

Does a borrower need to be responsible for a damaged item in which he had no control?

**Case:** *I borrowed a very expensive printer from someone for a one-time business need. While I was using it, there was a freak storm that caused a sudden power surge. It was so powerful that the regular circuitry couldn't hold up, and all of our machinery got destroyed, including the printer. Our lawyer told me there is no secular court that would hold us accountable for something so beyond our control.*

**Question:** *Can I use this Dina D'malchusa to absolve me from damages?*

**Is a borrower liable for unavoidable damage if a secular court would not hold them liable?**

**Answer:** It's important to realize that Dina D'malchusa is not an acceptance of secular law. Dina D'malchusa is easiest understood in the context of taxation, namely that the local Government has the right to tax their citizens and that money is not considered "stolen". This gets extended to other areas of direct interest to the ruling class, including rights of land ownership, licensing and the like.

According to some Rishonim, any law or executive order that does not directly benefit the king or ruler does not have the rule of Dina D'malchusa altogether. The Rama however, does apply Dina D'malchusa to all laws enacted for the betterment of society. However, this is limited to specific laws and regulations. On the other hand, anything that is up to the judiciary to decide, whether because the law isn't clear, or because it falls under common law, is not considered Dina D'malchusa according to all opinions, and in fact would be forbidden to follow against Halacha.

Therefore, since according to the Torah a *shoa'il* [borrower] is obligated for all damages incurred including *onsim* [incidents beyond his control], you must pay for the damages of the borrowed printer.