

24.2.5

12a (משנה ז) → 13a (סיום הפרק)

1. ואֲשֶׁר לֹא צָדָה וְהָאֱלֹהִים אֵינָהּ לְיָדוֹ וְשָׁמַתִּי לָךְ מִקּוֹם אֲשֶׁר יָנוּס שְׂמָה: שְׁמוֹת פֶּרֶק כֹּה פְסוּק יִי.
 2. כִּי בְעֵיר מִקְלָטוֹ יָשָׁב עַד מוֹת הַכֹּהֵן הַגָּדֹל וְאַחֲרָי מוֹת הַכֹּהֵן הַגָּדֹל: יָשׁוּב הָרֹצֵחַ אֶל אֶרְצוֹ אֲחֻזָּתוֹ: בְּמַדְבַּר פֶּרֶק לֵה פְסוּק כֹּה
 3. וְזֶה דְבַר הָרֹצֵחַ אֲשֶׁר יָנוּס שְׂמָה וְחִי אֲשֶׁר יָכָה אֶת רֵעֵהוּ בְּבִלִי דַעַת וְהוּא לֹא שָׂנָא לוֹ מִתְמַל שְׁלֹשִׁים: דְּבָרִים פֶּרֶק יֵט פְסוּק ד'
 4. וְהִיוּ לָכֵם הָעָרִים לְמִקְלָט מִגֹּאֵל וְלֹא מוֹת הָרֹצֵחַ עַד עֲמָדוֹ לִפְנֵי הָעֵדָה לְמִשְׁפָּט: בְּמַדְבַּר פֶּרֶק לֵה פְסוּק יִי
 5. וְאֵת הָעָרִים אֲשֶׁר תִּתְּנוּ לָלִוִּים אֵת שֵׁשׁ עָרֵי הַמִּקְלָט אֲשֶׁר תִּתְּנוּ לָכֵס שְׂמָה הָרֹצֵחַ וְעַלִּיהֶם תִּתְּנוּ אֲרֻבָּעִים וּשְׁתַּיִם עִיר: בְּמַדְבַּר פֶּרֶק לֵה פְסוּק ו'
 6. וְיֵצֵא מֵעַמְדָּה הוּא וּבְנָיו עִמּוֹ וְשָׁב אֶל מִשְׁפַּחְתּוֹ וְאֶל אֲחֻזַּת אֲבֹתָיו יָשׁוּב: וְיִקְרָא פֶּרֶק כֹּה פְסוּק מֵא

- I עיר מקלט status of a tree which straddles the border of משנה ז
- a If: tree is planted inside and branches outside or vice-versa; location of branch determines status
- b Challenge: in re: מע"ש, it follows air space
- i Disanalogy: מע"ש is about the walls → imaginary line follows wall
- 1 But: עיר מקלט is about residence; only the branch is inhabitable
- ii note: contradiction from ברייתא re: מעשר, which is treated same as עיר מקלט (follows branch)
- 1 resolution: follows יהודה ר', who rules that a cave's location is determined by its opening and a tree by its נוף
- (a) challenge: יהודה ר' position is only לחומרא which works vis-à-vis מע"ש in both directions
- (i) trunk inside: cannot eat without redeeming (considered outside)
- (ii) trunk outside: cannot redeem (once in city, may not redeem מע"ש)
- (b) but: there is no double-sided חומרא vis-à-vis עיר מקלט
- 2 answer (רבא): all agree that he may not be killed while on trunk (if inside)
- (a) And: all agree that if he is in branch and גוה"ד can kill him with arrows or rocks – he may
- (b) Dispute; in case trunk operates as steps to (home in) branches
- (i) ד' יהודה: steps are considered part of the branch-house (may not kill him, even if trunk outside)
- (ii) חכמים: steps are not considered part of the branch-house
- II עיר מקלט exiling a resident of משנה ז
- a If: he was a killer (and may not leave), is exiled to a different neighborhood
- b If: he is a לוי בן לוי (who lives there), he is exiled to another הלויים
- i Source: v. 1 addressed to משה; his place will serve (במדבר) as מקלט → בן לוי goes to another part of מחנה לוייה
- 1 And: if he goes to his own neighborhood, it protects him
- (a) Source: v. 2 – מקלטו (where he's been exiled) protects him
- III הוצח honor for the משנה ח
- a If: the citizens of מקלט עיר wish to honor him, he must first state that he is a killer
- b Then: if they insist "nonetheless", he may accept their honor
- i Source: v. 3 – דבר הרוצח (speech; note parallel with יח: שביעית – שביעית כספים – שביעית כספים)
- c Paying rent:
- i ד' יהודה: must pay
- ii ד"מ: no payment
- 1 ד"כ: dispute is only in 6 main מקלט עיר; how to interpret v. 4; is לכם for all needs, or just protection
- (a) But: all agree that they must pay rent in other 42 הלויים עיר
- (b) Challenge (רבא): לכם certainly makes it fully owned for needs of רוצחים – rather...
- 2 דבא: dispute only in 42 cities; whether עליהם (v. 5) means that they also protect, or completely the same
- d Resoration to previous honor:
- i ד"מ: he may return to his previous noble position
- ii ד' יהודה: he returns to his family estate, but not to his previous noble position
- 1 Parallel dispute: in re: עבד נרצע returning at יובל (v. 6)
- 2 Application (for ד"מ): via ישוב: ישוב (vv. 2, 6)