

שבת קודש פרשת וישב | מסכת כתובות דף י"ד

לע"נ ברוך גצל בן יהודה הכהן

INSIGHTS FROM OUR CHABUROS

The Calculation Using the Majority

אם רוב אנשי העיר משיאין לכהונה הרי זו תנשא לכהונה

Rabbi Akiva Eiger notes that a majority of the population who are eligible to marry a kohen could be a simple majority, for example 21 kosher people verses 20 who are disqualified. The man who now wishes to marry this woman knows that he himself was not the person who took this woman. Therefore, from this man's perspective, there remains only 20 kosher men and 20 non-kosher individuals to consider, which is no longer a case of a majority of kosher individuals to count towards resolving the doubt. The woman should therefore always be prohibited to him in such a case. Rabbi Akiva Eiger concludes that, in fact, if the majority is a simple one, the woman would indeed be prohibited.

The Rashash, however, explains that when we use the rule of "anything separated from the majority can be considered to be from the majority," we can use even aspects of the case which are technically not part of the doubt. Therefore, the man himself who wishes to marry the woman is still part of the overall calculation, although he knows that he did not attack the woman. Rashash brings a proof to his contention from the case of a bird which was found between two breeders dovescotes (Bava Basra 23b). One dovescote had twice as many birds as the other, but the bird was found closer to the lesser-populated bird house. There is reason to assume the bird came from the farther, more populated location. Rashash notes that the majority of birds are actually still in the immediate area of their dovescote, yet they are part of the majority despite their not being part of the mix where the lost bird was found. So we see that the calculation of majority includes all specimens, even those not directly mixed together. He concludes, however, that the issue still needs to be clarified.

PARSHA CONNECTION

This week's daf begins with a story of an ארוס וארוסתו who came to רב יוסף, she claimed that she is pregnant from him and he admitted that it's his child. פרשת וישב includes a similar story about יהודה ותמר whereby יהודה admitted that he was the one who gave תמר the three personal items, and caused her pregnancy. How did יהודה know that she is expecting his child, as opposed to another man's child? If תמר had relations with him, maybe she did the same with others? the גמרא מכות דף כג offers two answers, one is that there was a בת קול that said ממוני and the second answer is that he calculated the days and therefore knew that it was his. We can perhaps offer a third answer based on a novel understanding of the words ממני. Two of the words used by יהודה when telling his father that they found יוסף's coat are the same words that תמר used. Both used the words: הכר נא. Yehuda understood then that this was a punishment for him for causing his father pain.

When תמר sent a messenger with יהודה's belongings she didn't say please recognize "your" belongings, but rather to the owner of these, etc. The אלשיך הקודש explains that יהודה realized her sensitivity, when risking her life and not saying, do you recognize that these are yours. Yehuda responded by saying ממני, meaning she is more righteous than I am, because I did not tell my father do you recognize this coat, but rather I said is this your son's coat. Based on this, we can say that a lady who is so righteous and sensitive is definitely not suspected of being with multiple men.

STORIES OFF THE DAF **The "Farfrumte" Kohanim**

"שהכהנים שומעין לכם לרחק ולא לקרב..."

On this week's daf we find that the kohanim of the time of Chazal were so "frum" that they would reject a woman that they considered to be prohibited to marry a kohen even if one was to convene a beis din who confirmed the woman's halachic acceptability. "The kohanim only listen to you when it comes to rejecting a candidate, not accepting someone they have already ruled out!"

This is the opposite of gedolei Yisroel. Our great sages know not to make "frumkeit" into an excuse to forget the essentials of halachah—most notably those halachos that teach us to be sensitive to the feelings of another Jew.

Once, a certain Yerushalmi Yid known to be an unusually pious talmid chacham, was discovered to uphold a very unusual stringency: he was so frum that he wouldn't even speak to his own wife! At first, the poor woman didn't tell anyone about this habit of her husband's, but eventually it bothered her so much that she revealed her hidden sorrow to her mother. Both women eventually decided to go to Rav Yehoshua Leib Diskin, zt"l, the Rav of Yerushalayim, for advice. When they told him about the husband's behavior, he was very upset. He sent a messenger to this man requesting that the man come to him at the time during the day when the Rav normally took a break for lunch at home.

The man arrived at the appointed time, entered the house and said, "Shalom Aleichem, Rabi u'Mori!"

Rav Yehoshua Leib ignored him and left him standing there foolishly all the while that the Rav ate his lunch. Understandably, the young man was very embarrassed to be marooned there for the course of the Rav's meal without the slightest bit of attention paid to his presence. When the Rav finished eating, he said perfunctorily, "You may go."

The young man immediately understood the lesson. Naturally, he began to speak to his wife at home as everyone understands is only right and fitting!

HALACHA HIGHLIGHT

The Kohen and the Ba'alas Teshuva

הלכה בר' גמליאל ואת לא תעביד עובדא עד דאיכא רוב כשרין אצלה

The halacha is like R' Gamliel but you should not act in accordance with that ruling unless a majority of the men are fit for her

There was once a woman who behaved promiscuously and inquired of Rav Moshe Feinstein¹ whether she was permitted to marry a kohen. Rav Moshe wrote that he felt compelled to respond since it seems that she would like to do teshuva and extra effort should be made to allow a person the opportunity for teshuva (גדול כחה של תשובה).

Concerning the issue of marrying a kohen, as long as the men with whom she was intimate are fit to marry into Klal Yisroel she is permitted to marry a kohen. However, this is true only if the woman has a presumption of trustworthiness (חזקת כשרות) but if she did not then it is necessary to be concerned that she may have been intimate with a non-Jew which would render her unfit to marry a kohen.

Rav Moshe Shternbuch² issued a similar ruling concerning a woman who while in college was promiscuous and later did teshuva. She became engaged to a kohen and after the issue of her earlier promiscuity was raised she asserted that she was never intimate with a non-Jew. Rav Shternbuch replied that given this woman's history and the immoral environment of a university campus, her claim that she was never intimate with a non-Jew is not credible; therefore he ruled that she is not permitted to marry a kohen.

Rav Elyashiv³, on the other hand, writes that those people who are not observant are not permitted to marry kohanim unless their status as being fit to marry a kohen can be confirmed. If, however, she claims that she was only promiscuous with Jews or that she was never promiscuous her assertion is deemed credible and she may marry a kohen. The reason is that there is a dispute whether an unknown family is assumed to be fit to marry into the congregation or not. Although one could argue that concerning people who are not observant one should certainly assume that they are unfit, nevertheless, in certain pressing circumstances (שעת הדחק) her claim that she was only promiscuous with Jews could be accepted.

1. שו"ת אג"מ אה"ע ח"ד סי' מ'
2. שו"ת תשובות והנהגות ח"ד סי' רפ"א
3. שו"ת קובץ תשובות ח"א סי' כ"ד

POINT TO PONDER

Rashi on the משנה of תינוקת writes that רוב כשרים means that most of the people in the city are not of the kind that would make a lady לכהונה פסול, which means that 50/50 would be ok. How about a situation where it's half פסולים and half כשרים and the כהן who wants to marry her is part of the 50% כשרים, do we exclude him because he knows that he wasn't the one who was מאנס her?

Response to last week's Point to Ponder:

According to רבי יהושע that a woman seen talking to someone is not believed unless she brings proof of her claim. What kind of proof would she need to bring? Even if she brings proof that the person was כשר, why aren't we concerned that since she is not concerned about being with someone who is not her husband, maybe she lived with others who are פסול?

When a lady brings proof that she lived with one person who was כשר (for example he comes with her and admits that they lived together), it becomes a ספק ספיקא regarding someone else. One ספק is did she live with more than one person and the second ספק is that even if she lived with another person maybe that person was also כשר, especially since רוב people would be כשר. (See פני יהושע)

REVIEW AND REMEMBER

1. Explain the phrase הלכה ואת לא תעביד עובדא.
2. What is the Gemara's final understanding of the dispute between R' Gamliel and R' Yehoshua?
3. What is an אלמנה עיסה?
4. What are the three opinions concerning a girl who has relations with an unknown man? Is she fit to marry a kohen?

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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