

# Zera Shimshon



*Profound Divrei Torah culled from the writings of the Gaon and Mekubal Rav Shimshon Chaim ben Rav Nachman Michael Nachmeni zy"o, author of Sefer Zera Shimshon on Chumash and Toldos Shimshon on Pirkei Avos, who promised that all who study his words will be blessed with an abundance of good, wealth and honor, and will merit to see children and grandchildren thriving around their table.*

גליון 76 • Mishpatim משפטים תש"פ • Zera Shimshon - the Limud that brings Yeshuos

## When Bribery Only Blinds the Judge From His Extra Measure of Insight

ושחד לא תקח כי השחד יעור פקחים ויסלף דברי צדיקים:  
(כג ה)

**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 ט"ז י"ט) when it says, ולא תקח שחד כי השחד יעור עיני חכמים - *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?



The Gemara in Kesubos (קה ע"א) recounts the following. *Karna would take an istira [a coin worth half a zuz] from the non-litigant party and an istira from the litigant 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-litigant and one to be litigant]. 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, *עור פקחים - 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, *לא תקח - A bribe you shall not take, for the bribe will*

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