

## **And one witness came and we promoted him. – ואתא חד סהדי ואסקיניה**

### Overview

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

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תוספות has a question:

**And even though the גמרא states in – ואף על גב דאמרינן בפרק המגרש (גיטין דף פט,א<sup>1</sup> ושם) – פרק המגרש**

**– that we do not quash a rumor – דלא מבטלינן קלא**

**– concerning a rumored divorcee who was married to a כהן.** 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!<sup>2</sup> She therefore must leave (her former husband) the כהן. תוספות is asking why is it that here the גמרא assumes that we are מבטל the קול with (only) one עד.

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

**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 we always<sup>3</sup> remain a defiled כהן,** therefore בי"ד acts –

**to nullify the rumor; and allow him to be a כשר כהן.**

תוספות offers another distinction:

**or we can also** say, that in our case since it is concerning – **אי נמי**

**מזרבנן** nowadays, which is only **תרומה** – **בתרומה דרבנן הקילו** **were lenient**, and permitted to be מבטל the קול. In **פרק המגרש** however, it is a question of **גרושה** 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?

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<sup>1</sup> Seemingly it should read פא,א. See also ובהנהרדעא תוספות ד"ה ואסקיניה כו,ב ד"ה ואסקיניה.

<sup>2</sup> תוספות there adds that we are not מבטל the קול even if there are עדים that contradict the קול.

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