

## Borrowing Without Permission to Avoid Financial Loss

HaRav Chaim Weg

**Question:** Someone was holding several bags of groceries while walking home from the store when some of the bags started to tear. The person was not in the best neighborhood and was concerned that if he left the bags on the sidewalk to obtain other bags, the groceries would be gone by the time he returned. However, he spotted a children's toy wagon nearby that he recognized as belonging to a friend. Is he permitted to borrow the wagon to bring home his groceries?

**Answer:** At first glance, this question appears to be one of *sho'el shelo mida'as*, borrowing an object without permission that belongs to another. As is well known, the Shulchan Aruch forbids using the item because it is considered stealing.

Although there may be room for potential leniency if the item belongs to a good friend whom one is certain would allow him to use it, there is another reason why borrowing the wagon in this particular case is certainly permitted.

There was a *takana* (enactment) instituted by Yehoshua when the Jewish people entered Eretz Yisrael that if one has a barrel of honey that begins to leak, one is permitted to take someone else's barrel of wine (which in those days was worth less than honey), pour out the wine, and use the barrel to save his honey, provided he pays him the value of the wine. In other words, Yehoshua permitted borrowing someone else's object to prevent a more serious financial loss.

Similarly, in our case, it is permitted to borrow the wagon to prevent the loss of the groceries. Moreover, one would be permitted to borrow the wagon even if the owner was not a close friend, as the basis for the enactment relates to avoiding a greater potential loss, which is relevant regardless of who the owner is.

One would obviously be required to return the wagon after using it. One would also need to compensate the owner if he happened to suffer any financial loss (e.g., the wagon broke).