



Blinding Wise Eyes • Parshat Shoftim

“What do you do?”

“I’m in compliance.”

“That’s a very important job.”

“You’re the first person who’s said that to me. Most people see me and walk in the opposite direction.”

This was my conversation with a lovely young woman I met after giving a class recently. She laughed then shrugged as she admitted that she’s not the most popular person in her office. Instead of viewing compliance as a critical mechanism to keep an organization ethical, the people she works with may regard her as an uncomfortable, judgmental presence.

The researchers who wrote “Corruption, Fast or Slow? Ethical Leadership Interacts With Machiavellianism to Influence Intuitive Thinking and Corruption” (*Frontiers in Psychology*, Nov. 2020) conclude that, “Ethical leaders play a role as models, use reward and punishment to decrease unethical behavior and stimulate ethical conduct.” You cannot hope that people will behave ethically in the workplace. You have to model it and build it into systems.

In this week’s parsha, *Shoftim*, we find an unambiguous statement about judging others with the highest moral standards and expecting compliance: “You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the wise and upset

the plea of the just” (Deut. 16:19). Whereas sometimes the Torah is authoritative and didactic in its presentation of commandments, here it is explanatory. The verse tells us what taking bribes can do both to the judge and to those being judged.

Rashi here writes poignantly that at no time during the presentation of a case, should a judge “be lenient to one and harsh to the other” and gives a simple illustration. A judge asks one party to stand and the other to sit as he listens to a case. This visible display of difference may falsely and even unwittingly communicate a preference. Judges must review every one of their small actions and gestures and what they may inadvertently communicate.

Rashi, citing BT *Shevuot* 30a, then moves from the judge to those being judged. Should there be even the slightest hint of favoritism, the litigant who feels disrespected may be hampered in his plea. Once he thinks there is any bribery or preference in a case, he may feel defeated and lose all confidence. What’s the point of making a case if the judge has already predetermined the outcome?

Someone told me that during meetings of his senior team, the CEO regularly looked at the second most senior person in the room for approval or rolled her eyes at that employee to show disagreement with something that was said. This gesture was slight. No speaking was involved,

but pretty soon other members of the team self-censored and did not speak up about important issues. The room was not safe. They felt they would be judged unfavorably so they kept quiet. When this behavior was brought to the CEO's attention, she instantly denied it. "I don't know what you're talking about."

Rashi, on our same verse, also states that when a judge takes a bribe, no matter how much he thinks he can be impartial, he cannot: "As soon as he has accepted a bribe, it is impossible for him not to incline his heart to that one and try to find something in his favor." Rashi bases himself on a passage in the Talmud that explicates our verse, BT *Ketubot* 105b. There, the sages discussed what this verse adds to our understanding of Jewish justice since all the way back in Exodus 23:8, we learned, "You shall take no bribe." The Talmud concludes that even in a case where there is no concern that justice will be perverted, a judge should, nevertheless, not take anything from any litigant. In this country today, there are strict and intricate gift-giving restrictions in place for government employees lest accepting a gift – even one of nominal monetary value – influence judgment, even subconsciously. This is where compliance work does its heavy lifting.

The Talmud continues in its interpretation of our verse: "for bribes blind the eyes of the wise." If bribes can blind the eyes of the wise, the sages concur, then they can certainly blind the eyes of a fool. Is a fool likely to be appointed as a judge? We assume that only those who are intelligent, discerning, and knowledgeable would be selected to such positions. But this is not always the case. When a wise person takes a bribe, the Talmud states, "he will not leave this world without suffering blindness of the heart." He will become a fool.

Compliance regulations in all fields help us check our conscious and unconscious biases and prevent us from making small errors of judgments that may become larger over time if not monitored and supervised. This is true for judges and in all arenas of leadership. We carry our beliefs and our biases

with us wherever we go and in whatever we do. And at times, when we find ourselves faltering, our values carry us.

When did partiality – in work or within your family – hurt you? When did you hurt others with your unfair display of preference?