



**SERMON KOL NIDRE:
FORGIVENESS NOT FORGETFULNESS**

Student Rabbi Gabriel Webber, Friday 29 September 2017
York Liberal Jewish Community

- 1 In May, we are all going to acquire a Right To Be Forgotten. What does that mean? From May, we'll be entitled to demand that people and companies who hold data about us delete that data unless they have a very good reason to keep hold of it.¹
- 2 So, of course, it's not really a right 'to be forgotten'. That would be to confuse recorded information with human memory. I can force the *Daily Express* to erase every trace of that drug-riddled party I went to ten years ago (disclaimer: this is a hypothetical example), but that wouldn't render the incident 'forgotten': everyone who was there at the time will remember, everyone who heard about it will remember, everyone who read the story will remember.
- 3 According to Dr Alessandro Mantelero, a privacy expert at Turin University, the reasoning behind the new law is to cater to each person's natural, human desire "to determine the development of their life in an autonomous way, without being perpetually stigmatised as a consequence of a specific action performed in the past".²
- 4 Apart from being natural and human, what else is that desire?
- 5 First, it's staggeringly unrealistic. From the moment each of us was put on this planet, we started living and in doing so began compiling what is now our backstory. Consequences in our present inevitably arise from the footprints we left in our past.



- 6 Secondly, it's Jonah. Reading the new rules, and reading Dr Mantelero's essay, Jonah just leaps off the page at me. We'll read the full story tomorrow afternoon, but just to remind you of the salient points: the Book of Jonah is about a man who doesn't want to face up to his responsibilities and so tries to hide from an omniscient Deity in the hope that that will be sufficient for his act of disobedience to be forgotten, and that he will thenceforth be able to live his life autonomously and free from the stigma of having run away from God.³ Just as scandal-battered celebrities who want particular aspects of their lives to be forgotten come May are going to find themselves bang out of luck, so too did storm-battered Jonah realise that God wasn't going to forget about him just because he was hidden away in the hold of a ship.
- 7 Memory is a running theme throughout Yom Kippur. Most obviously, we have a whole Yizkor service – literally 'I will remember' – coming up tomorrow evening, but it goes deeper than that. We plead with God to "remember us for life",⁴ and even get granted what is, on one interpretation, our own Jewish right to be forgotten: the Book of Isaiah⁵ tells us, "I alone am the One who sweeps away your transgressions, and your sins I will remember no more."
- 8 Both of those lines suggest to us that God has the capacity to forget, in the first place accidentally, hence our prayer that God will remember us, and in the second place deliberately – yet even if deliberate erasure of memory is possible, it seems difficult to square with Divine omniscience. How can God know everything if there are things that God doesn't remember?
- 9 The 'I will forget your sins' line, then, is probably more poetic than anything. It's an ancient Hebrew variation of the idea 'forgive and forget'. When two people quarrel then agree to 'forgive and forget', they don't mean it literally, at least not straight away. It's a vow to go on as if the quarrel had been forgotten. In due course it may be forgotten, or it may not, but that's not really the important



thing because what we remember and what slips the mind is rarely within our control. The important thing is the forgiveness, which is within our control.

- 10 Remembering was a priority for our ancestors. The Torah only speaks about memory in the context of “the terror of forgetting”:⁶ “Beware lest you forget the Eternal One...”⁷ Remembering was something good. Remembering – and its close cousin, transmission between generations⁸ – is what has sustained Judaism all these thousands of years.
- 11 Remembering is still important. This is why Yom Kippur is much more about memory than erasure. We rely on forgiveness, not forgetfulness, indeed we try to recall as much of our year as we can in order to bring to this service the fullest possible list of everything we did wrong. Our duties go further: for wrongs we committed against other people, we have to seek their forgiveness⁹ – we actually have to go up to them, up to a year after our encounter, and remind them of what we did. The Kol Nidre ceremony causes our vows “no longer to be considered vows”;¹⁰ crucially, Kol Nidre is technically a legal proceeding and although we are released from our vows, that is achieved by changing their status, not by striking them from the record altogether.
- 12 Today is when we dredge up all our worst memories, like it or not. The things we did wrong, the opportunities we let slip by, loved ones we have lost – even, by tomorrow afternoon, maybe, unwelcome recollections of filling meals will intrude into our thoughts. Yom Kippur is not an easy thing to put ourselves through.
- 13 The psychologist Alexander Luria wrote a case study about a man who could not forget; at first he made the most of his talents, performing on stage as a kind of Russian ‘Mr Memory’. Then he realised that it was a curse. He tried everything to make himself forget, even writing down his knowledge, setting fire to it and watching it burn. All to no avail.¹¹



- 14 That's what comes of trying to forget; one can no more try to forget and succeed than one can try not to think about elephants and succeed. (You're all thinking about elephants, now, aren't you.) The Right To Be Forgotten is doomed to fail for the same reason.
- 15 While we can't try and forget, we can try and remember, and, having dredged up our difficult memories, band together and work through this process together, as did our ancestors who strove so hard to pass on their Judaism to us; who contributed so much to the collective memory of our people.
- 16 I wish everyone an easy fast and a thoughtful Yom Kippur.

Check against delivery.

GW 29.09.17

¹ EU General Data Protection Regulation (2016/679), art 17

² Alessandro Mantelero, "The EU proposal for a General Data Protection Regulation and the roots of the 'right to be forgotten'", *Computer Law & Security Review* 29, no 3, 229-35: 231

³ The full version is (slightly) more poetic

⁴ Frequently repeated in *Machzor Ruach Chadashah*, see eg p 185

⁵ 43:25, quoted in *Machzor Ruach Chadashah*, p 189

⁶ Yosef Hayim Yerushalmi, *Zakhor: Jewish history and Jewish memory* (Schocken, 1982; repr 1989): Postscript, p 108

⁷ Deuteronomy 8:11

⁸ Yerushalmi, op cit: 109

⁹ Yoma 8:9

¹⁰ *Machzor Ruach Chadashah*, p 436

¹¹ Alexander Luria, *The Mind of a Mnemonist: A little book about a vast memory*, trans Lynn Solotaroff (Harvard University Press, 1968; repr 1987): 70