



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Sanhedrin Daf Chuf Zayin

- We have learned, regarding a witnesses that was found to be a zomeim, **Abaye** said he becomes passul retroactively from when he gave his testimony, because at that time he had given false testimony and is labeled as a rasha, and the pasuk says that a rasha is passul to say testimony, and **Rava** said he becomes passul from the time he is found to be a zomeim and onward, because the fact that we believe the witnesses who are labeling these witnesses as zomemim, rather than the other set, is a chiddush, and therefore we can only apply the psul from the time that they are found to be zomemim.
 - **Others** say, that **Rava** really holds like **Abaye** that he becomes passul retroactively, and the only reason he says they become passul on a going forward basis is to protect purchasers who may have used these people as witnesses on their documents during this time, unaware that they were passul.
 - **Q:** What is the difference between the two reasons given for **Rava**? **A:** One difference would be where 2 witnesses made one witness a zomeim and two others made the second witness a zomeim. In that case it is not a chiddush that we believe the other witnesses, because it is 2 against 1, not 2 against 2. However, the concern for the purchasers still exists. Another difference would be if the second set of witnesses makes the first set passul by testifying that they are thieves. In this case, there is no chiddush that the second set are believed, but the concern for the purchasers still exists.
 - **R' Yirmiya MiDifti** said, **R' Pappa** paskened in practice like **Rava**. **R' Ashi** said the halacha follows **Abaye**. The Gemara paskens like **Abaye** (this is the "ayin" of the mnemonic "y'aal k'gam", which are the cases in which we pasken like **Abaye** over **Rava**).
- With regard to a "mumar" who eats neveilos not in spite of the Torah, but rather when he wants meat and has only neveilos available to him, all would agree that he would be passul to testify. If the mumar is one who eats neveilos in defiance of the Torah (even if there is an equally priced kosher option), **Abaye** says he would be passul to testify, because he is a rasha, and **Rava** says he would not be passul, because only a rasha in thievery is passul to testify (we must be concerned that he will accept money to testify falsely).
 - **Q:** A Braisa says that people who make false oaths are passul to testify. Now, the fact that it says "oaths" in the plural suggests that it refers to monetary oaths as well as other oaths, and this shows that it is not just a rasha in monetary matters that becomes passul!? **A:** "Oaths" may refer to only monetary oaths, and it is written in the plural, because it refers to all the monetary oaths made by people in general.
 - **Q:** A Braisa says that the pasuk means to include gazlanim and lenders with interest to be passul to testify. The Braisa seems to limit the psul to people who have infringed on monetary matters only!? This is a **TEYUFTA** of **Abaye**.
 - **Q:** Maybe we can say that the machlokes is the same as a machlokes between **R' Meir** and **R' Yose** in a Braisa, where **R' Meir** says that an eid zomeim is passul in all areas of the Torah and **R' Yose** says that it is only true if they were testifying to have someone killed. However, if they were testifying in monetary matters they would be valid for capital cases. Maybe we can say that **Abaye** holds like **R' Meir**, that a person who does a lesser sin is also suspect to commit a more serious sin, and **Rava** holds like **R' Yose** that a lesser sin is not indicative of a greater sin, but a greater sin would be indicative of a smaller sin? **A:** According to **R' Yose** all would agree that the mumar would be allowed to testify. The machlokes would be according to **R' Meir**. **Abaye** fits easily according to **R' Meir**. **Rava** can say that **R' Meir** only holds that way regarding eid zomeim, because that person is proven to be a rasha towards Hashem and towards other people.

However, a mumar has only been shown to be a rasha towards Hashem, and there is therefore no basis to say that he would testify falsely against people.

- The Gemara paskens like **Abaye**.
 - **Q:** The Braisa refuted **Abaye!**? **A:** That Braisa follows **R' Yose**, and therefore cannot be used to refute **Abaye**.
 - **Q:** When there is a machlokes between **R' Meir** and **R' Yose**, we pasken like **R' Yose**, so how can we pasken like **Abaye!**? **A:** This case is different, because **Rebbi** stated the opinion of **R' Meir** as an anonymous opinion in a Mishna. The Gemara brings a story in which it is also stated that we pasken like **R' Meir** rather than **R' Yose** in this case, because **Rebbi** stated the opinion of **R' Meir** as an anonymous opinion in a Mishna.
 - **Q:** Which Mishna states this as an anonymous opinion? It can't be the Mishna that says that anyone fit to judge capital cases is fit to judge monetary cases, which can't follow **R' Yose**, because he holds that an eid zomeim of a monetary case is passul for monetary cases but not passul for capital cases, because that Mishna may be referring to a psul in yichus, which is only a problem for a judge of capital cases, not for monetary cases! **A:** Rather, it is the following Mishna. The Mishna says, the following people are passul to testify: a gambler, one who lends with interest, one who bets on bird races, one who does business with produce of shmitta, and slaves. The general rule is, any testimony for which a woman is passul, these people are passul as well. Now this can't follow **R' Yose**, because according to him the people on this list can still testify for a capital case even though a woman is passul to testify for a capital case. The Mishna must follow **R' Meir**, and we now have an anonymous Mishna that follows the view of **R' Meir**.

MISHNA

- The following relatives are passul to testify or judge: a person's father, brother, father's brother, mother's brother, sister's husband, father's sister's husband, mother's sister's husband, mother's husband, father-in-law, and brother-in-law (wife's sister's husband). This includes all these people, their sons, and their sons-in-law. A person's stepson is passul, but not the stepson's son or son-in-law.
 - **R' Yose** said, this is the Mishna of **R' Akiva**, but the earlier Mishna listed: his uncle, his uncle's son, and anyone who is eligible to inherit him.
- The relative is passul if he was related at that time (the time he witnessed the event, the time he testified, or the time he judged). If was related and then became unrelated before he witnessed the event, he may testify. **R' Yehuda** said, even if a person's daughter died but his son-in-law has children from her, he is considered related to the son-in-law. A close friend and an enemy are also passul. A close friend refers to someone who was his "shushvin" (person who brings a groom gifts for the wedding and the parties). An enemy is someone who he did not speak to for three days due to animosity. The **Rabanan** said to him, Yidden are not suspected of testifying or judging falsely for a friend or enemy.

GEMARA

- **Q:** How do we know that relatives are passul to testify or judge? **A:** A Braisa says, the pasuk says "lo yumsu avos ahl banim". This can't mean to teach that parents won't die for the sins of their children, because we know that from the pasuk of "ish b'chet'o yumasu". Rather, it means that a parent cannot be put to death by the testimony of the child, and "ubanim lo yumsu ahl avos" means children cannot be put to death by the testimony of their father.
 - **Q:** Do children not die because of their parents' aveiros? The pasuk says "poked avon avos ahl banim"! **A:** That is when the children continue in the path of the parents' aveiros, as a Braisa explains.

- **Q:** A pasuk teaches that all Yidden are “areivem zeh lazeh” and therefore a person can be punished for someone else’s aveirah!? **A:** That is when he could have protested the doing of the aveirah, but did not do so.
- We now know that uncles can’t testify for nephews and visa-versa. This would also teach that brothers certainly can’t testify for each other. How do we know that first cousins can’t testify for each other? **A:** The fact that the pasuk says “banim” instead of “ben” teaches that even the children (i.e. the cousins) can’t testify for each other.