



## Seir HaMishtaleach

Part of the *avoda* on *Yom Kippur* involved casting lots to decided the fates of two goats. One of these was used a *chatat* with its blood sprinkled in the same special manner as the bull offering learnt previously. The second, the *seir ha'mishtaleach* was sent to the desert and ultimately pushed off a cliff. The details of both these goats have been learnt over the past week. While the first goat's use appears to be much like a regular *korban*, the *seir ha'mishtaleach* however is quite unique. This leads to the question regarding how to define it. Is it a *korban*? It is paired with the other goat but has none of the regular *avoda* performed with it. The *Minchat Asher* (*Acharei Mot*, 29) presents three approaches in understanding the *seir ha'mishtaleach*.

The *Gevurat Ari* (*Yoma* 41b) asks how the crimson thread could have been tied on the horns of the *seir ha'mishtaleach*? Initially, its purpose was so that the goats would not be mixed. Yet after the goat was sent away, the thread on its horns served no purpose and should be considered a violation of performing unnecessary work with a *korban*. He answers that while prior to the lottery it shared some laws with *korbanot* (e.g. it was prohibited to slaughter it outside the *Beit Hamikdash*) this was only because it was suitable to be offered inside the *Beit HaMikdash*. Once however the lottery and *vidui* (confession) was performed, and it is no longer fit to be inside, it is no longer considered a *korban*. It does not have the sanctity of a *korban* (*kedushat haguf*) and would only be considered like the property of the *Beit HaMikdash* (*bedek habayit*).

The *Grach* however has a slightly different approach. He maintains that the *seir ha'mishtaleach* indeed does

have the status of *korban* yet it is different from other *korbanot* in its *avoda*. Its *avoda* is performed in the *vidui* of the *kohen gadol*. All that remains after that is a *mitzvah* of sending out.

The *Minchat Asher* directs us to the *Rashba* (*Shevu'ot* 13a) who deliberates whether the sending of the *seir hamishtaleach* is considered a *korban*. The *Rashba* concludes, much like the *achronim* above that is not considered a *korban*.

The *Minchat Asher* explains that this understanding fits nicely with the *Gemara* (*Yoma* 66b) that teaches that the sending of the *seir hamishtaleach* overrides *Shabbat*. The *Gemara* there learns this law from the word "iti" used in the *pasuk* when describing *mitzvah*. The fact that a separate *pasuk* is required is noteworthy because we have a general rule that all public sacrifices override *Shabbat* and the *seir hamishtaleach* should have been encompassed in that rule. Yet if it is not considered a *korban* after *vidui* then we understand why a separate *pasuk* is needed. (Nevertheless, he admits that one could say the *seir hamishtaleach* is considered *korban* but requires a *pasuk* because its *avoda* would be outside the *Beit HaMikdash* and therefore its overriding *Shabbat* could not be learnt from other *korbanot*).

The *Shita Mekubetzet* (*Temura* 6b *hashmatot*) however writes that if one pushed the *seir hamishtaleach* that had a *mum* (blemish) over the cliff they would have violated the prohibition of offer a *korban* with a *mum*. It follows therefore, that according to the *Shita Mekubetzet* that the *seir hamishtaleach* is considered a *korban* until its end.

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**Revision Questions**

יומא ה' בי' ו' ח'

- During the second *Beit Ha'Mikdash*, when the *aron* was absent, how did the *kohen* know where to place the *ketoret*? (ה' בי)
- Where and how was the sprinkling of the bull's blood first performed? (ה' ג)
- Where would he place the remainder of the blood? (ה' ג)
- Which animal was slaughtered next? (ה' ד)
- What were the three places where the various bloods were sprinkled? (ה' ד)
- What was different about the blood that was sprinkled on the *mizbeach ha'zahav* to the blood sprinkled elsewhere? (ה' ד)
- What was different about the way the blood was sprinkled on the *mizbeach ha'zahav* to the way blood is ordinarily sprinkled on the corners of the *mizbeach ha'chitzon*? (ה' ה)
- What was done with all the left over blood after the required sprinkling? (ה' ו)
- What would the *kohen gadol* do if the blood spilt while in the middle of performing the sprinkling on the *mizbeach ha'zahav*? (ה' ז)
- Can the two goats be purchased on different days? (ו' א)
- What happens if one of the goats dies after the lottery has been performed? (ו' א)
- What is *R' Yehuda's* opinion regarding the previous question, and in what other case does he rule in a similar manner? (ו' א)
- What would the *kohen* do just prior to sending out the *se'ir ha'mishtaleach*? (ו' ב)
- Which people were allowed to guide the *se'ir ha'mishtaleach*? (ו' ג)
- Why was a bridge built for guiding the *se'ir ha'mishtaleach*? (ו' ד)
- Who would escort the *se'ir ha'mishtaleach* to the first station? (ו' ד)
- What was the distance from *Yerushalaim* to the cliff face? (ו' ד)
- What would the people at each station do when the *se'ir ha'mishtaleach* and the guide reached them? (ו' ה)
- Explain what the guide would do when he reached the cliff face. (ו' ו)
- Where would the guide go after he finished his job? (ו' ו)
- What parts of the bull and goat were offered on the *mizbeach*? (ו' ז)
- How would they know when the *se'ir ha'mishtaleach* had reached the desert (include all three opinions) and why was this important? (ו' ח)

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
25 <sup>th</sup> December כ"ט כסלו	26 <sup>th</sup> December ל' כסלו	27 <sup>th</sup> December א' טבת	28 <sup>th</sup> December ב' טבת	30 <sup>th</sup> December ג' טבת	31 <sup>st</sup> December ד' טבת	1 <sup>st</sup> January ה' טבת
Yoma 7:1-2	Yoma 7:3-4	Yoma 7:5-8:1	Yoma 8:2-3	Yoma 8:4-5	Yoma 8:6-7	Yoma 8:8-9

