

וְאַתָּא עַד אֶחָד וְאָמַר יִדְעָנָא בִּיה דְּכֶהֱן הוּא –

And one witness came and said I know of him that he is a *kohain*

OVERVIEW

The משנה gives a rather complicated case describing the מחלוקת in the גמרא (according to ר"י that אין ערער פחות מב'). Our תוספות explains why a simpler case would not be sufficient.

תוספות responds to an anticipated difficulty:

לא בעי למימר דפליגי אי מעלין על פי עד אחד כשהקול פוסל¹ -

The **גמרא** **did not want to say that ר"א ורשב"ג** are arguing whether we are **מעלה** - **פוסל** is **הול** when the **לכהונה ע"פ ע"א**

דפשיטא ליה דלהש"ס דלא פסיל קול לכולי עלמא כיון דאיכא עד וחזקה -

For it was obvious to the גמרא to according to everyone the קול will not be פוסל this חזקה כשרות –

תוספות offers an alternate solution why the גמרא does not use this case:

ועוד דקול לא הוי קרי² עוררין:

And additionally the משנה would not have referred to a קול as עוררין.

SUMMARY

All agree that a **קול הפוסל** is stronger than a **קול המכשיר** cannot mean a **קול**.

THINKING IT OVER

Can we infer from the ועוד that according to the second answer it is not all that certain that the קול is ineffective against an עד המכשיר וחזקת כשרות?

¹ The proposed case (where they argue) would be as follows; we are מוחזק that the father is a כהן, there was a קול that he is a בן גרושה and an ע"א testifies that he is a כשר. The argument is whether the ע"א (together with the חזקת כשרות) is sufficiently strong to negate the קול or not.

² ר"א states in the משנה (כג,ב) that אִמְתִּי בִמְקוֹם שִׁישׁ עוֹרְרִין וְכוּ'. A קול does not qualify as עוֹרְרִין (perhaps because עוֹרְרִין indicates a strong assertive testimony [and an ע"א would be considered עוֹרְרִין if not for the ruling of ר"י], whilst a קול is more like a passive undercurrent), therefore it was necessary to say that two עֵדִים came to contest his כְּהוֹנָה status.