

27.1.2; 2b (כי היכא דנימטיין שיבא מכשורא) → 3b (זה הכלל התולה בעצמו חייב לאיתווי מאי)

1. ואם נפש אחת תחטא בשגגה מעם הארץ בעשיתה אחת ממצות ה' אשר לא תעשינה ואשם: ויקרא ד:כו
2. צו את אהרן ואת בניו לאמר זאת תורת העלה הוא העלה על מוקדה על המזבח כל הלילה עד הבקר ואש המזבח תוקד בו: ויקרא ו:ב
3. ויעש שלמה בעת ההיא את החג וכל ישראל עמו קהל גדול מלבוא חמת עד נחל מצרים לפני ה' אלהינו שבעת ימים ושבעת ימים ארבעה עשר יום: מלכים א ח:סה
4. ואם כל עדת ישראל ישגו ונעלם דבר מעיני הקהל ועשו אחת מכל מצות יקנק אשר לא תעשינה ואשמו: ויקרא ד:ג
5. במארה אתם נארים ואתי אתם קבעים הגוי כלו: מלאכי ג:ט

## I Analysis and application of rule at end of משנה – relying on self vs. relying on ב"ד

- a liability: extends to case of someone who regularly disregards ב"ד – no exemption due to their error
- b exemption: extends to case where they erred, realized it and retracted it – and he acted based on their error
  - i challenge: that is taught explicitly in the next משנה

answer: first it alludes to it, then explicates

## II Identify of our חכמים; dissenting opinions

- a Assignment #1; Exemption for the individual who follows הוראת ב"ד – ר' יהודה, who find him liable
  - i Source: v. 1 has 3 exclusionary words, one of which excludes the individual following ב"ד (ר' יהודה) הוראת ב"ד
- b Source for ברייתא חכמים consideration that if a minority sin, they are liable since ב"ד would never bring a קרבן for them
  - i But: if a majority sinned, they might be exempt – therefore it states בעשותה (v. 1) – even a majority or totality
    - 1 Question: what's the circumstance?
      - (a) If: it was just errant behavior (שגגת מעשה) – without ב"ד (הוראת ב"ד) – there's no קרבן for ב"ד to bring
      - (b) Must be: a case of errant ruling
        - (i) Challenge: v. 1 is in re: שגגת מעשה
        - (ii) Rather: read ברייתא as: a minority is liable if following הוראה, since ב"ד would never bring a פר for them; but if a majority (or all) err, perhaps they are exempt as ב"ד brings פר for them, therefore v. 1
    1. Challenge (ר"פ): perhaps neither brings in such a case?
    2. Answer: since the ברייתא invokes a minority first → majority will be liable
  - 2 Question: since both משנה and ברייתא are unattributed, how do we know משנה: ר' יהודה?
    - (a) Answer1: we see (in re: v. 2) that יהודה ר' interprets phrases like ours as מיעוטים
    - (b) Answer2: can't attribute ב"ד bringing in case of רוב קהל, as he explicitly states that צבור (not ב"ד) brings הורו ועשו, ר"מ פטר וחכמים מחייבין – ברייתא per חכמים; ר"מ משנה is (שמואל)
- c Assignment #2 (שמואל): our משנה is ר"מ, contra חכמים; per ברייתא ב"ד; they disagree if he is liable
  - i Solution: must mean that individuals acted based on ב"ד הוראת ב"ד; they disagree if he is liable
    - 1 Block (ר"פ): all agree that he is פטור; dispute is whether ב"ד, who follow own ruling, count towards רוב
    - 2 Or: dispute is when majority sinned; ר"ש: חכמים who holds liability for ב"ד and צבור bring
    - 3 Or: majority is יהודה ר' and case is where א acted based on its ב"ד's instruction (see משנה א:ה)
    - 4 Or: חכמים ר"מ is בשם ר"מ and case is where 6 tribes who are majority population – or 7 who aren't – sinned

## III Miscellaneous: ר"י – only the א"י population counts is called קהל (for רוב in our case) – as per v. 3

- a Fluctuations of רוב: if majority sinned but then they became minority (e.g. through death), follows חכמים (ג:ג)
  - i Question: what if minority became רוב – does ר"ש only consider moment of awareness?
    - 1 Response: he requires both → here, he would also exempt ב"ד
- b Series of inquiries about combining two errant instructions to generate רוב
  - i If: ב"ד erred about חלב, retracted it and repeated the mistake – do the two populations that followed them מצטרף?
    - 1 If: they do, would we extend that to 2 different types of חלב? (i.e. misinterpreting different פסוקים)
      - (a) If: they do, would we extend to חלב ודם – same קרבן (חטאת)
      - (i) If: they do, would we extend to ע"ז – different קרבן, but both כרת – תיקו
- c Inquiry: what if ב"ד ruled in error, they died and their successors made same mistake
  - i Note: clearly, the new ב"ד isn't liable; but according to ר"ש, does צבור bring? Do we need ידיעה of that ב"ד? תיקו; ב"ד
- d כל עדת ישראל – per v. 4 – even if 100 sat in judgment, all must rule in error to generate liability
  - i Support (ר' הונא בריה דר' הושעיא): usually רוב, but here תורה adds כל עדת ישראל → must be unanimous
    - 1 Challenge: our משנה – if a member acts on his own – חייב → if he acted on their ruling, פטור; not unanimous
      - (a) Defense: could be a case where he nodded his head, implying agreement, 'tho he knew they erred
    - 2 Challenge: משנה א:ד – if one of them said "טועין אתם" – liable → were he silent, they'd be liable
      - (a) Defense: as above – he nodded without giving explicit confirmation of the ruling
    - 3 Block: v. 5, in spite of using כל, is applied based on רוב (i.e. if most of ישראל accept גזרה, it is valid) – rejected
      - (a) However: כל עדת (v. 4) obligates presence of all of ב"ד

## IV Words of caution to ב"ד – that they bear great responsibility