

GIVE IT WHILE IT'S HOT

by Rabbi Mordechai Kamenetzky

This week the Torah tells us of a mitzvah that the Chofetz Chaim is alleged to have prayed never to have to perform. Difficult as it may be, it is a positive commandment.

But as the Chofetz Chaim wished, may we all be spared from it. The Torah tells us that if an individual succumbed and stole property, or deceitfully held an item entrusted to him, there is a mitzvah to make amends. "And he shall return the stolen object that he stole, the fraudulent gains that he defrauded, the pledge that was secured with him" (Leviticus 5:23). The redundancy is glaring. Of course the stolen item is what you stole. Surely the pledge was secured with you. And the fraudulent gains are those that you swindled. Why does the Torah repeat the action words, "that he stole, that he defrauded, that was secured with him" ?

On a Talmudic level, the Gemarah derives from the extra words the technical laws that determine when monetary restitution takes precedence over reparations of real property. If a person steals a piece of wood, for example, and builds a boat with it, must he return the newly formed item to the original owner of the wood, or would monetary compensation suffice? After all, the wood in the thief's possession is no longer the "the stolen object that he stole." The man stole wood. It is now a boat. On those issues and ideas there are tomes of analysis that translate into centuries of Torah observance. I'd like to explain the illusory redundancies on a simple, homiletic level.

Rabbi Moshe Sofer, beloved Rabbi of Pressburg and author of the noted work Chasam Sofer, was about to preside as a judge in a difficult lawsuit. A few days before trial was to begin he received a package from one of the litigants. It was a beautiful sterling kiddush cup. That Friday night the Chasam Sofer took the cup out of its velvet pouch, and raised it for his entire family to see.

"Look how beautiful this becher is. Do you notice the intricate etchings? It must be worth a fortune!"

The family looked on in horror. They knew that the gift was sent as a form of a bribe. They could not imagine why the Chasam Sofer had removed it and was seemingly admiring it. Abruptly, the Chasam Sofer stopped talking. His eyes became sternly focused on the cup. He began, once again, to speak. "But, my children, the Torah tells us we may not take a bribe! Therefore I will put this beautiful cup away and never use it. It must be returned to the sender immediately! He must be chastised for this terrible breach."

Then he continued. "You must be wondering why I even looked at the cup. You certainly must be bewildered why I even admired it openly. I will explain. How often is it that I am offered a bribe?"

Never! I never felt the passion or desire to accept a bribe, as it was never offered! When I had the opportunity to observe the Torah's prohibition against corruption, I wanted to make sure that I did it from a vantage of passion. I wanted to realize what I was turning down. I wanted to value the Torah's command over an exquisite and ornate silver goblet. I felt that by working up our appetite for the item we surely would appreciate its refusal."

Perhaps the Torah is hinting at the most proper aspect of restitution. There are two reasons to return a stolen item. First, you are in possession of an item that is not yours. Simple. But there is another reason. Every one of our actions helps mold us. By returning an item that we once desired enough to have stolen, we train ourselves to break the covetous constitution of our nature. We learn that even though we want something, we may not take it.

That redemption is much more effective when the attachment for the item is still active. A stolen item that one may have forgotten about or lost desire for may be much easier to return. After all, ten years after you stole a bicycle you probably would be driving a car. The desire for the bike is no longer there. Maimonides teaches us that the greatest act of teshuva (repentance) is when the passion for the crime still exists. Repentance is always accepted, but if the item is still categorized in your mind with the expression "the stolen item that you stole, the fraudulent gains that you defrauded, the pledge that was secured with you," then the repentance is more meaningful. When desires conflict with conscience - and conscience prevails -- that is true teshuvah. 50 years after a crime, there are those who may issue statements of apologies and excuses. However a lingering question remains. Are the "stolen items ones that they stole" or are they just relegated to black and white memories of an almost forgotten crime? The words "I am sorry" should not be sorry excuses, but rather true regret with a commitment never to sin again. That can best happen while the iron (or steal) is still hot.

Dedicated by Mr. and Mrs. Lionel Fisch In Memor of George Fisch and Rebecca Stein
Good Shabbos!

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