

ואתא חד סהדא ואסקיניה - And one witness came and we promoted him

OVERVIEW

Our גמרא states that when an א"ע testified that he is a כהן כשר we quashed the rumor and promoted him back to his original כהונה status; allowing him to eat תרומה (etc.).

תוספות anticipates the following difficulty:

ואף על גב דאמרין בפרק המגרש (גיטין דף פט, א¹ ושם) דלא מבטלין קלא גבי גרושה לכהן² –

And even though the גמרא states in פרק המגרש **that we do not quash a rumor concerning a rumored divorcee** who was married to a כהן. תוספות is asking why is it that here the גמרא assumes that we are מבטל the קול with (only) one עד.

תוספות responds that the reason we are not מבטל the קול there is:

משום דאית ליה תקנה אבל הכא דאי לא מסיקנא ליה פסול לעולם³ מבטלין –

Because in פרק המגרש **there is a solution** for the כהן and his (former) wife. They can both marry other people. **However, here if we do not promote him** to כהונה status **he will always remain a defiled כהן**, therefore בי"ד acts **to nullify** the rumor; and allow him to be a כהן כשר.

תוספות offers another distinction:

אי נמי בתרומה דרבנן הקילו:

Or we can **also** say, that in our case since it is concerning תרומה nowadays, which is only מזדבנ, therefore the חכמים **were lenient**, and permitted to be מבטל the קול. In נהרדעי however, it is a question of גרושה לכהן which is an איסור דאורייתא, therefore the נהרדעי were more stringent and would not allow to be מבטל a קול.

SUMMARY

We are מבטל a קול if the פסול of the קול is permanent, or if it is pertaining to an איסור דרבנן (only).

THINKING IT OVER

Will בי"ד be מבטל a קול that is a פסול דרבנן; however the פסול can be remedied?

¹ Seemingly it should read פא, א. See also ואתא חד סהדא there תוספות.

² There was a rumor spread concerning a כהן, that he divorced his wife. Nevertheless they continued to live together. The ruling was that she must leave her (former) husband and the rumor was to be investigated. The גמרא asked what is there to investigate! The נהרדעי rule that we do not nullify a קול! [תוספות there adds that we are not מבטל the קול even if there are עדים that contradict the קול.] She therefore must leave (her former husband) the כהן.

³ Even though that the woman will also always remain a גרושה and be אסורה לכהן; nevertheless (even) if we were to be מבטל the קול she would still (certainly) be אסורה לכהן, for she is an איש איש.