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 ואשתה שלוחינו ושליח בית דין, משביעין אנו במי ששכן שמו בבית הזה, שלא תשתמך 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 מהרה יאבדו שאינן מאמינין בתורה באורל פה והיו אומרין שקטורת של יום הכיפורים מניחין אותה על האש בלארה ולקדש הקדשים. הטעם, זה שכתוב בתורה כי בענן אראה על הכפרת אמרו שהוא ענן הקטרת. מפי השמועה למדו חכמים שאין נתן 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 הכפורים ואומרין לו אישי כהן גדול ... והוא פורש ובוכה על שחשדו במינות והן פורשין ובוכין לפי שחשדו מי שהשון 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 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 may not 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 יстер בן אליעזר: שנעשה המשכן וכל כללו ושם הקרבנות והקריבו וערך על המזבח וסדר את השלחן ואת המנורה ואת הכל ולא ירדה שכינה עד שבאו את הקטרת.

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Kol Nidrei: The Great Unifier

Prepared for publication by students of Rav Goldwicht

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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 המהפך על דעת 접הל, יישוב בשלהי.mp3, אני מצורף להלהב

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:

שרת נצסי לחי הנפשות והוננו באכמון

שקרת повторה ממשלת גדול הע😯ימני כי

לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא לֹא L
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, Nedarin 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
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 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 devaro.” R. Shimon b. Lakish said, therefore [Moshe] is called “The Man of G-d” to teach that he annulled the vow of G-d.

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

"Moshe pleaded before Hashem." Rava said, [He pleaded] until he annulled His vow. It states here “vayechal” and it says there “lo yachel devaro.” 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:

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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:

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, 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.

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.
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.

Shehechiyanu 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 וָאֹמַר עַם תֹּעֵי לֵבָב

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 Shehechiyanu out loud immediately after Kol Nidrei. Tur, Orach Chaim no. 619, writes that we recite Shehechiyanu 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 Shehechiyanu 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:

בריה נחת אבות אבות בבריה באה נחת רוח אהיה מרוצה לכם והזה יהיה בזعمו.

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.