

## פרשות תזריע-מצורע

You probably know the joke - perhaps I wrote here in the past. A fellow approaches the Rabbi and says, 'I want to be a Kohen, make me one'. The Rabbi says that he cannot make people Kohanim. The fellow persists and offers the Rabbi increasing sums of money and the Rabbi refuses until, after being offered an exorbitant sum, the Rabbi agrees.

After agreeing, the Rabbi asks him why he wants to be a Kohen. The response is, 'Well, my father and grandfathers were Kohanim so I want to be one too.'

Perhaps if the fellow would have attended better to Sefer Vayikro and our Parshos of Tazria and Metzora he might not have been so anxious to receive that prize.

On the one hand, Kohanim are imbued with unique rights and privileges that set them apart from the rest of Israel. When it comes to the service in the Beis HaMikdosh, almost all of its procedures, whether entry to most of the parts of that Holy Place, or offering Korbonos or partaking of them are limited to Kohanim<sup>1</sup>.

In their service in the Beis HaMikdosh, the Kohen is considered as a שלוחא דרחמנא (Masseches Yoma 19 a), a Divine emissary. When they partake of the portions of Korbonos that is theirs to enjoy we are told משלחן גבוה קא זכו (Masseches Beitza 21 a), it is a gift from the Divine table.

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<sup>1</sup> In general, and in principle, *Shechita* can be done by a non-Kohen. Additionally, there are Korbonos, *Kodshim Kalim* such as *Shlomim* and *Todah*, that have portions partaken of by non-Kohanim.

The Kohanim are empowered to bless Israel. The Torah tells us that clearly in Parshas Noso - and that blessing<sup>2</sup>, or a remembrance of that blessing, is part of the daily *Chazaras HaSha'tz* every Shacharis, Musaf and in *Neila*<sup>3</sup>.

Following the Mitzvah of blessing Israel and the text of that blessing, the Torah writes as follows (B'midbar Perek 6/Posuk 27):

וְשָׂמוּ אֶת שְׁמִי עַל בְּנֵי יִשְׂרָאֵל וְאֲנִי אֲבָרְכֶם:

They shall place My Name upon B'nei Yisroel and I Hashem will bless them.

Rashi writes:

ואני אברכם -ואני אברכם לכהנים:

*I Hashem will bless them - I will bless the Kohanim.*

That is, the Kohanim can say, 'Israel is being blessed by Your Divine command. Who will bless us?' Hashem responds, 'I will bless you.'

That is, all of Israel receive the Divine blessing by virtue of the Kohanim. Who will bless the Kohanim? Hashem answers that He blesses them directly, without an intermediary. And thus, the

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<sup>2</sup> The Mishnah in Masseches Sotah (Perek 7/Mishnah 6) teaches:

ברכת כהנים כיצד במדינה אומרים אותה שלש ברכות ובמקדש ברכה אחת  
How is *Birkas Kohanim* recited? Outside of the Beis HaMikdosh it is recited as three separate blessings. In the Beis HaMikdosh it is recited as one [long] blessing [without saying *omein* three times].

Thus, when there is no *Birkas Kohanim* and there is an introductory paragraph recited by the *Shliach Tzibbur*, *Birkas Kohanim* is referred to as the *ברכה המשולשת*, the three-fold blessing but not as *שלוש ברכות*-*three* blessings.

<sup>3</sup> On a fast day (other than Yom HaKippurim) in locales where there is daily *Birkas Kohanim*, it is also recited when *Mincha* is recited near sundown, because that late recitation makes it similar to *Neila*.

Kohanim who bless Israel are rewarded with a blessing directly from G-d, not via any of His appointed emissaries<sup>4</sup>.

Furthermore, we read in Parshas Emor (Vayikro Perek 21/Posuk 8) in reference to all *Kohanim*:

וְקִדְשֵׁתוּ כִּי אֶת לֶחֶם אֶ...לִיקִיךָ הוּא מִקְרִיב קֹדֶשׁ יְהוָה לָךְ כִּי קָדוֹשׁ אֲנִי ה'  
מִקְדָּשְׁכֶם:

You shall sanctify the *Kohen* because he offers the bread of Hashem your G-d; he shall be holy to you because I Hashem Who is Holy sanctifies you.

Rashi writes:

קֹדֶשׁ יְהוָה לָךְ - נְהוּג בּו קְדוּשָׁה לְפִתּוּחַ רֵאשׁוֹן בְּכָל דְּבַר וּלְבִרְךָ רֵאשׁוֹן  
בְּסֵעוּדָה:

*He shall be holy to you* - Act towards him with sanctity. He commences first in every aspect and is to bless first at a meal.

Rambam explains this special privilege that is awarded to the Kohen. He writes (Hilchos Klei HaMikdash Perek 4/Halachos 1-2):

הַכֹּהֲנִים הוּבְדְלוּ מִכָּל הַלְוִיִּם לְעִבּוּדַת הַקְּרִבָּנוֹת שֶׁנֶּאֱמַר וַיְבַדֵּל אֱהָרֹן  
לְהַקְדִּישׁוּ קֹדֶשׁ קִדְשִׁים, וּמִצְוֹת עֲשֵׂה הֵיא לְהַבְדִּיל הַכֹּהֲנִים וּלְקַדְּשֵׁם  
וּלְהַכִּינֵם לְקָרְבַן שֶׁנֶּאֱמַר וְקִדְשֵׁתוּ כִּי אֶת לֶחֶם אֶ...לִיקִיךָ הוּא מִקְרִיב.

וְצָרִיךְ כָּל אָדָם מִיִּשְׂרָאֵל לְנִהוּג בְּהֵן כְּבוֹד הַרְבֵּה וּלְהַקְדִּים אוֹתָם לְכָל דְּבַר  
שֶׁבְקְדוּשָׁה, לְפִתּוּחַ בְּתוֹרָה רֵאשׁוֹן, וּלְבִרְךָ רֵאשׁוֹן, וּלְיִטּוֹל מִנֵּה יְפֵה רֵאשׁוֹן.

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<sup>4</sup> What we brought here is the second explanation that Rashi gives. His first explanation is

וְאֲנִי אֲבָרְכֶם - לְיִשְׂרָאֵל וְאֲסַכִּים עִם הַכֹּהֲנִים.

*I will bless them* – I will bless Israel – that is, I Hashem will agree to the blessing that the Kohanim are bestowing upon Israel.

As is apparent, the word אֲבָרְכֶם, I will bless *them*, does not have a specified antecedent and thus *them* could refer to Israel or to the *Kohanim* themselves. Therefore, Rashi encompasses both possibilities in his explanations.

The explanation that is written here in this note is less complimentary to the Kohanim. It is as if one asks, ‘Who are these people to bless me?’ The Ribbono Shel Olom replies, ‘Don’t worry. I am blessing you’.

In the commentary brought in the main body of this text, the power to bless was conferred upon the Kohanim themselves.

Kohanim were separated from the general class of Levites to perform the service of the Korbonos as it says, 'Aharon was separated to sanctify him as holy of holies'. It is a positive Torah commandment to separate the Kohanim and to sanctify them and to prepare them for Korbonos, as it says, 'Because He offers the bread of G-d'.

Everyone of Israel must relate to them with much honor and to let them go first for any matter of holiness - to open first in the Torah, to bless first and to take a nice portion first.

The source of these Halachos is found in Masseches Gittin (59 a). Rashi writes there:

לפתוח ראשון - בכל דבר כבוד בין בתורה בין בישיבה הוא ידבר בראש.

*To open first* - In every matter in which there is an honor, whether it is Torah or in a meeting, the Kohen should speak first.

Here it appears that Rashi extends this Mitzvah of *v'kidashto* beyond the framework of Rambam. Rambam limited this Mitzvah to *לכל דבר שבקדושה* - to matters of sanctity and Mitzvos. Rashi says it applies to all matters.

ולברך ראשון - בסעודה.

*To bless first* - in a meal.

וליטול מנה יפה ראשון - אם בא לחלוק עם ישראל בכל דבר לאחר שיחלקו בשוה אומר לו ברור וטול איזה שתרצה.

*To take a nice portion first* - If the Kohen comes to share something in any instance with a non-Kohen, after they

divide it fairly and equally, he says to the Kohen, 'Choose and take the portion that you wish'.<sup>5</sup>

Shulchan Aruch writes (Orach Chaim Siman 135/s'if 3):

כהן קורא בתורה ראשון, ואחריו לוי, ואחריו ישראל.

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Rashi notes that the implication of מנה יפה is not to give the Kohen a disproportionate portion – that would be a monetary advantage which is not included in the Mitzvah of *V'kidashto*. Thus, this Halacha applies when the portions are equivalent. When that is so, the advantage that the Kohen has over others is that 'he gets to pick first'.

Tosfos there adds a particular caveat, an approach that may be closer to that of Rambam than to that of Rashi.

We read:

וליטול מנה יפה ראשון - כגון במעשר עני או בצדקה אם הוא עני או בחברים המסובין בסעודה אבל במידי דשותפות לא דאמרינן בפרק מקום שנהגו (פסחים נ ב) דהנותן עינו בחלק יפה אינו רואה סימן ברכה לעולם.

*To take a nice portion first* – For example if he is receiving *Ma'aser Oni* or [other] *Tzedakah* or with friends eating together<sup>5</sup>. However, if it is choosing a nice portion first among partners, the Gemara in Masseches Pesachim teaches that one who has his eye on a nice portion will not benefit from that portion [if he takes it].

'Friends eating together' has a *Mitzvah* aspect to it when such an event enhances appropriate relations in the realm of *Bein Odom LaChaveiro*. *Tzedakah* and *Maaser Oni* are Mitzvah-related events. And thus, while giving broader examples than Rambam, Tosfos may be more restrictive in applying this Halacha than was Rashi.

A Kohen reads first from the Torah and after him a Levi and after the Levi, a Yisroel.<sup>6</sup>

And there is more. The Kohen receives *Bikkurim*, the first fruits of Eretz Yisroel. He is given *Teruma* and *Terumas Maaser*. The Kohen is given the first-born male animals and the initial sheep

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<sup>6</sup> Regarding leading *Birkas HaMazon* with a *zimun*, Shulchan Aruch writes (Siman 201/s'if 2):

לא יקדים חכם ישראל לכהן עם הארץ לברך לפניו דרך חק ומשפט, אבל לתת לו החכם רשות שיברך, אין בכך כלום; אבל כהן תלמיד חכם מצוה להקדימו שנאמר: וקדשתו לפתוח ראשון ולברך ראשון:

A non-Kohen *Talmid Chacham* should not give preference to a Kohen *Am Ho'oretz* to bless before him as if that is the law of *v'kidashto*. But there is nothing wrong for this Kohen *Am Ho'oretz* to ask the non-Kohen *Talmid Chacham* to bless first.

But if the Kohen himself is a *Talmid Chochom*, it is a *Mitzvah* to let him bless first as it says, '*V'kidashto* – the Kohen opens first and blesses first'.

This Halacha is given expression also regarding *Krias HaTorah*. We read in Siman 135/s'if 4:

המנהג הפשוט שאפילו כהן עם הארץ קודם לקרות לפני חכם גדול ישראל:

The undisputed custom is for a Kohen, even if he is an *Am Ho'oretz*, to read the Torah [even] prior to a great *Talmid Chacham*.

In the previous s'if, Mishna Brura (s'if koton 9) writes:

כהן קורא בתורה ראשון - דכתיב וקדשתו וקבלו חז"ל שרצונו לומר לכל דבר שבקדושה לפתוח ראשון ולברך ראשון וליטול מנה יפה ראשון ומכל מקום אם רצה הכהן לחלוק כבוד לרבו או למי שגדול ממנו הרשות בידו אבל לענין לקרות בתורה בבית הכנסת תקנו חז"ל מפני דרכי שלום שאין הכהן והלוי יכולין למחול אלא דוקא כהן קורא ראשון ואחריו לוי ואחריו ישראל כדי שלא יבוא הדבר לידי מחלוקת שכל אחד יאמר אני גדול ואקרא ראשון. ואין חילוק בין שבת ויום טוב לשני וחמישי ושאר זמנים שקוראין בהן [פרי מגדים].

*The Kohen reads first in the Torah* - Because it says '*v'kidashto*' and Chazal had the Masores that this Posuk means to say that in every aspect of holy endeavors, the Kohen begins first and blesses first and takes a nice portion first. Nonetheless – in other aspects if the the Kohen wishes to honor his Rav or one who is greater than him – the Kohen can do so.

But, regarding Torah Reading in Shul, Chazal enacted that in order to promote peaceful relationships, the Kohen and Levi cannot give up their priority of reading first and second, respectively. It must be that a Kohen reads first and after him a Levi and then a Yisroel. This is in order to avoid arguments and disputes – where everyone would say 'I am greater and I should read first'.

There is no difference in this Halacha between Torah reading on Shabbos and Yom Tov and between the Torah reading on Mondays and Thursdays and all the other times when the Torah is read [from the *P'ri Megadim*].

shearings. All in all, the Torah and Halacha teach us of the twenty-four *Matnos Kehuna* - the gifts that the Torah awards to the Kohanim.

When a woman gives birth to her first child, if it is a boy, the father must redeem him from the Kohen and give the Kohen a gift of 5 Sela'im.

After reading all of the above it is not difficult to appreciate why someone who isn't a Kohen would want to be one and why one who is a Kohen is properly proud of the heritage that allows him to serve HaKodosh Boruch Hu and Israel faithfully and uniquely.

On the other hand, the *Kehuna* is not only an issue of privileges, rights and opportunities. The *Kehuna* is accompanied by restrictions that are not placed upon the rest of Israel.

In his daily life the Kohen is limited to whom he can marry. A Kohen cannot marry a divorcee or a convert or a woman who becomes forbidden because of particular promiscuous actions.<sup>7</sup>

In his daily life, nowadays, the Kohen is limited in his participation in events that affect society - particularly he cannot participate in funerals as do others because the Torah forbids him from becoming *t'mei meis*, one who contracts the impurity of touching or being in the same enclosed, roofed area with a corpse. Even today, even today when all people, including Kohanim, are *t'mei'ei meisim* because there is no escape for even the most scrupulous of Kohanim to avoid that impurity, the Kohen remains prohibited from additional exposure to that type of impurity, no matter what.

Certainly, the above is well-known and it is likely that our Kohen-candidate said 'אף על פי כן - even so I am willing to absorb those limitations in order to function as a Kohen.'

It may be that the motivation of this would-be Kohen was ignited by learning our Parshos of Tazria and Metzora.

The Kohen is the central authority in our Parshos that deal with the laws of *tzora'as* - halachic leprosy.

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<sup>7</sup> In Shulchan Aruch Even HoEzer Siman 6, the Halachos of marriages, those that are permitted and those that are forbidden to Kohanim, are taught.

We read in the outset in the first of the two Parshos, Parshas Tazria-Vayikro (Perek 13/P'sukim 2-3, 8):

אָדָם כִּי יִהְיֶה בְּעוֹר בְּשָׂרוֹ שְׂאֵת אוֹ סַפְחַת אוֹ בְּהֶרֶת וְהָיָה בְּעוֹר בְּשָׂרוֹ לְנֹגַע  
צָרַעַת וְהוּבָא אֶל אַהֲרֹן הַכֹּהֵן אוֹ אֶל אֶחָד מִבְּנָיו הַכֹּהֲנִים: וְרָאָה הַכֹּהֵן אֶת  
הַנֹּגַע בְּעוֹר הַבָּשָׂר וְשָׁעַר בְּנֹגַע הַפֶּה לְבָן וַיִּמְרָאָה הַנֹּגַע עִמָּק יַעֲוֹר בְּשָׂרוֹ  
נֹגַע צָרַעַת הוּא וְרָאָהּ הַכֹּהֵן וְטִמָּא אֹתוֹ:

וְרָאָה הַכֹּהֵן וְהָיָה פְּשִׁתָּהּ הַמְּסַפַּחַת בְּעוֹר וְטִמָּאוּ הַכֹּהֵן צָרַעַת הוּא:

When a person will have on his skin a raised place or a *sappachas*, or a speckle and it is on the skin of his flesh to be a plague of *tzora'as* - halachic leprosy and he is brought to the Kohen or to one of his sons the Kohanim. The Kohen shall see the plague on the skin of his flesh and the hair of the plague has turned white and the appearance of the plague is a deeper shade than the skin of his flesh, it is a plague of *tzora'as* and the Kohen shall see it and make him impure.

If the Kohen sees the plague and the *mispachas*-plague has spread in his skin; the Kohen shall make him impure; it is *tzora'as*.

Rashi writes to Posuk 2:

אל אהרן וגו' - גזירת הכתוב היא שאין טומאת נגעים וטהרתן אלא על פי כהן:

*To Aharon etc.* - It is the Torah's decree that there is no making impure or making pure of these plagues of *tzora'as*, except by the mouth of the Kohen.

Think about the power the Torah has invested in this Kohen. Think what it means to quarantine or sequester a person as well as the additional impurities that he spreads by contact with other people or objects, as the Torah spells out clearly in our Parshos.

Besides the suffering of the individual who is so smitten, many of those around him are struck directly or indirectly.

When we add the spiritual dimensions to the plague of *tzora'as*, it even becomes more complicated.

Rashi writes at the beginning of Parshas Metzora (Vayikro Perek 14/Posuk 4):



...שהנגעים באין על לשון הרע, שהוא מעשה פטפוטי דברים:

...שהנגעים באין על גסות הרוח:

The plagues of leprosy come about because of gossip - an act of chattering.

The plagues of leprosy come about because of haughtiness.

We read in Parshas Tazria (Perek 13/Posuk 46):

כָּל יְמֵי אֲשֶׁר הִנָּגַע בּוֹ יִטְמָא טָמֵא הוּא בְּדָד יֵשֵׁב מִחוּץ לַמַּחֲנֶה מוֹשְׁבּוֹ

All the days that the *tzora'as* is in him, he shall make others impure; he is impure; he shall dwell alone, outside of the camps will be his dwelling.

Rashi writes:

ואמרו רבותינו מה נשתנה משאר טמאים לישיב בדד, הואיל והוא הבדיל בלשון הרע בין איש לאשתו ובין איש לרעהו, אף הוא יבדל:

Our Rabbis said, 'Why is the *Metzora* distinct from other types of impurities that he has to dwell alone? [They answered], 'Since he made a division between husband and wife, between friends, because of his gossip, also he should be divided and separated from others.

What a harsh determination is handed over to the Kohen. What power he has!

The determination that a person is a *metzora* contains within it a personal evaluation, beyond the pure halachic determination. If he or she is a *metzora*, his or her *middos* are so compromised that an extreme Divine reaction is called for. That is the conclusion we will make when we see that the Kohen as said that our neighbor, friend or relative is a *metzora*.

However, such a view is superficial at the best. We read an additional verse in Parshas Tazria regarding a different type of *tzora'as* (ibid. Posuk 37):

וְאִם בְּעֵינָיו עֵמֵד הַנֶּתֶק וְשָׁעַר שַׁחַר צָמַח בּוֹ נִרְפָּא הַנֶּתֶק טְהוֹר הוּא וְטָהַר הַכֹּהֵן:

If the *nesek-tzora*'s plague stayed unchanged in his eyes and black hair grew in it, the *nesek* has healed; he is pure and the Kohen purifies him.

The phrasing of this verse raises a difficulty. Why does it need to say 'he is *tahor*'? Let the verse write its final two words only - 'the Kohen will purify him' and thus we know that he is *tahor*. Why is that repetition necessary?

Rashi explains there:

טהור הוא וטהרו הכהן - הא טמא שטהרו הכהן, לא טהור:

*He is pure, the Kohen should purify him* - we can derive from this that if he was *tamei*-impure and the Kohen declared him 'pure', he is not pure.

And now we come to the difficulty.

Until now we thought that the Kohanim were essential in establishing purity and impurity. We thought that his statement conferred purity and the Kohen's utterance conferred impurity. We thought that his word was the first and the last; complete authority was imbued within him.

The model that we may have is that of witnesses at a wedding.

In general, witnesses serve two functions. One function is called *ראיה*. *Raya* means proof. That means if witnesses see Reuven lending Shimon money, they can testify that Shimon is a debtor. In this case, the witnesses don't *create* Shimon's obligation to repay Reuven. It was the actual loan that created the obligation. No matter what, Shimon owes Reuven money. Witnesses serve to back up Reuven's claim that Shimon owes a debt to Reuven and they *prove* that such a debt existed already. Witnesses are not essential for the debt to be created. Their testimony is needed only when there is some type of issue that arises that interferes with the repayment.

On the other hand, there are different situations wherein witnesses *create* the situation. If a man gives a woman a ring and says 'ha'rei at mekudeshes...' without the presence of Kosher witnesses, they are not married. If there are Kosher witnesses who observe the giving of the ring and the 'ha'rei at' - then the witnesses cause the marriage to be just that - a marriage. They

are called עדי קיום because they bring the marriage into halachic existence. These witnesses are essential for the marriage to take place.

What if the witnesses lie and testify that Yaakov married Leah - when he really didn't? Of course, Yaakov and Leah aren't married. The witnesses validate the act of giving the ring making it a Halachic marriage. They cannot invent the event.

The same is true of the Kohen. The Torah empowered him to declare a person *tomei* or *tahor* when there is such an event that invites such a decision.

If the event is one that doesn't justify a declaration of *tomei* or a declaration of *tahor*, the Kohen's pronouncement is meaningless.

And that is what the Posuk, as explained by Rashi, is teaching us.

The fact is that when one carefully learns the explicit teachings of the Torah in those matters that relate to a Kohen: the laws of purity and the laws of Korbonos, we see that the Kohen is not an independent operator in the least.

The Kohen's actions are proscribed greatly.

That is, we know that in general *Torah Shebich'sav* speaks in 'shorthand'. That is what the Mishnah at the end of the first Perek of Masseches Chagiga (10 a) teaches:

היתר נדרים פורחין באויר ואין להם על מה שיסמכו. הלכות שבת חגיגות  
והמעילות - הרי הם כהררים התלוין בשערה, שהן מקרא מועט והלכות  
מרובות.

Freeing a person from a *neder* by a Chochom are Halachos 'flying in the air' and do not have on what to base themselves. The Laws of Shabbos, *Korban Chagiga* and *Me'ila*-forbidden use of *Hekdesh* objects, are like mountains hanging by a hair: they have few verses and many Halachos.

In contrast, to these Halachos that find insufficient *mekorot* in the Written Torah, other Halachos are expressed in detail. The Mishnah continues:

הדינין והעבודות, הטהרות והטמאות, ועריות - יש להן על מה שיסמכו,  
והן הן גופי תורה.

Monetary laws, the laws of Korbonos and the Laws of Purity and Impurity and the Laws of Forbidden Marriages - these all<sup>8</sup> are the very body of Torah.

Rashi writes:

היתר נדרים פורחים באויר -...מעט רמז יש במקרא, ואין על מה לסמוך,  
אלא שכן מסור לחכמים בתורה שבעל פה.

*Permitting vows are Halachos flying in the air* - there is only a little hint in the Torah and upon that hint there is not enough to rely upon - but such was given to the Chachamim in Torah She'b'al Peh to teach.<sup>9</sup>

Of course, there is no area of Torah that is bereft of the Oral Torah and no area of Torah that can exist without the Oral Torah. That is true of all of the Halachos referring to Kohen as well.

However, there are areas of Halacha where authority was granted to the Chachamim to come to independent conclusions that the Torah sanctions, as we shall see shortly.

It might seem that there are some areas where the Kohen has some leeway to make independent decisions on his own. It only seems such but in reality, it isn't so. Let us see an example.

We can understand how a pronouncement of 'tomei' by the Kohen can cause an upheaval any time it occurs. However, there are times when that upheaval is felt more profoundly - such as Yom Tov times when people go to the Beis HaMikdosh for *Aliya L'Regel* on the *Shlosh Regolim* of Pesach, Shavuos and Sukkos and the celebrations as families join to enhance the ambience that the Chag brings.

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<sup>8</sup> The Gemara there explains that 'these all' refer to all of the Halachos the Mishnah mentions, whether there is significant reference in *Torah Shebic'sav* or not.

<sup>9</sup> Rashi continues there:

הלכות שבת, והלכות חגיגה, הלכות מעילות - יש בהן הלכות שהן תלויות ברמז, מקרא מועט.

*The Laws of Shabbos, Chagiga and Meilos* – they do have some Halachos – but they are also hanging on hints, with a dearth of verses.

That is, these Halachos, too, are extremely dependent on Torah sheb'al Peh.

Additionally, there are times of personal celebration when a Kohen's declaration of 'tomei' would decimate the celebration - such as would occur at a wedding if either the Choson or Kallah would be declared *tomei* with *tzora'as*.

There are times when a declaration of 'tomei' will cause considerable financial loss, such as when a house is declared to be 'tomei', causing all that is in the house to be considered impure as well.

The Halacha is clear. The Kohen doesn't make declarations of 'tomei' on a Yom Tov or for a newly-wed couple. The Kohen allows the home owner to remove his property from the house before the Kohen says 'tomei'.

Don't those Halachos seem to indicate that the Kohen has leeway and discretion in making allowances for 'hardship' cases?

The answer is 'no'. These are not discretionary matters for the Kohen to decide upon independently. It is all written; it is all dictated; the Torah provides instructions and the Kohen is required to adhere to those instructions.

Regarding a certain type of *tzora'as* the Torah writes (ibid. Posuk 14):

וּבְיוֹם הַרְאוֹת בּוֹ בֶּשֶׂר חַי יִטְמָא:

And on the day that there appears raw flesh, he is impure.

Rashi writes

וביום - מה תלמוד לומר, ללמד יש יום שאתה רואה בו ויש יום שאין אתה רואה בו, מכאן אמרו חתן נותנין לו כל שבעת ימי המשתה לו ולאצטליתו ולכסותו ולביתו, וכן ברגל נותנין לו כל ימי הרגל:

*On the day* - What does 'on the day' come to teach? It comes to teach that there is a day when the Kohen sees [and decides upon] a *tzora'as* to declare it impure and there is a day when the Kohen does not see and examine whether something is *tzora'as*. From here the Chachamim said: The Choson [and Kallah] are given the Seven Days of Celebration for him and his cloak and all of his clothes and his house.

Similarly, on Yom Tov - a person is given all the days of the Yom Tov.

Of course, Chazal have to interpret the verse and teach us that the 'days of' to which the Torah refers are the days of Sheva B'rachos and the days of Yomim Tovim and their Chol HaMoed. However, once we know that such is the intent of the Torah, we are no longer talking about the Kohen using *his* discretionary judgment. The Torah provides the judgment and it is upon the Kohen to implement it.

It would greatly disturb the week of the wedding if either the bride or the groom or their possessions would be declared 'tomei'. It would greatly disturb *Simchas Yom Tov* if a person or his possessions would be declared 'tomei'. In those situations, it is the *Torah* that decides that the Kohen should not exercise his responsibilities of declaring impurity.

The Torah is not saying to the Kohen, 'you decide if you should issue a declaration of 'tomei''. The Torah is saying to the Kohen, 'do not issue a declaration of 'tomei' in those time periods.

Similarly, we learn about a home in Eretz Yisroel that could become impure when it is affected by a certain type of *tzora'as* that is applicable to domiciles.

In Parshas Metzora (Perek 14/P'sukim 33-53), the Torah writes regarding the *tzora'as* that affects a home (Posuk 34):

כִּי תָבֹאוּ אֶל אֶרֶץ כְּנָעַן אֲשֶׁר אֲנִי נֹתֵן לָכֶם לְאֶחְזָה וְנִתְּתִי נֹגַע צָרַעַת בְּבַיִת  
אֶרֶץ אֶחְזִיתְכֶם:

When you come to the Land of Canaan that I Hashem give you as a permanent possession and I will place a plague of *tzora'as* in a house in the land of your permanent possession.

The Torah continues and describes the procedures that follow (P'sukim 35-36):

וּבֹא אֲשֶׁר לוֹ הַבַּיִת וְהִגִּיד לַכֹּהֵן לֵאמֹר כָּנָגַע נִרְאָה לִי בַבַּיִת: וְצִוָּה הַכֹּהֵן  
וּפָנּוּ אֶת הַבַּיִת בְּטָרָם יָבֹא הַכֹּהֵן לִרְאוֹת אֶת הַנֹּגַע וְלֹא יִטְמָא כָּל אֲשֶׁר  
בַּבַּיִת וְאַחֵר כֵּן יָבֹא הַכֹּהֵן לִרְאוֹת אֶת הַבַּיִת:

The homeowner comes and tells the Kohen saying, 'It looks to me like there is a *tzora'as* plague in the house.'<sup>10</sup> The Kohen commands and they clear out the house prior to the Kohen coming to the house to see the plague and so he will not declare all in the house to be impure; afterwards the Kohen comes to see the house.

It should be unnecessary to elaborate on the Torah's message here. The concern for the property of the homeowner is not raised by the Kohen. The Torah puts that concern forward and demands that the Kohen operate based on that concern.

The concern is clear:

חס על ממונם של ישראל

Be concerned not to waste the money of your fellow Jew.

However, the limitation and exclusion of the Kohen from making discretionary decisions is emphasized by Rashi who cites Chazal who explain the Torah's overarching concern for the money of a Jew.

Rashi writes:

ולא יטמא כל אשר בבית - שאם לא יפנהו ויבא הכהן ויראה הנגע, נזקק להסגר, וכל מה שבתוכו יטמא. ועל מה חסה תורה, אם על כלי שטף, יטבילם ויטהרו, ואם על אוכלין ומשקין, יאכלם בימי טומאתו, הא לא חסה התורה אלא על כלי חרס, שאין להם טהרה במקוה:

*So, he will not declare all in the house to be impure -*  
Because if the homeowner does not empty out the house and the Kohen will come and see the *tzora'as* plague - the homeowner will be forced to quarantine and all that is in the house will be impure.

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<sup>10</sup> This Posuk emphasizes the exclusivity of the right and authority of the Kohen to make declarations of 'tahor' and 'tomei'. This is as Rashi explains:

כנגע נראה לי בבית - אפילו תלמיד חכם שיודע שהוא נגע ודאי לא יפסוק דבר ברור לומר נגע נראה לי, אלא כנגע נראה לי:

*It looks to me like there is a tzora'as plague in the house* – Even if the homeowner is a Talmid Chacham and he knows that it is a *tzora'as* plague for certain, he cannot declare as a fact and say, 'a *tzora'as* plague did appear to me, only *'like* there is a plague'.

And upon what exactly was the Torah concerned about so as not to cause a monetary loss to the homeowner? If it was dishes that could be put in a Mikveh to purify them, such as metal and wooden articles, let him immerse them and they will be purified - there is no monetary loss.

If it is regarding food and drink, the homeowner can imbibe of them when he is impure, because they are not forbidden for consumption.

So, it must be only upon earthenware vessels that cannot be purified in a Mikveh.

By their nature, earthenware vessels are very fragile, break often and become dirty and unusable often. Therefore, their loss at becoming impure is not particularly great.

The same Kohen who may wish to make a discretionary judgment to be lenient, but is not allowed to make such a judgment, may decide in this situation that he doesn't have to give the homeowner the opportunity to empty out the house - it's not a major loss at all if it is only the כלי חרס, earthenware dishes, that have to be destroyed.

The Torah gives a most clear instruction to the Kohen: it is not your decision. The Ribono Shel Olom said, 'Be concerned. It is not your decision. It is Mine.'

And we can say the same Halachos applies to the service in the Beis HaMikdosh. The Torah instructs the Kohen what he can do, what he must do and what he is forbidden to do.

The Torah instructs the Kohen which blood is to be thrown and which blood is to be spilled. The Torah instructs the Kohen which offerings can be brought on Shabbos, 'breaking' all of the laws of Shabbos and which do not override Shabbos.

Of course, Chazal need to *interpret* the Torah's intent - but there is no personal discretionary judgment given to the Kohen.

The Kohen is bound tightly by the Halachos governing all that he does in his prestigious position.



The Kohen *appears* to be a man of accomplishments, a leader. In reality he is a low-level soldier expected to follow the instructions of his Commander.

But this does not mean that the Torah never leaves room for anyone to use independent judgment.

In contrast to the Kohen, we find that the Chachamim, the Beis Din and their representatives, have wide-ranging powers, all of which are authorized by the Torah.

The Posuk that gives that authorization is well-known. We read in Parshas Shoftim (D'vorim Perek 17/Posuk 1):

עַל פִּי הַתּוֹרָה אֲשֶׁר יוֹרוּךְ וְעַל הַמִּשְׁפָּט אֲשֶׁר יֹאמְרוּ לְךָ תַעֲשֶׂה לֹא תִסּוּר  
מִן הַדְּבָר אֲשֶׁר יִגִּידוּ לְךָ יְמִין וּשְׂמָאל:

According to the Torah that the Sanhedrin will instruct you and according to the law that they will say to you, you should do; do not turn away from the word that they will tell you, neither right or left.

This is the verse that led the Chachamim to equate, almost, their rulings with that which Hashem gave to Moshe on Sinai. The Gemara famously questions the Bracha we make when lighting Chanuka lights and say:

אשר קדשנו במצותיו וצונו להדליק נר של חנוכה.

Hashem has sanctified us with *His* commandments and He commanded us to light the Chanukah lamp.

We read in Masseches Shabbos (23 a):

והיכן צונו? רב אויא אמר: מלא תסור.

Where did *He* command us? Rav Avia said, 'From the verse of "do not turn away".'<sup>11</sup>

It is in the discretionary power of the Sanhedrin to enact Mitzvos and express them as if G-d commanded them!

Thus, we read in Mishneh Torah LaRambam (Hilchos Mamrim Perek 2/Halacha 4):

יש לבית דין לעקור אף דברים אלו לפי שעה אף על פי שהוא קטן מן הראשונים שלא יהו גזרות אלו חמורין מדברי תורה עצמה שאפילו דברי תורה יש לכל בית דין לעקרו הוראת שעה...

Beis Din has the authority to uproot even these things [that the Torah commands] on a temporary basis, based on the circumstances - even if the Beis Din is of lesser wisdom and greatness and status than the previous Botei Din. These Rabbinic decrees will not be more severe than that which is written in the Torah itself because Beis Din has the authority to temporarily/based on the circumstances uproot *Divrei Torah*.

It is in the discretionary power of the Sanhedrin to temporarily suspend Torah law. That is what is done when Rosh Hashana occurs on Shabbos and the Torah's commandment to sound the Shofar is abrogated. That is done when the first day of Sukkos falls on Shabbos and the Torah's commandment to take Lulav and Esrog is abrogated.

And there are specific instances in which the Torah gives authority to the Beis Din regarding individual Torah Halachos.

We read in Parshas Emor (Vayikro Perek 23/Posuk 4):

אֵלֶּה מוֹעֲדֵי ה' מִקְרָאֵי קֹדֶשׁ אֲשֶׁר תִּקְרְאוּ אֹתָם בְּמוֹעֲדָם:

<sup>11</sup> The Gemara there offers a second opinion as to this source of Rabbinic authority: . רב נחמיה אמר: (דברים לב/ז) שאל אביך ויגדך זקניך ויאמרו לך.

Rav Nechemia says, from the verse in Parshas Haazinu, which reads in its entirety:

זָכֹר יָמוֹת עוֹלָם בֵּינֵנוּ שָׁנוֹת דָּר וְדָר שְׁאֵל אָבִיךָ וַיְגַדֶּךָ זְקֵנֶיךָ וַיֹּאמְרוּ לָךְ:

Remember the days of the world, contemplate the years of each generation; ask your father and he will tell you; your elders and they will say to you.

These are the designated days of Hashem, Holy Convocations, that you shall proclaim them in their time.

Chazal (Masseches Rosh Hashanah 25 a) interpret the interaction of מועדי ה' - *Hashem's* designated days and תִּקְרְאוּ אוֹתָם - *you* proclaiming them, as follows:

אתם ואפילו שוגגין אתם ואפילו מזדיין

You, Beis Din, even if in error or even deliberately - if you proclaim the day of Rosh Chodesh - it is as you have proclaimed it.

The Torah tells us that Rosh Hashana is the 1<sup>st</sup> day of Tishrei and Yom HaKippurim is the tenth day of Tishrei, and so on with all of the Yomim Tovim.

Those are the מועדי ה' - G-d's designated days. But, Beis Din can manipulate, deliberately, when the onset of Rosh Chodesh will be and thus manipulate the actual day (not date) when the Yom Tov will occur.

That is the discretionary power of the Sanhedrin.

And then, in next week's second reading of Parshas Kedoshim (Vayikro Perek 19/Posuk 2) we will read the long commentary of Ramban in which he gives examples of specific Torah Mitzvos that are part of the *Taryag* and the Sanhedrin was authorized to define their parameters.

His first example is that of *Kedoshim ti'h'yu*. The Torah writes there:

דַּבֵּר אֶל כָּל עַדְת בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדוֹשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי ה'  
א...ל"קִיכֶם:

Speak to B'nei Yisroel and you shall say to them, 'You shall be holy because I am Holy; I am Hashem your G-d.

The content of that divinely commanded holiness is to be determined by Chazal, Ramban explains.

In Parshas Voeschanan (D'vorim Perek 6/Posuk 18) we read:

וְעָשִׂיתָ הַיֵּשֶׁר וְהַטּוֹב בְּעֵינֵי ה' לְמַעַן יֵיטֵב לְךָ וּבָאתָ וְיָרַשְׁתָּ אֶת הָאָרֶץ  
הַטְּבָה אֲשֶׁר נִשְׁבַּע ה' לְאַבְרָהָם:

You shall do that which is straight and good in the eyes of Hashem in order that He will do good for you and you will come and you inherit the good land that Hashem swore to your fathers.

What is that 'straight and good'? It is a concept that teaches that one should act:

#### לפנים משורת הדין

Beyond that which the Torah requires in interpersonal monetary manners.

It teaches us that in monetary matters, issues of *Bein Odom L'Chaveiro*, what must be avoided

#### מידת סדום

Behaving like the people of *Sedom*, totally antithetical to Torah expectations.

Ramban teaches that the authority to determine the content of that Mitzvah of ועשית הישר והטוב was given to the Sanhedrin.

Thus, if our would-be Kohen is seeking authority and decision-making, we would do him a favor and send him to a Yeshiva to learn rather than to the Beis HaMikdosh and to apprentice to the Kohen Godol.

But that depends on his motivation.

What if his motivation stems from this verse that was spoken at *Mattan Torah* (Sh'mos Perek 19/Posuk 6):

וְאַתֶּם תִּהְיוּ לִי מַמְלֶכֶת כֹּהֲנִים וְגוֹי קְדוֹשׁ אֵלֶּה הַדְּבָרִים אֲשֶׁר תִּדְבֹּר אֶל בְּנֵי יִשְׂרָאֵל:

You shall be for Me a Kingdom of Kohanim and a Holy Nation; these are the words that you Moshe should speak to B'nei Yisroel.

Rashi writes:

וְאַתֶּם תִּהְיוּ לִי מַמְלֶכֶת כֹּהֲנִים – שָׂרִים

*You shall be for Me a Kingdom of Kohanim - Officers.*

It would seem at first glance that what we have written here is contradicted by the Posuk itself and Rashi's commentary.

The thesis that we have be presenting is that with all the importance of the Kohen's service and his Halachic status, he has not been given real authority. The very specifics of his behavior are explicitly dictated by the Torah. There is no discretion that is given to the Kohen.

And yet, the Torah here discusses *Mamleches Kohanim* - a *Kingdom* of Kohanim. Kings have authority and wide-ranging discretion. Rashi's explanation of kings as referring to 'officers' only mitigates the Posuk somewhat.

Although 'officers' are less powerful than kings, they do retain a good deal of authority that they can choose to exercise.

The answer, though, seems to lie in the words:

ואתם תהיו לי

You shall be to Me!

There is a built-in tension in the verse; it seems to be paradoxical.

If Israel is to be a *Kingdom* of Kohaim, 'officers' - then they seem to be given a wide-range of powers and discretion.

On the other hand, if it is 'to Me', belonging to Hashem, then their subservience is understood and expected.

Are they officers or are they G-d's servants?

The answer is that they are both. And the order of the verse reveals to us its message.

The sequence is that we are to be a ממלכת כהנים and then we can aspire to be a גוי קדוש.

The Kohen has to perform a service that the Torah prescribes with great specification and detail. His role is carefully orchestrated. He is told what to do.

What then is the challenge presented to the Kohen? The challenge is clear: will it be HaKodosh Boruch Hu who rules over the Kohen or will it be the ego of the Kohen that wishes to take control and thwart the Heavenly rule.

If the Kohen is to succeed in his task, he must be part of a ממלכה, a reign. And it is the Kohen who is to be the king. And who is to be this king's subject? The king himself!

That is the virtue that Rambam extols in the Sixth Perek of *Shemona Perakim*, his introduction to *Masseches Ovos*. The Rambam teaches that a person who conquers his *yetzer ha'ra'*, one who is

מושל ברוחו

Rules over his own spirit

is superior to a

חסיד מעולה

A superiorly pious individual.

The former struggles with his temptations and subjugates them. He is the ruler over himself.

The latter has few or no struggles because he does not have to battle his *yetzer ha'ra'*.

Based on what we are explaining it is obvious why Rambam can demonstrate that the מושל ברוחו is superior to the חסיד מעולה.<sup>12</sup>

The מושל ברוחו is a King. The חסיד מעולה is not a king.

In order to be a Kohen, the individual has to be of such stature that he controls himself, that he governs his actions and his

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<sup>12</sup> See 'The Warmth and the Light', Parshas Vayigash for a more specific explanation of the two concepts of מושל ברוחו and חסיד מעולה that is given by *Mori V'Rabi* Rav Aharon Soloveichik ZT"l.

Speaking more colloquially, my Rebbe, Rav Yaakov Perlow, the *Admor miNoveminsk* who was *niftar* this year on 13 Nissan, spoke of the goals that a person should set for himself in order to reach the heights of Torah achievement.

The Rebbe ZT"l gave an example of two people riding in a car. They are both heading in the same direction. However, it is the driver who determines the direction, the passenger is just 'going along for the ride'. The Rebbe explained: if the *neshama* is the driver and the *guf* is the passenger, both will arrive at the desired destination. If the *guf* is the driver and the *neshama* is the passenger, then their journey's destination can be tragic.

thoughts<sup>13</sup>. When the individual Kohen attains such a *madreiga*, he then ascends to the next level - sanctity.

And that which is true of the individual, the microcosm, is true of the nation as a whole, the macrocosm, Klal Yisroel.

If Jews join together and each have attained self-rule and, in their amalgamation, they create a dynamic for national self-rule, then, as a whole, the nation becomes holy.

A prospective Kohen who seeks to control others will be ultimately disappointed and frustrated. That is not the function of a Kohen whatsoever.

A Kohen who seeks self-rule in order to fulfill the Will of HaKodosh Boruch Hu will not only find himself being sanctified, he can confer blessing and holiness to the entire nation.

That is what the Novi Malachi wanted to teach posterity as we read in that final Sefer of Nevi'im (Perek 2/Posuk 7):

כִּי שִׁפְתֵי כֹהֵן יִשְׁמְרוּ דַעַת וְתוֹרָה יִבְקְשׁוּ מִפִּיהוּ כִּי מַלְאָךְ ה' צִבְּ...אוֹת הוּא:

The lips of the Kohen will guard knowledge; they should seek Torah from his mouth because he is an angel of Hashem, the G-d of the hosts.

In Masseches Moed Koton (17 a), we find Chazal's interpretation of this verse:

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<sup>13</sup> If while involved in any of the procedures involved in dealing with the offering, the Kohen has a thought that he will offer or eat the offering at the wrong time or he will offer or eat it in a place that is Halachically inappropriate, the *Korban* is disqualified and even if the Kohen does not carry out his thoughts, the article being offered is forbidden.

Such an act is called פיגול as we read in Parshos Tzav and Kedoshim. See Vayikro Perek 7/Posuk 18 and Perek 19/Posuk 7 and Rashi there.

If the Kohen, even unintentionally, has the wrong *Korban* in mind when performing one of the procedures that are required to make an offering, such as thinking (or saying) that a *Korban Chattos* is a *Korban Shlomim* or a *Korban Oloh* is a *Korban Pesach*, then he has violated his mission, even if the procedures that he enacts are correct and appropriate for the true designation of the offering.

There are times that that such a violation will completely disqualify the *Korban* and there are times that even if the *Korban* isn't disqualified, the owners will have to bring a replacement to fulfill their obligation.

אם דומה הרב למלאך ה' - יבקשו תורה מפיו. ואם לאו - אל יבקשו תורה  
מפיו

If the *Rav* is similar to an angel of G-d - then they should seek Torah from his mouth; if not, they should not seek Torah from his mouth.

The Posuk is difficult. It mentions a *Kohen*, not a *Rav*. And, what does it mean to be 'similar' to an angel?

The answer is that the *Kohen* here is not only an individual who is a descendant of Aharon HaKohen. The *Kohen* here is the individual who wishes to teach Torah to others.

However, his credentials must testify that he is *similar* to an angel. What is the 'similarity' to an angel without being an angel?

The phrase *מלאך ה' צב...אות* is the explanation. The 'angel' is part of G-d's army. And HaKodosh Boruch Hu is the undisputed Commander-In-Chief. The angel who is part of that august body does not veer even one iota from his Commander's instructions.

The *Rav* who aspires to be a *Kohen* and who is part of the *Mamleches Kohanim* has to be 'similar' to an angel, but not the same.

He is similar to the angel in that he, too, sees HaKodosh Boruch Hu as his Commander-In-Chief and does not veer even one iota from his Commander's instructions.

But he is not an angel. He is not a *חסיד מעולה*. He has struggles and he possesses the free-will to succeed in his struggles. He could veer if so he wished, but he doesn't veer because he is in a state of self-rule. He is not only aspiring to be such a *Kohen*, he is part of *Mamleches Kohanim*.

As part of *Mamleches Kohanim* he is holy and is most fit to be a source of Torah teaching for all generations.

The *Kohen* is a central figure in the first six Parshos of Sefer Vayikro and in the eighth one as well.

The *Kohen* in these Parshos is a person of biological descent from Avraham Ovinu through Aharon and then throughout the generations.



The Kohen who is a valued member of ממלכת כהנים may be a biological descendant of Aharon. That Kohen who is a valued member of ממלכת כהנים may not necessarily be a biological descendant of Aharon, but one of Avraham Ovinu or, perhaps, he is not even a biological descendant of Avraham Ovinu but his *Halachic* descendant who has joined Am Yisroel.

The *Kohen* who is part and parcel of ממלכת כהנים serves the same role as does the Kohen whose *Avoda* is in the Beis HaMikdosh.

The Kohen of the Beis HaMikdosh confers sanctity upon Israel and the *Kohen* of the ממלכת כהנים transforms all of Israel to become a גוי קדוש, a Holy Nation suffused with sanctity in the service of G-d and of Israel.

Chodesh Tov

Shabbat Shalom

Rabbi Pollock