

אף השנים מזימין הג' ומניין אפילו הן מאה תלמוד לומר עדים –

Even the two can discredit the three; and from where do we derive even if they are a hundred; the verse teaches by saying, ‘witnesses’

OVERVIEW

The פסוק states,¹ על פי שנים עדים או שלשה עדים וגו'. The משנה explains that the פסוק is comparing two עדים to three; just as three עדים can discredit two, so can two discredit three, and the (extra) word עדים teaches that two can discredit even a hundred עדים.² Our תוספות explains how we derive that two can discredit even a hundred.

תוספות asks:

תימה אימא דעדים אתא אפילו לארבעה³ ונמצא אחד קרוב או פסול יותר -

It is astounding! Let us say that the word עדים comes to teach us that two עדים can discredit even four, which is one more -

מן הג' דכתיבי בקרא אבל טפי מארבעה לא -

than the three which is written in the פסוק, but we cannot derive from עדים that the two can discredit more than four witnesses!

תוספות answers:

ויש לומר כיון שכת אחת מזמת שתי כתות הוא הדין⁴ מאה:

And one can say; since one set of עדים (two עדים) can discredit two sets of עדים (four עדים), logic dictates that they can discredit even a hundred עדים.

SUMMARY

Once we know (from עדים) the one set can discredit two sets (four עדים), it follows that they can discredit even a hundred עדים.

THINKING IT OVER

¹ דברים (שופטים) יט,טו.

² There is also the view of ר"ש that the פסוק teaches that if there were a hundred עדים they all must be discredited to implement the זמם. The view of ר"ע is that even if there are a hundred witnesses and (only) one of them is disqualified, the whole עדות is invalid. עיי"ש במשנה.

³ The מהר"ם amends this to read, (לארבעה ונמצא אחד קרוב או פסול יותר מן הג' דכתיבי, and not, דכתיבי, or alternately the words ונמצא אחד קרוב או פסול וכו' are a separate question of תוספות (referring to the view of ר"ע [see footnote # 2]). The translation here follows the גירסא of the מהר"ם. See 'Thinking it over'.

⁴ When two can be מזים three, I still do not know that the two can be מזים four, because by three, the third עד has no power of עדות on his own (he is included and associated with the other two); however if two can be מזים four, even though the four can be divided into two separate sets of עדים with each set having the full power of עדים (which could lead us to think that one set does not have to power to overcome two sets), and nevertheless the תורה teaches (with the word עדים) that one set can be מזים even two sets, it is self-understood that the same applies to three sets, etc. [Alternately, when the תורה writes explicitly three, this teaches us that two can be מזים three and no more, but when the inclusion is based on the word עדים (which has no limit) it includes even מאה.]

Seemingly, the same question which תוספות asks on the ת"ק of the משנה (how do we know that two can be מזים a hundred [perhaps they can be מזים only four]), that same question applies to the views of ר"ש and ר"ע;⁵ how do we know that if there are more than four, all of them need to be הוזם (according to ר"ש), and how do we know that if there are a hundred עדים, even if one of them is a פסול או קרוב the עדות is בטל,⁶ perhaps these rules are limited to only four עדים! It would seem that תוספות answer does not apply to the views of ר"ש ור"ע!⁷

⁵ See footnote # 2.

⁶ See footnote # 3.

⁷ See ערוך לנר.