

We require testimony

סהדותא בעינן –

OVERVIEW

One interpretation of the מחלוקת whether ב' or מחאה בפני ג' is dependent if we require witnesses to ascertain that he made a מחאה then two are sufficient, however if we require publicity then three are required.¹ מחלוקת clarifies this תוספות.

ואי לאו משום סהדותא הוה סגי בחד דחברך חברא אית ליה² –

And if not for the requirement of עדות, a מחאה in the presence of one would have been sufficient since חבירך חברא אית ליה, however we cannot verify that a מחאה was made unless witnesses attest to it.

תוספות responds to an anticipated difficulty:

ואף על פי שלשון הרע אין נשמע היינו לפי שמעלימין אותו מבני אדם³ –

And even though that לה"ר is not publicized unless it is said in the presence of three, **that is because** by לה"ר the listeners have a tendency **to hide** the לה"ר **from other people**, therefore unless it is said בפני ג' there is no קול (and it is considered לה"ר), but by מחאה it is publicized because that is the purpose of a מחאה; they know he wants it publicized.

תוספות explains the view of the מ"ד בפני ג':

ומאן דאמר בפני ג' בעי גלויי מילתא⁴ כמו בלשון הרע:

And the one who maintains בפני ג' (even though it can be heard even א' בפני א'), he **requires that it should be well publicized just as by לה"ר**, that by three it is not לה"ר.

SUMMARY

The מ"ד of ב' מחאה בפני ג' maintains that it will reach the מחזיק even if he tells one person; the מ"ד בפני ג' maintains that it will not be publicized unless it is בפני ג'.

THINKING IT OVER

What are the relative advantages of פי' הרשב"ם and פי' התוס'?

¹ This follows the פי' הרשב"ם.

² מחזיק is seemingly disagreeing with the רשב"ם (ד"ה והכא) and maintains that even בפני א' it will certainly reach the מחזיק.

³ If he says the לה"ר in the presence of only two people, they assume that he does not want it publicized (since his statement can be interpreted in a negative fashion; see previous (הב' תוס' ד"ה לית (הב'). However here where he is making a מחאה there is no reason they should not publicize it.

⁴ תוספות may either mean that if it is בפני ג' they will not be מפרסם it, since they think it may be ל"ב; or in order that the מחזיק take the מחאה seriously, it is not sufficient that he (merely) hears about it (in a surreptitious manner), but rather it should be well publicized that everyone knows about it (see חי' הרשב"א הוצאת מוסד הרב קוק # 12, 14).