

**אין רישא וסיפא דאיכא עדים ומציעתא דליכא עדים –**

**Yes; the רישא and סיפא is where there are עדים and the מציעתא is where there are no עדים**

## OVERVIEW

אביי explains the ברייתא in the following manner:

#	ברייתא	היא	חברתה	אביי
1	אני טמאה וחברתי טהורה נאמנת	טמאה	טהורה	ליכא <sup>1</sup> עדים
2	אני טהורה וחברתי טמאה אינה נאמנת	טמאה	טהורה <sup>2</sup>	איכא עדים
3	אני וחברתי טמאה נאמנת על עצמה ולא על חברתה	טמאה	טהורה	ליכא עדים
4	אני וחברתי טהורה נאמנת על חברתה ולא על עצמה	טמאה	טהורה	איכא עדים

אביי interpreted the ברייתא in a case where (there were עדים [in all four cases] that one witness said the exact opposite of what she said. The גמרא asked (according to ר"פ) that we can derive cases #3 and #4 from cases #1 and #2.<sup>3</sup> תוספות explains why these questions do not apply to אביי.

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תוספות responds to an anticipated difficulty:

**השתא לא פריך הא תו למה לי כדפריך אשוניא דרב פפא<sup>4</sup> דהשתא אצטריך כולהו -**  
**Now (according to אביי) the גמרא does not ask, 'why is all this necessary', as the גמרא asked on the explanation of ר"פ, since now (according to אביי) all the cases are necessary.** תוספות continues to explain the necessity of mentioning each case. The case of -  
**אני טהורה וחברתי טמאה אשמעינן כיון דאיכא עדים לא מהימנא אנפשה -**  
**'I am טהורה and my friend is טמאה' (#2), teaches us that since there are עדים that she is not believed regarding herself -**  
**ואני וחברתי טמאה אשמעינן -**

**And the case of, 'I and my friend are טמאה' (#3) teaches us -**

**דלא מהימנא אחברתה היכא דליכא עדים ומשתריא חברתה אפומא דנפשה<sup>5</sup> -**  
**That she is not believed regarding her friend in a case where there are no עדים טהורה, and her friend is believed by her own statement that she is טהורה.**

<sup>1</sup> איכא עדים will later alter this that it is (also) in a case where איכא עדים.

<sup>2</sup> According to רב פפא the חברתה is טהורה.

<sup>3</sup> In case #3 we know that she is טמאה (since she admitted that she is טמאה as in case #1). We know that חברתה is טהורה from case #2. In case #4 we know that she is טמאה since איכא עדים. We also know that חברתה טהורה (even against an אחד [since she is testifying that חברתה טהורה]) from case #1.

<sup>4</sup> See 'Overview' (and footnote #3.)

<sup>5</sup> We cannot derive #3 (that חברתה is טהורה [even though she said טמאה]) from either #2 (where חברתה טמאה since איכא עדים), or from #1 (since there is טהורה because she said טהורה).

ואני וחברתי טהורה אשמועין אף על גב דאיכא עדים מהימנא אחרתה -

And the case of 'I and my friend are טהורה' (#4), teaches us that even though there are עדים שנשבית, nonetheless she is believed regarding her friend [and we cannot derive #4 from #1 as we asked according to ר"פ -

דרישא דרישא איכא לאוקמי בדליכא עדים<sup>6</sup> -

Because we can establish the רישא דרישא (#1) in a case where there are no עדים שנשבית.

תוספות is not satisfied with this explanation:

ואין נראה דאי בדליכא עדים היינו מציעתא<sup>7</sup> -

And תוספות does not agree with this explanation for if #1 is in a case where ליכא עדים, it is the same as the middle case (#3).

תוספות offers an alternate explanation:

אלא בדאיכא עדים איירי -

Rather case #1 is where there are שנשבית עדים, and regarding the question<sup>8</sup> that seemingly we know #4 from case #1 -

ומכל מקום איצטריך האי סיפא לאשמועין דנאמנת אחרתה -

But nevertheless this סיפא (#4) is necessary to teach us that she is believed regarding her friend that she is טהורה -

ואף על גב דלא פסלה נפשה<sup>9</sup> והיה לנו לחוש לגומלים<sup>10</sup> אפילו הכי מהימנא:

And even though she did not disqualify herself (as in #1 where she said אני טמאה, וחברתי טהורה, but rather she said טהורה וחברתי טהורה), so we should be concerned for גומלים, the ברייתא therefore teaches us that nevertheless she is believed and we are not concerned for גומלים.<sup>11</sup>

<sup>6</sup> Therefore, we cannot derive that she is believed in #4 (where there are שנשבית עדים) from the fact that she is believed for חברתה in #1 (where there are no שנשבית עדים). Therefore #4 is a חידוש according to אב"י. However, according to ר"פ that all four cases are where איכא עדים שנשבית, the question stands that #4 teaches us nothing new in addition to #1.

<sup>7</sup> The question is that #1 is superfluous for if she said (#3) וחברתי טמאה she is not believed (בדליכא עדים) and חברתה is טהורה, then certainly if she says וחברתי טהורה (#1) surely חברתה is טהורה. [However תוספות does not mean that #3 is extra, for we cannot derive #3 from #1 (as explained in footnote #5.)] See 'Thinking it over'.

<sup>8</sup> The same question that was asked on ר"פ (see footnote # 3) that we know from #1 where she says וחברתי טהורה that וחברתי טהורה even נאמנת, בדאיכא עדים, so what does # 4 teach us?

<sup>9</sup> In #1 it is understood that she is believed to say חברתי טהורה since she said אני טמאה so there is no ulterior motive; however (in #4) where she says וחברתי טהורה אני we should not believe her regarding חברתה since she has the ulterior motive of חיישינן לגומלים.

<sup>10</sup> גומלים (here) means that they are protecting each other. They each testify that the other is טהורה so that the other will testify that she is also טהורה.

<sup>11</sup> The difficulty with this answer (as stated immediately in the ת"י [and in the מהרש"א]) is that if the גמרא realized the

[והיינו שינויא דלקמן דלא פסלה נפשה והוה מצי למיפרך השתא ולשנויי, תוספות ישנים.]  
[And this is the answer which the גמרא states later; because she did not invalidate herself, and the גמרא could have asked now this question on אביי and answer it as תוספות and the גמרא both say. ת"י]

## SUMMARY

According to אביי (even the מקשן understood that) all four cases of the ברייתא are necessary. The איכא עדים is in a case where רישא דרישא.

## THINKING IT OVER

asks that if #1 is in a case where ליכא עדים then it is the same as #3.<sup>12</sup> Seemingly there would be the same difficulty if #1 is in a case where איכא עדים, for then #1 is the same as #4.<sup>13</sup> We would seemingly resolve this question (on #1&#4) by saying לא זו אף זו; not only is she believed in #1 (where there is no חשש גומלים) but even in #4 (where there is a חשש גומלים). The same answer can apply here (on #1&#3), not only is חברתה טהורה if she said וחברתי טהורה (#1) but חברתה is טהורה even if she said וחברתי טמאה (#3); what is תוספות question?!<sup>14</sup>

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of חידוש (in #4) according to אביי, why ask on ר"פ (since the answer is the same)?! One possible explanation may be that even after we know (according to אביי) that there is concern for גומלים, that is only when there is no עד who says the opposite, therefore since there are עדים שנשבו, she says וחברתי טהורה hoping the חברתה will also say וחברתי טהורה so they will both be טהור. However when there is an ע"א המפיק who says that you are both טמאים she thinks that her saying וחברתי טהורה (and her חברתה saying וחברתי טהורה) is meaningless since she thinks in her mind that they will not be believed since (there are עדים שנשבו and) the ע"א testifies that נטמאו, so there is no חשש of גומלים. Therefore the גמרא explains that even by an ע"א המפיק there is also the חשש of גומלים (ע"י בחת"ס).

<sup>12</sup> See footnote # 7. חברתה is טהורה even if she says וחברתי טמאה (#3) then certainly חברתה is טהורה if she says וחברתי טהורה (#1).

<sup>13</sup> She is believed וחברתי טהורה even when there is a חשש גומלים (#4), then she is surely believed to say וחברתי טהורה when there is no חשש גומלים (#1).

<sup>14</sup> See מהרש"א (הארוך בד"מ אות ט ובקע"י שם אות ח).