



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

Horayos Daf Ches

MISHNA

- Beis Din is only chayuv for a par helam when the psak was regarding an aveira which would carry kares when done b'meizid and would require a chatas when done b'shogeg. The same applies for the Kohen Gadol. They also would not be required to bring the special korban for the sin of avoda zara unless they pasken regarding an aveira which would carry kares when done b'meizid and would require a chatas when done b'shogeg.

GEMARA

- **Q:** How do we know this requirement? **A:** A Braisa says, **Rebbi** says, the pasuk regarding the par helam says "aleha" and the pasuk regarding arayos says "aleha", which creates a gezeira shava and teaches that par helam is only for an aveira that carries a chatas and kares penalty. We then learn out Kohen Gadol from the tzibbur based on the pasuk of "l'ashmas ha'am". We learn Nasi from the tzibbur through a gezeira shava on the word "mitzvos". We then learn the case of an individual from Nasi, because it is written right after the parsha of Nasi and it begins with the word "v'ihm", with the conjunctive "and", which connects the two parshiyos.

V'LO BAAVODAS KOCHAVIM AHD SHEYORU

- **Q:** How do we know this halacha regarding avoda zara? **A:** A Braisa says, we learn it from a gezeira shava on the word "mei'einei" written by avoda zara and by par helam. The parsha of tzibbur who sin with avoda zara is followed by the parsha of an individual who did so, and the parsha begins with the word "v'ihm", with the conjunctive "and", which connects the two parshiyos. The parsha of the individual includes an individual, a Kohen Gadol, and a Nasi (since they are all considered "nefesh achas").
- **Q:** The source to all the above hinges on "aleha" of arayos being used for a gezeira shava. Now, this can work according to **Rebbi**, who says "aleha" is used for a gezeira shava. However, the **Rabanan** say that it is used to teach something else, so how would they learn that the aveira must be something that carries the kares and chatas penalties? **A:** They learn it from the drasha of **R' Yehoshua**, who says, the pasuk immediately before the pasuk of Avodah Zara says, "Torah achas yihiyeh lachem l'oseh bishgagah", and thereby makes a hekesh from avodah zara to the shogeg of every other aveirah, and teaches that just like avodah zarah is something that carries kares when done b'meizid and chatas when done b'shogeg, so too for all aveiros, one is only chayuv a chatas for a shogeg if the aveirah carries the kares penalty when done b'meizid. The other groups/types of people who must bring a chatas are then learned from this.
 - **Q:** What does **Rebbi** darshen with this pasuk? **A:** He darshens it as it is darshened in a Braisa. The Braisa says, we would think that since we treat an individual who worships avodah zara differently than a majority of a city who does so (the former is killed with stoning and his possessions are passed to his inheritors, whereas the latter is killed by the sword and their possessions are destroyed), that their korbanos for having done the aveirah b'shogeg should also be different. The pasuk of "Torah achas" therefore teaches that they all bring the same korban.
 - **Q:** What else would we think the majority should bring? Every other possible animal is already brought for another category of chatas!? **A:** We would think that either they should bring a par for a chatas and a sa'ir for an olah (which is a unique combination not brought for any aveirah), or that they have no form of kaparah whatsoever.
- **Q:** All agree (as we have been assuming until now) that the pesukim that say that a goat is brought as the chatas refers specifically when the aveira is avoda zara. How do we know this? **A:** **Rava** (or **R' Yehoshua ben Levi**) said, the pasuk says this applies to one who does "eis kol

hamitzvos ha'eileh". We say this refers to a mitzvah which is considered to be equal to all the other mitzvos – this is the mitzvah to stay away from avoda zara. The yeshiva of **Rebbi** said, one pasuk in the parsha suggests that the mitzvah was heard directly from Hashem and another suggests that it was heard from Moshe. There is one mitzvah which was heard from Hashem – the issur of avoda zara, as **R' Yishmael** taught that "Anochi" and "Lo Yihyeh Lecha" were heard by us from Hashem Himself. The yeshiva of **R' Yishmael** taught, the pasuk suggests that this was the first mitzvah given to us. This is the mitzvah of avoda zara (which was the first of the Aseres Hadibros).

- **Q:** We have learned that we were commanded with 10 mitzvos at Marah (which was before we reached Har Sinai)!? **A:** We must use one of the two previous answers.

MISHNA

- Beis Din is not chayuv to bring a par helam if they make a wrong psak regarding the assei or lo saasei of the Mikdash, and a person does not bring an Asham Taluy regarding the assei or lo saasei of the Mikdash, but Beis Din would be chayuv for the assei and lo saasei regarding a niddah, and a person does bring an Asham Taluy regarding the assei or lo saasei regarding a niddah.
 - What is the mitzvas assei regarding niddah? It is the mitzvah to separate from a niddah.
 - What is the lo saasei? It is the issur of "do not be with a niddah".

GEMARA

- **Q:** How do we know that there is no par helam or ashram taluy for an assei or lo saasei of the Mikdash? **A: R' Yitzchak bar Avdimi** said, the pasuk regarding an individual's chatas says the word "v'asheim" and only discusses a fixed chatas (not a chatas that is a korban oleh v'yoreid), and the pasuk regarding an ashram taluy uses the word v'asheim as well, and the pasuk regarding the tzibbur's par helam uses the similar word of "v'asheimu". This creates a gezeira shava and teaches that the par helam and an ashram taluy are only brought for aveiros that would require a fixed chatas. The chatas for tumah in the Mikdash is an oleh v'yoreid, and therefore cannot be the basis for these korbanos.
 - **Q:** The pasuk of oleh v'yoreid uses the word "yesham", which is similar and should therefore be included in the gezeira shava as well!? You can't answer that the words are not similar enough, because we find that the words can be even less similar and still serve as the basis for a gezeira shava!? Also, there is another pasuk of oleh v'yoreid which uses the word "v'asheim", which is indeed more similar!? **A: R' Pappa** said, the gezeira shava is built on the pesukim using the words "v'asheim" and "mitzvos Hashem". These words are not written regarding oleh v'yoreid.
 - **Q: R' Simi bar Ashi** asked, the pesukim share another common word with the pasuk of oleh v'yoreid – the words referring to forgiving of the aveira – so we should include it in the gezeira shava!? **A: R' Nachman bar Yitzchak** said, we learn the gezeira shava based on the words of "asheim" and "mitzvos Hashem asher lo sei'asena" (many words that are the same), which is not written in the pesukim of oleh v'yoreid.

MISHNA

- Beis Din is not chayuv for a par helam for an erroneous psak regarding "shmiyas kol", "bituy sifasayim", or "tumas Mikdash ukidashav" (all examples of aveiros that require the bringing of a korban oleh v'yoreid). **R' Yose Haglili** says that a Nasi is treated like them as well. **R' Akiva** says a Nasi is chayuv for all these aveiros except for shmiyas kol (he swears that he did not witness something that he did witness), because the halacha is that a king (the Nasi) may not judge or be judged, and may not testify or be testified against.

GEMARA

- **Ulla** explained that the basis for **R' Yose Haglili's** view is the pasuk that says "v'haya ki yesham l'achas mei'eileh", which he darshens to mean that only someone who is chayuv for all three of the things mentioned in the Mishna will be chayuv for any one of them, and since the king is not chayuv for "shmiyas kol" he is not chayuv for the others either.

- **Q:** Maybe the pasuk should be understood to mean that one can be chayuv for any one of them without the possibility of being chayuv for any of the others? **A:** Rather, the basis for **R' Yose Haglili's** view is a Braisa, which says that **R' Yirmiya** would say that the pesukim regarding oleh v'yoreid discuss how it applies to someone who can't afford an animal and then someone who can't even afford birds. This teaches that oleh v'yoreid only applies to one who can be a pauper. This excludes a king (who is always wealthy) and excludes the Kohen Gadol (who, we are taught by a pasuk, must be the wealthiest of the Kohanim, and if he doesn't have money, the other Kohanim must give him enough so that he becomes the wealthiest of the Kohanim).