



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Horayos Daf Daled

AMAR LO BEN AZZAI MAI SHNAH MIN HAYOSHEIV...

- **Q: R' Akiva** seems to have completely refuted **Ben Azzai**!? **A: Rava** said, they would argue regarding a person who has set on his way to travel overseas, but has not yet left the city. **Ben Azzai** says such a person would be chayuv, because he is still in the city and should have heard about the retraction. **R' Akiva** says he is patur, because he is preoccupied with his travels.

HORU LO BEIS DIN LAAKOR ES KOL HAGUF

- A Braisa says, the pasuk regarding the par helmet says "v'nelam davar", which teaches that it does not apply when the erroneous psak uproots an entire concept. For example, if they said there is no concept of issur niddah, or there is no concept of issur Shabbos, or there is no concept of issur avoda zara, we would think they should be chayuv to bring a par helmet. The pasuk therefore says "v'nelam davar", which teaches that when they uproot an entire concept the par helmet does not apply, and therefore they would be patur. However, if they said there is the concept of issur niddah but there is no issur of "shomeres yom k'neged yom", or if they said there is a concept of Shabbos but there is no issur of carrying from the reshus hayachid to the reshus harabim, or if they said there is a concept of avoda zara but there is no issur of bowing down to them, we would think they would be patur. The pasuk therefore says "v'nelam davar", which teaches that only a detail of a concept was the subject of the erroneous psak, not the entire concept.
 - **Q:** What does the Braisa mean at the end that "we would think they would be patur"? If they would be patur in that case, when would they ever be chayuv? **A:** The Tanna of the Braisa was asking, maybe the word "davar" refers to an *entire* concept, and only then would they be chayuv? He answers that the pasuk says "v'nelam davar", which **Ulla** says we can read as saying "v'nelam midavar", referring to only a part of a concept. **Chizkiya** says, the pasuk says "**mikol** mitzvos", which refers to part of an entire concept, but not the entire concept. **R' Ashi** said, we learn a gezeira shava on the word "davar" from the case of a zakein mamrei, where the pasuk says "min hadavar" which teaches that it only applies to part of a concept.
- **R' Yehuda in the name of Shmuel** said, Beis Din is only chayuv to bring a par helmet if the erroneous psak was regarding something that the Tzedukim would not agree with (i.e. it is not against an explicit concept in the written Torah). If it was regarding something that the Tzedukim would agree to, Beis Din would be patur, because that is something they should have known and is not considered to have been made b'shogeg.
 - **Q:** The Mishna said, if they pasken that a shomeres yom k'neged yom is mutar they would be chayuv. Now, that is a concept that is written about in the Torah and yet they are chayuv!? **A:** The case is that Beis Din paskened that "hara'ah" (the beginning of bi'ah) is mutar with such a woman, and only the completed act is assur.
 - **Q:** The fact that hara'ah is assur is also written about in the Torah!? **A:** Beis Din paskened that normal bi'ah is assur, but that unnatural bi'ah is mutar.
 - **Q:** The issur of unnatural bi'ah is also written about in the Torah!? **A:** They said that normal bi'ah is assur even with hara'ah, and for unnatural bi'ah it is only the completed act that is assur.
 - **Q:** If so, this erroneous psak could have even been stated regarding a regular niddah, so why does the Mishna say it must be regarding a shomeres yom!? **A:** Rather, they paskened to be matir hara'ah even by normal bi'ah. However, the concept of hara'ah is written regarding a regular niddah, and therefore the issur of hara'ah with a shomeres yom is something that the

Tzedukim would not agree to. That is why there is a chiyuv of par helam. **A2:** We can also say that Beis Din said that a woman who saw zivus at night does not become a zavah, because the pasuk says “yimei zovah”.

- **Q:** The Mishna said if they pasken that one may carry from reshus hayachid to reshus harabim they would be chayuv. Now, that is a concept that is written about in the Torah and yet they are chayuv!? **A:** The case is that Beis Din paskened that only from reshus hayachid to reshus harabim is assur, but from reshus harabim to reshus hayachid is mutar (and that is not written in the Torah). Or they said that carrying out is assur, but handing out or throwing out is mutar.
- The Mishna said, if they pasken that bowing to avoda zara is mutar they would be chayuv. Now, that is a concept that is written about in the Torah and yet they are chayuv!? **A:** The case is that Beis Din paskened that bowing is only assur when that is the normal way of serving that avoda zara, but not when it is not the normal way. Or they said that bowing is only assur when it is a full prostration, but not when it is only done with the head.
- **Q: R' Yosef** asked, what if they paskened that there is no issur of plowing on Shabbos? Do we say that since they didn't uproot Shabbos in its entirety it is viewed as a part of a concept, or do we view this as a complete uprooting of the entire concept of plowing? **A:** The Mishna said that a psak regarding shomeres yom is not a complete uprooting even though it totally uproots the concept of shomeres yom.
 - This is no proof, because the psak may have been regarding a part of shomeres yom, like we answered above.
 - **Q:** The Mishna said that a psak regarding carrying into the reshus harabim is not a complete uprooting! **A:** This is no proof, because the psak may have been regarding a part of carrying on Shabbos, like we answered above.
 - **Q:** The Mishna said that a psak regarding bowing to avoda zara is not a complete uprooting! **A:** This is no proof, because the psak may have been regarding a part of bowing, like we answered above.
- **Q: R' Zeira** asked, what if the psak is that there is no issur to work a field on Shabbos in Shmitta. The error would be based on the pasuk of “becharish uvakatzir tishbos” – which they understand to mean that when plowing is otherwise permitted it is assur to do on Shabbos, but during Shmitta, since it is anyway assur, it is mutar to do on Shabbos. Do we say that since they are not uprooting the entire concept of Shabbos or plowing on Shabbos it is only a part of the concept and they are chayuv to bring a par helam, or do we say that they are uprooting the concept of Shabbos on Shmitta and it is therefore viewed as an entire concept? **A: Ravina** said, from a Braisa we see that a Navi who says to worship an avoda zara today and be mevatel it tomorrow, it is considered to be nullifying part of a mitzvah, not the entire thing. The same should be true for Shabbos on shmitta, that it is considered to only be a part, not an entire concept. **SHEMA MINAH.**

MISHNA

- If Beis Din paskened erroneously and one of the dayanim knew it was erroneous and told the others that they are mistaken, or if the most chashuv of the dayanim was not there at the time of the psak, or if one of the dayanim was a ger, mamzer, nassin, or an older person who could not have children, Beis Din would be patur from bringing a par helam. This is based on a gezeira shava on the word “eidah” from the parsha of Beis Din fit to pasken a capital case. Just as there these people would be passul and could not pasken, regarding par helam as well, these people could not form the basis of a psak for a par helam.

GEMARA

- **Q:** How do we know that if the most chashuv dayan was not there they are patur? **A: R' Sheishes** and the yeshiva of **R' Yishmael** said, when they pasken erroneously regarding something that is explicit in the Torah they are patur (as taught above), because they should have learned it and known it, but did not. Similarly, when this person is missing, they should have waited to discuss with him and did not, and are therefore patur (it is not considered to be an error done b'shogeg).

NEEMAR SHAM EIDAH V'NEEMAR KAN EIDAH...

- **Q:** How do we know that members of the Sanhedrin must be of pure yichus? **A: R' Chisda** said, we learn this from a pasuk that compares the members of the Sanhedrin to Moshe Rabbeinu. We learn that just as he was of pure yichus, they too must be of pure yichus.

MISHNA

- If Beis Din paskened erroneously b'shogeg and all the people acted on the psak b'shogeg, they must bring the par helam. If Beis Din were a meizid and the people acted upon the psak b'shogeg, the people must each bring a private chatas. If Beis Din's psak was b'shogeg and the people acted b'meizid, they are patur from bringing any korbon (not a chatas and not the par helam).

GEMARA

- **Q:** The Mishna said, if Beis Din's psak was b'shogeg and the people acted b'meizid, they are patur from bringing any korbon. This suggests that if they were a shogeg that is like a meizid, they would be chayuv to bring a chatas. That case would be where he meant to eat kosher fats and mistakenly ate the cheilev that Beis Din had erroneously paskened is mutar to eat. We should use this Mishna to answer the question of **Rami bar Chama**, which was whether a person who did this is chayuv to bring a chatas!? **A:** It may be that our Mishna only gives this case to be consistent with the earlier part of the Mishna which spoke of when Beis Din was meizid and the people were shogeg. It therefore gave the reverse. However, we should not try and infer anything from that case.