

Makos Review Lesson 30 - Daf 7A

ESTABLISHING COURTS OUTSIDE OF ISRAEL:

1. **(Mishnah):** Also Sanhedriyos in Chutz la'Aretz (outside of Israel) are authorized to execute people.
2. **Question:** What is the source of this?
3. **Answer:** It says "l'Chukas Mishpat l'Doroseichem (b'Chol Moshvoseichem", i.e. wherever you dwell)!
4. **Question:** If so, what do we learn from "b'Chol She'arecha" (in all your gates) ?
5. **Answer:** In She'arecha (Eretz Yisrael) we establish Sanhedriyos in every Pelach (group of cities) and in every city. In Chutz la'Aretz we establish a Sanhedrin in every Pelach, but not in every city.

HOW OFTEN SANHEDRIN SHOULD KILL

1. **(Mishnah):** A Sanhedrin that kills... (R. Eliezer ben Azaryah says, once in 70 years).
2. **Question:** Does R. Eliezer ben Azaryah mean that even once in 70 years is brutal? Or, is this a proper frequency?
3. This question is unsettled.

EXCEPTING THE ACCUSED FROM DEATH PENALTY:

1. (Mishnah - R. Tarfon and R. Akiva): Had we sat...
2. **Question:** How would they exempt everyone?
3. **Answer #1 (R. Yochanan and R. Elazar):** They would ask the witnesses 'did you check (after the murder) whether the victim was Treifah (would have died even if not murdered, due to a fatal cut or puncture...)?' (A murderer is not convicted of a capital crime if he kills a Treifa)
4. **Answer #2 (Rav Ashi):** If the witnesses said that he was not Treifah, they would ask 'perhaps there was a hole where the murderer inserted the knife!' (Ramban - this means, perhaps there was a hole that you could have seen had you lifted up his clothing before the stabbing. Surely they do not ask about an internal hole that witnesses could never know about. R. Tam - if they do not know, the testimony is invalid. Tosfos - if they do not know, the testimony is valid. They would ask a barrage of questions, and almost certainly the witnesses would contradict each other about something, invalidating the testimony.)
5. **Question:** In a case of Arayos (immorality) , what would they ask?
6. **Answer (Abaye and Rava):** They would ask if they explicitly saw the contact of the genitals. (Witnesses would never look so closely.)
7. **Question:** What do Chachamim (who argue with R. Tarfon and R. Akiva) consider sufficient testimony of Bi'ah (relations)? [no question is asked regarding murder, as they can fall back on the fact that the majority of murder victims are not Treifa.]
8. **Answer:** It is like Shmuel said. It suffices if they acted (lied together) like adulterers.

PEREK 2 - WHO IS EXILED ?

1. One who killed b'Shogeg is exiled in the following cases.
 - He was pushing a Ma'agilah (a block or roller) to plaster the roof, and it fell from his hands and killed someone. (Rashi - the mortar is thickest in the middle of the roof, so he was pushing it down a slight incline);
 - He was lowering a barrel. It fell from his hands and killed someone;
 - He was going down a ladder, and he fell and killed someone.
2. He is not exiled in the following cases.
 - He was pulling a Ma'agilah back to himself, and it fell;
 - He was raising a barrel. The rope snapped, and the barrel fell;
 - He was ascending a ladder, and he fell.
3. The general rule is:
 - If he killed doing anything Derech Yeridah (in a downward motion), he is exiled;
 - For anything not done Derech Yeridah, he is not exiled.