

## **“Is Yom Kippur effective in the absence of atonement?”**

by Rabbi Dr Jeffrey M. Cohen

The annual opportunity afforded by Yom Kippur for the Jew to obtain forgiveness and make peace with God and fellow man is one of Judaism’s most spiritually engaging beliefs and sublime teachings. Rabbi Akivah gave lyrical expression to this in a passage that merited to serve as the conclusion of the Mishnaic tractate of Yoma (8:9):

Happy are you, O Israel. Before whom are you made clean and who makes you clean? Your Father in heaven; as it is written, *And I will sprinkle clean water upon you and you shall be clean* (Ezekiel 36:25). Furthermore, it states, *Lord, the hope (mikveh) of Israel* (Jeremiah 17:13). Just as the *mikveh* cleanses the unclean so does the Holy One, blessed be He, cleanse Israel.

Yoma’s eight chapters deal with practical halachic matters relating to the preparations for and rituals of Yom Kippur in Temple times, the main prohibitions and abstentions, the atonement sacrifices, High Priestly and priestly rituals, and the process of repentance.

R. Judah Ha-Nasi (the Patriarch) – born in 135 CE, the year that R. Akivah was martyred – was the editor and chief redactor of the Mishnah; and we may query why he decided to sign off his prosaic and halacha-focused tractate *Yoma* with Rabbi Akivah’s surge of exultation, given that it is also expressed in the Midrashic (exegetical), rather than the halachic, style, as used throughout the tractate.

We suggest that R. Judah’s objective was to prop up the significance of Yom Kippur as a means of achieving a “cleansing of Israel’s unclean sinners” at a period when many Judeans doubted that day’s ability to do so for the reason that shall presently become apparent.

It should first be noted that R. Judah's concept of the all-embracing efficacy of Yom Kippur was dramatic and revolutionary. In defiance of the logical view of all his colleagues, that Yom Kippur only grants atonement when it goes hand-in-hand with *teshuvah*, sincere repentance, R. Judah insisted that 'Apart from the case of three exceptional and most heinous sins – denial of God, deliberate misrepresentation of Torah, and rejection of the covenant of circumcision – for which Yom Kippur atones only when accompanied by wholehearted repentance, for all other transgressions *whether or not the person repents* Yom Kippur grants atonement' (Tal. *Yoma* 85b).

R. Judah's view may be justified psychologically in that the absence of any formal expression of *teshuvah* may not necessarily exclude the possibility that a deeply embedded sense of remorse and wish for self-improvement may have been triggered at the subconscious level. Judah went even further and took the view that *teshuvah* was an instinctive reaction to participation in the collective Yom Kippur experience. In his opinion, the *itzumo shel yom* – 'the spiritual essence of the day' and its mesmeric aura – were transformative even for those who, at the conscious level, made no attempt to immerse themselves into the day's formal observances.

Not unsurprisingly, R. Judah's view did not win the day, and hence, when Maimonides came to codify the Talmudic law, he states categorically that 'the essence of Yom Kippur atones only for those who positively repent' (*Laws of Repentance* 1:3). But this leads us to consider whether or not R. Judah might have had some hidden agenda underlying his otherwise theologically perplexing view that one could secure divine pardon even when adopting a detached attitude to the community's observance of that holy day.

Rav Joseph B. Soloveitchik grappled with the problem of R. Judah's progressive view and concluded that he could never have meant to imply that total forgiveness was afforded to those with such a detached attitude. This led 'the Rav' to distinguish between the all-embracing atonement granted to the community of Israel, on the one hand, and the individual atonement for which each person must energetically petition, on the other. The quality of the atonement that R. Judah claims for the non-remorseful is patently inferior, he asserts, to that granted to those who positively repent. The former is a partial atonement, secured merely through 'the shadow that falls upon such an individual through the merit of his membership of the community.'

The rationale for R. Judah's view that we would offer, however, follows the historical, rather than the halachic, route. He became Patriarch of Judea around 165 CE, almost a century after the destruction of the Temple and thirty years after the Hadrianic persecutions. By that time a spirit of national despair had engulfed many Jews, and with it an entrenched view that, without the means of sacrificial atonement (*mizbach kapparah*), it was impossible to obtain divine pardon. This was expressed in such sentiments as 'From when the Temple was destroyed there was no day that was not accursed' (Tal. *Sota* 49a). The corollary of such a belief in the removal of the Divine Presence from Israel was that *teshuvah* had become a vain exercise and that there was little point, therefore, in the continued observance of Yom Kippur.

Hence our suggestion that R. Judah felt an urgent need to counter that negative belief and to reassure his community that such a theological assumption was erroneous. He felt constrained therefore to go to the other extreme and argue that not only did Yom Kippur remain a relevant and essential festival, but that it possessed an effectiveness that even outstripped that of the Temple in its day. In the case of the latter, a penitent had to bring a sacrifice and accompany it with the special religious concentration appropriate to that particular ritual, as well as with

expressions of mental remorse, confessions, and prayer. With Yom Kippur, on the other hand, R. Judah's view was that while such prerequisites were desirable on the part of the committed, they were not essential. This was because it was a day which *of itself* confers forgiveness: "For *on this day* it shall be atoned for you" (Leviticus 16:30).

Those who adopted that attitude of scepticism regarding the efficacy of Yom Kippur were not necessarily religious defectors. It was rife even among those committed to a religious life, but who couldn't see the point of simulating the old Temple observances by attending synagogue for an entire day to recite formal petitions for an atonement they no longer believed was achievable.

Some of the latter may have justified their lack of attention to penitence on that day by appealing to the way Yom Kippur had been celebrated centuries earlier according to a tradition preserved in the Mishnah. Apart from the biblically prescribed solemn rituals that had been confined to the Sanctuary and later the Temple, the younger generation of the first commonwealth (1020 - 586 BCE.) celebrated that day in a far lighter spirit. Yom Kippur was one of two occasions - the other being the 15<sup>th</sup> of Av - when the girls of marriageable age would dance in the vineyards before the gaze of young men seeking a wife. It is highly unlikely that the thoughts of the young people on those Yom Kippur days were on *teshuvah*!

The youngsters would not have been left to their own devices but would certainly have been chaperoned by parents and family. Feverish marital negotiations would probably have taken place, and some might have wryly observed that this was, in fact, the truest expression of 'at-one-ment!'

Hence our suggestion that it was in the light of Yom Kippur's diminished capacity in the public perception that R. Judah felt constrained to bolster its spiritual stature in that courageous manner. For him, Yom Kippur had been transformed into a "Temple-in-time" which could adequately compensate for the loss of "the Temple in space".

He was also conveying the message that, by joining together with fellow Jews to celebrate this day – whether by reciting the liturgical confessionals or merely as a silent gesture of community solidarity – the absorption of its profound aura would achieve the same effect as that of the ancient Temple rituals. Hence, pardon would be granted to all, in the same way that the High Priest had been enabled to 'atone for himself, his household, and *the entire community* of Israel (Lev. 16:17).

In our age of widespread religious indifference and assimilation, R. Judah's view provides a measure of encouragement to those unresponsive to spirituality or unwilling to change their secular lifestyle, for whom Yom Kippur and its liturgy have little meaning. His view constitutes an appeal to them nevertheless to stay loyal, to identify with their people's collective desire to secure God's grace, and especially His protection in these fearful times for our people and our homeland. It assures them that the sacrifice of a single day in the service of their faith is meaningful in God's sight; for every religious experience leaves its imprint, makes us more sensitive to loftier ideals, and binds us closer to fellow man, to our community, and to our Father in heaven.

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## NOTES

1. This assessment clearly excludes such an inspirational tract as *Pirkei Avot*, a context for which the statement of Rabbi Akivah which follows would have been eminently suited.

2. Mishnah Yoma 8:9
3. Talmud Yoma 85b; Shevuot 13a.
4. See Kesef Mishneh on Maimonides, *Mishneh Torah: Hilkhos Teshuvah* 1:3.
5. Maimonides *ad loc.*
6. See *On Repentance* (ed. Pinchas Peli: Jerusalem, Orot Publishing House, 1980), p.121,
7. See Maimonides *ad loc.*
8. Talmud Sota 49a.
9. Adin Steinsaltz, *The Strife of the Spirit* (Northvale, NJ: Jason Aronson, 1988), p.121.
10. Mishnah *Ta'anit* 4:8. There is an interesting variant reading in this Mishnah which impinges on our discussion. Our reading has it that it was the *b'not yerushalayim*, "the maidens of Jerusalem," who would perform those dances, whereas another reading in the Mishnah, broadening the ritual to national proportions, has *b'not yisrael*, "the daughters of Israel." Both readings provide perspectives for our thesis. If the latter reading is original, and the ritual was nationwide, then our argument is reinforced, in that the visit to the vineyards was, other than for those living in proximity to Jerusalem, the major ritual and highlight of the day. If the former reading is correct, and the ritual was exclusive to the maidens of Jerusalem, then it is mystifying that, while the multifarious and solemn rituals of the Temple were being enacted, the younger generation - and the accompanying throng of spectators - should have been permitted to indulge in such an extraneous revelry. The origin of the ritual is shrouded in mystery (The main traditional views are enumerated by P. Kehati in his popular edition of the Mishnah: Jerusalem, Heikhal Shlomo, 1977, *ad loc.*) It could only have been justified on the basis that it was a very ancient and hallowed tradition, deeply entrenched in the popular imagination, which the authorities, even had they desired to, could not curtail.

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גמר טוב וצום קל לכל הקוראים שלי  
 וישלח ה' ברכה והצלחה בכל מעשי ידיכם  
 וניצחון בקרוב לצה"ל ושלווה למדינתנו

Rabbi Jeffrey