

עדות הבאה מכח חזקה –

Testimony which come from the strength of a presumption

OVERVIEW

The גמרא explained that when the ברייתא stated that 'עדות is חזקה לכהונה וכו' it meant עדות הבאה מכח חזקה. The example offered was the case of one who was called up first to the תורה and a לוי was called after him, so רב אמי מעלה him to כהונה. Our תוספות explains how this incident is considered עדות הבאה מכח חזקה.

פירוש¹ שאנו יודעין שהוא כהן מחמת הקורא אחריו שמוחזק לן שהוא לוי:

The explanation (that this incident is called עדות הבאה מכח חזקה) **is that we know that the first person called up to the תורה is a כהן, (only) on account of the one who read after him; for we were מוחזק that he was a לוי.**²

SUMMARY

עדות הבאה מכח חזקה means that we know he is a כהן since the one who read after him was מוחזק to be a לוי.

THINKING IT OVER

What is the חידוש (even) according to תוספות;³ it seems obvious if the לוי was מוחזק, then the קורא ראשון must be a כהן?!⁴

¹ חזקה (by saying פירוש) is seemingly negating (ד"ה עדות) פירש"י that we accept the testimony as if we saw the חזקה to which the עד testified. תוספות rejects this פ"י for there is no חידוש, it is obvious; why should we not accept the testimony. See פירש"י for an alternate difficulty in מהרש"א.

² It is an עדות on the כהן (that he was קורא ראשון), which is substantiated by the חזקה of the לוי (who read after him). See 'Thinking it over'.

³ See footnote # 2.

⁴ See אילת השחר.