

*When one has sinned and, realizing his guilt, would restore what he got through robbery or fraud... --- Lev. 5:23*

It is not merely that he has sinned, but that he comes to the realization that he must repent, both understanding and confessing that he has sinned and is guilty. --- Rashi

What is the difference between fraud and robbery? Rav Hisda said: One who continually says: *Come back again, I'll give it to you tomorrow* (Prov. 3:28) — this is fraud. One who says: I have your object, but I will not give it to you — this is robbery. --- Talmud, **Baba Metzia** 111a

Cheating of any kind, even towards an idolator, is forbidden as "**gonev da'at**" (deception, literally: stealing in someone's mind), including: pretending one has performed a service for another, inviting a neighbor to a meal knowing that he will refuse, and offering gifts to a friend knowing that he will not accept them. --- Talmud, **Chullin** 94a; **Mekhilta, Mishpatim** 13

If donkey drivers seek grain and you have none, you must not say: “go to so-and-so, he sells grain,” if you know that he does not. Rabbi Yehudah said: let one not set his eyes on merchandise (i.e., ask the price) when he has no money to pay for it. --- Talmud, **Baba Metzia** 58b

Rabbi Elazar ha-Modai'i said: *If you will heed the Lord your God diligently, doing what is upright in His sight...* (Exod. 15:26) — this refers to business affairs. It teaches us that whoever is honest in his business, and other people find it delightful to deal with him, it is as if he personified (or, fulfilled) the entire Torah. --- **Mekhilta, Beshallah, Masekhet Vayassa** 1)

*When one has sinned and, realizing his guilt...* No sinner considers himself guilty, for every man thinks he is doing the right thing. This is because he rationalizes his actions, imagining that the other fellow owes him money for some reason, or has wronged him in some other dealings, and he decides he

has a right to take what was deposited by him for safe-keeping. Therefore, the Torah calls it **v'ashem**, meaning, *when he realizes his guilt* and that he has wronged his fellow man and now recognizes he is guilty. He will then certainly set his heart on repentance and return the stolen object. He should not simply pay for the object, but rather should return the object itself. --- **K'li Yakar**, Shlomo Luntschitz, Prague 16<sup>th</sup>-17<sup>th</sup> c.

Rabbi Moshe Sofer, 19<sup>th</sup> c. Rabbi of Pressburg and author of the noted work **Chatam Sofer**, was about to preside as a judge in a difficult lawsuit. A few days before trial was to begin he received a package from one of the litigants. It was a beautiful sterling kiddush cup. That Friday night the **Chatam Sofer** took the cup out of its velvet pouch, and raised it for his entire family to see. "Look how beautiful this cup is. Do you notice the intricate etchings? It must be worth a fortune!"

The family looked on in horror. They knew that the gift was sent as a form of a bribe. They could not imagine why he had removed it and was seemingly admiring it. Abruptly, he stopped talking. His eyes became sternly focused on the cup. He began, once again, to speak. "But, my children, the Torah tells us we may not take a bribe! Therefore I will put this beautiful cup away and never use it. It must be returned to the sender immediately! He must be chastised for this terrible breach.

"You must be wondering why I even looked at the cup. You certainly must be bewildered why I even admired it openly. I will explain. How often is it that I am offered a bribe? Never! I never felt the passion or desire to accept a bribe, as it was never offered! When I had the opportunity to observe the Torah's prohibition against corruption, I wanted to make sure that I did it from a vantage of passion. I wanted to realize what I was turning down. I wanted to value the Torah's command over an exquisite and ornate silver goblet. I felt that by working up our appetite for the item we surely would appreciate its refusal."

Perhaps the Torah is hinting at the most proper aspect of restitution. There are two reasons to return a stolen item. First, you are in possession of an item that is not yours. Simple. But there is another reason. Every one of our actions helps mold us. By returning an item that we once desired enough to have

stolen, we train ourselves to break the covetous constitution of our nature. We learn that even though we want something, we may not take it.

That redemption is much more effective when the attachment for the item is still active. A stolen item that one may have forgotten about or lost desire for may be much easier to return. After all, ten years after you stole a bicycle you probably would be driving a car. The desire for the bike is no longer there. Maimonides teaches us that the greatest act of repentance is when the passion for the crime still exists. Repentance is always accepted, but if the item is still categorized in your mind with the expression "the stolen item that you stole, the fraudulent gains that you defrauded, the pledge that was secured with you," then the repentance is more meaningful. When desires conflict with conscience — and conscience prevails -- that is true **teshuvah**. 50 years after a crime, there are those who may issue statements of apologies and excuses. However, a lingering question remains. Are the "stolen items ones that they stole" or are they just relegated to black and white memories of an almost forgotten crime? The words "I am sorry" should not be sorry excuses, but rather true regret with a commitment never to sin again. That can best happen while the iron (or steal) is still hot. --- Rabbi Mordecai Kamenetzky