

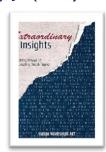
יא' כסלו תשפ"ד November 24, 2023

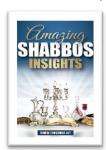
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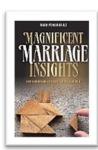
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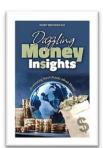












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## Kohen That Kills

The Shulchan Aruch¹ states that a kohen who killed a person even accidentally לא ישא את כפיו, is disqualified from reciting Birchas Kohanim ("the priestly blessing").

There were soldiers in the IDF who were kohanim who fought in battles against the armies of Egypt, Jordan and Syria when they battled Israel. In the course of the battles, they injured and killed enemy soldiers. R' Ovadia Yosef² was asked if these kohanim have the status of a kohen that killed someone where they would be unable to bless the Jewish People with Birchas Kohanim.³ R' Ovadia said that it is fitting to encourage such kohanim and praise them for the act and he allowed them to give the priestly blessing without a doubt.⁴



Elsewhere, R' Ovadia was asked<sup>5</sup> by a soldier who was a kohen that was standing at his post protecting against dangerous Arabs when he realized some of them approaching closer to his post. He then initiated a battle

that killed several of them. He asked R' Ovadia if he can continue to fulfill the mitzvah of Birchas Kohanim. After saying that he can continue blessing the Jewish People with Birchas Kohanim, he writes that the soldiers who protect Israel are worthy of praise. Their reward is doubled in heaven and they will be blessed with all the blessings in the Torah... The soldiers who put their lives on the line to save Jewish lives deserve honor and respect.

Here is another episode, this one occurring in Europe, where this issue arose. There was a charitable man who was meticulous in fulfilling mitzvos who davened with R' Oshry and attended his daf yomi shiur. On Yom Tov, this man, who was a kohen, performed Birchas Kohanim. During one of the Yomim Tovim, a man who returned from Kovno told R' Oshry that this kohen shouldn't bless the people because he once killed someone.

After Yom Tov, R' Oshry visited the kohen to hear the story. The man recounted: "I used to peddle merchandise from village to village through back roads and forests and carried a loaded revolver for self-protection. A widow, who was robbed of the last remnants of her property by a Lithuanian non-Jew, requested from me 'you know my bitter situation and that I am without any support. Please go and threaten him with your gun and tell

<sup>&</sup>lt;sup>1</sup> Orach Chaim 128:35.

<sup>&</sup>lt;sup>2</sup> Yechaveh Daas, Volume 2, siman 14. In the view of R' Ovadia, the wars of the country of Israel were a *milchemes mitzvah*, wars of mitzvah.

 $<sup>^{\</sup>scriptscriptstyle 3}$  There are exceptions to this (See Mishna Brura 128:128).

<sup>4</sup> See also Igros Moshe, Yoreh Deah 2:158.

<sup>&</sup>lt;sup>5</sup> Meor, Yisrael, Tabaas Hamelech, pp. 53–54.

him to return the poor widow's property, and that if he refuses, you will shoot him.' Since I felt I may be able to help her, I went to this person's house and withdrew my revolver. The man was unimpressed and even got angry that he tried to grab the revolver." They wrestled, each trying to get his hand on the revolver, and in the struggle, there was a gunshot that killed the Lithuanian. "I still don't know how the trigger was pulled or who pulled it. I have no recollection of pulling the trigger since the revolver wasn't in my hand."

R' Oshry ruled that this death not be considered an accidental murder but manslaughter because he never intended to kill this non-Jew but rather just to intimidate him. Also, even if his finger was on the trigger, he was in danger for his own life. Furthermore, even if the kohen killed him deliberately in the course of the fight, he wouldn't be liable because it had been done in self-defense. Since the kohen regretted his action and accepted penance for having indirectly killed a man, all the views in halacha concur that he is allowed to raise his hands in Birchas Kohanim.<sup>6</sup>

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## **Books That Are Booked**

We know that there was no longer prophecy at the period of the story of Chanuka. As a result, the story of Chanuka was unable to be written in a way deserving an inclusion in Tanach. This was because there was no one with the level of Ruach Hakodesh required to author a sefer of Tanach. So Megilas Antiyoches is not in the 24 books of Tanach. R' Yosef Chaim Zonnenfeld teaches that the date of Chanuka, the 25<sup>th</sup> of Kislev, alludes to the fact that the first 24 books of Tanach can be written down, but not a 25<sup>th</sup>. The name חנוס is a contraction of חנו כ"ה meaning we must stop (שום means to rest, stop) writing before including a 25<sup>th</sup> book (ה"ם has a gematria of 25).

The Midrash<sup>7</sup> writes that the 24 books of Tanach correspond to the 24 mishmaros, the Kohanic and Levite families who took turns performing the avoda in the Beis Hamikdash. This is because the 24 books of Tanach are shamur, guarded. They are protected and one isn't permitted to add to them.<sup>8</sup> In this context we can understand the name חנוכה, they rested, כה, when they reached the 25<sup>th</sup>.

<sup>6</sup> Responsa from the Holocaust pp. 215–7.

R' Yosef Chaim Zonnenfeld $^9$  tells us an allusion found in the word הונכה. It is an acronym for  $^1$  בניאים,  $^1$  מגלות, eight books of the Neviim, six books of Kesuvim and the five of Megillos. These are the only sefarim to be included in the Torah.

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## A Royal Residue

In 1924, at the laying of the cornerstone of Yeshivas Chachmei Lublin, R' Meir Shapiro said, "Our great Rebbes of Chachmei Lublin—the Maharshal, R' Shalom Shachna, Maharsha, Maharam Lublin... You Gedolei Hador spread Torah here in Lublin before me. It is your light and power that gave me inspiration to establish a Yeshiva that will continue the light of the Torah that you transplanted in Lublin. I invite you to come and be part of our cornerstone laying. I am sure that in your merit and in the merit of your Torah we will be successful." Then he commented אים דושה לשעתה וקידשה לשעתה וקידשה לעתיד לבוא The Kedusha from the great Achronim whose Torah we learn to this day, that Kedusha remains.



Rashi¹¹ says רושם או איציאת צדיק מן המקום עושה רושם, the departure of a Tzadik from a place makes an impression. R' Menachem Mendel of Kassov¹² remarks that even after the Tzadik leaves, an impression of Kedusha remains, which is recognizable that in that place, a Tzadik was there.¹³

R' Tzvi Hirsch Chayus known as the Maharatz Chayus (1805-1855) once had the great Tzadik, R' Zelig Shrintzker, as a guest. After the Friday night davening, R' Zelig was walking to the house of the Maharatz Chayus when at a certain corner he suddenly rested. He then commented, "It smells like Gan Eden here." Bemused, the Maharatz Chayus called the elders of the city to find out what occurred at this corner. He was told that it was at this corner where R' Avraham Gombiner wrote his famous commentary called Magen Avraham (on the Orach Chaim section of Shulchan Aruch).

The reverse is also true. R' Baruch Mezbitzer was once in a house and wanted to say some words of Torah but was unable to. He then commented that there must have been a Rasha who once lived there. In this way he explained נוי (דרוש נוי ואולמי seek out (דרוש) who was in this dwelling (נוי) and then you will know why you are an אַלם, mute (ואולמי), meaning that you are unable to say words of Torah. 15

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from Moshe because of the yerei shamayim that was left on them. This is the meaning of יצצו, meaning it was taken with them as the yerei shamayim of Moshe left an impression on them.

<sup>&</sup>lt;sup>7</sup> Koheles Rabba 12:12.

<sup>8</sup> see Koheles Rabba 12:13.

<sup>9</sup> תשובות הגריח"ז, 51.

<sup>&</sup>lt;sup>10</sup> Megila 10a. The simple meaning of this is that the initial sanctification of Yerushalayim and the Beis Hamikdash sanctified for its time and for all future time, meaning that the sacred status is retained even after the destruction of the Beis Hamikdash and the walls.

<sup>&</sup>lt;sup>11</sup> Breishis 28:10.

<sup>&</sup>lt;sup>12</sup> Mayana Shel Torah, Breishis 28:10. After Moshe spoke to the Jewish people about the Mishkan, it saysמשה משראל מלפני ישראל מלפני (The Jewish People left Moshes' presence (Shemos 35:20). Another interpretation is that it was recognizable on their face that they came

<sup>&</sup>lt;sup>13</sup> The Tzelach says (Brachos 6b) that the main reason for a *makom kavua*, fixed place by tefilla is because once you daven in that location, that location acquires kedusha. When you daven there again, the kedusha of that spot assists you for your tefilla to be accepted.

<sup>&</sup>lt;sup>14</sup> In the Zemer of Shabbos day Dror Yikra. The simple meaning of this is, "Seek out my Temple and my Sanctuary."

<sup>15</sup> In a similar vein, we can explain ישב לצים לא ישב, didn't sit in the session of scorners (Tehillim 1:1). That is to say, in a place where scorners once were. This can be compared to a disease that has gone away but the germs remain there.