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Horayos Daf 8

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Anointed Kohen

The *Gemora* cites a *braisa*: Rebbe and the *Chachamim* agree that an Anointed *Kohen* brings a female goat for idolatry just as a commoner does. The *Gemora* cites the Scriptural source for this.

The *braisa* had stated: Rebbe and the *Chachamim* agree that an Anointed *Kohen* does not bring an *asham taluy*. The *Gemora* cites the Scriptural source for this. (7b – 8a)

Mishna

The court is not liable (*to bring the communal-error bull*) unless they permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. And the same applies with an Anointed *Kohen*. And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. (8a)

Scriptural Sources

The *Gemora* asks: How do we know that (*the court is not liable to bring the communal-error bull unless they permit a prohibition that is punishable by kares when done intentionally, and there is a liability for a chatas when done inadvertently*)?

The *Gemora* cites a *braisa*: Rebbe said: It is derived through a *gezeirah shavah*: It is written here, *oleha*, and it is written regarding the prohibition against cohabiting with one’s wife’s

sister, *oleha*. Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding the communal-error bull, it only applies when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* asks: how do we know this regarding an Anointed *Kohen*?

The *Gemora* answers: It is because it is written regarding him: *to the guilt of the nation (we compare his offering to the communal one)*.

The *braisa* continues: We learn that this law applies by a *Nasi* as well, through a *gezeirah shavah* using the word *mitzvos*, which is written by a *Nasi* and the communal-error bull. We also learn from *Nasi* that an individual is not liable to bring a *chatas* unless he transgressed a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Mishna* had stated: And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* asks: how is this known?

The *Gemora* cites a *braisa*: I might have thought that idolatry is different, for it was excluded from the regular rule (*for by idolatry, there is an obligation to offer a bull and a goat*); it is derived through a *gezeirah shavah*: It is written here, *mei'einei*, and it is written regarding the communal-error bull, *mei'einei*. Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding idolatry, it only applies when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* cites the verse, *if a person*, written by an individual's inadvertent transgression of idolatry. An individual, *Nasi* and Anointed *Kohen* are all included in the verse, *if a person*. We can therefore learn from the communal-error that just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemora* asks: This is well according to the opinion who uses the word "*oleha*" for a *gezeirah shavah*, as stated above; however, according to the Rabbis, who use "*oleha*" in connection with the laws of *arayos* and co-wives, how do they deduce that the obligation for the *korban* is incurred only where the prohibition is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently?

The *Gemora* answers: They deduce it from that which Rabbi Yehoshua ben Levi taught his son: It is written: *You shall have a single law for you, for one who acts in error*. And then it states: *But the person that does with a high hand* etc. All the commandments of the Torah were compared to the prohibition of idolatry; just as there it is referring to a

prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

From there (*an individual, a Nasi and an Anointed Kohen*), we can derive that the same applies to an error by the community.

The *Gemora* notes what Rebbe does with Rabbi Yehoshua ben Levi's verse. He applies it to the following: Since we find that the Torah made a distinction between a multitude and individuals (*who committed idolatry*) that the multitude is punished by the sword and their property destroyed, while individuals are punished by stoning and their property is spared. One might have thought that a distinction should also be made in respect of their sacrifices. It was therefore stated: *You shall have a single law for you*.

Rav Chilkiyah of Hagronya asked: What might have been the distinction with respect of their sacrifices? They could not bring a bull, for the congregation brings a bull for the transgression of any of the other commandments! They cannot bring a bull as an *olah* and a goat for a *chatas*, for the congregation brings such offerings in respect of idolatry! They cannot bring a he-goat, for a *Nasi* brings such an offering in the case of his transgression of any of the other commandments! They cannot bring a she-goat, for this is also the sacrifice of an individual!

The *Gemora* answers: It might have been suggested that whereas the congregation brings a bull as an *olah* and a goat for a *chatas*, these should reverse the procedure and bring a bull for a *chatas* and a goat for an *olah*. Or perhaps we would have thought that consequently there is no remedy for them; the Torah teaches us otherwise.

The *Gemora* offers three explanations explaining how it is known that the verses mentioned above deal exclusively with idolatry.

1. Since it is written: *And when you shall err, and do not observe all of these commandments*. Now, which is the commandment that is equal to all other commandments? You must say that it is concerning idolatry.
2. It is written: *That Hashem has spoken to Moshe*, and it is also written: *Everything that Hashem has commanded you through Moshe*. Which is the commandment that was given by the words of the Holy One, Blessed be He, and again through Moshe? You must say that it is concerning idolatry, for Rabbi Yishmael taught: The commandments, *"I am Hashem your God,"* and *"You shall not have other gods"* were heard from the mouth of Hashem.
3. It is written: *From the day that Hashem commanded and onward, throughout your generations*. Which *mitzvah* was said in the beginning? It must be that it is referring to idolatry. (8a – 8b)

Asham Taluy

Beis Din are not liable for the special *chatas* for a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; and individuals do not bring an *asham taluy* (*korban brought when one is unsure if he committed a sin that is subject to a chatas*) in connection with a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; but *Beis Din* are liable for the special *chatas* for a positive or negative *mitzvah* concerning a menstruant woman; and individuals bring an *asham taluy* in connection with a positive or negative *mitzvah* concerning a menstruant woman.

The *Gemora* cites the Scriptural sources for the *halachos* mentioned in the *Mishna*. (8b)

DAILY MASHAL

The Price of Uncertainty

Interestingly, while a *karban chatas* must cost a minimum of a *danka* (a certain Talmudic coin), an *asham taluy* must cost two *sela'im*. A *sela* comprises 24 *dankas*, making the *asham taluy* worth 48 times as much as a *karban chatas*! Why does a *karban* brought for a sin that was **certainly** committed cost so much less than one brought by someone who may not have sinned at all?!

Rabbeinu Yonah explains that the atonement achieved by bringing a *karban* is accomplished not so much by the actual sacrifice, but by the *teshuvah* that accompanies it. So if someone certainly sinned, bringing an inexpensive *karban* is sufficient to arouse feeling of regret; but if someone surmises that he may be completely free of sin, additional action is required to inspire him to do *teshuvah*.

Rav Eliezer Chrysler adds: Chazal explain that whereas on the one hand, it is obvious that a definite sin requires a deeper *Teshuvah* than a doubtful one, on the other, there is one aspect of a doubtful sin that renders it more serious than a definite one. A person who sins is full of remorse, and this remorse is bound to be particularly deep when the sin in question is one that carries with it *Kareis*, as is the case here. It is human nature however, to make light of a doubtful sin. After all, a person thinks, there is a fifty per cent chance that the piece of fat that he ate was *shuman*. Consequently, he does not take the sin too seriously, and the aspect of remorse (one of the major characteristics of *Teshuvah*) is weak at best. Bearing in mind we are talking after all, about a *Safek Kareis*, the Torah therefore requires an *Asham Taluy* to be a little on the expensive side, to compensate for the deficiency of 'lack of *charatah*'.

And it is for the same reason, says the *Yalkut Yitzchak*, that the Torah writes, with regard to an *Asham Taluy* "It is an *Asham*, he is certainly guilty to Hashem". The Torah stresses here that even though he may not have sinned, the fact that he carelessly performed an act that may have been a sin is in itself a sin, and requires atonement.