



OVERVIEW of the Daf

1) The inadvertent killing of a Jew (cont.)

R' Acha the son of R' Ika resolves how to understand the Mishnah's ruling that anyone who inadvertently kills a Jew is exiled and how it refers to a slave or a Cuthean.

2) Resident alien

A contradiction in the Mishnah is noted whether a resident alien is exiled for inadvertently killing someone.

R' Kahana resolves the contradiction.

A second version of this discussion is presented.

An inconsistency between our Mishnah and a Baraisa is noted whether a resident alien who kills another resident alien is killed or exiled.

R' Chisda suggests a resolution to this contradiction.

Rava rejected that resolution and suggests one of his own.

Abaye unsuccessfully challenges this resolution.

The Gemara points out that this dispute between R' Chisda and Rava is consistent with their general position regarding this topic.

Rava unsuccessfully challenges R' Chisda's opinion.

Rava responds to R' Chisda's reply.

Abaye unsuccessfully challenges Rava's position.

3) **MISHNAH:** The Mishnah discusses whether blind people and enemies are exiled for killing inadvertently.

4) Blind person

A Baraisa elaborates on the Scriptural basis for the dispute between R' Meir and R' Yehudah whether a blind person is exiled.

R' Yehudah's opinion is further explained and the exchange between them regarding their respective derashos is recorded.

5) An enemy

The Gemara explains that the Tanna of the Mishnah who rules that an enemy is killed is R' Yosi bar Yehudah who maintains, in certain circumstances, that a warning is unnecessary.

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REVIEW and Remember

1. When is a resident alien exiled for murdering someone?

2. What is the point of dispute between R' Chisda and Rava?

3. How do we know, regarding gentiles, that ignorance of the law is not an excuse?

4. What was the procedure that was followed when someone committed murder?

Distinctive INSIGHT

Three cities across the Jordan, three cities in Eretz Yisroel

בעבר הירדן תלת בארץ ישראל תלת?

The Mishnah taught that of the six original cities of refuge that were established, three of them were to the east of the Jordan River, and three of them were in Eretz Yisroel. This leads the Gemara to ask, "How can it be that there should be three to the east of the Jordan and three in Eretz Yisroel?" What is bothering the Gemara?

Rashi explains that the question is that it was adequate for three cities to serve the needs of two tribes across the Jordan, while three cities could service the needs of ten tribes in Eretz Yisroel? Apparently, the location and size of the cities was a function of their capacity to accommodate the amount of people in the population and the statistical incidence of manslaughter. It is therefore surprising to find that the needs of two tribes were the same as those of ten tribes.

Ramban on Chumash (to Bamidbar 35:14) expresses surprise regarding the question of our Gemara. The Gemara later tells us that it was not only these original six cities which absorbed those who killed by accident, but it was also all of the forty-two cities of the levi'im which served as cities of refuge. The verses in Sefer Yehoshua (21:27-38) and Divrei HaYamim 1, 6:56-66) teach that there were ten cities of the Levi'im across the Jordan (which included the three original cities of refuge which were there). The calculation was that each tribe had four cities of refuge which served their needs. Therefore, the two and one half tribes on the other side of the Jordan were apportioned ten cities. The remaining nine and one half tribes in Eretz Yisroel proper also had four cities of refuge which served each, for a total of thirty-eight cities throughout Eretz Yisroel. Although the original six cities were aligned in a disproportional manner, this was a temporary stage in the process of conquering the land.

פנים יפות addresses the question of Ramban. While it is true that all of the forty-two cities of the Levi'im functioned to absorb the unintentional killers, the original six cities were unique. As the Gemara notes, in the original six cities the unintentional killers did not have to pay rent, while in the remaining forty-two cities those who sought refuge had to pay rent to the Levi'im. Furthermore, **שיח יצחק** points out that murderers used to run to the cities of

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HALACHAH Highlight

Establishing cities of refuge outside of Eretz Yisroel

לשלש שבעבר הירדן ולשלש שבארץ ישראל

To the three on the other side of the Jordan River and to the three in Eretz Yisroel

Rambam¹ writes that the laws of the city of refuge are limited to Eretz Yisroel. Kesef Mishnah², however, challenges Rambam's ruling from another Midrash³ that asks how we know that cities outside of Eretz Yisroel provide refuge and the Midrash answers that the word תהינה teaches that these laws apply wherever one is located. Why then did Rambam rule differently than the Baraisa? Kesef Mishnah suggests two resolutions for this. One resolution is that the intent of the Baraisa was to teach that the cities of refuge in Eretz Yisroel will provide refuge even for those people who arrive from outside of Eretz Yisroel. A second resolution is that the Baraisa was referring to the cities on the Eastern side of the Jordan River (עבר לירדן).

Knesses Hagedolah⁴ rejected both resolutions. The first resolution was rejected because it does not match the language of the Baraisa. If the Baraisa was referring to those arriving from outside of Eretz Yisroel it should have written מחוץ לארץ – from outside of Eretz Yisroel rather than בחוץ לארץ – in the land outside of Eretz Yisroel. The second resolution is also troubling since there is no need for an exposition to teach that there can be cities of refuge on the Eastern side of the Jordan River since that is mentioned in verses explicitly.

Shalal David⁵ suggested a resolution to Knesses Hagedolah's second challenge. It is true that the Torah relates that there were three cities of refuge on the Eastern side of the Jordan River but one may have thought that they provided refuge only until cities in Eretz Yisroel proper could be designated. Once cities of refuge were set up in Eretz Yisroel perhaps the cities on the Eastern side of the Jordan would no longer provide refuge. Thus it was necessary for

(Overview...continued from page 1)

A Baraisa elaborates on R' Shimon's position that sometimes an enemy is exiled and sometimes not.

Another Baraisa presents a different version of R' Shimon's position.

The Gemara resolves the two contradictions between the Mishnah and the Baraisa.

6) **MISHNAH:** The Mishnah discusses the location of the cities of refuge, how the killer was escorted and how he was brought to Beis Din.

7) Cities of refuge

A Baraisa elaborates on the identity of the cities of refuge as well as their location.

The Gemara takes note of the fact that there were three cities of refuge on the East side of the Jordan river even though there were only two and a half tribes there. ■

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refuge even before their verdict was finalized. The Gemara later (10a) reports that only the first six cities had the ability to “absorb” those who ran to them “שלא לדעת” – without certain knowledge.” The other forty-two cities only absorbed those who had been legally judged as unintentional. Therefore, the question of the Gemara is in reference to this stage of flight, and that three cities serviced three tribes on the other side of the Jordan, and three cities served the remaining tribes in Eretz Yisroel. ■

the Torah to teach that even after the nation entered Eretz Yisroel and established cities of refuge the ones set up on the Eastern side of the Jordan River would continue to provide refuge. ■

1. רמב"ם פ"ח מהל' רוצח ה"א.
2. כסף משנה שם.
3. ספרי במדבר פק"ס.
4. בספרו דינא דחיי עשין ע"ו.
5. שלל דוד במדבר לה יג. ■

STORIES Off the Daf

"Hashem delivers man and beast"

"כסבור בהמה ונמצא אדם..."

On today's daf we find that a person who tried to kill an animal and accidentally killed a human being is not exiled. This is because a human being has stewardship and mastery over animals and is not subject to capital punishment for killing one. Even so, causing an animal unnecessary pain is a Torah prohibition—and certainly killing an animal unnecessarily is forbidden. Although man is potentially above animals, the “crown of creation” formed after all other creatures, nevertheless the wicked are told that even

the simplest creature was generated before them.¹

Once Alexander the Great was in north Africa, which was a distant land. While there he attended a very interesting court case. A certain man had purchased a field from his friend and had found a valuable gem. The buyer wished to return it to the seller but the seller refused, saying that it was obviously destined to be in the hands of the finder.

When this case came before the local king for adjudication he proposed a very brilliant suggestion. “Your son should marry his daughter. If you then give them the gem you will both be satisfied.”

Alexander was taken aback. “If it was me, I would chop off both of their heads

and take the gem for myself!”

The local ruler looked markedly at Alexander, and, clearly disgusted commented, “If the sun shines on countries under your domain it can only be in the merit of the animals there. Does it not say, ‘אדם ובהמה ’—God delivers man and beast?’”²

The Yad Efraim, zt”l, explains a well known halachah with this midrash. “Now we understand why one must feed his animals before himself. Even if a city is wicked its very survival can sometimes be in the merit of the innocent animals who dwell there!”³

1. מובא בפרש"י בראשית א', כ"ו ועיי עוד מדרש אגדה פי כ"ו
2. ויקרא רבה, אמור, פרשת כ"ו
3. יד אפרים בסי קס"ז ■