



פרשת וילך  
שבת שובה  
תשרי תשפ"ג

### THE TRAGEDY OF ACHER

The Talmud (Chagigah) tells the tragic tale of Rabbi Elisha Ben Avuya, known as Acher. This brilliant sage, the teacher of Rabbi Meir unfortunately left the path of Torah and became a heretic.

How did he get this name Acher? One Shabbos he visited a prostitute, recognising him she says "Aren't you Elisha ben Avuyah?".

He plucks a raddish from the ground in violation of Shabbos. On seeing this she says "Acher Hu" this is not Elisha ben Avuyah this is someone else. From then on he referred to as Acher.

Once, Rabbi Meir implored his teacher to return. Acher replied that he could not, for he had heard a heavenly voice announce "Shuvu banim shovevim chutz m'acher." return wayward children, except for Acher. And so he remained a heretic.

Rabbi Aharon Soloveitchik explains this Gemora. Hashem did not give up on Elisha Ben Avuyah and close the doors to Teshuvah. The heavenly voice was explaining to him what he needed to do to return. Chutz M'acher – go out of being Acher.

The great tragedy which prevented Rabbi Elisha ben Avuyah from returning was that he saw himself as the Acher defined by his sins.

Even when he sins, Yisroel hu (eirvin 19). We are sons of Hashem. We may have gone wayward but we remain His children.



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## Guilt-free Teshuvah

Dear Rabbi,

*When I do Teshuvah, and think about my sins of the past year, I end up feeling pretty guilty. With all my wrongdoings, I feel like I am a terrible person; so how can I come before Hashem? I actually dread this whole Yomim Noraim period. Is this how it is supposed to be?*

Answer:

One of the fundamental steps of the Teshuvah process is to feel regret for our wrongs – both between us and Hashem and between us and our fellow man.

Note that Teshuvah requires a feeling of regret, not guilt. Both of these emotions stem from recognising and feeling bad about our wrongs, but there's a huge difference between the two.

Regret is a healthy. Guilt is not.

Guilt focuses on ourselves. The guilty sinner defines themselves by their actions: Instead of condemning their actions they condemn themselves. "If I did such-and-such, I must be a bad or unG-dly person". This negative self-talk creates low self-esteem.

Regret focusses on the behaviour. We recognise our wrongdoings and take full responsibility for our actions, but do not define ourselves by them. Regret sees our actions as uncharacteristic of who we really are and want to be. Regret knows that I may have done a bad thing. But that does not make me a bad person.

Guilt says I am a sinner, remorse says I have "sinned".

The irony is that whilst guilt will make us feel bad, it is unlikely to stop bad behaviour.

Guilt leads a person to seek to avoid facing what they have done wrong, or to try to justify themselves. Admitting that they have done something wrong automatically implies that they are bad and will need to criticise themselves. Someone who is guilty will also avoid apologising, because they see it as affirming that they are a bad person.

Regret on the other hand, sees apologising as a way to rectify the wrong that they have inflicted. A regretful person finds it easier to admit a wrong, as it does not destroy their self-esteem.

Guilt becomes a self-fulfilling label. If my actions define who I am and my behaviour was so terrible, that makes me a sinner. If all I am is a sinner, I have no hope of being any different so I may as well continue to do it.

Teshuvah is supposed to be a liberating experience. The goal of Teshuvah is to change the negative behaviour. Teshuvah means a return to our true selves, the good and holy people we know ourselves to be.

The key to feeling regret instead of guilt is to change your belief in yourself. Tell yourself over and over again "I have a pure soul which is actually a part of G-d. I genuinely desire to do the right thing". When you do something wrong, tell yourself "I shouldn't have done that, that does not reflect my true self and that is what I regret. I made a mistake that I need to and can fix up".

With this approach you will find the Yomim Noraim to be a truly joyous and liberating experience, as you re-embrace your true self.

1. Shu"t 185
2. Shu"t Geonim Shaarei Teshuvah 143
3. Siman 394
4. The difficulty according to this opinion is why one mentions regret of the vow. However, the mention of regret could be regret for having sinned – regret being a component of Teshuvah.
5. Yoma Chapter 8 Siman 26
6. The Rosh does not consider this annulment that would now allow one to break their vow goin forward. It is merely to avoid punishment if one had violated their vow.
7. Rosh Yoma ibid, Tosfos NEdarim 23b
8. 23b
9. 40:1
10. The Kol Bo writes that if the Chazzan knows of any vows that he has made, he should annul them prior to Kol Nidrei, as he cannot annul his own vows.
11. Menachos 65a
12. Mordechai Siman 726 in the name of Raavan
13. Kiddushin
14. Darkei Moshe
15. Shulchan Aruch Harav 619:1
16. 619:4
17. Maharil laws of Yom Kippur 5
18. Bach. Shulchan Aruch Harav 619:4
19. 619:2
20. Magen Avraham 619:5

## The weekly Halacha analysis

# What is Kol Nidrei and Should it be Said?

Rabbi Yonason Johnson

Kol Nidrei is one of the most famous Tefillos. It is recited in all Kehillos throughout the world. But this was not always the case. In the era of the Geonim, there was a great debate on whether Kol Nidrei should be recited at all.

### Should we be saying Kol Nidrei?

Rav Natrunai Gaon<sup>1</sup> writes that although he has heard that some places say Kol Nidrei, it was not the practise of our fathers. He states that the custom in the two great Yeshivos of Bavel was not to say Hatoras Nedarim either on Rosh Hashana or Yom Kippur. This was also the position of Rav Hai Gaon<sup>2</sup> who writes to another community that they should also follow the custom of the Yeshivos. In contrast, according to Rav Saadia Gaon, Kol Nidrei is recited.

The Rivash<sup>3</sup> writes that one should not recite Kol Nidrei at all and that this was the custom in Catalonia in his day. The Rambam does not mention the recitation of Kol Nidrei.

The Shiblei Haleket records how most of the Geonim opposed the recitation of Kol Nidrei, because it is not effective at all and only creates Halachic questions as will be discussed below. If one recites anything, they should recite the formula "that any vows that I made since last Yom Kippur and violated them... I ask mercy from the Master of Heaven that He permit us. The intention is not as nullifying a vow, but rather to ask Hashem's forgiveness as though there was no vow<sup>4</sup>.

The established practise, as found in most of the Rishonim and the Shulchan Aruch, is that Kol Nidrei is recited.

But the controversy did not end there. Even after it became accepted, the Rishonim debated the what the exact meaning and purpose of Kol Nidrei is. This debate has significant implications for the text of Kol Nidrei and the manner in which it is said.

### Annulment for the past - the Rosh

The Rosh<sup>5</sup> understands Kol Nidrei as the retroactive annulling of vows. We do this before Yom Kippur because if we have made any vows in the previous year and did not keep them, annulling them will absolve us from liability and punishment<sup>6</sup>. Accordingly, the Nusach is "any vows... that we have vowed... from last Yom Kippur to this Yom Kippur."

### Stipulation for the future - Rabbeinu Tam

Rabbeinu Tam<sup>7</sup> challenges this understanding of Kol Nidrei. He raises four questions.

1. Annulling vows requires a Beis Din of three, or one expert. The Chazzan alone is insufficient.

2. One can't annul vows without expressing regret

3. When annulling vows, one must specify the vow that they wish to annul and cannot suffice with a generic text.

4. Since one can't annul their own vows, who annuls the vows of the Chazzan reciting Kol Nidrei?

Based on these questions, Rabbeinu Tam concludes that Kol Nidrei cannot be considered annulment of vows. Rather it is a stipulation or condition concerning vows that one may make in the future, that they should not take effect.

This practise is supported by a Mishna in Nedarim<sup>8</sup> which teaches that if a person does not want to be bound by vows that he makes during the year, on Rosh Hashana he should declare "all vows that I will make in the future this year will be nullified."

This declaration is only affective if he does not remember it at the time he later makes a vow.

Even though the Gemara says Rosh Hashana, whereas we say Kol Nidrei on Yom Kippur, Yom Kippur is also called Rosh Hashana in the Book of Yechezkel<sup>9</sup>. We do it on Yom Kippur when many people will be in Shule to say it.

This understanding of Kol Nidrei must be apparent in its wording. Instead of saying "from last Yom Kippur to this Yom Kippur", the text should read "from this Yom Kippur to the next Yom Kippur".

### The Rosh's Defence

In defence of his opinion that Kol Nidrei is a form of retroactive Hatoras Nedarim, the Rosh addresses the questions of Rabbeinu Tam.

He explains that one does not need to verbalise regret because it is certain that one who violated their oath regrets having made the vow in order to be spared punishment.

Concerning the need for a Beis Din of three (and not just the Chazzan), he writes that the custom is for the entire congregation to read Kol Nidrei quietly as well. Their recital is also affective to annul the vows of the Chazzan<sup>10</sup>.

Concerning the requirement to specify one's vow, the Rosh writes that this is only necessary when seeking an actual annulment of the vow from a sage, since there are some vows that cannot be annulled. Kol Nidrei is only said for the purpose of absolvment for punishment if one had violated their vow.

### Why three times?

According to the view that Kol Nidrei is a retroactive annulment of vows, it is understood why it is recited three times, as this is the standard practise for Hatoras Nedarim.

But according to Rabbeinu Tam, why is Kol Nidrei recited three times? The Rosh himself explains that according to Rabbeinu Tam Kol Nidrei is recited three times for emphasis, as we find in the words of the Chachamim<sup>11</sup>. Alternatively<sup>12</sup>, it is recited three times in case someone came missed the first or first two recitations. The Semag writes that it is recited three times to publicise the declaration.

### Venislach

The Bach brings support for the view that Kol Nidrei is retroactive from the fact that after Kol Nidrei we say *ונסלח לכל עדת בני*, where we say how Hashem forgives those who have transgressed i.e. transgressed their vows and need forgiveness and atonement.

However, even according to Rabbeinu Tam, one could argue that the intention is that a person forgets their stipulation, and makes an oath and violates it in the future, they would still need forgiveness - even though the stipulation means that no sin would have been committed. This is like the ruling<sup>13</sup> that if one intended to eat what they thought was non-kosher meat and it was in fact kosher, they still need forgiveness.

### Three people

Some bring support for the view of the Rosh from the custom of having two people stand next to the Shliach Tzibbur during Kol Nidrei to be like a Beis Din. According to Rabbeinu Tam this would not be necessary<sup>14</sup>. The three people are there for when "the Beis Din below" permits sinners to Daven with us which is said before Kol Nidrei<sup>15</sup>.

The Alter Rebbe<sup>16</sup> also explains that even according to Rabbeinu Tam we have two people standing with the Chazan, because Kol Nidrei resembles Hatoras Nedarim and we don't want people to mistakenly think that annulment of vows does not require three.

### Before sunset

According to the view that Kol Nidrei is annulment of vows, it must be recited before sunset. This is because one is not allowed to annul vows on Shabbos or Yomtov<sup>17</sup>. Nonetheless, even according to Rabbeinu Tam, since the stipulation on the future resembles annulment of vows it should be done before sunset, so that people not think one could annul vows on Shabbos<sup>18</sup>.

The Shulchan Aruch<sup>19</sup> simply writes that we recite Kol Nidrei. From the Acharonim<sup>20</sup>, it is clear that they follow the opinion of Rabbeinu Tam.