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The illustration is a reproduction of a painting by the Italian Renaissance painter Raphael, depicting the interior of the Temple of Solomon. It shows a large, ornate building with a central dome and a large table in the foreground where several figures are seated, engaged in study or prayer. The scene is set in a grand, classical architectural style.

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## Response to Azzan Yadin-Israel on Rabbinic Polysemy: Do They “Preach” What They Practice?

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## RESPONSE TO AZZAN YADIN-ISRAEL ON RABBINIC POLYSEMY: DO THEY “PREACH” WHAT THEY PRACTICE?

Steven D. Fraade

**Abstract:** *The author revisits texts and arguments from his 2007 article in *AJS Review* 31 no. 1 in response to a “response” by Azzan Yadin-Israel in the April 2014 issue (38, no. 1). The central question is whether the widespread rabbinic textual practices of interpretive polysemy and legal multivocality are the product of the post-amoraic (“stammaitic”) editorial layer of the Babylonian Talmud (Yadin-Israel) or are already evidenced and theologically thematized in the earlier “tannaitic” rabbinic collections from the Land of Israel (Fraade).*

I deeply appreciate the opportunity accorded to me by the editors of the *AJS Review* to reply to Azzan Yadin-Israel’s critique of my article on “Rabbinic Polysemy and Pluralism Revisited: Between Praxis and Thematization,” as well as his generosity in sharing with me an earlier version of his critique.<sup>1</sup> It is not often that a journal article receives such a detailed response, in effect a second article. My initial response would be to urge the readers of this journal to read (or re-read) my original article, with particular attention to my careful definitions of the terms “polysemy,” “pluralism,” “praxis,” and “thematization,” and to how I seek consistently to apply them to the thirteen passages from rabbinic literature which form the core of my article. Having done so, the reader will find most of Yadin-Israel’s arguments to have been either anticipated by me in my textual analyses or not germane to my broad definitions and to their detailed application. Nevertheless, Yadin-Israel is a very accomplished scholar of rabbinic literature, both legal and exegetical, whose arguments raise interesting and important methodological challenges that have broader implications for the study of early rabbinic literature (and much more). They deserve, therefore, and will repay the benefit of close attention. It is on these larger questions that I would like to concentrate, with reference to most, but not all, of the texts that I marshal in my original article, most of which are also commented upon by Yadin-Israel. The alternative, to respond to each of Yadin-Israel’s arguments for each of the texts treated, would require of our readers to read three articles, when one, carefully read, should have sufficed.

1. My original article appeared as, “Rabbinic Polysemy and Pluralism Revisited: Between Praxis and Thematization,” *AJS Review* 31, no. 1 (April 2007): 1–40, and will herein be referred to as “Fraade” followed by the page number(s). The response by Azzan Yadin-Israel appeared as, “Rabbinic Polysemy: A Response to Steven Fraade,” *AJS Review* 38, no. 1 (April 2014): 129–141, and will be referred to as “Yadin-Israel” followed by the page number(s).

To set the stage, it is important to remind the readers of this journal that my original article was a critique (“polemic” according to Yadin-Israel, p. 129 n. 3) of only one chapter of Daniel Boyarin’s *Border Lines* (151–201), in which Boyarin argues, in my words (Fraade, p. 2),

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.<sup>2</sup>

The purpose of my article was to demonstrate that both the praxis and thematization of interpretive polysemy and legal multivocality are already well evidenced, even if not as robustly thematized as in some later rabbinic texts, in “tannaitic” sources, which incorporate tannaitic teachings, but were anonymously edited in their extant forms, we must presume, in early amoraic times in Palestine.<sup>3</sup> I made no claims, nor have any interest in the present context, in what the Tanna'im themselves did or thought in this regard, and only needed to demonstrate the existence of interpretive polysemy and legal multivocality as both praxis and thematization in texts commonly understood to have been edited in the third century CE, without needing to extend them back to “first-century Yavneh.”

It is important, therefore, to note that Yadin-Israel, in defending his teacher’s (by his “disclosure,” p. 129 n. 3) argument seriously misrepresents it. For example, he speaks of my objection to “Daniel Boyarin’s claim that rabbinic polysemy is a relatively late, *post-tannaitic*, phenomenon” (Yadin-Israel, p. 129, emphasis added). Yadin-Israel makes reference here to *Border Lines*, 155. But a check of that reference reveals that Boyarin clearly locates the “mythopoeisis” of rabbinic pluralism “somewhere in the fifth and sixth centuries, the time of the redaction of the Babylonian Talmud and also when ‘Nicaea’ was finally ‘taking effect.’” On the previous page (154) Boyarin explicitly speaks of “their redactional (post-amoraic) character.” As any student of late-antique Jewish history knows, there is a significant difference, for present purposes especially, between “post-tannaitic” (Yadin-Israel), with which I can easily live, if we are speaking of redaction, and “post-amoraic” (Boyarin, who would add “Babylonian”), with which I cannot. Even stranger is Yadin-Israel’s statement (p. 136) that “All scholars agree that polysemy is attested in post-tannaitic strata; Fraade claims to show that this is also the case for tannaitic sources.” The gap between “tannaitic sources” (all

2. For broader characterizations of Boyarin’s argument, see Fraade, 2–3, 5–7. Since Yadin-Israel never questions either my characterization of Boyarin’s argument, or the argument itself, I must assume that he accepts both, even though, as I shall demonstrate, he himself seriously mis-characterizes Boyarin’s position.

3. Henceforth I shall not place the word tannaitic in quotes so as to differentiate tannaitic contents from early amoraic redaction, but it should be understood as such.

redacted no earlier than the third century) and “post-tannaitic strata” (beginning at around the same time and place), assuming we are speaking of Palestinian collections, is hardly worth arguing about, since by those datings and locatings Yadin-Israel and I are in far closer chronological and geographical proximity in our views to one another than he is to Boyarin’s. If, indeed, Yadin-Israel truly means “post-tannaitic strata,” then Boyarin is the singular exception to “all scholars.” However, throughout his treatment (or dismissal) of specific texts that I adduce, he reverts back to Boyarin’s “stammaitic” (Babylonian and post-amoraic) argument, adding himself, it would appear, as the second solitary exception to “all scholars.”

Let us proceed to the question of definitions. I offer for “polysemy” a *descriptive* definition that is both literal and concords well with what is found in standard English dictionaries and common linguistic usage: “By ‘polysemy’ (many significations), I mean, in the present context, the claim that a canonical text contains or can legitimately yield multiple meanings” (Fraade, p. 3).<sup>4</sup> Yadin-Israel does not like my definition, as it “denudes the concept of its analytic force” (Yadin-Israel, p. 130). However, he does not explain how it does so nor, more importantly, does he offer an alternative definition. Without an alternative definition, he is also unable to provide any textual examples (presumably from the Babylonian Talmud) that would satisfy the putatively forceful definition that he fails to provide.<sup>5</sup> It is only by working through all of his objections to the texts that I present that we can deduce (as I shall here labor to do in the absence of his having done so) what would be included (very little) and what could be excluded (very much) from his unstated definition. We can take a cue, however, from his approving citation of Boyarin’s reference to the “theological principle of the undecidability of the divine language” (Yadin-Israel, p. 130, citing Boyarin, *Border Lines*, 189).<sup>6</sup> That is, the incorporation of multiple interpretations of a scriptural verse, phrase, or word (satisfying the common literal, descriptive definition that I explicitly employ) is insufficient in the absence of a claim that polysemy in practice be accompanied (in each case, and if not, how often?) by the articulation of a “theological principle.” But this is to conflate what I consistently, carefully, deliberately, and explicitly differentiate between as “praxis” and “thematization,” with the former appearing ubiquitously throughout the tannaitic corpora, and with the latter appearing, as we might expect,

4. For example, *Random House Unabridged Dictionary*, second edition (New York: Random House, 1993), 1501, defines “polysemy” as: “diversity of opinions,” “with many significations.”

5. The closest Yadin-Israel comes to providing an example of a text that would satisfy his unstated definition is the famous passage in B. ‘Eruvin 13b (“these and these”) (Yadin-Israel, 130, 134), to which I shall return below. However, earlier, less fully developed versions of that tradition, cited as a *barayta*, are found in Y. Berakhot 1:4 (3b); Y. Qiddushin 1:1 (58d); and Y. Yevamot 1:6 (3b), belying Boyarin’s claim for stammaitic Babylonia as the birthplace of theological polysemy. In any case, in neither its Babylonian nor Palestinian setting does the text exemplify interpretive polysemy but legal multivocality. On this Yadin-Israel and I agree. See Yadin-Israel, 130; Fraade, 4 n. 9.

6. Yadin-Israel also cites approvingly David Stern’s definition, “every verse has several meanings,” which, so far as I can tell, is indistinguishable from mine.

only occasionally, as is true of the later rabbinic midrashic and talmudic corpora as well. Let us turn now to the former and return shortly to the latter.

Speaking just of the praxis of polysemy, I had assumed that the most elementary reader of early rabbinic midrash would recognize that on virtually every “page” of the tannaitic midrashim, of both the “school” of R. Akiva and that of R. Ishmael, we find multiple interpretations of single scriptural words or phrases.<sup>7</sup> Sometimes one of these might be preferred by the anonymous editorial hand or voice to the others, but often not. Sometimes one might be rhetorically proffered, only to be exegetically or logically rejected. Some are simply set alongside one another, while some are placed in dialogue, whether explicit or implicit, with one another. Some employ one set of hermeneutical rules and principles, while others employ another. Since they all meet any descriptive definition of polysemy, I thought that two randomly chosen examples, one halakhic and one aggadic, both from the Mekhilta de-Rabbi Ishmael, would suffice to illustrate a phenomenon so ubiquitous and before our open eyes as not to require further examples of the praxis of polysemy (as I define the term and as it is universally defined).<sup>8</sup>

Perhaps it is the very ubiquity in the tannaitic midrashim of the praxis of interpretive polysemy, in the common use of the word, that leads Yadin-Israel to consider it to be too prosaic to be of serious significance. In comparing the midrashic interpretation of Scripture to the interpretation of the United States Constitution by the Supreme Court judges, he says (p. 130),

After all, many texts are held to ‘legitimately yield multiple meanings’ without being considered polysemic: the Supreme Court’s interpretation of the Constitution results in majority and minority opinions—a single document yielding two opposite but legitimate interpretations—with no attendant doctrine of the inherently undecidable nature of the English of the Founding Fathers. So while it is significant that early rabbis allow different interpretations to stand side by side, this phenomenon is far removed from any theologically-anchored scriptural polysemy.

I will leave it to scholars of the U.S. Constitution and Supreme Court to determine what they wish to call the practice of publishing minority alongside majority opinions, while clearly differentiating between the two, propounding thereby alternative interpretations of the Constitution’s language. However, I am told by such colleagues that this practice was not always the norm for the U.S. Supreme Court, and that it is not necessarily the practice of lower courts or supreme courts in other countries.<sup>9</sup> In other words, it is not a “natural” practice that can be taken for granted. Which is not to say that in former times the

7. See my treatment of Sifrei Devarim *Ha’azinu*, pis. 306, to Deuteronomy 32:1 (ed. Finkelstein, pp. 308–335), wherein I count thirteen interpretations of the first two or three words of the verse: Steven D. Fraade, “Polyphony and Plot,” in *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (Albany, NY: State University of New York Press, 1991), 123–62.

8. Texts 1 and 2 in Fraade, 8–12.

Supreme Court justices were of one mind in interpreting the Constitution (or the cases before them), but that they considered it more important to present a unified public face than to air publicly their dissenting opinions. I shall return to this important distinction with respect to ancient Jewish sources. But first, I should note that once again we find Yadin-Israel conflating practice with thematization (here requiring a “doctrine” in order to include a practice of multiple scriptural interpretations under “polysemy”).<sup>10</sup> Such *doctrinaire* statements, as much as Yadin-Israel would like to find them, are rarely, if at all, to be found in rabbinic literature of all strata, including the Babylonian Talmud (especially if weighed in proportion to its textual bulk), at least not in anything that Yadin-Israel has cited or would satisfy his definitional strictures.<sup>11</sup>

As useful as the Constitutional comparison might be for its familiarity, it is not as apt as others and is, in any case, anachronistic. The midrashic commentaries attend to a text understood in some sense as being divine revelation, whereas the Constitution is, as Yadin-Israel states, the product of the “Founding Fathers,” which is why, I presume, we do not have from the Supreme Court judges a running “verse” by “verse” commentary to the Constitution into which a variety of interpretations to each word or phrase are incorporated. In other words, multiple interpretations in *principle* are not the same as multiple successive interpretations in *practice*. We might posit the *possibility* of multiple persons or groups interpreting, that is, assigning meaning to, in multiple ways a variety of types of texts (Scripture, Constitution, restaurant menu), each broken down into its smallest

9. See, for example, Robert C. Post, “The Supreme Court Opinion as Institutional Practice: Dissent, Legal Scholarship, and Decisionmaking in the Taft Court,” *Minnesota Law Review* 85 (2000–2001): 1267–1390. <[http://digitalcommons.law.yale.edu/fss\\_papers/186](http://digitalcommons.law.yale.edu/fss_papers/186)>. I am indebted to Judith Resnik of the Yale Law School for this reference.

10. It is worth asking whether we can speak of rabbinic discursive “doctrines” of any sort. Elsewhere (Azzan Yadin, “The Hammer on the Rock: Polysemy and the School of Rabbi Ishmael,” *Jewish Studies Quarterly* 10 [2003]: 17; idem, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash, Divinations: Rereading Late Ancient Religion* [Philadelphia: University of Pennsylvania Press, 2004], 79), Yadin-Israel speaks of B. Sanhedrin 34a as containing a “polysemic manifesto.” Not only is that text hardly a “manifesto” (in its own textual context), but it fails another of Yadin-Israel’s criteria for inclusion in his restricted definition of polysemy. See below, n. 25.

11. Elsewhere (134) Yadin-Israel says: “In the anonymous stratum of the Bavli, the conflicting views of the Houses of Hillel and Shammai give rise to a clear statement of the multivocality of received traditions: ‘These and these are the words of the living God’ (B. ‘Erubin 13b). Not so the Mishnah, which eschews theological justification for this practice.” In its redacted context in the Babylonian Talmud, the dictum “these and these” refers, specifically and respectively, to the conflicting legal opinions (unspecified) of the Houses of Hillel and Shammai, and not to scriptural polysemy in any sense of the term or to legal multivocality in general. We also know that elsewhere in the Babylonian Talmud there are those who question the authority of this statement (“these and these”), articulated as it is by a *bat kol* (heavenly voice), which not all accept as an authoritative decisor in halakhic matters. See B. Berakhot 51b–52a, B. ‘Erubin 6b–7a, B. Bava Metzi’a 59b. Cf. Y. Berakhot 1:4 (3b) and Y. Qiddushin 1:1 (48d). It is only in the later reception history of this story that the dictum “these and these” is understood, in Yadin-Israel’s words, as “a clear statement of the multivocality of received traditions” (Yadin-Israel, 134) in any overarching way, but not in its Babylonian talmudic redactional setting. I will return to this source below, where it will again confound Yadin-Israel’s argument.

textual components, without presuming the institutional *practice* of collecting, editing, and “publishing” them as running attachments (commentary) to that atomized text. This is separate from the question of how such practice might be justified and/or received. But in any case, it cannot be presumed to be a normal cultural practice of any legal society.

For this reason I stress (Fraade, p. 11) that the most historically apt comparisons, for reasons of both chronological and geographical proximity, are with the textual practices of Jewish writings of the late Second Temple period, and of Christian and Greco-Roman writings of the first three centuries C.E., where we find very few analogues to the ubiquitous rabbinic textual practice of juxtaposing multiple scriptural interpretations with one another in attachment to their scriptural lemmata (polysemy as I descriptively define it, in keeping with its literal meaning and dictionary definition).<sup>12</sup> Again, this is not to claim that other such ancient authors, editors, and interpretive communities were unaware that Scripture *could* be variously interpreted, but that their own textual practices tend, by and large (with some important exceptions, most notably Philo of Alexandria, *mutatis mutandis*), to favor, in Yadin-Israel’s words (p. 132), “editorial practices [that] tend toward univocality.” However, even in the context of oral, unrecorded study, we should not necessarily presume that the Qumran interpretive communities, for example, in their nightly study sessions (IQS 6:6–8), generated multiple, alternative interpretations of Torah or Prophets (or of their own sectarian laws), which the editors of the sectarian Dead Sea Scrolls have imperiously and inconveniently (for us) hidden from textual view. In other words, we have no reason to expect with Yadin-Israel (and we have many reasons not to), that the teachings or interpretations of the Teacher of Righteousness, or subsequent teacher/interpreters, would naturally have cohabited some discursive space alongside those of other members of his community (whether in agreement or not).<sup>13</sup>

Yadin-Israel brushes aside such more historically responsible (and, for his purpose, inconvenient) comparisons for a canonically determined lens that views the Palestinian tannaitic corpora with the retrojective and teleological hindsight of the Babylonian post-amoraic (stammaitic) stratum of the Talmud, against which, in his view, they come up sorely lacking in interpretive polysemy. Note well his own words (Yadin-Israel, p. 134 on Text 6): “For an investigation of ‘Talmudic’ polysemy in tannaitic sources, the operative comparison is to the

12. The bibliography in support and illustration of this comparative enterprise is too vast to cite here, but several of my own articles, republished in Steven D. Fraade, *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages*, Supplements to the Journal for the Study of Judaism 147 (Leiden: Brill, 2011), hew this path. For a more recent article along these lines, see Matthias Weigold, “Ancient Jewish Commentaries in Light of the Dead Sea Scrolls: Multiple Interpretations as a Distinctive Feature,” in *The Hebrew Bible in Light of the Dead Sea Scrolls*, ed. Nóra Dávid et al., (Göttingen: Vandenhoeck & Ruprecht, 2012), 281–94.

13. See Steven D. Fraade, “Looking for Legal Midrash at Qumran,” in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 May, 1996*, eds. Michael E. Stone and Esther G. Chazon, Studies on the Texts of the Desert of Judah 28 (Leiden: E. J. Brill, 1998), 59–79; reprinted in Fraade, *Legal Fictions*, 145–167.



Babylonian Talmud, and here the contrast is stark.” As I have shown and will continue to show, the contrast, while significant, is not all that stark after all. But why should we be looking for “‘Talmudic’ polysemy in tannaitic sources” any more than tannaitic polysemy in relation to its own, more immediate cultural and historical contexts? Of course, both types of comparison are of value, and I have pursued in detail the relevant inner-rabbinic comparison elsewhere.<sup>14</sup> But why privilege the diachronic canonical over the synchronic historical? I shall return to this question with respect to specific texts shortly.

Turning to the specific midrashic texts from the Mekhilta de-Rabbi Ishmael, one halakhic and one aggadic, that I adduce as random examples of multiple interpretations set alongside one another, we see Yadin-Israel adding innovative qualifications so as to disqualify them from inclusion under a simple descriptive definition of polysemy. The first is that when the midrash rhetorically raises alternative interpretations, only to be rejected on the basis of exegesis or logic, this is not polysemy since the alternative interpretations are not of equal standing or validity. That is, when the anonymous redactor (singular for present heuristic purposes) has assembled a variety of interpretations (minimally two), he may not show any preference between them (e.g., marking one as the view of the “majority” and one as that of the “minority”). However, this condition was not part of my definition nor of any others (except as that not explicitly stated by Yadin-Israel) of which I am aware. In fact, such a definition would disqualify the only talmudic example that Yadin-Israel explicitly cites as characterizing “talmudic polysemy” (by which he means legal multivocality) the “these and these” passage in B. *Eruvin* 13b,<sup>15</sup> since the “heavenly voice” expresses preference for the halakhic views of the House of Hillel, declaring the halakhah to agree with their opinion, taken elsewhere to be a judgment on all halakhic opinions of the House of Hillel.<sup>16</sup>

However prosaic and unremarkable this rhetorical strategy of invoking an alternative interpretation, only for it to be rejected, might appear to the most elementary student of tannaitic midrash (and even more so of later talmudic dialectics), it is highly unique, certainly in its ubiquity, and I would argue strikingly innovative, among other forms of scriptural interpretation from the proximate time and place of these early midrashim (with partial antecedent in the scriptural commentaries of Philo of Alexander). The non-rabbinic exegetical exemplars of Hellenistic and Roman times generally do not, to use Yadin-Israel’s language (p. 131), “make explicit the interpretive path not taken.” And why should they? They would

14. “‘A Heart of Many Chambers’: The Theological Hermeneutics of Legal Multivocality,” forthcoming in *Harvard Theological Review*, which compares in great detail T. *Soṭah* 7:11–12 and B. *Ḥagigah* 3b, taking into account previous scholarship.

15. See his p. 134. As he suggests here and notes previously (130), however, this passage is about legal multivocality and not interpretive polysemy. See my previous comments on this text, above, nn. 5, 11.

16. For another instance of Yadin-Israel’s argument that polysemy and multivocality do not exist if the text expresses a preference between “right” and “wrong” traditions or interpretations, see Yadin-Israel’s treatment of Text 7 (134–135).



risk thereby undercutting the monological, revelatory authority of their textual interpretations and legal opinions. Similarly, they do not evince, again in Yadin-Israel's words (p. 132), "an inclusive editorial practice that recognizes the *empirical existence* of controverting views and chooses to record them" (emphasis in the original). This "*empirical existence* of controverting views" is mainly only known to us by virtue of the "editorial practice" which was chosen to preserve and transmit them, as we find in the tannaitic rabbinic corpora, but as a textual practice largely (but not entirely) without immediate antecedents or contemporaries.

Again, I must stress that thus far I am adducing the praxis of interpretive polysemy and legal multivocality in early midrashic texts and not their theological / hermeneutical justifications, to which we will soon turn. Here I simply re-emphasize the methodological necessity of not conflating and confusing the two (at the expense of the former), as does Yadin-Israel, both in his evolving, but unstated, definition and in his dismissal of clear examples of the ubiquitous tannaitic textual practice of both interpretive polysemy and legal multivocality. That being said, I would argue that the widespread tannaitic textual practice of interpretive polysemy (even if at the redactional level), that is, the running attachment of multiple interpretations to the words of what is rabbinically understood to be divinely revealed Scripture, is itself theologically significant (and not to be cavalierly dismissed), even if not explicitly thematized and theologized (and problematized) as such, as it is in other passages in the same corpora, soon to be (re) considered. Viewed in historical perspective, both diachronic and synchronic, this textual, editorial practice of interpretive polysemy (and legal multivocality) is hardly "weak" (Yadin-Israel, pp. 133, 134), but quite the opposite.

If we look more fully and carefully at the Mekhilta's commentary to Exodus 21:6 (on the Israelite slave, who, when entitled to be freed has his ear pierced in order to remain with his master) (Text 1, Fraade, pp. 7–10), we find that in addition to the first set of rhetorical alternatives that are posed (right ear v. left ear) only for one (left ear) to be rejected, our midrash preserves several legal interpretive alternatives between which the midrash does not decide or show a clear preference: through the earlobe v. through the cartilage; a priest may be pierced through the ear v. may not be pierced through the ear; a priest may be sold into slavery v. may not be sold into slavery, pierced with any instrument v. with a metal instrument. If this is not interpretive polysemy and legal multivocality in their simple descriptive senses as textual praxis, I do not know what is.

It is precisely this editorial practice of combining rhetorical alternatives, in which one is advanced only to be denied, *alongside* the juxtaposition of interpretive alternatives that are allowed to co-exist on the same "page," without a necessary preference, often separated by the common instrument for such purposes, *davar 'aḥer* (another matter/interpretation), that is equally evident in Text 2 (Fraade, pp. 11–12). Here the Mekhilta de-Rabbi Ishmael, commenting on the linguistically ambiguous phrase "house of bondage" (literally, "house of slaves/servants/worshippers") of Exodus 20:2, adduces three interpretations, one of which (the Israelites were servants to servants, and not to kings) is rhetorically raised only to be intertextually and dialogically rejected (with help from Deuteronomy 7:8), but leaving two standing, without any expressed preference between them:

house of slavery = slaves to kings v. house of idolatry = worshipers of idols, based on the dual meanings of *'avadim/ovedim* as slaves/worshipers.

Yadin-Israel dismisses this example based on a careless misreading of my argument. He says (Yadin-Israel, p. 132): “But the derashah in question is a poor example of such a dialogue since *davar 'aḥer* marks the juxtaposed interpretations as distinct, editorially demarcated statements.” What I refer to as “the 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” refers to the midrash as cited as a whole, which includes *both* dialogical juxtaposition (“You say ... Perhaps it is not so, but means ...?”) in what I label section 1, and multiple interpretations (here two) that are set alongside one another (separated by *davar 'aḥer*) in what I label as section 2. To what extent the phrase *davar 'aḥer* hermetically and hermeneutically separates the alternative interpretations on its either side from one another is not so clear as Yadin-Israel asserts it to be.<sup>17</sup> But for now, accepting Yadin-Israel’s characterization of the phrase only strengthens my argument for its signifying interpretive polysemy in the simple *descriptive* sense that I (and dictionaries and linguists) use to define it: one scriptural phrase yielding multiple meanings.<sup>18</sup> In sum, both Mekhilta texts combine, at the editorial level, *two* types of polysemy: dialogical and paratactic combinations of alternative interpretations (and legal pronouncements). That is, within a single interpretive unit they both choose between one pair of alternative interpretations and choose not to choose between another. They are, in short, rhetorically ambidextrous.

Yadin-Israel characterizes such editorial polysemy, the work of anonymous editors on virtually every “page” of every rabbinic text, to be “weak,” since it does not explicitly “valorize” its praxis. However, I see no reason to characterize this editorial work as “weak” any more than to do so for the editorial construction of legal multivocality produced by equally anonymous redactors on every “page” of the Babylonian Talmud. Once again, Yadin-Israel conflates praxis with thematization (for him, “valorization” and “celebration”), which is one of my prime purposes to differentiate. Here are his words (Yadin-Israel, p. 134 on Text 6): “Multivocality inheres to a collection of rulings that preserves many positions—and even then only in a weak editorial sense that has long been recognized as a hallmark of rabbinic literature.”<sup>19</sup>

Before turning to a selection of those texts that I adduce as exemplifying the thematization of interpretive polysemy and legal multivocality, I wish to consider

17. Yadin-Israel makes the same claim (137) with respect to Text 12.

18. For an extreme case in a tannaitic midrash of multiple (thirteen) interpretations linked repeatedly by *davar 'aḥer*, see above, n. 7.

19. See also Yadin-Israel, 133. For more on anonymity and redaction in tannaitic legal midrashim (again concentrating on the Mekhilta de-Rabbi Ishmael), see Steven D. Fraade, “Anonymity and Redaction in Legal Midrash: A Preliminary Probe,” in *Malekhet Maḥshevet: Studies in the Redaction and Development of Talmudic Literature*, ed. Aaron Amit and Aharon Shemesh (Ramat-Gan, Israel: Bar-Ilan University Press, 2011), 9\*–29\*.

three such texts that Yadin-Israel has sought to exclude entirely from consideration. Wishing to argue that his exclusion of them is more revealing of his misreading of my purpose than if he had considered them.

Yadin-Israel is correct that Texts 5 (from Midrash Tehillim) and 10 (Pesikta de-Rav Kahana) are “not ‘drawn from the earliest stratum of rabbinic literature,’ but rather from Amoraic or later strata” (Yadin-Israel, p. 130, citing Fraade, p. 5). However, he is absolutely wrong in stating that “Fraade includes them because they *cite* tannaitic figures, but to identify citation with composition ignores the overwhelming evidence that later rabbinic sources regularly reworked earlier strata . . .” (Yadin-Israel, p. 130, emphasis in original). I say *nothing* of the sort (that is, include these texts because they cite tannaitic sages, which, in any case, Text 10 does not do), revealing at best his careless reading of my article. Rather, this is pure fabrication on Yadin-Israel’s part. What I do say of Text 5 (Fraade, pp. 15–16) is that it is “more amply and explicitly thematized, both epistemologically and theologically” (than is Text 4 from Sifrei Devarim) in its treatment of the search for a “clear rule” amidst the conflicting and competing legal opinions and interpretations of the sages, tracing this interpretive polysemy and legal multivocality all the way back to Moses’s receiving of each and every divinely revealed utterance/command (presumably at Sinai). Similarly, in introducing Text 10, I explicitly state that it illustrates how an earlier, tannaitic tradition found in the Mekhilta de-Rabbi Ishmael (Text 9), which links multitudinous “voices” at Sinai with the diversity of human interpretation of revelation, “is exegetically and rhetorically filled out in the amoraic midrashic collection, Pesikta de-Rav Kahana” (Fraade, p. 25).

My clearly stated purpose for including these texts, despite their falling outside of the chronological bounds that I set for my textual sample, was to show how the thematizing of scriptural polysemy and legal multivocality begun already in tannaitic texts continues more fully and explicitly well into amoraic times, but neither as the products of the post-amoraic (stammaitic) stratum of the Babylonian Talmud, nor as late responses to post-Nicaean Christianity, as Boyarin argues and with which, we must assume, Yadin-Israel concurs. To set the record completely straight, I cite my own words (Fraade, p. 38), from the conclusions to my article, for readers who might not have read it to the end:

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) [footnote 131 here refers the reader specifically to Texts 5 and 10] 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.

Yadin-Israel's reason for excluding one other passage (Text 8) from consideration is equally revealing. The text is T. Ḥagigah 2:9, which begins by narratively describing an original lack of controversy through the orderly handling of opposing legal opinions regarding purity and impurity, up through a series of referral courts, until a vote is taken in the highest court and the decision is promulgated (and presumably accepted by all). This is contrasted with the situation after the disciples of Shammai and Hillel had so multiplied, as had their controversies, that they came to constitute "two Torahs," that is, two irreconcilable systems of divinely revealed law, but Torahs nevertheless. The "before" scene is not one of complete legal accord, but of multiple legal opinions that, while at odds with one another, could be successfully managed through a consensual *process* of adjudication and promulgation. Whether or not such a golden age of relative lack of controversy (but still marked by disagreement) ever existed, of course, is irrelevant. Our text *imagines* it as an alternative to the present state of intense legal controversy, to the point of the two sides inhabiting, as it were, alternative nomian worlds ("two Torahs"). This is clearly an example of tannaitic thematization of legal multivocality, both as it might have been and as it is. Yadin-Israel, however, will have no part of this: "Fraade cites Text 8 as a reflection of rabbinic *discomfort* with the existence of multiple legal positions and not intended as a countertext [to Boyarin's argument], and is thus not germane to this discussion" (Yadin-Israel, p. 131, emphasis added).

Besides the text being more complexly and profoundly dialectical than Yadin-Israel allows, his exclusion of "rabbinic discomfort with the existence of multiple legal positions" precludes him from examining the ways in which such early tannaitic texts thematize that very subject, *both for its upsides and its downsides*. This is one more occasion of his heaping on disqualifications that are not "germane" to my project as I designed and defined it. My very definition of thematization allows precisely for the inclusion of such problematizing. Here is exactly what I said: "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*" (Fraade, p. 4, emphasis added). In other words, problematization is a vital part and parcel of the thematization, *not its disqualifier*, as Yadin-Israel would have it. From the very beginning of my article,<sup>20</sup> I explicitly distance myself from the "celebratory" approach taken by others to rabbinic interpretive polysemy and legal multivocality, since the thematizing texts that I include dialectically acknowledge both their bright and dark sides, but to varying degrees.<sup>21</sup>

Returning to Yadin-Israel's parade (and only explicit) example of rabbinic legal multivocality, B. 'Eruvin 13b, "these and these" (Yadin-Israel, pp. 130, 134), there too we find an expressed rabbinic "discomfort" with (alongside

20. Fraade, 1–2, esp. 2 n. 4 for others who rain on the parade.

21. Compare Yadin-Israel, 133, where, with respect to Texts 3 and 4, he naively demands pure celebration unadulterated by problematizing as the entrance fee for inclusion.

valorization of) the disagreements between the legal opinions of the Houses of Shammai and Hillel. The story clearly implies that had it not been for the intervention of the heavenly voice, the two Houses, having debated a particular point of law for three years without resolution, would never have been able to move on to anything else. For those who do not accept the role of the heavenly voice in deciding halakhic debates<sup>22</sup> (or who cannot expect it to resolve all others) the specter of halakhic paralysis, due to irresolvable differences, remains, as implied by this story, very much an ever-present danger.<sup>23</sup> Thus, if Yadin-Israel will only be satisfied by a “doctrine” (“or, manifesto”) of purely principled, fully valorized and celebratory theological thematization of absolute rabbinic interpretive polysemy and legal multivocality, without a trace of dialectical doubt, then he has painted himself into a corner where he will not find it, or at least has not produced any examples thereof, in his critique of my article.

Since my space is limited, I shall not revisit in similar fashion all of the textual examples that I marshal in my original article in support of my argument (but encourage the ambitious reader to do so), all of which Yadin-Israel disqualifies from such consideration, but focus rather on four such texts that will, I hope, prove symptomatic of both the soundness of my analyses and the methodological flaws of his demurrals, not to mention his misrepresentations of my arguments. They all both project rabbinic interpretive polysemy and legal multivocality back to Mosaic / Sinaitic revelation, and justify its present textual practice therefrom. Thus, in Text 11 (Sifrei Devarim 313 to Deuteronomy 32:10), we find as follows:

This teaches that (when) each Divine Word went forth from the mouth of the Holy One, Israel would observe it and would know how much *midrash* could be derived from it [lit.: there is in it, etc.], how many laws (*halakhot*) could be derived from it, how many *a fortiori* arguments (*kalin va-ḥamurin*) could be derived from it, how many arguments by verbal analogy (*gezeirot shavvot*) could be derived from it.

Clearly, in light of the plural forms employed, and as Yadin-Israel readily acknowledges, the multiplicity of later rabbinic interpretations of each divine utterance / command are being projected back onto the originary moment of revelation, with the text crediting Israel as a whole with the prescient ability to discern in each utterance its (rabbinic) polysemic potentialities, a sort of *vaticinium ex eventu* (prophecy after the event).<sup>24</sup> Yadin-Israel provides two specious qualifications to any normal definition of polysemy so as to disqualify this text: The first is that, quoting me, “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*

22. See above, n. 11.

23. Similarly, in B. Ḥagigah 3b, legal multivocality is both theologized and problematized, as it is in Text 13 (T. Soṭah 7:11–12), to which I shall return later in this response.

24. Compare Y. Megillah 4:1 (74d): “Even that which an advanced disciple will one day teach before his master was already revealed to Moses from Sinai.”

## Response to Azzan Yadin-Israel on Rabbinic Polysemy

*one another or arise in the context of debate*” (Yadin-Israel, p. 136, citing Fraade, p. 27, with emphasis added). It is not sufficient for Yadin-Israel that multiple interpretations of single divine utterances/commands are projected back to Sinai as being present at and in revelation, that is, that polysemy (in the literal, descriptive dictionary definition that I employ from the outset) is theologically grounded in divine revelation (and its human reception), which elsewhere he demands. However, now he adds the additional requirement that such a multitude of interpretations be pitched in opposition to or debate with one another.<sup>25</sup>

As if this disqualification is insufficient for the task, Yadin-Israel adds a second one (but without a *davar ’aher* to separate them). In his own words:

But the Sifrei Deuteronomy passage is not concerned with plurality of meaning, but rather with bridging, indeed effacing, the historical chasm stretching from revelation to belated rabbinic interpretation. . . . It is not then the plurality of rabbinic positions here addressed, but rather the gap between the biblical word and the later midrashic interpretation.

Of course, one could argue that all rabbinic interpretations of the revelation of Torah at Sinai seek to “efface the historical chasm” by projecting rabbinic ideas of Torah and its reception through study and interpretation, that is, the very rabbinic textual practice of midrash, with which we are presently engaged, onto the originary and authorizing scene of revelation.<sup>26</sup> However, one could equally argue, without much exaggeration, that such historical chasm effacing is the work of all scriptural interpretation (if not more). But that does not preclude our asking what precisely is being projected onto revelation, as if there all along, and here it is clearly the multitudinous character of rabbinic interpretive praxis, here being said to be the very substance of divine revelation itself and its earliest human (Israelite) reception. If that is not theological valorization of said textual practices, I do not know what is. Once again, should we doubt that such texts can “walk and chew gum at the same time”? These progressively heaped-on, ad hoc disqualifications begin to strain credulity. But there are more to come.

We turn next to Text 9, the Mekhilta de-Rabbi Ishmael to Exodus 20:15 (not reproduced by Yadin in his appendix of sources), which interprets the plural of “thunderings” (*kolot*) as signifying the multiplicity of voices heard at Sinai according to each person’s capacity to understand, these multiple “voices” originating in God’s singular “voice” (according to Psalms 29:4) at revelation. Yadin-Israel

25. See also Yadin-Israel, 135. Similarly, the famous midrash of the “hammer on the rock” in B. Sanhedrin 34a, another parade example of rabbinic polysemy for Yadin-Israel (see Yadin-Israel, 129 n. 3, 131 n. 10, and 137 n. 27) although not cited as such in his critique, does not say that the multiple meanings that derive from each scriptural utterance are in conflict or debate with one another. Thus, by Yadin-Israel’s latest added qualification to his accruing definition, the talmudic text should not be considered to exemplify rabbinic interpretive polysemy any more than the present text from Sifrei Devarim. See above, n. 10. Cf. Azzan Yadin, “The Hammer on the Rock,” 1–17; idem, *Scripture as Logos*, 69–79. I shall return to this midrash and its talmudic parallel below.

26. Fraade, “Re-presenting Revelation,” in *From Tradition to Commentary*, 25–68.

(p. 135) finds two reasons to disqualify this text, the first being, again, that the multitudinous voices of revelation are not portrayed as being in conflict or debate with one another, as is lacking in the previous example (Text 11) that we just considered, and which disqualification we easily dismissed. However, his second reason for disqualifying this text is more serious, but also more misleading, that is, that the multiple divine voices do not represent multiple textual meanings produced through human interpretation.

Here Yadin-Israel completely ignores what I label as part 2 of the midrash, joined directly to part 1 by the anonymous redactors of the Mekhilta de-Rabbi Ishmael, and which constitutes the key to my interpretation of the passage as a whole. The second part, without an intervening *davar 'aḥer* in the oldest manuscripts, and attributed to Rabbi (Judah the Patriarch), states: “This is to proclaim the excellence of the Israelites. For when they all stood before Mount Sinai to receive the Torah they interpreted (*mefarshin*) the divine word (*dibbur*) (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.” Since this statement has no immediate connection to Exodus 20:15, it must come to supplement or complement the preceding interpretation to that verse, linking thereby the multiple “voices” heard at Sinai to the people’s immediate interpretive engagement with each divine utterance as it issued forth. Thus the multiplicity of voices emanating from the single divine voice are either responsive to or revealed through all of Israel’s interpretive engagement with the divine words of revelation at the very moment of their being uttered.

It is safe to presume, that the midrash presumes, that all of Israel did not produce identical interpretations of each divine word any more than each person’s “strength” was identical to that of her neighbor. Once again, what might be thought of as the belated activity of interpretation is now immediately originary to revelation, joining multitudinous divine voices of revelation to multitudinous human voices of interpretation, divine revelatory polyphony to human interpretive polyphony, the one, we may presume, responding to, if not producing the other. While this is not quite multiple interpretations of each divine word (as in the previous example) it comes very close, requiring only a modicum of midrashic license to close the circle. As I have argued, this is achieved at the anonymous redactional level by combining two otherwise unrelated interpretations so as produce something greater than the sum of its two parts. Of course, this is entirely missed if one conveniently cites only the first half of the redacted midrashic unit and ignores (without notifying the reader) its complementary second half.

Since Yadin-Israel says of Text 13 (T. Soṭah 7:11–12; Yadin-Israel, p. 139) that it “may well represent the closest thing to polysemy in the tannaitic corpus” (high praise indeed!), and since, I have treated this text more exhaustively elsewhere in comparison to its parallel in the Babylonian Talmud (Ḥagigah 3b),<sup>27</sup> I shall here be brief. First, Yadin’s reluctance to acknowledge this text as an excellent tannaitic example of thematized legal multivocality (and not of interpretive

27. See above, n. 14.



polysemy), is because “the Tosefta by no means celebrates this state of affairs” (Yadin-Israel, p. 139). Certainly, it does problematize the existence of multiple legal opinions for the confusion it can cause the uninitiated (as does its later parallel in the Babylonian Talmud, at what Boyarin and Yadin-Israel consider the post-amoraic editorial stratum). And yes, it does contrast former times of legal consensus with the present times of potentially confusing and seemingly irresolvable dissensus (as does Text 8: T. Ḥagigah 2:9). But the thematizing of polysemy and legal multivocality need not be uninhibitedly celebratory and can well be problematizing, and more importantly can be dialectically both, and still satisfy the normal definitions of those terms, unbridled celebration being Yadin-Israel’s requirement, not mine (or, so far as I can tell, anyone else’s).<sup>28</sup>

The penultimate conclusion of the text is quite clear and unambiguous in deriving / projecting the many conflicting voices of legal dissensus, via two scriptural citations, from / onto a single divine creator via a single prophetic transmitter: “All of the(se) words [of halakhic dispute] ‘were given by one shepherd’ (Ecclesiastes 12:11). One God created them, one benefactor (Moses) gave them, the Master of All Deeds, blessed be He, spoke it (them).”<sup>29</sup> This may not be “celebratory” in any facile, monological sense, and it may represent a fall from a prior imagined state of legal harmony, but it certainly is scripturally and theologically justificatory of legal multivocality, no matter what the intellectual and social challenges it both faces and poses. In this sense, notwithstanding important editorial differences, this text is for the most part one with its much later Babylonian talmudic parallel (Ḥagiga 3b), which asks instead of the existentially fraught “why?” of our text the more practically concerned “how?”<sup>30</sup>

Finally, I wish to address Yadin-Israel’s critique of my employment of Text 12 (Sifrei Devarim 343 to Deuteronomy 33:2), which I was very careful to differentiate from the other textual examples, as it speaks of polyglossia of revelation rather than of polysemy, that is, that revelation issued forth simultaneously (the simplest understanding) in multiple (here 4, but elsewhere 70, both denoting completeness) languages. Nevertheless I asserted in my article, and wish to reaffirm here in my response, that the two are closely related (but not identical!) to one another: linguistic plenitude (polyglossia) and semiotic plenitude (polysemy). Of course, I am not the first to associate the two, as can be seen in the Talmudic parallel texts of the “hammer on rock” midrash: B. Shabbat 88b and B. Sanhedrin 34a, which are editorially related to one another, regardless of which is thought to be predicated on the other. The former speaks of each divine utterance dividing into “seventy *languages*,” while the latter speaks of each scripture issuing as “many *meanings*,” clearly understood as kindred (but not identical!) ideas.<sup>31</sup>

28. See more fully my response to Yadin-Israel’s critique of my inclusion of Text 8, above.

29. How this is qualitatively different from “these and these” (B. ‘Eruvin 13b), Yadin-Israel’s parade example of rabbinic polysemy (actually, legal multivocality), which also problematizes halakhic disputes (as I have argued above), escapes me.

30. For this judgment, see Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud*, Brown Judaic Studies 353 (Atlanta: Society of Biblical Literature, 2010), 22 n. 78. See also above, n. 14.

Closer to home, the two places in which the Mishnah employs the expression “seventy languages” both associate it with verbs for interpretation.<sup>32</sup>

More troubling, however, is Yadin-Israel’s argument that since the passage is responding hermeneutically to a scriptural challenge (four stiches that all seem to describe God’s self-disclosure at revelation), it cannot also be thematizing the multivocality of revelation. In Yadin-Israel’s words (p. 15), “The invocation of four languages (not polysemic in any case) is an exegetical attempt to account for a perceived redundancy in one verse, not a statement of principle about the nature of divine speech or the biblical text, as such.” In other words, exegetically addressing a scriptural crux precludes thematization (or hermeneutically denuded principles). But this should not preclude our asking why solve the problem of scriptural redundancy (or, more positively conceived, semiotic plenitude) in this way and not some other (the redacted commentary providing simultaneously, as it were, several alternative and similarly unweighted and unprincipled interpretations, of which this is but one). Once again, why presume that a midrashic text cannot do two or more things at the same time?<sup>33</sup>

We can now, finally, assemble Yadin-Israel’s alternative definition of polysemy (and legal multivocality) in the absence of his having done so for us. It is not sufficient that a rabbinic text, whether at or below its editorial stratum, attributes multiple meanings to a single verse or part thereof (the simple, literal, and dictionary meaning, which I consistently employ), or that it juxtaposes multiple legal opinions, whether they are ranked or are unranked.

31. For an argument that the latter (“many meanings”) is chronologically later than the former (“seventy languages”), see Yadin, “The Hammer on the Rock,” 16–17; idem, *Scripture as Logos*, 76–79. While I am not persuaded that the direction of linear development can be so confidently determined, it is irrelevant to my argument here, which does not depend on these talmudic texts, but rather on their tannaitic antecedents.

32. See M. *Soṭah* 7:5 (*be’er*); M. *Sheqalim* 5:1 (*darash*). For fuller treatment see Fraade, *From Tradition to Commentary*, 123–24, 259 n. 2; idem, “Before and After Babel: Linguistic Exceptionalism and Pluralism in Early Rabbinic Literature,” *Diné Israel* 28 (2011): 31\*–68\*, esp. 45\*–49\*, 48\*–49\* n. 42; idem, “Moses and Adam as Polyglots,” in *Envisioning Judaism: Studies in Honor of Peter Schäfer on the Occasion of his Seventieth Birthday*, ed. Ra’anana S. Boustana, Klaus Hermann, Reimund Leicht, Annette Yoshiko Reed, and Giuseppe Veltri, with the collaboration of Alex Ramos, 2 vols. (Tübingen: Mohr Siebeck, 2013), 1:185–94. Here I wish to reiterate that there is no reason to doubt (as does Yadin-Israel) that the polyglossia of revelation (whether in four or seventy languages) is midrashically imagined to be simultaneous. Note in this regard “Before and After Babel,” 47\*–48\* n. 39, where I refer to *Sifrei Devarim Ha’azinu*, pis. 306, to Deuteronomy 32:1 (ed. Finkelstein, 340), where the four hemistiches of that verse are similarly interpreted to refer to the four directions (representing the whole compass), which are called upon by Moses to bear witness, presumably at the same time, against Israel. For a recent concurrence with my understanding of a degree of hermeneutical proximity between polyglossia and polysemy, in relation to the same *Sifrei Devarim* 343 passage and contra Boyarin and Yadin-Israel, see now Willem F. Smelik, *Rabbis, Language and Translation in Late Antiquity* (Cambridge: Cambridge University Press, 2013), 35–38.

33. Yadin-Israel makes the same reductionist presumption (137–138 n. 27) with respect to *Mekhilta de-Rabbi Ishmael* to Exodus 20:8: if it is responding to a biblical crux (again, a seeming scriptural redundancy), it cannot be expressing a “general principle” of scriptural polysemy. See, in this regard, his publications listed above, n. 25.

To this simple definition must now be added the following disqualifying qualifications: 1. The multiple interpretations or legal opinions must be in direct contradiction to or debate with one another. 2. The text's editor(s) cannot express a preference ("right" or "wrong") between those interpretations or opinions. 3. The text must absolutely and completely celebrate this polysemy and multivocality and not problematize them at all. 4. The text cannot be responding exegetically to a scriptural crux, but be expressing a distilled "principle" alone. 5. The text cannot be seeking rhetorically to collapse the gap between biblical and rabbinic times and circumstances. Needless to say, those were not conditions that I imposed on the texts that I assembled, nor, I suspect, would anyone else. Had Yadin-Israel forthrightly and coherently said at the outset that this was his definition and these were his conditions, then we could have asked him for (presumably, post-amoraic, Babylonian) rabbinic textual examples that satisfy that definition and meet those conditions.<sup>34</sup> In the end he provides neither coherent counter-definitions nor, consequently, compliant counter-texts.

In conclusion, Yadin-Israel is desirous of a monological rabbinic "doctrine" (or "principle" or "manifesto") of pure polysemy, while I am appreciative of rabbinic dialectics that defy a desire for such discursive purity. He yearns for unbridled "celebration," while I revel in the messiness of problematization. In the end, it is less a matter of "early" or "late," Palestinian or Babylonian, attributed or anonymous, as important as these differentiations are, or of competing definitions, than of understanding how rabbinic texts of all times and places "(commonly) practice what they (occasionally) 'preach'" in ways that are both dialogically complex and rich, and resistant to definitions that are unnecessarily constrictive. Better yet, we need to appreciate how they "preach (and problematize) what they practice," since, as I hope to have multiply demonstrated, it is in the nature of thematization that it lags behind praxis in its discursive development, and is rarer to find at all stages, but well worth the methodological effort and attention.<sup>35</sup>

Finally, I hope to have complemented Yadin-Israel's many insights and critical reception of my article by paying him (as he paid me) the highest scholarly compliment of a critical response. While I stand ready to be proven wrong, my best guess is that (in the spirit of the subject of our exchange) we will continue

34. I have subjected, above, several of the talmudic "poster children" of rabbinic polysemy and multivocality (especially "these and these," but also "hammer on the rock" and "make your ear like the hopper") to his definition and conditions and have not found any that passed his test, which is not to diminish their dialectical natures and importance for our subject, but to highlight the impression that Yadin-Israel's accumulating criteria for definitional of exclusion resembles an argument of *reductio ad absurdum*. For a list of such rabbinic texts and the disproportionate attention that has been lavished on them (at the expense of their no-less-interesting and significant tannaitic antecedents), see Hiday, *Dispute for the Sake of Heaven*, 26–27.

35. As I repeatedly note in my article, many of the thematizing midrashic and mishnaic texts that I cite are themselves set among multiple interpretations or opinions. There is nothing "weak" in this editorial praxis of interpretive polysemy or legal multivocality. See above, at n. 19. For the more general pattern of the relatively late articulation of legal principles in rabbinic literature, see Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002).

to agree to disagree, as we are driven, as we must be, by different scholarly agendas.

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APPENDIX: DISCUSSED SOURCES

**Text 1. Mekhilta de-Rabbi Ishmael, par. *Nezikin* 2, to Exodus 2:6 (ed. Horovitz-Rabin, 253):**

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 הסחום(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) [חומר]: אזנו ששמע לא תגנב, והלך וגנב, היא תרצע מכל אבריו - במרצע, בכל דבר; התורה אמרה ורצע אדוניו את אזנו במרצע והלכה אמרה בכל דבר; רבי אומר, [אומר] אני במין מתכת בלבד (אני אומר).

[1] “His Ear” (Exodus 21:6): 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.” 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 C.E.). Rabbi Meir (ca. 150 C.E.) 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).

[3] What is the reason that of all the organs the ear alone is to be pierced? Rabban Yoḥanan ben Zakkai (ca. 70 C.E.) 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 C.E.) says: I say, only with a metal instrument.

**Text 2. Mekhilta de-Rabbi Ishmael, par. *Bahodesh* 5, to Exodus 20:2 (ed. Horovitz-Rabin, 222):**

אשר הוצאתיך מארץ מצרים מבית עבדים. עבדים למלכים היו, אתה אומר עבדים למלכים היו, או [אינו אלא] עבדים לעבדים היו. כשהוא אומר ויפדך מבית עבדים מיד פרעה מלך מצרים, הוי 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*)” (Exodus 20:2): 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 of bondage”: Out of the house of worshippers, for they were worshippers of idols.

**Text 4. Sifrei Devarim, ‘Ekev, pis. 48, to Deuteronomy 11:22 (ed. Finkelstein, 109–10):**

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 (*hittiru*) 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 C.E.) 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*).

**Text 5. Midrash Tehillim, pis. 12:4, to Psalms 12:7 (ed. Buber, 107–8):**

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 המטמאין טמא, 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 C.E.) said: Words of Torah were not given as clear-cut decisions (*hatikhin*), 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 C.E.) said in the name of Rabbi Yoḥanan (ca. 250 C.E.): Rabbi Akiba (ca. 120 C.E.) had a distinguished student, Rabbi Meir (ca. 150 C.E.), who with forty-nine arguments from the Torah could prove a reptile pure, and with forty-nine arguments could prove it impure.

**Text 8. T. Ḥagiga 2:9 (ed. Lieberman, 383–84):**

אמר רבי יוסי כתחלה לא היתה מחלוקת בישראל, אלא בית דין של שבעים ואחד היה בלשכת הגזית, ושאר בתי דינים של עשרים ושלושה היו בעיירות שבארץ ישראל. שני בתי דינים של שלושה, שלושה היו בירושלם, אחד בהר הבית, ואחד בחיל. נצרך אחד מהן, הולך אצל בית דין שבעירו, 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 C.E.): Originally there was no contention (*mahloket*) 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 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 much as they needed to, became many, contentions increased in Israel, and they became two Torahs.

**Text 9. Mekhilta de-Rabbi Ishmael, par. Bahodesh 9, to Exodus 20:15 (ed. Horowitz-Rabin, 235):**

וכל העם רואים את הקולות, קול קולי קולות ולפיד לפידי לפידיים; וכמה קולות היו וכמה לפידיים היו, אלא שהיו משמיעין את האדם לפי כחו, שנאמר קול ה' בכת 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 עיני, שמכיון שהיה הדיבור יוצא היו מפרשין אותו.

[1] “And all the people saw the thunderings (*kolot*) and the lightnings” (Exodus 20:15): 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 C.E.) says: This is to proclaim the excellence of the Israelites. For when they all stood before Mount Sinai to receive the Torah they interpreted (*mefarshin*) the divine word (*dibbur*) (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.

**Text 10. Pesikta d’Rav Kahana, *Bahodesh Ha-selishi*, pis. 12:25, to Exodus 20:2 (ed. Mandelbaum, 1:223–24):**

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 כוחו, והבחורים לפי כוחו, הזקנים לפי כוחו. .... ומה אם המן כל אחד ואחד לפי כוחו היה טועם לפיו, בדיבר כל אחד ואחד שומע לפי כוחו. אמר דוד קול ה' בכה, קול ה' בכחו 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 C.E.): 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 is 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).

**Text 11. Sifrei Devarim, *H’azinu*, pis. 313, to Deuteronomy 32:10 (ed. Finkelstein, 355):**

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.

“He encompassed him” (Deuteronomy 32:10): 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 observe it and would know how much *midrash* could be derived from it



(lit.: there is in it, etc), how many laws (*halakhot*) could be derived from it, how many *a fortiori* arguments (*kalin wa-ḥamurin*) could be derived from it, how many arguments by verbal analogy (*gezeirot shavvot*) could be derived from it.

**Text 12. Sifrei Devarim, *Vezo't ha-berakhah*, pis 343, to Deuteronomy 33:2 (ed. Finkelstein, 395):**

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, [כשנ(ג)לה הקדוש ברוך הוא ליתן תורה לישראל לא מרוח אהת (נגלה) אלא מארבע רוחות הוא נגלה (שנאמר) ויאמר ה' מסיני בא, (זרח משעיר למו, הופיע מהר פארן,)] ואיזו היא רוח רביעית כמה שנאמר אלוה מתימן יבא.

[1] Another interpretation: “He said: The Lord came from Sinai” (Deuteronomy 32:2): When the Holy One, blessed be He, revealed Himself in order to give the Torah to Israel, not just in one language did he reveal Himself 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. “He appeared from Mount Paran”: this is the Arabic language. “And approached from Ribebboth-Kodesh”: this is the Aramaic language.

[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).

**Text 13. T. Sotah 7:11–12 (ed. Lieberman, 195):**

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 שמיי מטמין 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) נתנן רבון כל המעשים ברוך הוא אמר(ו) [1] אף אתה עשה (לכך) [לבך] חדרי חדרים והכניס בה דברי בית שמיי ודברי בית הלל דברי המטמאין ודברי המטהרין

[1] “Masters of assemblies” (Ecclesiastes 12:11): (This refers to) those 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.

[2] But lest a person (*adam*) 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?”

[3] Scripture teaches, “words,” “the words,” “these are the words” (e.g., Exodus 19:6; Deuteronomy 1:1).

## Response to Azzan Yadin-Israel on Rabbinic Polysemy

[4] All of the(se) words [of halakhic dispute] “were given by one shepherd” (Ecclesiastes 12:11). One God created them, one benefactor (Moses) gave them, the Master of All Deeds, blessed be He, spoke it (them).

[5] You too make of your heart chambers of chambers, 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.