YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

Rav Dr. Yonatan Feintuch

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This shiur is dedicated in memory of

Miriam Heller z"l

whose yahrzeit falls on the seventh of Shvat,

by her niece, Vivian Singer.

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Shiur #14: The Story of Elazar Ze'ira (Part II)

Introduction

# In the [previous *shiur*](http://etzion.org.il/en/shiur-13-story-elazar-zeira-part-i), we considered the story of Elazar Ze’ira in the Babylonian Talmud (*Bava Kama* 59b), which appears in a halakhic *sugya* dealing with the laws of evaluating damage to an agricultural field. In this *shiur*, we will discuss the halakhic debate in the narrative, and as such we will first review the details of the story.

**The Story: A Refresher**

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 which 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, “Shmuel is alive and his court of law flourishes [in the town].”
19. They sent this problem to be considered before Shmuel, 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.

**Shmuel’s View in the Babylonian and Jerusalem Talmuds**

The halakhic-legal debate between Elazar Ze’ira and the Exilarch’s men occurs in the context of the latter imprisoning the former, when the scholar realizes that his freedom depends on demonstrating his Torah knowledge. The debate focuses on an issue raised in the preceding halakhic section, which we discussed in our previous *shiur* – how to evaluate damage done to produce.

In particular, the object under evaluation is a date-flower, the unripe fruit of a date-palm,[[1]](#footnote-1) which the Talmud calls *kufra*. The Exilarch’s men determine that the date or the *kufra* should be evaluated directly, but Elazar Ze’ira sets them straight; a sixtyfold evaluation is the best method, based on the ruling of the *Amora* Shmuel.

The halakhic debate of the narrative is between the ruling of the Exilarch, mentioned above in the *sugya*, which tends to directly evaluate whatever the object of the damage is, and the ruling of R. Nachman, which constitutes part of the Amoraic school of sixtyfold evaluation and which is attributed in the narrative to Shemuel.

This halakhic debate and the ruling of Shmuel recall a case study in the parallel *sugya* in the Jerusalem Talmud:

A certain person stole a *kafoni*. The case was brought before Shmuel, who said: “Go evaluate it on top of the date-palm.”

R. Yossei son of R. Bon said: “It was *kavsha* *de-ahinei*.”[[2]](#footnote-2)

Various commentators and researchers have argued about the definition of *kafoni* and *kavsha de-ahinei*, suggesting various explanations.[[3]](#footnote-3) The general tendency is to differentiate between unripe dates, on the one hand, which are evaluated as part of the unit of agricultural land, and ripe dates or particularly select dates, on the other hand, which are evaluated as part of the top of the date-palm.

Regardless of what the interpretation of the event may be, the teaching of Shmuel as cited in the Jerusalem Talmud is to evaluate the top of the date-palm’s depreciation, paying whatever amount of value it has lost due to the theft.[[4]](#footnote-4) Apparently, Shmuel is not talking about evaluating sixtyfold, and there is no justification to conclude that such evaluation would be appropriate for other torts. We have here a dispute between the Talmuds, apparently reflecting divergent traditions about Shmuel’s ruling. The Babylonian Talmud reflects the Babylonian tradition of Shmuel’s ruling, which differs from that of the Jerusalem Talmud.

**Connection of the Story to the *Sugya***

In terms of content, there is a clear and obvious link between the story of Elazar Ze’ira and the halakhic *sugya* in which the tale appears. In the halakhic debate at the core of the narrative, the debate between Elazar Ze’ira and the Exilarch’s men, the former adopts a position that conforms to the one raised in the *sugya* in terms of evaluating damage in general, as well as in the specific context of damage to a date palm — sixtyfold evaluation.[[5]](#footnote-5) As noted above, this halakhic position is the view of various *Amora’im*, perhaps on the basis of a halakhic tradition that they maintained. It appears that this halakhic position is the subject of an inter-talmudic dispute, with the Babylonian and Jerusalem Talmuds holding different views of the ruling of Shmuel, an *Amora* of Babylonia.

As we have already noted, the *sugya* in the Babylonian Talmud explains the tannaitic sources according to this halakhic position. The Exilarch’s men in the narrative assume the alternative halakhic position, a more specific evaluation of the damaged item, recalling the view adopted by the Exilarch himself in the *kisba* episode. It appears that reading the story in its current position in the *sugya* illustrates and emphasizes the halakhic dispute at its core.

Although they are not identical, the similarity between the debates in the *sugya* and in the story is strengthened by the similarity between the characters debating the issue: *Amora’im* are on one side and the Exilarch (or his men) are on the other.

**The Development and Incorporation of the Narrative in the *Sugya***

As we have seen in previous *shiurim*, many of the narratives that appear in the Babylonia Talmud are adaptations of stories that exist in older sources from the Land of Israel, e.g. the Jerusalem Talmud, Tosefta, or *midrashim*. However, no such analogue exists for the story of Elazar Ze’ira.

Due to the lack of any analogue for the story, in whole or in part, it is difficult to determine with any absolute certainty how the tale was created or how it developed. It is possible that this is a historical narrative that the redactors of the *sugya* encountered at some stage of the editorial process, and they incorporated the story in the *sugya* due to the connection of content between the narrative and the halakhic debate in the *sugya*.

Alternatively, since the protagonist of this tale has such an unusual and rare name, Elazar Ze’ira (Young or Little Elazar), it may be that this individual is not a historical character, but the invention of the sages who edited the *sugya*. These scholars would have been aware of the innovation of the *sugya* concerning the halakhic positon of the sixtyfold evaluation, a position that does not emerge from the simple reading of the *mishna* and the *tosefta* that the argument centers on, as is expressed in the story of Shemuel in the Jerusalem Talmud. It may be that they wanted to strengthen the halakhic position that appears in the *sugya* through a narrative that concludes the *sugya* and reinforces this view and the dedication of the *Amora’im* to it. It is feasible that they could have created this story by interweaving motifs from other traditions of Babylonia or the Land of Israel, crafting them into a new narrative. In particular, it seems to have been necessary to strengthen this position against that of other authorities, such as the Exilarch, who adopted the opposite view.

Indeed, the story of Elazar Ze’ira appears to reflect and intensify the tension between the innovative halakhic position of sixtyfold evaluation and the view accepted by the Exilarch. The narrative creates a dramatic confrontation between the Exilarch’s men and Elazar Ze’ira, a character emerging from the Amoraic study hall of Shmuel — a confrontation between the Exilarch’s view and the Amoraic view (attributed to Shmuel) of evaluating damage.

There is also an intermediate position. Perhaps the narrative does indeed predate the redactors of the Talmud, albeit in a slightly altered form, and those scholars adapted it by incorporating it into the *sugya* in order for the narrative to be better integrated. The lack of connection to the confrontation about the scholar’s attire, which is the framing device for the halakhic debate at the story’s core, points towards this possibility. It is possible that the debate about evaluating damage, which is the subject of the *sugya*, is incorporated into an existing narrative so that the story may be interwoven in the *sugya*, buttressing its position in opposition to that of the Exilarch.

The location of the story in the *sugya* does not help us determine the circumstances of its incorporation. The story appears at the end, not juxtaposed to the relevant halakhic details of the tale. This placement demands an explanation. It may be that the editors did not want to interrupt the flow of the halakhic debate. Alternatively, it may be that the story was appended at the end due to other considerations, such as the desire to provide an aggadic coda to the *sugya*,[[6]](#footnote-6) a phenomenon found in many other *sugyot*. Thus, it appears impossible to reach a firm conclusion.

**The Dual Influence of Incorporating the Story in the *Sugya***

As we have seen above, without earlier parallels of this story, it is difficult to say with any certainty to what extent its plot and structure are influenced by its incorporation in the *sugya*, if at all. However, even if the redactors of the Talmud discovered this story in its current form, the very facts of its incorporation and reading it in its context contribute to our understanding of the *sugya*.

Reading this story in the *sugya* of evaluation in *Bava Kama* casts a spotlight on the dispute between the Amoraic position of sixtyfold evaluation and other positions, such as that of the Exilarch cited in the case of the *kisba*. The narrative demonstrates the innovative quality of the aforementioned Amoraic position in the *sugya*. The framing device situates the “academic” halakhic debate in the dramatic framework of tensions between the two sides, sharpening the divide between the halakhic positions that appear in the *sugya*. Moreover, the plot and structure of the story clearly tip the scales towards the aforementioned Amoraic view, both by the scholar’s victory in the actual debate and the critical-ironic manner in which the Exilarch’s men are presented in the framing device.

The story has an additional contribution: it shows the reader that the halakhic position of sixtyfold evaluation is attributed to the prominent *Amora* Shmuel, from the first generation of the Babylonian *Amora’im*.

Translated by Yoseif Bloch

1. Rashi, ad loc. s.v. *kufra*, writes: “These are, in dates, like unripe sour grapes.” Compare this to Sokoloff’s rendering (*Babylonian Aramaic Dictionary,* p. 565), palm spathes. These are the small leaves that cover the flower of the date, which eventually ripens into the fruit. [↑](#footnote-ref-1)
2. Based on the Leiden manuscript (Jerusalem Talmud, Academy of the Hebrew Language edition). [↑](#footnote-ref-2)
3. *Penei Moshe* writes that it is “a date that has not fully ripened.” Ri Levi (*Commentary on the Jerusalem Talmud*, *Bava Kama*, p. 171) writes that *kafoni* is the date-flower. R. Saul Lieberman, on the other hand, in his glosses on the Jerusalem Talmud’s Order of *Nezikin* in the Escorial Manuscript (Rosenthal edition, pp. 119-20), explains that a *kafoni* is a basket of dates; see his linguistic analysis based on the Greek analogues. This is also the explanation of Michael Sokoloff in his *Palestinian Aramaic Dictionary,* pp. 249, 266; apparently he is following in Lieberman’s footsteps. The commentators debate the meaning of *kavsha* *de-ahinei* as well. The *Penei Moshe* and other commentators explain that we are talking about ripe or extremely valuable fruit, unlike *kafoni*, unripe dates, which should be evaluated along with land, not along with the top of the tree, a method that is reserved for ripe or high-quality fruit. Others (e.g. Lieberman, ibid.) take the opposite approach: *kafoni* are ripe and *ahinei* are of lesser quality, and only such inferior fruit would be evaluate as part of the broader unit, i.e. the top of the tree. [↑](#footnote-ref-3)
4. *Penei Moshe* and other commentaries ad loc. explain the ruling of Shemuel based on the statement of R. Yossei son of R. Bon that *kavsha* *de-ahinei* is the subject; see the previous note. [↑](#footnote-ref-4)
5. However, this is related to a different part of the date-palm, the *kisba*, as opposed to the *kufra* in the narrative (for the various explanations, see supra n. 3). [↑](#footnote-ref-5)
6. Y. Fraenkel explores the incorporation of aggadic teachings to conclude units, even though this creates a certain distance between the halakhic teaching and the aggadic teaching which relates to it. See Fraenkel, *Ha-Aggada She-BaMishna*, p. 674. [↑](#footnote-ref-6)