



The Tribal Obligation

Masechet Horayot opens with the law of *par helem davar shel tzibur*. We learnt that if the *Sanhedrin* makes a mistake in a ruling of prohibition that is punishable with *karet* and this led to its violation by a majority of Israel, then this special bull offering must be brought. In the fifth *Mishnah* we saw that debate regarding who bring this offering. According to *R' Meir*, the obligation is the *Sanhedrin's*. *R' Yehuda* however rules that obligation is with every tribe, and each must bring their own offering. Finally, *R' Shimon* rules that both the *Sanhedrin* and each tribe are obligated. We shall focus on the opinion of *R' Yehuda*.

The *Mishnah* continues that if only seven of the tribes sinned as a result of following the ruling, then all the tribes must still bring their own. Interestingly, the *Gemara* notes that the requirement for the other tribes to bring their own offering exists even if it was only one of the tribes that followed the ruling. Why then did the *Mishnah* mention seven tribes? *Rashi* explains that the case was necessary for the opinion of *R' Meir* that only obligates the *Sanhedrin* when the prohibition is violated by either most of the general population or a majority of the tribes.

The *Rambam* however disagrees, explaining that in a case where one or two of the tribes followed the ruling, the other tribes would only be obligated if those one or two tribes constituted a majority of the population. The *Tosfot Yom Tov* explains that the capacity of one tribe to obligate the rest is implied by the last case in the *Mishnah*. There, *R' Yehuda* rules that if one tribe's *Beit Din* ruled erroneously, then that tribe would be obligated to bring the offering, while the other tribes would be exempt. The implication is that the exemption is because it was the tribe's *Beit Din* that ruled. Had it been the *Sanhedrin's* ruling, then the other tribes would be obligated as well.

The *Rambam's* position gives pause for thought considering that *R' Yehuda* treats each tribe independently

and we do not find him sharing *R' Meir's* requirement of most of the population. The *Lechem Mishneh (Shegagot 13:1)* explains that while it true that each tribe is treated independently to generate their own independent obligation, the novelty that they can obligate the other tribes also, requires a majority of the population (or tribes). Consequently, when our *Mishnah* brings the case of seven tribes, it specifically choosing one where there was a majority of the tribes such that other tribes would be obligated as well.

A novel approach is found in the *Rashash*, that appears to bridge the opinions of *Rashi* and the *Rambam*. The *Rashash* also maintains that our case of seven tribes was also critical for the opinion of *R' Yehuda*, for it is only in that case that all the tribes would each bring their own offering. Where the *Rashash* differs is where a single tribe sinned that was not the majority. In that case he explains that the other tribes would be required to bring one offering together.

The *Rashash* maintains that this understanding explains the *Beraita* cited in the *Gemara*. The *Beraita* teaches that according to *R' Yehuda* if two tribes sinned, they would bring two bulls. *Rashi* explains that the case of two tribes was necessary because one might of thought that in that case only one bull would be brought for both tribes. The *Maharsha* however asks that according to *Rashi* in that case, even the tribes that did not sin also brought offerings, so why would we have thought that the two tribes would have only brought one bull? The *Rashash* answers that in the case where only two tribes sinned (that did constitute the majority) then the remaining tribes would bring one offering together. Consequently, one might have thought that those that sinned would also be grouped together and bring one offering. That is why that *Beraita* needed to teach that those that sinned, despite being in the minority, are still treated independently.

Revision Questions

אבות ו: גי-י"א

- From where does the *Tana* learn that even if one learns one letter of *Torah* from another does he need to treat him with *kavod*? (ו: ג')
- What is "the way of *Torah*"? (ו: ד')
- What should be in excess of one's learning? (ו: ד')
- What two reasons are given for why one should not desire the "table of Kings"? (ו: ד')
- Through how many qualities is Kingship acquired? (ו: ה')
- Through how many qualities is *Torah* acquired? (Can you list them?) (ו: ה')
- What is an effect if one says something in the name of the person who originally said it? (ו: ו')
- What reason is give for why *Torah* is "great"? (ו: ז')
- According to *R' Shimon ben Menasya* what seven things are fitting for *tzadikim* and who had all seven? (ו: ח')
- What was *R' Yosi ben Kisma's* response when he was offered a large some of money to relocate? (ו: ט')
- What are the five *kinyanim* that *HaKadosh Baruch Hu* has the world? (ו: י')
- For what purpose was everything created? (ו: י"א')

הוריות א: א-ה'

- 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')

 - What three things are given to him?

Melbourne, Australia

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

Friday & Shabbat
10 minutes before *Mincha*
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Efrat, Israel
Shiur in English

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

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Rabbi E. Kornfeld
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 October י"ד תשרי	14 October ט"ו תשרי	15 October ט"ז תשרי	16 October י"ז תשרי	17 October י"ח תשרי	18 October י"ט תשרי	19 October כ' תשרי
Horayot 2:1-2	Horayot 2:3-4	Horayot 2:5-6	Horayot 2:7-3:1	Horayot 3:2-3	Horayot 3:4-5	Horayot 3:6-7

