

## Kol Nidre Dvar Tefillah ~ Josh Wilkenfeld, September 2013

On Yom Kippur, we treat prayer as central to the process of atonement and repentance.

One of the seminal features of Yom Kippur is prayer – it is the only day of the year featuring five separate services. I am sure all of you are quite clear on the length of time devoted to prayer

The question becomes what all this prayer is for.

The Kol Nidre service offers an insight into the proper perspective on the role of prayer in the Yom Kippur project.

Among tonight's themes, one repeats again and again, and functions as a historical example that serves as a spiritual guide: The Biblical sin of the spies and the National effort to achieve forgiveness in its wake.

Kol Nidre service is replete with references to this Biblical episode

Already, by this point of the service, we have recited Moses's call for forgiveness and the L-rd's response:

- QUOTE (Slach na La-Avon Ha'Am Hazeh k-godel Chasd'cha...)
- QUOTE (Ya-yomer Ado-shem Salachti KiDvarecha...)

This back-and-forth emerges from the aftermath of the Sin of the Spies.

This episode provides the definitive theme both for services tonight and those for Ne'ilah tomorrow night. By the time Yom Kippur is over, we will have directly quoted from this narrative around a dozen times.

So the liturgy clearly sets out this exchange as a guide to **our own** prayers on Yom Kippur, inviting us to view this historical invocation for atonement as a paradigm for what-should-be our own perspective on prayer.

But why are we pointed in this direction? And what is the takeaway?

On its face the story provides a plausible enough backdrop for Yom Kippur:

- Very serious national wrong is committed.
- Absent atonement, this wrong would result in a huge potential sanction.
- And, in the exchange we just recited (and will continue to recite), Moses asks for and forgiveness and the L-rd grants forgiveness

So that all sounds good, and, at a topical level, like a strong explanation for why we turn to this story as a frame for our own hopes for the Day of Atonement:

→Forgiveness requested; forgiveness granted

But an examination just a scratch below the surface forces us to ask tough questions about the suitability of this episode as a guide for repentance and, relatedly about how **we** should approach the day.

Before digging in to the story, a word on our typical understanding of the process of atonement

In *Hilchot Teshuvah*, Maimonides establishes the famous tri-partite process for achieving atonement: He writes: "And what is *teshuva* [i.e., repentance]: that the sinner abandons his sin, removes it from his thoughts, and resigns in his heart never to commit it again"

This makes sense, of course, and comports with modern senses of the process of seeking forgiveness. Meaning, if you want to repent you take logical, active steps that demonstrate sincerity and remorse

What is striking however, is that this is precisely not the process that we see in our forgiveness paradigm for the day, the story of the spies.

With that, let's dig into this familiar story

- 12 spies scout the land of Israel. All agree that the land is bountiful. 10 argue that the current residents are fearsome and too much for the Israelites. Two argue that, with the L-rd's help these enemies can be overcome
- Then business starts to pick up. People threaten to depose Moses and Aaron, kill Caleb and Joshua (the spies who offered positive reports), and appoint a leader to go back to Egypt
- L-rd descends, tells Moses he is inclined to kill all the Jews and start anew with Moses
- Moses says that this will only convince the Egyptians that G-D lacked the power to complete the process begun in the Exodus
  - Numbers: 13. Moses said to the Lord, "But the Egyptians will hear that You have brought this nation out from its midst with great power. . . . 15. and if You kill this nation like one man, the nations who have heard of Your reputation will say as follows: 16. 'Since the Lord lacked the ability to bring this nation to the Land which He swore to them, He slaughtered them in the desert.'
- This leads immediately into the passage featured in the Yom Kippur Liturgy, Moses says:
  - 19. Please forgive the iniquity of this nation in accordance with your abounding kindness, as You have borne this people from Egypt until now." 20. And the Lord said, "I have forgiven them in accordance with your word.

Let's pause here for a moment.

This is not the type of conversation that embodies our usual notions of how to seek atonement.

We lack all the elements that Maimonides establishes as necessary for atonement

- There is no acceptance of responsibility
- There is no actual apology
- There is no promise not to repeat the conduct

Nor is there any effort to explain away the conduct as aberrational, which also may rationally be a tenant of seeking forgiveness.

So it seems strange that the model for forgiveness selected for YK varies so starkly from the actual model-process of atonement set by the rabbis

In thinking this disconnect, it's noteworthy that the episode with the spies varies significantly from another Biblical model of atonement: That which succeeded the sin of the golden calf.

Many of the missing elements of atonement from our core story are present in the golden calf story.

- That story offers the people some mitigating circumstance: They had a pseudo legitimate concern about Moses's whereabouts
- There is a direct admission of responsibility: Moses tells G-D: "This people has committed a grave sin"
- Moses invokes the memory of the patriarchs so as to make the case that the people were not constitutionally rotten, and that this was aberrational behavior

- And Moses takes a series of discrete actions designed to demonstrate the people's fidelity to G-D going forward – *i.e.*, Moses demonstrates a commitment not to engage in that type of wrongdoing again

Modern commentator Nechama Lebovitz discusses the differences between these two Biblical efforts at national atonement, and concludes that Moses advances a narrower set of arguments in response to the sin of the spies because the wrong is more egregious

The golden calf was a slip up by a people that, not two months before, escaped slavery of 400 years (and thus could be understandably nervous when their leader disappeared).

By contrast, the repentance that forms tonight's theme – derived from the narrative of the spies – deals with a direct rejection of G-D's leadership after years of seeing miracles in the desert. The people don't just look to find a physical reminder of G-D; they seek to reject G-D himself.

And, perhaps more relevantly for our purposes, there were no mitigating circumstances and there was no realistic claim that the Jews would not engage in this type of behavior going forward. In fact, the remainder of Tanach features constant comparable episodes

So, with this backdrop, Moses could advance no argument in favor of forgiveness that turned on anything the Jews could offer.

Instead, Nechama Lebovitz concludes, all Moses could suggest is that G-D should forgive because G-D is inclined towards forgiveness.

Meaning, Moses argued that atonement is something the L-rd should want to provide, and is **only barely related** to the people's actual remorse or promise for change.

This insight gives rise to a depressing, but perhaps starkly accurate view of our own situation today, and, thus, an explanation for why this passage serves as our model.

Our situation is more like that of the sin of the spies and less like that of the golden calf. On what basis can **we** really advocate for atonement?

Let us be realistic:

- This book is filled with the categories of wrongdoing we have committed in the last year.
- Through the YK liturgy, we will dutifully recite the list of offenses
- We then return the book to the crates until the following year
- At which point we can be confident that once again we will be in the position of seeking repentance for the same wrongs.

Contrary to Maimonides' instructions, we cannot seek repentance on the basis of a promise of changed behavior. Because that's not likely to be true. So we rely on the story of the spies, a tale that describes a process for atonement that plays out in the absence of any real hope of changed behavior.

I don't mean to minimize the prospect of identifying and changing one type of behavior or another.

But: Although the Maimomedes plan might work on the micro level, we know that if we pull the lens back far enough – either to a full set of actions for one individual, or certainly to the full set of actions for a community –our flaws will remain.

So we are like the people in the story we choose to recite: Without a believable claim that atonement will turn on our own actions in the following year, and left only with the hope that forgiveness will follow from forces beyond on our control.

So that's a bit of a bummer. And, frankly, if that's the perspective – *i.e.*, if our own actions and intentions form only little relevance to the Yom Kippur liturgy – it becomes a difficult to remain motivated for spirited prayer.

Instead, I would like to offer an alternative angle on the surprising lack of emphasis on traditional tools of repentance. An approach which, I think, is offered by the liturgy itself and which provides an honest, though more positive view of what we have to offer.

Tonight, and then again in each of the four Yom Kippur services that take place tomorrow, our services eventually transition from the prologue to the ask:

Each service has at least two major components. First, the build up, which features historical discussions, descriptions of the virtues and majesty of the L-rd, etc.

Then, in stage two, we eventually directly request atonement for we who are sitting here today, and we say Elokeinu v'elohei avoteinu, Slach lanu, mchal lanu, kaper lanu. **[Pardon us, forgive us, grant us expiation]**

And then, immediately, we turn to a reason why, and explain:  
"Ki Anu Ameicha, v'Atah Eloheinu"; because we are your people and you are our G-D.

That little word "Ki" – meaning because – is very precious and very telling.

Here we have an affirmative pitch for what we can offer. It's our commitment to constituting G-D's people and our love for that project.

And the "Ki Anu Amecha" prayer – included in all five services as the lead-in to the call for atonement – recites a long list of analogies to the love that we feel for the L-rd and that we hope is reciprocated

Note: Just as with the story of the spies, our pitch is not based on some claim that we will change our ways. Because, the recognition still remains that that's unlikely.

But what we *can* credibly claim is that we are devoted to being part of the Jewish community, and that that is a reason for atonement.

There's a basis for this in our spy text also: G-D tells Moses that he (G-D) is willing to forgive "Ki-Dvarecha." Which, on its face, seems to mean because of *what* Moses said. But equally well could mean that forgiveness was available simply because Moses – on behalf of the Israelites – was so devoted to asking for it.

This perspective gives rise to a much more manageable task for us over the next twenty five hours.

Yom Kippur calls on us not to make outlandish commitments for changed behaviors, but to fervently declare – in the words of the relevant prayer – that we are G-D's people and G-D is our beloved L-Rd.

This is something we can do, and the precise form is almost secondary.

We underscore our commitment to our peoplehood with our prostrations and our reenactments of Temple services. With every acrostic, double acrostic, and reverse acrostic. With chest beating and with song singing.

The liturgy is not so much, then, *about* making a pitch for atonement.

The process of engaging in the liturgy *is* our pitch for atonement. Because, as the liturgy says, we may wholly lack merit and we may be doomed to repeat our past mistakes.

But we can sincerely reaffirm our love for our peoplehood and our faith.

Gmar Chatimah Tovah