

AVODAH: The Jewish Service Corps
Torah Portion: *Naso*

CRIME AND PUNISHMENT

וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵאמֹר: וְדַבַּר אֶל־בְּנֵי יִשְׂרָאֵל אִישׁ אִו־אִשָּׁה כִּי יַעֲשֶׂה מִכָּל־חַטָּאת הָאֵלֶּם לְמַעַל מַעַל בִּיהוָה וְאָשָׁמָה הַנֶּפֶשׁ הַהוּא: זֹה־הַתּוֹדוֹת אֶת־חַטָּאתָם אֲשֶׁר עָשׂוּ וְהִשָּׁיב אֶת־אֲשָׁמוֹ בְּרֵאשׁוֹ וְחִמִּישְׁתּוֹ יִסֹּף עָלָיו וְנָתַן לְאִשֶּׁר אָשָׁם לוֹ:

God spoke to Moses, saying: "Speak to the Israelites: When a man or woman commits any wrong toward another person – thereby breaking faith with God – and that person realizes their guilt, they shall confess the wrong that they have done. They shall make restitution of the original amount and add one-fifth to it, giving to the person who was wronged."

[Numbers 5:5-7]

A story about stealing: Shimon was a sculptor, but not a particularly honest one. One day he noticed that his neighbor Reuven had a horseshoe nailed above his garage door. Shimon had been looking for a horseshoe to incorporate into his latest metal sculpture, and one night he simply snuck across the front lawn and took Reuven's.

As it happens, the horseshoe that Shimon stole was very special to Reuven. It was taken from the hoof of a pony he had raised as a young boy. When Reuven attended the opening of Shimon's one-man sculpture show later that summer, he was shocked to find his missing horseshoe soldered into one of the sculptures! Reuven confronted Shimon and demanded that he return the shoe. Shimon, when he realized what he had done, was overcome with remorse. He offered to pay Reuven back for the horseshoe. But Reuven refused, insisting that he did not want money – he only wanted back the shoe from his beloved pony. Shimon objected, saying that the sculpture with the horseshoe in it was going to be sold for \$5,000, and if he took the shoe out, the entire piece would be ruined.

QUESTION: Do you think Shimon should be required to return the shoe? If Reuven had not caught Shimon, but instead Shimon came to regret his actions and wanted to confess his crime, how would the knowledge that he might be forced to dismantle his sculpture affect his decision to confess? Does that matter, or is justice served only by returning the horseshoe to Reuven?

The rabbis pondered this issue and decided came down on the side of keeping the door open to those who wish to confess to their crimes and repent for their misdeeds. They taught:

If a person steals a beam and builds it into a palace, the School of Shammai say that he must demolish the entire palace in order to return the beam to its owner. The school of Hillel, however, say that the owner may claim only the monetary value of the beam [and not the beam itself]. This in order not to place obstacles in the way of people who wish to confess their misdeeds and repent.

[Gittin 55a]

QUESTIONS: It seems here that the rabbis have decided that strict justice is not as important as keeping the door open for people who wish to confess their crimes and return to life as an upright citizen. Do you agree with their priorities?

What does the Torah mean when it says that wronging another person is breaking faith with God? Is stealing a sin or just a crime?