



OVERVIEW of the Daf

1) City of refuge (cont.)

R' Chama bar Chanina explains why the section in Sefer Yehoshua that discusses murderers uses harsh language.

The premise that the term **דיבור** connotes firm language is confirmed.

Following a challenge to the meaning of this term the Gemara distinguishes between **דבר** and **ידבר**.

2) Disputes between R' Yehudah and Rabanan

The Gemara presents three disputes between R' Yehudah and Rabanan, the first relate to the passages dealing with cities of refuge recorded in Sefer Yehoshua.

3) MISHNAH: The Mishnah discusses who is the Kohen Gadol regarding the halacha that the murderer may leave the city of refuge upon the death of the Kohen Gadol.

4) Clarifying the Mishnah

The Gemara elaborates on the dispute between Tanna Kamma and R' Yehudah whether there are three people who serve the role of Kohen Gadol or four.

The Gemara explains why Kohanim Gedolim bear some degree of responsibility for inadvertent murders.

A second version of this discussion is presented.

5) The curse of a Torah scholar

R' Yehudah in the name of Rav teaches that the curse of a Torah scholar will come to pass even if it is undeserved.

R' Avahu teaches that the curse of a Torah scholar will come true even if it is pronounced conditionally.

R' Yehudah in the name of Rav teaches that a ban (**נידוי**) requires annulment even if it imposed conditionally.

6) The death of the Kohen Gadol

The Gemara inquires whether it is the death of one Kohen Gadol or the death of all the Kohanim Gedolim that releases the murderers from the city of refuge.

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REVIEW and Remember

1. What is the status of a Sefer Torah sewed with linen?

2. Why is the Kohen Gadol responsible for inadvertent murders?

3. Under what circumstances is the inadvertent murderer confined to the city of refuge forever?

4. Where is the inadvertent killer buried?

Distinctive INSIGHT

Providing food and clothing to the residents of an עיר מקלט
לפיכך אימותיהן של כהנים מספקות להן מחיה וכסות כדי שלא יתפללו על בניהם שימותו

The Mishnah comprises two topics. It first teaches that it is the death of three or four different leading kohanim which effect the release of the unintentional killers from the cities of refuge. The Mishnah then tells us that the mothers of the kohanim would supply food and clothing to these killers in order to placate them so that they not pray for the death of their sons. Aruch LaNer notes that the Mishnah seems to connect these two themes of the Mishnah with the word "לפיכך—therefore." In other words, because there were several kohanim whose deaths would allow these refugees to be released, this is precisely the reason the mothers used to supply food and clothing to those who ran to these cities for refuge. The question is what is the cause and effect in this Mishnah?

He answers that if the release of the residents of the city of refuge was only activated by the death of only one of the kohanim, the mothers of the other kohen leaders would not have banded together to provide gifts for the occupants of the city. But now that the Mishnah taught that it is the death of any of these two or three leading kohanim which precipitates the release of these killers, any one of the other mothers of the kohanim might suspect that one of the other mothers is distributing goods to the killers to at least avoid their praying that her own son die, thus encouraging the residents to pray for the death of the remaining kohanim to effect their release. Therefore, every one of the mothers ended up participating in this food and clothing distribution.

Aruch LaNer asks why it was the mothers of the kohanim who distributed these provisions, and not the kohanim themselves. After all, it seems that the kohanim would be motivated to do whatever was necessary to save their own lives.

Tiferes Yisroel, among others, deals with this question. He explains that the kohanim themselves did not participate in this campaign, as this would give an impression of guilt. This would make it appear as if they were fearful of the prayers of these killers, and it would reinforce the impression that the kohanim were, in fact, guilty of not praying on the behalf of these people and of preventing them from suffering their fate. The mothers, however, were able to react, because everyone knows that the love of a mother is very strong, and she would do everything possible to protect her son, even if he is being falsely suspected. This also explains why it was the mothers of the kohanim who gave this food and clothing, and not the fathers. Another reason why the fathers did not participate is that generally, these leading kohanim were appointed only after the deaths of their fathers, whose position they inherited. ■

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משה בערל נח בן מרדכי יצחק, נ"י

HALACHAH Highlight

Risking one's life to save the life of a friend

ואינו יוצא ... ולא לעדות נפשות וכו'

And he does not leave ... not for testifying regarding capital punishment

Rambam¹, in accordance with our Mishnah teaches that the exiled murderer does not leave the city of refuge even if his testimony could save the life of another or he could assist in saving people from tragedy. Aruch Hashulchan² expresses astonishment at this halacha. There is a well known principle that nothing stands in the way of saving the life of another. Shouldn't we, therefore, allow the exiled murderer to leave the city to save another's life? He explains that the murderer is not obligated to put his life at risk in order to save another. The reason his life would be at risk is that the blood avenger has the right to kill him if he were to leave the city of refuge. Aruch Hashulchan then wonders whether the murderer is allowed to exit the city of refuge to save the life of another person if he wants to. It may be that the Mishnah is merely teaching that there is no obligation for him to leave but he may if he wants to.

Haghos Maimoniyos³ cites a Yerushalmi that one is obligated to put one's life in danger in order to save the life of another. Sema⁴, however, takes note of the fact that Shulchan Aruch and Rema do not record this ruling of Haghos Maimoniyos. The reason is that Rif, Rambam, Rosh and Tur do not cite this Yerushalmi in their respective collections of rulings, thus indicating that they reject the ruling. Pischei Teshuvah⁵ cites Agudas Ezov who asserts that the Bavli disagrees with this ruling of the Yerushalmi and thus the Poskim cited earlier follow the more authoritative position of the Bavli that one is not required to risk his life in order to save the life of another. This position is confirmed by a ruling of Radvaz but

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An unsuccessful attempt to resolve this inquiry is presented and the matter remains unresolved.

7) **MISHNAH:** The Mishnah begins with further discussion about the death of the Kohen Gadol releasing the murderers from the city of refuge. The extent of the murderer's exile is described. It is mentioned that even the techum provides refuge for the murderer. The Mishnah concludes with the law regarding the murderer who left the city of refuge prematurely.

8) Clarifying the Mishnah

Abaye explains why the murderer is not required to go to the city of refuge if the Kohen Gadol dies after his conviction.

This explanation is unsuccessfully challenged.

The Gemara provides the source and the logic for the ruling that the death of a Kohen Gadol appointed after the murder will release the murderer from exile.

9) The death of the murderer

Abaye teaches that if the murderer dies before going to exile his body is to be buried in the city of refuge.

A Beraisa teaches that upon the death of the Kohen Gadol the body of a murderer buried in the city of refuge may be moved to its ancestral burial ground.

10) The disqualification of the Kohen Gadol

R' Ami and R' Yitzchok Nafcha disagree if the murderer was sentenced to exile and the Kohen Gadol was discovered to be unfit to serve as Kohen Gadol.

It is suggested that this is also a dispute between Tannaim. ■

Agudas Ezov proceeds to write that one must weigh each case separately to determine whether there is a danger and one should not be overly cautious in these matters. ■

1. רמב"ם פ"ז מהל' רוצח ה"ח.

2. ערוה"ש חו"מ סי' תכ"ה סעי' נ"ז.

3. מובא דבריו בב"י סי' תכ"ו ד"ה ומ"ש בשם.

4. סמ"ע סי' סי' תכ"ו סק"ב.

5. פת"ש שם סק"ב. ■

STORIES Off the Daf

A hidden resentment

"כדי שלא יתפללו על בניהם שימותו..."

A certain bride was all set to marry when her father contracted a serious illness from which he needed to be nursed back to his health. Since her father was a widower, the most natural person to do the job was his daughter who was engaged to be married and had even set the date for her wedding. After all, why should the

father hire help when his own daughter could do a better job? But of course this would delay the wedding and set back the plans the young couple had already made.

When the father asked his daughter for help, she explained that she would obviously need to ask the chosson. When this request was put to the chosson he said simply, "Ask a Rav. We will do whatever he says."

This question was brought before Rav Chaim Kanievsky, shlit"a, who ruled that the couple should get married as planned. "I don't think the father should ask this of

his daughter. This comes out of the Gemara in Makkos 11. There we find that since those who killed a fellow Jew accidentally are freed when the kohein gadol dies, the mother of the present kohein gadol would give food and clothes to the inmates of the arei miklat to discourage them from praying for the death of her own son."

He concluded, "The same is true here. If the wedding is put off because of this problem, the chosson may very well wish in his heart that his wife's father die from his illness!"¹ ■

1. דרך שיחה, ח"א, פרשת חיי שרה. ■