

הלכות קריאת ספר תורה (סימן קלה: סדר קריאת התורה ביום ב' וה')

קלה:ג-ה

Outline

1. Today's Topics
 - a. Distribution of עליות
2. קלה:ג, לוי, ישראל
 - a. שו"ע (ישראל) is given to כהן, then שני is given to לוי, and שלישי is given to ישראל
 - i. Q: Why does the כהן get the first עלייה?
 1. Because "וקדשתו" requires that we give the כהן priority for עליות and ברכות and portions (משנ"ב ט)
 - ii. Q: Can the כהן forego his right to ראשון?
 1. Although he may do so to give כבוד to a רבי or someone greater than him, חז"ל established that כהנים and לויים may not give up their עליות but rather the order must be כהן then לוי then ישראל so that we avoid strife and people saying that they deserve the first עלייה (שם) (משנ"ב שם)
 - a. Q: May a כהן generally forego even for one who is not greater than him?
 - i. Yes (הע' 23) (משמע במשנ"ב רא)
 - iii. Q: When does this rule apply?
 1. At all קריאות התורה (משנ"ב שם)
 - iv. Q: If there is no כהן, then who gets ראשון?
 1. The greatest in wisdom even if he is not the oldest (שם) (משנ"ב שם)
 - a. Q: What is the meaning of "מניין"? (הע' 25)
 - i. He has many תלמידים (גר"פ שיינברג)
 - v. Q: If a כהן is present in shul but not davening with the congregation, must the congregation give him the עלייה? (הע' 24)
 1. רצ"פ פראנק (ספק)
 2. No (רב אלישיב)
 - vi. Q: Why does the שני לוי get?
 1. Based on the פסוק – "הכהנים בני לוי", which teaches that לוי follows כהן (משנ"ב י)
 3. קלה:ד) כהן עם הארץ וחכם ישראל
 - a. A כהן עם הארץ takes precedence to a ת"ח ישראל as long as the כהן knows how to read because if cannot read, then he cannot say the ברכה (שו"ע); however, it is sufficient for the כהן to be able to read word for word together with the ש"ץ (רמ"א)
 - i. Q: Why does the שו"ע refer to the "מנהג"?
 1. Although many rule that a כהן עם הארץ does not take priority to a ת"ח, the מנהג follows those who rule that in shul we do not distinguish in order to avoid strife (משנ"ב יא)
 - ii. Q: Why are we not concerned for התורה?
 1. Since this is the מנהג, there is no בזיון (משנ"ב יב)
 - iii. Q: How must the כהן be able to read?
 1. From the writing (משנ"ב יג)
 - iv. Q: When do we rely on the כהן reading together with another?
 1. If there is no other כהן (משנ"ב יד); however, the משנ"ב קלט:ד) implies that we are lenient about this nowadays (הע' 26)
 - v. Q: What is the practice regarding a כהן who cannot read?
 1. The practice is to call him for an עלייה even if he cannot read together with another and from the writing but rather only by heart, and we are not very careful about discerning whether one is able to do so but rather we assume that he can (משנ"ב טו)
 - a. Q: Why? (הע' 27)
 - i. Because nowadays, the ש"ץ leans from the writing (משנ"ב קלט:יב)

4. (קלה:ה) כהן הקורא את שמע
- a. If the ספר תורה is open and a כהן is saying קר"ש, he cannot interrupt for an עליה but rather a ישראל is called in his place (שו"ע)
- i. Q: What if the ס"ח is not yet opened?
 1. We don't wait for the כהן to finish קר"ש in order to take out the תורה because of (משנ"ב טז) טירחא דציבורא
 - ii. Q: Does anyone disagree?
 1. No; even those who say that a כהן interrupts when he is called agree that ideally, he should not be called (משנ"ב יז)
 - iii. Q: Why are we not concerned that people will doubt the status of the כהן?
 1. Because all see that he is saying קר"ש or תפילה (שם) (משנ"ב שם)
 - iv. Q: Does this הלכה apply only to קר"ש?
 1. No; it applies to the ברכות as well, but in between the פרקים and certainly during the פסוקי דזמרא, one may call the כהן if he is the only one available (שם) (משנ"ב שם)
 - a. However, he should not read together with the קורא בעל קורא unless he is in the middle of פסוקי דזמרא (הע' 32) (משנ"ב סו:כו, גרשז"א) פסוקי דזמרא
- b. On the תענית that follows פסח and סוכות, if a כהן is not fasting and the congregation reads ויחל, he does not receive the עליה, and it is preferable for him to leave the shul (רמ"א)
- i. Q: Why is it only "preferable" for him to leave?
 1. Because fundamentally, one may call a non-כהן even if the כהן is there since the כהן is not fasting, but it is better for the כהן to leave so people don't suspect his status as (משנ"ב יח) כהן (הע' 34) (משנ"ב תקסו:כא) should be careful to leave
 - ii. Q: What if a congregation has a practice that one who donates money to the shul gets the first עליה?
 1. Even if the כהן is unwilling to forgo and leave the shul, the congregation should maintain its practice because it has precedent and is for the sake of התורה; however, this applies only if this is the longstanding practice of the shul that originated with the agreement of the כהנים (שם) (משנ"ב שם)
 - iii. Q: May a כהן be asked to leave if he is the only כהן and others need עליה? (הע' 35)
 1. Only for great need (גר"ח קניבסקי)
 - iv. Q: May a כהן leave shul in order to avoid being called up twice for לוי? (שם)
 1. Yes, but not consistently (רב אלישיב)