

6 Sivan 5781
May 17, 2021



Yoma Daf 36

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: The *Kohen Gadol* (on *Yom Kippur*) then came to his bull, which was standing between the *Ulam* (Antechamber) and the Altar, its head was facing toward the south and its face was toward the west, while the *Kohen Gadol* stood in the east (with his back towards the Altar) and faced west (towards the *Heichal* – Temple). And he leaned both his hands upon it and made confession. And thus he would say: Please, Hashem, I have sinned, I have transgressed, I have sinned before You, I and my house. Please Hashem, please forgive the wrongdoings, the transgressions, the sins which I have committed and transgressed and sinned before You, I and my house, as it is written in the torah of Moshe your servant: for on this day shall atonement be made for you [to cleanse you; from all your sins shall you be clean before Hashem. And they answered after him: Blessed be the name of his glorious kingdom for ever and ever! (35b3 – 35b4)

The Gemora asks who is the author of the Mishnah, which says that the *Kohen Gadol* confessed on his bull between the sanctuary and the altar, and later slaughtered it there, implying that this area is included in the northern area of the courtyard, where a chatas must be slaughtered.

The Gemora says that this is the opinion of Rabbi Elazar son of Rabbi Shimon, citing a Baraisa with three opinions about the definition of the northern area:

1. Rabbi Yossi son of Rabbi Yehudah says that only the north area directly opposite the altar is included.
2. Rabbi Elazar son of Rabbi Shimon also includes the north area between the altar and the sanctuary.
3. Rebbe also includes the north area further away from the sanctuary where the Kohanim and other Jews could walk.

All agree that the north area north opposite the sanctuary towards the west is not included, since one cannot see the altar from there.

The Gemora suggests that the Mishnah's author is Rabbi Elazar son of Rabbi Shimon, and not Rebbe, but rejects this, as Rebbe agrees with his definition, and adds to it.

The Gemora explains that we thought it was not Rebbe, since he wouldn't require it to occur specifically in between the sanctuary and the altar, since there's a large area that can be used.

The Gemora challenges this, since we could the same question according to Rabbi Elazar son of Rabbi Shimon, as it could have also been done opposite the altar.

We must therefore say that this area was chosen since it was close to the sanctuary, making the service easier for the *Kohen Gadol* who was fasting. This could also explain why this area was chosen, even if the author is Rebbe. (36a1 – 36a3)

The Mishnah says that the bull's head was towards the north, and its face was to the west.

Rav explains that its head was turned to face the sanctuary.

The Gemora asks why it wasn't just faced west, to the sanctuary, and Abaye explains that it wasn't faced to the west to avoid it defecating towards the altar, in the east. (36a3)



The Gemora cites a Baraisa which describes how one leans on a sacrifice. The sacrifice stood in the north, facing the west, and the one leaning stands in the east, facing west. He leans his hands between the animal's horns, ensuring that nothing is separating between his hands and the animal, and confesses the sin for which he is bringing the sacrifice.

Rabbi Yossi Haglili says that for an *olah* he would confess for the sin of not giving the produce gifts to the poor: *leket* – what falls when gathering, *shichechah* – what one forgets in the field, and *pe'ah* – the corner of the field.

Rabbi Akiva says an *olah* is brought for not fulfilling a positive commandment, and for violating a transgression which triggers another positive commandment.

The Gemora asks what their dispute is.

Rabbi Yirmiyah says they differ about the transgression of eating an unslaughtered carcass, which the verse prohibits, but also says one should instead give to a non-Jew. Rabbi Akiva says that this positive commandment is not triggered by the violation, just like the commandment to leave the gifts for the poor isn't triggered by not giving them, and therefore an *olah* is not offered. Rabbi Yossi Haglili says that one does offer an *olah* for these transgressions, since the verse also includes an associated positive commandment.

Abaye says they agree that the prohibition of eating a carcass is a standard prohibition, but they differ about the nature of the commandment to leave the gifts for the poor. Rabbi Akiva says that this commandment applies before any transgression, and therefore the prohibition is a standard one, while Rabbi Yossi Haglili says that it also implies a separate commandment after one transgressed the prohibition, making it a prohibition triggering a commandment. (36a3 – 36b1)

The Gemora cites a Baraisa about the text of the Kohen Gadol's confession. Rabbi Meir says that he says *avisi* – I transgressed, *pashati* – I rebelled, and *chatasi* – I erred. This

follows the order in the verse about the goat sent off the cliff, which says that he will confess on it all the *avonos* – transgressions of Bnai Yisrael, and all *pishaihem* – their rebellions, for all of *chatosam* – their errors. When Moshe davened, he also referred to Hashem as forgiving of *avon*, *pesha*, and *chata'a*.

The Sages say that *avon* is intentional transgressions, as the verse says that one who transgresses will be cut off, since its *avon* is in it, indicating that they are intentional. *Pesha* is rebellious transgressions, as the verses refer to rebellions of Moav and Levana with this verb. *Chata'im* refer to unintentional transgressions, as indicated in the verse which refers to someone who *secheta* – does a *chait* unintentionally.

Given these definitions, how can he confess on the less severe unintentional sins, after he confessed on the intentional and rebellious ones?

Rather, he confesses *chatasi*, *avisi*, and *pashati*, going in ascending order of severity. This same order is used by David, who says that *chatanu* – we erred with our forefathers, *avinu* – we transgressed, and *hirshanu* – we were evil, by Shlomo, who says *chatanu*, *he'evinu*, *rashanu* – we were evil, and by Daniel, who says *chatanu*, *avinu*, *rashanu*, and *maradnu* – we rebelled. The Sages explain that Moshe's prayer was that when Bnai Yisrael repent, Hashem should consider the intentional and rebellious transgressions as only unintentional ones.

Rabbah bar Shmuel quotes Rav ruling like the Sages.

The Gemora asks why this ruling is necessary, as we generally rule like the majority.

The Gemora explains that we may have thought that we rule like Rabbi Meir, since his position is stronger, due to the supporting verses.



A chazan davened in front of Rabbah on Yom Kippur, and said the confession of the Kohen Gadol like Rabbi Meir's opinion. When Rabbah asked him why he didn't follow the majority opinion, he said that he agrees with Rabbi Meir, who says that the confession follows the text written in Moshe's Torah.

The Gemora cites another Baraisa about the confession. The verse which says that Aharon will "*kiper – atone* on the bull" refers to atoning with words, i.e., confession.

The Baraisa asks why we don't say that it means atonement by applying blood, but answers that we know it is confession since the same word is used in reference to the goat thrown off the cliff, whose blood wasn't applied. Just as it must mean confession on the goat, it must mean confession on the bull.

The Baraisa says that even if one challenged this argument, the verse says that Aharon should bring the bull, atone on it, and only later does it say that he should slaughter it, indicating that the atonement is before slaughtering, and therefore must be confession.

The Gemora explains that the challenge that one may have had is that perhaps we should compare the word *kiper* about the bull to the same word used in reference to the goat offered as a *chata*, which refers to applying blood.

The Gemora explains that we learn that the confession uses the word *ana – please*, since the same phrase for atonement (*kiper*) is also used in the context of Moshe's pleading for Bnai Yisrael after the golden calf. Just as Moshe used the word *ana*, so must the Kohen Gadol use it. We also learn that he must use Hashem's name, as the same phrase is also used in the context of the *egla arufa – the calf brought to atone for an unsolved murder*. Just as that atonement uses Hashem's name, so must the Kohen Gadol's confession.

Abaye says that we understand why we cannot learn from the *egla arufa* that Moshe should use Hashem's name in his prayer, since what he prayed is already done in the past, but

why don't we learn that the *egla arufa* atonement should use the word *ana*, as Moshe did?

To prove that we don't, Abaye cites the Mishnah, which has the text said for the *eglah arufah*, without the word *ana*. The Gemora leaves this an unanswered question. (36b2 – 37a1)

INSIGHT TO THE DAF

Hashem's Name in the Yom Kippur Service

During the Mussaf Davening of Yom Kippur, we read about the service of the Kohen Gadol on Yom Kippur. When we reach the portion discussing how he confessed his sins and the sins of the Jewish people, we recall his words, "Please, Hashem, for I have sinned... - "Ana Hashem, *chata*si."

As we know, it is forbidden to say Hashem's Name irreverently, outside of the context of davening or Torah study. Instead of speaking out Hashem's Name, we simply say "Hashem," which means "the Name." However, when recalling the Kohen Gadol's service in Mussaf davening, why do we say "Ana Hashem", and not His Real Name? In davening it should be permitted to speak His Name.

The source for the practice of saying *השם אנה* instead of "Ana Hashem" is from R' Saadia Gaon (cited in Tur O.C. 621). The Beis Yosef explains that when the Kohen Gadol himself confessed over the *korbanos*, he did not pronounce the name *א-נ-ה* as we do during davening. He pronounced it in a special way that is forbidden for us to say even during davening. (Some say he uttered Hashem's Name as it is written. Others say he used the forty-letter name of Hashem). Since we may not say Hashem's Name as the Kohen Gadol actually did, there is no point to reciting it as we do during davening, as *א-נ-ה*. Therefore, we say simply "Hashem."

The Bach offers a different explanation. We say Hashem's Name only when we daven ourselves, not when we describe how someone else davened. Therefore, when recalling the



Kohen Gadol's prayers in the Beis HaMikdash, we do not use Hashem's real Name, but simply say, "Hashem."

Quoting pesukim: In the course of our description of the Kohen Gadol's service, we do speak out Hashem's real Name, when we say, "Before Hashem you will be made pure" (Vayikra 16:30). This is because we quote here a possuk

The Maharitz Gaios rules that when quoting a possuk we may say Hashem's Name (Tur ibid. See Kad HaKemach by Rabbeinu Bachaye, Kippurim 2, p. 225).

Quoting the prayers of the angels: The Taz adds that with this we can understand why we say, "Holy, holy, holy is the Lord of Hosts," during the berachos of Shema in the morning. We do not recite this as a prayer, but as a description of the prayers of the angels. Why then do we recite Hashem's Name? According to the Maharitz this is well understood. "Holy, holy, holy," is a possuk from Tanach (Yeshaya 6:3). Therefore, we may say Hashem's Name when reciting it. (This is the Taz's explanation of our practice, based on R' Saadia Gaon and the Maharitz Gaios. However, the Taz himself contends that one may recite Hashem's Name when describing the Kohen Gadol's service during Mussaf.)

"Hashem": Customarily, when it is irreverent to use Hashem's real Name, we say simply "Hashem" – the Name. The Chavos Yair (Mekor Chaim on Shulchan Aruch, ibid) writes that Hashem is the same gematria as the Names "א-ל-וה-י-ו-ה". He adds that one should have this intention in mind when saying "Hashem."

Hashem and not "Adoshem": Some people have the practice to say "Adoshem" instead of Hashem. However, the Poskim write that it is better to use the word "Hashem," which means, "the Name," than "Adoshem" which does not really mean anything at all, and is not a respectful way to refer to Him (Taz, Mekor Chaim ibid).

DAILY MASHAL

Longing for the return of the Yom Kippur service: The commentaries ascribe great importance to our reading of the Yom Kippur service. "It is proper for every sensible person to learn the explanations to the Kohen Gadol's Yom Kippur service. If a person understands what he says, and thinks about what he is saying, then his reading of the Yom Kippur service will surely be accepted Above to atone for his sins" (M'zahav U'mipaz p. 63, citing the Ramak).

They also write that one should cry while reading of the Kohen Gadol's service, and read it with a great awakening of the soul, while contemplating the great tragedy that has befallen us since the Beis HaMikdash was destroyed, and this service can no longer be performed (See M'zahav U'mipaz pp 67-68).