The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן י"ד סעיף ד'-ה'

Overview

Siman 14 Seif 4:

One is allowed to take a friend's *talis* and even recite the beracha but he must refold it if it was folded when he took it. The same allowance applies to tefillin but it is prohibited to study from a friend's sefarim without his permission since we are concerned that it may rip while he is studying.

- Shulchan Aruch's allowance permits taking a friend's *talis* without his knowledge, but this allowance may only be used occasionally, not regularly. Furthermore, it may only be used in the place in which it was found and if the owner is available, one must first ask permission. (M.B. 13)
- Derech Chaim maintains that one should have in mind that he does not want to acquire the *talis* and should not make the beracha. (M.B. 14)
- One should fold that *talis* as he found it, but on Shabbos there is a disagreement whether he should fold it differently than the way he found it or not at all. (M.B. 15)
- Even occasional use of someone else's sefer is prohibited. Mishnah Berurah mentions the common practice to use other people's siddurim and machzorim and does not know the basis of this practice. (M.B. 16)

Siman 14 Seif 5:

A *talis* owned by partners is obligated in the mitzvah of *tzitzis* since the pasuk uses the plural term, "your garments."

- If one owns a *talis* together with a gentile or a woman he must tie *tzitzis* but he does not make the beracha. (M.B. 17)
- The obligation to put *tzitzis* on a jointly owned *talis* is limited to where the second partner allows the first partner to wear the garment. If, however, the second partner does not allow the first partner to wear the garment he may not wear it nor may he make the beracha. (M.B. 18)

Stories to Share

Without His Friend's Knowledge

ש"ע , סי' י"ד, ד': "מתר לטל טלית חבירו שלא מדעתו..."

A certain man woke up to an unfamiliar place. He soon found that he had been in an accident and was bedridden in the hospital due to his injuries. He realized that he was wearing a hospital gown with no tzitzis. Although he had put on tallis and tefillin that morning, he was very uncomfortable without arba kanfos on.

As he looked around he spied a tallis bag, obviously full. Apparently it was his roommate's tallis, but he had never met the man and certainly had no permission to take his tallis. But eventually he figured that the man would certainly allow this and asked a nurse to bring him the bag.

The nurse did so and even covered the poor man with the tallis. He did not make a brochah but laid that way for some time. Then he was struck with second thoughts. "Who knows if I did right? Perhaps I am in the category of what our sages say, 'שואל שלא מדעת גזלן' - One who borrows without permission is a thief.'" He also wondered whether covering himself with tzitzits had any meaning.

When these questions reached Rav Yitzchak Zilberstein, shlit"a, he answered, "It is explicit in Orach Chayim siman 14, seif 4 that one is allowed to take his friend's tallis without his knowledge since people are happy when their possessions are used to do mitzvos.

"It is worthwhile to use the tallis as a coverlet since the Mordechai holds that one discharges his obligation even if he only covers himself with the tallis. Nevertheless, you may not make a brochah when covering yourself up with a tallis since Tosefos argues. You acted properly in every respect!"

ברכי נפשי, שמות, ע' תר"ו

Halacha Highlights

Borrowing a *sefer* or a *siddur* without permission

Rema Siman 14 Seif 4

אבל אסור ללמד מספרים של חברו בלא דעתו

But it is prohibited to study from a friend's sefer without his permission

Rema writes that one is not permitted to study from a *sefer* that belongs to a friend without permission out of concern that it may rip in the course of study. Mishnah Berurah (ס"ק ט"ז) explains that even occasional use is not allowed out of concern that one may study from it more than expected and it will rip from use. He goes on to observe that people commonly use *siddurim* and *machzorim* that they find in shul and he does not have a rationale why *siddurim* and *machzorim* should be any different from other *sefarim*.

Mikor Chaim (סוף הסימן) suggests that Rema's restriction is limited to *sefarim* since there is no limit to the amount of time the borrower may spend studying from the *sefer*. A *siddur* or *machzor*, on the other hand, have limited and defined times of use and there is less of a concern that a person may spend more time with the *sefer* causing it to rip. Aruch HaShulchan (סע' י"ג) writes that the allowance to use a *siddur* or *machzor* that is found in shul is based on the presumption that people do not mind if someone borrows it. In another place (חו"מ סי' ע"ב סע' א'), Aruch HaShulchan writes that since nowadays *sefarim* are printed and readily available people are no longer particular as they were in the past.

Another basis for leniency is found in Kaf HaChaim (ס"ק ל"א) where he writes that it can be assumed that someone who leaves his *siddur* in shul does not mind if other people use it. The only restriction is that one may not take the *siddur* to another shul or to one's home. Rav Shlomo Zalman Auerbach is also quoted as ruling that one may use a siddur found in a public place even if the owner put his name inside since it is assumed that the owner allows others to use his siddur (במ"ב ביצחק יקרא). Similarly, Chazon Ish ruled that one may use a chair that someone else brought to shul since it may be assumed that he brought it understanding that others would use that chair (דינים והנהגות פ"כ אות ז').