

# Toldot Shimshon

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## Chapter IV – Mishnah 11

רבי יונתן אומר, כל המקיים את התורה מעוני, סופו לקיימה מעושר. וכל המבטל את התורה מעושר, סופו לבטלה מעוני.

**Rabbi Yonatan said: Whoever fulfills the Torah out of a state of poverty, his end will be to fulfill it out of a state of wealth. And whoever discards the Torah out of a state of wealth, his end will be to discard it out of a state of poverty.**

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**כל** אחד המיוחד ירגיש, תרתי למה לי, הא מדיוקא דרישא שמעינן סיפא. ועוד, דהא כמה חכמים שלמדו תורה בעוני, ולא העשירו כלל.

**Each distinctive one will feel, why do I need both clauses? We can infer that the beginning of the teaching makes heard the end. Also, haven't there been a number of scholars who learned Torah in poverty, and they didn't become enriched at all?**

וגיש לומר, דאיתא בפרק החובל, וכן הוא בשלחן ערוך חשון משפט סימן תכ"א, האומר לחבירו, קטע את ידי, סמא את עיני, על מנת לפטור, סגיב. וגיש אומר, דאי אמר ליה בפירוש על מנת לפטור, פטור. אבל אם לא אמר ליה בפירוש, רק דברים שמשמעם כן, אנו דנים דבריו שלא פטרו. כגון שאמר ליה, סמא את עיני וכו', ואמר ליה המזיק, על מנת לפטור. ואמר ליה הגיזק, הין. אנו דנים שבתמיה קאמר "הין", וסגיב המזיק. וכתב שם הסמ"ע, דאפילו בלא ראשי איברים, גמי אנו דנים שבתמיה קאמר ליה, וסגיב המזיק, דצערא דגופא לא מחיל איניש, אלא אם כן אמר ליה בפירוש, על מנת לפטור. עכ"ל.

Regarding the first clause, **it can be said, that it's brought in the 8th chapter of tractate Bava Kamma entitled "One who injures another," and similarly in Shulchan Aruch, Choshen Mishpat, siman 421, se'if 2, "If one says to his fellow, 'Cut off my hand, blind my eye, on the condition that [you will] be exempt [from payment for the harm], [if the fellow does so, he is nevertheless] liable."**<sup>1</sup>

**There are those who say, that if he said to him expressly to harm him on condition that he would be exempt, he is exempt.<sup>2</sup> But if he doesn't say this to him expressly, only saying**

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<sup>1</sup> Mishnah Bava Kamma 8:7; Bava Kamma 92a.

<sup>2</sup> Bava Kamma 92a brings a Baraita that if one says, "Strike me, or wound me, on the condition that you will be exempt from payment," the injurer is exempt. However, the Baraita's case does not involve the loss of a limb.

words that have a meaning of “yes,” but based on other factors, they need to be understood as “no,” then we judge his words such that we do not exempt the damager. For example, he said to him, “blind my eye,” and the damager said to him, “Is this on the condition that I will be exempt from payment?” And the one being injured said to him, in a sarcastic tone: “Yes,” we judge that by his saying “yes” with a sarcastic tone, that he really means “no,” and the damager is liable. It is as if the victim asked: Even if I give you permission to do it, do you think that I would forgo the compensation?

The Gemara continues that conversely, if the putative victim said “no” in a sarcastic tone, it can be taken as a “yes,” for if the victim did not want to exempt him from payment, he would not have asked him to commit the injury.<sup>3</sup> However, the *Sefer Me'irat Enayim* writes there, that even in a case where a person requests an injury without harming the tips of the limbs, we also judge that by saying “no” with a sarcastic tone, we do not take it as a “yes” and exempt the damager, but instead the damager is liable. That is because a person does not forgive physical anguish, unless he said to him expressly, and not in a sarcastic tone, on condition that [the damager] would be exempt.<sup>4</sup>

ובסימן ש"פ אמרינו, דאם אמר ליה, קרע את כסותי ושבור את כדי, ואמר ליה המזיק, על מנת לפטור, ואמר ליה, לא, יש לנו לומר, דבתמיה קאמר "לא", ופטור. וכתב סמ"ע, דכיון דמתחלה אמר ליה, קרע את כסותי, מפרשינו ה"לאו" דאמר ליה אחר כך, דבתמיה קאמר ליה. עכ"ל.

In the Shulchan Aruch, Choshen Mishpat, siman 380:1, it is said, that if he said to him, “tear my garment, break my vessel,” and the damager said “on condition that I am exempt,” and the one who suffered damage said “no,” we can say that he said “no” sarcastically, and [the damager] is exempt.

The *Sefer Me'irat Enayim* writes to explain, that since he initially said to him, “tear my garment,” we interpret the “no” that he said to him afterward, as if he was speaking sarcastically to him, and take it as a “yes,” and exempt the damager.

ומכל זה נשמע, דצער דגופא, אפילו איכא ידים מוכיחות דמחיל, אינו מחול עד שימחלנו בפירוש, דצער דגופא לא מחיל איניש. אכל צערא דמונא, מסתמא מחיל איניש.

With all this, we hear, that physical anguish, even if there are obvious intimations that it's forgiven, is not forgiven until expressly forgiven, because a person does not forgive physical anguish. But financial distress, a person will likely forgive.

<sup>3</sup> Bava Kamma 93a.

<sup>4</sup> Joshua Falk (1555–1614), *Sefer Me'irat Enayim* was his commentary on the Shulchan Aruch.

ואם כן, מי שִׁמְקַנֵּים אֶת התורה מעוני, בְּנֻדְאֵי שֶׁהוּא סוֹבֵל צַעַר הַגּוֹף הַרְבֵּה, שֶׁהָרִי בְּהִיּוֹתוֹ עוֹסֵק בַּתּוֹרָה, אֵינּוּ יָכוֹל לִילָךְ וּלְהִשְׁתַּכֵּר כְּדֵי צוּרָה מְחִינָתוֹ. וְכִינֵן שֶׁאֵנּוּ רוֹאִים שֶׁהוּא סוֹבֵל זֶה הַצַּעַר מִרְצוֹנוֹ הַטּוֹב, הִנֵּה לְבוֹ לֹמֵר שֶׁמַּחֲל עַל צַעְרוֹ. אָבֵל לְפִי שֶׁהִדִּין הוּא דְצַעֲרָא דְגוֹפָא לֹא מַחִיל אִינִישׁ, אִם כֵּן חַיִּיב הַקְּדוֹשׁ בְּרוּךְ הוּא לְשַׁלֵּם לוֹ זֶה הַצַּעַר וּלְהַעֲשִׂיר אוֹתוֹ, שֶׁנֻּדְאֵי הוּא שִׁיעֶסוּק בַּתּוֹרָה, אִף עַל פִּי שֶׁאֵינּוּ יָכוֹל לְשִׁמּוֹר נְכֻסָיו שִׁיְהִיו לוֹ. שֶׁהָרִי אִם מִתְחַלֵּה מַחֲל צַעֲרָא גוֹפָא, מְכַל שְׂכָן שִׁימְחֹל צַעַר מְמוֹנוֹ.

**If so, one who “fulfills the Torah out of a state of poverty” certainly suffers much physical anguish, because being engaged in the Torah, he is not able to go and profit for the needs of his food. Since we see that he suffers this anguish out of his good will, we would have to say that he forgives his anguish. But because the law is that a person does not ordinarily forgive physical anguish, if so, the Holy One, Blessed be He, is obligated to pay him for this anguish and to enrich him.** That is because **he will certainly engage in the Torah, even though he is not able to protect his assets. For if initially he forgives physical anguish, which is very unusual, all the more so, he will forgive financial distress, which is common.** This is why the first clause of the Tanna teaches, “Whoever fulfills the Torah out of a state of poverty, his end will be to fulfill it out of a state of wealth.”

וְאוֹתָם הַחֲכָמִים שָׁלָא הַעֲשִׂירוּ, שֶׁמָּא גִילּוּ דַעְתָּם בְּפִירוּשׁ שֶׁאֵינָם רוֹצִים עוֹשֵׁר, כְּמוֹ רַבִּי אֶלְעָזָר בֶּן פְּדָת בְּמַסְכַּת תַּעֲנִית, דְאָמַר, אִי הָכִי, לֹא בְעֵינָא, וְאִזְ הָנִי כְמוֹ עַל מְנַת לְפִטוֹר בְּפִירוּשׁ.

But we noted that there been a number of scholars who learned Torah in poverty, and they didn't become enriched at all. **These sages who did not become rich, perhaps they revealed their thoughts expressly that they didn't want wealth, like Rabbi Elazar ben Pedat in tractate Taanit, who said that:**

[In my dream], the Holy One, Blessed be He, was sitting with me, and I said to Him: Until when will I suffer [such poverty] in this world? And He said to me: Elazar, My son, [is it more] convenient for you that I return the world to its [very] beginning? Perhaps you will be born in an hour of sustenance [and not be poor].

I said before Him: [You suggest doing] all this, [to return the world to its beginning], and [even then is it only] a possibility [that things will be different, not a certainty]? I said to Him: [Are the years] that I have [already] lived more [numerous], or [are those] that I will live [more numerous]? He said to me: [The years] that you have lived [are greater]. I said before Him: **If so, I do not want** [You to recreate the world for the sake of a brief few years].

- Taanit 25a

**Then, this is like an express condition that [G-d] will be exempt from giving them wealth.**

וְכָל הַמְבַטֵּל אֶת הַתּוֹרָה מֵעוֹשֶׁר, דְּגַלִּי דְעֵתִיָּה שְׂאִינוּ רוֹצֵה לְמַחֹל עַל צַעֲרָא דְמַמוֹנָא, לְכֹן הוֹאִיל שְׂהֵדִין הוּא לְהַפְדָּה, דְּאָדָם מוֹחֵל עַל צַעֲרָא דְמַמוֹנָא, מִשּׁוּם הָכִי, נוֹטְלִים הָעוֹשֶׁר מִמֶּנּוּ, לְפִי שְׂהֵיָה לוֹ לְהַנִּיחַ הַמַּמוֹן בְּשִׁבְלֵי עֶסֶק הַתּוֹרָה. וְכִשְׂהֵיָה עָנִי, אִזּוּ בְּמַכְּלֵי שְׂכֹן שְׂלֵא יַעֲסוֹק בַּתּוֹרָה, שְׂהֵרִי מִתְחַלְקָה לֵא רֹצֵה לְמַחֹל אַצְעֲרָא דְמַמוֹנָא, מְכַל שְׂכֹן שְׂלֵא יִרְצֵה לְמַחֹל אַצְעֲרָא דְגוּפָא.

We turn now to the second clause of the Mishnah: **“And whoever discards the Torah out of a state of wealth, his end will be to discard it out of a state of poverty.”** That is, **he reveals his thoughts, that he does not want to forgive financial distress. Therefore, since the law is the opposite, that a man will usually forgive financial distress, because of that, the wealth is taken from him.** This is because he should have laid down the money for the occupation of Torah. **When he will be poor, then even more so he will not engage in Torah,** for as we said above, one who fulfils the Torah in poverty certainly suffers much physical anguish, because being engaged in the Torah, he is not able to go and profit for the needs of his food. **Initially, he didn’t want to forgive financial distress, even more so he will not want to forgive the physical anguish of hunger, and will chose to work instead of engaging in Torah.**

וּלְפִי שְׂהֵם שְׂנֵי דִינִים חֲלוּקִים - מַמוֹן וְגוּף, מִשּׁוּם הָכִי, הִתְנָא עֲשֵׂה שְׂתֵי הַבְּבוֹת.

**Because these are two different laws—financial and physical, because of this, the Tanna made two clauses.**

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