

Using Counterfeit Money

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Question: Someone owns a gift shop in a busy tourist hot spot. One day, he discovers a one-hundred dollar bill in his cash register that is counterfeit and cannot determine who gave it to him. If he brings it to a bank, they will certainly not accept it, resulting in a total loss of that money. Is it permitted for him to pass the bill on to someone else, such as an unsuspecting customer, who will likely never know the difference? Does it matter if that customer is a Jew or a non-Jew?

Answer: There are two halachic angles to address with regard to using counterfeit money. The first is *gezel*, theft, which is obviously *assur*. Even if the customer to whom one gives the counterfeit bill is not Jewish, one would still violate the prohibition, as *gezel akum* (stealing from a non-Jew) is forbidden as well (though commentaries dispute whether the prohibition is *deoraisa* or *derabanan*).

There are other cases regarding *goyim*, such as *ta'us Akum* (where a non-Jew mistakenly gave a Jew extra money or an item that he did not deserve), where it is permitted not to inform the non-Jew of his mistake. Some opinions even permit the case of *mateh akum*, where one actively misleads a non-Jew in a financial situation. Nevertheless, the Shach (C.M. 348) quotes the Maharshal who says that even according to those who are lenient in the latter case, if one makes a transaction with a non-Jew and receives something in exchange, it is still considered *gezel akum* if one does not pay him and would be forbidden according to all.

Based on the Shach, giving a non-Jew a counterfeit bill in exchange for receiving an item from him qualifies as *gezel akum* and is forbidden.

Although the non-Jew may potentially be able to use the bill himself without the following person realizing that the bill is counterfeit, giving him a bill that is legally worthless in exchange for an item (or as change for a transaction) is still considered theft.

The second halachic component to using counterfeit money is the halacha of *dina d'malchusa dina* (the law of the land is considered binding by halacha as well). There are different opinions as to the exact parameters: Some say that it applies only in connection to matters relating to the land of the king, while others hold that it applies only to cases where the king receives benefit.

Any general societal issue is subject to *dina d'malchusa* according to all opinions, and using proper currency certainly qualifies, since it is a federal crime to use counterfeit money. Therefore, one cannot pass on a counterfeit bill to either a Jew or a non-Jew.