



Volume 10. Issue 49

The Exemption of the Individual

This week we began *masechet Horayot* that opens with the law of *par helem davar*. This refers to the sacrifice that is brought after the *Sanhedrin* discovers they made an erroneous ruling that had subsequently been adopted by a majority of *Am Yisrael*. We have covered which ruling and prohibition that qualify for this *korban* as well as the conditions that obligate it. We have also learnt that in the event that the *korban* is required, the individuals that transgressed the prohibitions are exempt from bringing their sacrifice. We shall try and understand why.

The *Grach* (*Shegagot* 13:4) explains that there are two ways to understand the exemption of an individual in these cases. The first is because the *Sanhedrin* is bringing a *korban* and it is that *korban* that is exempting the people from bringing their own. Alternatively, the individual is exempt because they followed the ruling of the *Sanhedrin*. The obligation of *Sanhedrin* to bring their sacrifice is a separate law.

The *Gemara* (5a) cites a *Beraita* that states as follows:

[*Sanhedrin*] knew that they made a ruling, be they forgot what they ruled – is it possible that they would be obligated [to bring a *par*]? We learn “And they knew the sin...” (*Yayikra* 4:14) and not that they knew they had sinned.

Rashi explains that this means that, if a majority performed a number of transgressions and one of them was a result of an invalid ruling, but the *Sanhedrin* are no longer sure which of the transgressions they had ruled on, then a *par* is not brought. This is despite the fact that they know with certainty that a majority sinned as a result of their ruling. The *Rambam* (*Shegagot* 14:4) explains that even if the people knew which prohibition it was, *Sanhedrin* must know with certainty.

The *Grach* notes that regarding this case, the *Rambam* (*Shegagot* 14:4) rules that the individuals would be required to bring their own sacrifices. This is despite the fact that the individuals acted according to the ruling they received. Consequently, he understands that it is the *korban* of the *Sanhedrin* that exempts the individual, which is in line with the first understanding. Since in this case the *Sanhedrin* does not bring a sacrifice, the individuals must.

One difficulty with adopting this approach is that we have learnt (1:2) that an individual that acted in accordance with the ruling can be exempt even if it is after the *Sanhedrin* have realised their error and brought their sacrifice. It is difficult to say that it is the *korban* of the *Sanhedrin* that exempts the individual, since one cannot bring a *korban* to exempt them from a future transgression.

The *Grach* answer that there is a difference between an individual that sins before and after the *par helem davar* has been offered. Certainly after it has been offered, the individual cannot combine with the *tzibur* (community) for the **obligation** to bring the sacrifice – it has already been offered. If however we look at the sin itself and what it obligates – concerning the **act** itself – it certainly combines with the *tzibur*. The sacrifice for such an act is a *par helem davar*, even though it has already been brought and cannot be brought now. Contrast this with the earlier *Beraita*. Since in that case, there was a problem with the obligation to bring the *korban tzibur* itself, the case was excluded from the obligation to bring a *korban tzibur*. Therefore each individual had to bring their own.

Yisrael Yitzchak Bankier

Revision Questions

אבות ו: טי י"א

- What was *R' Yosi ben Kisma's* response when he was offered a large sum of money to relocate? (ו: טי)
- What are the five *kinyanim* that *HaKadosh Baruch Hu* has the world? (ו: יי)
- For what purpose was everything created? (ו: י"א)

הוריות א: א' ב: ו'

- If one acted according to the mistaken ruling of *Beit Din*, what is the general rule regarding when he is obligated to bring a *korban chatat* and when he is exempt? (א: א')
- What are the two opinions regarding a person who acted according to a mistaken ruling of *Beit Din* but was unaware that *Beit Din* actually retracted that ruling? (א: ב')
- When is *Beit Din* obligated to bring a *par he'lem davar shel tzibur*? (א: ג')
- What are some reasons regarding the people that sat on the *Beit Din* that ruled incorrectly, that would not qualify them to bring a *par*? (א: ד')
- Regarding a faulty ruling by *Beit Din*, when: (א: ד')
 - Does *Beit Din* bring a *par*?
 - Is everyone obligated to bring a *chatat*?
 - Everyone unable to bring a *korban*?
- What is the difference if *Beit Din* ruled incorrectly permitting *avodah zara*? (א: ה')
- What are the three opinions regarding how many sacrifices must be brought if a majority of the tribes acted in accordance with the mistaken ruling of *Beit Din*? (א: ה')
- According to who would this law even apply to a single tribe? (א: ה')
- When is a *kohen mashi'ach* obligated to bring a *par*? (א: ו')
- If a *kohen mashi'ach* acted in accordance with a mistaken ruling when can he be included in the communal sacrifice and when must he bring his own? (א: ו')
- Complete the following rule: (א: ג')

אין חייבין אלא על _____ עם _____
- For which particular transgression is the *par he'lem davar shel tzibur* brought? (א: ב')
- What other sacrifice applies to similar transgressions as a *par he'lem davar shel tzibur* and what are these transgressions? (א: ב')
- Which transgressions, if inadvertently transgressed, are the subject of debate as to whether a "*nasi*" is obligated to bring a *korban*? (א: ה')
- What animal do the following people bring if they inadvertently transgress a sin whose deliberate transgression is punishable with *karet* and whose inadvertent transgression obligates one to bring a *chatat*: (א: ב')
 - An individual?
 - A "*nasi*"?
 - A *kohen mashi'ach*?
 - *Beit din*?

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 th January י"ח שבט	20 th January י"ט שבט	21 th January כ' שבט	22 th January כ"א שבט	23 th January כ"ב שבט	24 th January כ"ג שבט	25 th January כ"ד שבט
Avot 2:7-3:1	Horayot 3:2-3	Horayot 3:4-5	Horayot 3:6-7	Horayot 3:8 – Zevachim 1:1	Zevachim 1:2-3	Zevachim 1:4- 2-1

