

The Thirteen Middos - Shiur 4

22 Cheshvan (9 November, 2009)

This is the fourth lecture in our series on the 13 middos (hermeneutical principles) through which the Written Torah is interpreted.

At the end of last week's lecture I mentioned the connection between the 13 middos and Greek culture. I would like to discuss this idea in further detail. I raise this topic because this has been the subject of much scholarly research. I feel that any lecture series on the 13 middos aimed at an intelligent and informed audience must address the relationship between the establishment of the 13 middos and the influence of the surrounding culture.

I will reference two articles which address this topic. The first article was written in 1940 by the distinguished scholar of ancient law, David Daube, who was obviously Jewish of German background. The article appears in the HUCA journal, volume 22, 1940. The article is entitled *Rabbinic Methods of Interpretation in Hellenistic Rhetoric*.

Professor Daube notes a very strong similarity between the 13 middos and Greek theories of rhetoric and interpretation of texts. At the beginning of the article Professor Daube makes the claim that the 13 middos were derived from the Greek methods of rhetoric. At the end of the article he says that these are things that were in the air. It was the type of learning that was being done by the Greeks at the time. He claims that there is no doubt that Hillel was influenced by Hellenism and that the 13 middos are the Jewish version of Hellenistic rhetoric.

There is another article by Professor Shaul Lieberman. I'm not sure when this was published. I believe it appears in his book which is a collection of articles on Hellenism and Palestine. Lieberman quotes Daube in his article. Lieberman also notes the similarity between Hellenistic theories of rhetoric and interpretation and the 13 middos. Lieberman invokes some of his breadth of knowledge of Chazal. He states explicitly that he does not believe that Hillel derived the 13 middos from Hellenistic rhetoric; rather he notes that the parallelism is interesting. The person that he quotes is actually a Karaite named Yehudah Hadassi. He quotes from a text called *Eshkol Hakofer* 124b. I have the Lieberman article translated into Hebrew, in which it appears on page 190.

This Karaite accuses Chazal of taking the 13 middos from the Greeks. We learned in the last shiur that the Sadducees were against the 13 middos. Here we see that the Karaite is claiming that Chazal were too enlightened and borrowed methods of interpretation of scripture from Greek culture.

It is clear from the quotes in this article that there were methods of Greek rhetoric that bore some resemblance to the 13 middos. Daube and Lieberman discuss all of these methods. I would like to focus on a few of them. So far in this lecture series we have mostly been speaking about the *g'zeira shava*, we

will discuss *kal v'chomer* and *binyan av* today as well because these three are grouped together as the first middos.

The fact that we see things in Chazal which also appear in Greek rhetoric should not be seen in any way as a contradiction. Rav Tzadok HaCohen of Lublin who has a deep understanding of these issues writes about the concept of "*zeh le'umas zeh*" meaning that whenever there is a paradigm shift in Judaism we find a similar paradigm shift in the non-Jewish nations of the world. This idea can be found in many of Rav Tzadok's writings including *Resisei Laila*, *Pri Tzadik*, *Tzidkus haTzadik* and *Takanas HaShavin*.

In *Tzidkus haTzadik* (siman 90) Rav Tzadok writes about commensurability between Torah wisdom and the wisdom of the nations of the world. In siman 249 Rav Tzadok elaborates on the idea that part of the purpose of exile and redemption is to recover the aspects of wisdom that are dispersed among the different nations of the world and bring this chochma back into kedusha.

In *Takanas haShavin* (daf 34b, page 67) Rav Tzadok says that one of the purposes of the Torah She B'al Peh is to gather the elements of knowledge that were scattered among the nations of the world as a consequence of the sin of Adam and Eve eating from the tree of knowledge in the Garden of Eden.

I am discussing this in order to show that a fundamental idea in Judaism which we see throughout Jewish history is that parts of Chazal resemble the wisdom of the surrounding nations. What we may think of as foreign elements are sometimes similar to Torah wisdom.

One place we see this is at the end of *Seder Olam Rabba* when Alexander the Great comes to Yerushalayim and says "Until now you listen to the prophets, from here on incline your ear to listen to the words of the Sages". We see clearly that the *Seder Olam Rabba* is making a connection between the Torah and Greek culture. This was about the time of cessation of prophecy and the commencement of chochma. Hillel and Shammai came soon after this period.

I would like to refute the analyses of Daube and Lieberman.

Daube (p.251) speaks about the *kal v'chomer*; he says "rhetorical parallels abound" and he quotes Cicero who puts (the Roman parallel of) *kal v'chomer* (where something applies to the general, it also applies to the specific, and vice-versa) together with *g'zeira shava* (what applies to one thing must apply to that which is equal).

Daube notes that in different classical works the order of the principles follows the order of the 13 middos.

Daube's analysis actually fails significantly. He speaks about *kal v'chomer*, but does not study *g'zeira shava* in detail, and does not mention *binyan av*.

Lieberman (Hebrew edition, p.191) refers to a similar quote in the name of Hermogenes (of Tarsus) in which he defines a *g'zeira shava* as an equation. We would call this equation a *hekesheh*. Lieberman's assertion is that the language of the Tosefta which talks about Hillel making a *g'zeira shava* was actually a later terminology; the *g'zeira shava* was really a *hekesheh* of two things together. Lieberman actually says that the *g'zeira shava* has nothing to do with two words, but is the equation of two concepts. This is

what we call a *hekesch*. Claiming that different terms were used in different periods is a frequent ploy in scholarship.

I want to claim, with great humility, that Daube and Lieberman are totally wrong.

A *g'zeira shava* is not a *hekesch*, it is not an equation of two concepts. A *g'zeira shava* originates in a *hekesch* but the *g'zeira shava* is more than an equation between two things; the *g'zeira shava* is two words and it goes beyond the notion of logical equation.

A *hekesch* gives us a logical equation but a *g'zeira shava* is a linguistic identity.

I am not a classical scholar but after reading these articles thoroughly, I did not get the impression that Greek rhetoric in anyway considers the idea of taking two words and creating an identity. This is an important point.

I want to explain what I believe to be the misunderstanding of the scholars. Sometimes we need to look a little deeper into what Chazal are saying in order to answer a heretic and this process can illuminate our understanding.

The Greeks might have had standards of principles of rhetoric, but these were logical principles. A *g'zeira shava* is not a logical principle. A *g'zeira shava* is generated by a logical principle but is actually a linguistic identity of two things.

It is true that the scholars speak about *kal v'chomer*, but I think there is a misunderstanding as to what the middos are. The relationship between a *hekesch* and a *g'zeira shava* parallels the relationship between a *kal v'chomer* and a *binyan av*.

The middos are actually a text which presents to us a spectrum and or dialectic between logical principles and scriptural, linguistic objects. Just like the *kal v'chomer*, which is a logical principle, frequently ends up being a *binyan av*. A *binyan av* is not a purely logical principle. You can debate a *kal v'chomer* but it is much more difficult to debate a *binyan av*.

In the same way, we have a relationship between a *hekesch*, which is a logical principle, and a *g'zeira shava* which is not a logical principle. We know from the Gemara in Rosh Hashana that the *g'zeira shava* goes beyond a logical principle; it is two words which create an identity between two things.

This concept of the 13 middos consists of the logical dimension and the linguistic dimension. In *Maseches Sofrim* we learn that when they translated the Torah into Greek, it was difficult that the Golden calf was given. What does translating the Torah have to do with the golden calf? The *Beis Halevi* says that as a result of the golden calf there was a bifurcation of the Written and Oral Torah, so too, due to the influence of the Greeks there was a type of bifurcation between logical principles and linguistic principles. Both types of principle are actually middos but sometimes the logical generates the linguistic, and sometimes the logical is in diametric opposition to the linguistic.

I would like to explain this in the following way:

In Gittin 41b the Gemara speaks about whether it is possible to free half a slave. There is a machlokes between Rebbi (Rav Yehudah haNassi) and Chachamim. Rebbi says it is possible to free half a slave, but the Chachamim disagree. Raba says everyone agrees that you can free half a slave with *kesef* (money), but the question is whether it can be done through a *shtar* (promissory note/ document). Rebbi brings a verse in Vayikra making a *hekesh* between *shtar* and *kesef*, saying just as you can use money for all or for half, a *shtar* can be used in the same way. The Chachamim argue that just as one cannot marry (*mekadesh*) half a woman one cannot free (*meshachrer*) half a slave.

This is an interesting machlokes; Rebbi is using a *hekesh* and the Chachamim are using a *g'zeira shava*. Which is more powerful; a *hekesh* or a *g'zeira shava*? One opinion holds that a *hekesh* is stronger and one opinion holds that a *g'zeira shava* is stronger. The Gemara disagrees and says that this case is different because there is a refutation on the *g'zeira shava*.

What is the dispute? *Rabeinu Kreskas* (Mossad haRav Kook, column 362) argues that the woman does not go out with money but the slave goes out with money. That is the refutation of the *g'zeira shava*. *Rabeinu Kreskas* asks why the Chachamim are making a *g'zeira shava* if it can be disproved. He answers that everybody learns that there is a *g'zeira shava* and despite the fact that it can be refuted, it is still a true *g'zeira shava*.

Rebbi learns that since we have a refutation on the *g'zeira shava* (that the woman does not go out with money but a slave does) and we have a *hekesh* between *shtar* and *kesef*, we learn with the *hekesh* because the *hekesh* is stronger.

Let's try to analyze this. Why would there be a refutation of the *g'zeira shava* if a *g'zeira shava* is beyond disproof? One can refute a *hekesh*, a logical principle, but not a *g'zeira shava*. The point is that a *g'zeira shava* is generated by a *hekesh*; the question is – how strong does that *hekesh* have to be to produce the *g'zeira shava*? The *hekesh* that Hillel used to produce the *g'zeira shava* was obviously a very strong *hekesh*; there was no argument on the *g'zeira shava*. The *hekesh*, the logical principle, was not quite as strong; there was debate over the *hekesh*.

This is a machlokes in using the rules; not a machlokes on the *hekesh*. According to Chachamim, when I go from a *hekesh* to a *g'zeira shava* I can't refute the *g'zeira shava*. This is the purpose of the *g'zeira shava*; it turns a logical principle into a linguistic principle so there is no longer anything to disprove.

According to Rebbi, you can't go from a *hekesh* to a *g'zeira shava* if there is in fact a refutation of the *hekesh*. If I have an alternative to the *g'zeira shava* - another *hekesh* - then I use that.

What does this Gemara teach us? Even when I go from the *hekesh* to the *g'zeira shava*, the *g'zeira shava* is not a point of no return. There is a dispute between Rebbi and Chachamim as to what the criteria are which allow the establishment of a *g'zeira shava*. According to Rebbi, if I can disprove the *hekesh* and I have an alternative *hekesh*, I don't apply the *g'zeira shava*, because once I use the *g'zeira shava* I'm at the point of no return, I can't argue on the *g'zeira shava*; the *g'zeira shava* applies. This is what *Rabeinu Kreskas* is saying.

This example is showing that Daube and Lieberman are mistaken. This machlokes between Rebbi and Chachamim never existed in Hellenistic rhetoric. The Greeks begin and end with logical principle. A middah has a logical dimension but there is a transition from the logical principle to the linguistic

identity. The linguistic principle is immune to logical critique. There is a dispute as to what the relationship is.

The 13 middos are not logical principles; they are a text which creates dialectic between logical principles and linguistic principles.

Rav Tzadok HaKohen says that Greek wisdom is the superficial aspect (*chitzonius*) of Torah. After the time of prophecy there is a bifurcation of the Torah, similar to what happened following the sin of the golden calf. The division here is between clearly defined logical principles and linguistic principles.

Perhaps the logical principles, which now represent principles in and of themselves, resemble Greek logical principles of rhetoric but that is not what the middah is. The middah is the collusion, the interaction, between the logical principle and the scriptural identity. This is why I reject both the Daube and the Lieberman articles. A *g'zeira shava* is not a logical principle; it is only generated by a logical principle. The path from the *hekesh* (the logical equation) to the *g'zeira shava* (the linguistic identity) is complex. This path is subject to dispute by the Tanaim.

How is the *g'zeira shava* built? With *yeridas hadoros* (each subsequent generation becoming further from the source) there were different types of *sevoras* and *hekeshim* being produced – possibly being influenced by the intrusion of Hellenism - and it was necessary to define the authentic tradition so that the foundations of Torah were not undermined. The *g'zeira shava* was established as a freezing process. This process has rules.

We will see later that R' Akiva learns half a *g'zeira shava* and the rest is a *hekesh*.

This freezing process is a type of new revelation of Torah, as Rav Tzadok says repeatedly.

The point I want to make is that Daube and Lieberman are confused in thinking that the 13 middos are logical principles. As a group, they have a logical dimension but a middah is a two-dimensional object. Using a geometric metaphor one axis is logical; the other is linguistic. The middos act like two-dimensional graphs on a Cartesian coordinate system on which the different Tanaim draw different shaped curves.

I don't want to say the Daube and Lieberman articles are worthless because reading the articles can help one appreciate what the 13 middos really are. The truth is the 13 middos are very, very Jewish. The fact that coincidentally the logical component resembles Greek rhetoric doesn't tell us anything about how the middos are used. The 13 middos are used in a totally different way than Greek principles of rhetoric.

The Greek component is actually just a one-dimensional part of a multi-dimensional entity. This part according to Rav Tzadok is called the *chitzonius* (superficial). It is the shell rather than the essence. The key aspect of the middos is the interaction between the different dimensions.

If a *gzeira shava* defeats logic, then how can you attack it with logic? If you can attack it with logic, how can we claim that it is above logic? There is a machlokes between Rabeinu Kreskas and the Ritva in Gittin 41b that explains this point. The Ritva writes (Mosad HaRav Kook column 316) that in several places in the Talmud there is an argument to what extent a *gzeira shava* must be based on a redundancy. According to Rebbi even if only one of the words is redundant we can learn a *gzeira shava*. If both words

in the gzeira shava are redundant then it is certain. But if only one word in the gzeira shava is extra, then there is a machlokes. You can still learn the gzeira shava, but only if there is no logical argument against it. How linguistic must a gzeira shava be? It can be linguistic – if both words are redundant, super-linguistic – if only one word is redundant. So gzeira shavas come in ‘different colors.’

One classic example is the famous gzeira shava in kidushin 2a, how do we know that you acquire a woman with kesef? The Talmud uses a gzeira shava from Devarim “When a man takes a woman” and Parshas Chayei Sara “Take the money from me”. The Ritva asks what kind of gzeira shava is this? In Devarim the word refers to the woman, and in Bereishis the word refers to the money. The Ritva says that even though the Gemara calls it a gzeira shava, it is really only a word definition (*giluyi milta*). The gzeira shava is just there to tell us what to buy the woman with but it is not coming to equate the two things. According to the Ritva, the subject and the object of the two verses are not commensurable and it is therefore not a gzeira shava or any kind of equation of two things; rather it is a definition. According to the Ritva, two things must line up grammatically in order to be equated.

To make a linguistic identity, there must be grammatical commensurability between the two things.

The important point is that a gzeira shava is not a logical principle, but it contains a logical component (due to being grounded in a hekesh). The midos are two dimensional. They take the logical principle and take it to a new place.

The relationship between hekesh and gzeira shava parallels the relationship between kal v’chomer and binyan av.

My conclusion is that not only do these articles miss the point, but they were written to give us a better understanding of what the midos are. They show that the midos begin with Greek logic, but move to a different place.

When Alexander the Great came to Jerusalem there is this bifurcation of logical and linguistic. As *Seder Olam Rabba* (30) states, at this time prophecy ceased. Prophecy is only single-dimensional. This bifurcation was a consequence of the revelation of Torah she B’al Peh that took place at that time.

These articles do not present a contradiction to true Jewish belief; rather it is a chizuk, strengthening, for us. The 13 middos, with all the classical scholarship, are really like an $n-1$ covering of an n -dimensional surface.

The Beis HaLevi says at the time of the Giving of the Torah there was a unity between written and oral Torah. The distinction between text and interpreter was not clear. It is hard for us to understand that.

What is prophecy? It is a mingling of the rational conscious and the imaginative conscious. We have no concept of what that is.

When Hillel came before B’nei Beseira he understood that this was an end of an era and it was necessary to freeze the logical principle into a linguistic principle. He created a text by freezing an idea. Presumably he got this from Shamaya and Avtalyon. But he understood, just as Rabbi Yehuda HaNassi later, that there was a need to create a text. In so doing he froze the development of the midos.

Kabbalistically we can say (based on the Leshem and Nefesh HaChaim) that in a hierarchy of worlds, the guf of world n becomes the neshama of world $n+1$. The neshama is really the guf, viewed from a different vantage point. Similarly the oral Torah is really frozen within the text of the written Torah. But the extent the text is frozen is contingent upon machlokes Tanaim.

The middos come in pairs, which are like building blocks of logic and language which come together in different combinations. That is the genius of the Torah system. The Greek system of rhetoric exists only in one dimension. The middos are multi-dimensional.