

# Embracing Return to Tradition

Category: Devarim, V'eschanan

*How does Judaism view repentance? Should society use it as a serious barometer?*

## The Honest Thief

Several years ago, there was a husband and wife in Israel who tragically lost a son in a military accident. A few years later, when a war in Gaza began, the tensions, with military losses and soldiers' funerals began overwhelming them and bringing painful memories, so they decided to go overseas to relax a bit.

When they got back home, they discovered that a stranger had visited their house while they had been on vacation. The bedroom had been ransacked and the drawers were all open. However, when they checked on the bedroom of their fallen son, a room completely decorated with portraits of their son and his rifle on an elegant memorial stand in the very center, they were surprised to find everything in its place.

They soon found a handwritten note that explained everything. The burglar who had "visited" their house had written: "I didn't mean anything—I really didn't mean anything!"

They later found out what had happened.

When the young thief who had broken in to burglarize the home discovered that it was the home of bereft parents, it fanned his inner Jewish spark, or what in modern English would be called "pangs of conscience." It caused him to change plans and not take anything. Now that's a thief with a soul! The parents later said that they felt that their lost son was protecting them from above.

It's not surprising that those same bereft parents told the police that they were not interested in pressing charges against the burglar. The father said that the thief had done him a favor and that he had no interest in pursuing him.

# They Intuited Takanas Hashavim

The behavior of these parents is actually grounded in halachah.

In the Laws of Theft and Loss, Maimonides writes that “one who steals from his fellow, even a penny’s worth, must return it”—and a thief who wants to do teshuvah, or repent, must return the stolen item(s).

But what happens if a thief steals, say, a wooden beam? A guy breaks into Home Depot and walks off with a ten-foot-long 2×4—and then uses it to build a house. What do you do then? Knock that 2×4 out of the wall? So the Torah law is that he really should physically tear down the house and return the actual beam to its owners. However, the Sages established that in such a case, because of the *Takanas Hashavim*, or the *Penitents’ Amendment*, that the thief return the money’s worth of the beam and not destroy the structure. (Maimonides, Laws of Theft and Loss 1:5.)

In other words, if the thief wants to do teshuvah but is told that to do so, he’ll have to tear down the house he built, then there’s a good chance he actually won’t do teshuvah. So the Sages made it easier on him and established that he can instead return the monetary value of the beam and not actually have to tear down his house.

At the end of the just-mentioned chapter of the Laws of Theft and Loss, Maimonides takes it one step further. He says that all this is referring to a case in which the item that the thief stole still exists and is still being used.

However, “if the stolen item no longer exists and the thief wants to do teshuvah and comes of his own accord and returns the monetary value of the theft, the Sages’ amendment is that the money is not accepted; rather, he is left alone and pardoned so as to bring the straight path closer to penitents—and anyone who accepts the stolen monetary value from him is not pleasing to the Sages” (Laws of Theft and Loss 1:13).

So now let’s say that a jewelry thief steals a diamond ring. If it’s found in his possession, he must return it. It’s not likely that he’ll do teshuvah but still hold on to the ring, “because since he sees the stolen item in his possession all the time... there’s the concern that he’ll get used to the idea that theft is not an illegal thing”

(Sichas Shabbos Parshas Bereishis 5748; Hisvaduyos 5748 Vol. I, pg. 355 et al.)

But in a case where the ring is lost or melted down, and then the thief is gripped by pangs of teshuvah on the eve of Yom Kippur, and he pulls \$5,000 out of his wallet (without his wife knowing, of course) and shows up to return what he had stolen, the Sages encourage us not to accept the money, in order to help such a person do teshuvah.

## **Is This Week's Parsha the Source?**

Perhaps the source for this concept can be found in our Torah portion, Parshas Vaeschanan.

In this Parshah, we find a command that's a bit unusual. The Torah tells us: "And you shall do the upright and good in the eyes of G-d" (Devarim 6:18). What does "upright and good" mean?

The Torah gives us 613 mitzvos and tells us exactly what we are supposed to do—so what is being "upright and good" supposed to mean? It's like a man telling his son to behave like a "mentch"—but what's that supposed to mean?

Rashi explains: "Above the letter of the law." In other words, according to the strict meaning of the law, you really could take the monetary value that a penitent thief returns to you. But the Torah tells us, "do what's upright and good"—act above the letter of the law and don't take the cash.

## **Rabbeinu Gershom's Ruling**

The subject of the Penitents' Amendment doesn't just apply to interpersonal or ethical issues, but even to trual mitzvos, issues between us and G-d.

The legendary Rabbeinu Gershom "Me'or HaGolah," the leader of German Jewry over 1,000 years ago, is famous for his decrees. (See Sichas 12 Tammuz, 5727;

Sichos Kodesh Vol. II pg. 291.)

One such decree was to ban polygamy. By strict Torah law, a man can marry more than one woman, as we find with Yaakov Avinu, who was married to no less than four wives. So too with Avraham and so on. But along came Rabbeinu Gershom and ruled that a man cannot marry more than one wife.

Another famous decree was that a woman cannot be compelled to accept a divorce. The basic Jewish law is that a man can simply “file” a divorce without asking his wife’s consent; this is the law in the United States, where, unfortunately, people do this every day. But Rabbeinu Gershom ruled that a man cannot divorce his wife against her will. This is a rule that protects women far more than any modern law today.

Our topic, the Takanas Hashavim, came his way from a third issue. In those days, many young Jewish men were converting to Christianity (G-d save us), because at the time a Jew could not be accepted into any school of higher learning or get a work permit. So if a young Jewish man wanted to succeed in life, he felt that the only way to do so was to convert, unfortunately.

This somewhat resembles the 1920s and 30s in the United States (up to the 50s and even 60s, really), where Jewish people changed their Jewish sounding last names, in the hope that that doing so would get into college, a job and so on. That’s how it was in Rabbeinu Gershom’s time. It was a plague.

A case arrived to Rabbeinu Gershom of a Kohein who had converted to Christianity but then returned to Judaism. That same Kohein came back to pray in the synagogue, and when he wanted to step up to the platform to recite the Birkas Kohanim, the Priestly Blessing, the congregation started yelling and shouting, “How can someone who went to church for so many years now stand on the bimah and recite Birkas Kohanim! This cannot stand!”

Rabbeinu Gershom himself ultimately got involved in the issue. He wrote about it as follows: In no place in halachah do we find that a Kohein’s past invalidates him from going up on the platform. On the contrary, there are Torah laws that specifically prove that he indeed can bless other Jews.

As a matter of fact, there is a halachah that states that it is prohibited to remind a baal teshuvah of his past. As Maimonides puts it, “It is a complete sin to say to a

baal teshuvah, 'Remember your first deeds,' or to remember them [out loud] in front of him" (Laws of Repentance 7 at the end). And so, Rabbeinu Gershom said that every time the Kohanim go up on the platform but he doesn't, they are embarrassing him and reminding him of his early deeds.

There is a similar story about Menasheh, King of Yehudah. He introduced the worship of Baal, a false god (obviously!) into the Jewish Nation, and even put up a totem pole idol in the Beis Hamikdash itself! Besides that, he was a mass murderer who slaughtered anyone he saw as an enemy or opponent.

The Tanach tells us that Menashe was eventually exiled to Ashur, where he ultimately called out to G-d and confessed his sins. He did teshuvah, and G-d brought him back to Jerusalem and his kingdom.

The Talmud in Tractate Sanhedrin (103a) debates whether King Menasheh got a "portion in the World to Come"; in plain English, he did get a nice seat in Heaven?

Some of the Sages argue that he merited no portion in the World to Come. But the Sage Rabbi Yochanan says, "Anyone who says that Menasheh has no portion in the World to Come weakens the hands of penitents!" In other words, if we're going to say that Menasheh got no place in Heaven, then people will despair of doing teshuvah—because they won't be getting a portion in the World to Come regardless!

## **In Conclusion**

So Rabbeinu Gershom came along and said that if they wouldn't allow that Kohein to get up on the platform and bless the Jewish People, other Kohanim in his same situation would despair of doing teshuvah, knowing that they would not be accepted back. (Responsa of Rabbeinu Gershom Meor Hagolah, Section 4.)

However, the Rebbe taught us more than that. The Rebbe taught us that we are faced with an opportunity to help another Jew return to his or her tradition and heritage, we need to embrace him as much as possible.

If a Jew shows up at shul, we need to embrace and welcome him or her and go easy on our newcomer as much as possible. The Rebbe would act as much himself. The Rebbe saw a diamond in every Jew, and so he valued every Jew. He

never asked, "Where have you been until now, and where are you headed from this point on?"

So as long as a Jew is in your company, help him or her get closer to G-d.

Good Shabbos.