

Review of Makos Lesson 21 - Daf 5A

m)**(Rava):** If two witnesses said 'on Sunday, Ploni killed someone (in a certain place)', and others said 'on Sunday, you were with us elsewhere. On Monday, he killed someone', the first two (and Ploni) are killed;

1. Even if they said that Ploni had killed on Erev Shabbos, the first witnesses are killed, because at the time the first ones testified about Ploni, he was not yet sentenced to die.

(n)**Question:** We already learn this from a Mishnah (6b, about two Kitos (pairs of witnesses who testified about a murder, and one of them was Huzam);

1. **(Mishnah):** Therefore (when they are considered two Kitos (sets of witnesses), if one Kat was Huzam, they and the murderer are killed, the other Kat is exempt.

(o)**Answer:** Indeed, Rava's Chidush (insight) was the continuation of his words, which we do not learn from the Mishnah. As follows.....

(p)**(Rava):** The law is different regarding the final verdict:

1. **(Rava):** If two witnesses said (on Tuesday) 'on Sunday, Ploni was sentenced to die (in a certain Beis Din)', and others said 'on Sunday, you were with us elsewhere. On Erev Shabbos he was sentenced', the first two are exempt;

2. Even if they said that Ploni was sentenced on Monday, the first witnesses are exempt, because at the time they testified, Ploni was already sentenced to die, so he was (according to Halachah) dead.

(q) The same applies to paying a Kenas;

1. If two witnesses said 'on Sunday, Ploni stole (flock or cattle) and slaughtered or sold (for which he pays a Kenas of three or four times the value (in addition to the principal (the value of the stolen animal, which is not a Kenas))', and others said 'on Sunday, you were with us elsewhere. On Monday, he stole and slaughtered or sold', the first two pay the fine (to Ploni, and he pays the full four or five);

2. Even if they said that Ploni had stolen and slaughtered or sold on Erev Shabbos, the first witnesses pay the fine, because at the time they testified about Ploni, he was not yet obligated to pay the fine (perhaps he would have admitted, and been exempt).

3. If two witnesses said (on Tuesday) 'on Sunday, a certain Beis Din obligated Ploni to pay Kenas (four or five, because he stole and slaughtered or sold)', and others said 'On Sunday, you were with us elsewhere; on Erev Shabbos, Beis Din obligated him to pay Kenas', the first two are exempt;

4. Even if they said that Beis Din obligated Ploni on Monday, the first witnesses are exempt, because at the time they testified about Ploni, he was already obligated to pay the Kenas.