

Keeping Promises or Annulling Them

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One of my prized possessions is a Reform prayer book for Yom Kippur, the name of my great-great grandfather Gotlieb Lemle embossed on the cover in gold. *Minhag America*, the prayer book—in Hebrew, English, and German—was produced by Rabbi Isaac Mayer Wise in 1866, several years before he established the Union for Reform Judaism and Hebrew Union College. In an entire prayer book, all of it for Yom Kippur, Kol Nidre is nowhere to be found.ⁱ

Kol Nidre is of course in our High Holy Day prayerbook, *Mishkan HaNefesh*. On Yom Kippur Eve, our congregation will stand in the commanding presence of the Torah Scrolls, dressed in their High Holy Day whites, removed from the ark with great ceremony, held by Temple leaders as the lights are dimmed and the familiar melody is chanted. Kol Nidre is so central to our Yom Kippur Eve worship that we call it “the Kol Nidre service.”

How could our Reform forbears have left it out?

The trouble is not the stirring ritual or the exquisite music. The problem is in the words. *Mishkan HaNefesh*, translates it as follows:

“All vows—resolves and commitments, vows of abstinence and terms of obligation, sworn promises and oaths of dedication—that we promise and swear to God, and take upon ourselves, from this [Yom Kippur] until the next..., we regret them and for all of them we repent. Let all of them be discarded and forgiven, abolished and undone; they are not valid and they are not binding. Our vows shall not be vows; our resolves shall not be resolves; and our oaths—they shall not be oaths.”

In a religious context, a vow is a promise uttered in God’s Name. Our Torah portion this week emphasizes that such vows must be scrupulously fulfilled: “When you make a vow to יהוה your God, do not put off fulfilling it, for יהוה your God will require it of you, and you will have incurred guilt; whereas you incur no guilt if you refrain from vowing. You must fulfill what has crossed your lips and perform what you have voluntarily vowed to יהוה your God, having made the promise with your own mouth.”ⁱⁱ

Ecclesiastes, riffing on this passage, observes: “It is better not to vow at all than to vow and not fulfill.”ⁱⁱⁱ Ramban, a medieval commentator, adds an exclamation point: “יהוה has no pleasure in fools who imagine they are doing God’s

will by making numerous vows to spur themselves to fulfill a commandment. Lacking prudence and understanding, they do not stop to think that it may turn out impossible for them to fulfill the vow. On the contrary, they imagine they will be credited with good intention that they had at the time of the vow.”^{iv}

Kol Nidre is often said to emanate from the Spanish Inquisition, a time when Jews swore oaths that they had no desire to fulfill—specifically, a vow made in God’s name to become a Catholic. Jews who were compelled to convert if they wished to remain in Spain appreciated the opportunity to annul their forced conversion promises. For us moderns, the solution seems unnecessary. Why should anybody keep a promise they were compelled to utter at the tip of a spear? But those folks were not moderns. They had spoken words in God’s Name, and failing to fulfill such a promise would violate one of the Ten Commandments, taking God’s Name in vain. They took the words of our Torah portion literally: God would punish them for not fulfilling their vows, even a promise to leave Judaism.

Rabbi Dr. Dalia Marx of Hebrew Union College in Jerusalem, our scholar-in-residence last Yom Kippur, is a leading authority on Jewish liturgy. She acknowledges that “Kol Nidre is known to us only from the ninth century on,” but she also describes “incantation bowls,” strikingly similar to Kol Nidre, which “predate it by hundreds of years.”^v People’s emotional need to annual vows invoked in the Divine Name runs deep into our history, and was not new at the time of the Inquisition or restricted to vows undertaken unwillingly.

Controversy over Kol Nidre started soon after its official debut in the ninth century. Dr. Max writes that Rav Amram, a leading Torah scholar of the day, declared the recitation of Kol Nidre to be “forbidden.” Rav Amram, though, is best known for compiling the first-ever Jewish prayerbook, and he included Kol Nidre, the very words he had deemed “forbidden!”^{vi} Like Isaac Mayer Wise, Rav Amram was, in the words of Herman Kieval, “fighting a losing battle against a highly popular practice.”^{vii} If you wonder why the practice was popular, you may only have to imagine the uproar if we canceled the cello prelude to Kol Nidre, let alone the ritual and the music under dimmed lighting.

More likely, though, a deeper human problem was at work. Note the exhortations by Ecclesiastes and Ramban, one in the biblical period and the other medieval, warning people off taking vows. They would only have needed to do so at a time when people took too many vows and took them quite seriously, often leaving them in a no-win situation: They would have to fulfill an ill-conceived promise or break it and face divine consequences. Kol Nidre steps into the breach, whisking the vow away and absolving the one who uttered it.

Kol Nidre moved the Jewish people so profoundly that it endured centuries of antisemitic assault. Kieval explains: “Throughout the Middle Ages in Christian Europe, Kol Nidre was seized upon as a prime weapon in the continuing campaign to vilify the character of the Jew. Accusations were constantly leveled against the ‘perfidious’ children of Israel whose religion permitted them to perjure themselves in their dealings with Christians and then—on the holiest of festivals—clear their consciences simply by reciting the Kol Nidre.”^{viii}

Naturally, European Jews did not intend to annul the contracts that they had freely undertaken with their Christian neighbors. Moreover, Dr. Marx argues that Kol Nidre “speaks only of vows made to God rather than commercial deals and the like.”^{ix} Still, we can explain Kol Nidre’s absence from my great-great grandfather’s prayerbook as an attempt to cleanse Judaism of relics deemed irrelevant and troubling. Dr. Annette Boeckler explains, “Classical reform of the nineteenth and early twentieth century sought to justify Judaism to modern Jews and to the society in which they lived. It was deemed important to say only those prayers that could be recited honestly... So morally, logically, and theologically, the text of Kol Nidre seemed objectionable to Reform Jews, who sought, therefore, to eliminate it.”^x

Our own era is unlike both the one in which Kol Nidre arose and the one in which early Reform rabbis tried to cancel it. On the one hand, we no longer take too many vows or take them seriously. To the contrary, we are apt to be slow to commit ourselves and eager to let ourselves off the hook when follow-through proves difficult. On the other hand, we embrace the value of rituals that we find meaningful, even if the words would not be of our choosing.

On this Yom Kippur, let us find deep meaning in a ritual that Jews have cherished for well over a millennium. Let the music and the majesty, the commanding presence of the Torah Scrolls, stir us to repentance. Let us follow the advice of Ecclesiastes, discerning carefully before we make commitments. Then, let us muster our strength to fulfill them. *Mishkan HaNefesh* puts it beautifully in this recasting of the text:

“Kol Nidre: a chant that begins in a whisper and rises to a cry.
On this night of promises remembered,
each soul in solitude communes with the Soul of the universe.

God, from this Day of Atonement to the next—
may we reach it in peace—
all Israel makes these vows:
to turn from wrong, dishonesty, and greed,

to walk in the path of justice and right.

Yet we know our weakness—how prone we are to fail:
help us to keep our word;
help us to act with humility and integrity.
We seek pardon and forgiveness.
We seek Your radiance and light.”^{xi}

May that be God’s will. And let us say:

Amen.

ⁱ Isaac M. Wise, *The Divine Service of American Israelites for the Day of Atonement*, i.e., *Minhag America for Yom Kippur*, Cincinnati: Bloch & Co., Publishers and Printers, 1866.

ⁱⁱ Deuteronomy 23:22-24.

ⁱⁱⁱ Ecclesiastes 5:4.

^{iv} Ramban to Ecclesiastes 5:4.

^v Dalia Marx, *From Time to Time: Journeys in the Jewish Calendar*, New York: CCAR Press, 2023, pp. 19-20.

^{vi} Marx, p. 20.

^{vii} Herman Kieval, “The Curious Case of Kol Nidre,” *Commentary*, October 1968.

^{viii} Kieval.

^{ix} Marx, p. 20.

^x Dr. Annette Boeckler, “The Magic of the Moment: Kol Nidre in Progressive Judaism,” *All These Vows*, Jewish Lights, 2011.

^{xi} *Mishkan HaNefesh: Machzor for the Days of Awe*, New York: CCAR Press, 2015, Yom Kippur volume, p. 15.