

Bais HaVaad on the Parsha, Parshas Bemidbar

Priestly Presumptions

June 6, 2024

Excerpted and adapted from a *shiur* by Dayan Yitzhak Grossman

<https://baishavaad.org/wp-content/uploads/2024/06/bemidbar-proven-pedigrees-and-presumptive-pedigrees-20240529-bhv.mp3>

They gathered together the entire assembly on the first of the second month, and they established their genealogy according to their families, according to their fathers' house, by number of the names...

Bemidbar 1:18

The Gemara in Ksubos says that the kohanim that returned with Ezra to Eretz Yisrael after *galus* Bavel were allowed to eat *trumah* as they had in Bavel, because there was a *chazakah* that they were kohanim. But since they couldn't prove their lineage, they were not permitted to eat *kodshim*. *Poskim* debate the status of today's kohanim. The Rivash rules that they receive the first *aliyah*, but they do not receive all the benefits of established kohanim. Elsewhere, though, he says that they may not marry women forbidden to kohanim, including those forbidden *mideRabanan*. The Maharshal, Shach, and Magein Avraham rule that challah *chutz la'aretz* (challah separated outside of Eretz Yisrael, where the obligation is *deRabanan*) may in principle be eaten by kohanim that are definitely *tahor*, but in practice it is forbidden to kohanim today because of their uncertain *kehunah*.

The Maharashdam permitted a released *shvuyah* (female captive) to marry a kohein. Although Chazal decreed that a *shvuyah* may not marry a kohein, due to concern that she may have been violated, the Maharashdam found grounds for leniency, including the uncertainty of the *kehunah* and testimony that the woman's captors had left her alone. Many *poskim*, including the Knessess Yechezkel, disagreed. The Zichron Yosef and others maintain that the Maharashdam's ruling was limited to the case of *shvuyah*, and it would not apply to other women forbidden to kohanim *mideRabanan*, like a *chalutzah*.