

Ramifications of a Broken Kinyan : Reneging on an Agreement Part III

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a Broken Kinyan : Reneging
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By: Rabbi

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The Offense of the *Mi Shepara*

The *Baalei Mussar* discuss a related point which is both timeless and actually, very timely. One who is *mevatel* the *kinyan kesef*, the *loshon* of Chazal is, "*Mi shepara, m'anshei dor hamabul v'anshei dor haflaga, hu yifreh*"

The *Baalei Mussar* point out that Chazal group together *Mi Shepara* with

Anshei Dor Hamabul and *Dor Haflaga*. In terms of the *aveiros* themselves, it would seem that one who breaks a contract has no *shaychus* to the *aveiros* of the *Dor Hamabul* and *Dor Haflaga*.

Chazal

describe the final *aveirah* of the *Dor Hamabul*. "*Lo nechtam gzar dinam shel Dor Hamabul, ela al gezel.*"

Stealing is *bein adam l'chaveiro*.

Meanwhile,

the *Dor Haflaga* were excellent in

Bein Adam L'chaveiro. The reason why they weren't completely destroyed, was because there was *achdus beineiheim*. Their *aveira* was *kfira* that they wanted to fight against the *Ribbono*

Shel Olam. This is an *aveiro Bein Adam L'mokom*.

These two *doros* are

compared to the *aveira* of the *Mi shepara*, which is *bein odom l'chaveiro*, in that

he broke his contract. Why do Chazal lump together these two *doros* in defining the *klala* of *mi shepara* including *Dor Haflaga*

which is *Bein Adam L'mokom*?

I

believe that the answer lies in understanding the phraseology of Chazal in a Gemara in *Maseches Shabbos*.

The

Gemara says that when a person goes in front of the Heavenly Court *l'achar meio v'esrim*, he is asked

four questions:

First,

nasata v'nosossa bemuna? Were you honest in your business dealings?

Second,

kavata itim l'Torah? Did you daily set aside set times for learning Torah?

Then,

asakta b'pirya v'rivya? Were you busy getting married and bringing children into the world?

And

finally, *tzipisa lyeshua?* Did you hope and look forward to the Final Redemption?

The Gemara

in *Maseches Sanhedrin* 7A, says that *techilas dino shel odom* is *b'dinei*

Torah. Tosafos ask a question, "What is the first

test that the person is put to when he receives his din? Is it on learning Torah as stated in

Sanhedrin, or is it on honesty in business as stated in *Shabbos*?"

In

responding, the Maharsha says a very fundamental insight, namely, that a person

who merits to be *shivti b'veis*

Hashem, to

spend his life *b'koselei*

beis medrash, in the *daled amos*

shel halacha, the first and foremost judgement on him, is how did he use his time

for learning? The first *tayne* on him is *t'chilas dino shel odom b'iskei Torah*.

However,

the Gemara in *Shabbos* is referring to

a person whose *tafkid* in life is in

the *shuk hachaim*, in the business

world. His *ikur nisayon* is his level of

integrity and trustworthiness. His first *din* is how he keeps his word, and

his level of trustworthiness in dealings

with his fellow man. For the businessman, *kavata itim l'Torah* is only the

second part of his *mishpat*. The first part of his *mishpat* is *nossossa*

v'nossossa b'emunah.

We

see from here that Chazal define a person who is honest in business as

nosossa v'nosossa b'emunah.

A

person who is strong in his *emunah* and his *bitachon*, strengthens his

relationship with *Hakodosh Boruch Hu*. The *ikkur* of a person's relationship

with *Hakodosh Boruch Hu* lies in his level

of *emunah* and *bitachon*.

For a person who is *b'ves Hashem*, who spends his

life *b'kvius itim L'Torah*, who spends his

life *b'daled amos shel*

halocha, his
ikkur relationship
with the *Ribbono Shel Olam* is defined in
terms of the strength of his commitment to *limud Hatorah*. This includes
his *omek* in *limud haTorah*, his not wasting time from *Limud haTorah*, his
depth of insight of *Limud Hatorah*, his *hiskashrus* in *divrei Torah*, and his
kabbolos ol Torah.

A
person who goes out into the business world, the *ikkur* depth of his
relationship with the *Ribbono Shel Olam* is defined in terms of the strength
of his commitment to honesty, the
depth of his integrity, in how much he honors his word. The *ikkur* definition
of a businessman who has a relationship with *Hashem* is this understanding
that every word
is *kodshei k'doshim*, and he has to
respect that word.

With
this understanding, we can comprehend the similarity between the *dor*
hamabul and the *dor haflaga*, as compared to
the *mi shepara*. In each of
these generations, the *aveira*
was a
break in the relationship with *Hakadosh Boruch Hu*. Whether it was the
gezel
of
the *dor hamabul* or the tower of
the *dor haflaga*, they both had
the same goal, to be independent of *Hakadosh Boruch Hu*, to fight with the
Ribbono
Shel Olam, so
to speak. This is the singular *aveira* of trying to destroy that *kesher* that
they have with *Hakadosh Boruch hu*.

In
comparing these *doros* to the *mi shepara*, *Chazal* define him as a person
lacking in his
connection with the *Ribbono*
Shel Olam. He uses the world of *asakim* as a means towards his own end,
instead of a means of developing a *kesher* with the *Ribbono*
Shel Olam.

The Connection Between Economics and *Emunah*

R'
Elchonon, in the *Kovetz*
Mamurim,
wrote a *maamar* in the early
1930's, trying to understand the root of the Great Depression which had
overtaken the whole of western

society. In the past, when there was an economic problem, it usually had a natural reason, such as a war or a plague.

But during the 1930's there seemed to be no natural reason for the whole world to

be suffering from starvation and unemployment.

R'

Elchonon explained that the Great Depression was a *middah kneged middah*. When people do not develop their *emunah*, and the depth of their *kesher* with the *Ribbono shel Olam*, then middah kneged middah, there is a weakening of the economic situation.

The

entire business world functions on developing trust between people. Most of

business relies on relationships, and how much they are willing to trust and do

business with each other. If we don't

work on developing a stronger commitment to the *Ribbono Shel Olam*, and living with

a *kesher* to *Hakodosh Boruch Hu*, then there is a weakening in the economy.

R'

Elchonon explains that when people become *m'chuzak* because of *tzaros*, and they

develop their *kesher* with the *Ribbono Shel Olam*, then the *Ribbono shel Olam* will strengthen the

kesher that

exists between people, which is the basis for economic prosperity.

May the Ribbono Shel Olam help us, and we

should be *mechazek*, and be *mischazek*, that we should

be *omed* on all *nisyonos*, and we should strengthen our *kesher* with the *Ribono shel Olam*, and the *kesher* between all *Yidden* should be

strengthened, and we should

be *zoche* to all the *yeshuos*.