

כי אתא עד אחד מצטרף בהדיה –

When one other witness comes, he will combine with him

Overview

The גמרא compares 'עד א' to ע"פ עצמו that just as by an ע"א if another עד comes, they can combine as a valid testimony and achieve a conviction, the same is ע"פ עצמו that if עדים come later he will be convicted (even though initially he was מודה). A cursory reading would indicate that (even) if the second עד came later, he can still combine with the first עד.¹ Our תוספות qualifies this assumption.

למאן דאמר² סנהדרין (דף ל, א) אין עדותן מצטרפת עד שיעידו שניהם כאחד -

According to the one who maintains in סנהדרין that their testimony (of two witnesses) is not combined (to be considered a proper testimony) unless they both testify together as one, so how can we say here that the one witness can come later and combine with the first witness?!

הוי הכא השני מצטרף בהדיה היינו שיעידו שניהם³ בבית דין: -

Here when the גמרא states that the second witness combines with the first witness, it means that they will both testify together [as one] in בי"ד.

Summary

According to one opinion both עדים need to testify together as one.

Thinking it over

1. According to this מ"ד, does מצטרף בהדיה mean that the second עד joins the first עד, or that the first עד joins the second עד?

2. Is the comparison to ע"פ עצמו valid⁴ according to 'תוס' answer?

¹ That is how it is by ע"פ עצמו that the עדים came later, so similarly by ע"א (which the גמרא compares to ע"פ עצמו), the second עד came later. See 'Thinking it over' # 2.

² This is the ת"ק of ר' נתן. However, ר"נ maintains that the עדים can come (even) on separate days.

³ The הגהות הב"ח amends this to read, שניהם כאחד בבי"ד (instead of שניהם בבי"ד). This means that when the second עד comes, the first one should join him and they testify together. See 'Thinking it over' # 1.

⁴ See footnote # 1.