

Horayos – Simanim

פרק א – הורו בית דין

דף ב – 2 Daf

1. תולה בבית דין: a transgression based on an erroneous ruling is exempt from a *korban*

The first Mishnah begins: הורו בית דין לעבור על אחת מכל מצות האמורות בתורה – *if Beis Din ruled erroneously to permit any one of the mitzvot said in the Torah* (which incurs *kares*), והלך היחיד ועשה שוגג על פיהם – *and an individual went and acted mistakenly on their word* (i.e., he followed their ruling), whether the Beis Din acted on their ruling and he acted along with them, or after them, or even if they never acted on their ruling but he did, he is exempt from a *korban*, מפני מצוה לשמוע – *because he relied on Beis Din*. However, if one of the judges, or a talmid worthy of issuing rulings, realized they had erred, and acted on their ruling (as the Gemara explains, because he thought to apply the principle מצוה לשמוע – *it is a mitzvah to obey the Sages' words*, even when they are mistaken), he is liable to bring a *korban*, מפני דברי חכמים – *because he did not rely on Beis Din* in his transgression, since he knew they were mistaken.

2. נתחלף לו חלב בשומן

Rava made an inference from the Mishnah about a case where Beis Din mistakenly permitted חלב to eat, ונתחלף לו חלב – *and he confused a piece of חלב with a piece of permitted fat and ate* [the חלב]. In the first version, Rava infers to exempt the transgressor from a *korban*, because although he did not eat the חלב based on their ruling (since he never intended to eat the חלב), he still would have eaten it had he realized it was חלב, since Beis Din had permitted it. In the second version, Rava inferred that he is חייב a *korban*, since his transgression did not actually result from their ruling, but from his confusing the pieces. Rav exempts the transgressor in this case, while Rebbe Yochanan says he is liable. Although Rebbe Shimon *darshens* that לא שב מידיעתו – *one who would not refrain from transgressing as a result of his knowledge*, אינו מביא קרבן על שגגתו – *does not bring a korban for his mistake* (e.g., a מומר, who would eat חלב intentionally), here, the transgressor does bring a *korban*, because if he had the full realization that this was חלב, and that חלב is prohibited, he would have refrained from eating it.

3. The Chochomim hold תולה בבית דין is חייב a *korban*

The Mishnah taught that one who followed Beis Din's mistaken ruling is exempt from a *korban*. Shmuel said that this is Rebbe Yehudah's opinion, but the Chochomim hold: יחיד שעשה בהוראת ב"ד חייב – *an individual who acted by relying on Beis Din's ruling is obligated* to bring a *korban*. Rebbe Yehudah *darshens* "בעשותה" – *by his transgressing*, to teach that he is only liable if he acts on his own, but if he acted on Beis Din's ruling, he is exempt." The Rabbonon's Baraisa states that although one would know that if a minority of the קהל sinned, each brings his own חטאת, because Beis Din does not bring דבר פר העלם דבר for their sin, but perhaps if the majority sinned, they would not bring individual *korbanos*, since Beis Din brings דבר פר העלם דבר for their sin. Therefore, the Torah said: "מעם הארץ" – *from among the people of the land*, teaching: רובה ואפילו כולה – *even if most of it sinned, even all of it*, they each bring a חטאת. The Gemara proceeds to prove that the Baraisa means that without this *passuk*, only a minority who sinned on their own brings *korbanos*, because had they sinned through Beis Din's ruling, Beis Din would not bring דבר פר העלם דבר, but they would be חייב individual חטאות, despite relying on Beis Din's ruling.

Siman – House

At the Horayos House where one man who was תולה בבית דין was informed by a Rabbi that he was פטור from bringing a *korban*, while another man in the kitchen confused a piece of חלב with a piece of permitted fat and ate the חלב that בית דין had permitted, the Chochomim upstairs hung out a sign from the window informing the crowd below that anyone who followed the mistaken *psak* of Beis Din must bring a *korban*.

דף ב | DAF 2

House



At the Horayos House where one man who was **תולה בבית דין** was informed by a Rabbi that he was **פטור** from bringing a korban, while another man in the kitchen **confused** a piece of **חלב** with a piece of permitted fat and ate the **חלב** that **בית דין** had permitted, the **Chochomim** upstairs hung out a sign from the window informing the crowd below that anyone who followed the mistaken psak of Beis Din must bring a korban.

3 things to remember

1. **תולה בבית דין**: a transgression based on an erroneous ruling is exempt from a korban
2. **נתחלף לו חלב בשומן**
3. The Chochomim hold **תולה בבית דין** is חייב a korban

