

**Wembley Synagogue**

נאָריס

**Insights from the commentators into the Sidra of Nitzavim 5768**

What's the Sidra about?

**First Aliyah:** On the final day of his earthly life, Moses gathered all the Israelites -- men, women, and children -- to enter them into a covenant with G-d. **Second Aliyah:** This covenant established the Israelites as G-d's exclusive nation. The covenant, Moses explained, was not limited to those who were physically present on that day, rather it included all future generations of Jews, as well. **Third Aliyah:** Moses warned the Israelites not to be tempted by the idolatrous lifestyles of the Egyptians and the other sundry nations through which they had passed in the course of their travels. Moses warned of the dire consequences which will befall the individual, family, or tribe, which would forsake their covenant with G-d. This section concludes with the concept of communal responsibility for not appropriately punishing individual sinners. **Fourth Aliyah:** Moses informed the Israelites what will occur after they are exiled from their land due to their sins. Eventually they will wholeheartedly return to G-d, and G-d will gather them from the furthest reaches of the heavens and return them to the land of their forefathers. At that point, Moses says, "G-d will 'circumcise' your heart and the heart of your offspring, so that you may love the L-rd your G-d with all your heart and with all your soul." **Fifth Aliyah:** When G-d gathers His people's exiles, the curses which accompanied them throughout their sojourn in foreign lands will be placed upon their enemies who persecuted them. The Israelites will once again serve G-d, and will be blessed with abundance in the work of their hands, the fruit of their wombs, the fruit of their land, and the fruit of their livestock. **Sixth Aliyah:** Moses enjoins the people to follow the mitzvot, informing them that "it is not beyond you nor is it remote from you. It is not in heaven... It is not across the sea... Rather, it is very close to you, in your mouth, in your heart, that you may do it." **Seventh Aliyah:** Moses tells the Jewish people that they have been given free choice to choose between good and evil, life and death. Their choice will determine whether they are the beneficiaries of G-d's blessings or curses. Moses implores the Israelites to choose life.

**SELICHOS and EREV ROSH HASHANAH  
Common Questions and Answers**

**The Weekly Halacha Discussion- A review of practical halachic topics related to the weekly Sidra  
By Rabbi Doniel Neustadt.**

**QUESTION:** May the Selichos prayer be recited at night before going to sleep or must it be recited only upon awakening in the morning? **ANSWER:** Ideally, Selichos should be said at the end of the night, since that is an eis ratzon, a "time of appeasement<sup>1</sup>." But it is permitted to recite Selichos anytime from midnight on. Before midnight it is prohibited to recite Selichos<sup>(2)</sup>. Under extenuating circumstances -if one cannot recite Selichos at any other time - Selichos may be recited once a third of the night has passed<sup>(3)</sup>. But this leniency should not be relied upon on a regular basis.

**QUESTION:** Must Birchos ha-shachar be recited before Selichos? **ANSWER:** Birchos ha-Torah should be recited before Selichos<sup>(4)</sup>. The other blessings need not be recited before Selichos, but may be recited then even though it is before alos ha-shachar<sup>(5)</sup>. [If Al netilas yadayim is recited before Selichos as recommended by some poskim<sup>(6)</sup> one should be sure not to repeat it after Selichos from force of habit.]

**QUESTION:** Are women obligated to recite Selichos? **ANSWER:** Since the recitation of Selichos ??even for men ??is not an obligation but an ancient custom which has been practiced for many centuries, we are not obligated to do more than what custom dictates. Customarily, women did not go to shul to recite Selichos. If they wish to do so, however, women may go to shul to recite Selichos, or they may recite Selichos at home. But the following rules apply when reciting Selichos without a minyan [for both men and women]: 1) When reciting E-l melech, some poskim hold that the words Zechor lanu ha-yom bris shelosh esrei are omitted (7). 2) The 13 midos are omitted (8). 3) Machei u'masei (recited towards the end of the Selichos) and any other segment which is in Aramaic is omitted<sup>(9)</sup>.

**QUESTION:** Must a person who fasted [half a day] on erev Rosh Hashanah in the past, continue to do so every year<sup>(10)</sup>? **ANSWER:** The Shulchan Aruch<sup>(11)</sup> writes that it has become customary<sup>(12)</sup> to fast on erev Rosh Hashanah<sup>(13)</sup>. Many people, especially during their younger years, adopt this custom but find it

difficult to maintain as they get older. The process for giving up fasting on erev Rosh Hashanah depends on how the custom was adopted originally. There are three possible cases: If the custom was accepted initially as a lifelong commitment, one must annul his vow. If the custom was accepted initially on a year-by-year basis, no *hataras nedarim* (annulment of vows) is required. If the custom was accepted initially without specifying the length of the commitment, then one follows the general principle that any proper custom which was accepted without a *b'li neder* stipulation, automatically becomes a *neder* and may not be dropped without *hataras nedarim*. [Note that this halachic problem is not unique to the custom of fasting on erev Rosh Hashanah. Any proper custom, once accepted and followed, may not be dropped without undergoing *hataras nedarim*. People who adopt even "simple" customs which they are not really obligated to practice, like reciting Tehilim daily or studying the *daf yomi*(14), without making the *b'li neder* stipulation, require *hataras nedarim* should they decide to discontinue their practice. An exception to this rule is when one undertakes a practice which he thinks is obligatory, but later finds out that it is not. In that case, he may drop his practice without *hataras nedarim*(15). For instance, a person who ate *chalav Yisrael* butter only because he thought it was absolutely required, but later found out that this is not the case, may discontinue his practice without being *matir neder*.] A possible solution to the problem of discontinuing a custom may be found in the concluding declaration that is recited after the *hataras nedarim* ceremony that takes place every year on erev Rosh Hashanah. The declaration states that "I cancel from this time onward all vows and oaths that I will accept upon myself... and that all of them are totally null and void, without effect and without validity." Harav S.Z. Auerbach rules that this declaration can also cover any proper custom that was undertaken without a *b'li neder*(16).

**QUESTION:** Can anyone be a member of the court for the purpose of annulment of vows (*hataras nedarim*)? **ANSWER:** Any male adult(17) can be a member of the court, even if he is related to the other members or to the petitioner(18). Three judges suffice for *hataras nedarim*. Some *poskim* prefer ten judges(19) and some insist on eleven(20), but it has become customary to have only three.

**QUESTION:** Must women officially annul their vows on erev Rosh Hashanah? **ANSWER:** *Hataras nedarim* on erev Rosh Hashanah(21), even for men, is a custom, not an obligation. It was never customary for women to annul their vows on erev Rosh Hashanah, and there is no compelling reason to begin such a custom now. Many men are accustomed to include their wife's vows at the time that they annul their own(22). *L'chatchilah*, a wife should appoint her husband to be her emissary for annulling her vows. If, however, she forgot to do so, her husband may annul her vows for her without being expressly appointed as her emissary, as long as he is absolutely certain sure that she wants him to annul her vows for her(23). A woman who has a specific vow that she must annul should do so in front of a court of three judges. Although her father and brother [or any other relative] may be members of that court, her husband may not(24). A daughter cannot appoint her father [or anyone else] to petition the court on her behalf (25). For the annulment to be valid, the petitioner and the members of the court must understand exactly what is being said. A woman [or a man] who does not understand the published Hebrew text, should annul her vows in English(26). Minors, even a boy over the age of 12 and a girl over 11, need not perform *hataras nedarim*(27).

#### FOOTNOTES:

1 O.C. 581:1 and Mishnah Berurah. 2 Mishnah Berurah 565:12. One who finds himself in a shul where Selichos are being recited before midnight should not recite the Thirteen Attributes along with the congregation; Sha'arei Teshuvah 581:1 quoting Birkei Yosef. 3 Igros Moshe O.C. 2:105. See Yechaveh Da'as 1:46, who advises reciting Selichos before Minchah as the better alternative. 4 Mishnah Berurah 46:27. 5 Rama O.C. 47:13. See Mishnah Berurah 31 who writes that *asher nassan la-sechvi binah* should *l'chatchilah* not be recited before *alos ha-shachar*. 6 Sha'arei Teshuvah 6:5; Aruch Shulchan 4:5; 6:10. Chayei Adam 7:6 and Mishnah Berurah 4:4 and 6:9, however, recommend that it be recited right before davening, after using the bathroom. 7 Be'er Heitev 565:6; Mateh Efrayim 581:21; Kitzur Shulchan Aruch 128:9. 8 O.C. 565:5. It is permitted, however, to read them as if reading from the Torah, with the proper cantillation marks. See also Igros Moshe Y.D. 3:21 who allows them to be chanted to any melody, as long as it is different from the melody used in davening. 9 Based on O.C. 101:4, quoted by Mateh Efrayim 581:21. Even when reciting Selichos with a minyan, the Aramaic segments should not be recited unless there are ten men present in the shul and at least six of them reciting this segment; Harav S. Y. Elyashiv (quoted in Nitei Gavriel, pg. 27). 10 If one is not feeling well, he is exempt from fasting on erev Rosh Ha-shanah. It is proper to mention this problem to the members of the court who are going to annul his vows on erev Rosh Hashanah after Shacharis. 11 O.C. 581:2. 12 Although Mishnah Berurah 16 writes that women also fast, this is not widespread today. 13 In most communities the fast is only for half a day, or until after Minchah Gedolah. 14 See Teshuvos Ohr ha-Meir 75 (Harav M. Shapiro), who remains undecided as to whether one may switch his study schedule from the study of *daf yomi*. See also Yechaveh Da'as 6:52, who rules that one who switches from studying the *daf yomi* to studying practical halachah does not need any *hataras nedarim*, since he is raising his level of learning. 15 Y.D. 214:1. See Igros Moshe Y.D. 1:47. 16 Minchas Shelomo 91 based on Teshuvos Salmas Chayim 2:38. See

also Yabia Omer 2:30 and 4:11-9 who relies on this as well. [Although women do not customarily petition for hataras nedarim on erev Rosh Hashanah, as discussed later, it would be advisable for any woman to recite this declaration, even to herself, thus preventing questionable situations in the future.] 17 An adult is defined as being over thirteen if he has visible beard growth, and at least over eighteen if no beard growth is noticeable; see Magen Avraham, Shulchan Aruch Harav and Pri Megadim 39:1, and Chayei Adam 14:1. See also Beur Halachah 39:1, who is even more stringent. See also Shevet ha-Levi 4:54-4. 18 Y.D. 228:3. 19 Since vows which were undertaken during a dream can be annulled only by ten judges; see Mateh Efrayim and Elef ha-Magen 581:49. 20 Since a court should not be made up of an even number of judges; see Mishnas Ya'avetz O.C. 53. 21 If not done on erev Rosh Hashanah, it may be done anytime during the week, even at night (Y.D. 228:3), until Yom Kippur; see Mateh Efrayim 581:49. 22 This is the custom in Israel and other places. Harav S. Vosner is quoted (mi-Beis Levi, Tishrei, pg. 18) as dismissing this custom. 23 See Hebrew Notes, pg. 576-581, for an explanation of this halachah. 24 Y.D. 234:57. 25 Y.D. 228:16. 26 Chayei Adam 138:8; Kitzur Shulchan Aruch 128:16. 27 She'arim Metzuyanim b'Halachah 128:24. See Shevet ha-Levi 5:129-3. See Hebrew Notes, pg. 580.

שבת שלום!  
Shabbat Shalom



**Shabbat starts 6.35pm**



**Shabbat ends: 7.34pm**

The *Insights into the Sedra* sheet is edited by Chazan Anthony Wolfson

Online at: [http://www.wembleysynagogue.org/html/sedra\\_notes.html](http://www.wembleysynagogue.org/html/sedra_notes.html)