אין ערער פחות משנים – There is no contesting with less than two

Overview

ר"י stated that there can be no ערער unless two עדים are contesting. Seemingly this would exclude any and all types of contesting (even a קול); תוספות disabuses us of this notion.

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לאפוקי חד דלא הוי ערער אבל קול נמי פוסל בתחלה[[1]](#footnote-1) בתרומה קודם שבא העד המכשיר:[[2]](#footnote-2)

The term אין ערער פחות מב' is only to exclude an ערער of one; that it is not considered an ערער; however a rumor can also initially invalidate the כהן from eating תרומה if the rumor began before the qualifying עד came and testified that he is a כהן כשר.

Summary

A קול is פוסל (even) when a ע"א cannot.

Thinking it over

The קול can be פוסל against a חזקת כשרות and an ע"א cannot (indicating that קול is stronger than ע"א).[[3]](#footnote-3) Once there is an ע"א המכשיר, a subsequent קול is not effective to be פוסל (indicating that an ע"א is stronger than a קול).[[4]](#footnote-4) How can we reconcile this?

1. The קול is פוסל even if there is a חזקת כשרות (as opposed to an ע"א who cannot be פוסל). [↑](#footnote-ref-1)
2. Once there is an עד המכשיר initially then the קול cannot be פוסל (even if there is no חזקת כשרות). See ‘Thinking it over’. [↑](#footnote-ref-2)
3. See previous תוס' ד"ה והאמר (at the end). [↑](#footnote-ref-3)
4. See footnote # 2. [↑](#footnote-ref-4)