

From the Rabbi's Desk
Rabbi Manes Kogan
Hillcrest Jewish Center
183-02 Union Turnpike, Flushing, NY 11366
rabbikogan@hillcrestjc.org

Stories with a Twist

[247]

I Do Not Want to Take It from You, But Now That You Have Explained to Me The Reason, I Will Accept It Insights into Babylonian Talmud Ketubot 106a

With appreciation to Rabbi Uri Romano for bringing this story to my attention



Background to Our Story

Exodus 23:8

"You must not accept a bribe, for a bribe blinds those who see and subverts the words of the righteous."

Babylonian Talmud Ketubot 105b

The Sages taught: "And you shall take no bribe" (Exodus 23:8). It is not necessary to say bribery by means of money; however, even verbal bribery is also prohibited.

Verbal bribery in Jewish Law

A judge must take excessive care not to accept a bribe of any kind. This includes verbal bribery and bribery performed by means of objects, including favors performed by the litigant for the judge. (Rambam *Sefer Shofetim, Hilkhos Sanhedrin* 23:3; *Shulhan Arukh, Hoshen Mishpat* 9:1).

Three Cases of Subtle (unintended?) Bribery

Case 1

The Gemara (in Ketubot 105b) explains: This can be demonstrated by that episode involving Shmuel, who was once crossing a river on a narrow ferry. A certain man came along and gave him a hand to help him out of the ferryboat. Shmuel said to him: What are you doing in this place? The man said to him: I have a case to present before you for judgment. Shmuel said to him: I am disqualified from presiding over your case.

Case 2

Ameimar was sitting and judging a case when a feather floated and landed on his head. A certain man came by and removed it from his head. Ameimar said to him: What are you doing here? He said to him: I have a case to present before you. Ameimar said to him: I am disqualified from presiding over your case.

Case 3

There was spittle lying before Mar Ukva. A certain man came by and covered it. He said to him: What are you doing here? He said to him: I have a case to present before you. Mar Ukva said to him: I am disqualified from presiding over your case.

? Assuming that in the three above cases the litigants did not intend to bribe the judges with their actions, why did the three judges disqualify themselves?

Answer 1 _____

Answer 2 _____

Answer 3 _____

? Why did the Rabbis bring three cases so similar?

Elisha



<https://en.wikipedia.org/wiki/Elisha>

Elisha was, according to the Hebrew Bible, a prophet and a wonder-worker. Also mentioned in the New Testament and the Quran, Elisha is venerated as a prophet in Judaism, Christianity, and Islam. He is said to have been a disciple and protégé of Elijah and, after Elijah was taken up into the whirlwind, accepted as the leader of the sons of the prophets

Anan



[https://en.wikipedia.org/wiki/Anan_\(amora\)](https://en.wikipedia.org/wiki/Anan_(amora))

Anan (Jewish Babylonian Aramaic: רב ענן) was a Babylonian *amora* of the third century, disciple of Mar Samuel (*Yebamot* 83b, *Ḳiddushin* 39a), and contemporary of Rav Huna and Mar 'Ukba II. (*Ketubot* 69a). Anecdote and legend combine to illustrate Anan's renown for extreme conscientiousness in his capacity as judge in civil cases, as well as for his theosophical speculations. The book *Tanna Devei Eliyahu* ("*Seder Eliyahu Rabbah*" and "*Seder Eliyahu Zutta*") is said to have been composed during visitations Anan received from the prophet Elijah (*Ketubot* 106a). Anan was prominent as a teacher of civil law and of ritual; and though Rav Nachman once criticized one of his arguments — remarking, "While attending Mar Samuel, you must have spent your time in playing at checkers" (or "chess," *skundré*, *Ḳiddushin* 21b) — he highly respected him, and addressed him with the title of Mar ("Master," *Ḥullin* 56a). Rav Huna, on his part, did not consider Anan his equal; and when the latter once addressed to him a message, headed, "To Huna, our colleague, greetings," he felt himself depreciated and replied in a manner that embarrassed Anan (*Ketubot* 69a). In the field of the Aggadah, Anan rarely appears, and then only as the transmitter of observations of his predecessors. But many of his teachings were probably incorporated with those of the students of the school that bore his name, *Debe Rab Anan* (*Sukkah* 49b; *'Erubin* 54b).

First Fruits



Koren Talmud Bavli, The Noe Edition. Ketubot Part 2. Koren publishers Jerusalem

First fruits – בִּכּוּרִים: The first fruits of the new harvest were given to the priests (Deuteronomy 26:1–11). When the Temple stood, a farmer would select the first fruits of the seven types of fruit with which Eretz Yisrael is specially favored (Deuteronomy 8:8). By rabbinic decree, at least one sixtieth of the harvest must be brought as first fruits. The farmer would bring these fruits to the Temple in a basket, place them before the altar, and recite a prayer of appreciation to God (Deuteronomy 26:3–10). Afterward, the fruit was given to the priests and eaten under the same provisions that govern *teruma*. The first fruits were brought to the Temple between the festivals of *Shavuot* and *Sukkot*. If they were not brought within this period, an extension was granted until Hanukkah. An entire tractate of the Mishna, *Bikkurim*, is devoted to the *halakhot* and practices governing this mitzvah

The Positive Mitzva of Giving Honor to Torah Scholars



Koren Talmud Bavli, The Noe Edition. Ketubot Part 2. Koren publishers Jerusalem

If many people were waiting in court to have their cases heard, the case of orphans is heard before that of widows, widows before Torah scholars, and Torah scholars before everyone else. However, some question the above order in light of on the Gemara here, in which Rav Naḥman granted preference over an orphan to someone whom he thought was a relative of a Torah scholar (see *Leḥem Mishne* and *Baḥ*). Some state that this incident serves as the source for the ruling of the Rambam that a relative of a Torah scholar should not receive special treatment (*Be'er HaGola*). Others claim that if a Torah scholar personally came before the judges, even if they have already started hearing another case, they should stop and grant him precedence so that he not lose time from his studies (Rema). However, if a relative of a Torah scholar comes to the court, they should not stop another case on his account, although if they have not yet started another case they should give precedence to the relative of the scholar out of respect for the scholar himself (*Beit Yosef*, citing the Ritva; Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 21:6; *Shulḥan Arukh, Ḥoshen Mishpat* 15:2).

Exodus 22:22-24

You shall not mistreat any widow or orphan. If you do mistreat them, and they cry out to me, I will surely hear their cry, and my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans.

Elijah and Seder deEliyahu



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Elijah is frequently mentioned as appearing to the Sages in many places in the Gemara and *midrashim*. See II Chronicles 21:12, which states that King Jehoram received a letter from Elijah many years after he departed from the world.

Seder deEliyahu, also known as *Tanna deVei Eliyahu*, is comprised of two parts: *Seder Eliyahu Rabba*, which contains either thirty-one or twenty-nine chapters, depending on the edition, and *Seder Eliyahu Zuta*, which in most versions is comprised of fifteen chapters. The entire book is written in Hebrew and contains many interpretations of verses, descriptions of events from the chronicles of the Jewish people from different eras, and several stories about Elijah himself, narrated in the first person, often beginning with: Abba Eliyahu said. Many passages from this book are quoted in the Talmud and introduced with the phrase: *Tanna devei Eliyahu*, the school of Elijah taught.

The Text: Babylonian Talmud Ketubot 106a

רב עֲנַן אֵייתִי לִיהּ הֵהוּא גְבֵרָא כְּנֵתָא דְגִילְדָנִי דְבִי גִילִי, אָמַר לִיהּ: מָאִי עֲבִידְתִּידָּ? אָמַר לִיהּ: דִּינָא אֵית לִי. לֹא קִבִּיל מִינֵיהּ, אָמַר לִיהּ: פְּסִילְנָא לָךְ לְדִינָא.
אָמַר לִיהּ: דִּינָא דְמָר לֹא בְעֵינָא, קִבִּילִי לְקִבִּיל מָר, דְלֹא לְמַנְעֵן מָר מֵאַקְרוּבֵי בְּפוּרִים. דְתַנָּא: "וְאִישׁ בָּא מִבַּעַל שְׁלִישָׁה וַיָּבֵא לְאִישׁ הָאֱלֹהִים לֶחֶם בְּפוּרִים עֲשָׂרִים לֶחֶם שְׁעוּרִים וְכַרְמֶל בְּצִקְלוֹנוֹ", וְכִי אֱלִישָׁע אוֹכֵל בְּפוּרִים הָוָה? אֵלֵא לֹמַר לָהּ: כָּל הַמְּבִיא דוֹרוֹן לְתַלְמִיד חֲכָם – כָּאִילוּ מִקְרִיב בְּפוּרִים.
אָמַר לִיהּ: קִבִּילִי לֹא בְעֵינִן דְאִיקְבִּיל, הַשְׁתָּא דְאִמְרַת לִי טַעְמָא – מְקַבִּילְנָא. שְׁדַרְיָה לְקַמִּיָּה דְרַב נַחֲמָן, שְׁלַח לִיהּ: גִּידִינִיָּה מָר לְהָאִי גְבֵרָא, דְאָנָּא עֲנַן פְּסִילְנָא לִיהּ לְדִינָא. אָמַר: רַמְדְּשְׁלַח לִי הַכִּי, שְׁמַע מִינָהּ קְרִיבִיָּה הוּא, הָוָה קָאִים דִּינָא דִּתְמִי קַמִּיָּה, אָמַר הָאִי עֲשָׂה וְהָאִי עֲשָׂה! עֲשָׂה דְכָבוֹד תּוֹרָה עֲדִיָּה. סְלַקִּיָּה לְדִינָא דִּתְמִי, וְאַחַתִּיָּה לְדִינֵיהּ.
כִּינּוֹן דְחִזָּא בְּעַל דִּינֵיהּ יְקָרָא דְקָא עֲבִיד לִיהּ – אִיסְתַּתֵּם טַעְנַתִּיָּה.

There was a certain man who once brought to Rav Anan a basket of small fish.

He [Rav Anan] said to him [to the man]: What are you doing here?

The man said to him: I have a case to present before you. Rav Anan would not accept the basket from him, and he [Rav Anan] said to him: I am disqualified from presiding over your case.

The man said to him [to Rav Anan]: I do not need the Master's judgment. However, let the Master accept my gift anyway, so that the Master does not prevent me from presenting first fruits. As it is taught in a *baraita*: "*And there came a man from Ba'al Shalisha, and he brought the man of God bread of the first fruits, twenty loaves of barley and fresh ears of corn in his sack*" (*II Kings 4:42*). But did Elisha, the recipient of these gifts, eat first fruits? After all, he was not a priest. Rather, this verse comes to tell you: Whoever brings a gift to a Torah scholar, it is as though he has presented first fruits.

Rav Anan said to him [to the man]: I do not want to take it from you, but now that you have explained to me the reason that you wish to give it to me I will accept it from you. Rav Anan sent the man to Rav Nahman, and he also sent him a letter: Let the Master judge this man's case because I, Anan, am disqualified from judging his case.

Rav Nahman upon receiving the message said to himself: From the fact that he sent me this letter, I can conclude from here that the reason he is disqualified from judging the case is because he is his relative.

At that time, a case involving orphans was being heard before Rav Nahman.

He [Rav Nahman] said: This is a positive mitzva, for judges to judge cases properly, and this is a positive mitzva, to honor Torah scholars and their families. Rav Nahman concluded that the positive mitzva of giving honor to the Torah takes precedence. Therefore, he put aside the case of the orphans and settled down to judge the case of that man, under the mistaken assumption that he was a relative of Rav Anan.

Once the other litigant saw the honor being accorded to that man by the judge, he grew nervous until his ability to argue his claim, became closed, and he lost the case.

Elijah the Prophet was accustomed to come and visit Rav Anan, as the prophet was teaching him the statements that would later be recorded in the volume *Seder deEliyahu*, the Order of Elijah. Once Rav Anan did this and caused a miscarriage of justice, Elijah departed.



Explaining the Story (What is the sequence of events that take place in the story?)

Comprehension and Analysis Questions

? Why did Rav Anan ask “what are you doing here” to the man who brought him the basket of small fish?

? Why did Rav Anan recuse himself from presiding over the man’s case?

Answer 1 _____

Answer 2 _____

Bonus ? Why did the man bring a basket of fish to Rav Anan?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Extra Bonus ? Why did Rav Anan accept the gift from the man at the end?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Answer 4 _____

? Why did Rav Anan send the man to Rav Nahman?

Extra Bonus ? Why did Rav Anan send a message to Rav Nahman?

? How was justice perverted in the case above?

Bonus ? Why was justice perverted in the case above?

? Why did Elijah the Prophet stop visiting Rav Anan?

? What could Rav Anan have done differently?

Bonus ? What could Rav Anan have done differently?

Answer 1 _____

Answer 2 _____

“The Twist” – Or the Lessons We Can Learn from the Text

! You can be bribed without knowing it: the lesson Rav Anan learned the hard way.

EPILOGUE