



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

OVERVIEW of the Daf

1) Kohen Gadol bringing a questionable Asham

The source that the Kohen Gadol does not bring a Questionable Asham is identified.

This source is challenged and then qualified and the Gemara then clarifies Rabanan's position.

2) **MISHNAH:** The Mishnah presents additional prerequisites for the Kohen Gadol and Beis Din to be liable for erroneous rulings and for idolatry.

3) Kares violations

A Baraisa presents the source that one is liable only if the ruling involves a kares-transgression.

This principle is applied to the other circumstances in which a Korban Chatas is offered.

The sources that the same principle applies to idolatry are presented.

It is noted that according to all opinions the verses under discussion in Bemidbar refer to idolatry and the Gemara inquires about what in the pasuk indicates that it refers to idolatry.

Three different explanations for this assumption are presented.

The third explanation is successfully challenged.

4) **MISHNAH:** The Mishnah contrasts the liability for tum'ah violations of the Beis Hamikdash with niddah violations and concludes by identifying a positive command pertaining to niddah and a negative command pertaining to niddah.

5) Tum'ah of the Beis Hamikdash

The Gemara identifies the source that the nation and an individual do not bring a korban for tum'ah violations of the Beis Hamikdash.

This derivation is challenged leading R' Pappa to offer a revised explanation.

This exposition is also challenged and R' Nachman bar Yitzchok gives an alternative exposition.

6) **MISHNAH:** R' Yosi HaGalili enumerates additional cases for which one is not liable. R' Akiva disagrees maintaining that the Nasi is liable in all of the cases except for שמיעת קול.

7) R' Yosi HaGalili's position

Ulla offers an explanation for R' Yosi HaGalili's position.

This explanation is rejected and a Baraisa is cited to explain the rationale behind his position. ■

Distinctive INSIGHT

The first two utterances were said directly by God to the people

דתנא רבי ישמעאל אנכי ולא יהיה לך מפי הגבורה שמענום

The Mishnah stated that if the court errs in its ruling regarding idolatry, the communal-bull offering is brought only if the error is in a case which is liable for kares for an intentional violation and a chattas for an unintentional commission. This is true whether the case involves an individual who sinned, or whether it was an entire community (צבור) or even a prince (נשיא). The detail that the type of error be one that involves a kares/chattas case is determined either from a גזירה שורה, or from the verses in BaMidbar (15:29-30) which state, "There shall be one law for you...and a person who acts high-handedly against God..." This verse associates all sins in the Torah to idolatry, and this teaches that the sin being discussed is one which also is one in the category of kares/chattas.

The Gemara notes that all opinions here agree that although the verses in BaMidbar 15:22-31 are written in a general sense, they are referring to idolatry. Where is this indicated in the verses? Rabbi Yehoshua b. Levi learns this from the phrase which states that the violation is of "all the mitzvos of the Torah." The one mitzvah which is equivalent to all the mitzvos is that of idolatry, which is paramount to a denial of the entire Torah.

In the yeshiva of Rebbe they answered that the verse (15:22) states that we are dealing with a mitzvah which "God spoke to you and Moshe." Yet, the following verse states that this mitzvah is one which "God spoke to [the nation] through Moshe." The solution to this series of verses is that the first two utterances of "I am God" and "You shall not have any

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REVIEW and Remember

1. What is the source that Beis Din is only liable for transgressions that carry the punishment of kares?
2. What is the difference between the punishment of an individual idolater and numerous idolaters?
3. What is the source that the nation is not liable to bring a korban for tum'ah violations of the Beis HaMikdash?
4. What is שמיעת קול?

HALACHAH Highlight

Kings testifying

שהמלך לא דן ולא דנין אותו ולא מעיד ולא מעידין אותו

A king does not judge nor is he judged and he does not testify nor do others testify against him

R' Akiva rules that a king is not subject to the prohibition of taking an oath that one does not know testimony related to a monetary matter since a king does not judge nor is he judged and he does not testify nor do others testify about him. Tosafos Yom Tov¹ questions this ruling from the Gemara Sanhedrin (19b) that states that the Mishnah's ruling that kings do not judge others is limited to the Kings of Israel but the Kings of Yehudah can be judged. The reason for this distinction, explains Rambam², is that the Kings of Israel were sinners and did not submit to the authority of the Torah. In contrast the Kings of Yehudah were knowledgeable in Torah and did not have any difficulty subjugating themselves to the authority of the Torah. Accordingly, why shouldn't a king from Yehudah be subject to the prohibition against taking an oath of testimony when he can, in fact, testify?

He answers that the only testimony that kings of Yehudah would give was testimony related to capital crimes. Kings of Yehudah would not give testimony related to monetary matters since it would require that they stand before the judges and it is not respectful to demand that the king should stand. What emerges is that there are two reasons why a king may not testify. The first reason is that they do not subjugate themselves to the authority of the Torah and this reason is limited to kings of Israel. The second reason relates to the disrespect involved in demanding that the king should stand and this reason is limited to monetary cases. Although the reason related to the respect due

(Insight...continued from page 1)

other gods" were spoken to the people directly, with Moshe also listening. Other details of the mitzvah of idolatry were later spoken to Moshe, who then told them to the Jewish people.

Ramban notes that the first two utterances are presented in a different style than the other utterances, as they are in first person ("I am your God, who took you out of Egypt"), whereas the other commandments are in third person ("Do not swear in your God's name in vain," rather than "in My name.") This nuance supports the Gemara's comment that the first two utterances were said directly to the people.

The commentators note, however, that the introductory verse to the Revelation at Sinai (Shemos 20:1) says that God spoke "all these words," suggesting that He said more than just the first two. Many explanations are given to deal with this question.

Rashi (ibid.) says that God originally said all the utterances together at one moment, as suggested in the verse, and He then repeated them one at a time. Chizkuni says that God repeated only the first two utterances, but the rest were repeated only to Moshe. ■

to a king is not applicable in our times since we do not have Jewish kings, the concern that kings of Israel did not submit to the authority of Torah applies to any person who arrogantly refuses to submit to the authority of Torah and the judges. This we find Rema³ ruling that when a rich and powerful person had a monetary dispute the case would be sent to an out-of-town Beis Din to adjudicate even if the other Beis Din is not as prestigious as the one in town. ■

1. תוסי' יו"ט הוריות פ"ב מ"ה.
2. רמב"ם בפירוש למשניות סנהדרין פ"ב מ"ב.
3. רמ"א חו"מ סי' י"ד סי' א'.

STORIES Off the Daf

The Unique Event

"אנכי ולא יהיה לך מפי הגבורה שמענום..."

Today's daf discusses the experience of receiving the Torah at Mount Sinai.

The Alter of Kelm, ז"ל, explains how important the memory of that unique event is for our emunah. "See what Moshe said to the entire nation: 'שאל נא לימים' שאל נא לימים. הראשונים השמע עם...מדבר מתוך האש. If we consider this we will understand that our Torah—which was eventually copied by the nations, as the Rambam writes—was given to all of us in fire.

"Go and investigate if there is another nation who claims to have received their tradition in front of every man, woman, and child. Every Jew heard and saw the voice of Hashem speak from within the fire. Why didn't any other nation make this compelling claim? The simple answer is that they could not. The only thing that would sound plausible is if a so-called prophet claims to have received a vision, possibly with a few disciples as witnesses. This is certainly impossible to verify, unlike our claim that everyone was there, which can easily be checked. Surely it is impossible to convince anyone of this claim if there is not huge evidence corroborating it. If people did not find evidence

for such an outrageous claim everyone would emphatically deny it.

"This claim is enough to build one's emunah. If we will contemplate its truth each day, our emunah will grow strong. But we must never think that dry knowledge of this fact is enough. Instead we must see this in our mind's eye each and every day. We must understand that the more we do so, the more this is internalized. This is why we are warned, 'שמר השמר' — Guard yourselves lest you forget the day that you stood before Hashem your God at Chorev."^{2,3} ■

1. דברים, ד' ל"ג.
2. שם, שם ט"ו.
3. בית קלם, אמונה, ע' ס"ד-ס"ה.

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