

Maimonides 613 Series
Mishpatim: Four Types of Watchmen

...כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ כֶסֶף אוֹ כְּלִים לְשֹׁמֵר וְגַבַּב מִבֵּית הָאִישׁ...
If a man gives his neighbor money or articles for safekeeping, and it is stolen from the man's house...¹

...כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ סִמּוֹר אוֹ שׂוֹר אוֹ שֵׂה וְנִכְל בְּהֵמָה לְשֹׁמֵר וְזָמַת אוֹ נִשְׁבֵּר אוֹ נִשְׁבָּה...
If a man gives his neighbor a donkey, a bull, a lamb, or any animal for safekeeping, and it dies, breaks a limb, or is captured...²

וְכִי יִשְׁאַל אִישׁ מֵעַם רֵעֵהוּ וְנִשְׁבֵּר אוֹ מָת ... שְׂלָם יִשְׁלֵם
And if a person borrows [an animal] from his neighbor, and it breaks a limb or dies...he shall surely pay.³

Who's Liable?

Imagine that you're about to take a vacation, and before you go, you leave your new laptop with a friend for safekeeping. When you return and stop by your friend's to pick up the laptop, he tells you, "I'm sorry but my house was robbed, and they took your laptop." Is your friend, who was acting as an unpaid watchman for your computer, liable for the loss?

Now imagine that your car is in the shop, and you ask your neighbor if you can borrow hers for the day to run some errands. She agrees, and you drive her car to the grocery store. When you finish shopping, the car is nowhere to be found – it's been stolen! As a borrower, are you liable?

Rambam's Laws of Watchmen – Four Categories

In Rambam's *Sefer haMitzvot*, Positive Commandments 242, 243, and 244, he lists four categories of "watchmen". However their liability to the owner of the property that was lost or damaged on their watch is discussed in his *Sefer Hayad*:

1. **Shomer Chinom – The Unpaid Watchman:** Since this watchman is uncompensated and derives no benefit from the property under his care, he is not liable under any circumstances, so long as he takes an oath that he was not neglectful.⁴
2. **Shomer Sachor – The Paid Watchman:** Since this watchman is compensated for his work, the owner expects a higher level of security. Therefore, the Paid Watchman is liable for theft, etc. unless his life would have been put in danger by trying to prevent the property's loss or damage (i.e. armed thieves came and demanded the property).⁵
3. **Sochair – The Renter:** This watchman has the same ruling as the Paid Watchman since he derives benefit from the property.⁶
4. **Sho'el – The Borrower:** This watchman is liable under all circumstances without exception since he is using the owner's property for free and deriving all the benefit.⁷

Four Levels of Relationship with G-d

The Shelah HaKadosh says that each person is a watchman, placed in this world by G-d to guard His creation. Adam and Chava were commanded in the Garden of Eden to *work* and to *guard* it. We, as their descendants, continue to work and guard G-d's world through Torah and mitzvahs.

1. ***Shomer Chinom*** – This person will do anything necessary to guard G-d's world, and will do it for free. The *Shomer Chinom*'s priority in life is to actualize G-d's Will, and he wants nothing in return for it.
2. ***Shomer Sachor*** – This person also lives to make the world a better place. He will fight for Judaism and dedicate himself to sanctifying G-d's Name, but he wants payment for it. He desires payment not out of greed or ego but because he needs the bare essentials of a spouse, healthy children, and a good living in order to operate and serve G-d to his fullest capability.
3. ***Sochair*** – This person is similar to the *Shomer Sachor*. The *Sochair* desires worldly goods but realizes that in order to benefit from this world ethically, he must repay G-d. So the *Sochair* learns Torah and does mitzvahs, but only because he desires the material benefit that comes from them as a reward.
4. ***Sho'el*** – This person's philosophy is: "The whole world was created for me." The *mishneh*⁸ states that all Jews are royalty, children of Avraham, Yitzchak, and Yaakov, and that even the grand banquets served by Shlomo haMelech during his glorious reign are not good enough for us – and the *Sho'el* takes this to heart. He understands that he is a watchman, but he wants G-d to give him all the benefit, and he will decide if he wants to *daven* and learn Torah after he has thoroughly enjoyed himself.⁹

Eating to Pray, or Praying to Eat?

We can better understand the subtleties of the *Shomer Sachor* and the *Sochair*, and how these concepts relate to each of us in our everyday lives, through the following story:

Rebbetzin Rivka, the daughter-in-law of the Tzemach Tzedek, was ill and had been advised by her doctor to eat as soon as she arose in the morning. A very holy woman, Rebbetzin Rivka wanted to pray first thing each day. Thus, she began to awake even earlier than usual so she could *daven* before she ate. When the Tzemach Tzedek learned of this, he gently scolded her, telling her that a Jew must be healthy and strong – a Jew must *live* by the Torah, which means that he or she must have the energy to bring joy and life to their prayer and the mitzvahs they perform. There are two types of people, the Tzemach Tzedek continued, those who pray in order to eat, and those who eat in order to pray. Better to be one who eats in order to pray than the other way around.

The Rebbe teaches¹⁰ that one who prays in order to eat is a person who *davens* every day and does mitzvahs and learns Torah, but it's only in order to obtain the benefit that comes from these things. This person can be compared to a *Sochair*, who is technically behaving in a kosher way, but it is a self-centered way of being.

In contrast, one who eats in order to pray is a person whose priority is serving G-d and watching His world. His desire for payment is only a means to serve G-d in a better way. He tells G-d, "If you give me more money, I will be able to pray even longer and learn more Torah each day and

give more *tzedaka*.” This may be compared to the *Shomer Sachor*, or paid watchman, who is G-d-centered.

The Watchman of Moshiach’s Time

In the final law of his *Mishneh Torah*,¹¹ Rambam states that when Moshiach comes, there will be no more poverty or illness or war. Material wealth will be as abundant as the dust of the earth, and the occupation of the entire world will be solely to know G-d. When this happens, we will truly be like the *Shomer Chinom*, the Unpaid Watchman – we will not have to ask G-d for anything because all of our needs will have already been fulfilled. All we will want and need is to grow ever closer to G-d through prayer, Torah, and mitzvahs, and the knowledge of G-d will cover the earth like the sea over the seabed. May we see this happen speedily in our days!

Footnotes

- 1) Exodus 22:6
- 2) Exodus 22:9
- 3) Exodus 22:13
- 4) Laws of Sechirus 1:1
- 5) *Ibid.*
- 6) *Ibid.*
- 7) Laws of Sh'eilah U'pikadon 1:1
- 8) *Bava Metziyah* Chapter 7:1
- 9) Tractate Pesachim, p. 155a, *Lekutei Sichos Vol. 31*, Mashpatim 1
- 10) *Lekutei Sichos Vol. 1*, Yisro
- 11) Laws of Kings 12:5