



## Parent's Honour as a *Petach*

With the start of ninth *perek* with begin to discuss *hatarat nedarim* – the undoing of the *neder*. After the person presents his *neder* to a *chacham*, a *petach* (opening), a regrettable and foreseeable consequence of the *neder*, must be identified to enable the *hatara*. The first *Mishnah* discusses whether one can use his parent's honour as a *petach*. In other words, the *chacham* asks the person whether he had considered whether people would comment to his parents how flippant he is with *nedarim*. *R' Eliezer* rules that this is an acceptable technique whereas the *Chachamim* reject it.

The *Gemara* (*Nearim* 64a) brings two opinions explaining the position of the *Chachamim*. *Abaye* explains that allowing this *petach* would mean that *nedarim* would not be properly annulled. It is possible that a person would not have really regretted making the *neder* based on his parents honour, yet be too embarrassed to admit it. *Rava* on the other hand explains that the ease of this technique might lead people to err and believe that they can annul their own *neder* and will not seek a *chacham* to annul their *nedarim*.

The *Tosfot Yom Tov* notes that the *Bartenura* cites the opinion of *Abaye* as apposed to *Rava*'s. This is noteworthy as in general when there is a debate between in *Rava* and *Abaye*, we rule according to the opinion of *Rava*. The *Tosfot Yom Tov* answers that this principle only applies to *halachic* rulings. The debate here however, is about the reason behind the *Chachamim*'s position and *Abaye* reason makes more sense. (This is also the *Beit Yosef*'s answer for why the *Tur* quoted the opinion of *Abaye*).

The *Chatam Sofer* however presents two implication of the debate between *Abaye* and *Rava*. The first is that if the one nonetheless performed *hatarat nedarim* based on this *petach*. According to *Rava* it work as it was carried out by a *chacham*. According to *Abaye* however there would still be questions regarding the person's sincerity. The second difference is that if the person went to the *chacham* and opened saying that he came due to the impact on his parent honour, without being prompted,

perhaps we could be lenient and allow the *hatara* to go ahead.

We find therefore that the debate is not simply about rationalising the opinion of the *Chachamim* and there are legal implications. Why then to the commentators cite the opinion of *Abaye* and not *Rava*?

The *Chatam Sofer* suggests the following answer. There are two versions of our *Mishnah*. According to the *Ran* the flow is as follows. After the positions of *R' Eliezer* and the *Chachamim* are stated, the *Mishnah* continues with *R' Tzadok* arguing that according to *R' Eliezer* one could use *Hashem's* honour as a *petach*. The *Mishnah* then continues that the *Chachamim* respond that if that were the case then there would be "no *nedarim*" (the meaning of which debated by *Abaye* and *Rava*). In other words even *R' Eliezer* would not agree that *Hashem's* honour could be used as a *petach*.

The second version of the *Mishnah* is the one we have. The *Chachamim* are not responding to *R' Tzadok* but the statement "if so there will be no *nedarim*" is a continuation of *R' Tzadok's* argument. The *Tosfot Yom Tov* explains that it is this version that the *Rambam* commented on. According to this reading, the *Rambam* explains that *R' Tzadok* argues that if parent's honour can be used, then we would never need a *Chacham* for *hatarat nedarim*. The *Chachamim's* opinion however is that even if parent's honour is used, *hatara* would still be required.

To explain further, both *Abaye* and *Rava* agree that the reason the *Chachamim* reject the use of parent's honour is because we are concerned that the person will not be truly be honest when admitting his regret. They are arguing only about the position of *R' Tzadok*. Consequently since the *halacha* follows the opinion of the *Chachamim*, when the *mefarshim* explain their position as being concerned for insincere regret, they are not choosing *Abaye's* opinion of *Rava* as everyone agrees that this is the *Chachamim's* rationale.

**Revision Questions**

נדרים ז': ט' ג'

- With what wording of a *neder* forbidding a fruit, would one also be prohibited from the money as a result of its sale or future trees that grow from the seeds of the fruit? (ז': ו')
- Give another example that shares the same law as the previous question? (ז': ו')
- 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*: (ט': ז')  
 "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*. (ג': ט')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
30 <sup>th</sup> September י"ד תשרי	1 <sup>st</sup> October ט"ו תשרי	2 <sup>nd</sup> October ט"ז תשרי	3 <sup>rd</sup> October י"ז תשרי	4 <sup>th</sup> October י"ח תשרי	5 <sup>th</sup> October י"ט תשרי	6 <sup>th</sup> October כ' תשרי
Nedarim 9:4-5	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

