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Making the Kohen Gadol great

Parshas Emor begins with a discussion of laws of the Kohanim. After discussing the laws pertaining to the regular Kohanim, the Torah lists the unique Mitzvos for the Kohen Gadol.

The Kohen Gadol is described as **הכהן הגדול** **מאחיו**, the Kohen who is greater than his brothers. From this wording, our sages learn that the Kohen Gadol must be wealthier than the other Kohanim. If he is not wealthier than them, his fellow Kohanim need to give him from their own wealth until he is wealthier than them.

This is derived from the Torah describing the Kohen Gadol as **הכהן הגדול מאחיו**, as if to say **גדלוהו** **ממשל אחיו**, make him greater from his brothers.

Yet, even though the Kohen Gadol's authority and ascent to the position comes from his fellow Kohanim, only he is the Kohen Gadol. Only he may enter the Kodesh Hakodoshim and fulfil the Avodah of the Kohen Gadol. A regular Kohen is considered a **זר** and may not enter, it's not his place.

The Rebbe derives a powerful message from this Gemora that applies in the relationship between a Rov and his community members.

A Rov and Balabatim have different roles and there must be clear delineation of what is the responsibility of the Balabatim and what is the responsibility of the Rov.

The Rov's job is to be immersed in the Daled Amos of Torah and Tefillah and to lead and instruct the community members in the path of Torah.

The Rov of a community may be elected to the position by the Balabatim of the community. He may have a contract of employment given to him by the governors of the committee. His salary is likely to be paid for by the community as well.

A Rov should have the strength and authority to issue Piskei Halacha and uphold the laws of the To-

rah. Like the Kohanim, if the Rov lacks this strength, it is the responsibility of the Balabatim to empower the Rov and bolster his authority so that he can issue Piskei Halacha without compromise.

And like the Kohanim, it is important to remember that whilst the Rov's authority comes from the community's empowerment, he alone is the 'Kohen Gadol'. When it comes to the 'Kodesh Hakodoshim' of issuing Piskei Halacha, it is his jurisdiction alone.

All community members have the responsibility to be involved in strengthening and building the Shule and the community. They should devote themselves to activities of Askanus and Gemilus Chassadim. But when it comes to a matter of Halacha and Psak, this is ultimately an area for the Rov alone.

The Rebbe assures that "When the conduct of the Kehillah will be in a manner of **גדלוהו משל אחיו**, the Rov will be able to be a true leader and guide the community in the ways of Torah and Mitzvos. Then they will be deserving of Hashem's blessings, and all of the Balabatim will be blessed with material prosperity".

Tiferes Shlomo interprets the Posuk differently. He explains that the greatness of the Kohen Gadol comes from his concern and love for every Jew, seeing each one as though they are his brother. This is alluded to in the phrase **הכהן הגדול מאחיו** i.e. the Kohen becomes great from seeing and loving every Jew as a brother.

By davening on their behalf and being willing to sacrifice himself for them, this is how the Kohen Gadol becomes truly great.

The same is true for a Rov. His true greatness is dependent on his selfless dedication and love for the individual members of his community. In turn, the community will hold their Rov in the highest esteem, empower and support him and follow his leadership.

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|--|-------------------------------------|---|---------------------------------|
| 1. Mishlei Parsha 9 also quoted in Yalkut Shimoni. Known as the Midrash Asarah Harugei Malchus | 6. Sefer Haeshkol | 13. Kesubos 103b | See Shu"t Yechave Daas 4:58 |
| 2. Sukkah 25a | 7. Bava Metziah 114b | 14. Tosfos Kesubos 103b | 18. 202:14 |
| 3. Bava Basra 58a | 8. Megillah 3b | 15. Hilchos Nezirus 5:17 | 19. 3:64 |
| 4. Ibid. Also Ritva and Nimukei Yosef and Rif (Teshuva 313) | 9. Yevamos 61b | 16. Positive Mitzvah 231 | 20. Shaar Halacha uMinhag 3:150 |
| 5. Hagahos on Bava Metziah 85b | 10. Chiddushim 61a | 17. Including Avnei Nezer (YD 468), Noda Biyehuda, Chasam Sofer, Shlomo Kluger (Tuv Taam Vedaas YD 2:231), Bikurei Yaakov (20). | 21. ibid |
| | 11. Mitzvah 263 | | |
| | 12. See also Kli Yakar Parshas Emor | | |

The weekly Halacha analysis

Kohanim visiting Kivrei Tzaddikim

Rabbi Yonason Johnson

Parshas Emor begins with a series of Mitzvos that apply to Kohanim. One of these Mitzvos is that a male Kohen may not become Tamei by coming into contact with the dead (with the exception of his closest relatives).

Impurity can be contracted from contact with a *Meis*, carrying a *Meis*, walking over graves or being in an Ohel (under the same roof) with a *Meis*. Additionally a Kohen is required to remain at least 4 Amos (approx. 2 metres) away from a grave or dead body.

One of the questions discussed in Halacha, is whether *Tumas Meis* applies to the bodies and graves of Tzaddikim. The practical application is whether Kohanim are able to visit sites such as Maaras Hamachpeilah, Kever Rochel, the gravesite of Rabbi Shimon Bar Yochai in Meiron or other Kivrei Tzaddikim.

The Midrash and Gemora

The Midrash¹ relates that when Rabbi Akiva was murdered by the Romans, Eliyahu Hanovi took care of his burial, carrying him on his shoulder. Rabbi Yehoshua Hagarsi (a Talmid or Rabbi Akiva) saw Eliyahu carrying Rabbi Akiva's body and asked how he was able to be involved in the burial if he was a Kohen? Eliyahu Hanovi replied "there is no *Tumah* with Talmidei Chachamim or their disciples".

But there are sections of the Gemora which suggest otherwise.

Pesach Sheini came about because a group of individuals who were impure from contact with the dead, would miss out on bringing the Korban Pesach. The Gemora² reveals that these individuals were those who carried the body of Yosef Hatzaddik. We see clearly from this, that the bodies of Tzaddikim do convey *Tumah*.

Elsewhere the Gemora³ teaches that Rabbi Benaah would mark the graves of the Avos. Rashbam and Tosfos⁴ explain that he did so in order that the Kohanim would know to stay away from them on account of *Tumah*.

(Rabbi Yaakov Emden - Yaavetz⁵, who rules that *Kivrei Tzaddikim* do not convey *Tumah*, explains that Rabbi Benaah marked the graves so that people would know where they are so that they would be able to daven there in a time of need).

The Rishonim

Usually, we do not derive Halachic rulings from Midrashim, especially when they are contradicted by the Gemara⁶. Nonetheless the Rishonim offer various explanations to resolve the contra-

diction between the Gemoras and the Midrash.

Rabbeinu Tam⁷ explains that the reason Eliyahu Hanovi took part in the burial of Rabbi Akiva was because it had the status of a *Meis Mitzvah*. Since those executed by the government were not allowed to be buried, no one else was able to take care of the *Kevurah*. A Kohen is allowed to become impure for a *Meis Mitzvah*. His answer to Rabbi Yehoshua "there is no *Tumah* with Talmidei Chachamim" was only a *Dechiya*, a throw-away answer to push him off.

Ritva⁸ resolves the Midrash in a similar manner, that Rabbi Akiva had the status of a *Meis Mitzvah*. Unlike Tosfos, Ritva explains that this would be true even if there were relatives who could take care of the burial. This is because it is considered as the honour of a *Nosi* or other Torah giant that everyone participate in the burial, even Kohanim.

But not all of the Rishonim take this view.

Ramban⁹ indicates that we cannot say that Eliyahu's response was just a *Dechiya*. Were it not actually the Halacha, he would be issuing rulings which are not according to Torah. Further this would be a violation of *Lifnei Iver* (placing a stumbling block in front of the blind) as those who heard his ruling would believe that this is the Halacha and would act accordingly.

Rashba¹⁰ likewise attacks the position of Rabbeinu Tam that Eliyahu was merely pushing away Rabbi Yehoshua's question. This is also the position of Sefer Hachinuch¹¹.

In his commentary on Parshas Chukas Ramban writes that the bodies of Tzaddikim do not cause *Tumah*. He explains that *Tumas Meis* only applies to those who died because of the "seduction of the snake". Those who pass away by *Neshika* (Divine kiss) do not cause impurity¹².

Burial of a Tzaddik

The Poskim however suggest that Ramban's lenient position may be limited only to the actual burial of Tzaddikim and not to their Kevarim.

The Gemora¹³ teaches that on the day Rebbi (Rabbi Yehuda Hanosi) passed away the *Kedusha* of the Kohanim was nullified and Kohanim were allowed to become defiled. The Gemora indicates that it was only on the day of passing.

This fits Ritva's explanation that a *Nosi* has the status of a *Meis Mitzvah*, an allowance which only applies to the actual burial itself. Therefore even according to this view, one would not be able to visit Kivrei Tzaddikim.

Based on this Gemora, Rabbeinu Chaim Kohen (one of the Baalei Tosfos) said that were he present when Rabbeinu Tam passed away, he would have become defiled for his burial¹⁴.

Beis Yosef questions this, as Rabbeinu Tam was not a *Nosi*. He writes that Rabbeinu Chaim must hold that the allowance applies to any *Godol Hador*. The Beis Yosef writes that we do not follow this.

The Raava" d¹⁵ has an interesting Shitah. Nowadays since Kohanim are all impure anyway, there is no longer any prohibition on them becoming impure. This is also the opinion of the Sefer Mitzvos Gadol¹⁶. However the majority of Rishonim maintain that *Tumas Meis* remains in force today.

Psak Halacha

The vast majority of Poskim¹⁷ maintain that there is an *Issur Gamur* for Kohanim to visit the gravesites of Tzaddikim. Rabbi Shlomo Kluger writes that a Kohen who does so desecrates their *Kehunah* and cannot be called a Kohen! Even on the day of the burial itself we cannot be lenient nowadays. Kitzur Shulchan Aruch¹⁸ writes that it is a mistaken practise and one must protest.

A noted voice of dissent is the Minchas Elozor¹⁹ who writes that it is permissible for Kohanim to visit Kivrei Tzaddikim of their Rebbe. However it is preferable to refrain from doing so as it may lead to Kohanim being lenient for any Rabbi or Talmid Chacham.

At the funeral of the Sfas Emes they asked the Avnei Nezer whether a Kohen was allowed to be involved with the *Kevurah*. He replied "Chas Veshalom"!

The Rebbe's view is that it is forbidden for Kohanim to visit Kivrei Tzaddikim.

In a letter²⁰, the Rebbe refers to a letter from the Alter Rebbe's brother, the Mahari"l, concerning the fence which was erected around the Alter Rebbe's Tziyun in Haditch.

In another letter²¹ the Rebbe writes that he is not pleased with the practise of Kohanim going to Kivrei Tzaddikim. He brings proof from this from the fact that at the Ohel in Lubavitch there were markers to restrict Kohanim from approaching. The Rebbe continues to explain that at the Ohel of the Frierdike Rebbe a wall of 10 Tefachim tall was erected and that Kohanim may enter (as long as they stay 4 Tefachim away from the grave itself).