



Consider it Done

The *Mishnah* (8:7) discusses two cases where the *neder* can be stopped without the need for a *Chacham*. The first is where one made *neder* against deriving any benefit from his friend, unless his friend's son collected a gift from him. The *Mishnah* teaches that the *neder* can be brought to an end by his friend declaring that, "your stipulation is only that I receive honour – consider it as if I have received the honour". The *Bartenura* explains that the response is to be understood that it is an honour for him to support his son himself. The *Mishnah* continues by presenting the same case reversed: one who made a *neder* preventing his friend from deriving any benefit from him unless that friend gives a gift to his son. In that case there is a debate whether the *neder* can be stopped in a similar manner. *R' Meir* maintains that the *neder* is binding until the gift is given. The *Chachamim* however maintain that the one who made the *neder* can end it by declaring that he considers it now as if he received the gift. The question we shall try to address is why *R' Meir* argues in the second case, but not in the first.

The *Tosfot Yom Tov* cites the opinion of the *Ran* who explains that even though *R' Meir* is recorded as the dissenting opinion only in the second case, he argues in the first one as well. The *Tosfot Yom Tov* adds that this is also how the *Yerushalmi* understands the debate.

The *Tosfot Yom Tov* however first cites the *Tosfot* who maintain that *R' Meir* only argues in the second case. They explain that it is common for one who is offered a gift as a sign of honour to declare that he receives more honour in declining the gift. Consequently, in the first case, everyone agrees that the *neder* can be stop in this manner. However, it is not common for one who demands something to then retract and declare that it is considered as if he has received it. This explains why the second case is debated.

The *Rashba* also differentiate between the two cases. In the first case, the intention of the *neder's* condition was that his friend received honour. Being offered the gift demonstrates

that this person is important. When the friend then declines the gift, not needing it despite the offer, his importance is further magnified. Consequently, the condition that the friend is honoured, is fulfilled. The second case is not as clear. The one who made the *neder* wanted to profit from the gift. (The *Rashba* explains that the son referred to in the condition is dependant on him.) If he later no longer needs it, and forgoes this "debt", it is debatable whether it can be considered as if he received anything and if the condition of the *neder* is really fulfilled. Consequently, it is only in the second case that *R' Meir* and the *Chachamim* argue.

Based on this explanation of the *Rashba*, the *Beit Meir* elaborates on what is behind the debate in the second case. The *Beit Meir* cites the *Pnei Yehoshua* who explains when *mechila* (forgoing) works and when it does not. In the case where one is owed something that was stolen from him, he can forgo it. This is because it can be considered as if he received it and gave it back to the thief. In contrast, a *kohen* cannot forgo *terumah* because the *terumah* was never in his possession.

The *Beit Meir* explains that the second case in our *Mishnah* appears to parallel the case of *terumah*. The gift demanded was never in the possession of the one that made the *neder*. Consequently forgoing it cannot be considered as if he received anything and the *neder* would not have been fulfilled. The *Beit Meir* explains that this is the logic behind *R' Meir's* position. The *Chachamim* however maintain that the world of *nedarim* is different. In this case, forgoing the original demand does not need to be considered equivalent to receiving it; it is enough for it to be "as if" it was received. This is because with *nederim* we go by the intention of the one that made the *neder*. According to the *Chachamim*, since in the second case he wanted to profit, and now no longer requires it, it is "as if" it was received and that is enough to fulfil the condition of the *neder*.

Yisrael Bankier

Revision Questions

נדרים ח' ה' – י' א'

- What is the indication
 - that summer has began?
 - that summer has ended?
 - of the beginning of the harvest season? (ח' ד')
 - of the beginning of the rainy season? (ח' ה')
- When is the end of the rainy season? (ח' ה')
- If one made a *neder* till the end of *Adar* without knowing that the year was a leap year, when does the *neder* end? (ח' ה')
- When does a *neder* against eating meat end if it was made until the fast of *Yom Kippur*? (ח' ו')
- Give an example where a person can effectively undo a *neder* affecting them, that was made by someone else. (ח' ו')
- What does *R' Eliezer* argue can be used to undo a *neder* and in what case do the *Chachamim* agree? (ח' ו')
- Can circumstances that occur after a *neder* is made be used as considerations to undo a *neder*? (Provide some examples that were given in the *Mishnah*) (ח' ו')
- Provide an example of a case where *R' Meir* maintains it is like *nolad* but does not share the same law as *nolad*. (ח' ו')
- According to who can *p'sukim* be used as considerations when undoing a *neder*? List some of those *p'sukim*. (ח' ד')
- Which *Tana* used financial obligations in a *ketubah* as basis for undoing a *neder*? (ח' ו')
- What did this same *Tana* change with respect to how particular *nedarim* are undone? (ח' ו')
- Give an example of when we say that since part of the *neder* is undone, we undo the entire *neder* and give an example of when this principle does not apply. (ח' ו')
- In what situation would a singularly phrased *neder* require multiple *petachim*? (ח' ו')
- What is the law regarding a case where a person makes a *neder* against drinking wine because it is bad for the stomach, and then after is told that old wine is indeed good for the stomach? (ח' ו')
- Can personal honour be used as a *petach*? (ח' ו')
- What is the law regarding one who makes a *neder* not to marry someone because they are short, yet in truth they are tall? (ח' ו')
- What is *R' Yishmael's* opinion regarding *bnot Yisrael*? (ח' ו')
- Which two people can *meifer* the *nedarim* of a *na'arah meorasah*? Is it enough if only one of these people is *meifer*? (ח' ו')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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http://www.dafyomi.co.il/calend
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
1 July י"ח תמוז	2 July י"ט תמוז	3 July כ' תמוז	4 July כ"א תמוז	5 July כ"ב תמוז	6 July כ"ג תמוז	7 July כ"ד תמוז
Nedarim 10:2-3	Nedarim 10:4-5	Nedarim 10:6-7	Nedarim 10:8-11:1	Nedarim 11:2-3	Nedarim 11:4-5	Nedarim 11:6-7

