AT THE THRESHOLD OF FORGIVENESS:
ON LAW AND NARRATIVE IN THE TALMUD

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In tractate Yoma of the Mishnah that was edited at the beginning of the third century the following principle is established: “the Day of Atonement (Yom Kippur) does not effect atonement for transgressions between a man and his fellow until [the injurer] placates his fellow.” Consistent with that understanding, the fate of the injurer is not only in the hands of God but also in the hands of the person injured. The latter becomes master of the injurer’s future, for only his pardon makes atonement possible. The Mishnah goes on to infer the need for that pardon from a creative reading of the verse in Leviticus that deals with the purifying force of the Temple service on the Day of Atonement:

R. Elazar ben Azariah expounded: [For on this day atonement shall be made for you to cleanse you] from all your sins before the LORD you shall be clean”—the Day of Atonement (Yom Kippur) effects atonement for transgressions between a man and God; the Day of Atonement does not effect atonement for transgressions between a man and his fellow until [the injurer] placates his fellow (Mishnah Yoma 8:9).

In its plain sense—“from all your sins you shall be clean before the LORD”—the phrase “before the LORD” evidently refers to a place; that is, the cleansing from sin takes place in the Temple, before the LORD. “Before the LORD” may also indicate that it is God who effects the cleansing. But R. Elazar ben Azariah treats “before the LORD” as a restrictive phrase and understands it to mean that only sins against God—transgressions between a
man and God—are atoned for by the Day of Atonement. Atonement for transgressions committed against other people depends not on God but on placation of the injured party.

In its usual interpretative and expansive work, in the Talmudic discussion of this section in the Mishnah the principle stated briefly in the mishnaic text is developed into a full-fledged legal institution. The passage fleshes out the idea of placation through norms of several sorts, determining, first, that the request for forgiveness must be public. “Said R. Hisda: He must appease him before three rows of three people each.” The public nature of the act and its repetition ensure the substantiality of the request for forgiveness; it becomes a social fact having genuine public resonance and not merely an offhanded, behind-the-scenes action involving only the injurer and the injured. The next Talmudic statement determines that the injurer need not become hostage to the injured party and therefore limits the number of times he must request pardon: “Said R. Yosi ben Hanina: One requesting forgiveness from his fellow should not request it more than three times.”

A further vexing problem dealt with by the Talmud is how to effect atonement for a sin committed against one who is no longer alive: “And if [the injured person] has died, [the injurer] brings ten people and has them stand next to his grave; he then says ‘I have sinned against the LORD God of Israel and against so-and-so, whom I injured.’” The forgiveness of a deceased person is thus requested before the community that severs as a substitute for him.

Immediately after this series of legal Talmudic statements there appear four brief stories about Talmudic masters attempting to placate and obtain forgiveness. This follows a common feature of the Talmud in which narrative material is woven into the legal discourse. Talmudic narratives are usually very short, and if an author would have send
the editor of the Talmud a story that is more then 10 lines long he would be asked to make cuts. Such combination of the legal rulings and stories will provide an opportunity to investigate the relationship which is posited between Law and Literature in the Talmud. In our particular case of forgiveness, the question relates to the role of narrative in effecting the structuring of legal institutions pertaining to the inherent tension within the delicate and complex fabric of human relationships involved in the act of forgiveness. As I hope to show, these stories focus on the actual problematic encounter between the injurer and the injured that might be necessary for forgiveness. It will be therefore worthwhile to start by setting a general phenomenological and conceptual account of forgiveness, focusing, among other things at the question whether different practices and traditions of forgiveness imply altogether such an encounter as precondition forgiveness.

What is forgiveness and what is the connection between a specific concept of forgiveness and the realm that is defined as unforgiven? What internal process does the forgiver undergo, and what demands and expectations are imposed on the forgiven as a condition of forgiveness? Different approaches to forgiveness offer different and complex responses to these questions, and each establishes a different forgiveness ritual as a human institution shaped by norms. To provide a general typology of forgiveness, let will analyze four approaches that represent entirely different traditions and institutions and that answer the foregoing questions in different ways; forgiveness as autarchy; forgiveness as empowerment; forgiveness as understanding; and forgiveness as grace. These approaches are ordered from the least weighty to the weightiest with respect to the nature of the demand imposed and of the inner change that underlies forgiveness.
The first approach, embodied in the ancient Greek tradition—Aristotelian, Epicurean, and Stoic—sees forgiveness as an expression of autarchy, control, and self-sufficiency. As way to express one’s drive for independence, forgiveness is nothing more than a basic act of pardoning, in which the injured person forgoes what is properly due him from the injurer. Forgiveness constitutes a break with the past and an expression of independence from the injurer’s control over the injured person’s inner life. The latter party waives his right to vengeance, for what he wants to do is free himself entirely from the injurer. In no way does the action entail conciliation or restoration of relationships to what they were before the injury. From the perspective of the Stoic forgiver, the injured party has no interest in any tie to the injurer, including the tie that results from anger, animosity, or vengeance. By pardoning the injurer, he frees himself from the bonds and toxic force of a grudge that controls his inner life.

It is important to note that this basic forgiveness does not depend on any change in the injurer’s ways or on the fact that he approached the injured person to request pardon. Its power derives from its total independence from this sort of change, for it makes no request of the injurer and is not directed to him. Its interest, as noted, is in separation and independence. The person injured does not act out of inner weakness, as one who lacks the power to attain what is due him, and certainly not out of an unwarranted, self-imposed guilt. In the Stoic tradition, the act of forgiveness is another step toward severing an undesirable bond to the world, an act implied by the Stoic’s overall policy of attempting to isolate his inner spiritual tranquility from the cruel totality of those components of life over which he lacks control. The Stoic defines himself as cosmopolitan, that is, a citizen of the cosmos, whose spiritual tranquility does not depend
on bonds of citizenship to a particular state and its changing political fortunes. Similarly, he liberates himself from the bondage to the injurer experienced by an injured party who seeks revenge or bears a grudge against the person who injured him.

The second approach to forgiveness views it as a form of empowerment. Injury to a person entails usually some form of damage, such as loss of property or physical harm, which causes pain, loss, and expense. These items are sometimes compensable, in whole or in part. Defining the appropriate compensation for these injuries is an important task of the law. But realization through the law of the right to compensation does not necessarily bring about forgiveness. Forgiveness involves another element, no less important than compensation; it requires restoration of the injured person’s sovereignty.

A prominent example of this sort of process can be found in the working of the Truth and Reconciliation Commission established in South Africa after the fall of apartheid. As a first stage in the forgiveness process, the injurer, in making his confession before the injured, becomes his partner in describing what transpired between them and in considering the events to have been a crime. That point in the process treats a painful aspect of the victim’s consciousness, for more than a few victims feel isolated in their reading and assessment of their situation. Not only have they been wronged; they have also been denied recognition of that wrong—a denial that undermines their sense of reality and transforms their cries into a sort of madness having no resonance in the real world. The injurer’s participation in the description and assessment of the episode entails an important first step in the emergence of the injured under the heavy weight of isolation that compounds his pain. The perpetrator stands before the victim and declares the latter’s reading of reality to have been correct; “as you say, thus and such happened and a
wrong was indeed done here.” In sharing in description and evaluation a sense of acknowledgement of reality and some redemption from isolation has been achieve. The ensuing stage of requesting forgiveness involves the injurer placing his fate in the hands of the injured party, who may or may not act graciously. At that moment, then, the power relations between them are reversed.

A key role of the law is to divest the injured person of the right to vengeance. In assuming a monopoly over vengeance, the state intervenes in what might otherwise develop into a series of acts of mutual vengeance spinning out of control. It is the state that will punish the injurer; and as a powerful, more-or-less external party, it will not become part of a vicious cycle of mutual revenge. Moreover, the injurer will be regarded as one who harms not only the injured party but also the law. But for the same reason that the state annuls the right to vengeance, it also takes away the possibility of granting forgiveness. Forgiveness granted to a murderer by a murder victim the instant before he expires has no legal significance whatsoever. The victim in that case has no sovereignty over the fate of the murderer, for the murderer remains accused before the law notwithstanding the victim’s forgiveness. In a centralized state, accordingly, the law represents a process of depersonalizing the injury, insofar as it denies the injured party both the right to take revenge and the right to forgive. Forgiveness, like vengeance, is an expression of restored sovereignty. When he acknowledges the wrong he has caused him, the injurer places his fate in the hands of the injured. When the injurer recognizes reality by requesting forgiveness, the injured party’s position becomes ascendant; accordingly, forgiveness involves a sort of empowerment. The injured person is able to forgive because he has been given the power to forgive.
Forgiveness as empowerment requires a construct entirely different from that associated with Stoic forgiveness. In the case of the Truth and Reconciliation Commission, the state abandoned the usual judicial process and determined that the injured would have a significant role in determining the injurer’s punishment. If the injured party were willing to forgive the injurer after the latter’s expression of remorse and request for pardon, the law would suspend the usual course of punishment. This institutional arrangement for pardon thus reflects the restoration of the injured party’s sovereignty, for it grants him the power both to punish and to pardon. Every request for forgiveness and every grant of it can be seen as reiterating this process of empowerment.

The third approach to forgiveness is forgiveness as understanding. This sort of forgiveness aims to restore relationships to the status quo ante, and it is constructed on a new description of the injurer that reflects, among other things, his request for forgiveness. In this context, two processes may be identified. The first is built on the distinction between doer and deed. If, for example, the injurer expresses regret and repents, he thereby transforms the deed into an event that is not constitutive to whom he is. He may have lied, but he is not a liar. The possibility of renewing relationships is based on the injured party no longer seeing the injurer solely through the lens of the injurious event. At times, the request for forgiveness itself will show that there is something to the injurer beyond his aggressiveness or other negative qualities. A process of this sort, through which the relationship that preceded the injury is restored, is constructed on rejecting the idea of absolute reversion. If the injurer ceases entirely to be the person he was, the situation is no longer one in which the previous relationship is restored; it is, rather, a new relationship with a different person. Forgiveness as
understanding entails a degree of continuity between the self of the injurer before and after the injury, but the continuity is not defined through whatever it was that impelled him to act injuriously.

The second process that makes reconciliation possible rests on the context in which the injured party understands the circumstances of the injury to him—a certain continuity between himself and the injurer, an ability to imagine himself acting in the same way, given the same circumstances. In such a case, the conciliation is constructed not necessarily on changes in the actions of the injurer but on the injured party’s recognition and acceptance of the injurer as in some sense a victim of the circumstances that impelled him to victimize another. This sort of forgiveness requires a combination of maturity and personal empathy. The victim must shed the self-righteousness that often accompanies the status of a victim, and he sometimes will even discover his own contribution to what transpired. He will learn to reinterpret and read anew what happened to him and to the injurer. Importantly, we are not speaking here of acknowledging an error. If one is accused of an act he did not commit and the truth later emerges, he is not in need of forgiveness. But erroneous accusation and undeniable guilt are divided by a broad expanse of interpretation as to the meaning of the event, and the attitude of forgiveness finds its place within that expanse. That attitude assumes recognition from the outset of human weakness, and it also recognizes that the accuser himself may be a bearer of that same weakness. At times, a forgiver will grant forgiveness only years later, when he finds himself in similar circumstances, this time playing the role of the injurer.
The taxonomy of forgiveness thus far helps to shed light on the realm of the “unforgiven.” With respect to the third category of forgiveness—forgiveness as understanding—the unforgiven actions will be linked, among other things, to radical evil. The concept of radical evil has a complex history since Kant introduced the term, and its further development in Arnedt’s work. Among the philosophical questions raised in relation to the category was what distinguishes bad from evil or bad from radical evil? One approach to the problem, not discussed in the literature, in which radical evil can be delineated is through the realm of the unforgiven. Radical evil is the sort of action in which it is hard to distinguish between doer and deed; it defines the enterprise overall, leaving no aspect untouched. For that reason, for example, it is hard to say of a person who killed in cold blood, even if he did so only once, that “he murdered but he is not a murderer.” The impossibility of distinguishing between doer and deed in such cases is rooted in our inability to conceive of an act of radical evil taking place unless all opposition on the part of the injurer’s self has been removed; the presumption against such action is so strong that we can imagine it only in a situation of identity between doer and deed. We assume that if there existed some distance between the actor and his action that allowed for reflection and internal conversation within the self, such an action would not have occurred. That it did take place shows that the injurer felt no hesitation or conflict when he acted, and we accordingly regard him as a monster. Similarly, radical evil closes off any possibility of imagined continuity between victim and criminal, creating an unbridgeable gap between them. The victim cannot imagine himself, or any human being with whom he maintains friendly relations, as capable of performing such an act. The act is one that appears terrifyingly alien.
The threatening strangeness of the evil likewise underlies the “unforgiven” with respect to the first category of forgiveness discussed above. As noted, Stoic forgiveness is not directed at all toward the injurer; rather, it is constructed on termination of his ability to dominate the inner or outer life of the injured party. But exposure to radical evil does not allow for a return to life; it tears the soul and leaves it bleeding uncontrollably. That is because of the way in which evil can shake the injured person’s sense of reality. Facing radical, alien evil undermines a person’s basic and necessary capacity to make reasonable predictions about how people will act, annulling one’s fundamental understanding of reality. Evil can sometimes lead to madness because of the way it traumatizes one who is exposed to it. One element of the undermined sense of reality that Jean Améry penetratingly describes in his book *At the Mind’s Limits: Contemplations by a Survivor on Auschwitz and Its Realities* (originally published in German as *Jenseits von Schuld und Sühne*) is the gap between the world’s indifference and the victim’s situation. The inert and cruel continuation of reality leaves him absolutely struck down and isolated. The suffering that will be caused to the attacker can provide a bit of odd salvation from the isolation in which he finds himself. That suffering will somehow echo his own situation, affording it recognition as a fact that must be explained within the world.

The fourth element in the phenomenology of forgiveness is forgiveness as grace. Like the autarchic-Stoic variety, forgiveness as grace does not depend on any change in the injurer or any expression of remorse on his part. It is given, as its name suggests, as a pure act of grace. Unlike Stoic forgiveness, however, it is directed to the injurer and is meant to change him. In this sort of forgiveness, which is found in some trends within
the Christian tradition, the causal connection between remorse and forgiveness is reversed. In the forgiveness process constructed on understanding and appeasement, it is remorse that sometimes brings about forgiveness. In the grant of forgiveness as grace, it is forgiveness that is meant to bring about remorse. The forgiver, he who is offended but does not give offense, who does not demand what is rightfully his and turns the other cheek, denies the injurer any justification he may have for acting aggressively. In a sense, he makes the injurer appear ridiculous to himself. The renunciation of the cycle of counterattacks and the turning with love even to the injurer is meant to bring about an internal change within him, a reversal of values. The immediate acceptance of the injurer is meant to nullify one of the deepest sources of his violence—the sense of marginality that only strengthens itself through the commission of crimes. Whether immediate forgiveness has the power to bring about remorse remains an open question, but the very fact that the injured party looks to the inner state of the injurer as the central concern before him, and not to his own situation as victim, is itself meant as an act of great love.

Neither forgiveness as autarchy nor forgiveness as grace depends on the injurer turning to the injured party and expressing remorse. The Stoic, however, seeks only spiritual tranquility and internal independence; in contrast, one who forgives as an act of Christian grace is concerned about the injurer’s soul, extending forgiveness in advance of remorse in order to generate that remorse. The absence of any encounter between injurer and injured as part of the necessary forgiveness ritual makes this sort of forgiveness differ from forgiveness as formulated by the Talmud. As we saw earlier, in the brief passage that rounds out the mishnaic duty to placate the injured party, forgiveness is framed in a way that assumes a request by the injurer. The framing establishes the public nature of
the request and the limit on the number of times it must be made; it likewise attempts to
deal with the question of how forgiveness can be possible when the injured party—the
addressee of the request—no longer exists. As I mentioned earlier, the editor appended
to this legal framing of forgiveness a group of brief stories that deal with requests for
forgiveness. The stories bear on the tangled and paradoxical human moment linked to
the threshold of forgiveness, that is, the encounter between injurer and injured. They also
rouse the reader to think about the power of the law itself to structure so complex a
human moment. Let me set forth verbatim three of the stories that appear one after
another.

The first story:

R. Jeremiah injured R. Abba. R. Jeremiah went and sat at R. Abba’s
doorstep. When R. Abba’s maidservant poured out wastewater, some
streams of water were sprayed on R. Jeremiah’s head. He said, “they have
made me into refuse,” and he read, as pertaining to himself, the verse
\[God\] lifts up the needy from the refuse heap. R. Abba heard him and
went out to him. He [R. Abba] said to him, “Now it is I who must appease
you, as it is said, Go grovel—and badger your fellow.”

The second story:

When a certain person injured R. Zera, he [R. Zera] would go by and
study before him and invite himself into his presence, so that the injurer
would come and appease him.

The third story:

A certain animal slaughterer injured Rav. [The slaughterer] did not come
[to Rav] on the eve of the Day of Atonement. Said [Rav], I will go and
appease him. R. Huna met him. He said, “Where is my master going?” He said, “To appease so-and-so.” [R. Huna] said [to himself] Abba [that is, Rav] is going to kill a man. Rav went and stood over him. The slaughterer was seated, cleaning the head [of an animal]. He raised his eyes and saw him [Rav]. He said to him, “Abba, go; I have no dealings with you.” While he was still cleaning the animal’s head, a bone let fly from it, struck the slaughterer’s neck, and killed him.

The first incident is a liminal story, dealing with the injurer’s tarrying on the doorstep of the injured’s house. R. Jeremiah, who has come to appease R. Abba, is seated at the threshold. We may assume he is finding it difficult to enter, fearing that R. Abba will rebuff him or, worse, that his appearance will reopen the wound. Forgetting is not forgiving, but sometimes the injurer senses, or perhaps even hopes, that forgetting will obviate forgiving, and he may be concerned that a request for forgiveness may reopen wounds that have already begun to heal. R. Jeremiah does not cross the threshold. The maidservant in R. Abba’s house who accidentally spills water on his head rescues him from the anxiety he feels while tarrying, and he takes full advantage of the opportunity offered by the turn of events. The humiliation he suffers at R. Abba’s house turns their relationship on its head; now he is R. Abba’s victim. When he read the verse “[He] lifts up the needy from the refuse heap” as pertaining to himself, he may have expected that R. Abba would hear him, making it a sort of indirect address. In any case, the threshold was finally crossed from inside to outside, for the scales of mutual injury came into balance during R. Jeremiah’s tarrying. R. Abba indeed heard him, and it was he who came out to appease R. Jeremiah.7
This story, which appears immediately following the rules that fix the process for forgiveness, seems intended to point out a serious human impediment to institutionalizing the requirement that forgiveness be requested. One can formulate rules that dictate how to appease, but these rules can come into play only when there is some personal connection between injurer and injured. Bringing that contact itself into being—the contact within which the forgiveness process can go forward—requires a certain degree of preliminary appeasement. How can we create the conditions in which the injured will be prepared to receive the injurer, thereby creating the field on which the placation process can be played out in practice? Without that human field, the institution of forgiveness lacks any context or substance. The narrative thus demonstrates the limitations of the law as it appears before us. One might say it places the law itself at the threshold it must cross in order to become a significant factor. Unless that threshold is crossed—a crossing that itself comprises most of the placation effort—any detailed consideration of placation seems too abstract. Every request for forgiveness is preceded by some forgiveness that makes the request possible. But how does the law deal with the forgiveness that must precede forgiveness?

The next story, which follows immediately after that of R. Jeremiah, suggests an answer to the question posed by the first story. R. Zera would indirectly invite himself into the presence of one who had injured him, thereby providing an occasion for the injurer to appease him. By indirectly bringing about that encounter, R. Zera would relieve the injurer of his concern about appearing before the injured. His action, which is presented as a model worthy of emulation, assigns the injured person a certain degree of responsibility for creating conditions in which it will be possible for the injurer to
approach him. This initiative on the part of the injured is, in a sense, an act of pure grace. The injured party extends the forgiveness that precedes forgiveness without any assurance that the injurer will in fact be remorseful and request his pardon. But this act of grace does not obviate the remorse that must precede full reconciliation; it only makes it possible.

At this point, we can see the dynamic relationship between narrative and law within the passage. The first story, about R. Jeremiah and R. Abba, points to the limitation in the legal structure that precedes it. It is followed by a story meant to overcome that limitation by establishing an additional norm, one embodying the expectation that the injured person will take the initial step that makes it possible for the injurer to approach him. The second story thus establishes a sort of intermediate norm, but the norm is not given the status of firm halakhah. In Maimonides’ code of Jewish Law the Mishneh Torah, in which the laws pertaining to appeasement are detailed, any such obligation on the part of the injured is not mentioned. The passage presents us with an exemplary story that expresses the greatness of grace without making into a binding norm. It is, however, an ideal that makes the placation enterprise possible.

The third story, which I see as one of the most polished gems of Talmudic narrative art, provides a sharp yet complex reaction to R. Zera’s practice. The story tells of Rav, who, on the eve of the Day of Atonement, was awaiting the arrival of the slaughterer who had injured him. The slaughterer does not come, and Rav decides to go to him. At first blush, Rav’s action seems quite similar to R. Zera’s. Like R. Zera, Rav acts magnanimously, sensitive to the likelihood that the slaughterer finds it awkward to appear before him. Knowing that the Day of Atonement will not expiate the
slaughterer’s sin unless he placates his fellow, Rav decides to waive his honor and go to
the slaughterer himself. By his action, he does more than cross the threshold from the
injured party’s side to that of the injurer; he also crosses class lines in a way that is of
central importance in the story. There is a vast class divide between Rav the leading
scholar of his generation and the lowly slaughterer, whose trade puts him at the lowest
rung of the social ladder, and Rav traverses the divide in what appears to be an act of
great sensitivity. Moreover, the timing of the story—the eve of the Day of Atonement,
the last minute for doing what needs to be done to make atonement possible—is meant to
mark the drama of crossing the threshold. That crossing, which seems on its face to be an
act of great generosity on the part of the injured, shatters the class-related moulds and
takes place at the most fateful and weighty hour of the year for a prominent figure such as
Rav.

This image of Rav’s action as a model of generosity is shaken to its foundations
by the reaction of R. Huna—Rav’s greatest student— to Rav’s initiative. R. Huna saw his
master leave his home on the eve of the Day of Atonement. That departure needed an
explanation, and R. Huna asked him where he was going. When Rav tells him that he
was going to a man who had injured him so the man could appease him, R. Huna reacts
in a surprising way. Instead of seeing the initiative as an act of great generosity, he sees it
as an act of violence that will culminate in death. He says to himself that his master is
going to kill the slaughterer, and events bear him out. When Rav appears before the
slaughterer and stands near him, the slaughterer, engaged at the time in cleaning the head
of an animal, raises his eyes, sees Rav, and rebuffs him, thereby bringing about his own
death. Immediately after that rebuff, a bone spins off from the animal’s head, strikes the
slaughterer in his throat, and kills him. The key to interpreting the story seems to lie in the reaction of R. Huna, who well understood what was going to happen—presumably because he was tipped off by something he saw in Rav’s behavior.

Rav’s initiative, seen primarily in the context of the preceding story about R. Zera, appears to be an act of grace; but R. Huna correctly reads it instead as an act of aggression. The story forces us confront squarely the ambivalence between sanctity and narcissism that inheres in any act of grace. What was previously interpreted as sensitivity and generosity turns out to be an expression of offense and anger. Rav is filled with rage that the slaughterer did not come to ask forgiveness. On the eve of the Day of Atonement, the affront remains intense, and he expects the slaughterer to appear at any minute. But the hour grows late, and he decides to go to the slaughterer. If the slaughterer is not prepared to come to him, he will press for the request for forgiveness, demanding it of the slaughterer by his very presence. But his student sees his demeanor en route to the slaughterer as too determined, too steadfast. Rav’s appearance before the slaughterer turns out to be quite different from R. Zera’s sensitive and indirect offer of an opportunity. R. Zera would study in proximity to the person who had injured him, thereby creating the circumstances for an unforced, seemingly coincidental encounter. Rav, in contrast, acted in a way that partook of backing the slaughterer into a corner, the effect of which R. Huna could foresee. Instead of giving the slaughterer an opportunity to request forgiveness, Rav brought about a terrifying opportunity for reciprocal injury. R. Huna knew as well that harm caused by Rav would be serious, for God’s closeness to him made him dangerous to those who injured him. He therefore understood that Rav’s aggressive determination would ultimately prove fatal.
This penetrating story deals first and foremost with the occasional difficulty of distinguishing between aggression and sensitivity, with the way in which motives that on their face appear to be generous can, in fact, be mixed and complex. It is also a story about R. Huna, an insightful yet passive student, who well understands the complexity of his master’s actions but deals with them only in an internal conversation with himself. The reader expects R. Huna to stop his teacher, for causing a person death is no trivial matter; but for him, too, there is a gap between the insightfulness that makes his master and his master’s motives quite transparent, and the awe in which he holds his master. The combination of Rav’s aggressiveness and R. Huna’s passivity seals the fate of the stubborn slaughterer. He is not inspired to repent by the appearance of the eminent man in the doorway of his shop or his home, and he sees that appearance as casting an accusation that backs him into a corner, causing him to react instantaneously and unthinkingly with an insulting denial. It may be that R. Huna’s reaction in the story is depicted as a sort of mirror image of Rav’s actions. In contrast to Rav, who tries to impose change on the slaughterer, R. Huna is aware that he cannot force his master to be more aware. He understands that his master is too determined and that his own attempt to intervene would only make matters worse. His restraint, then, results not from fear but from the understanding he can achieve by viewing matters from outside.

Let us return to the complex editing process that ran these stories together in sequence and then tied them to the legal framing of the placation process. The first story, as noted, raises the question of the forgiveness that precedes forgiveness, of the stress brought about by the difficulty of creating the conditions in which forgiveness can be sought. The story, which follows immediately upon the legal framing of the process, thus
depicts the limitations of the law. It demonstrates that the law can be effective only where there exists a fabric of human relationships that allows for that effectiveness—a fabric the law itself cannot create. The second story is meant to provide a way to resolve that tension. Once we recognize the problem inherent in crossing the threshold and the tendency to tarry at the doorstep, we understand that the injured person bears an obligation to make possible, indirectly, the conditions that will allow for placation. Acting gently and generously, he must take the first step—as did R. Zera. The continuum of law and narrative thus generates an additional norm, exemplified through a further story. The injured person is obligated not only to forgive when the injurer so requests of him; he is obligated as well to help bring about an encounter that will make the request for forgiveness possible. The third story is joined to the two that precede it in order to point out the profoundly problematic nature of that resolution itself. The intrusion of the injured person into the injurer’s vicinity may produce a result that is the opposite of the one intended. Instead of making the request for forgiveness possible, it may bring about a repetition of the injury. That is because of the complexity of the factors that motivate the intrusion, which walks the fine line between generosity and aggression, between grace and narcissism. The third story leaves us with no resolution to the problem of crossing the threshold and to the need to allow for the forgiveness that precedes forgiveness. If we thought those problems could be resolved through a further norm that would require the injured party to take the first step, the third story teaches us that such a first step could be destructive. The stories are arranged in a sequence that lacks chronological logic; Rav lived before R. Zera. But the sequence has a profound editorial
logic, moving from problem to suggested solution to serious flaw in the solution should it take the form of additional legislation.

The transmission of law within the Jewish tradition has been prominently marked, since the Bible itself, by a joining of law and narrative, and one can identify three paradigms for the relationship between those genres. The first, and simplest, sees the narrative as providing a basis on which the law can be understood. The story of the exodus from Egypt, for example, explains and assigns meaning to the paschal sacrifice and the various rules of the Seder. The second paradigm emphasizes the way in which the story permits a transition to a different sort of jurisprudential knowledge. Through the story, we move from “knowing that” to “knowing how.” More than a few Talmudic stories play that role, providing the means through which we learn how the law is to be carried out and how it can sometimes be no simple matter to move from text to implementation. The third paradigm of the relationship between law and narrative in the Talmud is the most delicate and complex, tied to the story’s subversive role in pointing out the law’s substantive limitations. That is the paradigm for our series of stories. Playing its subversive role, the story shows that the law’s primary limitation follows from the problem of generality. The essence of the law is to extract from life’s complexity a key component that is to bring about a particular legal outcome, and, by extrapolating and generalizing, the law aims to produce the identical result wherever that component is present. But the very act of abstraction and generalization can sometimes entail substantial injustice, because the thicket of circumstances and the context of the particular case can produce significant differences in our judgments about what is happening.
One possible reaction to the sort of injustice that follows from generalization, of course, is to add a further qualifying component to the generalization. Assume, for example, that the theft of property requires a particular juridical outcome. One can certainly argue, however, that a different outcome might be warranted if the thief was in particularly dire straits when he stole the property. In response to that argument, that variable itself might be added to the law, which would be rephrased to distinguish cases in which the theft occurs in circumstances of dire straits from other cases. Such a process can lead us to incorporate an ever expanding list of variables, eventually depriving the law of its generality and of its ability to serve as a platform comprising binding and foreseeable rules. In the matter at issue here, the dynamic process generated by the three stories juxtaposed to the law indicates the substantive limitation of the law’s structure. The first story, as noted, shows how the circumstances of life do not facilitate implementation of the laws of placation, for that implementation requires contact between injurer and injured, and that contact itself is already a significant part of the placation. As a result of that limitation, the second story suggests a further secondary norm, determining that the injured person must make an effort to enable the crossing of the threshold and to insinuate himself into the presence of the injurer. The third story then shows that solution itself to be limited, since the outcome of that intrusion could be a further injury with bitter results. At this point, the passage does not go on to formulate further legislation intended to resolve the problem of harmful intrusion by the injured person. The process has exhausted itself, for a matter such as this does not lend itself to general rules; it depends, rather, on sound judgment and on profound and precise analysis of motives. Would it be possible to use a further norm to structure the question of how
deliberate the first step was? Can one mark with any degree of generality the distinction between a delicate and indirect intrusion and an accusatory backing of someone into a corner? The law as a process of generalized rulemaking here reaches its limit.

In Maimonides code the *Mishneh Torah, Laws of Repentance*, the rules related to all aspects of requesting forgiveness are extracted from the narrative material that follows them in the Talmud. Separating the two sorts of material in that way harshly cuts off a layer of meaning conveyed by the Talmudic passage taken in its entirety.\(^12\) The Talmud’s relatively frequent joining of narrative to law embodies a profound expression of humility, for the law thereby acknowledges its limits. Through the joining of genres, the Law appears together with the story that indicates its limitations, and the passage thereby formulates not only instructions but also emotions that cannot be conveyed fully through an array of rules, however detailed and complex they may be. That is particularly the case when we are speaking of an effort to frame the act of forgiveness, an act that assumes a complex and delicate fabric of interpersonal relationships.
Lev. 16:30. The translation above tracks the Hebrew word order and omits punctuation to allow for the interpretation of the verse offered by R. Elazar ben Azariah. The usual English translations reflect the plain sense next discussed and read something like “For on this day atonement shall be made for you to cleanse you; from all your sins you shall be clean before the LORD.”—translator.

1 In the Jerusalem Talmud, the public aspect of the procedure takes a different form. “Samuel said: One who sinned against his fellow must say to him, ‘I have transgressed against you.’ If [the injured party] accepts [the apology]; good and well. But if [he does not] accept it, [the injurer] assembles people and appeases him before them. That is as is written [Job 33:24], He comes [yashor] before men—he shall assemble a line [shurah] of men. And says, ‘I have sinned and perverted that which was right, and it profited me not’ If he does so, Scripture says of him [id., v. 28], So he redeemed his soul from going into the pit, and his life beholds the light” (Yerushalmi, Yoma 8:9, 45c). According to the Jerusalem Talmud, then, appeasement before a group of people takes place only after the initial attempt at appeasement in private has been rejected.

2 I will discuss only the first three of the stories. The fourth is considered in Chapter 1 of Emanuel Levinas’s book Nine Talmudic Readings, trans. from the French and with an introduction by Annette Aronowicz (Bloomington: Indiana Univ. Press, 1990).

4 Several philosophical examinations of forgiveness have recently been published. Among them is C. J. Griswold, Forgiveness: A Philosophical Exploration (Cambridge: Cambridge Univ. Press, 2007), which includes a comprehensive bibliography. For an in-depth discussion of radical evil and forgiveness, see V. Jankélévitch, Forgiveness, trans. from the French by Andrew Kelly (Chicago: Univ. of Chicago Press, 2005).

5 See, for example, Aristotle’s Nicomachean Ethics on the great soul man: “Nor is he mindful of wrongs; for it is not the part of a proud man to have a long memory, especially for wrongs, but rather to overlook them” (Nicomachean Ethics [trans. W. D. Ross] 4:3).

6 For an illuminating analysis on the process in the larger political context of justice and vengeance see Martha Minow, Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence, Beacon Press, 1998.

7 The mss. of tractate Yoma are marked by textual variants that emphasize the various elements of the story. Three of them include an insertion following R. Jeremiah’s reading of the verse “[He] lifts up the needy from the refuse heap.” Ms. JTS 1623/2 includes the statement “I need not [do]
more,” suggesting that R. Jeremiah is saying to himself “because I was injured by R. Abba, I no longer need to request his forgiveness.” Ms. Oxford includes an action by R. Jeremiah: “He left him and went on his way”; so, too, ms. Munich 95. In the wake of that variant, the text goes on to say that R. Abba “went after him” instead of “went out to him,” as in our version. These variants accentuate the liminal problem, in that R. Jeremiah, having had dirty water poured on him, takes his initial steps to leave and senses that he no longer needs to ask R. Abba for forgiveness. It thus seems that the only way he was able to remedy the situation was through R. Abba repaying the injury.

8 Some mss. read “broke the head” of the animal instead of “cleaned the head,” and tell that the bone “struck his head and killed him.” See ms. Oxford and ms. JTS 1623/2.

9 The idea of “backing into a corner” is expressed in our versions through the use of words “qam aluyeh” (“stood over him”) to describe Rav’s approach to the slaughterer. The use of that wording rather than “stood before him” shows that Rav was standing over the slaughterer, who was seated at the time. The image is bolstered by the statement that the busy slaughterer raised his eyes and saw him. Other mss. read that Rav stood in the doorway of the slaughterer’s shop or house (“he went and called at the gate,” ms. JTS 1623/2; “he went and called at the threshold of the house,” ms. Oxford. Our printed versions emphasize the backing into a corner more sharply than do the versions in these mss.

10 In our version and that in ms. Munich, R. Huna says to himself “Abba [that is, Rav] is going to kill a man.” His use of Rav’s personal name—“Abba”—instead the more formal mode of address in his question “Where is my master going?” emphasizes the fact that we are dealing here with an internal conversation. In ms. JTS 1623/7, R. Huna actually speaks to Rav: “He said to him, ‘My master is going to kill a man.’” The sentence expressly begins with “he said to him,” and the form of address is “my master.” This version suggests an attempt by R. Huna to prevent his master from going to see the slaughterer, and it thereby emphasizes Rav’s aggressive determination: his student tries to warn him while there is still time, but he does not heed the admonition. The ms. version, however, loses some of the complexity in the relationship between R. Huna and his teacher; our version leaves the impression that Rav’s determination frightens even R. Huna, and he therefore maintains his silence, speaking only to himself.

11 Robert Cover has been an important voice in the study of how law and narrative are related within jurisprudence; see his Narrative, Violence and the Law: The Essays of Robert Cover (Ann Arbor: Univ. of Michigan Press, 1992), pp. 95-172. In that connection see also S. Fraade, “Nomos and Narrative Before Nomos and Narrative,” Yale J. of Law and the Humanities 17