

24.1.5

6b (משנה ט) → 7a (סיום הפרק)

1. על פי שנים עדים או שלשה עדים יומת המת לא יומת על פי עד אחד: דברים י, ו  
 2. והיו אלה לכם לחקת משפט לדתיכם בכל מושבתיהם: במדבר לה, כט  
 3. כי יפלא ממך דבר למשפט בין דם לדם בין דין ודין נגע לנגע דברי ריבת בשעריה וקמת ועלית אל המקום אשר יבחר ה' אלהיך בו: דברים יז, ח

## I 'משנה ט': joined testimony from separate angles

- a If: two עדים are watching from one window and two from another and there is a מתרה  
 i If: there is any visual contact between any members of each group – one כת  
 ii If not: separate groups  
 1 Therefore: if one proves to be זוממת, the accused and ע"ז are both killed  
 iii Dissent: ר' יוסי requires the עדים to be the warners, as per v. 1  
 1 Challenge (ר"פ לאביי): ר' יוסי lifts requirement of התראה from שונא, since he is considered מותרה  
 (a) Answer: that is יהודה בר יהודה, who also allows for no התראה for ת"ח – it is only there to prove intent  
 iv Additional exegesis: witnesses must testify directly to court – not through translator  
 1 Therefore: members of סנהדרין must be familiar with all known local languages (פ"ק דסנהדרין)  
 (a) Challenge: case where רבא set up translator  
 (b) Answer: that was to communicate back to accused (רבא understood, but didn't speak their language)

## II Discussion

- a גז. Source for invalidity of עדות מיוחדת (i.e. 2 witnesses seeing from different locations) – end of v. 1  
 i Exegesis: from opening half → one is invalid; סיפא must be teaching that 1+1~2  
 ii Supporting זרייתא expands to each witness seeing in sequence  
 1 Challenge (ר"פ לאביי): if each seeing the full act from separate vantage points is invalid,  
 (a) Then: certainly seeing ½ the crime is invalid  
 (b) Answer: could be a case of בעילה, where each sees a sufficient act for culpability  
 iii Note: if each of them saw the מתרה, or he saw them both – they are joined as a כת  
 1 Note: the מתרה can be the victim or even a demonic voice  
 iv particularized testimony (עדות מיוחדת) is valid for ז"מ, by implication from v. 1  
 1 Challenge: if so, it should spare the felon in case of our משנה (where he and זוממים die) – קשיא  
 b Miscellaneous law of testimony: witnesses on a שטר הלוואה who were related to ערב:  
 i ז"פ should be valid  
 ii ז"ה בריה דר"י. if the לוחה defaults, the ערב must pay → they are invalid

## III 'משנה י': miscellany about סנהדרין

- a If: someone had גמ"ד and then ran away and returned to same ב"ד – no need for retrial  
 b Any ז"ז: where 2 testify that X was convicted in ב"ד and A & B were his witnesses – he is executed  
 i Note: (a) is contradicted by (b);  
 1 (a): indicates that only in the same ב"ד may they be killed; (b) indicates that any ב"ד  
 2 resolution: if he fled from א"י to ח"ל, we pick up where the left off  
 (a) but: if he fled from ח"ל to א"י, we restart trial – perhaps the זכות of א"י will help him  
 c Location: סנהדרין applies in א"י and in ח"ל  
 i As per: v. 2  
 ii Question: what of v. 3?  
 1 Answer: in א"י, we set up courts in every city and in every region  
 2 But: in ח"ל, we only set up in every region, not in every city  
 d If: a סנהדרין would actually execute once in 7 years – called "murdering court"  
 i דאבי"ע every 50 years  
 1 Question: did he mean that if it executes 1 in 70 years, called murderers or that's acceptable? תיקו  
 ii ד"ע ור"ט had we been on court, no one would ever have been killed  
 1 Explanation: in cases of murder, we would quiz witnesses if they could testify that victim wasn't a טריפה  
 2 And: in cases of עריות, could they testify to the exact act of coitus?  
 (a) שמואל: in such cases, they need only the appearance of cohabitation for culpability