



FROM THE VIRTUAL DESK OF THE OU VEBBE REBBE

RAV DANIEL MANN



Birkat Kohanim in a Shiva House

Question: I was surprised to find, in a *shiva minyan*, an *avel* who did *Birkat Kohanim*. I didn't know whether to tell him that I had never seen this before. Was it okay that he did so?

Answer: Generally, an *avel* is obligated in all the *mitzvot*, with a prominent exception being not wearing *tefillin* on the first day of *aveilut* because he is not fit to connect with the grandeur of *tefillin* (Berachot 11a). So, ostensibly there would have to be a good reason to deprive an *avel* who is a *kohen* from doing *Birkat Kohanim*, and there is no explicit source in *Chazal* that this is the case.

The Mordechai (Megilla 817), in discussing that a *kohen* who will not do *Birkat*

Kohanim must not be in *shul* when the *kohanim* are called, which obligates him to go up, mentions an *avel* during the 12 months for his parents as one who does not *duchen*, according to the *minhag*. The Beit Yosef (Orach Chayim 128) wonders what the logic of the *minhag* could be, but he cites a *Shibolei Haleket* that there is a need for a *kohen* to be in a state of *simcha* in order to do *Birkat Kohanim*. This is also the logic behind the Ashkenazi *minhag* to do *Birkat Kohanim* only on Yom Tov (Rama, OC 128:44; see more on the topic in *Living the Halachic Process III*, A-17). There is even a related Ashkenazi *minhag* that single men do not *duchen* because they do not “dwell in happiness” (see *ibid.*) The Shulchan Aruch (ad loc.) does not accept either of these *minhagim* (Ashkenazim accept the former), but regarding *shiva*, he does instruct the *avel* to leave the place of *davening* before the *kohanim* are called (i.e., before they start *R'tzei* - Be'ur Halacha ad loc.).

The Shiyarei Knesset Hagedola compares



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the *avel* during *shiva* to the situation of all on Tisha B'av, where according to some (including *minhag Yerushalayim*) there is no *Birkat Kohanim* in *Shacharit*, because the first part of Tisha B'av is the antithesis of happiness (not all agree; see opinions in Eliya Rabba 559:13; R. Akiva Eiger to Magen Avraham 131:10). Some distinguish because on Tisha B'av the *mitzva* is only delayed until the afternoon and because the entire congregation is in *aveilut* (see Yabia Omer IV, Yoreh Deah 32). The Radbaz (I:1) does not see any reason for the *avel* to give up his *mitzva*.

Based on the idea that the *avel* sets the tone for the entire *minyan*, the *minhag* in many places is that no one does *Birkat Kohanim* and, according to some, the *chazan* does not recite *Elokeinu vei'lokei....* in a *shiva* house (Ishei Yisrael 24:50). However, many refer to a *minhag Yerushalayim* to do *Birkat Kohanim* there (ibid.; Gesher Hachayim, vol. I, p. 205). According to this *minhag*, even the *avel* can and likely should do so himself. After all, since it is only a *minhag* for a *kohen* to refrain and it is a Torah-level obligation for a *kohen* to *duchen*, it is problematic for a *kohen/avel* to not take part. We have seen that the *kohen* should walk out before *R'tzei*, but this tension makes it understandable if he takes part himself. (It is not clear why he must walk out considering that our *minhag* is to not call *kohanim* until right before the

Birkat Kohanim, which is too late for them to go up (see Shulchan Aruch ibid. 8), but this is apparently the *minhag*). Therefore, whether the *shiva* house in question was in Yerushalayim, so that the *avel* may have been right, or elsewhere, since fundamentally he did nothing wrong, there is no need to get involved. (If you feared that he will be embarrassed if "corrected" on another day, you could have mentioned to him after *davening* that there are different opinions and asked whether he received a ruling.)

If the *avel* follows the standard *minhag* (i.e., does not do *Birkat Kohanim*), what does he do about walking out if he is the *chazan*? There is a major question (which we wrote about in this column, Vayeira 5780) whether a *kohen* who is a *chazan* should ever do *Birkat Kohanim*; he certainly should not if he might get confused (see Shulchan Aruch, OC 128:20 with commentators). Therefore, the *avel/chazan* need not leave whether or not other *kohanim* are reciting *Birkat Kohanim*. ■

Having a dispute?



For a Din Torah in English or Hebrew contact 'Eretz Hemdah - Gazit' Rabbinical Court: 077-215-8-215 • fax: (02) 537-9626
beitdin@eretzhemdah.org