



OVERVIEW of the Daf

- 1) **MISHNAH:** The Mishnah teaches that the zomemim witnesses divide the monetary penalty but not lashes.
- 2) **The source of the Mishnah's ruling**
 Abaye and Rava identify different sources for the Mishnah's ruling.
- 3) **MISHNAH:** The Mishnah discusses the type of testimony that qualifies to make witnesses zomemim. The possibility of numerous groups' becoming zomemim is discussed.
- 4) **The source of the Mishnah's ruling**
 Two different sources for the Mishnah's ruling are presented.
 Rava discusses numerous cases as to whether the testimony renders the witnesses zomemim.
 Different cases are clarified.
 A principle of one of Rava's rulings is applied to the case of fines.
- 5) **Plotters**
 R' Avahu explains R' Yehudah's ruling concerning the plotting witnesses.
 This explanation is challenged and Rava offers an alternative explanation.
 This explanation is also successfully challenged and the issue is left unresolved.
 A related incident is recorded in which Reish Lakish and R' Elazar disagree whether it is parallel to the case of the Mishnah involving plotters.
 A similar incident occurred involving R' Yochanan and Reish Lakish.
 It is suggested that the dispute between R' Yochanan and Reish Lakish parallels the dispute between R' Yehudah and Rabanan.
 This explanation of the dispute is rejected in favor of another explanation.
- 6) **MISHNAH:** The Mishnah emphasizes that zomemim witnesses are killed only if the verdict has been rendered and the related dispute with the Tzedukim is recorded.

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REVIEW and Remember

1. Explain the phrase עד שיזימו את עצמן?
2. How does the Gemara explain R' Yehudah's position?
3. Why did Reish Lakish get angry at R' Elazar?
4. What error bothered R' Yehudah ben Tabbai for the remainder of his life?

Distinctive INSIGHT

The suspicious group who attempts to reject everyone else

ורבי יהודה אומר אסטטית היא זו

The Mishnah presents a case where a single set of witnesses sitting outside the court discredits every other set of witnesses which comes to the court to testify. One after the other, this one set continues to declare against each pair which arrives, "You were with us in a different place!" The ruling of the Mishnah that even if this were to occur one hundred times, each arriving set which is disqualified is subject to the appropriate punishment for זוממין. Rabbi Yehuda disagrees, and he states that the one set which is undermining every other set is obviously fraudulent. How can it be that they were personally with each and every set which come to court? Rabbi Yehuda calls this set "איסטטית," and "only the first set they undermine is to be killed," and the rest are dismissed, as we suspect that the condemning words of the one set are contrived.

Ritva points out that when Rabbi Yehuda labels the one set of witnesses as being suspect, he calls them "איסטטית." Ritva notes that Rashi explains that this word is similar to the Hebrew word סרה, deviant, which is translated in Aramaic as "סטא." Rambam, in his Commentary to the Mishnah, translates it based upon the usage in the phrase סטים וקוצים, which are plants from which blue and red dyes are produced. Similarly, this group wishes to cover the world with the blood of its innocent victims, just as this dyes red everything it touches. This is a parable to illustrate the devious intent of this group, and both explanations of the Rishonim convey the same message. Ritva concludes that the halacha, however, is according to Rabbanan, who say that the testimony of this one set is valid, as long as it survives cross-examination.

The Gemara asks about the opinion of Rabbi Yehuda, as his words in the Mishnah state that with the disqualification of the suspicious set of witnesses, we will only proceed and kill the first set whose validity they questioned. Why is it, the Gemara asks, should even the first set be killed? The Gemara questions this because the words of the Mishnah indicate that the first set is still before us waiting to be sentenced. The Gemara responds that in fact, we would not kill even one set which was attacked by this highly suspicious group, but we are dealing with a case

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 Molkeepon bat Moshe, Itzchak ben Avraham,
 Yaacov ben Yehudah, & Shimon ben Yousef Shalom

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 By Mr. & Mrs. David Friedman
 לע"נ מרת רבקה בת ר' שרגא פאטעל, ע"ה

HALACHAH Highlight

Defining “close” for matters related to mourning

ליחוש לגמלא פרחא

Maybe we should be concerned about an unusually swift camel

Rava discusses a case where witnesses claim to have witnessed a murder in the morning in one location and a second set of witnesses assert that the first set of witnesses were in a different location on the night that followed the alleged murder. Rava rules that if it is possible to travel from the first location to the second in the course of a day the first set are not zomemim, but if it is not possible to travel that distance in a day they are zomemim witnesses. The novelty of this ruling, the Gemara explains, is that we are not concerned with the possibility that the witnesses travelled by unnaturally fast camels¹.

Shulchan Aruch² discusses the case of a person’s relative who dies in another city and he is unaware of the death until he arrives in the second city. If when he arrives he finds the other family members sitting shiva and the leader of the household is there, he may join their shiva already in progress, subject to one more detail. If the person was nearby, meaning within ten *parsos*, which is the distance one can travel over the course of a day, he can join their shiva and conclude with them, but if he was further away he must begin his own shiva. Poskim talk about whether the ten *parsos* mentioned is specific or not. In other words, nowadays that we have the technology to travel many more than ten *parsos* does the halacha change?

Teshuvos Shoel U’Meishiv³ asserted that although we have the means to travel more than ten *parsos* in a day the halacha does not change and we are going to measure what is considered close and far based upon the distance one could travel without all the modern advances of travel. As proof to this assertion he

7) Punishing zomemim witnesses

Bribi and his father debate whether zomemim witnesses are killed if the falsely accused defendant was already executed.

A Beraisa presents the exposition that teaches that we do not execute someone based on the logic of a kal v’chomer.

The sources that we do not administer lashes or subject someone to exile based on the logic of a kal v’chomer is presented.

A Beraisa records R’ Yehudah ben Tabbai’s incident when he killed someone to counter the view of the Tzedukim and the tremendous regret he had that followed.

R’ Acha the son of Rava questioned whether there was definitive proof that R’ Yehudah ben Tabbai was forgiven.

8) **MISHNAH:** Tannaim debate the implication of the verse that equates three witnesses with two witnesses. ■

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where the first set was already killed. The point is that all it takes is one incident to determine that this suspicious group are to be rejected. The Mishnah should have expressed itself more clearly and said that we proceed and kill a set which is determined to be **זוממין** only if this is the only set the new witnesses testify against. If there is more than one set subject to this scrutiny, the witnesses who come to establish **זוממין** are suspect and rejected. ■

cites our Gemara. The Gemara relates that we do not have to be concerned that the witnesses travelled by speedy camels. The reason we are not concerned is not that it is uncommon, but that halacha does not take into account travel that is unnatural. ■

1. עי רש"י ד"ה גמלא.

2. שו"ע יו"ד סי' שע"ה סי' ח'.

3. שו"ת שואל ומשיב קמא ח"ג סי' ק"ג. ■

STORIES Off the Daf

True regret

וכל ימיו של ר' יהודה בן טבאי היה משתטח

The Kol Mevasser explains that we can learn the meaning of true regret from Rabbi Yehudah ben Tabai's reaction when he learned that he had mistakenly sentenced a man to death. As soon as Shimon Ben Shetach explained his error, Rabbi Yehudah got up like a lion and cried out, and never forgot his terrible error for his entire life. He ran to the dead man's grave, not once or twice, nor was he satisfied with going daily for a year or two. Every

day of his life, he spent time there. He cried out there with such bitterness that they heard him throughout the city.

But this too, was not sufficient. He also took on concrete actions to ensure that he never repeat such a horrendous error. He would not rule on capital cases if Shimon ben Shetach was not present. This shows genuine regret.¹

But of course there are many levels of regret. The rebbe of Rachmastrivka, shlit"א, once recounted the words of the Rebbe of Zlatopolia, zt"l, about how to attain *tehuva* through true regret. “One should imagine he was a very wealthy businessman who was guaranteed to make a

fortune provided he could transport his merchandise to a place over the seas. Instead of prudently splitting up his abundant merchandise, he sent it all along in a single ship that sank, immediately transforming him from a millionaire to a pauper.

“It is very obvious that this person will be filled with remorse for his lack of foresight and feel very foolish for risking all in one ship instead of sending part of the merchandise in one ship and the rest later on in another ship. This is how one should feel when he regrets his sins!”² ■

1. קול מבשר, מאמר דוגמה של חרטת והמתחרט

2. מעיין הברכה, שבט תתשס"א, ע' ה' ■