



נדרים דף ס"ב

The Sanctity of Kohanim in Our Days

The Gemara at the bottom of Amud 1 cites the derasha on the verse וקדשתו that we must honor Kohanim in every area of mitzvah endeavors. This includes giving a Kohen the first aliyah and allowing him to make a blessing first.

The Rambam writes that it's a Biblical commandment "to distinguish Kohanim, to sanctify them, and to prepare them to do the service in the Beis Hamikdash... Every Jew must give them great honor and to allow them to be first in every area of holiness" (Klei Hakodesh 1:2). Hence, all these details are included in the mitzvas aseil "vekidashto." The Sefer Hamitzvos also holds that it's a Biblical mitzvah. On the other hand, Tosfos in Chullin (87b) maintains that the obligation is Rabbinical, and that the derasha is not a Biblical one, but an asmachta (support).

Does this mitzvah apply only during the time of the Beis Hamikdash, or even today? This is subject to dispute. In Hagaos Mordechai on Gittin (Siman 461) is recorded that a student of Rabbeinu Tam, a Kohen, was assisting him. Another student asked, one is not allowed to make use of a Kohen? Rabbeinu Tam answered that the prohibition applies only in the time of the Beis Hamikdash. He cited the Gemara in Zevachim (17b) "when they're wearing their [priestly] clothing, their holiness is upon them; if not, not." But, someone present rejoined, if so, none of the laws of Kohanim should apply today? Rabbeinu Peter (another Baal Tosfos) offered that indeed, Kohanim still retain their status of holiness, but they can forgo their honor if they wish.

The second interpretation is codified by the Rema in Shulchan Aruch (O.C. 228:45): "It is forbidden to make use of a Kohen even in our days, as it is akin to benefiting from hekdeshe. That is, unless he forgoes his honor." However, the Taz argues on this opinion. The sanctification of Kohanim is not in their hands to forgo! Rather, Kohanim may do things for others if they derive some benefit from it. The halachic difference between the two opinions is if a Kohen can offer to do something for a Yisroel from which he derives no benefit. The Mishnah Berurah advises that it's preferable to be stringent.

One example of a Kohen forgoing his honor featured in an interesting episode recounted in Teshuvos Maharik (Siman 9). In his days, many communities in France and Germany had the custom to auction off the first aliyah of Bereishis, on the Shabbos after Simchas Torah. Thus they raised money for the shul and showed their love for the Torah, similar to the final aliyah of Chassan Torah.

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Furthermore, the custom was that if a non-Kohen bought the aliyah, all the Kohanim present would leave the Beis Hamedrash, so that the Yisroel could receive the aliyah and not transgress “vekidashto.”

However, it once happened that one Kohen refused to leave! He insisted that the aliyah belonged to him, and that he had the right to receive the aliyah for free. With no other choice, they called in the authorities to eject him from the premises! They asked the Maharik afterwards if they behaved correctly. He approved, noting that it was an ancient and established custom, thus overriding “vekidashto.”

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