

TALMUD TORAH 7:2

by Rabbi Yitzchak Etshalom

2. *Keitzad* - (How do we administer) *Nidui*? He says: "**Ploni y'hei b'shamta*" ("John Doe is ostracized"). If they placed him under Nidui in his presence, he says: "*Ploni zeh b'shamta*" ("_this_ John Doe is ostracized"). If it is a case of *Herem* (a stronger form of ostracism, detailed later in Halakha 5) - he says: "**Ploni Much'ram*". And *Arur* (a curse) includes *Alah* (another form of curse); *Sh'vuah* (an oath) and *Nidui*.

Q1: Is *Shamta* the same as *Nidui*?

YE: According to Rambam, it clearly is the same. However, Tur (Yoreh Deah 334) quotes an opinion of RABD that Shamta is more severe than Nidui, and that therefore, the court should not declare "*Ploni y'hei b'shamta*", rather "*Ploni y'hei b'nidui*" when effecting *Nidui*.

Q2: What is the meaning of the last line in this Halakha - and what is its relevance here?

YE: The source is the Gemara in Sh'vuot (36a): "We were taught: *Arur* implies *Nidui*, *Q'lalah* and *Sh'vuah*. The Gemara then derives, from Biblical texts, that the Hebrew root *A-R-R* is associated with ostracism (Judges 5), *Q'lalah* (cursing) - (Devarim [Deuteronomy] 27) and *Sh'vuah* (oath) from Yehoshua (Yehoshua [Joshua] 6). The Halakhic import of this statement is that a declaration of *Arur* ("Cursed is...") includes all of these - even *Nidui*. Therefore, if the court, instead of declaring either of the earlier formulas presented by Rambam, declared *Arur* - that would be an effective *Nidui*. In MT Sanhedrin 26:3, Rambam applies this Halakha to cursing - if someone cursed a fellow and, instead of the root *Q-L-L* he used *A-R-R*, that is still a curse and, under the proper conditions, he may be held culpable.

Rashi (Sh'vuot 36a s.v. Arur bo) explains that A-R-R may be understood as an oath, curse _or_ ban of ostracism _depending_on_context_. Although in our Halakhah and in MT Sanhedrin, Rambam's approach is unclear, from MT Sh'vuot 2:2, it seems that he agrees with Rashi.

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