

Fake It till You Make It!

Category: Mishpatim, Shemos

When are you allowed to steal?

Too Many No's

People often complain about being told what they cannot do: don't do this, or you can't do that. They wonder, "when will the Rabbi ever tell us what we can do"?

The truth is that they are nearly right. In Torah there are many more mitzvas which say what we can't do (364) than those which tell us what we need to do (248). Not only that, but some of the positive commandments are able to be kept only by kings, men, women or children. This means that there are even less of them — whereas the negative commandments are the same for everyone.

But, let me tell you a secret. The Talmud points out that in many cases, when the Torah forbids something, the same act is often allowed under certain conditions.

In our parsha, Mishpatim, we read about the laws of theft. The Torah says, "If a man steals an ox or a lamb and slaughters it or sells it, he must repay five oxen for the ox or four sheep for the lamb" (Exodus 22:1).

This is not the first time theft is mentioned in the Torah - earlier it appears in the Ten Commandments. There it says, "You shall not steal" (20:13) and Rashi says that this means kidnapping. Kidnapping is such a serious crime in the eyes of the Torah, that if the hostage is found with the kidnapper, the penalty is death.

Now, we find that the Torah identifies three different types of stealing: kidnapping, stealing money or goods, as well as deception (Gneivas Daas).

These three categories are all called by the same name: stealing.

The Three Forms

Theft through deception is mentioned by the Rambam in the Mishneh Torah (Deot chapter 2 law 6). We are not allowed to deceive anyone, even a non-Jew. If a non-

Jew comes into a kosher butcher shop to buy kosher meat, we're not allowed to rationalize that since he's not Jewish, we can deceive him and sell him non-kosher meat.

Another example is if you invite someone to eat in your home, without meaning it. You know very well that he will not come to eat at your house because he has severe dietary restrictions whether health, Kosher or vegan, so the invitation is just for show - to look good. Beware — this too falls into the category of stealing.

But, interesting enough, there are certain cases where these three types of stealing is actually permitted.

The Zohar notes an unusual thing about the melodic notation (trope) of the words "You shall not steal" in the Ten Commandments. When these words are read there is a pause between the word 'not' and the word 'steal.' The Zohar says that this means that although in most cases it is not permitted to steal, there are some cases where it is considered okay.

What sort of stealing?

Sometimes it's all right to 'kidnap.' People often accuse Lubavitchers of stealing people from the secular world and bringing them into the world of Judaism.

Everyone's heard someone claim this at least once. 'Be careful, if you go to Chabad they'll brainwash you, force you to go to synagogue, keep kosher, and Shabbos and...'

This type of "stealing" is kosher - especially since we are really not stealing at all; we are only returning what belongs to us. Every Jew belongs within the Jewish faith, and since some were stolen away from their heritage (Tinok Shenishba) — this type of 'kidnapping' is even considered a mitzvah.

Theft of money can also be Kosher in certain cases. Take the example of a woman giving charity. Jewish law says that if a woman donates a small amount of money to a synagogue then it is ok to accept it. If it's a large amount, however, the Rambam says her husband must agree. How we decide what is a lot or little — depends on the income of the family.

In our days, when woman reached a level of freedom and equality with their husbands and probably spend more money than their husbands on a regular

basis, when it comes to charity, she can “steal” money - i.e. donate large amounts to charity without his knowledge. Because ultimately, her husband will be proud that she spent the money on charity, rather than in the mall.

And now we return to the third type of stealing - deception. This too can be found on a positive note. The Zohar says that it actually *is* permitted to steal a thought from a rabbi’s sermon and repeat it as if it’s your own.

A story is told about the Alter Rebbe. His Chassidim did things which seemed strange to the Jews of those days. They sat and prayed for hours on end and did all sorts of other ‘outlandish’ things.

People complained to the Alter Rebbe that the Chassidim were just pretending to be holy, but that deep down they were probably not so righteous. He listened to these complaints. He then gave his Chassidim a blessing that they not die until they became what they were pretending to be.

Doesn’t this happen in real life? Have you ever tried to take on a new mitzvah? Suddenly everyone has something to say. “Oh, have you suddenly become such a holy man? You’re a fake, you are deceiving people”!

This type of deception is not only allowed, it is even desirable.

So fake it until you make it!