Kol Nidre – Bridging Divides Together

Yom Kippur Morning 5786
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Last night we heard what is universally called the "haunting melody" of the Kol Nidre prayer – the emotional climax of Yom Kippur which – in bad theatrical precedent – we put right at the beginning of the worship service for this holiest of days. So much for "leave them wanting more."

The 19th Century Austrian poet Nikolaus Lenau (*LEE-now*) described the Kol Nidre melody as "a song draped with the veil of grief; a night song dying away in the innermost recesses of penitent, contrite, repentant human hearts."[1]
Although the focus is often on the melody, which has been with us since the mid-1700's[2], the origins of the text for Kol Nidre are obscure. The words deal with vows and the release from vows, leading to G-d's forgiveness. The rabbis disliked Kol Nidre on theological grounds, but the people insisted. Perhaps its popularity came from the fear ordinary people had of vows made but forgotten. You might fail to recall your New Year's resolution – but G-d doesn't. Oh, oh. Should I be bound by a thoughtless promise to myself? Do I really have to follow through on that new diet? Or 10,000 steps a day? Kol Nidre was a kind of divine "get out of jail free card." I am making light of something that is actually quite serious. Jewish tradition takes words very seriously. Once spoken they cannot be undone. That can be a trap – a reason to say nothing at all or to live with infinite regret. Kol Nidre recognizes our fallibility and our tendency to speak rashly, sometimes harshly – and gives us a safety valve of forgiveness.

But while the origins of the Kol Nidre text are obscure, there is certainty about another part of the ceremony. Traditionally, as we saw last night, in the solemn moment of introduction to the prayer, the clergy and leadership of the congregation rise before the open ark and the Torah scrolls are removed to stand in witness, as if before a court of law. Before the cantor begins to chant the evocative Kol Nidre melody, the rabbi declares, like a bailiff calling the court to order:

בִּישִׁיבָה שֶׁל מַעְלָה וּבִישִׁיבָה שֶׁל מַטָּה
עַל דַּעַת הַמָּקוֹם וְעַל דַּעַת הַקָּהָל
אָנוּ מַתִּירִין לְהִתְפַּלֵּל עִם הָעֲבַרְיָנִים
By the court of Heaven, and by the court of Earth;
with the consent of God and with the consent of the congregation,
we are permitted to pray together with the transgressors.[3]

[1] Hammer, Reuven Exploring the High Holidays, (JPS,1998), p. 116
[2] First written down and published by Cantor Ahron Beer of Berlin in 1765 from an older tune, see Hammer p. 116
[3] Shulchan Arukh, Orach Chayim 619:1; Mishkan Hanefesh, Machzor for the Days of Awe, Yom Kippur p. 16

While the origins of the Kol Nidre text and melody are unclear, the story of this introduction is known: it was instituted in the 13th century[4] and is recorded in the great code of Jewish law, the Shulchan Aruch, published in 1563.

This idea of being permitted to pray with sinners goes back even farther. In the Talmud Rabbi Shimon Ḥasida notes that one of the spices used in the Temple worship had an unpleasant odor. He interprets that bad scent as a metaphor for sinners, saying: "Any fast that does not include the participation of some of the sinners of the Jewish people is not a (real) fast."[5] Scholars see this declaration as a statement of inclusion of those who have violated the norms of the community.[6] Some believe it refers to those who were forced to undergo conversion. The community, in this telling, is making the declaration – even you who are heretics, you are part of the community. On this Yom Kippur day we will pray together.

I love this image – a pronouncement that the community is not whole without everyone, even those who are outside the community. Any fast that does not include those with whom we disagree is not a real fast. When we are divided, our community is incomplete and our prayer is not heard.

We are at a time of great division in our nation and in the Jewish community. It is not the first time – I grew up in a time of radical division in the 1960's and 70's. Like now it was a time that included horrific political violence, assassinations and the sense that we might not hold together as a nation. Then, as now, it must be said that violence is never the answer. Violence is the last word of someone who has no word, no other argument. Political violence is to be condemned.

The era of my youth was a time of serious generational divide, particularly over the Vietnam War, and families were unable to speak together, or sit down at a table together.
In my family growing up, I was the flaming liberal and my parents were quite frustrated with my views. I remember as a 10 year old, I had had enough of watching the war unfold on the TV along with the nightly count of young US soldiers killed that day. I knew I was approaching draft age and I wanted to protest the war. My parents argued vehemently with me in favor of trusting the government and against those young hippies who were defying authority.

And then they drove me to the protest.

In the end, they respected me enough to recognize my right to disagree.

We are in a new era of deep divide, including a new generational divide, particularly in the Jewish community. Over Israel, over antisemitism, over our place in the world. Americans are in

[4] By the German Talmudist Rabbi Meir ben Barukh of Rothenberg (1220-1293 CE)
[5] BT Keritot 6b.
[6] See Hammer, p. 111

a new era of dehumanizing our perceived enemies, of politicians using wedge issues to separate us into camps, name-calling political opponents and using tragedies to divide rather than unite. Just this past week we saw a horrific shooting and bombing of a Mormon Church in Michigan, and Portland became the center of this divide with the threat of federal troops facing off against peaceful protestors.

Kol Nidre sends a different kind of message. On this day, this most Jewish Holy Day, we recognize our shared humanity and fallibility and agree to pray together. The community is not whole if some of us are excluded. We may have a negative visceral reaction, like to a bad odor; but still we must hold together.

That does not mean that we need to agree – or that we shouldn't be passionate about our beliefs. The tradition of Jewish study is one of disputation, argumentation. We disagree passionately, we always have. But the rabbis created a framework – one might call it a tool in the Jewish toolkit (thank you, Rabbi Joseph) – a tool for disagreement: recognizing that our passions are for a higher calling. In Mishnah Pirke Avot, the Ethics of our Ancestors it is called "argument for the sake of Heaven"

כָּל מַחֲלֹקֶת שֶׁהִיא לְשֵׁם שָׁמַיִם, סוֹפָהּ לְהִתְקַיֵּם

Every dispute that is for the sake of Heaven, will in the end endure.[7]

In other words, we assume that the person with whom we disagree has a higher calling which is being defended. We might passionately disagree, but – hard as it may be - we assume the best intention. It is for the sake of Heaven – in other words G-d alone knows the truth. And by challenging one another we are simply trying to find that truth.

Or, as I have long said: we must learn to disagree without being disagreeable.

Hard as it may seem, there are efforts underway to raise the level of discourse in our nation; to make our discourse reflective of this idea of arguing for the sake of Heaven and finding a way towards common cause. Recently the Republican Governor of Utah, Spencer Cox – in whose state a terrible act of political violence was recently committed, gave a call for unity in an interview with liberal NY Times columnist Ezra Klein:

> And again, I just can't emphasize this enough that unity is not thinking the same things. It's actually . . . acting together. And the way we act together is through the constitutional framework that has been set up. . .

[7] Pirke Avot 5:17

> And so I do think getting back to truly understanding the Constitution and how we act within that will help us to disperse with some of the truly terrible feelings that we're having for each other and give us a framework for acting together.[8]

Cox, who is chair of the National Governor's Association, heads an initiative called "Disagree Better."[9] He recently said about this initiative:

> Americans need to disagree better. And by that we don't mean that we need to be nicer to each other, although that's helpful. We need to learn to disagree in a way that allows us to find solutions and solve problems instead of endlessly bickering.[10]

While some American politicians are just discovering this concept of "arguing for the sake of Heaven," we Jews have been using these tools for centuries. Today, I want to share with your three tools: savlanut, shalom bayit and shmirat halashon.[11]
The first is savlanut – patience.

In the famous Talmudic story of Hillel and Shammai – a gentile comes to taunt the two great rabbis of the age by insisting separately that they teach him all of the Torah while he stands on one foot. Shammai violently drives him away, while Hillel speaks kindly, saying:

> That which is hateful to you do not do to another;
> that is the entire Torah, and the rest is its interpretation. Go study.[12]

For most of us, this is where the story ends. But in the Talmud, the story continues: In relating this experience to others, the gentile who was trying to create a memeable "gotcha moment" said: "Shammai's impatience sought to drive us from the world; Hillel's patience brought us beneath the wings of the Divine Presence."[13]

In other words, patience brought peace. A better way to disagree.

It is hard to be patient when confronted with ideas you find repellant – or with those who are clearly trying to taunt you into losing your cool. Hillel's example shows us the power of savlanut – patience. We can also practice savlanut, by being patient with others who are trying to goad us. By not taking the bait, but responding with kindness

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[8] Ezra Klein Show "Spencer Cox Wants to Pull Our Politics Back from the Brink" September 19, 2025 https://www.nytimes.com/video/opinion/100000010406146/spencer-cox-wants-to-pull-our-politics-back-from-the-brink.html?searchResultPosition=4
[9] https://disagreebetter.us/
[10] https://www.nga.org/disagree-better/
[11] https://forward.com/opinion/771133/why-you-should-give-your-rabbi-a-break-this-rosh-hashanah/
[12] Talmud Bavli, Shabbat 31a
[13] ibid

Shalom Bayit – peace in the home – is the second principle of reconciliation. The rabbis set some laws not because they were divinely inspired, but because they were practical and would keep the home at peace.[14] Even in the Torah story of Sarah and Abraham, G-d is said to not accurately report Sarah's words making fun of her husband, in order to keep peace in the home.[15]

Sometimes an argument is not important in the moment – or can be less harsh – in order to keep peace in the home. Winning an argument might not be the most important ideal. Sometimes the higher value of maintaining peace in the home, in the family, in the community serves a greater purpose. For the sake of Shalom Bayit, maybe the argument can wait. When a family member is made to feel unwelcome at the table, it may be time to stop trying to win and start recognizing that family is more important.

And the last but related principle is Shmirat halashon – "guarding your tongue." Being aware of the language used and the way it will be received. Even when tempted, as Hillel was, consider your words and their power. This is seen as crucial. The prayer book quotes the Psalmist in saying:

אֱלֹהַי, נְצוֹר לְשׁוֹנִי מֵרָע וְשִׂפְתוֹתַי מִדַּבֵּר מִרְמָה

Oh G-d, guard my tongue from evil and my lips from speaking guile.[16]

In other words: save me from myself and the harm my words can cause. This stopping to consider your words is a powerful discipline which can keep an argument from becoming a disconnection. Instead of rushing ahead into an argument, pause and consider your words. Guard your tongue: how can you disagree, without being destructive?

These three principles: savlanut - patience, shalom bayit – peace in the home and shmirat halashon – being careful with one's language, have been tools to help the Jewish people remain whole. They are tools that let us disagree but with respect, kindness and inclusion. For if we drive someone away, our community is not whole – our Yom Kippur fast is meaningless. Rabbi Jonathan Sacks suggests that one reason we repeat the Kol Nidre three times is because of an Old World tradition that if there was a disagreement in the community a congregant could on Yom Kippur come up to the pulpit and bang on it three times demanding to be heard. Only when the dispute was resolved could the prayers continue.[17]

Yom Kippur and the powerful Kol Nidre prayer which begins it, reminds us that we are one. That we can join in community, even with those with whom we disagree. For a moment we can set aside our differences for a higher purpose, and then begin to engage with one another again – as we have always done: passionately but respectfully. Eagerly but with the sake of Heaven in mind. Firmly but with the desire for peace.

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[14] i.e. TB Shabbat 23b, Hannukah and Shabbat Candles so that the family would not eat in the dark!

[15] TB Bava Metzia 87a

[16] TB Berakhot 17a

[17] https://congregationamhayam.com/sermons/kol-nidre-three-times-listening-being-heard/

As the Psalmist said:

מִי־הָאִישׁ הֶחָפֵץ חַיִּים אֹהֵב יָמִים לִרְאוֹת טוֹב׃
Who is the one eager for life, who desires years of good fortune?
Guard your tongue from evil, your lips from deceitful speech
Shun evil and do good
Seek peace and pursue it.[18]

May our communities and our nation learn to disagree for the sake of Heaven, in peace.

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[18] Ps 34:13-15