

Makos Review Lesson 31 - 7B:

- **Mishneh:** 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.
 1. **(Gemara) Question:** What is the source of this?
 2. **Answer (Shmuel):** "Va'Yipol Alav va'Yamos" (this clause is not necessary, so it is. Coming to teach something) - he is exiled only if the accident happened (when he was engaging in a downward motion,) the way things fall.

- **Beraisa #1 - Statement #1:** "Bi'Shgagah" excludes Meqid.
 1. **Objection:** If he was Meqid, obviously he is not exiled. He is killed (Tosfos - by Beis Din. A different verse teaches about Meqid without warning; Ritva - even if he is not killed, even if he was Karov l'Meqid, surely he is not exiled!)
 2. **Answer (Rabah???)**: It excludes (something close to) Meqid, i.e. Omer Mutar (he thought that murder is permitted) And exile is not enough of a punishment to atone for this type of murder.
 3. **Question (Abaye):** Omer Mutar is Ones (an accident)! So the Beraisa should not have called it a "Meqid" !
 4. **Answer (Rava):** I say that it is close to Meqid.

- **Beraisa Statement #2:** "Bi'Vli Da'as" excludes one who intended.
 1. **Objection:** If he intended, he is killed. Obviously he is not exiled!
 2. **Answer (Rabah):** It excludes one who intended to kill an animal, a Nochri or a Nefel (non-viable infant) , and he killed a viable Yisrael. These cases are close to Meqid.