The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קכ"ח סעיף מ"ב-מ"ד

Halacha Highlight

Birkas kohanim by a mourner

Shulchan Aruch Siman 128 Seif 43
אחר שבעת ימי אבלות נושא כפיו
After the seven days of mourning he "lifts his hands"

Shulchan Aruch (סע' מ"ג) writes that a mourner may recite birkas kohanim once shiva is completed but during shiva he should walk out of the Bais HaKnesses before the shaliach tzibbur reaches רצה (באור הלכה שם). The reason the mourner must exit the Bais HaKnesses is that technically the mourner is obligated to recite birkas kohanim the same as he is obligated to fulfill all mitzvos while he is mourning. The custom, however, is that the mourner does not recite birkas kohanim since a kohen is supposed to be in a state of joy when he recites birkas kohanim. Rema adds that according to Ashkenazi custom a mourner does not recite birkas kohanim for the entire twelve months that he is mourning for a parent or for the period of shloshim for other relatives. Gesher HaChaim (פכ"ג אות ה') relates that in Eretz Yisroel the custom even for ashkenazim is to follow Shulchan Aruch's position and mourners refrain from reciting birkas kohanim only during shiva. Ketzos HaShulchan (סי' כ"ג ס"ק נ"ב) explains that in Eretz Yisroel since they recite birkas kohanim every day, it indicates that they are not particular that the kohen should be in a state of joy (ע' רמ"א סע' מ"ד). Accordingly, there is no reason a mourner should not recite birkas kohanim.

Poskim note that the custom to refrain from reciting birkas kohanim during the twelve months of mourning is not considered a public display of mourning (פסקי תשובות אות פ"ז). Therefore, even on Yom Tov the kohanim should walk out before the shaliach tzibbur begins רצה. However, in the event that there aren't two kohanim to recite birkas kohanim without the kohen who is mourning, he should recite birkas kohanim (מ"ב ס"ק קנ"ט). Others disagree and contend that the custom is for the kohanim to refrain from reciting birkas kohanim even when there are no other kohanim to recite birkas kohanim (פסקי תשובות שם).

Stories to Share

A Kohen, but not a Challal

ש"ע ס' קכ"ח, מ"ב: החלל אינו נושא את כפיו

On today's amud we find that a challal, the son of a kohein married to a divorcee or the like, has none of the privileges of a kohein.

A certain kohein was well liked in his community and often presided as the kohein at a pidyon ha'ben. After many years it came to be known that this kohein was actually a ben gerushah and was not eligible to redeem firstborn sons at all. When this kohein was asked to return money that he had received for redeeming a firstborn he refused, explaining that he had not known that he was ineligible and could not afford to return the money. He was no more than an אונס. Besides, who said that the redemption had not been valid בדיעבד?

When this question was put to a local rav, he figured that the pidyonos had been valid and tried to bring a proof from the fact that while the mishnah discusses a case of a chalal returning money for a sacrifice he brought it doesn't mention money taken for a pidyon ha'ben.

But to be extra sure the rav decided to ask Rav Yitzchak Elchonon Spector, zt"l. Rav Spector disagreed vehemently. "Just because it doesn't say so explicitly doesn't mean that it is permitted. We can learn from the halachah that if a chalal mistakenly ate terumah, he must repay its value since mantas kehunah was given to the children of Aharon and not chalalim. The same is true regarding pidyon ha'ben. He must return the money and any firstborn child redeemed by him must be redeemed again by a genuine kohein!

שו"ת באר יצחק, ח"י ס' כ"כ"ה
תפילה כהלכתה, פ"א סי"ג

Overview

Siman 128 Seif 42:

A חלל does not "lift his hands."

- A חלל is someone born from a kohen who married a woman a kohen is prohibited to marry. (M.B. 155)

Siman 128 Seif 43:

After the seven days of mourning a kohen may "lift his hands" but during the seven days he should walk out of the Bais Haknesses when the kohanim are called. Some say that for the entire period of mourning, even as much as twelve months for a father or mother, he does not "life his hands" and this is the custom in these countries.

- A mourner is permitted to recite birkas kohanim but the custom is that he does not since one must be in a state of simchah. Even on Shabbos and he is the only kohen present he should not ascend. B'dieved, if he did not walk out and was called to the platform he must ascend regardless of whether it is Shabbos or a weekday or whether there are other kohanim present. (M.B. 157)
- A kohen whose relative died on Yom Tov does not recite birkas kohanim even though his aveilus did not begin since he is prohibited from rejoicing on Yom Tov. Similarly, on onen does not recite birkas kohanim. There is a disagreement whether an onen who is called to the platform must ascend the platform. (M.B. 158)
- The halacha is true regarding shloshim for other relatives that one mourns. If without the kohen who is a mourner there aren't two kohanim in the Bais HaKnesses he may "lift his hands." (M.B. 159)

Siman 128 Seif 44:

A kohen who is not married "lifts his hands." Some say that he does not "lift his hands" since one without a wife is without simchah and one reciting birkas kohanim must be in a state of simchah. The custom is that he does "lift his hands" even though he is not married; nevertheless, we do not protest someone who does not want to "lift his hands" but he should not be in the Bais HaKnesses when the kohanim are called or when they are told to wash their hands. The custom in these countries is that kohanim do not "lift their hands" other than on Yom Tov since it is then that they experience the simchah of Yom Tov and "a good heart blesses" as opposed to other days, even Shabbos, when they are burdened with thoughts about their sustenance and missing work. Even on Yom Tov they only "lift their hands" in mussaf when they are about to leave the Bais HaKnesses in order to celebrate the joys of Yom Tov. During shacharis and mussaf when the kohanim will not "lift their hands" the shaliach tzibbur says א-לוקינו ואלוקי אבותינו as mentioned above at the end of siman 127. On Yom Kippur the kohanim "lift their hands" as they do on Yom Tov. In some places they "lift their hands" during ne'ilah and in some places even in shacharis.

- He is obligated to exit during the beracha of רצה. (M.B. 163)
- In Eretz Yisroel and Egypt they recite birkas kohanim every day and the Poskim praise the practice. (M.B. 164)
- In some places they do not recite birkas kohanim when Yom Tov coincides with Shabbos but this custom has no source. (M.B. 165)
- Kohanim have the custom to immerse themselves on erev Yom Tov in preparation for birkas kohanim that will be recited the following day in addition to the custom to immerse in preparation for Yom Tov but this immersion is not essential. (M.B. 165)