

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

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah presents a third opinion about who brings the communal-error bull offering. A disagreement between R' Shimon and R' Yehudah concerning the halacha when a majority of tribes sin is presented. The Mishnah concludes with a disagreement between R' Yehudah and Chachamim regarding the type of Beis Din that can cause an obligation to bring a communal-error offering.

2) Clarifying the Mishnah

The Gemara cites a lengthy Baraisa that elaborates on the rulings of the Mishnah.

Amoraim note that the Mishnah that maintains that one must know the exact transgression that was violated does not follow the position of R' Eliezer.

R' Ashi explains how the Mishnah could be consistent with R' Eliezer.

This assertion is unsuccessfully challenged.

The reasoning behind R' Yehudah, R' Shimon, R' Meir and R' Shimon ben Elazar's respective positions in the Baraisa are explained.

Abaye suggests one source for how R' Shimon and R' Elazar know that the erroneous ruling depends upon Beis Din and the action depends upon the nation.

Rava suggests an alternative source for this ruling.

The Gemara explains why both sources are necessary.

These expositions are unsuccessfully challenged.

3) Clarifying R' Yehudah's position

The Gemara inquires whether according to R' Yehudah all the shevatim must bring a korban if one shevet sinned as a result of an erroneous ruling of Beis Din.

On the second attempt the Gemara successfully proves that according to R' Yehudah the other shevatim must bring a korban when one shevet sins.

R' Ashi infers the same thing from the wording of the Mishnah.

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REVIEW and Remember

1. What is the source that a korban is brought only when one knows the exact sin that was committed?
2. How does the Gemara explain the basis of the dispute between R' Yehudah, R' Shimon, R' Meir and R' Shimon ben Elazar?
3. According to R' Shimon ben Elazar, what are the two ways of calculating a majority of the Shevatim?
4. What is the source that a Shevet could be referred to with the term קהל?

Distinctive INSIGHT

The majority of tribes or the majority of the population

חטאו ששה שבטים והם רובו של קהל או שבעה אף על פי שאינו רובו של קהל

The view of R' Meir is that two conditions are necessary in order for the law of the bull for the court's oversight to apply. The sinners must be from seven of the tribes, which represent a majority of the tribes, and they must also comprise a majority of the population of the nation.

R' Shimon ben Elazar reports a different variation of the opinion of R' Meir. He says that even if six tribes sinned, which is not a majority of the tribes, as long as they are a majority of the nation's population, or if seven tribes sin, even if they are a minority of the nation's population, the halacha of the bull brought for the court's oversight applies.

Rashi later explains that R' Shimon b. Elazar holds that even if five tribes sin, as long as they are a majority of the population of the nation, the bull of the community is brought. Sefer Be'er Sheva also points out that the number "six tribes" is not specific, because as long as we have a majority of the population, it could be comprised of five or four tribes that sinned.

The Achronim cite the Yerushalmi (1:7) which says that this halacha applies only if six tribes (half of twelve) or more sin, and provided they are the majority of the nation's population. If five tribes sin, even if they are a majority of the people, the court would not bring its communal bull. חשק שלמה explains that when six tribes sin, they can still be considered to be a majority due to their population.

Rambam (Hilchos Shgagos 12:1) rules according to the Bavli, that the court brings its communal bull if the sinners are a majority of tribes even if they are a minority of the nation, or if they are a minority of the tribes but a majority of the population. Kesef Mishna explains that Rambam rules according to R' Shimon b. Elazar, and the way he is understood in our Gemara (according to Be'er Sheva who says that the number "six" tribes is not necessary), and not according to the understanding of the Yerushalmi.

מרכבת המשנה explains that if the Yerushalmi rules that according to R' Shimon b. Elazar the halacha of the communal bull only applies when six or more tribes sin, this must mean that Rambam is not ruling according to R' Shimon b. Elazar. Rather, he explains that when Rambam rules that even fewer than six tribes who sin bring the communal bull he is ruling according to R' Yehuda who says that the offering is brought by a קהל, which refers to each tribe individually.

Keren Orah demonstrates that the Bavli and Yerushalmi disagree regarding the opinion of R' Shimon b. Elazar, and that the Bavli holds that he holds that the communal bull is brought even if five or fewer tribes sin, if their population is a majority of the nation. ■

HALACHAH Highlight

Defining the word כל

”כי לכל העם בשגגה” למימרא דרובא אין מיעוטה לא

”For it was to the entire nation an unintentional [sin]” to say that [there is liability] for the majority but not for the minority

In the Gemara R' Shimon ben Elazar elaborates on the pesukim that discuss an erroneous ruling of Beis Din to permit idolatry. One of his expositions is that the phrase **כי לכל העם בשגגה** – For it was to the entire nation an unintentional sin - is not to be understood literally that the entire nation sinned; rather even if the majority of people acted upon Beis Din's erroneous ruling the pasuk applies. The basis of this assertion is the principle of **רובו ככולו** – the majority is equivalent to the whole. Or Sameach¹ notes that there is a disagreement between Bavli and Yerushalmi whether the use of the word **כל** requires everyone or whether the majority is sufficient.

In davening on Rosh Hashanah and Yom Kippur we say, **מלוך על כולו** – Reign on the whole world, entirely. Levush² writes that the word **כל** is unnecessary since one is going to say **כולו**. Taz³ disagrees and explains that since many times the word **כל** refers to the majority rather than the whole it is necessary in this instance to emphasize that we are davening for Hashem to reign over the entire world without exception.

Taz⁴ makes a similar statement regarding **עירוב חצירות**. In a circumstance in which a person is required to nullify his property to the other member of the courtyard he must specify that he is nullifying his yard to each of them and may not make one statement that his property is nullified **לכולכם** – to all of you. The reason is that the term **כולכם** could be understood as a reference to most of the other

4) Clarifying R' Shimon's position

The Gemara inquires whether according to R' Shimon a single shevet will bring a korban if they sin.

On the second attempt the Gemara proves that according to R' Shimon a single shevet would have to bring a korban when they sin.

The Gemara inquires about the source that a single shevet could be called a **קהל**.

A verse is cited and the Gemara digresses to elaborate a point in the verse.

R' Acha bar Yaakov successfully challenges this source and offers his own source that a shevet could be called a **קהל**.

This source is unsuccessfully challenged.

5) The korban brought by the levi'im during their inauguration

A Baraisa is cited that begins a discussion regarding the korban brought by the levi'im during their inauguration. ■

residents rather than all of them and thus is insufficient. Tosefos Shabbos⁵ disagrees and bases his position on another halacha. The Gemara Gittin (66b) teaches that if someone instructed a group of people to write and sign his *get* and used the term **כולכם**, all of them must be involved and if one of them were to die before the *get* was signed by all of them the *get* is invalid. According to Taz we should be concerned that perhaps the husband referred to most of the people when he used the term **כולכם** and the *get* should be considered valid out of doubt. The fact that there is no such concern indicates that the term **כולכם** is understood literally as a reference to all of them. ■

¹ אור שמח פי"ח מה"ל ע"ז הי"ב. ² לבוש או"ח סי' תקפ"ב סעי' ח'. ³ ט"ז שם סק"ג. ⁴ ט"ז או"ח סי' ש"פ סק"א. ⁵ תוספת שבת שם סק"א. ■

STORIES Off the Daf

The Mathematics of Atonement

”שבט אחד דאקרי קהל...”

When the Baal HaTanya, zt”l, was imprisoned for the second time due to slander, a wealthy opponent of Chassidus paid him a visit. The visitor offered to arrange that the Baal HaTanya be released but only on condition that he meet with three renowned misnagdim and debate chassidus with them. The Baal HaTanya readily agreed to this condition, and the misnaged promised he would soon be released.

Not long after this, the wealthy misnaged, who was very well connected with government officials, met with the interior minister of Russia on a business matter. The minister boasted, “We show no partiality in the Russian system. Why, even Rabbi Schneur Zalman of Liadi has been imprisoned for violating the law.”

The misnaged immediately took advantage of this opening. “I happen to know that Rabbi Schneur Zalman is completely innocent of any crime and am willing to take personal responsibility for him if you free him.”

His words made a deep impression on the minister, who soon arranged that the Baal HaTanya be freed.

The Baal HaTanya paid the first misnaged a visit to debate chassidus, as agreed. When the assembled rabbis saw who had entered, one spoke sharply. “You chassidim have abandoned the revealed Torah for its hidden teachings and you want to debate? I will only speak with you if you can tell me how many times the statement **תא שמע** appears in ש”ס.”

Without hesitating a moment, the Baal HaTanya requested a pen and paper and jotted down every **תא שמע** in ש”ס. And so their debate began.

One of the questions the first rabbi asked was why the Midrash in one place says

that Moshe required ten tzaddikim to atone for the **עגל**, while in a different place it says that many more were required. Moshe only had the seventy elders and another seven living tzaddikim, but he added the three Avos and this sufficed.¹

The Baal HaTanya answered, “This is because of a dispute in Horayos. There we find a doubt as to whether only the entire Jewish people is called **קהל** or is each tribe called by this appellation.

“The requirement of ten tzaddikim follows the logic of Rabbi Meir who holds that the entire congregation is called **קהל**. But Rabbi Yehudah and Rabbi Shimon hold that each tribe is a **קהל** and this means that each requires its own ten tzaddikim for atonement. Eleven tribes sinned, requiring one hundred and ten tzaddikim in all. Seventy seven is seven for each tribe and the three avos count as an extra three for each tribe.”² ■

1. עי' מדרש רבה, פרשת כי תשא, מ"ד: ז', ופרשת עקב, ט"ו
2. יגדיל תורה, פרשת כי תשא, עי' רמ"א ■