

27 Shevat 5777
Feb. 23, 2017



Bava Basra Daf 32

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

The Gemora continues: We suppose therefore that the objection has been raised by two; and here we are dealing with a case where the father of this man is known to have been a Kohen, but a report has been spread that his mother was a divorced woman or a chalutzah, and we therefore deposed him, and then one witness came and testified that he was a genuine Kohen and we reinstated him, and then two came and testified that his mother was a divorced woman or a chalutzah and we degraded him again, and then one more witness came and testified that he was a genuine Kohen. Now all authorities agree that the evidence [of the two witnesses who testify to his genuineness] is combined [although they did not testify in each other's presence], and the point at issue is whether or not we disregard any disrepute that may be brought upon the Beis din [for altering its decision]. Rabbi Eliezer held that once we have deposed him we do not reinstate him, for fear of bringing disgrace on the Beis din, whereas Rabban Shimon ben Gamliel says that just as we have deposed him so we can reinstate him, and we disregard any disgrace that may be brought thereby on the Beis din.

Rav Ashi strongly disputed this explanation [saying]: If this is the case, why [should Rabbi Eliezer refuse to reinstate him] if only one witness appears at the end? Why not even if two come together?

No, said Rav Ashi: All agree that we disregard any disgrace that may be brought on the Beis din, and the point at issue here is whether the evidence [of different witnesses] can be combined, a point on which we find a difference between Tannaim. For it has been taught: The evidence of the two witnesses is not combined, and does not carry weight unless they both [testify to] have seen at the same time. Rabbi Yehoshua ben Karchah, however, says that the evidence is combined even if one [testifies that he] saw at one time and the other at another. Nor is their evidence accepted in the Beis Din unless they testify together. Rabbi Nassan, however, says that the evidence of one may be taken on one day and the evidence of the other when he comes on the next day.

A certain man said to another, “What are you doing on this land?” He replied, “I bought it from you, and here is the deed of sale.” “It is a forged document,” said the first. On this the other leaned over to Rabbah and whispered to him, “It is true that this is a forged document; I had a proper deed but I lost it, so I thought it best to come into court with some sort of document.”

Rabbah said: What motive has he for telling a falsehood? If he had liked he could have said [without fear of contradiction] that the document was genuine.



Rav Yosef said to him: On what do you base your decision? On this document? But this document is only a piece of clay!

A certain man said to another, "Pay me the hundred zuz that I am claiming from you; here is the bond." Said the other: "It is a forged bond." The first thereupon leaned over and whispered to Rabbah, "It is true the bond is forged, but I had a genuine bond and lost it, so I thought it best to come into court with some sort of document."

Rabbah thereupon said: What motive has he for telling a falsehood? If he had liked, he could have said that it is a genuine bond. Rav Yosef said to him: On what do you base your decision? On this document? But this document is only a piece of clay.

Rav Idi bar Avin said: The accepted ruling follows the view of Rabbah in the case of the land and that of Rav Yosef in the case of the money. It follows the view of Rabbah in the case of the land, because [we say]: Let the land remain in its present ownership; and that of Rav Yosef in the case of the money, because we again say: Let the money remain in its present ownership.

A certain [man who was a] guarantor for a borrower said to him, "Give me the hundred zuz which I paid the lender on your behalf; here is your bond." Said the other, "Did I not pay you?" He rejoined, "Did you not borrow the money from me again?"

Rav Idi b. Avin [before whom the case came] sent a message to Abaye [enquiring] as to the ruling for such a case. Abaye sent him back the following answer: What do you want to know? Didn't you yourself say that the accepted ruling is that of Rabbah in the case of the land and of Rav Yosef in the case of the money,

namely, that the money should remain in its present ownership?

This, however, holds good only if the guarantor said to the other, "After repaying, you again borrowed the money from me." If, however, he says, "I returned it to you because the coins were worn or rusty," the obligation of the bond still remains. (32a – 32b)

DAILY MASHAL

Disgrace of the Court

The Gemora cites a discussion whether we are concerned with the possible disgrace of Beis Din.

Maskil LeDovid explains that we are concerned with the possible disgrace of Beis Din, for people will slander the judges by saying, "If they would be righteous people, the Holy One, Blessed be He, would not have brought a stumbling block through them."

Now, in truth, Tosfos says in many places that this principal (that the Holy One, Blessed be He, would not have brought a stumbling block through them) is only stated with regards to eating (that He would not allow a righteous person to eat or cause others to eat something that is forbidden), but since the populace are probably not aware of this distinction, we are concerned for the honor of the court.