

# Daf Notes

Insights into the Daily Daf  
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## Daily Daf

### *An Incorrect Ruling*

The *Mishna* says that if the court incorrectly ruled leniently on one of the mitzvos of the Torah, and an individual mistakenly followed their ruling, he is exempt from an individual *chatas* sacrifice, whether he did it after them, with them, or without them, since he relied on their ruling. If one of the judges or a student who is fit to rule knew that they erred, but he followed their ruling, he is obligated in an individual *chatas* sacrifice, whether he did it after them, with the, or without them, since he didn't rely on their ruling. The *Mishna* states the general rule that one who relies on himself is obligated in an individual *chatas*, while one who relies on the court is exempt. (2a)

### *What is a Ruling?*

Shmuel says that the court is not obligated in the communal *chatas* unless they said, "it is permitted for you." Rav Dimi from Nehardea says that they must say, "it is permitted for you to do it," since a ruling is not finished until they specify what is permitted.

Abaye supports Rav Dimi from the *Mishna*, which says that one is not considered a rebellious sage unless he returns to his town, and rules to his community, "you should do this."

Rabbi Abba supports Rav Dimi from the *Mishna* which describes a court who allowed a woman to remarry since her husband died by saying that the court "permitted her to remarry," indicating that they must explicitly state what she is permitted to do.

Ravina supports it from the *Mishna*, which states that the court ruled "to violate" one of the *mitzvos*, indicating that the ruling includes exactly what is permitted.

The *Gemora* accepts these as final proofs to Rav Dimi.

The *Gemora* cites another version, reversing Shmuel and Rav Dimi's statements, and with the sources being cited as irrefutable challenges to Rav Dimi. (2a)

### *Who's Mistake?*

The *Mishna* says that if an individual followed the ruling and accidentally violated the transgression, they are exempt. The *Gemora* notes that the *Mishna* says both that he followed the ruling and that he did it accidentally.

Rava says that this includes a case where the court allowed prohibited fats, and an individual ate those fats, but thinking that it was a different (*truly permitted*) fat. The *Mishna's* additional description of "accidentally" includes such an individual, exempting him from a *chatas*, since even if he would have known which fats he was eating, he would have eaten them, relying on the court.

The *Gemora* cites an alternate version, where Rava says that the *Mishna* indicates that such an individual is obligated in a *chatas*, since the *Mishna* is stating that only accidentally eating, due to one's following the ruling, is exempt, but this individual would have eaten the fats even if the court had not ruled incorrectly.

The *Gemora* notes that the question that Rava resolved was a doubt for Rami bar Chama.

Rava attempted to resolve that he is obligated, from the extra description of “accidentally,” but is deflected by suggesting that the *Mishna* is only obligating accidentally eating based on their ruling.

In an alternate version, Rava attempts to resolve that he is exempt, and is deflected by suggesting that the *Mishna* exempts him.

The *Gemora* says that Rav and Rabbi Yochanan differ on this case, with Rav exempting, and Rabbi Yochanan obligating.

The *Gemora* challenges Rabbi Yochanan from a *braisa*. The *braisa* exempts a *mumar* – one who disregards a prohibition from a *chata*s when he accidentally transgresses this prohibition. The first opinion excludes him from the verse which specifies that one who is *mai’am haaretz* – from the nation of the land offers a *chata*s when they accidentally transgress. The limiting clause of *mai* – from excludes a *mumar*. Rabbi Shimon ben Yossi quotes Rabbi Shimon who excludes him from the verse that says that the person did one of the *mitzvos asher lo sai’asena v’ashem* – which shall not be done, and he is guilty. This verse limits the *chata*s to one who would have refrained from his act had he known what he was doing, excluding a *mumar* who would have done it anyway. Similarly, the *Gemora* says that one who thought he was eating truly permitted fats would not have refrained had he known what he was eating, since the court permitted this fat as well.

Rav Pappa says that Rabbi Yochanan considers him one who would refrain, since once the court realizes their error, he would refrain.

Rava says that Rav agrees that such a person is not counted to reach a majority of the nation that followed the incorrect ruling, as the verse specifies that the nation transgressed *bishgagah* – in an error, requiring that they all had the same error. (2a)

### ***How Reliant***

The *Mishna* stated that one who relied on the court is exempt, whether he did it after them, with them, or without them. The *Gemora* explains that if he did it after the court, this is most reliant on their ruling, while if the court did not do it all, this is least reliant on the ruling. Therefore, in the first case, where he is exempt since he

relied on the court, this progression is from most obvious to least obvious, while in the second case, where he is obligated since he didn’t rely on the court, this progression is from least obvious to most obvious. (2a – 2b)

### ***How Fit?***

The *Mishna*’s second case listed one of the judges, or a student fit to rule, who realized the error. Rava explains that although both people imply one who is knowledgeable and understands how to rule, the extra listing of both of them is listed to include even one who is only knowledgeable or only understands how to rule.

Rava says that an example of such a student is Shimon ben Azzai or Shimon ben Zoma.

Abaye challenges, saying that such a person who followed the errant ruling should be considered intentional, since they were outstanding scholars who knew how to rule.

Rava explains that their mistake was their assumption that they must follow the court’s ruling, even when it is incorrect. Rava proves this from a *braisa*, which cites these scholars as an example of a student who is fit to rule. (2b)

### ***Relying or Not?***

The *Gemora* explains that the general rule in the *Mishna* is listed to include two more cases. The category of one who is not relying on the court includes one who generally rebels against the court’s rulings, and the category of one who is relying on the court includes one who followed the court’s ruling even after they realized their mistake, which is discussed in greater detail later. (2b)

### ***Rabbi Yehudah and the Sages***

Rav Yehudah quotes Shmuel who says that the *Mishna* follows Rabbi Yehudah, but the Sages say that if the nation did not follow the ruling, an individual who relied on the court is obligated in a *chata*s.

The *Gemora* cites a *braisa* that is Rabbi Yehudah’s opinion. The *braisa* says that the verse which specifies that if one soul sins by doing a prohibited act includes three exclusions, and teaches that one is only obligated in a *chata*s if he relied on himself, but not if he relied on the

court.

The *Gemora* cites another *braisa* which is the Sages' opinion. The *braisa* explains the verses about the *chatas* sacrifice. The *Gemora* begins with a section of the *braisa* that says that even though we already know that a group of people who accidentally sinned must bring a *chatas*, I may still think a majority of the nation that sinned may be exempt, since the court would bring a communal sacrifice for them. Therefore, the verse says *mai'am ha'aretz* – from the nation of the land, including a majority of the nation.

The *Gemora* explains that the *braisa* reasoning is that perhaps only a minority of the nation that sinned accidentally would be obligated in a *chatas*, since the court is not obligated to bring a communal sacrifice if the minority had sinned by following a court's incorrect ruling. This clause implies that the court is not obligated in the case of a minority, who followed their ruling, but the individuals are, and we therefore understand why a minority who sinned is obligated in a *chatas*.

Rav Pappa challenges this implication, and suggests that perhaps the *braisa* means that if a minority follows an incorrect ruling, both they and the court are exempt. The *Gemora* explains that if the *braisa* assumed that individuals of a minority who follow an incorrect ruling are exempt, it should have first found a source to obligate a minority that accidentally sinned. Since the *braisa* assumed they are obligated, and only needed a source for a majority that sinned, it is assuming that a minority that followed an incorrect ruling is obligated in individual *chatas* sacrifice.

The *Gemora* notes that both *braisas* cited are anonymous, and asks what indicates that the first is Rabbi Yehudah and the second is the Sages. The *Gemora* offers two reasons:

1. In another *braisa*, Rabbi Yehudah learns from three terms of exclusion in the verse discussing offering an *olah* sacrifice. This is similar to the first *braisa*, indicating that Rabbi Yehudah is its author.
2. The second *braisa* states that if a majority follows an incorrect ruling, the court is obligated. Rabbi Yehudah says that in the case of the nation following an incorrect ruling, the communal sacrifice is brought by each tribe, not the court, indicating that he cannot be the author of this *braisa*.

(2b – 3a)

# INSIGHTS TO THE DAF

## *Exempt from a Chatas*

By: Reb Yechezkel Khayyat

The *Mishna* says that if an individual transgressed, relying on the erroneous ruling of the court, he is exempt from the standard *chatas* sacrifice. The Rambam says that if a member of the court transgressed, he is obligated in an individual *chatas* sacrifice when the court realizes its error. Tosfos (2a Bain) raises the question of whether the court itself is obligated to bring an individual *chatas* sacrifice for the people who relied on their ruling, since they caused these individuals to accidentally sin.

## *How to Issue a Ruling*

The *Gemora* discusses how exactly the court must rule in order to be considered a bona fide ruling, exempting those who followed it. The *Gemora* distinguishes between the court saying, “you are permitted” or saying, “you are permitted to do it.”

The Rishonim discuss what each phrase exactly means. The Tosfos Harosh (2a Ain) says that if the court concluded a ruling in the course of learning, this is not considered any type of ruling. If people asked the court whether something was permitted or prohibited, if the court responded, this is saying “you are permitted.” If people asked with a specific item (e.g. “Is it permitted to eat this type of fat, which we are about to eat?”), and the court permitted, this is saying “you are permitted to do it.” The Tosfos Harosh quotes the Rema, who says that if people asked the court how *they* should rule to others, and the court responded, this is “you are permitted,” but if they asked about doing it themselves, and the court responded, this is “you are permitted to do.” The Tosfos Harosh objects, since all agree that “you are permitted to do” is a more serious ruling than, “you are permitted,” but if someone asked the court how they can rule to others, the court should be even more careful than if they asked the court for an individual ruling.

The *Gemora* proves that the ruling must be “you are permitted to do,” from the *Mishna* that states that if the court permitted a woman to remarry since her husband died, and she then was promiscuous, and her husband returned, she must bring a *chatas*, since they only permitted her to remarry. Rashi says the proof is from the fact that the *Mishna* refers to the court having “ruled to her that she can remarry”, and not simply having

“permitted her,” indicating that the court must verbalize exactly what she may do.

The Rema (cited by Tosfos Harosh 2a amar) says that the proof is from the fact that she must bring a *chatas*. She is obligated in a *chatas* since she cannot claim that she was relying on the court, which is only because the court explicitly stated *what* they were permitting, indicating that a ruling must be formulated in those terms.

### ***Is it Right or Left?***

Rava explains that the student or judge who knew the error still followed the ruling, since he mistakenly assumed that he should follow the court, even when they err. The Sifri says that the verse that says that one should not stray from the ruling of the court “right or left” teaches that one must follow the court even if they tell you that right is left and left is right.

The Tosfos Harosh (2b kgon, appearing on 3a) says that this only means that if one would have clearly assumed one thing (e.g., that something is “left”), but the court teaches otherwise (it is really “right”), then one must follow the court. However, if one is *certain* that the court has erred, then he may not follow the court. He thus resolves the Sifri with another *braisa* which says that one must follow the court *only* if they tell you that right is right and left is left.

The Reshash, however, says that one must follow the court even if they have clearly erred, but one is obligated to speak up and notify the court of any error they observe in the ruling. The *Mishna* is discussing a judge or student who sees the error, but does not notify the court.

### ***The Mitzvah to Obey the Wise***

By: Meoros HaDaf HaYomi

Our *sugya* explains that if a *chacham* who can rule *halachah* hears a decision of the Sanhedrin that contradicts Torah, he mustn't obey them. If he would do so, he errs in understanding the Torah's command to obey the wise as this *mitzvah* was not given to transgress prohibitions. In contrast with our *Gemora*, the commentators present Sifrei's interpretation of the verse “You shall not swerve from the thing that they tell you, right or left” – “Even if he tells that right is left or left is right.” It seems that one must obey the Sanhedrin, even if he believes that they completely erred.

The author of *Beer Sheva* “(on our *sugya*) distinguishes

between the case treated by our *sugya* and that addressed by Sifrei. Our *sugya* concerns someone who hears a ruling that clearly contradicts an explicit *halachah*. Sifrei refers to a *talmid chacham* who disagrees with the Sanhedrin because their ruling doesn't appear to him to be **logical** and in that instance, he must obey them.

Still, according to the Rishonim, there is no disagreement between our *sugya* and Sifrei. Ramban (*Sefer HaMitzvos, shoresh 1*) and the *Ran* (on Sanhedrin 99a) state that our *Gemora* concerns a *chacham* who heard a ruling in the name of the Sanhedrin that appears to be in error. He should go to Yerushalayim to present his arguments to them and till he does so, he should be stringent and ignore their ruling, lest they erred. But if he presents his arguments and proofs and his opinion is not accepted, he must obey the Sanhedrin. This is the instance referred to by Sifrei: “Even if he tells you that right is left or that left is right.”

Some Acharonim suggested that the obligation to obey the Sanhedrin only forbids being more lenient than their ruling but a person may behave more strictly than their ruling. Therefore, our *sugya* rules that a *chacham* who believes that a lenient ruling of the Sanhedrin is incorrect should be strict with himself. Sifrei determines that a *chacham* who believes that a strict ruling of the Sanhedrin is incorrect must obey them. Nonetheless, this conjecture appears to be rejected by the Rishonim, who comment that one mustn't rule more strictly than the Sanhedrin and, as Rambam states (*Hilchos Maachalos Asuros, 17:22*), someone who forbids the oil of gentiles that *Chazal* permitted sins “because he disobeys the *beis din* that allowed it” (see Responsa *Yabia "Omer, VI, Y.D. 7*).