

Toldot Shimshon

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Published Livorno 1776*

Chapter V – Mishnah 10

ארבע מדות בדיעות. גוֹם לַכְעוֹס וְגוֹם לַרְצוּת, יֵצֵא שְׂכָרוֹ בְּהֶפְסְדוֹ (גִּסַּח אַחֵר: יֵצֵא הֶפְסְדוֹ בְּשְׂכָרוֹ). קָשָׁה לַכְעוֹס וְקֻשָׁה לַרְצוּת, יֵצֵא הֶפְסְדוֹ בְּשְׂכָרוֹ (גִּסַּח אַחֵר: יֵצֵא שְׂכָרוֹ בְּהֶפְסְדוֹ). קָשָׁה לַכְעוֹס וְגוֹם לַרְצוּת, חֲסִיד. גוֹם לַכְעוֹס וְקֻשָׁה לַרְצוּת, רָשָׁע.

There are four kinds of temperaments [דעות] [de'ot]¹:

(1) Easy to become angry, and easy to be appeased: his gain exits in his loss. [An alternate version: “his loss exits in his gain.”]

(2) Hard to become angry, and hard to be appeased: his loss exits in his gain. [An alternate version: “his gain exits in his loss.”]

(3) Hard to become angry and easy to be appeased: a pious person.

(4) Easy to become angry and hard to be appeased: a wicked person.

הטעם שמתחיל בדעת, ואחר כך מסיים בענין כעס, היינו לפי שהכתוב אומר "כי כעס בתיק פסילים יגוֹם", ואם כן, מי שיגיש לו דעת שאינו כסיל, אין לו מדת הכעס. ועם כל זה, בלא כעס כלל אי אפשר לו לאדם, כי הטבע הניח הכבד באדם כדי שיקעוס, כמו שאמרו ז"ל, כבד כועס וכו'. ועוד, חכמי המוסר אמרו, אל תהי מתוק, פן יבלעוהו. וגם חז"ל הקדושים היו כועסים לקנא קנאת ה', למרמא אימתא אאינשי ביתיהו, ואאנשי דריהו. דאי לאו הכי, יהיה הדור פרוץ, כי נערים פגו זקנים ילבינו. וצריה ששהתקמה והדעת של אדם יגיש איזה סדר ראוי לכעסו. ולכן אמר, ארבע מדות בדיעות. ואחר כך מתחיל לפרש פרטי הסדרים.

The reason that [this Mishnah] begins with knowledge [דעת] [da'at]², and afterward concludes with matters of anger, is because of what Scripture says, “Don’t be quick in your spirit to become angry, for anger lodges in the heart of fools.”³ If so, one who has knowledge, who is not a fool, should not have the character trait of anger. Nevertheless, it is impossible for a person to be without anger at all, because nature placed the liver in a person so that he would be angry, as the [rabbis] of blessed memory said, “the liver becomes angry.”⁴ Also,

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¹ *De'ah* is usually translated as “knowledge,” but in this context is translated as “temperament,” the intent in someone’s mind.

² *Da'at* is translated as “knowledge,” from the same root as “*de'ah*.”

³ Eccl. 7:9.

⁴ Berachot 61a–b: “The kidneys advise, the heart understands, the tongue shapes [the sounds that emerges from the mouth], [the] mouth completes [the shaping of the voice], [the] esophagus takes in and lets out all kinds of food, [the] trachea produces the voice, [and the] lungs draw all kinds of liquids, [the] liver becomes angry, [the] gall [bladder]

those wise in ethics said, “don’t be sweet, lest you be swallowed.”⁵ I.e., at times, a person may need to defend himself, and it may be beneficial to display anger, even if he is not that angry and is fully in control of himself. Also, the holy sages were angry to be zealous with the zeal of G-d, and one might pretend to be angry to “instill fear in the members of his house”⁶ and the members of his abode. If not so, the generation would be unrestrained, because “the youth will blanch the faces of the elders.”⁷

It’s necessary that the wisdom and temperament of a person will set some arrangement appropriate for his characteristic type of anger. Therefore, he said, “There are four kinds of temperaments,” and afterward he began to explain the details of the arrangements.

מי שהווא גוים לכעוס ולרצות, יצא שקרו בהפסדו. ויש לדקדק, מהו זה הלשון של "יצא שקרו" וכו', הנה לו לומר "אינו דבר טוב", אי נמי, "הפסדו מרובה על שקרו". ויש לומר, דאיתא בפרק הכונס דף נ"ו, הניחה בסמה ויצאה והזיקה, חייב. אמר רבא, ואפילו חתרה, ובכותל פריא. מהו דתימא, הנה ליה תחלתו בפשיעה וסופו באנס. קא משמע לן, דכולא פשיעה היא. מאי טעמא, דאמר ליה, מידע גזעתי דבין דשבתה בסמה, כל טצדקא דאית לה למיעבד, עבדא ונפקא. וכתבו התוספות, ואפילו געל כל כך יפה שאינה יכולה לצאת אלא בחתירה, אפילו הכי, פושע הוא אצל חתירה, שהניחה בסמה. וכתב הקיקיון דיונה, דמה שכתבו התוספות, כל שכן הוא, ואין סברא כלל למפטרין היכא דעשה שמירה מעולה, שהרי מן הדין די שישמרנה בדלת שיכולה לעמוד ברום מצוייה, ולמה טרח בפעם הזאת לעשות לה שמירה מעולה, אלא נדאי לפי שעלה על דעתו שהואיל שהניחה בסמה מעשה טצדקי כל מה שאפשר, ואם כן, הנה ליה לאסוקי נמי אדעתיה שמתעשה חתירה. עכ"ל.

Case One: One who is “easy to become angry, and easy to be appeased: his gain exits in his loss.” We need to check, what is the reason for this language of “his gain exits”? He should have said, “it is not a good thing.” Or alternatively, “his loss is greater than his gain.”

It can be said, that it’s brought in the 6th chapter of Bava Kamma entitled, “One who brought his flock of sheep”:

[If the owner] left [the animal] in the sun, [causing it to suffer] . . . and [the animal] went out and caused damage, [the owner is] liable [because he was negligent].

...

[The Mishnah teaches:] [If the pen] was breached at night, or bandits breached it, [and sheep subsequently went out and caused damage, the owner of the sheep is exempt]. **Rabba says: And this is where [the animal] tunneled** [under the wall of the pen and by doing so caused the wall to collapse. In that case, as it is

injects a drop [of gall] into [the liver and] allays [anger], [the] spleen laughs, [the] maw grinds [the food], [and the] stomach [brings] sleep, [the] nose awakens.”

⁵ Rabbeinu Yonah Gerondi (1200–63), *Commentary on Pirkei Avot* 5:11; Simeon ben Zemah Duran’s (“Rashbaz”) (1361–1444), *Magen Avot* (5:11); Isaac ben Moses Arama (c. 1420–94), *Akeidat Yitzchak* 33:1; Samuel de Uçeda (16th Century), *Midrash Shmuel* (5:11) (Venice 1579).

⁶ Shabbat 105b.

⁷ Sotah 49b.

unusual for livestock to tunnel, the owner is completely blameless and therefore exempt from liability for any damage that ensues.] [The Gemara continues, asking whether it makes a difference] **if we say** [that the pen had] **a stable wall** [or not].

...

[The Gemara explains that even if the animal escaped through unusual behavior such as tunneling, whether the wall was stable or not], the novelty in the Mishnah's ruling is **lest you say that this is** [a case of damage that is] **initially through negligence and ultimately by accident**, [because animals do not typically tunnel their way out of a pen]. [Thus, the Mishnah] **teaches us that** [it is considered as though] **the entire** [damage resulted from the owner's] **negligence**.

What is the reason [that the owner is liable]? [It is] **that** [the one who suffered the damage] **can say to** [the owner of the sheep]: **You should have known that since you left it in the sun, it would utilize any means available for it to use and** [it would] **escape** [the discomfort of the sun, so you are ultimately responsible for the damage].

- Bava Kamma 55b–56a

The Tosafists wrote: “Why didn't the Gemara say: ‘Lest you say, it was entirely by accident,’ such as where he locked the door so well that the animal could not have escaped other than by digging underneath it, he is considered a damager as regards digging, since he left it in the sun?”

The *Kikayon d'Yona*⁸ writes, regarding what the Tosafists wrote, is it not all the more so that it is not his opinion at all to exempt him who was responsible for excessive restraint, for according to the letter of the law, it would have been enough to guard [the animal] with a door that would stand up to a typical wind, so why did he bother this time to make it excessively restrained, if not that it must have occurred to him that since he had placed [the animal] in the heat of the sun, it would do all that it could to escape, and if so, let him consider that it would dig a tunnel.

ואף זה שהוא נוח לרצות, למה הוא נוח, בשביל שידע פי תולדות הפעם הם רעים וקשים, ומשום הכי משתדל להנצל מהם. ולמה מטעם זה אינו משתדל נמי לכבול את יצרו שלא לבעוס קלל, ולא להגיה דעתו בחמת הפעם, להיות נוח לבעוס, שעל כל דבר מועט יבעוס ויקשה. לכן יצא שקרו בהפסדו, כי בסברתו שהוא נוח לרצות, נקרא פושע לגבי נוח לבעוס.

Even though that he is “easy to be appeased,” why is he easy? It's because he knows that the generations of anger are evil and harsh, and because of this, he strives to be rescued from them. Why, for this reason, does he not also try to conquer his inclination so that he will not be angry at all, and will not place his mind in the heat of anger, to be easy to become angry, such that for every little thing he will be angry and harsh? That is why, “his gain exits

⁸ Jonah Frankel Teomim (1596–1669), *Kikayon D'Yona* (Amsterdam 1690).

in his loss,” because in his opinion, that he is easy to be appeased, he is called “a damager” concerning being easy to become angry.

וכל זה הוא לפי האמת והפסק דין של השלחן ערוך חזון משפט סימן שצ"ו, שפינן שהניחה בחמה, אפילו היתה קשורה בקשר חזק וחתרה, חייב, דמקרי פשיעה. אבל הטור נשם כתב פשם הראב"ד, דהיכא שקשרו בקשר חזק, אפילו שהניחה בחמה, פטור. וזהו דאיכא גסחא אחרת במתניתין, יצא הפסדו בשכרו. אבל גסחא זו אינה לפי הפסק דין, ומשום הכי, כל המפרשים לקחו הגסחא "גוס לכעוס וגוס לרצות, יצא שכרו בהפסדו".

All of this is according to the truth and the ruling of the Shulchan Aruch, Choshen Mishpat, siman 396, se'if 5, that since [the owner] left [the animal] in the sun, even if it was bound by a strong bond and it tunneled, [the owner] is liable, for this is considered damaging. But the Tur there writes in the name of the Ra'avad,⁹ that where [the owner] tied [the animal] with a strong knot, even though he left it in the sun, he is exempt from liability.

This is why there is a different version of our Mishnah, reversing the conclusions for the first two cases, so that for the first case, this different version reads, “his loss exits in his gain.” But this alternate version is not in accordance with the law, and because of this, all the commentators took as correct the version, “Easy to become angry, and easy to be appeased: his gain exits in his loss.”

אחר זה אמר התנא, "קשה לכעוס וקשה לרצות, יצא הפסדו בשכרו". דבפרק המפקיד בבבא מציעא דף ל"ו אמרינו, עלתה לראשי צוקין ונפלה, הרי זה אונס. איבעי ליה למתקפה. לא צריכא, שתקפתו ועלתה, תקפתו ונרדה. ופסק השלחן ערוך בחזון משפט סימן ש"ג, וזה לשונו, עלתה מאליה לראשי צוקין, והוא יכול למנעה ולא מנעה, אף על פי שתקפתו ונפלה ומתה או נשברה, חייב, שכל שתחילתו בפשיעה וסופו באונס, חייב. תקפתו ועלתה לראשי צוקין, תקפתו ונפלה, הרי זה אונס. עכ"ל.

Case Two: After this, the Tanna said, “Hard to become angry, and hard to be appeased: his loss exits in his gain.” For in the 3rd chapter of Bava Metzia, entitled “One who deposits an animal or vessels with another,” page 36b, it is said:

[If the animal] climbed to the top of a cliff and fell, it is a circumstance beyond [the watchman’s] control [and he is exempt]. [Shouldn’t he be liable, since] he was required to subdue it [and prevent it from falling]? No, it is necessary [to say that he is exempt only] where [the animal] overpowered him and ascended [and the animal] overpowered him and descended.

- Bava Metzia 36b

The Shulchan Aruch rules in Choshen Mishpat, siman 303, and this is its language:

If he brought the animal up to the top of the cliff, or the animal went on its own, and he could have prevented it but did not do so, even if the animal overpowered him [once it was on the top of the cliff], and it fell and died or

⁹ Abraham ben David (c. 1125–98) (“the Ra’avad”) Provençal rabbi.

broke something, the watchman would be liable. That is because whenever a person is negligent at the outset, and damage subsequently occurs because of forces beyond his control, he is liable.

If the animal overpowered him, [then] went up to the top of the cliff and fell, that would be beyond his control.

- Shulchan Aruch, Choshen Mishpat, siman 303, se'if 14 and 13

ומעתה, זה שהיה קשה לרצות, אין אנו יודעים אם הוא עשה כל מאמצי פחו כדי להשקיט פּעסו ולכבוש את יצרו, אָבֵל היצור והפעס חזקים הם ממנו, וזה נקרא כמו תקפתו ונרדה לאחר שתקפתו ועלתה, דהיינו קשה לכעוס, והוא אונס גמור. וְשִׁפִּיר "יצא הפסדו בשכרו", שהטורח שעשה מתחלה שהיה "קשה" לכעוס, הוא אות ומופת שפּוֹנֵתוֹ היא לתקוף בכעסו, וּבְנֻדָּי שגם לאחר הפעס, עשה כל מאמצי פחו כדי שתנוח פּעסו, ולא יכול.

Now, the fact that he is hard to be appeased, we don't know if he exerted all his strength in order to calm his anger and to conquer his inclination, but the inclination and the anger are stronger than him, and this is considered as if it overpowered him and descended after it overpowered him and ascended, which is "that he is hard to become angry," which is completely beyond his control. It's fine that in this case we say that "his loss exits in his gain," that the trouble he took from the beginning, that he was "hard to become angry," is "a sign and a portent"¹⁰ that his intention is to conquer his anger, and certainly after he becomes angry, he asserts all of his power in order to calm his anger, but he cannot.

או דילמא, איכא למימר נמי לאידך גיסא, שמתחלה תקפו הפעס ועלה באונס, שהרי בשאר הפעמים היה קשה לכעוס, אָבֵל לאחר שעלה הפעס, הוא לא שות לבו לכבוש את יצרו ואת הכעס שלו, עד שדומה לההיא שפּוֹנֵתוֹ בלא תקפה, ואינו אונס, וְלִכּוֹן יצא שכרו בהפסדו. וזו היא הסברא של גסחא אחריןא דגרים "יצא שכרו בהפסדו", שהאיל שינדע מתחלה שצריך לתקוף ולשמר הפעס פאשר הוא היה קשה לכעוס, אם כן, גם לאחר שכעס, היה לו לתקוף בכעסו, שלא תתקשה לרצות.

Or perhaps, one can say on the other hand, that initially at first the anger got the best of him and it was beyond his control, that in the other times he was hard to become angry. But after he did become angry, he did not set his heart to conquer his inclination and his anger, until [the situation] became similar to [the animal] that fell without overpowering [the watchman]. There, in such a situation, it is not beyond his control, and therefore we could say the opposite, "his gain exits in his loss." This is the opinion of the different version, that reads, "his gain exits in his loss," that since he knew initially that he needed to conquer and to guard his anger when he was hard to become angry, if so, also after he became angry, he needed to conquer his anger, that he wouldn't be hard to be appeased.

¹⁰ Isaiah 20:3.

ונמציאו שתי סברות הפוכות לפנינו, וכנגדן שתי גרסאות הפוכות. והמפרשים תפסו הגירסא הראשונה של "יצא הפסדו בשכרו", משום דאמרינן בפרק קמא דברכות, מנין שאין מרצין את האדם בשעת כעסו, שנאמר "פני ילכו והנחת לך". והכי נמי תנן, אל תרצה את חבירך בשעת כעסו. אם פן, אם אינו נוח לרצות, יש לדונו לכף זכות, שעשה כל מאמצי כחו ולא עלה בידו, והרי זה אונס גמור, ומקרי ששמר כדרך השומרים, כשהיא דרועה דעל בעידנא דעיילי אינשי.

There are two opposite opinions found before us, and against them two opposite versions of the text. The commentators took the first version, of “his loss exits in his gain,” because it is said in the first chapter of tractate Berachot:

And Rabbi Yochanan said in the name of Rabbi Yosei: **From where** [is it derived] **that one must not placate a person at the time of his anger** [but should wait until he has calmed down]? **For it is said, “My presence shall go with you, and I will give you rest.”**¹¹ [Rabbi Yochanan explained:] The Holy One, Blessed be He, said to [Moses]: Wait until My face of wrath will pass and I will grant your [request].

- Berachot 7a

Also, we learned, don’t placate a person at the time of his anger. If so, if he is not easy to be appeased, one should judge him favorably, that he exerted all his efforts but did not succeed, and this is completely beyond his control. This is considered as though he safeguarded in the manner that bailees safeguard items, like a shepherd who put the animals in the field, and entered the city while the [other] shepherds were entering, and if a theft of an animal occurred at that hour, he is exempt.¹²

ומכל שכן אם הוא תלמיד חכם, שהוא יותר קשה להתרצות, כדאמרינן בפרק בתרא דמעניית, "ארץ אשר אבניה ברזל", אל תקרי "אבניה", אלא "בונה", שקשים להתרצות כברזל, כמו שפרש רש"י שם. והאי צורבא מרבנן דרמתא, אורייתא מרתחא ליה. ולא שאני לן בין המתפייס מעצמו, למתפייס מאחרים. ולכן הגרסא הנכונה היא, "יצא הפסדו בשכרו".

This is true **all the more so if he is a Torah scholar, who is more difficult to be appeased, as it is said in the final chapter of tractate Ta’anit, page 4a, regarding the verse, “a land whose rocks are iron,”**¹³ the Gemara teaches, **“don’t read ‘whose rocks’ [אבניה] [avaneha], but rather ‘whose sons’ [בונה] [boneha], for appeasing them is as hard as iron is hard,” as Rashi explained there. “This Torah scholar who grows angry, it can be presumed that it is his Torah study that angers him,”**¹⁴ because it gives him a broad heart and excessive intelligence. **There is no difference whether he perceives himself, or is perceived by others. Therefore, the correct version is, “his loss exits in his gain.”**

¹¹ Ex. 33:14.

¹² Bava Metzia 93b.

¹³ Deut. 8:9.

¹⁴ Ta’anit 4a.

"קָשָׁה לְכַעֵס וְנוֹחַ לְרַצוֹת, חֲסִיד." קָשָׁה, דְּמָה חֲסִידוֹת שְׂוִף בְּכָאן. וְיֵשׁ לֹאמֵר דְּאִיתָא בְּשָׂאלוֹת וּתְשׁוּבוֹת דְּבְרֵי רִיבּוֹת סִימָן ק"ה, אִם הַשׁוֹמֵר שְׂמֵר פְּרָאוֹי, אִף עַל פִּי שְׂלֵא שְׂמֵרוֹ כְּמוֹ שְׂשֵׁמֵר חֲבִירוֹ שְׂמִירָה מְעַלְיָא, פְּטוֹר. שְׂאִין לוֹ לְהַשְׁתַּדֵּל אֲלֵא בְּמָה שְׂחִיבְתוֹ תּוֹרָה, לֹא בְּמָה שְׂעוֹשֶׂה חֲבִירוֹ. עכ"ל. וְכַשֵּׁם שְׂהַשׁוֹמֵר שְׂעוֹשֶׂה שְׂמִירָה יוֹתֵר מִמָּה שְׂחִיבְתוֹ תּוֹרָה, בְּנֻדָּאֵי גִקְרָא "חֲסִיד" שְׂעוֹשֶׂה לְפָנִים מְשׁוּרֵת הַדִּין. אִף זֶה שְׂלֵאֲחֵר שְׂהִיָּה קָשָׁה לְכַעֵס, הִנֵּה אִף נוֹחַ לְרַצוֹת, הוּא עוֹשֶׂה יוֹתֵר מִחוֹבָתוֹ, שְׂהֵרֵי אִין מְרַצִּין לוֹ לְאֲדָם בְּשַׁעַת כְּעָסוֹ, וּלְפִיכָּךְ גִּקְרָא "חֲסִיד".

Case Three: “Hard to become angry and easy to be appeased: a pious person.” A difficulty is what relevance is piety here? It can be said that it’s brought in the responsa *Divrei Rivot*, siman 105, “If a guard guards [property] as is appropriate, even if he doesn’t guard it like his friend, with a superior guarding, he is exempt [from being liable for any damage]. For he need only strive to do what he is obligated to do by the Torah, and not what his friend does.”¹⁵ Just as the guard who guards more than he is obligated to do by the Torah, surely he is called a “a pious person,” for he goes beyond the letter of the law. So too the one who, after it is hard for him to become angry, it was easy for him to be appeased: He has done more than his obligation, for we have learned that generally, one should not try to appease a person at the time of his anger, and therefore he is called “a pious person.”

"נוֹחַ לְכַעֵס וְקָשָׁה לְרַצוֹת, רְשָׁע." כְּתִב הַרְמַב"ם בְּפֶרֶק ו' מֵהַלְכוֹת רוֹצֵחַ, וְזֶה לְשׁוֹנוֹ, הַשׁוֹנֵא שְׂהֵרַג בְּשִׁנְיָהּ, אִינוֹ גִקְלֵט, שְׂנֵאָמֵר "וְהוּא לֹא-אוֹיֵב לוֹ", חֲזַקְתּוֹ שְׂהוּא קְרוֹב לְמִזִּיד. וְאִיזְהוֹ שׁוֹנֵא, זֶה שְׂלֵא דְבַר עֲמוֹ שְׂלוֹשָׁה יָמִים מִפְּנֵי הָאִיבָה. עכ"ל. וְאִם הוּא קָשָׁה לְרַצוֹתוֹ תְּמִיד בְּכַעֵסוֹ וּבְשִׁנְיָתוֹ, וְאִפִּילוֹ אִם יִצְרַע לוֹ אִיזְהוֹ קְלִקוּל בְּשׁוֹגֵג, יִהְיֶה [ג]דוֹן כְּמִזִּיד, דְּהֵינּוּ רְשָׁע.

Case Four: “Easy to become angry and hard to be appeased: a wicked person.” The Rambam writes in the 6th chapter of the Laws of the Murderer, and this is his language:

When a person who hates [the victim] kills unintentionally, he is not received [in a city of refuge], as it is said, [that a city of refuge is for one who kills someone though] “though not being an enemy and not seeking to harm.”¹⁶ The presumption is that [a killer whose victim was someone he hated] is close to having acted intentionally. Who is considered to be an enemy? A person who did not speak to the victim for at least three days because of animosity.

- Mishneh Torah, Laws of the Murderer 6:10

If he is always difficult to appease in his anger and in his hatred, and even if some accidental damage occurs to [the victim], he will be adjudged as if it was intentional, which is that he is a wicked person.

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¹⁵ Rabbi Yitzchak Adarbi (c. 1510–c. 1584), rosh yeshiva in Salonica, *Divrei Rivot* (Salonica 1581).

¹⁶ Num. 35:23.