

כל נדרי - VOWS OF THE PAST OR VOWS OF THE FUTURE?

The opposition that some posed to reciting key words of כל נדרי in the past tense represents an acknowledgement by them that כל נדרי is linked to התרת נדרים. The earliest version of כל נדרי, the text provided by סדר רב עמרם גאון, undeniably refers to vows of the past: מיום הכפורים שעבר עד יום הכפורים הזה הבא עלינו, from the previous Yom Kippur until the present Yom Kippur that we are about to celebrate. רב יעקב תם, a major Tosafist, objected to reciting any words that could be construed as an attempt to annul past vows. He modified the text of כל נדרי so that the words referred to future vows: מיום כפרים זה עד יום כפרים הבא עלינו לטובה, from the present Yom Kippur until the next Yom Kippur, may it bring a favorable result. תוספות presents the modified version of כל נדרי authored by רבינו ם in connection with the following source:

תלמוד בבלי מסכת נדרים דף כג' עמ' ב' – והרוצה שלא יתקיימו נדריו כל השנה, יעמוד בראש השנה ויאמר כל נדר שאני עתיד לידור יהא בטל, ובלבד שיהא זכור בשעת הנדר.

Translation: And he who desires that none of his vows made during the year be valid should stand at the beginning of the year and declare: 'Every vow which I may make in the future shall be null and void.' To be effective, he has to have in mind the aforementioned condition at the time that he utters his vow.

תוספות מסכת נדרים דף כג' עמ' ב' – מתוך שמעתין מוחק ר"ת מה שכתוב במחזורים בכל נדרי מיום הכפורים שעבר עד יום הכפורים הבא עלינו לטובה. וסבורים הם שמתירין נדרים משנה שעברה, וטועין. הלא, בכל התרת נדרים בעי הרטה מעיקרא לכל הפחות והרי אין אנו פותחין בשום הרטה; ועוד, דבעי יחיד מומחה או ג' הדיוטות וליכא. ועוד שהלכה כרב פפא דהוא בתראה דאמר פרק השולח (גיטין דף לה:): צריך לפרט הנדר, ואנן לא עבדינן הכי. ועוד דנודר עצמו אי אפשר לו להתיר. לכך נראה לו להגיה מיוה"כ זה עד יוה"כ הבא עלינו לטובה ונדריים של שנה הבאה הוא דשרינן. וסמך לדבר דתנן הרוצה שלא יתקיימו נדריו כו' ובלבד שלא יהא זכור בשעת הנדר.

Translation: Based on this source, Rabbenu Tam redacted the following line written in Machzorim as part of the Kol Nidre prayer: "From last year's Yom Kippur until this year's Yom Kippur that we are about to celebrate, may it be for a favorable result." Those who recite the line that refers to the previous year believe that they are annulling the vows of the past year. That is an erroneous belief. First, in order to annul any vow, a person must regret having made the vow from its inception. In the Kol Nidre prayer, no expression of regret from inception is being made. In addition, an expert or a group of three laymen must be present and hear the regret being expressed in order that the vow be annulled. No such people are present during the Kol Nidre prayer. Third, the Halacha follows the opinion of Rav Pappa, a later Amora, who said in the chapter entitled: Ha'Sholaich (Gittin 35b) that a person must specify the details of the vow that he wishes to nullify. No such specification takes place during the Kol Nidre prayer. Fourth, the person who is asking that his vow be annulled cannot be counted as part of the group that is granting the annulment.

That is why Rabbenu Tam determined that it was appropriate to modify the wording of Kol Nidre to provide: from the Yom Kippur we are about to celebrate until the next Yom Kippur, may it bring a favorable result. It is future vows that we are trying to annul even before we utter them. In support, Rabbenu Tam cites the following excerpt from the Gemara: He who wishes that his future vows not become effective should stand on Rosh Hashonah and declare: "Every vow which I may make in the future shall be null." This statement is effective provided that he has the condition he set on Rosh Hashonah in mind at the time he utters his vow.

The change in the wording of כל נדרי instituted by רבינו תם was not universally accepted: ספר שבולי הלקט סדר יום הכיפורים סימן שיז'—ורבינו ישעיה זצ"ל השיב עליו בפסקיו וזהו נוסח דבריו ראיתי שרבינו תם ז"ל תלה הטעם כל נדרים שאנו אומרים ביום הכיפורים על דרך זו. שאנו מתנים ביום הכיפורים זה שכל נדרים שאנו עתידין לעשות מהיום ועד יום הכיפורים לשנה הבאה יהיו בטלין ושיבש הלשון שאומרים בני העולם מיום הכיפורים שעבר עד היום הזה אלא צריך לומר מיום הכיפורים זה עד יום הכיפורים העתיד לבא עלינו וגם שיבש שנדרנו אלא שעתידין לידור. ואינם נראין לי דבריו. הדא דאמרינן רב הונא בר חנינא סבר למידרשיה בפירקא אמר ליה רבא תנא מסתים לה סתומי כדי שלא ינהגו קלות ראש בנדרים ואת דרשת ליה בפירקא אלמא אינו טוב להודיע זאת ברבים ואנו עושין כן ברבים ביום שהיא לסליחה ולכפרה ומקילין בנדרים ועוד שאנו משניין הלשון האמור בספרים שאומרים כל העולם ושכתוב במחזורים.

Translation: Rabbenu Yeshayahu responded in his Teshuvos to the position of Rabbenu Tam concerning the wording of Kol Nidre. This is what he wrote: I have seen that Rabbenu Tam bases his wording of Kol Nidre on the following: we create a condition on the day of Yom Kippur that all vows that we utter during the forthcoming year from today until the next Yom Kippur shall be null and void. Rabbenu Tam also changes the line: "from the past Yom Kippur until the present Yom Kippur" to "from today until the next Yom Kippur." He further changes the tense of the word: Nadarnu (vowed) to those that we will utter in the future. His position seems incorrect to me. First, we learned that Rav Huna son of Chanina wished to lecture about anticipatory cancellation at a public learning session, but Raba tells him the following: "The Tanna has intentionally obscured the law, in order that vows should not be treated lightly, while you desire to teach the rule publicly!" From that Gemara we learn that it is not a good idea to publicize the fact that one can stand on Rosh Hashonah and declare: "Every vow which I may make in the future shall be null." And yet according to Rabbenu Tam not only do we do so publicly but we do it on a day which is devoted to repentance and forgiveness. In doing so, we are certainly treating vows lightly. Furthermore, in following the opinion of Rabbenu Tam, we are modifying wording that has a long history of being recited and being included in Machzorim.

ונראה לי מה שאנו אומרים שנדרנו וגם מיום הכיפורים שעבר עד יום הכיפורים הזה הבא עלינו היא עיקר וטעם הדבר למה תקנו הראשונים לומר כך בלילי יום הכיפורים משום דקיי"ל דעל כל עוונות שבתורה אם עשה תשובה יום הכיפורים מכפר וראו הראשונים ששום עון אינו מעכב [את] הכפרה שאם יעשה אדם תשובה שלא יהא יום הכיפורים מכפר אך עון הנדרים שאם נדר ליתן צדקה אין יום הכיפורים מכפר עד שישלם את נדרו שכל דבר שהוא

להבין את התפלה

מחויב אין יום הכיפורים מכפר כדתנן בכריתות הייבי הטאות ואשמות וודאין שעבר עליהן יום הכיפורים הייבין להביא אחר יום הכיפורים אלמא אין יום הכיפורים פוטרו מה שהוא חייב וה"ה אם חייב לקיים נדרו אין יום הכיפורים מכפר לו לפוטרו עד שיקיים נדרו ואם אדם זכור נדרו היה מקיימו אבל אם נדר ושכח לא נמצא שהוא ענוש בעבור שהוא קשור בנדרו ואינו מקיימו בעבור זה תקנו הראשונים לומר זה שאם עשינו שום נדר ושכחנו אותו ולא נדע לקיימו אנו מתחרטין בכל אותן הנדרים ומתירין זה לזה

Translation: It appears to me that our practice of reciting words in the past tense when referring to "vows" as part of Kol Nidre, and the reason we say: from last year's Yom Kippur to today's Yom Kippur, and the reason that our Sages instituted the practice of reciting Kol Nidre on Erev Yom Kippur, can be explained as being based on the following concern. Repenting on Yom Kippur brings forgiveness for every transgression listed in the Torah except for the sin of not fulfilling vows. If a person vows to give money to charity and does not fulfill his pledge, Yom Kippur does not bring him repentance for that transgression. He must still redeem his pledge. Concerning unfulfilled personal obligations, Yom Kippur does not bring forgiveness. So we learned in Masseches Crisus-those sins for which you must bring a sin offering, if he does not do so before Yom Kippur, he must bring it after Yom Kippur. We can conclude that the passage of Yom Kippur does not act to void that type of transgression. In much the same way, the failure to fulfill a vow, is not forgiven by the passage of Yom Kippur. He must still fulfill his vow. And so if a person remembers that he has an unfulfilled vow, he will certainly try to fulfill it before Yom Kippur. As a result Kol Nidre was composed out of a concern for vows that he forgot he had uttered. For those he cannot be punished because he did not fulfill them. Our Sages instituted the practice of reciting Kol Nidre for those types of vows. In other words, we are saying that if we uttered a vow and we forgot that we had uttered the vow, we regret having done so and we forgive each other for those unfulfilled vows.

ואף על גב דקיימא לן צריך לפרוט את הנדר הני מילי כשיודעין אבל אנהנו אין אנו מתחרטין על מה שאנו זכורין אלא על מה ששכחנו וזהו מה שאנו מסיימין ונסלח לכל עדת בני ישראל ולגר הגר בתוכם כי לכל העם בשגגה לומר שאנו מבקשין חרטה על השגגות שלא נענש עליהם וחרטה יפה היא שאילו היינו יודעין בשעה שנדרנו שנשכח לא היינו נודרין וכל הצבור מתירין זה לזה ועוקרין הנדר מעיקרו כדי שלא יהא שום דבר מעכב כפרתינו ותקנו לומר אותו ג' פעמים שמי שלא שם לבו בפעם ראשונה יכוין לבו בפעם שנייה ושלישית.

Translation: Even though it is true that in order to annul a vow, a person must specify to the expert the details of the vow he is trying to annul -that is only when you know which vow you want to annul. In contrast, during the recital of Kol Nidre we are not asking to annul vows of which we are aware. Instead, we are asking for forgiveness for vows that we did not fulfill because we forgot that we made the vows. That is further why we close with the verse: all the Jewish people were forgiven and so too the convert among you because the People sinned by accident. This means that we asking for forgiveness about vows that we unintentionally forgot to fulfill. This provides a good example of regret. Had we known at the time we made the vow that we would forget the vow, we would not have uttered that vow. Those congregated act to nullify the vows of the others and to uproot the vow from its inception so that nothing stands in the way of those congregated obtaining full forgiveness on Yom Kippur. Our Sages instituted the practice of reciting the prayer of Kol Nidre three times so that anyone who did not pay adequate attention the first time it is recited will do so the second time and for sure by the third time.

In light of the objections raised by רבינו תם, some suggested that the practice of reciting כל נדרי be discontinued:

שו"ת הריב"ש¹ סימן שעד'–ומ"מ, אף אם יהיה הלשון להבא, ויהיה תנאי, טוב שלא לאמרו כלל, כדי שלא יקלו ראשם בנדורים. דהא תנא מסתם לה סתומי כדאיתא התם. ובכל קטלוניא, אין אומרין אותו. ומדעתך, אחרי אשר קבלו ממך, אנשי מקומך לתקן הלשון שהיה מורגל אצלם, מעתה תוכל לבטלו לגמרי, אעפ"י שבתחלה אולי לא היו שומעין.

Translation: In any event, even if the wording of the text of Kol Nidre is expressed in the future tense and causes all future vows to be conditional, it would be better if the Kol Nidre prayer was no longer recited so that vows not be taken lightly. Is that not what we learned- a conclusion that was not challenged by anyone according to the Gemara. In all of Catalonia, the prayer of Kol Nidre is not recited. In my opinion, since it was not that hard to convince communities to modify the wording as suggested by Rabbenu Tam, then it should not be too hard to convince them to omit the prayer, even if at first the suggestion meets with some resistance.

Professor Naftali Wieder in an article entitled: "עבר ועתיד בנוסח 'כל נדרי'" in his book: התגבשות נוסח התפלה במזרח ובמערב, volume 1, pages 193-194, summarizes the different practices that resulted from the disagreement as to whether the wording of כל נדרי be recited in the past tense or in the future tense:

וכך נתפלג בית ישראל העיקר לארבעה מחנות: א. אלה השוללים את אמירת 'כל נדרי' לגמרי. ב. אלה המוסיפים להחזיק בנוסחת העבר; ג. אלה שאימצו את נוסחת העתיד; ד. אלה שנקטו בפשרה בין הישן והחדש וצרפו את שתי הנוסחאות.

Translation: Concerning the wording of Kol Nidre, the Jewish community split into four camps: A. Those who omitted the recital of Kol Nidre entirely; B. Those who remained loyal to the text being recited in the past tense; C. Those who modified parts of the text to indicate that it pertained to future vows; and, D. Those who took a compromise position and recited the text both in the past tense and in the future tense.

Rabbi Yaakov Emden, ז"ל, represents one of the Sages who took the position that one should recite the text of כל נדרי in both the past and future tense. He did so with some significant reservations:

שו"ת שאילת יעבץ² חלק א' סימן קמה'–(ג) ומה ששאלת בענין אמירת כל נדרי אם י"ל דאינדרנא ונפשאי לשון יחיד כמ"ש הלבוש. וגם הט"ז הוזה עמו במלת אינדרנא. אף על גב דפליג במלות נפשאי נדראי כו'. כמאן נעביד.

Translation: Your question concerning the wording of Kol Nidre: should the words be recited in singular as suggested by the Levush and with whom the Taz agreed concerning the word "Neder" while disagreeing with the Levush concerning the words: soul and vowed. Which opinion should we follow?

1. Rabbi Isaac ben Sheshet Perfet was born in Barcelona in 1326, and died in Algiers in 1408. Rivash studied under Rabbi Nissim ben Reuben (Ran) in Barcelona, and later served as the rabbi of important Jewish communities in Spain. (Bar Ilan Digital Library)
2. Rabbi Jacob ben Tzvi Emden was born in 1697 and died in 1776, in Germany. (Bar Ilan Digital Library)

להבין את התפלה

תשובה: כבר כתבתי בחיבורי שכל מה שטרחו אלו הרבנים ושאר האחרונים ז"ל לפרש נוסח כל נדרי ע"ד ר"ת הכל טעות ושיבוש בלשון במ"כ. ולא אחד בהם שידע והכיר לשון ארמי על בוריו. כי האמת הברור שהנוסח הקדמון הוראתו על הנדרים שעברו. דינדרנא כו' הוא ודאי עבר. אבל אין ספק בעולם שע"פ דעת ר"ת צריכין אנו על כרחנו לשנות הנוסח הישן לגמרי וע"ל דנדר או דנדר נו"ן /נ"ו חרוקה. ודהדל"ת /והד"ו בדגש מקום החרטה. וכן כולם דנשתבע ודניסר על נפשתנא. הכל בנו"ן /בנ"ו האית"ן דרך אחד הוא. ללשון תרגום עם ל"הק בזה בבירור. ולכן לא יפה אנחנו עושים פה היום לאחוז החבל בשני ראשיו ולזכות שמרא לבי תרי. להחזיק בנוסח הישן במקצתו ולעזוב מקצתו ולשנותו ולהפכו להבא שזה אי אפשר כלל ואינו סובל השינוי והתמורה. ואין מקום לקיימו עפ"ד ר"ת. אם לא נחדשהו מעיקרו ונהפכהו כולו מעבר לעתיד. אבל נראין דברי הקדמונים ז"ל שנתקן על העבר. ואין לי בכך ספק בעולם. מ"מ לחוש לדר"ת הואיל ויצא מפי אותו צדיק. אני נוהג לומר בשתי הלשונות ולכפול הנוסח דנדרנא ודניסר דאשתבענא ודנשתבע דאסרנא ודניסר כו' מיום כפורים שעבר כו' ומי"כ זה עד כו' לצאת ידי הכל. עם שבלא"ה אנו מתירין נדרים שעברו ומתנין על שלהבא בכנופיא ביי"ת. מ"מ מנהג שהוקבע הוקבע.

Translation: I already wrote in my previous publication that despite all the efforts made by our Sages to explain the text of Kol Nidre in a manner consistent with the opinion of Rabbenu Tam, it was all for naught since their explanations are inadequate and replete with errors. Not one of them seems to have been knowledgeable about the Aramaic language. It is beyond a doubt that the original text of Kol Nidre concerned vows made in the past. The word "Din'Darna" is phrased in the past tense. And it is also beyond a doubt that to be faithful to the opinion of Rabbenu Tam, one has to modify the words and to say; Di'Nadar with a Chirik under the Nun and with a dot in the Daled. So too the other words such as Di'Nishtabah Oo'D'Nisar Al Nafshasana. All of those words should end with a Nun Ha'Itan. Those changes are necessary when changing the words from Hebrew to Aramaic. Therefore we are not acting properly today when we try to follow the opinion of Rabbenu Tam while remaining faithful to the original text of Kol Nidre. In truth it is not possible to follow the opinion of Rabbenu Tam without modifying all the words to reflect that they represent the future tense. I hesitate to do that because I concede that the original text reflects the opinion of our Early Sages that Kol Nidre concerns past vows. I have no doubt about that. Yet we have to be concerned that we follow the direction of such a great Sage as Rabbenu Tam. In order to be faithful to the original text and faithful to the opinion of Rabbenu Tam, I express the words in both the past and future tense despite the fact that I appear to be trying to annul past vows and to invalidate future vows. We need to do so because once a custom has been established, it should not be easily set aside.

בל תאחר And כל נדרי A Further Note On

Professor Naftali Wieder at the end of his article: עבר ועתיד בנוסח 'כל נדרי' presents the following excerpt from a handwritten manuscript that consists of comments by ר' אפרים ר' אפרים (1132-1200, Ashkenaz) on תפלות ופיוטים. The excerpt supports the hypothesis put forth in the last newsletter that the prayer of כל נדרי is linked to the rule of בל תאחר:

page 385-386 –ראיתי כתוב במחזור הבא מאי הים³ שליה ציבור עובר לפני התיבה ומבטל תחילה נדרי ספק וודאי שמתהרטין בהן יחיד או ציבור כדי להקל עול איחור שלא תתבקר עליו פינקסו של נודר, מפני שקרוב לחול עליו איסור בל תאחר בבא חג הסוכות שהוא אחרון לג' רגלים כסדרן שבהן לא תאחר תלוי. לפיכך הנהיגו ראשונים לסדרן סדר בטלה שביתה קודם לחג, וקבעו לו זמן בליל וס העשור לפני התיבה על דעת רבים.

Translation: I found written in a Machzor published in England that the prayer leader steps forward and first causes the annulment of vows, whether unfulfilled intentionally or unintentionally, which both the individuals and the community regret having made. This is done in order to lift the burden of having transgressed the prohibition against missing the deadline for fulfilling vows, the last day of Succos. By annulling those vows, they do not suffer from their financial misgivings by missing the deadline for fulfilling vows. The last day of Succos is considered the end of the yearly cycle of holidays by which the time limit for fulfilling vows is measured. Due to the deadline, it became customary to perform a procedure by which vows would be annulled before Succos. The date chosen was the eve of the tenth day of Tishrei, in synagogue, with the consent of the community.

3. This is a reference to England. Professor Wieder notes that handwritten Hebrew manuscripts owned by the Jews of York, England, were sold in Germany, particularly in Cologne, by those who had instigated the massacre of the Jews of York in 1190. Rabbi Ephraim Mi'Bona, who lived in Germany at the time, obtained possession of the Machzor through those means.

The massacre is described in the following excerpt from ABRAHAM'S HEIRS, JEWS AND CHRISTIANS IN MEDIEVAL EUROPE by Leonard B. Glick, Syracuse University Press, 1999-pages 294-295:

In March 1190 a massacre of such proportions took place at York that the city gained "enduring fame as the *locus classicus* of medieval English anti-semitism." The chief perpetrators were probably a small band of middle-level nobility, moderately wealthy landowners who were heavily indebted to Jewish moneylenders, and who held chronic grievances against the royal government for what they correctly perceived to be exorbitant taxation. One night early in March a fire broke out in the town, perhaps started by the same individuals. In any event, taking advantage of the excitement and distraction, these men, led by one Richard Malebisse, forced their way into the home of Benedict (who by this time had died), murdered his widow and daughters (the sons escaped), plundered the house and set it afire.

Next day, after thoroughly terrified Jews consulted with the man who was now indisputably the wealthiest in the community, Josce of York, he successfully petitioned the royal constable for an escorted withdrawal into the local castle. A few nights later, Josce's home, a massive, solidly constructed edifice, was attacked and plundered in a riot that lasted into the next day. The few Jews who were unfortunate or unwise enough to have remained in town were presented with the usual choice: baptism or death.

At this juncture the Jews in the castle made a crucial tactical error. The constable had been the only person entering and leaving the castle freely; but now, wracked with anxiety and foreboding, and fearing that the constable might accede to the mob and evict them, the Jews refused to permit him to reenter. The frustrated constable consulted with the Yorkshire sheriff, who responded impetuously with an order that the Jews be forcibly removed at once. When the town rabble heard about this, they of course rushed to the scene to join the fray. A hermit from a nearby monastery, possibly in the employ of Malebisse and his cohort, goaded the mob into a frenzy.

The Jews appear to have defended themselves with determination for several days. A large rock rolled over the castle wall crushed the hermit to death; but as it turned out, he was the only Christian casualty in an uneven contest. On Friday, March 16, the eve of Shabbat haGadol, the Great Sabbath just before Passover, the attackers brought in siege machines capable of breaking through the stout walls of the castle, and the Jews realized that they were doomed. Rabbi Yom-Tov ben Isaac, a sage who had come from France to provide spiritual leadership for the community, now called upon everyone to prepare for *kiddush ha-Shem*, death by martyrdom. Josce may have been the first to do what each of the men had to do in turn: cut the throats of wife and children, then submit to the same fate at the hands of the rabbi, who finally killed himself. Before dying, the men started a fire that eventually engulfed not only their possessions but many bodies as well. A few of the besieged Jews apparently refused to accept self-slaughter, and the next morning appealed for mercy, promising to accept baptism; but when they emerged from the castle, they were immediately murdered.

Rabbi Abraham Rosenfeld, ז"ל, included in his collection of *קנינות באב תשעה באב* for *קנינה* in memory of the Jews who died at York; p.168: א-להים בעלזנו זולת