The Weekly Daf

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Sanhedrin 86-92

Stealing — What or Whom?

The Passages:	In two different places in the Torah we are warned against stealing: in the Ten Commandments (Shmos 20:13) and in Vayikra 19:11. One of them refers to theft of money and the other to kidnapping.
The Problem:	How can we deduce from the passages themselves what sort of theft they refer to?
The Resolution:	One of the thirteen rules of Torah interpretation is that we can deduce the nature of an unidentified subject by seeing the context in which it is found. The commandments preceding and following the one about theft in the Ten Commandments prohibit murder and adultery, both of them capital crimes. We therefore conclude that the theft referred to there is kidnapping, which is also punishable by death if the kidnapper took his victim into his domain, exploited him for labor and consequently sold him into slavery. (While any form of kidnapping is forbidden by this commandment the death penalty applies only when the circumstances of exploitation of labor are present for this was the principal objective of kidnapping throughout history, as opposed to the more modern ransom which is not mentioned in the Talmud as a capital punishment situation.) In Vayikra 19:11-13 the context is monetary injustice so we may conclude that the theft referred to is also one of a monetary nature.

Sanhedrin 86a

Whose Land is It?

During the period when Eretz Yisrael was under the control of Alexander the Great, a challenge was presented by the Canaanites to the Jewish claim on the land which is identified in the Torah as the land of Canaan — their grandfather. In the subsequent trial before Alexander their challenge was convincingly rejected by the Jewish representative.

But the question which arises in regard to this historical incident is how the Canaanites dared to base their challenge on a Torah passage when the Torah is so explicit that the Creator gave the land of Canaan to Avraham Avinu and his descendants?

The Maharsha points out that the challenge took place at a time when Jews had already suffered exile from their land and even upon their return were not sovereign but subservient first to the Persians and now to Alexander. The Canaanites argued that they were expelled from the land because of their sins and the righteous Jewish nation inherited it (as is pointed out in the first Rashi in Bereishis) so that our claim to the land is conditional on our being more deserving than them. Once we were expelled from the land because of our sins, they continued, we lost our claim based on merit. Everything then goes back to inheritance from ancestors and Canaan preceded Avraham.

(They were wrong, of course, but the issue they raised caused serious concern for the Sages of that period — and should today stir some thoughts about the rise of foreign claims to our land — *Ed*.)

Sanhedrin 91

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