

DO NOT STEAL PART 19

by Rabbi Yehonasan Gefen

Up to this point we have discussed the various forms of stealing. What is the law with regard to a person who stumbled in this area and now wants to rectify his sin? There is an explicit Torah commandment to return stolen property and pay for items that were wrongfully taken. Having enumerated various forms of stealing, the Torah states: "And it shall be when one sins and is guilty, he must return the stolen property that he has stolen..."[2] This constitutes a positive Mitzvo to return the stolen property. Every moment that the thief does not do this, he is abrogating this Mitzvo.

The commandment includes returning goods that were physically stolen; paying for goods or services that were received and not paid for; repaying defaulted loans; paying wages that are owed; returning merchandise, money or deposits being held for others; and returning money or items attained by deception.[3]

In addition to returning the item, the guilty party must, in many cases, apologize to the victim, and ask for forgiveness. When this is attained, he then must go through the regular process of repentance.[4] However, there are situations where the thief need not apologize.[5] If the victim does not know of the theft, then the thief may simply return the stolen money or item. Since he did not cause the victim any pain at the wrongdoing he need not apologize. Even if the victim does know about the theft but does not know who did it, then the guilty party may return it without divulging his identity. However, since the victim was caused pain, the thief must apologize and ask for forgiveness (through a letter of apology for example) but he may keep his identity hidden.

If the victim does know who did it, then he must inform the victim that he is returning the object and ask his forgiveness.

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

[2] Vayikra, 5:23.

[3] Bodner, p.85-6.

[4] In brief, this involves the person stopping to sin, developing a feeling of regret at what he did, undergoing to never do so again, and confessing what he did to Hashem.

[5] Although he must undergo the other stages of repentance.

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