

Coat Check

June 29, 2023

Q My raincoat is missing from the shul coatrack, and the only one remaining is just like mine but bears someone else's name. Since he apparently took mine, may I take his?



A The Shulchan Aruch (C.M. 136) says you may not. The Aruch Hashulchan (C.M. 136:2) says the minhag is that in places where large numbers of people gather, if A appears to have taken B's item, B may use A's, and A—even after noticing he has B's—may continue to use it until they find each other and make the exchange. But that does not appear to be the minhag today.

Still, there are two bases to permit you to use the coat:

- The Kessef Hakadashim (136) writes that if you would suffer if you didn't use the item (e.g., it's raining heavily), you may use it, because it can be assumed that the owner wouldn't want you to suffer and would want you to use it, and he's not worried that he won't get it back, because he has yours as collateral.
- The Pis'chei Choshen (*Aveidah* 4, footnote 45) writes that after the found item has sat long enough that you can assume the owner realizes what happened (maybe two weeks), you can use it.