



Parashat Acharei-Mot:
The Yom Kippur "Scapegoat"
by David Silverberg

The first section of Parashat Acharei-Mot, covering the 16th chapter of the Book of Vayikra, describes the *avodat Yom Ha-kippurim*, the ritual service performed in the Temple on Yom Kippur. This Scriptural text forms the basis for what is known as the *avoda* section of the Yom Kippur prayer service, which we recite to commemorate the sacrificial rituals performed on the Day of Atonement when the Temple stood.

Numerous different sacrifices were offered on Yom Kippur. In addition to the two daily *tamid* offerings, which the Torah described earlier, in Parashat Tetzaveh (Shemot 29:38-42; see also Bamidbar 28:1-8), the day of Yom Kippur required the offering of a *musaf* (literally, "additional") sacrifice, as did all the festivals (see Bamidbar 28:9-29:39, especially 29:7-11). Parashat Acharei-Mot, however, discusses only the special atonement ritual of Yom Kippur, which has no parallel on any other day of the year. This ritual consisted of four sacrifices: two offerings brought by the *kohen gadol* himself for his personal atonement, and two other animal sacrifices brought on behalf of the entire nation. The nation's offering consisted of two he-goats, one of which was slaughtered in general accordance with standard sacrificial procedures (though with several unique features), whereas the other was sent away into the wilderness, signifying the "banishment" of the nation's sins.

Our discussion this week will focus on this final sacrifice, generally referred to in traditional literature as the *sa'ir ha-mishtalei'ach* ("the sent-away goat"). In English, it is commonly spoken of as the "scapegoat," and is the origin of the colloquial usage of the term, referring to one who accepts the guilt of others. We will begin by discussing Maimonides' understanding of the significance of goats in the broader context of sacrificial offerings in general. From there we will proceed to discuss his approach towards the underlying meaning of the "scapegoat," and how exactly it "carries" the nation's sins with it into the wilderness. Finally, we will address Maimonides' controversial ruling in his *Code* regarding the scope of the atonement earned through the ritual of the *sa'ir ha-mishtalei'ach*.

Goats as Sacrifices

In the third section of his *Guide to the Perplexed*, where Maimonides presents his theories regarding the reasons behind the commandments, he devotes one chapter (46) to explaining several details concerning the Torah's sacrificial rite. He begins by explaining why all animal sacrifices mandated by the Torah come from the three categories of cattle, sheep and goats. According to Maimonides, these groups were selected for the sacrificial order because they were commonly worshipped and regarded as deities by ancient pagan sects. He cites textual proof to the fact that the ancient Egyptians worshipped the constellation Aries, and therefore abstained from eating sheep (see Shemot 8:26), and makes the historical observation that "most idolaters objected to killing cattle, holding this species of animals in great estimation." As for goats, Maimonides asserts that the pagans "worshipped demons, and imagined that these assumed the form of goats." In this manner he explains an otherwise difficult verse later in Parashat Acharei-Mot. In the beginning of chapter 17, the Torah introduces the prohibition known as *shechutei chutz* – forbidding the offering of sacrifices outside the precinct of the Tabernacle/Temple. The Torah explains that this law is necessary "in order that the Israelites may bring the sacrifices which they have been making in the open – that they may bring them before the Lord...and that they will no longer offer their sacrifices to the *se'irim*

[goats] after whom they stray" (Vayikra 17:5-7). God orders the people to offer their sacrifices exclusively in the designated Temple so that they will cease the pagan practice to which they had grown accustomed (in Egypt) of sacrificing to *se'irim* in the open fields. According to Maimonides, these "goats" were the perceived image of the spirits commonly worshipped in the ancient world.

In an effort to reinforce *Benei Yisrael's* denial and rejection of these idolatrous beliefs and customs, the Torah established that specifically these three species, held sacred by their contemporaries, should be slaughtered in the service of the true God. In Maimonides' words, "Thus the very act which is considered by the heathen as the greatest crime, is the means of approaching God, and obtaining His pardon for our sins. In this manner, evil principles, the diseases of the human soul, are cured by other principles which are diametrically opposite."

Later, Maimonides notes that within the sacrificial structure established by the Torah, goats are used specifically for sin-offerings, particularly in the case of national sin-offerings. In all instances of a public sin-offering, the Torah requires specifically a he-goat. Maimonides attributes this unique role of the goat within the sacrificial rite to the widespread worship of goat-demons, as discussed above. The verse cited earlier, in which God seeks to ensure that the Israelites "will no longer offer their sacrifices to the *se'irim* [goats] after whom they stray," demonstrates the prevalence of this mode of worship and the spiritual risk it therefore posed to the fledgling nation. Maimonides thus claims that "most of the transgressions and sins of the Israelites were sacrifices to spirits," which were imagined to have the form of goats, and for this reason sin-offerings were generally offered specifically from this species.

The Sages (*Torat Kohanim*, 8; *Bamidbar Rabba*, 14), however, as Maimonides observes, appear to attribute the significance of the he-goat to a different factor. The Torah selected the goat as the animal of choice for public sin-offerings in order to bring to mind a grave transgression committed already in the nation's incipient stage, when it consisted of but twelve brothers: the selling of Yosef. Recall that after Yaakov's sons viciously dispose of their brother, they slaughter a goat and dip his coat in its blood, so as to deceive their father into thinking that Yosef fell prey to a beast (*Bereishit* 37:31-32). According to the Midrash, the brothers' descendants are to regularly invoke the memory of this sorrowful event, by frequently offering goats as national sin-offerings.

Although he had already provided his own reasoning for the prominent role of goats in the sacrificial order, Maimonides nevertheless embraces the Midrash's approach, as well, and even presents an eloquent and poignant explanation as to why the memory of Yosef's sale must be perpetuated for all time:

Do not consider this as a weak argument; for it is the object of all these ceremonies to impress on the mind of every sinner and transgressor the necessity of continually remembering and mentioning his sins. Thus the Psalmist says, "And my sin is ever before me" (*Tehillim* 51:3).

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 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 money in the service of God; if he indulged in sinful bodily enjoyments he must weary his body and trouble it by a service of privation and fasting... When this theory has been well established in the minds of the people, they must certainly be led by it to consider disobedience to God as a disgraceful thing. Everyone will then be careful that he should not sin, and require a protracted and burdensome atonement; he will be afraid he might not be able to complete it, and will therefore altogether abstain from sinning, and avoid it.

The significance of the goat as part of the sacrificial atonement process lies not in the sale of Yosef itself, but rather in the very concept of the long-term effects and repercussions of sin. The obligation to offer a sacrifice as a means of atonement is meant to convey the critical message that wrongdoing cannot be calmly passed over; it is, in Maimonides' words, a "disgraceful thing," and one must never underestimate the gravity of a violation of God's word. To further reinforce this conception, God ordered the nation to bring regular offerings to atone for an ancient wrong committed by our ancestors centuries ago. Thus will the people recognize the far-reaching implications of a single wrongful act, and endeavor to avoid sin as much as possible.

"Scapegoat"

Having established the particular significance of goats with respect to sin-offerings in general, let us now turn our attention to the specific ritual of the *sa'ir ha-mishtalei'ach* – the "scapegoat" taken on Yom Kippur outside Jerusalem, east into the Judean desert. A cursory reading of the verses describing this ceremony might leave the impression that the Torah enables the nation, through the *kohen gadol*, to transfer its guilt onto a goat, and thereby extricate itself from the weighty burden of iniquity:

Aharon shall lay both his hands upon the head of the live goat and confess over it all the iniquities and transgressions of the Israelites, whatever their sins, putting them on the head of the goat; and it shall be sent off to the wilderness through a designated man. The goat shall carry on it all their iniquities to an inaccessible region; and the goat shall be set free in the wilderness. (16:21-22)

This "scapegoat" ritual, and indeed the concept of a "scapegoat" in general, appears difficult on two counts. For one thing, Maimonides devotes much of the third section of the *Guide* to demonstrate that many of the Torah's laws are geared to negate the fallacious pagan beliefs in magic and spirits, that became widespread throughout the ancient world. Earlier, we briefly spoke of the prohibition against sacrificing anywhere other than the prescribed location of the Temple, which was situated in the heart of the nation's capital city. This law was intended to oppose the practice of offering sacrifices to spirits believed to reside in remote, uninhabited wastelands. But here, during the Yom Kippur service, God commands that we do just that: we send a goat to the desert as what appears to be an offering to the spirits of the wilderness.

Secondly, personal accountability comprises a central theme in Jewish doctrine. The Jewish concept of reward-and-punishment appears to belie the notion of a quick-fix antidote to eliminate guilt. How, then, could God mandate a seemingly mechanical system of guilt transfer?

Maimonides therefore advances a symbolic approach to the *sa'ir ha-mishtalei'ach* ritual. Clearly, the goat itself does not transport anybody's transgressions into the desert; the animal itself does not effectuate atonement, a power vested in only the Almighty. Rather, the image of a goat loaded with the "cargo" of the nation's sins and being driven into a wasteland conveys a critical message relevant to the theme of repentance, which of course lies at the heart of the Yom Kippur experience. Maimonides writes:

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.

The goat's exile away from Jerusalem and into the uninhabited desert symbolizes the "banishment" of one's sins from his being. In order to properly understand the significance of this message, we must compare this passage with Maimonides' description of *teshuva* (repentance) in his *Code* (Hilkhoh Teshuva, 2:2): "What is repentance? It is that the sinner abandons his sin and removes it from his thought and resolves in his heart never to commit it again, as it says 'An evil man shall abandon his path... ' And he shall similarly feel remorse for the past." Later (ibid. 2:4), he adds, "Among the means of repentance is that the penitent constantly cries to God with tears and supplications, performs charity according to his ability, and distances himself greatly from the matter with regard to which he sinned." *Teshuva* thus entails much more than acknowledgment and verbal confession of guilt. It requires "abandoning" and "distancing" oneself from the act committed. According to Maimonides, repentance means transformation, as he writes in the continuation of that passage, "he changes his name, as if to say: I am someone else; I am not that person who committed those acts." So long as the given violation is perceived as within reach, as even remotely accessible, the sinner has yet to repent. It is necessary for him to restore the taboo regarding the given act that has begun to fade; he must reconstruct the mental barrier between himself and the violation committed that begins crumbling with every breach.

Herein, according to Maimonides, lies the critical message of the *sa'ir ha-mishtalei'ach*. This goat is not a "scapegoat" at all; this ceremony must not be mistaken for a mechanical guilt-transfer system. Quite to the contrary, it specifically expresses the grueling demands of the *teshuva* process and underscores the thorough, internal transformation required of the penitent. If anything, the banishment of the goat impresses upon *Benei Yisrael* the need for comprehensive introspection and firm resolve to undergo a fundamental change of character. Not only must sins be never repeated; they must be driven as far away from one's mind as possible.

Rabbi Samson Rafael Hirsch (19th century, Germany), in his commentary to the Torah, draws proof from the Talmud to the symbolic-didactic, rather than mechanical-magical, effect of the *sa'ir ha-mishtalei'ach*. In Masekhet Yoma (40b), the Talmud explicitly states that the actual sending away of the goat is not indispensable for achieving atonement. Though the Torah clearly orders the performance of this ritual, if, for whatever reason, it was neglected, the nation can nevertheless earn expiation, so long as the two goats were designated and the *kohen gadol* conducted the verbal confession over the intended *sa'ir ha-mishtalei'ach*. This halakha, Rabbi Hirsch argues, "very definitely contradicts every attempt of taking Azazel [the term used in reference to the desert wasteland] to be a demon of the wild and the sending and hurtling down of the goat an offering sent to appease him, or as a destruction of a substitute 'scapegoat'." Had the sending of the goat actually effectuated the atonement, either as an offering to the desert demons or as a mechanical destruction of the sins loaded onto the goat's back, atonement would hinge on the proper execution of this procedure. Only a symbolic perspective, viewing this ritual as instructive, rather than mechanically constructive, justifies the availability of expiation even in its absence.

Atonement Without Repentance?

The Mishna towards the beginning of Masekhet Shevuot establishes the singular efficacy of the *se'ir ha-mishtalei'ach*, that it yields atonement for all transgressions, regardless of severity, nature, and intention of the violator when committing the act. Maimonides codifies this passage in

his *Code* (Hilkhot Teshuva 1:2): "The goat that was sent atones for all transgressions in the Torah, both light and severe, whether one violated intentionally or violated unintentionally, whether he became aware [of his transgression] or he did not become aware – all is atoned for through the goat that was sent."

The precise extent of the goat's efficacy, however, is subject to a famous debate in the Talmud. As recorded in Masekhet Yoma (85b), the majority view limits this sweeping atonement to those who repent; one who fails to perform *teshuva* on Yom Kippur does not earn the gift of atonement made available by the day's special status and ceremonies. Rabbi Yehuda Ha-nasi ("Judah the Prince," often referred to as "Rebbi"), by contrast, feels that Yom Kippur yields expiation irrespective of one's efforts to improve. Only three particularly grave transgressions – heresy, the distortion of Torah, and rejection of the Abrahamic covenant of circumcision – cannot be atoned for without repentance. Generally, however, sinners reap the expiatory benefits of the Yom Kippur ritual even without repenting.

Maimonides, surprisingly, appears to follow neither position. In the aforementioned passage in Hilkhot Teshuva, he distinguishes in this regard between "severe" transgressions – those which carry a death penalty or *karet* ("damnation"), as well as false or meaningless oaths – and other forms of wrongdoing. The Yom Kippur goat, he asserts, can indeed yield atonement for "lighter" sins even without penitence, whereas for the more "severe" transgressions, only those who repent earn expiation through the *sa'ir ha-mishtalei'ach*.

Scholars throughout the centuries have struggled to find a basis or rationale for this distinction drawn by Maimonides. Presumably, he sided with the majority position, following a fundamental halakhic principle mandating the acceptance of the majority decision in Talmudic debates. However, the Talmud never limits the respective positions of Rebbi and the other Sages to one category of transgressions or the other; accordingly, the majority view appears to deny the possibility of atonement without repentance even for "minor" transgressions. One might suggest that Maimonides' nevertheless intuitively determined that the majority view stated this position only with regard to the more stringent class of violations, in spite of the lack of clear evidence in the Talmud for this distinction. However, there appears to be clear evidence to the contrary, that the majority view applies its position even to "minor" sins. The Talmud (Shevuot 12b-13a) invokes this debate between Rebbi and the other Sages in the context of *mitzvot asei* – "positive commandments," or obligations, as opposed to prohibitions – which clearly belong to the category of "minor" violations. Seemingly, then, the Sages deny the independent power of the goat to yield atonement even with regard to the less stringent group of violations.

Numerous of approaches to resolve this difficulty have appeared in halakhic literature throughout the ages. We will briefly cite just two of the explanations offered for Maimonides' position.

Rabbi Meir Simcha Ha-kohen (Dvinsk, Lithuania, early-20th century), in his *Meshekh Chokhma*, points to the fact that, as indicated by the Mishna (Yoma, 85b), repentance is capable of independently yielding atonement for all "minor" violations. One who transgresses a sin belonging to this category can earn atonement through repentance alone, even before the onset of Yom Kippur. Elsewhere (Gemara, ad loc.), the Talmud states that whereas Rebbi acknowledges the independent ability of Yom Kippur to atone, he does ascribe this same power to repentance. In other words, the capacity of Yom Kippur itself with regard to atonement exceeds that of repentance. By deduction, then, once the majority position recognizes the independent capacity of *teshuva* to atone for "minor" transgressions, they must afford this same power to Yom Kippur. Hence, Yom Kippur is capable of yielding expiation for "minor" transgressions even without the sinner's repentance.

One may challenge the *Meshekh Chokhma's* reasoning on several counts. Most importantly, however, Maimonides himself (Hilkhot Teshuva 1:4) ascribes to *teshuva* independent power to atone only with regard to *mitzvot aseï* ("positive commandments"). He explicitly denies the ability of repentance alone to yield complete expiation for *mitzvot lo ta'aseh* (prohibitions), even those that do not belong to the category of "severe" violations. According to the *Meshekh Chokhma's* deduction, then, only *mitzvot aseï* can be atoned for on Yom Kippur without repentance. Maimonides, however, extends Yom Kippur's independent power of atonement to all "minor" violations, presumably including *mitzvot lo ta'aseh*.

The late Rabbi Yosef Kapach, in his annotation to Maimonides' *Code*, suggests a different approach. When the Talmud applies the debate between Rabbi and the other Sages to the category of "minor" transgressions, it speaks of a sinner who is *omed be-mirdo* – literally, "he remains in his rebellious state." Rashi, and most commentators, understood this as a reference to a violator who fails to repent, and for such an individual the majority view denies the possibility of repentance through the Yom Kippur service. Rabbi Kapach suggests that Maimonides understood *omed be-mirdo* differently, as referring to a violator who denies altogether the concept of atonement through sacrificial worship. Only a violator of this kind is denied atonement on Yom Kippur even for the less severe transgressions. However, one who acknowledges the possibility of expiation through the Yom Kippur service, but chooses not to repent, is indeed granted atonement nonetheless for "minor" violations he committed.

Atonement and Spiritual Cleansing

In conclusion, let us consider for a moment the concept of atonement without repentance. According to the minority position of Rabbi, this possibility exists for virtually all transgressions; in Maimonides' view, this can occur when dealing with "minor" transgressions. Either way, the question arises, what kind of atonement does one "earn" in such a case? Clearly, the Torah requires one to repent for his transgressions, particularly on Yom Kippur; undoubtedly, repentance on Yom Kippur yields a far more substantial effect than does the Yom Kippur service without repentance. What is the precise difference between these two forms of atonement – with and without *teshuva*?

In one of his most celebrated transcribed lectures ("Acquittal and Purification," in Pinchas Peli's *On Repentance*), Rabbi Joseph Soloveitchik distinguishes between the concepts of *kapara* (expiation) and *tahara* (purification). He notes the etymological relationship between the word *kapara* and *kofer* – ransom. Atonement, then, is the indemnity a sinner must pay to redeem himself from punishment. Its sole effect is escaping retribution. But the specter of punishment is only one effect of sin. In addition, as Rabbi Soloveitchik describes, it pollutes and contaminates the sinner, leaving a mark on his personality. One can overcome this effect only through the process of *tahara*, purification; *kapara* alone cannot cleanse a polluted soul.

Rabbi Soloveitchik proceeds to apply this distinction to the prospect of atonement on Yom Kippur without repentance:

Kapara ("acquittal") affects the removal of punishment. The "indemnity payment" shields man from divine anger and wrath. However, his personality remains contaminated, and this condition may be remedied only through ritual "immersion," that is, by wholehearted repentance. *Kapara* (acquittal of punishment) is possible even when an individual has not repented: but without personal repentance *tahara* (purification) is unthinkable.



Thus, Maimonides does not consider one perfectly "cleansed" from sin when Yom Kippur passes without any effort on his part towards *teshuva*, even with regard to so-called "minor" transgressions. Such an individual can be spared retribution due to the collective atonement the *kohen gadol* earns on behalf of *Am Yisrael* through the Yom Kippur rituals. But this atonement in no way obviates the need for thorough introspection and a concentrated effort to improve. To the contrary, as we have seen, the *sa'ir ha-mishtalei'ach*, as understood by Maimonides, emphasizes the importance of internal transformation, of banishing from one's being all effects of the wrongful act, and rededicating himself to absolute obedience to the divine command.