Daily Birkat Kohanim in the Diaspora

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Daily *Birkat Kohanim* in the Diaspora

By Daniel Sperber[1]

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Question: May Kohanim outside the Land of Israel give the priestly blessing (*Birkat Kohanim*, or *Nesiat Kapayim*) on weekdays and on regular Shabbatot?

Answer: The Torah explicitly requires the Kohanim to bless the people (Numbers 6:23), but does not tell us where or when they should do so. Rambam (*Sefer haMitzvot*, *Mitzvat Assei* 26) gives no details, but refers us to B. *Megillah* 24b, *Taanit* 2b, and *Sotah* 37b, to work out the details. However, there are versions of the Rambam's text (edited by R. Hayyim Heller and R. Yosef Kefir), where there are the additional words "every day," and this, indeed, is his ruling in the heading of his *Hilkhot Tefillah and Birkat Kohanim*. (See further *ibid*., chapter 14; this also is the ruling in *Sefer haHinukh*, *Mitzvah* 367). However, there we find the additions that "the mitzvah applies in all places at all times…". *Hagahot Maimoniyot,* to Rambam *Hilkhot Tefillah* 15:12 note 9 writes, on the basis of R. Yehoshua ha Levi's statement in B. *Sotah* 38b, that any Kohen who does not bless the people transgresses three commandments, splitting as it were the biblical verse in Numbers thus: "So shall you bless the children of Israel: say unto them," adding verse 27 *ibid*., "And they shall put my name upon the children of Israel…". The *Hagahot Mordechai* modifies this by adding that if the Kohen has not been summoned to bless the people, he does not transgress by not doing so, referring to the Yerushalmi text, and this view is accepted by the *Beit Yosef, Orah Hayyim* 128. There is also a minority view, rejected by mainstream authorities, that of Rabbenu Manoah, that even if the Kohen was not called, if he did not bless the people, he transgresses at least one commandment.

Outside Israel it is the practice in many congregations for the Kohanim not to give the priestly blessing, and for the congregation not to request that they do so—with the exception of *musaf* on the foot-festivals and Yom Kippur—even during Neilah. The Beit Yosef was very perturbed by this practice. He writes (*Orah Hayyim* 128):

The Agur wrote that Mahari Kolin [the Maharil] was asked why the Kohanim do not give the priestly blessing every day, since it is a positive commandment. And he answered that it was the custom of the priests to make a ritual ablution [in the Mikvah] before blessing, as is recorded in Hagahot Mordechai, and to do so every day in the winter would be very difficult for them. Hence, the custom evolved to do so only on the festivals. Furthermore, [doing so] would curtail the business activities (*mi-taam bitul melakhah*), and in any case if the Kohen is not summoned he does not transgress.

However, the Beit Yosef continues:
He forced himself to justify his local custom; but the reasoning is insufficient. For that which he said that they were accustomed to make a ritual ablution every day, this is a stringency—i.e., it is not really required—which leads to leniency… Since ritual ablution as a requirement for the priestly blessing is not mentioned in the Talmud. And even if they took upon themselves this stringency, why would they cancel three commandments, even if they were not transgressing since they had not been summoned. Surely it would be better that they carry out these three commandments clearly and not make the ritual ablutions, since there are not required, and by not doing so they could fulfill the three commandments.

He ends by saying:

And praise be to the inhabitants of Eretz Yisrael and all Egypt who give the priestly blessing every day, and do not make ritual ablutions for it.

Indeed there are some congregations that still follow the Beit Yosef's position. Thus, the Syrian community has *birkat Kohanim* every day, (see H. C. Dobrinsky, *A Treasury of Sephardic Laws and Customs*, Hoboken N.J., New York 1986, p.168). This, too, was the Amsterdam custom of the Portuguese community (Shemtob Gaguine, *Keter Shem Tov*, vol.1, Kédainiai 1934, pp. 222–227, note 268, who also quotes *Even Sapir*, that this was the practice in Yemen, and possibly in some Moroccan congregations), while in Djerba they did it on Shabbatot and festivals (R. Moshe HaCohen, *Berit Kehunah, Orah Hayyim*, pp.101–102, and note 30). Thus, there are ample precedents for this practice. However, the Ashkenazi Rema, R. Mosheh Isserles, in his *Darkei Mosheh, ibid*., 21, seeks to justify the Ashkenazi custom. He writes:

Because [doing so] would curtail business activities for the people in these countries, for the Kohanim are struggling to support themselves in the exile, and they can barely support their families, other than the bread they gather by the sweat of their brows daily, and they are not happy. And it is for this reason that they do not carry out the priestly blessing, which leads to *bitul melakhah la-am.* And even on Shabbat they do not do so, because they are troubled and concerned about their future…, and they are only joyful on the festivals. And thus the custom evolved only to bless the people on the festivals. So it would appear to me.

The notion that the Kohen must be joyful when blessing the congregation has its roots in the early Rishonim (in Rash's teacher, R. Yitzhak ben Yehudah).
The Mateh Efraim, of R. Efraim Zalman Margaliot, added that this was an ancient practice, even more than 500 years old, going back to the *Tashbetz haKatan*, a disciple of the Maharam Mi-Rothenberg, and the *Kol Bo* sect. 128, and accepted by the Maharit, the Agur, the *Darkei Mosheh*, etc., "and one may not stir from this custom." He also gives additional reasons to support this custom.
The Sephardic *Kaf haHayyim*, R. Yaakov Hayyim Sofer, on the other hand (*Orah Hayyim, ibid.*, note 16), cites French R. Yaakov of Mervais, (in his *Shut Min-ha-Shamayim* no. 38), who writes that

In a place where there are suitable Kohanim to bless the people, and they do not do so even once a year, both the congregation that do not call them to do so, and the Kohanim themselves, who do not

make the blessing, transgress, also because they seem not to be relying on their Father in Heaven.

This was cited by the Egyptian *Radbaz*, R. David ben Zimra, and especially the *Hesed leAvraham* of R. Avraham Azulai, who writes at length censuring those who do not bless the people, enumerating the negative effects of their flawed thinking, concluding that "it is proper to do so in every place, and not to seek out strategies to avoid doing so."
And even the Ashkenazic *Hafetz Hayyim*, in his *Mishnah Berurah* 128:12 in the *Beur Halakha* wrote:

It is only because of weakness that the Kohanim can go out and not go up [to bless the people. For if not so, certainly they are not acting well to needlessly nullify a positive commandment.

Indeed, there are some Ashkenazic congregations where they do carry out the priestly blessing at least once a month, as we learn from the *Sefer haMitzvot*, or even every Shabbat, as is mentioned in the *Mateh Efraim.*
Finally, we may cite the words of R. Yehiel Michel Epstein, in his *Arukh haShulhan, Orah Hayyim* 128:4:

And behold, it is certainly the case that there is no good reason to nullify the mitzvah of *birkat Kohanim* the whole year long, and [it is] a bad custom. And I have heard that two great authorities of former generations—probably the Gaon Eliyahu of Vilna and R. Hayyim of Volozin—each one wished to reestablish *birkat Kohanim* daily in their location, and when they decided on a given day [to begin], the issue become confused and they did not succeed, and they said that from Heaven it was thus decreed.

In view of all the above we may state that *Birkat Kohanim* does not require ritual ablution, and in present-day diaspora countries, blessing the people will not affect or curtail any business activities, and people in the diaspora are not downtrodden, nor do they live in permanent misery so that they cannot be joyful enough to bless the congregation. And according to some opinions (e.g., the *Pri Hadash*) even if they are not called to give the blessing, they may/should do so, (see e.g. *Piskei Maharitz, Orah Hayyim* vol.1, Bnei Brak 1987, pp. 259–260, with the note of R. Yitzhak Ratzabi *ibid*., Note 7, *ibid*., *Be'erot Yitzhak*). Thus, the reasons given for avoiding giving the priestly blessing are for the main part largely irrelevant in present-day diaspora conditions.
On the other hand, not doing so means not carrying out three positive biblical commandments, and according to some, albeit minority, opinions this is also the case when the congregation does not summon the Kohanim. Some, somewhat mystical sources also stress the great spiritual benefits of the priestly blessing, and the considerable negative effect of their absence. Furthermore, we have seen evidence that in some Ashkenazic communities *Birkat Kohanim* was practiced on Shabbatot or monthly, and not merely on the festivals.
Taking into account all of the above, I would think that nowadays, there is little justification for not carrying out the priestly blessing daily in our diaspora congregations.
I would like to end by again referring to the *Hesed le-Avraham*:

…The Kohen who fears the word of the Lord and desires His commandments will not transgress by refraining to give the blessing to give satisfaction to his Creator, for it is good in the eyes of God to bless Israel. How good and pleasant is the practice in some places, where the Kohanim give the priestly blessing each day. This is the fitting way to practice in all places, and not to seek excuses for annulling a positive commandment from the Torah.

To summarize:

1. It is a biblical commandment that obligates the Kohanim to bless the people.
2. Not doing so means not fulfilling that biblical commandment, and, according to some authorities, even transgressing three biblical commandments.

Here we may add yet another element to our discussion. There is a well-known opinion of R. Eliezer Azikri, in his *Sefer Haredim* chapter 4 (with the commentary of R. Yitzhak Leib Schwarz, Kunszentmiklos 1935, p. 19), that "those who stand before the Kohanim in silence and direct their hearts to receive the benedictions as the words of God, they too are included in the *mitzvah* as parts of the 613 [*mitzvot*]."
The commentator, ad loc. (note 18–19) discusses this opinion, pointing out that it is a subject of considerable controversy among the greatest of authorities, but he quotes the author of the *Haflaah*, R. Pinhas ha-Levi Horowitz, (in his notes to *Ketubot* 24b and Rashi *ibid*.), that just as there is a commandment to the Kohanim to bless Israel, so too is there a commandment to Israel to be blessed by the Kohanim. He states that there are other examples where the Torah, explicitly commands only the active partner and not the passive recipient, but nonetheless both are obligated. He brings as one example to mitzvah of *yibum*, which devolves both on the levir (*yavam*) as well as the sister-in-law (*yevamah*), even though the Torah commandment is directed toward the levir alone. The *Sefer Haredim* 's novum was widely accepted, even though his source remained unclear to many.
This being the case, surely we should not deprive Am Yisrael in the diaspora from having opportunity to participate in this important mitzvah.
The reasons given by the various authorities for not fulfilling this mitzvah regularly in the diaspora are in and of themselves problematic, but in any case quite irrelevant to present-day diaspora communities. There exist precedents in different congregations, even outside Eretz Yisrael, for daily, weekly, or monthly priestly blessings.
In Jerusalem and in some parts of Eretz Yisrael the priestly blessing is carried out daily.
In view of all of the above, it follows that the daily, or at least weekly, blessing on the part of the Kohanim be performed in diaspora communities.

[1] Here I must acknowledge my debt to R. Shaar Yashuv Cohen's extensive discussion in his *Shai Cohen*, December 1997.