

Come Yom Kippur and we will hear the chazzan chant, כי ביום הזה יכפר עליכם לטהר אתכם, מכל חטאתיכם לפני ה' תטהרו (placing the big pause after מכל חטאתיכם). The chazzan will, of course, in the process be “slaughtering” the verse – as the verse does not mean that God will forgive us on this day in order to purify us from all of our sins (כי ביום זה ... מכל חטאתיכם) – but rather the words (לפני ה' תטהרו) – and that we will be purified before God (מכל חטאתיכם) are joined to what follows, i.e. “From all of your sins you shall be purified in the presence of God.” In other words, the semicolon in the verse, the אתנהחא, is on the word אתכם. Cantorial license granted, this error, i.e. failing to attach the words מכל חטאתיכם to that which follows, makes it more difficult to achieve what is a rather clever reading of the second half of the verse by R. Elazar b. Azaryah in the mishnah in Yoma (85b). We read there:

עבירות שבין אדם למקום יום הכפורים מכפר עבירות שבין אדם לחבירו אין יום הכפורים מכפר עד שירצה חברו את זו דרש רבי אלעזר בן עזריה (ויקרא ט"ז) מכל חטאתיכם לפני ה' תטהרו עבירות שבין אדם למקום יום הכפורים מכפר עבירות שבין אדם לחבירו אין יום הכפורים מכפר עד שירצה את חברו.

For transgressions as between man and the omnipresent, the day of atonement procures atonement, but for transgressions as between man and his fellow, the day of atonement does not procure any atonement, until he has pacified his fellow. This was expounded by r. Eleazar b. Alariah: “From all your sins before the Lord shall ye be clean.” (All talmudic translations from the Soncino edition)

R. Elazar b. Azaryah reads the second half of the verse as מכל חטאתיכם לפני ה' תטהרו, that is that “Sins before God” will be forgiven, as opposed to sins against man. In that very same mishnah, preceding R. Elazar b. Azaryah’s statement, we are told of two scenarios in which repentance will be ineffectual, or not likely to happen. The mishnah states:

האומר אחטא ואשוב אחטא ואשוב אין מספיקין בידו לעשות תשובה.  
אחטא ויום הכפורים מכפר אין יום הכפורים מכפר.

If one says: I shall sin and repent, sin and repent, no opportunity will be given to him to repent.  
[If one says]: I shall sin and the day of atonement will procure atonement for me, the day of atonement procures for him no atonement.

On the surface, both of these propositions seem absurd – what does it mean to repent if one plans to sin in advance with the intent of repenting, and perhaps even more absurd, what does it mean for Yom haKippurim to generate atonement for someone who sins with that intent?

And furthermore, is there a connection between these two statements and the one that follows it, i.e. the statement of R. Elazar b. Azaryah? These three statements are the only examples cited in the mishnah where *teshuvah* is ineffectual? Is that the only common denominator, or is there something else that ties these things together?

And as to R. Elazar b. Azaryah's statement, i.e. the homiletical interpretation which entails the proverbial running of the stop sign of the *trop*, the cantillation, is this really the source for this principle?

In considering the substance of R. Elazar b. Azaryah's statement, we might ask two questions, which may be related:

- 1) We typically assume that a sin committed against another person, an עבירה שבין אדם להבירו, entails two transgressions – one against God who commanded us not to perpetrate injustice against one's fellow human being, and the second, against the individual who was the victim of the injustice. As such, atonement entails appeasing both God and the victim. Are these two separate requirements that are necessary for atonement, or is there a dependence of one on the other? That is to say, does the sequence matter? Can I confess my sins to God as part of the *teshuvah* process and then subsequently make amends to the victim, or does the order matter – i.e. I cannot settle my account with God until after I have done so with the victim, and if done out of order, I must re-reckon with God? In practical terms, what this might mean is that as *viddui*, formal confessions of one's sins, is required as part of the *teshuvah* process, perhaps I would have to repeat my *viddui* after I made amends to the victim, despite having already recited it.
- 2) Is the requirement for making amends as a pre/co-requisite for settling one's account with God a function of the victim's claims, or is there something unrelated to the victim, but inherent in the *teshuvah* process which necessitates appeasing them (first). Put differently, is it merely the fact that it would be unfair to the victim for me to be able to settle accounts with God while they have not had their "loss" compensated, or is there something at the core of the *teshuvah* process which makes it impossible to do a proper *teshuvah* before restitution has been made, and since *teshuvah* is a prerequisite to its formal external expression, *viddui*, it is impossible to fulfill the *mitzvah* until after compensation has been made.

When we consider the question of R. Elazar b. Azaryah's principle, it turns out that the roots penetrate far deeper than his sharp play on the words in the verse from the avodah on Yom haKippurim. The Torah in *Parashat Naso* (Num. 5:6-8) states:

ו: דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל אִישׁ אִו־אִשָּׁה כִּי יַעֲשֶׂה מִכָּל־חַטָּאת הָאֵלֶּם לְמַעַל מֵעַל בִּיהוּנָה וְאִשְׁמָה  
הַנֶּפֶשׁ הַקּוֹא: ז: וְהִתְוַדּוּ אֶת־חַטָּאתָם אֲשֶׁר עָשׂוּ וְהָשִׁיב אֶת־אֲשָׁמוֹ בְּרֵאשׁוֹ וְחִמִּישְׁתּוּ יֶסֶף עָלָיו  
וְנָתַן לְאֲשֶׁר אָשָׁם לוֹ: ח: וְאִם־אֵין לְאִישׁ גּוֹאֵל לְהָשִׁיב הָאֲשָׁם אֵלָיו הָאֲשָׁם הַמּוֹשֵׁב לִיהוּנָה לִפְהֶן  
מִלְבַּד אֵיל הַכֹּפְרִים אֲשֶׁר יִכְפֹּר־בּוֹ עָלָיו:

5,6 Speak unto the children of Israel: When a man or woman shall commit any sin that men commit, to commit a trespass against the Lord, and that soul be guilty; 5,7 then they shall confess their sin which they have done; and he shall make restitution for his guilt in full, and add unto it the fifth part thereof, and give it unto him in respect of whom he hath been guilty. 5,8 But if the man have no kinsman to whom restitution may be made for the guilt, the restitution for guilt which is made shall be the Lord's, even the priest's; besides the ram of the atonement, whereby atonement shall be made for him. (JPS 1917)

The Torah here tells us that if someone owes money to another person, and denies it under oath, and subsequently confesses, they must pay back the money plus a fifth, and also bring an אשם, a guilt-offering. The Torah then proceeds to speak about an individual, obviously deceased, who has no גואל, no heir, to whom to pay back the money – Chazal understand this as a גר שמת ואין לו יורשים, a proselyte who has died and left no heirs – and in such a case, the Torah instructs us that the “thief” shall pay the money to the priests (thus becoming one of the twenty-four gifts given to the priests.)

The process of restitution and atonement for the sinner here is threefold: 1) they must pay back their ill-gotten gains, 2) an additional fifth, and 3) bring a guilt offering. The mishnah in *Bava Kamma* provides one major caveat regarding this process:

מתני'. הגוזל את הגר ונשבע לו ומת - הרי זה משלם קרן וחומש לכהנים ואשם למזבח,  
שנאמר: ואם אין לאיש גואל להשיב האשם אליו האשם המושב לה' לכהן מלבד איל הכפורים  
אשר יכפר בו עליו. ... נתן הכסף ליהויריב ואשם לידעיה - יצא; אשם ליהויריב וכסף לידעיה,  
אם קיים האשם - יקריבוהו בני ידעיה, ואם לא - יחזיר ויביא אשם אחר, שהמביא גזילו עד  
שלא הביא אשמו - יצא, הביא אשמו עד שלא הביא גזילו - לא יצא. נתן את הקרן ולא  
נתן את החומש - אין החומש מעכב.

If one robbed a proselyte and [after he] had sworn to him [that he did not do so], the proselyte died, he would have to pay the principal and a fifth to the priests, and bring a trespass offering to the altar, as it is said: but if the man have no kinsman to restore the trespass unto, let the trespass be restored unto the lord, even to the priest; beside the ram of atonement whereby an atonement shall be made for him. ... If he gave the money to Jehoiarib and the trespass offering to Jedaiah, he has fulfilled his duty. if, however, the trespass offering was first given to Jehoiarib and then the money to Jedaiah, if the trespass offering is still in existence the members of the Jedaiah

division will have to sacrifice it, but if it is no more in existence he would have to bring another trespass offering; for he who brings [the restitution for] robbery before having brought the trespass offering fulfils his obligation, whereas he who brings the trespass offering before having brought [the restitution for] the robbery has not fulfilled his obligation. If he has repaid the principal but not the fifth, the [non-payment of the] fifth is no bar [to his bringing the offering].

While the mishnah only formulates this principle in the situation where the aggrieved party was a convert who died, it nonetheless applies to *all* situations of restitution where the guilty party has denied their guilt under oath. No guilt offering can be brought until after the monetary restitution. Maimonides tells us:

אין מקריבין את האשם עד שיחזיר הגזולן הקרן לבעלים, או לכהנים אם היה גזול גר שאין לו יורשים, נתן את הקרן והקריב אשמו נתכפר לו ואין החומש מעכב הכפרה וחייב ליתן את החומש אחר כפרה.

The guilt offering should not be sacrificed until the robber returns the principal to its owner, or to the priests if it was a convert without heirs who was robbed. If the robber gave the owner the principal but not the additional fifth and had the guilt offering sacrificed, he is granted atonement, for the additional fifth does not prevent atonement from being granted. He is, however, obligated to give the owner the additional fifth after receiving atonement. (transl. from Chabad.org)

Thus R. Elazar b. Azaryah's principle is not merely a clever reading, but actually rooted deeply in the *halakhah* – one who has sinned against another person cannot make amends to God, that is the קרבן אשם, the guilt-offering, until they have made restitution to the victim. הביא גזילו עד שלא הביא אשמו לא יצא. הביא גזילו עד שלא הביא אשמו יצא.

In this context it is clear that are not two parallel, and mutually dependent, tracks of repentance. Rather, one of the two elements of *teshuvah* must precede the other – one cannot be מרצה on the sin before God, עד שירצה את הבירו, until one has made the victim whole.

But the second question remains – is this a function of the victim, or something that is necessary because without it the process of *teshuvah* itself is incomplete?

In considering this question, there are a good number of details that suggest that this is not primarily about the victim, but about something else.

First, the gemara tells us that this process is not limited to the scenario we have just discussed, namely when someone steals from another person, known in halakhic parlance as the גזילות אשם. It is also true in the case of מעילה, one who has unintentionally stolen or derived financial benefit from the property of the Temple treasury. There too, the Torah prescribes as the punishment – paying back the money or the equivalent value of the

benefit derived, adding one fifth and bringing a guilt-offering referred to as the *אשם מעילות*. It is in that context that the Talmud, at the end of the *sugya* of *לו גזל הגר שמת ואין לו*, tells us:

ת"ר: מנין שאם הביא מעילתו ולא הביא אשמו, אשמו ולא הביא מעילתו, שלא יצא? תלמוד לומר: באיל האשם ונסלח לו. ומנין שאם הביא אשמו עד שלא הביא מעילתו, שלא יצא? תלמוד לומר: באיל האשם, האשם בכבר.

Our Rabbis taught: Whence could it be derived that if he brought the principal due for sacrilege, but had not yet brought the trespass offering, or if he brought the trespass offering but had not yet brought the principal due for sacrilege, he did not thereby fulfill his duty? Because it says: With the ram of the trespass offering and it shall be forgiven him. Again, whence could it be derived that if he brought his trespass offering before he brought the principal due for the sacrilege he did not thereby fulfill his duty? Because it says, 'With the ram of the trespass,' implying that the trespass [itself] has already been made good.

Note that in the case of the *אשם מעילות*, there is no “victim” here who has to be compensated. Both “punishments”, if we may call them that, are forms of restitution to God – first what one illicitly took from God, and then the guilt-offering brought to God. If the issue is that one cannot appease God until they have made good with their human victim, then the scheme of prioritization with respect to the *אשם מעילות* makes little sense.

One also might wonder why there is a distinction between the *קרן*, the principal, and the additional fifth— that is, why is the financial compensation divided with respect to this law of prioritization?

Of course, one has to consider that the Torah mandates this repayment prior to the bringing of the guilt-offering even in cases where the victim is no longer alive, and specifically even in cases where the victim has no heirs, so in no way does the compensation provide any benefit to the victim. In this vein, the mishnah goes further. Earlier in the chapter (108b), the mishnah speaks of a person who stole money from their father, denied it under oath and subsequently the father died before they confessed. It states:

הגוזל את אביו ונשבע לו ומת - הרי זה משלם קרן וחומש ואשם לבניו או לאחיו, ואם אינו רוצה או שאין לו - לזה ובעלי חוב באין ונפרעים.

If a man robbed his father and, [when charged by him,] denied it on oath, and [the father afterwards] died, he would have to repay the principal and a fifth [and a trespass offering] to his [father's] children or to his [father's] brothers;

Theoretically, any debt that was owed to the thief's father will transfer to him when his father dies as part of the estate. It happens to be in this case, that we would be dealing with the equivalent of taking money from his right pocket and putting into his left pocket – since he now is both the debtor and the creditor. Nonetheless, the mishnah teaches us that he must, under ordinary circumstances, remove the stolen goods from his ledger by gifting it to other indirect heirs - be it giving his share to his brothers, or to his father's brothers if he has no siblings. Only under extraordinary circumstances where he can't afford to do so, does the mishnah allow the property to be removed from his possession without actually suffering a loss that he can't afford – and this is done by means of a *הערמה*, a legal fiction.

Here too, the victim and his heir no longer suffer a loss, since he is the heir – he has effectively stolen his own money since his father is no longer alive; and yet the *halakhah* mandates that he pay back his illicitly gotten gain, by removing it from his accounts.

And when we return to our original source, we find another interesting parallel between R. Elazar b. Azaryah's requirement that the sinner appease the victim, and the parashah of the *אשם גזילות*, and that is in comparison to *ואין לו יורשים*, the deceased proselyte. The gemara in *Yoma* cites a dictum in the name of R. Yitzchak:

כל המקניט את חברו, אפילו בדברים - צריך לפייסו, שנאמר בני אם ערבת לרעך תקעת לזר כפיך נוקשת באמרי פיך... עשה זאת אפוא בני והנצל כי באת בכף רעך לך התרפס ורהב רעך. אם ממון יש בידך - התר לו פסת יד, ואם לאו - הרבה עליו ריעים. [אמר] רב חסדא: וצריך לפייסו בשלש שורות של שלשה בני אדם, ... ואם מת - מביא עשרה בני אדם, ומעמידן על קברו, ואומר: חטאתי לה' אלהי ישראל ולפלוגי שהבלתי בו.

R. Isaac said: Whosoever offends his neighbour, and he does it only through words, must pacify him, as it is written: My son, if thou art become surety for thy neighbour, If thou hast struck thy hands for a stranger — , thou art snared by the words of thy mouth. . . do this, now, my son, and deliver thyself, seeing thou art come into the hand of thy neighbour; go, humble thyself, and urge thy neighbour. If he has a claim of money upon you, open the palm of your hand to him, and if not, send many friends to him. R. Hisda said: He should endeavour to pacify him through three groups of three people each, as it is said: He cometh before me and saith: I have sinned and perverted that which was right, and it profited me not. R. Jose b. Hanina said: One who asks pardon of his neighbour need do so no more than three times, as it is said: Forgive. I pray thee now . . . and now we pray thee. And if he [against whom he had sinned] had died, he should bring ten persons and make them stand by his grave and say: I have sinned against the Lord, the God of Israel, and against this one, whom I have hurt.

Two things stand out about this passage. The first is the involvement of other people in the process. In the instance of a perpetrator whose victim is alive, it is readily understandable – in the spirit of *עשה למען* ... we understand that the victim is more likely to forgive when there are others who are interceding on the perpetrator's behalf. “I won't

do it for you, but I'll do it for them.” But how does one explain the need to bring ten people to the grave of the deceased victim? And second – forget for the moment bringing the ten people - what is the point of even going to appease the dead – who exactly is one talking to, or what does one hope to accomplish?

I would posit that one of the central elements of teshuvah that animates this entire *sugya* is the requirement of *hakkarat ha-heit*, literally “a recognition of the sin”. *Hakkarat ha-heit* demands not only that one acknowledge wrongdoing, but also experientially and emotionally grasp the fact that one has sinned and the impact of the sin. Consider a situation where a friend or a spouse has done something to offend one. The offending person grasps the fact that they have offended their friend or spouse, but does not fully grasp why – they perhaps think offense has unreasonably be taken but they still apologize. But in doing so, while they recognize the feelings of the person they have hurt, they don't really understand, and on some internal level, believe that there is something unreasonable about the situation. This is not *hakkarat ha-heit*. An apology without fully understanding is not an apology – it may be הודעת החטא, an acknowledgement of sin, but it is not *hakkarat ha-heit*, a recognition of sin. If the offended party would ask them to explain what they had done wrong, they would have a hard time to doing so. Not *hakkarat ha-heit*.

The obligation to pay even when the aggrieved party is dead, or in the case of one who stole from his father where they would be paying themselves, stems from the need to fully appreciate the impact what one has done. In the spirit of the famous concept of *musar*, הלבבות נמשכות אחר הפעולות - the idea that character is primarily shaped by actions and not the other way around, and the way to change one's character is to change one's behavior - removing the ill-gotten gain from one's possession even when it is not being given to the victim, makes an impression on the perpetrator, and one exactly commensurate with what they have done. Watching the property leave one's possession, is to experience, on some level, what the victim experienced (or is as close as one will get in this situation.) Until one has done this, they cannot possibly have achieved *hakkarat ha-heit*, and hence they are unable to bring the sacrifice – as the sacrifice is a key component of the teshuvah process, and teshuvah cannot be done until after *hakkarat ha-heit*.

For this reason, only the קרן, the principal, prevents one from bringing the guilt offering – because only the קרן is to impress upon the sinner, the impact of the sin. The חומש, on the other hand is a קנס, a non-compensatory penalty, which may be viewed, as most קנסות in the Torah, as a disincentive for specific behavior. But inasmuch as it is not

“commensurate” with the sin, it does not bring *hakkarat ha-heit*, and hence is not a prerequisite for bringing the אשם.

The presence of other people, the ג' שורות, when trying to appease the living victim, and the requirement of a *minyán* when begging forgiveness at the grave, also contributes to *hakkarat ha-heit*. Going back to our previous discussion of what I would call half-apologies, one can imagine that a person who apologizes to another individual alone might do so with an explanation or excuse accompanying the apology – this “half-apology” is both less likely to appease the victim, and also allows the perpetrator to avoid *hakkarat ha-heit*; but when one is forced to articulate with no caveats what one has done wrong, it is more likely to appease the victim and to force the one apologizing to make clear to themselves what exactly they have done wrong. The presence of other people, the ג' שורות or the עשרה בני אדם is ordered so as to make a proper apology more likely. It is easier to half-apologize to the victim when the two are alone (or even easier on the dead person’s grave where they can’t respond), but the presence of other disinterested parties makes it much more difficult for the one apologizing to try to get away with a half-baked apology – the appearance of absurdity in the eyes of the group will more likely lead to a full and proper apology, and a more expansive degree of *hakkarat ha-heit*.

To return to my original questions about R. Elazar b. Azaryah’s statement, we readily understand that it is not only that one cannot achieve complete atonement before God for sins which are committed against another person without compensating, when appropriate and in a proper manner, and appeasing the victim, but one cannot achieve atonement if *they have not done so first*. Atonement requires *vidduy*, which can only be done once one has done *teshuvah*, and one can only perform the initial stages of *teshuvah* properly once one has achieved a proper *hakkarat ha-heit*, a sufficiently complete understanding of the gravity and scope of the damage and hurt they have done.

In this light, we might reconsider the connection between the two statements in the mishnah of אהטא ואשוב and אהטא ויום הכיפורים מכפר, and the statement of R. Elazar b. Azaryah regarding עבירות שבין אדם לחבירו. Commenting on the duplicative language of the mishnah, אהטא ואשוב אהטא ואשוב, the gemara states:

למה לי למימר אהטא ואשוב אהטא ואשוב תרי זימני? כדרב הונא אמר רב, דאמר רב הונא אמר רב: כיון שעבר אדם עבירה ושנה בה - הותרה לו. הותרה לו סלקא דעתך? אלא: נעשית לו כהיתר.

**If one says: I shall sin, and repent, sin and repent.** Why is it necessary to state **I shall sin and I shall repent** twice? — That is in accord with what R. Huna said in the name of Rab; for R. Huna



said in the name of Rab: Once a man has committed a transgression once or twice, it becomes permitted to him. ‘Permitted ‘? How could that come into your mind — Rather, it appears to him like something permitted.

As Rashi explains:

דכיון דחטא תרי זימני - שוב אין מספיקין בידו לעשות תשובה, לפי שהעבירה דומה עליו היתר.

It’s not that the person has forfeited their right to do *teshuvah*. It’s just that in order to do *teshuvah*, one has to first recognize that the impropriety in one’s actions. The person who performs the same sin repeatedly, is, because of cognitive dissonance, unable to properly recognize that what they are doing is wrong. Without this *hakkarat ha-heit*, *teshuvah* is by definition impossible – since *vidduy* is the active expression of *teshuvah*, and one cannot confess to the things that they have not done wrong.

Regarding the second case in the mishnah, אחטא ויום הכיפורים מכפר, the gemara comments:

אחטא ויום הכפורים מכפר - אין יום הכפורים מכפר. לימא מתניתין דלא כרבי - דתניא, רבי אומר: על כל עבירות שבתורה, בין עשה תשובה בין לא עשה תשובה יום הכפורים מכפר! - אפילו תימא רבי, אגב שאני.

Shall we say that our Mishnah is not in accord with Rabbi, for Rabbi said: It was taught, For all transgressions of Biblical commandments, whether he repented or not, whether positive or negative, does the Day of Atonement procure atonement? — You may even say it will be in agreement with Rabbi. It is different when he relies on it.

This passage begs explanation. Rebbe’s dictum itself is puzzling – how can Yom haKippurim achieve atonement without *teshuvah*? Even death doesn’t achieve atonement without *vidduy* – the mishnah in Sanhedrin tells us כל המומתין מתודין (all who are executed, perform *vidduy*) – so how is it possible that Yom haKippurim can do so? Is it some kind of magical talisman that can achieve atonement? And if it is, what is the gemara’s answer, אגב שאני? If you know that the talisman has magical powers, does it stop working?

What the source for Rebbe’s view is, we’re not told, but I believe that it is rooted in the mishnah’s interpretation of the verse we began with tonight. The mishnah states (not following Rebbe’s opinion) that for many kinds of sins, *teshuvah* and the day of Yom haKippurim itself atones. The mishnah cites the verse הזה יכפר עליכם, but it understands the preposition of the ב on ביום not in the temporal sense, i.e. “on this day”, but rather as instrumental, “through this day” or “by means of this day.” Yom

haKippurim is not simply the time of atonement, but the means of atonement. When Rambam cites the mishnah, he uses a term (which I cannot find used in *Chazal* in this exact context) which is that *עצמו של יום מכפר*, the essence of the day atones. Obviously, this is Rebbe's position as well, except that he doesn't require a preceding *teshuvah*. If you permit me the license of the *דרשן*, I would read not *atzmo shel yom*, but *otzmo shel yom* – not the “essence of the day” but “the power of the day.” The Jew who sins year round and does not do *teshuvah* but experiences Yom haKippurim cannot but be overwhelmed by the moment, and of course in the moment understands what is right, a kind of *teshuvah* in its own right, albeit it a minimal one. Since the person on some level understands that what they are doing is wrong, Yom haKippurim has this magical power to atone. But even Rebbe agrees that when a Jew sins at the outset with the intent that Yom haKippurim serve as a magical cure, Yom haKippurim has lost its power for that individual – even on Yom haKippurim itself he doesn't recognize the error of his ways, and hence *אין יוה"כ מכפר*. Here too, just as with the individual who says *אחטא ואשוב* and the individual who has not yet attended to the *בין אדם לחבירו* aspect of the *teshuvah*, the deficiency is in the realm of *hakkarat ha-heit*.

#### הכרת החטא – Two Kinds

When we speak about *hakkarat ha-heit*, *recognition* of one's sin, two scenarios come to mind. The first is what we might term “situational”, that is a person has performed an action that they would clearly acknowledge as a misdeed. They only refuse to acknowledge it because they don't wish to accept the consequences, or because they are in denial of actually having done the deed. But at their core, they understand that the action is wrong, and probably even that *they* did something wrong. The failure to achieve *hakkarat ha-heit* in such circumstances is primarily the product of emotional weakness, an ordinary human failing. Perhaps I said something hurtful to someone else, but I am reluctant to acknowledge it and insist to them (and perhaps to myself) that there was no malicious intent in the statement. But I would obviously admit that if I had intended to say something hurtful, that I would be in the wrong. Achieving this kind of *hakkarat ha-heit* is challenging for us, but the necessary underlying base of knowledge exists and we simply have to overcome our standard *yetzer hara`* (evil inclination).

There is, however, a different kind of *hakkarat ha-heit* which can prove much more challenging. And that is an issue in which we are well aware of what we have done, or even that which we continue to do, and insist that it is, in fact, correct. It is not a failure of execution, but a failure of ideology. This is the failure to recognize the impropriety in one's actions described by Rav Huna: *כיון שחטא אדם ושנה נעשית לו כהיתר*. Cognitive dissonance demands that actions that we repeatedly do or attitudes that we adopt cannot

be classified as wrong because to do so would not merely mean acknowledging momentary weakness, but instead would label us as “bad”. Of course, not all of us respond to repeated sin in the same way. Just as most people who know that they need to change their diet but fall back into bad habits when life becomes stressful don’t argue that their old diet is healthy, so too, many times we repeat bad behaviors and yet regret it afterwards. But sometimes, either in response to repeated sin or external values, we start to adopt a foreign ideology. And that ideology becomes the basis of continued behavior, *נעשית לו כהיתר*. We start to believe that what we are doing, what we believe, is in fact what is right. Sometimes, this new ideology can develop not only as a response to an individual’s failing, but to a societal one. And often, although certainly not always, that inability to recognize sin is a product of contact without cultures or even being embedded in another culture.

This kind of *hakkarat ha-heit* has been a challenge for the Jewish people from time immemorial. In the Biblical period and sometimes even later it manifest itself in literal in *עבודה זרה*, and in the post Enlightenment era, in the importation of foreign values, be they from another religion or from secularism (which could also very well be defined as a religion) and passing them off as Torah values. Every cultural encounter leaves an impact on the parties, especially on the minority culture. Resistance is challenging, but in so many cases it is essential. Otherwise, *hakkarat ha-heit* becomes impossible.

In the book of Jeremiah, in Chapter 44, we read of the challenge of the Jewish women in Egypt who were participating in the feminine cult of worshipped *מלכת השמים*; Jeremiah rebuked the community for this sin. And what was the response of their husbands:

(יז) כִּי עָשִׂיהָ נַעֲשֶׂה אֶת-כָּל-הַדְּבָר | אֲשֶׁר-יֵצֵא מִפִּינוּ לְקַטֹּר לְמַלְכַת הַשָּׁמַיִם וְהַסִּיד-לָהּ נִסְכִּים  
כַּאֲשֶׁר עָשִׂינוּ אֲנַחְנוּ וְאֲבֹתֵינוּ מִלְּכִינוּ וְשָׂרֵינוּ בְּעָרֵי יְהוּדָה וּבְחָצוֹת יְרוּשָׁלַם וּבְשָׂבַע-לֶחֶם וּבְגִיָּה  
טוֹבִים וְרַעָה לֹא רָאִינוּ: (יח) וּמִן-אֵז חָדְלָנוּ לְקַטֹּר לְמַלְכַת הַשָּׁמַיִם וְהַסִּיד-לָהּ נִסְכִּים חָסְרָנוּ כָּל  
וּבְתָרְב וּבְרַעַב תָּמְנוּ:

**44,17** But we will certainly perform every word that is gone forth out of our mouth, to offer unto the queen of heaven, and to pour out drink-offerings unto her, as we have done, we and our fathers, our kings and our princes, in the cities of Judah, and in the streets of Jerusalem; for then had we plenty of food, and were well, and saw no evil. **44,18** But since we let off to offer to the queen of heaven, and to pour out drink-offerings unto her, we have wanted all things, and have been consumed by the sword and by the famine.

This is the quintessential refusal to engage in *hakkarat ha-heit*; the insistence that the Torah demands the exact opposite of what, in reality, it demands.

Modern Orthodoxy has labored for the last half century or more under the assumption that we can live in both worlds – we can be fully a part of modern Western culture and

society, as well as being observant Jews. To borrow and adapt the Rav's famous terminology of *ger ve-toshav*, we see ourselves only as *toshavim*. In the technical sense, that remains true. Punctilious halakhic observance today, particularly in the arenas of Shabbat and kashrut, is probably easier (certainly in America) than it has ever been. While there are some exceptions, on the whole I think that this is indisputable. But at the same time, if it ever was truly possible to see Torah values and secular values as compatible with one another, it is clear to me that that is no longer possible. The focus on the material (or should I say the obsession with the material), the unqualified egalitarianism, the ethic of sexuality and gender in all of its manifestations, and the American version of capitalism as manifest across almost the entire political spectrum - stand diametrically opposed to what the Torah expects of us as individuals and what it envisions in a just and moral society. One can always dabble at the margins, but the broader strokes are abundantly clear. And that means that we as individuals and we as a community have to make a choice. (Sometimes we may have profound questions, but we ought keep in mind the difference between עיון צריך vs. תיובתא.)

Dr. Abe Socher, formerly a professor at Oberlin college, and a member of the Modern Orthodox community, in the introduction to his collection of essays, "Liberal and Illiberal Arts", so articulately captures this tension as follows:

"I am fortunate to have been born during a period when it has been possible – or at least has seemed so – to lead a life that is both wholly Jewish and unapologetically American (or the other way around). But the melting pot continues to bubble, and this somewhat golden age, which stretched from mid-century until yesterday, probably won't last another lifetime."

Or to borrow the locution one of my rabbeim, Rav Yitzchok Cohen, we have reached the stage where we have to choose – even as we live in two worlds, do we wish our fundamental identity to be Modern or Orthodox?

In this context, I think we should return for a moment to the position of Rebbe that we cited earlier:

כל עבירות שבתורה, בין עשה תשובה בין לא עשה תשובה, יום הכפורים מכפר

We actually never finished that sentence. It continues:

חוץ מפורק עול ומגלה פנים בתורה ומיפר ברית בשר

Each of these three exceptions point in the same direction – the person whose identity stands against Torah or their Jewishness – the person who casts off observance entirely, the person who presents a distorted view of Torah and the person who wishes to pass

himself off as someone not Jewish. These are people who are beyond the pale of *hakkarat ha-heit*, and hence even Yom haKippurim, even עצמו של יום, can have no effect on them.

In the *viddui* on Yom haKippurim, we will recite the words מה אנו מה היינו (“what are we, what are our lives). While on the simplest level, this an expression of self-abnegation, I think that it also poses a fundamental question to each and every one of us: מה אנו? Who are we, what is our identity, what are the values that serve as the lodestar in our lives? Do we even recognize when our acculturation has warped our personal compass of Torah? Are we מכיר our חטאים? The word חטא has two different meanings – one is to sin, and one is to miss. Do we recognize how far off target some of the ways we think are? Do we even care?

One of the wonderful things about living in a country with religious freedom is that we have a choice. One of the biggest challenges we face living a country with religious freedom is that we have a choice. And choose we may, but at the very least, we should do so with a sense of honesty and integrity, and recognize what we are choosing. מה אנו, מה היינו. Who are we really, and what is the meaning in our lives?

The privilege of being able to choose brings with it the responsibility of choosing wisely and recognizing what choice we are making – and being מכיר our חטאים, both in the practical and ideological realms.

May this Yom haKippurim be a time for all us to choose honestly and wisely, and may our community and the world be sealed in the book of a life for a year of peace, sufficient - but not excessive - material success, and genuinely spiritual growth.