

## Thirteen categories of damages

## שלשה עשר אבות נזיקין –

### Overview

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

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ודיניהם י"ב דשוכר כשומר שכר הוא או כשומר חנם 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 נזיקין) **are** either **like a paid custodian**<sup>1</sup> **or like an unpaid custodian**<sup>2</sup>. The שוכר has no distinct rules of his own.

### Summary

A שוכר is either like a ש"ח or like a ש"ש.

### Thinking it over

What distinguishes the thirteen אבות of אושעיא one from another?

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

<sup>2</sup> A שומר חנם is liable only for פשיעה and is exempt (even) from גניבה ואבידה. There is a מחלוקת between ר"מ and ר"י whether a שוכר is ש"ש or ש"ח.