



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

Horayos Daf Zayin

PEREK HORAH KOHEN MOSHIACH -- PEREK SHEINI

MISHNA

- If the Kohen Gadol paskened erroneously for himself b'shogeg and he then acted on the psak b'shogeg, he brings a par as a chatas. If he paskened b'shogeg but acted b'meizid, he is patur from bringing a chatas. If he paskened b'meizid and then acted on it b'shogeg, he is patur from bringing a chatas. This is all because the psak of a Kohen Gadol that he makes for himself is the same as when Beis Din paskens for the tzibbur.

GEMARA

- **Q:** When he paskened b'shogeg and acted on it b'shogeg it is obvious that he must bring a chatas!? **A: Abaye** said, the case is where he paskened, but forgot why he paskened in the way that he did, and he then acted on the basis of that psak. We would think that since if he remembered why he had paskened in that way it may have led him to retract the ruling, maybe he is considered to be somewhat of a meizid. The Mishna therefore teaches that he is still chayuv a chatas.

MEIZID V'ASA SHOGEK...

- This is based on a Braisa which says that when the pasuk regarding the Kohen Gadol says "l'ashmas ha'am" it teaches that the Kohen Gadol is treated like the tzibbur for purposes of a chatas. The Braisa asks, we would seem to be able to learn this based on logic – the tzibbur is removed from the category of an individual and the Kohen Gadol is removed from the category of an individual; just as the tzibbur is only chayuv when the erroneous psak was given b'shogeg and the sin was done b'shogeg, the same should be true for the Kohen Gadol. However, we may also say that the Kohen Gadol should be learned from the case of the Nasi, who is chayuv for a shogeg act even if it is not based on the erroneous psak, and Kohen Gadol should be the same. On the one hand the Kohen Gadol is more similar to the tzibbur in that they both bring a par and don't bring an asham taluy. On the other hand he is similar to the Nasi in that he brings a goat when the aveira is avoda zara and brings an asham when appropriate. Therefore, the Torah writes the pasuk of "l'ashmas ha'am" to teach that the Kohen Gadol is treated like the tzibbur. Maybe we should say that just as when the tzibbur acts on a psak of Beis Din they bring a par helam, so too if they act on a psak of the Kohen Gadol he must bring a korbon? The pasuk therefore says, "v'hikriv ahl chataso asher chata", which teaches that he only brings a korbon for a sin that he himself has committed, not for a sin committed by others.
 - **Q:** How do we know that the Kohen Gadol does not bring an asham taluy? **A:** The pasuk says, "v'chipper alav haKohen ahl shigigaso asher shagag", which teaches that only someone who is chayuv a chatas for a regular shogeg can become chayuv for an asham taluy. However, a Kohen Gadol, who is like the tzibbur, and therefore only brings a chatas when there was an erroneous psak, would not be chayuv for an asham taluy.

MISHNA

- If the Kohen Gadol paskened on something on his own and acted on that psak on his own, he must bring his own korbon. If he paskened along with the Beis Din and acted along with the tzibbur, he gets a kapara from the par helam. This is because Beis Din is not chayuv for a par helam unless it paskens incorrectly regarding a *part* of a concept of a halacha, and the same is true for the Kohen Gadol. Beis Din is also not chayuv for a korbon in the case of avoda zara unless they pasken to be matir only part of it.

GEMARA

- **Q:** How do we know that the Kohen Gadol can get a kapara through the par helam? **A:** A Braisa says, if the Kohen Gadol paskened along with the tzibbur and acted along with them, we would think that he must bring his own par. The Braisa asks, the Kohen Gadol is like the Nasi in that they are both excluded from the category of an individual, and yet the Nasi gets a kapara from par helam when he acts along with the tzibbur, so the Kohen Gadol should be the same!? The Braisa says, a Nasi is different, because he gets a kapara along with the tzibbur on Yom Kippur, but a Kohen Gadol who does not, we would think must bring his own korbon even when he paskens along with and acts along with the tzibbur. The pasuk therefore says, “ahl chataso asher chata”, which teaches that when he sinned on his own he brings his own korbon, but when he sinned along with the tzibbur he gets a kappara with them from the par helam.
- **Q:** What case is the Mishna talking about (that he and Beis Din both paskened but they paskened regarding different matters and therefore acted on these different matters)? If the case is that the Kohen Gadol is the most prestigious chochom and Beis Din is not, then Beis Din’s psak won’t create a chiyuv for a par helam, because the most prestigious chochom was not involved in that psak (and we learned earlier that if that chochom was not there, there is no par helam) and it is therefore obvious that the Kohen Gadol must bring his own korbon!? If the case is that the Kohen Gadol is not a prestigious chochom, then his psak should not even be considered a psak to make him chayuv in a korbon altogether!? **A: R’ Pappa** said, the case is that they are both equally prestigious chachomim.
- **Abaye** thought to say that the case of the Kohen Gadol ruling independently of the Beis Din is that they are sitting in different places and paskening about two different issurim. **Rava** said, they don’t have to be sitting in different places, as long as they are paskening about different issurim.
 - **Q:** It is obvious that if he paskens about cheilev and they pasken about avoda zara they are considered to be different, because the issurim are from different pesukim, and require different korbanos – he brings a par and they must bring a par and a goat. Certainly, if he paskened about avoda zara and they paskened about cheilev they would be different, because he would then bring a goat and they would bring a par. What if they rule about two different types of cheilev? Do we say that since they are learned from different pesukim they are different, or do we say that the korbanos are the same and are both issurim of cheilev and are therefore considered to be the same thing? If we say that they are the same, what if he paskened regarding cheilev and they paskened regarding blood – do we say that they are different issurim from different pesukim or do we say that they require the same korbon and are therefore the same? **TEIKU**.

SHE’EIN BEIS DIN CHAYAVIN AHD SHEYORU L’VATEL MIKTZAS...

- We learn this (as taught previously) from the pasuk of “v’nelam *davar*”. We learn this is the same for the Kohen Gadol based on the pasuk of “l’ashmas ha’am”.

V’LO BA’AVODAS KOCHAVIM...

- **Q:** How do we know this? **A:** A Braisa says, there is a gezeira shava from avoda zara to par helam which teaches that this special korbon for the sin of avoda zara is referring to where there was an erroneous psak in Beis Din and teaches that it is only required when the psak permits a *part* of the concept, not the whole concept.

MISHNA

- There is only a requirement of the par helam if Beis Din paskened erroneously and the tzibbur acted b’shogeg based on that. The same is true regarding the Kohen Gadol. Beis Din is also not chayuv for a korbon for a psak regarding avoda zara unless it paskened erroneously and the tzibbur acted b’shogeg based on that.

GEMARA

- A Braisa says, the pasuk of “yishgu” would teach that as long as the act was done b’shogeg there is a chiyuv for this special korbon even without an erroneous psak. The pasuk therefore says “yishgu v’nelam *davar*” to teach that it must be based on an erroneous psak of Beis Din.

V’CHEIN HAMOSHIACH

- We learn that this is the same for the Kohen Gadol based on the pasuk of “l’ashmas ha’am”.

- A Braisa says, there is a gezeira shava from avoda zara to par helam which teaches that this special korban for the sin of avoda zara is referring to where there was an erroneous psak in Beis Din, along with an act done b'shogeg relying on that psak.
- The Mishna does not mention this requirement of korban for avoda zara regarding a Kohen Gadol. It must be that the Mishna follows **Rebbi**, who says that the Kohen Gadol is chayuv for an act b'shogeg of avoda zara even if it was not based on an erroneous psak. The **Chachomim** argue and say that it must be based on an erroneous psak. They both agree that he brings a goat and that he does not bring an asham taluy.
 - The Gemara says this is not correct. The next Mishna says that the special korban for the sin of avoda zara is only brought for the type of act that when done b'meizid would carry a kares penalty. There too, there is no mention of the Kohen Gadol, but it surely means to include the Kohen Gadol. The same can be said for our Mishna.
 - **Q:** What is the basis for **Rebbi's** view? **A:** The pasuk says "v'chiper haKohen ahl hanefesh hashogeges b'cheta bishgaga" – "hanefesh" refers to the Kohen Gadol, "hashogeges" refers to the Nasi, "b'cheta bishgaga" – **Rebbi** says this means the sin must be done b'shogeg. The **Chachomim** say this teaches that only someone who is otherwise chayuv a chatas for a shogeg would be chayuv for a chatas for a shogeg regarding avoda zara. This excludes a Kohen Gadol who is only chayuv a chatas when his shogeg is based on an erroneous psak.
 - **Q:** How do they know that he brings a goat? **A:** The pasuk says "nefesh achas" which teaches that this includes an individual, a Nasi, and the Kohen Gadol.
 - **Q:** How do they know that he doesn't bring an asham taluy? **A:** The pasuk regarding an asham taluy says, "ahl shigigas asher shagag". **Rebbi** says that this teaches that it is only brought by one who brings a chatas on *everything* based simply on the doing of an act b'shogeg. However, the Kohen Gadol sometimes only brings when there is an erroneous psak (except in the case of avoda zara). Therefore, he does not bring an asham taluy. The **Rabanan** say that the pasuk teaches that an asham taluy is only brought for an act that would cause a chatas to be brought if done b'shogeg. According to them, a Kohen Gadol never brings a chatas for an act done b'shogeg (unless there is also an erroneous psak) and therefore he would not bring an asham taluy.