



Reciting a Beracha on a Borrowed Talit

The Borrowed Talit

The Torah (Devarim 22:12), in a verse referring to the mitzvah of *tzitzit*, uses the word *kesutcha*, your garment. The Gemara, *Chullin* 136a, derives from the word *kesutcha*, that one who borrows a four-cornered garment is exempt from placing *tzitzit* on it for thirty days. Tosafot, *Chullin* 110b s.v. *Talit*, explain that in principle the borrower is totally exempt from placing *tzitzit* on the borrowed garment. However, once thirty days pass, the garment is perceived as if it is owned by the borrower, and therefore the rabbis required the borrower to place *tzitzit* on that garment.

What is the law regarding one who borrows a garment that already has *tzitzit* on it? Tosafot write that since one is exempt from placing *tzitzit* on a borrowed garment that does not already have *tzitzit* on it, so too one may not recite a *beracha* on a borrowed *talit*. Tosafot explain that since they are already deemed exempt from the obligation to place *tzitzit* on that garment, one may not recite a *beracha* on them. However, Rabbeinu Asher suggests two reasons why one would recite a *beracha* on a borrowed *talit*. In his commentary to *Chullin* 8:26, he states that although in principle, one would not recite a *beracha* on a borrowed garment, nevertheless, the lender will always have the intent to give the garment to the borrower as a gift (on condition that he return it- *matana al m'nat l'hachzir*) in order to enable the borrower to recite a *beracha*. In *Hilchos Tzitzit* no.2, Rabbeinu Asher states that one cannot avoid reciting a *beracha* by borrowing someone else's *talit* because the exemption of a borrowed garment applies only to garments that do not already have *tzitzit* attached to them. This implies that in principle one can fulfill the mitzvah of *tzitzit* with a borrowed garment that already has *tzitzit* attached to it, even if there was no acquisition of the garment.

Shulchan Aruch, Orach Chaim 14:3, rules in accordance with Rabbeinu Asher that if one borrows a garment that already has *tzitzit*, he may recite a *beracha*. However, *Shulchan Aruch* does not indicate whether this is due to the fact that the lender has intent to give the garment as a gift, or whether in principle one may recite a *beracha* on a borrowed garment. *Taz, Orach Chaim* 14:4, states that the reason is because the lender has intent to give the garment as a gift. *Taz* adds that according to this reasoning, one would only recite a *beracha* if the garment is normally used to fulfill the mitzvah of *tzitzit*. If the garment is normally worn as part of one's wardrobe, and because it is a four-cornered garment, *tzitzit* were placed on it, one would not recite a *beracha* as it cannot be assured that the garment was given to the borrower for the purpose of fulfilling the mitzvah. *Elijah Rabbah* 14:6, argues that primary reason for reciting a *beracha* on a borrowed garment is because in principle one recites a *beracha* on a garment that has *tzitzit* already attached. The *Mishna Berurah* 14:11, adopts the opinion of *Taz*.

R. Shlomo Luria, *Yam Shel Shlomo, Chullin* 8:53, suggest that we only assume

that the lender intends to give the *talit* as a gift when the borrower requests to use it for the morning prayers. If the borrower requests to use it in order to lead the congregation in prayer or when he is called to the Torah, there is no acquisition, as the borrower is not borrowing the *talit* for the purpose of fulfilling the mitzvah. R. Ya'akov of Lisa, *Derech HaChaim, Dinei Tzitzit, Din Im Noda Lo* no. 3, states that if one wants to rely on the opinion of R. Luria, it is preferable that the borrower should have specific intent not to acquire the *talit*. It should be noted that according to the opinion of *Eliah Rabbah*, one would be required to recite a *beracha* as neither of these leniencies are applicable.

The Congregation's Talit

The Gemara, *Chullin* 136a, states that one is obligated to place *tzitzit* on a garment owned in partnership. Mordechai, *Menachot* no. 950, notes that therefore, one recites a *beracha* on the *talit* of a congregation as this is tantamount to a garment owned in partnership.

R. Ya'akov of Lisa, op. cit., suggests that the reason why one recites a *beracha* on the *talit* of the congregation is because it was purchased with the intent that whoever uses it acquires it. *Mishna Berurah, Bi'ur Halacha* 14:3 s.v. *She'ala*, questions the need for such a reason after Mordechai already compared this to a garment owned in partnership. *Mishna Berurah* posits that R. Ya'akov of Lisa's reasons would apply in a case where there are so many people in the congregation that each person's share in the *talit* is worth less than a *perutah* (approximately half of a penny and the smallest halachically significant amount of money). In such a situation, one can no longer consider one's share in the *talit* as something significant, and the only reason to require one to recite a *beracha* is because it was purchased with intent that whoever uses it acquires it. Perhaps one can suggest that R. Ya'akov of Lisa's reason is necessary in order that a guest of the congregation may recite a *beracha*. A guest is not considered a legal partner in the congregation and therefore the only reason to require one to recite a *beracha* is because it was purchased with intent that whoever uses it acquires it.

Mishna Berurah cites some Acharonim who rule that if one does not want to recite a *beracha* on the congregation's *talit*, he should have specific intent not to fulfill the mitzvah of *tzitzit*, and he should not cover his head with the *talit*. Although *Mishna Berurah* questions the rationale of these Acharonim, he does not offer a conclusive opinion as to whether one may rely on the opinion of these Acharonim. Nevertheless, R. Shlomo Zalman Auerbach (opinion cited in *Halichot Shlomo* 3:12) maintains that one is not required to recite a *beracha* on the congregation's *talit*, even if one covers his head with it.

Should a Shaliach Tzibbur Don a Talit at Night?

An interesting question arises from this discussion regarding whether a *shaliach tzibbur* (the leader of the congregation) should don a *talit* for the evening services. *Rama, Orach Chaim* 18:1, writes that one who dons a garment with *tzitzit* at night does not recite a *beracha* as there is a dispute whether there is a fulfillment of the mitzvah of *tzitzit* at night. *Taz, Orach Chaim* 581:2, points to the following conundrum regarding the nighttime *selichot* services. On the one hand, it is important for the *shaliach tzibbur* to don a *talit* during the *selichot* services. However, on the other hand, *Taz* claims that it is inappropriate to don a *talit* at night as there is dispute whether one should recite a

beracha upon donning a *talit* at night, and one should not enter into a situation of doubt unnecessarily. *Taz* therefore suggests that the proper course of action is to borrow a *talit* from a friend, and in this manner there is definitely no requirement to recite a *beracha* as the *talit* is not being borrowed for the purpose of fulfilling the mitzvah.

It should be noted that *Taz* is following his own opinion that the reason why one recites a *beracha* on a borrowed garment is because it is assumed that the lender has the intention to give the garment to the borrower as a gift. Therefore, if either the borrower or the lender do not have intent of acquisition, no *beracha* is recited. However, according to *Eliah Rabbah* who rules that in principle one recites a *beracha* on a borrowed garment that already has *tzitzit* attached, one would recite a *beracha* on this borrowed garment, regardless of whether there was intent of acquisition or not. In fact, the comments of Rabbeinu Asher which serve as the basis for *Eliah Rabbah's* ruling address this very question. Rabbeinu Asher notes the practice that some have that the *shaliach tzibbur* borrows a *talit* from someone else when *selichot* are recited at night in order to avoid the question of whether to recite a *beracha*. Rabbeinu Asher's response is that borrowing a garment with *tzitzit* already attached does not solve this problem, as one would be required to recite a *beracha* in such an instance were it to be daytime.

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