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THE OHR SOMAYACH TORAH MAGAZINE ON THE INTERNET

PARSHA 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 people turn on their radios, they will hear 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 direction of 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 their 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 among 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

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

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.

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...’ (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? The 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.*’

PARSHA OVERVIEW

Moshe tells the Bnei Yisrael to appoint judges and officers in their cities. A bribe of even a small 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 *Levi'im* 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. Among 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 a 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.

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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. Everyone of us is a judge when it comes to making a decision about 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*

THIS ISSUE IS DEDICATED IN MEMORY OF
AARON YOSEF BEN YOCHANAN ZAKON, OBM
.ת.נ.צ.ב.ה.

PARSHA Q&A ?

1. What is the role of *Shoftim*? What is the role of *Shotrim*?
2. May a judge accept a bribe if only for the purpose of judging fairly?
3. What is the source for the concept “Seek out a good *Beis Din*”?
4. Even though the *Avos* were permitted to use *matzeivos*, the Torah later forbade them. Why?
5. “You will come to... the judge *who will be in those days* (17:9).” Since it’s impossible to go to a judge who lives at a different time, why does the Torah add these apparently extra words?
6. How many horses may a Jewish king own?
7. How many Torah scrolls must he have?
8. How was King Shaul punished for disobeying a ‘minor’ command of the prophet Shmuel?
9. What is meant by “*Nachalas Chamisha*” and “*Nachalas Shiva*”?
10. Certain kosher animals are not included in the law of “*chazeh, shok, and keiva*.” Which ones?
11. How many sheep must be shorn before the owner must give a portion of the shearing to a *kohen*?
12. Which three categories of false prophets are executed?
13. What does it mean to “prepare the way” to the cities of refuge?
14. How many witnesses are meant when the word “*eid*” (“witness”) is written in the Torah?
15. “Through the *mouth* of two witnesses...” What types of testimony does this verse invalidate?
16. If witnesses in a capital case are proven to be “*zomemim*” (false-conspirators) before their ‘victim’ is executed, how are they punished?
17. Why does the section about going to war follow the laws governing witnesses?
18. The Jewish army is warned of four ‘scare-tactics’ the enemy might employ. What are they?
19. When a murder victim is found in a field, who determines which city is closest?
20. What happens to the murderer if he is found after the calf has had its neck broken?

BONUS QUESTION?

“**Do not take a bribe, because bribery blinds the eyes of the wise...**” (19:19). In this week’s Parsha the Torah says that bribery blinds the “*Chachamim*” — ‘wise people.’ But in Exodus 23:8, the Torah says bribery blinds the “*Pikchim*” — ‘open-eyed people.’ Why does the Torah use these two different expressions to describe a judge?

I DIDN'T KNOW THAT!

“**And it shall be, when he sits on the throne of his kingdom, he shall write two copies of this Torah... And it will be with him and he shall read from it all the days for his life...**” (17:18,19). The king would tie the Torah scroll to his arm and wear it like an amulet.

• Me'am Loez

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 except for 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’eschanan* — “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-consolated 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

WEEKLY DAF

NIDDAH 46 -52

HER HONOR, THE JUDGE

Is a woman eligible to serve as a judge in a *beis din* (religious court)?

The Mishna seems to rule this out with its statement that “anyone who is eligible to serve as a judge is eligible to serve as a witness.” Since a woman is ineligible to testify as a witness we can assume that she is also ineligible to serve as a judge.

Tosefos raises a challenge to this disqualification from the case of the Prophetess Devorah, about whom it is written that “she judged Israel at that time” (*Shoftim* 4:4). One of the resolutions offered by Tosefos is that she did not actually judge the people but rather taught them the law. The other resolution is that she judged on the basis of the Divine guidance she received in her capacity as prophetess.

This terse explanation that Devorah used prophecy to decide matters of laws seems to run counter to the principle of “It (the Torah) is not in heaven” (*Devarim* 30:12) which is understood by our Sages (*Bava Metzia* 59b) to mean that once the Torah was given from heaven at Sinai we are guided only by our interpretations and not by any

heavenly intervention in the form of prophecies or voices.

Although Tosefos is vague here, he is more explicit in *Bava Kama* 15a where he writes that “perhaps the litigants voluntarily accepted her as a judge because of her contact with the Divine Presence.” This is obviously a reference to the rule stated in *Sanhedrin* 24a that if litigants voluntarily agree to abide by the judgment of a relative or anyone else unqualified to be a judge then they must abide by his judgment. Although Devorah was not eligible to be a judge who could impose her authority upon any litigant, she was certainly able to judge a case in which both litigants had voluntarily agreed to abide by her decision.

• *Niddah* 49b

FISHY FEATURES

A fish is considered kosher for eating, says the Torah (*Vayikra* 11:9), if it has fins and scales. This is explained by our Sages as a requirement for both fins and scales, not fins or scales.

Tosefos raises the problem that wherever the Torah connects two items with the prefix of the letter “vav” we

can interpret it as meaning either “or” or meaning “and” unless the Torah specifies that it is “and” the way it does by the ban on plowing with a team made up of an ox and a donkey pulling together. Since there is no such explicit mention in the Torah that a fish must have both fins and scales in order to be kosher, why can’t we assume that fins alone or scales alone are sufficient? (While it is true that if we see scales alone on a fish it is kosher, this is only because it is an ichthyological rule that every fish which has scales also has fins.)

The resolution proposed by Tosefos is that we draw a parallel between the *simanim* features which determine the kosher status of animals and those which determine the status of fish. The Torah names two features — chewing of the cud and split hooves — of a kosher animal and then goes on to specifically ban the pig and the camel for possessing only one of them. This is a clear signal to us that when the Torah requires two *simanim* in regard to *kashrus* it insists on both of them. We may therefore extend this rule to fish and conclude that both fins and scales are required.

• *Niddah* 51b

continued from page one

PARSHA INSIGHTS

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 **every-one** leaves the stage except two actors who play the Vilna Gaon and the Sha’agas Aryeh. The Vilna Gaon says to the Sha’agas Aryeh “K’vod HaRav — you take the first shot,” and the Sha’agas Aryeh 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 Aryeh 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 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*.

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

ANIMAL SACRIFICES

Murray <schnoz@erols.com>
wrote:

Dear Rabbi,

I want to ask a question about something that has been disturbing me since I learned of it; namely, ritual animal sacrifice in Judaism. I find the whole notion of burnt offerings and animal sacrifice, mentioned throughout the bible, repugnant. We (the Jews) often talk about paganism, yet the concept of animal sacrifice in our bible is, in my opinion, a pagan practice. I realize that there are many passages in the Bible that cite means of atonement for sins other than animal sacrifice; but, I find the very mention of this practice, and the fact that it is even considered, to be a flaw in our religion and the antithesis of what a merciful G-d should ask. Please help me with this as it really bothers me.

Dear Murray,

One thing I think is important to note is that most types of sacrifices brought in the Temple were not 'burnt offerings,' but were actually eaten by the *kohanim* and by the people who brought the sacrifice. Only a relatively small portion of the animal — some of the fats — were actually burned on the altar.

In other words, let's say a person recovers from a life-threatening illness and wants to make a big celebration, inviting all his family and friends. In the Temple days, the right way to do it was to 'invite' G-d as well. That is, instead of serving normal, everyday meat, he goes to the Temple and offers a 'thanks-giving' sacrifice. Part of the meat is given to the *kohanim*, certain of the fats are burned on the altar and the rest is served at the thanks-giving celebration.

The Torah is telling us that everything we do can be imbued with holiness. Not only things like giving charity or fasting on Yom Kippur. Even activities like eating meat can be invested with holiness if we remember to share with others (giving to the *kohanim*) and include thoughts of thanks to G-d (offering some of the fat). This idea — elevating the mundane — can then be put into play during all our daily activities.

Sacrifices also served to nullify belief in idol worship. Maimonides notes that all species used for sacrifices were animals worshipped by pagans. By sacrificing them we declare: "Don't worship these animals! Use them in the service of Hashem!" For example, the Egyptian's believed in a ramgod; hence, the Passover sacrifice is a lamb, which is then eaten at the Passover 'seder' celebration.

'Sin offerings' produced a powerful psychological effect on people, and helped them act righteously in the future. A person bringing a sin offering would think: "What's happening to that animal should really be happening to me!" These, too, were eaten by the *kohanim*.

By helping humans live more righteously, share with others, feel thankful and repentant, and fulfill the commandments, an animal's existence gains an eternal meaning.

Sources:

- Moreh Nevuchim III
- Ramban 1:9
- Herodotus 2:31
- Biblical Archaeology Review, May/Jun. '95, p. 61

PAPAYA

Michael Turniansky
<mt0013@epfl2.epflbalto.org>
wrote:

I have tried other electronic forums for an answer, for I didn't want to bother you yet again. But I have a question:

What is the proper blessing for papaya? Is it "borei p'ri ha'adamah" ("Who creates fruit of the earth") like the pineapple, to which I think it may be related, or "borei p'ri ha'eitz" (Who creates fruit of the tree)?"

Dear Michael Turniansky,

Although a papaya tree lasts for several years and produces an annual crop like a tree, in other respects it is similar to a vegetable. For instance, unlike other trees, papayas produce fruit during their first year.

Since a papaya has some tree-like features and some vegetable-like features, it's unclear what the proper blessing is. In such a case, the blessing "borei pri ha'adama" is appropriate. You can say "Borei pri ha'adama" ("Who creates fruit of the earth") in a case of doubt because, after all, fruit which grows on a tree also grows from the ground.

I asked this question to a noted halachic authority who told me to say "borei pri ha'adamah" due to the doubt.

Sources:

- Shulchan Aruch Orach Chaim 203
- Kaf Hachayim 213:13, Yachave Da'at 4:52

YIDDLE RIDDLE

Once upon a time, a young man came to a rabbi and asked, "Rabbi, please tell me while I stand on one foot: What is the foundation upon which the entire Torah is based?"

The Rabbi answered "Whistle till the fish comes backwards."

What did he mean?

Answer next week.

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PARSHA Q&A!

Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 16:18 - *Shoftim* are judges who pronounce judgment. *Shotrim* are officers who enforce it.
2. 16:19 - No, because it will sway his judgment.
3. 16:20 - "Tzedek tzedek tirdof..."
4. 16:22 - Because the Canaanites used them for idolatry.
5. 17:9 - To teach that although the judge of a particular generation may not be as eminent as those of previous generations, the Jewish People are still obligated to obey him.
6. 17:16 - Only as many as he needs for his carriages.
7. 17:18 - Two. One stays in his treasury and one he keeps with him.
8. 17:20 - He lost his kingship.
9. 18:2 - *Nachalas Chamisha* is the land of the first five tribes to claim their inheritance: Reuven, Gad, Menashe, Yehuda, and Ephraim. *Nachalas Shiva* is the land of the remaining tribes, who didn't inherit until after Joshua's death.
10. 18:3 - *Chayos* (non domestic-type animals).
11. 18:4 - Five.
12. 18:20 - One who prophesies something he didn't hear, prophesies something that was told to another prophet, or prophesies in the name of an idol.
13. 19:3 - To post signs saying "Refuge" at the junctions to point the way.
14. 19:15 - Two, unless otherwise specified.
15. 19:15 - 1) Written testimony sent to the court; 2) Testimony given through a translator.
16. 19:19 - They are put to death.
17. 20:1 - To teach that if the Jewish People execute judgment in a just fashion they will be victorious in war.
18. 1) Clanging their shields; 2) Making their horses stomp and whinny; 3) Shouting; 4) Blowing horns.
19. 21:2 - The *Sanhedrin*.
20. 21:9 - He is tried and, if guilty, executed.

BONUS ANSWER!

A judge in a court of Torah law must be wise in two areas. First, he must be expert in all areas of Torah law. Such people are called '*chachamim*' — 'wise.' Second, he must be well-versed in worldly matters so he can properly interrogate the litigants and see if they are trying to fool him. To do this, he has to know 'every trick in the book.' Such people are called '*pikchim*' — 'open-eyed.'

• Vilna Gaon in *Aderes Eliyahu*

RECOMMENDED READING LIST

	RAMBAN	20:8	The Torah Army	496	Antidote to Anarchy
16:21	Trees		SFORNO	498	Qualities of Leadership
17:11	Obedience	16:21	Beautiful But Bad	503	Safeguarding the King
17:15	Kingship	17:3	The Sun And the Moon	510	The Occult
17:20	Conceit	18:14	Above the Stars	516	True Prophecy
18:15-16	Prophecy			517	False Prophecy
19:8	Our Borders		SEFER HACHINUCH	526	Strengthening the Army
19:13	Self Defense	491	Securing Justice	527	Humane War

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