



## **Am I Responsible For Damage To A Borrowed Item Through Regular Use? (+ Negligence)**

**[#87]**

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## Video Transcription

Today's halacha is regarding damages to a borrowed item. You borrowed an item from somebody else and, while you were using it (in the normal manner), the item broke or was damaged. The question is, am I always responsible to pay for the damages when I borrow something or are there cases where I am not responsible to pay for the damages? What are the parameters?

We are using a *sefer* called *Money*, by Rabbi Shaul Wagschal (pg. 143-145). He brings over here that the halacha depends on whether the item was broken through regular use of the item (regular wear and tear), or if you were negligent and you broke it on purpose, or if it was broken by accident.

We will split this up into two videos [#87 and #88] to keep it short and clear. In today's video, we'll speak about the cases where it broke through regular wear and tear, as well as the case if you were negligent and you broke it by not being careful. In the next video [#88], we'll speak about when it breaks by accident, as well as if you allowed to take it into your own hands and repair the item on your own or do you have to give it to the owner himself to fix.

Regarding breaking or wearing out an item through regular use, the halacha is that if it's through regular use, you're not responsible for any of the damages that happen to it. You are not responsible to repair the item and you're not responsible to pay for the repairs of the item. As well, in a case where, let's say, the item can't be fixed at all and it's just an actual loss of value, you would also not be responsible to pay back to the owner that monetary value either.

The reason why is because there's a concept in the Gemara, in *Bava Metzia*, *Daf* 96, called "*meisah machmas melachah*" (*literally translated – a borrowed animal died in the course of doing work*). The Gemara says over there that if someone lends out his animal, the one borrowing it is allowed to use the item to its full capacity. This is because, when someone lends out an item to be used, he is giving it to the person to be used fully and without the responsibility for any damages that can happen through regular use of the item. Therefore, a person is absolved from having to pay for those items as long as it happened through regular wear and tear.

That's in the case of an animal that died through its regular work in the field or something like that. We learn from there that in all regular cases of borrowing an item, where you didn't do anything funny and you used the item in the normal way, in the event that the item breaks or gets worn down, you would not be responsible for that loss of value.

However, if the borrower was irresponsible/negligent and not careful to use the item properly and as a result the item broke or became less value, the halacha is that the borrower would indeed be responsible for such damages.

In the next video (#88), we will cover cases when the borrowed item breaks accidentally, such as if you tripped and it broke. We'll also speak about whether you are allowed to attempt to repair the item on your own or do you need to tell the owner first. \*\*\*

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\*\*\*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](mailto:Ask@MoneyHalacha.com), or via our contact page at [MoneyHalacha.com/contact-us](http://MoneyHalacha.com/contact-us)

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