

TO BORROW OR NOT TO BORROW?

by Rabbi Doniel Neustadt

Question: Is it permitted to borrow another person's tallis or tefillin without first asking him for permission?

Discussion: We generally assume that most people — even minors^[1] — will be pleased to have others perform a mitzvah with their possessions if it costs them nothing^[2], especially since they, too, receive some credit for the mitzvah being performed by the borrower^[3]. Thus it is permitted, in many cases, for one to occasionally^[4] borrow another person's tallis, tefillin^[5] or lulav and esrog^[6] in order to fulfill the mitzvah. There are, however, some notable exceptions to this policy:

- We only assume that an owner will be pleased if a mitzvah is performed with his property; if the borrower suspects or knows otherwise, it may not be used without permission. Similarly, if the owner is present, we do not rely on the assumption that he will not object; he should be asked for permission directly.
- If the item is kept in a private locker, if it is brand new or if there are special circumstances for which reason the owner would not want it to be used, e.g., the borrower is ill, unkempt or unclean, it is forbidden to borrow it without permission^[7].
- The tallis or tefillin may not be removed from the premises (even if they will be returned), and they must be folded and put back exactly as they were found^[8].

Question: Is it permitted to borrow another person's sefer without first asking him for permission?

Discussion: Shulchan Aruch rules that the assumption mentioned in yesterday's Discussion — that an owner is pleased to have others perform a mitzvah with his property — does not apply to sefarim. This is because, unlike other ritual objects, sefarim tend to tear and could easily get damaged during learning. Mishnah Berurah^[9] rules in accordance with this view and prohibits borrowing any sefer, even for occasional use, without asking permission. But several poskim suggest that nowadays, when sefarim are plentiful and inexpensive, we can assume that most owners will not object to others learning Torah from their sefarim, especially if the sefer is used only occasionally^[10]. In addition, some poskim maintain that leaving a sefer in a shul or a yeshiva is an indication that the owner wants his sefer to be used by others to learn Torah^[11].

Question: Does the prohibition of ribbis apply to neighbors borrowing goods from each other, or does it apply only to money-lending and business deals?

Discussion: The prohibition of ribbis applies to goods borrowed between neighbors. A neighbor who

borrowing one challah may return only one challah to the lender. If a 5 lb. bag of sugar is borrowed, only that amount may be returned[12]. There are, however, several notable exceptions to this prohibition:

- If the difference between the item borrowed and the item returned is insignificant to the degree that people generally do not care about, the prohibition does not apply; a slightly bigger homemade challah, therefore, may be returned, since homemade challos—as opposed to store-bought challos—are not held to an exact weight[13].
- Neighbors (or members of a club, etc.) who have a type of relationship where they constantly borrow from each other without being careful to return everything they borrow, do not run afoul of the prohibition of ribbis. This is because the neighbors are not "borrowing" from each other; they are giving each other gifts[14]. [Note that many neighbors do not have such a relationship.]
- When a borrower is uncertain of the precise amount he borrowed, he may return an amount which is great enough to assure that the loan is paid up. It is preferable that the borrower stipulate that any extra return is an outright gift[15].
- A neighbor or friend who borrows a food item may return that item exactly as borrowed, even if the price of the item has gone up in the interval. This is permitted because prices tend to fluctuate by small amounts and neighbors and friends generally are not particular about such a small difference[16].

Question: Is it an obligation to lend money to another Jew, or is it merely an optional act of chesed?

Discussion: The mitzvah of lending money to another Jew in need is a mitzvah chiyuv, an obligatory mitzvah, similar to any other mitzvah in the Torah. One who has money that he could lend, and refuses a direct request to lend another Jew money, transgresses the mitzvah of im kesef talveh es ami, which Chazal interpret as an obligation on the lender[17]. One is exempt from the obligation to lend money only when the lender truly believes that he will not be repaid, either because he does not trust the borrower to pay back or because he does not believe it possible that the borrower will have the means with which to pay him back. Still, if he could assure himself of repayment by obtaining collateral from the borrower, he is required to do so and may not refuse the latter's direct request for a loan[18].

Question: If a lender feels that he cannot lend money to a potential borrower because he does not trust him, may he avoid insulting him by telling him that he has no funds available?

Discussion: In such a case, he may respond that he has no money to lend. The real meaning of his response is that he has no money to lend to him, which is a true statement and not considered a lie at all. The same holds true when someone that you do not trust asks to borrow a car or any other item that you do not want to lend to him. You may say that the car is not available or you may use any other excuse which will not offend the person asking for the item[19].

1. *Igros Moshe*, O.C. 2:107.
2. *Pesachim* 4b.
3. *Mekor Chayim*, O.C. 14:4.
4. But not on a regular basis; *Mishnah Berurah* 14:13.
5. *Rama*, O.C. 14:4
6. *Rama*, O.C. 649:5. This applies only from the second day of Succos on, since on the first day one must own his lulav and esrog in order to fulfill the mitzvah.
7. See *Aruch ha-Shulchan*, O.C. 14:11-12.
8. *Mishnah Berurah* 14:13-15.
9. 14:16, quoting *Peri Megadim*. See also *Beis Baruch* 11:167.
10. See *Aruch ha-Shulchan* 14:13; *Ma'aseh Ish*, vol. 4, pg. 142 and *Likutei Mehariach*. Harav Y.S. Elyashiv is quoted (*Mamon Yisrael*, pg. 65) as ruling leniently on this issue.
11. See *Minchas Yitzchak* 7:130, based on *Beiur ha-Gra*, C.M. 163:95. See also *Chesed l'Alafim* 14:15.
12. See Y.D. 160:17.
13. See *Chelkas Binyamin* 162:21. But it is forbidden to return a bigger bakery challah, since those are regulated by weight and size. See *Ashrei ha-Ish*, Y.D. 14:10.
14. *Halichos Yisrael*, The Laws of Ribbis, pg. 35. See *Chelkas Binyomin* 160:79.
15. *Minchas Yitzchak* 6:161; 9:88-2; *Bris Yehudah* 5:10. See *Chelkas Binyomin* 160:33.
16. *Mishnah Berurah* 450:2 based on *Rama*, Y.D. 162:1. See *Sha'ar ha-Tziyun* 450:4.
17. *Ahavas Chesed*, *Halva'ah* 1:1.
18. *Ahavas Chesed*, *Halva'ah* 1:8 and *Nesiv ha-Chesed* 13.
19. See *Shalmei Moed*, pg. 537, quoting Harav Y. Y. Kanievsky and Harav S.Z. Auerbach. See also *Titen Emes l'Yaakov* 5:15 for several sources for this ruling.

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