

VIDUI: AN AFFIRMATION OF FAITH

MICHAEL L. KLEIN-KATZ

Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
New York, N. Y.

March, 1977

Referee: Dr. Lawrence A. Hoffman

107775

TABLE OF CONTENTS

	Page
Acknowledgments	iii
Introduction	iv
Chapter One The <u>Vidui</u> in Tannaitic Times	1
Chapter Two The <u>Vidui</u> in the Amoraic Period	22
Chapter Three The Geonic <u>Vidui</u>	34
Appendix I Yoma 36b	46
Appendix II Two Geonic <u>Viduiim</u>	48
Bibliography	51

ACKNOWLEDGMENTS

Modeh ani
In appreciation

To Dr. Lawrence A. Hoffman, for his guidance
and wisdom and foresight.

To the members of the HUC-JIR Library staff,
whose constant devotion to Talmud Torah has
shed light upon so many paths.

And to Sally, whose understanding, encourage-
ment, and patience have been the most sustaining
blessings of all.

INTRODUCTION

The staccato tone of the ashamnu and the lasting echo of the 'al chet evoke from every Jew the recognition of personal imperfection. They constitute a painful public declaration reminding us that all that we are is not all that we might be.

Though some may recall the existence of a vidui 'al hamitah, that is, a death-bed confession, most of us today know the vidui by its prominent role in the liturgy of the Day of Atonement. It captures the intense drama and inward solemnity which so characterizes the spirit of this, the most awesome of days. It is recited ten times during Yom Kippur. The full vidui is first recited during the silent tefilah and by the reader during the fourth blessing (kedushat hayom) of his repetition thereof. It is introduced after birkat shalom with "tavo lefanekh....," a prayer petitioning God's grace and reaffirming our responsibility to recognize the wrong we have committed. The twenty-four letters of the Hebrew alphabet then serve as the basis for the ashamnu, an acrostic of our sins. This section, also known as vidui zuta ("the little confession") is characteristically recited in the first person plural, testifying to the belief that each one of us, individually and collectively, shapes the moral tenor of our community. It is followed by a concluding thought (sarnu mimitzvotekha), "we have turned aside from Your commandments." All our sins are known to God. We can but plead for His merciful forgiveness.

The 'al chet itself, or "great confession" (vidui raba) is a double acrostic whose fifty-four components express contrition for the callousness and pride we have shown our fellow human beings. Lest

an offense be omitted, ve'al chataim makes confession for all sins, whether perpetrated against God or humanity. Like the vidui zuta, the 'al chet, too, is bracketed by introductory and concluding prayers. The introduction, 'atah vodei'a razei 'olam continues the theme of God's omniscience and His consequent knowledge of our sins, whether we confess or not. But we do confess, and then conclude the vidui raba with a reassurance of God's loving pardon ("ki 'atah salchan") and the Talmudic meditation "Elohai, ad shelo notzarti," a reflection of our inherent finitude and a petition for God's help to keep us from further sin.

A shorter form of the vidui is recited twice during the Ne'ila service. The 'al chet section is there replaced by the two niyyutim: "Atah noteyn yad lefosh'im," which emphasizes God's willingness to accept the sincere penitent, and "Atah hivdalta enosh merosh," a reminder that, after all, it is God who created us. If we are subject to sin, we are also privileged to be the single species of creation called to account for ourselves before our Creator, who will surely forgive our iniquities.

This is the final formulation of the vidui. The following study is an inquiry into how it became so, from the broadly encompassing Tannaitic definition of vidui, to the narrower purview within which it was confined by the Amoraim and Geonim. Moreover, the thesis purports to demonstrate that in spite of the changes in form undergone throughout the ages, the vidui never failed in its essential expression as the ultimate affirmation of belief in the God of Israel and solidarity with the people of Israel. As the spiritual statement

Chapter One
THE VIDUI IN TANNAITIC TIMES

The term vidui in Tannaitic literature reflects a much broader contextual meaning than the singular liturgical one with which we are familiar today. As the public confession of sin on Yom HaKippurim, our vidui serves as a climax to the personal soul-searching which characterizes the preceding ten days of repentance. In the most formative period of our tradition's development, however, the Tannaim cast the vidui as a technical term with a variety of meanings. Its role was manifest in the courtroom, on the death bed, upon payment of one's tithes, as well as the confession of sin on the Day of Atonement.

This work is based upon a careful examination of the use of the term in all of these contexts. Every reference to the term vidui (וִדּוּי) or one of its verbal forms found in Otzar Lashon HaMishnah and Otzar Lashon HaTosephta was noted. To these were added the citations in the baraitah material as they appeared in Otzar Lashon HaTalmud. Once collected, the data revealed the conglomerate of disjointed settings mentioned above and defined vidui as either a testimony and affirmation, or as an admission of sin. Let us explore these two categories in greater depth.

Although the examples of vidui in the courts are limited to two, they make an important contribution to our understanding of the term as it was used at this time. Both a baraitah in the Bavli and a Tosephta passage point to a verbal confession as an indication of legal culpability. In the former, the verse from Leviticus 5:5 is cited: "And it shall be, when he shall be guilty of one of these things, that he shall confess that he has sinned in that thing..." It serves as the

basis for the general rabbinic principle regarding the giving of testimony in court: ¹ מודה בדברים, חייב; אין מודה בדברים, פטור. i.e., he who confesses verbally is guilty, he who does not confess verbally is innocent. And in the latter, we find an example of this very principle. After the accused had repeatedly denied having transgressed the prohibition against eating non-kosher fat, Rabbi Yehuda asks rhetorically, "How can you say to the accused, 'Stand and confess your transgression,' when he says to you, 'With every bone that is in me, I swear that I have not sinned!'"² The individual's confession, then, is taken as evidence and testimony of his legal culpability.

A court-related case with which vidui is connected pertains to those sentenced to stripes. As the punishment is being meted out, the judge reads the phrase from Deuteronomy 28:58 ("If you fail to observe faithfully all the terms of this Teaching that are written in this book, to revere this honored and awesome Name, the Lord your God, the Lord will inflict extraordinary plagues upon you...") and concludes with Psalms 78:38 ("But He, being full of compassion, forgiving iniquity and destroying not; many times does He turn His anger away; And does not stir up all His wrath.") In this way, the Mishnah teaches, the individual is aroused to repentance and to confession.³

The vidui played a much more crucial role in the ceremony which accompanied certain offerings brought to the Temple in Jerusalem. According to Deuteronomy 26, it is a religious obligation to bring the choicest of all of one's produce to the priest at the sanctuary. The commandment may only be fulfilled in the land of Israel and refers exclusively to the seven kinds of produce indigenous to the land.⁴ These offerings were acceptable from Shavuot until Succot.⁵

The pilgrims would receive a formal welcome from a committee of priests who would greet them with the phrase, "Our brothers from such-and-such a place, you have come for the sake of peace."⁶ When they reached the Temple Mount, each pilgrim would hoist his basket of contributions upon his shoulder and proceed as far as the courtyard. There, the Levites would break into song: "I will extol You, O Lord, for: You have raised me up, And have not suffered my enemies to rejoice over me." (Psalm 30:2)⁷

While the basket is still upon his shoulder, the pilgrim recites the formula, "I profess this day unto the Lord your God, that I have come unto the land which the Lord swore unto our fathers to give us." (Deuteronomy 26:3), and hands his offering to the priest. He then continues with what is known as the vidui bikkurim:

A wandering Aramean was my father, and he went down into Egypt and sojourned there, few in number; and he became there a nation, great, mighty, and populous. And the Egyptians dealt ill with us, and afflicted us and laid upon us hard bondage. And we cried unto the Lord, the God of our fathers, and the Lord heard our voice, and saw our affliction, and our toil, and our oppression. And the Lord brought us forth out of Egypt with a mighty hand, and with an outstretched arm, and with great terribleness and with signs, and with wonders. And he brought us into this place, and gave us this land, a land flowing with milk and honey. And now, behold, I have brought the first of the fruit of the land, which You, O Lord, have given me. (Deuteronomy 26:4-10)⁸

He then places his basket by the side of the altar, bows, and takes his leave.⁹

The recitation of this vidui is altogether necessary to the fulfillment of the mitzvah¹⁰ and must be read in Hebrew.¹¹

Another such offering was the mandatory tithe, serving as an in-

come tax in support of the government functionaries connected with the Temple, payment of which was made in Jerusalem.¹² "And all the tithes of the land, whether of the seed of the land or of the fruit of the tree, is the Lord's; it is holy unto the Lord."¹³ Of the several categories of taxes, the "second tithe" or maaser sheni was accepted only when its bearer made a public declaration known as vidui maaser.¹⁴ It is said on the last day of Pesah, at every fourth and seventh year.¹⁵ The formula for this statement is taken from Deuteronomy 26:13-15:

I have put away the hallowed things out of my house, and have also given them unto the Levite and unto the stranger, to the fatherless, and to the widow, according to all Your commandments which You have commanded me; I have not transgressed any of Your commandments, neither have I forgotten them. I have not eaten thereof in my mourning, neither have I put away thereof, being unclean, nor given thereof for the dead; I have hearkened to the voice of the Lord my God, I have done according to all that You have commanded me. Look forth from You holy habitation, from heaven, and bless Your people Israel, and the land which You have given us, as You swore to our fathers, a land flowing with milk and honey.

Fortunately, the Mishnah articulates exactly what this confession meant to the Tannaim, by defining each of its terms in vivid detail:

בְּעֶרְתִּי הַקֹּדֶשׁ מִן הַבַּיִת - זֶה מַעֲשֵׂר שְׁנֵי תַּסְעֵי רִבְעֵי. וְנִתְּתִי לַלֵּוִי - זֶה מַעֲשֵׂר לֵוִי. וְנָתַתִּי - זֶה תְּרוּמָה וְתִרְוּמַת מַעֲשֵׂר. לַגֵּר לִיתוֹם וְלְאַלְמָנָה - זֶה מַעֲשֵׂר עָנִי. הַלֵּקֶם וְהַשְׂכָּחָה וְהַפָּאָה, אֵף עַל פִּי שְׂאִיִּן מַעֲבָדִין אֶת הַנֶּזִּיד. מִן הַבַּיִת - זֶה חֵלָה.

כָּבַד מִצְוַתְךָ אֲשֶׁר צִוִּיתָ - הֵא אִם הַקִּדִּים מַעֲשֵׂר כִּנִּי לְרֹאשׁוֹן, אֵינִי יָכוֹל לְהַתְּנוּת. לֹא עֲבַרְתִּי מִמִּצְוֹתֶיךָ - לֹא הִפְרַשְׁתִּי מִמֶּנּוּ עַל שְׂאִיִּי מִנּוּ, וְלֹא מִן הַתְּלוּשׁ עַל הַמַּחְבֵּר, וְלֹא מִן הַמַּחְבֵּר עַל הַתְּלוּשׁ, וְלֹא מִן הַחֹדֶשׁ עַל הַשָּׁנָה, וְלֹא מִן הַשָּׁנָה עַל הַחֹדֶשׁ. וְלֹא שִׁכַּחְתִּי - לֹא שִׁכַּחְתִּי מִלְּבַרְכּוֹ וּמִלְּהַזְכִּיר שְׁמֶךָ עָלָיו.

'לא אכלתי באני ממנו' - הא אם אכלו באניו, אינו יכול
 להתנדות. 'ולא בערתי ממנו בטמא' - הא אם הפרישו
 בטמא, אינו יכול להתנדות. 'ולא נתתי ממנו למת' - לא
 לקחתי ממנו ארון ותכריכים למת. 'ולא נתתיו' - לאונינים
 אחרים. 'שמעתי בקול ה' אלהי' - הבאתיו לבית הבחירה.
 'עשיתי ככל אשר צויתני' - שמחתי ושמחתי בו.
 'השקיפה ממעון קדשך מן השמים' - עשינו מה שצוית ע'לינו,
 אף אתה עשה מה שהבטחתנו: 'השקיפה ממעון קדשך מן
 השמים וברך את עמך את ישראל' - ב'בנים ובנות. 'ואת
 האדמה אשר נתת לנו' - במל ובמטר ובג'לות בהמה.
 'כאשר נשבעת לאבותינו ארץ זבת חלב ודבש' - כדי שתמן
 טעם בפרות.

As such an explicit interpretation reflects, this particular
 tithe, together with the confession tied to it, occupied an important
 position in the religio-political life of the Jewish people at this
 time. An explanation of how vidui maaser fit into the constellation
 of Tannaitic life will follow in the conclusion of this chapter. Under-
 standably, then, the conditions under which one could recite this vidui
 were clearly delineated. It could not be said if the first tithe
 (maaser rishon) had not been offered.¹⁷ Unlike vidui bikkurim,¹⁸ there
 were no restrictions regarding the language in which it might be said,
 or concerning the time when it must be said.¹⁹ It was, however, forbid-
 den to converts, freed slaves,²⁰ mourners, and those considered to be
 impure.²¹ Rabbi Shimeon bar Yochai tells us that the vidui maaser was
 uttered in a whisper, in contrast with the vidui bikkurim, which was

said in a loud voice.²²

It is unclear exactly when and why the vidui maaser was interdicted. Rabbi Yose suggested that it was due to the people's not presenting the tithe correctly and according to its prescribed regulations.^{22a} A statement from the Tosephta, however, indicates that it was precipitated by the outright delinquency of the people in their payment of the tax itself.²³ From what we know of the horribly pressed financial situation in which the farmers found themselves preceding the Bar Kochba revolt, it would seem that their inability to meet the oppressive levies exacted from them might well explain the demise of the vidui maaser.²⁴

The vast majority of all Tannaitic references to vidui is concerned with the confession of sin. The operative assumption in this connection is that confession has the power to atone for wrong doing. It must be remembered that vidui chet was accompanied by a sacrifice as long as the Temple stood in Jerusalem. Was the sacrifice an essential part of the individual's repentance, however, or was it the vidui itself which alone allowed him to return to the path of righteous living? A baraitah indicates that the latter may in fact have been the case:

תו רבנן כגון שביפר
לו וידיו שנאמר "ויאמר לו יורשע מה
עברתו יעבור ה' היום הוה היום הוה אתה
עבור ואי אתה עבור לעולם הבא

The inquiry itself may alternately indicate that the baraitah postdates the destruction of the Temple, when the link between sacrifice, confession, and atonement had been broken.²⁶ Now that sacrifice had been eliminated from the equation, it may have been necessary to raise the question as to whether vidui alone would suffice for acceptable repent-

ance.

This very element of atonement explains the need for vidui by those on the verge of death. The person who lay on his death bed is told to confess,²⁷ just as those who have been sentenced to death by the Sanhedrin.²⁸ In the latter case, the convict is told, "Confess!" when he has reached a distance of ten amot from the place of execution. If he is not aware of what a confession entails, he is to repeat the words of a formula which is taken from the personal vidui of one who had tread this path before:

ומעשה כמחזר שיצא ליסקל אמרו
לו החוזה אמי חזא סודתי כפרה
על כל עונותי ואם עשיתי כן אל
יחל לי ויהא בית דין של ישר' נקי

Because of this final act of repentance, the convict is ensured a place in the world to come, a precedent for which is found in the story of Achan, who had confessed his sin of plundering Jericho before being stoned to death.³⁰

The vidui which is most thoroughly discussed and explicitly defined is part of the offertory service conducted by the High Priest in the Temple on Yom HaKippurim. The service itself, or Avodah, is based on Leviticus 16 and later elaborated upon in Tractate Yoma. It marked the only day in the Jewish calendar when the High Priest entered the Holy of Holies in the Temple and pronounced the otherwise ineffable name of God, having had to prepare himself punctiliously during the preceding seven days. On the Day of Atonement, he and he alone performed the offering of the daily sacrifice, the incense offering and the other sacred duties. After a series of immersions and ablutions he offered a bull as his personal sin offering. With two hands placed

upon the animal, he would first make confession for his own sins and those of his family:

אָנָא הָשֵׁם,
עֲרִיתִי פִשְׁעֵי חַטָּאתַי לְפָנֶיךָ, אֲנִי וּבֵיתִי. אָנָא הָשֵׁם, כִּפֹּר נָא
לַעֲוֹנוֹת וּלְפִשְׁעִים וּלְחַטָּאִים, שְׁעִרִיתִי וְשִׁפְשַׁעֲתִי וְשִׁחַטָּאתִי
לְפָנֶיךָ, אֲנִי וּבֵיתִי, כִּכְתוּב בַּתּוֹרָה מֹשֶׁה עֲבָדְךָ: 'כִּי-בְיוֹם
הַזֶּה יִכְפֹּר עָלֵיכֶם' וְעַי.

The High Priest then draws lots, determining the fate of the two he-goats which have been brought before him. One will be dedicated "to the Lord" and will be sacrificed as a sin offering. The second will be hurled into the wilderness, "to Azazel," and carry with it all the iniquities of the people of Israel. When the lots had been drawn and the goats' fate sealed, the High Priest returned to the bull upon which he had already confessed, to recite a second vidui for the sins of the priests of the tribe of Aaron. With his hands upon the bull's head once again, he would utter:

אָנָא
הֵשֵׁם, עֲרִיתִי פִשְׁעֵי חַטָּאתַי לְפָנֶיךָ, אֲנִי וּבֵיתִי וּבְנֵי אֶהֱרֹן עִם
קְדוֹשֶׁיךָ. אָנָא הָשֵׁם, כִּפֹּר נָא לַעֲוֹנוֹת וּלְפִשְׁעִים וּלְחַטָּאִים,
לְעֲרִיתִי וְלִפְשַׁעֲתִי וְלִשְׁחַטָּאתִי לְפָנֶיךָ, אֲנִי וּבֵיתִי וּבְנֵי אֶהֱרֹן עִם
קְדוֹשֶׁיךָ, כִּכְתוּב בַּתּוֹרָה מֹשֶׁה עֲבָדְךָ: 'כִּי-בְיוֹם הַזֶּה יִכְפֹּר
עָלֵיכֶם לְסַהֵר אֶתְכֶם מִכָּל חַטָּאתֵיכֶם לִפְנֵי ה' תִּטְהַרְרֻ.'

The bull is then slaughtered and its blood sprinkled upon the alter, after which the he-goat designated "for the Lord" is slaughtered and its blood also sprinkled upon the alter. Finally, the scapegoat is brought before the High Priest who places his hands upon it and confesses the sins of the people of Israel:

אָנָא הָשֵׁם, עוֹו פִּשְׁעוֹ חַטָּאוֹ לְפָנֶיךָ עַמֶּךָ בֵּית
יִשְׂרָאֵל. אָנָא בָשֵׁם, כִּפֹּר נָא לַעֲוֹנוֹת וּלְפִשְׁעִים וּלְחַטָּאִים,
שְׁעוֹ וְשִׁפְשַׁעוֹ וְשִׁחַטָּאוֹ לְפָנֶיךָ עַמֶּךָ בֵּית יִשְׂרָאֵל, כִּכְתוּב
בַּתּוֹרָה מֹשֶׁה עֲבָדְךָ, לֵאמֹר: 'כִּי-בְיוֹם הַזֶּה יִכְפֹּר עָלֵיכֶם
לְסַהֵר אֶתְכֶם מִכָּל חַטָּאתֵיכֶם לִפְנֵי ה' תִּטְהַרְרֻ.'

The goat is then lead to the outskirts of Jerusalem, pushed off a cliff, and the Day of Atonement services concluded with the High Priest's reading of Parashat Achare Mot (Leviticus 16:1-18:30). [See Mishnah Yoma 7:1]

At the conclusion of each vidui, as the High Priest recited, "I am the Lord (יהוה) your God," the people prostrated themselves and answered, "Blessed is His name whose glorious kingdom is for ever and ever."³⁴ In the course of the Avodah, this litany occurred ten times,³⁵ (or, as another source reports, thirteen times³⁶).

The formula for the three viduim of the High Priest was patterned after the biblical language of Leviticus 16:21:

וְסָמַךְ אֶהָרֹן אֶת-שְׁתֵּי יָדָיו עַל-
 רֹאשׁ הַשְּׂעִיר הַחַי וְהִתְנַחֵה עָלָיו אֶת-
 כָּל-עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל וְאֶת-כָּל-
 פְּשָׁעֵיהֶם לְכָל-חַטָּאתָם

And yet, there is some disagreement concerning the wording of these confessions. The question is asked why the phrase ובני אהרון עם קדושך is included in second vidui but not in the first. The Torah itself makes mention of only two confessions and only two sacrifices (excluding the scapegoat). Therefore, it would seem that only two viduim are in order: one for the High Priest, his household and the other priests; and one for the Jewish people en masse. The answer comes from the school of Rabbi Ishmael who taught that it would not be fitting for the High Priest to atone for the sins of any other Jew before his own sins are expiated:

*תנא רבי ר' ישמעאל כך היא מדת הדין
 נותנת מוטב יבא זכאי וכפר על הדייב וא
 יבא חייב וכפר על הדייב

A much more serious rift developed between Rabbi Meir and the Sages vis a vis the proper formula for the High Priest's viduiim. It is preserved in a baraitah in the Babylonian Talmud, as well as in the Jerusalem Talmud, the Siphra, and in the Tosephta. A critical comparison of these parallels reveals insignificant variations only. [See Appendix I]

It is important to note that only Rabbi Meir's position is represented in our Mishnah (in Yoma 3:8, 4:2 and 6:2), where the order of sins confessed follows his prescription: חטא, עון, פשע. This would certainly support the statement in Sanhedrin 86b which attributes all anonymous nishnayot to Rabbi Meir. Unfortunately, the problem is neither so simple nor lucid as all that. It is, rather, extraordinarily curious that the Talmud's restatement of Mishnah Yoma 6:2 (i.e., found on page 66a) reads as follows:

מתני' בא
 לו אצל שער המשתלח וסומך שתי ידיו
 עליו *ומתודה וכך היה אומר אנה השם
 (ה) *הטאו עון פשעו לפניך עמך בית ישראל
 אנה (י) השם כפר נא לחטאים ולעוונות
 ולפשעים שהטאו ושעו ושפשעו לפניך
 עמך בית ישראל

The Talmud's version clearly gives precedence to the formula of the Sages (פשע, עון, חטא) over Rabbi Meir. Such a reading of the Mishnah may be discounted, as Dikdukei Sofrim suggests that it should be, when compared with other manuscripts:

(ב) עו ופשעו וחטאו, וכ"ס

זכ"י ח"ס ול' וצירושלמי וכמו שהוא לעיל ל"ב ז' ומ"א ז' וכ"ס צמחמות נאסולי ופירו וצד' דיווח וציוניסם הדפיכו כנוסח הנח' והמיי"ט החזיר את כנוסחא הישנה ע"ש ויל' דנוסח הדפוס עיקר דנצבור גם ר' מאיר מודס דאומר חטאו עו ופשעו עק מלינו צלצות הראשונים כסכללו טלחן צמוד כל ישראל אמרו כן עק דוד אחר חטאו עם חצותינו הטוית והרשענו וכן בשלמה הוא אומר כי' וכן צדיאל הוא אומר כי' כלעיל ל"ו ז' חכו דלל אחר שם ור"מ צכנסו קרלי חלי עמיד לכו כי סיבי דאחר אלל חכו שאחר חש נוסח כי' וע"ס צירושלמי וכן אמרו כחן צירושלמי חני צר קפרח עו פשעו חטאו טלל לסוכר גמין של ישראל חשהע שהוא כגיס כן צמשה כדי שלא יפייס צנגחי של ישראל וקרחי דוד ושלמה ודמאל שלי שאף על טלחן אמרו, וירחי צסדר סעגדס לח"ס ז' גילת מנסב טריפוני (ווינציל חט"א) כנוסח עו ופשעו וחטאו ודלס שטעום הדפוס הוא כדלמר חו כפר נל לחטאים ולעניות ולפשעים שחטאו

If the mishnah printed in Yoma 66a is in fact a printing error, we must ask why this mahloket was not preserved in our Mishnah, but remains extant in parallel Tannaitic forms. And if Rabinowitz has touched upon resolution relegating the formulas to different liturgical sectors, i.e., private and public, then why is it nowhere stated, with regard to each wording **הא ביחיד הא בציבור**?

Textual analysis is admittedly difficult and limited in this case because it is impossible to determine the source and calibre of the two traditions represented here. We have no way of pin-pointing

what the High Priest recited as his confession, or when an alternative formula arose.

Conceptually, however, we see exemplified the classical Talmudic argument of Scripture (miqra) vs. logic (s'vara). Rabbi Meir's position is based upon two biblical verses, Leviticus 16:21 and Exodus 34:7, which clearly define the order of sins as 'avon, pesha, chatat. The Sages, however, object on the grounds that it is not logical to confess the deliberate and rebellious sins before confessing inadvertent errors. Of course, they too can and do cite scriptural support to justify the constitutionality of their claim, but their argument must primarily be a reasoned one. Not one of their verses can be applied directly to the case, i.e., with the order defined as חטא, עון, פשע and their citations are, all of them, extra-Pentateuchal, lacking the integrity and strength of Rabbi Meir's proof texts.

The controversy is renewed again and again, as we shall see, along the same conceptual lines in the Amoraic and Geonic periods, and even continues to be an unresolved issue with Maimonides.⁴⁰

In addition to the question of the exact wording of the High Priest's viduiim on Yom HaKippurim, a major area of concern for the Tannaim centered around the scapegoat which was thrust into the wilderness, to Azazel, with all of the sins of the people upon it. When the question was raised as to whether or not the avodah could be acceptable without the casting of lots to determine the scapegoat, Rabbi Simeon answered, "Yes, but if the vidui were not recited, it is not acceptable."⁴¹ The vidui, then, was an essential element in the service and served as its climax, only after which could the scapegoat be expelled⁴² and the "sin offering for the Lord" be sacrificed.⁴³

Thus, as in the baraitah in Sanhedrin 44b, we see once again that it was the confession itself which had the power to atone for sin. Here, however, a further question is raised, i.e., for which sins do the viduim atone? The Mishnah states unequivocally that the confession uttered over the sin offering is meant as atonement for the priests, just as the vidui of the scapegoat atones for all Israel.⁴⁴ This is contested by Rabbi Judah, in any case, who argues that it is the vidui of the scapegoat alone which atones for all Israel as well as for the priests.⁴⁵

The remaining Tannaitic references to vidui are intended as guides to the individual in his personal confession of sin on the Day of Atonement. The anonymous nature of this material makes it impossible to analyze its development chronologically. The individual was afforded a great deal of freedom with regard to his vidui, since no formula was established for him by the Tannaim.⁴⁶ He was, however, instructed as to when he should recite his confession. The fact that vidui was a commandment that was not confined to the daylight hours alone allowed the Rabbis to ordain its recitation at six different times throughout Yom HaKippurim.⁴⁷ Beginning with the afternoon service preceding the final meal before the holy fast day, the vidui had to be continued in the evening, morning, musaf, and afternoon services which follow, and concluded with the Ne'ila service.⁴⁸ An earlier tradition exists which included vidui only in the five services which technically belong to the High Holy Day, i.e., evening, morning, musaf, afternoon, and Ne'ila.⁴⁸ The Sages, however, taking precautionary measures, ordained that a confession be made part of the afternoon service before the final meal in order to heighten one's consciousness of sin and atonement and thus

prevent him from overeating or overdrinking before the evening prayer.⁴⁹

The vidui was recited by the individual at the conclusion of the Amida,⁵⁰ and by the prayer leader, after the fourth section of the Amida in his repetition of it.⁵¹ The imperative to confess one's sins on Yom HaKippurim may have been instituted for the individual alone and only later made an integral part of the public service. Although the evidence is scant, it is worthy to note that a Tannaitic Midrash does witness this extension from the private to the communal sector of prayer:

כל חטאת לרבות מצוה בלא תעשה כי יעשו לרבות מצות
עשה אין כמשמץ ודוי אלא ליחיד מנין אף לצבור ודוי אמרת דבר והתדור >כול
כומן שהן מביאין מתודין ומנין אף כומן שאין מביאין אמרת בני ישראל והתדור ומנין
אף מיתות וטירות אמרת חטאת חטאתם. כל חטאת לרבות מצוה בלא תעשה
כי יעשו לרבות מצות עשה >אין כמשמץ ודוי אלא בארץ ומנין אף בגלות ודוי אמרת
והתדור את עונם ואת עון אבותם (שם כו מ) וכן דניאל אומר לך ה' הצדקה ולנו בשת
הפנים (טו ו) מפני מה כי חטאת לך: דבר אל בני ישראל, עיי ישראל מתודים
ואין מתודים לא עיי נים ולא עיי תושבים או בני ישראל פרט לגרים אמרת איש
לרבות הגרים: איש או אשה כי יעשו, שחשבו לעשות ולא עשו: מכל חטאת
האדם, ממה שבינו לבין חבירו על הגניבות ועל הגזלות ועל לשון הרע:

It was customary among some Tannaim to conclude the vidui with a formalized coda. It was Rabbi Meir's desire that such a formula be legislated as binding. The Sages, however, were in favor of its being optional: מהפלל שבע ואם רצה לחתום בודוי, חותם

This issue whose underlying significance remains unclear, became a major source of contention which was not yet resolved by the Geonim (Cf. Chapter three below).

Another Tannaitic argument centered upon the question of whether or not one should enumerate his sins as a part of his confession. Rabbi Yehuda ben Baba (the Yerushalmi reads: "Yehuda ben Beteira") represents the affirmative position and relies upon the text: "Alas, this people is guilty of a great sin in making for themselves a god of gold. And

yet, if You would only forgive their sin!" (Exodus 32:31-32). Rabbi Akiva's opposition to such a detailing of one's sins during public worship is based upon the verse: "Happy is he whose sin is covered, whose sin is pardoned," (Psalms 32:1) interpreting the covering of sins as keeping them private and out of public confession.⁵⁴ The fact that we find additional support for the enumeration of sins in the Tosephta (וחכ"א צריך לפרוט את החטא)⁵⁵ and in Tannaitic Midrash (ח"ב אדם להתודות על כל חטא וחטא)⁵⁶ may point to the prevalent opinion of the day, which eventually became the normative halacha, as evidenced by the composition of the piyyutim of 'alchet and ashammu.

The Tannaim also instructed the individual that the vidui finalized his repentance, and was not to be repeated during the next Yom HaKippurim if he had completely and sincerely turned from his confessed sin. So repugnant was the thought of repeating sins that have already been confessed and repented for, that it was likened to "a dog who returns to his vomit." (Proverbs 26:11)⁵⁷

CONCLUSION

Textual analysis reveals that in the Tannaitic period, the vidui, in all of its varied contexts and functions, attained different levels of normative formulation. The viduiim connected with Bikkurim and Maaser Sheni lived on in their biblical style as signs of the eternal covenant between the God of Israel and the people of Israel, though not after the demise of the cultic institutions which sustained them. The vidui of the munat, i.e., one convicted of a capital offense and sentenced to death, underwent developmental changes from being wholly individualistic and spontaneous, to a defined and fixed text as result of a personal in-

cident, which captured the purpose and spirit of the moment and was thus preserved as long as the Sanhedrin meted out judgment and there were convicts to execute. The vidui Yom HaKippurim, too, was a purely personal expression of repentance, but was also a highly formalized rite of the High Priest and the Temple cult. Although the latter was set earlier, its wording being disputed even by Tannaim, it was the former which survived the trials of time and has become our birthright. In spite of the fact that no Tannaitic version of individual vidui is extant in the literature, and that personal freedom in its composition is explicit, there is yet implicit certain indications that at some point in Tannaitic time, the private confession of sin, too, took on a set form. Granted, its imprint was colored and shaped by the school and teachers to which one belonged and whom one revered, but the congregational setting which evolved concurrent with the Temple service necessitated a fixed text which the prayer leader could recite in the repetition of the tefilah. It was most probably patterned after the vidui of the High Priest in Jerusalem and, at least, in not a few instances, included an enumeration of sins.

Conceptual analysis portrays the vidui, in all of its variations, as a socio-religious statement of faith in one's group and its system of belief. As such, it is operative on two axes, where the human and the divine intersect. On the horizontal axis, the human arena, the government functions only by the support of its constituents, whose incomes are taxed appropriately. Upon payment of these financial responsibilities, the citizen reiterates his support with a public declaration which attests to his loyalty and trustworthiness. Thus the vidui bik-kurim and vidui maaser were testimonies, pledges of personal honesty

that these offerings are in faithful fulfillment of the law of the land.

But they were also more than that. The society was founded upon transcendent values, however, and commitment to the state meant service to God. On the vertical axis, then, the individual stood in direct relation with the King of the universe. Thus these very affirmations of loyalty to the body politic were at the same time affirmations of loyalty to the covenant obligations on which society was based.

Failure to serve God in accordance with prescribed procedures resulted in sin, a temporary alienation that could be rectified only through turning from the wrong doing, acknowledging one's guilt and reaffirming the truth of God's judgment. This acknowledgment and reaffirmation, the vidui chet, seen from the horizontal axis, was a concomitant recognition that the requirements for membership in the group were not being fulfilled and so was appropriately recited in public worship as well as private meditation.

The vidui, in every instance then, represents a legal term, in spite of the fact that it may not have been used as a technical term in the actual courts at this time. It carries with it the sense of being legally culpable for one's actions before God, the Almighty Judge and Ruler of the Universe, and before His official functionaries and representatives at the Temple in Jerusalem. The constitutional prerequisites for certain viduim attest to this: one had to own a share of the land, precluding freed slaves and converts from reciting vidui maaser sheni; one had to conform to the legal standards of giving witness and so could not be a mourner or in a state of impurity.

The motivation for reaffirming one's allegiance to the God and

the people of Israel was strengthened by the promise of reward. In exchange for the financial pledge of a maaser sheni, the tax payer was ensured progeny, rain, and dew for his crops, protected livestock and a bountiful harvest. Likewise, the penitent was guaranteed a share in the world to come in return for his teshuvah.

Notes to Chapter One

1. Kritot 12a.
2. Tosephta Kritot 2:1.
3. Makkot 3:12-4. cf. Eliezar Levi, Yesodot Hatefilah, p. 15.
4. Bikkurim 2:3.
5. Bikkurim 1:6.
6. Bikkurim 3:3.
7. Bikkurim 3:4.
8. Deut. 26:4-10.
9. Bikkurim 3:6.
10. Bikkurim 2:2; Tosephta Bikkurim 1:7.
11. Sotah 7:2.
12. Deut. 14:23.
13. Lev. 27:30.
14. Bikkurim 2:2; Tosephta Bikkurim 1:6, 7; Tos. Shevi'it 7:7; Tos. Maaser Sheni 2:9.
15. Maaser Sheni 5:6, 10.
16. Maaser Sheni 5:10-13.
17. Maaser Sheni 5:11.
18. Berachot 40b; Sotah 7:1.
19. Megillah 1:5.
20. Maaser Sheni 5:14.
21. Maaser Sheni 5:12.
22. Baraitah Sotah 32b.
- 22a. Yevamot 86b and cf. Pashi there.
23. Tos. Sotah 13:10.
24. The statement in Sotah 9:10, i.e., יוחנן כוהן הגדול העביר הודיה המעשר (מעשר ראשון) may well refer to the interdiction of the First Tithe and not the second, since the term vidui maaser is not here employed.

25. Sanhedrin 44b.
26. Lev. 5:10; Num. 5:7; Tos. Menachot 10:12.
27. Baraitah Shabbat 32a.
28. Sanhedrin 6:2; Tos. Sanhedrin 9:5.
29. Tos. Sanhedrin 9:5.
30. Joshua 7:18-26.
31. Yoma 3:8; Yerushalmi Yoma 2:6.
32. Yoma 4:2.
33. Yoma 6:2.
34. Yoma 3:8, 4:2, 6:2; Tos. Sotah 13:8; Baraitah Yoma 39b.
35. Baraitah Yoma 39b; Tos. Yoma 2:2.
36. Yerushalmi Yoma 3:7.
37. Yitzhak Elbogen, Hatefilah B'Yisrael B'hitpatchuta Hahistorit, p. 113.
38. Baraitah Yoma 43b.
39. p. 182.
40. Perush Ha Mishniyot l'haRambam to Yoma 4:2.
41. Baraitah Yoma 40a.
42. Baraitah Yoma 40b; Baraitah Yerushalmi Shevuot 1:10; Tosef. Yom HaKippurim 4:12.
43. Baraitah Zevachim 113b.
44. Shevuot 1:7.
45. Baraitah Menachot 92a.
46. Yitzhak Elbogen, Hatefilah B'Yisrael B'hitpatchuta Hahistorit, p. 20; Daniel Goldschmidt, Mahzor L'yamim Hanoraim, p. x.
47. Megillah 2:5.
48. Baraitah Yoma 87b; Baraitah Yerushalmi Yoma 8:9; Tos. Yom HaKippurim 5:14;

49. Tos. Yom HaKippurim 5:14; Baraitah Yoma 87b; Baraitah Yerushalmi Yoma 8:9.
50. Ibid.
51. Tos. Yom HaKippurim 5:14; Baraitah Yoma 87b; Baraitah Nidah 8b; Baraitah Pesachim 3a; Tos. Berachot 3:6; Baraitah Yerushalmi Yoma 8:9.
52. Baraitah Yerushalmi Yoma 8:9; Baraitah Yoma 87b.
53. Siphre Zuta, "Nasa."
54. Tos. Yom HaKippurim 5:14.
55. Baraitah Yoma 86b; Baraitah Yerushalmi Yoma 8:9; Baraitah Yerushalmi Nidarim 5:4.
56. Tos. Yom HaKippurim 5:14.
57. Siphre Zuta, "Nasa" to Numbers 5:7.
58. Baraitah Yoma 86b; Baraitah Yerushalmi Yoma 8:9; Tos. Yom HaKippurim 5:15.

Chapter Two

THE VIDUI IN THE AMORAIC PERIOD

We have seen that the destruction of the Second Temple in 70 C.E. had a profound affect upon the development of the vidui. There no longer existed one center of social, political and religious life to which one paid homage. The cessation of all volitional offerings and requisite tithes precluded the possibility of the vidui bikkurim and vidui maaser immediately. Moreover, atonement came to be detached from its original cultic and sacrificial base and was now expressed exclusively through the personal and collective religious life of the Jewish community and their relationship with God. It was as the Midrash has described it, quite a logical transition: "Now that we have no prophet or priest or sacrifice, who shall atone for us? In our hands is left only prayer."¹

Understandably, then, the overwhelming majority of Amoraic references to vidui are concerned with the confession of sin recited by the individual on the Day of Atonement. There are, in fact, only three citations in the Talmud where this is not the case. In one, the verse from Numbers 5:6-7 is quoted in support of an argument that the convicted thief must return the entire principal in addition to a fifth thereof, and confession is used in the sense of a court testimony:

When a man or woman commits any wrong toward a fellow man, thus breaking faith with the Lord, and that person realizes his guilt, he shall confess ("וההודה") the wrong that he has done. He shall make restitution in the principal amount and add one-fifth to it, giving it to him toward whom he is guilty.²

A second instance is found when the Talmud comments upon those rituals which are permitted to be performed at any time throughout the day and night, as opposed to those which are delimited to the daylight

hours alone. When the Amoraim are faced with the task of explaining why vidui maaser is not time-bound, the gemara can only remind us of the once well-known formula, now abandoned and fallen into disuse, from Deuteronomy 26:13-15: "I have cleared out the consecrated portion from my house, etc."³

The final mention of vidui in this category constitutes an Amoraic attempt to understand why Johanan the High Priest interdicted the vidui maaser. Rabbi Yose, a Tanna, had suggested that it was because the people were not presenting the tithe correctly and according to its proper regulations. That is to say, that they were giving their maaser to the Levites instead of to the priests. It should here be noted that in spite of the statement in Deuteronomy 26:13, i.e., "I have given it to the Levite, etc." the share that was set aside for the Levites was passed on to the priests in order to punish the Levites for not returning from Babylonia with Ezra.⁴ The question is then asked, anonymously, introducing the Amoraic debate, "If the confession of the first tithe were prohibited for this reason, let the people make confession over the other tithes!" to which Resh Laquish responds that it is forbidden to recite the vidui maaser over maaser sheni if maaser rishon has not already been offered. How do we know this? Abaye points to the fact that Scripture deals with maaser rishon first, implying that it must be separated before any other tithes can be rendered.⁵

With these exceptions, the vidui chet, therefore, remained the only viable confession in the Judaism of the Amoraic period,⁶ and vidui as a technical term came to be limited to liturgical confession. Even without the sacrifices which once accompanied it, the vidui chet, itself,

was inextricably bound up with the act of repentance, as the final process in the expiation of one's sins. Rabbi Joshua ben Levi expressed the Amoraic attitude toward confession well, when he equated it with one of the highest honors that man can pay his Creator:

אריב"ל כל הוֹבֵחַ אֶת יָצוֹ וּמִתְוַדֵּה עָלָיו
מַעֲלָה עָלָיו הַבְּחוּב כִּאִילוֹ כִּיבֹחַ לְהַקְבִּיָּה
בְּשָׁנֵי עוֹלָמִים הָעוֹלָם הַזֶּה וְהָעוֹלָם הַבָּא
דַּתִּיב עֹבֵד תְּוַדָּה יִכְבְּרֵנִי

Confession is honorable, however, only when it signifies the complete rejection of the sin. The person who sins, confesses and returns to the sin is likened to "one who holds an abominable (forbidden) animal in his hand and tries, in vain, to purify himself with all the water in the world." But the person who confesses sincerely and committedly, without any renetition of the sin, Rav Ada compares with one who has thrown away the abomination and immerses in the absolute minimal amount of water needed for ritual purification.⁸

The distinction and prominence of confession notwithstanding, the Amoraim were forced to confront the mechanics of transforming a formally choreographed ritual into a personal liturgical expression. Although the guidelines and definitions that had already been established by the Tannaim were followed by the devoted heirs, some as yet unresolved issues needed crystallization. The need to confess one's sins publicly, for instance, which served as a bone of contention between Rabbis Judah ben Baba and Akiva, was not reconsidered in the light of the recognition that in fact people were doing it:

א"ר יהודה רב רמי כתיב °אשרי נשוי פשע כמי המאה וכתיב
 °מבסה פשעיו לא יצליח לא קשיא הא ברמא כפורס
 הא בחמא שאינו מפורס רב זוטרא בר טוביה אמר רב נתמן
 כאן בעביחת שבין אדם לחבירו כאן בעבירות שבין אדם למקום

So, too, in the case of the undefined Ne'ila service, was there a call for clarification and formulation. Rav considered this service as an additional one ("צלוהא יחירחא"), but Samuel identifies it with the prayer beginning with the words, "מה אנו, מה חיינו".¹⁰ Although Samuel's prescription is not at all labelled as or even associated with vidui in the Gemara, it apparently came to be so in time, as we shall see in the Geonic period. The exact date at which this prayer became part of the vidui Ne'ila is presently beyond our ken.

Another important concern of the Amoraim led them to reconfirm the Tannaitic dictum that vidui Yom HaKippurim could be recited throughout the day. Apparently, the need was felt to inform and instruct all Jews of their responsibilities regarding a matter which was one exclusive rite of the priestly elite. "Atonement," the Gemara states, "is certainly during the (whole) day, for it is written, 'For on this day atonement shall be made for you to cleanse you of all your sins; you shall be clean before the Lord.'" (Lev. 16:30)¹¹

The most pressing problem which faced the Rabbis at this time was providing the individual with an acceptable text which would fulfill his requirements for confession on Yom HaKippurim. The meaning, language, and connotations of the priestly formulae made them foreign and inappropriate. The sense of the intermediary had to be broken down to make way for direct communication between the penitent and the Merciful One. For the very first time in rabbinic literature, then, there arose several versions of personal Yom HaKippurim confessions, composed by

Amoraic rabbis of the third century, and constituting some of the earliest piyyutim.¹²

The Midrash records the vidui of Rabbi Bibi bar Abiya who claims that this is the way one should confess on Yom HaKippurim:

I confess all the evil I have done before Thee; I stood in the way of evil; and as for all (the evil) I have done, I shall no more do the like; May it be Thy will, O Lord, my God, that Thou shouldst pardon me for all my iniquities, and forgive me for all my transgressions and grant me atonement for all my sins. (Leviticus Rabbah 3:3)¹³

The Jerusalem Talmud offers another version of the vidui in the name of Rabbi Berachiya who learned it from Rabbi Bah Bar Binah:

רבני השארו
ומתע עשיתי וברעח רעה הייתי עומד וברוך רחוקה הייתי
מחלך וכשם שעשיתי איני עשה יחד רצון מלפניך יי אלהי
שחבפ' לי על כל פשעי וחמחול לי על כל שגותי וחסלח לי
על כל חטאתי:

From the Babylonian Talmud come references to several Amoraic viduiim that were well known at that time, cited by their introductory words:

אמר רב אתה יודע רדי עולם
ושמואל אמר ממעמקי הלב ולדי אמר
ובתורתך כתוב לאמר ר' יוחנן אמר רבון
העולמים ר' יהודה אמר כי עתה חינו רבו
מלמדות ורמאות עצמו מספר רב המנוגא
אמר *אלהי עד שלא נוצרתי איני כראי
עכשיו שנוצרתי כאילו לא נוצרתי עפר אני
בדי קדי במיהתי הרי אני לפניך ככלי מלא
בושה וכלימה יהי רצון מלפניך שלא אחמא
ומה שחמאתי מחק ברדכיך אבל לא עיי
יסורן

The last vidui is quoted as having been the private prayer of Raba with which he concluded his daily recitation of the Tefilah.¹⁶ It was not, therefore, originally associated with the vidui Yom HaKippurim but was later adopted for it by Rav Hamunuah.

We have no way of discovering the complete original texts of these Amoraic confessions that are only here identified by their first few words. We know only the versions of them which were preserved (or altered) in Geonic prayerbooks, and there is no guarantee that the Geonic versions are the same as their Amoraic prototype. We must rely upon the prayerbooks of the Geonic to see how they were preserved. Search as we might, for example, we will not find the full version of Samuel's vidui, beginning with "From the depths of the heart..." In fact, it is never again mentioned in the Talmud nor does it ever appear in any later printed mahzor.¹⁷

It was a great discovery, therefore, when Israel Abrahams uncovered a Geniza fragment which contained a vidui, beginning very similarly. The completed text reads:

אתה יודע מעמקי לב וסתר כליות אתה מכיר • יצדי בריות
לפניך גלויים • ועשונותי ספק לא נכתרו • נושא עון ופשע נקראתה אתה הוא
"אלהינו שאתה יודע שאחרינו רימה • עוונותינו אנו סתודים לפניך "אלהינו
המה אונך לבקשתינו ; ועידותך נתתה לנו • משפמים ישרים ותורות אמת
חקים ומצות טובים ולא יכולנו לעמוד בהם • ועתה אין אנו לא עוי פנים ולא
עם קשה עורף שני לפניך צדיקים אנו ולא רשעים • אבל אנהנו
אשמונו בנרנו נולנו דברנו דמי העוין והרשענו ודנו חסמנו מפלט סקר
יעצנו רע כיברנו און לצנו מרינו גיאצנו סרדנו עוינו משענו צרנו קשינו
עורף רשענו שיחתנו תעינו תיעבנו תיעתענו סרנו מסבותך וממשפך
ורבים • ולא שוה לנו • ואתה צדיק על כל הבא עלינו כי אמת עשית ואנחנו
הרשענו •

Whether, indeed, this find constitutes Samuel's last vidui is, as Abrahams admits, open to speculation.^{18a} But if this manuscript does enshrine a long forgotten confession, Abrahams contends that it is understandable how it came to be excluded from the ordinary liturgies. He claims that the forms of confession in early liturgies were limited, and that Samuel's vidui was much too similar to Rav's for both to have been included in the early days of liturgical development. Unlike what happened with the shortened form of the Eighteen Benedictions (in which case Samuel's form, the Havineynu, survived Rav's; see Berachot 17a), Rab's vidui outlived Samuel's which ultimately fell into oblivion and was preserved only in the rite of certain communities. Moreover, it is evidenced in other instances that Rab's influence on the liturgy for Rosh HaShana and Yom HaKippurim was predominant.¹⁹

Samuel's name is preserved in another connection, however; for it was his custom to rise whenever, as a part of the vidui Yom HaKippurim, he recited the portion which began, "But we have sinned" ("אכל אנחנו חטאנו"). According to Bar Hamdudi's account in the Talmud, Samuel stood at this point because he regarded it as the vidui's most essential element. This view was shared by Mar Zutra, a Babylonian contemporary of Samuel's in the third century, who is credited with having said:

לא אמרן אלא דלא אמר אבל אטעו חטאנו
אבל אמר אבל אטעו חטאנו וזו לא צריך

Such references give evidence to the Amoraic concern for defining the vidui as a liturgical rubric so that one might know if what he had said

had indeed fulfilled the requirements for confession. For Mar Zutra, at least, the word, "But we have sinned" was sufficient.

CONCLUSION

We have seen that Amoraic references to vidui, as few in number as they may be, speak almost exclusively to the confession of sin on the Day of Atonement. Without a focal cultic sanctum to which one pledged loyalty through personal contributions and imposed tithes, the vidui chet remained the singularly viable statement of faith in the God of Israel and His abiding covenant of compassion and command with His people.

Although the Amoraim dilated upon vidui Yom HaKippurim, we can assume that the confession uttered on the death bed remained an integral element of the religious life of the individual. It was, after all, a Tannaitic enactment that "he who is sick and lies in wait of death, makes confession,"²² and, it has come down to us through the ages as part of our liturgical heritage. Here, too, the theme of atonement looms large, as with one's last breath, the consummate sins of a lifetime are expiated in order to pave the way for the soul's unhindered journey to the world to come. In light of its social efficacy, moreover, the vidui chet before death serves to reaffirm one's membership in a community whose contract with its Creator ensures forgiveness and everlasting life.

Was there a generally accepted formula for this vidui chet upon the death bed? The total absence of any evidence precludes certainty, but it may indeed have been based upon the confession of sin for Yom HaKippurim which was at this time evolving into fixed liturgical form.

To be sure, there was room for individual versatility and innovation, to which the several personal viduiim of the Amoraic rabbis attest. Nevertheless, because of the prominent role it played in the process of repentance, there was the need to define and crystallize the vidui in the context of synagogue worship. The fact that an attempt was made to ascertain the essence of the vidui as אכל אנהנו חטאנו points to this tendency. The entrance of the vidui into the public domain of the formal prayer service, as the community's enumeration of its sins, also establishes its becoming a normative liturgical expression. It is no longer the precious ritual of the High Priest, nor is it the silent introspection of the individual alone. It has become the common possession of Kohen, Levite, and Israelite alike, and, as the national pledge of Jewish allegiance, demanded a structure the individual could recognize and utilize.

It has been noted that all Talmudic viduiim share a uniform composition.²³ In spite of the personalized imprint which each Amoraic vidui carries with it, each confession begins with the individual addressing God, proceeds with his pleading his case and petitioning for mercy, and concludes with an acknowledgment of the rightness of divine judgment and the wish that this confession be accepted.²⁴ The style is blatantly legalistic, as the penitent presents his plea before the True Judge who, he prays, will deal justly with him and acquit him.

The way in which all the Amoraic viduiim fit this construct points to the reality of the vidui as a liturgical rubric as early as the third century C.E., though the term is here used to identify a closed set of prerequisites in a defined order, and does not touch

upon the strict formulation of language (as in the viduiim of the High Priest). It is, however, a significant first step in the historic development of a prayer which expresses the very essence of what it means to belong to the Jewish people and to believe in the One God.

Notes to Chapter Two

1. Tanhuma, Va-Yishlah, 10; cf. Elie Munk, The World of Prayer, pp. 240-241, and "Confession of Sins," Encyclopedia Judaica 5, pp. 830-831.
2. Baba Kama 106a.
3. Megillah 20b.
4. Yevamot 86b.
5. Sotah 47b-48a.
6. "Confession" here being used as a technical term (i.e., vidui). Although people confessed, i.e., gave testimony in the courtroom, the term vidui was never there applied.
7. Sanhedrin 43b.
8. Taanit 16a.
9. Yoma 86b.
10. Yoma 87b.
11. Megillah 20b.
12. Daniel Goldschmidt, Mahzor L'yamim Hanoraim, p. x; Yitzhak Elbogen, Hatefilah B'Yisrael B'hitpatchuta Hahistorit, p. 113.
13. As quoted in "Confession of Sins," Encyclopedia Judaica 5, p. 879.
14. Yerushalmi Yoma 8:9.
15. Yoma 87b.
16. Ber. chot 17a.
17. Israel Abrahams, "The Lost 'Confession' of Samuel" HUCA I (1924, pp. 378-79.
18. Ibid., 380.
- 18a. Abrahams' argument is based on the scantest evidence, i.e., one geniza fragment whose opening words somewhat resemble, but are not identical with, the opening words of Samuel's vidui in Yoma 87b, and so cannot be considered "Samuel's lost vidui" with any certainty whatsoever.
19. Ibid., 381-2.

20. Yoma 87b.
21. Ibid.; cf. "Confession of Sin," The Jewish Encyclopedia IV, p. 218; and Eliezar Levi, Torat Hatefilah, p. 215.
22. Baraitah Shabbat 32a.
23. Joseph Heinemann, Hatefilah B'tekufat HaTannaim Veba-Amoraim, p. 121.
24. Ibid., p. 122.

Chapter Three

THE GEONIC VIDUI

A very long, dark and curious lacuna exists between the third century Amoraim who composed their own viduim to the formalized prayerbook of Amram, the Gaon of Sura from 858 to 871, wherein lies a whole host of unanswerable questions. Suddenly, or so it seems, an entire community worships from a standardized text whose formulation, structurally as well as materially, presents us with fascinating mysteries. Our greatest losses are due to our inability to determine the sources of many of the additions to the vidui which we see for the very first time during this period, and to our blindness to the process by which these separate and distinct elements were integrated to comprise a formal liturgical construct. The compilation of these several Geonic prayerbooks, however, by no means signifies a complete liturgical canonization. Rather, arguments continued between Geonic authorities of different generations over what was religiously imperative and what was optional or, in some cases, not at all acceptable. It was a time of staunch opinion, virulent controversy and creative innovation, all of which shaped the Geonic development of the vidui as a liturgical rubric.

Although the Rabbinic dictum that the vidui should be recited during all services of Yom HaKippurim was universally accepted by the Geonim, i.e., at every service between and including the Minha of the ninth of Tishri and Ne'ila,¹ there were differing opinions concerning the proper way in which it should be said. One instance of varying customs among the Geonim comes to us second-hand from Rabbi Abraham bar

Yehudah HaLevi who reports that Amram eliminated the section of the vidui beginning "You understand" ("אתה מבין") in the Musaf of Yom Ha Kippurim, but included it in every other service.² The fact that this portion of the confession has not been preserved in any of the versions of Siddur Amram Gaon which we have at hand, makes verification impossible. The statement does point to the free range of possibilities which were open to the Geonim vis a vis their integration of the vidui into the already existing liturgical patterns.

In a second example, Amram Gaon stresses the need to confess one's sins before the final meal on the Eve of the Day of Atonement, for the Sages had explicitly stated: "A person confesses before eating and drinking" (Yoma 87b).³ It was, therefore, his contention that the individual should first invoke the vidui at the conclusion of his recitation of the amidah during the afternoon service of Erev Yom HaKippurim and that the vidui should be recited by the prayer leader in his repetition of the tefilah.⁴ Saadiah Gaon (882-942) reiterates the need for the individual to confess before the se'udah maf-seket, and even qualifies that he must first ritually purify himself,⁵ but adamantly adds that the vidui is to be recited silently to oneself, whether alone or in the context of synagogue worship, and the prayer leader is to pray the usual afternoon, i.e., with no repetition of the vidui.⁶ Some of the later Geonim, namely Sherira (968-998) and Hai (998-1038) concur with Saadiah's procedure,⁷ to which the latter adds, "But if the leader wishes to pray ha marbeh lisloah qua vidui, no one is to prevent him from doing so."⁸

This question of the role of the sheliach tzibur in the recitation of the vidui constituted a major controversy among several of

the Geonim.⁹ Amram, as a representative of one stance, required the precentor to proclaim, "This is the vidui," after his repetition of the 'amidah in order that all may hear him and thereby fulfill their religious obligation.¹⁰ Saadiah, in opposition, was of the opinion that the prayer leader must make the confession in the middle of the tefilah, after the fourth blessing ("Atah Bahartanu"), and not at its conclusion.¹¹

A more heated argument centered upon the issue of completing the vidui with a formalized coda (chatimah). Neither the Tannaim nor the Amoraim ever resolved this question, for Rabbi Meir favored a mandatory chatimah, and the Sages left the decision to the discretion of the individual (Tos. Yom HaKippurim 5:14). In the Geonic period, it was Amram who insisted that the vidui conclude with the words, "For You are forgiving of Israel and a Merciful One to the tribes of Jeshurun. Blessed are You, O Lord, King over all the world, who sanctifies Israel and the Day of Atonement,"¹² thereby ending with the appropriate sentence from the fourth blessing of the tefilah, i.e., kedushat ha yom, after which the vidui comes.

Saadiah is highly antagonistic to any such addition, which, by his time had become "Blessed are You, O Lord, the Merciful God." "This is a blunder," Saadiah reprimanded any would-be offender, "since there is no place here for a blessing."¹³ By "blessing" Saadiah refers to the fixed number of intermediate benedictions in the tefilah, which does not include the vidui as a separate entity, but rather as a part of the fourth benediction. His objection, therefore, was based upon the apprehension that the vidui would be regarded as an additional blessing and thus be contrary to the halacha.¹⁴ The forcefulness of

his argument certainly made an impression, as evidenced by the complete absence of a chatimah to the vidui in any subsequent rite.¹⁵

As advanced as the vidui's formulation had become by the time of the Geonim, the question of its essential constitution had not yet been settled. Just as Samuel and Mar Zutra regarded the passage beginning "But we have sinned," as the vidui par excellence in opposition to some of their colleagues (Yoma 87b), so, too, in this new age, were judgments made upon what must absolutely be included in the confession of Yom HaKippurim. The aforementioned decision offered by the author of Halachot Gedolot, who likewise regarded it as the very essence of the vicui,¹⁶ and Amram Gaon, who included it in every recitation of the vidui with the exception of Ne'ila:

אשמנו בגדנו גולגו דברנו דופי. העוינו והרשענו והנו חמסנו טפלנו שקר. יעצנו רע
 כובנו לצנו מרדנו נאצנו סררנו עוינו פשענו צררנו קשינו עורף. רשענו שחתנו תעבנו
 וסרנו ממצותיך ומבשפטיך הטובים ולא שוה לנו. ואתה צדיק על כל הבא עלינו כי אמת
 עשית ואנחנו הרשינו.

Whether Amram's alphabetical enumeration is, in fact, the very same known to the Amoraim, we cannot say. The fact that the Amoraim did finally agree upon the desirability of a publicly declared tally of sins, however, may indeed lend credence to the two references being one.

In the course of one generation, this section of the vidui not only shrank to one-half of its previous length, but was demoted to the status of being merely an acceptable addendum. Rav Saadiah Gaon in his Siddur makes the claim that, "many of our brethren add this prayer

after mentioning the exodus from Egypt (i.e., kedushat ha yom):

'But we have sinned, we have transgressed, we have done perversely, we have rebelled, and we have turned from Your commandments and Your righteous ordinances and it has not profitted us. You are just in all that comes upon us, for You have acted truthfully and we have done evil,' and such is permitted to add."¹⁸

A later authority, Hai Gaon, seems to have concurred with Saadiah's optional policy, when he wrote:

סי שאזכר אבל אנחנו חטאנו אזכר
זכר ליציאת מצרים אבל אנחנו חטאנו
והדר אלהינו ואלהי אבותינו בחול לקנותינו.

Although the alphabetical arrangement of "But we have sinned" was lost to Saadiah, it was an important characteristic to Amram, and to others who insisted upon this order in contradistinction to the prevalent custom of the day to confess the deliberate sins (haz'danot) before the inadvertent ones (hash'gagot). An anonymous responsum quoted by Lewin, in fact, gives witness to this very point:

איצטרייכטן לשרישי האי דנהוג עלמא
לטיסר אבל חטאנו ועל שחטאנו כולו כאלמא ביתא ולא דייקי בין זדונות לשגגות ובאותן
אליף בית בתודין תהלת במקומות הרבה על הזדונות ואחר כך על השגגות ושניין סדר
היורדי ועוד שורשין החפאים ואין נזקקין בכך הלכך לא דייקי בהנהגה אליף בית ושם עינין
דנחגיגי רבוהא דווקני דלא אמרי דפי מהני ארבע אבל חטאנו אנחנו ואבותינו
ועיינו ושענו וסרנו מבצותיך וכו' ולא שיהו. וזו ואתה צדיק וכו' וכל הני אליף בית כללי
בהאי כלל והנהגה כנהגה זה בסדר וידוי הרי זה משובח כי זהו סדר וידוי יום הכפורים על
פי ההלכה ואליבא דרבנן מיהו אם בא לומר וידוי בסדר אליף בית עשוי על הסדר שלא
יתודה תחלה על הזדונות ואחרי על השגגות אוסר ואין בכך כלום ובלבד שיחיו האליף בית
מיוקנין כהלכתן. והאידנא ליכא אליף בית מיוקנין וליכא פאן דירע לתקונינהו והלכה רווחת
ולישנא דוקיא וידוי אליבא דהלכתא כדכתבינן עכ"ל.

The same claim was made with regard to another section of the vidui, an alphabetical acrostic, each line of which begins 'al chet. In spite of our inability to determine its authorship,²¹ scholars have

detected a gradual post-Talmudic development,²² the oldest reference to which is found in the She'iltot Rav Ahai of Shabha of the eighth century:

זהו וידוי חמש הפלות של יום הכיפורים:

23. אהה יודע, ועל חטא, וסליק יהי לרצון.

Anram's version is fortunately preserved intact, and thought to be more original.²⁴ Saadiah's text, which is completely cited in the Appendix, is severely abridged, but adds the hitherto unknown phrase:

ועל חטא שחטאתנו לפניך בסתר.

The principle of confessing wilful sins before unintentional ones served at one time as the basis of an Amoraic argument concerning the wording of the vidui which continued to rage in and beyond the Geonic period. Whether the order followed Rabbi Meir's prescription, i.e., 'aviti, pashati, chatati, or that of the Sages, i.e., chatati, 'aviti, pashati, remained very much a moot question, with prestigious proponents on both sides. The Baal Halachot Gedolot and Rav Paltoi decided in favor of the Sages, as did Sherira Gaon, whose lengthy responsum on the matter refers to the anonymous mishnah quoted in Yoma 66a as conclusive evidence.²⁵ Sherira also stresses the guiding rabbinic principle of יחיד ורבנים, הלכה כרבים reflecting his concern with historical continuity and the rulings of the Talmud in his attempt to thwart the collapse of established Jewish authority in the East.

The sources are divided in their understanding of Saadiah's position on this matter. A sound case for his support of Rabbi Meir could certainly be built. After all, his battles with the Karaites demanded the kind of Biblical foundation for rabbinic dicta which

Rabbi Meir's argument offered. Moreover, Lewin cites specific cases where Saadiah in fact decided in favor of Rabbi Meir's version.²⁶

A careful reading of Siddur Rav Saadiah, however, reveals quite otherwise. Inserted within the three piyuttim which Saadiah includes as a part of the tefilah for Yom HaKippurim are three paragraphs describing the 'avodah service of the Kohen Ha Gadol. Each stanza is devoted to one of the viduiim which were recited by the priest on behalf of himself and his family, the other priests, and the entire Jewish people. Consistently, the order of the confession is chet, 'avon, pesha, in concert with the decision of the Sages.²⁷

CONCLUSION

A textual comparison of the two Geonic versions of the vidui which have been preserved in the prayerbooks of Amram and Saadiah reveals the vast metamorphosis through which the Yom HaKippurim confession passed in the course of one generation. For Amram, as for Yehudai Gaon a century earlier, the greatest task at hand was to establish the supremacy of the Babylonian Talmud over its Palestinian counterpart. For this reason, Amram's halachic thrust is geared toward guarding the sacred teachings of the Bavli. It is a reasonable claim to make, therefore, that the vidui found in his Siddur is an authentic representation of what has been transmitted from the Babylonian Amoraim to their Saboraic heirs and received into his hands. This is one of the few comforting assumptions which can be made in the face of an utter void between post-Amoraic and pre-Geonic material. And so we see in Amram's vidui the contributions of Rav and Raba, the inclusion of a chatimah, and the formulation of a quasi-independent Ne'ilah variant,²⁸

all of which may be traced to Babylonian Amoraic origins.²⁹ The fact that we cannot identify or predate any other parts of his confession is certainly as puzzling as his seemingly original ordinance that the sheliach tzibur must announce to the congregation that the vidui has just been officially recited.

The period of Saadiah's Geonate demanded different sensibilities. His community was comprised largely of semi-assimilated, upper-class Jews with a dearth of Jewish knowledge, whose concerns mirrored those of the majority Arab culture all around them: philosophy, grammar, and literature. These constituted the very intellectual elite which was being lured into the ranks of the Karaites whose rejection of the entire Rabbinic tradition posed a second onus and challenge upon Saadiah's shoulders. In response to this uninformed community, Saadiah's prayerbook is designed as an apologetic of Jewish tradition proving its worth as a highly sophisticated, rationally philosophical system of belief, with a profound sensitivity to the grammatical and poetic.³⁰

In reaching out to the enlightened, upper-class Jew, Saadiah succeeded in abbreviating much of Amram's vidui, and concentrating on expressing it in a more palatable mode. His elimination of the introductory section (tavo' lefanecha), severe reduction of the 'al chet', and innovation of an optional 'aval chatanu', were all countered by his inclusion of three piyuttim which have confession as their theme and echo the ancient viduim of the High Priest's 'avodah'. In this way, the vidui was brought to the people in a language and a style with which they could identify, giving witness to the prayer's

significance and indispensability. Saadiah's liturgical reforms could have been implemented without compensation. But the stature of the vidui would not allow it! Saadiah saw in this confession what Jews had always seen; namely, the statement of Jewish belonging and believing par excellence. It was the hope of bringing the estranged back into the fold. It was the expression of commitment to the God and the people of Israel which had the power to mend broken ties.

For these reasons, the vidui was not merely a final step in rectifying one's sinful ways, but an acceptance of everything that Judaism holds to be right and good and holy. It was the vidui which expressed more explicitly than any other prayer what it meant to be a Jew.

And the vidui continues to speak to us today, not only in the solemn moment of introspection and confrontation with divine judgment, but in the comforting communion with the entire congregation of Israel whose fate is bound up with our own. The vidui speaks to us today; if we will only listen.

Notes to Chapter Three

1. Siddur Rav Saadiah Gaon, ed. Yisrael Davidzon, Simcha Asaf, and Yissachar Yoel, p. 258.
2. B. M. Lewin, Otzar HaGeonim, p. 38.
3. Rav Amram Gaon, ed. Daniel Goldschmidt, p. 160.
4. Ibid., pp. 160-161.
5. Siddur Rav Saadiah Gaon, p. 259.
6. Ibid., p. 260.
7. Otzar HaGeonim, pp. 36-37.
8. Ibid., p. 37.
9. Ibid., p. 36.
10. Rav Amram, p. 162. Cf. Otzar HaGeonim, where it specifies that the sheliach tzibur recites the vidui zuta out loud at the conclusion of his repetition of the tefilah, in order that all may fulfill their religious obligation.
11. Siddur Rav Saadiah Gaon, p. 263.
12. Seder Rav Amram Gaon, p. 166.
13. Siddur Rav Saadiah Gaon, p. 260.
14. Lawrence Hoffman, Liturgical Responses Suppressed by the Geonim in Their Attempt to Fix the Liturgy, pp. 171-172.
15. Yitzhak Elbogen, Hatefilah B'Yisrael B'hitpatchutah Hahistorit, p. 114.
16. Otzar HaGeonim, p. 38.
17. Seder Rav Amram Gaon, p. 160.
18. Siddur Rav Saadiah Gaon, p. 261 and Otzar HaGeonim, p. 39.
19. Otzar HaGeonim, p. 39.
20. Ibid., pp. 38-39.
21. "Confession of Sins," Encyclopedia Judaica, 2, pp. 629-630.
22. A. Z. Idelsohn, Jewish Liturgy, p. 229.

23. She'iltot De Rav Achai Gaon, p. 57b. Cf. Elie Munk, The World of Prayer, pp. 241, 248.
24. "Confession of Sins," Encyclopedia Judaica, 2, pp. 629-630.
25. Otzar HaGeonim, p. 20 and see Chapter One, pp. 10-12 above.
26. Otzar HaGeonim, p. 19.
27. Siddur Rav Saadiah Gaon, pp. 264-274.
28. Although the Amoraic references to vidui Ne'ila are sparse (Yoma 87b), Amram's version is highly formalized and distinct from the vidui of the other Yom HaKippurim services. The 'al chet has been replaced with two piyuttim, heretofore unheard of, "Atah noteyn yad l'posh'im," and "atah hivdaltah enosh merosh." Compare Goldschmidt (p. 170) with Frumkin (p. 178) and see also Daniel Goldschmidt, Mahzor L'Yamim HaNoraim, pp. 11-12.
29. A. I. Idelsohn, Jewish Liturgy, pp. 228-229. Elie Munk, The World of Prayer, p. 241. Both Idelsohn and Munk contend that the opening paragraph, tavo' lefanecha, is also originally Amoraic, and to be found in the Talmud, Yoma 87b. I am, however, unable to locate the passage there, or in any Amoraic source.
30. Lawrence Hoffman, Liturgical Responses Suppressed by the Geonim in Their Attempt to Fix the Liturgy, pp. 232-257.

Appendices

6 "CXL QULLU" CULOGUK

8 "QULLU" CULOGUK' LOGUK

7 " " " " "

9 " " " " "

5 "CXL QULLU" CULOGUK' LOGUK' UZU

7 () "CXL QULLU" CULOGUK' LOGUK'

UQUU

8 () "CXL QULLU" CULOGUK' LOGUK' UZU

7 () "CXL QULLU" CULOGUK' LOGUK'

UQUU

8 () "CXL QULLU" CULOGUK' LOGUK' UZU

.....

UQUU

.....

6 "CXL QULLU" CULOGUK' LOGUK' UZU

8 () "CXL QULLU" CULOGUK' LOGUK' UZU

7 () "CXL QULLU" CULOGUK' LOGUK' UZU

6 () "CXL QULLU" CULOGUK' LOGUK' UZU

5 () "CXL QULLU" CULOGUK' LOGUK' UZU

4 () "CXL QULLU" CULOGUK' LOGUK' UZU

3 () "CXL QULLU" CULOGUK' LOGUK' UZU

2 () "CXL QULLU" CULOGUK' LOGUK' UZU

מתודה: ¹⁰חטאתי ועויתי ופשעתי לפניך ¹¹אני וביתי וכו' וכן בדוד
הוא אומר: "חטאנו עם אבותינו העוֹיֵנו הרשענו"; וכן בשלמה הוא
אומר: "חטאנו העוֹיֵנו רשענו"; וכן בדניאל הוא אומר: "חטאנו
ועוֹיֵנו והרשענו ומרדנו"; אלא מהו שאמר משה, "נושא עון ופשע
וחטאה"? אמר משה לפני הקב"ה: רבש"ע בשעה שישראל חוטאין לפניך
ועושין תשובה, עשה להם זדונות כשגגות. ¹²אמר רבה בר שמואל אמר
רב: הלכה כדברי חכמים. פשיטא, ^Kיחיד ורבים הלכה כרבים! מהו
דתימא מסתבר טעמיה דר' מאיר, דקמסייע ליה קרא דמשה, קמ"ל.

.....

^Kברכות ט.

.....

¹⁰"אנא השם, חטאתי..." בירושלמי, תוספתא, וספרא.

¹¹מכאן ואילך חסר או הפוך בירושלמי, תוספתא, וספרא; ובמקומו
יש בירושלמי: ככתוב בתור' משה עבדך לאמר כי ביום הזה וגו' והן
עונין אחרי ברוך שם כבוד מלכותו לעולם ועד. וכן מצינו דרך כל
המתודים: דוד אמר חטאנו עם אבותינו העוֹיֵנו והרשענו, שלמה בנו
אמר חטאנו העוֹיֵנו רשענו, דניאל אמר חטאנו עוֹיֵנו הרשענו ומרדנו.
אף הוא כך היה מתודה חטאתי עוֹיֵתי פשעתי לפניך. מהו שמשה אמר
נושא עון ופשע וחטאה. ואמר והתודה עליו אח עונות בני ישראל וגו'.
אלא מכיון שהוא מתודה על הזדנות ועל המרד כאילו הן שגגות לפניו.
ויש בתוספתא: "והן עונין אחרי ברוך שם וגו', שכן..." (ההמשך כמו
שבירושלמי, חוץ מן המשפט, "אף הוא כך...לפניך" ובמקום "אלא מכיון...
לפניך", יש "אלא כך היה מתודה חטאתי ועוֹיֵתי ופשעתי לפניך".
ויש בספרא: אנא השם כפר נא לחטאים ולעונות ולפשעים שחטאתי
ושעוֹיֵתי ופשעתי לפניך אני וביתי ככתוב בתורה משה עבדך לאמר
כי ביום הזה יכפר עליכם לטהר אתכם. ועונים אחרי ברוך שם כבוד
מלכותו לעולם ועד.

¹²אינה הגמרא נמצאת בשום מקור זחר.

Appendix II

Two Geonic Viduiim

The standard vidui of Rav Amram Gaon, according to Daniel Goldschmidt:

אריא תבא לפניך תפלתנו ואל תתעלם מתחנונו. שאנו עוי פנים וקסי עורף. ואיך נאמר לפניך ה' אלהינו ואלהי אבותינו בדיקים אנחנו ולא חטאנו. אבל חטאנו.

אשמנו בגדנו גולנו דברנו דופי. העוינו והרשענו ודנו המסנו טפלונו סקר. יעצנו רצ כובנו לצנו מרדנו נאצנו סררנו עוינו פשענו צרנו קשינו עורף. רשענו שחתנו תעבנו וסרנו ממצותיך וממשפטיך הטובים ולא שוה לנו. ואתה צדיק על כל הבא עלינו כי אמת עשית ואנחנו הרשענו.

מה נאמר לפניך יושב כרוס ומה נספר לפניך שוכן שקים. הלא הנסתרות והנגלות אתה יודע. אתה יודע רוי עולם ותעלימות סתרי כל חי. אתה הופש כל חדרי בטן רואה כליות ולב. אין דבר נעלם ממך ואין נסתר מנגד עיניך.

יהי רצון מלפניך ה' אריא שתמחול לנו על כל עונותינו ותסלח לנו על כל פשעינו ותכפר לנו על כל חטאתינו.

על חטא שחטאנו לפניך באונס.	35	עש"ל	בנשך ובמרבית.
עש"ל בבלי דעת.		עש"ל	בשיח שפתותינו.
עש"ל בגלוי.		עש"ל	בעינים רכות.
עש"ל בדעת ובמרמה.		עש"ל	בפתחון פה.
עש"ל בהרהור הלב.		עש"ל	בצעדי רגלים.
עש"ל בודוי פה.	40	עש"ל	בקפיצת היד.
עש"ל בזדון.		עש"ל	ברצון.
עש"ל בחזק יד.		עש"ל	בשגגה.
עש"ל בטומאת שפתים.		עש"ל	בתמהון לב.
עש"ל ביצר הרע.		על חטאים שאנו חייבים עליהם אשם.	
עש"ל ביודעים.	45	עש"ל	חטאת.
עש"ל בלא יודעים.		עש"ל	קרבן.
עש"ל בכחש ובכזב.		עש"ל	כרת.
עש"ל בלשון הרע.		עש"ל	מלקות ארבעים.
עש"ל במראית העין.		עש"ל	מיתה בידי שמים.

עש"ל ארבע מיתות בית דין סקילה שריפה הרג וחנק. על מצות עשה ועל מצות לא תעשה. בין שיש בה קום עשה בין שאין בה קום עשה. בין שגלויים לנו ובין שאין גלויים לנו. את שגלויים לנו כבר אמרנו לפניך. ואת שאין גלויים לנו הכל גלוי לפניך. כדבר שנאמר. הנסתרות לה' אלהינו והנגלות לנו ולבנינו עד עולם לעשות את כל דברי ההורה הזאת. אלהי עד שלא נוצרתי אינו כדי. וכשני שנוצרתי כאילו לא נוצרתי. עפר אני בחיי.

קל וחומר במיתתה. הרינו לפניך ה' אלהי ככלי מלא בושה וכליכה. יהי רצון מלפניך ה' אלהי שלא אחטא. ומה שחטאתי מרוק ברחמיך הרבים. אבל לא על ידי יסורין. יהיו לרצון אמרי פי והגיון לבי לפניך ה' צורי וגואלי.

The Ne'ilah variant of Rav Amram Gaon, according to Daniel Goldschmidt:

אתה נהו יד לפושעים. וימנך משוטה לקבל שבית. ותלמדנו ה' אלהינו להתחזק לפניך על כל עונותינו. למען תקבלנו בחשובה שלמה לפניך כאשים וכנחוחים. למען דברך ודברי פה אל פה בעבור אמרת. אין קץ לאשי חובותינו. ואין מספר לניחוחי אשמותינו. אתה ידעת שאחריתנו רמה לפיכך הרבית סליחתנו. מה אנו מה חיינו מה חסדנו מה צדקנו מה יסענו מה מעשינו מה כחנו מה גבורתנו. מה נאמר לפניך ה' אלהינו. הלא הגבורים כאין לפניך. ואנשי השם כלא היו. וחכמים כבלי מדע. וגבונים כבלי השכל. כי כל מעשינו תהו, וימי חיינו הבל לפניך. ומותר האדם מן הבהמה אין, כי הבל הבל.

אתה הברית אנוש מראש. ותכירו לעמוד לפניך. כי מי יאמר לך מה תפעל. ואם יצדק מה יתן לך. ותתן לנו ה' אלהינו באהבה את יום הכפורים הזה קץ סליחה ומחילה לכל עונותינו. למען נחול מעשך ידינו. ונשוב לעשות חוקי רצונך בלבב שלם. ואתה ברחמך הרבים רחם עלינו. כי לא תחפוץ בהשחתת עולם. שנאמר. דרשו ה' בהמצאו. קראוהו בהיותו קרוב. יצוב רשע דרכו ואיש און מחשבותיו. וישוב אל ה' וירחמוהו ואל אלהינו כי ירבה לסלוח. ואתה אלוה סליחות תגן ורחום ארך אפים ורב חסד ואמת ומרבה להטיב. רובה אתה בתשובתן של רשעים. ואין אתה חפץ במיתתן. שנאמר. אמור אליהם ה' אני נאום ה' אלהים אם אחפוץ במות הרשע כי אם בשוב רשע מדרכו וחיה. שובו שובו מדרכיכם הרעים ולמה תמותו בית ישראל. ונאמר. החפץ אחפוץ מות רשע נאם ה' אלהים הלא בשובו מדרכיו חיה. ונאמר. כי לא אחפוץ במות המת נאם ה' אלהים והשיבו חיו. כי אתה סלחן לישראל ומחלן לשבטי ישורון. ומבלעדיך אין לנו מלך מחל וסולח אלא אתה. אלהי עד שלא נוצרתי וכו'.

The standard vidui of Rav Saadiah Gaon:

אתה יודע רוי עולם ותעלומות סתרי כל חי אתה חופש כל חדרי בטן ורואה כליות ולב אין כל דבר נעלם ממך ואין גסתר מנגד עיניך יהי רצון מלפניך יי אלהינו שתמחול לנו על כל עונותינו ותכפר לנו על כל פשעינו על חטא שחטאנו לפניך בשגגה ועל חטא שחטאנו לפניך בזדון ועל חטא שחטאנו לפניך בסתר ועל חטא שחטאנו לפניך בגלוי/ ועל חטאים שאנו חייבין עליהן עשה ועל חטאים שאנו חייבין עליהן לא תעשה שנחק לעשה ועל חטאים שאנו חייבין עליהם מיתה בידי שמים ועל חטאים שאנו חייבין עליהם כרת ועל חטאים שאנו חייבין עליהם מלקות ארבעים בבית דין ועל חטאים שאנו חייבין עליהם הרג וחנק שריפה וסקילה על שגלויין לנו ועל שאינו גלויין לנו את שגלויין לנו ושאינו גלויין לנו כבר לפניך גלויין כדבר שנא הנסתרות ליי אלהינו והנגלות לנו ולכנינו עד עולם לעשות את כל דברי התורה הזאת כי אתה סלחן לישראל מן העולם ומחלן לשבטי ישורון בכל דור ודור ודברך אמת וקיים ומבלעדיך אין לנו מלך מחל וסולח

The vidui Ne'ilah of Rav Saadiah Gaon:

מה נאמר לפניך יושב במרום ומה נספר לפניך שוכן שחקים כי
 עונותינו רבו מלמנות וחטאתינו עצמו מלספר ואתה יי טוב וסלח
 ורב חסד לכל קוראריך מה אנו ומה חיינו מה חסדנו מה גבורתנו ומה
 אמונתנו לפניך יי אלהינו הלא כל גבורים כאין לפניך ואנשי השם כלא
 היו וחכמים כבלי מדע ונבונים כבלי השכל וכל מעשינו תוהו וימי חיינו
 הבל לפניך ומותר האדם מן הבהמה אין כי הכל הבל ואתה הבדלתה /
 אנוש מראש ותכירהו לעמוד לפניך כי מי יאמר לך מה הפעל ומה
 יתאונן אדם חי גבר על חטאיו ותתן לנו יי אלהינו את יום הכפורים
 הזה קץ מחילה לכל דורותינו למען נחדל מעושק ידינו ונשוב לעשות
 רצונך בלבב שלם כדב שנא דרשו יי בהמצאו קראוהו בהיותו קרוב
 יעזוב רשע דרכו ואיש און מחשבותיו וישוב אל יי וירחמהו ואל אלהינו
 כי ירבה לסלוח כי אתה סלחן לישראל מן העולם ומחלן לשבטי ישורון
 בכל דור ודור ודברך אמת וקיים ובלעדיך אין לנו מלך מוחל וסולח
 וקם יידון טיהא [ויש מוסיפים בה] כי אתה אלוה סליחות חנון ורחום ארך
 אפים ורב חסד ורוצה אתה בתשובת השבים ואי אתה חפץ במיתתם
 כד שנא החפץ אחפץ מות רשע נאם יי אלהים הלא בשובו מדרכיו וחיה
 ונא כי לא אחפץ במות המת נאום יי אלהים והשיבו / וחיו ונא אמר
 אליהם חי אני נאם יי אלהים אם אחפץ במות הרשע כי אם בשוב רשע
 מדרכו וחיה שובו שובו מדרכיכם הרעים ולמה תמותו בית ישראל.

Bibliography

Bibliography

Primary Sources Consulted

- Albeck, Chanoch and Yalon, Chanoch, Shishah Sidrei Mishnah. Jerusalem: Hotzaat Mosad Bialik, Tel Aviv: Dvir, 1958.
- Davidson, Israel; Asaf, Simcha; and Yoel, Issachar, ed. Siddur Rav Saadiah Gaon. Jerusalem: Hotzaat M'kitzei Nirdamim, 1941.
- Frumkin, Aryeh Leib, ed. Seder Tefillah K'minhag Ashkenaz Im Seder Rav Amram. Jerusalem: D'fus Tz. Sh. Zuckerman, 1912.
- Goldschmidt, Daniel, ed. Machzor L'Yamim HaNoraim Lefi Minhagei B'nei Ashkenaz L'Chol 'Anfeihem, vol. 2. Jerusalem: Hotzaat Ch. Korein, 1970.
- Goldschmidt, Daniel, ed. Seder Rav Amram Gaon. Jerusalem: Mosad HaRav Kook, 1972.
- Kassavisky, Chaim Yehoshua, ed. Otzar Lashon HaMishnah, vol. 2. Jerusalem: Hotzaat Mosada, Inc., 1957.
- Kassavisky, Chaim Yehoshua, ed. Otzar Lashon HaTalmud, vol. 16. Jerusalem: Hotzaat Misrad Hachinuch V'hatarbut shel Memshelet Yisrael U'Beit Hamidrash L'Rabbanim BaAmerica, 1966.
- Kassavisky, Chaim Yehoshua, ed. Otzar Lashon HaTosephta, vol. 3. Jerusalem: D'fus Raphael Chaim HaKohen, 1942.
- Lewin, B.M., ed. Otzar HaGeonim: T'shuvot Geonei Bavel U'Perusheihem. Haifa: Nidpas B'misradah Ham'yuchedet shel "Otzar HaGeonim," 1928.
- Leiberman, Saul, ed. Tosephta Kifshutah, vol. 4. New York: Hotzaat Beit Hamidrash L'Rabbanim ShebaAmerica, 1962.
- Rabinowitz, Raphael Natan, ed. Dikdukei Sof'rim, vol. 4. Munich: Bid'fus A. Hober, 1872.
- She'eltot DeRav Achai: D'fus Rishon Venetzia 1546. Jerusalem: Hotzaat "Makor," Inc., 1971.
- Talmud Bavli. B'nei Brak: Hotzaat Hamachlakah L'Sipuk Tzochei Dat, 1960.
- Talmud Yerushalmi (D'fus Venetzia-Cracow-Karatashin). New York: Hotzaat Yam HaTalmud, 1948.
- Zuckerman, HaRav Moshe Shmuel, ed. Tosephta al pi Kitvei yad Ehrfort V'Vina. Jerusalem: Siphrei V'Aharman, 1975.

Bibliography

Secondary Sources Consulted

- Abrahams, Israel. "The Lost 'Confession' of Samuel." Hebrew Union College Annual 1 (1924): 377-385.
- "Al Het." Encyclopedia Judaica, vol. 2. Jerusalem: Keter Publishing House, 1971.
- "Atonement." Encyclopedia Judaica, vol. 3. Jerusalem: Keter Publishing House, 1971.
- "Confession of Sin." The Jewish Encyclopedia, vol. 4. New York: Ktav Publishing House, Inc., 1905.
- "Confession of Sins." Encyclopedia Judaica, vol. 5. Jerusalem: Keter Publishing House, 1971.
- Elbogen, Yitzhak Moshe. Hatefilah B'Yisrael B'hitpatchutah Hahistorit. Tel Aviv: Hotzaat Dvir, 1972.
- Heinemann, Yosef. Hatefilah B'tekufat HaTannaim V'haAmoraim: Tiva V'defuseihah. Jerusalem: Hotzaat Sefarim al shem Y. L. Magnum, HaUniversitah HaEvrut, 1964.
- Hoffman, Lawrence A. Liturgical Responses Suppressed by the Geonim in Their Attempt to Fix the Liturgy. Unpublished D.H.L. Dissertation. HUC-JIR, Cincinnati, 1973.
- Idelsohn, A.Z. Jewish Liturgy and its Development. New York: Schocken Books, 1967.
- Levi, Eliezar. Torat Hatefilah. Tel Aviv: Hotzaat Avraham Tzioni, 1962.
- Levi, Eliezar, Yesodot Hatefilah. Tel Aviv: Hotzaat Avraham Tzioni, 1955.
- Munk, Elie. The World of Prayer. New York: Philipp Feldheim, Inc. 1963.
- Vider, N. "Lacheiker Minhag Bavel Hakadmon," Tarbitz, 37 (1968): 240-263.
- "Vidui." HaEntziklopedia HaEvrut Klalit Yehudit V'Eretzyisraelite, vol. 15. Jerusalem: Chavurah L'Hotzaat Entziklopediut, Inc., 1962.
- "Vidui." Entziklopedia Talmudit. Jerusalem: Hotzaat Entziklopedia Talmudit, 1965.