



Finding Out Late about the Presence of a *Kohen* or *Levi*

Question: As a *gabbai*, sometimes I do not realize either that a *kohen* is present and I give the first *aliya* to a non-*kohen*, or that a *levi* is present and I give the second *aliya* to the *kohen*. What do we do when this is discovered?

Answer: It depends. The Shulchan Aruch (Orach Chayim 135:6-7) generally discusses your two cases, when the mistake was discovered after the *oleh* began the opening *beracha*. Both when a *yisrael* began the *beracha* for the first *aliya* before the *kohen* entered the shul (ibid. 6) and when a *kohen* began his second *aliya* when it turned out a *levi* was present, the mistaken *oleh* finishes the *aliya*. The clear implication is that when they had not started, we switch to the correct person even though the wrong one was called up.

The logic of switching is two-fold in the

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respective cases. Giving a second *aliya* is an exceptional act (needed to protect the reputation of the *kohen* –Shulchan Aruch ibid. 8), as is giving a first *aliya* to a non-*kohen* (Shulchan Aruch ibid. 4). Therefore, we do this only when there is an important reason. We are not depriving the person who is being asked to step aside of something he deserves: The *yisrael* never had claims to the first *aliya*, and we keep him at the *bima* until we can give him the third *aliya* (Shulchan Aruch, ibid. 6). The *kohen* already had his *aliya*, he is just being held back from an unusual *aliya* (and according to some, a *b'di'eved* one – see discussion in Maharam Shick, OC 61), and the *levi* getting the *aliya* after him raises no questions about his standing as a *kohen*.

In the case that a *yisrael* started the first *aliya's beracha*, we stick with the “wrong person” to avoid the serious problem of *beracha l'vatala* (Beit Yosef, Orach Chayim 135, citing the Avudraham). The concern that not switching then will make it look as if the *kohen* is not a *kohen* is not severe. People can understand that he was not present or noticed (ibid. citing the Rashba). We do not call up the *kohen* for the next *aliya* because that would actively make him look like a non-*kohen*, as he follows a *yisrael* who received the first *aliya* (Mishna Berura 135:20).

A not simple point becomes evident from the case of the *kohen* not being replaced after starting his second *aliya*. That is that even in the case that he really should not have received this exceptional second *aliya*, that second *aliya* still counts toward the number of required *aliyot*.

What is considered having started the *aliya* is noteworthy. The Shulchan Aruch (ibid. 6) rules that *Barchu* is not considered the beginning, so that the correct person can switch with him after *Barchu*. That is because commanding the *tzibbur* to bless Hashem (which is *Barchu's* role) and their doing so ("*Baruch Hashem Hamevorach...*") has an independent value (Mishna Berura 135:21). According to most, the correct person who takes over repeats *Barchu* before his *aliya* (ibid.). Although some say this is unnecessary (Aruch Hashulchan, OC 135:15), it is not a problem to do an arguably extra *Barchu* (Kaf Hachayim, OC 135:39).

One point that is not agreed upon is whether the first *aliya* of a non-*kohen* was valid when the *kohen* was present and just was not noticed, as the Shulchan Aruch (OC 135:6) addresses the case when he had not yet arrived. The Pri Chadash (135:6) infers from the *gemara* (Gittin 59b) that passing on the *takana* to have

the *kohen* go first renders the *berachot* and the *aliya* invalid even *b'di'eved*. The Magen Avraham 135:11 disagrees, reasoning that since regarding the *kohen* who took the *levi's aliya*, the Shulchan Aruch (ibid. 7) says that the *aliya* is valid even if the *levi* was present, the same is true of the skipped *kohen*. One can argue on behalf of the Pri Chadash that the *takana* to give the first *aliya* only to the sanctified *kohen* is stronger than the *halacha* that a *levi* gets the second *aliya* before allowing the *kohen* to get another one. However, the Noda B'yehuda cites an interesting proof against the Pri Chadash, and this is what is accepted (Mishna Berura 135:20). ■

Eretz Hemdah has begun a participatory Zoom class - "Behind the Scenes with the Vebbe Rebbe" - an analytical look at the sources, methodology, and considerations behind our rulings, with Rav Daniel Mann. Contact info@eretzhemdah.org to join while places are open.

Having a dispute?



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