

Makos Review Lesson 60 - Daf 12A - B:

6. **Answer of Rav Kahana:** Mishnah #1 is like Chachamim, Mishnah #2 is like R. Yehudah. As we see from....

DAF 12b:

7. **Beraisa - R. Yehudah:** (Regarding Ma'aser), if a cave is partly in Yerushalayim, the entire cave is like the opening. Regarding a tree, we adopt the law of the foliage.
8. **Question:** Perhaps R. Yehudah adopts the law of the foliage only to be stringent, to forbid redeeming (on the trunk) if the foliage is inside Yerushalayim, and to forbid eating if the foliage is outside;
9. Also, if the trunk is outside an Ir Miklat and the foliage is inside, he would be stringent to forbid killing the murderer on the trunk;
10. However, if the trunk is inside and the foliage is outside, would he say that since one could kill the murderer if he were on the foliage, he may kill him if he is on the trunk in the Ir Miklat?!
11. **Answer of Rava:** Rava upholds the query. The basis of the Tana'im's dispute therefore pertains to a case where the murderer is perched on the branches outside the walls, where Rabbi Yehudah permits the Go'el ha'Dam to climb up the trunk which is inside the town, in order to get to the murderer, whereas the Rabbanan forbid even that.
12. And even the Rabbanan will concede in a similar case, where the murderer is also perched in the branches outside the walls, that the Go'el ha'Dam will be permitted to kill him from afar with arrows or stones - because they too agree, that the branches do not go after the trunk.
13. **Rav Ashi** disagrees with the entire Sugya. He amends the wording of our Mishnah 'ha'Kol Holech achar ha'Nof' to - 'ha'Kol Holech Af achar ha'Nof', implying that we certainly go after the trunk (but that we will even go after the branches le'Chumra).
14. The implication refers to - where the murderer is standing by the trunk inside the town, in which case, we certainly do not go after the branches that are growing outside the wall (permitting the Go'el ha'Dam to kill him, as we thought until now).
15. And we go after the trunk in a case - where the murderer is perched in the branches outside the walls, and the trunk is inside (in which case the Go'el ha'Dam is certainly not permitted to kill the murderer).
16. The author of our Mishnah is still - Rabbi Yehudah, who is the one to go after the branches (at least, le'Chumra).

GALUS WITHIN AN IR MIKLAT:

1. **Mishnah:** If a murderer went to Galus and killed in the Ir Miklat, he is exiled to a different neighborhood in the city; (but he does not leave the city)
2. If a Levi killed in his city, he is exiled to a different Ir Miklat.
3. **Gemara - Beraisa:** "V'Samti *Lecha* Makom" - in your (Moshe's) lifetime (you will separate Arei Miklat);
4. "Makom" - from your place (the Arei Miklat will be the Leviyim's cities).
5. "Asher Yanus Shamah" teaches that Galus applied in the Midbar.
6. **Question:** Which place was Kolet?
7. **Answer:** Machaneh Levi was Kolet.
8. This is the source that if a Levi killed, he is exiled to a different Ir Miklat. If he exiled himself to a different part of his city, it is Kolet.
9. **Rav Acha brei d'Rav Ika:** We learn this from "Ki v'Ir Miklato Yeshev" - the city that was already Kolet him.