



**Taking (stealing) Without Permission But
Paying For It - איסור חמס -
[#78]**

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Today we're going to be discussing the question of stealing or taking an item without consent but paying for the item at the same time. Usually, stealing means you just take it. But over here, if you take an item and you actually give money to the person, maybe that's not considered *stealing*. Of course, it's not the right thing to do, but the question over here is, according to halacha, would that person be considered as if he has stolen an item, or not, because he actually gave money for it?

Today we're using a *sefer* called *Halachos of Other People's Money*, by Rabbi Yisroel Pinchos Bodner. He says that taking an item and paying for it against the owner's will is going to be a form of stealing. In halacha, this is called *chamas* (חמס).

The example he brings over here happens a lot. A person goes into a shop. He goes to the storeowner, offers an amount of money for an item, and they start arguing whether it's enough or not. The storeowner says, "I don't want to sell it for the low price that you're offering". The customer insists, "No, you have to sell it to me for this price. Give it to me for this price." And then the customer just puts money on the counter, takes the item, and leaves. Of course, we said you're not supposed to do this, but would he have transgressed the *issur* (prohibition) of *stealing*? Is it a form of stealing or not? So the halacha is that in this case, since the storeowner did not agree to the sale for that price, then this person who took the item would actually be guilty, as we're saying, is a form of stealing.

However, if the storeowner does, in some way, demonstrate that he agrees to the sale by saying, "okay, I agree" or even if he doesn't verbalize it, but he actually shows through actions as though he agrees to the sale (such as by handing the item to the buyer, taking the buyer's money, or giving him change), meaning, he dealt with the sale or transaction, then there would be no prohibition/*issur* of stealing, of *chamas*. Of course, we're saying that's not the right thing to do*, but that would be the halacha. ***

*and it could be that even though there's no *issur* of *chamas*, there could be the *issur* of *lo sachmod*, of desiring and forcing someone to sell (see previous video or newsletter #77 where we discussed the *issur* of *Lo Sachmod*)

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly as any small change will greatly affect the final halacha. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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