

Parshiot Mattot-Masei 5782, 2022:

Hatarat Nedarim and Teshuvah

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister, Shulamit bat Menachem, sister-in-law, Ruchama Rivka Sondra bat Yeziel, Chana bat Shmuel, Yehonatan Binyamin ben Mordechai Meir Halevi, Shoshana Elka bat Avraham, Tikvah bat Rivka Perel, Peretz ben Chaim, Chaya Sarah bat Reb Yechezkel Shraga, Shmuel Yosef ben Reuven, Shayndel bat Mordechai Yehudah, the *Kedoshim* of Har Nof, Pittsburgh, and Jersey City, the *refuah shlaimah* of Mordechai HaLevi ben Miriam Tovah, and the health and safety of our brothers and sisters in Israel and around the world.

Parashat Mattot begins with the topic of *hafarat nedarim* (revocation of vows) by a father on behalf of his daughter, and by a husband for his wife. The general outlines of this *mitzvah* were formulated by the Rambam (Maimonides, 1135-1204) in this manner: “The 95th [positive] *mitzvah* that we are commanded is regarding the annulment of vows. This does not mean that we are obligated [per se] to annul vows, but rather that there are certain laws to be followed when so doing [wherein their fulfillment constitutes the *mitzvah*] ...The annulment of vows done by a father [for his daughter] and a husband [for his wife] is explained in detail in the Torah.” (This, and the following quote from the Rambam, *Sefer HaMitzvot*, Positive Commandment 95, translation, Rabbi Berel Bell, with my emendations)

It should be noted that we no longer engage in *hafarat nedarim* in our time, since it is unclear as to exactly which *nedarim* may be revoked by the father or husband. Instead, we actively pursue the *Torah Shel Ba'al Peh* (Oral Law) practice of *hatarat nedarim* (nullification of vows) that may be undertaken by either a recognized Torah scholar or a *beit din*. The Rambam speaks directly to the role of the *talmid chacham* in this Rabbinic act: “Furthermore, we know from the Oral Tradition that a Torah scholar can nullify anyone’s vow or oath.” (See, *Talmid Bavli, Ketuvot 74b*).

Rabbi Herschel Schachter *shlita* aptly summarized the role of the *beit din* in this process:

Nowadays, when one seeks to nullify a *neder*, as is done on *erev Rosh Hashanah*, he stands before a *beis din*, which performs *hataras nedarim* (nullification of vows) based on *pesach* [an opening, that is], his not realizing how problematic observing the *neder* would be, and *charatah*, his regret for ever having undertaken the *neder*. The *beis din* then declares [three times], “It is permitted to you,” and the *neder* is annulled. (Rav Schachter on the Parsha: *Insights and Commentary Based on the Shiurim of Rav Herschel Schachter*, adapted by Dr. Allan Weissman, page 214, brackets my own)

While the practice of *hatarat nedarim*, whether by a *talmid chacham* or a *beit din*, is clearly based upon *pesach* and *charatah*, the mishnah in *Talmud Bavli Chagigah* 10a, boldly declares:

The *halakhot* of the **dissolution of vows**, when one requests from a Sage to dissolve them, **fly in the air and have nothing to support them**, as these *halakhot* are not mentioned explicitly in the Torah. There is only a slight allusion to the dissolution of vows in the Torah, which is taught by the Sages as part of the oral tradition. (Translation and explanation, *The William Davidson Talmud*, Koren Press, Rabbi Adin Steinsaltz *zatzal*, editor)

The notion that the *halakhot* of *hatarat nedarim* “fly in the air and have nothing to support them,” since they have no direct textual support, is strong proof of the power invested in *Chazal* by the *Torah Shel Ba'al Peh* to legislate laws that respond to the practical needs of our people. As such, as Rav Schachter notes, the entire community joins as one during *Kol Nidre* and performs a public rendition of the dissolution of vows:

We have an old custom to recite *Kol Nidre* on the night of Yom Kippur, which is really a public *hataras nedarim*, annulling the *nedarim* we had taken during the course of the year since the last Yom Kippur... The standard explanation of this custom is based on the following comparison of the *Zohar*. Just as in the case of *hataras nedarim*, the *beis din* serves to uproot the *neder* retroactively, making it into something that was never binding at all, so too, with powerful *teshuvah*, the *aveiros* [sins] will be uprooted from their source, as if they never occurred. (Rav Schachter on the Parsha, page 218, brackets my own)

This Shabbat is eight days before Tisha b'Av. With Hashem's help, as we mourn the destruction of the *Beit HaMikdash* on this upcoming day, may we engage in heartfelt *teshuvah* and may our *aveiros* “be uprooted from their source, as if they never occurred.” This thought is echoed in the words of *Megillat Eichah*: “*Hashiveinu Hashem alecha v'nashuvah, chadash yameinu k'kedem*—Cause us to return unto You Hashem and we will return, renew our days as of old.” (5:21) *V'chane yihi ratzon*.

Shabbat Shalom

Past *drashot* may be found at my blog-website: <http://reparashathashavuah.org>.

Please contact me at rdb718@gmail.com to be added to my weekly email list.

*** My audio *shiurim* on the topics of *Tefilah*, *Tanach* may be found at:
<http://tinyurl.com/8hsdpvd>

*** I have posted 164 of Rabbi Soloveitchik's English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link: [The Rav](#)