

OVERVIEW of the Daf

1) Clarifying the dispute in the Mishnah (cont.)

R' Yosef suggests two reasons why when an engaged couple agree that the bride is pregnant from the groom they are believed.

Abaye unsuccessfully challenges R' Yosef's second reason.

2) R' Yehoshua's position

Abaye points to a contradiction between R' Yehoshua's ruling in our Mishnah and another Mishnah.

Rabbah resolves the contradiction.

Rava notes that just as there is a contradiction in R' Yehoshua's position, so too, there is a contradiction within R' Gamliel's position.

Rava proceeds to resolve both contradictions.

The Gemara summarizes R' Gamliel's and R' Yehoshua's positions.

3) Widow of uncertain status

A Baraisa records a dispute concerning the definition of a "widow of uncertain status."

The Gemara poses three questions to challenge the first definition of a "widow of uncertain status."

R' Yochanan answers the challenges and explains in detail the dispute regarding the "widow of uncertain status."

Two contradictory Baraisos are cited regarding the halacha of one who responds with silence when called a mamzer or chalal.

The contradiction is resolved by distinguishing between Tanna Kamma and R' Shimon ben Elazar's understanding of R' Meir.

4) MISHNAH: R' Yosi cites R' Yochanan ben Nuri as ruling that if a girl cohabited with an unknown man her status and the status of her daughter depend on the status of the majority of residents of the nearby town.

5) Clarifying R' Yochanan ben Nuri's position

Rava inquired of R' Nachman whose opinion (R' Gamliel's or R' Yehoshua's) R' Yochanan ben Nuri follows in his ruling.

R' Nachman, citing R' Yehudah in the name of Rav, explained that R' Yochanan ben Nuri follows the opinion of R' Yehoshua but is lenient because there are two majorities in her favor. ■

Distinctive INSIGHT

The calculation using the majority

אם רוב אנשי העיר משיאין לכהונה הרי זו תנשא לכהונה

Rabbi Akiva Eiger notes that a majority of the population who are eligible to marry a kohen could be a simple majority, for example 21 kosher people verses 20 who are disqualified. The man who now wishes to marry this woman knows that he himself was not the person who took this woman. Therefore, from this man's perspective, there remains only 20 kosher men and 20 non-kosher individuals to consider, which is no longer a case of a majority of kosher individuals to count towards resolving the doubt. The woman should therefore always be prohibited to him in such a case. Rabbi Akiva Eiger concludes that, in fact, if the majority is a simple one, the woman would indeed be prohibited.

The Rashash, however, explains that when we use the rule of "anything separated from the majority can be considered to be from the majority," we can use even aspects of the case which are technically not part of the doubt. Therefore, the man himself who wishes to marry the woman is still part of the overall calculation, although he knows that he did not attack the woman. Rashash brings a proof to his contention from the case of a bird which was found between two breeders dovecotes (Bava Basra 23b). One dovecote had twice as many birds as the other, but the bird was found closer to the lesser-populated bird house. There is reason to assume the bird came from the farther, more populated location. Rashash notes that the majority of birds are actually still in the immediate area of their dovecote, yet they are part of the majority despite their not being part of the mix where the lost bird was found. So we see that the calculation of majority includes all specimens, even those not directly mixed together. He concludes, however, that the issue still needs to be clarified. ■

REVIEW and Remember

1. Explain the phrase הלכה ואת לא תעביד עובדא
2. What is the Gemara's final understanding of the dispute between R' Gamliel and R' Yehoshua?
3. What is an אלמנה עיסה?
4. What are the three opinions concerning a girl who has relations with an unknown man? Is she fit to marry a kohen?

HALACHAH Highlight

Is a kohen permitted to marry a ba'alas teshuva?

הלכה כר' גמליאל ואת לא תעביד עובדא עד דאיכא רוב כשרין אצלה
The halacha is like R' Gamliel but you should not act in accordance with that ruling unless a majority of the men are fit for her

There was once a woman who behaved promiscuously and inquired of Rav Moshe Feinstein¹ whether she was permitted to marry a kohen. Rav Moshe wrote that he felt compelled to respond since it seems that she would like to do teshuva and extra effort should be made to allow a person the opportunity for teshuva (גדול כחה של תשובה). Concerning the issue of marrying a kohen as long as the men with whom she was intimate are fit to marry into Klal Yisroel she is permitted to marry a kohen. However, this is true only if the woman has a presumption of trustworthiness (חזקת כשרות) but if she did not then it is necessary to be concerned that she may have been intimate with a non-Jew which would render her unfit to marry a kohen.

Rav Moshe Shternbuch² issued a similar ruling concerning a woman who while in college was promiscuous and later did teshuva. She became engaged to a kohen and after the issue of her earlier promiscuity was raised she asserted that she was never intimate with a non-Jew. Rav Shternbuch replied that given this woman's history and the immoral environment of a university campus her claim that she was never intimate with a non-Jew is not credible; therefore he ruled that she is

not permitted to marry a kohen.

Rav Elyashiv³, on the other hand, writes that those people who are not observant are not permitted to marry kohaim unless their status as being fit to marry a kohen can be confirmed. If, however, she claims that she was only promiscuous with Jews or that she was never promiscuous her assertion is deemed credible and she may marry a kohen. The reason is that there is a dispute whether an unknown family is assumed to be fit to marry into the congregation or not. Although one could argue that concerning people who are not observant one should certainly assume that they are unfit, nevertheless, in certain pressing circumstances (שעת הדחק) her claim that she was only promiscuous with Jews could be accepted. ■

1. שו"ת אג"מ אה"ע ח"ד סי' מ'.
2. שו"ת תשובות והנהגות ח"ד סי' רפ"א.
3. שו"ת קובץ תשובות ח"א סי' כ"ד. ■

STORIES Off the Daf

The "Farfrumte" Kohanim

"שהכהנים שומעין לכם לרחק ולא לקרב..."

On today's daf we find that the kohanim of the time of Chazal were so "frum" that they would reject a woman that they considered to be prohibited to marry a kohen even if one was to convene a beis din who confirmed the woman's halachic acceptability. "The kohanim only listen to you when it comes to rejecting a candidate, not accepting someone they have already ruled out!"

This is the opposite of gedolei Yisroel. Our great sages know not to make "frumkeit" into an excuse to forget the

essentials of halachah—most notably those halachos that teach us to be sensitive to the feelings of another Jew.

Once, a certain Yerushalmi Yid known to be an unusually pious talmid chacham, was discovered to uphold a very unusual stringency: he was so frum that he wouldn't even speak to his own wife! At first, the poor woman didn't tell anyone about this habit of her husband's, but eventually it bothered her so much that she revealed her hidden sorrow to her mother. Both women eventually decided to go to Rav Yehoshua Leib Diskin, zt"l, the Rav of Yerushalayim, for advice. When they told him about the husband's behavior, he was very upset. He sent a messenger to this man requesting that the man come to him at the

time during the day when the Rav normally took a break for lunch at home.

The man arrived at the appointed time, entered the house and said, "Shalom Aleichem, Rabi u'Mori!"

Rav Yehoshua Leib ignored him and rudely left him standing there foolishly all the while that the Rav ate his lunch. Understandably, the young man was very embarrassed to be marooned there for the course of the Rav's meal without the slightest bit of attention paid to his presence. When the Rav finished eating, he said perfunctorily, "You may go."

The young man, who was no fool, immediately understood the lesson. Naturally, he began to speak to his wife at home as everyone understands is only right and fitting! ■

