

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara continues to explain the different cases of the Mishnah where the Mishnah ruled that the woman becomes disqualified from eating teruma and does not allow others to eat.

Abaye clarifies that the Mishnah's case of a nine year old refers to a nine-year-old yavam rather than a nine-year-old yevama.

Rava successfully challenges Abaye's explanation and offers an alternative explanation.

Rava's explanation is unsuccessfully challenged.

2) Those with blemished lineage

A Beraisa presents the laws related to having relations with someone of blemished lineage.

R' Yehudah in the name of Rav suggests a source for the Beraisa's statement that having relations with someone of blemished lineage disqualifies a woman from teruma and from marrying a kohen.

After defending itself against numerous challenges the Gemara concludes that it is indeed a source that a kohen's daughter becomes disqualified if she has relations with someone of blemished lineage.

A statement of R' Abba in the name of Rav is cited to demonstrate that the daughter of a Levi or Yisroel become disqualified, according to all opinions, when she has relations with someone of blemished lineage.

The Gemara moves on to demonstrate that a woman who has relations with someone of blemished lineage not only becomes disqualified from teruma but also she becomes unfit to marry kohanim.

The Gemara further clarifies the sources that a woman who has relations with someone of blemished lineage becomes disqualified. ■

REVIEW and Remember

1. How did Chazal treat relations performed by a male who is nine years old?
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2. What is the source that a person with blemished lineage disqualifies a woman from teruma?
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3. Who is famous for expounding *vavs*?
.....
4. Explain the phrase *וכי מזהירין מן הדין*?
.....

Distinctive INSIGHT

Those who disqualify the woman from eating teruma

רישא פסולי קהל סיפא פסולי כהונה

Our Mishnah (67b) lists cases where the relationship between a kohen's daughter and a non-kohen results in the woman's becoming disqualified from teruma, and if the relationship is between a kohen and a **בת ישראל**, the woman will not be eligible for teruma. One of these cases is where the man (boy) is over nine years and a day. As of age nine, the **ביאה** of a boy has legal consequence. In the Gemara, Rava explains that the case is where the man is a mamzer or **נתין** whose lineage is tarnished. His having relations with a kohen's daughter disqualifies her. (As Rashi points out, the statement of **ואין מאכילין** is not relevant to the case of a nine year old **פסול**, but it only refers to the inability of a fetus, yavam, etc., to enable the woman to eat teruma.)

The next Mishnah (69a, – “the **סיפא**”) introduces an additional case where the woman cannot eat teruma, and it is where **kiddushin** was given to a woman by someone who is **אינו ראוי לבא בקהל**. Now, if the later Mishnah introduces this factor, then Rava cannot be correct in his explanation of our Mishnah of 67b and its already having dealt with this same issue.

The Gemara answers that there are two categories of disqualified persons. One group is persons who are disqualified from marrying into the Jewish people (**פסולי קהל**–ממזר, etc.), and one is persons who may not marry a kohen (i.e., **חלל**–known as **פסולי כהונה**).

Rashi learns that the first Mishnah teaches the case of **פסולי קהל** and the second Mishnah then extends the case further to even those who are **פסולי כהונה**. The logic, he explains, is that from the first Mishnah alone, we might have thought that only **פסולי קהל**, the most severe type of **פסול**, would cause the woman to become disqualified from teruma. This is why the second Mishnah extends the rule to even those who are **פסולי כהונה**. Rashi notes that although the second Mishnah explicitly lists **פסולי קהל**, it must actually mean those disqualified from **kehuna**, as he explains.

Rabeinu Chananel, cited in Tosafos, prefers the text which reverses the cases of the respective Mishnayos. The first Mishnah teaches **פסולי כהונה**, and the second teaches **פסולי קהל**, as is listed. The question is that once we know that **פסולי קהל** disqualify her, there is no need to teach that **פסולי כהונה**, which are more severe, also have this effect. Nevertheless, Rabeinu Chananel explains that without the second Mishnah and its specific mention of **פסולי קהל**, we would not have known clearly that the first Mishnah itself is dealing with **פסולי כהונה**. This style is known as **אתי סיפא לגלויי ארישא**. ■

HALACHAH Highlight

Chazakah regarding matters which will inevitably change

סיפא דקתני ספק בן ט' שנים ויום א' ספק שאינו וכו'

The end of the Mishnah that discusses a boy about whom there is a doubt whether he was nine years old and a day or not etc.

Tosafos¹ wonders why the Gemara states that a male who had relations with a woman when he may have been nine years old disqualifies her from teruma when we should apply the earlier chazakah that he was less than nine and the woman should remain fit for teruma. Tosafos answers that the Gemara refers to a case when he is presently nine years old. Therefore, even though we are not certain what his age was at the time he had relations, we do not apply the chazakah that he was less than nine years old at that time. Rather, we apply his present chazakah of being nine years old, because the chazakah that he was less than nine years old is weakened. Tosafos does not explain why the chazakah that he was less than nine is weakened.

Rav Akiva Eiger² suggests that Tosafos can be understood in light of a ruling of Rav Dovid Halevi, the Taz³. Taz rules that when someone receives news that a relative passed away and there is a doubt whether thirty days passed since the death and only one day of mourning must be observed, or

less than thirty days passed and seven days of mourning must be observed. Due to this uncertainty, one can be lenient and observe only one day of mourning. The reason we do not declare that there was a chazakah that the relative was alive until the last possible moment is that that chazakah is weak since eventually everyone dies and the person in question is presently dead. Therefore we apply the current condition to the question regarding the past. Similarly, the reason Tosafos considers the chazakah that he was less than nine years old weakened is that it will inevitably pass and presently he is nine years old, therefore we apply his present chazakah and the woman is disqualified from teruma.

Rav Akiva Eiger applies this principle to a case of an animal that was slaughtered and there is a doubt whether the animal was in its eighth day of life and fit for shechita or if it was younger and therefore unfit for shechita. Although all pregnancies end and presently the calf is out of the womb, we do not assume that since the mother was pregnant we apply the chazakah that she remained pregnant until the last possible moment and the calf is too young to be slaughtered. Rather, one can be lenient and apply the present chazakah and assume the calf is in its eighth day of life at the time it is being slaughtered. ■

1. תוס' ד"ה רישא

2. רעק"א חידושו ליו"ד ס"ס ט"ו

3. ט"ז יו"ד סי' שצ"ז סק"ב ■

STORIES Off the Daf

The Baal Teshuvah Kohen

גר עמוני ומואבי מצרי ואדומי כותי נתין חלל וממזר שבאו על כהנת לוייה וישראלית פסלן

During the time of the Chasam Sofer, zt"l, a certain woman was married for a number of years to an irreligious Jew, a mumar, before she was widowed. Some time after he died, she became engaged to a suitable observant man who happened to be a kohen. Soon after their engagement, a member of their community brought their situation before the Avnei Miluim, zt"l. Recalling our Gemara which states that anyone who is pasul and has relations with a woman prohibits her from later marrying a kohen, the Avnei Miluim too had doubts about the permissibility

of the match. Perhaps a woman who was married to a mumar is forbidden Rabbinically from remarriage to a kohen?

This burning question was eventually placed before the Chasam Sofer zt"l. He explained, "Nowhere in the words of the Rishonim do we find that relations with a mumar prohibit a woman from remarrying a kohen even Rabbinically. The only trouble is that the Avnei Miluim has a doubt about this. In my humble opinion, it cannot possibly be prohibited even Rabbinically. If it were to be prohibited, we would be faced with a very odd scenario."

He continued, "If a kohen was a blatant desecrator of the Shabbos or acted in some other way that marked him as an apostate, by this logic he would be forbidden to remain with his

own wife if he did teshuva! Of course, if there was a statement in Chazal or the Rishonim that addresses this circumstance, we would not have the latitude to interpret this case in any other way. However, since we have no such clear indication, we must surely permit the marriage in question. This can be compared to the well-known leniency in the case of a thief who built the stone he stole into a structure. We do not force him to return the original object, because such a ruling would discourage others like him from doing teshuva since it would mean that they would have to uproot all their hard work to make restitution. How much more would Chazal have refrained from instituting a ruling that would prevent kohanim from doing teshuva, since it would mean that they would have to divorce their wives!" ■

