



Can You Repair A Borrowed Item Without Telling The Owner?

+ Am I Responsible For *Accidental* Damages?

[#88]

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Video Transcription (edited for flow)

In our previous video #87, we spoke about damages to borrowed items. We covered two out of three types of cases. We spoke about when a) the item breaks or is damaged through regular wear and tear, as well as b) when you are just not careful, and you break the item through negligence. (For video #87 [click here to watch/listen/read](#))

Today we are going to finish off by discussing the halacha of when the item is damaged or breaks but not through negligence and not through wear and tear. Rather, it broke by accident. For example, you were carrying the item and you tripped, and the item fell and it broke. Now the item is damaged and worth less money, or it's just completely broken. What is the halacha? Are you responsible for the accidental damage or not?

Continuing these halachos, we are using the *Sefer* called *Money*, by Rabbi Shaul Wagschal (pg. 144-145). He brings that if a borrowed item gets damaged accidentally, like in the example we gave above, where a person trips while holding the item and the item falls and breaks and now it's worth less, the halacha is that you are responsible to pay for the lessened value of the item. However, the responsibility of repairing the item does not fall on you. Meaning, even though you must pay the owner for the damage, the owner cannot force you to actually go and repair the item. Taking care to repair the item would be on the owner's job.

In regards to assessing how much you have to pay for the damages, that depends on the market value and other factors which are outside the scope of this video. As with all cases of question, a competent halachic authority must be consulted to assess the amount.

He brings over here that when the item breaks, you should immediately inform the owner so that he can have it repaired soon after. Otherwise, if you just don't fix it, the owner might need the item back for use and then he won't be able to use it in its broken state. The obligation to do so would be either for the mitzvah of *V'ahavta l'rei'acha k'mocha* (loving your neighbor as yourself), or because of hashavas *aveidah*, that just as we must also actively prevent a loss to our friends, we must also prevent a loss of his/her usage of an item as well. You should try and tell him right away.

Now, you are not allowed to fix the item on your own, unless you are fully capable of doing so and the owner of the item would trust you to fix the item. He says over here, it would be a nice thing for the borrower to actually take it to the fix-it shop and pick it up. That would be a nice thing to do.

Now, with regards to voluntarily taking the item for repairs without telling the owner, he brings over here that a lot of people are embarrassed to tell the owner that they broke the item, so they just take the item to be fixed and then give it back and the owner never knows. He brings over here that three conditions must be met in order to do so:

Number one, it must be fixed to exactly the same condition it was before it broke. If not, then of course you can't conceal the information, even if the owner won't notice.

Number two, the market value of the item must be the same as it was before it was damaged. Meaning, even though you may be able to completely fix the item, it could still be that the market value of the item is now less. R' Wagschal brings over here, that it's a very serious matter, because if the market value of the item is worth less, and you return it as such, then you're actually returning to him something that's worth less money and you will forever, *chas v'shalom*, owe him that money. He says, therefore, to be very careful that the market value of the item would still be exactly the same after you fix the item if you get it repaired yourself and don't tell the owner.

The third condition is, if you know or there's reason to suspect that the owner would rather you go to a different repair shop to have the item fixed, then you would not be allowed to go another repair shop other than that one.***

***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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