

PROPERTY UPGRADES

by Joshua Kruger

In this week's parsha, Hashem destroyed most of the people on Earth because they had become evil. The pasuk states וַתִּמְלֵא הָאֶרֶץ חָמָס , "the earth became full of robbery". It's important for us to respect other people's property. This can sometimes be tricky. This weeks' Dvar Torah is an interesting example.

The story:

At the end of 4th street sat a large and usually quiet apartment building. Today though, there was a fair bit of commotion. The Cohen family was making Aliyah and the moving van was scheduled to arrive in a hour to ship their belongings.

"Here's the last of the kitchen boxes," stated Yaacov, as he placed a cardboard box onto the sidewalk.

"Great" replied his mother. "All that's left is the sports equipment. Oh no! I just realized that our bikes are still locked up in the storage closet downstairs! Only the superintendent, Mr. Berger, has the key to that room".

They quickly walked to Mr. Berger's apartment and were dismayed to read a notice stating that he would be out of town the whole weekend.

"This is not a good situation" said Yaacov. "Even if we call Mr. Berger, he can't return in time for the moving van. I think we should break down the locker door!"

Yaacov's mother smiled, "This is certainly frustrating...I happen to have a very nice new lock that I've never used upstairs....I wonder if it's a problem to break this lock, get your bikes, and then replace the lock and leave the key for Mr. Berger."

"Destroy his lock? I was sorta joking before, Mom, I don't think it's allowed to break someone else's property for our 'bike emergency', is it?"

"Well, if we give him a better lock, I don't think it's a problem. The bikes are ours, and we're replacing his lock. Let's give the Rav a call and ask what to do."

What Is the halacha?

Yaacov's mom is right!

There is an important halachic principle called זכין לאדם שלא בפניו "Zochin Li" Adam She'Lo BiFanav" (Kidushin 103). We don't always need permission from a person to do something for them. If the person will clearly derive a benefit from our actions, then we can even make changes to their property without asking. In our story, the superintendent and other residents are not there to see that a new lock is being put on the locker room but they will derive a benefit from it. Yaacov's mother has a better lock for the door and they will replace it right after the old one is broken so there is no increased risk to the other tenant's property. Of course, she has to make sure that the key for the lock is given to the superintendent (or left for a neighbor to give to him once he returns).

Back to the story:

Yaacov and his mother broke the lock on the locker room door and retrieved their expensive bikes. They quickly replaced the newer, more expensive lock onto the door and left the key with a note in the landlord's mailbox. They pushed the bikes out to the front of the apartment building and within a few minutes, the moving van arrived! One month later they were delighted to receive a note from Mr. Berger thanking them for the great lock they left for the tenants.

Take Home Points:

1. We must have respect for other's property, even when it is shared
2. In general we are not allowed to break into a shared space
3. If there will be a great loss to us, and the space can be entered without causing loss to others, then it is acceptable to break in, provided that the space will be left in a state that is as good or better.

(Written by Josh and Tammy Kruger, in collaboration with Rabbi Yehoshua Pfeffer of the institute for Dayanim. Based on an article by Rabbi Aaron Tendler entitled "Breaking and Entering" at <http://www.torah.org/advanced/business-halacha/5757/vol3no6.html>)