

Review of Makos Lesson 22 - Daf 5A-B:

3)WHEN ARE WITNESSES HUCHZEKU (ESTABLISHED)TO BE LIARS?

(a)(**Mishnah - R. Yehudah**): This is a conspiracy...

Daf 5b:

(b)**Question:** If it is a conspiracy, also the first witnesses should not be killed!

(c)**Answer #1 (R. Avahu):** The case is, the first witnesses were already killed.

(d)**Question:** If so (the Mishnah does not teach that they *should* be killed,) why does it mention that they were killed? (Obviously we kill Edim Zomemim if we do not know that witnesses will later be MEzim the Mezimim!)

(e)**Answer #2 (Rava):** The Mishnah teaches, if there was only one Kat [pair of witnesses] (that testified and was Huzam), the Kat is killed. If there are more than one Kat, they are not killed.

(f)**Question:** It says '*only* the first Kat is killed!'

(g)This is left difficult

(h)A woman brought witnesses, and they were found to be liars. She brought more witnesses, and they were found to be liars. She brought more witnesses, and they were not found to be liars.

1.**Reish Lakish:** She is Muchzekes (established) to bring false witnesses!

2.**R. Elazar:** Even if she is Muchzekes to (try to) bring false witnesses, Yisraelim are not Muchzakim to agree to lie.

(i)A similar case occurred when R. Yochanan was there. Reish Lakish said like he did above, and R. Yochanan said like R. Elazar had said.

1.Reish Lakish was angry at R. Elazar. 'You heard the law from R. Yochanan. Why didn't you say it in his name?!'(In dense of R. Elazar, we can say that either 1)R.Elazer had not yet heard R. Yochanan's opinion on this issue, or 2) R. Elazar assumed that everyone knew that whatever he said, was always based on R. Yochanan's teachings, so he never had to say his statements in R. Yochanan's name.)

(j)**Suggestion:** Reish Lakish holds like R. Yehudah, and R. Yochanan holds like Chachamim.

(k)**Rejection #1:** Reish Lakish can hold even like Chachamim:

1.Chachamim believe the Mezimim because we do not see someone bringing them to Beis Din to Mezim the witnesses, but here she is bringing false witnesses!

(l)**Rejection #2:** R. Yochanan can even hold like R. Yehudah:

1.R. Yehudah does not believe the Mezimim because it is unreasonable that everyone who comes to testify was with them. Here, perhaps the first witnesses did not see the testimony, but the latter ones did!

Conclusion: The Machlokes between the Chachamim & R. Yehudah in our Mishnah is independent and not related to the Machlokes of Reish Lakish & R. Yochanan.

Halacha #1: We rule like the Chachamim of our mishne that one pair of witnesses can discredit many pairs of Edim Zomemim.

Halacha #2: We rule like R' Yochanan & R' Elazar that the additional witnesses brought by the woman are accepted.

