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Yoma Daf 40

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

Come and hear: It is a command to cast the lots and to make confession. But if he had not cast the lots or made confession, [the service is] valid.¹ And should you reply that here, too’ [you would read] ‘to place [the lot on the he-goat’s head]’, say then the second part: Rabbi Shimon said: If he has not cast the lots, the service is still valid, but if he has failed to make confession, it is invalidated. Now what does ‘If he has not cast the lots’ mean? Would you say it means, ‘He has not placed the lots’, this would imply [would it not] that Rabbi Shimon holds the casting of the lots is essential? But surely it was taught: If one of the two [he-goats] died, he brings the other without [new] casting of lots — these are the words of Rabbi Shimon?² The Gemora answers that Rabbi Shimon didn’t actually know what the Rabbis were saying. He therefore responded to them: If you are referring to the actual lottery, I disagree only in regards to the confession. If, however, you are referring to putting the lots on the goats, I disagree with you on two matters, for I maintain that the actual lottery is also not essential. (40a1)

Come and hear: With regard to the sprinkling of the blood, [the regular service of] the bull is essential for the service of the he-goat [to be valid]; but the regular service of the he-

goat is not essential for the service of the bull to be valid.³ Now, it is quite right that the regular service of the bull is essential for the he-goat, e.g., if he performed the services of the he-goat before those of the bull, he has done nothing. But that [the regular service of] the he-goat is not essential to the bull, what does it mean? Would you say [it means] that if he sprinkled the blood of the bull in the Heichal before the sprinkling of the he-goat within [the Holy of Holies]? But surely Scripture says ‘statute’! Rather must you say [it means that] if he sprinkled the blood of the bull within, before the casting of the lots [it is valid]. Now since the order is not essential [is it not to be inferred that] the casting of the lots itself is not essential!⁴ — No, [it means that] he made the sprinkling of the blood of the bull on the altar before sprinkling the blood of the he-goat in the Heichal and this [teaching] is in accord with Rabbi Yehudah, who says that anything done in the white garments outside [the Holy of Holies] is not essential. But does it not state ‘with regard to the sprinklings within’? Rather: It is in accord with Rabbi Shimon who holds the casting of the lots is not essential. The Gemora alternatively suggests that the Baraisa could even be in accordance with Rabbi Yehudah. Even though Rabbi

¹ Hence the casting of the lots is not essential — a refutation of Rabbi Yannai according to the second version.

² We see that Rabbi Shimon holds the entire lottery is not essential. How then, can Rabbi Shimon agree with the Tanna Kamma who holds that putting the lots on the goats is not essential, but the actual lottery is essential?

³ The order of the service prescribed for the bull and the he-goat which is offered within is as follows: (i) First confession over the bull; (ii) Casting lots over the he-goats; (iii) second confession over the bull; (iv) Slaughtering of the bull; (v) Bringing the ladle and shovel into the Holy of Holies; (vi) Burning of incense; (vii)

Sprinkling of blood of the bull on the Ark-cover; (viii) Confession over and slaughtering of the he-goat; (ix) Sprinkling of the he-goat’s blood on the Ark-

cover; (x) Sprinkling of the blood of the bull in the Heichal, in front of the Paroches (curtain); (xi) Sprinkling of the blood of the he-goat in the Heichal, in front of the Paroches; (xii) Mixing together the blood of the he-goat and the bull and applying the mixture on the golden altar. Here the rule is laid down that if he performed any one of the services in connection with the he-goat before such of the bull as should have preceded it, that service is invalid and must be performed again in its proper order. If, however, he performed any of the services in connection with the bull before such of the he-goat as should have preceded it, that service is not invalid.

⁴ Hence there is one who holds that the casting of the lots is not essential. That contradicts the above statement that even Rabbi Yehudah (and all the more Rabbi Nechemiah) considers it essential.

Yehudah holds that the lottery is essential, the order when it is performed is not essential.⁵ (40a2 – 40a3)

And they follow their own principle, for it was taught in a Baraisa: The *verse* says the goat must be ‘stood up alive before Hashem for atonement.’ Until when is it required to stay alive? Until the blood of the other goat is sprinkled (in the *Kodesh Hakodashim*); these are the words of Rabbi Yehudah. Rabbi Shimon holds it is referring to the atonement of confession, and the goat must be alive until the Kohen Gadol confesses over it.

Wherein do they differ? — As it was taught: ‘To make atonement over him’ — Scripture speaks of atonement through blood, thus does it also say: And when he has finished atoning for the Sanctuary; just as there it refers to atonement by blood, so does it refer here to atonement by blood; these are the words of Rabbi Yehudah. Rabbi Shimon says: ‘To make atonement over him’ — Scripture speaks of atonement by words [confession]. (40a3 – 40b1)

Come and hear: [When the lottery indicated the goat on the right side was to be the sacrifice for Hashem, this was a good omen for the Jews.] The students of Rabbi Akiva asked him: If it came up in his left hand, may he change it to the right? Rabbi Akiva said: [one cannot change it to the right.] Do not give the Sadducees support for their arguments against the Rabbis.⁶ The reason, then, [of his negative answer] is so as not to give an occasion for the Sadducees to be overbearing, but, without that, we would change it, yet you said that the casting of the lots is essential, and since the left hand has determined its destination, how can we change it? — Rava answered: This is what they said: If the lot had come up in the left hand, may one change it and the he-goat to the right? Whereupon he answered: Do not give the Sadducees support to be overbearing. (40b1 – 40b2)

⁵ The reason for this is based upon the following: Since it is performed out of the *Kodesh Hakodashim*, the order of performance is not essential. However, since the lottery is mentioned twice in the Torah, it must be done at some point.

Come and hear: Come and hear: If [Scripture] has said: The goat, ‘upon which it [the lot] is,’ I would have said he must place it on the he-goat. Therefore, it says: ‘[on which it] came up’, i.e., once it has come up, he does not need [to place it on its head]. Now in respect of what [was this said]? Would you say: In respect of a command, which would imply that the placing of the lots is not even a command! Rather must you say it means that it is in respect of being essential; hence we learn that the casting is essential, and the placing of the lot [upon the head] is not essential. Rava said: This is what he means: If it had said: ‘Upon which it is’, I would have said: let him leave it there until the time for the slaughtering; therefore it says: [on which it] came up, to intimate that once it had come up on it, it needs nothing else. (40b2)

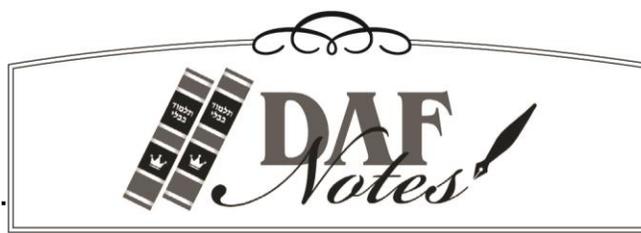
Come and hear: And offer him for a chatas-offering, i.e., the lot designates it for the chatas-offering, but the naming [alone] does not designate it a chatas-offering. For I might have assumed, this could be inferred through a kal vachomer: If in a case where the lot does not sanctify, the naming does sanctify, how much more will the naming sanctify where the lot also does so sanctify? Therefore [Scripture] says: ‘And offer him for a chatas-offering’ [to intimate] it is the lot which designates it a chatas-offering, but the naming does not make it a chatas-offering. Now whose is the anonymous opinion in the Sifra? Rabbi Yehudah's, and he teaches: The lot designates the chatas-offering and the naming does not make it a chatas-offering. Hence we see that the casting of the lots is essential. This will be a refutation of the opinion that it is not essential. It is a refutation. (40b3 – 41a1)

INSIGHT TO THE DAF

Lottery on Shabbos

The Pardas Yosef (Vayikra p. 197) brings a question that is asked on the 'Taz Hayodua' - the famous Taz. The Taz, in

⁶ It would look as if the Rabbis were not following the correct procedures, and simply doing whatever they wished.



three places in Shulchan Aruch states a rule that the chachamim cannot prohibit something that is explicitly stated in the Torah. According to this, how could the chachamim prohibit certain kinds of lotteries on Shabbos (as an injunction that it is similar to business or it might lead to writing), when the Torah explicitly said that this was done on Yom Kippur with the two goats?

The Seder Yoma (63) answers according to the Taz himself. The Taz is bothered as to why the chachamim did not prohibit the blowing of the shofar on Yom Tov (because of the injunction of perhaps one would come to fix musical instruments) in the same way they prohibited it on Shabbos. He answers that the Torah explicitly commands to blow shofar on Rosh Hashana and that cannot be uprooted, however a decree that it should not be blown on Shabbos does not uproot the verse, for it will still be blown on Yom Tov when it is not Shabbos. Similarly, even though the Sages prohibited lotteries on Shabbos - that did not uproot the verse of having the raffle on Yom Kippur.

Question

The Gemora is discussing cases where one reverses the order of the bull and the goat. The Gemora wonders if he is required to start all over again. At one junction in the Gemora, we think that the case is as follows: the kohen sprinkles the blood of the bull on the mizbeach before he sprinkled the blood of the goat on the Paroches in the Heichal.

QUESTION: What happened in this case? Normally, the two bloods are mixed together and sprinkled on the Altar after all the sprinklings are completed on the Paroches. Here, that can't be the case, because he subsequently went and sprinkled the blood of the goat on the Paroches afterwards, and presumably this was done by itself. If he did not mix the blood, then how could he sprinkle the blood of the bull on the Altar? What was done?

Rabbi Mordechai Kornfeld suggests: Perhaps that is one of the reasons for the Vilna Gaon's erasure of this section of the Gemora. (However, all of the Rishonim and Kisvei Yad have the section.)

Perhaps the Gemora is suggesting that the Baraisa maintains "Ein Me'arvin le'Keranos," the blood is mixed after sprinkling on the corners of the Mizbe'ach and before sprinkling on the top of the Mizbe'ach (see Yoma 57b).

DAILY MASHAL

Switching the Lots

The students asked Rebbe Akiva if the lot for the korbana laHashem came out in the kohen gadol's left hand, can he return it to his right. This question was based on it being a good omen for the goat which will be used for the chatas to emerge in his right hand. Rabbi Akiva answered that we should not leave room for the tzidukkim to ridicule us. The Gemora asks on the question: how could one possibly switch according to the Tanna that holds that the lottery is essential to the service.

Tosfos HaRosh and Gevuros Ari ask that this question should be universally accepted, for even the Tanna who holds that the lottery is not essential would agree that if it was done, the lots have established which goat is for which korban; so how can the kohen gadol possibly switch it?

The Mikdash Dovid (24 -3) answers that it is evident from here that according to the Tanna that holds that the lottery is not necessary, even if it was done, that was not what designated each goat to its particular destiny; rather, it was the words of the kohen. Even if the lots indicated one way, the kohen (if not for the tzidukkim problem) could have switched them.

Another question can be asked. What would the benefit be to switch the left to the right? The result of the lots already shattered our hopes of the good omen?