



Cities of Refuge

The second *perek* of *Makkot* deals with the accidental murderer (see 4(26) for an introduction to the topic). We learnt that in the event where one kills another *be'shogeg* (accidentally) they go to one of the *arei miklat* (cities of refuge) where they must stay until the death of the *kohen gadol*. In that city they are safe. If however, they step outside the city, they are no longer protected and the *go'el ha'dam* – a close relative of the victim – would not be liable if he killed the murderer. The *Mishnah* (2:4) explains that six *arei miklat* were designated – three inside Israel and three Transjordan.¹

The *Gemara* (9b) questions the distribution of cities given that Transjordan was both smaller in land and population. *Abaye* answers that the area of *Gilad* located there, had a higher occurrence of murders.²

The *Gur Aryeh* however asks that *arei miklat* only offered protecting for murders that occurred by accident. The fact that there was a high frequency of deliberate murderers should have no bearing on the demands of the *arei miklat* in that area.

The *Ramban* suggests that many of the murderers would have planned their crime to appear like an accident. Since it would be difficult to discern the genuine accidents, there was a greater demand for the *arei miklat*.³

The *Gur Aryeh* however is unsatisfied with the answer. He explains that if the *arei miklat* provided a cover for the crime, then it would be preferable to reduce the number in the area rather than increase them.

The *Gur Aryeh* then cites his brother *R' Sinai* who cites the *Gemara* (10b) regarding two individuals that killed, one deliberately and one accidentally, neither of which were witnessed. *Hashem* orchestrates it such that both

these individuals share the same lodging and the accidental murderer is then witnessed falling from a ladder and killing the deliberate murderer seated below. *R' Sinai* suggests that there may be many cases of unwitnessed accidental murders. According to this *Gemara*, for these individuals to end up in the *arei miklat* there would need to be an availability of deliberate murderers for similarly designed scenarios. Given the number of murderers in the *Gilad*, more accidental murderers could end up in the *arei miklat*.

The *Gur Aryeh* instead however suggests that the fact that the accidental murderer receives this punishment means that he should have taken more care to prevent injury to another. In a region where there is a high frequency of murders, life is cheapened. It would impact even those righteous people, such that less care will be taken in dangerous situations. Furthermore, as more people are raised and educated for murder, more fatal accidents are likely to occur.

The *Tifferet Yisrael* however approaches the issue from a completely different angle. The *Tifferet Yisrael* returns to the *Gemara* that comments that the people of *Gilad* were fiery and would set ambushes to kill people. Returning to the fact that the *arei miklat* afforded refuge for the accidental murderer from the *go'el adam*, the *Tifferet Yisrael* explains that in the event of an accidental murder, there was a greater likelihood in *Gilad* that the family would seek revenge. In other words, it is not that in the region of *Gilad* that the occurrence of such case would be increased; accidents are just that – accidents. Instead, given the nature of the people there, the need and urgency to protect the accidental murderer is far greater.

Yisrael Bankier

¹ This is aside from the forty-two Levite cities that also provided refuge for the murderer.

² *Rashi* (*Bamidbar* 35:13) cites this explanation.

³ The *Maharsha* answers in a similar manner that initially even deliberate murderer run to the *arei miklat* for protection until trial. The *Tifferet Yisrael* however finds this difficult as it appears that we are building infrastructure to support deliberate murders.

Revision Questions

מכות ב' – ג' – ז'

- When does *R' Eliezer ben Ya'akov* say that one is not sent to *galut* for throwing a stone into "*reshut ha'rabim*"? (ב' :ב')
- In what case is one sent to *galut* for accidentally killing a person on his own property and what is the source of this law? (ב' :ב')
- What three exceptions does *Abba Shaul* raise? (ב' :ב')
- Does a father go to *galut* on account of his son? (ג' :ב')
- What are the three opinions regarding a *soneh* and *galut*? (ג' :ב')
- Where would someone go, when sent to "*galut*"? (ד' :ב')
- What two things were done to enable a person to reach "*galut*" safely? (ה' :ב')
- Who else would run to the *arei miklat*? (ו' :ב')
- When could the *rotze'ach* return from the *arei miklat*? What custom arose as a result? (ו' :ב')
- In what two cases would the *rotze'ach* never return from the *arei miklat*? (ז' :ב')
- When could the *rotzeach* step out of the *arei miklat*? (ז' :ב')
- At what point is one considered inside the *arei miklat*? (ז' :ב')
- Explain the debate regarding a *go'el ha'dam* that finds the *rotzeach* outside the *arei miklat*. (ז' :ב')
- What is the law regarding one that kills accidentally within the *arei miklat*? (ז' :ב')
- Would the *rotzeach* need to pay rent in the *ir miklat*? (ח' :ב')
- Explain the debate regarding the *rotzeach* once he returns home. (ח' :ב')
- For which offences does one receive lashes relating to:
 - Forbidden relationships (12)? For which relationship does one receive two sets of lashes? (ט' :ג')
 - The *Beit Ha'Mikdash* (8)? (ט' :ב'–ג')
 - Fruit of *Eretz Yisrael* (4)? (ט' :ב'–ג')
 - One's body (4)? (ט' :ג')
- When is one who breaks a bone of a *korban pesach* not liable for lashes? (ג' :ג')
- Explain the debate regarding lashes and *shilu'ach ha'ken*. (ד' :ג')
- Explain the debate regarding the prohibition of tattooing. (ו' :ג')
- If a *nazir* drinks wine for the entire day, when would he receive multiple sets of lashes? (ז' :ג')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-------------------|-------------------|-------------------|-------------------|---------------------------|--------------------|--------------------|
| 12 May ז' אייר | 13 May ח' אייר | 14 May ט' אייר | 15 May י' אייר | 16 May יא' אייר | 17 May יב' אייר | 18 May יג' אייר |
| Makkot 3:8-9 | Makkot 3:10-11 | Makkot 3:12-13 | Makkot 3:14-15 | Makkot 3:16 - Shevuot 1:1 | Shevuot 1:2-3 | Shevuot 1:4-5 |

