

## *Hilchos Avodas Yom HaKippurim: A Study in Organization*

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In his *Mishneh Torah*, Rambam organizes all of *Torah Shebe'al Peh* in such a way that the principles behind the laws emerge and can be comprehended with careful study. Thus the key to understanding the depth behind a particular law, is understanding why that law is placed exactly where it is. As Rambam explains in his introduction, he constructed fourteen books that deal with general topics; divided them into sections which deal with an individual mitzvah or set of mitzvos that form a complete topic, then divided these *sidrei halachos* into chapters. In most cases, the logic behind the general organization is obvious, though it may take much study to understand all the details of the organization and hence the depth of the principles involved. In other cases, some analysis is required to see why a chapter was constructed as it was. And on occasion it is a challenge to understand what the reasoning behind the organization is. The more difficult it is to discern Rambam's organization, the more rewarding is the insight gained from the effort.<sup>1</sup>

*Mishneh Torah*, as all of Torah, must be learned as a whole. Insights gained in one *sefer* shed light on other *sefarim* and for questions raised in learning one *sefer halachos*, one will find answers in others. One must also study the *parshiyos* in the Torah upon which the halachos behind the *sefer* being studied are based, as *Torah Shebe'al Peh* is the explanation and expansion of *Torah She'biksav*, and the principles of the law emerge from there. As one searches for the principles behind halachos there is much to be learned about Rambam's thinking from studying *Moreh HaNevuchim*, especially the chapters where he explains the reasons behind the mitzvos. Still, in the *Moreh*, the explanations are general and the deeper understanding is gained by studying the details of the law and their organization. *Moreh HaNevuchim* is an aid to the study of *Mishneh Torah*, but *Mishneh Torah* itself brings out the depth of the law and elucidates the meaning of concepts in *Moreh HaNevuchim*.

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<sup>1</sup> לפום צערא אגרא.

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### הלכות עבודת יום הכיפורים

*Hilchos Avodas Yom HaKippurim* presents somewhat of a challenge to a student of Rambam. It is only five chapters long and deals with only one mitzvah. Rambam's heading reads:

מצות עשה אחת--והיא שיעשה מעשה יום הכיפורים כולו על הסדר כמו שכתוב בפרשת אחרי מות, הקרבנות והוודיין ושילוח השעיר ושאר העבודה. וביאור מצוה זו בפרקים אלו.

It contains one positive commandment. It is to perform the service of the Day of Atonement according to the order described in *Acharei Mos* in regard to the sacrifices, confessions, sending away of the Scapegoat and the remainder of the service.

The first chapter begins by listing the fifteen sacrifices that the Kohen Gadol brings on this day and then proceeds to explain the preparation that he does on the days leading up to Yom Kippur. The last chapter discusses the consequences when an error had been made in the *avodah*—as to whether that *avodah* has to be repeated, and if so from how far back the Kohen Gadol must retrace his steps. The fourth chapter lists all the *avodah* of the day in order—*sefer haavodah*.

The problem arises in ascertaining what Rambam's agenda was in chapters two and three. In these chapters he describes parts of the *avodah*, only to repeat them again in the fourth chapter. He apparently wishes to describe them in greater detail with some tangential and supplementary material included, so that when he lists the *avodah* in chapter four he can do so without interrupting the flow. Still, he is not consistent with this, as some laws are detailed only in the fourth chapter—primarily the *avodah* of the *ketores*. Moreover, we need to understand what he chose to discuss in chapter two and what was left for chapter three. It might seem that he does the earlier part of the *avodah* in chapter two and the latter part in chapter three, but this is not strictly true. He actually gives an overview of the entire *avodah* in chapter two, when he lists the five *tevilos* and ten *kiddushim* that the Kohen Gadol does together with the *avodos* that follow each. In particular it is difficult to understand why Rambam does this, as in listing the entire *sefer* in chapter four, this is fully covered. I ask the reader to read the three chapters (preferably all five) and I believe he will appreciate what I had for many years found baffling. Why is the master of organization and brevity, seemingly repetitive, inefficient and disorganized?

## טרה

I believe that with a closer look we can see what Rambam has done. Chapter 2 begins as follows:

א כל מעשה התמידין והמוספין של יום זה--עושה אותן כוהן גדול, והוא לבוש בבגדי זהב; ועבודות המיוחדות ליום זה, בבגדי לבן. ועבודה המיוחדת ליום זה--הוא מעשה הפר של כוהן גדול, ושני השעירים שאחד מהן שער המשתלה, והקטרת הקטורת בקודש הקודשים: כל אלו, בבגדי לבן הם נעשים.

ב כל עת שישנה הבגדים, ויפשוט בגדים וילבוש בגדים אחרים--טעון טבילה, שנאמר "ופשט את בגדי הבד . . . ורחץ את בשרו במים במקום קדוש, ולבש את בגדיו" (ויקרא טז, כג-כד) וחמש טבילות ועשרה קידושין, טובל כוהן גדול ומקדש בו ביום.

ג כיצד: בתחילה פושט בגדי חול שעליו, וטובל; ועולה, ומסתפג, ולובש בגדי זהב, ומקדש ידיו ורגליו. ושוחט את התמיד, ומקטיר קטורת של שחר של כל יום, ומטיב הנרות; ומקטיר אברי התמיד עם החביתין והנסכים, ומקריב הפר ושבעה כבשים של מוסף היום.

1. All of the procedures involving the offering of the continuous offerings and the additional offerings of this day are performed by the High Priest while he is wearing his golden garments. The unique services of this day, by contrast, are performed while he is wearing his white garments. The unique services of the day are: the offering of the bull brought by the High Priest, the offering of the two goats including the one sent to Azazel, and the offering of the incense in the Holy of Holies. All of these services are performed while wearing white garments.
2. Whenever the High Priest must change his clothes, removing one set of garments and putting on the others, he must immerse himself in a *mikveh*, as Leviticus (16:23–24) states: "And he shall remove the linen garments... and wash his flesh with water in a holy place and put on his garments." The High Priest would immerse himself five times and sanctify his hands and feet ten times on that day.
3. What is implied? At the outset, he would remove the ordinary garments he was wearing and immerse himself. He would ascend, dry himself, put on his golden garments and, sanctify his hands and feet. He would slaughter the continuous offering, offer the daily morning incense, and kindle the lamps of the Menorah. He would then offer the limbs of the continuous offering on the pyre of the Altar together with the *chanitin* offering and the wine libations. Then he would offer the bull and the seven sheep of the additional offering of the day.

The first seven<sup>2</sup> halachos go on to detail all the *avodos*, but in the context of the *tevilos*. The next two halachos explain how the *tevilos* and *kiddushin* were unique on this day. The water of the *mikveh* could be heated for the comfort of an elderly Kohen Gadol and the *kiddushin* would be done from a golden urn for the Kohen's honor. Two and a half halachos deal with other unrelated aspects—and I shall return to them later—and then Rambam proceeds to describe the three *Viduyim* of the day—dwelling on the reciting of the *Shem HaMeforash* and concluding.

**טו** [ז] כל הכוהנים והעם העומדין בעזרה, כשהן שומעין את השם המפורש יוצא מפי כוהן גדול בקדושה ובטהרה, כורעין ומשתחוין, ונופלין על פניהם ואומרין ברוך שם כבוד מלכותו לעולם ועד--שנאמר "כי שם ה', אקרא: הבו גודל, לאלוהינו" (דברים לב,ג)  
**טז** ובשלושת הוודיין, היה מתכוון לגמור את השם כנגד המברכין, ואומר להן, תטהרו

15. When all the priests and the people standing in the Temple Courtyard would hear G-d's explicit name recited by the High Priest in holiness and purity, they would bow, prostrate themselves, and fall on their faces, saying: "Blessed be the name of His glorious kingdom forever and ever." The rationale is that Deuteronomy 32:3 states: "When I call out the name of G-d, ascribe greatness to our Lord."

16. During the three confessions, he would intend to complete the recitation of G-d's name while the people were blessing, and then he would say: "You shall be purified."

In the experience of hearing the *Shem HaMeforash Kichsavo*<sup>3</sup> a feeling of purity engulfs those in the *azarah* and in fact the entire nation of Israel. Rabbi Akiva expresses the concept clearly in the last Mishnah in *Yuma*.

אמר רבי עקיבא: אשריכם ישראל, לפני מי אתם מטהרין, ומי מטהר אתכם? אביכם שבשמים, שנאמר (יחזקאל לו) וזרקתי עליכם מים טהורים וטהרתם. ואומר (ירמיה יז) מקוה ישראל יי; מה מקוה מטהר את הטמאים, אף הקדוש ברוך הוא מטהר את ישראל. (משנה סוף יומא)

Rabbi Akiva said: Fortunate are you, Israel, before whom do you purify yourself, and who purifies you? Your Father in heaven, as it says, "And I will sprinkle about you pure water and you will be pu-

<sup>2</sup> In the standard text, it is the first three halachos. See "A Halachah in Mishneh Torah," *Hakirah* 26.

<sup>3</sup> Pronounced as it is written.

rified. Also it says G-d is the *mikveh* of Israel. Just as the *mikveh* purifies those who are impure, the Holy One Blessed is He purifies you.

In this second chapter, Rambam details the concept of טהרה—a central concept of the mitzvah of *Avodas Yom HaKippurim*. The Kohen Gadol immerses himself in a constant process of טהרה throughout the day with five *tevilos* and ten *kiddushim*, and it is this aspect that Rambam emphasizes as he details the *avodos* that accompany them. These immersions are not merely preparations for the *avodah*, but they themselves are a part of the process and an end in themselves. Then the Kohen Gadol envelops himself and the congregation who have joined him in the *azarah*, proxies for the entire nation of Israel, into his process of טהרה with the *Vidui* and recital of the *Shem*.

As we noted above, two and a half halachos, placed between the טהרה of the *mikveh* and that of the *shem*, seemingly do not relate to טהרה.

ט [ה] בכל יום, כוהן גדול מקדש ידיו ורגליו מן הכיור כשאר הכוהנים; והיום, מקדש מקיתון של זהב—משום כבודו. בכל יום, הכוהנים עולים במזרחו של כבש ויורדין במערבו; והיום, עולים באמצע ויורדין באמצע לפני כוהן גדול—כדי להדרו.  
י בכל יום, מי שזכה במחתה, חותה במחתה של כסף, ומערה האש למחתה של זהב; והיום, חותה כוהן גדול במחתה של זהב, ובה נכנס להיכל—שלא לייגעו בתוספת עבודה. וכן מחתה של כל יום, מחזקת ארבעת קבין; ושל יום, שלושת קבין. ובכל יום, הייתה כבדה; והיום, קלה. ובכל יום, ידה צרה; והיום, ארוכה—כדי להקל על כוהן גדול, שלא ייגע.  
יא בכל יום, היו על המזבח שלוש מערכות של אש; והיום, היו שם ארבע—מוסיפין מערכה, כדי להדר המזבח ולעטרו.

Though these halachos do not deal directly with טהרה, still, they relate to *bidur* of Kohen Gadol, to easing the difficulty of the *avodah*, and to adding to the *bidur* of the *mizbei'ach*. They are elements in creating the proper atmosphere and state of mind primarily in the Kohen Gadol, but also within the rest of those inside the *azarah*, as he performs his *avodah*. Rambam's focus is on the mood of טהרה that is to pervade the *azarah* and these halachos are related to that purpose. First we are told that a golden basin was used for the *kiddushin* to enhance this mood of טהרה and that leads to explaining that in every aspect possible this mood was enhanced. Rambam notes in the *Moreh* (3:47) that the word טהרה is also used for cleanliness as halachic טהרה and physical *taharah* are connected in the psyche of the human being.

Strikingly, the only halachah in chapters 2–3 dealing with the *ketores* is this halachah of easing the burden of the Kohen Gadol.

## כפרה

Now let us look at the third chapter. It begins with the lottery on the two *se'irim* although the *Vidui* on the *se'ir l'azazel* has already been discussed in the previous chapter. We now proceed to the sprinkling of the blood in the innermost part of the *Mikdash* which is followed by and balanced by the process of the *se'ir l'azazel* done entirely outside of the *Mikdash*. This in turn is followed by the burning of the *par* and *se'ir* outside of the *Mikdash* and the reading of the Torah by the Kohen Gadol concluded by his blessing that was done at the same time as the burning of the animals. This is how the Torah speaks of these *hazayos*:

יד-ולקח מדם הפֶּר והִזָּה בְּאֶצְבָּעוֹ עַל־פְּנֵי הַכֹּפֶרֶת קִדְמָה וּלְפָנֵי הַכֹּפֶרֶת יִזָּה שִׁבְע־פְּעָמִים מִן־הַדָּם בְּאֶצְבָּעוֹ: טו-וְשָׂחַט אֶת־שַׁעֲרֵי הַחֹטָאֹת אֲשֶׁר לְעַם וְהִבִּיא אֶת־דָּמָו אֶל־מִבֵּית לַפְּרִכֶּת וַעֲשֶׂה אֶת־דָּמָו כְּאֲשֶׁר עָשָׂה לְדָם הַפֶּר והִזָּה אֹתוֹ עַל־הַכֹּפֶרֶת וּלְפָנֵי הַכֹּפֶרֶת: טז-וּכְפָר עַל־הַקֹּדֶשׁ מִטְּמֵאת בְּגֵי יִשְׂרָאֵל וּמִפְשָׁעֵיהֶם לְכָל־חַטָּאתָם וְכֵן יַעֲשֶׂה לְאֹהֶל מוֹעֵד הַשֶּׁכָּן אֹתָם בְּתוֹךְ טְמֵאתָם: יז- וְכָל־אֲדָמָם לֹא־יִהְיֶה | בְּאֹהֶל מוֹעֵד בְּבֹאֹ לְכַפֵּר בַּקֹּדֶשׁ עַד־צֵאתוֹ וְכַפֵּר בְּעֶדֹ וּבְעֵד בֵּיתוֹ וּבְעֵד כָּל־קִהְלֵי יִשְׂרָאֵל: יח- וַיֵּצֵא אֶל־הַמִּזְבֵּחַ אֲשֶׁר לְפָנֵי הַ וְכַפֵּר עָלָיו וְלָקַח מִדָּם הַפֶּר וּמִדָּם הַשַּׁעִיר וְנָתַן עַל־קַרְנוֹת הַמִּזְבֵּחַ סָבִיב: יט- וְהִזָּה עָלָיו מִן־הַדָּם בְּאֶצְבָּעוֹ שִׁבְע־פְּעָמִים וְטִהַרְוּ וּקְדָשׁוּ מִטְּמֵאת בְּגֵי יִשְׂרָאֵל: כ- וְכִלָּה מִכַּפֵּר אֶת־הַקֹּדֶשׁ וְאֶת־אֹהֶל מוֹעֵד וְאֶת־הַמִּזְבֵּחַ וְהַקְרִיב אֶת־הַשַּׁעִיר הַחִי: (ויקרא טז)

14. He shall take some of the blood of the bull and sprinkle it with his finger over the cover on the east side; and in front of the cover he shall sprinkle some of the blood with his finger seven times. 15. He shall then slaughter the people's goat of sin offering, bring its blood behind the curtain, and do with its blood as he has done with the blood of the bull: he shall sprinkle it over the cover and in front of the cover. 16. Thus he shall purge the Shrine of the uncleanness and transgression of the Israelites, whatever their sins; and he shall do the same for the Tent of Meeting, which abides with them in the midst of their uncleanness. 17. When he goes in to make expiation in the Shrine, nobody else shall be in the Tent of Meeting until he comes out. When he has made expiation for himself and his household, and for the whole congregation of Israel, 18. he shall go out to the Altar that is before the LORD and purge it: he shall take some of the blood of the bull and of the goat and apply it to each of the horns of the Altar; 19. and the rest of the blood he shall sprinkle on it with his finger seven times. Thus he shall cleanse it of the uncleanness of the Israelites and consecrate it. 20. When he has finished purging the Shrine, the Tent of Meeting, and the Altar, the live goat shall be brought forward.

The key term used by the *mikra* for the effect of this process is not טהרה but כפרה—the term that the Torah gives the day itself—יום הכפורים. The *avodah* itself is done largely before the end even the <sup>4</sup>כפרת recipient of the other *bazayos* is the פרכת, an inversion of the word כפרת. Chapter 3 is dedicated to the concept of כפרה.

It is true that the term כפרה is central to the *Viduyim* of chapter 3, as the Kohen Gadol recites כפר נא, nevertheless, this is not an act of כפרה, a מעשה כפרה, but rather a request, בקשת כפרה. This is how Rambam defines the mitzvah of *Vidui*:

**המצווה הע"ג - הוא הציווי שנצטוונו להודות בחטאים שחטאנו לפני יתעלה בדבור, כשנשוב מהם וזהו הודוי, שיאמר: "אנא השם! חטאתי, עויתי, פשעתי ועשיתי כך וכך." וירחיב את הדיבור ויבקש כפרה בעניין זה כפי צחות לשונו. דע, שאפילו החטאים שחייבים עליהם מיני הקורבנות האלה שנזכרו מקדם, שבהם אמר יתעלה, שמי שמקריבם נתכפר לו - צריך על כל פנים גם להתוודות בשעת הקרבנות.**

The 73rd mitzvah is that we are commanded to verbally acknowledge the sins we have committed before G-d (exalted be He), when we come to do *teshuvah* (to repent). This is *Vidui* (verbal confession), the idea of which is to say, "O G-d, I have sinned, I have committed iniquity, I have transgressed and done ..." One should elaborate verbally and ask for atonement on this transgression with all the eloquence at his command. You must understand that even for those sins which require one to bring certain sacrifices, as described above, (and regarding which G-d [exalted be He] has said that the one who offers them thereby receives atonement) one must recite *Vidui* at the time of the sacrifice.

The *Viduyim* on Yom Kippur follow this pattern of admitting the sin and asking for כפרה. Interestingly the famous three-step process<sup>5</sup> Rambam describes in *Hilchos Teshuvah* is missing from this definition. The actual fulfillment of כפרה is with the sacrificing of the *korbanos*. Halachically in general כפרת החטא is with sprinkling the blood on the *Mizbei'ach* זריקת הדם—and in this case with the הזיית הדם in the inner sanctum of the *Mikdash*.

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<sup>4</sup> Interestingly, the term כפרת rather than ארון is used. In fact, it would seem that the name for the covering of the Ark gets its name from its function on Yom Kippur.

<sup>5</sup> 1. Admitting the sin, 2. regret, 3. resolving to never return to this sin. We will discuss these steps later.

In *Avodas Yom HaKippurim*, כפרה is also dependent on the *se'ir l'azazel*, as the third and final *Vidui* is done on it, to be מכפר on all the sins of Israel.<sup>6</sup> Rav Chaim Brisker points out that the fact<sup>7</sup> the Kohen Gadol cannot leave the *azarah* until the *se'ir* reaches the desert is indicative of the fact that the Kohen Gadol is perceived as performing that process via agency as it is also a part of his *avodah*. By the same token we should perceive of the burning of the *par* and *se'ir* in the same way. After the *avodah* of כפרה is done in the innermost part of the *Mikdash*, another stage of *avodah* for כפרה is done completely outside of the *Mikdash*.

Thus, the Kohen Gadol is engaged in an ongoing process of טהרה from the first moment of his engagement in his *avodah* and this process is described in chapter two. And with the lottery he initiates an ongoing process of כפרה described in chapter three, that ends with reading the *parshiyos* in the Torah and the *berachos* highlighted by phrases referring to G-d's mercy, salvation and forgiveness:

סלח לנו אבינו, וחותם בה ברוך אתה ה' מוחל עוונות עמו ישראל ברחמים; ... אחר כך אומר תפילה ותחינה ורינה ובקשה, כפי מה שהוא רגיל. וחותם הושע ה' עמך ישראל, שעמך ישראל צריכין להושיע; ברוך אתה ה' שומע תפילה.

*Selach lanu Avinu ki chatanu*, he concludes the latter blessing: "Blessed are You, God, Who forgives the sins of His people Israel with mercy"... He then recites prayers, supplication, praises, and requests according to his proficiency and concludes, "G-d, deliver Your nation Israel, for Your nation Israel is in need of salvation. Blessed are You, G-d, Who heeds prayer."

### טהרת כפרה

But, what exactly is כפרה? The penultimate book in *Sefer Korbanos* is *Hilchos Mechusarei Kapparah*. It begins as follows:

א ארבעה הן הנקראין מחוסרי כפרה--הזבה, והיולדת, והזב, והמצורה. ולמה נקראו מחוסרי כפרה: שכל אחד מהן--אף על פי שטהר מטומאתו, וטבל, והעריב שמשו--עדיין הוא חסר, ולא גמרה טהרתו כדי לאכול בקודשים עד שיביא קרבנו; וקודם שיביא כפרתו, אסור הוא לאכול בקודשים.

<sup>6</sup> See *Hilchos Teshuvah* 1:2.

<sup>7</sup> כיון שהגיע שער למדבר, יצא כוהן גדול לעזרת הנשים לקרות בתורה. See *Chiddushei Maran R"i HaLevi on Yuma*, p. 32.

There are four individuals who are referred to as “requiring atonement”: a *zavah*, a woman after childbirth, a *zav*, and a person afflicted by *tzaraas*. Why are they referred to as “requiring atonement”? Because even after each one of them has become pure from the condition that caused his impurity, he has immersed in a *mikveh*, and the day of the immersion has passed, the person’s status is still lacking. His attainment of purity is not complete to the extent that he may partake of sacrificial foods until he brings the sacrifice required of him. Before he brings this sacrifice, he is forbidden to partake of sacrificial food.

The *כפרה* of *korban* is needed for these four types of *טומאה* to complete the *טהרה*. Without it, they are banned from eating *kodshim*. In *Hilchos Beis Mikdash* Rambam explains further, that they are likewise banned from performing *avodah* without *כפרה*:

ד:ד וכן טמא שטבל ועבד קודם שיעריב שמשו--עבודתו פסולה, וחייב מיתה בידי שמיים: ... אבל מחוסר כיפורים שעבד--אף על פי שעבודתו פסולה וחילל, הרי זה פטור. [ה] ומניין שעבודתו פסולה: שנאמר "וכיפר עליה הכהן, וטהרה" (ויקרא יב,ח), מכלל שעדיין לא נגמרה טהרתה; והוא הדין לכל מחוסרי כיפורים. (הלכות ביאת המקדש ד:ד)

4:4 Similarly, if one who was impure immersed in the *mikveh* and then performed service before nightfall of that day, his service is invalid and he is liable for death at the hand of heaven, ... A person whose atonement process was not completed who performs service [in the Temple] is exempt [from punishment] even though his service is invalid and it desecrates [the sacrifice]. What is the source that teaches that such service is impure? [With regard to a woman impure due to childbirth, Leviticus 12:8] states: “And the priest shall atone for her and she shall become pure.” Implied is that until now, she was not pure. The same applies to all others whose atonement process is not complete.

These four categories of people have an intense form of *טומאה* that requires them to be sent not only out of the *Mikdash* but even out of *Har HaBayis* and in the case of *metzora*, out of all of *Yerushalayim*.<sup>8</sup> There

<sup>8</sup> ג: ב לפיכך משלחין את המצורע חוץ לשלוש מחנות, שהוא חוץ לירושלים, מפני שהוא מטמא בביאה, מה שאין הזב מטמא. [ג] ומשלחין זבין וזבות נידות ויולדות חוץ לשתי מחנות, שהוא חוץ להר הבית, מפני שהן מטמאין המשכב והמושב אפילו מתחת האבן, מה שאין המת מטמא. ד טמא מת, אפילו המת עצמו--מותר להיכנס להר הבית: שנאמר "וייקח משה את עצמות יוסף, עימו" (שמות יג,ט), עימו במחנה לוייה... ו [ז] מעזרת ישראל ולפנים--אפילו מחוסר

are two stages to their טהרה—first *tevilah* after the external טומאה has passed and then *korbanos* that are brought to the *Mikdash*. Rambam qualifies, however, that the punishment of *kares* or *misab biydei Shamayim* for eating *kodsheim* and for performing *avodah*, have lapsed after the first stage of *tevilah*. Raavad (*ibid.*) argues, on the grounds that for these people there is no טהרה at all without *korban*, but according to Rambam there are two stages of purification. For this reason after *tevilah* the מחוסר כפרה can enter *Ezras Nashim*. This second stage of טהרה (i.e., כפרה) that the Kohen Gadol engages in requires him like every מחוסר כפרה to sprinkle blood.

### כפרת הטא

Clearly, the physical טהרה performed before כפרה also relates to spiritual טהרה from sin. Rambam alludes to the connection between the two concepts at the end of *Hilchos Taharos*:

טו [יב] דבר ברור וגלוי שהטומאות והטהרות גזירת הכתוב הן, ואינן מדברים שדעתו של אדם מכרעת אותן, והרי הן מכלל החוקים; וכן הטבילה מן הטומאות, מכלל החוקים היא: שאין הטומאה טיט או צואה שתעבור במים, אלא גזירת הכתוב היא, והדבר תלוי בכוונת הלב; ולפיכך אמרו חכמים טבל ולא הוחזק, כאילו לא טבל. ואף על פי כן, רמז יש בדבר: כשם שהמכוון ליבו לטהר--כיון שטבל--טהר, ואף על פי שלא נתחדש בגופו דבר; כך המכוון ליבו לטהר נפשו מטומאת הנפשיות, שהן מחשבות האוון ודעות הרעות--כיון שהסכים בליבו לפרוש מאותן העצות, והביא נפשו במי הדעות--טהר. הרי הוא אומר<sup>9</sup> "וזרקתי עליכם מים טהורים, וטהרתם: מכול טומאותיכם ומכל גילוליכם, אטהר אתכם" (יחזקאל לו, כה).

15. It is a clear and apparent matter that the concepts of purity and impurity are Scriptural decrees and they are not matters determined by a person's understanding and they are included in the category of *chukim*. Similarly, immersion in a *mikveh* to ascend from impurity is included in the category of *chukim*, because impurity is not mud or filth that can be washed away with water. Instead, the immersion is a Scriptural decree and requires focusing the intent of one's heart. Therefore our Sages said: "When one immersed, but did not intend to purify himself, it is as if he did not immerse." Although it

כיפורים לא ייכנס לשם, שעדיין לא טהר טהרה גמורה: שנאמר "וכיפר עליה הכהן, וטהרה" (ויקרא יב, ה), מכלל שעדיין לא גמרה טהרתה. (הלכות ביאת המקדש ג: ג)

<sup>9</sup> This is the verse cited above that Rabbi Akiva quotes in the final Mishnah of *Yuma*.

is a Scriptural decree, there is an allusion involved: One who focuses his heart on purifying himself becomes purified once he immerses, even though there was no change in his body. Similarly, one who focuses his heart on purifying his soul from the impurities of the soul, which are wicked thoughts and bad character traits, becomes purified when he resolves within his heart to distance himself from such counsel and immerse his soul in the waters of knowledge. And Ezekiel (36:25) states: “I will pour over you pure water and you will be purified from all your impurities and from all your false deities, I will purify you.”

*Avodas Yom HaKippurim* is built around a process of physical טהרה that is designed to inspire one to spiritual טהרה and—as we have noted in explaining chapter two—the *tzibbur* in the *azarah* is drawn into this experience,<sup>10</sup> especially as they hear the *Shem* and pronounce their own *Viduyim*.

What then is the purpose of this second stage of טהרה? Let us turn to Rambam’s words in *Moreh HaNevuchim* (3–16). With regard to the animals sacrificed, he explains:

Our Sages say that the offering for the eighth day of dedication was “a calf, a young bullock, for a sin-offering” (Lev. 11:2), in order to atone for the sin of the Israelites in making a golden calf. The sin offering, which was brought on the Day of Atonement (ibid. 16:3), was likewise explained as being an atonement for that sin ... Our Sages (however) explained the fact that goats were always the sin-offerings of the congregation, is an allusion to the sin of the whole congregation of Israel: for in the account of the selling of the pious Joseph we read, “And they killed a kid of the goats” (Gen. 37: 31).

Within the collective consciousness of the Jewish people, the sins of the *egel hazahav* and *mehiras Yosef* still exist and still require כפרה.

The above-mentioned sin-offerings further show us that when we commit a sin, we, our children, and the children of our children, require atonement (כפרה) for that sin by some kind of service analogous to the sin committed. If a person has sinned in respect to property he must liberally spend his property in the service of G-d ... If his intellectual faculties have been concerned in the sin, if he has believed something false on account of the insufficiency of his intellect, and his neglect of research and proper study, he must remedy his fault by turning his thoughts entirely away from

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<sup>10</sup> The *tzibbur* who are *korim umishtachavim umodim*—actually do *Vidui* themselves as the term *modim* refers to *Vidui*.

worldly affairs, and directing them exclusively to intellectual exercise, and by carefully reflecting on that which ought to form the subject of his belief ... The same we notice in the case of Aaron. He had his share in the sin of the golden calf, and therefore a bull-ock and a calf were brought by him and his successors as an offering. Similarly, the sin connected with a kid of goats was atoned for by a kid of goats. When this theory has been well established in the minds of the people, they must certainly be led by it to consider disobedience to G-d as a disgraceful thing.

The *par* associated mostly closely with the sin of Aharon is brought for the *כפרה* of the Kohen Gadol and his tribe and the *se'ir* is brought for the nation as a whole. The realm of Aharon is man's relationship with G-d and understanding his transcendence and the calf represents a failure in this. The sin against Yosef is the hatred bred between Jews to their brothers. The blood is brought into the holy of holies—representing the inner sanctum of the soul, and with these acts of *כפרה* the Kohen and the people struggle to not only proclaim their regrets for their actions, but actually transform themselves and free themselves from their sinful desires and beliefs. The Torah tells us (16:17) that no one should be in the *Ohel Moed* when Aharon performs these acts in the inner sanctum. This transformation can only be done by man isolated from all others—alone with G-d.

### השעיר לעזאזל

But, what of the burning of the flesh of the animals outside of the *Mikdash*? And how do we explain the mysterious ritual of the *Se'ir L'Azazel*?

A sin-offering which is brought in the hope to atone for one or more great sins, as, e.g., the sin-offering [of the Sanhedrin or the High Priest] for a sin committed in ignorance, and the like, are not burnt upon the Altar, but without the camp; upon the Altar only the burnt-offering, and the like, are burnt, wherefore it was called the Altar of the burnt-offering. The burning of the holocaust, and of every “memorial,” is called “a sweet savor unto the Lord”; and so it undoubtedly is, since it serves to remove idolatrous doctrines from our hearts, as we have shown. But the burning of these sin-offerings is a symbol that the sin [for which the offering is brought] is utterly removed and destroyed, like the body that is being burnt; of the sinful seed no trace shall remain, as no trace is left of the sin-offering, which is entirely destroyed by fire: the smoke thereof is not “a sweet savor unto the Lord,” but, on the contrary, a smoke despised and abhorred. For this reason the burning took place

without the camp. ...The goat [of the Day of Atonement] that was sent [into the wilderness] (Lev. 16:20, seq.) served as an atonement for all serious transgressions more than any other sin-offering of the congregation. As it thus seemed to carry off all sins, it was not accepted as an ordinary sacrifice to be slaughtered, burnt, or even brought near the Sanctuary; it was removed as far as possible, and sent forth into a waste, uncultivated, uninhabited land. There is no doubt that sins cannot be carried like a burden, and taken off the shoulder of one being to be laid on that of another being. But these ceremonies are of a symbolic character, and serve to impress men with a certain idea, and to induce them to repent; as if to say, we have freed ourselves of our previous deeds, have cast them behind our backs, and removed them from us as far as possible. (*Moreh HaNevuchim* 3:46)

## תשובה

A yet better understanding of these *כפרות* and Rambam's meaning in these last lines can be gained by a look at *Hilchos Teshuvah*:

א:ב כיצד מתוודה--אומר אנה ה' חטאתי עויתי פשעתי לפניך, ועשיתי כך וכך, והרי ניהמתי ובושתי במעשיי, ולעולם איני חוזר לדבר זה. זה הוא עיקרו של וידוי; וכל המרבה להתוודות ולהאריך בעניין זה, הרי זה משובח.

How does one confess? He states: "I implore You, G-d, I sinned, I transgressed, I committed iniquity before You by doing the following. Behold, I regret and am embarrassed for my deeds. I promise never to repeat this act again." These are the essential elements of the confessional prayer. Whoever confesses profusely and elaborates on these matters is worthy of praise. (*Hilchos Teshuvah* 1:2)

Two final steps in the mitzvah of *Vidui* are included here: expressing regret and resolution to never repeat the sin. These are not found in the *Vidui* of Yom Kippur. We noted above the *Vidui* there rather conforms to how Rambam defines *Vidui* in *Sefer HaMitzvos*, a request for *כפרה*.

Rambam then defines *teshuvah* itself, not *Vidui*, in the second chapter:

ב:א איזו היא תשובה גמורה--זה שבא לידו דבר שעבר בו, ואפשר בידו לעשות, ופירש ולא עשה מפני התשובה, לא מיראה ולא מכשלון כוח. כיצד: הרי שבא על אישה בעבירה, ולאחר זמן נתייחד עימה והוא עומד באהבתו בה ובכוח גופו, ובמדינה שעבר בה, ופירש ולא עבר--זה הוא בעל תשובה גמורה. הוא ששלמה אומר "וזכור את בוראך בימי בחורותיך" (קוהלת יב,א).

ב:ב ומה היא התשובה--הוא שיעזוב החוטא חטאו, ויסירנו ממחשבתו ויגמור בליבו שלא יעשהו עוד, שנאמר "יעזוב רשע דרכו, ואיש אוון מחשבותיו" (ישעיהו נה,ז). וכן יתנחם על שעבר, שנאמר "כי אחרי שובי, ניהמתי, ואחרי

היוודעי, ספקתי על ירך" (ירמיהו לא, יח); ויעיד עליו יודע תעלומות שלא ישוב לזה החטא לעולם, שנאמר "ולא נאמר עוד אלוהינו, למעשה ידינו-- אשר בד, ירוחם יתום" (הושע יד, ד). וצריך להתוודות בשפתיו, ולומר עניינות אלו שגמר בליבו. (הלכות תשובה ב:א)

**2:1** [Who has reached] complete *teshuvah*? A person who confronts the same situation in which he sinned when he has the potential to commit [the sin again], and, nevertheless, abstains and does not commit it because of his *teshuvah* alone and not because of fear or a lack of strength. For example, a person engaged in illicit sexual relations with a woman. Afterwards, they met in privacy, in the same country, while his love for her and physical power still persisted, and nevertheless, he abstained and did not transgress. This is a complete *baal teshuvah*. This was implied by King Solomon in his statement [Ecclesiastes 12:1], "Remember your Creator in the days of your youth."

**2:2** What constitutes *teshuvah*? That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart never to commit them again, as [Isaiah 55:7] states: "May the wicked abandon his ways...." Similarly, he must regret the past, as [Jeremiah 31:18] states: "After I returned, I regretted."

[He must reach the level where] He who knows the hidden will testify concerning him that he will never return to this sin again as [Hoshea 14:4] states: "We will no longer say to the work of our hands: 'You are our gods.'"

He must verbally confess and state these matters which he resolved in his heart.

Actual *teshuvah* is the transformation of the person, so that he can no longer be seduced to perform the sin he repents for. The *Vidui* of Yom Kippur is the first step of *teshuvah*—standing before G-d, feeling His presence and admitting the sin.<sup>11</sup> This step is identical with *טהרה*. The transformation required by the next two steps is what we strive for on Yom Kippur. And in the act of pushing away the *Se'ir L'Azazel* we concretize the concept of confronting the sin and rejecting it.

### קדושה וטהרה

What emerges from what we have written above, is that the *mikra* כי ביום הזה יכפר עליכם לטהר אתכם and the *Vidui* with which Rambam closes the second chapter, לפני ה' תטהרו, make clear that the *טהרה* element of the

<sup>11</sup> Perhaps the second step of נהמתי, regret, is also present at this point.

*avodas Yom HaKippurim* is not primarily one of physical purity but spiritual purity. Although Rambam speaks of the connection between the two in a metaphoric manner in the quote we brought from the end of *Sefer Tabaros*, this connection is in fact of a material and halachic nature. Within the steps of *teshuvah*, טהרה corresponds to standing before Hashem and admitting one's sin.<sup>12</sup> Rambam explains in the *Moreh* that the purpose of טהרה is in fact as preparation for entering the *Mikdash* and is intended to promote feelings of awe for the *Mikdash*. This in turn concretizes the concept of standing before Hashem.

The object of the Sanctuary was to create in the hearts of those who enter it certain feelings of awe and reverence, in accordance with the command, "You shall revere my sanctuary" (Lev. 19:30). But when we continually see an object, however sublime it may be, our regard for that object will be lessened, and the impression we have received of it will be weakened. Our Sages, considering this fact, said that we should not enter the Temple whenever we liked, and pointed to the words: "Make thy foot rare in the house of thy friend" (Prov. 25:17). For this reason the unclean were not allowed to enter the Sanctuary, although there are so many kinds of uncleanness, that [at a time] only a few people are clean. Our Sages, as is well known, said, "Even a clean person may not enter the Sanctuary for the purpose of performing divine service, unless he takes previously a bath." By such acts the reverence [for the Sanctuary] will continue, the right impression will be produced which leads man, as is intended, to humility. (*Moreh HaNevuchim* 3:47)

There is a positive commandment to hold the Temple in awe, as [Leviticus 19:30] states: "And you shall revere my Sanctuary." Nevertheless, it is not the [physical building of] the Temple which must be held in awe, but rather, He who commanded that it be revered. (*Hilchos Beis HaBechirah* 7:1)

For one to attain קדושה requires טהרה, separation from טומאה. Physical purity creates the state of mind that enables one to attain spiritual purity and קדושה.<sup>13</sup>

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<sup>12</sup> Moreover, Rambam explains in *Hilchos Teshuvah* (chapter 7) that sins separate us from G-d and the טהרה process is the first step in erasing these sins, making one capable of standing before G-d.

<sup>13</sup> The Divine words, "And ye shall sanctify yourselves, and ye shall be holy" (Lev. 11: 44), do not refer to these laws (of physical purity) at all. According to *Sifra*, they refer to sanctity by obedience to God's commandments. The same interpretation is given in *Sifra* of the words, "Ye shall be holy," i.e., obedient to

### הצורך לכפרה

As we noted above, in four cases, a person acquires a state of טומאה that necessitates that his/her טהרה have a second step of *korban*.<sup>14</sup> The four מוחסרי כפרה are a *yoledes*, *zav*, *zavah* and *metzora*. And while we have explained that כפרה is for cleansing from a state of sin, these four have not on the face of it committed a sin. Rambam addresses this in the *Moreh* as he explains why the *metzora* needs such a thorough cleansing.

The uncleanness through leprosy we have already explained. Our Sages have also clearly stated the meaning thereof. All agree that leprosy is a punishment for slander. The disease begins in the walls of the houses (Lev. 14:33, *seq.*). If the sinner repents, the object is attained: if he remains in his disobedience, the disease affects his bed and house furniture: if he still continues to sin, the leprosy attacks his own garments, and then his body. This is a miracle received in our nation by tradition, in the same manner as the effect of the trial of a faithless wife (Num. 5:2, *seq.*). The good effect of this belief is evident. Leprosy is besides a contagious disease, and people almost naturally abhor it, and keep away from it. (*Moreh* 3:47)

The state of טומאה is based on a state of sin and it is for this that the כפרה is necessary. Even though the *yoledes*, *zav*, *zavah* have not committed a sin, their painful ordeals have affected their state of mind<sup>15</sup> and they need this transformative process for their כפרה. The need for כפרה is to address something deep within the human psyche. Other cases of טומאה are based on coming in contact with the impure object, but in these cases they are the result of some change in the physical body of the person.<sup>16</sup>

The sacrifices brought on Yom Kippur whose blood was sprayed in the sanctuary were מכפר most specifically for the defilement of *Mikdash* throughout the year.<sup>17</sup>

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His commandments (19: 2). Hence the transgression of commandments is also called uncleanness or defilement. (*Moreh HaNevuchim* 3:47)

<sup>14</sup> See *Hilchos Mechusarei Kapparab* 1:1.

<sup>15</sup> *Chazal* (TB *Niddah* 31b) explain this explicitly with regard to *yoledes* who experiences such pain that she wishes to separate from her husband. שאלו תלמידיו את רבי שמעון בן יוחי: מפני מה אמרה תורה יולדת מביאה קרבן? אמר להן: בשעה שכורעת לילד, קופצת ונשבעת שלא תזקק לבעלה, לפיכך אמרה תורה תביא קרבן.

<sup>16</sup> טומאה היוצא עליו מגופו.

<sup>17</sup> See *Vayikra* 16:16 and Rashi *ibid*.

It was, however, impossible to assume that none of the Israelites made a mistake, by entering the Sanctuary, or eating hallowed things in a state of uncleanness. It was even possible that there were persons who did this knowingly, since there are wicked people who commit knowingly even the greatest crimes; for this reason certain sacrifices were commanded as an atonement for the defilement of the Sanctuary and its hallowed things. They were of different kinds; some of them atoned for defilement caused ignorantly, others for defilement caused knowingly. For this purpose were brought the goats on the Festivals and the New-moon days (Num. 28:15, 27, etc.), and the goat sent away on the Day of Atonement (Lev. 16:16), as is explained in its place (*Mishnah, Shevuot*, I. 4). (*Moreh* 3:46)

The *Kohanim* and the people, in their very *avodah* and the performance of mitzvos, do so without the proper thoughts and motivations. Though physically they do what they are commanded—in the sanctuary of their hearts, they are unclean. This is what *כפרה* is necessary for.

## סדר

In chapter four, Rambam combines these two concepts of *טהרה* and *כפרה* and joins them into one integrated *seder*. He follows this format elsewhere, and in *Hilchos Chametz U'Matzah* it is clearly apparent.<sup>18</sup> The first five chapters deal with *chametz*, which essentially is comparable to the first chapter of *Avodas Yom HaKippurim*,<sup>19</sup> as ridding the house from *chametz* is the preparation for the central mitzvah of the *Seder*. Chapter six deals with the *mitzvas matzah*. Chapter seven deals with the mitzvah of *sippur yetzias Mitzrayim*. Chapter 8 presents these two mitzvos in a unified *seder*. *Chazal*<sup>20</sup> explain that matzah is *lechem oni* for it is *lechem she'onim alav devarim harbeh*, “bread over which many words are recited.” Another mitzvah is also integrated into the mix—*korban pesach*, and *Pesach, Matzah, U'Marror* must be recited to fulfill *sippur yetzias Mitzrayim*. This integrated *Seder* is itself a unique concept, apparently of a *d'oraisa* nature.<sup>21</sup>

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<sup>18</sup> This was pointed out to me by my *chavrusa* R. Shmuel Neumann.

<sup>19</sup> Which deals with preparation for the *avodah*, as noted above.

<sup>20</sup> *Pesachim* 115b.

<sup>21</sup> The last two halachos deal with what the procedures are when something is done wrong, comparable to chapter five in *Hilchos Yom HaKippurim*.

## סדר העבודה

The integrated process of טהרה and כפרה on Yom Kippur, unlike the Pesach Seder, is not the combination of several unique mitzvos, as Rambam only lists one mitzvah of *avodas Yom HaKippurim*. Yet the tentacles of this mitzvah extend past the boundaries of what seems to be the central mitzvah. Rambam begins the first chapter by listing all the *avodos* of the day, starting with the *tamid* and encompassing *mussafim*. On this day, he tells us, all these *avodos* must be done by the Kohen Gadol. Thus, just as *sippur yetzias Mitzrayim* encompasses and is impacted by matzah and *pesach*, so too *avodas Yom HaKippurim* encompasses and is impacted by all *avodah* of the day.

I would add that Rambam has another element in his agenda in repeating the entire integrated *avodah*. נשלמה פרים שפתינו<sup>22</sup> “let my lips offer up *parim*” —just as during the *tefillah* of the day, the *avodah* has become a central part of prayer, in learning these halachos Rambam feels that an emotional experiential impact should be imparted. Thus, here he races through the *avodos* in shorter form, not explaining the concepts, yet when it comes to the *Viduyim* he repeats each one verbatim while in chapter two he only brings it once.

Interestingly, one element is here presented at length while being practically ignored in the earlier chapters—the *ketores*. What is its purpose—טהרה or כפרה? The *tzadukim* apparently considered it טהרה—and thus it was to be done before coming into the *kodshei kodashim*.<sup>23</sup> Indeed their reading of the Torah has merit and even Rashi on Chumash quotes it as one opinion of the meaning of על הכפרת<sup>24</sup> כי בענן אראה על הכפרת, alongside of the other—“because G-d is seen in the *Mikdash* within a cloud.” Even though the latter verse saying the *ketores* should be placed on the coals לפני ה' would seem to run against their reading, Rambam never says the *tzadukim* are wrong in their translation of the *mikra*. It is in fact a מתיר/מטהר to allow entry, yet *Chazal* had a tradition<sup>25</sup> that we should learn from לפני ה'<sup>26</sup> that it must be done after entry. Thus, it has the dual

<sup>22</sup> While generally understood to mean that we pray and also recite *korbanos* in our prayers in place of bringing sacrifices, Rambam (*Pirush HaMishnah* at the end of *Menachos*) quotes *Chazal* that in learning the halachos we imbibe the concepts of *korbanos*.

<sup>23</sup> See *Avodas Yom HaKippurim* 1:7.

<sup>24</sup> *Vayikra* 16:2. Translated “I will be seen upon the *kapores* in the cloud [of the incense]”; i.e. once the smoke has risen, one may enter.

<sup>25</sup> קבלה.

<sup>26</sup> *Vayikra* 16:13.

role of הקטרה/כפרה as well as מתיר/מטהר. With its performance, the Kohen Gadol senses the presence of G-d. Thus it emerges as the central *avodah* of the day<sup>27</sup>, joining טהרה with כפרה, and is properly placed in the chapter dedicated to this *sefer ha'avodah*. Rambam describes and emphasizes the difficulty of this *avodah* requiring the dexterity of a juggler.<sup>28</sup> Whereas the *chafinah* described during the טהרה process in chapter two is to be made easy, here it is to be difficult—a struggle, as one struggles with sin. In the *Moreh* (3:46), Rambam explains that *ketores* was to ensure that the *Mikdash* had a sweet smell. As a *korban* it is a ריח ניחוח and merges the emotional feeling of *korban*, with the elevation of the senses via smell.

### טומאה

One final question needs to be addressed. Since כפרה is done even with the *avodah* done outside the *Mikdash*—and this is a completion of טהרה—why do those performing it end up טמא? Strangely, though this fact is explicit in the *mikra*, Rambam does not mention it here. It is found only in *Hilchos Parah Adumah*<sup>29</sup> and in fact, the impurity caused by burning the body of these animals is the source for the halachah that טומאה is imparted to the one who burns any *korban* outside of the *Mikdash*. Rambam explains in the *Moreh*:

The red heifer is called a sin-offering, because it effects the purification of persons that have become unclean through the dead body of a human being, and enables them to enter the Sanctuary [and to eat of hallowed things]. The idea taught by this law is this: Those who have defiled themselves would never be allowed to enter the Sanctuary, or to partake of holy things, were it not for the sacrifice of the red heifer, by which this sin is removed; in the same manner as the plate [which the high-priest wears on his forehead] atones for uncleanness, and as a similar object is attained by the goats that are burnt. For this reason those were unclean who were engaged in the sacrifice of the heifer or the goats which were burnt, and even

<sup>27</sup> Note how in last chapter we learn that *chafinah* is *tzorech korban pnim*—it is a *korban*.

<sup>28</sup> ואוחז שפת הכף בראשי אצבעותיו, או בשיניו, ומערה הקטורת בגודלו לתוך חופניו, עד שמחזירה למלוא חופניו כשהייתה; וזו היא עבודה קשה שבמקדש.

<sup>29</sup> הו ולא הפרה בלבד, אלא כל החטאות הנשרפות מן הפרים ומן השעירים--השורף אותם מטמא בגדים בשעת שריפתן, עד שייעשו אפר: שהרי הוא אומר בפר ושעיר של יום הכיפורים, "והשורף אותם--יכבס בגדיו" (ויקרא טז, כח)--מפי השמועה למדו שזה בניין אב לכל הנשרפין, שיהיו מטמאין בגדים עד שייעשו אפר.

their garments were unclean. The same was the law in the case of the goat that was sent away [on the Day of Atonement]; for it was believed that it made unclean those who touched it, because it carried off so many sins.

This impurity is not part of the process of the *avodah*, but a consequence of coming to terms with one's sins and attempting to rid oneself from them, therefore it is not described in *Hilchos Avodas Yom HaKippurim*. When the process of *teshuvah* is completed there must still be a realization that the process of *טהרה* is not an absolute solution, and *טומאה* lingers. The process of *teshuvah* is meant to be ongoing; *הטאתי נגדי תמיד*, "My sin is forever before me." ❧