

# TO CATCH A THIEF

by Rabbi Pinchas Winston

*This week's parshah sheet is dedicated to Yerachmiel Don ben Tzipora Chana (amush). May the merit of the reading and sharing of this week's parshah sheet provide him with a refuah shlaimah immediately.*

## **FRIDAY NIGHT:**

*If one person's ox injures the ox of another person (r'aihu) . . . (Shemos 21:35)*

Who pays what? It depends upon the situation, as the Torah goes on to discuss, and many yeshivot have expounded upon for over three thousand years. However, regarding this law from this week's parshah, there is an interesting account in the Talmud:

The rabbis taught: The Roman Empire sent two investigators to the Chachamim of Israel to learn the Torah. They read it and taught it to them, and prior to their departure they told them, "We were precise with your entire Torah and it is all true, except for that which is said regarding an ox of a Jew that gores an ox of a Canaanite, that there is no liability and yet even if the ox of a Canaanite gores a Jew, whether it was not known to gore or it was known to gore, he has to pay [the Jew] full damages! If 'r'aihu' is to be taken literally, then even the ox of the Canaanite should not incur liability. If it is not to be taken literally, then even the Jew should be liable when his ox gores the ox of the Canaanite. This thing we will not report to the kingdom." (Bava Kamma 38a)

As the Shittah Mekubetzet points out, the investigators were doing a chesed for Israel by not revealing this perceived inconsistency in Jewish law, since they knew it would be viewed unfavorably back in Rome. However, the truth is, the Talmud has the same question regarding this law, but has an answer based upon a posuk from Navi:

Rav Avahu said: The posuk says, 'He stood and measured out the land; He looked and dispersed nations . . .' (Chavakuk 3:6); He saw the Seven Noachide Laws that the sons of Noach had accepted upon themselves, and when they did not keep them, He gave their property to Israel. Rebi Yochanan based this upon the following, 'Having appeared (hofia) from Har Paran' (Devarim 33:2): from Paran He revealed their property to Israel. (Ibid.)

In other words, there really should be no difference between Jew and gentile with respect to the law mentioned above. And, there wouldn't have been had the gentile world fulfilled its obligations regarding the Seven Noachide Laws. For, as it turns out, there is a relationship between man and the physical world that is dependent upon our fulfillment of the rules of Creation, just as G-d first told Adam HaRishon back in the Garden of Eden:

G-d took Man and placed him in the Garden of Eden to work it, and to watch over it. G-d commanded the man, saying, "You may eat from every tree in the Garden, except from the Tree of Knowledge of Good and Evil. If you do, you will certainly die, from that day." (Bereishis 2:15-17)

Thus, it was built into Creation that man's enjoyment of this world is contingent upon obeying its rules, making the violation of the rules a violation of a contract between G-d and man. It is not a hefker world ownerless and for the taking, however it may be taken. There are rules to be followed when taking and maintaining possession, and they are the basis of entitlement to anything the nations of the world may acquire. Thus, to acquire them in any other way, would constitute an "illegal" acquisition.

### **SHABBOS DAY:**

*However, if you will not listen to Me, and do all of these commandments; if you will deride My laws, and detest My judgments and not do all My commandments, but void My covenant, then I will do the following to you. I will cause you insecurity, skin disease, and a fever that will destroy your outlook and cause you anguish. You will sow your seeds in vain, because your enemies will eat them. I will turn against you, and you will be beaten by your enemies. Your enemies will rule over you, and you will run away though none pursue you. (Vayikra 26:14-17)*

That is not the way the world is today. Just the opposite! If anything, the property of the Jews is considered to be hefker and is constantly being taken away from us today, especially Eretz Yisroel. Never mind the fact that we have a historical right to the land - something that obviously makes no difference to someone who does not hold the Torah as being the word of G-d. But, as the following article concludes, even the acceptance of the world's rules are altered when it comes to the Jewish people and the Land of Israel:

### **ISRAEL'S PECULIAR POSITION** By Eric Hoffer (LA Times)

The Jews are a peculiar people: things permitted to other nations are forbidden to the Jews. Other nations drive out thousands, even millions of people and there is no refugee problem. Russia did it, Poland and Czechoslovakia did it, Turkey threw out a million Greeks, and Algeria a million Frenchman. Indonesia threw out heaven knows how many Chinese - and no one says a word about refugees.

But in the case of Israel the displaced Arabs have become eternal refugees. Everyone insists that Israel must take back every single Arab.

Arnold Toynbee calls the displacement of the Arabs an atrocity greater than any committed by the Nazis. Other nations when victorious on the battlefield dictate peace terms. But when Israel is victorious it must sue for peace . . .

(One of the interesting things about this article by Mr. Hoffer is that it was not written recently, but in June 1968, the year after the Six Day War. It could have been written last week. He continued:)

Other nations when they are defeated survive and recover but should Israel be defeated it would be destroyed. Had Nasser triumphed last June he would have wiped Israel off the map, and no one would have lifted a finger to save the Jews. No commitment to the Jews by any government, including our own, is worth the paper it is written on.

There is a cry of outrage all over the world when people die in Vietnam or when two Negroes are executed in Rhodesia. But when Hitler slaughtered Jews no one remonstrated with him. The Swedes, who are ready to break off diplomatic relations with America because of what we do in Vietnam, did not let out a peep when Hitler was slaughtering Jews. They sent Hitler choice iron ore, and ball bearings, and serviced his troop trains to Norway.

(And we seem to just take this in stride. Oh, we complain about it amongst ourselves and voice our disapproval in places such as the United Nations, but in the end, we just do it their way, like slaves destined to do the bidding of their master no matter how unfair. Thus, Mr. Hoffer concluded:)

The Jews are alone in the world. If Israel survives, it will be solely because of Jewish efforts and Jewish resources. Yet, at this moment Israel is our only reliable and unconditional ally. We can rely more on Israel than Israel can rely on us. And one has only to imagine what would have happened last summer had the Arabs and their Russian backers won the war to realize how vital the survival of Israel is to America and the West in general.

(And, though the article is powerful enough as it stands until this point, his final statement is one that pushes his insight over the edge into that rare-today-category of Eternal Truth:)

I have a premonition that will not leave me; as it goes with Israel so will it go with all of us. Should Israel perish the holocaust will be upon us.

End of article.

It is really quite amazing. The origins of many countries are nefarious at best, including the biggest and most self-righteous of countries today. They were once conquerors in search of new conquests and new resources, and were perfectly willing to displace the present inhabitants to do so. And they did - often in the most inhumane ways possible. Indeed, resentment still remains, even hundreds of years later with the survivors.

But how did the Jewish people come by Eretz Yisroel most recently? First we were almost wiped off the face of the earth with extreme cruelty in three short years while the world sat back, for whatever excuse. Then, for a brief moment, the world felt that maybe the Jews had suffered enough, and that the remaining ones really did need a place to go and lick their wounds. Or, perhaps they were just looking for a more "humane" solution to the Jewish problem. Whatever the reason behind the move, the international community voted to give Israel some land legally - the Land of Israel.

Now, the original Israelis were never expansionists. However, between the many conspiracies that were dead set on undermining Israeli security and the constant attacks by the Arab world that never

accepted Israel's existence, they were forced to defend themselves and take areas of land that usually could be considered "Jewish" lands. And this has been sufficient reason to call into question the right for Israel to be a Jewish state.

It's just not fair. It just doesn't make sense.

### **SEUDOS SHLISHIS:**

*In the beginning, G-d made the heaven and the earth. (Bereishis 1:1)*

Israel is like a molecule: it is so tiny, yet it is the building block of everything that exists, from the microscopic to the gigantic. And this is supported by the fact that the story of Israel is the story of Creation itself, as Rashi explains:

Why does the Torah begin with 'Bereishis'? Because, 'The strength of His works He declared to His nation, to give them the heritage of the peoples' (Tehillim 111:6): If the nations of the world come and say, 'You are thieves, for you conquered it from the Seven Nations!' They can answer, 'The entire world was created by The Holy One, Blessed is He, and He gives it to whomever He wishes!' (Rashi, Bereishis 1:1)

At which point, if everything goes well, the nations of the world will pause, think for a moment, and then say in unison, "Good point. Obviously the fact that you have the land is proof positive that G-d gave it to you, and since He owns the whole thing, we assume He's entitled to do that. We take our claim back. You're not really thieves after all."

However, if we couldn't expect them to see that and say that after the Six Day War, when we rode on a miracle and a prayer to turn back Arab country after Arab country and even threaten to take over THEIR capitol cities, then how can we expect them to say it now, as chunk after chunk of Eretz Yisroel is being taken away from the Jewish people, handed over on a silver platter by its own government, and by a prime minister whose mandate once was just the opposite!

As Mr. Arnold E. Reingold recently explained in an article entitled, "The Impending Death of Western Europe," "under the Koran, it is the duty of every believer constantly to strive to expand the borders of Dar al Islam, and every peace treaty with unbelievers can only be a 'Hunta,' a tactical truce." This is a temporary measure at best, probably to weaken the Jewish state as much as possible before launching a final attack. It's actually a very sly and terrifying strategy: thoroughly weaken them through diplomacy to wipe them out through war.

It makes one wonder that if the original Zionists who put this country on the map had also drafted a constitution that gave credit to G-d for the return of the Jewish people to at least some of the Biblical borders, if that would have changed everything? After all, as Rashi explains, our claim to the land is based upon our acceptance that it is a gift from G-d, regardless of what we say or do; if our own people are not prepared to acknowledge this, then why should the nations of the world be willing to acknowledge this?

In fact, regarding our situation today, no matter what the politicians think and carry out, it is all really G-d just working through them, more than likely just to stage the final scenario of history. Things got worst in Egypt before they got better, which served the purpose of weeding out the elements that didn't belong, and increasing the merits of those who did. For, as we will see from another part of the parshah, when it comes down to possessions in this world, they must all find their way back to their rightful owners.

### **MELAVE MALKAH:**

*You shall not show favoritism in judgment, small and great alike shall you hear; you shall not tremble before any man, for judgment is G-d's . . . (Devarim 1:17)*

Rav Chamma said in the name of Rebi Chanina, "The Holy One, Blessed is He says, 'It is not enough that the evil take property from one and give it to another, but they even trouble Me to return it to its owner'." (Sanhedrin 8a)

Just as people have soulmates, so too does property have a connection to the one who owns it. When a Jew sold property that was his inheritance from the time that the Jews first divided the land, it returned back to him every fifty years. It can be sold and even stolen, but the connection cannot be severed, at least not under normal circumstances.

But, even without that special spiritual connection, there is still the concept of fairness. When a person acquires something in an acceptable Torah way, then it becomes "his." To deny him that possession is a violation of Torah law and the law of the universe, and it is a wrong that must be made right, something that G-d Himself has taken upon Himself to do.

As Rashi points out, the only way to acquire Eretz Yisroel is not by bartering with the nations (nothing like giving away Eretz Yisroel to get it!). As the Talmud says:

Three wonderful gifts were given by The Holy One, Blessed is He, to the Jewish people, and all of them were given through hardship. They are Torah, Eretz Yisroel, and The World-to-Come. (Brochos 5a)

Eretz Yisroel can only be a gift to the Jewish people from G-d. If we fight for it, it is not to acquire it, but to protect the gift from G-d that we cherish. Indeed, we only have to start fighting for it once we cease to appreciate that it was and is a gift from G-d. For some 60 years G-d waited for us to see this, and returned it into our hands in the most miraculous of ways, physically and spiritually-speaking.

But too many of us still don't appreciate the gift from G-d and what it really is, and this is having an affect of eroding our ownership to the land, at least in the eyes of the nations of the world, and even in the eyes of many Jews today. We are being called thieves, and many Jews are starting to feel like the description fits - Very tragic!

Very tragic indeed. Very soon, as some of our people and the rest of the world takes too much of our ancestral possession away from its rightful owners, the children of Avraham, Yitzchak, and Ya'akov, the Judge of Creation will step in. And He will undo the work of those who tried to unrightfully detach the Jewish people from what truly belongs to them, and then the true thieves of history will be exposed for all to see - And it WON'T be Klal Yisroel, especially those who lived daily with extreme gratitude to Hashem Yisborach for the gift of Eretz Yisroel.

May it happen very soon in our time.

Have a great Shabbos,  
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