Bemachshvah Techilah

REB Micha Berger

What is the role of the laws of business listed in Choshen Mishpat?

One approach could be that working for income is a necessary evil. It’s Hashem’s punishment to Adam for eating the forbidden fruit – “with the sweat of your brow shall you eat bread”. However, by following these laws these activities are kosher, they are rendered permissible. But if all it offered were the ability to deal with a necessary evil, we would have difficulty understanding a Gemara about this week’s parashah.

Ya’akov crosses his family and almost all of his belongings across the river, and has to return for some small vessels. There, on the far side of the river, he encounters and battles an angel until dawn.

“And Ya’akov was left alone.’ (Bereishis 32:25) R. Elazar said: He remained behind for the sake of some small jars. From here [we learn] that to the righteous their money is dearer than their body. Why [do they care] so greatly? Because they do not extend their hands to robbery.”

At first this is very hard to understand. Are tzaddikim, righteous people, supposed to be that materialistic? However, as we see from the answer, it is not the monetary value of their belongings, but their spiritual value that holds the attraction. It is their sanctity of being acquired within the laws of Choshen Mishpat. The Gemara teaches that the honest business deal is not a concession to reality, but part of the ideal.

This can be understood using the approach of Rav Yechiel Ya’akov Weinberg, the author of Seridei Eish. In a memorial volume, he explains that Rav Samson Raphael Hirsch’s motto of Torah im Derech Eretz – Torah with the way of the world – is about the proper marriage between the Torah and the “real world”. The union between Torah and Derech Eretz in that tiny word “im” is not haphazard. He writes, “The Torah, according to Rav Hirsch, is the force that gives form. Form, to Aristotle’s thought, means a thing’s essential nature – in distinction to the substance from which it is embodied. Derech Eretz is merely the matter on which Torah works.”

In Aristotelian metaphysics, all objects are composed of two things: substance and form. Substance is the inherent matter; its form is the shape and properties it assumes. As the architectural adage goes, “Form follows function.” An object is shaped to serve an intended function. Form is not only the shape that the object assumes, but also its use and its goal.

When the Torah speaks of kedushah, it usually uses the preposition “le-”, “to”. The kohen gadol wore a tzitz that reads “Kadosh laShem”, “sanctified to G-d”. In the marriage formula, the chasan tells the kallah that she is thereby “mekudeshes li”, “consecrated to me”. We use the term “kadosh” when something is consecrated for a particular function, from something assuming a form.

Torah defines the goal of our lives, the function for which we were created. It therefore dictates the form that we give the things we do. The resulting life has kedushah. To Ya’akov Avinu, his possessions were holy because they were the substance to which he applied the Torah’s blueprint.

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1 Chullin 91a

2 Harav Shimshon Raphael Hirsch: Mishnaso veShitaso

3 In Greek, the word for substance is “hyle”. The Ramban uses this term in his commentary on Bereishis 1:1. The initial berti’ah ex nihilo in v. 1 was of shapeless hyle, which was then given form during the yetzirah of the rest of the chapter.
When we look at Eisav in this light, we see that he took the exact opposite approach. The Torah explains Yitzchak’s attraction to Eisav with “ki tzayid befiv”\(^4\) which the midrash understands to mean “he used his mouth to ensnare”\(^5\). Eisav would impress his father with shows of religiosity, asking questions like the correct way to tithe salt, knowing full well that salt is not tithed. To Eisav, Torah was a tool, something you manipulate, to gain material ends.

Seforno\(^6\) understands this pasuk not to mean that Yitzchak loved Eisav instead of Ya’akov, but rather that “Yitzchak also loved Eisav even though he knew he was not as whole as Ya’akov.” Yitzchak originally dreamed that his sons would live together in a partnership – Ya’akov would study Torah and Eisav would provide the means with which to do so. Eisav did commit himself to the land, but he became an ish sadeh, a person who is defined by the field, rather than learning the proper path in this world, derech eretz. He therefore fit the Torah to his own purposes, inverting the form and the substance.

Rashi quotes Bereishis Rabba\(^7\) that the angel who battled Ya’akov when he was alone on the far side of the river was the guardian angel of Eisav’s children, the nation of Edom. The confrontation between Ya’akov and Edom’s malach was a fundamental event about the relationship between the idealism of Torah and the realism of being in this world. When Ya’akov embodied the proper relationship of physical and spiritual, when he saw the holiness one can imbue even the purchasing of small jars, that was when he faced the specter of Eisav.

Bakeish Shalom

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people who have overcome much in our lives and can overcome this yetzer hara as well. Only with confidence can we fight the yetzer hara. Ya’akov continued that he has oxen, donkeys, etc. He has established a life for himself and has much to lose should he fail in his battle against the yetzer hara. This is what we need to say to ourselves and our yetzer hara. We are strong, we are accomplished, and we have a good deal to lose if we do not conquer our yitzrei hara.

Ya’akov was still frightened and distressed (Bereishis 32:8-9). As well we should be of the yetzer hara. Only if we recognize the strength of our physical desires and acknowledge that the battle against them will be very difficult can we summon up the necessary power for the struggle. We should be frightened. We need to be frightened.

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\(^4\) Bereishis 25:38  
\(^5\) Quoted by Rashi ad loc.  
\(^6\) Ad loc.  
\(^7\) Bereishis 32:25
Only then will we labor long enough and hard enough to conquer our yetzer hara.

Ya’akov then created a plan for triumph. He split his family into two camps so that even if Eisav attacked one group the other would be able to escape and survive. The biggest mistake people make when trying to conquer a yetzer is not devising a plan. One needs to arrange a detailed strategy on how to overcome a physical desire before attempting to confront it. The ba’alei mussar experimented with different methods for defeating various yetzarim and we need to learn from their successes on what plans work best. Whether it be timetables for withdrawal from certain pleasures, repeated verbal affirmations of abstinence or other strategies, only a clever pre-planned approach will succeed.

Then Ya’akov prayed (Bereishis 32:10-13). One will not succeed in defeating a yetzer hara without Divine assistance. It is simply impossible. Man is too frail a being to be able to accomplish such a task without help from Above. However, we are told that one who attempts to purify himself will be assisted in this task by G-d. Therefore, we pray. While it does not obviate the need for hard work, it will help the effort succeed.

Finally, Ya’akov sent gifts to Eisav (Bereishis 32:14-22). Physical pleasures are the natural breeding ground for the yetzer hara. Certainly, it is appropriate to enjoy in moderation the pleasures of the world that Hashem has graciously given us. However, it is very easy for one to grow too accustomed to these joys and to thereby become lax in some character trait or observance. While chocolate is a nice treat, overindulgence in it is unhealthy and is a sign of a lack of self-control. The only way to regain control is to sacrifice some or all consumption of chocolate. One cannot use the physical world in the same way and still expect to overcome a physical desire. Whether it is throwing away certain magazines — or a television — one must somehow rid oneself of a physical item or attitude in order to defeat the yetzer hara. Just like Ya’akov gave some of his possessions to Eisav in order to win or forestall a battle with him, so too one must give some physical object in order to conquer a physical desire.

We learn from Ya’akov that defeating Eisav is possible. Once we acknowledge that we have a yetzer hara that needs taming we can follow Ya’akov’s blueprint for conquering. However, among the many actions required is following a plan. The way to devise a plan is through mussar. Whether it be as a weapon or as a method of finding an appropriate strategy for fighting the yetzer hara, studying mussar is a basic component of any plan to conquer a physical desire.

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“A man who eats and does not recite a berachah is called a thief.”

Most of us were taught this statement to refer to theft from Hashem. He made this world, and therefore using Hashem’s handicraft without requesting His permission is akin to theft. However, Rav Chaim Volozhiner understands the Gemara as being about theft from the universe. This notion underlies his approach to berachos and how he understands their structure.

A berachah begins with the word “barach”, which is a term denoting quantitative increase or enlargement. The Zohar writes that the purpose of a berachah is to draw down life from the Source of Life. The berachah is not an attempt to do the impossible, to increase Ein Sof, the Infinite. Rather, it refers to G-d as the Source, the wellspring (berachah) from which our existence flows, the Provider of increase.

Rav Chaim explains that the name Havayah, the tetragramaton, does not refer to the Ein Sof Itself. The Ein Sof is unnamable. Even the expression “Ein Sof” refers to the

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1 Berachos 35b
2 Ra’ayah Mehemna, beginning of Parashas Eikev pp. 71, 72
3 Nefesh Hachaim 2:2
4 Ibid ch. 3
5 Ibid ch. 5

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Sefasai Tiftach

lack of limit, the inability for a created being to find a handle with which to define Him. The name Havayah refers to G-d as He Who was, is, and will be, Who is the cause and source of all existence. It describes G-d as he relates to His creation.

Elokeinu refers to Hashem when His actions appear to be one of justice and law. Elokeinu means “our G-d, Master of all the forces.” “And Elokim said, ‘Let Us make man in Our Form, like Our Image’” (Bereishis 1:26). Elokeinu refers to the image of G-d in which man was created; man can master forces beyond himself.

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Finally we describe G-d as Melech Ha’olam, King of the world.

The berachah is therefore a progression from the abstract notion of G-d as Source downward to the human perspective.

But the phrasing is Atah, You. However, when we reach the closure of the berachah, we shift to the third person. “Who sanctified us with His mitzvos...” We start with a sense of closeness to Hashem, and conclude with one of distance. The one making the berachah retraces the steps, the flow of Divine Emanation, of shefa, down from Him to us.

(This rule that the closure of a berachah must be in the third person is taken as a given by R’ Chaim’s rebbe, the Vilna Ga’on. The berachah after the abbreviated Shema said in the Korbanos section of Shacharis concludes in standard Ashkenaz with “mekadeish shimcha barabbim – may You sanctify Your name amongst the masses.” The Vilna Ga’on, in keeping with this principle, preferred the variant “ham’kadeish shemoch barabbim – Who sanctifies His name amongst the masses.”)

Man, by consciously retracing the flow of shefa to the world, strengthens that flow. Someone who eats an apple without making a berachah upon it robs the world of the potential life-force that the berachah could have provided.

Rav Chaim Volozhiner’s more Kabbalistic approach provides an interesting compliment and contrast to the Hirschian approach Reb Jonathan Baker discussed in these pages in last week’s issue. Rav Hirsch’s explanation describes man as grappling with the dialectic of a G-d who is both Immanent and yet Transcendent. We therefore go from “Atah – You” to the transcendent connotations of Havayah, He who is beyond time, to the less transcendent notions of Lawgiver and king. The mental image is a vacillation, portraying the unity behind apparently conflicting notions.

Rav Chaim portrays the purpose of the berachah as explaining the means of resolving that contradiction; of seeing how it is only because Hashem is transcendent that He is able to emanate sustenance into every thing, and therefore be inherent in all of creation.

Also interesting is their respective treatments of the word “baruch”. Both deal with the problem of how one can meaningfully apply a term that denotes increase to Hashem, who clearly cannot be increased nor needs increase. To Rav S.R. Hirsch, baruch becomes a call to action, to dedicate to Hashem’s purposes the one thing over which He voluntarily relinquished control – our free will. We can thereby increase Hashem’s influence. Rav Chaim understands baruch as about Hashem as the One Who increases. Not the Subject of the increase, but its Cause. The berachah is itself the means by which we can strengthen that power of increase. They share a common theme that the one making the berachah participates in adding G-dliness to the world.

Probably the most frequently made berachah is Shehakol. Perhaps we can view this berachah in terms of a symmetry. The closing reads “… shehakol niyeh bidvaro – that the all exists by His Word.” Hakol, the all, refers to the universe, that over which the Melech ha’olam is king. Niyeh is from the same root as shem Havayah, however we’re not speaking of the Cause of existence, but we speak in passive voice of that which is caused. Bidvaro, with His Word, is a reference to that which emanates from the Source, in contrast to Baruch, which refers to the Source Himself.

This reflection points to the realization that the world that comes from G-d is itself an expression of His world. We not only see creation as coming down from Hashem to the universe, but creation also points upward to Hashem.

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