

Horayos – Simanim

פרק א – הורו בית דין

דף ג – Daf 3

1. Combining different minorities of transgressors into a majority

The Gemara asks, if Beis Din mistakenly ruled to permit one type of חלב, and a minority of the קהל acted on their ruling, then Beis Din retracted their ruling, then later again issued this ruling and another minority acted accordingly, do the two groups combine to form a majority (to obligate a דבר העלם דבר)? Do we say מצטרף לא – *since they occurred in two periods of awareness, they do not combine*, or since they were both about the same type of חלב, they do combine? The Gemara asks, assuming these would combine, would two minorities who followed two rulings about different types of חלב combine, since they are both חלב, or not, since their prohibitions are derived from different words? If they do combine, would two minorities who sinned based on rulings about חלב and דם (respectively) combine? On the one hand, they are different איסורים, but on the other hand, their *korban* is the same (אשעירה or כשבה). If these also combine, would minorities for חלב and זרה עבודה also combine, since they are both כרת, or not, since their *korbanos* differ (because idolatry specifically obligates a שעיירה)?

2. דיינים obligation requires “all” of the דיינים

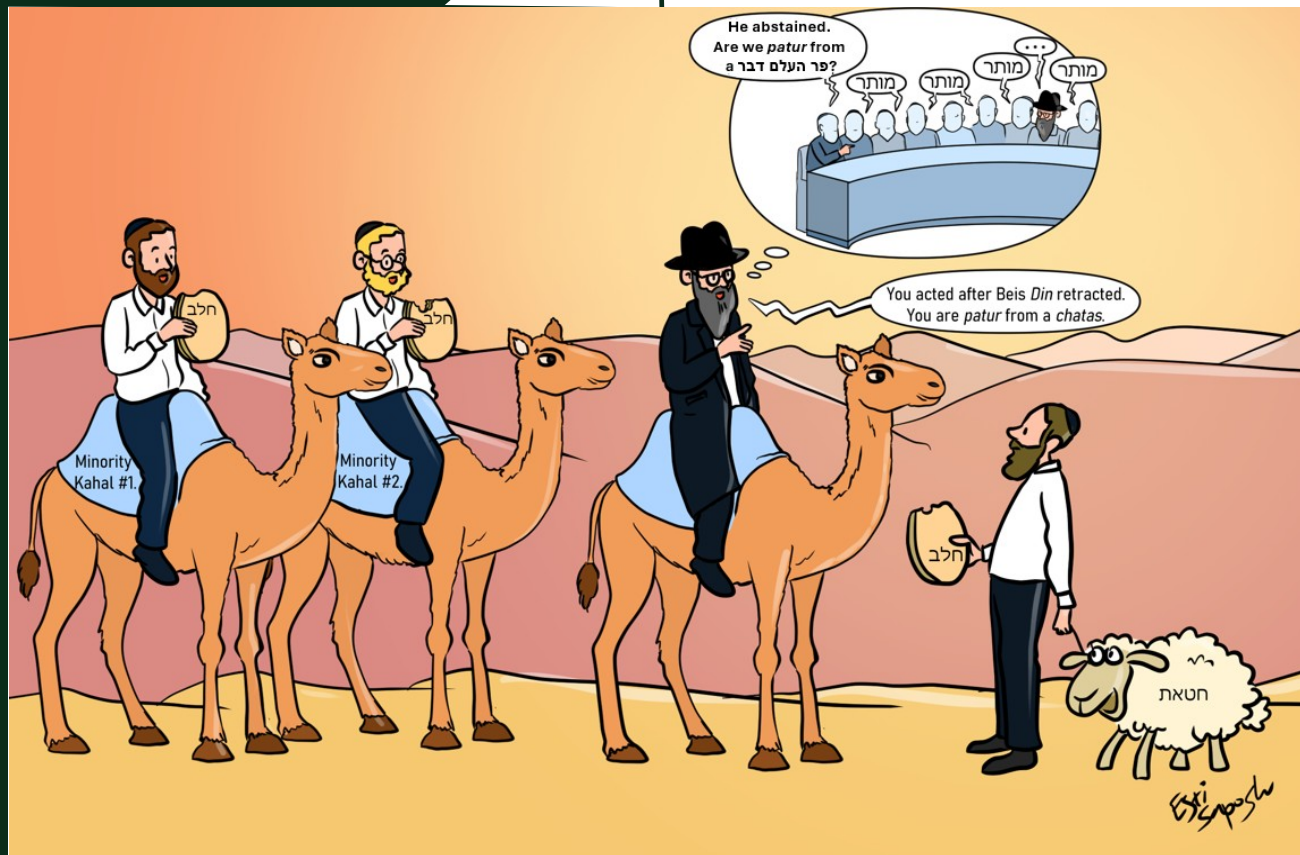
Rebbe Yonasan said that if one hundred judges gathered to issue a ruling, אין חייבין עד שיורו כולן – *they are not liable to bring a דבר העלם דבר for a mistaken ruling unless they all ruled*, but not if one judge abstained, because the *passuk* says: עד שישגו כולן – *until they all err*. This is supported from the fact that throughout the Torah, רובו ככולו – *the majority of [something] is considered like all of it*, yet here the Torah specifically wrote “all” the assembly, implying that all the judges must rule. Rav Mesharshiya eventually disproves this from a Baraisa teaching that the Rabbis may not make a *gezeirah* יכולין – *unless most of the public can withstand it*. This is derived from a *passuk* which says “הגוי כולו” – *the entire nation*, yet a majority of the nation suffices!? Rebbe Yonasan’s law is thus refuted, and the phrase “כל עדת ישראל” instead teaches: כולם הויא הוראה – *if all [the judges] are present, it is a legitimate ruling*, but not if any judge is missing.

3. A יחיד who acts on Beis Din’s ruling after they retracted

The next Mishnah states that if Beis Din issued a mistaken ruling and retracted, and an individual acted on their ruling (unaware of the retraction), Rebbe Shimon exempts him from a חטאת, regardless of whether they had already brought the דבר העלם דבר or not. Rebbe Elazar says: ספק – *it is doubtful* if he is considered one who relied on Beis Din (since he was unaware of the retraction, but could have found out about it), and therefore brings an אשם תלוי (for the doubtful transgression). This is only if he was at home, but if he traveled overseas, he is exempt. Rebbe Akiva explained: שהיושב – *the one sitting at home had the possibility of hearing* about Beis Din’s retraction had he asked about it (and is therefore not definitively considered to have relied on Beis Din), but the one who traveled overseas could not have found out about their retraction. In a Baraisa, Rebbe Meir says he is חייב to bring a חטאת, and סומכוס says “תלוי” – his action is “*dangling*,” i.e., uncertain if there is a *korban*. Rebbe Yochanan explains that סומכוס argues with Rebbe Elazar and holds he is not חייב אשם תלוי.

Siman – Camel

The two men on camels from different minorities of the קהל who acted on Beis Din’s ruling, who got together to combine as a majority, met up with a דיון on a camel who abstained at a ruling, who was informing a man who acted on Beis Din’s ruling after they retracted that he was *patur* from bringing a *chatas*.



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3 things to remember

1. Combining different minorities of transgressors into a majority
2. obligation requires "all" of the דינים פר העלם דבר
3. A יחיד who acts on Beis Din's ruling after they retracted

