



Daf In Review – Weekly Chazarah

Maseches Avodah Zarah, Daf לז – Daf לו

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf לז---73-----

MISHNA

- Yayin nesech is assur and makes other wine assur with even a minute amount mixed in. Wine in wine, or water in water make the item it is mixed into assur even if only a minute amount of the assur one is poured in. If assur wine mixed into water, or assur water mixed into wine, the mixture is only assur if the assur item imparts its flavor into the mixture.
 - The general rule is, when an assur item is mixed into an item of like kind, the mixture is assur with even the smallest amount of assur item. If it is mixed into an item of not like kind, the mixture is only assur if the assur item imparts its flavor into the mixture.

GEMARA

- **R' Dimi in the name of R' Yochanan** said, if a person pours yayin nesech from a barrel into a bor of mutar wine, even if he continues pouring all day long, each drop becomes batul as it goes into the mutar wine and all the wine is therefore mutar.
 - **Q:** Our Mishna says, yayin nesech is assur and makes other wine assur with even a minute amount mixed in. Presumably this is referring to where the assur wine was poured into the mutar wine, and still the Mishna says it is assur. This refutes **R' Dimi**!? **A:** The Mishna is talking about where the mutar wine falls into the assur wine.
 - **Q:** The Mishna said, if assur wine mixed into water, or assur water mixed into wine, the mixture is only assur if the assur item imparts its flavor into the mixture. Presumably this is where the assur wine fell into the mutar water, and still the Mishna says it is assur. This refutes **R' Dimi**!? **A:** The Mishna is talking about where the mutar wine falls into the assur water.
 - **Q:** If this first case deals with assur water, the next case must also be dealing with assur water and the Mishna says “water in wine is assur if it imparts its flavor”. This would mean that the assur water fell into the mutar wine and still the Mishna says that it is assur!? **A:** **R' Dimi** would say that the entire Mishna is discussing where the mutar item fell into the assur item (and that is why it is assur) – in the first case the mutar wine fell into the assur water and in the second case the mutar water fell into the assur wine.
 - **R' Yitzchak bar Yosef in the name of R' Yochanan** said, if someone pours yayin nesech from a small pitcher into a bor, even if he continues pouring all day long, each drop becomes batul as it goes into the mutar wine and all the wine is therefore mutar. However, this is specifically true for a small pitcher, which has a small spout. We could not be meikel in this way with a barrel, which has a large spout.
 - **Ravin in the name of R' Yochanan** said, if yayin nesech fell into a bor of wine and a bottle of water fell into the bor as well, we view the mutar wine of the bor as if it is not there, and we then allow the water to come and be mevatel the assur wine that fell in.
 - **R' Shmuel bar Yehuda in the name of R' Yochanan** said, we only say this when the water fell in before the yayin nesech. If the yayin nesech fell in first, we view it as mixed with a like kind (the mutar wine) and the mixture becomes assur with any minute amount.
 - **Some say that R' Shmuel bar Yehuda in the name of R' Yochanan** made a statement on our Mishna, where it says that if assur wine mixes with mutar wine it becomes assur with even a minute amount. On this **R' Shmuel bar Yehuda in the name of R' Yochanan** said, that is only if water did not also fall in there. If water did fall in there, we view the mutar wine of the bor as if it is not there, and we then allow the water to come and be mevatel the assur wine that fell in.

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- According to this version, **R' Shmuel bar Yehuda in the name of R' Yochanan** does not require that the water fall in first.
- We have learned, if yayin nesech and a bottle of water both fell into a bor of mutar wine, **Chizkiya** says, if the yayin nesech was the last to fall in, the mixture is assur. If the water and the yayin nesech were first mixed and then the mutar wine was added to the mixture, it would be mutar. **R' Yochanan** says, even if the yayin nesech was last to fall in, it would be mutar.
 - **Q: R' Yirmiya** said to **R' Zeira**, maybe we can say that they argue in the machlokes between **R' Eliezer and the Rabanan** of the Mishna regarding yeast? The Mishna says that when yeast of chullin and yeast of terumah fell into a dough, each one by itself not being large enough to make the dough rise, but together making the dough rise, **R' Eliezer** says we look at whichever yeast fell in last: if the terumah fell in last, the dough becomes assur to a non-Kohen, but if the chullin fell in last it is mutar. The **Chachomim** say that the order doesn't matter, rather if there is not enough issur to cause the dough to rise, it will not become assur. **A:** This can't be, because **Abaye** explained that **R' Eliezer** only holds that way when the terumah yeast was removed. However, if both yeasts remain in the dough, the dough is assur, because a combination of 2 things, one of which is assur, is also assur. If this is true, who would **Chizkiya** hold like? Rather, the machlokes between them is whether we say the concept of "we view the mutar wine as if it is not there". **Chizkiya** holds we don't say that, and **R' Yochanan** says that we do.
 - **Q:** Does **R' Yochanan** really hold of this concept? **R' Assi** once asked **R' Yochanan**, if someone had two cups of wine – one of chullin and one of terumah – and each cup was properly diluted, and the two cups then got mixed together, what is the halacha (do we say that the combined waters are mevatel the terumah or not)? **R' Yochanan** did not answer the question for him. We see that **R' Yochanan** was not sure whether we say the concept of "we view..."!? **A:** Initially he was uncertain and therefore did not answer, but later he was certain. In fact, we find that **R' Ami** (or **R' Assi**) said in the name of **R' Yochanan** that if someone had two cups of wine – one of chullin and one of terumah – and each cup was properly diluted, and the two cups then got mixed together, we view the mutar wine as if it is not there and the assur wine then becomes batul in the water.

ZEH HAKLAL MIN B'MINO B'MASHEHU...

- **Rav and Shmuel** both say, with regard to all issurim in the Torah, if they are mixed in another item of like kind, they make it assur with any minute amount. If they are mixed in any item that is not like kind, they make it assur if the assur item imparts its flavor into the mixture. When our Mishna says "this is the general rule", it comes to include all issurim in the Torah. **R' Yochanan and Reish Lakish** both say that with regard to all other issurim in the Torah, whether it becomes mixed in a like kind item or an item that is not like kind, the mixture only becomes assur if the assur item imparts its flavor into the mixture, except for tevel and yayin nesech, in which case, if they get mixed in like kind they make it assur with any minute amount and if they get mixed in not like kind they make it assur only if they impart their flavor to the mixture. When the Mishna says "this is the general rule" it comes to include the case of tevel.
 - There is a Braisa that says like **Rav and Shmuel** and there is another Braisa that says like **R' Yochanan and Reish Lakish**.
 - **Q:** We can understand why yayin nesech would be treated more stringently, due to the chumra of avoda zara. Why would tevel be treated more stringently than other issurim? **A:** Just as a minute amount of produce can be removed as terumah and take away the issur of tevel, similarly, a minute amount of tevel can make a like kind mixture assur.

-----Daf 74-----

MISHNA

- The following items are assur b'hana'ah, and when they are mixed with other items they make the mixture assur even if there is only a minute amount of this assur item: yayin nesech, avoda zara, skins of animals where the

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heart was ripped out, an ox that was sentenced to skila, an egla arufa, the birds of a metzora, the hair of a nazir, a peter chamor (firstborn male donkey), meat cooked in milk, the goat that was sent to the Azazel, and chullin animals that were shechted in the Azarah. These items are assur and their presence in the smallest amount in a mixture make the entire mixture assur.

GEMARA

- **Q:** What is reason behind these items listed, that make that they are not batel at all? If it is because they are items that are sold in single units, rather than in bulk, the Mishna should also list “pieces of neveila”, which are assur to eat but mutar b’hana’ah!? If the Tanna only lists items that are assur b’hana’ah, why doesn’t he list “chametz on Pesach”? **A: R’ Chiya bar Abba** (or **R’ Yitzchak Nafcha**) said, the Tanna holds that an item needs two qualifications to make it that it does not become batel – it must be something that is sold in single units, *and* must be something that is assur b’hana’ah.
 - **Q:** If so, why doesn’t the Mishna list “egozei perach” and “rimonei badan” of orlah, which have both these characteristics!? **A:** The Mishna in Orlah already lists those, so there was no reason to repeat them here.
 - **Q:** If so, why doesn’t the Mishna list homemade loaves of bread with regard to chametz on Pesach, which have both of these characteristics? **A: R’ Akiva** is the one who holds that these loaves have both of these characteristics, and **R’ Akiva** actually adds these loaves to the Mishna in Orlah, so there is no need to repeat it here.

HAREI EILU

- **Q:** What does this phrase come to exclude? **A:** Something that has only one of the above mentioned characteristics, but not both.

MISHNA

- If yayin nesech fell into a bor of mutar wine, the entire mixture becomes assur b’hana’ah. **R’ Shimon ben Gamliel** says, the entire mixture may be sold to a goy without charging him for the value of the yayin nesech that is in the mixture.

GEMARA

- **Rav** said, the halacha follows **R’ Shimon ben Gamliel** when a barrel of yayin nesech is mixed up among barrels of mutar wine, but not when yayin nesech is actually mixed into mutar wine. **Shmuel** said, the halacha follows **R’ Shimon ben Gamliel** even when yayin nesech is actually mixed into mutar wine. **Rabbah bar bar Chana in the name of R’ Yochanan** and **R’ Shmuel bar Nosson in the name of R’ Chanina** and **R’ Nachman in the name of Rabbah bar Avuha** all said like **Shmuel**.
 - **R’ Nachman** said, the halacha in practice is as follows: with regard to actual yayin nesech (it is known to have been poured for avoda zara), if the wine is mixed into mutar wine the mixture is assur, but if a barrel of it is mixed among barrels of mutar wine, we can sell it as **R’ Shimon** says. With regard to regular wine of goyim (which is not known to have been poured to avoda zara), even if the wine is actually mixed into mutar wine, the mixture may be sold to goyim as explained by **R’ Shimon**.

MISHNA

- With regard to a stone winepress that a goy covered with tar (and in which they normally added some wine to remove the bad smell of the tar, which, since it was done by a goy, is assur wine), the Yid must “dry” it (to be explained in Gemara) and it is tahor to be used. If the press is made of wood, **Rebbi** says he “dries” it and the **Chachomim** say he must peel off the coating of tar. If the press is made of earthenware, even if he peels off the tar, it remains assur.

GEMARA

- **Rava** said, this “drying” process is only needed when the stone press is coated with tar by a goy. However, if the goy crushed grapes with his feet in this type of press, this drying process would not be needed.

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- **Q:** This seems obvious!? After all, the Mishna said it is needed when a tar coating is applied by a goy!? **A:** We would think that the Mishna mentions the case of the coating only because that is the more common case, but in truth the drying process is needed in the other case as well. **Rava** therefore teaches that it is not needed in the other case.
- **Others** say that **Rava** said the drying process is only sufficient to purify a stone press that was coated with tar by a goy, but if he crushed grapes with his feet there, the drying process would not be sufficient to purify the press.
 - **Q:** This seems obvious!? After all, the Mishna said it is needed when a tar coating is applied by a goy!? **A:** We would think that the Mishna mentions the case of the coating only because that is the more common case, but in truth the drying process is even sufficient in the other case as well. **Rava** therefore teaches that it is not sufficient in the other case.
 - We can support this version of **Rava's** ruling from a story that took place. Someone went to **R' Chiya** and asked that he give him someone to purify his winepress. **R' Chiya** sent **Rav**. When **Rav** inspected the winepress, he found small cracks at the bottom of the coating and the cracks had wine in them. **Rav** said, drying would not be enough for this, rather we must peel off the coating.
- A Braisa says, the earthenware winepress, the keili that is used to take wine from the bor to the barrel, and the funnel, all of a goy, **Rebbi** says they become mutar through the drying process. The **Chachomim** say they are assur. **Rebbi** agrees that the earthenware bottles of a goy are assur. The difference is that bottles are meant to store wine for a longer period, whereas these other winemaking tools are not. If these tools are made of stone or of wood, they should be put through the drying process. However, if they were coated with tar, they are assur.
 - **Q:** Our Mishna says that the drying process is sufficient to purify a stone winepress that is coated with tar!? **A:** The Mishna is referring to where a goy never crushed grapes in that press. The Braisa is talking about where grapes were crushed in it.
 - **Q:** Our Mishna says that earthenware can never be purified, and **Rebbi** says in the Braisa that it can be purified through the drying process!? **A:** **Rava** said, this part of the Mishna only follows the view of the **Rabanan**.
- **Rava** darshened, to purify a winepress, one should pour boiling water over it.
 - When **Rava** would send empty bottles of wine with a goy, he would double seal them by putting them into a bag upside down and sealing the bag. He held that any keili used to store wine is part of the gezeira even if the goy would have it for a short and temporary time.

-----Daf ע"ה---75-----

- **Q:** How is the “drying” process done? **A:** **Rav** says it is done with water and **Rabbah bar bar Chana** says it is done with ashes.
 - **Q:** Do they each mean it can be done only with the one ingredient and not the other? **A:** Rather, **Rav** means it is done first with water and then with ashes, whereas **Rabbah bar bar Chana** holds it is done first with ashes and then with water. In fact, they don't argue. **Rabbah bar bar Chana** is referring to a moist winepress and **Rav** is referring to a dry winepress.
 - We have learned that the yeshiva of **Rav** said in his name that if it is a dry winepress the process consists of water and ash and if it is moist the process is ash, water, and ash. **Shmuel** said if moist the process is ash, water, and ash, and if it is dry the process is water, ash, water, ash. This is the machlokes as taught in Sura. In Pumbedisa they taught that the yeshiva of **Rav** in his name said if moist the process is ash, water, and ash, and if it is dry the process is water, ash, water, ash, and **Shmuel** said if it is moist the process is ash, water, ash, water, and if it is dry the process is water, ash, water, ash, water.
 - In fact these two version don't disagree – one counts the final water in the process and the other does not.

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- They asked **R' Avahu**, how does one purify the “gurney” (a mesh used to keep the grapes together when they are pressed) of the Armai? **R' Avahu** said, we learn the answer to this in a Braisa which says that if a person has tamei netting that he wants to make tahor, if the netting is made of wicker or canvas, they should be put through the drying process. If they are made of “shifa” or “gemi”, the **T’K** says they must be let to age for 12 months and **R' Shimon ben Gamliel** says they must be left idle from one pressing season until the next (the difference between these views is when the pressing seasons come out less than 12 months apart). **R' Yose** says, if one wants to use them immediately, he either purges them with boiling water or pours boiling water of olives on them. **R' Shimon ben Gamliel** in the name of **R' Yose** says, they can be left under a pipe of flowing water or in a spring of flowing water for an “onah” (which the Gemara explains to mean a 12 hour period). The same process can be followed to purify from yayin nesech as well.
- **R' Yehuda** said, with regard to the sacks used to hold sediment to remove the wine from the sediment, if they are made of human hair (and don't absorb a lot) they need to be washed. If they are made of wool, they must be put through the drying process. If they are made of linen, they must be left to age for 12 months. If there are knots, they must be untied before the drying process is done. With regard to types of wicker baskets used to strain wine, if they are sewn with palm leaf ropes, they must be washed. If the ropes are made of “tzavsa” they must be dried. If they are made of linen, they must be left to age for 12 months. If they are knotted, one must untie them before drying them.
- If an ahm haaretz touches clusters of grapes in a press, **Rebbi and R' Chiya** argue: one says the cluster and surrounding grapes are tamei but the rest of the press is tahor, and the other says that the entire press is tamei.
 - **Q:** A Mishna says that if a sheretz is found in an olive mill it makes the surrounding area tamei, but if there was liquid flowing there, the entire mill is tamei. According to the one who says only the area of the cluster is tamei, why is this case different? **A:** In the case of the grapes, there are other clusters that separate between the tamei and the tahor.
 - The **Rabanan** paskened for **R' Yirmiya** (or for his son) like the opinion that says that the cluster and the surrounding area is tamei, but all the rest is tahor.

MISHNA

- If a Yid buys food utensils from a goy, if it is a utensil which normally becomes tahor through tevila, it should be toiveled in a mikvah. If the utensil is normally purged in boiling water, it must be purged in boiling water. If the utensil is normally purged through fire, it must be purged through fire. The spit and the grill bought from a goy must be purged through fire. A knife is scraped and is then tahor.

GEMARA

- A Braisa says, all keilim (even ones that will need to be put in boiling water or through a fire) need to be toiveled in a mikvah of 40 se'ah.
 - **Q:** How do we know this? **A:** **Rava** said, the pasuk that talks about purification through fire states an extra word “v'taheir”, which hints to another type of purification that is needed – tevilah. **Bar Kappara** taught a Braisa that learns this requirement from the words in the pasuk “b'mei nidah”, which teaches that it must be toiveled in water that would be valid for a nidah.
 - Both these extra phrases are needed. If we would only have “v'taheir” we would think a mikvah of any size would suffice. Therefore, we need “b'mei nidah” to teach that 40 se'ah are needed. If we would only have “b'mei nidah” we would think that after being toiveled the keili does not become tahor until sunset. The word “v'taheir” teaches that tevilah alone is enough.
 - **R' Nachman in the name of Rabbah bar Avuha** said, the requirement for a keili to be toiveled even applies to brand new, never used keilim bought from a goy, because keilim that were put in boiling water or through fire are like brand new keilim, and still the pasuk teaches that they need to be toiveled.
 - **Q:** **R' Sheishes** asked, if the tevilah requirement is not related to absorbed flavors, even non-food keilim should need tevilah!? **A:** **R' Nachman** said, the parsha is referring to food keilim.
 - **R' Nachman in the name of Rabbah bar Avuha** said, the tevilah requirement is only when keilim are bought from goyim, similar to the story in Midyan, but keilim borrowed from them need not be toiveled.

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- **R' Yitzchak bar Yosef** bought a keili of earth and animal dung from a goy and thought he must toivel it. **R' Yaakov** told him that **R' Yochanan** explained that the requirement is only for metal keilim.
 - **R' Ashi** said, glass keilim, since they can be repaired if they break, are like metal keilim and therefore must be toiveled.
 - With regard to an earthenware keili coated with metal, there is a machlokes between **R' Acha and Ravina** – one says it is like earthenware and therefore need not be toiveled and the other says it is like metal and therefore must be toiveled.
 - The halacha is that it must be toiveled.
- **Q:** They asked, what if a keili is taken from a goy as collateral? **A: Mar bar R' Ashi** said, when my father took a silver cup as collateral from a goy, he toiveled it and then drank from it, but I don't know if he did so because he holds that the taking of collateral is like a sale or if it was because he held that the goy intended for him to keep the cup.
- A Braisa says, if a Yid buys food keilim from goyim, if the goy never used it, it must be toiveled in a mikvah and it is tahor. If the keili was used with cold food, like cups and bottles, they should be washed and toiveled and they are tahor. If the keili was used with hot liquids, like pots, they must be purged in boiling water and toiveled in a mikvah and they are tahor. If the keili was used with fire, like a spit or grill, he must purge them through fire and toivel them, and they are tahor.
 - With regard to all these keilim that were used before it was toiveled, or before it was purged in boiling water, or before it was purged through fire, one Braisa says that the food it was used with is assur and another Braisa says that the food would be mutar. These are not contradictory, rather the one that says it is assur follows the view that nosein taam lifgam is assur and the Braisa that says it is mutar holds like the view that nosein taam lifgam is mutar.
 - **Q:** According to the view that nosein taam lifgam is mutar, what case was it that the Torah said that the pot of a goy can make food assur? **A: R' Chiya the son of R' Huna** said, it was only regarding a pot that was used that same day for assur food, because that absorbed flavor is not nosein taam lifgam.
 - **Q:** If so, after the first day the keili should be mutar, and yet the Braisa and Mishna say that it still must be purged!? **A:** The **Rabanan** were goizer for a pot after the first day out of concern that if that didn't need to be purged people would think that even a pot that was used for assur foods that day also does not need to be purged.
 - The view that holds nosein taam lifgam holds that even the first day the absorbed taste is nosein taam lifgam.

-----Daf ע"ז---76-----

- **R' Amram** asked **R' Sheishes**, our Mishna says that a spit and grill purchased from a goy needs to be purged in fire to become mutar. However, a Mishna regarding kodashim says that a spit and grill used for a korban needs "hagala" (to be placed in boiling water)!? **R' Sheishes** said, the difference is, that a keili from the goy absorbed something that was assur at the time of absorption (non-kosher food), whereas the absorption from a korban was mutar when it was absorbed (it only becomes assur when it becomes nossar).
 - **Q: Rava** asked, at the time of the purging, the absorption from the korban is also assur, so why should it make a difference that it wasn't assur when it was absorbed!? **A:** Rather, **Rava** said, when the Mishna regarding kodashim says that the keilim need hagala, it is not referring to hagala, but is referring to the "shtifa and merika" process (a washing process) that is needed in *addition* to the purging by fire that must be done to the keilim used for the korbanos.
 - **Q: Abaye** asked, "shtifa and merika" are done with cold water and hagala is done with hot water. The Mishna would not have said "hagala" if it actually meant "shtifa and merika"!? **A:** Rather, **Abaye** said, each Mishna teaches regarding the other Mishna. In both Mishnayos there must be purging through fire *and* hagala, but each Mishna says only one of them, and we are to learn that it applies to the other Mishna as well.

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- **Q: Rava** asked, if one Mishna was teaching for the other, then one Mishna would have given both requirements and the second Mishna would have only given one of them, with the understanding to learn from the first Mishna that in actuality both methods are required!? **A:** Rather, **Rava** said, the reason that the keilim used for kodashim don't need to be purged by fire is as explained by **R' Nachman in the name of Rabbah bar Avuha**, who said that the following day's use of the keili purges the flavor of the day before (which is not yet nassar at that point, and therefore there is no purging of issur that needs to be done).
 - **Q:** That is true when dealing with a Korbon Shelamim (which does not become nassar until two days have passed. However, a keili that is used for a Chatas becomes nassar on the very next day, and therefore when it is used the next day, the nassar is purged into the korbon that is using that keili!? **A:** They had a system where when a keili was used for a Chatas it was then used for a Shelamim that same day (which removed the absorbed Chatas). This allowed the use of the keili the next day for another korbon (because a Shelamim does not become nassar until after the second day).
 - **Q:** If the korbanos are purged in this way, why does the Mishna even require hagala? This remains a KASHYEH.
 - **R' Pappa** said, the absorption in a keili purchased from a goy hardens throughout the keili (because it is not in constant use) and that is why it needs to be purged through fire. The absorption in the keili of a korbon never hardens in that way, because it is in constant use. That is why hagala is sufficient.
 - **R' Ashi** said, the original answer is correct, that the keili of the goy absorbed issur, whereas the keili of the korbon did not (it was not assur at the time of absorption). Although at the time of purging they are both assur, since there is no substance to the issur at that point in time, the keili of the korbon only needs hagala.
- **Q:** How long must a keili be in the fire to be purged? **A:** Until the outer layer comes off.
- **Q:** How is hagala done? **A: R' Huna** said, a smaller pot (that needs to be purged) is placed into a larger pot of boiling water (so that the entire surface of the pot is in the boiling water).
 - **Q:** How is hagala done to a large pot (that doesn't fit into another pot)? **A: R' Akavya** had a very large pot in his house that needed hagala. He put a ring of dough around the top of the pot from the outside, creating a wall of dough higher than the lip of the pot, and then filled the pot with water and boiled it. **Rava** said, it takes someone as wise as **R' Akavya** to do this, because he held that purging needs to be done in the way the absorption happened. Just as the lip of the pot only had absorption through splattering (not actual cooking on it), so too the purging can be done with splattering boiling water on it.

HASAKIN SHAFA V'HEE TEHORAH

- **R' Ukva bar Chama** said, the knife must then also be stuck into the ground 10 times (which removes any fatty substance left on the knife). **R' Huna the son of R' Yehoshua** said, it must be done into ground that has not been worked (it must be hard ground). **R' Kahana** said, this only works for a knife that doesn't have any blemishes in it (fatty substances can get stuck in these blemishes).
 - A Braisa says this as well. The Braisa says, a knife that has no blemishes should be stuck into the ground 10 times.
 - **R' Huna the son of R' Yehoshua** said, this method only suffices when the knife was used for cold food.
 - We see this from an incident as well. **Mar Yehuda** and Bati bar Tovi were sitting with Shvor Malka. An esrog was brought to the king. He cut off a piece and ate it. He then cut off another piece and gave it to Bati bar Tovi to eat. He then stuck the knife into the ground 10 times, cut off another piece and gave it to **Mar Yehuda** to eat. Bati bar Tovi said, "I am also a Jew, so why did you only cleanse the knife for him!?" The king said, "I know that **Mar Yehuda** is careful and would not eat anything that is assur. I don't know that about you". **Others** say that the king said, "Remember what you did last night!" (he knew that Bati was mezanah with a zonah the previous night).

HADRAN ALACH PEREK HASOCHER ES HAPO'EL!!!

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HADRAN ALACH MESECHTA AVODA ZARA!!!

MAZEL TOV!!!



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Maseches Horayos, Daf כ – Daf ט

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf כ---2-----

MESECHTA HORAYOS

PEREK HORU BEIS DIN -- PEREK RISHON

MISHNA

- If Beis Din paskened in a way that following their psak would make one do something that is actually assur, and an individual went and acted b'shogeg based on their say, then whether Beis Din themselves acted on their psak and this person acted along with them, or whether they acted on their psak and he acted after them, or even if they didn't act on their psak but this person did, he is patur from bringing a chatas, because he relied on Beis Din.
- If Beis Din paskened (wrongly) and one of the judges realized it was wrong, or if a talmid who was there and who was fit to pasken on his own realized they were wrong, and that judge or that talmid went and acted based on their say, then whether Beis Din themselves acted on their psak and this person acted along with them, or whether they acted on their psak and he acted after them, or if they didn't act on their psak but this person did, he is chayuv to bring a chatas, because he did not rely on Beis Din.
- The general rule is, one who relies on himself and does something that was assur is chayuv to bring a korbon, but one who relied on Beis Din is not.

GEMARA

- **Shmuel** said, Beis Din would only be chayuv to bring a "par helaam davar shel tzibbur" (which is the korbon that is brought when a majority of the tzibbur does an aveira based on an erroneous psak of Beis Din) if they issued an actual psak by saying "you are mutar" in response to an actual question asked (as opposed to an academically raised question). **R' Dimi of Neharda'ah** said, they are not chayuv until they told the people "you are mutar to do", because it is only then that it is considered to be a full psak.
 - **Abaye** said, a Mishna supports **R' Dimi**. The Mishna regarding a "zakein mamrei" says, if the sage then returns to his town and continues darshening and teaching in the way he did originally (even though he was told that it was wrong) he is patur. If he paskened for people to act based on his way of learning, which he was told is wrong, he is chayuv chenek. We see that a psak is not full and final unless it authorizes one to act.
 - **R' Abba** said, a Mishna supports **R' Dimi**. The Mishna regarding a woman who was told that her husband had died says, if Beis Din said she may remarry and she then went and was mezaneh with a man (and her husband returned alive), she would be chayuv a korbon, because Beis Din only allowed her to marry, not to be mezaneh. Again, we see that the psak must be for an action (to remarry).
 - **Ravina** said, our Mishna supports **R' Dimi**. The Mishna says, "if Beis Din paskened to be oiver one of the mitzvos". Again we see that they paskened to act.
 - The Gemara says it is clear that **R' Dimi** is correct.
 - **Others** had a different version of the above, which goes as follows. **Shmuel** said, Beis Din would only be chayuv to bring a "par helaam davar shel tzibbur" if they issued an actual psak by saying "you are mutar to do" in response to an actual question asked (as opposed to an academically raised question). **R' Dimi of Neharda'ah** said, they are chayuv even if they told the people "you are mutar", because even then it is considered to be a full psak.
 - **Abaye** asked, a Mishna regarding a "zakein mamrei" says, if the sage then returns to his town and continues darshening and teaching in the way he did originally (even though he was told

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that it was wrong) he is patur. If he paskened for people *to act* based on his way of learning, which he was told is wrong, he is chayuv chenek. We see that a psak is not full and final unless it authorizes one to act!?

- **R' Abba** asked, a Mishna regarding a woman who was told that her husband had died says, if Beis Din said she may remarry and she then went and was mezaneh with a man (and her husband returned alive), she would be chayuv a korbon, because Beis Din only allowed her to marry, not to be mezaneh. Again, we see that the psak must be for an action (to remarry)!?
- **Ravina** asked, our Mishna says, "if Beis Din paskened to be oiver one of the mitzvos". Again we see that they paskened to act!?
- The Gemara says, it is clear that **R' Dimi** is not correct.

V'HALACH HAYACHID V'ASAH SHOGEH AHL PIHEM

- **Q:** Why doesn't the Mishna just say "and they acted on the word of Beis Din"? Why does it say that they "acted b'shogeig based on the word of Beis Din"? By acting on the word Beis Din it is automatically a shogeig anyway!? **A: Rava** said, the "shogeig" comes to include the case of where Beis Din ruled that cheilev is mutar, and a person then meant to eat kosher fats, but instead ate the cheilev that Beis Din had erroneously said was mutar. The Mishna teaches that he is patur. The Mishna's use of "on the word of Beis Din" teaches that if someone ate the cheilev not because it got mixed up, but rather because Beis Din said it was mutar – he would also be patur.
 - **Others** say that **Rava** said, it is only when the person did the aveira solely because he was relying on Beis Din, that he is patur. However, if he did the aveira because he mistakenly ate that cheilev when he meant to eat other kosher fats, he would be chayuv to bring a korbon.
 - Although this was clear to **Rava**, this was a question to **Rami bar Chama**, who asked that when the person mistakenly ate the cheilev that was mistakenly made mutar by Beis Din, must he bring a korbon? **Rava** answered with proving from our Mishna (as he did in the first version, above) that this person would be patur as well. **Rami bar Chama** said, it may be that the Mishna is referring to only one case – where the person ate the cheilev simply because Beis Din said it was mutar.
 - **Others** say that **Rava** brought the proof from the Mishna that only where the person ate the cheilev simply because Beis Din said it was mutar would he be patur. To that, the Gemara says that the Mishna may be referring to two cases – where he mistakenly ate the cheilev, and where he intentionally ate the cheilev – in both cases where Beis Din erroneously said the cheilev was mutar, and teaches that both cases are patur.
 - This is actually something that was argued about previously. We have learned with regard to a case of where Beis Din ruled that cheilev is mutar, and a person then meant to eat kosher fats but instead ate the cheilev that Beis Din had erroneously said was mutar – **Rav** says the person is patur and **R' Yochanan** says the person is chayuv.
 - **Q:** A Braisa darshens "mei'ahm haaretz ba'asosah" to teach that one who is a mumar would not bring a chatas if he does an aveira b'shogeig. **R' Shimon ben Yose in the name of R' Shimon** said, we don't need that pasuk for that, because we darshen another pasuk to teach that only someone who would stop from doing the aveira if he knew he was doing an aveira brings a chatas for doing that aveira. A person who would not stop does not bring a korbon. Now, the person who mistakenly ate the cheilev that Beis Din mistakenly said was mutar would *not* stop himself from eating it if he had known that it was the cheilev, so why does **R' Yochanan** say he is chayuv!? **A: R' Pappa** said, since as soon as Beis Din realizes their mistake they will retract their psak, at which time this person would also not eat that cheilev, he is considered to be someone who *would* stop if he knew what he was doing, and therefore he is chayuv.
 - **Rava** said, **Rav** would agree that such a person could not be counted towards the majority of the tzibbur acting b'shogeig (to make Beis Din chayuv to bring the "par helam") because the pasuk says "bishgaga", which teaches that all the people counted have to have acted on the same type of shogeig.

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BEIN SHE'ASU V'ASA IMAHEN...

- **Q:** Why did the Mishna have to give all the cases – where he acted with Beis Din, after Beis Din, or where Beis Din didn't act? In the first case (where the person is patur) we can say that the Mishna is understood as “lo zu ahf zu”, teaching a greater chiddush as it goes along. However, in the second case (where the person is chayuv), it should have been taught in the reverse order – since that is the order of greater chiddush!? **A:** The Mishna is teaching in the method of “zu v'ein tzarich lomar zu” (the later cases are not needed, but yet the Tanna teaches it).

V'YADA ECHAD MEIHEN SHETA'U OY TALMID V'RA'UY L'HORA'AH

- **Q:** Why are both cases needed? **A: Rava** said, by mentioning the talmid the Mishna teaches that even if he is someone who is knowledgeable, but has not yet reached a level of deducing on his own, still he would be chayuv.
 - **Q: Abaye** asked, the Mishna says that the talmid reached a level of being able to pasken, which means he *is* able to deduce on his own!? **A: Rava** said, clearly you are correct. However, from the fact that the Mishna gives the second case altogether, it teaches that there are other cases where the person would be chayuv as well – the case where the person is knowledgeable even if he can't deduce on his own, and visa-versa.

RA'UY L'HORA'AH...

- **Q:** Who is an example of such a person? **A: Rava** said, like **Shimon ben Azzai and Shimon ben Zomah**.
 - **Q: Abaye** asked, if such a person followed the erroneous ruling of Beis Din when they knew it to be wrong, they would be a meizid, and as such would not bring a korbon!? **A: Rava** said, a Braisa clearly gives **Shimon ben Azzai** as an example of such a talmid and yet says he would be chayuv. The reason is that he was a shogeg in thinking that one is supposed to follow the psak of Beis Din even when he knows that Beis Din is mistaken.

ZEH HAKLAL HATOLEH B'ATZMO CHAYUV

- This comes to include a person who typically decides on his own what is mutar and what is assur, and he happens to eat the cheilev that Beis Din erroneously said was mutar. Such a person would be chayuv.
- The part of the general rule making patur the person who relies on Beis Din comes to include the case of where Beis Din retracted their erroneous ruling, but a person who was unaware of that acted on the original psak. This person would be patur.
 - **Q:** The next Mishna says this explicitly!? **A:** The Mishna here mentions it and it is then explained in the next Mishna.
- **R' Yehuda in the name of Shmuel** said, the Mishna follows the view of **R' Yehuda** (that even when Beis Din does not have to bring the par helam the person who followed their psak is patur from bringing his own chatas). However, the **Chachomim** say, if it was only an individual (as opposed to the majority of the tzibbur) who followed the erroneous psak, he would have to bring a chatas.
 - The view of **R' Yehuda** can be found in a Braisa which says that the pasuk of “ba'asosa” (“his” being oiver) is an exclusionary term (a mi'ut) that teaches that one is only chayuv when he did something on his own, but not when he did something following the psak of Beis Din.
 - The view of the **Rabanan** can be found in a Braisa. The Braisa says, we would think that if less than a majority sinned they must each bring a chatas, since Beis Din is not bringing a par helam. However, when the majority sin they should be patur, because Beis Din is bringing a par helam. The pasuk therefore says, “mei'am haaretz”, which teaches that even if there is majority, and even if the entirety sinned, they must bring their own chatas. Now, this can't be talking about where Beis Din didn't pasken, because why would they bring a par helam? It also can't be talking about where they did pasken, because the pasuk quoted by the Braisa is discussing a regular shogeg, without an erroneous psak of Beis Din!? Rather, we must say, the Braisa means to say that when a minority sins not based on a psak of Beis Din they are certainly chayuv, since even when they sinned relying on a psak of Beis Din they are chayuv because Beis Din doesn't bring a par helam. We would think that when a majority sins not based on a psak of Beis Din they should be patur, since they are patur when it is based on a psak of Beis Din. The Braisa therefore says that the pasuk of “mei'ahm haaretz” teaches that even a majority who sin are

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chayuv to bring a korban when the sin was not based on an erroneous psak of Beis Din. We see that the Braisa says that when a minority sins based on an erroneous psak of Beis Din, they are still chayuv to bring a chatas.

- **Q: R' Pappa** asked, maybe the Braisa means that when a minority sins based on a psak of Beis Din, neither the minority nor Beis Din bring a korban!? **A:** If that is so, then why does the Braisa need a special source to teach that a majority who sinned not based on a psak is chayuv a chatas? Why should they be different than a minority who sinned? Rather, it must be that we find that a majority is treated differently than a minority when they sin based on a psak, and that is why a source is needed for when it is not based on a psak!
- **Q:** Both these Braisos are anonymous, so why is it that we attribute the first one to **R' Yehuda** and the second one to the **Rabanan**? **A:** The first Braisa is based on the drasha of a “mi'ut” in the pasuk, and we find that **R' Yehuda** darshens in a similar way in another Braisa. **A2:** The second Braisa can't be the view of **R' Yehuda**, because he says in a Mishna that when the majority sins based on an erroneous psak of Beis Din it is *the majority* who must bring the par helam, not Beis Din. The second Braisa mentions that it is Beis Din who brings the par helam. Therefore, the Braisa cannot be following **R' Yehuda**.

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- **R' Nachman in the name of Shmuel** said that our Mishna (which says that when an individual sins based on an erroneous psak of Beis Din he does not bring a chatas) follows the view of **R' Meir**, but the **Chachomim** say that the individual would have to bring his own chatas.
 - We find their views in a Braisa. The Braisa says, if Beis Din paskens erroneously and they act upon the ruling, **R' Meir** says they are patur and the **Chachomim** say they are chayuv. Now, who does the Braisa refer to when it says “they acted”? It can't refer to Beis Din, because then why would the **Rabanan** say they are chayuv to bring the par helam? A Braisa darshens the pasuk of “hakahal v'assu” to teach that in order to be chayuv to bring a par helam, Beis Din must issue a psak and the tzibbur must act based on it. We see that Beis Din's action would not make them chayuv!? Rather, we will say the Braisa means that Beis Din issued the psak and the tzibbur acted based on it, but that can't be, because why would **R' Meir** say that there is no chiyuv to bring a par helam!? Rather, we must say the case is where Beis Din paskened and only a minority of the tzibbur acted upon the psak, and the machlokes is that **R' Meir** holds that when an individual acts on the psak he is patur from bringing a chatas, and the **Rabanan** hold that the individual would be chayuv!
 - **R' Pappa** says, this Braisa does not necessarily show this machlokes. It may be that all agree that the individual would be patur from bringing a korban. Rather, the machlokes is whether Beis Din can be included in the tally of the tzibbur to see if there is a majority – the **Rabanan** say they are included and **R' Meir** says that they are not.
 - We can also say that the case in the Braisa is where Beis Din gave a psak and a majority acted on the psak, and the “**Chachomim**” of the Braisa is **R' Shimon**, who says that Beis Din and the tzibbur each have to bring a par helam (when **R' Meir** says “they are patur” he means the tzibbur is patur, because he holds that only Beis Din must bring a par helam).
 - We can also say that the Braisa is discussing one sheivet who sinned based on a psak of their own Beis Din, and the **Rabanan** is the view of **R' Yehuda**, who says that when one sheivet sins based on an erroneous psak of their Beis Din, they are chayuv to bring a par helam.
 - We can also say that the Braisa is discussing where only 6 shevatim acted on the erroneous psak, but they make up a majority of the tzibbur, or where 7 shevatim acted but they do not make up a majority of the tzibbur, and the view of the **Rabanan** is the view of **R' Shimon ben Elazar** of a Braisa who says that in both these cases there is a chiyuv to bring a par helam.
- **R' Assi** said, with regard to the chiyuv for a par helam, we follow the majority of the Yidden living in EY. This is based on the pasuk that says that Shlomo Hamelech made a celebration and “all of Klal Yisrael was with him” and it then says that the people were from “Chamas until the River of Mitzrayim”. Now, if we say that all were

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there, why are we giving those boundaries (which are the boundaries of EY)? It must be, to teach that only those within EY are considered to be the “kahal”.

- **Q:** It is obvious that if a majority sinned by following a psak of Beis Din and the number of people who acted decreased (e.g. a number of them died before the par helmet was brought) so that they are no longer the majority, it would be subject to the machlokes between **R’ Shimon** (who says that we determine status at the time that the sin became known) and the **Rabanan** (who say that we determine status at the time that the sin was done) of a later Mishna. What would the halacha be if they were a minority and later became a majority (e.g. a number of people who hadn’t done the aveira died)? Would they argue in that case as well – and **R’ Shimon** would say we follow the time of knowledge and the **Rabanan** say we follow the time of the sin – or not (they argue in determining status when it is a question of 2 different types of possible korbanos to be brought, but in this case it is a question of whether a korban should be brought altogether)? **A:** You can’t compare these two cases, because in that Mishna **R’ Shimon** means that we *also* follow the time of knowledge, not that we only follow the time of knowledge. The time of the sin is also needed in the determination. Therefore, in a case like this, where one time period requires a korban and the other does not, he will certainly say that no korban is brought.
- **Q:** If Beis Din paskened that a certain cheilev was mutar and a minority sinned based on that psak, and Beis Din then retracted, and then Beis again issued the same erroneous psak and a different minority sinned based on the psak. Do we say that since there are two separate periods of knowledge the two minorities don’t combine to form a majority, or do we say that since it is the same erroneous psak they combine? **Q2:** If we say they still combine, what if one psak was that the cheilev on the stomach is mutar and the second psak was that the cheilev on the intestines is mutar? Do we say that since the issur of each is taught by a separate pasuk they certainly don’t combine, or do we say that since they are both cheilev they can still combine? **Q3:** If we say that they do combine, what if one psak was regarding cheilev and the other was regarding blood? Do we say that since they are two separate and different issurim (the issur on blood applies to chayos and beheimos whereas the issur of cheilev only applies to beheimos) they do not combine, or do we say that since they would require the individual to bring the same korban the minorities could combine? **Q4:** If we say that they do combine, what if one psak was regarding cheilev and the other was regarding avoda zara? Do we say that since they require different korbanos they don’t combine, or do we say that since both carry the kares penalty they do combine? **TEIKU.**
- **Q:** What is the halacha if Beis Din erroneously paskened that cheilev was mutar and a minority of the tzibbur sinned based on that, and then that Beis Din died and another Beis Din then made the same psak and another minority sinned based on their psak? Can the two minorities combine? Now, according to the view that it is Beis Din who brings the par helmet, certainly they can’t combine, because it is now a different Beis Din. The question is according to the view that it is the tzibbur that brings the par helmet – do we say that it is one tzibbur or do we say that there has to be knowledge based on the psak of one Beis Din? **TEIKU.**
- **R’ Yonason** said, if there were 100 people in the Beis Din which ruled erroneously, they are only chayuv for a par helmet if every one of the dayanim ruled (and none remained silent). This is based on the pasuk of “v’ihm kol adas Yisrael yishgu”.
 - **R’ Huna the son of R’ Yehoshua** said, this also makes sense, because throughout the Torah we pasken that “most” is considered to be like “all” and yet here the Torah says “all”. This teaches that even if there are 100 dayanim they are *all* required to give a ruling.
 - **Q:** Our Mishna said that if there is a dayan who disagreed with the ruling and he still acted on the basis of the erroneous ruling, he is chayuv to bring a chatas. This would suggest that any other person who acted on the psak would not have to bring a chatas. Now, this means that there was a dayan who did not participate in the psak (he remained silent) and yet it is considered to be a psak of Beis Din for these purposes. This refutes **R’ Yonason**! **A:** The case in the Mishna is that the dayan nodded his head. That is why it is considered to be a full Beis Din.
 - **Q:** A Mishna says, if there is one dayan who dissents to the majority opinion, the ruling of Beis Din could not be the basis for bringing a par helmet. Now, this suggests that there is no par helmet only because he

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verbally dissented. However, had he remained silent, it seems that there would be a chiyuv for a par helam!? **A:** Here too, the case would be that he nodded his head.

- **Q: R' Mesharshiya** asked, a Braisa regarding gezeiros darshens a pasuk that says “*hagoy kulo*” to teach that a gezeira may only be enacted when most of the tzibbur is able to comply with it. We see that the pasuk uses the term “all” even though it only refers to “most”. This refutes **R' Yonason – TEYUFTA**.
 - **Q:** If so, what is taught by “*kol adas*”? **A:** It teaches that if the entire Beis Din is present, it is considered a proper ruling for purposes of a par helam. If the entire Beis Din is not present, it is not.
- **R' Yehoshua ben Levi** said, even if there are 10 judges issuing a ruling, it is as if there is a chain around the neck of each of them (i.e. they each have full responsibility if the decision is improper).
 - **Q:** That seems obvious, since they each issued the ruling!? **A:** He is teaching that even if a talmid is sitting there and sees his rebbi making a mistake and doesn't correct him, he shares responsibility.
 - When **R' Huna** was asked to judge a case, he would gather 10 rabanim to judge with him. He explained, that in this way they would each receive only a small part of the punishment if they decide wrongly.
 - When **R' Ashi** was asked to pasken on a treifah he would gather all the expert butchers to decide along with him. He explained that in this way they would each receive only a small part of the punishment if they decide wrongly.

MISHNA

- If Beis Din issued an erroneous psak and they then realized their mistake and retracted their psak, and then, whether or not they already brought the par helam, someone went and sinned based on the psak (he was not aware of the retraction), **R' Shimon** says he is still patur. **R' Elazar** says it is a safek (and he must therefore bring an asham taluy).
 - When is it considered to be a safek? That is when he was home (and therefore should have known of the retraction). However, if was overseas at the time, **R' Elazar** would agree that he is patur.
 - **R' Akiva** said, I would agree that this person is closer to being patur than he is to being chayuv. **Ben Azzai** said to him, why is this person different than the person who was at home? **R' Akiva** said, the person at home could have heard of the retraction, but the person overseas could not.
- If Beis Din paskened to uproot an entire section of halacha – for example they said there is no issur of niddah in the Torah, there is no issur of Shabbos in the Torah, or there is no issur of avoda zara in the Torah, they would be patur from a par helam. However, if they paskened to be mevatel part of an issur and to keep part, they would be chayuv. For example, they said there is an issur of niddah but that there is no issur to be with a woman who is a “*shomeres yom k'neged yom*”, or they said that there is an issur of Shabbos but there is no issur to carry from reshus hayachid to reshus harabim, or they said there is an issur of avoda zara but there is no issur to bow down to it, in all these cases there would be a chiyuv of a par helem. This is based on the pasuk of “*v'nelam davar*” – a detail is the subject of the psak, not the whole concept.

GEMARA

- **R' Yehuda in the name of Rav** said, the basis for the view of **R' Shimon** is that the person acted with the permission of Beis Din.
 - **Others** say, that **R' Yehuda in the name of Rav** said, **R' Shimon** used to say that if a psak spread around a majority of the tzibbur, an individual who acts based on that psak is patur from a korbon (even if Beis Din had retracted) because a psak is given to differentiate between a shogeg and meizid.
 - **Q:** A Braisa says that **R' Shimon** holds that a new collection from the tzibbur would be made to collect money for the par helam. Now, if that is so, how could **R' Shimon** say he is patur after the retraction? Surely this person was aware of the collection made for the korbon and therefore of the retraction!? **A:** We can answer that they collected without explaining the reason for the collection. We can also say that this person was away at the time of the collection. We can also say that **Rav** holds like

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the version of the Braisa where **R' Shimon** says they don't make a new collection for the par helam, rather the money is taken from the "terumas halishka".

- A Braisa says, regarding someone who sinned based on a psak that had already been retracted, **R' Meir** says he is chayuv, **R' Shimon** says he is patur, **R' Elazar** says it is a safek (and he must bring an asham taluy), and in the name of **Sumchos** they said that it is "taluy" (ambiguous).
 - **R' Yochanan** said, the difference between **R' Elazar** and **Sumchos** is that **R' Elazar** says he must bring an asham taluy.
 - **R' Zeira** said, **R' Elazar's** view is like a case of one who ate fats that may have been cheilev or may have been kosher and then became aware of what he had done, where the halacha is that he must bring an asham taluy. This is even according to the view that it is Beis Din who brings the par helam, so there is reason to say that the person could not have known of the retraction. Still, we say that had he asked he would have known and therefore he must bring an asham taluy.
 - **R' Yose bar Avin** (or **R' Yose bar Zevida**) said, **Sumchos's** view is like a case of someone who brought his korbon for a kappara during bein hashmashos. It is a safek if it is day and the korbon is valid or if it is night and it is not valid. In such a case he does not bring an asham taluy, and the same is here. This is even according to the view that the tzibbur brings the korbon par helam, so he could have asked about the korbon and should have known of the reversal. Still, a person doesn't usually ask when Beis Din brings a korbon, and therefore he is even patur from having to bring an asham taluy.

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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 helam 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 helam. The pasuk therefore says "v'nelam davar", which teaches that when they uproot an entire concept the par helam 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 reshut hayachid to the reshut 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 "mikul 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 helam 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

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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

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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.