

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

OVERVIEW of the Daf

1) R' Yosi HaGalili's position (cont.)

The end of the Baraisa that explains the rationale behind R' Yosi HaGalili's position is presented and explained.

Ravina inquires whether a Nasi who contracts tzara'as is liable to bring a variable-chatas korban.

R' Nachman bar Yitzchok answers that his exemption remains in force even when he contracts tzara'as.

2) The Anointed Kohen

R' Akiva teaches in a Baraisa that the Anointed Kohen is exempt from the sins that generate an obligation to offer a variable chatas korban.

Rava offers an explanation for this position.

This explanation is unsuccessfully challenged.

3) **MISHNAH:** The Mishnah presents the halachos for bringing the different sin offerings for different categories of people.

4) R' Shimon's position

R' Shimon elaborates on his position in a Baraisa.

A contradiction between two parts of the Baraisa is noted.

R' Huna the son of R' Yehoshua resolves the contradiction.

Chizkiyah explains the rationale behind R' Shimon's position.

This explanation is successfully challenged and Rava offers an alternative explanation of R' Shimon's position.

5) R' Eliezer's position

R' Yochanan asserts that R' Eliezer's statement in the Mishnah is limited to cases of tum'ah on the Beis HaMikdash and its sacred items.

R' Pappa suggests a logical support for this explanation.

R' Huna the son of R' Nosson unsuccessfully challenges this logic.

R' Yochanan asserts that R' Eliezer agrees that a Nasi does not bring a questionable asham for possible violations of the tum'ah of the Beis HaMikdash and its sacred items.

A related discussion is presented.

הדרן עלך הורה כהן משיח

6) **MISHNAH:** The Mishnah discusses the offering liability for an Anointed Kohen and a Nasi whose status changes before or after sinning. ■

Distinctive INSIGHT

Comparing and contrasting the two Mishnayos

על שמיעת הקול ועל ביטוי שפתים ועל טומאת מקדש וקדשיו בית דין פטורין והיחיד והנשיא והמשיח חייבין

The Mishnah covers the laws of an individual, the community, the Anointed Kohen and the Nasi (prince) who err in violating all mitzvos of the Torah, or if they violate idolatry. It also covers the laws of the various chattas offerings and the chattas which varies based upon one's financial standing.

Regarding this last offering, the עולה ויורד, the Mishnah rules that the court is exempt from bringing this offering if it errs and rules that a particular violation in this area is permitted.

The halachos in regard to the Anointed Kohen and the Nasi are a matter of dispute. Tanna Kamma holds that this offering is brought by a Kohen or Prince if he is in violation of an oath of testimony, of uttering a false oath, or of entering the Mikdash or eating from the meat of an offering while tamei. R' Shimon disagrees and holds that the Anointed Kohen does not bring the offering for tum'ah violation of the Mikdash and the offerings.

Rashi explains that there are actually three opinions regarding these halachos. R' Yose HaGalili (Mishnah, 8b) holds that the Kohen and Nasi are exempt from all categories of עולה ויורד. R' Akiva (ibid.) holds that the Kohen is exempt in all cases, but the Nasi is obligated in all cases, except for the case of the oath of testimony. R' Shimon holds that the Kohen and Nasi are obligated in all cases, except for the Kohen in the cases of tum'ah in the Mikdash and its offerings.

As we have seen, our Mishnah on 9a seems to present a Tanna Kamma who disagrees with R' Shimon. Yet, as Lechem Mishneh (Shegagos 10:7) notes, Rashi learns that when the Mishneh concludes by saying, "this is the view of R' Shimon," it is not just the final opinion that is his, but he is the author of the entire final section of the Mishnah. This means that he is clarifying that the previous statement regarding the Kohen's being obligated is only in reference to the offering other than the tum'ah of the Mikdash and its offerings.

Rambam (Commentary to Mishnah) learns that our Mishnah (9a) is dealing with the עולה ויורד, and we find that the Nasi and Kohen are both obligated to bring these offerings. However, the earlier Mishnah (8b) where R' Yose HaGalili and R' Akiva disagreed dealt with the Kohen and Nasi in regard to bringing a bull. This interpretation led Rambam to rule (Hilchos Shegagos 10:7) that an Anointed Kohen brings the same offering as any other individual in all cases of עולה ויורד, including the case of tum'ah of the Mikdash and its offerings—which seems to be in conflict with all opinions in these Mishnayos. However, Rambam holds that the Mishnah lists two opinions, not just that of R' Shimon, and the halacha is according to Tanna Kamma who holds that the Kohen brings an offering of an עולה ויורד. ■

HALACHAH Highlight

Kings and Kohanim Gedolim

היחיד מביא ... והנשיא ... ומשוח ...

The individual offers ... And the Nasi And the Anointed one ...

Although the Mishnah teaches that the Anointed Kohen (Kohen Gadol) and the Nasi (king) are in a separate category from commoners as far as liability for korbanos is concerned, these two categories are not the same. Teshuvos She'ilas Yeshurun¹ point out that the sanctity of the Kohen Gadol is the result of the fact that he was anointed or appointed and without one of these two acts, he does not become sanctified. Even if he is the son of a Kohen Gadol it is necessary for him to be anointed or appointed². The only advantage that the son of a Kohen Gadol has is that if he is worthy to serve in that position he comes before other worthy candidates but it is not a position that he automatically inherits³. In contradistinction, if the son of the king is able to ascend to the throne without dispute, he does not have to be anointed since the position is bequeathed to him⁴. Another related difference is that the first king in a dynasty must be appointed in the presence of the Great Sanhedrin but his descendants that take over the throne become the king without the presence of the Great Sanhedrin⁵. The appointment of a Kohen Gadol demands the presence of the Great Sanhedrin even if it is the son of a Kohen Gadol who is taking the position from his father⁶.

The rationale for this distinction, explains She'ilas Yeshurun, is that serving as the king does not invest in the king a

REVIEW and Remember

1. What is the reason the Anointed Kohen is exempt from bringing a variable chatas?

2. What is the point of dispute between R' Shimon and R' Eliezer?

3. How does Chizkiyah explain the rationale of R' Shimon's position?

4. What offering is brought by a Nasi who lost his position and then sinned?

higher degree of sanctity. Rather the position is a possession that could be bequeathed to one's descendants. The position of Kohen Gadol, on the other hand, represents a degree of sanctity above and beyond the sanctity invested in regular kohanim. The higher level of sanctity that is invested in the Kohen Gadol is not something that could be inherited, it is acquired at the time one is anointed or appointed to the position. Therefore, every time a new Kohen Gadol is chosen he must be invested with this higher degree of sanctity. ■

1. שו"ת שאילת ישורון (פעלדער) אה"ע ס"י ל"ג עמ' 161-162.
2. רמב"ם פ"ג מהל' כלי מקדש הי"ב.
3. רמב"ם שם ה"כ.
4. רמב"ם פ"א מהל' מלכים הי"ז.
5. רמב"ם פ"א מהל' מלכים הי"ג.
6. רמב"ם פ"ד מהל' כלי מקדש הטי"ו. ■

STORIES Off the Daf

Independent Means

"והכהן גדול..."

Rabeinu Tam, zt"l, would keep a plate full of gold coins on the table with him whenever he learned Torah. When asked why, he explained that wealth opens one's heart and enables him to acquire understanding.

Through this story, the Ben Ish Chai, zt"l, explains why the wealth of a kohen gadol is listed before understanding on today's daf. Since wealth brings understanding, it is mentioned first.

He then explains another reason why it was so essential for a kohen gadol

to be wealthy. "It is the duty of a kohen gadol to rebuke the kohanim and the rest of the nation if he notices anything unseemly. If he was beholden to others for money, this would be a very difficult task. He would always be fighting an overriding desire to remain quiet even when he should speak. Since he has his own money, however, he will not be drawn to flatter people in this manner."¹

But the Chasam Sofer, zt"l, wonders how accepting the wealth of others won't make the kohen gadol unfit for his function. "The Yerushalmi writes that one who wishes to know the secret of Hashem's great Name and be able to use it must not have pleasure from others. Yet we find that if the kohen gadol had no money, his brothers would give him

money as a gift?

"This is not a contradiction, since it all depends on how the gift is given and received. If it is given as a favor to the kohen gadol, this is forbidden. But if the one giving the gift understands that it is a privilege to give him the money, this does not present a problem.

"Similarly, we find that a woman may enact marriage to an important person by giving him a gift rather than the other way around. Her giving is really a kind of taking since she receives the honor by having given a gift to a person of renown, and the same is true regarding the kohen gadol."² ■

1. בן יהודיע, ח"ב, דף מ"ד
2. חת"ס, יומא, ע' כ"ג ■