



לע"נ ברוך בענדיט וברכה גרוס ע"ה
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The Hakuk Edition **English Topics on the Daf**

Dedicated l'refuah sheleima for Yaakov ben Victoria

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Yevamos Daf 100

Safek Kohanim and Terumah

Our Mishnah deals with a child who has a safek which man is his father. If both possible parents are Kohanim, Shmuel in the Gemara says that even though he definitely is a Kohen, he is unfit for Kehunah. The Torah promises Pinchas that his "children after him" will be Kohanim forever, but only if their yichus is defined. The sugya expounds on the parameters of this halacha.

Which aspect of Kehunah is he excluded from? He certainly must be machmir and avoid all the prohibitions relevant to Kohanim, like not marrying a divorcee. Rashi says he cannot do avodah in the Beis Hamikdash. What about everything else, like eating terumah?

Rashi in Kesubos (13b) says he cannot. So does the Rambam, who puts terumah together with avodah as forbidden to him. He is a Kohen l'chumrah but not l'kulah (Issurei Biyah 20:20).

However, the Ritva in Kesubos argues! He defines "din Kehunah" as the paradigmatic expression of Kehunah, doing avodah in the Mikdash. He may eat

terumah, though, since either way he is a kosher Kohen. The possuk that Shmuel cites refers only to avodah, asserts the Ritva.

How can we understand this – if he can't do avodah, why should he be allowed to have terumah?

The main difference between avodah and terumah is that the latter may be eaten by everyone in a Kohen's family. But it's more than that; if he is not a valid Kohen he should still be excluded? Rav Itamar Garbuz shlit"za refers us to the Meshech Chochma's comment that Pinchas, the grandson of Aharon, was allowed to eat from bikkurim and chozeh v'shok of korbonos. In Parshas Korach, the pesukim allot these matnos Kehunah to "your sons and daughters... every pure person in your household" (Bamidbar 18:11). And this is even according to the opinion that Pinchas did not achieve the status of Kohen until later on.

Apparently, consumption of the Priestly gifts is permitted to anyone in a Kohen's family, even if one is barred from other aspects of Kehunah. Especially regarding terumah, a lower level of

kedusha from korbonos. Rav Garbuz compares this to other cases in which a Kohen is disqualified, such as petzua daka. In Shulchan Aruch E.H. 5:1, it says that he may marry a giyores, since he does have kedushas Kehunah. So too, he can marry a divorcee, adds the Chelkas Mechokek. And yet, he can nonetheless eat terumah, as even avodim are allowed to eat it. Another example is the Taz (ibid. 7:14) that even in a case of a sefek mamzer, he could still have terumah, since he is not a chalal.

Thus, Pinchas was allowed terumah even before he was designated a Kohen, just because he was among the family members of a Kohen (his father, Elazar, was a Kohen). This explains the second part of the Ritva mentioned, that the possuk about Pinchas, "It shall be for him and his seed after him, a bris Kehunah, forever," relates only to avodah and not terumah. How do we know; the possuk speaks generally? According to the Meshech Chochma, it's by necessity this way. Pinchas was already eating matnos Kehunah, so this new covenant came to include an additional aspect – avodah!

Avraham Avinu's marriage to Hagar

There's a fairly blatant question on our Gemara, that the possuk about Avraham Avinu is an admonition for him and his descendants to not marry a gentile or a maidservant, a shifcha. The problem is, Avraham himself married Hagar, a shifcha?

Maharsha addresses this issue and answers that she was freed when he married her. He raises another problem, though – she was a Mitzris, and we are not allowed to marry a Mitzris until the third generation has elapsed (as we learnt in the 8th perek)? Here the Maharsha lays down a principle that although the Avos fulfilled the entire Torah, this was only after Avraham was commanded to have a bris milah. Until then, he obviously did not fulfill the entire Torah, because he did not have a bris! Therefore, he was able to marry Hagar, and even after he entered that elevated status, he did not separate from her, once he married her b'hetter.

Another resolution to this question fits perfectly with this month's Yom Tov, by the Panim Yafos on Lech Lecha. Why are we not allowed to marry Mitzriyos? Because they afflicted us with servitude. But that happened only much later; until then, Mitzriim were permitted like any other convert!

In the article on daf 97 we saw the Maharal's position on the Avos' kiyum mitzvos, that they were guided by ruach hakodesh to not fulfill them in certain situations. Here, too, Rashi tells us (Bereishis 16:2) that Avraham took Hagar due to Sarah's ruach hakodesh. The Nefesh Hachaim (1:21) explains that until we received the Torah, tzaddikim would act based on their comprehension of the formation of Heavenly spheres and the positive effects that would result from their deeds. That is why Yaakov married two sisters, he says; we can add this instance of Avraham marrying Hagar.