

RABBINIC POLYSEMY AND PLURALISM REVISITED: BETWEEN PRAXIS AND THEMATIZATION

by

Steven D. Fraade

I. INTRODUCTION

One of the most celebrated aspects of rabbinic literature is its adducing of multiple interpretations of scriptural verses and its valorizing of multiple legal opinions as expressed in debate among the rabbinic sages.¹ This celebration has come from several quarters, with each finding in the purported rabbinic polysemy and pluralism support for agendas that could not possibly have been those of the ancient rabbis. For example, in the 1980s, some literary critics and philosophers found support in rabbinic *midrash* for their theories of indeterminacy of textual meaning in literature and language in general.² Likewise, moving from the linguistic to the social domain, those seeking more harmonious relations among modern Judaism's competing denominations have found a pluralistic model to emulate in ancient Judaism, following the destruction of the Second Temple in 70 CE, when sectarian rivalry is thought to have been replaced by the "big tent" inclusiveness, marked by respectful debate among multiple opinions, of the rabbis at Yavneh.³

1. I wish to acknowledge colleagues whose comments and constructive criticisms were sources of encouragement to me while preparing this essay, even (or especially) when we failed to convince one another: Elitzur Bar-Asher, Daniel Boyarin, Robert Brody, Yaron Eliav, Yaakov Elman, Marc Hirshman, Joshua Levinson, Chaim Milikowsky, Shlomo Naeh, Hindy Najman, Tzvi Novick, Ishai Rosen-Zvi, Jeffrey Rubenstein, Hayim Shapira, David Stern, Azzan Yadin, and Karin Zetterholm. I would also like to thank the conveners of a seminar of the Department of Talmud and Rabbinics at the Jewish Theological Seminary, especially Judith Hauptman, for inviting me to present a version of this essay for discussion on October 25, 2006, and for the participants' helpful comments.

2. Susan A. Handelman, *The Slayers of Moses: The Emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: State University of New York Press, 1982); and Geoffrey H. Hartman and Sanford Budick, eds., *Midrash and Literature* (New Haven, CT: Yale University Press, 1986).

3. See Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis and the End of Sectarianism," *Hebrew Union College Annual* 55 (1984): 27–53; and David Hartman, *A Heart of Many Rooms: Celebrating the Many Voices within Judaism* (Woodstock, VT: Jewish Lights, 1999). Also relevant is Yaakov Elman, "R. Zadok Hakohen on the History of Halakah," *Tradition* 21 (1985): 1–26; and Manahem Kahana, "'Iyunim ba-'izuvah shel ha-mahloket ba-mishnah uvimgamoteha,'" *Tarbiz* 73 (2003): 51–81. For a collection of sources, see *Controversy and Dialogue in the Jewish Tradition: A Reader*, ed. Hanina Ben-Menahem, Neil S. Hecht, and Shai Wosner (New York: Routledge, 2005); and *ibid.*, 3 n. 3, for additional treatments of "halakhic pluralism."

Needless to say, this was too good to be true, at least in its more exaggerated, idealized, and apologetic expressions. Several scholars have called into question the anachronistic nature of such wishful (and self-servingly selective and triumphalist) readings of rabbinic literature.⁴ For example, exclusivistic aspects of rabbinic literature and its interpretive strategies were disregarded in favor of expressions of inclusivity; the much-vaunted traits of polysemy and pluralism in rabbinic literature were not ubiquitous across generations, locations, or “schools”; and, to the extent to which these traits existed, they could not be universalized as theories of or models for language, literature, or society (especially secular) in general.

Most recently, Daniel Boyarin, building on previous critiques, has gone the furthest in arguing that rabbinic polysemy and pluralism, far from being the essence of “rabbinic Judaism” from its origins in first-century Yavneh, were the “inventions” of the anonymous, post-amoraic redactors of the Babylonian Talmud (the so-called *stamma'im* of the fifth and sixth centuries), a function of the eventual “partition” and hardening of the “border lines,” as much between post-Nicaean Christian and post-amoraic Jewish “orthodoxies” as between each and its excluded heretical others.⁵ Like “orthodox” Christianity after the

4. David Stern, “Moses-cide: Midrash and Contemporary Literary Criticism,” *Prooftexts* 4 (1984): 193–204; idem, “Midrash and Indeterminacy,” *Critical Inquiry* 15 (1988): 132–61; idem, *Midrash and Theory: Ancient Jewish Exegesis and Contemporary Literary Studies* (Evanston, IL: Northwestern University Press, 1996); William Scott Green, “Romancing the Tome: Rabbinic Hermeneutics and the Theory of Literature,” *Semeia* 40 (1987): 147–68; Azzan Yadin, “The Hammer on the Rock: Polysemy and the School of Rabbi Ishmael,” *Jewish Studies Quarterly* 10 (2003): 1–17; idem, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004); Natalie B. Dohrmann, “Reading as Rhetoric in Halakhic Texts,” in *Of Scribes and Sages: Early Jewish Interpretation and Transmission of Scripture*, vol. 2, ed. Craig A. Evans (London: T&T Clark International, 2004), 90–114; Shlomo Naeh, “‘Aseh libkha hadrei hadarim: ‘iyun nosaf be-divrei hazal ‘al hamahloket,” in *Mehuyavut yehudit mithadeshet: ‘al ‘olamo vehaguto shel David Hartman*, vol. 2, ed. A. Sagi and Z. Zohar (Tel-Aviv: Hakibbutz Hameuhad, 2001), 851–75 (henceforth, “Chambers of Sages”); and Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), esp. 151–201. Boyarin (e.g., 178) confesses that he himself was previously guilty of such an approach.

5. Boyarin, *Border Lines*, 151–201 (Chap. 7). Boyarin acknowledges his dependence on the “hypothesis” of David Halivni and Shamma Friedman regarding the anonymous, post-amoraic redactional layer of the Babylonian Talmud as reflecting a “shift in values” among the putative *stamma'im* from those of their amoraic predecessors (151–54). For Halivni’s most recent formulation (which dates the *stamma'im* to the sixth–eighth centuries rather than to the fifth–sixth centuries, as Boyarin assumes), see David Halivni, “Iyunim be-hithavut hatalmud,” in *Sidra: Journal for the Study of Rabbinic Literature* 20 (2005): 69–117. For a somewhat reduced English version of the same, see idem, “Aspects of the Formation of the Talmud,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggadah*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 339–60. Some exaggerated aspects of this “stammaitic” hypothesis have recently been challenged by Robert Brody in lectures at the Fourteenth World Congress of Jewish Studies (2005) and at conferences at Yale University (2006) and Bar-Ilan University (2006), the first and last of which will be published in the proceedings of those conferences. My own contribution to this discussion is a lecture, “Anonymity and Redaction in Legal Midrash,” given as part of a conference on “Rabbinic Textuality, Transmission, and Redaction: The Historical and Literary Processes Which Generated the Rabbinic Corpus,” Bar-Ilan University, May 23, 2006, forthcoming in the published proceedings.

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Council of Nicaea (325 CE), the post-amoraic Babylonian rabbis were successful, largely through their reshaping and renarrativizing of earlier traditions, in retrojecting their late conceits (of polysemy and pluralism) onto their own originary council (of Yavneh).⁶ Boyarin finds this “history” encoded, as it were, within several well-known (and hence influential) Babylonian talmudic narratives that have served as the poster children for the celebration of rabbinic polysemy and pluralism.⁷ He endeavors to demonstrate that what is commonly thought to be the essence of such talmudic narratives is, in fact, the construction of their very last redactional layers, produced by fifth- and sixth-century Babylonian redactors, often in striking *contrast* to the textual traditions that they received from earlier generations of Palestinian rabbinic tradents. These Palestinian traditions, according to Boyarin, when separated from their post-amoraic Babylonian reconfigurations, reveal instead the hermeneutically and socially closed nature of early rabbinic discourse and intrarelations.

Before proceeding to reevaluate this question in light of Boyarin’s arguments, it is necessary to differentiate among some of the modern terms of discussion that are often conflated, a task that Boyarin himself undertakes, but, to my mind, incompletely. Although these terms may intersect with one another, for heuristic clarity, it is important to extricate them from one another because they need not, of necessity, be intertwined.

By “polysemy” (many significations), I mean, in the present context, the claim that a canonical text contains or can legitimately yield multiple meanings.⁸ While sometimes related, I would differentiate, both formally and epistemologically, such hermeneutical polysemy from what I shall call “legal multivocality,” whereby multiple, often incommensurate legal pronouncements on a given subject are transmitted together within a common text. In other words, legal multivocality need not presume hermeneutical polysemy, even though, as we shall see, they may converge. For example, rabbinic disagreement as to the ritual purity status of an object (*tamei’* or *tahor*) need not necessarily derive from differences of scriptural interpretation and may just as well be based on differences of logical

Jeffrey Rubenstein in particular has fruitfully applied the “stammaitic” hypothesis to the analysis of the narrative (*aggadah*) of the Babylonian Talmud. See his *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999); idem, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003); idem, ed., *The Contribution of the Bavli Redactors (Stammim) to the Aggadah* (Tübingen: Mohr Siebeck, 2005); and idem, “The Thematization of Dialectics in Bavli Aggadah,” *Journal of Jewish Studies* 54 (2003): 71–84. I should stress that the present essay does not attempt to evaluate the overall thesis of *Border Lines*, except to the extent that it depends on the argument of Chapter 7. In another essay, I will deal critically with Boyarin’s employment of targum in Chapter 5 of *Border Lines*.

6. Although Boyarin suggests direct Christian influence on the Babylonian Rabbinic academy (*Border Lines*, 156–57), his evidence is rather weak.

7. See nn. 9, 17 herein.

8. I should stress that polysemy need not denote infinite or absolute indeterminacy of meaning, with which it is often confused. The ancient rabbis were hardly relativists by modern standards.

argumentation or received tradition without direct reference to scripture.⁹ I bypass, for now, how and to what extent such multiple interpretations and rulings are bounded, whether socially or ideologically, and whether there is a rabbinically determined hierarchy among them (other than in retrospect).

By “pluralism,” I mean, in the present context, the claim that the rabbinic sages not only contained among themselves “houses,” or master–disciple circles, that commonly disagreed with one another on matters of textual interpretation or legal practice (*halakhah*, even if theoretical) but also promoted—even celebrated—an ideology and intellectual culture that encouraged such rabbinic groups or individuals to “agree to disagree” and to “teach the controversy” when it could not be resolved. Although pluralism may be viewed as the social face of linguistic polysemy and legal multivocality, it may be textually “staged” in the form of disagreements, often rhetorical, between individual or groups of rabbinic sages, whether named or anonymous, who may never have faced one another in any real time or place. In any case, I sidestep, for now, whether expressions of rabbinic pluralism are reflections of rabbinic social reality or whether they are idealizations, presuming perhaps their social opposites.

By “praxis,” I mean, in the present context, textual practice—that is, the fact that virtually all early rabbinic texts, as anonymously “authored” anthological collections, consist of arrays of multiple interpretations or of legal pronouncements.¹⁰ These are set alongside one another with varying degrees of editorial intervention linking them to one another or to a base text to which they are attached. I sidestep, for now, questions about the hermeneutical presumptions behind such strings of interpretations or rules, or what social practice, ideology of authority, or theology of revelation can be inferred from this common rabbinic textual practice.

By “thematization,” I mean, in the present context, passages, often narrativized, that portray rabbinic polysemy or pluralism not simply as textual practices but as ideologically upheld (i.e., theologically justified) values, even if simultaneously problematized. I bypass, for now, whether such thematizations are polemically or apologetically directed at some alternative position (whether intra- or extramural) and whether, therefore, they can be located in a specific social-historical context of time and place. Here, I wish to stress that such thematizations can run a range of degrees of explicitness and narrativization. As forms of rhetorical argument, they may be more persuasive when less direct, thereby requiring the interpretive collusion of their readers/auditors for the effectiveness of their communication.

9. Several rabbinic texts from the Babylonian Talmud are often invoked as strong exempla of the rabbinic celebration of interpretive polysemy, though they are not about multiple scriptural interpretations at all: B. Bava Mezi'a 59a–b (“Oven of Akhnai”); B. 'Erubin 13b (“These and These”); and B. Ḥagigah 3b (“Given by One Shepherd”).

10. See David Stern, “Anthology and Polysemy in Classical Midrash,” in *The Anthology in Jewish Literature*, ed. idem (New York: Oxford University Press, 2004), 108–39; and Yaakov Elman, “Order, Sequence, and Selection: The Mishnah’s Anthological Choices,” in Stern, *The Anthology in Jewish Literature*, 53–80.

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II. SOME ARGUMENTS AND COUNTERTEXTS

In what follows, I shall examine several (not all) of Boyarin's arguments and provide some countertexts to those arguments. As Boyarin's central claim is that rabbinic polysemy and pluralism were mainly the editorial "invention," especially in their "thematized" expressions, of the latest stratum of the Babylonian Talmud (fifth- and sixth-century Babylonia), my countertexts are drawn from the earliest stratum of rabbinic literature, the so-called tannaitic corpora (Mishnah, Tosefta, and "tannaitic" *midrashim*).¹¹ Although these collections contain traditions that are attributed to the Tannaim, the rabbinic sages who flourished in the Land of Israel (Palestine) from ca. 70 until ca. 220 CE, they are commonly presumed to have been edited in roughly their present forms some time during the third century by (or under) anonymous rabbinic authorities of the same time and place—that is, by early anonymous Palestinian Amoraim or, in the case of the Mishnah, by the last of the Tannaim.¹² This would place them considerably before the Council of Nicaea and even further before the activity of the anonymous talmudic editors of fifth- to sixth-century Babylonia. It is the latter group that Boyarin credits with the emergence of a rabbinic "orthodoxy," marked for the first time by the thematization of polysemy and pluralism as a rabbinic "mythopoesis" successfully (until now) projected back onto "Yavneh." Though Boyarin places great emphasis on the late "invention" of the "myth" of Yavneh, I remain agnostic as to whether we can know anything historical about Yavneh in this regard (i.e., what really happened there), and I am content to focus instead on what we can know of the late tannaitic and early amoraic Palestinian sages who shaped—and whose views are incorporated in—the texts considered here. My intent is that these relatively early rabbinic texts should be viewed in their own right, not as pale shadows of later Babylonian talmudic articulations—that is, to avoid the sort of "Bavliocentric point of view" that Boyarin decries but to which he nevertheless falls victim in his own way.¹³ It is my contention that a

11. Although such texts are generally termed "tannaitic" because of their language (mishnaic Hebrew) and the flourishes of their named sages (before 220 CE), it must be remembered that their editing may have been undertaken or continued well into the early amoraic period (after ca. 220 CE). In what follows, I use the term "tannaitic" (without quotes) with this qualification intended. I will not consider as primary evidence passages that only appear as *baraitot* in the Talmuds because of the difficulty of determining whether they are, in their present forms, authentically tannaitic. I do not distinguish between the tannaitic legal *midrashim* associated with the "school" of Rabbi Akiba and those associated with that of Rabbi Ishmael because, for present purposes (alone), I see no meaningful distinction between them. Cf. Azzan Yadin, *Scripture as Logos*, 69–79, and my comments in n. 91 herein. I will consider two passages drawn from later Palestinian midrashic collections (texts 5 and 10), but in both cases with attributions to the Palestinian sages of the early to mid-third century CE, to highlight how the thematizations found in tannaitic texts become more robust in rhetoric and narrativity in later midrashic sources. See n. 130 herein.

12. I would dub them *stamma'im*, but that designation has already been claimed.

13. *Border Lines*, 152. This is symptomatic of a more widespread ignoring of tannaitic texts, especially the tannaitic *midrashim*, perhaps because of their lower degree of canonicity within the curriculum of traditional rabbinic scholarship (and in some cases because they are not available in English translations). In Boyarin's case, this is surprising because, in an earlier book (*Intertextuality and the*

different, more nuanced, and perhaps more accurate view of early rabbinic textual practice and ideology can be obtained from close readings of these tannaitic collections rather than de-stratifying the Babylonian Talmud alone or comparing it to the Palestinian Talmud alone. As we shall see, the following texts, although drawn from distinct collections, intersect one another with respect to both shared language and recurring themes. This suggests that they are important as a group rather than as individual, immature preshadows of later talmudic thematizations of polysemy and pluralism.

A. *The Textual Praxis of Polysemy and Multivocality*

Although Boyarin acknowledges the editorial combination of multiple, even contradictory legal and narrative traditions in the earlier rabbinic texts (*midrash*, Mishnah, and Tosefta), he dismisses them as hardly any different from the

venerable literary practice in which contradictory versions were placed together in canonical texts without any attempt to discern between them as separate voices: The Pentateuch, Kings/Chronicles, and perhaps even the Four Gospels. The *midrash* collections are essentially a more self-aware version of this pattern. In these texts, contradictory biblical interpretations were placed side by side without any attempt to decide which is the correct one, but this does not yet constitute . . . a theorization or theologization of indeterminacy (or even “scriptural polysemy”) but only a reluctance to decide between opposing views and traditions. At this stage, moreover, in the halakhic discourse, the goal is still to determine and prove the correct practice. Chronologically, the redaction of the Palestinian Talmud and the great *midrash* collections are coeval (fourth century). It needs to be emphasized that had things remained at that stage, we would not be seriously tempted, I think, to argue for indeterminacy of meaning as a rabbinic theological/theoretical principle, any more than the Mishnah or the Four Gospels lead to such an assertion of indeterminacy. The great *midrashic* collections are thus still only a variety of “Sacred Compromise Texts.”¹⁴

Reading of Midrash [Bloomington: Indiana University Press, 1990]), he makes the opposite error of treating tannaitic *midrash* (especially the Mekhilta de-Rabbi Ishmael) as if it represented *midrash en bloc*. In *Border Lines*, when Boyarin invokes *midrash* as a genre, he has in mind the amoraic *midrashic* collections beginning in the fourth century CE, not the earlier tannaitic *midrashic* corpora.

14. *Border Lines*, 183. On the Hebrew Bible in this regard, see Israel Knohl, *The Divine Symphony: The Bible's Many Voices* (Philadelphia: Jewish Publication Society, 2003). Elsewhere (*Border Lines*, 177), Boyarin has a higher estimation of the polysemic practices of the amoraic *midrashic* collections: “The notion that even God does not know (cannot know, as it were) the meaning of the text, because in a written text there is no determinate meaning to be known, is, to the best of my knowledge, never found in Palestinian rabbinism, although in a sense it is dramatized (not thematized or theorized) in the final (fourth-century or later) form of Palestinian *midrash* with its profusion of multiple interpretations set side by side.” There are several problematic presumptions here. I know of no rabbinic text that theorizes regarding the semiotics of written texts in general. Nor is it clear why what is said here of the

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By “great midrash collections,” Boyarin means the amoraic aggadic collections, the earliest of which is dated to the fourth or fifth century CE (e.g., *Bereshit Rabba*), but he ignores the evidence of their tannaitic predecessors. These midrashic collections, like the *Mishnah* and *Tosefta*, commonly present multiple legal (and nonlegal) interpretations and opinions. However, whereas in some cases they rhetorically favor one over another (that is, *without* “a reluctance to decide between opposing views and traditions”), in others, they simply set alternative opinions alongside one another *without* any effort to “determine and prove the correct practice.” Though some might argue that this simply reflects where there was rabbinic consensus and where there was none, assuming thereby a high degree of rabbinic centralization, the highly rhetorical way in which such contrary opinions are set in dialogical relation to one another suggests more active editing for pedagogical function. Boyarin characterizes the earlier approach (i.e., that of the Palestinian Talmud) as one that dialectically closes disagreement and the later approach (i.e., that of the Babylonian talmudic redactors) as one that opens disagreement; in reality, however, our earliest rabbinic texts exhibit both tendencies, muddying the waters of Boyarin’s paradigm, which cannot tolerate the coexistence of the two tendencies in the same texts (or historicized textual layers) and which, therefore, requires their arrangement in linear historical sequence.¹⁵

I shall adduce two rather prosaic examples of this muddled paradigm—one legal and one narrative—though many more could be provided.¹⁶ One of the problems with modern theorizations of ancient rabbinic *midrash* and legal discourse is their focus on a few relatively late, highly thematized passages¹⁷ rather than on typical textual practice (as is found on any page of early rabbinic *midrash*, *Mishnah*, and *Tosefta*).

Exodus 21:2–6 deals with the case of an Israelite who is sold into slavery (rabbinically understood, by a court as punishment for stealing) for no more than six years. However, according to 21:5–6, if the slave wishes to remain a part of the master’s household, with the wife he has acquired and the children born to them, he can elect to undergo a ceremony by which “his master shall pierce his ear with an awl; and he shall remain his slave for life” (21:6). The

amoraic midrashic collections cannot be said already for their tannaitic predecessors. Is their polysemy any different in kind or only in degree?

15. See *Border Lines*, 151–53.

16. For a much more extensive example of multiple (thirteen) interpretations of a single scriptural lemma, see my treatment of *Sifrei Devarim*, *Ha'azinu*, *pis. 306*, to Deuteronomy 32:1 (ed. Finkelstein, 328–35), in *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York Press, 1991), 123–64 (Chap. 4, “Polyphony and Plot”).

17. See the texts cited in n. 9 herein, as well as B. Sanhedrin 34a and B. Shabbat 88b (“Hammer and the Rock”). Less well known, but a favorite of Boyarin (*Border Lines*, 174–76), is B. Gittin 6b, in which God is reported, by Elijah the Prophet, to have considered two differing rabbinic interpretations of Judges 19:2 without being able to decide between them, both being correct. Similarly, see B. Megillah 15b, but without reference to God, although it is probably presumed that Elijah here speaks for God.

word translated here as “awl” (*marzeia*) might be more literally and indeterminately rendered as “a boring instrument.” The Mekhilta de-Rabbi Ishmael comments as follows:

Text 1:

אזנו. בשל ימין הכתוב מדבר; אתה אומר בשל ימין [הכתוב מדבר], או אינו מדבר אלא בשל (ימין) שמאל; הרי אתה דן, נאמר כאן אזנו ונאמר להלן אזנו, מה להלן בימין אף כאן בימין. אזנו, מן המילת, דברי רבי יהודה, רבי מאיר אומר אף מן הסחו(ם)(ם);[ס]; שהיה רבי מאיר אומר, אין כהן נרצע, והן אמרו נרצע, אין כהן נמכר, והן אמרו נמכר. - מה ראת און שתרצע מכל איברים, רבן יוחנן בן זכאי אומרה כמין (החמר) [הומר]: אזנו ששמע לא תגנב, והלך וגנב, היא תרצע מכל אבריו. - במרצע, בכל דבר; התורה אמרה ורצע אדוניו את אזנובמרצע והלכה אמרה בכל דבר; רבי אומר, [אומר] אני במין מתכת בלבד (אני אומר).

[1] “His Ear”: Scripture speaks of the right (ear). You say Scripture speaks of the right (ear). But perhaps it speaks only of the left (ear)? You must reason thus: Here it is said, “his ear,” and there (Leviticus 14:17) it is said, “his ear.”¹⁸ Just as there it is by the right (ear) (that the act is performed), so too here it is by the right (ear).

[2] “His Ear”: Through the earlobe. These are the words of Rabbi Judah (bar Ilai, ca. 150 CE). Rabbi Meir (ca. 150 CE) says: Also through the cartilage. For Rabbi Meir used to say: A priest is not pierced (through the ear). But they (the other sages) said: He is pierced (through the ear). (He says:) A priest may not be sold (into slavery). But they said: He may be sold (into slavery).¹⁹

[3] What is the reason that of all the organs the ear alone is to be pierced? Rabban Yohanan ben Zakkai (ca. 70 CE) interpreted it allegorically: His ear that heard, “Thou shalt not steal” (Exodus 20:13), and yet he went and stole, it alone of all the organs should be pierced.

[4] “With an awl”: With any instrument. The Torah says: “And his master shall bore his ear through with an awl,” but the *halakhah* says: it may be with any (boring) instrument. Rabbi (Judah the Patriarch, ca. 180 CE) says: I say, only with a metal instrument.²⁰

18. Leviticus 14:17 has simply “ear.”

19. The only reason *not* to pierce a man’s ear through the cartilage is that if he were a priest, he would become blemished and thereby unfit for priestly service. Because, according to Rabbi Meir, a priest cannot be sold into slavery to begin with—and therefore would not have his ear pierced in order to remain a slave—this possibility would never arise.

20. Mekhilta de-Rabbi Ishmael, *par. Nezikin 2*, to Exodus 21:6 (ed. Horowitz-Rabin, 253), corrected slightly in accord with MS Oxford. Here and for subsequent texts, I have filled out the abbreviations. Unless otherwise noted, all translations are my own. Cf. Sifrei Devarim, *Re’eh, pis. 122*, to Deuteronomy 15:17 (ed. Finkelstein, 180); and Targum Pseudo-Jonathan to Exodus 21:6. The scriptural word translated as “awl” is *marzeia*—literally, “boring instrument”—which could be understood to mean “any instrument capable of boring” (“the *halakhah* says”). However, because

In two of the interpretations of the lemma (§§1, 4), the commentary's preferred understanding is provided first, only to be followed by alternative understandings, whether real (§4) or rhetorical (§1), whether anonymous (§1) or attributed (§4). In one case (§2), in which arguments and counterarguments are provided and attributed, it is difficult to tell which view is preferred. In another case (§4), alternative views are provided but without attribution. We are told that the commentary's understanding, though it agrees with the *halakhah*, is not what "the Torah says."²¹ This is a bold statement of what is more commonly presumed: that the rabbinically determined practice may depart from the plain meaning of divinely revealed scripture, even while basing itself on scripture.²² In another interpretation (§3) a homiletical explanation is provided that has no impact on the legal interpretation of the verse.²³ Biblical expressions that are underdetermined ("ear"—which one and where? "awl"—of what material?) are provided with their preferred interpretations, in some cases determined (right earlobe) and in others undetermined (any material), but in each instance alternative understandings are given, in some cases those held by the leading rabbis of their generation (§§2, 4). Through a combination of attribution and anonymity, and through the employment of rhetorical linking language, the various opinions are not simply listed but are editorially given voices and joined in

this word is preceded by the verb *raza* ' , and to say "bore with a boring instrument" would be redundant, the noun *marzeia* ' can be understood to refer to a specific instrument whose purpose is to bore—hence an awl ("the Torah says"). A third possibility, attributed to Rabbi Judah the Patriarch, stands logically between these two: a boring instrument that resembles an awl but is not necessarily an awl. This is presumably based on the hermeneutical rule of "general, specific, general," the sixth of Rabbi Ishmael's thirteen hermeneutical rules, according to which the boring instrument is limited by its resemblance to an awl (made of metal). For the arguments in terms of Rabbi Akiba's hermeneutical principles of "amplification" and "limitation," see Sifrei Devarim, *Re'eh*, pis. 122, to Deuteronomy 15:17 (ed. Finkelstein, 180); and Mekhilta de-Rabbi Simeon bar Yoḥai, *par. Mishpatim*, to Exodus 21:6 (ed. Epstein-Melamed, 164–65). Cf. B. Kiddushin 21b; and Y. Kiddushin 1:2 (59d).

21. Cf. Sifrei Devarim, *Re'eh*, pis. 122, to Deuteronomy 15:17 (ed. Finkelstein, 180), and parallels (see n. 20 herein), in which it is said, in the name of Rabbi Ishmael, that there are three instances in which the *halakhah* circumvents scripture, this being one.

22. On the idea that the determination of *halakhah* has been divinely assigned to the rabbinic sages, with warrant from scripture but without necessarily having to rely on scripture, see Sifrei Devarim, *Re'eh*, pis. 135, to Deuteronomy 16:8 (ed. Finkelstein, 191): "The verse transmitted it to the sages to say on which day (of the festival) work is forbidden and on which day it is permitted, and which kinds of work are forbidden and which kinds of work are permitted." For a discussion, see Fraade, *From Tradition to Commentary*, 95–96; and David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (New York: Oxford University Press, 1998), 113. For other tannaitic examples in which God assigns halakhic authority to the sages (whose rulings he will accept, whether right or wrong), see Sifrei Devarim, *Shofetim*, pis. 154, to Deuteronomy 17:11 (ed. Finkelstein, 207); M. Rosh Hashanah 2:9; and Sifra, *'Emor*, par. 9:1–2, to Leviticus 23:2 (ed. Weiss, col. 99d).

23. This explanation, presumably, applies to this specific instance alone because other commandments that were heard by the ear but violated do not require corporeal punishment through the ear. Cf. T. Bava Kamma 7:5, Y. Kiddushin 1:2 (59d), and B. Kiddushin 22b, in which a different homiletical explanation is provided that avoids this problem, similarly attributed in the last two sources to Rabban Yoḥanan ben Zakkai.

implicit dialogue with one another—in some cases with closure, in others without. This is hardly Boyarin’s “literary practice in which contradictory versions were placed together in canonical texts without any attempt to discern between them as separate voices.” Nor is it a simple matter of characterizing the earliest midrashic commentary, according to Boyarin’s polar alternatives, as either opening or closing multiple exegetical and legal possibilities, as it does both simultaneously. Nor can such a dialectically and dialogically constructed legal commentary be reduced to a “halakhic discourse [whose] goal is still to determine and prove the correct practice.” Needless to say, we have no evidence that the *halakhah* of piercing the ear of a Hebrew slave was practiced in early rabbinic times.

The following is another example, this time with a more aggadic flavor (but in a legal context). It is from the Mekhilta de-Rabbi Ishmael’s commentary on Exodus 20:1, the seemingly simple opening words of the Decalogue, “I am the Lord your God who brought you out of the land of Egypt, out of the house of bondage” (Exodus 20:2):

Text 2:

אשר הוצאתיך מארץ מצרים מבית עבדים. עבדים למלכים היו, אתה אומר עבדים למלכים היו, או [אינו אלא] עבדים לעבדים היו. כשהוא אומר ויפוך מבית עבדים מיד פרעה מלך מצרים, היו עבדים למלכים היו ולא עבדים לעבדים. - דבר אחר מבית עבדים, מבית העובדים, שהיו עובדים לעבודה זרה.

[1] “Who brought you out of the Land of Egypt, out of the house of bondage (*beit ‘avadim*)”: They were servants to kings. You say that they were servants to kings. Perhaps it is not so, but means that they were servants to servants? When it says, “And redeemed you out of the house of bondage, from the hand of Pharaoh king of Egypt” (Deuteronomy 7:8)—aha! It indicates that they were servants to kings and not servants to servants.

[2] Another interpretation of “Out of the house bondage”: Out of the house of worshipers, for they were worshipers of idols.²⁴

Here, the midrashic commentary is attentive to a double ambiguity in the phrase *beit ‘avadim*. If Israel was redeemed from—literally—a “house of servants” (rather than the looser “house of bondage,” as it is usually translated), who were these servants from whose house they were redeemed? Is it possible that the Israelites were servants to servants, occupying the lowest level of menial servitude? By analogy to another verse that contains the same phrase, but therein glossed as “from the hand of Pharaoh king of Egypt,” the biblical ambiguity is resolved in favor of

24. Mekhilta de-Rabbi Ishmael, *par. Bahodesh 5*, to Exodus 20:2 (ed. Horovitz-Rabin, 222), corrected slightly according to MS Oxford. For parallels to section 1, see Mekhilta de-Rabbi Simeon Bar Yohai, *par. Bo’*, to Exodus 13:3 (ed. Epstein-Melamed, 38); and Sifra, *Behukkotai, per. 3:5*, to Leviticus 26:13 (ed. Weiss, col. 111b), with Rabad’s note ad loc. Targum Onqelos renders *beit ‘avadim* as “house of bondage,” whereas Targum Pseudo-Jonathan, several Geniza targum fragments, and the Fragmentary Targum (P) render it as “house of bondage of servants.”

what must be assumed to have been a higher form of servitude. After all, is it not more fitting to Israel's status to be servants to royalty than servants to riffraff?²⁵

Having closed that exegetical choice, if only a rhetorical one, another (*davar 'aher*) is now opened: the word *'avadim/ovedim* can denote not only “servants” but also “worshippers” (because the verbal stem *'bd* carries both meanings). According to this alternative interpretation, the redemption from Egypt was not so much a redemption from physical bondage as from spiritual idolatry, “from the house of (idol) worshipers,” in which Israel also engaged: “for they [Israel] were worshipers of idols.” Having successfully argued for “servants to kings” rather than “servants to servants” so as to resolve the first ambiguity, the second ambiguity is left unresolved, with no preference expressed for either of the two possible meanings of *'avadim*. Perhaps that is by active editorial design: Israel's redemption from Egypt, upon which the commandments are predicated, was a redemption from *both* slavery and idolatry—it was *both* physical and spiritual.²⁶ In any case, homiletics aside, we see here exegetical determinacy and indeterminacy in close textual cohabitation.

Although these brief examples do not rise to the level of dialectical complexity or sophistication of many *sugyot* of the Babylonian Talmud, that may not be the most apt standard of comparison. Rather, when compared with their nearer contemporary (and geographically proximate) antecedents of Second Temple Jewish scriptural interpretation and legal rhetoric (e.g., the Dead Sea Scrolls), or even the scriptural interpretations of the New Testament and other early Christian writings, they are remarkable for their dialogical rhetoric—that is, for their textual practice of setting multiple interpretations and legal opinions not simply alongside one another but in rhetorical dialogue, whether explicit or implicit, with one another. In this sense, they are quite *different* from the editorial setting of alternative narratives or legal corpora within a shared canonical Torah, or of Chronicles alongside Kings in a canonical Tanakh, or of alternative Gospel accounts within the New Testament (Boyarin's examples). Nor is it sufficient to characterize these earliest rabbinic midrashic textual practices as “essentially a more self-aware version of this pattern” or as displaying a passive “reluctance to decide between opposing views and traditions.”²⁷

25. See Rabad's comment referred to in n. 24. For “servants to servants” representing the lowest form of servitude, see Genesis 9:25.

26. This assumes that the “they were” of the final sentence of the *midrash* has the Israelites as its subject, as previously (four times). Compare the juxtaposition of two beginnings to the *maggid* section of the Passover Haggadah: “We were slaves to Pharaoh in Egypt...” and “To begin with, our ancestors were idol worshipers....”

27. For a similar emphasis on these differences, see Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, MA: Harvard University Press, 1997), 45. I have written several studies comparing and contrasting early rabbinic *midrash* with its nonrabbinic antecedents. See, e.g., Steven D. Fraade, “Rabbinic Midrash and Ancient Jewish Biblical Interpretation,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), with references to previous writings. Comparison of the textual forms of rabbinic legal multivocality with the Roman practice of compiling legal digests (e.g., Gaius's *Institutes*) must await another venue.

Texts such as these, we must presume, encourage in their student practitioners the ability to recognize and apprehend (and, in turn, produce) multiple possibilities of scriptural interpretation and legal determination. They also implicitly beg the question (which we shall shortly find explicitly thematized in other tannaitic texts), if the correct (or “clear-cut”) interpretation or legal ruling (*halakhah*) is known, why provide the student of the text with multiple views and supporting arguments (whether anonymous or attributed, rhetorical, or real)? We cannot presume that the multivocal textual practices of such texts reflect a “pluralistic” rabbinic social reality that lies *behind* them (indeed, they may mask the very opposite).²⁸ However, from what we know of the early rabbinic study curriculum, we can presume that these texts, in something like the forms we have them, were orally absorbed in the social context of ritualized textual study, thereby shaping the culture of late tannaitic and early amoraic Judaism in Palestine as its teachers and students sought to navigate and master the multiple interpretations and legal opinions rhetorically performed therein. In other words, although we cannot presume these texts to be socially representative, they are socially formative and therefore of no lesser (but different) historical value for the times and places in which they were variously produced and performed.

B. Early Rabbinic Thematizations of Legal Multivocality

The process of making sense of multiple interpretations and legal opinions is thematized already in several tannaitic passages, including the following two from Sifrei Devarim, attached to Deuteronomy 11:22 (“If, then, you faithfully keep [or, safeguard] all this instruction...”), which verse is provided with multiple interpretations:²⁹

Text 3:

נפש שבעה תבוס נופת מה נופת זו מוציאה קמה בפני עצמו סובין בפני עצמן קיבר בפני עצמו כך
[תלמיד] יושב ומברר דברי תורה ומשקלן איש פלוני אוסר איש פלוני מתיר איש פלוני מטמא
איש פלוני מטהר.

“A sated person disdains a honeycomb” (Proverbs 27:7): Just as a sieve³⁰ separates flour, bran, and meal, similarly [a disciple] sits and sorts (*mevarer*)

28. Although my focus here has been on “tannaitic” midrashic texts, the same could be said for mishnaic texts that assemble multiple legal opinions in editorial and rhetorical relation to one another. On the tension between the assertion of multivocality in the rabbinic texts and the fraught social contexts in which they are editorially set, see David Stern, “Midrash and Indeterminacy,” slightly revised in idem, *Midrash and Theory*, 15–38 (“Midrash and Hermeneutics: Polysemy vs. Indeterminacy”); and Boyarin, *Border Lines*, 157–58, 182–89; both of whom, by contrast, focus on significantly later rabbinic editorial/social settings.

29. For a treatment of these passages in the context of the larger unit of Sifrei Devarim, see Fraade, *From Tradition to Commentary*, 105–19; and Shlomo Naeh, “Omanut ha-zikaron: mivnim shel zikaron vetavniyot shel tekst be-sifrut hazal,” in *Mehkerei talmud* 3, ed. Yaakov Susmann and David Rosenthal (Jerusalem: Magnes Press, 2005), 564–66 (henceforth, “The Craft of Memory”).

30. The word for “honeycomb” (*nofet*) can also mean “sieve” (*nafah* in some Sifrei manuscripts).

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words of Torah and weighs (*meshakel*) them: so-and-so permits, so-and-so prohibits, so-and-so declares impure, so-and-so declares pure.³¹

Text 4:

הרי הוא אומר ישוטטו לבקש את דבר ה' ולא ימצאו רבותינו התירו שהולכים מעיר לעיר וממדינה למדינה על שרץ שנגע בככר לידע אם תחילה הוא אם שנייה רבי שמעון בן יוחי אומר [אם] לומר שהתורה עתידה להשתכח מישראל והלא כבר נאמר כי לא תשכח מפי זרעו אלא איש פלוני אוסר איש פלוני מתיר איש פלוני מטמי איש פלוני מטהר ולא ימצאו דבר ברור.

Behold it says, They shall wander about seeking the word of the Lord, but they shall not find it (Amos 8:12). Our sages permitted (*hitiru*)³² going from city to city and from province to province to determine whether an insect that comes into contact with a loaf of bread renders it impure in the first or second degree. Rabbi Simeon ben Yoḥai (ca. 140 CE) says: Does this (verse) come to say that the Torah will be forgotten in Israel? But has it not been said, “It will not be forgotten from the mouth of their offspring” (Deuteronomy 31:21)? Rather, so-and-so prohibits, so-and-so permits, so-and-so declares impure, so-and-so declares pure, and one cannot find a clear rule (*davar barur*).³³

As Shlomo Naeh has noted,³⁴ although these two passages are not immediately connected to one another in Sifrei Devarim’s commentary to Deuteronomy 11:22, thematically (and through some linguistic links), they benefit from being examined as a pair. The disciple of the sages of Text 3, *unlike* the “sated person” of the lemma, is hungry for knowledge (see Proverbs 27:7b), hence actively engaged in the sifting work of the sieve. In a sense, he *is* the sieve, sorting and arranging the multitude of rabbinic teachings as they pass through him. By contrast, those in Text 4 who seek the unitary “word of the Lord” are frustratingly unable to find it.

Note the slippage in Text 3 between “words of Torah” and the pronouncements of the sages and in Text 4 between “the word of the Lord,” “Torah,” and the pronouncements of the sages. The contradictory rulings of the sages are thereby metonymically associated with “words of Torah” and “the word of the Lord.”³⁵

31. Sifrei Devarim, ‘*Ekev, pis. 48*, to Deuteronomy 11:22 (ed. Finkelstein, 109–10), according to MS Vatican. On the absence of “a disciple” in MS Vatican, but implied from what precedes this section, see Naeh, “The Craft of Memory,” 564 nn. 93–94. The term does appear in several important witnesses; see Finkelstein’s critical apparatus ad loc.

32. This is the text best supported by the extant manuscripts (including MS Vatican) and the text on which Rabbenu Hillel’s commentary is based. For further discussion, see Fraade, *From Tradition to Commentary*, 256 nn. 197, 199. For another understanding of “*hitiru*” here, but consistent with my treatment of the passage, see Shlomo Naeh in *Tarbiz* 66 (1997): 184–85: the sages interpret the prophecy of Amos 8:12 not as a curse, but as a blessing.

33. Sifrei Devarim, ‘*Ekev, pis. 48*, to Deuteronomy 11:22 (ed. Finkelstein, 112–13), according to MS Vatican. For discussion, see Fraade, *From Tradition to Commentary*, 114–115.

34. See “Chambers of Chambers,” 867.

35. For similar slippage, see texts 5, 6, and 13 and nn. 56, 121 herein. For “words of Torah” designating Scripture, rabbinic teaching, or both, see Fraade, *From Tradition to Commentary*, 258 n. 219. Might this identification of the contradictory rulings of the sages with the “word(s) of the Lord” be thought of as an implicit thematization of the identification of rabbinic multivocality with

Both passages make particular reference to contradictory rabbinic legal opinions regarding permitted/prohibited and pure/impure. Whereas the first passage depicts the disciple of the sages engaged in the study activity of sifting, sorting, and weighing (evaluating?) the rabbinic “words of Torah,”³⁶ the second, attributed to Rabbi Simeon bar Yoḥai, problematizes this proliferation of rabbinic teachings specifically in terms of memory. It juxtaposes two seemingly contradictory scriptural verses: Amos 8:12 states that “they shall not find [remember] [the word of the Lord],” whereas Deuteronomy 31:21 states that the “song” (Torah) of Moses will “not be forgotten” by Israel, so long as it has been taught by being “put . . . in their mouths” (Deuteronomy 31:19). The midrashic resolution to this seeming contradiction is that even if “a clear rule” (*davar barur*) cannot be “found,” the sorting and (repeated) recitation of the conflicting opinions will ensure that they are remembered.

The phrase *davar barur*, while harking back to the activity of sorting (*mevarrer*), always denotes, in rabbinic parlance, not simply teachings that have been sorted but also legal determinations that are clear and unambiguous.³⁷ The challenge of absorbing, retaining, and transmitting such contradictory rabbinic teachings can be met through their arrangement and memorization, without necessarily having to resolve (or remove) their incommensurability. However, this challenge to organization and memorization is not simply the sheer *quantity* of rabbinic teachings³⁸ but also the fact that they comprise *contradictory* opinions (whether in the form of explicit debate or simple textual juxtaposition), *all* of which are to be preserved through the dual process of sorting and memorizing through repetition. In the end, *both* scriptural verses are fulfilled: Even where “the word of the Lord”/“a [rabbinic] clear rule” cannot be “found”—because of the multitude of contradictory rabbinic teachings—the (rabbinic) Torah will “not be forgotten.” In sum, the halakhic tradition need not be stripped of its multivocality, need not attain closure, in order to ensure its preservation and transmission.³⁹

divine speech, as is later more expressly articulated? (e.g., B. ‘Erubin 13b, and parallels; see Naeh, “Chambers of Chambers,” 853–57).

36. Cf. Avot d’Rabbi Natan, A:18 (ed. Schechter, 67), wherein Rabbi Akiba, praised as a “well-stocked storehouse,” is compared to a person who sorts (*mevarrer*) wheat, barley, beans, and lentils that have been mixed together, presumably to be better able to retrieve and use them, as a metaphor for his having sorted the whole Torah into “rings” (טבעות) or “forms of expression” (מטבעות). See Naeh, “The Craft of Memory,” 566–70.

37. Pace Naeh, “The Craft of Memory,” 565, who understands the phrase to refer to something that cannot be found because it has not been properly sorted. I find no evidence for such a usage. Cf. Seder Eliezer Zuta, *pis. 16* (Pirkei Derekh ’Eretz 1) (ed. Friedmann, 14), which adds, ולא משנה ברורה (“nor a clear Mishnah”).

38. Pace Naeh, “The Craft of Memory,” 565, 576; and Boyarin, *Border Lines*, 160.

39. Cf. T. Sotah 7:11–12, to be treated later, as well as the task that Jerome (342–420) sets for the commentator, who should “repeat the opinions of the many, and say, ‘Some explain this passage in this way, others interpret it in that: these try to support their sense and understanding of it by these proofs and by this reasoning’; so that the judicious reader, when he has perused the different

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Before proceeding, it is important to note that the need to sort and arrange the laws of the Torah (along with their accumulated traditions of interpretation) so as to more effectively transmit them was not original to the early rabbinic sages. Already Josephus (ca. 90 CE) seems compelled to justify his rearrangement of some of the laws of Deuteronomy so as to present them as a coherent “constitution” (*politeia*), warding off expected criticism for having taken liberties with the authoritative scriptures:

Our one innovation has been to classify the several subjects; for [Moses] left what he wrote in a scattered (*sporadēn*) condition, just as he received each several instruction from God. I have thought it necessary to make this preliminary observation, lest perchance any of my countrymen who read this work should reproach me at all for having gone astray.⁴⁰

Philo of Alexandria (ca. 30 CE) goes even further, using the “ten commandments” as ten topical (and philosophical) “heads” under which to organize the many more specific laws that follow.⁴¹ Similarly, the second-century BCE Book of Jubilees (especially 49:1–23 for Passover laws and 50:1–13 for Sabbath laws) and the Damascus Document (CD 9–16) gather the Torah laws and their interpretive amplifications in topical groupings, presumably to better facilitate their transmission, study, and practice. In none of these second-temple antecedents does the legal material in need of sorting encompass contradictory rulings.

Despite the midrashic metaphor of the sieve as an instrument for sorting legal pronouncements, especially contradictory ones, such sorting is never hermeneutically (or ideologically) neutral. The very choice of sorting rubrics is rarely self-evident, being itself an interpretive choice, as are the manifold decisions about where to place (and how to present and arrange) the pronouncements in need of sorting. Even if this is all carried out only for the purpose of facilitating memorization and retrieval, the sorting schema themselves impose meaning on what has been set within the newly acquired contexts. It is significant, therefore, that the Hebrew verbal stem used to denote sorting and sifting (*brr*) in Text 3 also conveys the sense of clearness of meaning in Text 4.⁴²

In the following late Palestinian *midrash*, note how the desire for a “clear rule” in the midst of legal multivocality is more amply and explicitly thematized,

explanations and familiarized himself with many that he can either approve or disapprove, may judge which is the best, and, like a good banker, reject the money from a spurious mint.” See *Apologia contra Rufinum* 1.16, cited in H. F. D. Sparks, “Jerome as Biblical Scholar,” in *The Cambridge History of the Bible*, vol. 1, *From the Beginnings to Jerome*, ed. P. R. Ackroyd and C. F. Evans (Cambridge: Cambridge University Press, 1970), 536. By contrast, in our passage, no opinion is rejected (at least, not yet).

40. Josephus, *Jewish Antiquities*, 4:197 (trans. H. St. J. Thackeray, Loeb Classical Library, 4:571). See Steven D. Fraade, “Nomos and Narrative Before *Nomos and Narrative*,” *Yale Journal of Law and the Humanities* 17 (2005): 85–89, esp. 87 n. 20.

41. For this plan, see Philo, *De Decalogo* 154–74.

42. See n. 36 herein.

both epistemologically and theologically, with interpretive polysemy and legal multivocality fully joined, as they were not previously:

Text 5:

אמר רבי ינאי לא ניתנה דברי תורה חתיכין, אלא על כל דבור שהיה אומר הקב"ה למשה היה אומר מ"ט פנים טהור, ומ"ט פנים טמא, אמר לפניו רבונו של עולם עד מתי נעמוד על בירורו של דבר, אמר ליה אחרי רבים להטות, רבו המטהרין טהור, רבי אבהו בשם רבי יונתן אמר תלמיד וותיק היה לו לרבי עקיבא, ורבי מאיר שמו, והיה מטהר את השרץ מן התורה במ"ט פנים טהור, ובמ"ט פנים טמא....

[1] ["The words (*'imrot*) of the Lord are pure words (or, words concerning purities), silver purged in an earthen vessel, refined sevenfold (or, seven times seven)" (Psalms 12:7):] Rabbi Yannai (early third century CE) said: Words of Torah were not given as clear-cut decisions (*hatikhin*),⁴³ but with every utterance (or, command) that the Holy One, blessed be He, spoke to Moses, he communicated forty-nine arguments (literally, faces) (by which a thing may be proved) pure, and forty-nine arguments (by which it may be proved) impure. He (Moses) said before Him: Master of the universe, how long until we shall know the clear sense of the rule (*biruro shel davar*)? He (God) said to him: "Follow the majority" (Exodus 23:2). When a majority declares it impure it is impure; when a majority declares it pure, it is pure.

[2] Rabbi Abbahu (ca. 290 CE) said in the name of Rabbi Yoḥanan (ca. 250 CE): Rabbi Akiba (ca. 120 CE) had a distinguished student, Rabbi Meir (ca. 150 CE), who with forty-nine arguments from the Torah could prove a reptile pure, and with forty-nine arguments could prove it impure.⁴⁴

Once again, we witness the exegetical slippage between "word(s) of the Lord," "words of Torah," and the legal pronouncements of the rabbinic sages (we must presume). Here, however, the multiplicity of possible arguments for the same object being ritually pure or impure is not attributed, in its origin, to a disagreement among the sages but to divine revelation, and the frustration of the person (most likely a student) who desires a "clear rule" is transferred back to Moses, presumably at the time of revelation. Here, the issue is not framed as one of memory and retrieval but of potential halakhic anarchy, with the solution being the "rule of the (rabbinic) majority."⁴⁵ Finally (§2)—and in some contrast to the ordinary scene of revelation (§1)—Rabbi Meir is offered as a rabbinic exemplar who, in a sense, replicates God's revelatory polysemy, but without Moses' desire for closure. Though it would be a

43. Cf. the version in Y. Sanhedrin 4:2 (22a), that "the Torah was [not] given clear-cut (*hatukhah*)."

44. *Midrash Tehillim, pis. 12:4*, to Psalms 12:7 (ed. Buber, 107–8). For parallels, see esp. Y. Sanhedrin 4:2 (22a); as well as B. Eruvin 13b; Massekhet Soferim 16:5–6 (ed. Higger, 287); Bemidbar Rabba, *pis. 2:3*, to Numbers 2:2; Tanḥuma, *Bemidbar, pis. 10*, to Numbers 2:2; Tanḥuma *Bemidbar, pis. 10*, to Numbers 2:2 (ed. Buber, 9–10); Shir Ha-shirim Rabba, *pis. 2:4* (2:13), to Song of Songs 2:4 (ed. Dunsky, 58); Pesikta Rabbati, *par. 'Aseret ha-dibberot, pis. 21*, to Exodus 20:2 (ed. Friedmann, 101a).

45. For this use of Exodus 23:2, cf. M. Sanhedrin 1:6; B. Bava Mezi'a' 59b; B. Sanhedrin 2a, 3b; and B. Ḥullin 11a.

grave error to read this elegant exposition back into tannaitic sources, several of its elements, as we have seen and will see further, can be found separately and less robustly expressed in those earlier sources.

Expressions of the risk posed by the existence of multiple halakhic opinions to the preservation of halakhic tradition are most commonly found with respect to the contrary views of ritual purity attributed foundationally to the Houses (disciples) of Hillel and Shammai. This is most strikingly enunciated in the pairing of T. ‘Eduyot 1:1 and M. ‘Eduyot 1:4–6:

Text 6:

כשנכנסו חכמים לחרם ביבנה אמרו עתידה שעה שיהא אדם מבקש דבר מדברי תורה ואינו מוצא מדברי סופרים ואינו מוצא שנאמר לכן הגה ימים באים נאם ה' והשלחתי רעב בארץ וגומר לבקש את דבר ה' ולא ימצאו דבר ה' זו נבואה דבר ה' זה הקץ דבר ה' זה מבקש דבר מדברי תורה דומה לחבירו אמרו נתחיל מה לבית שמיי ומה לבית הלל

When sages came together in the vineyard at Yavneh, they said: The time is coming in which a person will go looking for a teaching from the words of Torah and will not find it, from the words of scribes and will not find it, since it is said, “The time is surely coming, declares the Lord God, when I will send a famine on the land; not a famine of bread, or a thirst for water, but for hearing the words of the Lord. They shall wander from sea to sea and from north to east; they shall run to and fro, seeking the word of the Lord, but they shall not find it” (Amos 8:11–12). “The word of the Lord”: this is prophecy; “the word of the Lord”: this is (knowledge of) the end; “the word of the Lord”: this is one who seeks a teaching from the words of Torah that is similar to (that of) its fellow ... They said: Let us begin with what is of the House of Shammai and what is of the House of Hillel.⁴⁶

Text 7:

[4] ולמה מזכירין את דברי שמאי והלל לבטלן ללמד לדורות הבאים שלא יהא אדם עומד על דברו שהרי אבות העולם לא עמדו על דבריהן:
[5] ולמה מזכירין את דברי יחיד בין המרובין הואיל ואין הלכה אלא כדברי המרובין שאם יראה בית דין את דברי היחיד ויסמוך עליו שאין בית דין יכול לבטל את דברי בית דין חברו עד שיהא גדול ממנו בחכמה ובמיניין היה גדול ממנו בחכמה אבל לא במיניין במיניין אבל לא בחכמה אינו יכול לבטל את דברו עד שיהא גדול ממנו בחכמה ובמיניין:
[6] אמר רבי יהודה אם כן למה מזכירין את דברי היחיד בין המרובין לבטלן שאם יאמר האדם כך אני מקובל יאמרו לו כדברי איש פלוני שמעת:

46. T. ‘Eduyot 1:1. I follow MS Vienna, which has “House of Shammai” and “House of Hillel” here, unlike MS Erfurt and the first printing, which have “Hillel” and “Shammai.” In the continuation of the text, according to MS Vienna, the disputes are between the Houses of Hillel and Shammai, not between Hillel and Shammai, as in the printed editions.

[4] And why do they record the words (rulings) of Shammai and Hillel (only) for them to be nullified?⁴⁷ To teach future generations that a person should not persist in his word, for behold the fathers of the world did not persist in their words.⁴⁸

[5] And why do they record the words of the individual among (those of) the majority, whereas the *halakhah* may only be according to the words of the majority? For if a (later) court approves the words of the individual it may rely upon it. For a court cannot nullify the words of another court unless it exceeds it both in wisdom and in number; if it exceeds it in wisdom but not in number, or in number but not in wisdom, it cannot nullify its ruling; but only if it exceeds it both in wisdom and in number.

[6] Rabbi Judah (bar Ilai, ca. 150 CE) said: If so,⁴⁹ why do they record the words of the individual among (those of) the majority (only) for them to be nullified?⁵⁰ For if a person (*'adam*) shall say, "I have received such a tradition," they shall say to him, "You heard (only) according to the words of so-and-so."⁵¹

The first passage, introducing, as it were, the tractate 'Eduyot (Mishnah and Tosefta) as a collection of disagreements between Hillel and Shammai and their disciples, projects onto "Yavneh," following the destruction of the Second Temple, the anxiety that rabbinic oral legal teaching will become inaccessible—that is, that it will not be found when required. Presumably, this was because it had not been organized in such a fashion as to facilitate its memorization and ready retrieval.⁵² Although this is a fear that we have already encountered (above, Text 4, from Sifrei Devarim⁵³), it is here historicized to a time "when sages came together in the vineyard of Yavneh."⁵⁴ The grouping and ordering of oral teachings within tractate 'Eduyot according to stylistic commonalities (as elsewhere in the Mishnah and possibly the Mishnah as a whole⁵⁵) is

47. In the previous three mishnaic units (1:1–3), the conflicting rulings of Hillel and Shammai are given, in each case to be refuted by that of the "sages." As noted later, I present the text as found in MS Kaufmann, which has לבטלן ("to nullify them"), as does MS Parma, instead of the printed versions, which have לבטלה ("to no purpose").

48. In several instances, the House of Hillel is said to have reversed itself so as to accept the position of the House of Shammai; see M. 'Eduyot 1:12, 13, 14; and T. 'Eduyot 1:6.

49. I understand Rabbi Judah's statement as a response to §4.

50. See n. 47 herein.

51. M. 'Eduyot 1:4–6, according to MS Kaufmann.

52. See Naeh, "The Craft of Memory," 582–86, who bases his discussion on the text of MS Erfurt. Naeh argues that the fear expressed herein is *not* that the tradition will be lost. However, it seems to me that the difference is not as great as he suggests because in an oral culture, once traditions are no longer accessible or retrievable when needed, they will soon (i.e., within a generation) no longer be retained and transmitted.

53. The two traditions, both interpreting Amos 8:11–12, are amalgamated in Seder Eliyahu Zuta 16 (Pirkei Derekh 'Eretz 1) (ed. Friedmann, 14).

54. J. N. Epstein, *Mevo'ot lesifrut hatanna'im: Mishnah, tosefta' umidreshai-halakhah*, ed. E. Z. Melamed [Jerusalem: Magnes Press, 1957], 426–27) connects T. Sotah 7:11–12, to be treated later, to this same event, but I find no warrant for this. Cf. Naeh, "The Craft of Memory," 582.

55. See n. 36 herein.

understood to be the antidote to this fear of forgetting or the inability to retrieve readily. However, as we have seen, the content and form of such collections are not those of clear-cut, univocal legal decisions. Rather, Amos 8:11–12, with its repetition of “words of the Lord” (plural denotes two) and “word of the Lord,” suggests that those who seek the certainty of latter-day prophecy, or of knowledge of the end, will be as frustrated as those who seek two consistent rulings from the “words of Torah.” The conclusion of the sages at Yavneh (according to this projection) was to begin by collecting and ordering the conflicting rulings of the Houses of Hillel and Shammai without stripping them of their multivocality.⁵⁶

The second passage, from the Mishnah tractate ‘Eduyot, follows three mishnaic units in which Hillel and Shammai disagree with respect to a legal matter, whereupon “the sages” object to both and present a third position, presumably representing the view of the rabbinic majority (and *halakhah*). The anonymous voice of the Mishnah asks, why preserve the views of Hillel and Shammai if they have no legal standing, having been nullified by the ruling of the majority of sages? The answer: that they can serve as models of halakhic flexibility because they were willing to change their legal rulings, presumably in response to the arguments of the other.⁵⁷

Similarly (and more generally), why preserve the words of an individual sage when they have been countervailed by the decision of the majority?⁵⁸ Of course, both of these questioned practices are prevalent not only in the text of tractate ‘Eduyot but also in the Mishnah (and Tosefta) overall. As if to substantiate the question, the Mishnah itself provides one response with respect to the preservation of the rulings of Hillel and Shammai and two different responses with respect to that of the minority ruling of the individual. Hence, we encounter what Moshe Halbertal has termed a “controversy over controversy.”⁵⁹ To further thicken the plot, the views attributed here to the anonymous opinion (presumably the majority of sages) and to Rabbi Judah are reversed in the Tosefta, although with very different wordings.⁶⁰ According to the response of the anonymous sages (in the Mishnah), the ruling of the named individual is preserved so that it might be relied on by some future court to reverse the ruling of a previous court. According to Rabbi Judah, the ruling of the individual is preserved in his name so that it *not* be invoked by a person (*‘adam*) as received tradition, presumably in support of a

56. This understanding is based on what I consider to be the preferred textual reading of MS Vienna, even though (or precisely because) it is not without its difficulties. As we shall see, other tannaitic sources consider the increase in disputes among the disciples of Hillel and Shammai to mark a turning point. On the slippage here between “word of the Lord,” “words of Torah,” and pronouncements of the sages, see nn. 35, 121 herein.

57. See n. 48 herein. This argument for the preservation of the rulings of Hillel and Shammai (and presumably their disciples) is rather weak because there are relatively few instances of such reversals.

58. On the preference for the views of the majority over those of an individual, see M. ‘Eduyot 5:7.

59. *People of the Book*, 51.

60. T. ‘Eduyot 1:4 (ed. Zuckerman, 455), in which the omission in MS Vienna appears to be the result of a scribal error of homoioteleuton.

practice that is not sanctioned by the current court or by *halakhah*.⁶¹ The editor(s) of the Mishnah, who presumably sympathize with the anonymous opinion of the Mishnah, have nevertheless recorded the alternative (minority) response of Rabbi Judah to the shared question. Thus, the Mishnah itself performatively models multivocality through its recording of two responses—one by an individual—to the question of why record the rejected view of the individual.

We should not presume that what is principally bothering the “authors” of these texts about the multivocality of rabbinic legal teaching is the question of the epistemological or theological grounding of its conflicting opinions. Rather, the more immediate concern that our early texts express is a practical one for preserving and transmitting rabbinic oral tradition in such a way as to render it readily accessible. However, because such expressions focus not simply on the quantity of received traditions but on the fact that they commonly take the form of multiple conflicting opinions, it appears that the challenge to memory was rendered *all the more difficult* as a result of that form, wherein legal determinations were not transmitted as “clear rules.” Implicit in this practical concern is the following question, though never asked so bluntly: Would it not be easier to preserve and transmit halakhic tradition in such a way as to render it readily accessible and applicable if it were stripped of the multiple opinions of “houses” or individuals that had already been rendered null? Herein are planted the seeds of a more explicitly ideological (and implicitly theological) question: Not so much why rabbis disagree (do not all intellectuals and jurists?), but what *justification* is there for preserving and transmitting those disagreements in the face of the desire, if only practical, for “clear rules”?⁶² My point is simply to demonstrate that the beginnings of such

61. This is a “circular paradox,” wherein the majority upholds the opinion of an individual but the individual downplays the opinion of an individual; see Halbertal, *People of the Book*, 52. Halbertal sees these two explanations as being in direct opposition to one another, representing the Mishnah as either a “flexible code” or a “closed code.” However, I argue that the two situations represented in the Mishnah here are very different. In the first, a formal court, wishing to overturn the ruling of a previous court, may rely on a previous minority opinion. In the second, a private individual (*'adam*) who wishes to invoke received tradition anonymously in support of a nonstandard practice is told that he is invoking the rejected opinion of a single named sage. The two views are given as two responses to the same question, but they are not necessarily in opposition to one another (unless we presume that there can be only one correct answer).

62. Compare again the articulation of the problem in Sifrei Devarim (text 4) with that of the later *Midrash Tehillim* (text 5) and its parallels, in which the practical desire of the student for a “clear rule” is projected back onto Moses’ frustrated reception of opposing legal arguments from God, presumably at Sinai. We shall turn shortly to the scene of Sinaitic revelation as it is represented by tannaitic sources. To see how easily the practical desire for a “clear rule” can be transfigured into an ideological challenge to rabbinic epistemology and authority, note the Karaite polemical complaint of Salomon Ben Jeroham, cited by both Halbertal (*People of the Book*, 46) and Boyarin (*Border Lines*, 311): “I have set the six divisions of the Mishna before me. And I looked at them carefully with mine eyes. And I saw that they are very contradictory in content. This one mishnaic scholar declares a thing to be forbidden to the people of Israel, while that one declares it to be permitted. My thoughts therefore answer me, and most of my reflections declare unto me, that there is in it no Law of logic nor the Law of Moses the Wise” (translation from *The Karaite Anthology*, trans. Leon Nemoj [New Haven, CT: Yale University Press, 1953], 71).

an ideological response to the practical challenge of multivocality are already to be found within the tannaitic corpora of *midrash* and Mishnah.⁶³

Before leaving the disputes between the Houses of Hillel and Shammai and turning to some striking early rabbinic thematizations of the multivocality of Sinaitic revelation, I wish here to emphasize my agreement with Boyarin (and David Stern before him) with respect to his critique of the romancing of rabbinic polysemy and pluralism by some contemporary interpreters.⁶⁴ The early rabbis were hardly “pluralists” by modern standards, and for all their preservation of multiple scriptural interpretations, legal rulings, and narratives of debate, they were deeply troubled by the potential of legal contention to socially sunder their world and to undermine the viability of the received oral tradition of which they understood themselves to be the divinely charged guardians. Thus, we find the following from T. Ḥagigah 2:9:

Text 8:

אמר רבי יוסי כתחלה לא היתה מחלוקת בישראל, אלא בית דין של שבעים ואחד היה בלשכת הגזית, ושאר בתי דינים של עשרים ושלשה היו בעיירות שבארץ ישראל. שני בתי דינים של שלשה, שלשה היו בירושלם, אחד בהר הבית, ואחד בחיל. נצרך אחד מהן, הולך אצל בית דין שבעיר, אין בית דין בעירו, הולך אצל בית דין הסמוך לעירו, אם שמעו, אמרו להן, ואם לאו, הוא ומופלא שבהן באין לבית דין שבהר הבית, אם שמעו, אמרו להן, ואם לאו, הוא ומופלא שבהן באין לבית דין שבחיל, אם שמעו, אמרו להן, ואם לאו, אלו ואלו באין לבית דין שבלשכת הגזית. . . . נשאלה הלכה, אם שמעו, אמרו להם, ואם לאו, עומדין במנין, אם רבו המטמאין, (או) [טימאן], רבו המטהרין, טיהרו. משם הלכה יוצא ורווחת בישראל. משרבו תלמידי שמי והלל שלא שימשו כל צרכן, הרבו מחלוקות בישראל, ונעשו שתי תורות.

Said Rabbi Yose (ben Ḥalafta, ca. 150 CE):⁶⁵ Originally there was no contention (*mahluket*) in Israel. Rather, the court of seventy-one (members) was in the Chamber of Hewn Stone, and the other courts of twenty-three (members) were located in the towns of the Land of Israel. Two courts of three (members) were in Jerusalem, one on the Temple Mount, one on the Rampart. When a person is in need (of a ruling), he goes to the court in his town. If there is no court in his town, he goes to the town nearest to his. If they have heard (the proper ruling), they tell them, but if not, he and the most distinguished among them come to the court which is located on the Temple Mount. If they have heard (the proper ruling), they tell them, but if not, he and the most distinguished among them comes to the court located

63. I should hasten to add that I wish to avoid the appearance of assuming a chronological priority of the practical problem (memorization of disputes and minority rulings and retrieval of halakhic rulings) over that of ideology (theological justification of such multivocality) because it seems to me to be a “chicken or egg” type of question, our being unable to reach the genesis of the relationship between the two. For example, the practical problem already presumes a preference for the preservation and transmission of a multivocal tradition. I would claim that at the level of *articulation*, the practical problem may come first, even though it cohabits with a more nascently or implicitly articulated justification in our earliest rabbinic sources.

64. See the references in n. 4.

65. MS Vienna has “Rabbi Judah” (bar Ilai).

on the Rampart. If they have heard (the proper ruling), they tell them, but if not, these and those come to the court which is in the Chamber of the Hewn Stone The legal question is asked. If they have heard (the correct ruling), they tell them, but if not, they take a vote. If those who declare (the object) to be impure are in the majority, they declare (it) impure; (if) those who declare (it) to be pure are in the majority, they declare (it) pure. From there the law (*halakhah*) goes forth and is disseminated in Israel.

When the disciples of Shammai and Hillel, who did not serve (their masters) as needed, became many, contentions increased in Israel, and they became two Torahs.⁶⁶

This text imagines a time, during which the Jerusalem temple still stood, in which legal questions were resolved in an orderly manner through a hierarchy of authoritative courts to which a petitioner could turn, rising to a higher court when a lower one was unable to provide a decisive judgment based on received tradition. Here it is important to stress that the passage does *not* imagine a time in which there was no disagreement among legal authorities (“originary *homonoia*,” according to Boyarin⁶⁷); rather, it takes disagreement for granted, at least at the highest level and in the absence of an authoritative received tradition. This is clearly evidenced by the procedure of a vote among the members of the highest court, resulting in majority versus minority opinions as to whether something is ritually pure or impure. In other words, in the absence of a commonly recognized received tradition, halakhic status was determined by a vote among the learned sages who had come to opposite assessments. To what extent they argued their positions before voting—and if so, by what means (e.g., scriptural interpretation or logical analogy)—is not at all clear, presumably because the matter was not of interest to the framers of this particular passage. Rather, the passage imagines a consensus with respect to the *process* by which halakhic disagreement was resolved, and hence a shared acceptance of the resulting judgment rendered by that process as it “goes forth and is disseminated in Israel.”⁶⁸ What “went forth” was neither the range of opinions, nor their supporting arguments, nor

66. *The Tosefta: According to Codex Vienna*, vol. 2, ed. Saul Lieberman (New York: Jewish Theological Seminary of America, 1962), 383–84, which follows MS Vienna, except as noted in n. 65 herein. There are several parallels with differing degrees of variation: T. Sanhedrin 7:1; T. Sotah 14:9; Y. Sanhedrin 1:4 (19c); Y. Hagigah 2:2 (77d); B. Sanhedrin 88b (*baraita*); Sifrei Devarim, *Shofetim*, pis. 152, to Deuteronomy 17:8 (ed. Finkelstein, 206); and Maimonides, *Mishneh Torah, Hilkhot Mamrim* 1:4. Note the important use of this tradition in *’Iggeret Rav Sherira Gaon*, ed. B. M. Lewin (Jerusalem: Makor, 1972), 9–11.

67. *Border Lines*, 162. Cf. Y. Hagigah 2:2 (77d): “Originally there was no contention in Israel except with regard to the (sacrificial) laying on of hands alone. But when Shammai and Hillel arose, they made them four.” Cf. M. Hagigah 2:2. According to Rav Huna in B. Shabbat 14b, Hillel and Shammai “disagreed (נהלקו) in three places, and no more.”

68. On the view that what preceded the contentious disputes of the Houses of Hillel and Shammai (as here imagined) was not “*homonoia*” but respect for halakhic authority and its orderly exercise, see Ephraim E. Urbach, *The Halakhah: Its Sources and Development*, trans. Raphael Posner (Ramat-Gan: Massada, Yad la-Talmud, 1986), 93–94. Urbach gets the text right, but he mistakes it (like Sherira Gaon) for history.

the vote count, but the univocal *halakhah*. Dissensus surely existed, but it was hidden from view. Needless to say, whatever degree of procedural consensus existed among the predecessors to the disciples of Hillel and Shammai, this imagined, idealized state of procedural consensus bears no resemblance to what modern historians imagine to have been the state of relations among competing Jewish groups “in Israel,” as can be extrapolated from the legal polemics of the sectarian Dead Sea Scrolls.

We are next told that a critical change, a fall from halakhic innocence, as it were, occurred among the increasing numbers of disciples of Hillel and Shammai, “who did not serve (their masters) as needed,” which is usually taken to mean, did not adequately attend upon their masters in study—that is, became negligent in their apprenticeship. It may be presumed that this change coincided, at least proximately, with the destruction of the Temple and, with it, the abolition of the central high court.⁶⁹ In any case, although many halakhic disagreements between Hillel and Shammai (who lived during Temple times) are recorded in the Mishnah and Tosefta, these are here presumed not to have risen (or fallen) to the level of contention (*mahloket*), as was the case for subsequent disagreements between their scholarly descendants (the Houses or disciples of Hillel and Shammai). As Shlomo Naeh has demonstrated, in the early (tannaïtic) strata of rabbinic literature, *mahloket* does not denote intellectual “disagreement” or “dispute” among contesting opinions, as it does later, but social cleavage into contesting “camps.”⁷⁰ Such sociointellectual division between the Houses of Hillel and Shammai was perceived as being so deep as to render them (the disputants) as “two Torahs,” two completely distinct bodies of teaching, which is to say, there could be no common ground on which to achieve even procedural consensus.⁷¹ The fall into dissensus threatened, it would seem, the very integrity of Torah.

Such expressions of concern for the social consequences of halakhic disputation (and there are others, from *all* strata of rabbinic literature⁷²), as well as narratives of strong-armed rabbinic efforts to limit dissension,⁷³ should cause us to restrain our celebration of rabbinic polysemy and pluralism. Conversely, however, they render all the more remarkable the ubiquitous rabbinic textual (editorial) praxis of setting multiple, often contradictory scriptural interpretations and legal rulings alongside—and often in rhetorical dialogue with—one another.

69. Cf. Maimonides’s retelling of our tradition in Mishneh Torah, *Hilkhot Mamrim* 1:4: “When the great court was abolished, contention increased in Israel.” See also the *Iggeret Rav Sherira Gaon*, ed. Lewin, 10.

70. Naeh, “Chambers of Chambers,” 853–57.

71. Note the variants of the expression “they became two Torahs” (not present in all witnesses to our text) in the parallels: Y. Hagigah 2:2 (77d): “They were divided into two sects” (נחלקו לשתי כרות); B. Sanhedrin 88b: “Torah became as if two Torahs” (נעשית תורה כשתי תורות). Cf. the statement of Origen (185–254 CE, roughly contemporaneous with our texts) cited by Boyarin (*Border Lines*, 311 n. 45): “Moreover, there was in Judaism a factor which caused sects to begin, which was the variety of the interpretations of the writings of Moses and the sayings of the prophets” (*Origen: Contra Celsum*, trans. Henry Chadick [Cambridge: Cambridge University Press, 1965], 135 [3:12]).

72. Naeh, “Chambers of Chambers,” 853.

73. See n. 28 herein.

C. The Multivocality of Revelation

Despite Boyarin's claim that the rabbinic thematization of multivocality of revelation is only to be found in the late (post-amoraic) editorial stratum of the Babylonian Talmud, there are several passages in the tannaitic collections that deserve our attention in their own right, even if they are less rhetorically and narratively elegant than the talmudic poster children commonly adduced in this regard. At issue in the passages that we shall now examine is not the typical rabbinic textual practice of editorially combining multiple scriptural interpretations or legal opinions (wherein all but one appear), but how such multivocality of rabbinic teaching is narratively projected back onto the originary moment of revelation at Mt. Sinai and is thereby attributed to a *single* divine source (or voice).⁷⁴

The following passage is from the Mekhilta de-Rabbi Ishmael, the second of two interpretations of Exodus 20:15, immediately after the Decalogue:

Text 9:

וכל העם רואים את הקולות, קול קולי קולות ולפידי לפידי לפידיים; וכמה קולות היו וכמה לפידיים היו, אלא שהיו משמיעין את האדם לפי כחו, שנאמר קול ה' בכח קול ה' בהדר. רבי אומר להודיע שבחן של ישראל, שכשעמדו כולם לפני הר סיני לקבל את התורה היו שומעין את הדיבור ומפרשין אותו, שנאמר יסובבנהו יבוננהו יצרנהו כאישון עינו, שמכיון שהיה הדיבור יוצא היו מפרשין אותו.

[1] "And all the people saw the thunderings (*kolot*) and the lightnings": the thunder of thunders of thunders, and the lightning of lightnings of lightnings. But how many thunderings were there and how many lightnings were there? Rather, they enabled each person to hear them according to his capacity (*koḥo*), as it is said, "The voice (*kol*) of the Lord is in (each person's) strength (*koah*)" (Psalms 29:4).

[2] Rabbi (Judah the Patriarch, ca. 180 CE) says: This is to proclaim the excellence of the Israelites. For when they all stood before Mount Sinai to receive the Torah they interpreted the divine word (as soon) as they heard it. For it is said, "He compassed it, he understood it, and he kept it as the apple of his eye" (Deuteronomy 32:10), meaning: As soon as the divine word came forth they interpreted it.⁷⁵

This midrashic passage is attentive to the plural forms of "thunderings" and "lightnings" in the sound and light show that accompanied revelation at Mt. Sinai. It unpacks, as it were, the Hebrew words for "thunderings" and "lightnings" so as to suggest not just the bare minimal plural (two) but a multitudinous plural. The *midrash* is particularly interested here in the seemingly limitless "thunderings," as the Hebrew word employed for "thunderings" (*kolot*) can also mean "voices," which allows the association with

74. Of course, the two may be combined, as is the case in the examples that we shall examine, which are themselves found among multiple successive interpretations of single scriptural words or phrases.

75. Mekhilta de-Rabbi Ishmael, *par. Bahodesh 9*, to Exodus 20:15 (ed. Horowitz-Rabin, 235; ed. Lauterbach, 2:266–67), corrected according to MS Oxford. The first set of interpretations concerns the *visual* perception of what would normally be considered to be an *auditory* experience ("saw the thunderings") according to the opinion of Rabbi Akiba.

Psalms 29:4, elsewhere understood by rabbinic interpretation to refer to Sinaitic revelation. The expression in Psalms is understood to refer not to the powerfulness of the divine voice,⁷⁶ or its author, but to the potential of that singular voice to be “heard” (meaning, “understood”) differently by each Israelite according to his or her “strength,” hence, as seemingly multiple voices.

Before considering Section 2, consider how this tradition is exegetically and rhetorically filled out in the amoraic midrashic collection, *Pesikta d’Rav Kahana* (ca. fifth-century Palestine), again amid several sets of interpretation:

Text 10:

אמר רבי יוסי ברבי חנינא ולפי כוחן של כל אחד ואחד היה הדיבר מדבר עמו. ואל תתמה על הדבר הזה, שהיה המן יורד לישראל כל אחד ואחד היה טועמו לפי כוחו, התינוקות לפי כוחן, והבחורים לפי כוחן הזקנים לפי כוחן. ומה אם המן כל אחד ואחד לפי כוחן היה טועם לפיו, בדיבר כל אחד ואחד שומע לפי כוחן. אמר דוד קול ה' בכה, קול ה' בכוחו אין כתיב, אלא קול ה' בכה, של כל אחד ואחד. אמר להם הקדוש ברוך הוא לא מפני שאתם שומעים קולות הרבה, אלא היו יודעים שאני הוא, אנכי ה' אלהיך.

Said Rabbi Yose bar Rabbi Ḥanina (ca. 250 CE): The Divine Word spoke to each and every person according to his capacity (*koḥo*). And do not wonder at this. For when manna came down for Israel, each and every person tasted it according to his capacity—babies according to their capacity, young men according to their capacity, and old men according to their capacity.... Now if each and every person tasted the manna according to his particular capacity, how much more so did each and every person hear the Divine Word according to his particular capacity. David said: “The voice of the Lord is in strength” (Psalms 29:4)—not “The voice of the Lord in His strength” but “The voice of the Lord is in strength”—of each and every person. The Holy One said to them: Do not be misled when you hear many voices, but know that it is I (alone): “I am the Lord your God” (Exodus 20:2).⁷⁷

Just as the manna had many tastes, to each Israelite according to his or her capacity, so, too, each divine utterance at Sinai was “heard” (understood) differently by each Israelite according to his or her capacity.⁷⁸ Lest these multiple voices cause confusion, we are assured that they all issue from a single divine source.

Although our earlier passage from the *Mekhilta* is based on the same interpretation of Psalms 29:4 and conveys much the same understanding of the multiple voices of revelation, it is not nearly so fully developed, either

76. For example, the NJPS translation, “The voice of the Lord is power,” or the NRSV, “The voice of the Lord is powerful.”

77. *Pesikta d’Rav Kahana, Bahodesh Ha-sheḥishi, pis. 12:25*, to Exodus 20:2 (ed. Mandelbaum, 1:223–24) and later parallels referred to in Mandelbaum’s notes. I have modified the translation of William G. Braude and Israel J. Kapstein, *Pesikta de-Rab Kahana: R. Kahana’s Compilation of Discourses for Sabbaths and Festal Days* (Philadelphia: Jewish Publication Society of America, 1975), 249–50.

78. Perhaps the analogy is particularly apt because the verbal stem for “taste” (*t’m*), in its nominal form, *ta’am*, can also denote an exegetical argument or meaning. See n. 86 herein.

rhetorically or thematically. However, in its editorial juxtaposition of two exegetical units—§1 on Exodus 20:15 (and Psalms 29:4) and §2, in the name of Rabbi Judah the Patriarch, on Deuteronomy 32:10—it draws a direct connection between the multivocality of divine revelation and the human activity of interpretation. No sooner did each divine utterance issue forth (from the divine mouth, as it were), then the Israelites engaged in its interpretation, much to their praise. Whereas Deuteronomy 32:10 is usually understood to denote God’s encompassing and caring for Israel as a foundling in the wilderness, here it is taken as an expression of Israel’s interpretation of God’s speech at Mt. Sinai.⁷⁹ The interpretive act is not *belated* but *originary* to revelation. Although it is not stated explicitly, the force of this anonymous editorial juxtaposition is to suggest that it is through the human interpretation of divine utterances that the multiple voices of revelation, issuing from a single divine source, are heard by Israel in all of its cognitive diversity. As always, it is as important to recognize what is *not* stated in this tannaitic text: We are not told what form the people’s interpretations of divine utterances took at Sinai, and we are not told that they engaged one another in debate regarding their different apprehensions of the meanings of those utterances; nor that there was anything discordant among their interpretations.⁸⁰ Nevertheless, the editorial juxtaposition of two otherwise self-contained comments links the issuance of multitudinous divine voices of revelation to their human reception through the interpretive activity of the multitude of individual Israelites. The Mekhilta thereby provides midrashic justification, via Sinaitic grounding, for its own midrashic practice of multiple interpretations.

Deuteronomy 32:10 is similarly interpreted to signify the interpretive multivocality of revelation in Sifrei Devarim, in which the following appears as the second of four sets of interpretations of that verse, once again combining polysemy as topos and praxis:

Text 11:

יסובבנהו, לפני הר סיני כענין שנאמר והגבלת את העם סביב לאמר. [יסובבנהו] [יבוננהו], בעשר הדברות מלמד שהיה הדיבר יוצא מפי הקודש [ו]היו ישראל מסתכלין בו ויודעין כמה מדרש יש בו וכמה הלכות יש בו וכמה קלין וחמורין יש בו וכמה גזירות שוות יש בו.

79. For further explanation of this midrashic dual reading of *yevoneneihu* as “He (God) instructed him (Israel)”/“he (Israel) discerned its (Scripture’s) meaning,” see Fraade, *From Tradition to Commentary*, 61–62, 222–23 n. 187, 224 nn. 196, 197.

80. For the projection of rabbinic-style halakhic debate back onto Moses’ negotiated reception of God’s commandments, see Mekhilta de-Rabbi Ishmael, *par. Bahodesh 2*, to Exodus 19:9 (ed. Horovitz-Rabin, 210), discussed in my essay “Moses and the Commandments: Can Hermeneutics, History, and Rhetoric Be Disentangled?” in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel*, ed. Hindy Najman and Judith H. Newman (Leiden: Brill, 2004), 399–422. Note esp. the ambivalence expressed by Rabbi Judah the Patriarch’s countervoice in that text, possibly the result of an editorial intervention.

Rabbinic Polysemy and Pluralism Revisited

“He encompassed him”: Before Mt. Sinai, in connection with which it is said, “You shall set bounds for the people round about, saying” (Exodus. 19:12).

“He cared for (=instructed) him”: With the Decalogue. This teaches that (when each) Divine Word went forth from the mouth of the Holy One, Israel would observe⁸¹ it and would know how much *midrash* could be derived from it,⁸² how many laws (*halakhot*) could be derived from it, how many *a fortiori* arguments (*kalin va-hamurin*) could be derived from it, how many arguments by verbal analogy (*gezeirot shavvot*) could be derived from it.⁸³

Like the previously cited interpretation of Deuteronomy 32:10 attributed to Rabbi Judah the Patriarch in the Mekhilta, the verse is here interpreted to signify the originary nature of the human interpretation of divinely uttered commands. Once again, it is Israel as a whole that is imagined as being interpretively engaged in the reception of revelation. The Israelites are able to discern the plenitude of meanings that will one day be derived from each divine utterance through rabbinic (here conceived of as already Sinaitic) hermeneutical methods of exegesis. Although those methods, or the results of their application, are expressed in plural forms, there is no suggestion here that they are in discord with one another or arise in the context of debate.⁸⁴ Rather, the emphasis is that they were there all along, at least in their potentiality, and were already discerned in their exegetical forms by Israel at the originary moment of divine utterance and human reception.⁸⁵ Therefore, the attribution by the Babylonian Talmud (Sanhedrin 34a) to the Babylonian Amora Abbaye (ca. 310 CE) of the view that “one verse produces several arguments/senses (*te’amim*)⁸⁶” has plenty of tannaitic and early Palestinian amoraic antecedents, pace Boyarin, who claims with respect to the talmudic passage, “Here, indeed, we find thematized and theorized for the first time the theological principle that will motivate so much of rabbinic thinking thereafter, that the divine language produces manifold and different

81. For the superiority and significance of this reading (*mistakkelim bo*), see Fraade, *From Tradition to Commentary*, 222–23 n. 187.

82. Literally, “how much *midrash* is in it,” and similarly for what follows.

83. Sifrei Devarim, *Ha’azinu*, pis. 313, to Deuteronomy 32:10 (ed. Finkelstein, 355), corrected according to MS London (MS Vatican not being extant here). For a fuller discussion, see Fraade, *From Tradition to Commentary*, 60–62.

84. See n. 80 herein.

85. Cf. Y. Pe’ah 2:4 (17a); and Vayikra Rabba, ‘*Aharei Mot*, par. 22:1, to Leviticus 17:3 (ed. Margoliot, 3:496–97; with other parallels listed in notes there), in the name of Rabbi Joshua ben Levi (ca. 235 CE): “Even that which an experienced student will someday teach before his teacher was already said to Moses at Sinai.” Our tannaitic text, though earlier, in a sense goes further: *All of Israel* already recognized the multiple interpretive potentialities of each divine utterance at Sinai. Similarly, note Sifra, *Behukkotai*, par. 2:12, to Leviticus 26:46 (ed. Weiss, col. 112c): “‘On Mt. Sinai through Moses’: This teaches that the Torah was given with its laws (*halakhot*), and its specifications, and its explications by Moses from (at) Sinai.” Cf. Shir Ha-shirim Rabba, pis. 1:2 (1:13), to Song of Songs 1:2 (ed. Dunsky, 13), in the name of Rabbi Yoḥanan (ca. 250 CE), in which an angel reveals to each Israelite at Sinai the multiple contents of each divine utterance/commandment, whereas the other rabbis say that each commandment itself informed the Israelites of its multiple contents.

86. Rendered by Boyarin as “laws” (*Border Lines*, 189).

meanings.”⁸⁷ In contrast to many later such articulations, the Sifrei Devarim passage is unique in its explicit claim that the Israelites *themselves* at Sinai *discerned* the multiple possibilities contained within each commandment.⁸⁸

Here is a good point to stop and ask, do such passages dealing with the distant-past, one-time event of Torah revelation and reception at Mt. Sinai have any bearing on questions of the nature and assumptions of rabbinic interpretive practice some 1,500 years later?⁸⁹ Of course, to the degree that these representations of revelation take the form of scriptural interpretation and are set among multiple interpretations of biblical verses, the answer would have to be positive. But my question relates to thematization rather than to textual practice. So, the forms of the traditions aside, I contend that such (multiple) representations of cultural-historical origins are not motivated by an interest in biblical history *per se* but by a desire to anchor and authorize rabbinic textual practices in conceptions of the originary divine-human communication of the core text (Torah) on which those interpretive practices are exercised. In the midrashic passage just examined, the fact that distinctively rabbinic interpretive terminology (*midrash*, *halakhot*, *kalin va-ḥamurin*, *gezeirot shavot*) is read into the event of Sinaitic revelation certainly suggests as much: The passage is as much about past midrashic origins as it is about present midrashic practice.⁹⁰

What about the multilingual nature of revelation, which Boyarin dismisses with regard to B. Shabbat 88b as merely the “translatability” of scriptural language?⁹¹ That passage attributes to Rabbi Yohanan (ca. 250 CE) the view that “each and every word that went forth from the mouth of the Almighty split (*nehelak*) into seventy languages.” Although Boyarin is correct that “seventy languages” is not the same as “seventy meanings,” it is nevertheless a form of revelatory multivocality (not simply “translatability,” as he terms it), and as such, it

87. Boyarin, *Border Lines*, 189–90.

88. On the use of *visual* language to denote the discernment of meaning in an otherwise *auditory* experience in this passage, see n. 81 herein; and Fraade, *From Tradition to Commentary*, 207 n. 91, 224 n. 198. Both of these ideas—Israel’s active exegetical engagement with multivocal revelation and visual perception of the divine “voices”—are also present in the Mekhilta de-Rabbi Ishmael, text 9 (see n. 75 herein).

89. For such an objection, see Yadin, *Scripture as Logos*, 76.

90. For a similar argument for the retrojection of rabbinic-style argument back onto Sinaitic revelation, see Fraade, “Moses and the Commandments.”

91. *Border Lines*, 191. Boyarin bases himself largely on the analysis of Azzan Yadin, *Scripture as Logos*, 76–79; idem, “The Hammer on the Rock: Polysemy and the School of Rabbi Ishmael,” *Jewish Studies Quarterly* 10 (2003): 1–17; esp. for his comparison of B. Shabbat 88b with B. Sanhedrin 34a and his claim that the latter is dependent on the former. Because my interest here is not with the Babylonian Talmud in its own right and context, I shall not engage the details of Yadin’s textual analysis or historical reconstruction. However, I should note that the two examples from the Mekhilta de-Rabbi Ishmael (*par. Beshallah* 8, to Exodus 15:11 [ed. Horovitz-Rabin, 143]; *par. Bahodesh* 7, to Exodus 20:8 [ed. Horovitz-Rabin, 229]) that Yadin cites in his attempt to deny polysemy to the *midrashim* attributed to Rabbi Ishmael appear to *support* such an idea: “The Holy One, blessed be He, speaks two things/commandments (*devarim*) in a single utterance (*dibbur*).” See Yadin, *Scripture as Logos*, 72–76, as well as n. 125 herein.

should not be dismissed in the present context.⁹² The talmudic tradition of divine speech “splitting” into seventy languages at the moment of its revelatory utterance (“going forth”) is fundamentally different in meaning from a separate rabbinic tradition (already in the Mishnah) of the Israelites, after having crossing the Jordan River, inscribing the Torah upon stones in seventy languages, even though the two traditions share the idea of seventy (that is, the totality of) languages, with the former possibly being dependent on the latter.⁹³ Here is how a similar idea of revelatory polyglossia is expressed in Sifrei Devarim amid its multiple comments on Deuteronomy 33:2 (“The Lord came from Sinai ...”):

Text 12:

דבר אחר ויאמר ה' מסיני בא, כשנגלה הקדוש ברוך הוא ליתן תורה לישראל לא בלשון אחד נגלה אלא בארבעה לשונות [שנאמר] ויאמר ה' מסיני בא זה לשון עברי וזרח משעיר למו זה לשון רומי הופיע מהר פארן זה לשון [עברי] [ערבי] ואתה מרבבות קודש זה לשון ארמי. דבר אחר ויאמר ה' מסיני בא, [כשנגלה הקדוש ברוך הוא ליתן תורה לישראל לא מרוה אחת (נגלה) אלא מארבע רוחות הוא נגלה (שנאמר) ויאמר ה' מסיני בא, (זרח משעיר למו, הופיע מהר פארן),] ואיזו רוח רביעית כמה שנאמר אלוה מתמן יבא.

[1] Another interpretation: “He said: The Lord came from Sinai”: When the Holy One, blessed be He, revealed Himself⁹⁴ in order to give the Torah to Israel, not just in one language did he reveal Himself to them but in four languages, [as it is said,] “He said: The Lord came from Sinai”: this is the Hebrew language. “He shone upon them from Seir”: this is the Roman language.⁹⁵ “He appeared from Mount Paran”: this is

92. For late midrashic expressions of “seventy languages” as revelatory multivocality, in which multiple “languages,” “voices,” and “lights” are conflated, see *Midrash Tehillim* 92:3, to Psalms 92:1 (ed. Buber, 402); *Shemot Rabba* 5:9 to Exodus 4:27 (ed. Shinan, 158–62); and 28:6 to Exodus 20:1.

93. M. Sotah 7:5 (interpreting Deuteronomy 27:8: *ba'eir heiteiv* [“very clearly”]); T. Sotah 8:6–7; Y. Sotah 7:4(5) (21d); B. Sotah 32b–33a, 35b–36a; Mekhilta Devarim (in Solomon Schechter, “Mekhilta’ lidvarim, parashat re’eh,” in *Tif’eret yisra’el: minḥat todah umizkeret ’ahavah likhvod morenu verabbenu Yisra’el Levi be-yom melo’ lo shiv’im shanah*, ed. M. Brann and J. Elbogen [Breslau: Marcus, 1911], 189). For a discussion of this tradition, see Saul Lieberman, *Tosefta kifshutah*, vol. 8 (New York: Jewish Theological Seminary of America, 1973), 698–702; Marc Hirshman, *Torah lekhol ba’ei ha-’olam: zereḥ ’universali be-sifrut hatannai’im veyahas le-hokhmat ha-’amim* (Tel Aviv: Hakibbutz Hameuḥad, 1999), 108–13; Azzan Yadin, *Scripture as Logos*, 76–79; and Boyarin, *Border Lines*, 190–91. Yadin in particular seeks to link the talmudic expression of the multivocal aspect of Sinaitic revelation in seventy languages to the tannaitic tradition of the inscribing of the Torah on stone in seventy languages. Though Yadin is correct that polyglossia (multiple languages) is not identical to polysemy (multiple meanings) (78–79), to the extent that they are both associated with divine speech and its immediate human reception, they are complementary expressions of revelatory multivocality. For knowledge of “seventy languages” as a presumed aid to interpretation, see already M. Shekalim 5:1.

94. Literally, “was revealed.”

95. Seir is the same as the land of Edom (see Genesis 32:4; Judges 5:4), which is rabbinically understood to signify Rome (and later Christendom). Presumably Latin is intended here, but Greek could also be included.

the Arabic language.⁹⁶ “And approached from Ribebboth-Kodesh”: this is the Aramaic language.⁹⁷

[2] Another interpretation: “He said: The Lord came from Sinai”: [When the Holy One, blessed be He, revealed Himself in order to give the Torah to Israel, not just from one direction did he reveal Himself but from four directions, as it is said, “He said: The Lord came from Sinai; He shone upon them from Seir; He appeared from Mount Paran.”] And what is the fourth direction? “God comes from Teman” (Habakkuk 3:3).⁹⁸

Deuteronomy 33:2 poetically describes God’s manifold self-disclosure to Israel in the wilderness period. It uses four phrases to do so, each including a different place along the route of their wilderness journey: Sinai, Seir, Paran, and Ribebboth-Kodesh. The commentary in Sifrei Devarim, by contrast, subsumes all four under the first, understanding them all as expressions of what took place at or around Mt. Sinai. But because these four phrases cannot be simply repetitive (i.e., redundant), they are multiply understood to denote the fourfold nature of God’s self-disclosure at Sinai. In the two interpretations cited here (set among others), the number four denotes totality in the all-encompassing sense of four directions (as in §2), seasons, elements, etc.⁹⁹

The first interpretation of this fourfold revelation (§1) takes each of the four phrases to refer to a distinct language. Although we might find this particular list of languages to be anachronistic, from the rabbinic perspective, all human languages always existed (or at least existed since the incident of the Tower of Babel). Tellingly, for a rabbinic philosophy/theology of language, the multilingual revelation of Torah is understood here as the self-revelation (*nigleh*) of God. Our text states explicitly that it was to *Israel* as a whole that the Torah was revealed in four languages, not that each language was directed to a different nation, as is the rabbinic understanding in the tradition of Israel’s having inscribed the Torah on stones in seventy languages after crossing the Jordan River.¹⁰⁰ It is unclear here whether the four languages were uttered/heard simultaneously or in succession, but by analogy

96. According to Genesis 21:21, Paran is the dwelling place of Ishmael, from whom the Arabs are descended.

97. The word for “came” (*'atah*) is an Aramaism.

98. Sifrei Devarim, *Vezo't ha-berakhah*, pis. 343, to Deuteronomy 33:2 (Finkelstein, 395), corrected according to MS London. In Finkelstein’s edition, §1 and §2 are reversed, following *Midrash Haggadol* and *Midrash Hakhamim*. In MS London and other textual witnesses, including a Geniza fragment (Cambridge T-S C 2.211), the order is as I have presented it. I have filled in the large lacuna in MS London, most likely the product of a scribal error of homoioteleuton, from the Geniza fragment and the first printing. For a fuller treatment, see Fraade, *From Tradition to Commentary*, 30–32.

99. Note the use of four beasts/metals/epochs in the Book of Daniel to denote the whole period of exile, corresponding to the seventy years of exile of Jeremiah’s prophecy (Jeremiah 25:11–12; 29:10), reinterpreted in Daniel (9:2, 24–27) as seven times seventy. The number seventy similarly denotes a large “whole” number (seven tens), as it designates in rabbinic literature the total number of nations/languages/angels.

100. See n. 93 herein. That the seventy languages of Sinaitic revelation were intended each for a different nation is only expressed in the significantly later formulation of Exodus Rabba 5:9, but not in any other rabbinic source in which this tradition is expressed (see n. 92 herein). Although the commentary of Sifrei Devarim soon describes God’s efforts to give the Torah first to the other nations, there is no

to the following interpretation of God having revealed himself to Israel at Sinai from four directions, we can assume that the four languages were similarly issued simultaneously, as cacophonous as that might seem to us.¹⁰¹ Thus, God's self-revelation by communicating the Torah to Israel simultaneously in four languages, like the later idea of each word of revelation having split into the totality of seventy languages, is another articulation of the rabbinic conception of the multivocality of divine revelation (and its human reception), already well evidenced in our earliest (tannaitic) rabbinic sources. Although polyglossia is not identical to polysemy, they are two aspects of the all-encompassing multivocality of revelation.

Finally, we shall look at a passage from the Tosefta (Sotah 7:11–12) that is central to Boyarin's denial of any rabbinic thematization of polysemy and pluralism prior to the post-amoraic stratum of the Babylonian Talmud.¹⁰² In this passage, we shall readily recognize several motifs familiar from the previous tannaitic passages that we have examined. It appears as the third of three homiletical interpretations that are narratively framed as having been delivered on a single occasion at Yavneh by Rabbi Eleazar ben Azariah.¹⁰³ It takes the form of an atomizing interpretation of Ecclesiastes 12:11. That verse reads as follows (rendered as it will be rabbinically understood): "The words of the wise (*ḥakhamim*) are like goads, like nails firmly planted; [taught by] masters of assemblies, they were given by one shepherd."¹⁰⁴ The homilist subtly equates the scriptural phrase "sayings

reason to assume (as does Joseph Heinemann, *'Aggadot wetoldoteihen* [Jerusalem: Keter, 1974], 119) that this is the reason that it is said to have been revealed in four languages.

101. This is clearly the understanding in the later tradition of God's speech having "split" into seventy languages at Sinai. In *Shemot Rabba*, *Shemot*, par. 5:9, to Exodus 4:27 (ed. Shinan, 158–62) the tradition of God's self-revelation at Sinai coming from four directions and that of each divine utterance being divided into seventy languages are combined.

102. Central to Boyarin's argument is how he understands the "stammaitic" redactors of B. *Ḥagigah* 3b to have reworked T. Sotah 7: 11–12. See Boyarin, *Border Lines*, 159; Naeh, "The Craft of Memory," 570–82; and idem, "Chambers of Chambers," 858–75. Although Boyarin depends heavily on the textual analysis of Naeh, his historical conclusions are his own, based on historicist assumptions regarding the redaction of the Babylonian Talmud that Naeh does not avow. See n. 5 herein. My focus, by contrast, will be on T. Sotah 7: 11–12 in its own right and not in the shadow of B. *Ḥagigah* 3b. For other important scholarly treatments of this passage, see Naeh, "The Craft of Memory," 570 n. 120; and Haim Shapira and Menachem Fisch, "Pulmusei ha-batim: ha-mahloket ha-meta-hilkhatit bein beit Shamma'i le-veit Hillel," *Tel-Aviv University Law Review* 22 (1999): 490–91. I will not treat here another talmudic text central to Boyarin's argument, B. Avodah Zarah 26a–b, since his analysis depends on his construction of an earlier Palestinian stratum for which there exists no evidence (*Border Lines*, 198, 322 n. 171).

103. The parallel in B. *Ḥagigah* 3a–b is treated at length in Stern, "Midrash and Indeterminacy." Note that Boyarin mistakenly attributes the homily to Rabbi Joshua ben Hananyah, to whom, according to the narrative frame, the homilies are being reported by two of his students (*Border Lines*, 158, 184, 185).

104. Most modern translations (and the Masoretic pointing) understand "firmly planted" as going with what follows rather than with what precedes. On the difficulties of translating this verse, see Michael V. Fox, *The JPS Bible Commentary: Ecclesiastes* (Philadelphia: Jewish Publication Society, 2004), 83–84.

of the wise” (i.e., of the sages) with the rabbinic phrase “words of Torah” and proceeds to unpack the series of metaphoric terms used in the verse to describe those “words of Torah” and their rabbinic teachers.¹⁰⁵ The first part of the verse (as punctuated above), is understood to characterize “words of Torah” through three metaphors: goads, nails, and planting. As if to answer the question, “Why does Scripture employ three different metaphors?” the first two are said to have positive connotations but also possible negative connotations, which are eliminated by decoding the next metaphor in the series.¹⁰⁶ The homily continues as follows:

Text 13:

בעלי אסופות אילו שנכנסין ויושבין אסופות אסופות ואומרים על טמא טמא ועל טהור טהור על
טמא במקומו ועל טהור במקומו
שמא יאמר אדם בדעתו הואיל ובית שמאי מטמאין ובית הלל מטהרין איש פלוני אוסר ואיש פלוני
מתיר למה אני למד תורה מעתה
תלמוד לומר דברים הדברים אלה הדברים
כל הדברים נתנו מרועה אחד אל אחד בראן פרנס אחד (בראן) נתנו רבון כל המעשים ברוך הוא
אמר(ו) [1] אף אתה עשה (לכך) [לבך] חדרי חדרים והכניס בה דברי בית שמאי ודברי בית הלל
דברי המטמאין ודברי המטהרין

[1] “Masters of assemblies”: (This refers to) those¹⁰⁷ who enter and sit in multiple assemblies, declaring what is impure (to be) impure, and what is pure (to be) pure; what is impure (to be) in its place, and what is pure (to be) in its place.¹⁰⁸

[2] But lest a person (*'adam*)¹⁰⁹ think to himself, “Since the House of Shammai declares impure and the House of Hillel declares pure, so-and-so prohibits and so-and-so permits, why should I henceforth learn Torah?”

105. On “words of Torah” denoting both scriptural (“Written”) and rabbinic (“Oral”) Torah, see n. 35 herein.

106. Thus, the “words of Torah,” like goads, produce life but, unlike them, are not movable because they are also like nails. But unlike nails, which neither diminish nor increase in size, they are fruitful and increase like a planting. On the lacuna in the text of MS Vienna, filled in by Lieberman from the first printing, see Naeh, “The Craft of Memory,” 572 n. 134.

107. B. Ḥagigah 3b has “disciples of the sages.”

108. Boyarin translates, “‘Impure’ in its appropriate place, and ‘pure’ in its appropriate place” (*Border Lines*, 159), but this does not accord with the Hebrew syntax (על טמא . . . ועל טהור). This sentence is missing in MS Erfurt. I have translated it literally, preserving the symmetry of the Hebrew. Alternatively, it could be translated, “Regarding (that which is declared) impure/pure (it is) in its place,” meaning that it is impure/pure with respect to its particular place. The expression from the first printing, see Naeh, “The Craft of Memory,” 572 n. 134. The expression *על טמא במקומו ועל טהור במקומו* only appears in one other source, Seder Eliyahu Rabba 3, 11, 14 (ed. Friedmann, 15, 54, 68), in which the contexts are not of much help. For others’ efforts to understand *bimkomo* here, see Menachem Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: Indiana University Press, 1997), 222 n. 114; Yonah Fraenkel, *Darkhei ha-midrash veha-’aggadah* (Givataim: Masadah, Yad La-Talmud, 1991), 19, 570 n. 49 (citing M. Mikva’ot 4:1); and Friedmann in his note to Seder Eliyahu Rabba 3 (p. 15).

109. Presumably any person, but perhaps a potential student. Cf. the use of *'adam* in text 7 (M. ‘Eduyot 1:6).

Rabbinic Polysemy and Pluralism Revisited

[3] Scripture teaches, “words,” “the words,” “these are the words.”¹¹⁰

[4] All of the(se) words “were given by one shepherd.” One God created them, one benefactor (Moses) gave them, the master of all deeds, blessed be He, spoke it.¹¹¹

[5] You too make of your heart¹¹² chambers of chambers,¹¹³ and bring into it the words of the House of Shammai and the words of the House of Hillel, the words of those who declare impure and the words of those who declare pure.¹¹⁴

The text appears to be a composite with some jagged seams and rough transitions between its component parts. To begin with, Sections 1 and 2 present different images of the nature of study among the “masters of assemblies”: consensus and dissensus.¹¹⁵ The opening comment stresses the plural aspect of “assemblies”

110. Lieberman, in his notes to his edition of the text, gives the biblical citation (אלה הדברים) as Deuteronomy 1:1. Naeh argues for the same (“The Craft of Memory,” 576–79), on the basis of his viewing this exegetical unit (interpreting Ecclesiastes 12:11 and Deuteronomy 1:1 in combination) as forming a *petihah* (proem) to the reading of Deuteronomy 1:1 as part of the *hakheil* lection (based on Deuteronomy 31:10–13). This, in turn, he bases on a retroversion of the present text into two, originally independent parts (“The Craft of Memory,” 573–79), for which he admits there is no direct textual evidence, and I see no necessity. See n. 115 herein. Absent these assumptions, the citation could just as well be Exodus 19:6 or 35:1. I favor Exodus 19:6 for its Sinaitic revelatory setting, wherein Moses is told to communicate God’s multitudinous words to Israel, but the choice does not affect my overall understanding of the text for the present purposes. Naeh (“Chambers of Chambers,” 861 n. 49; “The Craft of Memory,” 572 n. 135) considers the next phrase, “all of the words” (כל הדברים) to belong to this string of scriptural quotes, but I (like Lieberman, in his punctuation of the text) consider it to belong to what follows, being part of a paraphrastic gloss to “were given by one shepherd.” However, if “these are the words” are from Exodus 19:6, “all of the(se) words” appear in the very next verse (Exodus 19:7). See my discussion below. If “all of the words” were a separate scriptural citation, referring to divinely revealed words, it could be from any of the following (among others): Exodus 19:7, 20:1, 24:3, 24:8; or Deuteronomy 1:18. Lieberman (*Tosefta kifshutah*, 8:681) suggests emending the scriptural citation so as to read “all of these words” (כל הדברים האלה) from Exodus 20:1, as in the parallel in B. Ḥagigah 3b (and Bemidbar Rabba 14:4, which is dependent on it), but I find no textual warrant for this. See also Shlomo Naeh, “Sidrei kerī’at ha-torah be-’erez yisra’el: ‘Iyyun mehudash,” *Tarbiz* 67 (1998): 185 n. 79.

111. Presumably “them,” as in the first printing. On “shepherd” in this verse as a designation for both God and Moses, see Sifrei Devarim, *Eikev*, pis. 41, to Deuteronomy 11:13 (ed. Finkelstein, 86), based on Isaiah 63:11 (for Moses) and Psalms 80:2 (for God). Cf. Naeh, “Sidrei kerī’at ha-torah,” 185 n. 79. For elsewhere in the Tosefta where Rabbi Eleazar ben Azariah traces halakhic debates back to Sinai, see T. Pe’ah 3:2 (ed. Lieberman, 51); T. Ḥallah 1:6 (ed. Lieberman, 276).

112. MS Vienna has לִכְךָ, whereas MS Erfurt has לְכָךְ, adopted by Lieberman, presumably because it better fits the context. See Naeh, “The Craft of Memory,” 572 n. 138.

113. Meaning “many chambers.” See Naeh, “The Craft of Memory,” 575 n. 149. Cf. “thunder of thunders of thunders” in text 9.

114. T. Sotah 7:11–12 (ed. Lieberman, 195). The Hebrew text is slightly altered to better reflect MS Vienna. For later parallels, which cannot be considered in any detail here, see B. Ḥagigah 3b (and Bemidbar Rabba 14:4); Avot d’Rabbi Natan, A:18 (ed. Schechter, 68); and Tanḥuma, *Beha’alotekha*, pis. 15, to Numbers 11:16.

115. The version in B. Ḥagigah 3b (and Bemidbar Rabba 14:4) eliminates this seeming discordance by rendering what goes on among the “disciples of the sages,” in the parallel to section 1,

by rendering it as “assemblies, assemblies,” meaning “many assemblies,” perhaps referring to multiple disciple circles or multiple rabbinic courts. What is pronounced in those multiple assemblies appears to be univocal voices declaring the pure to be pure and the impure to be impure. We cannot tell from this comment whether there was unanimity all along or whether disagreement and debate preceded the unitary judgments once consensus was reached. In any case, “masters of assemblies” suggests multiple assemblies that produce univocal judgments. This idealized scenario is reminiscent of Text 8 (T. Hagigah 2:9), according to which a unitary *halakhah* issued forth from the high court in Jerusalem (according to its majority vote), also with respect to univocal judgments of purity and impurity, prior to the fall from consensus to dissensus marked by the emergence of the Houses of Shammai and Hillel.

This is quite in contrast to—and disjointed from—Section 2, in which it is precisely the contrary judgments of the Houses of Shammai and Hillel, and those of other authorities declaring opposite judgments of forbidden and permitted, that leads the student to question why he should bother studying in such an environment of dissensus.¹¹⁶ Perhaps the discordance between Sections 1 and 2 reflects two different views (or hearings) of the same scene—the first from the “outside,” representing the halakhic *product* of consensus, and the other from the “inside,” representing the halakhic *process* of dissensus. Thus, although Section 1 is reminiscent of Text 8, Section 2 is reminiscent of Text 4 (Sifrei Devarim 48), wherein “one cannot find a clear rule (*davar barur*),” there, too, with respect to contradictory judgments regarding purity and permissibility. Although part of the frustration experienced by such a person (student) is the practical difficulties of memorizing and accessing such a mass of contradictory teachings, that is not all: Not just “how” (*hei’akh*, as in the parallel in B. Hagigah 3b) but “why” (*lamah*), that is, “Why should I bother to learn Torah henceforth, if it involves learning (presumably, by memorizing) so many *contradictory* judgments?” His frustration is not just with method but also with meaning, that is, the lack of closure to the dissensus that envelops him. In other words, he is on the verge of giving up, not just because of the difficulty of mastering such a quantity of contradictory teachings but also because of his frustration at not

as the discordance of contradictory rulings: “These forbid and those permit; these declare impure and those declare pure; these declare unfit and those declare fit (e.g., to serve as witnesses).” Naeh (“The Craft of Memory,” 573–82), argues that the discordance in the Tosefta between what I have labeled sections 1 and 2, which is eliminated in the Babylonian Talmud’s revision (ibid., 580, 581 n. 177), is the product of two originally separate sets of comments having been editorially combined, with sections 1 and 4 having been entirely separate from sections 2, 3, and 5. Though I agree that our present passage is an editorial composite, I am less sanguine regarding our ability to unsplice the text with such certainty. Nor do I see any evidence for Naeh’s view of the former set as arguing for the unity of “Written” and “Oral” Torahs as divinely revealed. Even if we could deconstruct the present passage so as to reconstruct its textual prehistory, we would still need to make sense of it in its present form, assuming that it is the product of a concerted editorial effort, however imperfect.

116. See Shmuel Safrai, *Bi-me’i ha-bayit uvi-me’i ha-mishnah: mehkarim be-toldot yisra’el* (Jerusalem: Magnes Press, 1994), 389.

seeing the purpose to undertaking such a difficult (and seemingly endless) undertaking that appears to elude halakhic certitude.

Here I would add that the seeming discordance between Sections 1 and 2 is rhetorically (if not perfectly structurally) in keeping with the preceding sequential interpretations of the metaphoric interpretations of “goads,” “nails” and “planting” (Ecclesiastes 12:11) as metaphors for “words of Torah,” wherein each of the first two were first given positive connotations, followed by possibly negative connotations, with the negative ones resolved by the next scriptural metaphor in the sequence.¹¹⁷ Similarly, “masters of assemblies” produces two images in turn: one positive, of multiple assemblies who render unanimous judgments, and one potentially negative, of multiple sages and groups of sages who render contradictory judgments, the latter to the consternation of a newcomer (potential disciple?) to this scene. As with the previous metaphors, the midrashic homily looks to the next metaphor in sequence (“they were given by one shepherd”) for resolution.

Section 3, as I understand it in this context, is a transition between the problem (Section 2) and its solution (Section 4). It unpacks the scriptural phrase “these are the words”¹¹⁸ into its component parts so as to emphasize the multitudinous nature of the “words” of both sages and Torah. Compare this with Text 9 (Mekhilta de-Rabbi Ishmael, *Bahodesh* 9), in which the phrase “the thunderings” is similarly unpacked so as to stress the multitudinous “voices” of revelation.¹¹⁹ However, the unitary source of these multitudinous words and teachings, already implicit in the scriptural context of “these are the words,” needs to be made intertextually explicit.

This brings us to “they were given by one shepherd” (Section 4), the next and final sequential phrase in the scriptural verse (Ecclesiastes 12:11), which will provide the answer to the implied question, “Why should one study this multitudinous Torah, especially in light of its preservation of discordant halakhic judgments?” that was generated by the preceding phrase, “masters of assemblies” (Section 2). Because the scriptural subject of “they were given by one shepherd” may by now have been forgotten (“words of the wise/sages”), especially after such a long series of explications, that phrase is now glossed: “All of the words (of sages=words of Torah) were given by one shepherd.”¹²⁰ The scriptural phrase “words of the wise/sages” having been metonymically equated with “words of Torah,” the concluding phrase of Ecclesiastes 12:11 is now interpreted to mean

117. See n. 106 herein.

118. See n. 110 herein.

119. Cf. the sources cited in n. 85 for their unpacking of the phrase “like all the words” (Deuteronomy 9:10) into “all,” “like all,” “words,” and “the words” so as to signify the totality of revelation, inclusive of latter-day rabbinic teachings, to Moses at Sinai. Similarly, in Sifrei Devarim, *Eikev*, pis. 48 (ed. Finkelstein, 113), “all the commandment” of Deuteronomy 11:22 is unpacked into its component parts—“commandment,” “the commandment,” and “all the commandment”—signifying the plurality of forms of rabbinic instruction: *midrash*, *halakhot*, and *’aggadot*. Cf. B. Shabbat 70a and 97b, in which the scriptural phrase “these are the words” of Exodus 35:1 are unpacked as “words,” “the words,” and “these are the words,” signifying the thirty-nine classes of prohibited labor on the Sabbath.

120. It is also possible to understand “masters of assembly” as the immediate antecedent (and hence the subject) of “were given form one shepherd.”

that the multitudinous “words of sages/Torah” *all* derive from a single shepherd, understood to signify both God (the source) and Moses (the transmitter), and hence are all worthy of reception and transmission.¹²¹ Note in particular the twofold enunciation of “*one* (*’ehad*) shepherd” as denoting both “*one* God” and “*one* benefactor,” as well as the *single* “master of all deeds.” Compare, in another tannaitic text, the midrashic argument that although rabbinic (Oral) Torah assumes numerous discursive (pedagogic) forms, “words of Torah are all one” by virtue of their common divine source.¹²² In sum, the multivocality of the “words of sages/Torah” is originary and not belated to divine revelation. It is difficult for me to understand how anyone¹²³ could deny the *theological* import of this interpretation in its extant textual form in the Tosefta: *All* of the words of the sages, whether in consensus or dissensus, were ultimately created, given, and uttered by a single God and human intermediary.¹²⁴

Having established this theological understanding of rabbinic dissensus—that is, having answered the student who asks, “*Why* bother study such a mass of contradictory teachings?”—it remains to instruct him *how* it is practically possible to do so (the *hei’akh* of the B. Ḥagigah 3b). Here Naeh is certainly correct that the Tosefta’s image of a multichambered “heart” (i.e., mind) is that of a “memory palace” into which the discordant teachings of the Houses of Hillel and Shammai can be sorted and arranged according to their forms of expression, thereby satisfying the critical need of rabbinic disciples to acquire and hone the mental tools required to both store and access the contradictory teachings of the sages who preceded them. The *single*, multichambered “heart” that can thus absorb and arrange such a mass of incommensurate teachings is a fitting vehicle for the transmission of a multivocal revelation that originates with a *single* divine creator and a *single* human lawgiver. In a sense, the single person (*’adam*) of Section 2, by becoming a disciple, stands, potentially at least, opposite the single “benefactor,” Moses.

121. See n. 111 herein. For such metonymical slippage, see texts 4, 5, and 6, and nn. 35, 56 herein. Although Sifrei Devarim, *’Eikev*, pis. 41, to Deuteronomy 11:13 (ed. Finkelstein, 86, with rabbinic parallels in the notes there) makes an entirely different argument than that of our passage, it similarly interprets the words of Ecclesiastes 12:11 in sequence, concluding with “were given by one shepherd” as referring to both God and Moses. There, too, the emphasis is on the Torah teachings of humans (even ones of little knowledge or status), but especially the sages, deriving ultimately from a single God through Moses. However, there is no mention there of the possibility of Torah teachings contradicting one another. For a fuller treatment of the Sifrei Devarim passage, see Fraade, *From Tradition to Commentary*, 79–83.

122. Sifrei Devarim, *Ha’azinu*, pis. 306, to Deuteronomy 32:2 (ed. Finkelstein, 339), according to the better reading of MSS London and Oxford, the first printing, and Yalkut Shim’oni.

123. Pace Boyarin, *Border Lines*, 159–60, 310 n. 36.

124. Although the “benefactor” (*parnas*) here is Moses, the term is also used to refer to rabbinic sages appointed to positions of communal authority. See Sifrei Devarim, *Ha’azinu*, pis. 306, to Deuteronomy 32:2 (ed. Finkelstein, 339); Fraade, *From Tradition to Commentary*, 96–99, 245–46; and idem, “‘The Torah of the King’ (Deut. 17:14–20) in the Temple Scroll and Early Rabbinic Law,” in *The Dead Sea Scrolls as Background to Postbiblical Judaism and Early Christianity: Papers from an International Conference at St. Andrews in 2001*, ed. James R. Davila (Leiden: Brill, 2003), 51–53.

In sum, there is, it seems to me, no warrant to deny either the practical (pedagogical) or the theological thrust of this composite exegesis of Ecclesiastes 11:12 nor to force the isolation of one from the other. It is precisely in their dialectical combination, editorially achieved, that several motifs, previously witnessed in other tannaitic texts, are powerfully thematized and performatively dramatized as multitudinous rabbinic “words of Torah,” which issue from a single divine source and can only be absorbed and arranged within a unitary human “heart” of many “chambers.”

III. CONCLUSIONS: THE METHODOLOGICAL CRUX

Based on the foregoing sampling of texts, I cannot agree with Boyarin that “the notion of scriptural polysemy, ‘indeterminacy’ a fortiori, belongs to a relatively late layer in the formation of rabbinic textuality, one that can be found in narrative and theoretical formulations virtually exclusively in the very latest stratum of the Babylonian Talmud.”¹²⁵ I hope that I have amply demonstrated that interpretive polysemy and legal multivocality (if not absolute indeterminacy¹²⁶) are well attested in our earliest tannaitic rabbinic corpora, both as textual praxis and as theological thematization. The fact that there may be in those early collections fewer explicit and less elegant examples of the latter than of the former (which can be found on virtually any page of tannaitic *midrash*, Mishnah, and Tosefta) should not be surprising, as that is what we would expect by the very nature of thematization and narrativization over time: lagging in its arrival but more progressively robust in its articulation.¹²⁷ If the examples that I have provided are less familiar than the poster children of the

125. *Border Lines*, 192. Boyarin claims support for this statement from Mekhilta de-Rabbi Simeon bar Yoḥai, *par. Yitro*, to Exodus 20:1 (ed. Epstein-Melamed, 145–46) based on its inconsistency (“almost exactly opposite”) with B. Sanhedrin 34a (“the latest strata of the Babylonian Talmud”). However, *both* texts, by exegetically combining Psalms 62:12 and Jeremiah 23:29, express the idea of divine revelatory multivocality, albeit in different terms. In the Mekhilta, a single divine utterance (*davar/dibbur*) produces multiple verses (*mikra’ot*) that pertain to the same subject (*inyan*) but are not necessarily identical in meaning (as Boyarin mistranslates). Cf. Mekhilta de-Rabbi Ishmael, *par. Bahodesh* 7, to Exodus 20:8 (ed. Horovitz-Rabin, 229); Mekhilta de-Rabbi Simeon bar Yoḥai, *par. Yitro*, to Exodus 20:8 (ed. Epstein-Melamed, 148–49); and *Midrash Tannaim*, to Deuteronomy 5:12 (ed. Hoffmann, 1:21), in which Exodus 20:8 and Deuteronomy 5:12 are understood to have *different* meanings, even though they originate in a single divine utterance. In the Talmud, by contrast, a single verse (*mikra’*) yields multiple meanings (*te’amim*). Though they represent different resolutions, they are not necessarily contradictory: A single divine utterance produces multiple scriptural verses, whereas a single scriptural verse produces multiple meanings. See also n. 91 herein. The Mekhilta’s interpretation is the second of a sequence of five separate interpretations of Exodus 20:1; each successive interpretation is introduced by *davar ‘aḥer*, thereby “practicing” what the talmudic passage “preaches.” On Boyarin’s intolerance of inconsistencies within and among rabbinic passages, see n. 134 herein. Azzan Yadin’s conclusion (*Scripture as Logos*, 79) is slightly more nuanced: “The conclusion is that, while polysemy is rabbinic, it is not rabbinic ab initio (and thus not *essentially* rabbinic), at least not in the school of Rabbi Ishmael” (emphasis is Yadin’s). On Yadin’s arguments, see n. 91 herein.

126. See n. 8 herein.

127. See n. 130 herein.

Babylonian Talmud,¹²⁸ that may simply be a function of the “canonical” status of the latter in traditional Jewish study compared to the relative neglect of the tannaitic *midrashim*, in which most of the former are found.¹²⁹

However, even if we deem, as in most cases we should, the poster children of the Babylonian Talmud to be fuller and more dramatically narrativized and theologized expressions of the more subtle thematizations of polysemy and multivocality already well evidenced in tannaitic sources, is this a difference of kind or degree? Must we necessarily historicize this development, attributing it, as Boyarin does, to a fifth- to sixth-century finalization of the split between “rabbinic Judaism” and “orthodox Christianity” and the internal exclusion of each one’s internal “others” or to the establishment of the post-amoraic Babylonian academies (the two being neither contemporaneous nor geographically proximate to one another) rather than to the thematic and narrative maturation of such traditions in the ongoing course of their transmission? Might such a development be reflective of the degree to which narrativity, in general, is much more pronounced and developed in the Babylonian Talmud than in its Palestinian antecedent, as is the case in later *midrashim* compared to their midrashic antecedents?¹³⁰ The fact that we find similarly intensified thematizations and narrativizations in Palestinian amoraic midrashic collections (in traditions attributed to early Amoraim, not in anonymous editorial layers)¹³¹ suggests a significant degree of internal maturation already *within* early Palestinian amoraic circles that cannot be attributed to the ideological or institutional influences of fifth- to sixth-century Babylonian centers of learning. Nor do I see warrant for attributing these particular developments (the praxis and thematization of interpretive polysemy and legal multivocality) to the institutionalization of post-Nicaean Christianity, especially to the extent that they are already evidenced (even if less maturely) in tannaitic and early amoraic Palestinian sources. This highlights the dangers, more generally, of basing far-reaching historical conclusions on comparisons between the Babylonian and Palestinian Talmuds alone, or on the internal literary stratification of the Babylonian Talmud alone (in but a handful of passages), when a much broader array of Palestinian tannaitic and amoraic sources are available for comparison and hence for producing a much more nuanced picture.¹³²

128. See nn. 9, 17 herein.

129. On Boyarin’s criticism of others for being “Bavliocentric,” see n. 13 herein.

130. On this overarching difference between the two Talmuds, see Rubenstein, *Talmudic Stories*, 255–59. On the development of increased narrativity in later midrashic works, see Yaakov Elbaum, “From Sermon to Story: The Transformation of the Akedah,” *Prooftexts* 6 (1986): 97–116; and Jeffrey L. Rubenstein, “From Mythic Motifs to Sustained Myth: The Revision of Rabbinic Traditions in Medieval Midrashim,” *Harvard Theological Review* 89 (1996): 131–59. I am unaware of anyone who has related this similar development in the two rabbinic genres, either as a literary or historical phenomenon.

131. See texts 5 and 10.

132. See n. 11 herein. On the methodological pitfalls of overly historicizing differences between the two Talmuds, see Christine Hayes, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah* (Oxford: Oxford University Press, 1997).

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Certainly, the varieties of late antique Christianity exerted influence, however direct or indirect, on the varieties of Judaism in the same period, and the two exerted mutual influence on their respective identity formations. However, I would expect such influence to be more noticeably discernible in Palestinian rabbinic texts than in Babylonian ones. I simply find no evidence or reason to presume that such Christian influence is specifically manifested in rabbinic literature's textual praxis and theological thematization of polysemy and multivocality, however much they developed over time and place, as they certainly did. Although the changed institutional settings of rabbinic learning in late and post-amoraic Babylonia are likely to have had an effect on the style and forms of rabbinic argumentation,¹³³ I fail to see the "invention" of rabbinic polysemy and multivocality as one such effect. I do not doubt that the anonymous late- and post-amoraic redactors of the Babylonian Talmud significantly shaped the traditions that they received and incorporated so as to accord with their own textual practices and thematizations thereof, any less than the anonymous early amoraic redactors of tannaitic traditions did so. But in neither case does the evidence suggest that these two groups of anonymous editors "invented" the practice or idea of interpretive polysemy and legal multivocality *ex nihilo*, even as it is likely that both groups contributed mightily to both. Though we are unable to locate the historical origins of this ubiquitous feature of rabbinic textuality and pedagogy (e.g., at "Yavneh"), we can confidently identify it, even if immaturely, in the earliest editorial strata of rabbinic (i.e., tannaitic) literature.

Let me be clear: I do not deny the likelihood that external historical forces contributed, however little or much, to the history of rabbinic polysemy and multivocality, both in practice and thematization. I have simply sought here to document the early stages of that history, lest they be effaced as a consequence of Boyarin's "Bavliocentric" argument. How to account for that history is a different—and methodologically fraught—question. I would argue, based on the sources examined here, that the historical maturing of both praxis and thematization was *progressive* rather than sudden and *dialectical* rather than linear, making the identification of external propellants all the more difficult. The danger with drawing an overly linear schematization of tradition transformation is that it tends to exaggerate and dichotomize the differences between "early" and "late," either within single texts or among clusters of texts, muting the extent of dialectical complexity (even contradiction) within and among those texts, at the redacted textual stage at which they are preformatively and dialogically engaged by their readers/auditors. The combination of seemingly incommensurate (but not necessarily rhetorically incompatible) expressions within single texts or groups of texts may be editorial expressions of cultural and theological ambivalence (as in our

133. See David Kraemer, "Stylistic Characteristics of Amoraic Literature" (PhD diss., Jewish Theological Seminary of America, 1984); idem, *The Mind of the Talmud* (Oxford: Oxford University Press, 1990); and Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002); Jeffrey L. Rubenstein, "The Rise of the Babylonian Rabbinic Academy," *Judaic Studies Internet Journal* 1 (2002) <<http://www.biu.ac.il/JS/JSIS/1-2002/Rubenstein.pdf>>.

present focus, toward hermeneutical polysemy and legal multivocality because of fears of social fission) rather than sedimentary layers to be separated and historicized as representations of different historical periods or locales.¹³⁴ The continual transformation, in content and in form, of received traditions (like all deep cultural-historical change) is more likely to have been the result of multiple, intersecting propellants of both *internal potentiality* and *external contingency*, rendering their isolation for purposes of determining which was primary and causal to be, however desirable and satisfying, not only difficult but also most often impermissible by the nature of our sources.¹³⁵ To recognize—indeed, to embrace—this dialectical crux is the great challenge to the cultural, intellectual, and social historian of ancient Judaism (and more).¹³⁶

Steven D. Fraade
Yale University
New Haven, Connecticut

134. Boyarin demands a level of consistency within and between rabbinic texts that is surprising for someone who, in the end and somewhat apologetically, celebrates “rabbinic Judaism’s” practice of multivocality, both theologically and textually. See, e.g., *Border Lines*, 177–78. See also n. 125 herein. For a good example of rabbinic ambivalence toward multivocality at Sinai being editorially worked into a tannaitic midrashic text, see n. 80 herein.

135. See Fraade, “Moses and the Commandments.” For a similar approach with slightly different designations, see Joshua Kulp, “History, Exegesis or Doctrine: Framing the Tannaitic Debates on the Circumcision of Slaves,” *Journal of Jewish Studies* 57 (2006): 56–79.

136. For more on the possibilities of nonhistoricist historiography, see Elizabeth A. Clark, *History, Theory, Text: Historians and the Linguistic Turn* (Cambridge, MA: Harvard University Press, 2004); and Gabrielle M. Spiegel, ed., *Practicing History: New Directions in Historical Writing after the Linguistic Turn* (London: Routledge, 2005).