A new goat is brought to be the counterpart without drawing lots. The drawing of lots is not indispensable, a counterpart can be brought without it. Although everyone agrees that it is a mitzva to draw lots, in this case it is not necessary to do it again, since it was done already with the first pair of goats.

The Gemara considers the opinion presented in the baraita: Granted, according to that first version of the dispute, in which you said: In accordance with the opinion of Rabbi Yehuda, everyone, i.e., Rabbi Yannai and Rabbi Yohanan, agrees that the drawing of the lots is not indispensable, in accordance with whose opinion is this baraita taught? It is in accordance with the opinion of Rabbi Yehuda, according to all opinions.

But according to that second version of the dispute, in which you said that Rabbi Yannai and Rabbi Yohanan disagree whether the drawing of the lots is indispensable according to Rabbi Yehuda; but according to Rabbi Nehemya it certainly is indispensable, then granted, according to the one, i.e., Rabbi Yohanan, who said that the drawing of the lots is not indispensable, in accordance with whose opinion is this baraita taught? It is in accordance with the opinion of Rabbi Yehuda.

However, according to the one, i.e., Rabbi Yannai, who said that both according to Rabbi Yehuda and Rabbi Nehemya the drawing of the lots is indispensable, then in accordance with whose opinion could this baraita be taught? It would appear that, according to Rabbi Yannai, the baraita does not reflect anyone's opinion. Perforce, the baraita cannot be referring to drawing the lots, and one must emend and teach the baraita as saying that it is a mitzva to place the lots on the goats.

Come and hear another challenge to Rabbi Yannai's opinion, as presented in the second version of the dispute, which maintains that both Rabbi Yehuda and Rabbi Nehemya hold that drawing of the lots is indispensable. A baraita teaches: It is a mitzva for the High Priest to draw the lots and to confess upon the goat to be sent to Azazel. If he did not draw the lots or did not confess, the service is still valid. This baraita also appears to say that the drawing of the lots is not indispensable, in contradiction to Rabbi Yannai's opinion. And if you say: So too, the baraita should be emended to say it is a mitzva to place the lots on the goats, this is problematic. How will you then say, i.e., explain, the latter clause of that baraita, which teaches: Rabbi Shimon says: If he does not draw the lots, it is valid. If he does not confess, it is invalid?

The Gemara clarifies the challenge from the latter clause: In this baraita, what is the meaning of: He did not draw the lots? If we say it means he did not place the lots on the goats, then by inference Rabbi Shimon holds that while the placing is not indispensable, the drawing of the lots is indispensable. But this is incorrect, since wasn’t it taught in a baraita: If, following the designation of the goats, one of them died, a new goat is brought to be the counterpart of the surviving goat and is designated without drawing lots? This is the statement of Rabbi Shimon.

It would therefore appear that the baraita should not be understood as referring to the mitzva to place the lots, but as referring to the drawing of the lots themselves. Therefore, the challenge to Rabbi Yannai's opinion remains.

The Gemara responds: Rabbi Yannai's opinion can still be defended by claiming that Rabbi Shimon did not know precisely what the Sages were saying, i.e., whether they were referring to the drawing or the placing of the lots. Therefore, in his response to them, this is what he is saying: If when you say: Drawing of the lots, you are saying that the actual drawing of the lots is not indispensable, as I also hold, then I disagree with you only with regard to one halakha, namely with regard to the indispensability of the confession. But if, when you say: Drawing of the lots, you are saying only that the placing of the lots is not indispensable, but you assume that the drawing of the lots is indispensable, then I disagree with you with regard to two halakhot, i.e., with regard to the indispensability of both the drawing of the lots and of the confession.
Come and hear another challenge to Rabbi Yannai's opinion that all agree that the drawing of the lots is indispensable, from a baraita: Various services are performed with the bull and the goat and their blood. These services must be performed in a specific sequence, often alternating between the bull and the goat. If one service is neglected and a later service is advanced to be before it, the haftarah is as follows: Failure to perform a service of the bull that was to precede a service of the goat disqualifies the service of the goat, if it was performed without that service of the bull preceding it.⁶

However, failure to perform a service of the goat that was to precede a service of the bull does not disqualify the service of the bull; rather, it is valid after the fact. This last rule applies to the applications of blood performed inside the Holy of Holies.

The Gemara explains the challenge from the baraita: Granted, failure to perform the service of the bull disqualifies the service of the goat that is advanced ahead of it. This can be understood to mean that if he advanced the service of the goat ahead of the service of the bull, it is considered as though he has not performed anything at all. Once the service of the bull has been performed, the service of the goat must be repeated. However, the rule in the baraita that failure to perform a service of the goat does not disqualify the service of the bull that was advanced ahead of it. To what case is it referring?

If we say that the baraita means that if one advanced the applications of the blood of the bull in the Sanctuary made toward the curtain ahead of the applications of the blood of the goat inside the Holy of Holies, then the baraita should not rule that it is valid. The term "statute" (Leviticus 16:39) is written concerning the applications of the blood of the goat inside the Holy of Holies, which implies that its performance is indispensable to any subsequent services.

Rather, is it not that the baraita must be referring to a case in which one advanced the applications of the blood of the bull inside the Holy of Holies ahead of the drawing of the lots? If so, from the fact that the sequencing of drawing the lots is not indispensable, one may infer that the drawing of the lots itself is also not indispensable.⁹ This would then refute Rabbi Yannai's opinion.

The Gemara questions whether this is the only possible interpretation of the baraita: No, the baraita could be referring to a case in which one advanced the applications of the blood of the bull upon the altar ahead of the applications of the blood of the goat in the Sanctuary made toward the curtain. And as such, ruling in the baraita that this is valid after the fact is in accordance with the opinion of Rabbi Yehuda, who said: Matters that are performed in the white garments outside of the Holy of Holies are not indispensable. Therefore, the applications of the bull's blood upon the altar cannot disqualify a different service.

The Gemara rejects this as a possible interpretation of the baraita: But didn't the conclusion of the baraita teach that the rule applies to the applications of blood performed inside the Holy of Holies? If so, the baraita cannot be referring to application of blood made upon the altar.

Rather, the baraita must understood in the way suggested by the Gemara previously, which implies that the drawing of the lots is not indispensable. However, this is not necessarily a refutation of the opinion of Rabbi Yannai. One could say: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Shimon, who said: The drawing of the lots is not indispensable. Rabbi Yehuda and Rabbi Nehemya agreed that it is indispensable.

And if you wish, say: Actually, the baraita is in accordance with the opinion of Rabbi Yehuda. Nevertheless, Rabbi Yannai's opinion may still be defended: Granted, the baraita teaches that the sequencing of the drawing of the lots is not indispensable,⁹ however it may still be true that the drawing itself is nevertheless indispensable. This contradicts what was suggested previously, that one may infer from the indispensability of the sequencing to the indispensability of the drawing itself.

And Rabbi Yehuda and Rabbi Shimon follow their lines of reasoning,⁹ as it was taught in a baraita:

NOTES

⁶ From the fact that the sequencing of drawing the lots is not indispensable – את ○ האו לא אומרים אることは ○ clientele הפכה ○ חזק ההפסד ○ לתכונה ○ עליך ○ ותורגם ○ את ○ נְהִי

⁹ The logic of this inference is as follows. The term "statute" does not appear in reference to the drawing of lots. As such, the only reason to assume it is indispensable is if one views it as a preparatory step to the applications of blood that follow. If one does, then it must be performed before the applications, and thus its correct sequencing is also indispensable. If it is proved that the sequencing is not indispensable, it is clearly not to be considered as a preparatory step to the applications of blood that follow. If so, there is no reason to assume that even the drawing of lots is indispensable (Tosafot Yeshanim).

⁹ Rabbi Yehuda and Rabbi Shimon follow their lines of reasoning – וְהַדְבָּכָא לָא: Although the term "statute" (Leviticus 16:39) does not appear in reference to the drawing of lots, the phrase "which came up" (Leviticus 16:6) is repeated. The repetition of the latter phrase indicates that the drawing of lots itself is indispensable, while the lack of the term "statute" suggests that the details surrounding the drawing of lots, specifically its sequencing, are not indispensable (Tosafot Yeshanim; Ritva).
The dispute between Rabbi Yehuda and Rabbi Shimon – statements that will appear surprising to the people and standing of the term “to make atonement.” However, if so, it is not clear how that serves to eliminate the previous dispute. Rather, the point of the baraita here is that they interpret the verse in accordance with their already firm opinion as to whether the confession is indispensable or not (Riva).

The verse speaks of atonement through speech – לְיָמִין: The verse states: “But the goat on which the lot came up for Azazel shall be stood alive before the Lord, to make atonement over him, to send him away for Azazel into the wilderness” (Leviticus 16:10). The verse indicates that the goat must remain alive until a certain time. Were it to die beforehand, it would have to be replaced. Until when is the goat for Azazel required to stand alive? Until the time of the application of the blood of its counterpart, i.e., the goat for God; this is the statement of Rabbi Yehuda. Rabbi Shimon says: It must remain alive until the time of the verbal confession over it.

With regard to what do they disagree? As it was taught in a baraita: The verse states that the goat should remain alive “to make atonement” (Leviticus 16:10). This indicates that it must remain alive until it effects atonement. Rabbi Yehuda and Rabbi Shimon dispute which atonement the verse is referring to. The verse speaks of atonement through the application of the blood of the sin-offering goat. And similarly it states: “When he has made an end of atoning for the Sanctuary, and the Tent of Meeting, and the altar, he shall present the live goat” (Leviticus 16:20). Just as there the reference is to atonement through blood, so too here the verse is referring to atonement through blood. This is the statement of Rabbi Yehuda.

Rabbi Shimon says: “To make atonement over it”; the verse speaks of atonement through speech, i.e., the verbal confession that is recited over it.

The Gemara infers: The only reason Rabbi Akiva provided to disallow it was so as not to give Sadducees an opportunity to dominate, which implies that if not for this reason, it would be permitted to transfer the lot to the right hand. How could this be true? Didn’t you say that the drawing of the lots is indispensable? And, consequently, once the designation of the goat has been defined by the drawing of the left hand, how then could we transfer the lot to the right hand? Perforce, the designation is not created by the actual drawing, and as such it is not indispensable.

The Gemara explains the baraita can be understood in a way in which it does not provide a proof: Rava said: This is what Rabbi Akiva’s students are saying: If the lot was drawn by his left hand, what is the halakha with regard to whether he may transfer it, the lot, and its associated goat to his right hand. He said to them: Do not give the Sadducees an opportunity to dominate. Accordingly, there was never any suggestion of changing the designation of the goats. Therefore, no proof can be brought concerning the indispensability of the drawing of the lots.

Sadducees – סודאיאים: The use of the term Sadducee is from a censor’s revision of the Gemara. The original manuscripts have the term nhìnים, heretics. At the end of the Second Temple period and subsequent to it, different groups of Jews strayed from the path of the Sages to varying degrees. The first Christians were among these sects (see Rashii), which were by and large populated by Gnostics of various types. Although these groups differed from one another, they all deviated from the accepted halakha. They also leveled accusations against the Sages, often claiming that the Sages themselves did not observe the halakha as absolute, rather that they interpreted the halakha as they saw fit.
Come and hear a proof that the drawing of lots is indispensable. A baraita teaches (Sifra, Aharei Mot 2:4): If the verse had stated only: “The goat upon which the lot” (Leviticus 16:9), I would have said the intention is that he must physically place the lot upon it. Therefore, the verse also states: “On which it came up” (Leviticus 16:9), indicating that once the lot has come up from the receptacle, it is not necessary to do more, i.e., the lot does not have to be physically placed upon the goat.

The Gemara clarifies: To what does the baraita refer when it says it is not necessary to actually place the lot upon the goat? If we say it means that it is no longer necessary to do so even as a mitzva, then, by inference, one must conclude that the placement of the lot upon the goat is not even a mitzva. This is problematic. Since it is clearly part of the Yom Kippur service, it must at least be a mitzva. Rather, it is not that when the baraita teaches that the placing of the lot is not necessary, it means only that the placing of the lot is not indispensable? And conclude from it that the drawing of lots is indispensable, but the placement of the lot upon the goat is not indispensable.

Rava rejects the proof: Rava said: This cannot serve as a proof, since this is what the baraita is saying: If the verse had stated only: “The goat upon which the lot,” I would have said that the intention is that he should physically place the lot upon the goat, and the lot should remain upon it until the time of its slaughter. Therefore, the verse also states: “On which it came up,” indicating that once the lot has come up from the receptacle and been placed upon the goat for even one moment, it is not necessary to do more, i.e., the lot does not have to remain on the goat anymore. Understood in this way, it cannot be determined from this baraita whether or not the placement is indispensable.

Come and hear a proof that Rabbi Yehuda holds that the drawing of the lots is indispensable. A baraita in the Sifra teaches: The verse states: “Aaron shall bring forward the goat upon which the lot came up for the Lord, and he shall offer it for a sin-offering” (Leviticus 16:9). The verse indicates that the lottery makes it a sin-offering, but verbally designating the goat with the status of a sin-offering does not make it a sin-offering.

The baraita continues: A verse is needed to teach this halakha, as I might have thought to come to the opposite conclusion. Is there not an a fortiori inference as follows: Just as in a case in which the use of a lottery does not consecrate the animals with a specific designation, e.g., a woman who has given birth and must bring two birds, one as a sin-offering and one as a burnt-offering, nevertheless a verbal designation of the animals with the required status does consecrate them, so too, in a case in which the use of a lottery does consecrate the animals, is it not logically right that verbally designating the animals with the required status should consecrate them?

In contradiction of this reasoning, the verse states, with regard to the goat: “He shall offer it for a sin-offering” to indicate that the lottery makes it a sin-offering; verbally designating the goat with the status of a sin-offering does not make it a sin-offering.

In a case in which the use of a lottery does not consecrate – The Gemara could have raised the opposite argument, i.e., that if the lottery is effective in the case of the goats where verbal designation is ineffective, then logically the lottery should also be effective in a case where mere verbal designation is effective. This argument would also countered by the verse cited. Since the Gemara was aware of the implication of the verse, it was sufficient to raise one logical argument for which the verse is necessary in order to counter it, and it was not necessary for the Gemara to consider all other possible logical arguments that would also be rejected by the verse (see Tosafot Yeshanim).