YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Shiur #13: The Story of Elazar Ze'ira (Part I)

Introduction

# In the next two *shiurim*, we will discuss a narrative that is interwoven into the conclusion of a halakhic *sugya*, in order to analyze the specific role of narrative in such *sugyot*, a purpose that we have not yet dealt with.

# The Halakhic Context of the Story

# The narrative that we discuss in this context is the story of Elazar Ze'ira, which appears in the sixth chapter of Tractate *Bava Kama*. The *sugya* in which the story is integrated extends from 58b-59b, and it deals with the case of an animal that goes into a field and causes damage. The issue at hand is how to calculate the amount of compensation to be paid. The *mishna* states:

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If an animal falls into a garden and derives benefit from it, its owner must pay according to the extent of the benefit, but if it enters in the regular manner and does damage, its owner must pay according to the extent of the damage.

How is payment made for the amount of damage it has done? We compare the value of an area in that field requiring a *se’a* of seed, how much it was worth versus how much of it is now worth. R. Shimon says: If the produce was ripe, the owner must pay for ripe produce; if it was one *se’a*, for one *se’a*; if it was two *se’a*, for two. (*Bava Kama*6:2)

When an animal enters a field and causes damage, it is impossible to evaluate the worth of every fruit, vegetable, or plant that has been destroyed. Instead, a larger unit of the field’s area is evaluated. (A *se’a* is about eight liters; a *kav* is one-sixth of a *se’a*, as we will see below; a *tarkav* is one-half *se’a*; and a *kor* contains thirty *se’a*.) The calculation is arrived at by comparing the worth of the unit with everything growing in it to its worth after the animal has demolished it. The difference between the two values is the damage wrought by the animal, which allows us to determine how much its owner must pay. This would be the conclusion of a literal reading of this *mishna*.

The Tosefta seems to indicate the same:

The evaluation is made neither with the area of a *kav*, which would increases its value; nor with the area of a *kor*, which would decrease its value. Rather, we compare the value of a lesser area in that field requiring a *se’a* of seed, how much it was worth versus how much of it is now worth. (Tosefta, *Bava Kama* 6:21, Lieberman edition, p. 25)

The Tosefta explains why the *mishna* chooses specifically this measure, the area of a *se’a*. The area of a *kor* is simply too big; since it is thirty times the area of *se’a*, using such a metric would drastically reduce the impact of the damage, and the landowner would therefore lose out. Conversely, since the area of a *kav* is one-sixth of a *se’a*, evaluating the damage by this standard would cause it to seem greater, unfairly hurting the owner of the animal.[[1]](#footnote-2)

There is a dissenting view in the *mishna*, that of R. Shimon, who maintains that if the produce had already ripened by the time of the attack, the evaluation should be direct, based on the market value of the produce.

A *baraita* cited in the *sugya* (58b) presents alternative Tannaitic views, according to which even if the produce had not yet ripened, its value should be the basis for compensation, rather than units of area. The *Chakhamim* in the *baraita* reflect the anonymous voice in the *mishna*: “We compare the value of an area in that field requiring a *se’a* of seed, how much it was worth versus how much of it is now worth.”[[2]](#footnote-3)

It seems that the view of the Exilarch, presented thereafter (58b), concurs with the simple reading of the Tannaitic views in the *baraita*. The Exilarch confronts the question of a date-palm (*kisba*) that has been cut down, one of three in a grove. The Exilarch makes a simple calculation, taking the worth of the small grove and dividing by three.

However, the Talmud presents another type of evaluation — considering the damaged section as one-sixtieth of a larger area. At first, this Amoraic view is attributed in the *sugya* to first and second-generation sages from the Land of Israel, namely R. Yossei bar Chanina, R. Yannai, and Chizkiya,[[3]](#footnote-4) who argue about the basic unit to be evaluated within the sixty-times-larger area:

How is the valuation arrived at?

R. Yossei bar Chanina says: [The value of] an area requiring one *se’a* of seed [is determined] in proportion to the value of an area requiring sixty *se’a* of seed.

R. Yannai says: [The value of] an area requiring one *tarkav* of seed [is determined] in proportion to the value of an area requiring sixty *tarkav* of seed.

Chizkiya says: [The value of] each stalk [consumed is determined] in proportion to the value of sixty such stalks.

This appears to be the halakhic tradition that these Amoraim received, and now the various sources must be explained according to it.

Indeed, those Tannaitic sources that seem to indicate otherwise, such as the *Tosefta* we saw above, are explained by the Talmud according to the view that the calculation is always sixtyfold.[[4]](#footnote-5) The *Rishonim* struggle with the fact that the view of the *Amora’im* seems inconsistent with that of the *mishna*, and they suggest different ways to explain the *mishna* according to the Amoraic position.[[5]](#footnote-6)

The view that we evaluate an area sixty times as large is later presented by R. Nachman, in a ruling that directly contradicts that of the Exilarch in the case of cutting down a date-palm. After the litigant is displeased by the Exilarch’s ruling, he turns to Rav Nachman, who affirms the sixtyfold calculation. [[6]](#footnote-7)

The *Amora’im* debate the scope of this method: Is it limited to damage done by animals, or does it apply to damage done by human beings as well? At the *sugya*’s conclusion, the Talmud has two versions of the ruling of the fifth-generation *Amora’im*, R. Papa and R. Huna bar Yehoshua. According to Version A, they endorse R. Nachman’s ruling of the sixtyfold calculation; according to Version B, they evaluate the date-palm in relationship to a certain plot of land.[[7]](#footnote-8) At the end, the *sugya*’s conclusion differentiates between two types of date-palms: the Aramean palm is to be evaluated by the ruling of the abovementioned *Amoraim* of the fifth generation, while the Persian palm is to be evaluated by the ruling of the Exilarch.

After this ruling, the story of “Elazar Ze'ira” appears, containing a halakhic debate about the legal question at the center of the *sugya*’s discussion – how to calculate the damage done to a date-palm. “Eliezer Ze’ira” is the name that appears in the Vilna edition of the Talmud (Ze’ira is sometimes a proper name and sometimes an appellation meaning small or young); we are following the manuscripts that have “Elazar Ze'ira.”

**The Story**

1. Elazar Ze'ira once tied on a pair of black shoes and stood in the marketplace of Neharde’a.
2. When the attendants of the house of the Exilarch met him there, they said to him, “What ground have you for tying on black shoes?”
3. He said to them, “I am mourning for Jerusalem.”
4. They said to him, “Are you such a distinguished person as to mourn over Jerusalem?”
5. Considering this to be a piece of arrogance on his part, they brought him and they imprisoned him.
6. He said to them, “I am a great man [i.e. a Torah scholar]!”
7. They asked him, “How can we tell?”
8. He replied, “Either you ask me a legal point or let me ask you one.”
9. They said to him, “[We would prefer] you to ask.”
10. He then said to them, “If a person destroys a date-flower, what payment should he have to make?”
11. They answered him, “The payment will be for the value of the date-flower.”
12. “But would it not have grown into dates?”
13. They then replied, “The payment should be for the value of the dates.”
14. “But,” he rejoined, “surely it was not dates that were destroyed!”
15. They then said to him, “You tell us.”
16. He replied, “The valuation would have to be made in conjunction with sixty times as much.”
17. They said to him, “What authority can you find to support you?”
18. He thereupon said to them, “Shemuel is alive and his court of law flourishes [in the town].”
19. They sent this problem to be considered before Shemuel, who answered them, “The statement he made to you that the valuation should be in conjunction with sixty times [as much as the damaged date-flower] is correct.”
20. They then released him.

**Literary Analysis**

The story of Elazar Ze'ira is composed of two parts: The framing device, which occupies the first and last lines of the story (l. 1-5, 19-20[[8]](#footnote-9)), recounts the story about the incarceration and release of Elazar Ze'ira by the Exilarch’s men. In the middle is the halakhic debate among the characters.

The story in its entirety is built so that the framing device brings about a halakhic analysis, which in turn influences the framing device; it is the halakhic debate that brings about the release of Elazar Ze'ira. These transitions are expressed by the use of opposite verbs: “They imprisoned him;” “They released him.”

The framing device opens by introducing the protagonist, Elazar Ze'ira. His presence immediately raises the question of whether this is a realistic-historical description or not, as this narrative is the only mention of an individual by this name in the literature of *Chazal*.[[9]](#footnote-10) This character is unheard of in either the Babylonian or the Jerusalem Talmud, and this fact raises the question of whether this individual ever existed in real life; perhaps he is merely a literary character devised as a tool for the narrative. [[10]](#footnote-11)

Moreover, the central motifs in the framing narrative appear in other stories in the Babylonian Talmud, and it may be that the tale was woven by certain storytellers or editors out of whole cloth, utilizing existing motifs from other stories they knew, even though it is hard to nail this down. For example, a similar motif exists in the following story. The Exilarch’s men contend with a sage, and then receive an order to leave him alone when he demonstrates his erudition in Torah:

Abba bar Martha, who is Abba bar Minyomi, owed money to the house of the Exilarch. So they brought him [before the Exilarch]; he distressed him and he expectorated, [whereupon] the Exilarch ordered, “Bring a vessel and cover it.”

Said he to them, “You do not need this, [for] thus did R. Yehuda say: One can tread down saliva incidentally.”

“He is a scholar,” remarked he [the Exilarch]. “Let him go.” (BT *Shabbat* 121b)

The aggressive behavior of the Exilarch’s men, who incarcerate Elazar Ze'ira because he exhibits behavior that defies their conception of normative behavior, recalls another similar story that reflects the tension between the Exilarch’s men and a certain sage and recounting the aggressive behavior of the Exilarch’s men in situations of halakhic conflict:

It was taught: The shape of a doorway of which they spoke must have a reed on either side and one reed above. Must [the side-reeds] touch [the upper one] or not? R. Nachman replied: They need not touch it, and R. Sheshet replied: They must touch it.

R. Nachman proceeded to give a practical decision in the house of the Exilarch in agreement with his traditional ruling. Said R. Sheshet to his attendant, R. Gada, “Go pull them out and throw them away.” He accordingly went there, pulled them out, and threw them away. He was found, however, by the people of the Exilarch’s household and they incarcerated him. R. Sheshet thereupon followed him and, standing at the door [of his place of confinement], called out to him, “Gada, come out,” and he safely emerged. (BT *Eruvin* 11b)

Wearing black shoes in the marketplace is another element that echoes an additional Talmudic story.

R. Baroka of Khuzestan used to frequent the market at Bei Lapat (Gundeshapur), where Eliyahu often appeared to him.

Once the former asked the latter, “Is there anyone in this market who has a share in the World to Come?”

He replied, “No,” but in the meantime he caught sight of a man who had tied on black shoes and who had no thread of blue on the corners of his garment and he exclaimed, “This man has a share in the World to Come!”

[R. Baroka] ran after him and asked him: “What is your occupation?”

The man replied: “Go away and come back tomorrow.”

The next day, he asked him again: “What is your occupation?”

He replied: “I am a jailer, and I keep the men and women separate. I even place my bed between them so that they may not come to sin. When I see a Jewish girl upon whom the non-Jews haves cast their eyes, I risk my life and save her. Once there was amongst us a betrothed maiden upon whom the non-Jews cast their eyes. I therefore took lees of wine and put them in her skirt and I told them that she was unclean.”

[R. Baroka further] asked the man, “Why have you no fringes and why do you tie on black shoes?”

He replied, “So that the non-Jews amongst whom I constantly move may not know that I am a Jew, so that when a harsh decree is made [against Jews], I inform the rabbis and they pray [to God] and the decree is annulled.

He further asked him, “When I asked you about your occupation yesterday, why did you tell me to go away and come back today?”

He answered, “They had just issued a harsh decree, and I decided I would first go and acquaint the rabbis of it so that they might pray to God.” (*Ta’anit* 22a)

Black footwear indicates an unusual appearance,[[11]](#footnote-12) a distinctly non-Jewish fashion choice.

Indeed, this has a different significance in the story of Elazar Ze'ira; however, it may be that the story in *Bava Kama* makes secondary use of the black shoe-straps as something that generates a bizarre appearance that gathers attention. The strange look of the aforementioned character and the explanation of the scholar, which exhibits arrogance,[[12]](#footnote-13) arouse the criticism of the Exilarch’s men, who imprison him.

The plot of the story and its ironic design stress the scholar’s superiority to the Exilarch’s men: in both parts of the plot, the scholar overwhelms his jailers. He defeats them in the halakhic debate, and they are compelled to free him. Reading the story holistically underlines the irony built into it: the Exilarch’s men jail the scholar for the charge of arrogance, due to an external act, eschewing a colorful style of dress in order to express the minimization of joy in the wake of the Destruction of the Temple. It is not clear that this is an act of arrogance, as much depends on the intent of whoever perform the act, and when it is executed authentically, it expresses the opposite of arrogance. On the other hand, the actions taken by the Exilarch’s men are unambiguous, as they are a violent, belligerent expression of arrogance and highhandedness.

Beyond this, the aggressive incarceration of the scholar by the Exilarch’s men causes him undue damage, which may have both physical and financial ramifications. This point ironically ties the framing narrative to the halakhic debate within it, in which these violent aggressors conduct an “academic” debate with the scholar about compensation for damage. This creates a thematic connection between the framing device and the debate at its heart, and the irony of this association sharpens the scholar’s superiority.

In the next *shiur*, God willing, we will delve into the details of the halakhic debate in the narrative and its connection to the halakhic *sugya* in which the story appears.

Translated by Yoseif Bloch

1. As interpreted by R. Saul Lieberman, *Tosefta Ke-Fshutah*, *Bava Kama,* p. 60. [↑](#footnote-ref-2)
2. See Rashi, ad loc., s.v. *Kama*. [↑](#footnote-ref-3)
3. Compare to the parallel *sugya* in the Jerusalem Talmud, *Bava Kama* 6:2 (5b), where only the views of R. Yannai and R. Yossei bei R. Chanina are cited, and are also reversed, see there. The *Rishonim* differ as to how to explain this dispute. As Rashba notes, ad loc.: “Many explanations have been offered to establish these cases.” See the various views mentioned in *Shita Mekubetzet*, ad loc. Meiri, *Beit Ha-Bechira*, ad loc., s.v. *Keitzad* ff. summarizes the main opinions well. [↑](#footnote-ref-4)
4. The Babylonian Talmud challenges the Tannaitic sources with the Amoraic view, explaining the former to conform to the latter (see the commentary of Rabbeinu Chananel ad loc. defining the source cited from the Tosefta as “an unverified Tannaitic source,” one “based on which no challenges may be posed”). [↑](#footnote-ref-5)
5. See, for example, Rashi 58b, s.v. *Se’a*; Tosafot, ad loc., s.v. *Shamin*. [↑](#footnote-ref-6)
6. The Exilarch’s ruling is referred to as “the Persian law” by the litigant; however, the *Rishonim* differ as to the meaning of this phrase. Some (Rashi, ad loc., s.v. *Dina*; Rashba, ad loc., s.v. *De-Da’in*) explain that it simply means the law of Persia, while others relate it specifically to the Persian palm, which appears at the conclusion of the *sugya* (59a). (See *Arukh Ha-Shalem*, vol. VII, p. 222, *Kasav*, as well as the Gaonic sources cited there. Cf. Tosafot 58b., s.v. *De-da’in*, who cite this view but reject it.) [↑](#footnote-ref-7)
7. This is how Michael Sokoloff renders the phrase in his *Babylonian Aramaic Dictionary,* p. 1005. [↑](#footnote-ref-8)
8. Lines 17-18 are borderline, and they may also be part of the framing narrative. [↑](#footnote-ref-9)
9. In one other place, *Bereishit Rabba* 60:8 (ed. Theodor-Albeck, p. 648), the name Elazar Ze’ira does appear, but when compared to reliable manuscripts as well as the parallel *sugya* in the Jerusalem Talmud, *Demai* 1:2 (21d), the reference is to R. Ze’ira, a well-known *Amora*. Indeed, Albeck (*Mavo La-Talmidim*) does not include Elazar Ze’ira in his comprehensive list of Amoraim. [↑](#footnote-ref-10)
10. An example of such a literary character may be found, in the view of Y. Rosenson (Katz and Rosenson, *Te’ena*, p. 169) in the story of R. Yossei of Yokeret (Diospolis), which appears in BT *Ta’anit* 23b-24a. In *Talmudic Stories*, p. 111 and p. 246, Rubenstein discusses fictitious, symbolic names given to certain characters in the case of Yehuda ben Gerim (son of converts) in the R. Shimon bar Yochai story (BT *Shabbat* 33b). M. Kahana (*Ones Be-Gittin*, p. 230), claims that this is a phenomenon in the Babylonian Talmud: a fictitious tale is appended at the conclusion of a given *sugya* in order to buttress a certain halakhic view of its editors. See below for further discussion of the issue. [↑](#footnote-ref-11)
11. Compare this to Tosafot 59b, s.v. *Hava*; Rashba, ad loc. s.v. *Ka*. It may be that there is a link between the *sugya* here (which references shoes, but not straps explicitly) and the famous shoe-straps of *Sanhedrin* 74b, at least based on the comments of Rashi and Tosafot ad loc. There Rav sets down the principle that in normal circumstances, one must give up one’s life only to avoid violating the three cardinal sins of idolatry, murder and illicit relations; but in times of persecution, even changing one’s shoe-straps is worth dying for. Rashi takes this as a reference to a distinctly Jewish and modest way of tying one’s shoes; Tosafot take it as a reference to the color of the shoes, citing the story of Elazar Ze'ira. However, R. Achai Gaon (*She’iltot, Parashat Va’era*, Question 44, ed. Mirsky, p. 45) presents a different explanation: “During a time of persecution, if non-Jews compel a Jew to serve an idol, but the Jew is not willing, the non-Jews may set the Jew before an idol and say: ‘Just bend down to untie your shoe-straps. You will not truly be bowing down to an idol, but merely bending down to untie your shoe-straps. It is only those who observe you who will think that you have bowed down.’ Nevertheless, this is forbidden…” In other words, in a time of persecution even the appearance of violating one of the three cardinal sins is impermissible; but this would have nothing to do with fashion. [↑](#footnote-ref-12)
12. The simplest reading indicates that the Exilarch’s men saw Elazar Ze'ira as a commoner arrogating to himself the external punctiliousness characteristic of the sages — hence, “Considering this to be a piece of arrogance on his part…” This may be similar to a statement found on BT *Bava Batra* 98a: “R. Yehuda says in the name of Rav: ‘Whoever is not a Torah scholar but arrogates the *tallit* of a Torah scholar will never be brought into the enclosure of the Holy One, Blessed be He.” (Cf. BT *Pesachim* 54b as well). However, there is another possible interpretation - although, in light of this source it seems not quite as reasonable. Consider the passage from *Ta’anit* 22a cited above. Perhaps the Exilarch’s men here doubt that this is an expression of mourning because they do not view him as a scholar who would be accustomed to express such sentiments through dress; therefore, as in the parallel story in *Ta’anit*, they assume that his appearance is foreign, i.e. non-Jewish. At least according to some Rishonim commenting on BT *Shabbat* 139a (cf. BT *Sanhedrin* 98a), this could be described as arrogance: “R. Papa said: When the arrogant cease to exist, the magi shall cease,” which Rashi (ad loc. s.v. *I*) explains as follows: “‘When the arrogant cease to exist’ — Jews who arrogantly plait their hair and wear the garments of arrogance, like these cavalrymen.” Cf. Ritva, *Chidushim* ad loc. See also BT *Sota* 47b. [↑](#footnote-ref-13)