



A PROJECT OF CHICAGO COMMUNITY KOLLEL

# PARSHA ENCOUNTERS

4 Tishrei 5769 / Oct. 3, 2008

Parshas Vayeilech ✍️ Rabbi Shimon Zehnwirth

## Living Torah

“For you shall come with this people...” (Devarim 31:7)

Moshe charged Yehoshua with the mission of taking the Jews into *Eretz Yisrael*. The *gemara* (Sanhedrin 8a) points out the difference in language between Moshe’s command here to Yehoshua, *tavo es ha’am* - come **with** this people (i.e. the elders), and Hashem’s command to Yehoshua, *tavi es ha’am* - bring the people - without needing the elders (ibid. 23, see Onkelos). Moshe assumed that Yehoshua would require the assistance of the elders, just as Moshe had needed them. Hashem, however, declared, “One leader for this generation, not two.” (see Rashi ibid.) Why did Moshe’s generation need more help than Yehoshua’s? The Maharsha explains that *B’nei Yisrael* in Moshe’s time were stubborn and burdensome, while the Jews who entered Eretz Yisrael were more receptive to guidance and leadership because they were “*ba’alei Torah*” - literally, possessors of the Torah or Torah individuals of a higher caliber. These Jews could be led by Yehoshua alone without the elders.

The Maharsha’s explanation of the Gemara is baffling. Were the Jews of Yehoshua’s generation greater *ba’alei Torah* than the Jews of Moshe’s generation? The generation of the desert is called the *Dor De’ah* - the generation of knowledge - because they stood at Sinai, heard Hashem speak to them, and had the greatest teacher in history, Moshe Rabbeinu. They had no distractions of *parnasa* and never had to buy food, clothing, or shoes. The Yalkut Shimoni (Shmos 226) states that Hashem didn’t bring the Jews immediately into Eretz Yisrael because they would engage in agriculture and be diverted from learning Torah; therefore He kept them in the desert, where they ate manna from heaven and drank water from the well of Miriam, so that Torah would become a part of them. Unquestionably, the *Dor De’ah* had the greatest Torah knowledge. How can the Maharsha imply that they were lesser *ba’alei Torah*?

One can be very knowledgeable in Torah and yet not be a “Torah mentch.” There are many factors that enable a person

to achieve intellectual mastery of Torah: a gifted mind, a brilliant teacher, a lack of distractions, etc. The true measure of a *ba’al Torah* is the degree to which he inculcates the Torah into the core of his being, and allows it to change him into a living Torah scroll. He exerts all his efforts to mold himself according to the Torah’s dictates, and is transformed into a different person. His midos are refined and his actions shine as they reflect the radiance of Hashem’s attributes.

The generation of the desert consisted of towering giants in Torah knowledge, but those who entered the Land, though lesser scholars, achieved a loftier level of character development, reaching the exalted status of *ba’alei Torah*. As we face the final days of the *aseres y’mei teshuva*, let us resolve not only to increase our Torah study, but to toil to integrate its every lesson into the very essence of our being, so that our middos reflect the glory of a true Torah personality. In that merit, may we be inscribed and sealed for a year of life, health, and *nachas*, so that we can continue to grow in *avodas Hashem*.

*Rabbi Zehnwirth learns daily at the kollel. He is the co-author of Majesty of Man and Pinnacle of Creation, based on the Musar talks of Hagoan Rav Henoch Leibowitz.*

**THIS MONDAY**  
*Divrei Chizuk V’Hisoreirus*  
 from  
**HARAV AVROHOM SCHORR, SHLITA**  
 Monday, October 6th  
 8:30 p.m. at the Kollel  
*For Men & Women*

# HALACHA ENCOUNTERS

## Kol Nidrei

Rabbi Ari Friedman

**T**he most revered and awe-inspiring evening of the Jewish Calendar is “Kol Nidrei Night”. This night actually encompasses a lot more than the recital of Kol Nidrei which takes a mere few minutes, but somehow Kol Nidrei seems to stand out as the focal point of the evening.

### Background

The Gemara in Nedarim<sup>1</sup> states that one who wishes to invalidate all of his vows of the forthcoming year shall declare “all vows which I make shall be non-valid”. The Gemara continues on to say that this declaration has no effect unless it is completely forgotten at the time the neder is made. The explanation is as follows. When one declares at the beginning of the year that he does not wish to make any vows, any subsequent vows is categorized as a neder b'taus - a neder made mistakenly<sup>2</sup> since had he remembered his original wish not to make nedarim he surely wouldn't have made the neder. If, however, he still recalls the declaration made at the beginning of the year and nevertheless makes a neder, he is obviously choosing at this time to disregard his previous intention not to make vows, thus validating his present neder. The aforementioned declaration is known as mesiras moda'ah which is customarily recited on Erev Rosh Hashanah after Hataras Nedarim.

### Kol Nidrei

The Ran<sup>3</sup> writes that our custom to recite Kol Nidrei on Yom Kippur is actually a form of this declaration. Although the language of some of the versions of Kol Nidrei seems to imply a nullification of vows of the previous year, its true intent is for the future. The explanation behind masking the true intent of Kol Nidrei is to prevent people from treating nedarim lightly. The Rash<sup>4</sup> disagrees with the Ran maintaining that Kol Nidrei is actually a nullification of vows made in the previous year in which the congregants reciting along with the chazan act as a bais din nullifying each other's vows. This dispute between the Rash and the Ran represents the basic discussion surrounding the original intent of Kol Nidrei with different communities adapting various versions referring to either past or future vows. The Mishna Berurah<sup>5</sup> writes that our custom is primarily based on the view of the Ran (also known as the opinion of the Rabbeinu Tam) that Kol Nidrei is a declaration nullifying future vows.

### Halachic Validity

Aside from what we have discussed above there are other details which put into question the reliability of Kol Nidrei to actually nullify vows. The Rama<sup>6</sup> writes

that one should preferably not rely on Kol Nidrei alone but rather he should take the proper course of Heter Nedarim which is presenting his neder to a chacham - a scholar well versed in the area of vows. The Aruch Hashulchan<sup>7</sup> writes that Kol Nidrei is such a highly publicized and dramatic event to the extent that the word neder brings to mind Kol Nidrei. Therefore it is hard to imagine that one totally forgot about his declaration of Kol Nidrei at the time his neder was made. Hence, Kol Nidrei cannot serve to nullify vows.

The Poskim<sup>8</sup> write that the one type of neder that Kol Nidrei would be effective for is a kaballah l'dvar mitzvah - commitment to do a mitzvah, which is a form of neder usually made without using the word neder.

### The Message

After having minimized the halachic effect of Kol Nidrei, what's left for us to appreciate is the significant message behind Kol Nidrei. We recite Kol Nidrei at the onset of the holiest day of the year thus ushering in a 25-hour period in which our primary force will be the words uttered from our lips. Before pleading to Hashem to hear our tefillos/ words we must be certain we are heeding the Torah's commandment not to desecrate our words. A Kabbalistic explanation describes Kol Nidrei as a plead to Hashem to nullify his vow to exile Klal Yisrael as well as other gezeiros that may be hovering over us. It is for these reasons that we are urged to treat Kol Nidrei with the utmost awe whether or not represents an actual nullification of our vows<sup>9</sup>.

<sup>1</sup> Nedarim 23B

<sup>2</sup> Ran nedarim 75B

<sup>3</sup> Nedarim 23B

<sup>4</sup> Nedarim 3\*5 see there for further explanation on how Kol Nidrei works to be Matir Nedarim

<sup>5</sup> O.C. 69-2

<sup>6</sup> Y.D. 211-1

<sup>7</sup> Y.D. 211-10

<sup>8</sup> Halichos Shlomo 2 Kuntras Shalmei Neder fottnote 22-23, Hilchos Chag B'chag p. 36 footnote 23

<sup>9</sup> Hilchos Chag bchag

Rabbi Friedman, an alumnus of the kollel, is a rebbi at Meor Hatorah.