

## **Unblemished: The Dignity of the Kohen**

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In a celebrated responsum categorically banning any dishonest practices on the part of Torah institutions in receipt of government subsidies, Rabbi Moshe Feinstein, z'l, described the American government as one of kindness, whose singular goal was the improvement of the quality of life of all American citizens<sup>1</sup>[1].

Reflecting on R. Moshe's assessment of American exceptionalism, I have often thought that the area in which this characteristic most movingly expressed itself concerned the care provided to Americans with disabilities. Starting with legislation in the halls of Congress<sup>2</sup>, culminating in every building ramp and sign language option offered in public and private spaces, the sacred work of providing all people with equality of access and *opportunity*, and, above all, greater dignity, is one of the most laudable elements of this country's legal and moral framework.

It is with this background in mind that I write concerning a delicate topic. Many of the most sensitive, and deeply committed amongst us, may experience a measure of discomfort with the Torah's exclusion of kohanim possessed of some form of physical blemish from the *avodah* of offering *korbanot*. After all, in the words of both the prophet Shmuel<sup>3</sup>, as well as those of Chazal<sup>4</sup>, if Hashem truly looks to the heart, how can an admittedly superficial<sup>5</sup> 'imperfection' preclude access to the *avodah*?

On the contrary, should not the remarkable physical, psychological, and emotional perseverance demonstrated by such individuals render their participation that much more desirable? For those who are well-intentioned, who believe in every fiber of their being that 'her ways are pleasant, and all her pathways are peace'<sup>6</sup>, the question is both legitimate, and, for those with direct personal experience, even painful.

Let us attempt to provide some context and nuance to this issue. First, it is critical to note that a kohen who has been invalidated from the *avodah* has no invalidation whatsoever when it comes to

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<sup>1</sup> Iggerot Moshe, Choshen Mishpat, 2:29.

<sup>2</sup> For example, Americans with Disabilities Act of 1990 (ADA, PL 101-336), and the subsequent Amendments Act of 2008 (ADAAA, PL 110-325).

<sup>3</sup> Samuel I: 16:7. Samuel is excoriated by God for being taken with Eliav's striking appearance, whilst David's heart was pure with the Lord

<sup>4</sup> Talmud Bavli Sanhedrin 106b, *rachmana liba ba'i*.

<sup>5</sup> See Rambam Hilkhos Bi'at Mikdash 6:7. Only external, visible blemishes, *mumin she'bi'galui*, invalidate the kohen from *avodah*.

<sup>6</sup> Mishlei 3:17.

personal status; his *kedushat kohen* is completely intact, as reflected by his license to partake of the consumption of *korbanot*, as well as his inclusion in the constellation of special prohibitions immanent in *kehunah*, relating to contraction of ritual impurity, as well as illicit relationships.

Far from categorically rejecting this blameless individual, halakha has formulated a highly targeted restriction on his involvement in a single area. The reason for this targeted prohibition appears to be inherent in the heightened aesthetic sensitivity immanent in the realm of *mikdash*<sup>7</sup>, but, critically, reflects no disqualification whatsoever concerning this kohen's personal status.

Two further points concerning this issue may be in order. First, the Talmud, in discussing the license for the kohen in question to partake of *kodshim*, summons the precedent of Moshe Rabbenu having consumed *kodshim* during the seven preparatory days preceding the inauguration of Mishkan. The comparison seems odd, especially in light of the highly unique circumstances under which Moshe consumed those *kodshim*.

Yet, perhaps the comparison is more understandable if we should presume that Chazal saw Moshe, who suffered from difficulties of speech, *kevad peh u'kevad lashon*, that Rambam lists as invalidating for purposes of birkat kohanim<sup>8</sup>.

If the access granted to these kohanim is, in some sense, based on the precedent of Moshe Rabbenu<sup>9</sup>, this ought to reaffirm our strong conviction that the limited preclusion against performing *avodah* reflects no categorical rejection whatsoever from spiritual opportunity, in light of Moshe's singular spiritual standing. Indeed, it is but a reflection of the superiority of the keter Torah to the keter kehunah. As a purely meritocratic and substantive element, Torah can and does reside in any external vessel, *chochmah mefuarah b'kli mechu'ar*, as R. Yehoshua taught Caesar's daughter<sup>10</sup>.

Finally, when one returns to the passage in Emor<sup>11</sup> which serves as the basis of the exclusion from *avodah*, there is a clear and striking pattern: on five successive occasions, the Torah refers to a kohen with one of the listed conditions as *ish*, a term which underscores both the humanity and dignity of this kohen.

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<sup>7</sup> See Sefer Ha-Chinukh Emor 275. In addition to more mystical considerations, the Chinukh is operating on the premise that the impact of atypical aesthetic presentations will be deleterious to the expiation of the penitent relying on the kohen. In this context, it is noteworthy that the kohen is referred to as the *shaliach she'ha'kapparah teluyah bo*, highlighting the role of mikdash and expiation.

<sup>8</sup> Hilkhhot Tefilah U'Nesiat Kapayim, 15:1. See Kesef Mishnah, ad loc. See also Bekhorot 44a, where the very notion that Moshe could have been a *ba'al mum* is summarily rejected.

<sup>9</sup> Talmud Bavli Zevachim 101b.

<sup>10</sup> Talmud Bavli Ta'anit 7a. The proposal of an inverse relation between aesthetics and Torah, *ee havu sanu, tefei havu gemirin*, only serves to underscore the basic point.

<sup>11</sup> VaYikra 21:16-24.

Even as the Torah restricts this individual from performing the Avodah, it seeks to remind us that the person with whom we are dealing is, without a shadow of a doubt, an *ish*, as Chazal aver, a person of stature, significance, and quite often, a source of profound inspiration for us all. Whatever the physical challenges may be, the immaculate dignity of this kohen remains fully intact.