

## One Witness

### Ref: *Sefer Shoftim, Hilchot Edut, Chapter 5*



Not to carry out judgement on the basis of one witness<sup>4</sup>

There are two situations where Torah accepted one witness.

- *Sotah* (a wife whose faithfulness is in question) – so that she cannot drink waters but is forced to divorce and lose *ketubah*.
- *Egel Arufah* (calf whose neck was broken) – i.e. if one witness saw the murderer, then neck of calf not broken.



1 witness accepted by Rabbinic Law

- Testifying that the husband of a woman had died i.e. this allows her to marry another man.



1 witness accepted by Oral Tradition

In relation to an oath with financial matters. i.e. plaintiff has one witness, then defendant takes oath if disagrees.

#### **Reminder:**

*Shvuot* Comparison (for Disputes). Ref: *Sefer Mishpatim, Hilchot Toen Venitan, Chapter 1*  
Pack on Oaths



When there is a group of witnesses, if even one is unfit (i.e. relative), then the whole group is nullified. (i.e. if they all intended to testify) However if they just happened to be there e.g. two brothers saw an incident, then the testimony of the others stands.



A witness who testified in a capital punishment case, may not serve as judge.<sup>3</sup> (i.e. not even for acquittal)

With financial matters this does not apply. The witness could offer an opinion to the court in addition to his testimony but he may also not serve as judge.



In cases of Rabbinic Law however, a witness can serve also as a judge e.g. delivering a *get* and stating '*befanay nichtav ubefanay nichtam*'. He may, together with 2 others, hand her the *get* and it is considered that she received it in *Bet Din*.

#### **Reminder:**

Pack on *Shtar*

