

OVERVIEW of the Daf

1) Extra shekalim (cont.)

The Gemara concludes its successful challenge to the explanation of R' Yehudah's opinion, presented by the Rabbi's before Abaye, that extra Yom Kippur animals are left to die.

Rava explains that the rationale behind R' Yehudah's ruling is the concern that one might misuse one of the sacred animals and offer it as an offering before the next Yom Kippur arrives.

The Gemara suggests that the issue of a mishap occurring with a sacred animal is a dispute between Tannaim.

The suggestion is unsuccessfully challenged.

2) **MISHNAH:** The Mishnah resumes the order of the Yom Kippur service with a description of the procedure involved for the goat for Azazel.

3) The confession of the Kohen Gadol

It is noted that according to our Mishnah the Kohen Gadol does not include other kohanim in this confession.

R' Yirmiyah suggests that the Mishnah must not be in accordance with R' Yehudah, whereas Abaye explains how the Mishnah could in fact be consistent with R' Yehudah.

4) The one who lead the goat for Azazel

A Baraisa is cited that teaches some of the laws of leading out the goat for Azazel.

Different points from the Baraisa are explained.

The Gemara records three related questions presented to R' Eliezer and the evasive response he gave to each question. Chachamim, however, answered the three questions.

Another Baraisa records a similar exchange between R' Eliezer and other scholars and an explanation from R' Eliezer concerning his refusal to offer answers to questions that he did not hear from his teachers.

(Continued on page 2)

REVIEW and Remember

1. Who lead the goat for Azazel out of the Beis HaMikdash?
2. What is the necessity for the teaching that leading the goat for Azazel overrides the halachos of Shabbos?
3. Why was R' Eliezer evasive when responding to questions?
4. Why was there a great interest in hurrying the one who takes out the goat for Azazel?

Distinctive INSIGHT

The repeated confession of the Kohen Gadol upon his bull
פשעו לפניך עמך בית ישראל

The second confession which is said while standing over the bull includes a reference to the sins of the entire tribe of kohanim. In addition, the Kohen Gadol again mentions his own sins in this second formulation despite the fact that he had already confessed his own sins earlier. Tosafos Yeshanim explains that this is appropriate, because at this point the bull is still alive, and the atonement is not complete. This is why he continues to review his sins as he stands over the bull a second time. Later, after slaughtering the bull and sprinkling its blood, he approaches the goat and pronounces a confession upon it before he slaughters it. Here, the Kohen only speaks about the sins of the Jewish people at large. He does not mention himself nor the other kohanim at this point, because the bull has already been slaughtered and its blood has been sprinkled. Now, the atonement of the kohanim has been completed, and there is no need to repeat their confession. Even according to the opinion of Rabbi Yehudah, that the goat atones for the entire nation including the kohanim, this atonement is only for oversights of tum'ah מקדש (טומאת וקדשיו), and there is no confession necessary for this aspect of the procedure.

The רדב"ז (4:#1108) provides a different perspective of the confession process. The bull is provided by the kohen himself. Although this animal will facilitate atonement for him and the other kohanim, it is necessary for the Kohen Gadol to confess his own sins before representing others who depend upon him. This is done at the first confession. Yet it is also necessary to place his hands upon the animal immediately before the slaughter (תיכף לסמיכה שחיטה). Therefore, the Kohen confesses his sins together with the confession for the other kohanim. The goat which is sent away is bought with communal funds, and the confession for the nation at large was not dependent upon the Kohen Gadol. There was no need for the Kohen Gadol to deal with clearing his own record before mentioning the sins of the nation at large as he took the goat. ■

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HALACHAH Highlight

Mental pledges to tzedakah

אין מקדישין ואין מעריכין ואין מחרמיין בזמן הזה

We do not sanctify items, make erech vows, nor make cherev vows nowadays

The Beis Yosef¹ records a dispute whether the principle of **אמירתו לגבוה כמסירתו להדיוט**—a verbal commitment to Hashem is like giving an item to a private person—applies to tzedakah. According to the Rif² and others, a verbal commitment is considered as binding as a kinyan. Rashba³ disagrees, and writes that this principle only applies in the area of sacred property (הקדש) but not for tzedakah. Shulchan Aruch⁴ and Rema⁵ rule in accordance with Rif that a verbal statement for tzedakah is binding as a kinyan.

A second dispute relates to whether the benefactor has to verbalize his commitment for it to become binding, or perhaps even the thought is sufficient to create an obligation. According to the Mordechai⁶, one is obligated to fulfill even commitments made in one's mind, although they are not enforceable in Beis Din. The Rosh⁷, on the other hand, disagrees and maintains that one is not obligated to fulfill his thoughts because of the principle **דברים שבליב אינם דברים**—thoughts in one's heart bear no legal weight. The Shulchan Aruch⁸ and Rema⁹ cite both opinions with a leaning¹⁰ that one should follow through even for commitments that were accepted only mentally.

Based on this discussion Rav Menashe Klein¹¹ addresses a question that was raised concerning a mental commitment made by a person who was sick to give tzedakah to a particular poor scholar. After recovering, the person now wanted to give the money to a different poor person instead of the scholar. The

(Overview...Continued from page 1)

5) The Golden Calf

Another exchange between R' Eliezer and a woman is recorded which leads to a digression regarding the sin of the Golden Calf.

Rav and Levi disagree regarding when different punishments for idolatry are administered.

R' Yehudah states the tribe of Levi did not worship the Golden Calf.

This assertion is unsuccessfully challenged.

6) The behavior of the Babylonians

According to Rabbah bar bar Channah it was not really Babylonians who hurried the person taking out the goat for Azazel. This assertion is supported by a Baraisa.

A Baraisa explains why they hurried the person taking out the goat for Azazel.

7) MISHNAH: The Mishnah begins to describe the journey of the one who would take the goat for Azazel. ■

question was whether this would be permitted. Based on his analysis of the above sources and others, Rav Klein concluded that the proper course of action is to give the money to the impoverished scholar who was the initial intended recipient. ■

1. בית יוסף יו"ד סי' רנ"ח ד"ה ומ"ש לפיכ מי שנודר
2. רי"ף לב"ק פרק שור שנגח ד' וה' (ניח: בדפי הרי"ף)
3. שו"ת הרשב"א ח"א סי' תקס"ג
4. שלחן ערוך יו"ד סי' רנ"ח סע' ו'
5. דרכי משה יו"ד סי' רנ"ח סק"ג
6. מרדכי קדושין סי' תצ"ה
7. שו"ת הרא"ש כלל י"ג סי' א'
8. שלחן ערוך חו"מ סי' רי"ב סע' ח'
9. רמ"א שלחן ערוך יו"ד סי' רנ"ח סע' י"ג
10. ע' חידושי רעק"א ליו"ד שם שכתב דיש להחמיר כהמרדכי דמחויב לקיים נדרו אבל ב"ד אינם יכולים לכופו כמו כל ספק ממונ
11. שו"ת משנה הלכות ח"ד סי' קכ"ג ■

STORIES Off the Daf

"Take it and go! Take it and go!"

ואמרים לו טול וצא טול וצא

The Ben Ish Chai, זת"ל, explains why the **איש עתי** is told "Take the scapegoat and go!" twice—and it is related to why the red strand is tied to both a stone and to the animal's horns. The part of the strand tied to the rock alludes to the atonement for men, who were originally created from the earth when Adam was formed. The segment tied between the horns alludes to the women's atonement, for Chavah was formed from Adam's bone. When the string turned white, it

intimated that the sins of both men and women were atoned. This is the meaning of the repetition of the command: "Take it and go!"—to atone for the men. "Take it and go!"—to atone for the women. Why was it necessary to specify both? Because the Jewish people cannot survive if only one half is purified and the other isn't!

During the infancy of the State of Israel, Ben Gurion sent a delegation of Rabbis from America to the gedolim in Eretz Yisroel to convince them to reconsider their vehement opposition, **יהרג ואל יעבור**, regarding conscription of girls.

When the delegation came to the Tchebiner Rav, זת"ל, they posed two questions: "We are also scholars, and we have not been able to find a source for the state-

ment that it is preferable for a girl to die than to be drafted. Secondly, since Ben Gurion is threatening to close the yeshivos over this, how can you choose this course of action?"

The Tchebiner Rav was normally very reserved, but he answered the delegation quite heatedly. "The source for the psak is not in the Bavli, nor the Yerushalmi, nor is it in the Shulchan Aruch. It is a possuk in the Aseres HaDibros! And as far as your other claim, we will close the yeshivos ourselves if this decree goes through! No yeshiva bochur will marry a girl who has been drafted just to destroy her purity. And we do not maintain Yeshivos for boys who do not plan to ever marry!" ■