

This is one of the 60 books of the Talmud, called Makos.

It contains discussions among rabbinical authorities who lived between the years 0 and 500 regarding 3 subjects.

PUNISHMENT FOR FALSE TESTIMONY

What should we do with a witness who was found to have testified falsely against his neighbor?

According to the Torah, you punish the false witness with the same punishment he tried to impose on his innocent neighbor.

This is exemplified by 2 witnesses testifying they saw their neighbor commit murder on Monday, so he should be executed for committing murder.

And then another 2 witnesses testify “Those 1st witnesses must be lying, because they were with us in a different city on that day.”

In that situation, the false witnesses should be executed in place of the innocent neighbor.

The rabbis argued about many issues relating to this, such as:

What if 2 witnesses were caught testifying falsely that their neighbor owes \$100 to another person. Do we make each false witness pay the full \$100, or do we make each false witness pay half, \$50 each.

(page 3a) What if 2 witnesses were caught falsely testifying that their neighbor is obligated to pay back a loan in one week, when he really is obligated to back the loan, but in 1 YEAR. How much do the false witnesses pay as a penalty for the false testimony?

(page 4a) What if 2 witnesses were caught falsely testifying that their neighbor did a sin that is punishable by whipping. Should the false witnesses be whipped twice: once for doing the sin of bearing false witness, and once under the doctrine that we do to them what they falsely tried to do to their neighbor? Or only once.

(page 5a) What if a first group of witnesses testified that they saw someone commit murder last Monday. And then a second group of witnesses testified that the first group of witnesses must be lying, saying that “the 1st group of witnesses was with us in a different city that day.” And then a third group of witnesses testified that the 2nd group of witnesses must be lying, saying that “the 2nd group of witnesses was with us in a different city that day.” And then a 4th group of witnesses testified that the 3rd group of witnesses must be lying, saying that “the 3rd group of witnesses was with us in a different city that day.” Which group is lying?

(page 5b) What if 100 witnesses all testified that they saw someone commit murder last Monday. And then just 2 witnesses testified that the first 100 witnesses must be lying, saying that “those 100 witnesses must be lying because they were all with us in a different city that day.” According to the literal Torah law, we should proclaim the first 100 witnesses as false, and execute them all. But that does not seem right.

(page 5b) There is a rule that group of witnesses that testify that they all together witnessed someone commit murder are considered a single testifying entity. So, for example, if 4 witnesses all testified that they saw someone commit murder last Monday. And later, other witnesses testified that at least 2 of the 4 witnesses must be lying, since “those 2 witnesses were with us in a different city that day?” Do we invalidate the testimony of all 4 witnesses, even the 2 that weren’t proven to be liars?

(page 7a) Rabbi Akiva must have been a bleeding heart liberal. He stated that if he were serving on a court judging a capital crime case, he would use every trick in the book to invalidate the witnesses so that no defendant would ever be put to death. Rabbi Shimon ben Gamliel essentially responded

“You would be saving one life -- the life of the murderer -- but causing more death by letting guilty murderers go free to murder again.”

WHIPPING

But in some cases, it is impossible to give the witnesses the same punishment they tried to impose on their neighbor. For example, suppose 2 witnesses testified “We saw our neighbor divorce his wife last Monday, and now he owes her \$1M alimony” and the neighbor responds “That’s not true; I never divorced my wife, so I don’t owe her alimony”. And a 2nd group of witnesses appear and say “the 1st witnesses are lying, because they were with us in a different city that day.” In this case, we don’t force the false witnesses to divorce their wives as punishment for lying; we instead whip them.

As another example: If a person was caught falsely testifying that a kohen was invalid to serve in the temple, we wouldn’t declare HIM an invalid priest as punishment; we would just whip him.

Which brings us to the 2nd subject of this book (Chapter 3) -- the subject of whipping people. It contains arguments between the rabbinic sages as to:

- for what infractions is someone whipped (13a).
- what is the procedure of convicting him for a whipping crime.
- what is the procedure for whipping him
- what parts of the body get whipped?
- how many times is he whipped for an infraction, i.e., during one whipping session (22b)
- on what parts of his body is he whipped
- what does the whip look like, and what is it made of? (straps of calve hide and donkey hide)
- is whipping strictly a punishment, or perhaps a benefit by rehabilitating and bringing forgiveness.
- how do we treat a person after he has been whipped? (23a)

REVENGE KILLINGS & CITIES OF REFUGE

The 2nd chapter (page 7a) discusses revenge killings: In ancient times, if someone killed another by accident, the Torah permits or requires (it’s an argument) the dead person’s relative (an avenger) to kill the killer to avenge the death, even though it was by accident (in other words a revenge killing). But the Torah allotted 6 cities of refuge in Israel to which the killer could flee, where the avenger is not allowed to enter. And the accidental killer would have to stay in the city of refuge until the high priest dies. This chapter goes into the details of what situations are considered truly accidental. This book contains the additional arguments between rabbinic authorities regarding:

- Where (public property or private property) does the accidental killing have to take place for the city of refuge law to apply?
- What if a someone was killed very indirectly; such as a person shot a bullet at a tree, which knocked of a splinter from the tree, hit the victim and killed him?
- What if someone threw a rock, and while the rock was in the air someone else lifted up is head in the path of the rock and was killed Is the rock thrower considered an accidental killer, or not a killer at all?
- how many years does the killer need to stay there

- is the obligation for a killer to remain in a city of refuge a punishment, or a benefit by protecting him from being killed by the avenger.
- Is the obligation for an accidental killer to flee to the city of refuge considered a punishment, or is it considered an privilege as a means of being shielded from the victim's avenger?
- What if a father accidentally kills his son? Is there a mitzvah or right (depending on which rabbi) for the dead son's relatives (who in this case would be the father's own grandson or the father's other son) to avenge the death by killing their own father or grandfather?
- Which of the different types of head priests are considered a high priest for the rule of releasing the killer when the high priest dies?
- What happens if you live in a time where there is no high priest?
- What if a person was fleeing to a city of refuge and he heard the news that the high priest died; does he simply go home or does he go to a city of refuge and serve out his time there until the NEXT high priest dies?
- Were people in those days praying for the high priest to die so they could be freed from the city of refuge?
- Are there any extenuating circumstances where a person serving time in a city of refuge to take a furlough?
- Where in Israel are those 6 cities of refuge?
- What constitutes the boundaries of the city of refuge? For example, does it include the fields surrounding the city of refuge?
- What if a person is sitting high up in a tree whose roots are within the city limits but whose branches extend outside the city limits?
- What is the judicial procedure for arranging that some killers are executed for their crime, which murderers are sent to a city of refuge, and which are so innocent that they may just go back home?
- What if a person accidentally kills someone while he is already in a city of refuge; where can he flee to, since he's already there? Perhaps to another neighborhood within the same city?
- What was life like in a city of refuge? You know, most inhabitants of cities of refuge were not accidental killers; most were Levites whose families lived in the city of refuge for generations and considered it their home.

MISC. SUBJECTS

Besides the subjects mentioned above, this book goes off in a lot of tangents, sometimes by recounting historical events. One of those events occurred 1900 years ago, soon after the destruction of the Temple. Rabbi Akiva and his colleagues visited Jerusalem. They saw that the Temple Mount, the site where the awesomely magnificent Temple had once stood for 420 years, was now just an empty field. Rabbi Akiva's colleagues were grief-stricken at the sight. But Rabbi Akiva was consoled by the sight. He pointed out that this scene is exactly what the prophets in the Bible predicted the Temple mount would look like. Since their prophecy of Jerusalem's destruction came true, it reassured Rabbi Akiva that the good prophesy, predicted by Zachariah (in chapter 8), about the eventual rebirth of Jerusalem, would also come true. That prophesy states:

“So says the Lord, as I gather my people from the east and from the west to Jerusalem, Jerusalem will be full of old people walking with their canes, and children playing in the streets. As amazing as this will appear to those who live to witness it, so it will appear amazing even to me the Lord”

end quote from Zachariah. And this is what Rabbi Akiva quoted as the prophesy that reassured him of Jerusalem's eventual rebirth. And that is how this book of the Talmud ends.