

Opening: Hamilton and the Le Guen Case - Can a Jew's word be trusted?

- *Gouverneur Morris "Jews are not to be believed upon oath"*
- *Hamilton's rebuttal, "'Has he forgotten, what this race once were, when, under the immediate government of God himself, they were selected as the witnesses of his miracles, and charged with the spirit of prophecy?....*

Were not the witnesses of that pure and holy, happy and Heaven-approved faith?"

Bamidbar 30:3

אִישׁ־כִּי־יָדַר לֵה' אוֹ הִשָּׁבַע שְׁבַע־לְאָסֹר אֶסֶר עַל־נַפְשׁוֹ לֹא יִחַל דְּבָרוֹ כִּכְלִי הֵיטָא מִפִּי יַעֲשֶׂה:

If anyone makes a vow to GOD or takes an oath imposing an obligation on themselves, they shall not break their pledge; they must carry out all that has crossed their lips.

1. Rav Yaakov Hayyim Sofer, Kaf HaHayyim Orah Hayyim 581:12

ומה שנוהגין לעשות התרת נדרים ארבעים יום קודם ראש השנה וארבעים יום קודם יום הכיפורים, הוא על פי מה שכתוב בזוהר פרשת פקודי דף רמ"ט ע"ב, דמי שנתחייב נזיפה או נידוי בבית דין של מעלה ישאר בנידוי ארבעים יום ואינה נשמעת תפילתו, יעו"ש. ועל כן נוהגין לעשות התרה וליזהר מכאן ואילך בכל ענייניו שלא יתחייב חס ושלום נזיפה או נידוי בבית דין של מעלה, ואין נשמעת תפילתו בראש השנה וביום הכיפורים. והגם דבכל זמן צריך ליזהר, מכל מקום בימים אלו הוא יותר קשה. וחסידים בית אל יכב"ץ אשר בעיר קדשנו ירושת"ו נוהגין לעשות התרה בכל ערב שבת בכל השנה, ומנהג יפה הוא.

The custom to perform Hatarat Nedarim forty days before Rosh HaShanah and forty days before Yom Kippur, is according to that which is written in the Zohar in Parashat Pekudei 249b... Therefore, we have the custom to perform *hatara* and to be careful from then on in all matters, so that we will not be guilty, Heaven forbid, rejection or banishment in the Heavenly Beit Din, and that our prayers would not be heard on Rosh HaShanah and Yom Kippur. And even though one must be careful at all times, nevertheless, during these days it is more severe. And the pious of...our holy city Yerushalayim were accustomed to performing *hatara* each and every erev Shabbat throughout the entire year, and this is a good custom.

2. Haham Ovadia Yosef, Hazon Ovadiah, p.43

(Trans.) The later sages wrote that the custom of hatarat nedarim on the eve of Rosh Hashanah is due to the Zohar Therefore, some have the custom to also perform hatarat nedarim 40 days before Rosh Hashanah.

3. Zohar, Parashat Pekudei 249b

וְאֵלֵינוּ אַרְבָּעִים, אֵינָנוּ דִּמְיָמִין וְאֵנְזִיפּוּ וְנִגְדִין, לְכָל אֵינָנוּ דִּאֲפִיקוּ מִפּוּמְיָהוּ מֶלֶךְ דְּלָא אֲצִטְרִיקָא, וְכֵתֵר דָּא אֲפִיקוּ מִפּוּמְיָהוּ מֶלֶךְ קַדִּישָׁא, מֶלֶךְ דְּאוֹרֵייתָא, וְמִטְנָפִי פּוּמְיָהוּ בָּהּ. וְאֵלֵינוּ קִיָּיִמִי, וְנִגְדִין לוֹן, וְקִיָּיִמִי בְּהָאִי נְדוּנָא אַרְבָּעִין יוֹמִין, דְּלָא אֲשִׁתְּמַע צְלוֹתָהוֹן. וְכֵן לְכָל אֵינָנוּ דִּחְאָבוּ אֵינָנוּ חוּבִין, דְּבִעְיָנוּ לְנִפְאָא, עֲשָׂרָה כְּרוּזִין נִפְקִי בְּכָל יוֹמָא, וּמִכְרָזִי בְּכָל אֵינָנוּ רְקִיעִין, וּבְכָל אֵינָנוּ חִילִין וּמִשְׁרָקִין, אֲזִדְּהֵרוּ בְּפִלְגָּא דְּאִיהוּ נְזִיפָא. נְזִיפָא אִיהוּ עַל חוּבָא פְּלוּנִי דְּעֵבֵד, עַד דְּתֵב קָמִי מְאֵרִיָּה, רַחֲמָנָא לִישְׁזָבֵן.

These forty [chiefs] exist to reprimand and banish all those who uttered something they should not have [such as vulgarities] and afterwards pronounce a holy word of Torah [or prayer] and sully their mouths therein [and thus blemish their Torah and prayer]. The chiefs banish them, and they are banished for forty days during which their prayer is not accepted.

So for all sinners who deserve to be reprimanded, ten criers come out every day and proclaim in all the firmaments, to all the armies and the hosts [of angels]: beware of so-and-so [not to allow his soul or prayer pass], for he is reprimanded for such-and-such a sin he committed, until he repents before his Master. May the Merciful One save us.

4. Haham Avraham Ades, Sefer Derekh ER"eS, Minhagei Aram Soba (דרך אר"ץ)

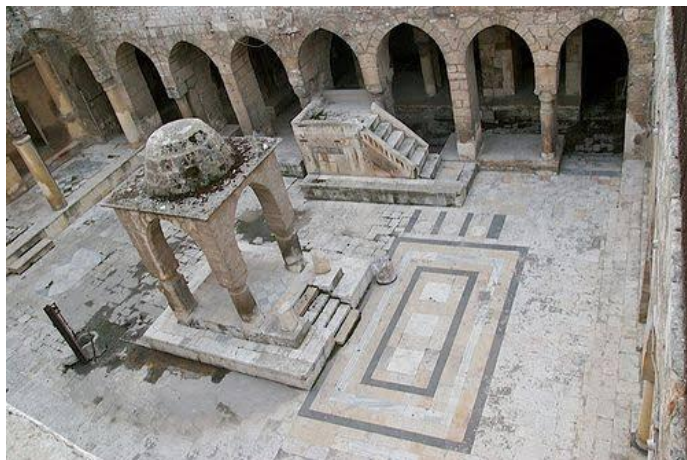
(א) בארצנו אר"צ חלב נהגו לעשות התרת נדרים באלול לכל גדולים וקטנים, אנשים נשים וטף (בית אל [דף ה' דיני הקהל -ערב ר"ח אלול אות ה']. ומדובר בערב ראש חדש אלול בספרו זה לקמן [דף קנ"ד ע"ב באות א']; אך היום בחלב כבר לא עושים התרת נדרים בערב ראש חדש, אלא עושים ביום י"ט אב [ונקרא "התרת אלול"], ובערב ראש השנה, ובערב כיפור; ולאחרונה גם שינו את שעת ההתרה ובמקום לעשות בבקר מקדימים לערב שלפני זה, [בין בי"ט אב ובין בערב ראש השנה, וכיפור], לאחר תפילת ערבית; ולעולם אינם עושים התרה -וכן כתב המחבר -בערב ראש בבקר, ורק מסירת מודעה בלבד [של השל"ה] עושים בבקר השנה, ובערב כיפור [ולא בי"ט אב] אך מסירת מודעה של ביטול נדרים לא אומרים כלל, היות וסומכים על ביטול נדרים של "כל נדרי", זעפרני, וחי' אדמון כהן נ"י). --ר' נסים
(ב)..... והסדר בחלב היום כלהלן: יושבים אחד עשר אנשים בשורה אחת, ואחד מהם קורא לפנייהם את נוסח השאלה של התרת נדרים בשליחות כל בני הקהילה - כולל ילדים; ולגבי הנשים - הולכים שלשה תלמידי חכמים לעזרת נשים ומתירים להם...

"In our country, Aram Soba Halab, we have the practice to do hatarat nedarim in Elul for the entire community - old and young, men, women and children....it used to be held on the eve of Rosh Hodesh Elul, but no longer, it is now held on the 19th of Av [called "hatarat Elul"], on the eve of Rosh HaShanah, and on the eve of Kippur....The practice was never to do hatara, and the Mehaber (Shulhan Arukh) wrote similarly, on the even of Rosh HaShanah in the morning...On the eve of Kippurwe rely on the nullification of of vows of "Kal Nidrei"....

B. The procedure in Halab (Aleppo) is as follows: 11 people are seated in a row, and one of them recites the language of petition for hatarat nedarim on behalf of the entire community - including children. With regards to women, three Torah scholars go to the women's section and release them [from their vows].

5. Haham Yosef Abadi Shayo, Sefer Minhagei ER"eS, 20th C.

On the night of the 20th of Av we perform Hatarat Nedarim, and the entire holy community comes to the Great Synagogue [of Aleppo], and the rabbi delivers words of rebuke to the holy community for about an hour, and after they begin [the text of the petition for nullification] "Shimu na rabotenu" - "Please listen, our masters, etc...", and the rabbis perform hatara, and then the beit din (rabbinic court) stands and request *hatara*....



Great Synagogue of Aleppo

Hatarat Nedarim - Vows Past, present and Future

Translated Text of Hatarat Nedarim for Edot HaMizrach (see [here](#) for full Hebrew text)

(Translation by Rabbi Michael Haber, *Seder Hatarat Nedarim*, Sephardic Press, 2005)

Part 1: Nullification of the past

The congregation recited the request to be released from vows (this does not include monetary vows or debts):

"Please listen our masters, we regret every vow, oath, prohibition, restriction, or ban that is the result of a vow or oath, whether made while awake or in a dream; or that we have sworn in the Holy Names of God that may not be erased...or any form of prohibition...that we have accepted upon ourselves or placed upon others, regardless of the wording of that prohibition...and every obligation, even if it relates to a mitzvah - that we have accepted upon ourselves, whether worded as a vow, or worded as something that we have chosen to do voluntarily...We include also those commitments made through a handshake, whether as a vow, or as something voluntary or as a custom related to a mitzvah that we accustomed ourselves to perform. Also, we include, any utterance of our lips, or any vow that we made, deciding in our hearts to do a certain one of the mitzvot. Also, we include, any good practice or anything that we did three times and did not stipulate that it be *beli neder* (without a vow), whether it be an action we did to ourselves or an action directed toward others, whether the actions are known to us or whether we have forgotten them.

Regarding all of them, we have full regret (ever having made them) and we ask and request from you, the honored ones (the bet-din) that you release us from them. We fear lest we stumble and commit, God forbid, the sin of violating any type of vow....Therefore, we ask for release (hatarah) of all of them...whether relating to money, the body or to the soul....And even though, according to the fundamental law, one who is remorseful and asks for annulment must also specify the vow - please understand, our masters, that it is impossible for us to specify them because they are so many - it should be noted, moreover, that we are certainly not asking for release of those vows which cannot be annulled - therefore, please consider it as if we had indeed specified them."

This is followed by “A declaration of repentance, for sins that are punishable by rejection, excommunication and exile . . .” [congregants should have in mind to sincerely repent for any transgressions that could be deserving of the punishments mentioned.]

Members of the congregation read this together:

“If we transgressed any commandment which is punishable by rejection, or banishment or excommunication or *herem* or exile or curse, whether by God or by the heavenly court . . . whether the punishment would be in this world or in the World to Come, we hereby repent fully, regret and confess all of our transgressions - such as the evil we did, our misdeeds, our disobeying of Your words - and our rebelliousness from the day we were placed upon this earth until today. We hereby pour out our souls, to ask forgiveness, pardon and atonement from God and from people. And we ask that you, the honored ones, (the bet din), release us from all types of vows . . . We also ask you to release us of the punishments of rejection, excommunication, harem, exile or curse in which we have been obligated and in which we have transgressed until this day.”

Part 2: Release

The bet din then responds:

You are released from them (“*mutarim lakhem*”) (3x)

You are freed from them (“*sheru'im lakhem*”) (3x)

You are forgiven of them (“*mehulim lakhem*”) (3x)

There are no vows here, there are no oaths here, there are no self-imposed obligations here. There are no prohibitions here. There are no restrictions here. There are no bans here

There are no curses here. There are no bad things here. There are no dreams with evil interpretations here. There is no evil eye here.

May they be totally annulled and considered as broken potter and as something that has no substance . . . “May your sin be removed and your transgression be atoned for (Isaiah 6:7).”

Part 3: Nullification of future vows?

*As noted in the first source, Derekh ER”eS this nullification or “giving notice” is not said during the earlier hatarat nedarim, rather these communities rely on the text of Kal Nidreh on Yom Kippur.

[Have in mind to negate future vows]

“Behold, we are now giving notice before you that we negate, from this moment on, whatever we will accept upon ourselves - any vows, oaths . . . or obligations in our hearts, whether they were made awake or in a dream . . . And in the future, if we forget this declaration, and we indeed do make vows from today on - we regret them from now and declare them to be fully negated - not sound and established - may they never take effect at all. Regarding all of them, we state that we regret them, from now to eternity.”

1. Nedarim 23b

וְהַרְצָה שְׁלֹא יִתְקַיְּמוּ נְדָרָיו כָּל הַשָּׁנָה, יַעֲמִיד בְּרֹאשׁ הַשָּׁנָה וְיֹאמַר: כָּל נֶדֶר שֶׁאֲנִי עֹתִיד לִידוֹר יִהְיֶה בָטָל, וּבִלְבָד שֶׁיִּהְיֶה זְכוּר בְּשַׁעַת הַנֶּדֶר.

One who wants his future vows to not take effect for the entire year, should stand on Rosh HaShanah and state, “Any vows that I will make in the future should be nullified”- as long as he remembers this [statement] at the time of the vow.

2. Shulhan Arukh Yoreh Deah 211(2)**המתנה שנדריו לא יהיו נדרים. ובו ד' סעיפים:**

האומר נדר שאני רוצה לידור לא יהא נדר, ונדר, אינו נדר. בד"א? שהוציא תחילה בשפתיו לומר שלא יהא נדר אבל אם חשב כך בלבו הוי דברים שבלב ואינם מבטלים הנדר שהוציא בשפתיו וי"א דאפילו אמר כן בלחש הוי דברים שבלב: הגה והא דאמרינן כל נדרי בליל יום כיפורים הוי כאילו התנו בהדיא ומכל מקום לא סמכינן על זה להתיר בלא שאלה לחכם כי אם לצורך גדול (מהרי"ו סימן ב'):

One who states: "The vows I wish to vow shall not be vows", and then vows - this is no vow. This is only the case when one expresses the condition verbally, but if one merely thought of this, it is a matter of the heart, and cannot cancel the vow that was spoken. There are those who say that even if one whispers such a condition, it is like a matter of the heart.

RAMA (R. Moshe Isserless): As for us, when we say Kol Nidrei on the eve of Yom Kippur, it is as if we are making this condition. Nonetheless, we do not rely on this to permit things without asking the rabbis, except for urgent cases.

Closing:

Sedaka, charitable pledges - the best, most encouraged, kind of *neder*?