

## ואינה מביאה עגלה ערופה - And she does not bring a decapitated calf

### Overview

Among the ten things about ירושלים is that there is no obligation to bring an עגלה ערופה. The reason is that since regarding עגלה ערופה, the פסוק states, <sup>1</sup> ירושלים for ערופה, and ירושלים was not divided amongst the שבטים. Our תוספות explain why we require this reason when there is seemingly another reason.

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asks: תוספות

ואם תאמר מאי אריא משום דלא נתחלקה -

And if you will say; why does the גמרא teach us that עגלה ערופה because אינה מביאה עגלה ערופה - שבטים it was not divided for the

תיפוק ליה משום דאית לן למיזל בתר רובא דעלמא כדאמר<sup>2</sup> בלא יחפור (בבא בתרא דף כג, ב) -

We can derive that עגלה ערופה, because we are to follow the majority of the world, as the גמרא states in יחפור - פרק לא

anticipates a possible solution: תוספות

ואף על גב דאמר התם דביושבת בין ההרים לא אזלינן בתר רובא<sup>3</sup> וירושלים הרים סביב לה<sup>4</sup> -

And even though the גמרא there states that if the city is situated in the mountains we do not follow the majority, and ירושלים is surrounded by mountains -

rejects this solution: תוספות

מכל מקום היו ישראל נכנסין ויוצאין לה לעלות לרגל -

Nevertheless the Jews would go in and out of ירושלים to be רגל - עולה

ובשאר ימות השנה נמי לשלם נדרים ונדבות -

And even during the rest of the year they would also frequent ירושלים from all over

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<sup>1</sup> The rule is that if a corpse was found and we cannot identify the murderer, the city closest to the corpse must bring an עגלה and decapitate it by a איתן. However if the closest city is ירושלים, no עגלה ערופה is brought for ירושלים (rather the go to the next closest city).

<sup>2</sup> רבי חנינא ruled there that if there is a רוב and a קרוב (a majority, or closest) we follow the majority. Similarly when we find a corpse, even though it is closest to a particular city, nevertheless that city is not obligated to bring an ערופה because we assume that the murderer came from anywhere in the world. The majority of murderers are elsewhere not in this city. [As far as the ruling in the פסוק that the closest city brings an ע"ע that is in a case where the city is surrounded by mountains, so we assume that the murderer is from here, because no outside people come here.] That same should be regarding ירושלים that there is no obligation for an ע"ע, since presumably the murderer came from elsewhere.

<sup>3</sup> See [the bracketed area in] footnote # 2.

<sup>4</sup> [This is a quote from a פסוק ב, תהלים קכה,] So presumably the murderer came from ירושלים, and not from elsewhere. Therefore in this case we follow the קרוב.

to pay up their vows and pledges (for קרבנות) -

וגם אומות העולם היו באין לה לסחורה שקרויה רוכלת עמים<sup>5</sup> -

And the nations of the world would also come to ירושלים for trade, for ירושלים was called 'a purveyor for the nations'; so there were many people in ירושלים who were not local and therefore if we follow the רוב, the murderer is not from ירושלים, and that is sufficient reason not to bring the ע"ע, so why do we need the reason of לשבטים?

answers: תוספות

ויש לומר דמכל מקום היו שם מקומות שלא היו מצויים כי אם יושבי ירושלים לבדם<sup>7</sup> -

And one can say that nevertheless there were places there in ירושלים where only the inhabitants of ירושלים alone would be found there –

offers an alternate solution תוספות

אי נמי בימי חזקיה<sup>8</sup> שכל ישראל היו בירושלים ולא היו באין לסחורה:

Or one may also say that the exemption of the פסוק was necessary during the days of חזקיה המלך, where all the Jews were in ירושלים, and the nations were not coming for trade.

### Summary

There were places or times in ירושלים when it was isolated, therefore if not for a פסוק they would need to bring an ע"ע.

### Thinking it over

Is the rule that the closest city brings the ע"ע because we assume that one of its citizens is the murderer, or because we assume that the murderer was in that city (not necessarily a citizen, but even a visitor)?

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<sup>5</sup> This phrase רוכלת עמים is mentioned in צור regarding יחזקאל כז,ב. See רש"י.

<sup>6</sup> See שיטה מקובצת in the name of ישעיה ה"ר that this refers to the north side of ירושלים.

<sup>7</sup> If the corpse would have been found near (or in) that area, if not for the פסוק, the ב"ד of that area would need to bring an ע"ע, because that area would be considered בין ההרים; an isolated area.

<sup>8</sup> This perhaps may have been during the siege of סנחריב. See קובץ שיעורים.