



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

### Sanhedrin Daf Chuf Ches

- **Q:** The Gemara has shown that relatives may not testify for or judge each other. How do we know that relatives may not join together to testify or judge for others? **A: Rami bar Chama** said, it can be logically derived. A Braisa says that witnesses cannot become zomeimim until they are both made to be zomeimim. Now, if two brothers are testifying and they become zomeimim, since each could not have become a zomeim without the testimony of his brother along with him, it is the testimony of his brother that is making him be punished (possibly with death) as a zomeim. Therefore, it must be that relatives may not become a set of witnesses.
  - **Q: Rava** asked, a Mishna said, if there are 3 brothers, and each one testified for a different year's use on behalf of the occupant, and an unrelated person testified along with each brother (this unrelated person testified regarding all 3 years), they are considered to be 3 distinct sets of witnesses and therefore are valid to establish a chazakah. Still, they are considered to be one testimony with regard to hazamah. Now, this too, would be a case where each brother is causing the other to have to pay money as an eid zomeim, and yet we see it is allowed. It must be that we say that the hazamah penalty is not considered to be brought on by the brother. If so, **Rami bar Chama's** answer is not correct!? **A:** Rather, the way we know that relatives may not testify together is from the fact that the pasuk said "ubanim" instead of "ubein" or "heim".
- **Q:** We now have a source that paternal relatives are passul. How do we know that maternal relatives are passul as well? **A:** The pasuk says the word "avos" twice. One is not needed for paternal relatives and therefore must be meant to teach regarding maternal relatives.
- **Q:** The pesukim say relatives may not testify to "kill" their relative, which teaches that they may not testify to their detriment. How do we know that they may also not testify for their benefit? **A:** The pasuk says the word "yumsu" twice. One is not needed for detrimental testimony and therefore must be meant to teach regarding beneficial testimony.
- **Q:** The pesukim are written regarding capital cases. How do we know that they may also not testify in monetary cases? **A:** The pasuk says "mishpat echad yihiyeh lachem", which teaches that capital and monetary cases are treated the same.
- **Rav** said, my father's brother, his son, and his son-in-law can all not testify for me, and I, my son, and my son-in-law cannot testify for him.
  - **Q:** Why can't the son and son-in-law (great nephews of the uncle) testify about the great uncle? They are third level relatives, and our Mishna only listed first level and second level relatives, not third level!? **A:** When the Mishna lists "son-in-law" it is referring to the son's son-in-law, which is a third level relative.
    - **Q:** If the Mishna is referring to third level relatives, why not simply mention "his son's son"? **A:** By listing the son-in-law the Mishna is teaching an additional halacha, that a husband is like his wife when evaluating the state of relationship.
    - **Q: R' Chiya** taught a Braisa that the 8 relatives listed in the Mishna represent 8 "Avos" of relationships that are in actuality 24 (when one takes the sons and sons-in-law into account). Now, if **Rav** is correct that third level relatives are also included, the Braisa should say that there are in actuality 32!? **A:** Rather, the Mishna means the person's son-in-law (not the son's son-in-law). The reason **Rav** refers to him as the son's son-in-law is that since he is a relative through marriage, he is considered further removed than a son would be.
      - **Q:** If that is true, then when the Mishna says that the son-in-law is passul, it is saying that a third level is passul with a second level relative, but **Rav** said that a third level with a second level is not passul!? **A:** Rather, a son-in-law is not considered another level down, and so the

Mishna is not referring to third level relatives. **Rav** however holds like **R' Elazar**, who says in a Braisa that just as my father's brother, his son, and son-in-law cannot testify for me, so too my father's brother's son, and his son, and his son-in-law may not testify for me. We see that he clearly says that a third level relative is passul as well.

- **Q: R' Elazar** is even saying that a second level and third level are passul to each other, but **Rav** says they are not, so how can we say that **Rav** holds like **R' Elazar**!? **A: Rav** holds like him in one respect and argues in another.
  - **Q: What is the source for Rav's view?** **A: The pasuk** says "lo yumsu avos ahl banim ubanim". When read like this, the pasuk comes to include an additional generation as being passul to testify. **R' Elazar** says, the pasuk says "ahl banim", which teaches that whatever is passul by the father is likewise passul for the son.
- **R' Nachman** said, my mother in law's brother, his son, and my mother in law's sister's son are all passul to testify for me, and this can be learned from our Mishna. The Mishna says that the sister's husband, the father's sister's husband, the mother's sister's husband, and their sons and sons in law are all passul. These relationships are passul in descending generations and in ascending. We see **R' Nachman's** halacha can be learned from the Mishna.
  - **R' Ashi** said, when I was by **Ulla** we asked what is the halacha regarding a father in law's brother, his son, and the son of the father in law's sister? **Ulla** told us that we can learn from the Mishna that they are passul (in the same way that **R' Nachman** learned his halacha).
  - They asked **Rav**, what is the halacha regarding testifying for a stepson's wife? **Rav** said, a husband and wife are treated as the same, and therefore it would be passul to testify. **R' Huna in the name of R' Nachman** proves this concept from a pasuk.

#### UBAAL IMO HU UBNO VACHASANO

- **Q: A mother's husband's son is the same as a brother!?** **A: R' Yirmiya** said, the Mishna means the son that the mother's husband had from a different wife, and this stepbrother is passul to testify. **R' Chisda** said that a stepbrother is not passul to testify. When asked whether he heard that **R' Yirmiya** said otherwise, he said that he did not agree with **R' Yirmiya's** view.
  - **Q: According to R' Chisda**, the mother's husband's son is not a stepbrother. If so, it is the same as a brother (which was already referred to in the Mishna)!? **A: The Mishna** lists a paternal brother and now separately lists a maternal brother.
- **R' Chisda** said, the father of a groom and the father of a bride ("mechutanim") may testify about each other, as they are unrelated.
- **Rabbah bar bar Chana** said, a person may testify regarding his arusah.
  - **Ravina** said, this is only if he is testifying to take money away from her, but he may not testify to get money for her, because he is nogeya to that (once they enter nissuin her money will go to him).
    - The Gemara says, in truth the husband is not believed whether to get money for her or even to take money from her. You may think that he should be believed based on the statement of **R' Chiya bar Ami in the name of Ulla** that says that an arusa is not related to her husband in the sense that they don't become an "onen" if the other dies, he doesn't inherit her, etc. However, that is based on the fact that they are not yet considered to be closely related, whereas regarding testimony they are passul simply because they have close feelings for each other (even without being closely related).

#### CHORGO L'VADO

- A Braisa says, a stepson alone is passul. **R' Yose** says, his brother in law. Another Braisa says, his brother in law alone is passul. **R' Yehuda** says his stepson.
  - **Q: What are the Braisos saying?** If they mean that **R' Yehuda** (which is also the view of the **T"K** in the first Braisa) says a stepson alone is passul (not his son, etc.) and the same is true for a brother in law, and **R' Yose** means to say that a brother in law alone is passul and the same is true for a stepson, then who would our Mishna be following? Our Mishna said that a brother in law and his son and son-in-law are all passul!? If you will instead say that **R' Yehuda** says stepson alone is passul, but a brother in law would be passul along with his son and son in law, and **R' Yose** is saying that a brother in law

alone is passul, but a stepson would be passul along with his son and son in law, that is also problematic!? A Braisa of **R' Chiya** says that there are 8 “avos” of passul relatives, which are truly 24. Now, the only way to arrive at that number is if you hold that a stepson and brother in law are both passul alone. Who would that Braisa follow!? **A:** Rather, the Braisos mean that **R' Yehuda** holds that a stepson is passul alone, but a brother in law is passul along with his son, and son in law. **R' Yose** then means to say that a brother in law is passul alone, and certainly a step son is passul alone. Based on this, our Mishna follows **R' Yehuda**, and the Braisa follows **R' Yose**.

- **R' Yehuda in the name of Shmuel** paskens like **R' Yose**.
  - There was a gift document which was signed by two brothers in law. **R' Yosef** thought to validate the gift based on the this pask of **Shmuel** that the halacha follows **R' Yose**. **Abaye** said, why do you assume that **Shmuel** is paskening like **R' Yose** of the Mishna (where he says that only relatives that inherit from each other are passul), maybe he is paskening like **R' Yose** of the Braisa, where **R' Yose** said that brothers in law are passul to testify!? **R' Yosef** said, **Shmuel** gave an example and said that he and his brother Pinchas (who were brothers who also married sisters and were therefore brothers in law) would be passul to testify, which suggests that regular brothers in law (who are not also brothers) would not be passul. **Abaye** said, maybe **Shmuel** meant that he and Pinchas were passul based on the fact that they were brothers in law, irrespective of their being brothers!? Based on this **R' Yosef** told the recipient to go and be koneh the gift with other witnesses to the delivery of the document, based on the view of **R' Elazar** (“eidi mesira”). **Abaye** asked, **R' Abba** has said that **R' Elazar** agrees that a document that is inherently fraudulent (e.g. the signed witnesses are passul) cannot be made valid based on witnesses to the delivery!? **R' Yosef** then told the recipient, “Go, they do not allow me to give the gift to you”.

R' YEHUDA OMER...

- **R' Tanchum in the name of R' Tavla in the name of R' Bruna in the name of Rav** paskened like **R' Yehuda**. **Rav in the name of R' Nachman**, and **Rabbah bar bar Chana in the name of R' Yochanan** both said the halacha does not follow **R' Yehuda**.
  - **Others** say that **Rabbah bar bar Chana in the name of R' Yochanan** was referring to a different Braisa, and paskened like **R' Yose Haglili**, who darshens a pasuk to teach that if a relative was no longer related by the time a case was brought to him to be judged, he may be a judge for that case.
    - The sons of **Mar Ukva's** father in law came to **Mar Ukva** to be a judge for them after **Mar Ukva's** wife had passed away (and he was therefore no longer related). He told them that he is passul to judge for them. They said, you are saying that based on the view of **R' Yehuda**, but we will bring a letter from EY that says that we don't pasken like **R' Yehuda**!? He answered, I did not mean that I am actually passul to judge you. I just feel that you will not listen to my psak, and therefore choose not to judge you.

OHEIV ZEH SHUSHVINO...

- **R' Abba in the name of R' Yirmiya in the name of Rav** said, he has the status of a close friend for the entire period of the sheva brachos. The **Rabanan in the name of Rava** said, that it is only for the day of the wedding itself.

HASONEI KOL SHELO DIBER...

- A Braisa says, the pasuk of “v'hu lo oyeiv lo” teaches that only someone who is not an enemy may testify, “v'lo mevakesh ra'aso” teaches that only someone who is not looking for bad things to happen to a person may testify for that person.
  - **Q:** How do we know that a close friend is also passul to testify? **A:** We can read the pasuk of “oyeiv” as saying “ohev” and teaching that a close friend may not testify, and “v'lo mevakesh ra'aso” – he does not want bad *or good* to happen, only such a person may testify (but a friend, who only wants good for that person, may not testify).
    - **Q:** The pasuk doesn't say “ohev”!? **A:** Rather, it is based on logic. An enemy may not testify, because he will only be looking to harm the person. For the same

reason a close friend may not testify, because he will only be looking to do good for the person.

- **Q:** How do the **Rabanan** (who say that an enemy and close friend are not passul) darshen this pasuk? **A:** One phrase in the pasuk teaches that an enemy and friend may not judge a case (they may testify, but may not judge), and the other phrase teaches the view of **R' Yose the son of R' Yehuda** in a Braisa, who says that if there are two talmidei chachomim who hate each other, they may not be part of the same Beis Din.