

Makos Daf 2a:

1)

(a) Our Mishnah discusses how witnesses become Zom'min - when other witnesses claim that they (the first pair) had been with them in a different location at the time that they claimed to have witnessed the act taking place.

(b) Eidim Zom'min generally receive - the same punishment that they planned ('Zom'min' means 'planned') to mete out to the defendant.

(c) One would therefore expect that if they testified ...

1. ... that Reuven, a purported Kohen, is the son of a divorcee or of a Chalutzah - (in the event that they are Kohanim) they will be branded Chalalim.

2. ... that Shimon is Chayav Galus - they will be forced to flee to a city of refuge (to escape the wrath of the defendant's next of kin).

(d) In both cases, the Tana actually prescribes - Malkos (lashes).

(e) In the former case, the witnesses can only know with certainty that the Kohen is the son of a divorcee - if the woman was divorced in their presence before the defendant was conceived, a fact to which they are obligated to add to their testimony.

2)

(a) What is strange about the Tana's Lashon (wording) "Keitzad he'Eidim Na'asin Zom'min" (How do witnesses become Zomemim) is - the fact that, bearing in mind that an Eid Zomem is so-called only by virtue of the fact that he receives the same punishment as he wished to mete out to somebody else, in which case he ought to have then asked 'Keitzad *Ein* ha'Eidim Na'asin Zom'min?' (How do witnesses NOT become Zomemim)

(b) Moreover - we learn the genuine Din of Zom'min later in the Mishnah, when the Tana states 'Aval Amru lahem He'ach Atam Me'idin ... ' (But if they said to them, "how could you testify, you were with us in different place) , which seemingly comes to preclude the previous two cases from the Din of Zom'min.

3)

(a) In answer to these questions, we connect our Mishnah to a Mishnah in 'Eilu Hein ha'Nechnakin' in Sanhedrin (end of the Mesechta), which states that - all Zom'min receive the same Misah (death) (or other punishment) that they intended the defendant to receive, with the exception of Zom'mei bas Kohen (daughter of a Kohen) and her Bo'el (adulterer) (who receive Chenek instead of S'reifah).

(b) To which our Mishnah adds that - whereas there the Din (law of) Hazamah is changed only slightly from what it ought to be, here we have two cases where the Din Hazamah is not carried out at all.