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לע"נ הרב יוסף ישראל  
 ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of  
 HaRav Yosef Grossman zt"l



## AWASH IN CASH: MONEY LAUNDERING IN HALACHA

Adapted from the writings of Dayan Yitzhak Grossman

The Department of Justice recently announced:

Two individuals were arrested this morning in Manhattan for an alleged conspiracy to launder cryptocurrency that was stolen during the 2016 hack of Bitfinex, a virtual currency exchange, presently valued at approximately \$4.5 billion. Thus far, law enforcement has seized over \$3.6 billion in cryptocurrency linked to that hack...

According to court documents, [Ilya] Lichtenstein and [Heather] Morgan allegedly conspired to launder the proceeds of 119,754 bitcoin that were stolen from Bitfinex's platform after a hacker breached Bitfinex's systems and initiated more than 2,000 unauthorized transactions. Those unauthorized transactions sent the stolen bitcoin to a digital wallet under Lichtenstein's control. Over the last five years, approximately 25,000 of those stolen bitcoin were transferred out of Lichtenstein's wallet via a complicated money laundering process that ended with

some of the stolen funds being deposited into financial accounts controlled by Lichtenstein and Morgan. The remainder of the stolen funds, comprising more than 94,000 bitcoin, remained in the wallet used to receive and store the illegal proceeds from the hack. After the execution of court-authorized search warrants of online accounts controlled by Lichtenstein and Morgan, special agents obtained access to files within an online account controlled by Lichtenstein. Those files contained the private keys required to access the digital wallet that directly received the funds stolen from Bitfinex and allowed special agents to lawfully seize and recover more than 94,000 bitcoin that had been stolen from Bitfinex. The recovered bitcoin was valued at over \$3.6 billion at the time of seizure...

Lichtenstein and Morgan are charged with conspiracy to commit money laundering, which carries a maximum sentence of 20 years in prison, and conspiracy to defraud  
*(continued on page 2)*



### PARSHAS KI SISA

#### COMING TO THEIR CENSUS

Excerpted and adapted from a shiur by  
 Dayan Yitzhak Grossman

When you count B'nei Yisrael according to their numbers, let each man give to Hashem an atonement for his soul when they are counted; then there will be no plague among them when they are counted.

Shmos 30:12

This *pasuk* implies that counting B'nei Yisrael should be done indirectly, using coins. Indeed, the Gemara in Yoma says that one may not count Jews directly (though the *psukim* it cites are from Sefer Shmuel). The Gemara in Brachos says that Dovid Hamelech was guilty of this sin, and it caused a terrible epidemic. This *issur*, though not codified in the Shulchan Aruch, is discussed by some *Rishonim*, who disagree about its parameters.<sup>1</sup>

Recent *poskim* have debated whether the Israeli census violates the prohibition on counting Jews. According to the Steipler Gaon, it is entirely forbidden. The Sheivet Halevi held that the census may be a problem based on a responsum of the Chasam Sofer.<sup>2</sup>

R' Ovadia Yosef, R' Shaul Yisraeli, and R' Eliezer Waldenberg were lenient for a number of reasons, including:

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<sup>1</sup> It is also mentioned by the Rambam (in *Hilchos Temidin Umusafin* in the context of the *Bais Hamikdash*), and also by the Magen Avraham (O.C. 156).

<sup>2</sup> In a later *teshuvah*, Rav Wosner seems to acknowledge the potential for leniency based on the fact that non-Jews are included in the census.

Q&A from the  
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### In the Service of Kedushah

- Q May mundane items be placed on a bimah?
- A Items that directly service sifrei *kodesh* are called *tashmishi kedushah* and are subject to three halachos:
- They may not be used for mundane purposes.
  - When they will no longer be used, they must be placed in genizah.
  - If they are sold, the money must be used to purchase something with a higher level of *kedushah*.

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the United States, which carries a maximum sentence of five years in prison...<sup>1</sup>

Conspicuously absent from the announcement is any claim that Lichtenstein and Morgan were involved in the theft itself.

The federal government's Financial Crimes Enforcement Network (FinCEN) explains money laundering as follows:

Money laundering is the process of making illegally gained proceeds (i.e., "dirty money") appear legal (i.e., "clean"). Typically, it involves three steps: placement, layering and integration. First, the illegitimate funds are furtively introduced into the legitimate financial system. Then, the money is moved around to create confusion, sometimes by wiring or transferring through numerous accounts. Finally, it is integrated into the financial system through additional transactions until the "dirty money" appears "clean." Money laundering can facilitate crimes such as drug trafficking and terrorism and can adversely impact the global economy.<sup>2</sup>

In this article, we consider the Torah perspective on money laundering and the purchase or receipt of illegitimately obtained goods in general.

### SHARING WITH A THIEF

Mishlei 29:24 states: "He who shares with a thief hates his own soul." Commenting on this *pasuk*, the Midrash relates that there was once a ruler who would execute the receivers of stolen goods but not the thieves themselves. In explanation of this seemingly perverse policy, the ruler performed a demonstration. He brought *chuldos* (weasels or rats) and placed food before them; the animals took the food and brought it to their holes. He subsequently repeated the experiment, but this time he sealed the holes. The animals once again took the food and brought it to the holes, but when they discovered that the holes were filled, they returned the food to its original location. The lesson, the ruler explained, is that the entire problem of theft

stems from the receivers.<sup>3</sup>

Echoing this Midrash, the Rambam rules:

It is forbidden to buy a stolen article from a thief. This is a severe sin, for it reinforces a transgressor and motivates him to steal in the future. For if he did not find a person who would purchase a stolen article from him, he would not steal. With reference to this, Mishlei 29:24 says: "He who shares with a thief hates his own soul."<sup>4</sup>

The Rambam here is discussing purchasing a stolen article from a thief (*ganav*—one who steals "in stealth, without the owner's knowledge"<sup>5</sup>). Elsewhere, he codifies a parallel prohibition regarding a robber (*gazlan*—one who steals "in open view and with public knowledge, by force"):

It is forbidden to purchase an object obtained by robbery from the robber. Similarly, it is forbidden to assist him in changing its nature so that the robber will acquire it. Whoever acts in this manner or the like assists transgressors and violates the prohibition of Vayikra 19:14: "Do not place a stumbling block before the blind."<sup>6</sup>

### SHARING WITH AN INTELLECTUAL PROPERTY PIRATE

It is curious that purchasing from a *ganav* is characterized by the Rambam as the "severe sin" of reinforcing and motivating a transgressor, whereas purchasing from a *gazlan* is categorized as a violation of the Biblical prohibition against placing a stumbling block before the blind (*lifnei iver lo sitein michshol*). R' Zalman Nechemia Goldberg has an intricate discussion of this point, the details of which are beyond the scope of this article, in his classic article on intellectual property rights, "Copying a Cassette without the Owner's Permission."<sup>7</sup> He concludes that the prohibition against reinforcing and motivating a transgressor extends to the purchase of an illegitimately copied cassette (even in circumstances where the purchaser himself is not committing any

<sup>3</sup> Vayikra Rabbah 6:2. A similar point, in other halachic contexts, is expressed by the Gemara's aphorism, "It is not the mouse that steals, but the hole (*lav achvera ganav ella chora ganav*)."—Gittin 45a, Kidushin 56b, and Arachin 30a. The Aruch Hashulchan (C.M. 356:1) invokes this aphorism in our context as well.

<sup>4</sup> *Hilchos Geneivah* 5:1. Cf. Sha'ar Hamelech *ibid.*; Yam Shel Shlomo Bava Kama perek 10 end of *siman* 58. This ruling of the Rambam is codified in Shulchan Aruch C.M. 356:1.

<sup>5</sup> See Rambam *ibid.* 1:3.

<sup>6</sup> *Hilchos Gezeilah* 5:1. This ruling of the Rambam is codified in Shulchan Aruch C.M. 369:1.

<sup>7</sup> *Ha'otakas Kaletes Lelo Reshus Habe'olim*, *Techumin* Volume 6.

<sup>1</sup> Two Arrested for Alleged Conspiracy to Launder \$4.5 Billion in Stolen Cryptocurrency. Department of Justice, Office of Public Affairs. February 8, 2022

<sup>2</sup> History of Anti-Money Laundering Laws. FinCEN.gov.



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The Ralbag, followed by later *poskim*, holds that the *issur* does not apply to counting

in writing.

The Re'em and the Chida maintain that only

counting the entire nation is forbidden, and not all the world's Jews are counted by the Israeli census.

- The Kli Yakar writes that the prohibition does not apply where the approximate total is already known.
- R' Asher Weiss (Minchas Asher, Ki Sisa) argues that counting takes place in schools, shuls, and

elsewhere, so it is not logical to forbid a census but allow other cases of counting.

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The velvet cover of a bimah directly services a *sefer Torah*, so it is *tashmishi kedushah*. The plastic cover over the velvet isn't *tashmishi kedushah*, because its function is only



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to protect the velvet. The Mishnah Brurah writes that the wooden table is also *tashmishi kedushah*, though it doesn't usually touch the *sefer Torah*, because sometimes the velvet cover slips off the table and the *Torah* makes contact. But *poskim* write that because today's better-fitted covers rarely slip, the table isn't *tashmishi kedushah*. Based on this, it would seem that it should be forbidden to put things other than *sifrei kodesh* on a bimah or even to lean on it. But a condition was instituted by Chazal to limit the original *kedushah* of *tashmishi kedushah* to allow certain uses ("*leiv bais din masneh aleihem*"), including storing invalid *sifrei Torah* in an *Aron Kodesh* and placing things like a *pushkeh*, *zmanei tefilah* chart, or *tallis* on a bimah. (Those who are lenient with regard to leaning on the bimah and placing hats on it assume this principle extends to those items as well.) But something like one's lunch bag may not be put on a bimah.

form of theft). Receiving such a copy as a gift, however, is permitted, because this does not incentivize further sinful behavior.

R' Chaim Yosef Dovid Weiss, Satmar *dayan* in Antwerp, makes a similar distinction between purchasing an illegitimate copy of a computer disc and receiving it for free, but he adds that even in the latter case, it is still prohibited to provide any benefit whatever in exchange for the illegitimate copy, because even mere verbal encouragement constitutes reinforcement.<sup>8</sup>

<sup>8</sup> *Shu"t Vaya'an Dovid cheilek 2 siman 226 os 4.*

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