

שבת קודש פרשת כי תצא | מסכת כתובות דף ק"ה

INSIGHTS FROM OUR CHABUROS

The danger of all forms of interest

תנו רבנן כי השחד יעור עיני חכמים

Rabbi Shimon HaLevi Epstein of Warsaw was the grandfather of Rabbi Yechiel Michel Epstein of Novordok (the author of the *ערוך השולחן*), and the great-grandfather of Rabbi Baruch HaLevi Epstein of Pinsk (the author of the *תורה תמימה*). He was a wealthy merchant, and he had a business partner by the name of Kuppel Halperin. Once, when the two partners happened to be in Bialystok, a misunderstanding arose between them. They went for a ruling to the local Beis Din, to the author of the *Mar'os HaTzovos*. Upon their arrival at the Rabbi's chamber, they requested of the attendant to have the Rabbi deal with their claims. The Rabbi had the attendant call them in to present their case. As the two men entered, they were shocked to see that the Rabbi had lowered his tallis over his eyes. He did not offer his hand to greet them, and he did not ask them to be seated. He simply called out, in what seemed to be a harsh and unfriendly manner, "Zimmel and Koppel! Whichever one of you is the claimant, let him begin now and state his case!"

The two men shuddered, as they felt insulted by such a cold reception. These men, who were significant donors and supporters of Torah, were used to being treated with a bit more honor. Nevertheless, they tried to ignore the ignoble reaction, and they presented their claims. The Rabbi heard the case, and pronounced his verdict. He then asked, "Zimmel and Kuppel, do you both accept the ruling?" They each declared their willingness to accept the ruling.

Immediately, the Rabbi removed his tallis from his face and offered each of them a warm and friendly handshake. He then had his attendant serve refreshments in honor of the respected visitors. The two men were now shocked and puzzled more than before, as they could not understand the great reversal of mood which had come over the Rabbi. Sensing their dismay, the Rabbi explained. "Gentlemen, the Mishna in *Avos* (1:8) teaches us proper protocol in a Jewish court: 'As the litigants stand before you, consider them both to be guilty. When they are dismissed from you, after having accepted the judgment, they shall be considered as innocent.' You see, if a judge were to treat the litigants with utmost dignity and honor as they enter his chamber, each of them would see himself as being totally righteous in his eyes, and they would tend to exaggerate their claims, even bending the truth. Justice would not be served in this instance. Therefore, when it was a question of trying to determine the truth and to arrive at a correct conclusion, I had no choice other than to initially receive you both in a plain and simple manner. I apologize for any misunderstanding, but when it comes to the honor of Torah, both of you had to take a back seat."

STORIES OF THE DAF **Gifts to the Torah Scholar**

המביא דורון לתלמיד חכם כאלו הקריב בכורים כל

Rav Tzadok HaKohein of Lublin, zt"l, was a Torah scholar par excellence. From a very young age he vowed never to partake of food that was not served as part of a *seudas mitzvah*. Practically speaking, this meant that he would complete two tractates a day in order to allow himself to claim his meager fare.

When Rav Tzadok was already older, a certain *chossid* presented him with a very expensive gift. Rav Tzadok politely but firmly refused to accept it. The *chossid* protested vehemently, "But Rebbe, the *Gemara* in *Kesuvos* 105b states that one who gives a gift to a *talmid chacham* is considered as if he had brought *bikurim*?"

Rav Tzadok remained silent. That Friday night at the *tisch*, the Rebbe told the story of his refusal to accept the man's gift and commented, "Am I really a *talmid chochom*? I can't say I haven't learned Torah since that would not be true. I have learned. But what right to honor do I really have? About learning such as mine the verse says in *Mishlei*, "Why is there a price in the hand of a fool to buy wisdom, seeing as he has no heart?" (*Mishlei* 17:16) Chazal explains this one who has no heart is one who learns Torah and doesn't fulfill what he has learned. Since I am just such a person with no heart, since my *yiras shomayim* is so far from complete, how could anyone consider me a *talmid chochom* of such stature?"

After the *tisch*, those closest to the Rav asked him what had made him say such sharp words of self criticism. Rav Tzadok answered, "What do you mean? He tried to give the gift and tell me that I am a *talmid chochom*. I had to explain." His students persisted, "But why explain in public?" Rav Tzadok replied simply, "What should I do, tell each person privately?"

PARSHA CONNECTION

In this week's daf, the *גמרא* discusses *גזילות* who dealt with situations of potential stealing. *introduces* the concept of *סורר ומורה* who is punished because the *תורה* foresaw that he will steal to fulfill his desires. (*גמרא* *סנהדרין* ע"א quoting *רש"י*). This same *גמרא* says that there never was or will be a case of a *סורר ומורה* and the Torah only *שכר* לדרוש וקבל. The obvious question is, if it will never happen, what lesson are we to learn from this that the *תורה* wrote these הלכות? The *Possuk* (דברים פרק כא פסוק כא) says: *ורגמחו כלי'אנשי עירו באבנים ומת הרע*: *מקרבך* וכלי'ישראל ישמעו ויראו ובערת. if the intention of this *פרשה* is to warn young men about the dangers of undisciplined behavior, why does the *פסוק* say that ALL of *ישראל* will hear and fear? *כלי יקר* addresses these questions with a beautiful explanation. As we know, the *בני ישראל* are called children of the *עולם של עולם*, and as such we may assume that our father will always forgive us and be compassionate towards us. The *תורה* through the *פרשה* of *סורר ומורה* is teaching us that parents sometimes have to bring their own child to *בית דין* and ensure that he is punished for his actions. This is a lesson for ALL of us, that even though we are *בנים למקום* we should not be complacent and assume that our "father" will forgive us and be compassionate to us.

HALACHA HIGHLIGHT

Giving Gifts

תנו רבנן "כי השוחד יעור עיני חכמים" ק"ו לטפשים
"ויסלף דברי צדיקים" ק"ו לרשעים

The Rabbis taught, "For the bribe blinds the eye of the wise," all the more so to the stupid. "And it perverts the words of the righteous," all the more so to the wicked.

There was once a businessman who's partners convinced him to engage in what turned out to be illegal. He was caught and charged with very serious crimes that carried severe penalties including prison time. His lawyer told him that since the judges in that country do not differentiate between intentional and unintentional violations of the law the only way to avoid the consequences of his crime is to send a bribe to the judge. This defendant was concerned about the halachic permissibility of giving this gift and the question was presented to the Chelkas Yaakov¹ for a ruling.

Chelkas Yaakov cited Shoel U'Meishiv's explanation of Ramban² concerning the prohibition against giving gifts to non-Jewish judges. That prohibition applies only when the gift will lead the judge to issue an incorrect ruling. This is in contrast with the prohibition against giving a gift to a Jewish judge where the prohibition is violated under all circumstances. This generally will occur when there are two litigants and whatever one party gains, the other party loses. In this case, however, it is a trial between the government and this defendant and the final judgment will only affect this defendant. Furthermore, judges in cases like these are given a large degree of discretion when it comes to sentencing. Therefore, he allowed the defendant in this case to give a gift to the judge since it was in an effort to be treated fairly, i.e. so that the judge would be lenient for one who unintentionally violated the law and it wasn't to obtain a false verdict but rather to obtain a lighter sentence.

The Mishneh Halachos³ also writes that in this type of case it is permitted to give a gift to the judge and adds an additional reason. When there is reason to believe that the judge is looking to deal harshly with a Jewish defendant, the purpose of the gift is to level the playing field rather than to cause a miscarriage of justice and is therefore permitted.

1. שו"ת חלקת יעקב חר"מ סי' ב'
2. שו"ת שואל ומשיב מהדור"ק ח"א סי' ת"ל בשם הרמבן פרשת וישלח.
3. שו"ת משנה הלכות ח"ב סי' שע"ו.

MUSSAR FROM THE DAF

Learning to see the other side

אמר רבא: מאי טעמא דשוחדא? כיון דקביל ליה שוחדא מיניה,
איקרבא ליה דעתיה לגביה והוי כגופיה, ואין אדם רואה חובה
לעצמו

The Gemara teaches that the problem with a dayan taking שוחד is that he identifies with the one who gave him the שוחד and they are now considered as one. The Gemara goes on to explain that if they are one, it is a problem since a person does not see his own faults.

The Baalei Mussar discusses how a person can't be too focused on one's own shortcomings which a person may naturally do. The Alter of Slobodka was known to teach his talmidim about the importance of seeing their unique greatness. Rabbi Dr. Avraham Twerski ZT"L writes that when the Gemara says that the yetzer hara constantly tries to destroy a person (Kiddushin 30), it does so by crushing him, making him feel inferior and worthless. So how can our Gemara say that a person never sees his own faults?

Perhaps one can make a very important distinction between the two. Whenever there is machlokes, we generally can only see our side and have difficulty seeing the other side's point of view. Rav Dessler explains that this is really the root of every machlokes - the inability to see where the other person is coming from. The Gemara here in Kesubos is focusing on that principle in which a person generally can't see that they are wrong, and not referring to the concept of low self worth. In fact, a person with low self worth, generally has a more difficult time recognizing and admitting they were wrong. Rav Shlomo Wolbe ZT"l once spoke about the importance of learning a mussar sefer. He explained that when a person learns a mussar sefer, they are now able to see areas and situations where they may have erred. Learning to see another's side and the possibility that one may be wrong is a true sign of self worth.

POINT TO PONDER

The Gemara (according to רש"י) writes that if a בהמה destroys someone's sapling the שבירושלים said that if it's one year old he pays שני כסף etc. Why did the גמרא cite this example? Isn't this a regular case of מזיק that should be treated like any instance of damage caused by one's animal

Response to last week's Point to Ponder:

When רבי was נפטר he raised his hands and said that he toiled in תורה with his ten fingers and that he didn't derive pleasure even with his smallest finger. It is easy to understand the second statement, but toiling in תורה is done with one's head not their fingers? What did Rebbi mean?

The עסקתי בתורתך explains that when רבי said תורה was not referring to learning but rather he meant doing מצוות. Anything that someone does is described as ידיו מעשה.

For more points to ponder by Rabbi Yechezkel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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