

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
NEW YORK SCHOOL

INSTRUCTIONS FROM AUTHOR TO LIBRARY FOR THESES

AUTHOR Stuart Weinberg
TITLE Kal Nidre, as Ritual: An
Interdisciplinary Case Study

TYPE OF THESIS: D.H.L. () Rabbinic (X)
Master's ()

1. May circulate (X)
2. Is restricted () for ____ years.

Note: The Library shall respect restrictions placed on
theses for a period of no more than ten years.

I understand that the Library may make a photocopy of
my thesis for security purposes.

3. The Library may sell photocopies of my thesis. yes X
no

March 21, 1989
Date

Stuart Weinberg
Signature of Author

Library
Record

Microfilmed

Date

September 26, 1989

Marilyn Kuder
Signature of Library Staff Member

N.Y.H.69-393

HEBREW UNION COLLEGE-JEWISH INSTITUTION OF RELIGION
NEW YORK SCHOOL

Report on the Rabbinic Dissertation Submitted by

Stuart Weinberg

in Partial Fulfillment of the Requirements for Ordination

Kol Nidrei as Ritual:
an Interdisciplinary Case Study

With the possible exception of the Shema itself, Kol Nidrei is probably the most familiar prayer to most American Jews, who know the services that inaugurates Yom Kippur as "The Kol Nidrei service." People who never even consider attending synagogue, except when they have to -- a relatives' bar or bat mitzvah, perhaps -- may inexplicably be found sitting on a hard rented chair crowded in the back of a sanctuary specially enlarged for this single occasion, a dubious "privilege" for which they have spent an unusually large amount of money, well in excess of symphony or Broadway orchestra prices, in order to purchase "tickets." It takes no great sociological insight to recognize that Kol Nidrei has a unique hold on the American Jew's psyche.

Given this extraordinary place of Kol Nidrei in American ritual, one might expect to find a multitude of studies ferreting out answers to questions like when and how Kol Nidrei came into being, through what stages it has grown, and how it functions to retain its hold on our consciousness. The truth, however, is just the opposite: in fact, almost no literature of note exists on the subject, beyond, of course, the basic theories of the 19th and early 20th centuries, and a few articles recently, relating this prayer to magical practices of the ancient near east, or looking at Kol Nidrei from an anthropological perspective, even today, with the same background in mind.

Truth be told, it was not the "origin" of Kol Nidrei that originally captured scholarly interest anyway. Rabbinic literature itself carried insufficient testimony for scholars to do much with that question. The prayer turns up mysteriously in Amram's celebrated Seder, as part of a brief denunciation of those who use it, so it was around by the middle of the ninth century; but prior to that, rabbinic evidence is silent. No wonder 19th- and early 20th-century scholarship simply laid down as axiomatic that the Kol Nidrei formula was Palestinian or Babylonian -- usually the former -- and that the rabbis tried in vain to eradicate it.

The real question for them was why the rabbis failed to get rid of it! Here, scholars fell into the trap of finding a pseudo-answer to a pseudo-question that did concern them: fascinated as they were by the Spanish Golden Age (on one hand) and by persecution (on the

other), they erected a myth of Marrano identity in which Kol Nidrei played a ritual role. It was said that the prayer proved lasting because Marranos who were forced to swear loyalty to Christianity used the Kol Nidrei's formula for annulment of vows to remind God and themselves that this particular vow was never intended to be binding. Not that there is any evidence for this hypothesis! In fact, the counter-evidence is considerable -- its magnetic melody, for example, is Ashkenazic, not Sephardic at all, and its well-known expansions are attributed to German, not Spanish authorities.

It is with all of these research dead-ends in mind, that Stuart Weinberg decided to reopen the investigation of Kol Nidrei's origins and development. Recognizing that the key to the enigma ought to lie at least partially in the text of the prayer itself, he immersed himself in the Halakhah of vows. By surveying secondary literature, and then amassing the testimony of geonim and rishonim, he was able to trace the prayer in much greater depth than anyone has hitherto done. And finally, committed himself to Kol Nidrei's remarkable appeal, he unearthed the latest chapters in this prayer's checkered history, including the Reform Movement's uneasy truce with its liturgical usage, and the musical side to the textural story as well. The result is one of the finest pieces of research a student has done.

This thesis is far too rich to be summed up in the usual manner. I can at best provide a few examples of the insight Weinberg supplies. Kol Nidrei arose as a retroactive nullification of vows, a legal fiction by which certain vows could be annulled ab initio, as if they had never taken place. This was known as hatarat nedarim, as opposed to hafarat nedarim, the actual revocation of vows, the right of fathers (in biblical times) with regard to their daughters and wives, but not favored by the Talmud. It is intimately tied to demonology, in that to some extent, it may have functioned as an incantation against demons by annulling self-imposed curses and vows, thus protecting people from demons on the particularly dangerous night of Yom Kippur eve. With regard to the prayer's place of origin, Weinberg sides with those who place it in Babylonia, alongside parallel evidence from incantation bowls, some of which cite exact textual parallels to parts of our Kol Nidrei.

In terms of textual development, Weinberg sheds new light regularly. He demonstrates the theological uniqueness of Hai Gaon's text, and he explains Rabbeinu Tam's future-oriented version as an attempt to rescue Kol Nidrei from its "illegal status," in that it did not fulfill the requirements of annulment, but might be considered a form of bitul tenai, the anticipatory invalidation of future vows, known from Nedarim 23b. Mordecai Jaffe tried to go even farther and replace the Kol Nidrei with a version that read ostensibly and obviously in the future tense throughout, but recognized that cantors would never accede to a change in wording. Similarly, Reform efforts to do away with the prayer, or to exchange it for psalms or newly written prose or poetry, foundered, when cantors, who relied on the magic sound of the chant, refused

to take a chance on new lyrics. Still, some prayer rites eliminated Kol Nidrei -- and not only Reform prayer books, but Samson Raphael Hirsh's neo-orthodox ritual too, possibly because of dishonest business dealings in the Jewish community.

In sum, this thesis is required reading for anyone wishing to understand the origins of Kol Nidrei, its halakhic basis, the details of the debates concerning it over the centuries, and the way it functions in modern times. To facilitate reading, it is provided with appendices, citing texts and musical arrangements, as well as a concluding chapter that sums up the author's findings. It is dense in information, but properly rewarding of the time it takes to go through 183 pages.

KOL NIDREI AS RITUAL: AN INTERDISCIPLINARY CASE STUDY

BY STUART WEINBERG

**Thesis Submitted in Partial Fulfillment of
Requirements for Ordination**

**Hebrew Union College - Jewish Institute of Religion
Graduate Rabbinic Program
New York, New York**

.1989/5749

Referee: DR. LAWRENCE A. HOFFMAN

KOL NIDREI AS RITUAL: AN INTERDISCIPLINARY CASE STUDYCONTENTS

ACKNOWLEDGEMENTS	iii
INTRODUCTION	1
<u>PART ONE: VOWS IN ANTIQUITY</u>	
1) VOWS IN THE BIBLICAL PERIOD	3
2) VOWS IN THE RABBINIC PERIOD	13
3) VOWS, DEMONS, AND INCANTATIONS	22
4) THE NULLIFICATION OF VOWS IN THE <u>MISHNAH</u> AND THE <u>TALMUDIM</u>	32
<u>PART TWO: THE KOL NIDREI FORMULA</u>	
5) VERSIONS OF <u>KOL NIDREI</u>	41
6) <u>KOL NIDREI</u> AND INCANTATION TEXTS	55
7) <u>KOL NIDREI</u> 'S PLACE OF ORIGIN	64
<u>PART THREE: KOL NIDREI IN HISTORICAL INTERACTION</u>	
8) THE BABYLONIAN <u>GEONIM</u> AND <u>KOL NIDREI</u>	69
9) <u>KOL NIDREI</u> IN THE MEDIEVAL PERIOD	78
10) THE MUSIC OF <u>KOL NIDREI</u>	101
11) <u>KOL NIDREI</u> AND REFORM JUDAISM	106
<u>PART FOUR: KOL NIDREI AS RITUAL</u>	
12) CONCLUSION	126

APPENDICES

I. <u>VERSIONS OF KOL NIDREI</u>	153
1. The Ashkenazi <u>kol nidrei</u>	153
2. The Western Sephardi <u>kol nidrei</u>	154
3. The Oriental Sephardi <u>kol nidrei</u>	155
II. THE PROCEDURE FOR <u>HATARAT NEDARIM</u>	156
III. A MAGIC BOWL INSCRIPTION	160
IV. THE MUSIC OF <u>KOL NIDREI</u> AMONG <u>ASHKENAZIM</u> AND <u>SEPHARDIM</u>	161
1. A Yemenite <u>kol nidrei</u>	161
2. A Persian <u>kol nidrei</u>	163
3. An Oriental Sephardi <u>kol nidrei</u>	164
4. A Moroccan <u>kal nidrei</u>	165
5. A Western Sephardi <u>kal nidrei</u>	166
6. The Aaron Beer <u>kol nidrei</u> (1765)	168
7. The S. Naumbourg <u>kol nidrei</u> (1840-74)	170
8. The L. Lewandowski <u>kol nidrei</u> (1871)	172
9. The Abrahams Baer <u>kol nidrei</u> (1877)	174
V. MAPS	176
1. Important Jewish Centers Between the 7th and the Early 11th Centuries.	176
2. Important Jewish Centers From the 11th to the Mid-15th Centuries.	177

SELECTED BIBLIOGRAPHY

178

ACKNOWLEDGEMENTS

The act of personal discovery is a heady feeling. The only experience that surpasses it is the joy that comes from sharing the enterprise of research and learning with my teachers and mentors.

A special word of heartfelt gratitude goes to my mentor and friend, Dr. Lawrence A. Hoffman, from whom I have learned so much about the scholarly enterprise, homiletics, and the craft of writing.

I would like also to express my profound appreciation to several teachers for their invaluable assistance at various stages of this project: Dr. David Sperling, Dr. Richard White, Rabbi Manuel Gold, Dr. Baruch Levine, Dr. David Kraemer, Rabbi Geoffrey Goldberg, and Dr. Menachem Schmelzer. Thank you for your insights, your enthusiasm for my work, and for those exciting moments of collegiality.

My word of thanks goes also to Rabbi Steven Conn and Hal Hirschfield, my chevrutah buddies, who helped me to master the rabbinic texts I cherish so much.

Acharon, acharon, chaviv. Words cannot express my deepest gratitude to Diana Knight. Without her abiding love, inspirational support, and incredible patience, this thesis would not have been achieved. To you, dear heart, I dedicate this work.

INTRODUCTION

Why study kol nidrei? The melody and words never fail to transport those who hear it chanted to some deep, inner place. A place of tears and joy intermingled. Kol nidrei's opening words go directly to the heart:

Kol nidrei, ve'esarei, vecharamei, vekonamei,
vechinuyei, vekinusei, ushevuot ...

One of the most famous, beloved, and emotionally powerful rituals in the Jewish world, kol nidrei has an uncanny capacity to attract unaffiliated and even marginal Jews to synagogue on Yom Kippur eve. What is the source of its unrivaled ritual power?

Kol nidrei is a mystery and a paradox: a mystery because its author and exact date of origin are unknown; a paradox because kol nidrei is not a prayer, but a legal formula for the nullification of vows. It never once mentions the name of God! How then shall we account for kol nidrei's so prominent place in the liturgy of Yom Kippur, the most sacred of Jewish days?

Our quest is to illuminate the origin, development, and history of kol nidrei. In order to accomplish this objective, this thesis has been divided into four sections:

In Part One we shall introduce the preliminary historical data and conceptual information without which kol nidre cannot be properly understood: 1) the role of vows in the biblical

and rabbinic periods; 2) the connection between vows, demons, and incantations; and, 3) the rabbinic procedures for the nullification of vows.

Having established this foundation, we shall be ready in Part Two to analyze the kol nidrei formula itself: 1) the versions of kol nidrei; 2) kol nidrei's place of origin; and, 3) the relationship between kol nidrei and Babylonian incantation texts.

In Part Three, we will proceed to investigate kol nidrei's development within three periods of Jewish history: 1) the Babylonian Geonim and kol nidrei; 2) kol nidrei in the Medieval period; and, 3) kol nidrei and Reform Judaism.

Finally, in Part Four, we will summarize our findings and make some concluding remarks.

CHAPTER ONE:

VOWS IN THE BIBLICAL PERIOD

The concept of vows in classical Judaism cannot be understood without beginning at its source, the Hebrew Bible. The Hebrew Bible set the framework for the subsequent understanding and treatment of vows in post-biblical Judaism.

Vows are frequently mentioned in the Hebrew Bible. Whereas an oath can be defined as a solemn promise, a vow (from the Latin votum) involves "something given." The Hebrew word for vow is neder from the root meaning "to set apart for sacred use."¹ A vow in the Hebrew Bible denoted the dedication of an animal, an object, or a person to God. Conversely, it may also have involved abstinence from an item in honor of God.²

Vows were pronounced at sacred sites such as temples or altars. It appears to have been customary to return to the site where the vow was made when the time came to fulfill it.³

¹ Roland de Vaux, Ancient Israel: Its Life and Institutions (London: Darton, Longman & Todd, 1961), 465. The Ugaritic root pla means "something set aside."

² John Sturdy, Numbers, The Cambridge Bible Commentary (London: Cambridge University Press, 1976), 210; The Encyclopedia of the Jewish Religion, 1966 ed., s.v. "Vows and Oaths."

³ Baruch A. Levine, In the Presence of the Lord (Leiden: E.J. Brill, 1974), 45, n. 117.

Three types of vows occur in the Hebrew Bible: vows of dedication, vows of prohibition, and Nazirite vows.⁴

Vows of dedication (nidrei hekdes) involved the dedication of an animal sacrifice or some other gift to God.⁵ Such vows were frequently offered in thanksgiving for divine kindness already received:

How can I repay the LORD for all His bounties to me?
I raise the cup of deliverance and invoke the name of the LORD. I will pay my vows to the LORD in the presence of all His people (Ps. 116:12-14).

and

I must pay my vow to You, O God; I will render thank offerings to You. For You have saved me from death, my foot from stumbling, that I may walk before God in the light of life (Ps. 56:13-14).⁶

Vows of dedication were also made in times of danger or special need when God's help was desperately sought:⁷

I enter your house with burnt offerings, I pay my vows to You, that my lips pronounced, that my mouth uttered in my distress (Ps. 66:13).

and

⁴ Martin Noth, Numbers: A Commentary, The Old Testament Library (Philadelphia: Westminster Press, 1968), 224-225; Harper's Bible Dictionary, 8th ed., s.v. "Vow."

⁵ Chanoch Albeck, Shishah Sidrei Mishnah, Seder Nashim, Masekhet Nedarim (Jerusalem: Mossad Bialik), 137; Hence, the term neder may denote not only the vow itself, but the votive offering connected to it. Cf. Lev. 7:16, 22:21, 27:2; Nu. 15:3, 29:39; Deut. 12:6, 11, 17, 26; I Sam. 1:21.

⁶ See also Ps. 65:2-3 and Jonah 2:10.

⁷ Philip J. Budd, Numbers, Word Biblical Commentary, Volume Five, (Waco: Word Book), 322.

O God, You have heard my vows; grant the request of those who fear Your name...So I will sing hymns to Your name forever, as I fulfill my vows day after day (Ps. 61:6,9).

Vows of dedication were frequently conditional upon a favor being granted by God.⁸ The vower made a statement such that "if I receive X benefit, I will do Y in return."

The most prominent vows in the Hebrew Bible are conditional vows of dedication:

Jacob then made a vow, saying, "If God remains with me, if He protects me on this journey that I am making, and gives me bread to eat and clothing to wear, and if I return safe to my father's house--the LORD shall be my God. And this stone, which I have set up as a pillar, shall be God's abode; and of all that You give me, I will set aside a tithe for You (Gen. 28:20).

Conditional vows of dedication were also made by Israel (Nu. 21:2), Jephthah (Ju. 11:30-31), Hannah (I Sam. 1:11) Absalom (II Sam. 15:7-8), and Jonah's shipmates (Jonah 1:16). These vows dedicated to God, respectively, a tithe, spoils of war, a human sacrifice, a person for Temple service (cf. Proverbs 31:2), and animal sacrifices.

Vows of prohibition (nidrei issur) involved voluntary abstinence and self-affliction on the part of the vower.⁹ Through an act of self-sacrifice, the vower hoped to win God's favor or express gratitude for it. Like vows of dedication,

⁸ de Vaux, Ancient Israel, 465.

⁹ Budd, Numbers, 322.

vows of abstinence could also be conditional or unconditional. Vows of prohibition are mentioned in Numbers 30 and nowhere else in the Hebrew Bible:¹⁰

"If a man makes a vow to the LORD or takes an oath imposing a prohibition on himself (la'asor issar al nafsho), he shall not break his pledge; he must carry out all that has crossed his lips.

The verb asar comes from the Hebrew root "to bind." The noun form connotes a "binding obligation," specifically a "prohibition," and therefore refers to a vow of self-affliction or self-abnegation.¹¹

The term issar occurs 13 times in Nu. 30:3-15. According to Snaith, the term issar

is new with the P-tradition. Previously the word neder included all kinds of vows and pledges, but now neder involves the positive vow whereby a man binds himself to give something, whilst 'issar is the negative vow whereby a man binds himself to abstain from something.¹²

Unfortunately, Numbers 30 does not indicate the range of possible afflictions that would fall under the category of a prohibitive vow. The term la'anot nafesh (Nu. 30:14), "to

¹⁰ Budd, Numbers 321; Noth, Numbers, 225.

¹¹ Budd, Numbers, 322.

¹² N.H. Snaith, ed., Leviticus and Numbers, The Century Bible (London: Thomas Nelson & Sons, 1967), 321.

afflict oneself," suggests, however, that any kind of self-mortification is involved. The phrase is frequently synonymous with fasting.¹³

Nazirite vows involved aspects of both vows of dedication and vows of prohibition. The word nazir, like the term neder, also meant "to set apart for sacred use."¹⁴ A nazirite vow originally involved the unconditional dedication of a person to God for life during which time the nazir abstained from wine (and all fermented grape drinks), the cutting of hair, and contact with the dead.

The nazirite vow was regarded in the Hebrew Bible as a special and exceptional commitment.¹⁵ Amos 2:11 placed the nazir on a par with the prophet. Samson (Jud. 13:5) was destined by God to be a nazir and Samuel (I Sam 1:11) was consecrated by his mother when he was yet unborn, as part of her prayer to overcome barrenness.

The rules of the Nazirite vow described in Numbers 6 are generally ascribed to the Priestly source and reflect the post-exilic period:¹⁶

The LORD spoke to Moses, saying, 'Speak to the Israelites and say to them: If anyone, man or woman, explicitly utters a nazirite's vow, to set himself

¹³ Cf. Nu. 29:7; Lev. 16:29, 23:26-29.

¹⁴ Sturdy, Numbers, 48.

¹⁵ Cf. Lev. 22: 21; 27:2; Nu. 6:2; 15:3,8.

¹⁶ Noth, Numbers, 54; Budd, Numbers, 321-322.

apart for the LORD, he shall abstain from wine and any other intoxicant;...no razor shall touch his head...he shall not go in where there is a dead person (Nu. 6:1-8).

At this stage, the nazirate was open to anyone and for a specific period of time. Queen Helena of Adiabene (1st century CE), for example, observed the nazirite vow for 21 years, in gratitude for the safe return of her son from war.¹⁷

Deuteronomic sources made it abundantly clear vows were a serious business that must be carried out:

You must fulfill what has crossed your lips and perform what you have voluntarily vowed to the LORD your God, having made the promise with your own mouth (Deut. 23:24).

This view was reiterated in Numbers 30, attributed to a later Priestly source:

If a man makes a vow to the LORD or takes an oath imposing a prohibition upon himself, he shall not break his pledge; he must carry out all that has crossed his lips (Nu. 30:3).

¹⁷ M. Nazir 3:6.

At the same time, however, Numbers 30 established the principle of the revocation of vows (hafarat nedarim). Fathers had the power to revoke the vows of their daughters (as minors) and husbands had the power to disallow the vows of their wives, as long as they did so immediately upon hearing about them:¹⁸

But if her father restrains her on the day he finds out, none of her vows or self-imposed prohibitions shall stand; and the LORD will absolve her, since her father restrained her (Nu. 30:6).

and

But if her husband does annul them on the day he finds out, then nothing that has crossed her lips shall stand, whether vows or self-imposed obligations. Her husband has revoked them, and the LORD will absolve her. Every vow and every sworn obligation of self-denial may be upheld by her husband or annulled by her husband (Nu. 30: 13-14).

But the vows of widows and divorcees, like those of all adult males, could not be revoked by any other party:

The vow of a widow or of a divorced woman, however, whatever she has imposed on herself, shall be binding upon her (Nu. 30: 10).

Clearly legal in nature, the terminology of Numbers 30 is highly significant both for what it says and for what it does not. Numbers 30 recognizes the legitimacy of the

¹⁸ According to Snaith (Leviticus and Numbers, 323) the text sought to clarify that the rule is the same for betrothed women who had not yet gone to live with their husbands and women who already lived in their husbands' houses. So too Budd, Numbers, 323, and Sturdy, Numbers, 210.

revocation of vows (hafarat nedarim), but restricts its applicability to female minors and married women. It nowhere mentions the nullification of vows (hatarat nedarim). Indeed there is no provision for the nullification of vows in the Hebrew Bible. It is a post-Biblical phenomenon.

The distinction made here between nullification and revocation of vows is not merely one of semantics. As we shall discuss in Chapter Four, the rabbis would make a serious philosophical and legal distinction between hatarat nedarim and hafarat nedarim. While both procedures effected the same outcome, their legal powers and who had the authority to exercise them were quite different. Briefly put, fathers and husbands possessed the authority lehafir -- that is, to revoke the vows of their daughters and wives whereby the vow which once existed continues to exist but has been rendered inoperative. In contrast, the sages did not possess the power to revoke a vow already in force, but only lehatir, to annul a vow which had not yet taken force. They resorted to a legal fiction consisting in the retroactive nullification of the vow ab initio (from the moment of its inception), whereby the vow which once existed no longer exists and had never existed. Consequently it had never taken force.

Since no other population besides female minors and married women has even the possibility of being released from

their vows, biblical sources encourage people not to make vows at all:

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 will incur no guilt if you refrain from vowing (Deut. 23:22-23).

and

When you make a vow to God, do not delay to fulfill it. For He has no pleasure in fools; what you vow, fulfill. It is better not to vow at all than to vow and not fulfill (Eccl. 5:3-4).¹⁹

Leviticus 27, however, describes a procedure by which people like the nazir, who had been dedicated through a vow to the service of God, could be released from the vow through a money payment:²⁰

The LORD spoke to Moses, saying: Speak to the Israelite people and say to them: When anyone explicitly vows to the LORD the equivalent for a human being, the following scale shall apply: If it is a male from twenty to sixty years of age, the equivalent is fifty shekels of silver by the sanctuary weight; if it is a female, the equivalent is thirty shekels. If the age is from five years to twenty years, the equivalent is twenty shekels for a male and ten shekels for a female. If the age is from one month to five years, the equivalent for a male is five shekels of silver, and the equivalent for a female is three shekels of silver. If the age is sixty years or over, the equivalent is fifteen shekels in the case of a male and ten shekels for a female. But if one cannot afford the equivalent,

¹⁹ Cf. Proverbs 20:25.

²⁰ Martin Noth, Leviticus: A Commentary, The Old Testament Library (Philadelphia: Westminster Press, 1965), 225; George Buchanan Gray, Sacrifice in the Old Testament: Its Theory and Practice (New York: Ktav, 1971), 33-40.

he shall be presented before the priest, and the priest shall assess him; the priest shall assess him according to what the vower can afford (Lev. 27:1-8).

The amount of money owed to the Temple is based on the "value" attributed to the age and sex of the person who is being redeemed.

Looking ahead, we shall find that it becomes a matter of dispute in the Medieval period as to whether kol nidrei had the power to annul solemn promises made to others, or whether it was in fact limited to personal vows imposed upon oneself. Thus far, vows in the Hebrew Bible do not appear to pertain to interpersonal commitments, such as commercial obligations. Rather, the term neder seems to be restricted so far to religious parameters, exclusively denoting a personal obligation made with God whereby an individual takes upon oneself the burden of abstinence or the dedication of a gift. At the same time, however, the Hebrew Bible records little of the role played by vows in social discourse and magic. For those aspects of vows we must turn to the Mishnah. Thus we now proceed to focus our attention on vows in the rabbinic period.

CHAPTER TWO:

VOWS IN THE RABBINIC PERIOD

The nature and function of vows in the Mishnah has undergone significant legal development.²¹ Nidrei issur, prohibitive vows, have been accorded a precise definition:

A prohibitive vow is one in which a person prohibits a permissible item of his own to himself or to others, or someone else's item to himself.²²

We may recall from our discussion in Chapter One that nidrei hekdes involved the dedication of a gift (korban), consisting in an animal sacrifice, money, or some other object, but only to God. This aspect of the dedicatory vow has been retained in the Mishnaic formula for prohibitive vows. The vower declared, "This item is prohibited to me like a korban" or "Korban be the use of this item to me."²³ The vower thereby prohibited the item from himself, usually food or drink, as if it were an object dedicated to God.

²¹ The Mishnah deals with nidrei hekdes, vows of dedication, in Seder Kodashim. Our study of the history of kol nidre proceeds along a different path, with the further development of nidrei issur, prohibitive vows.

²² Mordechai Rabinovitch, The Mishnah, Seder Nashim Vol. II(a), Tractate Nedarim, ArtScroll Mishnah Series (Brooklyn: Mesorah Publications, 1985), 1; Herbert Danby, The Mishnah, (London: Oxford University Press, 1933), 794.

²³ Buchanan believes that korban and its substitutes literally referred to a sacred object on which the vow was taken. See George Wesley Buchanan, "Some Vow and Oath Formulas in the New Testament," Harvard Theological Review 58 (July 1965): 320.

Rabbinic vows (nedarim) and oaths (shevuot) differed in several ways. One difference between a vow and an oath hinges on the subject of interdiction.²⁴ An oath is a solemn promise to do or not do an action. The focus of an oath obligates the person ("I swear..."). A vow, on the other hand is oriented not to actions but to objects, in that it prohibits a person from deriving any benefit from an item. The thrust of a vow prohibits the object ("this item shall be forbidden to me").

Another difference between an oath and a vow concerns the formula of expression. An oath must employ the word shevuah (or acceptable substitutes), and it must be taken in the name of God (or acceptable euphemisms). In contrast, vows were frequently made at sacred sites or taken in the presence of sacred objects.²⁵ But all these distinctions established by the rabbis were frequently blurred by the folk in actual practice.

The making of vows and oaths were common in the everyday life and ordinary speech of antiquity.²⁶ Its purpose was to raise one's credibility and to convince another party that

²⁴ Rabinovitch, Tractate Nedarim, 2; Saul Lieberman, "Oaths and Vows," chap. in Greek in Jewish Palestine (New York: Jewish Theological Seminary of America, 1942), 117; Ze'ev Falk, "On Talmudic Vows," Harvard Theological Review, 59 (July 1966): 309.

²⁵ Buchanan, "Some Vow and Oath Formulas," 323; See chapter one, p. 3, n. 3.

²⁶ Lieberman, Greek, 115.

one's statements were true or that one's promises would be carried out.

People made oaths at home, on the streets, and in business. Business people would encourage a sale by vowing not to sell below or buy above a certain price (M. Nedarim 3:1). Big talkers would take a vow in order to persuade their incredulous listeners that the story was true (M. Nedarim 3:2). It was a common practice to coerce the attendance of a guest at dinner by means of a vow (M. Nedarim 3:1). A vow could be utilized to create a sanction against another party, thereby depriving them of any benefit from your possessions (M. Nedarim 3:3).

The power of the vow or oath to convince the other party did not inhere in the mere promise of sincerity. The credibility of an oath or vow was due to the potential activation of a curse against the vower, should one fail to deliver on the content of one's vow or lie about one's oath. The curse was an integral part of the vow or oath:²⁷

"I make you swear and may it come upon you." "I make you swear" implies the imposition of the oath. "May it come upon you" implies the curse (T. Sota 2:1).

and

²⁷ Personal communication from Rabbi Manuel Gold; Lieberman, Greek, 121; Falk ("On Talmudic Vows," 309-310) denies that vows had anything to do with curses.

All the oaths imposed by the Torah should consist of an oath and a curse (Sifre 1:1).

For superstitious reasons many biblical oath formulas omitted or otherwise truncated the curse.²⁸ The omission of the negative was also common. Many rabbinic vows and oaths lack the curse for the same reason. The prohibitive vows of Mishnah Nedarim and Mishnah Shevuot fit into this category. Mishnah Shevuot 3:4 provides an illustration of truncated formulas:

- 1) "Konam (= Korban)
- 2) May my wife benefit from me,
- 3) If I have eaten today."

Line two is really a curse which has been obscured by the omission of the negative: "May my wife [never] benefit from me." Line three are the conditions under which the curse would be activated.²⁹ In some vows the curse has been eliminated altogether:

Konam, if I sell to you for less than a selah (M. Nedarim 3:1).

Consequently the undertaking of a vow or oath implied risk to oneself, to one's property, or to a loved one. The vower frequently put his own life at stake with the vow

²⁸ The curse was certainly an essential part of the biblical oath as well. See Moshe Greenberg, "Oaths," in Encyclopaedia Judaica, 1972 ed.

²⁹ Buchanan, "Some Vow and Oath Formulas," 320-321.

formula, "May such and such befall me if..." or "So and so if I..."³⁰ Some people swore by the life of a loved one.³¹ As we have just discussed, some people vowed by placing into jeopardy the benefit they derived from their possessions by the formula, "Korban be this item to me."

In this context the biblical and rabbinic statements against vows and oaths take on a new significance. We recall that Deut. 23:23 and Eccl. 5:4 urged people not to make vows. Similarly, we have a rabbinic proverb: "Right or wrong, do not involve yourself in an oath."³² We now comprehend that the seriousness with which vows and oaths were held was due not only to their abstract legal and ethical stature, but also to the concrete fact that the abuse of a vow or oath activated the curse which the swearer had imposed upon himself or herself, or a loved one.

Thus far we have described the important role of vows and oaths in everyday life as presented to us by the Mishnah. Except for some clues here and there, the Mishnah has concealed the prominent role accorded vows and oaths in the world of magic. For this we must turn primarily to the Babylonian magical incantations and to the Babylonian Talmud.

³⁰ Lieberman, Greek, 121-123.

³¹ Ibid., 117.

³² Lieberman, Greek, 124, n. 74.

Both Montgomery and Lieberman have demonstrated that vows and oaths, and the formulae associated with them, operated in two realms -- the mundane and the magical.³³ But the magical application of vows and oaths was not limited to the magician. The uttering of oaths and vows in a magical context was also a part of everyday folk religion in antiquity.

It was a popular folk practice to call upon the deities to insure the success or safety of various undertakings by taking an oath in the name of the deity.³⁴ But the practice of swearing by the name of the deity was not a prayer in the form of an oath; it was an incantation formula, a magical spell, whose purpose was to compel the deity to perform a beneficent act or to make the swearer's words come true.³⁵

Such incantations are attested in biblical literature:

Elijah the Tishbite, an inhabitant of Gilead, said to Ahab, "As the LORD lives, the God of Israel whom I serve, there will be no dew or rain except at my bidding (I Kings 17:1).

³³ James A. Montgomery, Aramaic Incantation Texts from Nippur (Philadelphia: University of Pennsylvania Press, 1913), 51-53; Lieberman, Greek, 119-120; idem, "Some Notes on Adjurations in Israel," chap. in Texts and Studies (New York: Ktav, 1974), 21-28.

³⁴ In order to avoid using the actual name of God and to lessen the power of the curse, many popular euphemisms were employed to invoke God indirectly. Some vows were sworn by the cosmic objects God had created, such as the sun, stars, the heaven and earth. See Rambam, Mishneh Torah, Hilkhot Shevuot 12:3; Lieberman, Greek, 124. Others vowed by God's attributes (M. Shevuot 4:13). Still others swore by holy objects such as Jerusalem, the Temple, the altar. See Lieberman, Greek, 132.

³⁵ Lieberman, "Adjurations in Israel," 24 and "Fears and Pleasures," chap. in Greek in Jewish Palestine, 108, n. 85.

and

They call upon chariots, they call upon horses, but we call on the name of the LORD our God (Psalm 20:8).

The same formulae can be found in rabbinic literature as well:

I swear by Your great name that I will not budge from this spot (M. Ta'anit 3:8)³⁶

and

People swear by invoking Him who established the world on three pillars (Shir haShirim Rabbah 7:8).

Folk religion constantly blurred the distinction between prayer and incantation, between the liturgical and the magical. These texts demonstrate that the act of swearing by the name of the deity was popularly understood as the invocation of a magic spell. Although these magical practices were examples of therapeutic magic the rabbis still fought against these incantation formulae and converted them into liturgical prayers whenever they could.³⁷

³⁶ It was common for a person to bind himself by an oath which involved the action by a deity. Such an oath "puts the squeeze," so to speak, on the deity to perform. Otherwise the deity causes the person to have perjured oneself! See Lieberman, "Pleasures and Fears," in Greek, 108, n.85.

³⁷ Lieberman, "Adjurations in Israel," 24.

Vows and oaths were also utilized in the process of destructive magic.³⁸ Believing in the magical power of words in general, the practitioners of destructive magic took over the terminology and formulae for the creation of binding commitments and obligations in the human world and applied them to the satanic realm. Consequently such terms as neder, issar, and shevuah were synonymous in the Babylonian incantation texts with curses and other types of hostile spells engendered by destructive magic.³⁹

Appointed is this bowl for the sealing and guarding of the house and sons and property and body of Maiducht, daughter of Kumboi, that she may be guarded from demons, plagues, devil, satans, seducers, diaboli, and from any vows (nidra), invocations, and rites of humankind.⁴⁰

and

Wholly charmed and sealed and bound and enchanted [are you], that you go away and be sealed and depart from the house [and property?] of Farruch bar Pusbi and Newanduch, daughter of Pusbi and Abanduch, daughter of Pusbi, and that there depart from them all evil liliths and all demons, and devils, spells, idol-spirits, and the vow (nidra), the curse, and the invocation, and evil arts and mighty works and everything hostile.⁴¹

³⁸ I avoid using the conventional terms "white magic" or "black magic" due to their implicit racism.

³⁹ Montgomery, Aramaic Incantation Texts, 52,84; Lieberman, Greek, 119.

⁴⁰ Montgomery, Aramaic Incantation Texts, 236; this incantation is also cited by Jacob Neusner, in A History of the Jews in Babylonia, vol. 6, (Leiden: E.J. Brill, 1970), 225-226.

⁴¹ Montgomery, Aramaic Incantation Texts, 138.

The Babylonian Talmud was clearly aware of this usage as well. In Sanhedrin 68a Rabbi Joshua exclaims: "The ban (neder) is lifted."

Consequently vows were not to be toyed with. They were a powerful weapon which could be manipulated by human beings to help or hurt other human beings. The individual needed protection not only from curses which were activated by his own abused vows, but also from malevolent vows, i.e., curses, which had been directed by black magic against his or her person.

In Chapter One, we demonstrated the religious dimension of vows in the Bible. Now we have expanded our view to see the prominent role accorded vows in social affairs and the world of magic as well. In contrast to the strictly religious character of vows presented in the Hebrew Bible, by rabbinic times, vows also functioned to persuade or coerce in the social sphere and to conjure therapeutic or destructive magic. Folk religion constantly blurred the rabbis' legal distinctions between vows and oaths, between self-imposed obligations to God and solemn promises to others.

Yet the significance of vows in antiquity cannot be fully appreciated until we describe the relationship between vows and demons, and the critical role played by vows in incantations.

CHAPTER THREE:

VOWS, DEMONS AND INCANTATIONS

The ancients conceived of the world as filled with supernatural beings: gods, angels, demons, and spirits--all presided over by God. Some demons were beneficent, and revealed to human beings the decrees of heaven. Others were merely mischievous, but most were malevolent. Thousands of demons inhabited the air, palm trees, house roofs, and privies, and were primary causes of both major disasters and daily inconveniences.

We moderns tend to think of words such as blessing, curse, vow, and oath in metaphoric terms. The sense that words once uttered have a life of their own and cannot be taken back is explained psychologically, by our culture. But the ancients believed that the spoken word took on a metaphysical reality independent of human control.⁴² Vows, curses, blessings, and oaths attracted demons and other supernatural beings to carry out the content of the human utterance. Having set demons in motion, rash words could not be taken back.⁴³ This is the context underlying the Talmudic

⁴² N.H. Snaith, Leviticus and Numbers, 321. The impure thoughts of the dying also create demons who may harm the deceased on his journey to heaven or someone else. See Kaufman Kohler, "Demonology," in The Jewish Encyclopedia, 1916 ed.

⁴³ Joshua Trachtenberg, Jewish Magic and Superstition: A Study in Folk Religion (New York: Atheneum, 1939), 44-60.

warning, "One should never open his mouth to Satan " (B.T. Berachot 19a).

It was commonly accepted in antiquity that it was not God or the deities, but demons, who implemented the self-imposed curses activated by abused vows or oaths. An unpublished incantation cited by Shlomo Deshen sheds significant light on the relationship between vows and oaths and the unleashing of demonic forces.⁴⁴ This undated manuscript describes the Yom Kippur eve practice in Cheven, a city on the Arabian peninsula near Yemen. The service concludes with an incantation releasing the demons from all the oaths which had been imposed upon them:

By the authority of the Heavenly Court and by the authority of the Earthly Court, with the consent of the Holy One, blessed be He and with the consent of Elijah and with the consent of the Rabbinic Court of Jerusalem and with the consent of all the Holy Communities wherever they are located, we release and annul and cancel all the oaths which have been sworn...sworn by every angel and demon and all the angels of destruction and demonic winds against Israel and condemning them from above and by all the generations of Aza and Azael and the forces of Sammael and the generations of Egrat, the daughter of Machalat and Na'ama, the daughter of Tubal-Cain, the wife of Shomron who is the mother of Ashmodi. Everything shall be released and blotted out and pardon and permission for each oath and spell and charm and talisman and accusation and transformation

⁴⁴ Shlomo Deshen, "The Enigma of 'Kol 'Nidre': An Anthropological and Historical Approach," [Hebrew], in Studies in the History of Jewish Society in the Middle Ages and in the Modern Period: Presented to Professor Jacob Katz (Jerusalem: Magnes Press, 1980), 146.

and euphemism that they have been made to swear to hurt Israel, so that they will not be able to hurt nor to accuse nor to lead astray nor to pervert, not from above and not from below, whether by the winds of storm and hurricane, or whether by gilgul or whether by foundation or whether by the mixing of combinations, whether by speech or thought, whether by male or female, whether they belong the Covenant or do not, everything shall be permitted and blotted out and pardon and permission.

This text suggests that when a person undertook an oath or vow, or a magician conjured up a curse, it was perceived as if demons had themselves instantaneously undertaken an oath to carry out the curses attached to them.

The ancients believed also that cultic and ethical sin left a residue of "impurity" or "pollution." By these terms the ancients did not mean some kind of physical dirt or a metaphoric idea but rather the attraction of demons: a dangerous metaphysical "fallout" which jeopardized the very foundations of human life.⁴⁵ In their view human sin unleashed punishing, demonic forces:⁴⁶

⁴⁵ Beyerlin observes, "The close interweaving of state and cult is expressed in the high-priestly function of the king at many important divine festivals which were held throughout the land, and in his ultimate responsibility for national catastrophes (including natural disasters and epidemics). It was in accordance with this exposed position of the ruler that he was particularly concerned to protect himself against chance ritual impurity or ritual impurity conjured up by black magic, as against anything introduced from outside which would incur divine anger or misfortune." Walter Beyerlin, Near Eastern Religious Texts Relating to the Old Testament (Philadelphia: Westminster Press, 1978), 148-149.

⁴⁶ The notion that sin attracted demons can also be illustrated from biblical literature. Genesis 4:7 is usually rendered, "sin (rovetz) crouches at the door." But in Ugaritic rabitzu is the proper name of a demon who would lay in wait for his victim outside

In the minds of the ancients there was a close connection between the notion of purity or cleanness and the notion of being consecrated to God. There was a mysterious and frightening force inherent in things which were impure and in things which were sacred, and these two forces acted on everything with which they came into contact, placing the objects or persons which touched them under a kind of interdict...Yet this impurity is not to be understood as a physical or moral defilement...⁴⁷

The proliferation of demonic forces in the world could lead to national catastrophe because they might cause God to leave the Temple:

[the priestly sacrificial cult] presumes that sin is a miasma which wherever committed is attracted to the sanctuary. There it adheres and accumulates until God will no longer abide in it. Hence, it is forever incumbent upon Israel, through the indispensable medium of priesthood, to purge the sanctuary regularly of its impurities lest God abandon it and the people to their doom.⁴⁸

For these reasons it was very important to get rid of troublesome demons or, at least in some other way, to neutralize their power. The principal countermeasures against demons were through purgations, banishments and incantations.

Scholars are divided on the function of the biblical Yom Kippur. Claiming that "the world of demons is nonexistent" for

the door. The Hebrew rovetz is not a verb but a participle functioning as a noun. Genesis 4:7 would more accurately be translated as, "sin is a demon at the door." In modern parlance we might equate the image of the attraction of demons with the radioactive "fall-out" from a nuclear disaster.

⁴⁷ De Vaux, Ancient Israel, 460.

⁴⁸ Jacob Milgrom, "Kipper," in Encyclopaedia Judaica, 1972 ed.

Israelite religion, Milgrom argue that the identification of ritual impurity with demonic powers was central to the polytheistic religions of the ancient near east, but incompatible with Israelite monotheism. In his view the blood of the slain animals purged the temple of its impurities, and the scapegoat carried away the people's sins.⁴⁹

Far more likely, however, is the view that the central focus of the biblical Yom Kippur was the purgation and banishment of demons. The blood of the two sacrificed animals, which was sprinkled and smeared in the Holy of Holies, functioned to neutralize the powers of demons generated by sin and cultic error within the Temple complex (Lev. 16:16, 19). Levine describes the dynamic of the situation:

Such use of blood was also apotropaic, but the force of the blood was not directed at the deity being worshipped but at demonic powers which threatened him. The offenses, which had necessitated the expiatory sacrifices in the first instance, had unleashed these demonic powers, and had allowed them to penetrate the Israelite community where the deity resided. They threatened the purity of his sanctuary residence, and had to be driven out. They accepted the blood offered to them and withdrew. This is the purpose of the dabbing of sacrificial blood on the horns of the altar of incense, and on other cultic furnishings, which stood on the route of entry into the innermost precincts of the

⁴⁹ Jacob Milgrom, "Day of Atonement," in *Encyclopaedia Judaica*, 1972 ed. Milgrom has also shown that the word "kipper," in the context of ritual impurity, meant to purge "by rubbing off." The smearing or sprinkling of the animal blood upon the horns of the altar absorbed the ritual impurity and thereby purged the Temple of contamination. See idem, "Kipper," 1039.

sanctuary. The defilement of these inner precincts might endanger the purity of the resident deity and induce him to withdraw."⁵⁰

The banishment of the live goat (scapegoat) to Azazel functioned to expel the demons from the Temple and prevent them from returning (Lev. 14:4-7; 16:21). This understanding has been illuminated further by the discovery that Azazel is the name of a demon assumed to live in the wilderness (Lev. 13:21). Thus the purpose of this ritual was to banish the demons to their original source.⁵¹

Another principal way to get rid of demons was the process of incantation. An incantation can be defined as:

the authorized use of rhythmically organized words of power that are chanted, spoken, or written to accomplish a desired goal by binding spiritual powers to act in a favorable way.⁵²

Most incantations are defensive in nature, attempting to frustrate the hostile designs of demons against human beings. But we also find productive incantations which compel demons

⁵⁰ Baruch Levine, prolegomenon to Gray, Sacrifice in the Old Testament, xxviii.

⁵¹ Shmuel Ahituv, "Azazel," in Encyclopaedia Judaica, 1972 ed. The symbol of banishment is also found in the Babylonian New Year Festival (Akitu) where the climax of the festival involved the purification (kupparu) of the temple through the sacrifice of a ram. Its body was thrown into the river and its head into the "open country." See "Temple Program for the New Year Festival," in James P. Pritchard, ed., Ancient Near Eastern Texts Relating to the Old Testament (Princeton: Princeton University Press, 1969), 333.

⁵² Theodore M. Ludwig, "Incantations," in The Encyclopedia of Religion, 1987 ed.

to help in efforts such as healing, fertility, love, sexual attraction, and successful childbirth.

Magical incantations presume that vows and oaths are as binding upon the world of demons as they are on human affairs. Just as one party can compel another to provide testimony under oath in a court of law, so too, incantations work by forcing demons to swear vows or oaths.⁵³ Note the frequent use of the terms "to tie," "to bind," "to shackle," as a metaphor to render demons harmless. The image here is not, as originally thought, one of stopping demons by literally tying them up. For how would that help you get rid of them? Rather the idea is that demons will be "bound" by oath to obey human bidding. Indeed the technical meaning for the word "exorcism" is "to expel a demon by causing it to swear an oath."

Exorcisms have the power to bind and compel demons to undertake oaths of banishment and exile:

In the name of the Lord of salvations. Designated is this bowl for the sealing of the house of this Geyonai bar Mamai, that there flee from him the evil Lilith, in the name of "YHWH El has scattered"; the Lilith, the male Lilis and the female Liliths, the Hag, and the Ghul...Hear and obey and come forth from the house and the dwelling of this Geyonai bar Mamai and from Rasnoi his wife, the daughter of Marath. I place you under oath (umit 'alikhin) by the honor of your father and by the honor of your mother...I make you swear (mashb'ana likhin) by the Strong One of Abraham, by the Rock of Isaac, by the

⁵³ Buchanan, "Some Vow and Oath Formulas," 324-325; Greenberg, "Oaths," 1297.

Shaddai of Jacob..to turn away from this Rasnoi,
daughter of Marath and from Geyonai, her husband.⁵⁴

and

In thy name, O Lord of salvations, the great Savior of love. Designated is this spell and mystery and strong seal for the sealing of the household of this Ardoi bar Hormizdudh, that from him may depart and remove the evil demon and the evil satan, who is called SP'SK, the Mighty Destroyer, who kills a man from the side of his wife and a woman from the side of her husband, and sons and daughters from their father and from their mother...I make you swear (mashb'ana 'alakh) that you do not kill off this Ardoi bar Hormizdudh from Ahath his wife, and that thou do not kill off Ahath bat Parkoi from Ardoi her husband, and that thou do not kill off their sons and their daughters, whether those they have or those they shall have, from this day and forever, neither by night nor by day.⁵⁵

Exorcisms are frequently attested in Christian sources as well. Jesus is frequently portrayed in the New Testament as casting out demons by the spirit of God or by prayer from the bodies of the "possessed":

Then a blind and dumb demoniac was brought to him, and he healed him, so that the dumb man spoke and saw. And all the people were amazed, and said, "Can this be the Son of David?" But when the Pharisees heard it they said, "It is only be Be-elzebul, the prince of demons, that this man cast out demons"...He said to them, " ...But if it is by the Spirit of God that I cast out demons, then the kingdom of God has come upon you" (Matt. 12:22-28).

⁵⁴ Montgomery, Aramaic Incantation Texts, 154-160; this incantation is cited by Jacob Neusner in A History of the Jews in Babylonia, vol. 6, 220; see also Baruch Levine, "Appendix: The Language of the Magic Bowls," in Neusner's A History of the Jews in Babylonia, vol. 5, (Leiden: E.J. Brill, 1970), 347-351.

⁵⁵ Montgomery, Aramaic Incantation Texts, 127-132.

and

And one of the crowd answered him, "Teacher, I brought my son to you, for he has a dumb spirit; and whenever, it dashes him down; and he foams and grinds his teeth and becomes rigid; and I asked your disciples to cast it out, and they were not able"... (Jesus) rebuked the unclean spirit, saying to it, "You deaf and dumb spirit, I command you, come out of him, and never enter him again." ...His disciples asked him privately, "Why could we not cast it out?" And he said to them, "This kind cannot be driven out by anything but prayer" (Mark 9:17-29).⁵⁶

The early church conducted exorcisms principally by "the solemn and authoritative adjuration addressed to the demon in the name of God, and more especially in the name of Christ crucified," along with the laying of hands on the subject and making the sign of the cross.⁵⁷

We can now state our understanding of magical incantations even more precisely than we did in Chapter Two. Magic did not merely influence the will of demons and other supernatural beings. The image of magic held by the ancients was far more concrete. The conception underlying magic in antiquity was crystallized by the formula found in a Greek magical papyrus cited by Lieberman: "I bind, I bind."⁵⁸ He interpreted this two-fold repetition to imply "I bind [through

⁵⁶ Cf. Matt. 8: 16, 15:22-28; Mark 1:23-26, 3:22; Luke 11:20.

⁵⁷ P.J. Toner, "Exorcism," in The Catholic Encyclopedia, 1909 ed.

⁵⁸ Lieberman, "Adjurations in Israel, " 28.

magic]" and "I bind [through oath]." In Lieberman's own words,

[magical incantations] arrogated to themselves the power to compel the victim of the magical act to do the will of the adjuror.⁵⁹

Believing in the power of vows and oaths to bind humans and demons alike, the practitioners of magic applied many legal formulae to bind commitments in the human world to the demonic realm. Among the most popular of these procedures was the nullification of vows.

⁵⁹ Ibid.

CHAPTER FOUR:

THE NULLIFICATION OF VOWS IN THE MISHNAH & THE TALMUDIM

Despite the absence of a biblical precedent for the nullification of vows, a procedure to annul vows does exist in rabbinic tradition. The absence of biblical support for the practice was candidly acknowledged in Mishnah Chagigah 1:8:

[The rules about] release from vows [by a sage] hover in the air and have nothing to support them.⁶⁰

However, several biblical proof-texts were adduced in B. Talmud Chagigah 10a to demonstrate that the nullification of vows was biblically based. The rules of hatarat nedarim are complex. For the purposes of our study, these are the most salient points:

An individual cannot annul one's own vow (M. Negaim 2:5). Only a sage has the authority to annul a vow (B.T. Shevuot 28a). In the absence of a sage, however, a vow can be nullified by three knowledgeable laymen, i.e., a bet din (M. Nedarim 2:5; B.T. Bekorot 36b/37a).⁶¹ The vower must specify the contents of the vow to the sage or the bet din (B.T. Gittin 35b).

The grounds for the nullification of vows in Jewish law are based upon the concept of "regret" (charatah). Charatah

⁶⁰ Maimonides wrote (Mishneh Torah, Sefer Hafla'ah, Hilkhot Shevuot 6:2): "[the absolution from oaths] has no basis whatsoever in the Written Torah."

⁶¹ Rambam, Mishneh Torah, Sefer Hafla'ah, Hilkhot Nedarim 4:5 and Hilkhot Shevuot 6:1.

has two possible forms, one simple and one complex. Simple "regret" occurs when an individual expresses sincere regret for his vow and claims that it was made under abnormal circumstances such as in a fit of rage (B.T. Nedarim 21a/22b).⁶² Under some circumstances this may be sufficient grounds to annul a vow.

But in Jewish law the mere fact that an individual regrets having undertaken a vow does not, in most instances, release the person from the vow. Most often the second and more complex form of charatah is required. In this instance the sage or bet din must find a petach charatah (opening of regret) for the vower. A petach is a foreseeable but unconsidered fact, circumstance, or consequence, such that the vower can truthfully claim, "Had I known or considered X, I would not have made this vow" (M.Nedarim 2:1,5; chap. 9 and B.T. Nedarim 22b, 77b).⁶³

Maimonides (RAMBAM) described the procedure for the nullification of vows in the following manner:

The swearer must appear before an outstanding scholar or before three ordinary men where no expert is available and say, "I swore an oath concerning such and such matter, and I now regret it. Had I

⁶² Encyclopedia Talmudit, 2nd rev. ed. (1973), s.v. "Hatarat Nedarim"; Rabinovitch, Tractate Nedarim, 28.

⁶³ Encyclopedia Talmudit, 2nd rev. ed (1973), s.v. "Hatarat Nedarim"; Rabinovitch, Tractate Nedarim, 28, 162-163; Louis Isaac Rabinowitz, "Vows and Vowing," in Encyclopaedia Judaica, 1972 ed.; Ze'ev W. Falk, "Binding and Loosing" in Studies in Jewish Legal History: Essays in Honour of David Daube, ed. Bernard S. Jackson (London: Jewish Chronicle Publications, 1974), 97.

known that I would be in such distress through it, or that such and such a thing would happen to me, I would not have sworn,' or 'had I been of the same mind at the time of swearing as I am now, I would not have sworn.' The sage, or the senior of the three consultants should then say to him, 'and do you indeed regret it?' He should reply, 'yes.' Whereupon the sage should say to him, 'you are released' (sharui lekha) or 'you are absolved' (mutar lekha) or 'you are pardoned' (machol lekha) or something to the same effect in any language.⁶⁴

The annulment was justified on the grounds that since the vower neglected to realize all the ramifications of his vow, he made the vow by mistake. The sage or bet din annulled the vow on the basis that it was not the vower's true intent to undertake this vow. But if the vower was lying about his feelings of regret, then the vow remained binding even if the sage or bet din annulled it. In modern parlance, we would designate the process of potchim petach as "finding a legal loophole."⁶⁵ Indeed Ze'ev Falk cites this procedure as an example of legal fiction in Jewish law.⁶⁶

The feasibility of various reasons as potential petachim are discussed in Mishnah Nedarim, chapter nine.⁶⁷ Among the reasons considered to be acceptable as a petach charatah are: the elimination of the motive for the vow (9:3); the vow

⁶⁴ Rambam, Mishneh Torah, Sefer Hafla'ah, Hilkhos Shavuot 6:5.

⁶⁵ See M. Nedarim 2:1; chap. 9 (all).

⁶⁶ Ze'ev Falk, Introduction to Jewish Law of the Second Commonwealth (Leiden: E.J. Brill, 1972), 23.

⁶⁷ See Rabinovitch's discussion (Tractate Nedarim, 162-183).

conflicts with a biblical commandment (9:4); the vow conflicts with a Shabbat or festival requirement (9:6); the honor of self or children (9:9); a vow based on false assumptions or misinformation (9:10). Parental dignity (9:1) and unexpected consequences (9:2) were rejected as possible reasons. Subsequently it was ruled in B. Talmud Nedarim 21b that sages should find petachim within the four categories of vows cited by the rabbis in Mishnah Nedarim 3:1 as not binding. These were vows made to induce bargaining; vows of exaggeration; vows made under false assumptions or facts; and, vows which cannot be fulfilled due to some compelling and unavoidable circumstance.⁶⁸

As we adumbrated in the previous chapter both the Mishnah and the Talmud made a strong theoretical and legal distinction between hatarat nedarim and hafarat nedarim. This distinction was reflected in the careful and consistent practice throughout Mishnah Nedarim of employing the term hafarah in regard to the nullification of women's vows and the term hatarah for all others.

⁶⁸ In this connection it's important to point out that the frequently negative aphorisms regarding vows in the Talmud have been misunderstood. For example: Samuel said "even when one fulfills his vow, he is called wicked" (B.T. Nedarim 22a, 77b); it's claimed in B. Talmud Shabbat 32b that children die prematurely as a result of their parents' vows; R. Nathan said, "One who vows is as though he built a high place [for idolatry], and he who fulfills it is as though he sacrificed on it" (B.T. Nedarim 22a). These statements were not merely aggada. Originally they functioned as potential petachim! That is, a sage might ask a vower in search of absolution, "Would you have vowed had you known that it's wicked to do so," and so on. See B. Talmud Nedarim 21b.

This differentiation practiced by Mishnah Nedarim was explicitly expressed by the RAMBAM in his description of what the sage can and cannot say at the conclusion of the procedure for the nullification of vows:

Whereupon the sage should say to him, 'you are released' (sharui lekha) or 'you are absolved' (mutar lekha) or 'you are pardoned' (machol lekha). But if he says to him 'it's now revoked for you' (mufar lekha) or 'your oath is eradicated' (ne'ekra shevuatcha) or anything with a similar meaning, his words are of no effect. For only a husband or a father can revoke an oath; a sage may speak only in terms of absolution (hatarah) or pardon (mechilah).⁶⁹

Neither the sage nor the bet din possessed the authority to revoke a vow which had already been uttered. Instead, they resorted to a legal fiction by which they retroactively annulled the vow ab initio, at the moment of its inception. By means of such a legal fiction it could be argued that the vow had not been revoked. Rather, it was as if the vow did not exist and had never existed.⁷⁰

The sage loosens and uproots the vow from its very root.⁷¹

Thus, the sage could say:

⁶⁹ Rambam, Mishneh Torah, Sefer Hafla'ah, Hilkhos Shevuot 6:5.

⁷⁰ Albeck, Shishah Sidrei Mishnah, Seder Nashim, Masekhet Nedarim, 141; Rabinovitch, Tractate Nedarim, 184; Encyclopedia Talmudit, 2nd rev. ed. (1974), s.v. "Hatarat Nedarim."

⁷¹ B.T. Ketubot 74b; P.T. Ketubot 7:7. Both sources contrast the power of a doctor to cure an illness with the power of a sage to annul a vow. The doctor can heal an illness only from the time he applies medicine. He cannot retroactively cure the illness. But the sage can uproot a vow from its roots, as if it had never taken effect and never existed.

There is no vow here, there is no oath here (P.T. Nedarim 10:8).

The RAMBAM ruled in the passage cited above that the phrase mutar lekha or its synonyms need be said only once. There was, however, an earlier Talmudic tradition that the nullification of vows must be declared three times (B.T. Menachot 65a). Later poskim adopted this opinion and ruled in addition that only the term mutar lekha should be utilized.⁷²

Up to this point we have been discussing the retroactive annulment of vows where the vows have already been uttered and consequently considered in force. Jewish law also recognizes a procedure for the anticipatory invalidation of vows that may be undertaken in the future. This procedure involves the declaration of intent to invalidate future vows in the form of an advance stipulation (bitul tenai).

The locus classicus for the anticipatory invalidation of future vows is B. Talmud Nedarim 23b. The mishnah under discussion in this gemara is Mishnah Nedarim 3:1:

He who desires that none of his vows made during the year shall be valid, let him stand at Rosh haShana and declare, "Every vow which I may make in the future shall be cancelled," provided that he remembers [the stipulation] at the time of the vow.

While the nullification of vows ab initio allows people to annul vows already in force, this procedure prevents vows from ever taking force. Placed in the general context of Mishnah Nedarim, which refers to prohibitive vows (nidrei

⁷² B.T. Shabbat 68a; Bet Yosef to Tur, Yoreh Deah 228;

issur), this practice pertains solely to prohibitive vows, i.e., where the vower abstains from eating, drinking, or the like.⁷³

There is a debate in the Gemara between Rava and Abbaye in which they question the logic of why the vow would be cancelled as long as the vower remembers his or her original stipulation. Abbaye argues that logic required the opposite conclusion. For if the vower makes a vow with complete remembrance of his or her original stipulation, then it must have been the person's intent to undertake the vow and overrule the prior stipulation. Abbaye proposes that the mishnah should be emended to read "provided it is not remembered at the time of the vow." Wanting to avoid an emendation of the text, Rava maintains that the mishnah is correct as given. To demonstrate his case he constructs a hypothetical case in which the given mishnah makes perfect sense.

The details of the arguments they put forth are not germane to our study.⁷⁴ The salient point for our purposes is

⁷³ See ROSH to Nedarim 23b.

⁷⁴ Abbaye reasoned in the following manner: An individual declared a general invalidation of future vows. If the person went ahead and made a vow, with full remembrance of his original stipulation, then it must have been the individual's current intent to supersede his prior stipulation and undertake the vow. Conversely, if the person undertook a vow but did not remember that he had made a prior stipulation, then his present intent is not clear. Without any definitive statement to the contrary, the original stipulation remains in force, and the vow has no legal effect.

that later commentators harmonized the views of Rava and Abbaye, arguing that Abbaye and Rava differed only because they were addressing different cases. This allowed later authorities to adopt Abbaye's opinion as the law: if the vower remembers his or her declaration of invalidation then the vow is binding -- but to base it on Rava's greater authority.⁷⁵

Most significantly, Rava ruled that this procedure for the anticipatory invalidation of future vows should not be taught to the public. He feared that it would lead the general population to disregard their vows and to take them lightly:

R. Huna b. Hinena wished to lecture [on the invalidation of future vows] publicly. But Rava remonstrated with him. The Tanna has intentionally obscured the law in order that vows should not be treated lightly, but you desire to teach it publicly!

Rava's misgivings notwithstanding, B. Talmud Nedarim 23b became the source for a popular practice in the Middle Ages

Rava reasoned in the following manner: An individual declared specific future vows to be invalid. The person went ahead and made a vow, with full remembrance that he had made a stipulation but having forgotten the specifics. If the individual declared that he wished the vow to be considered as part of his original stipulation, then the vower's present intent is quite clear, and the vow is cancelled. Conversely, if the vower did not make this declaration, then the vower's current intent must have been to undertake the vow and override his prior stipulation.

⁷⁵ Rambam, Mishneh Torah, Sefer Hafla'ah, Hilkhos Nedarim 2:4,5; Shulchan Aruch, Yoreh Deah 211:2.

of nullifying both past and future vows on the morning before Rosh haShana:⁷⁶

Pious Jews still follow a procedure based on this original practice: after the morning worship on the day preceding Rosh Ha Shana, they petition a 'court' of three learned men to hear declarations pertaining both to vows unwittingly neglected during the past year and those which might be improperly taken during the year about to begin.⁷⁷

But for our study Nedarim 23b held even greater historical significance. By the 8th century, some Geonic responsa report that Nedarim 23b was attributed to be the Talmudic authority for another highly popular folk practice - kol nidrei. We shall attempt to demonstrate in the next chapter that the terminology of kol nidrei proves it is nothing but a retroactive nullification of vows ab initio.

⁷⁶ See Appendix.

⁷⁷ Herman Kieval, "The Curious Case of Kol Nidre," Commentary 46 (October 1968): 53.

CHAPTER FIVE:

VERSIONS OF KOL NIDREI

The author of kol nidrei and its exact date of origin are unknown. The earliest known version of kol nidrei is recorded in the 9th century prayerbook Seder Rav Amram. The text is mostly in Hebrew:

All nedarim, isarim, shevuot, kiyumim and charamim,⁷⁸ which we have vowed, imposed, declared, sworn, and obligated upon ourselves under oath⁷⁹ from the previous Day of Atonement until this Day of Atonement which has come to us,⁸⁰ we retract all of them and we come before our Father in heaven [to say]. If we uttered a nedër now there is no nedër. If we bound ourselves by an isar, now there is no isar. If we declared a cherem, now there is no cherem. If we took a shevuah, now there is no shevuah. If we made a kiyum, now there is no kiyum. Annul the nedër from its root. Annul the isar from its root. Annul the cherem from its root. Annul the kiyum from its root. Now there is no nedër, no isar, no shevuah, and no kiyum. Now there is pardon, forgiveness, and atonement as it is written in Your Torah, 'The whole Israelite community and

⁷⁸ "Vows, prohibitive vows, oaths, contracts, and vows of dedication." Charamim: a special declaration consecrating something to the Temple or to the priests (M. Nedarim 1:1). See our discussion in Chapter Two, pp. 12-13.

⁷⁹ Beshavuah: perhaps it connotes the meaning "under law."

⁸⁰ This is the conventional translation of haba aleynu. But several factors lead me to question its veracity. First of all, the phrase is redundant. The apposition between the previous Day of Atonement and the present Day of Atonement is made perfectly clear by the demonstrative zeh. Note too that zeh appears in Hai Gaon's kol nidre but haba aleynu does not. Secondly, the term lavo aleynu means in II Sam 17:2 to set upon, to attack." Perhaps haba aleynu is an allusion to Yom Kippur as a day of judgement, particularly in light of the later phrase "may it come upon us for good."

the stranger residing among them shall be forgiven, for the entire people acted in error' (Nu. 15:26).⁸¹

Amram's kol nidrei begins with a listing of five different types of vows which were undertaken between the previous Day of Atonement and the present one. The key point here is that all these vows have been uttered; consequently they are already in force.

From the Talmudic sources cited in Chapter Four, we can now recognize that Amram's kol nidrei extensively borrows from the legal terminology and conceptual ideas for the nullification of vows (hatarat nedarim). By the retroactive nullification of the vows from their root (batel haneder me'ikaro), i.e., from the very moment they took force, kol nidrei renders the vows as if they no longer exist and had never existed.⁸² By means of this legal fiction, the kol nidrei formula properly asserts: "now there is no vow" (ein k'an neder).⁸³ Thus we conclude that kol nidrei constitutes a retroactive nullification of vows ab initio.

⁸¹ Daniel Goldschmidt, ed. Seder Rav Amram Gaon (Jerusalem: Mossad haRav Kook, 1971), 162. The Karaite Sahl ben Masliah reported the existence of an abbreviated kol nidre form in the 9th century: "All nedarim, shavuot, issarim, kiyyumim which we have vowed, sworn, imposed and obligated from the fast of the previous Day of Atonement to this fast of the Day of Atonement. All of them are forgiven, annulled, pardoned." See Jacob Mann, Texts and Studies (Cincinnati: Hebrew Union College Press, 1931), 51;88.

⁸² "The sage loosens and uproots the vow." See B.T. Ketubot 74b and P.T. Ketubot 7:7. See our discussion in Chapter Four, p. 34.

⁸³ The sage says "there is no vow here, there is no oath here" (P.T. Nedarim 10:8). See our discussion in Chapter Four, p. 34.

Another version of kol nidrei was composed by Hai Gaon. Since there are two Geonim named Hai Gaon the authorship of this kol nidrei is a matter of debate. Goldschmidt and Deshen attribute this kol nidrei to Hai bar Nachshon (of Sura, 871-879).⁸⁴ But Mann and Kieval attribute this kol nidrei to Hai bar Sherira (of Pumbedita, 998-1038).⁸⁵ Since Hai bar Nachshon fervently opposed the practice of kol nidrei, it doesn't seem likely that he would compose and promulgate a new version.⁸⁶ In contrast, I am not aware of any negative statements made by Hai bar Sherira about kol nidrei. Given this data, I believe its reasonable to attribute this kol nidrei version to Hai bar Sherira Gaon.

We know the text of Hai Gaon's kol nidrei through a citation found in Shibbolei haLeket, composed by the 13th century Italian posek Zedekiah ben Abraham:⁸⁷

All nidrei, isarei, konamei, charamei, and shevvei⁸⁸ which we have vowed, sworn, declared, and imposed upon ourselves from the previous Day of the Fast of

⁸⁴ Daniel Goldschmidt, Machzor laYamim haNoraim, vol. 1 (New York: Leo Baeck Institute, 1970), 27; Deshen, "The Enigma of Kol Nidre," 147, n. 17.

⁸⁵ Mann, Texts and Studies, 52, n. 27; Deshen, "The Enigma of Kol Nidre," 147, n. 17.

⁸⁶ See our discussion in Chapter Eight.

⁸⁷ Shibbolei haLeket, ed. Solomon Buber (Jerusalem, 1962), Seder Yom haKippurim #317.

⁸⁸ "All vows, prohibitive vows, konam-vows, vows of dedication, and oaths..." Konamei: a class of vows which used konam as an acceptable substitute for korban in the vow formula, "This is forbidden to me like a korban" or Korban be this item to me." See our discussion in Chapter Two. p. 12.

Atonement until this Day of the Fast of Atonement upon which we have transgressed inadvertently or by compelling circumstances, we pray for compassion from the Lord of heaven to release us and to forgive us. Our nidrei are not nidrei to be liable for them; our isarei are not isarei to sin by them; and our shevuei are not shevuei to be punished on account of them, as its written "they shall be forgiven..."

The version of kol nidrei known to Rav Amram was mostly in Hebrew. Hai Gaon's kol nidrei was a conflation of Palestinian and Babylonian Aramaic. Aside from this the two kol nidrei versions share some basic similarities. Both versions list five types of vows, of which four out of the five are the same. The exception is Amram's text used kiyum while Hai's version employed koname. Both texts refer to past vows. Both sources invoke Nu. 15:26 as proof-text.

But a close analysis of the different terminologies employed by these kol nidrei texts illuminate some striking differences in substantive content. Goldschmidt maintains that kol nidrei's affinity with hatarat nedarim was purely superficial. He argues that the failure of the kol nidrei text preserved by Rav Amram to fulfill the Talmudic requirements for the nullification of vows demonstrates that it was intended for a different purpose. Goldschmidt claims that the content of kol nidrei reveals its true function:

[Kol nidrei] is a petition for compassion so that the vows to which they had obligated themselves are not operative and they desired by this to be saved from punishment.⁸⁹

⁸⁹ Goldschmidt, Machzor, 26.

In opposition to Goldschmidt I would maintain that the very language of Amram's kol nidrei formula which we analyzed earlier in this chapter proves that it was intended as a nullification of vows. Moreover, I would content that Goldschmidt vitiated his own argument by stating that Hai Gaon's kol nidrei rescued the practice from rabbinic opposition.⁹⁰ If Amram's version of kol nidrei were truly a prayer for absolution, why were some of the Geonim opposed to it? If this version of kol nidrei was simply a prayer for absolution, then why was Hai's version preferable?

As I see it, Goldschmidt's hypothesis far more accurately describes Hai Gaon's kol nidrei.⁹¹ Here the linguistic terminology for hatarat nedarim is noticeably absent. There is no mention of "annulling the vow from its root" or "now there is no vow." Quite the contrary, this version of kol nidrei is permeated with the language of penitential prayer:

We pray for compassion from the Lord of heaven to release us and to forgive us

The prayer's concern to escape divine punishment is paramount:

Our vows re not vows to be liable for them; our prohibitive vows are not prohibitive vows to sin by them; and our oaths are not oaths to be punished on account of them...

⁹⁰ Ibid., 27.

⁹¹ Deshen ("The Enigma of Kol Nidre," 147, n. 17) agrees with this estimation: "Hai bar Nachshon (sic) more suitably revises the custom as a request for pardon from the transgression of vows."

In this regard two other differences between the kol nidrei versions are worthy of note. The kol nidrei known to Rav Amram provided a blanket nullification of vows, even if the vows were intentionally violated. But Hai Gaon's kol nidrei limited the release to only those vows which went unfulfilled due to unintentional neglect or compelling circumstances. Second, God appears to play almost no active role in Rav Amram's kol nidrei. The people ascribe to themselves the authority to nullify their vows. God's pardon and forgiveness are invoked at the end. In contrast, quite explicit in Hai Gaon's kol nidrei is the notion that it is up to God to forgive the people and to release them from their vows.

On the basis of this evidence, I conclude that the kol nidrei version extant in Seder Rav Amram functioned as a genuine nullification of vows. By contrast Hai Gaon's kol nidrei was not a hatarat nedarim, but a prayer for absolution.⁹² In Chapter Eight we shall discuss in greater detail the attitude of the Babylonian Geonim toward kol nidrei. Let it suffice for now to say that these distinctions between the two kol nidrei versions may have played an important role in their deliberations.

⁹² Lieberman maintains that the rabbis fought against incantational formulae and tried to convert them into liturgical prayers whenever they could. Hai's kol nidrei may be a good example of that process. See Lieberman, "Adjurations in Israel," 24-25.

Abramson has shown that kol nidrei was accompanied by a blessing for the nullification of vows.⁹³ The blessing is in Hebrew:

Praised are You, Adonai our God, King of the universe who sanctified us with commandments and commanded us concerning the nullification of vows and oaths.

Abramson found the blessing at the end of the kol nidrei text recorded in a book called The Book of Apples (Kittab al Tapatha) which he claims was written in Egypt during the late 11th/early 12th century. But the Karaite Salman ben Yerucham was already aware of the blessing in the second half of the 9th century.⁹⁴ Shibbolei haLeKet mentions that the blessing was still being practiced as late as the 13th century.⁹⁵

Believing that kol nidrei failed to meet any of the necessary Talmudic requirements for the nullification of past vows, Rabbenu Tam changed kol nidrei in the 12th century to refer to future vows and added a reference to the principle of charatah.⁹⁶ He converted the phrase "from the previous Day of Atonement to this Day of Atonement" to:

From this Day of Atonement until the next Day of Atonement may it come upon us for good. Regarding them all, we regret (etcharatna) them.

⁹³ Shraga Abramson, "Early Rulings," [Hebrew] Sinai 49 (1961): 210-214; "On the Blessing for the Nullification of Vows and Oaths," [Hebrew] Sinai 50 (1962): 185-186.

⁹⁴ Mann, Texts and Studies, 51, 85.

⁹⁵ Shibbolei haLeKet, Seder Yom haKippurim #317

⁹⁶ See our detailed discussion in Chapter Nine.

This emendation was not widely accepted among Ashkenazim until the 17th century. It was never accepted among Western Sephardim (Spain and Portuguese). Oriental Sephardim incorporated both phrases within the kol nidrei formula.⁹⁷ We shall now analyze all three kol nidrei versions.⁹⁸

Below is the classical Ashkenazi kol nidrei:⁹⁹

All nidrei, esarei, chamei, konamei, chinuyei, kinusei, and shevuei¹⁰⁰ which we have vowed, sworn, declared, and imposed upon ourselves from this Day of Atonement until the next Day of Atonement may it come upon us for good. Regarding them all, we regret them. Let them all be released,¹⁰¹ forgiven,¹⁰² erased,¹⁰³ null and void.¹⁰⁴ They are not valid nor

⁹⁷ Kieval, "The Curious Case of Kol Nidre," 55.

⁹⁸ The Aramaic texts can be found in Appendix I.

⁹⁹ As cited in Goldschmidt, Machzor, 2.

¹⁰⁰ "All vows, prohibitive vows, oaths, vows of dedication, konam-vows, konas-vows, and equivalent terms..." Kinuse: a class of vows which use konas as an acceptable substitute for korban in the vow formula; Chinuyei: The entire class of all terms considered acceptable euphemisms for korban in the vow formula.

¹⁰¹ Shiran: similar to mutar lekha, "You are released." Others translate as "permitted."

¹⁰² Shevikin: similar to machul lekha, "You are forgiven, pardoned." In other contexts it can also connote "to abandon, to leave" but it's erroneous to so translate here.

¹⁰³ Shevutin: the term does not occur elsewhere in rabbinic literature. Goldschmidt identified it as "erased," synonymous with machui and machuk.

¹⁰⁴ Betalin umevutalin: generally rendered "cancelled." But this misses the phrase's force as a synonym for nullification. Hence the closest English equivalent is: null and void.

are they in force.¹⁰⁵ Our vows (nidrana) are not vows. Our prohibitive vows (esarana) are not prohibitive vows. Our oaths (shevu'atana) are not oaths.

From a purely linguistic point of view this classical Ashkenazi kol nidrei is much closer to Hai Gaon's kol nidrei: 1) It is written in Aramaic; 2) It lists all five types of vows mentioned by Hai Gaon; 3) It employs the same verbs in the same order ("which we have vowed, sworn, declared, and imposed ourselves"); finally, 4) Like Hai Gaon's kol nidrei, the classic kol nidrei employs the terms sherei (release) and shevak (forgive).

But the classic Ashkenazi kol nidrei does not utilize the language of penitential prayer exclusively. We also find some terminology associated with the nullification of vows such as charatah and betalin umevutalin, though only the root batel is represented from Seder Rav Amram. Instead we have new terms such as shevitin and la sheririn vela kayamin.

The classical Western Sephardi formulation of kol nidrei is:¹⁰⁶

The rabbi says:

¹⁰⁵ La sheririn vela kayamin: the positive form sharir v'kayam is the customary formula appearing at the end of a document which certifies it as valid and in force--and consequently enforceable!

¹⁰⁶ David de Sola Pool, ed. Prayers for the Day of Atonement: According to the Custom of the Spanish and Portuguese Jews (New York: Union of Sephardic Congregations, 1984), 26.

All nidrei, esarei, shevvei, charamei, niduyei, kunamei, kunachei, and kunasei¹⁰⁷ which we have vowed, sworn, declared, pronounced, and imposed upon ourselves from the previous Yom Kippur until this Yom Kippur which has come upon us in peace.

Congregation responds:

Our vows (nidreina) are not vows. Our oaths (shevu'ana) are not oaths. Our vows of dedication (charamana) are not vows of dedication. Our excommunications (niduyana) are not excommunications. Our prohibitive vows (esarana) are not prohibitive vows. Regarding them all, let them be erased and forgiven. They are not valid nor are they in force. "The whole Israelite community and the stranger residing among them shall be forgiven, for the entire people acted in error" (Nu. 15:26).

The traditional Western Sephardi kol nidrei also follows the linguistic patterns of Hai Gaon's kol nidrei: 1) It is written in Aramaic; 2) It lists all five types of vows mentioned by Hai Gaon; 3) With one exception (nadeina), it employs the same verbs in the same order; finally, 4) The Sephardi kol nidrei employs the term shevak.

The Western Sephardi kol nidrei shares many linguistic elements with its Ashkenazi counterpart as well. With two exceptions, it lists the same types of vows: The Sephardic text adds niduyei and replaces chinuyei with kunachei. It also shares with the Ashkenazi kol nidrei some of the same terminology for the nullification of vows: "They shall be

¹⁰⁷ "All vows, prohibitive vows, oaths, vows of dedication, excommunications, konam-vows, konach-vows, konas-vows..." Niduyei: excommunications; Kunachei: a set of vows which use konach as an acceptable substitute for korban in the vow formula; Kunasei: another form of kinusei.

erased and forgiven. They are not valid nor are they in force" (Yehon shevitin ushevikin. La sharirin vela kayamin).

But the most glaring difference between the Ashkenazi and Sephardi kol nidrei is that the latter does not include Rabbenu Tam's emendation. It refers to past vows. It makes no reference to the principle of charatah. The Sephardi version includes Numbers 15:26 within the kol nidrei formula. It is chanted antiphonally.

The 'classic Oriental Sephardi kol nidrei formula is:¹⁰⁸

All nidrei, esarei, shevuei, niduyei, chamei, kunamei, kunachei, kunasei, which we have vowed and will vow, sworn and will swear, pronounced and will pronounce, declared and will declare, which we have imposed upon ourselves from the previous Day of Atonement until this Day of Atonement which has come to us in peace, and from this Day of Atonement until the next Day of Atonement, may it come to us in peace. Our vows (nidrana) are not vows. Our oaths (shevu'ana) are not oaths. Our excommunications (niduyana) are not excommunications. Our vows of dedication (charamana) are not vows of dedication. Our prohibitive vows (esarana) are not prohibitive vows. Regarding them all, we regret them. May it be God's will that they shall be erased and forgiven. They are not valid nor are they in force. "The whole Israelite community and the stranger residing among them shall be forgiven, for the entire people acted in error" (Nu. 15:26).

With two exceptions, the Oriental Sephardi kol nidrei and its Western Sephardi counterpart are essentially the same. The obvious difference is that the former has adopted Rabbenu Tam's emendation. It also mentions God. In contrast with the Ashkenazi kol nidrei, the Oriental Sephardi version refers to

¹⁰⁸ Moshe Rabi, ed. Machzor Tefillah LeMoshe: Lefi Minhag haSefaradim ve'dot haMizrach (Jerusalem, n.p., 1982), 93-94.

both past and future vows. In order to make kol nidrei more coherent, the Oriental kol nidrei, unlike its Ashkenazi counterpart, lists the verbs in the opening phrase in both the past and future tense.

Having accepted Rabbenu Tam's emendation, the Oriental Sephardi kol nidrei also includes the reference to charatah. Otherwise both Sephardi versions include the same terminology for the nullification of vows. Like Hai Gaon's kol nidrei, the Oriental Sephardi kol nidrei also uses the term shevak (forgive).

All three kol nidrei versions straddle the fence between Amram's nullification of vows and Hai's prayer for absolution, by combining both elements in equal measure. For example, both the classic Ashkenazi and Western Sephardi kol nidrei lack one element necessary for a prayer of absolution: they never mention God! On the other hand, both the Western and Oriental versions of kol nidrei lack a critical element associated with the nullification of vows: they never declare the vows "null and void" (betalin umevutalin).

By the 13th century kol nidrei had undergone another major emendation. In an attempt to further strengthen the legitimacy of kol nidrei to nullify past vows, Meir ben Baruch of Rothenberg (MAHARAM) added a preamble which justified the release from vows on the basis of the consent of the

majority.¹⁰⁹ This emendation was universally accepted throughout the Jewish world:

By authority of the heavenly court and by the authority of this court on earth, with the consent of God and with the consent of this congregation, we permit prayer with transgressors.

For reasons which we will explore in Chapter Nine, to the MAHARAM was also attributed the exclusion of the phrase "As it is written in the Torah of Moses Your servant" from the kol nidrei formula.

Finally, it became customary in the late 16th/early 17th century to recite after the recitation of kol nidrei, in addition to Numbers 15:26, two other Biblical verses, Numbers 14:19- 20:¹¹⁰

The whole Israelite community and the stranger residing among them shall be forgiven for the entire people acted in error (Nu. 15:26).

Please pardon the sin of this people according to Your great kindness as You have forgiven this people ever since Egypt (Nu. 14:19).

Then the LORD said, 'I pardon as you have asked.' (Nu: 14:20).

Having established the philology of the various kol nidrei formulae in a liturgical context, we need to recall from Chapter Two, the fact that vows and oaths also functioned "in a magical key." Each of the terms in the opening line of kol nidrei had magical equivalents: "nedarim could mean "vows,"

¹⁰⁹ See our detailed discussion in Chapter Nine.

¹¹⁰ This dating was conveyed to me in a personal communication from Dr. Menachem Schmelzer.

but also "malevolent vows"; isarim could mean "prohibitive vows," but also "spells"; shevuot could mean "oaths," but also "curses"; finally, charamim could mean "vows of dedication," but also "bans." We now proceed to the investigation of Amram's kol nidrei as a retroactive nullification of vows ab initio functioning as an incantation in a magical context.

CHAPTER SIX:

KOL NIDREI AND INCANTATION TEXTS

Neusner, Trachtenberg, and Lieberman have demonstrated the significant place of demonology in the life of Babylonian Jewry during the Talmudic period.¹¹¹ Jewish demonology flourished in the cultural climate of Babylonia where Persian dualism and the belief in demons was widespread:¹¹²

Gentiles and Jews alike wanted to be saved from demons and from illnesses, to exorcise ghosts, and, especially, to preserve the happiness of their marital life. Both groups believed demons had a particularly ill affect on these matters, and both looked forward to a salvation which consisted of good health, sexual satisfaction, and normal daily life unmarred by inexplicable accidents or bad luck. No one seems to have enjoyed an abundance of such blessings.¹¹³

Apparently Jews had something of a reputation in the Talmudic period for their magical skills. The second century Tanna Simeon bar Yohai bragged about Jewish expertise in the magical arts:

The Master says: We do not pass by food [which is lying in the street and which may have been used

¹¹¹ Neusner, A History of the Jews in Babylonia, vol. 5, 336-341; Trachtenberg, Jewish Magic and Superstition; Lieberman, "Pleasures and Fears," in Greek, 97-114.

¹¹² J. Bruce Long, "Demons," in Encyclopedia of Religion, 1987 ed. In Jewish demonology demons were known as both a generic class and as individuals. Some generic names for demons were lilit (female demons), shedim (devils), mazzikim (injurers), ruchot (spirits), and malachei chabbalah (angels of destruction). Other demons were given proper names. Asmodeus or Samael were the king of the demons and Igrat bat Machalat was the queen. See The Encyclopedia of the Jewish Religion, 1966 ed., s.v. "Demonology."

¹¹³ Neusner, A History of the Jews in Babylonia, vol. 6, 242-243.

for protection against spirits]. R. Yochanan in the name of R. Simeon bar Yohai says: This decision applies only to the earlier generations, when the daughters of Israel were not practiced in all arts of magic; but nowadays, when the daughters of Israel are indeed practiced in all magical arts, this does not apply... (B.T. Eruvin 64b).

In addition to prayer, amulets, and incantations, the Jews believed themselves to possess another potent weapon against demons -- the study of Torah and the practice of commandments:

R. Joseph said that a commandment protects and rescues [from demons] when one is doing it, but afterwards, while it protects, it does not rescue. Rava said that while one is engaged in study of Torah, the act of study protects and rescues, but otherwise, study of Torah protects but does not rescue. As to a commandment, under all circumstances it protects but does not rescue (B.T. Sotah 21a).

The belief in demons was not limited to folk religion. The rabbis accepted the reality of demons as well. Indeed, as "holy men," rabbis were expected to be adept at controlling demons and manipulating them to perform human bidding. Neusner has described the Talmudic rabbi as a "lawyer-magician" who was able by virtue of his knowledge of the Torah and divine names to work miracles, interpret dreams, exorcise demons, compose healing incantations, and manufacture amulets:¹¹⁴

'Igrat daughter of Machalat', queen of demons once met Abbaye. She said to him, "Had they not proclaimed concerning you in heaven, 'Take heed of Nahmani and his Torah,' I would have endangered you." He replied, "If I am important in heaven, I order

¹¹⁴ Jacob Neusner, "The Phenomenon of the Rabbi in Late Antiquity," Numen 16 (April 1969): 1-20.

you never to pass through inhabited areas." (B.T. Pesachim 112b).

While the majority of rabbis probably accepted the reality of demons and the efficacy of magic, not all of them approved of the latter's use. Some must have found magic to be idolatrous, inconsistent with Jewish belief in divine sovereignty, reward and punishment, and human free will.¹¹⁵ Yet Lieberman's portrayal of the rabbis as engaged in a battle with the masses over magic is overdone for "popular beliefs are always represented in the establishment."¹¹⁶

Jewish demonology is known principally through the study of the Babylonian Talmud. Since 1853, however, more than 100 magical incantations inscribed on earthenware bowls were discovered in Babylonia, principally at Nippur, but also at other sites in the Middle East. These incantation texts dating from the 4th-7th century CE were roughly contemporaneous with the formation of the Talmud. They are written primarily in Aramaic, Mandaic, and Syriac:

These texts are inscribed spirally in black ink on the interior (and sometimes exterior) surface of clay dishes approximately a porridge bowl in size and shape. The scribe sometimes added a crude drawing (usually in the center) often depicting the demon(s) to be foiled by the incantation.¹¹⁷

¹¹⁵ Lieberman, Greek, 91-113.

¹¹⁶ Personal communication from Dr. Baruch Levine.

¹¹⁷ Cyrus H. Gordon, "Leviathan: Symbol of Evil," in Biblical Motifs: Origins and Transformations, ed. Alexander Altmann (Cambridge: Harvard University Press, 1966), 5.

Gold suggests that the continuous spiral of the incantation text is symbolic of how the magical formula binds the demon as if in a web.¹¹⁸

Most of these bowls were found buried in homes just beneath the surface of the floor. Others were found in cemeteries. They were uniformly found in an inverted position. Gordon suggests that the power of the incantation inhered not only in the words themselves but in the symbolism of the inverted bowl. Just as the bowl was overturned, so too, the plans of the evil forces would also be overturned.¹¹⁹ But Gold speculates that the bowls were inverted so that the incantation texts would face in the direction of where the demons resided. They would then read the texts on their way up to the human world.¹²⁰

These Babylonian magic bowls have shed new light on the religious praxis of Babylonian Jewry, particularly with regard to kol nidrei.¹²¹ As we discussed in Chapter Three, it was believed that incantations controlled demons by making them swear a vow or an oath to leave or to perform certain acts.

¹¹⁸ Personal communication from Rabbi Manuel Gold.

¹¹⁹ Gordon, "Leviathan," 6-7.

¹²⁰ Personal communication from Rabbi Manuel Gold.

¹²¹ Herr writes, "The remarkable similarity between the Kol Nidre formula and the formulae of the magical incantations cannot be ignored." See Moshe David Herr, "Matters of Palestinian Halakhah During the Sixth and Seventh Centuries CE," [Hebrew] Tarbitz 48 (October 1979-March 1980), vi.

Gordon noticed that some of the magic bowl incantations described something new, in that they neutralized demonic power by nullifying the hostile vows, spells, and curses which had set it in motion in the first place. Gordon also noticed that many Aramaic terms used in kol nidrei had parallels in the incantations: nidrei, isarei, shivei, cheremei, shevitin, shevikin, sharirin, kayamin, bitalin.¹²²

Remarkably, some of these incantations utilized the very words "kol nidrei":

Health and protection and healing from the heavens let there be unto Shiroy, son of Burzin, or any name that the son of Burzin may have. Blessed be the Lord of creatures! by this countercharm do I disenchant and in the name of this True One do annul all vows (kol nidrei) and curses and knooks and spells...He who cancels (miftar) the vows (nidrei) of mankind and the decree of heaven, He will annul (yabtil) these vows (nidrei).¹²³

and

Upset, upset is the earth. Upset is the earth...Upset are all the vows (kol nidrei) and curses, spells and magic, curses and magic and evil blows that may lodge in this man...¹²⁴

Montgomery published magic bowl inscriptions which utilized kol nidrei terms such as shevikin, and sharirin also. The term shevikin is attested in the magic bowl inscriptions

¹²² Gordon, "Leviathan," 6-7, n. 23. See the glossary compiled by William H. Rossell A Handbook of Aramaic Magical Texts, Shelton Semitic Series Number II (Ringwood Borough, N.J.: Shelton College, 1953), 122-153.

¹²³ Cyrus Gordon, "Aramaic Incantation Bowls," Orientalia 10 (1941): 341-342.

¹²⁴ Cyrus Gordon, "Leviathan," 6-7.

to refer to a bill of divorce given to female demons in order to banish them from a human home:

I [Joshua bar Perachia] write for them divorces, for all the Liliths who appear to them in this house of Babanos bar Kayomta and of Saradust bat Sirin his wife...a writ of separation and divorce (degita dape vidishivukin).¹²⁵

and

This day above any day, years of generations of the world, I Komes bat Mahlaphta have divorced (shevikit), separated, dismissed thee, thou Lilith, Lilith of the Desert.¹²⁶

The term kayam v'sharir was employed in the magic bowls to certify that an incantation against demons was valid and in force, having been sealed by God:

In the name of YHWH-in Yah, El-el the great, the awful, whose word is panacea, this mystery is confirmed, made fast and sure (kayam vesharir), forever and ever.¹²⁷

All these texts show how authors of these incantations believed that the legal terminology for contracts, bills of divorce, and the nullification of vows in the human world were equally efficacious in the realm of demons.

On the basis of these linguistic and conceptual parallels between magic bowl incantation texts and kol nidrei, Gordon

¹²⁵ Montgomery, Ancient Incantation Texts, 161. Joshua ben Perachiah was frequently mentioned in the Babylonian magic bowls. He was known to exorcise female demons by issuing them bills of divorce. See the discussion of him in Neusner, "The Phenomenon of the Rabbi in Late Antiquity," 13-17 and in Neusner, A History of the Jews in Babylonia, vol. 6, 235-243.

¹²⁶ Montgomery, Aramaic Incantation Texts, 190.

¹²⁷ Ibid., 178.

concluded that kol nidrei must also have served in a magical context. In his view, kol nidrei functioned as an incantation which nullified curses and hostile vows, thus rendering the demons harmless:

The original function of the prayer was the annulment of curses or oaths (originally not in the sense of promises or contractual obligations) that touch off evil forces in the community...its purpose is to give the community a fresh start by annulling the evil forces set in motion by destructive (even if unpremeditated) words.¹²⁸

Gordon was intuitively on the right track. We, however, can be even more specific. Kol nidrei did not annul human vows.¹²⁹ Kol nidrei functioned as an incantation which nullified both the self-imposed curses activated by one's own abused vows or oaths, as well as malevolent vows, curses and spells which may have been engendered by destructive magic.

This interpretation is given additional credence by Trachtenberg's discovery that the phrase "with the consent of X" is a common preamble for exorcisms against demons and the nullification of curses:

With the consent of the heavenly and earthly courts, of our sacred Torah, of the great and small Sanhedrins, and of this holy congregation, we release N son of N from all the curses, maledictions, oaths, vows...uttered in his home, or directed against him or any member of his household, be they his own curses or the curses of others

¹²⁸ Gordon, "Leviathan," 5-6, n. 23.

¹²⁹ Personal communication from Rabbi Manuel Gold. He suggests that kol nidrei's failure to fulfill the Talmudic requirements for the nullification of human vows is a sure tip-off that its author had never intended it for that purpose.

against his person, or curses that he uttered against others, unwarrantedly or deservedly, in a moment of wrath or with malice prepense, intentionally or unintentionally, whatever their occasion or character. With the consent of God and of His celestial and terrestrial menage, let them all be null and void, like unto a clay vessel that has been shattered.¹³⁰

Gold suggests that kol nidrei functioned in tandem with a hatarat nedarim on Yom Kippur eve.¹³¹ He proposes that the nullification of vows took care of the human vows but had no power over curses, whether of the self-imposed or externally directed variety. Kol nidrei served as an incantation which successfully nullified all these curses.

Gold's hypothesis of a tandem ritual on Yom Kippur eve receives additional support from the unpublished incantation cited by Shlomo Deshen which we discussed in Chapter Three.¹³² This undated manuscript described the Yom Kippur eve practice in Cheven, a city on the Arabian peninsula near Yemen. We are told that the ritual began with kol nidrei, followed by "the consent of Elijah," which nullifies "every vow and oath that causes punishment upon a human being." The service concluded with an incantation releasing the demons from all the oaths

¹³⁰ Trachtenberg, Jewish Magic and Superstition, 60; 158.

¹³¹ Personal communication from Rabbi Manuel Gold.

¹³² Deshen, ("The Enigma of Kol Nidre," 145-146) presumes that kol nidrei was indeed an incantation whose purpose was to expel demons prior to the especially vulnerable time of Yom Kippur, the Day of Judgement. Deshen believes this hypothesis provides an explanation for why kol nidrei figures so prominently at the beginning of the Yom Kippur eve service.

which had been imposed upon them. Consistent with Gold's hypothesis, the Yom Kippur eve ritual in Cheven did indeed appear to involve a nullification of human vows followed by a nullification of hostile vows, oaths, charms, and spells.

Levine rejects the interpretation of Gordon and Gold.¹³³ He maintains that kol nidrei did not function as a magical incantation and had nothing to do with curses. He argues that kol nidrei served liturgically to nullify the unfulfilled vows and oaths of remorseful people who sought to reconcile themselves with God and to escape divine punishment implemented by demons.

While kol nidrei may have been perceived by some elements within the folk as a magical incantation against curses, Levine contends that neither the rabbis nor the majority of the folk ever lost sight of kol nidrei's moorings as a legal fiction for the nullification of human vows. In contrast to Gold and Gordon, Levine believes that kol nidrei was never transformed into a "magical key," despite its many linguistic parallels with the Babylonian incantation texts. In either case, enough data is now available to put forth some conclusions in the next chapter about kol nidrei's place of origin.

¹³³ Personal communication from Dr. Baruch Levine.

CHAPTER SEVEN:

KOL NIDREI'S PLACE OF ORIGIN

Early 20th century scholarship tended toward the conclusion that kol nidrei was originally a Palestinian custom which subsequently won widespread popularity in Babylonia.¹³⁴ This hypothesis was primarily based upon the responsum of Natronai bar Hillai (of Sura, 853-858) which claimed that kol nidrei was not practiced in Babylonia:

We do not practice in the two academies nor anywhere else to annul vows, neither on Rosh haShana nor on Yom Kippur. However, we have heard that in other countries they say "all vows (kol nidrei) and prohibitions," but we have neither seen nor heard of it [i.e., no such tradition has been passed down to us] from our rabbis.¹³⁵

But Natronai's assertion that kol nidrei was not practiced in Babylonia has been contradicted by at least two other sources which explicitly report that kol nidrei or some form of hatarat nedarim were practiced by the public in Babylonia. Hai bar Nachshon (of Sura, 885-896) stated:

¹³⁴ Hoffman cites Poznanski, Elbogen, and Mann. Since Poznanski and Elbogen wrote in German, I am relying upon Hoffman's research. Lawrence A. Hoffman, The Canonization of the Synagogue Service (Notre Dame: University of Notre Dame Press, 1979), 215, n. 39. Mann (Texts and Studies, 53) argued for the Palestinian origin of kol nidre on the grounds that the practice was attacked by the Jerusalem Karaites in the 9th century. I fail to grasp what this datum proves since the Babylonian Geonim also attacked kol nidrei in the same century. See also Herr, "Matters of Palestinian Halakha," 70.

¹³⁵ Benjamin Lewin, ed., Otsar haGeonim, vol. 11 (Jerusalem, 1928-1942), Ned., #63; cf. #57.

It is the practice of the people in our region to say on Yom Kippur "all vows" (kol nidrei) and to say legal fictions (divrei ha'aramah) for the coming year.¹³⁶

We find also in Pirkei Ben Baboi, an 8th-century tractate composed by a disciple of Yehudai Gaon:

Before Yehudai forbade [the nullification of vows on Rosh haShana and Yom Kippur], they were already complying in the provinces but not in the little towns. But ever since Yehudai's prohibition, vows and oaths are not nullified even in the little towns, and whoever vows fulfills his vow and whoever swears fulfills his oath.¹³⁷

Even Hai Gaon himself conceded in another responsum that some Geonim approved kol nidrei and other types of hatarat nedarim:

We have seen people in countries practising according to this mishnah [M. Nedarim 3:1], upon whose authority a few Geonim have relied to perform legal fictions (ha'aramot) and charatot on Yom Kippur eve.¹³⁸

Thus far, our sources contradict each other about whether kol nidrei was practiced in Babylonia. It may well be, however, that Natronai's statement has been misinterpreted. Upon closer examination, it is possible to understand Natronai's remarks as primarily emphasizing that kol nidrei was not practiced at the academies and should not be practiced anywhere else because the sages had no prior tradition

¹³⁶ Wolf Leïter, ed., Sha'arei Teshuvah (1802; reprint ed., New York: Philipp Feldheim, 1946), Ned., #143.

¹³⁷ Shraga Abramson, "Blessing for the Cancellation of Vows and Oaths," 185.

¹³⁸ Leïter, Sha'arei Teshuvah, Ned., #143.

authorizing it. If this reading is correct, then all the sources cited above agree that kol nidrei was practiced in Babylonia. It also means that Natronai's responsum cannot be employed in defense of the Palestinian origin for kol nidrei. At the same time, however, the fact that kol nidrei was practiced in Babylonia does not necessarily imply that it originated there.

Another argument for the Palestinian origin of kol nidrei is Deshen's observation that the language of Hai Gaon's kol nidrei points to the influence of Palestinian Aramaic.¹³⁹ White points out that several items in Hai's kol nidrei reflect Palestinian usage: Among these are the utilization of sherei (release) and shevak (forgive) as a pair; beshalu (unintentionally); 'onsa (unavoidable circumstance); bedilhon (on account of them).¹⁴⁰

While Hai Gaon's kol nidrei may in fact incorporate elements of Palestinian Aramaic, this does not conclusively demonstrate that it originated in Palestine. Given the decline of Aramaic with the rise of Islam, White suggests that Hai Gaon may simply have written the kol nidrei formula in what he considered at the time to be good Aramaic. In addition, Deshen notes that shevitin and shevikin frequently occur in Babylonian sources. Thus we conclude that Hai Gaon's

¹³⁹ Deshen, "The Enigma of Kol Nidre," 147, n. 17.

¹⁴⁰ Personal communication from Dr. Richard White.

kol nidrei is a conflation of Palestinian and Babylonian Aramaic. Nothing definitive can be learned from it about kol nidrei's place of origin.

As we discussed in Chapter Four, by the 8th century some people were deriving the practice of kol nidrei from B. Talmud Nedarim 23b. The mishnah discussed by that gemara is Mishnah Nedarim 3:1:

He who desires that none of his vows made during the year shall be valid, let him stand at Rosh haShana and declare, "Every vow which I may make in the future shall be null."

While acknowledging that kol nidrei and the practice described above are two different customs, some argue that the Palestinian origin of this Mishnaic practice implies the Palestinian origin of kol nidrei as well. But even if we grant the Palestinian provenance of the Mishnah, it still does not follow that kol nidrei originated in Palestine. Babylonian Jews knew the Mishnah too and could have invented kol nidrei just as much as the Palestinians.

So far then we have little evidence -- certainly no conclusive evidence -- to support the conclusion that kol nidrei originated in Palestine.¹⁴¹ Except for Abramson, most recent scholarship since the 1960's tends to the conclusion that kol nidrei originated in Babylonia.¹⁴²

¹⁴¹ Herr ("Matters of Palestinian Halakha," 70) expresses the same evaluation.

¹⁴² See Chapter Five, p. 44, n. 93.

Herr argues that the line of transmission for kol nidrei and for the custom of abrogating vows on Rosh haShana in general must have originated in the cultural climate of Babylonia, where such practices were rife.¹⁴³ He claims that kol nidrei was initially developed in Babylonia by the folk as a communal nullification of vows. Herr maintains that kol nidrei reached Palestine at the end of the 6th or 7th century. Along with Gordon and Deshen, Herr contends that the similarities between kol nidrei and the Babylonian incantation texts conclusively prove that kol nidrei is originally of Babylonian provenance.

Having established all that we can regarding the nature and origin of kol nidrei, we now turn our attention to the history of kol nidrei's interaction with various Jewish communities over the centuries. We begin with the period of the Babylonian Geonim.

¹⁴³ Herr, "Matters of Palestinian Halakha," 70-75.

CHAPTER EIGHT:

THE BABYLONIAN GEONIM AND KOL NIDREI

The Babylonian Geonim were certainly aware of kol nidrei's popularity in folk religion as an incantation against demons. Yet, except for the brief remark of Rav Amram, the Geonim uniformly declined to refer to kol nidrei as a magical incantation. They described it as a nullification of human vows and expressed their approval or disapproval of it on legal grounds.

The Babylonian Geonim did not adopt a monolithic stance with regard to kol nidrei. Natronai, Amram, and Hai bar Nachshon condemned the recitation of kol nidrei; Saadia permitted it under specific circumstances; Hai bar Sherira approved only his own version of kol nidrei; Paltoi may have permitted it outright. In addition to this data, there are sources in both Sha'arei Teshuvah and Shibbolei haLeKet which claim that other unnamed Geonim favored kol nidrei.

Aptowitzer was the first to contend that the Geonim of Pumbedita were lenient with respect to the annulment of vows while the Geonim of Sura were stringent.¹⁴⁴ While this theory may not be totally correct, there was a strong movement

¹⁴⁴ Aptowitzer was supported in this opinion by Ginzberg, Kieval, and Baron. But Mann believed that the purported difference was erroneous. See Louis Ginzberg, Ginzei Schechter, vol. 2 (1929; reprint ed., New York: Jewish Theological Seminary, 1969), 120; Kieval, "The Curious Case of Kol Nidre," 55; and Salo Baron, Philosophy and Science, vol. 8, A Social and Religious History of the Jews (New York: Columbia University Press, 1958), 78; Mann, Texts and Studies, 52, n. 99.

against the nullification of vows in Sura by the time of Yehudai (757-761). Yehudai declared that neither academy would nullify vows or even study the Talmudic tractate on vows because they did not feel competent to deal with the subject:

We do not revoke vows nor annul oaths because we have not expounded upon the Talmudic tractate for vows in more than 100 years...We do not comprehend the profundity of these matters and we do not have the authority to annul vows, much less to annul oaths. It is not practiced at the two academies nor anywhere else in all of Babylonia to revoke vows and to annul oaths... There is no sage in this generation who knows how to revoke vows and to annul prohibitive vows. Likewise, you too should be strict with regard to vows, and with oaths all the more so, and don't deviate from the custom of the academies.¹⁴⁵

The earliest Gaon specifically to express opposition to kol nidrei was Natronai bar Hillai (of Sura, 853-858):

We do not practice in the two academies nor anywhere else to annul vows, neither on Rosh haShana nor on Yom Kippur. However, we have heard that in other countries they say "all vows (kol nidrei) and prohibitions," but we have neither seen nor heard of it from our rabbis.¹⁴⁶

Natronai's opposition to kol nidrei was not based solely on the absence of a positive precedent for it. He believed in fact that an actual negative precedent existed in Jewish tradition. From Rava's opposition to educating the public about the anticipatory invalidation of future vows, Natronai

¹⁴⁵ Lewin, Otsar haGeonim, vol. 11, Ned., #56; Orchot Chayyim, Hilkhot Yom haKippurim #29.

¹⁴⁶ Lewin, Otsar haGeonim, vol. 11, Ned., #63; Cf. Sha'arei Simchah, vol. 1, 60; ROSH to Yoma 88b end; Tur, Orach Chayyim 619; Orchot Chayyim, Hilkhot Yom haKippurim #29.

inferred that he would have been even more opposed to the nullification of past vows, and thus also to kol nidrei, the formula expressing it:

If Rava did not believe that the law allowing for the anticipatory invalidation of future vows should be taught to the public, all the more so one should not annul, or teach about how to annul, vows and oaths which were already undertaken...thus we do not accept nor do we practice this hatarah.¹⁴⁷

Natronai's opposition to kol nidrei was strengthened by Amram (858-871), his successor at Sura. After citing the text of kol nidrei in his prayerbook, Amram remarked without further elaboration:

But the holy academy sent word that this is a foolish custom and it is forbidden to practice it.¹⁴⁸

Beyond Amram's cursory remark, I find no other rabbinic statement directly critical of kol nidrei as a magical incantation. However, the RAMBAM used the exact same term ("foolish") to describe those who converted the mezuzah into a magical amulet:

They, however, who write names of angels, holy names, a biblical text, or inscriptions usual on seals within the mezuzah, are among those who have no portion in the world to come. For these fools not only fail to fulfill the commandment but they treat an important precept that expresses the Unity of God, the love of Him, and His worship, as if it were an amulet to promote their own personal interests; for, according to their foolish minds,

¹⁴⁷ I have not yet found this statement in the Geonic sources. It was attributed to Natronai by the ROSH (ROSH to Yoma 88b end); the Tur, Orach Chayyim 619; and Sefer haManhig, Hilkhos Tzom Kippur #56.

¹⁴⁸ Goldschmidt, Seder Rav Amram Gaon, 163.

the mezuzah is something that will secure for them advantage in the vanities of the world.¹⁴⁹

The position of Saadia Gaon (of Sura, 928-942) toward kol nidrei was somewhat more complex. He did not include kol nidrei in his prayerbook.¹⁵⁰ Saadia did however allow the formula to be used on an ad hoc basis to annul vows made in error by entire congregations, but not by individuals:

By Rabbinic ordinance a community may say kol nidrei which has made a mistake and imposed upon themselves a prohibition in the synagogue such as vows which cannot be fulfilled due to unavoidable circumstances and communal errors as it's written, "If it is the whole community of Israel that has erred..." (Lev. 4:13). But someone that had sworn for the entire year to release his oaths and to annul them, no.¹⁵¹

The next Gaon to condemn kol nidrei was Hai bar Nachshon (of Sura, 885-896):

The law is according to Rava [who ruled that the anticipatory invalidation of future vows should not be taught to the public]. Therefore we do not act according to this mishnah [M. Nedarim 3:1]. We do not revoke vows, neither on Rosh haShana nor on Yom Kippur. We have not heard from our rabbis about this practice at all. Likewise, you too should be

¹⁴⁹ Rambam, Mishneh Torah, Hilkhos Mezuzah 5:4.

¹⁵⁰ Mann (Texts and Studies, 52, n. 99) erroneously asserted that kol nidrei was included in Saadia's prayerbook. Based upon a Spanish and Yemenite tradition that Saadia approved kol nidrei, Baron claims that Saadia had decided in favor of kol nidrei in a "special responsum since lost." See Salo Baron, Hebrew Language and Letters, vol. 7, A Social and Religious History of the Jews (New York: Columbia University Press, 1958), 252 n. 20.

¹⁵¹ Lewin, Otsar haGeonim, vol. 11, Ned., #62; Cf. Sha'arei Simcha, Volume One, p. 60; Tur, Orach Chayyim 619; Orchot Chayyim, Hilchos Yom haKippurim #29.

strict and not deviate from the custom of the academies.¹⁵²

However Hai acknowledged elsewhere that some Geonim had supported the practice of hatarat nedarim:

We have seen people in countries practicing according to this mishnah [M.Nedarim 3:1], upon whose authority a few Geonim have relied to perform ha'aramot (legal fictions) and charatot on Yom Kippur eve...You too should be strict and conform to the custom of the chasidim harishonim (early pietists) and not deviate from the custom of the two academies... It is a grave matter [to abrogate] a vow or an oath, God forbid.¹⁵³

The first Gaon specifically to approve of kol nidrei on a regular basis was Paltoi (of Pumbedita, 842-857):

It is our custom and that of Beit Rabbeinu in Babylonia that the prayer leader says shehecheyanu and then kol nidrei and then borchu.¹⁵⁴

The only other Gaon known to have approved kol nidrei was Hai bar Sherira (of Pumbedita, 998-1038). But Hai's approved text differed from that known to previous Geonim. If we can rely upon Shibbolei haLeKet, this version of kol nidrei was acceptable to some other Geonim as well:

¹⁵² Lewin, Otsar haGeonim, vol. 11, Ned., #66; Cf. Sha'arei Simcha, vol. 1, 60; ROSH to Yoma 88b end; Tur, Orach Chayyim 619; Orchot Chayyim, Hilkhot Yom haKippurim #29.

¹⁵³ Leiter, Sha'arei haTeshuvah, Ned., #143.

¹⁵⁴ Lewin, Otsar haGeonim, vol. 11, Ned., #64. Poznanski and Mann (Texts and Studies 52, n.99) discounted this responsum on the grounds that the reference to kol nidrei was a later interpolation. But Baron accepted it as authentic. See Salo Baron, Laws, Homilies, and the Bible, vol. 6, A Social and Religious History of the Jews (New York: Columbia University Press, 1958), 389, n. 143.

In the responsa of the Geonim I found that most of the Geonim refused to say kol nidrei, since it has no value besides evil, except for the formula of Hai Geon...¹⁵⁵

Kieval speculates that the Geonim significantly changed their attitude toward kol nidrei around the year 1000. He maintains that by the time of Hai bar Sherira:

Some form of Kol Nidrei declaration appears to have gained general acceptance throughout Babylonia and the far-flung Jewries which accepted geonic authority.¹⁵⁶

But even if Kieval is correct, it was not Hai Gaon's prayer of absolution but the Hebrew version of kol nidrei as a nullification of vows which was incorporated into later prayerbooks. The folk must also have recognized the difference between the two versions and pushed for the retention of kol nidrei as a magical incantation.

Except for Amram's remark, the Geonic responsa we have found uniformly attributed their opposition to kol nidrei on legal grounds: 1) Kol nidrei was a nullification of vows which they had already prohibited; 2) The practice had no precedent in Rabbinic tradition; 3) Kol nidrei violated Rava's Talmudic dictum against educating the public about procedures to nullify vows. Beyond these explanations the Geonic sources I have found did not go.

¹⁵⁵ Shibbolei haLeKet, #317; Cf. Lewin, Otsar haGeonim, vol. 11, Ned., #68.

¹⁵⁶ Kieval, "The Curious Case of Kol Nidre," 55.

Nevertheless many scholars have attempted to dig beneath the ostensible reasons offered by the Geonim for their rejection of kol nidrei in search of other religio-political pressures. Baron believes that the attitude of the Geonim toward kol nidrei was influenced by the Karaites who were opposed in principle to the nullification of vows. As Baron sees it the Geonim neither totally approved nor disapproved of kol nidrei since either viewpoint would have given the Karaites political ammunition.¹⁵⁷

Kieval contends that the Geonim were opposed to kol nidrei only insofar as it was a nullification of vows, but were prepared to accept it as a prayer for absolution. But Mann and Baron assert that the Pumbeditan Geonim gave in to public pressure and accepted kol nidrei even though it was a nullification of vows.¹⁵⁸ From a totally different perspective Gordon and Deshen argue that the opposition of some Geonim to

¹⁵⁷ Baron contends that both Natronai and Paltoi "may have been equally impressed by the growing Karaite attacks on that prayer."

On the other hand, Baron also believes that "Natronai was doubly handicapped in discouraging the kol nidre prayer because he did not wish to appear as yielding to the constant Karaite assaults on that liturgical custom." Salo Baron, Religious Controls and Dissensions, vol. 5, A Social and Religious History of the Jews (New York: Columbia University Press, 1957), 249.

¹⁵⁸ Mann (Texts and Studies, 52, n. 99) claimed that Hai bar Sherira "seems to have yielded to popular pressure that wanted to assure itself of a clear record on the Day of Atonement, to introduce a modified form of Kol Nidre." Baron asserts that "the geonim of Sura condemned the recitation of the kol nidre prayer...long after those of Pumbedita had submitted to popular clamor for it." See Salo Baron, Philosophy and Science, vol. 8, A Social and Religious History of the Jews (New York: Columbia University Press, 1958), 78.

kol nidrei had little to do with its shortcomings as a nullification of vows under Jewish law. They claim that it had everything to do with Geonic opposition to kol nidrei as a magical incantation against demons. This theory helps also to explain why some Geonim accepted Hai's kol nidrei version and why the folk rejected it. The Geonim accepted his kol nidrei precisely because it was not a magical incantation but a prayer for divine absolution. Conversely, the folk rejected Hai's version and pushed for the retention of the kol nidrei known to Amram specifically because it was a magical incantation.

But even as this hypothesis seeks to answer some questions it raises others. For example, since we know that the rabbis were not uniformly opposed to magic or the use of incantations, what was it about kol nidrei in particular that bothered them? And if they were opposed to kol nidrei as an incantation why didn't they attack it directly?

Neither Gordon nor Deshen addressed these particular questions. But various conjectures can be proposed. To begin, the rabbis and the Geonim were not the same. The Amoraim of Sassanian Babylonia may have been more accepting of magical practices than Geonim living in the stringently monotheistic cultural climate of upper class Islam.

On the other hand, the Geonic opposition to kol nidrei may not have been due to its magical qualities per se. Even if we presumed the existence of a Geonic spectrum of opinion

on magic, many sages might have opposed the introduction of a magical incantation into communal synagogue worship, and on a day no less sacred than Yom Kippur! Kol nidrei would have presented a special liturgical challenge, even for those Geonim who favored incantations as a private praxis.

As to why the Geonim chose not to directly attack kol nidrei as an inappropriate introduction of a magical incantation into the liturgy, we might speculate along the following lines. The Geonim may have recognized that kol nidrei was a battle they could not win against folk religion if met head on. After all, even Rav Amram included kol nidrei in his prayerbook. By opposing kol nidrei on legal grounds, the Geonim succeeded both in avoiding a direct clash with the public over magic and in finding an argument that would carry some weight with the public. Such a strategy is not uncommon among political institutions and establishments.

Whatever may have been the true cause of Geonic opposition to kol nidrei, it failed to stop the incorporation of kol nidrei into later prayerbooks and its widespread acceptance throughout the Jewish world in the Medieval period.

CHAPTER NINE:

KOL NIDREI IN THE MEDIEVAL PERIOD

Despite the opposition of some Babylonian Geonim, the practice of kol nidrei was accepted during the Middle Ages by most of the Jewish communities of the world in Europe, Spain, Italy, and the Middle East.¹⁵⁹ This transition is reflected in the radically different treatments accorded kol nidrei by two 11th century sources. These sources are Sha'arei Simchah, the work of Isaac ben Judah ibn Ghiyyat (1038-1089), a halakhic authority in Lucena (Spain); and Siddur Rabbenu Shlomo, composed by Solomon ben Samson, a halakhic authority in Worms (Germany) and a contemporary of Rashi's German teachers, Jacob Yakar and Isaac ben Eliezer.

Ibn Ghiyyat's discussion of kol nidrei is quite brief.¹⁶⁰ He nowhere expresses his own opinion on the subject. Instead, he selectively quotes the negative Geonic opinions about kol nidrei of Hai bar Nachshon, Natronai and Saadia. Taken as a whole, these sources (all of which we discussed in Chapter Eight) stress that kol nidrei was incompatible with Rava's dictum against educating the public about the nullification of vows and therefore should not be practiced at all, except for certain ad hoc circumstances.

¹⁵⁹ Deshen ("The Enigma of Kol Nidre," 147) claims that Iranian Jews did not practice kol nidre until the 17th/18 centuries.

¹⁶⁰ Sha'arei Simchah, ed. Simchah Bamberger, vol. 1 (Furth, 1861), Hilkhot Yom haKippurim, #60.

In contrast, Rabbenu Shlomo holds a remarkably positive attitude toward kol nidrei.¹⁶¹ The most surprising element of Rabbenu Shlomo's treatment of kol nidrei is that he didn't mention the opposition of the Babylonian Geonim at all. Quite the contrary, Solomon ben Samson believes that kol nidrei provided a positive religious function. It affords the individual who had forgotten his vows a last-minute annulment before the beginning of Yom Kippur:

If someone forgets that he had made a vow and didn't think to request an annulment from a sage, when he remembers he will specify it before a sage and he will be released. But the individual who does not remember [that he had undertaken a vow and needed to have it annulled], the prayer leader shall be his agent to express regret (charatah) on his behalf. Anyone who hears the prayer leader [chant kol nidrei], it is as if the prayer leader expresses regret on his behalf, and the vow is nullified by means of charatah.

Solomon attempts to justify the practice of kol nidrei by claiming that kol nidrei was itself a charatah. Of course the need to defend kol nidrei in this manner implies that some people were already questioning by the 11th century whether kol nidrei was a valid procedure for the legal nullification of vows.

In addition, we learn from Solomon ben Samson that by the 12th century some people were already claiming that if Nedarim 23b is kol nidrei's Talmudic source, then it must refer to future vows as well as past vows. Although Solomon personally

¹⁶¹ Moshe Hershler, ed. Siddur Rabbenu Shlomo (Jerusalem, 1971), #101.

doubted that Nedarim 23b was the halakhic source for kol nidrei, it was this very presumption which Rabbenu Tam would make the central basis for his emendation of kol nidrei.

Whatever ethical and legal problems that would be raised in the next generation by Rabbenu Tam and others about kol nidrei, Solomon ben Samson apparently believes that they were outweighed by the religious need to find a means of forgiveness for unfulfilled vows:

It seems to me that kol nidrei is said just prior to Yom Kippur because Yom Kippur is a day of atonement and forgiveness, and a day of teshuvah, and most of the world fails with regard to vows and oaths...

At the same time, Solomon disapproves of the kol nidrei practice to say "As it is written in the Torah of Moses, Your servant" followed by:

The whole Israelite community and the stranger residing among them shall be forgiven, for it happened to the entire people through error (Nu. 15:26).

His objection is based on the fact that the context of Numbers 15:26 had nothing to do with the nullification of vows --indeed it refers to forgiveness for the sin of idolatry! Hence, it was inappropriate to suggest, by the phrase "as it is written" that Numbers 15:26 is a biblical proof text in support of the nullification of vows.

Solomon maintains that the correct practice is to omit "as it is written" and instead, to follow the recitation of kol nidrei directly with Numbers 15:26. He recounts that this

practice was being followed in both the land of Israel and in Worms. Thus we learn that the MAHARAM's objection to the phrase "as it is written," which we discussed in Chapter Five, was not new and that it was omitted by some communities long before the MAHARAM's 13th-century emendation.

The leaders in the fight against kol nidrei as a valid nullification of past vows were the 12th-century French Tosaphists, Rabbenu Tam (Jacob ben Meir) and his father R. Meir ben Samuel. Rabbenu Tam argued that kol nidrei failed to meet any of the Talmudic prerequisites for the legal nullification of vows:

It is forbidden for a person to release himself [from vows] without presenting a strong unconsidered circumstance (charatah me'ikara) before a single expert or three knowledgeable laymen. Moreover, the law is according to Rav Papa, the latest authority, who said in the Talmudic tractate Gittin 35b that it is necessary to specify the vow.¹⁶²

From our survey in Chapter Four of the Talmudic rules for the nullification of vows, we recognize that Rabbenu Tam has marshalled three main precedents from that tradition to make the case that kol nidrei cannot possibly be a legitimate nullification of past vows: 1) it is not presented before a sage or bet din; 2) it does not specify the vow; and, 3) it fails to provide a charatah. We know also from Asher ben Jehiel's subsequent rebuttal that Rabbenu Tam submitted yet

¹⁶² Sefer haYashar (Vienna, 1811; reprint ed. Shai Publications, 1959), #144.

a fourth point as well.¹⁶³ Since the chazzan nullifies his own vows as well as the vows of the community with his recitation of kol nidrei, the practice violates the principle in Mishnah Negaim 2:5 that "a person cannot nullify his own vows."

At the same time, Rabbenu Tam also had to counter three points which suggested, despite all these problems, that kol nidrei had been clearly ordained by earlier authorities as a nullification of past vows. If kol nidrei is not a nullification for past vows, then 1) why is it written in the past tense, 2) why does it follow the practice for hatarat nedarim of being recited three times¹⁶⁴ and, 3) why does it include a biblical verse (Nu. 15:26) asking for God's forgiveness, if the vow never really takes effect?

Rabbenu Tam's answers to these points were recorded in the Tosaphot to Nedarim 23b, attributed to Moses of Evreux.¹⁶⁵ In response to the obvious argument that the language of kol nidrei is in the past tense, Rabbenu Tam maintained that key critical words such as nedarna, ishteba'ena, and icharatna could reasonably be construed as future tense verbs. As for the fact that kol nidrei is recited three times, Rabbenu Tam cited B. Talmud Menachot 65a to the effect that all rabbinic declarations are supposed to be stated three times.

¹⁶³ See ROSH at Yoma 88b end, #28.

¹⁶⁴ See n. 173 below.

¹⁶⁵ Ephraim Urbach, Ba'alei Tosephot (Jerusalem: The Bialik Institute, 1955), 635.

Finally, Rabbenu Tam claimed that kol nidrei's request for divine forgiveness and atonement (Nu. 15:26) did not have anything to do with the sin of failing to fulfill past vows, i.e., vows already in force. Rabbenu Tam cited the precedent found in B. Talmud Nazir 23a and Kiddushin 81b where a woman's vow to be a nazir was revoked by her husband without her knowledge. Despite her vow, the woman subsequently drank wine. Even though her vow had already been revoked by her husband, it was ruled that she required divine forgiveness and atonement because she believed her vow was still in force when she drank wine.

Rabbenu Tam claimed that this situation is analogous to kol nidrei: an individual recites kol nidrei at the beginning of the year, eventually forgets about it, then makes a vow and breaks it. Even though the vow has already been invalidated by kol nidrei, the individual considered the vow to be in effect when he or she violated it. The person requires divine forgiveness and atonement. Thus kol nidrei's request for divine atonement and forgiveness of vows which technically never take effect makes perfect sense. Kol nidrei need not refer to unfulfilled past vows at all.

While Rabbenu Tam insisted that Talmudic tradition made it impossible for kol nidrei to annul past vows, it was not his intent to eliminate the prayer. On the contrary, he sought to put kol nidrei on a sound legal footing. This was achieved by his recognition that Talmudic tradition placed no such

restrictions on bitul tenai, the anticipatory invalidation of future vows. The essence of his strategy was to identify Nedarim 23b as the Talmudic source of kol nidrei. In so doing, Rabbenu Tam was able to argue that kol nidrei was never intended to nullify past vows. It's Talmudic mandate was to invalidate future vows. It had been an error all along to phrase kol nidrei in the past tense:

Anyone who says "from the past Yom Kippur until the following Yom Kippur, may it come to us for good, regarding them all, we regret them" is simply making a mistake.¹⁶⁶

The connection of kol nidrei with Nedarim 23b did not originate with Rabbenu Tam. We recall that the 8th-century Geonim were already aware of it, though it is not clear whether they accepted the linkage. Similarly, in the 11th century, Solomon ben Samson observed that many people considered Nedarim 23b to be the Talmudic source of kol nidrei, though he himself doubted it. Rabbenu Tam's opinion became a watershed, not because it was new, but because he possessed the authority to take the bold step of emending kol nidrei to conform to its purported Talmudic source:

Kol nidrei which we say on Yom Kippur eve, my father emended to read "from this Yom Kippur until next Yom Kippur, may it come upon us for good; regarding them all, we regret them."¹⁶⁷

¹⁶⁶ Sefer haYashar, #144.

¹⁶⁷ Ibid.

However, at the same time that Rabbenu Tam affirmed the legitimacy of kol nidrei to invalidate future vows, he altered its legal status and thereby seriously circumscribed its applicability. As a retroactive nullification of past vows (hatarat nedarim), kol nidrei had possessed, at least in the popular imagination, sweeping power to nullify all vows. But as an anticipatory invalidation of future vows, kol nidrei now assumed a restricted legal status and, thereby, limited powers of nullification. Rabbenu Tam ruled that kol nidrei, as a Bitul tenai, pertained only to vows which people impose upon themselves (nidrei atsmo).¹⁶⁸ It had no authority whatsoever to nullify solemn promises made to others:

[Kol nidrei] releases personal vows but for interpersonal vows, [such as] oaths made before a bet din, oaths made to a widow, and mitzvah obligations, it has no power. They do not depend upon one person's consent alone but upon the consent of God and the consent of the bet din [another manuscript adds: "upon the consent of the government"].¹⁶⁹

Why did Rabbenu Tam consider it necessary to change kol nidrei's legal status? It is quite apparent that Rabbenu Tam's limitation of kol nidrei's authority to personal vows came in the context of a Jewish public that generally ascribed to kol nidrei sweeping powers to annul all interpersonal vows

¹⁶⁸ An additional reason for restricting kol nidrei's authority attributed to Rabbenu Tam is that the kol nidrei formula explicitly describes the various types of vows as being obligated "upon ourselves" (al nafshatana). See Shibbolei haLeKet, Hilkhot Yom haKippur 317.

¹⁶⁹ Sefer haYashar, #144; Cf. Shibbolei haLeKet, #317.

-- even those made before a court, to the government, or in commercial transactions.

The 12th-century Spanish posek Judah ben Barzillai, author of Sefer ha'Ittim, lamented that the common people were undertaking all sorts of vows and oaths, believing that kol had the power to get them off the hook if necessary.¹⁷⁰ This picture of public perception is corroborated by Abraham ben Nathan of Lunel (Provence) in his early 13th-century work Sefer haManhig. He emphatically stressed that hatarat nedarim has no power to nullify vows made to the government, before a court, or to one's fellow:

It is clear in the gemara and among the poskim that heter (nullification) and hafarah (revocation) apply only to vows and oaths that a person vows or swears concerning oneself alone, such as eating or not eating, sleeping or not sleeping, and the like. But for what one person swears to another -- and certainly to the government or a court -- there is neither heter nor hafarah nor [even the possibility of] requesting annulment at all! The punishment of one who violates such vows will be very severe, God save him.¹⁷¹

Moses of Evreux clearly reveals that the power of kol nidrei to annul all interpersonal vows -- including community ordinances and vows before a court -- was a widespread, highly popular 13th-century belief shared by the folk and some rabbis alike:

¹⁷⁰ Cited by Israel Davidson, "Kol Nidre," American Jewish Yearbook 25 (1923): 190.

¹⁷¹ Sefer ha Manhig (Jerusalem, 1967), Hilkhos Yom Kippur #56.

Since the early authorities thought, in error, that they could annul past vows, they used to say [in the kol nidrei], "Except for ordinances of the community and oaths of the bet din." But now, since we annul only future vows, we do not need to specify, "Except for ordinances of the community," for we annul only what a person vows to oneself, but matters between one person and another we are not able to nullify.¹⁷²

In rebuttal, and to correct this public perception, some authorities specifically excluded such vows when kol nidrei was recited. Thus it appears that Rabbenu Tam's efforts to establish a restricted legal status for kol nidrei as a bitul and not as a hatarah constituted an effort to definitively convince the folk and even some rabbis that kol nidrei does not and cannot nullify interpersonal obligations. Despite these countermeasures, the French posek Jerucham ben Meshullam still found it necessary to complain during the 14th century that the common people, believing that kol nidrei spared them from punishment, were frequently perjuring themselves in court.¹⁷³

Due to his stature and authority Rabbenu Tam was able to win over the French and Provencal rabbinate, to the point where they accepted his emendation of the kol nidrei formula

¹⁷² Tosaphot to Nedarim 23b. Rabbenu Tam similarly recounted: "I have heard that there are places where they say [kol nidre] only once and this is correct. In their foolishness they became accustomed to saying it three times, as with an annulment of vows, and they included in ancient machzorim, 'Except for communal edicts and communal ordinances.' They imagine [kol nidre] is an annulment of vows, but this is nonsense and it hovers in the air [i.e., there is no support for this assumption]. Shibbolei haLeKet, Seder Yom haKippurim #317.

¹⁷³ Cited by Davidson, "Kol Nidre," 191.

in the future tense. Rabbenu Tam's emendation was supported also by Abraham ben Azriel, the author of Arugat haBosem, and the MAHARAM --who added two emendations of his own.¹⁷⁴

The MAHARAM (1215-1293) added a preamble to kol nidrei:

By authority of the Heavenly Court, and by authority of the court on earth. With the consent of God and with the consent of the congregation, we hereby declare that it is permitted to pray with those who have transgressed.¹⁷⁵

This preamble served not only as a special dispensation, allowing those excommunicated to pray on Yom Kippur with the community;¹⁷⁶ by citing the consent of the majority to justify the release of the congregation from its vows, it also functioned to strengthen kol nidrei's legitimacy as a hatarat nedarim without fulfilling all of the Talmudic requirements.

It's clear, however, from our discussion in Chapter Six that the MAHARAM did not invent this preamble. We recall that the phrase "with the consent of X" was a common feature in exorcisms against demons and curses dating back to antiquity. The MAHARAM had reinstituted an ancient magical practice already associated with kol nidrei and endowed it with new meaning.

¹⁷⁴ Arugat haBosem, ed. E. Urbach (Jerusalem: 1967), 476-477, 573.

¹⁷⁵ Teshuvot, Pesakim, uMinhagim shel Maharam, ed. I.Z. Cahana, vol. 1 (Jerusalem: Mossad haRav Kook, 1957), #555; Cf. Tashbetz, #134.

¹⁷⁶ The MAHARAM's preamble fulfilled also a rabbinic teaching that sinners must be allowed to participate in prayer with the congregation on a fast day (B.T. Keritot 6b).

As we discussed earlier in this chapter, the MAHARAM is also responsible for the omission of the phrase "as it is written in the Torah of Moses, Your servant" from the kol nidrei formula:

After [the prayer leader] says kol nidrei three times, we do not say "as it's written in Your Torah," because the following verse ["they shall be forgiven," (Nu. 15:26) is not a proof-text for the nullification of] vows. Instead, we go directly to "they shall be forgiven," because [it has a proof-text in] "God will forgive her" (Nu. 30:6), teaching that even one whose vows have been revoked requires atonement.¹⁷⁷

The MAHARAM may have been addressing more than the omission of this phrase with this remark. By his citation of Numbers 30:6, the MAHARAM may have been refuting the argument put forward by critics of Rabbenu Tam's emendation that kol nidrei must refer to unfulfilled past vows or there would be no need for divine forgiveness. Numbers 30:6 explicitly states that God would forgive a woman whose father forbid her from fulfilling her vow. Consequently she must have required forgiveness, even though she was fully aware that her vow had already been revoked, demonstrating that divine forgiveness is required even for vows which never actually took force. Hence kol nidrei can request divine atonement without referring to past vows. The MAHARAM's proof-text is actually superior to those brought by Rabbenu Tam since there is no requirement for the vower to forget having said kol nidrei,

¹⁷⁷ Teshuvot, Pesakim, uMinhagim shel Maharam, #555.

or believe that the vow is still in force and to violate it while under that impression.

Both of the MAHARAM's emendations won universal acceptance throughout the Jewish world. Such was not the case for Rabbenu Tam. His emendation did not go unchallenged by the poskim of Germany, Italy, and Spain. Among the most prestigious Rishonim in this category were Eliezer ben Joel haLevi of Bonn (1140-1225), known as RAVYAH; Isaiah ben Mali di Trani (1180-1250), known as the RID; Asher ben Jehiel (1250-1327), known as the ROSH; and Nathan ben Judah, the early 14th-century German author of Sefer haMackhtim.

The RAVYAH retained the past-tense version of kol nidrei, citing the opinion of his contemporary, RABAN (Eliezer ben Nathan of Mainz, 1090-1170), that "not everyone is knowledgeable enough to know that one who vows is like one who builds an altar [for idolatry]." ¹⁷⁸ The RAVYAH's defense of kol nidrei harks back to a theme that we first encountered with Solomon ben Samson: an uneducated public which is prone to making rash vows and failing to fulfill them must be afforded some means of escaping divine punishment. That divine forgiveness was of utmost concern was made clear in RAVYAH's historical observation:

¹⁷⁸ Sefer Ravyah, ed. Avigdor Aptowitzer, Part 2 (Jerusalem: Harry Fischel Institute, 1964), Masekhet Pesachim 528. The identification of idolatry with the act of vowing was not new with the Raban. He was employing a well-known Talmudic critique of vowing found in B.T. Nedarim 22a.

In some countries the community says (venislach) in a loud voice so that the Holy One blessed be He will agree with their action and forgive every sin of His people Israel."¹⁷⁹

The RAVYAH insisted that kol nidrei fulfilled the necessary requirements for a legal nullification of vows. Like Solomon ben Samson, he claimed that kol nidrei was a charatah expressed by the prayer leader as proxy for all the people. At the same time, RAVYAH went beyond Solomon to assert that even though the prayer leader is not a sage, he is accorded the power to release the congregation from its vows by virtue of the consent of the majority.¹⁸⁰

However, even as RAVYAH supported the retention of the past-tense version of kol nidrei, he too limited its power of annulment:

But there is no need to say [in kol nidrei], "Except for communal edicts and ordinances" since they have not consented to this nullification, nor does the individual sage have the power to release them [from communal vows].¹⁸¹

The RAVYAH's statement is very important, since it provides an instance of a rabbi who favored the traditional kol nidrei, but accepted Rabbenu Tam's limitation on the vows it had authority to annul. Similarly, Nathan ben Judah remarked in his defense of the past-tense version of kol

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

nidrei that it annulled vows between "man and his Creator."¹⁸² He too limited kol nidrei to vows that were left unfulfilled unintentionally or through unavailability circumstance.

In his rejection of Rabbenu Tam's emendation, the Italian commentator, Isaiah di Trani stressed that kol nidrei was an act of teshuvah.¹⁸³ Indeed, he claimed kol nidrei was recited precisely on Yom Kippur eve, because, with teshuvah there is no transgression for which Yom Kippur cannot atone. Along the lines of the RAVYAH and Solomon ben Samson, the RID emphasized that kol nidrei should not be changed because it spared the public from punishment for the vows which they failed to fulfill:

The entire community releases one another and [kol nidrei] uproots the vow from its point of inception so that nothing will stand in the way of our atonement.

Like Nathan ben Judah, the RID stressed that kol nidrei applied only to vows that had been broken inadvertently.

The most extensive rebuttal to Rabbenu Tam's emendation maybe that of the ROSH:

[Despite all of Rabbenu Tam's objections] it is clear from the custom of the early authorities, and proven by kol nidrei's very language, that it applies to past vows which have already been transgressed, so that the people may be released and spared from punishment.¹⁸⁴

¹⁸² Cited in Orchot Chayyim, Hilkhos Yom haKippurim #29.

¹⁸³ Cited in Shibbolei haLeKet, Seder Yom haKippurim #317.

¹⁸⁴ ROSH to Yoma 88 end, #28; Cf. Piskei haROSH to Nedarim 3:5 end.

The ROSH's refutation of Rabbenu Tam's argument is twofold: first, that the language of kol nidrei is indisputably in the past tense. In rebuttal to Rabbenu Tam's claim that the tense of some of the key terms were ambiguous, the ROSH cited the Hebrew kol nidrei recorded by Saadia. That text explicitly said "from the previous Yom Kippur until this Yom Kippur," and all the Hebrew verbs were clearly in the past tense.

Second, he believed it was the express intent of the early authorities that kol nidrei refer to past vows so that the public could be spared the serious divine punishment that would be incurred by the failure to fulfill vows already in force. I understand the ROSH to be arguing that the public must not be deprived of the kol nidrei formula by which they could be released from a transgression which violated both a negative and positive biblical commandment: "He shall not break his word; he must carry out all that has crossed his lips" (Nu. 30:3). While Rabbenu Tam's emendation of kol nidrei afforded the public some relief by stopping future vows from ever taking effect, it did not address the far graver transgression of failing to fulfill vows already uttered and, consequently, already in force. From the ROSH's perspective, Rabbenu Tam's emendation would eliminate this vital protection.

As for the other legal objections raised by Rabbenu Tam, the ROSH sought to demonstrate in each case that kol nidrei

fulfilled all the requirements of Talmudic law for a valid nullification of past vows.¹⁸⁵ Regarding the objection that kol nidrei did not contain a charatah, he claimed the existence of a general assumption that anyone who failed to uphold a vow must have had a charatah. In addition, he maintained that the requirement for a bet din in the absence of a sage to authorize the release from vows was more than fulfilled by the fact that the entire congregation chants the kol nidrei in a whisper along with the prayer leader. Finally, the ROSH claimed that Rav Pappa's rule by which the vow must be specified before a sage referred only to situations in which the sage was concerned that the vower wanted to annul a vow which involved a mitzvah. But since kol nidrei cannot annul mitzvah obligations, this rule does not pertain.

After having dispensed with the objections of Rabbenu Tam, the ROSH still had to deal with the fact that many Babylonian Geonim opposed kol nidrei on the grounds that it was incompatible with Rava's law that the anticipatory invalidation of vows should not be taught to the public. The ROSH claimed that the reason for Rava's opposition was his fear that the public would become reckless with their vows if they knew such a procedure existed. But the ROSH got around

¹⁸⁵ Rosh to Yoma 88 end, #28.

this objection too by arguing that his generation did not take their vows lightly.

In sum, the ROSH believed that kol nidrei was a completely valid nullification of past vows. Like the RAVYAH, the RID, and Nathan ben Judah, he held that kol nidrei pertained only to vows that were made rashly or were unintentionally forgotten. At the same time, it is not totally clear whether or not the ROSH believed kol nidrei did in principle have the authority to nullify interpersonal vows.¹⁸⁶

Surprisingly, a review of the Tur reveals that the ROSH's son, Jacob ben Asher (1270-1340), took no clear position on kol nidrei.¹⁸⁷ Without any expression of his own opinion, Jacob ben Asher provided a brief summary of the positions taken by Rabbenu Tam, the ROSH, and several Geonim. He recounts Rabbenu Tam's emendation of kol nidrei based on Nedarim 23b as its source, and explains how kol nidrei functioned as an anticipatory invalidation of future vows, its power limited, however, to personal vows (nidrei atsmo). To Rabbenu Tam's view, he appends those of his father with which we are already familiar: 1) that kol nidrei was ordained by earlier authorities to annul past vows and to spare people from punishment; 2) that it is recited three times because it is a valid nullification of vows; and, 3) that the verse

¹⁸⁶ Korban Nitanel to: ROSH to Yoma 88 end, #28, n. 7.

¹⁸⁷ Arba'ah Turim, Orach Chayyim, Hilkhos Yom Kippur 619.

venishlach appears in kol nidrei because atonement and forgiveness is required for vows that have been transgressed. Finally, he cites the negative opinions of Hai bar Nachshon, Natronai, and Saadia, about kol nidrei. But when all is said and done, Jacob ben Asher concludes only, "but the custom has already spread to say it everywhere."

Such a statement can hardly be described as an enthusiastic defense of kol nidrei. Quite the contrary, it would suggest that Jacob ben Asher may have been opposed to kol nidrei, but felt compelled to support it anyway, perhaps in honor of his father. This conjecture is supported by the Tur's omission to clarify which kol nidrei version he preferred, or to even debate the differences of opinion between Rabbenu Tam and the ROSH.

Notwithstanding the Tur's statement that kol nidrei had become a custom recited everywhere, the last word on kol nidrei had apparently not been said. For example, the 14th-century Spanish commentator Isaac bar Sheshet (RIBASH) maintained that kol nidrei was confusing the public and should not be recited, with or without Rabbenu Tam's emendation:

Even if kol nidrei is changed to the future tense and it will function as an advance stipulation (tenai), it's better not to say kol nidrei at all, so that they will not act irreverently with regard to vows...¹⁸⁸ throughout Catalonia kol nidrei is not recited.

¹⁸⁸ She'alot uteshuvot haRibash, # 394.

Other sources give a similar impression that the 14th-16th centuries were a period of transition and ambivalence regarding attitudes about kol nidrei. Aaron ben Jacob Ha Kohen of Lunel (Provence) preserves a kol nidrei version in his work Orchot Chayyim (c. 1327) that is totally written in the future tense.¹⁸⁹ At the same time, he remarks that kol nidrei was not said in some places. David ben Joseph Abudarham, the Spanish author of Sefer Abudarham (c. 1340), did not offer an opinion about kol nidrei, but instead quoted the perspectives of Rabbenu Tam, the ROSH, and the Geonim.¹⁹⁰ Joseph Karo's 16th-century Shulchan Aruch does not even raise kol nidrei as an issue. He merely wrote, "It is our custom to recite kol nidrei," and left it at that.¹⁹¹

However, by the late 16th/early 17th century a transformation had occurred. Rabbenu Tam's emendation had become a given. In his 17th-century commentary on the Tur, Joel Sirkes clearly states that kol nidrei is to be recited:

According to the ordinance of Rabbenu Tam with the future [tense] and so have all the acharonim written.¹⁹²

¹⁸⁹ Orchot Chayyim (Jerusalem, 1956), Hilchot Yom haKippurim #29.

¹⁹⁰ Abudarham haShalem, ed. S.A. Wertheimer (Jerusalem, 1963), 280-281.

¹⁹¹ Shulchan Aruch, Orach Chayyim, Hilchot Yom haKippurim #619.

¹⁹² Bayit Chadash to Tur, Orach Chayyim, Hilchot Yom haKippurim 619.

The 16th-century posek Mordechai Jaffe (1530-1612) of Prague, the renowned author of the Levush, boldly sought entirely to replace the traditional kol nidrei with a fully revised kol nidrei formula in the future tense. But despite all his efforts to win acceptance for his plan, he eventually conceded defeat:

All of the language of kol nidrei that the chazanim chant now is not precise and is in error. In the beginning it uses the singular and in the end it uses the plural...most of the content of kol nidrei that is printed in the prayerbooks has no substance nor any meaning except for the melody, and it's not known nor understood what's being said...how many times I tried to fix it and to teach the chazanim what was correct but they were not able to change at the time of prayer because the customary melody was on their lips.¹⁹³

For most of the acharonim, however, the debate had shifted to the issue of how to linguistically integrate Rabbenu Tam's emendation with the traditional kol nidrei formula. From their perspective Rabbenu Tam's emendation could not simply displace the traditional version of kol nidrei. Both opinions had to be upheld. A linguistic solution had to be found by which the public could fulfill its religious obligation according to both opinions.

In the 17th century, commentators began to issue rulings which called for various linguistic permutations of kol nidrei. The 17th-century commentator David ben Samuel ha Levi (TAZ) ruled that Rabbenu Tam's emendation should be accepted

¹⁹³ Sefer Levush, Orach Chayyim, Hilkhos Yom Kippur #619.

but without any further changes in the traditional text.¹⁹⁴ He was supported by Abraham Gombiner, the 17th-century author of Magen Avraham, another commentary on the Shulchan Aruch. But the 18th century posek Jacob ben Tzvi Emden (YA'ABETZ) insisted that both phrases, "from the past Yom Kippur" and "from this Yom Kippur," had to be recited.¹⁹⁵ However, in the 19th century, Israel Meir HaKohen (Chafetz Chayyim), the author of the Mishnah Berurah held that the traditional phrase should be dropped in favor of Rabbenu Tam's emendation.¹⁹⁶

Based on Rabbenu Tam's authority, most Ashkenazi machzorim in our own day have adopted his kol nidrei version. However, some Ashkenazi machzorim, following Emden, incorporate both phrases within the kol nidrei formula, with the traditional phrase for past vows most often appearing in brackets.¹⁹⁷

As we shall soon see, the medieval debate over kol nidrei's legal authority to nullify vows will have profound repercussions in the modern period for the Jewish people's relationship with the Christian world and with kol nidrei

¹⁹⁴ Turei Zahav to Shulchan Aruch, Orach Chayyim, Hilkhos Yom Kippurim 619.

¹⁹⁵ Cited by Chaim Mordechai Margoliot, the 19th century author of Sha'arei Teshuvah. See Sha'arei Teshuvah to Shulchan Aruch, Orach Chayyim, Hilkhos Yom haKippurim 619; Nosson Scherman, The Complete ArtScroll Machzor (Brooklyn: Mesorah Publications, 1986), 61.

¹⁹⁶ Mishnah Berurah, Orach Chayyim, Hilkhos Yom haKippurim 619.

¹⁹⁷ Kieval, "The Curious Case of Kol Nidre," 55.

itself. In addition, kol nidrei will continue to cause a rift between the laity and the rabbis. Since the music of kol nidrei, as opposed to its substantive content, will become a critical factor in the modern debate over kol nidrei, we now proceed to a discussion of its historical origins and development.

CHAPTER TEN:

THE MUSIC OF KOL NIDREI

The Ashkenazi and Sephardi kol nidrei chants are essentially different melodies, with a few musical motives in common.¹⁹⁸ Idelsohn characterizes the Western and Oriental Sephardi "kal nidrei" chants as being based on selichah or tefillah modes.¹⁹⁹

No single melody, the Ashkenazi kol nidrei chant is a concatenation of several melodic elements drawn from the musical corpus known as Missinai melodies.²⁰⁰ The Missinai tunes consist of 12 short musical motives in a fixed or semi-fixed rhythmic pattern created by the Jews of the Rhineland (Southern Germany and Eastern France) in the 11th-15th centuries.²⁰¹ In turn, the Missinai tunes were themselves

¹⁹⁸ Personal communication from Cantor Phil Sherman.

¹⁹⁹ A.Z. Idelsohn, "The Kol Nidre Tune," Hebrew Union College Annual 8-9 (1931-1932): 496. Some musical scores for Yemenite, Persian, Oriental Sephardic, Western Sephardic and Moroccan kol nidrei versions (all of which are based on oral traditions notated in the 20th century) can be found in Appendix IV.

²⁰⁰ A.Z. Idelsohn, Thesaurus of Hebrew Oriental Melodies, vol. 7 (New York: Ktav, 1933), xxxiii-xxxiv; A.Z. Idelsohn, "The Kol Nidre Tune," Hebrew Union College Annual 8-9 (1931-1932): 497; Bathja Bayer, "Kol Nidre," in Encyclopaedia Judaica, 1972 ed.

²⁰¹ Personal communication from Rabbi Geoffrey Goldberg. See A.Z. Idelsohn, Thesaurus of Hebrew Oriental Melodies, vol. 6 (New York: Ktav, 1933), xxix-xxxvi; Hanoch Avineri, "Mi-Sinai Niggunim," in Encyclopaedia Judaica, 1972 ed; Eric Werner, A Voice Still Heard (University Park: The Pennsylvania State University Press, 1976), 26-35.

derived from cantillation motives and German folksong (Minnesong).

These revered tunes were utilized at special liturgical occasions, particularly the Yamim Noraim and the Shelosh Regalim. Consequently the Missinai tunes appear not only in kol nidrei but permeate the entire High Holy Day liturgy. Some of the characteristic kol nidrei motives are also reflected in Aleynu, Avot, and Ha Melech.²⁰² The Missinai tunes were only one part of Ashkenazic synagogue song which was developed between 900-1450 in Eastern France and Southwestern Germany. Idelsohn posited a reciprocal musical influence between Jews and Christians during this period which fell into eclipse with the Crusades.²⁰³

Musicologists have speculated on the relationship between kol nidrei and Western European music but no consensus has been achieved. Cohen suggested that kol nidrei can be linked to early Medieval Gregorian chant.²⁰⁴ Idelsohn proposed that kol nidrei was mostly closely related to cantillation motives and German Minnesong.²⁰⁵ Spector conjectures that the

²⁰² Werner (A Voice Still Heard; 37) has delineated eight motives which are shared by kol nidre and other High Holy Day prayers.

²⁰³ Idelsohn, Thesaurus of Hebrew Oriental Melodies, vol. 6 (New York: Ktav, 1933), viii-xiv.

²⁰⁴ Francis Cohen, "Kol Nidre," in The Jewish Encyclopedia, 1916 ed.

²⁰⁵ Idelsohn, Thesaurus, vol. 6, xxix-xxxvi; Thesaurus, vol. 7, xxxiii-xxxiv.

introductory motives of kol nidrei were based on the Babylonian Torah cantillation for parashat Bereshit.²⁰⁶ Werner suggested that kol nidrei is "almost identical" with medieval lais (popular ballads).²⁰⁷

The musical history of kol nidrei is characterized by many variants, changes, additions, and embellishments. The earliest source on kol nidrei's cantorial development is the 11th century Machzor Vitry composed by Simcha ben Samuel:

The first time he must utter it very softly like one who hesitates to enter the palace of the king to ask a gift of him whom he fears to approach. The second time he may speak somewhat louder. The third time more loudly still, as one who is accustomed to dwell at court and to approach his sovereign as a friend.²⁰⁸

As late as the 14th century, however, kol nidrei still did not have a set melody, but involved improvised chanting. Jacob ben Moses Mollin (1365-1427), also known as the MAHARIL, a principal authority on the synagogue worship of Minhag Ashkenaz, employed different melodies (ya'arich bo biniggunim) in order to extend the kol nidrei chant until nightfall so that latecomers would not miss it and so that everyone would have an opportunity to request pardon from his fellow.²⁰⁹ The

²⁰⁶ Johanna Spector, "The Kol Nidre -- At Least 1200 Years Old," Jewish Music Notes (October 1950): 3-4.

²⁰⁷ Werner, A Voice Still Heard, 26-28.

²⁰⁸ Machzor Vitry, ed. Simon haLevi Hurwitz (Nuremberg, 1923), 388.

²⁰⁹ Sefer Maharil, (Warsaw, 1802), Hilkhos Leil Yom Kippurim, 29.

MAHARIL also chanted kol nidrei three times with increasing crescendo so that "we shall hear with awe and trembling."²¹⁰

By the 16th century, however, it is presumed that kol nidrei had a fixed melody, selected from seven or eight of the Missinai tunes, which contains the basic stock of musical motives still utilized in the modern kol nidrei.²¹¹ The existence of a fixed melody for kol nidrei has been inferred from the problems encountered by Mordechai Jaffe in his attempt to convert kol nidrei entirely into the future tense.²¹² We recall from our discussion in Chapter Nine that the chazzanim would not accept the new words because they did not fit into a melody to which they were all accustomed:

How many times I tried to fix it and to teach the chazzanim what was correct but they were not able to change at the time of prayer because the customary melody was on their lips.²¹³

In the 18th-19th centuries kol nidrei underwent further development marked by the beginning of divergencies between Western and Eastern European traditions. In Western Europe the chazzanim incorporated into kol nidrei oratorical flourishes ("fantasias") which were then in vogue in the

²¹⁰ Ibid.

²¹¹ Personal communication from Rabbi Geoffrey Goldberg; Werner, A Voice Still Heard, 37.

²¹² Werner, A Voice Still Heard, 35; Alfred Sendrey, The Music of the Jews in the Diaspora (New York: Thomas Yoseloff, 1970), 190-191; Concise Encyclopedia of Jewish Music, 1975 ed., s.v. "Kol Nidre."

²¹³ Sefer Levush, Orach Chayyim, Hilchot Yom Kippur #619.

west.²¹⁴ In Eastern Europe, some of the kol nidrei motives were lost and replaced by new melodies. The chazzanim also included within kol nidrei the practice of vocalese (chanting without words).²¹⁵

The first known musical notation of kol nidrei dates from the 18th century. It was included in a collection of synagogue songs (c. 1765) compiled by Aaron Beer, the premier cantor of his day in Berlin.²¹⁶ The opening theme of kol nidrei is recognizable in the sixth movement (bars 1-5) of Beethoven's C# Minor Quartet (opus 131). Kol nidrei can also be heard in the C Major Symphony of Paul Dessau. Max Bruch composed in 1881 a concerto for cello and orchestra (opus #47) based on kol nidrei.²¹⁷ Arnold Schoenberg composed his "Kol Nidrei," (opus #39) in 1938 for speaker, chorus, and orchestra.

In the modern period, particularly in the relationship between kol nidrei and Reform Judaism, the kol nidrei melody would take on increasing significance. Jaffe's remarks to the effect that the meaning of kol nidrei inheres in its melody, could not have been more prescient.

²¹⁴ Avineri, "Mi-Sinai Niggunim," 153.

²¹⁵ Ibid.

²¹⁶ The kol nidrei versions of Beer (1765), Naumbourg (1840-74), Lewandowski (1871) and Abrahams Baer (1877) can be found in Appendix IV.

²¹⁷ Bruch attributed his knowledge and interest in Jewish music to his friend, Cantor Abraham Jacob Lichtenstein (1806-1880) of Berlin.

CHAPTER ELEVEN:

KOL NIDREI AND REFORM JUDAISM

Despite the protests of their poskim, the Jewish public in the Middle Ages generally ascribed to kol nidrei the power to annul both vows to God and vows made to others--including vows made before a court or to the government. This assumption was not lost upon the Gentile European society in which the Jews lived. Considering the oath of a Jew to be untrustworthy, Christians compelled Jews throughout the Middle Ages to take a special Jewish Oath (More Judaico) declaring that the oaths they swore in Christian courts would not be annulled by kol nidrei or by a Jewish court. To make matters worse:

The oaths were accompanied by self-imposed curses, delineating the punishment, often in gruesome detail, if the testimony was falsely made; sometimes they were accompanied by humiliating rites, such as standing on a pigskin.²¹⁸

As late as 1844, a judge in Germany could force any Jew to go to the synagogue, don tallit and tefillin, and in the presence of the Torah, swear that the oaths the individual made in court would not be annulled by kol nidrei or a Jewish court:

There is many a state in Germany which still believes that the oath of a Jew is sacred only if it is sworn to the accompaniment of picayune

²¹⁸ Paul Mendes-Flohr and Jehuda Reinharz, eds., The Jew in the Modern World: A Documentary History (New York: Oxford University Press, 1980), 162, n.13. The Jewish Oath was not abolished in France until 1846. It was still administered in Rumania as late as 1904.

ceremonies and it is done in the synagogue. The saddest situation of all exists in this respect in the Kingdom of Hanover. There, the Jew who swears an oath must put on tefillin and tallit. He must take the Torah scroll in his arm. He must assert that he will not have a Jewish court relieve him from the consequence of this oath, nor that the oath would be nullified through the kol nidrei prayer, nor that he looks upon Christians as idolaters.²¹⁹

In response to the civil rights and equality promised by the 1812 Prussian edict of emancipation, "enlightened" Jews strove to acculturate within Gentile society and to conduct themselves as exemplary patriots.²²⁰ They sought to raise Jewish prestige among their Gentile neighbors by transforming traditional Judaism into a modern and "enlightened" religion, founded upon 18th-century Enlightenment values of universal reason, ethics, and aesthetics.²²¹

The Enlightenment had called for the elimination from religion of all irrational beliefs and superstitious customs so that the universal rational religion of all humankind could be revealed.²²² Under the guise of reason, "enlightened" Jews satisfied their desire to do away with any Jewish practice

²¹⁹ Protocolle der ersten Rabbiner-Versammlung, Brunswick, 1844. I am relying upon the English translation by Gunther Plaut, The Rise of Reform Judaism (New York: World Union for Progressive Judaism, 1963), 234-238.

²²⁰ Mendes-Flohr & Reinhartz, The Jew in the Modern World, 140-144.

²²¹ Robert M. Seltzer, Jewish People, Jewish Thought: The Jewish Experience in History (New York: Macmillan, 1980), 580-584.

²²² Marc Lee Raphael, Profiles in American Judaism (New York: Harper & Row, 1984), pp. 3-9.

which fostered prejudice against them or threatened their integration into non-Jewish society. Above all, "enlightened" Jews sought an end to historic Jewish isolation from Gentile society.

But as victims of prejudice often do, "enlightened" Jews believed they were responsible for their own suffering. This tendency toward self-blame was made perfectly clear at Israel Jacobson's (1768-1818) dedication of the first Reform temple in Seesen:

Let us be honest, my brothers. Our ritual is still weighted down with religious customs which must be rightfully offensive to reason as well as to our Christian friends. It desecrates the holiness of our religion and dishonors the reasonable man to place too great a value upon such customs...²²³

In this context, "enlightened" Jews perceived kol nidrei as nothing short of a severe embarrassment and a principal cause of their suffering among the Gentiles. Misconceptions about kol nidrei by Jew and Gentile alike encouraged European society to think of Jews as unworthy of the civil rights and equality extended to them, and to consider Judaism as morally inferior to Christianity. Consequently a movement arose for the abolition of kol nidrei. This effort was initiated not by the Reform rabbinate, but by a Reform laity composed of businessmen, intellectuals, and university trained Jewish scholars.

²²³ Plaut, The Rise of Reform Judaism, 30.

Kol nidrei was omitted from the two prayerbooks utilized by the Reform Berlin minyan in 1815 and 1817.²²⁴ It was also removed by the Hamburg Temple from its prayerbooks in 1819 and 1841.²²⁵ Kol nidrei was abrogated by Isaac Noah Mannheimer at Vienna in the 1840's.²²⁶ It was also left out of Seder Ha-Tefillot-Forms of Prayer, produced in London by David Woolf Marks and Hyman Hurvitz in 1841.²²⁷

But opposition to kol nidrei was not limited to Reform circles.²²⁸ No less a figure than Samson Raphael Hirsch, the founder of modern Orthodoxy, eliminated kol nidrei from the Yom Kippur services held at Oldenburg in 1839.²²⁹ Hirsch's motives for abolishing kol nidrei are not entirely clear. Immanuel Jakobovitz, a descendant of Hirsch, maintained in a 1963 letter to Petuchowski that Hirsch omitted kol nidrei as

²²⁴ Michael A. Meyer Response to Modernity (New York: Oxford University Press, 1988), 49, 406 n. 145. The first prayerbook was published anonymously. The second prayerbook, Die Deutsche Synagoge, was edited by Eduard Kley and Carl Siegfried Gunsburg.

²²⁵ Jakob Petuchowski, Prayerbook Reform in Europe (New York: The World Union for Progressive Judaism, 1968), 337.

²²⁶ Meyer, Response to Modernity, 150.

²²⁷ Ibid., 174.

²²⁸ The elimination of kol nidre was supported by Aaron Chorin (1766-1844) a famed Talmudic scholar in Hungary.

²²⁹ Noah H. Rosenbloom, Tradition in an Age of Reform (Philadelphia: Jewish Publication Society, 1976), 69-70; Petuchowski, Prayerbook Reform, 337. Jakobovits maintained that Hirsch abrogated kol nidre when he was rabbi in Emden, not Oldenburg. Petuchowski believes that Hirsch omitted kol nidre in both places.

a temporary measure (hora'at sha'ah) due to dishonest business practices by some members of the Jewish community:²³⁰

Hirsch in fact did omit kol nidrei once as a hora'at sha'ah in 1843, while in Emden (not Oldenburg), as a demonstration against the local acceptance of kol nidrei as an absolution from formal pledges and commitments.²³¹

The issue of how best to correct the problems created by kol nidrei and convince the German government to do away with the Jewish Oath was the principal issue taken up by the 1844 Reform Rabbinic conference held at Brunswick. Meyer contends that the Reform rabbinate convened the Brunswick conference in part to wrest control of the movement back from the Reform laity.²³² Samuel Holdheim proposed the issuance of a declaration which would correct the erroneous beliefs about kol nidrei:

We recognize the accusations which have been made against us relative to the kol nidrei. To be sure they are unjust; but we must not fail to correct this impression with a relevant declaration.²³³

But Joseph Maier called for the abolition of kol nidrei itself:

²³⁰ Rosenberg, Tradition, 420, n. 15.

²³¹ Petuchowski, Prayerbook Reform, 337. Despite Jakobovits' family tradition that the elimination of kol nidre was a one-time, emergency measure, it should be noted that Hirsch omitted kol nidre from a manual intended for all German Jews. Nor did he mention kol nidre, kapporot, or tashlich, in his classic work Horeb. See Rosenbloom, Tradition, 69, 209.

²³² Meyer, Response to Modernity, 131-132; Personal communication from Dr. Lawrence A. Hoffman.

²³³ Plaut, The Rise of Reform Judaism, 235.

As far as the evils concerning the kol nidrei are concerned, the best way out would be to do away with the prayer altogether.²³⁴

The minutes of the conference tell us that Herxheimer, Formstecher, Herzfeld, and Frankfurter, all agreed to the abolition of kol nidrei. Frankfurter was quoted as saying:

As far as the kol nidrei is concerned, I agree with the many previous speakers. This so-called prayer has brought us so much unjustified defamation and so much misfortune that even its beautiful melody cannot compensate for it.²³⁵

The Brunswick conference concluded its deliberations with two declarations. With an eye toward abolishing the Jewish Oath, the conference proclaimed that the oath of a Jew, undertaken in the name of God, was absolutely binding and required no further guarantees of any sort. In an apparent quid pro quo, the Reform rabbis also declared that kol nidrei was "inessential" and called upon the conference membership to work toward its removal from the following Yom Kippur service.

All sorts of alternatives were tried in an effort to find an adequate substitute for kol nidrei. Based on an ancient Palestinian custom, some congregations reintroduced the recitation of psalms (either 130 or 103) on Yom Kippur eve.²³⁶ Other congregations adopted the hymn "O Day of God," ("O Tag

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ P.T. Soferim 19:2.

des Herrn") composed in 1840 by Leopold Stein (1810-1882) to the kol nidrei tune.

Some Reform rabbis composed entirely new Hebrew prayers in place of kol nidrei. While retaining the traditional melody and sometimes even the words kol nidrei, these prayers had little in common with the meaning of the original kol nidrei. The first to try his hand at such a prayer was Abraham Geiger, whose substitute for kol nidrei never once mentioned the word "vow":

All my transgressions, and the transgressions of this congregation, and the transgressions of all Thy people Israel--blot them out and make them to pass away from before Thine eyes; and purify our hearts from this Day of Atonement unto the next²³⁷ Day of Atonement, may it come to us for good. Our heart is broken, our spirit is humbled, we have no works. We rely on Thy love alone. O Merciful One, do not forsake us, for we are but dust. Requite us not according to our iniquities.

It was not Geiger's prayer, however, but the 1870 Hanover version of kol nidrei which became the standard substitute for kol nidrei in all European Liberal and Reform prayerbooks until 1929. This prayer does indeed mention "vows." But it has turned the original meaning of kol nidrei on its head, calling not for the annulment of vows, but for divine assistance in fulfilling them:

(1) All the vows of the children of Israel which they vow unto Thee, O our King, to keep the words of Thy Torah and Thy testimonies, not to depart from the commandments either to the right or to the left,

²³⁷ Petuchowski, (Prayerbook Reform, 342). In the 1870 edition of his prayerbook, Geiger dropped his own kol nidrei in favor of Stein's "O Day of the Lord."

from this Day of Atonement unto the next Day of Atonement, may it come to us for good, yea, may all of them ascend and come and be accepted before Thee for mercy. And put it in their heart to love and to fear Thy great and awesome Name; and may they never be put to shame.

(2) All the vows of the children of Israel which they vow unto Thee, O our Father, to walk in the ways of justice and lovingkindnes and mercy, and not to harden their heart against their brothers, from this Day of Atonement unto the next Day of Atonement, may it come to us for good, yea, may all of them ascend and come and be accepted before Thee for mercy. And bend their inclination, and subdue their stiffneckedness, so that they may stretch out a hand to those who trangress against them. And may they be cleansed from their sin.

(3) All the vows of the children of Israel which they vow unto Thee, O our Lord, lifting up their eyes unto Thee, O Thou that dwellest in the heavens, to return unto Thee with all their heart and with all their soul, from this Day of Atonement, may it come to us for good, yea, may all of them ascend and come and be accepted before Thee for mercy. And renew a steadfast spirit within them, that they may depart from their evil way, and not return unto their folly.²³⁸

All these replacements for kol nidrei demonstrate that the laity didn't much care about the message of the new prayer, as long as it was not morally objectionable and it could be chanted to the traditional kol nidrei melody. While the Reform laity and rabbinate objected to kol nidrei's traditional message for the nullification of vows, the laity, in particular, had no intention of parting with kol nidrei's traditional melody. In fact, the traditional Aramaic kol nidrei text was still chanted in many Reform congregations on

²³⁸ Ibid, 344.

Yom Kippur eve, despite its official elimination from the prayerbook.²³⁹

The depth of nostalgic sentiment among the laity for the traditional kol nidrei melody is revealed in an anecdote about a dispute between Leopold Stein and his congregation over the substitute for kol nidrei. Although "O Day of God" was composed to the kol nidrei tune, that may not have been Stein's original intention. Philipson cites a 1907 article that appeared in the Jewish Chronicle in which Reverend Professor D.W. Marks of London:

[States] that Stein told him that when he wished to abolish the kol nidrei, his congregation was reluctant to dispense with the melody; he had therefore to promise that he would compose a poem which could be set to the same music.²⁴⁰

Although Reform rabbis in general were more concerned than the laity about the ideological content of prayer, this anecdote does not prove by any means that Reform rabbis considered the music to be insignificant or dispensable. Recall even the words of the Orthodox rabbi Mordechai Jaffe, who clearly recognized the music's power! In an addendum to his anthem Stein too acknowledged the power of the kol nidrei melody:

This is not the place in which to deal with the value of the original kol nidrei formula, and to

²³⁹ Meyer, Response to Modernity, 49-50, 321; Lawrence A. Hoffman, Gates of Understanding Two (New York: Central Conference of American Rabbis, 1984), 117.

²⁴⁰ David Philipson, The Reform Movement in Judaism (New York: Ktav, 1967), 459, n. 46.

justify those--including the author--who have ordered its removal. That much, though, is certain, and cannot be denied by anyone: that the formula is by no means suited to introduce the holiest of all days, and that it would have been more suitable for any occasion but that of the eve of the exalted Day of Atonement. It almost seems that there has been an awareness of this incongruity. That is why, partly consciously, and partly unconsciously, a tune has been fitted to this uninspiring text--a tune which indeed did not fit the text, but which, to a high degree, was in consonance with the solemnity of the day it is meant to introduce. Whoever has once visited a synagogue on Atonement Eve will remember the deep devotion and the sincerity with which all those assembled listened to the first song of that evening. This most certainly cannot be ascribed to the uninspiring text, but solely and alone to the warm and pious spirit which breathes and lives in the tune.²⁴¹

The precedent established by Reform in Germany was continued in America. None of the three classic Reform High Holy Day prayerbooks composed in America by Wise, Einhorn, or the Central Conference of American Rabbis contained kol nidrei.²⁴² Both Wise and Einhorn were classic universalistic rationalists, students of the Enlightenment, who were opposed to most of the highly particularistic Jewish rituals and folkways; and the Union Prayerbook followed their precedents.

Because of its problematic ethics, kol nidrei was probably particularly offensive to Wise and Einhorn. In 1883 Isaac Mayer Wise specifically called in The American Israelite for the abolition of kol nidrei:

²⁴¹ Petuchowski, Prayerbook Reform, 339.

²⁴² Rabbi Leo Merzbacher also eliminated kol nidrei from his own 1855 prayerbook Seder Tefillah-The Order of Prayer for Divine Service.

[It] has given rise to so many false accusations, and of which there is no mention in the Talmud, as it has no foothold whatever in the Bible. Sensible men ought to know that formulas of that kind are out of date and place, and ought to be dropped.²⁴³

The continued abrogation of kol nidrei by American Reform Judaism was also consonant with the 1885 Pittsburgh Platform which rejected all ritual which failed to meet universal standards of reason and ethics:

We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and to-day we accept as binding only the moral laws, and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.²⁴⁴

Wise's The Divine Service of American Israelites for the Day of Atonement (1866), written in both English and German, began the service for Yom Kippur eve with a long "silent devotion" emphasizing the themes of personal stocktaking, God's beneficence, and divine compassion. This was followed by several stanzas from "O Day of God." Wise included only one of the traditional Scriptural verses, Numbers 15:26 (venislach), printed in both Hebrew and German.

David Einhorn's Olat Tamid (1858) originally composed in German and translated into English by Emil Hirsch in 1896,²⁴⁵

²⁴³ Cited by Joseph Heller, Isaac M. Wise: His Life, Work, and Thought (New York, 1965), 566.

²⁴⁴ Meyer, Response to Modernity, 387.

²⁴⁵ I have found an earlier English translation done in 1872.

began the service for Yom Kippur eve with Psalm 84, followed by these verses:

How lovely are thy tabernacles, O lord of hosts! My soul longs--ah, it faints--for the courts of the Lord; my heart and flesh shout to the living God. Even the sparrow finds a home, the swallow has a nest--where she shelters her brood. I repair to thy altars, O Lord of hosts, my King and my God. Lord of hosts, hear my prayer, and look down upon the countenance of thy children, who flock to thy courts, escaping from the tents of iniquity. Thou who art our sun, give us light and grace, that the repentant may walk in uprightness.

This text was followed by Stein's "O Day of God." Einhorn included the traditional Scriptural passages (in Hebrew and English), but in a different order. Following the actual biblical chronology, he placed selach na (Nu. 14:19), first, then va-yomer (Nu. 14:20), and finally nislach (Nu. 15:26).²⁴⁶

The Union Prayerbook, Part Two (1894), written in English, began the Yom Kippur evening service with a silent devotion that admitted transgression, and sought divine pardon and human reconciliation. This was followed by a few stanzas of "O Day of the God," leading into Psalm 130, printed in Hebrew and English. This was followed by the three traditional Scriptural verses also printed in Hebrew and English. Except for the addition of a new meditation in 1922, this format endured until the 1945 edition of The Union Prayer Book, Part Two.

²⁴⁶ The traditional order is: 1) venislach (Nu. 15:26), 2) selach-na (Nu. 14:19), and 3) va-yomer (Nu. 14:20).

But a new breeze began to blow in Reform Judaism by 1930. At the CCAR Conference of that year a resolution was introduced to include an acceptable Hebrew kol nidrei version within the Union Hymnal.²⁴⁷ The Conference transcripts reflect the struggle between continuity and change. Theodore Lewis (supported by A.W. Binder and Barnett Brickner) called for the inclusion of an acceptable kol nidrei text into the hymnal because nothing could touch kol nidrei's emotional power:

I thoroughly disagree with the theology expressed in the kol nidrei as every one of us does. However, in many of our congregations, kol nidrei is sung on Yom Kippur eve. kol nidrei has a certain emotional force that no other song can convey to our people. Even in Orthodox synagogues they do not translate it and do not subscribe to its meaning, but use it out of pure sentiment.²⁴⁸

Other rabbis wanted to continue the practice of chanting "O Day of the Lord" to the traditional kol nidrei melody. David Philipson felt the original kol nidrei had caused the Jewish people too much suffering:

To me the kol nidrei brings to mind the picture of the enemies of my people throughout the ages and the persecution of your fathers and mine...I am not going to permit my emotion and my love for the beautiful melody to blot out altogether my sense of history and of all which this meant to my ancestors on account of the misinterpretation which was placed upon the kol nidrei.²⁴⁹

Weis argued for the continued elimination of the

²⁴⁷ CCAR Yearbook 40 (1930): 101-103; Meyer, Response to Modernity, 321.

²⁴⁸ CCAR Yearbook 40 (1930): 102.

²⁴⁹ Ibid., 103.

traditional kol nidrei text from the hymnal. He did not object to the music of kol nidrei but to the ethical problems of its content:

...I feel that truth should not be sacrificed for art. However much the emotions may be touched, I think that the implications of kol nidrei are such that, the leaders of the congregations who know these implications, should not for the momentary satisfaction of the emotions allow the kol nidrei to be used.²⁵⁰

When all was said and done, the Conference empowered the Committee on Synagogue Music to include kol nidrei in the hymnal if a suitable version could be found. But the issue of kol nidrei surfaced again at the 1931 CCAR Conference.²⁵¹ Unable to agree upon an acceptable kol nidrei version, the committee called upon the Conference to decide what to do.

Apparently, the ante had been upped within the course of one year. Now some rabbis were proposing not just the restoration of an acceptable Hebrew kol nidrei but the original Aramaic version. James Heller was particularly vociferous on this point, but a variety of rationales in favor of its restoration were put forth by Baron, Barnett Brickner, and Morris Clark.

Baron wanted the traditional kol nidrei text on sentimental, nostalgic grounds:

It is entirely immaterial in this day whether there used to be any anti-Semitic menace on account of the presence of the original kol nidrei version.

²⁵⁰ Ibid.

²⁵¹ CCAR Yearbook 41 (1931): 102-115.

I feel this should be done on account of the historical and sentimental associations to be found in that version as well as in the music.²⁵²

Likewise Brickner favored the traditional kol nidrei for its uncanny ability to create a mood of holiness:

The psychological value which it has in creating and stimulating a mood on the holiest day in the Jewish house of worship.²⁵³

Harry Ettelson represented the middle ground position, arguing for the inclusion of a new acceptable version of kol nidrei:

My feeling is that we ought to have the music in for the sentimental value of it; we ought to have it in with the best words available, but under no circumstances should we have words that outrage our intellectual, our ethical and our spiritual viewpoints.²⁵⁴

Samuel S. Cohon agreed with Ettelson and proposed his own adaptation of the Hamburg kol nidrei, stressing the need for emotion and drama in the services:

The text here proposed expresses our sentiments and help restore a much-needed dramatic element to our Erev Yom Kippur service. We are erring in refusing to enrich our services with emotional content...The finest setting of the "Day of God" cannot take the place of the kol nidrei.²⁵⁵

But those who objected to the traditional kol nidrei, a group represented by Philipson, Henry Berkowitz, Jonah Wise,

²⁵² Ibid., 105.

²⁵³ Ibid., 107.

²⁵⁴ Ibid., 111.

²⁵⁵ Ibid., 113.

H.G. Enelow, and William Rosenblum, were not persuaded.

Enelow summed up their position:

I earnestly hope that we shall not permit the folly against the ethical spirit of the Jewish religion by reintroducing into our liturgy on the most sacred evening of the year a formula the contents of which have formed a stumbling block to some of the most authentic interpreters of Judaism throughout the ages.²⁵⁶

In the end, the conference voted to include the traditional kol nidrei melody in the hymnal without any words at all. Yet a seed had been planted that would bear fruit in the years to come.

The first real cracks in Reform's extremely rationalistic ritual emerged at the 1934 CCAR Conference. A group of four rabbis submitted a resolution noting "the many ideological and material changes in Jewish and general life which have taken place since [the Pittsburgh Platform]" and called for a reevaluation of the Reform platform.²⁵⁷

Reform's reorientation was crystallized in the 1937 Columbus Platform. Its "Guiding Principles of Reform Judaism" backed away from the 1885 emphasis on universal rational religion. The Columbus Platform expressed a new appreciation and revaluation of ritual in religious life:

Judaism as a way of life requires in addition to its moral and spiritual demands, the preservation of the Sabbath, festivals and Holy Days, the retention and development of such customs, symbols and ceremonies

²⁵⁶ Ibid., 110.

²⁵⁷ The rabbis were Barnett Brickner, Edward Israel, Iser Freund, and Isaac Landman.

as possess inspirational value, the cultivation of distinctive forms of religious art and music and the use of Hebrew, together with the vernacular, in our worship and instruction.²⁵⁸

In consonance with the Columbus Platform, the CCAR Committee on Ceremonies issued the traditional kol nidrei text in a one-page supplement to the Union Prayerbook which could be furnished to member congregations upon request.²⁵⁹ In addition, the 1945 UPB II (known as the Newly Revised edition) contained several new elements in the Yom Kippur eve service that had never before appeared. There was an introductory section which contained "Thoughts on Yom Kippur," and "The Rabbi's Prayer," followed by a few stanzas of "O Day of the Lord." The evening service proper began with "Light is sown for the righteous and gladness for the upright in heart" (Ps. 97:11). A new prayer was added calling upon God to:

Be near, we pray Thee, unto the grief-stricken and afflicted. Endow us with renewed courage to face our tasks unafraid, and strengthen us to do Thy will with perfect hearts."

This was followed by Psalm 130, and two of the traditional Scriptural passages, selach-na and va-yomer (printed in Hebrew and English).

The traditional Aramaic kol nidrei text was briefly reinstated by the liturgy committee of the CCAR into the first

²⁵⁸ Meyer, Response to Modernity, 391.

²⁵⁹ Personal communication from Rabbi Stanley Dreyfus. I have found in the HUC-JIR library a 1939 printing of the UPB II into which the traditional kol nidrei text has been stapled.

printing of the 1945 UPB II and then removed from the market by its executive board.²⁶⁰ This had nothing to do, however, with ideology. It seems that the CCAR liturgy committee had been in favor of chanting the traditional kol nidrei melody and was considering several alternative Hebrew texts for publication in the new prayerbook.²⁶¹ President Solomon Freehoff explained at the 1944 CCAR Conference that a misunderstanding had occurred between himself and another member of the committee over what kind of kol nidrei text was to be included in the new prayerbook:

The record of the Liturgy Committee, as I had it and as Rabbi Marcuson, Secretary, had it, was to include the Kol Nidrei in the service. When the book appeared one member of the committee strongly objected. He claimed that the Liturgy Committee did not intend to include the traditional text but a re-written text. The matter was brought before the Executive Board and, after a long discussion, it was decided that we will not change the pagination of the books but will simply print the word Kol Nidrei and omit the Hebrew text, while the rest of the pages will remain unchanged.²⁶²

In the compromise worked out by the executive committee, the traditional Aramaic text of kol nidrei was deleted from

²⁶⁰ Eric Friedland, "The Historical and Theological Development of the Non-Orthodox Prayerbooks in the United States," (Ph.D. diss., Brandeis University, 1967), 243-244.

²⁶¹ Personal communication from Rabbi Stanley Dreyfus.

²⁶² CCAR Yearbook 55 (1945): 33-34. Samuel S. Cohon was the member of the member of the committee who had objected. The conference voted to sustain the action of the Executive Board, but also moved and adopted that "the Conference prepare various Hebrew texts of the Kol Nidre to be furnished to members on request."

the second printing of the 1945 edition of UPB II. To avoid reprinting the entire book, the space taken by the kol nidrei text was replaced by an English prayer, the Hebrew words kol nidrei, and underneath them, in parentheses "the Kol Nidre Chant." This title was made intentionally vague in order to accommodate both those who now wanted to restore the traditional kol nidrei, and those who still objected to it and preferred some other alternative.²⁶³

Like the 1870 Hanover prayer for Yom Kippur eve, the printed words of this English prayer delivered the diametrically opposite message from the unprinted words of the kol nidrei formula being chanted. The prayer called upon God to help the people fulfill their vows and lead them in the way of righteousness:

All prayers which the children of Israel offer unto Thee, O our Father, that they may depart from sin, from guilt, and from wickedness, and follow the ways of Thy Torah, the ways of justice and of righteousness; yea, all the resolutions which we make from this Day of Atonement until the coming Day of Atonement--may they be acceptable before Thee, and may we be given strength to fulfil them. We have come to seek atonement and to ask Thy pardon and forgiveness. Turn us in full repentance unto Thee, and teach us to undo the wrongs which have been committed. Thus will Thy great and revered name be sanctified among us.²⁶⁴

In the 1978 edition of Gates of Repentance, kol nidrei was finally reinstated by Reform Judaism. The preamble

²⁶³ Personal communication from Rabbi Stanley Dreyfus.

²⁶⁴ This prayer is Cohon's English adaptation of the 1904 Hamburg kol nidre. See Petuchowski, Prayerbook Reform, 346.

established by Meir ben Baruch of Rothenberg was also restored. Calling for the fulfillment of vows, the preliminary paraphrase of kol nidrei echoes Cohon's English prayer which replaced kol nidrei in UPB II. Most significantly, the English translation of kol nidrei itself, albeit free and far from complete, has restored the theme of the annulment of vows:

Let all our vows and oaths, all the promises we make
and the obligations we incur to You, between this
Yom Kippur and the next, be null and void should we,
after honest effort, find ourselves unable to
fulfill them. Then may we be absolved of them.²⁶⁵

This is followed by all three of the traditional Scriptural passages (printed in Hebrew and English).

The restoration of the traditional kol nidrei text was born of a positive and proud attitude toward ritual, religious observance, and ethnic identity, an attitude which emerged in the 1960's and was given expression in the 1976 Reform Judaism--A Centenary Perspective:

The past century has taught us that the claims made upon us may begin with our ethical obligations but they extend to many other aspects of Jewish living, including: creating a Jewish home centered on family devotion; life-long study; private prayer and public worship; daily religious observance; keeping the Sabbath and the holy days; celebrating the major events of life; involvement with the synagogue and community; and other activities which promote the survival of the Jewish people and enhance its existence.²⁶⁶

²⁶⁵ Gates of Repentance: The New Union Prayerbook for the Days of Awe, ed. Chaim Stern (New York: Central Conference of American Rabbis, 1978), 252.

²⁶⁶ Meyer, Response to Modernity, 393.

CHAPTER TWELVE:

CONCLUSION

Our quest to shed light upon the origin, development, and history of kol nidrei has compelled research into many unexpected and surprising fields -- from vows to legal fictions, prayer to incantations, from demons to magic bowls.

Like a detective mystery, our study of kol nidrei has been a process of patiently putting together the pieces of a puzzle. And, kol nidrei cannot be adequately understood without first comprehending how the constituent pieces of this puzzle fit together: 1) the mundane, religious, and magical role of vows in the biblical and rabbinic periods; 2) the attraction of demons to carry out vows, curses, blessings, and oaths; 3) the use of magical incantations to bind the will of demons, angels, and other spirits to perform human bidding by forcing them to swear vows and oaths; 4) the Talmudic procedures for the nullification of vows ab initio and the anticipatory invalidation of future vows; and, 5) the linguistic and conceptual parallels between kol nidrei and the Babylonian magic bowl inscriptions.

As a result of this research, we arrived at two principal conclusions with regard to kol nidrei:

- 1) Borrowing extensively from Talmudic procedures and terminology, Amram's kol nidrei constituted a retroactive nullification of vows ab initio;

2) Kol nidrei originated in Babylonia and functioned as an incantation against demons by annulling the self-imposed curses activated by abused vows and oaths, as well as hostile vows, curses, and spells conjured by black magic. In this view kol nidrei did not annul human vows. But it may have been recited in tandem with a hatarat nedarim for human vows. The purpose of kol nidrei was to protect human beings from the harm of demons during the particularly vulnerable time of Yom Kippur, the Day of Judgement.

Having arrived at this understanding of kol nidrei, we proceeded to investigate the history of kol nidrei in the Geonic, Medieval, and Modern periods. As a result of our research, certain intriguing patterns emerged:

1) The meaning and significance of kol nidrei changed with every Jewish generation that encountered it. While kol nidrei itself remained constant, each Jewish generation perceived it through the lenses of its own principal cultural rubric. First viewed in the Geonic period as a magical formula, kol nidrei was seen in the Medieval period as a legal document. In the modern period, kol nidrei is seen as a moving ritual, expressive of both personal spirituality and ethnic identity.

2) Evaluated in each generation by different standards of truth, Kol nidrei engendered a rift between the laity and the rabbinate in all three of the historical periods we researched. In the Geonic period, the kol nidrei debate revolved around the proper limits of magic in monotheistic religion. The debate shifted in the Middle Ages to the issue of kol nidrei's legal authority: what is permitted and what is forbidden. In the early modern period, the kol nidrei debate centered on the distinction between its substantive content and the kol nidrei melody. The debate over kol nidrei in the late modern period has centered on meaningful vs. non-meaningful ritual.²⁶⁷

3) Paradoxically, the folk have never been drawn to kol nidrei's substantive content -- but to the power with which they invested it. While the kol nidrei formula in the Geonic period ostensibly refers to human vows, folk religion construed it to refer to demons. Although their poskim told them otherwise, the folk in the Middle Ages invested kol nidrei with

²⁶⁷ Kol nidrei's history basically reflects the three types of truth which Hoffman refers to as the limits game, the truth game, and the meaning game. See Lawrence Hoffman, "Jewish Knowledge: Redrawing the Map," Conservative Judaism 38 (Winter 1985-86): 36-43.

the power to annul solemn promises made to others. In the modern period, while the rabbis for the most part sought ideological purity, the folk endowed the kol nidrei melody and its exotic Aramaic language with haunting emotional power.

4) Whether it be the harm of demons, divine punishment, or psychological death, every Jewish generation has perceived kol nidrei as a "saving grace," a unique and mysterious concatenation of words by which human beings might avoid catastrophe and always find reconciliation with their God. Kol nidrei constitutes Jewish words of power par excellence.

Let us now proceed to a summary of our findings and our concluding remarks for each of these constituent elements of kol nidrei, its historical periods, and its music.

Vows

Vows in the biblical and rabbinic periods operated on three levels--the social, the religious, and the magical. On the social level, vows were a common feature in the ordinary discourse and everyday speech of antiquity. People made vows at home, on the streets, and in business. Vows generally functioned in normal human affairs to enhance one party's credibility in the estimation of another. These vows were guaranteed by self-curses which took effect if the vower lied

or otherwise failed to fulfill his or her obligation. All vows necessarily implied some risk to the life or property of the vower, a loved one, or a designated substitute. But folk religion constantly blurred the rabbis' distinctions between vows and oaths, between self-imposed obligations to God and solemn promises to others.

Vows played a prominent role in religious life as well. The most prominent vows in the Hebrew Bible are vows of dedication, which involved the dedication of an animal sacrifice or some other gift to God. Vows were pronounced at sacred sites such as temples or altars. It appears to have been customary to return to the site where the vow was made when the time came to fulfill it. Sometimes vows of dedication were an expression of thanksgiving for God's deliverance. But at other times vows were expressed in an effort to win divine favor in times of trouble or special need. It was hoped that the acts of gift-giving and self-sacrifice implicit in dedicatory vows would motivate God to enter into a contractual arrangement to bestow kindness upon the vower.

But in addition to prayer and sacrifice, human beings fought back with magic against the exigencies of life. When it came to vows and oaths, folk religion constantly blurred the distinction between prayer and incantation, between the liturgical and the magical, when it came to vows and oaths. Oaths and vows played a prominent role in the realm of

therapeutic magic, functioning as one more counter-measure available to human beings in their attempts to ward off catastrophe. For example, to taken an oath by the name of the deity was a well-known incantational formula, not a prayer but a magical spell, whose purpose was to compel the deity to perform a beneficent act or to make the swearer's words come true. In this manner the folk sought to guarantee the success or safety of various human endeavors.

Vows and oaths played a prominent role in the process of destructive magic as well. Believing in the magical power of words in general to influence reality, the practitioners of black magic took over the terminology and formulae for the creation of binding commitments and obligations in the human world and applied them to the satanic realm. Consequently vows and oaths became synonymous with curses and other types of hostile spells engendered by destructive magic.

We now recognize a dynamic underlying vows and oaths which has heretofore been hidden from our view. The negative statements about oaths and vows expressed by some biblical and rabbinic sources reflect a two-fold awareness. Not only did vows and oaths in normal human affairs necessarily imply curses which potentially jeopardized the life or property of the vower, but vows and oaths also belonged within the arsenal of curses engendered by destructive magic which could be directed against the innocent individual at any time.

Demons

The ancients conceived of the world as filled with supernatural beings: gods, angels, demons, and spirits. Some demons were beneficent and revealed to human beings the decrees of heaven. Others were merely mischievous, but most were malevolent. Thousands of demons inhabited the air, palm trees, house roofs, and privies, and were the primary cause of both major disasters and daily inconveniences.

Vows, curses, blessings, and oaths attracted demons and other supernatural beings to carry out the content of the human utterance. Having set demons in motion, rash words could not be taken back. It was commonly accepted in antiquity that it was not God or the deities, but demons, who implemented the self-imposed curses activated by abused vows or oaths. When a person swore an oath, or when a magician conjured up a hostile vow, it was considered as if the demons had themselves simultaneously undertaken an oath to carry out the curses attached to them.

Incantations

Vows were not to be toyed with. They were a powerful weapon which could be manipulated by human beings to help or hurt other human beings. The individual needed protection not only from the demons activated by his or her own abused vows, but also from malevolent vows, i.e., curses, which had been

directed by black magic against his or her person. In addition, the proliferation of demonic forces in the world could lead to national catastrophe because they might cause God to leave the Temple.

For these reasons it was very important to get rid of troublesome demons or, at least in some other way, to neutralize their power. The principal countermeasures against demons were incantations. Magical incantations presume that vows and oaths are as binding upon the world of demons as they are on human affairs. As a result, many incantations are patterned after human models of obligation: nullifications of vows, writs of divorce, and contracts. Just as one party can compel another to provide testimony under oath in a human court of law, so too, incantations work by forcing demons to swear vows or oaths. Exorcisms, for example, have the power to bind and compel demons to undertake oaths of banishment and exile. By compelling demons to swear an oath or vow via special formulae, magical incantations bound the will of demons, angels, and other supernatural beings to perform human bidding.

The Nullification of Vows

Biblical sources made it abundantly clear that vows were a serious business that must be carried out. At the same time, however, Numbers 30 established the principle of the

revocation of vows (hafarat nedarim) for female minors and married women. Fathers had the power to revoke the vows of their daughters (as minors), and husbands had the power to revoke the vows of their wives. Since no other population besides female minors and married women has even the possibility of being released from their vows, biblical sources encouraged people not to make vows at all. Numbers 30 nowhere mentions the nullification of vows (hatarat nedarim). Indeed there is no provision for the nullification of vows in the Hebrew Bible. It is strictly a post-biblical phenomenon.

Despite the absence of a biblical precedent for the nullification of vows, a procedure to annul vows does exist in rabbinic tradition. Vows can be annulled solely by a sage or a bet din composed of three knowledgeable laymen. Based on Numbers 30, the rabbis drew a serious philosophical and legal distinction between the revocation of vows (hafarat nedarim) and the nullification of vows (hatarat nedarim): fathers and husbands alone possessed the authority to revoke, respectively, the vows of their daughters (as minors) and wives, which were already in force. In contrast, neither the sage nor the bet din held the authority to revoke vows already in force (hafarat nedarim). Instead, the sages resorted to a legal fiction based on the concept of charatah (regret). It was the task of the sage or bet din to find a petach,

strong grounds, upon which the vower would have truly regretted having made his vow. Since the vow was made by mistake and did not reflect the vower's true intent, the sage or bet din released the individul from his or her vow. In modern parlance, we would designate this process as "finding a legal loophole." By means of a second legal fiction consisting in the vow's retroactive nullification ab initio, at the moment of its inception, (partially effected through the three-fold declaration of mutar lekha), the vow was rendered by the sage or bet din as if it no longer existed and never had existed. Consequently it was as if the vow had never taken force.

Jewish law also recognizes a procedure for the anticipatory invalidation of vows that may be undertaken in the future. This action prevents future vows from ever taking force. This procedure involves the declaration of intent to invalidate future vows in the form of an advance stipulation (bitul tenai). This procedure is described in B.T. Nedarim 23b. Rava did not want this procedure to be taught to the public, lest they begin to disregard their vows. Rava's objections notwithstanding, by the 8th century Nedarim 23b was attributed to be the Talmudic source of kol nidrei.

Versions of Kol Nidrei

The author of kol nidrei and its exact date of origin are unknown. The earliest known version of kol nidrei was preserved in the 9th-century prayerbook Seder Rav Amram. Given our knowledge of the Talmudic procedure and terminology for the nullification of vows, we now recognize that this kol nidrei version constituted a retroactive nullification of vows ab initio. This kol nidrei provides a blanket nullification of vows; even if the vows were intentionally violated. God appears to play almost no active role in Rav Amram's kol nidrei. The people arrogate to themselves the authority to nullify their vows. God's pardon and forgiveness are invoked at the end. This kol nidrei formula also included a blessing for the nullification of vows which was still being practiced as late as the 13th century.

An Aramaic version of kol nidrei was composed by Hai bar Sherira in the 10th or 11th century and included in his prayerbook which has been lost. This kol nidrei is not a nullification of vows but a prayer for divine absolution. Not only is Hai Gaon's kol nidrei permeated with the language of penitential prayer, but it quite explicitly expresses the view that it is up to God to forgive the people and to release them from their vows. Hai Gaon's version of kol nidrei also limited the nullification of vows to only those vows which went unfulfilled due to unintentional neglect or unavoidable circumstances.

In the 12th century, Rabbenu Tam converted kol nidrei to refer to future vows. His emendation was eventually accepted by most Ashkenazim. It was never accepted by Western Sephardim. Oriental Sephardim combined both the traditional kol nidrei version and Rabbenu Tam's emendation. All three kol nidrei versions straddle the fence between Amram's nullification of vows and Hai's prayer for absolution, by combining elements of both in equal measure. Yet the classic Ashkenazi and Western Sephardi kol nidrei surprisingly lack one element necessary for a prayer of absolution: they never mention God! At the same time, both the Western and Oriental Sephardi kol nidrei lack a critical element associated with the nullification of vows: they never mention the terminology of legal fiction.

Kol Nidrei and Incantation Texts

Demonology held a significant place in the life of Babylonian Jewry during the Talmudic period. Indeed, Jewish demonology flourished in the cultural climate of Babylonia where Persian dualism and the belief in demons were widespread. Having a reputation for their magical skills, Babylonian Jews employed a variety of countermeasures to protect themselves from demons: the study of Torah, the fulfillment of commandments, incantations, amulets, prayer, and magic bowls.

Jewish demonology is known principally through the study of the Babylonian Talmud. Since 1853, however, more than 100 magical incantations inscribed on earthenware bowls were discovered in Babylonia, principally at Nippur, but also at other sites in the Middle East. Dating from the 4th to 7th century CE, these incantation texts were roughly contemporaneous with the formation of the Talmud. They were written primarily in Aramaic, Mandaic, and Syriac.

The discovery of the Babylonian magic bowls shed new light on the religious praxis of Babylonian Jewry, particularly with respect to kol nidrei. For example, some of the incantation texts inscribed on the magic bowls neutralized demonic power by nullifying the malevolent oaths, curses, and spells which had engendered it in the first place. In addition, some of these incantations employed terms found in kol nidrei including, remarkably, the very words, "kol nidrei."

The linguistic parallels and conceptual affinities between kol nidrei and the Babylonian incantation texts have been interpreted in two ways. The minimal claim, represented by Levine, holds that kol nidrei was a legal fiction for the nullification of human vows. Believing in the power of legal formulae such as the nullification of vows, bills of divorce, and contracts to bind humans and demons alike, the authors of these Babylonian incantation texts utilized the same legal

terminology as found in kol nidrei but applied it to a magical context.

The maximal claim, represented by Gordon and Gold, holds that kol nidrei was a magical incantation in its own right and can best be understood as belonging within the context of the Babylonian incantation texts. As Neusner points out, Nippur, the archeological site where many of the magical bowls were found was "just down the road" from Sura, the site of a major Geonic academy. In this view kol nidrei did not annul human vows. Kol nidrei functioned as an incantation against demons by annulling the self-imposed curses activated by abused vows and oaths, as well as hostile vows, curses, and spells conjured by black magic. The purpose of kol nidrei was to protect human beings from the harm of demons during the particularly vulnerable time of Yom Kippur, the Day of Judgement. Kol nidrei may have been chanted in tandem with a hatarat nedarim for human vows.

I am inclined to accept the position of Gordon and Gold. In support of their theory I offer the following contribution. When a person swore an oath, or when a magician conjured up a hostile vow, it was considered as if the demons had themselves simultaneously undertaken the oath or vow to carry out the curses attached to them. Kol nidrei served to release demons from their own vows to implement curses; the peoples of antiquity, after all, must have recognized that demons, no less than human beings, were otherwise obligated to fulfill

their vows and oaths! Like various incantation texts, other unknown kol nidrei versions may also have included actual language for nullifying the vows undertaken by (i.e., imposed upon) the demons themselves.

Kol Nidrei's Place of Origin

It should be stated at the outset that the process of tracing lines of cultural transmission is a risky business. It is frequently the case that little can be said with much certainty. Early 20th century scholarship tended toward the conclusion that kol nidrei was originally a Palestinian custom which subsequently won widespread popularity in Babylonia. But no definitive proof exists to warrant such a conclusion at this time. Instead there is a growing body of evidence to cast doubt on the conventional understanding that kol nidrei was of Palestinian origin. Based upon the linguistic and conceptual parallels between kol nidrei and the Babylonian magic bowl incantations, current scholarship presumes that kol nidrei originated in Babylonia.

Kol Nidrei and the Babylonian Geonim

In the 8th century many of the Babylonian Geonim prohibited the nullification of vows. This stance was not monolithic. Some Geonim permitted hatarat nedarim. Both Yehudai and Hai bar Nachshon conceded that some Geonim did in

fact practice ha'aramot (legal fictions) and charatot on Yom Kippur eve.

The Babylonian Geonim were far from united with regard to kol nidrei as well. Natronai, Amram, and Hai bar Nachshon condemned the recitation of kol nidrei; Saadia permitted it under specific circumstances; Hai bar Sherira approved only his own version of kol nidrei; Paltoi may have permitted it outright. In addition to these data, sources in both Sha'arei Teshuvah and Shibbolei haLeKet claim that other unnamed Geonim favored kol nidrei.

The Babylonian Geonim were certainly aware of kol nidrei's popularity in folk religion as an incantation against demons. Yet, except for the brief remark of Rav Amram, the Geonim uniformly declined to refer to kol nidrei as a magical incantation. They described kol nidrei as a nullification of human vows and expressed their approval or disapproval of it on legal grounds.

Several scholars have sought to find deeper reasons to account for the Geonic attitude toward kol nidrei. Kieval contends that the Geonim were prepared to accept kol nidrei as a prayer for divine absolution but not as a nullification of vows. Both Mann and Baron describe the Geonic attitude toward kol nidrei as impacted by various pressure groups who either opposed the practice of nullifying vows (the Karaites) or clamored for it (the folk). But all these opinions take the Geonic opposition to kol nidrei on legal grounds at face

value. They do not really provide a "deeper" understanding at all.

In contrast, Gordon and Deshen propose that the underlying reason for Geonic rejection of kol nidrei was their opposition to its utilization as an incantation against demons. We have revised this hypothesis to speculate that the Geonim did not oppose the private use of magical incantations in general, but specifically objected in this instance to the introduction of a magical incantation into public synagogue worship, particularly on Yom Kippur. The official Geonic opposition on legal grounds may have been a clever strategy by which the Geonim won public support for their position but still avoided a clash with the folk over the appropriate place of magic in religion.

However, when all is said and done, this scenario can be nothing more than a matter of speculation. For the Geonic sources uniformly attributed their opposition to kol nidrei to legal grounds. Beyond this, the Geonic sources do not go.

Kol Nidrei in the Medieval Period

By the advent of the Middle Ages, kol nidrei had already become a hallowed folk custom among most of the Jewish world, even though by the 11th century, some rabbis had begun to question the validity of kol nidrei as a nullification of past vows.

The leaders in the fight against kol nidrei as a legitimate nullification of past vows were the 12th-century French Tosaphists, Rabbenu Tam (Jacob ben Meir) and his father Meir ben Samuel. Rabbenu Tam argued that kol nidrei failed to meet any of the Talmudic requirements for the legal nullification of past vows: 1) it is not recited by a sage or bet din; 2) it does not specify the vow; 3) it fails to provide a charata; and 4) it violates the rule that a person cannot nullify his own vow.

But it was not Rabbenu Tam's intention to eliminate kol nidrei. Quite the contrary: Rabbenu Tam sought to put kol nidrei on a sound legal footing. Although kol nidrei failed to meet the Talmudic prerequisites for the nullification of past vows, Rabbenu Tam recognized that Talmudic tradition placed no such restrictions on bitul tenai, the anticipatory invalidation of future vows described in B.T. Nedarim 23b. By identifying B.T. Nedarim 23b as the Talmudic source of kol nidrei, Rabbenu Tam argued that kol nidrei had never been intended to nullify past vows. He claimed its Talmudic mandate was to invalidate future vows and that it had been a mistake to phrase kol nidrei in the past tense.

At the same time that Rabbenu Tam affirmed the legitimacy of kol nidrei to invalidate future vows, he altered its legal status and thereby circumscribed its powers of nullification. As a retroactive nullification of past vows (hatarat nedarim), kol nidrei had possessed, at least in the popular imagination,

sweeping authority to nullify all vows. But as an anticipatory invalidation of future vows, kol nidrei now assumed a restricted legal status and, thereby, lesser powers of nullification. As a bitul tenai, Rabbenu Tam ruled that kol nidrei pertained only to vows which people impose upon themselves (nidreii atzmo), but had no authority whatsoever to nullify interpersonal vows, such as those taken before a court or the government.

It is apparent that Rabbenu Tam's limitation of kol nidrei's authority to personal vows came in the context of a Jewish public that generally ascribed to kol nidrei sweeping powers to annul all vows--including vows made before a court, to the government, and in commercial transactions. The absolute authority of kol nidrei in the public imagination is substantiated by the vigorous statements made by Judah ben Barzillai, Abraham ben Nathan of Lunel, the RAVYAH, Nathan ben Judah, and Jerucham ben Meshullam, denying that kol nidrei has any power to annul vows beyond those made with God or imposed upon oneself.

That kol nidrei was considered even by some rabbis to have absolute power is confirmed by the reports of Moses of Evreux and Rabbenu Tam that some rabbinic authorities specifically excluded communal vows and vows made before a court in the recitation of kol nidrei itself. Thus it appears that Rabbenu Tam's efforts to establish a restricted legal status for kol nidrei as a bitul and not as a hatarah

constituted an effort to definitively convince the folk and even some rabbis that kol nidrei does not and cannot nullify interpersonal obligations. The fact that both the RAVYAH and Nathan ben Judah also supported the past-tense version of kol nidrei suggests that while the poskim may have differed among themselves about Rabbenu Tam's emendation, many of them were united in opposing the public perception that kol nidrei had the power to annul anything more than personal vows.

Due to his stature and authority Rabbenu Tam was able to win over the French and Provencal rabbinate to the point where they accepted his emendation of the kol nidrei formula in the future tense. But Rabbenu Tam's emendation did not go unchallenged by the poskim of Germany, Italy, and Spain. Among the most prestigious opponents of Rabbenu Tam's emendation were the RAVYAH, the RID, and the ROSH. Harking back to a theme first enunciated by Solomon ben Samson, all three Rishonim defended the retention of the past-tense version of kol nidrei because it afforded the public protection from serious divine punishment which they would otherwise incur for their failure to fulfill vows already in force.

As for the other legal objections raised by Rabbenu Tam, these poskim sought to demonstrate in each case that kol nidrei fulfilled all the requirements of Talmudic law for a valid nullification of past vows. The RAVYAH, like Solomon ben Samson, maintained that kol nidrei was itself a charatah.

He also argued that the prayer leader, though he is not a sage, may release the congregation from its vows by virtue of the consent of the majority. Along the same lines, the ROSH claimed that the requirement for a bet din in the absence of a sage to authorize the release from vows was more than fulfilled by the fact that the entire congregation chants the kol nidrei along with the prayer leader. In addition, the ROSH maintained that it was not the prayer leader who released his own vows but the congregation who released him. Finally, the ROSH insisted that Rav Papa's rule about specifying the vow pertained only to situations in which the sage was concerned that the vower wanted to annul a vow which involved a mitzvah, and that kol nidrei does not involve such vows.

By the end of the 13th century, kol nidrei had undergone another major emendation. Meir ben Baruch of Rothenberg (MAHARAM) added a preamble to kol nidrei which won widespread acceptance throughout the Jewish world. The MAHARAM's emendation served not only as a special dispensation, allowing those excommunicated to pray on Yom Kippur with the community; by justifying the release of the congregation from its vows upon the consent of the majority, it also functioned to strengthen the legitimacy of kol nidrei as a nullification of vows. Believing that the phrase "as it is written in the Torah of Moses, Your servant" conveys the erroneous impression that Numbers 15:26 is a biblical proof text for the nullification of vows, the MAHARAM also omitted it from kol nidrei.

A review of the opinions of several commentators between the 14th and 16th centuries reflects a period of transition in attitudes about kol nidrei. The Tur, for example, deals with kol nidrei in a very ambiguous manner: Jacob ben Asher does not debate the differences of opinion between Rabbenu Tam and his father; nor does he express which kol nidrei version he preferred. Other 14th-century commentators reflect a similar ambivalence over what to do with kol nidrei. Aaron ben Jacob haKohen of Lunel preserves a kol nidrei version in his work Orchot Chayyim that is written totally in the future tense. At the same time, he remarks that kol nidrei is said in some places. The Spanish commentator Isaac bar Sheshet (RIBASH) argues that kol nidrei confuses the public, so should not be recited, with or without Rabbenu Tam's emendation. David ben Joseph Abudarham reviews various sources but offers no opinion of his own. Joseph Karo's 16th-century Shulchan Aruch ambiguously states "It is our practice to recite kol nidrei" and leaves it at that.

By the late 16th/early 17th century, however, a transformation had occurred. Rabbenu Tam's emendation had become a given. In his commentary Bayit Chadash Joel Sirkes clearly states that kol nidrei is to be recited according to the version of Rabbenu Tam and that this is the opinion of "all the acharonim." Mordechai Jaffe, the author of the Levush, boldly seeks to convert the kol nidrei formula entirely into the future tense.

But most of the acharonim sought to find a way to integrate Rabbenu Tam's emendation with the traditional kol nidrei text, so that a person could fulfill one's religious obligation according to both opinions. In the 17th century, commentators began to issue rulings which called for various linguistic permutations of kol nidrei. The 17th-century commentator David ben Samuel ha Levi (TAZ) ruled that Rabbenu Tam's emendation should be accepted but without any further changes in the traditional text. He was supported by Abraham Gombiner, the 17th-century author of Magen Avraham, another commentary on the Shulchan Aruch. But the 18th century posek Jacob ben Tzvi Emden (YA'ABETZ) insisted that both phrases, "from the past Yom Kippur" and "from this Yom Kippur," had to be recited. However, in the 19th century, Israel Meir HaKohen (Chafetz Chayyim), the author of the Mishnah Berurah, held that the traditional phrase should be dropped in favor of Rabbenu Tam's emendation.

Based on Rabbenu Tam's authority, most Ashkenazi machzorim in our own day have adopted his kol nidrei version. However, some Ashkenazi machzorim, following Emden, incorporate both phrases within the kol nidrei formula, with the traditional phrase for past vows most often appearing in brackets.

The Music of Kol Nidrei

The Ashkenazi and Sephardi kol nidrei chants are essentially different melodies, with a few musical motives in common. The Ashkenazi kol nidrei is a series of seven or eight short musical motives known as Missinai melodies which were created by the Jews of Southern Germany and Eastern France in the 11th-15th centuries. Kol nidrei is most closely related to and derives from a combination of cantillation motives and German folksong.

The musical history of kol nidrei is characterized by many variants, changes, additions, and embellishments. The basic stock of musical motives which have come to characterize the modern kol nidre were essentially fixed in the 16th century.

The practice of chanting kol nidrei three times with an increasing crescendo goes as far back as the 11th century. Originally, the three-fold repetition was a sign of kol nidrei's status as a hatarat nedarim. But the MAHARIL practiced it so that everyone would have a chance to request pardon from one's fellow before Yom Kippur began, to create a mood of awe, and so that latecomers would not miss the kol nidrei chant. For kol nidrei to be a valid nullification of vows, many poskim ruled that kol nidrei needed to be chanted or whispered by the entire congregation in unison.

Kol Nidrei and Reform Judaism

Viewing kol nidrei as the motivating force behind the humiliating Jewish Oath and as a threat to their newly won acceptance within Gentile society, some Reform Jews and even a few Orthodox rabbis began to omit kol nidrei in 1817. Initially, the anti-kol nidrei movement within Reform was led by the laity. The Reform rabbinate officially abrogated kol nidrei at the 1844 Brunswick conference.

In spite of all the creative alternatives for kol nidrei, a powerful segment among the Reform community was unwilling to part with kol nidrei's traditional melody. More research is required to determine how widespread this attitude was among the laity and the rabbinate, and whether a significant contrast exists between them. But we do know that the laity, in particular, did not much care about the message of the new prayer, as long as it was morally edifying and it could be chanted to the traditional kol nidrei melody. Like Mordechai Jaffe in the 16th century, the 19th-century anti-kol nidrei forces failed to differentiate between the kol nidrei text and its melody, with the result that they underestimated the popularity of the latter.

The precedent established by Reform in Germany was brought to America by the wave of German immigrants in the late 19th century. Neither Wise, Einhorn, nor the CCAR included kol nidrei in their High Holy Day prayerbooks published, respectively in 1866, 1896, and 1894. Kol nidrei

failed to meet the standards of ritual laid down by the universal rational religion as enunciated in the 1885 Pittsburgh Platform.

The Reform stance toward kol nidrei slowly began to shift around 1930 in tandem with changes in Reform ideology. The new breeze began to blow at the 1930 and 1931 CCAR conferences with some rabbis calling for the restoration of an acceptable Hebrew kol nidrei, even the traditional Aramaic version, into the Union Hymnal. Although the conference decided to publish the kol nidrei melody in the hymnal without any words at all, a page had been turned in the history of the relationship between Reform Judaism and kol nidrei. The promulgation of the 1937 Columbus Platform signalled Reform ideology's backing away from its overwhelming emphasis on rational religion, and its readiness to extend a new sympathetic hearing to Jewish ritual. Kol nidrei was eliminated from The Union Prayerbook from 1894 till 1978, except for its brief reinstatement, by error, in the short-lived original printing of the 1945 UPB II. But regardless of its omission from UPB II, and in consonance with the pattern established in Germany, the traditional kol nidrei traditional text was still being chanted on Yom Kippur eve in some Reform congregations by 1930 at the latest and probably much earlier.

This was certainly the case by 1945 when the Hebrew words "kol nidrei" and "the kol nidrei chant" appeared for the first time in the 1945 UPBII. Accompanying the kol nidrei chant was

an English translation which followed the 1904 Hamburg prayer, in calling not for the nullification of vows but for their fulfillment.

Kol nidrei was officially reinstated by the Reform movement in the Gates of Repentance (1978). Not only was the traditional Aramaic text included, but its declaration of the nullification of vows was accurately conveyed in the paraphrased English translation. This revolutionary change in Reform liturgy and ideology can be traced back to the wave of unabashedly positive feelings toward ethnic identity, traditional observance, and meaningful ritual which washed across America in the 1960's and was crystallized in the 1976 Reform Judaism Centenary Perspective.

APPENDIX I:

VERSIONS OF KOL NIDREI

1). The Ashkenazi Kol Nidrei Formula*

כָּל נִדְרֵי וְאֶסְרֵי וְחֻרְמֵי וְקֻנְמֵי וְכֻנְיֵי וְקֻנּוּסֵי וְשְׁבוּעֵי (ג"פ) (שְׁבוּעוֹת)

דְּנִדְרָנָא וְדִאֲשְׁתַּבְעָנָא וְדִאֲחֻרִּימָנָא וְדִאֲסָרְנָא עַל נַפְשֵׁתָנָא

בְּיוֹם יוֹם, וּבְרֹב הַקָּלּוֹת מְשַׁמֵּיטִין אוֹתוֹ

[קִיּוּם כְּפוּרִים שְׁעָבַר עַד יוֹם כְּפוּרִים זֶה]

מִיּוֹם כְּפוּרִים זֶה עַד יוֹם כְּפוּרִים הֵבֵא עָלֵינוּ לְטוֹבָה.

כָּלֵהוּן אַחֲרֵטָנָא בְּהוּן. כָּלֵהוּן יְהוּן שְׁרוּן.

שְׂבִיקִין שְׂבִיתִין. בְּטֵלִין יִמְכָּטְלִין.

לֹא שְׁרִירִין וְלֹא קִיּוּמִין:

נִדְרָנָא לֹא נִדְרֵי. בְּמִסַּם מוֹסִיטִין וְאֶסְרָנָא לֹא אֶסְרֵי

וְשְׁבוּעָתָנָא לֹא שְׁבוּעוֹת:

[כְּכַתוּב בְּחֻרְתָּ מִכָּה עֲבָדְךָ מִסִּי כְּבוֹדְךָ]

10 וְנִסְלַח לְכָל עֲדַת בְּנֵי יִשְׂרָאֵל וְלִגְרָהּ הִגְרָהּ בְּתוֹכָם כִּי לְכָל הָעָם בְּשֻׁנָּה: (ג"פ)

בְּמִנְהַג שׁוֹלֵין נוֹהֲגִין לְהוֹסִיף

(ח') סִלַּח-נָא לַעֲזָן הָעָם הַזֶּה כְּגִדְלֵי חֶסֶדְךָ וְכֹאֲשֶׁר נִשְׁאַתָּ לָעָם הַזֶּה מִמִּצְרַיִם

וְעַד-הַנֶּה: וְשֵׁם נִאֶמַר.

(ק') וַיֹּאמֶר יי סִלַּחְתִּי כְּדִבְרְךָ: (ג"פ)

בְּרוּךְ אַתָּה יי אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם שֶׁהִחְיֵנוּ וְקִיּוּמֵנוּ וְהִגִּיעָנוּ לְזֶמֶן הַזֶּה:

*from Goldschmidt, Daniel. ed. Machzor laYamim haNoraim. New York: Leo Baeck Institute, 1970, p. 2.

2) The Western Sephardi Kol Nidrei Formula*

ושלש סעמים החכם אומר כל נדרי להחיד לאדם מהשנה שעברה
את הנדרים הנזערים לו לבדו. אינו מחיד בשום אופן את הנדרים
הנזערים לחברו או למי שהוא מלבדו

כל נדרי. ואסרי. ושבועי. וחרמי. תדורי.
וקתמי. וקתחי. וקתסי. די נדנא. די אשתבענא.
די חרמנא. די נדנא. די אסרנא על נפשחנא. מיום
הכפרים שעבר. עד יום הכפרים הזה יישבא עלינו
לשלום:

הקהל עתה

נדרינא לא נדרי. ושבוענא לא שבועי. וחרמנא
לא חרמי. תדורינא לא נדרי. ואסרנא לא אסרי:
בלהוזהו יהוה שבייתו. ושביתו. לא שריריו. ולא קימו:
תסלח לכל-עדת בני ישראל. ולגור הנר בתוכם.
כי לכל-העם בשענה:

הש"ץ מברך

ברוך אתה יי. אלהינו מלך העולם. שהחנינו.
ומיקננו. והציענו לזמן הזה:

* from Pool, David de Sola. Prayers for the Day of Atonement:
According to the Custom of the Spanish and Portuguese Jews
(New York: Union of Sephardic Congregations, 1984), p. 26

3) The Oriental Sephardi Kol Nidrei Formula*

הקהל אומר ג"פ

כָּל נִדְרֵי. וְאֶסְרֵי. וְשְׁבוּעֵי. וְנִדְוֵי.
 חֲרָמֵי. וְקוֹנָמֵי. וְקוֹנָחֵי. וְקוֹנָסֵי. דִּי
 נִדְנָא. וְדִי נִנְדָר. דִּי אֶשְׁתַּבַּעְנָא. וְדִי
 שְׁתַּבַּע. דִּי נִדְיָנָא. וְדִי נִנְדִי. דִּי חֲרָמְנָא.
 דִּי נַחְרִים. דִּי אֶסְרְנָא עַל נַפְשָׁתָנָא. וְדִי
 וְאֶסְרֵי. מִיּוֹם הַכְּפוּרִים שְׁעָבָר. עַד יוֹם
 הַכְּפוּרִים הַזֶּה שְׁבָא עָלֵינוּ לְשָׁלוֹם. וּמִיּוֹם
 הַכְּפוּרִים הַזֶּה עַד יוֹם הַכְּפוּרִים שְׁיָבֹא
 עָלֵינוּ לְשָׁלוֹם. נִדְרָנָא לֹא נִדְרֵי. וְשְׁבוּעָנָא
 לֹא שְׁבוּעֵי. וְנִדְוֵינָא לֹא נִדְוֵי. וְחֲרָמְנָא
 לֹא חֲרָמֵי. וְאֶסְרְנָא לֹא אֶסְרֵי. כֻּלְהוֹן
 אֶתְחַרְטֵנָא בְּהוֹן. יְהֵא רַעְנָא דִּי יְהוֹן
 שְׁבִיתִין וְשְׁבִיקִין. לֹא שְׁרִירִין וְלֹא קִימִין.
 וְנִסְלַח לְכָל עֲדַת בְּנֵי יִשְׂרָאֵל וְלִגְרֵי הַגֵּר
 בְּתוֹכָם. כִּי לְכָל־הָעָם בְּשִׁגְגָה:

*from Rabi, Moshe. ed. Machzor Tefillah leMoshe: Lefi Minhagim
 haSefardim ve'edot haMizrach (Jerusalem: n.p. 1982), pp. 93-
 94.

APPENDIX II:

THE PROCEDURE FOR HATARAT NEDARIM*

סדר התרת נדרים

It is meritorious to annul vows on the day before Rosh Hashanah (see commentary).
The three 'judges' sit while the petitioner seeking annulment stands before them and states:

שמעו נא רבותי רינים מומחים. כל נדר או שבועה או אסור או קונם או חרם שנדרתי או נשבעתי בהקיץ או בחלום, או נשבעת בשמות הקדושים שאינם נמחקים, ובשם הוי"ה ברוך הוא, וכל מיני נזירות שקבלתי עלי, ואפילו נזירות שמשון, וכל שום אסור, ואפילו אסור הנאה שאסרתי עלי או על אחרים, בכל לשון של אסור, בין בלשון אסור או חרם או קונם, וכל שום קבלה אפילו של מצוה שקבלתי עלי בין בלשון נדר, בין בלשון נדרה, בין בלשון שבועה, בין בלשון נזירות, בין בכל לשון, וגם הנעשה בתקיעת כף, בין כל נדר, ובין כל נדרה, ובין שום מנהג של מצוה שנהגתי את עצמי, וכל מוצא שפתי שיצא מפיו, או שנדרתי ונמנעתי בלבי לעשות שום מצוה מהמצוות, או איזה הנהגה טובה או איזה דבר טוב, שנהגתי שלש פעמים, ולא התניתי שיהא בלי נדר, הן דבר שעשיתי, הן על עצמי, הן על אחרים, הן אותן הידועים לי, הן אותן שכחתי, בכלהן אתחרטנא בהון מעקרא, ושואל ומבקש אני ממעלתכם התרה עליהם. כי יראתי פן אכשל ונלכדתי חס ושלום, בעון נדרים ושבועות ונזירות וחרמות ואסורין וקונמות והסכמות.

* from The Complete ArtScroll Machzor. ed. Nosson Scherman. Brooklyn: Mesorah Publications, 1985, 2-3.

ואין אני תוהא, חס ושלום, על קיום המעשים הטובים
ההם שעשיתי. רק אני מתחרט על קבלת הענינים בלשון נדר
או שבועה או נזירות או אסור או חרם או קונם או הסכמה
או קבלה בלב, ומתחרט אני על זה שלא אמרתי, הנני עושה
דבר זה בלי נדר ושבועה ונזירות וחרם ואסור וקונם וקבלה
בלב.

לכן אני שואל התרה בכלהון. אני מתחרט על כל
הנדר, בין אם היו המעשים מהדברים הנוגעים בקמון, בין
מהדברים הנוגעים בגוף, בין מהדברים הנוגעים אל הנשמה.
בכלהון אני מתחרט על לשון נדר ושבועה ונזירות ואסור
וחרם וקונם וקבלה בלב.

והנה מצד הדין המתחרט והמבקש התרה צריך לפרוט
הנדר, אך דעו נא רבותי, כי אי אפשר לפרוטם כי רבים הם.
ואין אני מבקש התרה על אותם הנדרים שאין להתיר אותם.
על כן יהיו נא בעיניכם כאלו הייתי פורטם.

The judges repeat three times:

הכל יהיו מתרים לך, הכל מחולים לך, הכל שרונים לך, אין
באן לא נדר ולא שבועה ולא נזירות ולא חרם ולא
אסור ולא קונם ולא נדוי ולא שמטא ולא ארור. אבל יש באן
מחילה וסליחה וכפרה. וכשם שמתירים בבית דין של מטה,
כן יהיו מתרים בבית דין של מעלה.

The petitioner makes the following declaration:

הרי אני מוסר מודעה לפניכם, ואני מבטל מכאן ולהבא כל
הנדרים וכל שבועות ונזירות ואסורין וקונמות
וחרמות והסכמות וקבלה בלב שאקבל עלי בעצמי, הן
בהקדש, הן בחלום, חוץ מנדרי תענית בשעת מנוחה. ובאם
שאשכח לתנאי מודעה הזאת, ואדור מהיום עור, מעתה אני
מתחרט עליהם, ומתנה עליהם, שיהיו בלן בטלין ומבטלין,
לא שרירין ולא קיימין, ולא יהיו חלין כלל וכלל. בכלן
אתחרטנא בהון מעתה ועד עולם.

❧ ANNULMENT OF VOWS ❧

It is meritorious to annul vows on the day before Rosh Hashanah (see commentary).
The three 'judges' sit while the petitioner seeking annulment stands before them and states:

שמעו Listen, please, my masters, expert judges — every vow or oath or prohibition, or restriction that I adopted by use of the term 'konam' or the term 'cherem'; that I vowed or swore while I was awake or in a dream; or that I swore by means of God's Holy Names that it is forbidden to erase or by means of the Name **HASHEM**, Blessed is He; or any form of nazirism that I accepted upon myself, even the nazirism of Samson [which does not include a prohibition against contact with the dead]; or any prohibition, even a prohibition to deride enjoyment that I imposed upon myself or upon others by means of any expression of prohibition, whether by specifying the term 'prohibition' or by use of the terms 'konam' or 'cherem'; or any commitment — even to perform a mitzvah — that I accepted upon myself, whether the acceptance was in terms of a vow, a voluntary gift, an oath, nazirism, or by means of any other sort of expression, or whether it was made final through a handshake; any form of vow or voluntary gift, or any custom that constitutes a good deed to which I have accustomed myself; and any utterance that escaped my mouth or that I vowed in my heart to perform any of the various optional good deeds, or good practices, or any good thing that I have performed three times but without specifying that the practice does not have the force of a vow; whether the thing I did related to myself or to others; both regarding vows that are known to me and those that I have already forgotten — regarding all of them I regret retroactively and I ask and request of your eminences an annulment of them. [My reason is that] I am fearful that I will stumble and become entrapped, Heaven forbid, in the sin of vows, oaths, nazirism, cherems, prohibitions, konams, and [violation of] agreements.

I do not regret, Heaven forbid, the performance of the good deeds I have done, rather I regret only having accepted them upon myself with an expression of a vow or oath or nazirism or prohibition or cherem or konam or agreement or acceptance of the heart, and I regret not having said, 'Behold I do this without [adopting it in terms of] a vow, oath, nazirism, cherem, prohibition, konam, or acceptance of the heart.'

Therefore I request annulment for them all. I regret all the aforementioned, whether they were matters relating to money, or whether they are matters relating to the body or whether they were matters relating to the soul. Regarding them all, I regret the terminology of vow, oath, nazirism, prohibition, cherem, konam and acceptance of the heart.

Now behold, according to the law, one who regrets and seeks annulment must specify the vow, but please be informed, my masters, that it is impossible to specify them because they are many. Nor do I seek annulment of those vows that cannot be annulled; therefore may you consider as if I had specified them.

The judges repeat three times:

הכל May everything be permitted you, may everything be forgiven you, may everything be allowed you. There does not exist any vow, oath, nazirism, cherem, prohibition, konam, ostracism, excommunication, or curse. But there does exist pardon, forgiveness, and atonement. And just as the earthly court permits them, so may they be permitted in the Heavenly Court.

The petitioner makes the following declaration:

הרי Behold I make formal declaration before you and I cancel from this time onward all vows and all oaths, nazirism, prohibitions, konams, cherems, agreements, and acceptances of the heart that I myself will accept upon myself, whether while I am awake or in a dream, except for vows to fast that I undertake during Minchah. In case I forget the conditions of this declaration and I make a vow from this day onward, from this moment I retroactively regret them and declare of them that they are all totally null and void, without effect and without validity, and they shall not take effect at all. Regarding them all, I regret them from this time and forever.

APPENDIX III:A MAGIC BOWL INSCRIPTION*

* from Montgomery, James A. Aramaic Incantation Texts from Nippur. Philadelphia: University of Pennsylvania Press, 1913, Plate xli.

APPENDIX IV:

THE MUSIC OF KOL NIDRE AMONG ASHKENAZIM AND SEPHARDIM

1) A Yemenite Kol Nidrei*

116. Musical notation for 'A Yemenite Kol Nidrei' in G major, 4/4 time. The melody is written on a single staff with a treble clef. It begins with a key signature of one sharp (F#) and a common time signature (C). The melody is composed of eighth and quarter notes, with some measures containing beamed sixteenth notes. The lyrics are written below the staff, aligned with the notes. The lyrics are: kol nid . rej wā . ā . so . rej uš . bu . 'ej wānid . du . jej wā . hā . ro . mēj wē . gu . no . mēj wē . gu . no . hēj wē . gu . no . sēj di nē . dār . . no wē . di iś . tā . bā . . no wē . di nā . di . no wē . di hā . rim . no wē . di o . sār . no 'āl nāf . šo . to . no mij . jôm hākip . pu . rim āā . 'o . bār 'ād jôm hākip . pu . rim hāz . zā āāb . bo . 'o . lē . nu lē . šo . lôm u . mij . jôm hāk . kip . pu . rim hāz . zā

kol nid . rej wā . ā . so . rej uš . bu . 'ej wānid . du . jej

wā . hā . ro . mēj wē . gu . no . mēj wē . gu . no . hēj wē . gu . no . sēj

di nē . dār . . no wē . di iś . tā . bā . . no wē . di nā . di . no

wē . di hā . rim . no wē . di o . sār . no 'āl nāf . šo . to . no mij . jôm

hākip . pu . rim āā . 'o . bār 'ād jôm hākip . pu . rim hāz . zā āāb . bo . 'o . lē . nu

lē . šo . lôm u . mij . jôm hāk . kip . pu . rim hāz . zā

* from Idelsohn, A.Z. Thesaurus of Hebrew Oriental Melodies.
Vol. 1. New York: Ktav, 1933.

'ád jóm hāk kip-pu-rim šā-jo-bō 'o-lē-nu lē-šo-lóm
 nid-ro-no lo nid-rēj uš-bu-'o-to-no lo šē-bu-ēj wā-hā-ro-
 mā-no lo hā-ro-mēj wē-nid-du-jā-no lo nid-du-jēj wā-ā-so-rā-no
 lo ā-so-rēj kul-hōn... it-hā-rāt-no bō-hōn jē-bēj rā-wo di-hōn
 šē-bi-tin uš-bi-gin lo šā-ri-rin wē-lo gāj-jo-min
 wē-nis-lāh lē-hol 'ā-dāt bū-nēj jis-ro-ēl wē-lāg-ger hāg-ger
 bū-to-hom kij lē-hol ho-'om biš-ge-goh.

2) A Persian Kol Nidrei*

79. 

Ko.lē ni.dē.rēj wā.ā.šō . rēj u.šō.wu.āj wē.ni.du.jēj

wa.hā . ro . mēj wē.kū . no . mēj wē.kū no . hēj wē.kū . no . sēj.

di nē.dar.no wē.di nin . dar, di iš.ta.ba.no wē.di . niš . ta . ba .

di nē.dēj . no wē.di nin . dēj, di hā.aram.no wē.di nā.hā.aram,

di ā.sar . no wē.di nā.ā.sar al naf.šō.to . no mi.jum ki.pu.rim

šā . o . war ad jum ha.ki.pu.rim šā.bo o . lēj . nu u . mi.jum ha.ki.pu.rim ha.

zā ad jum ha.ki.pu.rim šā.jo.wu o . lēj . nu lē.šō.lum, nid . ro . no

lo nidrēj, wē.ni.du.jo . no lo nē.du.jēj wa.hā.romo.no lo hā.ro.mēj

wā.ā . so . ro . no lo ā . so.rēj kul.hun, āt.ha.rat.no wē . hūn,

jē.hēj ra . ā . wo di jē.hūn šō.wi.tin u.šō.wi.kin, lo še.ri.rin wē .

lo ka.jo.min, wā.nia.lah lē.hol'ā.dat bē.nēj jis.ro.āj

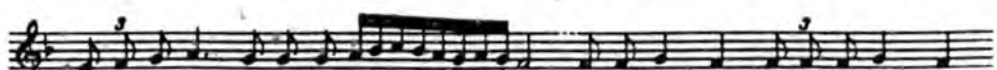
wē.la.gēj ha.gor bē.tu.hom, kij le.hol ho.om biš.go.go.

*from Idelsohn, A.Z. Thesaurus of Hebrew Oriental Melodies.
Vol 3. New York: Ktav, 1933.

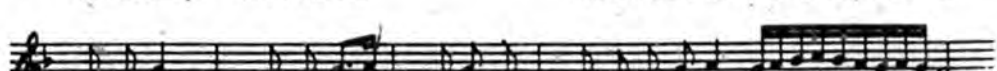
3) An Oriental Sephardi Kol Nidrei*

284. 

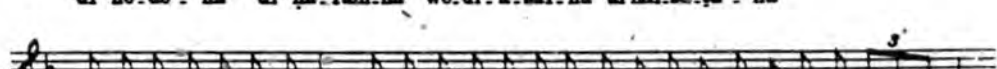
Kol nid.ré we.é.sa.ré ué.bu.é wé.nid.du.jé wa.há.ra.mé wé.ó.na.mé



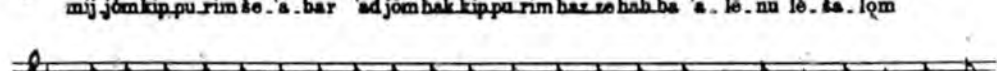
wé.u.na.hé wé.ó.na.sé di.né.dar.na di.é.ta.ba.na



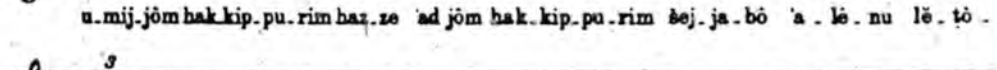
di.né.dé.na di.há.ram.na wé.di.á.sar.na 'al.naf.é.ta.na



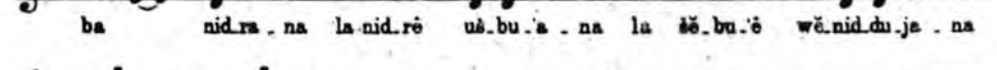
mij.jóm.kip.pu.rim.é.a.bar 'ad.jóm.hak.kip.pu.rim.haz.ze.hah.ba'a.lé.nu.lé.é.lóm



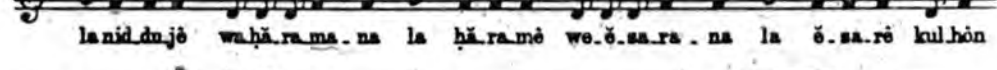
u.mij.jóm.hak.kip.pu.rim.haz.ze 'ad.jóm.hak.kip.pu.rim.éj.ja.bó'a.lé.nu.lé.tó.



ba nid.ra.na la.nid.ré ué.bu.a.na la.éé.bu.é wé.nid.du.ja.na



la.nid.du.jé wa.há.ra.ma.na la.há.ra.mé we.é.sa.ra.na la.é.sa.ré kul.hón



éj.ha.ra.t.na.bé.hón jé.hé.ra'á.wa.di.jé.hón éé.bi.tin ué.bi'in la.éé.ri.rin.

*from Idelsohn, A.Z. Thesaurus of Hebrew Oriental Melodies.
Vol 4. New York: Ktav, 1933.

4) A Moroccan Kal Nidrei*

205. The musical notation consists of ten staves of music in a single system. The first staff begins with a treble clef, a key signature of one flat (B-flat), and a common time signature (C). The melody is written in a style typical of early 20th-century ethnomusicological publications. The lyrics are written in a stylized Hebrew script below the notes. The music features various rhythmic values, including eighth and sixteenth notes, and rests. There are some triplets indicated by a '3' over a group of notes. The system ends with a double bar line.

Kal nid.rê we. ẽ.sa.rê u. sê.bu.ê wê.nid.du.jê wa.hã.ra.mê
wê.u.na.mê wê.u.na.hê wê.u.na.sê di nê.dar.
na.wê.di is.ta.ba'.na.wê.di na.dê.na.wê.di
hã.ram.na.wê.di ă.sar.na'al.naf.sa.ta.na.
mij.jôm.hak.kip.pu.rim.se.ă.har'ad.jôm.hak.kip.pu.rim.haz.ze se.ba'ă.lê.nu
lê.sa.lôm, u.mij.jôm.hak.kip.pu.rim.haz.ze'ad.jôm.hak.kip.pu.rim.ă.hêr.se.ja.bô
ă.lê.nu.lê.sa.lôm, nid.ra.na la.nid.rê us.bu.ă.ta.na la.sê.bu.ê
wê.nid.du.ja.na la.nid.du.jê wa.hã.ra.ma.na la.hã.ra.mê we.ẽ.sa.
ra.na la.ẽ.sa.rê, kul.hôn.it.hã.rať.na.bê.hôn.jê.bê.ra.ă.wa.di.jê.hôn
sê.bi.tin.us.bi.in la.sê.ri.rin.wê.lô.aj.ja.min. wê.nis.lah.lê.hol.ă.dat
bê.nê.jis.ra.êl.wă.lag.gêr.hag.gar.bê.tô.ham, ki.lê.hol.ha.am bis.ga.ga.

*from Idelsohn, A.Z. Thesaurus of Hebrew Oriental Melodies.
Vol. 5. New York: Ktav, 1933.

5) A Western Sephardi Kal Nidrei*

Maestoso
Hazan Solo

Kal _____ nid _____ ré _____

vé-é _____ sa _____ ré, _____

uš _____ vu _____ é _____

ve-ni _____ du _____ ye, _____

va-ha _____ ra _____ me _____

vé - ku - na - mé _____ ve - ku - na - 'hé ve - ku - na _____ sé _____

di _____ ne - dar _____ na ve - di _____ iš - ta - ba _____ na

*from Abinun, Elizer and Joseph Papo. Liturgie Sephardie.
London: Vallentine, Mitchell, 1959.

ve-di ne-de na, ve-di ha-ram na,

ve-di a-sar-na al naf-sha-ta na

mi-yom ha-ki-pu rim še a-var

ad-yom ha-ki-pu rim ha-zé

še-ba a-lé nu le-ša-lom nid-ra-na la nid-ré,

uš-vu-a-na la še-vu-é, va-ha-ra-ma-na la ha-ra-mé etc.

ki le-khol ha-am biš-ga-ga.

6) The Aaron Beer Kol Nidrei (1765)*

The musical score is written on ten staves, each beginning with a treble clef and a key signature of one sharp (F#). The notation includes various musical symbols such as eighth and sixteenth notes, rests, and trills. The score is divided into sections numbered 1 through 15. Section 1 includes a trill (tr.) and a repeat sign. Section 4 is marked with a repeat sign and the label '4. (b)'. Section 10 is marked with a repeat sign and the label '10. (c)'. The score concludes with a double bar line and the word 'Fine'.

*from Idelsohn, A.Z. "The Kol Nidre Tune." HUCA 8-9 (1931-1932):493-509.

[illegible]

7) The S. Naumbourg Kol Nidrei (1840-1874) *

* from Idelsohn, A.Z. "The Kol Nidre Tune." HUCA 8-9 (1931-1932): 493-509.

Handwritten musical score on page 171, featuring ten staves of music in treble clef with a key signature of one flat. The score is divided into three sections: Section II (staves 1-3), Section (c) (staves 4-7), and Section III (staves 8-10). Various measures are numbered, and some contain performance markings like 'x' and '3'.

Section II (Staves 1-3):

- Staff 1: Measures 1-4. Measure 4 is marked with a double bar line and the Roman numeral II.
- Staff 2: Measures 5-8.
- Staff 3: Measures 9-12.

Section (c) (Staves 4-7):

- Staff 4: Measures 13-16. Measure 16 is marked with a double bar line and the label (c) 10.
- Staff 5: Measures 17-20. Measures 17, 18, and 19 are numbered 11., 12., and 10. respectively.
- Staff 6: Measures 21-24. Measures 21, 22, and 23 are numbered 11., 12., and 14. respectively.
- Staff 7: Measures 25-28. Measures 25, 26, and 27 are numbered 4., 5., and 6. respectively.

Section III (Staves 8-10):

- Staff 8: Measures 29-32. Measure 32 is marked with a double bar line and the Roman numeral III.
- Staff 9: Measures 33-36. Measure 36 is marked with a double bar line and the number 15.
- Staff 10: Measures 37-40.

8) The L. Lewandowski Kol Nidrei (1871)*

The musical score is written in 3/4 time with a key signature of two flats (B-flat and E-flat). It consists of several staves of music with various annotations:

- The first staff is labeled with a bracketed "(a)" and the word "opening" above it.
- The second staff continues the melody.
- The third staff has two sections: "1. darga tebir Prophets" and "3. darga tebir R-".
- The fourth staff has three sections: "ther:", "sequence", and "opening".
- The fifth staff continues the melody.
- The sixth staff is labeled with a bracketed "ethnahta, Prophets" and contains measures numbered 4, 5, and 6.
- The seventh staff contains measures numbered 7 and 10, with a bracketed "(c)" above measure 10.

* from Idelsohn, A.Z. "The Kol Nidre Tune." HUCA 8-9 (1931-1932): 493-509.

10. 3. a darga tebir,

Esther 13. pesiq sof pasuq. Prophets 14. rebia Prophets

(b) I 4. 5. etnahat Prophets 6.

15. 10. (c) I 3. a

darga tebir Esther 13. pesiq sof pasuq Prophets

6. (c) II. 7. Minnesong and ars nova

8. 15.

9) The Abrahams Baer Kol Nidrei (1877) *

(a)

The musical score is written on eight staves of music. The first staff is labeled with a '4.' and a '(a)'. The second staff has a '3.' above it. The third staff has a '2.' above it. The fourth staff has a '1.' above it. The fifth staff has a '3.' above it. The sixth staff has a '10. (c)' above it. The seventh staff has a '(b)' above it. The eighth staff has a '16.' above it. The music is in a key with two flats (B-flat and E-flat) and a 3/4 time signature. It features various musical notations including eighth notes, quarter notes, and rests.

* from Idelsohn, A.Z. "The Kol Nidre Tune." HUCA 8-9 (1931-1932): 493-509.

Handwritten musical score on six staves, likely for a single melodic line. The notation includes various rhythmic values, accidentals, and dynamic markings. The key signature is one flat (B-flat).

Staff 1: Ends with the number 16.

Staff 2: Contains the marking (c) 1.

Staff 3: Contains the number 7.

Staff 4: Contains the number 3.

Staff 5: Ends with the marking D.S. al Fine.

Staff 6: Starts with the number 16.

2. Important Jewish Centers from the 11th to the Mid-15th Centuries*



* from Seltzer, Robert. Jewish People, Jewish Thought. New York: Macmillan, 1980, p. 347.

SELECTED BIBLIOGRAPHY

A) Rabbinic Sources

- Abudarham haShalem. ed. S.A. Wertheimer. Jerusalem, 1963.
- Arba'ah Turim, Orach Chayyim, Hilkhoh Yom ha Kippurim 619.
- Arugat haBosem. ed. Ephraim Urbach. Jerusalem, 1967.
- Machzor Vitry. ed. Simon haLevi Huwitz. Nuremberg: Mekitsei Nirdamim, 1923.
- Mishneh Torah, Sefer Hafla'ah, Hilkhoh Shevuot and Nedarim Orchot Chayyim. 1750. Reprint. Jerusalem, 1956.
- Otsar haGeonim. ed. Benjamin Lewin. Vol. 11. Palestine, 1942.
- ROSH to Yoma 88 end, #28.
- Seder Rav Amram Gaon. ed. Daniel Goldschmidt. Jerusalem: Mossad haRav Kook, 1971.
- Sefer Ravyah. ed. Avigdor Aptowitzer. Part 2. Jerusalem: Harry Fischel Institute, 1964.
- Sefer haManhig. 1856. Reprint. Jerusalem, 1967.
- Sefer haYashar. 1811. Reprint. Brooklyn: Shai Publications, 1959.
- Sefer Levush, Orach Chayyim, Hilkhoh Yom Kippur #619.
- Sefer Maharil. Warsaw, 1802.
- Sha'arei Simchah. ed. Simchah Bamberger. Vol 1. Furth, 1861.
- Sha'arei Teshuvah. ed. Wolf Leiter. 1802. Reprint. New York: Philipp Feldheim, 1946.
- She'elot uTeshuvot haRibash #394.
- Shibbolei haLeket. ed. Solomon Buber. 1886. Reprint. Jerusalem: Alef Publishing Company, 1962.
- Shulchan Aruch, Orach Chayyim, Hilkhoh Yom haKippurim #619.
- Siddur Rabbenu Shlomo. ed. Moshe Hershtler. Jerusalem, 1971.
- Teshuvot, Pesakim, uMinhagim shel Maharam. ed. I.Z. Cahana. Vol 1. Jerusalem: Mossad haRav Kook, 1957.

B) Other Sources

- Abramson, Shraga. "Early Rulings" [Hebrew]. Sinai 49 (1961): 210-215.
- _____. "On the Blessing for the Nullification of Vows and Oaths" [Hebrew]. Sinai 50 (1962): 185-186.
- Ahituv, Shmuel. "Azazel." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- Albeck, Chanoch. ed. Shishah Sidrei Mishnah. Seder Nashim. Masekhet Nedarim. Jerusalem: Mossad Bialik, 1959.
- Avineri, Hanoch. "Mi-Sinai Niggunim." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- Azar, Moshe. Leshonot Hitchayavut beMikra uveMishnah. [Expressions of Commitments in the Old Testament and in the Mishnah]. Haifa: Pinat haSefer, 1981.
- Baron, Salo. A Social and Religious History of the Jews. Vols. 5-8. New York: Columbia University Press, 1957-1958.
- Bayer, Bathja. "Kol Nidre." Encyclopaedia Judaica. eds Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- Beyerlin, Walter. Near Eastern Religious Texts Relating to the Old Testament. Philadelphia: Westminster Press, 1978.
- Buchanan, George Wesley. "Some Vow and Oath Formulas in the New Testament." Harvard Theological Review 58 (July 1965): 319-326.
- Budd, Philip. J. Numbers. Word Biblical Commentary. Vol. 5. Waco: Word Book.
- CCAR Yearbook 40 (1930): 100-108.
- CCAR Yearbook 41 (1931): 102-115.
- CCAR Yearbook 55 (1945): 33-34.
- Cohen, Francis. "Kol Nidre." The Jewish Encyclopedia. ed. Isadore Singer. New York: Funk and Wagnalls Co., 1916.

Concise Encyclopedia of Jewish Music, 1975 ed. S.v. "Kol Nidre."

Danby, Herbert. The Mishnah. London: Oxford University Press, 1933.

Davidson, Israel. "Kol Nidre." American Jewish Yearbook 25 (1923): 180-194.

de Vaux, Roland. Ancient Israel: Its Life and Institutions. London: Darton, Longman & Todd, 1961.

Deshen, Shlomo. "The Enigma of Kol Nidre: An Anthropological and Historical Approach." In Studies in the History of Jewish Society in the Middle Ages and in the Modern Period: Presented to Professor Jacob Katz, 136-153. Jerusalem: Magnes Press, 1980.

Encyclopedia of the Jewish Religion, 1966 ed. S.v. "Vows and Oaths."

Encyclopedia of the Jewish Religion, 1966 ed., S.v. "Demonology."

Encyclopedia Talmudit, 2nd rev. ed. (1973). S. v. "Hatarat Nedarim."

Falk, Ze'ev. "On Talmudic Vows." Harvard Theological Review 59 (July 1966): 309-312.

_____. Introduction to Jewish Law of the Second Commonwealth. Leiden: E.J. Brill, 1972.

_____. "Binding and Loosing." In Studies in Jewish Legal History: Essays in Honour of David Daube, ed. Bernard Jackson, 92-100. London: Jewish Chronicle Publications, 1974.

Friedland, Eric. "The Historical and Theological Development of the Non-Orthodox Prayerbooks in the United States," Ph.D. diss., Brandeis University, 1967.

Ginzberg, Louis. Ginzei Schechter. Vol 2. 1929. Reprint. New York: Jewish Theological Seminary,

Gordon, Cyrus H. "Aramaic Incantation Bowls." Orientalia 10 (1941): 116.

_____. "Leviathan: Symbol of Evil." In Biblical Motifs Origins and Transformations ed. Alexander Altmann, 1-9. Cambridge: Harvard University Press, 1966.

Gray, George Buchanan. Sacrifice in the Old Testament: Its Theory and Practice. New York: 1971.

Greenberg, Moshe. "Oaths." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.

Harper's Bible Dictionary, 8th ed. S.v. "Vow."

Heller, Joseph. Isaac M. Wise: His Life, Work, and Thought. New York, 1965.

Herr, Moshe David. "Matters of Palestinian Halakhah During the Sixth and Seventh Centuries CE" [Hebrew] Tarbitz 48 (October 1979-March 1980): 62-80.

Hoffman, Lawrence A. The Canonization of the Synagogue Service. Notre Dame: University of Notre Dame Press, 1979.

_____. Gates of Understanding Two. New York: Central Conference of American Rabbis, 1984.

_____. "Jewish Knowledge: Redrawing the Map." Conservative Judaism 38 (Winter 1985-1986): 36-43.

Idelsohn, A.Z. "The Kol Nidre Tune." Hebrew Union College Annual 8-9 (1931-1932): 493-503.

_____. Thesaurus of Hebrew Oriental Melodies. Vols. 6-7. New York: Ktav, 1933.

Kieval, Herman. "The Curious Case of Kol Nidre." Commentary 46 (October 1968): 53-58.

Kohler, Kaufman. "Demonology." The Jewish Encyclopedia. ed. Isadore Singer. New York: Funk and Wagnalls Co., 1916.

Levine, Baruch A. "Appendix: The Language of the Magic Bowls." In Jacob Neusner, A History of the Jews in Babylonia. Vol 5., 343-387. Leiden: E.J. Brill, 1970.

_____. In the Presence of the Lord. Leiden: E.J. Brill, 1974.

Lieberman, Saul. Greek in Jewish Palestine. New York: Jewish Theological Seminary of America, 1942.

_____. Texts and Studies. New York: Ktav, 1974.

Long, Bruce J. "Demons." The Encyclopedia of Religion. ed. Mircea Eliade. New York: Macmillan Publishing Co., 1987.

- Ludwig, Theodore M. "Incantations." The Encyclopedia of Religion. ed. Mircea Eliade. New York: Macmillan Publishing Co., 1987.
- Mann, Jacob. Texts and Studies in Jewish History and Literature. 2 vols. Cincinnati: Hebrew Union College Press, 1931.
- Margaliot, Mordechai. Halakhot Erets Yisrael Min haGenizah. Jerusalem: Mossad haRav Kook, 1973.
- Mendes-Flohr Paul and Jehuda Reinharz, eds., The Jew in the Modern World: A Documentary History. New York: Oxford University Press, 1980.
- Meyer, Michael A. Response to Modernity. New York: Oxford University Press, 1988.
- Milgrom, Jacob. "Day of Atonement." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- . "Kipper." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- Montgomery, James A. Aramaic Incantation Texts from Nippur. Philadelphia: University of Pennsylvania Press, 1913.
- Neusner, Jacob. "The Phenomenon of the Rabbi in Late Antiquity." Numen 16 (April 1969): 1-20.
- . A History of the Jews in Babylonia. Vols. 5-6. Leiden: E.J. Brill, 1970.
- Noth, Martin. Leviticus: A Commentary. The Old Testament Library. Philadelphia: Westminster Press, 1965.
- . Numbers: A Commentary. The Old Testament Library. Philadelphia: Westminster Press, 1968.
- Petuchowski, Jakob. Prayerbook Reform in Europe. New York: The World Union for Progressive Judaism, 1968.
- Philipson, David. The Reform Movement in Judaism. New York: Ktav, 1967.
- Plaut, Gunther. The Rise of Reform Judaism. New York: World Union for Progressive Judaism, 1963.

- Rabinovitch, Mordechai. The Mishnah: Seder Nashim Vol. II(a) Tractate Nedarim. ArtScroll Mishnah Series. Brooklyn:] Mesorah Publications, 1985.
- Rabinowitz, Louis Isaac. "Vows and Vowing." Encyclopaedia Judaica. eds. Cecil Roth and Geoffrey Wigoder. Jerusalem: Keter Publishing House, 1972.
- Raphael, Marc Lee. Profiles in American Judaism. New York: Harper & Row, 1984.
- Rosenbloom, Noah H. Tradition in an Age of Reform. Philadelphia: Jewish Publication Society, 1976.
- Rossell, William H. A Handbook of Aramaic Magical Texts. Shelton Semitic Series Number II. Ringwood Borough, N.J.: Shelton College, 1953.
- Seltzer, Robert M. Jewish People, Jewish Thought: The Jewish Experience in History. New York: Macmillan Publishing Co., 1980.
- Sendrey, Alfred. The Music of the Jews in the Diaspora. New York: Thomas Yoseloff, 1970.
- Snaith, N.H. ed. Leviticus and Numbers. The Century Bible. London: Thoms Nelson & Sons, 1967.
- Spector, Johanna. "The Kol Nidre -- At Least 1200 Years Old." Jewish Music Notes (October 1950): 3-4.
- Sturdy, John. Numbers. The Cambridge Bible Commentary. London: Cambridge University Press, 1976.
- Toner, P.J. "Exorcism." The Catholic Encyclopedia. New York: McGraw-Hill, 1909.
- Trachtenberg, Joshua. Jewish Magic and Superstition: A Study in Folk Religion. New York: Atheneum, 1939.
- Urbach, Ephraim. Ba'alei Tosaphot. Jerusalem: The Bialik Institute, 1955.
- Werner, Eric. A Voice Still Heard. University Park: The Pennsylvania State University Press, 1976.

C) Prayerbooks

The Complete ArtScroll Machzor. ed. Nosson Scherman. Brooklyn: Mesorah Publications, 1986.

Einhorn, David. Olat Tamid: Book of Prayers for Jewish Congregations. 1896.

Gates of Repentance: The New Union Prayerbook for the Days of Awe. ed. Chaim Stern. New York: Central Conference of American Rabbis, 1978.

Machzor laYamim haNoraim. ed. Daniel Goldschmidt. 2 vols. New York: Leo Baeck Institute, 1970.

Machzor Tefillah leMoshe: Lefi Minhag haSefaradim ve'Edot haMizrach. ed. Moshe Rabi. Jerusalem: n.p., 1982.

Prayers for the Day of Atonement: According to the Custom of the Spanish and Portuguese Jews. ed. David de Sola Pool. New York: Union of Sephardic Congregations, 1984.

The Union Prayerbook for Jewish Worship, Part II. Cincinnati: Central Conference of American Rabbis, 1894.

The Union Prayerbook for Jewish Worship, Part II. Newly Revised Edition. Cincinnati: Central Conference of American Rabbis, 1945.

Wise, Isaac M. The Divine Service of American Israelites for the Day of Atonement. Cincinnati: Bloch & Company, 1866.