



Basis for Hafarat Nedarim

There are two ways that a *neder* can be absolved: *hatarat nedarim* and *hafarat nedarim*. The first involves a *chacham* and was the focus of last week's issue. With the beginning of the tenth *perek* we began discussing *hafarat nedarim*. A father has the ability to *meifer* his young daughter's *neder*. Similarly a husband has the ability to *meifer* his wife's *neder*. We will learn that a husband's ability however is restricted only to those *nedarim* that either causes his wife pain or impact on their relationship. We have previously discussed the difference between *hatarat nedarim* and *hafarat nedarim* (see "Hafarat and Hatarat Nedarim", Volume 3, Issue 23). In this article we will focus on the husband's ability to perform *hafarat nedarim*.

The *Ran* (*Nedarim* 82b) explains that it is possible to differentiate between the two types of *nedarim* that a husband can *meifer*. For *nedarim* that are self-afflicting or cause the wife pain (*inui nefesh*) the key is that that it will bother the wife. For *nedarim* that can impact their relationship (*beino l'veinah*) his licence is that it bothers him.

A legal implication of this difference is when his wife makes a *neder* that is only partially an *inui nefesh* or *beino le'veina*. For the former, since it is dependent on her, the husband cannot partially *meifer* the *neder* – it is entirely suspended. For the later however, since it is dependant in the impact on him, he can *meifer* the component of the *neder* that impacts on their relationship.

The *Gemara* (79b) also raises a difference between the two types of *nedarim*. If a husband is *meifer* a *neder* that has an *inui nefesh* then it is suspended indefinitely regardless of changes in circumstance. For *nedarim* that are *beino le'veina*, *hafara* only suspends the *neder* until she marries someone else. (It remains suspended after divorce as the *neder* might prevent them from remarrying.)

R' Akiva Eiger (*Yoreh Deah*, 234:55) deals with case where the wife make a *neder* that would be defined as *beino u'veina*, however she stipulate that the *neder* would take effect after they divorced. Can a husband *meifer* such a *neder*? He cites the *Ran* (85) who provides two answers. The first is that since issue of *beino le'veina* has no impact during their marriage, the husband cannot *meifer* that *neder*. The second answer is that he can, as the *neder* will prevent remarriage.

R' Akiva Eiger continues that he later found a *Yerushalmi* that maintains that there is no difference between a *neder* that has *inui nefesh* or is *beino le'veina* and *hafara* for both has an effect indefinitely. The difference however is only with respect a *neder* that is made during marriage but stipulated only to take affect after divorce. For *nedarim* that are *beino le'veina* the husband would not be able to *meifer* the *neder*. The *Yerushalmi* is therefore clear on this issue.

Yisrael Yitzchak Bankier

Revision Questions

נדריים ט' ד' י' ז'

- According to who can *p'sukim* be used as considerations when undoing a *neder*? List some of those *p'sukim*. (ט' ד': ט')
- Which *Tana* used financial obligations in a *ketubah* as basis for undoing a *neder*? (ט' ה': ט')
- What did this same *Tana* change with respect to how particular *nedarim* are undone? (ט' ו': ט')
- 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. (ט' ז': ט')
- In what situation would a singularly phrased *neder* require multiple *petachim*? (ט' ח': ט')
- 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? (ט' ט': ט')
- Can personal honour be used as a *petach*? (ט' י': ט')
- What is the law regarding one who makes a *neder* not to marry someone because they are short, yet in truth they are tall? (ט' י"א': ט')
- What is *R' Yishmael's* opinion regarding *bnot Yisrael*? (ט' י"ב': ט')
- Which two people can *meifer* the *nedarim* of a *na'arah meorasah*? Is it enough if only one of these people is *meifer*? (ט' י"ג': ט')
- If one of these two people dies, can the other *meifer* her *nedarim*? (ט' י"ד': ט')
- 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*? (ט' י"ה': ט')
- What was the *minhag* of the *talmidei Chachamim* with respect to *nedarim* of their daughters? (ט' י"ו': ט')
- What are the two opinions regarding when a *chatan* can be *meifer* the *nedarim* of his *bogeret kalah*? (ט' י"ז': ט')
- Explain the three opinions regarding who can be *meifer* the *nedarim* of a *shomeret yabam*. (ט' י"ח': ט')
- Explain the two opinions regarding whether a husband can be *meifer* his wife's future *nedarim*. (ט' י"ט': ט')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-------------------------------------|-------------------------------------|------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|---|
| 7 th October כ"ח תשרי | 8 th October כ"ט תשרי | 9 th October ל' תשרי | 10 th October א' חשוון | 11 th October ב' חשוון | 12 th October ג' חשוון | 13 th October ד' חשוון Nedarim 11:12 – Nazir: 1:1 |
| Nedarim 10:8-11:1 | Nedarim 11:2-3 | Nedarim 11:4-5 | Nedarim 11:6-7 | Nedarim 11:8-9 | Nedarim 11:10-11 | |

