

B”H

# The Four Guardians and their Psychological Application

**Are You a User? An Enjoyer? A Worker? Or a Soldier?**

**By Rabbi Y.Y. Jacobson**

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Dedicated by **David** and **Eda Schottenstein**  
in the loving memory of  
Rabbi **Gavriel Noach** and **Rivki Holtzberg**  
and all of the Mumbai Kedoshim

And in the loving memory of a young soul  
**Alta Shula Swerdlov**  
daughter of Rabbi **Yossi** and **Hindel Swerdlov**

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## Curriculum:

1. Class description
2. Sources
3. Questions and Exercises

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## **1. Class Description**

The Torah presents the laws of The Four Guardians. A “guardian” (*shomer*) is any person who, for whatever reason, is responsible for an object belonging to another person. Altogether, the Torah classifies four types of guardians and the level of responsibility to which each is held: 1. The Unpaid Guardian, 2. The Paid Guardian, 3. The Renter, 4. The Borrower.

These four models exist also in the psychological and spiritual life of the Jew. There are four types of relationships we cultivate with life, with G-d, and with other people. This class explores these four types of people and it affects their “liabilities” in life.

2. Sources:

**1. The Four Guardians**

A “guardian” (*shomer*) is any person who, for whatever reason, is responsible for an object belonging to another person. Altogether, the Torah classifies four types of guardians and the level of responsibility to which each is held:

1. The Unpaid Guardian -- שומר חנם
2. The Paid Guardian -- שומר שכר
3. The Renter -- שוכר
4. The Borrower -- שואל

**2. Talmud Bava Metzia**

93a

**Mishna—**

There are four guardians: the unpaid guardian, the borrower, the paid guardian, and the renter.

The unpaid guardian swears (on his innocence) and is entirely exempt. The borrower pays for everything. The paid guardian and the renter swear and are exempt for the animal breaking a leg or dying, but they pay if it was lost or stolen.

**2. בבא מציעא**

צג, א

**מתני'—**

ארבעה שומרים הן שומר חנם והשואל נושא שכר והשוכר.

שומר חנם נשבע על הכל, והשואל משלם את הכל. ונושא שכר והשוכר נשבעים על השבורה ועל השבויה ועל המתה, ומשלמין את האבידה ואת הגניבה.

**3. Laws of the Four Guardians**

**1) The unpaid guardian.** The unpaid guardian is someone who is taking care of another’s property purely as a favor and is receiving no compensation for his trouble. Although he is duty-bound to care for the object, his responsibility in case of mishap is minimal. If the object is damaged or lost because of his negligence, he must pay; but as long as he has provided the reasonable care to which he had obligated himself, and takes an oath to that effect, he is absolved from responsibility.

**2) The paid guardian.** Since he is being paid for his services, the level of care he is expected to provide and his responsibility in the case of mishap, is greater. Here the Torah differentiates between “avoidable damages,” such as loss or theft, and “unavoidable damages” such as armed robbery and natural death. The paid guardian is responsible for the former and absolved by oath of the latter.

**3) The renter.** The renter uses the object but pays for its use. The Talmud cites two opinions on the status of the renter: Rabbi Judah rules that he is as the unpaid guardian who is responsible only for outright negligence; Rabbi Meir is of the opinion that his obligations are identical to those of the paid guardian and he is liable also for “avoidable damages” such as loss and theft. The verdict follows the latter opinion.

**4) The borrower.** His is the highest level of liability. Unlike the first two guardians, whose care of the object is for the sake of its owner, the object has been given to the borrower solely for his own benefit and he does not pay a thing. As a result, he is responsible to return what has been given to him intact or else make good on its value— regardless of the degree of his fault in the case of damage. Even if the borrowed object is destroyed by a lightning bolt, the borrower must pay.

<p><b>4. Shelah (Rabbi Yeshaya Horowitz 1565-1630)</b> Pesachim</p> <p>Just as the four guardians exist between one man and his friend, so do they exist between man and G-d, blessed be He.</p>	<p><b>4. של"ה</b> מסכת פסחים, מצה עשירה</p> <p>וכמו שארבעה שומרים נוהגים בין אדם לחבירו כן בין אדם למקום ברוך הוא.</p>
<p><b>5. Isaiah</b> 22:13</p> <p>13. And behold, joy and happiness! Slaying cattle and slaughtering sheep! Eating meat and drinking wine! "Let us eat and drink, for tomorrow we will die!"</p>	<p><b>5. ישעיהו</b> כב, יג</p> <p>וְהָיָה שְׂשׂוֹן וְשִׂמְחָה, הָרֵג בְּקָר וְשַׁחַט צֹאן, אֲכַל בָּשָׂר, וְשָׁתוּת יַיִן; אֲכֹל וְשָׁתוּ, כִּי מָחָר נָמוּת.</p>
<p><b>6. Maimonides</b> Laws of Repentance 10:2</p> <p>One who serves G-d out of pure altruistic love—he studies Torah and performs Mitzvot and walks in the paths of wisdom—not because of fear of bad (punishment), and not in order to inherit good (reward), rather he acts in truth solely because it is truth. Ultimately good will come in his wake.</p> <p>This virtue is a tremendous and great virtue, and not all wise men merit it, and this is the level of Abraham our father, whom G-d called "The one who loves Me," because he served G-d only out of love.</p>	<p><b>6. רמב"ם</b> הלכות תשובה פ"י ה"ב</p> <p>העובד מאהבה עוסק בתורה ובמצוות והולך בנתיבות החכמה לא מפני דבר בעולם ולא מפני יראת הרעה ולא כדי לירש הטובה אלא עושה האמת מפני שהוא אמת וסוף הטובה לבא בגללה.</p> <p>ומעלה זו היא מעלה גדולה מאד ואין כל חכם זוכה לה והיא מעלת אברהם אבינו שקראו הקב"ה אוהבו לפי שלא עבד אלא מאהבה.</p>
<p><b>7. Genesis</b> 26:5</p> <p>5. "Because Abraham hearkened to My voice, and he kept My charges, My commandments, My statutes, and My instructions."</p>	<p><b>7. בראשית</b> כו, ה</p> <p>עָקַב אֲשֶׁר שָׁמַע אֲבִרְהָם בְּקֹלִי וַיִּשְׁמֹר מִשְׁמֵרָתִי מִצְוֹתַי חֻקֹּתַי וְתוֹרָתִי.</p>
<p><b>8. Genesis</b> 2:16</p> <p>15. Now the Lord God took the man, and He placed him in the Garden of Eden to work it and to guard it.</p>	<p><b>8. בראשית</b> ב, טו</p> <p>טו. וַיִּקַּח ה' אֱלֹקִים אֶת הָאָדָם וַיִּנְחֵהוּ בְּגֵן עֵדֶן לְעִבְדָּהּ וּלְשִׁמְרָהּ.</p>
<p><b>9. Genesis</b> 9:20-21</p> <p>20. And Noah began to be a master of the soil, and he planted a vineyard.</p> <p>21. And he drank of the wine and became drunk, and he uncovered himself within his tent.</p>	<p><b>9. בראשית</b> ט, כ-כא</p> <p>כ. וַיִּחַל נֹחַ אִישׁ הָאֲדָמָה וַיִּטַּע כֶּרֶם.</p> <p>כא. וַיִּשְׁתֶּ מִן הַיַּיִן וַיִּשְׁכָּר וַיִּתְגַּל בְּתוֹךְ אֹהֶלֶה.</p>

<p><b>10. Mechilta</b> Parshas Bo, Chapter 12</p> <p>“And you shall guard the <u>Matzos</u>.” Do not read <u>Matzos</u> (unleavened bread) rather read <u>Mitzvos</u> (commandments).</p>	<p><b>10. מכילתא</b> בא י"ב</p> <p>ושמרתם את המצות, אל תיקרי מצות אלא מצוות.</p>
<p><b>11. Psalms</b> 116:16</p> <p>16. Please, O Lord, for I am Your servant; I am Your servant the son of Your maidservant; You have loosed my bonds</p>	<p><b>11. תהלים</b> קטז, טז</p> <p>אָנָה ה' כִּי אֲנִי עַבְדְּךָ אֲנִי עַבְדְּךָ בֶן אִמָּתְךָ פִּתַּחְתָּ לְמוֹסְרִי.</p>
<p><b>12. Passover Haggadah</b></p> <p>The <b>wise one</b>, what does he say? "What are the testimonies, the statutes and the laws which the L-rd, our G-d, has commanded you?" You, in turn, shall instruct him in the laws of Passover, [up to] 'one is not to eat any dessert after the Passover-lamb.'</p> <p>The <b>wicked one</b>, what does he say? "What is this service to you?!" He says 'to you,' but not to him! By thus excluding himself from the community he has denied that which is fundamental. You, therefore, blunt his teeth and say to him: "It is because of this that the L-rd did for me when I left Egypt"; 'for me' - but not for him! If he had been there, he would not have been redeemed!"</p> <p>The <b>simpleton</b>, what does he say? "What is this?" Thus you shall say to him: "With a strong hand the L-rd took us out of Egypt, from the house of slaves."</p> <p>As for <b>the one who does not know how to ask</b>, you must initiate him, as it is said: "You shall tell your child on that day, 'It is because of this that the L-rd did for me when I left Egypt.'"</p>	<p><b>12. הגדה של פסח</b></p> <p>חֲכָם מָה הוּא אוֹמֵר? מַה הָעֵדוּת וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר צִוָּה יי אֱלֹהֵינוּ אֶתְכֶם? וְאָף אֶתָּה אָמַר לוֹ כְּהַלְכוֹת הַפֶּסַח: אִין מִפְּטִירִין אַחַר הַפֶּסַח אֲפִיקוֹמָן.</p> <p>רָשָׁע מָה הוּא אוֹמֵר? מַה הָעֵבֶדָה הַזֹּאת לְכֶם? לְכֶם - וְלֹא לוֹ. וְלִפִּי שְׁהוֹצִיא אֶת עַצְמוֹ מִן הַכָּלל כְּפָר בְּעֵקֶר. וְאָף אֶתָּה הִקְהָה אֶת שְׁנֵי וְאָמַר לוֹ: בְּעִבּוֹר זֶה עָשָׂה יי לִי בְּצֵאתִי מִמִּצְרָיִם. לִי - וְלֹא לוֹ. אֵילוּ הָיָה שָׁם, לֹא הָיָה נִגְאָל.</p> <p>תָּם מָה הוּא אוֹמֵר? מַה זֹּאת? וְאָמַרְתָּ אֵלָיו: בְּחֹזֶק יָד הוֹצִיאָנוּ יי מִמִּצְרָיִם, מִבֵּית עַבְדִּים.</p> <p>וְשֹׂאֵינוּ יוֹדַע לְשֹׂאוֹל - אֶת פֶּתַח לוֹ, שֶׁנֶּאֱמַר: וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר, בְּעִבּוֹר זֶה עָשָׂה יי לִי בְּצֵאתִי מִמִּצְרָיִם.</p>

**מקורות להשיעור**

- א. של"ה, לרבינו ישעיה הלוי הורוביץ, מסכת פסחים מצה עשירה
- ב. לקוטי שיחות, לכ"ק אדמו"ר מליובאוויטש, חלק לא פ' משפטים

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### 3. Questions and Exercises

1. Who are the four guardians? What is the unique law in each case? Why?
2. How do you define yourself: a borrower, renter, paid guardian or unpaid guardian? What do you aspire to become? How do you define your spouse?
3. Which four people and four generations in history represent the ‘four guardians’?
4. What is the connection to the four sons of the Haggadah? And how do we respond to each?
5. Which of the four do you think lives the happiest and most liberated life?
6. Are you a user? Do you allow yourself to be used by others?
7. Is there any area in your life where you are an ‘unpaid custodian’?