake and deeply moved.

Rambam bases this *halakha* on two passages from two different *gemarot* and suggests a line of interpretation that runs counter to the opinion of other major commentaries. The first passage is a statement of R. Yohanan, cited in BT *Shabbat* (105b-106a), that the death of a brother induces the other brothers to worry and the death of a friend induces the other friends to worry.⁵ The section concludes with a debate as to whether this teaching applies only if the oldest or youngest member in the group passes away. Left unsaid by the *gemara*, however, is the content of this fear and the cause of this sudden concern. The second talmudic passage, appearing in BT *Mo`ed Katan* (27b), is a quote from R. Levi about the experience of being in mourning: the first three days the mourner envisions the presence of a threatening sword hanging over his head, from the third to the seventh day the sword shifts to the corner of the room, and after *shiva* it shifts again, occasionally passing him in the marketplace. The Tosafists explain that both of these passages refer to the same fear that is mentioned in JT *Mo`ed Katan* (3:7) in which R. Yohanan teaches that the passing of a relative endangers the lives of the other family members.⁶ It seems that after the *malakh ha-mavet* takes the life of one member in the household, the other members of the household are in greater peril. This explanation that ascribes the fear of the household to an imminent threat on the lives of the mourners is also the basis for Rashi’s interpretation of the debate in BT *Shabbat* (106a) as to whether the death of the youngest or oldest member of the household induces worry.⁷ According to Rashi, the two opinions are debating which circumstance places the rest of the household in greater jeopardy. According to this line of interpretation, the imminence of this potential threat eventually passes when the mourning period ends, and, in fact, there are two opinions cited in the *Rishonim* as to whether this fear expires after the 30 days of *sheloshim* or after the first twelve months.⁸

Rambam, however, has a different interpretation of the fear mentioned in these *gemarot*. In Rambam’s citation of these passages in *Hilkhot Avel*,

⁵ In the extant manuscripts of this *gemara*, one version leaves out any mention of the death of a friend. See Oxford Opp. Add. Fol. 23 and also Munich 95.

⁶ *Tosafot*, *Mo`ed Katan* 27b, s.v. “*mi-kan*.”

⁷ Rashi, *Shabbat* 106a, s.v. “*yid’agu*,” “*de-met*,” and “*ve-amri*.”

⁸ See, for example, R. Ya`akov ben Asher, *Tur*, *Yoreh De`ah* 394. Although the standard Vilna edition follows most manuscript versions by not specifying an end time for the last stage of the sword passing through the marketplace, one version of the

there is no mention of the debate as to whether the death of the oldest or youngest household member triggers this fear, nor is there a reference to a set concluding time when this fear disappears. Moreover, there is an explicit connection, unmentioned in the Talmud, between the passing of a friend or relative, the impulse to do *teshuva*, and the experience of awakening from sleep. It seems, then, that for Rambam the issue discussed by the talmudic passages is not the predilections of the *malakh ha-mavet* but the existential awareness that stems from a direct confrontation with *mavet*. The confrontation with death that comes with experiencing the loss of a relative or friend alters one's perspective on life and on one's own mortality. On some level, it is a natural tendency for each individual to repress the awareness of his or her own mortality. While intellectually one would admit that life is by definition limited and ephemeral, still one's fear of death can lead one to live in denial. One downside of living in such a state is the propensity to forget the preciousness of time. By repressing the fact that time is a limited resource, one no longer feels the need to take advantage of each moment. Instead, one lives frivolously, wasting his days in "*havlei ha-zeman*." The passing of a relative or a close friend, however, places one in a direct and real encounter with death. This encounter is jarring and awakens the mourner from the obliviousness that characterized his or her attitude towards life. In this *halakha*, when Rambam speaks of people who are asleep, he means people who are living obliviously, not thinking about their own limited years and not trying to maximize their time.

Rambam interprets the image of the suspended sword hanging over the head of the mourner not as an expression of an impending supernatural threat but as a metaphor that reflects the mourner's newfound awareness of his or her own mortality.⁹ This confrontation with mortality is the fear that grips the household of the deceased and inspires reevaluation of how one has lived one's life.¹⁰ Rambam does not cite the debate about the youngest or oldest passing away, as he interprets this *halakha* from a

gemara, Munich 140, states that this period lasts from *shiva* until *sheloshim*. For other variances, see Oxford Opp. Add. Fol. 23 and Cambridge - T-S F1 (1) 22.

⁹ This is in line with Rambam's general inclination to interpret talmudic teachings and *halakhot* rationally and psychologically instead of mystically and supernaturally. For analysis of this aspect of Rambam's methodology, including a list of examples, see Marc Shapiro, "Maimonidean *Halakha* and Superstition," *Studies in Maimonides and His Interpreters*, (Scranton: University of Scranton Press, 2008), 95-150.

¹⁰ Similarly, in *Hilkhot Teshuva* 7:2, Rambam writes that if one is required to repent, one should not push it off until a later date but should consider the possibility of his sudden demise in order to inspire immediate repentance. See also *Avot* 2:10, and BT *Shabbat* 153a.

psychological perspective not a mystical one, and psychologically the passing of any family member triggers this reaction.¹¹ Additionally Rambam does not mention an end time to this fear because, from his perspective, this is not a phenomenon that should be limited to *sheloshim* or the first twelve months. The awareness of one's mortality is important throughout one's life. In this context, though, it is interesting to note that in the talmudic metaphor cited by Rambam the threatening nature of the sword shifts over time. Perhaps the image reflects that the other extreme, namely one's impending doom being constantly present in the forefront of one's mind, is also problematic, as such a weight would crush one's psyche and cripple one's productive life. Consequently, while the *halakha* instructs a mourner to envision a threatening sword hanging over his or her head, after *shiva* the sword is seen as shifting its position until it just passes the mourner in the marketplace. The sword, however, is never completely removed, repressed, or denied.¹² It remains in the background of one's life, or in the back of one's consciousness, as a regular, healthy reminder that time is limited and precious and should therefore be maximized while still available.¹³

2) *Hilkhot Mezuza*

While Rambam in *Hilkhot Avel* points to the recognition of mortality as the cause that awakens one from slumber, in *Hilkhot Mezuza* (6:13), Rambam points to a different trigger.

A person should pay heed to the precept of the *mezuza*; for it is an obligation perpetually binding upon all. Whenever one enters or leaves a home with a *mezuza* on the doorpost, he will be confronted with the declaration

¹¹ Along this line, Rambam also does not cite the second line of R. Yohanan regarding the fear that grips brothers when a sibling dies, since he already cited the lesson regarding a group of friends; the fear that comes with confronting one's mortality is not a result of familial bonds but is felt by any person close to the deceased.

¹² For example of this balanced approach which sees benefit to both confronting and repressing one's natural fear of death in response to the existential realities of the human condition, see Earnest Becker, *The Denial of Death*, (New York: Free Press, 1973), 16-30.

¹³ The verse Rambam cites as the proof text implies that this concept applies to a broader range of circumstances than just the one mentioned in *Hilkhot Avel*: "You struck them but they were not affected" (Jer. 5:3). In this verse, Jeremiah reprimands his people for not repenting after suffering from afflictions. Although Rambam learns from this verse that the passing of one's friend should lead to repentance, conceptually this idea also applies to other tragedies and afflictions. In fact, in the *Guide to the Perplexed* (3:36) Rambam cites this verse as a proof text for the need to fast and repent during a general time of crisis or travail. In the *Mishne Torah*, this idea is cited without

of God's unity, blessed be His holy name; and will remember the love due to God, and will be aroused from his slumbers and his foolish absorption in temporal vanities. He will realize that nothing endures to all eternity save knowledge of the Ruler of the universe. This thought will immediately restore him to his right senses and he will walk in the paths of righteousness. Our ancient teachers said: He who has phylacteries on his head and arm, fringes on his garment, and a *mezuzah* on his door may be presumed not to sin, for he has many monitors – angels that save him from sinning, as it is said, (Ps. 34:8) “The angel of the Lord encamps round about them that fear Him and delivers them.”¹⁴

The *mezuzah*, with the words of the *Shema* written inside it, stirs one to think about the unity of God and the love that is due to Him.¹⁵ These concepts are central to Rambam's theology, serving both as a basis for the *mitsvot* and as an end goal for one who lives a life of *mitsvot*.¹⁶ But in this

this verse being mentioned in *Hilkhot Ta'anuyot*. See *Hilkhot Ta'anuyot* 1:1-4, and especially 1:12, as the formulation in this *halakha* is similar to the one in *Hilkhot Avel*.

¹⁴ Twersky, 95. This *halakha* is another example of Rambam's preference to interpret talmudic and *halakhic* teachings from a rational and psychological perspective. See n. 9. Rambam interprets the verse cited in BT *Menahot* 43b that attributes to angels the power to save man from sin as not referring to actual angels but to the *mitsvot* of *mezuzah*, *tefillin* and *tsitsit*, which surround man and remind him to not stray from the right path. See also *Hilkhot Mezuzah* 5:4, in which Rambam excoriates those who treat the *mezuzah* as an amulet for personal benefit.

¹⁵ See also *Hilkhot Mezuzah* 5:4, in which these themes are linked to the *mitsva* of *mezuzah*. In this *halakha*, in addition to mentioning the unity of God and the love due to him, Rambam connects the theme of knowledge of God to the *mezuzah*. See *Hilkhot Keriat Shema* 1:2 in which Rambam mentions these three themes in his explanation of the importance of the first *parsha* of *Shema*. For Rambam, the love of God and the knowledge of God are fundamentally linked as one comes to love God after learning about God. See *Sefer ha-Mitsvot mitsvat aseh* 10, *Hilkhot Yesodei ha-Torah* 2:1-2, *Hilkhot Teshuva* 10:6 and *Guide to the Perplexed* 3:51.

¹⁶ The structure of the *Mishne Torah* reflects the centrality of these *mitsvot*. The first book of the *Mishne Torah*, *Sefer ha-Madda*, opens with four chapters in which Rambam discusses the *mitsva* to believe in the existence of God and in His absolute unity, the obligation to love Him and fear Him, and the nature of the physical world and of humanity, including the fact that achieving immortality is dependent on one's knowledge of God. Similarly, *Sefer ha-Madda* ends with three chapters in which Rambam promotes the love of God as the highest level for which man must strive, and the afterlife, which is determined based on one's knowledge of God, as the highest reward for man to achieve. For analysis of this parallel, see Adiel Kadari, *Studies in Repentance: Law, Philosophy and Educational Thought in Maimonides' Hilkhot Teshuva* (Be'er Sheva: Ben-Gurion University of the Negev Press, 2009) 232-4. Another important parallel to note is that Rambam ends his *Mishne Tora* by teaching that in the days of the Messiah all of humanity will be preoccupied with the pursuit of knowing

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halakha, Rambam notes that these concepts also cause one to awaken from one's slumber and restore one to "one's right senses" as they invoke the recognition that only the knowledge of God endures for eternity. That Rambam ascribes eternal significance to achieving a true knowledge of God is known from a number of his other statements that identify the intellect as the aspect of man that survives after death and that base the perfection of one's intellect on one's knowledge of God and understanding of metaphysical truths.¹⁷ This specific *halakha*, though, adds two points. First, that one is reminded of these truths when passing a *mezuzah*, as the words of *Shema* invoke the unity and singularity of God, and, second, that this awareness causes one to awaken from one's sleep and do *teshuva*. This last point needs further explanation. What is the connection between understanding the eternal significance of achieving a true knowledge of God and waking up from slumber?

Perhaps the answer lies in the fact that Rambam characterizes the sleeping man as one who is foolishly absorbed in "temporal vanities." In this *halakha*, Rambam seems to draw a contrast between temporal vanities and eternal matters; one who spends his time in the former is asleep and one who recognizes the significance of the latter is stirred to consciousness. This contrast appears elsewhere in the *Mishne Torah* as well. In Chapter Nine of *Hilkhot Teshuva*, Rambam explains that those who acquire wisdom and fulfill the commandments are rewarded both with life in the world to come and with material blessings in this world, and those who forsake the Torah and occupy themselves with temporal vanities are cut off from the next world and punished in this world. The righteous

God. This universalization of the knowledge of God as the goal for all of humanity matches Rambam's call for all of humanity to love God (*Sefer ha-Mitsvot, aseh 3*). See Gerald Blidstein, *Political Concepts in Maimonidean Halakhah* (Hebrew), (Ramat Gan: Bar Ilan University, 1983), pp.227-31. See also Howard Kreisel, *Maimonides' Political Thought: Studies in Ethics, Law and the Human Ideal*, (New York: SUNY Press, 1999), 213-214, who views these chapters in *Hilkhot Yesodei ha-Torah, Hilkhot Teshuva* and *Hilkhot Melakhim* as the frame of the *Mishne Torah* in which Rambam describes the "the ultimate purpose of this composition."

¹⁷ See, for example, *Hilkhot Yesodei ha-Torah* 4:9, *Hilkhot Teshuva* 8:3, *Guide to the Perplexed* 1:41, 3:27, *Hakdama le-Perek Helek, Hakdamot le-Perush ha-Mishna*, ed. by M. Rabinovitz (Jerusalem: Mossad ha-Rav Kook, 1960), 126. Scholars, however, have vigorously debated Rambam's true position on eschatology and human intellectual perfection. For references to the extensive body of literature dealing with this topic, see Jacob Dienstag, "Eschatology in Maimonidean Thought," in *Eschatology in Maimonidean Thought: Messianism, Resurrection and the World to Come*, ed. Jacob Dienstag (New York: Ktav, 1983), 242-271, and Menachem Kellner, *Maimonides on Human Perfection* (Atlanta: Scholars Press, 1990).

who devote their time to eternal matters, wisdom and *mitsvot*, naturally merit eternal life, while those who toil in temporal vanities never develop the element within each individual that enables one to live eternally, namely the intellect, and are naturally limited to an ephemeral existence. This contrast, then, which is brought to one's consciousness when passing by a *mezuza*, presents one with a clear choice: one can sleep through life, engage in ephemeral matters, and limit oneself to a temporal existence or one can devote oneself to eternal matters and live forever.¹⁸ It appears, then, from this *halakha* that Rambam is suggesting that the recognition that one's actions carry significant and potentially everlasting consequences, that the fate of one's eternal life rests solely in one's hands, awakens one from one's slumber.

To further flesh out this point, it is helpful to place it within the context of Rambam's statement in *Hilkhot Avel*, for in truth the awareness of one's mortality emphasized in *Hilkhot Avel* is not necessarily sufficient to inspire one to choose a life of meaning and purpose. In fact, in considering mortality alone, one could arrive at the opposite conclusion. If one's years are naturally limited, if one is here today and gone tomorrow, then of what consequence is one's actions. As Esav remarked when faced with the choice of selling his birthright for a bowl of hearty soup: "Behold I am going to die, what value is this birthright to me?"¹⁹ In this sense, the life lesson written in *Hilkhot Mezuza* complements the teaching in *Hilkhot Avel*. In *Hilkhot Avel*, man is reminded that time is naturally limited and that therefore each moment should be seen as a limited resource, while *Hilkhot Mezuza* instructs humanity to recognize that an individual's choices potentially carry meaningful and eternal consequences. Both

¹⁸ In Rambam's terminology, this choice can be formulated as choosing between life and death. In *Hilkhot Tesbuva* 8:1, Rambam implies that one who does not merit the afterlife is classified as dead even during his lifetime, comparing his demise to that of an animal. See *Guide to the Perplexed* 1:42, in which Rambam defines life and death as the principles on which one bases one's life. True principles which enable life to continue into the next world are called life, while false principles which lead to one's permanent demise are called death. This is the explanation for the talmudic dictum that the righteous are called alive even after they are dead, while the wicked are called dead even while they are alive (BT *Berakhot* 18a-b), and this is the choice that Moshe presents to the Jewish people, "See I have given before you today the life and the good or the death and the bad" (Deuteronomy 30:15). For other examples in which Rambam compares an undeveloped person to a beast or classifies him as less than fully human, see *Guide to the Perplexed* 1:7, 3:18, 3:51 and *Commentary on the Mishna, Bava Kamma* 4:3.

¹⁹ Genesis 25:32.

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lessons taken together direct the individual to see life as an opportunity in which each moment should be maximized to its fullest potential.

3) *Hilkhot Teshuva*

With this understanding of the other two places in the *Mishne Torah* in which Rambam mentions the metaphor of awakening the sleeping man from his slumber, we can now better explain why Rambam uses this same image to describe the power of the *shofar*. Immediately preceding his explanation of the power of the *shofar*, Rambam records the amoraic teaching that the judgment on Rosh Hashana seals an individual's fate. If one has more merits in one's ledger then one is sealed for life; if one has more demerits then one is sealed for death; if the account is equally balanced then the sentence is suspended and determined by one's actions during the ten days between Rosh Hashana and Yom Kippur. By connecting this teaching to the lesson of the effect of the *shofar* which immediately follows, Rambam connects the *shofar* to the two previously mentioned themes found in *Hilkhot Avel* and *Hilkhot Mezuzah*. On Rosh Hashana, the specter of one's death looms large as one's fate is being sealed, and the significance of one's actions is emphasized as it is the determining measure which either immediately seals one's fate or tilts the scale of a suspended sentence. Perhaps even more than the confrontation with one's mortality found in *Hilkhot Avel*, judgment on Rosh Hashana forces one to confront the possibility of one's own demise. Perhaps even more than the recognition of the potential meaning in one's personal choices found in *Hilkhot Mezuzah*, the judgment of Rosh Hashana reflects the serious consequences that come from one's decisions and actions.²⁰

II. A New Concept of *Teshuva*

With this background, one can better understand the new concept of *teshuva* that Rambam is introducing in this chapter. Generally *teshuva* is thought to be a process that is triggered by sin. As Rambam writes in the beginning of *Hilkhot Teshuva* (1:1), "after one sins and decides to do *teshuva*, he is obligated to confess his sin before God." *Teshuva* is triggered by sin and executed via verbal confession. But in the third chapter of *Hilkhot Teshuva*, Rambam is not talking about sinners but sleepers. Rambam defines these people as those who "forget the truth in the follies of the

²⁰ In a future article I hope to analyze the complicated literary structure of this section of *Hilkhot Teshuva* and address how our understanding of the power of the *shofar* fits within the literary construct of the chapter.

times (“*havlei ha-zeman*”) and go astray the whole year in vanity and emptiness (“*hevel va-rik*”) which neither profit nor save.” For Rambam, focusing one’s time on *hevel* does not necessarily mean sinning. Broadly speaking, *hevel* refers to activities that are fleeting and without consequence.²¹ For example, in *Hilkhot Talmud Torah* (3:13), Rambam reproves people who forsake the study of Torah to engage in *havlei olam*. In *Hilkhot Teshuva* (8:6) Rambam writes that the wise understand that the benefits of the afterlife are not physical pleasures like eating, sexual relations, or wearing fine clothes, as these things are “*divrei havai va-hevel*” with no lasting consequence. In the next chapter of *Hilkhot Teshuva* (9:1), Rambam writes that those who disengage from Torah and choose to focus on *havlei zeman* do not merit reward in this world or the next, describing these people later in the *halakha* as spending their days eating and drinking and engaging in sexual acts. For Rambam, people who spend their days in *hevel* are not necessarily sinning. From a letter of the law *halakhic* perspective, they may have never violated a single transgression, but the content of their lives is filled with frivolous, meaningless activity.

Professor Isadore Twersky understands that Rambam pits the concept of *hevel* as the antithesis of the concept of *mitsvot*.²² For Rambam, *mitsvot* have a teleological focus as instruments which infuse values and inform character. *Divrei hevel* categorizes actions that fail to help man achieve these goals. In this light, one can suggest a further expansion of the category of *havlei zeman*. Twersky defines the category as “vanity, folly, and futility, or mechanical and compulsively repetitive behavior.”²³ This definition might also include one who is doing *mitsvot*, but whose performance of the *mitsvot* is mechanical and perfunctory. This thoughtless performance of *mitsvot* is denounced by Rambam, as it does not enable individuals to grow from the *mitsva* experience.²⁴ “Laws are a propaedeutic for meaningful non-mechanical behavior which leads to purity and integrity... The law teaches man to avoid routinization – even axiological neutrality

²¹ In this respect, it is most closely related to the concept of “*bittul torah*” which often appears in rabbinic literature as a source of deep concern. See, for example, BT *Berakhot* 5a, BT *Shabbat* 33a, and especially BT *Avoda Zara* 18b and 19b, in which sleep is cited as an example of *bittul torah*. One instance in which Rambam connects *hevel* to a specific sin is in reference to idolatry, which Rambam categorizes as false and foolish. See *Hilkhot Avoda Zara* 11:16, and Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980), 420.

²² Twersky, *Introduction*, 420.

²³ Twersky, *ibid.*, 419.

²⁴ *Guide to the Perplexed*, 3:51.

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is frowned upon - and strives to make everything conscious and purposive in a God-oriented universe.”²⁵ According to this approach, the metaphor employed by Rambam of the *shofar* waking up those who are sleeping includes those who are sleepwalking through life by not living consciously and purposively, even if they happen to be performing *mitsvot* in their regular routine.²⁶ From Rambam’s perspective, if one mindlessly follows one’s daily routine without pausing or interrupting the ongoing flow and pace of one’s life to think, to contemplate and to grow, then even though one appears to be awake in that one is walking, talking and eating, still one is categorized as being asleep. One might even pray every day with a *minyan*, avoid all transgressions and fulfill obligatory *mitzvot*, and still be considered asleep if one is not conscious during *tefilla* or awake to the multilayered benefits of the dictates of the Torah or mindful of coming close to God when doing *mitsvot*.²⁷

With such an expansive definition of the category, it is no wonder that Rambam assumes that it is descriptive of the general populace. In *Hilkhot Yesodei ha-Torah* 7:1, Rambam identifies the prophet as the individual who is able to exclusively focus all of his time and energy on understanding the wisdom of God, while categorizing the rest of the people as those who walk in darkness and waste their time on *havlei ha-zeman*. Except for the elite, at some point, on some level, each individual could work harder at better maximizing his or her time. It is for this reason that Rambam can comfortably suggest that a *mitsvat aseh* that applies to all of Israel carries a specific message for the sleepers amongst Israel. For

²⁵ Twersky, *Introduction*, *ibid*.

²⁶ Similar to his assertion that positive acts performed routinely and mindlessly lack meaning, Rambam also argues that a goal-oriented perspective of neutral acts infuses them with positive value. See *Hilkhot De’ot* 3:3, *Guide to the Perplexed* 3:25, and Twersky, *Introduction*, 420. Rambam also argues that one elevates physical actions if one acts with *da’at*, *sekhel*, and balance. See, for example, *Hakdama le-Mishna*, *Hakdamot le-Perush ha-Mishna*, 85-6, and *Hakdama le-Masekhet Avot*, *Hakdamot la-Perush ha-Mishna*, 185-6.

²⁷ Highlighting the novelty of Rambam’s approach is the fact that R. Bahya ibn Pakudah in his *Hovot ha-Levavot*, a work with which Rambam was familiar, applies the same metaphor of waking up and sleeping to sinners who are not quick to repent. See *Sefer Torat Hovot ha-Levavot*, ed. Yosef Kafih (Jerusalem: Ha-Vaad ha-Kelali li-Yehudei Teman bi-Yerushalayim, 1973), 327.

In the modern era, R. Joseph Soloveitchik proposed an alternative interpretation to the metaphor of sleeping by explaining that sin transforms one from an active subject into a passive object. See his *Yemei Zikkaron* (Jerusalem: Sifriyyat Elinor of the World Zionist Organization, Department of Torah Education and Culture in the Diaspora, 1996), 142-150.

besides a few *tsaddikim*, and perhaps some wicked individuals who are too corrupt to care, this message is relevant to the nation as a whole.

In summary, when the Rambam speaks about *teshuva* that is inspired by the *shofar* he is not talking about the *teshuva* that comes in response to sin but the *teshuva* that relates to a person who is not living his or her life to the maximum. The sound of the *shofar* is directed to people whose potential is not being realized, whose time is being wasted, and who fail to take advantage of the manifold opportunities that life naturally provides. It is for this reason that the trigger to inspire this form of *teshuva* is not an awareness of the ill effects of past misdeeds but an awareness of the nature of the human condition. It is man's mortality coupled with man's potential for greatness that inspires one to live more meaningfully. When one is sleepwalking through life, the *shofar* comes as a wakeup call to encourage conscious living. This is Rambam's novel approach to the *teshuva* of Rosh Hashana. While the *teshuva* of Yom Kippur is about fixing sins, the *teshuva* of Rosh Hashana is about maximizing the potential that rests within each and every individual.

III. Ten Days of Repentance

This distinction between the *teshuva* of Yom Kippur and that of Rosh Hashana is reflected in the practices and customs that Rambam records for the first ten days of *Tishrei*. After teaching about the nature of Rosh Hashana and the *shofar* in the third chapter of *Hilkhot Teshuva*, Rambam writes that there are two general practices that come as an outgrowth of his previous discussion.

Because of this matter, all of Israel has taken on the practice of increasing charity, good deeds, and *mitsvot* from Rosh Hashana until Yom Kippur to a greater degree than during other times of the year and all are accustomed to rise at night during these ten days and to pray in the synagogues words of supplication until the morning hours.

The first practice Rambam cites is an increase in charity, good deeds and *mitsvot* during the ten days between Rosh Hashana and Yom Kippur. What is interesting about this formulation is the contrast between this presentation and the one found in the previous chapter of *Hilkhot Teshuva*. In the second chapter Rambam also discusses the ten days of repentance, but in this section the character of the ten days takes on a different hue and color. Rambam writes that during these ten days, *teshuva* and *tse'aka* are more effective and immediately accepted. This point is then followed up with the lesson that since Yom Kippur is the set time for *teshuva* and

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forgiveness, every Jew is obligated to do *teshuva* and to repetitively confess on this day. While in the third chapter, Rambam focuses on doing more *mitsvot* during the ten days of repentance, in the second chapter he speaks of *teshuva* and *tse'aka*. It is important to note that earlier in the second chapter *tse'aka*, crying, is identified by Rambam as one of the ways in which a penitent absolves himself or herself of a past sin and verbal confession, according to Rambam, is the essential act of repentance for a past sin.

The fundamental difference between the first chapters of *Hilkhot Teshuva* and the third chapter is that the first two chapters speak from the vantage point of the *teshuva* of Yom Kippur, focusing on absolving past sins,²⁸ while the third chapter speaks from the vantage point of the *teshuva* of Rosh Hashana, focusing on forging a better future. Consequently, in the second chapter, the first ten days of *Tishrei*, culminating in Yom Kippur, focus on *teshuva*, *tse'aka* and *viduy*, as repentance is understood as a response to and absolution from sin. But in the third chapter of *Hilkhot Teshuva* these elements are completely absent. Instead Rambam focuses on doing more *mitsvot*, giving more charity and increasing one's good deeds. This is a *teshuva* that does not focus on the past but on the future. It does not address the mistakes of yesterday but the potential for building a better tomorrow. The third chapter views *teshuva* and the first ten days of *Tishrei* through the prism of Rosh Hashana, and Rosh Hashana is not about *viduy* and fixing the past but about maximizing one's opportunities in life. As such, the essential act of *teshuva* is different: it is about doing more with one's time and making more meaningful life choices.²⁹

The second practice for the ten days of repentance that Rambam cites in the third chapter is “to rise at night during these ten days and to pray

²⁸ Although the first two chapters both address the issue of *teshuva* for a particular sin, each chapter has a different focus and orientation. For analysis of this significant difference, see my “Multiple Methods and Models of *Teshuva*,” *ha-Har ha-Tov ha-Zeh: In Honor of Yeshivat Har Etzion* (Alon Shvut: Yeshivat Har Etzion, 2012), 26-38.

²⁹ Extending this idea further, one can argue that in this chapter the word *teshuva* means doing more positive acts as opposed to repenting for past sins. If this is true, one can suggest a new approach to resolving one of the questions that arises in studying this chapter. When Rambam cites the talmudic teaching that the judgment of one whose merits equal one's demerits is suspended until after the ten days of repentance, he changes one central word from the citation found in the Talmud. In the Talmud, BT *Rosh Hashana* 16b, one's sentence is held in suspension and if “*zakhhu*” then one is inscribed for life and if “*lo zakhhu*,” then one is inscribed for death. But in Rambam's citation, the word “*zakhhu*” is replaced with the word “*teshuva*,” implying that the opportunity given to man is not to do more *mitsvot* as indicated by the word found in the Talmud, but to repent for past sins. In truth, based on our approach one could

in the synagogues words of supplication until the morning hours.”³⁰ Rambam is not the first to mention this practice. The custom of reciting *selihot* during the ten days between Rosh Hashana and Yom Kippur dates back to the period of the Geonim.³¹ But in the context of this chapter, this custom takes on a new layer of meaning. The key images that Rambam employs to describe the *teshuva* of Rosh Hashana are sleeping and waking up. The blast of the *shofar* is directed to all those who are living mindlessly and robotically or who are spending their days on futile and worthless endeavors. The adversary to which the *teshuva* of Rosh Hashana responds is not sin but sleep. In this context, reciting *selihot* is a metaphorical act of *teshuva*, as it requires one to awaken and to “rise at night.” In this respect, it is interesting to note that there are other formulations of this custom in which one recites *selihot* in the middle of the night and then afterwards sleeps until the next morning.³² But in Rambam’s formulation one must remain awake “until the morning hours.” For Rambam, a key element of this custom is specifically to stay awake and not return to sleep.³³

In fact, based on Rambam’s perspective of the *teshuva* of Rosh Hashana, one can better understand the custom not to sleep on the day of Rosh Hashana.³⁴ Many authorities write that the basis for this custom is a sentence in the *Yerushalmi* which warns that sleeping on Rosh Hashana

argue that *teshuva* in this chapter means “*zakhu*,” doing more positive actions, and therefore Rambam is not actually changing the meaning of this talmudic teaching. Note that in the Jerusalem Talmud’s citation of this teaching, JT *Rosh Hashana* 1:3, the word *teshuva* and not *zakhu* is mentioned, and later in the Babylonian Talmud, BT *Rosh Hashana* 17b, a tannaitic teaching is cited that seems to refer to the ten days of repentance and the word “*shav*” is used to describe the activity of the penitent. See also commentary of Rabbeinu Hananel, *Rosh Hashana* 16b, in which “*zakhu*” is interpreted as doing *teshuva*.

³⁰ *Hilkhot Teshuva* 3:4.

³¹ See, for example, *Otsar ha-Geonim, Massekhet Yom Tov*, ed. B.M. Levin (Jerusalem: Havura le-Hotsa’ah Sefarim al Yad ha-Universita ha-Ivrit, 1984), 24-5 and *Teshuvot ha-Geonim ha-Hadashot*, ed. Simhah Emanuel (Jerusalem: Makhon Ofek, 1995), *siman* 190. See also R. Asher b. Yehiel, *Rosh Hashana* 4:14, and his son R. Ya’akov, *Tur Orah Hayyim* 581, who cite the practice of the Geonim in their codification of this custom.

³² See *Teshuvot ha-Geonim ha-Hadashot, siman* 190.

³³ Other commentaries more willing to accept mystical explanations for *halakhot* and customs explain the early morning *tefilla* as praying at an *et ratson* when God is closer to this world. See, for example, R. Avraham Gombiner, *Magen Avraham, Shulhan Arukh Orah Hayyim* 581:1.

³⁴ See R. Moshe Isserles, *Darkei Moshe* 583:2 and *Shulhan Arukh Orah Hayyim* 583:2, who approvingly cites this practice.

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causes one's *mazzal* to sleep during the year.³⁵ The earliest reference to this custom, however, is by R. Joshua ibn Shu'eib in his *Derashot*, and he cites Rambam's explanation of the *shofar* awakening those who are asleep together with the oft quoted *Yerushalmi* as the source for the custom.³⁶ In this light, one can readily understand that not sleeping on Rosh Hashana is a symbolic gesture which reflects the spirit of consciousness characteristic of Rambam's perspective that the fundamental theme of the day focuses on sleep, not sin, as the adversary that needs to be conquered.

In summary, as the ten days of repentance are surrounded by Rosh Hashana and Yom Kippur and each holiday represents a different paradigm of *teshuva*, each impacts and influences the way in which one thinks of and observes these ten days. Rambam in the first two chapters presents these days through the prism of Yom Kippur, *teshuva* for past sins, and in the third chapter he portrays these days from the perspective of Rosh Hashana, *teshuva* to maximize opportunities. The two perspectives, taken together, create a double layer which runs throughout the ten days, to the point in which each holiday influences the other. Included in "the ten days between Rosh Hashana and Yom Kippur" are, of course, the holidays themselves. Consequently, when Rambam writes that *tse'aka* is more effective at this time of year or that one should increase one's performance of *mitsvot* during these days, he is including both the days of Rosh Hashana and Yom Kippur. But even though each holiday contains elements of the other, since they each fundamentally embody different paradigms of *teshuva*, the differences between them are still manifest in the degree and emphasis that each places on the two different processes of *teshuva*.³⁷ Rosh Hashana fundamentally remains focused on positive directions for the future while Yom Kippur fundamentally remains focused on atoning for and being purified from the sins of the past.

IV. Conclusion

It is important to note that both the *teshuva* of Rosh Hashana and that of Yom Kippur are critical for the spiritual life of each individual. One needs

³⁵ See, for example, R. Moshe Isserles, *Darkei Moshe* *ibid.*, and R. David ha-Levi Segal, *Turei Zahav, Shulhan Arukh Orach Hayyim* 583:2. This text of the *Yerushalmi* is missing from our editions. See R. Yehiel Mikhel Epstein, *Arukh ha-Shulhan, Orach Hayyim* 597:2.

³⁶ *Derashot R. Joshua ibn Shu'eib* ed. by Zev Metzger (Jerusalem: Makhon Lev Sameah, 1991), *Derashah le-Rosh Hashana*. See also R. Yoel Sirkis, *Bayit Hadash Orach Hayyim* 597.

³⁷ For example, while a custom developed on Rosh Hashana to recite *tashlikh* which has been interpreted as a symbolic gesture to discard one's past sins, the hallmark of the Yom Kippur service and the essential act of *teshuva* for past sins, the verbal confession, is completely absent from the Rosh Hashana service.

to atone for and grow from past sins even while one plans and builds for a better future, in order to establish a strong base for a lifetime of personal growth and development. But perhaps due to a narrow perception of Torah that translates our tradition into a checklist of acts one needs to do and *averot* one needs to avoid rather than also aiming to stoke ambition and inspire aspiration, we often consider only the Yom Kippur variety of *teshuva*. We think that *teshuva* is just about sins and reciting *al het*, but do not consider some of the larger assumptions on which our lives are built. Can we make different, more productive life choices? Are we taking advantage of our opportunities and maximizing our potential? Do we live consciously or robotically?

The lack of emphasis on the *teshuva* of Rosh Hashana, the disregard of these larger questions, comes with grave consequences. First, one cannot fully identify and analyze one's sins without placing them into a larger context. Rosh Hashana, which precedes Yom Kippur, enables us to first formulate the broader mission and vision so that we can better identify and understand where we have fallen short.³⁸ But secondly, separate and apart from its relationship with Yom Kippur, a meaningful Rosh Hashana experience is often necessary for individuals to reorient and redirect their lives. Oftentimes we get stuck in our routines. Our lives are governed by decisions we made years ago and our days are filled with mindless, transitory activities. We forget about the fact that our time is limited; we forget about the meaningful ways in which we could be spending our days; we forget even our own dreams, the dreams we had for ourselves in our younger years. At times life has a terrible way of beating us down with all of its difficulties, disappointments, challenges, and responsibilities; at times it is just easier to shut off, to live on auto-pilot, to stop thinking, to no longer dream.

I think of the man who is now close to 80 years old, who can never bring himself to consider life beyond his office walls. I think of all of his dreams that have gone unfulfilled, all of those regrets that will only be realized when it is far too late. Whether this counts as a sin against God

³⁸ In the order of *Hilkhot Teshuva*, however, the *teshuva* of Yom Kippur precedes that of Rosh Hashana. This is in line with the general pattern in the *Mishne Torah* in which Rambam begins each new section with an explanation of the central Torah command relevant for that section. In this case, the Torah mandate is *teshuva* with confession which is the repentance related to sins and epitomized by Yom Kippur. For analysis of the structure and patterns of the *Mishne Torah* in general and *Sefer ha-Madda* in particular, see Bernard Septimus, "Literary Structure and Ethical Theory in Maimonides' Book of Knowledge" (Hebrew), *Maimonides: Conservatism, Originality, Revolution* ed. by Aviezer Ravitzky (Jerusalem: Shazar Center, 2008), 223-46.

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might be an open question, but it certainly counts as a sin against oneself. *Teshuva* in all of its dimensions directs man to return to God, and the *teshuva* of Rosh Hashana is no exception. As Rambam writes in *Hilkhot Teshuva*, the sound of the shofar carries a direct message to the sleeper: “arouse from your slumber, examine your deeds, return in repentance, and remember your Creator.” But the “return” that is implied by the *teshuva* of Rosh Hashana has a second layer of meaning as well. In *Hilkhot Mezuza*, Rambam describes the awakening man as “*hozer le-da`ato*,” as returning to one’s senses and regaining consciousness.³⁹ This *teshuva* directs one to return to oneself and recapture one’s life. It presents us with the opportunity to remember our identity and our ideals. To think about – *mi ani* – who am I? What are my real goals? What are my real values? For what and for whom do I live? Rosh Hashana challenges us not just to think about fixing specific sins, but also to consider the big picture. Am I on the right path in life? Is there something more that I want for myself, or, more significantly, is there something more that God wants from me? Rosh Hashana enables us to change our routine, find a new path in life, and write a new chapter in our life story.

In BT *Yoma* 86b, the *gemara* quotes R. Shemuel bar Nahmani, citing his teacher R. Yonatan b. Elazar, that *teshuva* is so great that one who does *teshuva* lengthens one’s years. It is a bold *derasha* for the Amora sage to make. Sadly we know from life experience too many righteous men or women who pass away prematurely; can one truly promise that a *ba`al teshuva* is rewarded with additional years to his or her life? From Rambam’s perspective of the *teshuva* of Rosh Hashana, however, one could interpret this statement not as a bold promise but as a more subtle remark about the positive effects of *teshuva*. While the *teshuva* of Rosh Hashana cannot guarantee that one will have additional years, it can promise additional meaning to one’s years. One who internalizes the message of *teshuva* of Rosh Hashana will not sleepwalk through life. Sleepwalking through life is not really living, as one is just going through the motions. The *ba`al teshuva* is one who remains conscious, alert, and alive; he lengthens his years in the sense that he actually lives them. This is the promise and opportunity that Rosh Hashana offers each and every individual. “Fortunate is the nation that comprehends the meaning of the *teru`a*” (Ps. 89:16), for that nation is regularly reminded to take advantage of their days and fulfill the potential of their years, earning them life in this world and in the next world, as they return to themselves and return to God.

³⁹ See Kreisel, 242-3, who sees in this sentence a reference to the acquired intellect which is attained as a result of apprehending the incorporeal existents. It is this perfected intellect which is immortal.