

Review of Makos Lesson 7 - Daf 2b - 3a:

10)

(a) We learned in the Beraisa that, according to Rabbi Akiva, the Eidim Zom'min do not pay by their own admission - because he considers Eidim Zom'min a K'nas (a fine), and based on the Pasuk "asher Yarshi'un Elohim" ("whom the judges pronounce as guilty") he extrapolates that, in cases of K'nas, it is only someone whom Beis-Din obligate to pay who is Chayav (obligated) to pay, but not someone who admits of his own volition.

(b) Rabah proves that Eidim Zom'min is a K'nas - because they are sentenced to death even though the defendant has not been killed.

(c) Rav Nachman seems to bring a second proof from the fact that the money remains in the original owner's hands, yet the witnesses are obligated to pay. The problem with Rav Nachman's statement is that - it is basically a repetition of what Rabah said.

(d) We therefore amend it - to read 'And so said Rav Nachman'.

Daf 3a:

1)

(a) When Rav Nachman ... Amar Rav says 'Eid Zomem Meshalem l'fi Chelko', (an Eis Zomem pays according to his portion) he cannot mean to say that each of the false witnesses must pay a half - because *we already know that* from a Mishnah later in the Perek 'Meshalshin be'Mamon ... '.

(b) The word 'Meshalshin' there (later in the Perek) says that Edim Zomemim divide among themselves the payment of money they tried to make the Nidon pay. They do not divide lashes (each is lashed the full amount they tried to inflict).

(c) We object to the suggestion that what Rav Nachman means is ...

1. ... that, in matters concerning Mamon (money) , each witness must pay half - because we already learned "Meshalshin be'Mamon ... '.

2. ... that if only one of the witnesses becomes a Zomem, he is obligated to pay his half - because one witness cannot become an Eid Zomem (as we learn in a Beraisa).