

Review of Makos Lesson 6 - Daf 2b:

8)

(a) Rav Papa however, disagrees. According to him, both Tana'im hold 'Kufra Kaparah' (in which case, either could be the author of the Beraisa), and the Rabbanan learn from the 'Gezeirah-Shavah' of the words "Hashasah" "Hashasah" ("Kasher Yashis alav Ba'al ha'Ishah" in connection with a man who struck a pregnant woman and killed her baby) that - just as there, the culprit pays the value of the babies, so too, here, must the owner of the ox pay the value of the Nizak [victim] (and not his own value [even though it is a Kaparah]).

(b) Whereas Rabbi Yishmael maintains that - seeing as it is a Kaparah, the Pasuk must mean "Pidyon Nafsho" (redemption of his soul) of the Mazik [culprit] (and he doesn't hold of the 'Gezeirah-Shavah').

9)

(a) In the case of 'Ein Nimkarin be'Eved Ivri', (You don't sell the Eidim Zomemim as Jewish servants) Rav Hamnuna at first maintains that the Tana is speaking where the defendant has money to pay (in which case they are not sold, since the victim would not have been sold either, even if they had no money to pay. But if the latter would have had no money to pay (even if they do) - they would have to be sold (just as he would have been).

(b) We refute this explanation however, on the grounds that - they are no worse than he, and since he would not have been sold had he had money, neither are they sold if they have no money.

(c) So we amend Rav Hamnuna's statement inasmuch as the Tana is speaking where either the defendant or the witnesses, has money, but if neither does, then the Eidim Zom'min are sold, too.

(d) Based on the Pasuk "ve'Nimkar \*bi'Geneivaso\*" (and he is sold because of his theft), Rava finally extrapolate that - only the Ganav (thief) can be sold, but not the Eidim Zom'min under any circumstances.