

אימא לא. say no, his claim is not accepted.

ואי אשמעין הגי תרמי - משום דממונא, אבל אשת איש דאיסורא - אימא לא.

And if the *tanna* taught us these two cases, one might have thought that the claim is deemed credible due to the fact that the cases involve monetary matters; however, in the case of a married woman who claims that she was divorced, which is a ritual matter, say no, she is not deemed credible. Therefore, it was necessary for the *tanna* to teach us all three cases.

נשביתי וטהורה אני למה לי? משום דקא בעי למיתני - ואם משנשא בתאו עדים הרי זו לא תצא.

The Gemara asks: With regard to the case where one says: I was taken captive and I am pure, why do I need the *tanna* to teach that case? There is no novel element in that ruling, as it is merely another application of the same principle. The Gemara answers: The *tanna* taught that case due to the fact that the *tanna* sought to teach based on it: And if the witnesses came after she married, this woman need not leave her husband.

הניחא למאן דמתני לה אפיפא, אלא למאן דמתני לה ארישא מאי איפא למימר? משום דקא בעי למיתני שתי נשים שנשביו.

The Gemara asks: This works out well according to the one who teaches this *halakha* in reference to the latter clause of the mishna with regard to a woman taken captive. However, according to the one who taught this *halakha* in reference to the first clause of the mishna, with regard to a woman who claimed that she was married and divorced, what is there to say? According to that opinion, the ruling with regard to a woman taken captive who claims that she remained pure is superfluous. If a woman is deemed credible in the case where the concern is that she is a married woman, she is all the more so deemed credible when the concern pertains to a less severe prohibition, that of a woman who was violated in captivity marrying a priest. The Gemara answers: The *tanna* taught the superfluous *halakha* that a woman claiming that she was taken captive and remained pure is deemed credible as an introduction, due to the fact that he sought to subsequently teach the case of two women who were taken captive.

ו"שתי נשים שנשביו" למה לי? מהו דתימא: נחוש לגומלין, קממשמע לן.

The Gemara asks: And why do I need the *tanna* to teach the case of two women who were taken captive? What novel element is introduced in that case that did not exist in the case of one woman? The Gemara answers: Lest you say: Let us be concerned for collusion between the women, that each would testify for the benefit of the other, the *tanna* therefore teaches us that this is not a concern.

"וכן שני אנשים" למה לי? משום דקא בעי למיתני פלוגתא דרבי יהודה ורבנן.

The Gemara asks: And why do I need the *tanna* to teach the following case: And likewise two men, each testifying that the other is a priest? He already taught that if two women each testify that the other is pure, they are deemed credible. The Gemara answers: The *tanna* taught the superfluous *halakha* with regard to two men as an introduction, due to the fact that he sought to subsequently teach the dispute between Rabbi Yehuda and the Rabbis, concerning whether or not the testimony of a single witness is deemed credible to establish another's presumptive status as a priest.

תנו רבנן: "אני כהן וחיברי כהן" - נאמן להאבילו בתרומה, ואינו נאמן להשיא אשה, עד שיהו שלשה, שנים מעידין על זה ושנים מעידין על זה. רבי יהודה אומר: אף אינו נאמן להאבילו בתרומה עד שיהו שלשה, שנים מעידין על זה, ושנים מעידין על זה.

The Gemara elaborates: The Rabbis taught in a *baraita*: In the case of two men, each of whom says: I am a priest and my counterpart is a priest, each is deemed credible with regard to enabling his counterpart to partake of *teruma*. But he is not deemed credible with regard to establishing his presumptive status as a priest of unflawed lineage for the purpose of his marrying a womanⁿ until there are three people, the two claiming to be priests and an additional witness, so that there are two witnesses testifying with regard to the status of this person and two witnesses testifying with regard to the status of that person. Rabbi Yehuda says: Each is not deemed credible even with regard to enabling his counterpart to partake of *teruma* until there are three men, so that there are two witnesses testifying with regard to this person and two witnesses testifying with regard to that person.

NOTES

להשיא - לרשיא: Rabbeinu Hananel and Rashi both explain that this means: For the purpose of marrying a woman of prestigious descent. However, most early commentaries questioned that explanation, as even if one is not a priest, there is nothing that prevents a non-priest from marrying a woman of unflawed lineage.

Tosafot seek to explain Rashi's opinion and contend that once it is necessary to investigate one's lineage due to the concern that he is a non-priest, they may also investigate other flaws in his lineage that might prohibit him from marrying Jewish women of unflawed lineage, although typically one is not investigated for those flaws. Or, perhaps the mishna is in accordance with the opinion of Rabbi Meir, who holds that there is no presumption of unflawed lineage with regard to each individual. Therefore, his lineage must be investigated.

The Ra'ah adds that this is a case where a rumor spread that his lineage is flawed. Although typically rumors not supported by witnesses are ignored, in this case it is investigated. However, the Rid, Rabbeinu Tam, and most early commentaries explain that it means that even if he marries a woman of unflawed lineage he does not assume the presumptive status of a priest to the extent that it would be permitted for another priest to marry his widow or daughter. The language of the Jerusalem Talmud supports this opinion. It does not state: For the purpose of marrying a woman to him. Rather, it says: For matters of family. This indicates that the *halakha* does not refer specifically to his marriage to a woman.

Donkey drivers who entered a city – החמרין שנכנסו לעיר – If two donkey drivers entered a city and one says: My produce is not tithed and the produce of my counterpart is tithed, he is not deemed credible. This is due to the suspicion of collusion, that in the next city they will reverse roles and his counterpart will make a similar declaration in praise of his produce. This ruling is in accordance with the unattributed mishna. The Rambam omitted the provision with regard to the tools of the trade in his hand, because he ruled in accordance with the second manner of explaining the dispute, according to which that provision is moot (Rambam *Sefer Zera'im, Hillkhot Ma'asrot* 12:10).

למימרא דרבי יהודה חייש לגומלין ורבנן לא חיישי לגומלין? והא איפכא שמעינן להו, דתנן: החמרין שנכנסו לעיר, ואמר אחד מהן: שלי חדש ושל חברי ישן, שלי אינו מתוקן ושל חברי מתוקן – אינו נאמן, רבי יהודה אומר: נאמן!

אמר רב אדא בר אבהו אמר רב: מוחלפת השיטה. אביי אמר: לעולם לא תיפוץ; בדמאי הקילו, רוב עמי הארץ מעשרין הן.

אמר רבא: דרבי יהודה אדרבי יהודה קשיא, דרבנן אדרבנן לא קשיא! אלא, דרבי יהודה אדרבי יהודה לא קשיא – כדשימנן, דרבנן אדרבנן לא קשיא, כדאמר רבי חמא בר עוקבא: בשבלי אימנותו בידו,

The Gemara asks: Is that to say that Rabbi Yehuda is concerned for collusion between them, and the Rabbis are not concerned for collusion? But didn't we learn that they said the opposite? As we learned in a mishna: In a case where there were donkey drivers who entered a city,^h and one of them said: My produce is new from this year's crop, and it is not yet completely dry and therefore of lower quality, and the produce of my counterpart is old and dry and therefore more durable; or if he said: My produce is not tithed and the produce of my counterpart is tithed, he is not deemed credible. Presumably, there is collusion between the two merchants. In this city, one denigrates the quality of his own produce, enhancing his credibility, while praising the quality of the produce of his counterpart; and his counterpart says the same in the next city that they enter. And Rabbi Yehuda says: He is deemed credible, as apparently he is not concerned for collusion between the merchants.

Rav Adda bar Ahava said that Rav said: The attribution of the opinions is reversed in one of the *mishnayot*, so that the opinions of the *tanna'im* are consistent in both the case of the priests and the case of the donkey drivers. Abaye said: Actually, do not reverse the attribution, and the fact that Rabbi Yehuda accepts the claim of the donkey driver is because with regard to doubtfully tithed produce [*demai*]^b the Sages were lenient,ⁿ because most *amei ha'aretz* tithe their produce. The ordinance of the Sages classifying produce purchased from an *am ha'aretz* as doubtfully tithed produce and requiring its tithing is based on a far-fetched concern. Therefore, testimony of any sort is sufficient to permit its consumption. However, as a rule, Rabbi Yehuda is concerned about collusion.

Rava said: Is that to say that the contradiction between one statement of Rabbi Yehuda and another statement of Rabbi Yehuda is difficult, but the contradiction between one statement of the Rabbis and another statement of the Rabbis is not difficult? Clearly, the contradiction between the rulings of the Rabbis in the respective *mishnayot* is difficult. Rather, the contradiction between one statement of Rabbi Yehuda and another statement of Rabbi Yehuda is not difficult, as we explained above that Rabbi Yehuda was lenient with regard to doubtfully tithed produce. The contradiction between one statement of the Rabbis and another statement of the Rabbis is also not difficult. Fundamentally, the Rabbis are not concerned for collusion between the two parties. However, in the case of donkey drivers they are concerned, as Rabbi Hama bar Ukva said in another context that it is referring to a case where one has the tools of his trade in his hand.

BACKGROUND

Doubtfully tithed produce [*demai*] – דמאי: This is produce, or food prepared from produce, purchased from a person who may not have separated the various tithes as required. The literal meaning of the word is suspicion, as it is produce about which there is suspicion that it was not tithed properly. In the Second Temple period, the Sages decreed that this produce

would be accorded uncertain status, even if the owner claims that he tithed the produce. Therefore, the buyer of this produce must tithe it himself. Nevertheless, since the probability is that the produce was in fact tithed, certain leniencies were introduced with regard to partaking and using it.

NOTES

With regard to doubtfully tithed produce the Sages were lenient – בדמאי הקילו: Fundamentally, the halakhic status of doubtfully tithed produce (discussed in detail in tractate *Demai*) was established by a rabbinic decree issued with regard to produce purchased from an *am ha'aretz*. The Sages found that a significant number of *amei ha'aretz* would not separate first tithe from their produce. Therefore, all produce of that kind is classified as doubtfully tithed produce, and one who purchases that produce is required to tithe it due to that

uncertainty. Since *amei ha'aretz* are suspect with regard to doubtfully tithed produce, they are disqualified from testifying about it. It is clear here and elsewhere that the Sages were lenient with regard to various aspects of doubtfully tithed produce. Although there is a conspicuous minority of *amei ha'aretz* who did not tithe their produce, which led the Sages to issue the decree, the majority do tithe. Since the decree is based on suspicion, not certainty, the Sages were not overly stringent in its regard.

הכא נמי – בשבלי אומנותו בידו.

Here too, it is referring to a case where the second donkey driver comes with the tools of his trade in his hand, clearly indicating that he too came to sell his produce. Therefore, when the other driver praises his produce, there is room for concern that there was collusion and that in the next city their roles will be reversed. However, when there is no proof of collusion, the Rabbis were not concerned.

והיכא אתמר דרבי חמא בר עוקבא – אהא, דתנן; הקדר שהניח קדרותיו וירד לשותות (מים מן היאור) – הפנימיות טהורות והחיצונות טמאות.

The Gemara asks: **And where is the solution of Rabbi Hama bar Ukva stated?** It is stated concerning that which we learned in a mishna (*Teharot* 7:1): In the case of a potter^N who fashioned his vessels in ritual purity, and abandoned his pots,^H and descended to drink water from the river, there is concern that in his absence ritually impure people came into contact with his pots. **The inner pots are pure, and the outer pots are impure.**

והתנא: אלו ואלו טמאות! אמר רבי חמא בר עוקבא: בשבלי אומנותו בידו, מפני שיד הכל ממשמששת בהן.

The Gemara asks: **But isn't it taught in a baraita: Both these inner pots and those outer pots are ritually impure?** Rabbi Hama bar Ukva said: That *baraita* is referring to a case where the tools of the potter's trade are in his hand, indicating that he intends to sell his pots. **Since all potential buyers touch pots when examining them before purchase, the concern is that among those people there is one who is ritually impure.**

והתנא: אלו ואלו טהורות! אמר רבי חמא בר עוקבא: בשאין בלי אומנותו בידו.

The Gemara asks: **But isn't it taught in another baraita: Both these inner pots and those outer pots are ritually pure?** Rabbi Hama bar Ukva said: That *baraita* is referring to a case where the tools of the potter's trade are not in his hand, indicating that he does not intend to sell his pots. Therefore, strangers will not touch them at all.

ואלא הא דתנן: הפנימיות – טהורות והחיצונות – טמאות. היכי משכחת לה?

The Gemara asks: **But if so, the ruling in the mishna: The inner pots are pure and the outer pots are impure, under what circumstances can this case be found?** When the tools of the potter's trade are in his hand, all the vessels are impure, and when the tools of the potter's trade are not in his hand, all the vessels are pure.

דסמיכא לרשות הרבים, ומשום חיפופי רשות הרבים.

The Gemara answers: The *tanna* of the mishna is referring to a case where the tools of the potter's trade are not in his hand. However, he leaves his pots adjacent to the public domain, and in an area demarcated from the public domain due to the stakes or other objects that are placed on the sides of the public domain^B to distance passersby from the walls of the private domain, and due to crowding, people will be pushed to the sides and inadvertently render the outer pots impure. They do not pass close to the inner pots and will not touch the pots to examine them, because they are not for sale.

ואיבעית אימא: רבי יהודה ורבנן במעלין מתרומה ליוחסין קמיפלגי.

The Gemara proceeds to cite an additional resolution to the contradiction between the opinions of Rabbi Yehuda and the Rabbis, with regard to collusion in terms of the presumptive status of priests and in terms of produce merchants. **And if you wish, say instead that the dispute between Rabbi Yehuda and the Rabbis in the matter of presumptive priestly status is unrelated to collusion. Rather, it is with regard to whether one elevates one who eats teruma to the presumptive status of priesthood for the purpose of lineage that they disagree.^N** Rabbi Yehuda holds that one elevates from *teruma* to lineage and therefore requires full-fledged testimony by two witnesses to enable the person to partake of *teruma*. The Rabbis maintain that one does not elevate from *teruma* to lineage, and each matter is considered separately. For the purpose of partaking of *teruma*, any testimony is sufficient; for the purpose of lineage, full-fledged testimony by two witnesses is required.

NOTES

Potter – קדר: The Sages decreed that *amei ha'aretz* are always ritually impure because they are not meticulous in distancing themselves from ritual impurity, with the exception of during the Pilgrim Festivals in Jerusalem. Therefore, any object that comes into contact with an *am ha'aretz* assumes the status of an object that became impure with impurity imparted by treading by a *zav*. The potter, in this case, is a *haver* who fashions his pottery in purity. However, his clientele consists of both *haverim* and *amei ha'aretz*, who are ritually impure. The Meiri explains that the potter's tools are the vessels upon which he places the pots in order to sell them.

It is with regard to whether one elevates one who eats *teruma* to the presumptive status of priesthood for the purpose of lineage that they disagree – ליוחסין קמיפלגי: *Tosafot* note that this resolves only the contradiction between the statements of Rabbi Yehuda. However, the contradiction between the statements of the Rabbis with regard to collusion remains difficult. Therefore, this must be taken together with the previous answer, with regard to the tools of the trade. Others claim that this answer reconciles the contradiction between the statements of the Rabbis (*Kesef Mishne*), but the later commentaries question that opinion (see *Tosefot Yom Tov*).

HALAKHA

A potter who abandoned his pots – הקדר שהניח קדרותיו: If a potter who is scrupulous about ritual purity leaves his pots adjacent to the public domain and goes to drink from the pond, the assumption is that passersby touch the outer pots, nearest the public domain. They are considered ritually impure, and the inner pots are pure. However, in a case where the pots are removed from the public domain, if the potter has the tools of his trade, indicating that the pots are for sale, and passersby touched them, and they are all ritually impure. Otherwise, they are presumed untouched and pure (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 12:23).

BACKGROUND

Stakes placed on the sides of the public domain – חיפופי רשות הרבים: The term for the stakes, *hi'ufim*, derives from the root *het, peh, peh*, meaning to rub or chafe. This describes the means employed by the homeowners to prevent passersby in the public domain from damaging their walls or fences. They would build protruding stones into the fences or establish a row of stones or stakes at a certain distance from the walls. These stakes created an area that, although technically in the public domain, is not a place through which the multitudes passed. Therefore, in certain respects, its halakhic status was somewhere between a public and a private domain.



Stakes in the public domain

Public [*parhesya*] – פְּרִהֶסְיָא: From the Greek *παρρησία*, *parresia*, meaning freedom of speech, frankness. The Sages expanded it to mean a matter performed openly, in the public view.

איבעיא להו: מהו להעלות משטרות ליוחסין? היכי דמי? אילימא דכתב ביה "אני פלוני בהן חתמתי עד" – מאן קא מסהיד עילויה?

לא, צריכא, דכתב ביה "אני פלוני בהן לויתי מנה מפלוני" וחתמו סהדי, מאי? אמנה שבשטר קא מסהדי או דלמא אבולה מילתא קא מסהדי? רב הונא ורב חסדא. חד אמר: מעלין, וחד אמר: אין מעלין.

איבעיא להו: מהו להעלות מנשיאות בפנים ליוחסין? תיבעי למאן דאמר מעלין מתרומה ליוחסין, ותיבעי למאן דאמר אין מעלין:

תיבעי למאן דאמר מעלין: הני מילי – תרומה, דעון מיתה היא. אבל נשיאות בפנים, דאיסור עשה – לא, או דלמא לא שניא?

תיבעי למאן דאמר אין מעלין: הני מילי – תרומה דמיתאכלא בצנעא, אבל נשיאות בפנים דבפרהסיא, אי לאו בהן הוא – כולי האי לא מחציף איניש נפשיה, או דלמא לא שניא?

§ A dilemma was raised before the Sages: What is the *halakha* with regard to elevating from documents indicating that one is a priest, to priestly lineage?⁴¹ The Gemara asks: What are the circumstances? If you say that it is written in the document: I, so-and-so, a priest, signed as a witness, in that case who is testifying about him that he is a priest? He is the only source asserting his priesthood.

The Gemara answers: No, this *halakha* is necessary in a case where it is written in the document: I, so-and-so, a priest, borrowed one hundred dinars from so-and-so, and witnesses signed the document, what is the *halakha*? Do the witnesses testify only concerning the loan of one hundred dinars in the document? Or, perhaps they testify concerning the entire matter and confirm with their signatures that every detail written in the document is true, including the fact that the borrower is a priest. With regard to the halakhic ruling, there is a dispute between Rav Huna and Rav Hisda. One said: One elevates from documents to priestly lineage, and one said: One does not elevate.

A dilemma was raised before the Sages: What is the *halakha* with regard to elevating from the lifting of hands for the Priestly Benediction to priestly lineage?⁴² Is the presumptive status of a person who recites the Priestly Benediction in the synagogue that of a priest in terms of lineage as well? The Gemara notes: Raise the dilemma according to the one who said: One elevates from *teruma* to lineage; and raise the dilemma according to the one who said: One does not elevate from *teruma* to lineage.

The Gemara notes: Raise the dilemma according to the one who said: One elevates from *teruma* to lineage. In his opinion, perhaps this applies only to *teruma*, where a non-priest who partakes of *teruma* performs a transgression whose punishment is death at the hand of Heaven. One would not partake of *teruma* and risk that punishment if he were not a priest. However, with regard to the Priestly Benediction, where a non-priest who recites it violates a prohibition stated as a positive mitzva, no, one cannot be certain that one would not recite the blessing if he were not a priest. Therefore, one does not elevate from the lifting of hands to priestly lineage. Or, perhaps there is no difference, and in both cases because there is a transgression involved one can assume that he would not risk performing a transgression were he not a priest.

Raise the dilemma according to the one who said: One does not elevate from *teruma* to lineage. In his opinion, perhaps this applies only to *teruma* that is eaten in private. Therefore, a non-priest might partake of *teruma* when he believes that no one is watching. However, with regard to the lifting of hands, which is recited in public [*parhesya*],⁴³ if one is not a priest, he would not be insolent to the extent that he would comport himself like a priest in public. Therefore, although partaking of *teruma* is not a clear indicator that he is a priest, reciting the Priestly Benediction is a clear indicator. Or perhaps, there is no difference, and due to the concern lest a non-priest partake of *teruma* in private and recite the Priestly Benediction in public, neither action can facilitate elevating the person to the presumptive status of a priest in terms of lineage.

HALAKHA

העלאה – מהו להעלות משטרות ליוחסין: If witnesses signed a document in which it was written that so-and-so the priest borrowed or lent money, the document does not prove priestly descent, since the witnesses signed confirming the loan but not the incidental details. This ruling applies only to matters of lineage. However, with regard to the presumptive status of priesthood in terms of partaking of *teruma* by rabbinic law, it is considered sufficient proof (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 20:9; *Shulhan Arukh*, *Even HaEzer* 3:2).

העלאה מנשיאות בפנים ליוחסין – One does not elevate a person to the presumptive status of priesthood on the basis of his having been seen reciting the Priestly Benediction. The ruling is stringent because the dilemma concerning that case was not resolved in the Gemara and there is a higher standard established for lineage (*Maggid Mishne*; Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 20:4).

רב חסדא ורבי אבינא: חד אמר: מעלין, וחד אמר: אין מעלין. אמר ליה רב נחמן בר יצחק לרבא: מהו להעלות מנשיאות כפים ליוחסין? אמר ליה: פלוגתא דרב חסדא ורבי אבינא.

There is a dispute with regard to the halakhic ruling between Rav Hisda and Rabbi Avina. One said: One elevates from the Priestly Benediction to lineage, and one said: One does not elevate. Rav Nahman bar Yitzhak said to Rava: What is the *halakha* with regard to elevating from the lifting of hands to lineage? Rava said to him: There is a dispute between Rav Hisda and Rabbi Avina.

הלכתא מאי? אמר ליה: אנא מתניתא ידענא; דתנא, רבי יוסי אומר: גדולה חזקה, שנאמר "ומבני הכהנים בני חביה בני הקוץ בני ברזילי אשר לקח מבנות ברזילי הגלעדי אשר ויקרא על שמם. אלה בקשו בתבם המתחשים ולא נמצאו ונאלו מן הכהונה. ויאמר התרשתא להם אשר לא יאכלו מקדש הקדשים עד עמוד כהן לאורים ותומים".

Rav Nahman bar Yitzhak asked Rava: What is the *halakha*? Rava said to him: I know and base the halakhic ruling on a *baraita*, as it is taught in a *baraita* that Rabbi Yosei says: Great is the legal authority of presumptive status, as one may rely upon it in determining halakhic practice, as it is stated: "And of the children of the priests: The children of Habaiah, the children of Hakkoz, the children of Barzillai, who took a wife of the daughters of Barzillai the Gileadite, and was called after their name. These sought their register of the genealogy, but it was not found; therefore were they deemed tainted and put from the priesthood. And the Tirshatha said unto them that they should not partake of the most sacred items, until there stood up a priest with Urim VeTummim" (Ezra 2:61–63).

אמר להם: הרי אתם בחוקתכם, במה הייתם אוכלים בגולה – בקדשי הגבול, אף כאן – בקדשי הגבול. ואי סלקא דעתך מעלין מנשיאות כפים ליוחסין, הני בנין דפרסי ידיהו – אתי לאסוקינהו!

Rabbi Yosei explains: Nehemiah said to the priests whose status was uncertain: You maintain your presumptive status. Of what did you partake in the Babylonian exile? It was the consecrated items eaten in the outlying areas, i.e., *teruma*. Here too, you may continue to partake of the consecrated items eaten in the outlying areas, but you may not partake of offerings, with regard to which you have no presumptive status of priesthood. The Gemara asks: And if it enters your mind to say that one elevates from the lifting of hands to lineage, they will come to elevate those priests whose status was uncertain to priestly status in terms of lineage, since they lifted their hands and recited the Priestly Benediction in exile.

שאני הכא, דריע חזקיהו. דאי לא תימא הכי, למאן דאמר מעלין מתרומה ליוחסין, כיון דאכלי בתרומה – אתי לאסוקינהו! אלא לאו – משום דריע חזקיהו.

The Gemara answers: Here it is different. There was no concern lest they elevate them to lineage because their presumptive status was undermined^N by the fact that they did not partake of offerings like the other priests. As, if you do not say that one relies on the fact that their status was undermined, according to the one who said: One elevates from *teruma* to lineage, since they partake of *teruma*, there should be concern lest they come to elevate them to lineage. Rather, is the reason that this is not a concern not due to the fact their presumptive status was undermined, and it is clear to all that there is uncertainty with regard to their status as priests? However, one may not infer from the time of Nehemiah to a time when all priests eat *teruma* and recite the Priestly Benediction, and there is no factor that indicates that they are anything less than full-fledged priests. Perhaps, then, one elevates from *teruma* and from the lifting of hands to lineage.

NOTES

^N Because their presumptive status was undermined – דריע חזקיהו: Rashi explains that their presumptive status as priests is undermined by the fact that everybody knows that they do not partake of consecrated food. Rabbeinu Tam explains that the fact that their presumptive status was undermined explains why they were not elevated to priestly lineage (see *Tosafot*). The reason that their presumptive status was undermined is that there were serious doubts that arose with regard to their lineage. The fact is that they are referred to as the sons of Barzillai, who was not a priest.

Others say that it is clear that they were priests. The concern was that their ancestors married women unfit to marry into the priesthood, rendering each of them a *hatal*. However, according to that explanation, it is unclear why an ordinance was necessary to prohibit them from partaking of consecrated food. They explain that the ordinance was not for that particular generation, but for future generations, when the serious doubts with regard to their lineage would be forgotten.