

Is a Person Liable for Damages Caused by His Roomba Vacuum Cleaner?

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Question: Reuven owns a Roomba vacuum cleaner, which rolls by itself across the floor of his house. He brought it over to his neighbor's house to demonstrate to them how it works. During his demonstration, it vacuumed up a child's gold earring and they were unable to retrieve it. Is Reuven liable to pay for the lost earring?

In a similar occurrence, a Roomba banged into a parakeet's cage and injured the valuable bird. Is the owner of the vacuum culpable for the injuries to the parakeet?

Answer: The Torah says that a person is liable for damages done by his animals. While the Mishnah in Bava Kama lists various categories of animals that one is *chayav* for, obviously, a Roomba vacuum cleaner is not one of them. The Rambam clearly rules that any liability of animal damages applies only to live creatures; therefore, they would not apply to the case in question.

One could suggest that the owner of the vacuum could be liable as a derivative of *aish*. If one places any object in a place where it is likely that wind will move it and cause damage, he can be held liable as a form of *aish*. In this case, the individual left his vacuum running in a place where it is likely to vacuum up an earring, which would place it in the category of *aish*. However, the Gemara says that if someone puts his friend's cow next to a third person's fruit and, as a result of this, the cow eats the fruit, the one who put it there is *chayav*, even though it is not his cow. The Rishonim discuss which *hezek* this is. They agree that it cannot be *shein*, as one is only liable for *shein* of his own animals. The Rashba says that it is *aish*. Tosafos disagree and say that it cannot be *aish*. The Acharonim explain that Tosafos hold that *aish* only applies in a case where the object is moved by an outside force like the wind, and not on its own. A cow cannot be *aish* because it moves of its own volition. So too, it would seem that according to this opinion a Roomba cannot either be considered *aish* because it moves from its own power. Thus, *aish* would also be ruled out in this case.

It is possible that the owner of the vacuum can be held liable because of *bor*. While a *bor* is usually stationary, the Gemara in Bava Kama says that if someone owns a dead tree that falls down and causes damage as it falls, the owner is liable if he was properly warned. Tosafos say that he is liable because his tree is considered a *bor*. We see that even a moving obstacle in a public place is considered a *bor*. Accordingly, the Roomba can also be considered a *bor*. However, we know that a *bor* is not liable for damages caused to *keilim*, which would mean that we cannot obligate the owner to pay for the earring. The parakeet, however, is a living animal, and we could obligate the owner to pay for its injuries.