

## These are considered as one testimony

## הרי אלו עדות אחת –

### OVERVIEW

The משנה teaches regarding two sets of witnesses who saw a crime from two different windows that if some of the two sets of witnesses can see each other they are considered as one set of witnesses. תוספות explains what is the relevance of this ruling.

-----  
שאם נמצא אחד מהן קרוב<sup>1</sup> או פסול עדות כולם בטלה<sup>2</sup> -

**So that if one witness of either set is found to be a relative or a disqualified witness, the entire testimony is invalid -**

וכן שאם נמצא אחת מהן זוממת אין נהרגין עד שיזומו כולם<sup>3</sup> -

**And similarly if one set of the witnesses was found to be זוממת, they are not killed** (if they are testifying to a capital crime), **unless all** the sets of עדים who saw each other<sup>4</sup> **are הוזם -**

ובטלין נמי עדות כולם בהזמה אחת מהן<sup>5</sup> דהזמה<sup>6</sup> הוי כנמצא אחד מהן קרוב או פסול:

**And also the entire testimony is invalidated if there was a הזמה of even only one עד, for the הזמה is considered as if one of them was found to be a פסול או קרוב.**

### SUMMARY

Two sets of עדים who see each other are considered one set regarding פסול או קרוב, (that one disqualifies all) and regarding הזמה (they are not punished unless all were הוזם, and a הזמה of one עד disqualifies the entire עדות).

### THINKING IT OVER

Regarding the case of הזמה<sup>7</sup>, what is the meaning of אלו את אלו, since they were never even there (they are lying)?!<sup>8</sup>

---

<sup>1</sup> This עד disqualifies the entire testimony if he is a relative to another witness or to any of the parties involved in the crime whether it is the perpetrator or the victim.

<sup>2</sup> The rule by any one set of עדים is that if one of them is a פסול או קרוב, the entire עדות is void. These two sets are considered as one set since אלו את אלו.

<sup>3</sup> The rule is that we do not implement the punishment of וגו' כאשר זמם, unless all the עדים that testified (as one set) were הוזם. These two sets are considered as one set.

<sup>4</sup> See 'Thinking it over'.

<sup>5</sup> The עדים are not punished, for we only implement זמם כאשר when all the עדים were הוזם; however their testimony (of both sets) is invalid since one of them was הוזם (and it was את אלו).

<sup>6</sup> The עד who was הוזם is found to be an שקר עד, who is לעדות.

<sup>7</sup> See footnote # 4.

<sup>8</sup> See גבורות ארי בד"ה בזמן, קצה"ח סי' לו ס"ק ד ובשיעורי הרב שמואל אות ערב.