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Makkos Daf 10

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Cities of Refuge

The *Gemora* asks: Why were the cities of refuge far from the borders, but close to the center of the land?

Abaye answers: In Shechem (*the center of Eretz Yisroel*), there were many murderers. This is as the verse says: *And like gangs awaiting a man are a band of Kohanim murders on the roads to Shechem etc.*

The *Gemora* asks: What does the verse mean when it says *a band of Kohanim*?

Rebbi Elozar says: They would get together to kill people like the *Kohanim*, who gather together to receive the *terumah* by the silos.

The *Gemora* asks: Were there only six cities of refuge? Doesn't the verse say: *And in addition to them, you should add forty-two cities?*

Abaye says: The six cities give the killer refuge, whether or not he knows he is in a city of refuge. The other forty-two only provide refuge if the accidental killer knows this is a city of refuge.

The *Gemora* asks: Is Chevron a city of refuge? Doesn't the verse say: *And they gave Chevron to Calev, as Moshe had stated?*

Abaye says: The villages and yards surrounding Chevron were given to Calev. [*The city itself was given to Levi, and*

designated as a city of refuge.] This is as the verse says: *And the fields of the city and its yards were given to Calev, son of Yefuneh.*

The *Gemora* asks: Is Kedesh a city of refuge? Doesn't the verse say: *And the (large) fortified cities were Tzidim, Tzor, Chamas, Rekes, and Kineres...Kedesh, Edre'i, and Ein Chatzor?* And it was taught in a *braisa*: These cities (*of refuge*) cannot be made from small cities or large cities, but rather from average size cities. [*If Kedesh was a large fortified city, it could not have been a city of refuge!*]

Rav Yosef answers: There were two cities named Kedesh.

Rav Ashi says: This is like Slicum (*which was a large city*) and Akra d'Slikum (*an average size city near Slicum*).

The *Gemora* discusses a previous statement. The *braisa* had stated: These cities (*of refuge*) cannot be made from small cities or large cities, but rather from average size cities. They are only established in a place that has a source of water. If there is no water there, water must be brought there (*through digging canals*). They are only established in an area with a marketplace and a significant population. [*Rashi explains that this is in order that the relative should not come to the city with hired bandits and kill the accidental murderer. He will not do in a place where there are many people who would stop such a sin.*] If the surrounding population diminished, we add onto the amount of people living there. If the inhabitants move away, we bring them *Kohanim, Levi'im, and Yisroelim*. No weapons or hunting gear are sold in the city; these are the words of Rabbi



Nechemiah. The *Chachamim* allow this. They agree that traps should not be set out in the city, and ropes are not made there, in order to discourage the avenging relative from coming there. [*The Aruch Laner explains that making traps and rope required a large area of available area, which was not always available in every city. If they would be allowed to be made in a city of refuge, the avenging relative could say that he is just there to take advantage of the rope or trap making that is only available in this area. His constant presence there could end up in the illegal death of the accidental killer.*]

Rabbi Yitzchak says: What is the source in the Torah that we make sure he has everything he needs? The verse says: *He will flee to one of these cities and he will live.* This teaches us that we should provide for him in these cities anything that a person needs to live.

The *Gemora* cites a *braisa*: If a student is exiled, his teacher is exiled with him. This is as the verse says: *and he will live.* We provide for him that which he needs to live (*learning Torah is certainly a need*).

Rabbi Zeira says: From here we see that one should not teach an improper student (*for his sins might lead him to accidentally kill someone, and then the teacher will be forced into exile with him*).

Rabbi Yochanan says: If a teacher is exiled, his entire academy goes with him.

The *Gemora* asks: Is this so? Didn't Rabbi Yochanan say: How do we know that words of Torah provide refuge? This is as the verse says: *Betzer in the desert (is a city of refuge)...and this is the Torah! (Accordingly, why would he have to run away?)*

The *Gemora* answers: While he is studying Torah, it will provide refuge, not when he stops learning. Alternatively, it

only protects from the Angel of Death, not from other people causing him harm.

This is like the story of Rav Chisda who was learning Torah in the Academy. The messenger of the Angel of Death could not get close to him, as he would not stop learning. The messenger therefore went and sat on a cedar tree by the Academy and cracked it, causing an extremely loud noise. This distraction caused Rav Chisda to be quiet, and enabled the messenger to take him (*cause him to die*).

Rabbi Tanchum the son of Chanilai says: What merit did Reuven have that the city of refuge in his portion was mentioned first? It must be because he started to save Yosef first. This is as the verse says: *And Reuven heard and he saved him from their hands.*

Rabbi Simlai expounded: What does the verse mean when it says: *Then Moshe designated in TransJordan these three cities toward the rising sun?* Hashem said to Moshe: Make the sun rise for these accidental murderers (*give them their needs*). Some say Hashem said to Moshe: You have made the sun rise for murderers (*by providing them with cities of refuge*).

Rabbi Simai expounded: What does the verse mean when it says: *One who loves silver will never be satisfied with the amount of silver he has?* This refers to Moshe Rabbeinu. He knew that the three cities of refuge in TransJordan would not be able to provide refuge for accidental killers until the three cities in *Eretz Yisroel* were established. Even so, he said: If a *mitzvah* comes to my hands, I will do it.

And whoever loves a multitude has no produce. This means: Who is it deemed appropriate to teach Torah to in public? Only someone who has all of the produce (*i.e. knows Scripture, Mishna, Gemora etc.*). This is as Rabbi Elozar says: What does the verse mean when it says: *Who will say the strength of Hashem, he will let all of His praise be heard?* Who is appropriate to say the strengths of Hashem? He who



(on account of his broad knowledge of Torah) can say all of his praises.

The Rabbis, and some say Rabbah bar Mari says: He who loves a multitude, to him is produce? Whoever loves produce (Torah knowledge) will himself have produce (sons who are Torah scholars, see Rashi). When this was stated, the Rabbis turned their eyes towards Rava, the son of Rabbah (this was true of him).

A mnemonic: *Ashi lilmod, Ravina lelameid.*

Rav Ashi says: Whoever likes to learn with many people together, he will have produce (Torah). This is as Rabbi Yosi the son of Rabbi Chanina states: What does the verse mean when it says: *A sword to the individuals, and they will become fools?* A sword will be on the necks of the enemies of Torah scholars (a euphemism for Torah scholars – since the statement implies punishment) who sit and learn Torah individually. Moreover, they become fools. The verse here says: *and they will become fools*, and the verse elsewhere says: *that we have acted foolishly*. Moreover, they will sin. This is evident from the continuation of the latter verse: *and that which we have sinned*. Alternatively, this can be proved from the verse: *The officers of Tzo'an have become fools*.

Ravina says: Whoever teaches many people Torah will have produce. This is as Rebbe states: I learned much Torah from my teachers, and from my friends more than them, and from my students more than them (friends).

Rabbi Yehoshua ben Levi says: What does the verse mean when it says: *Our feet were standing on your gates, Yerushalayim?* Who caused our feet to stand in war? The gates of Yerushalayim, where the people were studying Torah.

Rabbi Yehoshua ben Levi says: What does the verse mean when it says: *A song of ascension for David. I rejoiced when they said to me that we should go to the house of Hashem?*

David said to Hashem: Master of the Universe! I have heard people saying, “When will this old person die, and his son, Shlomo, will come and build the Beis Hamikdash so we can go up to it during the festivals”? I was happy (when I heard this). Hashem said to him: *For a day in your courtyard is better to Me than a thousand*. One day that you study Torah before me is better than one thousand burnt offerings that your son Shlomo is going to bring in the Beis Hamikdash before Me.

The Mishna says that they laid out direct roads to the city of refuge.

The Gemora cites a braisa: Rabbi Eliezer the son of Yaakov says that the word “refuge” would be spelled out on the road signs by the intersections, in order that an accidental killer should know how to get there.

Rav Kahana says: What is the source for this in the Torah? *You should prepare the way*. Make a preparation on the road.

Rav Chama the son of Chanina opened the discussion regarding accidental killers as follows. The verse says: *Hashem is good and straight. He will therefore guide evildoers on the path*. If he will guide evildoers, he will certainly guide the righteous.

Rabbi Shimon ben Lakish opened the discussion regarding accidental killers as follows. *But if he did not lie in wait, but God caused it to come to his hand* etc. As the proverb of the Ancient One says, “from evildoers will come evil.” What is the verse referring to? It is talking about two people who killed. One killed accidentally, while the other killed intentionally. There were no witnesses to either murder. Hashem invites (has them go) them to one inn. The one who killed intentionally sits under a ladder, while the one who killed accidentally descends the ladder, falls, and kills the murderer. The one who killed intentionally is killed, and the one who killed accidentally now must go to a city of refuge.

Rabbah bar Rav Huna says in the name of Rav Huna, and some say Rav Huna says in the name of Rabbi Elozar: We see from Torah, Prophets, and Writings the concept that in the way a person goes, this is the way he is led. This is apparent from the Torah, as it says (*regarding Bilam*): *You should not go with them.* [When Bilam persisted] The verse then says: *Get up and go with them.* This is apparent from the Prophets, as the verse says: *I am Hashem, your God, who teaches you for your benefit. Who leads you in the path you will go.* This is apparent from the Writings, as the verse says: *If he wants to be friends with scoffers, he will scoff. If he wants to be friends with those who are humble, he will give favor.*

Rav Huna says: If a murderer ran to a city of refuge and the avenging relative found him there (*on his way*) and killed him, he is exempt. He holds that when the verse says: *And there is no death penalty upon him,* it is referring to the avenging relative.

The *Gemora* asks a question from a *braisa*. The *braisa* states: *And there is no death penalty upon him.* This refers to the murderer (*who runs to a city of refuge, and he cannot be killed on the way*). Is this referring to the murderer or the avenging relative? When the verse says: *And he did not hate him from yesterday or the day before,* it implies it is talking about the murderer. [This shows that Rav Huna's verse is referring to the murderer, not the avenging relative!]

The *Gemora* answers: Rav Huna's opinion is like that of the following *Tanna*. The *braisa* states: *And there is no death penalty upon him.* This refers to the avenging relative. Is this referring to the avenging relative or the murderer? When the verse says: *And he did not hate him from yesterday or the day before,* it already discussed the murderer. It must be that when it says: *And there is no death penalty upon him,* it is referring to the avenging relative.

The *Mishna* states: We give him two Torah scholars to escort him in case the avenging relative meets up with the accidental killer on the way. This is in order that the scholars will talk to the avenging relative.

The *Gemora* asks: This implies that they warn him that if he kills this murderer, he too will be killed. [This is a challenge to Rav Huna!]

The *Gemora* answers: No. This is as the *braisa* states: And they will talk to him means that they will say appropriate things. They say to him: Do not act with him like you would act towards a murderer. He did this by accident. Rabbi Meir says: The murderer represents himself, as the verse says: *And this is the word of the killer.* The *Chachamim* said to Rabbi Meir: Sending a messenger accomplishes more (*more than if the killer would represent himself*).

The *braisa* says that the scholars say he only did so accidentally.

The *Gemora* asks: Isn't this obvious, as otherwise, why would he be going to exile?

The *Gemora* answers: Yes, he would go to exile. This is as the *braisa* states: Rabbi Yosi the son of Rabbi Yehudah says that when someone kills, whether he did so willingly, or accidentally, he goes to a city of refuge. *Beis Din* sends for him and brings him from there (*and judges him*). If he was sentenced to death, he is killed. This is as the verse says: *And the elders of his city will send and take him from there and put him in the hands of the avenging relative, and he will die.* If he is not indicted, he would be declared exempt. This is as the verse says: *And the congregation will rescue the murderer from the hands of the avenging relative.* If he is ruled to go to exile, he is returned to the city of refuge. This is as the verse says: *And the congregation will return him to the city to which he had fled.* Rebbe says: Initially, they (*purposeful murderers*) went themselves to cities of



refuge. This is because they thought that cities of refuge rescue both accidental and purposeful killers. They did not realize that they provide refuge for accidental killers, but not intentional killers.

Rabbi Elozar says: A city of refuge that is mostly made up of murderers does not provide refuge. This is as the verse says: *And he will speak his matters to the ears of the elders of that city* his words. This does not apply when their matters are the same as his.

Rabbi Elozar says: A city without elders does not provide refuge. This is because it we require that there be “elders of the city” in order to provide refuge, and it does not have this.

It was stated: A city without elders is a dispute between Rabbi Ami and Rabbi Assi. One says it provides refuge, and one says it does not. The one who holds it does not holds this way because we require that there be elders in order to rescue, and it does not have this. The one who holds it does holds this way because the Torah’s requirement for elders is not a requirement, but merely a *mitzvah* (*fulfilled if it has elders*).

Similarly, they argue whether there can be a *ben sorer u’moreh* (*wayward and rebellious son*) in this city. One says there can, while the other says there cannot. The one who holds there cannot holds this way because we require that there be elders in order for there to be a ben sorer, and the city does not have this. The one who holds there can holds this way because the Torah’s requirement for elders is not a requirement, but merely a *mitzvah*.

Similarly, they argue whether there can be an eglah arufah (*the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person*) in

this city. One says there can, while the other says there cannot. The one who holds there cannot holds this way because we require that there be elders in order for there to be an *eglah arufah*, and the city does not have this. The one who holds there can holds this way because the Torah’s requirement for elders is not a requirement, but merely a *mitzvah*. (10a – 10b)

DAILY MASHAL

Kerias Shema’ Is a City of Refuge

Rabbi Avraham Yehoshua Heschel of Apta zt”l, author of *Ohev Yisrael*, commented on the verse “Six cities of refuge will be for you” as meaning the six words in the first verse of *Kerias Shema’*, in which a person finds refuge for his perplexed spirit. “And you will add to them 42 cities” means the 42 following words of the first paragraph of *Kerias Shema*, starting with *Veahavta*, in which a person devotes himself to Hashem.