

אבל אסור בנעילת הסנדל, מדקאמר ליה רחמנא ליתחוקאל: "ונעליך תשים בגליך" – מכלל דכולי עלמא אסור.

§ The Gemara moves to the next topic: **A mourner is prohibited from wearing shoes.**^H Since the Merciful One says to Ezekiel with regard to how his mourning rites should differ from the accepted custom: **"And put your shoes upon your feet"** (Ezekiel 24:17), which shows by inference that everyone else, i.e., all other mourners, is prohibited from wearing shoes.

מנודה מהו בנעילת הסנדל? אמר רב יוסף, תא שמע: בשאמרו אסור בנעילת הסנדל – לא אמרו אלא בעיר, אבל בדרך – מותר. הא כיצד? יצא לדרך – נועל, נכנס לעיר – חולץ. וכן אתה מוצא במנודה ובאבל. מאי לאו אבולהו? לא, אשארא.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to wearing shoes?**^H Rav Yosef said: **Come and hear that which is taught in the following baraita: When the Sages said that wearing shoes is prohibited on a communal fast, they meant only that one may not wear shoes when he is walking about in the city, but if he set out to travel on the road, wearing shoes is permitted. How so? When he sets out on the road, he may put on his shoes. But as soon as he enters the city once again, he must take off his shoes and continue barefoot. And you find a similar halakha with regard to a person who was ostracized and with regard to a mourner. What, is it not with regard to all of the prohibitions stated in the baraita, including the prohibition against wearing shoes, that they apply also to one who was ostracized?** The Gemara rejects this argument: **No, this is referring to the rest of the prohibitions, but not to wearing shoes.**

מזורע מהו בנעילת הסנדל? תיקו.

The Gemara asks: **What is the halakha concerning a leper with regard to wearing shoes?**^H No answer is found, and the question shall stand unresolved.

אבל אסור בתשמיש המטה, דכתיב: "וינחם דוד את בת שבע אשתו ויבא אליה" – מכלל דמעיקרא אסור.

§ The Gemara considers another issue: **A mourner is prohibited from engaging in sexual relations,**^H as it is written: **"And David comforted Bath-Sheba his wife, and went into her, and lay with her"** (II Samuel 12:24), after their son had died. This proves by inference that initially, during the period of mourning, sexual relations were forbidden.

מנודה מהו בתשמיש המטה? אמר רב יוסף, תא שמע: כל אותן שנים שהיו ישראל במדבר מנודין היו, ושימשו מטותיהן. אמר ליה אביי: ודלמא מנודה לשמים שאני, דקיל.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to sexual relations?** Rav Yosef said: **Come and hear that which is taught in a baraita: All those years that the Jewish people were in the wilderness they were ostracized,^N and yet they engaged in sexual relations, as there were children born to them during that period. It follows that it is permitted for one who is ostracized to engage in sexual relations. Abaye said to him: Perhaps one who is ostracized by Heaven is different, as that is less serious^N than being ostracized by an earthly court.**

קיל? והא אמרת חמיר! ספוקי מספקא ליה, וזיל הבא – קמדתו ליה, וזיל הבא – קמדתו ליה.

The Gemara asks in astonishment: **Is it less serious? But didn't you, Abaye, say elsewhere that a decree of ostracism imposed by Heaven is more serious than one issued by an earthly court?** For this reason, Abaye rejected several proofs of Rav Yosef from the previously cited baraita. The Gemara answers: **Abaye is uncertain** whether a decree of ostracism imposed by Heaven is more or less serious than one imposed by an earthly court. Therefore, when he goes in this direction he rejects the argument, and when he goes in that direction he rejects the argument. Abaye asserts that since the issue is in doubt, no proof can be derived from ostracism issued by Heaven.

אבל בנעילת – הסנדל: A mourner may not wear shoes for all seven days of the mourning period (Shulhan Arukh, Yoreh De'a 380:1).

One who is ostracized with regard to wearing shoes – מנודה בנעילת הסנדל: One who has been ostracized may not wear shoes, like a mourner, because many sources imply that one who has been ostracized is required to remove his shoes. The Beit Yosef explains the opinion of the Rivash, who cites the Rashba, and maintains that it is permitted for such a person to wear shoes. The common practice follows this opinion (Shakh; Shulhan Arukh, Yoreh De'a 334:2).

מזורע – אבול בתשמיש – אבול בתשמיש המטה: A leper is permitted to bathe and to wear shoes. The ruling is lenient with regard to these halakhot and other similar cases because the issue is left unresolved, and the law itself is rabbinic (Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 10:6).

A mourner with regard to sexual relations – אבול בתשמיש: A mourner may not engage in sexual relations for all seven days of the mourning period (Shulhan Arukh, Yoreh De'a 380:1).

NOTES

In the wilderness they were ostracized – במדבר מנודין היו: The early authorities find evidence of this ostracism in that which is stated after the sin of the spies: "For every day a year, you shall bear your sins... and you shall know My displeasure" (Numbers 14:34; manuscript of Rashi). Others derive evidence of ostracism from the fact that God did not speak to Moses throughout the years following the sin of the spies until that generation had died out (Rabbi Shlomo ben HaYatom).

מנודה לשמים... דקיל: A simple explanation for this opinion is that people are generally less afraid of God than they are of other people (Commentary on Moed Katan). The Ra'avad explains that being ostracized by Heaven is dependent upon God, Who does not want to prevent one from observing mitzvot such as sacrificing offerings or having children. Instead He only prohibited one from activities that relate to other people. However, a court that has imposed ostracism does not make this distinction and prohibits such a person from both types of activities (Tosefot HaRosh).

One who is ostracized by Heaven...that is less serious –

A leper with regard to sexual relations – מצורע בתשמיש: A quarantined leper may engage in sexual relations (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 10:6).

Sending offerings – שילוח קרבנות: A mourner may not send offerings for all seven days of the mourning period. Similarly, a leper may not send offerings because as long as he is unfit to enter the camp, he is also unfit to sacrifice an offering. This is the case even if he sends it with a messenger. It is unclear whether or not one who has been ostracized may send an offering; therefore, if an offering is sacrificed on his behalf it is accepted (Rambam *Sefer Avoda, Hilkhot Biat HaMikdash* 2:1).

BACKGROUND

Peace-offering – שלמים: Male and female cattle or sheep may be sacrificed as peace offerings (see Leviticus, chapter 3). They are offerings of lesser holiness and may be slaughtered anywhere within the Temple courtyard. Their blood is sprinkled on the two opposite corners of the altar in such a manner that it will drip down on each of the altar's four sides. Part of each peace-offering is burned on the altar, and the breast and the right hind leg are given to the priests. The rest is eaten by one bringing the offering, with his family. They may eat of the offering anywhere in the city, on the day the animal is sacrificed and during the following night and day. With the exception of the Festival peace-offering and a few other cases, the peace-offerings were voluntary gifts. The word offering used without qualification usually means a peace-offering.

מצורע מהו בתשמיש המטה? תא שמע, דתניא: "וישב מחוץ לאהל" – שיהא במנוחה וכאבל, ואסור בתשמיש המטה. ואין אהל אלא אשתו, שנאמר: "לך אמור להם שובו לכם לאהליכם". שמע מינה.

וניפשוט נמי למנוחה! אמר רב הונא בריה דרב פנחס משמיה דרב יוסף: מי קתני "שאסור"? שיהא במנוחה וכאבל – במילי אחרנייתא, ואסור נמי בתשמיש המטה.

אבל אינו משלח קרבנותיו, דתניא, רבי שמעון אומר: "שלמים" – בזמן שהוא שלם, ולא בזמן שהוא אונן.

מנוחה מהו שישלח קרבנותיו? אמר רב יוסף, תא שמע: כל אותן שנים שהיו ישראל במדבר מנודין היו, ושלחו קרבנותיהן. אמר ליה אביי: ודלמא מנוחה לשמים שאמי, דקיל.

קיל? והאמרת חמיר! ספוקי מספקא ליה, ומדחי ליה.

The Gemara continues: **What is the halakha concerning a leper with regard to sexual relations?**⁴ **Come and hear a proof, as it is taught in a baraita:** The verse concerning a leper states: **"But he shall remain outside his tent seven days"** (Leviticus 14:8), from which it is derived that a leper should be like one who is ostracized and like a mourner, and he is prohibited from engaging in sexual relations. How is this derived? The only meaning of the term **"his tent"** is his wife, as is stated after the giving of the Torah: **"Go say to them, return again to your tents"** (Deuteronomy 5:27). This statement rendered it permitted for the men to once again engage in sexual relations with their wives after they had previously been prohibited to do so in anticipation of the giving of the Torah, as expressed in the verse: **"Come not near a woman"** (Exodus 19:15). The Gemara concludes: Indeed, **learn from this** that it is prohibited for a leper to engage in sexual relations.

The Gemara asks: If this is the case, then **can we also resolve** the question raised above with regard to **one who is ostracized**, by saying that it is prohibited for such a person to engage in sexual relations? **Rav Huna, son of Rav Pinehas, said in the name of Rav Yosef: Is it taught that a leper is prohibited from engaging in sexual relations like one who is ostracized? It states only that he should be treated like one who is ostracized and like a mourner, i.e., he should be like them with regard to other things, and in addition he is prohibited from engaging in sexual relations.** Therefore, no proof can be derived from here with regard to one who is ostracized that he, too, is prohibited from engaging in sexual relations.

§ The Gemara continues: **A mourner may not send his offerings to the Temple,⁵ as it is taught in a baraita: Rabbi Shimon says: A peace-offering [shelamim]⁶ is given this name also to teach us that one may sacrifice it only at a time when he is whole [shalem]⁷ and his mind is settled,⁸ but not at a time when he is an acute mourner,⁹ i.e., on the first day of his bereavement, when he is distressed.**

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to sending his offerings to the Temple?** **Rav Yosef said: Come and hear a proof from that which is taught in a baraita: All those years that the Jewish people were in the wilderness they were ostracized, and yet they sent their offerings.¹⁰ Abaye said to him: Perhaps one who is ostracized by Heaven is different, as that is less serious than being ostracized by an earthly court.**

The Gemara asks in astonishment: **Is it less serious? But certainly you, Abaye, said elsewhere that being ostracized by Heaven is more serious than being ostracized by an earthly court.** The Gemara offers a resolution: **Abaye is uncertain** whether being ostracized by Heaven is more or less serious than being ostracized by an earthly court, and therefore **he rejects** Rav Yosef's arguments in both directions.

NOTES

A peace-offering [shelamim] at a time when he is whole [shalem] – שלמים בזמן שהוא שלם: Some say that the word *shelamim*, which is written in Hebrew in the plural, indicates that both the animal being sacrificed and the one sacrificing it must be whole [shalem]. In a *baraita* it is taught that this principle applies to other offerings as well, not only to peace-offerings.

At a time when he is whole and his mind is settled – שהוא שלם: According to Rashi, this statement indicates that his mind is whole and he is settled. Similarly, in the manuscript of Rashi it is written that this expression means he must be joyous. Others explain that such a person must not be lacking anything, and when one member of his immediate family is lacking he can no longer be considered whole (*Talmid Rabbeinu Yehiel of Paris; Commentary on Moed Katan*).

When he is an acute mourner – שהוא אונן: Some of the early

authorities write that the prohibition against sending an offering refers specifically to an acute mourner, whose pain is very intense (Rid; Ra'avad on *Sifra*). However, the majority of the commentaries disagree, and they show from the *Tosefta* that a mourner is prohibited from sending an offering for the entire seven-day period of mourning.

They were ostracized and they sent their offerings – ושלחו קרבנותיהם: *Tosafot* note that the Torah does not explicitly mention that the people sacrificed offerings during the forty years in the wilderness. Some explain that it can be assumed that they sacrificed the daily offering and the additional offerings (*Talmid Rabbeinu Yehiel of Paris*). Others write that because they did not eat non-consecrated meat in the desert, according to the opinion of Rabbi Yishmael, whenever the Torah mentions that they ate meat it must be referring to eating meat from peace-offerings (Rabbi Shlomo ben HaYatom; see *Turei Aven*).

What is the *halakha* with regard to a leper sending his offerings – *מִצְרָע מִהוּ שִׁישַׁלַח קֶרְבָּנוֹתָיו*? The doubt in this case is not due to impurity, as other impure people are permitted to send offerings. Here, the question is whether a leper falls into the same category as a mourner, who is not considered to be whole (Rid).

After he has separated from his deceased relative – *אַחַר – פְּרִישְׁתוּ מִן הַמֵּת*: The reason that the Gemara does not explain this phrase according to the simple meaning of the words, i.e., that it is referring to counting after the purification of the one who became ritually impure, is because after he has become pure there is no clear reason for him to continue counting (Ra'avad) In the commentary on *Moed Katan*, it is written that this verse is referring to the High Priest. Immediately after he has left the deceased he may return to sacrificing offerings, because he is permitted to do so while he is a mourner, unlike other priests (Rid).

These are the seven days of his counting – *אֵלֶּי שִׁבְעַת יָמֵי – סְפִירוֹ*: In the manuscript of Rashi, it is explained that since the verse is referring to these days as counting, it must be referring to the purification of a leper, whose purification process involves counting. *Talmid Rabbeinu Yehiel of Paris* explains slightly differently, noting that since the verse lists the days of one's counting, it must be referring to a purification process that involves counting after the impurity has passed, i.e., the purification of a leper.

When he is fit to enter – *בְּזִמְנוֹ שָׂרָאֵי לְבִיָּאָה* – Everyone agrees that this principle does not apply in all cases, since impure people may send their animals as offerings. Rather, this statement applies to those whose level of impurity is as severe as that of a leper, including, according to the Rambam, one who is impure due to contact with a corpse. This verse implies that due to the serious nature of their impurity they may not sacrifice offerings (Ritva).

From where do we derive that a court agent is sent, etc. – *מִגֵּלָן דְּמִשְׁדְּרֵין שְׁלִיתָא וְכוּ*: According to the version of the text used by some of the early authorities, it was Korah himself who was sent by the court to summon the rest of his congregation (see Ran).

מִצְרָע מִהוּ שִׁישַׁלַח קֶרְבָּנוֹתָיו? תָּא שָׁמַע, דְּתַנָּי: "וְאַחֲרֵי טְהוֹרָתוֹ" – אַחַר פְּרִישְׁתוּ מִן הַמֵּת; "שִׁבְעַת יָמִים יִסְפְּרוּ לוֹ" – אֵלֶּי שִׁבְעַת יָמֵי סְפִירוֹ; "וּבַיּוֹם בָּאוּ אֶל הַקֹּדֶשׁ אֶל הַחֲצַר הַפְּנִמִּית לְשֵׁרֵת בְּקוֹדֶשׁ יִקְרִיב חֲטָאתוֹ" –

The Gemara asks: What is the *halakha* with regard to a leper sending his offeringsⁿ to the Temple? The Gemara answers: **Come and hear a proof, as it is taught in a *baraita* with regard to a priest who became ritually impure: "And after he is purified, they shall count for him seven days" (Ezekiel 44:26). The verse should be understood as follows: "And after he is purified"; after he has separated from his deceased relative.ⁿ "They shall count for him seven days"; these are the seven days of his countingⁿ before he may purify himself. "And on the day that he goes into the Sanctuary, into the inner court, to minister in the Sanctuary, he shall sacrifice his sin-offering, says the Lord God" (Ezekiel 44:27);**

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זו עֲשִׂירִית הָאֵיפָה שְׁלוֹ, דְּבָרֵי רַבִּי יְהוּדָה.

this is the meal-offering of a tenth of an ephah of flour, which every priest would bring on the day he began serving in the Temple. But as long as he is ritually impure, whether because he had come into contact with a corpse or due to leprosy, he may not send his offerings to the Temple; this is the statement of Rabbi Yehuda.

רַבִּי שִׁמּוֹן אוֹמֵר: "בְּבֹאוֹ יִקְרִיב" – בְּזִמְנוֹ שָׂרָאֵי לְבִיָּאָה רָאוּי לְהִקְרִיבָה; בְּזִמְנוֹ שָׂאִינוּ רָאוּי לְבִיָּאָה – אֵינוּ רָאוּי לְהִקְרִיבָה.

Rabbi Shimon says: The verse states: "And on the day that he goes into the Sanctuary, into the inner court, to minister in the Sanctuary he shall sacrifice his sin offering." This teaches that when he is fit to enterⁿ the Sanctuary, he is fit to sacrifice an offering. But when he is not fit to go into the Sanctuary, i.e., when he is ritually impure, he is not fit to sacrifice an offering. This implies that a leper may not send his offerings to the Temple to be sacrificed on the altar, as he himself is not fit to enter the Temple.

אָמַר רַבָּא: מִגֵּלָן דְּמִשְׁדְּרֵין שְׁלִיתָא דְּבֵי דִינָא, וּמִזְמִינֵין לִיה לְדִינָא? דְּכַתְּיב: "וַיִּשְׁלַח מֹשֶׁה לְקָרָא לְדָתָן וְלָאֲבִירָם בְּנֵי אֱלִיאָב." וּמִגֵּלָן דְּמִזְמִינֵין לְדִינָא? דְּכַתְּיב: "וַיֹּאמֶר מֹשֶׁה אֶל קְרַח אֶתָּה וְכָל עֲדַתְךָ."

§ Having discussed some of the restrictions applying to a person who was ostracized, the Gemara explains some of the basic principles relating to ostracism: Rava said: **From where do we derive that a court agent is sentⁿ to summon the defendant to appear before the court before he is ostracized? As it is written: "And Moses sent to call Dathan and Abiram, the sons of Eliab" (Numbers 16:12). And from where do we derive that we summon the defendant, that he himself must appear before the court?^h As it is written: "And Moses said to Korah: Be you and all your congregation before the Lord, you and they, and Aaron, tomorrow" (Numbers 16:16).**

HALAKHA

Summoning to court – *הַיְזַמְנֵה לְדִין* – The court sends messengers that summon one to court on a specific day. If he does not come the first time, he is summoned a second time. If he does not

come the second time, he should be summoned a third time. If he does not come at any time during that day, he is ostracized on the next day (*Shulḥan Arukh, Hoshen Mishpat* 11:1).

קראו שם פרעה וכו' – **They did cry there, Pharaoh, etc.** – In the manuscript of Rashi, it is explained that Jeremiah set a time for the downfall of Pharaoh, and although it did not occur at that time, it was to occur at another time. The Ritva writes that although God set a time for the downfall of Pharaoh at the hands of Nebuchadnezzar, Nebuchadnezzar arrived late. Despite this, God did not punish Nebuchadnezzar because he did eventually arrive. If so, certainly a Jew who is threatened with ostracism should be given a second chance even if he misses the first opportunity. Some explain that Pharaoh made noise in joy because he thought that the time for the war had passed, and he was informed that there would be another time for war later (Rabbeinu Yehonatan of Lunel; Ran).

Said the messenger of the Lord – **אמר מלאך ה'** – Most of the commentaries explain that it was Barak who served as God's messenger. However, some say that Barak was a messenger for the decree of the Lord's angel (Ran).

HALAKHA

One who shows disrespect toward the court's messenger – **המבזה שליח בית דין** – The testimony of a court's messenger carries the weight of two witnesses, if he testifies that he was treated disrespectfully. He may tell the court what occurred, and it is not considered to be slanderous speech (Rema). The one who acted disrespectfully toward the court's messenger is ostracized (*Shulhan Arukh, Hoshen Mishpat* 11:1 and *Yoreh De'a* 334:43).

Who eats or drinks with him, etc. – **דאכיל ושתיה בהדיה** – **וכו'**: When the courts see that a person is transgressing a serious prohibition and they wish to separate him from it, they may excommunicate not only the one committing the sin but even those who are eating, drinking, and standing within four cubits of him (*Shulhan Arukh, Yoreh De'a* 334:9).

We detail his sin in public – **פרטינו חטאיה בצבורא** – A court, if it deems it appropriate, is permitted to ostracize a person who is not strictly liable for ostracism, in order to serve as a warning to others. His sin should be made public, and it should be made known that he was ostracized or excommunicated by the court (*Rambam Sefer Shofetim, Hilkhot Sanhedrin* 24:7).

The court may declare his property ownerless – **מפקרין נכסיה**: A court is permitted to declare a person's property ownerless or destroy it in order to prevent sins that are widespread at that time (*Shulhan Arukh, Hoshen Mishpat* 21, and in the comment of Rema).

We may contend with and curse – **נצינו ולייטינו**: A judge is permitted to purposely antagonize the defendant when appropriate, curse, strike, pull out hair, and force a person to take an oath. Similarly, he is permitted to seize the guilty party, imprison him, and punish him with any type of punishment (*Rambam Sefer Shofetim, Hilkhot Sanhedrin* 24:8–9).

לְקַמֵּי גִבְרָא רַבָּה – דְּכָתִיב: “לִפְנֵי ה'”
אֶתְּוֹלְנָא – דְּכָתִיב: “אַתָּה וְהֵם וְאַהֲרֹן”
דְּקִבְעִינן זַימְנָא – דְּכָתִיב: “מָחָר”
זַימְנָא בְּתַר זַימְנָא – דְּכָתִיב: “קְרָאוּ שֵׁם פְּרַעֲה”
מִלְךְ מִצְרַיִם שְׁאוֹן הַעֲבִיר הַמּוֹעֵד”.

וּמְנַלְן דְּאֵי מִתְפַּקֵּר בְּשִׁלְיָתָא דְּבֵי דִינָא
וְאֵתִי וְאָמַר, לָא מִיִּתְחִיז כְּלִישְׁנָא בִּישְׁא –
דְּכָתִיב: “הֲעֵינִי הָאֲנָשִׁים הָהֵם תִּנְקֹר”.

וּמְנַלְן דְּמִשְׁמַתִּינן? דְּכָתִיב: “אֹרֹז מְרוֹז”
דְּהֵי סְבָרָא דְּגִבְרָא רַבָּה, דְּכָתִיב: “אָמַר
מִלְאֲךָ ה'”
וּמְנַלְן דְּמִתְרַמִּינן? דְּכָתִיב:
“אֹרֹז אָרוֹר”.

דְּאִכִּיל וְשִׁתִּיה בְּהִדִּיה וְקָאֵי בְּאַרְבַּע אַמּוֹת
דִּידִיה – דְּכָתִיב: “וְשִׁבְיָה”
וּמְנַלְן דְּפָרְטִינן חֲטָאֵיהָ
בְּצִבּוּרָא? דְּכָתִיב: “כִּי לֹא בָּאוּ
לְעֹזֶרֶת ה'”.

וְאָמַר עוֹלָא: בְּאַרְבַּע מֵאָה שִׁיפוּרֵי
שְׁמִתִּיה בְּרֹק לְמָרוּז. אֵיבָא דְּאָמְרֵי: גִבְרָא
רַבָּה הוּא, וְאֵיבָא דְּאָמְרֵי: כּוֹכְבָא הוּא,
שְׁנַאָמַר: “מִן שְׁמַיִם נִלְחַמוּ הַכּוֹכְבִים”.

וּמְנַלְן דְּמִפְקֵרִינן נְכִסְיָה? דְּכָתִיב: “וּבֹל
אֲשׁוּר לֹא יָבֹא לְשִׁלְשֵׁת הַיָּמִים בְּעֵצַת
הַשָּׂרִים וְהַזְּקֵנִים יִחְרֹם כָּל רְכוּשׁוֹ וְהוּא
יִבְדֵּל מִקְהַל הַגּוֹלָה”.

וּמְנַלְן דְּנִצִּינוּ וְלִיִּיטִינוּ וּמְחִינן וְתִלְשִׁינוּ
שִׁיעָר וּמִשְׁבְּעִינוּ? דְּכָתִיב: “וְאָרִיב עִמָּם
וְאֶקְלָלֵם וְאֶכְּהָ מֵהֵם אֲנָשִׁים וְאֶמְרָטֵם
וְאֶשְׁבִּיעֵם”.

From where is it derived that the defendant must be told that he is being summoned to appear **before a great man**? **As it is written:** “And Moses said to Korah: Be you and all your congregation **before the Lord**” (Numbers 16:16). From where is it derived that the summons must mention the names of both parties: **You and so-and-so**, the plaintiff? **As it is written:** “**You, and they, and Aaron**” (Numbers 16:16). From where is it derived that **we set a date** for the court proceedings? **As it is written:** “**Tomorrow**” (Numbers 16:16). From where is it derived that a second **date** must be set **after** the first date, if the defendant did not heed the first summons? **As it is written:** “**They did cry there, Pharaoh,ⁿ king of Egypt is but a noise; he has passed the time appointed ...** Surely as Tabor is among the mountains, and as Carmel by the sea, so shall he come” (Jeremiah 46:17). Although a time had been appointed and it had passed, it was not canceled entirely but pushed off to a later date.

And from where do we derive that if the summoned person behaves disrespectfully toward the agent of the court, and the agent comes back and reports his conduct, that this is not considered slander? **As it is written:** “**Will you put out the eyes of these men?**” (Numbers 16:14). Dathan and Abiram spoke these words to the messenger that Moses had sent to them, and the messenger reported them back to Moses.

From do we derive that we ostracize one who does not obey a court summons? **As it is written:** “**Curse Meroz**” (Judges 5:23), who was ostracized for not coming to battle after having been summoned. From where is it derived that the ostracized person must be told that it was the **decision of a great man** to ostracize him? **As it is written:** “**Curse Meroz, said the messenger of the Lord**” (Judges 5:23).ⁿ **And from where do we derive that, if he fails to mend his ways, we excommunicate** such a person more harshly, putting him under the most severe form of excommunication? **As it is written:** “**Curse Meroz ... curse bitterly its inhabitants**” (Judges 5:23), implying that one curse is followed by another, i.e., lesser ostracism is followed by harsh excommunication.

From where is it derived that the curse applies to anyone who **eats or drinks with, or stands within, four cubits** of the ostracized person? **As it is written:** “**Curse bitterly its inhabitants**” (Judges 5:23), in reference to all those sitting together with Meroz. **And from where do we derive that we detail his sin in public?** **As it is written:** “**Curse bitterly its inhabitants, because they did not come to the help of the Lord**” (Judges 5:23).

And Ulla said: Barak ostracized Meroz with the blowing of four hundred shofarot due to his failure to come. As for the identification of Meroz, some say that he was a great man and that he was ostracized because he did not join in the war effort. **And others say** that the reference is to a star and not a human being, and that it did not aid the Jewish people in their battle, **as it is stated:** “**The stars fought from heaven; in their courses they fought against Sisera,**” (Judges 5:20). This star, which did not help the Jewish people, was cursed.

And from where do we derive that the court may declare the property of one who does not obey its orders as ownerless? **As it is written:** “**And that whoever would not come within three days, according to the counsel of the princes and the Elders, all his substance shall be forfeited [yahoram] and himself separated from the congregation of the exiles**” (Ezra 10:8). “Shall be forfeited” is referring to excommunication.

And from where do we derive that we may contend with such a person, and curse^h him, and beat him, and pull out his hair, and make him take an oath in order to prevent him from sinning? **As it is written:** “**And I contended with them, and cursed them, and beat some of them, and pulled out their hair, and made them take oath by God**” (Nehemiah 13:25).

Pressure [hardafa] – הרדפה: The *ge'onim* have a different version of the text, according to which the word *hardafa* refers to a method of imprisonment similar to solitary confinement. Similarly, many of the early authorities understood this term to be a separate type of punishment, different from ostracism and excommunication, such as lashes (see Rabbeinu Gershom *Me'or HaGola*), or that the quality of life of one who was admonished would be lowered through other types of persecution (Rid; see Rambam).

The Sages wish to enter – בעו רבנן למיעיל – This is the text of the standard edition of the Talmud, and it is the text that Rashi follows (see Ritva). However, the manuscript of Rashi has a version that reads: To go, meaning that the Sages wished to return home and Abaye wished to keep them there until they nullified the decree of ostracism, in accordance with his opinion that three other people could nullify his decree of ostracism. This is the explanation of most commentaries, although many have a version that reads: That they wished to take leave of their teacher.

Blast [tut] – טוט: The word used by the Gemara here is a form of onomatopoeia and is meant to mimic the sound of the *shofar* itself. Similar words can be found in every language (Rabbeinu Shlomo ben HaYatom). According to *Tosafot* on tractate *Menahot*, this word is related to the term *tat*, which the Talmud explains to mean two. Here, this expression is referring to the two people who enacted the decree of ostracism, and it teaches that these two are also able to nullify it. In the manuscript of Rashi, it is explained that the numerical value of the word *tut* is twenty-four, which alludes to the twenty-four actions for which one may be ostracized.

Ostracism for thirty days – נידוי שלשים – In the Jerusalem Talmud an allusion to this time period is found in the verse: “But a whole month, until it comes out at your nostrils” (Numbers 11:20), referring to the punishment that God gave the Jewish people in the desert.

ומגנל דכפתין ואסרינן ועבדינן הרדפה? דכתיב: “הן למות הן לשרושי הן לענש נכסין ולאסורין.” מאי לשרושי? אמר אדא מר אמר נחמיה בר ברוך אמר רב חיאי בר אבין אמר רב יהודה: הרדפה. מאי הרדפה? אמר רב יהודה בריה דרב שמואל בר שילת משמיה דרב: מנדין לאלתר, ושונן לאחר שלשים, ומחרמין לאחר ששים.

אמר ליה רב הונא בר חיננא, הכי אמר רב חסדא: מתרין ביה שני וחמישי ושני. הני מילי – לממונא. אבל לאפקירותא – לאלתר.

ההוא טבחא דאיפתק ברב טובי בר מתנה, אימנו עליה אבין ורבא ושמתוהו. לסוף אול פייסיה לבעל דיניה. אמר אבין: היכי ליעביד? לישרי ליה – לא חל שמתא עליה תלתין יומין. לא לישרי ליה – קא בעו רבנן למיעיל!

אמר ליה לרב אידי בר אבין: מידי שמיע לך בהא? אמר ליה: הכי אמר רב תחליפא בר אבין אמר שמואל: טוט אסר, וטוט שרי. אמר ליה: הני מילי – לממונא. אבל לאפקירותא – עד דחיילא שמתא עליה תלתין יומין.

אלמא קסבר אבין: הני בי תלתא דשמתו – לא אתו תלתא אחריני ושרו ליה.

And from where do we derive that we may shackle his hands and feet, chain him, and apply pressure?^N As it is written: “Whether it be for death, or for banishment [*lishroshi*], or for confiscation of goods, or for imprisonment” (Ezra 7:26). The Gemara asks: What is the meaning of the word “*lishroshi*,” translated here as banishment? Adda Mari said that Nehemya bar Baruch said that Rav Hiyya bar Avin said that Rav Yehuda said: This is pressure. Since this expression is also unclear, the Gemara asks: What is pressure? Rav Yehuda, son of Rav Shmuel bar Sheilat, said in the name of Rav that this term refers to the following series of actions: They ostracize him immediately, and then once again after thirty days, and if he still does not repent, they excommunicate him after sixty days.

Rav Huna bar Hinnana said to him: Rav H̄isda said as follows: Before excommunicating a person, the court warns him three times, on Monday, Thursday, and the following Monday. The Gemara notes: This applies in a case where one ignores a monetary judgment that was issued against him. He is warned three times that he must repay his debt.^H But in a case where one behaves disrespectfully toward a Torah scholar, he is immediately ostracized.^H

§ The Gemara relates that a certain butcher behaved disrespectfully toward Rav Tuvi bar Mattana. Abaye and Rava were appointed to the case and ostracized him. In the end the butcher went and appealed his disputant, Rav Tuvi. Abaye said: What should we do in this case? Shall he be released from his decree of ostracism? His decree of ostracism has not yet been in effect for the usual thirty days. On the other hand, shall he not be released from ostracism? But the Sages wish to enter^N his shop and purchase meat, and they are presently unable to do so. What, then, is the most appropriate course of action?

He said to Rav Idi bar Avin: Have you heard anything with regard to such a case? Rav Idi bar Avin said to Abaye: Rav Tahlifa bar Avimi said that Shmuel said as follows: A *shofar* blast^N at the time of the ostracism makes it binding, and a *shofar* blast releases it.^H In other words, the *shofar* should be sounded now, as it had been sounded when the decree of ostracism was pronounced, and it should be canceled, although thirty days have not passed. Abaye said to him: This applies in a case where one ignores a monetary judgment that was issued against him; but in a case where one behaves disrespectfully, there must be no release until the decree of ostracism has been in effect for thirty days.^N

The Gemara comments: Apparently, Abaye maintains that if three people ostracized one, three others may not come and release him. This is derived from the fact that Abaye was concerned about releasing the butcher from ostracism and did not delegate the task to someone else.

HALAKHA

Warning before ostracism – התראה לפני נידוי: When one is ostracized because he has not repaid loans, he is warned three times: On Monday, on Thursday, and on the following Monday, before he is ostracized. This ruling is in accordance with the opinion of Rav H̄isda (*Shulhan Arukh, Yoreh De'a* 334:1, and in the comment of the Rema).

Ostracism due to disrespect – נידוי לאפקירותא: When one is ostracized because he has shown disrespect, he is ostracized immediately. However, it is the accepted practice to first give him a warning (*Shakh; Shulhan Arukh, Yoreh De'a* 334:1).

Nullifying ostracism – תקנת נידוי: If one was told that he is ostracized for thirty days, his decree of ostracism may still be

nullified immediately once he repays the money that he owes or once he makes amends with the one toward whom he acted disrespectfully. Some say that his decree of ostracism should be reversed after thirty days when he comes to the court after thirty days and asks for his decree of ostracism to be nullified, even if he has not repented. However, if he does not make such a request, he remains ostracized until his death. Some disagree and say that if one does not repent then he remains ostracized, and one who makes amends can have his decree of ostracism nullified only after thirty days (Rema). Others say that if he makes amends then his decree of ostracism may be nullified immediately (*Taz; Shulhan Arukh, Yoreh De'a* 334:13).

One who is ostracized by a teacher and a student – מְנוּדָה: One who has been ostracized by a teacher of Torah is also ostracized with respect to that teacher's students. However, other rabbis are not obligated to observe this ban (Rema).

If one is ostracized by a student, people who are not Torah scholars are bound by this ban, but this student's teacher and other Torah scholars are not (Rema). According to some authorities, scholars of lesser status than the student are bound by the ban (*Shakh*). In the presence of his teacher, a student may not ostracize another without permission (*Shulḥan Arukh, Yoreh De'a 334:15*).

One who is ostracized by his city and by another city – מְנוּדָה לְעִיר וּלְעִיר אֲחֵרָה: One who has been ostracized by his city is ostracized by another city as well, even when it is bigger than his city (Rema). One who has been ostracized by another city is not ostracized by his city; however he is ostracized by other cities, since they are considered like the city from which he was originally ostracized.

This distinction applies only if one was ostracized because he acted disrespectfully. However, if one was ostracized because he did not listen to the ruling of the court or because he had sinned, then he is ostracized by his own city as well (*Shakh*). The people of his city are not required to treat him as though he were ostracized; however, he is required to observe the restrictions of ostracism on his own (*Pithei Teshuva, citing Levushei Serad; Shulḥan Arukh, Yoreh De'a 334:20*).

One who is ostracized by the Nasi of the Sanhedrin and by all the Jewish people – מְנוּדָה לְנִשִּׂיא וְלִישְׂרָאֵל: One who is ostracized by the Nasi of the Sanhedrin is ostracized by all Jewish people; however, one who is ostracized by the entire Jewish people is not ostracized by the Nasi of the Sanhedrin (*Shulḥan Arukh, Yoreh De'a 334:21*).

A student who ostracizes due to his dignity – תַּלְמִיד שְׁנִידָה: A Torah scholar is permitted to ostracize one who acts disrespectfully toward him, even if he did not explicitly show disrespect to him but intended to do so (Rema). If he showed disrespect in a manner that makes him worthy of being ostracized according to the *halakha*, then he is ostracized by everyone. However, if he showed disrespect in a different manner, he is ostracized only from people of smaller stature than that Sage (*Shulḥan Arukh, Yoreh De'a 334:15*).

Each and every one nullifies his portion – כָּל אֶחָד וְאֶחָד: One who has been ostracized by three people cannot have his decree of ostracism nullified by two of the three unless the third has given them permission. If many people were present when one was ostracized, all of them must participate in nullifying his decree of ostracism. All those who join in ostracizing a person must also join together in order to reverse his decree of ostracism. However, any of those involved in the ostracism may nullify his own portion by himself, and it is not necessary to gather them together, even if they were together when he was ostracized (*Shulḥan Arukh, Yoreh De'a 334:26*).

Another court may nullify ostracism – בֵּית דִּין אַחֵר הַמְתִּיר – נִגְדוּ: If one was ostracized by a court of three people who have moved away, his decree of ostracism may be nullified by three other people, on condition that he has abandoned his sin. Rav Hai Gaon writes that those three must be of the same stature as the original three people, i.e., they must be as wise, as great, and of the same age (Rema). These requirements apply only if they perform the nullification within the initial period of ostracism (*Shakh, citing Ra'avad; Shulḥan Arukh, Yoreh De'a 334:25*).

דְּאִיבְעִינָא לְהוּ: הֲנִי בִּי תִלְתָּא דְשְׂמִיתוּ, מַהוּ לְמִיתִי תִלְתָּא אַחֲרֵינִי וְשָׂרוּ לִי? תָּא שְׂמַע: מְנוּדָה לְרַב – מְנוּדָה לְתַלְמִיד; מְנוּדָה לְתַלְמִיד – אֵינוּ מְנוּדָה לְרַב.

מְנוּדָה לְעִירוֹ – מְנוּדָה לְעִיר אַחֲרָת; מְנוּדָה לְעִיר אַחֲרָת – אֵינוּ מְנוּדָה לְעִירוֹ. מְנוּדָה לְנִשִּׂיא – מְנוּדָה לְכָל יִשְׂרָאֵל; מְנוּדָה לְכָל יִשְׂרָאֵל – אֵינוּ מְנוּדָה לְנִשִּׂיא. רַבֵּן שְׂמַעוֹן בֶּן גַּמְלִיאֵל אָמַר: אֶחָד מִן הַתַּלְמִידִים שְׁנִידָה וּמַת – חֲלָקוּ אֵינוּ מוֹפְר.

שְׂמַע מִינָה תִלְתָּ. שְׂמַע מִינָה: תַּלְמִיד שְׁנִידָה לְכַבּוּדוֹ – נִגְדוּ וְנִגְדוּ וּשְׂמַע מִינָה: כָּל אֶחָד וְאֶחָד מִפְּר חֲלָקוּ. וּשְׂמַע מִינָה: הֲנִי בִּי תִלְתָּא דְשְׂמִיתוּ – לֹא אָתוּ תִלְתָּא אַחֲרֵינִי וְשָׂרוּ לִי.

אָמַר אַמַּימֹר: הֲלִכְתָּא. הֲנִי בִּי תִלְתָּא דְשְׂמִיתוּ – אָתוּ בִּי תִלְתָּא אַחֲרֵינִי וְשָׂרוּ לִי. אָמַר לִיָּה רַב אָשִׁי לְאַמַּימֹר: וְהָא תִנְיָא רַבֵּן שְׂמַעוֹן בֶּן גַּמְלִיאֵל אָמַר: אֶחָד מִן הַתַּלְמִידִים שְׁנִידָה וּמַת – חֲלָקוּ אֵינוּ מוֹפְר. מֵאֵי לָאוּ – אֵינוּ מוֹפְר כְּלָל? לֹא, עַד דְּאָתוּ בִּי תִלְתָּא אַחֲרֵינִי וְשָׂרוּ לִי.

As a dilemma was raised before the Sages: If three people ostracized someone, what is the *halakha* with regard to three others coming and releasing him from his decree of ostracism? The Gemara suggests: Come and hear a proof from that which is taught in a *baraita*: One who was ostracized by the teacher of Torah for having acted disrespectfully toward him is considered ostracized with regard to the student, and the latter must keep his distance from him. However, one who was ostracized by the student is not considered ostracized with regard to the teacher.^h

One who was ostracized by his own city is considered ostracized with regard to another city. However, one who was ostracized by another city is not considered ostracized with regard to his own city.^h One who was ostracized by the Nasi of the Sanhedrin is considered ostracized with regard to all the Jewish people; but one who was ostracized by all the Jewish people is not considered ostracized with regard to the Nasi of the Sanhedrin.^h Rabban Shimon ben Gamliel says: If one of the students sitting as a judge on the court had ostracized someone, and he died before releasing him from the decree of ostracism, his portion of the decree of ostracism is not nullified.

The Gemara says: Learn three *halakhot* from this *baraita*. Learn from this that in the case of a student who ostracizes someone due to an insult to his dignity^h and not because the ostracized person was guilty of some transgression, his decree of ostracism is valid. Were the case one where one was ostracized due to sin, everyone is required to respect the decree of ostracism, even the student's teacher. And learn from this that each and every one who participated in the decree of ostracism nullifies his own portion^h of the decree of ostracism, as the *baraita* speaks of: His portion. And learn from this that if three people ostracized another person, three other people may not come and nullify the decree of ostracism. Were this not the case, it wouldn't matter if a certain person's portion was not nullified. His portion could be nullified by someone else.

Ameimar^b said: The *halakha* is that if three people ostracize another person, three others may come and nullify the decree of ostracism.^h Rav Ashi said to Ameimar: But isn't it taught in a *baraita*: Rabban Shimon ben Gamliel says: If one of the students had ostracized another person, and he died before releasing him from the decree of ostracism, his portion is not nullified? What, is it not that it is not nullified at all, i.e., it cannot be nullified by another person? The Gemara rejects this argument: No, this means that the decree of ostracism remains in force until three other people come and nullify it.

PERSONALITIES

Ameimar – אַמַּימֹר: Ameimar was one of the great talmudic Sages of the fifth and sixth generation of Babylonian *amora'im*. Ameimar was born and raised in Neharde'a, where he studied and taught Torah, although it is likely that he studied with the Sages of Pumbedita as well. The teachings that he quotes are mainly from fifth-generation *amora'im* who were students of Abaye and Rava. It appears that he served as

rabbi and religious judge in Neharde'a, where he established various rabbinic regulations. However, he also wielded influence in many other places, such as Mehoza. The leaders of the following generation, e.g., Rav Ashi, were his students and came before him for judgment. He had at least one son, named Mar, who studied with Rav Ashi while Ameimar was still alive.

Admonition – נְיִפָּה: The punishment of admonition is not expressed through the way others act toward the admonished person. Rather, the onus is on this person to conduct himself as if he had been admonished, like one who has been publicly shamed and who is embarrassed to show his face in public (Ra'avad).

And what can Rabbi Yehuda HaNasi say – יִקּוּה רַבִּי אוֹמֵר – Most commentaries who explain this statement claim that Rabbi Shimon understood that bar Kappara wished to mock him and to state: This question is challenging, and will Rabbi Yehuda HaNasi have anything to say about it? Others suggest that he was upset because bar Kappara used the title Rabbi and not the greater honorific *Rabbeinu*, meaning: Our Rabbi (Ran).

HALAKHA

Ostracism and admonition – נִדְוִי וְנִיפָּה: Generally, ostracism lasts for thirty days, and admonition lasts for seven days. However, in Babylonia ostracism lasts for seven days and admonition lasts for only one day, in accordance with the opinion of Rav Hisda (*Shulhan Arukh, Yoreh De'a* 334:1).

תנו רבנן: אין נדווי פחות משלשים יום, ואין נויפה פחות משבעה ימים. ואף על פי שאין ראיה לדבר – ובר לדבר, שנאמר: "ואביה ירק ירק בפניה הלא תכלם שבעת ימים".

אמר רב חסדא: נדווי שלנו כנויפה שלהן. ונויפה דידהו שבעה, ותו לא? והא רבי שמעון בר רבי ובר קפרא הוו יתבי וקא גרסי, קשיא להו שמעתא. אמר ליה רבי שמעון לבר קפרא: דבר זה צריך רבי. אמר ליה בר קפרא לרבי שמעון: ומה רבי אומר בדבר זה?

אזל אמר ליה לאבוה. איקפד. אתא בר קפרא לאיתחזווי ליה, אמר ליה: בר קפרא. איני מכירך מעולם. ידע דנקט מילתא בדעתיה, נהג נויפיתא בנפשיה תלתין יומין.

שוב, פעם אחר גזר רבי שלא ישנו לתלמידים בשוק. מאי דרש? "חמוקי ירכך כמו חלאים", מה ירך בסתר

§ The Sages taught the following *baraita*: **Ostracism does not apply for less than a period of thirty days, and admonition,ⁿ which is less severe than ostracism, does not apply for less than a period of seven days.^h And although there is no proof with regard to the matter, i.e., the standard duration of admonition, there is an allusion to the matter, as it is stated: "If her father had but spit in her face, should she not be ashamed for seven days?" (Numbers 12:14).** This implies that admonition lasts for seven days.

Rav Hisda said: Our decree of ostracism in Babylonia has the power of their admonition in Eretz Yisrael. Since the authorities in Eretz Yisrael are ordained with the title Rabbi, their admonition carries more weight than a decree of ostracism issued in Babylonia. The Gemara asks: **Is their admonition in Eretz Yisrael only seven days and no more? But isn't it related that Rabbi Shimon, son of Rabbi Yehuda HaNasi,^p and bar Kappara^p were sitting and studying, and they posed a difficulty with a certain halakha. Rabbi Shimon said to bar Kappara: This issue requires my father, Rabbi Yehuda HaNasi, to explain it. Bar Kappara said to Rabbi Shimon, somewhat mockingly: And what can your father, Rabbi Yehuda HaNasi, sayⁿ about this issue? What can he add and teach us about it?**

Rabbi Shimon went and told his father, Rabbi Yehuda HaNasi, what bar Kappara had said, and Rabbi Yehuda HaNasi became angry with him. When bar Kappara came at some later point to visit, Rabbi Yehuda HaNasi said to him: **Bar Kappara, I do not know you at all.** Bar Kappara understood that Rabbi Yehuda HaNasi had taken his statement to heart, i.e., was insulted. He subsequently behaved as if he had been admonished, as a self-imposed punishment, for thirty days.

Once again, on another occasion, Rabbi Yehuda HaNasi decreed that students not be taught in the marketplace but only in a study hall. What verse did he expound to serve as the basis for this decree? The verse states: **"Your rounded thighs are like jewels, the work of the hands of an artist"** (Song of Songs 7:2). **Just as a thigh is ordinarily hidden and kept covered with clothes,**

PERSONALITIES

רבי שמעון בר – Rabbi Shimon, son of Rabbi Yehuda HaNasi – Rabbi Shimon was the youngest son of Rabbi Yehuda HaNasi and his close student. In addition, he was especially close to Rabbi Hiyya, who also his close friend and partner in the silk business. In many places, it is noted that he was very meticulous about his honor, which he saw as related to the honor of the office of *Nasi*. In particular, he was careful to ensure that nothing he did would imply offense to his great father. At least one of his sayings is found in the Mishna itself, although he was actually in the transitional generation between *tanna'im* and *amora'im*. His sayings are often introduced by the word *itmar*, meaning: It was said, a term used for *amora'im*.

Rabbi Yehuda HaNasi considered Rabbi Shimon to be a great scholar. Before Rabbi Yehuda HaNasi's death, he appointed Rabbi Shimon to be the *Hakham*, which was the third-highest position in the Sanhedrin after the *Nasi* and the Head of the Court, although he appointed Rabbi Shimon's older brother, Rabban Gamliel, to replace him as *Nasi*.

Bar Kappara – בר קפרא: Bar Kappara was one of the Sages of Eretz Yisrael during the transitional generation between

tanna'im and *amora'im*. His first name is unknown, although some say his name was Shimon. It is unclear whether he was related to Elazar HaKafar, and if so, what their relationship was. Bar Kappara was one of the more important students of Rabbi Yehuda HaNasi and a colleague of Rabbi Hiyya. He assembled a unique collection of *baraitot* that are introduced in the Talmud with the words: Bar Kappara teaches. His halakhic statements are mentioned many times in the Talmud. His aggadic statements and expositions appear in both the Babylonian and Jerusalem Talmud.

Bar Kappara was well known for his sharp personality and intellect. He was considered to be well-versed in the Bible, so much so that even Rabbi Yehuda HaNasi asked him about the meaning of certain verses. Because he was prone to making harsh statements, it sometimes happened that certain members of Rabbi Yehuda HaNasi's family were insulted; however, Rabbi Yehuda HaNasi himself thought very highly of bar Kappara, praised him, and was the first to offer a eulogy for him. Almost all of the first generation of *amora'im* were his students, including his nephew, Rabbi Yehuda ben Padda.

He lived, at least toward the end of his life, in the Galilee and was buried in the city of Parod.

PERSONALITIES

Rabbi Hiyya – רַבִּי חֵיָּיָא: Rabbi Hiyya, son of Abba, from the Babylonian city of Kafri, was one of the last of the *tanna'im*. He was a contemporary of Rabbi Yehuda HaNasi.

Rabbi Hiyya was born to an important family that traced its roots to King David and included many important Sages. Rabbi Hiyya was recognized as a leading Torah scholar even while living in Babylonia. As the Gemara attests, his efforts were credited by many with saving the Torah from oblivion. Upon moving to Eretz Yisrael, Rabbi Hiyya became a close friend and colleague of Rabbi Yehuda HaNasi. He also became a close friend of Rabbi Yehuda HaNasi's son, Rabbi Shimon, with whom he became partners in trade. A powerful force in his generation, he also worked closely with Rav, who was recognized as the leader of the Jewish people in Babylonia, but still learned from Rabbi Hiyya.

Rabbi Hiyya's greatest work was his *Tosefta*, a collection of oral traditions that were not included in the Mishna compiled by Rabbi Yehuda HaNasi. This collection, which was assembled with the assistance of Rabbi Hiyya's disciple-colleague, Rabbi Oshaya, was viewed as authoritative to the extent that the Talmud states that any *boraita* that was not found in his work should not be discussed in the study hall (*Hullin* 141a-b). Some hold that Rabbi Hiyya edited the *Tosefta* that exists today.

While it appears that Rabbi Hiyya was financially supported by others when he first came to Eretz Yisrael, ultimately he was a successful merchant who dealt in international business ventures, and in particular the silk trade. He had twin daughters, Pazi and Tavi, and twin sons, Yehuda and Hizkiya, who were leading Sages in the generation between the *tanna'im* and *amora'im*. His sons apparently took over his yeshiva in Tiberias after his passing.

NOTES

ייָא, who is calling you outside – מִי קוֹרָא לְךָ – בחוץ: When Rabbi Yehuda HaNasi called Rabbi Hiyya by this name it was meant to show his displeasure. Rabbi Hiyya was unable to pronounce guttural consonants, and in his accent *het* and *ayin* sounded the same. Therefore, calling him Iyya was a way of mocking his accent. In addition, Rabbi Yehuda asked: Who is calling you outside, in order to hint that he taught Torah outside (Maharsha). Others claim that he was suggesting that someone else had called him outside, as if to say: I, Rabbi Yehuda HaNasi, did not call you (Rabbi Shlomo ben HaYatom; see Rashi).

If you read, you did not read a second time – אַם יָדַעְתָּ לֹא שָׁנִיתָ: Some explain this expression as follows: If you have read this only one time without reviewing it, then you certainly have forgotten what you read. If you have read it a second and third time and have not forgotten it, then certainly it was not explained to you. Therefore, you do not properly understand what is written in this verse (Commentary on *Moed Katan*).

Kalla – כַּלָּה: The *kalla* is a uniquely Babylonian Jewish tradition, though it may have its early roots in Eretz Yisrael. The *kalla* is essentially a gathering of all the Sages. It took place twice a year, in Adar and in Elul, and focused on a specific tractate, which the Sages would analyze and interpret. Thousands of people would attend the days of the *kalla* [*yarhei kalla*], which also served as an extraordinary occasion of paying homage to the Torah.

אָף דְּבָרֵי תוֹרָה בְּסֵתֵר.

יֵצֵא רַבִּי חֵיָּיָא וְשָׁנָה לְשָׁנָה בְּנֵי אָחִיו בְּשׁוּק, לְרַב וְלִרְבָּה בַּר בַּר חָנָה. שָׁמַע רַבִּי – אֵיקָפֵד. אָתָּא רַבִּי חֵיָּיָא לְאֵיתְחַזְוֵי לֵיהּ. אָמַר לֵיהּ: עֵינָא, מִי קוֹרָא לְךָ בַּחוּץ? יָדַע דְּנִקְט מִיִּלְתָּא בְּדַעְתֵּיהּ, נְהַג נְוִיפּוּתָא בְּנִפְשֵׁיהּ תְּלַתִּין יוֹמִין.

בְּיוֹם תְּלַתִּין שָׁלַח לֵיהּ: תָּא; הֲדַר שָׁלַח לֵיהּ דְּלֹא לֵיתֵי.

מַעֲיָקָא מֵאֵי סָבַר וּלְבִסּוּף מֵאֵי סָבַר? מַעֲיָקָא סָבַר: מִקְצֵת הַיּוֹם כְּבוֹלוֹ; וּלְבִסּוּף סָבַר: לֹא אִמְרִינַן מִקְצֵת הַיּוֹם כְּבוֹלוֹ.

לְסוּף אָתָּא. אָמַר לֵיהּ: אִמְאֵי אָתִיתָ? אָמַר לֵיהּ: דְּשָׁלַח לִי מִר דְּלֵיתֵי. וְהָא שְׁלַחִי לְךָ דְּלֹא תֵיטִי? אָמַר לֵיהּ: זֶה רַאִיתִי, זֶה – לֹא רַאִיתִי. קָרִי עָלֵיהּ: "בְּרַצוֹת ה' דְּרַבִּי אִישׁ גַּם אוֹיְבָיו יִשְׁלִים אֹתוֹ".

מֵאֵי טַעְמָא עֲבַד מִר חֵיָּיָא אָמַר לֵיהּ: דְּכַתְּבִי: "חֻקְמוֹת בַּחוּץ תְּרוֹנָה". אָמַר לֵיהּ: אִם קָרִית – לֹא שְׁנִיתָ – לֹא שִׁילְשֵׁתָ, וְאִם שִׁילְשֵׁתָ, לֹא פִירְשׁוּ לְךָ.

"חֻקְמוֹת בַּחוּץ תְּרוֹנָה" – כְּדָרְבָא. דָּאִמְרַן רַבָּא: כָּל הָעוֹסֵק בַּתּוֹרָה מִבְּפָנִים – תּוֹרָתוֹ מְבָרָת עָלָיו מִבְּחוּץ.

וְהָא כְּתִיב: "לֹא מֵרֵאשׁ בְּסֵתֵר דְּבִרְתֵּי!" הֲוֵא בְּיוֹמֵי דְכַלָּה.

so too, the words of Torah, which are "the work of the hands of an artist," i.e., God, must remain hidden in the study hall.

Despite Rabbi Yehuda HaNasi's decree, Rabbi Hiyya^p went out and taught his two nephews, Rav and Rabba bar bar Hana, in the marketplace. Rabbi Yehuda HaNasi heard what he had done and became angry with him. When Rabbi Hiyya came at some later date to visit him, Rabbi Yehuda HaNasi mockingly said to him: Iyya, who is calling you outside?ⁿ By asking this question Rabbi Yehuda HaNasi was intimating that Rabbi Hiyya should leave his house. Rabbi Hiyya understood that Rabbi Yehuda HaNasi had taken the matter to heart and was insulted, and so he conducted himself as if he had been admonished, as a self-imposed punishment, for thirty days.

On the thirtieth day, Rabbi Yehuda HaNasi sent him a message, saying: Come and visit me. However, he later reversed his opinion and sent him another message, telling him not to come.

The Gemara asks: At the outset what did he hold, and ultimately what did he hold? Initially, Rabbi Yehuda HaNasi held that the legal status of part of the day is like that of an entire day, and since the thirtieth day already begun, Rabbi Hiyya's time of admonition had ended. But ultimately he held that with regard to this issue we do not say that the legal status of part of the day is like that of an entire day.

In the end Rabbi Hiyya came on that same day. Rabbi Yehuda HaNasi asked him: Why have you come? Rabbi Hiyya responded: Because you, Master, sent me a message that I should come. He said to him: But I sent you a second message that you should not come. He responded: This messenger that you sent, i.e., the first one, I saw him and I did as he said, but that messenger, i.e., the second one, I did not see. Rabbi Yehuda HaNasi read the verse about Rabbi Hiyya: "When a man's ways please the Lord, He makes even his enemies to be at peace with him" (Proverbs 16:7), as it was clear to him that Rabbi Hiyya had merited divine assistance.

Concerning the issue with which the entire incident had begun, Rabbi Yehuda HaNasi asked Rabbi Hiyya: What is the reason that you, the Master, acted as you did, ignoring my instructions not to teach Torah in the marketplace? Rabbi Hiyya said to him: As it is written: "Wisdom cries aloud in the streets" (Proverbs 1:20), which implies that Torah should be publicized in the streets. Rabbi Yehuda HaNasi said to him: If you read this verse once, you certainly did not read it a second timeⁿ in greater depth; and if you read it a second time, you certainly did not read it a third time; and if you read it a third time, then it was not adequately explained to you, as it is clear that you do not understand it properly.

The words: "Wisdom cries aloud in the streets," should be understood in accordance with the opinion of Rava. As Rava said: With regard to everyone who occupies himself with Torah study inside the privacy of his home, his Torah knowledge will proclaim his greatness outside, as it will be revealed to the masses and they will see his greatness.

The Gemara asks: But isn't it written: "From the beginning I have not spoken in secret" (Isaiah 48:16), implying that the Torah should be taught and proclaimed in public? The Gemara answers: That verse is referring to the days of the *kalla*,ⁿ the gathering for Torah study held during Elul and Adar, when many people come to listen to Torah discourses. During this time, it is not only permitted but even recommended to teach Torah to the masses. In this way, the verse can be explained in accordance with the opinion of Rabbi Yehuda HaNasi.

Our admonition – נְיִיפָה דִּינָן – Admonition lasts for one day (Shulhan Arukh, Yoreh De'á 334:1).

PERSONALITIES

Mar Ukva – מַר עֻקְבָּא: Mar Ukva was the Exilarch during the time of Rav and Shmuel. Generally, the title *Mar* was added to the name of the Exilarch and those in his family. He was a direct descendant of the house of David and was appointed by the Persians as Exilarch. For these two reasons, Mar Ukva had authority to rule in monetary cases. In this regard, the great Sages of Babylonia deferred to the Exilarch, and Mar Ukva's court, which had a permanent location near the city of Sura, was considered to be the most respected court.

Mar Ukva was very knowledgeable in Torah, and based upon several sources it seems that he saw himself as the primary student of Shmuel. In fact, many of Shmuel's statements are transmitted through Mar Ukva. There was also a close friendship between them, and Shmuel served as Mar Ukva's doctor. Apparently, Mar Ukva outlived Shmuel.

In addition to his greatness in Torah, Mar Ukva was also very generous. Many stories are told about the charity that he gave, which was not only given in large sums but was also given secretly, so as not to embarrass the recipients. Similarly, due to his modest nature he did not use his position of power to fight those who tried to harm him. Several Sages from the following generation cite statements in his name.

רַבֵּי חֵיִיָּא, הָאֵי "תְּמוּקֵי יַרְכֻּךְ" מֵאֵי עֲבִיד לָהּ? מוֹקֵי לָהּ בְּצַדִּיקָה וּבְגַמְלוּת חֶסְדִּים.

The Gemara asks: **And what did Rabbi Hiyya do with this verse: "Your rounded thighs are like jewels"?** How did he understand it? This verse implies that the Torah must be kept hidden in the study hall and not publicized in the marketplace. The Gemara explains: **He interprets it not as a reference to Torah, but as referring to acts of charity and loving-kindness, which should certainly be performed in private.**

אַלְמָא, נְיִיפָה דִּידְהוּ תְּלַתִּין יוֹמִין! נְיִיפָת נְשִׂיא שְׂאֵנִי.

This incident demonstrates **that, apparently, admonition of those who live in Eretz Yisrael lasts for thirty days and not for seven days.** The Gemara answers that this is not a conclusive proof, since Rabbi Yehuda HaNasi was the *Nasi*. **The admonition of the *Nasi* of the Sanhedrin is different i.e., more severe, than the admonition of anyone else.**

וְנְיִיפָה דִּינָן כַּמָּה הוּי? חַד יוֹמָא. כִּי הָא דְשְׂמוּאֵל וְמַר עֻקְבָּא, כִּי הוּי יְתֵבֵי גְרָסֵי שְׂמַעְתָּא – הָוָה יְתֵיב מַר עֻקְבָּא קַמֵּיה דְשְׂמוּאֵל בְּרַחֲוִיק אַרְבַּע אַמּוֹת, וְכִי הוּי יְתֵבֵי בְּדִינָא – הָוָה יְתֵיב שְׂמוּאֵל קַמֵּיה דְמַר עֻקְבָּא בְּרַחֲוִיק אַרְבַּע אַמּוֹת. וְהוּי דְחֵיקֵי לֵיהּ דּוֹכָתָא לְמַר עֻקְבָּא בְּצִפְתָּא וְיְתֵיב עֵילוּיָהּ, כִּי הֵיכִי דְלִישְׁתַּמְעָן מִלֵּיהּ.

The Gemara asks: **And how long is our admonition⁴ in Babylonia?** The Gemara answers: It is only **one day, as in the case involving Shmuel and the Exilarch Mar Ukva.⁵ When they would sit and study halakha, Mar Ukva would sit before Shmuel at a distance of four cubits as a sign of respect.** Mar Ukva would conduct himself as though Shmuel were his teacher because Shmuel was much greater than him in Torah matters. **And when they would sit together in judgment, Shmuel would sit before Mar Ukva at a distance of four cubits because Mar Ukva was the Exilarch and the chief judge. But they would lower a place for Mar Ukva in the matting upon which he sat, and he would sit on it so that he could hear Shmuel's words⁶ of Torah even when they were engaged in judgment.**

כָּל יוֹמָא הָוָה מְלוֹי לֵיהּ מַר עֻקְבָּא לְשְׂמוּאֵל עַד אוֹשְׁפִיזֵיהּ. יוֹמָא חַד אֵיטְרִיד בְּדִינָה. הָוָה אֲזִיל שְׂמוּאֵל בְּתַרְיָה. כִּי מְטָא לְבֵיתָהּ אֲמַר לֵיהּ: לֹא נִגַּה לָךְ? לִישְׁרֵי לִי מַר בְּתַיְגְרִיהּ! יָדַע דְנִקְט מִלְתָּא בְּדַעְתָּיה, נִהַג נְיִיפּוֹתָא בְּנַפְשֵׁיהּ חַד יוֹמָא.

Every day, Mar Ukva would accompany Shmuel to his lodgings, in the manner that a student would show honor toward his teacher. **One day, Mar Ukva was so heavily preoccupied with a case that had been brought before him for judgment that he did not realize that Shmuel was walking behind him to show him respect due to his position as the Exilarch. When Mar Ukva reached his home, Shmuel said to him: Is it not enough for you⁴ that I accompanied you until here? Release me, Master, from my obligation, so that I may return home. Mar Ukva understood that Shmuel had taken the matter to heart and was insulted. Therefore, he conducted himself as if he had been admonished, for one day as a self-imposed punishment.**

הָיָא אֵיתָתָא דְהוּוּת יְתֵבָה בְּשַׁבְּלָא, הוּוּת פְּשְׁטָה כְּרַעָה וְקָא מְנַפָּה חוּשְׁלָאֵי וְהָוָה חֲלִיף וְאֲזִיל צוֹרְבָא מְרַבְּנָן, וְלֹא אִיבְנָהּ מְקַמֵּיהּ. אֲמַר: כַּמָּה חֲצִיפָא הָיָא אֵיתָתָא! אֵתָאֵי לְקַמֵּיהּ דְרַב נַחֲמָן. אֲמַר לָהּ: מִי שְׂמַעְתָּ שְׂמַתָּא מְפִימִיהּ? אֲמַרָה לֵיהּ: לֹא. אֲמַר לָהּ: זִילִי, נִהַגִי נְיִיפּוֹתָא חַד יוֹמָא בְּנַפְשִׁיךְ.

It was related that a certain woman was sitting alongside a path with her leg extended while she was sifting barley. A Torah scholar passed by her on this path, but she did not yield to him and move her leg to make room for him. **He said: How rude is that woman!** The woman came before Rav Nahman to ask if this statement should be deemed as excommunication. **He said to her: Did you hear the word excommunication explicitly issue from his mouth? She said to him: No. He said to her: If this is the case, then go and observe an admonition for one day, as it appears that the Torah scholar sought only to admonish you.**

NOTES

So that he could hear Shmuel's words – כִּי הֵיכִי דְלִישְׁתַּמְעָן – מִלֵּיהּ: According to this version of the text, they would give Mar Ukva an elevated seat, on a cushion, so that his words could be heard and so people would humbly accept them (*Talmid Rabbeinu Yehiel of Paris*).

Some explain that this statement emphasizes that they would lower Mar Ukva's seat a bit so that his seat would not be much higher than Shmuel's, and that Shmuel was honored by being offered a position from which his words could be heard (manuscript of Rashi). The version of Rashi printed on the page seems to relate to a different version of the talmudic

text. According to this version, Mar Ukva lowered his seat so that he would not be far from Shmuel, in order to hear what Shmuel said.

Is it not enough [nega] for you – לֹא נִגַּה לָךְ: Some explain that this expression is related to *noga*, light, and Shmuel implied: Have you not yet been enlightened as to how much you are troubling me (Rabbi Shlomo ben HaYatom)? Others claim that the word *nega* means evening, and he implied: Will it become dark while you are still dragging me behind you (manuscript of Rashi)?

Reading the portion – קַפְסִיק סִידְרָא: It was customary for the Sages of the Talmud to divide the Bible into portions, so that they would complete all of the Bible in one year. This practice is similar to the current division of the Torah into weekly portions. Perhaps the Sages' division is parallel to the divisions that are used today (see *Talmid Rabbeinu Yehiel of Paris*).

Last, by inference there are first – מַכְלֵל דְּאִיבָא – אַחְרוֹנִים: According to Rashi, Zutra bar Toviyya asked: How can the verse write “these are the last words of David” (II Samuel 23:1), when “words of David” is a unique expression found only here in the Bible? Where is it possible to find other words of David? Where is similar language used?

Other commentaries understand that Zutra bar Toviyya assumes that the verse in II Samuel, chapter 23, actually refers back to the previous chapter, as the word “these” in “these are the last words of David” can function as a concluding remark on II Samuel, chapter 22, which is a song that David sang after he was saved from Saul. If this is the case, Zutra bar Toviyya asked: Where else did David speak about Saul (Ra'avad; *Tosefot HaRosh*)?

Alternatively, there are those who maintain that “the words of David” indicates prophecy. If so, Zutra bar Toviyya asked: Where is there another case where David relayed words that God had spoken to him, but the text does not explicitly say so (Ritva)?

Had you been Saul – אֵלְמְלִי אֶתָּה שְׂאוּל – Many explain that this expression means: Had it not been an issue of destiny, Saul would have prevailed, as he surpassed you, David, in righteousness (Rashi). Some say: If you were Saul, meaning: If you were humble like Saul, then this attribute alone would tip the scale in your favor (see Rabbeinu Gershom *Meor HaGola*). Others say that were it not for the heavenly decree that you, David, would rule, then you would not have been worthy of inheriting the kingship from Saul (Rabbi Shlomo ben HaYatom). Similarly, others explain that were it not stated from the outset that David become king after Saul, then he would not have ruled. It is stated elsewhere in the Talmud that because of his prestigious lineage, Saul's rule did not continue, unlike David, whose lineage was questionable (*Yoma* 22b; Ran; *Tosefot HaRosh*). Others suggest that the tribe of Benjamin, to which Saul belonged, was not chosen to rule forever. Instead, David's tribe, the tribe of Judah, was designated to have lasting monarchy (*Iyyun Ya'akov*).

Cush and Saul – כּוּשׁ וְשְׂאוּל – Some explain that the names Cush and Kish are actually the same name, and the verse in Psalms alludes to Saul, son of Kish (*Talmid Rabbeinu Yehiel of Paris*).

Saul was distinguished by his actions – שְׂאוּל מְשׁוּנָה – בְּמַעֲשָׁיו: Some explain that the term distinguished is referring to Saul's righteousness and humility. Others state that it points to the fact that he was physically outstanding, as he was extremely tall.

Similarly, some say that the term distinguished, in the case of Zipporah, is referring to her good deeds and modesty, while others claim that it points to her unique beauty (manuscript of Rashi; *Hakotav*).

Zedekiah was distinguished by his actions – צְדֵקְיָה – מְשׁוּנָה בְּמַעֲשָׁיו: According to this explanation, the verse is read as follows: The servant [leved] of the king [melekh] called Cushite. Zedekiah was called this because he was righteous in a generation of wicked people (*Talmid Rabbeinu Yehiel of Paris*).

וּזְטָרָא בַר טוֹבִיָּה הוּא קְפִיסִיק סִידְרָא קַמֵּיהּ דְּרַב יְהוּדָה. כִּי מְטָא לְהָא פְסוּקָא: “וְאֵלֶּה דְּבַרֵּי דּוֹד הָאֲחֻרָּנִים,” אָמַר לֵיהּ: אַחְרוֹנִים – מַכְלֵל דְּאִיבָא רַאשׁוֹנִים. רַאשׁוֹנִים מַאי נִגְהוּ?

שְׂתִיק וְלֹא אָמַר לֵיהּ וְלֹא מִיָּד. הֲדַר אָמַר לֵיהּ: אַחְרוֹנִים מַכְלֵל דְּאִיבָא רַאשׁוֹנִים. רַאשׁוֹנִים מַאי הֵיא? אָמַר לֵיהּ: מַאי דְּעֵתְךָ? דְּלֹא יָדַע פִּירוּשָׁא דְּהָא קְרָא – לֹא גְבַרָא רַבָּה הוּא? יָדַע דְּנִקְט מִלְתָּא בְּדַעְתֵּיהּ. נִהַג זְנוּפְתָא בְּנַפְשֵׁיהּ חַד יוֹמָא.

וּדְאָתָן עֲלֵיהּ, מִיָּהּ אַחְרוֹנִים – מַכְלֵל דְּאִיבָא רַאשׁוֹנִים, רַאשׁוֹנִים מַאי הֵיא? “וְיַדְבֵּר דּוֹד לְה' אֶת דְּבַרֵּי הַשִּׁירָה הַזֹּאת בְּיוֹם הַצֵּל ה' אוֹתוֹ מִכַּף כָּל אוֹיְבָיו וּמִכַּף שְׂאוּל.”

אָמַר לוֹ הַקְדוּשׁ בְּרוּךְ הוּא לְדוֹד: דּוֹד, שִׁירָה אֶתָּה אוֹמַר עַל מַפְלֹתוֹ שֶׁל שְׂאוּל? אֵלְמְלִי אֶתָּה שְׂאוּל וְהוּא דּוֹד – אֵיבַדְתִּי בְּמַה דּוֹד מִפְּנֵי.

הֵינִי דְכַתְּבִיב: “שִׁגְיֹן לְדוֹד אֲשֶׁר שָׂר לְה' עַל דְּבַרֵּי כּוּשׁ בֶּן יִמְיִי.” וְכִי כּוּשׁ שְׂמוֹ? וְהֵלֵא שְׂאוּל שְׂמוֹ? אֵלָּא: מַה כּוּשִׁי מְשׁוּנָה בְּעוֹרוֹ – אֵף שְׂאוּל מְשׁוּנָה בְּמַעֲשָׁיו.

כִּי צִיא בְּדָבָר אֶתָּה אוֹמַר: “עַל אוֹדוֹת הָאִשָּׁה הַכּוּשִׁית אֲשֶׁר לָקַח.” וְכִי כּוּשִׁית שְׂמָה? וְהֵלֵא צִיפּוֹרָה שְׂמָה! אֵלָּא: מַה כּוּשִׁית מְשׁוּנָה בְּעוֹרָה – אֵף צִיפּוֹרָה מְשׁוּנָה בְּמַעֲשֵׂיהָ. כִּי צִיא בְּדָבָר אֶתָּה אוֹמַר: “וַיִּשְׁמַע עֶבֶד מֶלֶךְ הַכּוּשִׁי.” וְכִי כּוּשִׁי שְׂמוֹ? וְהֵלֵא צְדֵקְיָה שְׂמוֹ! אֵלָּא: מַה כּוּשִׁי מְשׁוּנָה בְּעוֹרוֹ – אֵף צְדֵקְיָה מְשׁוּנָה בְּמַעֲשָׁיו.

כִּי צִיא בְּדָבָר אֶתָּה אוֹמַר: “הֲלֹא כִבְנֵי כּוּשִׁים אַתֶּם לִי בֵּית יִשְׂרָאֵל.” וְכִי כּוּשִׁים שְׂמֹן? וְהֵלֵא יִשְׂרָאֵל שְׂמוֹ! אֵלָּא: מַה כּוּשִׁי מְשׁוּנָה בְּעוֹרוֹ – אֵף יִשְׂרָאֵל מְשׁוּנָה בְּמַעֲשֵׂיהוֹן מִכָּל הָאוֹמוֹת.

§ Zutra bar Toviyya was once reading the portion^N of the Bible before Rav Yehuda. When he reached the verse: “Now these are the last words of David” (II Samuel 23:1), Zutra bar Toviyya said to Rav Yehuda: If it is written that these are the last of David's words, by inference there are first^N words as well. If this is the case, what are these first words of David? Prior to this, it mentions only David's song, but not his words.

Rav Yehuda remained silent and said nothing to him. Zutra bar Toviyya thought that Rav Yehuda did not hear what he had said, so he then said to him a second time: If it is written that these are the last of David's words, by inference there are first words as well. If this is the case, what are these first words of David? He said to him: What do you think? Do you think that anyone who does not know the meaning of this verse is not a great man? Why are you stressing the fact that I do not know the answer to your question? Zutra bar Toviyya understood that Rav Yehuda had taken the matter to heart and was insulted. Therefore, he conducted himself as if had been admonished for one day as a self-imposed punishment.

The Gemara asks: But now that we have come to discuss this issue, since the verse mentions David's last words, by inference there are also first words. What then are these first words of David? The Gemara answers: The first words are: “And David spoke to the Lord the words of this song in the day that the Lord delivered him out of the hand of his enemies, and out of the hand of Saul” (II Samuel 22:1), as that song is also referred to as words.

The Gemara elaborates: The Holy One, Blessed be He, said to David: David, do you recite a song over the fall of Saul? Had you been Saul^N and he were David, then I would have destroyed many Davids before him. Although I decreed that Saul's kingdom would not continue, as an individual he was far greater and more important than you.

The response to this admonishment is found in the verse, as it is written: “Shiggaion of David, which he sang to the Lord, concerning the words of Cush the Benjaminite” (Psalms 7:1). Is Cush his name? Saul is his name.^N Rather, this is a designation that indicates: Just as a Cushite, a native of the ancient kingdom of Cush in eastern Africa, is distinguished by his dark skin, so too, Saul was distinguished by his actions,^N as he was absolutely righteous and performed many good deeds. Therefore, David uses the word *shiggaion* as an allusion to the error [*shigia*] that he had made when he sang a song of praise over Saul's downfall.

The Gemara notes: Similarly, you can explain the verse: “And Miriam and Aaron spoke against Moses due to the Cushite woman whom he had married, for he had taken a Cushite woman” (Numbers 12:1). But is her name Cushite? Zipporah is her name. Rather, just as a Cushite is distinguished by his dark skin, so too, Zipporah was distinguished by her actions. The Gemara continues: Similarly, you can explain the verse: “Now when Ebed-Melech the Cushite heard” (Jeremiah 38:7). Is his name Cushite? Zedekiah is his name. Rather, just as a Cushite is distinguished by his dark skin, so too, Zedekiah was distinguished by his righteous actions.^N

Similarly, you can explain the verse: “Are you not as much Mine as the children of the Cushites, O children of Israel?” (Amos 9:7). Is their name Cushite? Israel is their name. Rather, just as a Cushite stands out because of his dark skin, so too, the Jewish people are distinguished by their actions, and they are different from all the other nations.

שְׁחָקִים – Who raised the yoke [ulla] of repentance – עולה של תשובה: Some explain that the word *ulla* is related to the word *ol*, yoke, and repentance rested upon David like a yoke rests upon an ox (*Talmid Rabbeinu Yehiel of Paris*). In the manuscript of Rashi, it is understood that, according to this expression, David showed the *tolelet*, great power and value, of repentance.

These are the names of the mighty actions of David – אלה שמות גבורותיו של דוד – It is possible to explain the names listed in the verse as descriptions as David himself because they do not sound like names of people, e.g., Josheb-Basshebeth a Tahchemonite (Ran).

ראש לשלשת אבות – Head of the three Patriarchs – Rashi and others explain that in the future David will be listed before the three Patriarchs. Rabbi Shlomo ben HaYatom explains this to mean that David will be equivalent to the three Patriarchs. Just as in the *Amida* prayer, the first blessing concludes with: Shield of Abraham, so the Gemara states that the blessing recited after the *haftara*, the portion read from the Prophets, concludes with: Shield of David (*Pesachim* 117b). Lastly, there are those who explain that according to this statement, he will be the leader over the descendants of the three Patriarchs (Ran).

He would make himself soft [me'aden] as a worm – היה מעדן עצמו בתולעת – Some explain that this means that he would bend himself like a worm. David would bend his hands and legs almost like a link in a chain, and this meaning is alluded to in the verse: “Can you bind the chains [*ma'adannor*] of Pleiades” (*Job* 38:31; manuscript of Rashi). Others explain that this is related to the phrase “polluted garment” [*begged idin*] (*Isaiah* 64:5), which refers to a decomposing garment that is filled with worms (Ran).

איכה – How should one man chase a thousand – ירדף אחר אלף: Although this verse speaks about the defeat of the Jews at the hands of other nations, God's goodness, when the Jewish people defeat their enemies, will certainly be even greater than this. Therefore, this verse will be fulfilled to an even greater degree when Jews act properly (manuscript of Rashi; see Maharsha).

§ Having mentioned the last words of David, the Gemara continues to explain other expressions in that passage. **Rabbi Shmuel bar Nahmani said in the name of Rabbi Yonatan: What is the meaning of that which is written: “The saying of David, son of Yishai, and the saying of the man who was raised up on high [al]”** (11 Samuel 23:1)? It means as follows: **The saying of David, son of Yishai, who raised the yoke of [ulla] repentance,**^N as through his actions he taught the power of repentance. The word *al*, on high, and the word *ulla* are comprised of the same consonants in Hebrew.

The passage continues: **“The God of Israel said, the Rock of Israel spoke to me, He that rules over men must be righteous, ruling in the fear of God”** (11 Samuel 23:3). The Gemara asks: **What is this verse saying? What does it mean? Rabbi Abbahu said: This is what the verse is saying: The God of Israel said, the Rock of Israel spoke to me: Although I rule over man, who rules over Me? It is a righteous person.** How is it possible to say that a righteous person rules over God, as it were? **As I, God, issue a decree and the righteous person nullifies it.**

Similarly, the verse states there: **“These are the names of David's warriors; Josheb-Basshebeth a Tahchemonite, chief of the captains; the same was Adino the Eznite; he raised his spear against eight hundred, whom he slew at one time”** (11 Samuel 23:8). The Gemara asks: **What is this verse saying? Rabbi Abbahu said: This is what the verse is saying: These are the names of the mighty actions of David.**^N These expressions should not be read as names of people but instead as descriptions of David's good deeds.

Josheb-Basshebeth [yoshev bashevet] indicates that **when David would sit [yoshev] in the study hall, he would not sit upon pillows and cushions, as an important person ordinarily would. Rather, he would sit on the ground like one of the students. For as long as David's teacher, Ira the Jairite, was alive, Ira would teach the Sages while sitting on pillows and cushions. When Ira passed away, David would teach the Sages, and he did this while sitting on the ground. They said to him: Master, you should sit upon pillows and blankets. He did not accept their suggestions, since in his humility he did not wish to appear as the teacher of the Jewish people.**

In this verse, David is described as **“a Tahchemonite [tahkemoni].”** Rav said: **The Holy One, Blessed be He, said to him: Since you have humbled yourself, be you now like Me [tehe kamoni].** How so? **As I issue a decree, and you, owing to your righteousness, may nullify it.**

David is also described here as **“chief of the captains [rosh hashalishim]”** because God said to him: **You will be the head [rosh] of the three [sheloshet] Patriarchs.**^N “The same was Adino the Eznite”; this alludes to the fact that **when David would sit and occupy himself with Torah, he would make himself soft [me'aden] as a worm,^N and when he would go out to war, he would make himself hard and strong as a tree [etz].**

The expression: **“Against eight hundred people, which he slew at one time,”** means that **he would throw an arrow in the air and with it kill eight hundred people at one time. And David would sigh over the two hundred who were missing from fulfillment of the Torah's promise, as it is written: “How should one man chase a thousand”** (*Deuteronomy* 32:30).^N

A Divine Voice issued forth and said by way of explanation as to why the promise was not entirely fulfilled: **“Because David did that which was right in the eyes of the Lord, and turned not aside from anything that He commanded him all the days of his life, save only the matter of Uriah the Hittite”** (1 Kings 15:5). Had David not committed this sin, then all of the promises mentioned in the Torah would have been fulfilled in their entirety through him.

אמר רבי שמואל בר נחמאי אמר רבי יונתן: מאי דכתיב: “נאם דוד בן ישי ונאם הגבר הוקם על?” נאם דוד בן ישי, שהקים עולה של תשובה.

אמר אלהי ישראל לי דבר צור ישראל מושל באדם צדיק מושל יאת אלהים. מאי קאמר? אמר רבי אבהו, הכי קאמר, אמר אלהי ישראל: לי דבר צור ישראל, אני מושל באדם. מי מושל בי? צדיק, שאני גזור גזרה ומבטלה.

אלה שמות הגבורים אשר לדוד יושב בשבת” וגו'. מאי קאמר? אמר רבי אבהו, הכי קאמר, ואלה שמות גבורותיו של דוד:

“יושב בשבת” – בשעה שהיה יושב בנישיבה לא היה יושב על גבי כרים וכסתות, אלא על גבי קרקע. דכל כמה דהוה רביה עירא היאירי קנים – הוה מתני להו לרבנן על גבי כרים וכסתות, כי נח נפשיה – הוה מתני דוד לרבנן, והוה יתיב על גבי קרקע אמרו ליה: ליתמר מר אפרים וכסתות! לא קביל עליה.

“תחבמוני” – אמר רב: אמר לו הקדוש ברוך הוא, הואיל והשפלת עצמך – תהא כמוני, שאני גזור גזרה – ואתה מבטלה.

“ראש השלישים” – תהא ראש לשלשת אבות. הוא עדינו העצמי – כשהיה יושב ועוסק בתורה – היה מעדן עצמו בתולעת; ובשעה שיוצא למלחמה – היה מקשה עצמו כעץ.

“על שמונה מאות חלל בפעם אחת” – שהיה זרק חץ ומפיל שמונה מאות חלל בפעם אחת, והיה מתאנח על מתים. דכתיב: “איכה ירדף אחר אלף”.

יצתה בת קול ואמרה: “רק בדבר אוריה התמי”.

אָמַר רַבִּי תַנְחֻם בְּרִיָּה דְרַבִּי חִיָּיא אִישׁ
כִּפְר עֲבֹד אָמַר רַבִּי יַעֲקֹב בַּר אֲחָא אָמַר
רַבִּי שִׁמְלַאי, וְאֲמַרִי לָהּ אָמַר רַבִּי תַנְחֻם
אָמַר רַב הוּנָא, וְאֲמַרִי לָהּ אָמַר רַב הוּנָא
לְחֻדְיָה:

The Gemara returns to the *halakhot* of ostracism and mentions that Rabbi Tanḥum, son of Rabbi Ḥiyya, of the village of Akko, said that Rabbi Ya'akov bar Aḥa said that Rabbi Simlai said, and some say that this tradition was transmitted in the following manner: Rabbi Tanḥum said that Rav Huna said, and others say that Rav Huna himself made this statement without the chain of transmission:

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HALAKHA

For a matter relating to Heaven – **בְּמִילֵי דְשַׁמְיָא**: If one is ostracized over one of the matters that are normally punishable by ostracism, as opposed to acting disrespectfully toward a Torah scholar, then the *Nasi* and all the Jewish people are required to respect the decree of ostracism until it is nullified. This is the *halakha* even if the one who declared the ostracism is the least important person (*Shulḥan Arukh, Yoreh De'a* 334:17).

Ruling for himself – **עוֹשֶׂה דִין לְעַצְמוֹ**: One may rule for himself when he is certain that the *halakha* is in accordance with his opinion; however, the details of when and how this may be done are very complex (*Shulḥan Arukh, Hoshen Mishpat* 4).

תְּלַמֵּיד שְׁנִידָה לְכַבּוֹדוֹ – נְדוּיוֹ נִידוּי.
דְּתַנְיָא: מְנוּדָה לְרַב – מְנוּדָה לְתַלְמִיד;
מְנוּדָה לְתַלְמִיד – אֵינוֹ מְנוּדָה לְרַב. לְרַב
הוּא דְאֵינוֹ מְנוּדָה, הָא לְכּוֹלֵי עֲלְמָא –
מְנוּדָה.

If a student ostracized someone else due to an insult to his dignity, and not because the ostracized person was guilty of some transgression, his decree of ostracism is valid, as it is taught in a *baraita*: One who is ostracized by the teacher is considered ostracized with regard to the student. However, one who is ostracized by the student is not considered ostracized with regard to the teacher. The Gemara attempts to draw an inference from a careful reading of this *baraita*: He is not considered ostracized with regard to the teacher, which implies that he is considered ostracized with regard to everyone else.

לְמָא? אִי בְּמִילֵי דְשַׁמְיָא – "אֵין חֲכָמָה
וְאֵין תְּבוּנָה וְאֵין עֶצֶה לְנֶגְדַּהּ!" אֵלֶּא
לְאוֹ – לְכַבּוֹד עֲצָמוֹ?

The Gemara clarifies the case: For what reason was he ostracized? If it was for a matter relating to Heaven,¹¹ i.e., because he sinned, then why, if he was ostracized by the student, should he not be considered ostracized with regard to the teacher? Doesn't the verse state: "There is no wisdom or understanding or counsel against the Lord" (Proverbs 21:30)? This means that when a sin is committed and God's name is desecrated, all other considerations are ignored, even the eminence and knowledge of the teacher, and therefore he too must treat the offender as ostracized. Rather, is it not that the Gemara is referring to a case where the student ostracized the other person due to an insult to his own dignity? Therefore, it is apparent that his decree of ostracism is valid and binding upon all, with the exception of his teacher.

אָמַר רַב יוֹסֵף: צוּרְבָא מַרְבְּנָן עֲבִיד דִּינָא
לְנַפְשֵׁיהּ בְּמִילְתָּא דְפְסִיקָא לֵיהּ.

Rav Yosef said: A Torah scholar may execute judgment for himself¹² with regard to a matter about which he is certain,¹³ and he is not required to first go to court and have the case decided for him. The same applies when another person behaves in a disrespectful manner toward him; he is permitted to go ahead on his own and ostracize him.

NOTES

צוּרְבָא – אֵינְךָ אֵינְךָ: A Torah scholar may execute judgment for himself – **צוּרְבָא**: Some explain that according to this statement, a Torah scholar may ostracize someone who owes him money, if the loan has not been repaid and it is clear that the *halakha* is in accordance with the opinion of the Torah scholar (Rid; Ran). However, many authorities disagree and say that this behavior could lead to a desecration of God's name. Instead, they explain that the statement in the Gemara is referring to a Torah scholar who ostracizes someone over his honor. If one acts disrespectfully concerning a matter that is explicitly prohibited, then the Torah scholar may ostracize him

(Rabbeinu Ḥananel). Others add that in that case, all people must ostracize him (Rosh). Some say that this statement is not referring to ostracism at all; it is actually referring to the more general concept that one is permitted to determine his own ruling with regard to money that has been stolen from him, and he is not required to wait for the court to rule on the issue. If so, the only novel element of this statement is that it teaches that even a Torah scholar is permitted to act in this manner, although it is preferable for a Torah scholar to act generously and to go above and beyond what is strictly permitted by the *halakha* (Ritva; Ran).

Gained a bad reputation – דָּהוּ קִנּוּ שׁוֹמְעֵינָהּ: Some say that this Torah scholar engaged in activities that were not appropriate for one of his stature, e.g., frivolous song or studying heretical works (Rabbeinu Hananel). Most commentaries explain that he was accused of adultery or some other type of sexual immorality (*Talmid Rabbeinu Yehiel of Paris*; Commentary on *Moed Katan*; see *Tosafot*). The Ritva explains that the Torah scholar did not violate any Torah prohibition but instead was lenient or ignored rabbinic prohibitions, such as the *halakhot* pertaining to seclusion with a woman or other similar *halakhot*.

To excommunicate him is not an option, the Sages need him – לְשִׁמְתִיָּה צְרִיכִי לִיָּה רַבֵּנּוּ: The question is raised: Why would ostracizing him be a problem; it was already stated that one who has been ostracized may study and teach Torah? The Ritva explains that it would not be appropriate for the students to sit four cubits away from him, as was the practice for one who had been ostracized. Some learn from here that there is a distinction between standard ostracism [*niddui*] and a more severe form of ostracism [*shmita*]. Although it is permitted for one who has been ostracized to teach Torah, it is prohibited for one severely ostracized to teach Torah, and that decree does not lapse after thirty days (Rabbeinu Yehonatan of Lunel).

The name of Heaven would be desecrated – מִיתְחִיל שְׁמָא דְשָׂמַיָא: God's name could be desecrated either because failing to excommunicate could teach others to be lenient with regard to prohibitions, or because others will claim that Torah scholars do not judge fairly and do not render the appropriate punishment for other Sages who have violated transgressions (*Talmid Rabbeinu Yehiel of Paris*).

The ostracism of Rabbi Yehuda HaNasi's maidservant – דְּרוּיָהּ שֶׁל אֵתָא דְרַבִּי: The early authorities ask: Why was this decree of ostracism, and that of the Torah scholar, nullified only after a period of time had passed? Some say that ostracism cannot be nullified unless the one who has been ostracized abandons the sin for which he was ostracized. In this case, since he did not, his decree of ostracism could not be nullified (Rabbeinu Yehonatan of Lunel). Others say that ostracism cannot be nullified unless those who nullify it are of equal or greater stature than the one who initially declared the ostracism. In this case, Rabbi Yehuda HaNasi's maidservant was wise and sin fearing, and therefore it took a long time to find someone who could nullify the decree of ostracism that she had declared (Rosh, citing Ra'avad).

HALAKHA

A Torah scholar who sins – תִּלְמִידֵי חֹכֵם שֹׁרֵץ: When a Torah scholar sins, the court does not rush to ostracize him; rather, they distance themselves from him. However, if he is liable to receive lashes for his sin, he may be punished in private. If he has earned a bad reputation by involving himself in prohibited matters, and his fellow scholars are embarrassed due to his behavior, and the name of Heaven is desecrated, then he should be ostracized (*Shulhan Arukh, Yoreh De'a 334:42*).

ההוא צורבא מרבנן דהוּ קִנּוּ שׁוֹמְעֵינָהּ. אמר רב יהודה: היכי ליעביד? לישמתייה – צריכי ליה רבנן. לא לישמתייה – קא מיתחיל שְׁמָא דְשָׂמַיָא.

אמר ליה לרבה בר בר חנה: מידי שמיע לך בהא. אמר ליה: הכי אמר רבי יוחנן, מאי דכתיב: "כי שפתי בהן ישמרו דעת ותורה יבקשו מפיהו כי מלאך ה' צבאות הוא?" אם דומה הרב למלאך ה' – יבקשו תורה מפיו; ואם לאו – אל יבקשו תורה מפיו.

שמתייה רב יהודה. לסוף איחלש רב יהודה. אתו רבנן לשיילי ביה, ואתא איהו נמי בהדיהו. בד חיייה רב יהודה חייך.

אמר ליה: לא מסתייך דשמתייה לההוא גברא אלא אחוי נמי חייך בי? אמר ליה: לאו בדידך מחייבנא. אלא דכי אזלינא לההוא עלמא בדיחא דעתאי, דאפילו לגברא כוותך לא חניפי ליה.

נח נפשיה דרב יהודה. אתא לבי מדרשא אמר להו: שרו לי! אמרו ליה רבנן: גברא דחשיב כרב יהודה ליבא הכא דלישרי לך. אלא זיל לגביה דרבי יהודה נשיא דלישרי לך. אזל לקמיה. אמר ליה לרבי אמי: פוק עיין בדיניה. אי מיבעי למישרא ליה – שרי ליה.

עיין רבי אמי בדיניה. סבר למישרא ליה. עמד רבי שמואל בר נחמני על רגליו ואמר: ומה שפחה של בית רבי לא נהגו חכמים קלות ראש במדויה של שנים – יהודה תבירינו על אחת כמה וכמה!

There was a certain Torah scholar who gained a bad reputation^N due to rumors about his conduct. Rav Yehuda^P said: What should be done? To excommunicate him is not an option. The Sages need him,^N as he is a great Torah authority. Not to excommunicate him is also not an option, as then the name of Heaven would be desecrated.^N

Rav Yehuda said to Rabba bar bar Hana: Have you heard anything with regard to this issue? He said to him: Rabbi Yohanan said as follows: What is the meaning of that which is written: "For the priest's lips should keep knowledge, and they should seek Torah at his mouth; for he is a messenger [*malakh*] of the Lord of hosts" (Malachi 2:7)? This verse teaches: If the teacher is similar to an angel [*malakh*] of the Lord, then seek Torah from his mouth, but if he is not pure and upright, then do not seek Torah from his mouth; even if he is knowledgeable about Torah, do not learn from him.^H

Based on this statement, Rav Yehuda ostracized that Torah scholar. In the end, after some time had passed, Rav Yehuda took ill and was on the verge of death. The Sages came to inquire about his well-being, and the ostracized scholar came along with them as well. When Rav Yehuda saw him, that scholar, he laughed.

The ostracized scholar said to him: Was it not enough that you excommunicated that man, i.e., me, but now you even laugh at me? Rav Yehuda said to him: I was not laughing at you; rather, I am happy as I go to that other world that I did not flatter even a great man like you, but instead I treated you fairly in accordance with the *halakha*.

Rav Yehuda died. The ostracized scholar came to the study hall and said to the Sages: Release me from the decree of ostracism. The Sages said to him: There is no man here as eminent as Rav Yehuda who can release you from the ostracism. Rather, go to Rabbi Yehuda Nesia in Eretz Yisrael, as only he can release you. That scholar came before Rabbi Yehuda Nesia. Rabbi Yehuda Nesia said to Rabbi Ami: Go and examine his case. If it is necessary to release him from his decree of ostracism, release him on my behalf.

Rabbi Ami examined his case and thought at first to release him from his ostracism. But Rabbi Shmuel bar Nahmani^P rose up on his feet and said: If the maidservant in the house of Rabbi Yehuda HaNasi once ostracized another person,^N and the Sages did not relate frivolously to her decree of ostracism and did not revoke it until three years had passed, all the more so, with regard to a decree of ostracism placed by Yehuda our colleague, we must take it seriously and not release this scholar.

PERSONALITIES

Rav Yehuda – רב יהודה: Rav Yehuda bar Yehezkel was one of the great Babylonian Sages of the second generation of *amora'im*. He studied under both Rav and Shmuel. Shmuel's love and respect for Rav Yehuda were such that he often spoke highly of him and even remarked in admiration: This cannot be an ordinary mortal. Following Shmuel's death, Rav Yehuda was appointed head of the Neharde'a academy in his stead. He moved the academy to his hometown of Pumbedita, where it remained for over seven hundred years, producing many prominent Sages.

Rav Yehuda's life was devoted entirely to Torah study, and he lived in poverty until he was instated as head of the academy. Most of scholars of the third generation of *amora'im* were Rav Yehuda's students, including his son, Rav Yitzhak. Even those who studied in the academy in Sura became his students after the death of Rav Huna, head of that academy.

Though Rav Yehuda believed that there are biblical verses prohibiting one from moving to Eretz Yisrael from Babylonia, he was well known for his love of Eretz Yisrael. The majority of his students moved there and became leading *amora'im* of Eretz Yisrael.

Rabbi Shmuel bar Nahmani – רבי שמואל בר נחמני: Rabbi Shmuel bar Nahmani was an *amora* in Eretz Yisrael during the second to third generation of *amora'im* there. He was probably born in Eretz Yisrael, however he may have also spent some time in Babylonia. He was a main student of the *amora* Rabbi Yohanan, but he also studied under Rabbi Yehoshua ben Levi. He was considered to be one of the greatest scholars of *aggada* in the Talmud. He was one of the best known masters of *aggada* of his generation. His statements appear throughout the Jerusalem Talmud and other midrashic literature.

Rabbi Shmuel bar Nahmani also made halakhic statements, which were transmitted by other Sages. It was primarily the students of Rabbi Yohanan who asked him different questions and transmitted Torah statements in his name. Additionally, Rabbi Shmuel bar Nahmani had a unique status in that he was one of the few Sages who knew the secret of the movement of celestial bodies, necessary for calculating the New Moon. He was called: One of the great men of the generation. He also represented the Jewish people before the Roman Emperor Diocletian.

Rabbi Shmuel bar Nahmani lived to a very old age, until the time when Rabbi Ami was the head of the study hall, when he no longer was able to go there regularly. However, it appears that he had his own personal study hall, in which the emphasis may have been more on the study of *aggada*.

BACKGROUND

A wasp came and stung him – אָתָא זִיבּוּרָא וּטְרָקְיָה – A wasp sting is very painful, and in a sensitive area this pain is even greater. Approximately one percent of the population is allergic to these stings and the poison injected through the stinger. For such people, even one sting is dangerous and without quick treatment may lead to death.



Wasp stinger with dripping venom about to enter human skin

HALAKHA

One who strikes an adult son – הַמִּכֶּה בֶּן הַגָּדוֹל – A father who strikes his grown child is ostracized for transgressing the prohibition: "You shall not place a stumbling block before the blind." According to some, one's child is an adult child from the age of twenty-two; others say from the age of twenty-four (Shulḥan Arukh, Yoreh De'a 334:43).

אָמַר רַבִּי זֵירָא: מַאי דְקָמֵן דְאֵתָא הָאִידְנָא הָאִי סָבָא בְּבֵי מִדְרָשָׁא. דְהָא כְּמַה שְׁנִי לָא אֵתָא. שְׂמַע מִינָהּ לָא מִיבְעֵי לְמִישְׂרָא לִיהּ. לָא שְׂרָא לִיהּ. נִפְקַּי כִּי קָא בְּבֵי וְאַזְוִיל.

אָתָא זִיבּוּרָא וּטְרָקְיָה אֲאָמְתִּיהּ, וּשְׂכִיב. עֵיִלּוּהּ לְמַעְרְתָא דְחַסִּידֵי – וְלֹא קִיבְלוּהּ. עֵיִלּוּהּ לְמַעְרְתָא דְדִינֵי – וְקִיבְלוּהּ.

מַאי טַעֲמָא? דְעֵבֵד כְּרַבֵּי אִילְעָאֵי. דְתַנְיָא, רַבִּי אִילְעָאֵי אָמַר: אִם רוֹאֶה אָדָם שְׂאִיזְרוּ מִתְגַּבֵּר עָלָיו – יֵלֶךְ לְמָקוֹם שְׂאִיזְרוּ מִכִּרְוִין אוֹתוֹ, וְיִלְבַּשׁ שְׁחוּרִים וְיִתְעַטֵּף שְׁחוּרִים, וְיַעֲשֶׂה מַה שְׁלֵבוֹ חָפֵץ, וְאֵל יִחַלֵּל שָׁם שְׂמֵים בְּפִרְהֶסְיָא.

שְׂפַחָה שֶׁל בֵּית רַבִּי מַאי הִיא? דְאֵמְתָא דְבֵי רַבִּי חֲזִינִיהּ לְהֵוּא גְבָרָא דְהוּא מְחִי לְבָנֵי גְדוֹל. אָמַרְהּ: לִיהוּ הֵוּא גְבָרָא בְּשִׁמְתָא. דְקַעֲבֵר מְשוּם: "וְלִפְנֵי עוֹר לֹא תִתֵּן מִכְשׁוֹל". דְתַנְיָא: "וְלִפְנֵי עוֹר לֹא תִתֵּן מִכְשׁוֹל" – בְּמִכָּה לְבָנֵי גְדוֹל הַכְּתוּב מְדַבֵּר.

Rabbi Zeira said: What caused this Elder, Rabbi Shmuel bar Nahmani, to come before us in the study hall today though for many years he did not come, and now he comes precisely during this discussion. Learn from this that it is not necessary to release him from his decree of ostracism, as this combination of events is certainly not a coincidence. Rather, it should be viewed as an instructive sign from Heaven. Consequently, Rabbi Ami did not release him from the ostracism, and the ostracized scholar left in tears.

A wasp came and stung the ostracized scholar^b on his penisⁿ and he died. Because he was a great Torah scholar, they took him into the caves in which the pious are interred in order to bury him there, but the caves did not accept him. A snake stood at the entrance of the caves and did not let them pass. They then took him into the caves of the judges, and they accepted him.

The Gemara asks: What is the reason that he was accepted there? The Gemara answers: Even though he sinned, he still acted in accordance with the opinion of Rabbi Ilai, as it is taught in a baraita: Rabbi Ilai says: If a person sees that his evil inclination is gaining control over him and he cannot overcome it, then he should go to a place where he is not known. He should wear black, and he should wrap his head in black, as if he were a mourner. Perhaps these changes will influence him, so that he not sin. Even if these actions do not help, he should at least do as his heart desires in private and not desecrate the name of Heaven in public.ⁿ Although this person had sinned, he did so in private and in a manner that did not publicly desecrate God's name, and therefore it was fitting that he be given an honorable burial.

The Gemara asks: What is the story mentioned by Rabbi Shmuel bar Nahmani involving the maidservant in the house of Rabbi Yehuda HaNasi? It was related that the maidservant in Rabbi Yehuda HaNasi's house saw a certain man who was striking his adult son.^h She said: Let that man be excommunicated, due to the fact that he has transgressed the injunction: "You shall not place a stumbling block before the blind" (Leviticus 19:14), as it is taught in a baraita that the verse states: "You shall not place a stumbling block before the blind," and the verse speaks here of one who strikes his adult son, as the son is likely to become angry and strike his father back, thereby transgressing the severe prohibition against hitting one's parent.

NOTES

Stung him on his penis [ametei] – וּטְרָקְיָה אֲאָמְתִּיהּ: Some explain that he was stung on his hand (Ritva), and others have a version of the talmudic text containing the word forehead [aputei] (Rabbi Shlomo ben HaYatom).

He acted in accordance with Rabbi Ilai – דְעֵבֵד כְּרַבֵּי אִילְעָאֵי: There are various versions of this text, and consequently there are also many explanations of it. Some say that the question is why the unnamed ostracized scholar was not taken into the cave of the pious. The Gemara answers that this was because he did not act in accordance with Rabbi Ilai, but sinned in his home town. This is based on a version of the text that reads: Because he transgressed the opinion of Rabbi Ilai.

Others understand this Gemara in the opposite way. According to them, the Gemara asks why he was taken into the cave of judges. In response to this question, the Gemara answers that he acted in accordance with Rabbi Ilai. In fact, there are those who say that even if one acts in accordance with Rabbi Ilai but does not overcome his evil inclination, he is not considered to be pious

(see Talmid Rabbeinu Yehiel of Paris; Rabbeinu Yehonatan of Lunel).

One whose evil inclination is gaining control over him – מִי שֶׁיִצְאוּ מִתְגַּבֵּר עָלָיו: Rabbeinu Hananel explains in the name of the ge'onim that this directive does not refer to one who intends to violate actual transgressions. Rather, it applies to someone who plans to enjoy pleasures or spend time in places that the Sages do not approve of. In that case, it is preferable that one who can no longer control himself go to a different place, where he is not known.

Many note, in the name of Rav Hai Gaon, that Rabbi Ilai does not claim that it is permitted for one to sin. Rather, he claims that if one goes to a different place and wears black, which is mourner's clothing, then he will be able to overcome his evil inclination. Similarly, others write that the hassle of traveling will reduce his inclination (Rabbeinu Yehonatan of Lunel). Alternatively, if he goes to a place where he is a stranger and is not respected, he will be humbled (Talmid Rabbeinu Yehiel of Paris; Rabbeinu Yehonatan of Lunel).

The ostracism that Reish Lakish declared – **נִדְוֵי שֶׁל רִישׁ לָקִישׁ**: Several questions are asked with regard to this incident. Apparently this person was a thief; why, then, was he not deserving of ostracism? Some say that the common practice in this place was to take fruit and pay afterward (see *Tosafot*). Others explain that Reish Lakish would have been permitted to ostracize the thief before he stole, but not after he had already stolen, when instead Reish Lakish could take him to court and sue for damages (Rosh).

With regard to the ostracism introduced by the phrase: On the contrary, there are those who claim that the ostracism has an impact only when directed toward an important person. Similarly, in the Jerusalem Talmud this story is told somewhat differently. According to that version, those stealing the figs were bandits, and it was Reish Lakish himself who was unsure if it was appropriate to ostracize them. These differences serve as the basis for the dispute between the Babylonian and Jerusalem Talmud with regard to this *halakha*.

הַכֹּבֵד וְשָׁב בְּבֵיתוֹ – **Keep your honor and stay at home** – Some explain that the president of the court is essentially ostracized, however the court does not make explicit reference to it. Rather, they allude to it by encouraging him to remain at home and not leave (Rabbeinu Yehonatan of Lunel; Ran).

בְּרִישָׁא מְשִׁמַּת – He would first excommunicate himself – **נִפְשִׁיָּה**: Some write that this was the common practice when it was necessary to ostracize an important person. The one who would pronounce the ostracism would first ostracize himself, so that he would not cause additional embarrassment to the one being ostracized (Commentary on *Moed Katan*). Some say that the expression: When he would enter his house of lodging, is referring not to Mar Zutra, but to the one who had been ostracized, and his decree of ostracism would be nullified before he returned to his residence (*Talmid Rabbeinu Yehiel of Paris*).

HALAKHA

One who incorrectly ostracizes – הַמְּנַדֵּה שְׁלֵא כְּדִין: If one ostracizes another without a proper basis for doing so, and the second person says to him: On the contrary you are ostracized, then the first is ostracized. This is the *halakha* provided that the second person who declared the ostracism is an important person, even if he is not a Torah scholar (Rema). This is also the case if the first does not know who this second person is, and there is a chance that he is an important person. However, if the second person is not a Torah scholar or a Torah student, then he cannot say: On the contrary, etc. If the first person only stated that the act is punishable by ostracism, and the second person responded: On the contrary, etc., then the first person is not ostracized. The reason for this is because the first person did not explicitly ostracize the second (*Shulhan Arukh, Yoreh De'a 334:39*, and in the comment of Rema).

If one was ostracized and does not know who ostracized him – נִדְוֵוּ וְאִינוּ יוֹדְעֵי מִי נִדְוֵוּ: If one was ostracized but does not know who ostracized him, then he should go to the *Nasi* to have his decree of ostracism nullified (Rambam *Sefer HaMadda, Hilkhot Talmud Torah 7:10*).

If the president of the court sinned – אֵב בֵּית דִּין שֹׁפֵר – If the head of a court or an eminent Torah scholar sins, he should not be publicly ostracized unless he committed major transgressions and is leading other members of the community astray, like Jeroboam ben Nebat. If he repents but commits other sins, then he should be punished with lashes in private (*Shulhan Arukh, Yoreh De'a 334:42*).

ריש לקיש היה מנשר פְּרִדִּיסָא. אֵתָא הָהוּא גְבָרָא וְקָאכִיל תַּאֲיִנִי. רַמָּא בֵּיהּ קָלָא, וְלֹא אֶשְׁגַח בֵּיהּ. אָמַר: לִיהוּ הָהוּא גְבָרָא בְּשִׁמְתָא. אָמַר לִיה: אֲרֻבָּה, לִיהוּ הָהוּא גְבָרָא בְּשִׁמְתָא! אִם מְמוֹן נִתְחַיֵּבְתִּי לָךְ – נִדְוֵוּ מִי נִתְחַיֵּבְתִּי לָךְ?

Similarly, it was related that Reish Lakish^p was guarding an orchard for payment when a certain man came and ate some figs that were growing there. Reish Lakish raised his voice and yelled at him, but this man paid no attention to him and kept eating. Reish Lakish said: Let that man be in a state of excommunication. The man eating the figs said to him: On the contrary, let that man, i.e., Reish Lakish, be in a state of excommunication, for even if I have become liable to you for payment, as I have eaten of the figs without permission, have I become liable to you for excommunication?ⁿ With that statement, the man left.

אֵתָא לְבֵי מְדֻרְשָׁא. אָמַר לִיה: שְׁלוּ – נִדְוֵוּ; שְׁלַךְ – אִינוּ נִדְוֵוּ.

Reish Lakish went to the study hall to inquire about the *halakha* with regard to this man. The other Sages said to him: His decree of ostracism is valid, but your decree of ostracism is not.^h In other words, that man was correct and Reish Lakish should not have ostracized him in response to his actions.

וּמֵאִי תִקְנִיתִיהּ? זִיל לְגַבִּיהּ דְּלִישְׁרֵי לָךְ. לֹא יַדְעֵנָא לִיה. אָמְרוּ לִיה: זִיל לְגַבִּי נְשִׁיאָה דְּלִישְׁרֵי לָךְ, דְּתַנְיָא: נִדְוֵוּהוּ וְאִינוּ יוֹדְעֵי מִי נִדְוֵוּהוּ – יִלָּךְ אֶצֶל נְשִׂיאָה, וְיִתֵּיר לוֹ נְדוּוּ.

Reish Lakish then asked: If so, what is the remedy for this decree of ostracism? The Sages answered him: Go to him so that he may release you from it. Reish Lakish replied: I do not know him. They said to him: Go then to the *Nasi*, so that he may release you from the ban, as it is taught in a *baraita*: If one was ostracized, but he does not know who ostracized him,^h he should go to the *Nasi*, and the *Nasi* may release him from his decree of ostracism.

אָמַר רַב הוּנָא, בְּאוֹשָׁא הַתְּקִינוּ: אֵב בֵּית דִּין שֹׁפֵר – אִין מְנַדִּין אוֹתוּ, אָלָא אוֹמְרֵי לוֹ: "הַכֹּבֵד וְשָׁב בְּבֵיתְךָ." חוֹר וְסוֹר – מְנַדִּין אוֹתוּ, מִפְּנֵי חִילוּל הַשָּׁם.

The Gemara continues: Rav Huna said that in Usha it was enacted: If the president of the court sinned,^h he is not ostracized. Although this would be the appropriate punishment, he is not ostracized, so as not to cause a desecration of God's name. Rather, they say to him the words of the verse: "Keep your honor and stay at home" (II Kings 14:10).ⁿ That is to say, to preserve your dignity, it would be best if you were to stay at home, resign your position, and refrain from further public appearances. If he sins again, he is ostracized, due to the desecration of God's name that would ensue were people to think that he was spared his rightful punishment due to his high position.

וּפְלִיגָא דְּרִישׁ לָקִישׁ. דְּאָמַר רִישׁ לָקִישׁ: תַּלְמִיד חָכֵם שֹׁפֵר – אִין מְנַדִּין אוֹתוּ בְּפִרְהֶסְיָא. שְׁנַאֲמַר: "וּכְשֶׁלַּת הַיּוֹם וְכָשֶׁל גַּם נִבְיָא עִמָּךְ לַיְלָה" – כִּסְהוּ בְּלַיְלָה.

The Gemara comments: This opinion disagrees with that of Reish Lakish, for Reish Lakish said: If a Torah scholar sins, he is not ostracized at all in public, as it is stated: "Therefore, shall you fall in the day, and the prophet also shall fall with you in the night" (Hosea 4:5). This is explained to mean: If a prophet or any other important person sins, his offense should be concealed like the night and not punished in public.

מִר זוּטְרָא חֲסִידָא, כִּי מִיחַיִּב צוּרְבָא מְרַבְּנָן שְׁמַתָּא – בְּרִישָׁא מְשִׁמַּת נִפְשִׁיָּה, וְהָדָר מְשִׁמַּת לְדִידִיהּ. כִּי הוּא עֵייל בְּאוֹשְׁפִינְיָה – שְׂרִי לִיה לְנִפְשִׁיָּה, וְהָדָר שְׂרִי לִיה לְדִידִיהּ.

With regard to this issue, it was related that when a Torah scholar would become liable to be punished with excommunication before Mar Zutra the Pious, Mar Zutra would first excommunicate himselfⁿ as a mark of respect for the Torah scholar, and afterward he would ostracize the Torah scholar. This self-imposed excommunication was meant only as a show of honor to the other Torah scholar, and therefore when Mar Zutra would enter his house of lodging, he would release his own excommunication, and afterward he would release the other's excommunication.

PERSONALITIES

Reish Lakish – רִישׁ לָקִישׁ: Rabbi Shimon ben Lakish, typically referred to as Reish Lakish, was among the greatest *amora'im* in Eretz Yisrael. He was the friend and brother-in-law of Rabbi Yohanan.

Reish Lakish had an amazing life story. He studied Torah from a young age, but, perhaps due to dire financial straits, he sold himself to a Roman circus as a gladiator. There are many stories in the Talmud that attest to his great strength. Sometime later, after meeting Rabbi Yohanan, he resumed his Torah study, first as a student of Rabbi Yohanan, then as a friend and colleague. He married Rabbi Yohanan's sister.

The Talmud records many halakhic disagreements between Reish Lakish and Rabbi Yohanan with regard to central issues of *halakha*. Rabbi Yohanan treated him with great respect, often saying: My peer disagrees with me. Reish Lakish was known for his strict piety, to the extent that anyone who was seen conversing in public with Reish Lakish was said to be able to borrow money without guarantors, as Reish Lakish only associated with people beyond reproach. When he died, he was survived by his wife and son, who was a child prodigy.

Ostracizes himself [*le'atzmo*] – מְנַדָּה לְעַצְמוֹ: The word *le'atzmo* is explained in two ways. Some say it means that he ostracized himself. Others say that it means he may ostracize someone else for his own sake or due to his honor (Rashi manuscript).

And the city shall be a curse [*herem*] – וְהָיְתָה הָעִיר חֶרֶם: The Maharsha comments that the word *herem* is used many times earlier in the Bible, and therefore he asks why the Gemara specifically quotes the verse from the book of Joshua. He explains that the verse's indirect reference to the inhabitants with the word "city" indicates that there is something to be derived from it. He goes on to explain that the Gemara understands the word "city" here as an allusion to the body. Therefore, it is befitting to use this specific verse in a discussion with regard to *herem* and the body. The *Iyyun Ya'akov* explains more simply that this is the first place where the enactment of such a *herem* is found in the Bible.

HALAKHA

A Torah scholar may ostracize himself, and he may release himself – תְּלִמִיד חֶרֶם מְנַדָּה לְעַצְמוֹ וּמִיפֵר לְעַצְמוֹ: A Torah scholar can ostracize himself and release himself from ostracism, even if he was ostracized at the instruction of someone else, or was ostracized because he had sinned. Some say that if he was liable to be ostracized and is deserving of this punishment, he cannot release himself from ostracism (*Shulhan Arukh, Yoreh De'a 334:33*).

LANGUAGE

Excommunication [*shamta*] – שְׁמָתָא: This word is Aramaic and means to ostracize or to excommunicate. The explanations offered by the Sages for this word are not meant to teach about its etymology, but rather are meant to allude to the severity of ostracism.

Numerical value [*gimatriyya*] – גִּמְטְרִיָּא: From the Greek γεωμετρία, *geometria*, which means measurement or calculation in general, although it later came to refer to a specific type of calculation. In rabbinic literature, it also refers broadly to mathematical calculations, and specifically for tabulating the numerical value of the letters.

אָמַר רַב גִּידֵל אָמַר רַב: תְּלִמִיד חֶרֶם מְנַדָּה לְעַצְמוֹ, וּמִיפֵר לְעַצְמוֹ. אָמַר רַב פָּפָא: תִּיתִי לִי דְלָא שְׁמִיתִי צוּרְבָא מְרַבְּנָן מְעוּלָם. אֶלְיָא, כִּי קָא מִיחֵיב צוּרְבָא מְרַבְּנָן שְׁמָתָא הֵיכִי עֵבִיד? כִּי הָא, דְּבַמְעָרְבָא מִימְנוּ אֲנִינְדָא דְּצוּרְבָא מְרַבְּנָן וְלֹא מִמְנוּ אֲשַׁמְתָּא.

מֵאִי שְׁמָתָא? אָמַר רַב: שָׁם מִיתָה. וְשְׁמוּאֵל אָמַר: שְׁמָתָה יְהִיָּה, וּמֵהֵנָּה בִּיהַי בִּי טִיחָא בְּתוֹרָא.

וּפְלִינָא דְרִישׁ לְקִישׁ. דְּאָמַר רִישׁ לְקִישׁ: כְּשֶׁם שְׁנַכְנֶסֶת בְּמֵאתִים וָאַרְבַּעִים וְשִׁמּוֹנָה אֵיבָרִים, כֵּן כְּשֶׁהִיא יוֹצֵאָה – יוֹצֵאָה מִמֵּאתִים וָאַרְבַּעִים וְשִׁמּוֹנָה אֵיבָרִים.

כְּשֶׁהִיא נִכְנֶסֶת – דְּכֵתִיב: "וְהָיְתָה הָעִיר חֶרֶם," "חֶרֶם" בְּגִמְטְרִיָּא מֵאתִים וָאַרְבַּעִים וְשִׁמּוֹנָה הוּוּ. כְּשֶׁהִיא יוֹצֵאָה – דְּכֵתִיב: "בְּרוּגוֹ רַחֵם תִּזְכּוּר" "רַחֵם" בְּגִמְטְרִיָּא הֵכִי הוּוּ.

אָמַר רַב יוֹסֵף: שְׂדֵי שְׁמָתָא אֲגוּבְתָא דְכֻלְבָּא – וְאִיהִי דִידָה עֲבָדָה. דְּהָהוּא כְּלָבָא דְהָהוּ אֲכִיל מְסָאנִי דְרַבְּנָן, וְלֹא הוּוּ קָא יָדְעֵי מִנּוּ. וְשִׁמְתוּ לִיה. אִיתְלִי בֵיה נוֹרָא בְּגוּבְתֵיה, וְאֲכַלְתֵּיה.

הָהוּא אֶלְמָא דְהָהוּ קָא מְצַעַר לִיה לְהָהוּא צוּרְבָא מְרַבְּנָן. אֲתָא לְקַמְיָה דְרַב יוֹסֵף. אָמַר לִיה: זִיל שְׁמָתֵיה. אָמַר לִיה: מְסַתְפִינָא מִינֵיה.

אָמַר לִיה: שְׁקִילִי פְתִיחָא עֲלֵיה. כֵּל שְׁבָן דְּמְסַתְפִינָא מִינֵיה. אָמַר לִיה: שְׁקִלֵיה אַחֲתֵיה בְּכַדָּא.

Rav Giddel said that Rav said: A Torah scholar may ostracize himself,^N and he may similarly release himself from self-imposed ostracism.^H Rav Pappa said: I have good coming to me, for I am praiseworthy, as I have never ostracized a Torah scholar. The Gemara asks about this: If so, when a Torah scholar was liable to be ostracized, what would he do? The Gemara answers: He did as they do in the West, Eretz Yisrael, where they appoint a court to give a Torah scholar lashes, but they do not appoint a court to ostracize him. That is to say, lashes were preferred over ostracism.

The Gemara proceeds with a discussion that explains the severity of the punishment of excommunication: What is the meaning of the word excommunication [*shamta*]?^L Rav said: This word is a contraction of the expression there is death [*sham mita*], alluding to the deathly aspect of excommunication. And Shmuel said: *Shamta* means that he will be a desolation [*shemama yiheyeh*], and it is effective upon him like fat smeared on an oven. Just as some of the fat will always remain absorbed in the walls of the oven, so too some aspect of the curse contained in the excommunication will continue to adhere to him even after the excommunication has been nullified.

The Gemara comments: And this opinion disagrees with the opinion of Reish Lakish, for Reish Lakish said: Just as ostracism enters the two hundred and forty-eight organs of one's body when it is first pronounced, so too when it leaves, it leaves from his two hundred and forty-eight organs.

The following allusion is offered in support of the opinion of Reish Lakish: When it enters, it enters all the organs, as it is written: "And the city shall be a curse [*herem*]" (Joshua 6:17),^N and the numerical value [*gimatriyya*]^L of the word *herem*, a concept similar to ostracism, is two hundred and forty-eight. Therefore, the verse alludes to the fact that a decree of ostracism penetrates one's two hundred and forty-eight organs. When it leaves, it leaves all the organs, as it is written: "In wrath remember mercy [*rahem*]" (Habakkuk 3:2), and the numerical value of the word *rahem* is also two hundred and forty-eight, thereby teaching that when the decree of ostracism is revoked, it disappears entirely.

The Gemara continues discussing the power of a ban. Rav Yosef said: Cast an excommunication on the tail of a dog and it, the excommunication, will do its work and harm the dog. It was related that there was a certain dog that would eat the shoes of the Sages, and they did not know who it was causing this damage. They thought that it was a person, and so they excommunicated whoever was doing it. Soon thereafter, the dog's tail caught fire and got burnt. This shows that excommunication can have a harmful effect even on a dog.

It was further related that there was a violent person who caused suffering to a certain Torah scholar. This Torah scholar came before Rav Yosef to ask what he should do. Rav Yosef said to him: Go and ostracize him. This Torah scholar said to him: I am afraid of him, that he will harass me even more.

Rav Yosef said to him: Take out, i.e., publish a written ostracism against him.^B The Torah scholar said to him: All the more so I am fearful of him, for if I publicize the matter he will certainly come after me. Rav Yosef said to him to do as follows: Take the written ostracism and place it in a jug,

BACKGROUND

Document of ostracism – פְּתִיחָא: The *ge'onim*, who had a tradition with regard to this matter, understood that this is a document written for someone who refuses to appear in court or pay what he owes. It is given this name because it is the first

document that the court writes for him. If, after some time, he still does not obey the court's orders, they then write a document of excommunication, which is more severe than the initial document of ostracism (see *Bava Kama* 112b).

וְאַחֲתִיָּה בֵּי קְבָרֵי, וְקָרִי בֵּיה אֶלְפָא
שְׁפוּרֵי בְּאַרְבַּעֵין יוֹמִין. אֲזוּל עֲבִיד הָכִי.
פָּקַע כְּדָא, וּמִית אֶלְמָא. מַאי שְׁפוּרֵי?
שְׁנַפְרֵעִין מִמֶּנּוּ.

מַאי תְּבֵרָא? אָמַר רַב יִצְחָק בְּרִיה דְּרַב
יְהוּדָה: תְּבֵרֵי בְּתֵי רַמִּי. דְּתַנְיָא, אָמַר רַבִּין
שְׁמַעוֹן בֶּן גַּמְלִיאֵל: כָּל מְקוֹם שְׁנַתְנִנוּ
חֲכָמִים עֵינֵיהֶם – אוּ מִיתָה אוּ עוֹנִי.

”וְהַנָּזִיר וְהַמְצוֹרֵעַ מִשּׁוּמְצָאָתוֹ לְטַהֲרָתוֹ.”
בְּעָא מִינְהוּ רַבִּי יִרְמְיָה מְרַבִּי זִוְרָא. בְּשָׂלָא
הִיָּה לְהֵם פְּנָא, אוּ דְלִמָּא אִף בְּשִׁהֲיָה
לְהֵם פְּנָא?

אָמַר לֵיה: תַּנְיָא, כָּל אִלוֹ שְׁאִמְרוּ מוֹתְרִין
לְגַלְתָּה בְּמוֹעֵד – בְּשָׂלָא הִיָּה לְהֵם פְּנָא,
אֲבָל הִיָּה לְהֵם פְּנָא – אֲסוּרִים.

נָזִיר וּמְצוֹרֵעַ, אִף עַל פִּי שְׁהִיָּה לְהֵם
פְּנָא – מוֹתְרִים, שְׂלָא יִשְׁהוּ קְרִבְנִיתְהוֹן.

תַּנְיָא: הַכֹּהֵן וְהַאֲבֵל מוֹתְרִין בְּגִילוֹת. הַאי
אֲבֵל הִיכִי דְמִי? אֵילִימָא שְׁחַל שְׁמִינִי
שְׁלוֹ בְּעֶרְבַּ הַרְגָל – אֵיבְעֵי לֵיה לְגַלוּתְהוּ
בְּעֶרְבַּ הַרְגָל. אֶלָּא שְׁחַל שְׁמִינִי שְׁלוֹ
לְהִיֹּת בְּשַׁבַּת עֶרְבַּ הַרְגָל.

and set it down in a cemetery,^N where nobody is found, and sound a thousand, i.e., many, *shofar* blasts over the course of forty days.^N That man went and did this. The jug burst and the violent man died. The Gemara asks: What is the reason that *shofarot* are sounded when a decree of ostracism is pronounced? The *shofarot* allude to the fact that they extract punishment [shenifra'in] from the excommunicated person.

The Gemara asks further: What is the reason that broken blasts are sounded on the *shofar* when the excommunication is pronounced? Rav Yitzhak, son of Rav Yehuda, said: It breaks tall buildings,^N i.e., a decree of ostracism can harm and break even the high and mighty, as it is taught in a *baraita*: Rabban Shimon ben Gamliel said: Wherever it says that the Sages set their eyes in anger upon a particular person, it causes either death or poverty.

§ It is taught in the mishna: And the nazirite whose term of naziriteship ended on the intermediate days of a Festival, and the leper who needs to purify himself on the intermediate days and must shave his entire body in order to leave his state of ritual impurity and regain his ritual purity, these people are permitted to cut their hair on the intermediate days of the Festival because they were not able to do so on the eve of the Festival. Rabbi Yirmeya raised a question before Rabbi Zeira: Is this allowance limited to the case where they did not have the time to cut their hair before the Festival, as it was prohibited for them to do so beforehand? Or perhaps they may cut their hair even in a case where they had the time to do so beforehand.

He said to him: We already learned this in a *baraita*: With regard to all those about whom the Sages said that they are permitted to cut their hair on the intermediate days of a Festival, they may do so only if they did not have time to cut their hair before the Festival. But if they had time before the Festival began, then they are prohibited from doing so.

However, a nazirite and a leper, even if they had the time to do so before the Festival, they are permitted to cut their hair. Why are they granted this special allowance? So that they will not delay bringing their offerings.^N Both a nazirite and a leper must cut their hair before sacrificing their offerings in completion of their purification process. Therefore, if they are not permitted to cut their hair, they will not be able to sacrifice their offerings at the proper time.^H

It was taught in a *baraita*: A priest and a mourner are permitted to cut their hair during the intermediate days of a Festival. The Gemara asks: What are the circumstances when the mourner is permitted to do so? If we say that the eighth day of his mourning occurred on the eve of the Festival, then he should have cut his hair on the eve of the Festival, as the more stringent restrictions of his mourning no longer applied. Rather, it must be that we are dealing with a case where the eighth day of his mourning occurred on a Shabbat^N that was the eve of the Festival, and so he could not have cut his hair on the Festival eve.

NOTES

Cemetery – בֵּי קְבָרֵי: The simple reason for this is because it is a place where people are not present. *Talmid Rabbeinu Yehiel of Paris* adds that by doing this, it is as though the dead were his community and they agreed to this decree of ostracism.

A thousand shofar blasts over the course of forty days – אֶלְפָא שְׁפוּרֵי בְּאַרְבַּעֵין יוֹמִין: Rabbi Shlomo ben HaYatom explains that this does not mean that he should sound the ram's horn exactly one thousand times, but rather that it should be blown numerous times. However, he writes that the number forty alludes to the forty days when a fetus is first formed so that this curse of death parallels the time when this person was first created. See also Maharsha who offers a similar explanation.

It breaks tall buildings [tavrei batei ramei] – תְּבֵרֵי בְּתֵי רַמִּי: In the manuscript of Rashi, it is noted that an alternative version of the Talmud text reads: That breaks, builds, and casts away [tavrei, batei, verami] (see Commentary on *Moed Katan*).

So that they will not delay bringing their offerings – שְׂלָא יִשְׁהוּ קְרִבְנִיתְהֵם: Rabbi Shlomo ben HaYatom writes that one who is required to bring these offerings transgresses a positive mitzva every day that he delays doing so. *Talmid Rabbeinu Yehiel of Paris* explains that in this case the Sages did not prohibit haircutting during the intermediate days, as they did not want their decree to prevent one from bringing his offering in the proper time.

Tosafot ask: The nazirite's haircut is not a prerequisite for sacrificing his offering, so why is he permitted to cut his hair during the intermediate days? They answer that although he is not required to do so, it is a mitzva for him to cut his hair at that time. *Talmid Rabbeinu Yehiel of Paris* adds that normally one wants to perform all of the associated mitzvot at the same time, and if he is not permitted to cut his hair then he will similarly delay bringing his offering.

Where the eighth day... occurred on a Shabbat – שְׁחַל שְׁמִינִי... בְּשַׁבַּת: *Tosafot* note that the mourning period begins only once the deceased has been buried. Since burials may not be performed on Shabbat, how is it possible for the eighth day of the mourning period to fall on Shabbat? This question is answered by the Jerusalem Talmud in several different ways: Either the deceased was killed and dragged away by a wild animal on Shabbat, in which case there is no burial and the mourning period begins immediately, or gentiles completed the burial after Shabbat had already begun. The Meiri adds that it is possible that the deceased drowned on a boat on Shabbat.

HALAKHA

Haircutting for a nazirite and leper during the intermediate days – תְּגַלְתָּה נָזִיר וּמְצוֹרֵעַ בְּמוֹעֵד: When it is time for a nazirite or a leper to cut his hair, he is permitted to do so, even during the intermediate days of the Festival, so that he does not delay bringing his offerings. Even if his time to cut his hair occurred

before the Festival, but he delayed for whatever reason, he may still cut his hair during the intermediate days to avoid further delay in bringing his offerings (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 7:19).

The time that a mourner may cut his hair – **מן גילוח לאבדל** – If one buried his deceased relative seven days before the Festival and mourned for seven days, the Festival cancels the thirty-day period of mourning known as *sheloshim*. This applies even if the seventh day occurs on the day before the Festival, due to the principle that part of a day has the halakhic status of an entire day, in accordance with the opinion of Abba Shaul. In addition, such mourners are permitted to cut their hair, launder their clothes, and bathe on the day before a Festival, close to nightfall. On the day before Passover, a mourner may perform these activities from mid-day onward so that he may bring the Paschal offering at the proper time. Others say that it is preferable for him to cut his hair before midday (Rema).

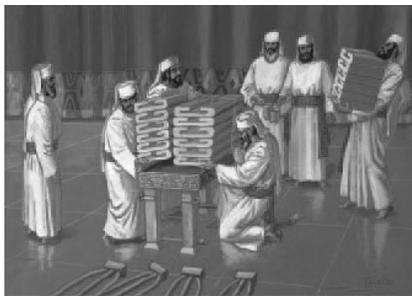
Similarly, if the eighth day of his mourning falls on Shabbat on the day before a Festival, then he may cut his hair, launder his clothes, and bathe on Friday, which is his seventh day of mourning. If he did not cut his hair in these cases, then he is prohibited from doing so during the intermediate days. However, he may do so after the conclusion of the Festival. If his seventh day of mourning falls on Shabbat on the day before a Festival, then he is permitted to cut his hair during the intermediate days, since he was unable to do so before the Festival (*Shulhan Arukh, Yoreh De'á 399:3*).

A priest serving immediately prior to the Festival – **כהן** – **המשמש סמוך לרגל**: The members of the priestly watch whose week of Temple service ends during the Festival may cut their hair during the intermediate days. However, if the watch completed its service on the day before a Festival, then the priests should cut their hair at that time, and they are prohibited from cutting their hair during the Festival (Rambam *Sefer Zemanim, Hilkhot Yom Tov 7:19* and *Sefer Avoda, Hilkhot Biat HaMikdash 1:13*).

Watches during the Festivals – **המשמרות ברגלים**: During the three pilgrimage Festivals, all of the priestly watches have equal standing; they equally divide the shewbread and all of the offerings that were sacrificed during the Festival. Additionally, on *Shavuot* they share the two loaves (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash 4:4–5*).

BACKGROUND

The shewbread – **לחם הפנים**: The Torah describes the offering of the twelve loaves of shewbread that were placed on the sacred table in the Sanctuary each Shabbat (Leviticus 24:5–9). The bread of the previous week was divided among the priests and eaten by them. The shewbread was unleavened and placed on the table in two arrangements of six loaves each. Two bowls of frankincense were placed between them, or, according to other opinions, on top of them.



Priests with shewbread

איבעי ליה לגלוחי ערב שבת, דאמר רב חסדא אמר רבינא בר שילא: הלכה כאבא שאול. ומודי חכמים לאבא שאול בשחל שמיני שלו להיות בשבת ערב הרגל, שמוותר לגלח בערב שבת!

לא צריכא, שחל שביעי שלו להיות בשבת ערב הרגל.

תנא ברא סבר לה כאבא שאול, דאמר מקצת היום ככולו, ויום שביעי עולה לו לכאן ולכאן. ובין דשבת היו – אגוס הוא.

תנא דידן סבר לה ברבנן, דאמרי: לא אמרינן מקצת היום ככולו, ואפתי לא שלים אבילות דשבעה.

האי כהן דמי? אילימא דשלים משמרתו ערב הרגל – איבעי ליה לגלוחי ערב הרגל!

לא צריכא, דשלים משמרתו ברגל. תנא דידן סבר: כיון דתנן: בשלשה פרקים בשנה היו כל המשמרות שוות באימורי הרגלים ובחילוק לחם הפנים. כמאן דלא שלים משמרתו ברגל דמי ותנא ברא סבר: אף על גב דשייך בהנך משמרות – משמרתיה מיהא שלימא ליה.

But if this is the case, he should have cut his hair on Friday, for Rav H̄isda said that Ravina bar Sheila said: The *halakha* is in accordance with the opinion of Abba Shaul. If the deceased was buried seven days before the Festival, then not only has the mourner completed the seven-day mourning period, but he is even regarded as having begun the thirty-day mourning period, and so the Festival cancels this thirty-day period of mourning. And the Rabbis concede to the opinion of Abba Shaul when the eighth day of his mourning occurs on a Shabbat that is the eve of the Festival, and they maintain that he is permitted to cut his hair on Friday. Since he is unavoidably prevented from cutting his hair on the eighth day, the Rabbis allowed him to cut it already on the seventh day.¹¹

The Gemara answers: No, the ruling of the *baraita* is necessary in the case where the seventh day of his mourning occurs on a Shabbat that is the eve of the Festival. In that case, he certainly cannot cut his hair on Friday because it is only the sixth day of his mourning, and so he is permitted to cut his hair on the intermediate days of the Festival.

The Gemara comments: The *tanna* of the *baraita*, who permits a mourner to cut his hair during the intermediate days of the Festival, holds in accordance with the opinion of Abba Shaul, who said: The legal status of part of the day is like that of an entire day, and therefore the seventh day counts as both the final day of the seven-day mourning period and the first day of the thirty-day mourning period. From the perspective of the *halakhot* of mourning, one would be permitted to cut his hair; however since this day is Shabbat, he is unavoidably prevented from doing so, and therefore he is permitted to cut his hair during the intermediate days of the Festival.

The *tanna* of our mishna, on the other hand, who does not mention that a mourner is permitted to cut his hair on the intermediate days of a Festival, holds in accordance with the opinion of the Rabbis, who say: We do not say that the legal status of part of the day is like that of an entire day for a mourner. Therefore, he has not yet completed his seven-day period of mourning, and consequently he will not be permitted to cut his hair even after the Festival, until the completion of the thirty-day mourning period.

The Gemara continues and asks: The case of this priest, who is permitted to cut his hair during the intermediate days of a Festival, what are the circumstances? If we say that he completed his watch on the eve of the Festival, then he should have cut his hair on the eve of the Festival.

The Gemara answers: No, the ruling of the *baraita* is necessary in the case where one completed his watch during the Festival week itself.¹² The *tanna* of our mishna holds that since we learned in a mishna (*Sukka 55b*): At the year, i.e., the three pilgrimage Festivals, all of the priestly watches share equally in the Festival offerings¹³ and in the division of the shewbread¹⁴ among the priests on Shabbat that occurs on the Festival,¹⁵ therefore, he is considered like one whose watch was not completed during the Festival, and he may not cut his hair until after the Festival. And the *tanna* of the *baraita* holds that although he belongs also to those other watches serving during the Festival, nevertheless, his own watch was completed before the Festival, and so he is permitted to cut his hair.¹⁶

NOTES

The Festival offerings [*imurei*] – אימורי הרגלים: In tractate *Sukka*, it is explained that the term used here for offerings refers specifically to those portions that were burnt on the altar. The priests have no benefit from those portions. Some explain that the word *imurei* here should be understood not as offerings, but as: What is said [*ne'emar*] to be done during the Festivals, or to the other offerings from which the priests would receive a portion (*Talmid Rabbeinu Yehiel of Paris; Ritva*).

A priest's haircut – תגלחת הכהן: Rashi asks: Why does he not cut his hair on Thursday, just before the conclusion of his watch? In answer, he explains that the *baraita* refers to a case where the Festival itself occurs on Thursday. The Meiri offers a similar explanation. Rashi in the manuscript writes that initially the priest is permitted only to launder his clothes, but not to cut his hair on Thursday. The Ritva offers a similar explanation.

תנו רבנן: כל אלו שאמרו מותרין לגלח במועד – מותרין לגלח בימי אבלן.

והתניא אסורים! אמר רב חסדא אמר רב שילא: כי תניא הךא מותרין – בשתכפוהו אבליו.

אי בשתכפוהו אבליו מאי איריא כל אלו שאמרו? אפילו כולי עלמא נמי דתניא: תכפוהו אבליו זה אחר זה, הכביד שערו – מיקל בתער, ומכבס כסותו במים!

הא אתמר עלה, אמר רב חסדא: בתער ולא במספריים; במים ולא בנתר ולא באהל. אמר רב חסדא: זאת אומרת: אבל אסור בתכבוסת.

תנו רבנן: כשם שאמרו אסור לגלח במועד – כך אסור ליטול צפורנים במועד, דברי רבי יהודה. ורבי יוסי מתיר.

§ The Sages taught the following *baraita*: All those about whom it was said that they are permitted to cut their hair on the intermediate days of a Festival¹ because they were unable to do so beforehand, they may similarly cut their hair during the period of their mourning if they had been unable to do so beforehand.

The Gemara asks: But isn't it taught in another *baraita*: They are nevertheless prohibited from cutting their hair during the period of their mourning? Rav H̄isda said that Rav Sheila said: When it is taught in the *baraita* that they are permitted to cut their hair, it is referring to one for whom two periods of mourning applied in succession. In other words, this person was required to practice one period of mourning immediately following another period of mourning, and he is unable to endure the prescribed restrictions for such an extended period.

The Gemara asks: If this is referring to a case where his mourning applied in succession, then why specifically does the *baraita* discuss all those about whom it was said that they may cut their hair? The allowance should apply even to everyone, not only to those who had been unavoidably prevented from cutting their hair in the preceding period, as it is taught in a *baraita*: If one's mourning periods applied in succession, one after the other, and his hair grew long and became heavy, he may lighten it by cutting his hair with a razor,^N and he may wash his garment in water, so that he does not suffer for such a long time without cutting his hair or washing his clothes.

The Gemara answers: But wasn't it said with regard to that *baraita*: Rav H̄isda said: When it states that one may cut his hair, it means that he may do so with a razor, but not with scissors? Similarly, when it states that one may wash his clothes, it means that he may launder them with water, but not with *neter*^B or soap.^B Therefore, the *baraita* teaches that if one had been unavoidably prevented from performing these actions beforehand and then had to observe a double mourning period, he may cut his hair in an ordinary manner, without performing these actions in an altered way. Rav H̄isda said: That is to say that, generally speaking, a mourner is prohibited from laundering his clothes.^{NH}

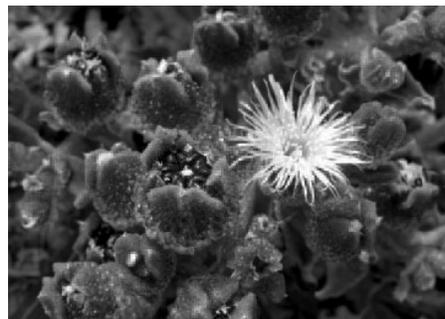
The Sages taught the following *baraita*: Just as the Sages said that it is prohibited to cut one's hair during the intermediate days of a Festival, so too it is prohibited to cut one's nails during the intermediate days of a Festival;^N this is the statement of Rabbi Yehuda, whereas Rabbi Yosei permits cutting nails.

BACKGROUND

Neter – נתר: This is apparently sodium carbonate, Na₂CO₃, which is found in colorless clusters that crystallize from evaporating water. In nature, sodium carbonate is found in desert regions. However, in ancient times it was often produced from the ash of sea algae. Also called washing soda, this compound easily dissolves in water, and its solubility causes a strong basic reaction. Due to hydrolysis, which produces Na₂, it can dissolve many different types of fats, and therefore it was used as a cleaning agent, even during the biblical period. Some say that it refers to natron, a naturally occurring mixture of sodium carbonate decahydrate.

Soap [ohal] – אהל: Many plants with the name *ohal* are found in Eretz Yisrael. One of them, known as the common ice plant or *Mesembryanthemum crystallinum* L., is an annual plant that grows in the Sharon and Shephela regions of Eretz Yisrael, in rocks and walls that face the sea. The surface of these plants is covered in small translucent sacs that appear like ice crystals,

which give it the name ice plant. This plant contains a noticeable amount of raw soda and was used for laundering clothes and bathing.



Common ice plant

Those who are permitted to cut their hair on the intermediate days of a Festival, etc. – המתירים להתגלח במועד – וכי: If one from those categories of people whom the Sages permitted to cut their hair during the intermediate days becomes a mourner, it is prohibited for him to cut his hair during the mourning period. However, if he had two consecutive mourning periods, he may cut his hair in an ordinary manner during the second seven-day period. Anyone else who has two consecutive periods of mourning may cut his hair in an unusual manner, such as with a razor, as opposed to using scissors. This must be done in private (*Shulhan Arukh, Yoreh De'á* 390:3, and in the comment of Rema).

A mourner is prohibited from laundering his clothes – אבל אסור בתכבוסת: A mourner may not launder his clothes for the entire seven-day period of mourning, and he is similarly prohibited from wearing freshly laundered clothes. After these seven days, it is permitted. However, the common practice is to refrain from wearing freshly laundered clothes for the entire thirty-day period. In order to observe this custom, it is common practice to permit the mourner to wear clean clothes after they have first been worn by another person for a short time (Rema).

If a person in one of the categories of people who are permitted to launder their clothes during the intermediate days became a mourner, he is prohibited from laundering his clothes while in mourning. However, if he experiences two consecutive periods of mourning, then he may launder clothes in an ordinary manner in private.

Anyone who experiences two consecutive periods of mourning may launder clothes only in water, without soap or lye. If he must wash his clothes because they are dirty and he is not doing so for pleasure, then he is permitted to launder them properly (*Shulhan Arukh, Yoreh De'á* 389:1; *Pithei Teshuva*, citing *Responsa Lahmei Toda*).

NOTES

Lighten it with a razor – מיקל בתער: According to some, this expression means that one is permitted only to neaten his hair by trimming several of the longer strands, but he may not have a proper haircut (*Talmid Rabbeinu Yehiel of Paris*). Others write that this means that he may cut the lower parts of his hair so that the haircut is not apparent to others (Rid). The Ran presents both opinions.

That is to say a mourner is prohibited from laundering his clothes – זאת אומרת אבל אסור בתכבוסת: The early authorities ask: Why did Rav H̄isda need to make this statement when it was already taught that a mourner may not launder his clothes, based on the instructions given to the Tekoite woman (see *Tosafot*)? *Talmid Rabbeinu Yehiel of Paris* writes that the verse cannot serve as a proof but merely as an allusion to the *halakha*, making Rav H̄isda's statement necessary. Others write that there the *baraita* taught only about laundering clothes in an ordinary manner. However, here Rav H̄isda teaches that it is prohibited to launder clothes even in cold water (Ran; Ritva; see *Tosafot HaRosh*).

Cutting nails during the intermediate days – נטילת: Some explain that according to Rabbi Yosei's opinion nothing is accomplished by cutting one's nails before a Festival because they grow so quickly. Even cutting them immediately before the Festival does not prevent the need to cut them during the intermediate days (Ran). Others suggest that long fingernails are especially repulsive, and the Sages were not strict with such a minor type of work (Ritva).

Nail cutting for a mourner – נְטִילַת צְפוּרְנִים בְּאֶבֶל: The Ran writes in the name of Rabbi Aaron HaLevi that it is possible to derive the prohibition against nail cutting during the mourning period from the biblical passage that describes the beautiful captive woman. She must mourn for her family for seven days, and it is written that she must “do her nails” (Deuteronomy 21:12). This is understood as meaning that she must let her nails grow during the period when she mourns her family.

Rabbi Yosei does not learn this derivation, either because the mitzva that the beautiful woman grow her nails is part of the requirement that she make herself unattractive, or because he maintains that “do her nails” does not mean grow her nails, but rather cut her nails (Ran; see Ritva).

וְכַשֵּׁם שֶׁאָמְרוּ: אֶבֶל אָסוּר לְגַלַּח בְּיָמֵי אֶבְלוֹ – כִּךְ אָסוּר לִישׁוֹל צְפוּרְנִים בְּיָמֵי אֶבְלוֹ, דְּבָרֵי רַבִּי יְהוּדָה. וְרַבִּי יוֹסֵי מְתִיר.

אָמַר עוּלָא: הֲלָכָה כְּרַבִּי יְהוּדָה בְּאֶבֶל, וְהֲלָכָה כְּרַבִּי יוֹסֵי בְּמוֹעֵד, שְׂמוּאֵל אָמַר:

And just as the Sages said that a mourner is prohibited from cutting his hair during the period of his mourning, so too he is prohibited from cutting his nails during the period of his mourning; this is the statement of Rabbi Yehuda, whereas Rabbi Yosei permits a mourner to cut his nails.^N

Ulla said: The *halakha* is in accordance with the opinion of Rabbi Yehuda with regard to mourning, but the *halakha* is in accordance with the opinion of Rabbi Yosei with regard to the intermediate days of the Festival. Shmuel said:

Perek III

Daf 18 Amud a

HALAKHA

Cutting nails during the intermediate days of a Festival – נְטִילַת צְפוּרְנִים בְּמוֹעֵד: It is permitted to cut both one's fingernails and toenails during the intermediate days of a Festival, even using a pair of scissors. This is because the *halakha* is in accordance with the opinion of Rabbi Yosei, as is stated by Shmuel.

The Rema writes that there are those who rule stringently and prohibit the use of scissors. The custom is not to cut one's nails using any implement, with the exception of a woman preparing for mandatory ritual immersion, who may cut her nails in an ordinary manner. However, even according to those who are strict, it is permitted to trim nails with one's teeth or hands. In exceptional circumstances, if one was preoccupied before the Festival, then he may cut his nails with scissors during the Festival, even according to those who are stringent (*Arukh HaShulhan*). Practically speaking, Ashkenazic communities follow the Rema, and even many Sephardic communities do as well, and one should not act differently in a place where this is the custom (*Kaf HaHayyim*; *Shulhan Arukh, Orach Hayyim* 532:1).

Cutting nails while in mourning – נְטִילַת צְפוּרְנִים בְּאֶבֶל: The *halakha* follows the opinion of Rabbi Yosei, as ruled by Shmuel, that a mourner may cut his nails. However, the *halakha* also follows the opinion of Rav, and the nails should be cut with one's hands or teeth but not with a utensil.

Once the first seven days of mourning have passed, but before the thirty-day period of mourning is over, a woman who is preparing for her ritual immersion should ask a gentile woman to cut her nails for her. Some say that another Jewish woman may also cut them on her behalf (Rema). However, others disagree and say that it is prohibited for another Jewish woman to cut them for her (*Shakh*), but this is not the custom (*Arukh HaShulhan*; *Shulhan Arukh, Yoreh De'a* 390:7).

הֲלָכָה כְּרַבִּי יוֹסֵי בְּמוֹעֵד וּבְאֶבֶל. דָּאֲמַר שְׂמוּאֵל: הֲלָכָה כְּדַבְרֵי הַמֵּיָקֵל בְּאֶבֶל.

פְּנִחָס אַחוּזָה דְּמַר שְׂמוּאֵל, אֵיתַרַע בֵּיהּ מִלְתָּא. עַל שְׂמוּאֵל לְמִישְׁאֵל טַעֲמָא מִיַּנְיָה. חֲזַנְהוּ לְטוֹפְרֵי דְהוּוּ נְפִישׁוֹן. אָמַר לֵיהּ: אֲמַאי לָא שְׁקִלְתָּ לְהוּי אָמַר לֵיהּ: אֵי בְדִידֵיהּ הוּוּ, מִי מוֹלִוּתָּ בֵּיהּ בּוֹלִי הָאֵי?

הוּוּ אֵי כְּשִׁנְגָה שִׁנְצָא מִלְפְּנֵי הַשְּׁלִיטָה, וְאֵיתַרַע בֵּיהּ מִיִּלְתָּא בְּשְׂמוּאֵל. עַל פְּנִחָס אַחוּזָה לְמִישְׁאֵל טַעֲמָא מִיַּנְיָה, שְׁקִלְנֵהוּ לְטוֹפְרֵיהּ חֲבִטְנֵהוּ לְאַפִּיהּ. אָמַר לֵיהּ: לֵית לָךְ בְּרִית כְּרוּתָה לְשִׁפְתֵיךָ?

The *halakha* is in accordance with the opinion of Rabbi Yosei with regard to the intermediate days of the Festival^N and with regard to mourning, as Shmuel said this general principle: The *halakha* is in accordance with the statement of the more lenient authority in matters relating to mourning.^H

It was related that something unpleasant happened to Pinehas, brother of Mar Shmuel, that is to say, one of his close relatives died. Shmuel entered to ask him the reason, i.e., to console him. He saw that Pinehas's nails were long, and said to him: Why do you not cut them? Pinehas replied: If it were your relative who died,^N and you were in mourning, would you treat the matter so lightly and cut your nails?

Pinehas's words were: “Like an error that proceeds from a ruler” (Ecclesiastes 10:5).^N As soon as he uttered them they come true, even though he did not intend them. Shortly after Pinehas made his comment, something unpleasant happened to Shmuel, and one of his close relatives died. Pinehas, his brother, entered to ask him the reason, i.e., to offer words of comfort. Shmuel took his nails and cast them in Pinehas's face.^N Shmuel then said to him: Do you not know the principle that a covenant is made with the lips? In other words, do you not know that what one says influences future events?

NOTES

If it were your relative who died – אֵי בְדִידֵיהּ הוּוּ: This refers to a child, rather than any other relative, which explains why it was a close relative of Pinehas, but not a close relative of Pinehas's brother, Shmuel (Rashi manuscript).

Like an error that proceeds from a ruler – כְּשִׁנְגָה שִׁנְצָא מִלְפְּנֵי הַשְּׁלִיטָה: In the manuscript of Rashi, it is explained: This is similar to a case where a ruler stated that a person deserves to be sentenced to death. Although the ruler did not actually intend for him to be killed, his servant carried out this order.

שְׁקִלְנֵהוּ לְטוֹפְרֵיהּ – אֵי בְדִידֵיהּ הוּוּ: Shmuel was not concerned about throwing his fingernail clippings on the ground, although subsequently the Gemara explains that one who does so is wicked. Shmuel was not concerned, either because he collected them afterward (Rashi), or because he was in a place where women were not present (*Talmid Rabbeinu Yehiel of Paris*).

Scissors [*genustera*] – גִּנוּסְטֵרָא: The origin of this word is *green*. Some say it originates from the Greek *κνέστηρ*, *knestēr*, meaning a nail file, which was used for nail cutting. Others say, based on a version of the Talmud text that reads *negusterei*, that this may be from the Greek *δονύξ*, *onux*, meaning nail, and *ρῆνι*, *rhinè*, meaning clipper or cutter, which also refers to a utensil used for cutting nails.

NOTES

Learn from this incident three *halakhot* – שְׁמַע מִיָּנְהָא: Based on the fact that the Gemara specifically mentions three *halakhot* and not four, there are those who understand that Rabbi Yoḥanan's actions do not teach the prohibition against cutting fingernails on the intermediate days with scissors (Rif). Instead, he did not use scissors either because he did not have any available to him at that time or because one may not take metal tools into a study hall (Rabbi Shlomo ben HaYatom; see Ran). Some say that there is no evidence as to whether or not one may use scissors to cut nails on the intermediate days because this list of three only includes leniencies and not stringencies (Rid; see Ran).

One who burns them is pious – שׂוֹרְפָן חַסִּיד: There are several reasons why such a person is called pious: Perhaps it is difficult to find an appropriate place to burn fingernails; burning fingernails smell unpleasant; or it may be particularly painful for one to burn something that was once part of his body (*Talmid Rabbeinu Yehiel of Paris*).

Lest a pregnant woman pass over them – שָׂמָא – תַּעֲבוֹר עֲלֵיהֶן אִשָּׁה עוֹבְרָה: Some say that this means that the fingernails are repulsive and may thereby cause her to miscarry (*Talmid Rabbeinu Yehiel of Paris*). However, others explain that there is a spiritual reason that fingernails cause women to miscarry. For example, *Eliya Rabba* gives kabbalistic reasons for this.

Once their place has changed – בִּינֵן דְּאִשְׁתֵּי: Based on this expression, most explain that once nail clippings have been moved they no longer have the power to cause harm. Others suggest that once a certain amount of time has passed their power is negated (see *Talmid Rabbeinu Yehiel of Paris*).

Mar Zutra taught – מִיּוֹ זוּטְרָא מִתֵּי: According to the text of the Babylonian Talmud, there is no difference between the two versions of this statement, aside from the fact that Mar Zutra taught this statement as a *baraita* and not as a statement made by Rav. According to Rabbi Shlomo ben HaYatom, the text should read: A pair came from Hamatan before Rabbi Hiyya. In the Jerusalem Talmud, it is stated that two pairs of Sages came, each one from a different place, and each asked a different question.

They also asked him about a mustache – אָף בְּקֶשׁוֹ: Rabbeinu Gershom *Me'or HaGola* and Rashi explain this question to be: In general, is trimming a mustache prohibited as a form of removing one's beard? However, most commentaries explain that the question is whether or not it is permitted to trim one's mustache during the intermediate days of a Festival (Rid; Rabbeinu Yehonatan of Lunel; *Talmid Rabbeinu Yehiel of Paris*). In the Jerusalem Talmud, there is a long dispute as to whether the question applies to the intermediate days of a Festival or to a mourning period. According to the Ra'avad, a mourner may not trim his mustache. In order to support his opinion, he cites Mephibosheth, who did not trim his mustache while he was mourning (II Samuel 19:25).

דָּאָמַר רַבִּי יוֹחָנָן: מִגֵּן שְׁבֵרִית כְּרוּתָה לְשִׁפְתֵיךָ – שְׁנָאָמַר: "וַיֹּאמֶר אַבְרָהָם אֶל נְעָרָיו שִׁבוּ לָכֶם פֹּה עִם הַחֲמוֹר וְאִנִּי וְהַנֶּעֱר נִלְכְּהָ עִדָּה וְנִשְׁתַּחֲוֶה וְנִשְׁבַּח אֱלֹהֵיכֶם," וַאֲיִסְתַּיִיעָא מִלְּתָא דְהַדְדוֹר תְּרוּיָהּ.

This is as Rabbi Yoḥanan said: From where is it derived that a covenant is made with the lips, and that one's speech has the power to change events? For it is stated: "And Abraham said to his young men: Stay here with the donkey, and I and the lad will go onward; and we will worship, and we will come back to you" (Genesis 22:5). Abraham said this even though he thought that he was going to sacrifice his son as an offering and that Isaac would not be returning, yet this had an influence and they both came back.

סָבוֹר מִיָּנְהָא: דִּיד – אִין, דְּרַגְל – לָא. אָמַר רַב עֲנָן בַּר תַּחְלִיפָא: לְדִידִי מִפְּרָשָׁא לִי מִיָּנְהָא דְשִׂמּוּאָל: לָא שְׂנָא דִיד, וְלָא שְׂנָא דְרַגְל.

With regard to this *halakha* pertaining to a mourner cutting his nails: They initially concluded from this: With regard to the nails on his hand, yes, a mourner may cut them; but as for the nails on his foot, no, he may not cut them, because long toenails are less repulsive. Rav Anan bar Tahlfifa said: It was explained to me by Shmuel himself: It is not different if it is the nails on the hand and it is not different if it is the nails on the foot, as in both cases cutting the nails is permitted.

אָמַר רַב חֵיטָא בְּרַ אֲשִׁי בְּרַ אָמַר רַב: וּבְגִנוּסְטֵרָא אָסוּר. אָמַר רַב שְׁמֹן בְּרַ אָבָא: הוּהּ קְאִימָנָא קָמֵיהּ דְּרַבִּי יוֹחָנָן בִּי מִדְּרָשָׁא בְּחוּלֵי שְׁל מוֹעֵד, וְשָׁקְלִינְהוּ לְטוֹפְרֵיהּ בְּשִׁינְיָהּ וְזָרְקִינְהוּ.

Rav Hiyya bar Ashi said that Rav said: But with scissors [*genustera*]¹ specifically for nail cutting it is prohibited, i.e., the mourner should cut his nails in an alternate manner. Rav Shemen bar Abba said: I once stood before Rabbi Yoḥanan in the study hall during the intermediate days of a Festival, and he cut his nails with his teeth and threw them down.

שְׁמַע מִיָּנְהָא תַּלְתָּ; שְׁמַע מִיָּנְהָא: מוֹתֵר לִיטוֹל צְפָרִימִים בְּחוּלֵי שְׁל מוֹעֵד. וְשְׁמַע מִיָּנְהָא: אִין בְּהֵן מִשׁוּם מִיָּאוּס. וְשְׁמַע מִיָּנְהָא: מוֹתֵר לְזוֹרְקוֹן.

The Gemara comments: Learn from this incident of Rabbi Yoḥanan three *halakhot*.² Learn from this that it is permitted to cut one's nails on the intermediate days of a Festival. And learn from this that nails have no prohibition due to the fact that they are repulsive, i.e., there is no prohibition against biting them on that basis. Inasmuch as one is prohibited from placing something repulsive in his mouth, this incident teaches that nails do not fall into this category. And also learn from this that it is permitted to throw nails away.

אִינִי וְהִתְנָא: שְׁלִישָׁה דְּבָרִים נֹאמְרוּ בְּצִפְרִימִים: הַקּוֹבְרֵן – צִדִּיק; שׂוֹרְפָן – חַסִּיד; זוֹרְקוֹן – רָשָׁע. טַעֲמָא מֵאִי? שְׂמָא תַּעֲבוֹר עֲלֵיהֶן אִשָּׁה עוֹבְרָה וְתַפְּלִי.

The Gemara asks: Is that so? But isn't it taught in a *baraita*: Three things were said about nails: One who buries them in the ground is deemed righteous. One who burns them is even better, as he is considered pious.³ One who merely throws them away is regarded as wicked.⁴ The Gemara explains: What is the reason that it is prohibited to throw away nail clippings? This is prohibited lest a pregnant woman pass over them⁵ and miscarry, for the Sages had a tradition that it is dangerous for a pregnant woman to walk over fingernails.

אִשָּׁה בִּי מִדְּרָשָׁא לָא שְׂכִיחָא. וְכִי תִימָא: זִימְנִין דְּמִיבְרַשְׁתִּי לְהוּ וְשָׂדִי לְהוּ אַבְרָאִי, בִּינֵן דְּאִשְׁתֵּי – אִשְׁתֵּי.

The Gemara answers: A woman is not usually found in the study hall, and therefore Rabbi Yoḥanan was not concerned about throwing his nail clippings there. If you say that sometimes the nails are gathered together when the floor is swept and then thrown outside where a pregnant woman may walk over them, this is not a problem. Once their place has changed⁶ the nails themselves change and are no longer harmful.

אָמַר רַב יְהוּדָה אָמַר רַב: זוּג בָּא מִחַמְתָּן לְפָנֵי רַבִּי, וְמַר זוּטְרָא מִתֵּי: זוּג בָּא מִחַמְתָּן לְפָנֵי רַבִּי, וּבְקֶשׁוֹ מִמְנוּ צְפָרִימִים – וְהִתֵּיר לָהֶם. וְאִם בְּקֶשׁוֹ מִמְנוּ שְׂפָה – הִתֵּיר לָהֶם. וְשִׂמּוּאָל אָמַר: אָף בְּקֶשׁוֹ מִמְנוּ שְׂפָה וְהִתֵּיר לָהֶם.

Rav Yehuda said that Rav said: A pair of Sages from Hamatan came before Rabbi Yehuda HaNasi. And Mar Zutra taught⁷ it without the names of Rav Yehuda and Rav, simply as: A pair of Sages from Hamatan came before Rabbi Yehuda HaNasi. And they asked him whether or not a mourner is permitted to cut his nails, and he permitted it to them. And had they asked him whether or not a mourner may trim his mustache, he would also have permitted it to them. And Shmuel said: They also asked him about trimming a mustache,⁸ and he permitted it to them.

HALAKHA

What is done with nail clippings – מַה עוֹשִׂים בְּצִפְרִימִים: When one cuts his nails it is preferable that he does not throw away the clippings, but instead he should bury or burn them (*Shulḥan Arukh, Oraḥ Hayyim 260:1; Magen Avraham*).

A mustache may be trimmed from one corner to the other corner – **שִׁפָּה מְנוּוֹת לְזוּוֹת** – Many of the early authorities have a version of the text that includes the expression: But any part of the *hanaha* is prohibited. However, it is not in the standard text because in the manuscript of Rashi it is written that he did not find a way to explain the term *hanaha*. Neither the Rif nor the Rambam had these words in their talmudic text.

Many early authorities understand that *hanaha* refers to the sides of the mouth, and it means that one is permitted to cut only the mustache itself, but hair on the sides of the mouth must be left untrimmed, along with the rest of the beard, unless it interferes with eating (Rabbeinu Hananel).

Others explain that the terms mustache here refers to the hair immediately above the mouth, and the word *hanaha* refers to the hair above that (Meiri). Alternatively, there are those who claim the word *hanaha* refers to the hair near the lower lip, which is below [*naha*] the mouth (see Ritva).

Pharaoh who lived in the days of Moses – פְּרַעֲוֵה שְׁהִיָּה בִּימֵי מֹשֶׁה: Rabbi Shlomo ben HaYatom has a different version of the Talmud text. It adds that Pharaoh's name was Girsi. The verse: "He sets up over it the lowest of men," is actually referring to Nebuchadnezzar, who was only one cubit tall. However, the Gemara understands that Pharaoh was also this height (*Talmid Rabbeinu Yehiel of Paris*).

Linen garments – כְּלֵי פִשְׁתָּן: Some say that the reason for this allowance is that they become dirty quickly and can be laundered without much effort (Rashi manuscript).

LANGUAGE

His penis [parmashtako] – פְּרַמְשִׁתְקוֹ: This word appears to be Persian. However, its actual source is unclear. Although there are similar words in Persian and Sanskrit, none of them have the meaning that Rashi and others ascribe to it.

It is possible that the depiction of Pharaoh here is based on other similar ancient Egyptian statues and objects that show dwarflike figures containing all the elements of the description here.

Sorcerer [amgushi] – אֲמַגּוּשִׁי: The origin of the word is magus, a term used for Zoroastrian priests in Iranian languages. It was then adopted by Greek and Aramaic.

אָמַר אַבִּיטוּל סִפְרָא מִשְׁמִיָּה דְרַב פָּפָא:
שִׁפָּה מְנוּוֹת לְזוּוֹת. אָמַר רַבִּי אָמִי: וּבְשִׁפָּה
הַמְעַבְבָּת. אָמַר רַב נַחְמָן בְּרַי יִצְחָק: לְדִינֵי
בְּשִׁפָּה הַמְעַבְבָּת דְּמִי לִי.

וְאָמַר אַבִּיטוּל סִפְרָא מִשְׁמִיָּה דְרַב פָּפָא:
פְּרַעֲוֵה שְׁהִיָּה בִּימֵי מֹשֶׁה הוּא אָמַה וְזָקְנָה
אָמַה, וּפְרַמְשִׁתְקוֹ אָמַה וְזָרָת, לְקֵיָּם מַה
שְׁנֵאמַר: "וְשִׁפָּל אַנְשִׁים יָקִים עֲלֵיהֶּ".

וְאָמַר אַבִּיטוּל סִפְרָא מִשְׁמִיָּה דְרַב פָּפָא:
פְּרַעֲוֵה שְׁהִיָּה בִּימֵי מֹשֶׁה אֲמַגּוּשִׁי הִיָּה,
שְׁנֵאמַר: "הִנֵּה יוֹצֵא הַמִּימָה" וְגו'.

וְאֵלּוּ מְכַבְּסִין בְּמוֹעֵד הַבָּא מִמְּדִינַת
הַיָּם. אָמַר רַב אָסִי אָמַר רַבִּי יוֹחָנָן: מִי
שֵׂאִין לוֹ אֶלְאָ חִלּוּק אֶחָד – מוֹתֵר לְכַבְּסוֹ
בְּחֹלוֹ שֶׁל מוֹעֵד.

מִתֵּיב רַבִּי יִרְמְיָה: אֵלּוּ מְכַבְּסִין בְּמוֹעֵד,
הַבָּא מִמְּדִינַת הַיָּם כּו'. הֵינִי – אֵין, מִי
שֵׂאִין לוֹ אֶלְאָ חִלּוּק אֶחָד – לֹא!

אָמַר לִיָּה רַבִּי יַעֲקֹב בְּרַי יִרְמְיָה: אִסְבְּרָה
לְךָ. מִתְּנִיתִין – אִף עַל גַּב דְּאִית לִיָּה תְרִי
וּמִטְּנָפִי.

שְׁלַח רַב יִצְחָק בְּרַי יַעֲקֹב בְּרַי גִּיּוֹרֵי מִשְׁמִיָּה
דְּרַבִּי יוֹחָנָן: כְּלֵי פִשְׁתָּן מוֹתֵר לְכַבְּסִין
בְּחֹלוֹ שֶׁל מוֹעֵד. מִתֵּיב רַבָּא: מִטְּפָחוֹת
הַיָּדִים, מִטְּפָחוֹת

Avitul the scribe said in the name of Rav Pappa: A mustache may be trimmed from one corner to the other cornerⁿ of the mouth. Rabbi Ami said: One may trim only the portion of the mustache that interferes with normal eating, but one may not trim the mustache for beautification. Rav Nahman bar Yitzhak said: For me, my entire mustache is considered like a mustache that interferes with normal eating, as I am particularly sensitive, and so I may trim my entire mustache.^h

§ Having mentioned Avitul the scribe, the Gemara records other statements of his: **And Avitul the scribe said in the name of Rav Pappa: The Pharaoh who lived in the days of Mosesⁿ was a cubit tall, his beard was a cubit long, and his penis [parmashtako]^l was a cubit and a span, i.e., a cubit and the distance between the thumb and the little finger, in length, in order to fulfill what is stated: "And He sets up over it the lowest of men" (Daniel 4:14), which teaches that Pharaoh was extremely short and lowly.**

Avitul the scribe also said in the name of Rav Pappa: The Pharaoh who lived in the days of Moses was a sorcerer [amgushi],^l as it is stated: "Behold, he goes out to the water" (Exodus 7:15). Pharaoh would regularly go out to the water in order to engage in witchcraft.

§ The mishna taught: **And these people may launder their clothes on the intermediate days of a Festival: One who comes from a country overseas.** Rav Asi said that Rabbi Yoḥanan said: **Anyone who has only one shirt is permitted to launder it on the intermediate days of a Festival.**^h

Rabbi Yirmeya raised an objection from what was taught in the mishna: **And these people may launder their clothes on the intermediate days of a Festival: One who comes from a country overseas, and one who is released from a house of captivity, and one who comes out of prison, and one who had been ostracized and the Rabbis released him from his decree of ostracism, etc.** It may be inferred: **Those who are mentioned in the mishna, yes, they may launder their clothes during the intermediate days of the Festival, but one who has only one shirt may not launder it.**

Rabbi Ya'akov said to Rabbi Yirmeya: **I will explain it to you.** The mishna is referring to those cases where one is permitted to launder his clothes even if he has two changes of garments and they are dirty. Rabbi Yoḥanan speaks about one who has only one garment, and he rules that he may launder it in all circumstances.

Rav Yitzhak bar Ya'akov bar Giyorei sent a message in the name of Rabbi Yoḥanan: With regard to linen garments,ⁿ it is permitted to launder them during the intermediate days of the Festival because they are easily soiled.^h Rava raised an objection from what is taught in the mishna: **Hand towels, the towels**

HALAKHA

Cutting one's mustache – נְטִילַת שִׁפָּם: One may trim the mustache hairs above his upper lip during the intermediate days of the Festival, even in public (*Shulḥan Arukh, Oraḥ Ḥayyim* 531:8, and in the comment of Rema).

One who has one shirt – מִי שֵׂישׁ לוֹ חִלּוּק אֶחָד: One who has only one garment may launder it in an ordinary manner during the intermediate days of a Festival, and he may even use different types of soap and launder it in public. However, he may launder only one garment at a time. One may wash other items, such as children's clothes or diapers, if they are soiled, in larger quantities (*Shulḥan Arukh, Oraḥ Ḥayyim* 534:1).

Laundering linen garments – כִּיבוּס כְּלֵי פִשְׁתָּן: In accordance with Rabbi Yoḥanan's opinion, one may launder linen garments during the intermediate days of the Festival. However, the common practice is to refrain from doing so. This type of laundering falls into the category of activities that are customarily avoided, although they are technically permitted. Therefore, one may not openly state that such an activity is permitted. Some say that one may give such garments to a gentile to be laundered during the intermediate days (*Ḥayyei Adam*, citing *Eliya Rabba* and *Perisha*; *Shulḥan Arukh, Oraḥ Ḥayyim* 534:2).

הַסְפָּרִים. הֵינִי – אֵין, כְּלֵי פְּשָׁתֵן – לֹא!

of barbers that are used to cover a person having a haircut, and body-drying towels may all be laundered on the intermediate days of a Festival. This statement implies that **these garments, yes**, they may be laundered, but other types of **linen garments, no**, they may not be laundered.

אָמַר לֵיה אַבְיִי: מִתְּנִיתִין אֶפִּילוּ דְשָׂאָר מֵינִי. אָמַר בַּר הַדִּיָּא: לְדִידֵי חֲזוּ לִי יָמָה שְׁל טַבְרִיָּה, דְּמַפְקֵי לָהּ מִשִּׁיכְלֵי דְמִנֵּי בִּיתְנָא בְּחֻלָּא דְמוֹעֵדָא.

Abaye said to him: This is not a contradiction: **The mishna** is referring to garments made **even of other types** of materials; linen garments, however, may be laundered even when they serve other purposes. **Bar Hedyā said:** **I myself saw the Sea of Tiberias,**^B the Sea of Galilee, to which basins full of linen garments were brought out to be laundered during the intermediate days of a Festival.

מִתְקִיף לָהּ אַבְיִי: מֵאַן לִימָא לָן דְּבִרְצוּן חֲכָמִים עֲבָדִי? דְּלִמָּא שְׁלָא בְּרִצוּן חֲכָמִים עֲבָדִי.

Abaye strongly objects to this: This report cannot be adduced as proof for the *halakha*, for who says to us that they did this in accordance with the will of the Sages? Perhaps they did it without the will of the Sages.

מִתְנִי' וְאֵלוּ כּוֹתְבִין בְּמוֹעֵד: קְדוּשֵׁי נְשִׁים, וְגִיטִין, וְשׁוֹבְרִין, דֵּייתִיקֵי, מִתְנָה, וְפְרוֹזְבוּלִין, אִגְרוֹת שׁוֹם, וְאִגְרוֹת קְזוּין.

MISHNA And these are the documents that may be written on the intermediate days of a Festival:^{NH} Documents of betrothal of wives,^N through which bridegrooms betroth their brides; **bills of divorce;**^N receipts for the repayment of debts; **wills** [*deyateiki*];^L deeds of gift; *perozbolin*,^L documents through which lenders authorize the courts to collect their loans on their behalf, thereby preventing the Sabbatical year from canceling their debts; **letters of valuation**, which were drawn up by the court when they valued property and transferred it to the lender; and **letters of sustenance**,^N which were drawn up when one accepted upon himself to maintain another, e.g., his step-daughter.

NOTES

These may be written during the intermediate days of a Festival – וְאֵלוּ כּוֹתְבִין בְּמוֹעֵד: The early authorities disagree as to why writing these documents during the intermediate days is permitted. Some say that each document is, to some degree, something that would cause a loss, as in each case delaying the writing of the document may cause financial loss or some other type of harm.

Although this reason may not apply in some particular cases, the *halakha* nevertheless applies in every case without distinction. The commentaries explain in detail what the loss is in each case (Rashi manuscript; Rabbeinu Yehonatan of Lunel; *Talmid Rabbeinu Yehiel of Paris*; Meiri). Some say that the writing of the prohibited labor is only writing business documents, and none of these documents is directly related to business. For this reason they may be written during the intermediate days of a Festival (Rid; Ran). However, the Rambam explains that most of these documents may be written because the public requires them (see Ra'avad).

Documents of betrothal of wives – קִידוּשֵׁי נְשִׁים: Although it is explained in the Talmud that this refers to financial documents, the conclusion indicates that it also applies to actual docu-

ments of betrothal (Rashi manuscript; Rabbeinu Yehonatan of Lunel).

Bills of divorce – גִּיטִין: Rashi in the manuscript explains that this is referring to a case where one is setting out on a journey during the intermediate days and does not wish to leave his wife bound in the event that he does not return. Alternatively, it is referring to one who is on his deathbed and wants to prevent his wife from having to marry in a levirate marriage. Rabbi Shlomo ben HaYatom explains that by giving his wife a bill of divorce, a husband ends the fighting within his home, and therefore writing such a document is considered to be for the sake of the joy of the Festival. In the Jerusalem Talmud, it is asked why writing a divorce document is permitted. Since it causes pain, it should not be an appropriate activity for a time of joy. It is explained there that once one has made up his mind to divorce his wife, it is no longer considered to be painful for him to give her the document of divorce.

Letters of sustenance – אִגְרוֹת קְזוּין: Some explain that such a document guaranteed that a widow would receive money for her basic needs from the property of her deceased husband (Jerusalem Talmud; Rabbeinu Yehonatan of Lunel).

LANGUAGE

Wills [*deyateiki*] – דֵּייתִיקֵי: From the Greek διαθήκη, *diatēkē*, meaning a will. The Sages expound upon it as though it were Aramaic: *Da tehei lemeikam* meaning: This will stand.

Perozbul – פְּרוֹזְבוּל: Through this document one transfers all outstanding loans owed to him to the court, so that the court will collect them. This was instituted by Hillel to circumvent the cancellation of loans in the Sabbatical Year and to thereby prevent lenders from refusing to grant loans.

The origin of the word is Greek, although it is unclear exactly which word it was taken from. Some say that it was related to the word προβολή, *probolē*, meaning the presentation of a message to the court or to a public gathering. It can also refer to a loan. Some say that it is related to the Greek προσβολή, *prosbolē*, which means application or the conclusion of a sale. However, the issue has not been conclusively resolved and there are also other opinions with regard to the word's origins.

BACKGROUND

Sea of Tiberias – יָמָה שְׁל טַבְרִיָּה:



Aerial view of the Sea of Tiberias, also known as the Sea of Galilee

HALAKHA

כְּתִיבָה – Writing during the intermediate days of a Festival – כְּחֻלָּה הַמוֹעֵד: During the intermediate days of the Festival it is permitted to write documents of betrothal; documents of stipulation; bills of divorce; receipts for repayment of debt; wills; gift documents; *perozbolin*; letters of valuation; letters of sustenance, and some say this includes a document in which a man writes that he will support his step-daughter (Rema); documents of *halitza*; documents of refusal; documents of arbitration; and decrees of the court.

Some say that it is permitted to write a marriage document, and some say that it is prohibited (Rema). Some permit one to write down novel ideas he has about Torah, lest he forget them. Some permit the writing of greeting letters, based on the Jerusalem Talmud, and others prohibit it. In many places it is customary to be stringent (Rema).

Some authorities say that writing is permitted, as long as it is not in the script used for writing Torah scrolls, because ordinary script is not considered to be the work of an expert. Those who write in an ordinary manner during the intermediate days of the Festival do so based on this opinion. Some require that each letter be written in an unusual manner (*Taz*; *Shulhan Arukh, Orach Hayyim* 545:5).