

If I Let someone Put Something in My Safe For Safekeeping, Do I Become a Shomer?

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Question: Reuven is going away for yomtov. His neighbor, Shimon, is a diamond dealer and has a safe in his home. Reuven asks Shimon if he can put his wife's jewelry in his safe for the duration of time while he is away. Shimon agrees and shows him where to put the jewelry in the safe. When Reuven arrives to retrieve them after Yom Tov, the jewelry is nowhere to be found. Is Shimon responsible to compensate Reuven?

Answer: The Nesivos Hamishpat discusses a very similar case and says that *shomer* is not liable to pay.

He explains that an unpaid *shomer* is only responsible to watch an item if he accepts to guard it and is only liable to pay if he subsequently fails to properly watch the item in his care. In such a situation, however, the diamond dealer never accepted to watch the jewelry. He only allowed Reuven to put it in his safe, and the safe itself was supposed to protect it. Shimon never accepted any responsibility beyond that.

Since Shimon never accepted to be a *shomer*, he cannot be held responsible for anything that happened to the jewelry while it was in his safe.