

DO NOT STEAL PART 13

by Rabbi Yehonasan Gefen

In the past months we have discussed various aspects of stealing, involving taking money or items from other people. What is the law with regard to borrowing items without permission, but having intent to return them after use?[2]

The basic law is that borrowing an item without permission is forbidden. This is the case even when one returns it in the exact condition in which he found it, uses it only for a short time, and returns it to the exact same location. According to many authorities, borrowing in this fashion is considered stealing even when the owner subsequently says that he did not mind that the item was borrowed without his permission. This is because the borrower could not be certain at the time of borrowing that owner would not object.

There are a number of possible exceptions to this law.

1. If the borrower has borrowed this item before from its owner and therefore knows that the owner is not strict in this regard, it is permitted to use the item without attaining permission on this occasion. Needless to say, the borrower should be careful to return the item to its previous location so as not to make it difficult for the owner to find it.
2. Similarly, even if the borrower has never borrowed this specific item before, nonetheless, if he knows for certain that the owner will not mind his borrowing it because of their relationship, then it is permitted. Accordingly, a person may borrow his brother's ruler, for example, safe in the knowledge that his brother does not mind.
3. There are a number of items that no one minds when others borrow them. It is permissible to borrow such an item even from a stranger. Possible examples of such objects are simple chairs, hangers or washing cups for which one washes his hands. However, if the borrower is aware of some factor that may cause the owner to object, he may not use it without permission. Moreover, it should be noted that it is forbidden to borrow an item that most people do not mind others borrowing, but a minority do mind.

In the coming article we will discuss a further case in which it may be permissible to borrow an item without permission.

[1] Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.

[2] Note that we are referring to items that when used do not get used up, such as a chair or a book. The law with regard to taking items that do get used up is even more strict.

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