Yom Kippur Dvar 2024 (Lev 16:1-34; Num 29:7-11 (maftir); Isa 57:14-58:14 (Haftarah))
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While the gates of prayer are always open to the truly repentant, we are nearing the annual, critical moment for *Kapparah* and *teshuvah*, atonement and repentance. The gates of heaven will soon close, and we will be judged for our individual and collective transgressions. According to our tradition, how do we understand and pursue *kapparah* and *teshuvah*? The Torah and Haftarah readings start us in processes later developed by the rabbis in response to the destruction of the Jewish Temples.

Kapparah: We begin with biblical *kapparah,* atonement or ritual cleansing. In non-priestly biblical texts, *kapparah* may be initiated by humans or God to address a legal grievance or religious sin/impurity. For example,[i] in the legal case of an unsolved murder, the elders of the nearest town kill a heifer in the wadi/dry stream bed, the priest Levites come to witness and judge, and the elders declare, "our hands did not shed this blood, Absolve, O Lord, our people Israel" כַּפֵּר לְעַמְּךָ יִשְׂרָאֵל (Deut 21:1-9). The elders and the Levites - effect forgiveness.

In priestly texts, the priest serves as mediator and performs the act of atonement through cleansing[ii] of sin by offering a sacrificial animal provided by the guilty party. In Lev 16, we read that on Yom Kippur, with animal sacrifice and sending a goat into the wilderness to Azazel, the High Priest Aaron effects *kapparah* for himself, his household, the Tent of Meeting, the outside altar, and the whole congregation of Israel. All Israel is to practice self-denial and abstain from work, but it is the priest who brings about atonement for Israel's sacred places and people. The Numbers 29 reading adds the animals for burnt and sin offerings, plus grain and drink offerings (while we fast, God is offered barbequed meat with pita and wine).

"Turning" The biblical verb *shub is a biblical word of motion meaning to move in the opposite direction from that toward which one previously advanced. In secular contacts it means to physically

turn, and in theological contexts to turn- to or from God, from evil, or from exile to Israel, also, God turns to Israel.

The phrase "return to God" is first used by 8th c. prophets. For Amos, Hosea and Isaiah, the unwillingness or inability to "turn to God" demonstrates guilt and justifies the oracle of disaster. Repentance was a past possibility that is now forfeited. Referring to the people of the northern kingdom, Hoshea declares, "Their deeds do not permit them to return to their God. For the spirit of whoredom is within them, and they do not know the Lord." (Hos 5:4).[iii] Only God enables and may grant forgiveness.

Both the prophet Jeremiah and the priest Ezekiel conclude their prophesies after the destruction of the Jerusalem temple by the Babylonians in 586 BCE. With atonement by means of temple sacrifice no longer a possibility, God remedies "the spirit of whoredom" by giving humans a new heart and spirit to foster faithful and righteous behavior (Jer 31:18, 31-4; Ezek 33:36:25-7). As Ezekiel's prophesies, "A new heart I will give you and a new spirit I will put within you; and I will remove from your body the heart of stone and give you a heart of flesh. I will put my spirit within you, and make you follow my statues and be careful to observe my ordinances." (36:26-27). With the temple destroyed, God has provided each person with an inner mechanism to adhere to the covenant.[iv]

The 6th and 5th c. prophets Zechariah and Malachi bring us closer to our contemporary understanding of *teshuvah*. Both prophets proclaim God's words, "Return to me and I will return to you" (שׁוּבוּ אֵלַי נְאֻם יְהוָה צְבָאוֹת וְאָשׁוּב אֲלֵיכֶם) (Zech 1:3; Mal 3:7). Rather than priestly intermediaries, it is now the peoples' return that initiates the process of forgiveness.[v]

Mishnah: The Roman destruction of the Jerusalem Temple in 70 CE ended the possibility of *kapparah* through animal sacrifice. Mishnah texts (compiled ca. 200 CE) respond to this new reality,

though proceeding as if the temple will be rebuilt. Yoma 8:9 employs the biblical language of *kapparah*. "[If one says]: I shall sin and Yom haKippurim will atone for me, Yom haKippurim does not effect atonement.... For transgressions between an individual and God, Yom HaKippurim effects atonement, but for transgressions between an individual and another person Yom haKippurim does not effect atonement, until the individual has appeased the other person...." The rabbis clearly distinguish between human-divine atonement and interpersonal atonement.

The rabbis also consider the motivation for *teshuvah*: fear or love of God. Yoma 86b quotes Resh Lakish. "With *teshuva*, intentional sins are reduced to *unwitting* sin, but intentional sins are also turned into merits [why are some intentional sins reduced to unwitting sin while others are turned into merits?]; the former (reduced to unwitting sin) when the one who has caused the harm repents out of fear, and the later (turned into merits) when the perpetrator acts out of love.[vi]

Talmud (2 editions compiled between the 4th and 6th centuries in the Land of Israel and in Babylon): The Talmud still uses the language of kapparah. By the 6th c., the *Avodah* service was part of the Yom Kippur liturgy (Yoma 56b.12), though the Talmud attributes elements to 4th c. rabbis showing that it was an older practice.[vii] To effect atonement, *Avodah* poetically reenacts the rituals of the high priest in the Yom Kippur Temple service as detailed in Lev 16 and, primarily, Mishnah Yoma chpts 1-7 (thank you Louie and Peninah). With the Temple in ruins, the verbal recitation substituted for the physical sacrifice, same as the Shabbat and festival *mussaf* services replaced the Temple offerings.

Rabbis of the Talmud and contemporary midrashim also considered individual, praise-worthy practices to substitute for sacrificial offerings (using the language of ***kapparah)***. "Rabbi Yochanan and Rabbi Elazar both say, 'As long as the Temple stood, the altar atoned for Israel, but now, a person's table atones for transgressions' [in context, this refers to when the poor are invited as guests] (Berachot

55a.3)." In Rosh Hash 18a, “the Gemara states, with sacrifice and offering, one from the house of Eli will not be atoned for, but he may gain atonement through words of Torah study. Abaye said: Through sacrifice and offering he may not achieve atonement, but he may gain atonement through acts of kindness (*gemilut chasadim*).”[viii] Torah study and acts of kindness replace animal sacrifice as our offering to God in praying for atonement.

An interesting tangent. The JT/Land of Israel Talmud Bava Kama 8:7 states that “one who commits slander never gains forgiveness” (JT finalized ca early 5th c). The *Shulchan Aruch* and Orech Hayyim 606 elaborate: [for slander] the injured party is not ever required to forgive. This is likely because the damage is irrevocable [text cited in the context of abuse on social media].

Rambam: The rabbi most famous for writing on *teshuvah* is Moses ben Maimon (aka Maimonides, Rambam). With the 1148 Muslim conquest of Spain and forced conversion, exile or death for Jews, Rambam’s family fled to Egypt. In Egypt, Rambam wrote *the Guide for the Perplexed* and his *Mishneh Torah*, a concise summary of Jewish law based primarily on the Talmud. *Mishneh Torah* opens with *Sefer ha’Mada* (The Book of Knowledge) including the Laws of *Teshuvah*.

The 12th law code begins, “At present, when the Temple does not exist and there is no altar of atonement, there remains nothing else aside from *Teshuvah*. *Teshuvah* atones for all sins.” (chpt 1:3). For Rambam, *teshuvah* entails 5 steps (on which I will elaborate): 1) naming and acknowledging the harm, 2) starting to change, 3) restitution and accepting the consequences of our actions, 4) an apology, and 5) making different choices.

1) naming and owning harm: *teshuvah* requires a verbal and public confession of harm (MT 1:1, 2:5)
2) beginning the process of change (MT laws chpt 2): Rambam asks, “What is complete repentance? The [case of] one who had it in their power to repeat a transgression, but did not do it because of

teshuvah alone and not because of fear or a lack of strength." (MT 2:1). In a comment on human nature, Rambam says that one who hates admonishment doesn't have a path for teshuvah (4:2).

- we learned from M. Yoma 8:9 that "YK does not effect atonement until [the one who caused the harm] has appeased the other person." Rambam elaborates, one who harms another, "is never forgiven until they make restitution of what is owed and beg the forgiveness of the other person." (MT 2:9)

-There is an interesting exception to asking for forgiveness if doing so would cause rather than alleviate pain, raised by Rav Yisrael Salanter [19th c. father of the Musar Mov't]. In the case of gossip, if the person talked about is unaware of the fact, then the gossiper telling them by asking for forgiveness would cause pain. In this case, one does not ask for forgiveness.

3) restitution and accepting the consequences of our actions (MT chpt 3): not until chpt 3 does Rambam mention the victim. The focus has been on the perpetrator who shouldn't approach the victim *until the process of repentance has begun*. Only then must the one who caused the harm make restitution AND beg the forgiveness of the other (2:9)

4) Apology: the perpetrator must appease & implore until [the harmed party] forgives them" (2:9)

- According to Rambam, to ask for atonement at YK, one must make amends with others through up to 4 steps of intensified action that center the victim: *appease*, *ask* for pardon, *make amends,* and *implore* until they are pardoned (MT 2:9 (based on BT Yoma 87a) "If [the injured party] refuses, they[the perpetrator] should bring a committee of three friends to <u>implore</u> and <u>beg</u> of them; if they still refuse, they should bring a second, even a third committee." Rambam continues, If the harmed party dies before he can be appeased, one brings 10 people to the grave and says before them "I have sinned against the Lord, the God of Israel, and against so-and-so

whom I wounded." After begging for forgiveness 3X, "the person who refuses to grant forgiveness is the one considered as the sinner."[ix] This transfer of sin to the injured party is not from the Mishnah or Talmud, but from the midrash, Numbers Rabba 19:23.

-Rambam now addresses the victim, "It is forbidden for a person to be cruel and not appeased; instead, a person should be satisfied easily and get angry slowly. And at the moment when the sinner asks for pardon – grant the pardon with a whole heart and a desirous soul. And even if [the perpetrator] caused [the victim] suffering and sinned against them greatly, [the victim] should not take revenge or hold a grudge" (MT Repent 2:10; likely based on M Bava Kama 8:7).

5) making different choices: Rebbe Nahman of Breslov (late 18th-early 19th c. Hasid) said, "If you believe that you can damage, believe that you can fix. If you believe that you can harm, believe that you can heal." (Likutey Moharan II, 12).[x]

Now turn to a contemporary rabbi who helps us consider *teshuvah* in our American context: Rabbi Danya Ruttenberg in her book, *On Repentance and Repair,* stresses the importance of *teshuvah* in the contemporary American cultural context. She observes that "American culture focuses on letting go of grudges *and* redemption narratives, instead of the perpetrator's obligations to or recompense for harmed parties." "Forgive and forget," "Just let it go" as an adaptive strategy that entails no *teshuvah*. R. Ruttenberg offers 3 historical explanations for this cultural response: 1) post-Enlightenment individualism, with a legal focus on "rights afforded to individuals rather than our obligations to one another"; 2) a hyper-capitalist ethos or thirst for instant gratification that favors quick resolution with immediate catharsis over the hard slow work of *teshuvah*; and 3) a secularized distortion of Martin Luther's stress on belief as necessary for divine salvation, without "works" or deeds.[xi]

"Forgive and forget" doesn't deal with the problem, neither does the desire to rewind to an earlier time as if nothing happened. R. Ruttenberg cites the work of the psychotherapist Martha Crawford, which I paraphrase. "People don't want to lose anything. Mostly what people want is to go back, to put things back the way they were before as if they'd never broken anything." This "is really different than finding your way forward, and allowing a failure to remake you, and remodel you, and reorganize how you see yourself." Countering our cultural norms, pursuing *Teshuva* fosters learning from our experiences to become a better person.[xii]

In this time of reflection, we cannot ignore the war in Israel and the Middle East: Whatever our political, military, religious and humanitarian stance is on the war, we are afflicted with complex and intense emotions that are changing and at times conflicting. These feelings are compounded and complicated as we feel them for ourselves, our families, *am yisrael*, and the State of Israel. Rising antisemitism in the US further intensifies feelings stemming from the war.

These emotions may include (an alphabetical and not comprehensive list) anger; comfort in or alienation from our religion; compassion; culpability; denial or obsessive engagement; disappointment and frustration with those who show little sensitivity to or understanding of the complexity of the situation, empathy; fear; grief; hate; hope; nationalist fervor or disdain; pain and frustration over strained relations with those we love most; pride or disappointment in Jewish institutions and the Jewish state; pride or disappointment in American institutional and political responses to the war and anti-semitism; revenge; sympathy; trust or erosion of trust in political and religious institutions; uncertainty; vulnerability; and profound sadness for those killed and seriously injured (both physical and psychological), and profound sadness for the generations that will bear the scars of this war.

Each of us has our own bundle of emotions and grapples with how to move forward in a situation that continues to evolve. I will now speak for myself. I grapple with conflicting emotions and especially in this Atonement period when our prayers stress corporate sin. On the one hand, I'm unwavering in commitment to '*am Yisrael* and a democratic Jewish state where Jews are free to live according to our religious teachings, unrestrained by others' political or religious ideologies and prejudices, and we're able to defend ourselves as necessary. *Kol Yisrael arayvim zeh ba'zeh ("*all Jews are guarantors for one another") *(*BT Shevuot 39a.22, based on Lev 26:37). We constitute a single entity, *klal Yisrael*, with a shared destiny and responsibility for one another and our communal existence. On the other hand, the human toll for this war among both Jews and non-Jews is staggering. We're taught in Genesis 1:27 that God imbued each individual life with divinity, all are created in the image of God, Jew and non-Jew alike. I also struggle with incomprehension and frustration with select military and political policies of the current Israeli government resulting in staggering numbers of deaths and serious injuries and without having brought the hostages home.

Our Yom Kippur, we confess that "*we* have sinned" before God. Are we all culpable for the deaths and maiming of innocent civilians in war? All nations have accepted that civilian casualties are an unfortunate cost of war, referred to with the neutral sounding obfuscation, "collateral damage."[xiii] Since the 2006 Lebanon War, Israel has implemented the "Dahiyeh Doctrine," the use of disproportionate force against an enemy that is not a regular army and is embedded within a civilian population. This policy has resulted in large numbers of deaths, even though Israel targets enemy armaments, command centers, and high-ranking, military officers, as opposed to our enemies who target civilians. This highly complex situation is further complicated by US and Iranian involvement.

I acknowledge that *am Yisrael* is causing harm and am struggling with how to follow Maimonides' next 4 steps of *teshuvah*: beginning the process of change; considering the consequences of this war, appropriate restitution, and an apt form of apology; and, if, God forbid, comparable circumstances again arise, how to respond.

We each have our own *aveyras/*transgressions for which we seek *teshuvah*. We are not alone in this daunting, difficult, and very important process. We undertake this task as individuals, within a supportive community, accompanied by God. Midrash Tehillim on Psalm 85:3 teaches us that God joins humans to achieve *teshuva*: "When the children of Israel said [to God], 'You return first' (based on Ps 90:13), God replied, 'no, let Israel return first.' Midrash Tehillim continues, "Since neither God nor we will return alone, let us both return as one, as in Ps 85:6 "Return (both of you), O God of our salvation." Rabbi Ruttenberg explains, God may not be sure humans will respond, but humans who reach out in *teshuvah* are assured of God's response. We hike the arduous path of *teshuvah* with our community and God at our side.

Gmar chatimah tovah

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[i] following the golden calf incident, Moses prays on the people's behalf to atone for their sin and God spares the innocent (Ex 32:30-33).

ii Ruttenberg, 192.

[iii] For Isaiah, priestly sacrifices does not suffice to atone, as succinctly stated by Micah, "what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God" (Mic 6:8).

[iv] For Second Isaiah, writing in exile in Babylon, and Third Isaiah, among those who have returned to the land of Israel, salvation remains a pre-requisite for return (59:1-2, 20-21).

v Joel implores the people to return "with all your heart," marked by fasting, weeping and mourning (2:12) to be delivered from the final judgement (2:19-27). Joel's God is "gracious and merciful, slow to anger, and abounding in steadfast love, who relents from punishing" (2:13). Rabbis will derive their concept teshuvah from Hos 14:2, "Return, O Israel, unto the Lord your God, for you have stumbled in your iniquity." שׁוּבָה יִשְׂרָאֵל עַד יְהוָה אֱלֹהֶיךָ

[vi] **In** general**,** the language of *shuv in the Mishnah refers to restitution such as for stolen items (M. Gittin 5:5) rather than to interpersonal relations or relations with God.

vii https://www.thetorah.com/article/yom-kippurs-seder-avodah-begins-with-gods-creation-of-the-world

[viii] Rosh Hash 18a.8, based on Yevamot 105a:14; also Avot de Rebbe Natan 4.5 (650-950 CE) based on Hos 6:6

[ix] Jew law states that if the person who caused the harm did not pay appropriate damages and is now deceased, the victim can collect from perpetrator's heirs (MT Damages to Property 12:22, based on Arachin 7a and Bava Batra 175b). This also applies even if the party owed and the party who owes are both deceased (M. Ketubot 90b, 91a) (eg. applies to institutions founded with slave labor; and Ashkenormativity in religious spaces)

[x] 3.14 sins for which if you don't repent cost your portion in the World to Come: includes inventing a disparaging name for a colleague, calling a colleague by a disparaging nickname, embarrassing a colleague in public, and disgracing your teachers; repentance is acceptable even for faithless and if only in private and not in public; 4.1 24 deeds which hold back teshuvah: includes one who sees a child becoming assoc w/evil influences and refrains from rebuke. By refraining from admonishing, it is considered as if he caused him to sin. Also pertains to all who have the potential to rebuke others, whether individs or grp, and refrain from doing so leaving them to their shortcomings.

[xi] Rabbi Danya Ruttenberg, *On Repentance and Repair: Making Amends in an Unapologetic World*, 2022.

[xii] Teshuva is distinct from forgiveness. Forgiveness is something the victim may choose to do or not do. Repentance is something the one who caused the harm can do even if not forgiven by the victim.

[xiii] The US and Israeli military use CDE "collateral damage estimate": the more valuable the target the greater the number of acceptable deaths; the higher the potential number of deaths, the higher the chain of command authorization is required; and proportionality is subjective.