



Kinui Nedarim

Nedarim refer to vows through which one makes objects forbidden to themselves or other people. The way this is normally done is by declaring that the object is forbidden like a *korban*. We learn in the first *Mishnah* that other declarations can be defined as a *neder* even if the terminology was not as expected. The first of these is the *yad*, where the expression is cut short prematurely. The second is the *kinui* which is the focus of this issue.

The second *Mishnah* provides examples of *kinuim*. The first is that instead of stating that the object is forbidden like a *korban*, the term *konam*, *konach* or *konas* was used instead. The *Bartenura* explains that these terms are from other languages that have the same meaning as *korban*. Since people use these terms to refer to a *korban*, the *neder* would take effect.

The *Gemara* (10a) however records a debate regarding *kinui nedarim*. *R' Yochanan* understands, like the *Bartenura* above, that these are terms from other languages. *R' Shimon ben Lakish* however explains that these were extra terms that the *Chachamim* introduced to qualify as a *neder*. The *Chachamim* preferred these terms to be used in place of "korban". The *Gemara* explains that the concern was that one would say *korban la'Hashem*, as is frequently written in the *Torah*, or simply say *la'Hashem*, thereby using *Hashem's* name in vain.

The *Rashash* (10b) explains, based on this, that the practical difference between these two understandings is whether one is ideally allowed to use the term *korban* when making a *neder*. According to *R' Shimon ben Lakish*, the substitute *kinui* should be used instead.

The *Tosfot* (2a) however ask that according to *R' Shimon ben Lakish* it appears that the *nedarim* would only be binding on a rabbinic level. That being the case, how then can we have the concept of *kinuim* for a *nazir*. A *nazir* would bring *korbanot* and the end of his *nezirut*. If it is only binding rabbinically, then this *nazir* would be bringing regular animals and not required *korbanot* into the *azara*! The *Tosfot* therefore explains that *R' Shimon ben Lakish's* explanation would only apply to *nedarim* and not to *kinui nezirut*.

The *Ran* (2a) however asserts that *R' Yochanan* and *R' Shimon ben Lakish* agree that *kinuim* are binding biblically. Even though, according to *R' Shimon ben Lakish*, these terms were introduced by the *Chachamim* to be binding, it should be no worse than words for another language. Words in other languages are adopted by consensus, consequently terms introduced by rabbinic consensus should be no different. Why do the *Tosfot* disagree?

Focusing now on *R' Yochanan*, the *Rishonim* ask that if *kinuim* are terms used in other languages, why did the *Mishnah* select these three terms? The *Ran* explains that it is obvious that words in other languages that mean *korban* would be binding. The terms in the *Mishnah* are distortions of a Hebrew words. They were adopted and used by other nations even though they are not native to that language. Considering that these are corrupted terminology, one might think that the *neder* would not be binding. The *Mishnah* teaches that since they are nevertheless used, it would qualify as a *neder*.

The *Tosfot* however explains that the difference between the terms used in this *Mishnah* and other one is that these terms are binding even if one does not understand their meaning. Why? The *Chidushei R' Shmuel* (1:7) answers based on the law of *Shema*. The *Bi'ur Halaha* (62:2) explains that, even though one could recite *Shema* in other languages, that would only be true if they understood what they were saying, and it was in a location that the language was used. That requirement does not apply for *lashon ha'kodesh*. The difference is that while other languages have meaning by common agreement, *lashon ha'kodesh* has essential meaning. Returning to *nedarim*, the difference between the listed *kinuim* is that they have the force of *lashon ha'kodesh* (even though distorted) consequently they would be binding even if not understood.

Perhaps then we can use to explain why above, according to the *Tosfot's* understanding of *R' Shimon ben Lakish* the terms or only binding rabbinically. If these are Hebrew terms introduced by the *Chachamim*, then it is indeed worse the words from another language, since they lack the inherent meaning to make them binding on a biblical level.

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Revision Questions

כתובות י"ג ז' - י"א

- Explain the debate between *Admon* and the *Chachamim* regarding a case where:
 - A person returns from an extended period overseas to find that the access path to his property through another's field has disappeared and he does not remember where it was. (י"ג: ז')
 - One party presents a loan contract and the other party presents a sale document (dated after the loan contract) stating that he purchased land from the first party. (י"ג: ח')
 - Two parties each produce loan documents trying to claim money from each other. (י"ג: ט')
- What are the three regions in *Eretz Yisrael* for *nisuin* and why are they important? (י"ג: י')
- Can one force the members of his household to move to Israel? (י"ג: י"א)
- If a couple marries in Israel and divorce outside Israel, in what currency must the *ketubah* be paid? (י"ג: י"א)

נדרים א' - ב' - ה'

- Is the following a valid *neder*: "מפרשני ממך שאיני אוכל לך" (א' א')
- Is it a valid *neder* if a person adds the phrase: (א' א')
 - כנדרי רשעים?
 - כנדרי כשרים?
- When making a *neder* what are the three *kinyan* for: (א' ב')
 - *Korban*?
 - *Cherem*?
 - *Nazir*?
 - *Shvuah*?
- Is the following a valid *neder*: (א' ג')
 - "פיגול יהא מאכלך עלי"?
 - "יהא מאכלך עלי כאמרא"?
 - "ירושלים דבר זה עלי"?
- Explain the debate regarding the following *neder*: "עולה איני אוכל לך" (א' ד')
- Is the following a valid *neder*: "קונם רגלי מהלכת עמך" (א' ד')
- Is the following a valid *neder*: "חלין שאכל לך כבשר חזיר" (א' ב')
- What is the law regarding a man who makes the following *neder* to his wife: "הריני כותב לך כתובה" (א' ב')
- What is the difference between one who says "קונם שאיני יושן" and "שבועה שאיני יושן"? (א' ב')
- In what respect is a *shvuah* more strict than a *neder*? (א' ב')
- In what two ways is a *neder* more strict than a *shvuah*? (א' ב')
- Provide two examples of the following principle: (א' ד')

"סתם נדרים להחמיר ופרושם להקל"
- Explain the debate regarding a case where one used "*cherem*" when making a *neder* then later explained he was referring to fish nets (*charmo shel yam*). (א' ה')

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Next Week's Mishnayot...

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

