

Kol Nidrei: Past, Future and In-Between

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I have a small confession to make: I am not the first rabbi in my family. My great-grandfather Rabbi Chaim Davidovich was a rabbi, first in Buffalo and then in Denver until 1966 when he and my great grandmother fulfilled a life-long dream and made aliyah. The stories I have heard about my great grandfather have inspired my own decisions throughout my life and my career in the rabbinate.

He was ordained as a rabbinic judge, a *dayan*, at age 23 by the brother of the Satmar Rebbe - strong rabbinic bona fides in other words. Community building and learning Torah were of paramount importance to him. He started a yeshiva in Denver which exists to this day, *Yeshiva Toras Chayim*.

At the same time, he was very forward thinking and open. Already in the 1950s he withdrew his rabbinic certification from a kosher meat operation that was not treating their workers decently.

The stories I heard about Sabi while I was growing up from my mom and other family members left a great impression on me. Although I don't remember him, Sabi's life and work has undoubtedly affected my own life choices far into the future. I would guess that I am not alone in this regard, and that there are others here tonight whose lives and choices have been impacted by those long since passed.

There is a thorny knot at the heart of Kol Nidrei. As soon as Kol Nidrei appears in halakhic *literature*, it is the subject of controversy. Rav Natronai Gaon in 9th century Babylonia staunchly opposed it, as did the great Rabbeinu Tam, Rashi's grandson in the 13th century.

On the surface, the source of disagreement was academic, though it had and has real implications for how we experience Yom Kippur. For those that opposed Kol Nidrei, the argument went something like this: A *neder*, or a vow is something that we say with the future in mind, therefore, we cannot annul vows retroactively. This was Rabbeinu Tam's approach. He saw *Kol Nidrei* as a prayer that orients us toward the future, making sure that we are not tied down to commitments in the coming year that we don't want. Therefore he said Kol Nidrei should only include language about future vows and the year to come.

Other authorities said no, the vows we need to be freed are those remaining from the last year and Kol Nidrei undoes these vows retroactively. This school of thought would have said that it is the past that holds us back, from which we need to be freed.

Thus, we arrive at the strange formulation which we just said:

מִיּוֹם כִּיפּוּרִים שְׁעָבַר עַד יוֹם הַכִּיפּוּרִים זֶה, וּמִיּוֹם כִּיפּוּרִים זֶה עַד יוֹם כִּיפּוּרִים הַבָּא

From last Yom Kippur to this one, and from this Yom Kippur, until that which is to come.

At the heart of this debate I believe, is the question of what is the relationship between the past and the future.

One of the most evocative images of this season comes from the Talmud, which discusses why we do not say Hallel on Rosh Hashanah and Yom Kippur, for afterall, these days are technically yom tov (Gemara RH 32b):

אמר רבי אבהו: אמרו מלאכי השרת לפני הקדוש ברוך הוא: רבונו של עולם, מפני מה אין ישראל אומרים שירה לפניך בראש השנה וביום הכפורים?

Rabbi Abbahu said: The ministering angels said before the Holy One, Blessed be He: Master of the Universe, for what reason don't the Jewish people recite songs of praise, i.e., hallel, before You on Rosh HaShana and on Yom Kippur?

אמר להם: אפשר מלך יושב על כסא דין וספרי חיים וספרי מתים פתוחין לפניו - וישראל אומרים שירה?

He said to them: Is it possible that while the King is sitting on the throne of judgment and the books of the living and the books of the dead are open before Him, the Jewish people are reciting joyous songs of praise?

Let's consider the Talmud's precise formulation for a moment, for what exactly what it mean "ספרי חיים וספרי מתים פתוחין" that the book of the living and the book of the dead are open?

It makes sense to say that the book of the living is open, afterall, we have been praying to be inscribed for a good year ahead in the book of life. But what does it mean *sifrei chayaim petuchim*, how can the book of the dead be open, when people have already died?

Rav Soloveitchik, in Halakhic Man, explores this theme as it pertains to Teshuva. He writes:

The future imprints its stamp on the past and determines its image. We have here a true symbiotic, synergistic relationship... The past by itself is indeterminate, a closed book. It is only the present and the future that can pry it open and determine its meaning.

It is the future that determines its direction and points the way. There can be a certain sequence of events that starts out with sin and iniquity but ends up with mitzvot and good deeds, and vice versa. The future transforms the thrust of the past.

The main principle of repentance is that the future dominates the past and there reign over it in unbounded fashion. Sin, as a cause and as the beginning of a lengthy causal chain of destructive acts, can be transformed, underneath the guiding hand of the future, into a source of merit and good deeds, into love and a fear of God...The sin gives birth to mitzvot, the transgression to good deeds.

Rav Soloveitchik here gives us a powerful insight into both Teshuva, and how Judaism views the relationship between the past and the future.

I am undoubtedly the product of the generations who came before me. My mother would not have grown up in Denver had my great-grandfather not lived there. Of course, the past defines the future.

But in Judaism, the future also defines the past. The past is a “closed book” as Rav Soloveitchik puts it. *“It is only the present and the future that can pry it open and determine its meaning.”*

How do we determine its meaning? It comes down to our choices. A mistake from the last year can either become the first in a pattern, or a turning point, a wakeup call. We are in a liminal space of sorts and the choice is ours.

There is another image of books that we often speak about during this time of year. Elsewhere, the Talmud (Rosh Hashanah 16b) teaches us that there are not two books open right now, but three.

אמר רבי כרספדאי אמר רבי יוחנן: שלשה ספרים נפתחין בראש השנה, אחד של רשעים גמורין, ואחד של צדיקים גמורין, ואחד של בינוניים...

Rabbi Kruspedai said that Rabbi Yohanan said: Three books are opened on Rosh HaShana before the Holy One, Blessed be He: One of the fully wicked, and one of fully righteous people, and one of those in the middle...the “beinonim”...

...Those in the middle are left with their judgment suspended from Rosh HaShana until Yom Kippur, their fate remaining undecided.

Most of us, we would say, fall into this category. We are in the middle somewhere. We are suspended between the past and the future, between the fully wicked and the fully righteous. Our future actions have the capacity to bring meaning to the past, and in some rare cases, our choices are indeed the difference between life and death.

Recently, a 24-year-old Israeli climber named Nadav Ben-Yehuda was seeking to become the youngest Israeli climber to ever climb Mount Everest. He was 300 meters from the summit of Everest and when he was faced with a choice.

Ben-Yehuda described the incident as follows: "I passed two fresh corpses. The corpses were fresh, because they were the bodies of people on the same ropes along which I climbed, realizing that they were dying and not having the strength to move. People did not crawl away, but buckled up, and fell into a coma and died, those who continued to move stepped over them.

When I saw him, I recognized him. It was Aydin Irmak (from Turkey), we had met him in the camp. He was unconscious, he had no gloves, no oxygen, no crampons, his helmet was off. He was waiting for the end. Other climbers walked past him without lifting a finger, but I knew that if I passed by, he would surely die. I knew I should have at least tried to save him.

Aydin and I started the descent, it lasted 9 hours. It was very difficult to carry him because he was heavy. From time to time he regained consciousness, but then turned off again. When he came to, he screamed in pain and this made our descent even more difficult. Very slowly, but we descended, but at some point my oxygen mask broke, a little while later we met a climber from Malaysia, who was also on his last legs. It became clear that it was completely impossible to go further. I yelled at the climbers I met going up and demanded some oxygen for the two wounded, some responded ... " They reached the camp, were evacuated by helicopter to Kathmandu, and were hospitalized. Everyone got frostbite, Nadav Ben-Yehuda suffered severe frostbite on his fingers as he was forced to take off his gloves during the rescue operation.

"I was faced with a choice - to be the youngest Israeli to climb Everest, which would be great for my career, or to try to take a climber off the mountain - I chose the second option and I managed to do it ... Thanks to everyone who helped me in preparation and

taught me, which gave me enough strength to go down the mountain myself and pull down the one in need of help "

Since Rosh Hashanah, and even before that, we have been slowly ascending a mountain. Our climb started months ago in fact, in Tamuz and Av. We entered into the month of Elul and began blowing the shofar. We have been climbing since and have almost reached the summit.

We will sing later tonight:

מִי־יַעֲלֶה בְּהַר־ה' וּמִי־יָקוּם בְּמִקְוֹם קֹדֶשׁ:

Who will ascend the mountain of the LORD?

Who will stand in God's holy place?—

נְקִי כַפַּיִם וְיֵרֶבֶב לֵב אִשֶּׁר לֹא־נִשָּׂא לִשְׁוֹא נַפְשִׁי וְלֹא נִשְׁבַּע לְמַרְמָה:

They who have clean hands and a pure heart, who has not taken a false oath by life or sworn deceitfully.

Our past oaths have been undone, our hands our clean and our hearts pure.

Our deeds of the past year are waiting. They are a closed book, waiting for us to define them and give them meaning.

In this moment, we are right in the middle; we are all *beinonim*. The past depends on us. It will be what we make of it, through our choices tonight, tomorrow and in the year to come.