

YESHIVAT HAR ETZION
VIRTUAL BEIT MIDRASH PROJECT(VBM)

TALMUDIC METHODOLOGY

By: Rav Moshe Taragin

The Lottery Process During the Avoda of Yom Kippur

The unique avoda of Yom Kippur entailed bringing two identical se'irim (goats) to the Beit Ha-mikdash. The fourth chapter of Yoma begins with a description of the process of selecting these se'irim. A lottery was held to determine which of these two would be sent to its death in the desert (symbolizing the casting away of all sins - hence the term "scapegoat") and which would be sacrificed in the Beit Ha-mikdash and have its blood sprinkled in the "Kodesh Ha-kodashim." Upon first glance this selection process, geared toward establishing the identities of the two se'irim, is unlike any other dedication of a korban. Generally, an individual who offers a sacrifice designates his animal as a particular korban. This verbal "ma'aseh hekdesh" is merely a declaration by which he bestows upon the animal the status of an offering and the resultant state of kedusha. As with all kedusha in the halakhic realm, a human being is authorized with its investiture. Just as a person confers kedusha upon a sefer Torah by writing it "lishma" (with proper intention), similarly he may endow his animal with kedusha by dint of a verbal formulation. Apparently, the se'irim on Yom Kippur are an exception; in this instance it is the outcome of the lottery and not a human action which determines the status of the animals. This article will determine whether "amira" - the verbal articulation of man which is so vital in other korbanot - plays any role whatsoever in this selection process. The next article in this series will consider the exact structure and nature of the lottery vis-a-vis the person who operates it.

The gemara (40b) derives the distinction between the selection of se'irim and the designation of a regular korban from a verse in Acharei Mot. The pasuk (Vayikra 16:9) states that the kohen gadol should "bring the goat upon which fell Hashem's lot, and he should make it a sin-offering (chatat)." Though a simple reading would seem to indicate that the kohen himself should confer this identity, the gemara (based upon a Sifri) teaches: "The lottery (goral) creates the status of chatat and not the kohen himself." This categorical statement would seem to entirely exclude the kohen gadol from any active role in deciding the fate of the animal. Even though the mishna (39a) confirms

that after the lottery was held the kohen pronounced "la-Shem chatat" upon the designated animal, this action served merely to reiterate the results of the goral without imposing any status in its own right. Closer inspection, however, reveals several opinions which nonetheless impute some role to the kohen's verbal designation.

The gemara (39b) cites a machloket of Amoraim as to whether the lottery process is me'akev - whether its omission would subvert the validity of the entire special service of Yom Kippur. According to R. Yochanan, if they omitted the process the rest of the service is not affected. His position raises the following difficulty: if no hagralla (lottery) is performed, what distinguishes between the two identical se'irim? Indeed, this issue is of such concern that Rabbeinu Chananel was forced to reinterpret the gemara. According to him, even R. Yochanan requires a lottery to confer the distinct identities. However, he does not demand that it be performed at the exact point of the avoda delineated in parashat Acharei Mot. Although in general, the Torah's sequence must be adhered to (for example the sprinkling of the blood of the par (bull) must precede that of the sa'ir), when it comes to the goral (which is only marginally connected to the special avoda of Yom Kippur) the sequence can be altered. No one, however, can assert that hagralla itself can be omitted. In as much as it confers the status of the se'irim, it is critically necessary.

Rashi, however, accepts the gemara in its literal sense. R. Yochanan indeed maintains that no hagralla is necessary (be-dieved - after the fact). In the absence of hagralla the only technique which halakhically can confer the status is the verbal designation of the kohen. When the Torah assigns the responsibility for selection to the goral and not to the kohen it is merely fingering the PREFERRED process. In reality, there exist two parallel tracks: the preferred one, unique to Yom Kippur (goral) and the second-best (the standard verbal designation of the kohen gadol).

A role for the verbal designation of the kohen gadol can also be discovered by examining a dissenting opinion to the first mishna of this chapter. The mishna's description of the lottery process has the kohen gadol putting both hands into the box while he faces the two identical se'irim. By picking up one name-plate in each hand he automatically designates the role of each se'ir; if the plate with Hashem's name was raised in his right hand the sa'ir to his right became the korban while its counterpart was sent to its death in the barren desert. The kohen gadol would then lift his right hand to finalize and publicize the result. The reverse happened if the plate with Hashem's name ended up in his left hand.

R. Eli'ezer is cited as the proponent of a somewhat different scenario. To ensure that the plate with Hashem's name always ended up in a RIGHT hand (which in halakha is generally preferred) the kohen gadol and his assistant each placed his right hand into the lottery box, and pulled out one plate. If the plate with Hashem's name was grasped by the kohen gadol he lifted his right hand to finalize the result. If, however, the assistant received this plate, the kohen gadol was instructed by another kohen (the acting head of the rotation of kohanim currently serving in the Beit Ha-mikdash - known as rosh beit av) to "speak his piece" (say "la-Shem chatat"). The disparity between these two permutations within R. Eliezer's opinion is striking. If the kohen gadol received the desired plate he elevated it allowing the GORAL to establish the selection. If, however, his assistant grasped the plate we have no record of raising plates. The kohen gadol would simply launch into his verbal designation.

The Ritva already noted this problem. He answers, in effect, that in each case the recipient of the plate with Hashem's name elevated that plate prior to the kohen gadol's verbal assignment. If, however, the kohen gadol received the plate he required a little reminder to elevate the plate; given his massive load of avoda (on Yom Kippur all the avoda was performed exclusively by the kohen gadol) he might forget. If his assistant acquired the plate he could be depended on to raise it upward without a reminder. Hence R. Eli'ezer only referred to the former case in which the kohen gadol was actually reminded to raise his plate. In either case though the plate was immediately raised thereby fixing the identities of the se'irim prior to any verbal statement of the kohen gadol.

The simple reading of R. Eli'ezer's position, however, yields a very different picture. If the kohen gadol actually received the plate with Hashem's name, his elevating of the plate established the identities. In the event, however, that the assistant received this plate, we still prefer that the kohen gadol directs the selection. Not grasping the proper plate, the only way he could confer the status of the korban chatat was by SPEAKING, not LIFTING. R. Eli'ezer recognizes two parallel mechanisms for fixing the identities - lottery and verbal assignment. If the kohen gadol acquired the plate with Hashem's name he was able to implement the former. If, however, the plate was in the hands of his assistant he had no recourse but to employ the standard method of designating a korban - verbal designation through announcing "la-Shem chatat."

SUMMARY:

Though the Torah appears to highlight the lottery and de-emphasize any verbal action, we have located two dissenting opinions which might allow a pivotal role for a verbal assignment. In truth, it must be stressed that we do not rule like either opinion. We reject R. Yochanan and rule that hagralla is absolutely necessary - otherwise the avoda is invalid. Likewise we adopt the mishna's scenario and not R. Eli'ezer's: the kohen put both his hands in the box, and elevated whichever hand held the plate with Hashem's name.

Even within the final accepted version of hagralla one might discover a role for the verbal assignment. The mishna records a machloket between R. Yishma'el and the Chachamim. According to the Chachamim, the kohen gadol announced "la-Shem chatat" while according to R. Yishma'el he said only "la-Shem." Instinctively, we perceive that the Chachamim's formulation is more analogous to a standard verbal assignment while R. Yishma'el's version is clearly unprecedented. The Ritva notes this disparity and imputes this machloket to different readings of the pasuk with which this article began. The pasuk states that the kohen should "bring the goat upon which fell the lot of Hashem (the plate with Hashem's name) and make it a chatat." What is not exactly clear is the antecedent of the verb "make it." Does it refer to the lottery itself (the textual antecedent) or to the kohen gadol (the logical antecedent). According to the Ritva, herein lies the machloket between R. Yishma'el and the Chachamim. According to the former the antecedent is the lottery. Since the lottery ITSELF bestows the status and the kohen's verbal announcement is symbolic at best, the statement may be truncated. By contrast, the Chachamim believe that the designation of the chatat also receives a boost from the kohen gadol's verbal announcement; hence this announcement must take the form of a standard verbal designation. The kohen gadol must declare "la-Shem chatat." According to the Chachamim (in the Ritva's interpretation) though the verbal announcement isn't the sole factor in designating the status, it participates alongside the lottery in this process.

METHODOLOGICAL POINTS:

1. Often a simple dispute regarding a minute detail of a halakha might reflect a more fundamental question. The machloket regarding the formula of the kohen's declaration might reflect its nature.

2. An ambiguous pasuk is often the true source for a machloket. Sometimes the ambiguity allows for two distinct logical concepts. Who designates the korban - only the goral or even the kohen gadol?

AFTERWORD:

According to Rashi who holds that in the absence of a lottery, the verbal declaration of the kohen can independently assign status - does this change our view of this assignment when the lottery is performed? Possibly, according to R. Yochanan the LOTTERY is merely a preface to the verbal assignment which ALWAYS bestows the identity. See the Mikdash David 24:3 and the Gevurot Ari to Yoma (39b).

Our next article will closely examine the actual lottery process to determine the kohen's role.

VISIT YHE'S WEB SITE: [HTTP://WWW.VIRTUAL.CO.IL/EDUCATION/YHE](http://www.virtual.co.il/education/yhe)

SEE ALSO THE "VIRTUAL CITY OF JERUSALEM" : [WWW.VIRTUAL.CO.IL](http://www.virtual.co.il)

To subscribe send e-mail to: LISTPROC@VIRTUAL.CO.IL: subject:(leave blank or type word 'subscription'), on first line of text type: sub YHE-METHO <your full name> .

To participate in a weekly discussion group on this shiur moderated by the instructor, please subscribe to YHE-METH.D as described above. For direct questions or comments to Rav Moshe Taragin, please send email to MT@VIRTUAL.CO.IL .

Copyright (c) 1996 Yeshivat Har Etzion. All rights reserved.

SHIURIM MAY BE DEDICATED TO VARIOUS OCCASIONS - YAHRZEITS,
SEMACHOT, BIRTHDAYS, ETC. PLEASE E-MAIL YHE@VIRTUAL.CO.IL FOR AN
APPLICATION AND A LIST OF OPPORTUNITIES.

YESHIVAT HAR ETZION

VIRTUAL BEIT MIDRASH

ALON SHEVUT, GUSH ETZION 90433

E-MAIL: YHE@VIRTUAL.CO.IL or OFFICE@ETZION.ORG.IL