

## Thirteen categories of damages

## שלשה עשר אבות נזיקין –

### OVERVIEW

אבות נזיקין thirteen taught that there are thirteen. One would assume that each of these נזיקין operates with different rules. That is what distinguishes one from the other. תוספות will disabuse us of this notion.

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ודיניהם י"ב דשוכר כשומר שכר<sup>1</sup> הוא או כשומר חנם<sup>2</sup> הוא:

And these thirteen אבות נזיקין **have** (only) **twelve** different types of rules (not thirteen); **for** the rules concerning **a renter** (who is counted among the אבות י"ג); **are** either **like a paid custodian, or like an unpaid custodian**. The שוכר has no distinct rules of his own.

### SUMMARY

A שוכר is either like a ש"ח or a ש"ש.

### THINKING IT OVER

What distinguishes the thirteen אבות of אושעיא one from another?

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<sup>1</sup> אונסין is liable for גניבה ואבידה and is exempt from שכר A.

<sup>2</sup> ר"י and ר"מ מחלוקת between. There is a פשיעה and is exempt (even) from גניבה ואבידה. A שומר חנם is liable only for whether a שוכר is like a ש"ח or a ש"ש. [It is also not clear what are the individual views of ר"מ ור"י.]