



## Nolad

How can one undo a *neder*? The *Mishnah* explains that a person must go to a *Chacham* who can *matir* the *neder* based on a *petach*. In other words, the *Chacham* needs to find some detail, that had it been considered at the time of the *neder*, it would have stopped the person from making the *neder*. On that basis, the *neder* may be undone.

The *Mishnah* (9:2) however records a debate regarding whether *nolad* can be a basis for a *petach*. This refers to a consideration that only arose after the time of the *neder*. Had the person known that the circumstance would have changed, he would have never made the *neder*. One example is if one made a *neder* against deriving any benefit from an individual. That person then trained as a *sofer* and the person that made the *neder* now requires his services. *R' Eliezer* maintains that that even such cases can form the basis of a *petach* whereas the *Chachamim* disagree.

The *Rosh* explains that the reason the *Chachamim* disagree is because when one is *matir* a *neder* it is based on a regret, which uproots the *neder* from its beginning. It can do so because the regret defines the *neder* as a mistaken *neder*. Considering that it goes back to that point in time when the *neder* was made, *nolad*, this unlikely development, would not have been a consideration that would have stopped him from making the *neder*. Consequently it cannot act as a *petach*.

The *Rambam* (*Shevuot* 6:12) however explains the issue of *nolad* differently. He explains that in the case of *nolad*, the person does not regret making the *neder*. The person would be very happy for the *neder* to continue and the subject of the *neder* not having become a *sofer*. In other words, a *matir* must be based on regretting the *neder*. In this case the person is upset about the development and not the *neder*. The *Rambam* however adds that if he regretted the *neder* itself (without the probing of a *Chacham*) as a result of the development then we would be able to *matir* the *neder*.

The *Kesef Mishnah* explain that the last statement of the *Rambam* was motivated by the *Gemara* in *Ketubat* (63a). There the *Gemara* explains that the *Kalba Savua* made a *neder* forbidding *R' Akiva* from deriving any benefit from him, after *R' Akiva* married his daughter. At the time *R' Akiva* was a simple shepherd. After *R' Akiva* returned having become the giant of the generation, *R' Akiva* asked *Kalba Savua* whether he would have made the *neder* had he know who *R' Akiva* would become. Based on his confirming that he would have never made the *neder*, *R' Akiva* was *matir* the *neder*. The difficulty with this *Gemara* is that it appears to be a classic case of *nolad*, upon which one cannot *matir* a *neder*.

The *Kesef Mishnah* explains that the *Rambam's* distinction above answers this question. In this case, the development made *Kalba Savua* regret the *neder* itself. He did not regret the development that *R' Akiva* became a great sage. Quite the opposite. *Kalba Savua* would have been very happy for his son-in-law to become this great person and would preferred to give to him.

The *Ritva* however brings two different answers. The first is that *Kalba Savua* had responded that even if *R' Akiva* knew one *perek* or one *halacha* he never would have made the *neder*. At the time of the *neder* *R' Akiva* already knew that minimal amount, so the *neder* was not relying on *nolad*. The second answer is that *Rachel* was only willing to marry *R' Akiva* on condition that he would become a *talmid chacham*. Had *Kalba Savua* knew that that was the sincere condition he never would have made the *neder*.

The *Tosfot* however explain that this case is not *nolad* because he was committed to going to learn *Torah* and someone who goes will become great in *Torah*. Since the results was certain at the time of the *neder* it is not defined as *nolad*.

## Revision Questions

נדרים ז' ח' – ט' ה'

- What is the difference between the following two *nedarim*: (ז' ח')  
"שאת עושה איני אוכל עד הפסח"  
"שאת עושה עד הפסח איני אוכל"
- What is the law regarding the following *neder* after *pesach*: (ז' ט')  
"שאת נהנית לי עד הפסח אם תלכי לבית אביך עד החג"
- When does a *neder* end if it is made for: (ח' א')
  - A day?
  - This day?
  - A week?
  - This week?
  - A month?
  - This month?
- With what wording of a *neder* is the end of the *neder* the beginning of *Pesach*?  
Is the end of *Pesach*? (ח' ב')
- When does a *neder* end if it is made to apply until the summer? (ג' ח')
- Complete the following principle: (ג' ח')  
"כל \_\_\_\_\_ ואמר עד שיגיע אסור עד שיהא אסור עד שיצא  
" כל \_\_\_\_\_ בין אמר עד שיהא בין אמר עד שיגיע אינו אסור אל עד \_\_\_\_\_"
- 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. (ז' ח')
- What does *R' Eliezer* argue can be used to undo a *neder* and in what case do the *Chachamim* agree? (ט' א')
- 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*) (ט' ב')
- Provide an example of a case where *R' Meir* maintains it is like *nolad* but does not share the same law as *nolad*. (ז' ט')
- According to who can *p'sukim* be used as considerations when undoing a *neder*?  
List some of those *p'sukim*. (ט' ד')
- Which *Tana* used financial obligations in a *ketubah* as basis for undoing a *neder*?  
(ט' ה')

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 March י"ד אדר	25 March ט"ו אדר	26 March ט"ז אדר	27 March י"ח אדר	28 March י"ח אדר	29 March י"ט אדר	30 March כ' אדר
Nedarim 9:6-7	Nedarim 9:8-9	Nedarim 9:10-10:1	Nedarim 10:2-3	Nedarim 10:4-5	Nedarim 10:6-7	Nedarim 10:8-11:1

