



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Lamed Beis

- The Gemara has just said that **R' Nachman** found great chachomim to rely on for his view that a psak of Beis Din may be reversed, without concern that it will look bad for Beis Din. The Gemara says, we find this support in a Mishna. The Mishna says, **R' Yehuda** says we do not elevate one to the status of a Kohen based on a single witness. **R' Elazar** says, that is only true if there are challenges to that status. However, when there are not challenges, we elevate him even based on a single witness. **R' Shimon ben Gamliel in the name of R' Shimon Hasgan** says, we do elevate a person to Kehuna based on the testimony of a single witness. Now, **R' Shimon ben Gamliel** seems to be saying the same thing as **R' Elazar**!? We can't say that they argue with regard to how many people need to testify to be considered a "rumor", because **R' Yochanan** said that all agree that a rumor has no effect unless it is made by 2 people!? Rather, the case is where the son of a Kohen was rumored to come from a mother who was a divorcee or chalutza, and based on that Beis Din demoted him from his status as a Kohen. Then a single witness came and said the person was truly a valid Kohen, and Beis Din reestablished him based on that. Then 2 witnesses came and said that his mother was a divorcee or chalutza, and Beis Din again disqualified him. Then a single witness came and said he is a valid Kohen. All agree that we may combine the testimony of the 2 single witnesses, thereby creating 2 witnesses. The issue is whether we would do that and embarrass Beis Din by making them promote him again. **R' Elazar** says we do not promote him again, for that reason, and **R' Shimon ben Gamliel** says we do promote him, and we are not concerned for the embarrassment of Beis Din. Based on this explanation, we see that **R' Nachman** had a view to rely on for his view.
 - **Q: R' Ashi** asked, **R' Elazar** should even hold this way if the 2 witnesses came together and there were 2 against 2!? **A: R' Ashi** said, it must be that the machlokes is whether we can combine the two single witnesses as being a pair of witnesses – **R' Elazar** says they are not combined, and **R' Shimon ben Gamliel** says they are combined. We find this is a machlokes among Tannaim in a Braisa as well.
- A person went to the occupier of a field and said "What are you doing in my field!?" The occupant answered, "I bought this field from you, and here is the document of sale!" The original owner of the land said "That is a forged document". The occupant bent down and whispered to **Rabbah**, "It is true that this is a forged document, but I had a valid document that I lost, so I made this forged document so that I at least have something to present". **Rabbah** said, he could have kept quiet and we would have believed him that his document was valid. Since he could have done so, he is believed with this miguy to say that he really had a valid document and lost it. **R' Yosef** said, that can't be right, because according to **Rabbah** we are relying on the document in his possession (that was the person's claim) and that document is not valid.
 - A person went to another and said "Give me the money that you owe me based on this document I have here". The other person responded by saying, "That is a forged document". The lender bent down and whispered to **Rabbah**, "It is true that this is a forged document, but I had a valid document that I lost, so I made this forged document so that I at least have something to present". **Rabbah** said, he could have kept quiet and we would have believed him that his document was valid. Since he could have done so, he is believed with this miguy to say that he really had a valid document and lost it. **R' Yosef** said that can't be right, because according to **Rabbah** we are relying on the document in his possession (that was the person's claim) and that document is not valid.
 - **R' Idi bar Avin** said that we pasken like **Rabbah** in the case with the field (because we leave the land in the possession of the one who is currently in possession), and we pasken like **R' Yosef** in the case with the money (because we leave the money in the possession of the one who is currently in possession).

- There was a guarantor who had paid on behalf of a borrower, who went to the borrower and demanded payment, and showed the document that requires him to pay. The borrower said, "I already paid you back!" The guarantor said, "You did pay me back, but then borrowed the money from me again, which is why I still have this document!" **R' Idi bar Avin** asked **Abaye** how to pasken in this case. **Abaye** sent back, "Didn't you say that we pasken like **R' Yosef** in the case of the money, because the money is to stay in the possession of the one who has it? Therefore the borrower is believed."
 - The Gemara says, this is only the case if the guarantor says that he accepted payment, but lent money again. However, if he says that payment was offered, but he refused it, because the coins were of low quality, then the document remains valid, and he is believed.