

MAKING A COPY OF A CD FOR SPOUSE

by Rabbi Yisroel Belsky ztl

QUESTION 84:

I bought a CD that I listen to in my car. Can I make a copy so my wife can listen to it in her car also?

RABBI BELSKY

The rule of thumb is this - ask if you are making a copy instead of buying it. If you did not have the ability to make a copy, would you buy another one? If so, you would be required to buy two, i.e. pay for two.

The reason it's permitted for someone to make a copy to use in the car as well as at home, is because a person can't be at home and in the car at the same time. If he couldn't make a copy, he would have to carry the CD back and forth between his house and his car. He makes the copy for the convenience of leaving one in the car, and having one at home, so he doesn't always have to take it back and forth. But if he couldn't make a copy, this 'convenience' is probably not important enough for him to actually buy two copies. So when you make the copy for the car, it's not to copy an item that you would otherwise buy, because you wouldn't have bought two to begin with. You are just making the copy for the car because this is more convenient for you.

However, having one for yourself and then making a copy for your wife - that's different. Perhaps if you couldn't copy the CD, then you would actually buy two. Perhaps both of you want to listen to the CD at the same time. In that case, you'd be making a copy to save yourself the price of the second one, which is prohibited.

On the other hand, it's also possible that you and your wife are very frugal, and that you would never buy two. Instead, you tell your wife, "We should buy two different CD's, and I'll listen to one and you'll listen to the other one. Then later, when we get tired of listening to our CD's, we'll switch. It will be better, since instead of having only one CD that we have to share, we'll have two instead."

Still, it's not that common for people to buy two of the same CD, even in the case of getting one for himself and the other for his wife. But if that's what you usually do, then you must pay for the copy.

QUESTIONER

Assuming I made a copy for the car, and the original is at home, how important is it that I know, for example, that my kids aren't listening to it at home while I'm in the car listening to mine. So it ends up that both CDs (the original and the copy) are being used at the same time. Should I make sure

they're not being used at the same time, or is that not important?

RABBI BELSKY

The fact that they are being used at the same time is not really going to change things. It's whether you would have bought two of them or not. When it comes to kids, I think it's more common for a person to get one for the kids and one for themselves, because the kids will probably end up damaging it. On the other hand, if you've already heard it a lot, and you wouldn't mind taking risks and giving it to the kids, then it should be all right.

QUESTIONER

So you have to be honest with yourself? Just ask yourself: Would I have normally bought a second copy? If the answer is yes, then you have to buy another copy. If the answer is no, then you could make a copy and both use it.

RABBI BELSKY

Yes, I think so, but you have to be very honest with yourself.

QUESTIONER

So the question is how honest you are being with yourself?

RABBI BELSKY

Yes. If you're not too honest, or if you doubt that your soul-searching is that accurate, then follow the rule by kashrus: "When in doubt, do without!"

NEXT WEEK'S QUESTION 85: EXTRA FOOD IN A RESTAURANT

An employee in a certain restaurant sometimes offers me free food or charges me less. Is this all right? The employee works at the restaurant, but he doesn't own it, so is it his food to offer? Would it make any difference if I didn't know the employee, and if he's just being friendly to me as a customer?

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