

Laws of Torah Study, Chapter 7 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of the Shiur: Laws of Torah Study Chapter 7 (Rambam)

General Introduction to the Chapter

Rambam's Chapter 7 is the final chapter of Hilchos Talmud Torah, and it deals with the topic of kavod talmidei chachamim — specifically, how one punishes someone who disgraces Torah scholars or disgraces the words of the sages, through the institution of niddui.

Simple explanation: The chapter establishes the mechanism of niddui as the primary tool to protect the honor of Torah scholars, and teaches the laws of niddui, cherem, hatarah, and the balance between enforcement and kavod haTorah.

Novel insights and explanations:

1. **Niddui as a communal punishment, not a physical punishment:** Niddui is fundamentally different from other punishments (death penalties of beis din, lashes, makkas mardus). Other punishments are painful for the body — you get hit, it hurts. But disgracing a sage is not a sin like desecrating Shabbos — it's a sin **against the community**, he has brought down the authority of the rav. Niddui restores the authority of the rav by expelling the troublemaker from the community, and the rav remains with his high standing.

2. **Why does niddui appear in Hilchos Talmud Torah and not in Sefer Shoftim?** Seemingly, laws of punishments belong in Sefer Shoftim (Hilchos Mamrim, Hilchos Sanhedrin VeHaOnashin HaMesurin Lahem). The answer: In Hilchos Mamrim/Sanhedrin we speak of actual laws of punishments — zakein mamrei, people who go against the authority of the Sanhedrin. But here in Hilchos Talmud Torah we speak more specifically of **kavod talmidei chachamim** — that one stands up for him, honors him, may not dispute his teacher's teaching, mora rav — and niddui is a **tool to protect the honor of Torah scholars**, not just a punishment. The Chazon Ish uses the Rambam's law of who is a talmid chacham she'nas al kevodo to derive what is a good person.

3. **Niddui as practical power:** Even when batei din didn't have full power of punishments (death, lashes), niddui always functioned as a practical force — until very recently one could impose a niddui. Even a "tzettel" (pashkevil) against someone is a form of niddui — it's a matter of shaming, expelling a person from the community.

4. **[Digression: Famous examples of niddui in history]:** The most explicit cases of niddui in the Gemara are specifically with sages — Rabbi Eliezer who was called "shamusi" (excommunicated); Rabbi Yehoshua ben Perachya's student Yeshu who was placed in cherem (and from this they say "always let the left hand push away and the right hand draw near"); Baruch Spinoza who was "excommunicated." For a simple person, niddui is not such a great punishment — his

existence doesn't revolve around the community. But a sage — you take away his entire existence. (On the other hand: we only hear about famous people, but presumably many simple householders were also excommunicated — like the butcher in Maseches Pesachim who expressed himself improperly about a sage.)

Halacha 1 — A Torah Scholar Who Sinned

Words of the Rambam: A Torah scholar who sinned — we never excommunicate him publicly... unless he acted like Yeravam ben Nevat and his associates. But when he committed other sins — we lash him privately.

Simple explanation: A Torah scholar who sinned — we don't excommunicate him publicly, unless he did such terrible things like Yeravam ben Nevat and his associates (causing the masses to sin). But when he committed other (lesser) sins, we give him lashes privately.

Novel insights and explanations:

1. **"Sarach" — what does it mean?** "Sarach" seemingly means that he did one of the 24 things for which one is liable to niddui, or perhaps even broader — he let himself go, he "made himself dirty." It appears that we're speaking even when he committed a sin that is not just from the 24 things, but even broader sins. The word "sarach" is a modest expression — like a child who made a "mess" — it's a modest thing that "only the mother catches." He made himself dirty, he was caught, but it's not a great publicity.

2. **The dilemma of niddui for a Torah scholar:** Niddui is a tool that was created to protect the honor of Torah scholars. What happens when we need to use that same tool **against** a Torah scholar? This is the foundation of the law — how do we balance between the need to respond to his sin, and the honor of Torah that is damaged when a Torah scholar is excommunicated publicly?

3. **"Lo sehadar pnei gadol" vs. kavod haTorah:** Generally we say "lo sehadar pnei gadol" — we shouldn't honor an important person when it comes to judgment. But here we see that there **is** indeed a certain protection for a Torah scholar in beis din — not because he personally deserves it, but because when the public hears that a Torah scholar is excommunicated, that itself is a **disgrace to the Torah**.

4. **"Like Yeravam ben Nevat and his associates" — the threshold for public niddui:** Only when he did such severe things like Yeravam — causing the masses to sin — then yes, we excommunicate him publicly. "Yeravam ben Nevat" means a "very famous leader who sinned publicly" — in today's times one would say "Shabtai Tzvi." There must be two conditions: (a) a **real rav** — a public rebellion, not just that people know about it, but that he raises his hands and says "I may"; (b) a **serious matter** — something like idolatry, heresy, a severe thing. The practical test: if he was caught in a grave sin — is he

ashamed of it and hides? That's "sarach" — we punish privately. Or does he raise his hands and say "I may"? That's "yad ramah" — then comes public niddui, because he has already himself made the chilul Hashem, and the niddui is conversely a kiddush Hashem.

5. **"We lash him privately" — what kind of lashes?** Here is an important inquiry:

- **First side:** It means actual Torah lashes with witnesses and warning, but we do it privately instead of publicly (because normal lashes is "veniklah achicha le'inecha" — a part of the disgrace). For a Torah scholar we do it privately so as not to shame the Torah.

- **Second side (which is more favored):** It's a **new creation** — normally we would give him niddui (which is the usual punishment for the 24 things), but because niddui for a Torah scholar is a disgrace to Torah, an alternative was created: **quiet lashes** — beis din calls him into a room and gives him lashes, not with the full laws of lashes (39 with the system), but a kind of makkas mardus privately. The person feels it, but it's "under his coat" — no public disgrace.

- **Third side:** Even when it's Torah lashes, we do it privately for a Torah scholar. The opinion of Netziv HaShalem supports the side that even Torah lashes can be done privately for a Torah scholar — a broad flexibility ("merhav tamrun") that beis din has in laws of punishments.

6. **The main distinction between "sarach" and "yarum yado" is public vs. not public, not Torah vs. Rabbinic:** The distinction in the Rambam is not between the severity of the sin, but between the manner — whether it was public or private.

7. **Proof from the Gemara about being contemptuous of Yom Tov Sheni:** Even when a Torah scholar told a non-Jew that Yom Tov Sheni is nothing — which is more than just privately being contemptuous — we don't make a public niddui for a Torah scholar. This shows that there is a certain protection for a Torah scholar, which is part of the law of kavod haTorah itself.

[Digression: Example of Yom Tov Sheni]: A Torah scholar who is contemptuous of Yom Tov Sheni — this is precisely something that only a Torah scholar can do (because he knows that Yom Tov Sheni is "fake"/Rabbinic), but one cannot publicize this publicly.

Halacha: "And you shall stumble in the day, and the prophet shall also stumble with you at night" — Be honored and sit in your house

Words of the Rambam: The Rambam brings the verse (Hoshea 4:5): "And you shall stumble in the day, and the prophet shall also stumble with you at night" — even a prophet who stumbled, "we rebuke him like covering at night" — we cover it like night, we keep it quiet. "And we say to him: Be honored and sit in your house."

Simple explanation: We tell the Torah scholar: please, sit at home. Maintain your honor. If you come in public, there will be no choice, we will have to excommunicate you. We don't want to shame you — stay home.

Novel insights:

1. **"Be honored and sit in your house" — a half niddui:** This is a kind of "half niddui" — we don't make a public niddui, but we tell him he should excommunicate himself. We achieve the goal of niddui — that he shouldn't be able to influence for bad — but without the humiliation of a public niddui.

2. **The source of "Be honored and sit in your house":** The language is a verse in Sefer Melachim (Melachim II 14:10) — Amatzyah king of Yehuda wanted to go to war with the king of Israel, and the latter told him "Be honored and sit in your house" — stay home. The Rambam doesn't bring the verse from Melachim, but the verse from Hoshea.

3. **"Be honored" — maintain your honor:** The explanation of "be honored" is: honor yourself, stay home, don't come to the beis midrash. This is not a formal niddui, but a practical instruction that achieves the same goal.

4. **Not "we demote him from his greatness":** The Rambam doesn't use the language "descends in status" or "we demote him from his greatness" (as was done with Rabban Gamliel). We don't remove him from his position — we just tell him he should stay home.

Halacha: "It is forbidden for beis din to jump to excommunicate him quickly"

Words of the Rambam: "And so too any Torah scholar who became liable to niddui — it is forbidden for beis din to jump to excommunicate him quickly, rather they flee from this matter and avoid it."

Simple explanation: Even when a Torah scholar is liable to niddui, beis din may not quickly jump to niddui. We must try to get out of it, seek other ways to make him do teshuva.

Novel insights:

1. **Distinction between zakein mamrei and a regular Torah scholar:** With a zakein mamrei we do nothing (we don't make any niddui at all). With a normal Torah scholar, if there's really no choice, we may indeed excommunicate — but beis din must be very hesitant and try all other ways.

2. **"Torah scholar" — even a tzurba merabanan:** This applies even to a "Torah scholar" in the sense of a "yeshiva man" — a tzurba merabanan — not just a great sage with students. Even for him we try to avoid it.

3. **The Gemara's source — Rav Papa:** Rav Papa praised himself: "May it come to me that I never excommunicated a tzurba merabanan" — he never came to the "gathering" where one goes to excommunicate a Torah scholar. **But** — "even if they counted on beating him for lashes" — if we must give lashes (even makkas mardus) to a Torah scholar, he was indeed part of it — because lashes are given privately. Only shamta/niddui, which is a public disgrace, he avoided.

4. **Explanation of "pious sages":** The Rambam's language "pious sages" means pious character traits of a sage — a sage who conducts himself with piety. The addition "sages" can also mean that one needs wisdom to know when to avoid, because "pious fools" can cause destruction.

5. **Practical ways of "avoiding":** We don't say "no, we won't make a shamta" — that itself would be an injustice. Rather we tell the complainant he should come back in two months, we postpone it, we seek other ways.

6. [Digression: The story with the Bnei Yissaschar and the Ropshitzer Rav:] They wanted to make a cherem on Peshischa, the Ropshitzer Rav called a gathering, and they called the Bnei Yissaschar. The Bnei Yissaschar avoided it with a drasha: At the Binding of Isaac, to slaughter Isaac the Almighty Himself spoke, but not to slaughter He sent an angel. We see from here that to "slaughter" a Jew (excommunicate) the Almighty Himself must say — even the rav who called the gathering is only an "angel." A perfect illustration of "they flee from this matter and avoid it."

Halacha: The balance between kavod haTorah and protection of Torah scholars

Novel insights:

1. **Not protecting each other:** The goal is not that sages should protect each other — that would be a twisted motivation. The true goal is that kavod haTorah should be strong among the public.

2. **When kavod haTorah specifically demands niddui:** Often people view it as protecting "our own" — for example when a Torah scholar swindled or stole from a person. In such a case, if the public opinion sees it as protection, it may be that specifically a niddui/excommunication is the way to kavod haTorah — because this shows that Torah people take sins seriously.

3. **Public opinion as a factor:** When public opinion is different — when people see it as protection of "our own" — one can view it differently, and perhaps then specifically the niddui is the right way for kavod haTorah. One must understand the situation.

4. **A practical reasoning — effectiveness of niddui:** With a Torah scholar who has chassidim and students, niddui can lose its effectiveness — because his followers won't abandon him. One can only use niddui as long as the public accepts it. (This is however "not necessarily" — not the main reason.)

Responsum of the Rambam regarding a cantor about whom there is gossip

Words of the Rambam (responsum): They asked the Rambam about a cantor about whom there was a rumor (rinun) that he does something improper, whether they should remove him from his position.

Simple explanation: The Rambam says very sharply that one doesn't remove anyone from his position because of a rumor alone — perhaps there is testimony, perhaps not.

Novel insights:

1. The Rambam brings as proof the Gemaras about "a Torah scholar who sinned" — that even when he **did** sin, one must dispute his honor. The foundation: a true Torah scholar has true Torah, he can learn, he has worth — and even if the evil inclination brought him to sin, kavod haTorah demands that he be treated with respect.

2. **Exception:** If he uses his position to swindle or harm another — then conversely, one must indeed actively intervene. He brings a story from Moed Katan where they specifically did excommunicate because the person exploited his position or pretended.

Halacha: How is niddui done

Words of the Rambam: We announce and say "So-and-so is in shamta." When we excommunicate him not in his presence — we say "We said this so-and-so is in shamta." When we excommunicate him in his presence — we say it directly to him.

Simple explanation: "Shamta" is the Aramaic/Talmudic term for niddui. Niddui, cherem, and shamta are three words that denote the same concept.

Novel insights:

1. **In his presence vs. not in his presence:** The Rambam brings both ways — one can excommunicate not in his presence, but when he is there, we say it to his face. The Rambam doesn't say that one **must** do it in his presence, but that **if** one does it in his presence, this is the formula. It's a matter of honesty — not doing behind his back, but having the courage to say it to his face.

Halacha: Cherem — the language

Words of the Rambam: For cherem we say "So-and-so is muchram."

Simple explanation: A simple language — we say "muchram" and he becomes muchram.

Halacha: The language "arur" — cursed with an oath, with a vow, with a curse

Words of the Rambam: "Cursed with an oath, with a vow, with a curse" — the language "arur" includes oath (curse), vow, and oath.

Novel insights:

1. **Arur as language of niddui:** From this we see that one can also excommunicate with the language "arur," not just with "shamta" or "muchram."

2. **Proof from Barak and Meroz:** Elijah said that Barak excommunicated Meroz with 400 shofars (from the verse "curse Meroz"). The language "arur" in the verse is interpreted as niddui/shamta. This proves that "arur" can mean arur literally (curse), or a language of oath ("if I don't do thus, cursed"), or niddui.

Halacha: Releasing niddui and cherem

Words of the Rambam: How does one release a niddui or cherem? We say "You are released and forgiven." When releasing not in his presence, we say "So-and-so is released and forgiven."

Novel insights:

1. **Simplicity of niddui:** It's very simple to make a niddui and a cherem — it's just a word, one doesn't need to bring any shofars (though one can), one doesn't need candles, not "pulsa denura," not any note.

Halacha: What is the custom that the excommunicated person observes — laws of an excommunicated person

Words of the Rambam: An excommunicated person: (1) forbidden to cut hair and launder like a mourner all the days of his niddui; (2) we don't include him in a zimun; (3) we don't count him for ten for anything

that requires ten; (4) we don't sit with him within four amos. But: he teaches others and others teach him — he may learn with others and others may learn with him. He may hire and be hired — he may earn and hire workers.

Simple explanation: The excommunicated person is treated like a mourner in certain respects, and he is removed from communal life — we don't count him for a minyan, we don't sit within his four amos, we don't make zimun with him.

Novel insights:

1. **"We don't include him in zimun" — double meaning:** It can mean (a) we don't eat bread together with him, or (b) we can't make Birkas HaMazon with zimun with him. Perhaps both together — even if he eats, we don't count him. The main point: he is not part of the community.

2. **Learning remains — the foundation of "learning is life":** Just as with a city of refuge we send the rav with his students (because Torah is life), so too with niddui — we punish him, but we don't take away his life. Learning is life, therefore we continue to learn with him. If he is a maggid shiur, he remains a maggid shiur; if he is a student, he remains a student.

3. **Livelihood also remains:** The same reasoning — we don't take away his basic livelihood. He may continue to earn and hire workers.

Halacha: An excommunicated person who died in his niddui

Words of the Rambam: If he died while he was still excommunicated, the niddui doesn't automatically become void. Beis din sends and places a stone on his coffin — we place a stone on his coffin. That is to say that we don't stone him — it's a symbolic stoning. We don't eulogize and don't accompany — we don't eulogize him and don't accompany him with Torah scholars.

Simple explanation: The niddui remains in effect even after death — death itself doesn't release from niddui.

Novel insights:

1. **Niddui vs. physical punishments after death:** With all other punishments (like lashes) one cannot continue to punish a dead person. But niddui is not a punishment on the body — it's a community statement, a matter of honor. And honor is relevant even for a dead person (we give honor to a dead person). Therefore the niddui can continue to exist.

2. **A stone on his coffin — two interpretations:** (a) According to the Rif: "a reminder of stoning" — a symbolic reminder of stoning. (b) The Rambam's language "that is to say that we don't stone him" — perhaps he means: the fact that we place a stone (not throw) is a sign that we should view him like stoning, but we don't actually do it — it's only so that he should be separated from the community.

3. **Death doesn't release from niddui — a novelty:** One might have thought that when he dies, we consider as if he came to ask. The novelty: no — as long as he didn't actually ask, he remains excommunicated. He was stubborn until the last minute, and even death doesn't release him.

4. **This helps understand the law:** One might have thought that with death he automatically becomes exempt

(like with lashes — whom will you hit?). But because niddui is not a physical punishment but a statement of the community, it remains in effect even after death — he was stubborn until the end.

Halacha: Cherem — more severe

Words of the Rambam: One who is muchram — he is forbidden to teach others and others teach him (he may not learn with others, and others may not learn with him). But: he learns alone so that he won't forget his learning. Also: he doesn't hire and isn't hired — he may not hire workers and he isn't hired. We don't do business with him. We don't engage with him except a little business for his livelihood — only a little livelihood may we give him.

Simple explanation: Cherem is more severe than niddui — we take away almost everything.

Novel insights:

1. **Cherem vs. niddui — the distinctions:** With niddui he may learn with others (teaches and is taught); with cherem — not. With niddui he may hire workers; with cherem — not. With cherem we may only do a little business for his livelihood — we keep him alive, but no more.

2. **So that he won't forget his learning:** Even with cherem, where we take away almost everything, we let him learn alone — because the cherem will someday end, and in the meantime he shouldn't become an am ha'aretz. This shows that Talmud Torah is so fundamental that even the strictest punishment doesn't take it away entirely.

Halacha: The process from niddui to cherem

Words of the Rambam: One who sat in niddui thirty days and didn't ask to be released — we excommunicate him a second time. After two times thirty days and he still doesn't ask — we place him in cherem.

Simple explanation: A niddui is a thirty-day period. After thirty days we must make a fresh niddui. If after two times thirty days he still hasn't asked, we take it to the next level — from niddui we go to cherem.

Novel insights:

1. **Niddui is not a punishment — it's a tool:** The simple meaning of niddui is not a punishment like lashes (where "veniklosi be'einecha" — with that you're done). Niddui is a mechanism to bring the person to teshuva. He did something wrong, we place him in niddui until he comes to ask. It's not like a punishment that you complete — it's a process that lasts until he breaks.

Halacha: There is no set time for releasing niddui — no minimum time for niddui

Words of the Rambam: And there is no set time for releasing niddui... we excommunicate and release in one moment, when the excommunicated person returns to good. And if beis din saw fit to leave this one in niddui for several years — they leave him according to his wickedness.

Simple explanation: There is no minimum time for niddui. We don't have to wait thirty days — we can excommunicate and release in the same moment, when the excommunicated person returns to good. If the "pressure tactic" doesn't work immediately, we can keep the person in niddui (seemingly cherem, because after thirty days we go up to cherem) for years.

Novel insights:

1. **Niddui is a tool, not a punishment with a fixed time:** We see clearly that niddui is a "pressure tactic" — a means to bring to teshuva. It's not like a prison sentence that one must "serve." When the purpose is achieved (the excommunicated person does teshuva), the niddui falls away immediately.

2. **No measure neither above nor below:** We can make it for a moment, we can make it for years. This is perhaps with an elderly person whom we must wait until he comes to teshuva.

Halacha: Order from niddui to cherem — we place him in cherem

Words of the Rambam: And so too if beis din saw fit to place in cherem — we excommunicate first, and if he doesn't return from the sin we place him in cherem immediately, and we don't need ten people for this. Rather we place in cherem on whoever eats and drinks with him, or whoever stands with him within four amos. In order to distress him and in order to make a fence for the Torah, so that they will learn from him not to continue to sin.

Simple explanation: When beis din wants to place in cherem, we first excommunicate, and if he doesn't return, we place him in cherem immediately. We don't need ten people for this. The cherem affects anyone who eats and drinks with him, or stands with him within four amos.

Novel insights:

1. **Distinction between "we don't include him in zimun" and "whoever eats and drinks with him":** Earlier the Rambam said "we don't include him in zimun" (we don't make zimun with him), and here it says "whoever eats and drinks with him." "Zimun" doesn't necessarily need to be within four amos — conversely, even if he doesn't sit with the others, he shouldn't join the zimun. But "eats and drinks with him" is a broader category of actual contact.

2. **The purpose of cherem — a fence for the Torah:** Niddui/cherem was made for things that need "extra protection" — vulnerable things, for example something that is only Rabbinic, which people won't take seriously enough. When one is contemptuous and nothing happens, everyone will be contemptuous. Niddui/cherem is the means to avoid such a "breach."

Halacha: How does one release niddui or cherem?

Words of the Rambam: With three — three people release. But a single expert can release alone.

Simple explanation: Making a niddui can even be one person (even a layman, for the honor of the sage). But to release requires three laymen, or one expert.

Novel insights:

1. **Asymmetry between making and releasing:** Making a niddui is easier (one person), releasing is harder (three, or one expert). This shows that the institution of niddui has a "built-in" difficulty in getting out.

Halacha: A student releases even in the place of the rav

Words of the Rambam: And a student may release the niddui or cherem even in the place of the rav.

Simple explanation: If a student knows that the excommunicated person had regret and wants correction, even a student may release even in the rav's place.

Novel insights:

1. **Two approaches in this:** (a) Perhaps releasing niddui is not such a big thing — it's a "cheap" thing, one can give it easily. (b) Or, it's specifically because there's a matter of how quickly to release a person from niddui — the minute it no longer applies to him, we should help him out of the mud. This second reason is more a matter of kindness — we don't want him to suffer more than necessary.

Halacha: Three who excommunicated and left

Words of the Rambam: If three (a beis din) excommunicated and left, and the excommunicated person had regret — we seat others for him and release him, three other people can release him.

Simple explanation: We don't necessarily need the same people who excommunicated.

Novel insights:

1. **Usually one needs to ask forgiveness from the one who excommunicated:** Generally, when someone excommunicated a friend, one must ask him to agree. But when they're not there, others can release — this shows that the niddui is not a "personal" thing between two people, but a communal reality that others can also lift.

Halacha: One who doesn't know who excommunicated him

Words of the Rambam: One who doesn't know who excommunicated him — he should go to the Nasi and he will release his niddui.

Simple explanation: The Nasi is the "default" address for releasing niddui when one doesn't know who excommunicated.

Halacha: Conditional niddui — even on himself

Words of the Rambam: A person who makes a conditional niddui — "I am in niddui if I don't do thus and thus" — or even a person makes himself in niddui, requires release.

Simple explanation: Even when he fulfilled the condition (he actually did what he said), he still needs release.

Novel insights:

1. **Question:** Why does he need release if the condition wasn't fulfilled? This is strange — seemingly the niddui never took effect!

2. **Source from Yehuda:** The Gemara brings proof from Yehuda who said "if I don't bring him to you, I will have sinned

to you all the days" — "I will have sinned to you" is interpreted that he should be in niddui. Even though he ultimately brought Binyamin home, he remained in niddui (we see from his death that he was in niddui).

3. Shulchan Aruch's approach: The Shulchan Aruch rules that it speaks of a case where there's a great chance that he won't be able to keep the condition — then the niddui takes effect from the essence of making the niddui, even though it's something that it may be that he won't be able to keep.

Halacha: A Torah scholar who excommunicated himself — releases himself

Words of the Rambam: A Torah scholar who excommunicated himself, even if he excommunicated himself on account of so-and-so, even for something he is liable to niddui for — he releases himself.

Simple explanation: A Torah scholar who excommunicated himself can release himself — even if he did it "on account of so-and-so" (on that person's account), even if it's something he is truly liable to niddui for.

Novel insights:

1. Hard to understand: What does "even on account of so-and-so" mean? Perhaps it means: even if he said that if that person has regret he will forgive him — even then he can release himself.

Halacha 11: Excommunicated in a dream

Words of the Rambam: One who was excommunicated in a dream, even if he knows who excommunicated him, requires ten people who study halachos to release his niddui. If he doesn't find — he goes up to a parsah to seek them. If he doesn't find — ten who know only Mishna suffice. If he doesn't find — ten who know Torah. If he doesn't find — even ten simple people. If he doesn't find in one place — three suffice.

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Simple explanation:** Someone who is excommunicated in a dream needs a higher level of release — ten people who study halachos, with a ladder of descent if one doesn't find.

Novel insights:

1. "Who study halachos" — what does this mean? The Sha'alos U'Teshuvos brings a version from the Gemara: "who have learned Avos and Midos" — people who can learn Mishna, Midrashim, Mechiltos. **Not exactly great Torah scholars, but somewhat Torah scholars.**

2. Why do we need ten here, when for a regular niddui three laymen suffice? A niddui in a dream is fundamentally different — it's not a person who excommunicated, but a message from Above (the "angel of dreams" clothed himself in that person). Therefore we need more people to release.

3. What is the reality of a niddui in a dream? — two approaches:

- **(a) Spiritual approach:** A dream is a message from Heaven. The person he saw in the dream knows nothing about it — "when I come to you in a dream, I wasn't there, it's only you — the dream sent you." Therefore one cannot go to the person who excommunicated in the dream, because he knows

nothing about it. **Rather what — it's a message from Heaven.**

- **(b) Rationalist approach:** A person who dreams that he is excommunicated — this means he has very weak self-confidence, he feels "excommunicated." He needs ten people to "boost" him — to tell him "you are good."

4. The Rambam's approach to dreams — a contradiction: The Rambam rules "words of dreams neither raise nor lower" — he doesn't believe in dreams at all. He also wrote in a responsum that he "made a responsum about dreams." **Why does he nevertheless rule here that a niddui in a dream is a serious thing that requires release?**

- **Answer:** Perhaps each thing is different — regarding niddui in a dream he rules differently than regarding other dream matters. Or: it must be a true dream (not just imaginations).

- **Another answer:** Perhaps it's more a practical thing — he feels excommunicated, he doesn't wash himself, he's disheveled — ten people come and tell him "you can wash yourself."

5. A dreamed posek who releases — doesn't help: If it's a true thing (the spiritual approach), then a posek whom one dreams releases — doesn't help. We need real people in the world.

6. Practical ramification: Rabbi Aryeh Stern (author of Likutei Shichecha) was very involved in this matter. Also in "Besodo Shel Moreh Hora'ah" there occurred a case when someone actually called with such a question — he dreamed that he was excommunicated.

Halacha: Niddui in his presence — release must also be in his presence

Words of the Rambam: One who was excommunicated in his presence — when we excommunicated in his presence (we told him "you are excommunicated" to his face), the release must also be in his presence.

Simple explanation: There is a distinction in halacha between niddui in his presence and not in his presence — with in his presence, the release must also be in his presence.

Halacha: This is not the way of a sage — a Torah scholar should not excommunicate for his honor

Words of the Rambam: This is not the way of a sage and his honorable conduct, rather this is the weakness of a Torah scholar and conduct that is not good. Rather the good and straight path is that he should turn his ear away from the words of an am ha'aretz and not answer them at all, in the way that the early sages said: Silence for the ignorant is a fence for wisdom.

Simple explanation: If a Torah scholar uses niddui to punish everyone who bothers him, this is not honor — this is weakness ("weakness of a Torah scholar") and bad conduct. The right way is: act as if you didn't hear.

Novel insights:

1. Three levels of how to react:

- **The good and straight path (for every Torah scholar):** Act as if you didn't hear. The Rambam brings the verse (Koheles 7:21): "**Also to all the words that they speak, don't give your heart, lest you hear your servant cursing you**" — your servant curses you, but you didn't hear. Act as if you didn't hear.

- **The way of the early pious ones: They hear their disgrace and don't respond, and not only that but they forgive those who disgrace them and pardon them.** They even heard the disgrace, but didn't respond, and even forgave.

- **When one is disgraced publicly:** Here is an exception — a Torah scholar whom an individual disgraced publicly, it is forbidden for him to forgive his honor — because this is already kavod haTorah, not his personal honor. **And if he forgave — he is punished,** he is punished, because he disgraces the Torah by allowing a Torah scholar to be disgraced in public.

2. **Distinction between privately and publicly: One who disgraced him individually in private** — only between the two of them — here he can forgive, here it is piety. But **publicly** — when everyone saw — **it is forbidden for him to forgive,** because the matter of kavod talmid chacham is desecrated, people will think that one can disgrace Torah scholars.

3. **"Takes revenge and bears a grudge like a snake" — how to understand:** The Rambam brings the Gemara (Yoma 23a): **Any Torah scholar who doesn't take revenge and bear a grudge like a snake is not a Torah scholar.** The explanation: With another creature, when it bites into another, it has pleasure — a good taste. But the snake feels everywhere only a taste of sand. The snake takes revenge not because it has pleasure from it, but because it must be. So too a Torah scholar — when he takes revenge and bears a grudge, he should not feel any good taste in it, but he does it because kavod haTorah demands it.

4. **The Rambam's version — distinction between revenge for himself and for kavod haTorah:** The Rambam has a version in the Gemara that the distinction is: **"Do not take revenge and do not bear a grudge"** applies to his own honor — he may not take revenge for himself. But he **does** take revenge for kavod haTorah — he doesn't mean himself at all. A practical test: if when his wife bothers him he also takes revenge and bears a grudge — then he means himself, not kavod haTorah. Because with his wife there is no disgrace of kavod haTorah.

5. **How does this fit with "a king who forgave his honor":** Earlier we learned that a rabbi and a nasi may forgive their honor. How does this fit with that he may not forgive? The answer: There we speak of the **extra honor** that is due to him — standing up for him, such things. That he may forgive. But when someone **disgraces him publicly** — that is a completely different category, there he may not forgive.

6. **[Digression: The Chazon Ish's approach about "high opinions" of people:]** The Chazon Ish says: People think that when they have high opinions of other people, they are good people. But the truth is the opposite — because they have high expectations, they get a whole "attack" when they see that the person is not as good as they thought. The Chazon Ish says: I know that people are by definition weak — **the**

inclination of man's heart is evil from his youth — consequently I'm not impressed. Conversely, I keep being impressed that people are **better** than I thought. This is a moral lesson how one should be able to fulfill the Rambam's advice — "lest you hear your servant cursing you" — because one doesn't take every person's words so seriously.

7. **[Digression: Distinction between Hilchos Deos and here:]** In **Hilchos Deos** the Rambam taught that one shouldn't be a "fool who doesn't feel" — one who doesn't feel at all that he's being disgraced. There that is a deficiency. But **here** the Rambam says that **the early pious ones** hear their disgrace and don't respond — which sounds like the same thing! The answer: There we speak of one who **truly doesn't feel** — he is a fool. Here we speak of one who **does feel,** but **he doesn't respond** — he forgives, he lets it go. This is a completely different level.

Halacha: "Why are Torah scholars not commonly found to have Torah emerge from their sons" — blessing over Torah first

Words of the Rambam (brings Rabbi Yehuda HaNasi): Why are Torah scholars not commonly found to have Torah emerge from their sons? Because they don't bless over the Torah first.

Simple explanation: The Rambam brings two interpretations of this statement:

- **One interpretation:** A Torah scholar who holds that it's not fitting for him to be called up to the Torah **first** (he wants a better aliyah, for example shishi), he disgraces the Torah for his own honor — and therefore his children are not Torah scholars.

- **The Rambam's interpretation (opposite):** "First" means that the Torah scholar **must** be the first one called up. If they don't give him first, or he doesn't let himself be called up first, he disgraces kavod haTorah. "That they didn't bless over the Torah first" means: they didn't give the Torah scholar to be blessed with Torah first.

Novel insights:

1. **Dispute of Rishonim in this interpretation:** There is a dispute of Rishonim in general about the question, and this is relevant to the Chazon Ish who speaks about this.

2. **The Rambam's approach — kavod haTorah demands that the Torah scholar take first:** According to the Rambam, if the Torah scholar lets himself be called up **not** first, he disgraces kavod haTorah. This fits with the general foundation of the chapter — that kavod haTorah is not the Torah scholar's personal honor, but an obligation that he must maintain.

3. **Practical question — whether one can waive aliyos for a good purpose:** If a rav gives away his aliyos so that people will come daven more, and he holds that this itself is kavod haTorah — is this permitted? This remains open, but one must think — whether kavod haTorah is objectively kavod haTorah, or it can change according to the situation.

4. **Rabbi Nossan's statement — "prophets of the land":** The Rambam brings Rabbi Nossan's statement that **"Nechemiah and deeds without their time — not because they are adulterers and not because they are robbers, but because they disgrace themselves"** — they

have troubles not because they are adulterers or robbers, but because they disgrace their own Torah honor — they don't take upon themselves their own honor that is due to them as Torah scholars.

Kavod HaTorah — Concluding Discussion

Novel insights:

1. **Quote from Rabbi Nossin in Pri Etz Chaim — "Torah scholars have no rest in this world":** Torah scholars have no rest in this world — **not because they are not comforted, and not because they don't grow, but because they "disgrace themselves"** — they disgrace themselves. The explanation: Torah scholars display the Torah

specifically because **they are not concerned with their own kavod haTorah upon themselves**. They don't take kavod haTorah as a personal thing — they waive their own honor, and therefore they can properly reveal the Torah.

2. **Practical moral lesson — first think of others: First one must take care of our friends, that they should be Torah scholars, and only afterwards think of oneself.** The focus of kavod haTorah should be on others — that one should be concerned that friends should have kavod haTorah — before thinking of oneself.

3. **Kavod haTorah is something that stands on its own** — it's not "nothing," it's a real thing that one must simply live with.

Full Transcript

Laws of Torah Study Chapter 7 — Laws of Excommunication

General Introduction to the Chapter

Study Partner A: Okay, so let's learn today Laws of Torah Study Chapter 7, the last chapter of Laws of Torah Study.

We're learning here, we're holding in the middle of the larger topic of Laws of Torah Study. The sub-category is honor of Torah scholars, and the sub-sub-category is how one punishes someone who disgraces Torah scholars or disgraces the words of the sages.

There is an institution for this called niddui (excommunication). Just as there are various punishments — there are all kinds of the four death penalties of the court, there is lashes, there is even a type of rabbinic lashes called makat mardut — there is also a new kind of thing of niddui, of, I don't know, excommunication, or we'll see in this chapter what exactly the translation is. But essentially it's like a way of expelling a person from the community, making him *menudeh muchrám* (excommunicated and banned), because he disgraced a sage.

And the Rambam enumerated twenty-four things for which the punishment is that one makes niddui. Most of them are rabbinic matters, or things that people can be contemptuous about, and niddui is a matter of restoring the severity by expelling him from the community, by distancing him from people, so that the public should be more frightened.

Niddui as a Communal Punishment

I think it's all a matter of communal things. Just as other punishments are a painful thing — one gets a slap, it hurts on the body. But for disgracing the sage, it's not a sin in terms of the person having committed a sin like the person was *mechalel Shabbat* (desecrated the Sabbath). He committed a sin against the community, he brought down the authority of the rabbi. Niddui restores the authority of the rabbi, because the person who is the troublemaker is expelled from the community, the rabbi remains with his high standing. I think they're all roughly this sort of matter.

Study Partner B: Yes?

Discussion: Why Does Niddui Appear in Laws of Torah Study?

Study Partner A: Very good, you're saying a good explanation. I think it's very well raised that seemingly there

are Laws of Punishments, and essentially this belongs in the Book of Judges. There are Laws of Rebels, Laws of the Sanhedrin and the Punishments Entrusted to Them.

But what it seems like, first of all in general there is a lot of connection between Laws of Rebels and Laws of Torah Study, especially the second part which discusses honor of Torah scholars. Essentially, there it even states Laws of Honoring Father and Mother, who has the status of a Torah scholar? For whom should one make niddui? It also appears in Laws of Rebels.

Study Partner B: Could be. Or the Sanhedrin. I didn't look exactly where it defines who is a Torah scholar.

Study Partner A: There it states it, I don't remember. It could be part of the Sanhedrin.

Study Partner B: Yes. Yes. And... could be that this is...

Study Partner A: Right, right, also here, it's actually not here. We learned in another lesson the Chazon Ish about what is a good person, he brings strongly this Rambam also on this law, who is a Torah scholar that one is *noach al kevodo* (forgiving of his honor). On this he didn't get so very worked up, that from this one learns what is a good person.

So yes. It works out, but perhaps as you say, that there are like punishments, there are actual Laws of Judges — perhaps Judges is actually a law, actually an obligation from Laws of Punishments, or a rebellious elder, other people who go against the authority of the Sanhedrin. And then here it's more specific to honor of Torah scholars — that one stands up for him, and one honors him, all these one follows him, one may not disagree with one's teacher's teaching, these things that we learned actually about what it means, fear of one's teacher, these sorts of things — and to this comes niddui. It's interesting that it's like a tool to protect the honor of Torah scholars.

Study Partner B: Yes.

Study Partner A: By the way, part of niddui is, as it states, just like how one transgresses against the rabbis, others who say, but the Gemara asks, it's all for the honor of the rabbis that they made the enactment.

Structure of This Chapter

Okay, and now this chapter is essentially — this we learned in the previous chapter. This chapter is all the laws of what one does when one makes niddui.

Study Partner B: When one makes niddui we already learned, but...

Study Partner A: We already learned when one makes a niddui, and touched a bit on niddui. Here we're going to elaborate more on what is an obligation of niddui, what it means, what a baal niddui must do, the person who is menudeh, what must he do differently, and so forth.

We begin with also with a detail. The detail is seemingly — one must excommunicate a Torah scholar. It's a dilemma, yes. A niddui is a tool that was created for Torah scholars. What happens when one needs to use this tool against a Torah scholar?

Study Partner B: Very good.

Law 1: A Torah Scholar Who Sinned

Learning the Rambam

Study Partner A: The first law is actually a connection also from honor of Torah scholars. Besides honor of Torah scholars, there is a sage who is liable for niddui, perhaps not only niddui, he could even be liable for lashes, there are other things how one conducts oneself with a Torah scholar who is liable for punishment.

It's not a dilemma, how does one deal with honor of a Torah scholar when disgrace is appropriate for him? A Torah scholar in general deserves honor, but if he has committed sins, one shouldn't... we're not "lo tehdar dal berivo" — what is the language of the verse? That when it comes to a poor person, but on the contrary, "**lo tehdar pnei gadol**" — an important person one should not honor when it comes to judgment, and here too when he commits sins.

But here we see that there is indeed a certain Torah scholar who does get protection in court, at least regarding matters of niddui — if he stole or did perhaps such a thing, I don't know — but things that are perhaps actually as you say, things that are actually a matter of honor of the Torah, that the public heard that the Torah scholars are in niddui is also a disgrace of the Torah.

Famous Examples of Niddui in History

Study Partner B: I think the topic of niddui that we find in the Gemara that are explicit are mainly where one excommunicated a sage. For example, it's known that they excommunicated Rabbi Eliezer, they called him "shamuti." And also I saw that Rabbi Yehoshua ben Perachya had a student who was called Yeshu, and he committed sins, so they placed him in cherem. It states in the Gemara, "**this is what people say: always let the left hand push away and the right hand draw near**" — they placed him in cherem.

And also later, here's a very famous one, this was already in recent times, a Jew who was called Baruch Spinoza, they placed him in niddui, they called him in English "excommunicated" — this has laws of niddui.

So, I'm saying, for a simple person a niddui is probably not such a great punishment, because his existence doesn't revolve around the community, he's at home by himself. But a sage you take away his entire...

Study Partner A: Okay, yes. Already, let's go.

But what one only hears about this is simply because from famous people one hears what happens to them. Do you know

how many householders from the time of the Gemara were excommunicated?

Study Partner B: Yes, I mean certain sages who were menudeh al kevodám (for their honor).

Study Partner A: Yes, yes, one finds in the Gemara, in Pesachim. A butcher would have expressed himself not nicely about whom? I don't remember, Rava? I don't know anymore. There are holy rabbis...

Language of the Rambam: A Sage Elder in Wisdom

Study Partner B: A sage, it says in wisdom.

Study Partner A: A sage, it says, means, is **an elder who acquired wisdom**. The others we use the word old with wisdom. Because you mean to say, that he deserves honor essentially in all kinds of situations, what there the face says.

But has the nasi or the av beit din sinned — a nasi or an av beit din of the leadership of the Sanhedrin, or of an av beit din — is **shesarach** (who sinned). What happens that he is indeed a sage, but he has sinned, he has disgraced himself.

One excommunicates him publicly forever — it's not favoritism, and one must also place him in niddui.

Discussion: What Does "Sarach" Mean?

Study Partner B: "Sarach" means does it mean one of the twenty-four things for which niddui comes, or will it turn out he sinned in a greater way than what you expect from him.

Study Partner A: It doesn't seem so here, because it seems here that we're talking — if you look at how the law continues — it seems we're talking even if he committed a sin, even a severe one, and what simply means he caused the masses to sin.

Study Partner B: Yes, that's usually the category of Jeroboam.

Study Partner A: Means so one makes niddui, but not causing the masses to sin. And how now it comes that one must make a comparison to a bomb, one makes the smaller — must one say that he makes idolatry, that this has to do with when fear of the sages. And seemingly it's appropriate for him to actually die?

Study Partner B: No difference, that's what I say.

Study Partner A: But the language seems that yes, we're talking about a full... It could be... It's difficult, because what you mean to say that it's difficult — if he is actually liable for lashes, it is liable for lashes, it is like one witness. It could be that it's not so simple.

It could be, because it states one topic, it's because we'll see about lashes in a second. It could be, also we're talking when it's a very bad thing, but there are no witnesses and warning, or such sort of thing.

Right, or it could be that... and in practice in reality truly there are punishments, Sanhedrin and court. But in reality, many times the punishments are not carried out, or there isn't currently any power.

Niddui as Practical Power

A niddui they always have the power, as it brought even until very recently there was a thing that one could do a niddui. So this is a thing that one must... The hand you can also make an oath, or make a poster against him, it's also an aspect of niddui.

Study Partner B: A poster is already a weak niddui, because one makes a poster for children, but yes, if there is a strong community he can expel a person from the community. But it's a matter of disgrace, it's not... It's shaming, yes.

"Unless He Did Like Jeroboam ben Nebat and His Associates"

Study Partner A: Further, **but when he sinned other sins** — he committed other sins, and not as severe as the rabbis, what exactly the boundary is he doesn't tell us, but lesser sins — then look, one doesn't pull him, one doesn't shame him publicly.

But what then? **One lashes him privately** — one gives him lashes privately.

Discussion: What Kind of Lashes is "One Lashes Him Privately"?

These lashes are seemingly a sort of makat mardut thing, it's like the court making punishment.

Study Partner B: No, when one is liable for lashes with witnesses and warning, obviously one gives him lashes.

Study Partner A: No, no, it's not obvious that every Jew... a Torah scholar is like every Jew, who deserves a punishment like every Jew, lashes.

Study Partner B: I don't know, perhaps...

Study Partner A: No, it seems that lashes privately means even when there is no law of lashes, but normally one would give him niddui — that's the normal punishment — but for a Torah scholar if one goes to make him niddui it will be a disgrace of the Torah.

So there is a new creation, which means, one gives him quiet lashes. The court calls him into a room and one simply gives him, not with the laws of lashes that it must be thirty-nine with the system.

Study Partner B: So you're right that the Gemara that talks about this is seemingly such sorts of things, like if he will be contemptuous of the second day of Yom Tov for example. This can happen, that he says — this is precisely a thing that only a Torah scholar, he knows that the second day of Yom Tov is fake, so he is contemptuous — but one cannot publicize this publicly.

But it can indeed be...

Study Partner A: Lashes is exactly the opposite, I won't argue. Niddui there is the problem that you shame him but you shame the Torah. Lashes, only he will feel it, one takes him in, it's under his coat, and he will feel it, but it won't be the disgrace that we want to avoid here.

A regular lashes is truly "**veniklah achicha le'einecha**" — it's part of the disgrace, but here it states privately. So this means that there is some kind of lashes privately.

Study Partner B: But it could be, we see that he brings a completion, it seems that he's talking even lashes from the Torah, it could also be that at the time of lashes one does it privately, yes.

Study Partner A: So it is... so it sounds. That means, what many times one says so laws of humility and abstinence and boundaries and safeguards, but business still has a... what do you call a maneuvering space, how do you say? Flexibility. He can adjust, one can take into account that he is a Torah scholar, not do it publicly, yes, and so forth.

Lashes Privately for a Torah Scholar (Continued)

Study Partner A: This can happen, as I say, this is precisely a thing that only a Torah scholar knows that the second day of Yom Tov is fake, so he is contemptuous, but one cannot mean that it's publicly. But it can indeed be a...

Study Partner B: Lashes is exactly the opposite, I haven't gotten over it. Niddui there is the problem that you shame him, but you shame the Torah. Lashes is only he will feel it, one takes him in, it's under his baggage, and he will feel it, but it won't be the disgrace that we want to avoid here.

A regular lashes it is truly, "**veniklah achicha le'einecha**", it's part of the disgrace. But here it states privately. So the reasoning is that one should lash him privately.

Study Partner A: But it could be, we see, it seems, he brings the opinion of the Ran, it seems that he's talking even lashes from the Torah it could also be that for a Torah scholar one does it privately, yes. So it sounds.

Flexibility of the Court in Laws of Punishments

Study Partner A: So this is what one says many times that the laws of punishments, legal rulings, the court has an inheritance of a... what do you call a maneuvering space, what do you say, flexibility, one can adjust, one can take into account that such a Torah scholar one should not do publicly and so forth.

The Distinction Between "Sarach" and "Jeroboam ben Nebat"

Study Partner B: So you're saying that the distinction here is... I still need to understand this piece of the plan. The distinction here is not between Torah law and rabbinic law, the distinction is between Jeroboam ben Nebat and a simple sin.

Study Partner A: No, I think the distinction here is between publicly and not publicly. This is the word "sarach", it's a similar language. Someone is mesariach, yes, it's a matter of privacy. Yes, a child made himself a mess, it's a matter of privacy that only the mother catches, and one takes care of it.

"Sarach" here means he disgraced himself, he couldn't restrain himself from some sin. But if he did Jeroboam ben Nebat, what he did in public, he made a desecration of God's name, then he deserves niddui publicly, because the desecration of God's name was public. Yes, but when the desecration of God's name was not public, then one does it to him privately. So that's basically the understanding.

Explanation of "Raised His Hand" — Two Conditions

Study Partner B: He has such a private word. It's first of all, but when you say Jeroboam ben Nebat, usually when someone says, "any sin that a Torah scholar does is just like Jeroboam ben Nebat", that today they would say "Shabtai Tzvi", you know, some such famous leader who sinned publicly. It's not enough that he ruled to carry publicly or did some thing publicly. It's certain that he's talking about some severe matter, a bad thing.

But seemingly the severity itself, one would still, let's say one caught him with a married woman quietly, one would still need to look if he gets lashes privately.

Raised his hand means that he does some sin with a high hand. What the sin is, it can need to be not such an important sin, but the part of it is the high hand. Therefore then one can give him niddui, because you're not protecting him. It's the opposite, you with this you make a sanctification of God's name, because he already made himself the desecration of God's name.

But sarach means that he did something that one caught him, it's not a big matter of publicity. It also doesn't have to mean that only one person knows, it could be several people know, but it's not a public thing. Raised his hand means that it's a public thing, a rebellion. A raised his hand person was like he tore his garments at the Temple, at Jerusalem.

Chavruta A: Yeah, right, so there are two conditions. It has to be both a genuine rav, and also a serious matter. Something like avodah zarah (idolatry), or like kefirah (heresy), something that is a very serious thing. Not, as you say, even if everyone knows that he was caught with some great aveirah (transgression), that's not a genuine rav, that's just a disgrace.

Discussion: The Key — Rebellion versus Shame

Chavruta B: Right, right. No, let me say, I would perhaps say it like this: He was caught by a non-Jew, so the question is, does he feel ashamed about it and restrain himself, or does he raise his hands and say "I'm allowed"? That's the point, the meredah (rebellion), the yad ramah (high-handedness). That's what brings him the niddui befanav (excommunication in his presence).

Mah she'ein kein (whereas) when it's a matter of serach (transgression), he's ashamed about it, then we give it to him batznea (privately). That's actually correct, that's the pshat (plain meaning).

Chavruta A: But it's not only when he's ashamed. You're saying, even when he... You see the Gemara talks about someone who was mezalzel (disrespectful) on Yom Tov Sheni (the second day of Yom Tov). He didn't just sit at home on Yom Tov Sheni, he told the non-Jew that Yom Tov Sheni is nothing. Even then we don't make a niddui for a talmid chacham (Torah scholar).

There's a certain protection for a talmid chacham. It's not just a protection, you're saying it's part of the din (law) of kavod haTorah (honor of the Torah) itself.

Chavruta B: It could be, simply, it could be that niddui also won't be effective, because a talmid chacham obviously has chassidim (followers), he has talmidim (students). One must be very careful when being menudeh (excommunicating) a talmid chacham, because it's very easy for it to lose its effectiveness. Because you can only use it as long as it works, as long as the olam (community) has it...

The Verse "Vechashalta Hayom Vechashol Gam Navi Imcha Lailah"

Chavruta A: Okay, but that's not necessarily so. Let's see, he brings here a teshuvat haRambam (responsum of the Rambam) about a talmid chacham who already has a bit of publicity. Ilmalei d'oraita nami sagi (if not for the Torah it would also suffice). Okay, it could be that for that itself it's a reason not to do it.

Ah, his example brings Chassidus and Satmar, yes. Okay, as it says in a pasuk (verse), he says, "**shene'emar vechashalta hayom vechashol gam navi imcha lailah**" (as it is said, "You shall stumble by day, and the prophet also shall stumble with you by night"). What's the pshat? He says, there's something about the stumbling of a prophet at night. What's the pshat?

He says, "**af beshechashol, afillu navi shenichshol, go'arim bo kisui kalailah**" (even when a prophet stumbles, we rebuke him with a covering like night). Cover it up like night, keep it like a nighttime thing, a quiet matter. "**Ve'omrim lo, 'hekaved veshev beveisecha**" (And they say to him, "Honor yourself and sit in your house"). Please, sit at home.

"Hekaved Veshev Beveisecha" — A Half-Niddui

Chavruta B: Ah, so you see that in a certain sense... So you're saying we do a niddui, but not a niddui befarhesia (public excommunication)?

Chavruta A: Not a niddui. "Hekaved veshev beveisecha" I think means as long as he doesn't do teshuvah (repentance), if I understand.

Ah, so you see he brings the lashon (language), he doesn't say "yored badavar" (descends from his position). There was such a thing, he sinned, "**ein moridin oso migdulaso**" (we don't remove him from his greatness). Not that we remove him. When they removed Rabban Gamliel there, yes? Not like that. "**Ela omrim lo, 'hekaved veshev beveisecha**" (Rather we say to him, "Honor yourself and sit in your house"). What does it mean? We tell him, honor yourself and stay at home, don't come to the beis hamedrash (study hall), so that there shouldn't be any...

Chavruta B: It's a half-niddui. It's... We don't make the niddui befarhesia, we tell him, be menudeh (excommunicated) yourself.

Chavruta A: Yes, so you're saying that there doesn't need to be force, the force of the beis din (rabbinical court) is no more, I don't know. It's more like... We accomplish the point of what a niddui needs to accomplish, that he shouldn't be able to be mashpia lera'ah (influence for bad). But we're not saying that we need to make a whole public spectacle with the thing. But we're not saying that there needs to be the hashpalah (humiliation), yes?

Here we're talking about him... "vechashalta"... yes, but it could be that he needs to do teshuvah, my rabbi, until he makes the malkos (lashes), I don't know. It's more...

The Source of "Hekaved Veshev Beveisecha"

Chavruta A: It's very interesting, the "hekaved veshev beveisecha" is a pasuk, and he doesn't bring the pasuk here. It's a pasuk in Sefer Melachim (Book of Kings), I think. The king... the king... Amatziah melech Yehudah (King of Judah) sent to melech Yisrael (King of Israel), yes, yes, someone. He said that he wants to go to war with him, and he said, "Halo, do me a favor, stay at home."

So... I don't see why he doesn't bring it. I saw the pasuk earlier. So the lashon "hekaved" means like, maintain your honor. If you'll come in public, there will be no choice, we'll have to somewhat be yored beniddui (descend into

excommunication). Forgive yourself at home. We don't want to shame you, stay at home. Very good.

Halachah 2: It Is Forbidden for Beis Din to Rush into Excommunicating Him Quickly

Chavruta A: He says, "**vechen kol talmid chacham sheshanah chayav niddui**" (And so too any talmid chacham who repeated and is liable to niddui). Not just a zakein bechochmah (elder in wisdom), or a great nasi (prince) or a beis din. A talmid chacham who is chayav niddui, as one of the things we learned earlier when one is chayav niddui, the beis din is in a dilemma.

He says, "**asur lebeis din likpotz beniddui bemeheirah**" (It is forbidden for the beis din to jump into excommunicating him quickly). The beis din may not jump... "niddui" is also a lashon of jumping actually. The beis din may not jump into being menudeh him.

Chavruta B: What does "likpotz" mean? Yes, the even... throwing.

Chavruta A: The beis din may not jump into being menudeh him very quickly. "**Ela borchin midavar zeh umeshamtin mimenu**" (Rather they flee from this matter and avoid it). We have to try to get out of it as long as we can.

It's different from a zakein mamrei (rebellious elder) where we don't do it. A normal talmid chacham, if there's absolutely no choice, we may. But the beis din must be very hesitant and try all other possible ways to make him do teshuvah or make it so we don't have to be menudeh him.

The Innovation: Even a Tzurva Merabbanan

Chavruta A: The great chiddush (innovation) is even a talmid chacham, meaning a yeshiva man, not someone who is already a chacham (scholar). Even after he's a chacham he still has a talmid, or as we see in the Gemara they call him "tzurva merabbanan" (Torah scholar). Even him, we get out of it.

It looks like we do like Reb Yankele's advice. He says, "It could be he deserves niddui, but I don't have to be the rasha (wicked one) who does it."

The Gemara: Rav Pappa and Niddui of Tzurva Merabbanan

Chavruta A: The Gemara says, "Mimnei hanegidah detzurva merabbanan ulmimnei hashmata" (From counting for the flogging of a Torah scholar and from counting for the excommunication). They even hit him, as we say malkos is not misat beis din (death penalty of the court). But they didn't take themselves to have a minyan (quorum) there. The beis din needs to assemble.

Digression: The Story with the Bnei Yissachar and the Ropshitzer Rav

Chavruta B: It's like the Bnei Yissachar, yes, do you know the story with the Bnei Yissachar and the Ropshitzer Rav?

Chavruta A: No?

Chavruta B: The holy grandfathers, well, it happened between the two holy grandfathers. I don't remember the details anymore. They wanted to make a cherem (ban) on

Pshischa, I think, I remembered. The Ropshitzer Rav called an asifah (assembly), and they called the Bnei Yissachar.

The Bnei Yissachar said that it says by Yitzchak Avinu (Isaac our forefather), yes, you know, by the Akeidas Yitzchak (Binding of Isaac), to slaughter Yitzchak the Ribbono Shel Olam (Master of the Universe) Himself spoke. Not to slaughter him He sent a malach (angel). We see from here that to slaughter a Jew the Ribbono Shel Olam Himself must say. Even the rav who called the assembly is a malach.

Chavruta A: So, that's literally a punishment.

Chavruta B: The other one stood and argued that he did a wrong, we need to do something here, it's not a simple joke, it's some serious dilemma, some serious question. But he says, I catch him as long as we can. He got out of it. He says...

Chavruta A: No, it actually looks like, because if we'll say no, or the beis din says, someone comes to say this and that which the talmid chacham did, we tell him no, we're not making a shamta (excommunication), that itself is a wrong.

No, we tell him, think, we'll tell him, we'll tell him, he should come back in two months, we'll make the shamta when it's appropriate now. There's a way, there are ways to get out of it. Sometimes it comes close to that point.

Explanation of "Chasidei Hachachamim"

Chavruta A: He says, **vechasidei hachachamim...** yes, who is the chasidei hachachamim? Who is it? Rav Pappa. Teisi li dela shamtei tzurva merabbanan (Let it come to me that I never excommunicated a Torah scholar).

Chavruta B: Chasidei hachachamim means apparently pious scholars, not pious followers of the scholars. Wise pious people.

Chavruta A: No, yes, because the pious followers of...

Chavruta B: He means yes. Those who are not talmidei chachamim.

Chavruta A: Yes yes, he means... these are the midos chasidus (pious traits) of a chacham. Look, he perhaps also means wise chassidim, because there are chassidim shotim (foolish pious people) who make destruction. That's the well-known time of Rav Pappa, when the rav made a psak (ruling), perhaps the other one also wanted him then.

Lo mishtabchana, tzricha lemishbach nafshei, dela nimni me'olam lenidvas talmid chacham (I don't praise myself, I need to praise myself, that I was never counted for the excommunication of a talmid chacham). He was never counted, he never came to the assembly, as you say, where they go to be menudeh a talmid chacham.

Afillu nimnu al halel hakoso mishum malkos (Even if they counted for flogging him because of lashes), if yes, if we need to give malkos for a talmid chacham, he was yes part of that, because we give malkos batznea, yes. **Afillu makos mardus nimnu al halel hakoso** (Even lashes of rebellion they counted for flogging him), not just malkos d'oraisa (Torah lashes), and even malkos derabanan (rabbinic lashes) he's there to give him. But shamta is a great bedi'eved (post facto measure).

The Balance Between Kavod HaTorah and Protection

Chavruta A: Very good. So it's very important, we need to be clear here. We don't mean that the chachamim should protect each other. It's the true important thing that the kavod haTorah should be strong by the olam, and because of that, even a talmid chacham, we hear that in the yeshiva they were menudeh someone because he sinned something, it's also not a way, and we need to try hard to get out of that.

We need to think how also, it could be that when the da'as hakahal (opinion of the community) is different we can look at it differently. On the contrary, many times people look at it as we're protecting our own, we're not honest, if the talmid chacham who swindled and stole from a person.

Because of that what could be that the word here is not permitted, that they don't say clearly and directly "we protect our own." If there's no choice and for the kavod haTorah we specifically need to yes make a hashmata (excommunication), perhaps we then make a hashmata, a niddui, if that's the kavod haTorah. We need to understand the situation.

Chavruta B: Yes, but you're saying that there is...

Teshuvat HaRambam Regarding a Chazzan Who Has a Rumor About Him

On the contrary, the Rambam brings such a beautiful teshuvah in the Rambam, where they asked about some chazzan (cantor) whether to remove him, whether he can be a witness, not be able to be a witness. There was a rinun (rumor) that he does some things that one may not do.

The Rambam says very sharply that we don't remove anyone from his position because of a rumor. Perhaps there's testimony, perhaps it's different. But he brings on this all the Gemaras that a talmid chacham shesarach (who transgressed), even when he did yes do it, we need to be choleik al kevodo (disagree for his honor).

The point is like this: A talmid chacham is an actual true talmid chacham, we're not talking about him being just a position in the yeshiva, he can actually learn more, he actually has some worth. And even if he actually sinned, the whole yetzer hara (evil inclination) made him sin, the kavod haTorah obligates that we should treat him more bederech kavod (with honor).

But it's correct, that presumably if he's mazik (harmful) to another, if on the contrary, he uses his position in order to swindle, it's the opposite. As he brings that there was someone, some story in Mo'ed Katan where they specifically yes were menudeh, because it was some such case that he did, he in short took advantage or pretended, whatever. Hachami (here too).

But there is such a thing.

Seder HaNiddui - How Is the Niddui

Now the Rambam will say how it works.

Okay, there is a niddui. **Keitzad hu haniddui?** (How is the niddui?) He says: **"Omrim 'ploni beshamta'"** (They say "So-and-so is in shamta").

That one is in shamta — that's the Aramaic word, the Gemara's lashon for niddui, yes? Niddui, cherem, and shamta. I don't know, it's three words that mean the same thing. That's how the niddui becomes effective — we can call him "ploni beshamta."

Niddui Befanav and Shelo Befanav

Or when we're menudeh him shelo befanav (not in his presence). But there is the din that we should tell him **"amarnu ploni zeh beshamta"** (we said this so-and-so is in shamta) — we should say it in his presence.

Chavruta A: Should the Rambam mean here simply the exact precision, or you know, a din that when we make a niddui it should be in his face?

Chavruta B: Also there is that we can be menudeh him shelo befanav. Also there is that we should tell him this. Why? Because so that our lashon hakodesh (holy tongue) should be perfect, the Rambam was here a grammar police?

It's simply a matter that we shouldn't do it behind his back, rather we should have the guts to say it in his presence. He doesn't say that we should do it, he says if we do it in his presence, we do it like this. That's the way to do it. It's actually that when he's in the beis hamedrash when we make a niddui, we don't say "that one there," rather we say it in his face — "you."

Lashon Cherem

A cherem... already, that's niddui. What is cherem?

The Rambam will already say the difference between niddui and cherem. If we make a cherem and not a niddui — **omrim "ploni muchram"** (they say "so-and-so is in cherem").

In short, it's the lashon. We say "muchram," he becomes muchram.

Lashon "Arur" - Arur Bo Alah, Bo Shevuah, Bo Neder

Chavruta A: And... we say differently? What else is different here? Or is that it? When we make a cherem, do we also make "arur" (cursed)? I don't know.

Chavruta B: **"Ve'arur bo"** (And cursed in it) — that's simply lashon haGemara. "Ve'arur bo, alah bo, shevuah bo" (And cursed in it, oath in it, vow in it)?

Chavruta A: No. "Ve'arur... ve'arur..." No.

Chavruta B: **"Arur bo"** — that's the lashon. "Arur," if we say "arur," "ploni arur," it is **"bo alah, bo shevuah, bo neder"** (in it is an oath, in it is a vow, in it is a pledge).

That means, the lashon "arur" means either alah, which is a curse, or shevuah — that means it can be lashon shevuah, and also neder.

The total that we see from here that we can also be menudeh someone with lashon "arur," that's how I understand. It's a lashon from Gemara. But that is that we can also make "arur," or "alah," or "shevuah," or "neder." We can use one of these words. But this is a lashon haGemara — "arur bo neder, bo kelalah, bo shevuah."

Proof from Barak and Meroz

In short, he brings a proof, that the angel said that Barak said "oru Meroz" (curse Meroz), the angel said that "be'arba me'os shofros shamtei Barak leMeroz" (with four hundred shofars Barak excommunicated Meroz). He was meshamet Meroz with four hundred shofars.

He said that we see that the lashon arur can also mean — it can mean an alah, the alah means arur literally, or it can mean a lashon shevuah, "im lo e'eseh kein arur vego" (if I don't do thus cursed etc.), this can also mean niddui.

Apparently there's something that gives me to think that we don't need to say lashon shamta, we can also say lashon arur. Yes.

Hatarat Niddui VeCherem

So, and he'll say that if he doesn't have charatah (regret) after the niddui we make a cherem.

Chavruta A: Ah, the niddui is like the beginning, the first, if not?

Chavruta B: Okay.

How we learned... is the ketzos matirim (how do we release) a niddui or cherem — how do we undo it, how do we fix it?

"Omrim lo 'sharui lach umechul lach'" (They say to him "it is released for you and forgiven for you") — until we're matir (release) and until we're mochel (forgive), we forgive. And he becomes matir shelo befanav — **"omrim 'ploni sharui lo umechul lo'"** (they say "so-and-so it is released for him and forgiven for him").

The same thing. In short, it's very simple to make a niddui and a cherem — we just need to say it, it's just a word. We don't need to bring any shofars. We can bring shofars. We don't need the candles, pulsa denura (lashes of fire), note...

Conduct of the Menudeh - What Is the Custom That the Menudeh Conducts Himself and What They Conduct with Him

He says further: **Mahu haminhag shenoheig hamenudeh be'atzmo umah shenohagin bo?** (What is the custom that the menudeh conducts himself and what they conduct with him?) What is the custom, how does a menudeh conduct himself, and how do we conduct ourselves with him?

Prohibitions of the Menudeh

He says like this: A **menudeh asur lesaper ulechabes ke'aveil** (menudeh is forbidden to cut hair and to launder like a mourner) — the din like a mourner regarding washing himself and shaving — **kol yemei niddui** (all the days of his niddui), as long as he's a menudeh he may not wash himself and shave.

Ve'ein mezamnin alav (And we don't invite him) — we don't count him.

Chavruta A: Does it mean to say we don't eat bread together with him, or we can't make a zimun (grace after meals together) with him?

Chavruta B: Perhaps both together. Even if he doesn't eat pas (bread) with him, even if he eats, we don't count him. That means that he's not part of the tzibbur (community). How we say for a person that he's not in shul, we don't count him, we say "ashrei yoshvei veisecha" (happy are those who dwell in Your house) and not you.

Velo metzarfin oso la'asarah lechol davar shetzorich asarah (And we don't join him to ten for anything that requires ten) — we don't count him for a minyan for anything that requires ten.

Velo yoshvin imo bed' amos (And we don't sit with him within four cubits) — we don't sit in his four amos.

What Is Permitted to the Menudeh

But what yes, what may we yes?

Shoneh la'acheirim (He teaches others) — he may yes be shoneh (teach).

Chavruta A: Does this specifically mean teaching Mishnah, not learning lechatchilah (initially), or does it mean that he may learn?

Chavruta B: No, learning. Shoneh means, I think, learning Mishnah usually. **Shoneh veshanin lo** (He teaches and they teach him), yes. He may learn, it's not bitul Torah (neglect of Torah study). Learning is permitted. He won't be a maggid shiur (lecturer).

Shoneh la'acheirim means if he is a maggid shiur, he remains. If he is a talmid, he remains a talmid.

The Foundation: Learning Is Life

There is such a thing as an ir miklat (city of refuge)

There is such a thing as an ir miklat (city of refuge), that yes, this is part of life — to an ir miklat one sends with the students. Just as we can see that a menudeh (one who is excommunicated) is a... they will penalize him, but they won't take away his life. Learning is the life, so learning they let him continue to learn with him, and they speak with him.

We can see that a menudeh is a bit more, but even a menudeh may learn by himself, there's no such thing.

Livelihood

And the same thing also for his livelihood — they don't take away his basic livelihood. If he's a hired worker, he may continue to be hired for his work, and an employer may hire workers. This he may do.

A Menudeh Who Dies in His Nidduy

He says, when one is menudeh — if he died while he was still a menudeh, it doesn't automatically expire.

Certainly, however, all other punishments — they don't continue giving lashes after he's died, they can't. But the nidduy shows that it's not a punishment on the body, it's more a community thing, it's like a statement that he...

Right, so his funeral also can't be. It can't be that a menudeh died and his funeral takes place, he comes to his funeral in the beis hamidrash.

Chavruta A: Yes, when it's a physical thing, whom will you hit? The person is no longer here.

Chavruta B: But the matter of kavod (honor) — kavod is relevant even when one has died. That can be a thing, because sekilah (stoning) is not kavod, but there is such a thing as giving kavod to a meis (deceased). We give him kavod.

Right, it's a statement that we esteem him. Here one must continue to hold the statement that we still don't esteem him.

A Stone on His Coffin

Beis din send and place a stone on his coffin — they place a stone on his coffin.

Meaning that they are stoning him — it's a symbolic sekilah.

Chavruta A: Yes, yes.

Chavruta B: Or one can understand that the Rambam means... in the Gemara it says "they place a stone on his coffin," he brings the language of the Rif — "a remembrance of sekilah."

Perhaps the Rambam means to say the opposite, that what it says in the Gemara "they place a stone on his coffin" means that they throw stones at the coffin. No — **meaning** that one must place a coffin, this is a sign, a statement **that they are stoning him**. That one means to say one must view him as if he's in sekilah. It could be things that don't warrant sekilah, but it warrants sekilah — **so that he should be separated from the community**.

So the stone must symbolize that they are punishing him.

They Don't Eulogize and Don't Escort

Further he says: **And needless to say** — it's obvious — **that they don't eulogize him, and they don't escort him** with Torah scholars.

It's only the people who are dealing with him carry his coffin, but they don't go extra people to escort him.

Laws of the Muchram - More Than the Menudeh

The Rambam says, this is one who they put in nidduy, but there is also cherem, which is an even more severe thing. And what is the law upon him?

Distinction Between Nidduy and Cherem Regarding Learning

He, they also don't give him the thing that he may learn. **Shoneh shoneh** — a cherem **shoneh lo**, he may not learn with other people, and they may not learn with him.

But he learns by himself so that he won't forget his learning — he learns alone, so that he won't forget his learning, and he still has a mitzvah of talmud Torah. He should continue learning so that he won't forget his learning — the cherem will eventually end, and in the meantime he shouldn't become an am ha'aretz.

Distinction Regarding Livelihood

And he is not hired and does not hire for himself — they don't hire him, and workers may not be hired for him, meaning he may not hire workers.

And they don't do business with him — they don't do business with him. Because in nidduy it said, apparently one may do that.

And they only do minimal business with him, enough for his livelihood — they do a little, they keep him alive, so a bit of livelihood they may give him, but not more than that.

How Does One Become a Muchram - The Process from Nidduy to Cherem

Ah, now we'll see how one becomes a muchram. How does one become a muchram?

The Rambam says thus: **One who sat in nidduy for thirty days and didn't ask to be released** — one who was in nidduy for thirty days, one who is in nidduy can come and ask, when he does teshuvah, we learned earlier, they release his nidduy. So as long as he doesn't come to ask, the meaning is that he is standing in his rebellion.

They excommunicate him a second time — they put him into nidduy again.

Nidduy Is Not a Punishment - It's a Tool

So here we see that a nidduy is not truly a punishment, it's more like a tool to make. It's made so that you should do

teshuvah — you did something wrong, it's a way to break him. He's stubborn, they put him in nidduy until he'll come to ask.

It's not like a punishment here in heaven, like malkos (lashes) is simply "and your brother will be cleared before your eyes" — with that you're done. A nidduy you don't finish. It's only a... it's only a... it's only a...

Understanding the Law of a Menudeh Who Dies

With this I can perhaps better understand the previous law: when one dies, one might have thought, once he died, we consider it as if he came to ask. The novelty is no — as long as he didn't actually ask, we consider him still in nidduy. Because he was stubborn until the last minute.

This implies that he turned himself around — even death didn't release you from your nidduy. One must at the last minute say...

A Menudeh Who Dies Without Asking for Release

It's not like our conversation like I, "the kingdom, the simple meaning of Nikolayev I place," with that you're done. A nidduy you don't finish. It's only a... it's only a... it's only a... With this I can perhaps better understand the previous law that when one dies... one might have thought, once he died, we consider it as if he came to ask. The novelty is no, as long as he didn't actually ask, we consider him still in nidduy. That he was stubborn until the last minute. There's no such thing that he should turn himself around, even death didn't release him from his nidduy. He must at the last minute say, "I am sorry, I apologize." Okay.

Law 7: He Sat Thirty Days and Didn't Ask to Be Released

What if he really doesn't want to, he won't let himself? **He sat thirty days in his nidduy and didn't ask to be released** — if he sits thirty days and he doesn't ask that they should release him, the nidduy really doesn't work.

Ah, does that mean that the nidduy was only for thirty days? Is that what it means?

It seems... what if he made a nidduy for thirty days? A nidduy is a thirty-day period, and after thirty days one must make a fresh nidduy. Or, if it's already two times thirty days and he still hasn't asked, **they put him in cherem**. They take it to the next level, they make it stricter. They make from a nidduy they go to a cherem, which is more severe as we learned earlier, that they may not learn with him and so forth.

Law 8: Release of Nidduy and Cherem — With How Many Do They Release?

But the Rambam says further, **And with what do they release the nidduy or the cherem?** How is it released? He says, **with three**. Three people release it.

There to make a nidduy one person can, as it said earlier. For the honor of the sage even a hedyot (layman) can make a nidduy. To release a nidduy one needs to have three experts or three hedyotim, three people.

He says, **And a single expert releases the nidduy by himself** — or three hedyotim. That means, as long as they're hedyotim one needs three, if it's a single expert even one person is enough. Yes.

A Student May Release Even in the Presence of the Rabbi

And a student may release the nidduy or cherem even in the presence of the rabbi. We learned earlier laws that one may not do when there's a rabbi, one may not give rulings. But it is indeed a matter of releasing a nidduy when one can.

That means, if a student knows that someone had regret for his sin and he wants a correction, even a student may release the nidduy or cherem even when there's a rabbi.

Why? It seems it's not such a big thing, for a nidduy it's something cheap basically, one can give it cheap. Or this can be because there's a matter of how quickly to release a person from nidduy, and the minute it no longer applies to him, and to help him turn himself around from the mud.

Law 9: Three Who Excommunicated and Left

The Rambam says further, **Three who excommunicated and left** — that means what if there were...

Ah, and we're talking here about the same people who made the nidduy?

We don't know, perhaps usually. In any case, we see that usually if one excommunicated a friend one must ask him that he should agree that it should be reversed, and not that it's not important enough.

But what if they're not here? Ah, the three who... a beis din of three who made the nidduy and left, **and this menudeh returned** — and the person is still here, and he had regret, we don't say that he now remains menudeh, rather **they seat others for him and they release him** — three other people can release him.

One Who Doesn't Know Who Excommunicated Him

And what happens **one who doesn't know who excommunicated him**? One was a menudeh, but he doesn't know who it was. **He should go to the nasi and he will release his nidduy.** He should go to the nasi, and the nasi should release his nidduy. Interesting.

Law 10: Nidduy on Condition

The Rambam says further, **Nidduy on condition** — if a person makes a nidduy on condition, he doesn't just say he's in nidduy, rather he says as long as you won't stop doing such and such. Or even **on his own** — even a person puts himself in nidduy, a person can put himself into nidduy.

How does it work? He says **I am in nidduy if I don't do such and such.** Yes, if I don't do thus. Then **it requires release.** He needs release.

Discussion: Why Does One Need Release if the Condition Wasn't Fulfilled?

Even when the condition ended? Even he didn't fulfill the condition? What does he mean he needs release?

No, even actually he did the right thing. He says, "If I go disrespect yom tov sheni, I should be in nidduy," and he actually didn't disrespect yom tov sheni, he still needs release.

What's the meaning? Apparently, it only happened through a condition, why should one need release even if the condition didn't happen? That's weird. I don't know.

Source from Yehudah

And then he says, look further, **And so a Torah scholar** — he even brings out that the rabbi is no longer mistaken in the law. **A Torah scholar who excommunicated himself, even if he excommunicated himself on the mind of so-and-so, even in a matter for which he's liable for nidduy, he may release himself.** He can release his own nidduy. Even if he did it on the mind of so-and-so, that if that one will have regret he'll forgive him, that he should be in nidduy, even a matter for which he's liable for nidduy he can release himself.

I don't know, the Rambam doesn't agree. In short, I don't exactly grasp the law of this nidduy, I don't understand what he means.

The Gemara brings it from Yehudah, that Yehudah said **if I don't bring him to you I will have sinned to you**, and we see from what that he became... was he in nidduy, even though he ultimately brought Binyamin home? From his very death one can see a proof, he put himself in nidduy, he himself said "and I will have sinned to you," and the Gemara says that "and I will have sinned to you" means he should be in nidduy.

The Shulchan Aruch's Approach

But what is the... so he brings that the Shulchan Aruch rules the law with a condition, with a... with an approach, that he means to say in a case when there's a great chance that he won't be able to keep the condition, then it already takes effect from the very making of the nidduy, even though it's something that it could be that he won't be able to keep.

Law 11: Menudeh in a Dream

Okay, nidduy in a dream I'm already not standing so well. Menudeh in a dream I also don't understand. First let's take what it says. Say say say.

Further the Rambam says, law 11, **One who was excommunicated in a dream, even if he knows who excommunicated him, requires ten people who learn halachos to release his nidduy.** It's an interesting definition, ten people who learn halachos, ten people who are somewhat Torah scholars.

Discussion: What Does "Shonin Halachos" Mean?

Ah, the whole topic of nidduy has very much to do with the topic of Torah scholars. So the Torah scholars, they're in charge. So shonin halachos means that he can immediately see that there's Mishnah and halachos. I don't know exactly what shonin halachos means, whether it means halachos of Gemara? What's the meaning of halachos?

Look, he brings from the She'iltos a version of the Gemara, he says that one needs people "who have learned Avos and Midos" — people who can learn Mishnah and Midrashim and Mechiltos. Not exactly great Torah scholars, but somewhat Torah scholars, ten people.

Why Does One Need Ten Here?

So no, earlier we learned three hedyotim can. It seems that a nidduy in a dream... it's very interesting, because a nidduy in a dream is simply he sits alone, his own imaginations, his own thoughts excommunicated him.

One tries to say that it's a message to him. In the dream one sees certain messages that a person sends to himself, as it were, whatever that means.

Somewhat, the assumption here is that it's not himself. Somewhat, the assumption here is, the one who holds that the blessing of dreams is a matter of demons, should apparently hold that this doesn't work. But the law of a nidduy in a dream is as if a dream is in heaven they excommunicated him.

Discussion: What Is the Reality of a Nidduy in a Dream?

But Rav Yehudah said Rav, he can go to the people who excommunicated him in the dream.

Rather what, it has nothing to do with the people. It's a message, as you say, it's a matter of heaven.

Right, because that's only the supernal prophet, I don't know who, the prince of dreams sent, clothed himself in that person.

Doesn't mean that that person knows about it.

Yes, when I come to you in a dream, I wasn't there. It's only you... the dream sent you.

I hear.

Rationalist Approach

It could be that it's a kind of thing, when a person dreams that he's excommunicated in a dream, what's the meaning? That he has very weak self-confidence, he thinks he's excommunicated. He needs ten people to boost him, to tell him: no, you're good, they should...

You're saying a rationalist interpretation.

What's wrong that the dream is a serious thing? Again, whoever doesn't take his dreams seriously, perhaps he really doesn't need to. Perhaps this doesn't speak for people who believe in dreams. But one who believes, was he really excommunicated in a dream.

If He Didn't Find — The Levels of Release

And if he didn't find them — if he doesn't find ten Torah scholars, **he should trouble himself after them up to a parsah** — he should go search for them up to a parsah away.

He didn't find — he still doesn't find. **They release him whoever knows to repeat** — then ten people who only know Mishnah are enough, not Mishnah and halachos.

He didn't find — he doesn't find, even ten people who know Torah is enough.

He didn't find — even ten regular people, am ha'aretz who know to repeat, meaning people who can't read Hebrew and can't learn Torah, can release him.

If he didn't find in his place — then even three can release him.

Okay.

The Rambam's Position on Dreams — A Contradiction?

It's a wonder because the Rambam holds that so it says in the Gemara as law, but the Rambam himself doesn't believe in dreams.

Why do you know that the Rambam doesn't believe in dreams? Based on what do you say this?

The Rambam... where does the Rambam speak about dreams? Doesn't the Rambam rule that words of dreams neither raise nor lower?

Regarding which topic?

It seems that regarding nidduy in a dream he rules differently, it could be that each thing is different.

He says that the Rambam in a second incident he says that he made a second incident in dreams.

About what?

No, but that's simple, because it must be a real dream. A nidduy is something a... perhaps what you say, it's more like a practical thing. He feels excommunicated, so he goes and makes himself filthy, he doesn't wash himself. Ten people come and they tell him, "You can wash yourself."

The sage says, "They release him."

Yes, but you remember that there's the condition on releasing him.

Yes, releasing him is only if he did teshuvah.

If he did teshuvah. So it's again, if he says... but they also dreamed, they gave in a dream which one should disrespect yom tov sheni. He also tells him, "If you really disrespect, you're really liable for nidduy, you must stop."

No, it's not... no, actually, once you understand that a person can excommunicate himself, it's not so dangerous anymore. There's a way of excommunicating oneself when one disrespects a Torah scholar, there's a way of excommunicating oneself in a dream. Cherem, I don't know.

But... it seems to me that... no, he can permit himself on his own as well, if he is a talmid chacham (Torah scholar).

A Dreamed Posek (Halachic Decisor) — Doesn't Help

But the chacham (sage), why should he believe him that he dreamed that his nidduy (excommunication) was annulled? He dreamed that ten people annulled it.

Kasher ba l'yadcha al tachmitzenu (When something kosher comes to your hand, don't let it become leavened).

It's different, it's different. The halacha (Jewish law) is sound.

I think that Rabbi Aryeh Stern, the chaver hachaver (colleague), who has Likutei Shichecha, he once struggled greatly with this. But we see here that it's not so simple. A dream, yes, but if it's a true matter, then a dreamed posek who annulled the nidduy doesn't help, right?

Okay, sounds.

I already heard from you once b'sodo shel moreh hora'ah (in the confidence of a halachic authority), that someone once called you with such a question.

And he doesn't make himself. You know, no one knows what nidduy means, perhaps because of that. But the person who knows, has an eseh sha'alcha (ask your question), we learned the Rambam (Maimonides).

Okay.

Halacha 12: Nidduy in His Presence — Annulment in His Presence

The Rambam says further, **Mi shenidah b'fanav** (One who was excommunicated in his presence). Earlier we learned "b'fanav" — one can be excommunicated in his presence, and we say you are excommunicated, or one can be excommunicated not in his presence.

He says, there's a distinction in halacha: if one was excommunicated in his presence, someone said "atah menudeh elai b'fanav" (you are excommunicated to me in his presence), then also the annulment must be in his presence, one can only permit him in his presence.

There Is No Set Time for Nidduy — No Minimum Time for Nidduy

The Rambam says further: **V'ein b'nidduy l'hafara ketzava** (And there is no set time for annulling nidduy). The same way that one makes nidduy, one makes annulment — **ela menadin u'matirin b'rega echad** (rather, they excommunicate and annul in one moment). This means there's no minimum time. It doesn't have to be thirty days, it can happen immediately. **Menadin u'matirin b'rega echad, k'sheyachzor hamenudeh l'mutav** (They excommunicate and annul in one moment, when the excommunicated person returns to good) — one can annul it immediately when he improves.

So you could think, what happens if the same chacham annulled it? Very good.

But for a chacham, if... perhaps I shouldn't excommunicate him — someone thinks too much during my shiur (lecture), he is in nidduy.

Do you want to agree? Well, let's try excommunicating. I want to think that one can excommunicate for work.

Okay, we'll carry it out. The Rambam will carry out that one shouldn't do it.

And If the Beit Din Saw to Leave This One in Nidduy for Several Years

The Rambam says further: **V'im ra'u beit din l'haniach zeh b'nidduy al kama shanim** (And if the beit din saw to leave this one in nidduy for several years) — if the beit din decided to leave a person in nidduy. Apparently it's really in cherem (ban), yes, because after thirty days one goes... perhaps it was... one raises the level to cherem. This means, it's called the regular language of nidduy. **Manichin k'fi rish'o** (They leave him according to his wickedness) — that if it's appropriate to keep him in cherem for longer years, they keep him that way.

It's signed that this will be a new thing — here nidduy becomes yes, so not. Until now we take nidduy as a pressure tactic, until there is teshuva (repentance). Okay, here I can, here also. That if the pressure tactic doesn't work immediately, it must last years — perhaps when it's an old person, it's already really unbearable that someone should come visit him, then it's time to do teshuva.

Okay, the point here is that there's no measure — not above and not below. One can make it for a moment, one can make it for a while. It's clear that it's a tool. What when it works and how long it works can one use it?

And So If the Beit Din Saw to Place in Cherem — Order from Nidduy to Cherem

No, we see clearly that we're not talking about nidduy. Look at the next halacha:

V'chen im ra'u beit din l'hacharim — menadin techila, v'im lo yashuv min hachet macharimin oto miyad, v'ein tzarich l'zeh minyan asara, ela macharimin oto al mi she'ochel v'shoteh imo (And so if the beit din saw to place in cherem — they excommunicate first, and if he doesn't return from the sin they place him in cherem immediately, and this doesn't require a quorum of ten, rather they place him in cherem regarding one who eats and drinks with him).

Distinction Between "Ein Mezamnin Imo" and "Mi She'ochel V'shoteh Imo"

Interesting, because earlier it said "ein mezamnin imo" (we don't join him in a zimun) — do you see what eating with him means? The language is "ein mezamnin imo." Because here it says that it's only a matter of **mi she'ochel v'shoteh imo** (one who eats and drinks with him), is this not even four cubits... perhaps they said that one shouldn't mezamen with the four cubits — on the contrary, even if he's not sitting with the others, he shouldn't join in the zimun.

Okay. **O mi she'omed imo b'arba amot — macharimin oto al zeh haderech kedei l'yasro u'chedei la'asot seyag laTorah, kedei sheyilmedu mimenu ad shelo**

yosifu od lachato (Or one who stands with him within four cubits — they place him in cherem in this way in order to discipline him and in order to make a fence for the Torah, so that they will learn from him so they won't continue to sin).

The Purpose of Cherem — Seyag LaTorah (Fence for the Torah)

So that sins won't be normal. Just as there's a fence — just as someone who is contemptuous in a matter that everyone saw that one was contemptuous and nothing happened, everyone will be contemptuous. Nidduy was made for things that need extra protection — vulnerable things, something that's only rabbinic, therefore people won't take it seriously enough. As long as there's a breach, one should do it.

Breach, yes. This is so there won't be any breach.

This Is Not the Way of a Sage — A Talmid Chacham Shouldn't Excommunicate for His Honor

Okay, now we come back to the matter of doing as I said that was said to him. If so, you see that one can excommunicate for the honor of a sage — they'll just take one person.

The holy Rambam says thus: **Ein zo shitat chacham u'minhag kevodo, ela zo chulshat talmid chacham v'hanhaga she'eina tova** (This is not the way of a sage and the custom of his honor, rather this is the weakness of a talmid chacham and conduct that is not good). It's not a nice thing, it's not a weakness for a talmid chacham to conduct himself this way.

Ela haderech hatova v'hayeshara she'ya'alim ozno midivrei am ha'aretz, v'lo yashiv lahem teshuva klal, k'derech she'amru chachamim harishonim: shetika l'amei ha'aretz geder l'chochma (Rather the good and straight path is that he should close his ear from the words of an am ha'aretz, and not answer them at all, as the early sages said: silence for the amei ha'aretz is a fence for wisdom).

First of all, he shouldn't deal with amei ha'aretz at all, as we already learned earlier. But even if he already heard what the am ha'aretz says, he should act as if he didn't hear.

V'yosif al libo, v'lo yachush l'Shlomo she'amar: "Gam l'chol hadevarim asher yedaberu al titen libecha" (And he should add to his heart, and not be concerned with what Solomon said: "Also to all the words that they speak, don't give your heart"). Not everything that's said do you need to hear. But he says a word: **"Shelo tishma et avdecha mekalelecha"** (So that you won't hear your servant cursing you) — you shouldn't hear how your servant curses you. He curses you, but you didn't hear. Act as if you didn't hear.

This is one of the tricks of how to be, how to make oneself be a better friend — because you take every insult, you take every offense in, you don't take such an offense seriously, you don't know, let it go.

The Chazon Ish's Approach Regarding "High Opinions" of People

The Chazon Ish has a very beautiful approach in this. He says that people think that when they have very high opinions of people — they held that people are very important, people are very good — they are good people. But the truth is that it's exactly the opposite: because they have high opinions of people, they have high expectations of people, and then they have a whole attack when they see that the person isn't so good, and that the person isn't as nice as they thought.

But mah she'ein ken ani (but not so I), he says, I know that people are by definition weak — **yetzer lev ha'adam ra mi'ne'urav** (the inclination of man's heart is evil from his youth) — therefore I'm not impressed. On the contrary, I'm constantly impressed that people are much better than I thought.

Very good.

The Way of the Early Pious Ones

Another way — **derech chasidim harishonim** (the way of the early pious ones). What is the way of the early pious ones? Their custom was — the world was still a world, yes, when there were still early pious ones.

Shom'im cherpatan v'einam meshivim (They hear their disgrace and don't respond) — even if they heard their disgrace they didn't answer at all. **V'lo od ela shemochlim l'mecharfeihem v'solchim lahem** (And not only that, but they forgive those who disgrace them and pardon them) — they forgave.

Distinction Between Hilchot De'ot and Here

Apparently, the matter is — apparently one must use judgment as it is, because many times the forgiving itself, that is the honor of the Torah. If he's going to say such a...

It's very interesting, that earlier, for example in Hilchot De'ot (Laws of Character Traits), we learned that there's a derech hamitzva (way of the commandment) that one shouldn't be stubborn and vowing — what does it say there? One shouldn't be one **shoteh she'eino margish** (a fool who doesn't feel), he doesn't feel at all that he's being disgraced. Yet here it says that it's chasidim harishonim, it says that it's a trait of piety to be a shome'a cherpatato v'eino meshiv (one who hears his disgrace and doesn't respond).

There it's again a mussar (moral teaching) that every talmid chacham should conduct himself this way. Yes. Yes.

What is here what is here — they know how the hammer stands in, but there are many times that this simply is the better approach, the better revenge is to give him such a look and just the most go fight with yourself, and so to say of course.

But here there's a mussar from a daf yomi review, that one sometimes says what he says. Yes.

A Talmid Chacham Who Was Disgraced Publicly — It Is Forbidden for Him to Forgive His Honor

Mi shebizahu yachid b'seter (One who disgraced him individually in private) — insulted him or disgraced him in private, only between the two of them. But **talmid chacham shebizahu yachid b'farheseya** (a talmid chacham who was disgraced by an individual publicly) — one disgraced a talmid chacham publicly — **asur lo limchol al kevodo** (it is forbidden for him to forgive his honor). Because everyone saw how a talmid chacham was disgraced, and the matter of honor of a talmid chacham will become profaned — people will think that one can disgrace talmidei chachamim. He must indeed take care of his own honor, for the honor of the Torah.

When he forgives — he is punished. He's disgracing the Torah! This means the talmid chacham himself is now disgracing the Torah, because he saw someone disgrace a talmid chacham — it just happened to be one, what difference

does it make it's not you, we're talking now about the Torah — he didn't forgive.

Nokem V'noter K'nachash (Vengeful and Bearing Grudge Like a Snake)

Ela nokem v'noter k'nachash (Rather vengeful and bearing grudge like a snake) — like a snake that is always vengeful. It doesn't mean he's vengeful exactly like a snake. It should be like a snake that is always vengeful — **ad sheyevakesh mimenu mechila** (until he asks forgiveness from him), and then he is obligated to forgive.

How Does This Fit with "Melech Shemachal Al Kevodo" (A King Who Forgave His Honor)?

But this means how does this fit — we learned earlier that a rabbi and a nasi (prince) may forgive? But there we're not talking about when someone disgraces him — he may forgive the extra honor that is due to him. You shouldn't stand up — this is the Gemara, the Gemara brings in Yoma what it says:

Kol talmid chacham she'eino nokem v'noter k'nachash eino talmid chacham (Any talmid chacham who is not vengeful and bearing grudge like a snake is not a talmid chacham).

Yes.

Interpretation of "Nokem V'noter K'nachash"

I mean, I remember someone interpreted a good interpretation: that when another animal bites into someone, he enjoys it — he has a good taste. The snake feels everywhere anyway a taste of sand. So the snake isn't vengeful because he ate a piece of flesh here. So too a talmid chacham, when he is vengeful and bearing grudge, he shouldn't feel any good taste in it.

The Rambam's Version — Distinction Between Revenge for Oneself and for Honor of the Torah

The Rambam says — the Rambam has a version in the Gemara — that this is the distinction that one **lo tikom v'lo titor** (you shall not take vengeance nor bear a grudge): he's not vengeful for his own honor, he's vengeful for the honor of the Torah — he doesn't mean himself at all.

It's another question — how can one know if he's the same vengeful and bearing grudge for himself or for others? Then one will know whether he means himself or he means the Torah.

So one can think: if when his wife does it, is he also vengeful and bearing grudge? His wife insults him — it's not a disgrace to the honor of the Torah, he must deal with his wife. Yes.

Conclusion of Laws of Nidduy and Cherem

Well, this is ad kan (until here) is the topic of... with this we have finished the laws of nidduy and cherem.

Why Talmidei Chachamim Don't Merit That Torah Should Come from Their Children — Blessing of the Torah First

I want to mention a piece, an interesting thing. The Rambam brings, it says, Rabbi Yehuda HaNasi said: **Bameh talmidei chachamim ein metzuyin shetetzei Torah mibeniheim? Al she'einan mevarchin baTorah techila** (Why don't talmidei chachamim merit that Torah should come from their children? Because they don't bless the Torah first).

Two Opposite Interpretations

And the Rambam brings an interpretation — that the talmidei chachamim didn't... he brings two opposite interpretations. It's very relevant, because we're going to learn in another shiur the Chazon Ish who talks about this, and here we see that there's a dispute among Rishonim (early authorities) altogether about the question he has.

One interpretation: that there was someone who said that a talmid chacham isn't fitting to go up to the Torah first — he wants a better aliya, he wants shishi — so he disgraces the Torah for his own honor. For this he receives a punishment that his children aren't talmidei chachamim.

And the Rambam says the opposite: that "techila" (first) means to say that actually the first one, the kohen, should be the talmid chacham. If the talmid chacham doesn't let himself go up first, the meaning is that he disgraces the honor of the Torah. And this is the cause that it says "**al nevi'ei ha'aretz shelo berchu baTorah techila**" (about the prophets of the land who didn't bless the Torah first) — meaning that they didn't give the talmid chacham to be blessed in the Torah first.

Distinction Between "Davar Hashem Baza" and the Rambam's Position

And here we see that it's not that the interpretation is, as it says in Chazal (our Sages) "**davar Hashem baza**" (he despised the word of God) — that when he's called up and he doesn't go up he disgraces the Torah. Rather here you see that the Rambam held that no — if he doesn't do it for the honor of the Torah, because he holds that it's not fitting for the Torah that he should be given the aliya, then on the contrary, this is what he should do.

Practical Question — Whether One Can Waive Aliyot for a Good Purpose

My question is always with these sorts of things: whether this is when this is the situation, when people in shul will look at it as the Torah being profaned, or it's a law like this.

For example, I always give away the aliya — yes, okay, I'm not a talmid chacham, I'm not a rabbi, and I want people to come daven more. But I mean to say now, let's say about me, I'm not a talmid chacham.

Let's say that a rabbi who gives away this, and he holds that this is an honor — that the people see that the rabbi waives his honor, and that itself is honor of the Torah. One must think how — whether this can be a no, the honor of the Torah is the honor of the Torah.

Rabbi Natan's Statement — "Nevi'ei Ha'aretz"

He brings out what Rabbi Natan brings: **They have comfort and deeds without their time — not because they are adulterers and not because they are robbers, not because they despise themselves** — rather they have comfort because they disgrace the Torah, because they don't take their own cold Torah matters.

The truth is, first one must take care of our friends who in their situation should have comfort, and then think of one's own. Yes, I mean that it's not such a thing that one should...

Honor of the Torah — Concluding Discussion

One must think this way, that this is nothing — the honor of the Torah is the honor of the Torah.

Quote from Rabbi Natan in Pri Etz Chaim

He brings a word from Rabbi Natan in Pri Etz Chaim: "**Talmidei chachamim ein lahem menucha ba'olam hazeh, lo mipnei shehem menuchamim v'lo shehem gedolim, ela mipnei shehem bozim et atzman**" (Talmidei chachamim have no rest in this world, not because they are comforted and not because they are great, but because they despise themselves).

Talmidei chachamim, they show the Torah, because they're not concerned with their own honor of the Torah upon themselves.

Practical Moral Lesson

The truth is, first one must take care of our friends, that they should be talmidei chachamim, then think of one's own.

Yes, I mean that it's not such a thing that one needs to be so strongly aroused about. Wonderful.