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Digest
Mishna Berura
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סימן י"א סעיף ו'-ז'

Halacha Highlight

Acquiring *tzitzis*

Shulchan Aruch Siman 11 Seif 6
אם עשאם מצמר גזול פסולים
If one made *tzitzis* from stolen wool they are invalid

Biur Halacha (ד"ה מצמר גזול) refers to Sha'arei Teshuvah (תרנ"ח סק"ה) who cites Machaneh Ephraim (הל' קנין משיכה סי' ב') who writes that those who are careful in their mitzvah observance will pay for their lulav with money before Yom Tov rather than pay for the lulav after Yom Tov. The reason for this is that money is an act of *kinyan* - acquisition that is Biblically recognized whereas *meshicha* – lit. drawing near, is only a Rabbinically enacted form of *kinyan*. Since the Torah mandates that one must own his lulav and esrog in order to fulfill the mitzvah, one should make a *kinyan* recognized by the Torah. Biur Halacha adds that since there is also a requirement that one should own his *talis* the same precaution would apply and those who are careful in their mitzvah observance will pay for their *tzitzis* with money before it is tied onto the garment. For the same reason Biur Halacha (סי' תרנ"ח סע' ו' ד"ה לא יתננו) writes in the name of Kesav Sofer that one should not purchase a lulav from a minor since the ability of a minor to confer ownership is only a Rabbinic enactment. Similarly, one should also not purchase *tzitzis* from a minor out of the same concern.

Another issue raised by Biur Halacha (ד"ה מצמר גזול) is a case of someone who stole wool strings and after he tied them to his *talis* he paid the owner for them or received them from the owner as a gift. Sha'arei Teshuva (סוף סי' תרנ"ח) in the name of Mases Moshe explains that once the thief pays for the stolen mitzvah object it becomes evident that the owner does not mind transferring ownership of that object so that the mitzvah could be fulfilled as long as he receives payment for the object. Consequently, once payment is made it is known, retroactively that it belonged to the thief all along. The other opinion maintains that since the pasuk says, "And you should make for yourself *tzitzis*." The Torah is particular that when the *tzitzis* are made they should already be his property. Biur Halacha does not come to a definitive conclusion about this matter.

Overview

Siman 11 Seif 6:

If *tzitzis* were made from stolen wool they are invalid since the pasuk indicates that one must own his *tzitzis*. This restriction is limited to where one stole threads but if one stole wool and manufactured it into *tzitzis*, they are valid but *l'chatchila* it is prohibited to make *tzitzis* from stolen wool. (With regard to the beracha see Siman 649.)

- *Tzitzis* that were bought on credit and one did not pay the seller despite his attempts to collect his money are also invalid. (M.B. 27)
- If the owner gave up hope of recovering his stolen *tzitzis* and then they were sold to another person the second person may use the *tzitzis* for the mitzvah but there is a disagreement whether one could recite the beracha. (M.B. 30)
- Siman 649 teaches that one should not recite the beracha on *tzitzis* made from stolen wool and then made into *tzitzis*. (M.B. 32)

Siman 11 Seif 7:

Borrowed strings are considered a loan, meaning that the borrowed strings are not returned and therefore they are considered the borrowers and may be used for the mitzvah.

- If one borrows *tzitzis* strings that one will return to the owner the beracha should not be recited. If, however, one borrows already made *tzitzis,* a beracha may be recited since it is assumed that it was given as a gift on condition that it should be returned. (M.B. 34)