## 23.11.22

(מבהמה נפקא) → 112b (משנה ד')

- 2. וְהוֹצֵאתִ אֶת הָאִישׁ הַהוֹּא אוֹ אֶת הָאִשָּׁה הַהוֹא אֲשֶׁר עָשׁוּ אֶת הַדְּבֶּר הָרֶע הַזָּה אֶל שְׁעָריְדְּ אֶת הָאִישׁ אוֹ אֶת הָאִשָּׁה הַהָוֹא אֲשֶׁר עָשׁוּ אֶת הַדְּבֶר הְרַע הַזָּה אֶל שְׁעָריִדְּ אֶת הָאִישׁ מֹאָרשָה הַהִּשְׁר אָת בְּית שֲמִשׁ וָאָת מִגְרְשָׁה **עִירִים הָשְּׁע מֵאָת שְׁיִי הְשִּׁע מֵאָר שְׁיִר הְישִּע כ**א, סז 3. וָאָת עִין וָאֵת מִגְרְשָׁה וָאָת יָטֶה וְאָת מִגְרְשֶׁה אֶת בְּית שֲמִשׁ וָאָת מִגְרְשֶׁה הַשְּׁע הַאָּר הִישּע כא, סז
  - 4. זבח רשעים תועבה אף כי בזמה יביאנו: משלי כא. כז

- I משנה ד' (all from v. 1)
  - a Spiritual destiny no חלק בעולם הבא
  - b Limitations:
    - i Instigators must be (note question about a self-instigated town unresolved)
      - 1 From same town as followers
      - 2 From same tribe as followers *note* dispute "ר"יל if tribes would split towns when first inheriting v. 3
      - 3 Adult men
    - ii Majority of town must follow
      - 1 Else: judged as individuals סקילה, and their estates aren't destroyed
      - 2 But if majority: judged as סייף; עיר הנדחת and their property is destroyed
        - (a) Note: method of judging, including determining if they comprise majority v. 2
        - (b) Conclusion: judge them all in multiple בתי דין, then bring them to גמר דין in ב"ד הגדול
- II משנה ה' additional laws relating to עיר הנדחת
  - a People passing through can be counted towards majority → they can save the town
    - i ברייתא: they have to be staying there 30 days (at least) to be reckoned;
      - 1 Note: distinction between בני העיר (12 months) to יושבי העיר (30 days); support from נדרים
  - b Property of innocent is spared if out of town; all property of guilty is destroyed, even if out of town
    - But: all property which is in the town is destroyed
    - ii א חסדא only if it is "gatherable" i.e. held nearby and can be moved to the town for destruction
      - 1 מקדון ה. מחריות held in town, even with מקדון, isn't destroyed (doesn't belong to town member)
      - 2 א"ז. an animal, ½ owned by town, ½ by outside is all forbidden (no way to do סשריטה on permitted ½)
        - (a) But: dough, ½ owned by town, ½ by outside is (1/2) permitted could be split up
    - iii Question (מב יוסף): hair (i.e. wig) of innocent women should it be destroyed? (unresolved)
- III 'משנה ו' conclusion of laws of עיר הנדחת
  - a Location of destruction of property the plaza
    - i If: there is no plaza, one is built (as per ר' ישמעאל, contra ר' ישמעאל)
    - ii  $\it If:$  it is outside of city limits, city is expanded to include it
  - b Sancta: excluded from destruction
    - i Therefore: שעור is redeemed (rest of משנה discussed in final שעור below
      - 1 ברייתא: if there were קדשי, if קדש"ק they die; if בדק הבית redeemed
        - (a) Question: why do קדשי מזבח die? Let them graze, get a מום and be sold, and moneys go to נדבה
          - (i) Answer1 (٣٠٠): v. 4
          - (ii) Answer2 (ב"ל): belongs to owners (doesn't apply v. 4, since it's redeemed, no longer זבח רשעים)
            - 1. Suggestion: follows ממון בעלים ר"ש
              - a. Rejection: סיפא appears in סיפא, can't be author in רישא
            - 2. Rather: applies to קדשים קלים, per הוא ריה"ג are redeemed as above)
              - a. Question: why not explicate that ימותו only applies to קדשים קלים
                - i. Answer: חטאת will always die, even though it is קדש"ק (חטאת מתה)
      - 2 And: תרומות are left to rot, מע"ש and כתבי הקודש are buried
      - כסף הקדש וכסף מעשר excludes שללה ;בכור ומעשר בהמה excludes בהמתה .*ר"ש* 
        - (a) Cannot: refer to תמימים, as these are already covered under שללה ולא שלל שמים
          - (i) Therefore: must be בתורת בכור ומעשר; not destroyed as they are eaten בתורת בכור ומעשר
          - (ii) Note: this is at odds with שמואל, who excludes בהור ומעשר from בהוה (since it's eaten as בע"מ (בע"מ