

Hermeneutics

Hermeneutics, the science of biblical interpretation.

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The rabbis saw the Pentateuch as a unified, divinely communicated text, consistent in all its parts. It was consequently possible to uncover deeper meanings and to provide for a fuller application of its laws by adopting certain principles of interpretation (middot; "measures," "norms"). There are three formulations of such principles: the seven rules of Hillel (Sifra, introd. 1:7; ARN 37, 55; Tosef., Sanh. 7: end); the 13 rules of R. Ishmael (Sifra, introd. 5); the 32 rules of R. Eliezer b. Yose ha-Gelili (chiefly aggadic and generally considered to be post-talmudic). The indications are that the rules are earlier than Hillel (who lived in the first century B.C.E.). It is debatable whether (as suggested by the 12th century Karaite author Judah Hadassi) any Greek influence can be detected, though terminologically some of the rules have Greek parallels. R. Ishmael's rules are basically an amplification of Hillel's, so that the best method of studying rabbinic hermeneutics is to consider each of R. Ishmael's rules in detail.

The Thirteen Rules of R. Ishmael

(1) Kal va-ḥomer (more accurately kol va-ḥomer): an argument from the minor premise (kal) to the major (ḥomer). The Midrash (Gen. R. 92:7) traces its use to the Bible (cf. Gen. 44:8; Ex. 6:12; Num. 12:14 – not explicit but see BK 25a; Deut. 31:27; I Sam. 23:3; Jer. 12:5; Ezek. 15:5; Prov. 11:31; Esth. 9:12). The following two examples may be given: (a) It is stated in Deuteronomy 21:23 that the corpse of a criminal executed by the court must not be left on the gallows overnight, which R. Meir takes to mean that God is distressed by the criminal's death. Hence, R. Meir argues: "If God is troubled at the shedding of the blood of the ungodly, how much more [kal va-ḥomer] at the blood of the righteous!" (Sanh. 6:5). (b) "If priests, who are not disqualified for service in the Temple by age, are disqualified by bodily blemishes (Lev. 21:16–21) then levites, who are disqualified by age (Num. 8:24–25), should certainly be disqualified by bodily blemishes" (Hul. 24a). Example (a), where the "minor" and "major" are readily apparent, might be termed a simple kal va-ḥomer. Example (b) might be termed a complex kal va-ḥomer. Here an extraneous element (disqualification by age) has to be adduced to indicate which is the "minor" and which the "major." Symbolically the two types can be represented as SIMPLE: If A has X, then B certainly has X. COMPLEX: If A, which lacks Y, has X, then B, which has Y, certainly has X. Schwarz (see bibliography) erroneously identifies the Aristotelean syllogism with the kal va-ḥomer. First, the element of "how much more" is lacking in the syllogism. Second, the syllogism inference concerns genus and species:

All men are mortal.
Socrates is a man.
Therefore Socrates is mortal.

Since Socrates belongs in the class "man" he must share the characteristics of that class. However, in the kal va-ḥomer it is not suggested that the "major" belongs in the class of the "minor" but that what is true of the "minor" must be true of the "major" (Kunst, in Bulletin of the School of Oriental and African Studies, 10 (1942), 976–91). Not all of the thirteen principles are based on logic as is the kal va-ḥomer. Some are purely literary tools, while the gezerah shavah is only valid if received through the transmission of a rabbinic tradition.

The principle of dayyo ("it is sufficient"), that the conclusion should advance only as far as the premise and not beyond it, is a qualification of the kal va-ḥomer (BK 2:5). It must not be argued that if A has x, then B has x + y. The kal va-ḥomer suffices only to prove that B has x, and it is to go beyond the evidence to conclude that it also has y. R. Tarfon rejects the dayyo principle in certain instances (BK 25a).

(2) Gezerah shavah: comparison of similar expressions. It is probable that etymologically the word *gezerah* means "law" – as in Daniel 4:4, 14 – so that *gezerah shavah* would mean a comparison of two similar laws (Bezah 1:6; see however S. Lieberman, *Hellenism in Jewish Palestine*, 193ff.); if the same word occurs in two Pentateuchal passages, then the law applying in the one should be applied to the other. Bergman argues (Sinai 71, 1972) that a *gezerah shavah* is the application of the laws in one instance to a second instance to achieve a unified legal principle, irrespective of the differences between the cases, more often than not by finding a word that appears in both instances. For example, the word *be-mo'ado* ("in its appointed time") is used both in regard to the Paschal lamb (Num. 9:2) and to the *tamid*, the daily offering (Num. 28:2), which is offered on the Sabbath as well. Thus it can be inferred that the term *bemo'ado* includes the Sabbath and hence the Paschal lamb may be offered even on the Sabbath, although work normally forbidden on the Sabbath is entailed (Pes. 66a). The *gezerah shavah*, as may be seen from the above example, was originally a purely logical principle. It is reasonable to suppose that a law clearly stated in one passage can shed light on a similar law in a different passage. In the schools, however, the *gezerah shavah* threatened to become a formal principle whereby a mere similarity in words was sufficient warrant for positing similar laws in the respective passages. To prevent the abuse of this method, rules were laid down to qualify its use. A man cannot advance a *gezerah shavah* independently, but must receive it by tradition from his teachers (Pes. 66a); both passages must be from the Pentateuch (BK 2b); the words of the *gezerah shavah* must not only be similar but also superfluous (*mufneh*, "free") in the context in which they appear, so that it can be argued that they were placed there for the express purpose of the *gezerah shavah* (Shab. 64a). It would appear that the school of R. Akiva disagrees with that of R. Ishmael and does not require *mufneh* (TJ, Yoma 8:3, 45a).

Similar to the *gezerah shavah* but not identical with it are the rules of *hekkesh* ("comparison") and *semukhim* ("juxtaposition"). *Hekkeshe* refers to the presence of two laws in the same verse, from which it may be inferred that whatever is true of one is true of the other. For example, "Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith" (Deut. 16:3). Although women are exempt from carrying out positive precepts associated with given time, they are nevertheless obliged to eat unleavened bread on Passover since the verse, by combining the two laws compared the duty to eat unleavened bread with the prohibition against eating leaven, which, being a negative precept, is binding on women (Pes. 43b). *Semukhim* refers to the juxtaposition of two laws in two adjacent verses. For example, "Thou shalt not suffer a sorceress to live; Whosoever lieth with a beast shall be put to death" (Ex. 22:17, 18). Just as one who lies with a beast is put to death by stoning, so, too, a sorceress is put to death by stoning (Ber. 21b). R. Judah, however, rejects the universal application of the *semukhim* rule: "Just because the two statements are juxtaposed, are we to take this one out to be stoned?" (*ibid*). The *semukhim* rule, according to R. Judah, is to be applied only in Deuteronomy (*ibid*).

(3) Binyan av mi-katuv ehad and binyan av mi-shenei khetuvim: an inference from a single verse, and an inference from two verses. (A construction – *binyan* – in which the premise acts as a "father" – *av* – to the conclusions drawn from it.) Examples: (a) "He shall pour out the blood thereof and cover it with dust" (Lev. 17:13) – just as the pouring out of the blood (the act of slaughter) is performed with the hand, so must the covering be done with the hand, not with the foot (*hekkesh*). R. Joseph derives from this that no precept may be treated disrespectfully. He observes: "The father of all of them is blood," i.e., from the law that the precept of covering the blood must be carried out in a respectful manner it is learnt that all precepts must be so carried out (Shab. 22a). (b) According to the rabbinic interpretation of Deuteronomy 23:25f., a farm laborer, when working in the field, may eat of his employer's grapes and standing corn. May he likewise eat of other things growing in the field? This cannot be derived from the case of the vineyard, for the owner of a vineyard is obliged to leave the gleanings to the poor (Lev. 19:10), and it may be that since the owner has this obligation, he also has the other. Nor can it be derived from the case of standing corn, for the owner of standing corn is obliged to give *hallah*, the priest's portion of the dough (Num. 15:17–21). Taking the two cases together, however, others can be derived from them.

For the decisive factor in the case of the vineyard cannot be the gleanings, since the law of gleanings does not apply to standing corn. Nor can the decisive factor in the case of standing corn be ḥallah since ḥallah does not apply to a vineyard. The factor common to both vines and standing corn is that they are plants, from which it may be inferred that the law applies to all plants (BM 87b). The peculiarities of each case cannot be decisive since they are different from each other; the common factor is decisive. Symbolically they can be represented as:

Axy.....a
 Bxz.....a
 Cx.....a

(According to some commentators a simple analogy of type (a) is not to be reckoned among R. Ishmael's principles, both of which are of type (b), the difference being that in binyan av mi-katuv eḥad both the cases from which the induction is made are in the same verse whereas in binyan av mi-shenei khetuvim they are in separate verses – Sefer Keritut 1:3.)

(4) Kelal u-ferat; general and particular. If a law is stated in general terms and followed by particular instances, only those instances are covered by the law. Example: "Ye shall bring an offering of the cattle, even of the herd and the flock" (Lev. 1:2). Even though the term "cattle" normally embraces the "beast" (i.e., non-domesticated cattle), the latter is excluded by the particular limitation, "the herd and the flock" (Sifra, introd. 7).

(5) Perat u-khelal: particular and general. If the particular instances are stated first and are followed by the general category, instances other than the particular ones mentioned are included. Example: "If a man deliver unto his neighbor an ass, or an ox, or a sheep, or any beast" (Ex. 22:9) – beasts other than those specifically mentioned are included (Sifra, introd. 8).

(6) Kelal u-ferat u-khelal i attah dan ella ke-ein ha-perat: general, particular, general – you may derive only things similar to those specified. Example: "Thou shalt bestow the money for whatsoever thy soul desireth [kelal] for oxen, or for sheep, or for wine, or for strong drink [perat] or for whatsoever thy soul asketh of thee [kelal]" (Deut. 14:26). Other things than those specified may be purchased, but only if they are food or drink like those specified (Sifra, introd. 8).

(7) Kelal she-hu zarikh li-ferat u-ferat she-hu zarikh li-khelal: the general requires the particular and the particular the general. Specification is provided by taking the general and the particular together, each "requiring" the other. An example is, "Sanctify unto Me all the first-born" (i.e., males – Deut. 15:19), "whatsoever openeth the womb" (Ex. 13:2). A first-born male would have been understood as included in the term "all the first-born" even if a female had previously been born to that mother. Hence, the particular limiting expression "whatsoever openeth the womb" is stated. But this term would not have excluded one born after a previous Caesarian birth, hence the general term "all the first-born" (Bek. 19a).

(8) Davar she-hayah bi-khelal ve-yaza min ha-kelal lelammed lo le-lammed al azmo yaza ella lelammed al ha-kelal kullo yaza: if a particular instance of a general rule is singled out for special treatment, whatever is postulated of this instance is to be applied to all the instances embraced by the general rule. For example, "A man, also, or a woman that divineth that by a ghost or a familiar spirit, shall surely be put to death; they shall stone them with stones" (Lev. 20:27). Divination by a ghost or familiar spirit is included in the general rule against witchcraft (Deut. 18:10f.). Since the penalty of stoning is applied to these instances, it may be inferred that the same penalty applies to all the other instances embraced by the general rule (Sanh. 67b).

(9) Davar she-hayah bi-khelal ve-yaza liton to'an ehad she-hu khe-inyano yaza lehakel ve-lo lehaẓmir: when particular instances of a general rule are treated specifically, in details similar to those included in the general rule, then only the relaxations of the general rule and not its restrictions are to be applied in those instances. For example, the laws of the boil (Lev. 13:18–21) and the burn (Lev. 13:24–28) are treated specifically even though these are particular instances of the general rule regarding plague-spots (Lev. 13:1–17). The general restrictions regarding the law of the second week (Lev. 13:5) and the quick raw flesh (Lev. 13:10) are, therefore, not to be applied to them (Sifra 1:2).

(10) Davar she-hayah bi-khelal ve-yaza liton to'an aher she-lo khe-inyano yaza lehakel-lehaẓmir: when particular instances of a general rule are treated specifically in details dissimilar from those included in the general rule, then both relaxations and restrictions are to be applied in those instances. For example, the details of the laws of plague in the hair or beard (Lev. 13:29–37) are dissimilar from those in the general rule of plague spots. Hence, both the relaxation regarding the white hair mentioned in the general rule (ibid., 13:4) and the restriction of the yellow hair mentioned in the particular instance (ibid. 13:30) are to be applied (Sifra 1:3).

(11) Davar she-hayah bi-khelal ve-yaza lidon ba-davar hehadash i attah yakhol lehaẓairo likhelalo ad she-yahazirennu ha-katuv li-khelalo be-ferush: when a particular instance of a general rule is singled out for completely fresh treatment, the details of the general rule must not be applied to this instance unless Scripture does so specifically. For example, the guilt offering of the leper requires the placing of the blood on the ear, thumb, and toe (Lev. 14:14). Consequently, the laws of the general guilt offering, such as the sprinkling of the blood on the altar (Lev. 7:2) would not have applied, were it not for Scripture's stating: "For as the sin offering is the priest's, so is the guilt offering" (Lev. 14:13), i.e., that this is like other guilt offerings (Yev. 7a–b).

(12) Davar ha-lamed me-inyano ve-davar ha-lamed misofo: the meaning of a passage may be deduced: (a) from its context (mi-inyano), (b) from a later reference in the same passage (mi-sofo). As an example of (a), "Thou shalt not steal" in the Decalogue (Ex. 20:13) must refer to the capital offense of kidnapping, since the two other offenses mentioned in the same verse, "Thou shalt not murder" and "Thou shalt not commit adultery," are both capital offenses (Mekh., Ba-Hodesh, 8, 5). In example of (b), "I put the plague of leprosy in a house of the land of your possession" (Lev. 14:34), refers only to a house built with stones, timber, and mortar, since these materials are mentioned later in verse 45 (Sifra, introd. 1:6).

(13) Shenei khetuvim ha-makhshishim zeh et zeh ad sheyavo ha-katuv ha-shelishi ve-yakhri'a beineihem: two verses contradict one another until a third verse reconciles them. For example, one verse states that God came down to the top of the mountain (Ex. 19:20), another that His voice was heard from heaven (Deut. 4:36). A third verse (Ex. 20:19) provides the reconciliation. He brought the heavens down to the mount and spoke (Sifra 1:7).

Other Rules

Among other rules found in the literature are **ribbui** ("inclusion") and **mi'ut** ("exclusion"). When found together these terms denote a variation of the kelal u-ferat rules (BK 86b; Shev. 26a). The term ribbui is also used to denote that the Hebrew particles af, gam, et indicate an inclusion or amplification, and the term mi'ut to denote that the particles akh, rak, min indicate an exclusion or limitation. This method of interpretation, used particularly in the school of R. Akiva, proceeds from the premise that every word of Scripture has significance. For instance, the particle et begins the verse "Thou shalt fear the Lord thy God" (Deut. 10:20). This implies that the application of the verse is extended to include reverence for scholars (Pes. 22b). According to Akiva's school the use of the infinitive absolute (which repeats the verb) implies an amplification. An example is "That soul shall utterly be cut off" (Num. 15:31) – "hikkaret tikkaret." R. Akiva remarks, "Hikkaret in this world, tikkaret in the world to come," but R. Ishmael

demurs, "The Torah speaks in human language," i.e., the duplication of the verb is according to regular Hebrew usage and therefore carries no additional implication (Sif. Num. 112). The word kol ("all") is treated as a ribbui. For example, the duty of recalling the Exodus "all [kol] the days of thy life" (Deut. 16:3) devolves upon one at night as well as by day (Ber. 1:5).

Dots (nekuddot) found over certain letters are interpreted as calling attention to some special feature, e.g., over va-yishakehu, ("and he kissed him"; Gen. 33:4), to teach, according to one opinion, that Esau was completely sincere (Gen. R. 78:9). **Gematria refers to the numerical equivalent of a word**, e.g., the name Eliezer, Abraham's servant, has the same numerical value as the number of soldiers (318) Abraham takes out to battle (Gen. 14:14). The Midrash therefore states that Abraham sent only Eliezer into the battle (Gen. R. 43:2). In **notarikon ("shorthand")** the letters of a word represent the initial letters of other words. Some examples are: nimrezet ("grievous"; Kings 2:8) alludes to no'ef ("adulterer"), mo'avi ("Moabite"), rozeah ("murderer"), zorer ("enemy"), to'evah ("abomination"; Shab. 105a). Al tikrei ("do not read... but") is a change of reading to convey a different meaning, e.g., banayikh ("thy sons"; Isa. 54:13) is read as bonayikh ("thy builders"; Ber. 64a). Where the vocalization differs from the consonantal form of the text, there is a debate as to which is to be followed in order to determine the law (Sanh. 4a). Two general rules found frequently are **ein mukdam u-me'uḥar ba-Torah ("the Torah does not proceed in chronological sequence"; Pes. 6b)** and **ein mikra yoze mi-ydei feshuto, "a Scriptural verse never loses its plain meaning,"** i.e., regardless of any additional interpretation (Shab. 63a; Yev. 24a).

R. Ishmael and R. Akiva

It is stated (Shev. 26a) that R. Ishmael followed his teacher, R. Nehunya b. ha-Kanah, in expounding Scripture according to the rules of kelal u-ferat and that R. Akiva followed his teacher, Nahum of Gimzo, in expounding by the rules of ribbui and mi'ut. The latter method is more inclusive and less confined by the plain meaning of the text. From this and some of the other examples given above it will be seen that the school of R. Ishmael was more restrictive in its use of hermeneutical principles than that of R. Akiva. Two further points of departure must be noted. According to R. Ishmael a matter itself derived from Scripture by means of one of the hermeneutical principles cannot serve as a premise for the derivation of an additional conclusion through the operation of these principles, whereas according to R. Akiva one may "learn from a matter itself derived from Scripture" (lamed min ha-lamed; Zev. 57a). According to R. Ishmael the principles of kal va-ḥomer and binyan av cannot be implemented toward the imposition of a penalty (ein oneshim min ha-din), a view to which R. Akiva takes exception (TJ, Yev. 11:1, 11d; J.N. Epstein, Prolegomena (1957) 525–6). Despite the appearance of two distinct approaches to the use of the hermeneutical rules, a closer reading of the talmudic sources reveals that R. Ishmael did employ R. Akiva's rules of ribbui and mi'ut. At the same time, R. Ishmael is not quoted in talmudic sources as having used each and every one of the thirteen principles. Thus, the Sifra might be attributing the thirteen principles to R. Ishmael and his school rather than actually quoting him.

The use of these hermeneutic principles spread because of the increase in Torah study coupled with the increase in disagreements both among the rabbis and between them and the other Second Temple Jewish sects. The use of the principles also gave greater authority to the link between the Pentateuchal text and the law, especially when the law is not stated outright in the text. Over time, as the Mishnah became an authoritative halakhic text, the application of these rules slowly petered out.