

# VOLUME II: NUMBER 10: COMMUNITY SERVICE

*by Rabbi Aron Tendler*

## Question:

If a person has mistakenly taken money or an item belonging to someone else and does not know who the correct owner is, or if a storekeeper overcharged or shortchanged a customer and has no way of identifying the customer to make restitution, what manner is prescribed in Halacha to compensate the rightful owner of the money or items?

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## Answer:

1. A. Any time that a person has taken money or an object from someone else, and it was not a lost item that the original owner had given up hope of ever getting back, whether it was taken intentionally (and he would now like to do Teshuva) or in error, he is obligated to return it to the original owner. If it is impossible to locate the original owner, he must take the money or the value of the item and use it for Tzorchei Rabbim, community service.
2. B. The definition of "community service" in this context, is to use it for the needs of the public in a manner that it is most likely that the original owner of the money or item will benefit from the service that is now being provided with their money.
3. C. Based on this, the money should not be donated to charity organizations, synagogues, or Yeshivos, unless it is known that the person that the money is supposed to go to is a member of one of these organizations, or is supported by them. If it is unknown where he lives and what organizations he is involved in, it is recommended that the money be donated to organizations that cater to all members of the community in some manner.  
For example, it would be proper to donate it to organizations that loan medical equipment to the elderly and the sick in the locale in which he probably lives. In this manner it is likely that someday he or one of his heirs will benefit from this donation. It would be even more preferable to purchase a piece of medical equipment with the funds, and lend it to people in need of it.

## Sources:

The Gemara in Bava Kamma 94b, which is also quoted as the Halacha in Shulchan Oruch (Choshen Mishpat 366:2) states that if someone has stolen money but is unable to compensate the rightful owner because he does not know from whom he has taken it, he should use the money for community needs, such as digging wells for the people of that city. Rashi there explains that although this is not considered a proper return of the stolen money as required by the Torah, and therefore is not the preferable method of doing so, since water is a communal necessity, the victim of the theft will at least partially benefit from his funds when used in this manner.

This applies in any case that money has been improperly taken, even if unintentionally. The Torah obligates the taker to return it. Therefore, when the identity of the proper owner is unknown, "communal service" must be performed with this money, in a manner that the original owner will have the utmost benefit from his funds.

Therefore, if the money is donated to institutions that the owner may not have any benefit from, there is nothing gained in terms of fulfilling the Mitzvah of returning the money to the rightful owner. If a person steals money and donates it to charity rather than return it to the rightful owner, he has done nothing to correct the sin of theft! Therefore, we've offered one possibility in our answer section in which it is probable that someday the owner or his heirs will benefit from such an organization. Obviously, there are other possibilities that vary in different communities, and every individual should decide based on his own situation.

Feedback is appreciated! It can be sent to [atendler@torah.org](mailto:atendler@torah.org).

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This week's class is based on a column by Rabbi Tzvi Shpitz, who is an Av Bais Din and Rosh Kollel in the Ramot neighborhood of Jerusalem. His Column originally appears in Hebrew in Toda'ah, a weekly publication in Jerusalem. It has been translated and reprinted here with his permission and approval.

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***Please Note:*** The purpose of this column is to make people aware of Choshen Mishpat situations that can arise at any time, and the Halachic concepts that may be used to resolve them. Each individual situation must be resolved by an objective, competent Bais Din (or Rabbinic Arbitrator) in the presence of all parties involved!