

הלכות תלמוד תורה • פרק שביעי

Learned like the daf, the literal words in bold, flowing with the elucidation

CHAPTER PREVIEW

In this chapter, the Rambam teaches us the delicate and serious halachos of nidui (ostracism) and cherem (excommunication). We begin with the great caution required when dealing with a chacham (Torah sage) who has stumbled, showing how the court must avoid shaming him publicly and instead administer malkos (lashes) privately to preserve his honor.

We then learn the practical details of how these bans are issued and lifted, as well as the strict restrictions placed on the individual. The Rambam outlines the differences between nidui and the far more severe cherem, detailing how they affect a person's daily life, learning, and standing in the community, and how we must strive to bring the person to teshuvah.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

הלכה א

Halacha 1 • The Prohibition of Publicly Ostracizing a Torah Sage and the Court's Conduct Toward Him

חכם זקן בְּחָכְמָה

A sage who is distinguished in wisdom,

וְכֵן נָשִׂיא אוֹ אֶבֶר בֵּית דִּין שֶׁפָּסַח

and so too a Nasi or an Av Beit Din who sinned,

אֵין מְנַדִּין אוֹתוֹ בְּפִרְהָסָא לְעוֹלָם.

we do not ostracize him publicly ever, out of respect for his Torah.

אֶלָּא אִם כֵּן עָשָׂה כִּי־רָבַעַם בֶּן נֹכַח וְחִבְרִיו.

Unless he did like Yerovam son of Nevat and his colleagues, leading the public to sin and denying Hashem.

אֲבָל כְּשֶׁחָטָא שְׂאֵר חַטָּאוֹת

But when he sinned other sins,

מִלְקִין אוֹתוֹ בְּצַנְעָה.

we lash him privately,

שֶׁנֶּאֱמַר הוֹשֵׁעַ ד ה "וְכָשַׁלְתָּ הַיּוֹם וְכָשַׁל גַּם נָבִיא עִמָּךְ לַיְלָה"

as it is said in the pasuk in Hoshea 4:5, "and you shall stumble by day, and shall stumble also a prophet with you at night,"

אֶף עַל פִּי שֶׁכָּשַׁל כִּסְהוֹ כְּלִילָה.

meaning, even though he stumbled, cover him like night and do not expose him publicly.

ואומרים לו הכבד ושב בביתך.

And they say to him, "preserve your honor and sit in your house," so that you do not disgrace yourself further.

וכן כל תלמיד חכם שנתחייב נדוי

And so too, any Torah sage who became obligated in ostracism,

אסור לבית דין לקפץ ולנדותו במהרה

it is forbidden for a court to leap and to ostracize him hastily;

אלא בורחין מדבר זה ונשמטין ממנו.

rather, they flee from this matter and slip away from it as much as possible.

וחסידי החכמים היו משתבחים

And the pious of the sages would praise themselves

שלא נמנו מעולם לנדות תלמיד חכם

that not they were counted ever to ostracize a Torah sage,

אף על פי שנמנין להלקותו אם נתחייב מלקות.

even though they were counted to lash him if he became obligated in lashes.

ואפילו מכת מרדות נמנין עליו להכותו:

And even for stripes for rebellion, they were counted upon him to strike him, yet they still avoided ostracizing him.

הלכה ב

Halacha 2 - The Formulas for Issuing a Ban of Ostracism and Excommunication

וכיצד הוא הנדוי,

And how is the procedure of the ostracism performed? The Beis Din or the person imposing it

אומר פלוני יהא בשמתא.

says, "So-and-so shall be in ostracism."

ואם נדוהו בפניו

And if they ostracized him in his presence,

אומר לו פלוני זה בשמתא.

the one imposing it says to him, "This So-and-so is in ostracism."

וְהַחֲרָם,

And as for the excommunication, which is a more severe ban, the one imposing it

אומר לו פלוני מתחרם.

says to him, "So-and-so is excommunicated."

וארור בו אלה

And the term "cursed" is very severe, for has in it the implication of a curse,

בו שבועה

and it also has in it the severity of an oath,

בו נדוי:

and it also has in it the status of ostracism.

הלכה ג

Halacha 3 · How a Ban of Ostracism or Excommunication is Lifted

וכיצד מתירין הנדוי או החרם.

And how do they release a person from the ban of ostracism or the excommunication?

אומר לו שרוי לך ומחול לך.

The one releasing the ban says to him, in his presence: "Released to you and forgiven to you."

ואם התירוהו שלא בפניו

And if they released him not in his presence,

אומר לו פלוני שרוי לו ומחול לו:

the one releasing says to the messenger or to those assembled: "So-and-so is released to him and forgiven to him."

הלכה ד

Halacha 4 · The Conduct of an Ostracized Person and How Others Must Treat Him

מהו המנהג שינהג המנדה בעצמו ושוהגין עמו.

What is the practice that the ostracized person should practice himself, and that they practice with him in the community?

מנדה אסור לספר ולכבס כאבל כל ימי נדויו.

An ostracized person is forbidden to cut hair and to launder, like a mourner, all the days of his ostracism.

ואין מזמנין עליו.

And they do not include him in a zimmun for Birchas HaMazon upon him to make a quorum of three.

וְלֹא כוֹלְלִין אוֹתוֹ בְּעִשְׂרָה לְכָל דְּבַר שְׁצָרִיךְ עֲשֵׂרָה.

And they do not include him in ten for any matter that requires ten men, such as a minyan for davening or Kaddish.

וְלֹא יוֹשְׁבֵין עִמּוֹ בְּאַרְבַּע אַמּוֹת.

And they do not sit with him within four cubits, keeping a distance from him.

אֲבָל שׁוֹנֶה הוּא לְאַחֲרִים וְשׁוֹנֵין לוֹ וְנִשְׁכָּר וְשׁוֹכֵר.

But he teaches others, and they teach him, and he may be hired, and he may hire others for work, so he is not completely cut off from his livelihood or Torah study.

וְאִם מֵת בְּנִדּוּי בֵּית דִּין שׁוֹלְחִין וּמְנִיחִין אָבֶן עַל אֲרוֹנוֹ

And if he dies in his state of ostracism, the Beis Din send and place a stone upon his coffin,

כְּלוֹמַר שֶׁהֵן רוֹגְמִין אוֹתוֹ לְפִי שֶׁהוּא מְבָדֵל מִן הַצִּבּוֹר.

as if to say that they stone him, because he is separated from the community and did not repent.

וְאִין צָרִיךְ לוֹמַר שֶׁאֵין מְסַפִּידִין אוֹתוֹ וְאֵין מְלוִין אֶת מִטָּתוֹ:

And there is no need to say that they do not eulogize him, and they do not accompany his bier to his burial.

הַלְכָּה ה

Halacha 5: The Severe Restrictions and Business Prohibitions Placed Upon an Excommunicated Person

יֹתֵר עָלָיו הַמָּחֶרֶם

More than him, meaning more stringent than a person under a standard ban of nidui, is the excommunicated person under cherem,

שֶׁאֵינוֹ שׁוֹנֶה לְאַחֲרִים

that he does not teach Torah to others,

וְאֵין שׁוֹנֵין לוֹ

and they do not teach him,

אֲבָל שׁוֹנֶה הוּא לְעַצְמוֹ

but he may study Torah by himself,

שֶׁלֹּא יִשְ�כַּח תְּלֻמוֹדוֹ.

so that he will not forget his learning.

וְאֵינוֹ נִשְׁכָּר

And he is not hired as a worker for others,

וְאִין נִשְׁכָּרִין לוֹ.

and others are not hired by him to work for him.

וְאִין נוֹשְׂאִין וְנוֹתְנִין עִמּוֹ.

And they do not conduct business with him,

וְאִין מְתַעֲסָקִין עִמּוֹ

and they do not engage with him in any commercial dealings,

אֲלָא מְעַט עֵסֶק כְּדֵי פְּרִנְסָתוֹ:

except for a small amount of business that is strictly sufficient for his basic livelihood.

הִלְכָּה ו

Halacha 6 · The Transition from Ostracism to Excommunication

מִי שִׁיָּשַׁב בְּנִדְוֵי שְׁלֹשִׁים יוֹם

One who sat in ostracism for thirty days

וְלֹא בִקֵּשׁ לְהַתִּירוֹ

and did not seek to release him from his ban,

מִנְדִּין אוֹתוֹ שֵׁנִיָּה.

they ostracize him a second time.

יָשַׁב שְׁלֹשִׁים יוֹם אַחֲרֵים

If he sat in ostracism for another thirty days

וְלֹא בִקֵּשׁ לְהַתִּירוֹ

and did not seek to release him,

מְחַרְמִין אוֹתוֹ:

they excommunicate him with the more severe ban of cherem.

הִלְכָּה ז

Halacha 7 · Releasing a Ban of Ostracism or Excommunication by Three or an Expert

בְּכַמָּה מִתִּירִין הַנִּדְוֵי אוֹ הַחֵרֶם.

With how many judges do they release and annul the ban of ostracism or the excommunication?

בשלישה אפילו הדיוטות.

With three men, even if they are commoners who are not ordained experts.

ויחיד ממנה מתיר הנדוי או החרם לבדו.

And a single expert scholar releases the ban of ostracism or the excommunication alone, without needing two others to join him.

ויש לתלמיד להתיר הנדוי או החרם

And there is authority to a student to release the ban of ostracism or the excommunication,

ואפילו במקום הרב:

and even in the place of his the teacher.

הלכה ח

Halacha 8: The Obligation of Every Jewish Man to Study Torah

מי שנדוהו בפניו,

One whom they banned in his presence,

אין מתירין לו אלא בפניו.

they do not release the ban for him except in his presence.

נדוהו שלא בפניו,

But if they banned him not in his presence,

מתירין לו בין בפניו בין שלא בפניו.

they may release it for him, whether in his presence or not in his presence.

ואין בין נדוי להתרה כלום,

And there is nothing of a required time delay between the banning and the release;

אלא אם כן חזר בו מן הדבר שנדוהו בשבילו,

unless he repented from the matter for which they banned him,

מתירין לו מיד.

in which case they release it for him immediately.

ואם ראו בית דין להניח זה בנדויו שנים רבות,

And if the Beis Din saw fit to leave this person in his ban for many years,

מְנִיחִין כְּפִי רָשָׁעוֹ.

they leave him, according to his wickedness, to guide him back to the proper path.

הֶלְכָּה ט

Halacha 9 - Releasing a Ban of Ostracism by Three Other Individuals

שְׁלֹשָׁה שָׂנְדוּ

Three people who ostracized someone,

וְהָלְכוּ לָהֶן

and then went their way and are no longer available,

וְחָזַר זֶה מִדְּבַר שָׂנְדוּהוּ בְּגִלּוֹ

and this ostracized person repented from the matter that they ostracized him because of it,

בְּאֵין שְׁלֹשָׁה אֲחֵרִים

three others may come

וּמַתִּירִין לוֹ:

and release him from his ban.

הֶלְכָּה י

Halacha 10 - Releasing a Ban of Ostracism from an Unknown Person

מִי שֶׁלֹּא יָדַע

One who did not know

מִי שָׂנְדָהוּ

who it was that placed him under ban,

יֵלֵךְ לוֹ אֶצֶל הַנָּשִׂיא

shall go to the Nasi,

וַיַּתִּיר לוֹ נִדְוִיו:

and he shall release for him his ban.

הֶלְכָּה יא

Halacha 11 - Nullifying a Conditional Ban and a Sage Who Banned Himself

נִדְוִי עַל תְּנַאי

A ban of ostracism that was made on a condition,

אָפּלוּ עַל פִּי עֲצָמוֹ

even if he imposed it upon himself,

צָרִיךְ הַפָּרָה.

requires nullification once the condition is met.

תַּלְמִיד חָכָם שֶׁנִּדְּחָה עֲצָמוֹ

A disciple of a Sage who banned himself,

וְאָפּלוּ נִדְּחָה עֲצָמוֹ עַל דַּעַת פְּלוֹנִי

and even if he banned himself on the consent of so-and-so,

וְאָפּלוּ עַל דְּבָר שֶׁחַיֵּב עָלָיו נִדּוּי

and even for a matter that is liable for it to receive a ban of ostracism,

הֲרִי זֶה מִפֶּר לְעֲצָמוֹ:

behold this one may nullify it for himself.

הַלָּכָה יב

Halacha 12 · Releasing a Ban of Ostracism Imposed in a Dream

מִי שֶׁנִּדְּוָהוּ בְּחֵלֹם

One whom they banned in a dream, since this may be a sign of heavenly displeasure,

אָפּלוּ יָדַע מִי נִדְּחוּ

even if he knew who banned him in the dream, he cannot simply go to that person in waking life to release him; rather, he

צָרִיךְ עֲשֹׂרָה בְּנֵי אָדָם שֶׁשּׁוֹנֵינִין הִלְכוֹת

needs ten men who study halachos

לְהַתִּירוֹ מִנִּדּוּיוֹ.

to release him from his ban.

וְאִם לֹא מָצָא

And if he did not find such scholars in his immediate vicinity, he

טוֹרַח אַחֲרֵיהֶם עַד פָּרְסָא.

exerts himself to travel after them up to a parsah.

לֹא מָצָא

If he **did not find** scholars of halachah within that distance,

מתירים לו אֶפְלוּ עֲשָׂרָה שְׁשׁוֹנִים מִשְׁנָה.

even ten who study Mishnah release it for him.

לא מָצָא

If he **did not find** those,

מתירין לו עֲשָׂרָה שִׁידְעִים לְקִרְוֹת בְּתוֹרָה.

ten who know how to read in the Torah release it for him.

לא מָצָא

If he **did not find** those,

מתירין לו אֶפְלוּ עֲשָׂרָה שְׂאִינָן יוֹדְעִין לְקִרְוֹת.

even ten who do not know how to read release it for him.

לא מָצָא בְּמָקוֹמוֹ עֲשָׂרָה

If he **did not find** ten people at all in his place,

מתירין לו אֶפְלוּ שְׁלֹשָׁה:

even three release it for him.

הִלְכָּה יג

Halacha 13 · The Laws of Ostracism and When a Sage May Forgo His Honor

מי שְׁנִדְוָהוּ בְּפָנָיו

One whom they ostracized in his presence,

אֵין מְתִירִין לוֹ אֶלָּא בְּפָנָיו.

they do not release him except in his presence.

נִדְוָהוּ שְׁלֹא בְּפָנָיו

If they ostracized him not in his presence,

מְתִירִין לוֹ בְּפָנָיו וְשְׁלֹא בְּפָנָיו.

they may release him in his presence and not in his presence.

וְאֵין בֵּין נִדְוֵי לְהַפְרָה כְּלוּם

And there is not between ostracism to release anything of a required delay,

אֶלָּא מִנְדִּין וּמַתִּירִין בְּרֹגַע אֶחָד

rather they ostracize and they release in a moment single,

כְּשִׁיחֹזֵר הַמִּנְדָּה לְמוֹטָב.

when returns the ostracized one to the good path.

וְאִם רָאוּ בֵּית דִּין לְהַנִּיחַ זֶה בְּנִדְוֵי כַּמָּה שָׁנִים

And if saw the court fit to leave this one in ostracism several years,

מִנִּיחוּ כִּפִּי רָשָׁעוֹ.

they leave him according to his wickedness.

וְכֵן אִם רָאוּ בֵּית דִּין לְהַחֲרִים לָזֶה לְכַתְּחָלָה

And so if saw the court fit to excommunicate this one at the outset,

וּלְהַחֲרִים מִי שְׂיֹאכַל עִמּוֹ וְשׂוֹתָה עִמּוֹ

and to excommunicate whoever eats with him and drinks with him,

אוּ מִי שְׂיַעֲמֵד עִמּוֹ בְּאַרְבַּע אַמּוֹת

or whoever stands with him within four cubits,

מִחֲרִימֵין כְּדֵי לְיַסְרוֹ

they excommunicate in order to chastise him,

וּכְדֵי לַעֲשׂוֹת סִיג לַתּוֹרָה

and in order to make a fence for the Torah,

עַד שֶׁלֹּא יִפְרָצוּ הַחוּטָאִים.

so that not will break through the sinners.

אֲףִי עַל פִּי שִׁישׁ רִשׁוֹת לְחַכָּם לְנִדּוֹת לְכַבּוּדוֹ

Even though there is permission for a sage to ostracize for his honor,

אֵינוֹ שְׂבִיחַ לְתַלְמִיד חָכָם לְהִנָּהִיג עֲצָמוֹ בְּדַבָּר זֶה

it is not praiseworthy for a disciple of a sage to accustom himself in matter this;

אֶלָּא מֵעַלִּים אָזְנוֹ מִדְּבָרֵי עַם הָאָרֶץ

rather he should turn away his ears from the words of the common people,

וְלֹא יִשִּׁית לְבוֹ לָהֶן

and not should he set his heart to them,

כַּעֲנִין שֶׁאָמַר שְׁלֹמֹה בְּחֻמָּתוֹ קָהֵלֶת ז' כֹּא

like the matter that said Shlomo in his wisdom in Koheles chapter seven verse twenty-one:

"גַּם לְכָל הַדְּבָרִים אֲשֶׁר יִדְבְּרוּ אֶל תִּתֵּן לִבְךָ."

"Also to all the words which they speak do not give your heart".

וְכֵן הָיָה דֶּרֶךְ חֲסִידִים הָרִאשׁוֹנִים

And so was the way of pious ones of the early generations,

שׁוֹמְעִים חֲרָפָתָם וְאֵינָן מְשִׁיבִין

hearing their shame and they are not answering,

וְלֹא עוֹד אֶלָּא שְׂמוּחֵי לִים לְמַחֲרֵר וְסוֹלְחִים לוֹ.

and not only that rather that they pardon the insulter and forgive him.

וְחֻכָּמִים גְּדוֹלִים הָיוּ מְשַׁתְּבָּחִים בְּמַעֲשֵׂיהֶם הַנָּאִים

And sages great were praising themselves with their deeds the pleasant,

וְאוֹמְרִים שְׂמֵעוּלָם לֹא נָדוּ אָדָם וְלֹא הִחְרִימוּהוּ לְכְבוֹדָן.

and saying that never not did they ostracize a person and not did they excommunicate him for their honor.

וְזוֹ הִיא דֶּרֶכָם שֶׁל תַּלְמִידֵי חֻכָּמִים שֶׁרְאוּ לִילָךְ בָּהּ.

And this is the way of disciples of sages that is worthy to walk in it.

בְּמָה דְּבָרִים אֲמוּרִים

In what words are said? Only

כְּשֶׁבִזְהוּ אוֹ חֲרָפָהּ בְּסֻתָּר.

when he disgraced him or shamed him in private.

אֲבָל תַּלְמִיד חָכָם שֶׁבִזְהוּ אוֹ חֲרָפוֹ אָדָם בְּפִרְהֻסָּא

But a disciple of a sage whom disgraced him or shamed him a person in public,

אָסוּר לוֹ לְמַחֵל עַל כְּבוֹדוֹ

it is forbidden for him to forgive his honor,

וְאִם מָחַל נֶעְנָשׁ

and if he forgave he is punished,

for this is disgrace of Torah;

אֶלָּא נִזְקָם וְנוֹטֵר הַדָּבָר כְּנָחָשׁ

rather he takes vengeance and bears a grudge the matter like a snake,

עַד שְׂיִבְקֶשׁ מִמֶּנּוּ מַחֲלָה וְיִסְלַח לוֹ:

until that he requests from him pardon and he shall forgive him.

CHAPTER SUMMARY

The chapter details the process of issuing and lifting a ban of nidui or cherem, explaining that while three commoners or one expert judge can lift a ban, a dream-induced ban requires ten people. The Rambam outlines the severe restrictions of nidui—such as prohibitions on haircutting, laundering, and joining a zimmun—and the even stricter rules of cherem, which restrict teaching and business dealings. Finally, we learn that while the court has the authority to extend these bans or penalize those who associate with the banned individual to create a fence around the Torah, a Torah sage should strive to overlook personal slights rather than rush to ban others.

לְמַעֲשֶׂה WHAT TO TAKE HOME

The Rambam teaches us a profound lesson about the delicate balance of human dignity and the honor of the Torah. When a great sage stumbles, the halachah commands us to cover his shame like the night, avoiding public embarrassment at all costs. Yet, when it comes to our own personal honor, the pious sages would completely look the other way, ignoring insults from others and refusing to ever ban someone for their own slighted dignity.

This teaches us a beautiful path in our daily avodah. We must have a double standard: incredibly sensitive to the dignity of other people, especially those who represent the Torah, while being completely forgiving and soft when it comes to our own personal honor. The Torah wants us to build a heart that is strong enough to protect others, yet humble enough to let go of our own hurt feelings.

Today, when someone says something that offends you or doesn't give you the respect you feel you deserve, take a deep breath and choose to let it go. Emulate the pious sages by quietly forgiving them in your heart, refusing to let personal honor dictate your reactions.