



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

### Sanhedrin Daf Pey Vuv

HAGONEIV BENO

- **Abaye** explained that the **Rabanan** hold that the pasuk regarding kidnapping says "ki yimatzei" (if a man is found kidnapping...). This comes to exclude a person who kidnaps his own son, who is easily accessible to him.
  - **Q: R' Pappa** asked **Abaye**, based on this, when the pasuk regarding zenus with a married woman says "ki yimatzei" it should also come to exclude women who are easily accessible to a man (e.g. they live in the same house)!? **A: Abaye** said, the **Rabanan's** view is based on the words "v'nimtza b'yado", not "ki yimatzei".
  - **Rava** said, based on this, since talmidim are very accessible to their rabbei'im, if a rebbi kidnaps a talmid he would be patur.

GANAV MI SHECHETZYO...

- A Mishna says, **R' Yehuda** says there is no liability for embarrassment to a slave. The **Chachomim** argue and say that there is. **R' Yehuda** holds that slaves do not get paid for embarrassment, because the pasuk regarding boshes says "ish v'achiv", which refers to Yidden. The **Rabanan** hold that an eved Knaani is also referred to as a "brother", because he is also chayuv in mitzvos. With regard to kidnapping, **R' Yehuda** darshens the word "mei'echav" to teach to exclude slaves. The word "Bnei Yisrael" exclude one who is half slave / half freed man. The further exclusion of "**mi'**Bnei Yisrael" is a second exclusion of one who is half slave / half freed man, and an exclusion after an exclusion acts as an inclusion. The **Rabanan** don't exclude a slave from "mei'echav", because they say a slave is a "brother" since he is chayuv in mitzvos. Therefore, the remaining two exclusions exclude a slave and one who is half slave / half freed man.
- **Q:** Where do we have a warning against kidnapping? **A: R' Yoshiya** says it is the pasuk of "lo signov", and **R' Yochanan** says it is the pasuk of "lo yimachru mimkeres aved".
  - The Gemara says they are not arguing. One is giving the lav for kidnapping and one is giving the lav for selling the victim as a slave.
  - A Braisa says, the pasuk of "lo signov" refers to kidnapping. One may think it refers to stealing money. However, that can't be right, because that pasuk is written among other aveiros that make one chayuv misah – murder and adultery, so it must be referring to kidnapping.
    - Another Braisa says, the pasuk of "lo tignovu" refers to stealing of money. This can be seen from the context of the pasuk, which is written among pesukim dealing with monetary matters.
- If there is one set of witnesses who testify that a person kidnapped and a second set testifies that the victim was sold, and then both sets were made into zomeimim, **Chizkiya** says they are not put to death, because he holds like **R' Akiva** who says that testimony must be of a complete matter, not less, and each set is only testifying regarding half the matter. Therefore, their testimony is not valid. **R' Yochanan** says that they are put to death, because he holds like the **Rabanan** who argue on **R' Akiva**. **Chizkiya** would agree that if the second set of witnesses who testify regarding the second act of a ben sorer umoreh are made into zomeimim, that they would be put to death. The reason is that the first set of witnesses only testify to give the boy malkus, and the second set therefore testify regarding the entire matter of putting them to death.
  - **Q: R' Pappa** asked, if so, the witnesses who testify to the sale of the kidnapping victim should also be put to death, because the witnesses to the kidnapping can say that they only testified to give malkus and it is the second set that is testifying regarding the entire matter of putting them to death!? We see elsewhere the **Chizkiya** holds that the

kidnapper would get malkus if there are only witnesses to the kidnapping!? **A:** Rather, **R' Pappa** said, all agree that the witnesses to the sale of the victim would be put to death. The machlokes is regarding the witnesses to the kidnapping. **Chizkiya** says that they are not put to death, because their testimony is separate than the testimony of the sale. **R' Yochanan** says they are put to death, because the kidnapping is the beginning of the eventual sale.

- **R' Yochanan** would agree that the witnesses who testify to the first act of the ben sorer umoreh and are then made zomeimim, are not put to death, because they can say that they only came to give the person malkus.
- **Abaye** said, there is a case of witnesses of a ben sorer umoreh that all would agree that they are not put to death, there is a case where all would agree that they are put to death, and then there is a case where there is a machlokes. All would agree that the witnesses to the first act of the boy would not be put to death, because they can say that they only came to give malkus. All would agree that the witnesses to the second act would be put to death, because they are testifying regarding the "entire matter" of putting them to death. The machlokes would be where there are 2 witnesses who saw him steal and 2 different ones who saw him eat the meat and wine (**Chizkiya** would say they are not put to death and **R' Yochanan** would say that they are).
- **R' Assi** said, if there are only witnesses to the sale (and not to the kidnapping) they would not be put to death, because the seller could always say he was selling his slave, not a kidnapped victim, and he could therefore not have been put to death.
  - **R' Yosef** said, this follows **R' Akiva**, who says that witnesses must testify to an "entire matter" to be valid.
    - **Q: Abaye** asked, even according to the **Rabanan** they would not be put to death, for the reason given by **R' Assi**!? **A:** Rather, it even follows the **Rabanan**, and the case is that there are no witnesses to the actual kidnapping.
    - **Q:** What is the chiddush of **R' Assi** if there are no witnesses to the kidnapping? **A:** The chiddush is, that even if witnesses to the kidnapping later came forward, the witnesses to the sale would not be put to death.
    - **Q:** This still seems obvious!? **A:** The case is that the witnesses to the kidnapping motioned to the witnesses to the sale that they were going to testify. We would think that motioning should be considered giving knowledge of their impending testimony and should therefore make the witnesses to the sale be chayuv misah. He therefore teaches that they are not, because the motioning is of no significance.