



"I am a Kohen"

The *Mishnah* (2:7) teaches that if one claims that they are a *kohen*, they are not believed. If however an individual testifies about another, then he is believed. The *Mishnah* teaches that this is true even when two individuals testify about one another. Even though one might think they are colluding, they are still believed. The *Mishnah* that follows introduces other *Tanaim* that disagree with this *Mishnah*. Nevertheless, we shall try and understand the position presented in this *Mishnah*.

The *Tifferet Yisrael* (*Boaz* 1) asks why an individual is not trusted when he claims that he is a *kohen*. We have a principle that *ed echad ne'eman be'issurin*. Broadly speaking, this means that an individual is trusted when determining whether something is prohibited, provided it was not previously prohibited. Why is this case different? He notes the suggestion that this case is different since *ed echad ne'eman be'issurin* is only relevant when testifying about something else, and not about oneself.¹

Nevertheless, the *Tifferet Yisrael* still finds the *Mishnah* difficult. Citing the *Gemara* (*Kiddushin* 76b) we find that if someone presents themselves stating that they are *kasher*, they are trusted and we are not concerned that they are a *mamzer*. Again, he notes that one might claim that this case is different since there is a *rov*, a majority of non-kohanim in existence, that counters his claim.

Considering the above answer, how then is a separate single witness believed in this case at all? The *Pnei Yehoshua* understands that this point is behind the debate between the *Rambam* and *Ran*. The *Rambam* rules that when we rule that an individual is trusted when establishing another as a *kohen*, this is only to allow him to eat rabbinic *terumah*. To eat *terumah* on biblical level, he would require two witnesses. The *Ran* however finds this difficult based on *ed echad ne'eman be'issurin*. The *Pnei Yehoshua* explains that in this case, since most people are not *kohanim* it is no better than when the *issur* has already been established and we can longer reason *ed echad ne'eman be'issurin*. He continues that those that argue with the *Rambam* understand that this case

is different since it is a matter that will ultimately be revealed; the man's true identity will eventually become known anyway.²

The *Chatam Sofer* (EH 1:2) cites a question on the *Pnei Yehoshua*. Elsewhere (*Kiddushin* 63b) he notes that a single witness is trusted when clarify a minority from the majority. In other words, an individual is trusted when establishing the status of an item, despite the fact that the status is in the minority.³ The *Chatam Sofer* however argues that this case is different. In that case we know there that the minority is mixed with the majority. In our case however, even though we know the *kohanim* are in the minority, since we already know some *kohanim*, it is possible that there are no more *kohanim*. Consequently, in this case one cannot be considered as identifying the minority that is mixed into the majority.

Despite defending the *Pnei Yehoshua*, the *Chatam Sofer* presents a different solution. He notes that the *Rambam* maintains that biblical and rabbinic laws should be treated equally. It is only in cases of doubt that we rule leniently for rabbinic laws and stringently for biblical ones. Consequently, if the *Rambam* is only allowing the individual to eat rabbinic *terumah* then it must be for a different reason.

The *Chatam Sofer* rejects the *Pnei Yehoshua* argument and his own distinction that he brought in the *Pnei Yehoshua*'s defence. He explains that once the existence of a minority has been established, an individual is believed when identifying one of the minority. In other words *ed echad ne'eman be'issurin* also applies in this case. Instead he cites the *Haghot Maimoni* who explains that the reason for the *Rambam*'s ruling is that the *Rambam* maintains that we are *maleh le'yuchsin* – establish one's lineage for the purpose of who can marry him – based on a *kohen* eating biblical *terumah*, but not rabbinic *terumah*. Consequently, since we are not *ma'aleh le'yuchsin* based on a single witness testimony, this explains why the *Rambam* only allows this person to eat rabbinic *terumah*.

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¹ Even though an *isha nida* is trusted, despite the fact she is testifying about her own status, this is because she has the capacity to change her status and immerse in a *mikveh*.

The *Kovetz Shiurim* (22) explains in a similar manner, that *ed echad ne'eman be'issurin* does not apply when one is the *baal davar*. ש"ע

² Note however, that they would still maintain that this logic is not enough for the subject to be trusted about his own status.

³ The case is where one claims that he betrothed his daughter to a man, and does not remember who. In that case a single witness is believed when identifying that individual.

Revision Questions

יבמות ב' ה' – ג' ז'

- Is a woman believed if she says she was divorced but cannot produce her *get*? (ב' ה')
- What is the other case brought in the same *Mishnah* that shares a similar law to the previous question? (ב' ה')
- If two women were captives and both claim that they are *tehora*, when are they believed? (ב' ו')
- How many witnesses does one require to prove he is a *Kohen*? (ז' ב')
- What are the opinions of *R' Yehuda*, *R' Elazar* and *Rabban Shimon ben Gamliel* regarding the previous question? (ח' ב')
- If a woman is kidnapped, when is she allowed to return to her husband? (ט' ב')
- What can one testify about when they are an adult regarding what they saw when they were a child? (List five matters.) (י' ב')
- What does it mean when it says: "אלו נערות שיש להן קנס"? (יא' ג')
- Which *ne'arot* do not have a *knas* associated with them? (יב' ב')
- What is the source for the law that if one is sentenced to death, he is exempt from monetary payments? (יג' ב')
- Explain the debate regarding whether a *knas* applies to a *na'arah* that got engaged then divorced. (יד' ג')
- What three things is a *mefateh* obligated to pay? (טו' ג')
- What four things is an *ones* obligated to pay? (טז' ג')
- What are the three differences between a *mefateh* and an *ones*? (טז' ג')
- In what case is the *ones* not "*shoteh ba'atzitzo*"? (יז' ה')
- According to *R' Elazar* what is another difference between a *mefateh* and an *ones*? (יח' ג')
- How is *boshet* (shame) compensation calculated? (יט' ז')
- How is *pegam* compensation calculated? (יז' ז')
- What relationship does the *Mishnah* draw between the rights of the father in *mecher* and *knas*? (יח' ג')

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Ketubot 3:9-4:1	Ketubot 4:2-3	Ketubot 4:4-5	Ketubot 4:6-7	Ketubot 4:8-9	Ketubot 4:10-11	Ketubot 4:12-5:1

