

# TALMUD TORAH 7:9

*by Rabbi Yitzchak Etshalom*

**9.** If three people declared a Nidui and went away; if the Menudeh repents from the matter over which he was ostracized, three others may come and lift his ban.

**Q1:** (in most printed versions of Rambam, Halakha 9 appears immediately after Halakha 7) Where's Halakha 8?

**YE:** Some suggest that because the letter "Het", which is the number 8, stands for "Herem", Rambam omitted it in this chapter. This theory could use some support from other writings of Rambam. It may, indeed, be a scribal error, as some printed editions reckon this as Halakha 8.

**Q2:** Once Rambam taught us that any three - or one Mumcheh - may lift the ban, what need is there for this Halakha?

**YE:** We must conclude that the previous Halakha was, as RABD maintains, referring to a case of Nidui declared by an individual.

First of all, there is the problem of the seeming superfluity;

Second, in this Halakha, Rambam does not allow for the individual Mumcheh to lift the ban;

Third, Rambam predicates this case on the first three having left - which implies that if they are still in town and available, no other court may lift the ban.

This case, by the way, is sourced in the Gemara (Mo'ed Kattan 16a): "Rabban Shim'on ben Gamliel says: if one of the students who declared Nidui died, his portion is not lifted. We can infer three things from this: (a) A student who declares Nidui for his own honor, that Nidui is valid; (b) Each one lifts his own portion [of the Nidui]; © If three declare Nidui, three others [i.e. another court] should not come and lift it. Amemar said: the Halakha is that if three declared Nidui, three others may come and lift it..."

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