The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קל"ה סעיף ג'-ה'

Overview

Siman 135 Seif 3:

A kohen is called to the Torah first, followed by a levi and after him a yisroel.

- The word (Vayikra 21:8) וקדשתו teaches that *kohanim* lead off for all matters of sanctity including being called to the Torah first. A kohen is not permitted to forgo his right to the first *aliyah*. If there is no kohen present we choose the person who is greatest in wisdom and number even if he is not the oldest. (M.B. 9)

Siman 135 Seif 4:

The common custom is that a kohen who is an *am ha'aretz*, is called ahead of a great scholar who is a Yisroel, assuming the kohen knows how to read (however, if the kohen is only capable of reading word by word with the *shaliach tzibbur* it is sufficient as taught below in *siman* 139) **because how can one who cannot read recite the *beracha* on Torah reading**.

- It is sufficient if the kohen can read with the *ba'al koreh* only if he is the only kohen present but if there is a kohen who can read himself he is preferred. (M.B. 14)
- The custom nowadays is that a kohen is called up even if he is only able to repeat by heart what the *ba'al koreh* reads and even as far as this matter is concerned we are not so particular and we assume that people are capable of doing this. (M.B. 15)

Siman 135 Seif 5:

If the *sefer Torah* is open and the kohen is reading *shema* he is not permitted to interrupt and a yisroel is called instead. Similarly, on the fasts that follow Pesach and Sukkos when we read וריחל if there are no *kohanim* who are fasting a yisroel is called to read first. In this case it is preferable if the kohen exits the *Bais HaKnesses*.

- The allowance of the first opinion in *siman* 66 *seif* 4 to interrupt *krias shema* for an *aliyah* only means that if he is called he may interrupt but he would agree that he should not *l'chatchila* be called and there is no concern that people will suspect his lineage since it is obvious that he is *davening*. These same *halachos* apply to one who is reciting *birkas krias shema*. One may be lenient and *l'chatchila* call one who is between paragraphs and certainly one who is reciting *pesukei d'zimra*. (M.B. 17)
- Those communities that have the custom to sell the first *aliyah* on Shabbos *Breishis* to generate funds for the *Bais HaKnesses* do not have to be concerned if the kohen does not want to forgo his *aliyah* once the custom is in place. This practice is limited to where the custom was originally established with the approval of *kohanim* but a community that wants to establish this custom without the approval of the *kohanim* may not do so. (M.B. 18)

Stories to Share

The Kohein's Privilege

ש"ע ס' קל"ה, א': "כהן קורא ראשון..."

On today's amud we find that a kohein is called first to the Torah. Although some chassidic greats relied on leniencies in this regard—for example, that the shul was their property so perhaps the sages' decree did not apply and they were permitted to call whoever they wished for the first aliyah—not everyone agreed with this.

Halacha Highlight

Deviating from the correct order of *aliyos*

Shulchan Aruch Siman 135 Seif 3

כהן קורא בתורה ראשון וכו'

A kohen reads from the Torah first etc.

Shulchan Aruch teaches that the correct order for the first three *aliyos* is kohen, levi and then yisroel. Mishnah Berurah (סק"ט) explains that Chazal derived from the word (Vayikra 21:8) וקדשתו that there is an obligation for a kohen to go first in many different matters including receiving the first *aliyah*. Technically, a kohen can forgo that right and allow others to go ahead of him. However, when it comes to the first *Aliyah,* Chazal enacted that a kohen or levi cannot forgo the honor. *Poskim* discuss at length whether it is appropriate at times to ask the *kohanim* to leave so that the *aliyah* could be given to a non-kohen. Some authorities adopt a stringent approach and maintain that the *kohanim* should not be asked to leave even if the intent is to auction off the first *aliyah* to generate funds for the *Bais HaKnesses*. Many others contend that on special occasions it is permitted to ask the *kohanim* to leave so that the first *aliyah* could be sold or to honor a special guest. Some even maintain that as long as the kohen is willing to forgo his right to the first *aliyah* he is not even required to leave the *Bais HaKnesses* when the non-kohen is called up for the first *aliyah*.

In the event that there are no *kohanim* in the *Bais HaKnesses,* Mishnah Berurah (סק"ט) writes that the one who is greatest in wisdom and number, meaning has the greatest number of students (ע' מ"ב דפוס דרשו העי' 17 בשם הגרח"פ שיינברג), should be called up for the first *aliyah*. Rema (סעי' ו') mentions that a levi could be called up in place of a kohen but *Poskim* note that there is no requirement to call up a levi instead of a yisroel for that first *aliyah*. In fact, there are many *Poskim* who maintain that a levi should not be called for the first *aliyah* when there is no kohen present since it could lead people to mistakenly believe that he is a kohen (פסקי תשובות אות י').

Rav Yechezkel of Shinova, the author of the Divrei Yechezkel, was always exceedingly meticulous in following the Shulchan Aruch. Not only was he personally cautious, he couldn't bear to see anyone deviate from the Shulchan Aruch even the slightest bit.

During his youth, Rav Yechezkel once went to see and be inspired by Rav Aizik'l of Ziditchov and, indeed, the rebbe's prayers were very heartfelt and moving. When it came time for the Torah reading, however, Rav Yechezkel was shocked. Even though he knew that several kohanim were present, the gabbai summoned the rebbe for rishon instead of one of them!

"How can you call the rebbe instead of a kohein?" Rav Yechezkel accused the gabbai. "How can you possibly act contrary to the words of the Shulchan Aruch and all of the poskim? The gemara is quite clear that we call a kohein up for rishon to avoid the possibility of controversy!"

Just then, Rav Yechezkel realized that he had implicated one of the greatest rebbes of the generation in wrongdoing. He suddenly felt very afraid; perhaps the rebbe would take offense at his hasty words? He quickly slipped away, and after finding a different minyan to hear the reading, he returned to his father's house.

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