

Section 13

Temple Dedications and *Kohanim*

When the Temple stood, the Israelites would dedicate cattle, property, or land to the Temple. It was also possible to dedicate people symbolically by making a monetary donation. One would vow to make donations of different values for men, women, and children respectively. The details of the laws of dedications are given in Leviticus 27.

I also discuss the laws of *kohanim* in this section. This is despite the fact that this discussion is found in the “*tefilah*” section of the 1966 Ramla edition of Adderet Eliyahu. I feel it fitting to combine the laws dealing with Temple matters into one section.

The topics I will cover in this section are:

1. The Three types of Dedications
2. Whether Dedications may Still be made today
3. Whether *Kohanim* Require Written Pedigrees
4. Profaned *Kohanim*

“Israel must sanctify the kohanim in every way whether by calling them [to the Torah] or by having them be signatories of contracts or by way of blessings and in every other way so long as people go to inquire of the Torah from them...but when they do not possess knowledge of the Torah [Israel] is not required to honor them” -Adderet Eliyahu’s Inyan Tefilah Ch. 9

§13.1 The Three types of Dedications

There are three different kinds of dedications one may make to the Temple: an *erekh nefesh*, a *hekdesh*, and a *cherem*. Each is explained below.

An *erekh nefesh* is a monetary donation one can make instead of consecrating a human as a servant of the Temple (Leviticus 27:2-8).

A *hekdesh* is an object, animal, or property that is consecrated to the Temple. A *hekdesh* may be redeemed (*i.e.*, recuperated by its original owner) for a payment of one-and-one-fifth the worth of its original value (Leviticus 27:13). The exception is if the *hekdesh* is one of the animals that can be sacrificed to *Hashem*, in which case it cannot be redeemed (Leviticus 27:9-10).

In the case where one is consecrating a field that is part of his tribal land inheritance as a *hekdesh*, the value of that field would be calculated according to its net predicted productivity in the years until the next jubilee (Leviticus 27:16-18). To redeem that field one would then have to pay one-and-one-fifth the computed value (Leviticus 27:19). If one does not redeem a field by the time of the Jubilee, it becomes a permanent inheritance of the *kohanim* and the field does not return to its original owner during the next Jubilee (Leviticus 27:20). Even should the *kohanim* sell the field to a non-*kohen*, the field would return to the *kohanim* in the Jubilee and not to its original owner (Leviticus 27:20-21).

A *cherem* is a dedication to the Temple that may never be redeemed by its original owner nor sold by the *kohanim* to a private owner. This is as it is written: “No *cherem* that a man may devote to *Hashem* of all that he has...shall be sold or redeemed” (Leviticus 27:28).

Notes on §13.1:

Unlike a *hekdesh*, a *cherem* may also be made with respect to a person. The Torah states:

“no cherem that a man shall proscribe to Hashem of all that he has whether man or beast or field of his inheritance will be sold or redeemed. Every cherem is most holy to Hashem. Any cherem that is proscribed from men shall not be redeemed; he shall surely die.” (Leviticus 27:28-29)

Although the verse states that any human proscribed as a *cherem* will “surely die”, it does not, of course, permit human sacrifice. Rather, Rav Aharon the Younger explains that certain authorities could proscribe guilty people and put them to death¹. One executed in this fashion was referred to as *cherem*. This could not be applied to innocents. For example, regarding an idolatrous city that is liable for annihilation, the Torah states: “you will surely smite the inhabitants of the city with the edge of the sword; you will proscribe it (*hacharem*) and everything in it and all its cattle with the sword” (Deuteronomy 13:16). The Torah continues by stating that the spoils of this city are “cherem” (Deuteronomy 13:18) and that they are to be burned for “*Hashem* your God” (Deuteronomy 13:17). The mention of *Hashem* possessing the spoils is reminiscent of the statement in Leviticus stating that “every *cherem* is most holy to Hashem” (Leviticus 27:28-29). This confirms that the instance of *cherem* in Deuteronomy 13 and the one in Leviticus 27 not only share a name but also refer to the same concept.

As another example for the sages’ position, Rav Aharon cites the proscription of the people of Yavesh Gilad. When the people of Yavesh Gilad refused to send men to help defend Israel, they were put to death. Regarding these people, Scripture states “every man.... you will proscribe (*tacharimu*)” (Judges 21:11). Rav Aharon provides many more supporting examples that I do not elaborate upon here.

§13.2 Dedications Today

§13.2a Whether an *Erekh Nefesh* can Still be Made Today

The Sages differed regarding the applicability of the *erekh nefesh* (§13.1) in the absence of the Temple. Some said that such dedications cannot be performed today because the dedicated property goes to the *kohanim* and today’s *kohanim* do not actively serve in the Temple². Furthermore, these sages noted that an active *kohen* was needed to value certain dedications (Leviticus 27:8).

Other sages used a different reasoning to conclude that the *erekh nefesh* cannot be performed today. According to these sages, the dedications would be used for keeping up the Temple. For example, King Yehoash’s states that all “money valued for each person” (*i.e.*, every *erekh nefesh*) should be used to “repair the breaches” in the Temple (2 Kings 12:5-6). Because the Temple no longer stands, these sages believe that the laws of the *erekh nefesh* no longer apply.

¹ *Sefer Hamivhar* on Leviticus 27:28-29.

² In Temple times, the *kohanim* did not generally work fields or perform secular work. They spent their time serving in the Temple and teaching the people. Their income would consist of sacrifices, dedications, and tithes. One might reasonably argue that today’s *kohanim* should not receive dedications because they have other sources of income.

Finally, some of the sages, including Rav Bashyatzi, believed that the *erekh nefesh* still applies today. This is because the laws concerning vows still apply today, and an *erekh nefesh* is a type of vow. Indeed, one initiates an *erekh nefesh* by making a vow (Leviticus 27:2). Rav Bashyatzi believed that, in the absence of the Temple, the money of an *erekh nefesh* should go to synagogues.

§13.2b The Hekdesh and Cherem Today

Rav Bashyatzi argues that today, in the absence of the Temple, any *hekdesh* or *cherem* should go to synagogues. Furthermore, he argues that any object given as *hekdesh* to a synagogue may not be redeemed if it is necessary for the function of the synagogue. This is analogous to the case of the animal that may be sacrificed. Although the animal is a *hekdesh*, it cannot be redeemed (§11.2a).

As with a standard *cherem* (i.e., one dedicated to the Temple), a *cherem* dedicated to a synagogue may never be redeemed or sold. Rav Bashyatzi advises against making a *cherem*, however. He argues that in the hardship of the Exile, it may easily become necessary for the owner to sell the proscribed object. This is especially true for land, as Jews are often forced to leave certain places due to persecution. Thus, Rav Bashyatzi cautions against making a modern day *cherem*.

Notes on §13.2:

The sages debated how the laws of Temple dedications might apply today. In my opinion, this debate is a mostly moot point. Temple dedications are voluntary choices that once made become legally binding on the donor. Similarly, a vow is a voluntary declaration that once made becomes legally binding on whoever utters it. Thus, even if the laws of dedications do not *a priori* apply to modern day synagogues, one may replicate these laws to the extent desired simply by making an appropriate vow.

One potential limitation of using vows to replicate these laws occurs in the cases where land consecrated as *hekdesh* is not restored to the original owner in the Jubilee (§13.1). Because one cannot vow to violate a mitzvah, one would be unable to use a standard vow to replicate this provision. Today, however, we are unable to divide land according tribal inheritance anyway.

Another potential limitation is when a vow replicating the laws of donations conflicts with another *mitzvah*. The obligation to uphold a standard vow may rank differently in the prioritization of mitzvot than the obligation to uphold the laws of dedications.

§13.3 Whether a Kohen Requires a Written Pedigree

A minority of the sages argued that in order to be considered a *kohen* one requires a written pedigree. They based their position on the fact that some of the priestly families were relieved of priesthood because they could not find a written pedigree. Regarding these *kohanim* Scripture writes: “these sought their written pedigrees but they were not found and they were relieved of the priesthood” (Ezra 2:62).

Other sages, among them Rav Yefet and Rav Bashyatzi, argued that such a pedigree is not necessary. In support of this point, Rav Yefet notes that those priests who were “relieved of the priesthood” were only forbidden from eating “from the most holy things” (Ezra 2:63); however, these *kohanim* who were

“relieved of the priesthood” were *not* forbidden to eat those things legally considered “holy (*kodashim*)”³. Thus, for at least some purposes, one does not need a written pedigree to be considered a *kohen*. Furthermore, Scripture itself gives the genealogy of these priests (Ezra 2:61) suggesting that common knowledge that someone is a *kohen* is sufficient for at least for some purposes. To further support this position, Rav Yefet argued that replacing a pedigree with a commonly accepted genealogical tradition is acceptable in other important branches of the law. For example, no pedigree is needed to claim one’s inheritance. Similarly, in the case of Sukkot one may assume he is an *eizrach* if he is commonly accepted to be one⁴. He need not prove that he has only *eizrachim* in his ancestry.

§13.4 Profaned *Kohanim*

§13.4a Introduction

A *kohen* who has been profaned may not serve in the Temple. The Torah enumerates some of the acts that cause a *kohen* to become profaned. Similarly, the Torah also discusses the acts that profane a *Kohen Gadol*. These acts are discussed in the subsections below. Importantly, when a *Kohen Gadol* profanes himself he profanes his descendants as well. This is clear because after listing the things a *Kohen Gadol* may not do, the Torah states “he shall not profane his descendants among his people” (Leviticus 21:15).

Notes on §13.4a:

In the summary above, I state that a profaned priest may not serve in the Temple. *Adderet Eliyahu* does not discuss the exact consequences of profanement. Neither could I find a thorough discussion of profanement by the sages. The *Adderet* does state, however, that a *kohen* with a bodily blemish “is profaned and does not offer sacrifices”. I read this statement to mean that such a *kohen* “is profaned and [therefore] does not offer sacrifices”. In other words, I believe *Adderet Eliyahu* holds that a consequence of profanement is an inability to serve in the Temple. I believe this likely to be the intent of the *Adderet* based on the Torah’s statement regarding a priest with a blemish: “he shall not go in towards the veil nor come near the altar because he has a blemish that he should **profane** not my holy places” (Leviticus 21:23). The fact that such a priest cannot serve because he would profane the Temple suggests that any profaned priest is similarly barred from serving. Likewise, the Torah states regarding all *kohanim* “they shall...not profane the name of their God, for they offer the offerings of *Hashem* made by fire, the bread of their God.” (Leviticus 21:6). Because the stated reason to avoid profanement is the priests’ involvement in offerings, it stands to reason that if a priest nonetheless becomes profaned, he may not make offerings to *Hashem*.

³ The Torah uses either the terms “holy” (“*kodesh*”) (e.g., Leviticus 22:10) or “most holy” (“*kodesh hakodashim*”) to describe different types of priestly food (Leviticus 6:22). In Ezra, the priests “relieved of the priesthood” were only forbidden from eating those things designated “*kodesh hakodashim*”. The differences between these categories of priestly foods can be seen in Leviticus 6:22 and Leviticus 22:10-11. A detailed analysis of the different legal status of “holy” and “most holy” foods is beyond the scope of this work; but it appears to me that only *kohanim* themselves could eat of “most holy” things (Leviticus 6:22) whereas a *kohen’s* slave or unmarried daughter could eat of “holy” things (Leviticus 22:10-11).

⁴ Being an *eizrach* is relevant to the laws of Sukkot because only an *eizrach* is expressly required to dwell in the Sukkah (Leviticus 23:42).

§13.4b Contact with the Dead and Mourning the Dead

A *kohen* may not ritually impurify himself through a corpse (Leviticus 21:1-4); in doing so, he profanes himself (Leviticus 21:4). Neither should a *kohen* overtly mourn the dead, whether by tearing his clothes, by letting his hair grow long, or by any other traditional mourning method. He may impurify himself only for “his kin that is near unto him: his mother and his father, his son and his daughter and his brother and his virgin sister” (Leviticus 21:2-3). He may likewise overtly mourn these close relatives. Note that the Hebrew terms “brother” and “sister” include Half-brothers and Half-sisters (as will be shown in the section on Incest).

In contrast to regular *kohanim*, the *Kohen Gadol* may not impurify himself for anyone, even his mother or his father. Neither may he overtly mourn any of the deceased as it is written: “he shall not let his hair grow long, nor shall he tear his clothes, nor shall he go near any dead body, nor defile himself for his father or for his mother” (Leviticus 21:10-11).

*Notes on §13.4b:**Overt Mourning and Regular Kohanim*

The Torah's text does not prohibit a regular *kohen* from overtly mourning the dead; Scripture only prohibits a *Kohen Gadol* from doing so (Leviticus 21:10). Furthermore, despite my statement above in §13.4b, it is unclear whether *Adderet Eliyahu* forbids a regular *kohen* from overtly mourning the dead. *Adderet Eliyahu* does not actually state that a regular *kohen* may not overtly mourn the dead. It merely states that a *kohen* may mourn his close relatives (*Inyan Tefilah* Ch 9). I therefore deduced that *Adderet Eliyahu* forbids a *kohen* from mourning any of the deceased *except* his close relatives. I assume that *Adderet Eliyahu* derives this prohibition by applying *hekeish* to the case of the *Kohen Gadol*.

May a Kohen Mourn his Wife

The Rabbanites argued that regular Kohanim can overtly mourn their wives. The Karaite sages, in accordance with the *peshat*, held this to be forbidden⁵.

§13.4c Shaving, Bald Spots, and Cuts

The Torah states regarding *Kohanim*: “They shall not make a baldness on their heads neither shall they shave off the corners of their beards nor make any cuts in the flesh” (Leviticus 21:5). These same things are prohibited to Israelites in general. However, the prohibition is repeated for *Kohanim* because in doing so they not only violate a *mitzvah* but also profane themselves (§11.4d)⁶. As with all prohibitions applying to *Kohanim*, if a *Kohen Gadol* transgresses regarding this prohibition he profanes his descendants as well as himself (§11.4a).

⁵ See *Keter Torah* on Leviticus 21:2

⁶ According to Rav Yefet, an additional reason for repeating the prohibition on deep cuts for *kohanim* is that it encompasses cuts made to mourn the dead and those made to mourn more severe losses (such as the exile). By contrast the prohibition for laymen encompasses only those cuts made to mourn the dead and by extension anything less severe (such as financial loss) (§11.4d).

§13.4c Marriages Forbidden to Kohanim

A *kohen* is restricted from marrying certain women. The Torah states that a *kohen* may “not take a woman that is a *zonah* or profaned or divorced from her husband” (Leviticus 21:7); in doing so he profanes himself⁷. A *zonah* is any woman who has slept with a man out of wedlock. A “profaned” woman is one who does not necessarily sleep with men out of wedlock, but who profanes herself by acting promiscuously in public. Additionally, a female descendant of a profaned *Kohen Gadol* qualifies as a profaned woman because the descendants of a profaned *Kohen Gadol* are themselves profaned (§13.4a). A woman who is conceived from the union of a regular *kohen* and a woman forbidden to *kohanim* also constitutes a profaned woman.

The Torah does not explicitly forbid regular *kohanim* from marrying widows. However, the prophet Ezekiel forbids *kohanim* from marrying widows stating that they shall not “take as their wives a widow” (Ezekiel 44:22). Ezekiel makes an exception, however, for widows of priests: “but they shall take virgins of the seed of the house of Israel, or a widow that is the widow of a priest” (Ezekiel 44:22). Some of the sages argued that the prohibition on *kohanim* marrying widows would only apply in future times, seeing as Ezekiel was describing a future temple. Others, however, argued that this prohibition has always been in effect. *Adderet Eliyahu* agrees with the latter opinion, stating that it would not be fitting for something to be forbidden only in future times (perhaps because this would constitute an addition to the Torah).

The Torah more stringently regulates a *Kohen Gadol's* marriages. It is a positive commandment for a *Kohen Gadol* to marry “only a virgin from his people” (Leviticus 21:13). Furthermore, he may not take “a widow, or a divorcee, or a profaned woman, or a *zonah*” as a wife (Leviticus 21:14). In doing so he profanes himself and his descendants (Leviticus 21:14-15).

The requirement that the *Kohen Gadol* may exclusively marry a virgin “from his people” means that he may not marry a convert. Rav Bashyatzi argued that likewise, a regular *kohen* may not marry a convert.

*Notes on §13.4c:**A Virgin from his People*

The requirement that a *Kohen Gadol* marry “from his people” prohibits his marriage to a convert. Some sages further restricted his marriage to the daughter of a *kohen*, understanding “his people” to refer to fellow *kohanim*⁸.

Interestingly, Rav Bashyatzi extends the prohibition on marrying converts to regular *kohanim*. He argues that just as a convert is prohibited to a *Kohen Gadol* so too should she be prohibited to regular *kohanim*. This argument is problematic, however, because even according to Rav Bashyatzi a widow is forbidden to a *Kohen Gadol*, but not to regular *kohanim*. Perhaps for this reason, *Gan Eden* makes no mention of a regular *kohen* being forbidden to a convert in its discussion of priestly marriages⁹.

⁷ It is clear that a *kohen* profanes himself by marrying one of these women based on context and because the reason given for this commandment is that the *kohen* “is holy unto *Hashem*”. Holiness is the opposite of profaneness.

⁸ *Sefer Hamivhar* on Leviticus 21:14

⁹ *Gan Eden Seder Nashim* Ch 15

Defining "Zonah"

A *zonah* is forbidden both to a Kohen and Kohen Gadol. Many modern scholars define "*zonah*" as "prostitute". By contrast, the sages define "*zonah*" as any woman who has had sex out of wedlock.¹⁰

Understanding what Scripture intends to convey by the word *zonah* is complicated, because words often take on two closely related literal definitions. In biblical times, a bride's virginity was highly prized. Prostitutes may have been among the few to engage in pre-marital sex. Therefore, pre-marital sex and prostitution might have been closely associated. Additionally, the blurred distinction between figurative and literal usages of the word *zonah*, puts into question a third possible definition of the term. One of the reasons the Israelites wore a blue fringe on their garments was so that they would look upon the fringe and not "*zonim* after" their hearts and their eyes (Numbers 15:39). The usage of "*zonim*" here could be a figurative usage of the phrase "whore after" as is found in many translations. But it might also literally refer to being easily led to follow temptation (whether sexual or otherwise), as is reflected in the translations which render "*zonim* after" as "lust after".

Thus, *zonah* may refer to (1) prostitution, (2) sex before marriage, (3) lustful behavior, or (4) any combination of (1)-(3). The fact that the priestly laws specifically discuss women and their partnership history, however, suggests that either (1) or (2) is being employed.

§13.4d A Kohen's Profanement through his Daughter:

When a daughter of a *kohen* become a *zonah* (one who has sex outside of wedlock), she profanes her father, as it is written: "the daughter of any priest, if she starts to be a *zonah* ("*hechel liznot*") she profanes her father" (Leviticus 21:9).

Notes on §13.4d:

As with all *kohanim*, a *Kohen Gadol* whose daughter becomes a *zonah* becomes himself profaned. Furthermore, if a *Kohen Gadol* profanes himself he also profanes his descendants (§13.4a). An open question, however, is whether a *Kohen Gadol* with a daughter who is a *zonah* profanes all his descendants on account of his daughter. I am unsure how to best interpret Scripture with regards to this issue. Furthermore, *Adderet Eliyahu* does not explicitly address this question.

§13.4e Bodily Blemishes and Temple Service

A *kohen* with certain bodily blemishes is considered profaned¹¹. The blemishes that profane a priest are listed in Leviticus 21:17-23 and *Adderet Eliyahu* elaborates upon each of these¹². Furthermore, through logical deduction the sages determined that three additional blemishes disqualify a *kohen* from active service. Scripture leaves room for the deduction of these additional blemishes, because in addition to listing particular blemishes, scripture comments on blemishes in general: "whosoever of your descendants throughout the generations that has a blemish let him not approach to offer the bread of his God" (Leviticus 23:17). In particular, the sages disqualified a *kohen* who is mute from serving in the Temple because he would not be able to pray for one who offers a sacrifice. They also disqualified one

¹⁰ I do not elaborate on the various verses (e.g., Genesis 34:1-9, Genesis 38:24, Deuteronomy 22:20-21) in support of either of these definitions.

¹¹ See Leviticus 21:23. Such a priest is not directly called profane but it is said regarding this priest: "only he shall not go in towards the curtain neither come near the altar because...that he **profane** not My holy places" (Leviticus 21:23).

¹² The precise meanings in *Adderet Eliyahu* associated with each of these blemishes differs from those in some English translations of the *Tanach*.

who is deaf because he would not be able to hear the words of one who offers a sacrifice. According to the sages, even a *kohen* who is hard of hearing should not serve because one who is giving a sin offering should not have to raise his voice when declaring his sin, which might cause others to hear his declaration. Finally, a *kohen* should not stutter or be inarticulate, because he must be able to properly communicate with and pray for whoever offers a sacrifice.