



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

### Horayos Daf Hey

#### MISHNA

- **R' Meir** says, if Beis Din paskened erroneously and all or most of the kahal acted based on this psak, Beis Din must bring a par helam davar shel tzibbur. If they ruled erroneously and were matir avoda zara, they must bring the par helam and a goat as a korbon as well. **R' Yehuda** says, the 12 shevatim (not Beis Din) must each bring their own par helam, and if the psak was regarding avoda zara they must each bring a par helam and a goat. **R' Shimon** says there are 13 par helams that are brought (one from each shevet and one from Beis Din) and if the psak was regarding avoda zara, there are also 13 goats that are brought.
- **R' Meir** says, if Beis Din issued an erroneous psak and 7 shevatim, or a majority of 7 shevatim, acted on their ruling, Beis Din must bring a par helam davar shel tzibbur, and if they ruled erroneously regarding avoda zara, they must bring the par helam and a goat as a korbon as well. **R' Yehuda** says, if 7 shevatim sinned, they must each bring a par helam, and the other shevatim who did not sin must also each bring a par helam because of the other 7 who did sin. **R' Shimon** says, if 7 shevatim sinned there would be a total of 8 par helams brought (one for each of the 7, plus one for Beis Din), and if the psak was regarding avoda zara there would also be 8 goats that would be brought.
- **R' Yehuda** says, if the highest Beis Din of one of the shevatim issued an incorrect ruling and that shevet acted based on that ruling, it is that shevet who must bring a par helam, but the other shevatim are patur. The **Chachomim** say there is only a chiyuv for a psak made by the Great Sanhedrin of 71, as the pasuk says "v'ihm kol adas Yisrael yishgu", which implies that it does not include the "adas" (Beis Din) of a single shevet.

#### GEMARA

- A Braisa says, if the kahal sinned regarding two matters, one of which was due to an erroneous psak of Beis Din and one of which was not, and Beis Din does not remember which sin was caused by their psak (they don't remember what their erroneous psak was), we would think that they would be chayuv for a par helam. The pasuk therefore says "v'noda hachatas" (the sin must be known), which implies that it is not enough that only the sinners be known. The pasuk says "asher chatu", which teaches that if two shevatim sinned they bring two par helams. If three shevatim sinned, they bring 3 par helams. Or, maybe we should say that this means that if even two individuals sin they should bring 2 par helams and if 3 sin they should bring 3? The pasuk therefore says "hakahal", which teaches that only a kahal is chayuv to bring a par helam, and each and every kahal (i.e. shevet) is chayuv to bring its own par helam. How does this present itself? **R' Yehuda** says, if two shevatim sin, they bring two par helams. If 7 sin, they bring 7 par helams. The other shevatim who did not sin also each bring a par helam on account of the shevatim that did sin. This is why the pasuk says "kahal", to teach that each and every kahal (shevet) must bring their own par helam. **R' Shimon** says, if 7 shevatim sin they must bring 7 par helams and Beis Din must bring one as well. We learn this through a gezeira shava – regarding the erroneous psak the pasuk uses the word "kahal" and regarding the par helam the pasuk uses the word "kahal", and we learn that just as above (regarding the psak) the word refers to Beis Din along with the kahal, the word below (regarding the korbon) also refers to Beis Din along with the kahal. **R' Meir** says, if 7 shevatim sin, Beis Din brings a par helam and the shevatim themselves are patur. We learn this from the gezeira shava – just as the "kahal" written above refers only to Beis Din, the "kahal" written below also refers only to Beis Din. **R' Shimon ben Elazar** says in his (**R' Meir's**) name, if 6 shevatim sinned and they make up a majority of the Yidden, or if 7 sinned and even if they are not the majority, Beis Din must bring a par helam.

- The Braisa said that the par helam is only brought when it is known which sin was done based on the erroneous psak of Beis Din. **R' Yehuda in the name of Rav** (or **Rava**) said, this does not follow **R' Eliezer**, who says in a Braisa that if one is sure he did an aveira that requires him to bring a korbon, but is unsure what aveira it was, he still brings a korbon. **R' Ashi** said, even **R' Eliezer** would agree that with regard to a par helam the exact sin must be known, because the pasuk says “asher chatu *aleha*”.
  - **Q:** With regard to a regular chatas the pasuk says “asher chatah *bah*”, which should teach that the exact sin must be known, and yet **R' Eliezer** holds that the exact sin need not be known!? **A:** That word “bah” comes to teach that one who did an aveira while he is preoccupied with something else is not chayuv a chatas.
- **Q:** What is the reasoning of **R' Yehuda**? **A:** He holds that there are 4 drashos that can be made – the word “hakahal” is written twice and each “hakahal” allows for 2 drashos (“kahal” is one and “*hakahal*” is the second). One teaches that each shevet must bring their own par helem, one teaches that Beis Din must make the psak and the people must act upon the psak, one teaches the concept of “greira” (“dragging” – that the shevatim that did not sin must also bring a par helam), and one teaches that when a shevet sinned based on its own Beis Din it must bring a par helam.
- **R' Shimon** holds there are only 3 drashos, because the “hakahal” of the pasuk of “mei'einei hakahal” is written in the way people normally speak and is therefore not meant to be darshened. One drasha is to teach that every shevet must bring its own par helam, and the other two are used for a gezeira shava to teach that Beis Din must bring a par helam in addition to the ones brought by each shevet.
- **R' Meir** says, that “*hakahal*” does not allow for an additional drasha, and therefore there are only 2 available drashos. They are used to create a gezeira shava which teaches that just as only Beis Din is involved in the psak, so too only Beis Din brings the par helem.
- **R' Shimon ben Elazar** says, there seems to be a contradiction in the pesukim – one pasuk says “*mei'einei ha'eida*”, which suggests that even if only a minority sinned there would be a chiyuv for a par helem, but another pasuk says “*ki l'chol ha'am bishgaga*”, which suggests that a majority is needed. He says that the pesukim teach that if 6 shevatim sin but they are the majority, or if 7 shevatim sin even if they are the minority, there would be a chiyuv for a par helem.
- **Q:** How do **R' Shimon** and **R' Meir** learn that the psak must be by Beis Din and it must then be acted on by the people? **A:** **Abaye** said, the pasuk says “*v'haya ihm mei'einei ha'eida ne'esisa lishgaga*” which suggests that the act was caused by someone else (the sin was done by people and was caused by Beis Din). **A2:** **Rava** said, the pasuk says “*l'chol ha'am bishgaga*”, which teaches that it is the people who must act on the psak.
  - Both pesukim are needed. If we only had the pasuk of **Abaye** we would think that even a minority would make a chiyuv for a par helam. If we only had the pasuk of **Rava** we would think Beis Din must act along with the majority in order to create a chiyuv for a par helam.
  - Although these pesukim are written in regard to avoda zara, through a gezeira shava on “mei'einei” we can learn to all other aveiros as well.

#### HORU BEIS DIN SHEL ECHAD...

- **Q:** According to **R' Yehuda**, if a single shevet sinned based on an erroneous psak of the Great Beis Din, would the other shevatim have to bring a par helam (do we say greira in this case as well)? Do we say that when 7 shevatim sin they require the others to bring as well, because the 7 are the majority, or do we say that there is no difference and therefore even when one shevet sins the other shevatim must bring a par helam as well? **A:** A Braisa says – what do they bring? They bring one par. **R' Shimon** says, they bring two. Now, what is the case of the Braisa? If 7 shevatim sinned, **R' Shimon** should require that eight korbanos be brought!? Rather, it must be that only one shevet sinned. Now, **R' Shimon** doesn't require a korbon when it is the shevet's Beis Din that paskened, only when it is the Great Beis Din. Who is the **T”K** of the Braisa? It can't be **R' Meir**, because he says there must be a majority of shevatim in order to make a chiyuv. Rather, it must be that it is **R' Yehuda**, and we see that he holds that when only one shevet sins, only that one shevet brings a par helam (and there is no greira).

- The Gemara says this is no proof. The Braisa may be talking about where 6 shevatim sinned, and these 6 make up a majority of Yidden, and the **T”K** is the view of **R’ Shimon ben Elazar**, who says in a Braisa that if 6 shevatim who are the majority of Yidden sin, or if 7 shevatim even if they are only a minority of Yidden sin, there would be a chiyuv for a par helam.
- We can answer based on another Braisa, where **R’ Yehuda** says, if a shevet sins by following the psak of its own Beis Din, that shevet is chayuv to bring a par helam, but all other shevatim are patur. However, if one shevet sins by following the psak of the Great Beis Din, even the other shevatim are chayuv to bring a par helam. This Braisa clearly answers the question, **SHEMA MINAH**.
  - **R’ Ashi** said, we can learn this from our Mishna as well. The Mishna says, if a shevet sins based on the psak of its Beis Din, that shevet is chayuv, “but all the other shevatim are patur”. Now, by saying that one shevet is chayuv we can deduce that the others are patur. Why did the Mishna have to explicitly say so? We must say that the Mishna is coming to teach that the other shevatim are only patur because the shevet that sinned followed the psak of its own Beis Din. However, had it sinned based on the psak of the Great Beis Din, even the other shevatim would be chayuv. **SHEMA MINAH**.
- **Q:** According to **R’ Shimon**, if one shevet sinned based on an erroneous psak of the Great Beis Din, would they be chayuv to bring a par helam? **A:** We can answer from a Braisa. The Braisa says – what do they bring? They bring one par. **R’ Shimon** says they bring two. Now, what is the case of the Braisa? If 7 shevatim sinned, **R’ Shimon** should require that eight korbanos be brought!? Rather, it must be that only one shevet sinned. Now, **R’ Shimon** doesn’t require a korbon when it is the shevet’s Beis Din that paskened, so it must be talking about when it is the Great Beis Din that paskened, and we see that one shevet is chayuv to bring a par helam when they relied on a psak of the Great Beis Din.
  - **Q:** If the Braisa is talking about a single shevet that sinned, who is the **T”K**? It can’t be **R’ Meir**, because he says that there must be a majority of shevatim in order to make a chiyuv! It can’t be **R’ Yehuda**, because he would hold that the other shevatim must bring in this case as well!? Rather, the Braisa may be talking about where 6 shevatim sinned, and these 6 make up a majority of Yidden, and the **T”K** is the view of **R’ Shimon ben Elazar**, who says in a Braisa that if 6 shevatim who are the majority of Yidden sin, or if 7 shevatim even if they are only a minority of Yidden sin, there would be a chiyuv for a par helam.
  - We can answer based on our Mishna. The Mishna said that the **Chachomim** say that a single shevet is only chayuv when they sin based on the psak of the Great Beis Din. Who is the view of the **Chachomim**? It can’t be **R’ Meir**, because he says that they are only chayuv when there is a majority of Yidden. Rather, it must be the view of **R’ Shimon**, and we see that he holds that if one shevet sinned based on an erroneous psak of the Great Beis Din, they would be chayuv to bring a par helam. **SHEMA MINAH**.
- **Q:** According to **R’ Yehuda and R’ Shimon**, how do they know that a single shevet is given the status of a “kahal”? **A:** The pasuk says that Yehoshafat stood among the “kahal Yehuda” in Yerushalayim. We see that the single shevet of Yehuda is called a “kahal”.
  - **Q:** **R’ Acha bar Yaakov** asked, maybe Yerushalayim is different, because Binyamin was there as well, and since there are two shevatim there that is why it is referred to as “kahal”? **A:** Rather, **R’ Acha bar Yaakov** said, Hashem told Yaakov that he will be established as a “kahal amim”. At that point, it was only Binyamin who was not yet born, and the pasuk says that Yaakov will still have an additional “kahal”. We see that even one shevet is referred to as a kahal.
    - **Q:** **R’ Shaba** said to **R’ Kahana**, maybe the pasuk is saying that when Binyamin is born there will then be all 12 shevatim, who together are referred to as the kahal? **A:** **R’ Kahana** said, without Binyamin there were 11 shevatim, so how can we say that they are not referred to as a kahal? We see that even 2 shevatim are referred to as kahal! Clearly, when Hashem spoke to Yaakov, He was referring only to Binyamin, and referred to him as a kahal.