

From the Rabbi's Desk
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Stories with a Twist [291]

A Gift Given On the Condition That It Be Returned Is Considered a Full-Fledged Gift

(Insights into Babylonian Talmud Sukkah 41b)

With appreciation to Sandy Jackson who provided me with new insights for this story



Background to Our Story

The Four Species



https://en.wikipedia.org/wiki/Four_species

The four species (Hebrew: ארבעת המינים *arba'at ha-minim*, also called *arba'a minim*) are four plants mentioned in the Torah (Leviticus 23:40) as being relevant to the Jewish holiday of Sukkot. Observant Jews tie together three types of branches and one type of fruit and wave them in a special ceremony each day of the Sukkot holiday, excluding Shabbat.

Rabban Gamliel



Koren Talmud Bavli, The Noe Edition. Berakhot. Koren publishers Jerusalem. Page 7.

Nasi of the Sanhedrin and one of the most important *tanna'im* in the period following the destruction of the Second Temple. Rabban Gamliel's father, Rabban Shimon ben Gamliel (the Elder), had also been *Nasi* of the Sanhedrin, as well as one of the leaders of the nation during the rebellion against Rome.

Rabban Gamliel was taken to Yavne by Rabban Yoĥanan ben Zakkai after the destruction of the Temple, so that he became known as Rabban Gamliel of Yavne. After Rabban Yoĥanan ben Zakkai's death, Rabban Gamliel presided over the Sanhedrin. Under Rabban Gamliel's leadership, Yavne became an important spiritual center. The greatest of the Sages gathered

around him, including Rabbi Eliezer (Rabban Gamliel's brother-in-law), Rabbi Yehoshua, Rabbi Akiva, and Rabbi Elazar ben Azarya.

Rabban Gamliel sought to create a spiritual center for the Jews that would unite the entire people, a role filled by the Temple until its destruction. Therefore, he strove to enhance the prominence and central authority of the Sanhedrin and its *Nasi*. His strict and vigorous leadership eventually led his colleagues to remove him from his post for a brief period, replacing him with Rabbi Elazar ben Azarya. However, since everyone realized that his motives and actions were for the good of the people and were not based on personal ambition, they soon restored him to his position.

We do not possess many halakhic rulings explicitly in the name of Rabban Gamliel. However, in his time, and under his influence, some of the most important decisions in the history of Jewish spiritual life were made. These included the decision to follow Beit Hillel, the rejection of the halakhic system of Rabbi Eliezer, and the establishment of fixed formulas for prayers. In those halakhic decisions attributed to Rabban Gamliel, we find an uncompromising approach to the *halakha*; in reaching his conclusions, he was faithful to his principles. We know that two of his sons were Sages: Rabban Shimon ben Gamliel, who served as *Nasi* of the Sanhedrin after him, and Rabbi Hanina ben Gamliel.

Rabbi Akiva



Koren Talmud Bavli, The Noe Edition. Pesachim, Part Two. Koren publishers Jerusalem. Page 26

Rabbi Akiva, who lived just after the destruction of the Second Temple, was one of the greatest of the *tanna'im*. Unlettered until the age of forty, Akiva was encouraged by his wife Rachel to devote himself to the study of Torah. After years of study under the tutelage of Rabbi Eliezer ben Hyrcanus, Yehoshua ben Hananya, and others, he acquired thousands of students and established his own academy in Bnei Brak. Rabbi Akiva systematized and arranged the many oral traditions, and it was the mishna of Rabbi Akiva as received by his disciple, Rabbi Meir, that ultimately became the basis of the six orders of the Mishna. Rabbi Akiva was the spiritual leader of the bar Kokheva revolt. He even proclaimed bar Kokheva to be the Messiah early in the struggle, but he later retracted this opinion. Despite Roman decrees against disseminating Torah, the aged Rabbi Akiva continued to teach. Rabbi Akiva was arrested by the Romans, imprisoned, tried, and sentenced to death. As one of the Ten Martyrs, he suffered a martyr's death at the hands of the Romans. As the Romans were torturing him to death, he recited *Shema* and explained to his students that he now has the opportunity to fulfill the true meaning of loving God with all of one's soul.

Rabbi Yehoshua



Koren Talmud Bavli, The Noe Edition. Sukkah. Koren publishers Jerusalem. Page 200

This is Rabbi Yehoshua ben Hananya the Levite, one of the leading Sages in the generation following the destruction of the Second Temple. He served as one of the Levite singers in the Temple. After its destruction, he was among the students who followed their primary teacher, Rabban Yoĥanan ben Zakkai, to Yavne. Rabbi Yehoshua lived a life of poverty, working as a blacksmith, and was recognized by all as one of the leading Torah authorities. While he disagreed with Rabban Gamliel's rulings on several occasions, he ultimately accepted the authority of the *Nasi*. After Rabban Gamliel's death, he served as a leader of the Sages.

Rabbi Elazar ben Azarya



Koren Talmud Bavli, The Noe Edition. Sukkah. Koren publishers Jerusalem. Page 200

One of the most significant *tanna'im* in the generation following the destruction of the Temple, Rabbi Elazar ben Azarya descended from a family blessed with great wisdom, distinguished lineage, and wealth. His father, Azarya, was also a Torah scholar and an extremely wealthy man. Azarya supported his brother Shimon, one of the Sages, who is therefore referred to as Shimon, brother of Azarya. Rabbi Elazar ben Azarya was from a family of priests descended from Ezra the Scribe, and there are traditions that draw parallels between them. The Gemara describes how his knowledge, wealth, and family lineage led to his being chosen by the Sages to replace Rabban Gamliel as *Nasi* when the latter was removed from his position of leadership after publicly humiliating Rabbi Yehoshua repeatedly (*Berakhot* 27b).

One Thousand Zuz



Koren Talmud Bavli, The Noe Edition. Sukkah. Koren publishers Jerusalem. Page 200



In order to appreciate the enormity of this sum, it should be noted that this was equivalent to eight months of an average laborer's wages.

The Laws of the Four Species in Sukkot (Background of Our Story) - Babylonian Talmud Sukkah 41b

מתני' יום טוב הראשון של חג שחל להיות בשבת, כל העם מוליכין את לולביהן לבית הכנסת, למחרת משכימין ובאין, כל אחד ואחד מכיר את שלו ונוטלו. מפני שאמרו חכמים: אין אדם יוצא ידי חובתו ביום טוב הראשון בלולבו של חברו, ושאר ימות החג, אדם יוצא ידי חובתו בלולבו של חברו. רבי יוסי אומר: יום טוב הראשון של חג שחל להיות בשבת, ושכח והוציא את הלולב לרשות הרבים – פטור, מפני שהוציאו ברשות.

גמ' מנא הני מילי? דתנו רבנן: "וילקחם" – שתהא לקיחה ביד כל אחד ואחד. "לקם" – משלכם, להוציא את השאול ואת הגזול. מכאן אמרו חכמים: אין אדם יוצא ידי חובתו ביום טוב הראשון של חג בלולבו של חברו, אלא אם כן נתנו לו במתנה.

Mishna

If the first day of the festival of Sukkot occurs on Shabbat, all of the people bring their lulavim to the synagogue on Shabbat eve, as it is prohibited to carry in a public domain on Shabbat. The next day, on Shabbat, everyone rises early and

comes to the synagogue. **Each and every one recognizes his lulav and takes it.** This emphasis that each and every one recognizes his own **lulav** and takes it is **because the Sages said: A person does not fulfill his obligation** to take the **lulav on the first day of the Festival with the lulav of another, and on the rest of the days of the Festival a person fulfills his obligation** even with the **lulav of another. Rabbi Yosei says: If the first day of the Festival occurs on Shabbat, and he forgot and carried the lulav out into the public domain, he is exempt** from liability to bring a sin-offering for this unwitting transgression **because he carried it out with permission**, i.e., he was preoccupied with the performance of the mitzva and carried it out.

Gemara

From where are these matters derived, that one does not fulfill his obligation with the **lulav** of another on the first day of the Festival? It is **as the Sages taught** that it is written: “**And you shall take** for yourselves on the first day the fruit of a beautiful tree, branches of a date palm, and boughs of a dense-leaved tree, and willows of the brook” (Leviticus 23:40). The use of second person plural in the phrase: “And you shall take,” indicates **that there should be taking in the hand of each and every person.**

The word **yourselves** in the phrase “take for yourselves” means: **From your own, to exclude a borrowed or stolen lulav. From here the Sages stated: A person does not fulfill his obligation on the first day of the Festival with the lulav of another unless the other gave it to him as a full-fledged gift,** as in that case it belongs to him.

The Text: Babylonian Talmud Sukkah 41b

ומעשה ברבן גמליאל ורבי יהושע ורבי אלעזר בן עזריה ורבי עקיבא, שקיפו באין בספינה, ולא היה לולם אלא לרבן גמליאל בלבד, שלקחו באלף זוז. נטלו רבן גמליאל ויצא בו, ונתנו לרבי יהושע במתנה, נטלו רבי יהושע ויצא בו, ונתנו לרבי אלעזר בן עזריה במתנה, נטלו רבי אלעזר בן עזריה ויצא בו, ונתנו במתנה לרבי עקיבא, נטלו רבי עקיבא ויצא בו וקחזירו לרבן גמליאל.

למה לי למימר קחזירו? מלתא אגב אורחיה קא משמע לן: מתנה על מנת להחזיר – שמה מתנה.

פי קא דאמר רבא: הא לך אחרוג זה על מנת שתחזירהו לי, נטלו ויצא בו, קחזירו – יצא, לא קחזירו – לא יצא.

למה לי למימר שלקחו באלף זוז? להודיעהו כמה מצות חביבות עליהו.

There was an incident involving Rabban Gamliel, and Rabbi Yehoshua, and Rabbi Elazar ben Azarya, and Rabbi Akiva, who were all traveling on a ship during the festival of Sukkot and only Rabban Gamliel had a lulav, which he had bought for one thousand zuz. Rabban Gamliel took it and fulfilled his obligation with it and then gave it to Rabbi Yehoshua as a gift. Rabbi Yehoshua took it and fulfilled his obligation with it and gave it to Rabbi Elazar ben Azarya as a

gift. Rabbi Elazar ben Azarya took it and fulfilled his obligation with it and gave it to Rabbi Akiva as a gift. Rabbi Akiva took it and fulfilled his obligation with it and returned it to Rabban Gamliel.

The Gemara asks: Why do I need to say that Rabbi Akiva returned the lulav to Rabban Gamliel? The crux of the story is that each of the Sages fulfilled his obligation with the same lulav after receiving it as a gift. The Gemara answers: By including that detail, the tanna teaches us another matter in passing, namely that a gift given on the condition that it be returned is considered a full-fledged gift.

This is like that which Rava said, that in the case of one who says to another: Here is an etrog for you on condition that you return it to me, and the recipient took it and fulfilled his obligation with it, if he returned the etrog, he fulfilled his obligation of taking the etrog. However, if he did not return the etrog, he did not fulfill his obligation. Since he did not fulfill the condition, retroactively he never acquired the gift at all.

The Gemara asks: Why do I need to say that Rabban Gamliel bought this lulav for one thousand zuz? The Gemara answers: It is to inform you how beloved mitzvot were to them.



Explaining the Story - What is going on in our story? (Explain the sequence of events)

Comprehension and Analysis Questions

? Why did Rabban Gamliel purchase such an expensive lulav?

Answer 1 _____

Answer 2 _____

? Why did Rabban Gamliel give the lulav as a gift to Rabbi Yeoshua after fulfilling his obligation with it?

Answer 1 _____

Answer 2 _____

Answer 3 _____

? Why is it relevant that the story took place while they were traveling on a ship?

? Why did Rabbi Yehoshua give the lulav as a gift to Rabbi Elazar ben Azarya after fulfilling his obligation with it?

Answer 1 _____

Answer 2 _____

Bonus ? Why didn't Rabbi Yehoshua return the lulav to Rabban Gamliel?

? Why did Rabbi Elazar ben Azarya give the lulav to Rabbi Akiva as a gift after fulfilling his obligation with it?

Answer 1 _____

Answer 2 _____

? Why did Rabbi Akiva return the lulav to Rabban Gamliel?

Answer 1 _____

Answer 2 _____

Extra Bonus ? Why is it important for the tanna to teach us that a gift given on the condition that it be returned is considered a full-fledged gift?

Extra Bonus ? An accepted definition of the word gift is: "a thing given willingly to someone without payment." How is the concept of a gift different in our story?

? Can you think of some gifts you received or gave that are not "things"?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Answer 4 _____

Answer 5 _____

Answer 6 _____

Answer 7 _____

Answer 8 _____

Answer 9 _____

Answer 10 _____

For Deeper Consideration

אלהי נשמה שנתת בי טהורה אתה יצרתה בי אתה נפחתה בי ואתה משמרה בקרבי ואתה עתיד
ליטלה ממני ולהחזירה בי לעתיד לבא כל זמן שהנשמה בקרבי מודה אני לפניך ה' אלהי ואלהי
אבותי רבון כל העולמים אדון כל הנשמות; ברוך אתה ה' המחזיר נשמות לפגרים מתים'.

My God, the soul that You have given me is pure.

You created it, You formed it, You breathed it into me, and You guard it while it is within me.

One day You will take it from me, and restore it to me in the time to come.

As long as the soul is within me. I give thanks to You, Lord my God and God of my ancestors, Master of all Creation, Lord of all souls. Blessed are You, Lord, who restores souls to lifeless bodies.

? This prayer is one the first ones we say upon waking up. How is this prayer related to our story? Why is it important to say it among the first blessings we say every day?

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

! Here is the gift of your life: rethink how you think about gifts!



Our story is about a technical aspect of the commandment of the four species (*arba'at haminim*); and yet, the change of hands of Rabban Gamliel's lulav sheds new light on the concept of a gift. While our first association with the word gift is one of an item given indefinitely, our story highlights the gift of the *experience*. While thinking of the gift of performing a mitzvah, we bring to our minds the most valuable (or invaluable) gifts we ever received: love, compassion, acceptance, time, attention, understanding, forgiveness, and the ultimate gift of life.

Our brief story reminds us that the most important gifts in life are not *things*, and although they may come with an expiration date, we should always be mindful of their importance and never take them for granted.