

THE INTERACTION OF LAW AND NARRATIVE (HALAKHAH AND STORY)
IN THE TORAH, MISHNAH AND GEMARA

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November 22, 2012

Robert Cover, "Nomos and Narrative," in Martha Minow, Michael Ryan and Austin Sarat, eds., *Narrative, Violence and the Law: The Essays of Robert Cover* (Ann Arbor, 1995), 95-172.

Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (New York, 2012).

Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Studies* (Philadelphia, 2011).

Emmanuel Levinas, *Nine Talmudic Readings* (Bloomington, 1994), 12-29.

תורה	בא	שמות	יא:ד-יב:ג
		רביעי	
			מאד בארץ מצרים בעיני עבדי פרעה ובעיני העם: ויאמר
			משה כה אמר יהוה כחצת הלילה אני יוצא בתוך מצרים: ומת כל-
			בכור בארץ מצרים מבכור פרעה הישב על-כסאו עד בכור השפחה
			ו אשר אחר הרחיים וכל בכור בהמה: והיתה צעקה גדלה בכל-ארץ
			מצרים אשר כמהו לא נהיתה וכמהו לא תסף: ולכל בני ישראל לא
			יחרץ-בלב לשנו למאיש ועד-בהמה למען תדעון אשר יפלה יהוה
			בין מצרים ובין ישראל: וירדו כל-עבדיך אלה אלי והשתחווי-לי
			לאמר צא אתה וכל-העם אשר-ברגליך ואחר-יבן אצא ויצא מעם-
			פרעה בחרי-אף: ויאמר יהוה אל-משה לא ישמע אליכם
			פרעה למען רבות מופתי בארץ מצרים: ומשה ואהרן עשו את-כל-
			המפתיים האלה לפני פרעה ויחזק יהוה את-לב פרעה ולא-שלח את-
			בני-ישראל מארצו: ויאמר יהוה אל-משה ואל-אהרן
		יב	בא
			בארץ מצרים לאמר: החדש הזה לכם ראש חדשים ראשון הוא
			לכם לחדשי השנה: דברו אל-כל-עדת ישראל לאמר בעשר לחדש
			הזה ויקחו להם איש ששה לבית-אבת ששה לבית: ואם-ימעט הבית
			מהיות משה ולקח הוא ושכנו הקרב אל-ביתו במכסת נפשת איש לפי
			אכלו תכסו על-הששה: ששה תמים ובר-בן-שנה יהיה לכם מן-הכבשים
			ומן-העזים תקחו: והיה לכם למשמרת עד ארבעה עשר יום לחדש
			הזה ושחטו אתו כל קהל עדת-ישראל בין הערבים: ולקחו מן-הדם
			ונתנו על-שתי המזוזות ועל-המשקוף על הבתים אשר-יאכלו אתו
			בהם: ואכלו את-הבשר בלילה הזה צלי-אש ומצות על-מררים

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victim] died,^[46] [the offender] brings ten people and has them stand by his grave, and he says: – and he says: – “I have sinned against Hashem, the God of Israel, and against So-and-so, whom I wounded.”^[47]

A related incident:

R' Abba had grounds for a grievance against R' Yirmiyah, i.e. he had been wronged by R' Yirmiyah. [R' Yirmiyah] went and sat at the entrance of the house of R' Abba. As [R' Abba's] maid was throwing out the waste water, drops of the water hit his head. He said: – “They have made me into a trash heap.” He recited the following verse about himself: – “From the trash heaps [God] raises the destitute.”^[48] R' Abba heard and came out to greet him. He said to [R' Yirmiyah]: – “Now I need to appease you!”^[49] As it is written: – “Go abase yourself; and treat him like a ruler.”^[50]

A practice of the Sages:

When R' Zeira would have grounds for a grievance against someone, he would repeatedly pass in front of [the offender], thereby making himself available to him

– so that [the offender] would come and appease him.^[51]

A related incident:

Rav had grounds for a grievance against a certain butcher. [The butcher] did not come before him to seek forgiveness. On the day before Yom Kippur [Rav] said: – I will go to him to effect a reconciliation.^[52] As Rav was on his way, Rav Huna met him. He asked [Rav]: – “Where is master going?” [Rav] answered him: – “To effect a reconciliation with So-and-so.” [Rav Huna] replied: – “Abba (i.e. Rav)^[53] is going to kill someone!”^[54] [Rav] went and stood by [the butcher], who was sitting and breaking the bones of an animal's head. [The butcher] raised his eye and saw him. He said to [Rav]: – “You are Abba.^[55] Go away! I have nothing to discuss with you.” As he was breaking the bones of the animal's head, a bone shot out, hit him in the throat, and killed him.

The Gemara records another incident:

Rav was reciting the verses of a Scriptural passage^[56] before Rabbi. –

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[Rav] went back to the beginning of the passage for the benefit of R' Chiya. Again [Rav] went back to the beginning of the passage. Once more [Rav] went back to the beginning of the passage. R' Chanina bar Chama came. R' Chanina bar Chama came. [Rav] said: – “Must we keep on going back so many times!” This time he did not go back. R' Chanina took offense.^[2] Rav went to him on the day before Yom Kippur for thirteen years^[3] to beg his forgiveness, but [R' Chanina] was not appeased.

The Gemara asks:

How could [Rav] have done that? Why, R' Yose bar Chanina has said:^[4] – “Whoever beseeches forgiveness from his fellow should not beseech him more than three times.”^[5] – ?

The Gemara answers:

Rav was different. He went beyond the letter of the law.^[6]

The Gemara now questions the behavior of R' Chanina, who refused to grant forgiveness:

And how could R' Chanina have done that? Why, Rava has said: – “Anyone who relinquishes his measure of retribution,^[7] [the Heavenly tribunal] relinquishes all his sins for him.”^[8] – ?

The Gemara answers:

Rather, R' Chanina had a dream about Rav in which [Rav] was hung from a palm tree. And it is known through tradition that anyone who is seen hung from a palm tree in a dream will become a leader. [R' Chanina] said to himself: – Learn from it [the dream] that [Rav] wants to become the head of the academy. I will therefore refuse to be appeased by him – so that he will be compelled to go and teach Torah in Babylonia.^[9]

The laws of making confession on Yom Kippur:

The Rabbis taught in a Baraisa: – THE OBLIGATION OF CONFESSION takes effect ON THE EVE OF YOM KIPPUR WITH the approach of DARK.^[10] BUT THE SAGES SAID: – ONE SHOULD CONFESS BEFORE HE EATS AND DRINKS – LEST HE LOSE HIS MIND AT THE MEAL.^[11]