

## Talmud Makos Review Lesson 48 - Daf 10B:

16. **Beraisa:** 'Do not treat him like a murderer. It happened b'Shogeg.'
17. **Question:** This is obvious. If he was Mezid he is not exiled!
18. **Answer:** Indeed, even b'Mezid (at first) he is exiled! As we see from...
19. **Beraisa - R. Yosi b'Rebbi Yehudah):** At first, he goes to an Ir Miklat, whether he was Shogeg or Mezid. Beis Din send for him, and pass sentence:
20. If the verdict is that he is Chayav Misah, they kill him - "v'Shalchu Ziknei Iro... v'Nasnu Oso b'Yad Go'el ha'Dam va'Mes";
21. If he is exempt, they discharge him - "v'Hitzilu ha'Edah... mi'Yad Go'el ha'Dam";
22. If he is Chayav Galus, they return him to his Ir Miklat - "v'Heshivo Oso ha'Edah El Ir Miklato..."
23. Rabbi says, the murderers run to Arei Miklat on their own. The Mezid murderers do not realize that Kelitah is only for Shogeg.
24. **R. Elazar:** If a city is mostly murderers, it is not Kolet. "V'Diber b'Oznei Ziknei ha'Ir ha'Hi Es Devarav" - his words (I murdered) cannot be the same as (the majority of) their words.

### A CITY WITHOUT ZEKENIM:

1. **R. Elazar:** If a city lacks Zekenim, it is not Kolet, for we cannot fulfill "v'Diber b'Oznei Ziknei ha'Ir."
2. R. Ami and R. Asi argued about R. Elazar's law; one of them learned like him; The other says that it is Kolet. "V'Diber..." is only l'Chatchilah (initially preferable).
3. **R. Ami or R. Asi:** If a city lacks Zekenim, a boy (of the city) cannot become a Ben Sorer u'Moreh. We need "Ziknei Iro" (to judge him);
4. **The other of R. Ami and R. Asi):** He can become a Ben Sorer u'Moreh. "Ziknei Iro" is only l'Chatchilah.
5. **R. Ami or R. Asi):** If a city lacks Zekenim, it does not bring Eglah Arufah (behead a calf if a murdered corpse is found and it is the closest city), for we need "Ziknei ha'Ir ha'Hi";
6. **The other of R. Ami and R. Asi):** It brings Eglah Arufah. "Ziknei ha'Ir ha'Hi" is only l'Chatchilah.

**Halacha:** Is like R. Elazar and the Rabbi in all 3 cases that these details are mandatory.