



OVERVIEW of the Daf

1) The disqualification of the Kohen Gadol (cont.)

The Gemara rejects the assertion that the disagreement between R' Ami and R' Yitzchok Nafcha regarding a Kohen Gadol who is discovered to be disqualified parallels a dispute between Tannaim.

2) Yoav

R' Yehudah in the name of Rav taught that Yoav committed two errors.

Abaye asserts that there was a third error as well.

Reish Lakish teaches that the Angel of Rome will make three errors at the end of days.

3) Burial in the city of refuge

R' Avahu asserts that Levi'im were not buried in a city of refuge.

This assertion is unsuccessfully challenged.

4) The techum of the city of refuge

The Mishnah's assertion that the techum of the city of refuge affords protection is unsuccessfully challenged.

5) The murderer who leaves the city of refuge

A Beraisa elaborates on the dispute in the Mishnah between R' Yosi HaGalili and R' Akiva regarding who may kill the murderer and whether it is a mitzvah to do so.

The Gemara explains the basis for their dispute.

Rav is quoted as giving a ruling which does not seem to follow R' Yosi HaGalili or R' Akiva.

The Gemara explains that Rav is following the Tanna of another Beraisa.

The exchange between the Tanna of the Beraisa against R' Yosi HaGalili and R' Akiva is recorded.

A Beraisa teaches that the murderer may be killed even if he walked out of the city of refuge inadvertently.

This ruling is challenged from another Beraisa.

The Gemara resolves the contradiction by distinguishing between whether the Torah speaks in the language of man or not.

Abaye cites a proof for the position that the Torah speaks in the language of man.

Two Beraisos are cited that disagree whether a son may be the blood avenger against his father.

One possible resolution is suggested and rejected.

A second resolution is accepted.

6) MISHNAH: The Mishnah discusses the status, as far as protection is concerned, of a tree that is partially inside the techum and partially outside the techum.

7) Determining the location of a tree

A Mishnah in Maaser Sheni is cited that contradicts our Mishnah concerning the method of categorizing the location of a tree.

The Gemara explains why the two cases are not similar enough to be contradictory.

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Distinctive INSIGHT

A son avenging the blood against his father

אלא לא קשיא הא בבנו הא בבן בנו

The Gemara notes an inconsistency between two Beraisos. In one, we find that if a father accidentally kills his son, a different son may act as an avenger (גואל הדם) for his brother, and to kill the father. A second Beraisa rules that a son may not act as a גואל הדם to kill his own father. The resolution of the Gemara is that the Beraisa that does not allow a son to kill his father is speaking about the brother of the victim, who may not kill his own father. The Beraisa that allows this behavior is dealing with the son of the victim, the grandson of the killer. A grandson may act as an avenger to kill his grandfather. Rashi explains that the leniency in this case is due to the halacha that a grandson is technically not obligated in the mitzvah of honoring his grandfather.

Rambam (Hilchos Rotzei'ach 1:2) defines the גואל הדם as anyone who is in line to inherit from the victim of the manslaughter. Rabbi Akiva Eiger, in his comments to Rambam, questions this definition from that which is apparent from our Gemara. The Gemara concludes that the only reason a brother of someone who is killed cannot avenge his brother's blood from the father is that he is obligated to honor his father, and not to kill him even under these circumstances. Yet, according to Rambam, the brother is not even a valid גואל הדם, because he is not in line to inherit from his deceased brother while their father is still alive.

Rabbi Akiva Eiger presents a case, however, where the application of the Gemara would be meaningful. Let us consider a case where a father accidentally kills his divorced wife. It is the son of this woman who is in line to inherit from his mother, and the father is not an heir. Here, the son is a גואל הדם according to the definition of Rambam, and he would seek to avenge the blood of his mother against his father. Yet, he is not allowed to do this, because he is commanded to honor his father and not to kill him, even under these circumstances. ■

REVIEW and Remember

1. What were Yoav's two errors?

2. What is the point of dispute between R' Yosi HaGalili, R' Akiva and the Tanna of the Baraisa?

3. Explain the principle דברה תורה כלשון בני אדם.

4. Where does an inadvertent murderer go if he kills inadvertently in the city of refuge?

HALACHAH Highlight

Honoring a grandparent

הא בבנו והא בבן בנו

This one discusses his son and this one discusses his grandson

Rema¹ cites two opinions whether there is an obligation for a grandson to honor his grandfather. The opinion that maintains that one is not obligated to honor a grandfather is Maharik². He notes that in addition to the obligation to honor a parent one must honor a step-father, a step-mother and an oldest brother but we do not find the Gemara discussing an obligation to honor a grandparent. The statement of the Gemara בני בנים הרי הם כבנים –grandchildren are like children is limited to the issue of פרו ורבו but is not a general principle that could be applied outside of that context.

Later authorities cite our Gemara as support for Maharik's position. Our Gemara teaches that if a father inadvertently kills his son the other sons may not act as the blood avenger against their father. The grandson of the inadvertent killer may serve as the blood avenger against his grandfather. This clearly indicates that a grandson is not obligated to honor his grandfather. Teshuvos Torah Lishmah³ explains that there is an obligation for grandchildren to honor their grandparent but the obligation is only Rabbinic in origin. Therefore, when there is a conflict between honoring a parent and honoring a grandparent the honor of the parent will take priority since that obligation is Biblical. This is the underlying rationale behind our Gemara's ruling. Acting as a blood avenger for the death of one's father fulfills a Biblical obligation whereas honoring a grandfather is only Rabbinic. When they are in conflict priority is given to the Biblical obligation and thus a grandson may serve as the blood avenger against his grandfather.

Teshuvos Chelkas Yaakov⁴ cites one authority who maintains that the precedence given to a father over a grandfather does not apply when the father and the grandfather are together and in such a

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A contradiction between a Mishnah in Maaser Sheni and a Mishnah in Maasros is noted.

R' Kahanah resolves the contradiction.

It is noted that this resolution does not seem to fully explain the case of the city of refuge.

Rava suggests an explanation.

R' Ashi offers another way to explain the Mishnayos.

8) **MISHNAH:** The Mishnah discusses what happens if an exiled murderer murders someone inadvertently in a city of refuge and what happens to a Levi who murders inadvertently.

9) Elaborating on the Mishnah

A Beraisa expounds a verse to teach that in the wilderness inadvertent murderers were exiled to the Levite camp and that is the model for the Mishnah's ruling concerning a Levi who inadvertently murders.

R' Acha the son of R' Ika presents the source that one could be exiled within the city of refuge.

10) **MISHNAH:** The Mishnah begins by teaching that if the residents of the city of refuge want to honor the murderer he must initially refuse but if they insist, he may accept the honor. ■

case the grandfather would take precedent since both the son and the grandson are obligated to honor the grandfather. Other authorities disagree and maintain that under all circumstances honoring a father takes precedence over honoring a grandfather. A possible proof to this latter position is our Gemara. If there was ever a circumstance in which honoring the grandfather would take precedent it would be in a case such as ours to spare the life of the grandfather. The fact that a grandson can serve as the blood avenger indicates that honoring the father is always a higher priority. ■

1. רמ"א יו"ד סי' ר"מ סעי' כ"ד.

2. שו"ת מהרי"ק שורש מ"ו.

3. שו"ת תורה לשמה סי' רס"ה.

4. שו"ת חלקת יעקב יו"ד סי' קל"ה. ■

STORIES Off the Daf

Hearing without listening

”שאינו קולט...”

Once at the tish of the Ohev Yisrael of Apt, זט"ל, there was an inordinate amount of pushing right before the Rav gave over a Torah lesson. The crowding was not surprising, since this Rav, who was known for his love for every Jew, was also renowned for his inspiring Torah. No one wanted to miss even one word of the sweet Torah he would impart.

When the Rav saw that there was so much pushing he said. “When all of us here sing the songs of Shabbos day we proclaim loud and clear what the Gemara teaches on

Makkos 12. There we find that the heavenly angel of Eisav will mistakenly think that if he flees to the city of Batzrah this will protect him from heavenly retribution for his cruelty throughout the centuries. We may well ask: how can we possibly sing this stanza every week? Why aren't we afraid that Eisav's heavenly angel will hear and come up with a better plan?

“The obvious answer is that the officer of Eisav does not hear at all. Although we proclaim this loud and clear, he does not grasp it. The same is true for those who stand at the tisch. There is no need to push to hear, since those who are worthy will hear even from afar. And those unworthy will not hear more even if they sit closer!”¹

But the Yismach Moshe, זט"ל, explained the practical meaning of this teaching. “The

Maharash Algazi, זט"ל, explains that one must protect his heart from becoming enthralled by the evil within. We must realize that love, fear, and dveikus are the source of all life, as the Chovos Halevavos explains.

“Obviously, when we sing about this, Hashem sends the yetzer away so he does not hear. We must take this to heart and work on building our love for Hashem at this auspicious moment. That is the reason why immediately after singing about the yetzer's foolish mistake in running to Batzrah, we say, אהבו ה' כל חסידיו — Hashem loves all of His pious ones.’ This is because the time we sing about the yetzer's mistake is exactly when we can all become chassidim who love Hashem. But only if we take this to heart!”² ■

1. שפתי קדושים, בליקוטים

2. ישמח משה, פרשת וואת הברכה ■