



# Parshas Shoftim

For the week ending 4 Elul 5757  
5 & 6 September 1997

## Overview

**M**oshe tells the Bnei Yisrael to appoint judges and officers in their cities. A bribe of even an insignificant sum is forbidden. Trees are not to be planted near Hashem's altar as was the way of idolaters. Blemishes in animals designated for offerings and other points of disqualification are listed. The Great Sanhedrin is to make binding decisions on new situations according to Torah criteria to prevent the fragmentation of the Torah. A very learned scholar who refuses to accept the Halachic decisions of the Sanhedrin incurs the death penalty. A Jewish king may only have possessions and symbols of power commensurate with the honor of his office, but not for self-aggrandizement. He is to write for himself two *Sifrei Torah*, one to be kept with him wherever he goes, so that he doesn't become haughty. Neither the *Kohanim* nor the Levites are to inherit land in the Land of Israel, rather they are to be supported by the community, by a system of tithes. All divination is prohibited. Hashem promises the Jewish People that He will send them prophets to guide them, and Moshe explains how a genuine prophet may be distinguished from a false one. Cities of refuge are to be provided for someone who kills accidentally, in order to escape the blood-avenger from the family of the deceased. However someone who kills with malice is to be handed over to the blood-avenger who may exact his revenge. Moshe cautions the Bnei Yisrael not to move boundary markers to increase their property. Two witnesses who conspire to "frame" a third are to be punished with that same punishment that they conspired to bring upon the innocent party. A *Kohen* is to be anointed specifically for when Israel goes to war, to instill trust in Hashem. Amongst those who are disqualified from going to war is anyone who has built a new house but not lived in it yet, or anyone who is fearful or fainthearted. An enemy must be given chance to make peace, but if they refuse, all the males are to be killed. Fruit trees are to be preserved and not cut down during the siege. If a corpse is found between cities, the elders of the nearest city must take a heifer, slaughter it, and wash their hands over it, saying that they are not guilty of the death.

## Insights

### ULTIMATE PAYOLA

**"...for the bribe will blind the eyes of the wise" (16:19)**

There are a few ways to make a hit record. You could write a great song and make it into a terrific record. But there are a lot of good records out there. How can you make sure that whenever someone turns on their radio, they're going to here your record?

In 1960, a famous New York disc jockey's reputation and career were destroyed when he was indicted on commercial bribery charges and accused of taking money to play records.

While the '50s investigations and the Congressional payola hearings of 1960 focused on disc jockeys, the 1972 "Project Sound" investigation by the U.S. Attorney's Office in Newark, N. J. went after a larger target. That investigation looked into claims that a major record label had bribed radio stations to play records. As a result of those investigations, nineteen people were indicted in 1975.

The specter of payola continued to haunt the music industry. In late 1976, Congress and the FCC once again investigated the business, including concert promoters. And the issue came up yet again in 1986 when the practices of independent record promoters were called into question.

The music industry is certainly not the sole domain of payola. Wherever there is money and power, there will be people prepared to exploit the weakness of others for their own ends. But don't think that payola rules only amongst the seedy and the unscrupulous. All of us are susceptible to bribery.

In this week's *Parsha*, the Torah prohibits taking bribes. The Torah doesn't define the lower limit of what is called a bribe, and thus, a bribe could even be a few pennies.

Similarly, since the Torah gives this commandment without any qualification, it follows that there is no ceiling as to who might be affected by a bribe. *Thus even as lofty a soul as that of Moshe Rabbeinu could, theoretically, be influenced by a bribe.*

The Torah is teaching us that *even the greatest people can be influenced by the smallest amounts.* Naturally, there will be a sliding scale: A small bribe will affect a great person very little, a large bribe, more so; a small bribe will influence a lowly person somewhat, and a great bribe — considerably. The more elevated the person the less will be the affect of even a large bribe, and the more lowly the person the greater will be the affect of even a small bribe.

However, what emerges clearly from the Torah's blanket statement *'the bribe will blind the eyes of the wise'* is that *everyone* is susceptible to bribery. *It's impossible not to be affected at all.*

It should come as no surprise, therefore, why people are reluctant to become religious: When it comes to being religious we are looking at a payola scandal that dwarfs anything the music business could come up with.

And what's the bribe?

If the Torah required us to eat in all the best *treif* restaurants in the world, if indulgence in the 'flesh pots' was a mitzva — a lot more people would be Torah observant.

The ultimate barrier to faith in G-d is not *logical* but *psychological*.

Subconsciously, we know that if we accept the Torah, it's going to 'cost us' — e.g., we're going to have to stop driving to the golf club on Saturday morning.

Rabbi Samson Raphael Hirsch once said: "Belief is not the *knowledge* that there is a G-d, but rather the *acknowledgment.*"

If the smallest of bribes could affect even Moshe, then how much more are we, who are light-years from Moshe's level, susceptible to the greatest bribe of all — to do exactly what we want, whenever we want. That's the ultimate payola.

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## THE LAST SCENE

**“When you go out to the battle to meet your enemy... the officers shall speak to the people, saying: ‘Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it... Who is the man who is fearful and fainthearted, let him go and return to his house, and let him not melt the heart of his fellows like his heart.’” (20:1-8)**

The Yiddish Theater was not known for its championing of Torah values and so it was not surprising when two students came running to the Brisker Rav, breathless with indignation: “Does the Rav know about the new play the Yiddish theater has put on? They people associated with it should all be put in *cherem* (excommunication)! They’ve made a satire on the Torah!

First, one of the actors says “Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it.” So, ten people get up and walk off the stage. Then he says “And who is the man who has planted a vineyard and not redeemed it? Let him go home lest he die and another man redeem it.” So, another ten people get up and leave the stage. Then he says “And who is the man who has betrothed a woman and not married her? Let him go home lest he die in the war and another man marry her.” So, another twenty people get up and walk off the stage. And then he says “Whoever is afraid, let him go home so he won’t scare everyone else.” So now *everyone* leaves the stage except two actors who play the Vilna Gaon and the Sha’agas Arieh. The Vilna Gaon says to the Sha’agas Arieh “K’vod HaRav — you take the first shot,” and the Sha’agas Arieh replies “No, no, I insist—after you.” As they argue about who’s going to start the war, the curtain falls and the audience laughs and claps. It’s terrible!”

The Brisker Rav paused and then said:

“Well — what’s wrong with that?”

The jaws of the students dropped. They gazed at their Rav dumb-struck. The Brisker Rav continued, “The only thing they forgot is the last scene.” “What last scene?”

“The last scene is where the Vilna Gaon and the Sha’agas Arieh win the war.”

The strength of the Jewish people is not in the vastness of its numbers nor its military might. The Torah calls us the “*smallest of the nations.*” Our strength is a function of our righteousness and our faithfulness to Hashem — the “Master of Wars.”

### A PACKET OF COOKIES

**“One who will strike his fellow without knowledge... he shall flee to one of these cities (of refuge) and live.” (19:4,6)**

If a person accidentally killed someone, the Torah provides for him to flee to a “city of refuge.” He had to stay there until the *Kohen Gadol* passed away. However, if the fugitive emerged before the death of the

*Kohen Gadol*, he risked being killed by the slain person’s “blood avenger.”

It could well be that the *Kohen* would be a young man, and so the fugitive could be cooped up for many long years, and not be able to go home.

Thus, he had a vested interest in the *Kohen*’s early demise.

To stop him from praying for the *Kohen*’s premature death, the *Kohen*’s mother would send the fugitive regular “care packages” so that he shouldn’t pray for her son to die.

But how could a mere ‘packet of cookies’ compete with the longing to return to his home and his family? Did the *Kohen Gadol*’s mother really think that a little gastronomic bribery would stand up to the homesickness of the fugitive?

We can see from this a powerful idea: If we want our prayers to be answered we must pray *with every last ounce of conviction*. In *davening*, 99% is not enough. It has to be all or nothing at all. Just a packet of cookies was all that was needed to ‘knock the gloss’ off the prayers of the fugitive, and ensure a healthy and long life for the *Kohen Gadol*.

## Haftorah: Yishayahu 51:12 - 52:12

### “It is I, I that comforts you...” (51:12)

This is the fourth of the “Haftorahs of consolation” after Tisha B’Av. The prophet combines descriptions of oppression — that the Jewish People have been trampled underfoot by the nations — with the comfort that Hashem is never far from them and will save them.

Our Sages teach that in the future when *Mashiach* comes, Hashem will turn to the nations of the world to comfort Israel. Israel will immediately come and complain that after such a long and hard exile full of trials and tribulations, couldn’t Hashem find anybody else to comfort us apart from those same nations that enslaved and oppressed us? Immediately, Hashem will reply that if we will accept consolation only from Him — then He will come to console us.

In fact, this whole dialogue is played out in the opening lines of this and the three previous Haftorahs of consolation:

In *Parshas Va’eschanon* — “Comfort, be of comfort my people...” To which Israel replies in the Haftorah of *Parshas Eikev*: “Hashem has forsaken me, My Lord has forsaken me” by sending the nations to comfort us. To which Hashem replies in the Haftorah of *Parshas Re’eh*: “O afflicted, storm-tossed, non-consolee one” — i.e., if you are not consoled by the nations and will accept consolation only from Me, then “It is I, I who comfort you.”

(Rabbi Meir Shapiro of Lublin)

#### Sources:

*Soul Payola* - Rabbi Elchanan Wasserman;  
Rabbi Nota Schiller;

*The Last Scene* - Rabbi Mordechai Perlmán;  
*A Packet of Cookies* - Ephraim Hodes in the name of  
Rabbi Shlomo Eisenblatt

## Fatherly Advice - tidbits from the Ethics of the Fathers traditionally studied on Summer Sabbaths

**“The Members of the Great Congregation taught three things: Be cautious in your judgment, develop many disciples and make a fence around the Torah.”**

Avos 1:1

Although this advice appears to be directed to judges, educators and legislators, it is relevant to every person. Every one of us is a judge when it comes to making a decision in our own affairs and in passing judgment on the behavior of others. We are all educators with a responsibility to guide our families, our friends and our neighbors with the understanding we have achieved. Finally, we are all legislators who are challenged to establish fences of discipline which will prevent us from succumbing to temptation.

Tiferes Yisrael

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