

## Review of Makos Lesson 8 - Daf 3a:

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(d) Neither can we establish the case where he ...

1. ... confesses that he testified falsely (and that Reuven does not really owe Shimon the money at all) and then both witnesses are proven to be false, and the witness who did not admit must pay his half, like Rava - due to the principle 'Keivan she'Higid, Shuv Eino Chozer u'Magid' (once a witness has testified, he cannot retract).

2. ... admits that they both testified in another Beis-Din and were declared Zom'min - because that would not conform to the opinion of Rebbi Akiva (the Halacha follows Rebbi Akiva), who holds that Eidim Zom'min is a K'nas (as we learned above), and the witnesses cannot therefore obligate themselves to pay.

(e) The correct meaning is: In the above-mentioned case where one of the witnesses confesses that he testified falsely (and that Reuven does not really owe Shimon the money at all), **and themes Din obligated both of them to pay money.** (Once Beis Din rules that a Kenas must be paid, it is like a regular obligation, and one pays based on his own admission.)

1. One might have thought that since his admission does not obligate the other witness to pay, also he is exempt. Rav Yehudah teaches that this is not so. (a)

**1(Mishnah):** If Edim (who were later found to be) Zomemim testified that Reuven divorced his wife and did not pay her Kesuvah:

1. They need not pay him the full value of her Kesuvah, for he would have eventually paid it anyway (if he divorces her, or if she was widowed she would have collected it from his estate);

2. Rather, we estimate what one would pay for the chance to collect her Kesuvah (the Tovas Hana'ah):

i. She collects if and when she is divorced or widowed. If she dies first, he inherits her.

(b) **(Gemara) Question:** How do we make the estimation? (It cannot be what someone would pay for her rights of collection, this is not what they tried to make Reuven lose ! )

(c) **Answer #1 (Rav Chisda):** We estimate the husband's Tovas Hana'ah (what one would pay for his rights to keep and use the money and property of the Kesuvah until it must be paid. If she dies first, he keeps it forever.)