

Bava Basra – Simanim

פרק ג – חזקת הבתים

דף לב – Daf 32

1. *Machlokes* if מעלין לכהונה ע"פ עד אחד

On the previous Daf, Rav Nachman said that Beis Din must reverse its decision if new evidence comes to light, and we are not concerned with זילותא דבי דינא – *the potential disgrace of Beis Din* for the reversal. Rava quoted Tannaim who are concerned with זילותא דבי דינא where the ruling is made out of doubt, but Rav Nachman later held his position, דתליא באשלי רברבי – *because it hangs on great ropes*, i.e., great sages: In a Mishnah, Tannaim argue if מעלין לכהונה על פי עד אחד – *we raise someone to the Kehunah based on one witness's testimony*, but two Tannaim appear to rule identically that we do. The Gemara explains they argue where someone was reputed as a Kohen, but a rumor emerged that he was a *chalal*. After he was demoted from *Kehunah*, a witness testified he was a valid Kohen, and he was reinstated. Later, two witnesses testified he was a *chalal*, and he was again demoted. Finally, one more witness testified he was a valid Kohen. Rav Ashi explains that all Tannaim are unconcerned about זילותא דבי דינא for reinstating him but argue about לצרף עדות – *combining testimonies* of two witnesses who testified separately, as presented below.

2. Combining witnesses who witnessed separate events, or testified separately

In a Baraisa, the Tanna Kamma says: לעולם אין עדותן מצטרפת עד שיראו שניהם כאחד – [Witnesses'] *testimony can never be combined unless they both see the event together*, i.e., the same event. But if one testifies to seeing a loan, and the other testifies that the borrower admitted owing money to the lender, their testimony cannot be combined. Rebbe Yehoshua ben Korchah says: אפילו בזה אחר זה – *their testimony is combined even if they testify about separate events one after the other*.

In the second *machlokes*, the Tanna Kamma says: אין עדותן מתקיימת בבית דין עד שיעידו שניהם כאחד – *their testimony cannot be accepted unless they testify together*. Rebbe Nassan says: שומעין דבריו של זה היום – *we listen to the words of this [witness] today*, ולכשיבא חברו למחר שומעין דבריו – *and when his colleague comes tomorrow, we listen to his words*, and combine their separate testimonies. Rav Ashi, who explained that the Tannaim above argue about combining separate testimonies, was referring to this second dispute.

3. שטרא זייפא in the case of מה לי לשקר

An occupant of land was challenged by its former owner, and responded, "I bought it from you, and here is the שטר of the sale." The first owner protested: שטרא זייפא הוא – *"It is a forged שטר!"* The occupant leaned over to Rabbah (the judge) and whispered, "Yes, it is a forged שטר. However, I originally had a legitimate שטר, but lost it, so I thought: אינקיט האי בידאי כל דהו – *I will take this [false שטר] in my hand to have something to support my claim.*" Rabbah ruled: מה לו לשקר – *Why would he lie?* Had he insisted the שטר he held was valid, he would have been believed. Therefore, he is believed that he initially had a valid שטר and lost it. Rav Yosef disagreed: אמאי סמכת – *On what are you basing your ruling, אהאי שטרא – on this שטר?* האי שטרא חספא – *But this שטר is a mere broken piece of pottery* (i.e., worthless)! The same argument arose where a lender admitted to Rabbah that the שטר he presented was false, but claimed he had a valid שטר which he lost. Rav Idi bar Avin said the *halachah* follows Rabbah in a case involving land, which remains in the hands of its occupant, but follows Rav Yosef in a dispute over money, which remains with the borrower.

Siman – Lab

The scientists in the lab studying the emotional impact on a Kohen who was demoted to חלל status and then reinstated based on עד אחד and then demoted again, who tested if עדות can be combined with one עד testifying one day, and the second עד the next day, were surprised when an occupant of some land who presented a שטר to its former owner, whispered to one of the scientists that in fact it was a forged שטר, but originally had a legitimate שטר but lost it.



The scientists in the lab studying the emotional impact on a Kohen who was demoted to **חלל** status and then reinstated based on **אחד ועוד** and then demoted again, who tested if **עדות** can be combined with one **עד** testifying one day, and the second **עד** the next day, were surprised when an occupant of some land who presented a **שטר** to its former owner, whispered to one of the scientists that in fact it was a forged **שטר**, but originally had a legitimate **שטר** but lost it.

3 things to remember

1. **Machlokes** if מעלין לכהונה ע"פ עד אחד
2. Combining witnesses who witnessed separate events, or testified separately
3. מה לי לשקר in the case of שטר א זייפא

