YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic Aggadot**

**By Rav Dr. Yonatan Feintuch**

**Shiur #28: The Stories of R. Tarfon and the Figs**

1. The story in the Yerushalmi and its meaning

The story and its halakhic basis

The Yerushalmi*, Massekhet Shevi’it* (4:2, 35b) offers the following brief – and, at first glance, somewhat strange – story about R. Tarfon:

“R. Tarfon went down to eat figs from his own [orchard], without receiving permission (*she-lo be-tova*), in accordance with the opinion of the House of Shammai.

Guards found him and began to beat him.

When he saw that he was in danger [of his life], he said to them, ‘By your life, announce to the house of Tarfon that they should prepare shrouds for him.’

When they heard this they fell upon their faces and said to him, ‘Rabbi, forgive us.’

He said to them, ‘It is upon me. I forgave you in advance for each and every blow that I endured.’”

The opening sentence is difficult to understand. What is the meaning of R. Tarfon going down to eat figs ‘without receiving permission’ in accordance with the House of Shammai?

To understand this, we must refer back to the mishna that is the subject of the *sugya* in the Yerushalmi. (The story relates directly to the final part of the mishna, and is not directly related to the preceding discussions in the *sugya*, which address the preceding sections of the mishna). The end of the mishna in *Massekhet Shevi’it* (4:2) records a dispute between Beit Hillel and Beit Shammai concerning the consumption of the fruit of the field by the poor (or by anyone) during the *Shemitta* year:

“The House of Shammai says: The fruit of the seventh year is eaten without permission/gratitude [to the owner of the field] (*she-lo be-tova*). The House of Hillel says: They may be eaten either with or without permission/gratitude (*be-tova ve-she-lo be-tova*).”

The fruit that grows during *Shemitta* year is ownerless, and anyone is entitled to enter a field and eat of its produce, even without permission from the owner. Nevertheless, the House of Hillel rules that one may also express gratitude. The Rambam, in his commentary on the *Mishnayot*, explains that the owner of the field might give fruit to a poor person, or allow him to enter his field, in a manner that makes the poor person feel that the owner is doing him a favor (*be-tova*), even though strictly speaking the fruit is ownerless and belongs to everyone equally:

“And we have already explained that the matter of “*be-tova*” means with gratitude and thanks, as though he is bestowing a favor upon him.”

In the Mishneh Torah, the Rambam elaborates further:

“The fruit of the *Shemitta* year may be eaten either ‘*be-tova*’ or ‘*she-lo be-tova*’. What is the meaning of ‘*be-tova*’? That [the owner of the field] gives him *Shemitta* fruit as though he is doing him a favor by giving it to him, or allows him into his garden as though he was doing him a favor…” (Laws of *Shemitta* and *Yovel*, 6:15)

The terms “*be-tova*” and “*she-lo be-tova*” may also be understood as meaning “with permission” or “without permission,” but ultimately the idea is the same. The House of Shammai maintains that since the fruit is legally ownerless, one eats of it “*she-lo be-tova*”: there is no need for or meaning to the owner’s permission, and the granting of permission is not a “favor” to the person. The House of Hillel, on the other hand, maintains that one may eat of the fruit either “*be-tova*” or “*she-lo be-tova.*”

*Rishonim* on a parallel dispute in *Massekhet Eduyot* (5:2) offer an explanation for the view of the House of Hillel.[[1]](#footnote-1) Raavad and R. Shimshon of Sens (Tosfot mi-Shantz) explain there that the aim is “so that a person will not become accustomed to entering someone else’s field or garden or orchard without his permission.”

R. Tarfon follows the opinion of the House of Shammai

In the story, R. Tarfon enters his own field to eat “*she-lo be-tova*, in accordance with the view of Beit Shammai.” What does this mean?

In many different places, Beit Shammai differed with Beit Hillel. Most of the Tannaim in the generations that followed adopted the position of Beit Hillel, and as we know, the halakha was frequently decided in accordance with them. However, there were Tannaim who continued the traditions of Beit Shammai. One of the best known among them was R. Eliezer ben Hurkanus, who is known as a “Shamoti” (i.e., a follower of Shammai). There are two stories about R. Tarfon which depict him as following the tradition of Beit Shammai. The better known of the two stories appears in the mishna in *Berakhot* 1:3 –

“Beit Shammai says, in the evening everyone should recline to recite [Shema, in accordance with the literal reading of the command], and in the morning they should stand [likewise conforming with the literal command], as it is written (*Devarim* 6), ‘And when you lie down and when you rise up’. But Beit Hillel says that everyone recites it in accordance with his way, as it is written (ibid.), ‘and when you walk in the way’. [One might ask, if the matter is as Beit Hillel claim], then why does it say ‘and when you lie down and when you rise up?’ It means, ‘at the time when people lie down [to sleep]’ and ‘at the time when people rise up [in the morning].

R. Tarfon said: I was once on the way and I reclined to recite [the Shema], in accordance with Beit Shammai, thereby endangering myself on account of bandits.’ They said to him, ‘You would have been guilty for your own life, for you transgressed the teaching of Beit Hillel.’”

R. Tarfon maintains, in accordance with Beit Shammai, that the words, ‘and when you lie down and when you rise up’, referring to the recital of *Shema*, should be understood literally: in the morning one must stand, in order to fulfill the command “when you rise up,” and in the evening one must recline, in order to fulfill the command “when you lie down.” In order to emphasize and illustrate his acceptance of Beit Shammai’s position, R. Tarfon followed this approach even in a situation which involved danger to himself: he was on a journey, where there is always a danger of bandits – and all the more so if a person halts in order to recline, thereby distancing himself from the convoy, which offers a measure of security. His colleagues tell him that he could have been deserving of death for transgressing the view of Beit Hillel. They seem to be conveying a dual message: R. Tarfon should have been attacked by bandits both because he knowingly endangered himself on a journey, and because he acted in contravention of the view of Beit Hillel.

The other story of R. Tarfon following Beit Shammai is the one cited above, in the Yerushalmi in Shevi’it. R. Tarfon enters his own field (‘*mi-tokh shelo’*) ‘without permission’ (*she-lo be-tova*). How are we to understand this strange formulation? R. Shaul Lieberman (*Tosefta ki-Peshutah* Shevi’it, p. 583) asks further: how is it possible that there were guards stationed in R. Tarfon’s field? (What he appears to mean is, if R. Tarfon follows the view of Beit Shammai, then why are there guards watching over his field during *Shemitta*, since no permission is required for anyone wishing to enter and eat of the produce)? Moreover, further on in the *sugya* there is a statement that in the wake of this story, R. Tarfon regretted for the rest of his life having ‘made use of the crown of Torah.’ Why does R. Tarfon regard his deliverance as an instance of ‘making use of the crown of Torah?’ The guards would surely have ceased beating him and would have apologized immediately upon realizing that he was the owner of the field, regardless of his greatness in Torah.

R. Shaul Lieberman’s explanation

In view of the above questions, R. Shaul Lieberman proposes a new interpretation of the story. To his view, the background to the story is to be found in a *tosefta* in *Massekhet Shevi’it* 8:1-2:

“Originally, agents of the *beit din* would sit at the entrances of the cities. Whoever brought fruits in his hand, they would take them from him and give him from them enough food for three meals, while the remainder would be placed in the city storehouse.

When it is time for dates, the agents of the *beit din* hire workers to gather them, to organize them in clusters, and to bring them into the city storehouse…”

R. Lieberman explains that when the *beit din* enacted the practice of hiring workers for the fields, they must surely have placed guards in the fields at the same time, so that people would not simply take all the produce for themselves. These guards would not permit even the owner of the field to gather or eat freely of the produce. R. Tarfon enters his field “without permission” – in other words, without obtaining permission from the guards posted by the *beit din*. Nevertheless, when they discover that he is R. Tarfon, they stop beating him and ask his forgiveness, because of his greatness as a Torah scholar.

R. Lieberman does not offer any explicit words on what R. Tarfon was trying to prove, but S. Safrai proposes to fill the gap.[[2]](#footnote-2) To his view, Beit Shammai, in the mishna in *Shevi’it*, opposed the law that appears in the *tosefta* – that the *beit din* gathers the fruits and distributes them. Beit Shammai maintained that the fruits must be completely abandoned, such that anyone can come and partake of them freely – in keeping with the plain meaning of the verses in the Torah. Safrai goes on to explain that the message arising from this story is similar to the Sages’ message to R. Tarfon in *Massekhet Berakhot*, cited above: someone who tries to deviate from the rabbinic ruling that the halakha is in accordance with Beit Hillel is actually deserving of death. Just as R. Tarfon was rebuked for endangering himself by exposing himself to bandits in order to recite *Shema* while reclining, in our story R. Tarfon is beaten by the guards and is in real danger; only at the last minute do the guards discover his identity and desist.

However, it seems that this message is somewhat questionable, since ultimately R. Tarfon does not lose his life, and in truth he is in control of the situation from the outset: he knows that the moment he finds himself in danger he can save himself simply by identifying himself.

Therefore, even if we accept R. Shaul Lieberman’s halakhic basis, along with some of Safrai’s explanation, it still seems that we must disagree with Safrai’s conclusion. R. Tarfon does indeed try to express his identification with Beit Shammai’s position, by going down to his field without asking permission from the guards. Moreover, it may be that R. Tarfon planned all along to draw the guards into a conflict, in order to publicize and emphasize his halakhic position. He knows that he will emerge from this conflict with the upper hand, because if the guards do not leave him alone, he can simply identify himself – and then they surely will. The guards themselves are not his target, and therefore he forgives them in advance for the blows they deal him; they are simply doing their job. To some extent, even the blows that he receives serve to further his aim, since they amplify and perhaps even advertise his act and the halakhic position that it represents. Thus, R. Tarfon expresses significant support for the view of Beit Shammai. However, in contrast to Safrai’s interpretation, according to our understanding of the story it seems that R. Tarfon is actually successful.

Further on in the Gemara we find, as noted, the statement that although he is ultimately saved, R. Tarfon looks back on the episode with regret:

“Rabbi Abahu said in the name of R. Chanina ben Gamliel: All R. Tarfon’s life he afflicted himself over this matter and said, ‘Woe to me, that I received honor through the crown of Torah.”

The statement is not part of the story itself. As to its meaning, it is difficult to accept that R. Tarfon regretted having revealed his identity when he was in danger, in order to save himself from death. It seems easier to posit that R. Tarfon regretted having placed himself in a situation that would require him to expose his identity as a Sage in order to save himself. This seems the likelier meaning since, as noted, the beating by the guards and the need to expose himself were a possibility that he calculated in advance, and an element that perhaps even helped to amplify his emphatic position. In any event, the meaning of the statement and its importance for the story in the Yerushalmi is not sufficiently clear.

The weakness of R. Lieberman’s interpretation is that there is no indication in the text that the guards are agents of the *beit din*. Moreover, it is not at all clear that the *tosefta* cited above is actually the background to the story –that *tosefta,* for example, makes no explicit mention of guards.

Yona Frankel’s interpretation

We might propose a different, simpler interpretation of the story, based on the analysis offered by Prof. Yona Frankel.[[3]](#footnote-3) He views the story in simple and direct connection to the mishna, as do the Rishonim.[[4]](#footnote-4) According to Beit Hillel, the poor may eat of the fruit “with permission” – in other words, with the explicit agreement of the owner, who allows them, as a favor, to enter and to partake of the fruit. Beit Shammai maintains that there is no place for such permission or any sense of a “favor” that the owner bestows on the poor person, because *Shemitta* fruits are ownerless.

The halakha was decided in accordance with Beit Hillel, but R. Tarfon wants to show that he accepts the view of Beit Shammai. Still, he will not go so far as to enter a field belonging to someone else without obtaining permission, because his point is to show that it is necessary to be stringent in accordance with Beit Shammai. If he enters someone else’s field, he is merely demonstrating the aspect of Beit Shammai’s approach that is lenient toward the poor. Therefore, he “disguises” himself as someone from the outside and enters his own field, with no permission from the “owner of the field,” and thus illustrates his point.

Frankel draws our attention to the fact that one of the ways in which the story is molded is through its chiastic structure. This structure creates a situation where the last line of the story connects the reader back to the first line, offering a new reading of it: the reader (and the guards) had thought at first that there was a conflict between R. Tarfon and the guards: he enters in order to eat, against their will, and they try to prevent him from doing so. After reading the last line it turns out that from R. Tarfon’s point of view there was never any such conflict or collision of interests. R. Tarfon was well aware that the guards would beat him if they found him, and he forgave them in advance. In fact, the beating that he received was itself part of his act of observing the commandment of Shemitta in its stringent interpretation, in accordance with Beit Shammai. Frankel also notes that the words “*she-lo be-tova*” at the beginning of the story have a dual meaning. They can be understood in the halakhic sense, following on from the mishna, or they can be understood in the practical sense, foretelling what happens in the story: R. Tarfon enters his field “*she-lo be-tovato*” in the sense of “to his own detriment,” alluding to the severe beating that is the result of his action.[[5]](#footnote-5)

However, according to this interpretation, we encounter the same difficulty noted by Lieberman with the statement later on, that R. Tarfon regretted making use of the crown of Torah.[[6]](#footnote-6) Here it is important to emphasize once again that from a literary perspective, this sentence is not part of the story (in contrast to the situation in the parallel unit in the Bavli, as we shall see below). The story is a clear and closed unit, and it makes sense without R. Abahu’s addition. Furthermore, the story and R. Abahu’s statement are separated by a brief mention of the other occasion when R. Tarfon sought to demonstrate Beit Shammai’s approach:

“In these two matters R. Tarfon followed Beit Shammai and [thereby] endangered himself: in the matter related here, and in the matter of reciting *Shema*.

R. Abahu, in the name of R. Chanina ben Gamliel, said: All R. Tarfon’s life he afflicted himself over this matter and said, ‘Woe to me, that I received honor through the crown of Torah.’”

Hence, the story itself is easier to understand using Frankel’s explanation, while the unit as a whole (the story along with the addenda that follow in the sugya) is better explained by Lieberman. Either way, the story in the Yerushalmi focuses on the dispute between Beit Hillel and Beit Shammai concerning permission to eat *Shemitta* fruits, with R. Tarfon demonstrating his adherence to the approach of Beit Shammai, even though he suffers physical harm as a result.

1. The story in the Bavli and its meaning

The story and its halakhic basis

A parallel story to the one above about R. Tarfon in the Yerushalmi is to be found in the Bavli in *Massekhet Nedarim* (62a). There are striking differences between the two narratives, in terms of both their details and their literary molding.

The background to the story in *Nedarim* is a halakhic discussion in a beraita which states that if most of the knives used to create “bunches” of figs when they are picked have been folded up (i.e., they will no longer be used in the field), then from that point onward it is permissible for anyone to eat of the remaining figs (regardless of whether or not it is a Shemitta year). The reason for this is that the folding of the majority of the knives is viewed as an indication that the owner of the field is forgoing the remaining fruit:

“We learn: If most of the knives have been folded, [consumption of the fruit] is permitted without it being considered theft, and [the fruit] is exempt from tithing.”[[7]](#footnote-7)

The Gemara follows this *beraita* with descriptions of various instances which suggest that different Sages adopted different approaches with regard to this license, with some still preferring not to eat without permission from the owner of the field:

“Rabbi and R. Yossi, son of R. Yehuda, came to a certain place where most of the knives had already been folded. Rabbi ate; R. Yossi, son of R. Yehuda, did not eat. The owner [of the field] came and said to them, ‘Why are the rabbis not eating? Most of the knives have been folded!’ Nevertheless, R. Yossi, son of R. Yehuda, would not eat, believing that the man had spoken in a grudging spirit.

R. Chama, son of R. Chanina, came to a certain place when most of the knives had already been folded. He ate, but when he offered [fruit] to his attendant, the latter would not eat. He said to him, ‘Eat, for so R. Yishmael, son of R. Yossi, taught me, in his father’s name: if most of the knives have been folded, the fruit is permissible [without any suspicion] of theft, and it is [also] exempt from tithing.’”

This is then followed by the story about R. Tarfon:

“R. Tarfon was found eating [of the figs left in the field] by a certain man when most of the knives had been folded.

The man put R. Tarfon into a sack and carried him away to cast him into the river. [R. Tarfon] cried out, ‘Woe to Tarfon, who is about to be killed by this man!’

When the man heard this, he abandoned him and fled.

R. Abahu said, in the name of R. Chanania ben Gamliel: All his life that tzaddik grieved over this, saying, ‘Woe to me that I made use of the crown of Torah!’”

In the version in the Bavli, the statement by R. Abahu seems to be an integral part of the story: firstly the story immediately follows the statement, and secondly, without this statement, the story would be missing a conclusion. As we saw above, at the end of the story in the Yerushalmi, R. Tarfon’s words to the guards clarify his position and his intentions, and give meaning to the incident as a whole, as Frankel demonstrates. In the Bavli, this clarification is absent. Therefore, it appears that the narrator in the Bavli builds the narrative in a different way, by including R. Abahu’s statement within it. Thus, R. Tarfon’s words and feelings, as reported by R. Abahu, play a role in this version that parallels the words of R. Tarfon to the guards at the end of the version in the Yerushalmi. Nevertheless, the meaning is different.

The meaning of the story

It seems, as Frankel proposes, that the story as a whole can be understood in light of the concluding statement.[[8]](#footnote-8) What does the statement mean? What is R. Tarfon’s sin, as he sees it, in “making use of the crown of Torah”? On the simplest level, it seems that he refers to his revelation of his identity, from within the sack, in order to save himself. R. Tarfon’s well-known identity as a great sage causes the owner of the field, who was about to cast this “thief” into the river, to take fright and run away. However, the statement seems to have another meaning. The very arrival of R. Tarfon to eat of the fruit of this field was the result of his Torah learning – or, more specifically, his knowledge of the law in the beraita that “if most of the knives have been folded, the fruit is permitted and not considered theft, and it is exempt from tithing.”[[9]](#footnote-9) Perhaps this law was not widely known. This possibility seem to be borne out by the preceding incident related in the Gemara, where the assistant of R. Chama bar R. Chanina is unaware of the license to eat of the fruit once the knives have been folded. Likewise, it may be that while some owners of fields knew this law, they were not happy about it – as would seem to be evidenced by the description of the incident involving R. Yossi, son of Yehuda, which also appears prior to the story about R. Tarfon. Therefore we might say that the very fact that R. Tarfon eats, once most of the knives have been folded, is itself an instance of “making use of the crown of Torah,” in the sense that he uses his Torah knowledge in a way that leads to conflict with the owner of the field. Perhaps it is this that R. Tarfon regrets.

Thus, the message of the story in the Bavli is not limited to the law of “if most of the knives have been folded away,” but rather is a broad message that applies to licenses of this sort which are known to the Sages. The question is when and how they should be acted or relied upon. The *sugya* builds this message by means of the different instances cited. First it describes an instance (involving R. and R. Yossi, son of R. Yehuda) in which the owner of the field is familiar with the law, but perhaps does not view the Sages’ eating of the fruit on the basis of this law in a positive light (‘believing that the man had spoken in a grudging spirit’). Thereafter there is the instance involving R. Chama bar R. Chanina, which suggests that there is a knowledge gap separating the Sages and the masses (for example, the assistant) with regard to this law. All of this lays the foundations for the story about R. Tarfon, which presents in very harsh colors his encounter with the owner of the field, against the background of the Sages’ reliance on this law. The story of R. Tarfon ultimately expresses R. Tarfon’s regret over the incident and his recognition that the reliance on this license had been a mistake on his part. The *sugya* as a whole conveys the message that even where certain halakhic licenses exist, the Sages’ exercise of them is a complex matter, requiring great sensitivity. Therefore, the Sages must proceed with caution when applying their halakhic knowledge and thereby “using the crown of Torah”.

1. Differences between the Bavli and the Yerushalmi

The focus of the story in the Bavli is very different from its parallel in the Yerushalmi – and not only because the Yerushalmi is talking about fruit during *Shemitta* year, while the Bavli deals with fruit left in the field after the knives have been put away – without any connection to *Shemitta*. The story in the Yerushalmi deals with the halakhic question raised in the mishna: the controversy between Beit Hillel and Beit Shammai concerning the proper way for the poor to be allowed to partake of *Shemitta* fruit. The story recounts R. Tarfon’s illustration of his adherence to the approach of Beit Shammai, through his readiness to be beaten and even to endanger his life. The matter of “making use of the crown of Torah” is secondary in this version, a sort of appendix to the story whose connection with it is not entirely clear. In the Bavli, the statement about using the crown of Torah is not only integral to the story but gives the entire story its meaning. Obviously, the story also has ramifications for the specific license to eat fruit “when most of the knives have been folded away,” but its messages would appear to be a broader one, applying to halakhic licenses of this sort in general. As noted, the story calls for caution and sensitivity when relying on such licenses.

Translated by Kaeren Fish

1. The opinions there are reversed: this is one of the instances where the House of Shammai adopts the more lenient view, while the House of Hillel adopts the more stringent view. A similar tradition which likewise reverses their opinions is cited in the name of R. Yehuda later on in the mishna in *Shevi’it*. However, at least in the story about R. Tarfon, it is clear that the presentation of the earlier dispute – with Beit Shammai taking the stringent view – was accepted. [↑](#footnote-ref-1)
2. S. Safrai, 'Tales of the Sages in the Palestinian Tradition and the Babylonian Talmud', *Scripta Hierosolymitana*22 (1971), pp. 211-214. [↑](#footnote-ref-2)
3. Y. Frankel – Sippur ha-Aggada – Achdut shel Tokhen ve-Tzura, Tel Aviv 5761, p. 115. Frankel’s analysis includes additional points that are not discussed here. [↑](#footnote-ref-3)
4. See the Rambam cited above, as well as the Raavad and Rash mi-Shantz on the mishna in Eduyot, as mentioned above. [↑](#footnote-ref-4)
5. It seems that R. Shaul Lieberman’s question as to the presence of the guards in R. Tarfon’s field remains, if we adopt Frankel’s interpretation. We have no satisfactory explanation for why R. Tarfon would place guards in his field during the *Shemitta* year, when all the fruit is meant to be ownerless. [↑](#footnote-ref-5)
6. Frankel attempts to address this point; see his interpretation, esp. p. 119. [↑](#footnote-ref-6)
7. That which is ownerless is exempt from tithing (see *Mishna Ma’asrot* 1:1). [↑](#footnote-ref-7)
8. See Frankel, *Darkhei ha-Aggadah ve-ha-Midrash*, Givatayim 5751, p. 267. [↑](#footnote-ref-8)
9. Frankel offers a similar explanation, but he does not address the broader context of the sugya and the comparison between the Bavli and the Yerushalmi, aside from noting that R. Abahu’s statement plays a different role in each. See Frankel, *Sippur ha-Aggadah*, p. 119, n. 86. [↑](#footnote-ref-9)