



Turning a Blind Eye

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Parashat Shoftim 5784

Parashat Shoftim (literally: “Judges”) begins with a general call for the appointment of judges in all the settlements of the Land. In its second verse, the *parashah* turns to speak directly to the potential judge, first with some general instructions: to judge fairly, impartially, and then with this specific warning:

דברים טז:יח

וְלֹא תִקַּח שֹׁחַד כִּי הַשֹּׁחַד יְעִוֵּר עֵינֵי הַחֲכָמִים וְיִסְלַף דְּבַר צַדִּיקָם.

Deuteronomy 16:18

You shall not take bribes, for bribes blind the eyes of the wise, and subvert the words of the righteous.

This is not the first time we’ve heard this concern in the Torah. A similar injunction against taking bribes appeared back in Exodus, with nearly identical wording. Yet here in our *parashah*, Moshe repeats the commandment,¹ taking pains to make sure this is the first thing

¹ The Torah will return once more to curse the one who takes bribes in Deuteronomy 27:25. The only other mention of *shohad* (bribery) in the Torah is in Deuteronomy 10:17, which describes God as “the great, the powerful, and the awesome, who shows no partiality and does not take bribes.”



a new judge hears. What is the urgency driving this repetition? Why is Moshe so worried about the potential for bribery?

There is some indication that Moshe was well aware of the great difficulty in finding judges who were impervious to bribery. Just after the exodus, when Moshe's father-in-law, Yitro, first advised him to appoint judges, he told Moshe to seek out “אֲנָשֵׁי חֵיל יִרְאֵי אֱלֹהִים אֲנָשֵׁי אֱמֶת שֹׂנְאֵי כָסֶר - men of strength, who fear God, men of truth, who hate ill-gotten gain” (Exodus 18:21). But a few verses later, we read only that, “Moshe selected men of strength (אֲנָשֵׁי חֵיל) from all of Israel” (18:25). What happened to “the men of truth, who hate ill-gotten gain”? The Midrash Aggadah² concludes that Moshe simply could not find enough judges who had all these qualities.

Is the propensity for this kind of corruption really so widespread? Several *midrashim* from Genesis hone in on the language of “blindness” in the commandment against taking bribes, in order to suggest that the problem of bribery is much older than the court system, and that its reach extends far beyond the figure of the official judge. One such example, from Midrash Tanhuma, reads:³

מדרש תנחומא תולדות ח

וְלָמָּה כָּהוּ עֵינָיו שֶׁל יִצְחָק? מִפְּנֵי שֶׁנִּסְתַּכֵּל בְּדַמּוּת עֵשָׂו הָרָשָׁע. וְעוֹד, עַל שֶׁהָיָה מְבִיא צִיד וּמֵאֲכִילוֹ, וְכִתִּיב: כִּי הִשְׁחֵד יַעֲקֹב פְּקָחִים (שמות כג, ח).

Midrash Tanhuma Toldot 8

Why did Yitzhak's eyes grow dim? Because he looked into the face of [his son] Esav the wicked, and because [Esav] would bring him game and feed him—as it says “bribes blind the clear-sighted” (Exodus 23:8).

² A medieval *midrash* published by Solomon Buber in the 19th century.

³ This connection is also made in Bereshit Rabbah 94:5 and Yalkut Shimoni #113.



The Tanhuma is identifying a remarkable parallel between the language of the law and the context of an earlier narrative. Yitzhak is indeed one of the few characters in the Torah to go blind. The *midrash* uses the commandment against taking bribes as a frame for the scene where we are told of Yitzhak's blindness. Chapter 27 of Genesis opens by telling us that:

בראשית כז:א

וַיְהִי כִּי זָקֵן יִצְחָק וַתִּכְהֶינּוּ עֵינָיו מִרְאֵת וַיִּקְרָא אֶת-עֵשָׂו בְּנוֹ הַגָּדֹל וַיֹּאמֶר אֵלָיו בְּנִי וַיֹּאמֶר אֵלָיו הִנְנִי.

Genesis 27:1

When Yitzhak was old and **his eyes had dimmed** from seeing, he called his older son Esav and said to him, “My son.” He answered, “Here I am.”

The two halves of this verse serve to thematically fuse Yitzhak's growing blindness with his relationship to his son Esav. Yitzhak then continues weaving these themes together by saying he has grown old, and perhaps close to death—and then asking Esav to go and hunt some game for him:

בראשית כז:ד

וַעֲשֵׂה לִי מִטַּעֲמִים כְּאִשֶּׁר אָהַבְתִּי וְהֵבִיָּאָה לִּי וְאֶכְלָה בְּעֶבְרַת תְּבָרְכָךְ נַפְשִׁי בְטָרִם אֲמוֹת.

Genesis 27:4

“Then prepare me a dish, just the way I like, and bring it to me to eat, so that I may give you my innermost blessing before I die.”

Yitzhak appears to be requesting these special foods as a **condition** for giving Esav the blessing. The *midrash* therefore implies that Yitzhak knew Esav was not really worthy of the blessing of the covenant. Yitzhak therefore needed to be lured with his favorite foods in order

to become ready to issue a blessing of good fortune—a sort of “favorable ruling”—that Esav did not deserve.

We might even presume that Yitzhak’s calling on Esav to hunt and prepare for him his favorite dinner was a well-established dynamic between the two of them. In fact, we read earlier in the story, that Yitzhak loved Esav “כי ציד בפיו” - because there was game in his mouth” (Genesis 25:28). Yitzhak, it seems, regularly indulged in the benefits of Esav’s exceptional hunting skills, and so allowed himself to be drawn, over time, towards an increasing favoritism for his eldest son. By the time his death was approaching and the time to pass on a blessing had arrived, Yitzhak had long since become blind—literally blind, perhaps, but also blind to Esav’s wickedness.

This means that, effectively, Yitzhak took bribes.⁴ Yitzhak—whom we remember as the ultimate holy man, the one who was willing to give his life for God—even **he** could succumb to favoring the wicked, with just the right bit of influence. That is the far-reaching danger of bribery, and the reason the Torah wants us to be on guard against its seductive power. If it could happen to Our Father Yitzhak, it could happen to anyone.

We have reason to believe that Moshe took the lessons of Yitzhak’s blindness very seriously. In the last chapter of the Torah, just after Moshe is buried, we read:

⁴ This is a controversial claim that led to a fierce debate between R. Nosson Tzvi Finkel (the Alter of Slobodka) and R. Avraham Yeshayah Karelitz (the Hazon Ish). The Alter, in an essay on bribery collected in *Or ha-Tzafun* (Shemot 29), cites the same *midrash* we looked at here, among other sources, and concludes: “From the words of Our Sages, we learn that this problem plagues even the greatest of the great, the greatest people in the world, and there is no man who can say that he is free from it.... There is some aspect of what the Torah calls ‘the influence of bribery,’ which can take control of even angels of God like the holy forefathers.” The Hazon Ish was outraged by this suggestion and responded sharply in *Emunah u-Vitahon* (Ch. 3, Section 30): “See how the Evil Inclination seeks to entrap those who wish to become sophisticated, by bringing them a piece of Talmud that suggests that bias is a force that affects both the small and the great together, that the wise are especially affected by it, even the pious men of great deeds... They do not know that it is through this assumption that the whole generation is orphaned, and there is soon no judge on the earth.” I am following the reading of the Alter of Slobodka here.



דברים לד:ז

וּמֹשֶׁה בֶּן יָמָאָה וְעֶשְׂרִים שָׁנָה בָּמָתוֹ לֹא כָהָתָה עֵינָיו.

Deuteronomy 34:7

Moshe was one hundred and twenty years old when he died; **his eyes had not dimmed at all.**

This is the only time the Torah speaks of “eye-dimming” other than Yitzhak. But in contrast to Yitzhak, Moshe’s eyes had **not** dimmed. Why do we need to know that Moshe died with good eyesight? Yet if we read this verse in light of the *midrash* that attributed Yitzhak’s dimmed eyes to bribery, it appears that Moshe was especially strict about resisting this kind of temptation. His exceptional ability to resist corruption became one of his defining characteristics, and is therefore mentioned at the moment of his death, as a kind of eulogy.

In our *parashah*, as Moshe begins to see his own death approaching, and seeks to ensure that the next generation will carry forth the covenant, perhaps he is thinking of his ancestor Yitzhak’s failed attempt to do the same. Moshe therefore repeats the prohibition against taking bribes, as a reminder of just how widespread this type of corruption is, and how it can affect anyone - even the greatest among us.

In this age so full of corrupt leaders, “men of strength” who are willing to turn a blind eye to wickedness for the sake of personal gain, we could surely use this reminder again.

