The Gemara elaborates: Had he submitted to her to lie with her in this world, it would have been decreed in Heaven that he would be with her in the World-to-Come. Therefore, he refused. Consequently, Hillel obligates the poor to study Torah. Rabbi Elazar ben Harsum obligates the wealthy, and Joseph obligates the wicked. For each category of people, there is a role model who overcame his preoccupations and temptations to study Torah.

And this is what he would say in his confession: Please, God, I have sinned, I have done wrong, and I have rebelled before You, I and my family. Please, God, grant atonement, please, for the sins, and for the wrongs, and for the rebellions that I have sinned, and done wrong, and rebelled before You, I and my family, as it is written in the Torah of Moses your servant: “For on this day atonement shall be made for you to cleanse you of all your sins; you shall be clean before the Lord” (Leviticus 16:30). And the priests and the people who were in the courtyard respond after he recites the name of God: Blessed be the name of His glorious kingdom forever and all time.
The head of the bull was facing to the south and its face was facing to the west — מזמנת על יפה. The image depicts the High Priest preparing to place his hands on the bull. The head of the bull is toward the south while its face is turned toward the west.

The Gemara suggests: Let us say that the mishna is in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, and not in accordance with the opinion of Rabbi Yehuda HaNasi. The Gemara rejects this: Even if you say that the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, now, does Rabbi Yehuda HaNasi add only to the statement of Rabbi Yosei, son of Rabbi Yehuda, but does not add to the statement of Rabbi Elazar, son of Rabbi Shimon? After all, the area deemed north according to Rabbi Elazar, son of Rabbi Shimon, is included in the area deemed north by Rabbi Yehuda HaNasi. Therefore, the mishna could be in accordance with the opinion of Rabbi Yehuda HaNasi as well.

The Gemara reformulates its suggestion: This is what we are saying: If the mishna were in accordance with the opinion of Rabbi Yehuda HaNasi, who holds that the entire courtyard is considered north, let us stand the bull anywhere in the entire courtyard and not necessarily between the Entrance Hall and the altar. The Gemara rejects this: Rather, what do you suggest? The mishna is only in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon? According to his opinion one could suggest: And let us stand the bull between the altar and the wall, as everyone agrees that this area is considered north.

Rather, what have you to say to explain why the bull is positioned specifically between the Entrance Hall and the altar? It is due to the weakness of the High Priest, so that he need not exert himself and walk long distances on Yom Kippur. According to Rabbi Yehuda HaNasi as well, it is due to the weakness of the High Priest that the bull is positioned specifically there, although it is permitted to position the bull anywhere in the courtyard.

The Sages taught: How does the priest place his hands on the offering? In the offerings of the most sacred order, the animal stands in the north of the courtyard and its face is to the west, and the one who is placing his hands stands to the east of the offering and his face is to the west, and he places his hands between the two horns of the offering, provided that nothing interferes between his hands and the offering. And he confesses his sins. If the confession is over a sin-offering, he confesses the transgression for which he is bringing the sin-offering, i.e., unwinding violation of a prohibition punishable by karet. And over a guilt-offering he confesses the transgression for which he is bringing the guilt-offering, e.g., theft or misuse of consecrated property. And over a burnt-offering, with regard to which the Torah does not specify for which transgressions it is brought, he confesses the sin of not leaving gleanings, forgotten sheaves, and produce of the corners [pē'ah], as well as not separating poor man’s tithe. This is the statement of Rabbi Yosei HaGelili.
Rabbi Akiva says: A burnt-offering is brought only over the failure to fulfill a positive mitzva and over violation of a prohibition that after violation is transformed into a positive mitzva. This refers to all prohibitions followed by positive mitzvoth intended to rectify them; e.g., the prohibition against robbery is followed in the Torah by a positive mitzva for the robber to return the object that he stole. These transgressions are not punishable by lashes nor does a human court administer any other form of penalty. However, a burnt-offering is required in order to gain divine atonement for the sinner.

The Gemara asks: With regard to what principle do they disagree? Rabbi Yirmeya said:

It is with regard to the prohibition against eating an unslaughtered animal carcass, and similar prohibitions, that they disagree. The Torah says: “You shall not eat any unslaughtered animal carcass; give it to the stranger in your community to eat” (Deuteronomy 14:23). The dispute is whether this is a prohibition that after violation is transformed into a positive mitzva or whether it is a standard prohibition punishable by lashes.

Rabbi Akiva holds: It is a full-fledged prohibition, violators of which are fledged, as is the case with regard to violators of standard Torah prohibitions. In his opinion, this is not a case of a prohibition that after violation is transformed into a positive mitzva, as the positive mitzva: “Give it to the stranger in your community to eat,” in no way rectifies the prohibition that was violated. If the carcass was eaten, obviously it cannot then be given to the stranger. Apparently, the verse means that due to the prohibition against eating it, one should give it to the stranger. And Rabbi Yosei HaGelili holds: It is not a full-fledged prohibition; rather, it is a prohibition that after violation is transformed into a positive mitzva. Because the positive command appears after the prohibition, it is tantamount to a prohibition that can be rectified.

Abaye says that everyone agrees that the prohibition of eating an unslaughtered animal carcass is a full-fledged prohibition, and it is not a prohibition that after violation is transformed into a positive mitzva, and here, it is with regard to the positive mitzva written after the prohibitions with regard to gleanings, forgotten sheaves, and pe’ah that they disagree. The verse states: “And when you reap the harvest of your land, you shall not wholly reap the corner of your field, neither shall you gather the gleanings of your harvest. And you shall not glean your vineyard, neither shall you gather the fallen fruit of your vineyard; you shall leave them for the poor and for the stranger, I am the Lord your God” (Leviticus 19:9-10). After listing the prohibitions: You shall not wholly reap, you shall not glean, and you shall not gather, the Torah commands: You shall leave them.

Rabbi Akiva holds that the positive mitzva: You shall leave, indicates that one leaves gleanings, forgotten sheaves, and pe’ah in the field from the outset, and is not in effect after he violates the prohibition of: You shall not wholly reap. If one fails to fulfill that mitzva, he violates full-fledged prohibitions punishable by lashes. However, Rabbi Yosei HaGelili holds that the positive mitzva: You shall leave, indicates now, after one violated the prohibition. Even if the individual violated the prohibitions and harvested those crops, there is an obligation to rectify his actions by leaving the produce he harvested for the poor. This is not a full-fledged prohibition; rather, it is a prohibition that after violation is transformed into a positive mitzva that rectifies the transgression.
The formula of the confession – אִם נְעַלֶּמָּה בִּפְנֵי אֵלָּךָי

This is how the High Priest confesses: Please, God, I have sinned, I have done wrong, and I have rebelled before you, in accordance with the opinion of the Rabbis (Rambam Sefer Avoda, Hilhokh Avodat Yom Haatzpurim 2:6 and 4:1).

And it is said: Then Livna rebelled against its king (I Kings 3:7). And it is said: “And likewise, with regard to David it says: ‘Forgiving wrongdoing and rebellion and sin’” (Exodus 34:7). This is the statement of Rabbi Meir. And the Rabbis say that the meaning of these terms is: Wrongdoings are intentional transgressions, and likewise it says: “That soul shall be cut off, it bears its guilt” (Numbers 15:31). This refers to sins committed intentionally.

Rebellions are rebellious transgressions, when one not only intends to violate a prohibition but does so as an act of defiance against God. And likewise, it says: “The king of Moab rebelled [pasha] against me” (I Kings 3:7). And it is said: “Then Livna rebelled at that time” (I Kings 8:21). With regard to the phrase: All of their sins, these are unwitting sins. And it says: “If a soul should sin unwittingly” (Leviticus 4:2). In light of these definitions the sequence suggested by Rabbi Meir is unlikely, as once he confessed the wrongdoings and rebellions, does he then confess the unwitting sins?


NOTES

And it is said: Then Livna rebelled [pasha] at that time – אִם נְעַלֶּמָּה בִּפְנֵי אֵלָּךָי (Rambam). The Gemara’s use of the introductory phrase: And it is said, indicates that this is an addition to the previous citation. The previous verse cited: The king of Moab pasha against me, does not necessarily signify rebellion, as the king of Moab was not a subject of the king of Israel. Therefore, the Gemara cites the verse with regard to Livna, a city in Judea, in which the term pasha certainly refers to a rebellion against its king (Gevurat Ahri).

However, what is the rationale for the sequence of that which Moses said – אִם נְעַלֶּמָּה בִּפְנֵי אֵלָּךָי (Gemara)? The Gemara does not explain the meaning of the verse written with regard to the scapegoat: “All their rebellions and all their sins” (Leviticus 16:21). It could be explained that the Rabbis understand that the High Priest confesses the wrongdoings and rebellions after he has already confessed the sins (Meirin).

Intentional sins like unwitting ones – אִם נְעַלֶּמָּה בִּפְנֵי אֵלָּךָי: If it is not possible to pardon the intentional acts without punishment, at least let them be treated as unwitting sins (Rav Yalkov Emden).

It is obvious that in a dispute between an individual and the many, the halakha is in accordance with the opinion of the Rabbis (Rambam). Many commentaries (among them the Sosa Vitokol) wonder whether this is indeed obvious. There is another principle: The halakha is in accordance with an unattributed mishna, and here there is an unattributed mishna in accordance with the opinion of Rabbi Meir. Some suggest that the halakha is not ruled in accordance with an unattributed mishna when the many disagree with the opinion stated there. Others explain that the principle that the halakha is ruled in accordance with an unattributed mishna is the opinion of Rabbi Yohanan. Rav disagrees (see Yad Mahari, Masiak LeBatini, and Mikhah LeBatiniya).

There was a certain person who descended – אִם נְעַלֶּמָּה בִּפְנֵי אֵלָּךָי (Gemara). The Gemara cites this episode to emphasize why Rav was forced to issue a definitive ruling; people continued to recite the confession incorrectly even several generations later (geonim).

§ The Sages taught in a halakha midrash that it is written: “And Aaron is to offer his own bull as a sin-offering and atone for himself and for his household” (Leviticus 6:6). Apparently, the verse is speaking of atonement achieved through words of confession. Do you say it is atonement achieved through words, or perhaps it is only atonement achieved through sprinkling blood, as each mention of atonement associated with an offering involves the sprinkling of blood on the altar?

§ The Sages taught in the Tosafot: How does he confess? What is the formula of the confession? It is: I have done wrong, I have rebelled, and I have sinned. And likewise, with regard to the scapegoat, it says that the confession is in that order: “And he shall confess over it all the children of Israel’s wrongdoings and all their rebellions and all their sins” (Leviticus 16:21). And likewise, when God revealed Himself to Moses it says: “Forgiving wrongdoing and rebellion and sin” (Exodus 34:7). This is the statement of Rabbi Meir. And the Rabbis say that the meaning of these terms is: Wrongdoings are intentional transgressions, and likewise it says: “That soul shall be cut off, it bears its guilt” (Numbers 15:31). This refers to sins committed intentionally.
And atonement is stated there – Ḥamor הַלְּכַּה. According to variant readings of the Gemara the verbal analogy is to the case of the heifer whose neck is broken, where atonement is effected without the sprinkling of blood. Another possible analogy is the atonement sought by Moses on Mount Sinai, which was clearly through prayer rather than through sacrifice of an offering (Rabbi Elyakim, Piskei Rit; Sefer Yere’im).

HALAKHA

The priests say atone – בְּכִפָּרָה. After the neck of the heifer is broken, the Elders wash their hands and the priests recite in Hebrew as per the mishna (Sota 4a): Atoning for your nation, Israel etc. (Kesef Mesorah, Rambam Sefer Nezikim, Hilkhos Rotze’ah UShmiam Halkeven 9:3).

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And from where is it derived that the confession must begin with the word please – אֶלָּא? Suplication on Yom Kippur seems extraneous, as it is a day dedicated to forgiveness and atonement. Therefore, the Gemara seeks a source for using a term of suplication even on Yom Kippur (Sah Yitzhak).

And from where is it derived that the confession must begin with the word please? It is stated here: Atonement, and it is stated there, just before Moses’s plea following the sin of the Golden Calf at Horeb: “Perhaps I may secure atonement for your sin” (Exodus 32:30). Just as there, the prayer includes: “Please, this people is guilty of a great sin” (Exodus 32:31), so too here, the term please should be used. And from where is it derived that the Yom Kippur confession includes the name of God? It is stated here: Atonement, and it is stated with regard to the heifer whose neck is broken: “Atoning, O God, for Your nation of Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel, and they will be atoned of bloodguilt” (Deuteronomy 21:8). Just as there, with regard to the heifer, the name of God is mentioned, so too here, the name of God is mentioned.

Abaye said: Granted, the obligation to include the name of God in the confession at Horeb cannot be derived from the heifer whose neck is broken, since what was, was. The sin of the Golden Calf predated the mitzva of the heifer. However, you should derive that the confession in the ritual of the heifer whose neck is broken requires use of the term: Please, from Horeb, where Moses employed that term. And if you say that is so, and the term: Please, should be employed, didn’t we learn in a mishna that the priests say: “Atoning, O God, for Your nation, Israel” (Deuteronomy 21:8), while the mishna does not state the term please. Apparently, the formula of confession during the ritual of the heifer is not derived from Horeb. The Gemara says: It is indeed difficult why that is not derived.

Perek III
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I will infer via a verbal analogy: Atonement is stated here, with regard to the bull of the sin-offering, and atonement is stated there, with regard to the scapegoat. “And the goat designated by the lottery for Azazel shall be left standing alive before God, to atone with it” (Leviticus 16:21). Just as the atonement that is stated with regard to the goat is atonement achieved through words, as neither is the goat slaughtered nor is its blood sprinkled on the altar, so too, the atonement stated with regard to the bull refers to atonement achieved through words.

And if it is your wish to state a claim rejecting that proof, there is a different proof. It says: “And Aaron shall then offer his bull of sin-offering and atone for himself and his household. And he shall slaughter his bull of sin-offering” (Leviticus 16:11). Here, the term atonement is used despite the fact that the bull has not yet been slaughtered. Apparently, the atonement of the bull is achieved through confession and not through sprinkling the blood.

The Gemara seeks to clarify the midrash: What is the meaning of: And if it is your wish to say, which indicates that there is room to undermine the first source? Why is a second source required? The Gemara answers: And if you say that instead of deriving the atonement of the bull from the atonement of the scapegoat, let us derive it from the goat that is offered within, whose atonement is achieved through sprinkling its blood in the innermost sanctum; therefore, it was taught in the baraita that it says: And atone, and the bull has not yet been slaughtered.

And from where is it derived that the confession must begin with the word please? It is stated here: Atonement, and it is stated there, just before Moses’s plea following the sin of the Golden Calf at Horeb: “Perhaps I may secure atonement for your sin” (Exodus 32:30). Just as there, the prayer includes: “Please, this people is guilty of a great sin” (Exodus 32:31), so too here, the term please should be used. And from where is it derived that the Yom Kippur confession includes the name of God? It is stated here: Atonement, and it is stated with regard to the heifer whose neck is broken: “Atoning, O God, for Your nation of Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel, and they will be atoned of bloodguilt” (Deuteronomy 21:8). Just as there, with regard to the heifer, the name of God is mentioned, so too here, the name of God is mentioned.

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