

## Borrowing a Siddur without Permission

### **Rabbi Chaim Weg**

**Question:** Someone was searching for a *siddur* to use in shul but could only find a privately owned *siddur*. He knew that the owner was currently away on vacation and would not need it. Is it permitted for him to use that *siddur* without permission? Similarly, is it permitted nowadays to use someone else's *talis* and *tefillin* without asking if he does not have his own available?

**Answer:** The Shulchan Aruch (O.C. 14) rules that one may borrow someone else's *talis* without permission. Although a *sho'el shelo mida'as* (one who borrows an item without permission) is normally treated as a *gazlan*, as mentioned in the previous session, Chazal declare that a person does not mind allowing another to perform a mitzvah with his property if it does not incur any loss on his part.

In contrast, the Rema states that borrowing a *sefer* is *assur* without permission (even though it too is used to perform a mitzvah, i.e., Torah study) since it often rips. Therefore, the owner would consequently not want others to use it.

According to the Aruch HaShulchan, the situation is exactly the opposite nowadays. *Sefarim* printed nowadays are cheaper and do not tear as easily as in the past. Even if it does tear, it is easily replaceable. The *sefarim* owner consequently would not mind if someone borrows it. On the other hand, many today are reluctant to allow others to borrow and use a *talis*, since it is much more expensive and can tear easily. Therefore, explicit permission is required to borrow the *talis* of another.

With regard to *tefillin* as well, it is assumed that most people prefer not to allow others to borrow them without asking, since each person has his personal *sofer* and *hidurim* that he wishes to follow, and if it is damaged in any way, it may be difficult or expensive to repair.

**Question:** What is the halacha if someone writes in a *sefer* that he limits the use of a *sefer* without permission in specific ways (such as using only within a certain area)?

**Answer:** If the owner writes in the *sefer* that one may not use it, it is certainly *assur* to use it, as he has clearly expressed his opinion. If he writes that one may use it only in shul or in a specific location, then one may use it there but must make sure to return it after use.

In truth, returning it after use would be required in any case, since the whole premise of allowing usage is that a person does not mind allowing a mitzvah to be performed with it provided there is no loss. If he will have to spend significant time or effort searching for it, he would be less willing to allow others to use it.