

May a Storeowner Purchase Possibly Stolen Products?

Rabbi Chaim Weg

Case: Someone entered a *sefarim* store and told the owner that he had a whole stack of *machzorim* to sell. He offered the owner an exceptionally attractive price, from which the owner would be able to make a substantial profit if he bought them. The problem was that the seller was not his regular *sefarim* supplier and the price he was offering was significantly below the prices of his own supplier. The owner therefore suspected that the *machzorim* may have been stolen from a supplier or a different store.

Question: May the owner of the *sefarim* store purchase the *machzorim* and sell them to earn a large profit, or must he turn down the offer because he suspects they might be stolen goods?

Answer: The Shulchan Aruch declares (C.M. 356:1) that it is an “*avon gadol*” (terrible sin) to buy stolen goods since one is supporting sinners. Chazal comment (Gittin 45a) that “the mouse is not the thief; rather, the hole [where it hides the food] is the thief.” In other words, the logistical assistance given to a thief to enable him to steal is just as severe a sin as the actual act of theft itself. If no one ever bought stolen goods, then no one would ever steal, since the thief would be unable to earn a profit from his actions. Therefore, anyone who buys stolen goods thereby encourages additional theft and dishonesty.

According to the Taz (to 356:1), it is even *assur* to buy goods that one suspects might be stolen but is not certain. In fact, Rabeinu Gershom (cited in the Aruch HaShulchan, C.M. 356:1) instituted a *cheirem* against buying stolen goods from *goyim* following many cases where *goyim* sold stolen goods to Jews. The subsequent discovery of stolen goods in the possession of Jews in these cases often yielded catastrophic results, such as accusations that all Jews are thieves, severe decrees against them, and terrible pogroms.

At first glance, then, it seems that it would be *assur* to purchase potentially stolen goods, such as the *machzorim* in this case. However, some *poskim* suggest that if *goyim* wish to sell a Jew *sefarim* or *tashmischei kedusha* (other holy articles), the Jew should purchase them at a standard price since the non-Jew may otherwise destroy them or dispose of them in some other inappropriate manner. Thus, in order to prevent potential disgrace to *tashmischei kedusha*, it is permitted to purchase stolen goods to return to the owner.

Poskim also discuss whether it is permitted to purchase items in the above case from a Jew who is suspected in engaging in stolen goods. Some *poskim* encourage this as well for similar reasons as above: if one purchases them for a standard price, does not earn any profit off of the deal (by selling it again later for a higher price), and tries to return the items to their true owner. According to this approach, the owner of the *sefarim* store should purchase the *machzorim* to ensure that they are not ruined or destroyed. But in all such cases, any assistance given to a thief is absolutely *assur* and must be avoided.