Hatarat Nedarim via Zoom?

On Erev Rosh Hashanah, the custom is to annul one’s vows (hatarat nedarim). If people are in quarantine or at-risk, can they do this via Zoom or over the phone?

The Gemara (Nedarim 8b) says a husband can be a shaliach for his wife to annul her vows in front of a Beit Din (in certain conditions).

The Ran writes that in the Tosafot’s opinion, one can appoint an outside shaliach for hatarat nedarim. The chiddush of the Gemara is that even a husband can be a shaliach for his wife, despite the fact he might not present accurate testimony because her vows may have an effect on him too. Hence a stranger can be a shaliach because he has no personal interest in annulling the vow.

The Ran adds that the person who made the vow does not have to be physically in front of the Beit Din. He can send a letter expressing regret for his vow. According to this opinion, it is certainly permitted to annul vows over the phone or via Zoom, because the Beit Din can see or talk directly to the person.

The Rashba even says a letter is preferable to sending a shaliach.1

However, the Rambam (Laws of Vows 6:4) rules that another person cannot be a shaliach for hatarat nedarim, but only a husband for his wife, and the Rivash writes (ibid.) that sending a letter has no benefit and hatarat nedarim is only possible in the physical presence of the person making the vow.

Similarly, the Shulchan Aruch (Yoreh Deah 228:16) rules like the Rambam that the person who made the vow needs to come to the Beit Din, and that a shaliach is not effective. The Taz (se’if katan 20) adds that even annulment by letter is worthless.

In light of the above, it appears we cannot allow hatarat nedarim by Zoom or phone, because the person seeking the annulment is not physically present. Nevertheless, why does that proscribe the use of a shaliach?

There are two ways of understanding this:

A vow could be considered equivalent to a din, a judgement, and just as one needs to judge a person physically in front of a Beit Din, so it should be to annul a vow. However, is a physical presence in the court a written edict or is it just a way to ensure the truth is told, in which case that can be done on Zoom too.2

Using a shaliach may mean it’s impossible to fully clarify the details and why exactly the person wants to annul his vow. According to this opinion, it is certainly permitted to annul vows over the phone or via Zoom, because the Beit Din can see or talk directly to the person.

Practically speaking, ideally, one should annul vows by appearing physically in front of a Beit Din, but in cases like quarantine or hospitalization – or even concern about leaving the house due to corona – one can annul vows via Zoom for the following reasons:

The Pitchei Teshuva writes that many authorities disagree with the Rambam and the Shulchan Aruch and allow annulment through a shaliach in certain cases.

It could be that the Shulchan Aruch permits hatarat nedarim in writing (even though he forbids the use of a shaliach), since he doesn’t explicitly state it is forbidden. If so, phone or Zoom can be allowed.

The Rambam may have only forbade the use of a shaliach because of accuracy, but if the Beit Din is able to speak directly to the person, he may allow it.3

It is possible that Zoom – which allows both sides to see and hear one another – is considered equivalent to a physical presence in court (in contrast to tefilla and berachot, when it is not considered as being present).

All this is true for private hatarat nedarim throughout the year, so all the more so on Erev Rosh Hashanah, which is a minhag lechumra, one can rely on these opinions and use Zoom or phone (with of course three people – the Beit Din – on the other end).4

1 Brought in the responsa of the Rivash, siman 370.
2 There is room to be lenient when dealing with testimony of clarification rather than testimony of what or whether something happened or not. See Techumin 34, p. 292.
3 Shevet HaKehati (4:239) writes that for this reason one can be lenient lechatchila and annul vows over the phone.
4 Whether the three judges need to be in one place is another question.

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The Deep Significance of the Shofar

The shofar has a number of uses in Tanach, the most basic of which is as a musical instrument, expressing joy. For example, when bringing the Aron up to Jerusalem, David and the people blow the shofar as part of the great celebration (Shmuel Bet 6:15). Similarly, in Tehilim 150:3: “Praise Him with the blast of the shofar, praise Him with lyre and harp.”

The blowing of the shofar at the beginning of the Jubilee year can also be interpreted as a sound of joy, but its purpose could simply be to proclaim the start of the momentous year. Shofar as announcement appears numerous times, particularly in connection to war, for example, when Gidon calls upon the local residents to gather for war (Shoftim 7:8), or when Shaul blows the shofar after Yonatan kills the Philistine commissioner as a sign for the war to begin (Shmuel Aleph 13:3), and many others.

It appears the function of the shofar was to declare war, to warn, and to cause the people to gather in preparation for war. Indeed, the shofar became so identified with war that it is sometimes mentioned as a synonym for war or the fear that accompanies it: “Is the shofar ever sounded in a city and people do not fear?” (Amos 3:6).

In addition to joy and announcing war, blowing the shofar is also used to mark the coronation of kings (see Melachim Aleph 1 as an example).

At Har Sinai, G-d’s Revelation is preceded by the blowing of the shofar, and we can deduce that the sound of the shofar here is expressing G-d’s kingship (Shemot 19:16).

At the time of the conquest of Jericho, the shofar combines both aspects – it’s a war, but it’s a miraculous war, hence the blowing is performed by the Kohanim before the Ark of G-d: “And the seven Kohanim carrying the seven shofars before the Ark of G-d walked on and blew the shofars” (Yehoshua 6:13).

On Rosh Hashanah, we have the opportunity to stop and listen to the sound of the shofar, which arouses our hearts and awakens our internal voice. Indeed, the blasts of the shofar can make us tremble and fearful, like the shofar sounded at the start of a war. It hits us with a powerful sense of what the Day of Judgement is, as we recall our mistakes and failures, feel trepidation for the year ahead and spur ourselves to do teshuva out of Yirat Hashem (the fear of G-d).

On the other hand, at the same time, the sound of the shofar can stir feelings of celebration and joy, like an instrument accompanying festive occasions.

In addition, the shofar on Rosh Hashanah can also express the coronation of G-d as King over the World, and perhaps in that sense it really does integrate the two aspects above: Coronating G-d is a festive and joyous event, yet it also carries an element of duty and responsibility, and may be destructive when human beings are not worthy of it. That’s why many prophets describe the day of G-d as אני ונתן – great and full of awe, i.e. our contrasting emotions accompanying the shofar blowing are an expression of the day’s essence – joy and celebration at being so close to G-d, together with the awe, fear and trepidation of standing before Him in judgement.

I think that Ezra and Nechemia taught the people the right balance between these two feelings on this day: “So Ezra the Kohanim brought the Torah before the congregation... on the first day of the seventh month [Rosh Hashanah]... and Ezra blessed Hashem, the great G-d... they bowed and prostrated themselves in front of G-d... and they read clearly from G-d’s Torah, applying wisdom... and Nechemia said... ‘Today is holy to the L-rd your G-d. Don’t mourn and don’t cry; for all the people were crying as they heard the words of the Torah. And he said to them, ‘Go eat from the best foods and drink sweet beverages... because the day is holy to our Master and don’t be sad because rejoicing in G-d is your fortress” (Nechemia 8:2-10).

Ezra and Nechemia taught the people that Rosh Hashanah is a day of holiness, and it is fitting to contemplate one’s Avodat Hashem and mitzvah observance and give an accounting of oneself. On the other hand, one must be wary of slipping into sadness and tears. It is a day of joy, of celebration, “because rejoicing in G-d is your fortress.” That is what gives us the feeling of security and serenity. That is what gives us true joy.

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