

CHAPTER VI.

REGULATIONS CONCERNING THE HE-GOATS OF THE DAY OF ATONEMENT AND THE SENDING TO THE DESERT, AND THE CONFESSION THEREAT.

MISHNA: It is a merit that the two he-goats for the Day of Atonement should be equal in color, stature, and price, and both (bought) at the same time; but if they are not equal, they may still be used. If one was bought to-day, and the other on the morrow, they are valid. If one of them died, then if this occurs before the lots are drawn, another is purchased to make up the pair; but if later, then a new pair should be acquired. Lots should be drawn again, and this should be said: If the Lord's he-goat has died, "The one on which the lot has fallen for the Lord may substitute him"; and if that of Azazel has died, "The one on which the lot has fallen for Azazel may substitute him." And the remaining one of the previous pair should be allowed to feed (graze) till it chance to get a blemish, when it is sold, and the money goes as a gift-offering, since an animal designed to atone for the congregation is not put to death. R. Jehudah says, it is (put to death). Also said R. Jehudah: If the blood [of the Lord's he-goat, when slaughtered] had already been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out [and a new pair purchased].

GEMARA: The rabbis taught: It is written [Lev. xvi. 5]: "He shall take two goats." Why is it mentioned, *two*? If it were in the plural, we would know, not less than two. It is meant, then, the two should be equals. How, then, do we know that when they were unlike they were still valid? Because it is written twice "goats" [ibid. 9, 10], That shows, that if they were not alike they were still valid. But if "goat" were not repeated twice, they would have been, according to you, invalid? Whence would you deduce this? At the first glance, we would say, because it is written thrice "two" [ibid. 5, 7, 8]; but if the repetition of "goat" makes it valid, wherefore is this 87

repeated thrice? Infer from this, it is a merit that they be, first, equal in color; secondly, in stature; thirdly, in price. We have also learned thus in a Boraitha of sheep offered by lepers: It is written "two sheep." *Sheep* would suffice? From this it is also inferred they should be like each other, as stated above. But how do we know that if they are unlike each other they are valid? Because it is written "one sheep." The same Boraitha states in relation to the burnt-offering of a leper; there it is also written "two birds." The *two* could be dispensed with; and from the word *two* it is inferred that they should be alike. If it is so, why should we not say the same of the daily offerings, about which it is also written "*two* sheep"? This *two* is needed for what is stated in the following Boraitha: It is written [Num. xxviii. 3]: "Two on every day." From this we infer that it must be before the day's arrival (daybreak). (This is explained in Tract Tamid.)

The rabbis taught: Should the two he-goats of the Day of Atonement have been slaughtered outside of the Temple, if this was done before the drawing of the lots, he is culpable for both;

but if later, he is culpable only for that designed for the Lord (not that for Azazel. Why should he be culpable?) Before the lots have been drawn, what are as yet these simple he-goats fit for? Said R. Hisda: Because they are fit for the additional sacrifices of the Day of Atonement, which are sacrificed outside of the Temple. (But how is this to be understood?) Why are they not fit to be sacrificed inside? Because the lots have not been drawn. The same is the case with the additional sacrifices; since all the services preceding these have not yet been performed they are not fit for additional sacrifices either?

R. Hisda holds: The inappropriate time is not to be compared with the unfitness of the goat itself (before the lots are drawn).

"*If the Lord's he-goat dies.*" Said Rabh: The second of the first pair must be sacrificed, but the second of the second pair must be left to graze. R. Johanan says conversely. On what point do they differ? Rabh says: A living thing is not postponed. (The second goat of the first pair, being fit, should not be postponed in favor of another goat to be sought out), and R. Johanan says, that such are postponed. What is Rabh's reason? Because he deduces it from the too early time; as he was unfit only as long as he had no fellow, he is fit henceforth. What comparison is this? In that case the he-goat was not yet

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fit for anything, but here he has been already postponed. Why not continue to be postponed? Therefore we must say: Rabh deduces it from a temporary blemish. After the blemish has passed away, he is fit; so here, his unfitness is considered temporary.

According to Rabh's theory (that a living thing is not postponed), why only the second of the first pair and not as well of the second pair, say, then, he can choose which he likes? Said Rabha: Rabh holds as R. Jose that it is a merit to use the first (as mentioned at the end of the preceding chapter). Rabha said: It seems to us, that our Mishna is in accordance with Rabh, and a Boraitha is in accordance with R. Johanan. In our Mishna, it is stated: If the Lord's he-goat dies, the one on which the lot has fallen for the Lord shall substitute him; from this we infer that the other one continues to be as it has been. A Boraitha is according to R. Johanan, as we have learned: It is said in the Mishna [1](#): The second should be allowed to graze. We do not know whether the second of the first or second pair. As it is written [Lev. xvi. 10]: "Shall be placed alive." Placed *alive*, not the one whose fellow is dead. How can that be inferred? "*Shall be placed alive*," signifies that it shall be placed alive *now*. But the one whose fellow had died has been left alive already. An objection was raised from the following sentence in our Mishna: "R. Jehudah said also: If the blood of the Lord's he-goat had been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out." It is right according to Rabh, who says that, according to the first Tana, living things are not postponed, and the second of the second pair is to be left to graze; and what R. Jehudah says of its being put to death refers to the second of the first pair. It is right according to Rabh, who says that according to the first Tana a living thing is not postponed, as it is said in the Mishna, "also said R. Jehudah." That is to say, he differs on two points: first, whether a sin-offering for the congregation is put to death (he says, it shall be put to death), and whether a living thing is postponed. R. Jehudah says, it is postponed, and shall be put to death, and the second of the first pair shall be put to death. But according to R. Johanan, who explains that the first Tana means to say the second of the second pair

(shall be sacrificed), but of the first shall be put to death, because a living thing can be postponed, consequently R. Jehudah differs from the first Tana only on one point, on the congregational offering. Why does the Mishna say, "and also"? This difficulty remains. (From this we see, the Mishna is according to Rabh, not R. Johanan.)

"If the blood has been spilled, the scapegoat should be put to death." It is right that if the blood has been spilled, the scapegoat should be put to death, because the duty with the blood has not been fulfilled yet; but if the scapegoat has died, why should the blood be poured out? The duty (of drawing the lots, and of slaughtering the first) has been fulfilled already. Why need the blood be poured out? Said the disciples of R. Janai: Because it is written [ibid.]: "Shall be placed alive before the Lord, to make an atonement for him." That means he (the scapegoat) shall be alive till the atonement with the blood (of the other goat) has been made (and when he has died before, the blood must be poured out).

We have learned in a Boraitha about the Mishna in Shekalim, II., a. "If the inhabitants of a town sent their Shekalim," etc., as far as, "and nothing is credited to next year's account" (pp. 7, 8). R. Jehudah, however, said, they may be credited to next year's account. What is the reason of R. Jehudah? Said Rabba: R. Jehudah holds, the duties to be paid this year may be paid the next year. Abayi objected: From the following Tosephtha: The bullock and the he-goat of the Day of Atonement, if lost, and the he-goats offered for idolatry, if lost, and substituted by others and then recovered, then all should be put to death. So says R. Jehudah. If the duties of this year can be paid the next year, they could be left for the next year? Rabh answered: You want to compare the he-goats for idolatry to congregational sacrifices. The latter are quite different. This is as R. Tebi said in the name of R. Joshiah: It is written [Num. xxviii. 14]: "This is the burnt-offering of the new moon for every month throughout the months of the year." The Torah says: Proclaim it a new month, and also bring a sacrifice from *the new products* (Rosh Hashana, p. 9). This would be right in case of the he-goat, for it comes from the congregational funds; but the bullock, which is from the high-priest's, what can be said to it? And, secondly, what R. Tebi said in the name of R. Joshiah is only a merit, but not a duty, as R. Jehudah said in the name of Samuel [ibid., ibid.], that if it was done it is acceptable?

Therefore says R. Zerah: The reason is, that the lot cannot determine during this year for the next year. Let him draw lots the next year? It is a precautionary measure, lest it be said that the lot does determine during one year for the next year. All this is right of the he-goat? But why should the bullock, for which no lots are drawn, be put to death? It is a precautionary measure, lest one should deal with the he-goat as one would with the bullock.

Shall he then be put to death for a precautionary measure against what itself is a precautionary measure? Therefore, says Rabha: It is a precautionary measure, lest there should be a mistake. What mistake can be made? That of sacrificing them (if left to graze). Then this apprehension ought to exist in all cases where animals are left to graze (till they get a blemish and are sold)? If that of shearing their wool, or using them for work, the same fear ought to exist in all cases where invalid sacrifices are left to graze? The mistake of sacrificing them is meant, but for others there is no intention to sacrifice them at any time, as they are left to graze until they get a blemish; therefore a mistake cannot come to pass. But here, as the he-goat must be kept until the

Day of Atonement of the next year, and it may be sacrificed by mistake before (the owner will take care it should not get a blemish). And whether a precautionary measure is taken against a mistake or not, the Tanaim of the two following Boraithas differ: one states, that a paschal sacrifice that has not been sacrificed during Passover may be sacrificed during the second Passover (the succeeding month, when those unclean before, celebrate it); and when not during the second Passover, it may be reserved for the Passover of the next year. And in another Boraitha we have learned: It may not be sacrificed at all. They differ, then, about the apprehension of a mistake; the Tana of the last Boraitha fears a mistake, and that of the first does not.

MISHNA: He comes to the scapegoat, and puts both hands on him, and confesses, using the following expression: I beseech Thee, Jehovah, they have committed iniquities, transgressed, sinned before Thee, Thy people the House of Israel. I beseech Thee, for the sake of Jehovah, forgive the iniquities, transgressions, and sins that they have committed, transgressed, and sinned before Thee, Thy people the House of Israel, as it is written in the Torah of Moses Thy servant, thus: "For on that day shall he make an atonement for you, to cleanse you,

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that ye may be clean from all your sins before Jehovah." And the priests and people who stood in the forecourt, hearing the expressed name [of God, *i.e.*, *Jehovah*] issuing from the mouth of the high-priest, used to kneel, prostrate themselves, and fall on their faces, and say: "Blessed be the name of His kingdom's glory for ever." They delivered him [the scapegoat] to the man who was his conductor. All were fit to perform this function. Only the high-priests fixed a usage, that Israelites should not be permitted to do it. Said R. Jose: It happened the conductor was Arsala of Tsipore, who was an Israelite [not a priest]. An elevated walk had been constructed for him [the he-goat], on account of the Babylonians [Babylonian Jews; according to the Gemara, Alexandrian Jews], who used to pull him [the he-goat] by the hair, saying: "Take [the sins] and go, take and go."

GEMARA: We see that in this confession the children of Aaron are not mentioned. According to whom is it? Said R. Jeremiah: This is not in accordance with R. Jehudah; as he said, the priests are also atoned for by the scapegoat. Abayi, however, said: This may be according to R. Jehudah. Are not the priests included in the general phrase, "Thy people Israel"?

"*They delivered him to his conductor.*" The rabbis taught: It is written [Lev. xvi. 21]: "A man appointed thereto." From the word "man," it is inferred a layman is also fit. "Appointed" means, appointed from the day before, even when the Day of Atonement falls on a Sabbath, and even if he is unclean. Wherefore does he tell us, even a Sabbath? If the he-goat has become sick, and cannot walk, he may take him on his shoulder, and carry him. Said Raphram: From this it is inferred, that the law of Erub and carrying applies to Sabbath only, but not to the Day of Atonement (else what difference between a Day of Atonement falling on a week-day and a Sabbath?) [1](#)

Why is it mentioned, even when unclean? What case of uncleanness can be here? Said R. Shesheth: Even if the conductor became unclean, he may enter the Temple and take the he-goat.

R. Eliezer was asked: When the he-goat had become sick, might he be taken on the shoulders?

He replied: The he-goat was so healthy that it could bear away you and me together. They asked him again: When the conductor had become sick, may another be appointed? He replied: Let us be healthy; do not

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ask us about a case of sickness. They asked him again: If after having been pushed down he did not die, shall he go down and kill him? He gave them as answer the verse in Judges v. 31: "Thus may perish all Thy enemies, O Lord." The sages, however, said: If he had become sick, he must be taken on the shoulders; if the conductor is sick, another should be appointed; if he had been pushed and has not died, he should go down and put him to death.

R. Eliezer was asked whether a certain man would enjoy the world to come. He replied: You inquire of me concerning that man (he named a different man). 1 They asked of him again: May a shepherd rescue a sheep carried away by a lion? He replied: Do you ask me of a sheep? They asked him again: May the shepherd be rescued from the lion's mouth? He answered again: You ask me only of the shepherd. They asked him again: May a bastard be heir of his father? He asked them: May he espouse his dead and childless brother's wife? They asked him: If he possesses a house, must a memorial of the Temple's destruction be left, when his house is whitewashed (an ell is left bare)? He answered: I think you ask me whether his sepulchre is to be whitewashed? He answered thus, not because he wanted to repel them, but he never decided what he had not heard from his Master.

A wise woman asked R. Eliezer. What was done with the golden calf being equally forbidden, why were the penalties different, some being slaughtered with the sword, some dying by water, or by a plague? He answered: The wisdom of a woman relates only to the spindle, as it is written [Ex. xxxv. 25]: "All the wise women spun with their hands." It was taught: Rabh and Levi said--the one, that he who slaughtered to the golden calf and offered incense was slain by the sword; he who embraced and kissed it, died by the plague; and he who rejoiced in his heart thereat, died from dropsy. And the other says: They who did it in spite of warning by witnesses, were slain; they who were not warned but only witnessed, by the pest; and those whom witnesses had not seen, died by dropsy.

R. Jehudah said: The tribe of Levi was not idolatrous (in relation to the golden calf), as it is written [ibid. xxxii. 26]: Whoever is on the Lord's side let him come unto me. And

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there assembled themselves unto him all the sons of Levi." Rabhina was sitting and repeating this saying. The children of R. Papa b. Abba objected to him: It is written [Deut. xxxiii. 9]: "Who said of his father and his mother, I have not seen him." 1 By this is meant, those who slew for worshipping the calf, inflicted penalty on their relatives. Whence we see some of the Levites were guilty. Rabhina replied: By father is meant the maternal grandfather, who was of Israel, by brother a half-brother of the mother, and by children, the daughter's children, whose father was an Israelite.

"An elevated walk had been constructed," etc. We have learned in a Boraitha: R. Jehudah says: They were not Babylonian, but Alexandrian (Jews). Said R. Jose to him: May thy mind be

appeased, as thou hast appeased mine (for he was a Babylonian himself).

"*Take and go.*" We have learned in a Boraitha: They used to say: Wherefore are they detaining the goat, the sins being so great?

MISHNA: Some of the prominent men of Jerusalem used to accompany him [the goat] as far as the first booth [of the ten, supplied with provisions for the conductor]. There were ten booths between Jerusalem and Tsuk [the rock of its destination], a distance of 90 Ris [7½ Ris are equal to one mile]. At each booth they said to him [to the conductor]: "Here is food, and here is water." And they [persons of the booth] accompanied him from booth to booth, excepting the last of them, for the rock was not reached by them; but they stood at some distance looking on what he [the conductor] did [to the scapegoat]. What did he do? He divided the tongue of crimson wool: the half of it he tied to the rock, and the second half between his [the scapegoat's] horns; he pushed him down backward. He went rolling and falling down; he did not reach halfway of the mountain before he became separated limb from limb. He [the conductor] returned to sit down under the last booth, till dark. And since when became his clothes unclean? After he had issued from the walls of Jerusalem. R. Simeon says: After he had pushed it down from the rock.

GEMARA: The rabbis taught: There were ten booths, and twelve *miles*: so says R. Meir. R. Jebudah says: There were nine booths, and ten miles. R. Jose says: Five booths, and

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ten miles. All were combined by an Erub. Said R. Jose: Elazar my son told me, if there were an Erub, two booths at ten miles would have been sufficient. Who is the Tana according to whom is what we have learned in our Mishna, that the last stood at a distance and looked? This is according to R. Meir, who says there were ten booths, and twelve miles.

"*At each booth they said to him,*" etc. We have learned in a Boraitha: They never made use of it, but they were cheered by the consciousness that they could have it?

"*The half of it he tied to the rock,*" etc. Why not the whole of it? Because he had not yet fulfilled the duty of pushing down the goat, and as soon as he had tied it to the rock, it might have become white: he would have rejoiced so much at the thought of the sins having been pardoned, that he might not have attended to the pushing him down. Why did he not tie it wholly to the horns? Because it might happen that the goat bent his head, so as to make him unable to perceive whether it had become white or not.

The rabbis taught: Formerly the tongue of crimson wool used to be tied to the door of the porch, outside (that all should see). When it became white, all were rejoiced; when not, all became out of spirits and ashamed. Therefore it has been reformed that it should be tied to the door of the porch inside. However, they used to take a look at it even then. It was then reformed that half should be tied to the rock, another half to the horns.

"*Before he attained half way of the mountain,*" etc. The rabbis taught: It is written [Lev. xviii. 4]: "My ordinances shall ye do." This signifies, such things as, even were they not written, it would be wrong to do, as idolatry, adultery, bloodshed, robbery, and blasphemy. "And my

statutes shall ye keep" [ibid.]. There are things that Satan laughs at, as abstaining from pork, from wearing mixed stuffs [Deut. xxii. 11], the taking off of the shoe of the husband's brother, purification of a leper, and the despatching of the he-goat. Lest it be said, they are nonsense, it is therefore written [Lev. xviii. "I am the Lord your God." I have commanded it; you have no right to question.

"*Since when became his clothes unclean,*" etc. The rabbis taught: The conductor defiles his clothes, but not the person that sends him (the conductor). Shall we assume that as soon as

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he comes out from the walls of the Temple court he becomes unclean? Therefore it is written [Lev. xvi. 26]: "He that takes away the goat to Azazel shall wash his clothes." What is meant by taking away? He who pushes him head downward, and he defiles his clothes.

MISHNA: He [the high-priest] went to the bull and to the he-goat destined to be burned. He ripped them, and tore out the parts to be burned upon the altar. He placed them on a charger (Magis), and kindled (for kindling) them upon the altar. He intermingled the limbs of the two animals, and they were removed to the place for burning. Since when are the clothes [of the porters] made unclean? When they came out behind the wall of the forecourt. R. Simeon says: When the fire is consuming most parts [of the animals].

GEMARA: *He intermingled.* Said R. Johanan, a sort of mingling. What is meant? We have learned in a Boraitha: He did not cut them as all burnt-offerings, in which the hide is flayed; but the bullock and he-goat, he cut the hide and flesh together. Whence do we deduce this? Because it is further written [Lev. iv. 11]: "His inwards, and his dung." How is it to be inferred from this? Said R. Papa: As the dung was in the inwards, so the flesh in the hide.

"*Since when are the clothes made unclean?*" The rabbis taught: It is written [ibid. xvi. 28]: "He that burneth them shall wash his clothes." He that burns, but not he who kindles, or he who lays the wood for the fire. Who is considered as the one that burns? He who assists at the burning, his clothes become unclean. Shall we say, that when it has been burned to ashes they still defile the clothes? Therefore it is written "them": he who burns *them*, but not the ashes. R. Eliezer b. R. Simeon says: When the flesh is still called flesh, it defiles; but when it has been dissolved, it no longer defiles. What is the difference between them? According to R. Eliezer, singed flesh ceases to be flesh, and does not defile; but according to the first Tana it is, and does.

MISHNA: The high-priest was told: "The goat has reached the desert." How was the fact known? Watches were stationed on high towers [meaning doubtful], who lifted up flags [to give signals]. Said R. Jehudah: They could have excellent evidence [by calculating the time]. From Jerusalem to Beth Hadudo was three miles. The prominent men had walked one mile, went back one mile, and had tarried as long as a mile is

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gone over. Thus they could calculate that the he-goat had reached the desert.

R. Ishmael says: Why, they had another sign. A tongue of crimson wool used to be tied to the

gate of the Temple, and as the he-goat had reached the desert, the wool used to become [by miracle] white; as it is said: "Though your sins be scarlet, they shall be as white as snow; though they be red as crimson, they shall become like wool" [Isaiah i. 18].

GEMARA: Said Abayi: From this we see that the Beth Hadudo was in the desert.

Footnotes

[89:1](#) This is according to Rashi's explanation, although it is unusual for a Boraitha to mention a Mishna.

[92:1](#) What Raphram said is declared in Tract Tamid to be unfounded.

[93:1](#) Rashi and Tospath say, the question was about Solomon, and he answered, "Do they mean Absalom?" But it does not seem probable to them.

[94:1](#) We follow Leeser's translation in all our biblical quotations, which see.

[Next: Chapter VII: The Passages Read by the High-Priest and his Garments](#)