פרק ב

א צלוּ הֵן הַגּוֹלִין, הַחוֹבֵג נֶפֶשׁ בִּשְנָנְה. הָיָה מְעַנֵּל בַּפַּמְעְנֵילָה וְנָפְלָה עָלָיו וַהַרָגַתּוּ, הָיָה יוֹבֵד בַּסָּלָם וְנָפַל עָלָיו וַהַרָגוֹ, הֲבִי זֶה גּוֹלֶה. מְשַׁלְשֵׁל בָּחָבִית וְנָפְלָה עָלָיו וַהַרְגַתּוּ, הָיָה דוֹלֶה בֶחָבִית וְנִפְּסַק הַהֶּבֶל אֲבָי אִם הָיָה מוֹשֵׁךְ בַּפַּמְעְנֵילָה וְנָפְלָה עָלָיו וַהַרְגוֹ, הֲבִי זֶה צִינוֹ גוֹלֶה. זֶה הַכְּלָל, כָּל שָׁבְּלָי וְהָרָג, גּוֹלֶה. נְשְׁלֹא בְדֶרֶךְ יְרִידְתוֹּ, צֵינוֹ גוֹלֶה. נִשְׁמֵט הַבַּרְזֶל מִקַּתּוֹ וְהָרֵג, רַבִּי שִּׁבְּרָר יְרִידְתוֹ, גּוֹלֶה. וְחָבָתִים אוֹמְרִים, גּוֹלֶה. מִן הָעֵץ הַמִּתְבַּקּעַ, רַבִּי אוֹמֵר, גּוֹלֶה. וַחֲכָמִים אוֹמְרִים, גּוֹלֶה. מִן הָעֵץ הַמִּתְבַּקּעָ, רַבִּי אוֹמֵר, גּוֹלֶה. וַחֲכָמִים אוֹמְרִים, צִּינוֹ גוֹלֶה. מִן הָעֵץ הַמִּתְבַּקּעַ, רַבִּי אוֹמֵר, גּוֹלֶה. וַחֲכָמִים אוֹמְרִים, צִינוֹ גוֹלֶה. מִן הָעֵץ הַמִּתְבַּקּעָ, רַבִּי אוֹמֵר, גּוֹלֶה.

1. These are the ones who go into exile:

one who kills a person by accident

if he was rolling with a roller, and it fell upon him and killed him, if he was letting down a jar [from a roof] and it fell upon him and killed him if he was coming down a ladder and fell upon him behold, this person goes into exile.

But if he was pulling the roller up and it fell upon him and killed him,

or drawing up a jar and the rope broke and it fell upon him and killed him, or if he was going up the ladder and fell upon him and killed him behold this person does not go into exile.

This is the general principle:

Anything that happens "on the way down," that person goes into exile.

Anything that does not happen "on the way down," that person does not go into exile.

ב הַזּוֹרֵק אֶבֶן לִּרְשוּת הָרַבִּים וְהָרַג, הֲרֵי זֶה גּוֹלֶה. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, אָם מִבְּשֶּיָּצְאתָה הָאֶבֶן מִיָּדוֹ הוֹצִיא הַלָּז אֶת רֹאשוֹ וְקִבְּלָהּ, הֲרֵי זֶה פָּטוּר. זָרַק אֶת הָאֶבֶן לַחֲצֵרוֹ וְהָרַג, אָם יֵשׁ רְשוּת לַנִּזָּק לְבָּנֵם לְשָׁם, גּוֹלֶה. וְאָם לָאוּ, שֻנְּצֶּמֶר (דברים ים) וַאֲשֶׁר יָבֹא אֶת רֵעָהוּ בַיַּעֵר, מָה הַיַּעֵר רְשוּת לַנִּזָּק וְלַמַּזִּיק לְבָּנֵם לְשָׁם, צִבָּא שָׁאוּל אוֹמֵר, מַה הֲטָבַת עֵצִים רְשוּת, יָצָא הָאָב הַמַּבֶּה בַּעַל הַבַּיִת שָׁאֵין רְשוּת לַנְּזָּק (וְלַמַּזִּיק) לְבָּנֵם לְשָׁם. אַבָּא שָׁאוּל אוֹמֵר, מַה הֲטָבַת עֵצִים רְשוּת, יָצָא הָאָב הַמַּבֶּה אֵת בְּנֹלִידוֹ, וּשְּלִיחַ בֶּית דִּין:

2. One who throws a stone into the public domain and kills someone,

behold that person goes into exile.

Rabbi Eliezer ben Yaakov says:

"If after the stone left his hand that other person stuck his head out and got hit, behold he [the one who threw the stone] is exempt."

If he threw the stone in his own courtyard,

if the victim had every right to go in there, then he goes into exile.

But if not, then he does not go into exile,

As it is said as when a man goes into the forest with his neighbor (Deuteronomy 19:5);

Since a forest is a doman belonging equally to the victim and to the one who hurt, a courtyard which belongs to the owner does *not* belong equally to the victim to enter.

Abba Shaul says:

"While cutting wood is optional [and in that case the accidental killer is exiled], the father who strikes his son, or the teacher who disciplines his student, or the court flogger are excluded from this rule."

[i.e. they killed accidentally while performing their duty].

ג הָאָב גּוֹלֶה עַל יְדֵי הַבֵּן, וְהַבֵּן גּוֹלֶה עַל יְדֵי הָאָב. הַכּּל גּוֹלִין עַל יְדֵי יִשְּׂרָאֵל, וְיִשְׂרָאֵל גּוֹלִין עַל יְדֵיהֶן, חוּץ מֵעַל יְדֵי בָּרְ תִּוֹשָׁב. וְבֵר תִּוֹשָׁב. וְבֵר תִוֹשָׁב. וְבֵר תִוֹשָׁב. וְבֵר תִוֹשָׁב אֵינוֹ גוֹלֶה, דְּבְרֵי רַבִּי יְהוּדָה. רַבִּי מִאִיר אוֹמֵר, נִשׁוֹנֵא צָהֶרָג, מִפְּנֵי שֶהוּא כְמוּעָד. רַבִּי שִׁמְעוֹן אוֹמֵר, יֵש שוֹנֵא גּוֹלֶה הַשׁוֹנֵא צֵינוֹ גוֹלֶה. רָבִּי שִׁמְעוֹן אוֹמֵר, הַרִי זֶה גּוֹלֶה: וְשֵׁלֹא לֶדַעַת הָרַג, הָרִי זֶה גּוֹלֶה: וְשׁ שוֹנֵא שֵׁבִּא שִׁבִּוֹ גוֹלֶה. (זֶה הַבְּלָל), כֹּל שֶׁהוּא יָכוֹל לוֹמֵר לָדַעַת הָרַג, אֵינוֹ גוֹלֶה. וְשֶׁלֹא לָדַעַת הָרַג, הֲרִי זֶה גּוֹלֶה:

3. A father geos into exile because of the son

and a son goes into exile because of the father

All go into exile because of an Israelite

and an Israelite goes into exile because of another israelite but not because of a *ger toshav* [resident alien].

and a ger toshav only goes into exile because of anotherger toshav.

A blind person does not go into exile. These are the words of Rabbi Yehuda. Rabbi Meir says "he goes into exile."

One who hates does not go into exile.

Rabbi Yosi bar Yehuda says "the one who hates is put to death, because he is a known danger."

Rabbi Shimon says, "There are some who hate who do go into exile, and some who hate who do not go into exile."

This is the general rule:

Anyone about whom it may be said "he killed knowingly," he does not go into exile. and if it may be said "he killed unknowingly," behold he goes into exile.

ת וּמְכָנָנוֹת לָהֶן דְּרָכִים מִזּוֹ לָזוֹ, שֶּנֶּאֱמַר (דברים יש) תַּכִין לְךְּ הַדֶּרֶךְ וְשִׁלַשְׁתָּ וְגוֹ'. וּמוֹסְרִין לָהֶן שְנֵי תַלְמִידֵי חֲכָמִים, הוּא מְדַבֵּר עַל יְדֵי עַצְמוֹ, שֶׁנֶּאֱמַר (שם) וְזֶה דְּבַר הָרֹצֵח: שֶׁמָּא יַהַרְגֶנּוּ בַדֶּרֶךְ, וִידַבְּרוּ אֵלָיו. רַבִּי מֵאִיר אוֹמֵר, (אַף) הוּא מְדַבֵּר עַל יְדֵי עַצְמוֹ, שֶׁנֶּאֱמַר (שם) וְזֶה דְּבַר הָרֹצֵח: Direct roads were prepared from here to there,

as it is saidyou shall prepare the way and divide the borders of your land (Deut 19:3).

And they appoint to them two Torah scholars, let the avenger come to kill him on the way, and they can speak to him.

Rabbi Meir says: "He may also speak for himself", as it is said this is the word of the manslaughterer (Deut 19:4)