

מִצְוֹת
עֲשֵׂה
#242

 We learn this mitzvah from Parshas Mishpatim: (שמות כב:ו)

כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ כֶּסֶף אֹו כֵּלִים לְשֹׁמֵר

Today's *mitzvah* is that we need to follow all of the *halachos* about someone who watches something for another person without getting paid for it (a *Shomer Chinam*).

 The details of this mitzvah are explained in Mishnayos & Gemara: Perek Tes of Mesechta Bava Kama, Perek Gimmel of Mesechta Bava Metziah, and Perek Ches of Mesechta Shevuos

Rambam: Hilchos She'eilah Upikadon

PEREK VOV

Now we learn about the special *shevuah* that a watchman has to give if something was broken or stolen when he was watching it. He needs to swear that he took care of it properly, that what he said happened to it really did (like “it fell apart by itself”), and that he didn’t use it — he was watching it, not borrowing it!

If someone doesn’t want to promise, but he’d rather pay back the owner, we usually let him. But if it was a special kind of thing that you can’t just buy a new one of, like a painting, we make him swear, because we are afraid maybe he just wanted it, and the owner wasn’t selling it.

PEREK ZAYIN

Here’s one interesting *halacha*: Let’s say that Reuven asked Shimon to watch his *kiddush* cup while he goes to summer camp. Shimon wasn’t planning on going to camp, so he agreed.

But then in the middle of the summer, Shimon’s Bubby invited him to come to Eretz Yisroel with her! What should Shimon do? He can’t bring the *kiddush* cup with — it might get lost or stolen on such a big trip! And he can’t ask someone else to watch the *kiddush* cup — Reuven asked HIM to watch it! Does he have to stay home now to watch the *kiddush* cup?

Shimon can bring the *kiddush* cup to the *Beis Din*, and they will find someone who can watch it until Reuven gets back.

PEREK CHES

One *halacha* we learn is about if something was stolen from the *shomer*, and instead of making a *shevuah*, the *shomer* paid it back. If the thief is caught and needs to pay back double, the watchman is the one who gets to keep the double payment.