

CHABAD SOCIETY OF OXFORD YOM LIMUMUD

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**Aspects of Kol Nidrei: Legal and Mystical**

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**The Legal Dimension**

Vows and Annulment of Vows

Moses spoke to the heads of the Tribes.... and said this is what G-d has commanded. If a man makes a vow to G-d, or takes an oath, to forbid something for him, he should not profane his word.... (Num.30:2-3). The text continues with rules for annulment of a woman's vow, by her husband or father. The Talmud broadens the scope for annulment (B.Batra 120b, Nedarim 78a).

Babylonian Talmud Nedarim 23a-b. (Separate page).

Annuling one's hasty vows in advance. Comment by the RaN - Rabbi Nissim of Gerona, 14<sup>th</sup> cent., identifying Nedarim 23b as the source of Kol Nidrei said 'in some communities'. He speaks of a confused text which spoke of vows of the past, and cites with approval Rabbi Jacob Tam who improved the text to make it apply only to future vows.

Comment by R Moshe Isserlis in Code of Law (16<sup>th</sup> Cent): The fact that we say Kol Nidrei on the evening of Yom Kippur is a form of making a condition [that our future vows will be annulled]. Nonetheless one cannot rely on this in order to actually permit a vow, without consulting a Sage, unless in extreme circumstances.

Text of annulment of vows recited on eve of Rosh Hashana in many communities (separate page).

**The Mystical Dimension**

Zohar II 116a (Mishpatim): Vows, nedarim, can apply to intangible things, unlike oaths, Shavuot. (Eg one can make a

vow to study something every day. An oath can only be about tangible phenomena: I swear I paid you the money I owed). Hence vows are like the World to Come, while Oaths are of this world. On Yom Kippur we say Kol Nidrei, emphasizing that Yom Kippur is like the World to Come. (The Sages state: In the World to Come there is no eating or drinking, and no sexual intercourse. Extrapolating from the words of the Zohar, these are forbidden on Yom Kippur, because it is like the World to Come).

Zohar III 255a – At Kol Nidrei, G-d's vows (of administering punishment for sin) are being annulled.

Rabbi Shneur Zalman of Liadi (d. 1812): A person binds himself or herself to material matters, as if we made vows. On Yom Kippur our Repentance dissolves these bonds, so that we can fully express our love to G-d. Hence we say Kol Nidrei, annulling all vows (Likkutei Torah, Matot 85a).

Text of Kol Nidrei, with introduction by Rabbi Meir of Rothenberg, 13<sup>th</sup> cent. Annulling communal vows to exclude sinners.

Babylonian Talmud Yoma 86b: the effect of Repentance is to transform deliberate sins into accidental sins, (through Repentance from Fear), or even into merits (through Repentance from Love).

Chabad Chassidic teachings: bonding one's own Essence with the Essence of the Divine, bringing true Atonement and purity.

# KOL NIDREI

על דעת With the sanction of the Omnipresent and with the sanction of the congregation, by the authority of the heavenly tribunal and by the authority of the earthly tribunal, we hereby grant permission to pray with those who have transgressed. *Say three times.*

כל נדרי All vows, [self-imposed] prohibitions, oaths, consecrations, restrictions, interdictions, or [any other] equivalent expressions of vows, which we may vow, swear, dedicate [for sacred use], or proscribe for ourselves, from this Yom Kippur until the next Yom Kippur which comes to us for good, [from now] we regret them all; all are hereby absolved, remitted, cancelled, declared null and void, not in force or in effect. Let our vows not be considered vows; let our [self-imposed] prohibitions not be considered prohibitions; and let our oaths not be considered oaths. *Say three times.*

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1. Psalm 97.

*It is explained in the Talmud and in Halachic works that the absolution, annulment or invalidation of vows or oaths applies only to those which one has imposed upon oneself, as for example, "I will eat" or "I will not eat;" "I will sleep" or "I will not sleep," and the like. But for that which one vows or swears to his fellow or if someone places him under oath, regardless of that person's nationality or religion, no annulment, invalidation, or absolution is ever possible.*

*On Erev Rosh HaShanah, before midday, preferably in the presence of a quorum of ten, [the following is said]:*

שמעו Listen my masters, expert judges! Any vow, oath or prohibition, even a prohibition to derive benefit, which I have imposed upon myself or upon others, by any expression of prohibition, or any utterance that has issued from my mouth, or that I vowed and resolved in my heart even to perform a certain *mitzvah*, or any good practice which I did three times but did not expressly state that it shall be without the force of a vow — whether it is a commitment which I made concerning myself or with regard to others, both those which are known to me or which have already been forgotten by me — all these, I regret them [in retrospect] from the moment I made them, and I request and ask nullification for them. I do not, God forbid, rue the performance of good deeds which I have done, but I regret that I did not explicitly state, "I will do this thing without assuming the obligation of a vow, oath or commitment in thought." Therefore, I ask of your honors annulment; I regret all of them, all the aforementioned — whether they were matters concerning the physical, the spiritual or the financial. Now, according to the law, one who regrets [his vows, etc.] and seeks annulment, must state the particulars of the vow; know, however, my masters, that they are many and it is impossible to specify them — and I do not request nullification for those vows which cannot be annulled — therefore, consider them as if I had specified them.

*Those who annul respond three times with the following words:*

הכל They shall all be annulled for you, all absolved for you, all permitted to you. There is neither vow, nor oath, nor prohibition, nor assent nor commitment in thought; but there is forgiveness, pardon and atonement. Just as we grant annulment in the court here below so shall they be annulled in the Heavenly Court.

*Then the petitioner makes a public statement before them, saying:*

הרי I hereby declare publicly before you that I nullify from now on all the vows, all the oaths, prohibitions, assents and commitments in thought which I will take upon myself, except the vows to fast which are made at the Minchah prayer [of the preceding day<sup>1</sup>]. And if I should forget the stipulations of this declaration and make any further vows henceforth, from now I regret them and declare that they are all null and void, they have no force or effect, and they shall not be binding at all. I regret them all, from now and for all time.

1. V. Shulchan Aruch, *Orach Chayim*, 562:6.

Abaye's wife had a daughter. *He* declared, '[She must marry] one of *my* relations,' and *she* maintained, 'one of *mine*'. So he said to her: '[All] benefit from me be forbidden to you if you disregard my wish and marry her to one of your relations.' She went, ignored his desire, and married her to her relation. [Subsequently Abaye] went before R. Joseph [for absolution], who asked him: 'Had you known that she would disregard your wish and marry her to her relation, would you have vowed?' He answered, 'No,' and R. Joseph absolved him. But is such permitted? — Yes; and it was taught: A man once imposed a vow on his wife not to make the festival pilgrimage [to Jerusalem]; but she disregarded his wish, and did go. He went to R. Jose [for absolution], who said to him, 'Had you known that she would disregard your wish and make the journey, would you have imposed the vow on her?' He answered, 'No,' and R. Jose absolved him.

*MISHNAH.* R. ELIEZER B. JACOB SAID: ALSO HE<sup>2</sup> WHO WISHES TO SUBJECT HIS FRIEND TO A VOW TO EAT WITH HIM, SHOULD DECLARE: 'EVERY VOW WHICH I MAY MAKE IN THE FUTURE SHALL BE NULL'. [HIS VOWS ARE THEN INVALID,] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW.

*GEMARA.* But since he says, 'Every vow which I may make in the future shall be null,' he will surely not listen to him<sup>3</sup> and not come to [eat with] him? — [23b] The text is defective, and this is what was taught: He who desires his friend to eat with him, and

of sceptic, heretic, and that is its probable meaning in Sanh. XI, 1, where an *apikoros* is excluded from the world to come. The definition given in the Gemara, 99b, viz., one who is scornful of the Rabbis, which is the same as it bears here, was in all probability an extension of its meaning, due to feuds between the Rabbis and some sections of the people. (8) And as their adherents naturally try to punish them, the incident could have been anticipated, and therefore is not regarded as unexpected

(1) The vow itself providing cause for absolution. (2) The friend. (3) This too is an example of a vow of incitement; v. Gemara.

after urging him, imposes a vow upon him, it is 'a vow of incitement' [and hence invalid]. And he who desires that none of his vows made during the year shall be valid, let him stand at the beginning of the year and declare, 'Every vow which I may make in the future shall be null.'<sup>1</sup> [HIS VOWS ARE THEN INVALID,] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW. But if he remembers, he has cancelled the declaration and confirmed the vow?<sup>2</sup>—Abaye answered: Read: providing that it is *not* remembered at the time of the vow. Raba said, After all, it is as we said originally.<sup>3</sup> Here the circumstances are e.g., that one stipulated at the beginning of the year, but does not know in reference to what. Now he vows. Hence, if he remembers [the stipulation] and he declares: 'I vow in accordance with my original intention', his vow has no reality. But if he does not declare thus, he has cancelled his stipulation and confirmed his vow.

R. Huna b. H̄inena wished to lecture thereon [*sc.* anticipatory cancellation] at the public session. But Raba remonstrated with him: The Tanna has *intentionally* obscured the law,<sup>4</sup> in order that vows should not be lightly treated, whilst you desire to teach it publicly!

The scholars propounded: Do the Rabbis disagree with R. Eliezer b. Jacob or not?<sup>5</sup> And should you say that they differ, is the *halachah* like him or not?<sup>6</sup>—Come and hear: For we learnt: If one

(1) This may have provided a support for the custom of reciting *Kol Nidre* (a formula for dispensation of vows) prior to the Evening Service of the Day of Atonement (Ran.). The context makes it perfectly obvious that only vows, where the maker abjures benefit from aught, or imposes an interdict of his own property upon his neighbour, are referred to. V. *J.E.* s.v. *Kol Nidre*. Though the beginning of the year (New Year) is mentioned here, the Day of Atonement was probably chosen on account of its great solemnity. But *Kol Nidre* as part of the ritual is later than the Talmud, and, as seen from the following statement about R. Huna b. H̄inena, the law of revocation in advance was not made public. (2) Since, when vowing, he knows of his previous declaration, he obviously disregards it, as otherwise he would not vow at all. (3) The received text is correct. (4) By giving a defective text. This implies that here, at least, the lacuna is not accidental, due to faulty transmission, but deliberate; cf. p. 2, n. 3. (5) But regard this as a binding vow. (6) Since the Mishnah teaches it as an individual opinion.

says to his neighbour, [24a] 'K'onam that I do not benefit from you, if you do not accept for your son a *kor* of wheat and two barrels of wine.'—his neighbour may annul his vow without [recourse to] a Sage, by saying: 'Did you vow for any other purpose but to honour me? *This* [non-acceptance] is my honour.' Thus, it is only because he asserts, 'This is my honour'; but otherwise, it is [a binding] vow. Whose view is this? If R. Eliezer b. Jacob's,—it is a vow of incitement?<sup>1</sup> Hence it must be the Rabbis,<sup>2</sup> thus proving that they disagree with R. Eliezer!—[No.] After all, it may be R. Eliezer b. Jacob's view: he admits that this is a [real] vow, for he [who makes it] says [in effect], 'I am not a dog, that I should benefit from you without your benefiting from me.'

Come and hear: If one says to his neighbour, 'K'onam that you benefit not from me, if you do not give my son a *kor* of wheat and two barrels of wine.'—R. Meir rules: He is [so] forbidden until he gives; but the Rabbis maintain: He too can annul his vow without a Sage by declaring: 'I regard it as though I have received it.' Thus, it is only because he says, 'I regard it as though I have received it'; but otherwise it is [a valid] vow. Whose view is this? If R. Eliezer b. Jacob's,—but it is a vow of incitement. Hence it must be the Rabbis'; thus proving that they disagree with him!—[No.] Verily, it may be R. Eliezer b. Jacob's view: he admits that this is a [real] vow, for he [who makes it] says, 'I am not a king to benefit you without your benefiting me.'

Mar K'ashisha son of R. H'sda said to R. Ashi, Come and hear: VOWS [BROKEN] UNDER PRESSURE: If one subjected his neighbour to a vow to dine with him,<sup>3</sup> and then he or his son fell sick, or a river prevented him [from coming to him]. But otherwise the vow is binding. Whose view is this? If R. Eliezer b. Jacob's,—but it is [a vow of] incitement. Hence it must be the Rabbis', which proves that they disagree with him!—[No.] This may be R. Eliezer b. Jacob's view. Do you think that the inviter imposed the vow upon the invited? On the contrary, the invited imposed

(1) Which is invalid in any case. (2) The text is thus emended by BaH.

(3) Saying, 'You are forbidden to benefit from me if you do not eat with me'.