

# DO NOT STEAL PART 20

*by Rabbi Yehonasan Gefen*

Last week we began discussion of the laws of how to rectify an act of stealing. In this week's article we continue in that vein.

If one stole a specific item then he must return the item itself, it is insufficient to pay the value of the item to the victim and keep it for oneself. If however, the rightful owner is prepared to accept money instead of the item, then the guilty party may pay the item's value to the owner, and keep it for himself.

If the item is no longer extant, then one must compensate the victim by paying for it. These laws apply equally to one who steals from non-Jews.

If a person stole something before the age of legal responsibility (according to Torah law - 12 for a woman and 13 for a man) then he is not required to compensate the victim. However, if he still possesses the item after he becomes 13 (or the female becomes 12) then he must return it.

The laws of returning stolen objects apply equally to the case of a child (above the age of legal responsibility) who stole from his parents. He must return the item to his parents or inform them of what he stole and ask them to explicitly forgive him and absolve him of payment. He may not presume that his parents automatically forgive him unless they say so.

The victim of thievery has the right to pardon the thief by saying that he totally forgives him. This exempts the person from having to return the item. Nevertheless, he still must undergo the process of repentance.<sup>[2]</sup> There are common cases where small amounts are stolen, such as when a friend borrows money and carelessly forgets that he owes it.<sup>[3]</sup> In such cases, the victim is entitled to insist that the money is returned, however it is praiseworthy for him to pardon his friend. The Rabbis teach us that the Heavenly Court deals with us measure for measure in the way that we deal with other people. If we forgive those who have wronged us even though they are deserving of retribution, then the Heavenly Court will act the same way with regards to our wrongdoings.

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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] See 'Do Not Steal', Part 19 for more on how to repent for the sin of stealing.

[3] In such a case, refusing to pay back the loan does constitute stealing.

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