



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

It has been taught in a Baraisa: Rabbi Shimon ben Elozar said: Just as *terumah* is a presumption for the *Kehunah*, so too, *ma’aser rishon* is a presumption for *Kehunah*, but one who receives a share at the granaries through *Beis Din* is not regarded as a presumption.

The *Gemora* asks: *Ma’aser rishon* belongs to a *Levi*, not to a *Kohen*?

The *Gemora* answers: The *Baraisa* is following Rabbi Elozar ben Azaryah’s opinion, for it has been taught in a *Baraisa*: *Terumah* belongs to the *Kohen*, *ma’aser rishon* to the *Levi*; this is the view of Rabbi Akiva. Rabbi Elozar ben Azaryah says: *Ma’aser rishon* belongs to the *Kohen*.

The *Gemora* asks: Doesn’t Rabbi Elozar ben Azaryah say that *ma’aser rishon* may also be given to a *Kohen*; does he say that it belongs to the *Kohen* and not the *Levi*?

The *Gemora* answers: Yes! After Ezra had punished the *Leviim* (for not coming up to *Eretz Yisroel*), *ma’aser rishon* only went to a *Kohen*.

The *Gemora* asks: But perhaps it happened that they gave the *ma’aser rishon* to a *Levi*?

Rav Chisda answers: We are discussing a case where we know that his father was a *Kohen*, and a rumor came out concerning him that he is the son of a divorced woman or a *chalutzah* (thus rendering him to be a *chala*) and yet, they gave him *ma’aser rishon* at the granaries. He could not be

regarded as a *Levi*, because he his father was a *Kohen*. What other possibilities are there? Should we assume that he is the son of a divorced woman or the son of a *chalutzah*? There is no question that according to the one who says that *ma’aser rishon* is forbidden to a *Yisroel*, they would not have given it to him. For even according to the one who says that *ma’aser rishon* is permitted to be eaten by a *Yisroel*, that is only to sustain them, but it is not distributed to them! (26a1 – 26a2)

The *Baraisa* had stated: But he who takes a share [at the threshing floors] through the court [this] is not a presumption [of *Kehunah*].

If it is not a presumption through the court, when is it a presumption? — Said Rav Sheishes: He means as follows: If one shares the *terumah* in the property of his father through the court, it is not a presumption. — This is obvious!? — You might have said [that] just as those¹ [get their share of *terumah*] for eating, this one also [gets his share of *terumah*] for eating, so he lets us hear [that] those [get the *terumah*] for eating and this one for selling. (26a2)

The *Mishnah* (23b) had stated: Rabbi Yehudah said: We do not elevate to *Kehunah* based upon the testimony of one witness. [The *Mishnah* continued: Rabbi Elozar said: A single witness may not establish a person as a *Kohen* if there are people who challenge this assertion; however, if there are no challengers, a single witness is believed. Rabban Shimon ben Gamliel said: A single witness is believed that a person is a *Kohen*.]

¹ The brothers.

The *Gemora* asks: Aren't Rabban Shimon ben Gamliel and Rabbi Elozar stating the identical opinion (*it is obvious that nobody holds that a single witness may be believed against challengers*)?

They cannot be arguing regarding a case where there is only one challenger, [in] that Rabbi Elozar holds that an objection [may be admitted if coming from;] one [person] and Rabban Shimon ben Gamliel holds that an objection [must come from at least] two [persons], for Rabbi Yochanan had stated that all agree we never accept a challenge if there are not two witnesses.

The *Gemora* explains the argument: We are discussing a case where we know that his father was a *Kohen*, and a rumor came out concerning him that he is the son of a divorced woman or a *chalutzah* (*thus rendering him to be a chahal*), and he was therefore demoted from his status as a *Kohen* until the matter could be investigated. One witness arrived and stated that he is indeed a legitimate *Kohen*, and they elevated him based upon the single witness' testimony. Afterwards, two witnesses came and testified that he is the son of a divorced woman or a *chalutzah* and he was demoted again. Subsequently, another single witness arrived and stated that he is a legitimate *Kohen*.

Both opinions hold that the testimonies of two witnesses can be combined even though they were offered at two different times. The question here is if we should be concerned for the disgrace of *Beis Din*. The *Tanna Kamma* holds that once he has been demoted, we cannot elevate him again because *Beis Din* will be disgraced. Rabban Shimon ben Gamliel is not concerned about disgracing *Beis Din*, and he therefore rules that the man may now be elevated to *Kehunah* based upon the new testimony.

Rav Ashi challenges this explanation: Accordingly, we should not believe two witnesses, if they came to testify that he was legitimate after *Beis Din* demoted him based upon the testimony of two other witnesses, who testified that he was

not a legitimate *Kohen* because it will be a disgrace for *Beis Din*?

Rather, Rav Ashi answers: The dispute in the *Mishna* is regarding the combining of two witnesses who offered testimony at two different times. He cites a *Baraisa* demonstrating that this indeed is a matter of a Tannaic dispute: Their testimonies are not joined together unless they have both seen at the same time; Rabbi Yehoshua ben Korchah says: Even when [they have seen] one after another. Their testimonies are not established in court until they both give testimony at the same time; Rabbi Nassan says: We hear the testimony of one today. and when the other one comes tomorrow we hear his testimony. (26a2 – 26b2)

The *Mishnah* states: A woman who was imprisoned by idolaters: If it was because of money, she is permitted to her husband (*in which case they were afraid to violate the woman, lest they should forfeit their money claim*). However, if it was because of a capital offence, she is prohibited to her husband. (26b2)

Rav Shmuel bar Rav Yitzchak said in the name of Rav: This ruling was taught only when the hand of Israel is strong over the idolaters, but when the hand of the idolaters is strong over Israel, even if she was imprisoned for the sake of money, she is forbidden to her husband.

Rava asked on this qualification from the following *Mishnah*: Rabbi Yosi the *Kohen* and Rabbi Zechariah ben Hakatzav testified regarding a Jewish woman who pledged herself (*to the idolaters as a security for a debt*) in Ashkelon and her family distanced themselves from her (*because they assumed that she had been violated*). Witnesses testified that she did not seclude herself and that she was not violated by them. The Chachamim said to the family members: If you believed the witnesses that she was pledged, believe them also that she did not seclude herself and that she was not violated by them, and if you do not believe them that she did not seclude herself and that she

was not violated by them, do not believe them that she was pledged.

Now Ashkelon was a city in which the hand of the idolaters was strong over Israel and yet, the woman is forbidden only in a case where she pledged herself, but not in a case when she was imprisoned!

The *Gemora* answers: No! The same *halachah* would apply also to the case where she had been imprisoned, but the other case was cited only because it happened to be so.

Others say that this is what Rava said: We have also learned in a *Mishnah* like you: Rabbi Yosi the Kohen and Rabbi Zechariah ben Hakatzav testified regarding a Jewish woman who pledged herself (*to the idolaters as a security for a debt*) in Ashkelon and her family distanced themselves from her (*because they assumed that she had been violated*). Witnesses testified that she did not seclude herself and that she was not violated by them. The Chachamim said to the family members: If you believed the witnesses that she was pledged, believe them also that she did not seclude herself and that she was not violated by them, and if you do not believe them that she did not seclude herself and that she was not violated by them, do not believe them that she was pledged.

Now, Ashkelon was a case where it happened for the sake of money, and yet the reason why the Chachamim permitted her to her husband was because witnesses testified on her behalf, but if witnesses did not testify for her, she would not have been permitted. This would presumably be the ruling whether she pledged herself or imprisoned!

The *Gemora* rejects the proof: No! If she pledged herself, it is different (*and she would be forbidden even by a case of money*). (26b2 - 27a1)

DAILY MASHAL

There is always Hope

Our Gemora discusses cases of Jewish women who fell into the hands of idolaters. There was once a man, who described to R' Mordechai of Nadverna how his only child - a daughter, had left home, become friendly with a gentile boy and in addition to her plans to marry him, had developed a deep resentment and hatred towards her parents and everything Jewish. The mother was sick with grief and he himself had aged considerably in a short time. In his Kvitel, the man begged that they be spared this terrible Chilul Hashem and asked that the daughter die before her wedding. R' Mordechai was annoyed at this suggestion, noting the words of the Navi that Hashem does not wish death for the wicked, but rather that they do Teshuvah. The man explained tearfully how his daughter was too far gone for Teshuvah. Still, R' Mordechai advised him to daven for a salvation and that he would do so as well. [I am missing some of the story here; if anyone knows it, please let me know; thank you.] and was suddenly flooded with memories and yearning for his father, his younger days and his faith. Unable to shake these feelings, he did Teshuvah. Chazal say that Hashem's salvation is like the blink of an eye. It's not only the speed that Chazal refer to but the fact that when someone closes their eyes and then reopens them, what they now see has the potential to be different from how it appeared a moment ago". A few days later, the daughter happened to see her father's bent figure down the street and watched him for a moment. Filling with remorse, she broke up and returned home.