



Threatening Witnesses

The *Mishnah* (3:6) teaches that prior to interrogating the witnesses, the *Beit Din* would threaten or scare them. The intention was to deter the witnesses from providing false testimony. We shall try to address what was said.

The *Gemara* (29a) explains as follows. *Rav Yehuda* says that they explain that due to false testimonies, the rains cease, and famine is brought to the world. *Rava* however rejects this as being a deterrent since “a famine can last seven years and a worker can be unaffected”. In other words, a person may have another source of income to see through the difficult time. Therefore, the witnesses might not see this as being personally threatening.

Rava suggests that the *dayanim* explain that plagues or disease spread because of the sin of false witnesses. *Rav Ashi* rejects this suggesting that they might understand that plagues can last seven years, yet a person does not die before their time. Consequently, this too would not be a deterrent.

Rav Ashi therefore finally suggests that the *dayanim* tell them, that false witnesses are considered lowly even in the eyes of those that hired them. It would seem that the *dayanim* are explaining that if they are lying, they are destroying their own character through the processes. They will lose the respect of even those that hire them. If they were seeking approval or respect (aside from money) that would not be achieved.

Indeed, the *Torat Chayim* explains that the potential shame of losing the respect of everyone is itself the deterrent. He explains that that is why everyone was present at the time this was communicated, and it was only after, that everyone was asked to leave for the interrogation.

The *Ben Yohayada* however explains that this even more threatening. Considering that the people that hired them think very lowly of the witnesses, they will not hesitate to

talk about them amongst their friends. Once they become a topic of conversation, it will not be long before word reaches back to the *dayanim*, and the witnesses will have to face the consequences of their actions. In other words, given the nature of the crime and its effect it has on their own stature, it is secret that will not be kept for long.

It seems that only *Rav Ashi*'s explanation stood at the end of the *Gemara*. The *Tur* (CM 28:7) however rules that the *dayanim* inform the witnesses of their punishment, if they are lying, and that they would be considered lowly to those that hired them. The *Rambam* also rules that they are informed of the power of a false testimony and the shame that they face in this world and the next. The *Beit Yosef* therefore understands that the opinions of *Rav Yehuda* and *Rav* were not completely rejected. It was only how the negative consequences were portrayed as affecting the general population, that were rejected since the witnesses might assume that they could avoid it. After *Rav Ashi* explains that the consequences need to be directed specifically to him, that the opinions of *Rav Yehuda* and *Rava* are reframed. Consequently, all three explanations were accepted in *halacha*.

One might suggest that *Rav Ashi*'s explanation makes *Rav Yehuda* and *Rava*'s explanations more threatening. The *Mishnah* (*Avot* 3:10) explains that “anyone who is pleasing to others, is pleasing to *Hashem*”. The *Bartenura* explains that if one is well liked, it is a strong indication that he is liked from above as well. The original weakness in the answers of *Rav Yehuda* and *Rav* was that if their actions brought about broad devastation, they would be able to avoid it. Once *Rav Ashi* explained that through their actions, they would lose respect from everyone on earth and above, it made their likelihood of escaping unscathed remote.

Revision Questions

סנהדרין ב' א' – ד' א'

- Can a *kohen gadol* be called to trial? Can he be a witness? (ב' א')
- What are the two opinions regarding the extent to which a *kohen gadol* can engage in *levayat ha'met*? (א': ב')
- If a *kohen gadol* is a mourner, how do the masses console him? (א': ב')
- With respect to legal issues, in what ways is a king different to a *kohen gadol*? (ב': ג')
- Explain the debate regarding whether a king can leave the palace to bury a relative. (א': ב')
- How many wives can a king have? How many horses? How much money? (א': ב')
- What would the king take with him everywhere? (ד': ב')
- What three items belonging to a king is one not allowed to use? (ה': ב')
- In what three situations is one not allowed to see the king? (ה': ב')
- What are the two opinions regarding how the judges are selected for a financial dispute? (א': ג')
- What two rights does *R' Meir* afford to parties of a financial dispute within the trial? (א': ג')
- Can the parties accept to have an invalid judge? What is the debate regarding this issue? (ג': ב')
- What other case brought in the *Mishnah* is debated in a similar manner to the previous question? (ב': ג')
- Which four people are invalid witnesses? (ג': ג')
- What qualifier does *R' Yehuda* place on the answer to previous question? (א': ג')
- List the relatives that cannot act as witnesses? (ד': ג')
- Regarding the previous question, what is the difference between the opinion of *R' Akiva* and the *Mishnah Rishona*? (ד': ג')
- Are "ex-relatives" able to testify? In which case does *R' Yehuda* disagree? (ד': ג')
- What are the definitions of a close friend and enemy that cannot be witnesses? (ה': ג')
- Does everyone agree with the law brought in the previous question? (ה': ג')
- Describe how the witnesses are examined? (ו': ג')
- What is the verdict if: (ו': ג')
 - Two judges rule guilty and one rules innocent?
 - Two judges rule innocent and one rules guilty?
 - Two judges rule guilty and one does not know?
- Who would supply the verdict? (ז': ג')
- What is the source that prohibits a judge, after the case, from revealing that he held a dissenting opinion but was overruled? (ז': ג')
- Can one bring evidence after a case is closed? (ח': ג')
- Explain the two cases that are debated relating to the previous question and the case where everyone agrees. (ח': ג')
- What is the source for the requirement of *drisha ve'chakira* in both monetary and capital cases? (א': ד')
- List eight differences between monetary and capital cases? (א': ד')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
29 December כ"ח כסלו	30 December כ"ט כסלו	31 December ל' כסלו	1 January א' טבת	2 January ב' טבת	3 January ג' טבת	4 January ד' טבת
Sanhedrin 4:2-3	Sanhedrin 4:4-5	Sanhedrin 5:1-2	Sanhedrin 5:3-4	Sanhedrin 5:5-6:1	Sanhedrin 6:2-3	Sanhedrin 6:4-5

