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PAY PER PLANE: IS A GIFT TO A LEADER A BRIBE?

Adapted from the writings of Dayan Yitzhak Grossman

The Associated Press reports:

For President Donald Trump, accepting a free Air Force One replacement from Qatar is a no-brainer.

"I would never be one to turn down that kind of an offer," the Republican told reporters on Monday. "I could be a stupid person and say, 'No, we don't want a free, very expensive airplane.'"

Critics of the plan worry that the move threatens to turn a global symbol of American power into an airborne collection of ethical, legal, security and counterintelligence concerns.

"This is unprecedented," said Jessica Levinson, a constitutional law expert at Loyola Law School. "We just haven't tested these boundaries before."

Trump tried to tamp down some of the opposition by saying he wouldn't fly around in the gifted Boeing 747 when his term ends. Instead, he said, the \$400 million plane would be donated to a

future presidential library, similar to how the Boeing 707 used by President Ronald Reagan was decommissioned and put on display as a museum piece.

"It would go directly to the library after I leave office," Trump said. "I wouldn't be using it."

However, that did little to quell the controversy over the plane. Democrats are united in outrage, and even some of the Republican president's allies are worried.¹

A couple of years ago, in the context of the controversy over revelations that Justice Clarence Thomas had been the beneficiary of substantial largesse from businessman Harlan Crow over an extended period of time (which Crow and Thomas both maintained should be viewed simply as "personal hospitality" of the sort that is typical between close personal friends²), we cited a Geonic ruling that

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¹Megarian, Chris; Miller, Zeke; and Condon, Bernard. Trump's Plan to Accept Free Jet from Qatar Raises Questions. AP News. <https://apnews.com/article/donald-trump-qatar-air-force-one-2ef13d87b77185bde547a3ed69402098c>

²As the Crow Flies. Jun. 9, 2025.

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PARSHAS BEHAR-BECHUKOSEI ON A DILEMMA OF THE HORNS

Excerpted and adapted from a *shiur*
by Rav Moshe Yitzchok Weg

...On the Day of Atonement, you shall sound
the shofar throughout your land.

Vayikra 25:9

In this *pasuk*, the Torah commands us to blow the shofar on Yom Kippur of the *yovel* year. According to the Mishnah (Rosh Hashanah 26b), shofar during *yovel* is like shofar on Rosh Hashanah regarding the *tekiah* and the *brachos*. Rashi explains that *tekiah* means that the shofar must be *pashut* (straight, not curved)¹ and *brachos* means that we recite nine *brachos* in Musaf, as on Rosh Hashanah.

Rashi says the reason the shofar on Rosh Hashanah must be *pashut* is because the shofar represents *tfilah*, and as the Gemara explains, we want to approach Hashem straightforwardly. But the purpose of the *yovel* shofar, as Rashi himself notes, is to proclaim that the servants are free and the fields return to their original owners, so why would that shofar need to be straight?

Perhaps the answer is that although a shofar
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¹This opinion is not accepted as halacha. The halacha follows the view that shofaros should be curved.

Q&A from the
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Kohein of Silence

Q We have reached *Krias* HaTorah, and the only kohein in the shul is still davening. What should we do?

A Normally, if no kohein is present, the first aliyah is given to a levi or a Yisrael (with no preference), and the gabbai announces, "*Ein kan kohein, ya'amod Ploni levi/Yisrael bimkom kohein* (There is no kohein present; arise *Ploni* the levi/Yisrael in place of the kohein)." This announcement clarifies to onlookers that the person called up first is not a kohein (O.C. 135:6; Kitzur Shulchan Aruch 23:9).

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Even an outright gift given to a *dayan* prior to the onset of litigation does not disqualify him, although the *dayan* should ideally (*mimidas chasidus*) recuse himself if he discerns that the gift has engendered a personal connection (*sheniskareiv dato*) with the giver.³

This article presents further perspectives on this topic.

In the context of the great debate among halachic authorities about the legitimacy of *talmidei* chachamim accepting communal support and gifts,⁴ the Bach says it is permitted for those who serve in certain leadership roles to accept gifts, because the possession of material wealth will enhance their influence over the people.⁵ But the Bach's son-in-law the Taz is opposed to this, at least with respect to an *av bais din* (the head of a court):

My father-in-law, of blessed memory, concludes that an *av bais din* is permitted to accept gifts in order to acquire wealth, in order that his words should be accepted by people. But the truth is that the cost outweighs the benefit of this, because a stumbling block may result: One who has litigation before the *av bais din* will give him a gift some time prior to the litigation in order to induce partiality, and there is no advance bribery (*shochad mukdam*)⁶ greater than this...⁷

The Chida (R' Chaim Yosef Dovid Azulai) sides with the Bach against the Taz, because the aforementioned ruling of the Geonim explicitly states that a *dayan* who received a gift from a now-litigant prior to the litigation is not strictly required to recuse himself, and this is only a matter of *midas chasidus*, and even that only pertains if the *dayan* discerns that the gift has made him partial to the giver.⁸ The Chida asks how the cited lenient position of the Bach jibes with the Bach's own stringent view elsewhere that even according to the Geonim, a *dayan* who receives a gift from someone that he knows will eventually appear before him is disqualified from adjudicating his case.⁹ The Chida answers that this latter stringency of the Bach applies only

where the *dayan* perceives that the gift was given solely in anticipation of the eventual litigation, whereas the Bach's original lenient position referred to gifts given in honor of the *dayan* and his scholarship, not in anticipation of litigation. (The Chida adds that the Bach himself discusses a *rosh yeshiva* rather than an *av bais din*, and while he refers to gifts, he may mean gifts from communal institutions and funds rather than gifts from private donors. But he nevertheless apparently agrees with the position attributed to the Bach by the Taz that even an *av bais din* may accept even gifts from private donors, as above.)

Elsewhere, however, the Chida cites the position of the Maharikash (R' Yaakov Castro) that in the case of a rich man who routinely distributes gifts to the local scholars on occasions such as holidays, the birth of a child, or other *smachos*, the recipients of his largesse are disqualified from adjudicating litigation to which he is a party. The Chida then writes:

And I have heard that some of the *gedolim* of our generation—the great *rav kmh"r* Efraim Navon, *zlh"h*, the author of *Machanei Efraim*, and the expert *rav kmh"r* Eliezer Nachum, the author of *Chazon Nachum*—were careful about this, not to accept donations from wealthy people. But some *gedolim* were not careful about this, though they were *avos* *bais din*. Perhaps they relied upon the fact that since the gifts were not given during the litigation and not given because of the litigation, they are not disqualified as a matter of law. But it seems that the correct view is like the Maharikash...¹⁰

The Pis'chei Teshuvah is puzzled by the apparent contradiction between these two positions of the Chida: Why are the gifts given by the wealthy men in this discussion, which the Chida considers a problem, any different from the gift given by the eventual litigant in the case of the Bach, which the Chida does not consider a problem? He tentatively suggests that perhaps gifts given frequently, multiple times per year, are worse, because there is more of a concern that they may engender partiality.¹¹

3Tur C.M. siman 9. This ruling is codified in Shulchan Aruch ibid. se'f 2.

4 See Gift Rap: When Does Sonei Matanos Vichyeh Apply? May 8, 2025.

5 Bach Y.D. siman 246.

6 "Shochad mukdam" is not a classic halachic category; see the discussion of the concept in the Encyclopedia Talmudis entry Shochad section 2.11: Shochad Mukdam as well as the continuation of our article.

7 Taz ibid. s.k. 7. The Taz proceeds to object to accepting gifts on other grounds as well.

8 Birkei Yosef C.M. 9:3 as 14.

9 Bach C.M. siman 9.

10 Ibid. se'f 2, as 12.

11 Pis'chei Teshuvah C.M. siman 9 s.k. 6.

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must be straight because of the *tfilah* element, straightness is therefore a defining characteristic of a shofar, making one that lacks it invalid even for *yovel*.

According to Rashi, it seems that the comparison between Rosh Hashanah and *yovel* applies only to fundamental aspects of shofar, but other elements of the mitzvah related strictly to *tfilah* or *zikaron* would not be required for

yovel. In contrast, the Rambam writes that the shofar blowing of *yovel* must be exactly the same as that of Rosh Hashanah in all respects.

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The second aliyah should go only to a Yisrael; giving it to a levi may make onlookers think the first person is a kohein.



RAV ARYEH
FINKEL

If the only kohein is busy davening, it depends where in davening he is up to:

- In the middle of *Shmoneh Esrei*: Call up someone else without delay. "*Ein kan kohein*" is omitted because a kohein is in fact present; only say "*Ya'amod Ploni binkom kohein*" (O.C. 135:5; Kitzur Shulchan Aruch ibid. 10).
- In the middle of *Krias Shema*: The same procedure applies as for *Shmoneh Esrei*, but it is recommended that he exit the room before someone else is called up (Mishnah Brurah 66:26).
- *Bein haprakim* (between paragraphs of *Krias Shema*): The Mishnah Brurah (ibid. and 135:17) allows him to be called up and make the *brachos*, though he may not read along with the *ba'al korei* as is typically required (ibid.; see also Ishei Yisrael 19:19). But the Mishnah Brurah recommends that he leave the room and the aliyah be given to someone else.
- In *Psukei Dezimra*: He may be called up *lechat'chilah*, and he may even read along with the *ba'al korei*. But no other interruptions should be made, like for *Mi Shebeirach*. If the gabbai begins a *Mi Shebeirach* and forgets the kohein's name, he may say it (Mishnah Brurah 51:10).

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