

YESHIVAT HAR ETZION

VIRTUAL BEIT MIDRASH PROJECT(VBM)

TALMUDIC METHODOLOGY

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The Lottery Process During the Avoda of Yom Kippur - Part II

Our previous article considered the role of the verbal designation of the se'irim on Yom Kippur. Though the gemara appears to underscore the lottery as the pivotal element in the selection process, some positions might still reserve an ancillary role for the verbal announcement "la-Shem chatat." Most positions, however, view the hagrala as the exclusive selector - that which alone confers the respective statuses upon the animals. This article will examine more closely the mechanics and nature of the hagrala.

Ostensibly, the lottery has a mind of its own and the kohen gadol is merely the trigger. He plays no active role in the selection; he simply chooses the two plates from the box, one of which is engraved with the name of Hashem and one with the word "I-azazel" (to the desert). Each animal receives the status corresponding to the name written on the plate above its head. The lottery thus determines a reality all its own.

Two statements in the Yerushalmi, however, call this view into question.

The Yerushalmi (4:1) raises the following issue. Why must the lottery involve two plates with distinct words engraved? Why can't the kohen gadol employ instead a white and a black ribbon or a white and black stone to designate the two animals? This possibility of using non-defined ribbons raises an intriguing view of the hagrala. Black and white ribbons cannot independently determine the status of each animal. If the Yerushalmi actually considers this option does it then ascribe a greater role to the kohen gadol? Instead of merely switching "on" the machine and allowing the lottery to run on its own, does he actually play a hidden part in determining the identity of the animals? This would mean that although one usually confers these identities through verbal designation, on Yom Kippur, because of a special gezeirat ha-katuv, he employs the technique of a lottery. He is still, however, the driving force in imposing these

statuses. The difference between the general case and Yom Kippur is not in substance or nature but merely in METHOD. In either case a person actively imposes the status.

The Yerushalmi cites a pasuk to reject this possibility. Since the Torah writes "goral echad la-Shem" (one goral should be designated for God) we infer that the lottery must be self-defined. Instead of employing non-specific ribbons or stones the kohen must utilize explicitly named plates. What is not clear is the logic behind this requirement. Does it reflect the fact that the goral itself and not the kohen must act alone to determine the identity of the animals? To be fully independent the lottery must be inscribed with the two different words. If this is indeed the rationale then the maskana (conclusion) - that goralot must be defined and not generic - highlights the pivotal and exclusive role of the lottery. Alternatively we might assume that the maskana maintains the concept of a human-driven selection through the agency of the lottery. However, there is an external requirement that the lottery plates be clearly demarcated. This serves to add drama and publicity to the entire process. Certainly, one cannot compare the public reaction to a lottery drawing of a black and white ribbons to the reaction to a drawing of two well-defined plates.

The very same Yerushalmi cites a related restriction: Even though a BOX wasn't strictly necessary to hold the plates, it was preferable to have one since it added suspense to the event. Clearly, various steps were taken to enhance and "promote" the process. These steps, however, do not necessarily have any inherent correlatives; they bespeak nothing of the internal nature of the selection process. They are mere externals added for effect. Indeed, the Yerushalmi requires that the names be INSCRIBED on the plates rather than merely written - a detail which seems to have little impact upon the nature of the process. What entails is that even in the maskana, the demand for self-defined lottery plates might be for tangential reasons while the spirit of the hava amina might be preserved. In other words, we can still see the kohen gadol as utilizing the hagra as his tool in performing the selection. He could have theoretically used non-defined lottery pieces - but may not do so for purely secondary, unrelated reasons.

The Yerushalmi introduces a subsequent deliberation which might also reveal the kohen gadol as the driving force behind the selection. The Yerushalmi broaches the possibility that the kohen gadol should place TWO plates on EACH animal - one plate with the name of Hashem and one with the word "I-azazel." It follows that, according to this option, the plates and the lottery have lost their ability to independently define the

identity of the animals. If each animal has each plate on it, something else has to actually decide which animal will be sent where. Ostensibly, this would be the kohen gadol. He would have made the designations using the lottery as his tool.

The Yerushalmi proceeds to reject this position as well since the Torah clearly asserts "goral echad la-Shem" - one lottery plate for God - insisting that each animal be crowned with only one plate. The same question, however, resurfaces. Does the Yerushalmi reject its hava amina on fundamental grounds, ruling that the lottery itself without the kohen gadol determines the status? In this case, understandably, we prefer absolute exclusivity - one plate per animal - to allow this independent designation. Or does the Yerushalmi maintain its overall view? The kohen gadol indeed is the source for this selection; however, a gezeirat ha-katuv mandates that only one plate be placed on each animal. At its essence, though, the selection stems from the kohen gadol; he replaces his standard tool of verbal declaration with the Yom Kippur tool - hagralla.

SUMMARY:

Even if we focus upon the hagralla as the sole decision-maker, one could search for a hidden role for the kohen gadol within the lottery. Especially when the Yerushalmi raises the possibility of non-decisive goralot, the conception of the kohen gadol as arbiter becomes more and more attractive. When these versions of hagralla are rejected one is left to wonder whether this essential view of hagralla was also negated.

Is there any hint of this viewpoint in the Bavli? Is there any halakha which ISN'T REJECTED in the maskana which might mirror this idea? The Rosh in his summary of Hilkhhot Yom Ha-kippurim writes, "If the kohen does not actually place the lottery plates on top of the animals (hanacha) the hagralla is valid, as long as he knows which plate landed in his right hand and which in his left." This is indeed a startling halakha - the kohen gadol must be cognizant of the results of the lottery. The same halakha emerges from Rashi (40b s.v. Keivan she-ala). Possibly this added requirement - recognition on the part of the kohen gadol - reflects the fact that he isn't a passive participant in the hagralla but rather that he confers the identity THROUGH the lottery. Remember the Rosh and Rashi make their claims even according to the maskana of the gemara!

One final manifestation might concern the anatomy of the actual hagralla. The gemara (39b) contends that no one requires the actual placement of the plates on top of the animal (be-dieved). What is required, however, according to one position (Ulah) is the elevation of the plates from the box - hagralla. R. Yochanan disputes this opinion and does not even require this much (see last week's shiur for alternate selection mechanisms). What is interesting according to Ulah is that, apparently, not only is the actual performance of the lottery necessary (hagralla - literally, throwing the lots) but the elevation of the plates. Why must the plates be raised? Why can't someone look into the box and announce which plate landed in each hand of the kohen gadol? Might Ulah view the kohen's role as more active, holding that he must actually translate the preliminary results of the hagralla into the final designation of respective identities? Possibly, these two aspects of hagralla - that he must be conscious of the results and that he must elevate the plates, each reflect the kohen gadol's hidden role in actively designating the identities of the animals through the medium of the hagralla.

METHODOLOGICAL POINTS:

1. Hava aminot are valuable because they provide novel and sometimes provocative ways to view halakhot. Even when these hava aminot are ultimately rejected their logical foundation might be preserved. The hava amina might be slightly modified for unrelated reasons - such as a gezeirat ha-katuv.
2. Especially important are issues which the Yerushalmi raises which do not appear in the Bavli. They provide an entirely different angle on the same halakhot. Of course one might always contend that the Yerushalmi and the Bavli disagree. This is very often the subject of debate amongst Talmudic commentators.

AFTERWORD:

Could we possibly distinguish between the selection of the sa'ir which was a korban and the selection of that which was sent to its death in the desert? After all, in the case of the former the mishna describes a verbal declaration on the part of the kohen gadol while in the case of the latter no such process is mentioned. Could the kohen be involved in actively designating the sa'ir for Hashem (which is akin to a standard korban)

but not in selecting an animal sent to the desert? See the Ramban in Acharei Mot who describes the purpose of hagralla vis-a-vis the animal sent to the desert.

May we all merit to coronate the Melekh Malkhei Ha-melakhim as we yearn for the day when His kingdom on this earth will be complete. - Ketiva ve-Chatima Tova -

May we all be zocheh to experience the kedushat Yom Ha-kippurim and through that merit forgiveness and atonement.

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