

**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 בן גרושה. The גמרא states that on account of the rumors – 'ואחתיניה'; 'we demoted him'. He was no longer considered a כהן. will discuss how he was 'demoted', and how he was reinstated after the testimony of the עד המכשיר. <sup>1</sup> Seemingly it is a דינא דבי זילותא.

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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 discontinue his כהונה privileges.

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

– **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 דינא דבי זילותא. The גמרא is now maintaining that we are חושש לזילותא דבי 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.

anticipates an objection to this interpretation:

– **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 דינא דבי זילותא** – ליכא זילותא

– **only if he was demoted two times**; and after each time he was reaffirmed as a כהן; only this is considered a זילותא.<sup>2</sup> However being demoted and elevated one time is not a זילותא. If we assume this position then 'ואחתיניה' can be taken literally, that בי"ד demoted him, and not as תוספות maintains that he demoted himself of his own accord.

<sup>1</sup> See רשב"ם ד"ה דחישנין.

<sup>2</sup> 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.

rejects this opinion:

– גמרא **for it is evident from the discussion in the דבשמעתתא מוכח** – **that there is a זילותא even with a one time reversal**<sup>3</sup>. Therefore we must conclude that this 'אחתיניה' was not through בי"ד, but by this כהן himself.

offers a different option:

– **or we can also** say that 'אחתיניה' – **means a complete demotion** by בי"ד, and not by the כהן himself – **and nevertheless there is no זילותא דבי דינא**, 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 – **however by a demotion caused by a rumor – there is no זילותא** if בי"ד subsequently reinstates him.<sup>4</sup> 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 עד המכשיר.

### 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)?

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

<sup>4</sup> ע"י עדים and הורדה ע"י קול. Some commentaries maintain that this answer of תוספות follows the opinion of the ד"ה ואחתיניה ובד"ה דחיישינן (as by עדים); but rather בי"ד is waiting to clarify the situation. The term 'הורדה גמרא' 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 ע"י עדים 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. וצע"ג.