

שו"ת משיב דבר חלק ב סימן ט

ואני רגיל לבאר הא דאיתא בב"ב (ע"ח ב):

מ"ד על כן יאמרו המושלים באו חשבון, המושלים אלו המושלים ביצרם, באו חשבון באו ונחשב חשבוננו של עולם הפסד מצוה כנגד שכרה ושכר עבירה כנגד הפסדה,

ואם נפרש דמייירי במצות ועבירות בין אדם לשמים, אינו מובן כלל אחר שמושלים ביצרם, מהו צריך לחשבון? הלא גם בלי חשבון עונשים ראוי למשול ביצרו ולעשות כדבר ה'?

ותו מה זה חשבון הנאת עבירה נגד עונש הרוחני של עוה"ב?

אלא לא דברו חז"ל כאן בענינים שבין אדם לשמים, שהרי ע"ז לא נצרכו להביא המוסר ממה שכתוב בתורה

במלחמת סיחון עם מלך מואב הראשון, והרי עונשי התורה ידועים במקומם,

אלא מייירי בעניני הליכות עולם,

ויש עושה מחלוקת או רודף את האדם לשם מצוה, אע"ג שיודע שהוא עבירה לעשות מחלוקת או לרדוף אדם

מישראל, מכ"מ מחשב שהוא עבירה לשמה of a mitzvah, and even though they know that it is a transgression to cause discord or to persecute any Jew, nonetheless he calculates that this is a

'transgression for the sake of Heaven,' היינו לשם מצוה, ויקבל שכרה, וכדאיתא בנזיר (כ"ג) גדולה עבירה לשמה וכו',

וע"ז יש שני תנאים:

תנאי הראשון - שלא יהנה מאותה עבירה כלל, וכדאיתא שם גבי יעל שנשתבחה במה שעשתה עבירה לשמה, ומקשה "והא קא מתהני מעבירה" וכו', אלמא דאע"ג שהיתה רשאה לעשות עבירה משום פקו"נ ד'ישראל, מכ"מ אם היתה נהנית מעבירה זו, לא נשתבחה כלל, דאסור ליהנות מעבירה לשמה.

תנאי השני - שיש לחשוב אם כדאי עבירה זו דמחלוקת או רדיפה לגבי מצוה זו שמחשב שיעלה ע"י מזה,

וזהו דברי חז"ל "המושלים ביצרם", היינו שאין להם שום הנאה במה שעושה עבירה זו לשמה, ואח"כ "באו חשבוננו ש"ע", הפסד מצוה שיגיע ע"ז נגד שכרה שיקבל מזה המצוה, ויכול להיות שההפסד שיגיע ע"ז רבה על שכרה,

ושכר עבירה לשמה שמכוין נגד הפסדה שיגיע אח"כ,

וזה המוסר למדו מהא שהגיע ממלחמת סיחון עם מלך מואב הראשון, ודייק הכתוב "הראשון" שהיה עד כה הנהגת מואב שלא ע"י מלך, ועלה בדעת רוב המדינה לעשות להם מלך, והיה איזה צד שלא רצו בזה וכסבורים שטובת

המדינה שיהיו כמו שהיה עד כה. מה עשו? הביאו את סיחון ללחום את המלך, וכסבורים שאם ינצח סיחון הלא יהרוג את המלך, ויעשו בזה טובה להמדינה לפי דעתם. אבל לא באו חשבוננו של עולם, ומה יצא מזה? שנלחם במלך

מואב הראשון ויקח את כל ארצו מידו, הרי הרעו להמדינה הרבה ע"י מחלוקתם ומעשיהם בלי חשבון.

I regularly explain Bava Batra 78 b:

“What is the meaning of the verse “Therefore the rulers will say: ‘Come, make an accounting?’ ‘The rulers’ – this refers to those who rule over their evil inclinations;

‘Come make an evaluation’ – come, let us make an accounting in this world, namely the loss involved in a mitzvah against its reward, and the reward of transgression against its loss.”

If we explain that this refers to mitzvot and transgression between human beings and Heaven, this is incomprehensible once they rule over their evil inclinations, so why do they need an accounting? Even without accounting for punishment, it would be proper to rule over their evil inclination and act in accordance with the word of Hashem!

And furthermore, what account is the benefit of a sin as against the spiritual punishment of (losing) the Coming World?!

Rather Chazal were not speaking here about matters between human beings and Heaven, as for this they would not have to bring the moral from what the Torah writes regarding the war of Sichon with the first king of Moav, as the Torah’s punishments are known in their contexts, rather it is referring to matters of “the ways of the world”,

that there are some who cause discord or persecute a man for the sake of a mitzvah, and even though they know that it is a transgression to cause discord or to persecute any Jew, nonetheless he calculates that this is a “transgression for the sake of Heaven”, meaning for the sake of the mitzvah, and that he will receive the reward of that mitzvah, as we find on Nazir 23b “Greater is a transgression for the sake of Heaven (than a mitzvah not for the sake of Heaven) . . .”.

Regarding this there are two conditions:

The first condition – that he not derive any pleasure from that transgression at all, as we find there regarding Yael that she is praised for doing a transgression for the sake of Heaven, but the Talmud asks “but she derived pleasure from the transgression”, implying that even though she was permitted to do the transgression because of the risk to (collective) Jewish life, nonetheless, if she had derived pleasure from this transgression, she would not have been praised at all, as it is forbidden to derive pleasure for a transgression for the sake of Heaven.

The second condition – that one must make an accounting of whether is transgression of creating discord or persecuting is worthwhile with regard to the mitzvah that he calculates will arise as a result.

This is what Chazal meant when they said “who rule their evil inclinations”, meaning that they derive no pleasure at all from the act of transgression for the sake of Heaven, and afterward “make an accounting in this world”, of the loss that will thereby occur against the reward he will receive from this mitzvah, as it is possible that the loss will be greater than the reward, and than the reward of the transgression for the sake of Heaven that he is setting up against the loss that will occur as a result.

This moral they learned from what transpired as a result of the war of Sichon with the first king of Moav. Scripture was precise in saying “the first”, as until then Moav had functioned politically without a king, but most of the people decided to establish a monarchy, but there was a faction that did not wish this and thought that the interest of the state were better served by the status quo. What did they do? They brought in Sichon to fight the king, thinking that if Sichon won, he would kill the king, and this would accomplish the interest of the state, in their opinion. But they did not make “the accounting in this world”, and what transpired as a result? That he battled with the first king of Moav and took all his lands from his control, thus they caused much harm to the state via their discord and their uncalculated actions.

Shabbat shalom – I apologize for the hastiness of this week's translation and brevity of the commentary, but look forward with tremendous excitement to the start of SBM next week, and hope that I'll be able to send these out earlier in the week during SBM.

Netziv's concept of aveirah lishmah, with the prooftext cited here) shows up repeatedly in his commentary on Tanakh, although I first met it in a commentary on the side of the standard Pirkei Avot, at the reference of Rav Herschel Schachter in a superb article on Chatei Bisvil SheTizkeh Chaverkha. His notion that right and wrong actions cannot be judged purely on their intrinsic objective halakhic status, but also by their pragmatic situational consequences, deserves full analysis on some other occasion. This week, though, I want to focus on a detail.

Netziv famously declares that one is only rewarded, and praised, for a transgression for the sake of Heaven if one derives no pleasure from it. In Haamek Davar he suggests that Yaakov was punished for enjoying Esav's pain when he discovered that Yaakov had taken his blessing (and he does not make the lomdish claim that the hanaah was not intrinsic to the maaseh aveirah), even though Yaakov was entitled to take the blessing. What is much clearer in this week's section, though, is that whether to do the action is not the same question as whether one will be rewarded or punished for doing it.

In other words – Netziv says that a formally transgressive action should sometimes be done if its overall consequences are positive (which will be exceedingly rare, as every formal transgression has the serious negative consequence of undermining the authority of law). Yael was likely obligated, not only permitted, to commit adultery to save the Jewish collective (given the facts as assumed by the text in Nazir, whether or not they are convincing in Biblical context). But reward or punishment may be a function of subjective intent and even reaction, rather than consequences – thus I may be obligated to do something, and then (exclusively) punished for doing it.

This is not a contradiction – the punishment may stem from a failure of character, and evading responsibility might be a worse failure, and perhaps a person can legitimately be placed in a situation where his/her only choices are punishment or worse punishment if it his/her character flaws are what make better options impossible. But it is a remarkable recognition of the complexity of religious obligation.

Shabbat Shalom!

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