

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמד
"תוקף חיים"
לעשות רצונך
בלבב שלם



שע"י "חדד הזרה" שבנות מנחת יצחק פעה"ק ירושלם טובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Krias Hatorah

Selichos, Hataras Nedarim

Nitzavim-Vayeilech 5780

193

Selichos in Various Minyanim

- Currently in Eretz Yisroel, the spread of the virus still has not subsided, and we are approaching the days of selichos. In light of this, we saw a need to write about several halachos regarding saying selichos, particularly in the current situation in which many people will be davening in different minyanim and courtyards instead of their regular places. We will also address the topic of people saying selichos alone in their homes for quarantine purposes, as well as halachos that apply to every person in every place.

Different Nusach of Selichos

- There are multiple versions of the order of selichos said by Ashkenazim today, the main ones being those of Poland, Lita [Lithuania], and Ungarin [Hungary]. The key difference between the versions is that various paragraphs of selichos and pizmonim are said on different days. Strictly speaking, neither the nusach nor the order of the selichos is crucial; the main thing is to say selichos and focus on asking for forgiveness. [Sephardim say the same selichos every day starting from Rosh Chodesh Elul.]
- Local nusach.** Therefore, if a person says Nusach Lita, for example, one day, and the next day he finds himself in a minyan that says Nusach Poland, he should say the selichos the minyan is saying. Even if that will mean he will say selichos that he already said, "one should not separate from the tzibbur." He does not need to make up the selichos that he missed according to his nusach.
- However, if one does not have a volume of selichos in the nusach of the tzibbur, he can say the version of the selichos and pizmonim according to the volume of selichos he has in his hand, as long as he always says The 13 Middos – which are the main part of selichos – with the tzibbur.
- Similarly, if someone accidentally said the next day's selichos, he should repeat them the next day with the tzibbur and does not need to make up the ones he missed.
- Individual.** If someone who says selichos alone in his home every day mistakenly says the next day's selichos, he should say the selichos he skipped on the following day to make up what he missed. This is because the order isn't crucial and there is no issue of "separating from a tzibbur" when one is in his home.
- Courtyard minyanim.** Due to the current situation, there are minyanim in courtyards that do not have a set nusach for tefillah. In some of these, each tefillah is said in the nusach of that tefillah's shliach tzibbur. However, it is not recommended to do this for selichos since that will lead to repeating or skipping several selichos. Thus, it is advisable for each minyan to determine in advance which nusach it will use for selichos the whole time. The nusach that is chosen can be the one used by the majority of the regulars in that minyan.
- The pizmon "Hashem, Hashem."** Some communities only say the pizmon "Hashem, Hashem" that is said on the day before Erev Yom Kippur if it falls on a Monday or Thursday. In this matter as well, one should not deviate from the nusach of the tzibbur he is in. One should always say the selichos of the beis medrash he is davening in even if he will end up saying this pizmon twice.

Saying Selichos Alone

Saying The 13 Middos Alone

- Someone davening alone may say selichos by himself (ביב) "ה' ה' וכו'". (סי תקס"ה סק"ג), but he may not say The 13 Middos; they are devarim shebikdushah that are only said in a minyan (סי תקס"ה ס"ה). Thus, he should only say until "ויעבור ה' וכו'". If an individual wants to say

The 13 Middos, he can read them as if he is leaning the Torah, i.e., with the tune of their trop (ש"ע שם ומ"ב שם סק"ב). Even if he does not know the exact trop, he can still read them with the tune of whatever trop he wants as long as it appears like he is leaning from the Torah. He can also read them with the tune he uses to read any other pesukim or to learn Gemara (שי"ת אג"מ י"ד ח"ג סוף סכ"א).

- Some quote the Arizal as saying that an individual should not say them at all, not even with the tune of their trop (כף החיים סי' קל"א סק"ג).
- Woman.** A woman saying selichos by herself who is not familiar with trop should skip the paragraph of The 13 Middos (הגריש"א, הליכות) (והנהגות תשרי עמ"ל 2).
- Some poskim say that a person davening alone should not mention concept of The 13 Middos within the selichos even without saying "ה' ה' וכו'". e.g., "וכור לנו היום בריית שלם" (ט"ז) תקס"ה סק"ה, מטי"א סכ"א, משמעות מ"ב תקפ"א סק"ד) "עשרה" (ליקוטי מהרי"ח) "ברית שלם עשרה". However, most poskim hold that an individual may say these sections of selichos; he should just avoid saying the actual 13 Middos – "ה' ה' וכו'". (בי"ח, א"ר סק"ז, מ"ב תקס"ה סק"ב) "ה' ה' וכו'".
- The pizmon "ה' ה'."** On the fifth day of the Aseres Yemei Teshuvah, the second Monday of "Behav," and in Ne'ilah, we say the pizmon "ה' ה'" in selichos. With regard to an individual, is this like saying "ה' ה'" without a minyan (above, 9) or like mentioning the "ברית שלם עשרה" within the text of the pizmon (above, 12)? Practically speaking, since all 13 Middos are mentioned together, it is like saying the actual 13 Middos, so an individual should not say it unless he uses the tune of the pesukim's trop instead of the traditional tune of the pizmon.

Saying "ה' ה'" with a Tzibbur

- Mid-paragraph.** If someone in a tzibbur is davening unhurriedly and was unable to finish an entire paragraph of selichos before the shliach tzibbur reached The 13 Middos, he should pause wherever he is to say The 13 Middos with the tzibbur (הגרש"ז א"ר שלמי מועד סי' כ"ד). Afterward, he can go back to where he was, or if he wants, he can continue from the spot the tzibbur is up to.
- Started with the tzibbur.** If one started saying The 13 Middos and is still saying them when the tzibbur finishes, he may finish saying them by himself since he started with the tzibbur (כפה"ח סי' קל"א סק"ד). If the tzibbur finished before he started, he should say them with their trop.
- Not davening with the tzibbur.** If someone already davened and hears another tzibbur saying The 13 Middos, strictly speaking he does not need to say them with the tzibbur. However, unless one is engaged in public Torah learning, the widespread minhag is to stop learning and say them (ש"ת אג"מ או"ח ח"ג סי' פ"ט).
- Ill person over the phone.** If someone is ill and cannot go to shul but wants to join the minyan by hearing selichos over the phone, strictly speaking he may say The 13 Middos with the minyan since they are a more minor form of devarim shebikdushah. If he can say them with their trop, that is best (see above, 9). However, an ill woman who is not familiar with the trop can rely on the basic halachah and say them when listening over the phone (תשובות והנהגות ח"ז סי' ט"ו).

Saying "מחי ומסי" Alone

- Tefillos in Aramaic, e.g., "מחי ומסי וכו'" and "מרן דבשמא וכו'", should only be said in a minyan of ten men. An individual should not say them at all (מ"ב סי' תקפ"א סק"ד, ש"ע סי' ק"א ס"ד).
- If someone said selichos with a minyan but only reached "מחי ומסי וכו'" after the shliach tzibbur finished all of selichos, he can say it as long as there are still people finishing up selichos. If everyone already finished all of selichos, he is viewed as an individual and thus should not say it (הגר"ח קנייבסקי אשי ישראל פמ"ה הע"ב נ"ח, הגרש"ז א"ר הליכות שלמה ר"ה פ"א ס"ד).

Nefilas Apayim in a Place without a Sefer Torah

20. We only put the head down for Tachanun in a place with an aron and sefer Torah. If there is no sefer Torah, the paragraph "רחום וחונן וכו'" is still said, just without putting the head down (רמ"א סי' קל"א ס"ב). Thus, a person saying selichos alone at home without a sefer Torah should not put his head down at the end of selichos. He should just say "רחום וחונן וכו'" without resting his head.
21. If someone has a sefer Torah in his house, he can put his head down for Tachanun there as usual even without a minyan (מ"ב שם סק"א).
22. **Sefer Torah or aron kodesh?** Even if there is just a sefer Torah but no aron kodesh, one can put his head down for Tachanun (מ"ב שם סק"א). Similarly, if there is an aron kodesh that normally contains a sefer Torah, but the sefer is kept in a safer place and only restored to the aron kodesh on leining days, one can put his head down for Tachanun even if the aron is currently empty (אשי ישראל פכ"ה הע"ל ל"ו).
23. **Minhag Yerushalayim.** The minhag in Yerushalayim is to always put the head down for Tachanun, even in a place without a sefer Torah (מנהגי אר"י זק"ש דיני תחנון, לוח א"י דיני צום גדליה). The reason for this is that Yerushalayim is a holy place that is especially suited for tefillah, so Tachanun can be said with the head down even without a sefer Torah (שו"ת אג"מ יו"ד ח"ג סי' קכ"ט אות ב). Therefore, people in Yerushalayim who are still davening in courtyards without sifrei Torah, as well as people who will be saying selichos alone, should still put their heads down for Tachanun.

Saying Avinu Malkeinu Alone

24. An individual may also say Avinu Malkeinu (סי' תקפ"ד ס"ד). Thus, even those davening at home can say Avinu Malkeinu during the Aseres Yemei Teshuvah.

Hataras Nedarim

25. Being that sins involving oaths and vows are very serious, a minhag was established in the times of the Geonim to make a general hataras nedarim at the onset of Yom Kippur as part of the teshuvah process of Yom Kippur. This is what we call "Kol Nidrei." At a later point, our predecessors instituted a minhag to also do a general hataras nedarim before Rosh Hashanah so that we enter the Yom Hadin without sins involving oaths and vows weighing down on us (שלי"ה ריש מס' יומא, מטה אפרים סי' תקפ"א סמ"ט). An allusion to this can be found in the posuk, "לא יחל דברו ככל" – the final letters spell "אלול," signifying that hataras nedarim should be done at the end of Elul (שפתי כהן עה"ת סוף מכות, שערי תשובה שם).
26. Based on this, many people have the minhag to do hataras nedarim after davening on Erev Rosh Hashanah (שע"ת תקפ"א ססק"ז בשם השלי"ה).

Text of Hataras Nedarim

27. **Anulling nedarim that one already made.** The text of hataras nedarim of Erev Rosh Hashanah is made up of two parts. The first is a general annulment of nedarim or shevuos that one already made but does not remember specifically. This annulment works for nedarim that are able to be annulled according to the halachah in Shulchan Aruch (יו"ד סי' רכ"ח). This needs to be done by three dayanim. There must be at least one who is an expert in the halachos of nedarim in the company of two others; or three who understand the halachic concept of hataras nedarim, an opening ["pesach"], and regret, and do not think it is merely a plea to Hashem (שו"ת רכ"ה ס"א).
28. **Potential future nedarim.** The second part is called "mesiras moda'ah" [lit. giving a declaration]. This nullifies in advance nedarim one has not yet made, and it works for nedarim one may make without remembering that he did mesiras moda'ah at the time of the neder. Strictly speaking, one may say mesiras moda'ah by himself, but some say that it must be said in public (שו"ת יו"ד ר"א סק"ב). Therefore, the minhag is that lechatchilah one should make sure to say it to the three people he is doing hataras nedarim in front of.

When to Do Hataras Nedarim

29. **Erev Rosh Hashanah.** The widespread minhag is to do hataras nedarim on Erev Rosh Hashanah.

Beis Din Session for Hataras Nedarim by Phone

We are pleased to announce that bez"H, a special beis din will be set up in the "Cheder Hora'ah" to do the abridged version of hataras nedarim [included] by phone for those in quarantine

Thursday, 28 Elul 5780 / 17th Sep

From 5:00-8:00 PM

052 761 9332 / 052 761 4302

30. **Aseres Yemei Teshuvah.** If one did not end up doing hataras nedarim on Erev Rosh Hashanah, he can do it during the Aseres Yemei Teshuvah (קיצור שלי"ה עניני התרת נדרים).
31. **A few days before Rosh Hashanah.** Some say that hataras nedarim can be done a day or two before Rosh Hashanah (קונ"א) יפה ללב ח"ב, (תקפ"א אות י"ג, שו"ת רבבות אפרים ח"ד סי' קמ"ז אות ב' (כף החיים)). Others mention an option to do it even 40 days before Rosh Hashanah.

Different Methods

32. **With relatives.** One may do hataras nedarim with relatives who are unfit to be witnesses, whether they are related to each other or to the one doing hataras nedarim (שו"ת יו"ד סי' רכ"ה ס"ג), as long as the neder does not pertain to them. It is best to use three men who are able to grow a beard (שו"ת רע"א סי' ע"ג, שו"ת שבט הלוי ח"ד סי' צ"ד), or at least 13-year-olds for the general hataras nedarim of Erev Rosh Hashanah (תשובות והנהגות ח"ב סי' תמ"ב).
33. **Through a shliach.** If one made a neder personally, he cannot send a shliach to annul it. He must appear before the ones who will annul it (שו"ת יו"ד סי' רכ"ה ס"ז). An exception to this is a husband; he can be his wife's shliach to annul her neder (שו"ת יו"ד סי' רל"ד ס"ז).
34. **Over the phone.** When doing hataras nedarim, lechatchilah one should stand (שו"ת רדב"ז ח"ה מכתב"י סי' קנ"ו) in front of three men who are sitting. If one is unable to appear before three people and has no other choice, he can do hataras nedarim over the phone to three men sitting together who can all hear him (מור"ר בשו"ת) (שבט הקהתי ח"ד סי' רל"ט). Hataras nedarim should not be done on a conference call with the requester and three men each in a different place since at a minimum, the three men must be sitting together.
35. **At night.** Although court cases are not judged at night, hataras nedarim is not considered a court case and thus may be done at night (שו"ת סי' רכ"ה ס"ג).
36. **Abridged text.** If one is pressured for time and cannot say the entire text of hataras nedarim printed in the siddur, he can say an all-inclusive, abridged version that works for nedarim he has already made. Below we will cite the abridged text established and approved by the gedolei hador. If he also wants to annul future nedarim in advance, he should also say the "mesiras moda'ah" text that is printed in the siddur, which we have also cited below (ס' שערי הימים הנוראים פ"ג עמ' ע"ג).

Hataras Nedarim for People in Quarantine

37. Based on the current situation and the way things seem, there will be many people in quarantine on Erev Rosh Hashanah. The question arises: how can they do hataras nedarim this year? There are several methods based on what we wrote above, as follows:
38. **Relatives.** If there are three gedolim in one's house – even if they are related, e.g., brothers or a father – they can come together to do hataras nedarim (above, 32).
39. **Aseres Yemei Teshuvah.** If one cannot do hataras nedarim on Erev Rosh Hashanah, he can postpone it to the Aseres Yemei Teshuvah, until Yom Kippur (above, 30). Technically, one can also rely on saying "Kol Nidrei."
40. **Before Rosh Hashanah.** Although we usually wait until Erev Rosh Hashanah to do hataras nedarim, if one has the opportunity to do it a few days earlier and he is afraid he will not be able to do it on Erev Rosh Hashanah, he can do it then. He does not need to do hataras nedarim in order to deviate from his minhag to do it on Erev Rosh Hashanah since the main idea of the minhag is to do it before Rosh Hashanah (above, 31).
41. **Over the phone.** One can also do it over the phone if he knows that there are three men sitting together for the purpose of doing hataras nedarim, as mentioned above. When doing it over the phone, one does not need to say the full-length text; it is enough to say the abridged text (above, 36) cited below.

Abridged Text of Hataras Nedarim

"מתחרט אני על כל הנדרים ושבועות, וכן כל מנהג טוב שנהגתי ולא אמרתי שיהא בלי נדר, ואם הייתי יודע שאתחרט לא הייתי נודר או נשבע, ומנהג טוב הייתי מתנהג שיהא בלי נדר, ומבקש שתתיר לי את כולם"

Dayanim

"הרי אני מוסר מודעה לפניכם ואני מבטל מאכן ולהבא כל הנדרים וכל שבועות וקבלה בלב שאקבל עלי בעצמי, חוץ מנדרי תענית בשעת מנחה, ובאם שאשכח לתנאי מודעה הזאת ואדור מהיום עוד, מעתה אני מתחרט עליהם ומתנהג עליהם שיהיו כולן בטלין ומבוטלין ולא יהיו חלים כלל וכולל"

Mesiras moda'ah