



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 taking the vow and that's enough for *Beit Din* to annul it.

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 prefaced 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 *גָּדוֹל וְנוֹרָא* – 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 *Kohen* 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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