



**Using A Mitzva Object Without Owner's Permission
(Example Case of Shofar)**

[#50]

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Rosh Hashana is coming up, and one case that, though it doesn't happen so much in shul, happens a lot when we need to blow the shofar for women and children who are not in shul. Sometimes, we have a shofar in front of us but the owner is not around. The question is, are we allowed to use that shofar? Are we allowed to borrow it to blow the shofar for the women and children (or whomever the person that needs to hear the shofar)? Are we allowed to take it without the permission of the owner or not? As well, what about in general, if it's a stolen shofar and you blow? Are the people fulfilling their obligation from the stolen shofar or not?

Today we're using a *sefer* called *Halachos of Other People's Money*, by Rabbi Yisroel Pinchos Bodner. He says, even though we know that there's a halacha of borrowing other people's items without permission, which is usually not allowed, over here, when it comes to a mitzvah object, we say that if the object is used to perform a mitzvah, we presume the owner would not object because people are usually pleased to have their items used for mitzvah purposes.

On top of that, the owner of the item gets a benefit, because he gets *schar* for having the mitzva performed with his item. Therefore, he says over here, that unless there is any reason to suspect that the owner of the shofar would object and tell you that he doesn't want you to use his shofar, then you would be allowed to use the shofar without the owner's permission.

Now, really, these *halachos* are about any mitzvah objects, like a lulav, esrog, stuff like that. But I don't want to mix up subjects, so we'll try to make a separate video about those. Today we're talking about a shofar. As well, when it comes to stealing a shofar, the halacha is completely different than other mitzva items, which we will get to.

However, if there is any reason to suspect, like we said, that the owner would not want it to be used, for example, you know the owner is very meticulous or he's a very cheap person, or he's very germly, or stuff like that, that for whatever reason the owner would not want you to borrow his shofar without his permission, then we do not let you use it without his permission and you would need to ask him.

If you have any reason to suspect that the owner of the shofar needs it for himself, then, again, you can't take it, because he might need it for himself. If it seems like he needs it, you can't take it.

Also, if you do take it, maybe he wants/allows you to use it once or twice, but if you want to keep on borrowing over and over again without ever asking, so again, he may not be so happy if you continuously borrow the object. So you have to know if the owner would want you to keep on taking his object each time as well.

Another thing is that you can't take it out of the building where you are using it. Again, the question is that you need the shofar. It has to be that the shofar that you want to use is in the building where you want to blow it. But if you have to transfer it out of the building, then you would not be allowed to take it out, unless you know for sure that the guy doesn't care. But most people do care. So unless you know specifically that he would let, then you wouldn't be able to take it out of the building. Within a building, from room to room, again, you have to ask, would he care or not?

As well, you must put the shofar back exactly where you found it. If you're not going to put it back, then again, the owner probably would not be happy about you taking it and it would be *asur*.

The last thing he says over here is that even if the owner is there in the room with you, you can't just say, a person likes *mitzvos* done with their things, and take it without asking him. You should ask the owner.

We spoke to the *poskim* who told us that we say that you could borrow without permission, it's only in cases where you are actually doing a mitzvah, like blowing it for other people, for women, or for children. But if it's not for a mitzvah purpose, just to blow, let's say for practice or something like that, then a person would not be allowed to take it without permission.

Regarding the blowing of a shofar which is a stolen shofar, that you know outright the owner would not have allowed for it to be borrowed, so it's a halacha in *Shulchan Aruch* that if you blow a shofar that's stolen, so the people who listened to the blowing are *yotzei*. They have fulfilled their obligation.

The question is, why? In short, the reason is because, unlike any other mitzvah, even lulav and all other ones that you can't take/use a stolen object for a mitzva, that's because you do the mitzvah with the object itself. But the mitzvah of hearing the blowing of the shofar is to hear the sound of the shofar. Therefore, since they heard the blowing of the shofar, they would be *yotzei* and fulfilled their obligation even though it was a stolen shofar. This is different than any other case of a stolen mitzvah object.***

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly as any small change will greatly affect the final halacha. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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