

# DO NOT STEAL PART 14

*by Rabbi Yehonasan Gefen*

In the previous week we discussed instances in which it may be permitted to borrow an item without permission. The Rabbis teach us that, when certain conditions are fulfilled, one is also allowed to borrow items that are used to perform mitzvot without permission. The reason for this is that people are usually pleased to have others perform a mitzva with their possession<sup>[2]</sup>, as long as they do not undergo a loss in the process.

Therefore, unless there is reason to believe that the owner would not want him to borrow the item, he may borrow it without permission. However, there are situations where it is likely that the owner would object:

1. If the borrower knows that the owner is overly stingy or careful about his items, then he may not borrow it without permission.
2. If the owner might need the item for himself at this time, then one cannot take it. For example, one may not borrow someone else's four species on Sukkos, if there is a chance that the owner may need it during that time.
3. The item may not be taken to a different place, and it must be put back as it was found.
4. The item may not be borrowed on a regular basis, because the owner may well object to constant use of his property.
5. If the borrower could consult with the owner before using the item, then he must try to do that. For example, Jon wants to borrow Dave's Tallis. Jon should try to phone Dave to ask permission. If Dave does not answer the phone, then Jon may still borrow the Tallis.

The halacha varies according to different types of mitzvo items. For example, hundreds of years ago, books were very rare and delicate, therefore the Rabbis prohibited borrowing books without permission. However, nowadays that books are far more commonplace and cheap, there are authorities who allow borrowing books without permission.

One may not sit in someone else's Sukkah without permission, because the owner may feel it is an invasion of privacy.

One may use the talis or tefillin of someone else without permission, however he should use his common sense to determine if the owner may object. For example, if the borrower is very sweaty the owner may not want him to use the tefillin.

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

[2] This is assuming that the owner of the item strives to observe the Torah, and accordingly he is happy when other people also perform the mitzvo. If the owner does not observe the Torah, then it is unclear if this leniency applies.

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