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Makkos Daf 11

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Disputes

Rav Chama bar Chanina said: Why (in Sefer Yehoshua), when discussing the laws of inadvertent killers, is it stated in a harsh language (“speak” instead of “say”)? It is because here he was instructed to fulfill a commandment from the Torah (and this is the only such place).

The Gemora proves that the term “dibbur” –speech is a harsh one.

The Gemora notes that there is a distinction in the meanings of the word “dabeir,” and the word “yadbeir” (gentle).

Rabbi Yehudah and the Rabbis disagree as to why when discussing the laws of inadvertent killers, is it stated in a harsh language. One says it is because Yehoshua delayed in establishing these cities of refuge, and the other one says that it is because here he was instructed to fulfill a commandment from the Torah.

It is written in Yehoshua: And Yehoshua wrote these words in the Book of the Torah of God. Rabbi Yehudah and Rabbi Nechemiah disagree as to what he wrote. One says that he wrote the last eight verses in the Torah (dealing with Moshe’s death), and the other one says that it is referring to the verses dealing with the cities of refuge.

Rabbi Yehudah and Rabbi Meir disagree regarding a Torah scroll that was sewn together with linen. One says that it is valid, and the other one says that it is invalid. The one who

maintains that it is invalid holds that the Torah is compared to tefillin. Just as tefillin, based upon a Halachah l’Moshe mi’Sinai, must be sewn with sinews, so too the Torah must be sewn together with sinews. The other opinion holds that it is compared to tefillin only with regard to the halachah that it must be written on something that is permitted in your mouth (excluding parchment made from unclean animals), but not with respect to other halachos.

Rav Said: I saw the tefillin of my uncle, Rabbi Chiya, and they were sewn with linen. However, the Gemora rules, the halachah is not like him (and rather, it must be sewn with sinews). (10b – 11a)

Mishna

Whether the Kohen Gadol was anointed with the anointing oil (those who were anointed before Yoshiyahu), or one robed with the increased number of vestments (from Yoshiyahu and on, after he hid the anointing oil), or one who has passed from his appointment (he replaced a Kohen Gadol who became temporarily disqualified, and now, the first one became eligible again), they bring back the killer (after the Kohen Gadol dies, the inadvertent killer is free to leave the city of refuge). Rabbi Yehudah says: Even one who was anointed for battle (to address the soldiers before going to war) brings back the killer. Therefore, the mothers of the Kohanim Gedolim would provide them with food and clothing, so that they will not pray for their sons to die. (11a)

Kohen Gadol’s Death



The Gemora provides the Scriptural sources for the Mishna's ruling regarding the death of the Kohen Gadol enabling the inadvertent killer to leave the city of refuge.

The Mishna had stated that the mothers of the Kohanim Gedolim would provide them with food and clothing, so that they will not pray for their sons to die.

The Gemora asks: Even if they would pray, it will not come true, for it is an undeserved curse (and the Gemora cites a Scriptural verse in support of this)!?

A certain elder answered that the curse is not undeserving, for they should have implored God for mercy on their generation that these inadvertent killings should not occur, but they did not.

There were others who learned the Mishna as follows: the mothers of the Kohanim Gedolim would provide them with food and clothing, so that they would pray for their sons not to die.

The Gemora asks: And if they wouldn't pray on their behalf, they would die!? What should he have done? In Bavel they say: Toviah sinned and Zigud is lashed!? In Eretz Yisroel they say: Shechem should get married (to Dinah daughter of Yaakov) and Mavgai (one of the Shechem residents) must circumcise himself!?

A certain elder answered that the curse is not undeserving, for they should have implored God for mercy on their generation that these inadvertent killings should not occur, but they did not.

This is similar to the incident where a man was devoured by a lion within three paryaos from Rabbi Yehoshua ben Levi, and consequently, Eliyahu did not speak with him for three days.

Rav Yehudah states in the name of Rav: The curse of a scholar will always come true, even if it is undeserved. This is derived from an incident with Achatofel (David's teacher and advisor): When King David had begun the excavations for the foundation of the Temple, the waters of the subterranean deep came up and threatened to flood the planet. King David thought to inscribe the Divine Name on a piece of earthenware and cast it into the waters. No one told him the halachah. David said: Whoever knows this halachah, and does not tell it to me, should be strangled by his throat. His teacher, Achatofel, ruled that it would be permissible to do so based on the following kal vachomer: If, for the sake of peace between a husband and his wife whom he suspects of infidelity, the Torah commands us to erase His Name by placing the parchment into water, then it is certainly permissible to cast the Name into the waters to save the entire world! King David immediately wrote the Divine Name on a shard, cast it into the waters, which then subsided and remained in its place. And nevertheless (even though Achatofel did ultimately tell David the halachah), when Achatofel realized that Avshalom did not heed his advice, he went and wrote a will out for his house, and strangled himself.

Rabbi Avahu said: The curse of a scholar, even with a condition, will always come true (although the condition was not met). This is proven from an incident where Eli told Shmuel that he should be cursed if he conceals anything from him. And although Shmuel told him everything, Eli's curse was fulfilled by the fact that Shmuel's sons did not follow in his ways.

Rav Yehudah said in the name of Rav: The excommunication ban imposed upon someone with a condition, will require an annulment (although the condition was not met).

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: What is the significance of (the closeness of the next two verses), "Live, Reuven, and do not die, and his

numbers will be counted...And this is for Yehudah?" All of the forty years that Bnei Yisroel were in the Wilderness, the bones of Yehudah were rolling around in their casket. This was until Moshe came and asked for mercy. He said: Master of the Universe! Who caused Reuven to admit to his sin? It was Yehudah! Immediately, "Hashem heard the voice of Yehudah," and his bones returned to their proper sockets. However, he was not admitted to the Heavenly Yeshiva. Moshe prayed, "And to his nation You should bring him." He did not understand what was being said, and was therefore unable to participate in the discussions. Moshe prayed, "His hands should be mighty for him." He was not able to conclude the material with the right halachic outcome. Moshe prayed, "And he should have help from those bothering him."

The Gemora inquires: Is it with the death of all of them (all the different types of Kohanim Gedolim) that the killer goes free, or perhaps, it is with the death of only one of them?

The Gemora attempts to prove from the next Mishna: If he was convicted at a time when there was no Kohen Gadol, he cannot leave the city of refuge ever. Now, if he can leave when any of the Kohanim Gedolim die, he should be freed when one of the others die!?

The Gemora deflects this proof by saying that it was at a time when there were no Kohanim Gedolim at all at the time of the verdict. (11a – 11b)

Mishna

If after he was sentenced, the Kohen Gadol dies, he is not exiled. If before his judgment was completed the Kohen Gadol died, and they appointed another in his place, and his sentence was afterwards completed, he returns upon the death of the second.

If he was convicted at a time when there was no Kohen Gadol, or he had killed the Kohen Gadol, he cannot leave the city of refuge ever.

He may not go out for testimony with respect to a mitzvah (such as seeing the new moon), or to bear testimony in a monetary case, or to bear testimony in a capital case. Or even if Israel needs him (to save them), or even if he is the general of the army of Israel like Yoav son of Tzeruyah, he may never leave from there, as it is written: that he fled there - there shall be his dwelling place, there shall be his death, there shall be his burial.

As the city provides refuge, so does its techum (2000 amos from the edge of the city).

If the killer went beyond the city limit and the redeemer of blood found him, Rabbi Yosi HaGelili says: It is a mitzvah of the redeemer of blood (to kill him) and all others are allowed. Rabbi Akiva says: The redeemer of blood is allowed, and all others are liable for him. (11b)

Kohen Gadol's Death or Disqualification

Abaye explains the Mishna's ruling (if after he was sentenced, the Kohen Gadol dies, he is not exiled). If someone was exiled, he goes out when the Kohen Gadol dies; then it certainly stands to reason that he is not exiled in the first place if the Kohen Gadol dies. The Gemora notes that this is because the death of the Kohen Gadol is what atones for his sin.

Abaye says: We have as a tradition that if the killer died immediately after he was sentenced (before he went into exile), they take his bones to be buried in the city of refuge.

The Gemora cites a braisa: If the killer died (in the city of refuge) before the Kohen Gadol died, (when the Kohen Gadol does die) they take his bones to the burial ground of his ancestors.



If the killer was sentenced to exile and then the Kohen Gadol was found to be a son of a divorcee or a son of a chalutzah (disqualifying him from serving as a Kohen), Rabbi Ami and Rabbi Yitzchak Nafcha disagree regarding this: One says that the Kehunah has died (from the point in time when he was discovered to be disqualified; this is as if he died then, and consequently, the killer is not exiled). The other one says that the Kehunah has been nullified (as if he was never fit to serve; it is therefore akin to a verdict without a Kohen Gadol, in which the halachah is that he may never leave the city of refuge).

The Gemora suggests that this dispute is the same as that of Rabbi Eliezer and Rabbi Yehoshua, for it was taught in a Mishna: If a Kohen was offering sacrifices on the altar, and it becomes known that he is a son of a divorcee or a chalutzah, Rabbi Eliezer says that all sacrifices that he offered in the past are ruled to be invalid, and Rabbi Yehoshua says that they are valid. Let us say that that the one who holds that the Kehunah has died holds like Rabbi Yehoshua, and the one who maintains that the Kehunah has been nullified holds like Rabbi Eliezer.

The Gemora explains that the arguments are not necessarily related, for even the one who holds that the Kehunah has been nullified (retroactively) may also agree with Rabbi Yehoshua (that his past sacrifices are ruled to be valid), for Rabbi Yehoshua holds like that based upon the verse: Bless his belongings, Hashem, and the deeds of his hands accept. This teaches us that the sacrifices offered by disqualified Kohanim are nevertheless valid. However, with regards to the killer going to exile, even Rabbi Yehoshua admits that he is retroactively disqualified. (11b – 12a)

DAILY MASHAL

Inspiring Others

Yehudah's bones were rattling in the coffin on the way to Eretz Yisroel, until Moshe prayed to God claiming: "Yehudah confessed to falsely accusing Tamar of being a harlot, and only then did Reuven confess to the sin of mixing up Yaakov's bed." We deduct from this time span (between Reuven committing the sin and his confessing to the act) that Reuven learned from Yehudah that it is a Mitzvah to confess your sins. Therefore God, Moshe continued, if Reuven merits an eternal rest, Yehudah should as well. God answered Moshe's prayers, and Yehudah's bones rested immediately.

Rabbi Chaim Shmuelevitz asks: Why isn't the fact that Yehudah confessed his sin adequate enough? Why did Moshe have to utilize the fact that Reuven learned from Yehuda to admit? He answers that it is not just the merit of confessing, but the fact that due to Yehudah's deeds, other people learned how to serve God better. This is greater than just the merit of a good deed on its own. This is what's called "ZIKUY HARABIM", "meriting the public."