

HALAKHA

Now too they partake of *teruma* taken from produce obligated by rabbinic law – השתא נמי בתרומה – דרבנן אכול: Today, all priests are priests based on their presumptive status and therefore may eat only *teruma* by rabbinic law (Rambam *Sefer Zera'im, Hilkhot Terumot* 6:2, *Sefer Kedusha, Hilkhot Issurei Bia* 20:1).

We elevate from *teruma* to lineage – מִסְקִינֵי מִתְרוּמָה: If two witnesses testify that someone claiming to be a priest eats *teruma* by Torah law, he is deemed a priest of unflawed lineage. The Ran and the *Maggid Mishne* note that, according to the opinion of the Rabbis, who hold that one does not elevate from *teruma* to lineage, the reference is to *teruma* by rabbinic law. However, one does elevate from *teruma* by Torah law, and therefore full-fledged testimony is required to enable one to eat *teruma* by Torah law (Rambam *Sefer Zera'im, Hilkhot Terumot* 6:2 and *Sefer Kedusha, Hilkhot Issurei Bia* 20:4).

From the lifting of hands to *teruma* – מְנִשְׂאוֹת כַּפַּיִם: If one was seen reciting the Priestly Benediction or called up first to read the Torah, he is accorded presumptive status of priesthood like all other priests today whose priesthood is presumptive (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 20:1).

NOTES

And when we elevate from *teruma* to lineage – וכי – מִסְקִינֵי מִתְרוּמָה לְיוֹחֲסִין: The Ritva explains that this phrase is unrelated to the meaning of Rabbi Yosei's statement: Great is presumptive status. Rather, it is an incidental comment, followed by a return to the main topic.

וְאֵלֵּא מֵאֵי גְדוּלָּה חֻקָּה? מֵעִקְרָא אֲכֹל בְּתְרוּמָה דְּרַבְנָן, הַשְּׁתָּא אֲכֹל בְּתְרוּמָה דְּאֹרֵייתָא.

וְאֵי בְּעֵית אֵימָא: הַשְּׁתָּא נְמִי בְּתְרוּמָה דְּרַבְנָן אֲכֹל, בְּתְרוּמָה דְּאֹרֵייתָא לֹא אֲכֹל. וְכִי מִסְקִינֵי מִתְרוּמָה לְיוֹחֲסִין – בְּתְרוּמָה דְּאֹרֵייתָא, בְּתְרוּמָה דְּרַבְנָן – לֹא מִסְקִינֵי. וְאֵלֵּא מֵאֵי גְדוּלָּה חֻקָּה? דַּאֲף עַל גַּב דְּאֵיכָא לְמִיגוֹר מְשׁוּם תְּרוּמָה דְּאֹרֵייתָא – לֹא גְוַרִינֵי.

וּבְתְרוּמָה דְּאֹרֵייתָא לֹא אֲכֹל? וְהָא כְּתִיב "אֲשֶׁר לֹא יֵאָכְלוּ מִקֹּדֶשׁ הַקְּדָשִׁים", מִקֹּדֶשׁ הַקְּדָשִׁים הוּא דְּלֹא אֲכֹל, הָא בְּתְרוּמָה דְּאֹרֵייתָא אֲכֹל!

הָכִי קָאָמַר: לֹא בְּמִיַּד דְּאֵיקְרִי קֹדֶשׁ, דְּכְתִיב "וְכֹל זֶר לֹא יֵאָכֵל קֹדֶשׁ", וְלֹא בְּמִיַּד דְּאֵיקְרִי קֹדֶשִׁים, דְּכְתִיב "וּבַת כַּהֵן כִּי תִהְיֶה לְאִישׁ זֶר הִיא בְּתְרוּמַת הַקְּדָשִׁים לֹא תֵאָכֵל". וְאָמַר מֶר: בְּמוֹרָם מִן הַקְּדָשִׁים לֹא תֵאָכֵל.

תָּא שְׂמַע: חֻקָּה לְכַהוֹנָה – נְשִׂאוֹת כַּפַּיִם בְּבָבֶל, וְאֲכִילַת חֲלָה בְּסוּרְיָא, וְחִילּוּק מִתְּנֻת בְּכַרְבִּין. קְתַנֵּי מִיְהִת נְשִׂאוֹת כַּפַּיִם, מֵאֵי לֹא לְיוֹחֲסִין? לֹא, לְתְרוּמָה.

The Gemara asks: **And what, then, is the meaning of: Great is the legal authority of presumptive status?** This is a standard case of presumptive status, as the practice of the priests remained as it was. There is nothing novel in the application of the principle of presumptive status in this case. The Gemara answers: **Initially, in the Babylonian exile, they would partake of *teruma* taken from produce obligated by rabbinic law. Now, upon their return to Eretz Yisrael, they partake of *teruma* taken from produce obligated by Torah law:** Grain, wine, and oil, based on their presumptive status.

**And if you wish, say instead: Now too, upon their return to Eretz Yisrael, they partake of *teruma* taken from produce obligated by rabbinic law.**<sup>h</sup> However, **of *teruma* taken from produce obligated by Torah law they may not partake. And when we elevate from *teruma* to lineage,**<sup>hN</sup> **this is only with regard to one who partakes of *teruma* by Torah law. However, in the case of one who partakes of *teruma* by rabbinic law, we do not elevate him to priestly lineage.** The Gemara asks: **And what, then, is the meaning of: Great is the legal authority of presumptive status?** The Gemara answers: It means that **although there is reason to issue a decree in Eretz Yisrael prohibiting consumption of *teruma* by rabbinic law, due to *teruma* that is forbidden by Torah law, we do not issue that decree because: Great is the legal authority of presumptive status.**

The Gemara asks: **And did they in fact not partake of *teruma* by Torah law? But isn't it written: "That they should not partake of the most sacred items [*kodesh hakodashim*]" (Ezra 2:63), from which it may be inferred: It is of the most sacred items, i.e., offerings, that they did not partake; of *teruma* by Torah law, they did partake.**

The Gemara answers that **this is what the verse is saying: Neither did they partake of items called *kodesh*, as it is written: "And no common man may eat of *kodesh*" (Leviticus 22:10), referring to *teruma*, nor did they partake of items called *kodashim*, as it is written: "And if a priest's daughter be married to a common man, she shall not eat of *terumat hakodashim*" (Leviticus 22:12). The Master said that this means: Of that which is set aside from the offerings [*kodashim*] to the priests, i.e., the loaves of the thanks-offering and the breast and the shoulder, they may not partake.** According to neither explanation can any proof be cited from the *baraita* as to whether or not one elevates from *teruma* or from the Priestly Benediction to lineage.

The Gemara suggests: **Come and hear proof from a *baraita*: Presumptive status for priesthood is established by the lifting of hands in Babylonia; by partaking of *halla*<sup>b</sup> in Syria; and by distributing priestly gifts,<sup>b</sup> i.e., the foreleg, the jaw, and the maw, in the cities. In any event, the *tanna* teaches that the lifting of hands establishes the presumptive status of priesthood.** The Gemara asks: **What, does it not establish presumptive status for lineage?** The Gemara answers: **No, it establishes presumptive status for *teruma*.**<sup>h</sup>

BACKGROUND

*Halla* – חֲלָה: The Torah commands the giving of a portion of dough to the priests (Numbers 15:20). This portion is called *halla* and is governed by all the *halakhot* pertaining to *teruma*, the priests' portion of the crop. The Torah does not specify a measure for *halla*. The Sages required a private individual to separate one twenty-fourth of his dough, and a commercial baker one forty-eighth. *Halla* must be taken from dough made from any of the five species of grain, provided that the quantity of flour is at least one-tenth of an ephah in volume. If *halla* is not taken, the dough is considered untithed produce and may not be eaten.

Today, since all Jews are ritually impure, *halla*, like ritually impure *teruma*, must be burned. Accordingly, the measures mentioned

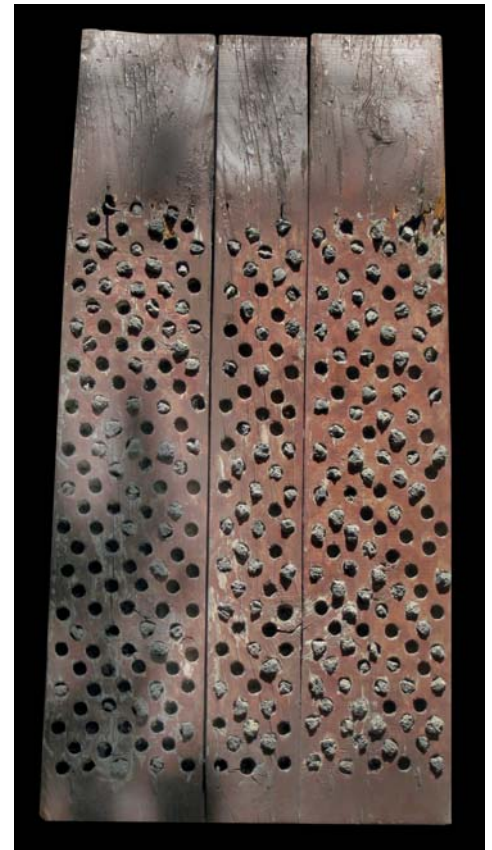
above no longer apply. Only a small portion is separated from the dough and burned, and the rest of the dough may be used. A blessing is recited for the separation of *halla*. *Halla* is considered one of the mitzvot practiced particularly by women. The *halakhot* governing this mitzva are discussed comprehensively in tractate *Halla*.

**Priestly gifts – מִתְּנֻת:** The Torah commands that one give these portions to a priest when non-sacred animals, e.g., cattle, sheep, and goats, are slaughtered for consumption (Deuteronomy 18:3). No sanctity is attached to these gifts, and once they are given to a priest he may sell or give them to a non-priest.

**חילוק גרנות – Distribution of *teruma* at the threshing floors** – In ancient times, stalks of grain would be brought to the threshing floor, a round structure upon which the grain was separated from the stalks by various methods. One common method involved horses or donkeys pulling a threshing sledge that had a rough surface.



Threshing floor



Threshing sledge

והא דומיא דאכילת חלה קתנ, מה אכילת חלה ליוחסין – אף נשיאות כפים ליוחסין! לא, אכילת חלה גופה לתרומה. קסבר: חלה בזמן הזה דרבנן, ותרומה דאורייתא, ומסקינן מחלה דרבנן לתרומה דאורייתא. וכדאפיך להו רב הונא בריה דרב יהושע לרבנן.

The Gemara asks: **But isn't lifting of hands taught parallel to partaking of *halla*? Just as with regard to partaking of *halla* the *tanna* teaches that it establishes presumptive status for lineage, so too with regard to the lifting of hands the *tanna* teaches that it establishes presumptive status for lineage.** The Gemara answers: **No, partaking of *halla* itself establishes presumptive status only for *teruma* and not for lineage.** This *tanna* holds that today the obligation to separate *halla*<sup>H</sup> from dough is by rabbinic law and the obligation to separate *teruma*<sup>HN</sup> is by Torah law. The *tanna* teaches that we elevate from *halla*, which is an obligation by rabbinic law, to *teruma*, which is by Torah law. And this explanation is in accordance with the opinion of Rav Huna, son of Rav Yehoshua, cited below, who reversed the opinion of the Rabbis and posited that *halla* today is an obligation by rabbinic law.

תא שמע: חזקה לכהונה – נשיאות כפים וחילוק גרנות בארץ ישראל, ובסוריא ובכל מקום ששלוחי ראש חודש מגיעין נשיאות כפים ראיה, אבל לא חילוק גרנות.

The Gemara suggests: **Come and hear proof from a *baraita*: Presumptive status for priesthood is established in Eretz Yisrael by the lifting of hands and distribution of *teruma* at the threshing floors. And in Syria<sup>N</sup> and everywhere outside Eretz Yisrael that emissaries informing residents of the Diaspora of sanctification of the New Moon arrive, the lifting of hands constitutes proof of presumptive status for priesthood, as the court would investigate the lineage of everyone who recited the Priestly Benediction. But distribution of *teruma* at the threshing floors<sup>B</sup> does not<sup>N</sup> constitute proof of that status, since there is no obligation of *teruma* by Torah law, the courts were not as resolute in examining the lineage of those to whom *teruma* was distributed.**

HALAKHA

***Halla* today – חלה בזמן הזה:** The Torah obligation of *halla* is in effect only in Eretz Israel and only with the presence of the entire Jewish people within its borders. Therefore, even with the return to Zion and the construction of the Second Temple, *halla* was in effect only by rabbinic law, in accordance with the opinion of Rav Huna, son of Rav Yehoshua, as the discussion in the Gemara appears to be conducted according to his opinion (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 20:3; *Shulhan Arukh, Yoreh De'a* 322:2).

**Today... *teruma* – בזמן הזה... תרומה:** The Rambam writes that since the destruction of the First Temple, the obligation of *teruma* is no longer by Torah law, even in Eretz Israel and even in those places occupied by those returning from Babylonia. The Ra'avad, however, holds that *teruma* in Eretz Israel is an obligation by Torah law even today. The commentaries explain that this question hinges on the dispute between Rabbi Yohanan and Reish Lakish in tractate *Yevamot* (81a), where the simple understanding is that Rabbi Yohanan holds that the

obligation today is by Torah law and Reish Lakish holds that it is by rabbinic law.

The Ra'avad rules in accordance with the opinion of Rabbi Yohanan. Apparently, the Rambam rules that only in disputes based on reason between Rabbi Yohanan and Reish Lakish is the *halakha* in accordance with the opinion of Rabbi Yohanan. However, since there is a tannaitic dispute on the matter, the ruling is in accordance with the opinion of the Rabbis, that the obligation is by rabbinic law (*Maggid Mishne*).

Alternatively, perhaps the dispute between Rabbi Yohanan and Reish Lakish is only in accordance with the opinion of Rabbi Yosei, however Rabbi Yohanan concedes that the *halakha* is in accordance with the opinion of the Rabbis that *teruma* today is an obligation by rabbinic law (Vilna Gaon). The *Shulhan Arukh* and the Rashba rule in accordance with the opinion of the Rambam. The Rema writes that others disagree but the normative *halakha* is the ruling of the Rambam (Rambam *Sefer Zera'im, Hilkhhot Terumat* 1:26; *Shulhan Arukh, Yoreh De'a* 331:2).

NOTES

**Today... *teruma* – בזמן הזה... תרומה:** There are tannaitic and amoraic disputes, as well as a dispute between the early commentaries, whether *teruma* is an obligation by Torah law even nowadays (see HALAKHA). Everyone agrees that the initial consecration of Eretz Yisrael during the conquest of Joshua lapsed with the Babylonian exile. However, they disagree whether the land was entirely reconsecrated with the return to Zion and the construction of the Second Temple. Some say that the reconsecration restored Eretz Yisrael to its previous consecrated status, and the sanctity did not lapse even with the destruction of the Second Temple. Others hold that *teruma* and tithes are tied to the Sabbatical-Year cycle, which in turn is contingent on the Jubilee-Year cycle, which is in effect only when all the Jewish people reside in the land. Once the ten tribes were exiled with the destruction of Samaria, none of those *halakhot* were in

effect by Torah law. During the Second Temple, *teruma*, tithes, and the Sabbatical Year were observed voluntarily.

**Syria – סוריא:** This is the Greek name for the land of Aram, used in the mishnaic period. These lands were conquered by King David and remained appended to Eretz Yisrael during the reign of his son, Solomon. The question is whether this conquest rendered them part of Eretz Yisrael proper, much like the east bank of the Jordan River, or whether the conquest is considered that of an individual, which does not consecrate the conquered territory. Many Sages hold that since David conquered Syria before completing his conquest of the entire Eretz Yisrael, the conquest was not effective to render the territory as part of Eretz Yisrael. In practice, Syria is accorded intermediate status. In certain respects its status was that of Eretz Yisrael, to the extent that the Sages said that one acquiring land in Syria is considered

like one acquiring land on the outskirts of Jerusalem. However, that status was considered a custom by rabbinic law and not a *halakha* by Torah law.

**But distribution of *teruma* at the threshing floors does not – אבל לא חילוק גרנות:** The question arises: Isn't it stated later in the Gemara that one elevates from *teruma* by rabbinic law to *halla* by Torah law? Why then may one not rely on distribution of *teruma* at the threshing floors in Syria, which is by rabbinic law, to establish presumptive status of priesthood, even for matters by Torah law? The Ramban answers that in a place where there is *teruma* by Torah law, greater care is taken, even at a time when it is not in effect by Torah law. However, in Syria, where there never was an obligation of *teruma* by Torah law, distribution of *teruma* at the threshing floor is not proof of priesthood.

BACKGROUND

Alexandria of Egypt – אֶלֶכְסַנְדְּרִיָּה שֶׁל מִצְרַיִם: There were many cities in Asia and Africa bearing the name Alexandria, e.g., Alexandretta, the largest city in Syria. In order to distinguish between them, the Sages referred to this city as Alexandria of Egypt.

For many generations there was a large and significant Jewish community in Alexandria, with a synagogue renowned for its enormity. Many of the prominent Sages deliberated on various legal problems with the local Jewish population. The cruel suppression of Jewish revolts, in the years 66–115 CE, apparently destroyed the Jewish communal institutions and its central court for an extended period.

ובבבל כסוריא. רבן שמעון בן גמליאל אומר: אף אלכסנדריא של מצרים בראשונה, מפני שבית דין קבועין שם.

קתני מיהת נשיאות בפנים, מאי לאו ליוחסין? לא, לחלה. הא דומיא דחילוק גרנות קתני, מה חילוק גרנות ליוחסין – אף נשיאות בפנים ליוחסין! לא, חילוק גרנות גופה לחלה. קסבר: תרומה בזמן הזה דרבנן, וחלה דאורייתא, ומסקינן מתרומה דרבנן לחלה דאורייתא.

וכדאשכחניהו רב הונא בריה דרב יהושע לרבנן. דאמר רב הונא בריה דרב יהושע: אשכחתינהו לרבנן בבבלי רב דיתבי וקאמרי: אפילו למאן דאמר תרומה בזמן הזה דרבנן – חלה דאורייתא, שהרי שבע שכיבשו ושבע שחילקו נתתיבו בחלה ולא נתתיבו בתרומה.

ואמינא להו אנא: אדרבה, אפילו למאן דאמר תרומה בזמן הזה דאורייתא – חלה דרבנן. דתניא "בבואכם אל הארץ", אי "בבואכם" יכול משנבכנסו לה שנים ושלשה מרגלים – תלמוד לומר "בבואכם", בביאת כולכם אמת, ולא בביאת מקצתכם. וכי אסקינהו עזרא.

And the status in Babylonia is like that in Syria, as there, too, there are permanent courts that examine the lineage of those reciting the Priestly Benediction. **Rabban Shimon ben Gamliel says: Even Alexandria of Egypt<sup>b</sup> initially had the same status as Syria, due to the fact that there was a permanent court there ensuring that the lifting of hands was performed only by a priest.**

In any event, the *tanna* teaches that the lifting of hands establishes the presumptive status of priesthood. The Gemara asks: **What, does it not establish presumptive status for lineage?** The Gemara answers: **No**, the lifting of hands establishes presumptive status for *halla*. The Gemara asks: **But isn't the halakha of lifting of hands taught parallel to the halakha of distribution of teruma at the threshing floors? Just as distribution of teruma at the threshing floors in Eretz Yisrael establishes presumptive status for lineage, so too, the lifting of hands establishes presumptive status for lineage.** The Gemara answers: **No**, distribution of *teruma* at the threshing floors establishes presumptive status only for *halla* but not for lineage. This *tanna* holds that today the obligation to separate *teruma* is by rabbinic law, and *halla* is by Torah law. The *tanna* teaches that we elevate from *teruma*, which is an obligation by rabbinic law, to *halla*, which is by Torah law.

And the dispute with regard to the legal status of *teruma* and *halla* today is as in the incident where Rav Huna, son of Rav Yehoshua, found that this is the opinion of the Rabbis, as Rav Huna, son of Rav Yehoshua, said: I found the Sages in the study hall of Rav, who were sitting and saying: Even according to the one who said that *teruma* today is an obligation by rabbinic law, the obligation to separate *halla* is by Torah law, as during the seven years that the Israelites conquered the land of Canaan led by Joshua and during the seven years that they divided the land,<sup>n</sup> they were obligated in *halla* but were not obligated in *teruma*.<sup>n</sup> Today, too, although there is no obligation to take *teruma* in Eretz Yisrael by Torah law, the obligation to separate *halla* is by Torah law.

And I said to them: On the contrary, even according to the one who said that *teruma* today is an obligation by Torah law, the obligation to separate *halla* is by rabbinic law, as it is taught in a *baraita* with regard to the verse concerning *halla*: “When you come into the land<sup>n</sup>...from the first of your dough you should separate *teruma*” (Numbers 15:18–19). If the obligation is when you come, one might have thought that it took effect from the moment that two or three spies entered the land, therefore the verse states: “When you come,” from which it is derived that God is saying: I said that the obligation takes effect with the coming of all of you and not with the coming of some of you. Separating *halla* is an obligation by Torah law only when the entire Jewish people comes to Eretz Yisrael, and when Ezra took them up to Eretz Yisrael at the beginning of the Second Temple period,

NOTES

The seven years that they conquered the land and the seven years that they divided the land – שבע שכיבשו ושבע שחילקו: Rabbeinu Hananel writes that during those years, a large part of Eretz Yisrael remained in the hands of the Canaanites. Proof can be cited from the fact that even when the majority of Eretz Yisrael is not in Jewish hands, the obligation of *halla* is still in effect. This also resolves the problem raised in the *Beit HaLevi*: How can the sanctity of the land be applied selectively? According to Rabbeinu Hananel, the status of *halla* is unique, as it is dependent neither upon the sanctity of the land nor upon the presence of the entire Jewish people within its borders.

But were not obligated in *teruma* – ולא נתתיבו בתרומה: Some explain that since *teruma* and tithes are associated in the Torah with the Sabbatical-Year cycle, and the *halakhot* of the Sabbatical Year apply only to “your field” (Leviticus 25:4), before the land was

divided no individual could be considered as owning inherited property. Therefore, the laws of *teruma* and tithes were not yet in effect. Others explain that the Sabbatical Year is tied to the Jubilee cycle, which is in effect only when the entire Jewish people are within the borders of Eretz Yisrael (see Ritva).

When you come into the land – בבואכם אל הארץ: Rashi cites the opinion of Rabbi Yishmael from the *Sifrei*, that the term *bevo'akhem*, when you come, is anomalous. Typically, the Torah introduces mitzvot observed exclusively in Eretz Yisrael with the term *ki tavo*, when you will come. Apparently, the dispute in this matter hinges upon the question of whether *bevo'akhem* means any entrance into Eretz Yisrael, even if it is not settlement of the entire land by the entire people, or whether it refers only to the settlement of the entire Jewish people in their land.

לאו כולהו סלוק.

תא שמע: חזקה לכהונה – נשיאות כפים, וחילוק גרנות, ועדות. עדות חזקה היא! אלא לאו הכי קאמר: נשיאות כפים כי עדות, מה עדות ליוחסין אף נשיאות כפים ליוחסין. לא, עדות הבאה מכח חזקה – בחזקה.

כי ההוא דאתא לקמיה דרבי אמי אמר ליה: מוחזקני בזה שהוא כהן. אמר ליה: מה ראית? אמר ליה: שקרא ראשון בבית הכנסת. בחזקת שהוא כהן או בחזקת שהוא גדול? שקרא אחריו לוי. והעלהו רבי אמי לכהונה על פיו.

ההוא דאתא לקמיה דרבי יהושע בן לוי, אמר ליה: מוחזקני בזה שהוא לוי. אמר ליה: מה ראית? אמר ליה: שקרא שני בבית הכנסת. בחזקת שהוא לוי, או בחזקת שהוא גדול? שקרא לפניו כהן. והעלהו רבי יהושע בן לוי ללויה על פיו.

ההוא דאתא לקמיה דריש לקיש, אמר ליה: מוחזקני בזה שהוא כהן. אמר ליה: מה ראית? [אמר ליה:] שקרא ראשון בבית הכנסת. אמר ליה: ראיתיו שחילק על הגרנות? אמר לו רבי אלעזר: ואם אין שם גורן בטלה כהונה?

not all of them ascended. Since the majority of the people did not come to the land, separating *halla* was not restored to the status of an obligation by Torah law.

The Gemara cites proof from another *baraita* to resolve the dilemma. **Come and hear:** The presumptive status for priesthood is established by **Lifting of the Hands for the Priestly Benediction, and by distribution of *teruma* at the threshing floors, and by testimony.** The Gemara asks: **Does testimony merely establish presumptive status?** Testimony provides absolute proof of his status, not merely a presumption. **Rather is it not that this is what the *tanna* is saying: Lifting of the Hands is like testimony, just as testimony that one is a priest elevates him to the priesthood for lineage, so too Lifting of the Hands establishes presumptive status for lineage.** The Gemara answers: No, when the *tanna* is referring to testimony, he is stating that the legal status of testimony that is based on presumptive status<sup>NH</sup> is like that of presumptive status itself.

As in the incident involving a certain man who came before Rabbi Ami and said to him: **That man established presumptive status before me that he is a priest.** Rabbi Ami said to him: **What did you see that led you to that conclusion? He said to Rabbi Ami: I saw that he was called to the Torah and read first in the synagogue.** Rabbi Ami asked him: **Did he read first based on the presumptive status that he is a priest, or was it based on the presumptive status that he is a great man?** The custom was that a priest would be called to the Torah first, unless there was a prominent Torah scholar among the worshippers. He said to Rabbi Ami: He read the Torah as a priest, **as after him a Levite read the Torah.** A Levite is called to the Torah second only when a priest is called first. **And Rabbi Ami elevated him to the priesthood, on the basis of his statement.**

The Gemara relates an incident involving a certain man who came before Rabbi Yehoshua ben Levi and said to Rabbi Yehoshua ben Levi: **That man established the presumptive status before me that he is a Levite.** Rabbi Yehoshua ben Levi said to him: **What did you see that led you to that conclusion? He said to Rabbi Yehoshua ben Levi: I saw that he was called to the Torah and that he read second in the synagogue.** Rabbi Yehoshua ben Levi asked him: **Did he read second based on the presumptive status that he is a Levite, or was it based on the presumptive status that he is a great man?** When there is no priest in the synagogue, people in the synagogue are called to the Torah in order of their prominence. Perhaps he was the second most prominent man in the synagogue. He said to Rabbi Yehoshua ben Levi: **I am certain that he is a Levite, as a priest read the Torah before him. And Rabbi Yehoshua ben Levi elevated him to Levite status,<sup>H</sup> based on his statement.**

The Gemara relates another incident involving a certain man who came before Reish Lakish and said to Reish Lakish: **That man established the presumptive status before me that he is a priest.** Reish Lakish said to him: **What did you see that led you to that conclusion? He said to Reish Lakish: I saw that he was called to the Torah and read first in the synagogue.** Reish Lakish, based on his opinion that one's presumptive status as a priest can be established only on the basis of his receiving *teruma*, said to him: **Did you see that he received a share of *teruma* at the threshing floor? Rabbi Elazar said to Reish Lakish: And if there is no threshing floor<sup>N</sup> there, does the priesthood cease to exist?** The testimony that he read from the Torah first is sufficient.

NOTES

עדות – הבאה מכח חזקה: Testimony that is based on presumptive status – *הבאה מכח חזקה*: Rashi explains that the witnesses are testifying about presumptive status. The Maharsha writes that the formulation of the Gemara is imprecise, as according to Rashi, the presumption is based on testimony and the testimony is not based on presumptive status. Therefore, *Tosafot* explain that the testimony is based on the presumptive status as a Levite of the one reading the Torah after him.

ואם אין שם גורן – And if there is no threshing floor: Rashi and other commentaries explain this plainly. If this occurs in a place where no crops are grown, e.g., in a big city, there is no proof of priesthood. However, the Ritva explains that even if this transpires in a place where crops are grown, the Sages said that the distribution of *teruma* at the threshing floor does not constitute proof of priesthood (see 25a), there is no proof of priesthood.

HALAKHA

עדות – הבאה מכח חזקה: Testimony that is based on presumptive status – *הבאה מכח חזקה*: If one testifies that another is a priest or Levite, the latter assumes that presumptive status based on his testimony. For example, if a witness testified that one was called to read the Torah first and a Levite was called after him, he assumes the presumptive status of a priest (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 20:11).

והעלהו... ללויה – And... elevated him to Levite status – *והעלהו... ללויה*: If one testifies that he saw another person called to read the Torah second, after a priest, that latter assumes the presumptive status of a Levite (*Maggid Mishne*; Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 20:11).

**אם אתה מאמינו – אם אתה מאמינו** – If you deem the father credible – The early commentaries ask: What difficulty did Rabbi Ḥiyya find with the opinion of Rabbi Yehuda HaNasi? Isn't it known that there are many opinions that one elevates to *teruma* on the basis of a single witness, but for lineage two witnesses are required? They answer, in line with *Tosafot*, that Rav Ḥiyya understood from the statement of Rabbi Yehuda HaNasi that one would not be deemed credible in matters of lineage even if he testified together with another witness.

וימנין הווי יתבי קמיה דרבי יוחנן, אתא כי הא מעשה לקמיה. אמר ליה ריש לקיש: ראיתו שחילק על הגורן? אמר ליה רבי יוחנן: ואם אין שם גורן בטלה כהונה? הדר חזיה לרבי אלעזר בישות, אמר: שמעת מילי דבר נפחא ולא אמרת לן משמיה?<sup>1</sup>

On another occasion Rabbi Elazar and Reish Lakish sat before Rabbi Yohanan. A matter similar to that incident, where one testified that another is a priest based on his reading the Torah first, came before Rabbi Yohanan. Reish Lakish said to the person who testified: Did you see that he received a share of *teruma* at the threshing floor? Rabbi Yohanan said to Reish Lakish: And if there is no threshing floor there, does the priesthood cease to exist? The Gemara relates that Reish Lakish turned and looked at Rabbi Elazar harshly, as he understood that on the previous occasion, Rabbi Elazar was citing verbatim a ruling that he heard from Rabbi Yohanan. Reish Lakish said to Rabbi Elazar: You heard a statement of bar Nappaḥa,<sup>p</sup> the son of a blacksmith, an epithet for Rabbi Yohanan, and you did not say it to us in his name? Had you done so, I would have accepted it from you then.

רבי ורבי חייא, חד העלה בן על פי אביו לכהונה, וחד העלה אח על פי אחיו ללויה.

The Gemara relates with regard to Rabbi Yehuda HaNasi and Rabbi Ḥiyya that one elevated a son to priesthood on the basis of the statement of his father, and one elevated a brother to the Levite status on the basis of the statement of his brother. It is unclear which of the Sages ruled in which case.

תסתמים דרבי העלה בן על פי אביו לכהונה, דתנא: הרי שבא ואמר "בני זה, וכהן הוא" – נאמן להאבילו בתרומה, ואינו נאמן להשיאו אשה, דברי רבי. אמר לו רבי חייא: אם אתה מאמינו להאבילו בתרומה – תאמינו להשיאו אשה, ואם אי אתה מאמינו להשיאו אשה – לא תאמינו לאכול בתרומה!

The Gemara notes: It may be concluded that Rabbi Yehuda HaNasi is the one who elevated a son to priesthood on the basis of the statement of his father, as it is taught in a *baraita* that if one came and said: This is my son and he is a priest,<sup>h</sup> his statement is deemed credible to enable his son to partake of *teruma*, but it is not deemed credible to marry a woman of superior lineage to him, as his testimony is not deemed credible for the purposes of lineage; this is the statement of Rabbi Yehuda HaNasi. Rabbi Ḥiyya said to him: If you deem the father credible<sup>n</sup> to enable his son to partake of *teruma*, deem him credible to marry a woman to his son. And if you do not deem him credible to marry a woman to him, do not deem him credible to enable his son to partake of *teruma*.

אמר לו: אני מאמינו להאבילו בתרומה – שבדו להאבילו בתרומה, ואינו מאמינו להשיאו אשה – שאין בידו להשיאו אשה. תסתמים. ומדרבי העלה בן על פי אביו לכהונה – רבי חייא העלה אח על פי אחיו ללויה.

Rabbi Yehuda HaNasi said to him: I deem him credible to enable his son to partake of *teruma*, as it is within his purview to feed his son *teruma*, and one is deemed credible with regard to matters that are within his purview. But I do not deem him credible to marry a woman to his son, as it is not within his purview to marry a woman to his son, and therefore his testimony is not accepted. The Gemara determines: Indeed, it may be conclude that it is Rabbi Yehuda HaNasi who elevated a son to priesthood on the basis of the statement of his father. And from the fact that it is Rabbi Yehuda HaNasi who elevated a son to priesthood on the basis of the statement of his father, clearly it is Rabbi Ḥiyya who elevated a brother to Levite status on the basis of the statement of his brother.

ורבי חייא, מאי שנא בן דלא, דקרוב הוא אצל אביו – אח נמי קרוב הוא אצל אחיו?

The Gemara asks: And according to Rabbi Ḥiyya, what is different in the case of a son, where a father is not deemed credible because the son is a relative of his father, and therefore the father is disqualified from testifying about his son? A brother is also a relative of his brother, and therefore the brother should have been disqualified from testifying about his brother. Rabbi Ḥiyya should accept the testimony in both cases or reject the testimony in both cases.

#### PERSONALITIES

**בר נפחא – Bar Nappaḥa**: In several places in the Talmud, primarily in the Jerusalem Talmud, Rabbi Yohanan is referred to as bar Nappaḥa, son of the blacksmith. Although there is no information with regard to his family, as he was orphaned at a young age, some say that this was actually his father's profession. Others,

among them the second explanation of Rashi in tractate *Sanhedrin* (96a), claim that he was called this due to his extraordinary beauty. The name functioned like a euphemism, but in reverse. Conceivably, his nickname referred to his craftsmanship in Torah (see *Avoda Zara* 50b).

#### HALAKHA

**בני זה וכהן הוא** – If a priest says: This is my son, and he is a priest, then the son assumes the presumptive status of a priest. He may partake of *teruma* and he has the presumptive status of a priest. However, the father is deemed

credible to testify that his son is a priest only if it is established by witnesses that this person is his son, even if the father is of unflawed descent (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 20:5, 10; *Shulḥan Arukh, Even HaEzer* 3:2).