



Volume 4. Issue 49

Who's to blame?

In the last mishna of the first perek of Horayot, we read of a dispute between three of the great Tannaim of the mishna: Rabbi Meir, Rabbi Yehuda and Rabbi Shimon. The gemara goes into a lengthy explanation of their respective understandings of the halachos of *Par He'alem Davar Shel Tzibbur*, but investigating these understandings to their absolute conclusions is beyond the scope of this small Dvar Torah. Instead, let us look at one single point of dispute and try to touch upon the deeper meaning of what they are saying.

The mishna tells us that the three argue regarding who brings the sacrifice in such a case when the *Beit-Din* gives an erroneous ruling and the people (majority, at least) follow that ruling. Rabbi Meir holds that the *Beit-Din* must bring the sacrifice (supplied by the people); Rabbi Yehuda believes that though this is true – there need to be 12 sacrifices brought in by each of the tribes of Israel and given to the *Beit-Din*; Rabbi Shimon disagrees with both and claims that besides the sacrifice brought by the *Beit-Din* for the sin of the people, the tribes themselves have to bring their own personal sacrifices as well.

How are we to understand these differing views? Let us start with Rabbi Meir. Rabbi Meir believes that *Beit-Din* must take responsibility for the sins of the nation. It is true that *Beit-Din* is responsible for each individual person within the nation, but

the Torah is telling us that *Beit-Din* also has a second roll as the *Beit-Din* of the people as a whole. *Beit-Din* and the nation are connected not simply because the people are made up of those individuals the *Beit-Din* is responsible for, but rather because the nation forms an entity which enjoys a special relationship with *Beit-Din*. As such, the *Beit-Din* is responsible for actions the nation does due to its rulings. In short, according to Rabbi Meir this relationship makes it as if ***Beit Din* were the ones who sinned.**

Rabbi Yehuda's view is different: Whoever heard of a case where one person has an erroneous notion, the other sins through misconception, and they are liable? Usually the mistaken notion and the mistaken action are both done by the same person – here they are divided. Can these two separate entities be truly judges with such a dichotomy existing? The Torah answers positively: We see *Beit-Din* and the nation as **one body** and judge them together – the tribes bring the sacrifices, the *Beit-Din* handles them.

Rabbi Shimon's view is now clear as well. Indeed, we must see them as two separate entities, and therefore they both should be tried separately. The *Beit-Din*, due to the grievous consequences of their actions, must bring a sacrifice of their own, and the tribes too must bring their own sacrifice to atone for the sin they committed.

Rav Yoni Rosensweig

Revision Questions

הוריות א' ד' ג' ה'

- 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: א')
- Regarding a faulty ruling by *Beit Din*, when: (א: א')
 - Does *Beit Din* bring a *par*?
 - Is everyone obligated to bring a *chataf*?
 - 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: ב')
- 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? (ב: ב')
- Complete the following rule: (ג: ב')

_____ על _____ עם _____
- For which particular transgression is the *par he'lem davar shel tzibur* brought? (ג: ב')
- What other sacrifice applies to similar transgressions as a *par he'lem davar shel tzibur* and what are these transgressions? (ד: ב')
- Which transgressions, if inadvertently transgressed, are the subject of debate as to whether a "*nasi*" is obligated to bring a *korban*? (ה: ב')
- 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 *chataf*: (ו: ב')
 - An individual?
 - A "*nasi*"?
 - A *kohen mashi'ach*?
 - *Beit din*?
- Regarding the previous question what if the transgression was one:
 - Involving *avodah zara*? (ז: ב')
 - Obligating one to bring an *asham talui*?
 - Obligating one to bring an *asham vadai*?
 - Involving accidentally entering the *Beit Ha'Mikdash* in a state of impurity? (ז: ב')
- What is the law if a *kohen mashi'ach* committed a sin obligating him to bring a *par* but then was removed from his position? (ח: א')
- Regarding the previous question does it make a difference if he was removed from his position prior to committing the sin? (ח: ב')
- Regarding the previous two questions, what is the law regarding a "*nasi*"? (ט: א-ב')
- Explain the debate regarding a "*nasi*" who sinned prior to his election? (ט: ג')
- To who does the *Mishnah* refer when using the term "*nasi*"? (ט: ג')
- What is a *kohen mashi'ach*? (י: ג')
- What is a *kohen ha'merubah begadim*? (י: ג')
- What is the difference between these two *kohanim*? (י: ג')
- With respect to laws of *aveilut* what are two differences between a *kohen gadol* and a regular *kohen*? (יא: ה')

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Sunday -Thursday
Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 th April כ"ב ניסן	28 th April כ"ג ניסן	29 th April כ"ד ניסן	30 th April כ"ה ניסן	1 st May כ"ו ניסן	2 nd May כ"ז ניסן	3 rd May כ"ח ניסן
Horayot 3:6-7	Horayot 3:8 – Zevachim 1:1	Zevachim 1:2-3	Zevachim 1:4 – 2:1	Zevachim 2:2-3	Zevachim 2:4-5	Zevachim 3:1-2

