

## Makos Daf 2a-b:

3)

(c) Rebbi Yehoshua ben Levi extrapolates the first Din (law) in our Mishnah (that false witnesses about a Kohen being a Chalal get lashed) from the Pasuk "va'Asisem lo Ka'asher Zamam La'asos le'Achiv" - "Lo", 've'Lo le'Zar'o' - "And do to him as he attempted to do to his. Brother" - to his brother, but not to his descendants - (whereas if we were to carry out the Din (Law of) Hazamah, then all their descendants would inevitably be punished, too).

(d) We cannot simply declare the witnesses Pasul (invalid) and not their children - because that would not be fulfilling "Ka'asher Zamam" properly. ("As he intended to do" - and he intended to make the Kohen and his descendants Chalalim.)

4)

(a) bar Pada learns the Din in our Mishnah from a 'Kal va'Chomer' (a fortiori logic from a case of 'Mechalel' - (a Kohen who married the divorcee, causing their children to be Chalalim) ...

(b) He learns it from the fact the Mechalel does not become a Chalal, despite the fact that his children do. In that case - the witnesses, who only \*attempted\* to render their victim's son Pasul, should certainly not become themselves Pasul.

(c) We reject bar Pada's source however, and revert to that of Rebbi Yehoshua ben Levi - since in that case, we could apply the same 'Kal va'Chomer' to exempt all Eidim Zom'min from the punishment that is due to them, based on the principle 'Kasher Zamam ve'Lo Ka'asher Asah'. And if 'Ka'asher Asah' is Patur, how much more so 'Ka'asher Zamam!' (If the actual false witness's plans are executed on the victim and he is killed by the court, we do not kill the witnesses, we certainly should not kill the false witnesses, if they are caught before the victim is executed). We see that the Torah implements the laws of Eidim Zomemim in a way that runs contrary to what human logic says. Therefore, we can not apply human logic regarding false witnesses about a. Chalal.