

### City Limits

Excerpted and adapted from a *shiur* by Rav Moshe Zev Granek

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[https://baishavaad.org/wp-content/uploads/2022/09/DEV82\\_005\\_Shoftim\\_Murder\\_Mystery\\_Do\\_Arei\\_Miklat\\_Bring\\_Egla\\_Arufa-1.mp3](https://baishavaad.org/wp-content/uploads/2022/09/DEV82_005_Shoftim_Murder_Mystery_Do_Arei_Miklat_Bring_Egla_Arufa-1.mp3)

*If a body is found in the land that Hashem your G-d is giving you to inherit it, fallen in the field, and it is not known who struck him down...And the elders of that city shall take a calf with which work has never been done and that has never drawn a yoke...*

Devarim 21:1-3

The Gemara (Bava Kama 82b) says that if a body is found in close proximity to Yerushalayim, *eglah arufah* is not applicable, because the Torah here uses the word *lerishtah* (to inherit it), and Yerushalayim was not included in the distribution of Eretz Yisrael among the *shvatim*. Likewise, Yerushalayim cannot become an *ir hanidachas* (condemned city) because the Torah uses the word *arecha* (your cities).

The Rambam (*Hilchos Avodah Zarah* 4:4) records the halacha that Yerushalayim cannot be an *ir hanidachas*, and he says the same about *arei miklat* (cities of refuge), because they were given to the *levi'im*.

The Rambam (*Rotzeiach* 9:4) also codifies the halacha that an *eglah arufah* is not brought for Yerushalayim, but unlike with *ir hanidachas*, he doesn't apply the ruling to *arei miklat*. Why the difference?

Perhaps it is because the Rambam (*Ma'aser Sheini* 11:17) rules like R' Yosi that the *levi'im* are the owners of their cities, which all had the status of *ir miklat*. If so, *eglah arufah* applies to them, even if it does not apply to Yerushalayim.

However, we must then explain why the Rambam says that an *ir miklat* cannot become an *ir hanidachas*. The reason may be that *ir miklat* is subject to *eglah arufah* because the *levi'im* that live there have rights to the city. But with regard to *ir hanidachas*, one must also consider the rights of those who could potentially live there, who could argue that we cannot destroy the city if *they* did not worship *avodah zarah*.