



Masseches Horayos has ben dedicated in memory of Rabbi Simchah Freedman z"l, 3rd of Nissan 5778

## OVERVIEW of the Daf

### 1) One who remained at home yet acted according to Beis Din's initial ruling (cont.)

R' Zeira concludes his explanation of R' Elazar's position. A parable is offered to explain the position of Sumchus.

### 2) The dispute between R' Akiva and Ben Azzai

Rava explains the point of dispute between R' Akiva and Ben Azzai.

### 3) Uprooting an entire section of halacha

A Baraisa is cited that elaborates on the Mishnah's ruling that a korban is not brought if Beis Din erroneously uprooted an entire section of halacha.

The Gemara clarifies a statement of the Baraisa.

Three different explanations are suggested for the exposition of the Baraisa.

R' Yehudah in the name of Shmuel teaches that Beis Din is not liable if their erroneous ruling involves a matter to which even Sadduces agree.

Three unsuccessful challenges to this principle are recorded.

R' Yosef asks whether ruling that there is no prohibition against plowing on Shabbos qualifies as a ruling that uproots an entire section of Torah.

Three unsuccessful attempts are made to resolve the inquiry and the matter is left unresolved.

R' Zeira inquires whether ruling that Shabbos does not apply during shemittah is a ruling that uproots an entire section of halacha.

Ravina demonstrates that this is not a case of uprooting an entire section of halacha.

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## REVIEW and Remember

1. How does Rava explain the dispute between R' Akiva and Ben Azzai?
2. Why is Beis Din exempt if they issue an erroneous ruling about a matter that even Tzedukim recognize as true?
3. What would be the rationale to conclude that Shabbos restrictions do not apply during Shemittah?
4. What does the term עמך from the phrase ונתיצבו שם עמך imply?

## Distinctive INSIGHT

*Is plowing an entire segment of halacha, or is it part of Shabbos?*  
 בעי רב יוסף אין חרישה בשבת מהו?

The Mishnah (3b) taught that the halacha of פר העלם דבר does not apply where the court issues a mistaken ruling which cancels an entire segment of a halacha (לעקור את כל הגוף). The Gemara (4a) explains that this is based upon the verse which states that the court brings a single bull on the behalf of everyone when their ruling was the result of "וּנְעַלְמָ דְבַר—a matter which has eluded them." The term "דבר" is understood to mean that one detail or one aspect of the law has eluded them, as opposed to where an entire mitzvah was overlooked. The Mishnah itself gave examples of the court ruling that "There is no mitzvah of niddah," or "There is no law of Shabbos." In these examples, if an individual acted based upon the ruling of the court, he would be obligated to bring his own personal offering.

In the Gemara, Rav Yosef presents an inquiry regarding the definition of "an entire segment of halacha." What would the halacha be if the court ruled that there is no prohibition against plowing on Shabbos? Is this considered an entire segment of a halacha, or is the law of plowing just one detail within the larger scope of the laws of Shabbos? If it is an entire segment in and of itself, the halacha of a single communal offering brought by the court on the behalf of the nation would not apply.

Sefer Be'er Sheva explains that although Rav Yosef presents his question in terms of the law of plowing, his inquiry refers to a ruling that any of the forbidden labors of Shabbos was permitted. Tosafos (ד"ה בעי) explains that the reason Rav Yosef uses plowing as the representative example of a forbidden labor on Shabbos is that it is the first of the thirty-nine labors listed in the Mishnah in Shabbos (73a). It is interesting to note that the Mishnah actually lists planting (זורע) before plowing, but the Gemara in Shabbos (73b) says that plowing is the first melacha in lands outside of Eretz Yisroel.

Tosafos also notes that the halacha of פר העלם דבר does not apply to a halacha which the Sadduces agree. If a halacha is straight-forward and explicit in the Torah, to the extent that it needs no explanation or rabbinic clarification, this is a type of law to which even the Sadduces agree. If the court would make an error in this area no one who acted upon their ruling could say that he acted in this manner because he relied upon the word of the court. Plowing is in this category, so whether it is a full segment of halacha or only a part of the general laws of Shabbos, the law of פר העלם דבר would not apply. Tosafos therefore concludes that the case of plowing was merely chosen as an example, and it was only chosen because it is the first on the list in Shabbos. However, it would technically never be a case where the court would bring its offering. ■

# HALACHAH Highlight

## False prophets

בניא שנתנבא לעקור דבר מדברי תורה

*A prophet who prophesied to uproot something from the Torah*

The Gemara teaches that a prophet who uses the mantle of prophecy to uproot something from the Torah is categorized as a false prophet and is executed by strangulation. Hagohos Maimonios<sup>1</sup> cites Re'em who cautions against saying, "Hashem told me ...," even if the statement is made in jest. Since people are not careful about this matter it is necessary to highlight its importance. Mishnas Chachamim<sup>2</sup> explains that the Biblical prohibition against being a false prophet is not limited to those who are or those who present themselves as prophets; rather anyone who falsely claims to have heard something from Hashem is considered a false prophet. He then references Sefer Hachinuch<sup>3</sup> who writes that the root of the prohibition against being a false prophet is that it undermines the reliability of true prophets to spread the true word of Hashem. Once people become suspicious of the veracity of a prophet's words, people will doubt even the veracity of the true prophets.

Minchas Chinuch<sup>4</sup> disagrees. Someone who is a prophet who is fit to transmit the word of Hashem can become a false prophet by lying and reporting a prophecy that did not occur. If a regular person states something in the name of Hashem everyone knows not to take him seriously and thus he would not be categorized as a false prophet. He then cites Rambam who seems to follow this position as well. Rambam<sup>5</sup> records the qualifications and conditions for someone to be a prophet that obli-

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4) **MISHNAH:** The Mishnah presents instances in which a communal-error bull is not offered and the related expositions.

### 5) Clarifying the Mishnah

The source that a communal-error bull is not brought when the most distinguished member is absent is cited.

The גזירה הוה that teaches that all the members of the Beis Din must be fit for ruling is explained.

6) **MISHNAH:** The Mishnah discusses different cases of erroneous rulings and the consequence of each case.

### 7) Rami bar Chama's inquiry

The Gemara suggests that the Mishnah could resolve an earlier inquiry of Rami bar Chama.

The Gemara presents the response that Rami bar Chama would give to this inference.

8) **MISHNAH:** The first part of the Mishnah presents a dispute about who brings the communal-error bull. ■

gates others to believe his reports of prophecy and then writes that if that prophet lies about a prophecy he is considered a false prophet. This clearly implies that only someone who is qualified to be a prophet can be categorized as a false prophet but someone who does not qualify to be a prophet will never be considered a false prophet. ■

1. הגהות מיימוניות לרמב"ם פ"ה מהל' ע"ז אות א'.
2. משנת חכמים מצוה לי צפנת פענח ס"ק י"ב.
3. ספר חינוך מצוה תקי"ז.
4. מנחת חינוך שם אות ד'.
5. רמב"ם פ"ז מהל' יסודי התורה ה"ז. ■

# STORIES Off the Daf

## The Resting Place of the Shechinah

"עמד לשכינה..."

The Divrei Chaim of Sanz, zt"l, was famous for his intense dedication to the study of all areas of Torah and his vast learning. At the same time, he was a chasid who followed the path of the Baal Shem Tov, zt"l, with great devotion.

Once, the Divrei Chaim met with one of the children of the Chasam Sofer, zt"l. The two spoke in learning for a considerable time and even the most complex questions asked by the son of the Chasam Sofer was answered perfectly, without any prolonged deliberation.

As the two were speaking, the

Vizhnitzer Rebbe, zt"l, arrived. The Divrei Chaim was immediately filled with even greater joy. To the surprise of his first visitor, the Divrei Chaim ran to meet the rebbe, and began dancing and singing in his honor.

When the Chasam Sofer's son asked his host why he had given such honor to the rebbe—who he knew was his inferior in learning—he was astounded by the Divrei Chaim's reply. "Why was the Beis HaMikdash built on Har HaMoriah and not on Har Sinai where the Torah was given amidst thunder and lightning? Perhaps this teaches us that the main place where the Divine presence rests is not where Torah greatness alone rests. It is where a Jew slaughters his evil inclination to honor Hashem!"

When Rav Yechezkel Michel Hibner,

zt"l, told this story, he would connect it to today's daf. "This concept is explicit in Horayos 4. There we find that when Hashem told Moshe to choose seventy elders, He used the word עמד—they should be 'with you.' The Gemara at first understood that this may refer to people who are עמד לשכינה, as opposed to people who are scholars and capable of issuing Torah rulings. Rashi explains that Hashem might have required complete tzaddikim who are like Moshe since they are most fitting to receive the Shechinah.

"Clearly, the level of absolute tzaddik is more receptive to receiving the Shechinah than even a greater scholar who is not such a tzaddik!"<sup>1</sup> ■

1. אמת ויציב, ח"ד, ע"י קסייג ■