COVENANT & CONVERSATION
Family Edition

FINDING FAITH IN THE PARSHA WITH RABBI SACKS

"With thanks to **The Maurice Wohl Charitable Foundation** for their generous sponsorship of Covenant & Conversation. Maurice was a visionary philanthropist. Vivienne was a woman of the deepest humility. Together, they were a unique partnership of dedication and grace, for whom living was giving."

WOHL LEGACY

בס״ד

כי תשא
Ki Tissa

Moses Annuls a Vow

First published in 2020

**** KEY IDEA OF THE WEEK ****

When we forgive and are worthy of being forgiven, we are liberated from a past we regret, to build a better future.

PARSHAT KI TISSA IN A NUTSHELL

Ki Tissa begins with the final details of the Mishkan. Each person donated a half-shekel to pay for the materials used to build the Mishkan and the coins were also used to count the people (the Torah forbids the counting of people directly, so instead the coins were counted). This is called a census.

We then read one of the most dramatic stories in the Torah. Moses is at the top of Mount Sinai receiving the Tablets from God for 40 days. The people panic, fearing he is late back and may never return. Desperate for a way to connect to God, they make a Golden Calf as their go-between. God tells Moses to go down the mountain to see the people and Moses goes down with the two Tablets and finds them dancing before the Golden Calf. Furiously he throws the Tablets to the ground and they smash into pieces! Then he climbs back up the mountain to beg God to forgive them.

Eventually God accepts Moses' plea, and Moses gets a second set of Tablets. The parsha ends with a description of Moses, his face shining with light from his encounter with God, as he returns to the people.

QUESTION TO PONDER:

Why do you think God forgave the people for this terrible sin?

THE CORE IDEA

There is a strong connection between this parsha and Yom Kippur. Less than six weeks after God gave the Torah at Mount Sinai, the Israelites committed what seemed to be the unforgivable sin of making a Golden Calf. Moses prayed repeatedly for forgiveness on their behalf and eventually God agreed to forgive them. On the 10th of Tishrei, Moses descended from Mount Sinai with a new set of Tablets to replace those he had smashed in anger at their sin. The 10th of Tishrei subsequently became Yom Kippur, the day of atonement, marking that moment when the people saw Moses with the new Tablets and knew they were forgiven.

Moses' prayers, as recorded in the Torah, are brave. But the Midrash makes them more courageous still. The text introducing Moses' prayer begins with the Hebrew words, *Vayechal Moshe* (Shemot 32:11). Normally this is translated as "Moses besought, implored, entreated, pleaded, or attempted to pacify" God. However *the same verb is used in the context of annulling or breaking a vow* (Bamidbar 30:3). On this basis the Sages suggest something truly remarkable:

Vayechal Moshe means "Moses *cleared God of His vow*." When the Israelites made the Golden Calf, Moses asked God to forgive them, but God said, "I have already taken an oath that *Whoever sacrifices to any god other than the Lord must be punished* (Shemot 22:19). I cannot withdraw what I have said." Moses replied, "Lord of the universe, You have given me the power to cancel oaths, for You taught me that one who takes an oath cannot break their word but a scholar can release them from the promise. I hereby release You from Your vow" (abridged from Shemot Rabbah 43:4).

According to the Sages, the original act of Divine forgiveness on which Yom Kippur is based came about through this cancellation of a vow. This explains the opening service of Yom Kippur – *Kol Nidre*, which is a declaration of the cancellation of our promises.

QUESTIONS TO PONDER:

1. Did the people deserve to be punished? According to the Midrash, why did God decide to forgive them?

2. What themes connect this story to Yom Kippur?

IT ONCE **HAPPENED...**

Franz Rosenzweig (1886-1929) was a young German-Jewish intellectual from a highly assimilated family. At 27, his cousins and a close friend persuaded him to officially convert to Christianity. He decided the best way to do this was to act like a religious Jew, and then transition, like the early Christians, from there to Christianity. He travelled to Berlin to spend Yom Kippur in a small orthodox synagogue as his last Jewish act.

The experience changed his life. A few days later he wrote that "Leaving Judaism no longer seems necessary to me and… no longer possible." He became a celebrated ba'al teshuvah (he returned to the Jewish faith), and one of the greatest Jewish thinkers of the 20th century. On postcards in the trenches of the First World War he wrote a masterpiece of Jewish theology entitled, "The Star of Redemption."

QUESTIONS TO PONDER:

1. What do you think is the power of Kol Nidrei and Yom Kippur that this experience had such an impact for him?

2. Is this similar to the experience of the "Secret Jews" of Spain and Portugal, who came once a year on Kol Nidrei to annul their vows (see *Thinking More Deeply*)?

THINKING MORE **DEEPLY**

Kol Nidre is an enigma wrapped in a mystery, perhaps the strangest text ever to capture the religious imagination. First, it is not a prayer at all. It is not even a confession. It is a dry legal formula for the annulment of vows. It is written in Aramaic. It does not mention God. It is not part of the service. It does not require a shul. And it was disapproved of, or at least questioned, by generations of halachic authorities. Why then, do we begin every Yom Kippur, our most important day, with Kol Nidre?

The first time we hear of Kol Nidre, in the eighth century, it is already being opposed by Rav Natronai Gaon, the first of many Sages who found it problematic. In his view, one cannot annul the vows of an entire congregation this way. Even if one could, one should not, since it may lead people to treat vows lightly. Besides which, there has already been an annulment of vows ten days earlier, on the morning before Rosh Hashanah. This is mentioned explicitly in the Talmud (Nedarim 23b). There is no mention of an annulment on Yom Kippur.

Rabbeinu Tam, Rashi's grandson, was particularly insistent in arguing that the kind of annulment Kol Nidre represents cannot be retroactive. It cannot apply to vows already taken. It can only be apply to vows made in the future. Accordingly he insisted on changing its wording, so that Kol Nidrei refers not to vows from last year to this, but from this year to next.

Kol Nidre also created hostility on the part of non-Jews, who said it showed that Jews did not feel bound to honour their promises since they annulled them on the holiest night of the year. In vain it was repeatedly emphasised that Kol Nidre applies only to vows between us and God, not those between us and our fellow humans. Throughout the Middle Ages, and in some places until the eighteenth century, in lawsuits with non-Jews, Jews were forced to take a special oath, *More Judaica*, because of this concern.

So there were communal and halachic reasons not to say Kol Nidre, yet it survived all the doubts and misgivings. It remains the quintessential expression of the awe and solemnity of the day. Its power defies all obvious explanations. Somehow it seems to point to something larger than itself, whether in Jewish history or the inner heartbeat of the Jewish soul.

Several historians have argued that it acquired its sadness from the phenomenon of forced conversions, both to Christianity and Islam, that occurred during the Middle Ages, most notably in Spain and Portugal in the 14th and 15th centuries. Jews were offered the choice: convert or suffer persecution. Sometimes it was: convert or be expelled. At times it was even: convert or die. Some Jews did convert. They were known in Hebrew as *anusim* (people who acted under coercion). In Spanish they were known as *conversos*, or contemptuously as *marranos* (swine).

Many people remained practicing Jews in private, and once a year on the night of Yom Kippur they would make their way in secret to the synagogue to seek release from the vows they had taken to adopt to another faith, on the compelling grounds that they had no other choice. For them, coming to the synagogue was like *coming home*, the root meaning of *teshuvah*.

There are obvious problems with this hypothesis. Firstly, Kol Nidre was in existence several centuries *before* the era of forced conversions. Moreover, the text of Kol Nidrei makes no reference, however oblique, to conversion, return, identity, or atonement. It is simply an annulment of vows.

So the theories as they stand do not satisfy.

However it may be that Kol Nidre has a different significance altogether, one that has its origin in the remarkable rabbinic interpretation of this week's parsha, quoted in *The Core Idea*.

According to that Midrash (Shemot Rabbah 43:4) the original act of Divine forgiveness on which Yom Kippur is based came about through the annulment of a vow, when Moshe annulled the vow of God. The Sages understood the verse, "Then the Lord *relented* from the evil He had spoken of doing to His people" (Shemot 32:14) to mean that God expressed regret for the vow He had taken – a precondition for a vow to be annulled.

Why would God regret His determination to punish the people for their sin? On this, another Midrash offers an equally radical answer. The opening word of Psalm 61 is *la-menatze'ach*. When this word appears in Tehillim it usually means, "To the conductor, or choirmaster." However the Sages interpreted it to mean, "To the Victor," meaning God, and added this stunning commentary:

To the Victor who sought to be defeated, as it is said (Isaiah 57:16), "I will not accuse them forever, nor will I always be angry, for then they would faint away because of Me— the very people I have created." Do not read it thus, but, "I will accuse in order to be defeated." How so? Thus said the Holy One, blessed be He, "When I win, I lose, and when I lose I gain. I defeated the generation of the Flood, but did I not lose thereby, for I destroyed My own creation, as it says (Bereishit 7:23), "Every living thing on the face of the earth was wiped out." The same happened with the generation of the Tower of Babel and the people of Sodom. But in the days of Moses who defeated Me (by persuading Me to forgive the Israelites whom I had sworn to destroy), I gained for I did not destroy Israel.

God wants His forgiveness to override His justice, because strict justice hurts humanity, and humanity is God's creation and carries His image. That is why He regretted His vow and allowed Moshe to annul it. That is why Kol Nidre has the power it has. For it recalls the Israelites' worst sin, the Golden Calf, and their forgiveness, completed when Moses descended the mountain with the new Tablets on 10 Tishrei, the anniversary of which is Yom Kippur. The forgiveness was the result of Moses' daring prayer, understood by the Sages as an act of cancellation of vows. Hence Kol Nidre: a formula for the withdrawal of vows.

The power of Kol Nidre has less to do with forced conversions than with a recollection of the moment, described in our parsha, when Moshe stood in prayer before God and achieved forgiveness for the people: the first time the whole people was forgiven despite the gravity of their sin. On Kol Nidre we recall the first Yom Kippur when Moshe annulled the Almighty's vow, so that His compassion could override His justice. This is the basis of all Divine forgiveness.

I believe we must always strive to fulfil our promises. If we fail to keep our word, eventually we lose our freedom. But given the choice between justice and forgiveness, choose forgiveness. When we forgive and are worthy of being forgiven, we are liberated from a past we regret, to build a better future.

QUESTION TO PONDER:

Why are justice and forgiveness opposite values? Why choose forgiveness over justice? Where do we see this in the parsha?

FROM THE THOUGHT OF **RABBI SACKS**

"Law without love is harsh, but love without law is anarchy and eventually turns to hate. So in the name of the love-of-law and the law-of-love, we ask God to release us from our vows and from our sins for the same reason: that we regret and have remorse for both. The power of Kol Nidre has less to do with forced conversions, or even music, than with the courtroom drama, unique to Judaism, in which we stand, giving an account of our lives, our fate poised between God's justice and compassion."

***Ceremony & Celebration*, Yom Kippur, p. 74**

AROUND THE **SHABBAT TABLE**

1. Why is Kol Nidre mysterious?
2. What is the connection between Yom Kippur and this week's parsha?
3. How does "strict justice hurt humanity"? What is the alternative?

IN A NUTSHELL

1. Forgiveness is a core value at the heart of our relationship with God. It has to be, because humans are fallible and make mistakes. If God only exercises the value of justice (which would involve judgement, and reward/punishment) then it would be too difficult for humans to live. But of course we need to earn God's forgiveness, through sincere regret and a commitment to change for the better. This is *teshuvah*.

THE CORE IDEA

1. Strictly speaking, the people deserved to be punished for worshipping the Golden Calf. If God had executed true justice, He would have killed all those that participated in the worship. However, He also has other attributes and principles that are often in conflict with the attribute of justice, such as mercy and forgiveness. The Midrash describes Moses convincing God to give these attributes primacy in this instance, and gives God a legal precedent, a loophole to cancel God's previous promise to punish those that worship idols.
2. According to tradition, this story took place on the 10th of Tishrei, the day of Yom Kippur. This is the day in history when God first placed the value of forgiveness above justice, when He forgave the Israelites for a sin that deserved punishment. This is the basis for Yom Kippur, where we pray to God to forgive us, despite our many flaws and sins. We ask Him to give the values of mercy and forgiveness prominence over justice.

IT ONCE HAPPENED...

1. We can't know for sure what Rosenzweig felt on Yom Kippur in the small simple shul in Berlin in 1913. But we do know that on Yom Kippur more than any other day of the year we feel a powerful intimacy with God as we stand before Him and plead for forgiveness. Perhaps Rosenzweig felt the deep contrast between this and the intimidating experience of standing in a large and grand church trying to connect to a distant and cold version of God.
2. The *anusim* (Crypto-Jews of Spain and Portugal in the Middle Ages who practiced their Judaism in secret for fear of torture and death at the hands of the Inquisition) would approach God in a similar intimate way once a year on Kol Nidre, in order to annul their own vows to the church. The difference is that Franz did not intend to have a religious experience that would connect him back to his Jewish roots (although that was the result), whereas the *anusim* desperately wanted this experience, it was their one time a year when they would risk their lives to congregate together and pray.

THINKING MORE DEEPLY

1. Justice and forgiveness are by definition opposite values. In a case where justice determines someone is at fault and therefore liable, forgiveness ignores this and wipes the slate clean. It has to be one or the other. Rabbi Sacks urges us to choose forgiveness in our relationships, just as God chooses this in our parsha when He forgives the Israelites for their sin of worshipping the Golden Calf. Forgiveness allows us to leave the past behind and to be released from the chains of our previous mistakes. "When we forgive and are worthy of being forgiven, we are liberated from a past we regret, to build a better future".

AROUND THE SHABBAT TABLE

1. No one is quite sure where the text for this service came from or how it became an integral part of the holiest day of the year - Yom Kippur. Many Sages were opposed to its inclusion, yet it has passed the test of time. It is not really a prayer at all, rather a dry legal formula for the annulment of vows. It is written in Aramaic and not Hebrew. It does not mention God. It is not part of the actual Yom Kippur service. And it was disapproved of, or at least questioned, by generations of halachic authorities. And yet it begins our Yom Kippur service. Often the tunes used are beautiful. Millions of Jews, of many levels of observance, attend Kol Nidre each year, and feel inspired by their attendance. So both its roots, and its power, are mysterious.
2. The story of the Golden Calf, including God's forgiveness of this sin, gives us our archetypal example of when God first placed the value of forgiveness above justice, when He forgave the Israelites for a sin that deserved punishment. This is the basis for Yom Kippur, where we pray to God to forgive us, despite our many flaws and sins. We ask Him to give the values of mercy and forgiveness prominence over justice. According to tradition, this story took place on the 10th of Tishrei, the day of Yom Kippur, and acts as a precedent for all future Yom Kippurs.
3. Humans make mistakes. They are imperfect. If the world (both governments and judicial systems, as well as God) functioned only according to strict justice, it would be too difficult to live in such a world. We all fall short sometimes, and we need to be given the chance to learn from our mistakes and try again. Justice needs to be implemented within a framework of compassion and mercy. Judaism's version of that is repentance (*teshuvah*) and forgiveness.