

Makos Review Lesson 35 - Daf 7B - 8A:

THE CASE OF THE TORAH :

1. **Mishnah:** cites 2 cases:
 - If Reuven was chopping, and) the blade slipped off the wood and killed, **Rebbi** says: Reuven is not exiled (As it is Karov Lemaizid); **Chachamim** say, he is exiled;
 - If a piece of the wood he was chopping flew off and killed, **Rebbi** says he is exiled; **Chachamim** say, he is not exiled (as it is an Oneis) ;
2. **Gemara - Beraisa - Rebbi says to Chachamim:**
 - It does not say 'v'Nashal ha'Barzel *me'Etzo* (its wood, i.e. the handle)', rather, "Min ha'Etz" (the wood, i.e. what he was chopping)!
 - Also, it says 'ha'Etz" twice. Just like the first time it refers to the wood he was chopping, also the second time!

Introduction:

Some words in the Torah, based on the Mesorah (the authoritative "Tradition"), are read differently from the way that they are written. There is no question how the verse is to be read when reading the Torah, since the Mesorah specifies a certain way of reading it. However, the Tana'im argue over how to learn Halachos from such verses. "Yesh Em la'Masores" means that we learn Halachos from the verse based on the way it is written; "Yesh Em la'Mikra" means that we learn Halachos from the verse based on the way it is read.

3. **Explanation of Machlokes: R. Chiya bar Aba:** Both learn from the verse "'v'Nashal ha'Barzel Min ha'Etz."
 - **Rebbi** holds that Yesh Em l'Masores (we expound the way a verse is written. Rashi - v'Nashal is written without an Aleph, so) we can read "v'Nishal" (the ax *caused* (a piece of) wood to come off);
 - **Chachamim** hold that Yesh Em l'Mikra (we expound the way we read (pronounce) a verse). We read it "v'Nashal" (the blade itself came off).
4. **Question:** Rebbi (normally) holds Yesh Em l'Mikra! As we see from...
5. **Rav Yitzchak bar Yosef:** The following Tana'im all hold Yesh Em l'Mikra: Rebbi, R. Yehudah ben Ro'atz, Beis Shamai, R. Shimon and R. Akiva.
6. **Answer:** That is why Rebbi also learned from the Gezerah Shavah "ha'Etz-ha'Etz." Rebbi had to provide two textual reasons why the text has to be expounded based on the Mesorah and not on the Mike in this case.

KO'ACH OF KO'ACH:

1. **Rav Papa:** If Reuven threw a clump of earth at a date tree, and it detached dates and they fell and killed someone, Rebbi obligates Galus, and Chachamim exempt.
2. **Objection:** This is obvious! (It is similar to their Machlokes in the Mishne)
3. **Answer:** One might have thought that this is like Ko'ach (impetus) of his Ko'ach (since he was not touching the earth when it detached the dates), and Rebbi would agree that he is exempt. Rav Papa is teaching us that Rebbi would still send the person to exile. In this. Case.
4. **Question:** What is a case of Ko'ach of his Ko'ach that Rebbi would agree is exempt?
5. **Answer:** He threw a clump of earth, and it detached a branch, which fell and hit a cluster of dates and uprooted them, and they killed.

Halacha: We rule like the Chachamim that you go into exile when the metal piece flies off the handle - not when a chip of wood flies off the tree. You do not go into exile in the cases of throwing the clod of dirt.