

HaMeirish HaNigzal: The Stolen Beam **A Story and Meditation on Repentance and Reconciliation for Yom Kippur**

We are about to step into the heart of Yom Kippur. What comes now is the Vidui, the Confessional, the communal recitation of our individual and collective sins.

But the goal, of course, is not merely awareness, nor even acknowledgement. All this is but the first step, on the path towards repentance. And repentance, in Jewish life, includes... reconciliation. Restoration. *Fixing* what we have done wrong.

And it is here, now, as we think about making things right, that the Talmudic debate about *hameirish hanigzal*, the stolen beam, fits in:

תנו רבנן: גזל מריש ובנאו בבירה, ב"ש אומרים: מקעקע כל הבירה כולה
ומחזיר מריש לבעליו, וב"ה אומרים: אין לו אלא דמי מריש בלבד,
משום תקנת השבין

The one who stole a beam, and built it into a residence. Beit Shammai says that he must tear down the entire residence, so that the rightful owner may take the beam. But Beit Hillel says: calculate the monetary value of the beam, and give that to the owners, because of *takkanat shavim*.

Takkanat HaShavim can roughly be translated as “compassionate” or “compensatory justice.” The idea here is “to encourage or reward proper behavior,” or, “not to place obstacles in the path of those who would repent.”

This is a... very important argument. To follow Beit Shammai would seem the fuller form of justice. Anything built on a false foundation, the entire structure, everything that follows is suspect. It all should go. *M'akeya kol haBirah Kulah!* Rip it out! Tear it all down. Literally and physically, put things back the way they were.

But Hillel has the more pragmatic answer, *both* for one who would try to improve, *and* for moving forward in the world. We can't always take everything back. We can't make things exactly, completely, literally as they were. Work it out, figure it out... Justice mixed with common sense, human understanding, and a dose of pragmatism.

We can't go back to yesterday. But with the right goal in our hearts, and knowing what we can do, without tearing up the whole world to make it what it was... we can do better, be better, and move forward, together.