

Do Me a Favor

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*"I would like you to do us a favor, though"*

*— are what triggered the House impeachment inquiry that has imperiled his presidency.*

*DID PRESIDENT TRUMP commit bribery? House Speaker Nancy Pelosi leveled this accusation this month, as additional evidence emerged, potentially*

*implicating him directly in the abuse-of-power controversy surrounding U.S. relations with Ukraine.*

*Trump was accused of*

*committing "bribery" by seeking to use U.S. military aid as leverage to pressure the Ukrainian government to conduct investigations that could politically benefit the president. Half-way around the globe, Israeli officials finally indicted PM Benjamin Netanyahu on bribery charges of his own, after*

*years of lengthy - and controversial - investigations. It seems like democratically elected leaders the world over are subjected to extreme scrutiny*

*by the opposition for allegations of abuse-of-power or bribery - an impeachable offense.*

*Is a public official, let alone the president,*

*allowed to ask for favors? What if they are not conditioned on anything but will just be accorded high-priority? In this article, we will examine the various limits and applications of this prohibition.*

The Prohibition of *shochad* - Bribery

The Torah

*warns a Dayan not to accept bribes, as the Pasuk says: "And thou shall not take bribes, as bribes will blind the eyes of the wise and distort the words of the wise..." The Shulchan Aruch (C.M. 9:1)*

*introduces this Halacha in the following manner: One should be very, very careful (me'od, m'eod) - an expression found in few places in the Shulchan Aruch. The Gemara in Kesubos asserts that this prohibition applies even when the bribery is given to acquit the innocent party or convict the guilty party.*

The Chazon Ish in

*Emuna U'Bitachon explains this phenomenon: "shochad is a special concept... it carries a special power to blind the eyes of the wise which is embedded in the very creation of the world... in*

*addition to the nature of bribery to blind the eyes of the wise, it carries an impure power (Koach HaTum'ah) to stuff the heart and put wisdom to sleep... the*

*Dayan is no longer protected by his wisdom..." This would explain why even*

the wisest and  
most objective *Dayan* would still be warned against accepting even the most  
minute  
form bribery.

Party  
Favors

The *Gemara* in *Kesubos (105b)* expands  
the concept of *shochad* to include the slightest favors. For  
example, the *Gemara* says that there are instances in which a *Dayan* who  
has  
an item on loan from someone may not adjudicate his *Din Torah* (see  
*Shulchan Aruch ibid.*). Furthermore, the *Gemara* relates that *Ameimar*, one  
of the *Amoraim*, was once sitting in a *Din  
Torah* when a feather  
landed on his head. A nice man shooed the feather away. *Ameimar* asked  
the man what he was doing there, and he answered that he wanted to bring  
a *Din Torah* in  
front of *Ameimar*. *Ameimar* told him that he wouldn't be able to be his  
*Dayan* because of this small favor.

The *Rishonim* debate  
whether these cases fall under the prohibition of *shochad* or  
whether it is just a *Middas Chasidus* (a pious measure) to refrain from  
sitting  
on such a *Din Torah*. *Tosafos (Keusbos ibid.)* understand that it is only a  
*Middas Chasidus* not  
to sit on a *Din Torah* if one has received a small favor, while  
the *Rambam (Hil. Sanhedrin 23:3)*- according to the understanding of the  
*Bais Yosef* - maintains  
that it is a violation of the prohibition of *shochad*.

The *Bach* adds  
that it seems that the *Tosafos* in *Sanhedrin*  
take a third position,  
and distinguish between doing a favor in connection with the *Din Torah*  
which  
is forbidden, and just reminding the *Dayan* of a favor done in the past, in  
which case it is not forbidden  
but rather commendable to refrain from being the *Dayan*.

The *Chukas HaDayonim* (cited  
in *Pischei Teshuva*) writes that in the case of a slight favor,  
all would permit one to sit if there are two others with him. To the other  
extreme, some *Poskim* write that if the favor was done in front  
of the other party, then it is forbidden according to all opinions, as it  
causes the other party to stumble and lack confidence in its arguments.

Free

Healthcare

The

*Pischei Teshuva*, cites the *Birkay Yosef* who discusses a *Dayan* who receives free medical treatment from one of the parties.

The *Devar Shmuel* (54) distinguishes whether the free treatments were given long before the *Din Torah* arose and will continue after it or whether

they started around the time the claim arose. In the former case there would be

no prohibition of *shochad* although there may be an issue of judging an *ohav* (close

friend, see C.M. 7), whereas in the latter case, it would seem to be classified as *shochad*. The *Birkay Yosef* disagrees and maintains that both examples would violate the prohibition of *shochad*. If, however, the *Dayan* pays the doctor for his services, there would not be a prohibition of *shochad*, although

it may be best for the *Dayan* to refrain from judging his personal doctor.

Other Figures of Authority, Bnai

Noach

Is the

prohibition of *shochad* only on a *Dayan*? How

about a powerful or influential figure, such as a governor, fund trustee or school principal? The *Pilpula Charifta* (on the *Rosh*, *Sanhedrin* 3:17) as well

as the *Chida* and the *Aruch HaShulchan* maintain that all officials with power are

subject to the Torah prohibition of *shochad*. The *Kli Chemda* (*Devarim* 16:18) adds

that this would also apply to police officers. The *Chasam Sofer* in a *teshuva* (160, cited in *Pischei Teshuva* 8:2) and others, maintain that there is a

prohibition to accept money to appoint public officials.

The *Poskim* (cited

in *Pischei Teshuva* 9:3) argue whether there is a prohibition of giving *shochad* to a *Ben Noach* (non-Jew) who is also commanded to establish a justice system.

The *Tumim* argues that just like it is permissible for a *Ben Noach* to judge a relative (which is forbidden for a Jew) so too *shochad* is permitted. However,

the *Chasam Sofer* and the *Divrey*

*Mishpat* cite the *Ramban* in *Parshas VaYishlach* who

maintains that the prohibition of *shochad* also applies to a *Ben Noach*.

The *Shoel U'Meshiv* and others distinguish between one who gives *shochad* to a *Ben Noach* to skew justice which is forbidden, and one

who gives *shochad* to ensure that justice is served (which is still forbidden with regards to a *Dayan*).

#### Conclusion

Based on the aforementioned sources, it would seem that there is a prohibition of *shochad* to bribe a public official, although there may be a leniency when the desired outcome is the just and proper outcome and the judge is a *Ben Noach* who is not meting out a *Din Torah*. [It is interesting to note, that the President of Ukraine, Mr. Zelensky, is Jewish, while President Trump is not!]