

TALMUD TORAH 7:4

by Rabbi Yitzchak Etshalom

4. What is the behavior which the *Menudeh* (person under *Nidui*) should follow for himself - and how should others treat him?

A *Menudeh* is prohibited - for the duration of his *Nidui* - from getting his hair cut and doing laundry like a mourner. He is not included in *Zimun* (the formula of introduction to the *Birkat haMazon* (Grace After Meals) said when three or more have eaten together). He is not included in a quorum of ten for any matter which requires ten [people]. We do not sit within 4 *Amot* (cubits) of him. He may teach others, and be taught by others; he may be hired out to work and may hire others.

If he died while under *Nidui*, the Beit-Din sends [an agent] and they place a stone on his coffin, as if to say that they are stoning him because he is separated from the community. It goes without saying that we do not eulogize him nor do we escort his bier (to the grave).

Q1: Why does Rambam add "like a mourner" to the haircutting & laundry prohibition?

HH (H.H.): Because it is the purpose of the prohibition. The Menudeh must mourn both because of having committed a sin and because of having been cast out by the community.

YE (Yitz Etshalom): The central Talmudic discussion regarding the behavior of a *Menudeh* is found in the third chapter of Mo'ed Kattan - interwoven with the discussion about mourning (and the *Metzora*). The social distancing which is part of the process of mourning is part of the necessary catharsis which the Halakha has mandated for the mourner - a catharsis which ultimately leads to introspection and a reawakening. (See "Sitting Shiva Is Doing Teshuva" in Reflections of the Rav Vol. 2, pp. 125-130). Although generated by a different cause, this distancing is also part of the necessary rehabilitation of the *Menudeh*. (Rambam, in MT Tum'at Tzara'at 10:6, also indicates that the *Metzora*'s behavior is "like a mourner"). Rambam is letting us know that a *Menudeh* (and *Metzora*) are to be experiencing a type of mourning and that the goal of their distancing is, like the mourner, an eventual reintegration into the community.

Rambam phrases it: "like a mourner" because we are most familiar with these Halakhot from the laws of mourning (which are much more common than *Nidui*) and because, as mentioned above, a *Menudeh* is a type of mourner.

Q2: Why does Rambam mention "for the duration of his *Nidui*" in the context of the haircutting & laundry prohibition?

HH: Otherwise, we would think that the prohibition lasts just as long as the usual mourning period.

YE: Rambam equated the prohibition with that of the mourner. These two avoidances - haircutting and laundry - are significant only with the passage of time (e.g. avoiding them for a few days is in no way unique or distinguishable behavior); hence we might think that there is no such thing as a prohibition of haircutting/laundry for less than, say, thirty days. Therefore, Rambam teaches us that it is the process of avoidance - knowing that these things are outside of your range of possible behaviors - that is the essential Halakha - not the result of X amount of days without a haircut. Once the ban is lifted, the entire status of *Menudeh* is gone and he may reintegrate "normal" behaviors into his life.

Q3: Why is the *Menudeh* not included in a *Zimun* or Minyan?

YE: Zimun and a Minyan are not just groupings of people. They are new entities, mini-communities, through whom certain obligations may be fulfilled. Essentially, the members of that new & temporary "corporate unit" are of one mind and one heart in their service of God. Such unity totally reverses the "distancing" and separation required of the *Menudeh* - and of the community towards him. (The question could be asked - what about ten *Menudim* making a Minyan?)

Q4: Why do we not sit within his 4 Amot?

YE: Just as standing for a sage "within his personal space" is defined by 4 Amot, so avoiding the "personal space" of a *Menudeh* is the simplest expression of social distancing. See the discussion at TT 6:1, Q1.

Q5: If we can't sit within 4 Amot, why can we hire him, work for him, learn from him and teach him? Aren't those things more socially connective than just sitting near him?

HH: This relates to the posting we recieved for Rav Soloveitchik's Yorzayt. (Rabbi Meir, Elisha ben Abuyah etc.)

YE: The "4 Amot" rule seems to be more expressive and demonstrative than utilitarian. At the point of *Nidui* (unlike *Herem*), we are _demonstrating_ our distaste and rejection of the *Menudeh*. That does not mean that on a practical level he needs to be cut out of all social interaction.

Q6: Why is his coffin "stoned" - when we certainly don't do that to him? What is the symbolism here?

YE: Although Rambam explains that "as if to say that they are stoning him", the "him" may refer to "it" - i.e. the coffin, not the person. Ritba (Moed Katan 15a) explains that we do this in order to show disgrace, in that he didn't consider the *Nidui* of the sages significant. Incidentally, Rambam's words are "place" the stone, not throw it (unlike some readings, see Me'iri on Berakhot 19a); so instead of it being a mark of anger or revulsion, it is more like a mark of disgrace.

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