Interpreting Midrash 2:
Midrash and Its Literary Contexts*

David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law.* Cambridge, Massachusetts & London: Harvard University Press, 1986, 164 pp.

Geoffrey H. Hartman and Sanford Budick, eds., *Midrash and Literature.* New Haven & London: Yale University Press, 1986, xvii + 412 pp.

From the midrash Sifre Deuteronomy:[1]

"May my teaching come down as the rain" (Deut. 32:2): Just as rain falls on trees and infuses each type with its distinctive flavor—the grapevine with its flavor, the olive tree with its flavor, the fig tree with its flavor—so too words of Torah are all one, but they comprise *miqra'* (Scripture) and *mishnah* (oral teaching): *midrash* (exegesis), *halakhot* (laws), and *haggadot* (narratives).

This passage sums up the challenge of interpreting midrash in the broader context of rabbinic literature. On the one hand, each branch of rabbinic Torah has its distinctive "flavor," while on the other, they are all nourished by a common creativity. This dual assertion leads us to ask: how is the formal diversity of rabbinic discourse—no less significant than its contained diversity of opinions—maintained in relation to the converse claim for its ultimate unity?

This dialectic of diversity and unity between the varieties of rabbinic Torah has most recently been addressed by David Weiss Halivni, in *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law.* Halivni interprets *legal* midrash in such a way as both to distinguish it from other modes of rabbinic legal discourse and to find in it those common traits which distinguish rabbinic legal discourse overall. In historiographic terms, Halivni identifies legal midrash with a particular period ("the postbiblical period") or stage in the history of Jewish legal discourse, while finding in it those perennial qualities of Jewish legal discourse which transcend periodization.

According to Halivni, there are two ways that law is taught and transmitted. (1) "Apodictic" law is expressed in categorical terms. It *demands* compliance through its imperatives. (2) "Justified" law is expressed in rhetorical terms. It *motivates* both compliance and engaged identification through its discourse.

Halivni's thesis is that Jewish law throughout its history has shown a "natural" predilection or "apperception" for justified law and a "natural" reluctance to accept categorical law":

Making law categorical leads to autocracy, which Jewish apperception instinctively rejects. It must be accompanied by justification. . . . The justificatory nature of Jewish law remains, to this day, the most unique characteristic of Jewish learning. (pp. 91–92)

This characteristic is first evidenced within the legal sections of the Hebrew Bible with their provision of "motive clauses" for many laws or sections of law. Noting the absence of such motive clauses in other ancient Near Eastern law collections, Halivni states:

This peculiarity expresses a basic trait of Jewish law, which tends to be justificatory (one could say "democratic"), to explain itself rather than to impose, as opposed to the autocratic attitude of the ancient Near East. Biblical law, by providing instances of its motives, signifies that it reckons with the will of the people to whom the laws are directed; it seeks their approval, solicits their consent, thereby manifesting that it is not indifferent to man. . . . The Bible . . . invites the receiver of the law to join in grasping the beneficent effect of the law, thereby bestowing dignity upon him and giving him a sense that he is a partner in the law. (pp. 13–14)

Halivni argues that the link between the motive clauses of the Bible and the seemingly distant (both in time and in style) "dialogical," "kaleidoscopic" discourse of the Gemara is legal midrash, child of the former and parent of the latter. In order to establish this midrashic link Halivni enters the old debate over which came first, midrash or mishnah. This debate is not over the relative dating of extant rabbinic collections, but over whether rabbinic (or "proto-rabbinic") law was first taught and transmitted in exegetical relation to Scripture (midrash), and only later taught autonomously of Scripture and reordered according to non-scriptural (topical, mnemonic) categories (mishnah), or whether such law was first taught and transmitted free of Scripture, with legal exegeses subsequently added so as to ground its authority in Scripture. Halivni clearly favors the former. He argues that already in the second century B.C.E., while "sectarians," believing themselves to be in direct communication with God, presented their laws as divine revelation, "the Jews,"[2] believing that prophetic intervention had ceased, not only derived their laws from Scripture but transmitted those laws together with, but terminologically distinguished from, their Scriptural proofs or sources. This early or "simple" midrash "represents a continuation of the biblical motive clause, except that its justification is now exegetical" (p. 16).

Halivni analyzes three passages from the Mishnah that contain legal exegeses (*derashot*) which, he argues, must have been formulated in the first century B.C.E. or earlier, and one passage from the Temple Scroll (late second century B.C.E.) which, he argues, "quotes" from a proto-rabbinic *derashah* found also in the Mishnah and the early rabbinic legal midrashim.[3] Halivni concludes not only that "proto-rabbinic drashoth existed as early as the second century B.C.E." (p. 34), but that "during the time of Yose ben Yoezer [ca. 190 B.C.E.], the *principal* mode of transmitting laws was the Midrashic form" (p. 30, emphasis added). He then interprets a scolion of Megillat Ta'anit to mean that at least until 70 C.E., "law among the Jews, in contrast to other peoples, was transmitted Midrashically" (p. 39).[4] Next he argues that at the time when Josephus wrote his *Jewish Antiquities* (ca. 90 C.E.), "the Midrashic form was the *exclusive* mode of Jewish learning" (p. 42, emphasis added).[5]

According to Halivni's historical reconstruction, while the "simple" midrashic form, "that springs forth easily from the [scriptural] text" (p. 34), goes back at least to the second century B.C.E., a "complex" midrashic form came in use with Hillel (turn of the Common Era). This complex form is marked not only by its use of hermeneutical principles to derive laws from Scripture in non-simple ways, but by its dialogical style of question and answer and its rhetorical

posing of soon-to-be-rejected, hypothetical interpretations. Complex midrash marks a new stage in justified law: the study and interpretation of the law, even of non-applicable laws and of minority legal positions, becomes a religious end in itself—a form of worship. However, this complex midrashic form did not catch on at first because it was not suitable for memorization.

In contrast to the legal midrashim, the Mishnah represents an apodictic form of legal teaching and transmission. The mishnaic form could not have existed, or at least not have been favored, argues Halivni, before the end of the first century and the beginning of the second century C.E. It *temporarily* became prevalent, despite the fact that it ran counter to the Jewish predilection for justified law, in response to the tumultuous political and religious consequences of the destruction of the Temple in 70 C.E. and the failed Bar Kochba revolt of 135. According to Halivni, mishnaic laws are essentially the products of legal midrash stripped of their exegesis and argumentation and then rearranged topically; they represent "abridged Midrash" (p. 52). In times of threatened Jewish security, bare-bones mishnaic law had the practical advantage of being suitable for memorization and hence preservation.

The mishnaic form continued to flourish for a short time after the political exigencies which brought it into being abated, mainly because of the enormous authority and prestige of Rabbi Judah the Patriarch, "editor-anthologist" of the Mishnah. With Rabbi Judah the Patriarch's death (ca. 225 C.E.), the Mishnah form "froze":

> The incentives that had launched the Mishnaic form 130 years earlier were no longer operative. When not besieged by external factors, Jewish apperception is aversive to the Mishnaic mode of learning. It dissipates by itself. After the effect of external forces evaporated, there began a slow, gradual process (not deliberate at first) of abandoning the Mishnah and returning, with greater vigor, to some salient features of the Midreshei Halakhah, particularly its dialectical mode. (pp. 64–65)

But even in its short-lived ascendancy over legal midrash as the "normal" form of legal teaching, mishnaic teaching remained dependent on midrash: "For the [Mishnah], Midrash served as the ground, the justification, the life support" (p. 47). While the mishnaic form remained fairly static, an indication of its aberrant nature, its emergence spurred midrash to assume an increasingly "dialectical posture, arguing and raising unlikely possibilities" (p. 53).

According to Halivni, it was the example of this complex, dialogical midrashic form that enabled and encouraged the fifth century anonymous redactors of the Babylonian Gemara (the "Stammaim") to finally overcome the authority of the Mishnah so as to reassert, now with even greater verve, the Jewish predilection for justified law:

> During Rabbi [Judah the Patriarch]'s time, it seemed as if Mishnaic form was superseding Midrashic form; that Jewish law, like the laws of other peoples, would be mainly apodictic, not accompanied by justification, biblical or logical. . . . It was the Stammaim . . . who broke radically with apodicity and concentrated almost exclusively on the discursive, restoring Jewish law to its original justificatory nature. Like Midrash and like some

parts of the Bible, the Gemara reaffirmed the principle that Jewish law cannot be categorical. (p. 91)

This legacy was inherited, in turn, by medieval rabbinic commentators who reaffirmed, through their preservation and scrutiny of non-applicable laws and rejected legal opinions, the principle that Jewish legal discourse has value in its own right as a religious obligation and form of worship. The "road leading from motive clauses in the Bible to insistence on study as an end in itself" continues "into our own times" (p. 115). For purposes of this review essay, it is important to stress Halivni's conclusion that it was largely under the influence of legal midrash that Jewish learning abandoned the path of apodictic law, as represented by the temporary detour of the Mishnah, and resumed its "natural," "instinctive" path of justified law, as represented by the midrashic style. Returning to the tree metaphor with which I began, midrash, at least in its legal variety, is not simply one among the several varieties of rabbinic learning, but the one that defines what makes them one, and sets them apart from other, non-Jewish forests of legal discourse.[6]

Anyone familiar with the rabbinic legal (and nonlegal) midrashim and the Gemara will readily assent to Halivni's characterization of the dialectical, dialogical qualities of their forms of discourse. If the advantage of Jacob Neusner's view of midrash is its attention to particular documentary expression,[7] then the advantage of Halivni's view is its attention to the particular shape of midrashic discourse in relation to the broader context of rabbinic literature overall. More problematic is the *historical* scheme which Halivni develops for interpreting that relationship. Whereas Neusner views the early midrashic collections as historically motivated responses to the dominant style and authority of the Mishnah which preceded them, Halivni views the Mishnah as a temporary, historically motivated detour from the path of legal discourse previously established by legal midrash. Despite their opposite estimations of the relation between midrashic and mishnaic forms, the arguments of these two scholars are similar in two regards: (1) Both over-rely on what I have argued in my discussion of Neusner's work is a questionable *linear* canonical-historical model for the development of rabbinic literature and its discourse.[8] (2) Both impose a dualistic categorization on the history of rabbinic literature: exegetical vs. syllogistic for Neusner, apodictic vs. justified for Halivni, with each hierarchically privileging the latter over the former. I shall examine Halivni's argument in terms of these two points.

In assigning what he defines as the midrashic form of legal learning (scripturally related) to the post-biblical period (second century B.C.E. until ca. 90 C.E.) and the mishnaic form (categorical, topically ordered) to the mishnaic period (ca. 90 C.E. until ca. 225 C.E.), Halivni confuses these two ways of expressing Jewish laws with the rabbinic creation of two types of redacted *documents*: the earliest midrashic collections (Sifra, Sifres, Mekiltas) as relatively systematic *commentaries* to biblical books or parts thereof, and the Mishnah (of R. Judah the Patriarch) as a relatively systematic *code* of law, topically arranged.[9]

Halivni underestimates the methodological difficulties in determining

what forms Jewish learning and transmission of law took in Second Temple times. On the one hand we have extant rabbinic texts, redacted no earlier than the beginning of the third century C.E., which often claim to describe legal behavior for Temple times and ascribe legal opinions to Second Temple sages. On the other hand we have the extant legal-writings of Second Temple Jews, some identified with particular Jewish "sects," some not. Which, *if any*, of these can tell us how Second Temple Jews in general or Pharisaic Jews in particular framed their legal traditions for teaching and transmission?

Even if Halivni's examples of mishnaic *derashot* could be dated to the first and second centuries B.C.E., all we would know is that *some* legal traditions were framed in relation to scriptural prooftexts. But this we already know from the Damascus Document. Halivni, however, wishes to prove much more: that the midrashic form was the *dominant*, even "exclusive," form of Jewish legal learning and transmission. This cannot be ascertained from the available evidence.[10]

Most surviving *legal* texts from the Second Temple period do not present their laws in explicit relation to Scripture. They either "paraphrase" biblical law, present rules independently of Scripture, or do some of both. As long as such texts do not state their laws in explicit relation to Scripture, Halivni correctly refuses to label them midrash. Of the extant Second Temple legal texts *only* the Damascus Document regularly *cites* scriptural prooftexts, employing exegetical terminology in doing so. But most of the extant legal texts from this period, besides stating laws free of scriptural proofs, group their laws topically, evidencing what Halivni calls the mishnaic form of legal learning— laws taught without explicit scriptural citation or argumentation and grouped according to their topics: Temple Scroll, Jubilees 49–50, and Josephus's *Antiquities* Book 4.[11] In the case of the Damascus Document topical reordering and the adducing of scriptural prooftexts are combined. But in none of these Second Temple texts is the grouping of laws according to topics anywhere as extensive and systematic as in the Mishnah. Curiously, from this period it is Philo of Alexandria who comes closest to a systematic, topical reordering of scriptural law. In his *On the Special Laws* he groups Jewish laws under the scriptural "heads" of the Ten Commandments.

Similarly, when we find in Second Temple literature what Halivni defines as the midrashic form of legal learning (as in the Damascus Document), we do not find laws systematically organized according to the *order* of Scripture, as in our earliest collections of rabbinic legal midrash. Once again, it is Philo who provides the closest analogue, in his rhetorical legal commentary *Questions and Answers on Exodus*.[12]

Thus, the most we can conclude from the *extant* evidence is that Jewish law in Second Temple times was expressed both in relation to scriptural prooftexts and in autonomously stated, topical groupings. If anything, we have significantly more evidence for the latter than for the former.

Against the sketchy background of these partial antecedents, *both* the Mishnah of Rabbi Judah the Patriarch and the earliest rabbinic collections of legal midrash appear to be radically innovative in their literary organization and

style of discourse, as well as in the role they assign to human intellect (albeit in very different modes) in the study, extension, and application of revelation: legal *code* for the Mishnah, legal *commentary* for the earliest midrashim. Both came into existence at roughly the same time, both coexisted for a while,[13] and both had a profound impact on the subsequent development of Jewish legal discourse, as both code and commentary continued to evolve, while remaining in dialectical tension and interdependence, throughout the history of Judaism.

Halivni's privileging division between apodictic and justified law, a division which underlies his thesis of a natural Jewish predilection for the latter, is, to my mind, too sharply and hierarchically drawn.[14] On the one hand, it is not clear that the Mishnah can be so simply labeled apodictic.[15] For the Mishnah too is discursive, albeit in a very different way than legal midrash. It too poses rhetorical questions (of a type appropriate to code and not commentary), it too preserves minority legal opinions, it too presents legal disputes and conflicting legal principles without indicating their resolution, it too deals with non-applicable law. In short, it too invites human participation in the continuous unfolding of revelation by requiring engaged study of its text through commentary.

On the other hand, it is not clear that biblical motive clauses, simple and complex midrash, the dialogical discourse of the Gemara, medieval parshanut, and modern pilpul are best gathered under the single rubric of "justification." Is it the principal motivation of these discursive modes to justify—that is to show the *reasons* for—laws? The long-standing Jewish debate over whether Jewish law should be provided with its reasons, and whether by so doing one strengthens or weakens its authority, is too complex to enter into here. But I think that this is the wrong rubric under which to group these diverse forms of legal discourse. Rather, their common purpose, as Halivni himself correctly notes although in different words, is decidedly *didactic*.

But the didactics of rabbinic legal discourse has, as does all effective pedagogy, a two-fold purpose: (1) to convey *information*, and (2) to do so in such an engaging, even pleasurable, manner as to bring the student subtly into identification not only with that information, but also with the methods, social setting, and implied values of the pedagogy.[16] These two aims are always in uneasy alliance, and it is unlikely that any single teaching method alone can fully accomplish both. While the mishnaic mode of legal discourse, which I have loosely labeled code, concentrates its energies on the former and the midrashic mode of commentary concentrates its energies on the latter, each has elements of both. While Halivni correctly notes the dependence of mishnaic discourse upon the midrashic discourse which supports it, he does not give adequate attention to the converse: the dialectical interplay of commentary (including the legal kind) assumes (and asserts) the relative stability of an accepted code, whether Scripture for the midrashist or the Mishnah for the anonymous creators of the Gemara.[17] Thus, effective rabbinic legal (as well as non-legal) pedagogy requires an intermixture of code and commentary, both between the branches of rabbinic discourse and more subtly within each branch.

At one point Halivni implies that the fact that the mishnaic form "froze" after the death of Rabbi Judah the Patriarch, while the midrashic form

continued to evolve, is a sign of the former's aberrant nature (p. 64). Rather, this is a consequence of the necessary difference between code and commentary: the latter grows and evolves with time, thereby affirming the authority, that is, continued applicability, of the former, while the former provides a stable base and source of sustenance for such growth. But legal commentary, due to its incremental nature, can grow and spread so luxuriantly as to become unmanageable for practical application. When this occurs a new code may be created which both models itself on the old code and absorbs qualities of its commentary, which has itself come to acquire something of the authority of Code.[18]

Thus, the eclipse of the Mishnah by its commentary need not represent, as Halivni asserts, a negative judgment of its form by the creators of the Gemara, but its very complementation. This eclipse in time required the creation of new codes (e.g., Maimonides's *Mishneh Torah*) which took as their precedent, mutatis mutandis, the model of the Mishnah. Likewise, just as the Mishnah eventually succeeded Scripture as the principal focus of legal commentary, so too the Gemara's commentary eventually succeeded that of legal midrash, but not without assimilating many of its traditions and much of its dialogically discursive style. While we need to understand such texts of code and commentary in relation to the historical exigencies of the times of their creations, we also need to understand them in relation to the hermeneutical exigencies of their complex interdependence.

Such a dialectical view of the interrelation of mishnah and midrash, of code and commentary, of rule and reason, and of information and pleasure casts halakhic midrash in a conceptual light which permits its contrast and comparison not only with the Mishnah, but with aggadic midrash, as with the other branches of rabbinic discourse which are also, from a rabbinic perspective, Torah (teaching), as with prerabbinic and posttalmudic Jewish modes of legal learning, as with non-Jewish modes of legal discourse, as with literary code and commentary more generally still. By insisting on the dualistic alternatives of exegesis and syllogism, and apodictic and justified law, both Neusner and Halivni, despite their opposite conclusions, significantly predispose, and therefore frustrate, such potentially fruitful comparative inquiries into the broader literary contexts of rabbinic midrash.

If Jacob Neusner interprets midrash in relation to its context of discrete whole documents, and David Weiss Halivni interprets it in relation to its broader context of Jewish legal discourse from Bible through pilpul, then Geoffrey H. Hartman and Sanford Budick in their edited volume *Midrash and Literature* interpret midrash within the still larger and more open context of literature overall. The purpose of this collection of eighteen contributions by as many critics of Hebrew Bible, rabbinics, kabbalah, and literature is articulated in the editors' introduction: to demonstrate that midrash's "mode" or "model" of interpretation has much to teach modern readers of literature, and that in its essential traits midrash is quite at home among the latest theorizing discussions of literature and its interpretation. These traits are essentially three and intertwined:

(1) Midrash in its multiple readings of Scripture recognizes the "undecidability" or "indeterminacy" of textual meaning. This midrashic assertion of the "infinities of Torah" accords with certain poststructuralist literary theories which view textual meaning as residing principally in the endless activity of interpretation—"the shuttle space between the interpreter and the text" (p. xi)—rather than in the univocal text as the product of an historical author or as the reflection of an extratextual context.

(2) Midrashic exegesis exhibits qualities of "intertextuality" or "allusive textuality." Midrash in interpreting a particular fragment of Scripture alludes to and associatively draws in other textual fragments in both reading and creating a web of "textuality"—a "metonymic montage" (Hartman, p. 14). This too accords with poststructuralist theories in which the indeterminate textual "sign" acquires meaning (to the extent that one can speak of such) only through being read in antinomic juxtaposition with different textual signs.

(3) Finally and most importantly, what is remarkable and exemplary in midrash is not simply the presence of the first two traits, but the free, open-ended, seriously playful, and vitally creative way in which they cooperate. Midrash, while maintaining its attentiveness to and veneration of "originary" Scripture, thereby subordinating itself to Scripture's text and authority, dares to extend Scripture and textual canon through a seemingly endless process of intertextual supplementation, whereby revelation is renewed (and renews) through its reinterpretation. "Midrash is seen to affirm the integrity and authority of the [scriptural] text while fragmenting it and sowing it endlessly" (p. xiii). Paradoxically, midrashic exegesis both merges with the text it interprets and opens a "space" between that text and its interpreters. Midrash dares to enter that space (always a potential abyss), where, rather than suffering aphasia, it acquires its own dynamic voice.

But *Midrash and Literature*, both in its introduction and in the structure of its contents, offers another, remarkably *historical* argument. The midrashic mode has a history extending from within Scripture itself into the present literary moment. Having its roots in inner-biblical interpretation ("Bible and Midrash"), the midrashic mode achieved dramatic fullness in the classical rabbinic texts of aggadah ("Midrash and Aggadah"), later finding heightened expression in the literature of kabbalah ("From Midrash to Kabbalah"). In post-enlightenment times, despite having been ignored, suppressed, or perverted by the "authorized interpreters—in church and university" (p. x), its seed was carried by "the great poets who wrote out of the western tradition," who "somehow evidenced its existence in our collective literary imagination" (ibid.; "Literature and Midrash"). Only recently has the midrashic mode once again "come into its own" in "contemporary literature, criticism, and theory," entering "into competition among the many literary-critical approaches now vying for institutional approval" (ibid.). The result of this long journey is the "recovery" of midrash (p. xii) to literature in our day ("Contemporary Midrash"). As a whole, then, at least in its structural outline, the volume constitutes a midrashic "chain of tradition" from Sinai to Rabbi Akiba to kabbalah to "Reb Milton" to "Reb Derrida" (p. xi).[19]

Thus, *Midrash and Literature* draws for us two maps: (1) an inner "mapping of the resemblance" (p. x) between classical midrash and contemporary literature,

criticism, and theory; and (2) an implied outer mapping of the historical, even genetic, route from the former to the latter.

Not surprisingly, our literary cartographers are more confident and convincing in their drawing of the inner literary map than the outer historical one. The introductory claims for historical continuity or influence from midrash to modern literature and literary theory are simply not sustained by the volume's contributors (except, as may be expected, in Gershon Shaked's treatment of S. Y. Agnon). At best they identify kabbalah as the missing link, but here it is probably through Christian intermediaries that any influence was effected. Thus, Borges' midrashic style is said to "converge" with kabbalistic exegesis (Myrna Solotorevsky, p. 263), while Milton's midrashic style is traced back to Philo, but by way of Christian intermediaries (Budick, pp. 195, 208). These beg the question whether kabbalah or Philo can be said to represent midrash. Yet even with regard to the proposed inner map of resemblance demurring questions arise, notwithstanding the editors' own caveat that "resemblance is not identity" (p. x).

Before considering some of these questions let me clarify my own interest in the matter of "midrash and literature." The place of the conjunction in such a pairing is never innocent. Although the editors claim to devote the volume to "both the historical, cultural, Judaic phenomenon of midrash itself, and the resemblances between midrash and highly similar critical phenomena which, for whatever reasons, have acquired central importance in contemporasry literature, criticism, and theory" (p. x), the "and" of "midrash and literature" points, overall, from left to right. Midrash as a model is employed to challenge ingrained assumptions about literature, but literary models (of which even among poststructuralists there are quite a few) are not employed to challenge similarly ingrained assumptions about midrash. One symptom of this is the fact that modern authors receive individual treatment, whereas classical midrash is treated for the most part in the lump, with only one extended analysis of an actual midrashic text (by David Stern). As someone whose competence is more in midrash than in modern literature, I might legitimately ask whether the meeting of midrash with literature as it occurs in this volume elucidates midrash, and whether the figure of midrash that is employed here to elucidate modern literature has not become an overworked metaphor, rubbed smooth of some of its own diverse and distinctive contours.

Let me begin with the most basic, yet unasked, question regarding the employment of midrash as a model for literature: how is a model of midrash to be built? This question comprises two sets of questions:

(1) What is the textual corpus from which such a model is to be derived, and how will the constituents of that corpus be weighted? To pick just one example, will the midrashic model draw from halakhic as well as from aggadic midrash? *Midrash and Literature* virtually ignores halakhic midrash, so much the focus of Halivni's treatment of midrash, assuming at several points that midrash *is* aggadah, as distinct from halakhah. Is this because legal exegesis does not conform to the preferred model of midrashic "undecidability," or

because legal discourse does not conform to a preferred model of literary "poetics"?

(2) Once the corpus of midrashic data is established, how will its salient characteristics be identified and joined so as to fashion a coherent model of midrash? Can such a model be constructed that is reflective of a millennium of midrashic discourse in all its diversity of form and function, and yet be applicable to modern literary texts (no less diverse certainly) another millennium away? Contemporization always requires a degree of essentialization, and we need to be conscious of its reductive and totalizing consequences.

This danger of "stretching" midrash in order to apply it as a model to modern literature is acknowledged by Harold Fisch:

> Midrashim are not novels; equally, myths are not Shakespearean dramas. But literary critics have long ago taken over myth from the anthropologists and archetype from the analytical psychologists without prejudice to the way those terms are still used by the professional specialists. It is recognized on both sides that there is value in stretching terms like these. The value, it would seem, is not only in providing a language for interdisciplinary communications, but in freeing the categories thus displaced from formal boundaries and restriction and *releasing their phenomenological essence*. (p. 228, emphasis added)

But there is a great difference between model borrowing between disciplines of broad intercultural study, and the construction of a general literary model from a limited literary subset. Even so: does midrash have a "phenomenological essence" that can be "released," "displaced," and "taken over" from its living habitat within the cultural context of rabbinic discourse, ideology, and social practice without risk of divesting it of the very vitality so acclaimed by *Midrash and Literature*? But the risky road of such transference runs the other way as well: in bringing to midrash what we set out to find there.

Let me now be more specific. Is the repeated claim that midrash approaches the scriptural text as "infinite" or "indeterminate" (as distinct from both "polysemic" and "metonymic") in its meanings borne out by the methods of midrashic exegesis themselves? Is infinite indeterminacy a characteristic of halakhic midrash, or even aggadic midrash of the tannaitic and amoraic collections? Is this not, rather, more characteristic of certain streams of kabbalistic exegesis, which Moshe Idel argues are "anti-midrashic" both in their interpretive methods and in their underlying theological/anthropological assumptions as these relate to scriptural interpretation (pp. 153 n. 4, 155 n. 31)?

Classical midrashic method is less ambitious in the multiplicity of meaning it finds in Scripture. Once we attend to discrete midrashic texts we encounter limited prooftexts, limited interpretations, and limited formal conventions which once selected have been creatively juxtaposed in the work of commentary. What then are the parameters (or codes) which so constrain and condition the "waywardness" of midrash's exegesis, both in aggadah and halakhah?

The editors suggest that, unlike "secular poetics," the "constraints and restraints upon the freedom of midrash" derive from "the theological principles of divine unicity and inviolability of the sacred text" (p. xi). The implication

is that once detached from such theological principles so as to be applied to secular literature, the midrashic literary model no longer suffers such constraints.[20] But the rabbinic assertion of Scripture's multivocality is equally predicated on the theological principle of Scripture's divine source and holy nature.[21] If the midrashic rabbis had a theory to propound it was not so much one of language or of interpretation in general as of divine revelation and its human realization within Jewish society. However, the issue is not so much the overworked distinction between "sacred" and "secular" poetics, porous as these two adjectives are, as the creative "constraints" placed upon all forms of interpretation by their particular cultural and social settings, and the consequent difficulty of lifting interpretation, whether in its general principles or in its particular expressions, from those settings. The midrashic rabbis, in particular, were as much constrained in their interpretations by what they understood to be the *range* of meanings permitted by the Hebrew of Scripture as by the traditions of interpretation (both practical and ideational) which they received along with Scripture, as by their hermeneutical conventions, as by the sociohistorical exigencies of their time.

Even so, the hierarchical opposition of exegetical freedom and constraint is itself misleading. For the constraining parameters just mentioned are not simply external boundaries to the freewheeling midrashic discourse within, but the very "forces," centrifugal as well as centripetal, which in their alterity energize and, in a sense, demand that discourse. The question then is not how such forces constrain midrash but how they constitute, in their dialectical tensions with one another, its very work and message.

Does midrash in fact exemplify a "dissolution of individual authorship" (Solotorevsky, p. 253), the "very effacement of self" (p. xi), all midrash-like literature being "pseudepigrapha" (ibid.)? While certain poststructuralist theories of literature celebrate the eclipse of the author, the matter of the place of the "author" within midrash is more complex, especially when viewed in its own literary-historical context.

Among midrash's prerabbinic exegetical antecedents whole bodies of interpretation are either pseudepigraphically attributed to biblical seers (e.g., Enoch), to prophetic authorities (e.g., the Teacher of Righteousness), or to revelation itself (e.g., the Temple Scroll), or are claimed by human authors as not being interpretation at all (e.g., Josephus).[22] By contrast, rabbinic midrash, like rabbinic literature in general, presents itself as a corpus of interpretation whose *collective* wisdom and authority trace back to Sinai, but whose discrete articulations are often credited to *individual*, named rabbis or schools of rabbis, sometimes portrayed in unabashed exegetical debate with one another. Viewed in even broader literary-historical context, it may be said that rabbinic midrash is poised between the often anonymous, "revealed" exegeses of Second Temple times and the individually authored commentaries of medieval Judaism. This anonymous yet authored structure of midrashic discourse is expressive of rabbinic literature's overall religiosocial function of dialectically *mediating* between divine revelation and its human realization.

This mediational function is formally expressed in midrash's various *dialogical* structures: in the recasting of scriptural verses or sequences of verses as dialogues (between biblical characters, between God and Israel, between

Israel and the nations), in the rhetorical questioning of Scripture (e.g., "Why is this said?"), in the exegetical dialogues of rabbis with one another and with others, and more implicitly in the "frictional" juxtaposition of prooftexts, of alternative interpretations, of parables and proofs, and of laws and narratives.[23] In fact, the word "dialogical" is itself too reductive a description, especially if it leads us to consider midrash only for its explicit dialogue (or "shuttle") "between the interpreter and the [biblical] text" (p. xi), and not for its implicit dialogue between the midrashic text and *its* interpreters. Midrash, it may be said, interrelates these two sorts of dialogue: the "reader," drawn into the world of midrashic discourse so as to make sense of the formal alterity of its interpretive voices, is lead, paradoxical as it may seem, to make sense of the historical alterity of scriptural promise and its desired but deferred realization in the world from which he or she has been drawn. Let me illustrate this perspective by glossing the critical insights of three contributors to *Midrash and Literature*.

James Kugel in "Two Introductions to Midrash" compares and contrasts the rabbinic attitude to time and history, as expressed in midrash, with those of prerabbinic Jewish strategies of exegesis (pp. 84–90).[24] All of these express a sense of rupture between biblical past and historical present, and an urge "to connect one's own world with the world of Scripture, to find some way of dwelling, as it were, in biblical reality." While apocalyptic interpreters portrayed the events or expected events of their time as the fulfillments of biblical paradigms, thereby "projecting the biblical past into the present," the allegorical interpreters transcended the particularities of time altogether, making of biblical events stages in the eternal life of the soul.[25] The midrashic rabbis, unlike these two, sought to bridge the gap between biblical and present time by passing from the incoherent present world in which God's activity was inscrutable into the coherent scriptural world in which it was manifest:

> And if we are to designate the halakhic reading of Scripture as a bridge between the Bible and the present-day Jew, out of fairness one must add that the bridge has another (if anything, greater) lane going in the opposite direction. For in midrash the Bible becomes, as stated, a world unto itself. Midrashic exegesis is the way into that world; it does not seek to view present-day reality through biblical spectacles, neither to find referents of biblical prophecy in present-day happenings, nor to find referents to the daily life of the soul in biblical allegory. Instead it simply overwhelms the present: the Bible's time is important, while the present is not; and so it invites the reader to cross over into the enterable world of Scripture. (p. 90)

While Kugel correctly highlights an important exegetical/temporal tension, he portrays the midrashic response to that tension too simply as a one-way path from historical present to biblical past, in contrast to halakhah. But midrash's response to this tension is only partly to be found in its reluctance to extend the historical sequence of biblical *events* into the present. Just as significant is the unique manner in which midrash brings *voices* of biblical and present time into conversation with one another within the fabric of its discourse, without homogenizing their heterogeneity, and here I speak as much

of halakhic as of aggadic midrash, notwithstanding their important differences. By juxtaposing scriptural verses and characters, attributed rabbinic opinions, rhetorical question and answer, stories about rabbis, parables whose terminology is that of contemporary king and court, and messianic peroration, midrashic discourse opens a *two-way* bridge between past and present, as between present and future.

While the midrashic rabbis did not extend biblical history (*histoire*) into the present, they did extend biblical discourse (*récit*) into the present, not so much beckoning the reader into the world of past scriptural events as into the world of everpresent Torah discourse. Midrash overcomes the discontinuity of past and present not by subsuming one to the other (apocalypse) or by rising above both (allegory), but by mutually *engaging* past and present in the multivocal, multitemporal web of its discourse—a dialectically suspended narrative middle. Midrash thereby implies that historical reality too is dialectically suspended between and engaged with scriptural paradigm and its actualization. Stated differently, midrash, somewhat like a dream, dialogically mediates between memory and the waking world—interpreting while requiring interpretation.

Leviticus Rabbah's interpretation of the tent of meeting (Lev. 1:1), analyzed in the first part of this essay, exemplifies this point. Attention to an irritant within Scripture's words about that obsolete institution, juxtaposed with distant prooftexts and their interpretations, with statements attributed to named rabbis of the third century, and with a paradoxical parable about a Greco-Roman king and his subjects, dialectically unfolds in such a way as to implicitly address Israel's timely situation of loss of Temple and of competition with another religion claiming to have inherited revelation, all the while drawing the reader ever deeper into timeless Torah through its midrashic mediation.

This section of Leviticus Rabbah is also the object of David Stern's skillful analysis in "Midrash and the Language of Exegesis." Stern finds the unfolding "theme" of Leviticus Rabbah's explication of the tent of meeting to be "the language of ḥavivut," or "intimacy." This is the theme of the homily's interpretation of Lev. 1:1 overall: the intimacy with which God addressed Moses alone within the tent of meeting, which represents to Stern the larger midrashic motif of God's mutual intimacy with Israel. But it is also and more significantly the theme of midrash's very style of discourse, the very "language of midrash": "the desire to recreate a sense of God as familiar and as an intimate, as a God who still addresses his people between the lines of Scripture . . . an attempt through literary discourse to recover God as a speaking presence" (pp. 121–22).

But Stern suggests, albeit not strongly enough, that behind midrashic assertions of intimacy lies an unresolved tension: between intimacy and its more subtly expressed other—let us call it separation. While the tent of meeting represents Moses' intimacy with God and the superiority of Israel's mediated access to divine voice as opposed to the false claims of the "nations" to direct access, it simultaneously represents Israel's *loss* of direct experience of revelation, as it was once experienced at Sinai and as it is now available only to individuals such as Moses. But while kissing through a veil may be better than not kissing at all, it reinforces both the desire and the hope that the veil may

someday be lifted. That indeed is the hope that the midrash's messianic ending holds out. Through this midrash, the tent of meeting is poised, not just linearly but dialectically, between Sinai and the time when "the glory of the lord shall be revealed, and all flesh shall see it together" (Isa. 40:5). In this historical and literary middle, presence is experienced in company with absence. It is with this bittersweet middle, rather than with the homily's messianic destination, that the midrash is most seriously absorbed and at times playfully detained.

The idea of midrashic intimacy is also expressed by Harold Fisch in his afterword to "The Hermeneutic Quest in Robinson Crusoe." According to Fisch, midrash departs from its scriptural base in free play, only to return to it with a "joy of recognition": "*hada hu di-khtiv*—There, that is the meaning of what was written!"(p. 232). But the "joy of recognition" of midrashic interpretation is predicated on a prior act of separation (both interpretation and separation being expressed in Hebrew with the verb *peresh*), each return being followed by a new separation. This brings to mind the image of Freud's grandson repeatedly throwing a toy into the water with the exclamation *fort!* ("gone away"), only to draw it back on a string to the gleeful cry of *da!* ("here"). The dynamic of midrashic commentary, of course, is more complex than this, since Scripture is not an inanimate object and since the interpretive strings of midrash draw in several directions. Yet it is similar in this regard: midrash, unlike most of its prerabbinic exegetical antecedents and unlike most types of modern literature, employs the formal mode of dialogical *commentary*. Such commentary, both in its outer and inner structures, creates a seemingly endless alternation of scriptural text and its interpretation, of fission and fusion, as if to say that Scripture must first (and repeatedly) be faced squarely and questioned as other, acknowledged as separate and unknown, before it can be exegetically engaged and embraced.

To return to the question of joining midrash and literature, we may note that, notwithstanding the irreducible distance between the two, many of the critical issues for interpreters of midrash are familiar enough to critical interpreters of literature (and increasingly history) more generally. These include, among others, the textual interplay of tradition and exegesis, of rhetoric and reference, of narrative and time, of discourse and society, and of story and law. What is required, therefore, is neither essentialized midrash as a model for the interpretation of literature, nor generalized literary theory as a model for the explanation of midrash. Rather, what is required for any honest meeting of the two is competent attention to the native literary forms and rhetorical modes of a variety of midrashic documents, interpreted in relation to their social world and work, yet described in terms familiar to a variety of literary theories of interpretation. As in any successful translation, the "language" of midrash and the "language" of literature will both need some stretching, without reducing the diversity and difference of each, in order to truly engage and challenge one another. In short, midrash and literature need themselves to enter into multivocal dialogue.

If the reader has noticed some slippage between the topics of history and literature in the two parts of this review essay, that is in the nature of its subject. The critical interpreter of rabbinic midrash may view both its particular

texts and its broader phenomenon from numerous vantages, but neither as a self-enclosed, self-disclosing world of meaning nor as a transparent window onto the historical world of midrash's creators. Literary interpreters of necessity enlist historical schemes and historical interpreters of necessity enlist hermeneutical strategies. Both need to be conscious that the interpretive models they employ lead them onto each other's playing fields.

Since I have up until now concentrated on some of the shortcomings and excesses of the three books under review, let me in conclusion emphasize their positive contributions to our interpretation of rabbinic midrash. In fact, it could be said, in the spirit of midrash, that the very attention that I have lavished on their arguments is proof of my serious regard for them.

Jacob Neusner persuasively argues that our study and interpretation of midrash needs to attend to and distinguish between the individual literary compilations in which it is expressed, lest our view of midrash be one of episodic, and therefore potentially self-serving, glimpses from here and there. He is correct to stress that we know midrash through the work of the literary redactors who created, presumably with purposes of their own, discrete midrashic documents, each with its own formal and ideational preferences. He challenges us to relate midrashic preference to intellectual purpose. Neusner provocatively poses the vexing question of the relation of these documents as wholes to their parts, as to the other rabbinic documents with which they intersect. He also challenges us to view these documents in relation to the historical contexts in which they were created and to which they address, at least in part, their arguments.

David Weiss Halivni correctly calls us to study and interpret rabbinic midrash not as a field unto itself but as an integral and vital component of rabbinic learning more generally. Midrash needs both to be distinguished from and to be related to the other varieties of rabbinic discourse, to be viewed in relation to particular junctures in Jewish history and in relation to Jewish discourse across history. Halivni is right to stress that midrash's dialogical mode of interpretation is a central expression of the rabbinic affirmation of the interrelation of divine revelation and law with human intellect and teaching. He reminds us that any description and interpretation of midrash as a branch of rabbinic teaching that ignores legal midrash is incomplete.

Finally, Geoffrey Hartman, Sanford Budick, and their co-contributors demonstrate that the issues of interpreting midrash and its interpretation of Scripture are the interests of interpreters of literature more generally. They draw our attention to the work of midrash in the forms of its play, or better still, interplay: in its multivocal readings of Scripture, in its dialectical juxtapositions of subtexts, and in its implicit dialogue with its readers.

Can these three views of midrash—which we may mnemonically think of as "polemical," "pedagogical," and "poetical"—be brought into relation with one another so that they may assist each other to overcome the limitations and exaggerations of their individual perspectives? Only if they are brought together in such a way that no one swallows the others and that all are not subsumed under a synthesis of the three. This would, indeed, be a three-stranded cord difficult to sunder. Such a cord would recognize in midrash *both* its seemingly *timeless* interplay with Scripture and tradition, *and* its seemingly

timely work of selecting, shaping, and combining preferred interpretations within discrete texts—in effect, its dialectic of indeterminate and determinate meaning. It would recognize the irresolvable, creative tension between midrash's inwardly drawing attention to Torah texts, and its outwardly drawing attention to human contexts, within the wider settings of rabbinic social and intellectual creativity in time and over time. This is the powerful challenge, as yet unmet, that the three books here discussed collectively pose to future interpreters of midrash.

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NOTES

*This is the second of a two-part review essay. In the first part, "Interpreting Midrash I: Midrash and the History of Judaism," *Prooftexts* 7 (1987): 179–94, I discussed Jacob Neusner, *Judaism and Scripture: The Evidence of Leviticus Rabbah* (Chicago & London, 1986).

1. Sifre Deut. 306. I follow MSS Oxford and London, and Yalqut Shim'oni. Louis Finkelstein in his edition (Berlin, 1939; rep. New York, 1969, p. 339) follows MS Berlin: * umin amisineh talmud halakhot vehaggadot.*

2. By "the Jews" Halivni means "the Pharisaic Jews," as opposed to sectarians." See, for example, pp. 38–39. Critical scholarship no longer presumes that Judaism of late Second Temple times is synonymous with that of the Pharisees.

3. These examples are neither as convincing nor as decisive as Halivni claims. I will argue that even if they could be shown to contain or presume Second Temple *derashot*, they would not lead to the conclusions that Halivni draws from them.

4. The scolion contains a polemical statement against the Sadducees who, according to this tradition, had a "book of decrees" governing types of execution for kinds of capital crimes. The charge is that the Sadducees, when asked, were unable to provide the Scriptural proofs for their edicts; that is, they could not support them exegetically. It is not at all evident that this scolion implies a rejection of mishnah-like law per se, and that it was therefore authored at a time when there was not yet a Mishnah and when midrashic legal discourse was the norm.

5. Josephus (*Antiquities* 4:196–97), in the course of his narrative recounting of Jewish history, describes how Moses before his death committed the laws he had received to the people. It is at this point that Josephus interrupts his narrative to provide a survey of these laws. In a preface to his paraphrase of biblical law Josephus apologizes to his "countrymen" for having departed from the biblical order in rearranging the laws (which elsewhere he does with narrative) according to their topics (which he only partially does). Josephus may simply be deflecting attention from his even bolder reworking of biblical laws and inclusion of legal traditions not found in the Bible, all under the authorship of a single Jew, lacking in legal authority, and writing a Jewish *history* in Greek in Rome. However we interpret Josephus's motivation, his statement is hardly solid evidence for concluding that in his time the mishnaic form of legal discourse (groups of laws without scriptural prooftexts) was unknown or disfavored.

6. Although Halivni repeatedly asserts that the Jewish predilection for justified law distinguishes Jewish legal discourse from the apodictic legal discourse of other peoples, he never supports this assertion with comparative evidence, except for noting the absence of motive clauses in ancient Mesopotamian legal texts as contrasted with biblical law.

7. See part 1 of my review in the previous issue.

8. Halivni, like Neusner, assumes that as each rabbinic text was completed it became authoritative and set the norms of rabbinic discourse, although he allows some overlap.

9. I intend the word "code" broadly, meaning a set of principles or rules, without necessarily presuming that such a code be exhaustive in scope, absolute in authority, or juridical in purpose. It may be better to think of the Mishnah as a nascent code. Compare Maimonides's differentiation (in his letter to R. Phineḥas of Alexandria) between *perush* (commentary) and *ḥibbur* (code).

10. See nn. 4 and 5 above.

11. The Manual of Discipline also fits this pattern, although it deals mainly with sectarian rules rather than with scriptural laws. The published halakhic ordinances from Qumran Cave 4 (4Q159, 513, 514) are similarly not exegetical in *form*.

12. In both cases I do not mean to minimize the differences between Philonic and rabbinic efforts to systematically categorize and comment upon Torah law, or to suggest any genetic connection.

13. The fact that the earliest ("tannaitic") midrashim were most likely redacted after the Mishnah does not mean that they arose in response to the Mishnah, or that midrashic and mishnaic forms of legal learning did not coexist as complements to one another, at least into the early Amoraic period.

14. An expression of this is Halivni's anachronistic characterization of apodictic law as "autocratic" and justified law as "democratic." See pp. 13–14, 91–92.

15. *Webster's Ninth New Collegiate Dictionary* defines apodictic as: "expressing or of the nature of necessary truth or absolute certainty."

16. *Webster's Ninth New Collegiate Dictionary* defines didactic as: "intended to convey instruction and information a well as pleasure and entertainment."

17. This relationship is more complex than I have presented it here: commentary presumes as code more than just the text upon which it comments.

18. On the incorporation by later codes of the qualities of earlier commentaries see Halivni, pp. 91–2.

19. The editors state: "For some time now, it has been understood that many profoundly ingrained habits of western reading ('typology' in its many varieties and quite possibly expectations of 'closure' itself) are *historical derivatives of midrash* sometimes by way of emulation, sometimes as aggressive inversions" (p. x, emphasis added).

20. Harold Fisch (pp. 231–32) similarly suggests that the constraints placed upon midrashic freedom derive from "the unlimited authority inhering in a prime text." The matter of midrashic freedom and its restraints is more broadly treated by Judah Goldin (especially p. 69).

21. Cf. Abaye's interpretation of Psalms 62:12 in b. Sanh. 34a.

22. Similarly, Michael Fishbane (p. 26) in discussing inner-biblical exegesis says that "the interpretative voice has been obscured or redignified as a divine voice" in "the drive for pseudepigraphic anonymity in legal exegesis."

23. Geoffrey Hartman, in discussing Scripture's rhetoric of redaction, speaks of its "frictionality": "not only its respect for friction, which exists in literary texts, but its capacity to leave traces, which incite and even demand interpretation of what it has incorporated" (p. 13).

24. Kugel's essay originally appeared in *Prooftexts* 3 (1983): 131–55.

25. To be sure, Philo, our principal exemplar of Jewish allegorical exegesis, also employs allegorical interpretation so as to enable Scripture to address the Jewish political condition of his time and place.