



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kesubos Daf Kuf Hey

#### PEREK SHNEI DAYANEI -- PEREK SHLOSHA ASSAR

#### MISHNA

- There were 2 judges of gezeiros in Yerushalayim – **Admon and Chanan ben Avishalom**. **Chanan** said 2 things that the **Chachomim** disagreed with, and **Admon** said 7 things that the **Chachomim** disagreed with.
  - If a man travelled overseas and his wife went to Beis Din and demanded support from his assets, **Chanan** said that she only needs to swear at the end (when she hears that her husband died and she asks for payment of her kesubah, she must swear that she hasn't already gotten any form of payment), and she need not swear in the beginning (when she demands support). The sons of the Kohanim Gedolim argued and said that she must swear in the beginning and at the end. **R' Dosa ben Harkinas** agreed with them. **R' Yochanan ben Zakai** said, **Chanan** has spoken correctly, and she only needs to swear at the end.

#### GEMARA

- **Q:** A Braisa says that there were 3 judges of thefts in Yerushalayim – Admon ben Gadai, Chanan Hamitzri, and Chanan ben Avishalom. Our Mishna says there were 2, and our Mishna says they were judges of gezeiros not “gezeilos” (thefts)!? **A:** Our Mishna only mentions the 2 of the 3 that it felt were more important. With regard to the differing titles, **R' Nachman bar Yitzchak** said, they made gezeiros about thefts.
  - **Q:** Another Braisa says there were 3 judges of gezeiros in Yerushalayim – Admon, Chanan, and Nachum. Nachum was not a name listed in the previous Braisa!? **A:** **R' Pappa** said, **R' Nosson** is the one who says that Nachum was one of the judges (and this second Braisa follows him), but the **Chachomim** say he was not one of the judges.
  - **Q:** We find that there were many, many more judges in Yerushalayim than just 3!? **A:** There were many judges, but these 3 were those who made gezeiros.
  - **R' Yehuda in the name of R' Assi** said, these special judges would get paid from the terumas halishka.
    - **Karna**, who was a judge, would take an equal amount from each party to the Din Torah for his wages.
      - **Q:** We have learned that a judge may not take a bribe, even if he takes an equal amount from both parties!? **A:** He was taking the money as wages, and not as a bribe.
      - **Q:** We learned that a judge may not take money for judging cases at all!? **A:** He took it for the time he spent and couldn't do other work, not for the deciding on the case.
      - **Q:** We have learned that even such payment is considered to be improper!? **A:** It is only improper if it doesn't look like the judge is being stopped from earning other money.
- **R' Avahu** said, judges who take bribes are so foolish. If a person has eyesight issues, he will pay money for a doctor to try and heal him, and the doctor is not always successful. Yet, a judge will take a perutah as a bribe, and thereby blind his eyes, as the pasuk says that taking bribes blinds the eyes of those who take it.

- A Braisa says, the pasuk says that “bribery blinds the eyes of the wise”. How much more so it does to the eyes of the fools. The pasuk says that bribery “corrupts the words of the tzaddikim”. How much more so it does to the words of the resha’im.
  - **Q:** Fools and resha’im are not judges in a Beis Din!? **A:** The pasuk means that even if the judge is very wise, if he takes bribes he will eventually lose his wisdom, and that even if he is a tzaddik, if he takes bribes he will eventually have an unsettled mind.
- **R’ Dimi** darshened a pasuk to mean, if a judge is like a king in that he feels like doesn’t need anything from anybody, he upholds the world. If he is like a Kohen who goes around accepting terumah from people, he corrupts the world.
- **Rabbah bar R’ Shila** said, if a judge borrows things from people, he cannot judge them (he will not be impartial). However, if he has things that he can lend them as well (so he is not afraid to rule against them, because they need him as much as he needs them) he may judge them.
  - **Q:** We find that **Rava** would borrow thing from people? **A:** He did that to make them feel important.
- **Rava** said, the reason a judge may not take a bribe even from the party that he finds to be the legitimate winner in a case is because taking the bribe makes him feel close to the giver, and they end up being as one person, and a person can never find fault in himself.
  - **R’ Pappa** said, a person may not be a judge in a case where there is someone that he likes (he will not find fault in him) or where there is someone who he dislikes (he will never see merit in his claims).
  - **Abaye** said, if people of a town like a certain of the **Rabanan**, it is not because he is nice to them, it is because he doesn’t give them enough mussar.
  - **Rava** said, I initially thought that all the people of Mechuza liked me. When I became a judge, I figured that half of them like me (the winners of the cases) and half of them didn’t (the losers). When I saw that today’s losers may be tomorrow’s winners and visa-versa, I realized that they either all like me, or all hate me.
- A Braisa says, from the pasuk we can learn that even if the bribe is of something other than money, it is assur.
  - We find that **Shmuel** felt that someone offering to hold his hand as he crossed a bridge was considered bribery. **Ameimar** felt that someone who removes a feather that had fallen on **Ameimar’s** head was considered to be a bribe. **Mar Ukva** considered it a bribe when someone covered saliva in front of him.
  - **R’ Yishmael** had a sharecropper who brought him his share a day early. **R’ Yishmael** refused to judge a case that the sharecropper was a party in, because of that gesture. He then found that as he listened to the court case (being judged by other **Rabanan**) he still was partial to the sharecropper. He said, if I didn’t even take the bribe, and the bribe itself was mine to begin with, and still I am partial, how much more so are people who take true bribes.
    - A similar story happened to **R’ Yishmael ben Elisha** when he refused to be a judge after being offered “reishis hageiz” by one of the parties.
  - A man once brought **R’ Anan** some fish as a present and then asked him to be a judge. He said that he could no longer be a judge for him. He sent him to **R’ Nachman** to have his case heard there. When **R’ Nachman** realized that **R’ Anan** had disqualified himself, he figured that it must be because this person was a relative of his, and he therefore allowed his case to be heard before that of orphans who were waiting in line. Elyahu Hanavi would come and learn with **R’ Anan**, but after this happened he stopped coming until **R’ Anan** fasted and davened for his return.