Studies in Rabbinic Hebrew
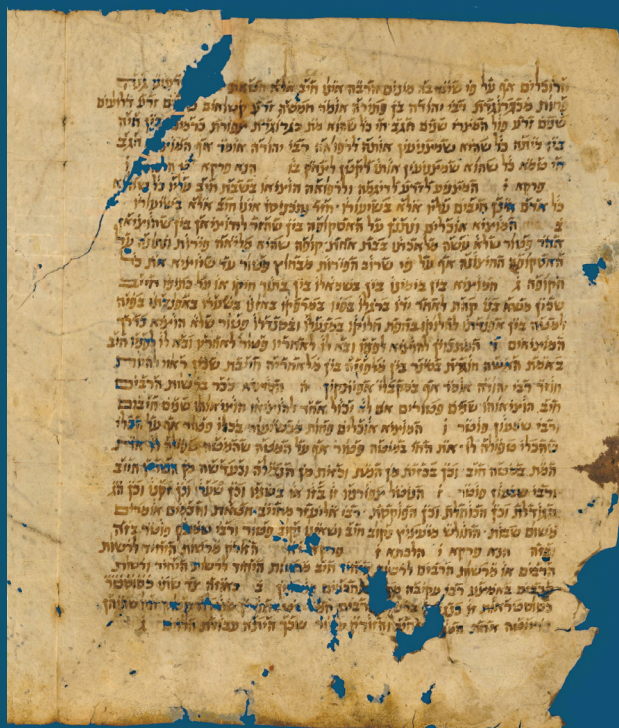
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Cover image: A fragment from the Cairo Genizah, containing Mishnah Shabbat 9:7-12:4 with Babylonian vocalisation (Cambridge University Library, T-S E1.47). Courtesy of the Syndics of Cambridge University Library.
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3. ADJACENCY PAIRS AND ARGUMENTATIVE STEPS IN THE HALAKHIC GIVE-AND-TAKE CONVERSATIONS IN THE MISHNAH

Rivka Shemesh-Raiskin

1. THE DISCOURSE UNIT OF THE HALAKHIC GIVE-AND-TAKE CONVERSATION AND ITS FEATURES

Two types of halakhic texts form the core of Tannaitic literature, in general, and of the Mishnah, in particular: the formulation of law and halakhic give-and-take. The formulation of law is an abstract presentation of the laws, whereas halakhic give-and-take is a presentation of the Sages' views on halakhic subjects in order to determine the laws.

For example, citation [1] presents a formulation of law concerning the onset of a fast undertaken because of a drought:

[1] *Taanith* 1.4:

הגיע שבעה עשר במרחשון ולא ירדו גשמים התחילו היחידים
מתענים.

If the seventeenth of Marcheshvan had come and no rain had fallen, individuals begin to fast.[1]

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1   The citations from Tannaitic literature in this paper were collected from the *Maagarim* archive of the Hebrew Language Historical Dictionary Project

And citation [2] contains a halakhic give-and-take presenting the opinions of two sages regarding the time when praying for rain as part of the *Amida* prayer should cease:

[2] *Taanith* 1.2:

<div dir="rtl">

עד אמתי שואלין? ר׳ יהודה אומ׳: עד שיעבור הפסח. ר׳ מאיר

[אומ׳]: עד שיֵצא ניסן [...]

</div>

> Until what time should they pray for rain? R. Judah says: 'until Passover goes by'. R. Meir says: 'until Nisan is passed'.

The continuum of the different types of texts in Tannaitic literature,[2] as presented in Figure 1, includes seven types of texts — or types of discourse units. Law formulation and halakhic give-and-take are positioned on the halakhic pole of the continuum, and the five other types of texts are positioned between the halakhic pole

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of the Academy of the Hebrew Language, located on the Academy's website. To facilitate the smooth reading of the quotations, punctuation marks have occasionally been added, and certain textual marks used by the Hebrew Historical Dictionary Project may have been omitted; as a result of this omission, necessary amendments to the text have been made. When the text in the citation is presented as a partial citation, the omitted section is noted by means of square brackets and three dots […]; in most cases, the omitted section is noted only in the middle of the citation and not at its end. The translation of the excerpts of the Mishnah into English is based mainly on Philip Blackman, *Mishnayoth: Pointed Hebrew Text, English Translation, Introductions* (2nd ed.; New York: Judaica Press, 1963), with some changes made forpurposes of clarity.

2   This continuum has been presented and exemplified in previous articles: Rivka Shemesh, "On the Narrative Discourse in Tannaitic Language: An Exploration of the Maʿaseh and Paʿam Ahat Discourse Units", *Hebrew Studies* 49 (2008), pp. 99–123, at pp. 102–106; eadem, "Towards a Description of the Narrative Discourse Units in Tannaitic Hebrew", *Folia Linguistica Historica* 29 (2008), pp. 57–64, and in the Hebrew version of this article: "Towards a Description of the Narrative Discourse Units in Tannaitic Hebrew" (in Hebrew), *Kaet* 1 (2013), pp. 215–219.

and the narrative pole: scripture exposition, wise saying, parable, ceremony description, and story.

Figure 1: The Continuum of Text Types in the Tannaitic literature

Narrative   **Halakhic**

| story | ceremony description | parable | wise saying | scripture exposition | halakhic give-and-take | law formulation |
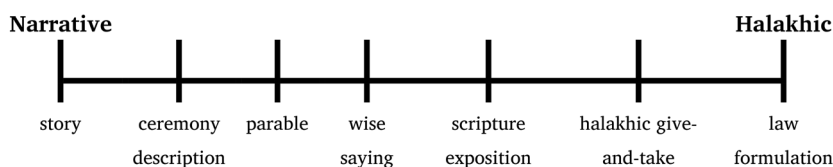
The context of halakhic give-and-take may include not only the presentation of the views of the debating parties in succession, but also the actual debate between them regarding their views. In such cases, a halakhic give-and-take conversation takes place.

For example, citation [3] begins with a presentation of the views of R. Eliezer and R. Joshua regarding when one should start praying for rain in the *Amida* prayer. This is followed by a halakhic give-and-take conversation between the two sages, including two exchanges between them:[3]

[3] *Taanith* 1.1:

מאמתי מזכירין גבורות גשמים [בתחיית המתים]?

ר׳ ליעז׳ אומ׳: מיום טוב הראשון שלחג, ור׳ יהושע אומ׳: מיום טוב האחרון.

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3 In the presentation of citations containing halakhic give-and-take conversations, each introductory pattern presenting the opinion is underlined with a single line, e.g., אמ׳ ר׳ יהושע, and the two additional patterns in citation [3]. If the conversation contains more than one exchange, each exchange will be marked at its start with a number in subscript, such as the number 1 before אמ׳ ר׳ יהושע in this citation. In citations that contain more than one halakhic give-and-take conversation each conversation will be marked at its start with a number square brackets (e.g., [1], [2], etc.).

אַמ׳ ר׳ יהושע: הואיל ואין גשמים סימן ברכה בחג למה הוא
מזכיר? אַמ׳ לו ר׳ ליעזר: אף הוא אינו אומ׳ אלא ׳משיב הרוח
ומוריד הגשם׳ בעונתו.

אַמ׳ לו: אם כן לעולם יהא מזכיר.

From what time should they begin to mention the *Power of Rain*?

R. Eliezer says: From the first holy day of the Feast of Tabernacles;

R. Joshua says: From the last holy day of the Feast of Tabernacles.

Said R. Joshua: Since rain during the holiday is but a sign of a curse, why should one make mention of it?

R. Eliezer said to him: He, too, does not ask [for rain], but only mentions 'who causes the wind to blow and the rain to fall' in its due season.

He said to him: if so, one should mention it at all times.

A halakhic give-and-take conversation must contain at least one exchange between the discussants, that is, an expression of the comments spoken by an addressor and an addressee or an expression of the comments spoken only by an addressor. The first exchange in the conversation, which is often the only one, begins at the place where a real conversation between the debating parties begins. Occasionally, the exchange appears after the presentation of the views of one or both of the parties, but the presentation of the views is not included in the halakhic give-and-take conversation itself.[4] In other words, the halakhic give-and-take conversation begins at the stage of the exchanges rather than at the stage of the

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4   Valler and Razabi explain that a conversation should include more than one statement, or two statements that counter one another; see Shulamit

presentation of views. The presentation of views and the give-and-take conversation are separate discourse units.

For example, citation [3] begins with a presentation of the views of R. Eliezer and R. Joshua regarding when one should start praying for rain in the *Amida* prayer. The halakhic give-and-take conversation after the presentation of these views begins with R. Joshua's question, because it is only from this point that the other party's response begins. This conversation contains two exchanges. The first exchange is made up of two parts and includes R. Joshua's question and R. Eliezer's response. The second exchange contains R. Joshua's assertion, which raises an additional difficulty regarding R. Eliezer's view; this is a partial exchange since it does not contain the other party's response.

Halakhic give-and-take conversation is a part of argumentative discourse. Muntigl and Turnbull employ the term 'conversational arguing' for this type of discourse, and present other terms for it that are used in the research, such as 'disputing', 'conflict talk', and 'oppositional argument'.[5] In their view, conversational arguing involves the conversational interactivity of making claims, disagreeing with claims, countering disagreements, along with the processes by which such disagreements arise, are dealt with, and are resolved. Arguing has been studied in numerous disciplines, including philosophy, rhetoric, anthropology, sociology, psychology, and linguistics.[6]

Halakhic give-and-take conversation functioning as argumentative discourse therefore has three prominent

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Valler and Shalom Razabi, *Small Talks in the Babylonian Talmud* (in Hebrew; Tel-Aviv: Am Oved, 2007), pp. 9–11.

5   Peter Muntigl and William Turnbull, "Conversational Structure and Facework in Arguing", *Journal of Pragmatics* 29 (1998), pp. 225–226.

6   Santoi Leung, "Conflict Talk: A Discourse Analytical Perspective", *Working Papers in TESOL and Applied Linguistics* 2 (2002), pp. 1–19, at p. 1.

characteristics: (a) it is dialogic in nature; (b) it represents a controversy between the discussants; (c) and it has a suasive goal.

  a) ***Dialogic nature:*** This characteristic is reflected in the fact that halakhic give-and-take conversation expresses an actual spoken dialogue held between discussants, whether conversation held in the Tannaitic and Amoraic literature is viewed as reflecting an actual discussion between sages or as the product of redaction that presents these dialogues as conversations of this kind.

  Various scholars have discussed these two approaches as they apply to the nature of conversations in Tannaitic literature. Albeck describes the discussions between Tannaim as generally being face to face, and occurring in the Sanhedrin, the seat of the president, in private study halls, as well as while the Tannaim were strolling along.[7] Sharvit explains that some Talmud researchers and language scholars have interpreted the saying שאדם חייב לומר כלשון רבו 'because a man must employ the style of expression of his teacher' (*Eduyoth* 1.3) to mean that R. Judah the Prince, the redactor of the Mishnah, did not edit the words of the Tannaitic rabbis, and instead quoted them verbatim, since, as he notes in this statement, the Tannaitic scholars themselves were careful to cite the laws in the actual words of their rabbis.[8] De Vries believes that Albeck's claim that R. Judah the Prince only collated and arranged the actual wording of the Mishnah, without making any changes therein, arises from a literary-historic point of departure from within

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7   Chanoch Albeck, *Introduction to the Mishnah* (in Hebrew; Jerusalem: Bialik Institute and Tel-Aviv: Dvir, 1967), pp. 94–95.

8   Shimon Sharvit, *Studies in Mishnaic Hebrew* (in Hebrew; Jerusalem: Bialik Institute, 2008), p. 30.

the Mishnah, rather than a historic one; according to De Vries, R. Judah the Prince not only collated and redacted the Mishnah, but also formulated and adapted it.[9] A similar view was expressed by Epstein.[10] Bendavid describes the Oral Torah learning method and the way it was transmitted from one generation to the next,[11] and maintains that the documentation of the discussions and arguments contained in the Talmud, the questions and answers and various kinds of give-and-take, is quite precise in its representation of what the speakers said — 'if not word for word, the actual style of what was said'[12] — and reflects contemporary spoken Hebrew, and is 'a true reflection of how people living in the Hebrew language negotiated, how they asked and responded, laughed and vociferated, recounted events and joked, in the study hall and the marketplace, when discussing matters of Torah and holding mundane conversations'.[13]

In contrast to this approach, which views the conversations as a reflection of the actual discussions held among the sages, is the one that considers these conversations to be the outcome of editing. Neusner believes that the language of the Mishnah is in fact a revision of the natural language of Middle Hebrew.[14]

9   Benjamin de Vries, *Mavo Kelali la-Sifrut ha-Talmudit* (in Hebrew; Tel-Aviv: Sinai, 1966).

10 Jacob N. Epstein, *Introduction to Tannaitic Literature: Mishnah, Tosephta and Halakhic Midrashim* (in Hebrew; Jerusalem: Magnes Press and Tel-Aviv: Dvir, 1957), pp. 188–224.

11 Abba Bendavid, *Biblical Hebrew and Mishnaic Hebrew* (in Hebrew; Tel-Aviv: Dvir, 1967), pp. 101–106.

12 Ibid., p. 101.

13 Ibid., p. 106 (both passages translated from the original Hebrew).

14 Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), pp. xix–xxi.

According to Blondheim, Blum-Kulka, and Hacohen, the successive editors of the Talmud tried to make the conversations in the Talmudic text appear as transcripts of oral debates taking place in a study hall.[15] This is also the basis of Blondheim and Blum-Kulka's analysis of a Talmudic text from the perspectives of conversation analysis and historical pragmatics.[16] According to Raveh, direct speech might have reflected one characteristic of the art of the oral story, the medium used by the narrator to imitate speech in the represented world.[17] Kahana examines the construction of three controversies in the Mishnah, and claims that these controversies are not to be viewed as complete protocols of the discussions by the rabbis, or as a neutral and unbiased documentation of the main lines of disagreement.[18] Simon-Shoshan in his book about the narrative discourse in the Mishnah, includes the dialogues within the type of texts that he terms 'speech acts'.[19] In his view, the Mishnah occasionally presents dialogues between two rabbis in order to expound on the underlying logic of opposing halakhic positions. He relates to the dialogues as a feature of the narrative,

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15 Menahem Blondheim and Shoshana Blum-Kulka, "Literacy, Orality, Television: Mediation and Authenticity in Jewish Conversational Arguing, 1–2000 CE", *The Communication Review* 4 (2001), pp. 511–540; Shoshana Blum-Kulka, Menahem Blondheim, and Gonen Hacohen, "Traditions of Dispute: From Negotiations of Talmudic Texts to the Arena of Political Discourse in the Media", *Journal of Pragmatics* 34 (2002), pp. 1569–1594.

16 Blondheim and Blum-Kulka, "Literacy, Orality, Television", pp. 516–523.

17 Inbar Raveh, *Fragments of Being — Stories of the Sages: Literary Structures and World-view* (in Hebrew; Or Yehuda: Kinneret, 2008), pp. 58–61.

18 Menahem Kahana, "On the Fashioning and Aims of the Mishnaic Controversy" (in Hebrew), *Tarbiẓ* 73 (2004), pp. 51–81, at pp. 80–81.

19 Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford: Oxford University Press, 2012), pp. 21–22, 51–52.

but views them at most as marginal stories because no significant change occurs as a result of the conversation, and each of the rabbis leaves the encounter holding the same opinion as before. He argues that the debates between the schools of Hillel and Shammai, which conclude with the narrator stating that in response to the House of Shammai's arguments the School of Hillel changed their view, can be considered stories.

b) ***Representation of controversy between discussants:*** This characteristic is reflected in the fact that the main motivation behind halakhic give-and-take conversation is the existing controversy between the discussants.[20]

Blondheim and Blum-Kulka maintain that intensive interpersonal argument was indeed the trope of the study process engaged in by the Tannaim and Amoraim.[21]

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20 For a discussion of the word מחלוקת 'controversy', see Shlomo Naeh, "'You Should Make Your Heart into Many Chambers': Additional Inquiry in the Writings of the Sages on Controversies" (in Hebrew), in: Avi Sagi and Zvi Zohar (eds.), *Renewing Jewish Commitment: The Work and Thought of David Hartman,* vol. 2 (Jerusalem: Hakibbuts Hameuchad, 2001), pp. 851–875. Sources sorted into different subjects on the topic of controversy in halakha can be found in: Haninah Ben-Menahem, Natan Hekht, and Shai Vozner (eds.), *Controversy and Dialogue in Halakhic Sources* (3 vols.; in Hebrew; Boston: The Institute of Jewish Law, Boston University School of Law, 1991–1993). And see also references to scholarly literature on the subject of controversy in the literature of the Oral Law in Ofra Meir, "Questions or Answers: On the Development of the Rhetoric of the *Mahaloket* (conflict of opinions) in the Palestinian Rabbinic Literature (Part I)" (in Hebrew), *Dapim le-Mehqar be-Sifrut* 8 (1992), pp. 159–186, at pp. 159–160 and n. 1 on p. 183, as well as the scholarly literature discussing statements of the Sages relating to the phenomenon of controversy in research on the Oral Law, in Kahana, "On the Fashioning and Aims", p. 51 and n. 1 there.

21 Blondheim and Blum-Kulka, "Literacy, Orality, Television", pp. 516–523. According to Belberg, the culture of the sages can be described 'as a "culture of controversy", in which discussion and argument were the building blocks of creativity'; see Mira Belberg, *Gateway to Rabbinic*

The study by Schiffrin,[22] along with those of Blum-Kulka, Blondheim, and Hacohen, show that controversy in rabbinic literature also impacted the shaping of the tradition of controversy in Jewish and Israeli society.

c) **Suasive goal:** This characteristic is reflected in the fact that the main intention of the addressor in expressing his halakhic position in give-and-take conversation is to persuade the addressee of the correctness of his assertion.

2. A DESCRIPTION OF TWO ASPECTS DRAWN FROM CONVERSATION ANALYSIS

A study that I am conducting on halakhic give-and-take conversations in the Mishnah includes all halakhic give-and-take conversations found in the Mishnah — 190 conversations, which include 240 exchanges between addressor and addressee.[23] The

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Literature (in Hebrew; Raanana: The Open University of Israel, 2013) p. 65 (translated by the author). Melamed presents three factors typical of the disagreements in the Oral Law: the absence of an authority to decide on new issues, a large number of disciples who did not devote themselves sufficiently to their studies, and a disagreement among the Tannaim over the interpretation and formulation of the Mishnah being studied; see Ezra Zion Melamed, *Introduction to Talmudic Literature* (in Hebrew; 3rd ed.; Jerusalem: Kiryat Sepher, 1961), pp. 21–23.

22 Deborah Schiffrin, "Jewish Argument as Sociability", *Language in Society* 13 (1984), pp. 311–335.

23 According to the theory of conversation analysis, an exchange (or interchange) consists of an initiating utterance followed by a response utterance; see David Crystal, *The Cambridge Encyclopedia of Language* (2nd ed.; Cambridge: Cambridge University Press, 1997), p. 118; Barbara Johnstone, *Discourse Analysis* (in Hebrew, transl. Yael Unger; Raanana: Open University, 2012), pp. 130–144. The number of exchanges in each conversation of the corpus ranges from one to five: most of the conversations — about 80 percent (152 conversations) — contain a single exchange, and a smaller proportion (31 conversations = 16 percent)

debating parties in halakhic give-and-take conversations can be divided into three types:[24] In most of the conversations (117 conversations = 62 percent) one party is an individual and the other party is a group; in fewer than a third of the conversations in the corpus (56 conversations = 29 percent)[25] both parties

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contain two exchanges. A small proportion of the conversations in the corpus (seven conversations = 3.5 percent) contain a larger number of exchanges — with three, four, or five exchanges. Similar to the findings from the study of the corpus undertaken by Meir, "Questions or Answers", pp. 163–164, which includes 145 controversies, she found that the most frequent structure for controversies contained one stage; furthermore, 16 controversies (11 percent) contained a two-staged dialogue, and 11 had unique structures.

24 In Meir, "Questions or Answers", p. 161, the author similarly categorises the controversies into three groups, according to the participants in the controversy: 1) controversies between two collective figures; 2) direct controversies between two Tannaim; 3) direct controversies between a Tanna and an anonymous collective figure. Although the controversies discussed in her article are not identical to the give-and-take conversations in this study, the disparity involving group size is similar to the disparity described here between types of conversation. Meir characterises the controversies from the third group as being more uniform in terms of the structure of the controversy and as smaller in scope, and the controversies from the second group as having developed models that are exceptional in terms of the structure and course of the text.

25 In most of the conversations of this kind, the individual is a sage and the group is a group of sages (other conversations: a sage and a group of students [seven conversations], a sage with other groups — an unknown group [three conversations], Sadducees [one conversation]), and one conversation between a Galilean heretic and Pharisees. The group with whom the sage is holding the discussion (a group of sages, a group of students, or an unknown group) is generally presented in the pattern of אמרו לו 'they said to him'. In two out of 105 conversations in which a sage holds a discussion with other sages, the sages are presented using the term חכמים 'sages'; in other conversations, the sages are presented in the pattern of אמרו (לו/לפניו) 'they said (to him/before him)'. Meir, "Questions or Answers", pp. 164–165, maintains that the expression אמרו 'they said' marks an opinion held by more than one sage or the opinion of an individual sage that became accepted by many.

are individuals; and in a small number of the conversations (17 conversations = 9 percent) both parties are groups (in most of these conversations — 14 conversations — the parties are the House of Hillel and the House of Shammai).

In this study on halakhic give-and-take conversations in the Mishnah, the conversations are studied from aspects that belong to different linguistic areas: discourse analysis, pragmatics, conversation analysis, and rhetoric. This article will describe two aspects of conversation analysis that were investigated: adjacency pairs in conversations (in section 2.1) and argumentative steps in conversations (in section 2.2).

2.1 Adjacency pairs in the halakhic give-and-take conversations in the Mishnah

'Adjacency pair' is a term used in the theoretical approach known as conversation analysis.[26] This term relates to a pair of turn types in a conversation that come together, i.e., a turn of one type on the part of the addressor leads to a turn of a different type on the part of the addressee, for example question and answer, complaint and apology, a greeting answered by another greeting.[27]

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26 The term 'adjacency pair' was proposed by the sociologists Sacks and Schegloff. The Hebrew term צמד שיחתי 'conversational pair' can be found, for example, in Johnstone, *Discourse Analysis*, pp. 130–144. Zohar Livnat, *Introduction to the Theory of Meaning: Semantics and Pragmatics* (in Hebrew; Raanana: The Open University, 2014), vol. 2, pp. 198–206, uses the term זוג עוקב 'consecutive pair', which is a literal translation of the term 'adjacency pair' in English, but is less transparent than צמד שיחתי.

27 See Paul E. Jose, "Sequentiality of Speech Acts in Conversational Structure", *Journal of Psycholinguistic Research* 17 (1988), pp. 65–88, at p. 67; Crystal, *The Cambridge Encyclopedia of Language*, p. 118; Brian Paltridge, *Discourse Analysis: An Introduction* (London and New York: Continuum, 2006), pp. 110–118; Dale Hample, *Arguing: Exchanging Reasons Face to Face* (London: Routledge, 2012), pp. 261–265; Johnstone, *Discourse Analysis*, pp. 130–144; Karen Tracy and Jessica S. Robles, *Everyday Talk: Building and Reflecting*

This investigation of halakhic give-and-take conversations in the Mishnah examined adjacency pairs that appear in both parts of the exchange. The examination included all the exchanges comprising two parts (151), excluding partial exchanges (88), which contain only the words of the addressor, thus making it impossible to examine the adjacency pairs in them.

Table 1 presents five adjacency pairs in order of their frequency in conversations — based on the first part of the pair: asking, asserting, telling a story, explaining, and reprimanding. The first column of the table presents the pairs, and the second column shows the prevalent and rare options for each pair (alongside each, the number of its occurrences is noted, and for frequent options, their proportion as a percentage is shown in relation to the overall occurrence of the pair; the final column shows the overall number for each pair).[28]

Identities. (2nd ed.; New York: The Guilford Press, 2013), pp. 138–143; Livnat, *Introduction to the Theory of Meaning*, vol. 2, pp. 198–206.

As can be seen in the table in Stephen Levinson, *Pragmatics* (Cambridge Textbooks in Linguistics; Cambridge: Cambridge University Press, 1983), p. 336 (reprinted in Paltridge, *Discourse Analysis: An Introduction*, p. 117), there are typical preferred second pair parts which are common in conversation, but occasionally a turn that appears with a non-typical dispreferred second part, for example (in the following pairs the preferred second part will be presented after the dash compared to the dispreferred part: request — acceptance versus refusal, offer/invite — acceptance versus refusal, assessment — agreement versus disagreement, question — expected answer versus unexpected answer or non-answer, blame — denial versus admission. And see a different approach in Amy Tsui, "Beyond the Adjacency Pair", *Language in Society* 8 (1989), pp. 545–564, according to which conversation is not arranged in adjacency pairs, but rather as a three-part exchange.

28 The prevalent options in each pair were determined in consideration of their proportion compared to the overall number of the occurrences of each adjacency pair. In the last two adjacency pairs — 4 and 5 — no prevalent options have been presented due to the overall sparse number of occurrences of each of them.

Table 1: The adjacency pairs in exchanges in conversations

adjacency pair	second part of the pair		number of occurrences
	frequent	infrequent	
1. asking + answering/asserting/asking/ determining of law/ praising/reprimanding/nonverbal response	asking + answering – 52 (= 64 percent) asking + asserting – 13 (= 16 percent) asking + asking – 10 (= 12 percent)	asking + determining of law – 3 asking + praising – 1 asking + reprimanding – 1 asking + nonverbal response – 1	81
2. asserting + asserting/answering/ordering/ asking/reprimanding/declaring	asserting + asserting – 35 (= 74 percent)	asserting + answering – 3 asserting + ordering – 3 asserting + asking – 2 asserting + reprimanding – 2 asserting + declairing – 2	47
3. telling a story + asserting/asking/explaining/ reprimanding	telling a story + asserting – 5 (= 50 percent)	telling a story + asking – 3 telling a story + explaining – 1 telling a story + reprimanding – 1	10
4. explaining + asking/praising/explaining		explaining + asking – 2 explaining + praising – 2 explaining + explaining – 1	5
5. reprimanding + reprimanding/asserting		reprimanding + reprimanding – 2 reprimanding + asserting – 1	3

The table shows that there are two prevalent adjacency pairs in halakhic give-and-take conversations in the Mishnah — the pairs in which the first part involves asking (including *qal va-chomer*, i.e., *a fortiori*, questions) or asserting (including *gezerah shavah*, i.e., analogy, and *a fortiori* assertions). These pairs were found in 85 percent of the exchanges that were examined (128 exchanges: 81 with asking and 47 with asserting). From this it follows that when the discussant presents his position, he prefers to do so by asking or asserting, whereas presenting by telling a story, explaining, or reprimanding is very rare in halakhic give-and-take conversations.[29]

In addition, we see the most common combinations in these two prevalent adjacency pairs. In pairs in which the first part is asking, the prevalent combinations are with a second part that is answering, asserting, or asking;[30] and in pairs in which the first part is asserting, the only prevalent combination is with a second part that is asserting (in 74 percent of the occurrences of this pair = 35 exchanges).[31] In more than half of the exchanges which are made up of two parts — in 58 percent of them (87 occurrences) — asking + answering pairs were found (52 occurrences) as were asking + asserting pairs (35 occurrences). In other words, the first party chooses to express his position

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29 There are three adjacency pairs that are not prevalent in the corpus, and their first parts involve telling a story, explaining, or reprimanding. When the first part is telling a story, the prevalent combination is with a second part that is asserting. To these should be added four adjacency pairs represented by just one or two occurrences, which have not been presented in this table: requesting + giving permission or ordering; and one occurrence for each of these adjacency pairs: answering + answering, vowing + declaring, ordering + asserting.

30 Rare combinations of asking are followed by a second part determining of law, praising, or reprimanding. In one exchange, the question is followed by a nonverbal response והשיאו לדבר אחר 'and led him to another subject'.

31 Rare combinations include asserting with ordering, asking, reprimanding, and declaring.

by asking and the other party chooses to respond by answering, or the first party opens by asserting and the other party also responds by asserting.

An asking + answering pair can be found, for example, in citation [3] of R. Eliezer and R. Joshua, which discusses when one should begin to mention rain in the prayers. R. Joshua asks a question: הואיל ואין גשמים סימן ברכה בחג למה הוא מזכיר? 'since rain during the holiday is but a sign of a curse, why should one make mention of it?', and R. Eliezer responds: משיב" אף הוא אינו אומ' אלא הרוח ומוריד הגשם" בעונתו 'he too does not ask [for rain] but only mentions "who causes the wind to blow and the rain to fall"in its due season'.

The asserting + asserting pair can be found, for example, in citation [4], in the conversation between R. Tarfon and R. Elazar ben Azariah about tithes taken from the fruits of the seventh year outside the land of Israel in the lands of Ammon and Moab:

[4] *Yadaim* 4.3:

<div dir="rtl">

השיב ר' טרפון: מצרים חוץ לארץ ועמון ומואב חוץ לארץ,

מה מצרים מעשר עני בשביעית אף עמון ומואב [מעשר עני]

בשביעית. השיב ר' אלעזר בן עזריה: בבל חוץ לארץ עמון ומואב

חוץ לארץ, מה בבל מעשר שיני בשביעית אף עמון ומואב מעשר

שיני בשביעית [...]

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R. Tarfon replied: Egypt is outside the Land [of Israel]; Ammon and Moab are outside the Land [of Israel]; hence just as in Egypt a poor-man's tithe must be given in the Sabbatical year, so in Ammon and Moab a poor-man's tithe must be given in the Sabbatical year.

R. Elazar ben Azariah answered: Babylon is outside the Land [of Israel]; Ammon and Moab are outside the Land [of Israel]; hence just as in Babylon a second tithe must be given in the Sabbatical year, so in Ammon and Moab a second tithe must be given in the Sabbatical year […]

R. Tarfon argues, based on an analogy (*gezerah shavah*) that infers from the law regarding the giving of tithes in Egypt, that the obligation to give the poor-man's tithe applies in the lands of Ammon and Moab as well, and R. Elazar ben Azariah responds making a parallel claim, inferring from the law regarding the giving of a second tithe, that one is obligated to give a second tithe in Ammon and Moab as well.

The examination of adjacency pairs described here is aimed at examining the most prevalent adjacency pairs in conversations and the most prevalent combinations among them. The two adjacency pairs found most prevalent in this examination — the asking + answering pair and the asserting + asserting pair — are familiar pairs in the theoretical context of conversation analysis,[32]

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32 Jose, "Sequentiality of Speech Acts", examined speech acts sequentially in conversations between female adults and preschool children, employing a quantitative method of analysis. As opposed to the separate description of speech acts and of adjacency pairs in this research on halakhic give-and-take conversations in the Mishnah, in Jose's research there is a combination of the two, since he examined, as mentioned, speech act sequentiality in conversational discourse. Jose found in the conversations sequential patterns, whose initiating acts are questions, statements, and directives and whose responses are answers, agreements, interjections, and repetitions. The most common sequential patterns which Jose found in the conversations that he examined are question–answer and statement–acknowledgment, the most common speech acts being statements and directives (which also include questions). Although the examination of speech act sequentiality in Jose's research is different in many aspects from the examinations which were undertaken in this study on halakhic give-and-take conversations in the Mishnah — e.g., from such aspects as the nature of the conversations and research method — both studies arrive at similar conclusions as to the frequency of speech acts and adjacency pairs in the relevant conversations. And see in Jose, "Sequentiality of Speech Acts", pp. 67–69, a review of several sequential models of speech act production, one of them is the adjacency pairs. Jose maintains that some of those models lack empirical basis in real discourse, while those which had empirical basis examined a particular type of discourse or a limited discourse.

and are also suitable for the common speech acts found in halakhic give-and-take conversations in the Mishnah — asserting, asking, and answering — and these are described in this study in the context of the pragmatic description of speech acts.

2.2 Argumentative steps in the halakhic give-and-take conversations in the Mishnah

2.2.1 Muntigl and Turnbull's Model

Exchanges in halakhic give-and-take conversations in the Mishnah were analysed in this study based on a model presented by Muntigl and Turnbull (hereinafter: M&T),[33] which is described in this section.

M&T examined arguments in naturally occurring conversations between university students and family members.[34] They found four types of disagreement acts within the second and third turn of arguing exchanges (= T2 and T3, i.e., the turn of the second speaker and the turn of the first speaker, respectively):[35]

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33 Peter Muntigl and William Turnbull, "Conversational Structure and Facework in Arguing", pp. 225–256. It should be noted, that there are other models for describing negotiation. For example, the research of Douglas P. Twitchell et al., "Negotiation Outcome Classification Using Language Features", *Group Decision and Negotiation* 22 (2013), pp. 135–151, classifies the negotiation outcomes in a corpus of 20 transcripts of actual face-to-face negotiations using two classification models. The first model uses language features and speech acts to place negotiation utterance onto an integrative (i.e., seeking consensus) and distributive (i.e., divisive) scale. The second model classifies each negotiation as successful or unsuccessful.

34 And see a representation of their research also in the review of Leung, "Conflict Talk", and in the descriptions of William Turnbull, *Language in Action: Psychological Models of Conversation* (Hove: Psychology Press, 2003), pp. 184–188, and Hample, *Arguing: Exchanging Reasons Face to Face*, pp. 255–261.

35 The other issue which was dealt with in their study is revealing regularities in second and third turn (T2–T3) sequences. M&T suggest that

1. Irrelevancy claim — a speaker's assertion that the previous claim is not relevant to the discussion at hand, e.g., 'you're straying off topic';[36]

2. Challenge — disagreement by means of which a speaker questions an addressee's prior claim and demands that the addressee provide evidence for his or her claim, while suggesting that the addressee cannot do so, e.g., 'why do you say that?';[37]

3. Contradiction — disagreement by means of which a speaker presents a proposition that directly refutes the previous claim, e.g., 'no, that's just wrong';[38]

4. Counterclaim — proposing a claim as an alternative to the former one, without directly contradicting or challenging that claim, e.g., the utterance 'bananas are the most popular fruit' in response to the utterance 'apples are the most popular fruit'.[39]

Also found were frequent combinations of contradiction + counterclaim and other act combinations.

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the orderliness of the T2–T3 sequence is a consequence of interactants' concerns about face/identity: the more speaker B's T2 act damages speaker A's face, the more likely A is to respond with a T3 act that directly supports A's T1 claim; T3 acts that support T1 reflect A's attempt to repair damage to their own face occasioned by the face-aggravating T2 act.

36 M&T, p. 229, characterise these acts as meta-dispute-acts, because they comment on the conversational interaction.

37 According to M&T, pp. 229–230, the typical syntactic form of challenges is interrogative, appearing with question particles.

38 According to M&T, p. 231, the contradicting proposition negates the previous claim, so that if the previous claim is positive the contradiction contains negative markers, and if the previous is negative the contradiction contains positive markers.

39 According to M&T, p. 231, counterclaims tend to be preceded by pauses, prefaces, and mitigating devices.

M&T's study was done in the context of an approach that
views argument as a face-threatening activity. In the wake of the
examination of the distribution of these acts in argument,[40] M&T
rank the degree of aggressiveness of the acts, i.e., in terms of the
extent to which they damage another's face, from most to least
face aggravating: irrelevancy claim, challenge, contradiction,
combination contradiction + counterclaim, and counterclaim.
The most aggravating act is an irrelevancy claim, because it limits
any further discussion and attacks the most fundamental social
skill of a conversationalist; next in aggressiveness is the challenge,
since it directly attacks the competency of the other to back up
his or her claim; contradiction is less face-aggravating, since it
does not directly attack the other speaker; the combination act
contradiction + counterclaim is less aggravating, since it contains
a contradiction that repudiates other's claim, which is somewhat
mitigated by a counterclaim that offers more information
on the basis of which to negotiate the disagreement; and the
counterclaim is the least face-aggravating, because it does not
overtly mark opposition, but provides an alternative claim by
opening up the topic for discussion.

   In accordance with this ranking, M&T classified the acts into
three categories: the highly aggressive category — irrelevancy
claim and challenge; the moderately aggressive category —
contradiction and contradiction + counterclaim; and the less
aggressive category — counterclaim.

2.2.2 Examining argumentative steps in halakhic give-and-take conversations in the Mishnah

In this study on halakhic give-and-take conversations in the
Mishnah, an effort has been made to describe exchanges in

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40   And see in Table 4 below the distribution of the acts found by M&T in the
     turns of the two speakers.

conversations according to M&T's model and to compare findings with those of their study as well as of another study conducted according to this model, namely that of Blondheim and Blum-Kulka (hereafter B&BK),[41] which will be described in section 2.2.3 below.

The examination undertaken in this study is called an examination of argumentative steps and comprises two parts. The first part of the examination analysed the 116 two-part exchanges that contain the most prevalent speech acts: asserting, asking, and answering (i.e., 77 percent of the 151 two-part exchanges). Each of the exchanges was examined individually,[42] even when the exchange was part of a conversation containing multiple exchanges. In each exchange, the second part of the exchange was examined in relation to the previous part, i.e., the second part spoken by the addressee that comes in response to the first part spoken by the addressor. In this way, it was possible to assess the degree of the addressee's response in relation to the previous remarks by the addressor. The words of the addressor, i.e., the

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41 Menahem Blondheim and Shoshana Blum-Kulka, "Literacy, Orality, Television: Mediation and Authenticity in Jewish Conversational Arguing, 1–2000 CE", *The Communication Review* 4 (2001), pp. 511–540.

42 The first part of the examination included 151 two-part exchanges, i.e., the 88 partial exchanges were not included, because only in exchanges with two parts can the argumentative step that is held between the two parts of the exchange be examined. Of these 151 exchanges, only those that contained acts of asserting, asking, and answering were examined; these acts are the most prevalent speech acts in exchanges, on the one hand, and also have a clear argumentative feature, on the other hand. That is to say, from among the adjacency pairs described in section 2.1 above, seven pairs that contain combinations of the three abovementioned acts: asking + answering (52 pairs), asking + asserting (13), asking + asking (10); asserting + asserting (35), asserting + answering (3), asserting + asking (2); answering + answering (1). In the examination of the argumentative steps in these pairs, only the first speech act in each part of the exchange was considered, even if an additional speech act or acts appears after it.

first part of the exchange, cannot be similarly assessed, because they do not always relate to something said previously, and consequently, the speech acts in the first part of the exchanges in the corpus were not included in this examination.

The second part of the examination included 40 two-part exchanges in conversations including multiple exchanges also contain the most prevalent speech acts of asserting, asking, and answering. In these conversational exchanges the second and (if appropriate) following exchanges were examined in order to find the argumentative step between the exchange that was examined and the exchange that preceded it in the conversation. In each exchange, the first part of the exchange was examined in order to find its relation to the second part of the exchange that preceded.

It should be noted that in the classification of exchanges in the corpus of the conversations in this study, dilemmas of classification often arose regarding the attribution of a particular exchange to one of the four types of steps. For example, is a particular argument a contradiction, i.e., does it expresses direct opposition to the previous claim, or is it merely an alternative counterclaim that does not directly contradict the claim; is a particular argument a contradiction to the previous claim or does it also contain a challenge, i.e., does it also expresses disagreement and demands that the addressee provide evidence for his or her claim, while suggesting that he or she cannot do so. It appears that this type of dilemma is typical of many classificatory studies, and M&T also report several cases that posed a challenge to them in their study.[43] Further to this, it is possible that dilemmas are due to the fact that the classification categories are themselves somewhat ambiguous, which often makes it difficult to distinguish among them. M&T note in some of the categories the different definitions that were provided for

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43   M&T, p. 240.

it by previous researchers, as well as terminological variety in the case of certain categories, which is especially relevant in the categories of challenge (M&T, p. 229–230) and contradiction (M&T, p. 231). It is also possible that dilemmas arose due to the different nature of the conversations under examination here — halakhic give-and-take conversations that appear in a text written during the classical period, as opposed to the nature of the naturally occurring oral conversations in modern English that formed the basis for M&T's classification. M&T explain at the beginning of their classification that former classification systems have been based on children's arguments, compared to their system of classification, which has been based on arguments between adults and adolescents. They comment that, because of this difference, there may be a need to modify the classification scheme in order to adapt it to these kinds of arguments. Despite these dilemmas in examining the corpus of halakhic give-and-take conversations in the Mishnah, each of the exchanges was classified into one of four types of argumentative steps, without creating combinations between steps or removing cases that aroused doubt. The working assumption was that, despite the dilemmas, the findings can be examined and compared in general terms to the findings of the studies of M&T and of B&BK.

In this section, findings regarding the four types of argumentative steps that emerged from the two parts of the examination of the exchanges in halakhic give-and-take conversations in the Mishnah will be presented first, followed by a sampling of each of the steps in the conversations in the corpus.

Table 2 presents the findings regarding the four types of argumentative steps found in the 116 two-part exchanges (the types of argumentative step are presented in the first line; the second line notes the number of exchanges of each type of

step, and alongside the number is its proportion in terms of a percentage of the overall number of exchanges examined in this part of the examination). Table 3, which follows, presents the findings for the different types of argumentative steps that were found in the 40 exchanges that are part of conversations with multiple exchanges.

Table 2: Types of argumentative steps in the 116 two-part exchanges

irrelevancy claim	challenge	contradiction	counterclaim
4 (= 3 percent)	23 (20 percent)	39 (= 34 percent)	50 (= 43 percent)

Table 3: Types of argumentative steps in the 40 exchanges from conversations with multiple exchanges

irrelevancy claim	challenge	contradiction	counterclaim
–	21 (= 52.5 percent)	14 (= 35 percent)	5 (= 12.5 percent)

Table 2 shows that the frequency of argumentative steps in ordinary two-part exchanges is — in descending order — counterclaim, contradiction, challenge, and irrelevancy claim.

Table 3 shows that in exchanges that are part of conversations with multiple exchanges no irrelevancy claims were found at all, and that from among the three remaining types of argumentative steps, challenge was the most frequent, followed by contradiction and then counterclaim.

A comparison between the findings of the two types of exchanges from the two parts of the examination enables us to draw a number of conclusions. First, in both types of exchanges

an irrelevancy claim is a rare step. Second, contradiction is in the mid-range in terms of frequency in both types of exchanges. Third, there is a marked difference between the two types of exchanges in terms of the argumentative step that is most prevalent in them: in exchanges of the first part of the examination, the counterclaim is most prevalent — which for M&T is the act of the lowest grade of aggressiveness in the ranking; on the other hand, in the exchanges taken from the second part of the examination, the most prevalent is challenge, which is the act of the highest grade of aggressiveness according to this ranking. And fourth, there is a further difference between the two types of exchanges in terms of the degree of aggressiveness of the acts: in the ordinary exchanges, the common acts are of the intermediate and the low aggression levels — contradiction and counterclaim — which represent 77 percent of the argumentative steps in these exchanges, whereas the acts of the high aggression level — irrelevancy claim and challenge — can be found in only about a quarter of the exchanges (23 percent); on the other hand, in the exchanges from the second part, which are part of conversations having multiple exchanges, there is similarity between the proportion of the act of the highest aggression level — challenge (52.5 percent) — and the proportion of the acts of the intermediate and low aggressive levels (47.5 percent).

These conclusions are indicative of the more aggressive nature of the exchanges of the second type as compared to those of the first type. It would appear that in ordinary two-part exchanges, the nature of the discussion in halakhic give-and-take conversations in the Mishnah is not aggressive — the discussant is much more likely to prefer the use of a counterclaim or contradiction than challenge or irrelevancy claim. The nature of the discussion emerges as more aggressive, on the other hand, when multiple exchanges appear in the conversation; in the

situation of a conversation, in an exchange that comes in the wake of a previous exchange, the speaker chooses to relate more aggressively to the previous turn — he is much more likely to make use of challenge and contradiction, while keeping the use of counterclaim to a minimum. In both types of exchanges we find that steps with intermediate and low aggression levels are more common than steps at the high aggression level; however, whereas in exchanges of the first type the disparity is more evident (intermediate and low aggression levels cover 77 percent of all the argumentative steps), in exchanges of the second type, which are part of conversation, the disparity between the high level and the intermediate and low levels is far smaller (52.5 percent compared to 47.5 percent).

The four types of argumentative steps that appear in halakhic give-and-take conversations in the Mishnah will be described and demonstrated with examples below:

(a) Irrelevancy claim

Irrelevancy claims are rare in ordinary exchanges (4 exchanges = 3 percent) and are completely absent from exchanges that are part of conversations. For example, in citation [5], R. Akiba presents his position that it is possible to purify a *zav* (one who is afflicted with gonorrhoea) after an examination has shown that the *ziva* (the affliction) was caused by a type of food or drink. This is followed by a conversation between him and anonymous sages:

[5] *Zabim* 2.2:

בשבע דרכין בודקין את הזב עד שלא ניזקק לזיבה [...]

ר׳ עקיבה אומ׳: אכל כל מאכל בין רע בין יפה ושתה כל משקה.

אמרו לו: אין כן זבים מעתה! אמ׳ להם: אין אחריות זבים עליכם!

> According to seven considerations do they examine a *zav* [to determine the cause of his complaint] if he has not already been certified as afflicted with a *ziva* […]
>
> R. Akiba says: even if he ate any food, whether bad or good, or drank a liquid, [a discharge does not render him a *zav*].
>
> They said to him: [then] there would henceforth be no *zavim*! He said to them: the responsibility [for the existence] of *zavim* is no concern of yours!

The anonymous sages (אמרו לו) maintain that this position of R. Akiba could lead to a situation where there would be no more *zavim*, because they will able to attribute their condition to some food or drink, and R. Akiba admonishes them, arguing that they are not responsible for the existence of *zavim*.

The irrelevancy claim emphatically clashes with the previous claim presented in the first part of the exchange, with an explanation of its implications, and it contains an explicit admonishment of another, placing him on the side that opposing that of which the speaker considers himself part.

(b) Challenge

Challenges are found in the two types of exchanges and are the most prevalent argumentative step in exchanges that are part of conversations (in the first type 23 = 20 percent; in the second type 21 = 52.5 percent).

For example, citation [6] starts with a presentation of the views of the School of Shammai and the School of Hillel over the question of whether it is permitted to bring the priest's share of the dough and gifts set aside for him on a holiday — the *hallah* (חלה) is separated from the dough and the gifts are part of an animal sacrifice. This is followed by a conversation between the School of Shammai and the School of Hillel:

[6] *Betzah* 1.6:

בית שמי אומ׳: אין מוליכין חלה ומתנות לכהן ביום טוב, בין
שהורמו מאמש ובין שהורמו מהיום. ובית הלל מתירין.

<u>אמרו בית שמי לבית הלל גזירה שווה</u>: חלה ומתנות מתנה לכהן
ותרומה מתנה לכהן, כשם שאין מוליכים את התרומה כך לא
יוליכו את המתנות.

<u>אמרו להם בית היללֹ</u>: לא, אם אמרתם בתרומה שאינו זכיי
בהרמתה תאמרו במתנות שהוא זכיי בהרמתם?

The School of Shammai say: They may not take to the priest
the priest's share of the dough or priests' dues to the priest
on a holiday whether they were separated on the preceding
day or were separated on the same day; but the School of
Hillel permit it.

The School of Shammai replied to the School of Hillel with
a logical analogy: a priest's share of the dough and priests'
dues are a gift to the priest and the Heave-offering is a gift to
the priest; just as they may not bring Heave-offering so they
may not bring the priests' dues.

The School of Hillel replied to them: not so! Would you
maintain the argument in the case of Heave-offering which
one may not separate and also the same argument in the
case of priests' dues which one has the right to separate?

The School of Shammai presents a claim based on an analogy
between this case and that of a Heave-offering (donation), which
is also a gift to the priest and is not given on a holiday, and the
House of Hillel rejects that argument with an *a fortiori* question,
which raises a difficulty regarding inference from the law about a
Heave-offering regarding what may be done with *hallah* and gifts
on a holiday: לא, אם אמרתם בתרומה שאינו זכיי בהרמתה תאמרו במתנות
שהוא זכיי בהרמתם? 'Not so! Would you maintain the argument in

the case of Heave-offering which one may not separate and also the same argument in the case of priests' dues which one has the right to separate?' — They maintain that in Heave-offering there is a reason that it is forbidden to bring it on a holiday, but that this reason does not apply to *hallah* and gifts.

This form of challenge is a prevalent one (in the first type of the exchanges 16 occurrences = 70 percent; in the second type 8 occurrences = 38 percent). It is made up of two components: the first component — rejection of a previous question or claim using the negation word לא 'no', and the second element — an *a fortiori* question, the pattern of which is usually אם אמרת/אמרתם ש... ב... ש... תאמר/תאמרו ב... ש...? 'if you said for... that..., would you say for... that...?'. In a challenge of this and other kinds that have not been demonstrated here,[44] the speaker expresses both disagreement with the previous claim along with a demand to present evidence to strengthen the claim.

(c) Contradiction

Contradiction is an argumentative step of intermediate frequency in both types of exchanges (in 34 percent of the exchanges in the first part of the examination and in 35 percent in the exchanges in the second part). Contradictions of various and sundry types were found in the corpus, and in all of them the discussant's argument presents direct opposition to the previous argument.[45] Three types of contradictions found in the corpus will be instanced here.

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44 A further type of challenge is found in a third of the exchanges from the second kind of the examination, in which their first part is a challenge to the second part of the previous exchange. It was found that in 38 percent of them (8 exchanges), the challenge posed a question to the previous view, which began with interrogatives such as היאך 'how', והלא 'surely' and למה 'why'.

45 During the process of identifying a particular argumentative step as a contradiction in the exchanges in the corpus under examination, it was

Some contradictions come in response to an *a fortiori* question and present evidence from a different case. For example, citation [7] discusses the question of whether it is permitted on the Sabbath to carry out labours related to a Passover offering to which apply a *rabbinical rest restriction* (איסור שבות), i.e., which are forbidden by the rabbis:

[7] *Peshaim* 6.1–2:

אלו דברים בפסח דוחין את השבת: שחיטתו וזריקת דמו ומיחוי
קרביו והקטר חלביו [...]

[1]ₗ <u>אמ׳ ר׳ אליעזר</u>: מה אם שחיטה שהיא משם מלאכה דוחה
את השבת, אלו שהן משום שבות לא ידחו את השבת? <u>אמ׳ לו ר׳</u>
<u>יהושע</u>: יום טוב יוכיח, שהיתיר בו משום מלאכה אסר בו משום
שבות.

ₐ<u>אמ׳ לו ר׳ אליעזר</u>: מה זה, יהושע, ומה ראיה רשות למצוה? [...]

> These things regarding the Passover offering override the Sabbath: its slaughtering, the sprinkling of its blood, the cleansing of its entrails and the offering up of its fat […]

> R. Eliezer said: is it not self-evident, seeing that slaughtering, which is an act of work, overrides the Sabbath, should not these, which are under only a rabbinical rest restriction override the Sabbath? R. Joshua replied to him: A festival-day will prove against this, for on it they permitted functions that come within the category of rabbinical rest restriction.

> R. Eliezer answered him: how so, Joshua? What proof can you deduce from a voluntary act for an obligatory act? […]

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not possible to base classification on negation words alone, as M&T found, but it was also necessary to understand the nature of the argumentative step in order to characterise what was said in it by the speaker as a contradiction of the previous speaker's words.

R. Eliezer is of the view that acts that are forbidden on the Sabbath because of rabbinical rest restriction are permitted for a Passover offering on the Sabbath, and bases himself on an *a fortiori* inference from the act of slaughtering, which although a form of labour forbidden on Sabbath by the Torah, is permitted on the Sabbath for a Passover offering by the Torah, which is much more authoritative than a rabbinical restriction: מה אם שחיטה שהיא משם מלאכה דוחה את השבת, אלו שהן משום שבות לא ידחו את השבת? 'is it not self-evident, seeing that slaughtering, which is an act of work, overrides the Sabbath, should not these, which are under only a rabbinical rest restriction override the Sabbath?', and R. Joshua contradicts the *a fortiori* argument with evidence from a festival, when it is permitted to carry out labour to prepare food, though rabbinical restrictions on labour still apply: יום טוב יוכיח, שהיתיר בו משום מלאכה ואסר בו משום שבות 'a festival-day will prove against this, for on it they permitted functions that come within the category of rabbinical rest restriction'.

Contradictions of another type come in response to a question and offer an explanation. For example, citation [3] above presents the view of R. Eliezer that one should begin reciting משיב הרוח ומוריד הגשם 'who causes the wind to blow and the rain to fall', in the silent prayer of *Shmoneh Esreh* from the first day of *Sukkot*, in contrast to R. Joshua's view that the time to begin reciting it is on *Shemini Atzeret*, at the end of *Sukkot*. R. Joshua asks a question that challenges R. Eliezer's point of view: הואיל ואין גשמים סימן ברכה בחג למה הוא מזכיר? 'since rain during the holiday is but a sign of a curse, why should one make mention of it?', that is to say, why should one make mention of rain during *Sukkot* if rain could prevent people from sitting in the *Sukkah*. In response, R. Eliezer presents an explanation of his opinion, offering a more precise reading of the matter at hand: אף הוא אינו אומ׳ אלא משיב הרוח ומוריד הגשם, בעונתו 'he too does not ask [for rain] but only mentions

"*who causes the wind to blow and the rain to fall*"in its due season'. In his view, this statement does not represent a request for rain, but merely notes the might of the Lord, who brings down the rain when it is needed.

Contradictions of a further type are those in which the opposing claim has a parallel construction to the previous claim. For example, in citation [8], in the second conversation in the second exchange, Rabban Jochanan ben Zakkai makes an claim that contradicts the words of the Sadducees in the previous exchange and is formulated as a parallel construction:

[8] *Yadaim* 4.5–6:

תרגום שבעזרא ושבדניאל מטמא את הידים. תרגום שכתבו
עברית, ועברי שכתבו תרגום וכתב עברי אינו מטמא את הידים.
לעולם אינו מטמא עד שיכתבינו אשורית על העור בדיו.

[1] <u>אומרין צדוקין</u>: קובלין אנו עליכן, פרושין, שאתם אומרין:
כתבי הקודש מטמאין את הידים וסיפרי מירון אין מטמין את
הידים.

[2] ₁<u>אמ׳ רבן יוחנן בן זכיי</u>: וכי אין לנו על הפרושין אלא זו בלבד?
הרי הן אומ׳: עצמות חמור טהורין ועצמות יוחנן כהן גדול טמאין!
<u>אמרו לו</u>: לפי חיבתן היא טומאתן, שלא יעשה אדם עצמות אביו
ואמו תורוודות. ₂<u>אמ׳ להן</u>: אף כתבי הקודש לפי חיבתן היא
טומאתן, וסיפרי מירון שאינן חביבין אינן מטמין את הידים.

The Aramaic passages in Ezra and Daniel render the hands unclean. If the Aramaic passages were written in Hebrew, or if Hebrew was written in the Aramaic version, or in Hebrew script, they would not render the hands unclean. [The Scriptures] do not render [the hands] unclean unless they are written in the Assyrian lettering on parchment and in ink.

> The Sadducees say: we protest against you, O Pharisees, for you say: the Sacred Scriptures render the hands unclean and the books of the sectarians do not render the hands unclean.
>
> Rabban Jochanan ben Zakkai said: have we not against the Pharisees save only this? Behold they say: the bones of an ass are clean and the bones of Jochanan the High Priest are unclean! They said to him: because of our love for human beings, we declare their bones unclean, so that man does not fashion the bones of his father or his mother into spoons. He said to them: even so the Sacred Scriptures, in proportion to the love for them so is their uncleanness, and the books of the Sectarians which are not beloved of us do not render the hands unclean.

In the first exchange, Rabban Jochanan questions the fact that the bones of an animal carcass are pure, whereas the human bones make one unclean; and the Sadducees claim that human bones are unclean because of their importance: ...לפי חיבתן היא טומאתן 'because of our love for human beings, we declare their bones unclean…'. In the second exchange, he responds with a claim having a parallel construction: ...אף כתבי הקודש לפי חיבתן היא טומאתן 'even so the Sacred Scriptures, in proportion to the love for them so is their uncleanness…'.

(d) Counterclaim

Counterclaims are the most prevalent argumentative step in ordinary exchanges (43 percent), but are not prevalent in exchanges that are part of conversations (12.5 percent). A counterclaim presents a response to the previous claim, but does not pose a challenge or present a contradiction in regard to it. A prevalent type (80 percent of ordinary exchanges) is when a question appears and the counterclaim presents an explanation of that question. For example, citation [9] tells of R. Nechonia

ben Hakkanah, who composed two prayers for those entering the study hall:

[9] *Berakhoth* 4.1–2:

> תפילת השחר עד חצות; ר׳ יהודה אומ׳: עד ארבע שעות. תפילת
> המנחה עד הערב; ר׳ יהודה אומ׳: עד פלג המנחה. תפילת הערב
> אין לה קבע. ושלמוספים כל היום.
>
> ר׳ נחונייא בן הקנה היה מתפלל בכניסתו לבית המדרש וביציאתו
> תפילה קצרה.
>
> <u>אמרו לו</u>: מה מקום לתפילה זו?
>
> <u>אמ׳ להם</u>: בכניסתי אני מתפלל שלא תארע תקלה על ידי,
> וביציאתי אני נותן הודייה על חלקי.

> The Morning Service is up to mid-day; R. Judah says: up to the fourth hour. The Afternoon Service is till the evening; R. Judah says: up to the half of the *Minchah* period. The Evening Service has no fixed period, and the Additional Service all day.
>
> R. Nechonia ben Hakkanah used to offer up a short prayer on his entrance into the house of study and on his departure.
>
> They said to him: what is the intention of this prayer?
>
> He replied to them: on my entry I pray that no mishap occur through me, and on my exit I offer up thanks for my lot.

The anonymous sages (אמרו לו) turn to R. Nechonia ben Hakkanah with a question in order to understand the reason for his action: מה מקום לתפילה זו? 'what is the intention of this prayer?', and he responds with an answer that contains an explanation for the act: בכניסתי אני מתפלל שלא תארע תקלה על ידי, וביציאתי אני נותן הודייה על חלקי 'on my entry I pray that no mishap occur through me, and on my exit I offer up thanks for my lot'.

2.2.3 Comparing the findings from this examination of argumentative steps to the findings of previous studies

Following the examination of the argumentative steps in halakhic give-and-take conversations in the Mishnah based on the model of M&T described above in section 2.2.2, the findings were compared to those of M&T's studies on naturally occurring conversations, as described in section 2.2.1 above, as well as to those of B&BK's study, which will be described in this section below. The frequency of the four steps found in the two studies is presented in Table 4 below.

B&BK examined a single talmudic text (*b.Baba Kamma* 56b–57b) according to M&T's model. They found that, in contrast to the expectations of M&T, the Talmudic debate shows a pattern which is the opposite of the facework expected: throughout the Talmudic debate, the response to challenge is not a face-saving defence, but a counter attack, tit-for-tat style, and it would even appear that the more aggressive the challenge, the more animated the counter attack.[46]

According to B&BK's evaluation, the Talmudic debate is considered aggressive, since its highly aggressive turns outnumber its mildly aggressive turns. B&BK present several results about the frequency of the four type of arguments: the frequency of the most mild, mitigated form of disagreement was by far the lowest; there are almost two and a half of the most aggressive turns for every one of the least aggressive turns; and overall, the frequency of the high-aggression pair is only slightly lower than that of the

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46 B&BK, p. 516–523, found in the Talmudic text that they analysed a number of conversational features: an overwhelming and overt preference for disagreement, the grounded nature of the disagreement, and a very high level of dialogicity in disagreement.

low-aggression pair (47.3 percent and 52.8 percent, respectively). B&BK propose a possible explanation for the results, which is that in Talmudic debate, challenges are based on authoritative Tannaitic texts, and that the response to challenges of this kind is T2- rather than T1-oriented.

It should be noted that examination in this study of halakhic give-and-take conversations in the Mishnah differs from the two other previous studies in two respects. First, each exchange was examined on its own, even when it was part of a conversation that includes multiple exchanges. And second, the arguments in the analysed corpus are not necessarily made up of three turns, unlike the three-turn exchange for arguing in M&T's study.[47] Consequently, only the first and central subject in M&T's study — characterizing the acts of disagreement and their level of aggressiveness — was examined, and the second issue of regularities in the sequences, i.e., the influence of the second turn on the third turn, was not, because the structure of the arguments in the corpus did not allow for examination of this in a similar way. Further, it should be noted that the number of exchanges that were examined in the corpus under examination, as described in section 2.2.2 above, is similar to the number of segments examined in M&T's study, which included 164 three-turn argument exchanges. It is, however, different in its scope from the corpus examined in the study by B&BK, which included one Talmudic text (*b. Baba Kamma* 56b–57b), and which, due to considerations of scope, treated only the first eight turns of its 23 turn-sequences.[48]

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47   And on this subject, see the description of exchanges in halakhic give-and-take conversations in section 1 above.

48   Appendix 1 in their article (p. 540) presents a categorisation of a glossary of Talmudic terminology for arguments according to M&T's four categories, and they mark the frequency of each term in one tractate

The findings of the two previous studies and of the current one on halakhic give-and-take conversations in the Mishnah are presented in Table 4. The table notes for each step its proportion as a percentage of the overall number of exchanges or turns examined in each study, without noting the actual number of occurrences in each study. The data regarding the combination of contradiction + counterclaim were not noted in the findings of the study by M&T, since this combination was not examined in the two other studies. The findings in the first row of this study on conversations in the Mishnah are divided into two internal rows according to the types of exchanges from both parts of the examination, and the findings in the second row of M&T's study are divided into two internal rows according to the two types of turns examined in it — T2 (the turn of the second speaker) and T3 (the turn of the first speaker).

As already indicated, in their study of naturally occurring conversations, M&T found the following frequency of the acts: counterclaim, contradiction, challenge, and irrelevancy claim; hence the acts of low and intermediate levels of aggressiveness — counterclaim and contradiction — are much more frequent than acts of high levels of aggressiveness — irrelevancy claim and challenge.

B&BK found in their study of a Talmudic text a different order of frequency of the acts: contradiction, challenge, irrelevancy

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of the Talmud (*Berakhoth*), for example: irrelevancy claim — *midi, shani hatam hacha bemai askinan*; challenge — *iy hachi maytivey, matkif*; contradiction — *kashya mibe'ey ley*; counterclaim — *ela mai, ela me'ata*. In fact, the numerical data that they present that appear above as well as in Table 4 below relate to the frequency of the formulae in the four categories in tractate *Berakhoth*, and not in the Talmudic text analysed in their article, from which only the first 8 turns of its 23 turn-sequences were analysed.

Table 4: Findings from the three studies regarding types of argumentative steps

Study		Type of act			
		irrelevancy claim	challenge	contradiction	counterclaim
Study on halakhic give-and-take conversations in the Mishnah	116 two-part exchanges	3 percent	20 percent	34 percent	43 percent
	40 exchanges that are part of conversations with multiple exchanges	–	52.5 percent	35 percent	12.5 percent
M&T	second turn	8 percent	12 percent	18 percent	56 percent
	third turn	4 percent	4 percent	9 percent	75 percent
B&BK		18.7 percent	28.6 percent	45 percent	7.7 percent

claim, and counterclaim. This order shows that the frequency of the high-aggression pair is only slightly lower than that of the low-aggression pair (47.3 percent and 52.8 percent, respectively). Therefore, they concluded that the examined Talmudic debate could be more aggressive than the conversations that were examined by M&T.

In the present study of halakhic give-and-take conversations in the Mishnah a distinct difference was found between the exchanges examined in the two parts of the study: in ordinary two-part exchanges, the findings were similar to those of the study by M&T; the order of the frequency of the acts is identical to the order found in their study, and similarly, it was found that the acts of low and intermediate levels of aggressiveness are much more frequent than acts of high levels of aggressiveness. On the other hand, in the exchanges in the second part of the examination, which are part of conversations with multiple exchanges, the findings were more similar to those of the study by B&BK: the order of the frequency of acts is similar to the order found in their study, and similarly, it was found that the frequency of acts with a high level of aggressiveness is similar to the frequency of acts with low and intermediate levels of aggressiveness. As noted, in ordinary exchanges, the nature of the argumentative steps is not aggressive, but in exchanges that are parts of conversations with multiple exchanges, when the exchange comes in response to a previous exchange, the nature of the steps is more aggressive.