

OVERVIEW of the Daf

1) A kohen who is a פצוע דכא (cont.)

The Gemara objects to the suggestion that the dispute in the Mishnah between R' Meir versus R' Elazar and R' Shimon can be applied to the case of a woman engaged to a kohen who is a פצוע דכא.

Abaye and Rava offer different responses to the Gemara's rejection of the suggested connection between our Mishnah and the case of the kohen who is a פצוע דכא.

The reason they offer different explanations is clarified.

R' Yochanan inquires of R' Oshaya whether a kohen who is a פצוע דכא who married the daughter of converts is permitted give her teruma to eat.

R' Oshaya did not respond, and he later explained that he did not have an answer to the inquiry.

The Gemara explains that R' Yochanan's inquiry could not be according to two Tannaim (R' Yehudah and R' Yosi) and it must be according to R' Elazar ben Yaakov.

The Gemara demonstrates that she may indeed eat the teruma of her husband who is a פצוע דכא.

2) Chupah for unfit marriages

Rav maintains that chupah has halachic consequences for unfit marriages, whereas Shmuel maintains that chupah does not have halachic consequences for unfit marriages.

Shmuel states that Rav agrees that if the chupah is done with a girl less than three years old it has no halachic consequence.

Rava proves Shmuel's assertion as correct.

Rami bar Chama suggests that the halachic consequence of chupah done for an unfit marriage corresponds to the dispute between R' Meir versus R' Elazar and R' Shimon ■

REVIEW and Remember

1. Why is a פצוע דכא permitted to marry the daughter of converts?

2. Why didn't R' Oshaya respond to R' Yochanan's inquiry?

3. Explain ייש חופה לפסולות?

4. Is it possible for a chuppah done with a girl less than three years old to have significance?

Distinctive INSIGHT

What is חופה?

רב אמר יש חופה לפסולות

The process of נישואין is characterized with the procedure of חופה. The Rishonim discuss the precise makeup of this procedure. Shulchan Aruch (Even Hoezer 55:1) rules that when the husband brings the woman to his house, and they remain there in seclusion, this is חופה. Rema adds three additional opinions (יש אומרים) that hold that seclusion is not necessarily part of חופה. One is that it is sufficient that the husband bring the woman to his house as his wife. Others maintain that חופה is formally when the bride and groom stand and have a tallis spread above them as the brachos are recited. There is one final opinion, and it states that when a בתולה is taken to the wedding in a special canopy-wagon (הינומא), this is חופה.

Rema concludes that the common practice for that we call חופה is the ceremony when a canopy is spread above four poles, and the chosson and kallah stand underneath. We recite the berachos for אירוסין and the chosson presents the kallah with kiddushin. They continue to stand there as we recite the wedding berachos before them. This is חופה. Afterwards, they are escorted to a secluded place (מקום צנוע) where they can eat something.

Our Gemara cites a מחלוקת whether חופה has an effect with a woman who is prohibited to be wed (פסולה). Rav holds that there is an effect, while Shmuel holds that there is no significance to חופה with a woman who is פסולה for this man. The Rishonim provide varying explanations how to understand this dispute. Rashi explains that we are dealing with חופה itself, which is not preceded by קידושין. Although both Rav and Shmuel hold that חופה without קידושין is not קונה (unlike רב הונא who holds that חופה is קונה—Kiddushin 5a), Rav still holds that the חופה is at least the initial step toward ביאה. Therefore, in a case where the marriage itself disqualifies the woman from teruma, the חופה already has this effect. Shmuel holds that because the חופה is not קונה, it has no effect to disqualify the woman.

Tosafos (ד"ה רב אמר) learns that Rav and Shmuel actually agree that in general, we hold according to Rav Huna who rules that חופה is קונה. The dispute is only here, regarding how to view a חופה with a פסולה. And the dispute is regarding a חופה without a קידושין having taken place, or even after a proper קידושין has taken place. Rav holds that a חופה with a פסולה has an effect, while Shmuel holds that it is meaningless. ■

This week's Daf Digest is dedicated
 By Mr. & Mrs. Dennis Ruben in memory of
 הילדה רבקה דינה ע"ה בת ר' דוד שיחי

HALACHAH Highlight

The sanctity of a kohen who is a פצוע דכא

פצוע דכא כהן שנשא בת גרים מהו שיאכילה בתרומה

If a kohen who is a פצוע דכא marries the daughter of converts is he permitted to give her terumah to eat?

Shulchan Aruch¹ rules that a kohen who is a פצוע דכא (crushed testicles) is permitted to marry a woman who converted or was freed from slavery. The reason is that a person who is a פצוע דכא is not permitted to marry into the congregation (קהל), and for these matters converts and freed slaves are not considered part of the congregation. Rav Moshe Lima², the Chelkas M'chokeik infers from this ruling that a kohen who is a פצוע דכא is also permitted to marry a convert who is also a divorcee, since a kohen with this condition does not have the sanctity of the priesthood. Therefore, if he is permitted to marry the convert or freed slave, who fall under the Torah prohibition of a זונה, he should also be permitted to marry her if she is a divorcee, who is mentioned in the same verse. Furthermore, since he does not have the sanctity of the priesthood he is permitted to become טמא and is not permitted to recite birkas kohanim since he does not have the sanctity of the priest-

hood.

Rav Shmuel ben Uri Shraga Faivish³, the Beis Shmuel, disagrees with the conclusion of Chelkas M'chokeik and rules that a kohen who is a פצוע דכא is only permitted to marry a convert or freed slave since their prohibition is not written explicitly in the Torah, i.e. the Torah does not define זונה as a convert or freed slave. However, it is prohibited for him to marry a divorcee, since that prohibition is explicit. Rav Yitzchok of Karlin⁴, the Keren Orah, rejects the opinion of Beis Shmuel and concurs with Chelkas M'chokeik that once the kohen with this condition is permitted to marry women who are normally prohibited, he will also be permitted to marry any of the women that kohanim are generally restricted from marrying. He disagrees, however, with Chelkas M'chokeik's conclusion that a kohen with this condition has no sanctity of the priesthood altogether. Keren Orah and others⁵ maintain that it is only regarding matters related to marriage that this kohen follows a different set of standards, but concerning all other matters he has the status of a kohen. ■

1. שו"ע הא"ע סי' ה' סע' א'
2. חלקת מחוקק שם סק"א, וע' אוצר הפוסקים אות ה'
3. בית שמואל שם
4. קרן אורה לקמן עו. ד"ה גמרא
5. ע' חזון איש אה"ע סע' ד' סק"ה ■

STORIES Off the Daf

Waiting for a great man

לסוף אתה גברא רבה אחרינא ובעא מיניה מילתא [אחרינתא] ופשט ליה

On today's daf we find that Rav Oshaya only answered a question when a "great man" came along. Sometimes, the answer is dependent on the stature of the person asking the question.

The Ponevizher Rav, זט"ל, once traveled to America to raise funds and found himself in a certain city whose native-born Rabbi was quite young and inexperienced. As was the custom, the Rav approached this person to help him raise funds. Before they set out to canvass the wealthier members of the community, the local Rabbi said to Rav Kahanaman, "We are sure to be successful

with everyone except one certain baal habayis. The man is very wealthy but he never, ever, donates more than fifty dollars (in those years, a sizable sum) to any cause. The only exception was when he gave one thousand dollars to Rav Meir Shapira, זט"ל, of Lublin."

Rav Kahanaman said, "Tell me what happened."

The local Rabbi related, "After the gevir told Rav Meir that he would donate fifty dollars, the Lubliner Rav asked to speak to him privately. They left the room together, and when they returned five minutes later, the gevir handed Rav Meir one thousand dollars. And neither would tell me why!"

The Ponevizher Rav decided to approach the gevir alone. When he arrived he said, "I haven't come to ask for money. I only want to know what the Rav of Lublin said to you—the informa-

tion might prove helpful with others."

The wealthy man answered, "Rav Meir took me aside and asked me what I think of the local, native-born Rabbi? I told him that although he seemed a competent Rav, I never felt confident that he had enough discernment to tell who really deserves a large donation and who doesn't. That is why I only give a standard fifty dollars. Rav Meir then said: This is why we need a yeshiva like Chachmei Lublin—to train Rabbonim of the highest quality, because America is not yet ready to produce great Rabbonim! Naturally I gave as much as I could to the yeshiva!"

The gevir continued, "Since you came alone, I see that you also understand the limitations of our Rabbi." Not surprisingly, the man offered the Ponevizher Rav a sizable donation without even being asked! ■

