YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Shiur #30: The Pious Man and the Goat (Part III)

# Introduction

# In the previous *shiurim*, we compared the different versions of the story about the pious man and the goat in the Babylonian Talmud (*Bava Kama* 80a), in the Tosefta (*Bava Kama* 8:13[ed. Lieberman 39a]), and in the Jerusalem Talmud (*Sota* 9:10; 24a). We saw that comparing them demonstrates that the first source concludes in a different way than the latter two. In order to buttress our reading of the narrative in the Babylonian Talmud, we will consider in this *shiur* the broader context of this tale in the *sugya*.

**The Narrative and its Broader Context**

Let us review the narrative to refresh our memories:

1. The rabbis taught: A pious man was once groaning from his heart,
2. So they consulted the doctors,
3. Who said, “There is no remedy for him except suckling boiling milk every single morning.”
4. A goat was therefore brought to him and fastened to the legs of the bed,
5. And he sucked from it [some manuscripts add: boiling milk] every morning.
6. After some days his colleagues came to visit him,
7. But as soon as they noticed the goat fastened to the legs of the bed they turned back.
8. They said: “An armed robber is in the house of this man! How can we come in to [see] him?”
9. They thereupon sat down and inquired into his conduct, but they did not find any fault in him except this sin about the goat.
10. He also at the time of his death proclaimed: “I know that no sin can be imputed to me save that of the goat, when I transgressed against the words of my colleagues.” (*Bava Kama* 80a)

The story of the pious man and the goat is not inserted alongside the halakhic debate as separate from it. Rather, it is a tale that is an integral part of the development of the *sugya*, which deals with the matter at issue in the tale: the prohibition to raise small cattle (*beheima daka*) in the Land of Israel.

While the parallel *sugya* in the Jerusalem Talmud only dedicates a few words to the topic of raising small herd animals, the Babylonian Talmud deals with it at length. At first glance, we may notice that this lengthy *sugya* is not composed of one prolonged discussion; rather, throughout it, different sources are interwoven. An in-depth analysis of the *sugya*, as compared to the Tannaitic sources that appear in it, reveals that the story of the pious man has not been included in the *sugya* on its own, but rather as part of a larger Tannaitic collection. In the framework of this *shiur*, we will not delve into the plethora of details in this lengthy passage. Instead, we will point to a number of additional sources cited in the *sugya*, some of them aggadic, which also have a “pious” agenda, much like the story of the goat in the Babylonian Talmud.

For example, in the first part of the *sugya*, an additional *baraita* is cited, immediately after the story of the pious man:

R. Yishmael [variant manuscripts have: R. Shimon Shezuri] said: My father's family was counted among the property owners in Upper Galilee. Why then were they ruined? Because they used to pasture their flocks in forests… The forests were very near to their estates, but there was also a little field nearby [belonging to others], and the cattle were led by way of this.

This *baraita* also expresses an extremely dim view of raising *beheima daka*. The *baraita* tells of a putatively good family that was punished severely for their sins, the first of which is connected to raising small cattle, “Because they used to pasture their flocks in forests.”

Other parts of the *sugya* appear to contribute to the harsh trend that arises from the story of the pious man and other sources in the *sugya*. For example, later on in the *sugya* we find the following statements:[[1]](#footnote-1)

R. Yehuda said in the name of Rav: We put ourselves in Babylon with reference to the law of breeding small cattle on the same footing as if we were in the Land of Israel

R. Huna said in the name of Rav: We put ourselves in Babylon with reference to the law of breeding small cattle on the same footing as if we were in the Land of Israel, once Rav arrived in Babylonia. (Babylonian Talmud, *Bava Kama* 80a)

These statements in the name of Rav import the prohibition from the Land of Israel to Babylonia. While the reasons for this are not explicitly stated, the commentators and researchers offer a number of explanations.

Some believe that this is based on a pragmatic understanding of the enactment and its application to the agricultural reality of Babylonia; since Jews farmed in close proximity to each other, the enactment would have been appropriate for Babylonian Jews as well.[[2]](#footnote-2)

Alternatively, in the context of the *sugya*, it may be that the expansion itself is based on the “pious” worldview that views so severely small herd animals and the act of raising them.

Whatever the reason may be, the fact that this prohibition is broadened in the days of Rav makes one thing very clear: In the early Amoraic period, there is no inclination to minimize the prohibition or downplay its importance, but rather the opposite. Moreover, after the description of exporting the prohibition to Babylonia, we find a brief Amoraic story that sharply criticizes anyone who violates the ban, in this case indicting R. Huna for keeping small herd animals in his home:

R. Ada bar Ahava said to R. Huna: “What about yours?”

He answered him: “Ours are guarded by Chuba [my wife].”

He, however, said to him: “Is Chuba prepared to bury her child?”

It was related that during the whole lifetime of R. Ada bar Ahava, none of R. Huna’s children born to Chuba remained alive.

The spirit of the narrative reflects to a great extent the blistering attitude displayed in the two Tannaitic stories mentioned in the first part of the *sugya*: the story of the pious man and the story about the house of R. Yishmael/R. Shimon Shezuri. We will add that R. Ada bar Ahava, who presents a very harsh approach that recalls the “pious” view, appears in a number of stories in the Babylonian Talmud emphasizing “pious” characteristics.[[3]](#footnote-3)

It appears that this harsh tendency is also continued in the next part of the *sugya*, which talks about the *baraita* of Yehoshua’s stipulations. This *baraita* opens with a stipulation involving raising small cattle.[[4]](#footnote-4) As we consider the Talmudic explanation of the details of this *baraita*, it appears that a harsh trend is expressed here as well:

Our Rabbis taught: Yehoshua [on his entry into the Land of Israel] laid down ten stipulations:

1. It is permitted to pasture in the forests.
2. Wood may be gathered [by all] in private fields.
3. Grasses may similarly be gathered [by all] in all places, with the exception of a field in which fenugreek is growing.
4. Shoots are permitted to be cut off [by all] in all places, with the exception of stumps of olive tree.
5. A spring emerging [even] for the first time may be used by the townspeople.
6. It is permitted to fish with an angle in the Sea of Tiberias, provided no sail is spread, as this would detain boats [and thus interfere with navigation].
7. It is permitted to ease one's self at the back of a fence even in a field full of saffron.
8. It is permitted [to the public] to use the paths in private fields until the time when the second rain is expected.
9. It is permitted to turn aside to [private] sidewalks in order to avoid the road-pegs.
10. One who is lost in the vineyards is permitted to cut a way through when going up and cut a way through when coming down.
11. A dead body, which anyone who finds must bury, should acquire [the right to be buried on] the spot [where found]…

The *baraita* itself, which deals with a broad category of topics, displays a relatively lenient attitude towards some of the topics. For example, when it comes to raising small cattle, we find that the *baraita* limits the prohibition, allowing pasturing in the forests (i.e. wooded areas) — as opposed, of course, to fields used for cultivating grain or other produce. It is worth noting that this is the same act for which the family of R. Yishmael/R. Shimon Shezuri was punished. In addition, this *baraita* allows collecting wood in these areas, even as food for the pasturing animal.[[5]](#footnote-5) In fact, this relationship is part of the trend that characterizes the *baraita*. This *baraita* contains a number of laws that are quite lenient concerning the rules of maintaining the property of others in certain situations.[[6]](#footnote-6)

This agenda is reflected in these laws, an approach that recognizes that the “normal” and reasonable conduct of life must sometimes allow a certain impingement on the property of others, within sensible boundaries, thus striking a balance between different values. In fact, this constitutes a tendency diametrically opposed to the pious inclination, which takes a radical approach of maintaining maximal distance from any concern of theft, even at the cost of convenience and even at the cost of other values, as we have seen above.

However, the *gemara* does not leave the *baraitot* as they are, instead adding Amoraic and anonymous notes, many of them limiting the scope of the allowances stipulated by Yehoshua. For example, the dispensation given for pasturing in the forest, which is the essence of our matter, is limited by R. Papa’s statement:

It is permitted to pasture in the forests — R. Papa says: This applies only to small cattle pasturing in big forests, for in the case of small cattle pasturing in small forests or big cattle in big forests, it would not be permitted, and still less big cattle pasturing in small woods. (Babylonian Talmud, *Bava Kama* 81a)

Similarly, the allowance to gather wood is also limited.

“Wood may be gathered [by all] in private fields” — This applies only to [prickly shrubs such as] Spina Regia and hollow, for in the case of other kinds of wood it would not be so.

Moreover, even regarding Spina Regia and hollow, permission was not given except when they were still attached to the ground, but after they had been already broken off [by the owner] it would not be so.

Again, even in the case of shrubs still attached to the soil, permission was not given except while they were still in a wet state, but once they had become dry it would not be so. But in any case it is not permitted to uproot [them].

Although not every development of the *sugya* is in the direction of minimizing the dispensations, this is the trend that prevails for the most part.

Beyond this, it is worth noting that one aspect of the tendency towards being stringent is reflected in the citation of two small anecdotes about R. Yehuda ben Kenosa and Mar Zutra the Pious,[[7]](#footnote-7) which are characteristic of pious behavior.[[8]](#footnote-8) Those who lead such a lifestyle are not prepared to accept these “leniencies” toward the property of others at face value:

“It is permitted to ease one's self at the back of a fence even in a field full of saffron” — R. Acha bar Ya’akov says: This permission was required only for the taking of a pebble from the fence.

R. Chisda says: This may be done even on the Sabbath.

Mar Zutra the Pious used to take a pebble from a fence and put it back there and tell his servant to go and make it good again…

Rabbi and R. Chiya were once walking on the road. They turned aside to the private sidewalks, while R. Yehuda ben Kenosa went striding along the main road in front of them.

Rabbi thereupon said to R. Chiya: “Who is that man who wants to show off in front of us?”

R. Chiya answered him: “He might perhaps be R. Yehuda ben Kenosa, who is my disciple and who does all his deeds out of pure piety.”

When they drew near to him, they saw him and R. Chiya said to him: “Had you not been Yehuda ben Kenosa, I would have sawed your joints with an iron saw!”

The two “pious” stories serve in the *sugya* as a sort of mirror image of the story of the pious man and the goat,[[9]](#footnote-9) which sharpens the pious worldview of total and radical eschewal of theft, even when the Sages allow it.

Another example parallel to the first part of the *sugya* may be seen in another expansion, this one regarding the law of turning aside to private sidewalks:

“It is permitted to turn aside to [private] sidewalks in order to avoid the road-pegs” — As Shemuel and R. Yehuda were once walking on the road, Shemuel turned aside to the private sidewalk.

R. Yehuda thereupon said to him: “Do the stipulations laid down by Yehoshua hold good even in Babylon?”

He answered him: “I say that it applies even outside the Land of Israel.”

If we consider the entire *sugya* of *beheima daka* in the broader context, we discover that in this *sugya,* Tannaitic sources are cited – *baraitot* about small cattle and the *baraita* of Yehoshua’s stipulations. In the Tannaitic source of these *baraitot* in the Tosefta, the *baraitot* are characterized generally by a more lenient or a more balanced relationship. These sources essentially attempt to prevent the damages of small cattle to private agriculture or to settling the land generally, but they simultaneously set limitations for the prohibition, which are designated to allow people to live their lives in a “normal” and well-ordered manner. In these Tannaitic sources, there are also stories about the harsh attitude toward Sages who violate this enactment, mainly because they transgress the views of their colleagues. In contrast, in the Babylonian Talmud – whether in terms of the way in which the parallel *baraitot* are cited or in terms of the explication or expansion that the *gemara* provides for them – it appears that there is a trend towards a more severe view, restricting the allowances.

We must be precise and note that this harsher tack in the *sugya* is not comprehensive. In halakhic sections of the *sugya*, part of this trend is reflected in different formulations alone, and the other part is reflected in minor details, mainly minimizing the various dispensations set out in Tannaitic sources. However, the aggadic parts integrated in the *sugya* do express a “pious” view. It is therefore necessary to analyze what exactly these aggadic sections contribute to the overall character of the *sugya*, but we will not explore that issue at length in this framework.

Concerning the story of the pious man and the goat, we may summarize and say that it is an organic and integral part of the local *sugya*, interwoven in it as part of a broader unit of *baraitot* that are cited in the *gemara* from a source similar to Tosefta *Bava Kama*. The integration of these *baraitot*, which differ in various ways from their parallels in the Tosefta, as well as the *gemara*’s addenda, are part of the process of building the leading *sugya* analyzing the issue of *beheima daka* in the Babylonian Talmud.

**Summary: How the Tale of the Pious Man and the Goat Influences the Tenor of the *Sugya***

In these three *shiurim*, we have dealt with the *sugya* in the Babylonian Talmud, Tractate *Bava Kama*, which deals with the prohibition of raising small cattle in the Land of Israel. The main point that arose in our analysis of the story of the pious man and the goat is that the Babylonian Talmud moves the focus of the story from the problem of transgressing the words of one’s colleagues to the very problem of maintaining a *beheima daka*, the embodiment of thievery, in the home of a supposedly pious person — the sort of individual who, generally speaking, would stay far away from anything that gives off a whiff of larceny or impinging on the property of another.

In the narrative, the harsh attitude towards maintaining small cattle is stressed, without any connection to extenuating circumstances or the possibly of a formal allowance to do so, at least according to some views. A similar spirit informs the rest of the stories in the *sugya*: We read the tragic tale told by R. Yishmael/R. Shimon Shezuri about the fate of his father’s family, which, according to the formulation in the Babylonian Talmud, pastured their animals in forests, something explicitly permitted in the *baraita* of Yehoshua’s stipulations. In the story of Chuba and the “pious” retort of R. Ada bar Ahava, we find a similar relationship toward someone who violates the expansion of the enactment to Babylonia, despite the claim of R. Huna that the animals are maintained in such a way that they will cause no damage. Two additional stories that appear in the midst of the *sugya*’s analysis of Yehoshua’s stipulations have nothing to do with small cattle, but the message that arises from them is similar. In these stories, we find a positive appraisal of a character who refuses to use a formal dispensation given in a time of need to impinge in a minor way on the possessions of someone else. This is “pious” behavior, which is characterized by attributing great value to keeping maximal distance from thievery or anything that recalls it, without the possibility of flexibility. Thus, the stringent agenda that emerges from the *sugya* as a whole, and the “pious” trend which arises from its aggadic components in particular, supports the interpretive direction raised above in the analysis of the story of the pious man in the Babylonian Talmud.

The importance of the context in this case is particularly great, in light of the fineness of the distinctions on which we based our literary analysis in the previous *shiur*. The differences between the Babylonian Talmud’s version of the story of the pious man and the goat and the versions of the Tosefta and the Jerusalem Talmud are relatively fine, and it may be that it is difficult to propound, based on them alone, the different interpretation of the story in the different sources. However, reading the story in the Babylonian Talmud in its broader context shows that the interpretation we have cited is justified, as the “pious” agenda we identified in the Babylonian Talmud characterizes in a significant way the *sugya* of the prohibition of raising a *beheima daka* in this Talmud. In that *sugya* in the Jerusalem Talmud, for example, we do not find such a tendency.

Reading the narrative of the pious man together with the other stories makes a double contribution to the *sugya*. Their appearance in the context of the *sugya* helps to form a severe attitude towards the law of keeping small cattle; they strengthen the trend, which the Babylonian Talmud apparently wants to create and which exists in the halakhic sections of the *sugya*. The story of the pious man presents in the *sugya* a model of “pious” behavior that demands stringent adherence to the laws mentioned in it, and the law of small cattle in particular, even in contexts in which a formal dispensation exists. This model goes further, albeit as an option and not as a binding norm, beyond the relatively severe norms that the *sugya* sets out in its halakhic parts.

The use of *aggada* in halakhic *sugyot* in order to point to norms of behavior that constitute acts of piety or going beyond the letter of the law is found in a number of *sugyot* in the Babylonian Talmud’s tractates of *Bava Kama, Bava Metzia*,and *Bava Batra*. However, this is not the forum to elaborate on the subject.

1. The reader may remember these statements from *shiur* #16 in this series. [↑](#footnote-ref-1)
2. See, e.g., Moshe Beer, Babylonian Amoraim: *Aspects of Economic* *Life* (Bar-Ilan University: Ramat Gan, 1974), pp. 131-133. [↑](#footnote-ref-2)
3. See, for example, *Berakhot* 5b; *Berakhot* 20a; *Shabbat* 135a; and of course the parallel to our *sugya*, *Nazir* 57b. [↑](#footnote-ref-3)
4. 80b-81a. On 81b, the *gemara* notes the discrepancy: “I would here ask: Are these stipulations only ten [in number]? Are they not eleven? [The permission] to use the paths in private fields was actually said by Shelomo.” [↑](#footnote-ref-4)
5. See Rashi ad loc., s.v. *u-mlakketin*. [↑](#footnote-ref-5)
6. E.g. “It is permitted to ease one's self… It is permitted [to the public] to use the paths in private fields… It is permitted to turn aside to [private] sidewalks in order to avoid the road-pegs.” [↑](#footnote-ref-6)
7. In Jerusalem Talmud, *Bava Batra* 5:1 (15a), we find a parallel in the *baraita* of Yehoshua’s stipulations, and there a similar story appears with different characters and some differences in the details; see there and the parallel in Jerusalem Talmud, *Berakhot* 2:9 (5d). [↑](#footnote-ref-7)
8. R. Yehuda ben Kenosa is not identified as “pious,” but it is said of him, “all his deeds were for the sake of heaven,” an expression that appears in the Tosefta discussed above concerning R. Yehuda ben Bava, who is described as pious by the Babylonian Talmud (see *Bava Kama* 103a, *Temura* 15b). Aside from these two cases, this expression is used only one other time in all of the literature of *Chazal* – concerning Hillel the Elder (Babylonian Talmud, *Beitza* 16a). [↑](#footnote-ref-8)
9. Particularly the story of R. Yehuda ben Kenosa, who “transgressed against the words of his colleagues.” He is even criticized for this, particularly in the case that constitutes punctiliousness with regard to the property of others and unwillingness to impinge on it even when such impingement is allowed. [↑](#footnote-ref-9)