

### **Makos Review of Lesson 28 - Daf 6B - 7A:**

- 1) **Rav Nachman:** "Lo Yumas Al Pi Ed Echad" - Edus Meyuchedes (Isolated Testimony of 2 Separate witnesses) is invalid for capital cases, but it is valid for monetary cases.
- 2) **Question (Rav Zutra):** (We rely on any possible reason to avoid killing a transgressor.) If Edus Meyuchedes is valid in some case, we should validate it in capital cases when it will save the transgressor! (If we consider all the witnesses to be one Kat (pair) , if even one is Huzam, all the testimony is invalid!) Why does the Mishnah say that we kill the transgressor and the lying witnesses?
- 3) This is left difficult.

**Halacha:** Is like R' Nachman and we combine isolated in monetary cases; but to do not combine isolated witnesses in capital cases.

### **AL PI SHNAYIM EDIM - by the mouth of 2 witnesses:**

- 1) **(Mishnah - R. Yosi):** If both witnesses did not warn him (no one is killed).
- 2) **Question (Rav Papa):** R. Yosi does not require warning of two witnesses! As we see from.....
- 3) **(Mishnah):** If Reuven hated Ploni and he (seemingly accidentally) killed Ploni, he is killed, for surely he was Mezid! (Intentional)
- 4) **Answer (Abaye):** The Tana of that Mishnah is really R. Yosi bar Yehudah. As we see from....
- 5) **(Beraisa - R. Yosi b'Rebbi Yehudah):** A Chaver (scholar) need not be warned, for warning is only to distinguish whether one is Shogeg or Mezid. (The R. Yosi of our Mishne. In Makos. Is R. Yosi Bar Chalafta).

### **Beis Din Using Translators:**

- 1) **Mishnah:** This also teaches that the Sanhedrin may not hear the testimony of the witnesses through a translator.
- 2) **Story :** Witnesses (Rambam - two parties) came in front of Rava. They did not speak a language that the judges knew; so he put a translator between them.
- 3) **Question:** The Mishnah forbids this!
- 4) **Answer:** Rava could understand what they said. He needed the translator only to speak to them.

### **Daf 7A:**

### **IS THE AREV ( CO-SIGNER) A PARTY TO THE CASE?**

1. STORY: Ila'a and Tuvia were relatives of the Arev (cosigner) of a loan.
2. **(Rav Papa):** Since they are not relatives of the lender or borrower, they may testify about the loan.
3. **Rejection (Rav Huna brei d'Rav Yehoshua):** If the borrower cannot pay, the lender collects from the Arev! (Therefore, they are relatives of a party in the case, and they cannot testify.)