


TESHUVAH & FORGIVENESS

# כי עמך הסליחה

ימים נוראים תשפ"ו  
High Holidays 5786







THE HIGH HOLIDAYS call us to engage in difficult, often uncomfortable work. We are asked to hold ourselves accountable, to take responsibility, and to embark on the challenge of making real and lasting change. This process is serious and demanding, and can sometimes feel a little soul-crushing.

But the work of *teshuvah* (return) is not about shame or self-obliteration. It does not involve shrinking away from a God Who looks down upon us with disapproval, but rather turning toward a God Who welcomes us with compassion and forgiveness. *Teshuvah* is the slow, courageous journey back to our truest selves, the lifting up our faces toward a God Who loves us.

Psalms 130 reminds us: “כי עמך הסליחה - for with You, God, is forgiveness.” The divine hands already hold the gift of forgiveness, and we are beckoned forward to receive it. The texts in this reader urge us to address our sins and shortcomings with honesty, while also inviting us to seize the special opportunity for deeper connection with our forgiving God during this High Holiday season.

*The Hadar Team*



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in memory of Rabbi Jonathan D. Levine, z"l, a lover of Jewish books.

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# A RUSHED CALENDAR

R. Avi Killip

**W**E SET THE calendar by looking at the sky. Jewish holidays are cosmic—they emerge from the meeting point of the divine and the human. God has given us holy times, and we enact them.

The Mishnah delineates the process by which stargazing becomes calendar setting. We look up and search the sky, and then bring testimony regarding the moon to a group of judges who determine the precise date for the start of the new year.

Additionally, several times a year, messengers must usher out from the judges and spread the word about the new month. They do this in Elul, and then again in Tishrei:

משנה ראש השנה א:ג

על אלויל מפני ראש השנה, ועל תשרי מפני תקנת המועדות.

## *Mishnah Rosh Hashanah 1:3*

*Regarding Elul because of Rosh Hashanah, and regarding Tishrei, to establish the festivals (Yom Kippur, Sukkot, and Shemini Atzeret).*

Isn't this a bit excessive? The Gemara in Rosh Hashanah 19b asks: If we send out messengers to proclaim the new moon of Elul, the final month of the year, why send them again so soon? The answer: We need this second testimony on the chance that this year Elul will be a longer month than we expected. Perhaps this Elul will contain thirty days, rather than the usual twenty-nine. In rabbinic Hebrew, this phenomenon is called *hodesh me'uberet*, a “pregnant month.”

But a pregnant Elul has never happened, we are told. Not since the time of Ezra:

תלמוד בבלי ראש השנה יט:

וכי תימא דלמא עברוה לאלויל

והאמר רבי חנינא בר כהנא אמר רב:

מימות עזרא ואילך לא מצינו אלויל מעובר!

## *Talmud Bavli Rosh Hashanah 19b*

*And if you say perhaps the court added another day to the month of Elul,*

*didn't R. Hinnana bar Kahana say Rav said:*

*From the days of Ezra and onward, we have never found that the month of Elul had an additional day!*





Elul has never had an extra day, not since the times of Ezra—not since we have been keeping track. But that doesn't mean it never will. The Gemara responds that an additional day was never required, but if it had been then we would have added it. Just because something has never happened doesn't mean it never will.

From this simple, seemingly dry legal statement about calculating the calendar we learn to hold all of the possibilities of a new year. We are forced to keep open minds. Things may happen this year that have never happened before in history. This year may bring some genuine firsts. We cannot close ourselves off, but instead must create systems and live lives that allow for new possibilities, even realities that have never before emerged.

This is not magical thinking. The Talmud reminds us that all months have the possibility of needing an additional day. There is a difference between the

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OFFERS US A BALANCE  
BETWEEN  
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BETWEEN  
RELIABILITY AND SURPRISE

impossible and the possible-but-hasn't-happened-yet. It is our job to look for and appreciate that difference as we move through the world.

And move through the world we must. We can never simply rely on last year's calendar. This complex system for setting the holiday calendar requires us to venture out and take in the world around us. It demands that we pay attention, that we notice, and that we adapt our behavior according to what we see. This holy calendar is alive, and responsive.

The Jewish calendar offers us a balance between structure and spontaneity, between reliability and surprise. We need the structure offered by the calendar. It keeps us organized and allows us to function as one community. It gives us boundaries as we mark time with clear distinctions. The Jewish cycle of time places particular importance on the transition from one year to the next. Tishrei—the first month of the new year—is our grand reset, when even God reaches down to

offer us forgiveness. And yet there remains this lurking possibility that Elul might be one day longer this year.

This additional day blurs our entire system. While all other days fall clearly into one year or the next, there is one confusing day—a day that is maybe the thirtieth of this year's Elul, or perhaps the first of next year's Tishrei—that makes ambiguous when one year ends and the next begins. The end of the year and the start of the next marks a categorical reset of our lives—this is when we get our clean slates; and yet our Rabbis wonder, worry, and grapple with the possibility that the line isn't always clear.

In fact, the entire month of Elul plays a similar role. Elul blurs the starkness of the boundary of Rosh Hashanah. With Elul's introduction of the *shofar* and then *Selihot*, the cycle of the new year truly begins with the last month of the old. The years seem to overlap. There is no option to stop the ride. No amount of fear or apprehension can keep us from entering the next year—from the onset of Elul, we are already on our way in.

The past few years have been heavy on the blur. We have been surprised moment after moment, month after month, by things we may have suspected were theoretically possible but never expected to see with our own eyes. The only way to live through such a time is to act as witness: to continually force ourselves to go out into the world, to collect testimony, and to allow this testimony to change the way we live.

As we learn to balance the polarity of stability and flexibility, our Jewish calendar continues to offer us incredible gifts. Each holiday carries with it stories and customs that open us up to divine wisdom and the energy of the season. We hold onto the enduring stories and rituals, while seeking to see more clearly the ways in which the world—and we ourselves—are ever-changing. Each holiday functions both as an anchor and as a lens through which to see more clearly the beauty and pain of our current moment.

“לֹא מָצִינוּ אֶלּוּל מְעוּבָר” - There never was a full, thirty-day Elul.” We never get all the time we need. We will never be able to entirely do the work of Elul within the bounds of the month. It will always feel *haser*, lacking, too short. We will always enter into the next year feeling a little unsatisfied. But that's okay—there is another full year of holidays ahead of us. There is time. ♦

# ROSH HASHANAH





# BETWEEN JOY AND JUDGMENT

R. April Villarreal | Pedagogy of Partnership

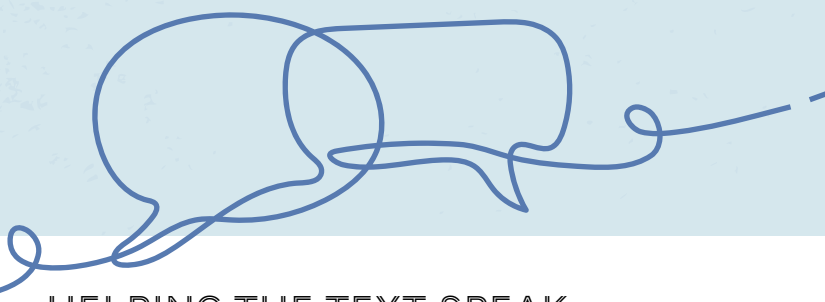


Many Rosh Hashanah experiences have a festive feeling. People gather for sumptuous new year meals, enjoying the newness of the year together. We add honey to the table to represent a sweet year ahead, and we bless each other for a year of goodness with smiles and joy.

Our liturgy is a little more complicated, though. It includes joy, but it also includes some more somber material, with themes of repentance and judgment, life and death.

Our movement across this wide emotional spectrum invokes one of the earliest examples of a Tishrei holiday observance in the Tanakh, in the book of Nehemiah. This text describes a segment of the Jewish community that had been living in exile since the destruction of the First Temple, experiencing the rupture of Jewish practice and life forced by their expulsion, but is finally able to return to the Land of Israel. This return is not only geographic—it involves a shift in their identity and choices about how to be in the world as Jews.

Below is a text learning routine to take you and a learning partner on a journey through this text, investigating how it can help us understand the Rosh Hashanah we experience today.



## HELPING THE TEXT SPEAK

1. Greet your partner.
2. Take turns reading sections of the text out loud and sharing observations with each other using the prompt, “I notice....”
3. Together, discuss any thoughts or questions that arise from those details.
4. Using the questions below the text, consider the relationship between sadness and joy on Rosh Hashanah.
5. As you discuss, make sure each of you has an opportunity to share your ideas. Some prompts you can use are: “So are you saying...?” or “Tell me more about....”
6. At the end, share with your partner one thing that they helped you understand about this text.



## נחמיה ח

## Nehemiah 8

וַיֵּאסְפוּ כָּל הָעָם בְּאִישׁ אֶחָד אֶל הַרְחוֹב אֲשֶׁר לִפְנֵי שַׁעַר הַמַּיִם וַיֹּאמְרוּ לְעֹזְרָא הַסֹּפֵר לְהֵבִיא אֶת סֵפֶר תּוֹרַת מֹשֶׁה אֲשֶׁר צִוָּה ה' אֶת יִשְׂרָאֵל: <sup>2</sup>וַיָּבִיֵא עֹזְרָא הַכֹּהֵן אֶת הַתּוֹרָה לִפְנֵי הָעָם מֵאִישׁ וְעַד אִשָּׁה וְכָל מִבְּיֹן לִשְׁמָע בְּיוֹם אֶחָד לַחֹדֶשׁ הַשְּׁבִיעִי: <sup>3</sup>וַיִּקְרָא בּוֹ לִפְנֵי הַרְחוֹב אֲשֶׁר לִפְנֵי שַׁעַר הַמַּיִם מִן הָאֹרֶךְ עַד מַחֲצִית הַיּוֹם נֹגֵד הָאֲנָשִׁים וְהַנְּשִׁים וְהַמְּבִינִים וְאֲזָנֵי כָּל הָעָם אֶל סֵפֶר הַתּוֹרָה: ...

<sup>5</sup>וַיִּפְתַּח עֹזְרָא הַסֹּפֵר לְעֵינֵי כָּל הָעָם כִּי מַעַל כָּל הָעָם הָיָה וַכִּפְתָּחוּ עֲמָדוֹ כָּל הָעָם: <sup>6</sup>וַיְבָרֶךְ עֹזְרָא אֶת ה' הָאֱלֹהִים הַגָּדוֹל וַיַּעֲנוּ כָּל הָעָם אָמֵן אָמֵן בְּמַעַל יְדֵיהֶם וַיִּקְדּוּ וַיִּשְׁתַּחֲווּ לַה' אֲפִים אֶרְצָה: ... <sup>8</sup>וַיִּקְרְאוּ בַסֹּפֵר בְּתוֹרַת הָאֱלֹהִים מִכְרֵשׁ וְשׁוֹם שְׁכָל וַיְבִינּוּ בַמִּקְרָא:

<sup>9</sup>וַיֹּאמֶר נְחֶמְיָה הוּא הַתַּרְשָׁתָא וְעֹזְרָא הַכֹּהֵן הַסֹּפֵר וְהַלּוּיִם הַמְּבִינִים אֶת הָעָם לְכָל הָעָם הַיּוֹם קֹדֶשׁ הוּא לַה' אֱלֹהֵיכֶם אַל תִּתְאֲבְלוּ וְאַל תִּבְכּוּ כִּי בּוֹכִים כָּל הָעָם בְּשִׁמְעֵם אֶת דְּבָרֵי הַתּוֹרָה: <sup>10</sup>וַיֹּאמֶר לָהֶם לִכּוּ אֲכִלוּ מִשְׁמָנִים וּשְׁתּוּ מִמֵּתֻקִּים וּשְׁלַחוּ מִנּוֹת לְאִין נָכוֹן לוֹ כִּי קֹדֶשׁ הַיּוֹם לְאֲדֹנֵינוּ וְאַל תַּעֲצֹבוּ כִּי חֲדָתָה ה' הִיא מַעֲזָבָם:

<sup>1</sup>The entire people assembled as one man in the square before the Water Gate, and they asked Ezra the scribe to bring the scroll of the Teaching of Moses with which the Eternal One had charged Israel. <sup>2</sup>On the first day of the seventh month, Ezra the priest brought the Teaching before the congregation, men and women and all who could listen with understanding. <sup>3</sup>He read from it, facing the square before the Water Gate, from the first light until midday, to the men and the women and those who could understand; the ears of all the people were given to the scroll of the Teaching. ...

<sup>5</sup>Ezra opened the scroll in the sight of all the people, for he was above all the people; as he opened it, all the people stood up. <sup>6</sup>Ezra blessed the Eternal One the great God, and all the people answered, "Amen, Amen," with hands upraised. Then they bowed their heads and prostrated themselves before the Eternal One with their faces to the ground. ... <sup>8</sup>[Ezra's entourage and the Levites] read from the scroll of the Teaching of God, translating it and giving the sense so that [the people] understood the reading.

<sup>9</sup>Nehemiah the Tirshatha, Ezra the priest and scribe, and the Levites who were explaining to the people said to all the people, "This day is holy to the Eternal One your God: you must not mourn or weep," for all the people were weeping as they listened to the words of the Teaching. <sup>10</sup>He further said to them, "Go, eat choice foods and drink sweet drinks and send portions to whoever has nothing prepared, for the day is holy to our Lord. Do not be sad, for your rejoicing in the Eternal One is the source of your strength."



## QUESTIONS TO GUIDE YOUR CONVERSATION

1. Why might the people in this story be crying? How might this crying relate to Rosh Hashanah?
2. In our text from Nehemiah, Ezra ultimately instructs the people not to be sad, but rather joyful. Imagine you are Ezra looking around at the scene. What might you have seen that would be a basis for you to give that instruction?



This passage in Nehemiah is not the first time in Tanakh that we hear about a reaction of distress upon hearing the Torah read after a period of disruption. Hundreds of years earlier, something similar happened to King Josiah, whose scribes discovered a scroll of the Torah that had been hidden during a span of reigns by wicked kings.

Read the passage below from 2 Kings with your partner, repeating steps 2–5 above.

### מלכים ב כב 2 Kings 22

<sup>8</sup>וַיֹּאמֶר חִלְקִיָּהוּ הַכֹּהֵן הַגָּדוֹל עַל שָׁפָן  
הַסֹּפֵר סֵפֶר הַתּוֹרָה מֵצֵאתִי בְּבֵית  
ה' וַיֵּתֶן חִלְקִיָּהוּ אֶת הַסֵּפֶר אֶל שָׁפָן  
וַיִּקְרָאֵהוּ: ...

<sup>8</sup>Then the high priest Hilkiah said to the scribe Shaphan, "I have found a scroll of the Teaching in the House of the Eternal One." And Hilkiah gave the scroll to Shaphan, who read it. ...

<sup>10</sup>וַיֹּגֵד שָׁפָן הַסֹּפֵר לַמֶּלֶךְ לֵאמֹר סֵפֶר  
נָתַן לִי חִלְקִיָּהוּ הַכֹּהֵן וַיִּקְרָאֵהוּ שָׁפָן  
לְפָנַי הַמֶּלֶךְ: <sup>11</sup>וַיְהִי בְשִׁמְעַת הַמֶּלֶךְ אֶת  
דְּבָרֵי סֵפֶר הַתּוֹרָה וַיִּקְרַע אֶת־בְּגָדָיו:  
<sup>12</sup>וַיֵּצֵא הַמֶּלֶךְ אֶת חִלְקִיָּהוּ הַכֹּהֵן וְאֶת  
אַחִיקָם בֶּן שָׁפָן וְאֶת עֶבְדּוֹ בֶּן מִיכָיָה  
וְאֶת שָׁפָן הַסֹּפֵר וְאֶת עֲשָׂיָה עֶבֶד  
הַמֶּלֶךְ לֵאמֹר: <sup>13</sup>לָכוּ דַרְשׁוּ אֶת ה' בְּעַד־י  
וּבְעַד הָעָם וּבְעַד כָּל־יְהוּדָה עַל דְּבָרֵי  
הַסֵּפֶר הַנִּמְצָא הַזֶּה כִּי גְדוֹלָה חֲמַת  
ה' אֲשֶׁר הִיא נֹצֶתָה בָּנוּ עַל אֲשֶׁר לֹא  
שָׁמְעוּ אֲבוֹתֵינוּ עַל דְּבָרֵי הַסֵּפֶר הַזֶּה  
לַעֲשׂוֹת כְּכָל הַכְּתוּב עָלֵינוּ:

<sup>10</sup>The scribe Shaphan told the king, "The high priest Hilkiah has given me a scroll"; and Shaphan read it to the king. <sup>11</sup>When the king heard the words of the scroll of the Teaching, he rent his clothes. <sup>12</sup>And the king gave orders to the priest Hilkiah, and to Ahikam son of Shaphan, Achbor son of Michaiah, the scribe Shaphan, and Asaiah the king's minister: <sup>13</sup>"Go, inquire of the Eternal One on my behalf, and on behalf of the people, and on behalf of all Judah, concerning the words of this scroll that has been found. For great indeed must be the Eternal One's wrath that has been kindled against us, because our ancestors did not obey the words of this scroll to do all that has been prescribed for us."

### QUESTIONS TO GUIDE YOUR CONVERSATION

1. What might this passage from 2 Kings teach us about why the people are crying in the Nehemiah passage?
2. What can we learn about Rosh Hashanah from Ezra's instruction to be joyful?
3. Does the passage from 2 Kings shed any light on the relationship between joy and judgment?



## CLOSING

In the Nehemiah text, Ezra gives the people three instructions:

1. To eat and drink pleasant things;
2. To send portions to those who need it;
3. Not to be sad, but to remember that rejoicing in God is the source of strength.

Ask people at your Rosh Hashanah table to choose one of these instructions, and to consider what it might mean for them and how they might follow it in a new way this year.

In many communities, a portion of this passage from Nehemiah forms a main part of the prayer that accompanies the eating of apples and honey. We invite you to consider incorporating this into your Rosh Hashanah celebration as well.

Share the prayer with people at your table and invite them to recite the prayer, holding the intention regarding Ezra's instructions that they just discussed as they enjoy their apple and honey.



יְהִי רְצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵינוּ וְאַלְקֵי  
אֲבוֹתֵינוּ, שֶׁתַּחַדֵּשׁ עָלֵינוּ שָׁנָה טוֹבָה  
וּמְתוּקָה. מִרְאשִׁית הַשָּׁנָה וְעַד אַחֲרִית  
שָׁנָה:

וַיֹּאמֶר לָהֶם לֵכוּ אֲכֹלוּ מִשְׁמָנִים וּשְׁתּוּ  
מִמְתָּקִים וְשַׁלְּחוּ מְנוֹת לְאִין נִבְּוֹן לוֹ בִּי  
קְדוֹשׁ הַיּוֹם לְאַדְנֵינוּ וְאַל תַּעֲצֹבוּ בִּי  
תְּהִי ה' הִיא מְעוֹזְכֶם:

May it be Your will, the Eternal our God and God of our ancestors, to grant us a year goodly [as the apple] and sweet [as honey]—from year's beginning to year's end.

He further said to them, "Go, eat choice foods and drink sweet drinks and send portions to whoever has nothing prepared, for the day is holy to our Lord. Do not be sad, for your rejoicing in the Eternal One is the source of your strength."

# READING THE BOOK OF RECORDS

Dr. Jeremy Tabick

וְתִפְתַּח אֶת סֵפֶר הַזִּכְרוֹנוֹת. וּמֵאֲלֵיו יִקְרָא.  
וְחוֹתָם יָד כָּל אָדָם בּוֹ.

You will open the Book of Records, and it will be read by itself, and the seal of every person is on it.

THE *PIYYUT UNETANEH TOKEF* refers to “the Book of Records” (*sefer ha-zikhronot*) which “reads itself” before God and has “the seal of every person in it.” What is this book, and what does it teach us about the way we should live our lives?

The idea for the Book of Records derives from a tradition of Rabbi, the towering leader of his generation of sages toward the end of the tannaitic period, preserved in the last line of a very rich *mishnah* in Pirkei Avot.

משנה אבות ב:א  
... וכל מעשיך בספר נכתבים.

*Mishnah Avot 2:1*

... and all of your deeds in a book are written.

Rabbi’s book is not merely a list of names, like the Book of Life and the Book of Death, but rather, contains a chronicle of all of your deeds.<sup>1</sup> Rabbi’s book seems very similar to the book in the *piyyut*, the Book of Records that is opened and read before God, like a text-to-speech app.

- 1 The earlier roots of Rabbi’s book appear to be found in R. Akiva’s tradition—recorded later in Avot (3:16)—that our various debts are recorded by God’s agents in a *pinax* (Greek for “writing or drawing tablet”). But a *pinax* is a relatively small ledger, well-suited for keeping basic financial information (as in R. Akiva’s metaphor) or other short lists (like a catalog of authors or a list of works by one author). A *sefer* (a scroll or book) is a more official and expansive document that could be used for long-term accounting, histories, journals, or sacred works.





What exactly does this vivid image accomplish for us? The fuller context of Rabbi's *mishnah* tells us: it is supposed to affect our actions. Here is the entire *mishnah* (according to an early manuscript):

ר' אומ'   
אי זו היא דרך ישרה שיבור לו האדם   
כל שהיא תפארת לעושה   
תפארת לו מן האדם   
והווי זהיר במצוה קלה כמצוה חמורה   
שאינ אתה יודע מתן שכרן של מצוות   
והווי מחשב הפסד מצוה כנגד שכרה   
ושכר עבירה כנגד הפסדה   
השתכל בשלשה דברים ואין אתה בא לידי   
עבירה   
דע מה למעלה ממך   
עין רואה   
ואוזן שומעת   
וכל מעשיך בספר נכתבים

*Rabbi says:*

*What is the straight path that a person should choose?*

*Anything that is beauty to the one who does it is beauty for them from other people.*

*And be as careful with a lenient mitzvah as with a stringent mitzvah, because you do not know the gift of the reward of mitzvot.*

*And be evaluating the loss of a mitzvah against its reward, and the reward of a sin against its loss,*

*Look at three things and you will not come into the power of sin.*

*Know what is above you:*

*an eye seeing*

*and an ear hearing*

*and all your deeds in a book are written.*

All three descriptions of the straight path emphasize that human beings are limited in both our knowledge and our power. We do not know the details of how we will be punished or rewarded for our actions. Similarly, we walk the straight and sinless path by remembering

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what is above us, that all of our actions are noticed and recorded, that there is a greater power beyond ourselves. We imagine that we are evaluating what is good or bad for us based on our own cost-benefit analysis, but in truth we cannot correctly predict what will be the effects of our actions. Only God truly knows what is good.

Even the first part of Rabbi's advice, which focuses on our actions in relation to other human beings, makes a version of this same point. We might think that our own internal sense of what is right and wrong should be the final arbiter in deciding our actions. But this is just pride. In fact, when we make choices we need to consider both how it seems to us and how it will seem to others. Certainly our own inner life provides an important voice to us, but it does not define what is good, but is in a complex negotiation between us, others, and God.

The Mishnah in Sotah concisely attributes to Rabbi exactly the qualities that he was trying to inculcate in his advice in Avot:<sup>2</sup>

משנה סוטה ט:טו

משמת רבי, בטלה ענוה ויראת חטא.

**Mishnah Sotah 9:15**

*When Rabbi died, humility and fear of sin ceased.*

Rabbi's tradition in Avot is deeply related to the two qualities he was most known for: humility and fear of sin. We see this humility both in narratives about Rabbi<sup>3</sup> and in his interactions in halakhic conversations. The very first time sequentially that Rabbi is mentioned in the Mishnah,<sup>4</sup> he disagrees with an anonymous, majority opinion, after which he says:

משנה כלאים ב:יא

ורואה אני את דבריך מדברי:

**Mishnah Kilayim 2:11**

*But I agree with your words more than my own.*

- 2 Originally, Rabbi's death in this *mishnah* concluded all of Massekhet Sotah.
- 3 See for example Yerushalmi Beitzah 5:2; 63a (Rabbi concedes to R. Meir's negative reaction to his son's wedding). One central story about Rabbi in Yerushalmi Kilayim 9:4; 32b (also found in Yerushalmi Ketubot 12:3; 35a and Bereishit Rabbah 33:3) relies on Rabbi's humility as the story's premise and tests its limits.
- 4 In the printed edition this is R. Meir, but in medieval manuscripts, which preserve a more authentic reading, this is Rabbi.



In other words, the very first thing Rabbi does in the Mishnah is to propose his own view, and then immediately concede to his opponents. “I originally thought that this was right,” says Rabbi, “but I was open to the majority wisdom and, having thought about it, came to the decision that I was wrong, that my own agency and decision-making would have led me to the wrong outcome if it were not for the input of others.” This is Rabbi living out his advice in Avot: not only do you need to think that something is the right decision, but it needs to be recognizable as such also by others.

Fear, or avoidance, of sin—Rabbi’s other distinguishing quality—follows naturally from humility. If we approach every decision thinking about how others will judge our actions, or how God will write about them in the Book of Records, then we limit our actions within the bounds of what is good and right. Consequently, we will be less likely to make mistakes and sin. If we do not assume that we have all the answers or all the information, but that we are missing a perspective that we might uncover through further reflection or consultation with others, we will end up coming closer to the truth. Thus we seek and follow the straight path.

The next time you have to make a difficult decision, imagine hearing the account of your chosen path read aloud from the Book of Records. Would you feel proud? Embarrassed? Puzzled? Did you take into account as many perspectives as possible in order to reach the best available outcome? Would someone else reading your account agree that you had tried your best?

This is the exercise that Rabbi wants us to do, and the attitude that the image of the Book of Records helps us to cultivate.

This year, may we all be known—like Rabbi—for our humility and fear of sin. ♦

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# Understanding Musaf

Chana Kupetz

Musaf ("addition") is an extra Amidah prayer that we say on Shabbat, Rosh Hodesh, and other holidays.

The central blessing of every Musaf prayer talks a little about its special day and quotes a handful of *pesukim* about it, too. The Musaf of Rosh Hashanah is different, though. It talks A LOT about Rosh Hashanah! If you look in your Mahzor and Siddur, you will notice that this Musaf is way longer than any other. This is because the centerpiece of Musaf for Rosh Hashanah is made of three long sections, each with its own blessing.

3

This is the source for the three central sections of the Rosh Hashanah Musaf:

- ★ מַלְכוּיּוֹת - Malkhuyot (God's Kingship)
- ★ זְכוֹרֹנוֹת - Zikhronot (God remembering us)
- ★ שׁוֹפָרוֹת - Shofarot (the blasting of the shofar)



- ★ Why is it important for God to remember us on Rosh Hashanah?
- ★ What can we learn from the idea that our remembrance rises before God for the good?
- ★ What have you done in the past year that you want God, yourself, or others to remember?
- ★ **Try it out!** Look at the Torah readings and haftarot on the two days of Rosh Hashanah. How do they connect to God remembering?

## תלמוד בבלי ראש השנה טז. Talmud Bavli Rosh Hashanah 16a

וְאָמְרוּ לִפְנֵי בְּרַאשׁ הַשָּׁנָה  
מַלְכוּיּוֹת וְזְכוֹרֹנוֹת וְשׁוֹפָרוֹת.

And recite before Me on Rosh Hashanah verses that mention kingships, remembrances, and *shofarot*.

מַלְכוּיּוֹת – בְּדִי שְׁתַּמְלִיכוּנִי עֲלֵיכֶם.  
Kingships—so that you will crown Me as King over you.

זְכוֹרֹנוֹת – בְּדִי שְׂיַעֲלָה זְכוֹרֹנִי כִּם לִפְנֵי לְטוֹבָה.  
Remembrances—so that your remembrance will rise before Me for the good.

וּבִמָּה – בְּשׁוֹפָר.  
With what can you create the remembering for the good? With the *shofar*.



- ★ What is it like to think about God as a King? What kind of relationship does that describe?
- ★ What makes Rosh Hashanah a good day to crown God as Ruler of the world? Why is the beginning of the new year a good time to think about God as a King?
- ★ The Talmud says that it's our role to crown God as King. Why does God need us to do that? How can we do that?

- ★ How does the *shofar* cause our remembrance to rise up before God?
- ★ How does the *shofar* help that remembering be for the good?
- ★ What do you think about or remember when you hear the *shofar*?

The Mishnah gives instructions about what each section should include:

### משנה ראש השנה ו:ד

אין פוחתין מעשרה מלכויות, מעשרה זכרונות, מעשרה שופרות.

רבי יוחנן בן נורי אומר, אם אדם יצא שלש שלש מכלן, יצא.

אין מזכירין זכרון מלכות ושופר של פקענות. מתחיל בתורה ומשלים בנביא.

רבי יוסי אומר, אם השלים בתורה, יצא:

### Mishnah Rosh Hashanah 4:6

They do not recite less than ten kingship *pesukim* (verses), ten remembrance *pesukim*, and ten shofar *pesukim*.

R. Yoḥanan ben Nuri says: If a person said three from each set they have fulfilled their obligation.

They do not mention kingship, remembrance, or shofar *pesukim* of punishment. A person begins with *pesukim* from the Torah and ends with *pesukim* from the Prophets.

R. Yose says: If a person ends with a *pasuk* from the Torah they have fulfilled their obligation.

This *mishnah* teaches us:

- ★ Each section of the Rosh Hashanah Musaf has to include *pesukim* on its topic. The first opinion is that we need at least ten *pesukim* for each theme. R. Yoḥanan ben Nuri says it can be just three.
- ★ The *pesukim* should not be about punishment.
- ★ The *pesukim* should come from all parts of the Tanakh (Bible), starting with Torah, continuing with Ketuvim (Writings), and ending with Nevi'im (Prophets). R. Yose says it's also okay to end with *pesukim* from the Torah.

## Try it out!

Look at Musaf in your Mahzor.

- ★ Can you find where the *pesukim* begin in each section?
- ★ Do they follow the instructions in this *mishnah*?
- ★ How many times can you find words related to מֶלֶךְ (*melekh*, king), זֵכֶר (*zeikher*, memory), and שׁוֹפָר (*shofar*)?
- ★ Do any of the *pesukim* seem familiar to you?
- ★ Are there any other *pesukim* you can think of that might have fit?



# TESHUVAH: FREEDOM OR FATE?

R. Vincent Calabrese

**I**N UNETANEH TOKEF—ONE of the most poignant, and most disturbing passages of the Rosh Hashanah liturgy—we imagine that each individual's fate is tentatively decided on this day. We ask ourselves: Who will live and who will die? Whose dreams will come true, and whose will be crushed? In this light, the idea of divine judgment and the *teshuvah* (repentance) to which we are called appear to be highly personal phenomena: each of us is called to account for the particular choices we have made. Our own personal relationship with God is in question, and that relationship is shaped by our own deeds.

We find one vision of *teshuvah* that fits this mood in the writings of the Rambam. In his *Hilkhot Teshuvah*, he writes:

משנה תורה, הלכות תשובה ה:ב

אל יעבר במחשבתך דבר זה שאומרים טפשי  
אמות העולם ורב גלמי בני ישראל שהקדוש  
ברוך הוא גוזר על האדם מתחלת בריתו להיות  
צדיק או רשע. אין הדבר כן אלא כל אדם ראוי  
לו להיות צדיק כמשה רבנו או רשע כירבעם.

**Mishneh Torah, Hilkhot Teshuvah 5:2**

*Don't let the thought occur to you, as the idiots among the nations and the dimwitted among Benei Yisrael say, that God decrees that each individual, from the moment they are created, will be either righteous or wicked. The matter is not so, but rather each person can be as righteous as Moshe or as wicked as Yerovam.*

The Rambam opens this section as follows:

משנה תורה, הלכות תשובה ה:א

רשות לכל אדם נתונה. אם רצה להטות עצמו  
לדרך טובה ולהיות צדיק הרשות בידו. ואם  
רצה להטות עצמו לדרך רעה ולהיות רשע  
הרשות בידו.

**Mishneh Torah, Hilkhot Teshuvah 5:1**

*Free choice is given to each person. If they want to turn toward the path of goodness and to be righteous, that is in their hands;*





*if they wish to turn toward the path of evil  
and to be wicked, that is in their hands, too.*

According to the Rambam, this freedom is what makes us unique in this world, is part of what it means that we are made in God's image. There is no one but you, the Rambam insists, who makes you do the good or evil deeds for which you are responsible. So what exactly does *teshuvah* look like, for the Rambam?

משנה תורה, הלכות תשובה ב:א

אי זו היא תשובה גמורה. זה שביא לידו דבר  
שעבר בו ואפשר בידו לעשותו ופרש ולא עשה  
מפני התשובה – לא מירצה ולא מכשולו כח.

**Mishneh Torah, Hilkhoh Teshuvah 2:1**

*What is complete repentance (teshuvah gemurah)? This is when one has the chance to transgress in the same way that they once did, and they have the ability to do so, and nevertheless refuses to do so, not because of fear or because of weakness [but because they have repented].*

Now, on a superficial reading, one might understand the Rambam here as saying that *teshuvah gemurah* were something that could be achieved, once and for all, as the crossing of a line from one status to another. But perhaps it is not so simple. The Rambam writes that the goal of *teshuvah* is to be able to say:

משנה תורה, הלכות תשובה ב:ד

אני אחר ואיני אותו האיש שעשה אותן  
המעשים.

**Mishneh Torah, Hilkhoh Teshuvah 2:4**

*I am someone else entirely, not the same person as the one who did those things.*

Once we reflect on the quality of the transformation that the Rambam demands of us, it is clearer that this sort of repentance cannot be achieved once and for all. It consists not merely of facing a parallel situation and behaving differently, but becoming the type of person who would never behave in the same way. It is a far more demanding task, a continual process of self-creation.

We can get a richer sense of what makes this kind of repentance so difficult from the work of the philosopher Jean-Paul Sartre. Sartre, an existentialist preoccupied with the radical implications of human

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freedom and responsibility, writes that one who wishes to change their ways is continually confronted with “anguish in the face of the past.” Sartre’s own example is that of a “gambler who has freely and sincerely decided not to gamble anymore and who, when he approaches the gaming table, suddenly sees all his

BEFORE WE CAN TAKE OUR  
FIRST STEPS ALONG THE PATH  
THAT GOD HAS PREPARED FOR  
US, WE MUST FIRST BE HONEST  
ABOUT WHAT WE CANNOT DO,  
AND WHAT WE CAN

resolution melt away.” Sartre writes that while we often talk about such situations as if our souls were a kind of battlefield between conflicting desires, this is just a way of excusing ourselves. “The earlier resolution of ‘not playing anymore’ is always there,” he tells us, “but what [the gambler] apprehends... in anguish” is that this resolution has no power over him. Sartre imagines the gambler’s thoughts: “I should have liked so much to not gamble anymore; yesterday I even had a [sense] of the situation (threatening ruin, disappointment of my relatives) forbidding me to play. It seemed to me that I had established a real barrier between gambling and myself, and now I suddenly perceive that my former understanding of the situation is no more than a memory of an idea, a memory of a feeling. In order for it to come to my aid once more, I must remake it *ex nihilo* and freely.”<sup>1</sup>

Repentance, seen in this light, is an act that needs constant reiteration, in which we ceaselessly remake ourselves, hovering, all alone, over an abyss. This is a vision of *teshuvah* that locates it squarely in our private, personal relationship to God, and makes the movement of repentance heroic, to be sure, but at the same time very fragile, and very lonely.

Yet on Rosh Hashanah we also turn our gaze towards the universal. We proclaim God as “King over all the earth,” and we remember the creation of the world, declaring that the world is born today (היום הרת עולם). In this light, we might think of *teshuvah* as less about the

relationships between individuals and God, and more about the singular relationship between God and the world as a whole. A vision of this kind emerges from the pages of Rav Kook’s *Orot ha-Teshuvah*. Where the Rambam located *teshuvah* in the freedom and will of individuals, Rav Kook sees our personal spiritual journeys as parts of a dynamic of cosmic proportions, in which the primary actor is God.

הרב אברהם יצחק קוק, אורות התשובה ה  
(ג) העולם מכרח לבוא לידי תשובה שלמה.  
אין העולם דבר עומד על מצב אחד, כי אם  
הולך הוא ומתפתח, וההתפתחות האמתית  
השלמה מכרחת היא להביא לו את הבריאות  
הגמורה, החמרית והרוחנית, והיא תביא את  
אור חיי התשובה עמה.

**R. Avraham Yitzhak Kook,  
*Orot ha-Teshuvah* 5**

(3) *The world is destined to come to complete repentance. This world does not remain in one condition, but develops continually, and this evolution is destined to bring creation to its fullest potential, both physical and spiritual, and to bring with it the light of repentance.*

(ו) התשובה קדמה לעולם, ולפיכך היא  
יסוד העולם. שלמותם של החיים היא דווקא  
עם המשך התגלותם על פי טבעם העצמי.  
וכיון שטבע מצד עצמו אינו בעל הסתכלות  
בהבחנה, הרי החטא מכרח הוא מצד זה. ואין  
אדם צדיק בארץ אשר יעשה טוב ולא יחטא.  
וביטול עצם טבעיותם של החיים, כדי שיהיה  
האדם בללתי חוטא, זהו עצמו החטא היותר  
גדול. ... על כן התשובה מתקנת את הקלקול  
ומחזירה את העולם ואת החיים למקורו.

(6) *Repentance preceded the creation of the world—therefore it is the foundation of the world. The fullness of life comes through the continual revelation of its essential nature. And since nature itself cannot see or understand, therefore sin is necessary. There is no person who does only good and sins not. Indeed, to attempt to change the*

1 Jean Paul Sartre, *Being and Nothingness* (1992), pp. 69-70.



*nature of things so that it would be possible  
for a person to refrain from sin entirely—  
this would be the greatest sin of all. ...  
Repentance repairs this necessary breach,  
and returns the world and life to its source.*

Like many European intellectuals of his day, Rav Kook fixed his gaze on the long arc of human history, emphasized the strange way that opposite forces can play in the progress of the world, and saw things as developing towards an end that was, in some sense, predetermined. Thus, for Rav Kook, we are all on a journey together, whose glorious end has been guaranteed by God. Along this journey, our role is to help reveal the full breadth and depth of existence, a task which, it seems, is impossible without sin and failure coming into the picture—for the values of growth, resilience, and overcoming that *teshuvah* represents are only possible if some breach has taken place.

And according to this vision, it's possible for the work of *teshuvah* to make its way in the world, and for individuals to take part in that work, even if the particularities of their own lives are wanting. This perspective was crucial to Rav Kook's understanding of Zionism, which he saw as a great movement of national repentance and return even though most of its activists were non-religious and even anti-religious. We are all, Rav Kook teaches, carried along by the stream of *teshuvah* to the place God has prepared for us. We just need faith that we will reach our destination in the fullness of time, even if from our current perspective it's hard to see how we could ever get there.

The Rambam and Rav Kook are offering us two very different ways of thinking about failure and repentance. On one hand, a vision of *teshuvah* that focuses on the terrifying freedom and responsibility of the individual, that sees no particular value in sin, and that charges us to create the selves we want to be; on the other, a vision that focuses on the long arc of history as guided by God, that sees each sin as an opportunity for growth







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and repentance, as a cosmic movement in which we can participate, even when our own deeds seem not to measure up.

There is much that is compelling about each of these approaches, because there are aspects of our experiences of sin and redemption from sin that point in both directions. We have all faced situations where we struggled and prevailed, or struggled and failed, and known that there was no one but ourselves to whom we could give the credit or the blame; we have all known the anguish of freedom about which Rambam teaches us. And, at other moments, we have all been gripped, along with Rav Kook, by the sense that we are less important as individual actors than as parts of something greater, that our lives are shaped by currents that preceded us and that will go on after we are gone; we have all had the mysterious sense that our moments of failure, and our overcoming of them, provide our lives with a depth and richness they would not have if we had simply remained pure.

Of course, either of these pictures taken in isolation is incomplete. As another Jewish European intellectual put it, we do make our own history, but not simply as we please; we make it under conditions given and transmitted to us by the past<sup>2</sup>—and, I would add, by God. Our lives are a complex whole, a matrix of individual agency and structural forces that cannot easily be disentangled from one another.

As we move through the Days of Repentance from Rosh Hashanah to Yom Kippur, our challenge is to honestly assess which areas of our lives fall into which categories. Where have I been excusing myself, ignoring my own freedom and responsibility by appealing to the idea that I'm constrained by forces beyond my control? And where am I suffering from delusions of grandeur, imputing to myself a power I simply don't have over things far beyond my circle of influence? Where do I need to stand up and refuse to be idle, and where do I need to have faith that God is carrying us all, in the fullness of time, to the place we were promised?

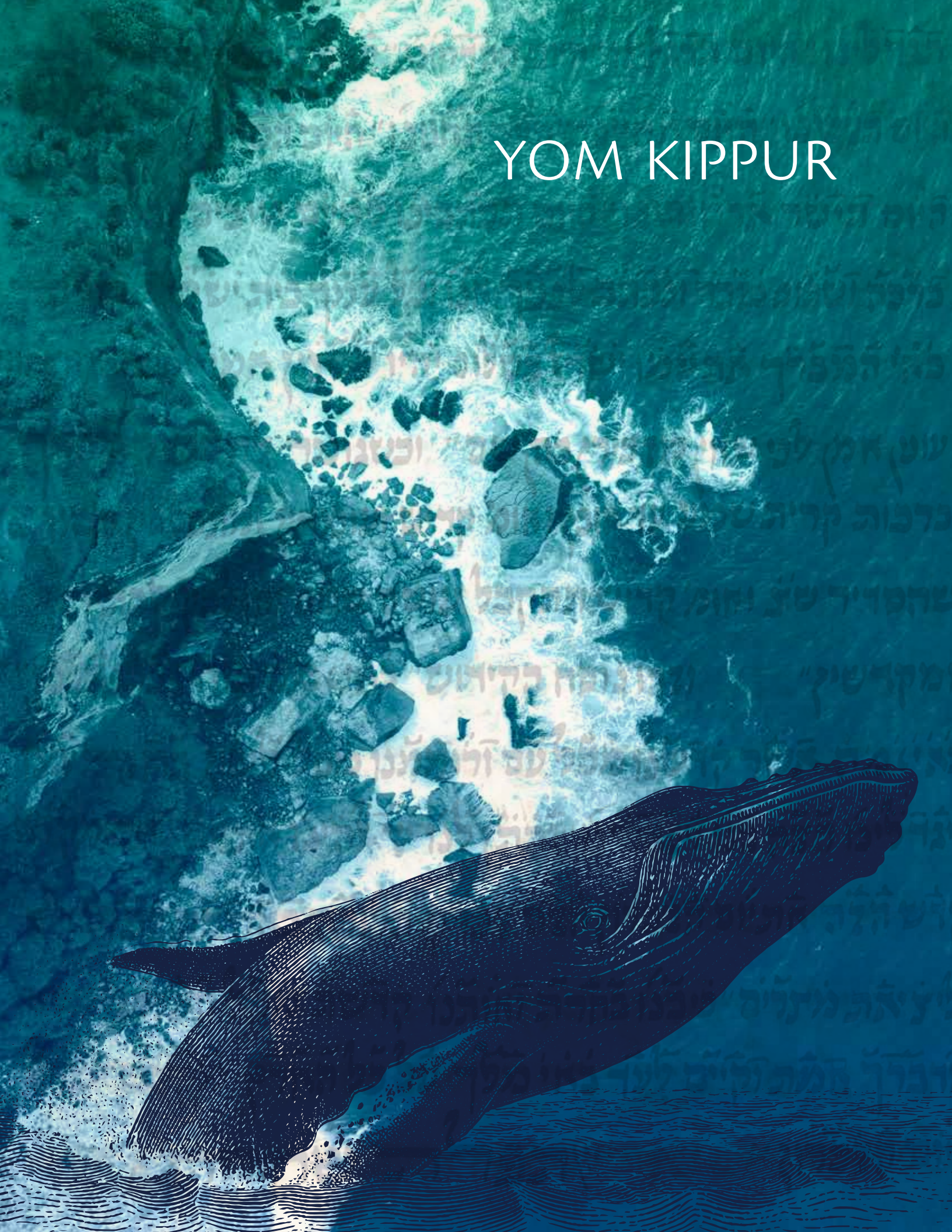
This kind of *heshbon nefesh* (internal accounting and self-improvement) can make for difficult and uncomfortable work, since it often necessitates forming a new picture of ourselves, in which we are both less and more powerful than we have let ourselves believe. But before we can take our first steps along the path that God has prepared for us, we must first be honest about what we cannot do, and what we can. ♦

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2 Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1852).



# YOM KIPPUR





# WASH AWAY OUR SINS: A Nautical Journey Through a Talmudic *Sugya*

R. Miriam-Simma Walfish

תלמוד בבלי יומא עז:  
ואם היה מלוכלך בטיט ובצואה  
רוחץ כדרכו  
ואינו חושש. ...  
מדיחה אשה ידה אחת במים  
ונותנת פת לתינוק  
ואינה חוששת. ...  
ההולך להקביל פני אביו או פני רבו...  
עובר עד צוארו במים  
ואינו חושש. ...  
שומרי פירות  
עוברין עד צוארן במים  
ואין חוששין.

## *Babylonian Talmud Yoma 77b*

*One who is dirty from mud or excrement  
may bathe normally  
and need not be concerned. ...*

*A woman may wash one hand in water  
to feed her child,  
and need not be concerned. ...*

*One who goes to pay respects to a parent or  
teacher...  
may cross up to their neck  
and need not be concerned. ...*

*Those who guard their fruit  
may cross up to their necks  
and need not be concerned.*

**A** MOTHER WASHES HER hands to feed her child; a student wades through water up to his neck to visit his teacher; a fruit farmer crosses a river to guard her fruit—all on Yom Kippur. Bathing is one of the central prohibitions of Yom Kippur and yet one lengthy passage of Talmud explores a myriad of exceptions. By exploring this passage, we can uncover multiple implications of water imagery for thinking about *teshuvah*, purification, and how these processes interact with our mundane lives.

## ATONEMENT IN THE TORAH AND MISHNAH

The end of Leviticus 16 proposes that the means by which we achieve atonement for our sins on Yom Kippur is self-affliction:

ויקרא טז:כט-ל

<sup>29</sup>וְהִיְתָה לָכֶם לְחֻקַּת עוֹלָם בְּחֹדֶשׁ הַשְּׁבִיעִי  
בְּעֶשְׂרִי לַחֹדֶשׁ תַּעֲנּוּ אֶת נַפְשֵׁיכֶם וְכָל מְלָאכָה  
לֹא תַעֲשׂוּ הָאֲזִיָּרָה וְהִגֵּר הִגֵּר בְּתוֹכְכֶם: <sup>30</sup>כִּי בְיוֹם  
הַזֶּה יִכַּפֵּר עֲלֵיכֶם לְטָהֳרָתְכֶם מִכָּל חַטֹּאתֵיכֶם  
לִפְנֵי ה' תִּטְהָרוּ:

## *Leviticus 16:29-30*

<sup>29</sup>*And this shall be to you a law for all time:  
In the seventh month, on the tenth day of  
the month, you shall practice self-denial/  
afflict yourselves; and you shall do no  
manner of work, neither the citizen nor*



*the alien who resides among you.* <sup>30</sup>For on this day atonement shall be made for you to purify you of all your sins; you shall be pure before God.

From the fact that these two verses come back to back, it seems that the affliction in verse 29 is the means by which one achieves the atonement in verse 30. The Mishnah is more specific about what this affliction should look like. It identifies six activities which should be avoided on Yom Kippur: eating, drinking, bathing, anointing, wearing shoes, and sexual relations (Mishnah Yoma 8:1).

So far, the picture we see is that in order to achieve purification before God, we desist from activities that bring us physical pleasure. This self-denial may serve as a sacrifice that helps us achieve purification and atonement. But this model can raise some difficult questions. What if I do self-denial wrong? What if I can't fast for a medical reason? What if I need to wash my hands? How can I then achieve atonement?

#### TRANSFORMATIVE WATERS

The curious *sugya* about bathing in Yoma 77b-78a opens up alternative avenues to explore this question. After the quoted passage on exceptions to the prohibition on bathing on Yom Kippur, the *sugya* proceeds to discuss future waters found in the prophetic books of Ezekiel and Isaiah.

At first glance it seems like these two sections of the *sugya* have little to do with each other. A careful reading, however, shows that the future waters can help us unlock new facets in the theological significance of Yom Kippur. This becomes clear when we see the verses from Ezekiel and Isaiah, brought in the second half of the *sugya*, in their biblical contexts. It turns out that the waters described by both prophets have a transformative quality.

In Ezekiel 47:1-12, the angel guiding the prophet through the reconstructed Temple shows him the waters—so high as to be uncrossable—flowing out from the Temple Mount. This is how the waters are described:

יחזקאל מז:ח-ט, יב  
<sup>8</sup>המים האלה יוצאים אל הגליל הקדמונה  
 וירדו על-הערבה ובאו הימה אל הימה

המוצאים ונרפאו המים: ויהיה כל נפש  
 חיה אשר ישרץ אל כל אשר יבוא שם נחלים  
 יהיה והיה הדגה רבה מאד כי באו שמה המים  
 האלה וירפאו וחי כל אשר יבוא שמה הנחל:  
 ... <sup>12</sup>ועל הנחל יעלה על שפתו מזה ומזה כל  
 עץ מאכל לא יבול עלהו ולא יתם פריו לחדשיו  
 יבפר כי מימיו מן המקדש המה יוצאים [והיה]  
 פריו למאכל ועלהו לתרופה:

#### Ezekiel 47:8-9, 12

<sup>8</sup>"This water runs out to the eastern region, and flows into the Arabah; and when it comes into the sea, into the sea of foul waters,<sup>1</sup> the water will become wholesome. <sup>9</sup>Every living creature that swarms will be able to live wherever this stream goes; the fish will be very abundant once these waters have reached there. It will be wholesome, and everything will live wherever this stream goes. ... <sup>12</sup>All kinds of trees for food will grow up on both banks of the stream. Their leaves will not wither nor their fruit fail; they will yield new fruit every month, because the water for them flows from the Temple. Their fruit will serve for food and their leaves for healing."



1 This is understood to refer to the Dead Sea.

The Temple waters here in Ezekiel are peaceful, abundant, and nourishing. They heal physical ailments and help trees flourish.

The waters of Isaiah, however, have a different transformative power:

ישעיה לג:כא-כב, כד

<sup>21</sup>כִּי אִם שָׁם אֲדִיר ה' לָנוּ מְקוֹם נְהָרִים יְאֲרִים  
רַחְבֵּי יָדִים בֶּל תִּלְךְ בּוֹ אֲנִי שֵׁט וְצִי אֲדִיר לֹא  
יַעֲבֹרְנוּ: <sup>22</sup>כִּי ה' שֹׁפְטֵנוּ ה' מַחְקֵנוּ ה' מַלְכֵנוּ  
הוּא יוֹשִׁיעֵנוּ: ... <sup>24</sup>וְכָל יֹאמֵר שָׁכֵן חֲלִיתִי הָעַם  
הַיֹּשֵׁב בָּהּ נָשָׂא עוֹן:

*Isaiah 33:21-22, 24*

<sup>21</sup>For there God's greatness shall be for us like a region of rivers, of broad streams, where no floating vessels can sail and no mighty craft can travel—<sup>22</sup>for God shall be our judge, God shall be our law-giver, God shall be our king, and shall deliver us. ... <sup>24</sup>And no one who lives there shall say, "I am sick"; it shall be inhabited by folk whose sin has been forgiven.

In these verses, **God** is the water protecting the future Temple. Whereas in Ezekiel, the human cannot pass through the waters of the future Temple because they are too deep, in these verses God is the water, protecting Jerusalem from attack by mighty sea-faring vessels. A key expression of God's deliverance appears at the end of the section: the people will be delivered through God's power to forgive (*lit.* lift up) the burden of their sins.

#### THE WATERS OF YOM KIPPUR

All we seek on Yom Kippur, in the deepest way, is for our sins to be forgiven. In these verses from Isaiah, it is God's waters that lift up the burden of our sins. This feature of water evokes the final *mishnah* of Yoma:

משנה יומא ח:ט

אָמַר רַבִּי עֲקִיבָא, אֲשֶׁרִיכֶם יִשְׂרָאֵל, לִפְנֵי מִי  
אַתֶּם מְטַהְרִין, וּמִי מְטַהֵר אֶתְכֶם, אֲבִיכֶם  
שְׁבִשְׁמִימִם, שְׁנֵאמַר, "חֲרַקְתִּי עֲלֵיכֶם מִיַּם טְהוֹרִים  
וּטְהַרְתֶּם" (יחזקאל לו:כה). וְאֹמַר, "מִקְוֵה  
יִשְׂרָאֵל ה'" (ירמיה יז:ג), מִה מִקְוֵה מְטַהֵר  
אֶת הַטְּמֵאִים, אִף הַקְּדוֹשׁ בְּרוּךְ הוּא מְטַהֵר אֶת  
יִשְׂרָאֵל:

*Mishnah Yoma 8:9*

R. Akiva said: How fortunate are you, Israel! Before Whom are you purified, and Who purifies you? It is your Heavenly Parent, as it is stated: "And I will sprinkle purifying water upon you, and you shall be purified" (Ezekiel 36:25). And it says: "The hope (*mikveh*) of Israel is God" (Jeremiah 17:13). Just as a ritual bath (*mikveh*) purifies the impure, so too, the Holy Blessed One, purifies Israel.

In this *mishnah*, we are purified before God and God is the One Who purifies us, serving as a watery *mikveh*, cleansing us of our sins. By connecting the image of God as water from Isaiah to the waters of Ezekiel, the editor of the *sugya* invites us to imagine the waters of the future Temple as a metaphor for God: like water, God purifies. This purification is physical and spiritual, and leaves us forgiven.

These associations can provide an alternative model for how we might achieve atonement for our sins on Yom Kippur. Yom Kippur is a communal baptism. We are wading through a *mikveh*—and that *mikveh* is the day of Yom Kippur itself.

And the waters of that *mikveh*, I like to think, are our prayer. Standing in synagogue for hours on end and singing our hearts out like there's no tomorrow is our communal baptism. Crossing the Yom Kippur waters is not an easy task. As in the deep waters of the *sugya*, our crossing is fraught as we grapple with life and death, sin and atonement. Together we traverse waters up to our neck, hoping we will emerge unscathed. But we immerse ourselves in Yom Kippur. We let the prayers wash over us and by the end of Yom Kippur we emerge cleansed and purified. Just as we cannot control the downward flow of water from above, so too on Yom Kippur we surrender to God's mercy and receive atonement.

#### GRASSHOPPERS' ANTENNAE

The *sugya* closes with an evocative description of the way in which the waters of the future Temple will grow and expand:

תלמוד בבלי יומא עז:עח.

אמר ר' פנחס משום רב הונא צפוראה:  
מעין היוצא מבית קדשי הקדשים  
בתחילה דומה לקרני חגבים...



נעשה כחוט של שתי...  
נעשה כחוט של ערב...  
נעשה כפי פך קטן...  
מכאן ואילך היה מתגבר ועולה...  
נעשה כנחל שוטף שבו רוחצין...

**Babylonian Talmud Yoma 77b-78a**

*R. Pinhas said in the name of Rav Huna  
the Sepphorean:*

*The spring that issued from the Holy of  
Holies:*

*At first it was like grasshoppers'  
antennae...*

*it became like warp thread...*

*it became like weft thread...*

*it became like the opening of a small jug.*

...

*From here on out it grew and grew...*

*it became like a flowing river in which they  
bathe [to purify themselves]...*

The waters of the future Temple, says the *sugya*, start as a small trickle, bubbling up like grasshoppers' antennae from under the threshold of the Holy of Holies. As it moves out of the Temple, it widens and deepens until ultimately it is a flowing river in which those who are impure can immerse. In this description, we can see the *sugya* mirroring itself: the first half of the *sugya* too—with its exceptions to the prohibition on bathing—begins with small amounts of water. The quantities of water get larger until they are neck-deep. Through this mirroring, the *sugya* teaches us that all waters are connected. The purifying Temple waters of Ezekiel are literarily and cosmically linked to the water washing the hand of the mother who feeds her child. In fact, we are made of water. As water, we are all connected to the purifying waters of the future Temple. And we are all the people of Isaiah, whose sin God has lifted.

I bless us that, whatever we experience over Yom Kippur, we may emerge as though from a *mikveh*, purified, physically and spiritually; that we may feel the spaciousness of the waters of Ezekiel, and the safety of the waters of Isaiah; that we may be able to bring into our year, into our mundane waters, an echo of the sensation that God has carried us through the water and washed us clean. ♦

# Responsa Radio

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# THE FESTIVAL OF OUR GREAT JOY?

R. Jason Rogoff

**I**N MISHNAH TA'ANIT 4:8, Rabban Shimon ben Gamliel says:

לֹא הָיוּ יָמִים טוֹבִים לְיִשְׂרָאֵל כַּחֲמִשָּׁה עָשָׂר  
בְּאָב וּכְיוֹם הַכְּפוּרִים, שֶׁבָּהֶן בְּנֵי יְרוּשָׁלַיִם יוֹצְאִין  
בְּכָלִי לָבוֹן שְׂאוּלִים... וּבָנוֹת יְרוּשָׁלַיִם יוֹצְאוֹת  
וְחוֹלוֹת בְּכַרְמִים.

*There were no days of joy in Israel greater  
than the fifteenth of Av and Yom Kippur.  
On these days the sons of Jerusalem would  
go out in borrowed white garments... and  
the daughters of Jerusalem would go out  
and dance in the vineyards.<sup>1</sup>*

The people of Jerusalem during the time of the Second Temple experienced Yom Kippur as a festival of great joy. This sentiment is echoed in Mishnah Yoma 7:4, which tells us that the High Priest would make a feast for his loved ones upon safely emerging from performing the Avodah service. Both Talmudim (Yerushalmi Ta'anit 4:8, 69c; Bavli Ta'anit 30b) explain that the source of this joy is the atonement and forgiving of our sins. But many of us do not experience Yom Kippur as a day of joy. For us, it is a day of awe and introspection,

when we contemplate our past actions and direct our prayers to appeal for God's mercy.

To gain a deeper understanding of the disconnect between our Yom Kippur and that of the inhabitants of Jerusalem, we should start by examining the verses in the Torah that describe the Yom Kippur service. Leviticus 16 describes the purification procedure of the High Priest in the tabernacle:

וַיִּקְרָא טָז:

וַיִּכְפֹּר עַל הַקֹּדֶשׁ מִטְּמֵאֹת בְּנֵי יִשְׂרָאֵל  
וּמִפְשְׁעֵיהֶם לְכָל חַטָּאתָם וְכֵן יַעֲשֶׂה לְאַהֲל מוֹעֵד  
הַשֹּׁכֵן אֹתָם בְּתוֹךְ טְמֵאָתָם.

**Leviticus 16:16**

*Thus he shall purge the shrine of the  
impurity and transgression of the Israelites,  
whatever their sins; and he shall do the  
same for the Tent of Meeting, which abides  
with them in the midst of their impurity.*

The function of the service is to purge the tabernacle of the contamination caused by the impurities and transgressions of Israel. These sins penetrate the sacred space from afar, and, as a result, the High Priest

<sup>1</sup> The citation of the *mishnah* is from the Kaufmann manuscript. For a full explanation of the development and meaning of this *mishnah*, see Pinhas (Paul) Mandel, "Lo Hayu Yamim Tovim le-Yisrael ke-Hamishah Asar be-Av u-khe-Yom ha-Kippurim": Al ha-Mishnah ha-Aharonah shel Massekhet Ta'anit ve-Gilguleha," *Te'udah* 11 (1996), pp. 147-178. According to Mandel, the romantic elements of the *mishnah* are a later addition to the text which distort its original meaning.

is commanded to cleanse the sanctum, to ensure that God's presence remains in the tabernacle.<sup>2</sup>

At the conclusion of the chapter, however, there is an abrupt turn from the instructions for the High Priest to a commandment for all of Israel.

ויקרא טז: כט-לא

וְהָיְתָה לָכֶם לְחֻקַּת עוֹלָם בְּחֹדֶשׁ הַשְּׁבִיעִי  
בְּעֶשְׂרִי לַחֹדֶשׁ תַּעֲנּוּ אֶת נַפְשֵׁיכֶם וְכָל מְלָאכָה  
לֹא תַעֲשׂוּ הָאֶזְרָח וְהַגֵּר הַגֵּר בְּתוֹכְכֶם: <sup>30</sup>כִּי בַיּוֹם  
הַזֶּה יִכָּפֵר עֲלֵיכֶם לְטָהָר אֶתְכֶם מִכָּל חַטֹּאתֵיכֶם  
לִפְנֵי ה' תְּטַהֲרוּ: <sup>31</sup>שַׁבַּת שְׁבֻתוֹן הִיא לָכֶם  
וְעָנִיתֶם אֶת נַפְשֵׁיכֶם חֻקַּת עוֹלָם:

**Leviticus 16:29-31**

<sup>29</sup>And this shall be to you a law for all time: In the seventh month, on the tenth day of the month, you shall practice self-denial; and you shall do no manner of work, neither the citizen nor the alien who resides among you. <sup>30</sup>For on this day atonement shall be made for you to purify you of all your sins; you shall be pure before God. <sup>31</sup>It shall be a sabbath of complete rest for you, and you shall practice self-denial; it is a law for all time.

Alongside the High Priest's purification of the tabernacle, we are obligated to take steps to turn inward and "purify ourselves of all our sins" through fasting, self-denial, and refraining from *melakhah* (work forbidden on Shabbat). We cannot sit idly as the High Priest purifies the tabernacle; we must also do our part.

While these two elements of Yom Kippur might be seen to complement each other, they are also in tension.<sup>3</sup> In the first section, it is only the sterilization of the tabernacle by the priests that effects atonement for all of Israel. The people do nothing, and atonement is provided exclusively by the priestly ceremony. The

2 See Jacob Milgrom, *Anchor Bible: Leviticus 1-16* (1998), pp. 1061-1065. See also my colleague, R. Shai Held, "Yom Kippur: Purifying the Tabernacle and Ourselves," printed in *The Heart of Torah* (2017) and available here: <https://hadar.org/torah-tefillah/resources/yom-kippur-purifying-tabernacle-and-ourselves>.

3 See David Frankel, "Recasting the Temple Purification Ritual as the Yom Kippur service," available here: <https://www.thetorah.com/article/recasting-the-temple-purification-ritual-as-the-yom-kippur-service>.



end of the chapter (and the description of Yom Kippur in Leviticus 23, discussed below) moves away from this model, and demands action by the entire people of Israel in order to achieve atonement.

These two characterizations of Yom Kippur were at the center of a major debate between Jews of the

*month, once a year—for their sins. For they had saddened their father's (feelings of) affection for his son Joseph. This day has been ordained so that they may be saddened on it for their sins, all their transgressions, and all their errors; so that they may purify themselves on this day once a year.*<sup>5</sup>

WHILE MANY OF US ARE  
FIRMLY ENTRENCHED IN A YOM  
KIPPUR OF TESHUVAH AND  
INTROSPECTION  
—AND FOR GOOD REASON!—  
WE SHOULD NOT LOSE SIGHT  
OF THE ELEMENTS OF JOY AND  
CELEBRATION THAT HAVE  
ALWAYS BEEN PART OF THE DAY.

Second Temple period.<sup>4</sup> The Temple Scroll from the Dead Sea Sect and the Sadducean book of Jubilees both embrace the perspective that the individual must repent in order to gain atonement. In fact, the book of Jubilees connects atonement on Yom Kippur to the story of Jacob's sorrow after his sons falsely tell him that they found bloody evidence of Joseph's death. According to Jubilees, Jacob received their report about Joseph on the 10<sup>th</sup> of Tishrei and plunged into an inconsolable state of mourning:

**Jubilees 34:23-25**

*For this reason, it has been ordained regarding the Israelites that they should be distressed on the tenth of the seventh month—on the day when (the news) which made (him) lament Joseph reached his father Jacob—in order to make atonement for themselves on it with a kid—on the tenth of the seventh*

The book of Jubilees suggests that the Torah's requirement to bring a goat as a sin offering is an atonement for the brothers' action of dipping Joseph's coat in goat blood (see Genesis 37:31). Furthermore, the people of Israel are required to be "saddened... for their sins," just as Jacob was distraught because he believed that Joseph was dead. The author of Jubilees requires one to feel a deep sense of sadness and regret in order to purify oneself and receive atonement. A similar perspective appears in a polemical work found in the Dead Sea Scrolls, which vehemently chastises the Pharisees and their followers who "deport themselves foolishly on their festivals" (להתעולל במועדיהם).<sup>6</sup> They desecrate the solemnity of the day with their celebrations, and disregard the aspect of self-denial.

This perspective stands in sharp contrast to the custom of the people of Jerusalem described in the Mishnah. The people would go up to the Temple in order to observe the High Priest's purification ritual—and immediately upon its successful completion, the celebrations would begin. There was no sense that the day demanded any sort of introspection or reckoning with the sins of the previous year.

In many ways, the destruction of the Temple put an end to this debate. There is no longer a High Priest to perform the purification ritual, nor an altar on which to sprinkle the blood to erase our sins from the previous year. For *Hazal*, the focus of Yom Kippur practice had to shift away from the rituals of the Temple and toward the actions of the individual. Nonetheless, an intriguing *midrash* explores the possibility that the day of Yom Kippur in and of itself can effect the automatic erasure of our sins. The *Sifra*, the tannaitic midrashic collection on the book of Leviticus, demonstrates how the lack of a Temple and the ability for Yom Kippur

4 For a full analysis of the Second Temple sources see Cana Werman's essay in Werman and Aharon Shemesh (eds.), *Revealing the Hidden: Exegesis and Halakha in the Qumran Scrolls* (2011), pp. 348-363.

5 Translation from James Kugel, *A Walk Through Jubilees* (2012), p. 209.

6 See Joseph M. Baumgarten, "Yom Kippur in the Qumran Scrolls and Second Temple Sources," *Dead Sea Discoveries*, vol. 6, no. 2 (1999), pp. 184-191.



itself to provide atonement are intertwined. The *midrash* expounds Leviticus 23:27-28:

ויקרא כג:כז-כח

27 אף בעשור לחדש השביעי הזה יום הכפרים  
הוא מקרא קדש יהיה לכם ועניתם את  
נפשתיכם והקרבתם אשה לה: 28 וכל מלאכה  
לא תעשו בעצם היום הזה כי יום כפרים הוא  
לכפר עליכם לפני ה' אלקיכם:

*Leviticus 23:27-28*

*27 Indeed, the tenth day of this seventh month is the Day of Atonement. It shall be a sacred occasion for you: you shall practice self-denial, and you shall bring an offering by fire to God; 28 you shall do no work throughout that day. For it is a Day of Atonement, on which expiation is made on your behalf before God your Lord.*

ספרא אמונה פרשה יא, פרק יד

(1) שיכול: אין לי יום הכיפורים מכפר אלא  
אם כן עשאו מקרא קודש, והתענה ולא עשה  
בו מלאכה; לא קראו מקרא קודש ולא נתענה  
בו ועשה מלאכה מניין [שהיום מכפר]? ת"ל  
"יום הכיפורים הוא".

(2) שיכול: אין לי יום הכיפורים מכפר אלא  
עם הקרבנות ועם השעירים יום הכיפורים  
מכפר; ומניין אף על פי שאין קרבנות ואין  
שעיר היום מכפר? תלמוד לומר "יום הכיפורים  
הוא".

(3) יכול יכפר על השבים ועל שאינן שבים?  
ודין הוא: חטאת ואשם מכפרים, ויום  
הכיפורים מכפר, מה חטאת ואשם אין מכפרים  
אלא על השבים אף יום הכיפורים לא יכפר  
אלא על השבים!

(4) לא, אם אמרת באשם וחטאת שאין  
מכפרים על הזדון כשגגה, תאמר ביום  
הכיפורים שהוא מכפר על הזדון כשגגה?

(5) הואיל והוא מכפר על הזדון כשגגה יכפר  
על השבים ועל שאינן שבים! תלמוד לומר:  
"אך"—הא אינו מכפר אלא על השבים.

*Sifra Emor, Parashah 11, Chapter 14*

*(1) For I might think that Yom Kippur atones only if one made it a sacred occasion, and practiced self-denial, and*

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*abstained from melakhah. How do I know that even if one did not do these, the day atones? Scripture states: "It is the day of atonement."*

*(2) For I might think that Yom Kippur atones only with the offerings and with the goats. How do I know that the day atones even without them? Scripture states: "It is the day of atonement."*

*(3) I might think that it atones both for those who repent and those who do not. Logic dictates: A sin-offering and a guilt-offering atone, and Yom Kippur atones. Just as they atone only for those who are penitent, so Yom Kippur should atone only for penitents!*

*(4) No, this may be so for a guilt-offering and a sin-offering, which do not atone for intentional sin as they would for an unintentional sin. Would you say the same for Yom Kippur, which atones for both intentional and unintentional sin?*

*(5) Since it does, we should say that it atones both for those who do repent and for those who do not! Scripture states "Indeed" (וַיָּסַח, a term of exclusion). This teaches that it atones only for those who repent.*

The *midrash* begins (section 1) with the surprising assertion that Yom Kippur will still provide atonement even if one transgresses the commandments associated with the day. The Torah's language, "it is the Day of Atonement," indicates that the day itself will atone, even if its sanctity is violated. This approach is more far-reaching than the celebrations of the people of Jerusalem. They would gather at the Temple to make sure that the purification ritual was successful, while the *midrash* argues that one can ignore Yom Kippur entirely and still be granted atonement.

This extreme formulation seems to be laying the groundwork for the teaching in section 2. The Temple service is essential for the purification ritual that achieves atonement. One could easily argue that without the Temple, Yom Kippur would be ineffective. Here, however, our Rabbis reject this argument, and maintain that atonement can be achieved even

without sacrifices. Again, they anchor their teaching using the same words from section 1, "it is the Day of Atonement"—even if there are no sacrifices. This *midrash* demonstrates the complete transformation of the day from its origins in the latter part of Leviticus 16, which introduced the participation of individuals in the process of atonement, through the Second Temple sects who placed greater emphasis on the need for individual repentance.

Our Rabbis' striking conclusion that the sacrifices are not necessary for atonement leads in turn to the question explored in the final sections of the *midrash* (sections 3-5). Perhaps just as the sacrifices are not necessary, repentance is also not necessary to achieve atonement? This approach, arguing that simply the arrival of the day of Yom Kippur is enough to provide atonement, would lead to an unprecedented conclusion. However, this Sifra notes the verse's use of the word וַיָּסַח, which is often used as an indication that something is excluded from the verse's scope, and subsequently rejects this possibility. Indeed, the Sifra rules here in the same way as in Mishnah Yoma 8:8, that repentance is necessary for atonement.<sup>7</sup> This represents an enormous shift. To the people of Jerusalem, all that was necessary was the Temple purification ritual. To the post-Temple Sifra and Mishnah, in contrast, all that is necessary is individual repentance.

While many of us are firmly entrenched in a Yom Kippur of *teshuvah* and introspection—and for good reason!—we should not lose sight of the elements of joy and celebration that have always been part of the day. Like the people of Jerusalem who were overwhelmed with a feeling of joy upon seeing the High Priest emerge from performing the Temple purification ritual, even without the sureness of being forgiven we can embrace the celebration of a fresh start and a new year full of opportunity. ♦

7 Bavli Shevuot 13a cites a tradition that includes a position that Yom Kippur atones for almost all transgressions even without repentance. Ritva on this *sugya* explains that his position is relevant only when there is a Temple purification ritual. In times without a Temple, repentance is necessary. See Saul Lieberman, *Tosefta Kifshutah to Kipurim (Yoma)* 4:9, p. 826.

# EXPLICIT FORGIVENESS

R. Dena Weiss

**P**ARASHAT KI TEITZEI lays out the procedure for corporal punishment, lashes administered by the court:

דברים כה:א-ג

כִּי־יִהְיֶה רִיב בֵּין אָנָשִׁים וְנָגְשׁוּ אֶל־הַמִּשְׁפָּט  
וּשְׁפָטוּם וְהִצְדִּיקוּ אֶת־הַצָּדִיק וְהִרְשִׁיעוּ אֶת־  
הַרָשָׁע: וְהָיָה אִם בֶּן הַכּוֹת הַרָשָׁע וְהִפִּילוּ הַשֹּׁפֵט  
וְהִכָּהוּ לִפְנָיו כְּדִי רִשְׁעָתוֹ בְּמִסְפָּר: אַרְבָּעִים יִכּוּ  
לֹא יִסִּיף כֹּהֵן יִסִּיף לְהַכּוֹתוֹ עַל אֵלֶּה מִכָּה רַבָּה  
וְנִקְלָה אַחִיד לַעֲיִנִּיד:

*Devarim 25:1-3*

*When there is a conflict between people and they approach the court, you shall judge them and you shall vindicate the innocent and condemn the guilty. And if the guilty party is subject to lashes, the judge should bend him over and hit him a precise number of times according to his guilt. He may hit him forty times, but may not hit him more, lest he continue to hit him more than these, an excessive beating, and your brother will come to be disparaged before your eyes.*

The Torah puts a clear limit on the number of lashes that a person may receive, lest your brother be humiliated and seen as “less than” by the court and its administrators. But this is not only a message to the court. By calling the guilty party—the *rasha*’—“your brother,” the Torah is indicating to you who witness or learn about this case that even though this person has

sinned, they still remain your brother. The Torah is also telling the person who has absorbed the punishment that he has regained the status of brother.

The language of brotherhood here is not incidental. By using it, the Torah not only teaches about the status of the people in this case; the Torah is also modeling



1 The best translation of *rasha* is not “evil person” but guilty or condemned party.



a general principle. It is showing us that there are times when a person's status needs to be affirmed by other people around them. People who have been

WE ALL NEED TO HEAR:  
"SALAHTI, I HAVE FORGIVEN."

censured or feel marginalized need to **hear** that they are our brothers. We need to remind each other of our enduring or renewed closeness and, when relevant, make explicit our forgiveness of one another and the continuing strength of our relationship.

The first figure in Rabbinic literature to highlight the language of brotherhood here is R. Hananiah<sup>2</sup> ben Gamliel:

ספרי דברים פסקא רפו

ר' חנניה בן גמליאל אומר: כל היום קורא אותו  
הכתוב "רשע" שנאמר "והיה אם בן הכות  
הרשע"; אבל כשלקה, הכתוב קוראו "אחיק"  
שנאמר "ונקלה אחיק".

*Sifrei Devarim #286*

*R. Hananiah ben Gamliel says: All day the verse calls him "the guilty one" as it says, "if the guilty party is subject to lashes." But once he has absorbed the lashes, the verse calls him "your brother," as it says, "your brother will come to be disparaged."*

According to R. Hananiah ben Gamliel, the terminology of brotherhood comes to mark a stage of forgiveness. Before the person who has been found guilty absorbs his punishment, it is acceptable to think of him as a *rasha*. But once he has been struck by the court, he is forgiven and his slate is wiped clean completely. It is neither acceptable nor accurate to call this person anything but a fully reinstated and entirely welcome brother.

The Torah is also indicating to the person who has absorbed the punishment that he should no longer think of himself as a *rasha*. He is equal in value and brotherhood to those who once had power over him. Once he has accepted the consequences of his crime, he need not—and should not—feel like a *rasha* anymore.

Although the punishment of lashes is both painful and shameful, the advantage that it has is clear and unique: once a person has gone through the ordeal, it is over; they come out whole and reinstated. Today, we rarely experience something that guarantees atonement and to hear in an unequivocal way: "You are whole now. You are completely forgiven."

According to Rashi, this fundamental need to be told that we are forgiven permeated the consecration of the *mishkan*. At the conclusion of the ceremonies, Moshe and Aharon went out to bless the people in order to confirm for them and to state explicitly that the sin of the golden calf had been atoned for and that God would once again want to be close to Benei Yisrael:

רש"י ויקרא ט:כג

"וַיֵּצְאוּ וַיְבָרְכוּ אֶת הָעָם וַיֵּרָא כְבוֹד ה' אֶל כָּל  
הָעָם" ... לפי שכל ז' ימי המלואים שהעמידו  
משה למשכן ושמש בו, ופרקו בכל יום, לא  
שרתה בו שכינה, והיו ישראל נכלמים ואומרים  
למשה: משה רבינו! כל הטורח שטרחנו  
שתשרה שכינה בינינו ונדע שנתכפר לנו עון  
העגל! לכך אמר "זה הדבר אשר צוה ה' תעשו  
וירא אליכם כבוד ה'" (ויקרא ט:ו).

*Rashi to Vayikra 9:23*

*"They went out and they blessed the people [and the glory of God was shown to all the people]" — ... because during all seven days of instatement, during which Moshe set up the mishkan, served within it and then dismantled it daily, the Shekhinah (Divine Presence) did not dwell in it. And Israel were distraught and they said to Moshe, "Moshe our teacher! All of the trouble that we undertook was so that the Shekhinah would dwell among us and we would know that the sin of the golden calf has been atoned for on our behalf!" Therefore he [had] said to them, "This is what God has commanded that you do and God's glory will appear to you" (Vayikra 9:6).*

According to the verse, Moshe and Aharon blessed the people, followed by a revelation of God's glory. But in fact the real blessing, according to Rashi, comes

2 This son of Rabban Gamliel is often referred to with the almost identical name, Hanina.

much earlier, when Moshe provides instructions for a procedure that will demonstrate God's presence and His willingness to live with them.<sup>3</sup> Benei Yisrael knew, theoretically, that the instructions for and the construction of the *mishkan* signified this willingness, but they still needed the revelation of God's presence. They needed to know for sure, and Moshe blessed them with this ability.

This same insecurity repeats on every Yom Kippur when we seek God's forgiveness and wait in fasting and prayer for God's response. When we rehearse the thirteen attributes of mercy in the Selihot (forgiveness) prayers,<sup>4</sup> we always imagine a certain response, quoting, "*va-yomer Adonai salahti ki-dvarekha* - God said, 'I have forgiven according to your word'" (Bemidbar 14:20). This prayerful moment is extremely powerful as we imagine God responding to the attributes of mercy with the word we are most desperate to hear: *salahti*, "I have forgiven." In the Torah itself, however, this phrase is not a response to the attributes of mercy that we recite today (these were presented after the sin of the golden calf in Sefer Shemot), but rather to the time when Moshe prays with his adaptation of the thirteen attributes: "God, slow to anger and great of kindness, who bears iniquity and wrongdoing" (Bemidbar 14:18). When God says "*salahti ki-dvarekha* - I have forgiven according to your word," the words, *devarim*, to which God is referring are not the original attributes of mercy, but rather this later prayer of Moshe in response to the sin of the spies. We so need to hear that we are forgiven that Rabbinic literature and Jewish liturgy melds the two scenes together such that we recite the original thirteen attributes that God dictated in Shemot and receive the response that Moshe heard in Bemidbar.<sup>5</sup>

Yom Kippur is also the deadline for interpersonal reconciliation. Although we don't hear confirmation of our forgiveness from God, it is possible for us to ask

- 3 See Vayikra 9:1-8. Both Aharon and the people need to bring sacrifices of expiation. Aharon's, non-coincidentally, includes a calf, an *eigel*, for a *hatat* offering. This is among the reasons for the Rabbinic reading that the *mishkan* comes to bring or signify atonement for the sin of the golden calf.
- 4 Shemot 34:6-7: "*Adonai Adonai el rahum ve-hanun, erekh apayim ve-rav hesed ve-emet, notzer hesed la-alafim, nosei avon va-fesha ve-hata'ah ve-nakeih.*"
- 5 See for example מדרש תנחומא (בובר) פרשת פקודי סימן ב which quotes *salahti* as a response to Moshe after the sin of the golden calf.

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and receive forgiveness from one another. Yet doing so can often be humiliating and hard. We are often met with resistance or inscrutable silence. This was the case for Rav who was in a conflict with a local butcher:

#### תלמוד בבלי יומא פז.

רב הוה ליה מילתא בהדי ההוא טבחא. לא אתא לקמיה במעלי יומא דכפורי. אמר איהו: איזיל אנא לפיוסי ליה! פגע ביה רב הונא, אמר ליה: להיכא קא אזיל מר? אמר ליה: לפיוסי לפלניא! אמר: אזיל אבא למיקטל נפשא! אזל וקם עילויה הוה יתיב וקא פלי רישא. דלי עיניה וחזייה. אמר ליה: אבא את? זיל! לית לי מילתא בהדך! בהדי דקא פלי רישא, אישתמיט גרמא ומחייה בקועיה וקטליה.

#### *Talmud Bavli Yoma 87a*

*Rav had an issue with a certain butcher who did not come to [reconcile] with him on Erev Yom Kippur.<sup>6</sup> He said to himself: I will go and make up with him. Rav Huna met him [on his way] and said to him, "Where is the Master going?" [Rav] said to him, "To appease so-and-so." [Rav Huna] said: "Abba (i.e., Rav) is going to kill someone!" [Rav] went and stood upon [the butcher] who was sitting and skinning a head. [The butcher] raised his eyes and saw him. He said, "Are you Abba?! Go! I don't have an issue with you!" As he was skinning the head, a bone slipped, hit [the butcher] in his [own] throat, and killed him.*

This dramatic story does not tell us what happened initially between Rav and the butcher. But it does make clear that Rav's desperation to reconcile led him to do something considered beneath his dignity—going to appease the butcher who should have come to him—and something dangerous—as Rav Huna correctly predicted that the butcher would come to a bad end. Rav needed to hear that he was forgiven, and the butcher's refusal to engage with this need, his dismissal of Rav, was considered to be so cruel that circumstances led him to accidentally die at his own hand.

The buildup to Yom Kippur is a time during which many of us are reviewing our habits and our behavior, and scrutinizing our interpersonal interactions over the past eleven months. We are looking to correct any mistakes that we have made and to right any wrongs we have committed. We are looking to see if there is anyone we have damaged financially or personally, and are summoning up the strength we need to own up to our flaws, to compensate those from whom we have taken, and to apologize sincerely. This, we know, is what an authentic attempt at *teshuvah* demands from us.

But we ought to go one step further. Think about the people who may have hurt you and may be afraid that you wish them ill. Think about the people who may be suffering emotional or spiritual anguish over you. Who are the people who need to be reassured that you have forgiven them? Who are the people who might think that they have sinned against you, but have not? Who are the people who may be thinking poorly of themselves for no reason on your account?

When someone does apologize to you, don't just thank them for the apology. Let them know that you truly forgive them. If the apology is unnecessary, reassure them that they have done nothing wrong and be clear about how you do and did feel. Repentance is a difficult process and sometimes the light of *teshuvah* is hard to see. When I sin against God, I cannot know with certainty if and when God forgives me. But this should not be the case when I sin against my fellow human being, my brother. Another person can and should tell me, "*Salahti*, I have forgiven you." That person can be warm to me and demonstrate to me that they harbor no resentment.

This year, in addition to ensuring that our own processes of *teshuvah* are thorough and complete, let's work on improving the experience of *teshuvah* for others. Recognize the very real anguish that others may feel on your account and demonstrate that you forgive them. Through honest and clear communication, you can help them to see that they are innocent in your eyes and loved by you. Give positive feedback. Extend reassurance and say to others the words that we all need to hear: "*Salahti*, I have forgiven." ♦

6 According to both Rashi and the Maharsha, Rav was wronged by the butcher. However, the language and Rav's willingness to go and appease (as opposed to be appeased by) the butcher implies a more mutual conflict.



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# Singing Through *Teshuvah*: A High Holiday Sonic Journey

R. Deborah Sacks Mintz

## SESSION 1 Singing in Intention: Personal Song

### COURSE INTRODUCTION

Song and prayer are truly inextricably linked. ♦ Song can allow us to express our innermost prayers, but connect those prayers to those of our surrounding community. In this course, we will probe one layer further, exploring the ways in which music and melody themselves deepen and complicate, unlock and crack open, the texts of our liturgy.

Our Sages understood melody to be a foundational tool in Torah study. ♦ By heeding this call and putting melodies in conversation with one another, we will tease open several core pieces of Yamim Nora'im (High Holiday) liturgy, allowing the song itself to take up space and pull its weight as a central piece of Torah.

*This section includes links to the music and learning that involves writing. Study and listen to these recordings before Yom Tov!*

### I. LISTENING BEST PRACTICES

As part of the sonic journey of this course, we will be treating melodies as a text to be learned. Each time you come to a melody, make sure you bear in mind these guidelines:

1. **Listen in real time with your *havruta*.** On Zoom or other video apps, one person should share their audio in order that you can both listen together. If in person, play the music on good speakers if possible to hear the depths of the music.
2. **Have a way to take notes** to jot down thoughts as they come up. You will find it helpful to include a rough **timestamp** (e.g. "1min 11sec") of what you were referring to.
3. **Dig deep into the material.** Like when you go over something you found interesting in a text study, you may need to go back and listen multiple times, or rewind to specific spots.
4. **Look at the guiding questions** accompanying the recordings. Like a text-based course, each session will include guiding questions for listening that span comprehension, analysis, and reflection. Allow yourselves the spaciousness to move from comprehension to reflection—and back again.

#### ♦ Linked

As the Talmud (Berakhot 6a) says:  
"במקום רנה – שם תהא תפלה."  
/ where there is song, let there be prayer." □  
This text is #40 in the collection of sources found in Joey Weisenberg, *The Torah of Music* (ToM). Throughout this course, if a text appears in *The Torah of Music*, its number there will also appear.

#### ♦ Study

See Babylonian Talmud Megillah 32a (ToM #51). □



- ♦ **Vayikra Rabbah**  
is a collection of *midrash* from 5<sup>th</sup> century Eretz Yisrael. It is organized based on the book of Leviticus.
- ♦ **Majority opinion**  
This majority opinion (called by the name “Our Rabbis”) contrasts an individual opinion just quoted.
- ♦ **Malbim**  
R. Meir Leibush ben Yehiel Mikhel Wisser, the masterful commentator on the Tanakh, lived in 19<sup>th</sup> century Eastern Europe. In his comments, he often teases apart words in the verses that sound like synonyms.

## II. A PSALM FOR THE HIGH HOLIDAY PERIOD

The Yamim Nora'im season begins in earnest on Rosh Hodesh Elul, when our hearts begin to turn towards introspection, reflection, and *teshuvah* (repentance). One of the first special seasonal texts we encounter is Psalm 27, whose fourth verse has become one of the most widely sung verses of the season (see section III below).

The tradition is to include Psalm 27 daily from Elul through Shemini Atzeret-Simhat Torah. Let's begin by unpacking two interpretations of this psalm's first verse that ask us to consider its integration into this season.

### SOURCE #1

תהלים כז:א

Psalm 27:1

לְדָוִד וְה' אֱלֹהֵי מִשְׁעִי מִמִּי  
אֵיכָּה ה' מְעֹזִי מִמִּי אֶפְתָּח:

For David. God, my light and my savior—  
from whom will I fear? God, the stronghold  
of my life—from whom will I dread?

### SOURCE #2

ויקרא רבה כא:ד

Vayikra Rabbah 21:4♦

כַּבֵּן פִּתְרִין קָרָא בְּרֹאשׁ הַשָּׁנָה  
יּוֹם הַכְּפוּרִים, אֱלֹהֵי בְּרֹאשׁ  
הַשָּׁנָה וְיִשְׁעֵי בְּיּוֹם הַכְּפוּרִים.

The majority opinion♦ interpreted the verse  
regarding Rosh Hashanah and Yom Kippur:  
[God] is my light on Rosh Hashanah and my  
salvation on Yom Kippur.

### SOURCE #3

מלבי"ם על תהלים כז:א

Malbim♦ on Psalm 27:1

הִירָאָה הוּא מְדַבֵּר יְדוּעַ וְהַפְחָד  
הוּא מְדַבֵּר בְּלֹתִי יְדוּעַ, וְאִשֶּׁר  
יִתִּירָא אָדָם מֵאוֹיְבִים גְּלוּיִם  
הַלּוֹחֲמִים אִתּוֹ נִקְרָא יִרְאָה.

“Fear” (*yirah*) is from something that is known,  
but “dread” (*pahad*) is from something unknown.  
When a person is fearful from revealed enemies  
who battle with them, that is called *yirah*.



### Questions from R. Deborah Sacks Mintz:

1. Vayikra Rabbah interprets the word “light” explicitly, but the Malbim’s interpretation also (subtly) relies on an understanding of “light.” How does each text interpret this word “light”? In what way is this light “**my** light”?
2. What role does this “light” play in understanding the journey through the Yamim Nora’im season?
3. Focusing on Vayikra Rabbah: in what ways do you feel invitations into lightness at the beginning of this season?
4. Focusing on the Malbim: do you resonate with the contrasting definitions of “fear” and “dread”? Do either of them feel live for you at the beginning of this season?

### III. AHAT SHA’ALTI

The fourth verse of this psalm is by far its most widely utilized in composition: one can find dozens of melodies for this verse across musical communities and genres, that include—but also go far beyond—the melody by Israel Katz ♦ so often found in Ashkenazi communities. Today, we’ll listen and analyze two particular melodies, contextualizing them in the texts from section II.

Here is the text of the verse:

#### SOURCE #4 □

תהלים כז:	Psalm 27:4
אחת וְשָׁאַלְתִּי מֵאֵת־ה'	One thing I ask from God, this I will request.
אוֹתָהּ אֶבְקֶשׁ שְׁבֵתִי	Let me rest in the house of God all the days of
בְּבֵית־ה' כָּל־יְמֵי חַיִּי לַחַיּוֹת	my life to see the pleasantness of God and to
בְּנַעֲם־ה' וּלְבַקֵּר בְּהִיכָלוֹ:	visit God’s sanctuary.

#### SOURCE #5 Ahat Sha’alti (Vizhnitz)



#### SOURCE #6 Ahat Sha’alti (Aly Halpert)





♦ **Shem Tov Katan**

R. Beinish may have been the first person to explicitly connect the High Holiday period to Psalm 27 in this book, published in 1706.

**Questions from R. Deborah Sacks Mintz:**

For each recording, ask the following questions:

1. Have you heard this before? If so, where and in what contexts?
2. Do any images, memories, or visions come up for you while listening to this melody?
3. What sounds do you hear in the recording? Do these resonate for you while reading the text of Psalm 27:4?

Then, explore the following questions. Feel free to go back and listen to any sections of these songs as needed.

1. Do any of these melodies feel most aligned with Source #2 (this psalm's representation of a journey from light to salvation)?
2. Do any of these melodies feel most aligned with Source #3 (this psalm's invitation into teasing out the awe of the known vs. the fear of the unknown)?
3. Do you read your own story of the journey through Elul into any of these melodies in particular? Do any feel less resonant or more challenging to connect to?

**Take a step back:**

In the Shem Tov Katan, ♦ R. Benjamin Beinish ha-Kohen writes: “concerning anyone who recites this psalm from Rosh Hodesh Elul until after Simḥat Torah, even if there is an evil decree from heaven against that person, it may be annulled.” This is a bold statement!

- Can we map this statement onto not only the recitation of this psalm itself, but the power of song?
- Have you experienced moments of song in your own life as powerful enough to activate this sort of transformation?



# SUKKOT





# REACHING GOD WITH THE *LULAV*

R. Elie Lehmann

EACH AUTUMN, IN the days preceding Sukkot, a pilgrimage of sorts winds its way to the intersection of Essex Street and East Broadway in Manhattan's Lower East Side. Hordes of individuals from diverse Jewish backgrounds converge there to procure their *lulav* and *etrog*, which together make up the *arba minim*, the four species mentioned by the Torah (Leviticus 23:40). The streets bustle with temporary market stalls, consisting of makeshift tables and rental trucks, and the air crackles with electric excitement for the upcoming holiday.

Selecting a *lulav* and *etrog* can be a beautiful ceremony that transcends any other experience of purchasing fruit and plants. It represents a preparatory act for a deeply religious observance, occurring at a time that profoundly influences the spiritual course of the year, and it carries a palpable sense of tradition, informed by echoes of Jews patronizing markets just like these around the globe for centuries. Choosing one's set of *arba minim* can feel intensely holy.

But waving them around on Sukkot—that can be altogether different. This ritual can feel confusing, maybe silly or childish,<sup>1</sup> perhaps even pagan. Many of us experience a great deal of anticipation to a moment which, with *lulav* and *etrog* in hand, falls flat.

So what's going on here? How might we rediscover holiness within the act of shaking our *lulav* and *etrog*? What deeper meaning can we strive for in this ritual?

Based on the Talmud (Sukkah 37a-38a), the Rambam (Hilkhos Shofar ve-Sukkah ve-Lulav 7:9) codifies that *na'anu'im*, the act of shaking the *lulav*, is

an essential part of fulfilling the *mitzvah*. Even though the blessing is “על נטילת לולב” - on taking the *lulav*,” the *mitzvah* can only be performed by shaking.

But why is the shaking so important? Neither the Gemara nor the Rambam tell us.

R. Yehudah Aryeh Leib Alter of Gur, the 19<sup>th</sup> century Hasidic Rebbe known by the name of his major work, *Sefat Emet*, suggests that the intricate movements of extending the *lulav* in all directions and bringing it always back to the heart are a way of increasing awareness of God's presence, which surrounds us in all directions, receiving God's light and ushering the life force of connection to God internally within one's heart:

שפת אמת, סוכות תרל"ד

לולב גי' חיים ובני' חפצים לקבל חיים אמיתיים  
בפנימיות שלהם. ... וזהו ע"י מיני הלולב  
שבני ישראל מרמזים במעשה להשי"ת. ...  
ומיני הלולב היא הקבלה שבני ישראל מקבלין  
ומביאין הדעת לעומק לבבם.

*Sefat Emet, Sukkot 5634 (1873)*

“Lulav” (לולב) is numerically equivalent to “life” (חיים), and the Children of Israel desire to accept true life within their inner being. ... This is facilitated through the species of the lulav, with which the Children of Israel physically gesture toward God. ...

1 The Mishnah (Sukkah 3:15) explicitly includes children who know how to wave in the *mitzvah*.

*The [waving of the] species of the lulav represent the acceptance through which the Children of Israel accept and bring this intimate awareness [of God] into the depth of their hearts.*

The waving of the *arba minim* is part of a mystical act that connects God and the Jewish people for the year ahead. As we extend them outward away from ourselves, we gesture toward God in every direction. And when the *lulav* is brought in again, it is as if we are catching God's lifeforce and receiving an intimate connection with God, and placing that within the depths of our hearts.<sup>2</sup>

This spiritual practice of the *na'anu'im*, safeguarded within the innermost chambers of the heart, becomes an experience that we then carry with us throughout the year ahead. It helps convey the deep understanding that God's sheltering presence can be felt wherever we strive to encounter it. As we walk through the world—no matter the direction—we walk with God.

R. Sholom Noah Berezovsky, the Slonimer Rebbe from 1981–2000 and author of the work *Netivot Shalom*, takes this one step further:

נתיבות שלום חלק ב, סוכות מאמר ד  
כאשר עוברים עליו זמנים שאינו מוצא שום  
תוכן בחיים, איננו מרוצה מעצמו וכ"ש  
מאחרים, אך תפקיד יהודי להיות שלם עם  
עצמו, לשלוט על כל המצבים ומצבי הרוח ולא  
להיות מושפע מהם, ושלא יגרמו לו לשינויים  
במציאות חייו בידעו שהקב"ה הוא הבורא  
יום ולילא גולל אור מפני חושך וחושך מפני  
אור. ... וד' המינים מסייעים ליהודי לאמלוכי  
לקוב"ה בכל המצבים. ... וזה נותן לו כוחות  
לעמוד בכל השנה בכל הבחינות ומצבי החיים.

#### **Netivot Shalom Vol. 2, Sukkot Essay 4**

*When a person goes through times in which they find no meaning in life, is dissatisfied with themselves—and certainly with others—nonetheless, the mission of a Jew is to be whole with oneself, to have mastery over all situations and moods, and not to be controlled by them. They should not*

*cause changes in the essence of one's life, knowing that the Holy Blessed One is the Creator of day and night, "Who rolls away light before darkness and darkness before light."<sup>3</sup> ... The arba minim help a Jew to coronate the Holy Blessed One in all situations. ... This gives one the strength to stand firm throughout the year, in all aspects and circumstances of life.*

It's not just that we bring our connection to God wherever we go. It's that, sometimes, the path we take is tortuous. The year ahead will have ups and downs. There will be times when feeling that connection to God comes naturally. But there will also be times when we feel completely disconnected—from God, from others, and even from ourselves. Shaking the *lulav* is a way of affirming that no matter where the path of the year takes us, even if through difficult terrain, God will be with us through it all. And though God may sometimes roll away the light to make room for darkness, God will also roll away the darkness to make room for light once more.

Perhaps these texts can serve as a meaningful intention when shaking the *lulav* this year. With each shake of the *lulav*, we can reach out to God in every direction around us and receive God's blessings for life deep within our hearts. Through this *mitzvah* we mindfully preserve that experience for the year ahead to give us strength, faith, and hope, no matter what the year may bring. ♦



<sup>2</sup> Perhaps this is the meaning behind the Chabad custom of specifically touching the *lulav* to the chest right above the heart with each of the *na'anu'im*.

<sup>3</sup> From Ma'ariv.



# SAVING US—AND GOD

R. Elie Kaunfer

EVERY DAY ON Sukkot, we circle the synagogue carrying the *lulav* and *etrog*, accompanied by poems, a different one each day, all with the same refrain: “הושע נא - save now!”<sup>1</sup> And each day, after the circling, we recite an additional poem, which is always the same. We often rush through this poem, but a closer look reveals that it has profound theological messages to teach us.

The poem, written by one of the greatest Hebrew poets of all time, R. Eleazar ha-Kalir (7<sup>th</sup> century), has a simple structure: an alphabetical acrostic with eleven lines, two letters in each line.<sup>2</sup> Each line opens with a past memory of God saving us (“כהושעת” - as You saved”), and ends with a request for God to save us again, as God saved before, now (“כן הושע נא!”). For instance, the poem reminds us that God delivered us from slavery in Egypt:

כהושעת זכים מבית עבדים  
חנון בידם מעבדים - כן הושע נא!

*As You saved the pure ones from the house of  
bondage*

*O Gracious One, as You saved those enslaved  
with manual labor—so save now!*<sup>3</sup>

But a curious theme appears in almost every other line of the poem: not only are we meant to be saved, but God is also meant to be saved. Why does God need

redemption? Because, states the poem, God went into exile with Israel. God never abandons the Jewish people, even when we have sinned against God. And God feels our pain directly, needing the same rescue that we need.

This all plays out—subtly at first—in the poem’s verses. For instance, the poem opens as follows:

כהושעת אלים בלוד עמך  
בצאתך לישע עמך - כן הושע נא!

*As You saved Israel in Egypt,<sup>4</sup> together with  
Yourself*

*When You went forth to save Your people—  
so save now!*

God saved not only Israel from Egypt, but also God saved Godself from Egypt. Why was God in Egypt with the Israelites? Because God never abandons us, and will never abandon us.

This is expressed with the simple word עמך, translated as “together with Yourself.” One could easily miss that word and its import (especially as it looks the same as the word עמך, “Your nation,” in the following stich). Indeed, at the beginning of the poem, God’s need for redemption is understated. But as the poem progresses, the poet expresses more boldly the claim that God is with us in our troubles and is in need of salvation.

Indeed, a few of the lines of the poem reread certain words to indicate that God accompanies us in exile:

1 Or: “Save please!”; the word נא can have both meanings. But one Rabbinic strand (e.g., Bavli Berakhot 9a) claims that נא always indicates a plea.

2 A twelfth line appears in current versions of the poem, but was a later addition; see Daniel Goldschmidt and Yonah Fraenkel, *Mahzor le-Sukkot, Shemini Atzeret, ve-Simhat Torah* (1981), p. 182.

3 These translations are based on Jacob Petuchowski, *Theology and Poetry: Studies in the Medieval Piyyut* (2004), pp. 92ff.

4 As is the style of religious poetry, Kalir uses synonyms to represent Israel and Egypt, playing on more obscure references to these peoples in the Bible. Israel is called אלים in Isaiah 61:3; Egypt is known by its descendent Lud, see Genesis 10:13.

כהושעת קהילות בבלה שלחת  
רחום למענם שלחת – כן הושע נא!

*As You saved the congregation You sent to  
Babylon (shilahta)*

*Merciful One, for their sake You Yourself  
were sent there (shulahta)—so save now!*

God sent us (שִׁלַּחְתָּ) into the Babylonian exile for our sins, but God also was sent (שְׁלַחְתָּ) into exile with us. Because God is with us in exile, God will also be taken out of exile when we are redeemed:

כהושעת מאמר והוצאתי אתכם  
נקוב והוצאתי אתכם – כן הושע נא!

*As You saved by uttering: “And I will bring  
you out”*

*Rephrased as: “With you I shall be brought  
out”—so save now!*

In Exodus 6:6, God promises to take out the Israelites from Egypt (וְהוֹצֵאתִי אֶתְכֶם). But in the poem, God repoints the same letters of these two words to read “וְהוֹצֵאתִי אִתְּכֶם - I will be brought out with you.” This subtle shift, marked by different vowels, not consonant letters, changes God’s role from savior (exclusively) to both savior and saved.<sup>5</sup>

Indeed, the refrain we recite at the end of the poem—and at the end of all the poems of Hoshanot—gives expression to this view of God, the Being Who can save and Who also needs saving. We plead:

אני והו הושיעה נא

*I and He—save now!*

R. Yehudah is the one who recommends to recite this line, instead of the more common: “אנא ה’ הושיעה נא” - please God, save now.” It seems that R. Yehudah’s phrase is short for אני והוא, and the הוא refers to God. We are asking God to save us—and also Godself.<sup>6</sup>

This poetic representation of God as participating in our struggles of exile and in need of redemption appears throughout Rabbinic literature. It is championed most clearly by one of R. Yehudah’s primary teachers, R. Akiva:<sup>7</sup>

מכילתא, מסכתא דפסחא יד

ר’ עקיבא אומר: ... וכן את מוצא בכל מקום  
שגלו ישראל כביכול גלתה שכניה עמהם....

וכשעתידין לחזור כביכול שכניה חזרת  
עמהן....

*Mekhilta, Massekhta de-Pisha 14*

*R. Akiva said: ... And so we find in every  
place that Israel was exiled, it is as if the  
Shekhinah was exiled with them....*

*And when in the future they will return, the  
Shekhinah will also return with them....*

R. Akiva teaches that God’s immanent presence, the Shekhinah, is in exile and needs redemption. This is a vision in which God is not distant from the suffering of the Jewish people or the world, but is in fact party to it. We are not alone in our quest for redemption; God is in need as well.

Sometimes in moments of prayer, and in my life more broadly, I imagine God to be entirely removed from me, uninterested in my individual feelings. When I experience pain, I am sometimes tempted to think that God is far from me and my pain. But in certain rabbinic traditions, quite the opposite is true: God experiences our pain, and feels it intensely. This was articulated

- 5 Kalir offers another example of this shift in the poem, changing “וְיִשָּׁע - God saved” (Exodus 14:30) to a passive verb with the same letters: “וְיִשָּׁע - God was saved.”
- 6 See Mishnah Sukkah 4:5 (older manuscripts read והוא rather than והו, which we recite today, but the meaning is the same). See the commentary of Mishnat Eretz Yisrael on this *mishnah* (vol. 7, p. 211, and on Sefaria). See also Otzar ha-Geonim to Sukkah, p. 66, #170.
- 7 See Meir Eyal, “Ha-El ha-Mitzta’er be-Tza’aram shel Yisrael,” in *Mekharim be-Hagut Yehudit*, eds. Sara Wilensky and Moshe Idel (1989), pp. 29-50, who argues for the attribution of this theology to R. Akiva’s school more generally.



most poignantly in the 20<sup>th</sup> century by R. Kalonymous Kalman Shapira, the rabbi of the Warsaw Ghetto. In February 1942, he wrote:

אש קודש פרשת משפטים תש"ב

דהנה האיש הישראלי המעונה ביסוריו חושב שרק הוא מצטער, וכאלו כל יסוריו הפרטיים ויסורי הכלל ישראל אינם נוגעים למעלה ח"ו. אבל הפסוק אומר "ובכל צרתם לו צר".... ובספרים הקדושים איתא שהרבה יותר ממה שהאדם מצטער, כביכול הוא ית' מצטער ביסורי איש הישראלי.

*Esh Kodesh Parashat Mishpatim, 5702*

Now the Jew who is tormented by his afflictions thinks that he alone suffers, as if all his personal afflictions and those of all Israel do not affect [God] above, God forbid. The verse states, however, "In all their troubles, He was troubled" (Isaiah 63:9)... Our sacred books tell us that when a Jew is afflicted, Blessed God suffers as it were much more than the person does.<sup>8</sup>

Prayer is not just a moment to ask God for redemption and salvation. It is a moment to connect with God's own pain at the suffering in this world, and to remember that we are in league together in seeking an end to exile.

In making the theological claim that God is in exile and in need of redemption, R. Akiva complicates the notion of an all-powerful God—why would an omnipotent God need to be redeemed?—but he gains something in deepening God's connection to us in our lived emotional lives. As R. Abraham Joshua Heschel wrote:

*In the school of R. Akiva, God's bond to Israel is one of intimate empathy. God, as it were, is linked to Israel with bonds of love, participating in its suffering and redeemed by its salvation.... R. Akiva and his cohorts believed that it is better to limit belief in God's power than to dampen faith in God's mercy.<sup>9</sup>*

God is not just the object of our prayers, prepared to listen or to ignore. God is in need of the redemption we pray for as much, or perhaps even more, as we are... and in that connection point with God, we may find comfort, even as we wait for the ultimate redemption.<sup>10</sup> ♦

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- 8 Translation R. Nehemia Polen, *The Holy Fire: The Teachings of Rabbi Kalonymus Kalman Shapira, the Rebbe of the Warsaw Ghetto* (1999), p. 116.
- 9 From R. Gordon Tucker (trans.), *Heavenly Torah as Refracted through the Generations* (2007), pp. 116, 119. This does not mean that Heschel (through his reading of R. Akiva) understood the concept of God's omnipotence as abandoned, but rather as voluntarily limited. Indeed, as argued by my colleague R. Shai Held, Heschel thought: "God chooses to surrender His power in order that His merciful presence may be manifest more clearly.... God chooses to be known through His compassionate presence rather than through His power." See Held, *Abraham Joshua Heschel: The Call of Transcendence* (2011), p. 169, and see p. 285, n. 181.
- 10 For a further exploration of this approach to God in exile, see my essay on Parashat BeShallah, "Praying for God's Sake: God Needs Miracles," available here: <https://hadar.org/torah-tefillah/resources/praying-your-sake-god-needs-miracles>.



# Privacy and the Digital Age

Yitzhak Bronstein

*The following is an excerpt from the sourcebook of the 2024 Maimonides Moot Court Competition.*

## **THE CASE**

Should there be limits in place regarding the types of data that social media platforms can collect, and for what purposes? This case is centered around a complaint from users of the social media platform iSocial, who become aware that the platform is collecting a great deal of their personal data, and then selling that data to third party advertisers. In their defense, iSocial posits that all users agree to the platform's privacy policy while installing the app and that they are using user data in accordance with industry standards.

Students must determine whether iSocial is halakhically permitted to continue collecting its users' data, and specifically whether it is permitted to:

1. Collect data from posts on users' profiles, and if it is dependent on whether the profile is listed as "public" or "private." A public account can be viewed by anyone, and a private account can only be viewed by accounts that have been approved by the user.
2. Collect data from the direct messages (private conversations) sent between users.
3. Share or sell collected user data to third party companies.



### ○ build a window

While the Mishnah's term literally means that one may not "open" a window, it is describing a person creating an opening in the wall to function as a window.

## I. HEZEK RE'YAH: PROTECTING PRIVACY IN ONE'S HOME

One area of *halakhah* that pertains to privacy rights is the principle of הֶזֶק רְאִיָּה (*hezek re'iyah*, visual damage), which is all about protecting people from being observable within their homes. This idea is explored in various contexts throughout *massekhet* Bava Batra. Below, we will examine a *mishnah* to help us appreciate the standards of privacy that *Hazal* established.

### SOURCE #1

#### משנה בבא בתרא ג:ז

לא יפתח אדם  
חלונותיו לחצר  
השותפין...

לא יפתח אדם לחצר  
השותפין פתח כנגד  
פתח וחלון כנגד חלון.  
היה קטן, לא יעשנו  
גדול. אחד, לא יעשנו  
שנים.

אבל פותח הוא  
לרשות הרבים פתח  
כנגד פתח וחלון כנגד  
חלון. היה קטן, עושה  
אותו גדול. אחד,  
עושה אותו שנים

#### Mishnah Bava Batra 3:7

A person may not build a window<sup>○</sup>  
overlooking a courtyard that belongs to  
partners...

A person may not build an entrance  
opposite another entrance, or a window  
opposite another window, toward a  
courtyard that belongs to partners. If  
there was a small entrance, they may not  
enlarge it. If there was one entrance, they  
may not fashion it into two.

But one may build an entrance opposite  
another entrance or a window opposite  
another window toward the public  
domain. If there was a small entrance,  
they may enlarge it. If there was one  
entrance, they may fashion it into two.

- » How do you understand the nature of these prohibitions? Why are we so concerned with protecting people's right to privacy within their homes?
- » Why do you think the *mishnah* prohibits constructing a window that **enables** looking into someone else's house, rather than there being a prohibition against **looking** through the window?

### o “evil eye”

The exact meaning of “evil eye” is subject to a wide-ranging debate. In some contexts, evil eye appears to be connected to the arousing of jealousy. For example, see Talmud Bavli Pesahim 50b.

The Talmud addresses the conclusion of the *mishnah*, that this restriction on building windows or entrances does **not** apply when it is facing the public domain

### SOURCE #2

תלמוד בבלי בבא בתרא ס.

**Talmud Bavli Bava Batra 60a**

דאמר ליה סוף סוף הא בעית  
אצטנועי מבני רשות הרבים.

Because [the person building the entrance can] say to [the other person]: “Ultimately, you must conceal yourself from the people of the public domain.”

Since the homeowner already needed to take into account that passersby from the street were able to look into their home, it is permissible for someone else to build an entrance facing their house from the other side of the street.

- » Can this principle be applied to our online activity? What should be considered in view of the “public domain” on a social media app?
- » Should it make a difference if something was only intended to be shared with one’s friends, as opposed to being shared publicly?

In order to determine whether the principle of *hezek re’iyah* may have relevance to conversations around digital privacy, we must establish the nature of the “damage” that *Hazal* are referring to. We will examine the explanation of the Ramban, who cites three possible understandings.

### SOURCE #3

חידושי הרמב”ן בבא בתרא נט.

**Ramban on Bava Batra 59a**

וכל שכן בהיזק ראייה דנוקי אדם  
באדם הוא, אי משום עין רעה  
אי משום לישנא בישא אי משום  
צניעותא.

Certainly *hezek re’iyah* is also a form of personal damage, whether due to “evil eye,”<sup>o</sup> harmful language, or modesty.

- » How do you understand how each of these three concepts apply to *hezek re’iyah*? What does it mean for *hezek re’iyah* to result in the evil eye, harmful speech, or [violations of] modesty?
- » Which of these concerns about *hezek re’iyah*, if any, can also be applied to digital contexts, such as a social media app? How so?



## II. ARE PRIVACY POLICIES LEGALLY BINDING?

As described in the case, the iSocial privacy policy is a complex 50-page legal document. Presumably, most users accept the policy without skimming through the document, let alone carefully reading the entire policy. What is the legal standing of a contract where one of the signatories does not fully understand what they are committing to? Are they held responsible for agreeing to the contract, or is the agreement null and void because of the misunderstanding?

Typically, one **is** held responsible for the contents of a contract that one signed, regardless of whether one fully understood its terms (Shulhan Arokh, Hoshen Mishpat 45:3).<sup>o</sup> However, there may be exceptions to this principle.

### SOURCE #4

ערוך השולחן,  
חושן משפט מה:ה

בעל דבר שחותם על השטר  
להתחייב א"ע בשום דבר או לפטור  
את חברו משום דבר אפילו חתם  
א"ע כשלא קרא את השטר ואפילו  
ידענו שאינו יודע כלל מה שכתוב  
בשטר ואפילו נכתב השטר בלשון  
הגוים והדבר ברור שאינו יודע  
לקרות ואינו מבין הלשון כלל מ"מ  
מתחייב הוא בכל מה שכתוב בו כיון  
שלא חשש לקרותו וסמך עצמו על  
נאמנות של אחרים הוא גומר בדעתו  
להתחייב בכל מה שנכתב שם. ...

ונ"ל דעכ"ז אם יש עדים שקראו  
לפניו השטר ורימו אותו כגון שקראו  
לפניו מנה ונמצא בשטר מאתיים  
וכיוצא בזה... דשטר פסול הוא דזיל  
בתר טעמא דהא לא נשתעבד עצמו  
על מה שכתוב בשטר.

Arokh HaShulhan,  
Hoshen Mishpat 45:5

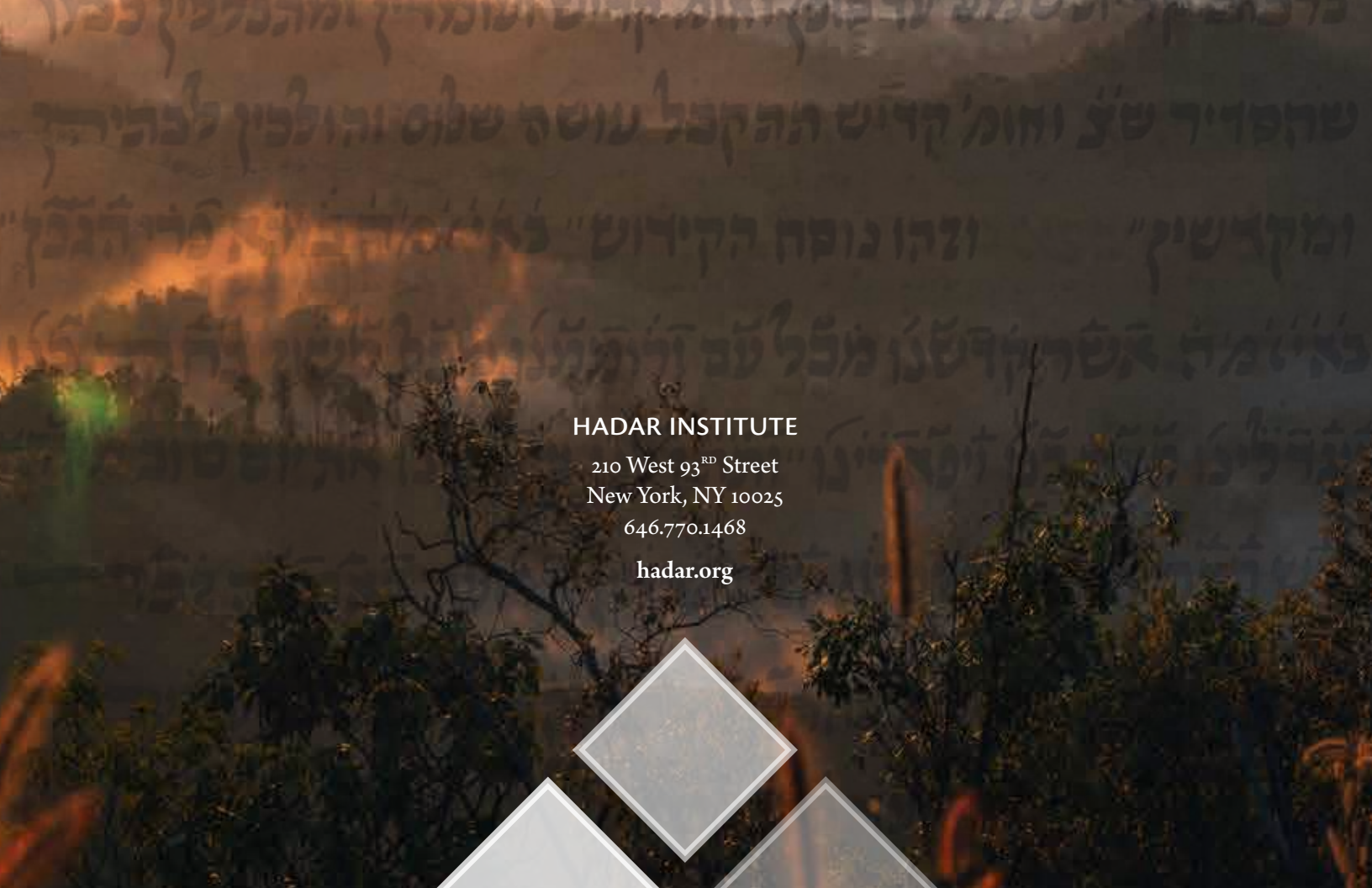
A litigant who signs a document to obligate themselves for something, or to release their fellow from something—even if they signed the document without reading it, and even if we know that they had no idea what was written in the document, and even if it was written in a foreign language and it's clear they could not read it or understand the language at all—nonetheless the person obligated themselves to everything they have written since they were not concerned about reading it and instead relied on the trustworthiness of others, and made up their mind to obligate themselves to everything written there. ...

Nonetheless, it appears to me that if the witnesses tricked them, such as by reading before him that it was "100" and in the document it actually said "200," or similarly... then it is an invalid document, since we go after the reasoning that the person did not obligate themselves on what was written in the document.

- » What's the difference between the two cases—why is a person held responsible in the first type of case, but not in the second?
- » Which case is more similar to the circumstances of a social media user who agrees to a complex privacy policy without reading it? Can the user make a claim that they were misled about the content of the privacy policy? Why or why not?







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