



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

Sanhedrin Daf Tes

- The Gemara continues to give explanations for the machlokes between **R' Meir** (who says that a Beis Din of only 3 is needed for a case of motzi shem rah) and the **Rabanan** (who say that 23 are needed).
 - **Ravina** explains, the case is where the husband brought 3 or more witnesses to testify to the wife's znus and one of the witnesses were found to be a relative or otherwise passul, and the machlokes is like the machlokes between **R' Yose and Rebbi** as to the view of **R' Akiva**. The **Rabanan** hold like **Rebbi**, that if the invalid witness did not issue the warning the person can still be put to death, which is the case of our Mishna, and therefore a Beis Din of 23 is needed. **R' Meir** holds that all the testimony becomes invalid even if the invalid witness did not issue a warning, and therefore our Mishna is strictly a monetary case.
 - We can also answer that the case is where a warning was given by people other than the witnesses who saw the znus, and they argue in the machlokes between **R' Yose and the Rabanan** in a Mishna. **R' Meir** holds like **R' Yose**, that it must be the witnesses who issue the warning in order to put someone to death, and therefore our case is strictly monetary, and the **Rabanan** hold like the **Rabanan**, who say that such a warning is valid, which means this case is a capital case, which is why they require a Beis Din of 23.
 - We can also answer that the case is where upon examination by Beis Din the witnesses were found to contradict each other only in regard to "bedikos" (questions beyond the actual scope of the sin), but not in regard to the "chakiros" (questions aimed at establishing the important facts of the case). **R' Meir** holds like **Ben Zakai**, who says that even such a contradiction makes the entire testimony invalid, and therefore the case in the Mishna is strictly a monetary one. The **Rabanan** hold like the **Rabanan** who argue with **Ben Zakai**, and say that the testimony remains valid, and the case is still a capital case.
- **R' Yosef** said, if the husband brings witnesses who testify to the act of znus (which would put the wife to death) and the father then brings witnesses who are "mazim" the first set (making them into eidim zomemim), the first set of witnesses are put to death (as they tried to have done to the woman) but are not made to pay (although they tried to make the woman lose her kesubah, because when a person is chayuv for death and payment based on one act, he is only put to death and does not have to pay). If the husband then came and brought witnesses who were mazim the witnesses brought by the father, the father's witnesses would be put to death *and* would have to pay, because the payment is for what they wanted to do to the husband (to make him pay the fine of 100 shekel) and the death is for what they wanted to do to the witnesses.
- **R' Yosef** also said, if a man says that another man was mezaneh with him against his will, the victim can act as a witness along with another witness and have the attacker put to death. However, if the person said that he was a willing participant in the znus, his admission makes him labeled as a rasha, and the pasuk says that a rasha is not believed as a witness. **Rava** said that a person is related to himself and therefore cannot establish himself as a rasha. Therefore, he does not become passul as a witness to put the other man to death.
- **Rava** said, if a man says, "Ploni was mezaneh with my wife", he can be joined by another witness to put Ploni to death, but not to put his wife to death (because he is a relative of his wife).
 - **Q:** This seems to be teaching that we can separate the two parts of one statement, but this is something that was already taught by **Rava** in the previous statement!?! **A:** We would have thought that we only split a statement when part of the statement is made

about the person himself, but not when part of the statement is made about his wife. He therefore teaches that this is also done when part of the statement is made about his wife.