

Makos Review Lesson Daf 5B-6A:

5)THREE WITNESSES ARE LIKE TWO

(a)**(Mishnah) Question:** "Al Pi Shnayim Edim Oh Sheloshah Edim Yumas ha'Mes" - if the testimony of two witnesses is valid, and all the more so testimony of three witnesses!

(b)**Answer #1:** The Torah equates the testimony of two witnesses with that of three witnesses:

1. Just like three witnesses can be Mezim two, also two witnesses can be Mezim three.

2.**Question:** What is the source that two can be Mezim even 100?

3.**Answer:** It says "Edim". (This is extra, to teach that two can be Mezim four. Since they can be Mezim two pairs of witnesses, they can be Mezim even 100.)

(c)**Answer #2 (R. Shimon):** Just like two witnesses are not killed unless both are Huzmu, also three are not killed unless all are Huzmu.

1.**Question:** What is the source that this applies even to 100?

2.**Answer:** It says "Edim".

(d)**Answer #3 (R. Akiva):** The Torah did not mention a third witness to teach a leniency, rather, to be stringent. It equates his law to the first two (he is also killed):

1.(Even though the testimony of the first two sufficed to kill the Nidon (accused) without him,) for joining the wicked he is punished like the wicked themselves;

2.All the more so, the Torah will reward those who join people doing a Mitzvah like those who did the Mitzvah (because Hash-m's Midah to reward is much greater than His Midah to punish).

(e)**Answer #4 (R. Akiva):** Regarding two witnesses, if one of them was found to be a relative (to a party in the case or the other witness) or Pasul (invalid witness), the remaining testimony is invalid. Likewise, if one of three witnesses (of a Kat) was found to be a relative or Pasul, the remaining testimony is invalid.

1.**Question:** What is the source that this applies even to 100?

2.**Answer:** It says "Edim".

Daf 6A:

1)ONE WITNESS FOUND TO BE A RELATIVE OR PASUL

(a)R. Yosi says, this applies only to capital cases. In monetary cases, the testimony of the Kasher witnesses is valid. (Rashi - due to "v'Hitzilu ha'Edah", we seek reasons to acquit in capital cases.)

(b)Rebbi says, this applies both to capital and monetary cases;

1.This is only if the witnesses warned the transgressor (i.e. they intended to be witnesses). If you will not say so, if two brothers see a murder (even with other witnesses), Beis Din will be unable to kill the murderer (because one of the witnesses is related to another)!