

OVERVIEW of the Daf

1) Designating a goat less than eight days old for Azazel (cont.)

Rava presents a third reason the Torah had to teach that the goat for Azazel may not be premature.

2) Choosing one of two available goats for Hashem

The Mishnah ruled that when the goat for Azazel dies another pair of goats is brought and a second lottery is cast. The Mishnah, however, was unclear which of the two "Hashem goats" will be offered and which will be sent to graze until it develops a blemish.

Rav maintains that the one from the first pair is offered and the one from the second pair is sent to graze, whereas R' Yochanan holds that a goat from the first pair is sent to graze and a goat from the second pair is offered as the korban.

The Gemara explains that the point of dispute is that Rav draws precedent from the halachah concerning a temporary blemish and once the blemish heals the animal may be used. R' Yochanan, however, maintains that that halachah applies only to temporary blemishes and not to other disqualifications.

The Gemara questions why Rav rules that the goat from the first pair must be chosen. Why do we not allow the Kohen Gadol to choose either animal?

Rava answers that Rav follows R' Yosi's opinion which maintains in a parallel case that there is a mitzvah to choose the first animal.

Rava notes that the Mishnah is consistent with Rav's position, and a Baraisa is consistent with R' Yochanan's position.

The Gemara cites R' Yehudah's opinion from the Mishnah and notes that it is inconsistent with Rav's explanation.

Rav answers that his opinion was stated in accordance with Rabanan and in fact, R' Yehudah and Rabanan disagree whether living animals can become rejected.

R' Yochanan, however, will have a difficult time explaining the point of dispute, and this is why Rava stated earlier that the Mishnah is consistent with Rav.

The Gemara cites a Mishnah which it will use to support R' Yochanan's position. ■

Distinctive INSIGHT

When is a live animal disqualified forever?

ורבי יוחנן סבר בעלי חיים נדחין

Rabbi Yochanan is of the opinion that once a particular animal has experienced a condition of being disqualified as an offering, even while alive, this animal may never be reconsidered as an offering again. For example, our Gemara presents a case where one of the goats died after the lottery had taken place. The Mishnah (62a) taught that in this case we select a new pair of goats and conduct a new lottery between them. Rabbi Yochanan holds that both goats of this second group are the one to be used on Yom Kippur, and the remaining goat from the first pair is unusable, being that its partner has died. This is a condition of **דיחוי** while it is still alive, and R' Yochanan disqualifies this surviving animal forever.

Tosafos Yeshanim and Ritva note a problem with the opinion of Rabbi Yochanan. The halachah is that it is prohibited to slaughter an animal and its offspring on the same day (**אורתו ואת בנו**). On any particular day where an animal is slaughtered, its offspring are all banned from eligibility for being used as an offering on that day, because the Torah forbids their having **שחיטה** until that day is over. Yet this offspring is once again eligible the next day, although it has experienced a condition of **דיחוי מחיים**—being disqualified while being alive, and R' Yochanan holds that such an animal is never allowed to be used again. Why, then, do we not find this disqualification mentioned?

Tosafos Yeshanim and Ritva point out that this case is different. Let us consider two other cases which are paral-

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REVIEW and Remember

1. Explain the dispute between Rav and R' Yochanan.
2. According to Rava, why did Rav rule that one should use the goat from the first group for the korban?
3. How do the words **יעמד** as explained by the Baraisa support R' Yochanan's position?
4. What forces Rav to admit that his position is not universally held by all Tanna'im?

HALACHAH Highlight

Living animals cannot become nullified

רב סבר בעלי חיים אינן נידחין

Rav holds that living animals do not become rejected

Rambam¹ writes that if a designated chatas that deserves to die or a bull that will be stoned to death becomes intermingled in a crowd of sacred animals, even at a ratio of 1:10,000 all the animals should be killed. The reason the prohibited animal is not nullified by the majority is because living animals are significant, and significant items cannot become nullified.

The halachah that living animals cannot become nullified has relevance even outside of the realm of kodoshim. Shulchan Aruch² rules as a general principle that significant items do not become nullified in a mixture even if the significant item represents only a small minority of the mixture. He proceeds to enumerate seven items, which as a result of their universal significance, can never become nullified in a mixture³. Nonetheless, he adds that any item that is considered significant in that place will not become nullified in a mixture⁴.

Shulchan Aruch⁵ adds, in addition to the seven items considered universally significant, that living animals are considered significant and cannot become nullified if intermingled with other animals. For example, if a bull that deserves to be stoned becomes intermingled into one's herd of animals, the sacred or prohibited animal does not become nullified by the majority, and the entire herd becomes prohibited⁶. This rule,

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lel. As soon as an animal is born it is unacceptable as an offering until it is eight days old. This should be a case of מעיקרא דחיוי, and no animal should ever be allowed to be brought as an offering even after getting older. Also, in a case where an animal has a temporary blemish, during which time it is temporarily not acceptable for an offering, but it is eligible once it heals. In both of these cases, even R' Yochanan allows the animal to be brought once the problem clears up. Therefore, in our case, as well, even R' Yochanan would allow the בנתו ואתו בנתו problem to be dismissed. ■

ing, however, applies only while the animals are still alive; if they were slaughtered inadvertently they lose their significance and may become nullified⁷. ■

1. רמב"ם פ"ו מהל' פסולי המוקדשין ה"א, "כל הזבחים שנתערב בהן אחת מחטאות המתות או שור הנסקל אפילו אחד ברבוא כולן ימותו לפי שבעלי חיים חשובין הן ואינם בטלין ואם הקריב הורצה שאין בעלי חיים נדחין"
2. שו"ע יו"ד סי' ק"י סע' א' "דבר חשוב אוסר במינו בכל שהוא"
3. שו"ע שם, "והם ז' דברים ואלו הם: אגוזי פרך ורבומי בדן וחביות סתומות וחלפות תרדן וקלחי כרוב ודלעת יונית וככרות של בעל הבית"
4. שו"ע שם, "כל דבר שהוא חשוב אצל בני מקום המקומות, כגון אגוזי פרך ורמוני בדן בארץ ישראל באותם הזמנים, הוא אוסר בכל שהוא, לפי חשיבותו באותו מקום ובאותו זמן, ולא הוזכרו אלו אלא לפי שהן אוסרים בכל שהן בכל מקום. וה"ה בכל כיוצא בהן, בשאר מקומות"
5. שו"ע שם, "וכן בעלי חיים חשובים הם ואינם בטלים"
6. שו"ע סק"ז, "אע"ג דלא אסירי מתחלת ברייתן כגון שור הנסקל ודרוסה וכה"ג לא בטילי מכח חשיבותן וכי"
7. שו"ע שם סע' ב', "בעלי חיים שנתערבו בעהרות ונשחטו, בטל חשיבותן ובטלין, והוא שנשחטו בשוגג" ■

STORIES Off the Daf

Distinguishing truth from falsehood

הא אמרי במערבא דחיייתו לצוק זו היא שחיטתו

The Likutei Halachos, zt"l, explains that since everything emanates from Hashem, at the source all is one. The challenge inherent in this is that it is therefore often difficult to distinguish between good and evil. Knowing which course is the proper one to take is no simple task; sometimes that which seems to be the right way is actually falsehood and should be rejected. Conversely, what seems at first glance to be wrong can actually be the true path to serving Hashem.

This is the nature of the avodah of the two goats. Through the lottery of Yom Kippur, the Kohen Gadol serves as a conduit that clarifies the will of Hashem. The lot that designates the goat that goes לה represents a true step which one must tread to come closer to God. The שעיר המשתלח is the one which takes the false step that leads away from Hashem. Often, only the most righteous people can discern which choice is the path of life, and which the path of death. On today's daf we see that forcing the שעיר המשתלח off the precipice constitutes shechitah. This is because casting away falsehood is just as much a function of serving Hashem as pursuing the truth.

Once, a certain bochur who was learning in Yeshivas Chevron during

the period of the Arab riots decided to go home to Europe to visit his family. When he got there, his father insisted that he remain at home. "Returning to Eretz Yisroel under the prevailing conditions is certainly pikuach nefesh!" he claimed.

The son was nearly swayed by his father's argument, but he was still somewhat in doubt. The son therefore decided to consult with the Chofetz Chaim, zt"l. Both father and son traveled to Radin and presented their case, and the Gadol's response startled both father and son.

"There certainly is a great danger coming," he said. "Anyone who can save himself is obligated to do so. This is why the young man must return to Yeshivas Chevron!" ■