

On Yom Kippur night after Kol Nidrei the Shaliach Tzibbur proclaims the verse (במדבר טו:כז) ונסלח לכל עדת בני ישראל ולגר ולגר הגר בתוכם כי לכל העם בשגגה: Forgive our transgressions for the entire nation erred involuntarily. Given that many of our sins are committed willfully, including those we recite repeatedly on Yom Kippur in על חטא, how do we have the temerity to approach Hashem and ask that we be forgiven because our sins were inadvertent and without malice? While Chazal tell us that תשובה, repentance, has the power to transform sins of commission (מזיד) into sins of omission (שוגג), that does not change the fact that the sin was committed willingly. So how can we appeal for forgiveness by claiming our actions were inadvertent? Also, as Yom Kippur is the day in which we manifest our repentance, at what point is forgiveness granted? According to one opinion, forgiveness is granted at the end of the day. A second opinion says it is granted gradually during the day. A third opinion says forgiveness is granted at the start of the day, i.e. after sunset on the 9th of Tishrei. According to the first 2 opinions, how can we claim our sins were inadvertent if we have not yet even begun to repent and atone? If we have not repented yet, the sins of commission are still extant and have not yet been converted to the less serious sins of omission. And according to the opinion that it occurs immediately with the start of the day, which would be after nightfall, why do we recite this verse before sundown on the 9th of Tishrei, before Yom Kippur commences?

The Gemara (ברכות ז:א) says:

ואמר רבי חייא בר אמי משמיה דעולא לעולם ידור אדם במקום רבו שכל זמן ששמעי בן גרא קיים לא נשא שלמה את בת פרעה והתניא אל ידור לא קשיא הא דכייף ליה הא דלא כייף ליה

Rabbi Hiya the son of Rabbi Ami said in the name of Ula, a person should always live in close proximity to his teacher. For as long as Shimi the son of Gera lived, King Solomon did not marry Pharaoh's daughter. The Gemara challenges this statement from another ברייתא source that says the opposite, that one should not dwell in close proximity to his teacher. The Gemara resolves the contradiction by applying Ula's statement to an individual who is obedient to his teacher and willingly accepts his guidance and rebuke, while the latter ברייתא refers to one who rejects his teacher's guidance. Rashi comments:

דכייף ליה. אם כפוף הוא לרבו לקבל תוכחתו ידור אצלו ואם לאו טוב להתרחק ממנו ויהי שוגג ואל
יהי מזיד:

Rashi explains that one who will not accept rebuke from his teacher will sin regardless of his proximity to his teacher. It is better that he distance himself from his teacher so he may be considered a שוגג (error of omission), and not a מזיד (willful error of commission).

At first glance, Rashi's explanation is difficult to understand. Why should the proximity to one's teacher have any impact on the classification of the act of sin? The individual's mindset is the same regardless, so why do we consider the sinner as inadvertently erring in the case where he is distant from his teacher?

Apparently, according to Rashi, the distance that separates an individual from his teacher, guide or role model factors into the interpretation of the act's volition. If there is distance between them and a lack of communication and reinforcement from the teacher to the student, it is a mitigating factor that changes the character of the sin. What else could we expect from this individual? Even though he may have willfully engaged in the sin, we still view it as inadvertent because he did not have the proper guidance to teach him right from wrong. Had he been close to his teacher, guide, father or Father, he would not have acted this way.

In the Selichot prayers we emphasize that Hashem has grown distant from us and we from Him. In the Avodat Yom HaKippurim recited in Mussaf we say:

אם תעינו לא תתענו אם שגגנו לא תשלנו אם רחקנו קרב נא אם קרבנו אל תרחק

If we lost our way, do not lead us further astray. If we erred do not reject us. If we distanced ourselves from You, come closer to us. If we approach do not distance Yourself. We consistently refer to the distance between ourselves and Hashem. We say to Hashem: "because we are so far away from You, the vast distance between us should be taken as a mitigating factor for our transgressions. At worst our transgressions, as terrible and willful as they may have been, should be viewed as

errors of omission because of the chasm between us. With that caveat, we ask that You forgive us for all our sins, even before Yom Kippur begins. We also ask that you come closer to us so that we may reestablish our close bond with You. We are sure our renewed closeness will encourage us to change our ways, act appropriately and refrain from future transgressions".

With this approach, we can understand the statements of Resh Lakish (יומא פו:ב):

אמר ריש לקיש גדולה תשובה שזדונות נעשות לו כשגגות שנאמר שובה ישראל עד ה' אלהיך כי כשלת בעונך הא עון מזיד הוא וקא קרי ליה מכשול איני והאמר ריש לקיש גדולה תשובה שזדונות נעשות לו כזכויות שנאמר ובשוב רשע מרשעתו ועשה משפט וצדקה עליהם (חיה) יחיה לא קשיא כאן מאהבה כאן מיראה

Resh Lakish derives the greatness of repentance from the verse שובה ישראל עד ד אלקיך, return Israel to your Gd for you have stumbled because of, or through your sin. Resh Lakish interprets the verse that repentance transforms sins of commission into sins of omission. The term עון indicates a willful, sinful act, yet Hoshea tells us that it is brushed aside as a mere stumble, מכשול, once we repent. The Gemara questions the recasting of willful sin to a stumbling block from another statement of Resh Lakish, that repentance converts willful sins into merits! The Gemara ascribes the 2 approaches to תשובה as the difference between תשובה מאהבה and תשובה מיראה. According to both approaches, the willful sin is viewed as an aberration, a discrepancy that we can view as a stumble caused by the distance between us and Gd that is rectified and mitigated when we return to Him. With the benefit of the retrospective of תשובה, we can interpret the sinner's wanton actions as a mere stumble that can easily be overlooked, and even recast and replaced by merits in the ledger of the repentant individual. The miracle of תשובה מיראה is that Gd allows a negative balance to return to zero. And in the case of תשובה מאהבה, he negates the negative balance, turning it positive! The power of תשובה is great indeed! Once our transgressions are explained away and deleted, we regain our special closeness with Gd and repair our relationship.

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