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ספר

נוראות הרב

חלק ששי

שלשה שיעורים בעניני עבודת יום הכפורים, שליחות, וזכרון תרועה

מאת מרן רבנו יוסף דוב הלוי סולובייציק זצלה"ה

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Preface

These three *Shiurim*, dealing with the *Avodah* of *Yom Kippur*, *Selichos*, and תרועה, were delivered, in English, by Rabbi Joseph B. Soloveitchick Zt"l (reverently referred to as the Rav, by his countless students and admirers), in 1971, 1968 and 1977, respectively. My objective is to publish, in readable form, my impressions of these *Shiurim*, after reviewing audio tapes and various notes taken by the attendees.

I have divided each *Shiur* into different topics, each designated by a Roman Numeral. I have further subdivided each topic into numbered paragraphs, and provided them with appropriate headings. A Table of Contents of the topics and headings is found at the beginning of this volume.

Due to the complexity of the subject matter I have included the complete text of the first and fourth chapters of the הלכות עבודת יום הכפורים as well as פרשת אחרית מות פרק ט"ז. These were printed from the Bar Ilan Responsa CD Rom.

In response to suggestions from readers, I have translated all citations from the *Talmud* and the Commentaries, as well as terms of art employed therein. These translations appear in italics. The translations are generally not literal. Finally, parenthetical comments made by the Rav, and my suggestions for further references, appear as Footnotes at the bottom of each page.

I am most grateful to the following individuals who invested enormous amounts of time and effort in typing and formatting this work: Faige (Klein) Friedman, Malka Stern, Malki Salomon, Shoshi (Friedman) Wolnerman, and Aviva Weiser.

I wish to express my thanks to Yitzchak Rottenstein for his help in editing this work and to Dr. Israel Rivkin who provided me with copies of his notes of the *Yom Kippur Shiur*. Dr. Rivkin's notations of other works of the Rav, particularly on the *Parshiyot*, are available via E-Mail at listproc@shamash.org.

I also wish to express my gratitude to various students of the Rav, whose modesty precludes them from seeking public recognition, for providing me with many helpful suggestions on this work and the prior works.

I cannot adequately express my boundless appreciation to both my father, Dr. Aaron Schreiber, and my mother, Mrs. Rivka Schreiber. My parents invested so many countless hours on my *Torah* education, that it is impossible for me to ever begin to repay them.

The audio cassettes for these *Shiurim* were supplied by Mr. Milton Nordlicht, who, single handedly, has collected and disseminated hundreds of audio tapes of the Rav. I urge all readers, who have audio cassettes of the Rav, to contact him at (718) 261-7770, and provide him with copies of their cassettes.

Finally, I must express my admiration and gratitude to my wife, Ricki, for her constant support in all of my endeavors.

Since the transcription reflects my limited understanding of the *Shiurim*, I implore all readers to attribute any errors or omissions to me.

I was most encouraged by the overwhelming reception accorded to the five prior volumes of נוראות הרב, dealing with *Rosh Hashana*, *Chanukah*, *Purim*, *Pesach* and *Shavuos*, and hope that this volume will be similarly received. It is my foremost hope that I have portrayed the *Shiurim* in the best possible light, and that I be able to release *Shiurim* of the Rav on the other מינעדים, in the very near future.

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- (א) וידבר ייחוד אל משה אחרי מות שני בני אהרן בקרבכם לפני ייחוד וימתו:
- (ב) ויאמר ייחוד אל משה דבר אל אהרן אחיך ואל יבא בכל עת אל הקדש מבית לפרכת אל לפני הכפרת אשר על הארץ ולא ימות כי בענן אראה על הכפרת:
- (ג) בזאת יבא אהרן אל הקדש בכפר בן בקר לחטאת ואיל לעלה:
- (ד) כחנה בד קדש ילבש ומכנסי בד יהיו על בשרו ובאכנט בד יחגר ובמצנפת בד יצנף בגדי קדש הם ורחץ במים את בשרו ולבשם:
- (ה) ומאת עדת בני ישראל יקח שני שעירי עזים לחטאת ואיל אחד לעלה:
- (ו) והקריב אהרן את פר החטאת אשר לו וכפר בעדו ובעד ביתו:
- (ז) ולקח את שני השעירים והעמיד אתם לפני ייחוד פתח אהל מועד:
- (ח) ונתן אהרן על שני השעירים גורלות גורל אחד לייחוד וגורל אחד לעזאזל:
- (ט) והקריב אהרן את השעיר אשר עליו הגורל לייחוד ועשהו חטאת:
- (י) והשעיר אשר עליו הגורל לעזאזל יעמד חי לפני ייחוד לכפר עליו לשלח אתו לעזאזל המדברה:
- (יא) והקריב אהרן את פר החטאת אשר לו וכפר בעדו ובעד ביתו ושחט את פר החטאת אשר לו:
- (יב) ולקח מלא המתחת גהלי אש מעל המזבח מלפני ייחוד ומלא חפניו קטרת סמים דקה והביא מבית לפרכת:
- (יג) ונתן את הקטרת על האש לפני ייחוד וכסה ענן הקטרת את הכפרת אשר על העדות ולא ימות:
- (יד) ולקח מדם הפר והזה באצבעו על פני הכפרת קדמה ולפני הכפרת יזה שבע פעמים מן הדם באצבעו:
- (טו) ושחט את שעיר החטאת אשר לעם והביא את דמו אל מבית לפרכת ועשה את דמו כאשר עשה לדם הפר והזה אתו על הכפרת ולפני הכפרת:
- (טז) וכפר על הקדש מטמאת בני ישראל ומפשעיהם לכל חטאתם וכן יעשה לאהל מועד השכן אתם בתוך טמאתם:
- (יז) וכל אדם לא יהיה באהל מועד בבאו לכפר בקדש עד צאתו וכפרו בעדו ובעד ביתו ובעד כל קהל ישראל:
- (יח) ויצא אל המזבח אשר לפני ייחוד וכפר עליו ולקח מדם הפר ומדם השעיר ונתן על קרנות המזבח סביב:
- (יט) והזה עליו מן הדם באצבעו שבע פעמים וטהרו וקדשו מטמאת בני ישראל:
- (כ) וכלח מכפר את הקדש ואת אהל מועד ואת המזבח והקריב את השעיר החי:
- (כא) וכמד אהרן את שתי ידיו על ראש השעיר החי והתודה עליו את כל עונת בני ישראל ואת כל פשעיהם לכל חטאתם ונתן אתם על ראש השעיר ושלח ביד איש עתי המדברה:
- (כב) ונשא השעיר עליו את כל עונתם אל ארץ גזרה ושלח את השעיר במדבר:
- (כג) ובא אהרן אל אהל מועד ופשט את בגדי הכהן אשר לבש בבאו אל הקדש וחניחם שם:
- (כד) ורחץ את בשרו במים במקום קדוש ולבש את בגדיו ויצא ועשה את עלתו ואת עלת העם וכפר בעדו ובעד העם:
- (כה) ואת חלב החטאת יקטיר המזבח:
- (כו) והמשלח את השעיר לעזאזל יכבס בגדיו ורחץ את בשרו במים ואחרי כן יבוא אל המחנה:
- (כז) ואת פר החטאת ואת שעיר החטאת אשר הובא את דמם לכפר בקדש יוציא אל מחוץ למחנה ושרפו באש את ערתם ואת בשרם ואת פרשם:
- (כח) והשרף אתם יכבס בגדיו ורחץ את בשרו במים ואחרי כן יבוא אל המחנה:
- (כט) והיתה לכם לחקת עולם בחדש השביעי בעשור לחדש תענו את נפשתיכם וכל מלאכה לא תעשו האזרח והגר הגר בתוכם:
- (ל) כי ביום הזה יכפר עליכם לטהר אתכם מכל חטאתיכם לפני ייחוד תטהרו:
- (לא) שבת שבתון היא לכם ועניחם את נפשתיכם חקת עולם:
- (לב) וכפר הכהן אשר ימשח אתו ואשר ימלא את ידו לכהן תחת אביו ולבש את בגדי הכהן בגדי הקדש:
- (לג) וכפר את מקדש הקדש ואת אהל מועד ואת המזבח וכפר ועל הכהנים ועל כל עם הקהל יכפר:
- (לד) והייתה זאת לכם לחקת עולם לכפר על בני ישראל מכל חטאתם אהות בשנה ויעש כאשר צוה ייחוד את משה:

הלכה א

ביום הצום מקריבין תמיד בשחר ותמיד בין הערבים כסדר כל יום ויום, ומקריבין מוסף היום פה ואיל ושבועה כבשים כלם עולות, ושעיר חטאת נעשה בחוץ והוא נאכל לערב, ועוד מקריבין יתר על מוסף זה, פה בן בקר לחטאת והוא נשרף, ואיל לעולה, ושניהם משל כהן גדול, ואיל הבא משל צבור האמור בפרשת אחרי מות, והוא האיל האמור בחומש הפקודים בכלל המוסף, והוא הנקרא איל העם, ועוד מביאין משל צבור שני שעירי עזים, אחד קרב חטאת והוא נשרף, והשני שעיר המשתלח, נמצאו כל הבהמות הקרבים ביום זה חמש עשרה: שני תמידין, ופר, ושני אילים ושבועה כבשים כולם עולות, ושני שעירים חטאת אחד נעשה בחוץ ונאכל לערב והשני נעשה בפנים ונשרף, ופר כהן גדול לחטאת והוא נשרף.

הלכה ב

עבודת כל חמש עשרה בהמות אלו הקריבין ביום זה אינה אלא בכהן גדול בלבד, אחד כהן המשיח/המשוח/ בשמן המשחה או המרובה בכנדים, ואם היתה שבת אף מוסף שבת אין מקריב אותו אלא כהן גדול, וכן שאר העבודות של יום זה כגון הקטרת הקטורת של כל יום והטבת הנרות הכל עשוי בכהן גדול נשוי שנאמר וכפר בעדו ובעד ביתו ביתו זו אשתו.

הלכה ג

שבעת ימים קודם ליום הכפורים מפרישין כהן גדול מביתו ללשכתו שבמקדש ודבר זה קבלה ממש רבינו, ומפרישין אותו מאשתו כל שבעת ימים אלו שמא תמצא אשתו נדה ונמצא טמא שבעת ימים ואינו יכול לעבוד, ומתקנין לו כהן גדול אחר שאם יארע בזה פיסול יעבוד האחר תחתיו, בין שאירע בו פיסול קודם תמיד של שחר בין שאירע בו פיסול אחר שהקריב קרבנו זה שנכנס תחתיו אינו צריך חינוך אלא עבודתו מחנכתו ומתחיל מעבודה שפסק בה הראשון, עבר יום הכפורים הרי הראשון חוזר לעבודתו והשני עובר וכל מצות כהונה גדולה עליו אלא שאינו עובר ככהן גדול ואם עבד עבודתו כשירה, ואם מת הראשון זה השני מתמנה תחתיו.

הלכה ד

בשבעת ימים אלו מזין עליו מאפר הפרה בשלישי להפרשתו ובשביעי שהוא ערב יום הכפורים שמא נטמא כמת ולא ידע, ואם חל יום שבת בשלישי או בשביעי שלו דוחין את ההזייה.

הלכה ה

כל שבעת הימים מרגילין אותו בעבודות, זורק את הדם ומקטיר את הקטרת ומטיב את הנרות ומקטיר איברי תמיד על המזבח כדי שיהיה רגיל בעבודה ביום הכפורים, ומוסרין לו זקנים מזקני בית דין וקוראים לפניו ומלמדין אותו עבודת היום וסידורה ואומרין לו אישי כהן גדול קרא אתה כפיך שמא שכחת או שמא לא למדת דבר זה, וערב יום הכפורים בשחרית היו מעמידין אותו בשערי המזבח ומעבירין לפניו פרים ואילים וכבשים כדי שיהיה מכיר ורגיל בעבודה.

הלכה ו

כל שבעת הימים לא היו מונעין ממנו מאכל ומשקה, ערב יום הכפורים עם חשיכה לא היו מניחין אותו לאכול הרבה שהמאכל מביא את השינה, ולא היו מניחין אותו לישן שמא יראה קרי, ולא היו מאכילין אותו דברים המרגילין לשכבת זרע כגון ביצים וחלב חם וכיוצא בהן.

הלכה ז

בימי בית שני ציק המינות בישראל, ויצאו הצדוקין מהרה יאבדו שאינן מאמינין בתורה שבעל פה, והיו אומרין שקטרת של יום הכפורים מניחין אותה על האש בהיכל חוץ לפרוכת וכשיעלה עשנה מכניס אותה לפניו לקדש הקדשים, הטעם, זה שכתוב בתורה כי בענן אראה על הכפרת אמרו כי הוא ענן הקטורת, ומפי השמועה למדו חכמים שאין נותן הקטרת אלא בקדש הקדשים לפני הארון, שנאמר ונתן הקטרת על האש לפני ה', ולפי שהיו חוששין בבית שני שמא כהן גדול זה נוטה לצד מינות, היו משביעין אותו ערב יום הכפורים ואומרין לו אישי

כהן גדול אנו שלוחי בית דין ואתה שלוחנו ושליח בית דין, משביעין אנו עליך במי ששכן את שמו בבית הזה
שלא תשנה דבר שאמרנו לך, והוא פורש ובוכה על שחשדוהו במינות, והן פורשין ובוכין לפי שחשדו למי
שמעשיו סתומין שמא אין בלבו כלום.

הלכה ח

כל לילי יום הכפורים כהן גדול יושב ודורש אם היה חכם, ואם היה תלמיד דורשים לפניו, אם היה רגיל לקרוא
קורא ואם לאו קורין לפניו, כדי שלא יישן, ובמה קורין לפניו, בכתבי הקדש, בקש להתנמנם פרחי לוייה מכין
לפניו באצבע צרדה, ואומרים לו אישי כהן גדול עמוד והצטנן מעט על הרצפה כדי שלא תישן, ומתעסקין עמו
עד שמגיע זמן שחיטה, ולא היו שוחטין עד שמכירין שעלה עמוד השחר בודאי שמא ישחטו בלילה.

*** Please treat this sacred text with respect ***

הלכה א

סדר כל המעשים שביום זה כך הוא: בהצות הלילה מפיסין לתרומת הדישן, ומסדרין את המערכה ומד שנין את המזבח בדרך שעושים בכל יום על הסדר שביארנו עד שיגיעו לשחיטת התמיד, כשיגיעו לשחוט את התמיד פורסין סדין של בויך בין בהן גדול ובין העם, ולמה של בויך כדי שיכיר שעבודת היום בבגדי בויך, ופושט בגדי חול וטובל ולובש בגדי זהב ומקדש ידיו ורגליו, ושוחט בתמיד רוב שנים ומניח אחר לגמור השחיטה, ומקבל הדם וזורקו על המזבח במצותו, ואחר כך נכנס להיכל ומקטיר קטורת של שחר ומטיב את הנרות, ומקטיר איברי התמיד והחביתין והנסכים בכל סדר התמיד של כל יום שביארנו, ואחר התמיד מקריב הפרי ושבעת הכבשים של מוסף היום, ואחר כך מקדש ידיו ורגליו ופושט בגדי זהב, וטובל ולובש בגדי לבן ומקדש ידיו ורגליו, ובא לו אצל פרו, ופרו היה עומד בין האולם ולמזבח ראשו לדרום ופניו למערב והכהן עומד במזרח ופניו למערב, וסומך שתי ידיו על ראש הפרי ומתודה, וכך היה אומר: אנא השם חטאתי עויתי פשעתי לפניך אני וביתי, אנא השם כפר נא לחטאים ולעונות ולפשעים שחטאתי ושעויתי ולפניך אני וביתי ככתוב בתורה משה עבדך לאמר כי ביום הזה יכפר עליכם לטהר אתכם מכל חטאתיכם לפני ה' תטהרו. ואחר כך מגריל על שני השעירים, וקושר לשון של זהורית בראש המשתלח ומעמידו כנגד בית שלוחו ולנשחט כנגד בית שחיטתו, ובא לו אצל פרו שנייה וסומך שתי ידיו על ראשו ומתודה וידוי שני, וכך הוא אומר: אנא השם חטאתי עויתי פשעתי לפניך אני וביתי ובני אהרן עם קדושיך, אנא השם כפר נא לחטאים ולעונות ולפשעים שחטאתי ושעויתי ולפניך אני וביתי ובני אהרן עם קדושיך ככתוב בתורה משה עבדך כי ביום הזה וגו', ואחר כך שוחט את הפרי ומקבל את דמו ונותנו למי שהוא מנדנדו שלא יקרש (ומניחה) על הרובד הרביעי של היכל מבהוץ, ונוטל את המחטה והותה בה אש מעל המזבח מן הסמוך למערב, שנאמר מעל המזבח מלפני ה', ויורד ומניחה על הרובד שבצורה, ומוציאין לו את הכף ובלי מלא קטרת דקה מן הדקה, וחופן ממנה מלא חפניו לא מחוקות ולא גדישות אלא טפופות הגדול לפי גדלו והקטן לפי קוטנו ונותן לתוך הכף. כבוד ביארנו שהולכה בשמאל פוסלת בדם הקדשים ושאר העבודות, ולפיכך היו מן הדין שיוליך המחטה בשמאלו וכף הקטורת בימינו, אבל מפני כבוד המחטה ועוד שהיא חמה, אינו יכול לטובלה בשמאלו עד הארון, לפיכך נוטל המחטה בימינו וכף הקטורת בשמאלו, ומהלך בהיכל עד שהוא מגיע לקדש הקדשים. מצא הפרוכת פרופה נכנס לקדש הקדשים עד שהוא מגיע לארון, הגיע לארון נותן המחטה בין שני הברדים ובבית שני שלא היה ארון היה מניחה על אבן השתייה, ואוחז שפת הכף בדאשי אצבעותיו או בשיניו, ומערה הקטורת בגודלו לתוך חפניו עד שמחזירה למלוא חפניו בשתייה, וזו היא עבודה קשה שבמקדש, וצובר את הקטרת על גבי הגחלים בידו לפניו במחטה, כדי שתהיה הקטורת קרוב לארון ורחוקה מפניו שלא יבוה, וממתין שם עד שיתמלא הבית עשן ויצא, והוא מהלך אחרוניו מעט מעט פניו לקדש ואחריו להיכל עד שיצא מן הפרוכת, ומתפלל שם בהיכל אחר שיצא תפלה קצרה שלא להבעית את העם שמא יאמרו מת בהיכל, וכך היה מתפלל, יהי רצון מלפניך ה' אלהינו שאם תהיה שנה זו שהונח תהיה גשומה, ולא יסור שבט מבית יהודה, ולא יהיו עמך בית ישראל צריכין לפרנסה, ואל תכנס לפניך תפלת עובדי דרכים.

הלכה ב

בשעת הקטרת הקטורת בקדש הקדשים, כל העם פורשים מן ההיכל בלבד ואינן פורשים מבין האולם ולמזבח, שאין פורשים מבין האולם ולמזבח אלא בשעת הקטרה בהיכל בכל יום ובשעת מתן דמים בהיכל כמו שביארנו בהלכות תמידין, ואחר כך נוטל דם הפרי מזה שהוא מנדנדו, ונכנס בו לקדש הקדשים ומזה ממנו שם שמונה הזיות בין כדי הארון, ויוצא ומניחו בהיכל על כן הזהב שהיה שם, ואחר כך יוצא מן ההיכל ושוחט את השעיר ומקבל את דמו ונכנס בו לקדש הקדשים, ומזה ממנו שם שמונה הזיות בין כדי הארון, ויוצא ומניחו על כן הזהב שני שבהיכל, ואחר כך נוטל דם הפרי מעל הכן ומזה ממנו על הפרוכת כנגד הארון שמונה הזיות ומניח דם הפרי ונוטל דם השעיר ומזה ממנו על הפרוכת כנגד הארון שמונה הזיות, ואחר כך מערה דם הפרי לתוך דם השעיר ומחזיר הכל למזרק שהיה בו דם הפרי כדי שיתערבו יפה יפה, ועומד לפניו ממזבח הזהב בין המזבח והמנורה, ומתחיל להזות מדם התערובת על קרנות מזבח הזהב, והוא מסבב וחולך ומזה על הקרנות מבחוץ, ומתחיל מקרן מזרחית צפונית, לצפונית מערבית, למערבית דרומית, לדרומית מזרחית, ועל כולן הוא נותן מלמטן למעלן, חוץ מן האחרונה שהיתה לפניו שהוא נותן מלמעלן למטה, כדי שלא יתכלכו כליו, והותה הגחלים והאפר שבמזבח הזהב הילך והילך עד שמגלה זהבו, ומזה מדם התערובת על טהרו של מזבח שבע פעמים בצד הדרום במקום ששלמו מתנות קרנותיו, ויוצא ושופך שירי הדם על יסוד מערבי של מזבח החיצון. ואחר כך בא אצל שעיר

המשתלח וסומך שתי ידיו על ראשו ומתודה, וכך הוא אומר אנא השם חטאו עוו ופשעו לפניך עמך בית ישראל, אנא השם כפר נא לחטאים ולעונות ולפשעים שחטאו ושעוו ופשעו לפניך עמך בית ישראל ככתוב בתורת משה עבדך כי ביום הזה יכפר עליכם וגו', ואחר כך משלח את השעיר למדבר, ומוציא אימורי פר ושעיר שהכניס דמן לפנים ונותנן בכלי, ומשלח השאר לבית הדשן לשריפה, ויוצא לעזרת הנשים וקורא שם אחר שיגיע השעיר למדבר, ואחר כך מקדש ופושט בגדי לבן וטובל ולובש בגדי זהב ומקדש ידיו ורגליו, ועושה השעיר הנעשה בחוץ, שהוא מכלל קרבנות מוסף היום ומקריב אילו ואיל העם שנאמר ויצא ועשה את עולתו ואת עולת העם, ומקטיר האימורין של פר ושעיר הנשרפין, ומקריב תמיד של בין הערבים, ואחר כך מקדש ידיו ורגליו ופושט בגדי זהב וטובל ולובש בגדי לבן ומקדש ונכנס לקדש הקדשים ומוציא את הכף ואת המחתה, ואחר כך מקדש ופושט בגדי לבן וטובל ולובש בגדי זהב ומקדש ומקטיר קטרת של בין הערבים ומטיב את הנרות של בין הערבים כשאר הימים, ואחר כך מקדש ידיו ורגליו ופושט בגדי זהב ולובש בגדי עצמו ויוצא לביתו וכל העם מלוין אותו עד ביתו, ויום טוב היה עושה על שיצא בשלום מן הקדש.

*** Please treat this sacred text with respect ***

שיעור בעבודת יום הכפורים
אלול תשל"א
מאת הגרי"ד הלוי סולובייציק זצלה"ה
נרשם ונערך על ידי ברוך דוד שרייבר

INTRODUCTION:

The Rav stated that his main goal in delivering this *Shiur* was to familiarize the audience with the סדר עבודת יום הכפורים. He explained that the *Kedushas HaYom* experience of one who understands the *Avodah* is qualitatively different from that of one who is not as familiar with the *Avodah*. He recalled that by his grandfather, *Rav Chaim, Zi"l*, the *Avodah* comprised the central part of the *Tefillah* of *Yom Kippur*. The *Chazan* recited each word of the *Avodah* out loud (since the *Avodah* is part of חזרת השי"ת), and the קהל repeated it in an undertone. It took them a few hours to complete the *Avodah*.

The Rav related that until he became a Rabbi, he remained awake the entire *Yom Kippur* night, and studied the סדר עבודת יום הכפורים with his father. In Europe, nearly everyone would remain awake the entire *Yom Kippur* night. They would recite the entire *Tehillim* and study *Torah*. It was practically unheard of for anyone to go to sleep on *Yom Kippur* night. He explained, from his own experience, that one enjoys a different *Kedushas HaYom* on *Yom Kippur* if he spends a sleepless *Yom Kippur* night engaged in *Talmud Torah*.

In Europe, each community celebrated *Yom Kippur* in their unique manner. In Poland, the *Chassidim* would pray with ecstasy, and it was most inspiring. In Lithuania, the prayer was more serious and disciplined. The Jews in Germany, where he spent many years, lacked the inner experience and soul, but their prayer was solemn, serious and beautiful. But, under the surface, all had an אש קודש, a *fervent fire of spirituality*. In the United States, however, people often fail to appreciate the solemnity and sanctity of the *Kedushas Hayom*.

The first part of this *Shiur* (Paragraphs I-XI) follows the order of the First Chapter of the *Rambam* הלכות עבודת יום הכפורים, which deals with certain general principles of the *Avodah* and the *Kedushas HaYom* of *Yom Kippur*. The second portion of this *Shiur* (Paragraphs XII-XXX) tracks the order of the Fourth Chapter of the *Rambam* הלכות עבודת יום הכפורים, which describes all of the intricate facets of the *Avodah*, in the order in which it was performed. Each of the corresponding *Pasuukim* from פרשת אחרי מות are cited and explained. I have also provided references to other works of the Rav and his father, the גר"ם, particularly from his הלכות עבודת יום הכפורים.

[I] THE DIVERGENT *KEDUSHOS HAYOM* OF *YOM KIPPUR*.

Yom Kippur is known by three names: שבתת עשור, ויום הצום, יום הכפורים.

(1) The *Rambam* denominates the title of the Chapters dealing with the *Karbanos* offered on *Yom Kippur* as הלכות עבודת יום הכפורים, *The Laws of the Service Performed on Yom Kippur*. Yet, in the first sentence thereof, the

*Rambam*¹ refers to the day as יום הצום, *the fast day*, and not as יום הכפורים, *the Day of Atonement*.

What is the difference between יום הצום and יום הכפורים? Also, what is the significance of this change? Interestingly, throughout the balance of these Chapters,² he refers to the day as יום הכפורים, and not as יום הצום.³ Why then does the *Rambam* use the term of יום הצום only in the first sentence of the first Chapter?

(2) *Yom Kippur* has many names. The *Rambam* deals with the laws relating to *Yom Kippur* in three sections of the משנה תורה, and refers to each section with a different name:

(x) The first section, dealing with the laws regarding abstention from work (מלאכה) and eating (עינוי), is entitled הלכות שביתת עשור which means שבת של (i.e. *the Sabbath of the tenth day*).⁴

(y) The second section, dealing with the service performed on *Yom Kippur* in the *Bais HaMikdash*, is entitled הלכות עבודת יום הכפורים;

¹ ביום הצום מקריבין תמיד בשחר כסדר כל יום (פ"א מהלכות עבודת יום הכפורים ה"א).

² See, for example,

הלכה ג' - שבעת ימים קודם ליום הכפורים.
הלכה ז' - קטורת של יום הכפורים.
הלכה ח' - כל לילי יום הכפורים.

³ The *Mishnah* and the *Bavli* always refer to the day as יום הכפורים, while the *Yerushalmi* refers to it as יום צומא רבא.

⁴ This section is located in זמנים (i.e. among the sections dealing with the Holidays).

(z) In the third section, dealing with תשובה, *repentance and expiation*, the day is referred to as יום הכפורים.

The obvious question is, why does the *Rambam* denominate the day as שבת של עשור, when describing the laws regulating the performance of work or prohibiting pleasurable activities on *Yom Kippur*, and as יום הכפורים when describing the service performed in the *Bais HaMikdash* or the *Kapparah* obtained on that day?

(3) The Rav explained that the rituals of the *Avodah* service were introduced in order to precipitate כפרה, *expiation*. Thus, when describing the *Avodah*, the *Rambam* describes the day as יום הכפורים, *the day of expiation*, in order to reflect the *Kapparah* aspects of the day, obtained by the performance of the *Avodah*. The *Avodah* service was introduced since it is a day of *Kapparah*.⁵ The *Avodah* service is unrelated to the aspect of *Yom Kippur* which precludes the engagement in מלאכה or in pleasure (עינוי). It is only related to the *Kapparah* facet of *Yom Kippur*. Similarly, when discussing תשובה, *repentance and expiation*, the *Rambam* refers to the day as יום הכפורים in order to reflect the *Kapparah* facet of the day.

On the other hand, when discussing abstention from מלאכה and עינוי, he was unwilling to refer to the day as יום הכפורים. The שביתה from מלאכה and the

⁵ The *Torah*, after describing the עבודה service, writes:

כי ביום הזה יכפר עליכם מכל חטאתיכם (ויקרא : ט"ז, ל').

injunction against engaging in the עינוים are not related to the *Kapparah* aspect of *Yom Kippur*. They are reflective of the שביתת עשור aspect. Thus, the *Rambam* refers to the day as יום הצום or יום העשור (שבת) העשור.

One who performs work on *Shabbos* is classified as a מומר.

(4) The Rav pointed out that both איסורי מלאכה and עינוים are essentially equivalent with regard to the penalty imposed for violating these two injunctions, and as far as their essential character is concerned.

We find that one who publicly engages in מלאכה, *labor*, on *Shabbos*, is deemed to be a מומר לכל התורה, *an unbeliever who denies the entire Torah*. However, one who refuses to recite *Kiddush* on *Shabbos* is not deemed to be a מומר, even according to those *Rishonim* who maintain that reciting *Kiddush* is Pentateuchally mandated. The status of a מומר is obtained only by חילול שבת, *by desecrating the Shabbos*, and חילול שבת is only engendered by one who performs מלאכה, *labor*. As the *Passuk* says:

מחלליה מות יומת (שמות : ל"א, י"ד),
Those who desecrate the Shabbos [by performing labor]
will be executed.

The status of a מומר is not conferred on the passive behavior of one who refuses to comply with the affirmative obligations of *Shabbos* (such as reciting *Kiddush*), since non-compliance with affirmative obligations does not result in חילול שבת, *the desecration of Shabbos*.

One who engages in work on *Yom Kippur* is also classified as a מומר.

(5) The question arises whether one who desecrates *Yom Kippur* (i.e. (המחלל יום כפור) is also deemed to be a מומר לכל התורה or not. If the two are equated, then a גט written on *Yom Kippur* is invalid, since the scribe is מחלל יום כפור by violating the laws against writing on *Yom Kippur*. However, if one who performs work on *Yom Kippur* is not deemed to be a מומר לכל התורה, and is treated differently from one who violates *Shabbos*, then a גט written on *Yom Kippur* would not be disqualified.

(6) The בית הלוי⁶ writes that it depends on the interpretation of an ambiguous text in the *Rambam*.⁷ The Rav intuitively felt that the *Rambam* maintains that *Yom Kippur* is equated with *Shabbos*, and that one who violates *Yom Kippur* is also deemed to be a מומר לכל התורה. This view is concurred with by most *Acharonim*.

According to the *Rambam* the injunctions against מלאכה and עינוי are derived from the same *Kedushas HaYom*.

(7) The Rav pointed out that one is deemed to be a מומר לכל התורה, not only by performing מלאכה, *forbidden activities*, on *Yom Kippur*, but by eating on *Yom Kippur* as well⁸ Eating on *Yom Kippur* is not only an איסור כרת, a

⁶ See בית הלוי חייא סימן י"ח, שאלות ותשובות בית הלוי חייא סימן י"ח, who deals with this question and concludes that one who violates *Yom Kippur* is classified a מומר לכל התורה.

⁷ See Appendix H for a discussion of such ruling.

⁸ The same is true of one who engages in any of the five עינויים (i.e. eating, drinking, wearing shoes, bathing, marital relations and applying oils).

violation, but also engenders חילול יום הכפורים, *the desecration of the sanctity of Yom Kippur*.⁹ The day is מחולל, *desecrated*, when one eats on *Yom Kippur*, and he is, thus, deemed to be a מומר.

(8) The rationale for this is that the *Torah* did not expressly provide a separate אזהרה to enjoin one from engaging in any of the prohibited עינויים.¹⁰ The *Gemara*,¹¹ however, explains that the אזהרה, *warning*, enjoining one from engaging in any of the five עינויים, is derived from the prohibition against engaging in any of the five מלאכה.¹² Thus, the איסור of מלאכה enjoins one from engaging in any of the five עינויים as well.

In other words, *Yom Kippur* is termed שבת vis a vis both עינוי and מלאכה.

The איסור of עינוי on *Yom Kippur* is derived from the מלאכה איסור.

⁹ The *Rav* noted, in response to a question raised by one of the attendees, that one who eats *Chametz* on *Pesach* is not deemed to have engaged in חילול יום טוב, *per se*.

¹⁰ In order to punish violators, the *Torah* must repeat the violation, once to provide a warning (אזהרה), and once to impose a penalty (עונש). By עינוי, the *Torah* writes only once, כי כל הנפש אשר לא תענה ונכרתה (ויקרא: כ"ג, כ"ט), (i.e. it provides the penalty for not engaging in עינוי but does not provide a warning (אזהרה) not to engage in עינוי).

¹¹ מסכת יומא דף פ"א ע"א.

¹² The *Gemara* (מסכת יומא דף פ"א ע"א) expounds that since *Yom Kippur* is called *Shabbos*, as the *Torah* writes, תשבחו שבתכם (ויקרא: כ"ג, ל"ב), then just as by *Shabbos* the *Torah* provided both a warning and a penalty (אזהרה ועונש) for מלאכה, so, too, the *Torah* implicitly provided both a warning (אזהרה) and penalty (עונש) for עינוי as well.

This is more fully explained in (עמוד רצ"ו) שאלתא קט"ו אות ב' (עמוד רצ"ו) as based upon the ספר המצוות לא תעשה קצ"ו - "למה נאמר עונש במלאכה ללמוד ממנה אזהרה לעינוי."

[Editor's Note]

If this is so, the *Kedushas HaYom* of *Yom Kippur* vis a vis מלאכה and מלאכה, likewise, are one and the same. The same *Kedusha* which enjoins מלאכה, also enjoins עינוי. עינוי is also included in the injunction of לא תעשה כל מלאכה. Hence, the *Kedushas HaYom* of מלאכה is translated into איסורי עינוי as well.¹³

(9) The Rav noted that the language of the *Rambam*, in הלכות שביבת, suggests that the *Rambam* maintains that the *Kedushas HaYom* of מלאכה is fused with that of עינוי.¹⁴ The *Rambam* writes:

מצות עשה לשבות ממלאכה בעשור לחודש השביעי שנאמר שבת שבתון... כל שאסור בשבת אסור ביום הכפורים. מצות עשה אחרת יש ביום הכפורים והיא לשבות בו מאכילה ושתיה שנאמר תענו את נפשותיכם. ומצוה לשבות מכל אלו [העינויים] כדרך ששובת מאכילה ושתיה, שנאמר שבת שבתון, שבת לענין אכילה [מלאכה]¹⁵ ושתון לענינים אלו (פ"א מהלכות שביבת עשור הי"א - הי"ה).
There is an obligation to abstain from work on Yom Kippur, just as one must abstain from work on Shabbos.

¹³ Interestingly, our text of the *Gemara* reads:

שבת שבתון - שבת לענין מלאכה, ושתון לענין עינויים, (מסכת יומא דף ע"ד ע"ב) which comports nicely with the Rav's rationale that מלאכה and עינוי are both derived from the same *Kedushas HaYom*.

¹⁴ It is troubling, however, that the *Rambam*, in many other locations, refers to *Yom Kippur* as the יום הצום, which would seem to indicate that there is a *Kedusha* interdependent with the עינוים.

¹⁵ There are two different versions of this text. One reads שבת לענין מלאכה, and the other reads, שבת לענין אכילה. The former text is consistent with the text in (מצוה קס"ד) which reads:

שבת שבתון כאילו יאמר שחובה בו השבייתה המיוחדת במלאכות והשבייתה המיוחדת במזון הגוף וקיומו. ולכן אמר שבת שבתון...

The *Gemara* (*Yoma* 74b) seems to conform with the former. See, also, the commentary of רבינו מנוח who points out that the phrase שבת שבתון appears twice in the *Torah*, once with regard to מלאכה, and once with respect to עינוי.

There is another obligation to abstain from eating and drinking on Yom Kippur.

There is yet another obligation to abstain from pleasure just as one must abstain from eating and drinking. As it is written, Yom Kippur is a day of double abstention, from both eating (work) and other pleasures.

The *Rambam* uses the term שבות, *to abstain*, both with regard to the injunction against performing מלאכה and with regard to the injunction against eating (and, possibly, the other עינויים). The term שבות is generally associated only with cessation from performing מלאכה, and it is so employed with regard to *Shabbos*. The fact that the *Rambam* employs it with regard to the עינויים on *Yom Kippur* is very remarkable and suggests that both מלאכה and ענוי are identical. They are both derived from the same *Kedushas Hayom*.¹⁶

Similarly, the title of those Chapters is שביתת עשור, which refers both to עינוי and to איסור מלאכה. The title means both שבת העשור (*cessation from work on the tenth day*), as well as תענית העשור (*cessation from eating on the tenth day*). This suggested to the Rav that the cessation from both עינוי, as well as מלאכה constitutes a single *Kiyum* of שביתה. They are both derived from one *Kedushas HaYom*. Thus, מומרות is obtained by violating either of the injunctions against מלאכה or עינוי.

¹⁶ In other *Shiurim*, the Rav explained that the איש עתי was permitted to violate both מלאכה and עינוי if necessary in order to complete his task of sending the goat to its death in the desert. (See *Yoma* 67a). This is so since once מלאכה may be performed by the איש עתי, in carrying the goat to the desert, עינוי may also be violated. He also quoted the רש"י מסכת יומא דף פ"א who seems to disagree with this. See שיעור הגרייך למסכת קדושין; מסורה חוברת ו' עמוד כ"ג; שיעור הגרייך למסכת קדושין. [Editor's Note]

(10) Hence, when the *Rambam* says יום הצום, he means not only the day of fasting (צום), but the day on which work (מלאכה) may not be performed. The term יום הצום is, thus, the equivalent of שביתת עשור, since שביתת מלאכה and צום are derived from the same *Kedushas HaYom*.¹⁷

The קרבנות מוסף are precipitated by איסור מלאכה; the חובות היום are precipitated by *Kapparah*.

(11) Based upon the foregoing, the Rav explained why the *Rambam* refers to *Yom Kippur* as יום הצום in the very first sentence of הלכות עבודת יום הכפורים. The *Kedushas HaYom* of יום הכפורים (i.e. that facet which relates to the *Kapparah* aspect of *Yom Kippur*) is מחייב, precipitates, only the חובות היום set forth in פרשת אחרי מות (i.e. the פר ואיל of the *Kohen Gadol*, the קטורת, the two goats, etc.) and does not impose any obligation to offer the *Mussaf*. The *Mussaf* is precipitated by the *Kedushas HaYom* which enjoins מלאכה, just as the

¹⁷ The Rav pointed out that many texts of the *Machzor* read:

ותתן לנו ה' אלוקינו את יום הכפורים הזה למחילה וכו' מקרא קודש זכר ליציאת מצרים, which seemingly relates only to the כפרה facet of *Yom Kippur*, and not to the *Kedushas HaYom* aspect of *Yom Kippur* which enjoins מלאכה ועינוי. He felt that the other text which reads:

ותתן לנו ה' אלוקינו את יום צום הכפורים הזה למחילה וכו' מקרא קודש זכר ליציאת מצרים, is preferable, since it is more comprehensive in that it embraces both the *Kedushas HaYom* of כפרה and עינוי as well as that of מלאכה.

On the other hand, the Rav noted that the standard text of יום הכפורים וותתן לנו ה' אלוקינו את יום הכפורים הזה למחילה וכו' by employing the words מקרא קודש, since, as explained supra, the *Kedushas HaYom* of מלאכה (derived from the words מקרא קודש) precipitates the injunction against עינוי as well. However, the words מקרא קודש refer to חול מלאכה as well, and thus, do not adequately reflect the complete injunction against עינוי.

In order not to alter the standard text, the Rav recited both texts of :

ותתן לנו ה' אלוקינו באהבה את יום הכפורים הזה, למחילה ולסליחה וכפרה וכו' זכר ליציאת מצרים, and then repeated:

ותתן לנו ה' אלוקינו באהבה את יום צום הכפורים הזה, למחילה ולסליחה וכפרה וכו' זכר ליציאת מצרים.

Kedushas HaYom of *Shabbos* and the other Holidays, which enjoins מלאכה, is מחייב the offering of a *Mussaf* on those days.¹⁸ Thus, since the *Rambam* describes the offering of the *Mussaf* on *Yom Kippur* in the first sentence, he was compelled to describe the day as יום הצום, which denotes that facet of the *Kedushas HaYom* of *Yom Kippur* which relates to עינוי and איסור מלאכה, and it is that facet of the *Kedushas HaYom* which is מחייב, precipitates, the offering of the *Mussaf* on that day.¹⁹

As the *Rambam* progresses and describes the additional *Karbanos* of the חובות היום which are unrelated to the איסור מלאכה ועינוי, but are rooted in the facet of the *Kedushas HaYom* which engenders *Kapparah*, he utilizes the nomenclature of יום הכפורים, rather than יום הצום.

The merger of the *Kedushas HaYom* of מלאכה with עינוי has Halachic consequences with respect to the injunction against non-pleasurable עינויים.

¹⁸ The Rav noted that whenever the *Torah* describes the obligation to offer a *Mussaf*, it always states the prohibition against engaging in מלאכה on those days. This is so since the מחייב of *Mussaf* is that facet of the *Kedushas HaYom* which precludes מלאכה. Thus, when the *Torah* describes the *Mussaf* offered on the Holiday of *Pesach*, it first describes *Pesach* as a day on which work may not be performed. See:

במדבר: כ"ח, ט"ז: ובחודש הראשון בארבעה עשר יום לחודש פסח לה...כל מלאכת עבודה לא תעשו. והקרבתם אשה עולה לה...

On other occasions, the Rav discussed that מלאכה, labor, could not be performed in the Temple on *Rosh Chodesh*, as well, since they offered a *Mussaf* of *Rosh Chodesh*. See מסורה חוברת ג' עמוד ל"ב. [Editor's Note]

¹⁹ As noted, the same *Kedushas Hayom* which enjoins מלאכה also enjoins eating. Thus the term יום הצום embraces both מלאכה and עינוי.

In מסורה חוברת י"ב עמוד נ"ב (אות א'), the Rav writes that inasmuch as the *Mussaf* is also incorporated within the חובות היום, to a certain extent (See, infra, Paragraph IV, 5), it would seem that if שביתה is violated, the *Kapparah* associated with the שביתה would be affected.

(12) The Rav proved his theory that the *Rambam* merges the *Kedushas HaYom* of מלאכה with that of עינוי from the rules regarding סיכה, *applying oils or lotions* on *Yom Kippur*. The injunction against engaging in סיכה on *Tisha Be'av* differs from that of *Yom Kippur* insofar as on *Tisha Be'av*, only סיכה של תענוג (i.e. *applications of lotion from which one derives pleasure*)²⁰ are enjoined, while on *Yom Kippur*, both סיכה של תענוג and סיכה שאינה של תענוג are enjoined.²¹

The Rav felt that the rationale for this distinction is that on *Yom Kippur* enjoyment, per se, is not precluded, since it is a *Yom Tov*, and one is not precluded from obtaining enjoyment on *Yom Tov*. Rather, on *Yom Kippur*, the מעשה סיכה, *the raw act of applying lotions*, is precluded. Since the same *Kedushas HaYom* which enjoins מלאכה also enjoins חמשה עינויים, then, by extension the עינויים are not enjoined merely because they are a source of pleasure. Rather, the very performance, the מעשה סיכה, is also prohibited. Had the חמשה עינויים been enjoined because of the pleasure derived therefrom, there could be no equation between the חמשה עינויים and מלאכה, which is prohibited even if the מלאכה does not generate pleasure. There would be no common denominator between the עינויים and מלאכה, since, by the latter, the raw act is enjoined, while, by the former, only the pleasure derived is enjoined. Once the equation between מלאכה and עינויים is established, and the same *Kedushas HaYom* enjoins both

²⁰ See רמב"ם פ"ה מהלכות תענית ה"י.

²¹ See רמב"ם פ"ג מהלכות שביתת עשור ה"ט; ירושלמי מסכת יומא פ"ח ה"א.

performances, it is the *מעשה*, *the raw act* (of either *מלאכה* or *עינוי*, as the case may be) which is enjoined, and not the *תענוג*, *pleasure*, which it precipitates. Hence, the act of *סיכה* is forbidden even though it is not pleasurable (*אינה של תענוג*).

On the other hand, by *Tisha Be'av*, it is not the act of *סיכה* which is enjoined. Rather, the pleasure derived therefrom is prohibited. Thus, only *סיכה של תענוג* is enjoined.²²

ר"א הקליר provides three different names for *Yom Kippur*.

(13) The *Piyut* of *ר"א הקליר*, recited in the *Mussaf* of *Yom Kippur*, apparently disagrees with the *Rambam*. It contains a triple name for *Yom Kippur*:

(x) שבת שבתון;

(y) יום הכפורים;

(z) צום העשור.

It reads:

(1) נחשב כצג באיתון דחות בפילולי עקלותון, ונקדישך בשבת
שבתון.

²² In other *Shiurim* (see, e.g. 43 עמי) the *Rav* explained that on *Tisha Be'av* one is only enjoined from engaging in those activities which are forbidden for a mourner; however, the extent of the prohibited activity is determined by that enjoined on *Yom Kippur*. Thus, *סיכה של תענוג* is enjoined for a mourner and, is likewise prohibited on *Tisha Be'av*. However, *סיכה שאינה של תענוג*, which is permitted for mourners, is also permitted on *Tisha Be'av*. In the lexicon of Rabbi H. Schachter *Shlita*, who transcribed that *Shiur*:

באיכות שווה תשעה באב לאבל; אבל בכמות שווה תשעה באב ליוה"כ ע"כ.

See, also,

חידושי מרן הגר"ז הלוי על הרמב"ם עמוד 20; מסורה חוברת י"א עמוד כ"ז; מסורה חוברת י"ב עמוד
[Editor's Note]. סי"א.

(2) היום בפתחך ספרים... ונקדישך ביום הכפורים.

(3) מסטין בכבל אסור... ונקדישך בצום העשור קדוש.

(1) *Treat us the way you treated the Kohen Gadol standing in the Holy of Holies, and we shall sanctify You on the Sabbath with cessation from work;*

(2) *Today, in which you open the Books (of deeds) we shall sanctify You by fasting and obtaining expiation.*

(3) *Bind Satan in chains...and we shall hallow Your name on the Fast Day of the Tenth (of Tishrei).*

(14) ר"א הקליר maintains that there is a three-fold *Kedusha* of *Yom Kippur*. He distinguishes between the *Kedushas HaYom* which results in איסור from the *Kedushas HaYom* which precipitates עינוי. He denominates the former as שבת שבתון, and the latter as צום העשור. This is in contrast with the *Rambam* who merges the *Kedushas HaYom* of מלאכה with that of עינוי. Had ר"א הקליר concurred with the *Rambam*, he would not have listed צום העשור, which clearly reflects עינוי, separately from שבת שבתון. ר"א הקליר stipulates that *Yom Kippur* has a third *Kedushas HaYom* which results in כפרה and is called יום הכפורים.

Thus, in the view of ר"א הקליר, *Yom Kippur* has the same *Kedushas HaYom* of *Shabbos* (vis a vis מלאכה). It also has an additional *Kedushas Hayom* which results in *Kapparah*, and which requires the performance of the *Avodah*. Finally, it has a third *Kedushas HaYom* which precipitates the injunctions of עינוי.

(15) There is one problem with the view of ר"א הקליר for which the Rav had no answer. ר"א הקליר writes at the beginning of the *Piyut* as follows:

נחשב כצג (כתן גדול) באיתון.

Treat us in the way you treated the Kohen Gadol standing in the Holy of Holies.

However, he concludes this sentence with the following phrase, which is seemingly inappropriate to that theme, namely:

ונקדישך בשבת שבתון
We shall sanctify You with cessation from work.

The *Piyut* should have concluded with a theme of *Kapparah*, to reflect the *Kapparah* obtained by the service of the *Kohen Gadol*. The conclusion of שבת שבתון, which reflects the *Kedushas HaYom* of מלאכה, is seemingly inappropriate. שבת שבתון is not dependent on the service of the *Kohen Gadol*; שבת שבתון is predicated on the *Kedushas HaYom* of *Kapparah*. Why then did ר"א הקליר conclude the sentence with this phrase? The Rav did not know the answer to this.

(16) The next sentence of the *Piyut* is understandable:

היום בפתחך ספרים... ונקדישך ביום הכפורים.
Today in which you open the books, we shall sanctify You by obtaining expiation.

This reflects that *Yom Kippur* is a יום הדין. יום הדין is not bound up with either עינוי or מלאכה. יום הדין is inextricably intertwined with that facet of the *Kedushas HaYom* of *Yom Kippur* which relates to the *Kapparah* obtained on that day. Thus, the conclusion of יום הכפורים is appropriate.

(17) Similarly, the last sentence is also understandable:

מסטין בכבל אסור ונקדישך בצום העשור.
Bind Satan in chains... and we shall hallow Your name on the Fast Day of the Tenth (of Tishrei).

The first portion of this sentence that *Satan* be bound in chains, originates with the *Gemara* which states as follows:

שטן ביומא דכיפורי לית ליה רשות לאסטוני (יומא דף י"ט
ע"ב).
*Satan has no right to indict the Jewish people on Yom
Kippur.*²³

The *פרקי דרבי אליעזר* adds that, on *Yom Kippur*, not only does *Satan* not indict the Jews, but he seeks to exonerate them. They explain that this occurs because the Jews observe the *ה' עינויים*.²⁴ Thus, *ונקדישך בצום העשור* (i.e. the *עינויים*) is an appropriate refrain to our request that *מסטין בכבל אסור*, *Satan be bound*.

The first sentence, however, of *נחשב כצג באיתון*, which relates to the *Avodah*, is seemingly inappropriately coupled with *שבת שבתון*, which is the basis of *איסור מלאכה*.

The *Shulchan Aruch* refers to *יום כפור* in the singular.

(18) The Rav noted that the *Gemara*, the *Tur*, and the *Rambam* all refer to the day as *יום הכפורים* (i.e. in the plural). However, the *Shulchan Aruch* refers to it as *יום כפור* (i.e. in the singular). The Rav felt that the use of the plural form (i.e. *יום הכפורים*) refers to the many additional sources of *Kapparah* obtained by engaging in the *Avodah* and offering the unique *Karbanos* of the *היום* and

²³ This is unlike the case by *Rosh Hashanah* where *Satan* is permitted to accuse the Jews, but is prevented from doing so when the Jews blow *Shofar*.

²⁴ The *פרקי דרבי אליעזר* פרק מ"ו adds:

מי כעמד ישראל ששובתים מאכילה ושתייה וכו'.

the שער המשתלח. Since these are lacking nowadays, the *Shulchan Aruch* employs the singular form of the name (i.e. יום כפור).

(19) The *Rambam*, however, also describes the day as יום הכפורים (in the plural) even with respect to the situation which prevails nowadays. He writes:

בזמן הזה שאין בית המקדש קיים ואין לנו מזבח כפרה אין שם אלא תשובה... ועצמו של יום הכפורים מכפר לשבים שנאמר כי ביום הזה יכפר עליכם וכו' ע"כ (פ"א מהלכות תשובה ה"ג).

Nowadays, that the Temple is no longer in existence, and the Altar does not provide expiation, the sole means to obtain expiation is through repentance. The essence of the day of Yom Hakippurim (in the plural sense) provides atonement for those who repent. As it is written, "On this day I shall forgive you and purify you from all of your sins."

The *Rambam* apparently feels that the assurance of *Kapparah* provided by the *Torah* in the cited *Passuk* of:

כי ביום הזה יכפר עליכם,

applies to *Yom Kippur* nowadays as well, even absent the unique *Avodah* service.

The *Passuk* of יום הכפורים כי ביום הזה יכפר עליכם means that *through the day* (by means of the power implanted in the day), you will receive כפרה, *expiation*.²⁵ You will receive כפרה even without the *Karbanos*, through the יום של יום, *the power of*

²⁵ See Paragraph II, 4 for a detailed discussion of this interpretation.

the day. Apparently, the *Rambam* employs the plural sense of יום הכפורים since the *Torah* also refers to it as יום הכפורים. However, it is unclear why this is so.²⁶

[III] THE KAPPAH OF YOM KIPPUR.

In the time of the *Bais HaMikdash*, *Kapparah* was obtained through the *Karbanos* of *Yom Kippur*.

(1) During the time of the *Bais HaMikdash*, the כפרה of *Yom Kippur* was intertwined with that of the *Karbanos* comprising the חובות היום. כפרה was obtained by offering the *Karbanos* and engaging in the יום הכפורים. The *Karbanos* formed the very essence of כפרה.

In the days of the *Bais HaMikdash*, *Teshuva* was only a condition of *Kapparah*.

(2) The *Rambam* writes as follows:

שעיר המשתלח לפי שהוא כפרה על כל ישראל, כהן גדול מתוודה עליו על לשון כל ישראל. שעיר המשתלח מכפר על כל עבירות שבתורה...והוא שעשה תשובה. אבל אם לא עשה תשובה אין השעיר מכפר לו אלא על הקלות. ומה הן הקלות? שאר מצות לא תעשה ומצות עשה שאין בהם כרת הם הקלות. ע"כ (פ"א מהלכות תשובה ה"ב).
*The goat sent to the desert provides expiation for the sins of all Jews. Thus, the Kohen Gadol confesses their sins on their behalf. This provides expiation only if the violator repented his sins or if the sin consists of the violation of a negative precept which is not punishable by execution nor forfeiture of life.*²⁷

²⁶ All *Tefillos* employ the language of *Tanach*, especially with respect to the description of the Holidays. Thus, even though the *Gemara* always refers to the Holiday of *Passover* as חג הפסח, nonetheless, in *Tefillah* it is referred to as חג המצות. Similarly, since the *Torah* refers to the day as יום הכפורים, in the plural, it is also referred to as such in the *Tefillah*.

²⁷ Even those who disagree with the *Rambam*, and maintain that the שעיר המשתלח does not provide *Kapparah* in the absence of *Teshuva*, nevertheless, they too concede that the role of *Teshuva* during the time of the *Bais HaMikdash* differs from the role of *Teshuva* nowadays.

Thus, the *Rambam*²⁸ rules that the שעיר המשתלח provided *Kapparah* for violations of לאוין even though the violator did not repent and engage in *Teshuva*.²⁹

(3) In this Chapter, the *Rambam* discusses those forms of *Teshuva* which are interdependent with other instruments of כפרה (namely, מלקות, קרבנות, קרבנות, מלקות, כפרה) (מיתת בית דין ושעיר המשתלח).³⁰ In these situations (with the exception of the שעיר המשתלח) *Teshuva* is merely a condition precedent to obtaining the final כפרה. However, the מכפר is not *Teshuva*; the מכפר is the respective instrument

²⁸ The *Rambam*'s ruling originates from ירושלמי פרק ח' דמסכת יומא הלכה ו'.

²⁹ In ספר חידושי הגר"מ והגר"י עמוד נ"ח-ס, the Rav wrote that the שעיר המשתלח provided two different types of *Kapparah*. Firstly, it extended *Kapparah* by virtue of its being a *Karban* (albeit one which is sent to the desert). The מכפר of this facet was the וידוי recited on the goat inside the עזרה (or the fact that it remained in the עזרה while the blood of the שעיר פנימי was sprinkled, according to רבי יהודה - *Yoma* 40b). Secondly, the שעיר המשתלח merged with the עצומו של יום to provide *Kapparah* by virtue of this combination. This was obtained only after the goat was pushed of the cliff. The Rav wrote that the first facet of *Kapparah* related only to regular Jews, and not to the *Kohanim*, since the וידוי was so limited. Furthermore, it only provided *Kapparah* for sins committed prior to the וידוי and not to sins committed thereafter. On the other hand, the *Kapparah* obtained by the merger of the שעיר המשתלח and the עצומו של יום extended to *Kohanim* as well, and even to sins committed subsequent to its service, at the end of the day (see תוספות שבועות דף י"ג ע"ב ד"ה דעבד).

Finally, the red string changed its color to white only when the goat was pushed off the cliff, and not prior thereto, since the *Kapparah* signified by this action, arose solely as a result of the merger.

Interestingly, the Rav, in another essay (cited in עמוד ל"ב-ל"ג), wrote that the first facet is a כפרת פנים, and the second facet is a כפרת חוץ. He maintained that the second facet did not begin until the שילוח השעיר (i.e. when the *Kohen Gadol* entrusted the goat to the hands of the איש עתי). This latter theory is discussed, *infra*, Paragraph XXVII, 11-13. [Editor's Note]

³⁰ He writes in הלכה א':

וכן בעלי חטאות ואשמות אין מתכפר להן בקרבנם עד שיעשו תשובה. וכן כל מחויבי מיתות בית דין אין מתכפר להן במיתתן עד שיעשו תשובה.

Thus, though all of these instruments provide *Kapparah*, nonetheless, *Teshuva* is indispensable for the full realization of *Kapparah*. See מסורה חוברת ט' עמוד פ"א.

(i.e. *Teshuva* enables the violator to receive the *כפרה* afforded by the respective instrument). *Teshuva* is indispensable since a *רשע* cannot receive *כפרה*.³¹

Nowadays, *Teshuva* and the day of *Yom Kippur* are the instruments of *Kapparah*.

(4) What replaces the role of the *Karbanos*, nowadays? The role of *Karbanos* is replaced with *Teshuva* and the *Kedushas HaYom*. Nowadays, the situation is radically different. The *Rambam* writes:

בזמן הזה שאין בית המקדש קיים ואין לנו מזבח כפרה, אין שם אלא תשובה. התשובה מכפרת על כל העבירות (פ"א מהלכות תשובה ה"ג).

Nowadays, that the Temple has been destroyed and the Altar of repentance has been discontinued, there is only Teshuva. Teshuva expiates for all sins.

Nowadays, *Teshuva* is not just a condition precedent to *כפרה*, a stipulation which removes the *רשע*, and, which thus, qualifies one for *כפרה*. Rather, *Teshuva* absorbs everything: *Karbanos*, *מלקות*, and the like. All of the *מכפרים* are somehow transferred to *Teshuva*!

The *Rambam* continues:

ונצטמו של יום הכפורים מכפר לשבים שנאמר כי ביום הזה יכפר עליכם (שם).

The essence of the day of Yom Kippur, in and of itself, provides forgiveness to those who repent. As it is written, "On this day you will be forgiven from all of your sins."

³¹ Even those who are executed are required to repent prior to their execution.

כל המומותין מתודין (סנהדרין דף מ"ג ע"א).

The *Rambam* translates כִּי בַיּוֹם הַזֶּה יִכַּפֵּר עֲלֵיכֶם, not as, “On this day you will be forgiven,” but, that the כַּפֵּרָה is achieved through the virtue, by the power, of the ³²עֲצֻמוֹ שֶׁל יוֹם

(5) What is the יוֹם שֶׁל יוֹם?³³ The Rav explained that the word בַּעֲצֻם appears a number of times in the *Torah*, with respect to *Yom Kippur*.

כֹּל הַנֶּפֶשׁ אֲשֶׁר לֹא תִעֲנֶנָה וְכוּ' בַּעֲצֻם הַיּוֹם הַזֶּה (וַיִּקְרָא : כִּי, כִּיט).
Anyone who does not fast on this very day.

Similarly, the *Torah* also uses the word עֲצֻם when it describes the prohibition against eating חֲדָשׁ (i.e. the new crop) on the sixteenth day on *Nissan*. It states:

וְלֶחֶם וְקִלִּי וְכֶרֶם לֹא תֹאכְלוּ בַּעֲצֻם הַיּוֹם הַזֶּה (שֶׁם, יִיד).
You shall not eat the new crop until this very day (of the sixteenth day of Nissan).

When the *Bais HaMikdash* existed, one was permitted to eat חֲדָשׁ (the new crop) after the מִנְחַת עֹמֵר was offered. Nowadays, however, the day itself serves to permit the eating of חֲדָשׁ, even without the עֹמֵר.³⁴

Similarly, with regard to *Yom Kippur*, in the days of the *Bais HaMikdash*, the מַכְפֵּר was the *Karbanos* of the יוֹם. Nowadays, however:

³² In the סֵפֶר מוֹרָה נְבוּכִים, the *Rambam* terms this as בִּיַיִת הַכּוֹלֵל. For example, בְּרֵאשִׁית בְּרָא is translated by the *Targum Yerushalmi* as בְּחֹכְמָא בְּרָא עוֹלָם (i.e. through wisdom, G-d created the world).

³³ There are texts which read יוֹם הַכְּפוּרִים מַכְפֵּר.

³⁴ See מִסְכַּת מִנְחוֹת דָּף סִיחָ עִי"א : בּוֹמֵן שְׁאִין בֵּית הַמִּקְדָּשׁ קַיִים, הַאִיר מוֹרָה מִתִּיר.

עצמו של יום הכפורים מכפר.

עצמו means the strength, or the power, of the day. The day is endowed with magical and transcendental qualities which facilitate כפרה. The mere day is able to grant כפרה.

The כפרה of the יום עצמו depends on the depth of one's experience of the *Kedushas HaYom*.

(6) How can one measure the עצמו של יום? How can one gauge the power of the day?

The Rav answered that it is measured by the amount of each person's experience of *Yom Kippur*. The amount of כפרה is proportionate to the intensity, the depth, and the sweep of each person's experience of the *Kedushas HaYom*. G-d does not award the same amount of כפרה to each person. One who experiences the awareness of לפני ה', of having the spiritual perception of being near and close to G-d, receives unlimited כפרה. It is not only a מכפר, but also a מקדש and מטהר as well. The power of the day is unlimited.

On the other hand, if one's experience is pale and anemic, the כפרה is also much weaker. It is not as dynamic nor as sweeping. It is not as elevating nor as inspiring.

(7) This is what *Rabbi Akiva* meant when he stated:

מקוה ישראל ה': מה מקוה מטהר את הטמאים, אף הקדוש ברוך הוא מטהר את ישראל (מסכת יומא דף פ"ה ע"ב).
The Passuk writes, "The Jews are purified in G-d's ritual bath." Just as a ritual bath purifies the unclean, so, too, G-d purifies the Jews.

This statement was issued in the year immediately following the חורבן בית המקדש.
Rabbi Akiva witnessed the destruction of the *Bais HaMikdash*, but survived it.
Yom Kippur was the Jews' greatest Holiday, and they were frightened at the thought of losing their ability to obtain כפרה and forgiveness. They thought that כפרה was intertwined with the יום הכפורים עבודת, and that, without the *Karbanos*, there would be no כפרה. *Rabbi Akiva* comforted them. He told them that, after the destruction of the *Bais HaMikdash*, a new form of כפרה is extended, namely,

עצמו של יום הכפורים מכפר...
Expiation is obtained via the power of the day.

He told them that מטרה את ישראל is הקדוש ברוך הוא. G-d himself is the מטרה.
Nowadays, the *Kohen Gadol* does not precipitate כפרה, nor does the *Avodah* provide כפרה. Nowadays, G-d Himself extends כפרה.

The עצמו של יום מכפר is equated with לפני ה', and the two are directly correlated and proportionate. Thus, one who is aware of לפני ה' can enjoy the כפרה of עצמו של יום. However, if one's awareness of לפני ה' is weak or distorted, then his enjoyment of the עצמו של יום is proportionately reduced.

[III] THE *KARBANOS* OFFERED ON *YOM KIPPUR*.

Seventeen *Karbanos* were offered on *Yom Kippur*; Ten *Karbanos* were offered as the *Mussaf*; five *Karbanos* were offered as part of the תזבח היום; and two *Karbanos* were offered as the daily תמיד.

(1) In the *Tefillah* of *Mussaf* on *Yom Kippur*, we recite the *Passuk* in פרשת פנחס³⁵ which lists the ten *Karbanos* offered as a *Mussaf* on *Yom Kippur*.

That *Passuk* reads:

והקרבתם עולה לה' לריח ניחוח: פר בן בקר אחד, איל אחד,
כבשים בני שנה שבעה תמימים...שעיר עזים אחד חטאת.
*You shall offer as a burnt offering, one bull, one ram, and
seven sheep, and one goat for atonement.*

Thus, the *Mussaf* sacrifices on *Yom Kippur* consisted of nine עולות (i.e. seven sheep, one ram, and one bull) and one goat for a חטאת.³⁶

(2) In addition to the *Karbanos* of the *Mussaf*, five extra *Karbanos* were also offered. These are denominated as חובות היום, and are mentioned in פרשת אחרי מות³⁷ as follows:

בזאת יבא אהרן אל הקודש בפר בן בקר לחטאת ואיל לעולה
(פסוק ג).
ומאת עדת בני ישראל יקח שני שעירי עזים לחטאת ואיל אחד
לעולה (פסוק ה').
*Before entering the Holy of Holies, Aharon should offer
one bull for an atonement offering and one ram as a burnt
offering.
The community should donate two goats for an atonement
offering and one ram as a burnt offering.*³⁸

³⁵ במדבר: כ"ט, ח'.

³⁶ The identical *Mussaf* was offered on *Rosh Hashanah* and on *Shemini Atzeres*.

³⁷ ויקרא: ט"ז, ג-ה'.

³⁸ The *Talmud* (*Yoma* 70b), discusses whether the ram, donated by the community is offered in addition to the ram offered as part of the *Mussaf*, as set forth in פרשת פנחס, or is identical with that of the *Mussaf*, and is merely repeated in פרשת אחרי מות. The rationale of why it would be repeated is discussed, *infra*, Paragraph 7.

The חובות היום, thus, consisted of two חטאות (i.e. a bull donated by the *Kohen Gadol* and a goat donated by the community)³⁹, two עולות (i.e. one ram donated by the *Kohen Gadol* and one ram donated by the community) and the שער לעזאזל (i.e. the goat sent to the desert).

Finally, the של בין הערביים and תמיד של שחרית, each consisting of one sheep as an עולה, were also offered.

In conclusion, seventeen *Karbanos* were seemingly offered on *Yom Kippur*.

(3) The *Rambam*,⁴⁰ however, notes that only fifteen *Karbanos* were offered on *Yom Kippur*. He writes:

ביום הצום מקריבין תמיד בשחר ותמיד בין הערביים
כסדר כל יום ויום. מקריבין מוסף היום פר ואיל ושבעה
כבשים כולן עולות, ושער חטאת הנעשה בחוץ והוא נאכל
לערב.

ועוד מקריבין יתר על מוסף זה, פר בן בקר לחטאת, והוא
נשרף, ואיל לעולה ושניהם מכהן גדול, ואיל הבא משל צבור
האמור בפרשת אחרי מות והוא האיל האמור בחומש
הפקודים בכלל המוסף והוא הנקרא איל העם.

ועוד מביאין משל ציבור שני שעירי עזים, אחד קרב חטאת
והוא נשרף, והשני שער המשתלח.

נמצאו כל הבהמות הקרבין ביום זה חמשה עשר: שני
תמידין, ופר, ושני אילים, ושבעה כבשים כולן עולות. ושני
שעירים חטאת, אחד נעשה בחוץ ונאכל לערב, והשני נעשה
בפנים ונשרף. ופר כהן גדול לחטאת והוא נשרף.

*On the day of the fast, they offered the morning and
evening Tamid as well as the Mussaf, consisting of one
bull, one ram, and seven sheep, all of which were burnt*

³⁹ The *Kohen Gadol* recited וידוי for both himself and his fellow *Kohanim* on the לחטאת, and for the Jewish people, in general, on the שער לעזאזל. He did not recite any וידוי on the שער לחטאת.

⁴⁰ פ"א מהלכות עבודת יום הכפורים ה"א

offerings. They also offered a goat as an atonement offering, on the Exterior Altar.

In addition to the Mussaf, the Kohen Gadol donated a bull as an atonement offering (which was burnt outside the Temple), and a ram as a burnt offering. The community offered the ram referred to in Leviticus (16, 5), and that is the ram mentioned in Numbers (29, 8) as part of the standard Mussaf offering.

Finally, the Community brought two goats, one of which was burnt outside the Temple, and the other of which was sent to the desert.

Thus, fifteen animals were offered on this day: Two sheep as a Tamid, one bull, two rams, and seven sheep as burnt offerings; two goats as atonement offerings, one of which was offered on the Exterior Altar and eaten at night, and the other of which was sprinkled on the Interior Altar and burnt.

Finally, the Kohen Gadol offered one bull (as an atonement offering) which was burnt (and its blood sprinkled on the Interior Altar).

The שעיר המשתלח and the שעיר פנימי are invested with *Kedusha* as a pair.

(4) The question arises, why does the *Rambam* list the שעיר המשתלח at the beginning of the sentence when describing the *Karbanos*, but not at the end of the sentence when summarizing the final compilation of *Karbanos*?

The Rav answered that the *Gemara*⁴¹ describes that the two goats were placed together in the עזרה compound. The *Kohen Gadol* conducted a lottery to determine which of the two goats would be offered as a חטאת and which of the two would be sent to the desert. The *Gemara* notes that if one of the goats was lost after the lottery was conducted, the *Kohen Gadol* must take another pair of goats and repeat the lottery. He could not simply replace the lost goat, since, as

⁴¹ מסכת יומא דף ס"ב ע"א.

the *Gemara* explains, the goats can only be invested with *Kedusha* simultaneously, as a pair. The *Kedusha* of each them is predicated on that of the other, and in order to establish the שעיר לחטאת, one must also establish the שעיר לעזאזל with the same lottery. In other words, the *Kedusha* is imparted on the pair of goats, simultaneously, and not on each goat separately.

(5) The *Rambam* was therefore compelled to mention the שעיר לעזאזל in his initial description of the שעיר לחטאת, since the *Kedusha* of the שעיר לחטאת is obtained only by the lottery which also determines the שעיר המשתלח. However, he does not list the שעיר לעזאזל in the next sentence, which summarizes the number of animals offered on *Yom Kippur*, since he states that the summary deals exclusively with קרבנות הקרבין, *the animals which were offered*. The שעיר לעזאזל was not offered on the מזבח,⁴² and so can not be included in this compilation.

The איל offered by the Community is listed in both פרשת אחרי מות and in פרשת פנחס.

(6) The *Rambam* also implicitly resolves the controversy regarding the number of rams offered on *Yom Kippur*. In פרשת אחרי מות, the *Torah* writes that the *Kohen Gadol* was obligated to personally donate two *Karbanos* on *Yom Kippur*, namely, a bull as a פר לחטאת, and a ram as an איל לעולה. The blood of the פר חטאת was sprinkled by the *Kohen Gadol* in the קדש קדשים, and the animal

⁴² As will be demonstrated (infra, Paragraph, XXVII, 7), the שעיר לעזאזל is denominated as a *Karban* as far as כפרה is concerned, but is not a *Karban* whose blood is offered on the מזבח.

itself was burnt outside of the *Bais HaMikdash*. The *Kohen Gadol's* איל was offered on the outside מזבח as a standard עולה.

In that *Parsha*, the *Torah* also describes a ram offered by the Community as an עולה.

In *פרשת פנחס*⁴³ the *Torah* prescribes that a ram be offered as an עולה as part of the *Mussaf*.

(7) The *Gemara*⁴⁴ raises the question as to whether the Community offered two אילים, namely, the one איל mentioned in *פרשת אחרי מות*, and the one set forth in *פרשת פנחס* as part of the *Mussaf*, or if they offered only one איל, *ram*. If the latter, then the איל mentioned in *פרשת אחרי מות* is identical with the איל mentioned in *פרשת פנחס*, and the obligation is merely repeated in both *Parshiyos*.

The *Rambam* rules that they are identical (i.e. that the *Torah* merely repeated in both *Parshiyos* the requirement that an איל be offered by the Community). The *Rambam* writes:

...ואיל הבא משל ציבור האמור בפרשת אחרי מות נהוא האיל
האמור בחומש הפקודים, בכלל המוסף (הי"א).
*The Community offered the ram referred to in Leviticus
(16,5), and that is the ram mentioned in Numbers (29,8)
as part of the standard Mussaf offering.*

⁴³ במדבר: כ"ט, ח.

⁴⁴ מסכת יומא דף ע"י ע"ב.

חובות הייטב offered by the community is classified among the חובות הייטב.

(8) There is a question regarding the precise text of this sentence of the *Rambam*. The original text, as cited above, read וְהוּא הָאֵיל, *and that is the ram mentioned in Numbers (29, 8)*.

The *לחם משנה*, however, amends the text. He deletes the וייו in וְהוּא as superfluous.⁴⁵ The *Rav* disagreed. He felt that the original text should not be amended.

The *Rav* explained that the difference between the original text and the emendation suggested by the *לחם משנה* reflects an existential distinction as to the essence and the *Kiyum* of this *Karban* (consisting of the ram). According to the emendation suggested by the *לחם משנה*, the character and שם of the איל is a *Mussaf*, which, by coincidence, is also mentioned in both פרשת אחרי מות and פרשת פנחס (with the other *Mussafim*). The *Rambam*, thus, anticipates the question of why the איל described in פרשת אחרי מות is not listed among the *Karbanos* offered on *Yom Kippur*, by explaining that this איל is essentially a *Mussaf*, which, coincidentally, was also described in פרשת אחרי מות.

According to the original text, however, (i.e. which reads: “*And that is the ram mentioned in פרשת פנחס*”), the character of the איל is one of חובות הייטב

⁴⁵ According to the *לחם משנה*, the text reads:

ואיל הבא משל ציבור האמור בפרשת אחרי מות, הוא האיל האמור בחומש הפקודים בכלל המוסף.
The offering consisting of the ram set forth in פרשת אחרי מות is identical with that set forth in פרשת פנחס.

(albeit one that is also included in פרשת פנחס with the other *Mussafim*). The *Rambam*, according to this reading, thus, anticipates the question of why he rules that only one ram was offered on *Yom Kippur*, by explaining that the איל described in פרשת אחרי מות is the same איל which is described in פרשת פנחס (i.e. among the description in פרשת פנחס of the animals offered as the *Mussaf*). However, though described among the animals constituting the *Mussaf*, this איל is not a *Mussaf*; it is categorized among the חובות היום.⁴⁶

(9) The *Rav* inferred from the *Ramban*⁴⁷ who mentions the איל העם and איל מוסף separately, that the *Ramban* disagrees with the *Rambam* and maintains that two separate אילים were offered.

Can the איל לעולה be offered by a regular *Kohen*?

(10) The foregoing has *Halachic* significance as well. The question arose among the *Rishonim* as to which of the various *Avodos* on *Yom Kippur* could only be performed by a *Kohen Gadol*, and which *Avodos* could be performed by an ordinary *Kohen* as well. When is a *Kohen Gadol* indispensable, and when is a *Kohen Gadol* only preferable?⁴⁸

⁴⁶ The פירוש חידושי מרן רמ"א הלוי על הרמב"ם פ"א מהלכות עבודת יום הכיפורים ח"א concurs with this explanation. He distinguishes, however, between the שער הנעשה בחוץ which he categorizes as a *Mussaf* and the איל לעולה which he classifies among the חובות היום. The *Rav* (infra, Paragraph XXX, 5), classified the שער הנעשה בחוץ among the חובות היום as well. [Editor's Note]

⁴⁷ פירוש הרמב"ן על ויקרא: ט"ו, כ"ג בסוף.

⁴⁸ See,

The *Ritva*⁴⁹ quotes an otherwise unknown *Ramban*⁵⁰ that the *Kohen Gadol* is indispensable only for the performance of those *Avodos* which constitute the חובת היום and not those *Avodos* which relate to the תמידין or the *Mussafim*.

The question would thus arise vis a vis this איל. Is it classified as a *Mussaf* (for which a *Kohen Gadol* is not indispensable) or as one of the חובות היום, in which case the *Kohen Gadol* is indispensable?⁵¹

(11) In conclusion, although the *Torah* states that seventeen animals were offered as *Karbanos* on *Yom Kippur*, the *Rambam* only lists fifteen animals. This is so since he omits the שעיר המשתלח, which is not a regular *Karban*, and since the איל לעולה is repeated twice.

[IV] THE REQUIREMENT THAT THE KOHEN GADOL PERFORM THE AVODAH OF YOM KIPPUR.

The *Rambam* rules that the *Kohen Gadol* must offer all fifteen animals.

(1) In הלכה אי, the *Rambam* lists all of the *Karbanos* offered on *Yom Kippur*. He concludes with the following sentence:

נמצאו כל הבהמות הקרבין ביום זה חמשה עשר.⁵²

מלחמות ה' ובעל המאור פי' דיומא (דף א' ע"א מדפי הר"י); חידושי הריטב"א על מסכת יומא דף י"ב ע"ב; תוספות יומא דף ל"ב ע"ב ד"ה אם; מנחת חינוך מצוה קפ"ד או"ק א'; קונטרס עבודת יום הכפורים עמוד י"ט וכ"ט.

⁴⁹ See חידושי הריטב"א למסכת יומא דף י"ב ע"ב; כסף משנה פ"א מהלכות עבודת יום הכפורים ה"ב.

⁵⁰ The *Rav* noted that the *Ramban* in the מלחמות ה', cited supra, is inconsistent with this view.

⁵¹ Other distinctions will be discussed, infra, Paragraph IV.

⁵² The *Rambam* writes "ביום הזה" and not ביום הכפורים since he also lists those *Karbanos* which pertain to the *Yom Tov* aspect of *Yom Kippur* (i.e. the מוסף) and which are not related to the כפרה aspect of *Yom Kippur*.

Thus, fifteen animals were offered on this day.

Why did the *Rambam* find it necessary to state the precise total number of animals offered? Isn't it elementary arithmetic? Furthermore, in ה"ב the *Rambam* again writes:

עבודת כל ט"ו בהמות אלו הקרבין ביום זה אינה אלא בכהן
גדול בלבד ע"כ.

*All of the fifteen sacrifices offered on this day, could only
be offered by the High Priest.*

Why did he again specify the precise number of animals offered?

(2) The Rav answered that הלכה ב' stipulates that all of the *Karbanos* must be offered by the *Kohen Gadol*. The *Rambam* could not postulate this rule without first enumerating all of the animals offered as *Karbanos*. To clarify this answer, the *Rav* first explained all of the different views regarding the indispensability of the *Kohen Gadol* on *Yom Kippur*.

The divergent views regarding which *Avodos* must be performed by the *Kohen Gadol*.

(3) There are four views among the *Rishonim* regarding which of the *Avodos* must be performed by the *Kohen Gadol*:⁵³

(a) The בעל המאור⁵⁴ is of the opinion that the lotteries (פייסות)⁵⁵ were not held on *Yom Kippur*, since the *Kohen Gadol* was required to perform each and

⁵³ See קונטרס עבודת יום הכפורים עמוד י"ט [Editor's Note]

⁵⁴ המאור הקטן למסכת יומא (דף א' מדפי הרי"ף).

⁵⁵ During the year, four lotteries were held each morning:

(i) תרומות הדשן, *removing the ashes from the Exterior Altar*;

every *Avodah* on *Yom Kippur*, both the standard *Avodos* and those which are unique to *Yom Kippur*. The *Kohen Gadol* even performed the תרומת הדשן, which was conducted at night, and is generally classified as an עבודת לילה.

(b) The ריטב"א⁵⁶ quotes the view of the *Ramban* that, on *Yom Kippur*, the *Kohen Gadol* was required to offer only the *Karbanos* mentioned in אחרי מות (i.e. the חובות היום); the *Mussafim* mentioned in חומש הפקודים could be offered even by a regular *Kohen*. He notes that *Chazal* instituted that all *Avodos*, nonetheless, be performed by the *Kohen Gadol*.

(c) The *Ramban*⁵⁷ maintains that there are two stipulations which determine which tasks must be performed solely by the *Kohen Gadol* on *Yom Kippur*:

(i) Firstly, the task must consist of עבודת יום (to the exclusion of עבודת לילה);⁵⁸ and

(ii) Secondly, the task must consist of עיקר עבודה, a *primary function*, and not a הכשר עבודה, a *subsidiary function*.

(ii) עבודת תמיד, *slaughtering and preparing the daily תמיד sacrifice*;

(iii) קטורת, *offering the daily קטורת on the Interior Altar*; and

(iv) הקטרת אימורין, *burning the תמיד on the Exterior Altar*.

The בעל המאור writes that the *Piyut* of אמץ כח, authored by יוסי בן יוסי, erred in listing the conduct of פייסות on *Yom Kippur*.

⁵⁶ חידושי הריטב"א למסכת יומא דף י"ב ע"ב.

⁵⁷ See מלחמות ה' פ"ד יומא (דף א' מדפי הרי"ף). This is inconsistent with the view attributed to him by the ריטב"א.

⁵⁸ עבודת לילה are defined as all functions which may be performed prior to the slaughtering of תמיד של שחר.

Thus, for example, gathering coals from the Exterior Altar into a pan, carrying the pan and the coals into the היכל and placing them on the Interior Altar are only subsidiary functions (i.e. מכשירי עבודה) of the daily קטורת service, and may be performed on *Yom Kippur* by an ordinary *Kohen* as well. However, spreading the קטורת incense on those coals constitutes an עיקר עבודה, since that is the primary task of the daily קטורת service. Thus, on *Yom Kippur*, it must be performed by the *Kohen Gadol*.

The *Ramban*, thus, reconstructs the four lotteries on *Yom Kippur* to comprise the תרומת הדשן (in the first lottery), זישון מזבח הפנימי והמנורה (in the second lottery), gathering the coals for the daily קטורת offering and placing them on the Interior Altar (in the third lottery) and gathering all of the אברים which did not fully burn on ערב יום כיפור (in the fourth lottery).

The *Ramban*, thus, allocates secondary *Avodos* to the regular *Kohanim*, but not any of the primary *Avodos*.

Similarly, in אמיץ כח, the פייטן writes:

על צו תרום דשן בפיס ראשון. עוד יפיוסו לדשן פנימי ומנורה.
עקב קטורת פיס חדשים ישלשו. ערוך נתחים [אברים
מאתמול] יחד פיס רביעי.

They joyfully engaged in a lottery to determine who will remove the ashes. They also determined, by lottery, the tasks of cleaning the Menorah and Interior Altar,

assisting with the daily קטורת⁵⁹ and stirring the remains of yesterday's sacrifices.

According to the פייטן of כח, *Chazal* retained the tradition of conducting four lotteries on *Yom Kippur* in order not to deviate from the daily practice, even though, on *Yom Kippur*, nearly all of the *Avodos* were performed by the *Kohen Gadol*. However, each lottery comprised only a fraction of the tasks which it normally covered, since only the subsidiary roles were selected by lottery on *Yom Kippur*⁶⁰.

(d) The *Rambam* records the order of the *Avodos* performed on *Yom Kippur* in the fourth Chapter of יום הכפורים הלכות עבודת יום הכפורים. He rules as follows:

סדר כל המעשים שביום זה כך הוא. בחצות הלילה מפיסין לתרומת הדשן, ומסדרין את המערכה ומדשנין את המזבח כדרך שעושין בכל יום על הסדר שביארנו עד שיגיעו לשחיטת התמיד.

The order of the rituals are as follows: After midnight they would draw lots to determine which Kohen would remove the ashes from the Exterior Altar.⁶¹ They would arrange the wood on the Exterior Altar and remove the

⁵⁹ The Rav pointed out that this lottery is described as עקב הקטורת, *ancillary to the קטורת*, since the daily קטורת was offered by the *Kohen Gadol* on *Yom Kippur*. However, the selected *Kohanim* assisted him in carrying the קטורת and the coals (for the daily קטורת) into the היכל for placement on the Interior Altar. The פייטן, therefore, uses the word עקב to describe this auxiliary role.

⁶⁰ The פייטן of פייט does not mention the conduct of any פייסות on *Yom Kippur*.

⁶¹ During the year, the *Kohanim* engaged in four lotteries to determine which of them would perform the various tasks. The first lottery assigned the task of removing the ashes from the Exterior Altar. This was done prior to day-break during the year, and immediately after midnight on *Yom Kippur*.

balance of the ashes, in the manner prescribed for all other days, prior to slaughtering the Tamid.

The *Rambam*, thus, permits the תרומת הדשן, *removal of the ashes*, to be performed by a regular *Kohen*; the *Kohen Gadol* need not engage in this task.

The *Rambam* maintains that all עבודות יום (i.e. tasks which must be performed during the daytime), whether central or peripheral, must be performed by a *Kohen Gadol* on *Yom Kippur*. However, all עבודות לילה (such as תרומת הדשן) need not be performed by a *Kohen Gadol*. Thus, they conducted only one lottery for the תרומת הדשן, המערכה, and all of the other עבודות הלילה.

In conclusion, with the exception of the ריטבי"א, all of the *Rishonim* maintain that, on *Yom Kippur*, the *Kohen Gadol* was obligated to offer even those *Karbanos* that do not relate to *Yom Kippur*, per se (such as the תמידין and the מוספין).⁶²

(4) The Rav noted that, logically, the ריטבי"א view would seem to be more correct. Why should the *Kohen Gadol* be required to offer both the other *Karbanos*, which are not related to the *Kapparah* of *Yom Kippur*, per se (such as the תמידין and the מוספין), as well as the *Karbanos* which are unique to *Yom Kippur*? Why should *Yom Kippur* be different from all other days in which the תמידין and מוספין could be offered by the other *Kohanim*?

⁶² Thus, the *Rambam* rules that when *Yom Kippur* occurs on *Shabbos*, the מוסף of *Shabbos* could only be offered by the *Kohen Gadol*.

All *Karbanos* are integrated on *Yom Kippur* within the עבודות היוזם.

(5) The answer is that, apparently, even the standard *Karbanos* (such as the תמיד and *Mussaf*) take on a new dimension on *Yom Kippur* and are incorporated into a new frame of reference of the עבודות היוזם. For example, the הלכה למשה⁶³ and עשרה קדושין⁶⁴ which requirements are derived from the *Masoratic tradition*, are only necessary if one takes into account the תמיד and מוספין as well as the עבודות היוזם. Were it not for the תמיד and מוספין, only two טבילות would have been required. The טבילות, particularly the first, third and fifth טבילות, revolve, in part, around the תמיד and מוספין. The number of טבילות is indispensable, and one can infer from the fact that they embrace both the standard תמיד and מוספין as well as the *Yom Kippur* service, that both are integrated within the larger *Yom Kippur* system.

⁶³ On *Yom Kippur*, the *Kohen Gadol* immersed himself five times throughout the day prior to engaging in various portions of the *Yom Kippur* service. He would change his priestly garments following each immersion, and wash his hands prior to removing one set of priestly garments, and after donning another set of priestly garments. The immersions served to differentiate between the standard daily service, for which he donned the בגדי זהב, *the eight golden priestly garments*, and that of the *Yom Kippur* service, for which he donned only the בגדי לבן, *the four white linen garments*.

Thus, after the first טבילה, he would don the eight בגדי זהב and perform the תמיד and מוסף of *Yom Kippur*. He would then immerse himself and don the four בגדי לבן and perform the *Yom Kippur* service consisting of the קטורת, פר, שעיר and מוסף. He would then immerse himself and don the eight בגדי זהב and offer his ram, the מוסף ram, the מוסף goat, and the evening תמיד. He would then immerse himself, don the four בגדי לבן and remove the קטורת from the קודש הקדשים. He would then immerse himself, don the eight בגדי זהב, light the *Menorah*, etc. Finally, he washed his hands and feet and removed the eight בגדי זהב. This completed his tasks.

⁶⁴ See יומא דף ל"ב ע"א.

In other words, the *Kiyum* obtained by offering the תמיד on *Yom Kippur* is not only the standard *Kiyum* of offering a תמיד, but is also a *Kiyum* of the עבודת יום כפור, the *Yom Kippur service*. Thus, the סדר העבודה, the order in which the services are to be performed, applies to both the תמיד as well as to the *Yom Kippur* rituals. The סדר, the hierarchical order of the *Yom Kippur service*, includes not only the חובות היום rituals (which are mentioned in פרשת אחרי מות), but also the entire system of the day. Everything which is offered on that day, including the standard תמידין and מוספין, form one entity for which סדר מעכב, the order is indispensable.

(6) Thus, in הלכה אי, the *Rambam* enumerates all fifteen *Karbanos*, which includes both those which constitute the חובות היום, as well as the standard תמידין and *Mussafim*, in order to demonstrate that all of these fifteen *Karbanos* form one frame of reference, and constitute one *Kiyum* of יום כפור.

This inexorably leads to הלכה בי which postulates that the *Kohen Gadol* is indispensable for all of these *Karbanos*, inasmuch as they all form one integrated unit of סדר עבודת יום כפור.

In other words, the *Rambam* stresses the structural unity of the fifteen animals in two ways: First, he lumps them all together in one numerical unit. Having established that they form one unit, he writes:

עבודת כל ט"ו בהמות אלו הקרבין ביום זה אינה אלא בכרן
גדול לבד.

All of the fifteen sacrifices offered on this day, could only be offered by the High Priest.

The *Kohen Gadol* must offer all of these *Karbanos* since all *Karbanos* offered on the day of *Yom Kippur* constitute one single integrated *Kiyum* of *Yom Kippur*.

The final portions of the *Mussaf* may not be offered prior to the completion of the חובות היום.

(7) The Rav noted that the *Rambam* writes in a different chapter as follows:

איל ושעיר המוספין שעשה אותן קודם עבודת היום אינן כלום
(פרק ה' מהלכות עבודת יום הכפורים הלכה ג').
If the Mussaf ram and goat are offered prior to the completion of the Yom Kippur ritual (i.e. the קטורת etc.), they are disqualified.

The Rav explained that this is based upon the foregoing. Any *Mussaf* offered prior to the חובות היום is disqualified since both the *Mussaf* and the *Karbanos* comprising the חובות היום constitute one system, and one frame of reference, of the עבודת יום הכפורים סדר. Thus, since the order of the הכיפורים is indispensable, the order of the *Mussaf* is also indispensable. The סדר applies to the order of the *Mussaf* as well as to the order of the חובות היום⁶⁵.

(8) Interestingly, in the *Shemoneh Esrei* of *Mussaf*, we recite the *Passuk* in פרשת פנחס in which only nine *Karbanos* are mentioned. The text reads:

והקרבתם עולה לה' פר בן בקר אחד, איל אחד, כבשים
שבעה... (במדבר: כ"ט, ח').

⁶⁵ See (שם) who explains that this ruling is predicated on the principle of מחוסר זמן and not on the indispensability of the סדר. This is discussed, *infra*, Paragraph XXX, 5-7. [Editor's Note]

The פר and איל of *Kohen Gadol* are not mentioned since they are קרבנות יחיד.

However, in the next paragraph of ומנחתם וכי, the שעיר הנעשה בפנים is mentioned. The standard text reads:

ושני שעירים לכפר,

which refers to both the שעיר of the *Mussaf* and the שעיר הנעשה בפנים. Both the *Mussaf* and the חובות היום are lumped in one frame of reference.

The Rav noted that it is preferable to recite:

ושעיר אחד לכפר מלבד חטאת הכפורים,

and not ושני שעירים לכפר, as is found in the standard text of the *Siddur*,⁶⁶ since the second goat (i.e. the שעיר הנעשה בפנים) is not part of the *Mussaf*. It is part of the חובות היום.

[V] THE REQUIREMENT THAT THE KOHEN GADOL BE MARRIED.

ביתו includes the *Kohen Gadol's* wife as well as his children.

(1) The *Rambam* continues:

הכל בכהן גדול "נשוי" שנאמר וכפר בעדו ובעד ביתו. ביתו, זו אשתו (הלכה א').

The entire Yom Kippur service is performed by a High Priest who is married. As it is written, "He shall atone for himself and his household" (Leviticus: 16,6). His household refers to his wife.

⁶⁶ The *Rav*, instead of reciting the paragraph of ומנחתם וכי, recited the next three *Passukim* in פנחס which follow the cited *Passuk*.

What does the term נשוי, *married*, mean? It conveys the meaning that אירוסין, *betrothal*, is not sufficient; נישואין, *marriage*, is required as well.

The *Gemara* writes:

כל כמה דלא כניס לה לאו ביתו היא (יומא דף י"ג ע"א).
If she is not married to the High Priest, then she is not deemed to be ביתו, a member of his household.

(2) The Rav inferred from the *Rambam*, who defines the requirement of ביתו solely in terms of the *Kohen Gadol's* wife, and not in terms of his children, that a *Kohen Gadol* who is married, satisfies the requirements of ביתו, even though he may be childless. Apparently, the *Kohen Gadol* is not required to have any children.

***Yehoshua Kohen Gadol* was disqualified from serving as a *Kohen Gadol* since his children had intermarried.**

(3) The Rav once heard from his father, the גר"ם, in the name of the גר"ח, a very novel theory⁶⁷. The גר"ח noted that the *Passuk* says:

ויראני את יהושע כהן גדול. ויהושע היה לבוש בגדים צואים ועומד לפני המלאך. ויען ויאמר הסירו הבגדים הצואים מעליו. ויאמר אליו ראה העברתי מעליך עונך והלבש אותך מחלצות. ואמר ישימו צניף טהור על ראשו... כה אמר ה' אם בדרכי תלך... ונתתי לך מהלכים בין העומדים האלה (זכריה):
ג, א-ז).

G-d portrayed for me (i.e. Zecharia) the image of Yehoshua, the High Priest, standing in front of an angel. Yehoshua was wearing soiled clothes. The angel directed the observers to remove Yehoshua's soiled clothes, and then told Yehoshua, "I have removed your sins and you may now wear regular clothes." I (i.e. Zecharia) said,

⁶⁷ See מסורה חוברת ב' עמוד כ"ב [Editor's Note]

“They shall place a pure turban on his head.” The angel then told Yehoshua, “If you will comply with G-d’s laws, you will be rewarded by being able to officiate as a High Priest.”

Chazal⁶⁸ say that Yehoshua’s בגדים הצואים, soiled clothes, reflect his children’s intermarriage with Non-Jews.⁶⁹ Thus, the *Passuk* means that G-d told Yehoshua that he was tainted by reason of his children’s intermarriage and that he could not officiate as a *Kohen Gadol* unless he removes his soiled clothes (i.e. after his children divorce their Gentile spouses). Apparently the בגדים הצואים (*the children who intermarried*) interfered with his being able to function as a *Kohen Gadol*.

(4) Obviously, one who is married to a Gentile is a מומר, a non-believer who rejects the fundamental tenets of the Jewish faith, and can not receive כפרה until he divorces the Gentile and repents. Why, however, was Yehoshua at fault? Why did the fact that his children are מומרים prevent him from being able to serve as a *Kohen Gadol*?

The גר"ח answered that this limitation refers to *Yom Kippur*. The *Avodah* on *Yom Kippur* differs from the other *Avodos* during the year, insofar as, on *Yom*

⁶⁸ See סנהדרין דף צ"ג ע"א.

⁶⁹ Furthermore, Yehoshua was told that after his children leave their Non-Jewish spouses, he will be able to wear the צניף, the turban. Interestingly, the word צניף is found only once in *Torah*, namely, in פרשת אחרי מות with respect to the בגדי לבן worn by the *Kohen Gadol* on *Yom Kippur*. As it says: ובמצנפת בד יצנוף (ויקרא: ט"ז, ד'). The גר"ח deduced from the employment of this unique word that Zecharia focused on Yehoshua’s capacity to officiate as a *Kohen Gadol* on *Yom Kippur*.

Kippur, the *Kohen Gadol* is required to have a ביתו, a household. ביתו is defined as the *Kohen Gadol's* wife, and includes his children, to the extent that he has any.

A *Kohen Gadol* who is married, but does not have any children, may nonetheless perform the *Avodah*; however, if he does have children, and the children are מומרים, then he is disqualified from performing the *Avodah*.

When a *Kohen Gadol* recites the וידוי of שחטאתי אני וביתי, he does not only refer to his wife; he refers to his living children as well. The word ביתו, in such instance, embraces the *Kohen Gadol's* entire household, wife and children. If his children are מומרים, the וידוי, confession, בעד ביתו, on behalf of his household, is untrue and may not be recited, since those children are disbelievers and do not join in that וידוי. It would be טובל ושרץ בידו, a mockery, for the *Kohen Gadol* to proclaim:

כפר נא לחטאים שחטאתי אני וביתי,
Forgive my sins and that of my household,

if some members of his household are מומרים, disbelievers, who remain married to Gentiles. The pleas of חטאתי וכי' and חטאתי אני and חטאתי וכי' presuppose that both he and his entire household have engaged in *Teshuva*, regret their sins and plead for forgiveness. It is clearly inapplicable to those who continue to lead a sinful life.⁷⁰

⁷⁰ The *Rav* felt that ביתו refers only to the *Kohen Gadol's* wife and children, but not to his grandchildren.

(5) This is what the prophecy meant:

אם בדרכי תלך...ונתתי לך מהלכים בין העומדים האלה.

Zecharia told *Yehoshua* that if he complies with G-d's law and causes his children to separate from their Non-Jewish spouses, G-d will allow him to serve as a *Kohen Gadol* on *Yom Kippur*, and during the balance of the year as well.⁷¹ *Yehoshua* was disqualified from performing the *Avodah* on *Yom Kippur* until his children repented and separated from their Non-Jewish spouses, since he could not recite the וידוי on behalf of ביתו, his wife and children.

Kllal Yisroel can never be classified as מומרים.

(6) The Rav noted that *Kllal Yisroel, the Jewish people as a whole*, can never be classified as מומרים. Thus, the *Kohen Gadol's* recitation of:

כפר נא לחטאים שחטאו עמך ישראל,

is not a mockery, even though many Jews are מומרים. As a whole, as an integral unit, *Kllal Yisroel* can never be classified as מומרים⁷². There is a special *Kapparah* for *Kllal Yisroel* as one entity, and each individual shares in part of the *Kapparah* of this group even though he is a מומר.⁷³

⁷¹ Obviously, a *Kohen Gadol* who would never be able to officiate on *Yom Kippur*, would not be appointed as a *Kohen Gadol*, even though he could theoretically officiate during the balance of the year.

⁷² See 77-81 ספר על התשובה עמי for a detailed discussion of the unique כפרת הציבור. [Editor's Note]

⁷³ The *Gemara* (מסכת יומא דף י"ח ע"א) relates that the *Kohen Gadol* would direct the other *Kohanim* to do *Teshuva* prior to his recitation of,

כפר נא לבני אהרן,

[VI] THE RATIONALE FOR ISOLATING THE KOHEN GADOL FOR SEVEN DAYS.

The origin for isolating the *Kohen Gadol*.

(1) The *Rambam* writes:

שבעת ימים קודם ליום הכפורים מפרישין כהן גדול מביתו
ללשכתו שבמקדש, ודבר זה קבלה ממשה רבינו (פ"א ה"ג).
*Seven days prior to Yom Kippur, they would remove the
Kohen Gadol from his house to his chambers in the
Temple. This removal was a tradition dating back to the
days of Moshe.*

(2) This rule is stipulated in the *Mishnah*.⁷⁴ There is a disagreement in the *Gemara*⁷⁵ between רבי יוחנן and ריש לקיש regarding the origin of this rule. רבי יוחנן derives it from מילואים, *the consecration of the Mikdash in the Sinai desert*, where the *Kohanim* (i.e. *Aharon* and his sons) were also separated from their families for seven days, and were required to reside in the אוהל מועד during that period.

(3) ריש לקיש provides a different explanation. He says:

וישכון כבוד ה' על הר סיני ויכסהו הענן ששת ימים ויקרא אל
משה ביום השביעי (שמות: כ"ד, ט"ז). מלמד שכל הנכנס
במחנה שכינה טעון פרישת ששה (שם).
*The Torah writes, "The glory of G-d rested on the
Mountain for six days. On the seventh day, G-d called out*

on their behalf. It is unclear, however, how the *Kohen Gadol* can recite כפר נא if there is one *Kohen* who rejects this call and refuses to do *Teshuva*.

⁷⁴ מסכת יומא דף ב' ע"א.

⁷⁵ מסכת יומא דף ג' ע"ב.

to Moshe." This teaches us that one cannot enter the presence of G-d without first being isolated for six days⁷⁶.

What is the difference between the two views of רבי יוחנן and ריש לקיש as far as the essence, purpose and objective of פרישה, *isolation*, is concerned?

According to רבי יוחנן, a higher caliber of *Kohen Gadol* is required for serving on *Yom Kippur*.

(4) The Rav answered that the purpose of פרישת אהרן during the מילואים was to enhance and establish *Aharon's* status as a *Kohen Gadol*. *Aharon* required an elevated status which could only be obtained through פרישה. The purpose of the מילואים was to invest *Aharon* with קדושת כהונה גדולה, a *unique sanctity of Priesthood*. *Moshe* performed the services during the מילואים until the eighth day when *Aharon* became endowed with קדושת כהונה גדולה, and his status as a *Kohen Gadol* was confirmed.

Similarly, *Yom Kippur* requires a קדושת כהונה גדולה of a higher caliber than that which is required during the year, and this status can only be obtained through פרישה. Thus, according to רבי יוחנן, on every *Yom Kippur*, we repeat what *Moshe* did during the מילואים. On every *Yom Kippur* there is a new *Kohen Gadol*, and we conduct a new ceremony to invest that *Kohen Gadol* with a special קדושת כהונה גדולה.

⁷⁶ The *Gemara* (*ibid*) notes that the extra day of isolation was prescribed in the event that it would be necessary for the *Kohen Gadol* to purify himself from טומאת מת (which requires a seven day cleansing period).

(5) The theory that the *Kohen Gadol* requires a higher degree of קדושת כהונה גדולה on *Yom Kippur* than during the year, is exemplified by the view of the *Ravad*,⁷⁷ who maintains that after one application of משיחה, *anointment*, with the שמן המשחה, or after once donning the eight בגדי הזהב reserved for the *Kohen Gadol*⁷⁸, a *Kohen* may officiate as a *Kohen Gadol* during the year. However, in order to serve on *Yom Kippur*, the *Kohen Gadol* must have been anointed with the שמן המשחה or have donned the eight בגדי הזהב for seven consecutive days.

The *Rambam* rules:

כיצד מרבה אותו לובש שמונה בגדים כל שבעת ימים... וכשם שריבוי בגדים כל שבעת (ימים) כך משיחה...
 ובראב"ד כשאמרו דבעינן שבעה לכתחילה, הני מילי לעבודת יום הכפורים, אבל לעבודת אותו הימים בכל יום עובד בשמונה בגדים (פרק ד' מהלכות כלי המקדש הי"ג).

How is the High Priest invested with holiness? He wears the eight garments of the High Priest for seven consecutive days.

The Ravad comments that seven days are required only for the service of Yom Kippur; they are not required for service during the year.

The *Rambam* rules that a *Kohen Gadol* cannot, לכתחילה, in the first instance, perform any *Avodah* until after seven days of donning the eight בגדי זהב (or seven

⁷⁷ פ"ד מכלי המקדש הי"ג. As will be demonstrated, *infra*, Paragraph VII, 15-21, the *Rambam* has a different *Halachic* ruling which also bears out that the *Kohen Gadol* on *Yom Kippur* had a unique endowment of *Kedusha*.

⁷⁸ During the year, the regular *Kohanim* wore four garments (מכנסים, כתונת, מגבעת, ואבנט) while the *Kohen Gadol* wore eight garments (חשן, אפוד, מעיל וציץ). See, *infra*, Paragraph VII, 1.

days of anointment). The *Ravad* disagrees. He maintains that seven days are required only with respect to *Yom Kippur*. During the year, only one day is required.

(6) The *Ravad* maintains that there is no distinction between לכתחילה and בדיעבד. Either he is a *Kohen Gadol*, or he is not a *Kohen Gadol*. One day (of anointment or wearing the eight בגדי זהב) invests the *Kohen Gadol* with קדושת כהונה גדולה; however, on *Yom Kippur*, we require a more exalted קדושת כהונה גדולה, a holiness of a higher caliber. Thus, seven days are required in order to endow the *Kohen Gadol* with the unique קדושת כהונה גדולה required for *Yom Kippur*.

(7) In sum, according to רבי יוחנן, the כהונה גדולה on *Yom Kippur*, was more elevated than during the year. Hence, the function of פרישה was to enhance the כהונה גדולה to a degree which was unnecessary during the balance of the year.

According to ריש לקיש, the isolation was a license to enter the *Holy of Holies*.

(8) ריש לקיש disagrees. He maintains that פרישה served only as a:

היתר כניסה לקדשים.
a license to enter the Holy of Holies.

As he says:

כל הנכנס במחנה שכינה טעון פרישת שבעת ימים (שם).
One cannot enter the presence of G-d without first being isolated for seven days.

Moshe could not ascend to *Har Sinai*, which was also a קודש קדשים,⁷⁹ without first waiting for seven days in isolation (i.e. פרישה). Similarly, the *Kohen Gadol* may not enter the קודש הקדשים without first engaging in פרישה, even though the *Kohen Gadol* is otherwise perfect and complete.

(9) The practical difference between רבי יוחנן ריש לקיש and ריש לקיש is whether the עבודות חוץ (i.e. *those portions of the service which are performed outside of the קודש הקדשים*) also require פרישה. According to ריש לקיש, those portions of the *Avodah* which are not performed in the קודש קדשים do not require פרישה, while according to רבי יוחנן all *Avodos* which the *Kohen Gadol* is required to perform on *Yom Kippur* must first be preceded by פרישה.

(10) As noted, *supra*, the *Rambam* writes that the origin of פרישה is קבלה ממשה רבינו. The *Rambam* uses this phrase on many other occasions as well. It means that we are aware of this rule since *Moshe* acted in accordance therewith. We observed *Moshe* acting in this fashion. In contradistinction to this, the phrase הלכה למשה מסיני means that *Moshe* taught us this law. The *Rav* was unsure, however, if the קבלה ממשה רבינו refers to *Moshe's* conduct by the מילואים (i.e. in directing that *Aharon* and his sons reside in the אהל מועד during the seven days of the Consecration of the Tabernacle), or his conduct prior to

⁷⁹ *Har Sinai* had the same status as the קודש הקדשים since it was marked by השראת שכנה. This theme is espoused by the *Ramban* in many instances in his Commentary on the *Torah*. (See, for example, Introduction to *Bamidbar*). [Editor's Note]

ascending to *Har Sinai*. Thus, it is unclear if the *Rambam* rules as ריש or רבי יוחנן לקיש.

(11) In conclusion, if פרישה is derived from מילואים, its objective is to enhance the כהונה גדולה and to impart *Kedusha* to the *Kohen Gadol* over and above his normal status. *Yom Kippur* requires a higher caliber of קדושת כהונה than during the year. This is corroborated by the *Ravad's* view that the *Kohen Gadol* requires only one day of anointment or donning the eight בגדי זהב in order to be able to officiate as a *Kohen Gadol* during the year, but requires seven days of anointment (or seven days of donning the eight בגדי זהב) in order to perform the *Avodah* on *Yom Kippur*.

On the other hand, if פרישה is modeled after *Har Sinai*, then פרישה is a condition precedent to the *Kohen Gadol's* entry into the *Holy of Holies* (and it does not serve to enhance the כהונה גדולה).⁸⁰ פרישה grants a license to the *Kohen Gadol* to enter the קודש הקדשים.

The *Kedusha* of the *Kohen Gadol* is enhanced by his study of *Torah* during the seven days of isolation.

(12) The Rav pointed out that if פרישה is derived from מילואים, then פרישה was mandated solely for the purpose of *Talmud Torah* and for instructing

⁸⁰ *Moshe* was not precluded from entering the קודש הקדשים without בגדים. The *Medrash* says: (אחרון) אחיך בבל יבא ואין משה בבל יבא (ילקוט שמעוני פרשת אחרי מות רמז תקע"א). *Moshe* could enter at any time, since he could initiate communication with G-d at any time, and this communication took place inside the קודש הקדשים. Thus, *Moshe* could not be limited by any rules which governed his entry therein.

the *Kohen Gadol* about the rituals and practices of the יום הכפורים. During פרישה, the *Kohen Gadol* would study *Torah* with members of the *Sanhedrin*, and the study of *Torah* was *במקדש*, *elevated him*. The Rav quoted the *Gemara*:

מה במילואים אהרן פירש שבעה ומשה מסר לו כל שבעה כדי לחנכו בעבודה, אף לדורות כהן גדול פורש שבעה ושני תלמידי חכמים מתלמידיו של משה מוסרין לו כל שבעה כדי לחנכו בעבודה (מסכת יומא דף די ע"א).

What is מילואים? The Gemara explains that the substance and purpose of מילואים was Talmud Torah, for Moshe to instruct Aharon. Similarly, the purpose of isolating the Kohen Gadol was to instruct him. They, therefore appointed two scholars, students of Moshe, to train him for the Yom Kippur service.

The *Gemara* explains that the purpose of מילואים was to allow *Aharon* to study with *Moshe* during his פרישה. Likewise, the *Kohen Gadol* must study with two scholars who were appointed by the *Sanhedrin* to instruct him. In other words, the כהונה גדולה is enhanced and raised to a higher caliber through *Talmud Torah*. The fact that the *Kohen Gadol* was isolated did not, in and of itself, serve to sanctify him. Rather, his study of *Torah* during that period of isolation hallowed him.⁸¹

The Rav did not know why they required two *Talmeidei Chachamim*. It is possible that they did not want to rely on only one scholar since no one is as perfect as *Moshe*. Furthermore, they did not want to even pretend that any single person could possibly replace *Moshe*.

⁸¹ *Talmud Torah* sanctifies all who study *Torah*, at any time. The *Mishna* writes:
כל העוסק בתורה לשמה... מגדלתו ומרוממתו (מסכת אבות פ"ו משנה א').

ריש לקיש maintains that the isolation served as a period of introspection.

(13) The Rav added that the *Gemara* states:

אין בין כהן השורף את הפרה לכהן גדול ביום הכפורים אלא
שזה פרישתו לקדושה, וזה פרישתו לטהרה (יומא דף ח' ע"א).
*The only distinction between the Kohen who performs the
ritual of the Red Heifer and that of the Kohen Gadol on
Yom Kippur, is that the former is isolated to ensure his
purity and cleanliness, while the latter is isolated to
ensure his sanctity.*

Rashi explains פרישתו לקדושה, to ensure his sanctity, as follows:

רש"י: ליכנס למחנה שכינה ולא יהא לבו זחה עליו ויהא נבדל
מקלות ראש, שחלה עליו אימה בהבדלתו מן הבריות ע"כ.
*The Kohen Gadol is isolated prior to entering the Holy of
Holies in order that he not become haughty and
overbearing. Furthermore, by isolating him from society,
he will refrain from frivolity, and will become more G-d
fearing.*

The Rav felt that *Rashi's* interpretation of פרישתו לקדושה is consistent with that of ריש לקיש, that פרישה is derived from *Moshe's* conduct at סיני (i.e. a היתר כניסה לקדשים), and not from מילואים. The words פרישתו לקדושה are in contrast to ריש לקיש's view that the exclusive purpose of פרישה was לתורה, as by the מילואים. Thus, *Rashi* adds that even ריש לקיש, who maintains that פרישה serves as a mere היתר כניסה לקדשים, a license to enter the sanctuary, nonetheless, concedes that פרישה also serves as a cathartic experience for the *Kohen Gadol*.

In other words, according to ריש לקיש, in addition to providing a היתר, the isolation also provide the *Kohen Gadol* with an opportunity to engage in חשבון הנפש, *self-introspection and self evaluation*.

Rashi emphasizes that the *Kohen Gadol* should focus on eliminating his vanity. It is very easy to feel a sense of pride at being selected to represent the people. He may wrongfully conclude that he is superior to everyone else. This element of pride and vanity must be eradicated.

The rationale of isolation, as expressed in the *Piyutim*.

(14) How do the פייטנים treat the פרישה? The פייט of כח states:

לישב ככבודה פנימה ימים שבעה. מחזיקי אמנה שבוע קודם
לעשור, מפרישים כהן הראש כדת המילואים.
*To sit in dignity for seven days in the Temple. Scholars
and guardians of the faith isolated the High Priest as was
taught by the מילואים.*

On the one hand, the פייטן concurs with רבי יוחנן that פרישה originates with the מילואים. On the other hand, the first sentence states לישב ככבודה פנימה. The words ככבודה בת מלך פנימה⁸² are taken from the *Passuk* which means, *in dignity, as a Princess*. The Rav felt that this sentence concurs with the view of ריש לקיש since it implies that the *Kohen Gadol* remains פנימה, *inside*, isolated from the people, and completely removed from their problems and concerns. This is the חשבון הנפש which ריש לקיש prescribed that the *Kohen Gadol* engage in.

⁸² See תהילים: מ"ח, י"ד.

Thus, the *Piyut* of אמיץ כח (which was authored by רב משולם קלונימוס) seemingly accepts both views of רבי יוחנן and ריש לקיש regarding the origination of the פרישה. It is for this reason that the פייט repeats the seven day requirement in both sentences:

לישב ככבדה פנימה שבעה ימים,

which is then followed by:

שבוע קודם לעשור מפרישים כדת המילואים.

The first sentence corresponds to the view of ריש לקיש that פרישה serves as פרישתו לקדושה, while the second sentence corresponds with the view of רבי יוחנן that פרישתו לתורה serves as פרישה.

(15) In אתה כוננת,⁸³ the *Piyut* reads:

תורת מעשה ועבודת היום שבעת ימים בזבולנו ילמוד. וכל
שלומי זקני עם וחכמי אחיו הכהנים יסובבהו.
*He studied the ritual for seven days while residing in the
Temple. The Elders and his brothers, the Priests,
surrounded him.*

This *Piyut* concurs with the view of רבי יוחנן that פרישה originates with תורת מעשה ילמוד. The purpose of מילואים is to study the *Torah* (i.e. מילואים),

⁸³ The *Piyut* of אתה כוננת was probably authored by a *Kohen Gadol*, and is much older than the *Mishnah*. It is more accurate and should be recited. The phrase והכהנים והעם in the *Mishnah* probably originated in this *Piyut*.

and to associate with the *Talmeidei Chachamim* (i.e. יסובבורו). This *Piyut* does not quote the view of ריש לקיש.⁸⁴

(16) The סידור רב סעדיה גאון⁸⁵ quotes the *Piyut* of יוסי בן יוסי⁸⁶ which also explains פרישה in terms of מילואים:

למדום מחוקק סדרי עבודה כי בשבתם פתח עליהם
הופקד...למלא ידם ימים שבעה, ושימה לחק לדורות עולם.
עייכ

(During the מילואים) Moshe taught (Aharon) the rituals of the service, since they were commanded to remain in the Tabernacle and be trained for seven days. Moshe established, as a law, that this procedure be repeated every year.

On *Yom Kippur* the *Kohen Gadol* personifies אהרן הכהן.

(17) The question remains, however, according to רבי יוחנן, what does *Yom Kippur* have in common with מילואים? Why are the laws of פרישה which prevailed during the מילואים applicable to *Yom Kippur* as well?

The Rav explained that the role of the *Kohen Gadol* prevailed throughout the year. It was not limited to *Yom Kippur*. He was the head of the hierarchy of the Temple. He had the keys to the Temple, which he entrusted to one of his subordinates. He wore the eight garments which provided כפרה for various violations; he was subject to more stringent laws regarding marriage and טומאת

⁸⁴ All of the פיוטים authored for the יום הכפורים commence with בריאת העולם since *Karbanos* are the reason for creation.

⁸⁵ See רס"ט עמוד.

⁸⁶ Some scholars theorize that יוסי בן יוסי was a *Kohen Gadol*.

מתים, etc. However, on *Yom Kippur*, he was not just a *Kohen Gadol*; rather, he was a replica of אהרן הכהן. On *Yom Kippur*, we require that אהרן הכהן, personally perform the *Avodah*. As the *Passuk* says:

בזאת יבא אהרן אל הקודש (ויקרא: ט"ז, ג').
Aaron shall enter the Holy of Holies on Yom Kippur.

On *Yom Kippur*, the *Kohen Gadol*, thus, replaces אהרן הכהן. Since the *Kohen Gadol* replaces (or reflects) אהרן הכהן, he is required to be invested with קדושת אהרן. This can be obtained only by replicating the ritual of the מילואים, during which אהרן הכהן himself was endowed with קדושת כהונה גדולה. The *Kohen Gadol*, on *Yom Kippur*, is essentially, אהרן הכהן.⁸⁷

(18) The Rav explained why it was necessary that each *Kohen Gadol* actually replace אהרן הכהן. He said that we find⁸⁸ that אהרן הכהן could enter the קודש הקדשים at any time during the year, provided that he follow the ritual of the עבודת יום הכפורים. He was not limited to *Yom Kippur*. The Rav inferred from this that the היתר כניסה was not granted to any *Kohen Gadol*; it was granted to אהרן הכהן personally. Thus, the *Kohen Gadol*, on *Yom Kippur*, must actually replace אהרן הכהן in order to gain entry into the קודש הקדשים. Accordingly, the rituals of the מילואים were observed since, as the personification of אהרן הכהן,

⁸⁷ In Paragraph VII, 15, the *Halachic* ramifications of this unique form of *Kedusha* will be explored.

⁸⁸ See *מדרש ויקרא רבא: כ"א, ז'; ומשך חכמה פרשת אחרי מות (ויקרא: ט"ז, ג') בשם הגר"א*.
[Editor's Note]

the *Kohen Gadol* must receive his *Kedusha* in the same manner as אהרן הכהן became endowed with *Kedusha*.

(19) The *Piyut* of אֲתָה כּוֹנֵנֵת expresses this thought as well. It states:

תכנת כל אלה לכבוד אהרן, כלי כפרה לישראל שמתו ועל ידו
סליחות העון.

You have established this in honor of Aharon. You have appointed Aharon as the instrument for expiation of the Jews, and through him, the forgiveness of their sins.

The tools of כפרה were given only to אהרן הכהן. He was the one who could obtain כפרה for the Jews, to the exclusion of anyone else. So what is to be done after the demise of אהרן הכהן?

The *Piyut* answers:

תחת אהרן מגזעו יעמוד.

One of Aharon's descendants is appointed.

A member of אהרן's family replaces אהרן הכהן. The *Kohen Gadol*, as a descendant of אהרן, personifies אהרן הכהן and replaces him. Unlike other occasions where the name אהרן refers to the office of *Kohen Gadol*, the name אהרן, appearing in פרשת אחרי מות, refers to the persona of אהרן הכהן and not to the position of the *Kohen Gadol*, per se. However, the descendants of אהרן הכהן may replace him by re-enacting the מילואים.⁸⁹

⁸⁹ This is similar to *Chazal's* statement that *Moshe* is replaced by those who personify him and are worthy of being called *Moshe*.

[VII] ENDOWING A SUBSTITUTE *KOHEN GADOL* WITH *KEDUSHA*
ON *YOM KIPPUR*.

The methods employed to endow a substitute *Kohen Gadol* with the requisite *Kedusha*.

(1) The *Gemara* discusses a situation in which the *Kohen Gadol* became incapacitated while performing the *Avodah* on *Yom Kippur*. In such a case, the סגן, *his assistant*, must replace him. The question raised by the *Gemara* is what method must be employed in order to elevate the סגן to the status of a *Kohen Gadol*. The *Gemara* states:

פשיטא, אירע בו פסול קודם לתמיד של שחר מחנכין אותו
בתמיד של שחר [ע"י ריבוי בגדים]. אלא אירע פסול אחר
תמיד של שחרית במה מחנכין אותו? אמר ר' אדא באבנטי
(מסכת יומא דף י"ב ע"א).

If, on Yom Kippur, the Kohen Gadol became incapacitated while he was dressed with the eight golden garments unique to the Kohen Gadol⁹⁰ (i.e. during the first stage of the service on Yom Kippur), then he is replaced by another Kohen who dons the eight golden garments and, thus, obtains the status of a Kohen Gadol. However, if the Kohen Gadol became incapacitated while wearing the four linen garments (which were worn by the Kohen Gadol during a portion of the service on Yom Kippur, but which are identical to those worn by ordinary Kohanim during the year), how can his replacement obtain the status of a Kohen Gadol, given that one can only obtain

⁹⁰ During the year, an ordinary *Kohen* would wear four garments (i.e. the hat, pants, robe, and belt). Of these four garments, the first three were composed of linen, while the belt was made of wool. (This, however, is the subject of a controversy, as is explained infra.) The *Kohen Gadol* would wear eight garments: The four of the regular *Kohen*, and an additional four golden garments (i.e. חשן, אפוד, מעיל, וציץ). These eight garments are denominated as the (שמונה) בגדי זהב. On *Yom Kippur*, during the second and fourth טבילות, the *Kohen Gadol* wore the same four clothes as a regular *Kohen*, except that all four (including the belt) were of linen. These four garments are referred to as the (ארבע) בגדי לבן. See רמב"ם פרק ח' מהלכות כלי חמ"א חמקדש ה"א.

*the status of a Kohen Gadol by wearing the eight golden garments which are unique to the Kohen Gadol?*⁹¹

Rav Ada answers that on Yom Kippur, the Kohen Gadol wore a belt of linen, while ordinary Kohanim, during the year, wore belts comprised of a mixture of both wool and linen. Thus, the donning of the linen belt distinguishes the wearer as a Kohen Gadol, and invests him with the status of a Kohen Gadol.

(2) The *Gemara* questions *Rav Ada's* statement regarding the composition of the אבנט worn by a regular *Kohen* during the year. It raises the question whether the אבנט of a regular *Kohen* during the year was comprised exclusively of linen, or if it was comprised of a blend of wool and linen. The ארבע ארבע, worn by the *Kohen Gadol* on *Yom Kippur*, were exclusively of linen.⁹² Thus, if the אבנט of the regular *Kohen* was comprised of a blend of wool and linen, the substitute *Kohen Gadol* who dons the בגדי לבן on *Yom Kippur* (which are made exclusively of linen) may be invested with קדושת כהונה גדולה by merely wearing the בגדי לבן, since those garments are exclusive to the *Kohen Gadol*, and one is invested with קדושת כהונה גדולה by wearing any set of garments which are

⁹¹ During the First Temple, the replacement could have been anointed with the שמן המשחה. However, the שמן המשחה was secreted prior to the destruction of the First Temple, and was thus not available during the Second Temple.

⁹² The *Torah* writes:

כתונת בד, מכנסי בד, אבנט בד, ומצנפת בד (ויקרא: ט"ז, ד').

unique to the *Kohen Gadol*.⁹³ However, if the אבנט, *belt*, of the ordinary *Kohen* was also composed exclusively of linen, then the replacement who dons the four בגדי לבן would not be distinguishable in appearance, since those garments are identical with the garments worn by a regular *Kohen* during the year.

The *Gemara* expresses this as follows:

הניחא למאן דאמר אבנטו של כהן גדול (בשאר ימות השנה)
זה הוא אבנטו של כהן הדיוט. אלא למאן דאמר אבנטו של
כהן גדול (בשאר ימות השנה) לא זהו אבנטו של כהן הדיוט
מאי איכא למימר?

This answer is satisfactory according to those who maintain that the אבנט of a regular Kohen is comprised of a linen and wool mixture. However, according to those who maintain that the אבנט worn by ordinary Kohanim during the year is identical with that worn by the Kohen Gadol on Yom Kippur (i.e. they are both of linen), how does the substitute Kohen Gadol obtain the status of a Kohen Gadol if the primary Kohen Gadol became incapacitated while wearing the four בגדי לבן?⁹⁴

The *Gemara* answers:

אמר אביי לובש שמונה ומהפך בצינורא.

Abaya answers that the substitute Kohen Gadol should don, at that stage, the eight golden garments generally worn by the Kohen Gadol and perform another minor

⁹³ When the *Gemara* says באבנט אותו, it does not mean that the substitute *Kohen Gadol* need don only the אבנט. The substitute *Kohen Gadol* must put on the entire set of בגדי לבן. However, donning the set of בגדי לבן is sufficient to endow him with כהונה גדולה solely by virtue of the אבנט which is the only one of those four garments which differs from that worn by ordinary *Kohanim* during the year.

⁹⁴ I note that the translation of this section is not literal; the nomenclature is otherwise very confusing.

ritual, such as stirring the coals on the Altar.⁹⁵ He then will become invested with the status of a Kohen Gadol, and can then put on the four בגדי לבן and perform the balance of the Avodah.

During the year, ריבוי בגדים is sufficient to endow an initiate *Kohen Gadol* with the requisite *Kedusha*.

(3) The Rav questioned the nature of the ריבוי בגדים, *donning the garments received for the Kohen Gadol*, which invests the wearer with קדושת כהונה גדולה. Which act endows the wearer with קדושת כהונה גדולה, that of donning the eight golden garments or that of performing an *Avodah* while wearing those garments?

(4) The *Rambam* states that ריבוי בגדים consists solely of putting on and wearing the garments. Moreover, he maintains that (preferably) the initiate *Kohen Gadol* should put on the clothes once a day, for seven days in a row, and not perform any service until after the completion of those seven days. He writes:

כיצד מרבין אותו בבגדים? לובש שמונה בגדים ופושטן וחוזר ולובשן למחר שבעת ימים, יום אחר יום, ואם עבד קודם שיתרבה בבגדים כל שבעה עבודתו כשירה (רמב"ם פ"ד מהלכות כלי המקדש הי"ג).

How does one obtain the status of a Kohen Gadol? He must wear the eight golden clothes reserved for the Kohen Gadol. These clothes are donned each day for seven days, and immediately removed. The initiate should, preferably, not perform any service while wearing those eight clothes during this seven day period. However, if he performed a

⁹⁵ אבי suggests that the substitute perform any service which is unrelated to *Yom Kippur* (such as stirring the איברים, *limbs*, from offerings made prior to *Yom Kippur*). He does not suggest that the substitute perform a service unique to *Yom Kippur* itself, since the substitute is not endowed with קדושת כהונה גדולה until after the new service is performed.

service while wearing those clothes, the service is not disqualified.

In other words, according to the *Rambam*, one attains the status of a *Kohen Gadol* by ריבוי בגדים, per se. If this is the case (i.e. that ריבוי בגדים without עבודה initiates the *Kohen Gadol*), why did אביי answer that the substitute *Kohen* must don the eight garments and also stir the coals:

לובש שמונה ומהפך צינורא.⁹⁶

Why did אביי not simply answer that the substitute *Kohen Gadol* need only don the eight garments and be automatically endowed with גדולה גדולה?

A *Kohen* may not wear the בגדי כהונה unless he is actively engaged in an *Avodah*.

(5) The Rav answered that the *Rambam's* view is based upon his opinion in another matter. There is a controversy among the *Rishonim* whether an ordinary *Kohen* may wear the regular בגדי כהונה in the *Bais HaMikdash* during those times in which he is not engaged in an *Avodah*, inasmuch as the regular בגדי כהונה consisted of כלאים (i.e. the belt was comprised of both linen and wool).⁹⁷ The controversy is predicated on whether a separate *Kiyum* (i.e. the fulfillment of a *Mitzvah*) is obtained simply by wearing בגדי כהונה, independent of performing an *Avodah*. If a separate *Kiyum* is obtained by merely wearing the בגדי כהונה, they

⁹⁶ Stirring the coals is an עבודה, as the *Gemara* immediately notes from *Rav Huna's* ruling that a *Non-Kohen* who stirs the coals violates the precept that only *Kohanim* may perform the עבודה in the Temple.

⁹⁷ This controversy presupposes that the אבנט of the ordinary *Kohen* consisted of a blend of both linen and wool.

may be worn even when the wearer is not engaged in the performance of an *Avodah*. The Mitzvah overrides the prohibition against כלאים. However, if a separate *Kiyum* is not obtained by wearing the כהונה בגדי, one may only wear the כהונה בגדי during the performance of an *Avodah*.

(6) The *Rambam*, however, rules:

כהנים שלבשו בגדי כהונה שלא בשעת העבודה אפילו במקדש, לוקין מפני האבנט, שהוא כלאים. ולא הותרו בו אלא בשעת עבודה שהיא מצות עשה כציעית (פ"י מהלכות כלאים הל"ב).
A Kohen who wears the four Priestly Garments while not engaged in a service, violates the prohibition against wearing wool and linen together since the belt is made of linen and wool. The Kohen may wear the four Priestly Garments only while actively engaged in the service of the Temple.

(7) The question arises, does the *Rambam* refer both to a *Kohen Gadol* as well as to an ordinary *Kohen*, or only to an ordinary *Kohen*? The Rav inferred that the *Rambam*'s ruling was limited to an ordinary *Kohen* and not to a *Kohen Gadol*, since the *Rambam* writes that the אבנט, *belt*, is made from כלאים, and he does not mention that four of the כהונה בגדי worn by the *Kohen Gadol* also contain כלאים.

Why is this so? What is the difference between a *Kohen Gadol* and an ordinary *Kohen*? Why can a *Kohen Gadol* wear the eight כהונה בגדי even while not performing any service, while a regular *Kohen* may not wear the כהונה בגדי except when performing an *Avodah*?

(8) The Rav quoted another ruling advanced by the *Rambam* which sheds light on the foregoing. The *Rambam* writes:

בגדי כהונה מותר ליהנות בהן. לפיכך לובשן ביום עבודתו,
אפילו שלא בשעת עבודה חוץ מן האבנט, מפני שהוא שעטנז.
ואסור לכהן הדיוט ללבושו אלא בשעת העבודה (פ"ח מהלכות
כלי המקדש הי"א).

A Kohen may derive pleasure (i.e. warmth) from the Priestly Garments. Thus, Kohanim may wear them on their appointed day of service, even while not actually engaged in the service, with the exception of the belt, which an ordinary Kohen may not wear, except during the performance of the service, since it is made from a mixture of linen and wool.

The *Rambam* refers solely to a *Kohen Hedyot*, and precludes him from wearing the אבנט, except while performing an *Avodah*. However, the *Rambam* implies that a *Kohen Gadol* may wear all of his בגדי זהב even while not engaged in the performance of any *Avodah*, despite the fact that some of the בגדי זהב contain כלאים.

Moreover, one gets the impression from other statements made by the *Rambam* that the *Kohen Gadol* wore all of the eight בגדי זהב throughout the entire day, even when he was not engaged in an *Avodah*.⁹⁸ What, then, is the reason for the difference between an ordinary *Kohen* and a *Kohen Gadol*?

The *Kohen Gadol* obtains a *Kiyum* of כפרה merely by wearing the eight בגדי זהב.

(9) The Rav explained that the בגדי כהונה worn by a regular *Kohen* served simply as מכשירי עבודה (i.e. they facilitated the service, since the *Kohen*

⁹⁸ כהן גדול מניח בגדי זהב בלשכה שלו בלילה (רמב"ם פרק ח' מכלי המקדש הלכה י').

could not perform the service except when wearing all four garments). However, simply wearing them without performing the *Avodah* did not constitute a *Mitzvah*. On the other hand, wearing the בגדי זהב of the *Kohen Gadol* precipitated a separate *Kiyum* of לכבוד ולתפארת⁹⁹ which, in turn generated כפרה.¹⁰⁰ The *Kohen Gadol* obtained a *Kiyum* of כפרה for each minute that he wore the eight בגדי זהב, even if he did not perform any *Avodah*. This כפרה expresses itself both in the ריצוי, *expiation*, of the ציץ, in respect of *Karbanos* which became טמא, and for certain other violations as well.¹⁰¹ The regular *Kohen*, on the other hand, does not engender any *Kiyum* of כפרה while wearing the four garments. Rather, the garments are simply a prerequisite to his performing any service. Accordingly, he may not wear the אבנט, in violation of the לאו of כלאים, unless he is actually engaged in the performance of an *Avodah* service.

Thus, both views of the *Rambam* are consistent. A special *Kiyum Mitzvah* of ריבוי לכבוד ולתפארת and of כפרה is obtained by the *Kohen Gadol* through ריבוי בגדים, *when wearing the eight gold garments*. Accordingly, it is sufficient for the initiation of a *Kohen Gadol* if the initiate simply wear the eight golden garments; he need not perform any *Avodah*.

⁹⁹ As the *Torah* says:

ועשית בגדי קדש לאהרן אחיך לכבוד ולתפארת (שמות: כ"ה, ב).

¹⁰⁰ שאלות ותשובות בית הלוי חלק א' סימן ג' סעיף ב'; קונטרס עבודת יום הכפורים עמוד י"א.

¹⁰¹ As set forth in פ"ט ע"ב מסכת זבחים דף פ"ט ע"ב, each of the eight בגדי זהב provided כפרה for different sins committed by the Jewish people.

אביי maintains that the *Kiyum* of כפרה obtained by wearing the eight בגדי זהב is extinguished as soon as the obligation to wear the four לבן בגדי arises.

(10) Based on the foregoing, the Rav resolved the question raised earlier that אביי implies that in order to endow the *Kohen Gadol* with the requisite קדושת כהונה גדולה, the *Kohen Gadol* must both don the eight golden garments and also perform an *Avodah* (מהפך בצינורא), which is seemingly inconsistent with the *Rambam's* statement that donning the eight golden garments in and of itself invests the initiate *Kohen Gadol* with קדושת כהונה גדולה.

The Rav explained that the scenario discussed by the *Gemara* was one where the *Kohen Gadol* became disqualified after the first טבילה and the performance of all of the *Avodos* of that series. The second טבילה requires the *Kohen Gadol* to don the four לבן בגדי reserved for his use on *Yom Kippur*. The *Rambam*, apparently, maintains that after the completion of the first טבילה (and the concomitant obligation which then arises to immediately perform the second טבילה and don the four לבן בגדי), the *Kiyum* of כפרה normally obtained by wearing those eight בגדי זהב is extinguished. At that particular stage, the *Kohen Gadol* no longer obtains a *Kiyum* by wearing the eight בגדי זהב since that *Kiyum* is replaced (at that stage) with the obligation to wear the four לבן בגדי reserved for *Yom Kippur* (and to engage in the עבודות of the second טבילה).

(11) In other words, ריבוי בגדים, *the act of donning the eight בגדי זהב*, is sufficient to endow the wearer with קדושת כהונה גדולה only if wearing those

eight בגדי זהב constitutes a special *Kiyum* (of ריצוי). Wearing the eight בגדי זהב, in and of itself, constitutes a *Kiyum* of ריצוי during the year, since the *Kohen Gadol* was required to wear all eight garments if he wished to perform any *Avodah*. However, on *Yom Kippur*, following the first טבילה, when the עבודת יום requires the *Kohen Gadol* to wear only the four בגדי לבן, wearing the eight בגדי זהב ceases to constitute a separate *Kiyum Mitzvah*.

Thus, when אביי required the substitute *Kohen Gadol* to perform both an עבודה and wear the eight בגדי זהב (rather than merely wear the eight בגדי זהב), he was referring to the stage following the first טבילה, during which only the four בגדי לבן are worn. Since, at that stage, the eight בגדי זהב forfeit their significance in that a *Kiyum* is no longer obtained by wearing them, and their application is no longer meaningful, one who wishes to obtain the status of a *Kohen Gadol* must both wear the eight בגדי זהב and perform a collateral service while wearing them (since that collateral service, which can only be performed by wearing the eight בגדי זהב, resurrects the *Kiyum Mitzvah* of wearing the eight בגדי זהב and renders it meaningful).¹⁰²

Rav Pappa explains that on Yom Kippur a Kohen Gadol is invested with Kedusha in the same manner as a כלי שרת.

¹⁰² The Rav noted that he was not satisfied with this answer, since the rationale for this is unclear.

(12) The *Gemara* then introduces the view of *Rav Pappa*, who provides a different explanation as to how a substitute *Kohen Gadol* is endowed with קדושת כהונה גדולה on *Yom Kippur*. The *Gemara* writes:

ר' פפא אמר עבודתו מחנכתו,
*Rav Pappa answers that the performance of the Avodah,
in and of itself, invests the substitute with the requisite
Kedusha.*

Rav Pappa maintains that the substitute *Kohen Gadol* is invested with the requisite *Kedusha* even without wearing the eight בגדי זהב. He maintains that by continuing to perform the *Avodah* of *Yom Kippur* (from the stage where the prior *Kohen Gadol* stopped), the substitute is automatically endowed with the requisite *Kedusha*.

Rav Pappa concedes that this principle originates with כלי שרת, the vessels used in the *Bais HaMikdash*, which also are endowed with *Kedusha* simultaneously upon their first use in the performance of any service in the *Bais HaMikdash*.¹⁰³

¹⁰³ *Rav Pappa* implies that his theory is consistent even with those who maintain that the אבנט of a regular *Kohen* did not contain כלאים. Apparently, the *Kohen Gadol* attains קדושת כהונה גדולה when he performs the first act required of the *Kohen Gadol* after the second טבילה, namely, when he utters his personal וידוי on his bull. The Rav felt that the act of donning the four בגדי לבן should not, in and of itself, be sufficient to invest him with the requisite *Kedusha*, since the four בגדי לבן reserved for *Yom Kippur* are identical to those worn by an ordinary *Kohen* during the year. (See, also, קונטרס עבודת יום הכפורים עמוד י"ב). Similarly, טבילה and קידוש ידים ורגלים do not rise to the level of עבודה to enable the substitute to obtain the requisite *Kedusha*. The Rav was, however, very uncomfortable with this feature.

(13) *Rav Pappa* equates the *Kohen Gadol* with a כלי שרת, insofar as the *Kohen Gadol* obtains his *Kedusha* in the same manner as a כלי שרת. What *Kedusha* does a *Kohen Gadol* obtain?

Prima facie, the *Kedusha* of a *Kohen Gadol* is unlike that of a כלי שרת. One would assume that the *Kedusha* of a *Kohen Gadol* vests in the spiritual personality of the *Kohen Gadol*. His individuality is Holy. His spirit and soul are exalted.¹⁰⁴ The *Kedusha* vests in the intangible, and not in the concrete matter of the physical person. It is not a *Kedusha* of the bone marrow and tissue of the *Kohen Gadol*. It is a *Kedusha* of his abstract personality and *Neshama*.

On the other hand, the concrete physical components of a כלי שרת are endowed with קדושה. The very substance and matter of the כלי שרת is holy. There is nothing hiding behind the external matter of the כלי שרת, which can be said to be invested with *Kedusha*. This is seemingly unlike the *Kohen Gadol* where there exists an intangible, beyond his physical components, to which the *Kedusha* can attach.

How then can *Rav Pappa* equate כלי שרת with a *Kohen Gadol* with respect to the manner in which he receives *Kedusha*? Isn't it more reasonable to assume that the *Kedusha* of the *Kohen Gadol* does not actually integrate with the

¹⁰⁴ The *Rambam* writes (פ"י מכלי המקדש ה"י) that the *Kedusha* of the *Kohen Gadol* is basically one of נבואה.

body and substance of the *Kohen Gadol*, and that, instead, the *Kedusha* merely attaches to his spirit and personality?

(14) If *Rav Pappa* does equate the *Kedusha* of the *Kohen Gadol* with that of כלי שרת, then, apparently, he maintains that the actual physical body of the *Kohen Gadol* is also hallowed. The *Kedusha* of the *Kohen Gadol* does not just infiltrate into the spirit or inner personality of the *Kohen Gadol*; rather, the outer world components and external aspects of the *Kohen Gadol* (i.e. his physical tissue and body) are also infused with *Kedusha*.

How does *Rav Pappa* know this? Is this *Kedusha* unique to *Yom Kippur*?

The קדושת כהונה גדולה is more exalted on *Yom Kippur* than during the year.

(15) The Rav answered that there is a difference in the caliber of the קדושת כהונה גדולה between *Yom Kippur* and the balance of the year. On *Yom Kippur*, a higher dimension of *Kedusha* is required, and the פרישה enhances and supplements that *Kedusha*.

During the balance of the year קדושת כהונה גדולה is גברא and not קדושת חפצא. קדושת גברא means that the invisible, the intangible, the divine spark in man, the spirit and personality of the *Kohen Gadol*, is sanctified. It is a קדושת אישיות, a *Kedusha of his personality*. This is insufficient for *Yom Kippur*.

On *Yom Kippur* קדושת חפצא is required. The physical body (חפצא) of the *Kohen Gadol* must also be endowed with the transcendental qualities of *Kedusha*.

On *Yom Kippur*, the spirit of *Kedusha* must infiltrate the physical body of the

Kohen Gadol as well as his personality. Body and spirit must merge into one entity which is saturated with *Kedusha*.

In other words, *Rav Pappa*, by equating the *Kedusha* of the *Kohen Gadol* on *Yom Kippur* with that of a כלי שרת, stipulates that, on *Yom Kippur*, the *Kohen Gadol* is not only a sacred personality and hallowed spirit, but that his very substance, his body tissue, his being, as a concrete object, are endowed with *Kedusha*. He attains קדושת חפצא, and not just קדושת גברא. He becomes a כלי שרת, *the instrument of G-d*.

The Rav added that *Rav Pappa* categorizes the unique *Kedusha* enjoyed by a *Kohen Gadol* on *Yom Kippur*. As noted¹⁰⁵, the *Kohen Gadol* underwent פרישה in order to obtain a higher caliber of *Kedusha*. According to *Rav Pappa*, this higher caliber is categorized as קדושת חפצא. Hence, during the year the *Kohen Gadol* was endowed with קדושת גברא. On *Yom Kippur*, however, after undergoing פרישה, he is endowed with קדושת חפצא.

The *Kohen Gadol's* palms invest the קטורת with קדושת חנוף.

(16) How did *Rav Pappa* arrive at this conclusion? The Rav explained that *Rav Pappa* derives it from the fact that the קטורת offered on *Yom Kippur* is radically different from all of the other *Karbanos*. Every animal is endowed with קדושת חנוף when the owner designates it for use as a *Karban* (i.e. קדושת פה). However, all non-animal offerings (such as קטורת, מנחות, ונסכים) are endowed

¹⁰⁵ See Paragraph VI, 4.

only with קדושת דמים¹⁰⁶, a lesser form of sanctity when they are first designated as an offering.¹⁰⁷ They become endowed with קדושת הגוף only after coming into contact with a כלי שרת. The כלי שרת sanctifies them.

(17) The exception to this rule is the קטורת on *Yom Kippur*, which receives its *Kedusha* only after coming into contact with מלא חפניו של הכהן, the *Kohen Gadol's palms*. The *Kohen Gadol's* palms are מקדש, *sanctify*, the קטורת.

The *Torah* writes:

ולקח...מלוא חפניו קטורת סמים והביא מבית לפרוכת
(ויקרא: ט"ז, י"ב).
*He shall take a palm-full of incense spices, and offer it in
the inner sanctuary.*

There are two rules which are derived from this *Passuk*:

(x) Firstly, the requisite amount of קטורת which is offered in the קודש is that amount which can be held in the palms of the specific *Kohen Gadol* who performs the *Avodah* on that *Yom Kippur*. Thus, מלוא חפניו

¹⁰⁶ קדושת דמים represents a lower caliber of *Kedusha* than קדושת הגוף. Thus, for example, an item which has קדושת דמים may be released from such status by פדיון, when it becomes disqualified. See:

מנחות דף ק' ע"ב; רמב"ם פרק ה' מהלכות איסורי מזבח ה"ה.
Additionally, until it obtains קדושת הגוף, it is not susceptible to other types of disqualification such as טבול יום, לינה, etc. See משנה מסכת מעילה דף ט' ע"א [Editor's Note]

¹⁰⁷ The reason for the distinction between animals and non-animals, in that the latter receives קדושת הגוף only after it is placed in a כלי שרת, while the former obtains קדושת הגוף as soon as it is designated, is discussed by many Commentators. See:

ראב"ד פ"א דתמיד; ספר מקדש דוד ח"א סימן ג' אות ח'; ח"י מרן הגר"י הלוי על הרמב"ם עמוד 162 [Editor's Note]

determines the quantity of קטורת necessary for the *Avodah* and varies with the size of the *Kohen Gadol's* palm.¹⁰⁸

(y) Secondly, unlike the קטורת during the year, which was invested with מלא when placed in the בוך (i.e. the dish designated for the קטורת), the קדושה חפניו, *the palms of the Kohen Gadol*, invested the קטורת on *Yom Kippur* with קדושת הגוף, and prior to the חפינה (i.e. being scooped up in the palms of the *Kohen Gadol*), the קטורת was not endowed with קדושת הגוף.¹⁰⁹ On *Yom Kippur*, the palms of the *Kohen Gadol* usurped the role of the כלי שרת (used during the

¹⁰⁸ This is unlike the קטורת offered each morning and evening of the year, which was a specified quantity of a פרס. See:

מסכת יומא דף מ"ג ע"ב; רמב"ם פ"ג מהלכות תמידין ומוספין הלכה ב', ומשנה למלך שם. *Rashi* theorizes, however, that only a כזית is actually required, but that the Rabbis stipulated that it contain a פרס. (See רש"י זבחים דף ק"ט ע"ב.) [Editor's Note]

¹⁰⁹ The קטורת offered each morning and evening was prepared once a year. It was pounded with a מכתשת, which invested it with a partial קדושת הגוף, so that it could not be redeemed from הקדש by פדיון, but was, nevertheless, not disqualified by לינה. See:

חי ריטבי"א מסכת שבועות דף י" ע"ב; תוספות שבועות דף י"א ע"א ד"ה הואיל. Before it was offered, a פרס of קטורת was placed in a בוך (a specified כלי שרת designated for this purpose), at which time it obtained a complete קדושת גוף. (See ספר מקדש דוד סימן ל"ב אות א.) (ג' עמי 180)

The קטורת of *Yom Kippur* was prepared at the same time as the קטורת offered during the year. However, it was not placed in a בוך before being presented to the *Kohen Gadol*. Rather, it was placed in a חול של חול, *a dish which had not been hallowed*. Thus, at that stage, the קטורת was not invested with קדושת הגוף. See:

ירושלמי מסכת יומא פ"ה ה"א; מקדש דוד סימן ג' אות ח' עמוד 26. The *Kohen Gadol* then performed חפינה (i.e. he scooped two palms full of קטורת) and that act of חפינה endowed the קטורת with קדושת הגוף. Other *Acharonim* (see מקדש דוד שם) point out that the foregoing is not accepted universally, and that certain *Amoraim* maintain that the act of חפינה, *offering the קטורת in the Holy of Holies*, serves to endow the קטורת with קדושת הגוף. They concede, however, that the majority opinion is that the קטורת is endowed with קדושת הגוף only upon חפינה, *when scooped into the Kohen Gadol's palm*. See,

רמב"ם פ"ה מהלכות עבודת יום הכפורים הכ"ז.

[Editor's Note]

year) to be מקדש, *sanctify*, the קטורת. The *Kohen Gadol's* palms (and, by extension, his entire body), are actually a כלי שרת.¹¹⁰

(18) In order for the *Kohen Gadol* to become a כלי שרת, a *hallowed instrument*, קדושת הגברא is insufficient. It is not enough for the *Kohen Gadol's* spiritual personality, which is invisible and intangible, to be invested with *Kedusha*. Rather, the *Kohen Gadol's* physical body and soul, flesh and spirit, must be endowed with *Kedusha*.

Accordingly, on *Yom Kippur*, the level of קדושת כהונה גדולה is equated with that of a כלי שרת. They both attain *Kedusha* in the same manner. Thus, *Rav Pappa* was prompted to state that, on *Yom Kippur*, עבודתו מחנכתו, *the mere act of performing the Avodah sanctifies and hallows the Kohen Gadol*, in the same manner that the mere act of utilizing a vessel for the service of the *Bais HaMikdash* converts that vessel into a כלי שרת (i.e. עבודתו מחנכתו).

On *Yom Kippur*, the *Kohen Gadol* attains קדושת חפצא.

(19) The *Torah* writes:

כתונת בד קדש ילבש, מכנסי בד יהיו על בשרו, ובאבנט בד יחגור, ומצנפת בד יצנוף בגדי קודש הם (ויקרא: ט"ז, ד').
He shall don a holy shirt, shorts shall be on his skin. He shall gird himself with a belt, and envelop his head with a turban. These are holy clothes.

¹¹⁰ See, *infra*, Paragraph XXV, 5, where the *Rav* explained that the *Kohen Gadol* performed a second חפינה in the קודש קדשים since his palms could not infuse the קטורת with קדושת הגוף except in the קודש קדשים.

Why is only the כתונת, *shirt*, labelled as קדוש? Furthermore why is the כתונת, which was donned only after the מכנסיים, *shorts*, mentioned prior to the מכנסיים, *shorts*?

(20) The העמק דבר quotes the *Ramban* who explains that there exists a hierarchy of *Kedusha*:

(i) קדושת ספר תורה

(ii) קדושת תפילין

(iii) קדושת מזוזה.

The *Kedusha* of a *Sefer Torah* is the highest level of *Kedusha*, This is followed by the *Kedusha* of *Tefillin* and then of *Mezuzah*.

What is the difference between them? Why are they so ranked?

The העמק דבר explains that the hierarchy is based on the quantity of *Parshiyos* contained in each. The number of *Parshiyos* contained in a *Sefer Torah* exceeds that contained in *Tefillin*, which, in turn, exceeds that contained in a *Mezuzah*. The more *Parshiyos* that the item contains, the greater the *Kedusha* that inheres therein.

Similarly, the גופו של כהן גדול is the same as a *Sefer Torah*. Every limb is deemed to be a *Parsha* of the *Torah*. The כתונת covers the largest portion of the

Kohen Gadol's body. Thus, it is more holy than the other garments, and, is, therefore, the only garment which the *Torah* describes as קדוש, *sanctified*.¹¹¹

In conclusion, on *Yom Kippur*, the *Kohen's* physical bodily components are also endowed with *Kedusha*. He is a קדושת חפצא. As noted, this status is generally obtained by undergoing פרישה and is derived from מילואים.

The *Rambam* rules that, on *Yom Kippur*, the initiate is invested with *Kedusha* merely by performing the *Avodah*.

(21) The *Rambam* concurs with *Rav Pappa's* ruling. He writes.

ומתקינין לו כהן גדול אחר שאם יארע בזה פסול, יעבוד האחר תחתיו. בין שאירע בו פסול קודם תמיד של שחר בין שאירע בו אחר שהקריב קרבנות, זה שנכנס תחתיו אינו צריך חינוך אלא עבודתו מחנכתו (פ"א מהלכות עבודת יום הכפורים ה"ג).

They appointed an Assistant Kohen Gadol who would assume the role of the Kohen Gadol if the former became incapacitated. Whether the Kohen Gadol became incapacitated prior to or subsequent to performing any of the Avodos, the substitute did not have to be initiated since the performance of the next Avodah serves as his initiation.

The *Rambam* adopts *Rav Pappa's* theory that, on *Yom Kippur*, the *Kohen Gadol* is invested with קדושת חפצא analogous to a כלי שרת; hence, the substitute *Kohen Gadol* need not undergo ריבוי בגדים to be endowed with *Kedusha*. It is sufficient for him to merely perform the *Avodah* in order to be endowed with *Kedusha* (i.e. עבודתו מחנכתו).

¹¹¹ The *Netziv* does not discuss, however, the precise nature of the *Kedushas Kohen Gadol*, whether it is a קדושת גברא or a קדושת חפצא (i.e. whether the spiritual personality or the physical body is hallowed).

The problem with this is that the *Rambam* rules¹¹² that the אבנט of the *Kohen Gadol* on *Yom Kippur* differs from that of the ordinary *Kohen*, in that the אבנט of the *Kohen Gadol* was composed of linen, while that of an ordinary *Kohen* was composed of a wool and linen blend. Why then doesn't the *Rambam* rule that the act of wearing the אבנט, together with the other בגדי לבן, in and of itself constitutes קדושת כהונה, and serves as an automatic investiture of קדושת כהונה, given his ruling that a *Kohen Gadol* is normally invested with קדושת כהונה by donning the eight בגדי זהב reserved for the *Kohen Gadol*? Why should the four בגדי לבן, which are also reserved for the *Kohen Gadol* and which differ from the garments worn by ordinary *Kohanim*, be treated differently than the בגדי זהב? What compels the *Rambam* to go so far and adopt *Rav Pappa*'s rule that, on *Yom Kippur*, עבודתו מחנכתו, that the substitute *Kohen* is invested with *Kedusha* solely by reason of his engaging in the *Avodah* of *Yom Kippur*? Why didn't the *Rambam* rule that, even on *Yom Kippur*, the substitute *Kohen Gadol* obtains *Kedusha* by ריבוי בגדים, by donning the four בגדי לבן reserved for the *Kohen Gadol*? Why does the *Rambam* reject the concept that ריבוי בגדים applies to the בגדי לבן?

(22) The Rav quoted *Rav Chaim*, who answered that the reason why the *Rambam*¹¹³ rules that generally ריבוי בגדים does not require עבודה, is that he

¹¹² פרק ח' מהלכות כלי המקדש הלכה א-ג'.

¹¹³

maintains that wearing the eight זהב בגדי, in and of itself, serves a function of כפרה וריצוי and constitutes a separate *Kiyum* of לכתוב ולתפארת קדושת כהונה גדולה. Thus, one who wears the eight זהב בגדי is endowed with גדולה גדולה.

בגדי לבן do not, however, share this characteristic. They do not constitute a separate *Kiyum* of כפרה; they are only מכשירי עבודה (i.e. they facilitate the performance of the *Avodah*, and are similar in function with that of the four garments worn by an ordinary *Kohen*). Hence, donning the four לבן בגדי, even if not identical in composition with the four garments of an ordinary *Kohen*, does not constitute an act of קדושת כהונה, ריבוי בגדים, and does not invest the substitute with קדושת כהונה גדולה. He is endowed with קדושת כהונה גדולה only by performing the service of an *Avodah* of *Yom Kippur* (which requires the performance of a *Kohen Gadol*). Engaging in an act for which the *Kohen Gadol* is indispensable is the sole method by which the substitute may be endowed with the requisite קדושת כהונה גדולה on *Yom Kippur*.

Rav Chaim explained that, at the prior stage in the *Gemara*, before *Rav Pappa* introduced the principle of עבודתו מחנכתו, the *Gemara* had been compelled to state that the substitute *Kohen Gadol* is invested with *Kedusha* when he dons the four לבן בגדי (if the אבנט was unlike that of a regular *Kohen*). However, even this investiture took effect only after he started to perform the *Avodah* (and was

פרק ד' מהלכות כלי המקדש הי"ג: כיצד מרבין אותו בבגדים? לובש שמונה בגדים ופושטן וחוזר ולובשן למחר שבעת ימים יום אחר יום.

not completed until that time). Once *Rav Pappa* introduced the principle of *עבודתו מחנכתו*, *that the endowment of Kedusha takes effect by means of the performance of the Avodah (of Yom Kippur)*, it is irrelevant if the אבנט of an ordinary *Kohen* is similar or dissimilar to that of a *Kohen Gadol*. The performance of the *Avodah*, and not the wearing of the בגדי לבן (which are merely מכשירי (עבודה), invests the substitute *Kohen Gadol* with קדושת כהונה גדולה in the same manner as כלי שרת. In conclusion, the *Rambam* maintains that during the year, an initiate is invested with *Kedusha* by ריבוי בגדים. On *Yom Kippur*, where the *Kohen Gadol* enjoys קדושת חפצא (and is identical with a כלי שרת) the substitute is invested with *Kedusha* by עבודתו מחנכתו, *performing an Avodah*, just as a כלי שרת. Moreover, he can not be invested with *Kedusha* by donning the four בגדי לבן, since wearing the four בגדי לבן does not serve as a *Kiyum Mitzvah*. Hence, the investiture of *Kedusha* generally obtained by ריבוי בגדים does not apply to the four בגדי לבן.

Can a *Kohen Gadol's* *Kedusha* be terminated?

(23) The question arises whether the קדושת כהונה גדולה is permanent, in the same manner that כלי שרת is permanent.

The *Mishnah* states:

(כהן גדול ונזיר) שהיו מהלכין בדרך ומצאו מת מצוה, יטמא נזיר שאין קדושתו קדושת עולם, ואל יטמא כהן גדול, שקדושתו קדושת עולם (מסכת נזיר דף מ"ז ע"א).
A Kohen Gadol and Nazir walked together and encountered an unattended corpse. Each are subject to

the same restrictions regarding the avoidance of impure items, but each are also obligated to bury an unattended corpse. The Rabbis taught that it is preferable that the Nazir bury the corpse since his sanctity is temporary, while that of the Kohen Gadol is permanent.

(24) One may infer from this *Mishnah*, which describes the קדושת כהן as גדול as קדושת עולם, *permanent sanctity*, that a *Kohen Gadol* cannot be removed from office and that his *Kedusha* is permanently retained.

Tosfos, however, quotes a *Yerushalmi* which asserts that the *Kohen Gadol* can be removed from his office. They write:

כהן גדול מתמנה בפה ומסתלק בפה (תוספות יומא דף י"ב ע"ב ד"ה כהן).
*The Kohen Gadol is appointed orally (presumably by the King and the Sanhedrin) and dismissed orally.*¹¹⁴

Why, then, does the *Mishnah* state that the *Kohen Gadol's Kedusha* is permanent?

The *Kohen Gadol* is both appointed as well as endowed with *Kedusha*, and each of these precipitates different rules.

(25) The Rav quoted his grandfather, *Rav Chaim*, who answered that the *Kohen Gadol's* position has two distinct facets:

(x) Firstly, there is a מינוי של שררה (i.e. he is appointed to office by the King, his fellow *Kohanim*, and the *Sanhedrin*). This appointment does not

¹¹⁴ There is an inconsistency in the requirement that the *Kohen Gadol* be appointed by both the *Sanhedrin* and the King. The *Rambam* rules in פרק די מהלכות כלי המקדש הט"ו that the *Sanhedrin* must approve the *Kohen Gadol's* appointment. However, in פרק הי מהלכות סנהדרין, הלכה א' he does not mention that the *Sanhedrin's* approval is required. This topic is discussed at length in:

ספר חק ומשפט לר"י גרשוני עמוד ר"י; וחי'דושי מרן הגר"י הלוי על הרמב"ם שם (עמוד ע"ג).
[Editor's Note.]

precipitate an intrinsic *Kedusha*. Thus, this office may be bequeathed to his son,¹¹⁵ and

(y) Secondly, the *Kohen Gadol* is מקודש (i.e. he obtains קדושת גברא, *an intrinsic endowment of Kedusha*).

(26) *Rav Chaim* explained that a *Kohen Gadol* may be demoted only as far as שררה, *his political appointment*, is concerned. However, as far as קדושת גברא, *his innate Kedusha*, is concerned, a *Kohen Gadol* may not be demoted. His *Kedusha* is a קדושת עולם. He can lose his appointment (שררה) but not his *Kedusha*.

(27) There are certain *Halachos* which are predicated on his מינוי של שררה, *appointment*, and others which are predicated on his קדושת גברא. טומאת מתים (for קרובים) and איסור אלמנה are intertwined with קדושת גברא, and not with שררה. Thus, a *Kohen Gadol* who is removed from office may still not marry an אלמנה nor defile himself by coming into contact with a deceased relative. On the other hand, wearing the eight בגדי זהב is a result of his שררה, *his political appointment*. Thus, a *Kohen Gadol* who is demoted may no longer serve with the

¹¹⁵ In contradistinction to *Kedusha*, which can not be devised from father to son, a political appointment must be passed from father to son (if the son is qualified). See, רמב"ם פרק ד', מהלכות כלי המקדש ח"כ.

eight garments reserved for the *Kohen Gadol*, since that rule is predicated on שררה, his *political appointment*.¹¹⁶

(28) *Rav Chaim* concluded that since the קדושת גברא of the *Kohen Gadol* is permanent (קדושת עולם), we can understand why *Rav Pappa* equated the *Kohen Gadol's* incremental endowment of קדושת חפצא on *Yom Kippur*, with that of a כלי שרת, whose *Kedusha* is also permanent. In both situations, עבודתו, *both are permanently invested with Kedusha by engaging in an Avodah*.¹¹⁷

The substitute *Kohen Gadol* cannot officiate after *Yom Kippur*.

(29) The *Rambam* continues:

עבר יום הכפורים, הראשון חוזר לעבודתו, והשני יעוברי ע"כ
(שם).

If the Kohen Gadol became incapacitated on Yom Kippur and a substitute took his place, then, following Yom Kippur, the first Kohen Gadol is restored to his position, and the substitute Kohen Gadol can no longer serve as a Kohen Gadol, but is also not demoted.

¹¹⁶ This distinction is derived from the rules governing a מלחמה, who is invested with כהן משוח מלחמה but who lacks the שררה. The *Rambam* rules that a מלחמה can not don the eight בגדי זהב:

כהן משוח מלחמה משמש בארבע כלים (רמב"ם פרק ד' מהלכות כלי המקדש הכ"א).

¹¹⁷ See קונטרס עבודת יום הכפורים עמוד י"ג for a detailed discussion of this subject. See, however, ספר משפט מלוכה עמוד כ"ט- ל"ה, who criticizes this approach. He quotes the ראב"ד על אשר ימלא את ידו (ויקרא : Passuk of תורת כהנים פרשת אחרי מות פרק ח' ה"ה (ט"ז), ל"ב provides a specific inclusion for a substitute *Kohen Gadol* to assume the position of the *Kohen Gadol* on *Yom Kippur*, whenever necessary, even without first undergoing משיחה or ריבוי בגדים. [Editor's Note]

The Rav explained that the proper text is *השני עובר*, *the substitute can no longer serve*, and not *השני עובד*, *the substitute can continue to serve*.¹¹⁸ In such a situation, after *Yom Kippur*, when the first *Kohen Gadol* is restored to his position, there are two *Kohanim Gadolim*. However, only the first one can officiate with the eight garments reserved for the *Kohen Gadol*.

Thus, the phrase *השני עובר* means that the substitute cannot serve an active role as a *Kohen Gadol*. Nonetheless, the *Rambam* writes with regard to the substitute:

וכל מצות כהונה גדולה עליו אלא שאינו עובד ככהן גדול (שם).
He must observe all of the laws and restrictions of a Kohen Gadol. However, he cannot perform any Avodah service.

The substitute *Kohen Gadol* cannot officiate with the eight golden garments of the *זהב*, *בגדי זהב*, since that will cause *איבה* (i.e. the first *Kohen Gadol* will become envious). Similarly, he cannot officiate as an ordinary *Kohen* and wear the four garments of an ordinary *Kohen*, since he still retains his status as a *Kohen Gadol*, and as such, wearing only four clothes disqualifies his service (i.e. as a *מחוסר בגדים*).¹¹⁹

¹¹⁸ This is also the text adopted in the Frankel Edition (1994).

¹¹⁹ It is unclear why the substitute *Kohen Gadol* is treated differently than a *משוח מלחמה*, with respect to serving with the ordinary four garments of a *Kohen Hedyot*.

(30) *Tosfos* asks why we do not simply demote the substitute *Kohen Gadol* after *Yom Kippur*? This is in accordance with the *Tosfos'* view that a *Kohen Gadol* may be appointed and removed by his fellow *Kohanim* and the King.

As noted, *supra*, the answer is that removal is effective only as far as wearing the eight golden garments (בגדי זהב) reserved for the *Kohen Gadol* is concerned, since wearing those clothes is predicated on his appointment (i.e. the מינוי ושררה) and not on his intrinsic *Kedusha*. As far as טומאת קרובים or אלמנה are concerned, neither the King nor the *Sanhedrin* may demote him, since those rules are predicated on his intrinsic *Kedusha*, which has the same status as a כלי שרת, and which is, therefore, permanent. כי נזר אלוקיו על ראשו. The crown of *Kedusha* is confirmed by G-d and is not subject to usurpation by man.

[VIII] פרישה THE KOHEN GADOL'S TRAINING DURING

The *Kohen Gadol* practiced all facets of the *Avodah*.

(1) The *Mishnah* states:

כל שבעת הימים הוא זורק את הדם וכו'... ושאר כל הימים אם
רצה להקריב מקריב (מסכת יומא דף י"ד ע"א).
During the seven days prior to *Yom Kippur*,¹²⁰ the *Kohen
Gadol*,¹²¹ is required to perform various rituals of the

¹²⁰ There are documents, authored by Non-Jews, which chronicled the parade of the *Kohen Gadol* when he was separated from his family, on the day following *Rosh Hashanah*, and taken to the *Bais HaMikdash*.

Avodah, such as sprinkling the blood, fixing the wicks of the Menorah, etc., so that he be familiar with these practices on Yom Kippur. On the other hand, during the balance of the year, he can elect to engage in any of the rituals at any time (regardless of his specific משמר).

The *Rambam* concurs. He writes as follows:

כל שבעת הימים מרגילין אותו בעבודתו...כדי שיהיה רגיל
בעבודה ביום הכפורים (פ"א הי"ה).
*During the seven days of isolation, they trained him in the
Yom Kippur ritual, so that he be familiar therewith.*

(2) Apparently, *Chazal* recognized that the *Avodah* of *Yom Kippur* was very difficult. There was a lot of tension prior to *Yom Kippur* because of their fear of his entering into the קודש קדשים.¹²² The קודש קדשים had no windows. It was dark, and the *Kohen Gadol* could not see. Moreover, the עבודה was extremely difficult. The *Kohen Gadol* entered with a pan of hot coals, and with a cup of קטורת, *incense*. He placed the pan of coals on the אבן השתיה, and held the cup of קטורת between his teeth. He then slowly tilted the spoon with his thumb so that the קטורת would spill into his palms. He could not spill the קטורת from the

¹²¹ There is no הפרשה for the סגן, *assistant Kohen Gadol* (who performs the service if the *Kohen Gadol* becomes incapacitated prior to, or on, *Yom Kippur*). The Rav explained this phenomena according to the views of רבי יוחנן and ריש לקיש. According to רבי יוחנן, that הפרשה is derived from מילואים and imparts a new dimension of *Kedusha*, as far as the physical body of the *Kohen Gadol* is concerned, this can only be done if he has been already appointed as a *Kohen Gadol*, since the incremental *Kedusha* can only be imparted to one who has already been qualified and appointed as a *Kohen Gadol*, and is already invested with the regular קדושת גדולה. It would not have any application if, for example, a regular *Kohen* underwent הפרשה for seven days. If he has not yet been appointed, the הפרשה will not be valid. According to ריש לקיש, that the הפרשה serves as an היתר כניסה, then, again, only one person at a time (i.e. the *Kohen Gadol*) can be granted entry.

¹²² The *Yerushalmi* writes that they attached a chain to the leg of the *Kohen Gadol* to enable them to remove him from the קודש קדשים if he perished there. The *Rambam* does not cite this.

spoon onto the fire. If one morsel of קטורת dropped on the floor, he would be punished (by מיתה בידי שמים). This was a superhuman effort for which the *Kohen Gadol* trained extensively in בית אבטינוס.

Two Scholars were assigned to teach the *Kohen Gadol*.

(3) The *Rambam* writes:

ומוסרין לו זקנים מזקני בית דין וקוראין לפניו ומלמדין אותו
עבודת היום (פ"א מהלכות עבודת יום הכפורים ה"ה).
*They would assign elders of the Sanhedrin to him, and
would teach him how to perform the Yom Kippur ritual.*

During the הפרשה, they trained the *Kohen Gadol* to perform the *Avodah* of *Yom Kippur*.

(4) The *Mishnah* relates that the scholars who trained the *Kohen Gadol* would address him as אישי כהן גדול¹²³ during those seven days. We do not find that anyone else used this address when conversing with the *Kohen Gadol* during the year.

What is the significance of the address of אישי כהן גדול?

The *Kohen Gadol* is responsible for the sins of the nation.

(5) The Rav answered that the *Kohen Gadol* recited three וידויים, *confessions*, on *Yom Kippur*:

- (x) once for himself;
- (y) once for the other *Kohanim*;

¹²³ This is the equivalent of "Sir".

(z) and once for all of the other Jewish people.

The question arises. How can the *Kohen Gadol* confess the sins of other people about whom he is ignorant, and whom he has never met?

(6) The answer is that he has the ability to confess sins on behalf of the people because of his commensurate responsibility for those sins. The *Kohen Gadol* is responsible for the sins of the nation.

(7) Leadership entails both privilege and responsibility. All leaders and גדולי הדור are personally responsible for the sins and errors committed by the people. This is why the *Torah* writes that when the *Kohen Gadol* offers a *Karban* for his sins (during the year), that *Karban* also atones for the sins of the other Jews as well.

אם כהן המשיח יחטא לאשמת העם (ויקרא : ד', ג').
When the High Priest sins because of the people.

Similarly, when the Jews created the עגל, G-d told *Moshe*:

לך רד מגדולתך, לא נתתי לך גדולה אלא בשבילם (ברכות דף
ל"ב ע"ב).
*You have been demoted from your position. I accorded
you prominence only on account of the Jews.*

G-d told *Moshe* that every leader must assume responsibility for the sins of the people. Just as *Moshe* was elevated when G-d gave the *Torah*, so too, was he demoted when the Jews sinned.

This is the *Halacha* of:

צדיקים נתפסים בעון הדור (מסכת שבת דף ל"ג ע"ב).
The righteous are punished for the sins of the wicked;

and,

מיתת צדיקים מכפרת (מועד קטן דף כ"ח ע"א).
The deaths of the righteous atones for the sins of others.

Hence, there is no גדולה without responsibility. One who is glorified, elevated, singled out, and placed above the Community, is, by the same measure, responsible for the Community's sins and misdeeds.

(8) Accordingly, the text of the וידוי of the *Kohen Gadol* was:

שחטאתי אני וביתי, ובני אהרן עם קדושיך.
That I, my family, and the House of Aaron have sinned.

He included all of the other *Kohanim* in his וידוי since he is responsible for them.

Similarly, the third וידוי, which included all of the Jewish people, was an acknowledgment that they sinned due to his failure to teach them properly. Otherwise it would be inappropriate for an innocent person to recite וידוי at all; only a חוטא can say וידוי and confess his sins.

The *Kohen Gadol* was addressed as אישי, on *Yom Kippur*, in order to denote his culpability for the people's sins.

(9) On *Yom Kippur*, the scholars emphasized the *Kohen Gadol's* responsibility for the sins of the nation, by addressing him as אישי כהן גדול.¹²⁴ It means: "You are our leader and representative. Everything depends on you. However, the כפרה is not just for *Kllal Yisroel*, but for yourself as well. You share in the עבירות and חטאים of *Kllal Yisroel*."

¹²⁴ As noted, the term אישי כהן גדול is only found with respect to *Yom Kippur*.

(10) Similarly, the איש עתי, after taking the המשתלח into the desert, would report back to the *Kohen Gadol* and tell him:

אישי כהן גדול עשינו שליחותך (מסכת יומא דף ע"א ע"א).
Sir, I have discharged your tasks.

Even the *Kohen Gadol* shared in the כפרה of the המשתלח, and the וידוי recited by the *Kohen Gadol* on the המשתלח applied to him personally as well.

[IX] THE SYMBOLISM OF THE ANIMALS OFFERED ON YOM KIPPUR.

Chazal were concerned with the *Kohen Gadol's* state of mind.

(1) The *Rambam* writes:

ערב יום הכפורים בשחרית מעמידין אותו בשער המזרח, ומעבירין לפניו פרים, ואילים, וכבשים כדי שיהיה מכיר ורגיל בעבודה (פ"א מהלכות עבודת יום הכפורים ה"ח).
On Erev Yom Kippur, they would accompany the Kohen Gadol to the Eastern Gate and parade for his review bulls, rams, and sheep, in order to familiarize him with the different animals which will be used on Yom Kippur.

(2) The obvious question is how does reviewing the animals promote the knowledge and training of the *Kohen Gadol*? Furthermore, the *Gemara* asks why didn't they exhibit the goats to him? The *Gemara* answers:

כיון דעל חטא קא אתו, חלשא דעתיה (מסכת יומא דף י"ח ע"א).
Since the goats are offered in order to atone for sin, their presence will demoralize the Kohen Gadol.

What does חלשא דעתיה mean?

(3) Apparently, *Chazal* were as concerned with the חלישות הדעת, *demoralization*, of the *Kohen Gadol*, as with the physical strain required of him to perform the *Avodah*. They introduced many shortcuts (such as permitting him to carry the pail of coals in his right hand, (מחתה בימין), in order not to tire him unduly, nor exhaust him. Those shortcuts were introduced משום חולשא דכהן גדול, *because of the physical strain*.

This *Gemara*, however, posits a new facet of חולשא דכהן גדול, namely, mental despair and sorrow. On the one hand, the *Kohen Gadol* was made aware of the seriousness of his task and the gravity of the mission entrusted to him, since any deviation from the proper performance would prevent the entire nation from obtaining כפרה, and was punishable by מיתה בידי שמים. The כפרה of the nation was dependent on him. On the other hand, they wished to encourage the *Kohen Gadol* and assure him that if he performs the *Avodah* correctly, in accordance with the *Halacha*, then סליחה is assured, and he will obtain the objectives, no matter how difficult nor complex. The *Kohen Gadol* was, thus, exposed to דברי מוסר, on the one hand, to words of warning describing the seriousness and importance of his mission, and on the other hand, he was exposed to words of encouragement and consolation, and was told that if he acts in accordance with the *Halacha* and the מסורה, then סליחה and כפרה are assured.

The bull offered on *Yom Kippur* is symbolic of the *Kohen Gadol*.

(4) A פר is an encouraging symbol. The *Gemara*¹²⁵ states that one who sees a bull in his dream should immediately recite the *Passuk*:

בכור שורו הדר לו וקרני ראים קרניו. בהם עמים ינגח
(דברים: ל"ג, י"ז).

*His first born is an ox. His horns are as large as antlers,
and with them he gores his enemies,*

lest he be charged with the other message of:

כי יגח שור איש את שור רעהו (שמות: כ"א, ל"ה).
If one ox gores another ox.

What does this *Gemara* mean? The Rav answered that the symbolism of פר (or שור) is a two-fold one, which contains an intrinsic antithesis:

(x) On the one hand, in ancient agricultural societies, the bull was the key animal on the farm and was used for plowing. It represented prosperity, opulence, energy, and physical strength;

(y) On the other hand, the bull is a destructive animal as well. It is a מזיק. Its horns are destructive.

(5) Opulence, energy, and physical strength can be both a source of blessing, as well as a source of destruction. This is the meaning of that *Gemara*. One who sees a bull in his dream should recite the *Passuk* of בכור שורו הדר לו, which represents the positive features of the bull. The message of the dream is that one should use his strength and opulence for positive and worthwhile

¹²⁵ See מסכת ברכות דף נ"ו ע"ב.

objectives and obtain beauty and grandeur. He should not abuse his energies for destructive objectives, symbolized by *כי יגח שור איש*.

(6) In other words, the bull has an intrinsic contradiction in that it has both positive and negative features. The *Torah* instructs the *Kohen Gadol* to offer a פָּר (bull) on *Yom Kippur*, since the *Kohen Gadol* was a powerful person, who could utilize his powers for constructive as well as for destructive purposes. *Chazal*, therefore, warned him not to abuse his abilities and strengths, and to use them to help the less fortunate. This is true of the *כֹּהֵן* and *אֵיל* as well.

The goat offered on *Yom Kippur* is symbolic of sin.

(7) The *שְׁעִיר*, however, is symbolic solely of חַטָּא. The goat is a negative symbol. It is not a very useful animal; it does not produce anything. It is largely destructive.¹²⁶ If they had exhibited the *שְׁעִיר* to the *Kohen Gadol*, it would unduly emphasize חַטָּא. They did not want to suggest anything negative to the *Kohen Gadol*, or to G-d forbid suggest that there is no hope for the Jews, that the Jews cannot be improved, or that they will never be forgiven.

The *Kohen Gadol* prayed for all Jews, regardless of their level of piety.

(8) The *Kohen Gadol* asked G-d for כַּפְּרָה for all Jews, even for the צְדוּקִים and those who rejected the *Torah* completely. He did not ask G-d to forgive only those Jews who excelled in piety. He asked G-d to forgive all Jews, regardless of their religious orientation. In order for the *Kohen Gadol* to enter the

¹²⁶ The Rav thought that this is why goats were offered for most קְרִבּוֹת חַטָּאוֹת.

and to beseech G-d for סליחה ומחילה for all Jews, knowing that religious Jews constituted a small minority, he had to be a great optimist, with unlimited faith in *Kllal Yisroel*. *Chazal* were afraid that if he noticed the שעיר, which is a negative animal, then חלשה דעתיה, he would possibly despair of his mission and lose faith in *Kllal Yisroel*. There is always hope for *Kllal Yisroel*. They can turn around and change in a single day. *Chazal* did not want the *Kohen Gadol* to give up hope.

(9) In the Rav's opinion the Scholars read ספר עזרא to the *Kohen Gadol* on *Yom Kippur* night in order to encourage him and show him how *Ezra* changed the people. Even though the Jews declined in the days of *Ezra* and intermarried and assimilated to such a large extent, nonetheless, because of *Ezra*'s courage, they overcame this and were transformed into the עם הנבחר. The individual can accomplish miracles. One person can alter history with the strength and commitment of his message.¹²⁷

(10) This thought is also expressed in the סדר העבודה of אמין כח which states:

נגה תשיעי יעמידוהו בשער קדים, נוי זבחי יום לפניו יעבירו.
 עייכ.
*On the morning of the ninth day they would stand the
 Kohen Gadol on the Eastern Gate, and the beautiful
 Karbanos of the day would be brought before him.*

¹²⁷ The Rav recalled that before the Second World War, over seventy five percent of European Jewry was observant. Only a small minority was non-observant. Now, over ninety percent of American Jews are not observant at all.

The phrase נוי זבחי יום, *the beautiful Karbanos*, is to the exclusion of the שעיר, which is ugly in the extreme.

[X] THE OATH ADMINISTERED TO THE KOHEN GADOL.

The divergent opinions regarding the identity of the persons who administered the oath.

(1) The *Mishnah* writes as follows:

מסרוהו זקני בית דין לזקני כהונה והעלוהו לבית אבטינס
(מסכת יומא דף י"ח ע"ב).

After the Kohen Gadol reviewed the animals with the Elders of the Sanhedrin on the Eastern Gate, he was entrusted to the Elders of the Kohanim, who brought him to the special room in which the incense was prepared.

This event apparently occurred on *Erev Yom Kippur*. The Elders of the *Sanhedrin* reviewed the animals with the *Kohen Gadol* on the Eastern Gate. They then entrusted him to the Elders of the *Kohanim* who, in turn, took the *Kohen Gadol* to the בית אבטינס in order to teach him the קטורת in ritual. It is unclear why they delayed teaching the most complex portion of the *Avodah* until *Erev Yom Kippur*.

(2) The *Mishnah* continues:

השביעוהו ונפטרו והלכו להם ואמרו לו אישי כהן גדול אנו
שלוחי בית דין ואתה שלוחנו ושליח בית דין. משביעין אנו
עליך במי ששכן שמו בבית הזה שלא תשנה דבר מכל מה
שאמרנו לך (שם).

*They administered an oath to the Kohen Gadol as follows:
"We are agents of the Sanhedrin, and you are our agent,
and an agent of the Sanhedrin. Swear by G-d who resides
in this Temple that you will not deviate from our
instructions in the performance of the Avodah."*

The *Mishnah*, is seemingly, contradictory. On the one hand, the *Mishnah* states that the זקני כהונה, the *Elders of the Kohanim*, who taught him the correct method of offering the קטורת, also administered the oath. On the other hand, the *Mishnah* identifies the ones who administered the oath as agents of the *Sanhedrin* (אנו שלוחי בית דין), which implies that the זקני בית דין, who had previously accompanied the *Kohen Gadol* during his review of the animals on the Eastern Gate, and who had then entrusted him to the זקני כהונה, *Elders of the Kohanim*, were the ones who actually administered the oath.

(3) The Rav suggested that the word והעלוהו is to be understood in the sense of כדי להעלות אותו, *for the express purpose of taking him (to the אבטינס room)*. Thus, the *Mishnah* means:

מסרוהו זקני בית דין לזקני כהונה והעלוהו לבית אבטינס
 והשביעוהו וכו',
The Elders of the Sanhedrin entrusted him to the Elders of the Kohanim in order that they (in turn) take him to the room of אבטינס. But, before departing, the Elders of the Sanhedrin administered the oath.

Thus, it was the זקני בית דין who administered the oath.

The *Rambam* omits all references to the *Elders of the Kohanim*.

(4) The *Rambam*¹²⁸ does not mention the זקני כהונה at all, and implies that the זקני בית דין administered the oath. The *Rambam* deletes all references to

¹²⁸ See פרק אי הלכה זי.

the זקני כהונה, and does not mention who taught the *Kohen Gadol* the details of the קטורת service.¹²⁹

(5) In אמץ כח, the זקני כהונה appear as the ones who administered the oath:

סבי שבטו...סמים בפנים אותו ישביעו.
The elders of his tribe... caused him to swear regarding the קטורת service.

In אתה כוננת, on the other hand, it says that both the זקני בית דין and the זקני כהונה attended to the *Kohen Gadol* during the seven days of פרישה, and that they both administered the oath as well. It reads:

זקני עם וחכמי אחיו הכהנים...משביעין אותו.
The Elders of the people and the Elders of the Kohanim caused him to swear.

This is seemingly inconsistent with the *Mishnah*.

The purpose of the oath.

(6) Why is the שבועה, *oath*, necessary? If the *Kohen Gadol* was a צדוקי, and believed that the קטורת should be spread on the pail at the time that he stands in the היכל, prior to entering the קודש הקדשים,¹³⁰ the oath would be in

¹²⁹ The Rav pointed out that in the המשנה, פירוש המשנה, the *Rambam* writes that, according to those who maintain that the קטורת was not a difficult task, it was unnecessary for the *Kohen Gadol* to be taken to the אבטינס room for special instruction. See also מהר"י קורקוס פ"א ח"י.

¹³⁰ The controversy between the צדוקים and פרושים regarding the קטורת ritual is discussed at length in Paragraph XXIV.

violation of a *Mitzvah*, and would be invalid.¹³¹ The Rav did not provide an answer to this question in this *Shiur*.

The tension between the principles of *לוקה בחושד בכשרים* and *כבדהו וחשדהו*.

(7) The *Mishnah* relates that, after administering the oath, both the Elders and the *Kohen Gadol* went to the side and cried. The *Kohen Gadol* cried because he had come under suspicion. The Elders cried because they may have incorrectly suspected a righteous person, and,

החושד בכשרים לוקה (מסכת שבת דף צ"ז ע"א).
One who wrongfully accuses an innocent person will be punished.

(8) The גר"מ¹³² once told the Rav that, *prima facie*, there is an inconsistency between the rule of:

החושד בכשרים לוקה,

and the other rule of:

לעולם יהיו כל אדם בעיניך כלסטים וכבדם כרבן גמליאל
[כבדהו וחשדהו] (מסכת כלה רבתי פרק ח' משנה א').
One must honor a stranger, and, at the same time, be wary of him.

Thus, for example, if a stranger stays in one's house, one must receive him as he would *Rabbi Gamliel*, the נשיא. At the same time, he should lock all of his drawers, and not leave the stranger alone in the house.

¹³¹ The *Gemara* says:

נשבע לבטל את המצוה אינו שבועה (מסכת שבועות דף כ"ה ע"ב).

¹³² See מסורה חוברת י"ב עמוד נ"ג (אות ט').

How does this advice reconcile with that of *החושד בכשרים לוקה*?

The *גר"מ* answered that the rule of *החושד בכשרים לוקה* applies only retroactively (*לעבר*), and not prospectively (*להבא*). One has the right to refuse to lend money to a stranger without a Note. This does not violate the rule of *החושד בכשרים לוקה* since that rule does not prevent one from taking measures to protect himself from future harm. With regard to the future, there is no rule of *החושד בכשרים לוקה*. On the other hand, one cannot accuse another of having done something wrong. This is *לעבר*, and is violative of *החושד בכשרים לוקה*.

(9) The Rav, however, was dissatisfied with this interpretation. For example, a stranger comes to one's house and the owner locks the drawers. That act itself speaks of the owner's suspicions of the stranger's integrity, and his fears that the stranger has stolen in the past. There would be no need to lock the drawer at all if the owner thought that the stranger was honest. Yet, this is permitted under the principle of *כבדהו וחדשהו*, since it is directed towards prospective conduct.

Furthermore, if this is indeed the case, why does the *Gemara* say that the administration of the oath (that the *Kohen Gadol* perform the *Avodah* correctly), violates the principle of *החושד בכשרים*? Doesn't the oath relate to prospective conduct, and not to the *Kohen Gadol's* past performances?

(10) The Rav explained that the Elders were not only concerned about the *Kohen Gadol's* performance of the *Avodah*. They were concerned about his

religious orientation in general, and whether he was a צדוקי. The oath was designed to reveal his affiliation.

Moreover, apparently, the principle of החושד בכשרים לוקה is suspended when it involves the entire *Kllal Yisroel*. In such a case, one should not suppress his suspicion, and should take all steps to ensure that *Kllal Yisroel* be protected. When *Kllal Yisroel* is exposed to danger, one must protect her, even at the expense of suspecting innocent people.

(11) The *Piyut* of אתה כוננת states that they administered the oath:

שמא יש בלבו צד מינות,
since the Kohen Gadol may be a non-believer.

The *Piyut* states that they would tell the *Kohen Gadol*:

ראה לפני מי אתה נכנס, למקום אש להבת שלהבת. קהל
עדתנו עליך יסמוכו. ועל ידך תהא סליחתנו.
*Beware, you are about to enter a place of fire. The
Community relies on you, and our forgiveness lies in your
hands.*

There is no corroborating source for this speech.

[XI] THE COMPOSITION OF THE FOUR בגדי לבן.

The בגדי לבן worn in the morning were costlier than those worn at night.

(1) The *Mishnah* relates:

בשחר היה לובש פלוסין של שנים עשר מנה ובין הערביים
הנדויין של שמונה מאות וזו דברי רבי מאיר. וחכמים אומרים
בשחר היה לובש של שמונה עשר מנה ובין הערביים של שנים
עשר מנה, הכל שלשים מנה (משנה מסכת יומא דף ל"ד ע"ב).
*In the morning the Kohen Gadol would wear linen clothes
which cost twelve hundred talents of silver, and in the
evening, clothes which cost eight hundred zuzim. This is*

Rabbi Meir's opinion. The Rabbis disagreed. They maintained that the value of the morning clothes was eighteen hundred talents of silver, and that of the evening clothes was twelve hundred talents of silver, for a total of three thousand talents of silver.

(2) The clothes worn בין הערביים were cheaper, since they were used for only one עבודה (i.e. the removal of the קטורת של קטורת). Those used in the morning were more expensive since the primary חובות היום were performed while wearing those clothes during the טבילה שניה. The fact that the first phase of the *Avodah* was more intense and exalted than the second phase performed in the evening was reflected in the value of the כהונה בגדי.

(3) The *Rambam* rules:

ושתי כתנות אחרות היו לו לכהן גדול ביום הכפורים.
אחת לובשה בשחר ואחת בין הערביים. ושתיהם
בשלשים מנה בשקל הקודש (פ"ח מהלכות כלי המקדש
ה"ג).

The Kohen Gadol had two shirts, each weighing three thousand talents of silver, one of which he wore on Yom Kippur morning, and the other of which he wore on Yom Kippur evening.

The obvious questions which arise are that the *Rambam* rules that only the value of the כתונת, *shirt*, differed from that of the other three בגדים.¹³³ The other בגדים were of equal value both by morning and by night. Furthermore, he rules

¹³³ The *Shemoneh Esrei Tefillah* answers that this was so since the כתונת was worn by the *Kohen Gadol* in order to atone for the sin of מכירת יוסף, during which crime they spilt blood on the כתונת of Joseph. He explains the phrase in the *Shemoneh Esrei Tefillah* כי אתה סלחן לישראל ומחלן לשבטי ישראל. The *Shemoneh Esrei Tefillah* refers to the sins committed against G-d while the ומחלן לשבטי ישראל refers to the crime committed by the twelve sons of Jacob (who are the שבטי ישראל) by selling Joseph. [Editor's Note]

that both כתנות were of equal value, even though both views cited in the *Mishnah* maintain that the morning garments were more expensive than the evening garments. Finally, why doesn't the *Rambam* cite this rule in הלכות עבודת יום הכפורים, together with all of the rules relating to the *Avodah* of *Yom Kippur*? Why does he only cite it in the laws pertaining to the Priestly Garments?

The difference in value of the בגדי כהונה worn on *Yom Kippur* is a function of deference to the *Kohen Gadol* and not a function of the *Avodah*.

(4) The Rav answered that the difference in the value of the clothes is not a *Kiyum* of *Avodos Yom Kippur*. Rather, it is a *Kiyum* of כבודו של כהן גדול, *in deference to the dignity of the Kohen Gadol*. The *Kohen Gadol* must be singled out for honor and respect, and wearing expensive clothes was a mark of respect. The protocol for so treating a *Kohen Gadol* is set forth in that chapter. The expensive clothes are just one more facet of that protocol. Thus, a *Kohen Gadol* who elected to forego this display of exhibitionism and perform the *Avodah* on *Yom Kippur* with ordinary linen clothes could do so.

It is for this reason that the *Rambam* lists it among the laws relating to the conduct of the *Kohen Gadol*, his singular status, and the manner in which he must be treated, and not in the *Halachos* of יום הכפורים.

The proof for this is that this law does not apply to the other three בגדי לבן. Had this rule been predicated on a *Kiyum* of *Yom Kippur*, it would apply to all four בגדי לבן. The fact that it applies only to the כתנות is indicative that it constitutes a *Kiyum* of כבודו של כהן גדול, *according deference to the Kohen*

Gadol. It was limited to the כתונת, since the כתונת was the most visible of the four garments and the one most noticed by observers.

[XII] A GLOBAL VIEW OF THE יום הכפורים עבודות.

The five stages of the *Avodah* of *Yom Kippur*.

(1) According to the *Rambam*, the *Avodah* of *Yom Kippur* was performed in the following order, each preceded by one of the five טבילות, immersions:

(a) First טבילה:

The *Kohen Gadol* removed his regular clothes, immersed in the *Mikvah* (i.e. the טבילה ראשונה), donned the eight בגדי זהב, washed his hands and feet, offered the תמיד של שחרית, lit the *Menorah*, offered the bull and seven sheep of the *Mussaf*, washed his hands and feet, and removed the eight בגדי זהב.

(b) Second טבילה:

The *Kohen Gadol* immersed in the *Mikvah* (i.e. the טבילה שניה), donned the four בגדי לבן, washed his hands and feet, recited his personal וידוי on his bull (offered as a חטאת), performed the lottery on the two goats, recited וידוי (for the other *Kohanim*) on his bull, slaughtered the bull, gathered coals from the מזבח, החיצון, scooped a palm-full of קטורת into a spoon, brought the קטורת and coals into the קודש קדשים, sprinkled the blood of the bull in the קודש קדשים, slaughtered the goat, sprinkled its blood in the קודש קדשים, sprinkled the bloods of the bull and goat on the פרוכת and מזבח פנימי, recited וידוי (for the Jewish

people) on the second goat, sent the goat to the desert, read the *Torah*, washed his hands and feet, and removed the four בגדי לבן.

(c) Third טבילה:

The *Kohen Gadol* immersed in the *Mikvah* (i.e. the טבילה שלישית), donned the eight בגדי זהב, washed his hands and feet, offered the ram of the *Mussaf*, his personal ram, and the חטאת goat of the *Mussaf*, burnt the innards of the goat and bull on the מזבח החיצון, offered the בין הערבים של תמיד, ¹³⁴ washed his hands and feet, and removed the eight בגדי זהב.

(d) Fourth טבילה:

The *Kohen Gadol* immersed in the *Mikvah* (i.e. the טבילה רביעית), donned the four בגדי לבן, washed his hands and feet, removed the spoon and the pail of coals from the קודש קדשים, washed his hands and feet, and removed the four בגדי לבן.

(e) Fifth טבילה:

The *Kohen Gadol* immersed in the *Mikvah* (i.e. the טבילה חמישית), donned the eight בגדי זהב, washed his hands and feet, offered the evening קטורת, lit the *Menorah*, washed his hands and feet, removed the eight בגדי זהב, and donned his own clothes.

The tradition that the *Kohen Gadol* immerse himself five times on *Yom Kippur*.

¹³⁴ This is the subject of a dispute between *Rashi* and the *Rambam*. See, *infra*, Paragraph xxx, 8-11.

(2) There is an הלכה למשה מסיני which requires the *Kohen Gadol* to engage in five טבילות and ten קידושי ידים ורגלים on *Yom Kippur*.¹³⁵ A literal reading of the *Passukim* in פרשת אחרי מות would yield only three טבילות and six קידושי ידים ורגלים.¹³⁶ However, since *Chazal*¹³⁷ had a tradition of an הלכה למשה מסיני that five טבילות and ten קידושי ידים ורגלים were required, they altered the order of the *Passukim* and deferred the removal of the spoon and pail from the קודש קדשים by the *Kohen Gadol* until after the balance of the *Mussaf* and the two rams were offered (in the third series).

¹³⁵ As noted, certain *Avodos* were performed by the *Kohen Gadol* while wearing the eight בגדי זהב, and others while wearing the four בגדי לבן. The טבילות, *immersions in the Mikvah*, were performed each time he removed one set of garments, prior to donning another set of garments. Similarly, after donning any set of garments, and prior to removing any set of garments, the *Kohen Gadol* washed his hands and feet (i.e. קידוש ידים ורגלים) from a שרת כלי.

¹³⁶ The *Torah* lists the order of the *Karbanos* as follows:

- (A) תמיד של שחר ומוסף
- (B)
- 1. וידוי פר
- 2. גורלות על השעירים
- 3. וידוי שני על הפר
- 4. שחיטת פר
- 5. קטורת לפני ולפנים
- 6. זריקת דם פר
- 7. שחיטת שעיר
- 8. זריקת דם שעיר
- 9. וידוי שעיר המשתלח
- 10. הוצאת כף ומחתה

(C) אילו ואיל העם, שעיר חיצון של מוסף, אימורי פר ושעיר, תמיד של בין הערבים, קטורת ומנורה וכו'.

These can be performed in three טבילות, since stages "A" and "C" are performed with the בגדי זהב, and stage "B" is performed with the בגדי לבן. To accommodate two additional טבילות, *Chazal* deferred the removal of the כף ומחתה (which was performed with לבן בגדי), until after the offering of the אילו ואיל העם וכו' (which was performed with זהב בגדי), and the lighting of the מנורה until after the removal of the כף ומחתה, thereby necessitating two more טבילות. See Footnote 138 for other details regarding this enigma.

¹³⁷ See מסכת יומא דף ל"ב ע"א.

(3) The Gemara reads as follows:

תנו רבנן: ובא אהרן אל אוהל מועד (ויקרא: ט"ז, כ"ג). למה הוא בא? אינו בא אלא להוציא כף ומחתה. שכל הפרשה כולה נאמרה על הסדר חוץ מן הפסוק הזה. מאי טעמא? גמירי חמש טבילות ועשרה קידושין טובל כהן גדול ומקדש בו ביום. ואי כסדרן לא משכחת לה אלא שלש טבילות וששה קידושין (מסכת יומא דף ל"ב ע"א).

The Rabbis learned: The Passuk states that Aaron came to the Ohel Moed.¹³⁸ What was the purpose of this entry to the Ohel Moed? The Rabbis answered that he entered the Ohel Moed in order to remove the spoon and pail (of the קטורת) from the Holy of Holies. The entire Parsha is written in the sequential order of the Avodos performed, with the exception of this one. The Rabbis deduced that it was out of sequence since, otherwise, there would be only three immersions and six washings, and the Rabbis had a tradition that there were five immersions and ten washings.

¹³⁸ This *Passuk* was interpreted as describing Aaron's removal of the spoon and pan (of קטורת) from the Holy of Holies. The *Passuk*, thus, means that Aaron came to the אוהל מועד, to remove the spoon and pan (of קטורת), and, following that, he removed the לבן, immersed himself in the *Mikvah*, and donned the eight בגדי זהב for the offering of the two rams and the חטאת goat.

The difficulty was that this *Passuk* was inserted among the *Avodos* performed during the second טבילה (i.e. the offering of the bull and goat, the קטורת and the וידוי שעיר, etc.) in which the *Kohen Gadol* wore the four לבן. If this is so, and the removal of the spoon and pail of קטורת was accomplished in the second טבילה, then the remainder of the *Avodos*, which relate to the two rams and the evening תמיד, the lighting of the *Menorah* and the offering the evening קטורת, all of which were performed while wearing the eight בגדי זהב, could all be performed during the third טבילה. This would be contrary to the tradition that there were five טבילות.

The Rabbis, thus, rearranged the order of the *Avodos* to accommodate this tradition. They stipulated that the removal of the spoon and pail be deferred until after the *Avodos* performed during the third טבילה, and that the lighting of the *Menorah* and the offering of the evening קטורת should not be performed until after the removal of the spoon and pail. They reasoned that since the offerings of the third טבילה were performed while wearing the eight בגדי זהב, the *Kohen Gadol* is required to remove the בגדי זהב, immerse a fourth time to don the four לבן, and remove the spoon and pail. He would then remove the לבן, immerse himself for the fifth time, don the eight בגדי זהב, light the *Menorah*, and offer the evening קטורת. Thus, the tradition of five טבילות would be preserved.

טבילות and the other טבילה and the first distinction between the first

(4) The *Rambam*, however, rules that the first טבילה need not be performed in the *Bais HaMikdash*, since the first טבילה is primarily designed to remind the *Kohen Gadol* of any prior contacts which he may have had with טומאה, *unclean items*, and to enable him to specifically intend to purge that טומאה by immersing in the *Mikvah*.¹³⁹ He writes:

כל הטבילות האלו והקידושין כולן במקדש, שנאמר ורחץ את
בשרו במים במקום קדוש, חוץ מטבילה ראשונה שהוא רשאי
לטבול אותה בחול שאינה אלא להוסיף כוונתו (פ"ב מהלכות
עבודת יום הכפורים ה"ג).

*All of the immersions and all of the washings of the hands
and feet were performed within the Temple, as it is
written, "He should wash in a holy place," with the
exception of the first immersion, which could be
performed outside of the Temple.*

The simple explanation of the *Rambam's* ruling is that the first טבילה is not מן התורה, *not Pentateuchally mandated*. Thus, it can be performed outside of the *Bais HaMikdash*.

This is inconsistent with the *Gemara's* assertion that all of the טבילות are derived from הלכה למשה מסיני. Why, then, did the *Rambam* permit the *Kohen Gadol* to perform the first טבילה outside of the *Bais HaMikdash*?

¹³⁹ טומאה can only be removed by טבילה if the person intended to cleanse himself of that טומאה by immersing himself (i.e. טבילה בכוונה). See *Chagiga* 18b and קונטרס עבודת יום הכפורים עמוד כ"ה-כ"ו.

(5) In order to answer this, the Rav first explained the obligation of *טבילה* and *קידוש ידים ורגלים*. The *Gemara*, apparently, maintains that the act of changing to *בגדי קודש* is *מחייב*, *precipitates*, the obligation to engage in *טבילה*, *immersion*. They deduce this from the *Passuk* which states:

בגדי קדש הם ורחץ במים את בשרו ולבשם (ויקרא: ט"ו, ד').
These are holy clothes, and he should immerse his body in water and wear them.

In other words, the obligation of *ורחץ במים* (i.e. *immersion*) is precipitated only at such time as *ולבשם*, when he seeks to wear the *בגדי קדש*. However, if he does not change his clothes, there is no concomitant obligation of *ורחץ במים*.

The *Rambam* maintains that *immersion* is required only after removing the *בגדי קודש*.

(6) The *Rambam* does not agree with this interpretation that *טבילה* is precipitated solely by the *Kohen Gadol's* intent to wear the *בגדי קודש*. The *Rambam* focuses on another *Passuk* which also deals with the *Kohen Gadol's* obligation to immerse himself on *Yom Kippur*, but which imposes that obligation with respect to *בשיטה*, *removing the garments*, as well. It reads:

ופשט את בגדי הבד אשר לבש בבואו אל הקודש ורחץ את בשרו במים במקום קדוש (שם, כ"ג).
He shall remove the clothes which he wore when entering the Holy of Holies, and should immerse his body in a holy place.

The *Rambam* interprets this latter *Passuk* as dictating that *טבילה*, *immersion*, is only required if there is a change of *בגדי קודש* (i.e. if the *טבילה* is both preceded by his removing the *בגדי קודש* and followed by his donning another set of *בגדי*

פשיטת בגדי קודש). However, טבילה is not required if it is not preceded by פשיטת בגדי קודש, removing the holy garments. The *Rambam*, therefore, concludes that since, prior to the first טבילה, the *Kohen Gadol* wore his ordinary clothes (i.e. בגדי חול), that טבילה, which is not preceded by פשיטת בגדי קודש, is not Pentateuchally mandated.

Hence, the *Rambam* maintains that four טבילות are mandated מן התורה. The first טבילה is only מדרבנן. The מוחייב of the four טבילות is פשיטה and לבישה. Each of פשיטה and לבישה, individually, precipitates an obligation of קידוש ידים, washing the hands and feet; however, the pairing of פשיטה and לבישה precipitates an obligation of טבילה, immersion. The first טבילה, which is not preceded by פשיטה is, thus, מדרבנן.

The origin of the tradition that the *Kohen Gadol* engage in five טבילות.

(7) The difficulty with the *Rambam's* view is that it is seemingly inconsistent with the *Gemara's* assertion that all five טבילות are mandated by a הלכה למשה מסיני, a *Masoratic Tradition*.

(8) The Rav explained¹⁴⁰ that the *Rambam* relies on another statement of the *Gemara* which implies that the first טבילה is only מדרבנן.

The *Gemara* reads:

חמש טבילות טובל כהן גדול בו ביום וכולן בקודש חוץ מזו בלבד.

¹⁴⁰ See, קונטרס עבודת יום הכפורים עמי כ"ה, for a different explanation (i.e. that the four טבילות comprise part of the עבודת היום while the first טבילה is linked to a special requirement of טהרה limited to *Yom Kippur*). [Editor's Note].

שאלו את בן זומא טבילה זו למה? אמר להם שמשנה בקודש. ר' יהודה אומר סרך טבילה היא כדי שיזכור טומאה ישנה שבידו ויפריש.

במאי קמפלגי? למיקם בעשה. לבן זומא קאי בעשה, לרב יהודה לא קאי בעשה (מסכת יומא דף ל"א ע"ב).

The Kohen Gadol immersed five times on Yom Kippur. All immersions, except for the first one, were performed in the Temple.

Ben Zoma was asked, why could the first immersion be performed outside of the Temple? He replied because it was directed at his entry into the Temple. Rabbi Yehuda replied that it was in order to remind him of any impurities.

The difference between these two views is whether there is an affirmative Mitzvah to engage in the first immersion.

According to Ben Zoma, there is a Mitzvah to perform the first immersion, while according to Rabbi Yehudah, there is no such obligation.

(9) The phrase לא קאי בעשה can be interpreted in one of two ways. It

can be interpreted to mean that there is no עשה which mandates the first טבילה, since the first טבילה is only מדרבנן. Alternatively, לא קאי בעשה can be interpreted to mean that, in contradistinction to the other טבילות which are explicitly required (following פשיטה ולבישה) by the *Passuk* of:

ורחץ את בשרו במים במקום קדוש,

this טבילה is not explicitly mandated by a specific *Passuk*. Nonetheless, the טבילה is Pentateuchally mandated, albeit one which is not explicitly formulated. In other words, לא קאי בעשה means לא קאי בעשה מפורשת. Thus, since it is not mandated by an express *Passuk*, it can be performed outside of the *Bais HaMikdash*.

The other טבילות serve to sanctify the *Kohen Gadol*.

(10) What is the rationale of the latter interpretation that the first טבילה is Pentateuchally mandated, yet, it need not be performed in the *Bais HaMikdash* proper?

The Rav answered that the rationale is that the first טבילה is required because of a change in status, namely, from טומאה to טהרה, from חוץ to פנים, and to alert him to prior טומאות. In truth, the *Gemara*¹⁴¹ requires that every person immerse himself prior to entering the *Bais HaMikdash*.

The other four טבילות, on the other hand, are performed from קודש to קודש. The first טבילה is מטוהר, *purifies* the *Kohen Gadol*; the other four טבילות are מקדש, *sanctifies* the *Kohen Gadol*. The other four טבילות cannot be ascribed to טהרה, since the *Kohen Gadol* was already נטוהר, *purified*, after the first טבילה.

Thus, they must serve only as a מקדש, to sanctify the *Kohen Gadol* as he was elevated by each *Avodah* to increasingly higher levels of *Kedusha*. In this respect, it is from קודש to קודש, similar to קידוש ידים ורגלים which also serve to continuously sanctify the *Kohen Gadol* (and are not for טהרה purposes).

(11) Based upon this, the Rav explained the *Mishnah*¹⁴² which states that the people heard the name of G-d uttered by the *Kohen Gadol* with קדושה

¹⁴¹ מסכת יומא דף ל' ע"א

¹⁴² והכהנים וזעם היו שומעין את השם יוצא מפי כהן גדול בקדושה ובטהרה (מסכת יומא דף פ"ו ע"א)

טהרה, *sanctity and purity*. The *Mishnah* does not refer just to the *Kohen Gadol's* state of mind. The טהרה וקדושה that is ascribed to the *Kohen Gadol* refers to his status after the first טבילה of טהרה, and after the other טבילות of קדושה.¹⁴³

[XIII] THE REQUIREMENT OF קידוש ידים ורגלים.

According to the חכמים, the קידוש ידים ורגלים serve as an additional לכהונה מכשיר.

(1) The *Gemara* states that, on *Yom Kippur*, the *Kohen Gadol* is obligated to wash his hands and feet ten times. This is derived from an הלכה למשה מסיני, *Masoratic Tradition*. The question arises, when are these ten washings conducted?

The חכמים¹⁴⁴ rule that the *Kohen Gadol* is required to engage in קידוש ידים ורגלים both prior to removing one set of כהונה and after putting on the next set of כהונה. According to the חכמים, the קידוש ידים ורגלים cannot take place while the *Kohen Gadol* is naked.

What is the rationale for this view?¹⁴⁵

¹⁴³ The reason why the *Mishnah* did not write בטהרה ובקדושה to correspond with the sequential order of the טבילות, is explained in שיעורים לזכר אבא מארי חייב עמוד קס"ט.

The *Rambam* often uses the term בקדושה ובטהרה to describe the שמות שאינן נמחקין. See, for example,

פרק ו' מהלכות יסודי התורה הלכה א'; שיעורים לזכר אבא מארי חייב עמוד קס"ד.

[Editor's Note]

¹⁴⁴ See משנה מסכת יומא דף ל"א ע"ב.

¹⁴⁵ See חדושי מרן ר"ז הלוי על הרמב"ם עמוד 100; קונטרס עבודת יום הכפורים עמוד כ"ז. [Editor's Note]

(2) The Rav explained that there are two different types of קדושת כהונה:

(x) Firstly, there is a קדושת כהן בגבולין טומאה, which expresses itself in איסורי נשים and בגדי כהונה, since it relates to his functions outside the *Bais HaMikdash*.

(y) Secondly, there is also a special קדושת כהן במקדש which qualifies the *Kohen* to perform the *Avodah* in the *Bais HaMikdash*. This special dimension of קדושת כהונה is attained only at such time as the *Kohen Gadol* actually wears the בגדי כהונה. It dissipates as soon as he removes the בגדי כהונה.¹⁴⁶

As a matter of fact, the *Rambam* states:

מחוסר בגדים הוי כזר ששמש (פ"י מהלכות כלי המקדש הלכה ד').

A Kohen, without the בגדי כהונה has the same status as a Non - Kohen, and both are disqualified from serving in the Bais HaMikdash.

This refers only to קדושת כהן במקדש, and vis a vis that special *Kedusha*, a *Kohen* without the בגדי כהונה is the equivalent of a זר, a *non-Kohen*. However, with regard to קדושת כהן בגבולין, there is no difference between a *Kohen* who wears the בגדי כהונה and one who does not.

¹⁴⁶ It seems that the *Kohanim* would recite *Birchas Kohanim* in the *Bais HaMikdash* while wearing the בגדי כהונה because there is an additional *Kiyum* of במקדש כפים, derived from נשיאת כפים, derived from וישא אהרן את ידיו ויברככם. This additional *Kiyum* can only be performed by a *Kohen* who is invested with קדושת כהן במקדש.

(3) The חכמים maintain that קידוש ידים ורגלים serve as a special *Kohen Gadol* further and enable him to perform the *Avodos Yom Hakippurim*. Just as wearing בגדי כהונה are vital to endowing a regular *Kohen* with קדושת כהן במקדש, so, too, the קידושי ידים ורגלים serve to endow the *Kohen Gadol* with the special קדושת כהן (גדול) במקדש required to allow him to perform the *Avodos Yom Hakippurim*. Thus, it must take place only when the *Kohen Gadol* is already endowed with the regular קדושת כהן במקדש, and this occurs only when the *Kohen Gadol* is dressed with the בגדי כהונה. The חכמים, therefore, maintain that קידוש ידים ורגלים is performed before the *Kohen Gadol* removes the בגדי כהונה, and after he dons the next set of בגדי כהונה. The *Kohen Gadol* must be endowed with the regular קדושת כהן במקדש in order to obtain this additional measure of *Kedusha* relating to the performance of the *Avodos Yom Hakippurim*. This occurs only when he wears the בגדי כהונה.

According to רבי מאיר, the קידוש ידים ורגלים is precipitated by the act of donning the next set of Priestly Garments.

(4) The *Gemara* quotes the view of רבי מאיר who disagrees with the חכמים as to the procedure of the קידוש ידים ורגלים. They write:

ר' מאיר אומר פשוט (בגדי לבן) קדש ידיו ורגליו וטבל. ולבש וקדש (בגדי זהב) ידיו ורגליו (שם).
Rabbi Meir rules that the Kohen Gadol would remove his clothes, wash his hands and feet, and then immerse himself. He would then put on the next set of clothes and again wash his hands and feet.

Though רבי מאיר concurs with the חכמים that the purpose of קידוש ידים is to endow the *Kohen Gadol* with a special במקדש (גדול) קדושת כהן, nonetheless, he disagrees as to what triggers the obligation to engage in קידוש ידים ורגלים. רבי מאיר maintains that the act of לבישה, *donning the Priestly Garments*, is מחייב both sets of ידים ורגלים. Hence, the *Kohen Gadol* cannot perform קידוש ידים ורגלים, except in anticipation of donning another set of clothes.¹⁴⁷ He, thus, rules that the *Kohen Gadol* would remove his clothes, wash his hands and feet (i.e. קידוש ידים ורגלים), immerse himself in the *Mikvah*, don the new clothes, and then, again, wash his hands and feet.

רבי מאיר maintains that it would be an inherent contradiction if the *Kohen Gadol* would wash his hands and feet in anticipation of donning the next set of garments, while still wearing the old set of garments! The *Kohen Gadol* cannot wash his hands and feet in order to put on the בגדי לבן if he is still wearing the בגדי כהונה.

In other words, according to רבי מאיר, both sets of ידים ורגלים relate to the לבישה (i.e. to the next set of garments which he dons), and are, thus, performed immediately prior to, and subsequent to, their placement on the *Kohen Gadol*.

¹⁴⁷ In מסורה חוברת י"ב עמוד נ"ג (אות י"א) the Rav writes that donning and removing the בגדי לבן is a *Kiyum Mitzvah*.

(5) The חכמים disagree. They maintain that one of the קידושי ידים is precipitated by פשיטה, *removing one set of clothes*, and the other by לבישה, *donning the next set of clothes*. They therefore rule that the *Kohen Gadol* would engage in קידוש ידים ורגלים prior to removing one set of garments, and a second time after donning the new set of garments.

[XIV] THE AVODOS OF THE FIRST טבילה.

The offering of the תמיד של שחר.

(1) After immersing himself for the טבילה ראשונה, the *Kohen Gadol* donned the eight בגדי זהב and washed his hands and feet.

(2) The first *Karban* offered was the תמיד של שחר. The *Kohen Gadol* slaughtered both the morning (and evening) תמידים. The *Rambam* writes:

ושוחט את התמיד רוב שנים ומניח אחר לגמור השחיטה
ומקבל את הדם (פרק ד' מהלכות עבודת יום הכפורים ה"א).
*He slaughtered the Karban of the Tamid, and he caught
the blood in the pail.*

The *Rambam* maintains that the *Kohen Gadol* must perform every facet of each *Avodah* performed on *Yom Kippur*. This includes שחיטה, *slaughtering*, even though שחיטה is not an *Avodah* and could normally be performed even by a non-*Kohen*.¹⁴⁸ The Rav noted that the requirement that the *Kohen Gadol* slaughter each animal is probably מדרבנן.

¹⁴⁸ The *Gemara* often writes:

שחיטה לאו עבודה היא (מסכת זבחים דף ל"א ע"ב).
Similarly, the *Rambam* rules that it is only preferable that the *Kohen Gadol* slaughter all of the *Karbanos* offered on *Yom Kippur*. He writes:

This was then followed by קבלת הדם, *catching the blood of the תמיד into a pail*, which must be performed by the *Kohen Gadol*, since it is an *Avodah*.

The first portion of the *Mussaf* offered during the first טבילה constitutes a *Kiyum Yom Tov*.

(3) Following this, the *Kohen Gadol* offered certain of the *Mussaf* sacrifices. The *Rambam* rules:

ואחר התמיד מקריב הפר ושבעת כבשים של מוסף היום (שם).
After offering the Karban Tamid, he offered the bull and seven sheep of the Mussaf.

Other *Tanaim* disagree and rule that the *Mussaf* was offered only after the completion of the חובות היום (i.e. in the third טבילה).¹⁴⁹

The *Mussaf* ram and goat were not offered in the first טבילה since they are part of the חובות היום.

(4) The balance of the *Mussaf*,¹⁵⁰ namely, the ram and שעיר הנעשה בחוץ were not offered at this stage. They were offered in the third טבילה. The *Rambam* maintains that there is a distinction between the שעיר הנעשה בחוץ and the *Mussaf* ram, on the one hand, and the other animals of the *Mussaf*, on the other hand. The bull (פר) and seven sheep (שבעה כבשים) of the *Mussaf* were not offered together with the *Mussaf* ram nor with the *Mussaf* goat (i.e. the שעיר בחוץ).

וכן פר כהן גדול ביום הכפורים, אם שחטו זר כשר (פרק א' מהלכות פסולי המוקדשין ה"ב).
See קונטרס עבודת יום הכפורים עמוד כ"ט [Editor's Note]

¹⁴⁹ See Yoma 70a.

¹⁵⁰ The *Mussaf* consisted of one bull, one ram, seven sheep, and one goat (i.e. the שעיר חטאת בחוץ). (הנעשה בחוץ).

(הנעשה בחוץ). This is based on the *Gemara*¹⁵¹ which explains that the *Passuk* in פרשת אחרי מות¹⁵² specifically directs that the *Mussaf* ram be offered together with the ram donated by the *Kohen Gadol* (i.e. the כהן גדול של כהן גדול), following the completion of the חובות היום.

(5) The שעיר הנעשה בחוץ was deferred until after the חובות היום for a different reason. The שעיר הנעשה בחוץ is mentioned only in פרשת פנחס.

However, that *Passuk* reads as follows:

שעיר עזים אחד חטאת מלבד חטאת הכפורים (במדבר : כ"ט,
י"א).

One goat (for a Mussaf) must be offered in addition to the specific offerings brought to induce atonement.

The *Gemara* (ibid.) interprets that *Passuk* as establishing that the חטאת הכפורים (i.e. the entire series of *Karbanos* comprising the חובות היום set forth in פרשת פנחס) must precede the goat of the *Mussaf* (שעיר הנעשה בחוץ) (אחרי מות).

(6) The Rav explained that it is more than just a question of order. It is a question of classification as well. The *Mussaf* of the פר ושבעה כבשים have no association with the חובות היום. They constitute a *Kiyum* of *Mussaf* on *Yom Tov*, in the same manner as there is a *Kiyum* of *Mussaf* on *Shabbos*, *Rosh Chodesh* and the other *Yomim Tovim*. The first portion of the *Mussaf* is directed at the *Yom Tov* aspect of *Yom Kippur*, which is as much of a *Yom Tov* as the other *Yomim Tovim*.

¹⁵¹ מסכת יומא דף ע ע"ב

¹⁵² The *Torah* writes: (ויקרא : ט"ז, כ"ד) *He shall offer his ram and the Mussaf ram (following all of the Karbanos of the חובות היום).*

The first portion of the *Mussaf* is unrelated to the *Kapparah* facet of *Yom Kippur*.

(7) The איל העם, which is certainly a *Mussaf* (and is set forth in פרשת פנחס), is not offered together with the first portion of the *Mussaf*. It is offered following the completion of the חובות היום. The fact that the *Torah* mentions the איל העם in פרשת פנחס (in addition to mentioning it in מות אהרן), and directs that it be offered together with the *Kohen Gadol's* ram, following the חובות היום, demonstrates that the איל העם is not only a *Mussaf*, but is part of the חובות היום as well (i.e. it is a *Kiyum* of כפרה). Thus, it was offered only after the completion of all of the חובות היום.

(8) While the שער הנעשה בחוץ of the *Mussaf* is certainly a מכפר, just as all שעירים offered on the *Yomim Tovim* as part of the *Mussaf* facilitate כפרה,¹⁵³ nonetheless, the שער הנעשה בחוץ cannot facilitate כפרה on *Yom Kippur* until after the unique חטאת הכיפורים of the חובות היום is offered. Thus, this שער was offered only after the חובות היום were performed. This is derived from the phrase מלבד חטאת הכיפורים, which indicates that the שער הנעשה בחוץ should be offered only following the חטאת הכפורים of the חובות היום, since it cannot generate כפרה until after the חטאת הכפורים of the חובות היום are completed.¹⁵⁴

¹⁵³ The *Torah* expressly provides that each *Mussaf* of *Rosh Chodesh* and *Yom Tov* contains both bull(s), ram(s), and sheep, which are offered as עולות, and a שער לחטאת which is offered for כפרה. See מסכת שבועות דף ב' ע"א as to which sins this שער atones for.

¹⁵⁴ The *Gemara* (*Yoma* 70b) expressly equates the כפרה engendered by the שער הנעשה בחוץ with that of the שער הנעשה בפנים. As it states: על מה שזה מכפר, זה מכפר.

(9) In conclusion, the *Mussaf* of *Yom Kippur* is divided into two parts. One portion is strictly a *Kiyum* of *Yom Tov*, and is offered together with the תמיד של שחר, in the טבילה ראשונה, just as on other *Yomim Tovim*. The other portion of the *Mussaf* (i.e. the איל העם ושעיר הנעשה בחוץ) is not only a *Kiyum* of *Yom Tov*, but is also intergrated within the framework of the חובות היום, and must, therefore, follow the completion of the חובות היום.¹⁵⁵

(10) The *Kohen Gadol* also lit the מנורה and offered the daily קטורת on the Interior Altar. He then washed his hands and feet, removed the eight בגדי זהב and immersed himself in the מקוה for the second טבילה.

[XV] THE RECITATION OF וידי AND THE RESPONSE TO HEARING THE שם המפורש.

The text of the ידי recited by the *Kohen Gadol* on his bull.

(1) After the *Kohen Gadol* immersed himself in the *Mikvah* (for the second טבילה), he donned the four לבן בגדי and washed his hands and feet.

¹⁵⁵ See, however,

חידושי מרן הגר"י על הרמב"ם פ"א מהלכות עבודת יום הכפורים ה"א ופ"ה ה"ג, who maintains that the שעיר הנעשה בחוץ does not merge with the חובות היום to form one *Kiyum* of חובות היום. He does concede, however, that the איל העם merges with the חובות היום and constitutes a *Kiyum* of חובות היום.

(2) He then placed his hands over the פר donated by him and recited over it. This is derived from the *Passuk* which states:

והקריב אהרן את פר החטאת אשר לו, וכפר בעדו ובעד
ביתו (ויקרא: ט"ז, ו).
*Aaron shall offer this bull of atonement and receive
forgiveness for himself and his household.*

The phrase *וכפר בעדו* normally refers to *כפרת דמים* (i.e. *זריקת דם*, *sprinkling of the blood*). However, in this context, the phrase is interpreted as referring to *כפרת דברים*, *atonement through words and confession*, and not *כפרת דמים*. This is proven by the *Gemara* from *פסוק י"א* where the *Torah* states regarding this פר:

ושחט את פר החטאת אשר לו.
The Kohen shall slaughter his bull.

Thus, since the bull is slaughtered only after the performances described in the later *Passukim*, the phrase *וכפר* in the earlier *Passuk* is interpreted to mean *כפרת דברים*, *recital of words* (i.e. *וידוי*) rather than *כפרת דמים*, *spilling of blood*. In other words, on *Yom Kippur*, there is a different type of *כפרה*, namely, *כפרת דברים*.¹⁵⁶

See also קונטרס עבודת יום הכפורים עמוד מ' ועמוד פ"ה where the Rav quotes the גר"מ who explains that the rationale for the *Rambam's* ruling that an *איל ושעיר* offered prior to the completion of the *חובות היום* are disqualified (see פ"ה ה"ג) is based on the *Rambam's* presumption that every *Avodah* qualifies each subsequent *Avodah*. Thus, any act which renders a subsequent *Avodah* superfluous is automatically disqualified. It, therefore, follows that had *Chazal* not disqualified an *איל ושעיר* which are offered prior to the *חובות היום*, it would have been unnecessary for the *Kohen* to engage in a separate *טבילה רביעית* to remove the spoon and pail of the *קטורת*, given that the *טבילה רביעית* is mandated only because the *איל ושעיר* were offered in the *שלישית*. Thus, the deviation of even the *איל ושעיר* affects the *עבודת פנים*, and is disqualified as a deviation from the *סדר*. [Editor's Note]

¹⁵⁶ וכפר, בכפרת דברים הכתוב מדבר (מסכת יומא דף ל"ו ע"ב).

The response to hearing the שם המפורש.

(3) The *Mishnah* describes the וידוי recited by the *Kohen Gadol*. It

writes:

בא לו אצל פרו...וסומך שתי ידיו עליו ומתודה. וכך היה
אומר אנה השם עויתי פשעתי חטאתי לפניך אני וביתי. אנה
הי כפר נא לחטאים וכוי שנאמר לפני הי תטהרו והן עונין
אחריו ברוך שם כבוד מלכותו לעולם ועד (מסכת יומא דף ל"ה
ע"ב)

The Kohen Gadol approached the bull donated by him, placed his hands on its head, and confessed his sins. He said, "Please G-d I have sinned. Please G-d forgive me." As it is written, "On this day G-d shall forgive you." The people would respond, "The name of G-d is blessed forever."

This *Mishnah* does not discuss the manner in which the people assembled in the עזרה responded to the *Kohen Gadol's* pronouncement of G-d's name in both this וידוי and the second וידוי.¹⁵⁷ The people's response is only described in a different *Mishnah* regarding the recital of the third וידוי (on the המשתלח). That *Mishnah* reads as follows:

והכהנים והעם העומדים בעזרה כשהיו שומעים שם המפורש
שהוא יוצא מפי כהן גדול, היו כורעים ומשתחוים ונופלים על
פניהם ואומרים ברוך שם כבוד מלכותו לעולם ועד (מסכת
יומא דף ס"ו ע"א).

The Jews standing in the עזרה would prostrate themselves when the Kohen Gadol uttered G-d's name, and pronounce, "G-d's name is blessed for eternity."

¹⁵⁷ מסכת יומא, משנה, דף מ"א ע"ב.

The כריעה, *prostration*, was a response to the *Kohen Gadol's* utterance of the שם המפורש.¹⁵⁸

(4) The גרי"א, in his commentary to this final *Mishnah* and to the שלחן ערוך,¹⁵⁹ writes that the phrase ... והכהנים והעם העומדים בעזרה היו כורעים... is not part of the original text of the *Mishnah*. It is a ברייתא which was later incorporated by the publishers into the *Mishnah*. The ברייתא originated in the פייט of אתה כוננת, which predated the *Mishnah*.

It is quite possible that there is a disagreement between the *Mishnah* and ברייתא as to the proper method which one must employ in response to hearing the שם המפורש. The *Mishnah* does not require כריעה upon hearing the שם המפורש; it only requires the recitation of:

ברוך שם כבוד מלכותו לעולם ועד.

The ברייתא, on the other hand, requires כריעה as well. According to the *Mishnah*, only שבח והודאה are required when hearing the שם המפורש.

The *Yerushalmi* distinguishes between those who stood outside of the עזרה and those who were inside the עזרה.

(5) The *Yerushalmi* writes:

¹⁵⁸ The Gemara comments that the sentence of ברוך שם was not recited by *Moshe* (See *Pesachim* 56a). The Rav explained that this merely means that the sentence of ברוך שם כבוד מלכותו לעולם ועד is not part of the קודש כתבי.

¹⁵⁹ סימן תרכ"א סעיף ד'.

הקרובים היו כורעים ומשתחוים, והרחוקים היו אומרים
ברוך שם כבוד מלכותנו לעולם ועד (מסכת יומא פרק ג' הלכה
ז).

*Those who were near the Kohen Gadol prostrated
themselves, while those who were far away proclaimed,
"G-d, Your name is blessed forever."*

By עזרה, the *Yerushalmi* refers to those who stood outside the עזרה, in
contradistinction to the עם העומדים בעזרה, *the people who stood inside the
courtyard*. Thus, the first two *Mishnahyos* deal with the reaction of the majority
of people who stood outside the עזרה. It postulates that these people need only
recite ברוך שם כבוד וכו'. However, the third *Mishnah* addresses itself to the
select few who stood inside the עזרה. This *Mishnah* stipulates that those who
stood inside the עזרה must prostrate themselves and fall on their faces (in addition
to reciting ברוך שם כבוד וכו').

(6) What is the rationale for the difference between the two locations?
Why did those who stood inside the עזרה prostrate themselves when they heard
the שם המפורש, while those outside the עזרה did not?¹⁶⁰

There is a special *Kiyum* to prostrate oneself in the *Bais HaMikdash*.

(7) The Rav answered¹⁶¹ in the name of the גר"א that השתחוואה is a
Kiyum only in the *Bais HaMikdash* proper. It has no application outside of the
Bais HaMikdash. The *Torah* writes, by the *Mitzvah* of offering the בכורים:

¹⁶⁰ See also קונטרס עבודת יום הכפורים עמוד ל"א [Editor's Note]

¹⁶¹ See חידושי הגר"ח סימן תכ"ט עמוד רנ"ו; מסורה חוברת י"ב עמוד נ"ב (אות ח"ו) [Editor's Note]

והשתחוית לפני ה' אלוֹקֶיךָ (דברים : כ"ו, י').
You shall prostrate yourself before your G-d.

This applies to anyone who enters the עזרה, as we say in *Tefillah*:

ואין אנו יכולים לעלות וליראות ולהשתחוות לפניך.
We can not (nowadays) go to Jerusalem and prostrate ourselves before you.

The Rav added that the *Mishnah* and *Rambam* rule with respect to the daily קטורת:

זה שדשן מזבח הפנימי משתחוה ויוצא... וזה שבידו כף משתחוה ויוצא וכ"י (פ"ג מהלכות תמידין ומוספין ה"ז).
The two Kohanim who offer the daily קטורת during the year must bow before departing from the Heichel.

The Rav explained that this is based on the rationale that anyone who enters any place in the *Mikdash*, which is holier than the place from which he departed, must prostrate himself. Similarly, one takes leave of the *Mikdash* (and from the holier locations in the *Mikdash*) by bowing (משתחוה ויוצא). In the lexicon of the Rav:

המשנה ממקום למקום במקדש היה מתחייב בהשתחוואה.
Upon entering a holier place in the Temple, one must prostrate himself.

This obligation is derived from בכורים. Similarly, King Solomon offered his famous speech while prostrating himself (as it says, ויקם שלמה). Outside of

Mikdash, there is no obligation of השתחוואה¹⁶². It has no significance outside of the *Mikdash*.¹⁶³

(8) The *Halacha* set forth in this *Mishnah* prescribes that one who hears the pronouncement of the שם המפורש must express שבח. He must extol and glorify G-d's name.¹⁶⁴ In the *Bais HaMikdash*, the שבח was expressed both by the recitation of:

ברוך שם כבוד מלכותו לעולם ועד

as well as by השתחוואה. However, outside of the *Bais HaMikdash* the שבח is expressed solely by the recitation of the sentence of:

ברוך שם כבוד מלכותו לעולם ועד.

¹⁶² ר"י אברהם בן הרמב"ם wished to introduce השתחוואה in the everyday *Shemoneh Esrei*, but he was unsuccessful.

¹⁶³ In קובץ חידושי תורה עמוד קמ"ה the Rav explained that the *Kohen Gadol* on *Yom Kippur* did not bow prior to departing from the קודש הקדשים, since the act of entering and departing from the קודש הקדשים constitutes a *Kiyum, a facet*, of the *Avodah*. (He proved this from the *Gemara's* statement in *Chullin* 10b). Similarly, the time he spent in the קודש הקדשים was also part of the *Avodah*, since he was required to remain there until the room was enveloped in smoke (see, Paragraph XXV,7). Thus, the *Kohen Gadol* must stand upright the entire time that he remains in the קודש הקדשים, since any other posture disqualifies the *Avodah*. (See *Zevahim* 16b). [Editor's Note]

¹⁶⁴ The *Gemara* (*Yoma* 37a) derives this from the *Passuk* of: כי שם ה' אקרא הנו גודל לאלוקינו (דברים: ל"ב, ג'). אמר להם משה לישראל בשעה שאני מזכיר שמו של הקב"ה, אתם הנו גודל. The form of גודל differs in the מקדש and in גבולין. See מסורה חוברת ט' עמוד ע"ה where this theme is further developed by the Rav. See also חידושי הגר"ח סימן תל"ד עמוד רנ"ז that שם ברוך שם חידושי הגר"ח סימן תל"ד עמוד רנ"ז was recited at the commencement of the pronouncement of the שם המפורש. [Editor's Note]

Thus, the רחוקים (i.e. those who stood outside of the עזרה) would only recite שם הַמְפֹרֵשׁ, upon hearing the שם הַמְפֹרֵשׁ, while the קרובים (i.e. those who stood inside the עזרה proper) would bow, prostrate themselves and recite:

ברוך שם כבוד מלכותו וכו'.

The *Minhag* to recite שם הַמְפֹרֵשׁ out loud on *Yom Kippur* originates with the practice in the *Mikdash*.

(9) The Rav noted that, on *Yom Kippur*, it is customary to recite out loud the phrase of ברוך שם כבוד מלכותו לעולם ועד (both by *Maariv* and by *Shacharis*), rather than in an undertone, as is our standard practice.¹⁶⁵ This, is a corollary to the rule which requires one to bow and recite שם הַמְפֹרֵשׁ upon hearing the *Kohen Gadol* pronounce the שם הַמְפֹרֵשׁ.

שם הַמְפֹרֵשׁ is recited whenever the שם הַמְפֹרֵשׁ is pronounced either phonetically or by circumscription.

(10) The שם הַמְפֹרֵשׁ of הוִיָּה basically means that G-d's reign will be accepted by all of humanity. When one recites the *Passuk* of שמע ישראל and says הוִיָּה אֱלֹהֵינוּ הוִיָּה אֶחָד, *that G-d will always reign supreme*, that, in and of itself, is the equivalent of pronouncing the שם הַמְפֹרֵשׁ. The שם הַמְפֹרֵשׁ is pronounced in שמע ישראל, not phonetically, but by circumscription. The *Passuk* שמע ישראל means הוִיָּה אֱלֹהֵינוּ, the G-d who nowadays rules (i.e. בעולם הזה) only through אֱדֹנִיּוֹת, and is currently only recognized by the Jews,¹⁶⁶ הוִיָּה אֶחָד, in the future will

¹⁶⁵ See שולחן ערוך אורח חיים סימן תרי"ט (סעיף ד') בשם המדרש.

¹⁶⁶ The *Gemara* states:

be the הויה שם (i.e. the accepted ruler of all people). Thus, the response to the pronouncement in שמע ישראל of the המפורש שם by circumscription, is to recite ברוך שם וכו' silently. The message of שמע ישראל, that הויה שם will become אחד אחד, is the same message of the המפורש שם that in the future the המפורש שם will be one.

In other words, one who pronounces the המפורש שם phonetically, must recite ברוך שם וכו' aloud. However, one who describes the המפורש שם in logical terms (but not phonetically), must recite ברוך שם וכו' silently. The מחייב of reciting ברוך שם וכו' following שמע ישראל is the pronouncement of the המפורש שם by description! Since, on *Yom Kippur*, the people recite ברוך שם out loud in the *Mikdash*, the custom was introduced to recite ברוך שם וכו' out loud (even by קריאת שמע).

(11) In conclusion, the recitation of ברוך שם following קריאת שמע and its recitation on *Yom Kippur*, originates from the same *Halacha*, namely, that the pronouncement of the המפורש שם precipitates the offering of שבה. This is derived from the *Passuk* of:

לא כמו שאני נכתב אני נקרא (פסחים דף נ' ע"א).
Nowadays, G-d's rule is not accepted and so He rules only through the attribute of י-ה. However, in the future, יהיה ה' אחד ושמו אחד, which the *Gemara* interprets as כמו שאני נכתב אני נקרא, in that G-d's name will be complete and He will rule the world with the full attribute of הויה שם.

In מסורה חוברות ט' עמוד ע"ה the Rav cited the תרגום ירושלמי which translates ברוך שם וכו' as יהא שמיה רבא מבורך שם. Thus, ברוך שם means that the name of G-d will, in the future, be the שם י-ה רבא (i.e. the complete name of הויה of G-d), and that the full name of G-d is blessed for eternity. [Editor's Note]

כי שם ה' אקרא הבו גודל לאלוקינו (דברים : ל"ה, ג').
When I recite G-d's name, you must extol the name.

Every time we introduce the שם המפורש, whether by circumscription or phonetically, it consists of קבלת עול מלכות שמים and, is מחייב, *precipitates*, the pronouncement of שם וכי'.

קבלת עול מלכות שמים is recited only in connection with שם ברוך.

(12) Why isn't one obligated to recite שם ברוך after reciting the *Passuk* of:

והיה ה' למלך וכי' ביום ההוא יהיה ה' אחד,

which also describes the שם המפורש?

The Rav answered that introducing the שם המפורש, not through the medium of sound, but through the medium of logical category, does not precipitate an obligation to recite שם ברוך. The recital of שם ברוך is precipitated only by אדנות (i.e. that one currently accepts the sovereignty of שמים and that ביום ההוא, *in the future*, he will accept the sovereignty of הויה). One who reads of the *Passuk* of והיה ה' states that, ביום ההוא, *on that great day in the future*, the sovereignty of both אדנות and הויה will reign. However, he does not manifest a current acceptance of G-d's sovereignty. Basically, קבלת עול מלכות שמים means שם המפורש, when the reader implicitly accepts

G-d's reign (and undertakes to conform his behavior to G-d's will), and ברוך שם is only recited on those occasions.

Similarly, ברוך שם is not recited when the *Passuk* of שמע ישראל is read on *Shabbos* as part of the weekly Parsha reading, since the reader does not at that time accept עול מלכות שמים; he merely states his belief regarding the unity of G-d.

שם המפורש The people prostrated themselves upon the final pronouncement of the **שם המפורש** during each series.

(13) The *Kohen Gadol* pronounced the שם המפורש ten times on *Yom Kippur*, three times by each of the three וידוים and once by להי חטאת.¹⁶⁷ The question arises, at what juncture did the people perform the השתחוואה? Did they prostrate themselves upon each of the ten pronouncements and arise immediately after each, or, did they prostrate themselves upon the initial pronouncement, during each וידוי, and remained in that position until the conclusion of that וידוי?¹⁶⁸

The Rav intuitively felt that they performed the השתחוואה at the final pronouncement of the שם המפורש in each of the three וידוים. Thus, when the *Kohen Gadol* recited the *Passuk* of לפני ה' תטהרו (and pronounced the שם המפורש), the people performed the השתחוואה at the final pronouncement and

¹⁶⁷ נמצא מזכיר את השם ביום זה עשרה פעמים (רמב"ם פ"ב מהלכות עבודת יום הכפורים ה"ו).
In each וידוי he would pronounce the שם המפורש three times, once when he said השם, once when he said חטאתי, and once when he said לפני השם תטהרו.

¹⁶⁸ See מסורה חוברת ל"ב עמוד נ"ו (אות י"ט) who draws a parallel between this and the Rambam's ruling that יהא שמיה רבא is recited at the conclusion of קדיש (see מהלכות פרק טי מהלכות). [Editor's Note]

simultaneously recited ברוך שם וכו'. As they were rising, and after they completed the recitation of ברוך שם וכו' the *Kohen Gadol* would complete the שם המפורש (which took a long time to phoneticize) and would pronounce תטהרו, thereby completing the *Passuk*.

(14) This is the scenario depicted in our *Machzor*, as well, which reads:

וכך היה אומר אנא השם וכו' ככתוב בתורת משה וכו' כי ביום
הזה יכפר עליכם לפני ה'.

It does not complete the *Passuk* yet (with the final word תטהרו). This description is immediately followed by the paragraph of:

והכהנים והעם וכו' היו כורעים ומשתחוויים ומודים ואומרים
ברוך שם וכו',

which describes the people's practice to prostrate themselves upon hearing the *Kohen Gadol* pronounce the שם המפורש. The implication of this is that this parallels the practice of the Jews in the *Mikdash*, namely, that they would perform the השתחוואה only when the *Kohen Gadol* pronounced the third שם המפורש of each וידוי, which was the שם המפורש contained in the *Passuk* of (תטהרו) לפני ה'.

They did not prostrate themselves during the first two pronouncements of the שם המפורש in each וידוי.

The *Kohen Gadol* protracted the phonetization of the שם המפורש to allow the people sufficient time within which to perform the השתחוואה and recite:

ברוך שם כבוד מלכות וכו'

When the *Kohen Gadol* observed them rising, he would complete the pronouncement of the שם המפורש and complete the *Passuk* with the word תטהרו, which was directed at the people.

This is the meaning of the text of the *Piyut* which reads:

ואף הוא היה מתכון לגמור את השם כנגד המברכים, ואומר להם תטהרו.

The *Kohen Gadol* synchronized his pronouncement of the שם המפורש with the מברכים, so that he would complete the pronouncement of the שם המפורש as they were rising and complete the *Passuk* with the word תטהרו. The תטהרו is said in the imperative form, *repent*.¹⁶⁹

(15) Interestingly, in order not to abridge the *Passuk*, the more accepted practice is to say תטהרו לפני ה' [אדנות] תטהרו when reciting the *Passuk*, during this וידוי.¹⁷⁰

The controversy surrounding the meaning of לפני ה' תטהרו.

(16) The *Passuk* states:

כי ביום הזה יכפר עליכם מכל חטאתיכם לפני ה' תטהרו
(ויקרא: ט"ז, ל).

On this day G-d will forgive your sins; you will be cleansed by G-d.

¹⁶⁹ Thus, the word מתכון means to co-ordinate (his pronunciation); כנגד means to synchronize (that pronunciation) with the מברכים (i.e. those who recited ברוך שם וכו').

¹⁷⁰ See מסורה חוברת ל"ב עמוד נ"ז (אות כ"ב).

(17) There is a controversy¹⁷¹ between *Rabbi Akiva* and *Rabbi Elazar Ben Azaria* whether the words *לפני ה'* are to be interpreted in conjunction with the prior phrase *מכל חטאתיכם* or in conjunction with the succeeding word of *תטהרו*.

Rabbi Akiva interprets the *Passuk* as *לפני ה' תטהרו* (i.e. *that G-d will purify you*). *Rabbi Elazar Ben Azaria* interprets it as follows:

יכפר עליכם מכל חטאותיכם לפני ה',

(i.e. that only *עבירות שבין אדם למקום*, *sins between man and G-d*, are forgiven on *Yom Kippur*, but not *עבירות שבין אדם לחברו*, *sins between man and his fellow man*).

(18) According to *Rabbi Elazar Ben Azaria*, the word *תטהרו* denotes a separate *מצות עשה*, namely, that one is obligated to do *Teshuva* on *Yom Kippur*. *תטהרו* means to ready oneself, to repent and do *Teshuva*. Thus, the *Kohen Gadol* first announced that G-d forgives all sins between man and G-d. He proclaimed to the people:

כי ביום הזה יכפר עליכם לטהר אתכם מכל חטאתיכם לפני ה',
On this day, G-d will forgive you and cleanse you from all of your sins against G-d.

He would then exhort them: *תטהרו*, *do Teshuva and repent*.

(19) The *Mishnah* of *והכהנים והעם* states that the *Kohen Gadol* recited only the first portion of the *Passuk* of:

¹⁷¹ מסכת יומא דף פ"ה ע"ב.

כי ביום הזה יכפר עליכם מכל חטאתיכם לפני ה',

and only afterwards recited the word תטהרו. The *Mishnah* apparently interprets the *Passuk* as *Rabbi Elazor Ben Azaria* that the word תטהרו is not integrated with the prior phrase of:

יכפר עליכם מכל חטאתיכם לפני ה'.

Rather, it is a separate concept that *Yom Kippur* atones only for sins against G-d, and not for sins against one's fellow man. Thus, the *Kohen Gadol* directed them, תטהרו.

(20) The בעל הטעמים does not resolve this controversy. He punctuates the phrase of לפני ה' with a טפרחה, which indicates a pause, so that the phrase of לפני ה' can be merged either with the succeeding word of תטהרו or with the preceding words of מכל חטאתיכם.¹⁷²

¹⁷² In other *Shiurim*, the Rav noted a similar position of the בעל הטעמים. The *Passuk* says:
עד ממחרת השבת השביעית תספרו חמשים יום והקרבתם מנחה חדישה לה' (ויקרא כ"ג, ט"ז).
Rashi quotes two interpretations of this *Passuk*. The first interpretation postulates that the words חמשים יום are merged with the final portion of the *Passuk* (i.e. והקרבתם מנחה), so that the *Passuk* should read:

עד ממחרת השבת השביעית תספרו,
You shall count until the end of the seventh week,
and then,
וביום החמשים והקרבתם מנחה וכו',
On the fiftieth day, you shall offer a sacrifice.

The second interpretation offered by *Rashi* stipulates that the words חמשים יום be merged with the first portion of the *Passuk* (i.e. תספרו). Thus, the *Passuk* should read:
עד ממחרת השבת השביעית תספרו חמשים יום,
until the end of the seventh week, you shall count fifty days,
and then,
והקרבתם מנחה,
you shall offer a sacrifice.

[XVI] THE MEANING OF THE שם המפורש.

The שם המפורש is defined as נכבד ונורא.

(1) The text of אתה כוננת describes the שם המפורש as השם הנכבד

והנורא. It reads:

והכהנים והעם העומדים בעזרה כשהיו שומעים את השם
הנכבד והנורא מפורש יוצא מפי כהן גדול בקדושה ובטהרה,
היו כורעים ומשתחוים וכו'.
*The Priests and the people assembled in the courtyard
upon hearing the revered and feared name explicitly
pronounced by the Kohen Gadol with sanctity and purity,
would kneel and prostrate themselves...*

The *Mishnah*¹⁷³ and the *Rambam*¹⁷⁴, on the other hand, describe it solely as the שם

המפורש. They write:

כשהיו שומעים (את) השם המפורש יוצא מפי כהן גדול
[בקדושה וטהרה].¹⁷⁵

(2) According to the *Rambam*, the word מפורש is an adjective, modifying the word שם. It denotes that the *Kohen Gadol* utilized the שם המפורש, and not any of the other שמות of G-d. According to the text of אתה כוננת, the

The בעל הטעמים did not wish to exclude any of those two interpretations. He, thus, punctuated the word תספרו with a טפחה, a pause, to indicate that the word תספרו could either be merged with the prior portion of the *Passuk* or with the latter portion of the *Passuk*.
[Editor's Note]

¹⁷³ *Yoma* 66a.

¹⁷⁴ פרק בי מחלכות עבודת יום הכפורים ח"ט

¹⁷⁵ The *Mishnah* does not contain the words בקדושה ובטהרה. The *Rambam*, however, does mention it.

word מפורש is an adverb, modifying the word יוצא. It denotes that the שם was pronounced clearly (and distinctly).

The שם המפורש interprets the meaning of הויה.

(3) The *Rambam* maintains that there is only one שם המפורש, namely, the הויה.¹⁷⁶ Why is the שם הויה called the שם המפורש?¹⁷⁷ The *Rambam*, in ספר שבעה שמות שאנן נמחקין, explains that the שבעה שמות שאנן נמחקין, מורה נבוכים, *the seven holy names of G-d which may not be erased*, are interpretative of different aspects of the שם הויה. The שם הויה is מתפרש, *interpreted*, through the seven נמחקין שמות. Thus, for example, אדנות represents one aspect of הויה. The שם of אלוקים reflects another facet of הויה, as does צבאות, etc. הויה is the all inclusive שם. All of the שמות culminate in הויה. The שם המפורש, thus, means:

השם שמתפרש על ידי שמות אחרות,
The name which is expressed by His other names.

The *Rambam* did not classify the שמות of עיב or מ"ד as שמות. He felt that they are not one word, but a series of words which offer שבח and praise to G-d.

¹⁷⁶ The *Rambam* writes, with respect to נשיאת כפים: ואומר את השם ככתבו, והוא השם הנהגה מיו"ד ו"א ו"י ו"א. וזה הוא השם המפורש האמור בכל מקום (רמב"ם פ"ד מהלכות תפילה ה"ט).

¹⁷⁷ This topic was discussed by the Rav on many other occasions at length. See: שיעורים לזכר אבא מארי ח"ב עמוד קס"ד; רשימות השיעורים למסכת שבועות דף ל"ה ע"ב (ח"ב עמוד פ"ט-ק).

[Editor's Note]

(4) What do the two adjectives of הנכבד והנורא represent? The Rav explained that the *Rambam*, in another location, also uses those adjectives. He writes:

הא-ל הנכבד והנורא מצוה לאהבו וליראה אותו וכו' (פ"ב
מהלכות יסודי התורה ה"א).
*It is incumbent upon one to love and fear the honored and
feared G-d.*

Thus, the adjective נכבד reflects the obligation to love G-d (i.e. מצוה לאהבו) while the adjective והנורא reflects the obligation to fear G-d (i.e. מצוה ליראה אותו). השם הנכבד is the name of G-d which arouses love, while השם הנורא is the name of G-d which arouses fear.

[XVII] THE RANGE OF SINS COVERED BY THE וידוי.

The controversy if וידוי is related in ascending or descending order.

(1) The *Gemara* relates the text of the וידוי. It writes:

כיצד מתוודה? עויתי, פשעתי, וחטאתי, דברי רבי מאיר
(שנאמר, נושא עון, פשע, וחטאה). וחכמים אומרים כך הוא
מתודה: חטאתי ועויתי ופשעתי לפניך (מסכת יומא דף ל"ו
ע"ב).

*What is the text of the confession? "I have sinned,
rebelled, and erred." This is the view of Rabbi Meir. The
Rabbis said that the text was: "I have erred, sinned, and
rebelled.*

(2) The words עון, פשע, וחטא have the following meaning:

פשע - מומר להכעיס, מרד (Rebellion),

עון - מומר לתיאבון (Sin),

חטא - שגגה (Error).¹⁷⁸

The חכמים maintain that when reciting וידוי, one should ascend the scale gradually, as far as the gravity of the sin is concerned. Thus, one should first confess those sins committed בשגגה, *erroneously*, followed by those committed בעון, *sinfully* (when he was a לתיאבון), and concluding with פשעים, those sins which he intentionally committed. The חכמים interpret differently the following *Passuk* which seems to support רבי מאיר, namely,

נושא עון ופשע וחטאה (שמות: ל"ד, ז').

They interpret that *Passuk* as meaning that G-d forgives the פשעים and עונות as if they were חטאים. G-d forgives the violator of grave sins, after the violator becomes completely defiled and corrupted, as if his sins consisted of unintended, erroneous violations, which were committed out of ignorance, and not out of spite or rebellion.

(3) The *Rambam*¹⁷⁹ rules as the חכמים that וידוי is expressed in an ascending order of gravity (i.e. חטאתי, עויתי, ופשעתי). Interestingly, רבי מאיר view is supported by many *Passukim*, including that found by the שער י"ג מדות¹⁸⁰ and in the המשתלח.

¹⁷⁸ The word חטא, in Hebrew, means to fail; to miss the target.

¹⁷⁹ See פרק א' מהלכות תשובה הלכה א'; פרק ב' מהלכות עבודת יום הכפורים ה"ו.

¹⁸⁰ That *Passuk* reads:

והתוודה עליו את כל עונת בני ישראל ואת כל פשעיהם לכל חטאתם (ויקרא: ט"ז, כ"א).
In other words, the וידוי is confessed in descending order: עון, פשע, וחטאה.

According to the חכמים, confession is recited based upon the gravity of the sins.

(4) The position of the חכמים is understandable. It is a gradual transition from error to sin and from sin to rebellion. Thus, the errors which are not as grave, nor as corrupting as the sins, must be confessed first, followed by the sins, which are more corrupting, and concluding with rebellions which are the most corrupting.

(5) What, however, is the rationale of רבי מאיר that one should first recite וידוי on the gravest of sins (i.e. rebellion), followed by וידוי on regular sins, and concluding with וידוי on errors?

It is more difficult for the ignorant to repent than for the sinner.

(6) The Rav answered that people consider חטא, *error*, as the least severe of sins. If one measures חטאים simply by the criterion of moral turpitude, moral contamination and corruption, then חטא, *error*, does not corrupt the personality as much as עון, *sin*; and עון does not corrupt the personality as much as פשע, *rebellion*. This is certainly true. Thus, as far as moral categories and the gravity of the sin are concerned, חטא is on the bottom rung of the ladder, whereas פשע is on the top rung of the ladder.

However, as far as *Teshuva* is concerned, as far as the possibility of returning to G-d is concerned, of regretting one's sins and altering one's behavior, it is much more difficult to do *Teshuva* for a חטא, as opposed to עון or פשע. חטא

results from both ignorance and insensitivity. It is much more difficult to arouse an ignorant person, and even more difficult to influence one who is insensitive.

(7) עון results from a person who is tempted; he succumbs to the *Yetzer Hara*. He loses the war with his evil inclination. But he remains sensitive and can arise one day and do *Teshuva*. Even after he sins, he can still be a very sensitive person. He can ultimately regret his actions and do *Teshuva*.

We all know cases of people who sin, then regret it, and then succumb again to sin. The best representative of this is King Herod. He committed many sins. He did *Teshuva* each time, only to sin again. Such a person might be sensitive, but his passion is too powerful, and he succumbs time and again. He is a voluptuary. But, such a person can one day arise and alter his behavior permanently.

(8) On the other hand, טעות stems from ignorance and insensitivity. The טעות, *error*, per se, in terms of moral turpitude, is not as grave as עון or פשע. But, in terms of *Teshuva*, the *Teshuva* for טעות is much more difficult to obtain. First of all, the טעות must be re-educated, a monumental task. His sense of values must be modified. Then, his behavior must be changed.

For example, many people drive their cars on *Shabbos*. It is harder to reach them than to reach one who violates the *Shabbos* because of financial considerations, because of greed and avarice. The עון violators may be reformed; they are still sensitive. They merely suffer from a split personality. The טעות is

not a split personality. There is no cleavage in his personality. He does not suffer any regrets at all. He is ignorant and insensitive. Thus, *Teshuva* for such a person is difficult to obtain.

According to רבי מאיר confession is recited based upon the difficulty of performing *Teshuva*.

(9) רבי מאיר, thus, listed חטא at the end of the וידוי service. It is the most difficult *Teshuva* to perform. G-d must do something to the חוטא which he need not do to the בעל עון. The בעל עון has his own guilty conscience which motivates him to do *Teshuva*. G-d must, however, arouse the חוטא from his slumber. The עון violator approaches G-d on his own. He asks for forgiveness. G-d does not have to enlighten him nor explain his sins to him. G-d need not explain to the עון violator that עון defiles, contaminates, and corrupts the personality. The בעל עון knows that; he feels the corruption of the sin.

The חוטא, on the other hand, must be aroused by G-d. G-d must explain how חטא corrupts the spirit. G-d must preach to him and tell him that he is insensitive. In his ignorance, the חוטא considers himself a self-righteous person. Only after great difficulty, only after G-d arises him from his slumber, will the חוטא repent.

The text of our וידוי revolves around חטא and not עון.

(10) Interestingly, our whole וידוי הארוך revolves around על חטא, and not around על עון שעוינו, because חטא is the most dangerous and difficult category. The חטא violator is not as susceptible to *Teshuva* since he lacks

the sensitivity to understand the gravity of his sin. He is reached only with great difficulty.

(11) One who rebels, a פושע, may be reached. The פושע is an atheist. Often, the פושע rebels because he feels that he is evil. He rebels not so much to spite G-d, but to spite himself. Every philosophy of atheism contains an element of masochism, of self-torture. The atheist tortures himself. One can approach the פושע and point out the contradictions in his lifestyle, the discrepancies in his behavior, and the meaningless and absurdity of his continuing to rebel. But, when one commits violations based on ignorance and insensitivity, and with a sense of self-righteousness, the שערי תשובה are nearly impossible to open.

(12) In conclusion, the חכמים do not measure the possibility of *Teshuva*. They classify sin as to its inner quality, as to the degree of guilt and moral turpitude, and as to the degree of טומאה which sin precipitates. Thus, they prescribe that וידוי be recited in ascending order vis a vis the level of טומאה (i.e. commencing with חטא, followed by עון, and concluding with פשע).

רבי מאיר concurs that וידוי be recited in ascending order. But, he rules that the order be determined by the level of difficulty of performing *Teshuva*, and not by the degree of טומאה. Thus, he rules that וידוי first address עון and פשע,

followed by חטא.¹⁸¹ It is easier to do *Teshuva* for עון and פשע than for חטא. The road to *Teshuva* is easier for the עון violator than for the חטא violator.

[XVIII] THE STRUCTURE OF THE וידוי OF THE *KOHEN GADOL*.

The text of the וידוי of the *Kohen Gadol* contained both הכרת החטא and בקשת כמרה.

(1) The *Mishnah* notes that the *Kohen Gadol* would commence the וידוי with the words אנה השם, please G-d. He would state:

אנה השם, עויתי, פשעתי, חטאתי, לפניך. אנה השם,
כפר נא, לעונותי, ולפשעים ולחטאים, שעויתי ופשעתי
וחטאתי וכו' (מסכת יומא דף ל"ה ע"ב)
*Please G-d, I have, sinned, rebelled and erred
against you. Please G-d, forgive my errors, sins,
and rebellions.*

The *Gemara* questions the necessity of pleading with G-d when reciting the וידוי. The *Gemara* asks:

אנה השם, מנין שבאנה וכו' מנין שבשם וכו' (מסכת
יומא דף ל"ז ע"א).
*How does the Mishnah know that the Kohen Gadol
asked G-d for forgiveness? Furthermore, how does
it know that the Kohen Gadol invoked G-d's
name?*¹⁸²

The text of the וידוי of an individual contains חרטה and קבלה להבא.

(2) The *Gemara* questions the composition of the וידוי. The *Rambam* stipulates the text of וידוי to be used by all people who sin and wish to do

¹⁸¹ רבי מאיר, apparently, did not distinguish between עון and פשע. He grouped them in order of the *Passuk*.

¹⁸² The *Gemara* answers that the text of the וידוי was adopted from that utilized by *Moshe* after the sin of the עגל and the text utilized for the ערופה.

Teshuva. That text is seemingly not similar with the text of the וידוי used by the

Kohen Gadol. The *Rambam* writes:

וידוי זה מצות עשה. כיצד מתודיין? אומר אנא השם חטאתי,
עויתי, פשעתי לפניך ועשיתי כך וכך, והרי נחמתי ובושתתי
במעשי, ולעולם איני חוזר לדבר זה (פ"א מהלכות תשובה
ה"א).

*Confessing one's sins is an imperative. How does one
confess? He says: "Please G-d, I have erred, sinned, and
rebelled against You by doing the following. I am
embarrassed by my deeds, and I will never again engage
in this activity."*

(3) The *Kohen Gadol's* וידוי contains only two elements, namely, הכרת
and בקשת כפרה, *acknowledgment of the sin and a plea for forgiveness*. On
the other hand, the individual's וידוי contains three elements, namely,

הכרת החטא, חרטה על העבר, ועזיבת החטא (קבלה להבא).
*Acknowledgment of the sin, regret, and a promise never to
repeat the error.*

(4) Why didn't the *Kohen Gadol's* וידוי also contain חרטה and עזיבת
החטא? The *Kohen Gadol* confessed the sins of all the other *Kohanim*, and of all
the other Jews. Hence, he could not justifiably express חרטה, *regret*, nor promise
that their errors would not be repeated (i.e. עזיבת החטא), since he cannot control
what others feel or undertake. He can only plead for forgiveness (i.e. בקשת
כפרה).

וידוי is both a condition precedent and subsequent to *Teshuva*.

(5) The Rav explained that there are two *Halachos* inhering in the *Mitzvah* of וידוי:¹⁸³

(x) Firstly, וידוי is part of the process of *Teshuva*. וידוי is the verbalization of *Teshuva*. Whatever one feels, must be expressed in וידוי. *Teshuva*, in turn, consists of חרטה על העבר and קבלה להבא. This is the *Rambam's* וידוי, the וידוי of *Teshuva*.

וידוי is an important facet of *Teshuva* since, often, man is capable of feeling or knowing something, but is incapable of expressing it verbally, out loud, in speech. He knows that something is true, but he cannot admit it. The *Torah* forces him to face the discomfort of expressing his regret and to resolve out loud never to commit the sin again. The *Torah* wanted man to build up the courage to verbalize his feelings about corruption and sin. This וידוי cannot be performed by the *Kohen Gadol* on behalf of other individuals.

(y) The second aspect of וידוי comes into play after *Teshuva* has been completed. This aspect originates from the directive of the *Passuk*:

כי פשעי אני אדע וחסאתי לנגדי תמיד (תהילים : נ"א, ה).
I acknowledge my sins and my errors confront me each day.

Even after מחילה, even after one obtains forgiveness and atonement for his sins, even after one is cleansed, even after his soul is restored to its pristine quality,

nonetheless, he must not forget his sins. He must remember that he had once sinned. He must remember that, once upon a time, he was a טמא, and his soul was contaminated.

(6) This is the basis of the *Rambam's* ruling which states:

עבירות שהתוודה עליהם ביום כפורים זה, חוזר ומתוודה עליהן ביום כפורים אחר, שנאמר כי פשעי אני אדע וחטאתי לנגדי תמיד (רמב"ם פ"ב מהלכות תשובה ה"ח).

The sins which are confessed on one Yom Kippur should also be confessed on subsequent Yom Kippur days. As it says, "I acknowledge my sins, and my errors confront me each day."

This latter aspect of וידוי is a מכפר, and every time that the חוטא repeats the וידוי, he attains an element of כפרה. This is the וידוי of the *Kohen Gadol*. It is a וידוי of כפרה.¹⁸⁴

The difference between the וידוי of *Teshuva* and the וידוי of *Kapparah*.

(7) The first aspect of וידוי (i.e. חרטה וקבלה להבא) is one of *Teshuva*.

This can not be performed by the *Kohen Gadol* on behalf of other people. The second aspect of וידוי, the וידוי of the *Kohen Gadol*, is one of כפרה. All he need mention is that once upon a time, he was a sinner. He states this fact and pleads to G-d for forgiveness. He is required to merely describe the חטא.

(8) The Rav pointed out that our וידוי הארוך of וכינוי also does not contain the elements of חרטה and קבלה להבא. It is identical with the

¹⁸³ See ספר על התשובה עמוד 65-60; מסורה חוברת ט' עמוד פ"א where the Rav discussed this theory at length. [Editor's Note]

¹⁸⁴ As the *Torah* says, וכפר בעדו ובעד ביתו; the *Kohen Gadol* facilitates כפרה.

ביקשת and חטאים of the *Kohen Gadol* in that it consists of a compilation of חרטה and וידוי (מחול לעונותינו ביום הכפורים הזה, as we recite, כפרה). The וידוי of וקבלה חרטה, which is part of *Teshuva*, is done in private, during the *Shemoneh Esrei*. *Chazal* did not formulate a text for the וידוי of *Teshuva*. It is a very complicated וידוי. It is an outpour from one's heart. It can not be objectified in a fixed text. Part of the experience of the עצומו של יום, the *Kedushas HaYom* of *Yom Kippur*, is to understand one's baseness, one's low moral stature, and how unworthy he is. This is expressed in תפילת זכה and the like.

However, the official text of וידוי on *Yom Kippur* is the המכפר, and this latter type of וידוי expresses two thoughts:

- (x) על חטא שחטאנו (as in הכרת החטא); and,
- (y) אנא ה' כפר נא (as in מחול לעונותינו and בקשת כפרה).

This is the role of כפר נא; the *Kohen Gadol* petitions G-d to forgive the people¹⁸⁵.

The sinner must beg G-d to allow him to do *Teshuva*.

(9) The question arises, however, that the *Kohen Gadol* prefaced the הכרת החטא with the word אנא.¹⁸⁶ The *Kohen Gadol* recited:

אנא השם חטאתי, עויתי, פשעתי לפניך.
Please G-d, I have sinned before You.

¹⁸⁵ See, 89-92 עמוד where the Rav develops this more fully as corresponding to communal sins and individual sins.

¹⁸⁶ The word אנא means "Please G-d. I petition Thee."

Why did the *Kohen Gadol* have to express הכרת החטא in this fashion? What purpose is served by petitioning G-d prior to acknowledging the sin? What is the function of אָנָה?

(10) The Rav answered that חטא causes a barrier to be erected between the חטא and G-d. The *Rambam* describes the plight of the sinner whose prayers are summarily rejected by G-d. He writes:

כמה מעולה מעלת התשובה. אמש היה זה מובדל מהי אלוקי ישראל, שנאמר עונותיכם היו מבדילים ביניכם לבין אלוקיכם. צועק ואינה נענה...עושה מצות וטורפין אותם בפניו (פי"ז מהלכות תשובה ה"ז).

How glorious is the value of repentance. Yesterday, the violator would pray, but G-d would ignore him. As is it written: "Your sins have separated you from Me [G-d]," and his good deeds were rejected.

Thus, before the *Kohen Gadol* can acknowledge his sins, he must beg G-d, אָנָה השם: "Please G-d, do not reject me. Allow me to concede my guilt! Please do not close the door on me!"¹⁸⁷

In sum, the וידוי of the *Kohen Gadol* was a מכפר. It was an הקרבה, and was מכפר in the same manner as a *Karban* is מכפר.

(11) During the year, the וידוי recited on a קרבן חטאת simply expresses *Teshuva* since, without *Teshuva*, the *Karban* is meaningless and does not expiate

¹⁸⁷ This thought is more fully developed by the Rav in 46-48 עמוד על התשובה עמוד. [Editor's Note]

for the sin.¹⁸⁸ With respect to *Yom Kippur*, the וידוי itself serves as the הקרבה.

The *Torah* writes:

והקריב אהרן את פר החטאת אשר לו וכפר בעדו ובעד ביתו
(ויקרא: ט"ז, ו').
Aaron offered his bull and atoned for himself and his household.

This means that the וידוי serves as an הקרבת הקרבן, *as if he offered a Karban*.¹⁸⁹

The word והקריב, *and he offered*, in this context, does not refer to the physical act of slaughtering the bull, since the *Torah* states a few *Passukim* later (in פסוק י"א) that, after performing the other *Avodos*:

ושחט את פר החטאת אשר לו,
He slaughtered the bull (following the Avodah).

Thus, the word והקריב is defined by the *Gemara*¹⁹⁰ as כפרת דברים, the recitation of the words of the וידוי, and this results in the כפרה of בעדו ובעד ביתו.

(12) In other words, the פר underwent two הקרבות:

(x) Once through דברים (i.e. וידוי); and,

(y) Once through שחיטה.

¹⁸⁸

וכך בעלי חטאות ואשמות בעת שמביאין קרבנותיהן אין מתכפר להם בקרבנם עד שיעשו תשובה (רמב"ם פ"א מהלכות תשובה ה"א).

¹⁸⁹ See פסוק י"א and פסוק ו'.

¹⁹⁰ See יומא דף ל"ז ע"ב.

(13) The *שעיר המשתלח* had only one *הקרבה*, namely, that of *הקרבת* *דברים*, in that the *וידוי* was recited on it, but it was not slaughtered as a *Karban*.¹⁹¹ *וידוי* is a form of *הקרבה* in the same manner as *זריקת הדם*.

Similarly, *רבי שמעון* maintains that, unlike all *וידויים* on all other *Karbanos*, which are not indispensable, the *וידוי* recited on the *שעיר המשתלח* and on the *פר של כהן גדול* are both indispensable.¹⁹² The rationale behind this is that the *וידוי* is denominated by the *Torah* in terms of *הקרבה*. The *וידוי*, thus, assumes the role of *הקרבה*, which is indispensable. The *וידוי* itself is an *על ידי* *הקרבה*, *כפרת דברים*.

The *Yerushalmi* implies that *Kapparah* is obtained through the *שם המפורש*.

(14) The *Yerushalmi*¹⁹³ and *אתה כוננת* relate that the *וידוי* consisted of:

אנא הַשם חטאתי, עויתי ופשעתי,

followed by:

אנא בַשם כפר נא לחטאים, לעונות ולפשעים.

¹⁹¹ As will be demonstrated, *infra*, the *שעיר המשתלח* is also classified as a *כפרת פנים*, and this function was discharged either by reciting the *וידוי* on it, or by its physical presence in the *עזרה* while the blood of its companion *שעיר* was sprinkled on the *ארון* and *פרכת*. Thus, it was necessary for it to remain alive in the *עזרה* until after such time (see *Yoma* 40b). The *כפרת חוץ* feature was discharged when the *שעיר* was taken to the desert, and this feature was not indispensable (*Yoma* 40b, and 65a). This is more elaborately discussed by the Rav in:

חידושי הגר"מ והגר"ד עמוד ל"ב, עמוד נ"א, ועמוד נ"ט; קונטרס עבודת יום הכפורים עמוד מ"א.

[Editor's Note]

¹⁹² In *Yoma* 40b, *רבי שמעון*'s view is cited with respect to the *שעיר המשתלח*. The *Yerushalmi* applies it to the *וידוי* recited on the *פרו של כהן גדול* as well. See *חידושי הגר"מ והגר"ד עמוד ס"י*. [Editor's Note]

¹⁹³ See *מסכת יומא פרק ג' הלכה ז'*.

The *Rambam*¹⁹⁴ rules that the *Kohen Gadol* in the second sentence also said אָנָּא instead of בְּשֵׁם. The difference between אָנָּא הַשֵּׁם and אָנָּא בְּשֵׁם is that אָנָּא הַשֵּׁם means: "I plead with You (G-d). I petition You." On the other hand, אָנָּא בְּשֵׁם means: "Please, through Your name, forgive me." If he pleads אָנָּא בְּשֵׁם, then a comma is inserted after the word אָנָּא, and the phrase reads:

אָנָּא, על ידי שמך הגדול כפר נא.

The source of atonement on *Yom Kippur* is רַב חֶסֶד, *G-d's name*. The *Kohen Gadol* beseeched G-d to grant atonement through the שֵׁם, *the holy name*¹⁹⁵.

(15) There are differing texts whether the word is בְּשֵׁם or אָנָּא. What is the difference between the two? אָנָּא בְּשֵׁם means בהשם, through the unique and revered Holy Name (the שֵׁם המיוחד), while אָנָּא בְּשֵׁם means through any of the שמות of G-d (even the כינוי) used in order to cleanse the people. The Rav felt that the more correct text is אָנָּא בְּשֵׁם.

[XIX] THE ROLE OF THE הגרלה.

The purpose of the הגרלה was to endow the goats as חטאות פנימיות.

(1) The next *Avodah* performed following the וידוי on the *Kohen Gadol's* bull, is the הגרלה, *the lottery*, conducted on the two goats. The *Passuk* reads:

¹⁹⁴ See פרק ד' מחלכות עבודת יום הכפורים ה"א.

¹⁹⁵ See 129 עמוד על התשובה ספר for a different explanation of the word בְּשֵׁם. [Editor's Note]

ולקח את שני השעירים...ונתן אהרן על שני השעירים גורלות
(ויקרא: ט"ז, ז-ח).
He shall take two goats and place lots on their heads.

(2) What was the purpose of the הגרלה? The Rav answered that קדושת הגרלה served two purposes. Firstly, all קרבנות ציבור were invested with קדושת תרומת ציבור when the ציבור purchased those animals from the money of the תרומת ציבור. The שני שעירים were also purchased from the funds of the תרומת ציבור, and were each deemed to be a regular קרבן חטאת. If the ציבור wished, they could offer any of these שעירים as a שיעיר חטאת for the *Mussaf* of *Rosh Chodesh* or *Sukkos*. Thus, the two שעירים were invested with קדושת הגוף in that they could be offered as a communal חטאת.

After הגרלה, their status changed. The הגרלה converted them into two special חטאות פנימיות.¹⁹⁶

In other words, the ordinary חטאת קדושת חטאת of the two goats became differentiated by the הגרלה into two separate חטאות שם:

(x) one חטאת became a חטאת פנימי לה' (which differs from all other חטאות with respect to the sprinkling of its blood); and

(y) the other חטאת became a חטאת לעזאזל.

¹⁹⁶ A חטאת פנימי had a different *Kedusha* than a חטאת חיצון, in that the blood of the חטאת פנימי was sprinkled on the interior מזבח and was totally burnt. A חטאת חיצון was eaten by the *Kohanim*, and its blood was sprinkled on the exterior מזבח.

The הגרלה served as a קביעת שם, *a designation of the goats*, into a חטאת לה' and חטאת לעזאזל. Neither of these two חטאות can be equated with any other ordinary type of חטאת. This distinctiveness and differentiation is precipitated by the הגרלה.

(3) Secondly, the מעשה הגרלה is a *Kiyum Mitzvah* in that it is part of the עבודת היום of *Yom Kippur*. The *Gemara*¹⁹⁷ cites the view of רבי יוחנן who maintains that הגרלה is not mandatory. According to רבי יוחנן, the differentiation of the two goats into two unique חטאות is accomplished, not by הגרלה, but by the *Kohen Gadol's* pronouncement of לה' חטאת. The שעיר לעזאזל and the שעיר לה' each attain their respective status, simultaneously, with the pronouncement of לה' חטאת. According to רבי יוחנן, קובע is not the הגרלה, but the pronouncement.

(4) The Rav added that the שעיר לעזאזל is also endowed with קדושת פה by implication. Once the *Kohen Gadol* announces that the first goat is a חטאת לה', it automatically means that the second goat is a שעיר לעזאזל. He does not have to express this explicitly since the *Kedusha* is a קדושת זוג (i.e. *the initial Kedusha vests on the pair*).¹⁹⁸ Thus, when he says לה' חטאת, it also is קובע, *designates*, the other goat as the שעיר לעזאזל.

The three components of הגרלה and their impact on the קביעות שם.

¹⁹⁷ *Yoma* 39b.

¹⁹⁸ This is analogous to the situation of a קן סתומה, where one brings two birds but does not specify which is for a חטאת and which is for an עולה. [Editor's Note]

- (5) The *Mitzvah* of הגרלה consists of three actions:
- (x) drawing the lots from the box;
 - (y) placing a lot on the head of each goat (i.e. הנחה); and
 - (z) pronouncing להי חטאת שם (i.e. שעייר פנימי) on the שעייר פנימי.

(6) The question arises. Which of the three actions determines the status of the goats? Which of the three actions serves as a קביעות שם, differentiates between them, and converts two ordinary חטאות into a שעייר פנימי and into a שעייר לעזאזל? The *Rambam*¹⁹⁹ rules that the קביעות שם is obtained through הגרלה. רבי יהודה maintains that the קביעות שם is obtained through להי חטאת, *the pronouncement of להי חטאת השם*.

The practical difference between these opinions (i.e. whether the קביעות שם is obtained through הגרלה or קריאת שם) is whether the *Kohen Gadol* can alter the outcome of the lottery by pronouncing להי חטאת on the שעייר which was selected as the שעייר לעזאזל by the lottery. For example, if the lot which read להי חטאת was drawn by the *Kohen Gadol*'s left hand, and the lot which read לעזאזל was drawn by the *Kohen Gadol*'s right hand, can the *Kohen Gadol*, nonetheless, place the lot of להי חטאת on the right שעייר (and vice versa)?²⁰⁰

¹⁹⁹ See פרק גי מהלכות עבודת יום הכפורים הלכה גי.

²⁰⁰ In the time of שמעון הצדיק the גורל להי חטאת would always be drawn by the right hand. The script of the גורלות were on the outside and the סגן and the ראש בית אב read it, depending on which hand it came out.

(7) Following the הגרלה, the *Kohen Gadol* placed the lots on the heads of the two goats. This is called הנחה and, as noted, the *Rambam*²⁰¹ rules that הנחה is not indispensable.

(8) The *Passuk* reads:

ונתן אהרן על שני השעירים גורלות (ויקרא: ט"ז, ח').
Aaron shall place lots on both goats.

What is peculiar is that the phrase ונתן גורלות presupposes the conduct of a גורל, a lottery. The גורל is taken for granted and is not explicitly mentioned, even though it is indispensable. Placing the lots on the heads of the goat (i.e. הנחה) is not mandatory, yet it is explicitly mentioned.

(9) The הנחה is followed by קריאת שם. The *Passuk* reads:

והקריב אהרן את השעיר אשר עלה עליו הגורל לה' ועשהו חטאת (ויקרא: ט"ז, ט').
Aaron should offer the goat which the lottery designated as the burnt offering and he should offer it as a חטאת.

The words והקריב and ועשהו חטאת are interpreted to mean that the *Kohen Gadol* announced that the goat is a חטאת לה'. Thus, the שעיר פנימי receives a קריאת שם through both the גורל and קריאת שם.

Placing the lots is a *Kiyum Mitzvah* but not a קביעות שם.

(10) The *Rambam* rules:

הנחה מצוה שאינה מעכבת, לפיכך הנחה כשרה בור (שם).

²⁰¹ Ibid.

Placing the lots on the goats is a Mitzvah which is not mandatory; it can, thus, be performed even by one who is not a Kohen.

The question arises, that the *Passuk* expressly states that ונתן אהרן על שני והשעירים גורלות. Thus, *prima facie*, a *Kohen* is required. How then can the *Rambam* rule that הניחה, the placement of the lots, may be performed by someone other than the *Kohen Gadol*?

(11) The Rav answered that the *Rambam* does not rule that if someone other than the *Kohen Gadol* performed the הניחה, then that satisfies the *Mitzvah* of הניחה. On the contrary, the קיום מצות הניחה is not discharged thereby. The *Kiyum Mitzvah* is obtained only if the *Kohen Gadol* himself places the lots on the heads of the goats. Nonetheless, in such a case, the קביעות השעירים, the designation of the status of the two goats, is unaffected, despite the fact that the הניחה was performed by someone other than the *Kohen Gadol*. Had someone else performed the הגרלה, the קביעות שם would not take effect. However, once the *Kohen Gadol* performed the lottery, the קביעות שם already obtained through the הגרלה continues unabatedly, even though the *Kiyum Mitzvah* of הניחה is not thereafter satisfied.²⁰²

²⁰² It is not different from a situation in which הניחה was not performed at all. In such a case, הניחה אינה מעכבת, and the קביעות שם remains unaffected.

The *Tosfos Yeshonim* (ibid) ask, according to *Rabbi Yehuda* and the *Rambam* who rule that הגרלה פסולה בזר, how can the *Gemara* (Yoma 39a) have suggested that a סגן assist the *Kohen Gadol* in performing the הגרלה, and that both the סגן and the *Kohen Gadol* draw the lots simultaneously?

[XX] THE NECESSITY OF PROSTRATION DURING THE LOTTERY.

The *Piyut* implies that the people did not prostrate themselves upon the pronouncement of the שם המפורש during the lottery.

(1) In the *Piyut* of אתה כוננת, following the description of the lottery and the *Kohen Gadol*'s pronouncement of לה' חטאת, the *Piyut* re-introduces the Paragraph of והכהנים והעם, which describes how the people prostrated themselves upon hearing the name of G-d, and answered ברוך שם.²⁰³ In the *Piyut* of אמיץ כח this is deleted. It reads:

צנח והגריל לשם גבוה ולצוק. צעק בקול רם לה' חטאת
צותתיו ענו לו וברכו את השם.
*He bent over the box²⁰⁴ and engaged in the lottery to
designate which goat is for G-d, and which would be
dispatched to the desert. He loudly proclaimed which
goat was to be offered to G-d. Those who heard him,
praised the Holy Name by reciting שם ברוך.*

The simple answer is that when the *Rambam* rules that הגרלה פסולה בזר, he is referring to the קביעות שם resulting from the הגרלה. However, both hands of the *Kohen Gadol* are not required. Once the *Kohen Gadol* draws one of the lots, a קביעות שם is obtained, since the other goat is automatically vested with the opposite *Kedusha* accorded to the first goat. Once the *Kohen Gadol* has performed the הגרלה by removing one of the lots, a קביעות שם is obtained for both goats, despite the סגן assistance.

(See גבורת ארי יומא שם; ומקדש דוד עמוד 130; חידושי הגר"ם והגר"י עמוד נ': קונטרס עבודת יום (See רמב"ם פ"ב מהלכות עבודת יום הכפורים ה"ו).) [Editor's Note]

²⁰³ When the *Kohen Gadol* announced the results of the lottery, he would read aloud לה' חטאת from that lot, and place it on the head of the goat which corresponded to the hand in which the lot of לה' חטאת appeared. When he proclaimed לה' חטאת, the *Kohen Gadol* pronounced the שם המפורש (See רמב"ם פ"ב מהלכות עבודת יום הכפורים ה"ו).

²⁰⁴ It is unclear where the פייטן derived that the *Kohen Gadol* bent over the box.

Apparently, the פייטן maintains that the people did not prostrate themselves when they heard the שם המפורש pronounced upon חטאת.²⁰⁵

Rashi maintains that the purpose of prostration was the performance of וידוי.

(2) Why did the people not engage in השתחוואה upon hearing the pronouncement of the שם המפורש of חטאת?

The Rav answered that there are two different texts of the Paragraph of והכהנים והעם. Our text reads:

והכהנים והעם העומדים בעזרה היו כורעים ומשתחוויים
ונופלים על פניהם.
*The Priests and the people who were present in the
Temple, prostrated themselves upon hearing the name of
G-d pronounced by the Kohen Gadol.*

There is another text of the Paragraph of והכהנים והעם which reads:

והכהנים והעם וכו' היו כורעים ומשתחוויים ומודים וכו'.

What does ומודים mean? וידוי, *confession*. *Rashi*²⁰⁶

relates that the purpose of the miracle described in the *Mishnah*:²⁰⁷

עומדים צפופים ומשתחוויים רווחים,
*When they stood, they would be crowded together. But,
when they would bow, they had ample room,*

²⁰⁵ Interestingly, the *Mishnah* (*Yoma* 35b and 41b) does not mention that the people prostrated themselves during the two וידוים recited on the *Kohen Gadol's* bull. It only describes prostration in connection with the וידוי recited on the שער המשתלח (*Yoma* 66a). See Paragraphs XV, 3-5.

²⁰⁶ רשיי מסכת יומא דף כ"א.

²⁰⁷ See מסכת אבות פ"ה, משנה א'.

was in order that:

שלא ישמע איש את וידויו של חבירו,
*One should not hear the confessions of the person
standing near him.*

This miracle of providing the people with ample space within which to bow, occurred on every *Yom Tov*. Apparently, the people would recite וידוי whenever they bowed in the *Mikdash*, even on *Yom Tov*.²⁰⁸

Prostration was performed only in connection with the וידוי of the *Kohen Gadol*.

(3) The Rav theorized that the *Piyut* of אמיץ כח maintains that, on *Yom Kippur*, the people would prostrate themselves and recite וידוי only on those occasions when the *Kohen Gadol* also recited וידוי. The people would respond to the *Kohen Gadol's* וידוי (in which he pronounced the שם המפורש) by השתחוואה and וידוי. When the *Kohen Gadol* proclaimed להי חטאת, he did not recite וידוי. Similarly, the people also did not perform השתחוואה (nor recite וידוי).²⁰⁹

The פייטן of אמיץ כח concurs with this theory, and, thus, maintains that the השתחוואה (and resulting וידוי) were not observed during that proclamation.²¹⁰

²⁰⁸ As noted, *supra*, the גרייט deduced that one is obligated to engage in השתחוואה whenever entering the עזרה.

²⁰⁹ The Rav expounded on this theory in קונטרס עבודת יום הכפורים עמוד ליה. He interpreted the *Mishnah* as maintaining that they only prostrated themselves when the *Kohen Gadol* recited וידוי on their behalf. Accordingly, the *Mishnah* does not relate that the people performed השתחוואה except in response to the final וידוי on the משתלה. [Editor's Note]

²¹⁰ As noted, the *Piyut* of אמה כוננת and the *Rambam* disagree. They maintain that the people did prostrate themselves upon hearing the pronouncement of להי חטאת since they maintain that השתחוואה is the appropriate response to hearing the המפורש שם.

[XXI] THE SECOND CONFESSION RECITED ON THE BULL.

The *Kohen Gadol* confessed the sins of all the *Kohanim*.

(1) The next *Avodah* following the הגרלה is the וידוי שני (i.e. the כפרת

דברים) for the אחיו הכהנים, *his fellow Kohanim*. The Torah writes:

והקריב אהרן את פר החטאת אשר לו וכפר בעדו ובעד ביתו
ושחט את הפר החטאת אשר לו (ויקרא: ט"ז, י"א).²¹¹
*Aaron shall offer his bull (by confessing his sins and that
of his fellow Priests), and he will obtain atonement for
them. He shall then slaughter the bull of atonement
donated by him.*

(2) The *Rambam* writes:

ובא לו אצל פרו שנייה וסומך שתי ידיו על ראשו ומתודה וידוי
שני. וכך הוא אומר אנא השם חטאתי, עויתי, פשעתי לפניך
אני וביתי ובני אהרן עם קדשיך (פרק ד' הלכה א').
*He approached his bull a second time, placed his hands
on it, and recited the second confession. He proclaimed,
"Please G-d, I have erred, sinned, and rebelled against
You, both myself, my family, and the sons of Aaron."*

It is, thus, stipulated that the *Kohen Gadol* would include both himself and his fellow *Kohanim* together in one וידוי.

(3) Why are the other *Kohanim* classified by the *Torah* under the rubric of "בעד ביתו"?

The Rav performed השתחוואה by the words of לה' חטאת since the text of the *Piyut* of details that the people in the עזרה would bow when they heard that pronouncement as well.

A *Chasidic Rebbe* once died after performing that כריעה and so it was subsequently discontinued by many *Chassidim*. The Rav recited the text of אתה כוננת rather than כח אמיץ כח.

²¹¹ This is the second time that the *Torah* writes ובעדו ובעד ביתו. The first time in ו' פסוק refers to the first וידוי, while this refers to the second וידוי. Once again, והקריב means הקרבת דברים, *atonement through confession*.

The Rav answered that the וידוי was not offered on their behalf as strangers. Rather, they are deemed to constitute בני ביתו. They are not strangers to him, but are regarded as an extension of his family. His responsibility to the other *Kohanim* is the same type of responsibility which the *Kohen Gadol* bears for his own wife and children. He is the head of all of the *Kohanim*, and they are all regarded as his family.²¹² The וידוי transforms the פר into an individual *Karban* offered by the *Kohen Gadol* on behalf of himself and his extended family .

The *Kohen Gadol* is culpable for the sins of the other *Kohanim*.

(4) Interestingly, as far as the וידוי is concerned, the פר actually serves as two *Karbanos* (one for the *Kohen Gadol* and one for the other *Kohanim*). However, as far as the שחיטה is concerned, it serves as one *Karban*. This is accomplished by reciting וידוי for both himself and his fellow *Kohanim*.²¹³

[XXII] THE SLAUGHTERING OF THE BULL.

The blood of the bull could not be sprinkled until after the completion of the קטורת service.

(1) After performing the lottery and confessing the sins of his fellow *Kohanim*, the *Kohen Gadol* slaughtered the bull that he donated (i.e. the פרו של פרו של גדול). This is reflected in the *Passuk* of:

²¹² *Rashi* on that *Passuk* writes:

שכולם קרויים ביתו, שנאמר בית אהרן ברכו את ה'.

²¹³ See מסורה חוברת י"ב עמוד נ"ב (אות כ"ח) where the Rav explains that the פר was owned by the *Kohen Gadol*, but that the other *Kohanim* had an equitable interest, as opposed to a proprietary interest, therein! The וידוי therefore included both the *Kohen Gadol* and the other *Kohanim*.

ושחט את פר החטאת אשר לו (ויקרא : ט"ז, י"א).
He shall then slaughter the bull of atonement donated by him.

Normally, שחיטה is followed by זריקת הדם, *the sprinkling of the blood*.

In this instance, however, the *Mishnah*²¹⁴ writes that the *Kohen Gadol* caught the blood in a pail and handed it to another *Kohen* who stirred it until the *Kohen Gadol* could sprinkle it.²¹⁵ The *Passuk* explicitly directs that, after slaughtering the bull, the *Kohen Gadol* was required to defer sprinkling its blood, and, instead, immediately commence and complete the קטורת service.²¹⁶

The קטורת service provides the *Kohen Gadol* with a license to enter the Holy of Holies.

(2) In ספר העמק דבר, the *Netziv* asks why the *Torah* took the unusual step of directing the *Kohen Gadol* not to sprinkle the blood of the bull until after completing the קטורת service? Why should the קטורת service intervene between the שחיטה and זריקה?

²¹⁴ See יומא דף מ"ג ע"ב.

²¹⁵ By all other *Karbanos*, דם שנקרש כשר, *blood which coagulates is acceptable*. However, by חטאות הפנימיות, the *Karbanos* whose blood are sprinkled on the Interior Altar, דם שנקרש, *coagulated blood is disqualified*. Thus, the blood of this bull, which is sprinkled on the ארון, as well as on the Interior Altar, must constantly be stirred to prevent it from coagulating.

²¹⁶ In פסוק י"א, the *Torah* writes, ושחט את פר החטאת אשר לו. This is immediately followed (in ולקח מלא מחתה אש ומלא חפניו (i.e. קטורת ritual (i.e. פסוקים י"ב-י"ג (קטורת). After describing the קטורת ritual, the *Torah* writes (in פסוק י"ד) ולקח מדם הפר והזה, *the blood of the bull should then be sprinkled*. Thus, the *Torah* explicitly dictates that the slaughtering of the bull be immediately followed by the קטורת ritual, and that the sprinkling of its blood be deferred until after the קטורת ritual.

He answers that the *Passuk* itself expresses the rationale. The *Passuk*, after describing the קטורת ritual, states:

וכסה ענן הקטרת את הכפורת ולא ימות (ויקרא : ט"ז, י"ג).
The smoke of the incense shall cover the Ark, and he (the Kohen Gadol) will not die.

Why does the *Torah* add ולא ימות, *and he will not die*? The *Netziv* answers that the *Torah* teaches us that the *Kohen Gadol* could not enter the קודש to sprinkle the blood of the bull, unless he first offered the קטורת there. The קטורת of כניסה מתיר to the קודש הקדשים is the קטורת. The קטורת operates as a license to open the doors of the קודש הקדשים. Thus, the *Kohen Gadol* could not sprinkle the blood of the bull in the קודש הקדשים unless he first performed the קטורת ritual therein.

[XXIII] AN INTRODUCTION TO THE עבודת הקטורת.

Introduction.

(1) After slaughtering the bull, the *Kohen Gadol* commenced the עבודת הקטורת, which was unique to *Yom Kippur*. In order to understand this *Avodah*, it is necessary to contrast it with the קטורת service performed each day during the year.²¹⁷

²¹⁷ See מהלכות תמידין ומוספין הי"ט, for a description of the daily קטורת service. [Editor's Note]

The קטורת was offered each morning and evening of the year, including *Yom Kippur*,²¹⁸ in conjunction with the two תמידים. On *Yom Kippur*, in addition to the standard daily קטורת, the *Kohen Gadol* also offered קטורת inside the קודש קדשים.

The various distinctions between the קטורת offered during the year and the קטורת offered on *Yom Kippur*.

(2) There are a number of qualitative distinctions between the daily קטורת and the special *Yom Kippur* קטורת:

(i) The daily קטורת was pounded into a fine texture (דקה), while the *Yom Kippur* קטורת was pounded into an extra fine texture (דקה מן הדקה).²¹⁹

(ii) The daily קטורת was established as a fixed amount, equal in weight to a פרס, while on *Yom Kippur* the requisite amount was determined by the amount of קטורת which could be scooped up by the *Kohen Gadol's* palms (i.e. a מלא חפני). The latter varied depending on the size of the *Kohen Gadol's* palms.

(iii) The daily קטורת was burnt on coals placed on the מזבח הפנימי, the *Interior Altar*, while the *Yom Kippur* קטורת was burnt in a pan of coals inside the קודש הקדשים.

(iv) The daily קטורת was sprinkled onto the coals directly from a כלי שרת;²²⁰ the *Yom Kippur* קטורת was sprinkled onto the coals directly from the

²¹⁸ The morning קטורת was offered in the first טבילה, and the evening קטורת was offered in the fifth טבילה.

²¹⁹ See יומא דף מ"ג ע"ב.

palms of the *Kohen Gadol*. The *Yom Kippur* קטורת could not be sprinkled from a כלי שרת; the מעשה הקטרה could only be implemented from מלא חפניו, *the Kohen Gadol's palms*.

(3) In each instance, the coals on which the קטורת were spread were taken from the second מערכה, *bon-fire*, designated for that purpose on the מזבח החיצון, *the Exterior Altar*. The daily קטורת and the coals were placed on the מזבח הפנימי, while the *Yom Kippur* קטורת were sprinkled into a pan of coals, which was placed on the ארון, in the קודש קדשים, *Holy of Holies*.

During the year, the *Kiyum* of הולכה was limited to carrying the קטורת.

(4) The Rav pointed out that there existed another fundamental difference between the daily קטורת and the special *Yom Kippur* קטורת, with respect to the *Avodah* of הולכה, *the act of carrying the קטורת to the next location*. During the year, the *Kiyum* of הולכה²²¹ was realized by transporting the קטורת to the מזבח הפנימי. This הולכה was applicable to the קטורת, but not to the coals which accompanied the קטורת.²²² During the year, one *Kohen* would

²²⁰ See 133 עמוד דוד מקדש דוד ספר who quotes the *Rosh* who maintains that the daily קטורת was also sprinkled directly from the *Kohen's* palms. [Editor's Note]

²²¹ A *Kiyum* is obtained whenever an *Avodah* is deemed to have been performed. The practical effect of realizing a *Kiyum* is that one can disqualify the *Karban* with improper thoughts (i.e. מחשבה פסולה) during the performance in question. See פ"ג מפסוה"מ הלכות ג"ז [Editor's Note]

²²² See, however,

ידושי ר' חיים הלוי על רמב"ם פ"ג מהלכות תמידין ומוספין ה"ד,

take the coals from the second מערכה on the מזבח החיצון and carry it into the היכל, while another *Kohen* carried the קטורת into the היכל. However, the *Kiyum* of הולכה related solely to transporting the קטורת, and did not apply to the act of transporting the coals. This is so since the קטורת is classified as a *Karban*, while the coals are not so classified. (The coals are only a מכשירי קרבן, *an instrument which facilitates the offering*, and a *Kiyum* of הולכה is only obtained by transporting an actual *Karban*).

On *Yom Kippur*, a *Kiyum* of הולכה is obtained with respect to both the coals and the קטורת.

(5) The Rav explained that the *Yom Kippur* קטורת and the pan of coals were carried by the *Kohen Gadol* himself, the pail in his right hand, and the קטורת in his left hand. On *Yom Kippur*, a *Kiyum* of הולכה was obtained both with respect to transporting the קטורת and with respect to transporting the coals. Carrying the coals for the *Yom Kippur* קטורת also constituted an *Avodah*.

This is derived from the *Passuk*:

ולקח מלא מחתה גחלי אש מעל המזבח...ומלא חפניו קטורת...והביא מבית לפרוכת (ויקרא: ט"ז, י"ב).
He shall take a pan of coals from the (Exterior) Altar, and a palm-full of incense, and bring both the coals and the incense into the Holy of Holies.

The word והביא, *and (he shall) bring*, applies to both the coals and to the קטורת.

The *Torah* expressly imposes an obligation to transport both the coals, as well as

who maintains that, during the year, a *Kiyum* of הולכה is not realized, even with respect to carrying the קטורת itself, and certainly not with respect to carrying the coals. [Editor's Note]

the קטורת, into the קודש הקדשים. Thus, a *Kiyum* of הולכה is obtained by carrying each of the coals and קטורת into the קודש הקדשים.²²³

(6) Another distinction between the daily קטורת and the *Yom Kippur* קטורת is found with respect to the act of gathering the coals from the מזבח. Gathering the coals from the מזבח החיצון (i.e. the חתיית גחלים) for the daily קטורת during the year is not considered an *Avodah*. However, with respect to the *Yom Kippur* קטורת, gathering the coals from the Exterior Altar is deemed an *Avodah*. This is so since the *Torah* writes:

ולקח מלא המחתה גחלי אש מעל המזבח...
He shall take a pail of coals from the Altar...

Thus, by using the word ולקח with respect to the coals, the *Torah* expressly classifies the act of removing the coals from the Altar as an עבודה.²²⁴

²²³ The Rav pointed out, however, that insofar as the קטורת is classified as a *Karban*, in that it is offered, while the coals are not classified as a *Karban*, the *Kiyum* of הולכה obtained by each also differs. Thus, the הולכה of the קטורת is an עבודת קרבן, while the הולכת גחלים, though certainly an עבודה, is not עבודת קרבן. See ספר מקדש דוד עמוד 134 who classifies the הולכת גחלים as only a מכשירי קרבן. [Editor's Note]

²²⁴ The *Rambam*, therefore, rules that if the *Kohen Gadol* had inappropriate thoughts while gathering the coals for the קטורת, the act is disqualified. (See פ"ה מהלכות עבודת יום הכפורים). I assume that the Rav felt that this ruling applies to the coals gathered for the *Yom Kippur* קטורת, and not those gathered for the standard קטורת.

In חידושי הגר"מ והגר"י עמוד נ"ז-נ"ח, the Rav reached a different conclusion. He noted that gathering the coals for the daily קטורת is also classified as an עבודה. However, during the year the coals were gathered with a silver shovel which was not a כלי שרת. Hence, they were not invested with קדושת הנוף and could not be disqualified. However, on *Yom Kippur*, both the coals used for the daily קטורת as well as the coals used for the *Yom Kippur* קטורת were invested with קדושה, since the golden shovel used on *Yom Kippur* was a כלי שרת. Hence, they could both be disqualified by improper thoughts. The above cited ruling therefore applies to coals gathered for both the standard as well as the daily קטורת. See also ספר מקדש דוד עמוד 180. [Editor's Note]

The קטורת on *Yom Kippur* is carried in the *Kohen Gadol's* left hand.

(7) The *Mishnah* describes the procedure for the *Avodah* of the קטורת:

הוציאו לו את הכף ואת המחתה. חפן מלא חפניו ונתן לתוך כף, הגדול לפי גדלו, והקטן לפי קטנו. נטל את המחתה בימינו והכף בשמאלו (מסכת יומא דף מ"ז ע"א).

They brought to the Kohen Gadol an empty spoon and a dish of incense. He scooped up a palm full of the incense, depending on his specific size, and placed it in the spoon. He took the pail of coals in his right hand, and the spoon containing the incense in his left hand, and entered the Sanctuary.

(8) Ordinarily בשמאל פסולה, *one who transports a Karban with his left hand disqualifies the Karban*. The only exception to this is found on *Yom Kippur* where the *Kohen Gadol* was permitted to carry the קטורת in his left hand.

The *Gemara*²²⁵ explains that this deviation is sanctioned by הלכה למשה מסיני, *the Masoratic Tradition*. The *Rambam*,²²⁶ however, provides a different answer. He excuses this deviation on the basis that the coals were heavier than the קטורת, and apparently, the right hand can tolerate heavier objects and hotter items more easily than the left hand. Thus, the deviation is excused in order to ease the *Kohen Gadol's* task.

²²⁵ See מסכת מנחות דף כ"ה ע"א.

²²⁶

כבר ביארנו שהולכה בשמאל פוסלת בשאר עבודות. ולפיכך היה מן הדין שיוליך המחתה בשמאלו וכף הקטורת בימינו. אבל מפני כובד המחתה ועוד שהיא חמה, אינו יכול לסובלה בשמאלו עד הארון. לפיכך נטל המחתה בימינו, וכף הקטורת בשמאלו (פרק ד' הלכה א').

This originates with the statement made by רב ששת in *Yoma* 48b - 49a.

(9) The obvious question is, how is the *Rambam's* answer responsive? If the הולכה בשמואל is invalid, then isn't it irrelevant if the coals are too heavy or not? Why, then, didn't the *Mishnah* and *Rambam* insist that the *Kohen Gadol* carry the קטורת in his right hand and the coals in his left hand despite its onerous weight?

From the viewpoint of *Halacha* both the קטורת and coals are deemed to have been carried in the right hand.

(10) The Rav answered that הולכת הכף (של קטורת) והולכת המחתה, transporting both the coals and the incense, constitute one indivisible מעשה הולכה, a single act of transporting, and not two separate מעשי הולכה. The *Torah* describes both the transporting of the coals and that of the קטורת with one verb (והביא). It writes:

ולקח מלא מחתה גחלי אש... ומלא חפניו קטורת... והביא
מבית לפרוכת (שם).
*He shall take a pail of coals and a palm full of incense,
and bring both the coals and the incense into the Holy of
Holies.*

The verb והביא applies to both the קטורת and the coals. Thus, carrying the coals, together with the קטורת, constitutes a single *Kiyum* of מבית לפרוכת! However, since it is physically impossible to carry both the קטורת and the pan of coals with a single hand, the conclusion inexorably drawn is that the *Torah* sanctions carrying one of the two in the left hand. Thus, a *Kiyum* of הולכה is obtained with either hand, and is not disqualified as an עבודת שמאל.

Moreover, the Rav felt that as far as the *Kiyum* and the *Halachic* classification are concerned, one cannot even regard the coals as having been carried with the right hand and the קטורת as having been carried with the left hand. The right hand is equally allocated among both the כף קטורת and the גחלים, *coals*, from the standpoint of *Halacha*. It is one *Halacha* of והביא. The קיום מצות הולכה, for both the coals and the קטורת, is deemed to have been performed with the right hand.²²⁷

The preference accorded to the right hand is waived on *Yom Kippur*.

(11) However, there is another rule, namely, that of מצוה בימין, *that it is preferable to perform all Mitzvos with the right hand*. All *Mitzvos*, such as לקיחת לולב, even if not an *Avodah*, should preferably be implemented with the right hand. This performance relates solely to the מעשה מצוה, *the physical implementation of the Mitzvah*. Thus, as far as the מעשה מצוה is concerned, the קטורת, theoretically, should have been carried with the right hand (and the coals with the left hand), since the קטורת is a *Karban* while the coals are only a מכשירי

²²⁷ The Rav provided a different answer in מ"ט-ג עמוד הכפורים יום הכפורים עבודת יום הכפורים. He wrote that the *Kiyum* of והביא is satisfied by taking the קטורת in either hand, since the *Torah* subsumes the transporting of both the coals and the קטורת under the single word of והביא. However, there is another rule that every מעשה הולכה must be performed with the right hand, and if not performed with the right hand, it is deemed to have occurred on its own (or through an אינו בר חיובא, *a disqualified individual*). This latter rule is suspended on *Yom Kippur* because of hardship. The Rav explained that since the *Kiyum* of והביא is discharged even by הולכת שמאל, the קטורת is deemed to have been carried properly, even though it was carried in the left hand. Once the קטורת is deemed to have been transported properly in satisfaction of a *Kiyum* (i.e. that of והביא) then it can no longer be disqualified, and deemed to have occurred on its own, even though the מעשי הולכה was not performed by the right hand. [Editor's Note]

קרוב. The קטורת should have been given preference over the coals with respect to the מעשה מצוה, *to the physical implementation of the Mitzvah*.

(12) In other words, as far as the פסול, *disqualification*, of עבודת שמואל is concerned, carrying both the coals and the קטורת constitutes a single הולכה, one *Kiyum* of והביא. Thus, the קטורת is not disqualified even if carried in the left hand, since from an *Halachic* viewpoint the קיום הולכה is deemed to have been performed with the right hand. However, as far as the general principle of מצוה בימין, *that it is preferable to perform all Mitzvos with the right hand*, the קטורת, as all other מעשי מצוה, *physical actions*, should be performed with the right hand. Thus, from the viewpoint of the מעשה הולכה, *the actual physical transportation of the coals*, the קטורת should, theoretically, have been carried with the right hand, even though as far as the קיום הולכה is concerned, the קטורת is deemed to be transported with (the functional equivalent of) the right hand.

(13) It was this latter element of according preference to the right hand for the performance of a מעשה מצוה (as opposed to the קיום מצוה), which is discussed by the *Rambam* and excused on *Yom Kippur* because of the greater weight of the coals.

(14) The *Rambam* excuses the deviation in order to ease the *Kohen Gadol's* tasks. He excuses only the performance of מצוה בימין, given that the קיום הולכה is already classified as an הולכת ימין. Had this not been the case, then

the weight factor would not have had any impact whatsoever, and the *Rambam* would have ruled that the קטורת must be carried with the right hand.

[XXIV] THE OFFERING OF THE קטורת IN THE קודש הקדשים.

The controversy between the צדוקים and פרושים.

(1) The precise procedure for offering the קטורת was the subject of a controversy between the צדוקים and the פרושים. The controversy centered around the interpretation of the following *Passuk*:

ואל יבא בכל עת אל הקודש מבית לפרוכת...כי בענן אראה על
הכפורת (ויקרא: ט"ז, ב').
*He should not enter the Holy of Holies at all times, since I
will appear within a cloud on the Ark.*

(2) *Chazal* interpreted this *Passuk* to mean that the *Kohen Gadol* was to sprinkle the קטורת on the fire after entering the קודש קדשים. No one was permitted to accompany the *Kohen Gadol* into the היכל.²²⁸ The phrase כי בענן אראה, thus, refers to the שכינה, *G-d's presence*, and not to the smoke of the קטורת. The phrase, means that one should not enter the קודש קדשים at any time, since G-d's presence, enveloped in a divine cloud, appears there.

The צדוקים interpreted the *Passuk* as meaning that the קטורת was spread on the fire prior to entering the קודש קדשים. According to their interpretation, the ענן, *cloud*, refers to the smoke of the קטורת, in that G-d will appear within the smoke of the קטורת as it is brought into the קודש קדשים.

²²⁸ See *Yoma* 43b.

The *Rambam* rules that one who offers a morsel of קטורת in the היכל is punishable by death.

(3) The *Rambam* has a strange ruling. He writes:

הקטיר מן הקטורת של קודש הקדשים כזית בהיכל חייב
מיתה (פי"ה עבודת יום הכפורים הכ"ו).

One who offers a morsel of the incense in the Heichal (i.e. in the chamber contiguous to the Holy of Holies), is condemned to death.

(4) The *Rambam* explains that this ruling is predicated on the general rule of שחוט חוץ, which precludes one from offering any *Karban* (including קטורת), except in the location specified therefor. Thus, since the appropriate location for offering the קטורת is in the קודש הקדשים, any offering that is made outside of the קודש הקדשים is deemed to be שחוט חוץ.

(5) The *Rav* disagreed. He maintained that the injunction against שחוט חוץ precludes one from offering any *Karban*, or performing any *Avodah*, outside of the *Bais HaMikdash*. It does not enjoin one from performing an *Avodah* in another location within the *Bais Hamikdash*.²²⁹

Furthermore, the penalty for שחוט חוץ is כרת, and not מיתה בידי שמים.²³⁰

Yet, with regard to offering the קטורת in the היכל, the *Rambam* rules that the violator is condemned to מיתה בידי שמים.

²²⁹ The latter is enjoined for other reasons, and carries a different penalty. For example, one who sprinkles the blood reserved for the מזבח פנימי on the מזבח חיצון does not violate the injunction against שחוט חוץ.

²³⁰ See פ"ח מהלכות מעשה הקרבנות ח"ב.

The *Passuk* provides a specific injunction against sprinkling the קטורת outside the *Holy of Holies*.

(6) In order to resolve this question, the Rav cited the *Rambam* who

rules:

מפי השמועה למדו חכמים שאין נותן הקטורת אלא בקדש הקדשים לפני הארון שנאמר ונותן את הקטורת על האש לפני ה' (פ"א מהלכות עבודת יום הכפורים ה"ז).
Our Rabbis taught that the Kohen Gadol may not spread the incense on the fire until after he enters the Holy of Holies. As it is written, "And he shall place the incense on the fire while in the presence of G-d (i.e. the Holy of Holies), and he will not die."

(7) The *Passuk* quoted by the *Rambam* reads as follows:

ונתן את הקטורת על האש לפני ה' וכסה ענן הקטורת את הכפורת אשר על העדות ולא ימות (ויקרא: ט"ז, י"ג).
He shall place the incense on the fire while in the presence of G-d, and the smoke of the incense shall cover the Ark and he will not die.

(8) *Chazal* interpret the *Passuk* of ונתן את הקטורת על האש לפני ה' as imposing an obligation on the *Kohen Gadol* to spread the קטורת on the fire, only after he enters the קודש הקדשים. The conclusion of that *Passuk* provides that the penalty for violating this prescription is ולא ימות (i.e. מיתה בידי שמים). Thus, the Rav argued that this *Passuk* stipulates a specific מיתה בידי שמים for anyone who deviates from this procedure. Accordingly, the practice of the צדוקים to sprinkle the incense on the fire prior to entering the קודש הקדשים violates this *Passuk*, and is punishable by מיתה בידי שמים. This penalty was expressly imposed for this one violation.

(9) The *Rambam* merely codifies this in the above cited ruling:

הקטיר מן הקטורת של קדש הקדשים כזית בהיכל חייב
מיתה.

In other words, the *Rambam* specifically addresses the practice of the צדוקים. He underscores that there is an injunction specific to *Yom Kippur* which precludes anyone from offering the קטורת outside of the קודש הקדשים. He cites the *Passuk* as the basis for this ruling and as providing that violators are punished by מיתה בידי שמים.

(10) In his commentary to the *Mishnah*²³¹, the *Rambam* expresses this quite explicitly.

שהרבה כהנים גדולים היו מתים בקודש הקדשים אם לא היו
ראוין או אם ישנה דבר במעשה הקטורת. הלא תראה אמר
יתעלה לאהרן ולא ימות כי בענן אראה על הכפורת.
*Many High Priests died while performing the ritual in the
Holy of Holies, either because they were unworthy, or
because they deviated from the procedure of the incense
offering, the latter of which is punishable by death. As it
is written, "He will not die since I will appear in the Holy
of Holies."*

In sum, one who performs the קטורת service in the manner prescribed by the צדוקים (i.e. by sprinkling the קטורת on the fire prior to entering the *Holy of*

²³¹ פרק ה' דיומא (דף צ"ד משי"ס ווילנא)

Holies) is punished by מיתה בידי שמים.²³² This, then, was the intent of the *Rambam*.

[XXV] THE AVODAH OF THE קטורת.

The *Kohen Gadol* performed two חפניות on the קטורת.

(1) After slaughtering the bull, the *Kohen Gadol* gathered coals from the עזרה into a מחתה, *pan*, which he placed on a stand in the חיצון. He then inserted both hands into a מחתה containing קטורת²³³ and scooped up a מלא חפניו, *two palms-full*, which he emptied into a כף, *spoon*.

²³² In נ"ז - נ"ז, the Rav related that this explanation was advanced by both his maternal grandfather, the אליהו, and by his paternal grandfather, the גר"ח. However, the Rav raised a number of difficulties with respect to this interpretation, namely, that the injunction should embrace an offering of the קטורת in any location outside of the Holy of Holies, and should not be limited to an offering of the קטורת in the חיצון.

In,

חידושי הגר"ם והגר"ח עמוד נ"ז; וחידושי הגר"ם ח"ג עמוד פ"א, the Rav discusses the distinction between the penalty imposed on a זר (i.e. a *Non-Kohen*) who offers the *Yom Kippur* קטורת inside the *Bais Hamikdash*, and that imposed on anyone (even a *Kohen Gadol*) who offers the *Yom Kippur* קטורת outside of the *Bais Hamikdash*. The former is punishable only if he offers a מלא חפניו, *a palm full*, while the latter is punishable even if he offers a כזית, *a morsel*. (See, רמב"ם פ"ט מהלכות ביאת מקדש ח"ד ופ"ט ממעשה הקרבנות ח"ח).

He explains that זרות is defined by the engagement in a מעשה עבודה, which must conform in all respects with the detailed requirements of the specific *Avodah* in question, while חוץ is defined by the engagement in any מעשה הקטרה (even if the same could not qualify as a מעשה עבודה). If so, the *Rambam* apparently maintains that the case of a *Kohen Gadol* who offers the קטורת outside of the קדוש הקדשים is similar to an חוץ, and, thus, is punishable even if he offers a morsel. The Rav was uncertain about this resolution. [Editor's Note]

²³³ See Footnotes 109 and 239 for a discussion regarding the level of *Kedusha* realized by the קטורת (and the מחתה) at this stage.

(2) The *Mishnah*²³⁴ describes that the *Kohen Gadol* would take the קטורת in his left hand and the coals with his right hand. He would enter the היכל, walk behind the פרוכת and enter the קודש הקדשים.

(3) He then placed the מחתה, *the pan containing the coals*, on the ארון, thus freeing his right hand.²³⁵ He held the כף of קטורת between his thumb and his palm (or his teeth) and performed a second חפינה by transferring the entire קטורת from the כף into his palm.²³⁶ The קודש הקדשים was not illuminated. It was completely dark. The *Yerushalmi*²³⁷ writes:

בבית ראשון היה נכנס לאורו של ארון ויוצא לאורו של ארון.
אבל בבית שני היה מגשש ונכנס ומגשש ויוצא.
*In the First Temple, the Ark illuminated the Kohen
Gadol's path. In the Second Temple, the Kohen Gadol
would grope his way in the dark.*

The *Kohen Gadol* was also very nervous and excited. To empty every particle of קטורת under such conditions was almost super-human.

(4) As noted, the *Kohen Gadol* performed two חפינות.²³⁸ In the first חפינה, in the עזרה, he scooped out a palm-full (מלא חפניו) of קטורת to establish

²³⁴ See מסכת יומא דף נ"א ע"ב.

²³⁵ Unfortunately, the *Mishnah* does not describe this facet of the *Avodah*.

²³⁶ If he lost any particle of the קטורת, he was חייב מיתה (for violating the sins of ריקנית and בישול ביום הכפורים).

²³⁷ See מסכת יומא פרק ה', הלכה ג'.

²³⁸ היה חופן וחוזר וחופן (מסכת יומא דף מ"ז ע"א).

the שיעור, *the quantity*, of the קטורת. This was then placed in a כף.²³⁹ He then took the כף into the קודש הקדשים, and again spilled the קטורת into his hand.²⁴⁰

The second חפינה invests the קטורת with an additional קדושת הגוף.

(5) Why were both חפינות necessary? Why couldn't the *Kohen Gadol* have performed only one חפינה in the קודש הקדשים?²⁴¹

The Rav answered that, as noted, supra, on *Yom Kippur*, there is a special *Halacha* that the *Kohen Gadol's* hands be מקדש, *sanctify*, the קטורת. His hands are the real כלי שרת. That facility cannot be performed in the עזרה; that can only take place in the קודש הקדשים. There is insufficient קדושה in the עזרה to validate this unique form of imparting קדושה. Thus, it was necessary for the *Kohen Gadol* to perform one חפינה to determine the שיעור, *the requisite quantity*, and another חפינה in the קודש הקדשים to allow his hands to impart an incremental

²³⁹ See:

תוספות יומא דף מ"ח ע"א ד"ה מדפסיל; ספר מקדש דוד ח"א עמוד 26; וקונטרס עבודת יום הכפורים עמוד מ"ח, for an elaborate discussion of the precise nature of the קטורת prior to that stage. It seems that, at best, the קטורת was endowed with קדושת דמים, or a partial קדושת הגוף, when presented to the *Kohen Gadol*, and the act of חפינה invested it with קדושת הגוף. The function of the second חפינה would be to confirm that קדושת הגוף, just as מנחות are placed in two כלי שרת successively, before being invested with a full קדושת הגוף. (See מ"ז ע"ב). Alternatively, the Rav wrote that the second חפינה was an extension of the triple *Kiyum* formulated by the *Torah* as ונתן את הקטורת על האש and ולקח והביא which requires that the קטורת be brought into the Holy of Holies in his palm, and sprinkled directly from his palm. Thus, the second חפינה is merely an extension of the first חפינה. [Editor's Note]

²⁴⁰ The *Gemara* (מ"ז ע"א) writes that the *Kohen Gadol* could not carry the קטורת in his palms into the קודש הקדשים since he was required to carry the coals at the same time. He, therefore, returned the קטורת into a כף, and carried the כף and coals into the קודש הקדשים.

²⁴¹ See מדרבנן דף מ"ט ע"א ד"ה אי חופן, who writes that the second חפינה is מדרבנן.

Kedusha to the קטורת. Without the second חפינה, the קטורת could not obtain that extra dimension of *Kedusha* which the *Torah* requires on *Yom Kippur*.

(6) He then sprinkled the קטורת directly from his palms onto the coals in the מחתה. He first sprinkled over the westerly (outer) portion of the מחתה and gradually sprinkled the balance on the easterly portion, so that he would not be overcome by the smoke.

A special *Kiyum* is realized by the *Kohen Gadol* remaining in the Holy of Holies until it is saturated with smoke.

(7) The *Mishnah*²⁴² relates that, after sprinkling the קטורת on the coals, the entire chamber of the קודש הקדשים was enveloped with smoke. It writes:

נתמלא כל הבית כולו עשן.
The chamber was enveloped with smoke.

(8) The *Rambam*²⁴³ interprets this *Mishnah* as imposing an imperative. It requires the *Kohen Gadol* to remain in the קודש הקדשים until the entire קודש קודש is saturated with smoke. This is derived from the *Passuk* which states:

ונתן את הקטורת על האש לפני ה' וכסה ענן הקטורת את הכפורת ולא ימות (ויקרא: ט"ז, י"ג).
He shall sprinkle the incense on the fire before G-d. The cloud of the smoke shall fill the chamber, and he will not die.

²⁴² See מסכת יומא דף נ"ב ע"ה.

²⁴³ See פרק ד' מהלכות עבודת יום הכפורים הלכה א'.

The *Rambam* interprets the phrase ענן הקטורת וכסה ענן as an obligation. The *Kohen Gadol* must remain in the קודש הקדשים until such time as the smoke envelops the chamber. He is חייב מיתה if he departs before the smoke envelops the room.

(9) The *Kohen Gadol's* entry to, and departure from, the קודש הקדשים constitutes a *Kiyum* of the עבודת היום and must, therefore, be performed in a particular fashion (e.g. he cannot crawl).²⁴⁴ This is derived from the *Passuk* of והביא מבית לפרוכת which imposes an obligation on the *Kohen Gadol* to enter (and exit) the קודש הקדשים and incorporates such entry and exit within the עבודת היום. Similarly, the *Passuk* of ענן הקטורת וכסה ענן requires him to remain in the קודש הקדשים until it is enveloped with smoke. A special *Kiyum* is obtained by the *Kohen Gadol's* entry and departure from the קודש הקדשים, as well as by his remaining there until it is enveloped with smoke. Thus, not only did the *Kohen Gadol* require a מתיר, a license, to enter into the קודש קדשים, but the *Kohen Gadol* also required a מתיר, a license, to depart from the קודש קדשים. The היתר

²⁴⁴ See חולין דף י" ע"ב; קובץ חידושי עמוד קמ"ה [Editor's Note]

כניסה is the הקטרה; the היתר יציאה is the מילוי הבית עשן, *when the smoke envelops the Holy of Holies.*²⁴⁵

The *Kohen Gadol* could not remain in the Holy of Holies longer than necessary.

(10) The *Mishnah* writes that, after completing the קטורת ritual, the *Kohen Gadol* would exit from the קודש הקדשים while walking backwards (and sideways, so that his face was always facing west).

The *Mishnah* continues:

²⁴⁵ The rationale for this requirement that the *Kohen Gadol* remain in the קודש קדשים until the smoke enveloped the chamber was the subject of correspondence between the Rav and his uncle, the גרייז. The גרייז explained the rationale based on the גרייז theory that the *Kohen Gadol* could not commence one *Avodah* until the prior *Avodah* had been completed. (See Paragraph XXIX, 6). The גרייז quoted ר' שמחה זעליג זצ"ל who explained that the *Passuk* of קטורת *Yom Kippur* produce enough smoke to envelop the entire chamber (unlike the daily קטורת which need not produce that amount of smoke). Thus, the *Avodah* of קטורת was not finalized until the smoke was produced. (See חידושי מרן הגרייז הלוי עמוד ע"ו.)

The Rav, on the other hand, theorized that the actual *Avodah* of the קטורת was completed as soon as he sprinkled the קטורת on the coals. Nonetheless, the *Kohen Gadol* was obligated to remain in the קודש הקדשים, based on the *Passuk* of קטורת ענן, which prescribes that the *Kohen Gadol* may exit the קודש הקדשים only after the smoke enveloped the chamber. The היתר יציאה is granted only upon קטורת ענן, *when the entire chamber is filled with smoke*. He contrasted this with the daily קטורת where the *Kohen* would exit the היכל as soon as he sprinkled the קטורת on the coals, since this specific rule governing the manner of his departure did not apply. (See קונטרס עבודת יום הכפורים עמוד מ"ו ועמוד נ"א; (וקובץ חידושי עמוד קמ"ה).

The Rav conceded that as far as the prohibition of מעילה is concerned, the *Yom Kippur* קטורת is identical with the daily קטורת, in that מעילה is suspended as soon as משתעלה תמרתה, *a small column of smoke rises*, even though this occurs before the chamber is entirely enveloped with smoke (See פסחים דף כ"ה ע"א). This is in contrast to the גרייז, who maintained that the injunction against the מעילה continues until the קטורת stops producing any smoke, a much later stage.

Interestingly, the תפארת ישראל (see פתיחה לסדר קדשים פרק ו') maintains that the *Kohen* offering the daily קטורת must also remain in the היכל until it became saturated with smoke. See also:

שאלות ותשובות אבני נזר חאו"ח סימן ע"ג; אגלי טל מלאכת זרע ס"ק כ"ב; אמבוהא דספרי ח"ב עמוד .482-483

[Editor's Note]

ומתפלל תפילה קצרה בבית החיצון, ולא היה מאריך בתפילתו
שלא להבעית את ישראל (מסכת יומא דף נ"ג ע"ב).
*He would offer a short prayer in the outer chamber (i.e.
the היכל) so as not to frighten the populace.*

Why did he pray in the היכל, and not in the קודש הקדשים?

(11) The Rav answered that the *Kohen Gadol* may not remain in the קודש הקדשים beyond the completion of the עבודה. As soon as the room filled with smoke, he obtained a היתר יציאה, and was required to depart immediately from the קודש הקדשים.²⁴⁶

(12) The prayer offered by the *Kohen Gadol* was the one described in the *Gemara*,²⁴⁷ namely,

יהי רצון מלפניך שתהא שנה זו אם שחונה תהא גשומה, ולא
יעדי עביד שולטן מדבית יהודה, ולא יהיו עמך ישראל צריכין
לפרנס זה מזה וכי.
*It should be Your will, oh G-d, that this year be saturated
with rain if it is to be hot, that the sovereignty not be
removed from the tribe of Judea, and that Your people's
livelihood not be dependent on one-another.*²⁴⁸

(13) The *Mishnah* comments that in the Second Temple, instead of placing the pan of coals on the ארון, the *Kohen Gadol* would place it on a rock,

²⁴⁶ See 387 עמוד דספרי ח"ב עמוד 387 who discusses why a *Kohen* during the year may not remain in the היכל (and certainly the קודש הקדשים) after completing an *Avodah* in that location. [Editor's Note]

²⁴⁷ See מסכת יומא דף נ"ג ע"ב.

²⁴⁸ The other *Tefillah* found in אתה כוננת, following the fourth טבילה, was not recited by the *Kohen Gadol*. It was composed many years after the destruction of the Temple. However, it is possible that, following the fourth טבילה, the *Kohen Gadol* offered another *Tefillah* in the עזרה, to celebrate his completion of the *Avodah* (בצאתו בשלום מן הקודש).

which was the height of three fingers. This rock is called the אבן שתיה. The Rav noted that this is probably not the rock located in the Dome of the Rock, since that rock is much taller than three fingers in height, although it is conceivable that the ground has eroded over time.

[XXVI] SPRINKLING THE BLOOD OF THE BULL AND THE GOAT.

The *Kohen Gadol* sprinkled the blood of the bull in the Holy of Holies.

(1) After departing from the קודש הקדשים, the *Kohen Gadol* took the pail of the bull's blood and commenced the הזיות דם, *the sprinkling of the bull's blood*. The *Mishnah* writes:

נטל את הדם ממי שהוא ממרס בו. נכנס למקום שנכנס ועמד במקום שעמד, והזה ממנו (מסכת יומא דף נ"ג ע"ב).
He took the pail of blood from the one who was entrusted to stir it. He entered the Holy of Holies in the same manner as before, and he stood in the same location as previously.

(2) What does the phraseology of ועמד במקום שעמד, *and he stood in the same location as previously*, imply? The *Kohen Gadol* was not permitted to stand in the קודש הקדשים, except in the precise location in which he stood while offering the קטורת. The קטורת was the היתר כניסה, and that היתר was limited to that single spot in which he stood while offering the קטורת.

(3) The *Mishnah* describes the ritual of the הזיות דם, *sprinkling of the blood*. It writes:

והזה ממנו אחת למעלה וז' למטה. ולא היה מתכוון להזות,
לא למעלה ולא למטה, אלא כמצליף (שם).²⁴⁹
*He sprinkled upwards one time, and downwards seven
times. He did not aim above nor below; rather, he
sprinkled as one who strikes with a whip.*

The *Gemara* (ibid) describes that the *Kohen Gadol* would first position his hand with the palm faced downwards, and would sprinkle one time in an upward motion. He would then invert his hand so that the palm faced upwards, and sprinkle seven times in a downward motion.

(4) The *Gemara* derives this procedure of sprinkling one time upward and seven times downward from the *Passuk* which lists two sets of הזיות, the latter of which is performed seven times. It reads:

ולקח מדם הפר והזה באצבעו על פני הכפורת קדמה. ולפני
הכפורת יזה שבע פעמים (ויקרא: ט"ז, י"ד).
*He took the blood of the bull and sprinkled once on the
easterly portion of the Ark. He then sprinkled before the
Ark seven times.*

The *Gemara* concludes that the first portion of the *Passuk* (i.e. והזה על פני הכפורת) requires one sprinkling, while the second portion of the *Passuk* (יזה שבע פעמים) requires an additional seven sprinklings.

The Rav was unclear as to which portions of the כפורת the locations of למעלה and למטה refer to. He theorized that למעלה means over the כפורת, while

²⁴⁹ See *פרק ט"ז, אות ג'* for the origin of this word. [Editor's Note]

בבית שני, ²⁵⁰ כפורת means underneath the למטה. It is very hard to visualize. In the he had to aim at the empty space which the כפורת used to occupy.

The הזיות were designated orally.

(5) The *Mishnah* details the number of sprinklings. It writes:

וכך היה מונה: אחת, אחת ואחת...אחת ושבע (שם).
He would count as follows: One, followed by One and One, One and two...One and seven.

(6) The הזיות required מנין, *counting*. The Rav explained that the *Kohen Gadol* counted the first upper motion sprinkle (i.e. אחת למעלה) with each of the lower motion sprinkles (i.e. שבע למטה). Thus, he would voice אחת, and then repeat אחת (to reflect the original upper הזיה) and add ואחת (to reflect the first of the seven הזיות). He would then voice אחת (to reflect the original upper הזיה) and count ושתיים (to reflect the second of the seven הזיות) and so on.²⁵¹

(7) Why couldn't the *Kohen Gadol* simply count eight sprinkles? Why must he count one and then another seven? The Rav explained that מנין is mandatory since it is קובע, *determines*, the הזיות שבע. Moreover, it is not eight הזיות but one plus seven הזיות. They constitute two different *Kiyumim*, one

²⁵⁰ *Rashi* (on the *Mishnah*) writes that the blood could not physically touch the כפורת.

²⁵¹ On *Yom Kippur* there is not much נוסח, other than for *Kol Nidrei* and the עבודה. The רמ"א writes that the נוסח originated with the מהרי"ל and should not be modified. This is especially true of the נוסח of the והכהנים והעם, which integrates so much weeping, nostalgia, and rejoicing all together. The Rav once read that the tune of וכן היה אומר was actually the tune used by the *Kohen Gadol* in the *Bais HaMikdash*.

consisting of a single הזייה, and the other of seven הזיות. He therefore could not incorporate them into one single מנין of eight.²⁵²

(8) He then slaughtered the goat and sprinkled its blood in the קודש
הקדשים in the same manner as he sprinkled the bull's blood. The *Passuk* reads:

ושתט את שעיר החטאת אשר לעם...ועשה את דמו כאשר עשה
לדם הפר (שם : ט"ו).
*He shall slaughter the goat and sprinkle its blood in the
same manner as that of the bull.*

This is then followed by the הזיות הפר, *the sprinkling of the bull's blood*, on the פרוכת and the הזיות השעיר, *the sprinkling of the goat's blood*, on the פרוכת. The *Kohen Gadol* then mixed the remaining blood of the bull and goat and sprinkled it on the four corners of the מזבח הפנימי, *Interior Altar*, and seven times on its center, for a total of forty three (43) הזיות.

(9) The question which the Rav did not answer is why the sprinkling of the דם הפר in the קודש הקדשים is interrupted by the slaughtering of the שעיר and the sprinkling of דם השעיר? Why couldn't the דם הפר be sprinkled on the פרוכת before sprinkling the דם השעיר in the קודש הקדשים?

²⁵² See 96 עמוד על הרמב"ם, for a detailed discussion of the purpose of מנין. He writes that the seven הזיות form one integrated unit. They constitute one *Avodah* comprised of seven הזיות. This is in contradistinction to the four הזיות of a regular חטאת, where each הזיה constitutes a separate *Avodah*. [Editor's Note]

[XXVII] THE AVODAH OF THE שְׁעִיר הַמִּשְׁתַּלַּח.

The *Kohen Gadol* recited וידוי on the שְׁעִיר הַמִּשְׁתַּלַּח.

(1) After completing the full complement of the הזיוות of the שְׁעִיר, the *Kohen Gadol* approached the שְׁעִיר הַמִּשְׁתַּלַּח to recite וידוי on it for the entire Jewish nation and to send it out to the desert (in the care of the איש עתני, *the designated individual entrusted for this task*).

(2) The *Passuk* which describes the וידוי recited on the שְׁעִיר הַמִּשְׁתַּלַּח reads as follows:

וכלה מכפר את הקודש ואת אהל מועד ואת המזבח והקריב את השעיר החי. וסמך אהרן את שתי ידיו על ראש השעיר החי והתודה עליו את כל עונות בית ישראל ואת כל פשעיהם לכל חטאתם ונתן אותם על ראש השעיר, ושלח ביד איש עתני המדברה (ויקרא: ט"ז, כ"א).

After the Kohen Gadol completed the ritual for the purification of the Holy of Holies, the sanctuary and the Interior Altar, he performed the (oral) offering of the remaining goat, by placing both hands on its head, and confessing the sins, rebellions, and errors of the Jewish people, and transferring it to the head of the goat. He then entrusted the goat to the care of the designated person who took it out to the desert.

(3) Similarly, the *Mishnah* writes:

ובא לו אצל שעיר המשתלח וסמך שתי ידיו עליו ומתוודה וכו' (מסכת יומא דף ס"ז ע"א).

He approached the remaining goat and confessed the sins of the Jewish Nation on it.

The controversy whether one who slaughters a שעיר המשתלח outside of the *Bais Hamikdash*, prior to וידי, violates the injunction against שחיטת חוץ.

(4) The question arises, what kind of *Karban* is the שעיר המשתלח?

Prima facie, one would assume that it is a קרבן חוץ (i.e. *an offering which is performed outside of the עזרה*), since it is taken and killed in the desert, a few miles away from the *Bais Hamikdash*. The Rav determined that this assumption is not necessarily correct. His explanation is as follows:

The *Rambam* rules:

שני שעירי יום הכפורים ששחטם בחוץ אם עד שלא התודה עליהם חייב כרת על שניהם הואיל וראויין לבא לפני ה' לוידי. ואם אחר שהתודה, פטור על המשתלח, שהרי אינו ראוי לבא לפני השם (פרק י"ח מהלכות מעשה הקרבנות הי"א).

One who slaughters²⁵³ either of the two goats offered on Yom Kippur (i.e. the goat sent to the desert or the goat whose blood is sprinkled in the Holy of Holies) outside of the Temple, prior to the time that the Kohen Gadol recites the confession on the goat sent to the desert, is punishable by death (at the hands of G-d), since each of the goats could conceivably be offered as a Karban (by confessing the sins on it). However, one who slaughters the goat designated to be sent to the desert after the confession was recited on it, is exempt from punishment, since at that

²⁵³ Any animal which was designated for use as a *Karban* may not be slaughtered nor offered outside of the *Bais Hamikdash*. This is called העלאת חוץ או שחיטת חוץ. One who violates this and slaughters or offers such an animal outside of the *Bais Hamikdash* is punishable by כרת (i.e. *death at G-d's hands*).

In this case, one of the two goats, will, during the day of *Yom Kippur*, be offered as a *Karban*, and the other sent to its death in the desert. The question, thus, is, at what stage does the goat designated to be sent to the desert forfeit its status as a *Karban*, so that one who slaughters it (outside of the *Bais Hamikdash*) will not be deemed to have violated this injunction (since the goat is no longer classified as a *Karban*)?

stage, the goat is no longer eligible to be offered as a *Karban*.²⁵⁴

(5) Most *Rishonim* disagree with the *Rambam*. They maintain that the litmus test for determining the stage at which the desert goat forfeits its status as a *Karban* is the הגרלה, the lottery, and not the וידוי. They explain that the injunction against שחוטיו חוץ is predicated on the animal being ראווי לבא לפני ה', if the animal may be offered as a *Karban*. However, an animal which does not lend itself to being offered as a *Karban*, is not deemed ראווי לבא לפני ה', and one who slaughters it outside of the *Bais Hamikdash* is not deemed to have violated the injunction against שחוטיו חוץ. Thus, once the lottery designates one of the goats as the המשתלח שעיר it can no longer be offered as a *Karban*, and is not ראווי לבא לפני ה'. One who slaughters it, is therefore exempt from punishment.

The *Rambam* disagrees. He maintains that the המשתלח שעיר retains its status as a *Karban* until after the וידוי is pronounced on it by the *Kohen Gadol*.

(6) The obvious question is, how can the *Rambam* maintain that the המשתלח שעיר is still classified as a *Karban* even after the הגרלה, given that the function of the הגרלה is to designate it as the goat which is sent to death in the

²⁵⁴ As noted, the *Kohen Gadol* first performed the lottery on the two goats and then slaughtered the bull, and performed the קטורת service. After the קטורת service, he sprinkled the blood of the bull in the Holy of Holies, slaughtered the other goat and sprinkled its blood. The וידוי on the המשתלח שעיר was recited after all of the above was completed.

desert, and which inexorably means that this animal is no longer qualified as a *Karban*, and thus, should be *אינו ראוי לבא לפני ה'*²⁵⁵.

The *שעיר המשתלח* serves as both a *כפרת פנים* and a *כפרת חוץ*.

(7) The Rav explained that, according to the *Rambam*, the *שעיר המשתלח* is a double *Karban*:

(x) Firstly, it is a *קרבן חוץ*; and

(y) Secondly, it is a *קרבן פנים*, in the same manner as the other goat whose blood is sprinkled in the *קודש הקדשים* (i.e. the *שעיר הנעשה בפנים*). The only difference between the two goats is the medium of *Kapparah* effected by each. The medium of *Kapparah* of the *שעיר הפנימי* is through *הזיה*, *sprinkling the blood*,²⁵⁶ while the medium of *Kapparah* of the *שעיר המשתלח* is through *וידוי*, which the *Torah* also labels as *הקרבה*.²⁵⁷

In other words, prior to *וידוי*, the *שעיר המשתלח* is still a *קרבן פנים* (albeit, one whose *הקרבה* is to be implemented only through *וידוי* and *הקרבת דברים*, and not through *שחיטה וזריקה*).

(8) The *Rambam* takes this one step further. He maintains that since the *שעיר המשתלח* will be offered through *הקרבת דברים* (of the *וידוי*), it is still

²⁵⁵ This question was raised by the *Ravad* and many other commentators. The *Rambam* clearly had a different text in one of the two *ברייתות* cited in *Yoma* 62b and *Zevahim* 113b.

²⁵⁶ The *Torah* thus writes, (וויקרא : ט"ז, ט"ו-ט"ז) *והזה אותו על הכפורת... וכפר על הקודש (ויקרא : ט"ז, ט"ו-ט"ז)*.

²⁵⁷ The *Torah* writes (with regard to the *וידוי*): *והקריב את השעיר החי... והתודה עליו (ויקרא : ט"ז, כ')*.

שחיטה would be implemented through the הקרבה, just as if the ראווי לבא לפני ה' is through וידוי. Thus, prior to the שעייר המשתלח of the מצותו. The שחיטה is deemed to be a קרבן פנים, and is deemed to be a ראווי לבא לפני ה'. Accordingly, one who slaughters the שעייר המשתלח outside of the קודש הקדשים, prior to וידוי, violates the injunction against שחיטת חוץ.

In conclusion, according to the *Rambam*, the שעייר המשתלח engenders two different כפרות:

(x) Firstly, a כפרת פנים, through וידוי; and

(y) Secondly, a כפרת חוץ, when sent to its death in the desert. These two כפרות are distinct from one another.²⁵⁸

(9) The *Ravad* agrees with this as well. The point of departure between the *Ravad* and the *Rambam* is that the *Ravad* interprets ראווי לבא לפני ה' as an animal which can be offered in the manner common to all *Karbanos*, namely, זריקה. Any other form of הקרבה, even through דברים, is insufficient to render the animal ראווי לבא לפני ה'. Thus, once זריקה can no longer be performed

²⁵⁸ In Paragraph XXVIII, this motif is explained Kabbalistically as well.

In חידושי הגרי"מ והגרי"ד עמוד נ"ט, the Rav writes that the כפרת פנים feature of the שעייר המשתלח expresses itself with וידוי, and is limited to all *Non-Kohanim*. The כפרת חוץ feature merges with the כפרה of the עומו של יום and embraces *Kohanim* as well, and applies even to sins which occur after that moment. Furthermore, this feature of כפרת חוץ is expressed by דחייה לצוק, *pushing the goat off the cliff*, and this is what causes the זחורית של זחורית (i.e. *causes the red thread to turn white*). This occurs only after the goat is pushed off the cliff.
[Editor's Note]

on an animal it forfeits its status as a *Karban* with respect to the laws of שחוט, since, at that moment, it is no longer qualified to be offered through שחיטה חוץ, וזריקת הדם.

Following the הגרלה, the שעיר המשתלח can no longer be offered through ראוי לבא לפנינו. Thus, the *Ravad* concludes that it is no longer שחיטה וזריקת הדם, even though it still is qualified as a קרבן פנים in that it will engender a כפרת וידוי with the pronouncement of the דברים.

The controversy whether the וידוי recited on the שעיר המשתלח is indispensable.

(10) In truth, the precise nature of the כפרת פנים effected by the שעיר רבי שמעון and רבי יהודה is the subject of a controversy between השתלח.

The *Gemara* states:

עד מתי זקוק לעמוד חי? עד שעת מתן דמו של חברו, דברי רבי יהודה. רבי שמעון אומר עד שעת וידוי דברים (מסכת יומא דף מי ע"ב).

Until when must the goat which will be sent to the desert remain alive? Until the blood of the other goat is sprinkled. This is the view of Rabbi Yehuda. Rabbi Shimon maintains that the goat must remain alive until the confession is pronounced on it.

(11) *Rabbi Yehuda* maintains that the כפרת פנים of the שעיר המשתלח is effected by its mere presence in the עזרה, at the time that the blood of the שעיר פנימי is being sprinkled in the קודש הקדשים and in the היכל, etc.²⁵⁹ It is for this

²⁵⁹ The Rav explained in this *Shiur* that, according to *Rabbi Yehudah*, the כפרת פנים of the שעיר המשתלח is effected by the זריקת הדם and הקרבה of the שעיר הפנימי. In other words, the שעיר המשתלח does not have its own כפרה; it shares a כפרה with the שעיר פנימי.

reason that *Rabbi Yehuda* maintains that וידוי is not indispensable as long as the שעיר פנימי remains alive until after the blood of the שעיר המשתלח is sprinkled.

Rabbi Shimon maintains that the כפרת פנים of the שעיר המשתלח is implemented by the וידוי pronounced on it. He, thus, maintains that the שעיר המשתלח must remain alive until after the וידוי is pronounced on it. Once the וידוי is pronounced on it, and it is entrusted to the איש עתי, it becomes a קרבן חוץ, whose *Kapparah* is implemented by being sent to the desert.²⁶⁰

The איש עתי was an agent of the *Kohen Gadol*.

(12) After pronouncing the וידוי on the שעיר המשתלח, the *Kohen Gadol* entrusted it to the care of the איש עתי, a *designated individual*, who lead it outside the עזרה and took it to the desert. The *Passuk* reads:

ושלח ביד איש עתי המדברה (ויקרא : ט"ז, כ"א).

²⁶⁰ In this *Shiur*, the Rav noted that the *Rambam* rules as *Rabbi Shimon*, that וידוי is indispensable, and thus, ראוי לבא לפני ה' is defined until such time as the כפרת פנים of וידוי is performed. In חידושי הגר"מ והגר"י עמוד ל"א-ל"ג, the Rav debated whether this is correct. He argued that one can assert that even *Rabbi Yehuda* concedes that וידוי also serves as a כפרת פנים. The disagreement between *Rabbi Yehuda* and *Rabbi Shimon* is only as far as the indispensability of the וידוי is concerned. However, performing וידוי is a *Kiyum* of כפרת פנים, even according to *Rabbi Yehuda*. Thus, it continues to be ראוי לבא לפני ה' until after the וידוי of the שעיר המשתלח. If so, it is unclear which position was accepted by the *Rambam*.

In חידושי הגר"מ והגר"י עמוד נ"א-נ"ג; וקובץ חידושי עמוד ק"כ, the Rav distinguished between the stage of הגיע שעיר המדברה and the actual דחייתו לצוק, *pushing the goat from the cliff*. The former (i.e. הגיע שעיר המדברה) corresponds to the *Passuk* of ושלח ביד איש עתי המדברה, while the latter (i.e. דחייתו לצוק) corresponds to the *Passuk* of ונשא השעיר את כל עונותם אל ארץ גזירה.

The Rav concluded that the שליחות of the *Kohen Gadol* terminated with the former (i.e. הגיע שעיר המדברה) and this concluded the עבודת היום of the שעיר המשתלח. On the other hand, the דחייה לצוק was an additional *Mitzvah* imposed on the איש עתי, and was unrelated to the *Kohen Gadol*. It was for this reason that the *Kohen Gadol* delayed reading from the *Torah* until the goat reached the desert, and not until the goat was pushed off the cliff. [Editor's Note]

He sent it with an individual to the desert.

The *Rambam* writes:

ואחר כך משלח השעיר למדבר (פ"ד מהלכות עבודת יום
הכפורים הלכה ב').

The Kohen Gadol sends the goat to the desert.

(13) The Rav contrasted this phraseology, משלח השעיר למדבר, *the Kohen Gadol sent it to the desert*, which implies that its being sent to the desert was somehow attributable to the actions of the *Kohen Gadol*, with the *Mishnah's* phraseology,

מסרו למי שהיה מוליכו (מסכת יומא דף ס"ו ע"א).

He entrusted it to the designated individual.

The Rav deduced from this that, according to the *Rambam*, the איש עתי was a שליח, *agent*, of the *Kohen Gadol*.²⁶¹

This is presumably based on the *Passuk* which also employs the word ושלח איש עתי, *and he sent*. Interestingly, the *Gemara*²⁶² relates that when the איש עתי would meet the *Kohen Gadol*, following *Yom Kippur*, he would tell the *Kohen Gadol*:

אישי כהן גדול עשינו שליחותיך,

I have discharged your agency.

²⁶¹ This is why the *Rambam* employs the term "משלח", which denotes שליחות, *agency*.

²⁶² See מסכת יומא דף ע"א ע"א.

[XXVIII] THE MESSAGE OF THE *שעיר המשתלח*.

The *Ramban* writes that the *שעיר המשתלח* is a gift to *סמאל*.

(1) The *שעיר המשתלח* was classified by *Chazal*²⁶³ as a *חוק*, which cannot be understood in rationale terms, and is the source of ridicule by Non-Jews.

The *Ramban*²⁶⁴ attempts to rationalize the purpose of the *שעיר המשתלח*. He first quotes the *פרקי דרבי אליעזר*²⁶⁵ which states that, on *Yom Kippur*, the *שטן* not only ceases to indict the Jews, but is transformed into their defense attorney. Then, in one of the most enigmatic pieces in his Commentary, he provides an unusual explanation for the *שעיר המשתלח*. He writes that G-d commanded us to give the *שעיר המשתלח* as a gift to *סמאל*, to *עשו*, to Satan (i.e. to the destructive forces).

(2) The *Ramban* explains that *עשו*, the Satan and the entire kingdom of darkness are powerful. They are responsible for all suffering in this world, for destruction and for corruption. Thus, G-d told us to present them with a gift of the *שעיר המשתלח* on *Yom Kippur*. We do not offer the *שעיר המשתלח* as a *Karban* to them. Rather, we offer both goats to G-d, by placing them in the *עזרה*

²⁶³ See *Yoma* 67b.

²⁶⁴ In his commentary to *ויקרא*: ט"ז, י"ז.

²⁶⁵ See *פרק מ"ו*.

opposite the היכל. One of them is then chosen to be offered to G-d, while the other goat is shared by G-d with עזאזל, *Satan*²⁶⁶.

In order to obtain *Kapparah*, one must offer a *Karban*.

(3) What does this mean? What does the *Ramban* gain by this explanation?

The Rav explained that the *Ramban* posits the theory that the impossibility of obtaining כפרה, *forgiveness*, without offering a *Karban* is not limited to the era of the *Bais HaMikdash*. This *Halacha* that *Karban* is identical with כפרה, that *Karban* and *Kapparah* form an absolute equation, prevails nowadays and survives the destruction of the *Bais HaMikdash*. In order to obtain *Kapparah*, one must offer a *Karban*.

Nowadays, יסורין take the place of *Karbanos*.

(4) What comprises a *Karban* nowadays, now that the *Bais Hamikdash* is in ruins? Nowadays, a *Karban* consists exclusively of יסורין, *suffering*. The מכפר nowadays is יסורין. The *Gemara*²⁶⁷ writes:

עבירות חמורות תשובה ויום הכפורים תולין, ויסורין
ממרקין (מסכת יומא דף פ"ו ע"א).
*The penalty for severe violations are suspended by
repentance and Yom Kippur; the penalty is waived after
the violator endures suffering.*

²⁶⁶ The *Ramban*'s explanation conforms nicely with what was established (*supra*) that the שעיר serves both as a כפרת פנים and a כפרת חוץ. Thus, when placed with the other goat opposite the היכל, it serves as a כפרת פנים. After the וידוי, G-d directs us to give away this *Karban* to the עזאזל, which is the סיטרא אחרא, and it is transformed into a כפרת חוץ.

²⁶⁷ מסכת יומא דף פ"ו ע"א

(5) What does יסורין mean? יסורין is when one feels defeated. יסורין are not necessarily defined as physical pain or disaster. The *Torah* has never wished to invite disaster or inflict physical pain upon us. יסורין means whenever a human being is defeated. Whenever man feels that he has lost the battle, that is מכפר. That is a קרבן.

Chazal ask²⁶⁸:

עד היכן תכלית יסורין?

What are the indications of suffering?

Chazal give us very strange examples of one who asked for a glass of warm tea and was instead given cold tea. Or of one who thought he had a certain coin in his pocket, but discovered that it was really a coin of lesser value. *Chazal* speak of the boundary of יסורין, of little disappointments.

²⁶⁸ מסכת ערכין דף י"ז ע"ב

יסוריין represents Man's defeat.

(6) Basically, *Chazal* classify those disappointments as יסוריין. Each disappointment results in man's defeat. Disappointments represent man's defeat. Man works towards a certain goal or objective. He sacrifices time and utilizes his skills and talents, and finally, he becomes disenchanted. His efforts do not result in the realization of his goals. This is יסוריין, *defeat*.

Whenever there is a discrepancy between ambition and realization, between aspiration and reality, between expectation and fact, man experiences defeat. When we speak of defeat, we mean defeat in the מלחמת החיים, *in the constant struggle of life*. Sometimes, the human being wins the battle. His energy is productive and constructive; he is not disappointed in his aspirations and plans. At other times, one is completely disappointed, or his return is minimal. The discrepancy between hope and reality, the gap between one's dreams and the world of facts, is almost boundless and unlimited. The little which man achieves is not satisfactory.

Defeat is realized when man works for nothing, when his work is not constructive.

(7) Defeat is a curse which has been imposed, not only upon wicked sinners, but upon the human race in general. This is the curse which G-d imposed upon Adam after the sin of הדעת. G-d cursed him:

בעצבון תאכלנה כל ימי חיך (בראשית : ג, י"ז),
*Your whole life you will be a disappointed person,
always disenchanted,*

וקץ ודרדר תצמיח לך (שם),
You will seed the ground, only to grow thorns and bushes.

These words are not to be taken literally. Sometimes, man waits patiently. He works, he prepares, he plans, he invests much physical and spiritual energy. He makes a supreme effort to obtain something and then when the time comes, וקץ ודרדר תצמיח לך. He either does not receive anything, or whatever he does receive does not measure up to the amount of time and effort which he invested. This is ניסורין. This is defeat.

Karbanos which man offers willingly generate *Kapparah*.

(8) Sometimes, the human being invites defeat. It is not just imposed upon him. By inviting defeat, he offers the most exalted *Karban* to הקב"ה.

For example, a man is poor. He suffers from hunger and deprivation. Finally, he manages to accumulate some money and opens a store. The store develops, business is prosperous, and he finally starts to earn a decent living. Suddenly, the problem of שמירת שבת arises. He knows that *Shabbos* can be his most profitable day, and that if he closes on *Shabbos*, his business will decline, and he will lose his investment. If the man decides in favor of defeat, of losing the economic struggle in order to observe *Shabbos*, this defeat is a great *Karban*. He was disappointed, defeated and disenchanted. He had great hopes. He worked day and night to be a success. Now everything is gone with the wind. This is a *Karban*. This yields כפרה.

There are many such examples. A Rabbi is confronted by Congregants who wish to remove the *Mechitzah*. The Synagogue has treated him well in the

past. Many of his hopes have come true, and so forth. He knows that if he resists them and picks a fight to defend a principle, no matter how important the principle, he will lose everything. The Rabbi chooses the way of defeat. He remains dedicated to his principles and invites defeat. This is a קרבן לה'. Defeat invited by the person for the sole purpose of fulfilling the commandments of הקב"ה, in order to comply with the dictates of *Halacha*, constitutes a supreme sacrifice, a קרבן לה'.

Every individual is confronted by crisis. There are two alternatives open to him, הטוב והרע, החיים והמות. He must choose correctly: ובחרת בחיים. This is a recurring problem. If the בחירה is the correct one, then it is a *Karban* and is מכפר for many עבירות. There cannot be תשובה without כפרה. This is כפרה in the most expensive sense. It is costly, and man must be ready to give up something and be defeated. This is one form of defeat.

Does defeat which is imposed upon man also generate *Kapparah*?

(9) There is another form of defeat. Quite often, man is defeated without his consent. Often, man will go through a crisis without being responsible for that crisis. On the contrary, he may have done everything in his power to avoid the crisis, but, somehow, he lost the battle.

וקץ ודרדר תצמיח לך, means that sometimes the person is ready to sacrifice, but, at other times, he is not ready to sacrifice. Life is often inconsiderate and just as man is about to succeed, he loses the battle. This defeat is also very painful.

(10) The obvious question is, whether this latter case, when man is defeated involuntarily, can also serve as a *Karban*. Certainly, one who voluntarily gives in to defeat has offered a *Karban*. He is aware of the consequences of accepting defeat; he knows the cost and suffering which he will incur. Yet, he gives it up for a higher principle and ideal. He places priority on the spiritual value of *Halacha* and is ready to sacrifice everything which he has in order to realize the lofty objective. This sacrifice is certainly a *Karban* and is מכפר. This is לרצונו.

But, there are many sacrifices which are שלא ברצונו. Man did not seek to offer this *Karban*. He did not choose this situation. He did not resolve to sacrifice anything. On the contrary, something was taken away from him involuntarily, willy nilly.

Often, man suffers at the hands of סמאל, the כוחות החורבן, *the negative destructive forces*, which do not care for man or his dreams. They are indifferent and cruel. Man suffers, loses, feels frustrated, lonely. This is not his *Karban*. He did not invite this. He did not choose the proper alternative. Is it a *Karban*, or is it not a *Karban*? Is such a *Karban* מכפר or not מכפר? Is a שלא לרצונו קרבן, which is due to circumstances, due to גורל, one which man does not invite and which is not constructive, not inspiring, accepted by תקב"ה as a כפרה לעוונות or not?

The dialogue between *Rivkah* and *Yaakov*.

(11) The *Passuk* states that *Rivkah* told *Yaakov*:

לך אל הצאן וקח לי משם שני גדיי עזים (בראשית: כ"ז, ט),
Go to the flock and bring me two goats.

The *Medrash*²⁶⁹ comments on this *Passuk*:

רב חלבו אמר, טובים לך וטובים לבניך. טובים לך שעל ידן
אתה נוטל את הברכות. וטובים לבניך שעל ידן הוא מתכפר
להם ביום הכפורים.
*Rav Chalbo said, [the goats] are necessary for you and
for your descendants. They are necessary for you since,
through them, you will acquire the blessings. They are
necessary for your descendants since, through them, they
will receive expiation on Yom Kippur.*

What is the connection between the *Brachos* which *Yaakov* was ready to steal from עשו and the שעיר לעזאזל and שעיר לה' offered on *Yom Kippur*? What was the disagreement between *Yaakov* and *Rivkah*?

All of the *Brachos* centered around property, עולם הזה, power, wealth, abundance, prosperity. As it says, (בראשית: כ"ז, כ"ח), מטל השמים ומשמני הארץ (בראשית: כ"ז, כ"ח), עשו אחי איש שער ואנכי איש חלק (בראשית: כ"ז, י"א), *Yaacov* asked *Rivkah*, Why should I take the risk of approaching *Yitzchak* and asking for the *Brachos*, when the *Brachos* have little in common with spiritual greatness, with achievements in עבודת הקב"ה?

It is a fair question. Is economic power necessary for *Yaacov's* views of קיום העולם, for the realization of the great mission imposed upon *Avraham*,

²⁶⁹ מדרש רבה פרשה ס"ה אות ה'

transmitted to *Yitzchak* and then to *Yaacov*, of organizing a chosen community, an עם הנבחר? Is wealth necessary for קיום היהדות? Is it necessary that *Yaakov* be powerful and affluent in order to fulfill the ברכת אברהם?

Economic power serves a two-fold purpose.

(12) *Rivkah* answered:

טובים לבניך שעל ידן הוא מתכפר להם ביום הכפורים.
It is necessary since through [the goats] your descendants will obtain expiation on Yom Kippur.

Rivkah answered that economic might, political power, wealth are important for two reasons:

(x) One reason is a constructive one. If a person is powerful he can do a lot of good.²⁷⁰ To give away money is a *Karban*. What one gives away, he no longer has, and he may miss it. Humans do not like to give away things. Humans are greedy by nature. They wish to accumulate wealth. Giving away money, prestige or power, voluntarily, is a קרבן לה'. It is a שעיר לה'.

(y) There is another reason which *Rivkah* advanced. If one is very wealthy, he is exposed to all types of attacks. People are envious of him, and envy generates hatred. He is exposed to enemies. People who don't like him are critical of him. In particular, he is exposed to defeat.

(13) The rich person, the powerful person, can be defeated in a manner that a poor person can never dream of. The defeat of a powerful person is very

²⁷⁰ The Rav related that if he were a millionaire he would build *Yeshivos* and disseminate *Torah*. One can accomplish miracles with money used to disseminate *Torah*.

tragic. The defeat of the weak person, of the poor man, of the person without a name, of the anonymous individual, is very limited. As a matter of fact, the pauper can never be defeated.²⁷¹ He has nothing to lose. Defeat presupposes loss. The rich man can be defeated. For some, the defeat is final. For others, the defeat is not final; they may recover. Every man of power must be defeated. He must finally be disappointed, be disenchanted. This is the curse of וקץ ודרדר תצמיח לך.

(14) It is arguable that it is important to be rich, על פי דין, in order to be able to lose or to be defeated since that is a great מכפר. This is, perhaps, the *Karban* which one offers to הקב"ה for the sake of כפרה.

Every minute of agony, every second of misery, every disappointment, every defeat, whatever one gives up by compulsion, is a *Karban*. But this type of involuntary *Karban* is NOT a קרבן לה'; it is a קרבן לעזאזל.

When man is defeated, that constitutes a קרבן לעזאזל, and that also provides *Kapparah*.

(15) When man sacrifices something voluntarily, knowingly, because he desires to comply with G-d's law and *Halacha*, that serves as a קרבן לה'; when he loses something involuntarily, not because he wants to, but because of the curse of וקץ ודרדר תצמיח לך, that serves as a קרבן לעזאזל.

(16) If הקב"ה only accepted *Karbanos* from one who willingly sacrifices his money, his ego, his influence, who does things which are beneath his dignity, in

²⁷¹ The Rav was referring to emotional defeat, not sickness or disease.

order to glorify, build, protect and perpetuate *Torah* and *Mitzvos*, the chances of *כפרה* would be very limited. אדם כי יקריב מכם קרבן לה' to give up a part of oneself, of his glory, of his money, is rare. Not many can offer this sacrifice, and those who make these sacrifices often do not so in a satisfactory manner.

(17) Fortunately, הקב"ה accepts as קרבנות, not only our voluntary sacrifices, but defeats which have been imposed upon us, in spite of us, even though we fought against them and wanted to protect ourselves.

This is the שעיר לעזאזל which the *Ramban* refers to. This is the *Karban* which עזאזל takes from the person. A לרצונכם is קרבן לה'. A קרבן לעזאזל is not לרצונכם. עזאזל takes the *Karban*. He takes away the שעיר, and the taking of that שעיר serves as a מכפר.

(18) The question is, on *Yom Kippur*, how can man think in terms of *כפרה* given the limited תשובה in which he actually engages? This is further exacerbated by the rule:

עבירות חמורות תשובה ויום הכפורים תולין, ויסורין ממרקין (מסכת יומא דף פ"ו ע"א).

The penalty for severe violations are suspended by repentance and Yom Kippur; the penalty is waived after the violator endures suffering.

The answer is by יסורין. This does not refer to physical disease and pain, but to disappointment, disenchantment, loss of money, prestige or ambition. At one time or another, we are all discouraged and humiliated because we associate ourselves with people who were unworthy of our friendship. We err in our

choosing of friends. That gives us misery, humiliation, and aggravation. We become involved in scandals, and so forth.

(19) This is what *Rivkah* told *Yaakov*, “You asked me why economic power is necessary?

It is necessary for two reasons. The first is a constructive reason. One can accomplish a great deal if he knows how. This is the *שעיר להי*. The *Karban* which I give to G-d in the form of an animal (in the days of the Temple) and nowadays in the form of *Tzedakah*, sacrifice, of being forced to retreat.

Then there is a second reason. If you will be rich and powerful, people will take things from you. You will lose a lot. You will feel disappointed quite often. You will be defeated in the many fields of battle. You will never emerge triumphant in your life. The involuntary defeats which are imposed upon man, are also considered *קרבתות*. This is the *שעיר לעזאזל*. The second reason is a negative one. If you will be powerful, you will not be happy. Power, wealth and riches yield a lot of misery. But, this misery will serve a purpose, namely *כפרה*. G-d will accept this misery as a *Karban*.”

(20) This is what the *Ramban* means. Man gives something to *עזאזל*. He does not offer a *Karban*. But G-d wants him to give away something to *עזאזל*. *עזאזל* takes something away from him. This is true of everyone's life. There is no such thing as a life which is exclusively happy, consisting only of triumph and victory. Most defeats are completely senseless, absurd and serve no purpose.

Everyone knows it from their own life. We engage in foolish ambition, and completely irrational aspirations and then we realize that we made a mistake and have lost a lot. This is a *Karban*.

(21) One *Karban* (i.e. the שעיר להי) is given voluntarily to הקב"ה and is a מכפר. The second *Karban* is לעזאזל, to those destructive forces which actually attack man and take glory and pleasure away from him. This is also accepted as a *Karban*.

This is what *Rivkah* told *Yaakov*. שני גדיי עיזים. One must be successful for two reasons. Firstly, because a successful person can accomplish many things, and, secondly, because a successful person is more vulnerable to defeat, and defeat serves as a כפרה.

[XXIX] THE READING OF THE TORAH ON YOM KIPPUR.

The *Kohen Gadol* placed the innards of the bull and goat into a vessel.

(1) After sending the שעיר המשתלח to the desert, the *Kohen Gadol* removed the אימורים, the innards, from the פר ושעיר, and placed them in a כלי שרת.²⁷² He also prepared the פר ושעיר, which were burnt by other *Kohanim* outside of Jerusalem, in the השריפה בית used for all חטאות פנימיות. This is expressed in the *Passuk* which states:

ואת פר החטאת ואת שעיר החטאת אשר הובא את דמם לכפר
בקודש, יוציא אל מחוץ למחנה ושרפו באש (ויקרא: ט"ז,
כ"ז).

²⁷² They were offered on the מזבח החיצון during the טבילה שלישית.

The bull and goat whose blood was sprinkled in the Holy of Holies shall be removed outside of the City, and burnt in fire.

The קריאת התורה on *Yom Kippur* served both as a *Kiyum Yom Tov* and as a *Kiyum* of the יום כיפור.

(2) The *Mishnah* then discusses that the next *Avodah* performed by the *Kohen Gadol* was קריאת התורה. The קריאת התורה was read in the עזרת נשים, and could be read while wearing ordinary clothes, rather than the בגדי לבן.²⁷³ It writes:

אמרו לכהן גדול הגיע שעיר למדבר...והוא קורא בתורה
(מסכת יומא דף ס"ח ע"ב).
*After removing the אימורים, the Kohen Gadol would await word that the שעיר המשתלח had arrived at the desert, before reading from the Torah.*²⁷⁴

(3) Though תוספות ישנים²⁷⁵ quotes the *Yerushalmi*²⁷⁶ that קריאת התורה is part of the עבודת היום, the Rav felt that the קריאת התורה served two functions:

(x) Firstly, *Yom Kippur* is a *Yom Tov*, and, therefore, the *Torah* must be read on *Yom Kippur* just as it is read on all other *Yomim Tovim*. For this purpose,

²⁷³ See קורא באיצטלית לבן משלו (מסכת יומא דף ס"ח ע"ב).

²⁷⁴ This was communicated to the *Kohen Gadol* by establishing huts every few miles outside of Jerusalem, until shortly before the cliff from which the goat was thrown. After the goat was killed, the people in each hut would waive flags to the preceding hut, and finally, to a sentry posted in the Temple.

²⁷⁵ See מסכת יומא דף ס"ח ע"ב ד"ה בא לו.

²⁷⁶ See מסכת יומא פרק ז' ה"א.

it is only necessary to read the עניינא דינמא, *a portion of the Torah that relates to Yom Kippur*; and,

(y) Secondly, reading from the *Torah* constitutes a *Kiyum* of סדר היום, and not a *Kiyum* of עבודת היום. There is a *Mitzvah* for the *Kohen Gadol* to engage in *Talmud Torah* on *Yom Kippur*, just as there was a *Mitzvah* for him to engage in *Talmud Torah* during the seven days of פרישה prior to *Yom Kippur*. This *Mitzvah* of תלמוד תורה is derived from the מילואים.²⁷⁷

(4) The *Kohen Gadol* read from אמור, ופנחס, פרשת אחרי מות. Our practice is only to read from אחרי מות and פנחס. The difference is that we read the *Torah* on *Yom Kippur* as a *Kiyum Yom Tov*, similar to all other *Yomim Tovim*. This requires קריאת התורה from the portion of the *Torah* which relates to that *Yom Tov* (i.e. מעניינא דינמא).²⁷⁸ Thus, this is satisfied by reading from פרשת אחרי מות and פנחס, which deal with the *Avodah* and *Mussaf* of *Yom Kippur*.

The *Kohen Gadol*, on the other hand, was required to read from the *Torah* as part of the *Mitzvah* of *Talmud Torah* (and instruction) derived from the מילואים. In order for the *Kohen Gadol* to receive complete instruction, he was

²⁷⁷ See רש"י שם ד"ה בא.

²⁷⁸ This obligation was instituted by *Moshe* and *Ezra*: מצותו שיהיו קורין כל אחד ואחד בזמנו (מסכת מגילה דף ל' ע"ב). See the beautiful exposition of the Rav, quoted, in part, in עמוד אי עמוד. [Editor's Note]

required to read everything in the *Torah* that pertains to *Yom Kippur*. He, thus, read פרשת אמור as well.

The *Kohen Gadol* could not read from the *Torah* until the שעיר המשתלח reached the desert.

(5) Why did the *Kohen Gadol* have to wait until the שעיר המשתלח reached the desert before reading from the *Torah*?

Rashi explains this *Mishnah* as follows:

שאינו רשאי להתחיל בעבודה אחרת עד שהגיע השעיר למדבר
שנאמר ושלח את השעיר במדבר, ואחר כך ואת חלב החטאת
יקטיר המזבחה.

The Kohen Gadol must await word that the goat had arrived at the desert, since he could not commence any other Avodah until such time. This is derived from the Passukim which first state, "He shall send the goat to the desert," and then state: "He shall offer the innards (of the bull and goat) on the Altar."

(6) The Rav once heard from the גר"מ, in the name of the גר"ח, a different explanation. The גר"ח explained that the שעיר המשתלח was not a *Kiyum Mitzvah* designated to the איש עתי; it was a *Kiyum* of the *Kohen Gadol*, a personal obligation of the *Kohen Gadol* proper. It should have been performed by the *Kohen Gadol* himself, however, since the *Kohen Gadol* could not leave the עזרה, he appointed the איש עתי as an agent to act on his behalf. Thus, sending the goat to the desert was, in fact, one of the עבודות היום. Furthermore, as long as the איש עתי was engaged in this task on behalf of the *Kohen Gadol*, the *Kohen Gadol* was obligated to remain in the עזרה and could not remove the בגדי לבן. Inasmuch as the קריאת התורה took place in the עזרת נשים, outside of the עזרה

(and did not require בגדי לבן), the *Kohen Gadol* could not leave the עזרה and enter the עזרת נשים until that facet of the עבודה (i.e. the שילוח השעיר) was completed, and the *Kohen Gadol* achieved the full *Kiyum* and implementation of the השעיר במדבר.

(7) In other words, *Rashi* maintains that the *Kohen Gadol* could not perform any *Avodah* until the prior *Avodah* had been completed. Thus, the *Kohen Gadol* could not read the *Torah* (which *Rashi* maintains constitutes an *Avodah*) until the prior *Avodah* of שילוח השעיר is completed. The גרי"ח, on the other hand, maintains that any *Avodah* may be performed (in the עזרה) prior to the completion of the preceding *Avodah*. However, קריאת התורה is not an *Avodah*; it takes place outside the עזרה. The *Kohen Gadol* could not leave the עזרה until completing all of the *Avodos* which were required to be performed in the עזרה at that stage.²⁷⁹

[XXX] THE AVODOS OF THE THIRD, FOURTH AND FIFTH טבילות.

The *Kohen Gadol's* ram was an individual *Karban* and could not be offered together with the other *Mussafim*.

(1) After reading from the *Torah*, the *Kohen Gadol* washed his hands and feet, removed the בגדי לבן, immersed in the *Mikvah* for the third time, donned the eight בגדי זהב, and washed his hands and feet again.

²⁷⁹ The גרי"ח, in גרי"ח עמוד ע"ז, assumed that the גרי"ח applied this to all *Avodos*, and that no *Avodah* may be performed (even in the עזרה) until the prior *Avodah* was completed. The גרי"ח did not distinguish between those *Avodos* which are performed inside the עזרה, and קריאת התורה, which was performed outside the עזרה. [Editor's Note]

(2) This is described in the *Torah*, which writes:

וּפָשַׁט אֶת בְּגָדֵי הַבַּד, וּרְחַץ אֶת בְּשָׂרוֹ בַּמַּיִם וּלְבַשׁ אֶת בְּגָדָיו
וַעֲשָׂה אֶת עֹלֹתוֹ וְעֹלֹת הָעָם (ויקרא: ט"ז, כ"ג-כ"ד).
*He removed his (four white linen) clothes. He then
immersed himself and donned his (eight golden) clothes,
and offered his burnt offering, and the burnt offering of
the people (both of which were rams).*

The two עולות referred to in this *Passuk* are the *Kohen Gadol's* ram (i.e. the אילו) and the ram of the *Mussaf* mentioned in פרשת פנחס (i.e. the איל העם).

(3) The *Kohen Gadol's* ram is not part of the *Mussaf* since it is a קרבן יחיד. The *Kohen Gadol's* ram is part of the framework of the חובות היום (i.e. it is classified among the *Karbanos* offered as part of the *Avodos* of *Yom Kippur*, and which are described in פרשת אחרי מות). Thus, it could not be offered in the first טבילה together with the other *Karbanos* of the *Mussaf*. However, unlike the other *Karbanos* of the חובות היום which were offered inside the קודש הקדשים and the אילו, and are denominated as קרבנות פנים, the *Kohen Gadol's* ram (i.e. the אילו) is a קרבן חוץ, *one that must be offered on the Exterior Altar*. It was, therefore, deferred until after the *Karbanos* of the חובות היום were completed. What is strange is that this *Karban* of the חובות היום was performed with the בגדי זהב, and not with the בגדי לבן.

(4) The *Kohen Gadol* also offered the איל העם (mentioned in חומש). This means that this איל had two *Kiyumim* (הפקודים):

- (x) Firstly, it was a *Mussaf*, and
- (y) Secondly, it was part of the חובות היום.

The שער הנעשה בחוץ and the שער הנעשה בפנים comprise one integrated *Kiyum*.

(5) Following this, the *Kohen Gadol* offered the שער הנעשה בחוץ. A שער חוץ is offered on all other *Yomim Tovim* and *Roshei Chodashim* as well. As such, it is part of the *Mussaf*. However, the *Torah*²⁸⁰ describes the שער הנעשה בחוץ as מלבד חטאת הכפורים (i.e. it is in addition to the animals offered as atonement for the חובות היום). This is interpreted as referring to the שער הנעשה בפנים, and posits that the שער הנעשה בחוץ and the שער הנעשה בפנים both constitute *Karbanos* of the חובות היום which are unique to *Yom Kippur*, comprise one מכפר. The שער הנעשה בחוץ joins with the שער הנעשה בפנים as far as כפרה is concerned.²⁸¹ Hence, the שער הנעשה בחוץ could not be offered together with the other *Karbanos* of the *Mussaf*. It could only be offered after the שער הנעשה בפנים was completed. It was, thus, offered after the other חובות היום were completed.²⁸²

²⁸⁰ See במדבר: כ"ט, י"א.

²⁸¹ The *Gemara* writes:

מה שזה (שער פנימי) מכפר זה (שער החיצון) מכפר (מסכת יומא דף ע"ב).

²⁸² See who חידושי מרן הגרי"ז הלוי על הרמב"ם פ"א מהלכות עבודת יום הכפורים ה"א ופ"ה ה"ג who maintains that the שער הנעשה בחוץ is not classified among the חובות היום. He interprets מלבד חטאת הכפורים as merely indicative of when it is offered, and not as a reflection of its status. [Editor's Note]

The *Karbanos* offered in the third טבילה are the חובות היום which are offered on the exterior מזבח.

(6) In other words, the third טבילה represents, in the lexicon of the Rav,

קרבנות שיש בהם קיום חובות היום שנעשים בבגדי זהב,
Karbanos which are associated with the חובות היום, but which were offered on the מזבח החיצון, the Exterior Altar (with the eight golden clothes).

In the first טבילה, they offered those *Karbanos* which, in the lexicon of the Rav, are,

קרבנות שאינן שייכים לחובות היום,
Karbanos which are unrelated to the חובות היום, and are thus, not unique to Yom Kippur (i.e. the תמיד של שחר (מוספי יום כפור).

(7) In the second טבילה, they offered those *Karbanos* which are unique to *Yom Kippur*, which comprise the חובות היום and which are performed with the four בגדי לבן. In the third טבילה they offered those *Karbanos* which also comprise the חובות היום but which are performed with the eight golden clothes on the exterior מזבח.

The controversy whether the evening תמיד was offered in the third or fifth טבילה.

(8) According to most *Rishonim*, after offering the אילו, איל העם, תמיד של בין הערבים, ושעיר הנעשה בחוץ, the *Kohen Gadol* then offered the

*Rashi*²⁸³ disagrees. He suggests that the תמיד של בין הערבים was offered in the fifth טבילה.

(9) Which view is more logical? Normally, the תמיד של בין הערבים is the concluding *Karban* offered each day. The very moment that all of the *Karbanos* were offered, it was obligatory to offer the תמיד של בין הערבים.²⁸⁴

Thus, most *Rishonim* maintain that since the שעיר הנעשה בחוץ was the final *Karban* offered on *Yom Kippur*, it must immediately be followed by the תמיד של בין הערביים.

Rashi defers the evening תמיד until the fifth טבילה so as not to disrupt the unity between the חובות היום and the removal of the קטורת instruments.

(10) What is *Rashi's* rationale for deferring the תמיד של בין הערביים until the fifth טבילה? The Rav explained that *Rashi's* view is predicated on the *Gemara's* assertion that:

כל הפרשה כולה נאמרה על הסדר חוץ מביאה זו (הוצאת כף ומחתה), שהיא אחר עשיית עולתו ועולת העם (מסכת יומא דף ל"ב ע"א).

The Passuk which describes that the Kohen Gadol removed the קטורת spoon from the Holy of Holies prior to offering the outside goat and rams is out of context.

In other words, the *Torah* describes all of the חובות היום, including the sending of the המשתלח to the desert. These are described in פסוקים א-כ"ב.

²⁸³ See מסכת יומא דף ע"ב ע"א וד"ה ואח"כ.

²⁸⁴ This is derived from the *Passuk* of (ויקרא: וי, ה) which the *Gemara* (*Pesachim* 58b) interprets as enjoining the offering of any *Karbanos* following the evening תמיד.

In פסוק כ"ג, the *Torah* writes (by implication)²⁸⁵ that the *Kohen Gadol* removed the spoon and pail from the Holy of Holies. Then, in פסוק כ"ד, it writes that, following this, he offered the two rams (and the שיעיר הנעשה בחוץ). *Chazal* explain that, notwithstanding this arrangement, the removal of the spoon and pail took place after the two rams and שיעיר הנעשה בחוץ were offered.

(11) The question arises, why did the *Torah* deliberately obfuscate the order? Why did the *Torah* integrate the הוצאת כף ומחתה (i.e. *the removal of the spoon and pail*), with all of the חובות היום performed during the second טבילה, even though they were removed in the fourth טבילה following the offering of the four rams and goat (in the third טבילה)?

The inexorable conclusion to be inferred from this integration is that the הוצאת כף ומחתה forms one *Kiyum* with the prior חובות היום, despite the subsequent interventions of the ואיל ואיל etc. Thus, the interruptions between the חובות היום and the removal of the קטורת instruments must be limited to those *Karbanos* which also constitute a *Kiyum* of חובות היום (even though they are performed in the עזרה with the eight golden clothes). Only *Karbanos* which

²⁸⁵ The *Torah* actually writes, ובא אהרן אל אוהל מועד, *Aaron arrived at the Holy of Holies*, which the *Gemara* (*ibid.*) assumes refers to his entry into the Holy of Holies to remove the spoon and pail. As noted in Footnote 138, the *Gemara* was compelled to draw this conclusion in order to comply with the הלכה למשה מסיני that the *Kohen Gadol* engage in five טבילות. If the spoon and pail could be removed at the end of the second טבילה, then the two rams and the תמיד could be offered in the third טבילה, and there would be no need for the *Kohen Gadol* to engage in any other טבילות.

comprise the קטורת היום may be offered prior to the removal of the כף ומחתה instruments. Offering the בין הערביים תמיד של prior to removing the כף ומחתה would disrupt the unity between the חובות היום (both those offered בפנים and those offered בחוץ), and the removal of the כף ומחתה. *Rashi*, therefore, rules that the evening תמיד should be offered in the fifth טבילה, following the הוצאת כף, which takes place in the fourth טבילה. The unity of היום הנעשה בפנים, followed by the היום הנעשים בחוץ, and concluding with the הוצאת כף is thereby preserved.

In conclusion, according to *Rashi*, no *Karban* may intervene between the בגדי לבן of the second טבילה and the בגדי לבן of the fourth טבילה, unless that *Karban* belongs within the frame of reference of the חובות היום. Thus, the evening תמיד, which is unrelated to the חובות היום, is performed following the הוצאת כף ומחתה in the fifth טבילה.²⁸⁶

In order to demonstrate that *Yom Kippur* is the *Yom Tov* of the oral law, the *Torah* relied on the oral law to establish the correct order of the *Yom Kippur* service.

(12) The Rav pointed out that the עבודות יום הכפורים are formulated in such detail in the תורה שבכתב; yet, the *Gemara* must reconstruct the סדר based on תורה שבעל פה. Why is it so? Why did the *Torah* arrange the order in this fashion?

²⁸⁶ See קונטרס עבודת יום הכפורים עמוד כ"ח for a different explanation. [Editor's Note]

(13) The Rav explained that *Yom Kippur* is the *Yom Tov* on which the *לוחות שניות* were given. G-d revealed the *סוד התשובה* to *Moshe* and gave him the second *לוחות*. The *תורה שבעל פה* was given only with the *לוחות שניות*, and not with the *לוחות ראשונות*. In the *לוחות ראשונות*, the *תורה* and the *תורה שבכתב* were merged into one integrated system.²⁸⁷ *Shavuot* is the *Yom Tov* which celebrates the transmittal of the first set of *לוחות*; *Yom Kippur*, on the other hand, is the *Yom Tov* which celebrates the transmittal of the second set of *לוחות*. While *Shavuot* celebrates the *תורה שבכתב*, *Yom Kippur* celebrates the *תורה שבעל פה*.

As noted, the *Torah* explained everything relating to the *עבודת יום כפור* in great detail, but omitted an important point, which is derived only from the *תורה*. This was done in order to demonstrate that, without the *תורה שבעל פה*, the *תורה שבכתב* is not understandable. The *Torah* deliberately altered the *סדר* and relied on the *תורה שבעל פה* to overrule the *מקרא של פשוטו*, and establish a different *סדר*.

(14) According to the *Rambam* and the *Piyut* of *אתה כוננת*, the *מוספים* were offered in the first *טבילה*, while the *אילו ואיל העם* and the *אימוריך* of the *פר*

²⁸⁷ This theme is outlined beautifully in *בית הלוי* and *תשובות בית הלוי*. The *בית הלוי* explains that the *Gemara* (*Gitten 60a*) interprets the *Passuk* of, *על פי הדברים האלה כרתי אתך ברית (שמות: ל"ד, כ"א)*, as referring to the *תורה שבעל פה*. This *Passuk* was related only after the second *לוחות* were delivered to *Moshe*, and reflects the demarcation between *תורה שבעל פה* and *תורה שבכתב*. Thus, the *תורה שבעל פה* was an innovation introduced by G-d only after the second *לוחות* were given. See also *מסורה חוברת טי עמוד צ"א*. [Editor's Note]

תמיד של בין טבילה, followed by the ושעיר הפנימי were offered in the third טבילה. In the fifth טבילה, the הדלקת הנרות and the standard evening קטורת were performed.

According to the *Piyut* of אמין כח, the מוספים were offered with אילו in the third טבילה. This is the view of רבי אליעזר,²⁸⁸ who maintains that until the חובות היום are brought, no other *Karban* of *Yom Tov*, or otherwise, may be offered. According to him, the evening תמיד של בין הערבים was offered in the fifth טבילה.

טבילה הריבוע והחמישי

(15) After offering the *Karbanos* of the third טבילה, the *Kohen Gadol* washed his hands and feet, removed the eight golden clothes, and immersed in the *Mikvah* for the fourth טבילה. He then donned the four white linen garments, washed his hands and feet, and entered the קודש הקדשים to remove the spoon of קטורת and the pan of coals (i.e. ומחתה).

²⁸⁸ See יומא דף ע"א ע"א.

He then washed his hands and feet, removed the four garments, and immersed in the *Mikvah* for the fifth טבילה. He donned the eight golden garments, washed his hands and feet, and then, according to *Rashi*, offered the תמיד של בין הערביים, followed by the הטבת הנרות and the evening קטורת. According to the *Rambam*, he only engaged in the הטבת הנרות and evening קטורת.

(16)

ויום טוב היה עושה בצאתו בשלום מן הקודש. שנוכה לראות
בבנין ירושלים וצמיחת קרן דוד במהרה בימינו אמן.

APPENDIX A

The סגן was appointed as the assistant to the *Kohen Gadol*. The Rav once heard from his father (the גר"מ זצ"ל) regarding the *Mishnah* which states:

רבי חנינא סגן הכהנים היה אומר, הוי מתפלל בשלומה של
מלכות שאלמלא מוראה איש את רעהו חיים בלעו (מסכת
אבות פרק ב' משנה ב').
*One should pray for the continued stability of the regime,
since, without government, people would attack one
another.*

If we did not know who סגן הכהנים רבי חנינא was, we would have assumed that he was a pure political appointee. He was seemingly concerned with preserving the regime, in order that he be allowed to retain his political office as an assistant to the *Kohen Gadol*.

This is peculiar, however. Usually, every סגן, *assistant*, was eventually promoted to assume the position of a *Kohen Gadol* when the *Kohen Gadol* retired or became incapacitated. However, סגן הכהנים רבי חנינא apparently was never appointed as a *Kohen Gadol*. He is always referred to, throughout the *Mishnayot*, as סגן הכהנים רבי חנינא, *the assistant to the Kohen Gadol*.

The job of the סגן כהנים was not only to accompany and assist the *Kohen Gadol* on *Yom Kippur*, as the *Mishnah* writes:

סגן מימינו וראש בית אב משמאלו.

It is more than that. In the *Mishnah*,²⁸⁹ רבי חנינא סגן הכהנים appears as the primary מורה הוראה for all of the intricate questions regarding טומאה and טהרה that occurred in the *Bais HaMikdash*. He was an unusually great scholar.

The גר"מ theorized that the primary role of the סגן was to answer these complex question of טומאה וטהרה. רבי חנינא, apparently, was disliked by the King and so was never appointed as *Kohen Gadol*. He always remained the סגן כהנים, *the assistant to many succeeding Kohanim Gedolim*. He was always bypassed. Thus, one would expect that he would voice displeasure at the King, and counsel people to pray for the collapse of the government. He did not do so. On the contrary, he subordinated his natural resentments against the King, and urged people to pray for the stability of the regime:

הווי מתפלל בשלום מלכות.

He felt that the alternative would be much worse.

²⁸⁹ פסחים דף י"ד ע"א

APPENDIX B

ר' יצחק אלחנן (the son of ר' הירש קאונא), delivered a famous eulogy for one of the prominent residents of the town of Kovno (who was himself, a *Talmid Chacham* and a staunch supporter of רב הירש and his father). He quoted the *Gemara* that says:

מיקורי ירושלים לא היו ישנים כל אותו הלילה כדי שישמע
כהן גדול קול הברה ולא תהא שינה חוטפתו (מסכת יומא דף
י"ט ע"ב).

The prominent residents of Jerusalem did not sleep during the entire night of Yom Kippur, and maintained a noise level of people walking, talking, and engaging in activities, so that the Kohen Gadol would not fall asleep.

מיקורי ירושלים said that the deceased belonged to that group of רב הירש.

When רב יצחק אלחנן could not sleep because of his many communal worries, the deceased did not sleep as well. He was bothered by anything that troubled רב יצחק אלחנן.

The Rav related that until he became a Rabbi, he would always remain awake the entire *יום כפור*, ליל, and study *Torah*. He noted that the everyone in each *Shul* would remain awake the entire *יום כפור*. They would recite the entire *Tehillim*. It was practically unheard of for anyone to go to sleep on *Yom Kippur* night. The Rav studied with his father the *עבודת יום הכפורים* on every לילי *יום כפורים*.

He explained, from experience, that it is a different *Kedushas HaYom* when the day of *Yom Kippur* follows a sleepless ליל engaged in *Talmud Torah*.

When he became a Rabbi and had to deliver a speech and explain *Yom Kippur* to Bostonian Jews in the 1930's, he was compelled to sleep for a few hours on ליל יום כיפור. The people then did not understand what the *Kedushas HaYom* of *Yom Kippur* was. The Rav was shocked by their ignorance. In Europe, each community celebrated *Yom Kippur* in their unique manner. In Poland, the *Chassidim* would pray with ecstasy, and it was most inspiring. In Lithuania, the prayer was more serious and disciplined. But, under the surface, both had an *שאש קודש*, a *fervent fire of spirituality*. The Jews in Germany, where he spent many years, lacked the inner experience and lacked soul, but their prayer was solemn, serious and beautiful. In the United States, however, it was customary to sell seats after *Kol Nidrei*, and have a Non-Jew record the pledges. They lacked the solemnity and sanctity of the *Kedushas Hayom*.

APPENDIX C

The *Rambam* rules that the *Kohen Gadol* cannot be wed to two women at the same time during the entire year.²⁹⁰ The *Ravad* disagrees and rules that this only applies to *Yom Kippur*. During the year, he may be wed to two women, though this is not advisable, since he must divorce one of them prior to *Yom Kippur*. The *Rambam* does not quote the inference advanced by the *Gemara* for this rule, namely, ביתו אחת ולא שתיים.

Tosfos quotes the *Yerushalmi* which states:

בירושלמי משמע מזמנין לו אישה אחרת שאם תמות אשתו
ביום הכפורים, יקדש זאת ביום הכפורים...ואין שבות במקדש
(תוספות מסכת יומא דף י"ג ע"ב ד"ה לחדא).

The Yerushalmi indicates that they would prepare another woman for him to wed, so that in the event that his wife should die on Yom Kippur, he would betroth her, on Yom Kippur...given that all Rabbinical injunctions are suspended in the Temple.

The question is if a שבות which is unrelated to the עבודה (such as קדושי
on *Yom Kippur*) is permitted or not. The *Bavli* feels that a שבות which is
extraneous to the עבודה is not suspended even though the locus is the *Bais
HaMikdash*. Only a שבות which is necessary for the performance of the עבודה
is permitted. The *Yerushalmi* permits it.

²⁹⁰ פ"ז מחלכות איסורי ביאה הי"ג: ואינו נושא שתי נשים לעולם כאחת, שנאמר אשה אחת ולא שתיים.

APPENDIX D

(1) The Rav added that, according to those *Rishonim* who maintain that the טבילה ראשונה is only מדרבנן, and not מן התורה, the references in the *Gemara* to:

גמרא גמירא להו חמשה טבילות טובל כהן גדול ביום
הכפורים,

which seemingly implies that all five טבילות are derived from למשה מסיני actually should read ארבע טבילות (since the first is only מדרבנן). However, after *Chazal* introduced the first טבילה, the *Gemara* rephrased the text of the הלכה to embrace all five טבילות (inclusive of the first טבילה instituted by them).

(2) Many *Rishonim* rule, in accordance with a strict interpretation of the *Mishnah*,²⁹¹ that the first טבילה must be performed outside the עזרה, since it is not Pentateuchally mandated, and it would be disrespectful for the *Kohen Gadol* to disrobe in the עזרה to implement something which is not מדאורייתא.

(3) The *Rambam*, however, writes that the *Kohen Gadol* may, at his option, perform this טבילה either inside or outside the עזרה.²⁹²

(4) One does not require כוונה prior to engaging in טבילה for חולין purposes. Thus, a נדה who fell into the water may, thereafter, have relations with

²⁹¹ See וכולן בקודש חוץ מזו (דף ל' מ"א).

²⁹² . חוץ מטבילה ראשונה שהוא "רשאי" לטבול אותה בחול (פ"ב ה"ג).

her husband מדאורייתא. However, כוונה is required with regard to תרומה and קדשים. Thus, the נדה who fell into the water may stay with her husband, but may not eat תרומה nor קדשים.

Apparently, though לשם טהרה כוונה is required, one need not remember all of the טומאות with which he came into contact. On *Yom Kippur*, however, we require not only לשם טהרה כוונה, but לכל טומאה וטומאה. He must intend to cleanse himself from each טומאה imparted to him, and must enumerate each and every טומאה with which one could conceivably have into contact (i.e. טומאת צרעת, טומאת מת, טומאת שרץ, and all possible טומאות). The first טבילה is, thus, a טבילה מטומאה לטהרה, and not for *Kedusha*. Thus, he may perform this טבילה inside the עזרה as well.

APPENDIX E

The Rav pointed out that the *Rambam* writes²⁹³ that, during the seven days of פרישה, the *Kohen Gadol* would מטיב את הנרות. What is הטבת הנרות? It means to clean out the wicks and remaining oil from the cups of the *Menorah*. According to most *Rishonim*, they would clean the *Menorah* in the morning and fill up the cups with oil and wicks (i.e. הטבת הנרות). At night, they would light the wicks (i.e. הדלקת הנרות). However, the *Rambam* disagrees. He rules²⁹⁴ that הטבת הנרות is performed both in the morning, and also in the evening, since they would light the *Menorah* both in the morning and in the evening. Thus, it was necessary to clean the *Menorah* in the evening and remove the wicks and oil which had burnt the entire day.

The *Ravad*, who concurs with the other *Rishonim* regarding הטבת הנרות by day, disagrees. He writes:

לא היה הטבה בין הערביים אלא לנר מערבי בלבד.²⁹⁵

²⁹³ As does the *Mishnah* (ibid.).

²⁹⁴ פרק ב' מהלכות עבודת יום הכפורים הלכה ב': [בשחר] מטיב את הנרות...ובין הערבים מטיב את הנרות.

²⁹⁵ פרק ג' מהלכות תמידין ומוספין הלכה י' The *Rambam* affirms his position in

כל עמך בית ישראל, *the Jewish nation, the community*, and not merely that of the בני ישראל, *all Jews, individually*. This is denominated as כפרת הציבור.²⁹⁶

²⁹⁶ On other occasions, the Rav expounded on the theme that there are two כפרות, one for each individual and one for the community, in general, apparently corresponding to individual and communal sins, respectively. See ספר על התשובה עמוד 69. The difference between community and individuals (in the aggregate) was formulated by the *Ramban* (בי' א', ויקרא), and is described in *Halachic* terms in,

חדושי הגר"מ חלי על רמב"ם פ"ב מהלכות מעילה ה"ה עמוד קכ"ב; ופ"ה מהלכות מעילה ח"ט עמוד קל"ו,

based on the *Rambam's* ruling that one who takes an oath not to derive benefit from another individual, may, nonetheless, derive benefit from property which is owned by the Jewish community (i.e. the Temple, and the walls of Jerusalem), but not that which is owned by the residents of that city (פ"ו מהלכות נדרים ה"ב). [Editor's Note]

APPENDIX H

(1) The *Rambam* rules that a סופר, *scribe*, who is מחלל שבת, is disqualified from writing a גט.²⁹⁷ He then writes:

הכותב גט בשבת או ביום הכפורים בשגגה, ונתנו לה הרי זו מגורשת. כתבו וחתמו בו ביום בזדון אינה מגורשת שהרי העדים פסולין מן התורה (פרק ג' מהלכות גירושין הי"ט).
If a Get was written accidentally on Shabbos or on Yom Kippur, then the Get is valid. If a Get was written (on Shabbos or on Yom Kippur) deliberately, it is invalid, since the witnesses who subscribed on the Get are in violation of the rule prohibiting writing on Shabbos and Yom Kippur, which renders the Get invalid.

The obvious question is why did the *Rambam* rule that a גט deliberately written on *Yom Kippur* is invalid solely because the עדים, *subscribing witnesses*, are disqualified? Why didn't the *Rambam* write that a גט written on *Yom Kippur* is invalid because the scribe himself violated *Yom Kippur*?

(2) As noted, the *Rambam* maintains that *Yom Kippur* is structured around two frames of reference:

(x) יום הכפורים; and

(y) יום צום, which has the connotation of the *Kedushas HaYom* resulting in both איסור מלאכה and עינוי.

According to those *Acharonim* that feel that *Yom Kippur* has the same significance as *Shabbos* and that:

²⁹⁷ ישראל שהוא מחלל שבתות בפרהסיא הרי הוא כעכו"ם (פרק ג' מהלכות גירושין ה"טו).

המחלל יום כפור הווי מומר לכל התורה,

the חילול, *deseccration*, need not take place in the field of מלאכה in order for the מומרות status to attach; even a violation of עינוי would also be deemed מומרות, since עינוי (as well מלאכה) constitutes a חילול קדושת היום, a desecration of the sanctity of the day. On the other hand, one who refuses to recite *Kiddush* or the other prayers on *Shabbos* or *Yom Kippur* is not classified as a מומר since his actions do not result in חילול, a desecration, of the day (either of *Shabbos* or of *Yom Kippur*)

חזרת הש"ץ DURING השתחוואה APPENDIX I: PERFORMING

(1) On *Rosh Hashanah* and *Yom Kippur* traditionally, most Congregations prostrate themselves while the שליח ציבור recites עלינו לשבח.²⁹⁸ Furthermore, on *Yom Kippur*, when re-enacting the *Avodah* in accordance with the principle of ונשלמה פרים שפתינו (i.e. that the recital of the *Avodah* is in lieu of actually performing the *Avodah*),²⁹⁹ it is traditional to also re-enact the השתחוואה performed by the people who stood inside the עזרה.

(2) The Rav did not know the reason for our practice to perform the השתחוואה on *Rosh Hashanah* as well.³⁰⁰ He felt that, on *Rosh Hashanah*, the שליח ציבור should not perform the השתחוואה by כורעים. He noted that on *Yom Kippur* the more common practice is for the שליח ציבור to perform כורעים. However, many towns in Lithuania adopted the ruling of the *Shulchan Aruch* and did not permit the שליח ציבור to perform כורעים.

Another practice is to place a lectern in front of the שליח ציבור, and to remove it prior to כורעים.³⁰¹ It was felt that הפסק was thereby avoided since the

²⁹⁸ The שליח ציבור himself should not perform the השתחוואה, even during the עבודה, since the השתחוואה serves as a הפסק during חזרת הש"ץ.

²⁹⁹ See מסכת מגילה דף ל"א ע"ב.

³⁰⁰ The Rav noted, however, that עלינו לשבח is the introduction to מלכיות, and, thus, the השתחוואה is probably an expression of מלכותו.

³⁰¹ See באר היטב (שם).

שליח ציבור need not move his feet from his place in order to fall כורעים. The Rav criticized this *Minhag* since הפסק is generated by any change of posture. Thus, any כריעה on the part of the שליח ציבור constitutes a הפסק.³⁰²

(3) The *Minhag* in many other towns in Lithuania was that the שליח ציבור would recite aloud the paragraph of והכהנים והעם. When he recited the phrase of היו כורעים וכו', the entire Congregation would prostrate themselves.

(4) The Rav noted that the *Halacha* of השתחוואה is normally defined as פישוט ידים ורגלים, *resting the body on the floor*. On *Yom Kippur*, one must also perform נופלים על פניהם, *the forehead must also touch on floor* (when reciting שם כבוד מלכותו לעולם ועד).³⁰³

(5) The practice in the *Yeshiva of Volozhin*³⁰⁴ was that after the שליח ציבור recited the words of (תטהרו) לפני ה', he would pause, and the entire Congregation (lead by a designated individual) recited aloud the paragraph of ... והכהנים והעם. They would perform השתחוואה (with their foreheads resting on the floor) when reciting the words היו כורעים and would then continue the paragraph and recite שם כבוד מלכותו לעולם ועד. The שליח ציבור would

³⁰² In the Rav's Synagogue, the שליח ציבור did not perform כורעים.

³⁰³ I have spoken to a number of the Rav's students who informed me that the Rav meant that, by עלינו, one who wishes to perform כורעים must kneel, as is our custom. However, by the עבודה, one who wishes to perform כורעים, must rest his entire body and forehead on the floor. This latter feature is in order to comply with the practice described as היו נופלים על פניהם.

³⁰⁴ The Rav noted that this was probably based on the practice of the גרי"א.

remain standing the entire time, however. After the Congregants rose, the שליח would repeat the paragraph of והכהנים והעם, and he would perform היז כורעים וכו' השתחוואה when reciting the words היז כורעים וכו'.

(6) The Rav explained that this is based on the גרי"א ruling that two people should always stand on each side of the שליח ציבור during the entire *Tefillah* of *Yom Kippur* (including *Maariv*). In *Mussaf*, there is an additional requirement that the שליח ציבור, who represents the כהן גדול, be surrounded by two people, who, in turn, represent the כהן גדול and ראש בית אב.³⁰⁵ The *Kohen Gadol* apparently did not prostrate himself when he pronounced the שם המפורש; the *Mishnah* mentions that only the כהנים והעם prostrated themselves.³⁰⁶ However, since the practice in *Volozhin* was that the שליח ציבור does prostrate himself (when reciting the words היז כורעים וכו'), it was incumbent upon the two individuals who surrounded him to assist him with that performance, since they represented the ראש בית אב who always assisted the *Kohen Gadol*. In *Volozhin*, prior to the *Avodah*, the *Netziv* and *R' Chaim* would replace the two

³⁰⁵ See משנה מסכת יומא ל"ז ע"א, that the *Kohen Gadol*, throughout *Yom Kippur*, was accompanied by the כהן on his right and the ראש בית אב on his left.

³⁰⁶ Pronouncing the שם המפורש was part of the *Avodah*, and all עבודות must be performed when standing (See *Zevahim* 16b). The Rav was uncomfortable with the assumption that the *Kohen Gadol* did not prostrate himself. If one who hears the שם המפורש must prostrate himself, then, certainly, one who pronounces the שם המפורש must also prostrate himself. See מסורה חוברת (ל"ב עמוד ל"ה (אות ל"ח).

individuals who surrounded the שליח ציבור at that time. They would surround the שליח ציבור during the entire *Avodah* service and help the שליח ציבור rise.³⁰⁷

תושלביע

תהא נשמתו צרורה בצרור החיים

³⁰⁷ The Rav noted that, during the recitation of עלינו, both the שליח ציבור and the קהל bowed simultaneously, even in the Yeshiva of *Volozhin*.

שיעור בענין אמירת סליחות
אלול תשכ"ח
מאת הגרי"י הלוי סולובייציק זצלה"ח
נרשם ונערך על ידי ברוך דוד שרייבר

[II] THE SIGNIFICANCE OF RECITING *SELICHOS* AT NIGHTTIME.

Selichos is an ancient custom.

(1) Since it is the night of *Selichos*, I would like to investigate *Selichos* from a different viewpoint.¹ *Selichos* is an ancient institution. How old, I do not know. It is difficult even to guess. The institution of *Selichos* is not mentioned in the *Gemara* explicitly, although it is mentioned implicitly.² However, I am certain that it is an institution which dates back to ancient times, although I do not know how far in antiquity this institution can be traced. The *Gaonim* discussed *Selichos*. But, they did not refer to it as something new which they had introduced. Rather, they referred to it as something which had been in existence prior to their time. *Rav Amram Gaon* and *Rav Saadia Gaon* both referred to *Selichos* as something which was already well established in their time.

On the other hand, it is impossible to maintain that reciting *Selichos* is מדאורייתא. *Selichos* is an institution or a *Minhag*. As the *Rambam* says,³ ונהגו כל ישראל, *it is customary to recite Selichos*. But, a *Minhag* must be based upon something. Sometimes a *Minhag* or *Halacha*, per se, is only מדרבנן, of *Rabbinic origin*. However, the basis, the background, of that particular *Halacha*, or of that particular *Minhag*, is מדאורייתא, *Biblical in origin*, and is sometimes quite fundamental. *Selichos* is of that category.

¹ This *Shiur* was delivered immediately prior to the first *Selichos* on Saturday night. In order to capture its flavor, I have retained the Rav's delivery in the first person.

² We will see later on where the implication is found.

³ רמב"ם פ"ג מהלכות תשובה הי"ד.

(2) What is *Selichos*?⁴ *Selichos* is not simply people getting together to recite *Passukim*, say *ה' ה' קל רחום ורחון*, confess *וידוי*, and offer short litany like prayers at the conclusion. The prayers of *ענונו* and *מי שענה*, found at the conclusion of *Selichos*, though not elaborate prayers, nonetheless have much style and theme.⁵ The prayers of *ענונו* and *מי שענה* date back to the time of the Second Commonwealth, the Second *Bais Hamikdash*. Certain parts of those prayers are quoted in the *Gemara*,⁶ which relates that on a *תענית*, a special *Shemoneh Esrei*, consisting of twenty-four *Brachos*, was recited at the site of the *Bais HaMikdash*, and six of the *Brachos* concluded with different portions of the prayer of *מי שענה לאבותנו וכו'*. Thus, the institution of *Selichos* must be representative of a number of important concepts and themes.

Selichos means prayers for forgiveness.

(3) What is *Selichos*? *Selichos* means prayers for forgiveness. It is called *סליחות* and not *תפילות*, since it denotes prayers specifically offered for expiation and atonement. Even the word *Selichos* is of later origin. The *Gaonim* speak of *מעמד סליחות*, an assembly of *Selichos*, or *מעמד סליחות וריצוי*, a solemn assembly of supplication. Later on, the word *מעמד* was eliminated. It was shortened and abbreviated into the colloquialism, *Selichos*. *Selichos*, thus, means prayers for *סליחה*, forgiveness.

⁴ See 88 ספר על התשובה עמוד for a detailed discussion of this question.

⁵ The *Piyutim*, in general, are very elaborate and very complex. The *פייטנים* were very erudite and their knowledge of *Medrashim* was extraordinary.

⁶ מסכת תענית דף ט"ז ע"א.

Selichos originates from G-d's proclamation of the *י"ג מידות*.

(4) The *Passuk* states:

ויעבר ה' על פניו ויקרא (שמות: ל"ד, ו').
G-d passed by Moshe's countenance, and G-d proclaimed the thirteen principles of mercy.

It is interesting. The simple translation of the phrase ויעבר ה' על פניו ויקרא is that G-d passed by *Moshe's* countenance. *Chazal* did not accept this interpretation. *Chazal* maintained that the countenance refers to the Divine One. ויעבר ה' על פניו, thus, means that G-d wrapped *Himself* and proclaimed the thirteen principles of mercy.

Chazal write:

אמר רבי יוחנן, אלמלא מקרא כתוב אי אפשר לאומר, מלמד שנתעטף הקדוש ברוך הוא כשליח ציבור והראה לו למשה סדר תפילה. אמר לו כל זמן שישראל חוטאין, יעשו לפני כסדר הזה ואני מוחל להם (מסכת ראש השנה דף י"ז ע"ב).

Rabbi Yochanon remarked that had the Passuk not expressed it, it would sound like blasphemy. We learn that G-d wrapped himself in a Tallis, the way a Cantor wraps himself in a Tallis (i.e. G-d was completely enveloped by the עמוד הענן). G-d demonstrated to Moshe the order of recitations of prayers. He told Moshe that whenever the Jews will sin and will be ready for repentance, they should pray in accordance with this order, with these rules, and G-d will forgive them.

(5) Of course, this is the source in the *Gemara* which is responsible for the custom to recite *Selichos*. The *Rebbono Shel Olem* taught *Moshe* how to recite *Selichos*. He not only taught *Moshe*, but he demonstrated it to *Moshe*. There are two kinds of teaching: teaching by speech, by word, and teaching by demonstration, by example.

The *Gemara* relates ויעבר ה' על פניו, *the Rebbono Shel Olem wrapped Himself in a Tallis, as if He were the שליח צבור, the Cantor, in front of the*

Congregation, and He demonstrated how *Selichos* should be recited; ויקרא, and He read, He recited, the order of *Selichos*. This is how *Chazal* interpreted the *Passuk*.

(6) First of all, we must understand what occurred here. We have never come across another passage in the *Gemara* in which they stated that the *Rebbono Shel Olem* taught *Moshe* or any other prophet how to pray. How to pray was left to man. Man should know how to pray, how to approach G-d. But here, apparently, the *Rebbono Shel Olem* did not rely on *Moshe*; He did not rely on anybody. The *Rebbono Shel Olem* not only told *Moshe* to pray for *סליחה*, *forgiveness*, but He actually demonstrated the manner in which *Selichos* should be recited.

Why did the *Rebbono Shel Olem* go to such lengths?

I believe that the answer lies in the three unique distinctions between *Selichos* and regular *Tefillah*. The *Rebbono Shel Olem* felt that since *Selichos* are so crucial, He needed to demonstrate their manner of presentation.

Selichos must be recited at night.

(7) Interestingly, though the *Gemara* did not mention it, all *Rishonim* ruled that *Selichos* may only be recited at night, and not during the day. Though, nowadays, it is customary to recite *Selichos* in the morning, prior to *Shacharis*, there is no precedence for this procedure. It is wrong. *Selichos* should be recited at night and be concluded at night or with daybreak.

The *Rambam* rules:

ונהגו לקום בלילה בעשרה ימים אלו ולהתפלל בבתי
כנסיות בדברי תחנונים עד שיאור היום (פרק ג' מהלכות
תשובה הלכה ד').

*It is customary to awaken at night, during the ten days
between Rosh Hashanah and Yom Kippur, and to pray
in the Synagogue with words of supplication until
daybreak, until the morning star rises.*

Selichos should terminate at daybreak. The *Rishonim* derived this principle from the

Passuk of:

קומי רוני בלילה לראש אשמרות⁷ (איכה : ב, י"ט),
Arise and pray at night.

Selichos may be recited only at night.

There is a controversy among the *Gaonim* as to the appropriate time of night in which *Selichos* should be recited. Some maintained that it should be recited at midnight, but most maintained that it is preferable to recite it during the last few hours of the night, in the last אשמורה, *an hour or two before daybreak*.

The obvious question is, why is *Selichos* limited to nighttime?

Prayers may not be recited at night.

(8) Basically, if you will just investigate the סדר התפילה, our *Siddur*, you will realize that, with the exception of the *Shemoneh Esrei* of *Maariv*, prayer is never recited at night. Even the *Shemoneh Esrei* of *Maariv* is not treated on par with the *Shemoneh Esrei* of *Shacharis* and *Minchah*. *Shacharis* and *Minchah* are obligatory, while *Maariv* is optional.

The same is true with respect to the *Brachos* of *Krias Shema* recited in the morning and at night. At night, only one *Bracha* was purposely introduced among the *Brachos* of *Krias Shema*, namely, השכיבנו; the other *Brachos* were either eliminated or shortened. For example, the *Bracha* of :

יוצר אור ובורא חושך,

is recited in the morning. Half of that *Bracha* consists in pleading with G-d to have mercy on us, redeem us from exile and allow us to serve Him faithfully. In the evening, at night, the corresponding *Bracha* of המעריב ערבים does not contain any petition.

The same is true of the *Bracha* of אהבת עולם. In the morning, we plead with G-d to

⁷ לראש אשמרות refers to their custom to divide the night into three parts, which, together, comprised a twelve hour period. Thus, each אשמורה consisted of four hours.

enlighten us, consecrate our hearts, etc. It is prayer, petition. At night time, on the other hand, the corresponding *Bracha* of אהבת עולם is just a statement, an expression of confidence, that G-d will never remove His love, nor ever extinguish His feelings of compassion and mercy which He has bestowed upon us. But it is not a petition. As a matter of fact, many texts read אל תסור ממנו ואהבתך אל תסור ממנו and not אל תסיר ממנו. אל תסור means it will never be removed; it is an expression of confidence. אל תסיר is a plea. It means You should not remove Your love. Similarly, the *Bracha* of אבותינו was also abbreviated by *Maariv*, and the elements of prayers were eliminated therefrom.

Nighttime is reserved for *Torah*, and not for *Tefillah*.

(9) The reason for this is that *Chazal* were of the opinion that the evening and night were designated for *Torah*, and not for *Tefillah*. One should pray *Maariv*, and then concentrate on studying *Torah* throughout the balance of the night. *Chazal* have spoken about the study of *Torah* in the evening, or at night, in glowing terms. Sometimes we are simply puzzled by what *Chazal* saw in the combination of *Torah* and לילה, *night*. Yet, *Chazal* felt that the combination was crucial. The *Rambam* writes:

אף על פי שמצוה ללמוד ביום ובלילה אין אדם לומד רוב חכמתו אלא בלילה. לפיכך מי שרוצה לזכות בכתר התורה יזהר בכל לילותיו ולא יאבד אפילו אחד מהם בשינה ואכילה ושתייה אלא בתלמוד תורה.

אמרו חכמים אין רנה של תורה אלא בלילה, שנאמר קומי רוני בלילה לראש אשמרות (איכה : ב', י"ט)

וכל העוסק בתורה בלילה חוט של חסד נמשך עליו ביום, שנאמר יומם יצוה עליו חסדו ובלילה שירה עמי תפילה לא-ל חיי (פ"ג מהלכות תלמוד תורה הי"ג).

Even though it is obligatory to study Torah both by daytime and at nighttime, man cannot acquire wisdom

unless he studies at night. Whoever wants to acquire the crown of Torah, to be adorned with the crown of Torah, should be careful at night, and should not waste even a single night with sleeping, eating, feasting, or conversing. He should utilize the night solely for Talmud Torah.

Our Rabbis taught that the song of Torah can only be heard, has added significance, only when it is recited at night. As it says "Arise and sing at night."⁸

One who religiously studies Torah at night, will have the grace of G-d bestowed upon him. As it is written: "In the daytime G-d bestows his Chessed, and at night, I engage in singing and praying to the G-d who gave me life."

(10) That the night is the most appropriate time for the study of *Torah*, assumes almost mythical proportions in the literature of the *Talmud* and the commentators. This thought was not introduced by the *Rambam*. There are many מאמרי חז"ל which emphatically state that the nighttime should be devoted to the study of *Torah*.

Tehillim is not recited at night in order not to distract from the study of *Torah*.

(11) Similarly, *Tehillim* is not recited at night prior to חצות. *Chassidim* do not even recite לודד ה' אורי ושעי at night. They say it once in the morning and the second time at *Mincha*. But not at night. לודד ה' אורי ושעי is from *Tehillim*, and *Tehillim* may not be recited at night prior to חצות.

This is the reason why we do not recite *Selichos* until after חצות. *Selichos* is a compilation of *Passukim*, and it may be recited only after חצות. Nighttime is reserved for *Torah*, not *Tefillah*. This is what *Chazal* intended when they stated:

⁸ Interestingly, the *Passuk* of בלילה קומי רוני בלילה, cited by the *Rambam*, is usually translated as: "Arise and pray at night." *Chazal*, however, often interpret רנה as referring to the study of *Torah*. Thus, they commented:

כל העוסק בתורה בלילה, שכמה כנגדו, שנאמר קומי רוני בלילה (מסכת תמיד דף ל"ב ע"ב).

לא איברי ליליא אלא לגירסא (מסכת עירובין דף ס"ח ע"א).

The night was created only for study.

Selichos on a Fast Day is recited in the daytime.

(12) On a תענית ציבור they would recite *Selichos* in the daytime. As matter of fact, on a תענית, they would recite *Selichos* within the framework of the *Shemoneh Esrei*, in the *Bracha* of:

סלח לנו אבינו כי חטאנו מחל לנו מלכנו כי פשענו.⁹

Later, they realized that it was too much of an interruption during the *Shemoneh Esrei*, and they transferred *Selichos* to follow *Shemoneh Esrei*. They would recite *Selichos* following חזרת השי"ץ. But it was recited in the daytime.

Selichos is an exception to the general rule that prayer may not be offered at night.

(13) Apparently, an exception is made for the night of *Selichos*. The *Selichos* prayer service takes place at night. The order is changed; instead of *Torah*, *Tefillah* is introduced. Originally, *Selichos* was recited for hours at a time. Nowadays, the first *Selichos* takes about forty-five minutes to an hour. On *Erev Rosh Hashana*, the *Selichos* are exceptionally long and require several hours to complete. In ancient times, they had many more *Selichos*. There was a lot more activity, beauty. Over time, *Selichos* has been abbreviated, and, nowadays, we have only a few fragments of the *Selichos* introduced by the *Gaonim*.¹⁰

(14) In conclusion, *Selichos* represents *Tefillah* at night. The *Passuk* קומי

⁹ See, מסכת תענית דף ט"ז ע"א; רמב"ם פרק די מהלכות תענית הלכה ה',

¹⁰ The *Rambam* mentions the institution that *Selichos* be recited only the during the עשרת ימי תשובה, the seven days between *Rosh Hashanah* and *Yom Kippur*. Our custom is to extend *Selichos* to the week prior to *Rosh Hashanah*. The *Sephardim* have extended *Selichos* to the full month of *Elul*. They start reciting *Selichos* on the second day of *Rosh Chodesh Elul*. Of course, they do not have a separate text of *Selichos* for each day. They have only one *Selicha*, a few *Piyutim*, followed by וידוי and וחי' קל רחום וחנן and so forth.

¹¹רוני בלילה is reinterpreted. The *Gemara* generally interprets קומי רוני with reference to *Talmud Torah*, the רנה של תורה. But, for the limited time period from tonight until *Yom Kippur*, the קומי רוני בלילה refers to *Tefillah*, and not to *Torah*. This is the first fundamental concept of *Selichos*. A new task is assigned to the Jew during these nights, namely, that these nights be used for *Tefillah* and not so much for *Torah*. The last part of that *Passuk*, שפכי כמים לבך, fits beautifully into the framework of the *Passuk*. *Tefillah* at night, within the *Halachic*, *Agadic* and *Kabbalistic* system, is sensational *Tefillah*. In the week before *Rosh Hashana*, the centrality which is normally assigned to *Torah* at night changes into that of *Tefillah*. That is why *Selichos* may not be recited in the daytime.

Selichos is defined as תפילה בלילה.

(15) The *Selichos* of *Yomim Noraim*, which commence tonight and conclude with *Yom Kippur*, is תפילה בלילה. *Selichos* has limited significance by day. That is why in many *Chassidic* communities, the first *Selichos* is recited at midnight, or early in the morning hours prior to daybreak.¹² All other *Selichos*, with the exception of *Erev Rosh Hashanah*, are recited following *Maariv*. This is especially true of the *Ukrainian Chassidim*. The choice is to say *Selichos* following *Maariv*, or to say *Selichos* before *Shacharis*; to recite *Selichos* at night, or to recite *Selichos* before dawn. These *Chassidim* opted to say it at night since *Selichos* forfeits its character if it is recited in the morning. *Selichos* and night are so intertwined that they are almost inseparable. The קומי רוני בלילה which, traditionally, is interpreted in terms of the study of *Torah*, is, during the period of *Selichos*, interpreted in terms of a different

¹¹ The entire *Passuk* reads:

קומי רוני בלילה לראש אשמרות, שפכי כמים לבך נכה פני ה' (איכה: ב', י"ט).

¹² This is actually an old *Minhag* which originated with the *Sephardim*.

semantics, namely, to pray and plead with G-d. *Tefillah* and לילה form one equation.¹³

(16) What, however, is the rationale for this? Why is *Selichos* intertwined with nighttime? Why is *Tefillah* so inextricably bound with daytime?

Yahadus had an antithetical view of man as both a great being and a corrupt being.

(17) *Yahadus* always thought of man in terms of two categories, of two principles, which are mutually exclusive and contradictory. One doctrine of man, says *Yahadus*, regards man as an important being, a great being, and a powerful being. Man can achieve dizzying heights, both intellectually and spiritually. Man can actually rise to such heights that he and the angels actually meet. As a matter of fact, the *Kabbalists* have always maintained that man is superior to an angel. They vehemently disagreed with the *Rambam* who considered angels superior to men. Man has something divine in him, and he is capable of coming very close to the בורא עולם, *the Almighty*. He is a great being. In our history, *Moshe Rabbeimu*, *Dovid Hamelech* and others were certainly superior to the angels.

(18) On the other hand, *Yahadus* also knew very well that man is a very low and worthless being. Not only is he physically weak and helpless, but he can be corrupt, cruel, and indifferent. He often defiles himself and defiles the world. I do not have to give you examples, after the events in Czechoslovakia and after Brezhnev's shameful performance at the United Nations.

Yahadus had an antithetical view of man. It believed that man is great, exalted. But it also knew very well that man is a low creature, very cruel and very beastly. He can be inferior to an insect. *Chazal* say beautifully,

¹³ From the *Kabbalistic* viewpoint there is another reason why there is no *Tefillah* at night. They teach that *Tefillah* is a plea for mercy, and, at night, the מדת דין, *justice*, prevails.

זכה, אומרים לו אתה קדמת למלאכי השרת. ואם לאו,
אומרים לו זבוב קדמך (בראשית רבה פרשה ח).
*If man is worthy, someone tells him, you were created
before the angels and are superior to the angels. If he
is unworthy, then someone tells him that a mosquito,
that circles around the light, is superior to you.*

Tefillah is based upon the greatness of man.

(19) The question arises regarding *Tefillah*. The institution of *Tefillah* is that man approaches G-d, pleads with Him, offers Him supplication, converses with Him, engages Him in a dialogue, and so forth. What is it? Is *Tefillah* a result of the optimistic philosophy of man, or of the pessimistic, negative philosophy of man? Is it a result of the affirmation of man as a great being, or, on the contrary, is it a result of the negation of man?¹⁴

(20) I feel that, basically, תפילה כל השנה, *prayer the whole year round*, is based upon the awareness of man as a great being. We find in *Tanach* that praying was often practiced while the worshipper was kneeling, or in a position of full prostration. For example, the *Torah* writes:

ואתנפל לפני ה' וכו' (דברים, י"ט, כ"ח)
I threw myself; I prostrated myself.

or,

[שלמה] קם מלפני המזבח, מכרע על ברכיו (מלכים א': ה, נ"ד)
The King arose from his genuflection.

However, when *Chazal* introduced the *Shemoneh Esrei* prayer, *Chazal* prohibited man from prostrating himself. On the contrary, one who prostrates himself invalidates the prayer. Prayer requires *Amidah*, *to stand straight, in an upright position*.¹⁵ Similarly,

¹⁴ *R' Yehuda Halevi* in *Kuzari* discussed this question, as did many other *Rishonim*, but they did not really resolve the ultimate problem.

¹⁵ Of course, *Chazal* introduced השתחויה, but it is just a curtsy and nothing more. It is not prostration.

Chazal required of man that he be dressed in his best clothes for prayer.

הכון לקראת אלוקיך ישראל (עמוס : ד, י"ב),
Be prepared for prayer.

Chazal interpreted and portrayed prayer as if prayer were an audience between the king and the prime minister, or between the king and someone very prominent. It means prayer is פנים אל פנים: Man is confronted with G-d, and then speaks and addresses himself to G-d. This reflects the greatness of man.

We recite in the *Shemoneh Esrei* of *Neilah*:

אתה הבדלת אנוש מראש לעמוד לפניך,
*You have singled out man, and given him the license
to stand before You.*

Not everyone can approach the king. Not everyone can address himself to the king, using the Thou, as we do when we address ourselves to G-d. We recite ברוך אתה ה', *Blessed are Thou*. There is a certain familiarity between man and G-d. Our *Shemoneh Esrei* is a conversation, a dialogue, between two people who are very familiar and close to each other. There is familiarity and intimacy in prayer. These are the regular prayers which we offer, particularly in the *Shemoneh Esrei*. For example, the *Bracha* of שים שלום טובה וברכה, is not only a petition, but almost a command. That is what G-d wishes us to do.

Selichos is based upon the worthlessness of man.

(21) There are prayers which are nurtured by a completely different philosophy of man, by the philosophy of the humility of man, of the worthlessness of man, of his weakness, his loneliness and his helplessness, and of his capability of becoming corrupt and defiled, of sinking to the level of the beast. Those are the prayers of *Selichos*.

(22) If you read *Selichos* tonight, carefully, you will notice that all of the

Piyutim emphasize just one idea, one thought, one question, namely, the problem of how can man approach G-d. How can man address himself to G-d, when man is defiled, corrupt, contaminated? As the *Gemara* says:

היום כאן ומחר בקבר (מסכת ברכות דף כ"ח ע"ב)
Today he is here; the next morning he is in the grave.

Man is ignorant, despite all of his progressive ideas. In spite of all of his discoveries and technological achievements, man is still a prisoner of nature. It is difficult to liberate man from nature. This is the idea which dominates *Selichos*. The greatness of man is the lodestar of תפילה כל השנה, *prayer all year round*. The smallness, helplessness, and weakness of man, is the guiding motif of *Selichos*, and also of *Rosh Hashanah*. Though *Rosh Hashanah* and *Yom Kippur* contain a mixture of motifs, nonetheless, there are many *Piyutim* recited on both *Yom Kippur* and *Rosh Hashanah*, which reflect this motif. For example, we recite after ונתנה תוקף, that:

אדם יסודו מעפר וסופו לעפר,
Man was created from dust and will return to dust.

What is man compared to? משול כחרס הנשבר, *to a broken fragment of a clay utensil*. He is כחציר יבש, *as wheat of flour in the field*, כענן כלה, *as the cloud which passes by*, כעוף הפורח, *as a bird that gets lost in flight*, and so forth.

Tefillah may not be recited at night since man loses his self confidence at night.

(23) This is the central motif of *Selichos*. The emphasis upon the humility of man and the worthlessness of man was combined and associated with לילה, since, at night, man is not as proud, is not as vain, and is not as sure of himself, as he is during the daytime, when he mistakenly believes that he displays his power, his wisdom and so forth on.

In *Megillas Eicha*, the *Prophet* writes:

בכה תבכה בלילה (איכה : א', ב')
Cry at night.

When one is in distress, he cries at night, not in the daytime. Why is it psychologically correct? Because any sorrow is magnified at night. The experience is more keen, more sharp and more painful. Nighttime produces many anxieties. I learned this from my own experiences. When one is worried, when one finds himself in distress, when one is burdened with sorrow, or concerned about something, or when he has no peace of mind, the worst time for him is at night. Even physical pain is more pronounced at night than during the day.

What the reason is, I don't understand. But the *Gemara* certainly was aware of it. They taught that a patient improves by daybreak. Nighttime is a time of anxiety, and the feelings of loneliness, sorrow and depression, are all intensified and magnified at night. It may not be true medically, but it certainly is true psychologically. In the daytime one is involved in various activities; he has no time to do soul searching, to actually delve into his own self. He just forgets. On the contrary, his mind is always somehow concerned with the positive aspects of man, and not with the negative aspects of man. But, at night, *בכה תבכה בלילה* and *קומי רוני בלילה*. At nighttime, man's anxiety is most pronounced.

(24) This is why the prayers at night have been abbreviated, and even *Shemoneh Esrei* at night is optional and not mandatory. Night is a time which is symbolic of man's losing his self respect, of man suddenly realizing and discovering that he is a lowly creature, helpless, and weaker than animals.¹⁶ All his wisdom, all his discoveries, achievements, and technological attainments, can help him very little. At times, man is so helpless that only G-d can save him. This is the period during which such thoughts mock man. At such times, men delve into themselves. They engage in

¹⁶ There is no doubt about it. Physiologically, man is certainly weaker than animals.

soul-searching, in self-examination, and, often, they find themselves bankrupt, complete failures. That is what is meant by *בבכה תבכה בלילה*.

(25) On the other hand, the regular *Tefillah* during the day is the reverse. The regular *Tefillah* by day does not want to see man as a failure. Man is a success. Man is triumphant in the daytime, when he has an opportunity to show what he knows and what he can accomplish.

(26) In conclusion, *Selichos* means *תפילה בלילה*, *nighttime prayer*, which is mutually exclusive with *תפילה ביום*, *daytime prayer*.

[III] *SELICHOS IS A SPECIAL CONVOCATION OF PRAYER.*

Prayer must be offered solely within the framework of *Shemoneh Esrei*.

(1) There is another theory of *Selichos*. The *Gemarah* states:

יכול יתפלל אדם כל היום כולו כבר מפורש על ידי דניאל:
ווימנן תלתא (מסכת ברכות דף ל"א ע"א).
*Perhaps man is allowed to pray as many times as he
wants, to offer as many prayers as he wishes during
the day? It has been explicitly stated otherwise by
Daniel, that man is allowed to pray only thrice a day.*

(2) It is very interesting. The *Torah* requires that man offer his prayer three times a day. But, he has no right to exceed this amount. According to the *Halacha*, all prayers are integrated within the *Shemoneh Esrei*. Outside of *Shemoneh Esrei*, we may not pray at all. No other prayer may be offered. Among Non Jews, offering a prayer is very simple; man can offer a prayer at any time he so desires. If a Non-Jew is in distress, or if a family member of his is sick, he may pray on their behalf at any time.

How does a Jew pray for a sick person? Either by offering a prayer in the *Bracha* of *שמע קולנו* or *רפאנו*, contained in the *Shemoneh Esrei*, or by reciting *Tehillim*. However, there is no specific prayer to be offered or recited for a sick

person. One recites from *Tehillim* those Chapters which are appropriate, which include references to sickness and to G-d's healing power.¹⁷ One recites those Chapters, the themes of which are sickness, health, G-d's healing power, and G-d being the universal healer. But, other than reciting *Tehillim*, or offering a prayer within the framework of *Shemoneh Esrei*, a Jew may not offer a specific prayer for his personal needs. A Jew has no right to offer any prayers nor to organize any prayer service outside the frame of reference of *Shemoneh Esrei*.

Shemoneh Esrei may be recited no more than three times a day.

(3) Furthermore, *Shemoneh Esrei* may only be recited three times a day.

It is interesting that *Shmuel* disagreed. He maintained that:

מתפלל אדם תפילת נדבה (שם).

If one wishes, he may offer a Shemoneh Esrei, voluntarily.

The *Rishonim* accepted *Shmuel's* view, but noted that the custom was not to recite the *Shemoneh Esrei* in excess of three times. We have never heard of anybody praying four times a day. The reason is that, to us, prayer is not something very simple. It is enigmatic. What does it mean that man approaches G-d? What does it mean that man knocks on G-d's door? Who is man? Man is a lowly creature. How can man appear before the universal King and recite his petty, insignificant and worthless needs? Prayer is a special privilege which was granted to man. But, this privilege was limited to only three times a day.

(4) *Selichos* on a תענית, was also recited, in olden times, within the framework of *Shemoneh Esrei*, namely, within the frame of reference of the *Bracha* of

¹⁷ Many people recite the Psalms of יענך ה' ביום צרה, אשא עיני אל החרים, ממעמקים קראתה ה' and the like.

טלח לנו.¹⁸ Later on, it was transferred to follow immediately after *Shemoneh Esrei*.

The very moment that the *Chazzan* concludes the *Shemoneh Esrei* with:

המברך את עמו ישראל בשלום,

the Congregation recites *Selichos*. It is integrated into *Tefillas Shacharis*. It is not a separate service. *Selichos* on the תעניות was never organized as a separate service.

Selichos represents a special license to offer prayers outside of the framework of *Shemoneh Esrei*.

(5) The exception to this is the *Selichos* of *Yomim Noraim*. On those days, we commune a special assembly, a special convocation, a *בעמד*, not for *Shemoneh Esrei*, not for *Mincha*, *Maariv*, nor *Shacharis*, but exclusively for *Selichos*. Usually, the *Halacha* approves of only three convocations, namely *Shacharis*, *Mincha*, and *Maariv*. If one is in need, if one is in distress and feels like praying, he can do it, but only within the frame of reference of *Shacharis*, *Mincha*, and *Maariv*. No special convocations, no special *מעמדות*, are permitted. However, as far as *Selichos* by *Yomim Noraim* is concerned, we have a right to call a special *בעמד*, a *special convocation*, a special prayer assembly, exclusively for *Selichos*.

This is another exception to the general rule of *Tefillah*. Usually there are only three convocations.¹⁹ However, during the days on which *Selichos* is recited, there is also a separate convocation at night for *Selichos*. The *Gaonim* called it *מעמד ריצוי*, *the convocation of reconciliation between man and G-d*, and *טליחה*, *forgiveness*.

(6) This is the second principle on which *Selichos* rests. A license was granted to call a special convocation, a service convocation, which has been forbidden during the rest of the year.

¹⁸ See, רמב"ם פ"ד מהלכות תענית הלכה ה"ה.

¹⁹ On *Yom Kippur* there is a fourth convocation, namely, *Neilah*.

Selichos is structured in the same manner as *Shemoneh Esrei*.

(7) As a matter of fact, in many ways, *Selichos* is also a *Shemoneh Esrei* convocation. The ספר לבוש מלכות²⁰ points out the striking similarities between the structure of *Shemoneh Esrei* and that of *Selichos*. *Selichos* commences with *Ashrei*, similar to the *Mincha* Service. It is followed by *Kaddish*, and the recitation of the *Selichos*. At the conclusion of the *Selichos*, *Kaddish Teskabel* is recited. It is the only occasion in which *Kaddish Teskabel* is recited without the prior recitation of *Shemoneh Esrei*. This establishes that *Selichos* is מעמד של רצוי וסליחה, a service convocation, a prayer convocation, which may not be practiced on any other day. Even on a *Taanis*, in the days of the *Bais Hamikdash*, the convocation was held at *Mincha* time, and they recited *Selichos* solely within the frame of reference of *Shemoneh Esrei*. There was no special convocation. The only convocation where the regular *Shemoneh Esrei* is not recited, is *Selichos*. This is the second principle of *Selichos*.

[III] SELICHOS IS A FACET OF TESHUVA.

The *Mitzvah* of prayer.

(1) There is another fundamental principle which inheres in *Selichos*. Prayer is a *Mitzvah*. According to the *Rambam*,²¹ this *Mitzvah* is מן התורה, Pentateuchally mandated, and is derived from the *Passuk* of:

ולעבדו בכל לבבכם: אי זו היא עבודה שבלב זו תפילה
(ספרי פרשת עקב).

Prayer is the service of the heart.

According to many other *Rishonim*,²² *Tefillah* may be only a Rabbinical imperative. Nonetheless, all *Rishonim* concede that there is a duty, an obligation, to

²⁰ אורח חיים סימן תקפ"א.

²¹ פרק אי מחלכות תפילה הלכה אי; ספר המצוות עשה הי'.

²² See, e.g. רמב"ן השגות על ספר המצוות (שם).

pray two or three times a day.

Prayer is an integral part of *Teshuva*.

(2) Moreover, there is a facet of *Tefillah* which is an integral portion of *Teshuva*. *Teshuva* consists of three elements:

- (i) חרטה על העבר, *regret for past misdeeds*;
- (ii) קבלה להבא, *to undertake not to repeat the sins*; and
- (iii) בקשת כפרה, *prayer for forgiveness*.

Pleading with G-d for forgiveness, is part of *Teshuva*. The *Mitzvas Tefillah* is an integral part of *Teshuva*.

(3) The best proof for this is the structure of the וידוי recited by the *Kohen Gadol* on *Yom Kippur*, which includes these three components.

The *Kohen Gadol* confessed the sins of the Jewish people as follows:²³

אנא חטאו עון פשעו לפניך עמך בית ישראל,
*G-d, your people have erred, sinned, and rebelled
against you.*

This is החרת החטא which includes both חרטה and קבלה להבא. He then prays for their forgiveness. He says:

אנא השם כפר נא לחטאים וכו',
Please G-d forgive their sins.

Tefillah completes the act of *Teshuva*. It is not enough that man regrets his past mistakes and takes on a commitment to change his way of life. Though this is very difficult, it is insufficient. Man must thereafter pray to G-d for forgiveness and absolution.

We find a similar theme by the וידוי recited by *King David* to *Nathan the*

²³ מסכת יומא דף ס"ז ע"א.

Prophet. He pleaded תחטאני באזוב ואטהר, *cleanse me of my sins*²⁴. The whole *Psalm* is a prayer for forgiveness, for cleansing.

Sin defiles the personality.

(4) The reason why prayer is such an important facet of *Teshuva* is that when one commits a sin, he has not merely committed an error, or simply violated a ruling. It is more than that. He has actually defiled his personality; he has lost his divine inspiration and *Ruach Hakodesh*. Somehow, he has removed himself from the presence of G-d. Accordingly, those gifts which he lost must be restored to him, and they can only be restored through prayer.

In conclusion, *Tefillah* is a separate facet of *Teshuva*. Without true *Tefillah*, *Teshuva* is deficient. For instance, the first assembly of *Teshuva* took place after the episode of the על, *the golden calf*. What did their *Teshuva* consist of? וירחל משה, *Moshe prayed*. What is *Yom Kippur*? It is a day of prayer.

***Selichos* represents the prayer component of *Teshuva*.**

(5) Thus, during the period of *Selichos* and עשרת ימי תשובה, one is under an obligation to pray for two reasons:

(x) First of all, he should pray because it is עבודה שבלב. The ordinary duty of daily prayer is binding; *Yom Kippur* is no exception to this rule; and,

(y) Secondly, beginning tonight, there is another duty. It is incumbent upon man to pray, because prayer is an integral part of *Teshuva*, of repentance, of coming back, or, at least, of attempting to return to the בורא עולם. This is *Selichos*. In *Selichos*, we fulfill another precept of prayer, not the ordinary precept, but the unique precept of prayer which is an integral aspect of *Teshuva*.

(6) What is *Yom Kippur*? What is *Rosh Hashanah*? A יום תפילה, *a day*

²⁴ תהלים: נ"א, ט

of prayer. One who does not know how to pray cannot realize the significance of those days. The essence of each of those days expresses itself through prayer. Even the *Shofar* is an instrument of prayer. We recite in the *Bracha of Shofros*:

כי אתה שומע קול שופר ומאזין תרועה,
*You are the one who hears the sound of the Shofar and
discerns the notes thereof.*

The *Mitzvah* of *Shofar* is not just to listen to the sound of *Shofar*; it is to pray (through the sound of the *Shofar*). *Yom Kippur* is certainly a day of prayer. *Selichos* is the particular prayer of *Yomim Noraim*, which does not belong into the system of עבודה שבלב, but into that of *Teshuva*.

(7) In conclusion, there are three principles which form the foundation of *Selichos*. The first principle is תפילה בלילה, *the equation of prayer and night*. The second principle is that there is a special convocation, a מעמד ריצוי ותפילה. The third principle is that there is a unique precept of prayer which is related to *Teshuva*, since without prayer the *Teshuvah* is deficient.

[IV] THE RELATIONSHIP BETWEEN CHARITY AND *TESHUVA*.

Tzedakah is an integral component of *Teshuva*.

(1) There is another aspect of *Teshuvah* which does not directly relate to *Selichos*, but which is also quite crucial. That aspect is *Tzedakah*. *R' Sa'ia Gaon* wrote that a *Baal Teshuva* must change his habits as far as giving charity and helping others is concerned. *Tzedakah* is actually one of the ways in which *Teshuvah* is implemented. Without *Tzedakah*, *Teshuvah* is incomplete, is imperfect. The phrase:

ותשובה ותפילה וצדקה מעבירין את רוע הגזירה,

it is not just a nice phrase that someone thought up. It is a *Halacha*. The word ותשובה in this phrase means, הכרת החטא, *the plea of guilty*, and the assumption of

responsibility. Thus, the phrase means that *Teshuva* should be implemented through both prayer and charity.

(2) The *Rambam* writes:

מדרכי התשובה להיות השב צועק תמיד לפני ה' בבכיה ותחנונים ועושה צדקה כפי כוחו (פרק ב' הלכות תשובה הלכה ד').

One who repents should plead with G-d steadily, ask for mercy, help and salvation and distribute money to charity according to his abilities.

The difference between *Adam* and *Cain*.

(3) We all know the tragic consequences of *Adam's* sin. He did not commit murder. He ate some of the forbidden fruit. What kind of sin did he commit? טרפות ונבילות, the fruit was un-kosher, was not edible according to the Divine decree. G-d punished him immediately and evicted him from the *Garden of Eden*. G-d did not show any mercy to him. *Adam* lost paradise; he lost his immortality. He became exposed to the vicissitudes of life, the indifference and cruelty of nature and so forth.

Cain murdered his brother, which, *prima facie*, is a much more horrendous sin. Yet, somehow, *Cain* reached a settlement with הקב"ה. The *Medrash* writes that after *Cain* left his meeting with G-d, he met *Adam*. *Adam* immediately realized that *Cain* had somehow reached a settlement, a reconciliation, with G-d. *Adam* had figured that since G-d had applied quick justice to him and to *Eve* for eating the forbidden apple, G-d would likewise apply quick justice to *Cain*. *Adam* knew that *Cain's* crime was much more reprehensible and that there were no extenuating circumstances for *Cain's* crime. Yet, *Adam* saw that *Cain* came away satisfied. *Cain* responded:

עשיתי תשובה (מדרש תנחומא, פרשת בראשית סימן כ"ה).

I repented.

What was the difference between *Cain* and *Adam*? Why didn't G-d excuse

Adam as He later excused *Cain*?

The answer is that, when questioned by G-d regarding his sin, *Adam* blamed somebody else. He said²⁵ *האשה אשר נתת עמדי*. He told G-d, "I ate under your supervision, *Your supervision*. *Eve* was the *משגיח*. She was created to supervise me. Otherwise you could have left me alone. There was no need for her to be created." He demonstrated that he was incapable of assuming responsibility, and so he lost paradise.

A sinner must acknowledge his guilt and donate money to charity.

(4) *Teshuvah* means *הכרת החטא*; the sinner must acknowledge that he is guilty. That is all. It is a plea of guilty. But, this plea of guilty must be accompanied by *Tefillah* and *Tzedakah*.

The *Rambam* adds:

ועושה צדקה כפי כוחו (שם).
(*A Baal Teshuvah*) should distribute money to charity according to his abilities.

Similarly, the *Gemara* lists charity as one of the components of *Teshuva*. It writes:

אמר רבי יצחק ארבע דברים מקרעין גזר דינו של אדם. ואלו הן צדקה, צעקה, שינוי השם ושינוי מעשה (מסכת ראש השנה דף ט"ז ע"ב).
There are four items which cause G-d to rescind his negative judgment: Charity, prayer, change of name and change of habit.

הכרת החטא represent *שינוי מעשה ושינוי השם*. *צעקה* is *Tefillah*. *צדקה* is charity. since the sinner disassociates himself from the *חטא*. He looks upon himself as a new person. It is part of *Teshuvah*. It is a complete change of the identity, a complete change of personality.

²⁵ בראשית: ג, י"ב

The *Mishkan* is demonstrative of the link between *Teshuva* and *Tzedakah*.

(5) The *Gemara* derives the principle that צדקה, *charity*, is part of the *Teshuva* process from the *Passuk* of, צדקה תציל ממות.²⁶ I believe that there is another source to substantiate the principle that *Tzedakah* is part of *Teshuvah*.

After the episode of the עגל, G-d commanded the Jews, immediately, to give of their money, to donate everything they had, to build the *Mishkan*. Did G-d really need a *Mishkan*? The *Prophet* says:

הנה השמים ושמי השמים לא יכלכלוך (מלכים א': ח, כ"ז)
The universe cannot contain thee.

אף כי הבית הזה
certainly not this little house (which I, Solomon, have built).

Why, then, did G-d demand that they build a *Mishkan* for Him?

(6) The answer is that G-d wanted to train the Jews to give *Tzedakah*. The *Teshuva* for the חטא העגל was provided by having them contribute *Tzedakah* for the construction of the *Mishkan*. They couldn't give *Tzedakah* to the poor people, because there were no poor people. There were no beggars nor paupers in the *Midbar* society. It was a classless society. No one could save anything. Even the *Manna* couldn't be saved from one day to another. They had no savings accounts, no banks, no deposits. Everybody had only what G-d gave them. But G-d demanded from the Jews that they donate whatever they had: זהב וכסף, gold, silk, silver, velvet etc. Whatever they collected in *Mitzraim*, they were told to donate as *Tzedakah* for the construction of the *Mishkan*. This was an exercise of *Tzedakah*.

Tzedakah is the antidote to sin.

(7) חטא arises when a person begins to idolize himself. חטא is a result of selfishness, of complete lack of consideration for others. When a person sees only

himself, and no one else, when he tries to surround himself with a halo, with glory, it is חטא. חטא results when the little temptation to which one is exposed, overrules all sacred principles. One abandons tradition because of the little pleasure which he expects to derive from the performance of some deed. *Tzedakah* counters this. *Tzedakah* demonstrates sympathy, compassion and sharing with others. That is why the סליחה of *Yom Kippur* can only be obtained through *Tzedakah*. There is no *Teshuva* without *Tzedakah*.

(8) *Tzedakah* is ransom. Basically, a man who sins is a captive; he is a prisoner. In order to be released from prison, in order to redeem himself, he has to pay a ransom, a כופר נפש. What kind of ransom must the חוטאים pay, and to whom should they pay ransom? *Tzedaka*. *Tzedaka* is כופר נפש. Similarly, the *Torah* describes the מחצית השקל as כופר נפש, a ransom. It is redemption.

[V] THE FOUR-FOLD CONSTRUCTION OF THE *SELICHOS* TEXT.

Selichos is composed of four different segments.

(1) The construction of *Selichos* underwent a basic change since its inception. Though this change is seemingly incorrect, it has been approved by generations of Jews. It is history, and it is a fact. The central axis around which the entire *Selichos* prayer revolves, is the recital of the ייג מדות. As G-d said:

בשעה שישראל חוטאים יעשו לפני כסדר הזה.
When Jews sin, they must recite the Thirteen Principles of Mercy.

Jews must imitate or repeat the particular ritual of reciting וחנן רחום והי' קל רחום והי' קל רחום. However, the *Selichos* of old was actually compiled and consisted of four distinct elements. It was a four fold structure.

²⁶ משלי י, י.

The first component of *Selichos* consists of a compilation of *Passukim*.

(2) First of all, *Selichos* consists of a compilation of *Passukim*, mostly from *Tehillim*. What is the general idea which those *Passukim* convey? They convey to us three ideas. First of all, they express the helplessness of man, the wretchedness of his being. Secondly, they convey the idea that G-d is merciful, and that G-d forgives the sins of man. He erases man's iniquity and bestows חסד ורחמים. Thirdly, they portray G-d's majesty, G-d's omnipotence in nature, and how G-d rules the universe, from the flying nebula to the little insect, or the little worm, which creeps on the ground. This is basically the motif found in the compilation of the *Passukim*.

(3) I will tell you frankly. The *Passukim* are so skillfully compiled that one does not even sense that it is a compilation from many different portions of *Tanach*; they seem to form one paragraph.

For example, take the famous introduction to *Selichos*, which is repeated in each *Selichos*, even on *Yom Kippur* night, namely:

שומע תפילה עויד כל בשר יבואו... כדלים וכרשים דפקו
ולתק.

We relate that we have no right to approach G-d; We bang on G-d's door like paupers and beggars. By *Selichos*, man is not a great being; rather, man approaches G-d as a small, little being, a lowly creature. The whole compilation, though taken from various sections of *Tehillim*, *Yermiyahu*, and other portions of *Tanach*, nonetheless reads as one whole, as a separate Psalm. The unity is almost organic, and one feels transition from one *Passuk* to the other, as if this introductory compilation was authored by *Dovid* as a separate Psalm.

(4) The compilation of שומע תפילה is followed by other *Passukim*, such as כרום אב על בנים וכר. As a matter of fact, in the days of the *Gaonim*, before the

Piyutim were introduced, *Selichos* consisted of very lengthy compilations of *Passukim*. These have disappeared, though they may be found in old manuscripts. We have retained remainders, fragments (e.g. the compilation of וכו' ואל נא תשת עלינו וכו'). The only long compilations which we have retained, which are still extant, are the introductory compilation of שומע תפילה, and the final compilation, at the conclusion of *Selichos*, namely, זכור לנו ברית אבות וכו'. These two compilations are the only ones which have survived for so many centuries. The introductory compilation and the epilogue are the most ancient portions of *Selichos*.

In *Selichos*, the singular form is often converted into the plural.

(5) Interestingly, the בעלי הסליחות did something that is *Halachically* questionable and which many *Rishonim* criticized. They took *Passukim* and converted them from the singular to the plural. For instance, in *Selichos* one recites (in the plural):

ה' בקר תשמע קולנו, בקר נערך לך ונצפה.

The *Passuk* actually reads in the singular:

ה' בקר תשמע קולי, בקר אערך לך ואצפה (תהילים : ה, ד).

Similarly, in שמע קולנו, we recite:

אל תשליכנו מלפניך ורוח קדשך אל תקח ממנו.

The *Passuk*, on the other hand, is in the singular:

אל תשליכני מלפניך ורוח קדשך אל תקח ממני (תהילים : נ"א, י"ג).

How is it permissible to take a *Passuk* and change it from the singular into plural? Many *Rishonim* have simply rejected such changes and ruled that they are not permissible.²⁷ The תשב"ץ defended the practice. He offered one proof, which is quite

conclusive and convincing. He noted that even the אנשי כנסת הגדולה practiced this method of changing the singular into the plural. The most famous example is:

רפאנו ה' ונרפא, הושיענו ונושע כי תהילתנו אתה.

It is derived from a *Passuk* in *Yirmiyahu*, which was formulated in the singular:

רפאני ה' וארפא, הושיעני ואושע כי תהלתני אתה (ירמיהו: י"ז, י"ד).

If the אנשי כנסת הגדולה changed a *Passuk* from the singular into the plural, then, apparently it is permissible. They used the license of the poetry.

It is unfortunate that most of the compilations have been lost to a great extent.

We have only retained two compilations.

חזרת השי"ץ is recited only when *Selichos* is incorporated within שומע תפילה.

(6) Let us take up *Yom Kippur* night, which is the night, par excellence, of *Selichos*. *Yom Kippur* is the time for *Teshuva*. On *Yom Kippur* night, we recite שומע תפילה at the commencement of *Selichos*, and זכור ברית אבות וכו' at the conclusion. By *Shacharis*, we do not recite שומע תפילה, the long introduction to *Selichos*, but we do conclude with the compilation of זכור ברית אבות וכו'. The same is true by *Mussaf* and *Mincha*.

(7) Why is it that, on *Yom Kippur* night, we do recite שומע תפילה וכו', while in *Shacharis*, *Mussaf* and *Mincha*, we delete שומע תפילה, but do recite זכור ברית אבות וכו'?

Basically, *Selichos* is like *Shemoneh Esrei*. It is a prayer convocation. In *Shemoneh Esrei*, one has no right to petition G-d, nor to plead with Him, before he recites שבחו של מקום, *G-d's praises*. שבחו של מקום consists of the *Brachos* of,

²⁷ As a matter of fact, I try to change the plural back to the singular wherever the *Passuk* has been formulated in the singular.

²⁸ I want to demonstrate that there are no coincidences in the formulation of our *Siddur*.

קדושת השם, אבות, גבורות, and גבורות. Similarly, since *Selichos* consists of petition, supplication and pleading with G-d, one may not plead with G-d, nor request סליחה from Him, unless he first recites a hymn, a שבחו של מקום ומחילה.

How do we know this? From *Moshe Rabbeinu*.

ואתחנן אל ה' בעת ההיא לאמר (דברים : ג, כ"ג)
I prayed with G-d at that time.

Moshe didn't start with petition immediately. Instead he started with שבח. He said:

ה' אלוקים אתה החלות להראות את עבדך. את גדלך וכו'
(שם).
G-d , you have demonstrated your greatness to your servant.

He began with praise, with a hymn.

(8) The same is true of *Selichos*. It must first commence with שבחו של מקום. This is accomplished by the compilation of שומע תפילה, which is the introduction to *Selichos*. This is necessary on *Yom Kippur* night, since *Selichos* are not recited within the frame of reference of *Shemoneh Esrei*. On *Yom Kippur* night, the night of *Kol Nidrei*, there is no חזרת השי"ץ. *Selichos* is a separate entity, a separate unit. If it is a separate entity, a separate convocation, it requires a special recital of שומע תפילה. This is accomplished by reciting the Hymn of the שבחו של מקום compilation.

However, in the morning, we recite *Selichos* within the framework of חזרת השי"ץ. *Selichos* is part of the *Shemoneh Esrei*, and so it does not require another hymn, a separate שבחו של מקום. The license was granted to man to approach G-d with petition and supplication, after he recites אבות, גבורות, and קדושת השם. The of אבות of the חזרת השי"ץ is, thus, the introduction to *Selichos*, the שבחו של מקום of

Selichos.

The compilation of שומע תפילה mirrors the first three *Brachos* of the *Shemoneh Esrei*.

(9) The hymn of וכו' שומע תפילה is almost identical with that recited in אבות, גבורות וקדושת השם. For instance it states:

אתה פוררת בעזך ים וכו' אתה הצבת כל גבולות ארץ וכו'.
You shatter the waves of the sea... You established the borders of the earth...

These are recitals of גבורות הקב"ה, *His omnipotence, His majesty*.

We then recite:

נקדמה פניו בתודה בזמירות נריע לו וכו' א-ל נערץ בסוד
קדושים וכו'.
We will greet You with thanks, and sing Your praise.
G-d is praised by those who are holy.

This is identical with קדושת השם, and is the functional equivalent of the *Kedusha* recited in *Shemoneh Esrei*.

In other words, this introduction is unnecessary during *Shachris*, *Mussaf* and *Mincha* since the *Selichos* are recited within the *Shemoneh Esrei* and, so, are preceded by גבורות and אבות. It would be duplicative to repeat שומע תפילה; hence, it was omitted. However, on *Yom Kippur* night, when there is no חזרת השי"ץ and no substitute של מקום, then שומע תפילה must be recited prior to reciting the petition of *Selichos*.

The second and third components of *Selichos* are the ייג מדות and ייג ימים.

(10) The compilations of *Passukim* are followed by the ייג מדות. *Selichos* contains *Viduy*; without *Viduy* there is no *Selichos*. As a matter of fact, we repeat *Viduy* three times.²⁹

²⁹ The *Gaon* objected to this. But, our practice is to recite *Viduy* three times.

The fourth component of *Selichos* is the short litany-like prayers.

(11) *Selichos* concludes with the short prayers. These are very ancient and are much older than many of our prayers. These are:

עננו ה' עננו וכו', מי שענה לאברהם וכו', עשה למען
אמיתך.

These can be traced back to the time of the *Second Bais Hamikdash*.³⁰ The Aramaic form of that prayer bears testimony to the fact that it is very old.

Usually, prayers recited in Aramaic, with the exception of those that are mentioned in *Zohar* (such as בריך שמיה), as well as Aramaic documents, such as the *Ketubah* or the *Get*, are very ancient in character. They were translated into Aramaic, which was the vernacular of the people during the Second Temple. We do not know how much Hebrew was spoken during the Second Temple. Had they all spoken Hebrew, the *Talmud Yerushalmi* would not have been written in Aramaic. The *Mishnah* was written in Hebrew, since the intellectual, the elite, spoke Hebrew. The masses, however, spoke Aramaic. Thus, those documents which had to be understood by the crowd, were translated into Aramaic in order to allow the common people to know what obligations they had assumed and what duties they were required to discharge. Even the קיום שטרות, *the authentication of documents*, were all translated into Aramaic in the days of the Second Temple. Similarly, the prayers of רחמי דעניי, לעניי עניינא, and so forth, are very ancient.

(12) In conclusion, the four components of *Selichos* are:

- (i) The compilation of *Passukim* at the beginning and the end of the *Selichos*;
- (ii) The ייג מדות;

³⁰It is quite possible that עשה למען אמיתך was recited in the *Bais Hamikdash* when they marched with the *Lulavim* around the מזבח, *the Altar*. As a matter of fact, our practice is to recite עשה למען אמיתך on one of the days of *Sukkos*, when we march with the *Lulavim* around the *Sefer Torah*.

(iii) The three וידוים; and

(iv) The, so called, litany like prayers, which are very short, simple, and comprehensible to everyone, to the simpleton and the philosopher alike.

Piyutim were introduced into the *Selichos* at a later date.

(13) There is something which we don't understand. How did the *Piyutim* get into our *Machzor*? Who integrated and incorporated the *Piyutim* into *Chazzaras Hashatz*? We don't know. We know, for instance, that רבי אלעזר הקליר, the earliest חתימת התלמוד, probably lived in the fifth or sixth century, immediately after the conclusion of the *Talmud*. His *Piyutim* were integrated into the *Machzor* at that time. When *Tosfos* speaks of the *Piyutim*, they convey the impression as if the *Piyutim* were introduced thousands of years ago. *Tosfos* quotes *Piyutim* in order to resolve *Halachic* issues. The *Piyutim* carry much *Halachic* authority.

Jews had a weak spot, a soft spot, for poetry, the *Piyutim*. The Jews enjoyed *Piyutim*, and the *Piyutim* became part of their literature and part of their vocabulary.³¹ The *Piyutim* became part and parcel of our liturgy. We cannot imagine *Rosh Hashanah* and *Yom Kippur* without *Piyutim*. What would one do without the *Piyutim*? How long would חזרת הש"ץ of *Shacharis* last without the *Piyutim*, without אמרו אלוקים, without מלך עלין, without אדרת ואמונה, or without all of those beautiful, gorgeous, exalted words which reflect the *Kedushas Hayom*, the individual experience of the Day, the exalted character of the day? Whoever studies *Piyutim*, will notice that hundreds of *Medrashim* and hundreds of *Halachos* are interwoven in their

³¹ Just lately, I examined the *Sephardic Machzor* which does not contain many *Piyutim*, and I have been asking myself, "What do they do the whole day of *Yom Kippur*?" The real *Sephardic Machzor* does not have *Piyutim*. The most beautiful *Piyutim* such as, לא-ל עורך, האורח ביד משפט, ונתנה תוקף, ונתנה דין, are not quoted in their *Machzor*. They have a few *Piyutim* from *Rav Yehuda Halevi*, the *Ibn Ezra*, and the *Rambam*, but these cannot compare, in beauty, power and sensitivity, with our *Piyutim*. The most beautiful *Machzor* is the *Ashkenazic Machzor*.

texture.

The *Piyutim* replaced the compilations of *Passukim*.

(14) In *Selichos*, they also introduced *Piyutim*. To recite all the long compilations, in addition to the *Piyutim*, would be too much. So, little by little, they began to eliminate the compilations of the *Passukim* and to replace them with *Piyutim*. The compilations of *Passukim* which actually formed the very substance of *Selichos* were eliminated. They have been omitted completely. Instead, they were replaced by *Piyutim*, which are not as old as the compilations. But, after each *Piyut*, we recite a few *Passukim* (which are usually repeated) and conclude with the י"ג מדות of:

ה' ה' קל רחום וחנן ארך אפים ורב חסד.

(15) In conclusion, the construction of *Selichos*, nowadays, is as follows.

The first compilation was not edited. The first compilation is שומע תפילה, followed by:

מה נאמר לפניך יושב מרום ומה נאמר לפניך שוכן
שחקים.

This is the introduction. The second portion consists of *Piyutim*:

איך נפתח פה לפניך דר מתוחים.

It is followed by the י"ג מדות הרחמים, which are incorporated within the paragraph of:

כי על רחמך הרבים.

The third portion consists of a compilation which has been abbreviated considerably, namely:

הטה אלוקי אונגך וכו'.

This is followed by another *Piyut*:

אין מי יקרא בצדק,

followed again by the י"ג מדות הרחמים and a short compilation of five *Passukim*,

which is a remnant of a very long compilation of *Passukim*. A third *Piyut* is then recited, followed by the *Yig Mitzot* and the same compilation of *Passukim*.

This is followed by another *Piyut*, *Yig Mitzot*, and a few *Passukim*. It concludes with the compilation of *Avot*, *Zocher* *Le* *Brit* *Avot*, followed by *Yiddei* and the short prayers.

Thus, the four-fold construction has been retained. The compilation of *Passukim* was reduced and abbreviated, but the introductory and concluding compilation are still extant. The *Yig Mitzot* *Hashem* are recited after each *Piyut*.

(16) This is basically the construction of *Selichos*. These are the basic principles of *Selichos*. There are many different *Minhagim*, such as *Minhag Ashkenaz*, *Minhag Poland*, *Minhag Lita*, *Minhag Reimus*, *Minhag Italia*, and *Minhag Bavel*. But, essentially, this ancient construction is present in every *Selichos* system.

[VI] THE CONSTRUCTION OF THE *MUSSAF SHEMONEH ESREI*

Kedushat Hayom is merged with either *Kedushat Hashem* or *Kedushat Hayom*.

(1) The *Mishnah* states:³²

סדר ברכות, אומר אבות, גבורות וקדושת השם וכולל מלכיות עמוקן דברי רבי יוחנן בן נורי. אמר רבי עקיבא אומר אבות, גבורות וקדושת השם וכולל מלכיות עם קדושת היום וכי (מסכת ראש השנה דף ל"ב עמוד א').
R' Yochanan Ben Nuri ruled, on Rosh Hashanah the Shemoneh Esrei consists of Avos, Gevuros and Kedushas Hashem. The Bracha of Kingship is merged with them. R' Akiva disagreed. The Bracha of Kingship should be merged with the Bracha which describes the Holiday (i.e. the Kedushas Hayom).

(2) The *Bracha* of *Avot* is *Avot*. The *Bracha* of *Gevuros* is *Machia* *Gevuros*, while that of *Kedushat Hashem* is *Kedushat Hashem*.

(3) On an ordinary *Yom Tov*, the *Shemoneh Esrei* is comprised of seven *Brachos* consisting of *Avot*, *Gevuros*, *Kedushat Hashem*, *Kedushat Hayom*, and the three

³² This topic is exhaustively discussed in 170 עמי אי חלק. [Editor's Note]

concluding *Brachos* of עבודה, הודאה ושלום. On *Rosh Hashanah*, three more *Brachos* are introduced into the *Shemoneh Esrei*, namely זכרונות, ושופרות, מלכיות, which should equal ten *Brachos*.³³ However, *Chazal* had a tradition that only nine *Brachos* could be recited and, so, they suggested that two of the *Brachos* be combined.

(4) The *Mishnah* quotes *R' Yochanan Ben Nuri*, who suggests that the order of the *Shemoneh Esrei* on *Rosh Hashana* is structured as follows: The standard three introductory *Brachos* of *Shemoneh Esrei* (i.e. אבות, גבורות וקדושת השם) are recited and the specific references of מלכיות are incorporated within the third *Bracha* of קדושת השם. He does not, however, specify which *Shemoneh Esrei* he refers to.

The *Baal Hamoar* maintained that זכרונות, ושופרות, מלכיות should be recited in each *Shemoneh Esrei* of *Rosh Hashanah*.

(5) The *Baal Hamoar*³⁴ was of the opinion, that the *Brachos* of מלכיות, זכרונות, ושופרות, belong not only within the framework of *Mussaf*, but into that of every *Shemoneh Esrei* recited on *Rosh Hashanah*. Even during *Maariv*, on *Rosh Hashanah* night, one should recite the full *Shemoneh Esrei*, consisting of מלכיות, זכרונות, ושופרות. The same is true of *Mincha* and *Shacharis*. The only difference between *Mussaf* and the other *Shemoneh Esrei* is with respect to the blowing of the *Shofar*. The *Shofar* is not blown during *Maariv*, *Shacharis*, or *Mincha*. *Shofar* is blown only during *Mussaf*. However, the text of the *Shemoneh Esrei* is the same for each of *Mussaf*, *Mincha*, *Shacharis* and *Maariv*. On the first night of *Rosh Hashanah*, one should recite the same *Shemoneh Esrei* as is recited for *Mussaf*.

No other *Rishonim* agreed with the *Baal Hamoar*. As a matter of fact, the

³³ These *Brachos* each contain lengthy petitions and compilations of ten *Passukim*.

³⁴ מאור חקטן סוף מסכת ראש השנה (דף י"ב מדפי הר"י).

Baal Hamoar himself conceded that, although his opinion is theoretically correct, one should follow the standard practice. It was too sensational to introduce nine *Brachos* for each *Shemoneh Esrei*.

(6) We have accepted the viewpoint that מלכיות, as opposed to זכרונות or שופרות, is combined. But the question remains with which *Bracha* should מלכיות be combined, with that of קדושת השם or that of קדושת היום?

Both קדושת השם and קדושת היום contain motifs of מלכיות.

(7) In the *Shemoneh Esrei* of *Rosh Hashanah*, there are two *Brachos* which deal with the theme of מלכיות, *Kingship*. The first is the *Bracha* of קדושת השם which, on *Rosh Hashanah*, concludes with המלך הקדוש, and, according to our *Minhag*, also includes the paragraphs of ובכן תן פחדך וכי'. It is certainly a *Bracha* which contains themes of מלכיות, *Kingship*. The second is the *Bracha* of קדושת היום which contains the primary motifs of מלכיות.

(8) The question, thus, arises, with which *Bracha* should מלכיות in *Mussaf* be combined, with קדושת היום or קדושת השם, with מקדש ישראל ויום הזכרון or with המלך הקדוש?

(9) The opinion of *R' Yochanan Ben Nuri* is:

אומר אבות, גבורות וקדושת השם וכולל מלכיות עמהן.

He maintained that מלכיות is merged with the *Bracha* of קדושת השם. *R' Akiva* disagreed. He suggested that מלכיות be merged with the *Bracha* of קדושת היום.

The *Rambam* does not reject the views of either *R' Akiva* or *R' Yochanan Ben Nuri*.

(10) Even though there is a dispute between *R' Yochanan Ben Nuri* and *R' Akiva*, within which *Bracha* the theme of מלכיות should be recited, within the *Bracha* of קדושת השם or the *Bracha* of קדושת היום, the *Rambam* omitted this *Halacha*. He

did not rule either as *R' Akiva* or as *R' Yochanan Ben Nuri*.

(11) Indirectly, one may infer that the *Rambam* accepted *R' Akiva's* view, that מלכיות should be merged with the *Bracha* of קדושת היום. The *Rambam* wrote:

אומר אבות, גבורות, קדושת השם ומלכיות ותוקע וכו'.³⁵

Though he doesn't specify if the מלכיות was merged with the קדושת השם or קדושת היום, his language implies that he accepted *R' Akiva's* opinion.

Why then did the *Rambam* not resolve the מחלוקת?

(12) The *Yerushalmi* wrote:³⁶

ביהודה נהגו כרבי עקיבא; בגליל נהגו כרבי יוחנן בן נורי,
In the community of Judea,³⁷ they followed R' Akiva's
view; in the community of the Galil, they followed R'
Yochanan Ben Nuri's view.

They concluded:

מי שעשה כרבי יוחנן בן נורי יצא. מי שעשה כרבי עקיבא יצא.

Basically, the *Yerushalmi* concluded that there is no *Halacha*. Both opinions are correct. One who combines מלכיות with קדושת היום, as *R' Akiva* ruled, or who combines מלכיות with קדושת השם, as *R' Yochanan Ben Nuri* ruled, discharges his obligation, and the *Tefillah* is perfect. The *Rambam*, in his *Siddur*,³⁸ related the text of *Mussaf*, in accordance with the opinion of *R' Akiva*. However, he did not provide a specific ruling to that effect since the *Halacha* was never determined.

(13) Usually, after debating a controversy, the *Sanhedrin* would עמדו במנין.

They would rise, raise their hands, and proclaim that the law is as one of the *Rabbis*

³⁵ רמב"ם פי"ג מהלכות שופר ה"ז.

³⁶ מסכת ראש השנה פרק ד' הלכה ו'.

³⁷ Judea is a part of *Eretz Yisroel*; it includes *Yerushalaim*, the *Negev*, *Tel Aviv*, etc.

³⁸ This is found at the end of *Hilchos Tefillah* on page 154.

and that the contrary opinion is rejected. But in this case they did not reject the opinion of either *R' Yochanan Ben Nuri* or that of *R' Akiva*. Both opinions were accepted. It is almost optional. Of course, the practice of combining מלכיות with קדושת היוזם has been sanctioned by many centuries. No one should change it, but, *Halachically*, both opinions are valid. If someone should insist today upon reciting the *Shemoneh Esrei* as *R' Yochanan Ben Nuri*, we would not tell him to repeat the *Shemoneh Esrei*.

The arrangement of the *Mussaf Shemoneh Esrei* according to the view of *R' Yochanan Ben Nuri*.

(14) How did *R' Yochanan Ben Nuri* organize the *Shemoneh Esrei* of *Mussaf*? He recited:

אבות, גבורות, ברוך אתה ה' מחיה המתים,

followed by:

אתה קדוש ושמוך קדוש וקדושים בכל יום יהללוך סלה
וכו',

He then recited the paragraphs of:

ובכן תן כבוד וכו' וכו' ובכן תן פחדך,

followed by:

ותמלוך אתה ה' לבדך על כל מעשך.

But, instead of reciting *קדוש* בדברי קדושך, as in our practice, *R' Yochanan Ben Nuri* recited:

ככתוב בדברי תורתך, ה' ימלוך לעולם ועד.

He recited a *Passuk* from *Torah* instead of from *Ketuvim*, followed by the other nine *Passukim*. The introduction consisting of the *ובכן תן* paragraphs were recited prior to the compilation of the *Passukim* of מלכיות.

(15) In other words, *R' Yochana Ben Nuri* recited:

ככתוב בתורתך ה' ימלוך לעולם ועד,

which was followed by the *Passukim* from the *Torah* dealing with מלכיות:

וטאמר לא הביט און ביעקב וכו' וטאמר ויהי בשוויין מלך
וכו'.

He then recited *Passukim* from כתובים and נביאים and concluded (as is our practice):

ובתורתך כתוב לומר שמע ישראל וכו'.

(16) He concluded the merger of קדושת השם and מלכיות by reciting:

קדוש אתה ונורא שמך וכו' בא"י המלך הקדוש.

This is the text of *R' Yochanan Ben Nuri's* merger of קדושת השם with מלכיות.

(17) He then recited:

אתה בחרתנו מכל העמים אהבת אותנו ורצית בנו וכו'
ותתן לנו ה' אלקינו באהבה וכו',

followed by:

ומפני חטאנו גלינו מארצנו וכו' ובחדש השביעי באחד
לחדש וכו' כל מלאכת עבודה לא תעשו, ושני שעירים
כהלכתם,

and the other *Karbanos*.

He then recited the קדושת היום of:

אלוקינו ואלוקי אבותינו מלך על כל העולם כולו בכבודך
וכו',

and concluded with the *Bracha* of:

בא"י מלך על כל הארץ מקדש ישראל ויום הזכרון.

(18) Why did *R' Yochanan Ben Nuri* include the phrase of מלך על כל הארץ within the *Bracha* of קדושת היום given that he already combined מלכיות with the *Bracha* of קדושת השם? Why was it necessary to repeat the theme of מלכיות within the *Bracha* of קדושת היום?

(19) In truth, on *Rosh Hashanah*, our text of the *Bracha* of קדושת היום,

prima facie, does not have any continuity. It commences with:

אלוקינו ואלוקי אבותינו מלך על כל העולם כולו בכבוד
וכו',
G-d impose your reign over the entire world.

This is an expression of G-d's sovereignty. Suddenly, without any transition, it continues with:

קדשינו במצוותך, ותן חלקינו בתורתך וכו' ברוך אתה ה'
מלך על כל הארץ מקדש ישראל ויום הזכרון.
*Sanctify us with Mitzvos and give us a share of your
Torah...Blessed are You, ruler of the earth who
sanctifies the Jews and the Day of Rosh Hashanah.*

The *Bracha* of קדושת היום on *Rosh Hashanah* is divided into two separate parts, which, at first glance, bear no relation to one another. There is a rule that the חתימה, *the concluding portion of the Bracha*, cannot contain two motifs. It must contain only one motif. Yet, on *Rosh Hashanah*, this *Bracha* contains a double חתימה of:

(i) מלך על כל הארץ,
(ii) מקדש ישראל ויום הזכרון.

Why was this exception instituted in each of the *Shemoneh Esrei* recited on *Rosh Hashanah*?

The *Kedushas Hayom* of *Rosh Hashanah* is defined by G-d's Sovereignty.

(20) Apparently the *Kedushas Hayom* of *Rosh Hashanah* is inseparable from מלכות. The *Kedushas Hayom* is deficient unless מלך על כל הארץ is recited. As a matter of fact, the חיי אדם discussed the case of one who forgot and recited:

בא"י מקדש ישראל ויום הזכרון,

without mentioning מלך על כל הארץ. The חיי אדם ruled that with regard to *Kiddush*, *Maariv*, *Shacharis* and *Mincha*, he does not have to repeat the *Shemoneh Esrei*, since he did recite:

מקדש ישראל ויום הזכרון.

However, in *Mussaf*, where *R' Akiva's* view has been accepted, and the *Bracha* of קדושת היום is merged with מלכות, if one omits מלך על כל הארץ, then his *Bracha* lacks a חתימה, and he must repeat the *Shemoneh Esrei*.

(21) I heard from both my father and my uncle, that *R' Chaim* disagreed with the חיי האדם. *R' Chaim* ruled that, even in *Kiddush*, one who omitted מלך על כל הארץ, must repeat the *Kiddush*, since the *Kedushas Hayom* on *Rosh Hashana* is so intertwined with Kingship and מלכות, that the *Kedushas Hayom* is deficient unless it is preceded by the statement מלך על כל הארץ. The *Maariv*, the *Mincha*, the *Shacharis*, the *Mussaf*, and even the *Haftorah*, must contain מלך על כל הארץ. If it is omitted, then the *Kedushas Hayom* is lacking.

(22) In conclusion, *Rosh Hashana* has two motifs, namely, מלכות and זכרון. Thus, we recite both מלך על כל הארץ and then add ויום הזכרון. This merger represents the full *Kedushas Hayom* of *Rosh Hashana*.

This was *R' Yochanan b' Nuri's* text.

The Paragraphs of וּבְכֵן תֵּן represented the introduction to מלכות recited by *R' Yochanan Ben Nuri*.

(23) Allow me a slight digression. Why were the paragraphs of וּבְכֵן תֵּן inserted into our text of the *Bracha* of קדושת השם, which in all other respects conforms with *R' Akiva's* view?

The answer provided by some commentators³⁹ is that the paragraphs of וּבְכֵן תֵּן comprised the introduction to *R' Yochanan b' Nuri's* מלכות and were retained even after *R' Akiva's* text was accepted.

³⁹ On other occasions the *Rav* attributed this theory to his uncle, the בעל עבודת המלך. [Editor's Note]

Allow me to explain. The *Bracha* of מלכיות must have an introduction. The introduction to מלכיות in our text of the *Shemoneh Esrei* is the paragraph of ועל כן נקודו לך וכו'; the introduction to מלכיות, in *R' Yochanon Ben Nuri's* text consisted of ובכן תן פחדך and the other ובכן תן paragraphs.

After they altered the text to conform with *R' Akiva's* view, מלכיות was transferred from קדושת השם to קדושת היום. Nonetheless, they did not eliminate the introduction of ובכן תן פחדך, even though they transferred the *Passukim* to the *Bracha* of קדושת היום. *R' Akiva's* מלכיות has a different introduction, namely, ועל כן נקודו לך.⁴⁰ But the introduction to מלכיות, recited by *R' Yochanan Ben Nuri*, when מלכיות was merged with the *Bracha* of קדושת השם, was not omitted. It was retained as part of the *Bracha* of קדושת השם.

It is for this reason that we recite ובכן תן פחדך. The paragraphs of ובכן תן פחדך were the introduction to מלכיות at the time when מלכיות was part, not of the *Bracha* of קדושת היום, but of קדושת השם.

The motif of the ובכן תן פחדך paragraphs.

(24) What does the introduction of ובכן תן פחדך accomplish? What is the motif of the ובכן תן פחדך paragraphs? It is a beautiful introduction. It is a beautiful prayer. There is nothing richer, nobler, nor more exalted than the ובכן תן פחדך paragraphs. It is accepted not only by Jews but by Non-Jews as well, as one of the most exalted and beautiful prayers, and it contains a very important message.

(25) The ובכן תן paragraphs are recited, not only on *Rosh Hashanah*, but on *Yom Kippur* as well. The *Rambam* quoted a custom that the ובכן תן paragraphs are

⁴⁰ In other *Shiurim*, the *Rav* stated that *R' Yochanan Ben Nuri* also recited the paragraph of ועל כן נקודו לך in the *Bracha* of *Kedushas Hayom*. See 172 טריאות הרב חלק אי עמוד. [Editor's Note].

recited during each of the עשרת ימי תשובה.

The *Rambam* wrote as follows:

וכן יש מקומות שנהגו להוסיף בעשרת ימים אלו בברכה שלישית ובכך תן פחדך, ובכך תן וכו'. אבל בראש השנה וביום הכפורים מנהג פשוט הוא להוסיף בשלישית ובכך תן פחדך וכו' (רמב"ם פ"ב מהלכות תפילה הי"ט).

In certain communities, it is customary to add, during the Ten Days of Penitence, in the third Bracha the Paragraphs of פחדך ובכך תן. However, on Rosh Hashanah and Yom Kippur it is universally accepted to add the paragraphs of פחדך ובכך תן.

G-d is both the universal King and the King of the Jews.

(26) Furthermore, we recite:

אתה קדוש וכו' וקדושים בכל יום יהללך סלה. בא"י המלך הקדוש.
You are holy and the holy ones praise You. Blessed are You, the King of the Holies.

To whom does the word קדושים refer? What is the semantics of the word קדושים? It means either the מלאכים, *angels*, who recite *Kedushah*, or the Jews. It is possible that both angels and Jews are implied in the word קדושים, since it is recited in the paragraph which immediately succeeds the *Kedusha* and which reads:

נקדש את שמך בעולם כשם שמקדישים אותו בשמי מרום.
The Jews will praise Your name just as the angels in Heaven praise You.

I feel that the word קדושים probably refers to the Jews. When one says:

וקדושים בכל יום יהללך סלה בא"י המלך הקדוש,

the מלכות is limited to the Jewish people. He is a מלך within the Jewish community.

As it says, (דברים : ל"ג, ה'), ויהי בישרון מלך (דברים : ל"ג, ה').

(27) There are two attributes with which we address הקב"ה: one attribute is

מלך על כל הארץ, *He is the king of the Jews*. Another attribute is מלך ישראל וגואלו, *He is the king of the entire universe*, of all mankind. He is the king of the entire universe, of the entire cosmos, of the billions of stars in the galaxies.

The whole year round we are satisfied when we say, without ובכן תן פחדך, that G-d is the King of the Jews. His sovereignty is limited to the Jewish community, to His charismatic chosen community.

The very moment we introduce ובכן תן פחדך, before reciting המלך הקדוש, the whole semantics, the whole meaning of המלך הקדוש is changed, from the particular to the general. We say:

ובכן תן פחדך על כל מה מעשיך.
Your sovereignty should encompass all of your creatures.

It encompasses all of mankind. It is changed completely. The מלכות expressed is of:

מלכות הקב"ה על כל העולם כולו,

The universal Kingdom of G-d.

(28) Interestingly, on *Rosh Hashanah*, *Chazal* were very careful not to limit מלכותו של הקב"ה to the Jewish community, but to emphasize that the מלכותו של הקב"ה is universal. Basically, our prayer on *Rosh Hashanah* is that G-d be recognized by the entire world and that wickedness, injustice and iniquity disappear, and so forth and so on.

For example, there is a *Passuk* that we recite before blowing the *Shofar*:

זמרו אלקים זמרו. זמרו למלכנו זמרו. כי מלך כל הארץ
אלקים זמרו משכיל (תהלים: מ"ז, ז').
Sing to G-d, sing. Sing to our King, sing. G-d is the King of the world, sing to Him.

The *Gemara*⁴¹ says that *R' Yehuda* maintained that the *Passuk* of מלך כל הארץ אלקים

⁴¹ *Rosh Hashana* 32b.

can be recited as one of the *Passukim* for מלכיות, but that the *Passuk* of למלכנו can not be similarly recited in מלכיות.

Why not? What is the difference between the *Passuk* of מלך כל הארץ and זמרו למלכנו זמרו?

The answer is that מלכנו appears in the form of the possessive noun, מלכנו, *our King*. מלכות ראש השנה does not mean that G-d is exclusively the King of the Jews. מלכות ראש השנה embraces the universal kingdom. G-d is the King of the entire universe. Humans and beast alike, man and inorganic matter alike, will recognize the מלכותו של הקב"ה. That is the prayer of:

ובכן תן פחדך על כל מעשיך.

(29) This is what is meant by מלכיות! This idea was introduced not only in מלכיות, which concludes with מלך על כל הארץ, but also in the *Bracha* of קדושת השם, which concludes with המלך הקדוש. The concept of the universality of G-d's Kingdom was introduced into המלך הקדוש. How? By adding ובכן תן פחדך, which interprets and sheds light upon the meaning of המלך הקדוש. The המלך הקדוש is not limited to one people, to one nation, but embraces the entire universal kingdom.

The *Passuk* of מלך ישראל וגואלו also embraces the universal sovereignty of G-d.

(30) I once asked my father ז"ל, if the *Gemara* was so meticulous and so concerned over the universal semantics of מלכות, that it not be confined nor limited to one nation, nor to one people, how, then, could the *Gemara* have permitted the recital of the following *Passuk* by מלכיות:

ועל ידי עבדיך הנביאים כתוב לאמר, כה אמר ה' מלך
ישראל וגואלו אני ראשון אני אחרון ומבלעדי אין אלקים
(ישעיהו: מ"ד, ו'),
Your Prophets have told us, "So sayeth the Lord, the

*King of the Jews and their redeemer: I am the Lord.
There are no other g-ds."*

Doesn't this *Passuk* also qualify G-d as מלך ישראל, *the Jewish G-d*, in contradistinction to the universal G-d? ⁴²

My father answered that there is a difference between מלכנו and מלך ישראל. I do not understand the answer; he didn't explain it to me. But, he told me that there is quite a difference. While מלכנו is rejected from מלכויות, nonetheless, מלך ישראל also reflects universal מלכות, and may be employed in מלכויות. Why is this so?

(31) I believe that there is another answer. The *Gemara* stipulated that one should recite ten *Passukim* in each of זכרונות, ושופרות, and מלכויות. We allocate the ten *Passukim* among תורה, נביאים וכתובים. Since ten is not divisible by three, the tenth *Passuk* is cited from תורה. The *Gemara* raised the question that the *Torah* does not contain four *Passukim* in which the term מלך occurs. There are many *Passukim* in the *Torah* in which the words זכרונות and שופרות appear, but there are only three *Passukim* in the *Torah* in which the word מלך ⁴³.

The *Gemarah* answered:

אמר ר' הונא תנא שמע ישראל ה' אלקינו ה' אחד מלכות, דברי ר' יוסי. ר' יהודה אומר אינו מלכות (שם).
Rav Huna quoted the following Braisa. The Passuk of Shema Yisroel may be recited as one of the Passukim of מלכויות. This is the view of R' Yossi. R' Yehuda maintains that is may not be utilized.

R' Yossi answered that we should utilize, as the fourth *Passuk*:

⁴² See מסורה חוברת ל"ג עמוד ד'.

⁴³ These are:

- (x) ה' ימלך לעולם ועד;
- (y) לא הביט ... ותרועת מלך בו;
- (z) ויהי בישרון המלך.

שמע ישראל ה' אלקינו ה' אחד,

even though the term מלך is not mentioned in that *Passuk*. *R' Yehuda* disagreed. He maintained that the tenth *Passuk* be recited from either נביאים or כתובים.

Does מלכות require the recitation of the *Passukim* where the word מלך is mentioned, or those whose theme is מלכות?

(32) What is the מחלוקת between *R' Yehuda* and *R' Yossi*? According to *R' Yehuda*, מלכות actually depends, technically, upon the term of מלך. One has to mention the word מלך, either as a noun or as a verb. According to *R' Yossi*, the term מלך is not mandatory. What is important is the semantics, the meaning. The meaning of שמע ישראל ה' אלקינו ה' אחד is that He is king of the world and there is no one else but G-d. Similarly, *R' Yossi* maintained that the *Passuk* of:

וידעת היום והשבות אל לבבך כי ה' הוא אלקים בשמים ממעל
ועל הארץ מתחת אין עוד,

may also be utilized for מלכות. *R' Yehuda* disagreed. Again the same מחלוקת. Technically, as far as the noun is concerned, מלך is not mentioned in this *Passuk*. However, the meaning of the *Passuk* is identical with מלכות. The *Passuk* of:

ה' הוא אלקים בשמים ממעל ועל הארץ מתחת אין עוד,

means that G-d rules heaven and earth.

(33) As noted, *R' Yossi* is the one who required the recitation of four *Passukim* from the *Torah*. *R' Yehuda* maintained that one is required to recite only three *Passukim* from תורה, and the balance from נביאים וכתובים. *R' Yossi* thus has an ample supply of *Passukim* of מלכות in the *Torah*, since he maintained that any *Passuk* which expresses the thought of G-d's sovereignty may be employed, even though the term מלך is not mentioned. מלכות is satisfied by expressing themes of omnipotence and exclusive power.

(34) If this is the case, the *Passuk* of:

כה אמר ה' מלך ישראל וגואלו
אלקים,
אני ראשון ואני אחרון ומבלעדי אין

is counted as מלכות, not because of the words מלך ישראל וגואלו. מלך ישראל וגואלו cannot be counted as מלכות since it is limited to the Jews. It is confined to *Yisroel*. Rather, the phrase of:

אני ראשון ואני אחרון ומבלעדי אין אלקים,

is what is used for מלכות since that phrase deals with G-d's omnipotence. The portion of the *Passuk* containing the phrase of:

מלך ישראל וגואלו,

is not used for מלכות; rather, the latter portion of the *Passuk*, namely:

אני ראשון ואני אחרון ומבלעדי אין אלקים,

is what allows it to be utilized, in the same manner as:

שמע ישראל ה' אלקינו ה' אחד,

is utilized. That portion is universal.

The tale of the *Vilna Ger Tzedek*.

(35) I wish to conclude with a beautiful story relating to this *Passuk*. I once heard the following story from my father ז"ל. It is a true story. The stories which were transmitted in our family, from generation to generation, are mostly accurate.

There was a famous *Ger Tzedek, convert, in Vilna*. The *Ger Tzedek* was the son of the famous Polish count Potovsky, one of the leading aristocrats of Poland. Almost half of Lithuania was owned by Potovsky. He was a feudal lord. Count Potovsky sent his eldest son to an Italian university. Apparently, the Polish aristocracy generally sent their children to study in Italy. The boy became acquainted with Jews. He realized that Judaism is the true religion, the true faith, and he abandoned

Christianity and Catholicism, embraced Judaism, and became a *Yid*, a *Tzaddik*, a *Kadosh*. Since conversions were prohibited in Italy, he went to Holland, which was a free country at the time, and converted.

Had he remained in Holland, he would have lived longer. But, he became lonesome. He wanted to return to Lithuania. He came to Vilna, but he was afraid to stay in Vilna, since conversion in Poland, in the eighteenth century, was punishable by death. He, therefore, went to a small town called Ivea and studied there. Of course, Jews have a nose for news, and they soon discovered that the young man that sat in the *Bais Medrash* the whole day, studied *Torah* diligently and lead a saintly life, was not born a Jew but was a son of the famous aristocratic Potovsky family. I don't know exactly what happened. It appears that a boy made noise in the *Bais Medrash*, and the *Ger* told the boy to be quiet. The boy's father was a shoemaker. He came in and told the *Ger* not to silence his boy, since he is not a Jew, and is thus inferior to the boy. The *Ger* didn't reply.

Finally, the father of the boy informed the police. That was all that was necessary.⁴⁴ They arrested the *Ger*. His mother came to visit him, as did his father. The whole aristocracy visited him. They all told him that all he needed to do was renounce Judaism, and he would be reinstated and released. After all, he was supposed to be the representative of the Potovsky family.

Despite this, the *Ger* resisted all pressures. He insisted on remaining a Jew. Despite the fact that he was an aristocrat, he was sentenced to death. He was executed the first day of *Shavuos*,⁴⁵ at the Cathedral Square, and his body was cremated. Some

⁴⁴ As a matter of fact, my uncle told me that there was a certain family in Ivea who were called the family of the *מוסריים*, because it was one of their ancestors who squealed and informed the police about Count Potovsky.

⁴⁵ In all *Shuls* in Vilna, for many generations thereafter, they would recite *קל מלא רחמים* for the

Jews, disguised as Poles, gathered his ashes and buried them.⁴⁶ This occurred in 1744.

I heard from my father ז"ל, who heard from R' Chaim, who heard from R' Chaim Volozhin, a Talmid of the Gaon, that the night before the execution, on the first night of *Shavuos*, the *Vilna Gaon* did not eat. The *Vilna Gaon* was a young man at the time.⁴⁷ The *Gaon* went to the prison to bid farewell to the *Ger*. Upon his arrival, the *Ger* began to cry. The *Gaon* asked him why he was crying. He asked if the *Ger* was afraid of being tortured to death. The *Ger* answered that he was only concerned about one thing, namely, that in the world to come he will be lonely, since neither his father nor his family are Jews. He will be the only member. He will be a stranger, because he has no father and no son. He has no father since, גר שנתגייר כקטן שנולד, *the parental relationship is completely abandoned*. Furthermore, he had no son. He died a bachelor.

The *Gaon* told him that the *Passuk* reads:

כה אמר ה' מלך ישראל וגואלו אני ראשון ואני אחרון ומבלעדי
אין אלקים.

The *Yalkut Shimoni* remarks:

אני ראשון שאין לי אב ; אני אחרון שאין לי בן.
I am the first; I have no father. I am the last; I have no son.

The *Gaon* questioned the text. What does it mean that G-d says that I am the first one since I have no father?⁴⁸ The *Gaon* answered that the text should be amended to read:

אני ראשון לְמַי שאין לו אב ; אני אחרון לְמַי שאין לו בן,

אברהם בן אברהם, קדוש, אברהם בן אברהם, on the first day of *Shavuos*.

⁴⁶ I was at his grave site in Vilna. It has since been destroyed.

⁴⁷ The *Vilna Gaon* died in 1797.

⁴⁸ If the text is correct, it is probably a statement renouncing Christianity and the Trinity.

*I am a father to everyone who has no father, who is lonely; I
am a son to everyone who dies childless.*

This is the *הקב"ה* of *הבטחה*. The *Ger* told the *Gaon*, *נחמתני*, *you have comforted me*, and the *Gaon* left.

That is what I reminded myself about when I quoted the *Passuk*. This is the *Passuk* which we recite in *מלכות*.

תושלבי"ע

שיעור בענין זכרון תרועה במחשבת הרמב"ן
אלול, תשל"ז
מאת הגרי"ד הלוי סלוביניצקי זצלה"ה
נרשם ונערך על ידי ברוך זיו שרייבר

INTRODUCTION:

This *Shiur* analyzes the *Ramban's* novel explanation of the inner meaning of the *Mitzvah* of *Shofar*, which is expressed by the *Torah* as זכרון תרועה. For ease of reference, I have divided the *Shiur* into four sections. The first and second sections discuss the standard explanations of the words זכרון תרועה and the *Ramban's* interpretation. The third section explains the origin of *Rosh Hashanah*. The fourth section presents the interpretation על פי דרך האמת, *Kabbalistically*. Each section commences with a full citation from the appropriate segment of the *Ramban's* commentary on זכרון תרועה ויקרא: כיג, כייה ד"ה. I have not translated any of the quoted segments, since each segment is thereafter fully explained by the *Rav*, sentence by sentence. This *Shiur* must be reread a number of times in order to gain a full appreciation of its beauty and complexity.

[I] זכרון תרועה THE MEANING OF

The *Torah* denotes *Rosh Hashanah* as a day of זכרון תרועה.

(1) The *Torah* writes:

דבר אל בני ישראל לאמר בחודש השביעי באחד לחודש
יהיה לכם שבתון, זכרון תרועה מקרא קודש... והקרבתם
אשה לה' (ויקרא: כיג, כייה-כייה).
*Speak to the Jewish people. On the first day of the
seventh month they shall observe a day of rest, a
remembrance of the Truth and they shall offer a
sacrifice to G-d.*

The divergent opinions of *Rashi* and the *Ramban*.

(2) The *Ramban* attempts to explain the literal translation of the words

זכרון תרועה. He comments on this *Passuk* as follows:

זכרון תרועה: "פסוקי זכרונות ופסוקי שופרות¹ לזכור

¹ The *Ramban* criticizes *Rashi* for stating that only the *Passukim* of שופרות and זכרונות are שופרות and זכרונות, and not those of מלכות. *Rashi* apparently listed only those of שופרות and זכרונות since those two are expressed by the words זכרון תרועה. The obligation to recite the *Passukim* of מלכות is derived by a גזירה שוה (see *Rosh Hashanah* 32a), and is not explicitly expressed. The *Ramban's* comments are set forth in Appendix A.

לכם עקדת יצחק שקרב תחתיו אילי, לשון רש"י.
According to *Rashi*, תרועה זכרון תרועה means to remember the תרועה.

(3) The *Ramban* quotes *Rashi* who explains that the words זכרון תרועה impose an obligation to recite the *Passukim* of שופרות, זכרונות, ומלכיות. The *Ramban* infers that *Rashi* maintains that the recitation of the *Passukim* of זכרונות, ומלכיות are התורה, מן התורה, *Pentateuchally mandated*. Thus, *Rashi* interprets the words זכרון תרועה as meaning לזכור את התרועה, in that not only must we blow *Shofar*, but we must also remember and speak about the תרועה as well. How does one remember the תרועה? *Rashi* answers that we remember the תרועה by reciting the *Passukim* of זכרונות, ומלכיות, שופרות.

(4) In other words, according to *Rashi*, there are two components of the *Mitzvah* of *Shofar*:

(x) יום תרועה - to produce the sound, and

(y) זכרון תרועה - to remember the *Shofar*, as an instrument of תרועה, by reciting the *Passukim* of שופרות, זכרונות, ומלכיות.

(5) There is no doubt that the introduction of the *Passukim* of זכרונות, ומלכיות is a result of the imperative of זכרון תרועה. There is no corresponding *Mitzvah* of זכרון by *Matzah* or *Lulav*. Only by *Shofar*, where the *Torah* states זכרון תרועה, must we incorporate the *Mitzvah* of blowing *Shofar* within the framework of remembering and reciting the *Passukim* of שופרות, זכרונות, ומלכיות.

According to the *Ramban*, reciting the *Passukim* of שופרות, זכרונות, ומלכיות is מדרבנן.

(6) The *Ramban*, however, criticizes *Rashi's* view that reciting the

Passukim of שופרות, זכרונות, מלכיות is *Pentateuchally mandated*. He writes:

אבל כל זה אסמכתא מדבריהם, ומפורש אמרו הולכין
למקום שתוקעין ואין הולכין למקום שמברכין. פשיטא
הא דאורייתא והא דרבנן, לא צריכא דאע"ג דהא ודאי
והא ספק (מסכת ראש השנה דף ל"ד ע"ג).

The *Ramban* quotes the *Gemara*² which implies that the recitation of the *Passukim* of שופרות, זכרונות, מלכיות is *Rabbinically mandated*. That *Gemara* discusses a case where one has the option of either traveling to a town where the townsmen will blow *Shofar* (but not recite the *Passukim* of מלכיות וכ"ו) or of traveling to a town where they will recite the *Passukim* of שופרות, זכרונות, מלכיות (but not blow the *Shofar*). The *Gemara* rules that he should travel to the town where they will blow the *Shofar*, since blowing the *Shofar* is a דאורייתא, while reciting the *Passukim* is דרבנן. The *Ramban* infers from this ruling that *Rashi* was incorrect in positing that reciting the *Passukim* is דאורייתא, *Pentateuchally mandated*. Rather, the *Passukim* are only דרבנן, *Rabbinically mandated*.

² ראש השנה דף ל"ד ע"ג.

זכרון תרועה of *Kiyum* without sounding the *Shofar* does not constitute a *Kiyum* of תרועה.

(7) The *Netziv* and other *Acharonim*³ quote many גאונים קדמונים who agree with *Rashi* that the recitation of the *Passukim* of שופרות, זכרונות, מלכיות are דאורייתא. They explain that the *Gemara*, cited by the *Ramban*, refers to a town where they would only recite the *Passukim*, and would not blow the *Shofar* in conjunction with that recitation. They explain that the *Mitzvah* of זכרון תרועה (i.e. to recite the *Passukim*) is דאורייתא, only if there is also יום תרועה (i.e. only if the *Shofar* is also sounded). However, if the *Shofar* is not blown, there is no independent *Mitzvah* (דאורייתא) of זכרון תרועה, *to recite the Passukim* of שופרות, זכרונות, מלכיות. They maintain that reciting the *Passukim* of שופרות, זכרונות, מלכיות is דאורייתא only if it is accompanied with blowing the *Shofar*.

Since blowing the *Shofar* without reciting the *Passukim* is a קיום דאורייתא, *Pentateuchal obligation*, while reciting the *Passukim* without blowing the *Shofar* is not a קיום דאורייתא, the *Gemara* ruled that one should pray in a town that only blows *Shofar*, rather than pray in a town that only recites the *Passukim*.

According to the *Ramban*, זכרון תרועה means to be remembered through the תרועה.

(8) The *Ramban* offers his own explanation of the words זכרון תרועה.

He writes:

אבל זכרון תרועה כמו יום תרועה יהיה לכם (במדבר :
כ"ט, א') יאמר שגריע ביום הזה ויהיה לנו לזכרון לפני ה'
כמו שנאמר להלן ותקעתם בחצוצרות והיו לכם לזכרון
לפני אלקכם (במדבר : י', י').

³ See ספר יום תרועה ראש השנה דף ל"ד ע"ב.

The *Ramban* maintains that זכרון תרועה means a זכרון through or via the תרועה (i.e. one should blow the *Shofar* in order to be remembered by G-d). In the lexicon of the Rav, the words זכרון תרועה, according to the *Ramban*, mean:

ליזכר לפני הקב"ה על ידי התרועה,
to be remembered by G-d via the תרועה sound of the
Shofar.

(9) In conclusion, according to *Rashi* the word תרועה is used in the genitive case (i.e. של תרועה). According to the *Ramban*, the word תרועה is used in the objective case (i.e. על ידי תרועה).

[III] THE MITZVAH TO USE A SHOFAR FOR THE תרועה.

זכרון תרועה is produced by a *Shofar*.

(1) The *Ramban* then writes as follows:

ובעבור שאמר שם וביום שמחתכם ובמועדיכם ותקעתם
בחצוצרות על עולותיכם ועל זבחי שלמיכם (שם), וכאן
צוה בתרועה סתם במועד הזה בלבד, ואחרי כן אמר
והקרבתם אשה (להלן פסוק כ"ה), הנה התרועה הזאת
אינה התרועה ההיא, שהיא בחצוצרות על הקרבן. וזאת
אינה על הקרבן אבל היא חובה בכל ישראל והיא בשופר.
כי לא צוהו עדיין לעשות חצוצרות, וסתם כל תרועה
בשופר היא, כמו שנאמר והעברת שופר תרועה (להלן:
כ"ה, ט').

The *Ramban* poses the question of how the *Mishnah* derives the rule that the *Mitzvah* of producing a תרועה is performed through a *Shofar*, and not through חצוצרות, trumpets?⁴

The *Ramban* explains that, firstly, חצוצרות were not mentioned in the *Torah* at

⁴ חצוצרות were blown in conjunction with the *Karban Mussaf* on every *Yom Tov*.

that point.⁵ Thus, it would be unreasonable to assume that when the *Torah* posited the *Mitzvah* of the תרועה, it mandated that it be produced with חצוצרות. Secondly, whenever the *Torah* employs the word תרועה, without qualification, it refers to the notes produced by a *Shofar*. Whenever the *Torah* uses תרועה with respect to an instrument (other than a *Shofar*), the *Torah* specifies that particular instrument. Thirdly, the words זכרון תרועה appear in a different *Passuk* than the words of אשה והקרבתם אשה (which denote the offering of the *Karban*). Thus, the instrument which produces the תרועה is distinguishable from the חצוצרות which generally accompany the *Karbanos*.

(2) In conclusion, the word תרועה refers to the sound produced by a *Shofar*, and not to that produced by the חצוצרות, *the trumpets*. Furthermore, as noted above, זכרון תרועה means that we are remembered through the sounding the *Shofar*.

[III] *ROSH HASHANAH IS A יום הדין*.

Rosh Hashanah is coupled with Yom Kippur.

(1) The *Ramban* then writes:

ולא פירש הכתוב טעם המצוה הזאת למה התרועה, ולמה נצטרך זכרון לפני ה' ביום הזה יותר משאר הימים, ולמה יצוה להיותו מקרא קודש כלל. אבל מפני שהוא בחדשו של יום הכפורים, בראש החדש, נראה שבו יהיה דין לפניו יתברך, כי גם ידן עמים, בראש השנה ישב לכסא שופט צדק. ואחרי כן בעשרת הימים ישא לפסע עבדיו.

רמז הכתוב הענין כאשר נודע בישראל מפי הנביאים ואבות קדושים.

⁵ פרשת בהעלותך are first mentioned in חצוצרות

The *Ramban* notes that the *Torah* does not explain why *Rosh Hashanah* is singled out as a day of תרועה. This is particularly troubling since no event occurred on that day which would prompt the *Torah* to proclaim that it be celebrated as a מקראת קודש.⁶

The *Ramban* concedes that he does not know the precise reason for the Holiday. However, he intuitively feels that since *Rosh Hashanah* precedes *Yom Kippur*, which is unequivocally a יום הדין and יום סליחה ומחילה, *Rosh Hashanah* must be classified within that framework as well. The entire month of *Tishrei* (in which *Yom Kippur* occurs) has been singled out by the *Torah*. Thus, the *Yom Tov* of *Rosh Hashanah* (which also occurs in *Tishrei*) is related to *Yom Kippur*. Just as *Yom Kippur* is a יום הדין, so, too, *Rosh Hashanah* is a יום הדין and should be observed in the same manner as *Yom Kippur* is observed (i.e. as a יום הדין and a יום תשובה and ויכפרה).

The *Ramban* does not know why this is so. But, the fact that the *Torah* couples *Rosh Hashanah* with *Yom Kippur* (as it says, בחדש השביעי) proves that *Rosh Hashanah* is an exceptional Holiday. We do not know how this exceptional feature expresses itself, but we do know that it is singled out for some purpose.

Traditionally *Rosh Hashanah* was observed as a יום הדין.

(2) The *Ramban* continues that:

⁶ The *Ramban* did not discuss the controversy between רבי אליעזר and רבי יוזע, if the world was created in ניסן or in תשרי (See *Rosh Hoshanah* 10b). Many תנאים agreed with רבי יוזע that the world was created in ניסן. Nonetheless, they still celebrated *Rosh Hashanah* as a Holiday of יום הדין even though *Rosh Hashanah* may not commemorate the creation of the world.

כבר נודע בישראל מפי נביאים ואבות הקדושים,
*all Jews know by their tradition that this day is
exceptional.*

The *Ramban* subconsciously borrows this phrase from the *Rambam*, who writes (in a different context) as follows:

אע"פ שדברים אלו נראים מענין תורה שבכתב, וכולן
מפורשים הן מפי משה רבינו מהר סיני, וכולן הלכה
למעשה הן בידינו. וכזה ראו אבותינו דנין בבית דינו של
יהושע ובבית דינו של שמואל הרמתי ובכל בית דין ובית
דין שעמדו מימות משה רבינו ועד עכשיו (רמב"ם פ"א
מהלכות חובל ומזיק הלכה ו').

The *Rambam*, when discussing that the phrase עין תחת עין, *an eye for eye*, refers to monetary compensation, advances many proofs for that interpretation. He then concludes that those proofs are unnecessary since the correct interpretation has been handed down to us from generation to generation since the days of *Moshe*. This was explained by *Moshe*, and we have observed that this interpretation was implemented throughout the generations.

(3) Similarly, the *Ramban* explains that one can certainly find intimations in the *Torah* that *Rosh Hashanah* is celebrated as a יום דין (and that *Rosh Hashanah* should be observed in the same manner as *Yom Kippur*, which is the ultimate יום הדין). However, it is unnecessary to isolate those proofs. The main proof that *Rosh Hashanah* is יום הדין is the fact that we have it by tradition, from the days of *Moshe* and from all חכמי ישראל throughout every generation until the present, that *Rosh Hashanah* is a יום הדין. All Jews throughout the generations have celebrated this day as an exceptional day.

[IV] THE MEANING OF תְּרוּעָה.

Rosh Hashanah is a day of judgment.

(1) The *Ramban* then explains the *Mitzvah* האמת דרך פי זרד, על פי זרד האמת *Mitzvah* then explains the *Mitzvah* *Kabbalistically*.⁷

ועל דרך האמת תרועה היא שעמדה לאבותינו ולנו,⁸ שנאמר אשרי העם יודעי תרועה (תהילים: פ"ז, ז'). וכענין שכתוב תרועת מלחמה (ירמיה: ד', י"ט), כי ה' איש מלחמה. אם כן יום תרועה יהיה לכם, שיהיה היום לתרועה לנו, וכן זכרון תרועה מקרא קודש, שיהיה הזכרון בתרועה, ולפיכך הוא מקרא קודש.

ולא הוצרך להזכיר שופר כי השופר רמז ביום והתרועה בו, והנה הוא יום דין ברחמים לא תרועת מלחמה. ומפני זה הזכיר הכתוב התרועה, שכבר קבלה ביד רבותינו וכל ישראל רואים עד משה רבינו שכל תרועה פשוטה לפניו ופשוטה לאחריה. ולמה יזכיר הכתוב תרועה ולא יזכיר התקיעות כלל לא בראש השנה ולא ביום הכפורים? אבל התקיעה היא הזכרון והוא השופר, והתרועה כשמה. ומפני שהיא כלולה מן הרחמים תקיעה לפניו ולאחריה ולפיכך אמר ביודעי תרועה כי בצדקה ירומו כי תפארת עוזמו אתה.

והנה זה מבואר כי הכל תלוי בתשובה. אלא בראש השנה מתיחד במדת הדין ומנהיג עולמו, וביום הכפורים במידת הרחמים, והוא מאמרם מלך יושב על כסא דין וכו'. ראש השנה יום דין ברחמים ויום הכפורים יום רחמים בדין.

(2) The *Ramban* explains that the symbol of *Rosh Hashanah* is דין. The קדושת היום of *Rosh Hashanah* expresses itself in דין. He alludes to the *Gemara* which expresses this theme in explaining why *Hallel* is not recited on *Rosh Hashanah*.

⁷The *Ramban* was one of the early pioneers of *Kabbalah*. What he writes here is cited in the ספר הזוהר and is quoted in every מחזור לרי"ה, namely that *Rosh Hashanah* is a יום דין.

⁸This phrase is borrowed from the הגדה של פסח, and sheds light on his explanation, as shall be demonstrated.

The *Gemara* states:

אמרו מלאכי השרת להקב"ה: מפני מה אין ישראל
אומרים שירה לפניך ברי"ה? אמר להם אפשר מלך יושב על
כסא דין, וספרי חיים וספרי מתים פתוחים לפניו וישראל
אומרים שירה? (מסכת ערכין דף י', ע"ב)
*The angels asked G-d, "Why don't the Jews sing
praises to G-d on Rosh Hashanah?" G-d answered,
"How can Jews sing when the books of life and death
are opened."*

G-d's sovereignty is reflected in His laws controlling nature.

(3) What does דין mean? מלכות, *G-d's sovereignty*. מלכות is דין since מלכות is a form of G-d's התגלות, *revelation*, to human beings. מלכות means G-d's presence and His omnipotence as far as the entire creation and the entire universe is concerned. What rules this universe? What rules the world and all other worlds in the stratosphere? G-d's law rules the universe. Though one may couch this law in terms of mathematical equations, nonetheless, G-d's law reflects G-d's ultimate sovereignty. G-d's law prevails without exceptions. The same law which prevails in this world also prevails in the outskirts of the universe. This is דין. This is the רצון הקדמון, or רצונו של הקב"ה, which has been implanted in every tree, bush, and in the movement of every human being. All of creation tell the Glory of G-d since the רצון הקדמון completely controls the dynamics of universe, including the human being. *Chazal* say:

שמה ראיתם חמה שוקעת במזרח ועולה במערב?
*Have you ever noticed the sun to rise in the West and
set in the East?*

There are no exceptions to G-d's laws. His laws are absolute. This is מלכותו של הקב"ה. This is דין. This is the רצון הקדמון. Accordingly, since the world, which is based on דין, *G-d's laws*, was created on *Rosh Hashanah*, *Rosh Hashanah* must itself

be a יום הדין. If it is מלכותו בתוך עולמו, then it is only דיין.

In sum, מלכות, *G-d's sovereignty*, is reflected in דיין, *G-d's absolute laws*.

תרועה denotes destruction.

(4) Where do we find that the word תרועה reflects דיין? In the *Passuk* of:

תרועה מלחמה (ירמיהו : ד', י"ט),
The תרועה of war.

The word תרועה can be interpreted in one of two ways:

(x) to blast, to emit a sound; or

(y) to break and shatter.

An example of the latter is:

רעה התרועעה הארץ (ישעיהו : כ"ד, י"ט),

where ישעיהו says that, following an earthquake, items are broken or cracked. תרועה, when associated with the root of רעה, means *to break or damage*. Similarly:

ועתה נרע לך (בראשית : י"ט, ט),
We will treat you badly.

Thus, the word תרועה, when used in this context, denotes destruction and carnage.

(5) There are many *Minhagim*, observed by Jews on *Rosh Hashanah*, which reflect this concept that *Rosh Hashanah* is an absolute untempered יום הדין, knowing no exceptions. People sense the דיין expressed in the *Mishnah*:

כל באי עולם עוברים לפניו כבני מרון (מסכת ראש השנה
דף ט"ז, ע"א).
*All of humanity passes before G-d as sheep lead into
the pen.*

One by one, without exception, people are judged. There are no exceptions, no

excuses. There is no reason for G-d to forgive them.

This is beautifully described in the *Piyut* of ונתנה תוקף, which depicts the fright of all creatures, human beings and angels, at the upcoming Day of Judgment. Even the angels are frightened.

ומלאכים יחפזון... מי יצדק לפניך בדין,
*The angels are frightened...(since) who can be
vindicated after Your scrutiny.*

This is the תרועה which is associated with מלחמה. It means that *Rosh Hashanah* is a day of destruction and doom, since:

מי יצדק לפניך בדין,
we are all guilty and deserve to be convicted.

(6) The *Zohar* explains that the first day of *Rosh Hashanah*, particularly the night of *Rosh Hashanah*, prior to תקיעת שופר, has a תקיפה דינא, *the דין is strong*. There is no way to reconcile ourselves with G-d. The second day is רחלשא דינא, *the דין is weaker*.

G-d's sovereignty is also reflected in כנסת ישראל.

(7) On the other hand, מלכות is not only nature. כנסת מלכות is also the כנסת ישראל; the כנסת ישראל reflects the ספירה of מלכות. The *Ramban* explains⁹ that the כנסת ישראל reflects the שכינה. The כנסת ישראל reflects the divine glory by its unique way of life. This is not:

מלכותו בתוך עולמו,

(i.e. when G-d reflects Himself through nature), but:

⁹ בראשית: כי"ד, א, די"ה וה' ברך.

מלכותו בקהל עדתו

(i.e. when G-d reveals Himself through the כנסת ישראל, who observe His laws).

(8) In other words, G-d reveals Himself through two media:

(x) G-d reveals Himself through the universe, through all events of nature, which reflect the majesty of G-d. This form of מלכות is rigid, strict and inflexible. This medium of התגלות, *of revelation*, does not accept *Teshuva* nor סליחה.

Even the angels are condemned by this media. Everything is precise, to the fraction of the second. This medium is destructive. G-d appears as איש מלחמה since:

אם תמצה עומק הדין, מי יצדק לפניך בדין,

This is מלכות עולמים; and

(y) G-d reveals Himself as מלכותו בקהל עדתו. This is the התגלות through כנסת ישראל, where G-d reveals Himself through the כנסת ישראל. This התגלות originated with the ברית with *Abraham*, where G-d said:

למען אשר יצוה את בניו אחריו ושמרו דרך ה' (בראשית:
י"ח, י"ט)

*So that Abraham will direct his children to comply
with the way of G-d.*

Through ושמרו את דרך ה' *by observing the Minhagim and ways of G-d*, the כנסת ישראל reflects the ספירה of מלכות. Every good deed radiates G-d's majesty.

Similarly, the *Torah* writes:

וראו כל עמי הארץ כי שם ה' נקרא עליך ויראו ממך
(דברים: כ"ח, י)

*All nations will recognize that G-d's name rests on
you, and they will fear you.*

When a Jew lives in compliance with the laws of G-d, is close to G-d, loves

Similarly, אונקלוס interprets the *Passuk* of תרועת מלך בו, as one who enjoys the friendship of G-d, and not as the blast of G-d nor the destruction of G-d.

When תרועה is, thus, changed from the sense of destruction to that of friendship, then, likewise, the דין is transformed into רחמים.

(11) One who reads the *Chassidic* literature and that of *Kabbalists* (and this was true of the בית הלוי as well), will sense the mood which they experienced on the night of *Rosh Hashanah* and on the first morning. The בית הלוי fasted on *Rosh Hashanah*. On ליל ראש השנה (and on the first morning), he was so depressed that he could not communicate with anyone. This is because the מדה of דין still prevails at that stage. When we say יום תרועה by *Kiddush*, we refer to תרועה in the sense of a day of destruction, a day of judgment, a day of disaster, since we are unworthy of any other outcome. The *Piyut* on the first day repeats the theme of אש, *fire*, and of דין. This תרועה is derived from the root of ריעה, *shattering*, or from נורא, *being paralyzed with fear and shock*.

Shofar facilitates the change in the semantics of תרועה.

(12) The function of the *Shofar* is to facilitate the change from תרועה, as a derivative of נורא, *fear*, into תרועה, as a derivative of friendship. We change the semantics of תרועה from חורבן to

אלוקים הרועה אותי,

My friendship with G-d,

by sounding the *Shofar* and by reciting the *Passukim* of מלכיות וזכרונות ושופרות.

This is especially true when we recite the *Passuk* of תרועת מלך בו, *G-d is our friend*.

The *Shofar*, as an instrument of proclamation, might announce חורבן, *destruction*,¹⁰ but, at other times, the *Shofar* announces גאולה, *redemption and liberation*.¹¹

In conclusion, the task of the תקיעת שופר is to change תרועה from being a derivative of נרע, *to harm and inflict evil*, to a derivative of רועה, *friendship*.

(13) Having explained the foregoing, the *Ramban's* words are more understandable. He writes:

ועל דרך האמת, תרועה היא שעמדה לאבותנו ולנו.

The ability of our people to be the people who reflect the *Kedusha* of G-d is derived from תרועה. This is when G-d's מלכות is of the form of עדותו בקהל.

The פייטן writes:

מלכותו בקהל עדתי, וכבודו הוא אמונתי וביום צום כפור
סליחתי (ברכות קריאת שמע, יום הכיפורים).

In other words, when G-d's majesty is reflected in the Jewish people, then *Yom Kippur* offers סליחה ומחילה. Only if G-d is בקהל עדותו can He forgive the Jews on *Yom Kippur*. If His majesty is not reflected in the Jewish people, then סליחה will (G-d forbid) not be forthcoming.

(14) The *Ramban* then quotes the *Passuk* of:

אשרי העם יודעי תרועה,

and repeats this quote at end of the paragraph as well. He interprets יודעי תרועה in the

¹⁰ This is exemplified by the *Passuk* states:

אם יתקע שופר בעיר ועם לא יחרדו (עמוס : ג,ו),
When a Shofar is blown the entire city becomes frightened.

¹¹ This is exemplified by the *Passuk* which states:

כנשוא נס חרים תראו וכתקוע שופר תשמעו (ישעיהו : י"ז, ג)
When the golden age arrives the Shofar will be sounded.

sense of loving G-d, and of uniting with G-d. This is similar to the *Passuk* of:

וּאָדָם יִדַע אֶת חוּהוֹ אֱשֶׁתוֹ (בראשית: ד, א).

This *Passuk*, thus, means that Jews love G-d with the *מלכות של ספירה* as *מלכותו* בקהל עדותו.

The words *יודעי תרועה* are explained by the *Medrash* which asks,

וכי אין אומות העולם יודעים תרועה, הלא כמה קרנים יש להם? אלא ישראל שהן יודעים לרצות את בוראן בתרועה (ויקרא רבה פרשה כ"ט).

*Don't other nations know how to sound the Shofar?
The Jews are different in that they appease G-d with
the Truah.*

The *יודעי תרועה*, thus, means, the identification of *כנסת ישראל* with the *ספירה* of *מלכות*. Jews, by their mere existence, should reflect the love and glory of G-d to all.

Jews should manifest the presence of G-d in their midst.

יום תרועה means Jews should identify with the *תרועה* of friendship.

(15) The *Ramban* continues:

וכענין שכתוב תרועת מלחמה כי ה' איש מלחמה.

The original *גילוי* of *מלכות* is at the cosmic level of *איש מלחמה*. On this level, *תרועה* means destruction, as in *תרועת מלחמה*; however, on *Rosh Hashanah* this must change. The *Ramban* writes in the next sentence:

אם כן, יום תרועה יהיה לכם, שיהיה היום לתרועה לנו.

יום תרועה יהיה לכם means that *Rosh Hashanah* was decreed as the day on which one should identify himself with *תרועה*.

יום תרועה יהיה לכם does not mean that the day should be one of the *תרועה* of

destruction. Rather, *יום תרועה יהיה לכם*, on *Rosh Hashanah*, שתהיה היום, means that, on *Rosh Hashanah*, Jews should identify with the *תרועה*; Jews should experience the *מלכות* of G-d, as reflected, not in the universe, but as reflected by His own community, by observing the *Torah* and *Mitzvos*. Jews should become *יודעי תרועה*.

תרועה זכרון תרועה means that Jews should manifest their love of the *תרועה*.

(16) The *Ramban* then writes:

וכן זכרון תרועה מקרא קודש, שיהיה הזכרון בתרועה,
ולפיכך הוא מקרא קודש.

The *Ramban* does not interpret *זכרון* as remembrance. In many other instances in *Tanach*, the word *זכר* does not mean to remember. For example, the *Passuk* states:

הבן יקיר לי אפרים כי מדי דברי בו זכור אזכרנו (ירמיהו:
ל"א, י"ט).

If, in this *Passuk*, the word *זכור* would mean to remember, then it would read: "Is Ephraim a darling child that whenever I speak of him I remember him?" This would be an absurd translation since first one remembers someone and then he speaks of him, and not the reverse. Accordingly, *זכור* is not used in the sense of remembering. *זכור* is used in the sense of fondness. Thus, this *Passuk* translates "Is Ephraim a darling child, then whenever, I speak of him, I rekindle my fondness for him?".

Similarly, the word *זכרון* in the *Passuk* of *תרועה* should also be interpreted as love or fondness. Thus, *זכרון תרועה* means a day in which *כנסת ישראל* should manifest their love of *תרועה*, which is the presence of G-d either in this world, in the cosmos, as the source of all cosmic dynamics, or within the *כנסת ישראל*. In other words, *זכרון תרועה* means *זכרון בתרועה*, *שיהיה הזכרון בתרועה*, *the judgment should be*

mitigated through the love of the תרועה

(17) The *Ramban* continues that:

לפיכך הוא מקרא קודש,
It is for this reason that it is a Yom Tov.

Rosh Hashanah does not mark any historical events. Rather, it marks the metaphysical events which occur on every *Rosh Hashanah*, namely, that on *Rosh Hashanah* the ישראל identifies herself with the הקב"ה at the stage of התגלות (of friendship) and not at the התגלות of מלכות. Thus, יום תרועה means the התגלות של the התגלות, and the day on which the ישראל identifies herself with this התגלות.

In other words, יום תרועה יהיה לכם means that the תרועה should become yours, which, in turn, means the day on which G-d's התגלות should address itself to the world through the ישראל! The התגלות, *the revelation of G-d*, to the world through מלכות, and the התגלות of G-d to the world through ישראל, should be one.

(18) This is what he means by the next sentence:

ולא הוצרך להזכיר שופר.

Shofar was not mentioned by the *Torah* as the instrument to employ on *Rosh Hashanah*, since the *Torah* focused on תרועה, which is the התגלות of G-d through the ישראל. Thus, only the word תרועה is necessary.

(19) In a word, the *Mitzvah* of *Shofar* is to transform the התגלות of הקב"ה from התגלות על ידי מלכות to התגלות על ידי ישראל.

The *Piyut* reflects the change in the semantics of תרועה.

(20) In the *Piyut*, of the first day of *Rosh Hashanah*, הקליר, רי"א writes:

נעלה בדין עלות בתרועה, גיא עם דריה לעוררה.

בשופר אפתנו ובברך כריעה, במגינת רעים בגנו אתרועעה
(חזרת השי"ץ שחרית).

Interestingly, the melody of the נוסח starts with tension and despair, but concludes with ecstasy.¹² The *Piyut* is translated as follows:

נעלה בדין,
We appear before G-d in Judgment.
עלות בתרועה,
with the voice of תרועה.
גיא עם דריה לעוררה,
the valley of tears with its inhabitants to destroy.

The word תרועה is defined as לעוררה, *to destroy*. This is how *Rosh Hashanah* begins. גיא describes the human being as a dweller in the valley of tears (as in בגיא צלמות), which לעוררה, *will perish and be exposed to destruction*. The motto of *Rosh Hashanah* is דין, and no one can successfully refute the דין.

However, the *Piyut* continues, *I know the remedy*.

בשופר אפתינו,
I will persuade G-d by sounding the Shofar and by
בברך כריעה,
by prostrating myself. Moreover,
במגינת רעים,
together with friends,
בגנו אתרועעה,
in His orchard, I will enjoy G-d's friendship.

The word תרועה is now defined as

אתרועעה,
I will become G-d's friend.

(21) ר"א הקליר commenced with תרועה in the sense of a derivative of

¹²The *Rav* explained that the נוסח interprets the words; each *Passuk* of ושופרות, זכרונות, ומלכות, is interpreted in terms of music. Song, on the other hand, does not necessarily interpret the words.

לעוררה, *to destroy*. This is the note of despair which the נוסח reflects when describing that גיא עם דריה לעוררה, *the world will perish*. Suddenly, a thought occurs to the person, בשופר אפתנו. The person realizes that he can change everything, he can ameliorate the derivative of לעוררה through the *Shofar*. The person can alter the תרועה from being a derivative of לעוררה, *to destroy*, to a derivative of אתרועעה, *of friendship*. Thus:

במגירת רעים אתרועעה,
*in the company of friends I will enjoy G-d's
friendship.*

This is why we recite the *Passuk* of ותרועת מלך בו by *Mussaf*.

מדת הרחמים is surrounded by the two תקיעות, symbolic of תרועה.

(22) The *Ramban* writes in the immediately succeeding sentences:

והנה הוא יום דין ברחמים לא תרועת מלחמה. ומפני זה
הזכיר הכתוב התרועה שכבר קבלה ביד רבותינו וכל
ישראל רואים עד משה רבינו שכל תרועה פשוטה לפני
ופשוטה לאחריה.

The day begins as דין but concludes as רחמים. Thus, it is not תרועה מלחמה. On *Rosh Hashanah*, the תרועה does not symbolize destruction, as it does in the *Passuk* of תרועה מלחמה, *the destruction of war*. Rather, the תרועה on *Rosh Hashanah* is symbolic of מדת הרחמים.

How does the character of *Rosh Hashanah* change? The *Ramban* answers that it changes by giving the תרועה two companions of ולאחריה לפניה. The תקיעה לפניה ולאחריה. The תקיעה symbolizes רחמים (as in the *Passuk* of תרועה ולא תרועה). One changes the תרועה, which means destruction, into a תרועה of friendship (ריעות).

by surrounding the תרועה with the two תקיעות and taking the תרועה prisoner.

(23) According to the *Zohar*, this is the whole message of the עקידה. They write that *Yitzchok* is symbolic of תרועה and מדת הדין. He is, thus, referred to as פחד יצחק. This is the original מלחמה תרועה. On *Rosh Hashanah*, the job of the Jew is to capture and imprison the דין. Who imprisons the דין (*Yitzchok*)? *Avraham*, who is symbolic of מדת הרחמים and *Yaakov* who is symbolic of מדת התפארת. Both מדות form רחמים. The עקידה, thus, means that the מדת הדין is actually bound and kidnapped by the מדת החסד and מדת התפארת.

(24) This is what *Ramban* means by the next sentence:

התקיעה היא הזכרון והוא השופר, והתרועה כשמה.
ומפני שהיא כלולה מן הרחמים תקיעה לפנייה ולאחריה.
ולפיכך אמר בידעי תרועה, כי בצדקה ירומו כי תפארת
עזמו אתה.

In other words, תרועה כשמה, *the תרועה is true to its name*, in that it symbolizes destruction (and דין). However,

היא כלולה מן הרחמים,
the תרועה is transformed into רחמים by:

תקיעה לפנייה ולאחריה,
surrounding it with two תקיעות (which symbolize רחמים).

The תרועה is imprisoned by the two מדות of חסד and תפארת, which embody רחמים. Therefore, בידעי תרועה, *those who love the תרועה and identify themselves with the תרועה*, are able to convert cosmic מלכות into a מלכות which reflects the כנסת ישראל,

and the קדושת ישראל¹³.

(25) The *Ramban* adds:

כי בצדקה ירזמו כי תפארת עוזמו אתה.

This is כנסת ישראל, צדקת ה', *G-d's mercy*. G-d was the one who instructed the תרועה to combine the תרועה with the two תקיעות. This concept of imprisoning the תרועה is derived from:

כי תפארת עוזמו אתה,

from the מדה of אברהם, which is חסד, and from the מדה of יעקב which is תפארת.

Teshuva facilitates the change from רחמים to דין.

(26) The *Ramban* concludes:

והנה מבואר כי הכל תלוי בתשובה, אלא בראש השנה
מתיחד במידת הדין ומנהיג עלמו. וביום הכפורים במידת
הרחמים.

On *Rosh Hashanah*, G-d commences with דין and concludes with רחמים. *Yom Kippur*, on the other hand, commences with רחמים. The גדולי ישראל were in a joyous mood on *Yom Kippur*, but very depressed on *Rosh Hashanah*, since *Rosh Hashanah* is דין.¹⁴

(27) In conclusion, *Rosh Hashanah* commences with (דין) מלכות. The Jews can identify with ספירת מלכות by reflecting G-d's majesty through their unique and singular lifestyle. This is what the תרועה symbolizes. It changes the semantics of

¹³ As noted, תרועה, which reflects דין, *judgment* also reflects מלכות, since דין is associated with מלכות, *sovereignty*.

the word להריע, from destruction to that of friendship.

תושבלי"ע

¹⁴ The דבש devotes a lengthy דרשה to this theme. He explains that the מידת הדין prevails in the world before the *Shofar* is sounded, and *Shofar* causes that to change to רחמים. He, therefore, recommends that they abbreviate the פיוטים prior to תקיעת שופר in order that תקיעת שופר take place as early in the day as possible.

APPENDIX A

והיה צריך הרב להביא גם פסוקי המלכיות מן המדרש שלא יתכן שיזכיר הכתוב פסוקי הזכרונות ושופרות ולא יזכיר המלכיות. וכבר דרשו אותם מפסוק והיו לכם לזכרון לפני ה' אלקיכם (במדבר: י, י), שאין תלמוד לומר אני ה' אלקיכם, ומה תלמוד לומר אני ה' אלקיכם? אלא זה בנין אב כל מקום שאתה אומר זכרונות אתה סומך להם את המלכיות. כדאיתא בתורת כהנים (פרשתא: י"א, ב'), ובמסכת ראש השנה (דף ל"ב ע"א).

