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Horayos Daf 5

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Mishna

Communal-error Bull

If the court ruled and the whole congregation or a majority of it acted upon their ruling, they must bring a bull, and in the case of idolatry they must bring a bull and a he-goat; these are the words of Rabbi Meir. Rabbi Yehudah says: The twelve tribes have to bring twelve bulls, and in the case of idolatry they must bring twelve bulls and twelve he-goats. Rabbi Shimon says: Thirteen bulls (*one for each tribe and one for the court*) and in the case of idolatry thirteen bulls and thirteen he-goats; a bull and he-goat for each tribe and a bull and he-goat for the court.

If the court ruled and seven tribes or their majority acted upon their ruling, they (*the court*) must bring a bull, and in the case of idolatry, a bull and a he-goat; these are the words of Rabbi Meir. Rabbi Yehudah says: If seven tribes transgressed, they must offer seven bulls, and the remaining tribes which had not transgressed must offer a bull on behalf of those which had, for those also who did not sin bring for these who did. Rabbi Shimon said: Eight bulls, and in the case of idolatry - eight bulls and eight he-goats, a bull and he-goat for each tribe, and a bull and he-goat for the court.

If the court of one of the tribes ruled, and that tribe acted upon their ruling, that tribe is liable, but the remaining tribes are exempt; these are the words of Rabbi Yehudah. But the Sages, however, say that they are not liable unless it was a decision of the Great Court alone, for it is written: *And if the entire assembly errs*, and not the assembly of that tribe alone. (4b – 5a)

The *Gemora* cites a *braisa*: It could be thought that if the court had realized that a ruling of theirs was erroneous (*and the congregation acted upon their ruling*), and they had forgotten what the ruling was (*for the congregation committed another sin as well; and the court is uncertain which of the prohibitions had they permitted*), they are liable (*to bring a communal-error bull*); it was therefore expressly stated: *When the sin becomes known*, implying the following: not, however, when only the sinners become known.

That which they have sinned implies that if two tribes had sinned, they must bring two bulls, and if three had sinned, three must be brought (*one bull per tribe*). The *braisa* asks: But perhaps this only means that if two individuals had sinned they bring two bulls, and if three had sinned they bring three (*one bull per sinner*)? It was expressly stated: *The congregation*, indicating that only a congregation is liable, and that each and every congregation (*tribe*) is liable. What is the case? If two tribes sinned, they bring two bulls, and if seven sinned, they bring seven, and also the other tribes who did not sin bring each a bull on account of those who did sin, because even those who had not sinned must bring offerings, because of those who sinned; this is why the Torah writes: *congregation*, in order to impose the obligation upon every congregation; these are the words of Rabbi Yehudah.

Rabbi Shimon said: If seven tribes sinned, they bring seven bulls, and the court also brings a bull on account of them; this is derived through a *gezeirah shavah*.

Rabbi Meir said: If seven tribes had sinned, the court brings a bull on their account, but they themselves are exempt; this is derived through a *gezeirah shavah*.

Rabbi Shimon ben Elozar said in his (*Rabbi Meir's*) name: If the sin was committed by six tribes, who comprise a majority of the congregation, or by seven tribes although they did not comprise a majority of the congregation, they are liable to bring the communal-error bull.

The Master stated: *When the sin becomes known*, implying the following: not, however, when only the sinners become known. [*In order to be liable to bring the korban, they must know which sin they mistakenly ruled upon.*]

Who is the *Tanna* who holds like that? Rav Yehudah said in the name of Rav, and others say it was Rava: It is not Rabbi Eliezer, for it was taught in a *braisa*: Rabbi Eliezer said (*regarding a case where one was uncertain if he ate cheilev – forbidden fats, or nosar – leftover sacrificial meat*): Whatever way you assume, he must bring a *chatas*, for if he ate *cheilev* he is liable, and if he ate the *nosar* he is also liable. [*It would stand to reason that Rabbi Eliezer holds like this regarding a communal chatas as well.*]

Rav Ashi said: It may in accordance with Rabbi Eliezer as well, for here (*regarding the communal bull*), it is different, since it is written: *When the sin upon which they transgressed becomes known (they therefore must know exactly which sin they ruled about)*.

The *Gemora* asks: But surely, there also (*by the individual chatas*), it is written: *in which he has sinned!*?

The *Gemora* answers: That is required for the purpose of excluding the case of one who sinned while he was preoccupied with performing a different act (*that he is not liable for a chatas*).

The *Gemora* cites the Scriptural sources for the *Tannaim's* viewpoints regarding the communal-error bull mentioned in the *braisa*.

	<i>congregation</i>	<i>the congregation</i>	<i>congregation</i>	<i>the congregation</i>
Rabbi Yehudah	Each tribe is liable to bring its own <i>chatas</i> .	The ruling depends on the court, and the action depends on the congregation.	Dragging (the tribe that did not sin are dragged with the others who did)	There is liability for the <i>korban</i> if the tribe acted upon the ruling of its court.
Rabbi Shimon	Each tribe is liable to bring its own <i>chatas</i> .	A <i>gezeirah shavah</i> to teach that the congregation and the court must bring the <i>korban</i> .	A <i>gezeirah shavah</i> to teach that the congregation and the court must bring the <i>korban</i> .	[He doesn't expound this, for it's normal to be written this way.]
Rabbi Meir	A <i>gezeirah shavah</i> to teach that it is the court who brings the <i>korban</i> , and not the congregation.	[He doesn't expound the extra "hey."]	A <i>gezeirah shavah</i> to teach that it is the court who brings the <i>korban</i> , and not the congregation.	[He doesn't expound the extra "hey."]

And as to Rabbi Shimon ben Elozar, his reason is based upon the verse: *And it shall be if through the eyes of the assembly*, which indicates that we are referring to a minority (*and still they are liable to bring the korban*). But how can this be reconciled with that which is also written: *For it was to all the nation an unintentional sin*, which indicates that the liability for the *korban* is only when the majority sinned, and not by a minority!? It must be expounded as follows: If the sin was committed by six tribes who represent the majority of the congregation, or by seven tribes, even though they do not comprise a majority of the congregation, they are liable.

The *Gemora* asks: And how does Rabbi Shimon and Rabbi Meir know that the ruling depends on the court, and the action depends on the congregation?



Abaye says that it is from the verse: *And it shall be if through the eyes of the assembly it was done unintentionally.*

Rava says: It is from: *For it was to all the nation an unintentional sin.*

The *Gemora* notes that both verses are necessary to teach us that the *korban* is not brought if only a minority of the congregation sinned, and that the *korban* is brought even if the court did not commit the sin along with the majority of the congregation.

They inquired: Where one tribe acted on the erroneous ruling of the Great Court, do the other tribes, according to the opinion of Rabbi Yehudah, bring the *korban* or not? The *Gemora* explains: Is it only where seven tribes have sinned that the other tribes bring the *korban* as well, because there is a majority, but where only one tribe had sinned, where there is no majority, they will not be “dragged” along; or is there, perhaps, no difference (*and all the tribes are liable*)?

The *Gemora* attempts to resolve this from a *braisa*: What do they bring? One bull. Rabbi Shimon said: Two bulls. Now it cannot be referring to a case where seven tribes had sinned, for Rabbi Shimon would then require eight bulls (*seven for the tribes and one for the court*). It must be referring to a case where one tribe had sinned, Now if they sinned based upon the ruling of its own court, Rabbi Shimon would not require a *korban* in such a case. It must be a case where they acted based upon the ruling of the Great Court. Now, the *Tanna Kamma* cannot be Rabbi Meir, for he surely requires a majority of the congregation (*to bring the korban; not one tribe*). It must be Rabbi Yehudah (*and we see that he maintains that when one tribe sins, only that tribe brings the korban, not the others*).

The *Gemora* deflects the proof by saying that here it is a case where a sin was committed by six tribes who comprised a majority of the congregation, and it is the opinion of Rabbi Shimon ben Elozar. For it was taught in the *braisa*: Rabbi

Shimon ben Elozar said in his (*Rabbi Meir's*) name: If the sin was committed by six tribes, who comprise a majority of the congregation, or by seven tribes although they did not comprise a majority of the congregation, they are liable to bring the communal-error bull.

The *Gemora* attempts to resolve this from a *braisa*: Rabbi Yehudah said: If a tribe acted on the ruling of its own court, that tribe is liable, but all the other tribes are exempt. If, however, it acted upon the ruling of the Great Court, even the other tribes are liable. This proves it.

Rav Ashi said: This may also be proven from our *Mishna*, which stated: [*If the court of one of the tribes ruled*] and that tribe acted upon their ruling, that tribe is liable, but the remaining tribes are exempt. Why was it necessary to state that the other tribes are exempt? Since the *Mishna* taught that the tribe that sinned is liable, we can deduce that the other tribes are exempt! It must be coming to teach us that only when one tribe acted upon the ruling of its own court are the other tribes exempt, but if it acted upon the ruling of the Great Court, even the other tribes are liable. This indeed proves it.

They inquired: Does one tribe who acted on the erroneous ruling of the Great Court bring a *korban* according to Rabbi Shimon, or not?

The *Gemora* attempts to resolve this from a *braisa*: What do they bring? One bull. Rabbi Shimon said: Two bulls. Now it cannot be referring to a case where seven tribes had sinned, for Rabbi Shimon would then require eight bulls (*seven for the tribes and one for the court*). It must be referring to a case where one tribe had sinned, Now if they sinned based upon the ruling of its own court, Rabbi Shimon would not require a *korban* in such a case. It must be a case where they acted based upon the ruling of the Great Court (*and he maintains that there is an obligation for the korban*).



The *Gemora* deflects this proof: Now, the *Tanna Kamma* cannot be Rabbi Meir, for he surely requires a majority of the congregation (*to bring the korban; not one tribe*). It cannot be Rabbi Yehudah, for surely he holds that the other tribes are required to bring the *korban* as well. It must be the opinion of Rabbi Shimon ben Elozar. For it was taught in the *braisa*: [*Rabbi Shimon ben Elozar said in his (Rabbi Meir's) name: If the sin was committed by six tribes, who comprise a majority of the congregation, or by seven tribes although they did not comprise a majority of the congregation, they are liable to bring the communal-error bull. Since it is referring to the majority of the congregation, it cannot resolve the inquiry, which was dealing with a case when one tribe sinned.*]

The *Gemora* attempts to resolve this from our *Mishna*: But the Sages, however, say that they (*one tribe that sinned*) are not liable unless it was a decision of the Great Court alone. Now, the Sages cannot be Rabbi Meir, for he surely requires a majority of the congregation (*not one tribe*). The Sages must represent the view of Rabbi Shimon. This indeed proves it.

The *Gemora* demonstrates how Rabbi Yehudah and Rabbi Shimon derive from Scriptural sources that one tribe is called a 'congregation.' (5a – 5b)

DAILY MASHAL

Why does the Torah require a person to receive atonement for an action in which he did not intend to do anything wrong?

An insight into resolving this difficulty may be derived from a story about Harav Yisrael Salanter. On one of his travels, Rav Yisrael was in need of money and requested a loan from one of the local townsmen. Because the man didn't recognize him, he was suspicious of the request and demanded collateral to avoid being swindled. Sometime later, Rav Yisrael encountered that same man carrying a chicken, seeking

somebody to ritually slaughter it for him. The man approached Rav Yisrael and asked if he could do so.

Rav Yisrael seized the opportunity to teach the man a lesson in priorities. He pointed out that with respect to the possibility of losing a small amount of money, the man suspected him of being a con artist who wouldn't repay his loan, yet when it came to the risk of eating non-kosher meat if his animal wasn't properly slaughtered, the man had no problem trusting him.

Based on this story, we can appreciate, says Rabbi Ozer Alpert, how Harav Moshe Soloveitchik answers our original question by comparing it to a person carrying glass utensils. If they are inexpensive, he won't be very careful, and periodically some of them may fall and break. On the other hand, if they are made of fine china, he will take extraordinary precautions to ensure their safe transport.

Similarly, if a person recognized the true value of *mitzvos*, he would take so much care to avoid transgressing them that accidents would be unthinkable.