

Donations from Ill-Gotten Gains

Based on the responsum written by Rabbi Elliot Dorff in 2009:

[https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/Dorff
Donations%20of%20Ill-Gotten%20Gain.FINAL.062909.pdf](https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/Dorff%20Donations%20of%20Ill-Gotten%20Gain.FINAL.062909.pdf)

Enduring Understandings:

Jewish law is a process that has unfolded over generations, taking in voices from the past and applying them to a modern-day context.

Transparency and knowledge of an asset's origin are key in determining how an individual ought to behave towards the asset.

The Jewish value of not embarrassing or shaming individuals, even known criminals, is at tension here with the Jewish demand not to profit from ill-gotten gains.

We have a responsibility, but also rights and privileges, as envisioned by the Rabbis, as consumers and business owners in the public market economy.

Essential Questions:

To what extent do we have a duty to determine the source of funds donated to Jewish institutions such as synagogues, youth programs, and camps? Under what conditions, if any, can we just assume that the funds were attained legally and morally without any further investigation?

How does the provenance of a donation affect the recipient?

What is our ethical and moral responsibility when it comes to receiving donations or profiting from assets that we knew ahead of time were attained illegally or unethically? What if we found out only after the funds were used for a building or program? What if, by the time that we discover that the funds were obtained illegally or immorally, there is still money left over from the donation?

How does Jewish tradition guide us in our personal decision making?

Key Terms:

Teshuvah - תשובה - a Rabbinic answer to a question of Jewish practice and observance that becomes law.

Takkanat Ha-Shuk - תקנת השוק - "enactment" of the market; a Rabbinic provision to protect consumers who unknowingly may purchase an item that has been obtained by the seller illegally.

Shinnuy Ma'aseh - שינוי מעשה - a change made to an object that alters its fundamental state, thus perhaps conferring ownership on even a thief.

Shinnuy Reshut - שינוי רשות - exchange of property, in this case, a change of ownership and possession of a lost item.

Ya'ush – יאוש - despair an owner feels when they have lost a possession that they will ever see their possession again, in a sense a complete renunciation of ownership.

Trigger/Connection Piece (5 minutes): Have you ever received something you felt guilty about? A pirated movie? A knock-off Prada bag? What did you do with the item? Is there a range of certain factors that would change your behavior towards the item?

Set Induction (5 minutes):

Real-life scenario: You work for a for-profit company that just discovered it had on its books approximately \$12 million in ill-gotten gains. What do you propose to do with the money? Would that change if it were a non-profit agency, such as a synagogue, youth group, or camp?

https://www.nytimes.com/2015/02/07/your-money/finding-the-right-way-to-dispose-of-ill-gotten-gains.html?_r=0

Learning Activity (30 minutes):

In four groups (or Hevruta), learners will investigate how Jewish law would respond to a similar scenario involving a donation given to a Jewish non-profit. Learners will follow the questions proposed by Rabbi Dorff in his 2009 teshuvah and the sources of Jewish tradition he investigated to help determine the ideal ethical outcome. Groups will share the questions they researched and their opinions and then look at Rabbi Dorff's conclusions. Alternatively, the four different sections could be taught in four successive classes or be combined into one lesson.

Reflection (5 minutes):

Learners will share if they agree with both Rabbi Dorff's conclusions in comparison to the company in the NY Times. Learners will discuss the practical application of these conclusions.

Questions for reflection:

- *How has this learning changed your opinion of what it means to act ethically in business or in all financial transactions?*
- *What role can Jewish law have in guiding our behavior? Does it matter what traditional Jewish sources have to say about our behavior in the secular world?*

Group #1

Scenario: Mr. and Mrs. Jones (not their real family name) send their children to Camp Ramah and have become very friendly with the Ramah community, to the extent that Mrs. Jones is on the Ramah Board. Several years ago they donated money to Ramah. It was used primarily to build a facility at camp that bears their family name, but there is still some money left over for Ramah to use for other purposes. Mr. Jones was just indicted by a grand jury for money laundering and stock fraud, and the cover story in the local Jewish newspaper described the indictment in great detail. Their synagogue's rabbi gave a sermon on the Shabbat following the indictment denouncing Mr. Jones and announcing that the facility that they had donated to the synagogue in the Jones family name would no longer bear their name.

Question: May or should Camp Ramah treat Mr. Jones as if he were **already convicted** of the crime of which he is accused after he is indicted, but before he is convicted? If Mr. Jones is convicted of the crime of which he is accused, may or **should Camp Ramah remove the Jones family name** from the facility that they donated?

Sources:

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

At the moment, Mr. Jones is indicted but not convicted. Jewish law is even more insistent than American law that a person is innocent until proven guilty: in American law, one may confess to both civil and criminal liability, but in Jewish law one may confess to civil liability (*hoda'at ba'al din k'me'ah edim dami*) but not to culpability for a crime, for "one may not make oneself a wicked person" (*ain adam masim atzmo rasha*). In both systems of law, courts must presume innocence. Thus, during the time between the indictment and the court verdict, rabbis need to inform anyone who asks about this case that the strong presumption of innocence in Jewish law requires everyone to think and act accordingly; failure to do so is a violation of the prohibition to slander others (*motzi shem ra*).

Babylonian Talmud, Ketubot 11a

שלא יהא חוטא נשכר

We should not reward a sinner.

Babylonian Talmud Berakhot 19b

גדול כבוד הבריות שדוחה לא תעשה שבתורה

Great is human dignity, as it overrides a prohibition in the Torah.

How could these two texts from the Talmud influence the behavior of Camp Ramah? Could the texts influence Camp Ramah in different ways? Which text do you think is more important? What is Camp Ramah's responsibility to the Jones family (if any)?

Mishnah Shevi'it 10:8

כיוצא בו רוצח שגלה לעיר מקלט ורצו אנשי העיר לכבדו. יאמר להם רוצח אני. אמרו לו אף על פי כן יקבל מהם. שנאמר (דברים יט, ד) וזה דבר הרוצח

Similarly, if an [accidental] killer was exiled to a city of refuge and the people of the city wanted to honor him, he should say to them, "I am a killer." If they say to him, "Even so [we want to honor you,]" he may accept [the honor] from them, as the Torah says (Deuteronomy 19:4), "This is the word of the killer".

Why would the people of the city want to honor this person? Based on this source from the Mishnah, under what conditions could Camp Ramah keep the building's name?

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

No matter what happens to the Jones name on the facility, the community has the duty to remember that the Jones family, and even Mr. Jones himself, are not fully identified by Mr. Jones' misdeed(s) and should not be so in the public mind. After all, in this particular case and in many like it, Mr. Jones and his family have also contributed substantially to charitable institutions, not only in money but in time and effort. Thus even if we would condemn the fraud for which Mr. Jones has been convicted, and even though we would support whatever the courts decide is a fair punishment so that justice is done, we need to be supportive of his family and, indeed, of Mr. Jones himself as he and they go through this painful period in their lives. Wrongdoers should be punished, but that is the function of the state or federal government, not of Ramah.

Do you agree with Rabbi Dorff's conclusion? What values is Rabbi Dorff applying in his decision-making? What solution would you propose to the dilemma?

Group #2:

Scenario: Mr. and Mrs. Jones (not their real family name) send their children to Camp Ramah and have become very friendly with the Ramah community, to the extent that Mrs. Jones is on the Ramah Board. Several years ago they donated money to Ramah. It was used primarily to build a facility at camp that bears their family name, but there is still some money left over for Ramah to use for other purposes. Mr. Jones was just indicted by a grand jury for money laundering and stock fraud, and the cover story in the local Jewish newspaper described the indictment in great detail. Their synagogue's rabbi gave a sermon on the Shabbat following the indictment denouncing Mr. Jones and announcing that the facility that they had donated to the synagogue in the Jones family name would no longer bear their name.

Question: Must Camp Ramah use money it has raised from other sources to **return** to the Jones family the amount of money they donated if it has **already been used** to build the building in their name?

Sources:

Deuteronomy 23:19

לֹא-תָבִיא אֶתֶנֶן זֹזָה וּמִתִּיר לָלֵב בֵּית יי אֱלֹקֶיךָ לְכָל-גִּדְרֵי כִי תוֹעֵבֶת יי אֱלֹקֶיךָ גַּם-שְׁנֵיהֶם:

You shall not bring the fee of a prostitute or the pay of a dog (meaning male prostitute/pimp) into the house of the Lord your God in fulfillment of any vow, for both are abhorrent to the Lord your God.

Mishneh Torah Laws of Burglary 5:1

אסור לקנות מן הגנב החפץ שגנב ועון גדול הוא שהרי מחזיק ידי עוברי עבירה וגורם לו לגנוב גניבות אחרות, שאם לא ימצא לוקח אינו גונב, וע"ז נאמר משלי כ"ט כ"ד חולק עם גנב שונא נפשו.

It is forbidden to acquire from a burglar the object that he stole, and it is a great sin [to do so], for that strengthens the hands of those who violate the law and causes him to steal , other things, for if he would find no buyer, he would not steal, and on this Scripture says, "He who shares with a thief is his own enemy" (Proverbs 29:24).

According to these sources, what do you think Camp Ramah ought to do with the Jones' family donation?

Babylonian Talmud Bava Kamma 115a

אמר רבא אם גנב מפורסם הוא לא עשו בו תקנת השוק

Rava says: If he is a well-known thief, the Sages did not implement the provision ensuring the “enactment of the marketplace” in this case.

Rashi on the phrase “enactment of the marketplace” - תקנת השוק

תקנת השוק - על שקנאו לוקח בשוק בפרהסיא ולא הבין בו שנגנב עשו לו תקנה שישלם לו בעל הבית מעותיו:

If someone were to purchase an item from the market in public (not the black market) and was not aware that it was stolen, the Rabbis made a ruling that the person who bought the item ought to be compensated.

What do you think this concept “enactment of the marketplace” means? Do you think it’s a good idea?

Why does the concept not apply when the exchange involves a “well-known thief”? Does this concept complicate the text from Leviticus?

Mishneh Torah, Laws of Robbery and Loss 1:5

כל הגזול חייב להחזיר הגזלה עצמה שנ' והשיב את הגזלה אשר גזל, ואם אבדה או נשתנית משלם דמיה, בין שהודה מפי עצמו בין שבאו עליו עדים שגזל הרי זה חייב לשלם הקרן בלבד, אפילו גזל קורה ובנה אותה בבירה הואיל ולא נשתנית דין תורה הוא שיהרוס את כל הבנין ויחזיר קורה לבעליה, אבל תקנו חכמים מפני תקנת השבים שיהיה נותן את דמיה ולא יפסיד הבנין, וכן כל כיוצא בזה.

הגזלה שלא נשתנית אלא הרי היא כמות שהיתה אע"פ שנתיאשו הבעלים ממנה ואע"פ שמת הגזלן והרי היא ביד בניו הרי זו חוזרת לבעליה בעצמה, ואם נשתנית ביד הגזלן אע"פ שעדיין לא נתיאשו הבעלים ממנה קנה אותה בשינוי ומשלם דמיה כשעת הגזלה.

Anyone who robs [something] is required to return the stolen object itself, as the Torah says, “And he would restore that which he got through robbery” (Leviticus 5:23); but if it was lost or changed, he pays its worth. Whether he admitted on his own [that he robbed it] or witnesses testified against him that he robbed, he is required to pay only the principle. Even if he robbed a beam and built it into a palace, because it was not changed, according to the law of the Torah he must destroy the whole building and return the beam to its owners. The Sages, however, changed the law as an enactment for those who repent [*takkanat ha-shavim*] that he [the robber] should give [the beam’s owner] its worth [in money] and not lose the building. A stolen object that was not changed but remains as it was...it itself must be returned to its owners. If, however, it was changed by the robber...he must pay its worth to the owners as of the time of the robbery.

Why do you think the Sages changed the way we originally interpret the verse about accepting ill-gotten gains in the Torah? Can you justify the shift based on the reasoning of the Sages? Do you think a “change” occurred in the donation to Camp Ramah?

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

Although the Ramah Board of Directors may, upon taking all these factors into consideration, choose to return the money to the Jones family that was used to build the building that bears their name, Jewish law does not require it to do so. Ramah accepted the Jones money without knowing that it was ill-gotten gain; it therefore has the protection of *takkanat ha-shuk*, the enactment of the market, and need not return anything to either Mr. Jones or the people from whom he stole (assuming that they could be identified).

Indeed, as Rabbi Ben Zion Bergman pointed out to me, the same logic that moved the Rabbis to institute *takkanat ha-shuk* to enable people to trust that they will not have to part with what they buy innocently in the market applies to charities just as well and perhaps even more. After all, given the complexities of today's market, with its manifold opportunities for individual malfeasance and for corporate wrongdoing, as reported all too often in the news, if Jewish law required returning ill-gotten donations when the charity had no reason to suspect that they were illegally procured, "that would put an onerous burden on every communal institution to question whether any major gift was pure as the driven snow, lest they have to return it later....Therefore, considering that is in society's best interest to encourage charitable institutions and to facilitate their efficient operation, requiring the return of a charitable contribution of questionable provenance would be highly detrimental to the public interest."

Moreover, Ramah has already used the money Mr. Jones donated to finance the building bearing the Jones name. There has thus been a change in the nature of the gift from money to a building, and a *shinnuy ma'aseh* (a change in form that is irretrievable) confers ownership on the thief.

Do you agree with Rabbi Dorff's conclusion? Do you think "Takkanat Ha-Shuk" applies to Camp Ramah here?

Group #3:

Scenario: Mr. and Mrs. Jones (not their real family name) send their children to Camp Ramah and have become very friendly with the Ramah community, to the extent that Mrs. Jones is on the Ramah Board. Several years ago they donated money to Ramah. It was used primarily to build a facility at camp that bears their family name, but there is still some money left over for Ramah to use for other purposes. Mr. Jones was just indicted by a grand jury for money laundering and stock fraud, and the cover story in the local Jewish newspaper described the indictment in great detail. Their synagogue's rabbi gave a sermon on the Shabbat following the indictment denouncing Mr. Jones and announcing that the facility that they had donated to the synagogue in the Jones family name would no longer bear their name.

Question: Must Camp Ramah return the money the Jones family donated that has **not yet been used**?

Sources:

Mishneh Torah, Laws of Burglary 5:2

ב הגונב ומכר ולא - נתיאשו הבעלים ואחר כך הוכר הגנב ובאו עדים שזה החפץ שמכרו פלוני זה הוא גנבו בפנינו, חוזר החפץ לבעליו והבעלים נותנין ללוקח דמים ששקל לגנב מפני תקנת השוק והבעלים חוזרין ועושין דין עם הגנב, ואם גנב מפורסם הוא לא עשו בו תקנת השוק ואין הבעלים נותנין ללוקח כלום אלא חוזר הלוקח ועושה דין עם הגנב ומוציא ממנו דמים ששקל לו.

If someone steals and sells [something] and the original owners did not **despair** [of recovering it], and afterward the thief was identified and witnesses testified that the object that So-and-So [the thief] sold is what he stole in front of us, the object **returns to its original owners**, and the owners give to the buyer the money that he paid the thief due to the enactment of the market (*takkanat ha-shuk*), and the owners then have to claim in court against the thief [the money that they had to pay to the buyer].

What is the chain of events that occur if someone steals something, sells it and the original owners DID NOT despair of the item?

Mishneh Torah Laws of Burglary 2:3

נתיאשו הבעלים מן הגניבה, בין שנתיאשו ואחר כך מכר הגנב בין שנתיאשו אחר שמכר, קנה הלוקח בראש ושינוי רשות ואינו מחזיר הגניבה עצמה לבעליה אלא נותן להם הדמים אם לקח מגנב מפורסם, או אינו נותן כלל לא חפץ ולא דמים מפני

If the owner abandons hope of recovering the stolen article, whether he first abandons hope and then the thief sells it, or he abandons hope after the thief has sold it, the purchaser acquires title to it as a result of the change in possession and the owner's abandonment of hope of recovery, and the purchaser need not return the stolen property itself to the owner.

If the purchaser bought it from a notorious thief, he must give the owner its value; but if the seller was not a notorious thief, the purchaser gives the owner nothing.

Why do the sages bring in the concept of despair (ya'ush)? How does this state of "despair" act to confer ownership to the unknowing buyer?

Why does the purchaser have to pay the owner the item's value in money if the seller was a notorious thief? Is it fair that in the opposite scenario (a seller that is not a notorious thief) the purchaser does not have to give the original owner anything?

How would you apply the concepts of "ya-ush" and "takkanat ha-shuk" in the case of Camp Ramah?

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

...in Jewish law *takkanat ha-shuk* applies to donations as well as to purchases, and Ramah need not return the donation, whether Ramah acquired it through purchase or as a gift.

The question here, then, is whether the owners despaired of getting their money back. In the specific case, it was the government that Mr. Jones defrauded, and the government clearly did not despair in recovering its money because it prosecuted Mr. Jones with the intention of both punishing him and also recovering what it could.

In the plea bargain that Mr. Jones reached with the government, however, the government settled both its criminal and civil suits against him. Thus the government has either recovered the money he stole or agreed to forego it as part of the plea agreement.

In the former case, the money Mr. Jones donated was not stolen, but rather came from other assets of his; in the latter case, the government has despaired of recovering its money. Thus Ramah has acquired the money Mr. Jones donated either as a legitimate gift from legitimately earned funds or through despair (*ya'ush*) and transfer of property (*shinnuy reshut*).

Group #4:

Scenario: Mr. and Mrs. Jones (not their real family name) send their children to Camp Ramah and have become very friendly with the Ramah community, to the extent that Mrs. Jones is on the Ramah Board. Several years ago they donated money to Ramah. It was used primarily to build a facility at camp that bears their family name, but there is still some money left over for Ramah to use for other purposes. Mr. Jones was just indicted by a grand jury for money laundering and stock fraud, and the cover story in the local Jewish newspaper described the indictment in great detail. Their synagogue's rabbi gave a sermon on the Shabbat following the indictment denouncing Mr. Jones and announcing that the facility that they had donated to the synagogue in the Jones family name would no longer bear their name.

Question: May Camp Ramah accept any further donations from Mr. Jones or the Jones family?

Sources:

Babylonian Talmud Bava Kamma 94b

הרועים והגבאים והמוכסים, תשובתן קשה מפני שגזלו את הרבים ואינם יודעים למי יחזרו, לפיכך יעשו בו צרכי רבים כגון בורות שיחין ומערות.

The form of return (repentance, *teshuvah*) for shepherds, charity collectors, and tax collectors is difficult because they stole from the public, and they do not know to whom to return [what they stole]. Therefore they should do with it [what they stole] public works, like wells, ditches, and caves.

Why is the form of recompense for this specific group of people more difficult for the Rabbis to determine? Do you agree with the solution proposed here? Do you think this applies to the case about Camp Ramah?

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

The situation is more complicated if the Jones family wishes to donate more money to Ramah. That is permissible in either of two ways.

- (1) If before conviction Mr. Jones transferred money to other members of the family who did not know that it was earned illegally, thus making that money the separate property of other family members, then the change in ownership from the thief to innocent and unknowing parties conveys ownership to them if the original owners despaired of recovering it or are unknown, according to the principle discussed above that a change of possession (*shinnui reshut*) together with despair of the owners (*ya-ush ba'alim*) has that power. The other family members may therefore now use some or all of the money Mr Jones gave them to make a donation.
- (2) The other situation in which Ramah may take Jones family money is if it can be shown that only a minority of the money comes from Mr. Jones and it is not known whether that portion was stolen or not.

Do you agree with the two situations that Rabbi Dorff proposes?
Mishneh Torah, Laws of Robbery and Loss 5:8

אסור ליהנות מן הגזלן ואם היה מיעוט שלו אע"פ שרוב ממונו גזול מותר ליהנות ממנו עד שיודע בודאי שדבר זה גזול בידו.

It is forbidden to benefit from a robber. But if the minority was his, then even though most of his money is stolen, it is permitted to benefit from him until (and unless) one knows for certain that this thing in his hand is stolen.

Do you think this text allows for Camp Ramah to accept further donations from the Jones family? What proof do you find in the text?

Rabbi Elliot Dorff, Donations from Ill-Gotten Gain, June, 2009

...assuming that Mr. Jones is convicted, any future gifts by him must be declined. There is one exception to this rule, however. If Mr. Jones specifically and publicly indicates that in addition to the compensation, fines, and/or the prison sentence the court imposed, he wants to donate more money to Ramah as a form of *teshuvah*, of return to proper conduct and the good graces of God and the Jewish community, Ramah may accept such a donation if it has good reason to believe that Mr. Jones legally earned the money it is now getting and is genuinely engaged in the process of *teshuvah*.

Do you agree with Rabbi Dorff's conclusion? What would you have Camp Ramah conclude? Do you think the provision for Mr. Jones' making teshuvah is justified? What would teshuvah look like for Mt. Jones?

Rulings (*Piskei Halakhah*):

- 1. Indictment vs. conviction.** Until and unless Mr. Jones is convicted, Jews individually and collectively must think and act toward him on the strong presumption in American law and the even stronger presumption in Jewish law that he is innocent. To do otherwise would violate the ban on slander (*motzi shem ra*).
- 2. Names on facilities.** Even if Mr. Jones is convicted, either through his own confession or through a finding of the court, unless his family specifically requests that their name be removed from the facility that they donated, Ramah should not remove their name. To do so would actually violate Jewish laws prohibiting public embarrassment of innocent family members. If the building is named solely for Mr. Jones, whether to remove his name depends in part on community standards. What besides crimes would lead the nonprofit to remove the names of donors? The answer to this question affects the amount of shame involved in doing it in this instance. The acceptability or desirability of removing Mr. Jones' name also depends on the level of his crime. This particular case is a middle ground where judgment is required. If Mr. Jones had violated the law in a much less serious way, then the question of shaming him by removing his name from the facility should not even arise. If, on the other hand, Mr. Jones had committed a violent crime, multiple crimes involving the oppression of individuals and society in general, or much more extensive fraud than Mr. Jones is alleged to have committed in this specific case, then Ramah or any other nonprofit organization should remove his name from the facility so that people do not think that the nonprofit honors the kinds of acts that Mr. Jones committed. In any case, the community has a duty to give emotional and other forms of support to the innocent members of Mr. Jones' family and even to Mr. Jones himself as they go through this painful period in their lives, for they are, after all, members of our community, indeed active and contributing members, who should be thought of not solely for the crime that Mr. Jones committed but also for the good that he and his family have done.
- 3. Money already used.** Even if Mr. Jones is convicted of the crimes for which he is now indicted, Ramah need not return the money that had already been used to erect the building that bears the family's name because a permanent change of form and despair of the original owners have occurred. In other cases, the nonprofit institution must determine whether both elements have occurred in order to be legally entitled on these grounds to keep the money or objects donated.
- 4. Money not yet used.** Again, even if Mr. Jones is convicted of the crimes for which he is now indicted, Ramah need not return the money the family donated that had not yet been used on the grounds of a transfer of possession together with the owners' despair of retrieving their property once both the government and all aggrieved parties have settled their cases with him or the statute of limitations has run out for any aggrieved parties to file further civil suits. In other cases, the nonprofit institution must determine whether both of these elements have occurred to determine whether the non-profit organization is legally entitled on these grounds to keep the money or the objects donated on the grounds of both transfer of possession (*shinnui reshut*) and despair (*ya'ush*). If both transfer of possession and the owner's despair have occurred, they make keep it; if not, they must return it.
- 5. Accepting further donations from Mr. Jones.** If Mr. Jones is convicted of what he is accused of doing, Ramah may not accept any more money from him unless (a) Mr. Jones

has publicly specified that in addition to the compensation, fines, and/or prison time the court imposed he wants to make this further donation as part of his process of *teshuvah* and (b) Ramah can determine that he earned the new money legitimately. Generally, a nonprofit may assume that donations to it are legally earned, but if the individual is “a known thief,” as Mr. Jones is once he was convicted of fraud, Ramah or any other nonprofit must take these extra precautions in order to receive further donations from him in accordance with Jewish law.

6. **Accepting further donations from the Jones family.** If the Jones family offers to donate more money to Ramah, the camp may accept it if either (a) the assets were transferred before Mr. Jones’ conviction to his family members, who received them with no knowledge that they were the fruit of illegal activities (i.e., there had been a change of ownership, a *shinnuy reshut*, to innocent parties before the indictment) and the original owners had despaired of retrieving their property (*ya’ush*), along the lines defined in ruling (4) above; or (b) the assets of Mr. Jones himself are a minority of what the Jones family is contributing and it is not known whether his portion was stolen or not.
7. **Protecting the reputation of the nonprofit agency.** Even though it is legally permissible to act in the ways described in (2), (3), (4), (5), and (6), if Mr. Jones is convicted of the crimes for which he has been indicted, the Ramah Board may decide that it is in the camp’s best interests to return the money it received from the Jones family or to refuse to accept any more money from them, just as it may decide to accept or reject any other proposed gift from anyone else. Likely considerations in this judgment – although not the only possible ones – are the level of Mr. Jones’ crime; the extent to which keeping the Jones’ gifts will undermine the mission, values, or reputation of the nonprofit; and the likelihood that keeping the Jones’ gifts will deter future donations from others.

These conclusions apply not only to Camp Ramah, but also to any Jewish communal institution, including synagogues, schools, federations, social service agencies, and national or international organizations, such as the United Synagogue of Conservative Judaism and the Rabbinical Assembly.