

And subsequently a rumor was spread concerning him; and we demoted him **ונפק עליה קלא ואחתיניה –**

OVERVIEW

The case at hand: It was assumed that the father of an individual is a כהן. Then there were rumors that he is a גרושה. The גמרא states that on account of the rumors – 'ואחתיניה'; 'we demoted him'. He was no longer considered a כהן. Our תוספות will discuss how he was 'demoted', and how he was reinstated after the testimony of the עד המכשיר.¹ זילותא דבי דינא.

לאו דוקא אחתיניה אלא כלומר ממילא ירד –

The term, 'we demoted him', is **not** to be taken **precisely**; that בי"ד ruled that he is unfit for כהונה and may not eat תרומה, etc. **but rather** the term אחתיניה **means to say** that **he alone naturally demoted** himself. There were rumors circulating about his כהונה eligibility; in order to avoid any controversy, he chose to waive his כהונה privileges.

תוספות explains why it is necessary to interpret ואחתיניה in this manner:

דאי דוקא אחתיניה אמאי אסקיניה והא איכא זילותא דבי דינא –

For if אחתיניה were to mean **precisely** so; that בי"ד ruled him unfit for כהונה (based on the קול), then **why did** בי"ד subsequently **elevate him** to the status of כהונה when the ע"א testified in his favor? בי"ד should not do so **for there is a demeaning of** בי"ד. Originally בי"ד ruled that he is unfit for כהונה, based on the קול, and now בי"ד is changing its ruling and maintaining that he is fit for כהונה. This is a זילותא דבי"ד. The גמרא is now maintaining that we are דינא according to ר"א. Therefore it is necessary to interpret 'ואחתיניה' to mean that the כהן demoted himself; he never approached בי"ד. There was no original ruling of בי"ד that he is לכהונה. Therefore בי"ד may now elevate him to כהונה.

תוספות anticipates an objection to this interpretation:

וליכא למימר ליכא זילותא אלא כשהורידו ב' פעמים –

And it cannot be said that 'ואחתיניה' means that בי"ד demoted him, and nevertheless we are not concerned לזילותא דבי דינא when בי"ד will reaffirm his כהונה; because **there is no זילותא דבי"ד only if he was demoted two times**; and after each time he was reaffirmed as a כהן; only this is considered a זילותא.² However being demoted and elevated one time is not a זילותא. If we assume this position then 'ואחתיניה' can be taken literally,

¹ See רשב"ם ד"ה דחיישינן.

² This position may be reaffirmed from our גמרא (according to this interpretation). First the קול demoted him; then the עד המכשיר promoted him. The עדים again demoted him, and the final עד seeks to promote him.

that **בי"ד** demoted him, and not as **תוספות** maintains that he demoted himself of his own accord.

תוספות rejects this opinion:

דבשמעתתא מוכח דאפילו בחדא זימנא איכא³ זילותא –

For it is evident from the discussion in the גמרא that there is a זילותא even with a one-time reversal. Therefore we must conclude that this 'אחתיניה' was not through **בי"ד**, but by this כהן himself.

תוספות offers a different option:

אי נמי הורדה גמורה קאמר –

Or we can also say that 'אחתיניה' means a complete demotion by **בי"ד, and not by the כהן himself -**

וליכא זילותא דבי דינא אלא היכא דהורידוהו על ידי עדות –

And nevertheless there is no זילותא דבי"ד, for only in a case where **בי"ד demoted him through the testimony of עדים; only then would it be a זילותא if subsequently **בי"ד** would promote him –**

אבל בהורדה שעל ידי הקול ליכא זילותא⁴:

However, by a demotion caused by a rumor there is no זילותא if **בי"ד subsequently reinstates him.** In our case the original demotion was due to the קול therefore there is no זילותא if **בי"ד** will reinstate him on account of the המכשיר עד.

SUMMARY

There is a זילותא דבי"ד even by a single reversal. 'אחתיניה' however, means that the individual stepped down from the כהונה on his own. Alternately there is זילותא only when a פסק based on עדות is reversed; but not a פסק based on a קול.

THINKING IT OVER

What are the relative advantages (and disadvantages) of both answers of **תוספות** (and of footnote # 4)?

³ In the case of עדי חזקה and עדי אבהתא, there was a one time אחתיניה and a one time אסקיניה. Similarly in the case of where there were תרי ותרי; she is permitted to remain married on account of a זילותא דבי"ד of a single reversal.

⁴ **תוספות** does not explain the difference between ע"י קול and הורדה ע"י קול. Some commentaries maintain that this answer of **תוספות** follows the opinion of the 'אחתיניה' (ד"ה ואחתיניה ובד"ה דחיישינן) of a קול, even when acted upon by **בי"ד** is not a פסול ממש (as by עדים); but rather **בי"ד** is waiting to clarify the situation. The term 'הורדה' would merely mean that **בי"ד** preformed the הורדה; but not in the sense that it is a פסול ממש. Therefore there is no זילותא, when we are מכשיר him later. Alternately; If the original פסק was עדים ע"י and **בי"ד** is now changing the פסק (because of new עדים) then there is a זילותא; since the new פסק is based (only) on a ספק (of תרי ותרי), it may be better to leave the original פסק stand. However if the original פסק is based merely on a קול, everyone understands that if new evidence arises which refutes the קול (completely), then **בי"ד** must change the פסק. ג. פסק.