

22 Nissan 5778  
April 7, 2018



Horayos Daf 7

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### ***The Sin of an Anointed Kohen***

The *Mishna* had stated: If he ruled deliberately and acted unintentionally (*he is exempt from the korban, for the laws of the Anointed Kohen’s ruling for himself is the same as the court’s ruling for the community*).

The *Gemora* asks: How do we know this? The *Gemora* answers with a *braisa*. The *braisa* states: The verse states: *to the guilt of the nation*. This indicates that the Anointed *Kohen* is like the nation.

The *braisa* asks: Could this not have been derived through a *kal vachomer*. The public (*who brings a bull*) has different laws than an individual (*who brings a female lamb or goat*) regarding the liability for a *chatas*, as does the Anointed *Kohen* (*who brings a bull*). Just as the public is only liable if the court inadvertently ruled erroneously and the public sinned inadvertently, so too the Anointed *Kohen* is only liable if he ruled inadvertently and sinned accidentally. On the other hand, you can argue as follows: We can compare the Anointed *Kohen* to a *Nasi* in a similar fashion. Both of them do not have the same law as an individual (*for the Nasi brings a male goat*). Just as a *Nasi* brings a *chatas* if he transgresses inadvertently even without forgetting that it was forbidden, so too the Anointed *Kohen* should be subject to a *chatas* if he transgresses inadvertently without forgetting that it was forbidden.

Who is the Anointed *Kohen* more similar to? The public brings a bull and never brings an *asham taluy* (*when it was questionable if a transgression was committed*), just like the Anointed *Kohen*. Just as the public is only liable if the court

inadvertently ruled erroneously and the public sinned inadvertently, so too the Anointed *Kohen* is only liable if he ruled inadvertently and sinned accidentally. On the other hand, you can argue as follows: Both a *Nasi* and the Anointed *Kohen* bring a female goat if they transgressed idolatry and they both bring an *asham vadai* (*a definite ashame; brought for certain sins*). We should therefore say that just as a *Nasi* brings a *chatas* if he transgresses inadvertently even without forgetting that it was forbidden, so too the Anointed *Kohen* should bring a *chatas* if he transgresses inadvertently without forgetting that it was forbidden. This is why the verse says: *to the guilt of the nation*. The Torah is teaching us that the Anointed *Kohen* is like the nation. Just as the public is only liable if the court ruled inadvertently and they sinned accidentally, so too the Anointed *Kohen* is only liable if he ruled inadvertently and sinned accidentally.

The *braisa* continues: Perhaps we should say that just as a court that rules erroneously must bring a communal-error bull if the public followed their ruling, so too a bull should be brought by the Anointed *Kohen* if the people followed a mistaken ruling of his. This is why the verse says: *And he will offer, for his sin that he sinned*. He only offers sacrifices for his sins, not for those of others.

The *braisa* had stated: The Anointed *Kohen* brings a bull and never brings an *asham taluy*.

The *Gemora* asks: How do we know this? The verse says: *And the Kohen will atone for him for the inadvertent sin that he inadvertently committed*. This implies that an *asham taluy* only applies to someone whose sin is like his inadvertence

(meaning that he brings a chatas for an inadvertent act). This excludes the Anointed Kohen, whose inadvertence and sin are not similar. This is as the verse states: *to the guilt of the nation*. The Torah is teaching that the Anointed Kohen is like the nation.

The Gemora asks: It can't be that the source for this is the verse: *to the guilt of the nation!* [This is because without this verse we already know that the public brings a bull and never brings an asham taluy, just like the Anointed Kohen. We would clearly compare the two without this verse!]

The Gemora answers: The verse indeed was just stated as an aside, and is not the source of the law. (6b – 7a)

### Mishna

If the Anointed Kohen issued his own ruling and acted on his own ruling, he atones on his own (with a chatas bull). [Rashi explains that this is referring to a case where beis din also ruled erroneously at the same time, but regarding a different prohibition.] If he ruled along with court (regarding the same prohibition) and he acted along with the public, his atonement is with the public (through the communal-error bull). This is because the court is only liable if they rule to abolish part of a mitzvah and to keep part of a mitzvah, just like the Anointed Kohen. [The Mishna means that in many ways the Anointed Kohen is similar to beis din, and he will therefore atone with beis din.] The court is also not liable for idolatry unless they rule to abolish part of the commandment and to keep part of it. (7a)

### Sources

The Gemora asks: How do we know this? The Gemora answers from a braisa. The braisa states: If he ruled along with the court (regarding the same prohibition) and he acted along with the public, one might think he should bring his own offering. (The braisa answers) This is a kal vachomer (that he should not bring his own offering). A Nasi and the Anointed Kohen are both unlike individuals. Just as a Nasi who sins independently brings his own atonement, and if he

sins with the public he atones with the public, so too the Anointed Kohen who sins by himself brings his own atonement, and if he sins with the public he atones with the public. [Why should we think that he brings his own korban?]

The braisa answers that this kal vachomer is flawed. A Nasi atones with the rest of the nation on Yom Kippur, whereas a special korban must be brought for the Anointed Kohen! One might therefore think that the Anointed Kohen should bring his own atonement if he sins with the people as well. This is why the verse says: *he will offer, for his sin that he sinned*. This teaches us that if he committed his own sin, he is liable to bring his own korban. If he sinned together with everyone else, he atones with the public. (7a)

### Who is the Outstanding Sage?

The Gemora discusses the case of the Mishna: What is the case? If the case is where the Anointed Kohen is an outstanding scholar as opposed to the members of the court, he should (obviously) bring his own atonement, as their ruling is not considered significant to him! The individuals of the nation should each offer a female lamb or goat!?! [Rashi explains that this is due to the law that if the greatest sage was not present when the beis din ruled, their ruling is insignificant. If he wasn't with them, this means that each individual sinned independently, and it is not subject to the law of communal offerings.] If he is not a scholar compared to the members of the court, why should he atone separately? His ruling is insignificant!?

Rav Papa says: The case is where they are equally great scholars.

Abaye understood the Mishna's case as follows: If he sinned on his own, the case must be where he was in a different place than the court, and they ruled regarding two separate prohibitions.

Rava asked: Why is it relevant that they should be in two separate places? Rather, Rava said: They can be in the same



place. As long as they are ruling regarding two separate prohibitions, he brings his own atonement.

The *Gemora* notes: It is obvious that if he ruled regarding forbidden fats and they ruled regarding idolatry that these are two separate sins, as the reasoning for them (*their Scriptural verses*) is very different, and they mandate bringing different atonements, as he would bring a bull, and they would bring a bull and a goat. Certainly if he rules regarding idolatry and they ruled regarding forbidden fats, they are different, as he brings a female goat and they bring a bull. However, what is the law if they permitted fat covering the innards and he permitted fat covering the intestines? Do we say that although they make one liable for the same *korban*, being that they are derived from two different verses they are considered like two separate prohibitions as they have two separate sources? Or do we say that they both are prohibited because they are forbidden fats of animals, and therefore should be considered the same?

If you would conclude that they are the same because they are both forbidden fats of animals, what if he rules regarding forbidden fats, and they rule regarding blood? Do we say that being that they have two separate sources they are two different prohibitions, or do we say that being that they make one liable for the same *korban* they are considered one similar prohibition? The *Gemora* leaves these inquiries unresolved. (7a – 7b)

#### Sources

The *Mishna* had stated: The court is not liable unless they rule to partially nullify and partially uphold a law.

The *Gemora* asks: How do we know this? The *Gemora* answers: This is as we derived earlier in the first chapter that the verse says: *and the matter will be hidden*, implying that only part of a matter (*i.e. mitzvah*) will be nullified.

The *Mishna* had stated: The same applies regarding the Anointed *Kohen*.

The *Gemora* asks: How do we know this? The *Gemora* answers: The verse says: *by the guilt of the nation* implying that the Anointed *Kohen* is like the nation (*in this regard*).

The *Mishna* said: They are also not liable for idolatry unless they rule to abolish part of a *mitzvah* and to keep part of it.

The *Gemora* asks: How do we know this? The *Gemora* answers from a *braisa*. The *braisa* states: Being that idolatry is different than other sins, in that a goat must also be brought, one might think that one is only liable if the entire *mitzvah* is uprooted. The verse says: *from the eyes* both regarding idolatry and communal-error bull. Just as regarding communal-error bull it is dependent on a ruling from the court, so too regarding idolatry. Just as by the communal-error bull, only part of a *mitzvah* is nullified, so too regarding idolatry. (7b)

#### Mishna

The court is only liable (*for the communal-error bull*) if when there is an oversight regarding a law and the public inadvertently sin. This is also true regarding the Anointed *Kohen*. The same is true regarding idolatry. (7b)

#### Sources

The *Gemora* asks: How do we know this? The *Gemora* answers: The verse says: *the entire congregation will inadvertently sin*. One might think this alone is enough. This is why the verse says: *And the matter will be hidden* implying that one is only liable (*helem davar*) if they issued an erroneous ruling plus there was an inadvertent sin.

The *Mishna* said: The same applies regarding the Anointed *Kohen*.

The *Gemora* asks: How do we know this? The *Gemora* answers: The verse says: *by the guilt of the nation* implying that the Anointed *Kohen* is like the nation (*in this regard*).



The *Mishna* had stated: The same is true regarding idolatry.

The *Gemora* asks: How do we know this? The *Gemora* answers from a *braisa*, which states: Being that idolatry is different than other sins, in that a goat must also be brought, one might think that one is liable if they inadvertently sin (*without forgetting*). The verse says: *from the eyes* both regarding idolatry and the communal-error bull. Just as regarding the communal-error bull, it is dependent on a mistaken ruling from the court along with accidental sinning, so too regarding idolatry.

The *Gemora* asks: The *Mishna* does not address a the Anointed *Kohen's korban* for idolatry. This implies that the *Mishna* is according to Rebbe. The *braisa* states: The Anointed *Kohen's korban* for idolatry is brought if he inadvertently sins. These are the words of Rebbe. The Sages say: There must be a forgetting (*i.e. mistaken ruling*). They agree that he brings a female goat, and that he does not bring an *asham taluy*.

The *Gemora* replies: Does the *Mishna* say that the Anointed *Kohen* similarly brings a *korban* only on a sin which is punishable with *kares* and to bring a *chatas* if he does it accidentally? [*It does not have to say every law that is similar regarding an Anointed Kohen! The assumption is that it is similar unless specified otherwise.*] Rather, it says the general law, which also applies to an Anointed *Kohen*. The same is true for our *Mishna*.

The *Gemora* asks: What is Rebbe's reasoning? The verse says: *And the Kohen will provide atonement for the person that accidentally sins when he sins inadvertently. The person* refers to the Anointed *Kohen*; *that accidentally sins* refers to the *Nasi*; *when he sins inadvertently* refers to the fact that idolatry requires a *korban* when it is done through an act of inadvertence; these are the words of Rebbe. The Sages understand that this refers to a regular person whose accidental sin (*not by idolatry*) makes him bring a *chatas*, as opposed to the Anointed *Kohen* who does not bring a *chatas*

for an inadvertent act, but rather if there was an oversight on the law along with an act of inadvertence. (7b)

#### DAILY MASHAL

Concerning every other *Korban Chatas*, Sin-offering, the Torah conveys explicitly that the *Kohen* will sprinkle the blood and atone for the sinner. Regarding the Sin-offering of the *Kohen Mashiach*, we do not find this stipulation. Rather, the blood is brought into the *Kodesh*, Holy, and sprinkled there without the involvement of anyone else. Why is this? The *Meshech Chochmah* gives a practical explanation. The purpose of the entire process surrounding a *Korban Chatas* is so that the sinner will regret his sin. The requirement that the *Kohen* must assist in sprinkling the blood is to add guilt to the sinner's conscience, something that will hopefully drive home the lesson: You have erred, and now you must regret and atone for your sin.

Rabbi A. Leib Scheinbaum offers the following explanation: When the *Kohen Mashiach* sins, publicizing his error can have a deleterious effect on the people. Once word gets out that the spiritual leader had sinned, people will begin to talk about his failures and weaknesses, instigating a general lack of respect for him and his position. Others might use this negative influence as an excuse to sin personally. Thus, the Torah felt it prudent to allow the *Kohen* to conceal his error and to obligate him to bring the blood of his offering into the Holy and to sprinkle it personally, without fanfare, without an audience. The Torah's perspective is that the indiscretions of its spiritual leaders should be dealt with in a discreet and confidential manner, thereby avoiding a situation that would lead to a "guilt upon the people," in which the common person will find individual rationale to justify his own iniquity.