

Indirect Damage According to Halacha

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Case: I was looking at my phone while driving [big mistake], and veered off into the next lane. A Jew driving next to me swerved to avoid my car and hit the guardrail, badly damaging his car.

Question: Do I have to pay for his damage? If I caused an accident but was not directly involved, do I have to pay for the damage?

Answer: Yes, you must pay for it. One who causes damage indirectly, a *grama*, is a classic case of *chayav bidei shamayim*. There are two kinds of remedies in monetary Torah law. Typical obligations are collectable in *Bais Din*. This includes unpaid debts, undelivered goods, property infringement, direct damages and the like. This remedy is not available to a *grama*, a case where the damage cannot be attributed directly to the action of a person or his possessions.

The other remedy is that of *Chayav bidei shamayim*, accountable to the standards of Heaven. Unlike *lifnim mishuras hadin*, beyond the letter of the law, *Chayav bidei shamayim* is an actual *chiyuv*, one must pay it, the only difference in this *chiyuv* is that it is not collectable in *Bais Din*. One who causes damage, but he did so indirectly, is held accountable for it *bidei shamayim*.

Although *Bais Din* cannot force payment, it is incumbent upon them to persuade the person to pay, even shaming him publicly if necessary. A person who refuses to pay may be called a *Rasha*, a wicked person, and is *possul l'aidus*, disqualified from giving testimony until he pays.