

DO NOT STEAL PART 18

by Rabbi Yehonasan Gefen

We have seen over the past several months that taking items or money in an unjust fashion constitutes at least one transgression of Torah law.[2]

In addition to the seriousness of transgressing Torah laws, there is another serious consequence for one who steals. A person may, on occasion be required to testify in Jewish law courts[3], however there are a number of requirements necessary for a person to be a valid witness. One of them is that one who has knowingly transgressed the Torah laws of stealing, and has not repented for his actions, is invalid as a witness.

This is of particular relevance to another situation - being a witness at a wedding. In order for a couple to be married according to Torah law, the signing of the marriage contract (kesubah) and the act of betrothal (kiddushin) must be witnessed by two valid witnesses. A person who has knowingly stolen and not repented is invalid to be a witness. Therefore, one who suspects that a transaction he once did, or goods he once took, might be considered stealing according to Torah law, should not accept the honor of being a witness to a kesubah or a kiddushin.[4]

However, one who stole as a result of ignorance of the law is not considered invalid to be a witness. For example, it is sadly common for some people to believe that it is permissible to steal from non-Jews. Accordingly, one who did so because of ignorance, is not invalid to be a witness.

Furthermore, as we mentioned above, if the guilty person repented his actions in the proper fashion, then he may once again be a valid witness. Included in the repentance process is returning the wrongfully taken money or item.[5]

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

[2] See 'Do Not Steal', part 1 for the specific mitzvos that may be transgressed when one steals.

[3] Known as 'Beis Din' - it is a Jewish court of law where disputes are resolved according to Torah law. In general a Jew is obligated to go to Beis Din as opposed to secular courts, although there are rare exceptions to this law - one should consult an Orthodox Rabbi in as to the law in each specific situation.

[4] Until he repents in the proper fashion - see further in this essay.

[5] In the coming weeks we will discuss the specific details of how one goes about returning stolen items.

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