

Definition of Watchmen, Borrowers etc

Ref: *Sefer Mishpatim, Hilchot Sechirut, Chapters 1–2*

⌘ | The laws of a *sachir* (hired worker) and a *shomer sachar* (paid watchman)¹

There are **four** types of watchmen.

- *Shomer chinam* (unpaid guardian)
- *Shoel* (borrower)
- *Nosei sachar* (paid worker)
- *Socher* (renter)

There are **three** rules governing these watchmen. (These relate only to movable property.)

- *Din shomer chinam* (the law regarding an unpaid guardian)
- *Din shoel* (the law regarding a borrower)
- *Din sachir* (the law regarding a renter and paid guard)

MOVABLE ITEMS

	Not liable if article stolen or lost	Not liable because forces beyond his control destroy article	Liabe Must pay	Summary
<i>Din Shomer Chinam</i> Unpaid watchman	✓ But must take oath to confirm what happened	✓		Always takes an oath
<i>Din Hashoel</i> Borrower	× is liable	×	✓ Always	Always repays unless the animal dies while doing work that it was borrowed for
<i>Din Nosei Sachar</i> Paid watchman and renter	× liable	✓ but must take oath	✓	Pays when article lost or stolen. Take oath to confirm that the article is lost by forces beyond control

These three laws apply only to movable items.

The law is slightly different if watchman, borrower etc employs owner at time article was handed over.

Here watchman (or borrower) is never liable for damages, even if they were negligent.

If a watchman entrusted the entity to another watchman he would be liable, unless 2 witnesses can testify that the second watchman acted appropriately and that damages were beyond his control.

NON-MOVABLE PROPERTY ITEMS NOT INCLUDED IN THE LAWS OF GUARDIANS

Included in the exemption are:

- Landed property
- Slaves
- Promissory notes
- Consecrated property
- Property owned by Gentiles
- Produce growing on land (considered as landed property regarding watchmen)

NON-MOVABLE ITEMS

	Not liable (if article stolen or lost)	Not liable because forces beyond his control destroy article	Liabe. Must pay	Summary
<i>Shomer chinam</i> unpaid watchman	✓ and does not need oath			If negligent, would be liable
<i>Shoel</i> borrower	✓ not liable			If negligent, would be liable
<i>Nosei sachar</i> Paid watchman and renter	✓ not liable			If negligent, would be liable



However, *Rabanan* decided that for consecrated property one does need to take an oath, as with movable property.