

Kol Nidre 2022 - Vows Taken and Vows Kept

By Rabbi Dean Kertesz

For many of us Kol Nidre is Yom Kippur. It is how we begin the holiday and has a sound and a feeling which gives it a profound emotional resonance. We rush to get here in time to hear it, because Kol Nidre is time-bound and must be started (some would say completed) before sunset, before Yom Kippur begins. It echoes over time. It's Jewish music and has been recorded by many cantors as well as Al Jolson (it's the climactic scene in the original *Jazz Singer*) and Neil Diamond (in the remake of the *Jazz Singer*). It's so Jewish that non-Jews like to record it, like Perry Como, Johnny Mathis, Harry Belafonte, Pablo Cassals and Yo Yo Ma, to name a few. It almost transcends religion. Even Jews who feel no religious connection are moved by this melody, like Heinrich Heine, Edmond Fleg, and Theodor Herzl. Supposedly, Franz Rosenzweig, the great 20th Century Jewish philosopher and educator decided not to go through with his planned conversion to Christianity after hearing Kol Nidre in a little Orthodox *shtiebel* in Berlin.

Now here is the interesting thing. Kol Nidre is not a prayer. It's a legal formula, in Aramaic, that annuls all vows that we may make during the coming year.

“All vows, resolutions and commitments, vows of abstinence and terms of obligation, sworn promises and oaths of dedication - that we promise and swear to God, and take upon ourselves from this Day of Atonement until the next Day of Atonement (may it find us well), let all of them be discarded and forgiven, abolished and undone; they are not valid and they are not binding. Our vows shall not be vows; our resolutions shall not be resolutions; and our oaths, they shall not be oaths.”

Further, to reinforce this legal formulation we invoke a Bet Din, a religious court, symbolized by Cantor Marney, flanked by Lucinda and Holvis, each holding a Sefer Torah. Three judges being the minimum number for a rabbinic court.

New Years are times of resolution. During these Days of Awe, we usually make commitments to be better people; to change ways of acting in the world that hurt others or ourselves. In other words, commitments of the heart and soul, our mental and

spiritual health. On the secular new year we usually make resolutions to lose weight, eat better, drink less and so on. In other words, commitments to our bodies, our physical health.

There are different theories about the creation of Kol Nidre. Most trace its origin back to the middle ages, when many Jews were forced to convert to Christianity or Islam, during the Crusades or the Muslim wars of conquest from Arabia to the entire Middle East, west into North Africa and Spain and southern France, east into India and Central Asia and north up to the gates of Vienna. Tens, perhaps hundreds of thousands of Jews were forced to convert. As the wars receded and peace returned many of these Jews wanted to return to their people. So, the theory goes, Kol Nidre was formulated to enable these apostates to become Jews in good standing once again.

I like this theory. It is romantic, giving us a connection to these tumultuous times past, and it encapsulates so much of our people's tragic history. But, there are problems with this theory. First, any action taken under duress to save one's life, i.e., convert or die, is not considered binding. So the forced conversions weren't considered valid. Second there is the rabbinic concept that once a Jew, always a Jew, "A lily among the brambles remains a lily." Thus, even if a Jew converts out they can always rejoin the Jewish people. So this theory has its holes. However, I can also imagine that those Jews who maintained their Jewish commitments in the face of slaughter, while others converted to avoid death, might hold strong feelings of resentment and not be willing to allow these former apostates to reenter the community. Kol Nidre, provided a formula to make that reintegration possible. There is another problem with this theory as well, Kol Nidre probably predates the Crusades and the Muslim conquest.

I also want to point out that the rabbis, our sages of blessed memory, hated Kol Nidre. First of all, they disliked or distrusted vows altogether. For the rabbis a vow was a commitment to change future reality, a solemn oath made to God, based on Numbers 30:3, "If a person makes a vow to ADONAI or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips."

Once you make a vow, particularly if you make that vow to God, you must keep it, period, no exceptions. By the way this is what our sages, at least, interpret the Third Commandment to mean, do not take God's name in vain - making a vow and not fulfilling it. So an oath is a serious thing, a matter of life and death, a commitment that must be kept. The rabbis were so troubled by vows they preferred that people make no vows at all, based on Deuteronomy 23:21-23 "When you make a vow to the Lord your God, do not put off fulfilling it, for the Lord your God will require it of you, and you will have incurred guilt; whereas you incur no guilt if you refrain from vowing"

In Mishna (Chagigah 1:8) the rabbis wrote, "The *halakhot* of the **dissolution of vows**, when one requests from a Sage to dissolve them, **fly in the air and have nothing to support them**, as these *halakhot* (religious laws) are not mentioned explicitly in the Torah." In other words, there is no basis in Jewish law and Torah for annulling a vow. The Geonim, the religious leaders of Babylonia in the early middle ages, went further, calling the dissolution of vows a *minhag shtut*, or a stupid tradition with no legal validity. Max Weber wrote (I'm paraphrasing here) that societies only outlaw practices that people do. So clearly the annulment of vows was popular and was part of Jewish folk practice if frowned upon by Jewish religious leadership. Like many things in Jewish life, the rabbis wanted to get rid of it, for the spiritual good of the Jews, at least in their opinion. But the Jews would have none of it. They wanted the ability to annul vows; so Kol Nidre, or some earlier vision, crept into Jewish religious practice and prayer.

In its earliest forms Kol Nidre was an annulment of vows made in the year just past. This was too much for Rabbinu Tam, the grandson of Rashi, who lived in the 13th Century. Realizing that efforts to get rid of Kol Nidre had failed, he rewrote it into the format we have today, where it annuls vows we will make in the coming year. For some reason he thought a preemptive annulment of vows was somehow better than an ex post facto annulment. The rabbis still didn't like it. Some still rejected it outright, but others accepted it in this new formulation since, clearly, the Jews wanted Kol Nidre and it wasn't going away, despite their best efforts to excise from Jewish liturgy.

By the way, there were some serious real-world problems with Kol Nidre. Christians used it as evidence that Jews were not trustworthy. Look, they said, they annually declare that any vows they make are null and void. How can they be witnesses, how can they enter contracts, how can they be trusted at all? Kol Nidre reinforced negative Jewish stereotypes and it came from within our tradition.

Our own Reform movement, from its birth in Germany in the mid-nineteenth century through its transplantation to America and well into the 20th Century, tried to expunge Kol Nidre from the Yom Kippur service. First, because they saw it as antithetical to the moral and rational religion they were trying to create and second, because they rejected *halacha*, Jewish religious law, with which for better or worse Kol Nidre was enmeshed. Despite it being expunged from German reform prayer books beginning in the 1850's and the first Union Prayer Book in America, by 1961 it was back in full, in Aramaic, in the Second Union Prayer Book for the High Holy Days.

I think Kol Nidre has this incredible staying power despite the best efforts of our leaders to get rid of it has nothing to do with its words or stated goal but because within its melody Kol Nidre combines three important aspects of the religious experience: memory, majesty and meaning. Kol Nidre transports us to a place outside of normal time and space. Through Kol Nidre, we remember ourselves, our parents, our grandparents, and generations that have come before us and sat in synagogue on erev Yom Kippur and heard Kol Nidre. It unites us across time and space. That is memory. Since we don't really understand the words we are hearing, and the music is ingrained in our minds and engraved on our hearts our souls respond outside of language or reason. As we hear the first notes we know where the melody will go, even though we do not know where it will take us because each year on Kol Nidre we are a different person so we encounter the melody in a new way. This is majesty.

But what of meaning? Kol Nidre and millenia long controversy that surrounds it - is it valid or not, is it good for the Jews or not, and the power struggle between rabbinic leaders and the Jews in the pews about keeping it in - remind us of a fundamental truth

our rabbis were trying to teach us. Commitments matter, they are sacred contracts. Our word should be our bond. When we make a promise we should keep it. But we, and they, also know that vows are easy to make but hard to keep. Change is hard. Developing new habits is hard. As Tom Hanks said in *A League of Their Own*, “If it were easy, everyone would do it.” Anyone of us who has tried to lose weight, and keep it off, or quit drinking, or learn a new language, or play a musical instrument knows this to be true. How much-the-more-so to make a commitment to be kinder or more attentive to those we love, or less self-centered, or less reactive, or any important emotional or psychological change. Vows are easy to make and easy to break, especially, when we are under stress, or tired, or scared, or triggered in some way.

We have all made commitments and failed to keep them. I know I have. My life is littered with broken promises. Though, I hope, as I have grown older I've gotten better at keeping my vows. Not always. I am human and imperfect after all. But I, like all of us, am making progress. Making vows is unavoidable: we did as students before a test (please let me pass this test). We all do it when we are driving through a yellow light. (please let there not be a cop around right now). And what, what will we do in exchange if our prayer is answered? As Shamaï said in Pirkei Avot 1:16, “speak little, but do much.”

If making vows is unavoidable, let's at least use this Yom Kippur as an opportunity to be thoughtful about the vows we take. Who do we want to be in the coming year? How do we want to be different? How can we grow? What can we do differently this year that helps us along the path we have chosen. When we reach the hard place in the road, where vows are broken, how will we find a way to keep going?

It is Kol Nidre. The Heavenly Gates are open. We love Kol Nidre, even if we don't believe it to be true. But if we are lucky it can take us to a place where we ask the important questions. What vows will we keep? What vows do our lives and our hearts know can not be annulled? *G'mar chatimah tovah*, may we all be sealed for a good year.