

Hermeneutics in Talmud, Midrash and the New Testament

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Peshat and Derash

In discussing the rabbinic interpretation of Scripture as found in talmudic and midrashic literature, scholars commonly distinguish between *peshat*¹ as the literal exegesis or interpretation of the scriptural text,² and *derash* (or *derush*, from the verbal root *darash*) as the freer, more actualizing and embellishing interpretation.³ It has been disputed, however, whether such a distinc-

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1. For a more thorough treatment of *peshat* in rabbinic literature, see I. Frankel, *Peshat in Talmudic and Midrashic Literature* (Toronto, 1956); W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur* (Leipzig, 1899), vol. 2, pp. 170 ff. (*peshat*). On the terminology, see among others M. Gertner, "Terms of Scriptural Interpretation: A Study in Hebrew Semantics," *Bulletin of the School of Oriental and African Studies* 25 (1962), 1–27; J.Z. Lauterbach, *Jewish Encyclopedia*, vol. 9, pp. 652–3; R. Loewe, "The 'Plain' Meaning of Scripture in Early Jewish Exegesis," J.G. Weiss ed., *Papers of the Institute of Jewish Studies in London* (London, 1964), pp. 140–185.
 2. For a closer look at the discussion around Geiger and the issue of the natural meaning of Scripture, see E. Starfelt, *Studier i rabbinisk og nytestamentlig skrifttolkning* (Studia Theologica Lundensia 17; Lund, 1959); L. Zunz, *Die gottesdienstlichen Vorträge der Juden* (Berlin, 1832), who identifies *peshat* with "Erläuterungen des Schrifttextes nach dem Wortverstande"; Lauterbach, pp. 652–3, who sums up the meaning as "simple Scriptural exegesis" and "the literal sense of Scripture"; J. Bonsirven, *Exégèse rabbinique et exégèse paulinienne*, (Paris, 1939), pp. 5, 34–5 and 389, who interprets *peshat* as "sens simple."
 3. Compare here A.G. Wright, *The Literary Genre Midrash* (Staten Island, New York, c. 1967), p. 59, first published in *Catholic Biblical Quarterly* 28 (1966), 105–138; 417–457. It is also common to divide Jewish scriptural interpretation into four forms or methods: *peshat* (the literary interpretation), *remez* (allegorical submeaning), *derush* (the common interpretation) and *sod* (the secret or deepest contents). See Lauterbach, p. 653, and Starfelt, p. 30. For a more thorough treatment of the term *darash* — *midrash* in the Old Testament, New Testament, Qumran and rabbinic literature — see A.J. Hobbel, "Hva er midrasj?," *Nordisk Judaistik* 7:2 (1986), 57–70.

tion between *pesbat* and *derash*⁴ existed from the earliest rabbinical sources.⁵ In Midrash, this distinction is not clearly defined; sometimes the terms are used interchangeably in parallel passages.⁶ Only in the Middle Ages did the term *derash* come to be used for homiletic interpretation in contrast to *pesbat*, the literal interpretation; this took place, most probably, under the influence of Rashi's Bible commentaries.⁷

Creative Historiography and Creative Philology

Derash as an exegetical method has commonly been divided into "creative historiography" and "creative philology."⁸ *Creative historiography* seeks to clarify the scriptural text and make it relevant in one way or another for the writer's audience. It employs embellishments to clarify Bible stories and to answer questions aroused by "holes" in the text, both making the text easier for the reader to understand and removing historical and doctrinal problems that the scriptural text itself has raised. Behind it, therefore, lie to a great extent exegetical and homiletical motives.⁹ As creative historiography, Midrash rewrites the past in order to make evident the eternal righteousness, integrity and correctness of the scriptural paradigms.¹⁰

Whereas creative historiography thus aims to clarify the text and make it relevant and meaningful, *creative philology* employs various techniques to draw conclusions from Scripture and bring out its hidden meanings.¹¹ As creative philology, Midrash discovers meaning in details that at first glance may seem meaningless or insignificant.¹² It seeks to expound all details in the scriptural passage, out of the conviction that Scripture, as G-d's own word, has many meanings¹³ and can express many things at the same time.¹⁴ In creative philology, all parts of Scripture — letters, words, verses and passages — can be explained not only each in its own context, but also apart from the context as independent and more disconnected autonomous units.¹⁵

4. See, e.g., Lauterbach, pp. 652–3, and Wright, pp. 59 ff. Compare also S. Horowitz, *Jewish Encyclopedia*, vol. 8, p. 548; J. Neusner, "History and Midrash," *Judaism* 9 (1960), 48–9, who at the same time recalls that the occasional distinction of the rabbis "between a particular imaginative Midrash of a verse and its plain sense" meant far less for them than nowadays.

5. See Loewe.

6. Compare L.I. Rabinowitz, *Encyclopaedia Judaica*, vol. 8, col. 330; Loewe, especially pp. 156–7 and 183.

7. L.I. Rabinowitz, *Encyclopaedia Judaica*, vol. 5, col. 1549.

8. Neusner, p. 50, who seems to have borrowed the terminology from the book of I. Heinemann, *Darkhei Ha-Aggadah* (Jerusalem, 1949). Cf. also Wright, p. 60.

9. Compare Wright, p. 61.

10. Compare Neusner, p. 50.

11. Wright, p. 61.

12. Neusner, p. 50.

13. Wright, pp. 62–3.

14. Cf. Numbers Rabbah 2:3 and 13:15–16, where it is said that a word of Scripture or a scriptural passage may have 70 (or 49) aspects.

15. Wright, pp. 62–3.

It is almost impossible to find rabbinic methodological formulations about creative historiography; that one was permitted to develop and expound the biblical material seems rather to have been taken for granted. With creative philology, however, the situation is quite different: here the rabbis did formulate certain exegetical or hermeneutical rules by means of which the Torah should be expounded.¹⁶

Rabbinic Hermeneutical Rules — *Middot*¹⁷

The rabbis considered Scripture — in particular the Torah or Pentateuch — as a unity,¹⁸ a divine¹⁹ body, brief in its manner of expression.²⁰ It was also regarded as expressing itself in ordinary human language.²¹ The Law was viewed as the basis for the correct relation to G-d.²² It was possible, therefore, for the rabbis to find a deeper meaning in the text besides the more manifest and plain one,²³ and to elicit a fuller application of its laws by formulating or establishing certain principles of interpretation, so-called *middot*.²⁴

There are three formulations of such exegetical or hermeneutical rules:

- 1) Hillel's seven *middot*²⁵
- 2) R. Ishmael's thirteen *middot*²⁶
- 3) R. Eliezer ben Jose ha-Galili's thirty-two *middot*²⁷

These collections, however, do not represent a complete or exhaustive formulation of the exegetical rules of the rabbis,²⁸ since they primarily con-

16. Wright, pp. 61–2.

17. On the following, see especially H.L. Strack, *Introduction to the Talmud and Midrash* (New York, 1969), pp. 93–98; Bonsirven, op. cit. (note 2); D. Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *Hebrew Union College Annual* 22 (1949), 239–264; J.Z. Lauterbach, *Jewish Encyclopedia*, vol. 9, pp. 30–34; G. Mayer, "Exegese II (Judentum)," *Reallexicon für Antike und Christentum*, vol. 6, pp. 1194–1203; B. Salomonsen, "Om rabbinisk hermeneutik," *Dansk Teologisk Tidsskrift* 36 (1973), 161–173; L. Jacobs, "Hermeneutics," *Encyclopaedia Judaica*, vol. 8, coll. 366–372; A.J. Hobbel, "Skrifttolkning og midrasjlitteratur," in H. Koalbein ed., *Skriftlaerde og fariseere* (Oslo, 1984), pp. 179–192, 227–229, 245–248, especially pp. 183 ff.

18. See Starfelt, pp. 60–61.

19. Compare *ibid.*, pp. 266–7, also pp. 34–47 (about interpretation of the Law).

20. *Ibid.*, pp. 61–2.

21. *Ibid.*, p. 62.

22. *Ibid.*, pp. 68–9.

23. *Ibid.*

24. Compare Jacobs, p. 366. *Middot* = "measures," "rules," "norms," "qualities." On the term, see W. Bacher, op. cit. (note 1 above), vol. 1, pp. 100–103, where he points out that the term does not only designate rules for interpreting Scripture, but also designates this exposition itself (p. 102); compare also vol. 2 (Leipzig, 1905), pp. 106–7 (but subsequent references to Bacher will be to vol. 1).

25. Sifra, introduction; Avot de-Rabbi Nathan 110; tSanhedrin 7 (the end).

26. Sifra, introduction.

27. Midrash Ha-Gadol, introduction.

28. For a brief description of other exegetical rules see, for example, Lauterbach, p. 30.

cern Halakhah, except the *middot* of R. Eliezer which are mainly aggadic.²⁹ R. Ishmael's thirteen rules are largely an extension of Hillel's seven. It is disputed whether any Greek or Hellenistic influence can be discerned behind the various rules, even though some of them might well seem to have terminological parallels in this respect.³⁰

The following discussion will be limited to a consideration of the seven rules ascribed to Hillel, seeking to establish whether traces of them occur also in the New Testament. Wherever this may be the case, examples will be given from both the New Testament and rabbinic literature itself.

Hillel's Seven Middot

It need not be presumed that Hillel's seven *middot*³¹ or rules of interpretation originated from Hillel himself or that he was the first one to formulate them. Quite probably they existed already before his time, in which case he would have gathered them, possibly expounded them,³² and been one of the first to utilize them for the purpose of defining practical Halakhah.³³ With these seven rules too, moreover, some scholars claim to discern a Greek or Hellenistic influence or to find such parallels.³⁴

The verb *darash* is used by the rabbis in connection with the seven rules of Hillel.³⁵ This fact in itself justifies our placing them under the overall heading of midrashic interpretation. Let us now examine each of them individually.

Qal wa-homer

Both in Hillel's and in R. Ishmael's collection of *middot*, *qal wa-homer* occupies the first place. Also called *din* (conclusion),³⁶ it is without doubt one of the most common of the exegetical rules. *Qal* means light or in juridical language less strict; *homer* means weight or in juridical language a strict or important decision or circumstance.³⁷

Qal wa-homer signifies inferences a *minori ad maius* — from the lesser to the greater. That is, if something applies in a less important case (*qal*), it must apply even more so to a more important one (*homer*). It is also, however, used to denote argumentation a *maiori ad minus* — from the greater to the lesser; if something applies in a more important case (*homer*), it also applies in a less important one (*qal*).³⁸ Accordingly, the full name for this rule should more

29. A. Hilewitz, *Encyclopaedia Judaica*, vol. 6, col. 630; Jacobs, p. 367.

30. Jacobs, *ibid*.

31. Schwarz considered that Hillel set forth only six *middot* (cf. Starfelt, p. 70, note 2).

32. Compare Lauterbach, p. 31.

33. *Encyclopaedia Judaica*, vol. 8, col. 482.

34. See among others Mayer, especially pp. 1196–1198. Also Daube, *op. cit.* (note 17) and "Alexandrian Methods of Interpretation and the Rabbis," *Festschrift H. Lewald* (Basel, 1953), pp. 27–44.

35. Sifra, introduction.

36. Lauterbach, p. 32.

37. Starfelt, p. 75. For different ways of explaining the expression's combination of an adjective and a noun, see *ibid.*, n. 3.

38. Compare Bacher, p. 172.

precisely be *qal wa-homer we-homer wa-qal*.³⁹ In connection with *qal wa-homer*, typically enthymematic inferences may be involved, in other words inferences where one or both of the premises are implied.⁴⁰

There were certain restrictions concerning the validity of the conclusion drawn by means of *qal wa-homer*:

A) The so-called *dayyo*-rule:⁴¹ the conclusion cannot contain more than is already contained in the premise.⁴² To put it differently, this restriction limits the consequences of the part designated by *homer* to being like the consequences of the part designated by *qal*.⁴³ *Qal wa-homer* cannot be used to argue that if A has x, then B has x and y; it contents itself with concluding that B has x. To conclude that B also has y is to transcend the restriction that is in force according to the *dayyo*-rule.⁴⁴ Although the *dayyo*-rule is rejected by R. Tarphon in certain cases,⁴⁵ it is really a restriction typical of a fortiori inferences in general.⁴⁶

B) One cannot apply it to the words of the sages (the tradition, the Halakhah) in order to draw conclusions that involve law-decisions.⁴⁷

C) One cannot derive decisions of punishment on the basis of a conclusion (drawn by *qal wa-homer*).⁴⁸

From point B above, one can see that the rabbis did not consider *qal wa-homer* as an unconditionally valid logical form of conclusion, but as a method of interpretation whose validity was totally dependent on Scripture as the primary source for the interpretation or exposition. This meant that there had to be a direct relation between Scripture and the conclusion (drawn by *qal wa-homer*); thus the premise of the conclusion had to be taken from Scripture alone. Point C, too, shows that only a conditional value was attributed to *qal wa-homer*.⁴⁹

A. Schwarz attempted to prove that *qal wa-homer* is identical with the Aristotelian syllogism.⁵⁰ This has been opposed by others.⁵¹

39. Compare Lauterbach, p. 32.

40. Starfelt, p. 80.

41. mBava Kamma 2:5, compare mNiddah 4:6. Cf. also bBava Kamma 18b, 37b.

42. Lauterbach, p. 32.

43. Starfelt, p. 78.

44. Compare Jacobs, p. 367.

45. bBava Kamma 25a.

46. Starfelt, p. 88.

47. Ibid.

48. Ibid., *ein onshin min ha-din*; cf. Bacher, p. 22 and Lauterbach, p. 32. For possibly existing opposition to this juridical restriction, see Starfelt, p. 90.

49. Compare Starfelt, pp. 91 and 271.

50. A. Schwarz, *Hermeneutischer Syllogismus in der talmudischen Literatur* (Karlsruhe, 1901).

51. Cf. Starfelt, pp. 80 ff., where he rejects the theories that *qal wa-homer* has its origin in the Aristotelian "Barbara" syllogism (Schwarz) or in the antinomy inference (Hirschfeld) or in classical rhetoric (Daube). See also Jacobs, p. 367, for criticism of Schwarz's theory of identification with the Aristotelian syllogism.

Various scholars have proposed examples of *qal wa-homer* in the New Testament.⁵² As a point of comparison, let us first cite a passage from rabbinic literature (Avot 1:5): “Jose ben Johanan of Jerusalem used to say: ‘Let your house be wide open and let the poor be your household, and talk not much with the woman.’ If he said this about his own wife, how much more (*qal wa-homer*) then about the wife of his friend.” The New Testament examples are of both types of argumentation distinguished above.

A) Argumentation a minori ad maius

Matthew 7:11: “If you then, evil as you are, know to give your children good gifts, how much more surely [*poso mallon*] will your Father who is in heaven give good gifts to those who ask him.” (Cf. also Luke 11:13.)

Romans 5:15: “With the gift of grace, however, it is by no means as it is with the transgression; for if through the transgression of the one [i.e., Adam] many had to die, far more richly [*pollo mallon*] did the grace of G-d and his gift, that comes through the favor of one man Jesus Christ, overflow to the many.”

Among other passages that may be cited here are: Matthew 12:5–8 and 12:10–13; Luke 12:28 and 13:14ff; John 7:23 and 10:34–36; Romans 5:17 and 11:12; 2 Corinthians 3:7–11.

B) Argumentation a maiori ad minus

Romans 8:32; “He who did not even spare his own Son, but gave Him up on behalf of us all, will He not also favor us with everything along with Him?”

Among other possible examples is 1 Corinthians 6:2 ff.

Gezerah shawah

Gezerah shawah is second in the lists of Hillel and R. Ishmael, but seventh in R. Eliezer’s list of thirty-two *middot*. The very meaning of the expression is much disputed. It consists of a noun, *gezerah*, and an adjective, *shawah* (“like”). The noun is connected to the verb *gazar*, which means both “cut apart, separate” and “decide, determine.”⁵³ This noun particularly has been understood in different ways. Among the suggested meanings of the whole expression are the following:

52. See J.W. Doeve, *Jewish Hermeneutics in the Synoptic Gospels and Acts* (Assen, 1953), p. 97, who mentions 2 Cor. 3:8 f. He adds on p. 105, among others, Mt. 7:11 (Lk. 11:13), Mt. 10:25, Lk. 12:28, Rom. 11:12 (and compare 11:24), Heb. 9:14 and 10:29. Cf. *ibid.*, p. 66, for his understanding of the rule. Also J. Jeremias, “Paulus als Hillelit,” in E.E. Ellis and M. Wilcox eds., *Neotestamentica et Semitica: Studies in Honour of M. Black* (Edinburgh, 1969), who mentions (p. 92) Rom. 5:15 and 17, Rom. 11:12, 2 Cor. 3:7–8, 9 and 11 (a *minori ad maius*); Rom. 5:6–9, 8:32 and 11:24, 1 Cor. 6:2–3 (a *maiori ad minus*). R.N. Longenecker, *Biblical Exegesis in the Apostolic Period* (Grand Rapids, Michigan, 1975), mentions (pp. 68–9) Mt. 7:11 and 12:5–7, Lk. 12:28, Jn. 7:23 and 10:34–36 (a *minori ad maius*); further (p. 117) Rom. 5:15–21 and as underlying Rom. 11:12 and 2 Cor. 3:7–18 (also a *minori ad maius*); cf. p. 34 on his “definition.” Daube, *op. cit.* (note 17), p. 255, mentions Mt. 12:10 ff., Lk. 13:14 ff. and Rom. 5:8–9 (a *minori ad maius*). Compare here also L. Jacobs, *Studies in Talmudic Logic and Methodology* (London, 1961), p. 4, n. 1, who finds all of Daube’s three mentioned examples to be cases of what he himself terms “simple” *qal wa-homer*. (Subsequent references to Jacobs will continue to be to his *op. cit.*, note 17.)

53. Bacher, p. 12, and Gertner, *op. cit.* (note 1), p. 24.

- A) the same *expression* (in both texts)⁵⁴
- B) the same *halakbic decision* or *rule* (in both cases)⁵⁵
- C) a *comparison* of two prescriptions, or a comparison with the like.⁵⁶
- D) identical *interpretation*.⁵⁷

Starfelt points out, however, that among modern scholars who have investigated this rule there seems to be agreement that *gezerah* here has its normal meaning of "determination, decision." Since *shawab* means "like, of similar nature," the basic meaning of the combined expression should therefore be "equal or similar decision, determination."⁵⁸

As with *qal wa-homer*, *gezerah shawab* has from time to time been regarded as a purely logical principle, namely, the rabbinical version of an argument from analogy.⁵⁹ From some controversies, it seems that the school of Shammai could use *gezerah shawab* as a term for matter-analogy.⁶⁰ Yet although the expression seems to have been used also for other things than an analogy built on similar words or expressions, the latter meaning occurs early and is the only usage in the tannaitic midrashim.⁶¹ A comparison of various texts shows that in most cases the rule deals just with clear and obvious linguistic elements such as the same word or expression.⁶² For the terminology used in connection with the expression *gezerah shawab*, see the relevant reference works.⁶³

There were also certain restrictions on the use of *gezerah shawab*.⁶⁴

A) One could not advance a *gezerah shawab* independently, but had to receive it through the tradition from one's teachers: *ein adam dan gezerah shawab me-atzmo*.⁶⁵ A *gezerah shawab* therefore had to be built on the tradition. To put it differently: one could never advance new rules by means of *gezerah shawab*, but only show that already binding rules were in accordance with Scripture.⁶⁶

B) Both texts had to be from the Torah (Pentateuch).⁶⁷

C) The words in a *gezerah shawab* had not only to be alike or the same, but also pleonastic or superfluous (*mufneb*) in the context where they occur,

54. Cf. Gertner, *ibid.*

55. Cf. *ibid.*

56. Compare here S. Lieberman, *Hellenism in Jewish Palestine* (New York, 1950), p. 59.

57. Gertner, p. 25, as his own proposition. For possible criticisms of these four suggestions, see *ibid.* as well as Starfelt, pp. 93–4.

58. Starfelt, pp. 93–4.

59. Starfelt, pp. 107 ff. and 271, makes special mention of S. Landau (a strictly logical matter-analogy) and Schwarz (purely logical method); compare here also Jacobs, p. 368 (originally a purely logical principle).

60. Bacher, p. 14.

61. *Ibid.*

62. Starfelt, p. 272.

63. See, e.g., Bacher, *op. cit.*

64. See here Jacobs, p. 368, and Starfelt, especially pp. 99 ff.

65. Cf. bPesahim 66a and jPesahim 6:1.

66. Starfelt, p. 272.

67. Jacobs, p. 368, refers here to bBava Kamma 2b (in his discussion of the thirteen rules of R. Ishmael).

such that one can say that they were placed there just to point to that *gezerah shawah*.⁶⁸ It seems, however, that the school of R. Akiva may disagree with the school of R. Ishmael and not require *mufneh*.⁶⁹

Also with *gezerah shawah*, examples have been discerned in the New Testament.⁷⁰ Here too, we consider first a sample passage from rabbinical literature, namely a question put to Hillel (bPesahim 66a):

They said to him: "Do you know whether Passover puts aside the Sabbath or not?" "Have we [only] one Passover during the year which puts aside the Sabbath?" he answered them. "Verily, we have many more than two hundred Passovers during the year which put aside the Sabbath!" They said to him: "How do you know that?" He answers them: "*Appointed time* [*mo'ado*] is expressed in connection with Passover [cf. Num. 9:2] and *appointed time* is expressed in connection with *tamid* [cf. Num. 28:2]; just as *appointed time* which is expressed in connection with *tamid* [cf. Num. 28:2] puts aside the Sabbath, *appointed time* which is said in connection with Passover puts aside the Sabbath."

Here, the premise is that the expression *mo'ado* occurs both in connection with the rule for celebrating Passover (Num. 9:2) and in connection with the *tamid*-offering (Num. 28:2). It is therefore concluded: just as the *tamid*-offering puts aside the Sabbath (cf. the commandment about resting on the Sabbath), so also Passover puts it aside.

A New Testament example is Romans 4:1–12:

What shall we say, then, that Abraham our human ancestor has discovered? For if Abraham was justified because of works, then he has something to boast of. But not before G–d, for what does Scripture say? Abraham believed G–d, and it was *accounted* to him for righteousness [Gen. 15:6]. Now, to a workman wages are not paid as a favor but as an obligation; while to the person who does not have deeds, but believes in Him who *declares* the ungodly righteous, to him his faith is *accounted* for righteousness. Precisely as David mentions the blessedness of the man to whom G–d *accounts* righteousness apart from his works:

Blessed are they whose iniquities have been forgiven and whose sins have been covered. Blessed is the man whose sin the L–rd will not *count*. [Ps. 32:1 f. = LXX 31:1 f.]

Now, then, does this ascription of blessedness apply only to the circumcised, or to the uncircumcised as well? For this is our statement: faith was *accounted* to Abraham for righteousness [cf. Gen. 15:6]. Then how was it *accounted*? When he was circumcised, or when he was still uncircumcised? Not when he was circumcised [cf. Gen. 17.9 ff.], but when he was still uncircumcised; and he received the mark of circumcision as a seal of the righteousness of the faith which he had while still uncircumcised, so

68. Compare here also Bacher, pp. 15 and 148–9, who translates the expression *mufneh* = "frei, ledig." For a more thorough discussion of *mufneh*, see Starfelt, pp. 99–104.

69. Jacobs, p. 368.

70. See, e.g., Doeve, pp. 106–7, who mentions Mt. 12:3–4 (cf. p. 66 for his "definition"). Jeremias, pp. 92–3, speaks of "der Analogieschluss auf Grund gleichlautender Worte" in Rom. 4:1–12.

that he might be the father of all uncircumcised believers, that to them righteousness might be *accounted*.

In this passage, all the words emphasized represent the same Greek verb *logizesthai*, which serves as the similar expression required for a *gezerah shawab*. The passage employs, however, one text from the Torah (Gen. 15:6) and one from the Psalms (Ps. 32:1), not two texts from the Torah (as normally required by restriction B mentioned above). It may therefore be questioned whether the passage represents a “pure” or “genuine” *gezerah shawab*.

Among other passages mentioned as exemplifications of *gezerah shawab* in the New Testament are: Acts 2:25–28 with 33 ff. (Ps. 16:8–11 = LXX 15:8–11 and 110:1 = LXX 109:1, *ek dexion mou*); Acts 13:34ff (Is. 55:3 and Ps. 16:10 = LXX 15:10, a form of *bosios* in both places); and possibly also Mt. 12:1–4.

Binyan av mi-katuv ehad

This rule and the next one are ranked as third and fourth in the collection of Hillel, while both are counted together as the third by R. Ishmael and as the eighth by R. Eliezer. Here we deal with an induction from a single passage of Scripture (*katuv ehad*). To put it differently, we have here a construction (*binyan*) where the premise appears as “father” (*av*) to the conclusions drawn from it.⁷¹ That single scriptural passage thereby serves as the basis for the interpretation of many others, such that the decision made in the first case is also considered valid for the rest.

Since it is uncertain whether traces of this rule have been claimed in the New Testament,⁷² merely a rabbinic example will be given (bShabbat 22a):

It was taught: “He shall pour [its blood] out and cover [with dust]” [Lev. 17:13] — with what he has poured out [i.e., with the hand], he shall [also] cover. He shall not cover it with the foot, so that prescripts may not be contemptible to him [i.e., so that he shall not treat them with contempt]. So [is the case] here also [i.e., regarding the Hanukkah-lamp]...

The last sentence is then applied further: it is not allowed to count money in the light of the Hanukkah-lamp, etc., then comes: “R. Joseph said: The basis [lit. ‘their father’ — *av*] of all of them [i.e., for all these prescripts] is [the prescript about] the blood.”

Here, the “father” for all the prescripts and regulations that follow is the blood. That is, the other prescripts are derived from what is taught to be the rule in the case of the blood mentioned in Leviticus 17:13 (this passage being the *katuv ehad*).

71. Jacobs, p. 368. Bacher, p. 9, translates *binyan av* with “Gründung einer Familie” because he holds that *av* here has to be extended to (and understood) *bet av* “Familie” (ibid., p. 1). For the terminology, see here also Bacher, pp. 9–11, and Starfelt, p. 114.

72. Neither in the literature mentioned here nor elsewhere have I found examples explicitly given.

Binyan av mi-shnei ketuvim

This is like the preceding rule, except that the induction in this case proceeds from two passages of Scripture instead of merely from one. That is, the decisions given in two laws (two scriptural passages) are considered to have one characteristic feature in common (*ba-tzad ba-shaweb*), which is then applied to many other laws (passages of Scripture) that are also considered to have the same characteristic feature.⁷³

Here too, it is unclear whether traces of this rule have been claimed in the New Testament,⁷⁴ so only a rabbinic example will be given, namely, Mekhilta de Rabbi Ishmael, Ex. 21:27 (*neziqin 9*):⁷⁵

“[And] if he knocks out the tooth of his male slave [or female slave, he must let them go free for the tooth]” [Ex. 21:27]. I [might understand that this applies] even if he has knocked out a milk tooth. [But] it is [also] said “eye” [in the preceding verse, Ex. 21:26: “When a man hits the eye of his slave, male or female, and destroys it, he must let them go free for the eye”]. What is an eye? [An eye which is first damaged] can not be healthy again. [So it is] also [with] a tooth. [Also a tooth which is first damaged] cannot grow out again. [But] I have no other [sc. basis for release] than the ones specifically mentioned: the tooth and the eye. Where [then] do all other chief organs get their characteristic traits from? You judge *binyan av* between both of them [i.e., on the basis of what is common to both cases, eye and tooth, you derive what must apply to all chief organs of the body]. The peculiarity of the tooth is not the same as the peculiarity of the eye. Nor is the peculiarity of the eye the same as the peculiarity of the tooth. But what is common [*ba-tzad ba-shaweb*] to [both of] them is that it constitutes permanent defects [if one loses them]; they are apparently chief organs. [And if the master] with intention [damages these organs of his slave], he [i.e., the slave] goes out as a free man on account of [what has happened with] them [i.e., with the eye and the tooth]. Or [does not the same apply] if he has cut off flesh from him [i.e., from the body of the slave]? It is said [i.e., Scripture mentions] the tooth and the eye [cf. Ex. 21:26 f.]. The peculiarity [of them] is that it constitutes permanent defects [if one loses them]; they are apparently chief organs. And [if the master] with intention [damages these organs of his slave] which cannot grow out again, he [i.e., the slave] goes out as a free man on account of [what happened with] them [i.e., with the organs]. Therefore I only include those [organs] which it constitutes permanent defects if one loses them; they are apparently chief organs. And [if the master] with intention [damages such organs] which cannot grow out again, he [i.e., the slave] goes out as a free man on account of them.

73. Lauterbach, p. 33. Jacobs, p. 368, mentions bBava Mezia 87b as an example (in his discussion of R. Ishmael's thirteen *middot*).

74. Here too, I have not found examples mentioned.

75. Text as in Lauterbach's edition; Horowitz-Rabin has a somewhat shorter text.

Kelal u-ferat u-ferat u-khelal

This rule (“the general and the specific, and the specific and the general”) comes fifth in Hillel’s collection, while in R. Ishmael’s it is divided into eight different rules, namely numbers four through eleven.⁷⁶ Here it will suffice to take into consideration the three main forms,⁷⁷ since numbers seven through ten of R. Ishmael’s rules can be considered modifications of these, which can mainly be viewed as reflecting the earlier usage that the tradition connects with Hillel.⁷⁸

Kelal can be translated “sum up, generalize,” in contrast to *perat*, “put special emphasis on, specify.”⁷⁹ Behind this rule there seems to lie the observation that Scripture in certain passages first mentions a general concept (*kelal*) and thereafter a specific one (*perat*), while in other passages it conversely mentions a specific concept first and thereafter a general one.⁸⁰

A) Kelal u-ferat

In this form, a general expression is mentioned first, followed by a more specific one, such that the latter constitutes an exhaustive specification of the former. To put it differently, the general expression is considered to signify no more (and no less) than what is explicitly stated in the specific one. A biblical example is Leviticus 1:2: “You shall bring an offering of the cattle [*kelal*], even from the herd or from the flock [*perat*].” Although the expression “cattle” usually includes also the wild beasts (i.e., non-domesticated cattle), the latter are excluded by the specific limitation “the herd and the flock.”

In midrashic literature, this text from Scripture is indeed used to exemplify the rule in Sifra, Introduction 7 (Weiss ed.):

[One rule is that Torah is explored] from the general and the specific [*kelal u-ferat*]. How? [Like this:] from “cattle,” [this being] the general [*kelal*], and from “the herd” and from “the flock,” [both of these together being] the specific [*perat*], [by applying] the general and the specific [*kelal u-ferat*], there is nothing in the general [*kelal*] without being in the specific [*perat*].

A New Testament example is Galatians 5:14: “For the entire Law [*kelal*] is summed up in this one statement: ‘Love your neighbor as yourself’ [*perat*].”

B) Perat u-khelal

Here, the specific expression is mentioned first, followed by a general one. The general is considered to cover the specific, but therefore also to include other cases than those mentioned in the specific.

A rabbinic example is Sifra, Introduction 8 (Weiss ed.):

[One rule is that Torah is explored] from the specific and the general [*perat u-khelal*]. How? [Like this:] “When someone commits to his neigh-

76. For a short discussion of these eight rules, see, e.g., Jacobs, pp. 369–70.

77. For the three main forms, cf. Starfelt, pp. 115–118.

78. Cf. Starfelt, p. 121.

79. Cf. here, and for the terminology in general, Bacher, pp. 79–82, 153.

80. Starfelt, p. 115.

bor's care a donkey or an ox or a sheep," [these being] the specific [*perat*], "or any livestock," [this being] the general [*kelal*] [Ex. 22:9], [by applying] the specific and the general [*perat u-khelal*], we will make the general [*kelal*] an addition to the specific [*perat*].

That is, by applying the rule to this verse, it is concluded that the verse covers also beasts other than those specifically mentioned in it.

C) *Kelal u-ferat u-khelal*

This combines the two preceding forms inasmuch as a general expression is followed by a specific one and then a general one. The decision in question is thereby taken to be generally valid for all the cases contained in the general expression, being at the same time also in accordance with that which the specific cases have in common.

Here too, a rabbinic example is Sifra, Introduction 8 (Weiss ed.):

[One rule is that Torah is explored] from the general and the specific and the general [*kelal u-ferat u-khelal*]. How? [Like this in Deut. 14:26:] "And you can spend the money on whatever you might desire," [this being] the general [*kelal*], "bullocks and sheep, wine and strong drink," [these being] the specific [*perat*], "and everything else that you might want," [again] back to the general [*kelal*], [by applying] the general and the specific and the general [*kelal u-ferat u-khelal*].

Starfelt holds that here, too, what is decisive for the interpretation is not a purely logical relation between the universal and the particular, but rather the order in which the concepts are mentioned in the passage of Scripture. Again he finds that the interpretation of the rabbis can be understood only against the background of the their conviction that G-d, as the author of Scripture, often chooses to present His instructions by means of the finest linguistic tools and nuances.⁸¹

Examples of this rule have also been cited from the New Testament,⁸² such as the following *kelal u-ferat u-ferat u-khelal* (Romans 13:8-10):

Owe no one anything except that you love one another, for the person who loves his neighbor has fulfilled the law [*kelal*]. For "Do not commit adultery; do not kill; do not steal; do not covet" [*perat*], and whatever other commandment there is, may be summarized in one word, and that is: "Love your neighbor as yourself" [*perat*]. Love works no harm to one's neighbor, so love meets all the Law's requirements [*kelal*].

81. Cf. Starfelt, especially pp. 118 and 272.

82. See, e.g., Longenecker, p. 117, who mentions Rom. 13:8-10 (cf. his "definition," p. 34). Jeremias, p. 93, cites Rom. 13:9 and Gal. 5:14 (cf. his "definition": "Generelles und Spezielles, unterscheidet zwischen umfassenden und speziellen Geboten und lässt sie sich gegenseitig bestimmen").

Keyotzeh bo be-makom/mi-makom aher⁸³

The sixth rule ascribed to Hillel concerns interpretation of one passage of Scripture by means of another having similar contents.⁸⁴ It has no direct counterpart among the rules of R. Ishmael, being special to the scheme of Hillel. It comes close to *binyan av* (see above) and is by R. Ishmael and R. Eliezer replaced by this (as respectively the third and the eighth of their rules).

A rabbinic example is bBava Kamma 86b:

[The exemption from] the obligation of capital punishment by a court [is derived by comparing the expression] “murderer” [used in the passage which deals with capital punishment, Num. 35:31, with the expression] “murderer” [used in the passage which deals with] the obligation of exile [Deut. 19:3]. [The exemption from] the obligation of lashes is learnt [by comparing the expression] “guilty” [in the passage which deals with lashes, Deut. 25:2, with the expression] “guilty” [Num. 35:31, which occurs in the case] of them who are guilty of capital punishment by a court.

An example from the New Testament may be found in the third chapter of Galatians. The use of Genesis 22:18 in Galatians 3:16 is related by similar contents to the use of Genesis 12:3 in Galatians 3:8.

Galatians 3:16: “But the promises were spoken to Abraham and to his offspring [to *spermati autou*]. It does not say ‘And to the offsprings’ in the plural, but in the singular ‘And to your offspring’ [to *spermati sou*], which is Christ.” Compare here Genesis 22:18: “And through your offspring [LXX: *en to spermati sou*] all peoples of the earth shall be blessed; because you have obeyed my voice.”

Galatians 3:8: “And in anticipation that G-d would justify the Gentiles through faith, the Scripture foretold the good news to Abraham in the promise: ‘In you [*en soi*] will all the nations be blessed.’” Compare here Genesis 12:3: “I will bless those who bless you and upon him who insults you I will put my curse. Also in you [LXX: *en soi*] all the families of the earth shall be blessed.”

Davar ha-lamed me-inyano

This rule is seventh in the collection of Hillel and the first part of number twelve in the collection of R. Ishmael. The significance of the “word that is learnt” (*davar ha-lamed*) is found by a conclusion (interpretation) drawn from its context (*me-inyano*).⁸⁵ Here the term *inyan* is said exclusively to have the meaning “object matter” (“subject matter”) or “contents” (German: *Thema, Inhalt*) in tannaitic literature, being very often used there in scriptural exegesis to denote the matter or contents of the passage of Scripture under discussion, or also to denote that passage itself insofar as it deals with a particular object or a particular content.⁸⁶

83. The text varies: *be-makom* in Sifra (cf. here also Azimani 66), but *mi-makom* in tSanhedrin 7:11.

84. Bacher, p. 76; cf. also Lauterbach, pp. 33–4.

85. Compare Jacobs, p. 370, and Bacher, p. 143.

86. Bacher, p. 140 (also especially p. 142 on this rule).

A rabbinic example is bSanhedrin 86a, which starts with the question: "From where [in Scripture do we learn] a warning against one who steals a human being?" R. Josia said: "From 'You shall not steal' [Ex. 20:15]." R. Johanan said: "From 'They shall not be sold as slaves' [Lev. 25:42]." The text continues:

There is no disagreement [between them]. One master applies it to the prohibition against theft [i.e., abduction], the other master to sale [of the kidnapped person]. Our rabbis taught: "You shall not steal" [Ex. 20:15] — [this refers] to theft of human beings. You say: "The scriptural passage refers to theft of human beings," but perhaps it is not so; maybe theft of money is meant? — You said: "Go and learn of the thirteen rules by means of which the Torah is interpreted" [*darash*]. [One of them is:] a word that is learnt from its context [*davar ha-lamed me-inyano*]. What is the [passage of] Scripture then talking about? It is talking about [crimes which involve] capital punishment. Therefore also this refers to [a crime which involves] capital punishment.

In this example, the rule is explicitly referred to by name in order to show that "You shall not steal" (Ex. 20:15) should be interpreted as referring to theft of human beings and not to theft of property. It is argued: since the overall context (i.e., the Decalogue) relates to a series of offences that are known to entail capital punishment (idolatry, profanation of the Sabbath, murder, etc.), so also "You shall not steal" must be a prohibition against such an offence, but abduction is the only theft punished in that way.

As a New Testament example, we may consider Paul's argument in Romans 4:3–12; see the complete quotation of this passage above in the discussion of *gezerah shawah*. Here, a text from the Torah (Gen. 15:6), which underlies Romans 4:3 (where it is explicitly quoted) and thereby effectively the whole passage as well, is combined with a secondary text from the Ketuvim (Ps. 32:1–2) in the argument by *davar ha-lamed me-inyano*. The author reasons about how righteousness is accounted in relation to circumcision; pointing to the chronological and therefore also logical priority of Abraham's uncircumcision, he argues that Abraham is father of both circumcised and uncircumcised. He concludes that the main thing is then not circumcision but faith, just as it was in the case of Abraham himself at that decisive moment (Gen. 15:6).

Concluding Remarks

Some scholars have overemphasized the purely logical aspects of the rules. The above discussion tends more to confirm the view of Starfelt, who regards the halakhic rules as a mixture of logical elements and other factors based on the particular view of Scripture held by the rabbis, who considered it — and especially the Torah — to be unlike any other text.⁸⁷

Nor was any direct influence from Hellenistic sources discerned behind the hermeneutical rules, although there may seem to be some external terminological parallels. The two worlds of thought are too different.

87. Cf. Starfelt, p. 272.

Examples of rules one and two and five through seven were found in the New Testament, and some were quoted. There is, however, a particular problem of the possibly different view and understanding of the rules by scholars of modern times who investigate the rules in rabbinic literature. Scholars do not fully agree about the meaning of the rules or the meaning of their names, especially in the case of *gezerah shawah*. Such disagreement can also, of course, to a certain extent make it unclear whether examples of a given rule occur in the New Testament or not. This aspect of the issue could not be discussed further here.

Immanuel 24/25