

The Power of Story: How Aggadah Reshapes Halakha

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<p><u>1. Babylonian Talmud Megillah 7b</u></p> <p>Rava said: A person is obligated to become intoxicated on Purim until one does not know the difference between “cursed is Haman” and “blessed is Mordecai.”</p>	<p><u>1. תלמוד בבלי מגילה ז:</u> אמר רבא: מיחייב איניש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי.</p>
<p><u>2. Ibid</u></p> <p>Rabba and Rabbi Zera made their Purim feast with one another. They became drunk; Rabba arose and slaughtered Rabbi Zera. The next day, he asked for mercy for him, and caused him to live. The next year, he {Rabba} said to him, 'Let Master come and we shall make a Purim feast with one another.' He {Rabbi Zera} said to him: Not at every hour does a miracle come."</p>	<p><u>2. שם</u></p> <p>רבה ורבי זירא עבדו סעודת פורים בהדי הדדי, איבסום, קם רבה שחטיה לרבי זירא. למחר בעי רחמי ואחיייה. לשנה אמר ליה: ניתי מר ונעביד סעודת פורים בהדי הדדי! - אמר ליה: לא בכל שעתא ושעתא מתרחיש ניסא</p>
<p><u>3. Rif (Rabbi Yitzchak Alfasi) Megillah 3b</u></p> <p>Rava said: A person is obligated to become intoxicated on Purim until he he does not know the difference between “cursed is Haman” and “blessed is Mordecai.”</p>	<p><u>3. רי"ף מגילה ג:</u> אמר רבא: איניש מחייב לבסומי בפוריא עד דלא ידע ברוך מרדכי לארור המן</p>
<p><u>4. Hameor Hakatan Megillah 3b</u></p> <p>From that incident where Rabbah arose and slaughtered (killed) Rabbi Zeira—The following year, he said to him: "Come, let us do it again," etc. Rabbah's</p>	<p><u>4. מאור הקטן מגילה ג:</u> מההוא עובדא דקם רבה שחטיה לר' זירא לשנה א"ל תא נעביד כו' אידחי ליה מימרא דרבה ולית הלכתא</p>



<p>statement was rejected, and the halakha does not follow his opinion, and it is not proper to act in this manner.</p>	<p>כוותיה ולא שפיר דמי למעבד הכי</p>
<p>5. Barry Wimpfheimer, <i>Narrating the Law: A Poetics of Talmudic Legal Stories</i>, p 25</p> <p>The later narrative text with its dire consequences overwhelms the legal dictum and eliminates its mandated behavior even as optional behavior; the legal narrative has changed the law from mandate to prohibition! ...</p> <p>Even as the commentaries and codes take this legal narrative seriously as law, their reading of the narrative places the story within a narrow legal frame, transforming its content so that it becomes the mirror image of the dictum that precedes it. The story is made to look like a formal rule that states that one may not get inebriated on Purim. The discourse of reading that is interested in a prescriptive understanding of the law is only interested in the prescriptive content of the story and mines the story for that alone.</p>	
<p>6. Rambam Hilchot Megillah V'Chanukkah 2:15</p> <p>What is the nature of our obligation for this feast? A person should eat meat and prepare as attractive a feast as his means permit. He should drink wine until he becomes intoxicated and falls asleep in a stupor.</p>	<p>6. רמב"ם הלכות מגילה וחנוכה ב:טו</p> <p>כיצד חובת סעודה זו שיאכל בשר ויתקן סעודה נאה כפי אשר תמצא ידו, ושותה יין עד שישתכר וירדם בשכרות.</p>
<p>7. Shulchan Aruch OC 695</p> <p>A person is obligated to drink on Purim until he does not know the difference between "cursed be Haman" and "blessed be Mordechai"</p> <p><i>Rama: And there are those who say that one doesn't need to drink that much. Rather, that he should drink enough so that he falls asleep and through falling asleep he will not know the difference between "cursed be Haman" and "blessed be Mordechai". And one who drinks more and one who drinks less are equally good, provided that one intends one's heart to heaven.</i></p>	<p>7. שולחן ערוך אורח חיים סימן תרצה</p> <p>חייב אינש לבסומי בפוריא * עד דלא ידע בין ארור המן לברוך מרדכי.</p> <p>הגה: וי"א דא"צ להשתכר כל כך, אלא שישתה יותר מלימודו וישן, ומתוך שישן אינו יודע בין ארור המן לברוך מרדכי. ואחד המרבה ואחד הממעט, ובלבד שיכוין לבו לשמים</p>
<p>8. Magen Avraham ad loc 3</p> <p>There are those who say that one needs to drink until the point where one can't calculate the <i>gematria</i> of "cursed be Haman" and "blessed be Mordechai"</p>	<p>8. מגן אברהם סימן תרצה:ג</p> <p>אלא שישתה יותר וכו' - וי"א שלא ידע לחשוב שארור המן בגי' ברוך מרדכי</p>
<p>9. Beit Yosef Orach Chaim 695:1</p> <p>It is a mitzvah to increase in feasting on Purim, and one</p>	<p>9. בית יוסף א"ח תרצה:א</p> <p>מצוה להרבות בסעודת פורים וצריך שישתכר עד שלא ידע בין ארור המן</p>



must become intoxicated until they cannot distinguish between "Cursed is Haman" and "Blessed is Mordechai." This is the statement of Rava in the first chapter of Megillah (7b)....

The Ran further writes in the name of Rabbeinu Ephraim that from the incident in the Gemara where Rabbah arose during the Purim feast and slaughtered Rabbi Zeira, it is evident that Rava's statement was rejected, and one should not act in this manner.

In Orchot Chaim, it is written that one is obligated to become somewhat intoxicated on Purim, but not to the point of full drunkenness, as drunkenness is a severe prohibition. There is no greater transgression than this, as it leads to illicit relations, bloodshed, and numerous other sins. Rather, one should drink slightly more than their usual amount of learning.

לברוך מרדכי מימרא דרבא בפ"ק
 דמגילה (ז:ז) ... וכתב הר"ן בשם רבינו
 אפרים דמהוה עובדא דקם רבה
 בסעודת פורים ושחטיה לר' זירא
 כדאיתא בגמרא אידחי ליה מימרא
 דרבא ולא ש"ד למעבד הכי כתוב
 בא"ח חייב איניש לבסומי בפוריא לא
 שישתכר שהשכרות איסור גמור ואין
 לך עבירה גדולה מזו שהוא גורם
 לג"ע וש"ד וכמה עבירות זולתן אך
 שישת' יותר מלימודו מעט

10. Jeffrey Rubenstein, Purim, Liminality, and Communitas, in Association for Jewish Studies Vol 17 No 2, pp250-251

Victor Turner studied the ritual and social processes that occur during intervals in the normally structured state of society. By social structure Turner means the matrix of roles, statuses, and positions governed by social phenomena such as law, custom, institution, and cultural tradition. ... Society enters what Turner calls a "liminal" time—a "betwixt and between" or threshold period. No longer do power and privilege, status and role, **law and institution** determine social interrelatedness. Society enters a "time outside of time" where alternative modalities of social relatedness appear. The most common modality of social organization that takes place within liminality is communitas. As opposed to *societas*, or structure, communitas is characterized by equality, immediacy, and the lack of social ranks and roles. A leveling process brings about the dissolution of structure, the absence of social distinctions, a homogenization of roles, the disappearance of political allegiance, **the breakdown of regular borders and barriers.**

11. Ibid 265

Jurists gave permission to dress in the clothing of the opposite sex, normally a violation of a biblical prohibition, for the sake of Purim joy. Status reversals demoted the rabbi or rosh yeshiva, thereby contravening the laws of respect incumbent upon students. **Other such examples abound. Drunkenness, itself not ipso facto opposed to any law, although certainly at odds with the tenor of Jewish morality, may result in the destruction of property and inadvertent (or perhaps intentional) physical injury. Certain law codes, however, absolved inebriates of culpability. Moses Isserles notes that "some**



authorities say that if a man injures his neighbor as a result of too much Purim joy, he is free from paying damages." Isserles also rules that one may wear clothes that contain certain types of forbidden mixtures of fabrics (kelayim). **Rabbi Judah Minz (1408-1506) observes that several rabbis "rule that any food stolen in the course of Purim joy, even without permission.. . is not considered thievery." Not only is stealing sanctioned, but responsibility for damages incurred during thefts or drunken boisterousness is abolished.**

12. Barry Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories*, p 28

Though the rabbinic Purim is a topsy-turvy inversion day with an antinomian bent, the rabbis gave painstaking attention to the few commandments that apply on Purim. Rabbinic literature mines Esther for its laws, turning the niceties of biblical comedy into specific mandates whose every nuance is legislated. This punctilious legislation is an attempt to assert control over folk cultural practices. **There is significant irony in contemporary traditional communities on Purim; rabbinic overexertion of the laws of Purim has led legal-minded individuals to compel themselves and others to attend punctiliously and with all seriousness to the reading of the Megillah —a work of bawdy comedy. The image of a costumed clown ritually reading the Megillah with more precision than the weekly Torah reading is more than a bit farcical.**

The story of Rabba and Rab Zera is itself reminiscent of some of the upheaval of Purim. Two distinguished rabbis with no hint of violent tendencies dine together and get inebriated, following not only the mandate of law, but also the precedent of King 'Ahašwêrōš and the Jews of Persia. As a result of their excess drinking, one rabbi kills the other, slaughtering him in cold blood. There is humor in the way in which this killing is narrated without affect, as if the slaughtering of a rabbi were as mundane as the initial invitation to dinner. Like King 'Ahašwêrōš, Rabba remembers his actions in the morning and undoes them (overturns them) by bringing Rab Zera back to life. The next year Rabba invites Rab Zera again, an invitation that presumably includes feast, drinking, and the possibility of decapitation. Rab Zera's comic refusal ends the story in blatant comedy.

13. Ibid p 29

Rabba's dictum is both an attempt to assert control over the practice of inebriation by legislating it and an attempt to make the ultimate hedonistic activity—getting drunk—a purposive religious event. ...

The story and the dictum work well together. The story describes the very rabbi who struggles to control the uncontrollable as being himself out of control. And yet, the next year Rabba is willing to do the whole thing all over again. Rab Zera's comic relief stands as a comic critique of the interaction of rabbinic legislative control and the carnivalesque character of the holiday of Purim. **Any attempt to read story and dictum entirely within a framework of rules underreads this material by preventing the story from critiquing the normative strategies themselves and the ambivalent impulses that stand behind them.**



14. Ibid p 177 fn 82

The problem of differentiating between Rabba and Raba is outlined in Shamma Friedman, “Kētīb Ha- Šēmôt ‘Rabbâ’ Wě- ‘Rābā’ Bě- Talmūd Ha- Bablī,” Sinai 110 (1992). Any combination of the two names is possible in these two citations. For my purposes it is more powerful to assume that the name to which the dictum is attributed is the same as the name of the story’s problematic protagonist. Since Rabba is R. Zera’s contemporary, it is likely that the story is about Rabba; I likewise chose to attribute the statute to Rabba.

15. Babylonian Talmud Berachot 5a

Rava, and some say Rav Ḥisda, said: If a person sees that suffering has befallen him, he should examine his actions. as it is stated: “We will search and examine our ways, and return to God” (Lamentations 3:40). If he examined his ways and found no transgression, he may attribute his suffering to dereliction in the study of Torah. as it is stated: “Happy is the man whom You punish, Lord, and teach out of Your law”

And if he did attribute [his suffering to dereliction in the study of Torah], and did not find this to be so, he may be confident that these are afflictions of love, as it is stated: “For whom the Lord loves, He rebukes,” (Proverbs 3:12)

15. תלמוד בבלי ברכות ה.

אמר רבא ואיתימא רב חסדא: אם רואה אדם שיסורין באין עליו - יפשפש במעשיו, שנאמר נחפשה דרכינו ונחקורה ונשובה עד ה'; פשפש ולא מצא - יתלה בבטול תורה, שנאמר: אשרי הגבר אשר תיסרנו י-ה ומתורתך תלמדנו. ואם תלה ולא מצא - בידוע שיסורין של אהבה הם, שנאמר: כי את אשר יאהב ה' יוכיח

16. Rashi ad loc.

“Sufferings are chastenings of love”: God makes people suffer in the this world even if they are free of sin in order to increase their reward in the world to come - so that they will receive more than their actions merit.

16. רש"י שם

יסורין של אהבה – הקב"ה מייסרו בעוה"ז בלא שום עון כדי להרבות שכרו בעולם הבא יותר מכדי זכיותיו:

17. Ibid 5b

R. Hiyya b. Abba fell ill and R. Johanan went in to visit him. He said to him: Are your sufferings welcome to you? He replied: Neither they nor their reward. He said to him: Give me your hand. He gave him his hand and he raised him.

R. Johanan once fell ill and R. Hanina went in to visit him. He said to him: Are your sufferings welcome to you? He replied: Neither they nor their reward. He said

17. שם עמוד ב

רבי חייא בר אבא חלש, על לגביה רבי יוחנן. אמר ליה: חביבין עליך יסורין? אמר ליה: לא הן ולא שכרן. אמר ליה: הב לי ידך! יהב ליה ידיה ואוקמיה. רבי יוחנן חלש, על לגביה רבי חנינא. אמר ליה: חביבין עליך יסורין? אמר ליה: לא הן ולא שכרן. אמר ליה: הב לי ידך! יהב ליה ידיה ואוקמיה. אמאי? לוקים רבי יוחנן



to him: Give me your hand. He gave him his hand and he raised him. Why could not R. Johanan raise himself? — They replied: The prisoner cannot free himself from jail.

לנפשיה! - אמרי: אין חבוש מתיר עצמו מבית האסורים.

18. Chaim N. Saiman, *Halakhah: The Rabbinic Idea of Law*, p 8

This book will argue that halakhah is not only a body of regulations, but a way, a path of thinking, being, and knowing. Over the course of several chapters, we will see how the rabbis use concepts forged in the regulatory framework to do the work other societies assign to philosophy, political theory, theology, and ethics, and even to art, drama, and literature.

19. Ibid. p. 72

What is beauty? What is truth? What is the best political ordering? The Talmud anchors such macro questions in the context of a specific mitzvah and its obligations. Thus, the issue of how many judges should sit on a panel is approached by considering whether the role of a court is to secure social peace or to determine legal truth (b.Sanhedrin 6b-7a). ... Which books are deemed part of the Bible is assessed through a discussion of which books are rescued from a building burning on Shabbat, or which scrolls transmit ritual impurity. ...What we now call the life/work balance is negotiated in the Talmud by weighing a worker's contractual obligations towards his employer versus his religious obligations of daily prayer (b.Berakhot 16a). In brief, what the Greeks pursued through reflective and speculative philosophy, the rabbis read into, out of, and through halakhah.

20. Barry Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories*, p 28

[A] cultural native is one who knows the explicit rules of law, but also the implicit narratives that contextualize those explicit rules, even holding out the possibility of overruling them.

