

Parshas Shoftim – 5782
The Torah instructs on justice.

Maamarei Mordechai

לֹא־תַטֶּה מִשְׁפָּט לֹא תִכִּיר פָּנִים וְלֹא־תִקַּח שֹׁחַד כִּי הַשֹּׁחַד יְעוֹרֵר עֵינֵי תְּכַמְּיִם וְיִסְלֹף
דְּבַר צְדִיקָם:

“You shall not corrupt judgment, you shall not show partiality, and you shall not take a bribe. Because bribes blind the eyes of wisdom and upsets the words of justice.” (Devarim 16:19).

Much of this appear obvious. Of course, the judges must be impartial and cannot take bribes. Is there more here than just making such corruption of justice a sin? Further, these are already part of the seven Noahide laws (setting up a system of courts for justice). Is the Torah giving more instruction here? The pasuk says that bribes are the culprit. If so, why did it also says about showing impartiality and corrupting judgment? Further, much of this was already stated in Shmos (20 *et seq*). Is more being added here?

Gemara Kesubos 105a says, *even if the purpose is to use the bribe to help acquit the innocent and hang the guilty, it should not be taken. It is prohibited to take a bribe even when the judge will follow the same conclusions the judge came to before taking the bribe. Further, if the judge is very wise, he will eventually become a fool if he takes bribes and his words will be perverted as if he were wicked.*

Rabbeiny Bachye explains, *once the judge gets the bribe the judge is no longer neutral. Even if the judge was inclined toward one judgment, he can never be sure that the final judgment will now be just.*

Gemara Shavuos 30a says, *showing favor is as little as allowing one to litigant to sit while the other stands.*

Rashi says, *לֹא־תַטֶּה מִשְׁפָּט* means “do not pervert judgment.” There must be another meaning of the word *sateh*. He also says, “words of justice” means those spoken on Har Sinai.

Ibin Ezra says, *each part of the pasuk speaks to one of the three judges. Takir means do not respect one litigant over the other.*

Aderes Eliyahu says, *the parallel verse in Shmos says “eyes of the seeing.” Seeing are worldly affairs while wise in our pasuk is referring to the Torah. A judge must be knowledgeable in both areas.*

Chizkuni says, *it already stated not to bribe judges in order to sway results. (Shmos 23:8). Here it is referring to giving the bribe to sway a fair judgment (see Gemara Kesubos 105a). The pasuk saying “words of the righteous” refers to the litigants as the righteous.*

Ohr Chaim says, *our pasuk refers not only to judges but also to those who appoint them.*

This pasuk, when interpreted carefully, expounds many lessons. “Do not corrupt judgment.” The word is also similar to *נָטָה* reach out. This means, any person (not just the judge) should not influence the judgment. There may be a one judge panel or there may be three or seventy judges. Either way, a person shall not influence a judge and one judge shall not reach out to influence the judgment. Each judge should come to the conclusions

without sway from the others. The Torah also said, "You shall not influence judgment of the needy in their disputes." (Shmos 23:6). Judgment must stand regardless of the litigants' personal circumstances.

"Do not show impartiality." Literally, the pasuk means *do not recognize faces*. Justice must be blind. The judge should not see faces but should only see the two sides, their disputes, and the facts. The individual person has nothing to do with the judgment. The Torah already said, "you shall not glorify the poor in his litigation." (Ibid 23:3). The personal circumstances of the litigants are irrelevant. Favoring a poor litigant over a rich one when the latter is correct, is stealing from the rich litigant. The same with a righteous or upstanding litigant versus an evil or undesirable adversary. Obviously, friends, relatives, acquaintances, or status should not be recognized in Court. Neither should the judge recognize the *tanoim* (advocates) or friends, relatives, or acquaintances of the litigants. Impartiality means looking at black and white facts, and considering nothing else.

"Do not take bribes." The word "taking" in the Torah connotes a transaction. The judges are warned not to pay for bribes. One pays for bribes because bribes change the judge. There is a cost, and the cost is justice. It is also the cost of the judge's wisdom and justice. The Torah already said, "Bribes, do not take, because bribes blind the seeing, and upset the words of righteousness." (Ibid 23:8). There it says "Bribes, do not take." Here it says "Do not take bribes." There, the pasuk taught about the danger of bribes for any reason. *They blind the seeing and upset the words of justice*. Here, the Torah is teaching about the cost to the judge himself. There is a cost, not only to justice, but to the judge.

To comfort Bnei Yisroel that they will always be Hashem's nation, Moshe told them that Hashem does not take bribes. (Devarim 10:17). There can be no cost to Hashem, so He can take no bribes.

"Because the bribe blinds the eyes of wisdom." The judge is not being called the wise one but it is referring to Wisdom as its own being. It is the eyes of Wisdom that is blind. A judge borrows this wisdom to make proper judgment. Also, the wisdom in the facts will also be blinded and it will not be able to present itself to seek out justice. The judge must realize that it is Wisdom that will bring true justice. The cost of taking a bribe is blinding Wisdom.

"And it upsets the words of righteousness." *It retards the words*. As the litigants speak and plead their case and arguments fail to have an impact. The pleas and arguments get bogged down. The words of the judges, then, will also not be justice. Their words will be words of corruption and their judgments will be evil.

More than moral code, this pasuk teaches the great impact and cost that judging improperly has on the case, litigants, justice, and the judges themselves.