

OVERVIEW of the Daf

1) Ban—נידוי

A ruling is issued which states that a student who bans someone for the sake of his honor, his ban is valid. This statement is supported by a Beraisa.

R' Yosef permits young scholars to take the law into their own hands when they are certain about their claim.

2) Pronouncing a ban (נידוי) against Torah scholars

An incident involving the ban of a Torah scholar is recorded. Another related incident is recorded.

R' Huna and Reish Lakish dispute whether a Torah scholar who sinned should be publicly banned.

The practices of Mar Zutra Chasida and R' Pappa concerning banning rabbis are presented.

3) שמתא

Rav and Shmuel disagree regarding the origin of the word שמתא.

Shmuel's explanation that indicates that the effects of a ban are long lasting is different than that of Reish Lakish who maintains that, when released, no residual effect remains.

Reish Lakish cites proof for his position.

R' Yosef demonstrates how powerful a שמתא can be.

Another story related to the power of a שמתא is recorded.

4) Cutting hair

R' Yirmiyah asked R' Zeira whether the metzora and nazir mentioned in the Mishnah are permitted to cut their hair on Chol Hamoed even if they had time to do so before Chol Hamoed, or only if there was no time before.

R' Zeira demonstrates from a Beraisa that it applies only if there was no time before Yom Tov.

A Beraisa enumerates other people who may cut their hair on Chol Hamoed.

The Beraisa mentions the case of a mourner. The Gemara clarifies the circumstances of the mourner that permit him to cut his hair, and why our Mishnah did not mention this case.

The Beraisa mentions the case of a kohen. The Gemara clarifies the circumstance that permits a kohen to cut his hair and why our Mishnah did not mention this case.

Two contradictory Beraisos are cited concerning the issue of whether those who are permitted to cut their hair during Chol Hamoed are permitted to cut their hair during mourning.

R' Chisda in the name of R' Shila states that the Beraisa that permits haircuts refers to a case when two periods of mourning occur in succession.

This resolution is unsuccessfully challenged.

R' Chisda infers from a cited Beraisa that a mourner may not launder his garments.

5) Cutting nails

A Beraisa presents a dispute whether it is permitted to cut one's nails on Chol Hamoed and whether a mourner may cut his nails.

Ulla rules like R' Yehudah that cutting nails while one is a mourner is prohibited, and like R' Yosi that during Chol Hamoed it is permitted. ■

Distinctive INSIGHT

Not always deserving to be banned

אמר ליה : אדרבה, ליהוי ההוא גברא בשמתא

The Gemara relates an incident with Reish Lakish regarding when it is justified to place someone in a state of banishment (shamta). Reish Lakish was guarding an orchard, when an intruder approached and began to take some figs. Reish Lakish raised his voice to and warned the thief to stop, but he ignored Reish Lakish and continued his illicit act. Upon being confronted with this impudence, Reish Lakish declared, "I hereby place you in a state of being banned!" The thief was shocked, and he retorted, "On the contrary, I declare that you be banned! If I owe money for my misdeeds, does that justify that you place me in banishment?" Subsequently, Reish Lakish came to the Beis Midrash to discuss the matter, and the scholars determined that the intruder was indeed correct in his assertion that he was not deserving of being banned. Furthermore, the response of the thief was correct that Reish Lakish was deserving of himself being placed in banishment for issuing an unjust threat upon the thief.

Reish Lakish asked the scholars what he could now do to remedy the situation, and they told him that he would have to go to the Nasi and request a release from the ban which was placed upon him.

Nimukei Yosef notes that from this Gemara we learn that if a person is unjustified in placing a ban upon someone else, the one who makes this wrong proclamation is himself deserving of being banned. Rambam (Hilchos Talmud Torah, Chapter 6) and the commentaries discuss whether the Beis Din actually administers this ban, or whether it is the prerogative of the one who was wronged to declare the ban, if he so wishes, as we find in the episode in our Gemara.

Another lesson from this Gemara is that it is not necessary for the one who declares the ban to be the one who releases it. In our story, the thief placed Reish Lakish in banishment, but the scholars sent Reish Lakish to the Nasi to be released from his condition. Nevertheless, it is necessary that the one who issues the release be of a greater stature than the one who originally proclaimed the ban. In our case, because the precise stature of the thief was not known, the scholars wisely sent Reish Lakish to the Nasi, as this assured that the release was going to be issued by someone who was greater than the thief (See Rosh, citing Ra'aved, 3:6) ■

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HALACHAH Highlight

Placing a stumbling block before the blind: Must they stumble?
 דאמתא דבי רבי חזיתיה להווא גברא דהוה מחי לבנו גדול, אמרה: "ליהוי ההוא גברא בשמתא דקעבר משום 'ולפני עור לא תתן מכשול' י"ז תניאף 'ולפני עור לא תתן מכשול' במכה לבנו גדול הכתוב מדבר.

The maidservant of Rabbi Yehuda HaNasi saw a man beating his mature¹ son. She said: This man should be banned because he transgresses the prohibition of placing a stumbling block before the blind. For indeed we are taught in a Beraysa: You shall not place a stumbling block before the blind, this verse refers to a man who hits his mature son.

The forbiddance of placing a stumbling block before the blind is explained to include situations where one provides opportunity for another to sin. Therefore, when one strikes an older child who may retaliate by hitting his parent, one has effectively placed the child in a situation in which he may be enticed to sin by hitting his parent.

Rav Malachai HaCohen in his seminal work *Yad Malachai*² records a discussion about whether the agitator transgresses the prohibition immediately upon fomenting potential transgression, or he becomes liable only upon the victim's actually sinning. He wishes to resolve this question from our passage. The maidservant of Rabbi Yehuda HaNasi, upon seeing the father beating his older son, immediately wanted to ban the parent since he had transgressed the forbiddance of placing a stumbling block before the child. From the fact that Rebbe's maidservant immediately sought to place a ban upon this father, even before waiting to see if, in fact, the son would actually strike back, we may derive that the prohibition is transgressed immediately and is not contingent

REVIEW and Remember

1. Why is it prohibited to strike an adult child?
2. What is the etymology of the word שמתא?
3. Why is a kohen permitted to cut his hair on Chol HaMoed?
4. Is it permitted to cut one's nails on Chol HaMoed?

upon the victim's actually sinning. Indeed, some authorities³ accept this as a proof, and conclude that as soon as an instigator provides another person with the ability to sin, he has already in violation of this transgression, regardless whether the next person actually commits the sin which is now available. However, other authorities⁴ reject this proof explaining that the Biblical prohibition of providing opportunity for sin is only transgressed when the victim in fact contravenes the prohibition. Our episode, however, may be only an illustration of a Rabbinic injunction which is in effect immediately, whether or not the next person sins. ■

¹ עיי בריטב"א כאן לענין גדר בנו הגדול. כל

² כלל שסז

³ שו"ת תפארת אדם (חיו"ד סי' כה) ותשובת הגר"ח פאלאג'י שנדפסה לו בשו"ת זקנו החקרי לב (חאו"ח ח"א סי' כ', די"ד ע"ב) הוב"ד בס' מאור ישראל כאן (דף שטז ע"ב)

⁴ יד דוד לכאן וכזה באהל ישרים (מעו' לי אות יג) הוב"ד בס' מאור ישראל כאן (דף שטז ע"א). וראה עוד שם בשם סי' יצחק ירנן (דף קלב ע"א). ■

STORIES Off the Daf

An Angel of Hashem

"אם דומה הרב למלאך ה' צבאות, יבקש תורה מפי'הו..."

A certain Rav once came to the Maharsham of Barzan, zt"l, and boasted of his great accomplishments in secular studies and foreign languages. During that time, anyone who studied such subjects was suspected of being part of the Haskalah movement, especially if he didn't learn this as an adjunct but made it a prime focus of his time and energy, as this visitor clearly had.

The Maharsham said, "In Moed Katan 17a we find that if a Rav is like an angel of Hashem, then one should learn from him, but if not one should not. The question

on this is well known: Who has met an angel that he can discern if his prospective Rav is like one or not? The answer is simple. It says that the angels do not even understand Aramaic, only lashon hakodesh. Apparently, they don't study foreign languages! If one does, than it is very likely that he is in the category of one who has wisdom but not Torah. One should certainly not learn from such a Rav!"

Rav Mordechai of Rachamstrivka, zt"l, spent his latter years in Yerushalayim. On the ship that carried him over to Eretz Yisrael was a certain well known darshan who was always giving unsolicited talks before the other passengers. The Rachmas-trivka Rebbe, on the other hand, hardly said a word, which was the general way of the various offshoots of the Chassidus of Chernobyl.

When the darshan asked him about

his taciturnity, the Rebbe quoted the above Gemara and explained, "יבקשו תורה מפי'הו—if people plead with him, he shares his Torah. On the other hand, a Rav who is not like an angel bombards his audience with unsolicited words of Torah!"

The Divrei Yechezkel, zt"l, explains that an angel doesn't think of himself at all, only of Hashem. "This is the type of Rav who you should learn from, one who is not self absorbed in the least!"

The Pardes Menachem, zt"l, explains further, "It says that the angel Michael is made of snow and the angel Gavriel is made of fire, yet they stand next to each other and do not damage one another. This is the lesson from our Gemara. If the Rav is like an angel, if he gets along peacefully with others, then you should learn from him!" ■

