



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

## OVERVIEW of the Daf

### 1) Intentional ruling (cont.)

The Gemara continues its citation of the Baraisa that provides the source that a Kohen Gadol is exempt if he intentionally issued an erroneous ruling.

A statement of the Baraisa is analyzed and explained.

**2) MISHNAH:** The Mishnah discusses when the Kohen Gadol is responsible to bring a korban for himself and when he is part of the nation. The Gemara also identifies the type of ruling that causes liability.

### 3) When the Kohen Gadol is part of the tzibbur

A Baraisa is cited and explained that provides the source that the Kohen Gadol can receive atonement with the communal-error bull.

The Gemara inquires about the exact circumstance in which the Kohen Gadol requires independent atonement.

R' Pappa answers that the case is where the Kohen Gadol and the Beis Din were equally qualified to issue rulings.

### 4) Ruling and acting independently

Abaye and Rava disagree about the circumstances necessary for it to be considered that the Kohen Gadol ruled and acted independently.

The Gemara explores the meaning of the reference to two "different" prohibitions.

### 5) Clarifying the Mishnah

The source that Beis Din is not liable unless they rule to negate part of a halacha and to uphold part of it is identified.

The source that the same parameters apply to the Kohen Gadol is presented.

A Baraisa is cited that presents the source that Beis Din is  
*(Continued on page 2)*

## REVIEW and Remember

1. What is the source that a Kohen Gadol does not offer an **אשם תלוי**?
2. When is Beis Din liable for an erroneous ruling related to idolatry?
3. What halacha is derived from the **גזירה שוה** using the words **מעיני מעיני**?
4. What is the point of dispute between Rabbi and Chachamim?

## Distinctive INSIGHT

### *The error of the Kohen and that of the community*

הורה עם הצבור ועשה עם הצבור מתכפר לו עם הצבור

The Mishnah teaches the halacha regarding the Anointed Kohen Gadol. Although for a commoner, a chattas offering consists of either a she-lamb or she-goat, the offering for an Anointed Kohen Gadol is a bull, and it is identical to the communal-error offering which is brought for an error of the court.

Our Mishnah is regarding the Anointed Kohen Gadol who mistakenly ruled that a particular kares prohibition was permitted, and at the same time the court also ruled that that same prohibition was permitted. The Kohen then acted upon his ruling, while the community acted upon the ruling of the court. Both the Kohen and the community are obligated to bring their respective offerings, and the Mishnah rules that the Kohen can join together with the community and fulfill his obligation together with the offering brought on behalf of the community.

Rambam (Hilchos Shgagos 15:4) explains that the reason the Kohen may be included with the offering of the community is that he did not rely completely on his own decision as he sinned, but he also relied on the court's ruling. Lechem Mishneh infers from this that if the Kohen had not heard of the court's decision, and he acted solely upon his own ruling, that he brings his own offering. This would be the case even if the entire community sinned at the same time as did the Anointed Kohen. Yet, Lechem Mishneh questions this outcome, as the Gemara cites the verse, "for his sin that he sinned," to teach that the Kohen only brings his own offering if he is the only one who sinned. This seems to indicate that the Kohen's offering is a function of whether he sinned alone or with others, and that it is not a function of whether the Kohen was aware of the court's ruling or not.

Chazon Ish notes that there are three moments when the actions of the Kohen might coincide with those of the community, and we must clarify which is the critical one. One possibility is that the Kohen sins at the time when the ruling of the court was in effect. Or, perhaps the moment of sinning is not critical, but rather the Kohen realizes his error at the same time when the court realizes their error. A third possibility is that the Kohen and community come to bring their offerings at the same time.

The Mishnah's wording suggests that the critical moment is if the Kohen and the community sinned at the same time. ■

Today's Daf Digest is dedicated  
 By Rabbi and Mrs. Sam Biber  
 In memory of their mother  
**מרת רבקה זלדה בת ר' חיים יחזקאל הכהן, ע"ה**

# HALACHAH Highlight

## Consuming raw meat

הוא בחלב והן בדם מהו

*He ruled about cheilev and they ruled about blood, what is the halacha?*

In the time of the Gemara it was not common for people to eat raw meat. The exception to the rule were the Babylonians, who, when Yom Kippur would fall on Erev Shabbos, would eat Korban Chatas from Yom Kippur the night of Shabbos raw. Poskim discuss whether it is permitted to eat raw meat without salting or perhaps it is a violation of the prohibition against consuming blood. The blood that is found in raw meat is blood that did not separate from the limbs and it is only cooking that extracts this blood from the meat. As such it is called "Blood of the limbs that was not separated." The opinion of most authorities and the one recorded in Shulchan Aruch<sup>1</sup> is that eating raw meat does not violate the prohibition against consuming blood. The source for this position is from a statement that appears in the Gemara (See Shabbos 128a) that declares that raw meat is edible.

Rambam<sup>2</sup> disagrees, and writes that one who desires to eat raw meat must salt it and rinse it well in order for it to be considered edible. The rationale behind his position is that he considers the blood contained in raw meat to be prohibited. Rashi<sup>3</sup> in our Gemara also indicates that he follows Rambam's position regarding the Gemara's question of combining an erroneous ruling of Beis Din permitting blood and the Kohen Gadol erroneous ruling that cheilev was permitted. Rashi writes that Beis Din's erroneous ruling was that they permitted the blood that was absorbed in the limbs which is an issue to which the Tzedukim do not agree. Aruch HaShulchan<sup>4</sup> suggests that according to Rashi and Rambam when the Gemara refers to the permitted consump-

(Overview...continued from page 1)

not liable for an erroneous ruling related to idolatry unless it rules to uphold part of the halacha and to negate another part.

6) **MISHNAH:** The Mishnah teaches that Beis Din and the Kohen Gadol are not liable unless there is an oversight together with an act of שוגג and the same requirements are needed for liability for idolatry.

### 7) Clarifying the Mishnah

The source that Beis Din is liable only when there is an oversight together with an act of שוגג is identified.

The source that the same parameters apply to the Kohen Gadol is presented.

The source that the same parameters apply to idolatry is identified.

The Gemara assumes that since the Mishnah did not mention the case of a Kohen Gadol issuing an erroneous ruling regarding idolatry, the Mishnah must reflect the position of Rebbi.

This assumption is rejected.

The point of dispute between Rebbi and Rabanan is explained.

The source that the Kohen Gadol is treated the same as a regular person for idolatry is presented. ■

tion of raw meat it must refer to meat that was soaked in vinegar. The reason it is permitted to eat raw meat soaked in vinegar is that the vinegar causes the meat to contract so that when the person eats the meat the blood does not separate from the meat and thus it is not considered as though he is consuming blood. ■

1. שו"ע יו"ד סי' ס"ז סעי' א"ב.

2. רמב"ם פ"ו מהל' מאכלות אסורות הי"ב.

3. רש"י ד"ה והן בדם.

4. ערוה"ש יו"ד שם סעי' ט'. ■

# STORIES Off the Daf

## Negligence or Accident?

"שגגת מעשה..."

Today's daf discusses a sin done negligently.

When a certain man ate a serving of chicken which was later found to be treif he was very unhappy about it. He wondered whether this was considered an act done b'shogeg which required atonement or an action for which he had no halachic responsibility.

When he asked the Panim Meiros, ז"ל, the sage ruled that this does not require atonement. "If the question had aris-

en before he ate, he would require atonement since he knew what he was eating was questionable before he ate it. But in our case, the question only arose after he ate. This is a classic case of אונס רחמנא—the Merciful One absolves one who had no choice—since there is no obligation to check for all eighteen treifos. As we find in Yoreh Deyah siman 185, a sin done completely inadvertently does not require atonement."<sup>1</sup>

But the Cheshek Shlomo disagreed. "It is clear from Tosafos in Pesachim that one who relies on a majority and later finds out that he ate what is forbidden requires atonement, since this is called negligence, not a mishap."<sup>2</sup>

The Chasam Sofer, ז"ל, also holds

that this is a case of negligence. "This is clear from Kiddushin 57. There we find that one may not send the metzora's bird that must be sent away towards a city. Rava explains that this is forbidden because it is the placing of a stumbling block for another to trip over inadvertently. Someone in the city is likely to find the bird and use it, unaware that it has been used by a metzora and is אסור בהנאה. Yet clearly one who finds a bird in the city may use it since the majority of birds are not used by a metzora. We see clearly that even though this person may rely on the majority and use the bird, he still must atone for this wrong if he unknowingly did wrong!"<sup>3</sup> ■

1. פנים מאירות, ח"ב, סי' מ"א.

2. חמדת שלמה, יו"ד, סי' א'.

3. חת"ס, חולין דף קט"ז. ■