

## KOL NIDRE: PAST, PRESENT AND FUTURE

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לזכר נשמת חיה בת יואל הלוי ושיינדיל עלקע

In memory of my beloved aunt, Irene Horowitz, whose profound love for the synagogue service continues to inspire all who knew her

### 1. Introduction

*Kol Nidre*, so beloved today, was once a highly problematic text for many.<sup>1</sup> R. Zedekiah b. Abraham Anaw could find nothing positive to say about *Kol Nidre* in its traditional forms (אין בו שום תקנה רק רע).<sup>2</sup> R. Isaac b. Mordecai Qimḥi declared that the recitation of *Kol Nidre* in any version was not a custom but an error (אינו מנהג אלא טעות).<sup>3</sup> R. Nissim b. Reuben of Gerona (Ran) felt that it was improper to say it (אין ראוי לומר כן),<sup>4</sup> and his student, R. Isaac b. Sheshet Perfet (Rivash), encouraged a colleague to abolish it in his community, promising that all the rabbis would thank him if he did ( ואי יישר חילך ותבטליני לגמרי )

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<sup>1</sup> See Y. Goldhaber, קובץ in אמירת כל נדרי והוצאת ספר תורה בליל יום הכיפורים, 17/1 (2001), 93-99; Yitzchak Stessman, ספר כל נדרי (Jerusalem, 2008), 764 n. 10. I am indebted to S. Z. Leiman for the latter reference.

<sup>2</sup> שבלי הלקט, Ms. Zurich Braginsky 250, p. 396 l. 1.

<sup>3</sup> Israel Levi, "Un recueil de consultations inédites de rabbins de la France méridionale," *REJ* 39 (1989) 84.

<sup>4</sup> מסכת נדרים עם פירוש רשי ותוספות ורבינו ניסים והרא"ש (Venice: Bomberg, 1523), 46 (Ned. 23b).

(יודוך כל חכמי הארץ).<sup>5</sup> The opposition of these and many other authorities outside of Northern France and Germany had roots in the geonic period.

The Babylonian Geonim were uncomfortable with the entire practice of annulling vows. They asserted that “many ignoramuses go astray through this, believing that all vows and pledges incumbent upon them are void, and treating vows and pledges lightly ( ונוהגים )”<sup>6</sup> and that, in any case, “we do not study Nedarim and we don’t know how to make binding or to release vows and oaths.”<sup>7</sup> They did not permit the annulment of vows in their own circles, and they urged Jews throughout the Diaspora to abandon the practice. Pirqoi b. Baboi included a discussion of the practice of annulling vows in his polemic against Palestinian customs (ca. 812 C.E.).<sup>8</sup> He reports that a group of people came to R. Yehudai Gaon (757-61 C.E.), requesting that he release them from their vows and

<sup>5</sup> Responsum §394 cited in Naphtali Wieder, “כל נדרי” in עבר ועתיד בנוסח “כל נדרי” (ed. Y. D. Gilat and E. Stern; Ramat-Gan: Bar-Ilan University, 1978), 192 = Naphtali Wieder, **התגבשות נוסח התפילה** (2 vols.; Jerusalem: Ben Zvi Institute, 1998), 1:371. I am indebted to S. Z. Leiman for calling my attention to the reprint, which has two pages of corrections and additions at the end.

<sup>6</sup> Benjamin M. Lewin, **אוצר הגאונים** (Jerusalem: Mossad Harav Kook, 1928-1962), 11:22 §60. The concern is expressed already in Ned. 23b. Cf. the promiscuous use of oaths described by Ibn Ezra in his long commentary to Exod 20:6:

ואשר הרגיל עצמו להשבע לשוא, ישבע ביום אחד שבועות אין מספר. וכל כך הוא רגיל בעבירה הזאת שלא ידע שנשבע. ואם אתה תוכיחנו למה נשבעת עתה, אז ישבע שלא נשבע מרוב רגילתו בה, כי לפני כל דבור שידברו יקדימו השבועה, והוא להם לשון צחות.

He is apparently referring to the rhetorical use of the Arabic oath particle *wallāhi*, used for emphasis to this day.

<sup>7</sup> Lewin, **אוצר הגאונים**, 11:23 §63; cf. p. 20 §56. For the conjecture that the Geonim abandoned both the study of Nedarim and the practice of annulling vows (even the annulment by an expert of a single specified vow) as a reaction against the widespread use of vows and oaths in magic, see Moshe David Herr, *Tarbiz* 49 (1979/80), 64-65; and Neil Danzig, **מבוא לספר הלכות פסוקות עם תשלום הלכות** (New York: Jewish Theological Seminary of America, 1993), 426-27. Neither presentation of the conjecture explains why the Geonim would have expected their alleged reaction to reduce the use of vows and oaths in magic.

<sup>8</sup> Shraga Abramson, על ברכת התרת נדרים ושבועות, *Sinai* 50 (1961-62), 185; as corrected and completed in *Maagarim* (the online Historical Dictionary of the Hebrew Language), תשובות פרקוי, ll. 30-33.

oaths. The Gaon refused to do so, telling them, “Go fulfill your oaths and pay your vows.” When asked his opinion of “those who release vows and oaths on the eve of Rosh Hashanah and the eve of Yom Kippur,” presumably a reference to the recitation of *Kol Nidre* (or its Hebrew counterpart, *Kol Nedarim*), the Gaon replied that such people “utter falsehoods and make themselves a laughing-stock (משחקין) (בעצמם)<sup>9</sup> in the Academy (Sura), since no one in the world does that—not even ignoramuses (עמי הארץ).” R. Abraham b. Nathan ha-Yarḥi cites a geonic responsum that labeled the recitation of *Kol Nidre/Nedarim* a “foolish custom” (שדרו ממתיבי הקדושה שמנהג שטות) (לומי כל נדריי).<sup>10</sup>

The geonic rejection of the practice of annulling vows at the beginning of the year was not restricted to any specific text or formula. It extended even to the brief declaration for annulling *future* vows recorded in the Mishnah (m.Ned. 3:1). According to the Talmud (Ned. 23b), this declaration was to be made at the beginning of the year:

והרוצה שלא יתקיימו נדריו כל השנה יעמוד בראש השנה ויאמר כל נדר שאני עתיד לידור יהא בטל ובלבד שיהא זכור בשעת הנדר.

And he who wants the vows that he makes during the entire (coming) year not to be valid should stand at the beginning of the year and say, “every vow that I may make shall be void,” (and it shall be so)—provided that he remembers this at the time of the vow.

Despite the impeccable credentials of this text, it too was rejected by the Geonim. The most vehement rejection is found in a responsum attributed either to R. Hai b. Sherira Gaon or to R. Hai b. Nahshon Gaon (881-91 C.E.):

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<sup>9</sup> Abramson’s interpretation, “they pretend to be sages,” does not fit the context. For my interpretation, see רצה לשחק בה “he wanted to mock her” (Giṭ. 66a). The spelling לשחק (rather than לצחק) appears to be original there, according to the manuscripts and editions in the Talmud Text Databank (JTSA). If so, Pirqoi b. Baboi’s spelling comes from the Bavli, as expected.

<sup>10</sup> R. Abraham b. Nathan ha-Yarḥi, ספר המנהיג (2 vols.; ed. Y. Raphael; Jerusalem: Mossad Harav Kook, 1978), 344.

נוהגים העמים (צ"ל בעמים) אשר סביבותינו לומר ביום הכפורים כל נדרי ואומר (צ"ל ואומר) דברי הערמה לשנה הבאה.<sup>11</sup>

In the nations around us, there is a practice of saying *Kol Nidre* on Yom Kippur, reciting a verbal evasion for the coming year.

This reference is explained more fully in another source:

רבינו האי השיב על אותם האומרים דהתרת נדרים ושבועות שיעמוד אדם בראש השנה ויאמר כל נדר שאני עתיד לידור כל השנה הרי הוא בטל ובלבד שיהא זכור בשעת הנדר וכו'. אמר ח"ו שאין לנו להתנהג בכך ולא בענין המשנה ההיא שמביאין לראיה.... ח"ו כי לא אל חפץ רשע הוא ולא יגור עמו רע. אלו היו יודעים בני אדם ענין נדר וענין שבועה לא היו מערימים כלל וכל המערים כאלו....<sup>12</sup>

Rabbenu Hai answered those who say that the release of vows and oaths is (prescribed in the emended mishnah that states) that a person “should stand at the beginning of the year and say ‘every vow that I may make during the whole year is hereby void,’ (and it shall be so)—provided that he remembers this at the time of the vow, etc.” He said “Heaven forbid, for we should not behave in this way, not (even) according to the mishnah that they adduce as proof.... Heaven forbid, for He is not a God who desires wickedness, nor can evil abide with Him (cf. Ps 5:5). If people only knew the meaning of vows and the meaning of oaths, they would not practice evasion at all. And everyone who practices evasion is as if....

An earlier but less conspicuous rejection of the talmudic practice is found in a responsum of R. Natronai Gaon (857-65 C.E.):

<sup>11</sup> Lewin, **אוצר הגאונים**, 11:24 §67 (emends to הערים instead of בעמים); Herr, **ספר יובל** in **כ"ל נדרי**—בין בעיה לחידה, Ch. Merchavia, ענייני הלכה, 75 n. 70; and Ch. Merchavia, **לכבוד מורנו הגאון רבי יוסף דוב הלוי סולובייצ'יק** (Jerusalem: Mossad Harav Kook, 1984), 2:1088. Herr (*loc. cit.*) attributes this passage to R. Hai b. Sherira, while Merchavia (*loc. cit.*) and (by implication) Danzig (**מבוא**, 427) attribute it to R. Hai b. Nahshon.

<sup>12</sup> Lewin, **אוצר הגאונים**, 11:24 §66.

וששאלתם יכולין הצבור להתיר בראש השנה וביום הכפורים כל נדרים שנודרין משנה זו לשנה אחרת. תשובה: ... ואין נוהגין לא בישיבה ולא בכל מקום להת{י}ר נדרים, לא בראש השנה ולא ביום הכפורים, אלא שמענו שבשאר ארצות אומרים כל נדרי ואסרי, {אבל} אנו לא ראינו ולא שמענו מרבתינו.<sup>13</sup>

And (concerning) that which you asked: Can the community release, on Rosh Hashanah and Yom Kippur, all vows that they vow from this year to next year?<sup>14</sup>  
Reply: ... And it is not the practice in the Academy or anywhere else (in our land) to release vows—not on Rosh Hashanah and not on Yom Kippur. We have heard that in other lands they say *Kol Nidre we-’Esare*, but we have not seen this (ourselves) or heard this from our Rabbis.

The question deals with the use of a prospective declaration—no doubt that of the Talmud. The reply is slightly evasive, avoiding an explicit rejection of amoraic practice: the annulment of vows is not practiced in Babylonia (in any form—prospective or retrospective), but retrospective *Kol Nidre* is reportedly in use in other lands.

The banning of *Kol Nidre* could not have been easy. Evidence of a psychological void on Yom Kippur can be seen in the following report:

ומיום שנמנעו חכמים להפר נדרים ולהתיר שבועות התקינו לומי בתחנונים בישיבות ביום הכיפורים ובתעניות של צבור רחמנא גליא קמד דלית לן למיפר נדרי ולית דשרי איסרי...<sup>15</sup>

And from the day that the sages stopped annulling vows and releasing oaths, they instituted (the practice of) saying in the laments in the Academies on Yom Kippur and the public fasts: “O Merciful One, it is evident to You that we have no one to annul vows and (that) there is no one who releases resolutions....”

<sup>13</sup> תשובות רב נטרונאי בר הילאי גאון (ed. Y. [R.] Brody; Jerusalem: Ofef, 1994), 311.

<sup>14</sup> Cf. בשנה האחרת “next year” (Gen 17:21).

<sup>15</sup> Lewin, *אוצר הגאונים*, 11:8-9 and 20 §56.

The recitation of this lament was presumably a poor substitute for the recitation of *Kol Nidre* itself. At the end of the geonic period, R. Hai b. Sherira Gaon “seems to have yielded to popular pressure, that wanted to assure itself of a clear record on the Day of Atonement.”<sup>16</sup> He revised the text, converting it from a quasi-judicial declaration into a plea for forgiveness:

כל נדרי ואסרי וקונמי וחרמי ושבועי דינדרנא ודא שתבענא (צ"ל  
 ודאשתבענא) ודאחרמנא ודאסרנא על נפשתנא מיום צום הכיפורים  
 שעבר עד יום צום הכיפורים הזה **ועברנא עליהון בשלו או באונסא**  
**ניבעי רחמי מן קדם מרי שמייא דלישרי לן דלישבוק לן** נדרנא לא  
 נדרי **למיחייב עליהו איסרנא לא איסרי למיחטי בהון** ושבועתנא  
 לא שבוקי (צ"ל שבועי) **למילקי בדילהון ככתי ונסלח וגוי**.<sup>17</sup>

All vows, resolutions,<sup>18</sup> promises, pledges, and oaths that we have vowed, sworn, pledged, and imposed upon ourselves from the last Yom Kippur fast to this Yom Kippur fast *and violated through error or force majeure, we seek mercy from the Lord of Heaven that He may forgive us and absolve us*—our vows not vows *for incurring guilt*, our resolutions not resolutions *for incurring sin*, and our oaths not oaths *for incurring punishment*, as it is written, “Forgiveness shall be granted, etc.” (Num 15:26).

This text, known from *Shibbole ha-Leqet*, is the only complete Aramaic (more precisely: bilingual) version of *Kol Nidre* that is explicitly attributed to a Babylonian source. The passages that turn the declaration into a prayer are in bold print. If we change **לן דלישרי לן** to **לן דלישבוק לן** and take out the rest of those passages, we get a text that is close to the familiar Ashkenazic version, albeit a bit shorter:

<sup>16</sup> Jacob Mann, *Texts and Studies in Jewish History and Literature* (Cincinnati: Hebrew Union College Press, 1931-35), 2:52 n. 99. If there was popular pressure, it may have stemmed from the belief that **בעון נדרים בניים מתים** “children die from the sin of (a parent not fulfilling) vows” (Shab. 32b, Ketub. 72a). I am indebted to S. Z. Leiman for this insight.

<sup>17</sup> R. Zedekiah b. Abraham Anaw, **שבלי הלקט**, cited according to Ms. Zurich Braginsky 250, p. 396 ll. 2-6.

<sup>18</sup> This rendering and the ones that follow are only approximate.

כל נדרי ואסרי וקונמי וחרמי ושבועי דינדרנא ודאשתבענא  
 ודאחרמנא ודאסרנא על נפשתנא מיום צום הכיפורים שעבר עד יום  
 צום הכיפורים הזה יהון שרן ושביקין נדרנא לא נדרי איסרנא לא  
 איסרי ושבועתנא לא שבועי ככת' ונסלח וגו'.

It will be noted that this text is a retrospective declaration for annulling past vows and oaths. It appears to be a revision and (partial) translation of a longer Hebrew text, *Kol Nedarim*, known from geonic responsa and the Genizah. The latter text, composed in Palestine before 650 C.E., was also a retrospective declaration.<sup>19</sup>

R. Hai Gaon was not the only authority who felt a need to revise the bilingual version of *Kol Nidre*. A far more influential revision stems from the family of Rashi. In *Sefer ha-Yashar*, Rabbenu Tam writes:

כל נדרי דאמרינן בלילי יום הכפורים הגיה אבא מרי זצ"ל: מיום  
 כפורים זה עד יום כפורים הבא עלינו לטובה כולהון דאיחרטנא בהו  
 וכן עיקר. והאומר "מיום כפורים שעבר עד יום כפורים"<sup>20</sup> הבא עלינו  
 לטובה כולהון איחרטנא בהון" אינו אלא טועה שאי אפשר להתיר  
 את עצמו, ובלא חרטה דמעיקרא, ובלא יחיד מומחה או ג' הדיוטות.  
 ועוד שהלכה כרב פפא דהוא בתראה דאמר בהשולח גט שצריך  
 לפרט הנדר. והכי נהגינן. אלא "מיום כפורים זה עד יום כפורים  
 הבא עלינו לטובה" עיקר, וסמך לדבר דאמרי' בד' נדרים: הרוצה  
 שלא יתקיימו נדריו של השנה כולה יעמוד בראש השנה ויאמר כל  
 נדרים שאני עתיד לנדור יהו בטלין ובלבד שיהא זכור בשעת הנדר.<sup>21</sup>

<sup>19</sup> See my forthcoming article on the origin of *Kol Nidre* and, in the interim, Jacob Mann, *Texts and Studies in Jewish History and Literature* (Cincinnati: Hebrew Union College Press, 1931-35), 2:51-53 (with literature); and Goldhaber, אמירת יכל נדרי, 96.

<sup>20</sup> Note the absence of the word זה here, just as in *Tosafot*, Ned. 23b s.v. ואת (see below) and in two of the four early witnesses to this section of *Kol Nedarim* that are recorded in *Maagarim*. In the version of Rashi's student, R. Joseph Kara (as quoted by R. Ephraim of Bonn), the word זה appears here; see Wieder, עבר ועתיד, 190 = Wieder, התגבשות נוסח התפילה, 1:369. That word is not necessary, however, since, for halakhic reasons, *Kol Nidre* is recited before the holiday begins. Thus, יום כפורים הבא עלינו לטובה originally meant "Yom Kippur which is (now) coming favorably upon us"; it referred to the one about to begin.

<sup>21</sup> R. Jacob b. Meir Tam, חלק החידושים: ספר הישר לרבינו תם: (ed. S. S. Schlesinger; Jerusalem: Kiryat Sefer, 1959), 70 §100.

My lord father corrected *Kol Nidre*, which we say on Yom Kippur night, (to read): “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of them that we (shall have) regretted<sup>22</sup> (shall be released),” and that is the true (version). He who says “from last Yom Kippur to (this) Yom Kippur coming (we pray) favorably upon us—all of them we have regretted” is committing an error, because it is not possible to release *oneself* (from a vow) or (to release someone other than oneself from a vow) without *ab initio* regret<sup>23</sup> and either an expert (judge) or three ordinary ones, and also because the halakhah is in accordance with (the view of) R. Papa, the final authority, who said in “The Sender of a Bill of Divorce” (= chapter 4 of *Gitṭin*) that one must specify the vow (that he wishes to release)—and that is (indeed) our practice. Thus, “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us” is the true (version), and support for this (comes from) what they say in “Four Vows” (= chapter 3 of *Nedarim*): “He who wants the vows that he makes during the entire (coming) year not to be valid should stand at the beginning of the year and say, ‘all vows that I may make shall be void,’ (and it shall be so)—provided that he remembers this at the time of the vow.”

In this passage, Rabbenu Tam puts his seal of approval on the revision of *Kol Nidre* proposed by his father, R. Meir b. Samuel of Ramerupt. The latter, we are told, replaced the temporal phrase of the traditional version, מיום כפורים שעבר עד יום כפורים הבא עלינו לטובה, with a phrase that made more halakhic sense, מיום כפורים זה עד יום כפורים הבא עלינו לטובה. This is a remarkably economical and elegant revision, affecting only a single word of the original: שעבר.<sup>24</sup> The latter is replaced by זה, thereby automatically changing the referent of the phrase מיום כפורים הבא עלינו לטובה to the *following* Yom Kippur, the one that is a year away.<sup>25</sup>

<sup>22</sup> This is a translation of דאיחרטנא, the reading of the standard edition. For a more likely reading, see section 3 below.

<sup>23</sup> For a detailed discussion of *ab initio* regret, see התרת נדרים in אנציקלופדיה תלמודית, 11:351-52.

<sup>24</sup> See n. 20 above.

<sup>25</sup> The other emendation noted in the passage is less relevant to this study: כלהון “all of them that we (shall have) regretted” in place of דאיחרטנא



Rabbenu Tam is not the only member of the family known to have accepted R. Meir's revision. R. Ephraim of Bonn informs us that Rabbenu Tam's brothers, Rashbam and R. Isaac, accepted it as well:

אבל אני לפי קט שכלי נרא' בעיניי כאשר הנהיג הרב ר' מאיר מן  
רמרו וכאשר נהגו בניו רבינו שמואל ורבינו יעקב והרב ר' יצחק  
אחריו לומר מיום כפורים זה עד יום כפורים הבא עלינו לטובה....<sup>26</sup>

But I, in accordance with my meager intelligence, find proper the practice instituted by R. Meir of Ramerupt and adopted by his sons, Rabbenu Samuel, Rabbenu Jacob, and R. Isaac after him, viz., to say "from this Yom Kippur to (next) Yom Kippur coming (we pray) favorably upon us."...

And one of Rashi's disciples, cited in *Liqqute ha-Pardes*, reports that Rashi too lent his prestige to this version:

ומשם ה"ר יעקב ב"ר שמעון נמצא: בערב יום הכיפורי באים לבית  
הכנסת ואומי כל נדרי ואיסרי וקונמי וחרמי ושבועי דנדרנא  
ודישתבענא [כך!] <sup>27</sup> ודיאחרמנא <sup>28</sup> ודי אסרנא על נפשא [כך!] <sup>29</sup>  
בשבועי מיום כיפורים זה עד יום כיפורים הבא עלינו לטובה כולהון  
איחרט [כך!] <sup>30</sup> בהון שרן שביתין בטלין ומבוטלין לא שרירין ולא  
קיימין. נדרנא לא נדרי ואיסרנא לא איסרי. ושבועתא [כך!] <sup>31</sup> לא  
שבועי. ונסלח לכל וגומי. כך שמעתי פה קדיש [כך!] <sup>32</sup> אומי בעוברו  
לפני התיבה ולא היה אומי מיום כיפורים שעבר ועד ולא יהון שרן  
ולא ככתי ונסלח ויחזור לראש עד ג' פעמים. <sup>33</sup>

"all of them we have regretted." This emendation appears to be based on the principle שאי אפשר להתיר ... בלא חרטה דמעיקרא. The emendation is apparently designed to stress that the feelings of remorse postdate the vow and predate the recitation of *Kol Nidre*; see also after n. 102 below.

<sup>26</sup> Wieder, *התגבשות נוסח התפילה*, 1:369, עבר ועתיך, 190 = Wieder.

<sup>27</sup> Ms. Jerusalem NLI: ודאשתבענא; Venice edition of 1539: ודאשתבעני.

<sup>28</sup> Ms. Jerusalem NLI: ודי אחרמנא; Venice edition of 1539: ודיאחרמני.

<sup>29</sup> Ms. Jerusalem NLI and Venice edition of 1539: נפשנא.

<sup>30</sup> So too in Ms. Jerusalem NLI and Venice edition of 1539.

<sup>31</sup> Ms. Jerusalem NLI and Venice edition of 1539: ושבועתנא.

<sup>32</sup> Ms. Jerusalem NLI and Venice edition of 1539: קדיש.

<sup>33</sup> The passage is transcribed from Ms. Frankfurt Oct 81 fol. 6r (dated 14th cent.); I have added a few notes from Ms. Jerusalem NLI 6655=28 fol. 71r (dated 1535) and the Venice edition: לקוטי הפרדס אשר חבר הנשר הגדול רבינו (Venice: Daniel Bomberg, 1539), [22-23]. Both of the manuscripts

In the name of R. Jacob b. Simeon,<sup>34</sup> (the following) is found: On Yom Kippur eve, they (= the people) come to the synagogue and say: “All vows, resolutions, promises, pledges, and oaths that we have vowed, sworn, pledged, and imposed upon the self [sic!]<sup>35</sup> by oath from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of them I shall regret [sic!].<sup>36</sup> (May they be) released, cancelled, rendered null and void, not in force, not valid—our vows not vows, our resolutions not resolutions, and the [sic!]<sup>37</sup> oaths not oaths. ‘Forgiveness shall be granted to all, etc.’ (Num 15:26).” So I heard the holy mouth (of Rashi) say when he went (and stood) in front of the ark (to lead the service). He would say neither “from *last* Yom Kippur to ...” nor “*may they be* released” nor “*as it is written*, ‘Forgiveness shall be granted....’” And he would return to the beginning until (he had recited it) three times.

According to one source, the idea that *Kol Nidre* should be prospective goes back even further in the family, to Rashi’s father-in-law!<sup>38</sup>

But how is it possible to leave the tense of the verbs דנדרנא ודאסרנא ודאשתבענא ודאחרמנא unchanged after changing the reference of their temporal adverbial from past to future? In the version cited in *Liqqute ha-Pardes*, most of the verbs seem to remain in the past tense, creating an internal contradiction. Moreover, איחרט “I shall regret” is a singular imperfect verb, appropriate to the prospective version but

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are available online; I am indebted to Yisrael Dubitsky of the Institute for Microfilmed Hebrew Manuscripts, National Library of Israel, for providing the links and folio numbers for both. Wieder (התגבשות נוסח התפילה, 1:389) notes that this report is not cited elsewhere, but his conjecture that opponents of the revised version suppressed the report does not explain why even the many *proponents* of the emendation (see below) fail to cite it.

<sup>34</sup> This should read “Jacob b. Samson” according to Avraham Grossman, **חכמי צרפת הראשונים: קורותיהם, דרכם בהנהגת הציבור, יצירתם הרוחנית** (Jerusalem: Magnes, 2001), 417. For his relationship to Rashi, his reported role as the teacher of Rabbenu Tam, etc., see *ibid.*, 411-26.

<sup>35</sup> Or: “and self-imposed”; instead of “and imposed upon ourselves.”

<sup>36</sup> Instead of “we have regretted.”

<sup>37</sup> Instead of “our.”

<sup>38</sup> Grossman, **חכמי צרפת**, 124 n. 9. Grossman doubts that the source is reliable.

inconsistent in both number and tense with all the other verbs. The problem raised by the tense of those verbs is addressed briefly in *Sefer ha-Yashar*, but the passage in question, like much of the work, has come down to us in a corrupt form. After examining the later sources, I shall attempt to reconstruct the original form of both Rashi's version and Rabbenu Tam's comment.

It should be noted that the same internal contradiction is found in most Ashkenazic<sup>39</sup> editions of the *maḥzor*—from medieval manuscripts<sup>40</sup> and early printed editions<sup>41</sup> to the editions in use today.<sup>42</sup> Some editors discuss the contradiction and offer solutions—

<sup>39</sup> Not surprisingly, most Sephardic editions of the *maḥzor* retain the old retrospective version of *Kol Nidre/Nedarim*; see Toviya Fraind, **ספר מועדים לשמחה** (Jerusalem: Otzar Haposkim, 1998), 1:304. I am indebted to S. Z. Leiman for this reference.

<sup>40</sup> **מחזור לימים הנוראים** (ed. Daniel Goldschmidt; 2 vols.; Jerusalem: Koren, 1970), vol. 2, opposite p. 1. For a description of the manuscripts, see *ibid.*, vol. 1, pp. נז-נא. See also the Worms Maḥzor, part II, from ca. 1280 C.E. (NLI website, f. 61a); the Esslingen Maḥzor from 1290 C.E. (JTSA library website, f. 64a); and the Nuremberg Maḥzor from 1331 C.E. (NLI website, f. 349a). All three of these manuscripts have **דְּנִדְרְנָא וְדַאֲשְׁתַּבְּעַנָּא וְדַאֲחַרִּימְנָא וְדַאֲסַרְרְנָא** (three perfects followed by a participle) modified by **מִיּוֹם כְּפוּרִים זֶה וְכוּי**. Only the participle has a temporal interpretation that does not clash with the adverbial modifier (see below).

<sup>41</sup> See, for example, **מחזור מכל השנה כמנהג קהלות קדש אשכנז**, חלק שני (Venice, 1568), 131b and **מחזור כמנהג ק"ק אשכנזים**, חלק שני (Venice, 1600), 144a. Both of these editions have **דְּנִדְרְנָא וְדַאֲשְׁתַּבְּעַנָּא וְדַאֲחַרִּימְנָא וְדַאֲסַרְרְנָא** (three perfects followed by a participle) modified by **מִיּוֹם כְּפוּרִים זֶה וְכוּי**. The **מחזור של ימים נוראים** (Prague, 1613) is similar, but it has **דְּנִדְרְנָא** instead of **דְּנִדְרְנָא** (see n. 139 and at n. 137 below) and **וְדַאֲסַרְרְנָא** (with *dagesh* in *samekh*) instead of **וְדַאֲסַרְרְנָא**. By contrast, **מחזור אשכנזים** (Constantinople, 1530) is perfectly consistent: **דִּינִדְרְנָא וְדִי אֲשְׁתַּבְּעַנָּא וְדִי חַרְמְנָא וְדִי אֲסַרְרְנָא** (four perfects) modified by **מִיּוֹם כְּפוּרִים שַׁעֲבַר וְכוּי**.

<sup>42</sup> The contradiction is found in its purest form in the *High Holiday Prayer Book* (ed. Philip Birnbaum; New York: Hebrew Publishing Company, 1951), 489. It has **דְּנִדְרְנָא וְדַאֲשְׁתַּבְּעַנָּא וְדַאֲחַרִּימְנָא וְדַאֲסַרְרְנָא** (four perfects; cf. the Constantinople *maḥzor* in the preceding footnote) modified by **מִיּוֹם כְּפוּרִים זֶה וְכוּי**. Other modern editions exhibit a hodgepodge of forms. For example, **מחזור ספרד** (Jerusalem: Eshkol, n.d.), 27, has **דְּנִדְרְנָא (דל"ת) דְּנִדְרְנָא וְדַאֲשְׁתַּבְּעַנָּא וְדַאֲחַרִּימְנָא וְדַאֲסַרְרְנָא** (three perfects followed by a participle) modified by **מִיּוֹם כְּפוּרִים זֶה וְכוּי**. Almost the same version is found in **מחזור כל בו החדש: יום כפור, ספרד** (Brooklyn: Atereth, 1971), 39-40, and in **מחזור עם פירוש ע"ט בשם בית ישראל** (Jerusalem: Miller, n.d.), 34; however, these two editions substitute **דַּאֲנִדְרְנָא** (pointed in different ways) for **דְּנִדְרְנָא** (cf. the Prague *maḥzor* in the preceding footnote and see at n. 137 below). The

but only in an introduction or an appendix. Thus, the editor of an Ashkenazic *maḥzor* (Venice, 1717) adds a brief discussion of *Kol Nidre* at the very end of his edition:

אבל לפי רוב השנים היה המישור לעקוב ונשתבשה הנסחא כאשר דעת שפתותיהם ברור מללו הרב קארו ובעל הלבושים ז"ל, כי הגרסה הנכונה היא להתיר הנדרים שיעשו מיום כפורים הזה עד י"כ הבא עלינו לשלום, ודנרנא ודאשתבענא ודאסרנא ודאחרימנא כלם לשונות העבר הם בלשון תרגום ולא מורות העתיד... ועלה על דעתנו לתקן את אשר עותו בנסחאות, אבל חשבנו דרכנו והשבנו אחר ימינו. שכיון שכל הנסחאות משובשות אמור יאמר הקורא שתעינו ברואה ויתלה הסרחון בנו. אכן במוצאנו כאן היריעה חלקה רצינו להציע לפני האיש הנלבב הנסחה נכונה... והרוצה לטעות יטעה, הנחנו להם גם כן גרסתם הישנה ועדיין במקומה עומדת ואיש כל הישר בעיניו יעשה.<sup>43</sup>

However, as the years multiplied,<sup>44</sup> the straight became (increasingly) crooked, and the text (of *Kol Nidre*) became (increasingly) corrupt, as stated clearly by the lips of R. Caro and the author of the *Levushim*, for the correct version (serves) to release vows that will be made “from this Yom Kippur to (next) Yom Kippur, coming (we pray) peaceably upon us,” whereas דנרנא, דאשתבענא, דאסרנא, and דאחרימנא are all past-tense expressions in Aramaic, and do not refer to the future.... And it occurred to us to correct that which had become corrupt in the (published) versions, but after considering this course we decided to retreat, because, inasmuch as all the (published) versions are corrupt, the reader will surely say that our eyesight is

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same is true of *מחזור רינת ישראל ליום כיפור נוסח אשכנז* (Jerusalem: Moreshet, 1981), 40, and the *Complete ArtScroll Machzor: Yom Kippur* (ed. Nosson Scherman, et al.; New York: Mesorah Publications, 1986), 59 (Ashkenaz edition) = 67 (Sefard edition); however, the contradiction is less blatant in these more recent editions since they offer a compromise version that combines the prospective adverbial and the retrospective one: מיום כפורים שעבר ... ומיום ... כפורים זה ... For the origin and spread of this compromise, see התרת נדרים in *התגבשות*, 196-202 = Wieder, עבר ועתיד, 11:392; *אנציקלופדיה תלמודית התגבשות*, 1:309-314; *ספר מועדים לשמחה*, 1:375-381; Fraind, *נוסח התפילה*.

<sup>43</sup> Abraham Meir Habermann, ונוסחאותיה "כל נדרי" in *העט והעת* (Jerusalem: R. Mass, 1981), 184-85.

<sup>44</sup> The expression from Lev 25:16 is given a new meaning here.

faulty<sup>45</sup> and pin the blame on us. Nevertheless, having found here a blank page, we wish to present the correct version to discerning people.... And as for those who wish to err, let them err. We have left them their old version, still standing in its place, so everyone can do what is right in his own eyes.

Similarly, Wolf Heidenheim does not dare to eliminate the contradiction in the *mahzor* of which he was both the editor and the printer, despite the fact that only a few pages earlier he prints a lengthy discussion of the grammatical aspects of *Kol Nidre*, concluding with a revised version.<sup>46</sup>

The present article is the latest attempt to deal with the problem. I became involved with it some decades ago, when a distinguished rabbinic authority called me before Yom Kippur and asked me if it was possible to eliminate the tense contradiction in an inconspicuous way that would not provoke controversy. Clearly the verbs needed to be emended, but the obvious emendations—the ones that came first to mind—were not adequate to the task. Take, for example, some of the Aramaic expressions for “we shall vow” offered as emendations in past centuries. R. Aaron b. Jacob ha-Kohen of Lunel, for example, writes:

וזה נסחת כל נדרי: כל נדרי וחרמי ואיסרי וקונמי וקיומי ושבועי די  
 עתידין אנחנא למדר ולמיסר ולקיומי על נפשתנא מיום הכפורים  
 הזה עד יום הכפורים הבא עלינו לטובה כלהון דנחרט בהון....<sup>47</sup>

This is the text of *Kol Nidre*: “All vows, pledges, resolutions, promises, affirmations, and oaths that we shall vow, resolve, and impose upon ourselves from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of them that we shall have regretted....”

<sup>45</sup> The expression from Isa 28:7 is given a new meaning here.

<sup>46</sup> *מחזור לערבית ליום כפור* (ed. W. Heidenheim; Roedelheim: Buchdruckerey von W. Heidenheim, 1832), 6b-8b, 10a.

<sup>47</sup> Aaron b. Jacob ha-Kohen of Lunel, *ספר ארחות חיים* (Florence: Stamperia di Isach di Moise di Pas, 1750), 105b §28 (הלכות יום הכפורים). Cf. the Hebrew version attributed to Rabbenu Tam by R. Isaiah b. Mali of Trani, *חידושי תוספות* ראיתי שר"ת בספר הישר: 64: (2 vols.; Jerusalem: Yerid ha-Sefarim, 1995), 64: תלה טעם כל נדרים שאנו אומרים בלילי יוה"כ ... וגם שיבש שנדרנו אלא שאנו עתידים לידור.

Ralbag and R. Jacob Emden have a different expression:

ואעפ"י שיאמרו (כל נדר) בלשון עתיד כלומי שיאמרו **ננדר** אין בזה התועלת שיחשוב שיגיע ממנו.<sup>48</sup>

Even if they recite (*Kol Nidre*) in the future tense, saying ננדר “we shall vow,” it does not have the benefit that one might think would come from it.

אבל אין ספק בעולם שע"פ דעת ר"ת צריכין אנו על כרחנו לשנות הנוסח הישן לגמרי וצ"ל **דננדר** או **דנדר** נו"ן חרוקה והדל"ת בדג"ש מקום החסרה. וכן כולם דנשתבע ודניסר על נפשתנא. הכל בנו"ן האית"ן.<sup>49</sup>

But there is no doubt in the world that, according to the opinion of Rabbenu Tam, we must necessarily change the old text completely and we have to say דננדר “that we shall vow” or דנדר (with *hireq*, and *dagesh* in place of the missing *nun*). And so all of them: דנשתבע “that we shall swear” and דניסר על נפשתנא “that we shall impose upon ourselves”—all with first person plural preformative *nun*.

R. Isaac b. Mordecai Qimḥi has a third expression:

והגיה במחזורים **דאנחנא נדרין** מיום כפורים זה עד יום הכפורים הבא.<sup>50</sup>

And he corrected the *maḥzorim* (to read) “that we shall vow from this Yom Kippur to next Yom Kippur.”

All of these emendations of נדרנא eliminate the contradiction, but they are hardly inconspicuous.

After giving some thought to the rabbi’s request, I came to the conclusion that the solution had to be based on six facts:

<sup>48</sup> Charles Touati, “Le problème de *Kol Nidrey* et le *responsum* inédit de Gersonide (Lévi ben Gershon),” *REJ* 154 (1995), 337.

<sup>49</sup> R. Jacob Emden, **שאילת יעב"ץ** (Altona, 1738), 134a §145.

<sup>50</sup> Levi, “Un recueil,” 82.

- (1) The Aramaic active participle, the counterpart of Hebrew כּוֹתֵב, normally takes the form כְּתִיב (Biblical Aramaic) or כְּאִתִּיב/כְּתִיב (Jewish Babylonian Aramaic).
- (2) In Aramaic, *resh* lowers a preceding short *tseré/hireq* to *pataḥ*, as though it were a laryngeal. This rule is usually described as operating in word-final position,<sup>51</sup> but it is attested in other positions as well, e.g., וּבְקָרוּ (Ezr 4:19, 6:1) and וּבְדָרוּ ... אֲתָרוּ (Dan 4:11). The following examples are all active participles with word-final *resh*: אָמַר (in the phrase וְאָמַר; Dan 2:15, 3:19, etc.); סָפַר (Ezr 7:12, 21 = Hebrew סָפַר in Ezr 7:6, 11);<sup>52</sup> אָסַר (Palestinian Targum to אֲסָרִי in Gen 49:11);<sup>53</sup> גָּזַר (Targum Onqelos to כָּרַת in Exod 34:10 and Deut 29:11, 13); תָּבַר (Targum Jonathan to שָׁבַר in Jer 49:35 and Ezek 4:16);<sup>54</sup> and פִּאטַר (in the phrase פִּאטַר וּשְׂאבִיק; geonic responsum).<sup>55</sup>
- (3) The pronoun אֲנָה/אֲנָא sometimes follows a participle that serves as its predicate, e.g., יָדַע אֲנָה (Dan 2:8), אָמַר אֲנָה (Dan 4:4).
- (4) The pronoun אֲנָא has an enclitic form נָא- attached to participles in Jewish Babylonian Aramaic, e.g., יָדַע אֲנָא < יָדַעְנָא “I know” (Onqelos to Gen 12:11, 48:19, Exod 9:30, 18:11, Deut 3:19, 31:27, 29);<sup>56</sup> וּסְלִיקְנָא לְמַתָּא וּמְקַרִּינָא חֲמֵשָׁה יְנוּקֵי בְחֻמְשָׁה חוּמְשֵׁי, וּמַתְנִינָא שִׁיתָא יְנוּקֵי שִׁיתָא סְדְרֵי, וְאִמְרָנָא לְהוּ: עַד דְּהִדְרָנָא וְאִתִּינָא... “and I would go up to a place (where Torah was forgotten), and I would teach five children to recite the Five Books (of the Torah), and I would teach six children to recite the Six Orders (of the Mishnah), and I would say to them: ‘(Recite with each other)

<sup>51</sup> See, for example, Gustaf Dalman, *Grammatik des jüdisch-palästinischen Aramäisch* (2nd ed.; Leipzig: J. C. Hinrichs, 1905), 92 §13c; Klaus Beyer, *Die aramäischen Texte vom Toten Meer* (Göttingen: Vandenhoeck & Ruprecht, 1984-1994), 1:107-108; and Elisha Qimron, *ארמית מקראית* (2nd ed.; Jerusalem: Bialik, 2002), 30 §2.6.1.

<sup>52</sup> Cf. וּבְקָרוּ (Ezr 4:15), וּבְמָגְרוּ (Ezr 6:12), מְהַדְרֵי (Dan 4:34), מְשִׁתְּדְרֵי (Dan 6:15), and בָּר (passim).

<sup>53</sup> *Genizah Manuscripts of Palestinian Targum to the Pentateuch* (ed. Michael L. Klein; 2 vols.; Cincinnati: Hebrew Union College Press, 1986), 1:169 l. 3 (recto).

<sup>54</sup> *The Bible in Aramaic* (ed. Alexander Sperber; Leiden: Brill, 1959-1962), 1:150, 341 (bis); 3:249, 272.

<sup>55</sup> J. N. Epstein, *דקדוק ארמית בבליית* (Jerusalem: Magnes, 1960), 39 (citing from מהד' הרכבי, תשובות הגאונים, 134 §260).

<sup>56</sup> *Bible in Aramaic*, 1:17, 84, 104, 119, 295, 346 (bis).

until I come back” (B.Meṣ. 85b). The most relevant example is לא נדרנא “I do/shall not vow” (Ned. 9a).<sup>57</sup>

- (5) Enclitic נא- does not normally reverse/block the lowering of the vowel in the preceding (previously final) syllable. In the Talmud (manuscripts as well as printed editions), we find אִמְרָנָא, הִדְרָנָא, נִדְרָנָא, פִּטְרָנָא, נִדְרָנָא, etc. regularly written without *yod* in the penultimate syllable.<sup>58</sup> There are a few exceptions, however, so we may be dealing with a “variable rule.”<sup>59</sup>
- (6) In Late Aramaic (including Jewish Babylonian Aramaic), the participle is regularly used for the indicative future in addition to the present,<sup>60</sup> e.g., למחר תבענא ליה בדינא “tomorrow I shall sue him” (Git. 55b, B.Bat. 39a = אתבע אותו בדין in *Sefer ha-Shtarot* of R. Hai Gaon §23).<sup>61</sup>

Based on these six facts, I came up with what I thought was a clever new way of eliminating the contradiction that mars *Kol Nidre* in many *mahzorim*. I telephoned the rabbi and suggested that he change the vocalization of נִדְרָנָא “we have vowed” and אִסְרָנָא “we have bound” to נִדְרָנָא “I shall vow” and אִסְרָנָא “I shall bind” (with *qametz* in the first syllable of each). For the other two verbs, אִחְרִימָנָא and

<sup>57</sup> With the creation of these and other contracted forms, the participle finally came to be inflected for person, much like the perfect and imperfect. This was the culmination of a long process through which the (originally nominal) participle gradually infiltrated the verbal system and eventually came to dominate it. For the inflection derived from the contracted forms in modern Aramaic, see Otto Jastrow, “The Neo-Aramaic Languages,” in *The Semitic Languages* (ed. Robert Hetzron; London: Routledge, 1997), 360, 362-63. For the corresponding Hebrew development, see M. H. Segal, *A Grammar of Mishnaic Hebrew* (Oxford: Clarendon Press, 1927), 164 n. 1.

<sup>58</sup> See the preceding paragraph and nn. 119 and 121 below.

<sup>59</sup> The form פִּטְרָנָא “I divorce” appears in two unpublished Aramaic magic bowls alongside פִּטְרָנָא in five published ones; see n. 119 below.

<sup>60</sup> E. Y. Kutscher, “Aramaic,” in *Encyclopaedia Judaica*, 3:269. For the corresponding Hebrew development, see Richard C. Steiner, “The History of the Ancient Hebrew Modal System and Labov’s Rule of Compensatory Structural Change,” *Towards a Social Science of Language: Papers in Honor of William Labov* (ed. Gregory R. Guy, Crawford Feagin, Deborah Schiffrin, and John Baugh; Amsterdam, 1996), 1:257-58, 259 n. 14. For *midrashim* that project this development back into Biblical Hebrew, see Aaron Koller, “Diachronic Change and Synchronic Readings: Midrashim on Stative Verbs and Participles,” *JSS* 57 (2012), 268-78.

<sup>61</sup> See also at n. 72 below.



אֶשְׁתַּבְּעָנָא,<sup>62</sup> I recommended not revocalization but replacement of *aleph* with *mem*, yielding מְחַרְמֵנָא and מְשַׁתְּבַעְנָא. These four emendations, I told him, would change the tense of the four verbs from past to future by converting them to participles. It was not until years later that I learned that none of this was new. The form אֶסְרָנָא (rather than אֶסְרָנָא) is found in many Ashkenazic *maḥzorim* from the Middle Ages down to the present day.<sup>63</sup> And the evidence adduced below suggests that most of my emendations recapitulated changes made already by Rabbenu Tam or his father.

## 2. Rabbenu Tam's Version of *Kol Nidre*: The First Four Verbs

The tense of the Aramaic verbs in *Kol Nidre* has received extensive treatment in halakhic literature. However, the quality of the treatment is uneven. The source of the problem is obvious. In the words of R. Mordecai Jaffe:

... אלא שנתייס' מתחלה בלשון תרגום שאין אנו בקיאי בו....<sup>64</sup>

... but it (= *Kol Nidre*) was composed originally in Aramaic, in which we are not well-versed.

The problem is particularly acute in sources from the 16th century onwards. The earlier sources exhibit a better command of Aramaic grammar, and many of the errors found in them are attributable to

<sup>62</sup> This is the vocalization in all manuscripts and old printed editions, according to Wolf Heidenheim in his *מחזור לערבית ליום כפור לבני אשכנז והנוהגים* (Roedelheim: W. Heidenheim: 1832), 7b and 10a. My cursory check confirms his claim. For example, in the Esslingen Maḥzor from 1290 C.E. (J TSA library website, f. 64a) and the Nuremburg Maḥzor from 1331 C.E. (NLI website, f. 349a), we find וְדִאִישְׁתְּבַעְנָא with a *rafeh*-sign over the *bet* (not to mention the *dalet*) and a *shewa* under the *taw*; see also n. 41 above. As noted by Heidenheim, this form is also found in the targumim, e.g., אֶשְׁתְּבַע in *Genizah Manuscripts of Palestinian Targum to the Pentateuch* (ed. Michael L. Klein; 2 vols.; Cincinnati: Hebrew Union College Press, 1986), 1:63, 2: plate 11 (Gen 31:53); cf. Onqelos to Lev 5:22, 24. As explained by Heidenheim, it is an *itpe'el* form, not *itpa'al*.

<sup>63</sup> See the examples in nn. 40-42 above (where נְדַרְנָא, by contrast, is not to be found). Having grown up with the Birnbaum *maḥzor*, I was not fully aware of the form אֶסְרָנָא.

<sup>64</sup> R. Mordecai Jaffe, *לבוש החור* (Venice, 1620), 178c §619.

copyists.<sup>65</sup> Indeed, at times the medievals seem to compare favorably with modern scholars in their knowledge of Aramaic.

Let us begin with a modern study of this question by Charles Touati:

In place of *nedarnâ*, *nâdarnâ*—an Aramaic participle with future meaning followed by the agglutinating pronominal affix *nâ*—“the vows that we shall pronounce.”<sup>66</sup>

In this description of the revised version of *Kol Nidre*, the vocalization is correct but the translation, with “we” instead of “I,” is not. Touati compounds his error by adding:

Let us observe that in Aramaic the participle does not generally have, as in Biblical Hebrew, future meaning, and that the pronominal affix of the first person plural can only be *nan* and not *nâ*; in this case, it should have said *nâdrînan* (cf. J. N. Epstein, *Diqduq aramit bablit* ... Jerusalem 1960 p. 41)...<sup>67</sup>

Both of these observations are problematic. *Kol Nidre* is composed at least partially in Late Aramaic, and one of the best-known features of Late Aramaic is the use of the participle with future (as well as present) reference.<sup>68</sup> As for the second observation, it is true that Epstein’s grammar deals with forms like *קְתַבְיִן* on p. 41, but there is no reason to limit our inquiry to that page. Surely forms like *קְתַבְיָנָא* on p. 40 (cf. p. 21) should also be considered in attempting to make sense of the prospective version of *Kol Nidre*. The point, which Touati has missed, is that the unvocalized forms *נדרנא* and *אסרנא* were homographs in Babylonian Aramaic. Moreover, in the pronunciation of Rashi’s family, *אסרנא* was probably a homophone as well, since

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<sup>65</sup> I have used the earliest printed editions available to me. Unless otherwise mentioned, I used copies from HebrewBooks.org or (in a few cases) Otzar HaHochmah. Where necessary (or readily available online), I have used manuscripts as well.

<sup>66</sup> Touati, “Le problème,” 331.

<sup>67</sup> Touati, “Le problème,” 331.

<sup>68</sup> See n. 60 above.

everything that we know about that pronunciation suggests that it did not distinguish *qametz* (אָסֶרְנָא) from *pataḥ* or *ḥataf pataḥ* (אַסֶרְנָא).<sup>69</sup>

The sensitivity of Franco-German scholars to the ambiguity of נא is evident from several glosses in the commentary to Bavli Ta'anit attributed to Rashi. At Ta'an. 21b, for example, we find: תנינא - תני. Here the author provides תנינא with a double gloss to ensure that the reader takes it as a singular participle (תְּנִי אֶנָּה = שׁוֹנֶה אֶנִּי) rather than a plural perfect (תְּנִינֵנוּ = שׁוֹנֶה אֶנִּי). Rabbenu Tam, too, was intimately familiar with the singular נא- appended to participles. In his famous Aramaic *reshut*-poem for the *turgeman*, יציב פתגם, he uses the phrase כקאימנא ותרגימנא “when I stand and translate.”<sup>70</sup>

Many sources point to the homography of נדרנא as one of the foundations of the revised, prospective version of *Kol Nidre*. However, it is not clear who it was that first pointed out this homography. According to most of the later sources (see below), it was Rabbenu Tam who adjusted the tense of the first four verbs, which could explain why he fails to mention them in *Sefer ha-Yashar*, in discussing his father's revision of *Kol Nidre*. However, the later sources are contradicted by the report of Rabbenu Tam's own disciple, R. Eliezer b. Samuel of Metz, in *Sefer Yere'im* (betw. 1171 and 1179):

ובלילי יום הכפורי שמעתי בשי רביי מ'אייר בר מאיר ז"ל אביו של רבי יעקב ז"ל שכך יש לומי כל נדרי ואסרי דנדרנא ודאסרנא להבא משמי כדאמי בכתובי (צ"ל שבועי) פיג שאוכל דאכלנא משמי...<sup>71</sup>

<sup>69</sup> Henoah Yalon, *הגיייה ספרדית בצרפת הצפונית בדורו של רש"י ובדורות שלאחריו* in *קונטרסים לעניני הלשון העברית; עניני לשון מסורת הקריאה הקדם-אשכנזית: מהותה* (Jerusalem: Wahrman Books, 1963), section III, 16-31; Ilan Eldar (Adler), *מסורת הקריאה הקדם-אשכנזית: מהותה* (2 vols.; Jerusalem: Hebrew University Language Traditions Project, 1978), 1:57 (many examples of *qametz* replacing *ḥataf pataḥ*); *Le Glossaire de Leipzig* (ed. Menahem Banitt; 3 vols.; Jerusalem: Israel Academy of Sciences and Humanities, 2005), 3:1477 (Dan 2:8 אָנָּה = MT אֶנָּה), 1483 (Dan 2:24 אָזַל = MT אֶזַל), 1501 (Dan 4:24 וְעִיִּיתָךְ = MT וְעִיִּיתְךָ), 1529 (Ezr 4:11 עָבַר נִהְרָא = MT עָבַר נִהְרָא), and other examples of *qametz* replacing *ḥataf pataḥ*.

<sup>70</sup> *מחזור שבועות* (ed. Daniel Goldschmidt; Jerusalem: Koren, 2000), 572 l. 15; *מחזור פסח* (ed. Daniel Goldschmidt; Jerusalem: Koren, 1993), 634 l. 15. Note, however, that the second participle (תרגימנא) is missing a prefixed *mem*.

<sup>71</sup> Paris, BN 1309, f. 121r. I am indebted to Yisrael Dubitsky (Institute for Microfilmed Hebrew Manuscripts, National Library of Israel) for this

And on the night of Yom Kippur, I have heard in the name of Rabbenu Meir, the father of Rabbenu Jacob, that one should say as follows: “All vows and resolutions which נְדַרְנָא and אֶסְרְנָא,” referring to the future, as they say in Shebu‘ot chapter 3 (19b, cf. Ned. 16a) “(the Hebrew oath) שְׁאֵכַל means (in Aramaic) דְּאֶכְלָנָא ‘(I swear) that I will eat.’”

In support of the idea that נִדְרָנָא and אֶסְרָנָא can refer to the future, this source cites an excellent proof text: שבועה שאוכל – דאכילנא משמע: “(I swear) an oath שְׁאֵכַל means ‘I will eat’” (Sheb. 19b, Ned. 16a).<sup>72</sup> In this proof text, we find Abaye glossing the Hebrew first person singular imperfect אֵכַל with the Aramaic participle (+ first person singular enclitic pronoun) אֶכְלָנָא.

The choice of verbs in *Sefer Yere'im* may point in the same direction; it is possible that נִדְרָנָא and אֶסְרָנָא are cited because they are the only two verbs in *Kol Nidre* that are always homographs when unvocalized.<sup>73</sup> Although the only surviving manuscript of *Sefer Yere'im* (from around the 15th century) has no vocalization in these words, the original must have been vocalized as נְדַרְנָא and אֶסְרְנָא or the like; otherwise, it would have been incomprehensible, since without vocalization the text attributed here to Rabbenu Meir is identical to the traditional text.

The changes to the verbs of vowing are reported in later sources with varying degrees of accuracy. The fullest and most accurate report is the one cited by R. Bezalel b. Abraham Ashkenazi:

ולפיכך היה אומר ר"ת ז"ל דכולהו הני לישני בקמץ קרינא להו די  
נְדַרְנָא ודי חֶרְמְנָא ודי אֶסְרְנָא ודי מְשַׁתְּבַעְנָא דמשמעות לשונות אלו  
להבא. והקורין בשבא די נְדַרְנָא ודי חֶרְמְנָא ודי אֶסְרָנָא ודי

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manuscript reading. As he points out, the apostrophes in מֵאִיִּיר indicate that it is to be deleted—presumably together with the following בִּיר.

<sup>72</sup> **מסכת נדרים עם שינויי נוסחאות** (3 vols.; ed. Moshe Hershler; Jerusalem: Institute for the Complete Israeli Talmud, 1985-1991), 1: pp. קכח-קכז.

<sup>73</sup> Alternatively, one could claim that the selection was influenced by Num 30:4, but this claim is undercut somewhat by the fact that Num 30:3 also has the verb אִשְׁתַּבַּענָא > הִשְׁבַּע.

אֶשְׁתַּבְּעֵנָא שְׁמִשְׁמַעוֹתֵם לְשַׁעֲבַר וְכוּנְתֵם לְבַטֵּל מֵה שְׁכַבְר נְדָרוֹ  
וְהַחֲרִימוֹ וְאִסְרוֹ וְנִשְׁבַּעוּ טְעוֹת הוּא בִּידָם....<sup>74</sup>

And for that reason Rabbenu Tam used to say: “I read all these expressions with a *qametz*—די נְדָרְנָא וְדִי חֲרָמְנָא וְדִי אֶסְרָנָא—since the reference of all these expressions is to the future. Those who read (them) with a *shewa*—די נְדָרְנָא וְדִי חֲרָמְנָא וְדִי אֶסְרָנָא—with reference to the past and with the intention of annulling what they have already vowed, pledged, resolved, and sworn are committing an error.”

This passage purports to be a direct quote, in the first person, from Rabbenu Tam himself. It cleverly uses a form (קְרִינָא) that exemplifies the point of the statement. The number of imprecisions is remarkably small. Two of them concern the last example on the list, מְשֻׁבְּעָנָא, which is (1) incorrectly vocalized with *patah* instead of *shewa* under the *taw*, and (2) correctly vocalized with no *qametz* in the stem, thereby contradicting the plain sense of the assertion that “I read all these expressions with a *qametz*.” In addition, we may note that חֲרָמְנָא is misvocalized with *patah* instead of *hireq* under the *resh*. This appears to be a careless mistake made by a copyist under the influence of נְדָרְנָא and אֶסְרָנָא; there is no reason to believe that it goes back to Rabbenu Tam or his father. The apparent accuracy of the quotation and its first-person formulation seem to point to a reliable source close to Rabbenu Tam—someone like R. Eliezer b. Samuel of Metz. The latter is cited as the source of numerous passages in the Nedarim volume of R. Bezalel Ashkenazi’s compilation,<sup>75</sup> and although our passage is cited in the name of רַנְבִּי (R. Nathan b. Joseph, a disciple of Ramban), it has been demonstrated that there is much confusion in the attributions given in this volume.<sup>76</sup>

<sup>74</sup> R. Bezalel b. Abraham Ashkenazi, *שטה מקובצת על מסכת נדרים* (ed. Ephraim Hertz; Berlin, 1860), 28a.

<sup>75</sup> His name appears twice on the preceding page (*שטה מקובצת על מסכת נדרים*, 27a ll. 20 and 41), both times in connection with matters relevant to Rabbenu Tam’s discussion of *Kol Nidre* in *Sefer ha-Yashar*. One of the occurrences is at the end of a section, the other in the middle.

<sup>76</sup> E. E. Urbach, *בעלי התוספות: תולדותיהם, חיבוריהם, שיטתם* (4th ed.; Jerusalem: Bialik, 1980), 163 with n. 74. For the commentary of R. Nathan b. Joseph on Ramban’s הלכות נדרים and its use by R. Bezalel Ashkenazi, see Shlomo Toledano, *רבי בצלאל אשכנזי: האיש, מפעלו הספרותי וספרייתו* (Hebrew

Many aspects of this report are confirmed by other sources, sources which in some instances became corrupted over time:

R. Moses b. Jacob of Coucy:

ונהג העולם לומר בכל נדרי מיום הכפורים זה עד יום כפורים הע"ל ונדרנא להבא משמע כדאמרינן בפ"ג דשבועות שאוכל דאכילנא משמע.<sup>77</sup>

The general practice is to say in *Kol Nidre* "from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us," with נדרנא referring to the future, as we say in chapter 3 of Shebu'ot (19b, cf. Ned. 16a) "(the Hebrew oath) שְׁאֹכֵל means (in Aramaic) דְּאֶכְלֵנָא '(I swear) that I will eat.'"

R. Meir ha-Kohen:

אמנם רבינו יעקב מ"כ כתב והנהיג לומר מיום כפור זה עד יום כפור הבא עלינו ובא להתיר נדרים של שנה הבאה... ואל תקשה מלשון נדרנא שהוא גם להבא משמ' כדאית' פ"ג דשבועות "שאוכל דאכילנא משמע."<sup>78</sup>

It is true that Rabbenu Jacob wrote and instituted the practice of saying "from this Yom Kippur to (next) Yom Kippur, coming upon us" intending to release the vows of the coming year... (It is also true that) one should not raise an objection (to that practice) from the expression נדרנא, because that can also refer to the future, as we find in the chapter 3 of Shebu'ot (19b) "(the Hebrew oath) שְׁאֹכֵל means (in Aramaic) דְּאֶכְלֵנָא '(I swear) that I will eat.'"

R. Asher b. Jehiel (Rosh):

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University doctoral dissertation; Jerusalem, 2002), 154-55. I am indebted to Simcha Emanuel for this reference.

<sup>77</sup> R. Moses b. Jacob of Coucy, **ספר מצות הגדול** (Venice: Daniel Bomberg, 1547), 71d.

<sup>78</sup> R. Meir ha-Kohen, הגהות מיימוניות, in **משנה תורה** (Venice: Marco Antonio Justinian, 1550), 151a (following הלכות שביבת עשור).

ור"ת הגיה במחזורים: מיום הכפורים זה עד יום הכפורים הבא עלינו. ולא כמו שהיה כתוב במחזורים מיום הכפורים שעבר עד יום הכפורים זה... וגם י"ל ודי נְדַרְנָא ודי משתבענא דהיינו מה שאני עתיד לידור ולישבע.<sup>79</sup>

Rabbenu Tam corrected the *maḥzorim* (to read) “from this Yom Kippur to (next) Yom Kippur, coming upon us” and not as had (previously) been written in the *maḥzorim* “from last Yom Kippur to this Yom Kippur.”... And one should also say משתבענא ודי נְדַרְנָא ודי, i.e., that which I shall vow and swear.

The vocalization of נְדַרְנָא<sup>80</sup> is faulty but significant nevertheless, because משתבענא is left unvocalized. The contrast seems to reflect a recognition that משתבענא can only be a participle, while נדרנא can be a participle or perfect depending on its vocalization.

#### *Tosafot:*

מתוך שמעתין מוחק ר"ת מה שכתב (צ"ל שכתוב) במחזורים בכל נדרי מיום הכיפורים שעבר עד יום הכפורים הבא עלינו לטובה ... לכך נראה לי [כך!] להגיה מיום הכיפורים זה עד יום הכיפורים הבא עלינו לטובה ונדרי של שנה הבא [כך!] הוא דשרי... והא דאמר בכל נדרי דנדרני דמשמע לשעבר אלמי דמשמע דאנן מתירין שעברו, י"ל דנדרנא משמע שתי לשונות ... משמע להבא ולשעבר.<sup>81</sup>

Based on our talmudic discussion, Rabbenu Tam expunges that which is written in *Kol Nidre* in the *maḥzorim*, i.e., “from last Yom Kippur to (this) Yom Kippur coming (we pray) favorably upon us” ... Accordingly, it seems proper to me to correct (it to read) “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us,” (according to which) it is the vows of the following year that we are releasing.... And as for the fact that one says נדרנא in *Kol Nidre* referring to the past, thereby implying

<sup>79</sup> R. Asher b. Jehiel, **תוספות הרא"ש על הש"ס** (ed. Betsalel Deblitsky; Jerusalem: Mossad ha-Rav Kook, 2004), col. פד.

<sup>80</sup> According to the edition (col. פד, n. 34), the vocalization is in the manuscript.

<sup>81</sup> **מסכת נדרים עם פירוש רשי ותוספות ורבינו ניסים והרא"ש** 203 (Ned. 23b s.v. ואת).

that we are releasing (vows) in the past, it may be said that (the written form) דנרנא represents two (distinct) expressions ... it represents (one in) the future and (one in) the past.

R. Yom Tov b. Abraham Ishbili (Ritva):

הילכך כולהו הני לישני חרמנא נדרנא אסרנא בקמץ קרינא להו  
דמשמע לישנא להבא.<sup>82</sup>

Therefore, all these expressions—אסרנא, נדרנא, חרמנא—I read with a *qametz*, since the language refers to the future.

R. Jacob b. Asher:

והוקשה לר"ת ז"ל מה מועיל להתיר על מה שעברו כבר והנהיג  
לומר מי"ה זה עד י"ה הבא עלינו וגם הנהיג לומר די נדרנא ודי  
מישתבענא....<sup>83</sup>

Rabbenu Tam found it difficult (to understand) what use it is to release (vows) that have already been violated, and so he instituted the practice of saying “from this Yom Kippur to (next) Yom Kippur, coming upon us,” and he also instituted the practice of saying “that I shall vow and that I shall swear.”

R. Aaron b. Jacob ha-Kohen of Lunel:

וכן פסקו רוב הגאונים ז"ל די נדרנא בקמץ ודי חרמנא ודי אסרנא  
ודי משתבענא דמשמעות לשונות אלו להבא. והקורין בשבא די

<sup>82</sup> R. Yom Tov b. Abraham Ishbili, מסכת נדרים / חידושי הריטב"א על הש"ס (Jerusalem: Mossad ha-Rav Kook, 1977), col. רל.

<sup>83</sup> R. Jacob b. Asher, טור אורח חיים §619 (Pieve di Sacco, 1475) §614 (= §619 in our editions). I would like to thank Rabbi Jerry Schwarzbard, Librarian for Special Collections, JTSA, for providing a scan of the relevant page. Later editions, beginning with Mantua 1476 (see n. 117 below), have a nonsensical reading here.



נְדַרְנָא וְדִי חֶרְמְנָא וְכוּ' מִשְׁמַעוֹתָן לִשְׁעֵבֵר וְכוּוֹנְתָם לְבַטֵּל מַה שְׁנִדְרוּ  
וְאִסְרוּ וְנִשְׁבְּעוּ וְטִעוֹת הוּא בִידָם....<sup>84</sup>

And that is what most of the early authorities ruled: די וְדִי חֶרְמְנָא וְדִי אָסְרָנָא וְדִי מְשַׁתְּבַעְנָא, and נְדַרְנָא with a *qametz*, for the reference of these expressions is to the future. Those who read (them) with a *shewa*—די נְדַרְנָא, וְדִי חֶרְמְנָא, etc.—their reference is to the past, and their intention is to annul what they have (already) vowed, resolved, and sworn. They are committing an error.

R. David b. Joseph Abudarham:

וְהוֹקְשָׁה לְרַבֵּינוּ תָם מַה מוֹעִיל לְהַתִּיר עַל מַה שְׁעֵבְרוּ כִּבְר וְהִנְהִיג  
לוֹמֵר מִיּוֹם הַכִּיפּוּרִים זֶה [עַד] יוֹם הַכִּיפּוּרִים הַבָּא עֲלֵינוּ לְטוֹבָה. וְגַם  
הִנְהִיג לוֹמֵר דְּנִדְרָנָא וְדִמְשַׁתְּבַעְנָא....<sup>85</sup>

Rabbenu Tam found it difficult (to understand) what use it is to release (vows) that have already been violated, and so he instituted the practice of saying “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us” and he also instituted the practice of saying “that I shall vow and that I shall swear.”

R. Nissim b. Reuben of Gerona (Ran):

אֵלֶּא שְׂרַבֵּי יַעֲקֹב ז"ל הִיָּה מִתְקַן הַלְשׁוֹן כְּדִי שִׁיחָא מִשְׁמַעוֹתוֹ לְהַבִּי  
לוֹמֵר כֹּל נִדְרֵי וְאִיסְרֵי דִי אִסְרָנָא וְדִי חֶרְמְנָא כּוּלוּ קִמּוּץ כְּדִי שִׁיחָא  
נִרְאָה לְהַבָּא.<sup>86</sup>

However, R. Jacob [Tam] used to correct the language to refer to the future: all vows and resolutions די אָסְרָנָא וְדִי

<sup>84</sup> Aaron b. Jacob ha-Kohen of Lunel, **ספר ארחות חיים** (Florence: Stamperia di Isach di Moise di Pas, 1750), 105b §28 (הלכות יום הכפורים). I have reproduced the vocalization of the edition, including the faulty *מְשַׁתְּבַעְנָא*.

<sup>85</sup> R. David b. Joseph Abudarham, **ספר אבודרהם השלם עם תשלום אבודרהם**, p. 76 (Jerusalem: Machon Even Yisra'el, 1995).

<sup>86</sup> **מסכת נדרים עם פירוש רשי ותוספות ורבינו ניסים והרא"ש**, 46 (Ned. 23b).

חרמנא, each (verb) with *qametz* (instead of *shewa*, in the first syllable)<sup>87</sup> so that it looks like the future.

It seems clear from these sources that Rabbenu Tam's disciples reported that he read *some* of the verbs in *Kol Nidre* (the ones in the *qal* stem, possibly including חרמנא)<sup>88</sup> with *qametz* (instead of *shewa*) in the first syllable. This revocalization converted *qal* perfects referring to the past into *qal* participles referring to the future. In some sources, the tradition became garbled, and the vocalization with *qametz* was incorrectly extended to *all* of the verbs in *Kol Nidre*, including משתבענא.

The testimony of several of the above sources concerning the correcting of *maḥzorim* is supported by the version of *Kol Nidre* found in 18th century manuscripts from the Jewish communities of Asti, Fossano and Moncalvo (Piedmont, Italy): די נדירנא ודי מקדישנא ודי מקנימנא ודי מחרימנא ודי משתבענא ודי אסירנא על נפשנא.<sup>89</sup> None of the other *maḥzorim* examined by Goldschmidt, including two manuscripts

<sup>87</sup> The phrase כולו קמוץ is taken here as a Hebrew paraphrase of the Aramaic statement attributed to Rabbenu Tam: כולו הני לישיני בקמץ קרינא להו. However, we cannot rule out the possibility that it means "with *qametz* in all syllables." That is the meaning of the expression כולו קמוץ in Radaq's commentaries to 2 Sam 19:7, Isa 5:24, 32:19, and Hos 6:1. This alternative interpretation is supported by the faulty vocalization of the Aramaic participles יָדַע (Dan 2:22 = MT יָדַע) and פָּלַח (Dan 6:17 = MT פָּלַח) in *Le Glossaire de Leipzig*, 3:1481 §19130 and 1511 §19578. So too Rashi, in his commentary to Job 14:9 s.v. נָטַע, shows that his text of Job had the faulty form נָטַע when he writes ננקד כולו קמץ.

<sup>88</sup> A number of authorities cited above have חרמנא, in the *qal* stem: R. Bezalel b. Abraham Ashkenazi, R. Yom Tov b. Abraham Ishbili (Ritva), R. Aaron b. Jacob ha-Kohen of Lunel, and R. Nissim b. Reuben of Gerona (Ran). For the use of this Aramaic verb in the *qal* participle (חרים "he bans" in a magic bowl), see Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan: Bar Ilan University Press, 2002), 483b. Moreover, the Hebrew version, *Kol Nedarim*, also has the *qal* form (חרמנא) according to a half dozen early manuscripts (including Genizah fragments) recorded in *Maagarim*. This is significant because, as mentioned above, there are good reasons to believe that the Hebrew version is older. For the *qal* form חרמו in *Pirke de-Rabbi Eliezer*, noted by Meir Wallenstein ( על שניים מקטעי גניזת קהיר שב"ספריית ריילנדז" מנציסטר סיני 45 [1959], 307 note to line 27), see *ספר פרקי רבי אליעזר ... עם באור הרד"ל* (Warsaw, 1852), 90b §122.

<sup>89</sup> *מחזור לימים הנוראים* (ed. Daniel Goldschmidt), 2:opposite p. 1. The participle מקנימנא appears to be a denominative created as a counterpart of קונמי at the beginning of *Kol Nidre*.

from medieval France,<sup>90</sup> have anything similar. Since the Jews of these communities came there in the 14th century from France and preserved the Northern French *piyyuṭim* of the high holiday liturgy until modern times, it seems likely that they preserved a Northern French version of *Kol Nidre* reflecting the influence of Rabbenu Tam.

### 3. The Fifth Verb in *Kol Nidre*

As noted above, the tense of one of the verbs in the revised version of *Kol Nidre* is mentioned briefly already in Rabbenu Tam's *Sefer ha-Yashar*. The passage is corrupt, but it can be reconstructed with the help of the citations and paraphrases by the later authors given below:

Rabbenu Tam:

כל נדרי דאמרינן בלילי יום הכפורים הגיה אבא מרי זצ"ל מיום כפורים זה עד יום כפורים הבא עלינו לטובה כולהון דאיחרטנא (צ"ל דאיחרטנא) בהו וכן עיקר.... דאיתחרטנא (צ"ל דאיחרטנא) להבא משמע כדאמריי בברכות (ו)יהיו לרצון אמרי פי משמע דאמרי ומשמע דאמינא.<sup>91</sup> ופי' דאיחרטנא (צ"ל דאיחרטנא) כלומר שנזכר בתנאי של ראש [השנה] לאחר [הנדר] ונתחרט ויהא מותר.<sup>92</sup>

*Kol Nidre*, which we say on Yom Kippur night—my lord father corrected (it to read): “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of those, if I shall regret them (shall be released),” and that is the true (version)... The form דאיחרטנא refers to the future as we say in Berakhot (9b): “‘Let the words of my mouth be acceptable’ (Ps 19:15)—it means ‘what I said’ and it means ‘what I shall say.’” And as for the meaning of

<sup>90</sup> For a description of the two manuscripts, one in Parma and the other in Geneva, see *מחזור לימים הנוראים*, נג:1.

<sup>91</sup> The point of this talmudic proof text is not entirely clear. It may be cited to show that a single phrase can refer either to the past or the future. Or it may be cited to show that a first person singular participle such as *אמינא* can refer to the future. It should be noted, however, that the reading *יהיו לרצון אמרי פי משמע דאמרי ומשמע דאמינא* is not attested in the surviving manuscripts of Ber. 9b. The closest match is *יהיו לרצון אמרי פי משמע דאמרי ומשמע דבעינא למימר*, attested in three manuscripts in the Talmud Text Databank (Paris 671, Florence II-I-7, and Oxford - Bodl. heb. b. 10 (2833) 6-7). Another three manuscripts have *יהיו לרצון אמרי פי משמע דאמרי ומשמע דאמינא*, a reading very close to that of our printed edition (*יהיו לרצון אמרי פי משמע לבסוף ומשמע מעיקרא*).

<sup>92</sup> R. Jacob b. Meir Tam, *ספר הישר*, 70-71 §100.

דאיחרטנא, it tells us that, after (making) the vow, we should remember the condition (we announced) at the New Year, and we should regret (making the vow) so that it may be released.

R. Ephraim of Bonn:

אבל אני לפי קט שכלי נראי בעיניי כאשר הנהיג הרב ר' מאיר מן רמרו וכאשר נהגו בניו רבינו שמואל ורבינו יעקב והרב ר' יצחק אחריו לומר מיום כפורים זה עד יום כפורים הבא עלינו לטובה.... ולישנא דאיחרטנא (בצילום: דאחרטנא, צ"ל דאיחרטנא) משמע נמי להבא כמו רוב אמינא עבידנא יהיבנא (בצילום: יהיבנא) שבתלמוד. ורבינו יעקב הביא ראייה מדאמרין בברכות יהיו לרצון אמרי פי משמע דאמרי ומשמע דאמינא. ופי' דאיחרטנא (בצילום: דאחרטנא, צ"ל דאיחרטנא) כלומר שנוכר בתנאי של ראש השנה לאחר הנדר ונתחרט ויהא מותר.<sup>93</sup>

But I, in accordance with my meager intelligence, find proper the practice instituted by R. Meir of Ramerupt and adopted by his sons—Rabbenu Samuel, Rabbenu Jacob, and R. Isaac—after him, viz., to say “from this Yom Kippur to (next) Yom Kippur coming (we pray) favorably upon us.”... The expression דאיחרטנא also refers to the future like many (occurrences of) אמינא, עבידנא, and יהיבנא in the Talmud. And Rabbenu Jacob adduced proof from what we say in Berakhot (9b): “‘Let the words of my mouth be acceptable’ (Ps 19:15)—it means ‘what I said’ and it means ‘what I shall say.’” And as for the meaning of דאיחרטנא, it tells us that, after (making) the vow, we should remember the condition (we announced) at the New Year, and we should regret (making the vow) so that it may be released.

R. Eliezer b. Joel ha-Levi:

<sup>93</sup> Shelomoh Y. Spitzer, הלכות ועניי הכפורים לרבינו אפרים מבונא, in **קובץ** המועדים: ראש השנה, יום כפורים (ed. Y. Buxbaum; Jerusalem: Moriah, 2002), 288 (plate), 290.

ויש מרברבתא שהנהיגו לומר מיום כיפורים זה עד יום כיפורים  
הבא עלינו לשלום כלהון דאיחרטנא (כ"י מ: בכלהון איחרטנא,  
צ"ל בכלהון איחרטנא) בהון....<sup>94</sup>

There are some among the great rabbis who instituted the practice of saying “from this Yom Kippur to (next) Yom Kippur, coming (we pray) peaceably upon us—all of those, if I shall regret them, (shall be released).”...

R. Abraham b. Nathan ha-Yarḥi:

ורבי יעקב כתב בכל נדרי שהאומי (צ"ל שאומי) בליל הכיפור הגיה  
אבא מרי ז"ל מיום הכיפורי זה עד יום הכיפורי הבא עלינו לטובה  
כולהון דאי חרטנא בהון כו' וכן עיקר.<sup>95</sup>

Rabbenu Jacob wrote concerning *Kol Nidre* which one says on Yom Kippur night: “My lord father corrected (it to read): ‘from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of those, if I shall regret them, (shall be released),’ and that is the true (version).”

R. Mordecai b. Hillel ha-Kohen:

ואיתא מרבנותא שהנהיגו לומר מיום כפורים זה עד יום כפורים  
הבא עלינו לטובה בכולהו איחרטנא (צ"ל איחרטנא) בהון....<sup>96</sup>

There are some among the great rabbis who instituted the practice of saying “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of those, if I shall regret them, (shall be released).”...

*Tosefot Yeshanim:*

ומכאן מגיה רבי מאיר בכל נדרי ואסרי כו' מיום הכיפורים זה עד  
יום הכיפורים הבא עלינו לשלום, שהיו אומרים מיום הכיפורים

<sup>94</sup> R. Eliezer b. Joel ha-Levi, *ספר ראבי"ה הוא אבי העזרי* (ed. David Deblitsky; 4 vols.; Bene Berak: David Deblitsky, 2004), 2:126b-127a including n. 23, §11.

<sup>95</sup> R. Abraham b. Nathan ha-Yarḥi, *ספר המנהיג*, 346.

<sup>96</sup> R. Mordecai b. Hillel ha-Kohen, *ספר מרדכי השלם, על מסכתות ר"ה יומא סוכה*, 72. (Jerusalem: Machon Yerushalayim, 1989), 72.

שעבר עד יום הכפורים הזה... וכי חרי טנא (צ"ל דאיחרטנא) משמע שפיר להבא שאין התנאי מועיל אלא כשהוא מתחרט עליו, ואז מועיל התנאי לבטלו למפרע.<sup>97</sup>

Based on this, Rabbenu Meir corrects *Kol Nidre we- 'Esare* (to read) “from this Yom Kippur to (next) Yom Kippur, coming (we pray) peaceably upon us,” for they used to say “from last Yom Kippur to this Yom Kippur.”... And דאיחרטנא “if I shall regret” refers correctly to the future, because the condition helps only if he regrets it (= the vow), and then the condition helps, annulling it retroactively.

R. David b. Joseph Abudarham:

ולכך צריך לומר דיחרטנא בהון כלומר אם אשכח ואדור מעתה אני מתחרט עליהם.<sup>98</sup>

Thus one must say דיחרטנא “that I regret,” i.e., if I forget and make vows, I regret them from this very moment.

R. Nethanel Weil:

ומזה נראה דלדין דמתני להבא נכון לומר איחרטנא ואין שיבוש ספרים, אך המדפיס חיבר לתיבה אחת, וצ"ל שתי תיבות.<sup>99</sup>

And from this it appears that—according to our view, viz., that he is making a condition for the future—it is correct to say איחרטנא “if I shall regret,” and there is no textual error, but the printer combined them into one word whereas they should be two words.

As noted above, Rabbenu Tam, in his written presentation of the new version, chose to discuss only one of the five verbs in *Kol Nidre*:

<sup>97</sup> ספר תוספות ישנים למסכת נדרים (ed. Alter Halpern; London, 1966), 101.

<sup>98</sup> David b. Joseph Abudarham, ספר אבודרהם השלם עם תשלום אבודרהם (Jerusalem: Machon Even Yisra'el, 1995), p. רפ.

<sup>99</sup> R. Nethanel Weil, קרבן נתנאל (Karlsruhe: L. J. Held, 1755), 66b §28 s.v. וגם.

איחרטנא.<sup>100</sup> His reading breaks up the word דאיחרטנא or (according to Abudarham) דיחרטנא<sup>101</sup> or (according to R. Nethanel Weil) איחרטנא into two words, one of which can be vocalized as a participle (חֶרְטָנָא). Abudarham takes the latter as referring to the present,<sup>102</sup> but Rabbenu Tam, R. Ephraim of Bonn, and *Tosefot Yeshanim* take it as referring to the future, on the theory that regret can only be retrospective. According to the latter reading, *Kol Nidre* can be translated as follows:

All vows, resolutions, promises, pledges, and oaths that I shall vow, swear, pledge, and impose upon the self<sup>103</sup> from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of those, if I shall regret them, shall be released: the<sup>104</sup> vows not vows, the resolutions not resolutions, and the oaths not oaths.

Finally, we should mention the treatment of איחרטנא attributed to Rabbenu Tam by the abridged version of *Shibbole ha-Leqet*, prepared by an unknown successor of R. Zedekiah b. Abraham Anaw:

עוד מצאתי בשם רבינו תם ז"ל שהגיה והנהיג לומר מיום הכפורים  
הזה עד יום הכפורים הבא עלינו כולו מתחרטנא<sup>105</sup> בהון, וכתב  
שכן עיקר, והאומר מיום הכפורים שעבר אינו אלא טועה...<sup>106</sup>

Further, I found in the name of Rabbenu Tam that he corrected (the *maḥzorim*) and instituted the practice of

<sup>100</sup> His ideas about the other four seem to have been handed down orally; see at n. 74 above.

<sup>101</sup> This is derived from דאיחרטנא through elision of *aleph*; see n. 148 below.

<sup>102</sup> Does he take חרטתה to be a speech act rather than a feeling?

<sup>103</sup> Or: “self-impose.” See at n. 35 above.

<sup>104</sup> See at n. 37 above.

<sup>105</sup> So in the Venice edition of 1546 (45a §102) and the Salonika edition of 1796 (90b §102), both of which represent the abridged version (as I learned from Simcha Emanuel). Ms. Zurich Braginsky 250 (396 l. 20) and the Vilna edition of 1887 (293 §317) by Buber (both representing the original unabridged version) have אתחרטנא. As for London BL Or 13705, formerly Sassoon 539 (dated 1260 C.E.), Yisrael Dubitsky kindly informs me that it “skips (i.e., is missing) probably about 3 leaves between ff 686-687, comprising *simanim* 312-322. I believe this is what Sassoon himself meant when he wrote in his catalogue (*Ohel David*, Oxford 1932, vol. 1, p. 160) that ‘the whole section No. 34 ... is missing from the MS.’”

<sup>106</sup> R. Zedekiah b. Abraham Anaw, שבלי הלקט (Venice, 1546), 45a §102.

saying “from this Yom Kippur to (next) Yom Kippur, coming upon us—all of them I shall/hereby regret,”<sup>107</sup> and (that) he wrote that that is the true (version), and (that) he who says “from last Yom Kippur” is committing an error....

Here, too, the word for “regret” is expressed by a participle, but in this case the stem of the participle is *itpa’al* rather than *qal*.

In short, it seems that the prospective reading of *Kol Nidre* gave rise to three different emendations of אִתְּחַרְטָא/אִתְּחַרְטָא: (1) אִתְּחַרְטָא (attributed to Rashi), (2) דְּאִתְּחַרְטָא (attributed to Rabbenu Meir), and (3) מִתְּחַרְטָא (attributed to Rabbenu Tam, by analogy with his emendation of אִשְׁתַּבַּעְנָא to מִשְׁתַּבַּעְנָא).

#### 4. Why Singular Participles?

The emendations attributed to Rabbenu Tam raise several questions. Why did he not emend the perfects (אִתְּחַרְטָא, אִשְׁתַּבַּעְנָא, etc.) to imperfects (נִתְּחַרְטָא, נִשְׁתַּבַּעְנָא etc.)? And even if he had some reason to prefer participles, why did he decide to use *singular* participles (אִתְּחַרְטָא “I shall vow,” מִשְׁתַּבַּעְנָא “I shall swear,” etc.) instead of the expected *plural* participles (נִתְּחַרְטָא “we shall vow,” מִשְׁתַּבַּעְנָא “we shall swear,” etc.)? One obvious answer to both questions is phonetic. He may have wanted the emended verb forms to sound as much as possible like the traditional forms of *Kol Nidre*. The change from אִתְּחַרְטָא וְדִי אִתְּחַרְטָא to מִשְׁתַּבַּעְנָא וְדִי נִתְּחַרְטָא involves only the first vowel or the first consonant of each verb and, hence, is far less acoustically salient than a change to מִשְׁתַּבַּעְנָא וְדִי נִתְּחַרְטָא would be. But why would Rabbenu Tam have wanted the emended forms to sound like the traditional ones? One possibility is that he felt that such a minimal change would be less likely to provoke controversy. Another possibility, perhaps more likely given what we know of Rabbenu Tam, is that he believed that the oral reading tradition of *Kol Nidre* had become corrupted before his time through auditory errors (*Hörfehler*); hence, in attempting to reconstruct the original verb forms, he was obligated to assume that they sounded like the corrupt forms current in his time.<sup>108</sup>

<sup>107</sup> The participle מתחרטנא may refer either to future *ab initio* regret or, as B. Septimus suggests (oral communication), to a present declaration of regret (cf. Abudarham at n. 98 above).

<sup>108</sup> I owe this second explanation to B. Septimus, who notes that Rabbenu Tam did not shy away from controversy.



A second possible reason for the change from plural to singular is halakhic. According to R. Mordecai Jaffe, *Kol Nidre* is not legally effective in the plural:

וכבר אמרנו שאין אחד יכול להתנות בעד חבירו וא"כ מה שאומר  
לבסוף לשונות של רבים אינו עושה כלום ואפי' תנאי של עצמו לא  
אמר ולא התנה כלום לא הש"ץ ולא הקהל.<sup>109</sup>

And we have already said that a person cannot make a condition on behalf of his fellow, and if so, (a person) using plural expressions at the end (of *Kol Nidre*) does not accomplish anything—he has not even stated his *own* condition. He has made no condition at all, whether he is the cantor or a member of the congregation.

This claim has been disputed,<sup>110</sup> but even if it is exaggerated, it may contain a kernel of truth. Rabbenu Tam himself tells us that his father's revision of *Kol Nidre* was inspired in part by the talmudic formula in Ned. 23b cited above: כל נדרים שאני עתיד לנדור יהו בטלין "all vows that I may make shall be void."<sup>111</sup> Since that formula is in the first person *singular*, it is possible that Rabbenu Tam believed that the original, uncorrupted version of *Kol Nidre* was also in the first person singular.

### 5. Dubious Grammatical Assumptions in Later Times

We have seen that Rabbenu Tam or his father changed the verbs of *Kol Nidre* from perfects to participles. Many later halakhists accepted this idea in principle but had their own ideas about how to put it into practice.

One dubious idea that eventually took root was that masculine singular Aramaic participles with enclitic נא- always have *hireq* preceding the last consonant of the root—even if that consonant is *resh* or *'ayin*. Already in printed editions of the 16th century, we find

<sup>109</sup> לבוש החור, 178c §619.

<sup>110</sup> See R. Yom-Tov Lipmann Heller, תוספות יום טוב to m.Ned. 3:1: לא ידעתי זו; מנין לו ואשכחן בהיפוך לענין עירוב תבשילין.... ספר אליה רבה, (Sulzbach: Meshullam Zalman b. Aaron, 1757), 200c § 619: לא ידעתי מניל.... זה. For an intermediate position, see R. Joseph Kosman, ספר נוהג כצאן יוסף, (Tel-Aviv, 1969), 279-80.

<sup>111</sup> It is cited here according to the version in *Sefer ha-Yashar*.

אָסִירָנָא, נְדִירָנָא, אָסִירָנָא,<sup>112</sup> and even משתביענא, instead of נְדִירָנָא, אָסִירָנָא, and מְשִׁתְּבִיעָנָא. Prominent examples that appeared in print in that century (irrespective of their date of composition) include:

R. David b. Joseph Abudarham:

והוקשה לרבינו תם מה מועיל להתיר על מה שעברו כבר והנהיג  
לומר מיום הכפורים זה עד יום הכפורים הבא עלינו לטובה. וגם  
הנהיג לומי דנדירנא ודמשתביענא.<sup>113</sup>

It will be noted that this edition of *Sefer Abudarham* (Constantinople, 1513) contradicts the modern edition based on manuscripts cited above.<sup>114</sup>

R. Jeroham b. Meshullam:

וכתב רבינו תם והגיה במחזורי מי"ה הזה עד י"ה הבא עלינו וגם  
י"ל די נדירני ודי משתביענא כלומי מה שאני עתיד להדיר (צ"ל  
לנדור) ולישבע....<sup>115</sup>

Rabbenu Tam wrote, correcting the *maḥzorim* (to read) “from this Yom Kippur to (next) Yom Kippur, coming upon us.” And one should also say משתביענא ודי נדירני ודי, i.e., what I shall vow and swear....

R. Joseph Caro:

ומה שכתב וגם הנהיג לומר די נדירנא ודמישתביענא כך היא הגירס'  
הנכונה והטעם מפני שכשהו' אומי דנדרנא הכל תיבה אחת והד"לית  
בחירק והני"ון חטופה והד"לית בקמץ משמע שנדרתי כבר וכשהוא  
אומר די נדירנא שתי תיבות די תיבה אחת ונדירני תיבה שנית  
והני"ון נקראת בלא חטופה והד"לית בחירק משמע מה שאני עתיד  
לידור וכן כשהוא אומר ודאישתביענא בא"לף באמצע התיבה משמע

<sup>112</sup> We have already encountered these two forms above in 18th century manuscripts of the *maḥzor* from the Jewish communities of Asti, Fossano and Moncalvo; see at n. 89 above.

<sup>113</sup> David b. Joseph Abudarham, **ספר אבודרהם** (Constantinople, 1513), 75b-c.

<sup>114</sup> For the text and translation, see at n. 85 above.

<sup>115</sup> R. Jeroham b. Meshullam, **ספר תולדות אדם וחווה** (Constantinople, 1516), 46b.

מה שנשבעתי כבר וכשהוא במ"ם במקום א"לף והיא נקודה בחירק  
משמע מה שאני עתיד לישבע.<sup>116</sup>

As for what he (= R. Jacob b. Asher) writes: “He (= Rabbenu Tam) also instituted the practice of saying די נדירנא ודמישתבענא.” This (= די נדירנא ודמישתבענא) is the correct reading (in *Tur Orah Hayyim* §619),<sup>117</sup> and that is because when it says דְּנִדְרְנָא—one word, *dalet* with *hireq*, *nun* with *shewa*, *dalet* with *qametz* [sic!])—it means “that which I [sic!] have already vowed,” but when it says דִּי נְדִירְנָא—two words, one of them דִּי, the other נְדִירְנָא, *nun* without *shewa*, *dalet* with *hireq*—it means “that which I shall vow.” Similarly, when it says ודאישתבענא—with medial *aleph*—it means “that which I (sic!) have already sworn,” but when it has *mem* instead of *aleph* and it is vocalized with *hireq* (under the *bet*), it means “that which I shall swear.”

The form נדירנא would ordinarily be interpreted as a passive form. Passive participles take a *yod*, because, unlike active participles, they have a long *hireq*, and long *hireq* is not affected by final *resh*. Thus, the active participles אסרנא (= אֶסְרְנָא) “I forbid” and פטרנא (= פְּטִרְנָא) “I exempt” contrast with the passive participles אסירנא (= אֶסְיִרְנָא) “I am forbidden” and פטירנא (= פְּטִיִרְנָא) “I am exempt(ed).” In other words, the addition of *yod* to נדרנא normally converts it to the passive voice—a voice that makes no sense in our context.<sup>118</sup> Nevertheless, it may be going too far to brand נדירנא as a misspelling when it is used in the active voice. It can be compared to the active form פטירנא “I

<sup>116</sup> R. Joseph Caro, אורה חיים הוא הטור האחד זך ובהיר in בית יוסף (Venice, 1550), 398c §619. I am indebted to Dr. Bruce Nielsen, Center for Advanced Jewish Studies, University of Pennsylvania, for providing photographs of this passage.

<sup>117</sup> Contrast the readings found in the two earliest editions of *Tur Orah Hayyim*: נדרנא ודאישתבענא (Pieve di Sacco 1475, §614); נדרנא ודאישתבענא (Mantua 1476, §603). I am indebted to Leah Adler and Rachel Berliner for providing a photograph of the latter. For the former, see n. 83 above.

<sup>118</sup> Cf. also the fictitious form נדירנא cited instead of נדינא “I am excommunicated” (Ned. 7a) in printed editions of various halakhic works (מסכת נדרים עם שינויי נוסחאות, 1: p. לו n. 50); it too would be a passive participle if it were genuine.

divorce,” attested in two unpublished Aramaic magic bowls.<sup>119</sup> It can also be compared to the form וְאַמְטַר “and he caused to rain” (Exod 9:23) found in a vocalized Genizah fragment of the Palestinian Targum.<sup>120</sup> In these forms, a short *hireq* or *tsere* appears to have been preserved or restored (by analogy) before *resh* by native speakers. On the other hand, it must be noted that the form נִדְרִנָּא itself is not attested in Jewish Babylonian Aramaic; the only form attested in the Talmud is נִדְרָנָא “I do/shall vow” (Ned. 9a).<sup>121</sup> The *yod* that represents short *hireq*<sup>122</sup> in כְּתִיבְנָא is not found in נִדְרָנָא, suggesting (although not proving conclusively) that the short *hireq* of the latter has been lowered to *pataḥ* by the following *resh*. In short, the form נִדְרִנָּא that appears in 16th-century printed versions of *Kol Nidre* was probably created on the analogy of regular forms such as כְּתִיבְנָא rather than handed down by tradition.

The rise of this non-standard form should not surprise us, since no treatises on Aramaic grammar were available to Jews at the time (and because similar forms are attested as *passive* participles).<sup>123</sup> Even today, when such treatises *are* available, the rule is unknown to many Semitists. Thus, a standard handbook of Semitic linguistics has the following to say about the vocalization of the participle in one of the

<sup>119</sup> I am indebted to an anonymous *JSIJ* reviewer for this information. Contrast פִּאטַר at n. 55 above and פִּטְרָנָא “I shall divorce” in Qid. 64b. For the latter, according to the Talmud Text Databank (JTSA), פִּטְרָנָא/פִּטְרִנָּא is the spelling in all witnesses: Oxford Opp. 248 (367), Munich 95, Vatican 111, JTS Rab. 2394, Spanish Print (ca. 1480), and Venice Print (1520), not to mention the Vilna edition. Shamma Friedman informs me that פִּטְרָנָא is the standard spelling in the magic bowls as well, occurring five times in the synoptic chart of five magic bowls published by Avigail Bamberger, תְּרוּמַתֵּן שֶׁל קַעְרוֹת הַהִשְׁבַּעָה הַבְּבִלִיּוֹת לַחֲקֵר (Hebrew University master’s thesis; Jerusalem, 2012), 30. Three of Bamberger’s five attestations appear in the synoptic chart of four magic bowls published by Dan Levene, *A Corpus of Magic Bowls: Incantation Texts in Jewish Aramaic from Late Antiquity* (London: Kegan Paul, 2003), 37.

<sup>120</sup> Steven E. Fassberg, *A Grammar of the Palestinian Targum Fragments from the Cairo Genizah* (Atlanta: Scholars Press, 1990), 1990. This form contrasts with many forms that have *pataḥ* before *resh*, such as דְּבַר and וּמְשַׁקֵּר. For other, more ancient examples of short *e/i* before final *resh*, etc. in Aramaic, see Beyer, *Die aramäischen Texte*, 1:108. According to Beyer, his examples are not exceptions; they simply predate the vowel shift that created the rule.

<sup>121</sup> According to the Talmud Text Databank (JTSA), this is the spelling in the Venice edition of 1522 and the only extant manuscript (Vatican 487.1), not to mention the Vilna edition.

<sup>122</sup> So in Jewish Babylonian Aramaic, not *tsere*.

<sup>123</sup> See at n. 118 above.

Late Aramaic dialects: “Syriac has *qāber*...”<sup>124</sup> In his review of the book, E. Y. Kutscher points out the error: “This is a faulty form. As is well known, Syriac (and other Aramaic dialects) turn an *e* before *r* into an *a*. Therefore, the root ‘qbr’ for the paradigms turns out to be ill-chosen.”<sup>125</sup>

The reading נדירנא is probably not original in *Sefer Abudarham*, but it *is* original in *Bet Yosef*, as is clear from the discussion there. R. Joseph Caro may have taken that reading from the printed edition of *Sefer Abudarham* and/or the printed edition of *Toledot Adam we-Ḥawwah*, both of which were published decades before the completion of *Bet Yosef* (1542).<sup>126</sup> The reading נדירנא is probably best viewed as a hypercorrection—an overreaction to the nonsensical past-tense reading, וגם הנהיג לומר דנדרנא ודאישתבענא, that was current at the time. R. Abraham Abele Gombiner attributes the form נדירנא to R. Jeroham b. Meshullam (*Toledot Adam we-Ḥawwah*), rejecting it in favor of the form נדרנא used earlier by R. Meir ha-Kohen (*Haggahot Maimuniyyot*).<sup>127</sup>

In the passage quoted above, R. Joseph Caro also introduces a new distinction into the discussion: די vs. -ד. As noted by a few authorities, this distinction is totally irrelevant,<sup>128</sup> a blatant red herring:

R. Abraham b. Mordecai ha-Levi:

ופי דשתי תיבות מורה על העבר (צ"ל העתיד?) וכשהם תיבה א'  
מורה על העתיד (צ"ל העבר?) ואין דברים אלו נכונים וטעות גמורה

<sup>124</sup> Sabatino Moscati, et al., *An Introduction to the Comparative Grammar of the Semitic Languages* (Wiesbaden: Harrassowitz, 1964), 146.

<sup>125</sup> E. Y. Kutscher, review of Sabatino Moscati, et al., *An Introduction to the Comparative Grammar of the Semitic Languages* in *Asian and African Studies* 2 (1966), 200 = E. Y. Kutscher, *Hebrew and Aramaic Studies* (ed. Zeev Ben-Hayyim et al.; Jerusalem: Magnes, 1977), 182.

<sup>126</sup> Both of those works are cited in *Bet Yosef*, but I am unable to say whether they were cited from the printed editions or from manuscripts.

<sup>127</sup> R. Abraham Abele Gombiner, מגן אברהם, in **ספר מגני ארץ והוא חיבור נחמד על הש"ע הטור אורה חיים** (Dyrenfurth: Shabbetai Meshorer Bass, 1692), 306a §619. For the forms in *Toledot Adam we-Ḥawwah* and *Haggahot Maimuniyyot*, see at nn. 78 and 115 above.

<sup>128</sup> The form -ד is a proclitic form of די that developed in ancient colloquial Aramaic; see Richard C. Steiner, “Papyrus Amherst 63: A New Source for the Language, Literature, Religion, and History of the Arameans,” *Studia Aramaica: New Sources and New Approaches* (ed. M. J. Geller, J. C. Greenfield, and M. P. Weitzman; Oxford, 1995), 201-202.

הם שכך שוה בהיותם תיבה אחת להיותם ב' תיבות ובין כך ובין כך הם מורים על העבר.... והמדקדק בלשון התרגום ימצא כן שאין הפרש בין זה לזה כלל.... והסומך על לשון זה של הטור נכשל בנדריים.<sup>129</sup>

And he explained that (the version with) two words<sup>130</sup> refers to the past (sic, for future?), whereas when they are one word<sup>131</sup> it refers to the future (sic, for past?), but this statement is not correct and it is completely erroneous, because it is the same whether they are one word or two words, and either way they refer to the past.... And he who examines the language of the Targum carefully will find that there is no difference at all between one and the other.... And those who rely on this language of the Tur stumble in (the laws of) vows.

R. Jacob Emden:

ב"י דנדרנא תיבה אחת כו' די נדירנא ב' תיבות. במ"כ כל זה שבוש. ואין ממש בטעם זה. ולא זה דרך ההבדל בין העבר והעתיד בארמית. גם אין שום הפרש. בין אם אומר דנדרנא מלה אחת או חולקה לשתים.<sup>132</sup>

*Bet Yosef*: "one word, etc. די נדירנא two words." With all due respect, all of this is a distortion, and there is no substance in this explanation, and this is not the way that the past (tense) is distinguished from the future in Aramaic. Furthermore, there is no difference at all between saying דנדרנא as one word and dividing it into two.

We turn now to R. Wolf Heidenheim. He agrees that Rabbenu Tam's version of *Kol Nidre* was based on participles, but the participles that he reconstructs are different from those of his predecessors:

<sup>129</sup> R. Abraham b. Mordecai ha-Levi, *גנת ורדים* (2 vols.; Constantinople: Jonah b. Jacob, 1716-1717), 1:120d (Y.D. part 2, §9).

<sup>130</sup> I.e., נדירנא.

<sup>131</sup> I.e., דנדרנא.

<sup>132</sup> R. Jacob Emden, *מור וקציעה* (2 vols.; Altona: Jacob Emden, 1761-1769), 2:68c (§619).

ואחרי הדברים (צ"ל הדברים) והאמת האלה (דה"י-ב לא כ) כרתי ברית עם הגירסא די נדרינא ודמשתבעינא ודמחרמינא ודאסרינא וכי, כי כל הלשונות האלה ל' הוה הם לרבים ... וע"פ הגירסא הזאת יהיה הנוסחא כולו על מכוננו ולא קשה מידי, וזאת עיקר גירסת ר"ת לדעתי....<sup>133</sup>

Pursuant to all of these valid considerations, I committed myself to the version די נדרינא ודמשתבעינא ודמחרמינא ודאסרינא, because all of these expressions are the plural of the present tense ... and according to this version, the entire text will be on a solid foundation and not difficult at all, and this is the true version of Rabbenu Tam in my opinion....

This reconstruction is intended as a solution to a problem inherent in the standard reconstruction of Rabbenu Tam's version of *Kol Nidre*. In that reconstruction, the enclitic *subject* pronouns attached to participles are *singular* but the *possessive* pronouns attached to nouns are *plural*. This inconsistency, pointed out by R. Mordecai Jaffe,<sup>134</sup> is most blatant in the phrase אָסְרְנָא על נפש(ת)נא "I shall impose upon ourselves." Heidenheim tried to fix the problem by making the participles plural, instead of making the suffixed pronouns singular as R. Jaffe had done.

Here again, however, we have a suggestion that attributes faulty Aramaic grammar to Rabbenu Tam. In Babylonian Aramaic, first person plural participles take the plural enclitic pronoun נן- derived from אנן "we," not נא- derived from אנא "I."<sup>135</sup> Thus, the plural of אָסְרְנָא is אָסְרְיָנָא, not אָסְרְנָא. The latter form appears to exhibit an internal inconsistency that is, if anything, even more blatant than the one in אָסְרְנָא על נפש(ת)נא, and there is no good reason to assume that Rabbenu Tam was unaware of this.

Most of the authorities quoted above believe that Rabbenu Tam changed the verbs of *Kol Nidre* from perfects to participles; however, this is not the only possible way of making them refer to the future. A number of alternatives have been proposed, some of which we have already noted. Ralbag and R. Jacob Emden claimed that the

<sup>133</sup> מחזור לערבית ליום כפור, 8b.

<sup>134</sup> לבוש החור, 178c §619.

<sup>135</sup> J. N. Epstein, דקדוק ארמית בבבלי, 41. Forms ending in ינא- do occur in our printed editions, but, according to Epstein (*ibid.*, 40), they are singular and textually dubious.

prospective reading of *Kol Nidre* presupposed the replacement of perfects (נְדַרְנָא “we have vowed,” etc.) with imperfects (נְדַר/נְדַרְנָא “we shall vow,” etc.). R. Aaron b. Jacob ha-Kohen of Lunel emended to עתידין אנחנא לְמַדְר, a compromise between the traditional version and Ned. 23b (כל נדר שאני עתיד לידור).

R. Mordecai Jaffe felt that these emendations—and indeed all of the emendations discussed above—were unnecessary. In *Levush ha-Hur*, he makes the startling claim that most of the verbs in the traditional version of *Kol Nidre* were already in the imperfect without any need for change:

... וכן דאשתבענא פיי שאשבע אני וכן דאחרימנא פירוש שאחריי  
אני וכן ודאסרנא פיי שאאסור אני ... וכן מה שאומר אח"כ אחרטנא  
בהון פיי אתחרט אני מעכשיו והרי כולם לשון יחיד המדבר  
בעדו....<sup>136</sup>

And similarly דאשתבענא means “that I shall swear,” and similarly דאחרימנא means “that I shall pledge,” and similarly ודאסרנא means “that I shall impose,” ... and similarly the expression אחרטנא later on means “I shall regret from this very moment,” and all of them are first person singular....

He then goes on to explain that the נא- ending of these verbs “is in place of אנא whose meaning is ‘I’ except that the first *aleph* is missing.” In his eyes, the only obstacle to this solution is the form נדרנא, which, lacking an initial *aleph*, cannot be reinterpreted as an imperfect plus the ending נא-. As a result he is forced to emend it:

לפיכך נ"ל שראוי להיות בכאן דאינדרנא באל"ף האיתן ויהי  
פירושו שאדוי אני.<sup>137</sup>

Therefore, it seems to me that it would be proper to have here (the form) דאינדרנא with prefixed *aleph* and with the meaning “that I shall vow.”

The problem with this solution, of course, is that enclitic נא < אנא is used in Babylonian Aramaic only with participles, not with

<sup>136</sup> לבוש החור, 178c §619.

<sup>137</sup> לבוש החור, 178d §619.



imperfects.<sup>138</sup> It follows that the verb אינדרנא, found in many modern editions of the *mahzor*, is a fictitious form, created as an *ad hoc* solution to the problems of *Kol Nidre*.<sup>139</sup> It is difficult to disagree with the assessment of R. Jacob Emden:

... כל מה שטרחו אלו הרבנים ושאר האחרונים ז"ל לפרש נוסח כל נדרי ע"ד ר"ת הכל טעות ושיבוש בלשון במ"כ ולא אחד בהם שידע והכיר לשון ארמי על בוריו.<sup>140</sup>

... all of the efforts made by these rabbis (= R. Mordecai Jaffe and R. David ha-Levi Segal) and the other latter-day authorities to explain Rabbenu Tam's version of *Kol Nidre* were, with all due respect, an error and a distortion of the language. (There was) not (a single) one among them that was fully knowledgeable in, and acquainted with, Aramaic.

R. Jaffe's ideas about Aramaic morphology were implicitly rejected even by the editor of an Ashkenazic *mahzor* (Venice, 1717) who claimed to be following in his path.<sup>141</sup> At the very end of his edition, he adds a brief discussion of *Kol Nidre* based on the views of R. Joseph Caro and R. Mordecai Jaffe—including the view of the latter that “a man can (petition the court to) annul only his *own* vows” ( אין אדם יכול לבטל כי אם נדרי עצמו).<sup>142</sup> He concludes with a revised version of *Kol Nidre* “according to the opinion of the aforementioned *geonim*”:

כל נדרי ואסרי וחרמי וקנומי וקנוסי וכנויי ושבועות די אַנְדֶרְנָא ודי אשתבע ודי אחרים ודי אַסֶר על נפשאי מיום צום כפורים זה עד יום צום כפורים הבא עלינו לטובה כלהון די אַנְדֶרְט בהון ... נדראי לא נדרי ושבועתאי לא שבועות. ונסלח וכו'.<sup>143</sup>

<sup>138</sup> Cf. Heidenheim, *מחזור לערבית ליום כפור*, 8a: וכמו שלא תוכל לחבר בלי עברי סי' המדבר בראש התיבי ובסופי כי לא תוכל לומי אשמורני כן לא תוכל לחברם בלי ארמי לאמר אשמורנא או אינדרנא, ומציאות תיבות כאלה נמנע בס' עברי גם בלי ארמי.

<sup>139</sup> According to the Bar-Ilan Judaic Library and the Talmud Text Databank (JTSA), it is completely unknown in ancient Rabbinic literature. The form אינדרנא appears only as a noun. The earliest occurrence I have found is in *מחזור של ימים נוראים* (Prague, 1613), 56a. R. Jaffe died in 1612, around a year before the printing of this *mahzor*.

<sup>140</sup> R. Jacob Emden, *שאלת יעב"ץ*, 133b §145.

<sup>141</sup> See at n. 43 above.

<sup>142</sup> Habermann, *הכרזת "כל נדרי"*, 184.

<sup>143</sup> Habermann, *הכרזת "כל נדרי"*, 185.

This consistently singular version clearly reflects the influence of R. Jaffe, especially in the forms נפשאי “myself,” נדראי “my vows,” and שבועתאי “my oaths,” but it ignores his views concerning the distribution of enclitic נא-.

Having said all that, it must be admitted that R. Jaffe’s solution is remarkably ingenious. Indeed, it is so clever that many have failed to grasp the point. Take, for example, the following note from the ArtScroll *mahzor* for Yom Kippur:

The literal translation of דְּאֶנְדְּרָנָא is *we have vowed* in the past tense. Since most communities have adopted *Rabbeinu Tam’s* version that *Kol Nidrei* refers to future vows, many authorities have changed דְּאֶנְדְּרָנָא to the future tense [ דִּי נְדִירָנָא ], but this change has not gained common acceptance. Our translation in the *future* tense, therefore, is not literal...<sup>144</sup>

In this note, the editors adopt the verb form created by R. Jaffe, and they even vocalize its middle radical with *dagesh* (אֶנְדְּרָנָא, with ד, like imperfect אֶנְדֵּר and unlike perfect נְדִירָנָא), but they fail to realize that he intended it as a *future* form. They wind up subverting his ingenious solution, claiming that they are ignoring the literal meaning of his (fictitious!) form when they translate it in the future.

### 6. Rashi’s Version of *Kol Nidre*

The suggestion put forth in *Levush ha-Hur* may help us to reconstruct Rashi’s version of *Kol Nidre*, which seems to have been somewhat different from that of Rabbenu Tam. We recall that, according to *Liqqute ha-Pardes* (at least in its present form), Rashi was heard to say “from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us,” while leaving דְּנִדְרָנָא וְדִשְׁתַּבַּעְנָא וְדִאֲחַרְמְנָא וְדִי אֲסַרְנָא “that we have vowed, sworn, pledged, and imposed” in the perfect.<sup>145</sup> According to the same report, however, he was also heard to say איחרט “I shall

<sup>144</sup> *The Complete ArtScroll Machzor: Yom Kippur*, 59 (Ashkenaz edition) = 67 (Sefard edition).

<sup>145</sup> I assume here that the aforementioned homography of two of the verbal forms is resolved by the other two verbal forms.

regret”<sup>146</sup> instead of איחרטנא “we have regretted.” This emendation, if that is what it is, is reminiscent of Rabbenu Tam’s emendations; it results in a singular verb that refers to the future. However, it makes no sense in isolation, contradicting the number and tense of the other verbs. The same might be said of two other deviations from the traditional text found in the oldest surviving manuscript of the work (14th century): אסרנא על נפשא “we have imposed upon the self, we have self-imposed” instead of אסרנא על נפשנא “we have imposed upon ourselves”; and ושבועתא “and the oaths” instead of ושבועתנא “and our oaths” (as expected from נדרנא “our vows” and איסרנא “our resolutions”).<sup>147</sup> Another noteworthy form in the manuscript is דישתבענא < דאישתבענא\* or דיאישתבענא\*, exhibiting elision of *aleph* (see below). This is a legitimate colloquial spelling for a native speaker of Jewish Babylonian Aramaic in late antiquity,<sup>148</sup> but its appearance in medieval France is far from routine.

In sum, the text of *Kol Nidre* in *Liqqute ha-Pardes* (according to the oldest extant manuscript) contains several anomalies. It is tempting to dismiss them as scribal errors, but it must be kept in mind that not every anomalous form in a text is the product of miscopying, mishearing, or the like. Sometimes forms that seem anomalous in a text were originally unproblematic, and became anomalous not because they were altered, but because they were *not* altered when the forms around them were changed. In other words, authentic forms can give the appearance of being corrupt when incomplete scribal alteration leaves them isolated—when copyists of the text eliminate (“correct”) all forms with a given characteristic except for one. Such survivals from an earlier textual stage may be called “vestigial readings.”<sup>149</sup>

Can the anomalous forms cited above from (the oldest extant manuscript of) *Liqqute ha-Pardes* be considered “vestigial readings,” relics of a prospective version of *Kol Nidre* used by Rashi before the

<sup>146</sup> So in both manuscripts consulted and in the Venice edition of 1539. The form could also mean “he has regretted,” but that does not fit the context.

<sup>147</sup> Did the original version of *Liqqute ha-Pardes* have similar emendations for נדרנא and ואיסרנא, viz., נדריא and ואיסריא?

<sup>148</sup> Cf. דיתכיר < דאיתדכיר\* “that it was mentioned,” cited by Matthew Morgenstern, “On Some Non-Standard Spellings in the Aramaic Magic Bowls and Their Linguistic Significance,” *JSS* 52 (2007), 254. I am indebted to an anonymous *JSIJ* reviewer for this reference.

<sup>149</sup> Vestigial readings must be distinguished from linguistic relic forms, which are vestiges of an earlier form of a *language* rather than a *text*.

time of Rabbenu Tam? What would such a text look like? The following is a very speculative suggestion:

\*כל נדרי ואיסרי וקונמי וחרמי ושבועי דינדך ודישתבע ודיאחרים  
 ודיאסר על נפשא בשבועי מיום כיפורים זה עד יום כיפורים הבא  
 עלינו לטובה כולהון איתרט בהון... נדריא לא נדרי ואסריא לא  
 איסרי ושבועתא לא שבועי.

All vows, resolutions, promises, pledges, and oaths that *I shall* vow, swear, pledge, and impose on *the self* by oath from this Yom Kippur to (next) Yom Kippur, coming (we pray) favorably upon us—all of them *I shall* regret. (May they be) released, cancelled, rendered null and void, not in force, not valid—the vows not vows, *the* resolutions not resolutions, and *the* oaths not oaths.

This highly conjectural reconstruction is based on the assumption that Rashi changed the tense of the four verbs by deleting the final נא from each of them—just as he did with איתרטנא—and making some additional minor adjustments. Take, for example, the perfect form ודישתבענא < ודיאשתבענא\* or ודיאשתבענא\* “that we have sworn” found in the manuscript. This can be converted to an imperfect meaning “that I shall swear” by deleting the suffix, yielding ודישתבע\*, an elided form of ודיאשתבע\* or ודיאשתבע\*. The same goes for דינדנא “that we have vowed.” Deleting the suffix yields דינדך\*, which, when changed to דינדך\*, can be understood as an elided form of ודיאנדך\* or ודיאנדך\* meaning “that I shall vow.”

It is worth noting that very little revocalization is required by this solution. In my view, it is a solution worthy of Rashi. It is easy to see how an early copyist of *Liqqute ha-Pardes* could have failed to grasp the idea and felt the need to add a *geresh* after each of the verbs (דינדרי (ודישתבעי ודי אחרמי ודי אסרי).

## 7. Conclusions

The annual annulment of vows and oaths through the recitation of *Kol Nidre* (or its older and longer Hebrew counterpart, *Kol Nedarim*) has been a controversial practice since R. Yehudai Gaon and his successors attempted to abolish it in the eighth and ninth centuries. Their efforts had mixed results in Spain and Provence: some communities recited it and some did not. In Northern France, the reaction to the geonic campaign was different. There the controversy

was about which version of *Kol Nidre* to recite—not about whether to recite it at all.

The halakhic problems inherent in *Kol Nidre* led R. Meir b. Samuel of Ramerupt, the father of Rabbenu Tam, to revise the text so that it referred to the vows of the coming year instead of the vows of the past year. The revision (inspired by the Talmud and possibly one or two geonic responsa as well) was accomplished through the substitution of a single word, replacing שעבר (“from *last* Yom Kippur to the one that is coming”) with זה (“from *this* Yom Kippur to the one that is coming”). This change, however, created a linguistic problem that survives in many editions of the *maḥzor* down to the present day. The emended temporal phrase refers to the future, but it modifies verbs in the past tense (דנדרנא ודאשתבענא ודאחרמנא ודאסרנא)—a blatant internal contradiction.

According to many reports, Rabbenu Tam (if not his father) solved the problem in a remarkably elegant and inconspicuous manner. In the revised version, the subtle replacement of שעבר with זה was accompanied by an even more subtle replacement of *shewa* and *ḥataf pataḥ* (נדרנא “we have vowed,” אסרנא “we have bound”) with *qametz* (נדרנא “I shall vow,” אסרנא “I shall bind”) in two of the verbs. The treatment of the other two verbs was equally subtle: תרמנא/אחרמנא “we have pledged” and אשתבענא “we have sworn” appear to have been replaced with תרימנא/מחרמנא<sup>150</sup> “I shall pledge” and משתבענא “I shall swear,” respectively. In all four cases, the perfect is replaced not with the expected imperfect but with the participle (which often refers to the future in Late Aramaic) plus enclitic אנא < אנא “I.”

For the fifth verb in *Kol Nidre*, ארתרטנא/איתרטנא “we have regretted,” three different emendations are recorded in our sources: (1) איתרט “I shall regret” (attributed to Rashi), (2) דאיתרתי/איתרטנא “if I shall regret” (attributed to Rabbenu Meir), and (3) מתרתנא “I shall/hereby regret” (attributed to Rabbenu Tam, based on the analogy of his emendation of אשתבענא). The form איתרט, preserved in the earliest extant manuscript of *Liqqute ha-Pardes*, is of great interest. It raises the possibility that Rashi had his own prospective version of *Kol Nidre* that was lost to posterity, supplanted by the version of his son-in-law and grandson. Although copyists have tended to obliterate revisions of *Kol Nidre*, a few clues remain in the manuscript—enough to allow for a conjectural reconstruction.

<sup>150</sup> For תרימנא and תרמנא, the *qal* perfect and participle respectively, see n. 88 above.

All of the emendations of the verbs change both their tense (past to future) and their number (plural to singular). The change of number has the effect of minimizing the acoustic salience of the emendations. It appears that the idea was to make the new forms sound as much as possible like the traditional ones, based on (1) the desire to avoid provoking controversy and/or (2) the assumption that the oral reading tradition of *Kol Nidre* had become corrupted through auditory errors (*Hörfehler*). The change of number may have had a halakhic basis as well. It may have been intended to eliminate a legal objection later to be raised by R. Mordecai Jaffe, and/or to make *Kol Nidre* agree with the legal formula cited by Rabbenu Tam from the Talmud (Ned. 23b) as the basis of his father's revision.

These emendations exhibit remarkable mastery of the grammar of Biblical and Talmudic Aramaic. Indeed, beginning in the 16th century, even leading halakhic authorities did not grasp all of the linguistic subtleties of the emendations, and some of them felt compelled to make "improvements." The level of sophistication is so high that it would be almost unimaginable outside of Rashi's family—a family that produced commentaries on the Bible (Rashi, Rashbam, and Rabbenu Tam), commentaries and *tosafot* on the Talmud (Rashi, Rashbam, and Rabbenu Tam), Aramaic poetry (Rabbenu Tam), halakhic responsa (Rashi and Rabbenu Tam), and a treatise on Hebrew grammar (Rashbam).