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### Mishnah

Similarly, if two men come forward and this one says, “I am a Kohen,” and this one says, “I am a Kohen,” they are not believed. **[Since their status of being a Kohen was previously unknown, we cannot establish them as a Kohen on the basis of their own testimony. They may not be given terumah, recite the Priestly Blessing, or enjoy any other of the privileges belonging to a Kohen.]** When, however, they testify regarding each other, they are believed (for this Tanna maintains that a single person is believed to testify about the Kehunah status of another person). Rabbi Yehudah states: We do not elevate someone to a Kehunah status upon the word of one witness. Rabbi Elozar says: When are these words (that we do not elevate someone to a Kehunah status upon the word of one witness) said? It is when there are those who challenge this assertion; however, when there are no challengers, we can elevate someone to a Kehunah status upon the word of one witness. Rabban Shimon ben Gamliel says in the name of Rabbi Shimon the son of the deputy (to the Kohen Gadol): We do elevate someone to a Kehunah status upon the word of one witness. (23b3)

### **The Novelty of the Mishnah’s Many Cases**

**[In the preceding Mishnahyos from the beginning of this chapter to this last Mishnah. All these have been cases taught in illustration of the same principle of ‘the mouth that forbids is the mouth that permits.’]** The Gemora asks: What is the necessity for all these cases?

The Gemora answers: They are all necessary, for if he had stated only the case where Rabbi Yehoshua admits (regarding the case where one says to his friend, “This field

belonged to your father, and I purchased it from him,” that he is believed, for ‘the very mouth that forbade is the mouth that permitted’), I might have said that only in that case is that principle applied, because there is a possible loss of money (and therefore, it was clearly his intent when he said, “This field belonged to your father” that he was going to conclude with, “and I purchased it from him”), but in the case of witnesses (who say, “This is our handwriting, but we were coerced), where there is no possible loss of money (to the witnesses, had they stopped after saying that it was their handwriting), I would not say so (and perhaps they are not to be believed when they said that they were coerced, for maybe they are simply retracting that which they stated previously). And if he had stated the case where witnesses said, “This is our handwriting (but we were coerced),” I might have said that only in that case does that principle (‘the very mouth that forbade is the mouth that permitted’) apply, because their statement concerns other people (and not themselves, so it was probably their intent the entire time to conclude by saying that they were coerced), but where it concerns himself (as in the case where he said, “This field belonged to your father, and I purchased it from him”), I would not say so. And if he would have taught these two cases, I might have thought (that the principle applies) because both cases deal with money matters, but in the case of ‘a married woman’ (where she said, “I was married but I am now divorced), which is a matter of prohibition, I would not say so (and perhaps she wouldn’t be believed when she said, “I am divorced”).

The Gemora asks: Why did the Mishnah need to state the case where a woman said, “I was captured but remained pure (not violated)” that she is believed? The Gemora answers: It was in order to state the last case of the Mishnah,



which stated that if after she married witnesses came, she is not required to leave.

The Gemora asks: This makes sense according to the opinion (23a) that explains this case is regarding the last part of the Mishnah. [The case is where she already married based on her claim when she said, "I was captured but I am pure," and witnesses then come to testify that she had been captured (*taking away her "peh she'asar" claim*). [The novel thought expressed by the Mishnah is that even though her claim no longer seems to exist, she can remain married.] However, according to the opinion that this case is referring to the first part of the Mishnah (*that she had claimed, "I was married but divorced," and then after she remarried, witnesses said that she had been married - taking away her peh she'asar claim*), how do we answer our original question? [What is the second part of the Mishnah coming to teach us?] The Gemora answers: Although there is no novelty regarding the case where a woman is believed to say she was captured but remained pure, the Mishnah introduced this case in order to state the next case where two women were captured (*and they are believed to say that the other one remained pure*).

The Gemora asks: Why do we need the case regarding these two women? [This is the type of testimony where one female witness is always believed.] The Gemara answers: One might have thought that we should suspect that they are conspiring to cover for each other, as they both need the testimony of the other. This is why the Mishnah must state that they are believed.

The Gemora asks: Why does the Mishnah need to state a similar case regarding the "two men" (*where two people arrive in town and each testifies that the other is a Kohen, and they are both believed*)? The Gemora answers: This is in order to state the argument between Rabbi Yehudah (*who states that two witnesses are required*) and the Rabbis. (23b4 – 24a1)

The Gemora cites a Baraisa: If someone states that he is a Kohen and his friend is a Kohen (*and his friend testifies the*

*same*), his friend can eat *terumah* but cannot marry a woman (*as he might be a mamzer, see Tosfos DH "Avul" who argues on this explanation of Rashi*). This is their status until three people testify, two on behalf of each Kohen. Rabbi Yehudah says: They cannot even eat *terumah*, until three people testify, two on behalf of each Kohen.

The Gemora asks: This implies that Rabbi Yehudah is concerned for the fact that they might be reciprocating favors, while the Rabbis are not. However, it would seem that we have heard an opposite teaching. The Mishnah (D'mai 4:7) states: If two grain sellers come into a city and one says, "My grain is *chadash* (*new grain forbidden until after the bringing of the korban omer*) and my friend's grain is *yashan* (*permitted grain*)", or if he says, "My grain has not been tithed but my friend's grain has been," he is not believed. Rabbi Yehudah says: He is believed. [This clearly indicates that it is the Rabbis who suspect conspiracies, while Rabbi Yehudah does not.]

Rav Ada bar Ahavah says in the name of Rav that the opinions should be switched (*to be according to the Mishnah in D'mai*).

Abaye said: This is not necessary, as with *d'mai* (grain that is unclear if it was tithed) the Sages were often lenient, as most *amei ha-aretz* (unlearned people) did tithe their grain. [Rabbi Yehudah was therefore lenient regarding *d'mai*, though he usually would suspect a conspiracy as in our Mishnah.] (24a1 – 24a2)

### **When Having Tools Makes the Difference**

Rava asked: You are only concerned with the contradiction between one ruling of Rabbi Yehudah and another ruling of Rabbi Yehudah, but you are not concerned with the contradiction between one ruling of the Rabbis and another ruling of the Rabbis!?

Rava therefore answers differently: There is no contradiction in Rabbi Yehudah, as Abaye answered that most *amei ha-aretz* tithe their grain. The reason that there

is no contradiction in the opinion of the Rabbis is based on Rav Chama bar Ukva's statement that the case is where he had his professional tools on hand. So too, the case in D'mai is when the grain seller who is putting down his own grain has his selling utensils on hand. *[Rashi explains that this demonstrates that he does want to sell his wares, and is only putting down his wares now because in the next town his friend will do the same for him. In regular cases, however, the Rabbis do not suspect a conspiracy.]* (24a2 – 24b1)

The Gemora asks: Where is the source of Rav Chama bar Ukva's statement? The Gemora answers: It was regarding the Mishnah in Taharos (7:1) which states: A potter who left his pots to drink, the inner ones are pure and the outer ones are impure. *(This will be explained shortly.)*

The Gemora asks: Doesn't a Baraisa state that both are impure? Rav Chama bar Ukva answered: The case is where he had his professional tools on hand. *[Rashi explains that if his tools are by the vessels, this indicates they are for sale. Accordingly, when he is not watching the vessels, everyone (including people who are impure) comes and touches all the vessels. However, if the tools are not apparent, we suspect that only the outer vessels have become impure by people who have brushed against them while walking on the narrow street (see Gemara below).]*

The Gemora asks: How do we reconcile this with another Baraisa that states that both are pure? Rav Chama bar Ukva answers: The case of that Baraisa is when his professional tools are not displayed.

The Gemora asks: Then what is the case of the Mishnah that states the outer ones are impure but the inner ones are pure? The Gemora answers: The case is where his vessels are close to the public domain, and people *(including those who are impure)* brush against them *(because the street is narrow, as explained above)*. (24b1)

[The Gemora returns to the explanation of our Mishnah.] Alternatively, it is possible that Rabbi Yehudah and the

Rabbis argue in our Mishnah because of a different argument, regarding whether or not, people, who see a Kohen eating terumah, will elevate his status of the genealogically fit (and as a Kohen, he would be allowed to marry). [Rabbi Yehudah is worried that this will happen, and therefore, the rules permitting one to eat terumah must be the same as those declaring him genealogically fit, and it is only with the testimony of two witnesses that we allow him to eat terumah, while the Rabbis maintain that the fact the people saw him eating terumah will not be used to prove that he is genealogically fit, and therefore a single witness would be sufficient to allow him to eat terumah]. (24b1 – 24b2)

#### **Proof to Marry a Regular Jewish Girl**

The Gemora inquires: Do we elevate someone to the status of the genealogically fit because he is described in a document as being a Kohen? The Gemora clarifies the inquiry: What is the case that we are looking into? If (it is where the person in question is a witness in the document, and) it is written: "I, So-and-So Kohen sign as a witness," who is testifying that he is a Kohen *(besides himself)*? The case must be where (the borrower is the person in question, and) it is written: "I, So-and-So Kohen have borrowed a maneh (one hundred zuz) from So-and-So," and the witnesses sign the document. Are the witnesses merely signing on the loan written in the document, or are they also attesting everything in the document (including the fact that he is a Kohen)?

The Gemora states that this is an argument between Rav Huna and Rav Chisda. One says that indeed this document can be used as proof to elevate someone to the status of the genealogically fit, while the other says that it cannot be used to raise someone's status. (24b2)

The Gemora inquires: Do we elevate someone to the status of the genealogically fit because he has recited the Priestly Blessing (birkas kohanim)? The Gemora continues that we can ask this question both according to the opinion that we elevate people to the status of the genealogically fit because

they have been known to eat *terumah*, and according to the opinion that does not elevate people to the status of the genealogically fit just because they eat *terumah*.

We can ask this question according to the opinion that we elevate people to the status of the genealogically fit because they have been known to eat *terumah*, because this opinion might only hold that this is true regarding *terumah*, for it is a sin where one receives the penalty of death (by Heaven - if he eats it and is not a Kohen). It is possible this opinion will say that this is not true regarding the Priestly Blessing, as someone who is not a Kohen who recites the Priestly Blessing transgresses only (*the equivalent of, see Rashi*) a positive commandment. On the other hand, perhaps there is no difference (this opinion might say that both are prohibited to non-kohanim, and therefore, we elevate people to the status of the genealogically fit in either of those cases).

We can also ask this question according to the opinion that we do not elevate people to the status of the genealogically fit just because they are known to eat *terumah*. It is possible that this opinion holds that *terumah* is not a proof, because it is eaten in private. However, the Priestly Blessing is recited in public, and is therefore possibly a better proof of lineage, as he would not have the gall to publicly display that he is a Kohen if he was indeed not a Kohen. On the other hand, perhaps there is no difference (this opinion might say that we do not elevate people to the status of the genealogically fit in either of those cases).

The Gemora states that this is an argument between Rav Chisda and Rabbi Avina. One says that the Priestly Blessing is considered proof, and we elevate people to the status of the genealogically fit, and one says that we do not.

Rav Nachman bar Yitzchak asked Rava: Do we elevate someone to the status of the genealogically fit because he has recited the Priestly Blessing? Rava answered that this is an argument between Rav Chisda and Rabbi Avina. Rav

Nachman asked Rava: What is the halachah? Rava answered: I know a Baraisa (*that sheds light on the matter*). For it was taught in a Baraisa: Rabbi Yosi says: *Chazakah (presumption that a person's status did not change unless it was proven otherwise)* is a strong thing. This is indicated by the verse: *And from the sons of the Kohanim, the sons of Chavyah, the sons of Hakotz, the sons of Barzilai who took wives from the daughters of Barzilai from Gilad and it was called under their name. These sought the bill of their lineage but could not find it, and they were rejected from the Kehunah (for some of them had married gentile women). Hatarshasa (Nechemiah) said to them that they should not eat from the kodshei kodoshim (korbanos) until a Kohen arrives with the urim v'tumim (meaning until moshiach comes, as there was no urim v'tumim in the second Beis Hamikdash).*" He said to them: You have your chazakah! What did you eat until now in the exile? The kodshei ha'gvul (i.e. *terumah*). Here (in Eretz Yisroel) too, you may (only) eat kodshei ha'gvul.

[Citing this Baraisa, Rava attempted to say the halachah is that we do not elevate people to the status of the genealogically fit just because they have recited the Priestly Blessing.] If the halachah is that we do elevate someone to the status of the genealogically fit because he has recited the Priestly Blessing, then Hatarshasa did not help with his decree, as people will eventually make them full-fledged Kohanim when they are seen reciting the Priestly Blessing!?

The Gemora answers: This is not a question, as people know that their status is problematic, as it is known that they cannot eat *terumah* from Yerushalayim. If this was not the case, the Gemora explains, the same question would also be able to be asked on the opinion that Kohanim who eat *terumah* are elevated to the status of the genealogically fit. As they are eating *terumah*, they will soon be assumed to be genealogically fit! It must be that this is not true, because everyone knows that they cannot eat regular *terumah* from Yerushalayim.

The Gemora asks: If so, what do the words of Rabbi Yosi mean when he said, "chazakah is a great thing"? The Gemora

answers: Until now, they ate only Rabbinical terumah (as that was the only terumah available in bavel), and now (in Eretz Yisroel), they ate Biblical terumah.

[The Gemora provides an alternative answer to the question asked above:] And if you wish, you may say that now (in Eretz Yisroel) as well, they ate Rabbinical terumah and did not eat Biblical terumah, and when does one elevate someone to the status of the genealogically fit because he ate terumah? It is only in the case of Biblical terumah, but in the case of Rabbinical terumah, we do not elevate.

The Gemora asks: If so, what is the meaning of the words, “chazakah is a great thing”? The Gemora answers: Although one might have forbidden Rabbinical terumah because of Biblical terumah, this has not been forbidden.

The Gemora asks: But did they not eat Biblical terumah? Surely it is written: [*Hatarshasa (Nechemiah) said to them that they should not eat from the kodshei kodoshim (korbanos)*, implying that ‘the most holy things’ they should not eat, but Biblical terumah they may eat!]? The Gemora answers: He means as follows: Neither may they eat anything that is called ‘holy’ (such as terumah), as it is written: *And no non-Kohen shall eat of the holy*, nor may they eat anything which is called ‘holies’ (korbanos), for it is written: *And if a Kohen’s daughter married a non-Kohen, she shall not eat of the peace-offering of that which is separated from the holies*. And a master said that this means as follows: That which has been set aside from the sacrificial offerings she shall not eat. (24b2 – 25a1)

## DAILY MASHAL

### GAZING AT THE KOHANIM’S OUTSTRETCHED HANDS

The Mishnah had stated: A Kohen who has blemishes on his hands may not recite the priestly blessing. Rabbi Yehudah says: Even a Kohen, whose hands were dyed, may not recite the priestly blessing because the people stare at him.

Rashi explains: At the time when the Kohanim recited the priestly blessing, the Divine Presence rests on their outstretched hands.

Tosfos (Chagigah 16a) asks: That only happened in the times that the Beis Hamikdosh was in existence and the Kohanim used the Ineffable Name of Hashem, and therefore nowadays, there should be no prohibition against gazing at the Kohanim’s hands.

Tosfos learns that it is nevertheless forbidden to look at the Kohanim in order not to be distracted from what they are saying.

Turei Even writes that Rashi only wrote that explanation in the Mishnah which ruled regarding blemishes on their hands and not on their faces or feet. This is because the Mishnah is referring to the times when the Beis Hamikdosh was standing and the reason one cannot gaze is because of the Divine Presence that is resting upon their outstretched hands.

The commentators ask: Why weren’t we concerned for lack of concentration in the times of the Beis Hamikdosh?

Dvar Avraham answers based on a Hafla’ah in Kesuvos (24b) that just like a Kohen has an obligation to recite the Priestly blessing one time per day, so too the Israelites have an obligation to be blessed by the Kohanim only once per day. If the congregation heard the priestly blessing and are now listening again, there would be no concern for lack of concentration (since they fulfilled their mitzvah already), but they still would not be able to gaze at the Kohanim’s hands because of the Divine Presence that is resting on their hands.