

# DO NOT STEAL PART 5

*by Rabbi Yehonasan Gefen*

Last week we discussed various situations in which one may believe that it is permitted to steal, and we saw that in many of these cases it is nevertheless considered to be stealing.

The question arises with regard to taking an item from relatives or close friends without asking them - is the law more lenient in such a case<sup>[2]</sup> ?

There are a number of variables that effect the answer to this question. If one cannot be certain that the relative would be happy to give that item, then it is considered to be stealing. If, however, in the past, the relative gave him express permission to take this type of item then it is not considered stealing when he now takes this item without the owner's permission. The reason for this is that we view it as if the relative pre-consented to let him take it. For example, John regularly visits his parent's house and they offer him food and drink. On one occasion, John is alone in the house; he is permitted to take food and drink without his parent's prior knowledge.

What is the case if one has never taken this item in the past, but is sure that his relative will not mind? Most poskim<sup>[3]</sup> hold that this is forbidden. This is the case, even in the event that the relative did not mind when he found out what happened. For example, Brian needed a new pen, and he knew that his brother, Dave owned many pens. He took one of Dave's pens without permission. When Dave found out, he was very glad for his brother to have the pen. Nonetheless, Brian's action is considered stealing. In this case, we do not look at it as if Dave had given prior permission because he had never allowed Brian to take this kind of item in the past<sup>[4]</sup> .

The laws relating to taking from a relative also relate to a husband and wife. A husband may not take his wife's personal property without her consent, or vice versa. A wife may not give away her husband's assets without his consent. Therefore, she may not give a donation of a greater amount that her husband would want her to give, without his prior awareness. However, if the husband authorizes her to give the amount she desires, then she may do so. Moreover, if she tells a collector that her husband allows her to give this sum, they may believe her and take it.

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[1] Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.

[2] Note - there are two types of taking that will be discussed in the coming weeks. One is taking an item in such a way that it is used up, for example, eating food. The other is borrowing an item and

returning it in the same form - for example, using someone else's chair and then returning it. In this article we are only discussing the first form of taking whereby one does not return the item in the same form.

[3]A posek is the hebrew word for an authority in Torah law.

[4] It is beyond the scope of this article to discuss the reasoning behind this law in further detail - see, "Halachos of other People's Money", p.27-8 in hebrew footnotes.

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