

Crash Course

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Q: On Rosh Hashanah, I borrowed a *sefer* on *hilchos tekias shofar* and a shofar to blow in shul, and I left them on the *bimah* during Musaf. The chandelier above the *bimah* crashed down and shattered. *Baruch Hashem*, no one was hurt, but the shofar and *sefer* were ruined. Must I reimburse the owner?

A: At first glance, this is a simple case of *oness* (an accident) in a borrowed item, for which a *sho'el* (borrower) is liable because *kol hana'ah shelo*—he receives all the benefit from the item, at no cost.



But our case is not so simple. The Gemara in Bava Metzia 96a (according to Rashi and the Rosh) teaches that a *sho'el* may only be liable for *oness* where he derives benefit from the actual borrowed item. For example, if he borrows an expensive item only to place it in his breakfront to appear wealthy, and he doesn't have permission to use the item, he would not be required to pay for *onsim*.

The Machanei Ephraim (Nedarim 24) says that since *mitzvos lav leihanos nitnu* (the mitzvos were not given to derive benefit therefrom), borrowing a mitzvah item is like borrowing an item from which one cannot derive benefit, and therefore the borrower would not be liable for *onsim*. This view is cited by R' Akiva Eiger (340), and it is also the view of the Ketzos (72). The Machanei Ephraim continues that all agree that one is liable for *onsim* in a borrowed *sefer*. Some explain that the reason *sefarim* are different from other mitzvah items is that *sefarim* are generally rented out for profit, which is an actual benefit (Machanei Ephraim *ibid.*, Shach Y.D. 221). (Because today *sefarim* are not generally rented, this argument no longer applies.) Others explain that *sefarim* are different because one is in fact *supposed* to derive benefit from the mitzvah of talmud Torah (Taz Y.D. 221, Nesivos 72).

Some *poskim* reject the entire premise that deriving *hana'ah* is a prerequisite for liability for *onsim* (Rambam, Imrei Yosher, Ohr Sameiach). In conclusion, if you have not yet paid for the shofar, you would not be required to do so, but it would be proper to pay in part for the *sefer*.