Halakhic Mimesis: Rhetorical and Redactional
Strategies in Tannaitic Narrative

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Scholars have approached the study of rabbinic sage stories from a wide range of methodological perspectives, including historical, literary, folkloric and, most recently, cultural studies.[1] Despite this variety of approaches, there exists a broad consensus among scholars on one key issue: sage stories are an essentially aggadic, and therefore non-halakhic, genre. As such, the question of how best to approach these stories is a subset of the age-old question of how best to understand and interpret

1 Seminal examples of these approaches include, respectively, Gedaliah Alon, *The Jews in Their Land in the Talmudic Age* (trans. Gershon Levi, 2 vols.; Jerusalem: Magnes, 1980); Yonah Frenkel, *Aggadic Narrative: Harmony of Form and Content* (Hebrew) (Tel-Aviv: Hakibbutz Hameuchad, 2001); Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature* (trans. Batya Stein; Stanford: Stanford University Press, 2000); Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993).

aggadah. Even scholars such as Rubenstein and Valler, who have attempted to understand the relationship between sage stories and their legal contexts, frame their discussions in terms of the relationship between aggadah and halakhah.[2] This assumption of the aggadic nature of sage stories has served scholars well in their study of many of the richer and more complex stories, whose agendas largely conform to the narrative and ideological concerns of aggadic texts. Furthermore, these stories are clearly "literary" in nature, an attribute that many scholars, implicitly or explicitly, associate with aggadah, as opposed to halakhah. However, most of the talmudic texts about rabbinic sages which we might define as "stories" do not fit the conventional category of aggadah. Rather, they are brief, stereotypical stories which are decidedly halakhic in nature. The primary purpose of these stories is to transmit halakhah by reporting an individual rabbinic teaching, ruling, or practice in the context in which it originated. Even many of the more complex "aggadic" stories are rich in halakhic themes and concerns and often play a role in the transmission of individual halakhot. Accordingly, the rabbinic sage story needs to be considered at least as much from the perspective of halakhah as aggadah.

A similar set of assumptions underlies much of the contemporary discussion surrounding the relationship between law and narrative in general. The dominant voice in this discussion has been that of Robert Cover, especially in his essay "Nomos and Narrative."[3] For Cover, narrative and law are two fully distinct, though interrelated realms. In

2   Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: The Johns Hopkins University Press, 1999); Shulamit Valler, *Women and Womanhood in the Talmud* (trans. Betty Sigler Rozen; Atlanta: Scholars Press, 1999). See my review of these works, Moshe Simon, "[On] Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* and Shulamit Valler, *Women and Womanhood in the Talmud,*" *AJS Review* 26 (2002), 129-31.

3   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: University of Michigan Press, 1992), 95-171.

his view, laws take on meaning in the context of the stories which define their origin and authority. Cover uses the Hebrew Bible as his paradigm for the interrelationship between law and narrative within a literary canon. In the Bible, legal passages are framed by stories recounting the divine origins of the laws and texts that narrate the consequences of accepting or rejecting these laws. Narrative discourse thus encompasses legal discourse, giving the law historical and metaphysical legitimacy. Narrative plays a similar role in other legal texts closely related to the Bible. Many of the legal documents of ancient Mesopotamia and of the Dead Sea sect follow a similar pattern of encasing legal principles and rulings in a narrative frame which establishes the history and authority of these laws.[4]

Rabbinic texts, in contrast, reflect a very different model for the relationship between law and narrative. In the Mishnah, Tosefta, and Talmudim, stories do not frame the legal discourse. The rabbis do not generally present master narratives which provide a context for their laws.[5] Rather, they relate brief anecdotes which are an integral part of their legal discourse. These stories relate individual legal precedents established by the deeds and declarations of rabbis of previous generations. Stories are thus but one of many ways that these texts

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4   On the role of narrative in biblical and Mesopotamian legal texts see Simon-Shoshan, "Halachah Lemaʿaseh," 82-98. Steven Fraade has demonstrated that the model I established for biblical and Mesopotamian legal texts applies to the Damascus Document as well; see his "Ancient Jewish Law and Narrative in Comparative Perspective: The Damascus Document and the Mishnah," elsewhere in this volume. It should be noted that Cover himself did not accept the hegemonic use of narrative displayed in these ancient texts. Quite to the contrary, he focused on the way in which multiple narratives and narrative interpretations often compete to explain a given set of laws or legal principles. Nevertheless, Cover drew on this biblical paradigm in his conception of narrative as a form distinct from law, which provides the context for the exercise of legal authority and interpretation.

5   The exception that proves this rule is the famous genealogy of the Torah found at the opening of *Pirke Avot*.

formulate and transmit legal rulings and principles. The relationship between narrative and law is not between two distinct genres but between the potential form and content of a given text.[6]

It is thus in the context of rabbinic stories that the traditional boundaries between halakhah and aggadah, and between law and literature, tend to break down. Narrative is a discourse which accommodates, and can be accommodated by, many other modes of discourse. The result is the transformation and interpenetration of these fields and the establishing of an ongoing dialogue between them.

In this paper I seek to demonstrate the complex interrelationship between halakhah and aggadah found in rabbinic sage stories and to explore the special role which stories play in halakhic argumentation. I will do so through an analysis of two parallel stories, one found in *m'Eruvin* 4:4 and the other in a baraita cited *ad loc.* in *b'Eruvin* 45a. I will highlight two important phenomena in the functioning of stories in halakhic discourse. First, through a diachronic analysis of these sources, I will show how a story that was originally composed in an aggadic context was appropriated by, and ultimately assimilated into, halakhic discourse. Then, employing a synchronic approach, I will show how these two stories illustrate two distinct stylistic and rhetorical options that were available to rabbinic authors who sought to use stories in transmitting halakhah.

For the purposes of this article, I will define the terms "aggadah" and "aggadic" in negative terms, as referring to the absence of halakhic content or intent. The relative halakhic or aggadic nature of a given story will thus depend not only on its contents but its context. The same story may be presented in an aggadic context in which its halakhic content is marginalized or even eliminated, or it could be presented in a halakhic context which highlights halakhic aspects of the story which might otherwise escape the reader.

6   For a similar critique of the contemporary study of law and narrative see Peter Brooks, "Narrativity of the Law," *Cardozo Studies in Law and Literature* 14 (2002), 1-19.

Before proceeding to our texts, a little halakhic background is needed. The fourth chapter of tractate ʿEruvin deals with the laws of the teḥum Shabbat, the "Sabbath boundary." In rabbinic law, each Friday afternoon, a Jew "acquires his domicile" at the place where he or she finds him or herself at sundown. For the remainder of the Sabbath, the Jew can travel only two-thousand cubits (approx. 1 KM) from this location. The exact definition of the term "place" or "location" depends on the circumstances. If a person begins the Sabbath in a city or other settlement, he or she can consider the entire settlement to be his or her "place." The person can then travel at will within the city as well as within a two-thousand cubit radius beyond the city limits. If, however, one begins the Sabbath on the road, or otherwise beyond the reach of human settlement, then one's "place" is defined as the exact point where one began the Sabbath. Such a person may only move within a two-thousand cubit radius centered on that point. Furthermore, if a person begins the Sabbath within the two-thousand cubit perimeter surrounding a city, *intent* to acquire one's domicile in the city is sufficient. What happens, however, if the person was initially unaware that he was within two-thousand cubits of a city and hence could not have intended to take up residence there over the Sabbath?

Below, in synoptic form, are the texts of the Mishnah and baraita, which deal with precisely this issue:[7]

*m*ʿEruvin 4:4 (according to MS Kaufmann)	Baraita, cited in *b*ʿEruvin 45a (according to MS Vatican 109)
A מי שישב בדרך ועמד והרי הוא סמוך לעיר הואיל ולא היתה כוונתו לכך, לא יכנס כדברי רבי מאיר. ר׳ יהודה אומר: יכנס.	
B אמר רבי יהודה: מעשה היה ונכנס ר׳ טרפון בלא מתכוון.	**B** תניא, אמר רבי יהודה: מעשה ברבי טרפון שהיה מהלך בדרך

7   English translation adapted from the Soncino edition.

וחשכה לו, ולן חוץ לעיר.

לשחרית מצאוהו רועי בקר,

אמרו לו: רבי, הרי העיר לפניך, הכנס!

ונכנס וישב בבית המדרש,

ודרש כל היום כולו.

C אמר לו ר׳ יעקוב [אמרו לו   in printed editions]

משם ראייה?

שמא בלבו היתה,

או בית המדרש מובלע בתוך תחום שלו.

A If a man sat down by the way and when he rose up he observed that he was near a town, he may not enter it, since it had not been his intention to do so; so said R. Meir.

R. Judah ruled: he may enter it.

B Said R. Judah, "It once actually happened that R. Tarfon entered a town though this was not his intention [when the Sabbath had begun]."

B It was taught [in a baraita]: R. Judah related,

"It once happened that R. Tarfon was on a journey when dusk fell and he spent the night on the outskirts of the town.

In the morning he was discovered by some herdsmen, who said to him, 'Master, behold the town is just in front of you, come in.'

He, thereupon, entered and sat down in the house of study, and delivered discourses all that day."

C Said R. Jacob, "Is that incident any proof? Is it not possible that he had the town in his mind or that the house of study was actually within his Sabbath limit?"

As is clear from the synoptic presentation of the texts above, the Mishnah and the baraita share a core text, Section (B), in which R. Judah recounts the story of R. Tarfon entering the city on the Sabbath. However, while the Mishnah presents an extremely concise version of the story, the baraita presents a more expansive one. In the Mishnah, R. Judah's account is preceded by a passage (A) that quotes a dispute between R. Meir and R. Judah as to the permissibility of entering a city on the Sabbath if one unwittingly began the Sabbath within the two-thousand cubit perimeter of the city. R. Meir forbids, and R. Judah permits. R. Judah then cites the story of R. Tarfon (B) as a supporting precedent. The baraita, in contrast, begins with the story (B) which is followed by a series of questions from R. Jacob, questioning whether or not this story does in fact support R Judah's position (C).

Though this presentation of the relationship between the Mishnah and the baraita accurately reflects the texts as we have received them, originally, the baraita also apparently opened with a presentation of the dispute between R. Meir and R. Judah akin to, if not identical with, the one found in the Mishnah (A). R. Jacob's questions presuppose that R. Judah is telling his story in order to support his position with regard to Sabbath limits. However, the questions that R. Jacob asks are appropriate only to the baraita's version of the story and not the Mishnah's. He questions whether or not R. Tarfon was indeed ignorant of the fact that he was within the limits of the city. He further notes that there is no indication that the house of study to which he journeyed was more than two-thousand cubits from R. Tarfon's original position. If the house of study were indeed less than two-thousand cubits from R. Tarfon's original encampment, it would then be permissible to go there according to

all opinions. These questions only seem valid for the baraita's version of the story, while the Mishnah's account eliminates these difficulties. The latter explicitly states that R. Tarfon was initially unaware that he was within the limits of the city, and makes no reference to a house of study, instead suggesting that he traveled through the city at will. The baraita must thus be seen as independent of the Mishnah. It is only under-standable if we posit that it originally opened with a presentation of the dispute between R. Judah and R. Meir. In all likelihood, this section was eliminated by the redactors or transmitters of the Bavli when they appended the baraita to the Mishnah.

Having established the original form of the baraita, we must now investigate the initial context of the story as it is recorded in the baraita. Clearly, this is a story which relates directly to halakhic issues. R. Tarfon's predicament and its solution assume the existence of halakhot regulating one's movement on the Sabbath. In this sense, we might call it a halakhic story.[8] However, as R. Jacob argues, this story is not compelling proof for R. Judah's particular halakhic position regarding entering cities on the Sabbath. It omits several pieces of information necessary to determine R. Tarfon's position on the debate between R. Judah and R. Meir. Instead, the story is replete with details that are not at all germane to this halakhic dispute. It is difficult, then, to imagine that this story was initially composed for the purpose of transmitting a halakhic ruling.

8   Given the fact that the story itself makes no explicit reference to the Sabbath, it is possible that the original story was not set on the Sabbath, and hence had no halakhic context at all. This reading cannot be absolutely refuted. However, in all of the other instances of the phrase "חשכה ל," "dusk fell on X," in classical rabbinic literature, the term is used only with re-ference to the beginning of the Sabbath or holidays. Similarly, the term "בדרך וחשכה...," "on a journey when dusk fell," consistently appears within the context of the laws of 'eruvin. Finally, in all contexts, the word "חשכה," "dusk fell," overwhelmingly refers to the onset or termination of the Sabbath and holidays. It seems most likely that our story is implicitly set on the Sabbath as well.

Instead, the narrative likely originated as an essentially aggadic product. This is a story about R. Tarfon's escape from a difficult situation. At the beginning of the story, we encounter R. Tarfon alone for the night on a dark road, and, as we learn later, also lost.[9] Furthermore, he considers himself trapped, prohibited from walking more than two-thousand cubits in any direction until after the Sabbath.

With sunrise comes R. Tarfon's salvation, through the intervention of a group of cattle herders. As is common in rabbinic and general literature, the herdsmen here have a liminal status, moving back and forth between the worlds of human settlement and that of the open range. They serve as the conduit for R. Tarfon's move from the isolation of the wilderness to the shelter and companionship of the city. They inform R. Tarfon, that, in fact, he was adjacent to a city the whole time. R. Tarfon thereupon enters the city and spends the Sabbath day in the house of study.

There is no explicit reference to any sort of divine intervention in this story. Nevertheless, it is reasonable to read this story as a providential one, in which the herdsmen are divine agents sent, unwittingly, to rescue a great sage from a difficult predicament. The lesson is that God provides for His loyal servants.

R. Judah, or redactors acting in his name, appropriated this aggadic narrative for his own halakhic ends, arguing that R. Tarfon's actions implicitly support his position. R. Jacob, in turn, challenges the assumption that this story is legally analogous to R. Judah's position. In applying the story to this case, R. Judah presents a possible but not necessary reading of the story. This appropriation by R. Judah represents the first stage of the gradual transformation of this story from an aggadic narrative to a halakhic one.

In order to further trace this transformation, we must resolve yet another philological question. When was this baraita composed? *Prima*

9   This is not the only case in which it is reported that R. Tarfon found himself in a halakhic quandary due to his nocturnal travels; see mBer 1:3.

facie, baraitot present themselves as tannaitic texts, composed in Palestine in the first three centuries CE. However, as is well known, many of the baraitot in the Bavli actually represent re-workings of tannaitic sources at the hands of later Babylonian rabbis.[10] Furthermore, some of the texts presented as baraitot in the Bavli are "fictitious baraitot" that were composed in the amoraic academies of Babylonia and attributed to the tannaim.[11] In this case, however, we can establish that our baraita reflects the original form of the text as it was known in Palestine.

The Yerushalmi opens its discussion of our Mishnah by citing the following text:

אמרו. והלא בית מדרשו של ר' טרפון היה בתוך אלפים אמה. או שמא הקנה
עצמו לבני עירו [מבעוד יום][12]

> They said: "Was not the study house of R. Tarfon within two-thousand cubits [of the city]? Or perhaps he established his residence with the dwellers of the city [while it was still day]?"

This passage is almost exactly parallel to the last section of the baraita in the Bavli, with the following differences in presentation. First, the Yerushalmi uses a somewhat wordier formulation. Second, it presents the questions anonymously rather than attributing them to R. Jacob.[13]

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10 See Shamma Friedman, "Ha-Baraitot ba-Talmud ha-Bavli ve-Yaḥasan le-Makbilotehen sheba-Tosefta," in Daniel Boyarin et al. (eds.), *Atara L'Haim: Studies in Talmudic and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky* (Jerusalem: Magnes, 2000), 163-201; idem, "Towards a Characterization of Babylonian *Baraitot*: 'ben Tema' and 'ben Dortai'" (Hebrew), in Yaakov Elman, Ephraim Bezalel Halivni, and Zvi Arie Steinfeld (eds.), *Neti'ot Ledavid: Jubilee Volume for David Weiss Halivni* (Jerusalem: Orhot, 2004), 195-274.

11 Louis Jacobs, "Are There Fictitious Baraitot in the Babylonian Talmud?" *HUCA* 42 (1971), 185-96.

12 y'Eruv 4:4, 22a; text cited from MS Leiden. Words in brackets were added to the MS by a later hand.

13 Note that this parallels the reading found in the printed editions of the Bavli. These editions may in fact reflect the Palestinian transmission rather than a corrupt text.

Third, it reverses the order of the questions. Despite these differences, it is clear that the last section of the baraita was known, in a slightly different form, to the Yerushalmi. Thus, although the text found in the Bavli is quite possibly a later Babylonian recension, it nevertheless reflects the essential contents of the original baraita as it was known in Palestine.

The Yerushalmi does not record the story to which these questions are addressed. Undoubtedly, however, the text cited by the Yerushalmi must have originally included an account of R. Tarfon's adventures, as in the baraita in the Bavli. Without such a context, the questions presented by the Yerushalmi make no sense.[14]

Based on the content of the questions, we can reconstruct the key elements of the story to which they respond. The story tells of how R. Tarfon entered a city on the Sabbath and proceeded to the local study house, despite the fact that he encamped just outside the city on Friday afternoon. The story does not address whether R. Tarfon intended to enter the city when he encamped prior to the Sabbath. Furthermore, in its response to the questions, the Yerushalmi quotes a line of the story as it had it:

אשכח תני: בשחרית זרחה החמה. אמרו לו. ר׳, הרי העיר לפניך. היכנס!
We find in the baraita: In the morning the sun rose. They said to him, "Master, behold the town is just in front of you, enter."

This line parallels the Bavli's version:

לשחרית מצאוהו רועי בקר, אמרו לו: רבי, הרי העיר לפניך. הכנס!
In the morning he was discovered by some herdsmen who said to him, "Master, behold the town is just in front of you, enter."

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14 For more on such "missing baraitot" in the Yerushalmi, see Leib Moscovitz, "ʿOd ʿal ʿha-Baraitot ha-Ḥaserot' ba-Yerushalmi," *PAAJR* 61 (1995), 63-75.

The story found in the Bavli differs slightly from that which circulated in Palestine. These differences may have been introduced in Babylonia by later generations of rabbis, or they may reflect an old Palestinian tradition. Either way, a text closely approximating the baraita in the Bavli circulated in the Palestinian academies of the third and fourth centuries and it was regarded there as an authentic tannaitic teaching.

Before proceeding to the next stage of our analysis, it is worth noting that the Yerushalmi's response to the question regarding R. Tarfon's intent represents yet another stage of the assimilation of this aggadic text into halakhic discourse. The questioner asserts that since the story fails to address one of the key factors in the case, namely R. Tarfon's intentions on Friday afternoon, it cannot be introduced as relevant evidence in halakhic debate. The Yerushalmi responds that, though the story may not be formulated as a halakhic proof, and hence does not explicitly state R. Tarfon's intentions, anyone with basic competence in the reading of aggadic narrative would agree that implicit in the story is the assumption that R. Tarfon did not initially know that he had encamped next to the city. Thus, while this text may be aggadic in origin, the Yerushalmi argues that a careful reading will allow us to derive halakhic conclusions.

Having established that both the Mishnah and the baraita in question reflect early Palestinian sources, what remains is for us to consider the relationship between the two texts. Shamma Friedman and Judith Hauptman have each argued extensively that the editors of the Mishnah consistently reshape and especially abridge passages from the Tosefta in order to make them better fit the stylistic and halakhic context of a given mishnaic discussion.[15] Hauptman particularly calls

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15 Shamma Friedman, "The Primacy of Tosefta to Mishnah in Synoptic Parallels," in Harry Fox and Tirzah Meacham (eds.), *Introducing Tosefta: Textual, Intratextual, and Intertextual Studies* (Hoboken, NJ: Ktav, 1999), 99-121; idem, *Tosefta Atiqta* (Ramat-Gan: Bar-Ilan University Press, 2002); Judith Hauptman, *Rereading the Mishnah: A New Approach to Ancient Jewish Texts* (Tübingen: Mohr Siebeck, 2005).

attention to the way in which the Mishnah condenses narrative and aggadic materials from the Tosefta. It seems most likely that in our case the editors of the Mishnah similarly reshaped an earlier source in order to advance their halakhic agenda. In this case, the source was not the Tosefta, but a non-Toseftan baraita known to us from both the Bavli and Yerushalmi. The Mishnah condensed the baraita's story into a single line: מעשה היה ונכנס ר׳ טרפון בלא מתכוון. The Mishnah's version of the story was tailored to serve as a precedent for R. Judah's position on Sabbath limits. The account is not even coherent outside of the context of the Mishnah. Furthermore, this story both eliminates and adds key details from the baraita's account. On the one hand, the Mishnah specifies that R. Tarfon entered the city despite his lack of intent to do so the previous afternoon. On the other hand, it eliminates any reference to R. Tarfon going specifically to the study house, suggesting that R. Tarfon could have traveled the entire length and breadth of the city. Intentionally or not, the editors of the Mishnah thus reworked R. Judah's narrative proof for his position so that it is impervious to the questions raised in the baraita. The story has been stripped of all of the thematic and dramatic elements that characterized its original aggadic form and fashioned into an iron-clad proof for R. Judah's position. The Mishnah thus completes the transformation of our originally aggadic story into a purely halakhic text.

In sum, I would like to suggest the following evolution of the story of R. Tarfon and the halakhic discussion surrounding it:

1) Initially, there are two independent traditions:
   a. A story about R. Tarfon, similar to what we find in the baraita, whose purpose is to tell an edifying story about R. Tarfon's rescue from distress.
   b. A tradition recording a dispute between R. Meir and R. Judah about the role of conscious intent in determining one's "acquisition of domicile" on the Sabbath.
2) The story of R. Tarfon is attached to the dispute-tradition as a support for R. Judah's position.

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3) The use of this story as a precedent is challenged due to the lack of an exact fit between the story and the hypothetical narrative. (The Yerushalmi responds to this argument.)

4) The story is reformulated to remove all extraneous details and to match it exactly to R. Judah's position (Mishnah).

This reconstruction suggests a process whereby a story which was not explicitly concerned with halakhah is gradually assimilated into halakhic discourse. First, the story, as it was initially composed, is read for its implied halakhic content and used as proof in a halakhic discussion. However, the fit between the story and the halakhic position is far from perfect. Critics argue that it is possible to reinterpret the story so that it does not support any particular ruling. In response to these problems, the redactors of the Mishnah rewrite the story, eliminating all extraneous material and constructing it as an exact proof for the position in question.[16] Though it will require much further investigation, my impression is that such transformations of narrative materials from the realm of aggadah to halakhah happen quite frequently in tannaitic literature.[17]

Rabbinic narrative traditions, such as the one we have just studied, often encompass both halakhic and aggadic texts, as well as texts that

16 This reconstruction remains hypothetical. I believe it to be the most likely, but not the only possible account of the development of this narrative and legal tradition. However, regardless of the model that one proposes, there is no escaping the conclusion that in this case an aggadic narrative was appropriated for use in a halakhic argument, to at least some extent, at some stage of the process.

17 Another example of this phenomenon already discussed by several scholars is the story about the violent race up the altar, where mYoma 2:2 apparently adapted the narrative found in tYoma 1:12 and elsewhere to explain a change in the halakhot of the Yom Kippur service; see Friedman, *Tosefta Atiqta*, 44-45. Similarly, the Mishnah adapts historical and folk traditions, known to us only from Josephus, for halakhic purposes; see, for example, the incident of the pelting of the high priest with etrogs recounted in Josephus's *Antiquities* 13.14.5 and mSuk 4:4.

combine elements of both genres. Furthermore, even stories whose purpose is not to present distinctive halakhic teachings often appear within a halakhic framework and contain underlying assumptions about the law. It is this latent halakhic content that allows these aggadic texts to be converted into halakhic ones. This illustrates the permeable boundaries that separate halakhic and aggadic narratives in tannaitic discourse and the need to study rabbinic narrative in an interdisciplinary manner.

Our analysis thus far still assumes a basic stylistic distinction between halakhic and aggadic narrative discourse. It presumes that, to be effective, halakhic stories require clarity and concision. Editors of these stories must avoid unnecessary details that may be tolerable, or even desirable, in the richer, more multivalent discourse of aggadah.

These stylistic assumptions reflect the perspective of the editors of our Mishnah. The diachronic method that we have utilized thus far privileges this approach by portraying the Mishnah's stories as the final product of an evolutionary process. A literary, synchronic reading, in contrast, will reveal another possibility: the baraita reflects not a more primitive presentation of the halakhah, but rather a different approach to the use of stories in halakhic discourse. In constructing their halakhic argument, the editors of the baraita did not simply neglect to remove the unnecessary and potentially distracting details from the aggadic text they received. Rather, they appropriated these "aggadic" details in order to enrich the overall rhetorical impact of the story and its halakhic argument. Any distinctions between halakhic and aggadic narrative styles are thereby elimitated. Aspects of a narrative which are often viewed as aggadic, and even as impeding the halakhic dimensions of the story, can in fact be viewed as playing a crucial role in the halakhic rhetoric of the story. Viewed from this perspective, the distinction between halakhic and aggadic narrative becomes even more problematic.

The divergent approaches to the use of the R. Tarfon tradition represented by the Mishnah and the baraita correspond to a basic tension confronting all narrative artists who seek to use their stories for

didactic or ideological purposes. On the one hand, we have what Scholes and Kellogg term an "illustrative" approach. When using this method, the author/editor carefully crafts the story for the sake of making a particular argument and eliminates any details that might distract or detract from this purpose. In contrast to the "illustrative" approach, Scholes and Kellogg also outline a "representational" approach to transmitting meaning through narrative. Here the author/editor does not select details purely, or even primarily, for the sake of making a particular argument. Rather, the representational narrator introduces details and information with the goal of constructing a compelling narrative world for the reader.[18]

We will begin with the illustrative approach. Scholes and Kellogg identify this tendency with the creators of didactic narratives. While a story may portray individual characters and specific events, the illustrative story does so in a way that is general enough that the various elements of the story can be seen as representing broader types or categories. A story that portrays people and events that are overly idiosyncratic cannot impart guidance about how other people in different times should act under different circumstances. The illustrative storyteller thus favors sparse narratives with iconic figures that can easily be adapted to new situations. Furthermore, illustrative stories maintain a close and well-defined relationship with an abstract normative structure in terms of which the narrator frames his message.

The Mishnah and its story represent an example of such a sparse narrative which is carefully linked to an abstract ideological framework. We have already seen how the Mishnah's story was tailored to fit a halakhic argument. In order to facilitate an even closer reading of the Mishnah, I am re-presenting it, this time broken down into four, rather than two sections:

18 Robert E. Scholes and Robert Kellogg, "Meaning in Narrative," in *The Nature of Narrative* (New York: Oxford University Press, 1966), 82-159.

1) מי שישב בדרך ועמד והרי הוא סמוך לעיר

2) הואיל ולא היתה כוונתו לכך לא יכנס כדברי רבי מאיר

3) ר׳ יהודה אומר יכנס

4) אמר רבי יהודה: מעשה היה ונכנס ר׳ טרפון בלא מתכוון

1) If a man sat down by the way and when he rose up he observed that he was near a town,

2) he may not enter it, since it had not been his intention to do so; so said R. Meir.

3) R. Judah ruled: He may enter it.

4) Said R. Judah, "It once actually happened that R. Tarfon entered a town though this was not his intention [when the Sabbath had begun]."

The first three sections of the Mishnah discuss the issue using a casuistic formulation. Casuistic formulations are themselves a type of narrative of the hypothetical variety. They are to be distinguished from stories proper, which deal not with theoretical scenarios, but with events that are represented as having occurred at a specific point in the past.[19] One of the advantages of using such hypothetical narratives is that they can be manipulated to present multiple, interrelated cases and outcomes. In this case, the Mishnah presents a narrative with two alternative endings, reflecting the opposing rulings of R. Meir and R. Judah.

The first section of the Mishnah (line 1) presents a hypothetical situation in which a person sits down by the road prior to the onset of the Sabbath. The person then arises after the Sabbath has already begun only to discover that he was within the two-thousand cubit limit of a city. The Mishnah then presents a double ending to the narrative (2 and 3), which gives two contrasting evaluations of the case. R. Meir states that the person can only go two-thousand cubits from where he stands,

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19 This distinction between "narrative" and "story" is further developed in the first chapter of my dissertation; see Simon-Shoshan, "Halachah Lemaʿaseh," 19-28.

just as if he had stopped nowhere near any settlement. R. Judah dis-agrees. Since, willy-nilly, the person began the Sabbath within the city's halakhic boundaries, he is considered to be a resident of that city for the duration of the Sabbath and may travel within the city as he pleases.[20] We thus have two versions of the narrative. Both begin with a person who unwittingly begins the Sabbath just outside a city. In R. Meir's version the person spends the entire Sabbath within a kilometer of his original encampment, whereas in R. Judah's version the person is free to travel throughout the city.

The Mishnah now juxtaposes this hypothetical narrative with an actual story (4). In the story, R. Tarfon begins the Sabbath, un-beknownst to him, within the two-thousand cubit perimeter of a city. Upon discovering his proximity to the city sometime later, R. Tarfon enters it. Unlike hypothetical narratives, stories can only present a single succession of interrelated events. On the basis of this story, R. Judah argues that in reality there is only one possible conclusion to the hypothetical narrative cited above, namely, that in such a circumstance, entering the city on the Sabbath is permissible. In quoting this story, R. Judah demonstrates that his version of the hypothetical narrative emerges from the deeds of an actual sage of an earlier generation. R. Meir can provide no such grounding for his narrative. His ruling is implicitly rejected.[21]

The interrelationship between the hypothetical narrative and the story is emphasized in this case by the terse wording of the story. The story never explicitly narrates R. Tarfon's initial dilemma. Instead, it opens with the phrase מעשה היה, "it once happened." In this context, the term מעשה serves as the narrative equivalent of a pronoun whose antecedent is the hypothetical case at the beginning of the Mishnah. R. Tarfon's situation is not simply parallel to the one formulated in the

20 This paraphrase is based on Maimonides' commentary. For a different reading, see the commentary of R. Ḥananel in the standard printed editions of the Bavli.
21 So rules Maimonides in his commentary on this Mishnah.

hypothetical narrative, it is identical to it. In this Mishnah, the theoretical world of halakhic debate and the actual life of R. Tarfon are inextricably linked. R. Tarfon's story is linguistically dependent on the hypothetical formulation at the beginning of the Mishnah, while the resolution of the theoretical debate depends on R. Tarfon's actions in the story. The ease and certainty with which the Mishnah's story can be applied to an entire category of cases, both hypothetical and real, is an example of the efficacy of illustrative storytelling in transmitting general principles.

There exists yet another side to the art of transmitting meaning through narrative. This is what Scholes and Kellogg call "representational" narrative. This approach posits that the rhetorical force of stories lies in their ability to draw the reader into a convincing "narrative world" which the reader takes to be coterminous with his or her own. The reader thereby finds it reasonable to apply the information and values presented in the story to his or her own life. In the case of mishnaic narratives, this form's fundamental advantage over more hypothetical formulations rests in its ability to root a law in historical experience and in the deeds of an individual rabbi. A given practice is no longer presented as a theory or an ideal but as an inevitable fact.[22]

The main device by which an author creates this illusion of the narrative world is the introduction of mimetic detail, especially details that would appear superfluous to the dramatic or ideological needs of the story. Thus, as both Jakobson and Barthes have argued, "irrelevant" detail is the hallmark of the modern realistic novel.[23] These details

22 This understanding of representational narratives is developed in Richard J. Gerrig, *Experiencing Narrative Worlds: On the Psychological Activities of Reading* (New Haven: Yale University Press, 1993).
23 Roman Jakobson, "On Realism in Art," in Krystyna Pomorska and Stephen Rudy (eds.), *Language in Literature* (Cambridge, MA: Belknap Press, 1987), 19-27; Roland Barthes, "The Reality Effect," in Tzvetan Todorov (ed.), *French Literary Theory Today: A Reader* (Cambridge/New York: Cambridge University Press, 1982), 11-17.

convey a sense of an immanent reality that encapsulates the characters, events, and ideology of the story.

As we analyzed it previously, the baraita's version of the story, independent of any context, is anything but representational. It is a brief narrative in which every detail plays a role in the development of theme or plot. However, once we read this story as integrated into a halakhic discourse, our evaluation of what constitutes a "relevant" or "irrelevant" detail changes. The narrator of the baraita populates his story with characters and events that serve no direct purpose in supporting R. Judah's position about Sabbath limits. It is precisely these details which draw the reader into the world of the narrative, and allow him or her to perceive R. Judah's opinion as a narrative fact embodied by R. Tarfon's actions. The narrative world created by the baraita serves as a bridge between halakhic discourse and an integrated experience of the world. In the baraita's story the halakhic content is not in the foreground. Rather, it is embedded in the normative structure which regulates the action of the story. The reader experiences R. Tarfon's concern with the Sabbath limit as a part of R. Tarfon's overall Sabbath and general religious observance. Moreover, these halakhic practices are only a part of a larger human narrative about R. Tarfon's personal journey, his dislocation and eventual return "home" to the study house. Finally, as I have argued, this story can be read not only as a human, but also as a divine comedy, in which God's benevolent providence ensures a safe and positive outcome for those who are devoted to His Law.

Viewed from this perspective, the baraita's "representational" story is more effective at transmitting and inculcating R. Judah's position than the Mishnah's Spartan narrative. The Mishnah's story may be a superior medium through which to bring the "real life" actions of R. Tarfon to bear on theoretical halakhic discourse, but it is not nearly so successful at bringing halakhic discourse to bear on real life situations. In reducing the story to its halakhically significant facts, the Mishnah strips it of all mimetic detail. It presents halakhically relevant facts devoid of any narrative context. The reader of this story is not drawn into a narrative

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world which he or she might correlate with his or her own. The reader gets no sense of how halakhic practice might be integrated into a broader life experience.

Thus, while the baraita may not have the legal precision of the Mishnah, it is far more effective at exploiting the rhetorical potential of stories to transmit values. In this story, the laws of the Sabbath limit appear not as a theory or ideal, but a reality of the narrative world of the story, no less than the cattlemen or study house. R. Tarfon's decision to enter the city appears obvious and inevitable not only from a halakhic perspective but also from the perspective of R. Tarfon's unfolding journey and the providential hand which guides it. Viewed in this light, the baraita makes a far more compelling case for R. Judah's position than does the Mishnah.

These two versions of the story of R. Tarfon thus reflect two distinct strategies for using stories in halakhic discourse. The Mishnah's illustrative strategy seeks to integrate the narrative material as seamlessly as possible into the theoretical halakhic discussion that precedes it. The baraita's representational approach, in contrast, integrates halakhic theory into a more complex and variegated narrative world, and by extension into our own "real" world.

This distinction between the illustrative and representational tendencies of the narrative artist may have implications for the study of rabbinic sage stories beyond the case at hand. It is not coincidental that a Mishnah and a baraita provide us with examples of illustrative and representational narrative respectively. The concise and focused style of the Mishnah leans more towards illustrative storytelling, whereas the baraita's tendency toward less tightly woven texts is typical of representational storytelling. However, in fact, both of these narrative tendencies are to be found within the Mishnah and throughout rabbinic literature. While it is true that the Mishnah tends to present stories that are crafted to fit a particular halakhic argument, very few mishnaic stories present as close a fit as the case of R. Tarfon. Most mishnaic stories contain some details that are extraneous to, and even undermine,

the halakhic point they are supposed to make. The Mishnah even contains a few expansive stories such as that of Ḥoni the Circle-Drawer, where the initial halakhic context in which it is introduced is swept away by the wonder and complexity of the story. Similarly, the editors of the Babylonian Talmud appear regularly to have inserted extensive and unedited stories into the middle of *sugyot* because they parenthetically make some halakhic point that is relevant to the *sugya*.[24] On the other hand, relative to other narrative forms, such as the novel or the epic, virtually all rabbinic storytelling tends toward the laconic. These two broader tendencies might be understood in terms of the competing demands of illustration and representation in didactic narratives. Representational details can indeed be found in a large proportion of sage stories. Like the details found in the baraita's version of the R. Tarfon story, these mimetic markers may play an important rhetorical role by placing halakhic lessons into the context of a compelling narrative world. On the other hand, by and large, rabbinic narrators almost always remain relatively focused on the halakhic or ideological point at issue, eschewing excessive detail. This could be explained as reflecting a strong tendency towards the illustrative. A full understanding of these phenomena must await a broad study of the stylistics and editorial considerations of the composers of rabbinic sage stories.

This analysis of the traditions about R. Tarfon's Sabbath journey into the city demonstrates the central role that halakhah plays in rabbinic narrative art. In the case of the Mishnah's version, the story was carefully crafted to make a specific argument within a particular halakhic discussion. Even the baraita's version of the story, which we have posited was originally composed as an aggadic work meant for edification and not for halakhic instruction, is deeply rooted in the study and practice of halakhah. Though the story may not take a stand on the technical aspects of the laws of Sabbath limits, it is these laws which both generate and resolve the dramatic tension of the story. The story's

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24 For an example of this phenomenon, see the story of Avdan, bYev 105b.

hero is R. Tarfon, a prominent scholar and teacher of a previous generation. His actions, no less than his words, are potential sources of halakhic teaching. It is these latent halakhic aspects that make this text susceptible to the sort of appropriation and transformation that I have described. Similarly, even details in the story which we might deem extraneous to halakhic argumentation play a key role in the rhetorical construction of a coherent narrative world. It is the immediate and compelling nature of this world that in turn makes R. Judah's halakhic argument appear not only correct, but inevitable.

The relationship between halakhic and narrative discourse goes even further. As we have already noted, when viewed as an aggadic text, the story in the baraita appears as a tightly constructed, illustrative narrative. It is only when the story is presented as a halakhic work that many of the elements of the story are transformed into "irrelevant" mimetic details. The story then takes on the attributes of representational narrative. In other words, the story only takes on the characteristics of what we modern readers consider "sophisticated literary narrative" when it is viewed through a halakhic prism. The halakhic framework thus alters and arguably even enriches the literary character of the story.

For the authors and editors of the classical rabbinic texts, narrative and halakhic discourse were inextricably intertwined. Narrative forms and strategies are central to the rabbinic presentation of halakhic rulings and principles. At the same time, halakhah represents the normative framework in which rabbinic narratives unfold. Law and narrative are not merely interrelated, but fully intersecting domains. As such, the prevailing notion that rabbinic stories are by definition aggadic must be reconsidered. It is particularly within narrative frameworks that the categories of law and literature, aggadah and halakhah tend to converge, generating both a dissolution of generic boundaries and creative tensions between the various elements of the text.