

14.2.10

26a (להריגה) → 27a (ר' יהודה אומר)

- I. Continued analysis of 'משנה ח': dispute between ת"ק/רשב"ג about using 1 עד
- a. *Question*: difference between ת"ק/רשב"ג
 - i. *Suggestion*: whether a challenge to identity posed by 1 person (ערער דחד) is meaningful
 1. *rejection*: ערעור can never be meaningful with less than 2
 - ii. *answer*: case where:
 1. 1: we knew his father to be a כהן
 2. 2: a rumor that he was a ב"ג began (demoted)
 3. 3: 1 witness testified to his validity (promoted)
 4. 4: 2 witnesses testified to his being a ב"ג
 5. 5: 1 witness testified to his validity
 - a. *assumption*: we recognize צירוף of 1+1
 6. *concern*: degradation of ב"ד
 7. *positions*:
 - a. *ת"ק*: once we've demoted him (ע"פ ב"ד) we don't validate him – זילותא דב"ד
 - b. *רשב"ג*: we demoted him, we can reinstitute his validity
 - iii. *challenge* (רב אשי): if so, they would disagree even about 2 v. 2
 - iv. *rather*: dispute as to whether we allow for צירוף עדים (1+1), as per dispute in מכות (ריב"ק/רבנו) מכות
- II. משנה ט': status of captive woman
- a. if she was taken for ransom – assume טהרה (untouched)
 - i. *caveat*: only if in district where Jewish courts have power over captors
 - ii. *challenge*: story of woman taken as collateral in אשקלון (no Jewish control) חכמים told family that if they believed witnesses who say she was taken, believe them as well that she was untouched
 1. *implication*: if she were taken for ransom, even without עדים she would be טהרה
 - a. *answer*: same would be true if she was captured for ransom- but the story was re הורה
 2. *alternative implication*: case was monetary, nonetheless w/o עדים she was טמאה
 - a. *assumption*: taken for collateral::taken for ransom
 - b. *rejection*: collateral is worse (if debt unpaid, she's "הפקר")
 3. *alternate perspective*: see story as challenge to משנה, since this is a case of ממון
 - a. *answer*: in this case, no Jewish jurisdiction (substantiating opening caveat)
 - b. if she was taken because she was "wanted" - assume טומאה (raped)
 1. *level of criminality of woman*:
 - a. *opinion #1* (רב): e.g. women robbers
 - b. *opinion #2* (לוי): only e.g. wife of a wanted murderer (גויים don't mistreat נגבות)
 2. *level of conviction*:
 - a. *opinion #1* (חזקיה): only if they've already been sentenced to die
 - b. *opinion #2* (ר' יוחנן): even if they haven't yet been sentenced