

## OVERVIEW of the Daf

### 1) Betrothing a gentile (cont.)

The Gemara continues to cite a Baraisa that presents an exposition that relates to the phrase "האשה וילדיה וכו'".

The last statement of the Baraisa is clarified.

2) **MISHNAH:** R' Tarfon and R' Eliezer dispute whether there is a way to purify mamzerim.

### 3) A mamzer marrying a slavewoman

The Gemara inquires whether R' Tarfon permits a mamzer to marry a slavewoman לכתחילה or only בדיעבד.

After numerous attempts to resolve this matter the Gemara concludes that R' Tarfon permits a mamzer to marry a slavewoman even לכתחילה.

R' Yehudah in the name of Shmuel rules like R' Tarfon.

The source for R' Eliezer's position is identified.

The exchange back and forth between Rabanan and R' Eliezer is recorded.

### הדרן עלך האומר

4) **MISHNAH:** The Mishnah identifies ten genealogical classes and outlines the marital restrictions of each class. The categories called שתוקי and אסופי are defined.

### 5) Clarifying the Mishnah

The Gemara explains why the Mishnah begins with the phrase, "Ten genealogical classes went up etc."

The sources that the Beis Hamikdash is the highest place in Eretz Yisroel and that Eretz Yisroel is higher than the other lands are identified.

Abaye and Rava disagree whether the Jews in the time of Ezra returned to Eretz Yisroel on their own accord or were forced to go up against their will.

Two explanations for the dispute are presented.

Two unsuccessful challenges to Rava's opinion are recorded.

### 6) The groups that ascended to Eretz Yisroel

The sources that the different groups ascended to Eretz Yisroel are identified.

R' Yosi in the Baraisa discussing חללים explains why kohanim of questionable status were permitted to eat terumah.

The Gemara explains why there was no concern of elevating these kohanim who would eat terumah into genealogically fit kohanim.

Another explanation is presented why there was no fear of elevating these kohanim who would eat terumah into genealogically fit kohanim.

The assertion of the second resolution that kohanim did not eat Biblical terumah is unsuccessfully challenged. ■

## Distinctive INSIGHT

*Eretz Yisroel is the highest of all lands*

מלמד שבית המקדש גבוה מכל ארץ ישראל וארץ ישראל גבוה מכל הארצות

Our Gemara teaches us that the Beis HaMikdash is higher than all of Eretz Yisroel, and that Eretz Yisroel is the highest of all lands.

What does it mean that the Beis HaMikdash is the highest point in the world? Our observations do not seem to indicate that this is true. Furthermore, the Gemara in Zevachim (54b) tells us that Dovid HaMelech was uncertain about the precise location of the Beis HaMikdash. He simply should have measured and found it by determining the highest point.

Chasam Sofer explains that the world is round. Hills and mountains protrude above the surface of the globe, just as the bumps and lumps of an esrog do above its sloping surface. There is therefore no significance in saying that any particular place on the surface of a sphere or globe is higher than the rest of the surface, because if we simply turn the object on its axis, that which was higher now is lower, and that which was lower is now on top. There is plainly no place which is objectively higher than others.

This, however, is true if there is no point of origin on the object. Our sages, however, have taught us that the world was created and formed from the stone which served as the foundation of the Beis HaMikdash (see Yoma 54b). The Beis HaMikdash is the center of the world, and from that place the world and its contents were drawn forth. In this manner, the place of the holy Temple can be understood to be the highest spot on the globe, although it cannot objectively be measured as such. For this reason, the verse (Devarim 17:8) tells us that when traveling to go there, we are to "ascend to the place." ■

## REVIEW and Remember

1. How does one purify mamzerim?

2. Why does the Mishnah say "ascended from Bavel" rather than say "went to Eretz Yisroel"?

3. What is the point of dispute between Abaye and Rava?

4. What did R' Yosi mena when he declared that the power of chazakah is great?

# HALACHAH Highlight

## The status of kohanim

R' Yosi said that presumptions are powerful (and can be relied upon).

Poskim debate whether kohanim nowadays are assumed to be genuine kohanim or not. Mahari Weil<sup>1</sup>, for example, writes that in our times one should not give chalah to a kohen since it can not be definitively established that someone is a kohen. Similarly, Magen Avrohom<sup>2</sup>, explains that the reason we do not give precedence to kohanim in all matters is based on the assumption that we are no longer experts in the genealogy of kohanim. R' Yonason Eibeshutz<sup>3</sup> extends this concept and writes that the reason, nowadays, people do not give the foreleg, jaw and קיבה to kohanim is based on the comment of Magen Avrohom that we are no longer experts in the genealogy of kohanim. Minchas Chinuch<sup>4</sup> also utilizes this principle to explain an omission in Tur. Tur does not mention the restriction that prohibits kohanim from entering into the house of a gentile in Eretz Yisroel out of concern that there may be a body buried in that home. The reason Tur omits this halacha is that there is a ספק ספיקא. Maybe the house of the gentile

contains a corpse, or maybe not, and even if there is a corpse maybe this person is not a kohen.

Following this approach Rav Yaakov Emden<sup>5</sup> advises that one should perform the mitzvah of pidyon haben with many kohanim. Since one does not know whether this kohen is truly a kohen one should be strict with the Biblical commandment of pidyon haben. Furthermore, since the kohen cannot prove his genealogy Rav Emden advises kohanim to return the money they receive for the pidyon haben since there is the possibility that the kohen may, in fact, not be a kohen and the money he took would be considered stolen money. Chazon Ish<sup>6</sup> challenges the position that we should be concerned with the possibility that kohanim are not truly kohanim. Since we allow kohanim to make a beracha before Birkas Kohanim and at a pidyon haben it is clear that we consider them to be kohanim. Chasam Sofer<sup>7</sup> also writes that kohanim nowadays are assumed to be genealogically fit and may preside at a pidyon haben without hesitation. ■

1. שו"ת מהר"י וייל סי' קצ"ג.
2. מג"א סי' ר"א סק"ד.
3. פלתי יו"ד סי' ס"א סק"ו.
4. מנחת חינוך מצוה רס"ג.
5. שו"ת שאילת יעבי"ץ ח"א סי' קנ"ה.
6. חזו"א שביעית סי' ה', אה"ע סי' ג'.
7. חידושי חת"ס כתובות כ"ה: ד"ה והנה. ■

# STORIES Off the Daf

## Cohen or Kohein?

"אלה בקשו כתב המת"כשים ולא נמצאו..."

A certain young man returned to the faith of his fathers. As he learned more he adjusted his behavior to comply with his new understanding. Although this baal teshuvah's last name was Cohen and he had always assumed he was actually a kohen, after he heard a shiur on the subject he was no longer so certain. He had heard that his paternal grandfather had married a non-Jewess. Not only that, but family rumor had it that this woman remained a non-Jew for her entire life and was buried in a non-Jewish cemetery. According to the shiur that he had just heard then, he was no kohen at all. When he broached this subject with his rabbi, the rabbi ruled that he is not a kohen in any regard and may even marry

a divorcée.

But when he told this to someone else, it got even more confusing: "How could your rabbi say this? Who told him that we trust your family rumors? There are halachos that determine who is acceptable for bearing witness. When we believe things or not is a complicated matter..."

This second person consulted with Rav Shmuel Wosner, zt"l, regarding whether or not the first rabbi consulted was correct, and if not whether they should protest the psak. Rav Wosner answered, "It is well known that there is a dispute about how we are meant to understand the Gemara in Kiddushin 69. The Gemara tells us that Nechemiah refused to give kodshei kodoshim to the children of kohanim who could not procure documents proving their lineage. Some authorities learn from here that since our kohanim do not have such proof of their heritage they are all ques-

tionable kohanim. Other authorities counter that they were kosher for avodah, but Nechemiah had more established kohanim available so he disqualified them. According to this view, had there been no other kohanim to perform the avodah they would have been valid. In our case, although one cannot be sure of this young man's true situation, it would appear as though we should believe what this young man heard. This is especially true since he may be able to track down his grandmother's grave in the non-Jewish cemetery..."

Rav Wosner concluded, "G-d forbid that we should be lenient in other cases, but if someone rules in this case that he should not be treated as a kohen, we should not reject that rabbi's ruling. As for the name Cohen, this is irrelevant to his status. While it is true that he has a chazakah in his name, he does not have one in his kehunah!" ■

1. שו"ת שבט הלוי, חלק ט', סימן רנ"ג

