

Kol Nidrei: The Great Unifier

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The Mishna, *Yoma* 1:5, teaches us about a statement that the elder kohanim would say to the Kohen Gadol while he was preparing for Yom Kippur:

ואמרו לו, אישי כהן גדול, אנו שלוחי בית דין, ואתה שלוחנו ושלוחי בית דין, משביעין אנו עליך במי ששכן שמו בבית הזה, שלא תשנה דבר מכל מה שאמרנו לך. הוא פורש ובוכה, והן פורשין ובוכין.

They said to him, The Honorable Kohen Gadol, we are representatives of the court and you are our representatives and the representative of the court. We adjure you in the name of He who dwells in this abode that you will not stray from anything we tell you. He would leave crying and they would leave crying.

Rambam, *Hilchot Avodat Yom Hakippurim* 1:7, explains the Mishna:

בימי בית שני צץ המינות בישראל ויצאו הצדוקין מהרהר יאבדו שאינן מאמינין בתורה שבעל פה והיו אומרין שקטורת של יום הכיפורים מניחין אותה על האש בהיכל חוץ לפרוכת וכשיעלה עשנה מכניס אותה לפני לקדש הקדשים. הטעם, זה שכתוב בתורה כי בענן אראה על הכפרת אמרו שהוא ענן הקטורת. מפי השמועה למדו חכמים שאין נותן הקטורת אלא בקדש הקדשים לפני הארון שנ' ונתן את הקטרת על האש לפני ה'. ולפי שהיו חוששין בבית שני שמא כהן גדול זה נוטה לצד מינות היו משביעין אותו ערב יום הכיפורים ואומרין לו אישי כהן גדול... והוא פורש ובוכה על שחשדוהו במינות והן פורשין ובוכין לפי שחשדו מי שמעשיו סתומין ושמא אין בלבו כלום.

During the Second Temple Period, heresy sprouted among the Jewish people, and the Sadducees, who didn't believe in the Oral law, emerged. They would say that the ketoret of Yom Kippur should be



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placed on the fire in the Heichal, outside of the Holy of Holies, and when it starts to produce smoke, it should be brought into the Holy of Holies. Their reasoning: The Torah states, "I will appear in smoke above the Kaporet," and they said that this refers to the smoke of the ketoret. Our rabbis had a tradition that the ketoret is only placed in the Holy of Holies before the Ark as it states, "The ketoret is placed on the fire in front of Hashem." Since they were concerned during the Second Temple period that the Kohen Gadol was influenced by this heresy, they would adjure him on the eve of Yom Kippur and say to him "Honorable Kohen Gadol etc. . . ." He would leave crying because they accused him of heresy and they would leave crying because they accused someone whose slate is clean and maybe doesn't harbor such thoughts.

Let us ask a few questions. First, why was it so important for the Tzedukim to prepare the *ketoret* outside of the *Kodesh Kodashim* and enter only after the smoke rose? Why were they so bothered by the practice of the Perushim to do everything in the *Kodesh Kodashim*?

The Midrash Tanchuma states:

א"ר יצחק בן אליעזר תדע לך שנעשה המשכן וכל כליו ושחט את הקרבנות והקריבו וערך על המזבח וסדר את השלחן ואת המנורה ואת הכל ולא ירדה שכינה עד שהקריבו את הקטורת.
R. Yitzchak ben Eliezar said: Know that the Mishkan was constructed, all of its

utensils were assembled, the sacrifices were slaughtered and offered, and set on the Altar up, the Table and the Menorah were set and everything was in place. But the Divine presence didn't descend until the ketoret was brought.

Tanuchma, Parashat Tetzaveh

What was so special about the *ketoret*, that it was the only vehicle in the Mishkan that brought the Divine presence?

Kol Nidrei

We begin the holy day of Yom Kippur with the recitation of Kol Nidrei. Synagogues are filled from wall to wall, more so than any other part of the Yom Kippur service. This is true despite Kol Nidrei being simply an annulment of vows.

How does Kol Nidrei begin? We recite the following sentence three times:

על דעת המקום ועל דעת הקהל, בישיבה של מעלה ובישיבה של מטה, אנו מתירין להתפלל עם העבריינים.

With consent of the Omnipresent and with consent of the congregation, in the assembly above and the in the assembly below, we approve praying with the transgressors.

The *Tur*, OC 619, writes:

ערבית נכנסין לבית הכנסת ונוהגין באשכנז שקודם שיתפללו מתירין לכל העבריינים כדי להתפלל עמהם ואפילו אם לא יבקשו שיתירו להם. דאמר רבי שמעון חסידא כל תענית

צבור שאין בו ממושעי ישראל אינו תענית
שהרי החלבנה ריחה רע ומנאה הכתוב עם
סמני הקטורת.

In the evening [of Yom Kippur], we enter the Synagogue. In Germany, the custom is that prior to praying, we authorize the transgressors so that we may pray with them, even if they don't request authorization. [The reason for this is] that R. Shimon Chasida said, any fast day that doesn't include Israel's transgressors is not a [bona fide] fast. Behold, galbanum has a bad odor and yet the Torah includes it as one of the spices of the ketoret.

The recitation of Kol Nidrei — specifically our authorizing prayer with the transgressors — connects us to the ketoret. Just like the ketoret — which is made with spices of beautiful fragrance and also one spice whose fragrance is bad — so too, we include the transgressors among us when we pray on Yom Kippur.

Yet the recitation of Kol Nidrei itself has not always been universally accepted. *Tur* quotes R. Natronai Gaon that in his time, many did not recite Kol Nidrei. R. Amram Gaon also writes that it is a mistake to recite Kol Nidrei. Those who question the practice do so out of concern that it is ineffective in annulling past vows or preempting future vows. While many Rishonim do endorse the practice, let us ask a third question: Why has Kol Nidrei become universally accepted? Given the controversy, why don't we simply rely on the annulment of vows that takes place before Rosh Hashanah?

You Have Said Enough!

When Moshe Rabbeinu beseeched Hashem to enter the Land of Israel, he was told by Hashem (Devarim 3:26) “*rav lach*,” you have said enough. The *Da'at Zekeinim Mibaalei Hatosafot* expand on this:

Kol Nidrei: For Past Vows or For Future Vows?

Kol Nidrei was classically understood to be an annulment of all previous vows. Rabbeinu Tam (cited in Tosafot, *Nedarim* 23b), however, noted that there are a number of components lacking from Kol Nidrei that are required for annulment of vows: a specific list of the vows taken; regret for the vows taken (our current text does include regret, but earlier texts did not); and a competent *beit din* (rabbinical court) or an expert to evaluate the merit of the annulment. Rabbeinu Tam therefore suggests that the Kol Nidrei service should be modified, and any reference to annulment of vows of the previous year should be eliminated. The purpose of the service should be to preempt future vows from taking place. In order to accommodate this new understanding of Kol Nidrei, Rabbeinu Tam is forced to change the text of Kol Nidrei. Whereas the ancient text refers to vows “from the previous Yom Kippur until this Yom Kippur,” Rabbeinu Tam’s version refers to vows “from this Yom Kippur until next Yom Kippur.” Rabbeinu Tam also changes the pronunciation of the words in order that they refer to the future tense rather than to the past tense.

Rabbeinu Asher, *Yoma* 8:28, defends the ancient version of Kol Nidrei from the questions of Rabbeinu Tam. Nevertheless, *Mishna Berurah*, 619:2, writes that the text of Kol Nidrei should follow the opinion of Rabbeinu Tam and refer to vows “from this Yom Kippur until next Yom Kippur.” However, some siddurim try to satisfy both opinions by referring to vows “from the previous Yom Kippur until this Yom Kippur,” and “from this Yom Kippur until next Yom Kippur.” The *hatarat Nedarim* on the eve of Rosh HaShanah is a more robust form of annulment of vows and preemption of future vows, and addresses many of the challenges that face Kol Nidrei.

Torah To Go Editors

רב לך. אמר משה לפני הקב"ה רבון העולמים
אם נדרת ונשבעת שלא אכנס לארץ לך והתיר
נדרך כמו שהתרת לי נדרי כשנשבעתי ליתרו
כדפרש"י בפ' ואלה שמות. אמר לו הקב"ה,
משה רב לך כלומר יש רב עליך שיכול להתיר
נדרך אבל אני אין לי רב עלי ואין לי מי שיתיר
נדרי.

Moshe said before Hashem, "Master of the universe, if You took a vow or oath that I should not enter the Land, go and annul Your vow just like You annulled that vow that I swore to Yitro (mentioned by Rashi in Parashat Shemot)." Hashem said to him, "Moshe, rav lach, you have a teacher above you that can annul your vow. I don't have a teacher above me and there is nobody to annul my vow."

While Moshe had the ability to annul his vow, there doesn't seem to be any way for Hashem to annul a vow that He took.

Vayechal Moshe: An Annulment of Hashem's Vow?

When the Jewish people sinned with the Golden Calf, Moshe pleaded to Hashem for forgiveness. The Torah (Shemot 32:11) uses the term “*vayechal Moshe*.” The midrash comments on this term:

דבר אחר “ויחל משה” מהו כן אמר רבי ברכיה
בשם רבי חלבו בשם רבי יצחק שהתיר נדרו
של יוצרו כיצד אלא בשעה שעשו ישראל העגל

וְאַשְׁבַּח בְּהַר אֲרָבָעִים יוֹם וְאַרְבָּעִים לַיְלָה לָחֶם
לֹא אָכַלְתִּי וּמַיִם לֹא שָׁתִיתִי.

At Sinai you angered G-d and G-d was enraged with you and wanted to destroy you. When I ascended the mountain to take the tablets of stone, the tablets of the covenant that G-d sealed with you. I sat on the mountain forty days and forty nights. I did not eat bread and I did not drink water.

Devarim 9:8-9

When Moshe annulled the vow of Hashem not to destroy the Jewish people, he invoked another vow — the covenant that Hashem made with our forefathers that their children will forever carry their legacy. Moshe came as a representative of the Jewish people pleading to Hashem that He must keep His original covenant. However, when Moshe requested to enter the Land of Israel, his request was not as a representative of the Jewish people but as an individual. To that request, Hashem responds that He has no means of annulling the vow.

Entering the Holy of Holies

This insight helps explain the difference between the Tzedukim and the Perushim regarding the *ketoret*. The Tzedukim took the approach that the relationship with Hashem is distant. Before entering the Holy of Holies, one must first create a barrier of smoke so that the Kohen Gadol cannot see what takes place inside. However, we follow the Perushim who see ourselves as partners in the transmission of Torah. We don't need a barrier to separate us from Hashem. The Kohen Gadol enters the Holy of Holies as a representative of the Jewish people. There is no King without a nation of followers and the rendezvous with Hashem in the Holy of Holies is a rendezvous of the

קשה, אמר רבי יוחנן דבר קשה אמר לפניו תהיה התמהא אמר לו תוהא אנא על הרעה אשר דברתי לעשות לעמי, אותה שעה אמר משה מותר לך מותר לך מותר לך אין כאן נדר ואין כאן שבועה הוי "ויחל משה" שהפר נדרו ליוצרו כמה דאת אמר "ולא יחל דברו" אמר רבי שמעון בן לקיש לפיכך נקרא שמו "איש הא-להים" לומר שהתיר נדר לא-להים.

[The verse records that Moshe said] "I sat on the mountain." What does this refer to? R. Huna b. Acha said, he sat to annul the vow of his creator. And what did he say to Him? Something difficult to say. R. Yochanan said, [Moshe] said something difficult to say to the Almighty: perhaps You regret what You said (that You are going to destroy the Jewish people). [G-d] said, I regret the evil that I said I would do to My nation. At that time, Moshe said, "it is permissible for you, it is permissible for you, there is no vow or oath." This is what is meant by "vayechal Moshe" — he annulled the vow of his creator, just as we find the language "lo yachel devaru." R. Shimon b. Lakish said, therefore [Moshe] is called "The Man of G-d" to teach that he annulled the vow of G-d.

We see that Moshe Rabbeinu was able to annul the vow of Hashem. Why, then, did Hashem tell Moshe "*Rav lach*, you have a teacher above you that can annul your vow. I don't have a teacher above me and there is nobody to annul my vow"? Why couldn't Moshe annul Hashem's vow not to let Moshe into the Land of Israel, just as Moshe was able to annul Hashem's vow to destroy the Jewish people?

Perhaps the answer can be found in another verse describing how Hashem forgave the Jewish people for the sin of the golden calf:

וּבְחֹרֵב הַקְּצִפְתָּם אֶת ה' וַיִּתְאַפֵּן ה' בְּכֶם
לְהַשְׁמִיד אֶתְכֶם. בְּעֵלְתֵי הַהָרָה לְקַחַת לִוְהַת
הָאֲבָנִים לִוְהַת הַבְּרִית אֲשֶׁר כָּרַת ה' עִמָּכֶם

עמד משה מפניס הא-להים שימחל להם אמר הא-להים משה כבר נשבעתי "זבח לאלהים יחרם" ודבר שבועה שיצא מפי איני מוחזירו אמר משה רבון העולם ולא נתת לי הפרה של נדרים ואמרת "איש כי ידר נדר לה' או השבע שבועה לאסר אסר על נפשו לא יחל דברו."

Another interpretation of "vayechal Moshe": What did he say? R. Berechiah said in the name of R. Chelbo in the name of R. Yitzchak: [Moshe] annulled the vow of his creator. How so? When the Jewish people made the [golden] calf, Moshe tried to appease G-d to forgive them. G-d said: Moshe, I already swore that "One who worships idols will be destroyed," and I will not retract on an oath that came out of My mouth. Moshe said, Master of the Universe, did You not teach me about the annulment of vows, and You said "If a man takes a vow to Hashem or an oath to prohibit something on himself, his word shall not be desecrated"?

The midrash connects the term *vayechal Moshe* to the term *lo yachel devaru* — his word shall not be desecrated — found in the section about annulment of vows. Moshe in fact annulled Hashem's vow!

The Gemara, *Berachot* 32a, makes a similar observation:

"ויחל משה את פני ה'" אמר רבא עד שהפר לו נדרו, כתיב הכא "ויחל" וכתיב התם "לא יחל דברו" ואמר מר הוא אינו מיחל אבל אחרים מחלין לו"

"Moshe pleaded before Hashem." Rava said, [He pleaded] until he annulled His vow. It states here "vayechal" and it says there "lo yachel devaru." It has been taught, he may not desecrate, but others may desecrate it for him (i.e. through the annulment of vows).

The midrash elaborates on the details of the annulment:

"ואשב בהר" ומהו כן אמר רבי הונא בר אחא שישב להתיר נדרו של יוצרו ומה אמר לו דבר

King with His people, with the Kohen Gadol acting as a representative. He enters with the *ketoret* to symbolize that he is not only representing those with a beautiful fragrance, but he is also representing those who don't have a nice fragrance, those who are distant from Judaism.

Shehechyanu Vekiyimanu

Today, we don't have a Kohen Gadol, or *ketoret* or a Beit Hamikdash. What we do have is Kol Nidrei. The chazzan stands with the entire congregation and after specifically including the transgressors in the congregation, begins to annul vows. Whose vows? The vows of Hashem! Hashem, if You ever took an oath or a vow to punish us, we come to you to annul that oath or vow because we are going to invoke the covenant that You sealed that the Jewish people will remain forever, no matter how far we have strayed.

Without Kol Nidrei, where would we be? Hashem took a vow that we would never enter the Land of Israel:

אַרְבָּעִים שָׁנָה אָקוּט בְּדוֹר וְאָמַר עִם תְּעִי לָבָב
הֵם וְהֵם לֹא יִדְעוּ דְרָכַי. אֲשֶׁר נִשְׁבַּעְתִּי בְּאָפִי אִם
יָבֹאוּ אֵל מְנוּחָתִי.

For forty years I was angered by a generation and I said, "They are a nation that errs in their heart." Therefore, I swore in my anger that they will never enter My resting place.

Tehillim 95:10-11

Yet we entered the Land of Israel. How did that happen? We the Jewish people annulled that vow. This is why we recite *Shehechyanu* out loud immediately after Kol Nidrei. *Tur*,

Orach Chaim no. 619, writes that we recite *Shehechyanu* in the synagogue because we don't recite Kiddush on Yom Kippur. However, based on what we said, perhaps we can explain why we recite *Shehechyanu* specifically after Kol Nidrei. After annulling the vows of Hashem, it is as if we are born anew. What more appropriate time to say a blessing "that He gave us life, sustained us and brought us to this time"?

With Your Sweet Aroma

This idea explains why it was specifically the *ketoret* that brought the Divine presence and not the Altar, the Shulchan or the Menorah. The Divine presence is a reflection of the unity that exists among us. This unity generates unity and partnership with the Almighty. It is this type of unity that we need to enter into Yom Kippur.

The Mishna, *Tamid* 3:8, teaches us that the smell of the *ketoret* reached all the way to Yericho. In order to enter the Land of Israel, we need to have that sense of smell that allows us to connect and unify.

The prophet Yechezkel tells us that when the Almighty will gather us in from the exile, it will be in the merit of a pleasant smell:

בְּרִיחַ נִיחֹחַ אֲרָצָה אֲתֹכֶם בְּהוֹצִיאִי אֲתֹכֶם
מִן הָעַמִּים וְקִבַּצְתִּי אֲתֹכֶם מִן הָאֲרָצוֹת אֲשֶׁר
נִפְצַתֶם בָּם וְנִקְדַּשְׁתִּי בְכֶם לְעֵינֵי הַגּוֹיִם. וִידַעְתֶּם
כִּי אֲנִי יְהוָה בְּהִבִּיאִי אֲתֹכֶם אֶל אֶדְמַת יִשְׂרָאֵל
אֶל הָאָרֶץ אֲשֶׁר נִשְׁאַתִּי אֶת יְדֵי לְתֵת אוֹתָהּ
לְאַבוֹתֵיכֶם.

With your sweet aroma will I accept you, when I bring you out from the peoples,

and gather you out of the countries where you have been scattered; and I will be sanctified in you in the eyes of the nations. And you shall know that I am G-d, when I shall bring you into the Land of Israel, into the country which I lifted up My hand to give to your fathers. Yechezkel 20:41-42

Which aroma is the verse referring to? The *Metzudat David* suggests that it refers to the *ketoret*:

בְּרִיחַ נִיחֹחַ. בַּעֲבוּר הַבִּאת רִיחַ הַקְּטוֹרֶת
הַבָּאָה לְנַחַת רוּחַ אֱהִיָּה מְרוּצָה לָכֶם וְזֶה יִהְיֶה
בְּזִמְנֵן שְׂאוּצִיא אֲתֹכֶם מִן הָעַמִּים וְכוּ'.

With your sweet aroma—Because of the offering of the ketoret and its aroma which comes to bring a spirit of satisfaction, I will accept you. This will be during the time when I take you out from the nations.

How can the *ketoret* be responsible for the ingathering of the exiles? Nowadays, we don't have an altar or a Beit Hamikdash! The answer is that the *ketoret* of today is unity. If we can learn to overlook the flaws of others the same way we overlook our own flaws, we can recreate that sweet aroma that was created by the *ketoret* and could be smelled from miles away.

Therefore, despite the controversy surrounding whether or not to recite Kol Nidrei, it has become the introduction to Yom Kippur in almost all circles. It unifies us as a people and allows us to tell Hashem that He should annul any vows that He may have made to punish us. Through it, we merit that He gives us life, sustains us and brings us to this time.



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