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Hatarat Nedarim – the annulment of vows

The *Torah* attaches extreme gravity to our words. As *Shlomo HaMelech* says: ‘death and life are in the power of the tongue’ (*Mishlei* 18:21). This point is illustrated in the laws relating to *lashon hara*, *rechilus*, *onaat devarim* and *leitzanut*. Another example is making a vow (a *neder*). When making a *neder* the spoken word has the force of *Torah* law.

The *Chachamim* were strongly opposed to making *nedarim*. Therefore there is a custom to say ‘*bli neder*’ (‘without a vow’) before undertaking certain obligations. People who have made *nedarim* are encouraged to have them annulled (*hatarat nedarim*).

The ninth *perek* of *messechet Nedarim* discusses some of the *Halachot* relating to *hatarat nedarim*. The person who made the *neder* appears before a *Torah* scholar or a panel of three laymen. The person must specify the *neder* to at least one member of the panel (*Yoreh Deah* 228:14). The *neder* is not automatically annulled. An ‘opening’ must be found – a consequence of the *neder* that is foreseeable and objectionable. The *neder* can only be annulled if the person can honestly say that had they taken this consequence into account they would not have made the *neder*¹. If the person cannot honestly say this then the annulment is of no effect and the *neder* remains in force.

The *Chachamim* regard it as an extremely serious matter to approach the days of judgment with a violation of a *neder*. Therefore we do *hatarat nedarim* twice during this time:

- on the last day of *Elul*, which is *erev Rosh Hashana*²; and
- the *Kol Nidrei* service on *erev Yom Kippur*.

However these services do not comply with all of the *Halachot* relating to *hatarat nedarim* as described above.

On *Erev Rosh Hashana*, we perform *hatarat nedarim* in front of a panel of three people, (this complies with one requirement of the *Halacha*). However, we do not specify each if the *nedarim*. The declaration that we recite specifically says that it is impossible to specify the *nedarim*

because there are so many. Accordingly, we cannot not find appropriate ‘openings’ to justify annulling each of the *nedarim*. Therefore the *hatarat nedarim* of *Erev Rosh Hashana* is not a *halachic* annulment, but only a means of repentance for the sin of breaking a *neder* (*Artscroll Rosh Hashana Machzor*, p3).

The *erev Rosh Hashana hatarat nedarim* also states that future *nedarim* should be of no force. This prior nullification does not free the person from the obligation to keep their word, it only reduces the severity of the sin. The prior nullification is only effective if the person making the *neder* forgets it while making the vow. If they had the nullification in mind and made the *neder* anyway, the *neder* is binding (*Yoreh Deah* 211:2).

The purpose of *Kol Nidrei* is to annul *nedarim* and *shevuot* that were made and violated during the previous year. According to this view, *Kol Nidrei* is phrased in the past tense, and refers to *nedarim* ‘from the past *Yom Kippur* until this *Yom Kippur*’. As with the *hatarat nedarim* of *Erev Rosh Hashana*, *Kol Nidrei* does not satisfy the *Halachic* requirements because the *nedarim* are not specified and there is no mention of a legitimate ‘opening’ or consequence to justify the annulment of each *neder*. On that basis, *Rabbeinu Tam* strongly objected to *Kol Nidrei* being in past tense. *Rabbeinu Tam* suggested that *Kol Nidrei* should rather be a declaration to nullify in advance any future *nedarim*. Therefore, according to *Rabbeinu Tam*, the *Kol Nidrei* text should be phrased in the future tense – ‘from this *Yom Kippur* until the next *Yom Kippur*’. The authorities are divided as to which version is correct, and some authorities suggest that it is preferable to accommodate both views.

The fact that *Rosh Hashana* and *Yom Kippur* both begin with a form of *hatarat nedarim* reinforces the seriousness of vows and more generally, reminds us to be particularly vigilant with the words that we speak..

Allon Ledder

¹ To formally annul the *neder*, the panel or scholar repeats the formula ‘it is permitted to you’ three times (*Yoreh Deah* 228: 3,7).

² An allusion to this can be found in the pasuk dealing with *nedarim* – *Lo yachel devaro kechol* (He must not break his word

(*Bamidbar* 30:3)); the last letters of each word in this phrase form the word *Elul*.

Revision Questions

נדרים ח' ג' – ט' ט'

- When does a *neder* end if it is made to apply until the summer? (ח' ג')
- Complete the following principle: (ח' ג')
 "כל _____ ואמר עד שיגיע אסור עד שיהא אסור עד שיצא
 כל _____ בין אמר עד שיהא בין אמר עד שיגיע אינו אסור אל עד _____"
- What is the indication
 - that summer has began?
 - that summer has ended?
 - of the beginning of the harvest season? (ח' ד')
 - of the beginning of the rainy season? (ח' ה')
- When is the end of the rainy season? (ח' ה')
- If one made a *neder* till the end of *Adar* without knowing that the year was a leap year, when does the *neder* end? (ח' ה')
- When does a *neder* against eating meat end if it was made until the fast of *Yom Kippur*? (ח' ו')
- Give an example where a person can effectively undo a *neder* affecting them, that was made by someone else. (ח' ו')
- What does *R' Eliezer* argue can be used to undo a *neder* and in what case do the *Chachamim* agree? (ח' ז')
- Can circumstances that occur after a *neder* is made be used as considerations to undo a *neder*? (Provide some examples that were given in the *Mishnah*) (ח' ז')
- Provide an example of a case where *R' Meir* maintains it is like *nolad* but does not share the same law as *nolad*. (ח' ז')
- According to who can *p'sukim* be used as considerations when undoing a *neder*? List some of those *p'sukim*. (ח' ז')
- Which *Tana* used financial obligations in a *ketubah* as basis for undoing a *neder*? (ח' ז')
- What did this same *Tana* change with respect to how particular *nedarim* are undone? (ח' ז')
- Give an example of when we say that since part of the *neder* is undone, we undo the entire *neder* and give an example of when this principle does not apply. (ח' ז')
- In what situation would a singularly phrased *neder* require multiple *petachim*? (ח' ז')
- What is the law regarding a case where a person makes a *neder* against drinking wine because it is bad for the intestines, and then after is told that old wine is indeed good for the intestines? (ח' ז')
- Can personal honour be used as a *petach*? (ח' ז')

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7 th January ז' טבת	8 th January ח' טבת	9 th January ט' טבת	10 th January י' טבת	11 th January יא כסלו	12 th January יב טבת	13 th January יג טבת
Nedarim 9:10-10:1	Nedarim 10:2-3	Nedarim 10:4-5	Nedarim 10:6-7	Nedarim 10:8-11:1	Nedarim 11:2-3	Nedarim 11:4-5

