

## Makos Review Lesson 64 - DAF 13B:

### R' Yishmael's Reason:

1. **Question:** What is R. Yishmael's reason? (We are thinking that he obligates lashes for Chayavei Misos, even when the transgressor will be killed.)
2. **Answer:** "Im Lo Sishmor La'asos Es Kol Divrei ha'Torah... v'Hifla Hash-m Es Makoscha";
3. **Question:** What does Hafla'ah refer to?
4. **Answer:** It refers to lashes - "v'Hipilu ha'Shofet v'Hikahu."
5. **Question #1:** We should learn from "Im Lo Sishmor La'asos" that one is lashed for not fulfilling an Aseh!
6. **Answer:** "Im Lo Sishmor" connotes a Lav; as we see from...
7. **R. Avin:** Wherever it says 'Hishamer', 'Pen' or 'Al', this is a Lav.
8. **Question #2:** We should learn that one is lashed for a Lav she'Ein Bo Ma'aseh (without an action)!
9. **Answer:** It says "La'asos."
10. **Question #3:** We should say that one is lashed for a Lav she'Nitak l'Aseh (there is an Aseh to 'fix' transgressing the Lav)!
11. **Answer (and Answer to questions #1 & #2):** Lashes are for transgressions like muzzling an animal (which is written next to the Parshah of lashes), which is not Nitak l'Aseh.

### R' Akiva's Reason:

1. **Question:** What is R. Akiva's reason?
2. **Answer #1:** "Kedei Rish'aso" - one receives only one punishment for his evil;
3. **R. Yishmael** says, this teaches that one who is lashed or killed does not **pay**, but it does not apply to lashes and Misah, for this is like a protracted death (i.e. one punishment).
4. **Question:** R. Akiva should exempt also Chayavei Kerisus from lashes due to "Kedei Rish'aso"! Granted, if they will do Teshuvah, Hash-m will pardon them from Kares. However, if we lash them before they do Teshuvah, this is a second punishment!