

How Does One Accept The Responsibility to be a Shomer?

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Question: I was at the gate in an airport, waiting for a flight. Another frum Yid was waiting for the same flight and asked if I could keep an eye on his laptop while he went to the bathroom. The man put his laptop down next to me and walked away. I then got immersed in an important phone call and, when I looked down, the laptop was gone. Am I liable to pay for it?

Answer: There are two reasons why the fellow keeping his eye on the laptop in this case would not be responsible. Both of these reasons are very important *yesodos* in *hilchos shomrim*.

One reason why he would not be liable is because in order for a *shomer* to be responsible for something that he is watching, he needs a *kabbalas shemirah*. He has to clearly accept to watch the item.

Every Jew has to pay if he is a *mazik*. If someone damages someone else's property he is liable to pay for it. A *shomer* has an additional liability. He is *chayav* if he is negligent in watching an item, even if he didn't actually damage it. In order for a *shomer* to become liable for negligence even if he didn't damage the object, he has to make a clear commitment in which he accepts responsibility to watch the item and to pay if he doesn't watch it properly.

If someone tells his friend to keep an eye on his possession and the friend says yes, it is not considered to have accepted responsibility to watch it.

Even if he says, "Put it down", that would not be a *kabbalas shemirah*.

Kabbalas shmeirah is only if he says clearly that he will watch it.

Therefore, since the person in the airport never accepted to watch the laptop when he agreed to allow the other passenger to put it down, he does not become a *shomer* and he is not liable to pay.