



A Kohen Who Killed

After discussing the various *mumim* that invalidate an animal from being offered as a *korban* or a *kohen* from performing *avodah*, the *Mishnah* (7:7) discusses circumstances that would invalidate an animal but not a person. One of these cases is if an animal killed a person, it would not be able to be used as a *korban*, yet a *kohen* who killed would be able to perform *avodah*.

The *Tosfot Yom Tov* notes that there is a version of the *Mishnah* that does not include this particular case. He suggests that this is because R' Yochanan in the *Gemara* (*Berachot* 32) maintains that a *kohen* who killed someone is not allowed to perform *birkat kohanim*. This rule is based on the *pasuk* (*Yeshayahu* 1:15), "When you spread your hands, I will hide My eyes from you; even if you were to intensify your prayers, I will not listen, your hands are replete with blood". The *Tosfot Yom Tov* reasons that if they cannot perform *birkat kohanim* they certainly should not be able to perform *avodah* in the *Beit HaMikdash*. Consequently, it should be a *pesul* – it should invalidate their *avodah*.

The *Tosfot Yom Tov* has two difficulties with this conclusion. The first is that if that is the case, why was it not listed in the earlier *Mishnayot* as one of the cases that a *kohen* is not able to do *avodah*. Furthermore, the *Rambam* does not list this amongst the *pesulim* for a *kohen*.

The *Mishneh LeMelech* (*Bi'at HaMikdash* 9:15) however explains that the answer to the *Tosfot Yom Tov* questions can be found elsewhere.

The *Gemara* in *Yevamot* (7a) discusses whether *avodah* overrides "murder". The case there is if *kohen* murdered and was due to be executed. Nevertheless

this *kohen* was in the *Beit HaMikdash* and wanted to engage in *avodah*. The *Gemara* concludes that even if there is no other *kohen* there to perform the *avodah*, he is taken to be executed. That is even if the required *avodah* would not be performed. In other words, the execution of the murderer overrides the requirement for *avodah*. This conclusion is derived from the *pasuk* "... and from next the *mizbeach* he should be taken to die" (*Shemot* 21:14)

The *Tosfot* however ask, perhaps the reason why the *kohen* is taken is not because the execution overrides *avodah*, but instead because the *kohen* is not able to do *avodah*. The *Tosfot* cites the *Gemara Berachot* above, that such a *kohen* is not allowed to do *birkat kohanim*. The *Tosfot* provides two answers.

The first answer is that if a *kohen* who killed performed *avodah* it would be valid – it is not like a *mum*. The proof is that the above cited *pasuk* teaches that one takes the *kohen* if he is next to the *mizbeach*, but not from on top of the *mizbeach*, implying that the *avodah* when he is there is valid. The *Gemara* in *Berachot* simply applies a stringency when not allowing the *kohen* to perform *birkat kohanim*.

The second answer is that *birkat kohanim* is stricter than *avodah* since the *kohen* is meant to "raise up his hands" to bring down *Hashem's* blessing. Incriminating hands in this case, would not be able to advocate for *Am Yisrael* as that *pasuk* specifically refers to "when you spread your hands."

We find that according to either of the *Tosfot's* answers that the version of our *Mishnah* can be maintained and that our case is not considered a *pesul*.

Yisrael Bankier

Revision Questions

בכורות ו: י"ב – ח: ו'

- Name three blemishes that are not permanent and when found in an animal do not permit its slaughter? (ו: י"ב)
- Explain the following blemishes in human beings
 - Kilon*
 - Laftan*
 - Makavan*
 - Shakua*
 - Shekifas*? (ו: י"א)
- How does the *Mishnah* define someone who is termed 'bald'? (ז: ב')
- What is a *harum*? (ז: ז')
- If one's eyelashes have fallen out is this considered a blemish? (ז: ז')
- How big or small are one's eyes if they are considered a *mum*? (ז: ד')
- What is a *tzimeah*? (ז: ד')
- What is a *tzimem*? (ז: ד')
- What are some problems with one's lips that would be defined as a *mum*? (ז: ה')
- What are the three definitions given for *mro'ach ashech*? (ז: ה')
- What is an *ikel*? (ז: ו')
- What is a *pika*? (ז: ו')
- When is an additional finger considered a *mum*? (ז: ו')
- Which case of additional fingers is subject to debate? (ז: ו')
- Explain the debate regarding one who is ambidextrous. (ז: ו')
- What nine *mumim* listed are not considered *mumim* for animals? (ז: ו')
- What five blemishes are considered *mumim* for animals but not for humans? (ז: ו')
- Till when is a *kohen* that married a divorcee invalid for service in the *Beit Ha'Mikdash*? (ז: ז')
- Provide the cases for the following situations – a person is considered:
 - A *bechor* for inheritance, but not for the *kohen* (i.e. does not require *pidyon bechor*)?
 - A *bechor* for the *kohen* but not for inheritance? (ח: א')
- Explain the debate regarding the case where the first son was born via caesarean section and the second son was born naturally? (ח: ב')
- What is the law regarding a case where a person gave birth to twin boys and but we are not sure which was born first? (ח: ג')
- Regarding the previous question what is the law if one of the children passed away prior to *pidyon bechor*? What is the law if the father passed away? (Provide both opinions.) (ח: ג')
- What other two cases are similar to the ones in the previous question? (ח: ד')
- In what similar cases would the *kohen* receive nothing? (ח: ד')
- What two cases involving the children of two fathers are similar to the cases already provided and in which specific detail is the law different? (ח: ה'–ו')
- If a *bechor* is old enough such that he is obligated to redeem himself, which takes preference: redeeming himself or redeeming his son? (ח: ו')

Shiurim

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Reuven Spolter
mishnah.co

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

APPS

Mishnah Yomit
mishnahyomit.com

All Mishnah
Orthodox Union

Mishna Yomi
Our Somayach, South Africa

Kehati

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 December ח' טבת	29 December ט' טבת	30 December י' טבת	31 December י"א טבת	1 January י"ב טבת	2 January י"ג טבת	3 January י"ד טבת
Bechorot 8:7-8	Bechorot 8:9-10	Bechorot 9:1-2	Bechorot 9:3-4	Bechorot 9:5-6	Bechorot 9:7-8	Erchin 1:1-2

