



Lending A Borrowed Item To Someone Else

(Without Owner's Permission)

[#80]

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Today's halacha is regarding whether you can take an item which was lent to you and then go ahead and lend it to someone else without the owners permission. For example, you borrowed an item from Reuven, and now, while you're in possession of the item, you give it to Shimon to use, without first asking Reuven. Are you allowed to lend it to Shimon without asking Reuven first?

We're using a *Sefer* today called *Money*, by Rabbi Shaul Wagschal. He says that you are not permitted to lend out an object that is lent to you without getting permission from the owner because it is not known if he allows that 3rd person to use the item.

There are however four exceptions to this rule where it would be allowed to give the item you borrowed from Reuven over to Shimon:

Exception #1 - *If you know for sure that Reuven has lent this item or an item of a similar category/same value*, then you would be allowed to lend this item to the third party as well. You must determine what is considered in that category/value before doing so. Something that is equal value or less, and you know that the owner has previously lent something like that before. (We consulted the Poskim, and even if it's something which gets used up, such as a pen, then its still okay to give it over for a short use if it was lent to him in the past. Its okay that the ink will be used up a bit, as that's the regular use of the pen, and people don't say "be careful with the ink" when lending out a pen [as opposed to a car and the gas, which we will see below]. But if it's something that's going to be used up, and there's reason to think that even so he wouldn't want to lend the item to him, or it's a more valuable object even if it's the same category, then you should not give/re-lend the item.) This is because the whole point here is that we're assuming it's okay because the owner has lent him items like that before. If you have a question, you should/must ask before.

Exception #2 - *If the item is going to be used in your presence*. So long as Shimon is using the item in front of you, in your presence, then that would be allowed. However, this allowance is specific to cases where there's no outside reason as well which would make us think that it would not have been wanted by the original owner. An example of this is something that needs skill to be used, such as a car. Even if you're sitting in the car with this person driving, in your presence, its still not allowed because using the car requires skill and it's very likely that the owner would not allow that person to use the car, even in your presence. So again, you must use your mind and properly determine when a case would be like that. Only in a case where it's clear that it would be allowed to be used in your presence would be allowed.

Exception #3 - *If it's a mitzvah object.* We spoke about borrowing mitzva objects without permission in a previous video (#50) You can refer to that video itself, as it's a whole subject of its own and too many details to bring here. That's a case where, this 3rd party anyway doesn't have to ask the owner's permission, in certain cases, to borrow it. Therefore, you can lend it to him as well.

Exception #4 - *If the item will be used by other adults (over Bar/Bat Mitzva) of the same household.* When an item is lent to you, we presume that it is with the assumption of the owner that the item will also be used by other adults in your house and that permission was given to them as well automatically. Again, we're talking about a regular item in a regular case, where it can be assumed that he obviously understood and gave it under that condition. But if it's a special item or case, again, you should ask the owner or a *Rav* (to determine) beforehand***

***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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