

# Mishpatim אבליון 2era Shimshon - the Limud that brings Yeshuos • 76 גליון

## When Bribery Only Blinds the Judge From His Extra Measure of Insight ושתר לא תקת כי השתר יעור פּקחים ויסַלָף דְּבָרֵי צָדִיקִים:

(כג ח)

#### A bribe you shall not take, for the bribe will blind those who are insightful and will make crooked the words of the righteous.

The Torah teaches us this very lesson once again in Parshas Shoftim (דברים סיד ידט) when it says, ולא תקח שחד כי השחד יעור עיני חכמים, אוס ולא תקח שחד כי השחד יעור עיני חכמים ידטלף דברי צדיקם - You shall not take a bribe, for the bribe will blind the eyes of the wise and will make crooked the words of the righteous. Although the Torah writes this same prohibition a second time, nevertheless, there are two clear differences in its wording. The first difference is that in our Parsha, the Passuk says, 'A bribe you shall not take', while in Parshas Shoftim it says, 'You shall not take a bribe'. Secondly, in our Parsha it states, 'for the bribe will blind those who are insightful', while in the other Passuk it states, 'for the bribe will blind the eyes of the wise'. What is the meaning behind these two differences?

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The Gemara in Kesubos (קה ע״א) recounts the following. Karna would take an istira [a coin worth half a zuz] from the non-liable party and an istira from the liable party, and then judge the law for them [i.e. he would take an istira from both of the litigants, whom he would later declare one to be non-liable and one to be liable]. How was Karna allowed to do this, if it is written, 'And a bribe you shall not take'?... [i.e. since Karna took payment from the litigants themselves, it constituted a forbidden bribe]. Since Karna took compensation from both of them, he would not come to corrupt the law [i.e. for there was no sole litigant who found favor in his eyes, for they both paid him equally]. But even a judge who does not come to corrupt the law by taking compensation, isn't he nevertheless prohibited from taking compensation, for the Torah states 'And a bribe you shall not take'? These words stated in the Passuk only apply to a judge who took compensation in the form of a bribe, whereas Karna took it in the form of payment. But even a judge who takes compensation in the form of payment, isn't he nevertheless prohibited from taking it, for

we learned in the Mishnah, 'If one takes a fee for judging, his decisions are void'? **These** words stated in the Mishnah only apply to compensation for judging the case, whereas Karna would take compensation for being unemployed from his work for the duration of the proceedings. **But** isn't compensation even for unemployment not praiseworthy, for we learned in the Baraisa, 'Despicable is the judge who takes payment to judge, however the judgment that he renders is valid'? [This principle cannot be referring to one who takes payment for judging the case, for then his judgment would be void. Rather, it must be referring to a judge who takes compensation for unemployment, and nevertheless it is despicable to do so]. **These** words of the Baraisa apply only where the judge's unemployment is not evident, whereas Karna took compensation for unemployment which was evident.

In summary: It is prohibited to accept a bribe in any form, whether from one litigant with the intent to favor the donor, or from both litigants without any intent of favoring them. Furthermore, it is even prohibited to take payment for pronouncing a judgement. Taking compensation in any of these three forms, renders the judgement void. It is, however, permitted to take compensation for the loss of employment. Nevertheless, if it isn't evident that the payment is compensation for unemployment, it is despicable to take the payment.

Accordingly, we can explain that these two similar Pesukim are actually teaching us two very distinct lessons.

The Passuk in Parshas Shoftim that says, אלא תקח שחד כי השחד יעור You shall not take a bribe, for the bribe will blind the eyes of the wise, is referring to the typical bribery. Hence, it says 'You shall not take a bribe', ascribing to it a very clear prohibition. It also says, 'for the bribe will blind the eyes of the wise', to say that a judge who does take bribery will not be able to use his wisdom to render a truthful judgement, because he will be blinded by the bribe which he accepted, and hence his judgement will be invalid.

On the other hand, the Passuk in our Parsha that says, ושחד לא תקח - *A bribe you shall not take, for the bribe will* 



blind those who are insightful, isn't referring to the classic bribery, rather is referring to a judge who takes payment for unemployment which isn't evident. Thus, the Torah does not say, 'You shall not take a bribe', rather only says, 'A bribe you shall not take', alluding to the fact that although it isn't prohibited, nevertheless it isn't morally correct to do so. Similarly, the Torah only says, 'it will blind those

*who are insightful'*, for although the payment won't blind him from his basic wisdom, thus his judgement would still be valid, nevertheless it will blind him from the extra measure of insightfulness, thus it is disgraceful to take the payment.

זרע שמשון פרשתנו אות ז

### Why the Jews Preceded 'We Will Do' to 'We Will Hear' 'וִיִקַח סֵפֶר הַבְּרִית וַיִקְרָא בְאָזְנֵי הָעָם וַיֹּאמְרוּ כֹּל אֲשֶׁד דְבֶר ה' נעשה ונשמע׳ (כר ז):

### He took the Book of the Covenant and read it to the people, and they said, "All that Hashem has spoken, we will do and hear".

The Gemara in Shabbos (X\*Y T\*D) says as follows. R' Elazar said: At the time that the Jews preceded 'we will do'to 'we will hear', a Heavenly voice emanated and said to them: "Who revealed to My children this secret which the ministering angels use?" There was a sadducee who saw Rava studying a Talmudic matter... the sadducee said to Rava, "O' impulsive people, who put their mouth before their ears... first you should have heard the commandments so that you would have known whether you were able to accept them...". Rava replied "We who serve Hashem with complete love; it is written about us 'The perfect faith of the upright shall lead them'.

This that the Jews preceded 'we will do' to 'we will hear' is something which is hard to comprehend, as how can one do something before he knows what he is to do? Furthermore, what did Hashem mean when He said "Who revealed to My children this secret which the ministering angels use"? Which 'secret' was He referring to? We also need to understand Rava's reply to the sadducee; what does our 'serving Hashem out of love' have anything to do with this that we 'put our mouth before our ears'?

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following; א"ר חנינא גדול המצווה ועושה יותר אא"ר חנינא גדול המצווה ועושה א"ר חנינא גדול המצווה ועושה יותר R' Chanina said: The reward for one who performs a good deed having been commanded to do so, is greater than the reward of one who acts without having been commanded.

According to these two principles, we can gather that although the *reward* for one who observes the Torah in compliance to Hashem's command is of greater

measure than of one who observes the Torah without having been commanded to do so, nevertheless, the *servitude* of the one who observes the Torah without being commanded to do so, is of greater value than of the one who does so in compliance to a commandment. This is because, being that Chazal teach us that the reward of 'one who performs a good deed without having been commanded' is of lesser measure, that in itself brings about that his motives are more out of love to Hashem rather than out of anticipation for the reward that follows, and we learn in the Mishna in Avos that the more one serves Hashem out of love, as opposed to out of desire for its reward, the more valuable his service is to Hashem.

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When the Jews preceded 'We will observe your commandments' to 'We will hear your commandments', of course they understood that they must hear all of the Laws and Commandments before they can go ahead and observe them, but their intention was merely to imply that even if Hashem was to reward their compliance only with the lesser measure of one who observes the Torah without being commanded, they would still be devoted to the Torah and adhere to its laws. Their intention was to show Hashem that they wished to serve Him out of their love to Him, rather than out of their anticipation to receive reward for their good deeds.

When the heavenly voice called out and asked; "Who revealed to My children this secret which the ministering angels use?", it was in reference to this very principle that the Mishna in Avos teaches us, that 'one should not be like servants who serve their master on the condition of receiving a reward', as this is something which we can perceive from the angels, who serve Hashem without anticipation of any reward.

We can now also understand Rava's reply to the sadducee. The reason we '*put our mouth before our ears*' was to express to Hashem our desire to serve Him out of our love for Him, rather than in anticipation for its reward, and thus it made no difference to us if we were to serve Him out of obedience to his command and hence were to receive the higher tier of reward, or if we were to serve Him without being commanded and were thus placed in the lower tier of reward, for all that mattered to us was our love to our Father and our wish to serve him.



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