

Review of Makos Lesson 4 - Daf 2b:

5)

(a) Resh Lakish learns from the Pasuk in Parshas Shoftim "***Hu*** Yanus el Achas he'Arum ... " (HE flees to one of the cities) that - the murderer must run to the Arei Miklat, but not the Eidim Zom'min.

(b) Rabbi Yochanan learns it from a 'Kal va'Chomer' - from someone who murders be'Meizid [intentionally](even if there are no witnesses, and he is not put to death). Now if ***he*** does not need to run to the Arei Miklat, how much more so the Eidim Zom'min, who did not kill at all.

(c) We query the 'Kal-va'Chomer' however - in that perhaps a murderer does not need to run to the Ir Miklat precisely because he killed on purpose, and does therefore not deserve a Kaparah (atonement of fleeing to a city of refuge). Consequently, we are forced to learn like Resh Lakish.

6)

(a) When Ula speaks of a hint in the Torah for Eidim Zom'min - he means for Eidim Zom'min who are subject to Malkos [lashes](instead of "Ka'asher Zamam" - as they planned on doing) such as the two cases in our Mishnah currently under discussion. (Planning on lying about a kohen being a Chalal or about a person requiring to flee to exile)

(b) The problem with the Pasuk in Ki Seitzei "ve'Hitzdiku es ha'Tzadik, ve'Hirshi'u es ha'Rasha; ve'Hayah Im bin Hakos ha'Rasha" ("then they shall justify the righteous, and condemn the wicked. And it shall be, if the wicked man deserves to be beaten") is that - if the Pasuk is speaking about the Dayanim (judges), and "Tzadik" and "Rasha" refers to the litigants, then (seeing as not all court cases are subject to Malkos), acquitting the innocent is not a condition for (lashing the Rasha, the continuation of the verse) "v'Hayah Im Bin Hakos ha'Rasha"!

(c) Ula therefore interprets the entire Pasuk with regard to the witnesses, and what the Pasuk is saying is that - if witnesses declare the righteous litigant a Rasha, and second witnesses declared him a Tzadik, by rendering the first witnesses Zom'min, then in the event that Malkos (lashes) is appropriate (because they are not subject to "Ka'asher Zamam"), they will receive Malkos.