

Mishnah Berurah Digest

Based on the Sunday morning shiur
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NUMBER 9

הלכות יום הכפורים

ש"ע א"ח סימן תר"ז

At the end of the *Gemara* speaks about the requirement for a person to say *וידוי* before the *סעודה המפסקת*. Accordingly, the *Shulchan Aruch* rules that *וידוי* is said in *מנחה* before the *סעודה המפסקת*. There are two reasons for this:

1. the *Gemara* is concerned that a person could become confused in the process of eating and drinking during the *סעודה המפסקת* ("שכמה שכתוב" - *Rashi*: "מחמת שכרות") (or, drunk - *Rashi*: "מחמת שכרות") and not be in the proper frame of mind afterwards for saying *וידוי*;
2. *Rambam* writes that we are concerned that a person might choke ("שכמה שכתוב" - *Rambam*: "מחמת שכרות") during the *סעודה המפסקת* (ח"ו), and so miss his crucial opportunity for *וידוי* (ז' הל' תשובה ב: ז).

The *Brur* brings both of these reasons, and both sources are cited in the *Shulchan Aruch*, where *Rashi*'s comment on the *Gemara* "מחמת שכרות" (see above) is also noted. The *Brur* adds the view of those *poskim* who rule that one should also say *וידוי* after the meal but before it is dark. He says that it is proper to follow this view, which has resulted in our custom to recite the *תפלה זכה*.

ש"ע א"ח סימן תרי"ט

On the night of *Yom Kippur* it is the *מנהג* that the *שליח צבור* says the words:

בישיבה של מעלה ובשיבה של מטה,
על דעת המקום ועל דעת הקהל,
אנו מתירין להתפלל עם העברנים.

"With the knowledge and acquiescence of the *מקום* and the *קהל*, we permit davening even with people who are transgressors..."

The *Brur* explains that with these words we are calling for a declared agreement to be formed between the *הקב"ה* and the community, that known and proclaimed transgressors be released from their status as such and be permitted to join in prayer with the community. The reason for this is that any public fast that does not include transgressors does not have the status of a valid fast.

Why should this be so? The *Gemara* in *ו' פ' תענית* teaches that *חלבנה* - galbanum - did not have a pleasant odour, but was nonetheless brought as part of the *קטורת*. Note that there were eleven spices in total. If you already had a *מנחה* of spices that were sweet smelling, you could also "put up with *חלבנה*," explained the *Dayan*. Furthermore, not only was it that you could put up with *חלבנה*, *חלבנה* also "comes good itself." Whilst *חלבנה* was

foul-smelling by itself, its unpleasant odour was not distinct, and was even improved, when it combined and mingled with the other spices. In the same way, a person who, because of his behaviour, has otherwise been specifically banned by *גזרת* from communal activities, can actually become acceptable before the *הקב"ה* when included in a *מנחה* on *Yom Kippur*.

"אנו מתירין להתפלל עם העברנים" means, continued *Dayan Abraham*, that everyone has to be included on a day like this. If the *פושעי ישראל* are missing, we are missing. It may be that the *פושעי ישראל* provoke during the year, and it may even be that division is appropriate at times, but *יום כפור* is not a time for pointing fingers and displaying divisiveness; it is a time for unity. This is a time for accepting and joining with those who feel unconnected.

The *Brur* writes that *שם שמים* is exalted and sanctified at the time when the *רושעים* return in *תשובה* and commit themselves to behaving like *צדיקים* (שער הציון). It must follow that it is incumbent upon us, particularly at this time, to provide those people with an opportunity to do *תשובה* and be *שם שמים* in that way.

Now, what is *כל נדרי* all about, anyway, and what does it have to do with *Yom Kippur*? On the surface, it's a *התרת נדרים*, releasing oneself of all *נדרי* made in the past. However, *Rabeinu Tam* asks: surely, we cancel vows by going before a *בית דין*, as is the *מנהג* on *ערב ר"ה* when we perform the standard ceremony of *התרת נדרים*? Furthermore, while the *chazan* is performing this collective releasing of vows for the community, how is he included, himself?

Rabeinu Tam answers that this is not a releasing of past vows but a declaration for the future. It is a disclaimer, as it were, that removes any label of *נדר* or *שבועה* from commitments I may make in the coming year.

There are different *נוסחאות* that reflect the different views on this issue. However, the *Mishnah Berurah* discusses in detail the way the interpretation of the words in *כל נדרי* can be taken to reflect the desired emphasis on the past or future, respectively. He cites the view of the *מ"א* that the word *נדרי* can be interpreted both in terms of the past and the future.

The congregation recites *כל נדרי* quietly along with the *ש"ץ* because this is not a *תפלה* but a legal declaration, and the *chazan*'s pronouncements on the past and conditions on the future can not work also for my *נדרי*.

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