



Hafarah Beino Le'veina

During the week we began learning about *hafarat nedarim*. To explain, the *Torah* allows a husband to *meifer* his wife's *nedarim* and a father his daughter's. Doing so effectively puts an end to the *neder*. Previously we discussed the difference between *hafarat nedarim* and the *Chachamim*'s ability to *matir nedarim* (Volume 3, Issue 23). Similarly, we have also discussed the limited scope of *hafarat nedarim* (Volume 9, Issue 23).

The *Mishnah* (11:4) discusses a case where the necessity of *hafarah* is debated. The case is where a wife makes a *neder* preventing the husband from deriving benefit from her *maaseh yadeha* (handy work). The first opinion is that the *neder* does not require *hafarah*, since she is obligated to do these types work as part of the marriage contract. *R' Akiva* however argues that the *hafarah* is still necessary to permit any excess work, over and above that which she is required. *R' Yochanan ben Nuri* however maintains that it is necessary to *meifer* the *neder* in case he divorces her. The concern is that once divorced, the *neder* would affect him. He would not be allowed to derive any benefit from her and it would prevent them from remarrying out of concern that he will violate the *neder*. We shall try to understand *R' Yochanan ben Nuri* position.

In this context, the husband can only *meifer* the *neder* if it impacts their relationship – *beino le'veina*. Why then can the husband *meifer* this *neder*. As long as they are married, the *neder* does not impact their relationship. It is only if they divorce, when he is no longer considered her husband, that it affects him. Why then can the husband *meifer* the *neder*?

The *Ritva* (*Ketubot* 59a) explains that the wife can opt to forgo being supported by her husband which would mean that he would no longer have a lien on *maaseh yadeha* (according to *Rav Huna*). Alternatively, the husband could forgo the right to *maaseh yadeha* from the outset. In that case

the *neder* would have an effect on *maaseh yadeha*. Consequently it is already considered as *beino le'veina*.

The *Ritva* however continues with an answer also found in the *Ran*. The *Ran* (*Ketubot* 23b, *Rif*) cites one answer that in truth the *neder* should be binding even during the marriage. It is only due to the strength the *Chachamim* afforded to the husband's right to *maaseh yadeha* that the *neder* does not take hold. When the *Chachamim* bolstered the husband's right however, they did not take away the ability for him to *meifer* the *neder*. The *Ritva* adds that when the husband is *meifer* the *neder* it is as if he has forgone his lien on *maaseh yadeha*.

The *Rosh* (79b) however answers that while married he has the ability to *meifer nedarim*. If he divorces her the *neder* begins to apply to him and if he remarries her it will certainly be defined as *beino le'veina* as the *neder* would impact their (future) relationship. Consequently, he can *meifer* the *neder*. We find that according to the *Rosh* even though the *neder* does not impact their relationship now, since it can a later point in their marriage (albeit when they remarry) it is defined as *beino le'veina* and he can *meifer* the *neder*.

The *Ran* (ad loc) however provides a different answer going one step further than the *Rosh*. We will learn (11:9) that if the wife made a *neder* to be a *nazir* in thirty days time, and the husband was *meifer* then *neder*, even if she was divorced before the thirty days completed, the *neder* would still be stopped. That type of *neder* is termed as *inui nefesh* – a *neder* that would cause her suffering. Yet we find that even if the suffering is only experience after they are divorced, the *neder* is still stopped. The *Ran* argues that the same is true for *nedarim* that are defined as *beino le'veina*. The critical point is the time is when the *neder* is made and if they are married at that time, even if the basis of the *hafarah* is only realised when they are no longer married.¹

Yisrael Bankier

¹ See also the *Raavad* who explains in a similar manner and the difficulty raised by the *Rashba*.

Revision Questions

נדרים י' ב' – י"א ז'

- If one of these two people dies, can the other *meifer* her *nedarim*? (י' ב')
- If the *na'arah* gets engaged, makes a *neder*, gets divorced, and gets engaged to another person all in the same day, who can *meifer* her *nedarim*? (י' ג')
- What was the *minhag* of the *talmidei Chachamim* with respect to *nedarim* of their daughters? (י' ד')
- What are the two opinions regarding when a *chatan* can be *meifer* the *nedarim* of his *bogeret kalah*? (י' ה')
- Explain the three opinions regarding who can be *meifer* the *nedarim* of a *shomeret yabam*. (י' ו')
- Explain the two opinions regarding whether a husband can be *meifer* his wife's future *nedarim*. (י' ז')
- Complete the following rule: (י' ח')
 _____ הפרת נדרים כל
- Explain how that rule can be both stringent and lenient. (י' ט')
- Which two cases are debated as to whether they are *nedarim she'yesh bahem inui*? (י"א א')
- Give examples of *nedarim* that “*yesh bahem inui*”? (י"א ב')
- Can a husband *meifer* a *neder* made against gaining any benefit from anyone? (י"א ג')
- What is the law regarding a *neder* made against giving any benefit to *Kohanim* or *Levi'im*? (י"א ד')
- Can a husband *meifer* a *neder* made by his wife against giving any benefit to her father? (י"א ה')
- What is the law regarding a *neder* made against giving any benefit to her husband, regarding *hafarah*? (Include all three opinions) (י"א ו')
- Give an example of a “mistaken” *hafarah*. (י"א ז')
- Does a mistaken *hafarah* qualify as a *hafarah*? (י"א ח')
- What is the law regarding a woman that makes a *neder* against figs and grapes and her husband: (י"א ט')
 - Confirmed the vow but only with respect to figs.
 - Was *meifer* the vow but only with respect to figs.
- What is the law regarding a husband who hears his wife's *neder* and then after a day says: (י"א י')
 - I did not know about the concept of *hafarat nedarim*.
 - I did not know that what my wife did was considered a *neder*.

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 July כ"ה תמוז	9 July כ"ו תמוז	10 July כ"ז תמוז	11 July כ"ח תמוז	12 July כ"ט תמוז	13 July א' אב	14 July ב' אב
Nedarim 11:8-9	Nedarim 11:10-11	Nedarim 11:12 - Nazir 1:1	Nazir 1:2-3	Nazir 1:4-5	Nazir 1:6-7	Nazir 2:1-2

