

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 בעשתה אחת ממצות ה' אשר לא תעשינה ואשם: ויקרא ד: כז
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: טה
4. ואם כל עדת ישראל ישגו ונגעלם דבר מעיני הקהל ועשו אחת מכל מצות יקוק אשר לא תעשינה ואשמו: ויקרא ד: ג
5. במארה אתם נארים ואתי אתם קבעים הגוי כל: 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 חכם; dissenting opinions
- a *Assignment #1; Exemption for the individual who follows הוראת ב"ד*: follows יהודה ר' – *contra* חכמים, 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 חכמים ברייתא* 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 (מעשה – without ב"ד הוראת) – 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 (פ'ר)*: 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 חכמים, ברייתא: חכמים?
 - (a) *Answer1*: we see (in re: v. 2) that יהודה ר' interprets phrases like ours as מעוטם
 - (b) *Answer2*: can't attribute ב"ד bringing in case of קהל כהן, as he explicitly states that צבור (not ב"ד) brings הורו ועשו, ר"מ פוטר וחכמים מחייבין – ברייתא per חכמים; ר"מ משנה is (שמואל) our משנה
 - c *Assignment #2 (שמואל)*: our משנה is ר"מ, *contra* חכמים; per ברייתא – ברייתא מחייבין – חכמים ר"מ
 - i *Solution*: must mean that individuals acted based on ב"ד הוראת; they disagree if he is liable
 - 1 *Block (פ'ר)*: 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*: משנה א: where ר' יהודה is חכמים and case is where א' שבט acted based on its ב"ד's instruction (see משנה א:)
 - 4 *Or*: חכמים ר"מ is חכמים 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 דרב*: if majority sinned but then they became minority (e.g. through death), follows ר"ש חכמים (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 דרב*
 - 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
 - d *כל עדת ישראל* – even if 100 sat in judgment, all must rule in error to generate liability – per v. 4
 - i *Support (הוונא בריה דר' הושעיא)*: usually כל: רוב, but here תורה adds 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" – ליא → 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 גורה, 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