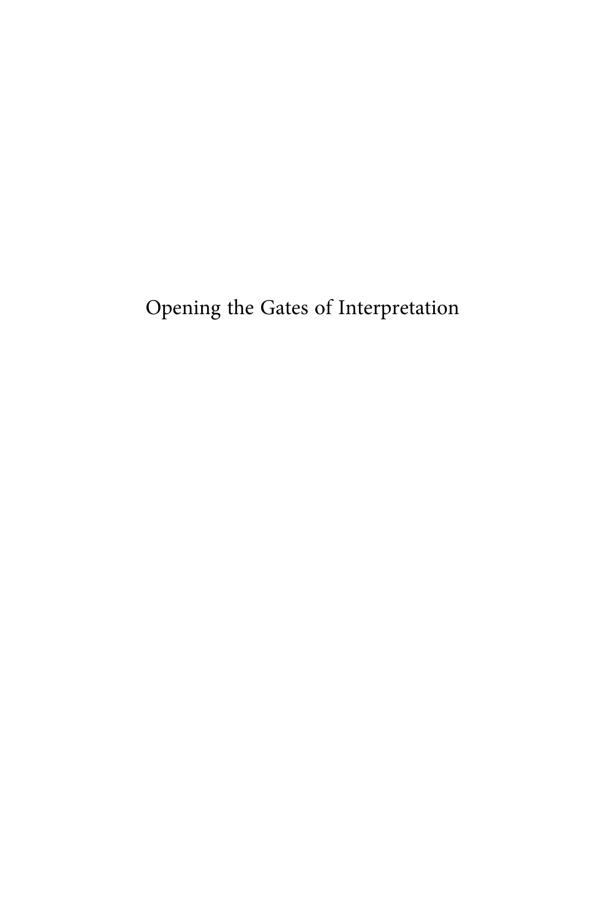# OPENING THE GATES OF INTERPRETATION

*Maimonides' Biblical Hermeneutics in Light of His Geonic-Andalusian Heritage and Muslim Milieu*

*By*

MORDECHAI Z. COHEN

BRILL

Opening the Gates of Interpretation

# Études sur
# le Judaïsme Médiéval

*Fondées par*

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# Opening the Gates of Interpretation

## Maimonides' Biblical Hermeneutics in Light of His Geonic-Andalusian Heritage and Muslim Milieu

*By*

Mordechai Z. Cohen

**BRILL**

*To my father, Josef B. Cohen*

שְׁמַע בְּנִי מוּסַר אָבִיךָ וְאַל תִּטֹּשׁ תּוֹרַת אִמֶּךָ (משלי א)

אלשיך שם: דרך גבר שיערבו לו לשמוע דברי חבה כי נעמו בעיניו מתוכחות מוסר, וכן לא יעשה כאשר יוכיחנו אביו, כי לא יבצר מהיות תוכחת האב מגולה מפאת אהבה מסותרת לטוב לו.

*Listen, my son, to your father's discipline*
*And do not neglect your mother's teachings* (Prov 1:8)

A man is naturally pleased by hearing sweet words of endearment, rather than of rebuke and discipline. Not so when his father rebukes him, since a father's open rebuke is motivated purely by hidden love for his benefit.

(Commentary of Moses Alshekh)

*To my teacher, Arthur Hyman*

יהי כבוד תלמידך חביב עליך כשלך...וכבוד רבך כמורא שמים (אבות דרבי נתן)

May the honor of your student be as dear to you as your own…and the honor of your teacher as the fear of Heaven.

(*Avot de-Rabbi Nathan*)

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PART THREE

COMPREHENSIVE OVERVIEW

PREFACE

The celebrated twelfth-century philosopher and jurist Moses Maimonides is one of the most studied authors in Jewish tradition; yet this work opens an area of inquiry largely outside the current boundaries of Maimonidean studies, a field dominated by his main areas of expertise: philosophy and *halakhah* (Jewish law). Like my previous book, *Three Approaches to Biblical Metaphor* (Leiden: Brill, 2003; 2d ed., 2008), this is essentially a study of biblical interpretation that views Maimonides as a key figure in the Jewish exegetical tradition, an area in which his contributions are largely overlooked. In itself, the notion that biblical interpretation concerned Maimonides deeply is hardly new and has even sparked a recent wave of scholarship focusing on his hermeneutics and analysis of specific biblical texts, such as the "Creation Account" (*Maʿaseh Bereshit*; Genesis 1), the book of Job and the Song of Songs. Yet these studies typically situate Maimonides' work within a philosophical setting, revealing how he harnessed Arabic Aristotelian learning to illuminate Scripture, but leaving unclarified his link to the Jewish exegetical tradition proper and its celebrated *peshat* ("plain sense") methods that offered a philological-contextual alternative to rabbinic Midrash. Abraham Ibn Ezra is perhaps the best-known spokesman of the *peshat* school in al-Andalus (Muslim Spain), which was rooted in the pioneering work of Saadia Gaon in tenth-century Baghdad. In a largely separate, parallel development in northern France, Rashi and his student-colleagues Joseph Qara and Rashbam created a *peshat* movement of their own that reached its apex during Maimonides' youth, though it subsided soon after. Scholars of Jewish biblical exegesis usually focus on these figures as the great *pashtanim* (practitioners of *peshat*) without much regard for Maimonides.

This study aims to demonstrate, on the contrary, that Maimonides made important exegetical contributions that shed light on the entire *peshat* tradition. Apart from devising innovative readings of specific texts, Maimonides directed his formidable analytic abilities to larger questions of interpretive theory and method. What constitutes a correct interpretation of the divine text of Scripture? What methods must be used to extract meaning from Scripture? Should scriptural

interpretation aim only to reveal the original divine intent or should it seek to extract additional meaning from the text? What is the role of interpretive freedom in these endeavors? How can rabbinic literature—which includes substantial exegetical material but is also notoriously haphazard—be used to interpret Scripture within a systematic framework? Questions like these occupied *pashtanim* such as Ibn Ezra and Rashbam; but Maimonides often casts them in uniquely sharp terms and answers them in new and distinctive ways.

The approach adopted in this work is primarily philological, as it defines key exegetical terms Maimonides used and the concepts associated with them. This has long been standard in the scholarship of Jewish exegesis, as it has been in the study of Christian biblical exegesis and Muslim interpretation of the Qurʾan. Yet we augment this with a new trend that has produced impressive results in the last generation: the endeavor to analyze such terms and concepts within a larger cultural context. Recent studies of Rashi's *peshat* school, for example, focus on its possible link to the emerging interest in Scripture's *sensus litteralis* among Christian exegetes in northern France at the time. The cultural perspective has, likewise, been an important factor in current discussions of Ibn Ezra, who emigrated from Spain in 1140 and wandered throughout Italy, France, and England, where he penned commentaries in Hebrew, making the rich Geonic-Andalusian heritage—written mostly in Arabic—available to a broader Jewish audience. To a greater extent than previously thought, Ibn Ezra's model of *peshat* seems to have been shaped by the culture clash he encountered in his new intellectual milieu, among Jews in Christian Europe accustomed to midrashic interpretation and unfamiliar with Greco-Arabic scientific learning.

The cultural dimension is likewise crucial for understanding the biblical interpretation of Maimonides, who was born in al-Andalus in 1138 and educated there, but fled with his father R. Maimon to Morocco around 1160 and, after a brief period in Palestine in 1165, settled in Egypt, where he remained until his death in 1204. Working in a predominantly Muslim intellectual milieu, Maimonides wrote his major works in Judeo-Arabic: the Mishnah Commentary, the *Book of the Commandments* and the *Guide of the Perplexed*. (The notable exception is his great Code of Jewish law, *Mishneh Torah*, which he wrote in Hebrew.) Ever aware of the tension between his Jewish subject matter and the foreign linguistic medium he used, Maimonides devoted much attention to correlating the traditional Hebrew

and Aramaic Jewish interpretive terms with new Arabic ones. This tri-lingual and bi-cultural breadth gave Maimonides—like his Judeo-Arabic predecessors—great flexibility to express nuance in his hermeneutical categorization.

Already within his lifetime, Maimonides' works were translated into Hebrew. The great Maimonidean translator Samuel Ibn Tibbon (who corresponded with the master and was praised by him for his acuity), acknowledged the terminological challenge of rendering the richness of the original Arabic within a more restrictive Hebrew idiom, prompting him to append to his translations of the *Guide* and *Treatise on Resurrection* special dictionaries of "unusual words"—mostly loan-translations from Arabic. Yet despite such efforts, the Hebrew translations simply could not reproduce the bi-lingual felicity of Maimonides' formulations. As Simon Rawidowicz remarked: "The distinctiveness of the various terms for commenting [on Scripture]...used by Maimonides (and other Judeo-Arabic writers) is unfortunately lost in most if not all Hebrew translations from Arabic."[1] In order to appreciate Maimonides' contributions in the area of biblical exegesis, it is crucial to explore his original mix of Hebrew and Arabic terminology and its cultural associations.

This point can be illustrated here briefly with two examples. The first is a celebrated passage of the *Guide* in which Maimonides speaks of a reading strategy he theoretically could have entertained with respect to the Creation Account in Genesis 1. He boldly asserts that if he were convinced of the correctness of the Aristotelian doctrine of the world's eternity, he could have harmonized it with Scripture by re-interpreting the biblical account, much as he gave a figurative interpretation to the Bible's anthropomorphic depictions of God:

> Know that our shunning the affirmation of the eternity of the world is not due to a text (*naṣṣ*) figuring in the Torah according to which the world has been produced in time. For the texts (*nuṣūṣ*) indicating that the world has been produced in time are not more numerous than those indicating that the deity is a body. Nor are the gates of interpretation (*abwāb al-ta'wīl*) shut (*masdūda*) in our faces or impossible of access to us regarding the subject of the creation of the world in time. For we could re-interpret (lit. apply *ta'wīl* to) them, as we have done when denying His corporeality.[2]

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[1] Rawidowicz, "Interpretation," 102.
[2] *Guide* II:25, Pines trans., 327–328; Munk-Joel ed., 229.

While the implications of Maimonides' specific assertion here will be discussed within this study, for now we focus on the expression *abwāb al-taʾwīl*, which I have rendered "the gates of interpretation" following Ibn Tibbon's translation, *shaʿarei ha-perush*.[3] Shlomo Pines, on the other hand, rendered *abwāb al-taʾwīl* "the gates of figurative interpretation," which reflects the fact that Maimonides here probably means to say that he would have applied a figurative interpretation to Genesis 1. Yet the Arabic term *taʾwīl* itself is more nuanced. Unlike the term *tafsīr*, which was used to connote both a direct translation (Saadia's translation of the Pentateuch was known as the *Tafsīr*) and the simplest sort of explanation, *taʾwīl* implies a more complex and penetrating interpretation, which could at times be figurative, but was not so necessarily.

This complexity of the term *taʾwīl* emerges in an earlier statement by Maimonides in his Mishnah commentary, where he criticizes the Karaites for

> challenging the tradition [of the Rabbis] and interpreting the [biblical] texts (*taʾwīl al-nuṣūṣ*) according to what seemed most cogent to each individual without yielding to a Sage at all.

> …they made it appear to their followers that they believed in the text of the Torah, and denied [only] the [rabbinic] tradition…and the gate of interpretation (*al-bāb li-l-taʾwīl*) was opened (lit. widened) for them.[4]

In attacking the Karaites for employing *taʾwīl*, Maimonides does not mean to say that they interpret Scripture figuratively. On the contrary, the Karaites were well-known for taking Scripture literally where the Rabbis did not. Maimonides criticizes them here for using their own reasoning and intuition to interpret Scripture instead of following the ready-made interpretive template of the Oral Law. The Karaites, for their part, criticized the Rabbanites for their slavish adherence (*taqlīd* in Arabic) to the rabbinic interpretation of Scripture.

In speaking of "opening" and "shutting" the "gate(s) of *taʾwīl*," Maimonides draws upon the Muslim idiom *insidād bāb al-ijtihād* ("the shutting of the gate of *ijtihād* [i.e., independent legal reasoning]")

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[3] Ibn Shmuel ed., 286. In *Perush ha-Millim ha-Zarot*, s.v. פירוש (Ibn Shmuel ed., 77), Ibn Tibbon clarifies that although *taʾwīl* means *to interpret* (*le-faresh*), it connotes non-literal interpretation (ביאור בדבר שלא כפשוטו).

[4] Commentary on m.*Avot* 1:3, Kafih ed., III:409–410. Ibn Tibbon—consistent with his convention in the *Guide*—uses the term *perush* to render the Arabic term *taʾwīl* in his translation of this passage (Rabinowitz ed., 8–9).

invoked since the eleventh century to say that new legal questions must be resolved exclusively by relying on existing traditions (i.e., through *taqlīd*) because the epoch of independent reasoning had ended. A similar issue divided Karaites and Rabbanites. The Andalusian poet-philosopher Judah ha-Levi (older than Maimonides by two generations) thus felt the need to justify Rabbanite *taqlīd* in the face of the more intellectually robust Karaite *ijtihād*. Maimonides reflects this tension when saying that the Karaites opened the "gate of *ta'wīl*" to arrogate to themselves interpretive freedom, whereas Rabbanite *halakhah* is based on the authority of the Oral Law. As we shall see in this study, however, Maimonides would actually seek to incorporate both values—freedom and tradition—in his account of the talmudic system of halakhic exegesis. In either case, scriptural interpretation, as Maimonides conceives it, is more than simply re-stating what "the text itself" says (what he calls *manṣūṣ*; from Arabic *naṣṣ*). Rather, the divine text must be interpreted through the prism of an extra-textual tradition and independent reasoning. Maimonides casts interpretation as an interactive encounter between reader and text that is necessarily a subjective and even creative endeavor. This leads to further questions: What are the parameters of this subjective creativity? Who is authorized to engage in *ta'wīl*? How do different areas of scriptural interpretation differ in this respect? In addressing critical issues such as these, Maimonides clarifies the mindset of the medieval Jewish interpretive tradition at large.

The second example illustrating the complex interplay of Maimonides' Arabic and Hebrew terminology relates to the (originally talmudic) Hebrew/Aramaic term *peshat*, itself, often used in opposition to *derash*, i.e., non-philological midrashic interpretation. Exegetes such as Rashi, Rashbam and Ibn Ezra appropriated the talmudic maxim אין מקרא יוצא מידי פשוטו ("a biblical verse does not leave the realm of its *peshat*") to support their rational, contextual-philological exegetical method.[5] But earlier Judeo-Arabic exegetes—both Rabbanite and Karaite—employed the terms *peshat* and *derash* sparingly in contrast to their more regular use of terminology borrowed from qur'anic exegesis: *ẓāhir*, i.e., the literal or "obvious" sense, which was opposed to a variety

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[5] As a number of modern scholars have observed, the maxim was used differently in the Talmud, as discussed in chapter seven of the current study. On our translation of this maxim, see Appendix A below.

of terms (e.g., *bāṭin* [hidden sense], *taʾwīl*). While there is some overlap between the notions of *peshuto shel miqra* ("the *peshat* of Scripture/a biblical verse") and *ẓāhir al-naṣṣ* (the obvious sense of the text), they are not necessarily equivalent, and Maimonides, for one, distinguished between them. In fact, while his application of the latter is firmly anchored in his Geonic-Andalusian heritage, his concept of *peshat* and his application of the talmudic *peshat* maxim are quite innovative and play a central role in his bold attempt to anchor the Rabbanite system of *halakhah* in the text of the Pentateuch. Unfortunately, this Maimonidean terminological distinction is obliterated in the Hebrew translations of his works, which typically render Arabic *ẓāhir* with Hebrew *peshat*. The goal of this study is to restore the radiance of Maimonides' hermeneutics by delineating his nuanced categories of interpretation on the basis of the distinction between these two key terms and others associated with them.

In the course of clarifying Maimonides' hermeneutics, this study also reveals certain critical dimensions of the medieval *peshat* school at large. Recent scholarship has become increasingly aware of the complexity of the notion of *peshat* that transformed Jewish interpretation over the Middle Ages. Its facile translation as "the literal sense" is now generally recognized as inadequate. Yet a unidimensional conception of *peshat* lingers, no doubt fostered by its use in modern parlance (especially in Hebrew) to connote the "simple," "plain" or "straightforward" sense. As Moshe Greenberg commented a generation ago with respect to earlier twentieth-century authors baffled by Rashi's seemingly incoherent notion of *peshat*:

> Today as then, the concept of *peshat* was considered so self-evident that scholars of Rashi saw no need to discern precisely how he understood it, and regarded his work as missing the mark rather than asking if he had set a different target than they imagined.[6]

The goal of clarifying Rashi's rule of *peshat* in his own terms and cultural setting was taken up by Greenberg's student Sarah Kamin in her seminal work on the northern French *peshat* school.[7]

Inspired by Kamin's model, the current study aims to dispel the cloud of mystery that has shrouded Maimonides' concept of *peshat* in modern scholarship. The source of this confusion is twofold. First,

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[6] Greenberg, "Relationship," 561 (translated from the original Hebrew).
[7] See Cohen, "Reflections."

scholars of biblical interpretation tend to read Maimonides' work in Hebrew translation and are thus presented with a distorted picture based on a conflation of his use of the terms *z̄āhir* and *peshat*. On the other hand, those who read Maimonides in Judeo-Arabic typically approach his work from a philosophical perspective and ignore the transformation in the understanding of the complexities of the medieval notion of *peshat* brought out by recent scholarship of pre-modern biblical interpretation. Although the latter group, reading Maimonides in Judeo-Arabic, could see that he used two distinct terms, they take it for granted that *peshat* means *the literal sense*, and is thus equivalent to *z̄āhir*. The current study combines the strengths of the two disparate scholarly groups. Recognizing the dynamics of the medieval notion of *peshat*, we assess Maimonides' hermeneutics in light of his Judeo-Arabic heritage to clarify the unique *peshat* model he synthesized by combining elements from his Geonic-Andalusian exegetical predecessors, his talmudic learning, and a variety of Arabic disciplines.

During Maimonides' youth in the middle of the twelfth century, a particular usage of the term *peshat* became dominant in the northern French exegetical school, as well as in the commentaries of Abraham Ibn Ezra and his successors in thirteenth-century Christian Spain and Provence. Scholars of biblical exegesis usually focus on this usage since it emerged triumphant in the later tradition. But in the earlier Judeo-Arabic school, where the term appears sporadically, it was actually used in a variety of ways. Even as the notion of *peshat* was being solidified in faraway centers of Jewish learning in Christian Europe, Maimonides, drawing upon his Andalusian heritage in relative isolation in Egypt, regarded the mold as still being soft enough to reshape. Accordingly, he applied the *peshat* maxim in a unique way in his innovative, scripturally-centered halakhic system, whereas other *pashtanim* specifically avoided drawing halakhic implications from their *peshat* exegesis. While Maimonides' boldly formulated rule of *peshat* is hardly problem-free and was even sharply criticized, it raises fundamental hermeneutical challenges that could not be ignored in the subsequent exegetical tradition. A clear understanding of how Maimonides "opened the gates of interpretation" with his own distinctive *peshat* model thus sheds important light on the vibrancy and richness of the Jewish interpretive tradition at large.

# NOTE ON TRANSLATIONS, TRANSLITERATIONS
# AND CITATIONS

Biblical citations in this study are based on the NJPS English translation (Philadelphia 1985), with modifications to reflect the understanding of the medieval exegetes. Unless otherwise indicated, translations of post-biblical Hebrew and Arabic texts are my own, although I have consulted the medieval and modern translations mentioned in the bibliography. Transliterations of Hebrew and Arabic follow the current scholarly system. For familiar names of medieval authors, however, conventional spellings are used: thus Saadia (and not Seʿadya), Kimhi (and not Qimḥi), Alfarabi (and not al-Fārābī). The same applies to the ubiquitous term *peshat* (rather than *peshaṭ*). As for the titles of medieval Hebrew and Arabic works cited in this study, my preference was to use English, e.g., Maimonides' *Guide of the Perplexed* (Ar. *Dalālat al-Ḥāʾirīn*; Heb. *Moreh Nevukhim*) or Bahya Ibn Paquda's *Duties of the Heart* (Ar. *Al-Hidāya ilā Farāʾiḍ al-Qulūb*; Heb. *Sefer Torat Ḥovot ha-Levavot*). But in some cases modern scholarship has adopted a different convention, which has been followed in this study, for example, with respect to Maimonides' *Mishneh Torah* (his Code of Jewish law), Saadia Gaon's *Tafsīr* (Pentateuch translation) and *Halakhot Gedolot* of the eighth-century author Simon Qayyara.

As a rule, medieval works are cited in this volume by page number according to the edition listed in the bibliography. Some medieval works, however (e.g., Judah ha-Levi's *Kuzari* and Saadia's *Beliefs and Opinions*), are cited in scholarly literature nowadays from multiple editions and translations, as reflected selectively in the bibliography. In such cases, I have endeavored to avoid confusion either by citing these texts according to section and chapter, or by specifying the edition I used together with the page number. Although I usually do not refer to page numbers in English translations of Hebrew and Judeo-Arabic texts, in citing Maimonides' *Guide* I follow the convention (now common in Maimonidean scholarship in English) of providing the page number in Pines' translation (which, in any case, I adopt with modifications) in addition to the section and chapter. Where citations from the *Guide* include Maimonides' original Judeo-Arabic terminology, the page reference in the edition of *Dalālat al-Ḥāʾirīn* by S. Munk

and I. Joel is added. Medieval Bible commentaries are generally cited according to biblical book, chapter and verse; but occasionally a page number in a particular edition is cited in order to facilitate reference (e.g., in the case of a long introduction or excursus). Midrashic literature is cited in this volume from the editions listed in the bibliography, each according to its own paragraph system and/or pagination, as applicable.

The choice of whether to transliterate Hebrew and Arabic citations or reproduce them in their original script has proven complex, and calls for an initial comment here. My basic principle was to transliterate only technical and quasi-technical terminology, e.g., *derash, isnād, istidlāl*, and to leave other citations of biblical and medieval language in the original script (e.g., וקצתה את כפה, בכלל דין זה, ביין אלנץ). However, in some instances, the boundary between technical and non-technical terminology is blurred, e.g., when a verb is formed from a technical term—*darshu, usnida, yastadilluna*. My general tendency in such cases was to view the latter as quasi-technical terms as well and transliterate them. Entire sentences and long phrases are left in their original script, even if they contain a number of technical or quasi-technical terms.

# ACKNOWLEDGMENTS

in the *Proceedings of the Fourteenth International Conference of the Society for Judaeo-Arabic Studies*, ed. Haggai Ben-Shammai, Gideon Bohak, Aharon Dotan, Yoram Erder and Mordechai Akiva Friedman. I am grateful to Baruch Alster for commenting on the initial draft of that paper.

In formulating the preface, chapter nine and the conclusion of this volume, which situate Maimonides' hermeneutics of *peshat* in the Jewish exegetical tradition, I benefitted from discussions with David Shatz, who has long inspired my study of Maimonides, first as a reader of my PhD dissertation (on interpretation of biblical figurative language) two decades ago, and since then as an intellectually generous senior colleague. My views contained in those sections were first presented in January, 2009 in the keynote lecture at a conference in Jerusalem in memory of the seminal Rashi scholar Sara Kamin. That lecture has been published as an essay (in Hebrew) entitled "Reflections on the Concept of *Peshuto Shel Miqra* at the Beginning of the Twenty-First Century," in *To Settle the Plain Meaning of the Verse: Studies in Biblical Exegesis in Memory of Sara Kamin*, ed. Sara Japhet and Eran Viezel (Jerusalem: Bialik Institute, 2011). I thank Baruch Alster (yet again) for commenting on the initial draft of that paper.

I am deeply grateful to Richard Steiner of Yeshiva University for his detailed critical remarks on Appendix A (which addresses the complexities of rendering the talmudic *peshat* maxim) and for his assistance with numerous other linguistic points that have come up in the course of this study. It is a pleasure to reiterate here my profound debt to Richie—my teacher, dissertation advisor and now my colleague at the Revel Graduate School of Jewish Studies—who has generously shared with me his time, wisdom and wit over the decades.

This volume as a whole has benefitted from thoughtful input by my students at Yeshiva University, whose participation in my graduate and undergraduate courses on Maimonides as a Bible interpreter entailed reading drafts of its chapters. Their critical readings and lively class discussions helped clarify my presentation of the various facets of Maimonides' complex hermeneutical system. A special debt of gratitude is due to my former graduate student Becca Allen, who read the completed manuscript and provided keen editorial advice that enhanced its overall organization and clarity.

As I conclude this list of individuals whose wisdom has been incorporated into the pages of this volume, I can only begin to express my gratitude to Shifra Schapiro, who has been an assiduously critical

My wife, Suzanne, has provided essential emotional support as I devoted many hours, days, weeks and months to this project. Herself an ardent student and teacher of the Bible, Suzanne values the subject-matter of this study, which we have shared in discussions over the years—when not preoccupied by our children, Yaffa, Shai, Miri, Gila and Elisha, who deserve honorable mention for their patience with a mom and dad enamored with the study of old books. Suzanne and I hope that our children will come to participate in this love as well.

This volume is dedicated to two individuals who have influenced me in different yet complementary ways.

Arthur Hyman, Distinguished Service Professor of Philosophy at Yeshiva University and Dean of the Revel Graduate School from 1992 until 2008, first introduced me to the academic study of Maimonides as an undergraduate philosophy major. I continued to study with Arthur throughout my graduate career, and he served as a reader of my dissertation, which included two chapters on Maimonides' conception of biblical figurative language. In 1996 he invited me to join the Revel graduate faculty, and he has consistently guided me and vigorously supported my scholarship. Universally acclaimed as a scholar and a gentleman, Arthur taught me the virtues of intellectual honesty, humility and persistence that are necessary for the study and critical evaluation of the medieval authors. Although I migrated from philosophy to Bible interpretation, Arthur's commitment to philological precision and methodological rigor remained a model for my research. I dedicate this volume to him as a small way of expressing my personal gratitude and of acknowledging his seminal contributions to Maimonidean scholarship. Knowing that Arthur considers Maimonides' biblical hermeneutics a subject most worthy of scholarly consideration, I trust that it will be a fitting tribute to him.

My father, Josef B. Cohen, has been my teacher in many senses, to which I can allude here only partially. After the death of my mother years ago, he bore the responsibility of raising a teenage son and guiding him through his educational and professional career. I am pleased to dedicate this work in his honor to express my thanks for what may have sometimes seemed like a thankless task. While not a scholar by profession, my dad genuinely appreciates the value of scholarship, and has long instilled in me the serious work ethic necessary for success in any intellectual endeavor. At the same time that he unfailingly urged me to "get this thing finished!" (a refrain familiar from my doctoral

dissertation and my first book), he understood the need to take the time necessary to get it right. I hope the final product bears out this value.

As I write these lines, I happily find myself on a sabbatical leave and in a most stimulating intellectual environment, as director (with Meir M. Bar-Asher of the Hebrew University of Jerusalem) of a fourteen-member international research group entitled "Encountering Scripture in Overlapping Cultures: Early Jewish, Christian and Muslim Strategies of Reading and Their Contemporary Implications," which is being hosted by the Institute for Advanced Studies (IAS) at the Hebrew University of Jerusalem in Fall 2010. The IAS, directed by Eliezer Rabinovici, provides an ideal setting for scholarly research, and here I have put the final touches on this book—and have begun to conceive my next project, which will draw upon the precise understanding of Maimonides' hermeneutics brought out by this volume in order to situate the broader Jewish tradition of *peshat* exegesis within a comparative framework that considers how it relates to analogous developments within its Muslim and Christian host cultures and their endeavors to interpret Sacred Scripture.

Jerusalem, Hanukkah 5771/December 2010

# LIST OF ABBREVIATIONS

| | |
|---|---|
| *AJS* | *Association for Jewish Studies* |
| *BDB* | F. Brown, S. R. Driver and C. A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Oxford 1907) |
| b. | Babylonian Talmud |
| BH | Biblical Hebrew |
| comm. | commentary |
| *EI* | *Encyclopedia of Islam*, 2d edition (Leiden 1960–) |
| *Guide* | Moses Maimonides, *Guide of the Perplexed* |
| *HBOT* | *Hebrew Bible/Old Testament: The History of its Interpretation*, ed. Magne Sæbø, Menahem Haran and Chris Brekelmans. Vol. I/1, *Antiquity* (Göttingen 1996); vol. I/2, *The Middle Ages* (Göttingen 2000) |
| *HUCA* | *Hebrew Union College Annual* |
| j. | Jerusalem Talmud |
| Jastrow | Marcus Jastrow, *Dictionary of the Targumim, The Talmud Babli and Yerushalmi and the Midrashic Literature* (New York 1886–1903) |
| JNUL | Jewish National and University Library of Israel in Jerusalem |
| *JQR* | *Jewish Quarterly Review* |
| Lane | E.W. Lane, *An Arabic-English Lexicon* (London 1863–1893) |
| m. | Mishnah |
| MS(S), ms(s) | manuscript(s) |
| NJPS | *Tanakh, The Holy Scriptures: The New Jewish Publication Society Translation According to the Traditional Hebrew Text* (Philadelphia 1985) |
| *PAAJR* | *Proceedings of the American Academy of Jewish Research* |
| RH | Rabbinic Hebrew |
| t. | *Tosefta* |

# INTRODUCTION

Moses Maimonides (1138–1204) is universally acknowledged as a profound Jewish philosopher and master talmudist, expert in all of rabbinic literature as well as a wide array of Greco-Arabic disciplines, including logic, physics, metaphysics, mathematics, astronomy and medicine. His accomplishments in the field of biblical interpretation, on the other hand, have received less attention. It is true that Maimonides did not write running biblical commentaries; and his selective elucidation of the biblical texts is motivated by their relevance for other matters, from the details of the *halakhah* (Jewish law) to broader theological issues such as prophecy, creation, divine providence or the nature of God Himself. Yet when these specific areas are combined and seen in light of his pointed discussions of interpretive theory, Maimonides' substantial contributions to the field of biblical exegesis and hermeneutics emerge starkly. Maimonides was certainly familiar with the powerful philological school of interpretation that had reached its zenith in al-Andalus (Muslim Spain) by his time, as reflected, for example, in the work of his older contemporary Abraham Ibn Ezra (1089–1164), champion of the so-called PESHAT (or: "plain sense") method.[1] Replacing the older non-philological midrashic hermeneutics of the Rabbis, Ibn Ezra represents the distillation of an approach pioneered by Saadia Gaon (882–942) and refined by generations of

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[1] SMALL CAPS are used to indicate technical terms in Hebrew and Arabic of critical importance in this study at the first time they are introduced and defined. (This will be a signal to the reader to differentiate between such terms and those brought primarily for the benefit of specialists.) We have given Ibn Ezra's dates according to the current scholarly consensus, though some maintain that he was born in 1091/2 and died in 1167; see Kislev, "Relationship," 294–297. As discussed below (at n. 49), the term *peshat* is subject to multiple definitions and translations, but for now we adopt a common definition in modern scholarship. Compare the following remark by Sara Japhet:

> It seems that the Hebrew terms פשט and פשוטו של מקרא elude translation. They are sometimes represented by "literal meaning" and sometimes by "contextual meaning," but both seem to apply only to partial aspects of the terms rather than to their overall signification. I am using the term "plain meaning" in order to signify that the Peshat alludes to "the text as it is," according to its language, syntax, context, genre and literary structure, within a rational approach to the text ("Tension," 403).

subsequent Geonic and Andalusian linguists and exegetes. Maimonides shared this heritage; but his biblical interpretation has generally been viewed in isolation from its celebrated achievements. Whereas Ibn Ezra is credited for his philological exegesis, Maimonides is seen as doing little more than projecting *halakhah* and Greco-Arabic philosophical learning onto Scripture. A confluence of developments in recent scholarship, however, makes the time ripe for a new appreciation of Maimonides' biblical hermeneutics.

## 1. *New Directions in Scholarship*

Two significant trends in recent scholarship enable us to develop a new perspective on Maimonides as a biblical exegete.

(1) Newly published texts and studies offer a clearer picture of the Geonic-Andalusian exegetical school and reveal how its authors appropriated various branches of Arabic learning to elucidate Scripture, an endeavor that for them also encompassed clarifying the theological tenets of Judaism and the system of talmudic *halakhah*. It is now evident that Saadia and his successor Samuel ben Hofni Gaon (d. 1013) drew heavily upon qurʾanic hermeneutics, Muʿtazilite philosophy and Muslim jurisprudence (UṢŪL AL-FIQH; lit. the roots [or: sources] of the law) to illuminate Scripture and rabbinic tradition.[2] New studies reveal that the philological and grammatical achievements of the great Andalusian Hebraists Judah Hayyuj (tenth century) and Jonah Ibn Janah (early eleventh century) were made possible by their extensive knowledge of Arabic linguistics,[3] much as the celebrated Andalusian Hebrew poet Moses Ibn Ezra (c. 1055–1138; no relation to Abraham Ibn Ezra), drew upon Arabic poetics to define the literary workings of Scripture, and neo-Platonic thought to construct a biblical theology.[4] (In parallel, recent studies of the northern French *peshat* school

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[2] See, e.g., Ben-Shammai, "Tension"; Zucker, *Saadya on Genesis*, 35–69 (introduction); Sklare, *Samuel ben Hofni*, 37–67, 143–165. For a fuller discussion of *uṣūl al-fiqh* as it relates to this study, see chapter five below.

[3] See Becker, "Sources."

[4] See Fenton, *Jardin*, 63–196; 237–380; Cohen, "Aesthetic Exegesis." Since Moses Ibn Ezra is discussed far less frequently in this work than Abraham Ibn Ezra, we always refer to the former by his full name and to the latter simply as "Ibn Ezra," except where further specificity is required to avoid confusion.

pioneered by Rashi [1040–1105], and refined by his student-colleagues Joseph Qara [c. 1055–1130] and Rashbam [c. 1080–1160], reveal that they derived inspiration from the contemporaneous Christian interest in interpreting Scripture philologically and historically according to its *sensus litteralis*.)[5] A new intellectual portrait of Abraham Ibn Ezra, usually regarded as a quintessential *pashtan* (practitioner of *peshat*), is also beginning to emerge, due in large measure to studies that reveal the imprint of neo-Platonic philosophy, as well as the disciplines of mathematics, astronomy and astrology on his exegetical thinking.[6] This backdrop points to the essential connection between Maimonides' biblical hermeneutics—likewise powered by his multidisciplinary outlook—and that of his predecessors in the Geonic-Andalusian tradition, enabling us to place him properly within the Jewish exegetical constellation.

(2) The very notion of interpretation has shifted in modern theory from a purely objective, historical search for the author's original intent (now termed the "intentionalist fallacy") toward an acknowledgement that interpretation is the product of the reader's encounter with the text ("reader response"). Especially applicable to Scripture, this conception underscores the cultural, psychological and even polemical factors that underlie every step in the historical endeavor to fathom Sacred Writ within a larger nexus of a religious outlook on the world as a whole.[7] As such, interpretation of the biblical text requires going beyond its most restricted philological meaning (in its original ancient Near Eastern context) and exploring what it has to say about broader, timeless matters of ethical, theological and philosophical significance. Coupled with the above-mentioned studies of the medieval exegetes in relation to their cultural surroundings, this conception is reorienting the study of *peshat* interpretation. Rather than being regarded as a sort of precursor of modern historical-critical scholarship, the medieval

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[5] See Grossman, "Literal Exegesis," 325–331; Touitou, *Exegesis*, 11–47; Cohen, "Rashbam Scholarship," 391–406. Qara regarded Rashi as his teacher, though he was already an accomplished scholar in his own right by the time he came to study with Rashi; see Grossman, *France*, 255–258. Rashbam was Rashi's grandson and it seems that his exegetical thought was initially shaped in a formative way by his grandfather's conception of *peshat*.

[6] See Cohen, *Thought*; Sela, *Astrology*; Cohen and Simon, *Yesod Mora*, 26–60; Bar-Ilan, "*Yesod*, 324–336."

[7] See Berlin, "Use," 174–182; Sweeney, "Paradigms," 142–145.

*peshat* revolution is increasingly recognized as a set of new encounters
with the text within larger cultural frameworks. Understanding the
"ways of *peshat*" thus requires an investigation into medieval concep-
tions of interpretation and the relationship between Scriptural exegesis
and other branches of learning, subjects on which Maimonides dwells
at length. Indeed, this perspective enables us to chart his substantial
contributions to the medieval Jewish exegetical tradition at large.


## 2.  *Maimonides on* Peshat: *Conflicting Views?*

One can hardly mention the name of Maimonides, who was a bold and
versatile thinker in numerous and diverse disciplines, without evoking
different and even conflicting intellectual portraits. Some have argued
that the great sage's "exoteric" traditionalist teachings hide his true
"esoteric" views from what he termed "the multitude of our scholars,"
i.e., those learned in the rabbinic texts but unschooled in science and
philosophy.[8] In the introduction to his philosophical opus, *The Guide
of the Perplexed*, Maimonides enumerates seven reasons for contradic-
tions within a literary work, the seventh being the author's desire to
convey esoteric doctrines to the educated elite in a format indiscern-
ible to the masses:

> In speaking about very obscure matters it is necessary to conceal some
> parts and to disclose others. Sometimes…this necessity requires that
> the discussion proceed on the basis of a certain premise, whereas in
> another place necessity requires that the discussion proceed on the basis
> of another premise contradicting the first one. In such cases the vulgar
> (or: multitude; *al-jumhūr*) must in no way be aware of the contradiction;
> the author accordingly uses some device to conceal it by all means.[9]

Other Maimonidean scholars, however, argue that this strategy is not
widely applicable within the great philosopher's work and instead
paint an integrated intellectual portrait of Maimonides, arguing that
his philosophical and halakhic works, while differing in emphasis
and perspective, nonetheless combine to form a coherent system of

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[8] Leo Strauss is perhaps the most prominent modern advocate of this view; see
Strauss, *Persecution*, 38–94; see also Ravitzky, "Esotericism," 304–317.
[9] *Guide*, introduction, Pines trans., 19; Munk-Joel ed., 12.

thought.[10] Overshadowed by such deliberations over his two primary interests, Maimonides' biblical exegesis has fallen between the cracks.

Certainly, many readers have noticed that Scripture plays a prominent role in Maimonides' works. Leo Strauss, for example, observes that "the *Guide* is…devoted above all to biblical exegesis."[11] Yet at first glance his exegesis appears unsystematic, and biblical scholars have emphasized its apparent distance from Ibn Ezra's "way of *peshat*" and the parallel *peshat* method developed by Rashi's school.[12] While Maimonides seems unacquainted with Rashi, and the extent to which he knew Ibn Ezra's writings remains unclear, he certainly was well versed in the works of the Geonim and of the "Andalusian commentators" to whom he refers sporadically. Ibn Ezra cites those authors extensively; but Maimonides primarily invokes Talmud and Midrash to interpret Scripture, and in the *Guide* might mention a philosophical author like Aristotle or Alfarabi for this purpose, creating the impression that he read Scripture exclusively as a talmudist-philosopher untouched by the *peshat* revolution.

Some readers of the *Guide* have therefore concluded that for Maimonides, biblical interpretation was an afterthought, a template upon which to project his "philosophical *derash*"—an ad hoc, undisciplined reading of Scripture—in stark contrast to Ibn Ezra's methodologically sound *peshat* commentaries.[13] It has even been suggested that Maimonides' professed interest in Scripture in the *Guide* was a didactic or political tool, a way of disguising his radical philosophical doctrines in traditional garb.[14] In recent decades, though, a new scholarly trend pioneered by S. Klein-Braslavy and Sh. Rosenberg has revealed that Maimonides read Scripture according to a systematic hermeneutics that reflects a sophisticated model of the workings of biblical language and literary expression.[15] Yet Klein-Braslavy and Rosenberg still view Maimonides from a philosophical perspective, focusing on his hermeneutics largely within the context of Greco-Arabic learning. A more

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[10] See Twersky, *Code*, 447–514; compare Ravitzky, "Esotericism," 317–319.

[11] "How to Begin," xiv.

[12] To be sure, Rashi and Ibn Ezra adhered to the *peshat* method to differing degrees. Yet this gap closed in the work of Rashi's foremost student-colleagues, Joseph Qara and Rashbam, who represent the mature phase of the northern French *peshat* school.

[13] Segal, *Exegesis*, 51–52; this critique was raised earlier by Spinoza, *Treatise*, 114–118.

[14] Harvey, "Study"; Ravitzky, "Secrets"; see also references in n. 8 above.

[15] See the works by these two authors cited in the Bibliography below.

complete portrait requires considering how the *Guide* reflects Maimonides' ties and contributions to the Geonic-Andalusian exegetical tradition.

There has also been new scholarly interest in Maimonides' halakhic exegesis. I. Twersky notes that "Scriptural exegesis, in its various forms, is a paramount motif" in his great Code of Jewish law, *Mishneh Torah*, and M. Greenberg classifies the "interpretational modes" reflected therein.[16] J. Levinger and G. Blidstein have focused on Maimonides' definitions of the "Written Law" (i.e., the text of the Pentateuch) and its oral interpretation (the "Oral Law" transmitted in the Talmud and Midrash), as well as his bold stratification of *halakhah* into a biblical core of 613 commandments, as distinct from further rabbinic legislation.[17] The new interest in Maimonides' halakhic exegesis has refocused attention on the dramatically original way in which he applies the talmudic rule that "a biblical verse does not leave the realm of its *peshat*."[18] Other medieval exegetes applied this rule of *peshat* zealously, but were careful not to draw halakhic conclusions from it, since they were committed to talmudic *halakhah*, which was based primarily on midrashic interpretation. Yet Maimonides crosses this line in his *Book of the Commandments* (*Sefer ha-Miṣwot*), a halakhic-exegetical work in which he enumerates the 613 commandments and identifies their sources in the Pentateuch. As the second of his fourteen cardinal principles in that work, he invokes the rule of *peshat* to proclaim that only laws stated explicitly in Scripture ("the *peshat*") are biblical, whereas all others derived by the Rabbis through the so-called "thirteen MIDDOT" (midrashic hermeneutical rules enumerated by R. Ishmael) must be classified as rabbinic and excluded from enumeration among the 613 original commandments.

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[16] Twersky, *Code*, 145; Greenberg, "Interpretation."

[17] See Levinger, *Techniques*, 35–46; Blidstein, "Halakhah," 13–16.

[18] אין מקרא יוצא מידי פשוטו. See Appendix A for the translation of this rule, which, for the sake of brevity, is often referred to in this study simply as "the *peshat* maxim," the "rule of *peshat*" or "the *peshat* principle." On its usage in the Talmud, see chapter seven below. The term *miqra* means *a biblical verse*, as discussed in Appendix A. However, in certain contexts, the medieval exegetes used it to connote *Scripture*—as a whole. Hence, the term *peshuto shel miqra*, for example, in many cases is best rendered *the peshat of Scripture*, which is the convention we generally adopt, rather than *the peshat of a/the biblical verse* (see, e.g., at n. 32 below). Moreover, since the English term *Scripture* is also used to denote *a passage of Scripture*, our translation covers the instances in which *peshuto shel miqra/peshateh di-qera* is used in the sense of *the peshat of a/the biblical verse*.

Since *The Book of the Commandments* was written in Judeo-Arabic, the radical implications of Principle #2 did not become immediately apparent in the great centers of talmudic learning in Christian lands. But Maimonides was eventually prompted to clarify his position in a Hebrew responsum to R. Pinhas the *Dayyan* (religious judge) in Alexandria, who was originally from France (probably Provence) and read Arabic only with difficulty.[19] As Maimonides writes in Responsum #355:

> I have a composition in Arabic on the subject of the enumeration of the commandments and it is with my student Saadia the cantor[20] and in its introduction are fourteen chapters with important principles about the fundamentals of the enumeration of the commandments…And in those chapters I explained that no matter derived by analogy (*heqqesh*), *a fortiori* reasoning (*qal wa-ḥomer*), verbal congruity (*gezerah shawah*) or through any of the "thirteen *middot* by which the Torah is interpreted" is biblical unless the Sages say explicitly that it is from the Torah, and I brought proofs for this. And there I clarified that even a matter that is a "*halakhah* to Moses from Sinai" must be regarded as rabbinic (lit. from the words of the Scribes; *mi-divrei soferim*).
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> [In sum], nothing is biblical except for what is explicit in the Torah (*meforash ba-Torah*), such as *shaʿaṭnez* (clothing made of a blend of linen and wool; Lev 19:19), *kilʾayim* (intermixing of breeds and species; Lev 19:19), the Sabbath, and the forbidden sexual unions, or something that the Sages said is from the Torah—and those are but three or four things. And in that book I explained everything, and when you read it, it will become clear to you, even though it is in the Arabic language, because most of those chapters regarding the words of the Sages are in the Sacred Tongue (i.e., Hebrew).[21]

While the need to distinguish sharply between laws "explicit in the Torah" and those derived through the *middot* was not pressing for talmudists in Christian lands, it was designed to address a long-standing dilemma in Maimonides' Geonic-Andalusian heritage, since the midrashic *middot*—which do not conform to the normal rules of linguistic analysis—conflict with the philological method pioneered by

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[19] See Frenkel, *Elite*, 122. The evidence for this assessment is from the text of the citation below.

[20] He evidently resided in Alexandria at this time; see Blau, *Responsa*, III:16.

[21] *Responsa* #355, Blau ed., II:632. (This responsum was also published by Shailat, *Letters*, I:273–279.) *Qal wa-ḥomer* and *gezerah shawah* are actually two of the thirteen *middot*. The term "Sages" (*ḥakhamim*) is generally used interchangeably with the term "Rabbis" (as in *rabbotenu*—"our Rabbis," i.e., our "masters"/"teachers").

Saadia and embraced by the subsequent tradition in al-Andalus. In response to this dilemma Maimonides argues that the midrashic *middot* do not, in fact, illuminate the meaning of Scripture itself, but were merely used by the Rabbis as legislative tools for augmenting the original biblical laws.

  Principle #2 would seem to be consistent with Maimonides' pronouncement in the *Guide* regarding the DERASHOT, i.e., fanciful, acontextual rabbinic readings. There he echoes the view, common in the Geonic-Andalusian school, that many rabbinic "readings" of Scripture were not truly intended to be taken as interpretations.[22] As Maimonides writes, many of "the *derashot*"

> have…the status of poetical conceits; they are not meant to bring out the meaning (*ma'na*) of the text (*naṣṣ*) in question.…At that time this method was generally known and used by everybody, just as poets use poetical expressions.[23]

As the great nineteenth-century scholar W. Bacher noted, Maimonides—like Ibn Ezra—used the term *derash* to connote an artificial projection onto the biblical text.[24] Maimonides goes on to cite an example to demonstrate the foolishness of taking such *derashot* as genuine exegesis:

> Thus [the Sages], may their memory be blessed, say: "Bar Kappara teaches: 'You shall have a יתד (spade) with (lit. on) אזנך (your weapons), [and when you have squatted you shall dig a hole with it and cover up your excrement]' (Deut 23:14). Do not read אֲזֵנֶךָ but אָזְנֶךָ (your ear): this teaches that whenever a man hears a reprehensible thing, he should put his finger into his ear" (b.*Ketubbot* 15a). Would that I knew whether in the opinion of these ignoramuses this Tannaite believed this to be the interpretation (*sharḥ*) of this text, that such was the purpose (or: intent; *gharaḍ*) of this commandment, that the יתד is a finger and that אָזְנֶךָ are the two ears. I do not think that anyone of sound intellect will be of this opinion. But rather, this is a most witty poetical conceit by means of which he instills a noble moral quality…and he supports it through a reference (*isnād*) to a [biblical] text, as is the manner of poetical proverbs (*al-tamthilāt al-shi'riyya*).[25]

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[22] See chapter three, sec. 3 below.

[23] *Guide* III:43, Pines trans., 573; Munk-Joel ed., 419–420.

[24] Bacher, *Bibelexegese*, 31n. Ibn Ezra uses the expression *derekh derash/ha-derashot* for this purpose.

[25] *Guide* III:43, Pines trans., 573; Munk-Joel ed., 420. The Arabic term *gharaḍ* is best rendered *purpose*, though it is often used in the sense of *intent, intention*, and in this work we translate it accordingly as the context requires. See chapter five, n. 126 below.

The tone of this derisive remark—typical of the *Guide*, which is composed in the informal style of a letter, rather than as a proper literary work[26]—reveals Maimonides' frustration with those who maintained a simplistic outlook that caused them to take such *derashot* at face value as genuine biblical interpretation.[27] In the more formal setting of *Mishneh Torah* he simply interprets this verse contextually, ignoring the talmudic *derashah*:

> It is a positive commandment for each [soldier] to have a spade slung together with his weapons (כלי מלחמתו; lit. battle implements), and he shall go out…and dig with it and ease himself and cover [his excrement], as it says "You shall have a spade with your weapons" and so on.[28]

His language in rendering the unusual term אזנך here suggests the influence of Menahem ben Saruq,[29] although in the *Book of the Commandments* he credits the halakhic Midrash *Sifre* as his source.[30] This example suggests that he preferred to select among rabbinic interpretations those that conform to the tradition of linguistic exegesis of his Andalusian heritage.

Taken together with Maimonides' pronouncement about the poetic nature of the *derashot*, Principle #2 would seem to place him squarely within the camp of Ibn Ezra, who likewise took the talmudic rule of *peshat* as his motto. This was certainly the perception of the great Catalan talmudist Nahmanides (1194–1270), who writes in

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[26] See Strauss, *Persecution*, 47–48.

[27] This is a well-known Maimonidean attitude; see further in this chapter of the *Guide*; compare Mishnah Commentary, introduction to *Pereq Ḥeleq* (both citations discussed below, chapter two, sec. 2). See also Braude, "Attitude," 75–78.

[28] *Hilkhot Melakhim* 6:15.

[29] עניינו יורה עליו כי כלים מכלי המלחמה הם ("The context indicates that they are implements from among the implements of battle"; *Maḥberet Menaḥem*, s.v. אזן). It is conceivable that Maimonides drew this interpretation from another source, e.g., Saadia's *Tafsīr* (מע סלאחך… ["with your weapons"]; Derenbourg ed., 287) or even Onkelos (על כלי זינך ["in addition to your weapons"]); but his language certainly echoes that of Menahem.

[30] "We were commanded that there be a digging implement slung with the implements of battle (אלאת אלחרב; translated into Hebrew by Moses Ibn Tibbon כלי המלחמה)…and the source text (naṣṣ) of this commandment is the dictum (קולה; see below, n. 46) 'You shall have a spade with your weapons,' and the very wording (naṣṣ) of *Sifre* is: אין אזנך אלא מקום זיונך" (Positive Commandment #193; Kafih ed., 157; Heller ed., 83; the citation is from *Sifre Deuteronomy* §257 [Finkelstein ed., 281]). On the two different usages of the term *naṣṣ* in this passage, see Lane, s.v., نصّ.

his critique of *The Book of the Commandments* (accessible to him in Hebrew translation):[31]

> The second principle…is shockingly beyond my comprehension, and I cannot bear it, for…if so…then the truth is the *peshat* of Scripture alone, not the matters derived midrashically, as he mentions from their dictum, "a biblical verse does not leave the realm of its *peshat*." And as a result we would uproot the "thirteen *middot* by which the Torah is interpreted," as well as the bulk of the Talmud, which is based on them.[32]

Nahmanides' tone here is reminiscent of his barbed characterizations elsewhere of Ibn Ezra as a "pursuer of *peshat*" skeptical of midrashic exegetical traditions.[33]

Nahmanides' critique highlights the bold implications of what would seem to be Maimonides' endeavor to clear the thicket of midrashic exegesis and establish a halakhic system anchored in "the *peshat* of Scripture." Such scripturalism might be appropriate in a Karaite work;[34] but it seems inconceivable that "the way of *peshat*"[35] could truly provide the basis for a code of Talmudic law. Indeed, even Ibn Ezra and other (Rabbanite) practitioners of the "way of *peshat*" specifically avoided drawing halakhic implications from their philological exegesis.[36] In his halakhic application of the talmudic rule of *peshat*, Maimonides

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[31] It is unclear which Hebrew version Nahmanides used. His citations diverge at times from the two extant translations by Moses Ibn Tibbon (Marseilles, mid-thirteenth century) and by Solomon ben Joseph Ibn Ayyub (Béziers, mid-thirteenth century). Based on stylistic similarities between Nahmanides' citations and those in *Sefer ha-Ḥinnukh* (penned anonymously in Barcelona late in the thirteenth century), some believe that both used a third Hebrew version, perhaps the lost translation by Abraham Ibn Hasdai ha-Levi (Barcelona, thirteenth century). See Bloch, *Préceptes*, vii–xxix; cf. Maimonides, *Book of the Commandments*, Heller ed., 8 (editor's introduction). The argument has been made, based on indirect evidence, that Nahmanides could read Arabic himself; see Jospe, "Arabic." However, Bernard Septimus (personal communication) expressed strong doubts regarding this possibility and I tend to agree, and therefore regard it unlikely that Nahmanides read Maimonides' works in their original Judeo-Arabic. It is conceivable that he consulted a friend who knew Arabic and had specific passages translated for him in this way.

[32] *Hassagot*, Chavel ed., 31.

[33] See, e.g., Nahmanides on Gen 11:2, 46:15.

[34] Whereas talmudic law is largely based on the "Oral Law" recorded in the Mishnah, Scripture is the central (though hardly the exclusive) source of Karaite *halakhah*; see Frank, "Literature," 529–530 (with references cited there). See also below, chapter five, sec. 1.

[35] This is the term that Ibn Ezra—followed by Nahmanides—typically used to connote the philological method. Nahmanides, of course, is projecting his understanding of the term *peshat* (shaped by Ibn Ezra) onto Maimonides.

[36] See Japhet, "Tension," 409–419; Maori, "Approach," 40–48.

thus dares to traverse the clearly defined boundary that other Rabbanite exegetes had respected. It is therefore understandable that the now famous "Second Principle" piqued the curiosity of Maimonidean scholars interested in his hermeneutical theory and biblical scholars seeking to chart the medieval *peshat* revolution.

Not out of character, the great philosopher-jurist once again poses contradictions. To begin with, Maimonides' rule of *peshat* primacy seems difficult to reconcile with his hermeneutics in the *Guide*, a work intended to instruct those perplexed by "the *peshat* of the Scriptures" by reinterpreting them figuratively. In other words, while he seems quick to marginalize rabbinic *derashot*, Maimonides does not adhere to the philological-contextual sense of the text himself, but replaces it with what has been termed "philosophical *derash*" (as mentioned above). In fact, his obliteration of the plain sense in the *Guide* is a target of criticism in the Torah commentary of Nahmanides—the very talmudist who rejected Principle #2 in the *Book of the Commandments*.[37] As J. Stern observes:

> Nahmanides' restoration of cognitive value to *peshat* in the aftermath of its Maimonidean devaluation is…one of his most important and original contributions…For Maimonides, the *peshat*, or vulgar external meaning of Scripture, adds up to "many layers of rind," which have so obscured the "great roots of knowledge" that lie at the "core" of the Torah.[38]

The seeming tension between these two Maimonidean attitudes toward *peshat* prompted one scholar to remark rather vaguely: "Maimonides' concern for the plain meaning…[does not imply] that he was committed to the *peshat*…But in halakhic matters plain meaning was paramount."[39] The intended resolution would seem to entail a distinction between *halakhah*, in which Maimonides adhered to "the plain meaning," and non-halakhic exegesis, where he did not deem "the *peshat*" authoritative.

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[37] See Kaplan, "Problems," 362.
[38] Stern, *Problems*, 84.
[39] Harris, *Fragmentation*, 292–293. Harris does not specify how he defines *peshat* and its relation to the "plain meaning." If they are one and the same, then this sentence is unclear, unless Harris means to say that Maimonides had a "concern for" *peshat*, but was not "committed to the *peshat*," i.e., he balanced his "concern" with other values.

A close look at Maimonides' halakhic exegesis, however, belies this resolution.[40] While at times he indeed offers strikingly cogent "plain sense" halakhic interpretations of Scripture, in many instances the great codifier's halakhic exegesis is based on rather tenuous rabbinic readings. The latter tendency is especially evident in *The Book of the Commandments*, where he explicitly cites his rabbinic sources, which are omitted in *Mishneh Torah*. As D. Weiss-Halivni—who generally lauds Maimonides' sense of *peshat*—acknowledges:

> For some reason that I cannot explain, Maimonides was less willing to follow the peshat when it came to counting the…commandments [i.e., in *Book of the Commandments*; MC].[41]

H. Davidson likewise notes that Maimonides' adherence to rabbinic exegesis in *The Book of the Commandments* often causes him to diverge from the "plain sense" of the text, a tendency that "does not seem to harmonize with what he says about homiletic exegesis [= *derash*; MC]."[42] Nor is *Mishneh Torah* free of this inconsistency: while it is true that rabbinic exegesis plays a more muted role in the Code, the work still contains numerous readings drawn from rabbinic exegesis (albeit often without attribution) that hardly accord with "the plain sense" of Scripture.[43]

What are we to make, then, of Maimonides' professed commitment to "the *peshat* of Scripture" and the core of biblical law "explicit in the Torah"? Given his Andalusian background, it is inconceivable that Maimonides would have been unaware of this tension, which he indeed addresses in a number of places. As Davidson remarks in his recent comprehensive study of Maimonides:

> Maimonides, *Book of Commandments*, rule 2…cites a well-known talmudic statement to the effect that "Scripture never loses its straightforward sense"…and he maintains that to be a genuine exposition of the biblical text, an exegesis must be related to the straightforward sense of

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[40] This resolution is also suspect because it would make Maimonides' hermeneutical theory anomalous in the medieval exegetical school, which (as mentioned above) applied the *peshat* standard most readily outside the realm of *halakhah*. If Maimonides had no compunctions about applying it even there, he presumably should have endorsed the rule of *peshat* elsewhere as well.

[41] Halivni, *Peshat & Derash*, 87.

[42] See Davidson, *Maimonides*, 182–184; the citation is from p. 184n.

[43] See, e.g., Greenberg, "Interpretation," who documents this tendency in *Sefer ha-Madda'*.

the text … But he recognizes exceptions; see Commentary on the Mishna, introduction, p. 6, *Book of Commandments*, rule 9, [p.] 33.[44]

The first exception Davidson mentions is from Maimonides' discussion of false prophecy, which includes a person claiming that God had sent him to change Torah law.[45] This ruling applies

> even if the plain sense of Scripture (*peshat ha-katuv*) supports him; for example, if he says [regarding] the dictum in the Torah "[If two men get into a fight with each other, and the wife of one comes up to save her husband from the hand of him who strikes him, and puts forth her hand, and grabs him by his private parts,] you shall cut off her hand…" (Deut 25:11–12) that it is cutting off the hand literally (*be-emet*) and not the monetary fine of one who causes embarrassment as the tradition has come [to us] (b.*Bava Qamma* 28a). And he attributes this to prophecy and says that "God said to me that His dictum[46] 'and you shall cut off her hand' is according to its plain sense (*peshuto*)."[47]

As Maimonides later explains, such an interpretation diverges from the traditional reading:

> We never found a debate [in rabbinic literature] regarding His dictum, may He be exalted, "you shall cut off her hand" that it is money [i.e., monetary compensation].[48]

In *Mishneh Torah* the verse is interpreted accordingly:

> From whence [do we know] that one is liable for embarrassment on its own? Since it says "and she puts forth her hand, and grabs him by his private parts, you shall cut off her hand," [which] indicates (lit. included in this law is; בכלל דין זה) the fine for one who causes embarrassment. (*Hilkhot Ḥovel u-Mazziq* 1:9)

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[44] Davidson, *Maimonides*, 132n. Davidson himself is careful not to say that Maimonides' rule requires adherence to the "straightforward" sense of the biblical text, merely that "an exegesis *must be related to* the straightforward sense of the text." The problem, of course, is that this "relation" is left vague, and begs the question of how Maimonides understood the talmudic rule.

[45] The second exception Davidson mentions—and many others—are discussed below in this study.

[46] קולה; lit. His saying, rendered אמרו by medieval Hebrew translators. I follow Pines' convention in the *Guide* (see, e.g., I:42, p. 93) to render קולה (lit. its saying) "the dictum [of Scripture]" (see, e.g., n. 30 above), unless it is clear from the context (as in this example) that God is the subject of the verb *qāla*, in which case I render קולה "His dictum," as in קולה תעאלי ("His dictum, may He be exalted"; see below, at n. 48).

[47] *Introduction to Mishnah*, Shailat ed., 330 (Ar.). The Hebrew terms *peshat ha-katuv, emet, peshuto* are from Alharizi's Hebrew translation, Rabinowitz ed., 16–17. The Arabic *Vorlage* of *peshat* is *ẓāhir* and of *emet* is *ḥaqīqa*; these terms are discussed below.

[48] *Introduction to Mishnah*, Shailat ed., 337 (Ar.); Rabinowitz ed., 31–32 (Heb.).

Although, in typical fashion, he conceals his talmudic source, Maimonides clearly read this verse in light of rabbinic tradition, which by his own admission is not a "plain sense" reading. How can this be reconciled with his cardinal rule of *peshat* primacy?

### 3. *Goals of this Study*

Some readers accustomed to Maimonidean contradictions might be inclined to regard this seeming inconsistency as a deliberate strategy intended to hide an esoteric position. Yet we need not rely on that approach, since a simpler, more illuminating resolution emerges clearly when we view Maimonides against the backdrop of his exegetical heritage and Muslim milieu. This study aims to demonstrate that Maimonides' biblical hermeneutics reflects a well thought-out methodology that earns him a respected place alongside his peers in the celebrated Geonic-Andalusian exegetical school. We shall do this by showing that:

- Maimonides was equipped to analyze Scripture in the spirit of the vibrant *peshat* tradition he shared with Ibn Ezra, and to which he made substantial contributions by opening new interpretive avenues in some of his bolder contextual, literary-historical readings.
- Maimonides harnessed the talmudic rule of *peshat* to develop a novel, well-defined hermeneutical theory that establishes Scripture as the basis of Rabbanite *halakhah*. This legal-exegetical integration—which others avoided—was made possible by his unique conceptualization of the *halakhah* and its derivation, for which he judiciously drew upon terminology and categories from Muslim jurisprudence.
- Maimonides' rule of *peshat* in his halakhic exegesis is consistent with his overall system of biblical hermeneutics in the *Guide* and elsewhere, which entails a delicate balance between philology and philosophy, and between tradition and originality.

### 4. *Methodological Points*

It is helpful at this point to spell out two preliminary methodological points that signal the direction this study will take, especially in resolving the above-mentioned conundrum.

The first is a cautionary note regarding the very meaning of the term *peshat*, which is often taken for granted and left unclarified. Until now, we have used "plain sense" as an equivalent; but it behooves us to take a step back and define with greater care this loaded medieval term, which has come to signify what is generally regarded as the crowning achievement of Jewish biblical interpretation. A number of recent studies have aimed to pin down this rather complex and sometimes slippery notion precisely.[49] As these studies have shown, we must discern the various usages of the term *peshat* in the medieval tradition, in which it was usually contrasted with *derash*, i.e., fanciful homiletics. (To some degree, the variations in the meaning of *peshat* stem from its very placement in opposition to *derash*, since midrashic readings manifest diverse methodological tendencies.) At times the term *peshat* is used to connote (i) *the literal sense* as opposed to a metaphorical or symbolic (midrashic) reading. While this definition of *peshat* is prevalent nowadays, it has been proven inadequate. What if a verse was intended figuratively? E.g., "The Lord is my *shepherd*" (Ps 23:1), or "cities great and fortified *in the heavens*" (Deut 1:28)? Some therefore argue that *peshat* should be defined as (ii) *the plain sense* (sometimes referred to as *the straightforward sense*), i.e., the meaning determined by reasonable, contextual-philological exegesis, which may call for a figurative reading, as opposed to the hyper-literal mode of reading at times manifested in Midrash. But even this definition does not capture other nuances of this term, which is also used as a label of approbation, i.e., to signify (iii) *the correct sense* of a verse, or *the intent of the author*, as opposed to artificial midrashic readings.

These definitions were devised largely to account for the widespread use of the term *peshat* in Rashi's school, and by Ibn Ezra and his successors David Kimhi (Provence, 1160–1235) and Nahmanides. Yet recent studies have demonstrated that the term *peshat* and the talmudic rule of *peshat* were actually used in a completely different sense in the Talmud itself.[50] (This, of course, explains why the Sages of the Talmud did not hesitate to engage in manifestly non-philological,

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[49] See above, n. 1; Kamin, *Categorization*, 11–17; Garfinkel, "Clearing"; Ahrend, "Concept," 237–259; Schwartz, "*Peshat* and *Derash*," 72–76; Japhet, *Job*, 54–75; idem, "Tension"; Touitou, *Exegesis*, 29–30; Cohen, "Two Perspectives"; idem, "Qimhi," 396–415; idem, *Three Approaches*, 3–16, 323–331.

[50] See Loewe, "Plain Meaning"; Kamin, *Categorization*, 23–43; Ahrend, "Concept," 237–244; Halivni, *Peshat & Derash*, 52–79. This matter is discussed at length below, in chapter seven, sec. 1.

midrashic biblical interpretation.) The use of the term *peshat* in the medieval tradition as the basis of the philological-contextual method thus represents an appropriation of talmudic terminology, recast to support an essentially novel exegetical approach.[51]

Where would Maimonides have stood vis-à-vis this terminological innovation? By all indications, he knew very little about the northern French *peshat* school;[52] and for him Ibn Ezra was a newcomer on the Andalusian intellectual horizon still dominated by earlier authors of the Judeo-Arabic school.[53] In that tradition, no consensus had yet been reached regarding the concept of *peshat*; in fact, those authors—like their Karaite colleagues—relied heavily on Arabic hermeneutical terminology and used the terms *peshateh di-qera* and *peshuto shel miqra* sparingly.[54] In the intellectual milieu that shaped Maimonides' outlook, *peshat* was a marginal concept, perhaps still colored by its talmudic usage, but certainly open for reinterpretation by a bold thinker like him.

Sidestepping these considerations, the recent studies of Maimonides' notion of *peshat* simply borrow the commonly used definitions coined in modern scholarship for Rashi, Qara, Rashbam, Ibn Ezra and Nahmanides (notwithstanding differences among them). For example: "The meaning of the biblical text is identical to its obvious and simple understanding";[55] "Scripture never loses its straightforward sense";[56] "…the word peshuto…mean[s] simple or plain meaning.…no text can be deprived of being interpreted exclusively according to peshat."[57] Invariably, however, these renderings lead to contradictions, since Maimonides often disregards the "straightforward" or "plain" sense of Scripture, as we have mentioned. But in light of his milieu—which

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[51] See Kamin, *Jews and Christians*, xxxi (English section); idem, *Categorization*, 57–59. The recasting of talmudic maxims within the medieval tradition is not unusual; it occurs, e.g., with respect to the maxim that "Scripture spoke in the language of men"; see Cohen, *Three Approaches*, 73–75.

[52] This is the general scholarly consensus (to which I subscribe), since neither Rashi nor his students are ever mentioned by Maimonides, though some indirect evidence might be taken to suggest that he saw Rashi's talmudic commentary in Egypt. See Friedman, "Use of Rashi," 403–438.

[53] See below, n. 88.

[54] The Arabic term *ẓāhir* was sometimes used to connote the obvious, contextually indicated sense of Scripture, as discussed below.

[55] משמעות הטקסט המקראי זהה להבנתו הגלויה והפשוטה; Sagi, "Nahmanides," 128.

[56] Davidson, *Maimonides*, 132.

[57] Halivni, *Peshat & Derash*, 80.

was distinct from the emerging culture of "the way of *peshat*" among Hebrew writers in Christian Europe—it is unreasonable to expect that Maimonides would have used the term *peshat* in that sense. In the current study we shall demonstrate that Maimonides, in fact, developed a unique definition of *peshat* that reflects his immersion in Talmud, his Arabic learning, and his Geonic-Andalusian heritage.

Our second methodological point highlights a factor that no doubt contributed to the confusion just mentioned. When seeking to define Maimonides' concept of *peshat* it is, of course, necessary to identify the corpus of examples in which he uses this term. Naturally, this would include the above-mentioned Principle #2, where he cites the talmudic rule of *peshat*. Furthermore, he invokes Principle #2 nine times throughout *The Book of the Commandments*, usually with the Aramaic term *peshateh di-qera* (i.e., "the *peshat* of the biblical verse/Scripture"), but sometimes with the term *gufeh di-qera* ("the biblical verse/Scripture itself"), which he uses synonymously. These ten passages (Principle #2 and its nine explicit applications) exhaust Maimonides' salient discussions of *peshat*—as related to the rule that "a biblical verse does not leave the realm of its *peshat*"—in his major writings.[58] In the entire expanse of *Mishneh Torah*, the term appears in only four marginal instances, none of which relate to his rule of *peshat*, i.e., to indicate its exclusive halakhic authority.[59] The term does not appear at all in the Mishnah commentary or in the *Guide of the Perplexed*, even though Maimonides had ample opportunity to use it in his extensive exegetical discussions in both works.

Some readers may be surprised by this assessment since the term *peshat* appears numerous times in the Hebrew versions of Maimonides' Mishnah Commentary and his *Guide of the Perplexed*—and these occurrences are often cited in modern scholarship, as reflected in the discussions of Maimonides' supposed "devaluation" of *peshat* cited above. But this characterization is based on a sort of optical illusion. We must recall that Maimonides wrote all of his major works except *Mishneh Torah* in Judeo-Arabic. It is, of course, true that the Hebrew versions of these works have long shaped the reception of

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[58] Chapter six below includes a detailed study of these ten passages.
[59] For the sake of completeness, Appendix B is devoted to these four occurrences of the term *peshat* in *Mishneh Torah*, as well as its sporadic occurrences in his responsa and letters.

Maimonidean thinking—a process that began in his lifetime.[60] Yet these sometimes obscure the subtleties of Maimonides' own terminological usages. And, indeed, when we consult the original Judeo-Arabic texts of the *Guide* and Mishnah Commentary, we discover that in those works he never used the term *peshat*, which was chosen (perhaps less than fortunately) by the translators—both medieval and modern—to render Arabic ẓĀHIR (lit. apparent, obvious), a term drawn from qur'anic hermeneutics and used regularly in the Judeo-Arabic exegetical tradition to connote the *obvious* or *literal* sense of the biblical text.[61] Only in *The Book of the Commandments* does he use *peshat* as a technical talmudic term, which (like other citations from rabbinic literature) stands out in Hebrew (*peshuto* [*shel miqra*]) or Aramaic (*peshateh di-qera*) against the background of his Judeo-Arabic prose.[62]

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[60] Maimonides sent a copy of the *Guide* to Lunel (Provence) at the request of the sages there, who turned to Samuel Ibn Tibbon (c. 1165–1232) to translate it into Hebrew. Samuel sent queries about his translation to Maimonides in Egypt, who responded in 1199 with specific suggestions, and praise for Samuel's abilities as a translator. See Shailat, *Letters*, II:511–554; Fraenkel, *Transformation*, 60–65. Ibn Tibbon's Hebrew version might thus be likened to an "authorized" translation of the *Guide*. Yet there is no clear evidence that Maimonides actually saw Ibn Tibbon's complete and final translation. Moreover, Ibn Tibbon did not always accept Maimonides' recommended Hebrew translations. (Indeed, Maimonides had offered these merely as suggestions and left the final product to Ibn Tibbon's discretion; see Shailat, *Letters*, II:544.) The other medieval Hebrew translation of the *Guide* was done by Judah Alharizi (Toledo-Aleppo, c. 1165–1225), who considered Ibn Tibbon's translations too literal. Alharizi's version is indeed freer, and although modern scholars regard it as less than precise, it often captures the spirit of Maimonides' presentation and was used by medieval Latin translators. The medieval Hebrew version of Maimonides' commentary on the Mishnah was penned by various translators, among them Alharizi (who translated the general introduction) and Samuel Ibn Tibbon (who translated the commentary on *Avot*, including the introduction); see further, below chapter ten, n. 4. On the medieval translations of the *Book of the Commandments*, see above, n. 31. The entire Mishnah Commentary, the *Book of the Commandments* and the *Guide* were translated into modern Hebrew by Joseph Kafih. The *Guide* was translated again into Hebrew by Michael Schwarz in 2002, with extensive references to modern Maimonidean scholarship. For further details on the translations of Maimonides' works, see the bibliography below.

[61] See Ben-Shammai, "Tension," 36–40; Fenton, *Jardin*, 258–298. The modern Hebrew translators consistently use the term *peshat* to render Arabic ẓāhir. Samuel Ibn Tibbon and Alharizi occasionally use the terms *nigleh* (obvious) and *ḥiṣon* (external) for this purpose, although they also frequently use the term *peshat*.

[62] Within the *Book of the Commandments* itself Maimonides also occasionally uses the term *ẓāhir*, which he clearly intends to differentiate from *peshat* (as discussed below in this study). But this original Maimonidean distinction is obliterated when *ẓāhir* is rendered *peshat*, as done consistently by Kafih and Ibn Ayyub. Moses Ibn Tibbon generally follows suit, but in one instance uses the term *nigleh* (Principle #9; Heller

While in some contexts *peshat* would seem to be a reasonable equivalent for *ẓāhir*,[63] Maimonides was careful to distinguish between the two when applying his rule of *peshat* in his halakhic system. A failure to isolate his distinctive use of the technical talmudic term *peshat* from the more numerous occurrences of the term *ẓāhir* in his writings thus leads to a distorted picture of his hermeneutical terminology and conceptions. For Maimonides, the rule of *peshat* primacy implies that "the *peshat* of Scripture"—a concept he defined uniquely, as discussed in chapter six below—is the inviolate, unique source of biblical law. He appropriated the talmudic maxim to devise a boldly novel halakhic system, at the center of which stands a sharp delineation between laws that bear the authority of the biblical text itself, as opposed to later rabbinic legislation based on further legal inference from Scripture. As we shall demonstrate, this legal distinction does not necessarily imply a commitment to the philological sense of Scripture, of which Maimonides was well aware.

On the other hand, what Maimonides "devalues" in the *Guide* and elsewhere is merely the obvious, literal sense (*ẓāhir*) of Scripture.[64] As mentioned above, Maimonides himself did not use the term *peshat* even once in the *Guide* or the Mishnah commentary. When we consider the passage from the introduction to the Mishnah commentary cited above, for example, we must realize that Maimonides never says that he rejects "the *peshat* of the text"; he merely argues that the biblical words וקצתה את כפה (lit. You shall cut off her hand) cannot be taken literally (i.e., according to their *ẓāhir*), a claim he defends based on the authoritative rabbinic tradition regarding this verse. In the *Guide*, as well, Maimonides cites a variety of considerations—exegetical, literary, scientific and philosophical—for deviating from the *ẓāhir*, i.e., the apparent, literal sense of the text. In this respect, Maimonides is hardly atypical within his exegetical heritage. None other than Saadia, who was revered by Ibn Ezra as "the first speaker on all matters,"

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ed., 18) and in another *nirʾeh* (apparent; Negative Commandment #46; Heller ed., 108) to render the term *ẓāhir*; see discussion and notes in chapter two, sec. 3 below.

[63] Indeed, this corresponds to the common (but problematic) definition of *peshat* as *the literal sense*. More precise Hebrew translations of *ẓāhir* would be *nigleh* or *nirʾeh*, which are used occasionally by the medieval translators (see the preceding two notes). But the technical exegetical term *ẓāhir* actually has a range of connotations, as discussed in chapter two below.

[64] For Stern we can say that Maimonides devalued what Nahmanides—who was influenced by the Hebrew translations of the *Guide*—referred to as *peshat*.

had established that a figurative or otherwise non-literal reading is required whenever the literal sense (*ẓāhir*) of Scripture contradicts reason or rabbinic tradition, an axiom embraced universally within the subsequent rationalist Geonic-Andalusian exegetical school.[65] The term *ẓāhir*, in Maimonides' lexicon, thus does not carry the authority of *peshat* and his willingness to override it does not violate his rule of *peshat* primacy.

It would, of course, be an overstatement to say that Maimonides' notions of *peshat* and *ẓāhir* are completely unrelated. However, the relationship between them is complex, and defining it is an important key for unlocking his hermeneutical theory. Maimonides' frequent use of the term *ẓāhir* (or *ẓāhir al-naṣṣ*; the obvious sense of the [biblical] text) throughout his writings reveals his strong links to the philological tradition, and his own ability to engage in linguistic-literary analysis. Yet, he believed that this was only a first step toward a true understanding of Scripture, which must be augmented using other sources of knowledge, whether it be Aristotelian physics to understand the biblical account of creation, psychology to describe the phenomenon of prophecy, metaphysics to interpret the biblical depictions of God, or the Oral Law transmitted in rabbinic tradition to reveal the legally binding intentions of the Written Law. Effectively, then, his use of the term *ẓāhir*—in the spirit of Saadia's influential rule—implies that to arrive at the true meaning of Scripture requires going beyond its literal sense. Maimonides' more focused—and unique—use of the term *peshat* in his halakhic exegesis, on the other hand, reflects an endeavor to limit the scope of Scripture to an original core of 613 laws, with further legal midrashic derivations being sharply separated into a secondary category of non-biblical "rabbinic" laws. In addressing the tension between the latter category and the philological method, the great codifier joins a venerable group of exegetes in the Geonic-Andalusian tradition. But in his role as an unrivaled talmudist, Maimonides succeeds in devising a bold new model of *halakhah* and legal exegesis based on the rule of *peshat*.

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[65]  See the detailed discussion below in chapter one, sec. 1.

## 5. *Maimonides' Exegetical Sources*

By now it should be clear that a study of Maimonides' biblical herme-
neutics requires a clear picture of the exegetical heritage he absorbed
in his formative years in al-Andalus and later in North Africa and
Egypt,[66] which differed in important respects from the *peshat* school
that was crystallizing in Christian Europe at the very same time. Mai-
monides' aversion to documenting his sources is well-known; but his
post-talmudic Jewish predecessors fared worse in this respect than
others.[67] To get an idea of his potential library, it is therefore helpful
to digress for a moment to outline the authorities cited regularly by
Maimonides' near contemporaries—which would give us a sense of
the works that were influential in his intellectual milieu.

We can assume that the exegetical library available to Maimonides
in his native al-Andalus would have been similar to that of his older
contemporary Abraham Ibn Ezra, who readily acknowledges his debt
to the Babylonian geonim Saadia and Samuel ben Hofni (d. 1013), as
well as the great Andalusian linguists and exegetes Judah Hayyuj (late
tenth century), Jonah Ibn Janah (early eleventh century), Samuel ha-
Nagid (early eleventh century), Moses Ibn Chiquitilla (mid-eleventh
century) and Judah Ibn Bal'am (mid-eleventh century).[68] Interestingly,
Ibn Ezra also cites—albeit with reservations—a number of Karaite exe-
getes, especially Yefet ben Eli (Jerusalem, tenth century).[69]

A window into Maimonides' potential library is also opened to us
by another two Andalusian authors who predated him. The first is
the poet-philosopher Moses Ibn Ezra, who devoted his *Treatise of the
Garden* to the subject of philosophical biblical interpretation, as well

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[66] On Maimonides' early life and education in Muslim Spain and Fez, see Kraemer,
*Maimonides*, 23–93; Shailat, *Letters,* I:19–21; Davidson, *Maimonides*, 3–28. Even as
an adult in Egypt, Maimonides continued to identify himself culturally with his rich
Andalusian intellectual milieu, as indicated by his oft-repeated expression, "at our
place (or: *chez-nous*) in Andalus"; see Blau, "Andalus"; Shailat, *Letters*, I:115n.

[67] See Pines, "Introduction," cxxxii–cxxxiv; Twersky, "Guide"; idem, "Influence,"
21*, 39*–42*.

[68] Although Ibn Ezra was perfectly capable of criticizing his predecessors, his writ-
ings generally reflect a profound debt to a venerable tradition of biblical exegesis; see
Melammed, *Commentators*, 592–598, 654–676; see also Ratzaby, *Saadya on Exodus*, 11
(editor's introduction). U. Simon, in fact, argues that "Abraham ibn Ezra['s]...impor-
tance in the history of exegesis seems to lie less in his original contributions and more
in the standards he established for his critical evaluation of the accomplishments of
the Babylonian-Iberian school" ("Ibn Ezra," 387).

[69] See Melammed, *Commentators*, 676–678.

as paying close attention to the workings of biblical literary style in his Hebrew poetics, *The Book of Discussion and Conversation*. These two works, written toward the end of Moses Ibn Ezra's life (and around the time of Maimonides' birth) while he was in exile in Christian Spain, most strongly manifest the imprint of Saadia's Bible translations and Ibn Janah's grammar and dictionary, although they also include references to the other Geonic and Andalusian authors mentioned by Abraham Ibn Ezra.[70] Also of interest for comparison with Maimonides is Isaac ben Samuel al-Kanzi (ca. 1065–1140), a scion of an Andalusian family who became a prominent religious court judge (*dayyan*) in Fostat, Egypt, where Maimonides would settle in his mature years and also serve as the leading religious legal authority. Al-Kanzi penned a commentary on the Book of Samuel noteworthy for its philological literary-contextual approach that includes references to Saadia (termed "the master of all exegetes"), Samuel ben Hofni, Hayyuj, Ibn Janah, Ibn Chiquitilla and Ibn Balʿam, as well as Yefet ben Eli.[71] His reliance on Yefet—at times without attribution—is particularly intriguing in light of the fierce battles in Egypt between the Karaites and the Rabbanite religious leadership to which al-Kanzi belonged.[72]

Another suggestive indication of the authors that made up Maimonides' exegetical library is to be found in the biblical commentaries of his son, Abraham Maimonides (1186–1237), which feature interpretations from his father and grandfather, Rabbi Maimon, alongside citations from Saadia, Samuel ben Hofni, Samuel ha-Nagid, Ibn Janah and Ibn Ezra.[73] Even considering the likelihood that Abraham developed some of his own interests independent of his father's (e.g., his Sufi tendencies), it seems reasonable that Maimonides' perception of

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[70] See Cohen, "Aesthetic Exegesis," 283–284.

[71] See Simon, "Al-Kanzi," 372–373. Of particular interest is his independence from midrashic interpretation, which helps explain his willingness to rely on Yefet; see Stauber, "Isaac ben Samuel."

[72] It is also possible that Maimonides knew of the anonymous early twelfth-century compilatory commentary on Psalms written in Judeo-Arabic, found in the Cairo *genizah*. This commentary, published by J. Finkel, includes citations from Saadia, Samuel ha-Nagid, Ibn Janah, the Karaites David al-Fasi and Abu-l-Faraj Harun, and even Rashi. See Perez, "Quotations," 241–242.

[73] See Wiesenberg, *Commentary*, 538–539; Fenton, "Post-Maimonidean Schools," 436–437. A similar library is attested in the commentary on Song of Songs penned (around 1185) by Joseph ben Judah Ibn Aqnin of Fez, who was an acquaintance of Moses Maimonides during his sojourn there; see Halkin, "Ibn Aknin," 399–406, 413–414; idem, *Mysteriorum*, ‏טו‎.

Scripture likewise was shaped by those very authors—despite the fact that he mentions them far less frequently than his son did.[74] Maimonides does, however, draw quite prominently on two other sources for his biblical interpretations: rabbinic literature and Greco-Arabic philosophical works. While this tendency has perpetuated a portrait of Maimonides as a talmudist-philosopher disconnected from the mainstream Geonic-Andalusian exegetical tradition, just beneath the surface we can detect that tradition's impact on his biblical interpretation.[75] In particular, we can discern four streams of post-talmudic Jewish scholarship upon which he seems to have drawn for this purpose.

(1) While Maimonides makes vague references to the collective Babylonian "geonim," modern research has documented his substantial debt to this school by tracing many aspects of his literary output to the works of specific geonic authors. In particular, his references to Saadia—though sporadic and usually oblique—suggest the broad and deep impact of that Gaon's views, especially on biblical interpretation, which Maimonides at times challenges, but otherwise relies upon.[76] The imprint of Samuel ben Hofni, who carried on Saadia's tradition, can likewise be detected in Maimonides' writings.[77]

(2) Maimonides' occasional discussions of Hebrew grammar and philology indicate his knowledge of this discipline, which perhaps more than anything else characterizes the Andalusian exegetical method. Echoes of Menahem ben Saruq and Hayyuj can be detected in his writings.[78] Ibn Janah is mentioned by name (only) once in the *Guide*, but his imprint is manifest throughout the numerous lexicographic

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[74] Abraham's consistent reliance on Ibn Ezra is striking; but it is conceivable that the latter's commentaries only arrived in Egypt late in Maimonides' lifetime; see below, at n. 88. Intriguingly, Abraham Maimonides refers to "the French Rabbi Solomon" (ר' שלמה הצרפתי), but he may have known of Rashi only from citations in Ibn Ezra. In any case, Moses Maimonides never cites Rashi in his writings (above, n. 52).

[75] See Bacher, *Bibelexegese*, vi–vii, 168–174; Twersky, *Code*, 58; Cohen, *Three Approaches*, 14–15, 98, 179–180, 213; Davidson, *Maimonides*, 118.

[76] This is especially evident in Schwarz's notes in his translation of the *Guide of the Perplexed*; see, e.g., I:25 (p. 38, n. 6); I:65 (p. 168, n. 22); III:18 (p. 480, n. 45). See also Rawidowicz, *Studies*, 178–230; Kreisel, "Influence," 98, 100n; Cohen, "Disagreement."

[77] See Havazelet, *Geonites*, 71–74; Libson, "Two Sureties"; Sklare, *Samuel ben Hofni*, xi, 174n, 189.

[78] See Maimonides' commentary on m.*Terumot* 1:1, m.*Soṭah* 5:5 (with Kafih's notes ad loc.); *Guide* I:67; see also above, n. 29.

chapters of that work.[79] Maimonides was also expert in the Greco-Arabic discipline of logic, ʿilm al-MANṬIQ (lit. the science of speech, reasoned discourse), a type of meta-grammar that explored the fundamental workings of language, to which he devoted his *Treatise on Logic*.[80] Throughout his works, he invokes linguistic concepts clarified in the *Treatise*, such as sentence structure, predication and the construction of an argument, as well as literal and metaphorical usage, all of which would align him with the grammatically oriented Andalusian philological school, rather than with the Rabbis' midrashic methods, which often flout the rules of grammar.[81]

(3) Sporadic references to the "Andalusian commentators" in Maimonides' writings[82] usually offer little more than tantalizing hints at his debt to the great exegetes who flourished in eleventh- and twelfth-century al-Andalus. But in his *Treatise on Resurrection* he is more forthcoming in the course of responding (among other things) to a critique leveled against his figurative reading of Isaiah's famous messianic prophecy ("The wolf shall dwell with the lamb…" [11:6–10]) in *Mishneh Torah* (*Hilkhot Melakhim* 12:1). Following his usual style in the Code, Maimonides had originally presented this reading without attribution. But in the *Treatise on Resurrection* he responds to his critic by noting that in this understanding of Isaiah's prophecy he simply followed "the learned commentators, such as R. Moses ben Chiquitilla and [Judah] Ibn Balʿam."[83] This remark opens a window into

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[79] See *Guide* I:43; Birnbaum, "Maimonides' Exegesis," 182–189; Cohen, *Three Approaches*, 104–106; Delgado, "Lexicography."

[80] See Stern, "Language," 179–185. It is believed that Maimonides penned the *Treatise*, a summary of Alfarabi's logic, in his youth; see Kraemer, "Portrait," 20, 48–49. This traditional attribution has been questioned by Davidson, *Maimonides*, 313–322. His objections, however, are not conclusive; see Hasnawi, "Réflexions," 69–78; Cohen, "Imagination," 420–421. Moreover, Maimonides' tendency to draw upon logic in his writings (see following note) would seem to support the traditional attribution.

[81] Maimonides' reliance on the discipline of logic is evident in examples cited in this volume below. The importance of logic for biblical interpretation was also recognized by Ibn Ezra (who refers to it in Hebrew as ḥokhmat ha-mivṭa); see *Yesod Mora* 1:5, 1:9, 2:1, 2:2, Cohen and Simon ed., 80, 89, 91, 93–94.

[82] See *Treatise on Resurrection*, Shailat ed., 328 (Ar.), 357 (Heb.); *Guide* I:42; *Responsa* #267, Blau ed., II:509.

[83] *Treatise on Resurrection*, Shailat ed., 329 (Ar., assuming the reading אהל אלתחציל), 359 (Heb.). This interpretation is not found in Ibn Balʿam's extant commentary on Isaiah (see Goshen-Gottstein and Perez ed., 75–77). Ibn Chiquitilla, however, is cited by Abraham Ibn Ezra (comm. on Isa 11:1) as interpreting this entire prophetic passage (11:1–10)—which begins with a prediction that a righteous king

Maimonides' exegetical thought, not only by identifying the anonymous Andalusian commentators he had in mind, but also by indicating that they may be the source of unattributed commentaries elsewhere in his writings.[84]

The intriguing question of Maimonides' relation to Abraham Ibn Ezra, who effectively crystallized the Andalusian *peshat* method, has yet to be settled decisively. Many twentieth-century scholars assumed such influence based on the ethical will purportedly written by Maimonides to his son Abraham, lauding the commentaries of

> the great sage Rabbi Abraham Ibn Ezra, may the memory of the righteous be blessed…[since he] brought many matters to my attention, and I did not know them until after I had compiled the Mishnah commentary…*Mishneh Torah* and…the *Guide of the Perplexed*.[85]

I. Shailat and others, however, have shown this letter to be a literary fabrication, evidently composed to lend support to Ibn Ezra, whose works were sometimes viewed as controversial.[86] In all of Maimonides' writings, we find only a single unquestionable reference—in passing and without honorific terms—to "R. Abraham ben Ezra, may he rest in paradise," in a letter to Samuel Ibn Tibbon, translator of the *Guide*.[87] Relying only on this more modest reference, I. Twersky has

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from the "stock of Jesse" will restore justice—as a reference to King Hezekiah, who implemented sweeping religious reforms (see II Chr 29–32; II Kgs 18–20; Jer 26:17–19). Obviously, then, Ibn Chiquitilla assumed that Isa 11:6–10 was meant figuratively, which is evidently the precedent Maimonides had in mind, even though he interpreted the passage as a messianic prophecy.

[84] E.g., in *Hilkhot Yibbum wa-Ḥaliṣah* 2:6 Maimonides evidently relied on Ibn Balʿam's reading of Deut 25:6; see below, chapter 8, sec. 1.2. Maimonides' silent reliance on the writings of Ibn Balʿam and Ibn Chiquitilla is a matter that requires further research.

[85] *Qoveṣ* II:39–40, cited by Perla, *Sefer ha-Miṣwot*, 15. It is noteworthy that Abraham Maimonides does, in fact, cite Abraham Ibn Ezra regularly in his commentary on Genesis and Exodus; see above, n. 74.

[86] See Shailat, *Letters*, II:697–698; Twersky, "Influence," 23\*. As Twersky (ibid., 42\*) notes, the passage in question poses its own difficulties; in particular, it implies that Maimonides did not read Ibn Ezra's writings in time for him to use them when writing his major works.

[87] Shailat, *Letters*, I:530. In the same sentence Maimonides refers to "the dear sage, R. Meir, who had studied with R. Abraham, the great Master of Posquières, and with R. Jacob the Master, may the memory of the righteous one be blessed," bestowing on them greater honorific titles than Ibn Ezra receives. On this basis (among other things) Shailat argues that the great praise for Ibn Ezra in the ethical will is out of character. "R. Abraham…of Posquières" is, no doubt, the great Provençal talmudist Rabad (R. Abraham ben David; c. 1120–1197/8), well known for his strictures (*hassagot*) on

revisited this matter, adding the historical question of the availability of Ibn Ezra's writings to Maimonides.[88] Although he cites a number of distinctive parallels between the two authors, which might suggest direct influence, Twersky also raises the alternative explanation that views articulated by Ibn Ezra simply reflect ones that were current in twelfth-century al-Andalus and could have been absorbed by Maimonides without actually reading Ibn Ezra's works. While this question may never be resolved decisively, new studies reveal further parallels that strengthen the case for Ibn Ezra's influence on Maimonides.[89]

(4) Finally, we must also consider Maimonides' exposure to the substantial linguistic and exegetical work of the great tenth- and eleventh-century Karaite scholars, notwithstanding his fierce battles with the members of that sect in Egypt in his time. Although Maimonides generally mentions the doctrines of the Karaites dismissively, there is evidence that he was familiar with Karaite scholarship and used it where he saw fit.[90] In this respect, he was following in the footsteps of earlier Andalusian Rabbanite authors, such as al-Kanzi and Ibn Ezra, who opposed the Karaites ideologically but took advantage of their great exegetical achievements.[91]

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Maimonides' *Mishneh Torah*. It is an open question whether "Rabbi Jacob" mentioned by Maimonides here is the highly influential northern French Tosafist Jacob Tam.

[88] Twersky, "Influence." It is conceivable that commentaries Ibn Ezra wrote in Italy in the 1140's—and perhaps some of those written in France in the 1150's—became available to Maimonides in al-Andalus before he fled to Fez around 1160. Or, he may have seen them in Fez or Egypt (where they were used avidly by Abraham Maimonides). On the other hand, Twersky is doubtful that *Yesod Mora*, completed in London in 1158 or 1159, would have been available to Maimonides in Egypt when he composed *The Book of the Commandments* just over a decade later (Twersky, "Influence," 39*, with date of the work's completion corrected according to Cohen and Simon, *Yesod Mora*, 16). Yet, as discussed in chapters six and seven of this study, the striking parallels between the two works (already observed by Perla [n. 85 above]) indeed suggest that *Yesod Mora* had a decisive influence on Maimonides' *Book of the Commandments*.

[89] See the preceding note; see also Bromberg, "Parallels"; Jospe, "*Shiʿur Qoma*," 197; Harvey, "First Commandment," 209–211; Cohen and Simon, *Yesod Mora*, 34–35; Ben-Menahem, "Jurisprudence," 178; Cohen, *Three Approaches*, 15.

[90] See Lasker, "Karaism."

[91] See nn. 69, 71 above.

## 6. *Outline of this Study*

The main body of this study consists of eight chapters, divided into two parts. The first discusses an array of areas in which Maimonides contributed to the tradition of rationalist, philological-contextual exegesis without actually using the term *peshat*, which was not unusual in the Geonic-Andalusian school. Chapter one briefly surveys the Geonic-Andalusian exegetical school that informed Maimonides' outlook, especially his predecessors' programmatic pronouncements regarding *ẓāhir al-naṣṣ*, and their intermittent discussions of "the *peshat* of Scripture." Chapter two explores Maimonides' various uses of the expression *ẓāhir al-naṣṣ* and how, in the spirit of Saadia's rationalist method, he balanced a philological understanding of Scripture with his literary, philosophical, scientific and halakhic conceptions. The next two chapters are devoted to specific manifestations of Maimonides' interpretations of *ẓāhir al-naṣṣ*: chapter three traces his audacious non-halakhic interpretations of biblical law in the *Guide* by comparison with other *pashtanim*, most notably Rashbam, and chapter four identifies the innovative literary nature of his theory of interpretation of the biblical *mashal* genre and its applications to the Song of Songs and the book of Job.

The second part of this work focuses on Maimonides' application of the rule of *peshat*, which he limited to halakhic exegesis. Chapter five lays the groundwork by clarifying Maimonides' theory of the "sources of the *halakhah*" within the context of his Geonic-Andalusian heritage and the Muslim science of *uṣūl al-fiqh*. Chapter six provides an in-depth analysis of Principle #2 in the *Book of the Commandments* and details how Maimonides' drew upon the maxim that "a biblical verse does not leave the realm of its *peshat*"—making it his rule of *peshat* primacy—to differentiate between the original legal sense of Scripture and further legislation by the Rabbis. In chapter seven we provide a perspective on Maimonides' unique position by charting the transformation of the original talmudic rule of *peshat* brought about by the great medieval exegetes who collectively represent what came to be known as the *peshat* tradition. In chapter eight we evaluate the exegetical implications of Maimonides' innovative construal by exploring how he balances philological sensibilities with the requirements of the halakhic system—in comparison with similar efforts by other *pashtanim*.

Following the two sections of this work that comprise its core, a third and final section provides a synopsis and paints a comprehensive portrait of Maimonides as a biblical exegete based on the individual components originally discussed separately in earlier chapters. Chapter nine coordinates his conceptions of *ẓāhir al-naṣṣ* and *peshuto shel miqra*, suggesting how he integrated them into a larger hermeneutical system. Chapter ten explores his various uses of the Muslim interpretive notion *taʾwīl*, some of which are raised at different points in this study and which, when taken together, form a dynamic Maimonidean hermeneutical model that balances creativity with tradition. This is followed by a brief conclusion that considers the implications of our reassessment of Maimonides' boldly original interpretive work and the place it earns him in the larger tradition of Jewish Bible exegesis.

PART ONE

*ẒĀHIR AL-NAṢṢ*

## THE GEONIC-ANDALUSIAN HERITAGE

In the tradition Maimonides inherited, biblical interpretation was situated at the intersection of a number of disciplines—grammar, philology, science, logic, philosophy, theology and jurisprudence—for which Greco-Arabic learning served as a critical source. Indeed, the pioneering figures Saadia and Samuel ben Hofni used qurʾanic exegesis itself as model for interpreting Hebrew Scripture, and the vocabulary of *uṣūl al-fiqh* (Muslim jurisprudence) to define the workings of talmudic law.[1] Central in the tradition they founded was the endeavor to reconcile Scripture with science and philosophy, yielding what is referred to as the "rationalist"[2] exegetical method. Additionally, these Rabbanite exegetes (unlike their Karaite colleagues) grappled with the disparity between their own philological analysis of Scripture and its non-philological interpretation by the Rabbis of the Talmud, the embodiment of *halakhah*. The need to balance these intellectual streams defined the parameters of Geonic-Andalusian biblical hermeneutics.

Our goal in the current chapter is to briefly survey this tradition in order to sketch the hermeneutical landscape that Maimonides inhabited. We shall explore the key programmatic statements of a number of influential authors, paying special attention to their use of the terms *ẓāhir al-naṣṣ* and *peshuto shel miqra*, in order to shed light on how Maimonides balanced the two concepts. As we shall see, the former term—used widely in qurʾanic hermeneutics and other Arabic disciplines—was ubiquitous in the Judeo-Arabic exegetical tradition. Although it always had a number of connotations, its range of meanings was more or less fixed from Saadia's time onward. The Hebrew term *peshuto shel miqra* (and its Aramaic equivalent *peshateh di-qera*), on the other hand, was used much less frequently and its meaning varied from author to author. While this situation would change by the end of the twelfth century, with the center of gravity in the exegetical

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[1] See Zucker, *Saadya on Genesis*, 37–69 (introduction); Sklare, *Samuel ben Hofni*, 55–67, 143–165.

[2] See Berger, "Polemic," 27–28.

tradition shifting to Hebrew-writing authors, we must keep in mind
that Maimonides worked within the earlier Judeo-Arabic tradition,
where the term was still in flux.

The very usage of the term *peshat* in the medieval tradition to
characterize the rationalist-philological Geonic-Andalusian exegetical
method was a sort of back-projection, a phenomenon not rare in the
history of ideas.[3] Ibn Ezra, followed by Kimhi and Nahmanides, regu-
larly used it to label the method pioneered by Saadia, in opposition
to the "way of *derash*."[4] Yet the roots of this characterization (in the
extant literature) go only as far back as Ibn Janah, who makes a lone
reference to "the *peshat* commentaries of Rav Saadia and Samuel ben
Hofni" (below, n. 118). Nor would Ibn Janah's immediate successors
(who continued to write in Arabic) pick up the term. It was only in
the mid-twelfth century that Ibn Ezra would energetically champion
Saadia, Samuel ben Hofni, Hayyuj, Menahem ben Saruq, Samuel ha-
Nagid, Ibn Chiquitilla and Ibn Balʿam as practitioners of "the way of
*peshat*," a label they themselves did not actually use to characterize
their method. In fact, as we shall see in this chapter, some of them
used the term *peshat* in a different sense. This would help explain why

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[3] See, e.g., W. Hallaq's characterization of the back-projection of the term *qiyās* in
Muslim jurisprudence, cited below, chapter five, sec. 2.

[4] Usually, *peshat* was used in this school as a term of approbation; see, e.g., Simon,
"Ibn Ezra"; Cohen, "Qimhi," 396–415; Septimus, "Open Rebuke," 13–26. Occasion-
ally, Nahmanides used this term in a pejorative way, to connote an overly rational-
ist type of interpretation, as opposed to his own mystically inclined approach; see,
e.g., his commentaries on Gen 11:1 (where he refers to "the pursuers of the *peshat*");
Exod 29:46 (his reference to "the *peshat* of the matter," as opposed to the kabbalistic
*sod*). The term *peshat* also came to connote a philologically sound reading of Scrip-
ture in the northern French *peshat* school; see Japhet, "Tension"; Grossman, "Literal
Exegesis," 351–371. While the great Karaite scholars of the tenth and eleventh cen-
turies advanced a rational, philological exegetical method, they used Arabic techni-
cal terms to characterize it rather than invoking the rule of *peshat* for this purpose.
(I thank Haggai Ben-Shammai, Aharon Maman and Meira Polliack for confirming
this. Frank, *Search*, 255, cites one occurrence of the term *peshat* in Yefet's writings, but
otherwise acknowledges that these exegetes instead "naturally used the Arabic word
*ẓāhir* to connote the text's plain or 'external' sense, which was their primary objec-
tive.") It is not surprising that the early Karaite exegetes did not invoke the talmudic
rule of *peshat*, since they rejected the authority of the Talmud (although Qirqisani
did cite the talmudic rule that "Scripture speaks in the language of men"; see Frank,
"Karaite Exegesis," 118). Ultimately, however, the term *peshat* did become central in
later Byzantine Karaite exegesis, which was written in Hebrew. Ironically, this reflects
the influence of the Rabbanite *peshat* exegetes Ibn Ezra, Kimhi and Nahmanides; see
Frank, "Karaite Exegesis," 127–128.

Maimonides, whose scholarly career was nearly contemporaneous with Ibn Ezra's, still deemed the term *peshat* open for interpretation.

In the survey that follows, the most extensive discussion is devoted to Saadia, who founded and made the single strongest imprint on the subsequent Geonic-Andalusian tradition, and through whom we shall first introduce the elements of qurʾanic exegesis appropriated by Jewish authors to interpret the Bible. After briefly outlining the major contributions of Saadia's successor Samuel ben Hofni, and of Samuel ha-Nagid, who transplanted the geonic approach to al-Andalus, we devote the next substantial discussion to Ibn Janah, who—after Saadia—was the most important exegetical figure on the Jewish Andalusian intellectual landscape. We then turn to Ibn Balʿam, whom Maimonides mentions explicitly as a highly respected exegete in al-Andalus.[5] Next, we discuss Moses Ibn Ezra, whose work sheds light on the Andalusian school's literary assumptions about Scripture and may have actually influenced Maimonides directly. We conclude the chapter with Abraham Ibn Ezra, whose work represents a transplantation of the methods of the Judeo-Arabic exegetical school from Muslim to Christian lands, as well as their translation from Arabic into Hebrew. In the course of this endeavor, he provided detailed methodological statements about "the way of *peshat*" that put the earlier tradition into clear relief. Although the extent of his influence on Maimonides is open to question (see introduction, above, sec. 5), the parallels between these two sons of the Andalusian tradition make it imperative to understand Ibn Ezra's hermeneutical system as a prerequisite for analyzing that of Maimonides.

## 1. *Saadia: Rationalist Interpretation*

Saadia Gaon's seminal contributions to the tradition of Jewish biblical interpretation are difficult to overestimate. Two centuries after his time he was lauded by Ibn Ezra as "the first speaker on every matter."[6] While Maimonides is more reticent, we can detect the Gaon's substantial

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[5] On the absence of Moses Ibn Chiquitilla (whom Maimonides lauds in the same breath as Ibn Balʿam) on this roster, see below, n. 124.

[6] See Ben-Shammai, "Prognostic Midrash," 1–2.

influence in his writings.[7] Living most of his adult life in Baghdad, the great center of learning in the Muslim East, Saadia composed Arabic translations of, and commentaries on, a number of biblical books. Best known among these is his translation of the Pentateuch, the *Tafsīr*, which became a sort of Authorized Version among Rabbanite Jews in Muslim lands. In speaking of Saadia as "the first speaker on every matter," Ibn Ezra no doubt had in mind (among other things) what was most important to him, i.e., the interpretation of Scripture according to the rules of grammar, philology and reason. It is true that Saadia interpreted Scripture philologically and contextually; but we must take care not to characterize his method as literal exegesis, because he was quite willing to depart from the literal sense for a wide range of reasons. Indeed, this applies even to the *Tafsīr*, which is in reality a remarkably free translation that reflects his distinctive understanding of Scripture, presented in an Arabic version with its own literary logic.[8]

While he would come to be regarded as a founder of the *peshat* method, Saadia himself (at least as reflected in his extant writings) never cites the talmudic maxim that "a biblical verse does not leave the realm of its *peshat*," nor does he generally use the term *peshat* to label his interpretive methodology. The very rare occurrences of the expression *peshuto shel miqra* buried deep within his commentaries will be discussed below; but first we turn to other terms and concepts truly central in his exegetical thought that feature prominently in his programmatic statements and appear regularly throughout his commentaries. Within Saadia's writings, the tensions associated with the literal interpretation of Scripture are bound up with the critical exegetical term *ẓāhir* (lit. obvious, i.e., the obvious or apparent sense) or *ẓāhir al-naṣṣ* (the obvious or apparent sense of the text). Saadia, like his Muslim and Karaite contemporaries, at times used this term to connote the manifestly correct sense of the text (which Ibn Ezra would call *peshat*), e.g., in contrast to some far-fetched midrashic or symbolic reading.[9] But sometimes the obvious reading is problematic, as Saadia

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[7] See Twersky, *Code*, 449, n. 227; Rawidowicz, *Studies*, 178–230; Cohen, "Disagreement," 75–78.

[8] See below, at n. 30. See also Steiner, *Biblical Translation*.

[9] See Ben-Shammai, "Rabbinic Literature," 41–44. On the term *ẓāhir* in Karaite exegesis, see Frank, *Search*, 10, 106–107, 110–111, 131n, 139, 150, 153, 157, 223, 255. While this term is often used to connote approbation (as opposed to unwarranted allegorical or "midrashic" readings), it sometimes is used in a more neutral way, i.e., to connote the literal sense of a text that actually is meant allegorically (e.g., Song of

clarifies in the fundamental axiom he establishes in the introduction to his commentary on Genesis. Human knowledge, he asserts, derives from three sources: reason (ʿAQL), Scripture and tradition (NAQL), all of which must be taken into account when interpreting any given biblical verse. Accordingly:

> One must…take the book of the Torah according to the apparent sense (ẓāhir) of its words, I mean the well-known meaning (mashhūr) understood among speakers of its language.…Unless (1) sense perception, or (2) rational knowledge contradicts the well-known meaning of that phrase, or if (3) the well-known meaning contradicts another verse that is unambiguous or (4) traditions (āthār) [transmitted by the Rabbis]…[In those cases we must assume that] the verse is not [said] according to its apparent sense, but contains a word or words that are non-literal (lit., that come by way of non-literal language [majāz]). When one discerns the type of non-literal language it is…then the verse will conform to sensory and rational knowledge, the other verse and tradition.[10]

Saadia repeats this important principle elsewhere in his commentaries, as well as in his philosophical treatise, *Beliefs and Opinions*.[11] Here he uses the term MASHHŪR (well-known, widespread) to define what he means by ẓāhir. The starting assumption of an interpreter must be that any given biblical language expression has its usual, widely known meaning. But some language expressions are used in a sense less commonly known, which Saadia refers to as MAJĀZ. Quite often, the ẓāhir is the literal sense, as opposed to the majāz usage which is figurative. And, indeed, some later authors (both Arab and Jewish) would use the term majāz specifically to connote *figurative language*, as opposed to ḤAQĪQA (lit. truth), i.e., language used in its proper, literal sense.[12]

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Songs), and that therefore is assumed to have a deeper meaning (taʾwīl bāṭin); see below, n. 15. On the term bāṭin, see below, chapter two, sec. 1.4.

[10] Commentary on Genesis, Zucker ed., 17–18 (Ar.); 190–191 (Heb.); see also Brody, *Geonim*, 305. In this case, Saadia distinguishes between "sense perception" and "rational knowledge," but he often combines them under the rubric of that which is known through human reason, as opposed to Scripture and tradition. Compare Ibn Ḥazm's interchangeable use of ḥiss and ʿaql (below, n. 35).

[11] It appears in his introductions to Isaiah and Job, and in *Beliefs and Opinions* 7:1; see Ben-Shammai, "Tension," 34–36; idem, "Introduction," 380–382.

[12] See, e.g., below, at nn. 70, 71. On the development of the Arabic usage of the term majāz, see Heinrichs, "Hermeneutics," 257, 265–266; Wansbrough, "Periphrastic Exegesis," 248–254. The term ḥaqīqa was actually used in a number of ways: it could connote (1) literal language (as opposed to majāz); (2) the literal sense of the language (akin to ẓāhir); (3) the proper, literal equivalent of a majāz expression (e.g., this verse is said by way of majāz; its ḥaqīqa is…). See Heinrichs, "Genesis," 112, 121; Fenton,

But in Saadia's lexicon (which reflects Arab usage in his time) *majāz* actually connotes a much broader range of non-literal or otherwise unusual usages, such as ellipsis, pleonasm and inversion.[13] Saadia's distinction here is thus between language that can be taken simply according to its immediately apparent sense (=*ẓāhir*), and language that requires a more active form of interpretation.

The more subtle analysis that gets us from *ẓāhir al-naṣṣ* to the correct understanding (where the two are not identical) is referred to as *TAʾWĪL* by Saadia (elsewhere) and others in the Judeo-Arabic tradition.[14] This Arabic technical term (attested in the Qurʾan, where it connotes the interpretation or explanation of a dream or an event) has a long history in qurʾanic hermeneutics.[15] In early Muslim litera-ture, the terms *taʾwīl* and *TAFSĪR* (interpretation) were used practically interchangeably. By the tenth century, however, the following distinc-tion was made: *tafsīr* is a simple interpretation, practically a trans-lation (hence the title of Saadia's Pentateuch translation, the *Tafsīr*), while *taʾwīl* gets at the deeper meaning. A contemporary of Saadia's, Abū Ḥatim al-Rāzi (d. 934/5) illustrates this difference in the following way: A non-Arab speaker who had a dream seeks its meaning from a dream-interpreter who speaks only Arabic. To overcome the linguistic barrier, a translator first relays the man's description of his dream to the interpreter. The speech of the man is about his dream; the transla-tor's utterance is called *tafsīr*, whereas the interpretation given by the dream interpreter is called *taʾwīl*.[16] While the term *taʾwīl* would thus

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*Jardin*, 262–264. See also the discussion of Samuel ben Hofni below (in sec. 2), and Moses Ibn Ezra's definitions of *majāz* and *ḥaqīqa* cited below at n. 141.

[13] See Ben-Shammai, "Introduction," 380–382; Fenton, *Jardin*, 275–286, 332–339; Cohen, "Poet's Exegesis," 545–546; see also the examples cited below.

[14] See, e.g., the version of Saadia's rule in *Beliefs and Opinions*, 7:1, Kafih ed., 220; see also Tobi, "*Taʾwīl*."

[15] On this term, see Ben-Shammai, "Tension," 40; Zucker, "Fragments," 316–318, 320–321. The historical survey below (in this note and in the text) is taken largely from Poonawala, "*Taʾwīl*." The term itself is a verbal noun of the form II verb *awwala*, usu-ally assumed to be derived from the root *a-w-l* ("to return"). As with many such terms, it is far from clear how its technical exegetical usage is related to its literal sense. (For an attempt to clarify this relation, see Weiss, *Search*, 470–479). It is also possible that the technical usage is related to the term *iyāla* ("putting into right condition, manag-ing properly"), also derived from the root *a-w-l*. This derivation is perhaps reflected in Ibn Ezra's use of *tiqqun* (lit. to repair) as a Hebrew equivalent of *taʾwīl* (below, at n. 166). Maimonides' various usages of the term *taʾwīl* documented throughout this study are explored comparatively in chapter ten below.

[16] See Poonawala, "*Taʾwīl*."

come to connote allegorical, symbolic and typological interpretation, it was used in the more philologically-oriented schools to connote interpretation that entails modest adjustments of the literal sense in light of contextual, literary and rational considerations.

We can now return to Saadia's introduction to Genesis, where he provides examples to illustrate his four-fold fundamental exegetical rule. For the first case that calls for *taʾwīl*, he cites Gen 3:20, "Adam called his wife's name Eve, because she was the mother of *all living beings* (אם כל חי)," and explains:

> Now if we leave the expression "all living beings" according to its well-known meaning…we forsake sense perception, for this implies that the lion, ox, donkey and other animals are Eve's children. Now since there is no trick that will dislodge sense perception, we maintain that there is a concealed (or: elided) word (*kalima muḍmara*) in this verse, through which it can be brought into agreement with the unmistakable [facts], as I shall explain.[17]

And, indeed, in his commentary on that verse he writes:

> In my translation of אם כל חי I added—חי נאטק (human beings; lit. speaking living beings) in order to make this expression exclude animals such as the horse, donkey and others, which sense perception contradicts.[18]

Invoking the notion of IḌMĀR (ellipsis; n. 17 above) common in qurʾanic exegesis, Saadia's *taʾwīl* here entails positing that the word "speaking" is understood from the context. Noting that *iḍmār* was a typical strategy employed by Saadia, his successor Samuel ben Hofni Gaon finds a precedent for it in the Rabbinic notion of *derekh qeṣarah* (lit. by way of abbreviation, i.e., abbreviated speech).[19]

Saadia goes on in his introduction to Genesis to illustrate the second case that calls for *taʾwīl*:

> And in the second category belongs the dictum of Scripture: "For the Lord your God, He is a consuming fire" (Deut 4:24). If we believe that this dictum is according to its apparent sense (*ẓāhir*), reason will contradict

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[17] Commentary on Genesis, Zucker ed., 18 (Ar.); 191 (Heb.). The notion of *muḍmara* (participle of *ḍ-m-r*; also referred to as *iḍmār*, the infinitive) is used elsewhere by Saadia and later exegetes such as Ibn Janah and Moses Ibn Ezra; see Fenton, *Jardin*, 280, 296, 339.

[18] Commentary on Genesis, Zucker ed., 78 (Ar.); 296 (Heb.)

[19] See Fenton, *Jardin*, 279–280; Zucker, *Saadya on Genesis*, 455–456; compare Wansbrough, "Periphrastic Exegesis," 260–261.

this, for reason indicates necessarily that fire is not self-sufficient (lit. is lacking and needs, i.e., a source of fuel), and that it is subject to change after its termination, and nothing of this is possible [with respect] to the Creator. But with the belief that in this dictum there is something of *majāz*, reason will be in agreement with Scripture.[20]

Saadia elsewhere explains that the interpretation of the verse, as well, depends on the assumption of *iḍmār* and is to be reconstructed in the following way: "for the *punishment* of the Lord your God is *like* fire."[21]

The endeavor to avoid any implication that God exhibits human emotions was a key motivation for Saadia's application of his fundamental rule. For example, Gen 6:6, "God regretted (וינחם) that he created man (האדם; i.e., mankind) and was saddened (ויתעצב) in His heart," is rendered in the *Tafsīr*, "God threatened (תואעד) to punish those that He had made on earth and brought sadness into their hearts." As Saadia explains in his commentary:

> I translated [וינחם] "he threatened," because this word occurs with six meanings. One is *regret* according to the well-known usage (*mashhūr*)…another is *threaten*: "behold Esau, your brother is threatening (מתנחם) to kill you" (Gen 27:42)…another is *console*….another is *forgive*…another is *see, consider*….
>
> And according to this explanation "He was saddened in his heart" is attached (i.e., refers) to mankind (אדם), since from beginning to end he is spoken of in the singular.[22]

The possibility that God—Who is perfect—would regret His actions, or even experience the human emotion of sadness, was unacceptable to Saadia. The strategy that he employs here is not based on *iḍmār*; instead, he explores the various possible meanings of the BH root נ-ח-ם, creating a quasi-dictionary not uncommon in his commentaries. Since the best-known sense (*mashhūr*) of the word וינחם is theologically problematic, he "plugs in" a less common (*majāz*) usage. In his construal of the next phrase, Saadia relies on a loose interpretation of the grammatical form of the verb ויתעצב (lit. He was saddened) to

[20] Commentary on Genesis, Zucker ed., 18 (Ar.); 191 (Heb.).

[21] The *Tafsīr* on Deut 4:24 reads: לאן עקאב אללה רבך נאר ("For the punishment of the Lord your God is fire"; Derenbourg ed., 259); but this must be supplemented by what Saadia writes in *Beliefs and Opinions* 7:1, Kafih ed., 219: עקאבה כאלנאר תאכל ("His punishment is like fire that consumes").

[22] Commentary on Genesis ad loc., Zucker ed., 100–101 (Ar.); 333–334 (Heb.); see Steiner, "Shift," 217; compare Saadia, comm. on Job 37:1.

divert the sadness from God to man. In doing so, he relies on a rule he formulates elsewhere—based on examples attested in Scripture—that intransitive verb forms (e.g., *qal, hitpaʿel*) can be interpreted in the causative sense (usually expressed by the *hiphʿil* form; i.e., He brought sadness to someone).[23] And to explain why mankind is referred to in the singular (אל לבו), Saadia here adds that "man" is spoken of in the singular from "beginning to end" in this biblical passage (e.g., "The Lord saw how great was man's wickedness" [Gen 6:5]).

While such interpretations might seem tenuous to a modern ear, this methodology was well entrenched in Saadia's Muslim milieu. The endeavor to interpret the Qurʾan in light of reason and philosophy characterized—but was hardly limited to—the Muʿtazilite school, which had a profound influence on Saadia.[24] It was thus commonly accepted among Muslim interpreters that where the *ẓāhir* of a given qurʾanic verse contradicts reason, an interpretation by way of *majāz* is required.[25] To cite a typical example, the legal scholar Abū Bakr al-Jaṣṣāṣ (d. 981) writes about the qurʾanic verse "Those who hurt God" (*Sūrat al-Aḥzāb* 33/57):

> The meaning of that is: "[Those who hurt] *the followers* of God." So the mention of the "followers" was elided. He intended them. Because no affliction, nor any benefits or damages can befall God.[26]

The assumption of *iḍmār* was not always theologically motivated. As Jaṣṣāṣ writes of another verse—which became a stock example— "Inquire of the city wherein we were" (*Sūrat Yūsuf* 12/82):

> Its meaning is: Inquire of the *people* of the city. If that were *ḥaqīqa* [i.e., language meant literally] then the city would be the one who is asked, and it is absurd to ask walls.[27]

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[23] See Saadia's comm. on Ps 2:4; Cohen, *Three Approaches*, 66–67. Saadia's interpretation of this verse was attacked—by both Karaites and Rabbanites—for doing violence to the language of Scripture; but even his critics had to find alternative *taʾwīl* strategies to avoid the theologically objectionable implications of this verse. See Cohen, *Three Approaches*, 73–76.

[24] See Lane, *Muʿtazilite Commentary*, 107–111. On Saadia's Muʿtazilite leanings, see Brody, *Geonim*, 289–294; compare Maimonides, *Guide* III:18, Pines trans., 471.

[25] See Reinert, "*Madjāz*"; Heinrichs, "Hermeneutics," 256–257.

[26] Citation from Heinrichs, "Hermeneutics," 258.

[27] Citation from Heinrichs, "Hermeneutics," 258. Zucker, *Saadya on Genesis*, 44 (introduction), cites this analysis from Abū ʿUbayda (see below). On the term *ḥaqīqa*, see above, n. 12.

This, then, is an example in which a contradiction with sense percep-
tion necessitates *taʾwīl*.

Of particular relevance for understanding Saadia are thirty-nine cat-
egories of *majāz* enumerated by the influential ninth-century qurʾanic
exegete Abū ʿUbayda (d. 824), including ellipsis (*iḍmār*, also referred
to as *ḥadhf*), pleonasm (e.g., repetition for emphasis; *al-mukarrar li-l-
tawkīd*), inversion (*muqaddam wa-muʾakhkhar*; lit. putting earlier,
putting later, i.e., language used in a reverse order) and various other
syntactic and grammatical irregularities.[28] As J. Wansbrough and M.
Zucker have demonstrated copiously, Saadia frequently invokes the
very same categories of *majāz* defined by Abū ʿUbayda, using similar
terminology.[29] Saadia, like Abū ʿUbayda, discredits a slavishly literal
reading of Scripture and posits that the interpreter must appreciate
the irregularities of the language of Sacred Writ and render them
appropriately. Nowhere is this more apparent than in Saadia's *Tafsīr*,
which, as mentioned above, was a free translation and at times actually
a paraphrase of Scripture that rectifies, among other things, precisely
the types of *majāz* enumerated by Abū ʿUbayda. As J. Blau writes
regarding Saadia's method of translation:

> He adds to and detracts from the text as he wishes. He does not hesitate
> at all to omit words that seem to him to be redundant, and to add to the
> original text in order to present a translation that is clear and precise,
> logical and consistent.[30]

In accordance with his fundamental hermeneutical axiom, Saadia's
*Tafsīr* diverges from *ẓāhir al-naṣṣ* as he deemed necessary for a proper
understanding and presentation of the biblical text.

Given the strong Muʿtazilite leanings of the great Karaite scholar
Jacob Qirqisani (Saadia's younger contemporary), it is not surprising
that we find a similar rule in his writings.[31] Like Saadia, he prefaces his
discussion of proper biblical interpretation by confirming "the validity
of reasoning, of the results yielded by the proofs derived from reason
and analogy, and of philosophical postulates built upon the science of
analogy." Accordingly, he sets out to "mention the necessary prelimi-
nary things pertaining to the explanation of the meaning of Scripture

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[28]  See Wansbrough, "Periphrastic Exegesis," 248–257.
[29]  Ibid., 259–265; Zucker, *Saadya on Genesis*, 35–45 (introduction).
[30]  Blau, "Translation," 633; see also idem, "Studies." For examples of this tendency,
see Zucker, *Translation*, 266–279.
[31]  See Ben-Shammai, "Karaite Philosophy," 344–352.

and the interpretation (*taʾwīl*) of its seeming ambiguities." Among these, he establishes that:

> Scripture as a whole is to be interpreted literally (*ʿala ẓāhirihi*; according to its *ẓāhir*), except where literal interpretation may involve something objectionable or imply a contradiction. Only in the latter case, or in similar cases which demand that a passage be removed from its literal sense (*ẓāhir*)—e.g., where a preceding or a following passage requires it in order to avoid a contradiction—does it become necessary to take the text out of the literal sense.... Thus we are compelled to say that the verse "They saw the God of Israel..." (Exod 24:10) must not be understood literally and does not signify seeing with one's eye, since it is contrary to reason to assume that the Creator may be perceived with man's senses; the same applies to all similar passages.[32]

Although the Karaites are known for a "literalist" approach to Scriptural interpretation, they acknowledged the need to engage in *taʾwīl* and interpret the sacred text in light of reason.

The necessity of *taʾwīl* was widely recognized in Muslim learning, even among vigorous opponents of the Muʿtazilites. The Andalusian Arab scholar Ibn Ḥazm (d. 1064), for example, well known for his affiliation with the so-called *Ẓahiri* (literalist) school of Muslim jurisprudence, criticized interpreters who diverged from the literal sense of the Qurʾan based on speculative arguments.[33] Yet even his commitment to the *ẓāhir* is not absolute, as he writes:

> It is one's duty to interpret God's word literally (*ʿala ẓāhirihi*). This may be abandoned only when another written word of God, or the consensus [of the Companions of the Prophet] or compelling knowledge based on sense perception (*ḍarūrat ḥiss*) supplies conclusive evidence that a particular word of God should not be understood literally.[34]

As Ibn Hazm describes the matter, the authority of the literal sense must cede to ḌARŪRAT ḤISS, i.e., the compelling nature (lit., necessity, constraint) of knowledge from sense perception. Elsewhere he replaces the term *ḍarūrat ḥiss* with ḌARŪRAT ʿAQL, i.e., compelling knowledge based on reason.[35]

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[32] Hirschfeld, *Qirqisani* (Ar.), 43–44; English trans. from Nemoy, *Anthology*, 59–60.

[33] Goldziher, *Ẓahiris*, 116–118.

[34] Ibid., 115; for the translation of *ḍarūrat ḥiss*, see Ben-Shammai, "Tension," 36, 45n.

[35] Goldziher, *Ẓahiris*, 115n. These two categories correspond to Saadia's first two reasons for applying *taʾwīl* (above, n. 10).

The epistemological rationale given by Ibn Hazm finds a parallel in Saadia's argument for allowing rabbinic tradition to override *ẓāhir al-naṣṣ*, for which he was criticized by the Karaites. As he goes on in his illustration of his exegetical axiom in his introduction to Genesis:

> And of what belongs in the fourth type, the dictum of God, and that is the prohibition: "You shall not cook a kid in its mother's milk" (Exod 23:19) and the tradition (*āthār*) has come and prohibited eating all meat in all milk. And since the tradition was transmitted by those who witnessed it with their own eyes, we must seek an interpretation (*takhrīj*)…in order for it to be in agreement with the tradition of the prophets.[36]

Saadia explains why rabbinic tradition can be regarded as (what he terms elsewhere) ʿILM ḌARŪRI, i.e., immediate, compelling knowledge: since Scripture was transmitted by people who saw with their own eyes how biblical law was implemented, their words should be deemed authoritative in seeking the meaning of the biblical text.[37] The tradition therefore has the same status as sense perception, reason and Scripture itself with respect to *ẓāhir al-naṣṣ*. Accordingly, Saadia adjusts his translation of this verse in the *Tafsīr*: ולא תאכל לחמא בלבן (Do not eat meat with milk).[38] And, indeed, as M. Zucker has shown in great detail, throughout the *Tafsīr* Saadia abandons the literal sense of Scripture and renders the text according to talmudic *halakhah*.[39]

Yet it is important to observe that Saadia was selective in adjusting *ẓāhir al-naṣṣ* to conform to rabbinic halakhic exegesis. As Zucker has also demonstrated copiously, there are many passages in the *Tafsīr* that amount to a literal, contextual reading that seems to ignore or otherwise diverge from the rabbinic halakhic interpretation.[40] Although Saadia does not provide a specific theoretical justification for this divergence (at least in his extant writings), it would seem that in such cases he

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[36] Commentary on Genesis, Zucker ed., 18 (Ar.); 192 (Heb.). On the term *takhrīj* (lit. to bring out), see Ben-Shammai, "Tension," 43.

[37] See chapter five, sec. 1, below; see also Ben-Shammai, "Rabbinic Literature," 35–36; compare Ibn Ezra's remark in this spirit in his short comm. on Exod 13:9, cited in chapter three, sec. 2.2 below. Yet Ibn Ezra took Exod 23:19 literally (as did many Karaite exegetes; see Polliack, *Translation*, 178) and regarded the talmudic *halakhah* as a later rabbinic expansion; see below, chapter eight, n. 80.

[38] Derenbourg ed., 115; cf. Zucker, *Translation*, 358.

[39] See Zucker, *Translation*, 319–441. In this respect, Saadia follows a tendency already found in the Aramaic Targumim, which were a target of Karaite criticism for this very reason; see Polliack, *Translation*, 66–69.

[40] Zucker, *Translation*, 442–479.

assumed that the halakhic exegesis was not meant as a genuine inter-
pretation, but was employed merely as an artificial projection onto the
biblical text, which is referred to in the Talmud as ASMAKHTA.[41] This,
in any case, was the explanation typically given by his successors, who
addressed this point specifically, as we shall discuss below.

   While the Muslim context of Saadia's four-fold axiom is quite evi-
dent, the unfortunate translation of *ẓāhir* as *peshat* in the modern
Hebrew translations of his writings,[42] has led to a misimpression of
his outlook, as evident, for example, in the following remark by D.
Weiss-Halivni:

> The first Rabbi to ascertain the superiority of peshat over derash was
> R. Saadya Gaon.... who says in several places...that "Everything that is
> found in the Bible has to be understood according to peshat except when
> the peshat is against the senses, or against reason, or if it contradicts
> another verse in the Bible or if it opposes tradition." In the exceptional
> cases one has to interpret the text according to derash.[43]

The *peshat-derash* opposition, however, is a talmudic one that Saadia
does not use here. Rather, to arrive at Scripture's correct sense he
argues that where the apparent sense (not "the *peshat*"!) is untenable
(because it is inconsistent with reason or other types of certain knowl-
edge), one must apply *ta'wīl*—which is not necessarily equivalent to
*derash* in this context.[44] As Saadia uses the term in connection with

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[41] See Harris, *Fragmentation*, 76–78. While Saadia does not invoke the concept of
*asmakhta* explicitly, this type of reasoning can be inferred from his argument that
the midrashic thirteen *middot* were not actually used by the Rabbis to extrapolate
*halakhah* from the biblical text, but rather were used to link laws known from the
oral tradition to the text of Scripture. See Zucker, "*Taḥṣīl*," 378; Sklare, *Samuel ben
Hofni*, 45. On Saadia's complex attitude toward midrashic exegesis in general, see Ben-
Shammai, "Rabbinic Literature," 33–68.

[42] See Zucker's translation, cited above, n. 17. In the parallel in *Beliefs and Opinions*
7:1, Kafih follows suit, using Hebrew הרי הוא כפשוטו to render Saadia's Arabic פהו
עלי ט׳אהרה (Kafih ed., 219). The medieval translator Judah Ibn Tibbon here renders
*ẓāhir* with Hebrew nir'eh (כל אשר בספרי הנביאים הוא כאשר נראה ממשמעו והידוע
ממלותיו; Kafih ed., 328). It should be noted, however, that he had a different version
of the Arabic original (than the one published by Kafih), which reads: ג׳מיע מא פי
כתב אללה אלמנזלה לנא עלי ט׳אהר מסמועה ומשהור לפט׳ה (Bacher ed., 102). On
the association of *ẓāhir* and *mashhūr*, see above, at n. 10.

[43] Halivni, *Peshat & Derash*, 79–80. Halivni refers to Saadia's formulation in *Beliefs
and Opinions*, which he evidently read in Hebrew translation (see above, n. 42).

[44] This point has been made by Ben-Shammai, "Prognostic Midrash," 2; idem,
"Tension," 36, 45n. Other commentators, however, do seem to use the pair of terms
*ẓāhir-ta'wīl* to express the *peshat-derash* dichotomy; see, e.g., Shy, *Tanhum*, מב ,לח,
15, 111.

his fundamental rule, *ta'wīl* (where genuinely required) is the methodologically correct sense of Scripture in light of reason. In fact, while Saadia's rule nominally indicates a preference for *ẓāhir al-naṣṣ*, it is actually applied by him quite often to justify the use of *ta'wīl* and a departure from *ẓāhir al-naṣṣ*.

What about *peshuto shel miqra*? Saadia certainly knew this term from its talmudic usage, but he did not use it generally to characterize his exegetical method. Intriguingly, he offers an Arabic equivalent for this rabbinic term in his commentary on Proverbs (where it appears only once). On Prov 30:1, "The words of Agur the son of Jakeh ... The speech of the man from Ithiel," seeking to explain the identity of this otherwise unknown Agur, Saadia remarks:

> The simple [sense] of the text (*basīṭ al-naṣṣ*), which our Sages of blessed memory call *peshuto shel miqra*, is that there was a man named Agur, and he had a teacher named Ithiel. And this student transmitted from his teacher these words that follow, just as Hezekiah's men transmitted the preceding words from Solomon (as written: "These are also proverbs of Solomon, which the men of Hezekiah king of Judah copied out"; Prov 25:1) ...
>
> It is also possible to say that Agur and Ithiel ... are genuinely nicknames for Solomon, in the sense that he *gathered* wisdom, and he was called Agur by derivation from "She *gathered* (אגרה) her food in the harvest" (Prov 6:8), and David his father was the one who unified the nation, and he was called Jakeh (יקה), derived from [the word] ויקהל ("He congregated"; see, e.g., Exod 35:1, Num 16:19), with a silent *lamed* ... And he [i.e., Solomon] also had the capacity for wisdom and capability and thus was called Ithiel (אתיאל) by way of derivation from אילותי ("my strength"; Ps 22:20).[45]

Two alternative interpretations are juxtaposed here. The second is based on a midrashic tradition that Agur is Solomon—although Saadia does not explicitly identify it as such.[46] In order to uphold the latter reading, he invokes a set of rather tenuous midrash-like analyses. Interestingly, these are not attested in the midrashic sources (which provide other derivations), and may have been Saadia's own inventions. By contrast, the first interpretation is labeled "the simple [sense] (*BASĪṬ*)

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[45] Comm. on Prov 30:1, Kafih ed., 244.
[46] This tradition is attested in only late midrashic works; see *Numbers Rabbah* 10:9; *Tanḥuma Buber*, *Wa-Era* §2 (Buber ed., II:18); and *Yalquṭ Shimʿoni* on Prov 30:1.

of the text (*naṣṣ*),"[47] a label Saadia understandably equates with the Rabbinic expression *peshuto shel miqra*. Like its Hebrew cognate, the Arabic term *basīṭ* means "simple," "plain," "uncomplicated";[48] hence, the implication here is that this interpretation does not require any of the involved exegetical derivations of the midrashic reading.[49]

Although Saadia energetically bolsters the midrashic reading with creative "derivations," he ultimately expresses a preference for the first:

> Although all of these interpretations [i.e., the midrashic associations of these names with Solomon and David] are sound and possible, I see fit to leave the Hebrew names as they are (lit. in their state; *bi-ḥālihā*), and I will not consider them all [references] to Solomon. And I follow the text itself (*ʿayn al-naṣṣ*),[50] [i.e.,] that Agur received from Ithiel his teacher, who taught him what he describes.[51]

In this passage Saadia clarifies a bit more of the distinction he has in mind when using the term *basīṭ*. The interpretation he labels as *peshuto shel miqra* is simpler, i.e., less complex, and it adheres closely to the text itself, as opposed to the more complex interpretation made necessary by the midrashic tradition.[52]

The expression *basīṭ al-naṣṣ* is not typical in qurʾanic hermeneutics, and its use even in the Judeo-Arabic exegetical tradition is rather

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[47] A variant reading has: "the simple [sense] of the context (*nasq*, lit. order, arrangement)"; see Ben-Shammai, "Introduction," 383–384, who favors this reading. However, Saadia elsewhere uses the locution *basīṭ al-naṣṣ* (see citations below—one from further in this passage itself, although a variant reading—the other in Saadia's introduction to his *Tafsīr*); and this would seem to support Kafih's reading, *basīṭ al-naṣṣ*.

[48] The term *basīṭ* is used by Saadia in a philosophical rather than exegetical sense in his commentary on *Sefer Yeṣirah*, Kafih ed., introduction, 21. There he speaks of an opinion that the world we see has its origin in a primeval state (*ibtidāʾ*) that itself originated in a "simple (*basīṭ*) thing," i.e., a simple element, "from which the creator assembled (*rakkaba*) it" (שי בסיט, פרכבה אלצאנע מנה). Compare Alfarabi's notion of a simple vs. compound syllogism (*qiyās basīṭ, murakkab*); see Lameer, *Syllogistics*, 44.

[49] In other words, this is the simple meaning of this text. According to the variant favored by Ben-Shammai (above, n. 47), Saadia would mean to say that this is a contextually indicated interpretation. To me, however, the context does not seem to be a decisive factor in this case. The more pertinent distinction relates to the fact that the midrashic reading requires involved suppositions that stretch the limits of credibility.

[50] A variant text (recorded by Kafih) here has *basīṭ al-naṣṣ*.

[51] Comm. on Proverbs ad loc., Kafih ed., 245.

[52] The expression *peshuto shel miqra* appears (once) in a similar vein in the anonymous Chronicles commentary attributed to "a student of Saadia's" on II Chr 36:13, Kirchheim ed., 55. See Viezel, "Anonymous Commentary," 422–423; Cohen, "Spanish Source," 374.

limited.[53] It does occur, however, in a key passage in Saadia's introduction to the *Tafsīr*, which is worthy of our attention here. After writing his long, rather involved commentary on Genesis, he describes the circumstances that prompted him to pen this more concise translation-paraphrase of the Pentateuch:

> I wrote this book only because some petitioners asked me to set apart the simple [sense] (*basīṭ*) of the text of the Torah (*naṣṣ al-Torah*), which would not include any discussion of language usage—its inflections, permutations, transpositions and metaphors. Neither will it incorporate discussion of the questions of the heretics nor my answers to them, nor the particulars (*furūʿ*; lit., branches) of the rational (*al-ʿaqliyya*) commandments, nor how to perform the revelational ones (*al-samʿiyya*; lit. heard; i.e., non-rational), but only the translation (*ikhrāj*) of the meanings (*maʿāni*; or: ideas, content) of the text of the Torah (*naṣṣ al-Torah*).[54]

This passage offers a slightly different perspective than the commentary on Proverbs 30:1, because Saadia does not oppose *basīṭ al-naṣṣ* to a midrashic interpretation, but rather to his own scientific commentary, which presumably is not *basīṭ* because it involves detailed philological exegetical analysis.[55] It seems reasonable to conclude from the two occurrences of this term that the characteristic feature of a *basīṭ*) interpretation is its brevity and directness. This conforms to Saadia's usage in the subsequent passage of his introduction to the *Tafsīr*, where he addresses the dilemma he faced with the space limitations of a translation, as opposed to a commentary, specifically in light of his need, at times, to diverge from the literal sense:

> I wrote this book, a translation (*tafsīr*) of the simple [sense] of the text of the Torah (*basīṭ naṣṣ al-Torah*) only, delimited according to the knowledge of reason and tradition. When I was able to insert a word or a

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[53] For an example of its use by Yefet ben Eli, see Frank, "Scripturalism," 53*. The term *basīṭ* itself, outside of exegetical contexts, is quite commonly used in Arabic. See, e.g., above, n. 46 and in chapter six, sec. 2 below.

[54] *Tafsīr*, Derenbourg ed., 4; compare English translations in Brody, *Geonim*, 302–303 and Polliack, *Translation*, 82. On the term *furūʿ* (common in Muslim jurisprudence), see below, chapter five, sec. 1. On Saadia's distinction between the rational and revelational commandments, i.e., between those that are dictated by reason and those that are obligatory only because they were commanded by God at Sinai, see *Beliefs and Opinions*, book 3; see also chapter three, sec. 5, below. On our choice to render the term *ikhrāj* as "translation," see Polliack, *Translation*, 82n.

[55] Compare the usage of the term *basīṭ* cited in Blau, *Dictionary*, s.v. בסט: "abridged (book), short, שרח תורה בסיט."

letter through which the meaning and intention is revealed to one who is satisfied by an allusion, I did so.[56]

This programmatic statement reveals Saadia's goal in his *Tafsīr*, namely to provide a translation-paraphrase of Scripture that brings it into line with reason and tradition. In characterizing his translation as *basīṭ naṣṣ al-Torah*, Saadia does not mean to say that he adheres to *ẓāhir al-naṣṣ*, for, as he stipulates here, he adjusts it "according to the knowledge of reason and tradition"—and this is evident in his actual practice throughout the *Tafsīr*. In using the characterization *basīṭ*, Saadia means that he will be brief, and include in the *Tafsīr* only the sort of adjustment (i.e., *taʾwīl*) that can be made within a paraphrase-translation (e.g., "inserting a word or a letter"), without further commentary, for example, rendering וינחם in Gen 6:6 תואעד and insertion of the word נאטק to render כל חי in Gen 3:20. On the other hand, his detailed philological discussions to justify these renderings would not be regarded as *basīṭ*).

Saadia (in his extant writings) never cites the talmudic rule that "a biblical verse does not leave the realm of its *peshat*," so we cannot know what hermeneutical conclusions, if any, he drew from it. Nor do his comments indicate the overall primacy of *basīṭ naṣṣ al-Torah*, and, by extension, *peshuto shel miqra*. In his commentary on Prov 30:1, he presents the *basīṭ* and midrashic interpretations as alternatives, and his preference for the former seems to be a local choice. In his introduction to the *Tafsīr*, he can hardly be making a judgment about the exegetical superiority of *basīṭ naṣṣ al-Torah*; he merely notes that an uncomplicated, brief paraphrase-commentary is made necessary within the confined genre of a biblical translation. In other words, it is a stylistic rather than methodological classification. Presumably he would regard his more lengthy and scholarly non-*basīṭ* commentary to be of equal or perhaps greater value.

We have focused until now on Saadia's programmatic statements about his method of biblical exegesis, as well as the prevalent analytic tendencies within his commentaries. Yet it is worth mentioning in this context that Saadia did, in very rare instances, use the term *peshuto*

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[56] *Tafsīr*, Derenbourg ed., 4; compare English translations in Brody, *Geonim*, 303; Polliack, *Translation*, 84.

*shel miqra* within his commentaries themselves. We can cite two such examples.[57]

(1) Exod 32:20 tells of Moses burning the golden calf worshipped by Israel and grinding it to powder, which he strewed upon the water, after which it is stated: וַיַּשְׁקְ אֶת בני ישראל (with the root *sh-k-h* in the *hifʿil* form), a clause that can be construed *he made the Children of Israel drink*. This seems to be how it was taken in b.ʿ*Avodah Zarah* 44a, which explains that Moses' intention was to test those suspected of worshipping the calf just as the *soṭah* (a woman accused of adultery) is "tested" through the ordeal of the "bitter waters" (see Num 5:11–31).[58] Saadia, however, offers an alternative:

> According to *peshuto shel miqra* he permitted the drinking of that water after the strewing [of the ashes of the calf into it], just as they were permitted beforehand, for the particles of a prohibited substance do not retain their prohibited status after they are scattered. For as we know, [even] if a jug filled with blood [which the Torah prohibits to consume (Lev 7:26)] is poured into the Tigris, its waters are not prohibited. None-theless, here there is someone who says that Moses made them into "waters of testing" in the way that the *soṭah* was tested with the "bitter waters," and he would bring those suspected of that matter and would make them drink of the water. And whoever had the intention of wor-shipping idolatry, some of the gold would stick to his lips. And there is no consensus about this [i.e., the correctness of this interpretation].[59]

As Saadia explains, there are two ways to construe the words וישק את בני ישראל: either as *he made the Children of Israel drink [the water]*, as the Talmud takes it, or *he permitted the Children of Israel to drink [the water]*, which is the reading Saadia labels *peshuto shel miqra*.[60] This latter reading is probably considered *basīṭ al-naṣṣ* in Saadia's opinion because it does not require positing an elaborate additional scenario that is not mentioned in Scripture. In this case, Saadia did not regard the talmudic opinion as being authoritative, and therefore felt that he had the right to give primacy to his own interpretation.[61]

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[57] I am indebted to my teacher Richard Steiner for these two references.
[58] Rashi, Rashbam and Ibn Ezra all adopt this reading.
[59] Saadia, comm. on Exod 32:20, Ratzaby ed., 380 (Ar.); 205 (Heb.).
[60] This is reflected in Saadia's *Tafsīr* here, as well: וסקא בני אסראיל אבאחה׳ (Derenbourg ed., 129). Ibn Ezra (short comm. ad loc.) cites this interpretation (ויאמר הגאון כי טעם וישק, שהתיר לישראל לשתות מהנחל), but prefers the talmudic one.
[61] The strategy used by Saadia here, namely to dismiss a rabbinic interpretation by arguing that it was not held unanimously by the Rabbis (in which case it would be binding), was applied regularly by Abraham Ibn Ezra. See Maori, "Attitude."

(2) Isa 33:21 is a prophecy regarding Jerusalem that describes how "the Lord in His greatness shall be for us like a region of rivers, of broad streams, where no floating vessels can sail, and no mighty craft shall pass." Saadia prefaces his commentary on this verse, writing:

> These rivers that he describes in Zion and Jerusalem have three *taʾwīl* [interpretations] aside from the *ẓāhir*. And I shall say first that it is correct that they are rivers, according to the *ẓāhir* and literal sense (*masmūʿ*), as Ezekiel described.[62]

He then analyzes the relevant passage, Ezek 47:3–4, which also foretells of Jerusalem as a source of gushing rivers. Upon concluding that comparative analysis, he remarks:

> And this is *peshuto shel miqra*.[63]

He then goes on to offer three interpretations of the river and floating vessels by way of *taʾwīl*, a term that here connotes *symbolic interpretation*. Nonetheless, as Saadia notes, in this case a *taʾwīl* interpretation is, in fact, supported by the language of this verse: "*the Lord in His greatness shall be for us* like a region of rivers…"[64] His three *taʾwīl* readings thus aim to show how God, figuratively speaking, will be like a river that mighty vessels cannot sail. According to one *taʾwīl* reading, for example, the river is the "sciences of religion"—the words of God embodied in Scripture, the Mishnah and other holy works—much as Isaiah elsewhere (12:3, 55:1) likens the word of God to water. And the threatening ships are the arguments of the heretics, over which the divine Torah and the traditions of the true prophets will prevail.[65]

In this last case, it is striking that Saadia uses the term *peshuto shel miqra*, which he evidently equates here with the *ẓāhir* and contrasts with his readings by way of *taʾwīl*, an association that would reverberate in the subsequent tradition, as we shall see shortly in our study of Samuel ben Hofni. Yet this is such a rare occurrence in Saadia's (extant) writings that one cannot use it to make a definitive statement about the role of *peshuto shel miqra* in his exegetical system. Indeed, since Saadia never cites the talmudic rule that "a biblical verse does not leave the realm of its *peshat*," it is difficult to draw any definitive

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[62] Saadia, comm. on Isa 33:20, Ratzaby ed., 195 (Ar.); 301 (Heb.).
[63] Ibid.
[64] Perhaps this is why Saadia feels the need to emphasize the viability of the *ẓāhir* reading here. Ibn Ezra and Radak, for example, interpret the verse figuratively only.
[65] Saadia, comm. on Isa 33:20, Ratzaby ed., 195–196 (Ar.); 302 (Heb.).

conclusions about his views on the authority of *peshuto shel miqra*
and the cognate *basīṭ al-naṣṣ*—another term he uses quite sparingly.
His exegetical thought is reflected more accurately in the characteristic
Arabic terminology he employs in his programmatic statements and
throughout his commentaries.

## 2. *Samuel ben Hofni*: Peshat *Equated with* Ẓāhir

Samuel ben Hofni Gaon was a prolific biblical exegete and jurist,
who carried on Saadia's project of rationalist biblical interpretation.[66]
Of special importance for our purposes is his association of Saadia's
exegetical axiom with the talmudic maxim that "a biblical verse does
not leave the realm of its *peshat*." In a glossary of terms in his intro-
duction to the Talmud, Samuel ben Hofni equates the talmudic term
*peshateh di-qera* with Arabic *ẓāhir al-naṣṣ*.[67] The implications of this
equivalence emerge in a manuscript fragment attributed to him by
M. Zucker, in which Samuel ben Hofni enumerates guidelines for a
biblical interpreter:

> The seventh matter is that he should leave the texts as they are (lit. in
> their state; *ʿala ḥālihā*),[68] and he must interpret them according to their
> apparent sense (*ʿala ẓawāhirihā*), as the Sages said: "a biblical verse does
> not leave the realm of its *peshat*." Except for that which (1) clashes with
> sense perception, or (2) is against reason, or (3) contradicts another
> text (*naṣṣ*) that is unequivocal, or (4) that it contradicts the tradition
> (*manqūl*). Under those circumstances, it is necessary to seek for it an
> interpretation (*takhrīj*) and reconciliation (*tawfīq*), so that it should be
> consistent with sense perception, reason, the other Scriptur[al verse]
> (*maktūb*) and the tradition.[69]

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[66] See Sklare, *Samuel ben Hofni*, 11–36; Brody, *Geonim*, 300–315.

[67] *Prooemium Talmudis,* Abramson ed., 159 (Ar.); 184 (Heb.). (I am grateful
to Haggai Ben Shammai for this reference.) In this text *peshateh* is spelled *plene*
(פשאטיה); see below, n. 118.

[68] This term was used by Saadia in his comm. on Prov 30:1, cited above.

[69] Zucker, *Saadya on Genesis*, 448 (Ar.); French translation in Fenton, *Jardin*, 276.
Zucker's attribution of this fragment (as well as the one cited in the next paragraph)
to Samuel ben Hofni is questioned by H. Ben-Shammai (personal communication). In
my opinion, Samuel ben Hofni's equation of the talmudic term *peshateh di-qera* with
Arabic *ẓāhir al-naṣṣ* in his glossary already suggests this application of the talmudic
rule of *peshat*. In other words, the views expressed in this paragraph (and the next)
are consistent with Samuel ben Hofni's known position.

Here the talmudic *peshat* maxim is cited to support Saadia's rule that a verse must first be interpreted according to its apparent sense (*ẓāhir*), which may be suspended only in the four exceptional cases enumerated. A similar outlook emerges in another fragment that has been identified by Zucker as part of Samuel ben Hofni's commentary on Deuteronomy:

> The words of God, May He be Exalted…divide into two: literal language (*ḥaqīqa*) and non-literal language (*majāz*).…If God or His messengers address us…it is necessary to take it (their speech) as literal language (*ḥaqīqa*), not as non-literal language (*majāz*), unless there is an indication that proves to us that the intent of that expression is [as] non-literal language. And [in this vein] our Sages have said: "a biblical verse does not leave the realm of its *peshat*."[70]

Here Samuel ben Hofni introduces the term *ḥaqīqa* (commonly used in qurʾanic hermeneutics in opposition to *majāz*)[71] to express Saadia's rule, i.e., that the language of Scripture must be taken as literal language, unless there is a compelling reason to believe that it is *majāz*.

On the basis of these statements, Halivni comes to the conclusion that

> Samuel ben Hofni was the first one…to interpret the word *peshuto* in the celebrated dictum to mean simple or plain meaning and to make the dictum imply the invincibility of peshat.[72]

But this assessment is questionable. While Samuel ben Hofni's equation of the talmudic concept of *peshat* with Arabic *ẓāhir* is noteworthy, it hardly implies "the invincibility of *peshat*," since the presumed validity of (what Halivni calls) the "simple or plain meaning" is actually quite vulnerable. Samuel ben Hofni adopts what we can call a "weak reading" of the *peshat* maxim, since he effectively renders it a rule made to be broken, as the *ẓāhir* is little more than a point of departure, from which further interpretation, i.e., *taʾwīl*, must be considered, as we noted for Saadia.[73] And, as his commentaries indicate,

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[70] Zucker, *Saadya on Genesis*, 42–43 ([introduction]=Ar., with Hebrew trans.); French translation in Fenton, *Jardin*, 277. On the question of the attribution of this fragment to Samuel ben Hofni, see above, n. 69.

[71] See Gardet, "Ḥaḳīḳah"; Heinrichs, "Genesis," 112, 121; Fenton, *Jardin*, 262–264; see also below at n. 141.

[72] *Peshat & Derash*, 90.

[73] Exegetes such as Ibn Ezra or Rashbam, for example, who indeed advocated the "invincibility of peshat," would argue that in such cases the literal sense cannot be

Samuel ben Hofni was quite willing to apply *ta'wīl* and "remove" a biblical verse from its literal sense where necessary.[74]

Expanding Saadia's rationalist approach, Samuel ben Hofni applied this rule rather forcefully to midrashic literature. Referring to rabbinic interpretations of Scripture cited by "the scholars of the *aggadot*," he writes:

> It is not admissible for us to believe the truth of something when there are proofs that it is false only because one of the early authorities said it. Rather, it is necessary to examine the matter rationally. If there is a proof that it should be accepted, then we will accept it. If there is an indication that it could possibly be true, then we will consider it to be possible, and if it is shown to be impossible, then we will consider it to be impossible.[75]

A famous application of this principle relates to the episode in I Samuel 28 of Saul's encounter with the witch of En Dor, who brought Samuel up from the dead. Since Samuel ben Hofni regarded this as being scientifically impossible, he argues that the biblical account must be reinterpreted to mean that Saul was merely tricked into thinking that he saw Samuel's ghost. Noting that the Talmud seems to have taken this episode literally, Samuel ben Hofni argues that such rabbinic statements contradicting reason cannot be accepted.[76] This brazen departure from the tradition, however, was not embraced universally; indeed, in this case, Saadia and Hayya (Hai) Gaon (c. 939–1038; Samuel ben Hofni's son-in-law) are reported to have deferred to the authority of the rabbinic interpretation.[77]

Even Samuel ben Hofni distinguished among different classes of rabbinic exegesis. When it came to halakhic material, he took a rather submissive approach, as opposed to non-halakhic midrashic interpretations of Scripture, which he felt free to reject. This dichotomy

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regarded as *peshuto shel miqra*, a label that for them connotes a philologically and contextually sound interpretation of Scripture.

[74] See numerous examples in Fenton, *Jardin*, 275–286.

[75] Arabic text and English translation (changed slightly) in Sklare, *Samuel ben Hofni*, 41.

[76] Samuel ben Hofni's discussion of this matter is recorded in a Genizah fragment; see Sklare, *Samuel ben Hofni*, 28n, 42. His view is also cited by other exegetes, including Judah Ibn Balʿam (Sklare, ibid., 29; see below, n. 129), and Radak (comm. on I Sam 28:24).

[77] See Sklare, *Samuel ben Hofni*, 42.

is reflected in the following programmatic statement, taken from his guidelines for the interpreter, from which we have cited above:

> The eighth matter: that whatever belongs to the eight categories of the commandments—valid, invalid, forbidden, permitted, unclean, clean, guilty or innocent—he should explain with precision and clarity, without deviation (*ʿudūl*), according to Scripture (*al-naṣṣ*) and the tradition (*al-naql*) alone.
>
> The ninth matter: that whatever is established by an explicit verse or clarified by Scripture or established by rational demonstration, he should state unreservedly and decisively; but of those interpretations which the Sages call *midrashot* or *aggadot*…in matters other than the commandments, with which he embellishes his discourse, he should say "It may be," or "It is suitable."[78]

When it comes to the realm of *halakhah*, Samuel ben Hofni was willing to deviate from the literal sense of Scripture on the basis of rabbinic tradition, much as he did in light of rational considerations. But rabbinic interpretations of non-halakhic matters, in his view, were embellishments that did not command the same authority.

While there were debates over some details of its application, as we have seen, the overall rationalist approach established by Saadia and Samuel ben Hofni remained quite strong in the subsequent geonic tradition. Hayya Gaon, for example, criticized the pronounced rationalism of his father-in-law, Samuel ben Hofni;[79] yet even he did not feel bound by aggadic statements of the Rabbis and asserted that if one of their statements contradicts reason, we must conclude that

> they did not mean it literally (*ʿal peshateh*), but rather figuratively (*be-torat mashal we-dimmuy*), just as "the Torah spoke in the language of men," for the prophets thus speak figuratively and say, "the eye of God" (Ps 33:18), "behold the hand of God" (Exod 9:3), "and God's anger [lit. nostril] was kindled" (Exod 4:14 and elsewhere), "smoke arose in His nostril, and fire from His mouth" (II Sam 22:9, Ps 18:9)—not literally (*ʿal peshateh*), but rather figuratively (*be-torat mashal*) and according to "the language of men." And the words of the *haggadah* are said similarly.[80]

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[78] English trans., Brody, *Geonim*, 313; original Judeo-Arabic in Zucker, *Saadya on Genesis*, 448.

[79] See Brody, *Geonim*, 297–299.

[80] Elbaum, *Perspectives*, 61–62. On the association of *mashal* and "the language of men" (taken from the talmudic maxim, "Scripture speaks in the language of men"), see Cohen, *Three Approaches*, 45n, 66, 85–93.

While this comment is intended primarily to address the interpretation of rabbinic literature ("the *haggadah*"), it reveals that the term *peshat* was used by Hayya—as it was by Samuel ben Hofni—to connote a literal reading of Scripture (*ẓāhir al-naṣṣ*), which must be suspended in the case of a conflict with the theological axioms that God is incorporeal and does not experience human emotions.[81]

### 3. *Samuel ha-Nagid: Continuation in Muslim Spain*

In the subsequent generation, Samuel ben Hofni's influence extended to Muslim Spain, and can be seen in the writings of Samuel ha-Nagid (993–1056; Cordoba), a poet, talmudist and biblical commentator.[82] Although his works on biblical exegesis have not survived, they seem to have been quite influential and are often cited by later Andalusian authors.[83] One such citation can be found in the writings of the late eleventh-century Andalusian linguist Isaac Ibn Barun, who records a version of Samuel ben Hofni's axiom, attributing it to Samuel ha-Nagid:

> The Nagid (may God be pleased with him) says that we must not remove a language expression from the [category of] literal language (*ḥaqīqa*) and deem it non-literal language (*majāz*) unless it is impossible to take it as literal language, because literal language is the root (*aṣl*; or: most fundamental part), whereas non-literal language is a deviation (*ʿudūl*) from the root, and we do not depart [from it] unless there is a dire necessity…and about this the early [Sages], peace be upon them, said: "a biblical verse does not leave the realm of its *peshat*."[84]

Despite the professed commitment to taking Scripture as literal language, it would appear that Samuel ha-Nagid, like his geonic predecessors, actually formulated this rule to justify his departures from the obvious sense where necessary.

Judah Ibn Balʿam, for example, cites the following interpretation of the Nagid in his commentary on Num 22:7, "The elders of Moab and

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[81] Hayya's comments are in Hebrew; yet the locution *ʿal peshateh* seems influenced by Arabic *ʿalā ẓāhirihi* (see, e.g., above at n. 32, and n. 42). The normal talmudic locution is *ki-peshateh*; see, e.g., b. *Zevaḥim* 113a.

[82] On Samuel ha-Nagid's reliance on geonic scholarship in general, see Ta-Shma, *Commentary*, 161.

[83] See Maman, "Linguistic School," 267n.

[84] *Kitāb al-Muwāzana*, Kokozoff ed., 24–25; see also Wechter, *Ibn Barun*, 56–57.

the elders of Midian, with divination (קסמים) in their hand, set out
and came to Balaam":

> With divination (קסמים) in their hand—a man from the city of Lucena
> recounted that he witnessed a scholarly meeting of R. Joseph ha-Nagid
> (may he rest in paradise), and people argued in his presence about the
> meaning of this statement. And he said to them in the name of (lit.
> from) his father Samuel [ha-Nagid] (may the memory of the righteous
> be blessed) that its translation (*tafsīr*)[85] in his view is that "they took suit-
> able payment for the divination[86] in their hand," meaning that they car-
> ried with them a gift for his looking into the stars for him (i.e., Balak).

Ibn Balʿam continues:

> This is a nice [interpretation] of this [verse]. And had he related it to
> "but we have no *gift* to bring to the man of God" (I Sam 9:7)—meaning
> suitable payment for "seeing"[87] [i.e., divination, prophetic insight]—it
> would have been even nicer.[88]

Ibn Ezra also knew of this interpretation, but he regarded it as an
unnecessary deviation from the literal sense of Scripture:

> With divination (קסמים) in their hand—R. Samuel ha-Nagid, of blessed
> memory, said that the meaning is: "and payment for divination" (ודמי
> קסמים). And his proof was from [the word] "in their hand." But he
> spoke nothing [i.e., incorrectly], for it is to be taken according to its
> literal sense (*KE-MASHMAʿO*).[89] And Scripture recounted that he sent to
> the seer seers like him. And also so that he should not be able to [find an
> excuse to] delay and say that he cannot find the right day and a choice
> time to go and curse [Israel], for they are men of his trade. And the

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[85] Ibn Balʿam uses *tafsīr* here to mean *translation* (though in theory the term could
also mean interpretation or commentary). He at times refers to Saadia as *al-mufassir*,
i.e., "the translator."

[86] חק אלקסמים. See following note.

[87] חק אלרויה, rendered by Perez as דמי הראיה; compare his translation of חק
אלקסמים as דמי הקסמים. Arabic *ḥaqq* is used by Ibn Balʿam here in the sense of *a
rightful possession*, i.e., what the prophet deserves for his services. See Lane, s.v. حقّ
("the state…of being necessary, requisite,…or due") and Perez's note on p. 151. This
is also confirmed by Ibn Ezra's citation of this interpretation (below).

[88] Ibn Balʿam, comm. on Num 22:7, Perez ed., 34 (Ar.); 84 (Heb.).

[89] On Ibn Ezra's term *ke-mashmaʿo*, see below, at n. 167. Ibn Ezra's reading also
assumes a figurative interpretation of the expression בידם; see below. His inten-
tion here is that we need not employ the more drastic assumption of *iḍmār* in this
case. But even Ibn Ezra's avoidance of this technique is not absolute, as he applies it
elsewhere.

prooftext that its interpretation should be [according to the wording] as is:[90] "in his right hand was the divination" (Ezek 21:27).[91]

From Ibn Ezra's comments we get a clear picture of the exegetical difficulties with this text ("as is") that Samuel ha-Nagid sought to overcome. To begin with, divination is intangible; if so, how can Scripture speak of the elders "with divination *in their hand*"? Furthermore, if these elders themselves possessed "divination," why would Balak need further assistance, and why would he send them to Balaam? Samuel ha-Nagid resolved these problems by assuming that this verse is elliptical, and that *payment for divination* is meant. The elders were thus not seers themselves; they were merely bringing ("in their hand"— literally) the appropriate gift to the seer, which evidently was customary in biblical times. Ibn Ezra, however, finds a solution that does not require the assumption of *iḍmār* in this verse. As he demonstrates based on Ezek 21:27, in BH one can speak idiomatically of a person with divination "in hand," i.e., one who is capable of divination. Presumably Balaam was a master seer; but the messengers were also seers, sent by Balak since they would be best able to present his request— leaving no wiggle room for Balaam to evade them, "for they are men of his trade."

Ibn Ezra's critique highlights the fact that Samuel ha-Nagid was quite willing to invoke the notion of *majāz* in order to resolve exegetical difficulties.[92] This is confirmed by citations of his commentaries by other authors as well.[93] For Samuel ha-Nagid, *peshuto shel miqra*, i.e., *ẓāhir al-naṣṣ*, was not inviolate; it was merely the first assumption, to be adjusted as the need arose. It would thus appear that Samuel ben Hofni's weak reading of the rule of *peshat* circulated in al-Andalus in the tradition Maimonides would inherit—in the oral traditions of Samuel ha-Nagid and authors who cited his words.

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[90] כאשר הוא. Perhaps this is Ibn Ezra's Hebrew equivalent of עלי חאלהא (above, n. 68).

[91] Ibn Ezra, comm. on Num 22:7, Weiser ed., III:178–179.

[92] By contrast, Ibn Ezra here appears to be more of a literalist. While his adherence to the literal sense was hardly absolute (see below, sec. 7), he sought solutions to exegetical difficulties that deviated as little as possible from the literal sense. See Cohen, *Three Approaches*, 65–82.

[93] See, e.g., Perez, "Quotations," 252–253, 255, 263, 264, 267, 277, 279–280 (on Ps 73:10, 21; 76:6; 77:5; 91:6; 94:17, 20).

## 4. *Ibn Janah*: Peshat *as Philological Interpretation*

Second only to Saadia, the greatest figure on the Andalusian exegeti-
cal landscape was undoubtedly Jonah Ibn Janah (Cordoba, c. 990—
Saragossa, c. 1050). His linguistic works, *Kitāb al-Lumaʿ* (Heb., *Sefer
ha-Riqmah*, on Hebrew grammar and style) and *Kitāb al-Uṣūl* (*The
Book of Roots*, a biblical dictionary), served as a foundation for all fur-
ther Andalusian grammatical-philological biblical interpretation.[94] Ibn
Janah was an intellectual rival of Samuel ha-Nagid, differing with him
on a number of key linguistic and hermeneutical issues.[95] Among
these—most important for our purposes—is a new usage of the term
*peshat* and construal of the talmudic rule of *peshat*. But before explor-
ing that matter, it is important to clarify Ibn Janah's position vis-à-
vis *ẓāhir al-naṣṣ* in light of his predecessors' hermeneutical rules and
exegetical tendencies.

Ibn Janah, in fact, devoted a great deal of attention to classifying the
many deviations from "proper" or "literal" language (*ḥaqīqa*) in Scrip-
ture. Like his geonic predecessors, he relied substantially on terms
and concepts from Arabic learning for this purpose.[96] For example,
in chapter twenty-four of *Kitāb al-Lumaʿ*, on the subject of ellipsis
(*ḥadhf, iḍmār*), he writes:

> Know that the Hebrews often elide and shorten language, such that the
> language is not complete as *ḥaqīqa*, but rather has in it [something said]
> lightly and briefly, since the addressee knows what they mean.[97]

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[94] Both of these works were translated into Hebrew by Judah Ibn Tibbon. On
Ibn Janah's influence on the subsequent exegetical tradition, see Maman, "Linguistic
School," 268. When speaking of authorities on biblical exegesis, the eleventh-century
philosopher-jurist Bahya Ibn Paquda mentions only Saadia and Ibn Janah; see *Duties
of the Heart*, introduction, Kafih ed., 17.

[95] See Tene and Maman, *Hassaga*, כח-לג; Abramson, "Teaching," 59–61; idem,
"Samuel ha-Nagid," 1–5; see also Joseph Kimhi, *Sefer ha-Galuy*, Mathews ed., 3.

[96] Ibn Janah's remarkably far-reaching use of Arabic grammatical works has been
documented in great detail by Becker, *Sources*. In the survey below I will point to fur-
ther parallels with Muslim exegetical (and grammatical) works. Unlike Becker, I am
not claiming a direct influence on Ibn Janah by these particular works; I merely wish
to show that the terminology he employed was used in his Muslim milieu. If he did
not know these works, he presumably knew other similar ones, as he clearly was well
read in the Arabic literature of his time. Naturally, further research of Ibn Janah's
Muslim exegetical sources will shed much light on his thought.

[97] *Lumaʿ*, 249; *Riqmah*, 263.

When presenting his examples, Ibn Janah uses another term that had become common by his time in qurʾanic hermeneutics: TAQDĪR, "reconstruction" or "textual restoration," i.e., a literal equivalent of the language of Scripture that cannot be taken as is, i.e., as *ḥaqīqa*.[98] This is not a method of textual emendation, but rather an interpretive technique made necessary because the language of Scripture is sometimes used in an unusual way that must be "decoded" and presented in a more natural way in order to be understood properly. As Ibn Janah writes:

> And an example of *ḥadhf* is the dictum…"I was from tent to tent and from tabernacle to tabernacle" (I Chr 17:5); and the *taqdīr* is: "I was *wandering* from tent to tent".…[And another example:] "And the Lord said to Moses: 'Put out your hand and grasp it [i.e., the serpent] by the tail.' And he put out his hand and seized it, and it became a rod in his hand. 'In order that they may believe [that the Lord…did appear to you']" (Exod 4:4–5). Its *taqdīr* is "*And He said to him: Do this sign before their eyes* in order that they may believe," or some elided language (*iḍmār*) like this.[99]

After giving many other examples in this rather lengthy chapter, Ibn Janah turns to another type of *majāz* enumerated by Abū ʿUbayda and his successors, namely *al-mukarrar li-l-tawkīd* (repetition for emphasis).[100] In this case, the *taqdīr* might be formed by simply removing the redundant language, as Saadia, for example, did quite

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[98] See Wansbrough, "Periphrastic Exegesis," 247–248, 257. Heinrichs, "Genesis," 123–124, proposes rendering this term "restitution of the natural sentence." *Taqdīr* is, of course, closely related to *taʾwīl* (see citation from Ibn Balʿam below in this note); but the latter is an interpretation that goes beyond the apparent sense, whereas the former denotes a hypothetical alternative text that would express the posited non-literal meaning directly. On the term *taqdīr* among Jewish authors, and its translation into medieval and modern Hebrew, see Shy, "*Taqdīr*"; Fenton, *Jardin*, 259, 340; see also below, chapter eight, sec. 1.5 regarding Maimonides' usage. Judah Ibn Balʿam used this term regularly; see comm. on Deut 20:19, Perez ed., 53 (Ar.); 105 (Heb.); *Ibn Balʿam on Isaiah*, ed. Goshen-Gottstein, 267; *Ibn Balʿam on Ezekiel*, ed. Perez, 177; *Ibn Balʿam on Jeremiah*, ed. Perez, 170. Ibn Balʿam on Josh 7:25 used this term in conjunction with *taʾwīl* in applying Saadia's rule (ויג׳ב אן נתאול הד׳א אלנץ ונכ׳רג׳ה עׄן טׄאהרה…חתי יכון תקדירה… ["it is necessary that we apply *taʾwīl* to that text and remove it from its *ẓāhir*…so that its *taqdīr* would be…"]; see below, n. 128). On the term *taqdīr* in Karaite exegesis, see Khan, Angeles Gallego and Olszowy-Schlanger, *Grammatical Thought*, xlvi.

[99] *Lumaʿ*, 250–251; *Riqmah*, 264–265.

[100] See Wansbrough, "Periphrastic Exegesis," 251.

frequently in his *Tafsīr*.[101] Ibn Janah addresses this phenomenon in chapter twenty-five of his linguistic work, "what is added for emphasis (*taʾkīd*), which the language is sufficient without it," where we read:

> At times a verb or a word is repeated without any pressing need that calls for it in the logic of the context, but rather by way of emphasis (*taʾkīd*) … [for example], "Lo we have perished, we are lost, all of us are lost" (Num 17:27), the repetition (*takrīr*) of "all of us are lost" is for emphasis (*taʾkīd*).[102]

Later in this chapter Ibn Janah gives a further explanation for the redundant language:

> And an example of that which was added by way of emphasis and eloquence (*faṣāḥa*): "Who has wrought and achieved this?" (Isa 41:4), there is no meaning in the dictum "and achieved" more than what is in the dictum "wrought," but it is [employed merely for the sake of] eloquence and stylistic beauty (*faṣāḥa wa-balāgha*).[103]

The notion that Scripture would diverge from *ḥaqīqa* for the sake of literary elegance likewise finds a precedent in the interpretation of the Qurʾan, for example in the writings of the aforementioned al-Jaṣṣaṣ.[104]

What is perhaps Ibn Janah's most well-known application of *taqdīr* emerges in chapter twenty-seven of *Kitāb al-Lumaʿ*, where he presents the following rule:

> At times they [i.e., Hebrew speakers, Scripture] use a particular language expression and the intention (*murād*) is that of another. Now they permit this because of the association of the two language expressions in their genus or species or their quality or some other matter. And occasionally one thing [i.e., word] is put in place of another, even though it is not associated with it in any way, and this is based on their view on this [i.e., the speakers feel that there is an association], other than what we have mentioned. If it is sought it will be found.[105]

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[101] See above, at n. 30. Wansbrough, "Periphrastic Exegesis," 258, cites this type of *taqdīr* in the writings of the twelfth-century Arab grammarian Ibn al-Anbari.

[102] *Lumaʿ*, 278–279; *Riqmah*, 293–294. It would seem that *taʾkīd* (ʾ-k-d, form II) is an equivalent of *tawkīd* (w-k-d, form II); see Lane, s.v., وكّد; Blau, *Dictionary*, s.v., וכד.

[103] *Lumaʿ*, 288–289; *Riqmah*, 303. On the terms *faṣāḥa* and *balāgha* (rendered *ṣaḥot* and *haggaʿah* by the medieval translator Judah Ibn Tibbon) and their significance in the Jewish exegetical tradition, see Cohen, *Three Approaches*, 240–241.

[104] See Heinrichs, "Hermeneutics," 267.

[105] *Lumaʿ*, 294; *Riqmah*, 307.

So begins a lengthy and detailed chapter on what later exegetes would refer to as the principle of "lexical substitution" (Ar. *badal*; Heb. *ḥilluf*; terms that Ibn Janah himself does not use), which became a target of severe criticism because of the exegetical anarchy it potentially invites.[106] Ibn Janah goes to great lengths to offer a logical basis for many such "substitutions"—with varying degrees of cogency. He is most successful in this respect when invoking the notion that poetic license is to be expected in Scripture. This argument is put forth toward the end of the chapter where he introduces the notion of figurative language, i.e., *majāz* (a term he uses in this more restricted sense), under the rubric of which he includes the well-known poetic techniques of metaphor (*istiʿāra*), simile (*tashbīh*) and parable (*mathal*), in addition to more philological ones such as metonymy (*mujāwara*) and "semantic expansion" (*ittisāʿ*).[107]

The notion that words acquire new meanings over time and that expressions are at times used idiomatically was certainly central for Ibn Janah, and plays a critical role in his biblical dictionary, where terms such as *ittisāʿ*, *istiʿāra*, *tashbīh* and *majāz* are used regularly. This strategy often enabled him to avoid the more intrusive assumption that the biblical text is elliptical. As we noted above, for example, Samuel ha-Nagid had resolved an exegetical difficulty in Num 22:7 ("The elders of Moab and the elders of Midian, with divination [קסמים] in their hand, set out and came to Balaam") by assuming that the word "payment" was elided; i.e., the elders took payment for Balaam's divination in their hand. Ibn Janah, on the other hand, offers an alternative resolution:

> With divination (קסמים) in their hand—[is said] by way of metaphor (*istiʿāra*). And the meaning (*maʿna*) is that they applied themselves to determine the most choice time to go to him.[108]

While this brief commentary is not completely clear, Ibn Janah seems to be saying that the elders of Moab and Midian were capable of divination themselves, at least enough to determine when the divination of the master seer Balaam would be most effective. In any case, the

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[106] See Perez, "Substitution."
[107] See *Lumaʿ*, 314–317; *Riqmah*, 330–333; Cohen, *Three Approaches*, 48–65, 80–81. On the parallel terminology in qurʾanic hermeneutics and Arabic poetics, see Heinrichs, *Hand*, 30–38.
[108] *Lumaʿ*, 316; *Riqmah*, 332.

linguistic assumption he is making here is that "in their hand" is not meant literally, but rather means that they *employed* divination, a position Ibn Ezra would take as well (above, n. 91), perhaps influenced by Ibn Janah.[109]

In many respects, Ibn Janah's attitude toward *ẓāhir al-naṣṣ* reflects the principles established by Saadia and Samuel ben Hofni, which he helped to transplant to al-Andalus. The great linguist was hardly committed to the most literal sense of Scripture and developed a substantial repertoire of methods for engaging in *taʾwīl*, a project that led him to describe the artistry of biblical literary expression by drawing avidly upon terms and concepts from Arabic grammar and poetics.[110] But Ibn Janah's application of *taʾwīl* can be said to stem more organically from the text of Scripture itself, as he adjusts *ẓāhir al-naṣṣ* primarily based on internal biblical evidence—including an awareness of biblical literary style, and what is clearly manifest from sense perception. By contrast, he does not seem to engage in *taʾwīl* to avoid what others regarded as the theologically problematic implications of a literal reading of Scripture, for example those caused by anthropomorphic depictions of God.[111] Similarly, although, as a Rabbanite, he accepted

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[109] It is also interesting to note the following parallel between Ibn Janah and a movement away from the assumption of *iḍmār* in qurʾanic exegesis. With respect to Gen 42:34, Ibn Janah writes: הד׳א מג׳אז ואתסאע לאן אלארץ׳ לא תתאג׳ר ואנמא יתאג׳ר אהלהא (זה העברה והרחבה כי הארץ לא יסחרו עמה, אבל סוחרים עם אנשיה); *Lumaʿ*, 316; *Riqmah*, 332. According to some qurʾanic exegetes, a similar case—"Inquire of the city wherein we were"—was to be "rectified" through the assumption of *iḍmār* (above, at n. 27); however, later authors preferred to argue that "people of the city are called *qarya*," i.e., that this word is used in a new sense; see Heinrichs, "Hermeneutics," 258–266.

[110] His use of Arabic poetics to illuminate the workings of biblical literary artistry would be further developed by Moses Ibn Ezra; see discussion below, sec. 6.

[111] He often seems to read such verses literally; see, e.g., *Roots*, s.v. עצב (regarding Gen 6:6), s.v. נחם (regarding I Sam 15:35). Presumably, Ibn Janah accepted the theological doctrine that God does not actually experience sadness or regret his actions; but he must have envisioned some other way of reconciling Scripture with those doctrines. This matter, however, requires further investigation. Sometimes Ibn Janah touches upon theological issues, though in such cases his motives usually relate to a simpler exegetical difficulty. For example, he argues that והעלהו שם לעולה (Gen 22:2)—seemingly God's command to slaughter Isaac as a sacrifice upon the altar—cannot be taken according to its *ẓāhir*; but rather has a deeper interpretation (*bāṭin*; on this term, see below, chapter two, sec. 1.4), namely that Abraham should bring his son to the altar and *prepare to* sacrifice him (*Lumaʿ*, 46; *Riqmah*, 58–59). Ibn Janah's motive here is to reconcile that verse with the ultimate command that God gave Abraham to spare Isaac from death. Even Ibn Janah's reinterpretation of the seemingly anthropomorphic depiction of God in Gen 3:8 (*Lumaʿ*, 37; *Riqmah*,

the talmudic system of *halakhah*, which is based on rabbinic midrashic interpretation, he was unwilling to follow in the footsteps of Saadia and Samuel ben Hofni and allow it to override the contextually and philologically indicated sense of Scripture.

It is in the course of seeking an alternative way of resolving the latter conflict, in fact, that Ibn Janah devises a fundamentally new understanding of the talmudic *peshat* principle (although he was no doubt well aware of its interpretation by Samuel ben Hofni, which was adopted by his own Andalusian contemporary Samuel ha-Nagid).[112] In his introduction to *Kitāb al-Lumaʿ*, he addresses anonymous talmudists who criticized his method for departing from rabbinic exegesis. Such zealots, he argues, act out of

> ignorance of the dictum of our early [Sage]s, may God be pleased with them: "a biblical verse does not leave the realm of its *peshat*" and ... [their notion that] "the *peshat* of a verse is one thing (lit. alone), and the *halakhah* is another (lit. alone)."[113] For it is not impossible that one language expression can bear[114] two correct meanings and more than that, as the early [Sage]s, may God be pleased with them, said [regarding Lev 19:26] (b.*Sanhedrin* 34a): "One verse can have (lit. go out to) a number of meanings, but one meaning cannot come out from two verses."[115]

When faced with a conflict between *ẓāhir al-naṣṣ* and the halakhic interpretation, Saadia and Samuel ben Hofni would consider the authority and nature of the latter. In some instances they were willing to regard it as less than authoritative;[116] but otherwise, they would dismiss *ẓāhir al-naṣṣ* and embrace the rabbinic interpretation. The two geonic authors thus strove to determine the single correct interpretation of Scripture that takes all factors into account: philology, reason

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48–49; compare Ibn Ezra ad loc.) may be motivated by a purely philological concern; see Tene and Maman, *Hassaga*, 104–105.

  [112] In theory, it is possible that this new understanding was already current in Ibn Janah's time; but we do not have literary evidence of that. We can conjecture that Samuel ben Hofni's reading of the *peshat* maxim did not appeal to Ibn Janah because *ẓāhir al-naṣṣ* is hardly sacrosanct; hence, Scripture effectively "leave[s] the realm of its *peshat*," i.e., *ẓāhir* (according to Samuel ben Hofni), quite frequently.

  [113] פשטיה דקרא לחוד והלכה לחוד. While this exact formulation does not appear in rabbinic literature, the Talmud does occasionally make such a distinction; see Kamin, *Categorization*, 32–37. This dichotomy would become the hallmark of Rashbam's exegetical system; see discussions below in chapters three and seven.

  [114] יחתמל; compare Ibn Tibbon's Hebrew translation, יסבל.

  [115] *Lumaʿ*, 8; *Riqmah*, 19.

  [116] See above, at nn. 41, 75, 78.

and tradition.[117] Ibn Janah, on the other hand, posited that Scripture can be interpreted in two equally valid ways: (1) philologically and contextually, yielding "the *peshat* of Scripture," or (2) according to rabbinic exegesis. Despite the centrality of the latter for *halakhah*, the Talmud itself—in his view—guarantees the validity of the former when saying that "a biblical verse does not leave the realm of its *peshat*," and similar pronouncements to the effect that "the *peshat* of a verse is one thing, and the *halakhah* is another." To support his contention that the two different ways of reading Scripture can both be valid, Ibn Janah cites the talmudic dictum that "one verse can have a number of meanings."

Ibn Janah thus concludes from the talmudic *peshat* maxim that "the *peshat* of Scripture"—i.e., its philological-grammatical sense—is inviolate, even if it differs from rabbinic halakhic interpretation. In contrast to Samuel ben Hofni Gaon's weak reading of this maxim, Ibn Janah adopts a strong reading that admits no exceptions. Furthermore, unlike Samuel ben Hofni, who equated *peshat* with *ẓāhir* and thus regarded it as only one factor in his hermeneutical calculus, Ibn Janah made *peshat* exegesis his single goal. For him, *peshat* is not equivalent to *ẓāhir*; it is the interpretation that seems most fitting from a philological-contextual perspective.

As far as I can tell from the extant sources, Ibn Janah is the first author to clearly use the term *peshat* to label the method of philological-contextual interpretation. This usage was not necessarily Ibn Janah's innovation, since it conceivably was already in circulation orally and perhaps in earlier writings now lost. The great linguist himself does not wish to appear iconoclastic; in fact, further in the above-cited passage he argues that those talmudists who denied the validity of the philological method do so

> because of their scant study of the *peshat* commentaries of Rav Saadia and Samuel ben Hofni, may God be pleased with the two of them.[118]

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[117] This conclusion is warranted from the formulation of their fundamental exegetical axioms discussed above. In theory, even for Saadia and Samuel ben Hofni, there could be cases in which a biblical text has more than one meaning; see Ben-Shammai, "Rabbinic Literature," 41–47. But this does not result automatically from a conflict between rabbinic exegesis and a philological reading.

[118] *Lumaʿ*, 8; *Riqmah*, 19. In his locution תפאסיר רב סעדיה ותפאסיר שמואל בן חפני רצ״י אללה ענהמא אלפשאטיה it is worth noting the adjectival form תפאסיר...אלפשאטיה (the *peshat* commentaries; note *plene* spelling; see above, n. 67). In the earlier literature, the term *peshat* was used only as a noun.

Projecting his definition of the term back onto his great predecessors, Ibn Janah refers to their commentaries as *peshat* because they follow a philological-contextual method. But this actually entails a sharp disparity between *peshat* and *ẓāhir* (which Samuel ben Hofni had equated), since, for Ibn Janah, *peshat* includes the application of *taʾwīl* wherever he deems it appropriate.

Ibn Janah's strong reading of the *peshat* principle effectively enabled him to engage in his linguistic exegesis freely, without concern over potential conflicts with rabbinic exegesis. Perhaps for this reason, he generally goes his way without addressing rabbinic interpretation; but where he does, he takes pains to reiterate that the two interpretive methods can co-exist. This dual hermeneutic can be illustrated by his discussion of Deut 12:2–5,

> (2) You must destroy all the sites at which the nations…worshipped their gods, whether on lofty mountains or on hills or any luxuriant tree. (3) Tear down their altars, smash their pillars, put their sacred posts to the fire…, and you shall obliterate their name from that site. (4) Do not do thus to the Lord your God, (5) but only to the site that the Lord your God will choose amidst all your tribes to put His name there, unto His habitation you shall seek and there you shall come. (6) There you shall bring your burnt offerings and other sacrifices, your tithes and contributions, your votive and freewill offerings, and the firstlings of your herds and flocks.

In his section on biblical syntax in *Kitāb al-Lumaʿ*, Ibn Janah addresses the ambiguity of v. 4: to what does the prohibition "Do not do *thus*" refer? He first presents the rabbinic view:

> The early [Sages], may God be pleased with them, take His dictum "Do not do thus to the Lord your God" to refer to His dictum "[You must destroy all the sites…] and you shall obliterate their name from that site." In other words: Do not destroy the houses of God, as I have commanded you to destroy the houses of the Baals and the places of their worship. They said: "One who removes a stone from the *heikhal* or *ulam* (halls of the Temple)…violates a negative commandment, as it says: 'And you shall obliterate their name…Do not do thus to the Lord your God.'"[119]

Evidently looking to the sentence immediately preceding v. 4 ("and you shall obliterate their name from that site"), the Rabbis take this

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[119] *Lumaʿ*, 346; *Riqmah*, 362–363; the rabbinic citation is from t.*Makkot* 5:8 (Zuckermandel ed., 444).

verse as a prohibition to act destructively toward ("obliterate") God's name by dismantling the Holy Temple. Ibn Janah, however, offers a different interpretation based on a contextual analysis of the entire pericope:

> But in my opinion it bears an additional meaning.... that it refers to what is before it, namely to what it says, "at which the nations...worshipped their Gods, whether on lofty mountains or on hills"...He...recounted those places...[to] warn them not to make His places of worship similar to those places, but rather in a specified place and a defined location. That is [the import of] the verse [lit. its saying]: "Do not do thus to the Lord your God, but only to the site that the Lord your God will choose <amidst all your tribes to put His name there, unto His habitation you shall seek and there you shall come.> There you shall bring your burnt offerings," and so on.[120]

The larger context, Ibn Janah observes, suggests that the prohibition in v. 4 is a preface to the commandment in vv. 5–6 to worship God through sacrifice in only one fixed central location. "Do not do *thus*" must therefore refer not to "and you shall obliterate their name from that site," but rather "to what is before it," i.e., the phrase that precedes the last sentence of v. 3, namely the description of the scattered holy places of the idol worshippers. For Ibn Janah, this is *peshuto shel miqra*, which co-exists with the rabbinic construal, as he comments:

> No one should criticize us for assigning this meaning to the phrase "Do not do thus," even though we accept what the early [Sage]s transmitted about it. For they, may God be pleased with them, already said: "One verse can have a number of meanings"...And even though it is one of the negative commandments, it is not impermissible to include in it another prohibition without increasing the [fixed] number of the commandments. But rather the other interpretation is correct, and there is no harm in accepting it, just as there is no harm in accepting seven interpretations of "Do not eat upon blood" (Lev 19:26) and that it is also a single negative commandment.[121]

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[120] *Lumaʿ*, 346–347; *Riqmah*, 363. The text in <> appears only in Ibn Tibbon's Hebrew translation, and is represented with the (Hebrew) abbreviation marker וג׳ (=וגומר; "and so on") in the Judeo-Arabic text.

[121] *Lumaʿ*, 347; *Riqmah*, 363. The seven prohibitions stemming from Lev 19:26 are enumerated in b.*Sanhedrin* 34a to illustrate that "one verse can have a number of meanings." In speaking about the possible problem of "increasing the [fixed] number of the commandments," Ibn Janah is referring to the science of the enumeration of the 613 biblical commandments, for which he probably turned to the work of Ḥefeṣ ben Yaṣliaḥ; see Halper, *Precepts*, 103–104. The point he seems to be making here is that an additional, non-rabbinic interpretation—according to *peshuto shel miqra*—does not impinge on that enumeration. Ḥefeṣ ben Yaṣliaḥ endeavored to establish

Although he usually does not go into such detail, the few other cases in which he mentions rabbinic exegesis generally confirm his dual hermeneutic, which otherwise allowed him to engage in his philological exegesis (i.e., *peshat*) freely.[122]

Apart from his apologia for the philological method, Ibn Janah does not use the term *peshat* again in his extant writings. Indeed, while the dual hermeneutic he establishes has a great deal of potential, the great linguist does not develop its implications directly. We therefore might excuse his immediate successors for not building upon, or even citing, his innovative construal of the *peshat* principle.[123] Yet it is surprising that the *peshat-derash* opposition is not mentioned in the work of Moses Ibn Chiquitilla, who is otherwise well-known for his innovative, historically sensitive and philologically oriented interpretations of Scripture that diverge sharply from traditional rabbinic ones.[124] Nor is the *peshat* principle—or even the term *peshat* itself—used by Ibn Chiquitilla's contemporary and intellectual rival, Judah Ibn Balʿam, who likewise consistently employed a philological exegetical method.[125] The latter, however, is important for our survey because of his reformulation and application of Saadia's exegetical axiom, and we therefore turn to his work next.

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principles for a systematic enumeration of the commandments, which the Talmud fixes at precisely 613, a project that Maimonides would develop further; see Zucker, "Ḥefeṣ," and below, chapter six.

[122] For other examples, see *Roots*, s.v. שקה, חמש, בקר, אור (examples from both halakhic and aggadic exegesis in which he specifically mentions that a verse can have more than one meaning); see also chapter three, at n. 52. In *Roots*, s.v. תפנ, he ponders whether the rabbinic reading was intended as a genuine interpretation, in which case he recognizes it as an alternative to his philological analysis. Only in one case (*Roots*, s.v. ראה; cf. *Lumaʿ*, 90; *Riqmah*, 107) have I found that Ibn Janah explicitly favors the philological analysis (attributed to Samuel ben Hofni, who "relied on the apparent sense of the text [ẓāhir al-naṣṣ]") over rabbinic interpretation rather than asserting that the two can co-exist.

[123] Ironically, it is in another tradition altogether—the school of Rashi and Rashbam—where we find his interpretive ideology used as the springboard for a vibrant *peshat* movement; see below, chapter seven, sec. 4.

[124] See Maman, "Linguistic School," 275–277. Admittedly, we only have small fragments of Ibn Chiquitilla's commentaries. It is noteworthy that neither the term *peshat* nor the talmudic *peshat* maxim appear in the writings of other authors who discuss biblical exegesis: Bahya Ibn Paquda, Moses Ibn Ezra and Judah ha-Levi; see Sara Klein-Braslavy, "Philosophical Exegesis," 306–311; Lasker, "Ha-Levi"; on Moses Ibn Ezra, see below, sec. 6.

[125] See Perez, "Contribution."

## 5. *Judah Ibn Balʿam: Return to Saadia's Model*

Judah Ibn Balʿam was a halakhic scholar and grammarian, as well as a biblical exegete, who resided in Toledo and Seville in the mid-eleventh century. In his commentaries, which spanned most of Scripture, he drew heavily upon a wide range of predecessors in the Judeo-Arabic philological school: the geonim Saadia, Hayya and Samuel ben Hofni, as well as their Andalusian successors Hayyuj and Samuel ha-Nagid; but most of all he was influenced by Ibn Janah.[126] Yet in formulating his exegetical theory, Ibn Balʿam turned to the older model of Saadia and Samuel ben Hofni, as we see in his programmatic statement:

> Know that we do not remove a verse from its obvious sense (*ẓāhir*)[127] except on account of three things. The first of those is if that verse infringes upon reason. Then interpretation (or: reinterpretation; *taʾwīl*) should be applied in order to divert it toward that which is reason[able]. And the second is that is infringes on what is in another verse and the two [biblical] utterances contradict one another, then we must interpret (apply *taʾwīl* to) one of them as befitting in order to harmonize them. And the third is if the verse opposes what has arrived from the tradition; then we interpret (apply *taʾwīl* to) it as necessary to make it consistent with the tradition.[128]

Like his geonic predecessors, Ibn Balʿam posits that Scripture has a single correct interpretation, determined by considering all relevant factors, beginning with the language of the text—first taken in its obvious sense—but then adjusted in light of reason, other biblical texts and tradition.[129]

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[126] See Maman, "Linguistic School," 277–281; see *Ibn Balʿam on Isaiah*, Goshen-Gottstein ed., 18, 262–263; *Ibn Balʿam on Jeremiah*, Perez ed., 11, 15, 159, 166; *Ibn Balʿam on Ezekiel*, Perez ed., 15, 172.

[127] אין מקרא יוצא לא נב׳רג׳ אלנץ ען ט׳אהרה, an echo of the Talmudic phraseology מידי פשוטו (compare also the formulation of Samuel ha-Nagid, above at n. 84).

[128] Ibn Balʿam, comm. on Deut 4:24, Perez ed., 46 (Ar.); 97 (Heb.); see also Fenton *Jardin*, 296–297. Ibn Balʿam repeats this rule in his comm. on Josh 7:25, Poznanski ed., 100; see above, n. 98.

[129] In the application of this rule throughout his commentaries, Ibn Balʿam seems less willing than Saadia and Samuel ben Hofni to reject *ẓāhir al-naṣṣ* on the basis of scientific implausibility. In other words, while the two Babylonian geonim relied on scientific beliefs and equated them with reason itself, Ibn Balʿam had a different standard for discerning the boundaries of reason. He thus criticizes Saadia for applying *taʾwīl* to Num 22:28 ("And God opened the mouth of the ass, and she said to Balaam…") and arguing that it was the angel—and not Balaam's ass—that actually spoke; see Ibn Balʿam, comm. ad loc., Perez ed. 34 (Ar.); 85 (Heb.). Ibn Balʿam likewise criticizes Samuel ben Hofni's rationalist reinterpretation of the episode of the

In accordance with the tradition of Saadia and his followers, Ibn Balʿam was willing to depart from the apparent sense of the text in light of rabbinic exegesis, especially in the realm of *halakhah*, though in some instances he retained the former and evidently regarded the latter as mere *derash*.[130] In either case, he does not enjoy the luxury afforded by Ibn Janah's two-level theory: when faced with a contradiction between the apparent sense and a rabbinic reading, he must choose either to endorse the former as is, or allow the latter to override it. Well aware of Ibn Janah's analysis of Deut 12:4, Ibn Balʿam had to adopt a different approach in his commentary on that verse:

> The early [Sage]s applied its saying "Do not do thus to the Lord your God" to the destruction of the nations' places of sacrifice, saying to them [i.e., Israel]: Do not do thus to My places of sacrifice. But the apparent sense of the text (*ẓāhir al-naṣṣ*) indicates another meaning, namely that it is a prohibition of utilizing altars to God in every place, as the idol worshippers do, but rather it is necessary that you come to the altar that He shall make in a chosen place, and there you shall offer My sacrifices. And the people of the tradition [i.e., the Rabbis], who are the most reliable (*aṣdaq*), diverted it to what I have mentioned first, and that is their saying: "Anyone who removes a stone from the *heikhal* violates a negative commandment, as it says: 'Do not do thus to the Lord your God.'" And they derived from this the prohibition of erasing the essential names [of God], which are ה׳, א-להים, א-ל, etc.[131]

Ibn Janah held that both interpretations can co-exist; but Ibn Balʿam implies that the rabbinic interpretation overrides the apparent, i.e., contextually indicated, sense of the text.[132]

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witch of En Dor; see above, n. 76. Ibn Balʿam was also known for his harsh critique of Ibn Chiquitilla's rationalist approach to messianic prophecies; see Cohen, "Aesthetic Exegesis," 289.

[130] See Perez, "Contribution," 159–163.

[131] Ibn Balʿam, comm. ad loc., Perez ed., 48–49 (Ar.); 100 (Heb.); see also Perez, "Contribution," 160–161. Apart from the rabbinic exegesis cited by Ibn Janah, Ibn Balʿam adds the prohibition of erasing the sacred names of God, which the Rabbis derived from the juxtaposition, "And you shall erase their names from that place, Do not do thus to the Lord your God." See *Sifre Deuteronomy* §61 (Finkelstein ed., 126–127); compare Nahmanides ad loc., who argues that the two prohibitions are one and the same; this also seems to be Maimonides' understanding; see *Book of the Commandments*, Negative Commandment #65.

[132] Elsewhere, Ibn Balʿam harshly criticizes those who adopt "*ẓāhir al-naṣṣ* alone," which, he argues, yields inaccurate readings of Scripture unless one also considers the rabbinic halakhic tradition; see comm. on Deut 23:11; Perez ed., 56 (Ar.); 108 (Heb.). On the other hand, Ibn Balʿam was also willing to marginalize as mere *derash* a reading that Ibn Janah regarded as a viable alternative to his philological interpretation; see

Yet in at least one instance he seems to have embraced Ibn Janah's bi-level hermeneutical conception, as we see in his commentary on Deut 24:16, "Fathers shall not be put to death for sons, nor sons be put to death for fathers, each person shall be put to death only for his own sin":

> The early [Sage]s applied it to testimony, i.e., that testimony of relatives for or about each other[133] is invalid...But the apparent sense of the text (ẓāhir al-naṣṣ) is that it is impermissible to take [i.e., punish] the father for the sin of the son, or the son for the sin of the father. For you see the language of Scripture, "But he did not put to death the children of the assassins, in accordance with what is in the Torah, in the book of Moses, where the Lord commanded: Fathers shall not be put to death for sons, nor sons be put to death for fathers" (II Kgs 14:6). And our master Saadia, of blessed memory, acted well in saying that Scripture had need to mention this, even though it is clear from reason, since the Arabs used to make such rulings in pre-Islamic times (jahiliyya; lit. time of ignorance), I mean that they would kill a relative for a relative, and God prohibits the likes of this. And you should not have misgivings about the words of the early [Sage]s in the matter of testimony which contradict the apparent sense of the text (ẓāhir al-naṣṣ), for this is not unusual in their work, for you see that they interpreted "Do not eat upon blood" (Lev 19:26) in many ways, and all are acceptable in their view.[134]

Ibn Bal'am could not simply reject the apparent sense of Deut 24:16,[135] which seems incontrovertible in light of II Kgs 14:6, in addition to having Saadia's support. But since Ibn Bal'am accepted the halakhic exegesis as authoritative, here he makes an exception and relies on Ibn Janah's dual meaning theory, which his language in this passage echoes, including the example from Lev 19:26.

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*Ibn Bal'am on Isaiah*, Goshen-Gottstein ed., 76 (=comm. on Isa 11:8); cf. Ibn Janah, *Roots*, s.v. אור.

[133] בעצ׳הם לבעצ׳ ועליהם; "about each other" means negative testimony, i.e., *against* each other. The same formulation appears in Maimonides' *Book of the Commandments*, cited below in chapter eight, sec. 1.4.

[134] Comm. ad loc., Perez ed., 58–59 (Ar.); 108–109 (Heb.); for the rabbinic citation, see above, at n 115. In his *Tafsīr* Saadia renders this verse literally, but the explanation Ibn Bal'am cites in his name is otherwise unknown; see Zucker, *Translation*, 479.

[135] Maimonides, on the other hand, did this precisely: in the *Book of the Commandments* he interprets Deut 24:16 exclusively according to the rabbinic halakhic reading without even acknowledging ẓāhir al-naṣṣ; see below, chapter eight, sec. 1.4. In some other instances, however, Maimonides does discuss an alternative to the halakhic reading based on ẓāhir al-naṣṣ, as discussed below in chapter two, sec. 3, and chapter three.

### 6. *Moses Ibn Ezra: Poetic Dimensions of Scripture*

Together, Ibn Chiquitilla and Ibn Balʿam represent a high point of the Andalusian exegetical school, and they are cited by Maimonides as chief authorities on the Bible.[136] Without invoking the talmudic rule of *peshat*, they wrote comprehensive philological-contextual commentaries built upon the linguistic foundation of Ibn Janah and inspired by Saadia's directive to interpret Scripture in light of reason. The imprint of that tradition is evident in the work of the great poet Moses Ibn Ezra, who was born and educated in Granada in al-Andalus in the second half of the eleventh century, but fled to Christian Spain in 1090, where he remained until his death c. 1138.[137] In his youth, Moses Ibn Ezra established his reputation as a great Hebrew poet, attracting the young Judah ha-Levi (c. 1075–1141), who corresponded with him from Christian Toledo, as a protégé.[138] In addition to writing "sacred" (i.e., liturgical) poetry, Moses Ibn Ezra wrote "secular" (i.e., non-liturgical) Hebrew poetry that followed the conventions and themes of Arabic poetry. Toward the end of his life he wrote two significant expository works: *The Treatise of the Garden on the Matter of Majāz and Ḥaqiqa* (*Maqālat al-Ḥadīqa fi Maʿna l-Majāz wa-l-Ḥaqiqa*) and *The Book of Discussion and Conversation* (*Kitāb al-Muḥāḍara wa-l-Mudhākara*), both composed in Judeo-Arabic and infused with a broad range of Arabic learning.[139] Although he did not write biblical commentaries per se, these two works address issues of biblical hermeneutics vital for a complete understanding of the Geonic-Andalusian exegetical school.

Moses Ibn Ezra's philosophical-exegetical *Treatise of the Garden* was written at the request of "a lover of wisdom" who wished to learn about the use of *ḥaqīqa* (literal language) and *majāz* (non-literal, figurative language) in the Hebrew language as attested in the Bible. The *Treatise* comprises three major sections: a programmatic introduction that explains the *majāz-ḥaqīqa* dichotomy and its exegetical significance; a philosophical section that discusses God's unity and unknowability,

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[136]  See introduction above, sec. 5.

[137]  See Brann, *Compunctious Poet*, 59–68.

[138]  See Yahalom, *Halevi*, 15–18, 42–44.

[139]  See Fenton, *Jardin*, 29–40; Cohen, "Aesthetic Exegesis," 282–301." On the possibility that Moses Ibn Ezra wrote other expository works that have been lost, see Fenton, *Jardin*, 26–29.

creation and man's nature; and an exegetical section arranged in a quasi-dictionary format that lists BH terms associated with human beings (such as the Hebrew words for soul, heart, face, sight and hearing), and enumerates how they are used literally (in connection with human beings) and non-literally (in connection with animals, inanimate objects and God). In his introduction, Moses Ibn Ezra echoes the fundamental axiom established by Saadia and repeated by Samuel ben Hofni, Samuel ha-Nagid and Judah Ibn Balʿam that any given biblical locution should initially be assumed to be *ḥaqīqa* and taken according to its *ẓāhir* unless it contradicts sense perception, reason or another biblical verse, in which case it must be taken as *majāz*.[140] In his view,

> *ḥaqīqa* is primary (lit. the root; *aṣl*), whereas *majāz* is derivative (lit. a branch; *farʿ*). *Ḥaqīqa* is specific, whereas *majāz* is diffuse…We must not remove a language expression from its [classification as] *ḥaqīqa* to be taken as *majāz* unless its [understanding as] *ḥaqīqa* is impossible. *Ḥaqīqa* is natural, whereas *majāz* is an affectation. *Majāz* is the use [of a language expression] for something other than it was coined [originally] in the language, whereas the characteristic of *ḥaqīqa* is the correspondence of language to its meaning without pleonasm (*ziyāda*; lit. addition, excess) or omission (*nuqṣān*) such that [each] word (*ism*) is in conformity with [its] signification and [each] signification conforms to [its] word.[141]

Although the *majāz-ḥaqīqa* dichotomy had long been a part of Jewish biblical hermeneutics, this treatment by Moses Ibn Ezra and others like it in his writings, laden with allusions to Arabic poetics and qurʾanic hermeneutics, add important theoretical dimensions to its understanding in Jewish tradition from a logical-linguistic perspective, an aspect that Maimonides would develop.[142]

The extensive philological application of the *majāz-ḥaqīqa* dichotomy in the dictionary section of the *Treatise of the Garden* likewise represents a substantial contribution to the tradition of Jewish Bible interpretation. Informed by the extensive commentaries of Ibn Chiquitilla and Ibn Balʿam, Moses Ibn Ezra does for biblical *majāz* specifically what Ibn Janah had done in his comprehensive dictionary for BH in general. The *Treatise of the Garden* is a unique, dedicated study of

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[140] See Fenton, *Jardin*, 266–298, 304–309.

[141] *Treatise of the Garden* (MS) 27; compare French translation in Fenton, *Jardin*, 302. The theoretical implications of Moses Ibn Ezra's suggestive classifications in this passage are a subject worthy of further investigation.

[142] See chapter four, sec. 1 below.

a broad range of metaphorical and other transformations within BH that fall under the rubric of *majāz*. Following the model of Arabic works on poetry and qurʾanic hermeneutics, it provides sophisticated poetic and linguistic explanations for the various sub-types of *majāz* occurring in the Bible, such as metaphor (*istiʿāra*), metonymy (*badal al-mujāwara*), simile (*tashbīh*), hyperbole (*ghulluw*), ellipsis (*iḍmār*) and pleonasm (*ziyāda*), for many of which similar usages from Arabic poetry and the Qurʾan are cited.[143]

In this respect, Moses Ibn Ezra's philological work draws upon the literary expertise he manifests in his *Book of Discussion and Conversation*, a poetics written as a guide for composing Hebrew poetry according to Arabic literary conventions.[144] Here he enumerates twenty "embellishments of poetry" (*muḥāsin al-shiʿr*) defined in similar Arabic handbooks and aims to show how these can be identified in Hebrew Scripture. The result is an aesthetic exegesis of the Bible that offers insight into its literary workings. Despite the logical precedence he grants *ḥaqīqa* in the *Treatise of the Garden* (above at n. 141), a very different attitude colors his *Book of Discussion*, which emphasizes the literary elegance of the various types of *majāz* that the "embellishments" entail. Metaphor (*istiʿāra*), for example, is lauded there as being indispensable for literary expression, in both poetry and prose, even though it is less precise than literal language.[145] Similarly, there is a recognition that aesthetic considerations at times call for prolix language, as Moses Ibn Ezra observes in discussing the Arabic technique *mubālagha* (poetic intensification, strengthening):

> And there are [examples] of it in the Sacred Scriptures, such as: "I will be tender toward them, as a man is tender toward his son who ministers to him" (Mal 3:17). Once it says "his son," the intended idea is complete, and the [the phrase] "who ministers to him" is a marvelous [poetic] addition (*ziyāda*) and beautiful intensification (*tablīgh*).[146]

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[143] See Fenton, *Jardin*, 332–374; Cohen, "Poet's Exegesis," 543–556.

[144] This is the stated objective of the work; see *Book of Discussion*, 5a-b. Modern scholars, however, have identified other complex cultural motives in this work. See Scheindlin, "Legitimacy"; Brann, *Compunctious Poet*, 70–83.

[145] *Book of Discussion*, 118b; see also Cohen, "Imagination," 417–419.

[146] *Book of Discussion*, 131a; see also Cohen, "Poet's Exegesis," 555–556.

Moses Ibn Ezra regards the prophets and other biblical authors as poets, who sought not only to convey the word of God, but also to do so in the most aesthetically pleasing, rhetorically effective way possible.[147]

The exegetical tradition inspired by Saadia generally aimed to cut through or "decode" the *majāz* usages in Scripture, a goal Moses Ibn Ezra himself articulates in the *Treatise of the Garden* when speaking of biblical anthropomorphic depictions of God, Who is transcendent and beyond literal depiction (as established in the philosophical section of the *Treatise*):

> One must treat these non-literal (*majāz*) expressions delicately and realize that the true matter (*al-maʿna al-ḥaqīqī*) is too subtle and exalted for us to know it in its true nature. The intelligent person must strip them [the *majāz* expressions] of these husks…to reach the desired [matter] according to the ability of his discernment.[148]

For the interpreter, *majāz* is a barrier to understanding, which Saadia, for example, aims to remove in his *Tafsīr*, where he transforms metaphor into literal language, rectifies ellipsis and omits redundancies.[149] But in his *Book of Discussion*, Moses Ibn Ezra speaks as a poet and provides the perspective that illuminates why *majāz* was used in the first place by the biblical authors.

Moses Ibn Ezra's work reveals the unstated literary assumptions underlying the exegetical methodology of the Geonic-Andalusian school at large, including the interpretive strategies of Maimonides, as we shall see in later chapters of this study. Moreover, he shines a spotlight on the sharp divergence of this new method rooted in Greco-Arabic learning from traditional midrashic interpretation, in which the very notion of literary embellishment is foreign.[150] In fact, the literary understanding that Moses Ibn Ezra displays would become an important feature of what Abraham Ibn Ezra, followed by David Kimhi and Nahmanides, termed "the way of *peshat*."[151] Yet Moses Ibn Ezra, like Ibn Chiquitilla and Ibn Balʿam before him, sufficed with

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[147] See Cohen, "Aesthetic Exegesis," 291–293.

[148] *Treatise of the Garden* (MS) 45–46; French translation in Fenton, *Jardin*, 118; see also Cohen, "Aesthetic Exegesis," 287–288 on the application of this objective in the *Treatise of the Garden*.

[149] See above, n. 30.

[150] See Kugel, *Idea*, 96–109; Cohen, "Aesthetic Exegesis," 286–287. Moses Ibn Ezra has been accused of being uncritically accepting of Arabic cultural superiority (*arabiyya*); see Brann, *Compunctious Poet*, 69.

[151] See Cohen, "Best of Poetry," 25–37.

the rich terminology provided by Arabic learning and saw no need to invoke the talmudic rule of *peshat* for this purpose, even though he would have been aware of its use by both Samuel ha-Nagid and Ibn Janah.[152] The need for such a concept would become acute only once the Andalusian method would be rendered in Hebrew—as in the commentaries of Abraham Ibn Ezra, to whom we now turn.

## 7. *Abraham Ibn Ezra*: Peshat *as "the Truth"*

The tension between rabbinic exegesis and the philological method was a matter of particular concern for Abraham Ibn Ezra, who wrote biblical commentaries in Christian Europe, while traveling—from age 50 until his death—through Italy, Provence, France and England.[153] Aiming to bring Andalusian learning (accessible at that time almost exclusively in Judeo-Arabic) to audiences accustomed to midrashic commentaries, Ibn Ezra was the first to cast the teachings of his exegetical heritage in Hebrew.[154] Forced by this culture clash to clarify axioms that would have been obvious in Muslim Spain, he describes

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[152] Moses Ibn Ezra manifests great familiarity with Ibn Janah's writings. He was also friends with Isaac Ibn Barun, who cited Samuel ha-Nagid's construal of the rule of *peshat* (above, at n. 84).

[153] On a number of biblical books Ibn Ezra actually wrote more than one commentary. Since we will be citing his Pentateuch commentary extensively in this study, it is worth noting at this point that we have it in two versions. Ibn Ezra completed the first version of this commentary on all five books, with a methodological introduction, in Italy around 1145. The second version, completed in France in 1153, includes only a partial commentary on Genesis with a methodological introduction, and a full, lengthy commentary on Exodus. For some reason, the early printers of the *Miqraʾot Gedolot* (Rabbinic Bible) published the later version on Exodus together with the early commentary on the other four books. The early commentary on Genesis, including the introduction, is referred to as the "standard commentary," as it appears in the traditional editions of the *Miqraʾot Gedolot*. The second, fragmentary version (now included in the *Torat Ḥayyim* and *Keter* editions of the *Miqraʾot Gedolot*) is referred to as the "alternate commentary" (השיטה האחרת). As for the Exodus commentary, the French recension, which appears in the traditional editions of the *Miqraʾot Gedolot*, is referred to as the "long commentary," whereas the Italian recension (also re-introduced in the new editions of the *Miqraʾot Gedolot*) is referred to as the "short commentary." See Weiser, *Commentary*, I:22–29; Simon, *Four Approaches*, 145–153.

[154] The Hebrew works of the tenth-century linguists Menahem ben Saruq and Dunash Ibn Labrat pre-dated the revolution in Hebrew linguistics brought about by Judah Hayyuj, and therefore cannot be regarded as a true representation of the mature Andalusian exegetical school. As a result, Jews in Christian lands in Ibn Ezra's time did not fathom its achievements, as noted by Joseph Kimhi, *Sefer ha-Galuy*, 3. In addition to his exegetical works, Ibn Ezra also wrote books on Hebrew grammar,

his exegesis as being "bound by the cords of grammar and valid in the eyes of reason";[155] i.e., it is rational linguistic analysis. Unlike predecessors who wrote in Judeo-Arabic, Ibn Ezra frequently used the term *peshat* in this sense, i.e., to connote a methodologically sound interpretation. Ironically, it is conceivable that he did so in response to Rashi, whom he deemed a midrashic commentator, as he remarks:

> Our early [Sage]s…interpreted sections, verses, words and even letters [of Scripture] by way of *derash* in the Mishnah, Talmud and Baraitas. Now there is no doubt that they knew the straight path as it is and therefore expressed the rule: "a biblical verse does not leave the realm of its *peshat*," whereas the *derash* is an added thought (or: superimposed meaning; *tosefet ṭaʿam*). But the later generations made all *derash* essential (*ʿiqqar*) and fundamental, like Rabbi Solomon (=Rashi) of blessed memory, who interpreted Scripture by way of *derash*. He thought that it is by way of *peshat*, but the *peshat* in his book[s] is less than one in a thousand. Yet the sages of our generation celebrate these books.[156]

Rashi's claim to have discovered "the *peshat* of Scripture" rankled Ibn Ezra, who believed that this credit should go to the Andalusian school, which modeled itself after what Ibn Janah had termed "the *peshat* commentaries of Rav Saadia and Samuel ben Hofni."

Ibn Ezra, however, does not subscribe to Ibn Janah's dual-meaning theory; he regards "the way of *peshat*" alone as "the straight path," elsewhere referring to it simply as "the truth" (*emet*) or "the essence" (*ʿiqqar*),[157] in contrast to *derash*, which is merely a superimposed idea. Ibn Ezra clarifies the assumption underlying this conception:

> The words of any author, whether a prophet or a sage, have [but] one meaning (*ṭaʿam*), although those with great wisdom (lit. broad hearted; i.e., the Sages) augment [this] and infer one thing from another thing…at times by way of *derash* or by way of *asmakhta*. About this the early

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mathematics, astronomy and astrology. He also translated earlier Arabic works into Hebrew, and in some cases into Latin; see Sela, *Science*.

[155] בעבותות הדקדוק נקשר ובעיני השכל יכשר; standard introduction to the Pentateuch, poetic preface, Weiser ed., I:1; see also Simon, "Ibn Ezra," 378–379.

[156] *Safah Berurah*, Lippmann ed., 4b–5a; Wilensky ed., 288. On the implications of this comment, see Mondschein, "Rashi," 221–248. On the multivalent term *ṭaʿam* in Ibn Ezra's lexicon, see Cohen, *Three Approaches*, 43n, 237n, 243n.

[157] See Ibn Ezra, Pentateuch commentary, introduction, standard and alternate, Weiser ed. I:1, 137 ("the truth is like the point at the center of the circle"); short comm. on Exod 21:8, cited below at n. 176 (see esp. n. 174).

[Sage]s, of blessed memory, said: "a biblical verse does not leave the realm of its *peshat*."[158]

Whereas Ibn Janah viewed midrashic exegesis as a viable alternative to *peshat* interpretation, Ibn Ezra merely lauds the ingenuity of rabbinic midrashic exegesis, but he does not regard it as pure interpretation of Scripture. Ibn Ezra thus advances a *very strong reading* of the *peshat* principle, i.e., that a verse says nothing except for its *peshat*, whereas Ibn Janah merely concluded from it that a verse cannot be deprived of its *peshat*, though its midrashic reading is also valid as a method of scriptural interpretation.[159]

As a staunch Rabbanite critic of Karaism, Ibn Ezra hardly intended to dismiss rabbinic exegesis wholesale; he simply argues that it must be understood critically. As he writes in a rather laudatory tone in his introduction to Lamentations:

> The *midrashim* of our righteous early [Sages]…are founded upon truth and firmly cast in knowledge, and all of their words are like gold and silver purified seven-fold. However, their *midrashim* are divided into many types (lit. ways). Some of them are riddles, mysteries and allegories…and some are [homilies intended] to revive (lit. widen) exhausted hearts…and some are to bring faith to those who falter or to educate the ignorant (lit. fill the empty). Therefore the meanings of the verses are compared to bodies, whereas the *midrashim* are like clothing attached to the body, some fine as silk, others thick as sack-cloths. And the way of *peshat* is the body.…And they [i.e., the Sages] thus said that "Scripture is according to its *peshat*" (המקרא כפשוטו).

Echoing a critical attitude that can be traced to the geonim, Ibn Ezra argues that midrashic literature was not necessarily intended to be taken literally, nor was it always formulated as genuine exegesis. For him *peshat* alone represents the true meaning of Scripture, a doctrine he bases on the motto "Scripture is according to its *peshat*"—a paraphrase of the talmudic *peshat* principle according to his strong reading.[160] Some *midrashim* contain *peshat* interpretations that reveal

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[158] *Yesod Diqduq*, Allony ed., 86. On the notion of *asmakhta*, see below, at nn. 173, 176.

[159] This is precisely the debate between Nahmanides and Maimonides over the understanding of the *peshat* maxim; see following note.

[160] Compare Nahmanides' critique of Maimonides' Principle #2 in the *Book of the Commandments*: "They did not say אין מקרא אלא כפשוטו ('Scripture is nothing but its *peshat*')…" (*Hassagot*, Chavel ed., 45). Ibn Ezra, like Maimonides after him,

the true intent of Scripture like tight-fitting silk garments, whereas others conceal it as thick sack-cloth hides the features of the body beneath.

Ibn Ezra makes a similar point less poetically in two key passages in *Yesod Mora*, his work devoted to classifying the commandments of the Torah that make up Jewish law:

> It is not appropriate for an educated person to be ignorant (lit. empty) of biblical wisdom [i.e., knowledge of Scripture], for [otherwise] when he finds written in the Talmud "As it says…[i.e., in a biblical citation]," he will not know from which biblical book it is, or if it is by way of *peshat* or *derash* or merely an *asmakhta*, for in their great wisdom and sharp analysis they deduce one thing from another. But they knew the *peshat* more than any of the subsequent generations.[161]
>
> Sometimes they find a clear attestation from the Torah [for a given law]; but sometimes [they use] the way of *derash*, or the way of mere *asmakhta*. And one who has a mind (lit. heart) will be able to discern when they speak *peshat* and when they speak *derash*, for their words are not all of one type.[162]

According to Ibn Ezra, the Rabbis knew the correct interpretation of Scripture, i.e. the *peshat*, though they also devoted their energies to other, more fanciful types of exegesis. It is left to the discerning reader to decide to which type each midrashic "reading" belongs.

The notion that Scripture has but one correct meaning can be traced to the axiom of Saadia that was reiterated by Samuel ben Hofni; but Ibn Ezra alone refers to this genuine meaning of Scripture as *peshuto shel miqra*, reflecting a shift to Hebrew terminology from the Arabic conceptions of his predecessors. Yet traces of geonic formulations can be detected in Ibn Ezra's Hebrew writings. Indeed, he renders Saadia's axiom in Hebrew in the second version of his detailed methodological introduction to the Pentateuch:

> I shall tell you a principle in Torah, whether in Scripture, Mishnah, any talmudic tractate or midrashic work: that if we find in any of them something that contradicts one of three things, (1) sound reason, (2) another verse or (3) transmitted [rabbinic] tradition, then we must attempt to adjust (*le-taqqen*; lit. to correct, repair) it…by [interpreting it by] way

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understands the *peshat* maxim precisely in this way. For further discussion of the debate between Nahmanides and Maimonides, see below, chapter seven, sec. 6.

[161] *Yesod Mora* 1:4, Cohen and Simon ed., 77–78.

[162] *Yesod Mora* 6:1 Cohen and Simon ed., 130–131.

of *mashal* or by adding a letter or word,[163] according to the custom of our language.[164]

As Saadia and Samuel ben Hofni before him established, a correct interpretation of any biblical verse must take into account all relevant sources of knowledge, including the remainder of Scripture, reason and tradition. Ibn Ezra replaces Arabic *majāz* with Hebrew *mashal* (i.e., figurative language), which was perhaps already an established convention.[165] With respect to the term *taʾwīl* he seems to have been more original in coining the Hebrew equivalent TIQQUN, which connotes an endeavor to "correct/repair" or "adjust" the sense of Scripture.[166]

As for the term *ẓāhir*, Ibn Ezra deliberately avoids rendering it *peshat*, as Samuel ben Hofni and his Andalusian followers Samuel ha-Nagid and Isaac Ibn Barun had done. Instead, Ibn Ezra uses the term *ke-mashmaʿo* (according to its literal sense; lit. as it sounds) as an equivalent of Arabic *ʿala ẓāhirihi*.[167] For example, earlier in the alternate introduction to the Pentateuch, he alludes to Saadia's rationalist axiom:

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[163] This formulation can be traced to Saadia, who, in his introduction to the *Tafsīr*, writes that where necessary he will "insert a word or a letter" in his Arabic translation to clarify Scripture's intent; see above, n. 56.

[164] Alternate introduction, "the fourth way," Weiser ed., I:139. An earlier, more rudimentary Hebrew version of this rule was articulated by the eleventh-century Karaite exegete Yeshuʿah ben Yehudah, whom Ibn Ezra cites occasionally; see Fenton, *Jardin*, 269; Weiser, *Commentary*, introduction, 65. Ibn Ezra refers to this principle (in briefer form) elsewhere in his commentaries; see Pentateuch commentary, standard introduction, "the third way," Weiser ed., I:6–7; long comm. on Exod 13:9, Weiser ed., II:87. The stock example he cites in those two places is Deut 10:16, "circumcise the foreskin of your hearts," which he interprets figuratively (see comm. ad loc. and *Yesod Mora* 7:7, Cohen and Simon ed., 145–146; see also below, at n. 168).

[165] See citation from Hayya Gaon above, at n. 80. On the usage of the Hebrew term *mashal* as an equivalent of *majāz* in Ibn Ezra's lexicon, see Cohen, *Three Approaches*, 43–65. The term *mashal* (Ar. *mathal*) is used by Maimonides in the more specific sense of *a parable*, i.e., a tale with two levels of meaning, as discussed in chapter two below.

[166] See Cohen, *Three Approaches*, 42. On the basis of this connotation of the Arabic term itself, see above, n. 15.

[167] Compare Judah Ibn Tibbon's rendering of the term *ẓāhir* used by Saadia as *nirʾeh* (above, n. 42). The term *mashmaʿ* derives from the root ש-מ-ע, to hear. The interchangeable use of "hearing" and "seeing" as metaphors for understanding (and hence the obvious sense, i.e., the meaning immediately perceptible) is hardly surprising. Compare the Aramaic expressions תא שמע ("come and hear") and תא חזי ("come and see"; like Hebrew בא וראה) commonly used in rabbinic literature. In some instances Saadia actually uses Arabic *masmūʿ* (heard, audible) as an equivalent of *ẓāhir*; see Ben-Shammai, "Tension," 37.

> If we find a text in the Torah that reason does not tolerate, then we shall add or adjust (*netaqqen*) according to our ability by way of the rules of language…And even in [connection with the] commandments we shall do thus, if the matter in its literal sense (*ke-mashmaʿo*) is impossible. For example, "Circumcise the covering (lit. foreskin) of your hearts" (Deut 10:16) [which is obviously not meant literally] because it is written about the commandments "that man shall perform them and live by them" (Lev 18:5). And furthermore, because God commanded that we shall not murder others, and how could He command man to murder himself cruelly.[168]

Ibn Ezra does not refer to the literal sense as *peshat* because that turns out to be an incorrect reading. In such cases, "the way of *peshat*" dictates the need for a figurative reading.

Similarly, in his commentary on Exod 21:24, the famous biblical law of *lex talionis* ("eye for eye"), Ibn Ezra writes:

> Rabbi Saadia said that we cannot interpret this verse literally (*ke-mashmaʿo*)…and the rule is that we cannot interpret the commandments of the Torah accurately (lit. a complete interpretation) unless we rely on the words of our Sages, of blessed memory. For just as we received the [written] Torah from our fathers, so we received the Oral Torah, there is no difference between them. Thus, the meaning of "eye for eye" is that he deserves to be [punished] "eye for eye," unless he gives compensatory payment (lit. ransom).[169]

The correct interpretation of this verse is not equivalent to its literal sense; and Ibn Ezra thus took care not to label the former *peshat*, but rather *mashmaʿ*. Ibn Ezra regards *peshuto shel miqra* as the correct interpretation, which is the final yield of linguistic-contextual analysis that also takes into account reason and rabbinic tradition.[170] As such, the rule of *peshat* is absolute, but he would hardly apply a similar judgment to the literal sense (*mashmaʿ*) of Scripture.[171]

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[168] Alternate introduction, "the first way," Weiser ed., I:137.

[169] Long comm. ad loc., Weiser ed., II:152.

[170] Admittedly, there is some terminological inconsistency in Ibn Ezra's use of the term *peshat*, which at times has other connotations in his writings. E.g., he uses the term to label his literal reading of the Song of Songs, even though he believes that ultimately the correct interpretation of that biblical book is to be found on the allegorical level; see Cohen, *Three Approaches*, 46–48; Alster, "Human Love," 175–182. In one passage, he uses the term *peshat* in the sense of Arabic *ḥaqīqa* to denote literal language; see comm. on Qoh 5:1, Gomez-Aranda ed., 50*.

[171] To be sure, there are instances in which Ibn Ezra takes issue with predecessors for what he regarded as unwarranted or mistaken applications of *taʾwīl/tiqqun*, and in some such cases he might protest that the verse in question is to be taken *ke-mashmaʿo*. See, e.g., above, at n. 91; see also Ibn Ezra, comm. on Gen 1:3 (standard

While Ibn Ezra regards the oral tradition of the Rabbis to be accurate, and as such capable of overriding the literal sense of Scripture, he strikes a delicate balance by arguing that rabbinic literature is also subject to reinterpretation where it conflicts with reason.[172] He uses Saadia's axiom for this purpose, as he continues in the alternate introduction to his commentary on the Pentateuch, after first introducing the Gaon's rule:

> And this is what we shall do if we find in the tradition (*qabbalah*) something that contradicts Scripture. We shall determine which one is correct (lit. true), and we shall adjust (*netaqqen*) the other that stands against it, for there are known places where our predecessors [i.e., the Rabbis] engaged in *derash* merely as a reminder (*zekher*) and *asmakhta*, although they knew the *peshat*.[173]

Ibn Ezra took the final sentence in this passage, appearing in the second version of his Pentateuch commentary (written in France around 1156), from the first version of his Pentateuch commentary (composed in Italy before 1145), where he had already written:

> I shall relate a principle: There are known places in the Torah that our Sages made into a sort of *asmakhta*, though they knew the essence ('*iqqar*).[174] For example, "and he shall inherit it (lit. her; וְיָרַשׁ אֹתָהּ)" (Num 27:11): it was known through tradition that a man inherits his wife['s possessions], and they used this verse midrashically (דרשו זה הפסוק) to be a reminder (*zekher*). For every Jew knows the interpretation

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and alternate); 6:6 (standard and alternate); 22:1; long comm. on Exod 4:20, 13:9, 33:22; short comm. on Exod 33:5; Lev 20:3; Num 11:21; Zech 14:7; Ps 2:4. Other examples are cited by Perez, "Substitution," 221–224. Yet, despite his literalist tendency, Ibn Ezra does not equate *peshuto shel miqra* with *mashma'o*, since he is quite willing to rely on *tiqqun/ta'wīl* where necessary. Moreover, it is not literalism *per se* that motivates Ibn Ezra, but rather a desire to resolve exegetical difficulties using the simplest possible solutions; see Cohen, *Three Approaches*, 65–82.

[172] Symptoms of this dual allegiance can be found throughout Ibn Ezra's writings. On the one hand, he vigorously criticizes the Karaites for believing that "their tradition [i.e., of the Rabbis] contradicts Scripture and grammar" (Pentateuch comm., standard introduction, "the fifth way," Weiser ed., I:8). Yet at the same time he was well aware that rabbinic interpretation does indeed seem to do just that. It was to parry this contradiction that Ibn Ezra devised his views on the nature of rabbinic "readings of Scripture," as expressed, e.g., in his introduction to Lamentations (cited above); see also Pentateuch comm., standard introduction, "the fourth way," Weiser ed., I:7.

[173] Alternate introduction, "the fourth way," Weiser ed., I:140–141.

[174] In the parallel passage just cited from his alternate introduction to the Pentateuch, Ibn Ezra uses the term *peshat* ("they knew the *peshat*") to replace the term '*iqqar* ("essence")—an indication of his thoughts regarding the status of "the *peshat*."

of this verse, which is according to its literal *peshat*[175]…Rather, the correct [approach] is that the verse is [meant] according to its *peshat*, and they added a thought (or: idea; *ṭaʿam*) as a matter of tradition.[176]

Emphasizing that the Rabbis were well aware of "the essence" of Scripture, i.e., *peshuto shel miqra*, Ibn Ezra goes on to cite his stock example of the *asmakhta* principle, which relates to the talmudic comment "He shall inherit her—this teaches that the husband inherits [the possessions of] his wife" (b.*Bava Bathra* 111b).[177] The implausibility of such a reading is evident when one views this clause in the context of the entire verse: "If his father has no brothers, you shall assign his inheritance (נחלתו) to his kinsman who is next to him of his family, and he shall inherit it (lit. her; וְיָרַשׁ אֹתָהּ)." It is quite clear that "his inheritance (נחלתו)" is the antecedent of the pronoun-suffix *heh*, not the wife, who is not mentioned at all in this verse.

Ibn Ezra's motive for originally placing this rule in his gloss on Exod 21:8 is clear: this is the beginning of the first major halakhic section of the Pentateuch. At this point he evidently perceived the need—as Ibn Janah before him did—to explain how he can diverge from rabbinic halakhic midrashic exegesis in his contextual-philological commentary. Relying on a doctrine that can be traced to Saadia (above, n. 41), Ibn Ezra argues that in many cases rabbinic halakhic readings are not the true source of Talmudic law, but were devised secondarily to link the biblical text with ancient traditions from Sinai.[178] Acutely aware of Karaite critiques, Ibn Ezra can thus posit that the Rabbis "knew the essence/*peshat*" (above at n. 174) and never actually used midrashic methods to determine the meaning of Scripture.[179]

When repeating this principle (almost word for word, though here he says that the Rabbis "knew the *peshat*,") in the second version of his

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[175] כמשמעו ופשוטו; in using this pair of terms, Ibn Ezra evidently means to say: "according to its literal sense, which is its *peshat*."

[176] Short comm. on Exod 21:8, Weiser ed., II:291–292.

[177] Ibn Ezra also uses this example to illustrate this rule in *Safah Berurah*, Lippmann ed., 5a, Wilensky ed., 289 (in the continuation of the passage cited above, at n. 156), and the introduction to the alternate comm. on Genesis (cited above, at n. 173).

[178] Saadia's doctrine on this matter will be discussed in chapter five, sec. 1. Ibn Ezra frequently refers to the Rabbis as "transmitters" (*maʿatiqim*), i.e., of the "tradition" (*haʿataqah, qabbalah*) that can be traced to Moses, as expressed in the rabbinic expression ע״כ העתיקו חז״ל...הלכה; see, e.g., comm. on Lev 25:9 (הלכה למשה מסיני למשה מסיני), and *Yesod Mora* 1:3, 6:1, Cohen and Simon ed., 70, 130–131.

[179] Judah ha-Levi offers a similar defense of the Rabbis in *Kuzari* III:22, 68–73 (cited in chapter five, sec. 1, below).

commentary, where he now wisely gives it more prominence by plac-
ing it in his general introduction to the Pentateuch, Ibn Ezra correlates
it with Saadia's rule. Rabbinic exegesis, like Scripture itself, is subject
to *taʾwīl/tiqqun*. Hence, where it contradicts what seems to be the
philological-contextual sense of Scripture, "we shall determine which
one is correct (lit. true), and we shall adjust (*netaqqen*) the other that
stands against it." To be sure, at times this means that Ibn Ezra will be
compelled to accept a rabbinic interpretation against his own interpre-
tive intuition—and adjust his reading of Scripture accordingly (a case
to which we shall return in chapter seven below). But his more usual
tendency is to recast the rabbinic "exegesis" as *derash*, thereby allow-
ing his philological reading to stand. It is important to emphasize,
however, that in either case, in Ibn Ezra's view there can be only one
correct interpretation—and that alone is worthy of the label *peshat*.

\* \* \*

By way of conclusion we can say that Ibn Ezra represents a culmi-
nation of the long Geonic-Andalusian exegetical tradition, which he
summed up but also modified according to his needs in a Hebrew
commentary aimed at Jewish readers in Christian Europe. The termi-
nology of his predecessors reflected usages in qurʾanic hermeneutics,
with the concepts of *ẓāhir al-naṣṣ* and *taʾwīl* taking center stage. The
talmudic rule of *peshat*, and even the term *peshat* itself, were truly
marginal in that tradition and their meaning subject to debate, as we
can illustrate in the following chart:

| Author | *peshat* means | vs. | Status of *peshat* | Construal of the *peshat* principle |
|---|---|---|---|---|
| 1. Saadia | *basīṭ*, simple sense _____ *ẓāhir* | More complex rational-philological analysis _____ *taʾwīl* | No clear judgment | Unknown (he never cites the rule) |
| 2. Samuel ben Hofni (and Samuel ha-Nagid) | *ẓāhir*, obvious, apparent sense | Meaning determined through *taʾwīl* | Correct unless *taʾwīl* is indicated (as it often may be) | **Weak reading**; *peshat* is a starting point, but other factors can override it |

Table (*cont.*)

| Author | *peshat* means | vs. | Status of *peshat* | Construal of the *peshat* principle |
|---|---|---|---|---|
| 3. Ibn Janah | Philological-contextual interpretation | Halakhic midrashic reading | *peshat* and *derash* co-exist; both are correct | **Strong reading**; *peshat* is inviolate; its validity is not undermined by accepting validity of *derash* |
| 4. Ibn Chiquitilla, Ibn Balʿam, Moses Ibn Ezra | Apply a literary, philological method of interpretation, but never invoke the talmudic rule of *peshat*, nor do they even use the term *peshat* | | | |
| 5. Abraham Ibn Ezra | Correct interpretation, determined by considering all factors—philology, context, reason and tradition (including *halakhah*) | *derash, asmakhta* = fanciful homiletic readings of Scripture | *peshat* is the single correct meaning of Scripture | **Very strong reading**; "Scripture is according to its *peshat*," i.e., *peshat* alone |

As this chart illustrates, various attitudes toward the *peshat* principle can be discerned within the Geonic-Andalusian tradition:

1. Since Saadia never cites the talmudic rule of *peshat* and uses the term *peshuto shel miqra* only rarely, it is difficult to pin down his attitude toward them. In his Proverbs commentary, he equates *peshuto shel miqra* with the "simple" (*basīṭ*) reading; but this does not necessarily imply a value judgment, as most of his commentaries (unlike his *Tafsīr*) entail a more complex (non-*basīṭ*) exegesis. Indeed, the most important features of Saadia's exegetical system are absent from this chart, precisely because he did not connect them with the term *peshat*: (a) his general tendency to interpret Scripture according to a rational, philological-contextual method (on account

of which Ibn Janah would laud his "*peshat* commentaries"); (b) his fundamental axiom—patterned after notions common in qurʾanic hermeneutics—that *taʾwīl* must be applied where the *ẓāhir* contradicts reason, another verse or rabbinic tradition, an axiom that strongly influenced the subsequent Geonic-Andalusian tradition. In a singular passage in his commentaries, Saadia seems to identify *peshuto shel miqra* with *ẓāhir al-naṣṣ*, as opposed to *taʾwīl*, although he does not indicate a preference there for one method over the other. Still, this equation may be viewed as a precedent for Samuel ben Hofni.

2. Equating *peshuto shel miqra* with *ẓāhir al-naṣṣ*, Samuel ben Hofni uses the talmudic rule of *peshat* to support Saadia's axiom: a verse ought to be interpreted in its obvious sense—according to its *peshat/ẓāhir*—unless such a reading is untenable (for the reasons enumerated by Saadia), in which case *taʾwīl* must be applied to determine the correct (non-*peshat/ẓāhir*) meaning of Scripture. Since Samuel ben Hofni (like Saadia) often engaged in *taʾwīl*, the equation of *peshat* and *ẓāhir* effectively renders the *peshat* principle a rule made to be broken. Samuel ben Hofni's weak reading was evidently influential in al-Andalus, as we find it cited by Isaac Ibn Barun in the name of Samuel ha-Nagid.

3. Ibn Janah agrees with his predecessors that *taʾwīl* is often necessary, and he points to the rational, philological-contextual exegesis of Saadia and Samuel ben Hofni as his model. But he uses the term *peshat* to label the final result of their interpretive method, not simply the obvious sense which is merely the first step in the exegetical process. For Ibn Janah *peshuto shel miqra* is no longer *ẓāhir al-naṣṣ*, but rather the most reasonable philological-contextual interpretation of Scripture, in contrast to readings derived by the Rabbis using their midrashic methods. Adopting a strong reading of the *peshat* principle, Ibn Janah argues that *peshat* is inviolate; i.e., it remains valid even in the face of an opposing rabbinic interpretation.

4. Powered by the linguistic foundation established by Ibn Janah, his successors Ibn Chiquitilla, Ibn Balʿam and Moses Ibn Ezra construct a comprehensive philological-literary method of interpreting the Hebrew Bible. Yet they do not invoke the rule of *peshat* or even use the term *peshat* at all for this purpose.

5. The concept of *peshat* becomes prominent in the exegetical work of Abraham Ibn Ezra, who takes a step beyond Ibn Janah's model and advances a very strong reading of the *peshat* principle, i.e., that

*peshuto shel miqra* is not merely inviolate; it is, in fact, the "truth"—
the single correct sense of the biblical text. From a theoretical per-
spective, he follows the view of Saadia and Samuel ben Hofni (and
not of Ibn Janah) that Scripture has but one correct meaning, to
be determined by taking reason and tradition into account. Termi-
nologically, however, he follows Ibn Janah in defining *peshuto shel
miqra* as the most reasonable philological-contextual interpretation
of Scripture.[180] Indeed, it is precisely these features that characterize
Ibn Ezra's "way of *peshat*," which he regularly contrasts with the
non-scientific "way of *derash*" popular among his audiences in the
Jewish communities in Christian Europe.

Having surveyed the key terms of the Geonic-Andalusian school from
the tenth through twelfth centuries, we are now prepared to turn to
Maimonides. In making this transition, we must recall that the great
exegetical authorities of the time were authors that predated Ibn Ezra,
who was just beginning his career as a biblical commentator in Chris-
tian lands during Maimonides' youth. Furthermore, unlike Ibn Ezra,
Maimonides always lived in a Muslim milieu and wrote primarily in
Judeo-Arabic. He thus regularly spoke in terms of applying *taʾwīl* to
adjust *ẓāhir al-naṣṣ*. While this was an important aspect of what Ibn
Ezra would call "the way of *peshat*," the label *peshat* itself was not
yet prevalent in al-Andalus, nor would it be used in the same sense
by Maimonides. We will therefore turn first to his use of the term
*ẓāhir*—in the next three chapters which together make up the remain-
der of the first part of this study. The following chapter is devoted
to defining the range of connotations this term has in Maimonides'
usage, which is largely consistent with its usage by his predecessors. In
chapters three and four we chart the innovative interpretive strategies
Maimonides devised using the concept of *ẓāhir al-naṣṣ*, thereby mak-
ing distinctive contributions to the Andalusian exegetical school. We
will turn to Maimonides' unique concept of *peshuto shel miqra* against
the backdrop of his predecessors' definitions of this term in the second
part of this study, beginning in chapter five below.

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[180] The difference, however, is that since Ibn Ezra regards *peshuto shel miqra* as
the single correct interpretation, he must also take the rabbinic halakhic reading into
consideration to arrive at it; this is an issue we shall address in chapters seven and
eight below.

## ẒĀHIR AL-NAṢṢ IN MAIMONIDES' SYSTEM

Having clarified the key terms and concepts of his predecessors' herme-neutics, we are now in a position to turn to Maimonides' system. As indicated in the introduction, the term *ẓāhir al-naṣṣ* is of special inter-est because of its possible relation to the concept of *peshuto shel miqra*, the term which Hebrew translators often used to render it. Our brief survey of the Geonic-Andalusian school, however, should be sufficient to suggest the problem of identifying these two concepts. In light of his Judeo-Arabic heritage, it was only natural for Maimonides to employ the terms *ẓāhir al-naṣṣ, majāz* and *taʾwīl* in an effort to inter-pret Scripture properly and fully, based on a grammatical-philological analysis, adjusted in light of reason and rabbinic tradition. It is within this rubric that the term *ẓāhir al-naṣṣ* acquires its range of connota-tions in Maimonides' writings, which we delineate in this chapter in an endeavor to explore his exegetical sensibilities.

  Two preliminary remarks should be made at this point. First of all, in studying the term *ẓāhir* in Maimonides' lexicon, it is important to distinguish between the *meaning* of a term, i.e., its strict defini-tion, and its *use*, i.e., the specific connotations it conveys in a par-ticular context.[1] The word *ẓāhir* is the participle of the verb *ẓahara/yaẓharu* (form I) meaning *to become visible*. When used as a technical term in the expression *ẓāhir al-naṣṣ*, it can be said to have a rather clear-cut definition: that which is evident or immediately clear from the text, its *obvious* or *apparent* sense (Hebrew: *nigleh* or *nirʾeh*, used occasionally by medieval translators),[2] and these two are the English terms that will generally be used in this work to render the term *ẓāhir*.[3] The specific coloration this term acquires, however, depends on the

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[1] This distinction is adapted from twentieth-century philosophy of language; see Alston, *Language*, 13; Stern, *Metaphor*, 33–38.

[2] See below, n. 49.

[3] The subtle difference between *obvious* and *apparent* allows room for some nuance, as discussed below. Some modern writers render *ẓāhir* as *the literal sense*, which indeed reflects the term's usage (as amply exemplified in the previous chapter), but not its literal definition.

context, generating insinuations significant enough to require differ-
ent translations. In one of his responsa (cited below, at n. 23), Mai-
monides uses the term *ẓāhir al-naṣṣ* to connote the *manifestly correct*
interpretation of a particular verse. But the query recorded together
with another Maimonidean responsum criticizes "the Karaites [who]
reject the Oral Torah…and do not accept the tradition (*naql*), but
rather adhere to *ẓāhir al-naṣṣ*."[4] In the first case, J. Blau, the great con-
temporary authority on Judeo-Arabic, renders *ẓāhir al-naṣṣ* as *peshuto
shel miqra* (reflecting the term's modern Israeli usage, i.e., the plainly
correct sense of the text). But the questioner in the other responsum
(whose outlook Maimonides no doubt shared) uses *ẓāhir al-naṣṣ* to
imply the deficiency of Karaite interpretation; Blau therefore renders it
*ḥiṣoniyyut ha-miqra*, i.e., the *external* or *superficial* sense of Scripture,
as opposed to the superior tradition-based Rabbanite reading, which
may not be readily apparent.[5]

   Second, the various connotations of the term *ẓāhir* in Maimonides'
writings are already attested in his Judeo-Arabic literary heritage.
Indeed, as Saadia's fundamental axiom (above, chapter one, sec. 1)
implies, where the *ẓāhir* contradicts sense perception, reason, another
verse or tradition, it is merely the *apparent*—and *incorrect*—sense, but
otherwise the *ẓāhir* is the *obvious*—and *correct*—sense, what Ibn Ezra
would classify as *peshuto shel miqra*.[6] The term *ẓāhir* is used in yet a
third way in the context of a MASHAL (Ar. MATHAL; parable, allegory),
i.e., a text with two levels of meaning: a surface level, termed the *ẓāhir*,
and a deeper level, termed the BĀṬIN (lit. hidden, interior).[7] In such
cases, the *ẓāhir* is a correct construal of the language, but it does not
yield a complete understanding of the text and the intention of its
author. Moses Ibn Ezra, in his *Book of Discussion*, notes that Scrip-
ture links the *mashal* with the ḤIDDAH (a riddle or an enigmatic tale),
as they are closely related (for example in Ps 78:2, "Let me open my
mouth in a *mashal*, let me utter *ḥiddot* of old"), and offers the follow-
ing definition for both:

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   [4] See *Responsa* #265, Blau ed., II:502; compare #263 (II:498).
   [5] There is a medieval precedent for this translation; see below, n. 49.
   [6] E.g., in his long comm. on Exod 13:9 he writes: "It is indeed intended literally
(*ke-mashmaʿo*)…[and we must not] remove it from its *peshat*, for when [taken] liter-
ally (*ke-mashmaʿo*) it does not contradict reason."
   [7] The workings of the *mashal* genre, and the relationship between the *ẓāhir* and
*bāṭin* within it, will be discussed below in section 1.4 and are the focus of chapter
four.

they have a hidden interpretation (*taʾwīl bāṭin*) other than that which is apparent (*yaẓharu*) from their language."[8]

Although it is not the ultimate intent of the *mashal*, the *ẓāhir* has literary value. Indeed, Moses Ibn Ezra makes this observation about the erotic love poetry in the Song of Songs, which he took allegorically following rabbinic tradition.[9] And yet he regarded the *ẓāhir* of this biblical text as a model worthy of poetic emulation. Defending erotic medieval Hebrew poetry, he thus writes:

> The love and passion…[depicted by] the poets of our people are not repugnant since this is found in the Holy Writings, even though the hidden meaning (*bāṭin*) of that work is different from the obvious meaning (*ẓāhir*) of the words.[10]

At times the *ẓāhir* is also regarded as having substantive value, as Saadia occasionally remarks in his Proverbs commentary:

> The words of the prophet [i.e., Solomon] are beneficial to us according to their *ẓāhir* and according to their *bāṭin*.[11]

In such cases, the *ẓāhir* yields a correct reading, but reflects Solomon's intentions only partially.

The multivalence of the term *ẓāhir* in Maimonides' writings largely reflects its shades of usage in his Geonic-Andalusian heritage. This, in fact, seems to hold true for his Arabic terminology in general. By contrast, Maimonides tends to devise novel definitions for traditional

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[8] *Book of Discussion*, 146a. For further discussion of the relation between *mashal* and *ḥiddah* in the Judeo-Arabic tradition, see Cohen, *Three Approaches*, 36n, 49–50, 197. Ibn Janah, *Roots*, s.v. חוד defines *ḥiddah* as *quṣūṣ wa-ikhbār* (tales and accounts), without emphasizing its esoteric dimension. It is noteworthy that Radak, who typically follows Ibn Janah in his own biblical dictionary (also entitled the *Book of Roots*, except that it was written in Hebrew rather than Arabic), defines *ḥiddah* as: דבר סתום שיבינו המבינים דבר אחר מתוך אותו הדבר ("a sealed matter, from which the discerning [people] can understand something else"); see Cohen, *Three Approaches*, 140–144. Radak, a staunch Maimonidean, seems to have been influenced here by the great philosopher, and perhaps by Moses Ibn Ezra.

[9] As Abraham Ibn Ezra writes: "Heaven forbid that the Song of Songs [consists of] erotic matters, except by way of *mashal*" (introduction to his standard commentary on the Song of Songs, appearing in the Rabbinic Bible [*Miqraʾot Gedolot*]). For further discussion, see chapter four, sec. 2 below.

[10] *Book of Discussion*, 143a.

[11] Comm. on Prov 7:24, Kafih ed., 72. See also comm. on Prov 1:6 (Kafih ed., 25), 10:1 ("This is firstly according to its *ẓāhir*; but according to its *bāṭin*…"; Kafih ed., 93). On Saadia's view of the phenomenon of a text with dual meaning, see Ben-Shammai, "Rabbinic Literature," 40–47.

Rabbinic Hebrew/Aramaic terms, which provide the basis for his distinctive halakhic and theological positions. A prime example is his usage of the term *peshat*, as we shall see in chapter six below.[12] In the current chapter, however, we focus on the term *ẓāhir* in Maimonides' exegetical writing in order to answer two questions:

- What are the various shades of meaning conveyed by this term in Maimonides' exegetical system?
- What does Maimonides' thinking regarding *ẓāhir al-naṣṣ* reveal about his attitude toward to "the way of *peshat*," as Ibn Ezra termed the Geonic-Andalusian philological-contextual method? In particular, does it imply a "devaluation of *peshat*"?

### 1. *Four Uses of the Term* Ẓāhir al-Naṣṣ

To appreciate Maimonides' exegetical sensibilities reflected in his use of the term *ẓāhir* and the related expression *ẓāhir al-naṣṣ*, it is helpful to discern four connotations of this term in his writings:

(i)    elementary sense
(ii)   manifestly correct sense
(iii)  superficial sense
(iv)   basic sense

We have chosen these coinages—that differ only subtly—with an eye to capturing the various connotations of a term that has one basic meaning. The key to differentiating among them is to ask what value judgment each implies and what it insinuates about the alternative non-*ẓāhir* reading. Usage (i) is the least value-laden; Maimonides simply states what is immediately apparent from Scripture, without necessarily granting it authority over some other less obvious reading. Usage (ii) implies approbation, i.e., the self-evident cogency of an interpretation. Usage (iii), on the other hand, carries a negative implication, i.e., that the *ẓāhir* is misleading. Usage (iv) falls somewhere between

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[12] Another good example is his definition of the category termed "a law to Moses from Sinai" (הלכה למשה מסיני) in rabbinic literature; see below, chapter five, sec. 4.3. See also *Guide* II:45 where he formulates a definition of the term "holy spirit" (רוח הקדש), as distinct from prophecy (נבואה) proper.

(ii) and (iii): on the one hand, it suggests the cogency of the reading labeled *ẓāhir al-naṣṣ*; but at the same time it implies the existence of a deeper sense of the biblical text that is more difficult to discern but is ultimately more valuable.[13]

## 1.1.  *Elementary Sense*

This usage is characteristic in Maimonides' Mishnah Commentary, where he frequently uses the expression *naṣṣ al-Torah* ("an explicit text of the Torah") to say that a given law, doctrine or tradition recorded in the Talmud can be traced to a clear biblical text.[14] On occasion, however, he uses the term *ẓāhir al-naṣṣ* for this purpose.

### 1.1.1.  *Lev 6:8*

In his commentary on m.*Menaḥot* 3:5, which describes the meal offer-ing, Maimonides remarks on the mishnaic ruling that the "handful of flour" removed from the offering and frankincense (both of which are burnt on the altar) are absolute requirements:

> As for the handful of flour and frankincense, this is clear from *zawāhir al-nuṣūṣ* (pl. of *ẓāhir al-naṣṣ*) "He shall take from it his handful, of the flour … and all the frankincense" (Lev 6:8).[15]

What he means to say is that this law is readily apparent from the *ele-mentary sense* of Scripture. In other words, no exegetical work needs to be done to ascertain this meaning of the text.

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[13] In the discussion in the section that follows we will refrain from translating the term *ẓāhir* in the Maimonidean passages we cite, leaving its interpretation to the analysis of each example. At the end of this section we will explain how the four con-notations of this term correlate to the two English translations we adopt elsewhere in this study, i.e., *the apparent sense* and *the obvious sense*.

[14] See, e.g., commentary on m.*Avot* 5:2–3 (below, at n. 18), *Zavim* 5:2, *Yadayim* 4:7, ʿ*Uqṣin* 3:9 (Kafih ed., IV:552–553; VI:682, 718, 735). On this usage, see Blau, *Diction-ary*, s.v. נצץ. The locutions קאל אללה, קאל אלכתאב ("God said," "Scripture said") are also used frequently in Maimonides' Mishnah commentary to introduce a biblical source for a particular law or rabbinic statement. The notion of *naṣṣ* as a clear textual source ("unambiguous language of the Qurʾan") is common in Muslim jurisprudence; see Hallaq, *Origins*, 209. Compare Lane, s.v. نصّ ("a text of the *Ḳur-án*, or of the *Sun-neh*, used as an authority in an argument, for proof of an assertion"). Maimonides' view of the role of *naṣṣ* in this sense as a key source of the *halakhah* will be discussed at length in chapters five and six below.

[15] Kafih ed., V:115.

### 1.1.2. *Lev 11:34*

It is important to observe, however, that obviousness per se is not
regarded by Maimonides as a proof for the correctness of a given
interpretation. For example, in his commentary on m.*Ṭohorot* 4:10,
Maimonides discusses a debate recorded in the Talmud regarding the
status of liquids as a source of defilement, based on Lev 11:34, "and
all drink that may be drunk in every such utensil shall be unclean
(יטמא)":

> The uncleanliness of liquids themselves is biblical, as the text [of Scrip-
> ture] makes clear (*ẓāhir*),[16] but their ability to make other things [that
> they touch] unclean is only rabbinic…However, there is [an opinion]
> that maintains that even the ability of liquids to cause other things
> to become unclean is biblical, and [the word]…יִטְמָא (it will become
> unclean) means *it will cause uncleanliness* (יְטַמֵּא) to something else.[17]

The first opinion, as Maimonides notes, is based on *ẓāhir al-naṣṣ*; on
this view, the law is stated clearly and plainly in Scripture. The second
opinion, on the other hand, takes the *qal* form *yiṭmaʾ* as a causative,
as if written in *piʿel* (*yeṭammeʾ*). Maimonides, however, does not con-
sider this to be a flaw; he simply notes that this interpretation is not
immediately apparent and requires another exegetical step, a less than
obvious (but not invalid) construal of the verb.

### 1.1.3. *Exod 14:21*

A different sort of relation between a *ẓāhir* and non-*ẓāhir* reading can
be seen in Maimonides' commentary on m.*Avot* 5:4, which states that
"ten miracles were performed for our forefathers in Egypt, and ten
at the [Red] Sea." Stating that the ten miracles in Egypt are "explicit
in the Torah" (*naṣṣ al-Torah*), he enumerates the verses indicating that
the Israelites did not suffer from the ten plagues that befell the Egyp-
tians.[18] He then continues:

> But as for the ten [miracles] that occurred at the sea, they are [known
> from] a tradition. The first, its splitting, follows *ẓāhir al-naṣṣ*: "and the
> waters split" (Exod 14:21).[19]

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[16] כמא ט׳אהר אלנץ. See Blau, *Dictionary*, s.v. ט׳הר.
[17] Kafih ed., VI:506.
[18] Ibid., IV:453.
[19] Ibid., IV:454.

As opposed to the ten plagues in Egypt, which are stated explicitly in Scripture, the fact that ten miracles occurred at the sea is an oral tradition alone. Maimonides identifies the one miracle obvious (ẓāhir) in Scripture, namely the splitting of the Red Sea, though for the other nine he finds midrashic "hints" in the biblical text. Here ẓāhir al-naṣṣ indicates what is self-evident from Scripture without any special exegetical effort. But this does not insinuate that midrashic interpretations are less valid; they are simply a different type of reading.

## 1.2. *Manifestly Correct Sense*

Maimonides occasionally uses the term *ẓāhir al-naṣṣ* to connote a manifestly correct interpretation of Scripture, much as Ibn Ezra used the term *peshat* to connote the "straight path" of exegesis. In these cases *ẓāhir al-naṣṣ* is not elementary, but rather a cogent and correct reading based on contextual-philological analysis.

### 1.2.1. *Lev 18:21*

M.*Megillah* 4:9 rules that one must forcefully silence he who renders Lev 18:21, "Do not let any of your offspring be offered to the Molekh (מזרעך לא תתן להעביר למולך)" in Aramaic לא תתן לאעברא בארמיותא ("Do not give [of your seed] to impregnate an Aramean").[20] Maimonides remarks in his commentary on this Mishnah:

> If someone rendered להעביר למולך as mentioned, he diverts the text (*naṣṣ*) from its *ẓāhir* altogether. But the intention (*gharaḍ*) there [i.e., of that verse] is the prohibition of worshipping the Molekh.[21]

The truth is that the intention of Lev 18:21 is not self-evident from the immediate context. It is unclear precisely what is meant by the verb להעביר (lit. to cause someone or something to pass), nor is the meaning of the word מולך clear from the immediate context. Elsewhere, Maimonides, drawing upon rabbinic sources, explains this verse in light of two other biblical sources:

> Let not be found among you מעביר בנו ובתו באש ("one who passes his son or daughter into the fire"; Deut 18:10)

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[20] Though the Rabbis of the Mishnah rejected it forcefully, this reading was current in antiquity. See Kasher, *Torah Shelemah*, 24:32–33.
[21] Kafih ed., II:359.

Solomon built a shrine for Kemosh the abomination of Moab…and one
for Molekh the abomination of the Ammonites. (I Kgs 11:7)

I Kgs 11:7 clarifies that Molekh is the Ammonite god (referred to as
an "abomination" from the biblical perspective); and from Deut 18:10
it would appear that להעביר in Lev 18:21 is a reference to an ancient
practice of passing children through a fire.[22] While this *ẓāhir* reading,
unlike those cited in section 1.1, is not elementary, its cogency is self-
evident from the other two verses. In using the term *ẓāhir al-naṣṣ* here,
Maimonides means to say that this is the *manifestly correct* sense of
Lev 18:21 based on the biblical evidence, as opposed to the unlikely
construal of להעביר למולך as "to impregnate an Aramean," which has
no philological basis.

### 1.2.2. *Exod 34:6*

A similar usage of the term *ẓāhir*, which further reveals Maimonides'
sense of exegetical propriety, can be found in a responsum of his (writ-
ten in Judeo-Arabic) to the Alexandria community. There he engages
in an exegetical discussion regarding the thirteen divine attributes of
mercy listed in Exod 34:6 (ויעבר ה' על פניו ויקרא ה' ה' א-ל רחום
וחנון…). The problem he deals with here is the demarcation between
the introduction to the list ("And the Lord passed before him and
proclaimed") and the attributes themselves ("The Lord, a God com-
passionate and gracious"). At issue is the phrase ויקרא ה', which can
be parsed in two ways: "and He proclaimed: The Lord…," or "And
the Lord proclaimed." The question is whether to include the first "The
Lord" as a separate attribute, a possibility Maimonides rejects:

> That the first ה' is not one of the thirteen attributes is a correct matter;
> I have never heard of anyone at variance with this. And *ẓāhir al-naṣṣ*
> indicates this, since He, may He be exalted, said: "And I shall proclaim
> in the name of the Lord (וקראתי בשם ה') before you" (Exod 33:19);
> then it recounted the fulfillment of that promise and mentioned that the
> Lord, may His Name be exalted, proclaimed (ויקרא): "The Lord, a God
> compassionate and gracious," and so on.[23]

Maimonides bases his assessment on *ẓāhir al-naṣṣ*, a label he uses to
refer to his argument from what is stated explicitly in an earlier verse:

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[22] See Maimonides, commentary on m.*Sanhedrin* 7:7. Cf. Zucker, *Translation*,
381–382.
[23] *Responsa* #267; Blau ed., II:508.

God made a promise to Moses (וקראתי בשם ה׳), and the parallel shows that this was fulfilled here (ויקרא ה׳). Once Maimonides points this out, the connection is obvious and compelling. But this observation is not elementary, and the term *ẓāhir al-naṣṣ* is used to assert the reading's cogency (i.e., that it is manifestly correct), not its obviousness per se.

The other arguments Maimonides marshals in this responsum shed additional light on his exegetical orientation. After invoking his contextual proof, he draws support from earlier authorities:

> And the all of the geonim are in agreement about this. And the Master [Isaac Alfasi] in the *Halakhot* mentioned: "Rav Hayya…said: 'And abounding in kindness', which is the sixth attribute," and this cannot be unless the enumeration begins with the second ה׳.[24]

Although Maimonides does not mention specific "geonim," it is conceivable that he has in mind Saadia (and perhaps other geonim who followed suit), who indeed made this very point in his commentary on Exodus.[25] As a talmudist, Maimonides is also eager to draw support from the enumeration of the thirteen attributes in the halakhic school represented by Isaac Alfasi (1013–1103), a most revered talmudist in al-Andalus, who himself cites the tenth-century Babylonian Gaon Hayya.

Evidently seeking to show that his view reflects a unanimous consensus within the tradition, Maimonides records a debate over other attributes in the list:

> And people disagree also about the enumeration [of ונקה לא ינקה in Exod 34:7]: some count ונקה (and He remits punishment) one attribute, [and] לא ינקה a second attribute, and this is [indicated in] none other than the Targum; but some count the two together as one attribute…and make the meaning of the two that He, may He be exalted, will not destroy (lit. uproot) completely…[a reading] derived from "I shall chastise you in measure, but I shall not destroy you completely (ונקה לא אנקך)" (Jer 30:11)…And whoever counts ונקה לא ינקה as one attribute, as the Andalusian commentators explained it, will say that "He

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[24] Ibid.

[25] ויקרא ה׳ ה׳ יעני ויקרא ה׳ כדי כדי אנה ה׳ א-ל רחום וחנון ולדלך צאר בינהמא פי אלטעם פסק חתי ינאחז אלאסם אלאול אלי אלקריאה ואלב׳ אלי אלאוצאף; comm. on Exod 34:6, Ratzaby ed., 394 (Ar.). This can be rendered in English:

> ויקרא ה׳ ה׳—the meaning is: the Lord proclaimed thus and thus, [i.e.,] that He is "the Lord, a God compassionate and gracious." And therefore a separating cantillation note comes between them [the two identical words ה׳ ה׳], so that the first is joined with the proclamation and the second with the attributes.

visits the iniquities of the fathers on the sons" is the thirteenth attribute. But we have never heard of anyone who counts the first ′ה.[26]

Professing familiarity with the Andalusian exegetical landscape, Maimonides authoritatively states that none dispute his claim regarding the words ′ה ′ה.[27]

After appealing to the exegetical tradition, Maimonides goes on to offer another contextual argument:

> Furthermore, it is not possible to count it (the first ′ה) on account of the context (lit. from the perspective of the meaning; מן ג׳הה אלמעני), because all of these attributes are different from one another, each having its own meaning, and ′ה ′ה has one meaning even if you repeat it a hundred times.[28]

The expression that Maimonides uses here, מן ג׳הה אלמעני, resembles others used in the Andalusian school—both in Arabic and in Hebrew—to connote consideration of the immediate literary context,[29] which he regarded as a fundamental exegetical requirement.[30] In this instance he argues that the first attribute must resemble the others in the list, in which each attribute is distinct in meaning.

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[26] *Responsa*, Blau ed., II:508–509. The interpretation of ונקה לא ינקה was indeed subject to debate in the Andalusian tradition. The interpretation Maimonides attributes to the "Andalusian commentators" appears in Ibn Janah (*Roots*, s.v. נקה), followed by Ibn Balʿam on Jer 30:11 (Perez ed., 104); however, both bow to the talmudic interpretation Maimonides attributes to the Targum (see b.*Yoma* 86a), a tradition also followed by Saadia (comm. on Exodus 34:7, Ratzaby ed., 395–396). Ibn Ezra (long and short comm. on Exod 34:6, Weiser ed., II:220, 344–345) interprets this phrase as a unit (though not in the same sense as Ibn Janah), insisting on adhering to "the way of *peshat*," as opposed to the rabbinic interpretation.

[27] Ibn Ezra (comm. ad loc.), however, forcefully rejects this position, despite the fact that Maimonides regarded it as being accepted unanimously. This suggests that Maimonides did not have Ibn Ezra's commentary on this verse.

[28] *Responsa*, Blau ed., II:509.

[29] Compare the locutions ענינו יורה עליו used by Menahem ben Saruq (introduction above, n. 29, based on the rabbinic expression דבר הלמד מענינו), בחסב אלמעני by Ibn Balʿam (e.g., on Isa 9:17, Ezek 5:7), and טעם הפרשה (טעם being a synonym of ענין) by Ibn Ezra (e.g., comm. on Isa 43:7, Am 1:2, Ps 42:8, 104:19); see also Cohen, *Three Approaches*, 253–254; Ben-Shammai, "Introduction," 382–383, 399–400.

[30] As he remarks in his *Epistle to Yemen*:

> It is not appropriate for a person to sever an utterance from the adjoining language to use it as a proof. Rather, it is necessary to pay attention to what precedes it and what follows it until the matter (*maʿna*) is complete and one understands the intent (*gharaḍ*) of its speaker, and then one can bring a proof from it…A text (*naṣṣ*) cannot be brought as a proof at all until the intent (*gharaḍ*) of the text is known from what precedes and follows it. (*Letters*, Shailat ed., 95)

### 1.3. *Superficial Sense*

Maimonides' willingness to grant authority to *ẓāhir al-naṣṣ* can be traced to Saadia's axiom that initially favors the *ẓāhir*. But, as noted above, the same axiom also leads, under certain circumstances, to a negative judgment about *ẓāhir al-naṣṣ*, which in those cases must be deemed incorrect. This application is well attested in Maimonides, as the following examples illustrate.

### 1.3.1. *Purpose of the* Guide

In his programmatic introduction to the *Guide*, Maimonides remarks:

> The first purpose of this Treatise is to explain the meanings of certain terms occurring in the books of prophecy…to a religious man [who]…having studied the sciences…felt distressed by the *ẓawāhir* of the Torah (SHARĪʿA).[31]

As he goes on to explain, the biblical texts, taken in their apparent sense (*ẓāhir*), contradict what is known from science and philosophy, thereby creating "a state of perplexity." Writing his *Guide of the Perplexed* to rectify this situation, Maimonides aims to instruct his readers how to determine the more correct non-*ẓāhir* sense.

### 1.3.2. *Anthropomorphic Depictions of God*

The "perplexity" that occupies Maimonides in the first fifty or so chapters of the *Guide* stems from the many biblical depictions of God in human form (anthropomorphism), having a heart, eyes, ears, a mouth, hands and feet, as well as exhibiting human feelings (anthropopathism) such as joy, sadness, jealousy, anger, regret, etc. These depictions led people to incorrect conclusions, as he writes:

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[31] *Guide*, introduction, Pines trans., 5; Munk-Joel ed., 2. The term *sharīʿa* was used by Muslims to refer to Islamic religious law, and Maimonides often uses it likewise to refer to Jewish religious law (i.e., *halakhah*). But in many instances, as in this case, he uses it to refer to Hebrew Scripture. The medieval translators typically render this term *Torah*, which can accommodate both of these senses. (Pines, however, consistently renders it "the Law," which is arguably a reasonable translation of Hebrew *Torah* as well, though in my opinion it does not adequately capture the notion of the biblical text, which included non-legal elements.) At times Maimonides seems to have had a broader notion of "religious law" (i.e., non-Jewish) in mind when using the term *sharīʿa*, in which case the Hebrew translation *Torah* is misleading; see Kraemer, "Naturalism," 49–51. While cognizant of the latter usage, we follow the medieval translators' convention where it seems appropriate, as in this case. We will also note where Maimonides actually uses the Hebrew term *Torah* in his Judeo-Arabic writing.

Several groups of people pursued the likening of God to other beings
and believed Him to be a body endowed with attributes…All this was
rendered necessary by their keeping to the *ẓawāhir* of Scripture (lit. the
revealed books).[32]

He who believes in this doctrine [of divine corporeality] was not led
to it by intellectual speculation; he merely followed the apparent senses
(*ẓawāhir*) of the texts (*nuṣūṣ*) of the [biblical] books.[33]

In all of these cases, *ẓāhir al-naṣṣ* is the superficial—and incorrect—
sense of Scripture.[34]

### 1.3.3.  *Genesis 1: Account of Creation*

Another topic of importance in the *Guide* is the "Account of Creation"
(*Maʿaseh Bereshit*), a term Maimonides uses for the biblical creation
story in Genesis 1, as well as the esoteric rabbinic teaching attached
to it, which he identifies as a tradition of scientific interpretation that
provides details of how the world came into being.[35] As a prelude to
his analysis, the great philosopher addresses the very assumption that
the world was, in fact, created at all—a matter that Aristotle denied.
Even though Scripture itself, taken literally, would seem to indicate
that God created the world, this does not preclude the adoption of
Aristotle's view, as he explains:

Know that our shunning the affirmation of the eternity of the world is
not due to a text (*naṣṣ*) figuring in the Torah according to which the
world has been produced in time. For the texts (*nuṣūṣ*) indicating that
the world has been produced in time are not more numerous than those
indicating that the deity is a body. Nor are the gates of interpretation
(*taʾwīl*) shut in our faces or impossible of access to us regarding the
subject of the creation of the world in time. For we could reinterpret (lit.
apply *taʾwīl* to) them, as we have done when denying His corporeality.[36]

Adhering to Saadia's axiom, Maimonides posited that Scripture sim-
ply cannot contradict what has been demonstrated by reason. Such a

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[32]  *Guide* I:51, Pines trans., 114; Munk-Joel ed., 77.
[33]  *Guide* I:53, Pines trans., 119; Munk-Joel ed., 81.
[34]  Further details of Maimonides' approach to biblical anthropomorphism are dis-
cussed in sec. 2.1 below.
[35]  On Maimonides' treatment of this subject, see Klein-Braslavy, *Creation*; see also
idem, *Solomon*, 39–76.
[36]  *Guide* II:25, Pines trans., 327–328; Munk-Joel ed., 229. The implications of this
passage with respect to the application of *taʾwīl* are discussed in chapter ten below.

contradiction would be sufficient grounds for rejecting *ẓāhir al-naṣṣ* and engaging in *taʾwīl*.

In the end, Maimonides states that he accepts the very fact of creation, in part because the eternity of the world, in his view, cannot be demonstrated definitively.[37] However, with respect to the details of the biblical account in Genesis 1, he writes:

> not everything mentioned in the Torah (*Torah*) concerning the "Account of Creation" (*Maʿaseh Bereshit*) is to be taken according to its *ẓāhir* (ʿala *ẓāhirihi*), as the masses (*al-jumhūr*) believe.[38]

A genuine understanding of this biblical text, according to Maimonides, requires knowledge of science:

> The correct thing to do is to refrain, if one lacks knowledge of the sciences, from considering these texts merely with the imagination [i.e., unscientifically]. One should not act like the wretched preachers (*darshanin*) and commentators who think that knowledge of the interpretation of the words [alone] is science (ʿ*ilm*; i.e., proper understanding)…But rather it is obligatory to consider them…after one has acquired perfection in the demonstrative sciences and knowledge of the secrets of the prophets.[39]

Philological analysis by itself yields *ẓāhir al-naṣṣ*, which in this case is merely a superficial understanding that must be adjusted based on scientific knowledge. Accordingly, Maimonides goes on to interpret

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[37] This is Maimonides' explicit position in *Guide* II:25. There are subtle indications in this chapter and elsewhere in the *Guide* that leave room to conclude that his true position was nuanced, namely, that he maintained a Platonic conception of creation, i.e., that God fashioned the world out of eternally existing matter, rather than adhering to the doctrine of *creatio ex nihilo*. See Davidson, "Secret Position"; Seeskin, *Origin*.

[38] *Guide* II:29, Pines trans., 346; Munk-Joel ed., 243.

[39] *Guide* II:29, Pines trans., 347; Munk-Joel ed., 243; compare the citation from Maimonides' Mishnah Commentary at n. 76 below. It is noteworthy that Maimonides refers (here and in the passage cited below from the Mishnah Commentary) to adherents of the *ẓāhir* as *darshanin* (pl. of Aram. *darshan*) a pejorative term (especially when modified by the [Judeo-Arabic] adjective מסאכן, which might also be rendered *impoverished* [i.e., intellectually] or *miserable*) that is related to his characterization of rabbinic *derash* as "poetical conceit"—rather than genuine interpretation—in *Guide* III:43 (see introduction above, at nn. 23, 25). Maimonides certainly does not regard the Rabbis of the Midrash as intellectually impoverished; it would seem, rather, that this criticism is directed against those who fail to recognize the true nature of their words and naively take them at face value. Moreover, the term *derash(ot)* in such contexts applies to homiletical rabbinic readings, which Maimonides differentiates from more substantive forms of rabbinic exegesis, as discussed in chapter five below.

Genesis 1 in light of the prevailing science of his day, which was largely based on Aristotelian physics.[40]

One example suffices to illustrate Maimonides' treatment of *ẓāhir al-naṣṣ* in this context. The depiction of the creation of the heavens in Gen 1:7, "God made the firmament, and divided the waters which were under the firmament from the waters which were above the firmament," is interpreted by Maimonides in light of Aristotle's *Meteorologica*. Naturally, it is a simple matter to identify "the waters…under the firmament," i.e., the oceans, seas, rivers, lakes, etc. in the world around us. But it is unclear what "the waters…above the firmament" are, since there is no water in the heavens, at least in Maimonides' conception.[41] This prompts him to remark:

> If the matter is considered according to its *ẓāhir* (ʿala *ẓāhirihi*) with recourse only to superficial speculation (*bi-jalīl al-naẓar*), it does not exist at all. For between us and the lowest heaven, there exists no body except the elements, and there is no water above the air.[42]

Maimonides therefore goes on to conclude that the biblical term for water (מים) used to depict what is "above the firmament" is "called water in name only and…is not the specific water known to us."[43] *Ẓāhir al-naṣṣ* is the interpretation one would give at first glance based on the commonly used sense of the term מים; but that is merely the superficial sense of Scripture, which must be adjusted (or "corrected," to borrow Ibn Ezra's term) in light of what is known through science.[44]

## 1.4. *Basic Sense*

The fourth usage of the term *ẓāhir* attested in Maimonides' writings contains elements of the previous two: it connotes a reading that is reasonable and even manifestly correct, based on a contextual-philological analysis and consideration of science; and yet, it must be deemed incomplete, as it does not fully capture the intent of Scripture. In such cases *ẓāhir al-naṣṣ* is a *basic interpretation* correct in and of

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[40] See Klein-Braslavy, *Creation*, 63–69.
[41] Naturally, modern science views this matter differently.
[42] *Guide* II:30, Pines trans., 353; Munk-Joel ed., 248.
[43] Ibid.; see also Klein-Braslavy, *Creation*, 161–168.
[44] On Ibn Ezra's notion of *tiqqun* ("correction"), see chapter one, sec. 7 above.

itself, except that the term *ẓāhir* implies the existence of a further, less obvious type of reading, which is often deemed superior.

### 1.4.1. *Exod 3:6*

In *Guide* I:5 Maimonides rings a cautionary note to his reader that amounts to an ethical-educational directive to advance with trepidation when studying the secrets of the Torah, especially as they relate to God Himself. When doing so, one must "feel awe and refrain and hold back until he gradually elevates himself," advice Maimonides supports with a biblical verse:

> And about this matter[45] it is said: "And Moses hid his face, for he was afraid to look at God" (Exod 3:6); in addition to what the *ẓāhir* indicates, [i.e.,] that he hid his face so that he should not see the revealed light— not that the deity can be apprehended by the eyes.[46]

Maimonides acknowledges that the ethical-educational directive he draws is a secondary inference from a verse that must first be understood within its context, i.e., the biblical narrative about Moses. He speaks of this contextual historical sense as the *ẓāhir*, as opposed to his less apparent—but timeless—inference.

This example is particularly illuminating because it underscores the multiple connotations of the term *ẓāhir* in Maimonides' usage. If one took the language of Exod 3:6 in its most literal sense ("with recourse only to superficial speculation," as Maimonides might say), it would contradict the doctrine that God cannot "be apprehended by the eyes."[47] Such a reading might be termed *ẓāhir al-naṣṣ* (although Maimonides does not actually use that term here), and it would be merely the *superficial sense* of Exod 3:6. Maimonides thus applies *taʾwīl* to this verse in accordance with Saadia's *Tafsīr*, which reads "…for he was afraid to look at the radiance (or: light) of God."[48] This "adjusted" *ẓāhir* (based

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[45] וען הד׳א אלמעני; compare the locution הד׳א הו מעני אלנץ ("this is the meaning of the verse"; *Guide* III:43, Munk-Joel ed., 420), in opposition to mere *derash*. This formulation suggests that Maimonides believes that his inference from Exod 3:6 is not mere *derash*, but actually expresses a dimension of the meaning of this verse.

[46] *Guide* I:5, Pines trans., 29; Munk-Joel ed., 19.

[47] This philosophical doctrine has a biblical basis, "And He [God] said, 'You cannot see My face; for no man shall see Me and live'" (Exod 33:20). One might therefore say that the need to reinterpret Exod 3:6 is necessary to preclude an internal biblical contradiction.

[48] אד׳ כ׳אף אן ינט׳ר נור אללה (Derenbourg ed., 84). On Saadia's notion of the "revealed light" that represents God, but is distinct from God Himself, see *Beliefs and*

on the assumption of *iḍmār* [above, chapter one, at n. 19]) amounts to the *basic sense* of this verse, to which Maimonides grants validity, though he also draws a further inference from it.

### 1.4.2. *The* mashal *model*

A special case of Maimonides' usage of the term *ẓāhir* to connote *the basic sense* occurs in the context of a *mashal*/*mathal*, in which the *ẓāhir* is merely the "external" sense that points to the deeper meaning, the *bāṭin*.[49] In a *mashal*, the *ẓāhir* is a correct construal of the text, except that there is also a hidden, deeper meaning, as Maimonides remarks elsewhere: "the intention (*gharaḍ*) is its *bāṭin*, not its *ẓāhir*."[50] Hence, its interpretation only according to the *ẓāhir* would be incomplete.

The relationship between the *ẓāhir* and *bāṭin* of a *mashal* is a matter that Maimonides discusses at length in his introduction to the *Guide*, where he offers the following analysis of Prov 25:11, "A word fitly spoken is [like] apples of gold in settings (משכיות) of silver,"[51] a verse (itself a simile) that in his view describes the workings of a parable:

> משכיות means *filigree traceries*…in which there are apertures with very small eyelets, like the handiwork of silversmiths…The Sage (i.e., Solomon, traditionally regarded as the author of Proverbs) accordingly said that a saying uttered with a view to two meanings is like apples of

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*Opinions* 2:10 and Kafih (ed.), פירושי רבנו סעדיה גאון על תורה on Exod 24:10, with the editor's note there. On the roots of this conception in rabbinic literature and its adoption by ha-Levi and Maimonides, see Kellner, *Confrontation*, 182–195.

[49] In such contexts, Samuel Ibn Tibbon typically rendered *ẓāhir* not as *peshat*, but rather as *nigleh* (revealed, obvious [sense]), in opposition to *nistar* (hidden [sense]), which is the term he uses to render Arabic *bāṭin*; Alharizi used the terms *ha-ḥiṣon* (the exterior) and *penimi* (inner)/*tokh* (inside); see, e.g., n. 52 below. Sh. Pines adopts this convention of Alharizi's in his English translation of the *Guide* and consistently renders *ẓāhir* as *external sense*, and *bāṭin* as *internal sense*. See also above, at n. 5. Unlike his medieval predecessors, Pines never uses the term *peshat* or any of its conventional English equivalents (e.g., "the plain sense," "the literal sense") to render the term *ẓāhir*.

[50] This is actually Maimonides' definition of *ḥiddah* (see below, n. 77); but it is equally applicable to *mashal* in his view, since, like Moses Ibn Ezra (above, at n. 8), he regarded the two genres as being closely related. On the status of the *ẓāhir* as the correct construal of the language of a *mashal*, see Cohen, *Three Approaches*, 121–135.

[51] Maimonides accepted the traditional view that Proverbs was penned by King Solomon, a figure that Maimonides otherwise regarded as a master of the *mashal* genre; see Klein-Braslavy, *Solomon*, 112. Maimonides' analysis of Prov 25:11 may be original, since he does not attribute it to the Rabbis, nor is it found in Saadia's commentary, although it is possible that he drew it from a source no longer extant.

gold overlaid with silver filigree work having very small holes. Now see how marvelously this dictum describes a well constructed *mashal*. For he says that in a saying that has two meanings—a *ẓāhir* and *bāṭin*—the *ẓāhir* ought to be as beautiful as silver, while its *bāṭin* ought to be more beautiful than its *ẓāhir*, the former being in comparison to the latter as gold is to silver. Its *ẓāhir* also ought to contain in it something that indicates to someone considering it what is to be found in its internal meaning, as happens in the case of an apple of gold overlaid with silver filigree-work having very small holes. The *meshalim* of the prophets are similar. Their *ẓawāhir* contains wisdom that is useful in many respects, among which is the welfare of human societies, as is shown by the *ẓāhir* of Proverbs.... Their *bāṭin*, on the other hand, contains wisdom that is useful for beliefs concerned with the truth as it is.[52]

The *ẓāhir* of a *mashal* is correct as a construal of the language and may even be educationally valuable ("contains wisdom"); but the ultimate wisdom conveyed by the *mashal* is the *bāṭin*.

### 1.4.3. *Ezekiel 1*

Based on the "apples of gold" image, Maimonides develops an elaborate model of *mashal* interpretation in the *Guide*, as we shall discuss in chapter four. At this point we cite one example to illustrate how he goes about interpreting the *ẓāhir*. Maimonides devotes a lengthy section of the *Guide* (III:1–7) to Ezekiel's chariot vision (Ezekiel 1), which he takes as a *mashal* symbolizing metaphysical secrets known as *Maʿaseh Merkavah* ("Account of the Chariot") in rabbinic tradition.[53] Given the rabbinic injunction against revealing these secrets publicly, he limits his analysis:

> I shall interpret to you that which was said by Ezekiel the prophet, peace be on him, in such a way that anyone who heard the interpretation would think that I do not say anything...that is not indicated by the text,...as if I translated words from one language to another or summarized the meaning (*maʿna*) of the *ẓāhir* of the speech.[54]

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[52] *Guide*, introduction, Pines trans., 11; Munk-Joel ed., 7. In this passage, Samuel Ibn Tibbon (Ibn Shmuel ed., 10) uses the terms *nigleh* and *nistar* to render the *ẓāhir-bāṭin* dichotomy; Judah Alharizi (Scheyer-Munk ed., 35–36) uses the terms *ha-ḥiṣon* (the exterior) vs. *penimi* (inner)/*tokh* (inside) for this purpose. See above, n. 49.

[53] See Klein-Braslavy, *Solomon*, 39–48.

[54] *Guide* III, introduction, Pines trans., 416; Munk-Joel ed., 298.

Maimonides professes to have embedded hints as to the *bāṭin* elsewhere in the *Guide*.[55] But it is instructive that he analyzes the *ẓāhir* to clarify the details of Ezekiel's vision, i.e., what the prophet actually saw. In these chapters of the *Guide*, it is as though Maimonides were not analyzing a *mashal* at all, but simply engaging in contextual-philological exegesis, using methods of exegetical predecessors he mentions elsewhere, such as Ibn Janah, Ibn Chiquitilla and Ibn Balʿam. Nor is *ẓāhir al-naṣṣ* elementary or self-evident in Ezekiel 1, which poses numerous exegetical challenges. Accordingly, Maimonides' analysis abounds with detailed philological and grammatical discussions.[56] Here, then, *ẓāhir al-naṣṣ* is neither elementary nor superficial; it is the straightforward, philological-contextual sense of the text. This interpretation has inherent historical validity as it clarifies what the prophet Ezekiel saw in his vision, notwithstanding the fact that the *bāṭin* is ultimately the symbolic meaning of the vision.

<p style="text-align:center">*   *   *</p>

We can sum up the four connotations that the term *ẓāhir* conveys in Maimonides' usage by relating them to the two English terms we will use henceforth to render this term: *the obvious sense* and *the apparent sense*. Even in English, there is a slight difference in connotation between these two terms, which allows us some nuance in rendering Maimonides' intentions. The word *obvious* connotes correctness, whereas *apparent* suggests tentativeness, i.e., that there something less apparent must also be considered. Accordingly, where the term *ẓāhir* is used to connote the superficial sense, it is best rendered *the apparent sense*, but where used to connote the manifestly correct sense it is

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[55] On the strategy of concealment Maimonides employs here, see Halbertal, *Concealment*, 60–68.

[56] Apart from making numerous philological observations (e.g., his detailed analysis of גלגל at *Guide* III:4), he also remarks that the future form (יהיה) can connote the past tense (היה); see *Guide* III:2, Pines trans., 419 (an observation made by others in the Geonic-Andalusian *peshat* school; see Zucker, *Translation*, 260–261). At times we can identify the likely sources of specific points in Maimonides' analysis. E.g., his interpretation of רוח in Ezek 1:12 (as *purpose* [*gharaḍ*], rather than *wind* [*Guide* III:2, Munk-Joel ed., 300]) resembles Ibn Balʿam's commentary on this verse (following Ibn Janah, *Roots*, s.v. רוח): *intent, desire* (אלי חית׳ מא אראד בה אלמריד). He reads Ezek 1:14 כמראה הבזק (*Guide* III:2, Munk-Joel ed., 300) following Ibn Balʿam (comm. ad loc.): לגה פי ברק. His suggestion to interpret מלאות עינים (Ezek 1:18) by analogy with אולי יראה ה׳ בעיני, yielding חאלתי (my *situation*; *Guide* III:2, Munk-Joel ed., 301), follows Ibn Janah, *Roots*, s.v. עין.

best rendered *the obvious sense*, which would also seem most appropriate when Maimonides wishes to connote the elementary sense. The notion of the basic sense, as well, could be expressed as *the obvious sense*, though where Maimonides wishes to emphasize the incomplete nature of *ẓāhir al-naṣṣ* in light of the importance of the *bāṭin* it might seem more appropriate to render it *the apparent sense* to connote this relation.

### 2. *"Devaluation" of* Peshat?

Having seen the varied ways in which Maimonides uses the term *ẓāhir*, we can assess the ways in which it links him to the Andalusian *peshat* school. When *ẓāhir al-naṣṣ* is used in sense (ii) to connote *the manifestly correct sense*, it is nearly equivalent to the term *peshuto shel miqra* as used by Ibn Janah and Ibn Ezra, i.e., the philological-contextual reading that accurately reflects Scripture's intent. The same might be said for usage (i), i.e., the elementary sense, though it does not necessarily imply the same level of approbation. Even usage (iv), i.e., the basic sense, finds a parallel in Ibn Ezra's "way of *peshat*" as manifested in the Song of Songs, where he uses this label to characterize his philological-contextual analysis of the love story that emerges from the literal sense, notwithstanding his belief that the text is allegorical, as expounded in the midrash.[57] In many cases, then, Maimonides' use of the term *ẓāhir* is a sort of proxy for the term *peshat* as used by Ibn Ezra—and by Ibn Janah before him.

The notion of the Maimonidean "devaluation of *peshat*," of course, stems from usage (iii), i.e., where *ẓāhir al-naṣṣ* connotes the superficial (usually literal) sense, which must be deemed incorrect. To be sure, this usage is ubiquitous in Maimonides' writings, especially in the *Guide*. As J. Stern has observed, Nahmanides reacts sharply to this tendency and aims to adhere more closely to Scripture's literal sense.[58] While this makes Maimonides less of a literalist than Nahmanides, it does not necessarily make him less of a *pashtan*, since his models would have been "the *peshat* commentaries of Rav Saadia and Samuel ben Hofni" (in the words of Ibn Janah [cited in chapter one above]).

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[57] See below, chapter four, sec. 2.1.
[58] Stern, *Problems*, 67–86.

Within that school, proper interpretation involved a judicious balance between *ẓāhir al-naṣṣ* and other factors that require *ta'wīl*. As Ibn Ezra puts it:

> If a verse is not in accord with reason (lit. if reason does not bear the matter)…then one must seek for it a figurative interpretation (*sod*), for sound judgment is the foundation [of interpretation], since the Torah was not given to those devoid of reason, and the angel mediating between man and his God is his mind.[59]

Working within this rationally-oriented *peshat* tradition, Maimonides would hardly have considered it a *peshat* value to adhere consistently to the literal sense of Scripture. Indeed, in language that evokes Ibn Ezra's thoughts, he comments:

> My aspiration and the aspiration of all of the select few learned people is the opposite of the general populace. For the most beloved thing for the general…populace…is to make the Torah (*shari'a*) and reason (*'aql*) two contradictory propositions[60]…But we aspire to bring together [i.e., harmonize] the Torah (*shari'a*) and reason (*'aql*).[61]

In light of this parallel, it should not be surprising that we can sketch the following four ways in which Maimonides' judicious rejection of *ẓāhir al-naṣṣ* conforms precisely to the contours of the Geonic-Andalusian *peshat* school.[62]

### 2.1. *Approach to Anthropomorphism: Theory of Metaphor*

The claim that biblical anthropomorphic depictions of God must not be taken literally was hardly Maimonides' innovation, as he acknowledges in his introduction to *Pereq Ḥeleq*. After setting down as a

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[59] Pentateuch comm., standard introduction, "the third way," Weiser ed., I:6. On Ibn Ezra's term *sod*, see Cohen, *Three Approaches*, 36–37, 44.

[60] טרפי נקיץ סותר (rendered שני קצות סותר by Samuel Ibn Tibbon); compare טרפי אלנקיץ in *Guide* II:16, Munk-Joel ed., 204 (= "two contradictory propositions" [Pines trans., 293]; שני קצות הסותר in Ibn Tibbon [Ibn Shmuel ed., 255]).

[61] *Treatise on Resurrection*, Shailat ed., 330 (Ar.); 360–361 (Heb.).

[62] Here is where the medieval *peshat* school differs from the modern historical-critical method. Adherents of the former generally do not distinguish between textual truth and scientific truth, since they believe Scripture to be divinely authored or inspired, whereas the latter, viewing it as a mythical text, accept the possibility that Scripture would reflect a non-scientific belief-system. I am grateful to Baruch Schwartz for making this point. See also Japhet, *Job*, 56; Kamin, *Categorization*, 270–271.

cardinal principle of faith that God is incorporeal, he addresses the biblical evidence to the contrary:

> Now all that appears (lit. came) in the Books [of Scripture] describing Him in corporeal descriptions, such as traveling, and standing, sitting, speaking and the like, all of these are *majāz*, as they have said: "Scripture spoke in the language of men," and people have already discussed this matter at length.[63]

Maimonides here is no doubt referring to Saadia, who established this principle in his theological work, *Beliefs and Opinions*, and applied it throughout his biblical translations and commentaries.[64] It is also conceivable that he had in mind Bahya Ibn Paquda, the eleventh-century *dayyan* (religious judge) of Saragossa, who addresses this matter in his ethical-philosophical work, *Duties of the Heart*.[65]

Maimonides, however, goes beyond Saadia and Bahya in the scope and depth of his treatment of this subject in fifty or so "lexicographic chapters" that make up the bulk of the first section of the *Guide*. These chapters, arranged as a dictionary, include detailed entries for specific biblical words that have multiple meanings: heart, eye, face, back, sitting, standing, etc. In each entry, Maimonides typically begins with the literal or most commonly used sense (*mashhūr*, as Saadia termed it), which implies corporeality, and proceeds to cite examples of other, less obvious usages without this implication. He then argues that the latter definitions must be applied when such language is used to depict God in human or otherwise corporeal terms.[66] The closest precedent for this detailed Maimonidean project can be found in Moses Ibn Ezra's *Treatise of the Garden*, which is arranged in a strikingly similar quasi-dictionary format, as discussed in chapter one above. Listing a variety of biblical terms associated with human beings, Moses Ibn Ezra gives their literal definitions but then interprets them as *majāz* when applied to God.[67] It is intriguing to consider the possibility that Moses Ibn Ezra's treatment, with its detailed philological analysis, served as a model for

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[63] Introduction to *Pereq Ḥeleq* (=m.*Sanhedrin* X), Shailat ed., 380 (Ar); 141 (Heb.).

[64] On Saadia's likely influence on Maimonides in this area, see Rawidowicz, *Studies*, 178–230; Cohen, *Three Approaches*, 179–180, 201–210, 213–214.

[65] See Rawidowicz, *Studies*, 182–183; Cohen, *Three Approaches*, 208–212. On Bahya's influence on Maimonides in general, see Kreisel, "Influence," 100–101.

[66] For analysis of his exegetical method in this endeavor, see Cohen, *Three Approaches*, 100–118, 201–216.

[67] See Fenton, *Jardin*, 237–243, 299–374.

Maimonides' lexicographic approach in the *Guide*.[68] While both of these works were motivated by theological concerns, they employ a careful philological method and manifest keen awareness of the work-ings of language and its figurative use—Moses Ibn Ezra as a master poet, Maimonides as an avid adherent of Farabian logic.[69]

## 2.2. *Contextual-Philological Analysis*

Indeed, Maimonides' philological analysis at times has little to do with theological concerns and simply reflects his acute exegetical sense. For example, he argues that the biblical terms for resting (לשבות, לנוח) can be used in the sense of *refraining from speech*, which he applies in Gen 2:2, where God is said to have "rested" on the seventh day. The theologically motivated reading of this verse (intended to avoid the implication that God actually toiled when creating the world) is hardly Maimonides' innovation, as it can be traced to Saadia.[70] What is noteworthy for our discussion is his detailed analysis of the prooftext that he cites:

> The term *rest* (ניחה) occurs in the sense of *refraining from speech* ... [e.g.,] "They spoke to Nabal according to all those words in the name of David וינוחו (lit. and they rested)" (I Sam 25:9), the meaning of which in my opinion is: "and then *refrained from speech* until they heard the answer." For in the preceding verses there is no mention of their being tired in any way. Even if they were tired, the dictum "they rested" would be quite extraneous to the story. [But rather] Scripture merely relates that they brought out that speech with its effort at graciousness *and then were silent*; that is, they did not add any other uttered notion to that speech, or any act that would necessitate his reply to them to be such as he gave. For the purpose of the story is to give account of [Nabal's] blameworthi-ness and to make clear that it was extreme.[71]

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[68] See Cohen, "Poet's Exegesis," 538–539.

[69] For this reason there are differences between the approaches of these two authors, notwithstanding their shared interest in defining the workings of figurative language precisely; see Cohen, "Imagination."

[70] See Commentary on Genesis, Zucker ed., 56 (Ar.); 261 (Heb.). Saadia argues that וישבת here means *to refrain from activity*, and his prooftext is Job 32:1, "These three men ceased (וישבתו) to reply to Job."

[71] *Guide* I:67, Pines trans., 161–162. Ibn Janaḥ, *Roots*, s.v. נוח, already observes that the sense of לנוח here must be distinguished from its usual sense of *resting*. The Targum, likewise, renders וינוחו as ופסקו ("and they stopped"). Maimonides' contri-bution in this case is his explanation of why this sense is most suited at this point in the narrative. It is worth noting that Radak (*Shorashim*, s.v. נוח) argues that וינוחו in

Although the most common sense (*mashhūr*) of לנוח is *to rest*, Maimonides argues that this cannot be its meaning here, since the biblical narrator wishes to stress that David's men said nothing to provoke Nabal's nasty reaction. As this example illustrates, rejection of the *ẓāhir* cannot automatically be viewed as a "devaluation of *peshat*"; quite the contrary, it represents a nuanced philological-contextual analysis in the spirit of the Geonic-Andalusian exegetical school.

### 2.3. *Biblical and Rabbinic Parables: Sensitivity to Genre*

In addition to taking local contextual considerations into account when interpreting Scripture, Maimonides also reflects an understanding of the conventions of certain biblical literary genres that typically entail the use of non-literal language. When encountering such a genre the supposition that the text must be understood literally, i.e., according to *ẓāhir al-naṣṣ*, leads to a distortion of the author's intention. While our focus in this study is Maimonides' interpretation of the Bible, it is relevant to note that he emphasizes this interpretive point vociferously with respect to the *derashot* of the Rabbis, which "have…the status of poetical conceits," as he goes on to explain: "at that time this method was generally known and used by everybody, just as poets use poetical expressions."[72] This observation about the nature of the *derashot* brings with it an interpretive corollary:

> The *derash* occurring in the Talmud, one must not presume that its status is low or its benefit little. But rather it has a great purpose, in that it consists of extraordinary mysteries and wondrous points. For those *derashot*, if you reflect upon them looking to their *bāṭin*, the absolute excellence [of thought]—with none surpassing it—can be understood from them…But if you reflect upon it according to its apparent sense (*ẓāhir*), you will see in it that which is distant from reason with none surpassing it [i.e., more distant than it].[73]

The notion that rabbinic literature must at times be interpreted figuratively is well attested in the Geonic-Andalusian tradition.[74] Yet

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this verse indeed denotes *resting*, although he was undoubtedly aware of Maimonides' approach.

[72] *Guide* III:43, Pines trans., 573; Munk-Joel ed., 419–420.

[73] Introduction to the Mishnah, Shailat ed., 349 (Ar.); 52 (Heb.).

[74] See, e.g., the discussions of Samuel ben Hofni and Abraham Ibn Ezra in chapter one above.

Maimonides evidently encountered opposition to his application of this strategy. As he remarks:

> With respect to the words of the Sages…most [of the people] I have seen, and whose compositions I have seen and of which I have heard, understand them according to their apparent sense (*ẓāhir*) and they do not reinterpret (apply *taʾwīl* to) them at all.[75] And what these *darshanin* (preachers) do mainly is to instruct the masses in what they do not understand themselves…And they publicize in front of the masses the *derashot* of tractate *Berakhot* and *Pereq Ḥeleq* and other [rabbinic texts] according to their apparent sense (*ẓāhir*), word for word.[76]

Maimonides, however, argues that

> Their words [i.e., of the Sages] have an apparent sense (*ẓāhir*) and hidden sense (*bāṭin*), and anything that they say that is impossible must have been said by way of mystery (or: riddle) and parable, for this is the way of the wise men. And therefore the greatest of wise men [i.e., Solomon] began his book and said: "To understand parable and epigram, the words of the wise and their riddles" (Prov 1:6). And it is known…that a "riddle" (*ḥiddah*) is a saying in which the intention (*gharaḍ*) is its hidden sense (*bāṭin*), not its apparent sense (*ẓāhir*).[77]
>
> …and why should it be detestable to apply interpretation (*taʾwīl*) to their word and to remove it from its apparent sense (*ẓāhir*),[78] in order for it to correspond to reason and conform to the truth and Scripture (lit. the books of revelation), for they themselves [i.e., the Sages] reinterpret (apply *taʾwīl* to) the texts (*nuṣūṣ*) of the [sacred] books and they remove them from their apparent sense (*ẓāhir*) and render them parables.[79]

Maimonides makes his case for applying *taʾwīl* to the words of the Sages from the fact that they themselves did so with respect to Scripture. Furthermore, he cites as biblical evidence for this hermeneutical practice King Solomon's remark that "the words of the wise" are

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[75] The medieval translator of this section of the Mishnah commentary, Solomon ben Joseph Ibn Yaʿqub of Saragossa renders this sentence: הם מאמינים אותם על פשטם ואין סוברים בהם פרוש נסתר בשום פנים (Rabinowitz ed., 118). This seems to be an augmentation of Alharizi's translation of *taʾwīl* as *sevara*; see discussion in chapter ten below.

[76] Introduction to *Pereq Ḥeleq*, Shailat ed., 363–364 (Ar.); 133 (Heb.) (compare citation at n. 39 above). For a discussion of the hermeneutical implications of this passage, see Rawidowicz, "Interpretation," 102–106.

[77] Introduction to *Pereq Ḥeleq*, Shailat ed., 364 (Ar.); 134 (Heb.).

[78] Compare the formulation of Ibn Balʿam לא נכ׳רג׳ אלנץ ען ט׳אהרה, cited in chapter one above, sec. 5.

[79] Introduction to *Pereq Ḥeleq*, Shailat ed., 364 (Ar.); 134 (Heb.).

uttered in the *ḥiddah* form; accordingly, the *bāṭin* rather than the *ẓāhir* represents their true intention.

Rather than representing a devaluation of *peshat*, Maimonides' conception of the biblical *mashal* genre is a reflection of his Andalusian literary heritage. It is worth noting the parallels between his discussion of this genre and Moses Ibn Ezra's chapter devoted to esoteric writing in his *Book of Discussion and Conversation*, which includes his definition of *mashal* and *ḥiddah*: "they have a hidden interpretation (*taʾwīl bāṭin*) other than that which is apparent (*yaẓharu*) from their language."[80] Moses Ibn Ezra goes on to observe that such esoteric writing was celebrated in the Greco-Arabic philosophical tradition as a strategy of conveying deep wisdom, an analogy developed further by Maimonides throughout his writings.[81] In addition, both Andalusian authors aimed to demonstrate this within the Jewish literary tradition by showing that it was practiced by the Sages and can be traced to Scripture itself. The interpretive corollary is that Scripture must not be read uncritically according to its *ẓāhir*, since one must keep in mind the generic conventions adopted by its authors. In the case of *mashal* or *ḥiddah*, the genuine intent of the biblical authors can be revealed only through *taʾwīl*, not a naïve reading of *ẓāhir al-naṣṣ*.[82]

## 2.4. *Prophetic Hyperbole: Poetic and Stylistic Awareness*

A similar appreciation of the need to understand biblical literary conventions powers Maimonides' argument in *Guide* II:29, where he observes the tendency of ancient Israelite prophets to depict the messianic era in supernatural terms. For example, in Isa 65:17 we read: "For, behold, I will create new heavens and a new earth; and the former shall not be remembered." Such a verse—taken literally— suggests radical changes in nature, as some in the medieval tradition seem to have assumed about messianic times. Maimonides, on the other hand, followed Aristotle's scientific notions and held nature to

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[80] See above, at n. 8.

[81] See Klein-Braslavy, *Solomon*, 15–30. Moses Ibn Ezra's discussion of this precedent and its connection to the Hebrew literary tradition may have influenced Maimonides. In any case, this parallel deserves further exploration.

[82] On the assumption that the meaning of a text is identical with its author's intent, see below chapter five, at n. 130.

be immutable.[83] He therefore argues that this verse and others like it are to be understood figuratively. But he does not simply make this claim on the basis of his rationalist principle; he also justifies it based on internal scriptural evidence. To begin with, he observes that when we look at Isaiah's words in their immediate context it becomes clear that the prophet did not have supernatural events in mind:

> Be glad, then, and rejoice forever in what I am creating, for I shall create Jerusalem as a joy, and her people as a delight. And I will rejoice in Jerusalem, and delight in her people. Never again shall be heard there the sounds of weeping and wailing.
> (Isa 65:18–19)

As Maimonides explains:

> Describing…the disappearance of all those sorrows [of exile], he says, speaking in parables: "For, behold, I will create new heavens and a new earth…" Then he explains this in continuity [i.e., in the next verse], saying: When I said "I shall create," I meant thereby that I shall produce for you, instead of those sorrows and hardships, a state of constant joy and gladness so that the former sorrows will not be remembered.[84]

Maimonides, of course, wishes to make this claim about such prophecies in general, not merely where the immediate context supports it. He therefore makes a general observation regarding Isaiah's rhetorical style, especially his dramatic references to seemingly cosmic supernatural occurrences:

> He uses such expressions as "the stars have fallen," "the heavens were rolled up," "the sun was blackened".…And many similar figurative expressions.…When God had given Isaiah…prophetic inspiration regarding the fall of the Babylonian dynasty…he said: "For the stars of the heaven and the constellations thereof shall not give forth their light; the sun shall be darkened in his going forth and the moon shall not cause her light to shine" (Isa 13:10)…"Therefore I will make the heavens

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[83] *Guide* II:29, Pines trans., 341, 344–346. Maimonides identifies this, too, as a rabbinic doctrine based on the talmudic comment עולם כמנהגו הולך ("the world proceeds according to its normal custom"; b.ʿ*Avodah Zarah* 54b).

[84] *Guide* II:29, Pines trans., 341. This interpretation can be traced to Saadia; see *Beliefs and Opinions* 8:6, 9:6 (Kafih ed., 252, 276). A similar interpretation can also be found in Ibn Balʿam's commentary on Isa 65:17 (Gottstein-Perez ed., 248). Maimonides' naturalistic interpretation of Isa 60:20 in this vein ("Thy sun shall no more go down" foretells "the permanence of the…Messiah and Israel's kingdom"; *Guide* II:29, Pines trans., 341) can also be traced to Saadia, *Beliefs and Opinions* 7:2 (Kafih ed., 224).

tremble, and the earth shall be shaken out of her place, in the wrath of the Lord of hosts…" (Isa 13:13).[85]

Here Maimonides notes the importance of understanding these verses in their historical context. After all, these passages are taken from prophecies about ancient occurrences—not messianic times. It would therefore be absurd to take such language literally, as Maimonides remarks:

> I do not think that there has been anyone in whom ignorance, blindness and the inclination to adhere to the apparent senses (*ẓawāhir*) of the figurative expressions and of rhetorical speeches, have reached such a point that he thought that the stars of the heavens, and the light of the sun and of the moon have been changed when the kingdom of Babylon came to an end.[86]

Maimonides developed his strategy carefully: first he made his case based on prophecies of events in the distant past, demonstrating that such hyperbole is simply a rhetorical device, a stylistic proclivity of Isaiah. This, in turn, justifies making an analogous claim when interpreting Isaiah's messianic prophecies.

In the context of his discussion in *Guide* II:29, *ẓāhir al-naṣṣ* is essentially an incorrect reading based on a naïve literal reading that does not take into account the stylistic conventions of the biblical prophets. Maimonides makes a point of demonstrating that his stylistic analysis is comprehensive: "Inasmuch as these figurative expressions occur often in Isaiah, I have examined all of them. However, they also occur sometimes in the speech of others…"; he then goes on to list similar prophecies from Jeremiah, Ezekiel, Joel, Amos, Micah, Haggai, and Habakkuk.[87] Maimonides' exegetical method thus entails an empirical literary-stylistic analysis of a broad range of prophetic literature, and it is on this basis that he discounts *ẓāhir al-naṣṣ*. Once again, a precedent for Maimonides' understanding of the poetics of prophetic literature can be found in Moses Ibn Ezra, who notes in his *Book of Discussion and Conversation* that the biblical prophets often used hyperbole to dramatize their addresses to the people,[88] an observation that accords

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[85] *Guide* II:29, Pines trans., 337–338.

[86] *Guide* II:29, Pines trans., 338; Munk-Joel ed., 236.

[87] *Guide* II:29, Pines trans., 343–344.

[88] See Cohen, "Aesthetic Exegesis," 289–300.

with the emphasis placed on Scripture's rhetorical dimensions within the Geonic-Andalusian school.[89]


### 3. Ẓāhir vs. Halakhic Tradition

Maimonides' views regarding *ẓāhir al-naṣṣ* in general provide the necessary background for the cases that will occupy us for the remainder of the current chapter, namely where the rabbinic halakhic tradition diverges from *ẓāhir al-naṣṣ*. In light of his exegetical heritage, it would not be unreasonable to expect Maimonides to treat this instance according the rule established by Saadia, in which the fourth justification for engaging in *ta'wīl* is the need to reconcile Scripture with the halakhic tradition, a principle repeated by others in the subsequent tradition, including Samuel ben Hofni, Judah Ibn Balʿam and even Abraham Ibn Ezra, as documented in the preceding chapter. And indeed, this axiom is reflected in Maimonides' introduction to the Mishnah, where he reconstructs an account of how the Torah was originally transmitted to Moses from God:

> Know that every law that God revealed to Moses was only revealed to him with its interpretation.[90] God told him the text (*naṣṣ*), and then told him its *tafsīr* and *ta'wīl*…And they (i.e., Israel) would write the text and commit the [interpretive] tradition (*naql*) to memory. And thus the Sages, peace be upon them, say: the Written Law (*Torah she-bi-khtav*) and the Oral Law (*Torah she-be-ʿal peh*).[91]

As discussed in chapter one (sec. 1) above, *tafsīr* connotes a direct representation of what is obvious from text (i.e., the *ẓāhir*), as opposed to *ta'wīl*, which is an interpretation that is not obvious from the text. Whereas Saadia's fundamental axiom entails the application of *ta'wīl* to reconcile Scripture with the halakhic tradition, Maimonides here describes the original Sinaitic revelation as including an "Oral Law"

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[89] See Cohen, "Best of Poetry," 19–33; see also below, n. 113.

[90] אנמא אנזלת עליה; *innamā*, the "particle of limitation," is used for the sake of emphasis; see Wright, *Grammar*, II:335.

[91] Introduction to the Mishnah, Shailat ed., 327 (Ar.); 27 (Heb.). (The implications of this passage for Maimonides' theory of the sources of the *halakhah* are discussed in chapter five below.) Elsewhere he seems to use the term "Oral Law" in a broader sense (i.e., all laws not contained in the Written Law); but the "Oral Law" proper for Maimonides is the body of interpretations of the Written Law given to Moses at Sinai; see below, chapter five, n. 71.

that consists of a set of interpretations of the "Written Law" by way
of *taʾwīl*.[92] This "Oral Law" was passed down through tradition, which
Maimonides describes as *naql* (lit., "transmission"), following a usage
common in the Geonic-Andalusian tradition.[93] By invoking the notion
of *taʾwīl* here, Maimonides tacitly acknowledges that the interpreta-
tions given in the "Oral Law" do not conform to the obvious sense
of the "Written Law." It should thus not be surprising that he at
times notes the disparity between *ẓāhir al-naṣṣ* and the authoritative
halakhic interpretation, which, in his view, can be traced to the "Oral
Law" given at Sinai.

### 3.1. *Deut 25:11–12*

We can now revisit a passage from Maimonides' introduction to the
Mishnah cited above (in the introduction to this study), which dis-
cusses the case of a false prophet who is punishable by death if he
claims that God sent him to change Torah law,

> even if the apparent sense of the text (*ẓāhir al-naṣṣ*) supports him; for
> example, if he says [regarding] the dictum in the Torah "[If two men
> get into a fight with each other, and the wife of one comes up to save
> her husband from the hand of him who strikes him, and puts forth her
> hand, and grabs him by his private parts,] you shall cut off her hand…"
> (Deut 25:11–12) that it is cutting off the hand literally (*bi-l-ḥaqīqa*) and
> not the monetary fine of one who causes embarrassment as the tradition
> has come [to us] (b.*Bava Qamma* 28a). And he attributes this to proph-
> ecy and says that "God said to me that His dictum ʿand you shall cut off
> her hand' is according to its apparent sense (*ẓāhir*)."[94]

Judah Alharizi, the medieval Hebrew translator of the Mishnah com-
mentary, used the term *peshat* to render *ẓāhir* in this case (introduc-
tion, above at n. 47), which (misleadingly) evokes the rule that "a
biblical verse does not leave the realm of its *peshat*." As we shall see in

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[92] The terms "Written Law" and "Oral Law," of course, are talmudic; but Maimo-
nides here gives them more precise definitions.

[93] See citations from Samuel ben Hofni and Ibn Balʿam (in chapter one above);
compare the terms *qabbalah* and *haʿataqah* used regularly by Ibn Ezra (see, e.g., Pen-
tateuch comm., standard introduction, "the fifth way"; alternate introduction, "the
fourth way," Weiser ed., I:10, 140; *Yesod Mora* 1:3, 6:1, Cohen and Simon ed., 70,
130–131). Saadia used the term *āthār* to connote *the tradition(s)* in the context of his
fundamental exegetical rule (chapter one above, sec. 1).

[94] Introduction to the Mishnah, Shailat ed., 330 (Ar.); 30 (Heb.).

chapter six, Maimonides took this talmudic rule to mean that *peshuto shel miqra* has exclusive biblical authority. Hence, had he used the term *peshat* here, he would have been contradicting himself by designating "cutting off the hand literally" as *peshat*. This, of course, would explain why Maimonides did not actually use the term *peshat* here and highlights the misconception created by Alharizi's translation. Maimonides' Arabic terminology here, in fact, reflects the axiom of Saadia and his followers that Scripture must not be interpreted according to its *ẓāhir/ḥaqīqa* in the face of an opposing rabbinic tradition.[95] Maimonides observes that rabbinic tradition unanimously has it that "His dictum, may He be exalted, 'you shall cut off her hand' is money [i.e., monetary compensation]";[96] he therefore posits that this was the original interpretation of the verse in the Oral Law given at Sinai and transmitted by the Rabbis, which must be deemed correct notwithstanding its divergence from the *ẓāhir*.

## 3.2. *Exod 23:19*

When writing in Arabic it was a simple matter for Maimonides to distinguish between *ẓāhir al-naṣṣ*, which is not necessarily the correct sense of Scripture, and the notion of *peshuto shel miqra*, which brings with it the authoritative implications of his rule of *peshat* primacy. But when writing in Hebrew, this distinction became more difficult to preserve since the Hebrew term *peshat* was already used in Maimonides' Geonic-Andalusian heritage as an equivalent of *ẓāhir*.[97] In at least one instance in his Hebrew writings we see that he recognized this problem. In his great code, *Mishneh Torah* (written in Hebrew), Maimonides records the following halakhic interpretation:

> It says in the Torah "You shall not cook a kid in its mother's milk" (Exod 23:19). Based on the tradition (*shemuʿah*) they expounded that this verse prohibits cooking and eating meat in milk, whether the flesh of an animal or a beast. (*Hilkhot Mamrim* 2:9)

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[95] Interestingly, Saadia renders this verse literally in his *Tafsīr*; see Zucker, *Translation*, 439–440, who endeavors to reconcile it with the rabbinic tradition.

[96] Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38 (Heb.); compare Alharizi's medieval Hebrew trans. in Rabinowitz ed., 31–32.

[97] E.g., by Samuel ben Hofni and Samuel ha-Nagid, as discussed in chapter one above. See also Cohen, *Three Approaches*, 46–48, 148–149. Maimonides himself, when writing in Hebrew, sometimes used the term *peshat* in the sense of Arabic *ẓāhir*, though only in non-halakhic contexts; see Appendix B below.

The expression "based on the tradition they expounded" is a special coinage Maimonides established in *Mishneh Torah* to record rabbinic halakhic readings that diverge from the straightforward sense of Scripture, i.e., *ẓāhir al-naṣṣ*.[98] Like Saadia before him, who (as mentioned in chapter one above, sec. 1) incorporated the rabbinic *halakhah* in his *Tafsīr* on Exod 23:19, Maimonides was willing to engage in *taʾwīl* and overlook *ẓāhir al-naṣṣ* to interpret this verse in light of the tradition. But elsewhere in *Mishneh Torah* he has occasion to refer to the rejected literal sense, as he remarks: אין משמע הכתוב אלא גדי בחלב אמו ממש ("The literal implication of the verse is only a kid actually [cooked] in its mother's milk").[99] Here he does not use the term *peshat* to connote the literal sense (i.e., he does not write אין פשט הכתוב אלא גדי בחלב אמו ממש), no doubt because he was seeking a term that does not suggest the authority of the term *peshat*—in accordance with his rule of *peshat* primacy. The expression *mashmaʿ ha-katuv* would thus seem to be Maimonides' precise Hebrew equivalent of *ẓāhir al-naṣṣ*,[100] i.e., an interpretation that is immediately apparent, but ultimately cannot be accepted as the legal intention of Scripture.[101]

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Of particular importance for understanding the interplay of rabbinic tradition and *ẓāhir (al-naṣṣ)* in Maimonides' exegetical system are the six occurrences of the latter term in his *Book of the Commandments*, the very work that prominently features his famous Principle #2, i.e., that laws derived through the midrashic *middot* must not be enumerated among the 613 biblical commandments, which he bases on the talmudic rule that "a biblical verse does not leave the realm of its *peshat*." Medieval translators often used the term *peshat* to render

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[98] See chapter five, sec. 4 below. Maimonides uses the Hebrew term *shemuʿah* as an equivalent of what he and his predecessors refer to in Arabic as *naql* and *āthār*. In this he was following a precedent set in geonic literature; see Elbaum, *Perspectives*, 58.

[99] *Hilkhot Maʾakhalot Asurot* 9:4. Cf. Abraham Ibn Ezra (long comm. on Exod 23:19) who shapes his conception of the *halakhah* based on what Maimonides calls משמע הכתוב (below, chapter eight, n. 80).

[100] Compare the term *ke-mashmaʿo* used by Ibn Ezra; see chapter one, sec. 7 above.

[101] For another example in which Maimonides uses the term *mashmaʿ* (and avoids the term *peshat*) to connote the apparent sense of the biblical text that ultimately must be regarded as incorrect, see *Hilkhot Tefillah* 13:6.

*ẓāhir* in these cases[102] (and Kafih, the modern translator, does so consistently); but this blurs the distinction Maimonides set up in this work by using the Hebrew/Aramaic term *peshuto/peshateh*, which is always authoritative, in contrast to *ẓāhir*, which is not.[103] In order to clear up this confusion, we will address all six occurrences of this term in our study, four in the discussion that follows in this chapter, another in chapter six (sec. 3.3), and the last in chapter eight (sec. 1.5). Coupled with our exhaustive study of Maimonides' usage of the term *peshat* in chapter six, we will be able to reach some definitive conclusions regarding the precise relationship between these two concepts in the great codifier's system.

### 3.3.  *Exod 14:13*

The term *ẓāhir* in *The Book of the Commandments* generally connotes the contextual-philological interpretation, which would be correct if not for an opposing authoritative rabbinic interpretation. In Negative Commandment #46, for example, Maimonides writes:

> We are prohibited from ever dwelling in the land of Egypt…and this is His dictum, may He be exalted, "Do not return this way ever again" (Deut 17:16). And the prohibition of this matter recurs three times. They [i.e., the Rabbis] said: "In three places the Torah enjoined Israel not to return to Egypt…" One of them is what we mentioned, the second is…"The Lord will send you back to Egypt…by a route I told you: 'You shall not see it again'" (Deut 28:68), and the third is…"For the Egyptians whom you see today you shall never see again" (Exod 14:13), even though the apparent sense of the speech (*ẓāhir al-qawl*) is that it is an informative statement (*ikhbār*), the tradition (*naql*) has come to us that it is a prohibition.[104]

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[102] This, in fact, is the rule, with some exceptions; see below, nn. 104, 110. In his citation of Negative Commandment #165, Nahmanides renders *ẓāhir al-naṣṣ* as *nigleh ha-katuv* (*Hassagot*, Chavel ed., 75), a translation occasionally used by Samuel Ibn Tibbon in the *Guide*; see above, n. 49.

[103] The result of this unfortunate conflation can be seen in the discussion of Maimonides' concept of *peshat* in the *Book of the Commandments* in Feintuch, *Piqqudei Yesharim*, 15–22.

[104] Kafih ed., 205. The rabbinic source is from *Mekhilta Beshallaḥ* §2 (Horovitz-Rabin ed., 94) and j.*Sukkah* 4:1. Moses Ibn Tibbon here (Heller ed., 108) renders *ẓāhir al-qawl* הנראה מהדברים, instead of using of the term *peshat*, as he usually does; see below, nn. 110, 121, 128; see also below, chapter eight, nn. 40, 78. Ibn Ayyub here

He refers here to two alternative interpretations of Exod 14:13, which relate to Principle #8 of his methodological introduction to *The Book of the Commandments*: "it is not proper to count negation (*nafy*) with [i.e., treat it in the same way as] prohibition (*nahy*)."[105] Invoking "the speakers in the art [i.e., discipline] of logic (*manṭiq*)," he distinguishes there between negation, i.e., "denying a predicate from a subject" (e.g., "So and so did not eat yesterday"), and prohibition (e.g., "Do not eat"). The former, a type of narrative (*khabar*), describes a state of affairs, and can be in past, present or future tense; but prohibition, which is a type of command (*amr*), can only be in the future tense. And whereas the former requires a subject and predicate, the latter does not since it is "a complete utterance (*qawl tamm*) as made clear in the books on this matter."[106] The distinction between *nafy* and *nahy*—like the distinction between *khabar* and *amr*—is a logical rather than purely grammatical one, since a command does not necessarily have to be in the imperative form. One cannot identify prohibition simply based on the form of the verb, since in many cases the imperfect form connotes a negative commandment, e.g., "You shall not have (לא יהיה לך) other gods before me" (Exod 20:3). Consequently, "there is nothing that will clarify…[how to discern] prohibition from negation except the meaning (*maʿna*) of the utterance"[107]—precisely the distinction logicians made between logic, which deals with "meanings," as opposed to grammar, which deals with "expressions" and their forms, i.e., morphology.[108] This makes Principle #8 dependent on exegesis; i.e., it requires more than simply checking the grammatical form of Scripture.

Having devoted much energy to this principle in his introduction—and using it to criticize predecessors who ignored it—Maimonides faces a quandary in Negative Commandment #46. He acknowledges that Exod 14:13, when understood in context, is not a command, but rather a prediction said to the nation of Israel at the Red Sea that they

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(ms), renders *ẓāhir al-qawl* פשט המאמר; indeed, he consistently renders *ẓāhir* as *peshat* throughout his translation of the *Book of the Commandments*.

[105] Kafih ed., 26. The issue of determining the law based on similar linguistic and grammatical categories was of significance within Muslim jurisprudence as well; see, e.g., Weiss, *Search*, 329–388.

[106] Kafih ed., 26–27.

[107] Ibid., 29.

[108] See Versteegh, *Greek*, 123; see also Stern, "Language," 179; Kraemer, *Philosophy*, 143–145.

will never again see Egypt. This contextual reading is referred to as *ẓāhir al-qawl*. However, since the Rabbis have a tradition that this is one of the three verses that prohibit the return to Egypt, Maimonides defers to their understanding, and takes Exod 14:13 to be a negative commandment. In light of rabbinic tradition, then, *ẓāhir al-qawl* must be regarded as incorrect.


### 3.4. *Exod 34:6, Deut 14:21*

In Principle #9 in the introduction to *The Book of the Commandments* Maimonides addresses another theoretical issue crucial for establishing a proper enumeration of the 613 commandments, namely the correct approach to the common occurrence of laws repeated in the Pentateuch. As a rule, he establishes that

> it is not proper to enumerate [as a separate commandment] every "Do not…" (לאו) found in the Torah and every "Do" (עשה), for it may be [the same commandment] repeated. But indeed it is proper to count [only] the matters commanded or prohibited.[109]

Yet Maimonides acknowledged that the Rabbis often preferred to attribute a new meaning to seemingly redundant verses. In that case, he concedes:

> It is proper to enumerate [the repeated command] without a doubt, for then it is no longer for emphasis (*taʾkīd*), but rather for the addition of a matter, even though the apparent sense of the text (*ẓāhir al-naṣṣ*)[110] is that it is about a single matter. For we do not resort to saying that this text is repeated for emphasis and that it does not add any matter except in the absence of (lit. we lack) the words of the commentators, the transmitters of tradition [to the contrary] on this matter. But if we find a tradition that this command or prohibition includes one matter and the repeated command or prohibition includes another matter, then that is [the] most fitting and most correct [interpretation], [i.e.,] that the text is repeated for a [new] matter and then it is proper to enumerate [them separately].[111]

Maimonides here highlights the tension between two exegetical approaches in the tradition he inherited. The usual preference of the

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[109]  Kafih ed., 36.

[110]  Ibn Tibbon (Heller ed., 18) renders *ẓāhir al-naṣṣ* הנגלה מהכתוב. Ibn Ayyub (ms), however, renders it פשט הכתוב (see above, n. 104).

[111]  Kafih ed., 33.

Rabbis, in the spirit of the midrashic "omnisignificance" doctrine, was to avoid regarding any biblical text as redundant.[112] By contrast, the literary-philological Andalusian tradition often argued that Scripture regularly employed some language simply for the sake of emphasis or even literary flourish. Maimonides' terminology here echoes Ibn Janah's extensive discussion of biblical language "added…for the sake of emphasis (*taʾkīd*)" alone, i.e., for stylistic reasons, to emphasize a point, or increase its rhetorical effect.[113] Unless there is evidence to the contrary, Maimonides sides with Ibn Janah, taking the biblical text according to its "apparent sense" (*ẓāhir*), justifying redundancy stylistically.[114] However, where the Rabbis attribute a new meaning to the seemingly redundant verse, their interpretive tradition, in his opinion, is "most correct" and overrides the *ẓāhir*, which would otherwise have been more reasonable.

In referring to the "commentators, transmitters of the tradition" Maimonides, no doubt, had in mind the Rabbis of the Talmud.[115] Yet this appellation may also include authors such as Saadia and Ibn Balʿam who similarly were willing to abandon *ẓāhir al-naṣṣ* in the face of rabbinic halakhic exegesis. An instructive example of this type relates to the verse "You shall not cook a kid in its mother's milk" repeated three times in the Pentateuch (Exod 23:19, 34:26; Deut 14:21). As mentioned in the previous chapter, Saadia—following rabbinic tradition—explained that this verse entails a wider prohibition and he therefore rendered Exod 23:19 "You shall not cook (תטבך) meat with milk" in his *Tafsīr*.[116] However, the Talmud states:

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[112] Ibid., 34. See Kugel, *Idea*, 104–105; see also Elman, "Omnisignificance," n. 168.

[113] See above, chapter one, sec. 4. This outlook informed the exegetical project of Abraham Ibn Ezra, who argues that similar phrases are repeated for the sake of "literary elegance" (*ṣaḥot*) or "emphasis" (*ḥizzuq*); see comm. on Deut 13:6, 32:2, 32:7; Ps 73:2; see also Nahmanides on Exod 25:9, who describes this as "the way of *peshat*" in contrast to Rashi's rabbinic exegesis.

[114] In doing so, Maimonides also applies a version of the rule common in the *peshat* school that Scripture at times repeats the same idea in different words. Compare Maimonides' language in Principle #9: כון אלנהי תכרר באלפאט׳ מכ׳תלפה...בל הו נהי היות האזהרה נכפלת (Kafih ed., 36; rendered by Ibn Tibbon: ואחד ען מעני ואחד במלות שונות; Ibn Ayyub has במלות מתחלפות...אבל היא אזהרה אחת מענין אחד instead of במלות מתחלפות; see Heller ed., 20) with Ibn Ezra's phraseology מנהג הלשון לכפול הטעם במלות שונות (long comm. on Exod 24:10).

[115] See, e.g., Positive Commandments 206, 207; Negative Commandments 250–253; see also the discussion of Negative Commandment #4 in chapter six below.

[116] In some manuscripts of the *Tafsīr* תאכל appears in Exod 23:19 and תטבך in Exod 34:26; see Zucker, *Translation*, 358.

"You shall not cook a kid in its mother's milk" [is stated] three times:
one is a prohibition against eating, one a prohibition of benefit [in gen-
eral], and one a prohibition of cooking. (b.*Qiddushin* 57b)

In accordance with this tradition, Saadia rendered the repeated verse
in Exod 34:26, "You shall not *eat* (תאכל) meat in milk."[117] Maimo-
nides likewise differentiates between the seemingly redundant prohibi-
tions in Exod 23:19 and 34:26:

> Commandment 186 is the prohibition that we were forbidden to cook
> meat in milk…even if one does not eat it…And Commandment 187 is
> the prohibition that we were forbidden to eat meat in milk, and this is
> its saying "You shall not cook a kid in its mother's milk" a second time,
> meaning with this the prohibition of eating.[118]

As Maimonides goes on to explain:

> His dictum, may He be exalted, "You shall not cook a kid in its mother's
> milk," is repeated in the Torah three times. [And] the transmitters of
> interpretation said that each "You shall not" among them is for a[nother]
> matter. They said: "one to prohibit cooking, one to prohibit eating, one
> to prohibit benefit."[119]

Further in this entry of the *Book of the Commandments*, Maimonides
explains why he does not enumerate the third as a separate prohibition
(because he deems it part and parcel of the prohibition to *eat* meat
cooked in milk, the quintessential example of benefit), but he makes it
clear that he accepts the rabbinic reading of Deut 14:21 as well, forsak-
ing *ẓāhir al-naṣṣ*.[120]

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[117] See previous note.

[118] Kafih ed., 272.

[119] Ibid., 273.

[120] Saadia rendered Deut 14:21 "You shall not cook meat in milk," as he did Exod
23:19. Although we do not have any commentary by Saadia explaining this aspect of
his *Tafsīr*, it seems that he regarded the derivation from that verse to be merely an
*asmakhta* and the prohibition rabbinic; see Zucker, *Translation*, 358. In contrast to
his halakhically inclined colleagues, Ibn Ezra equates the three verses, counting them
as one commandment, but notes that the "Rabbis applied *derash* to them" (רבותינו
דרשום) to create three prohibitions; see *Yesod Mora* 2:3, Cohen and Simon ed., 94–95;
long comm. on Exod 23:19 (Weiser ed., II:160–162). Ibn Ezra elsewhere resists such
halakhic distinctions accepted by Maimonides based on Principle #9. Whereas the
latter derives three separate commandments (Positive #154, #155; Negative #320) from
seemingly repetitive references to Sabbath observance, Ibn Ezra views all three as one
commandment (והעיקר לא תעשה מלאכה; see *Yesod Mora* 2:15, Cohen and Simon
ed., 110); he also specifically refers to *qiddush* (Maimonides' Positive Commandment

After having seen three examples (two in the *Book of the Command-ments* and one from the Mishnah commentary) in which the term *ẓāhir* labels a reading superseded by a halakhic "transmitted interpretation" (and one case of a similar reading labeled *mashmaʿ ha-katuv*), we can make a general observation about this particular usage, as opposed to Maimonides' rejection of *ẓāhir al-naṣṣ* because of a conflict with reason or exegetical considerations. In the latter case, Maimonides dismisses *ẓāhir al-naṣṣ* entirely as a mistaken reading. But where a conflict with the rabbinic halakhic interpretation is involved, a differ-ent tone seems to emerge, as though he acknowledges a reasonable contextual-philological alternative. In such cases *ẓāhir al-naṣṣ* might be regarded as the penultimate interpretation, worthy of investigation as such, even though Maimonides cannot accept it as the true legal intent of the biblical text. Precisely such an exploration of *ẓāhir al-naṣṣ* would actually be undertaken by Maimonides in the *Guide*, where he constructs a system of *ṭaʿamei ha-miṣwot* (rationale for the command-ments) and interprets the legal sections of the Pentateuch without taking the Oral Law and *halakhah* ( *fiqh*) into account. The following chapter is dedicated to exploring the implications of that exegetical endeavor; for now, we continue to survey how the term *ẓāhir* is used in the *Book of the Commandments* in a similar, if more modest, way to present a philological-contextual alternative to the authoritative "transmitted interpretations."

## 3.5. *Lev 19:17*

In Negative Commandment #303 Maimonides—somewhat surprisingly—registers his understanding of *ẓāhir al-naṣṣ* even after having com-pleted his halakhic discussion of the biblical prooftext, as if to say that there is a further interpretation that must be considered:

> Embarrassing one another…This prohibition…[is from the verse]: "You shall surely rebuke your kinsman, and you shall not bear a sin for him (ולא תשא עליו חטא)" (Lev 19:17). And in *Sifra* [it says]:
> …Should you rebuke him even until he becomes ashamed (פניו משתנות; lit. his face changes)? [No, for] the verse [lit. teaching] says (תלמוד לומר): "and you shall not bear a sin for him."

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#155) as being merely an *asmakhta* (short comm. on Exod 20:8; see chapter seven below, sec. 6).

However, the apparent sense of the text (*ẓāhir al-naṣṣ*) is that it prohibits you to charge him with a sin in your heart and remember it.[121]

Maimonides first establishes the rabbinic halakhic reading as the basis for this commandment,[122] even though the issue of embarrassment is neither mentioned, nor even implied in this verse. Evidently aware of this, he offers a contextual interpretation, labeled *ẓāhir al-naṣṣ*, that unifies this verse which requires rebuking one's kinsman over a perceived infraction, rather than bearing a grudge.[123] The great talmudist ultimately must accept the rabbinic reading; but he does not seem willing to relinquish the contextual one. Indeed, in this case *ẓāhir al-naṣṣ* appears to have influenced his halakhic thinking, as implied by his formulation of Positive Commandment #205: "'You shall surely rebuke your kinsman'…included in this commandment is that we must angrily confront (lit. enrage) one another if we wronged one another, rather than harboring (lit. and not harbor) resentment to him [that wronged us] and believe that he sinned," an explanation that renders the final clause of Lev 19:17 (like its first clause, "Do not hate your kinsfolk in your heart") a rationale for the obligation to rebuke.[124]

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[121] Kafih ed., 322–323. The rabbinic citation is from *Sifra, Qedoshim* 4:8 (Weiss ed., 89a). The last line of this entry in the *Book of the Commandments* reads: אמא ט׳אהר אלנץ פהו ינהי ען אן תחסב לה ד׳נב פי נפסך. Here Ibn Tibbon (Heller ed., 177) renders *ẓāhir al-naṣṣ* הפשט מהפסוק. Ibn Ayyub, as attested in MSS Munich 282 and Vatican Urb. 30, also renders it פשט הפסוק. Since this is consistent with this translator's usual practice (above, n. 104), I discount the less coherent variant of Ibn Ayyub's version in which the term פשט is missing, leaving: אמנם הפסוק הוא מזהיר שלא תחשב עליו חטא בלבבך, even though this omission is attested in the remaining manuscripts of Ibn Ayyub that I checked (listed in the bibliography). This omission may be the result of a scribe removing the term *peshat* because he was puzzled by its anomalous usage here, which does not conform to the rule of *peshat* primacy in Principle #2.

[122] In *Mishneh Torah* Maimonides likewise codifies this as a distinct prohibition; see *Hilkhot Deʿot*, introductory enumeration of commandments, and 6:8 (below, n. 124).

[123] Maimonides' translation of לא תשא עליו חטא would be something like: "Do not bear (i.e., recall or "carry") his sin in your heart." It is conceivable that this reading was standard in the Andalusian school, as it is attested in Abraham Ibn Ezra, comm. ad loc. (Weiser ed., III:63). It also appears in the northern French exegete Rashbam's comm. ad loc. Saadia, on the other hand, seems to follow the rabbinic halakhic exegesis in his *Tafsīr*; see Zucker, *Translation*, 383. Interestingly, though, Saadia (ibid.) offers a similar rationale for the obligation to rebuke based on the first part of this verse "Do not hate your brother in your heart." Maimonides does not make this connection; see *Book of the Commandments*, Negative Commandment #302, Kafih ed., 322.

[124] It is interesting to consider how Maimonides handles this matter in *Hilkhot Deʿot* 6:6–8:

## 3.6. *Lev 21:12*

A similar observation seems to apply to Maimonides' understanding of *ẓāhir al-naṣṣ* in Lev 21:12. He first addresses this verse in Principle #5 of *The Book of the Commandments*.

> It is not proper to enumerate the rationale for a commandment as an independent commandment.…[For example] they said clearly in *Sifre* regarding His dictum, may He be exalted, after Scripture prefaces the prohibition of taking ransom for a murderer, [Scripture continues:] "and do not pollute the land" (Num 35:33): "Scripture teaches that spilling blood defiles the land." It makes clear that this prohibition (lit. "Do not"; לאו) is the reason for the preceding prohibition ("Do not take ransom for the life of a murderer"), not that it is another matter. And similarly the dictum: "From the sanctuary he shall not exit, and he shall not profane [the sanctuary of His God]" (Lev 21:12), implying that if he exits, he profanes.[125]

To understand the point made here, we must turn to Negative Commandment #165:

> The priests are prohibited from exiting the Temple during the time of the service, and this is the dictum [of Scripture], "and from the entrance of the Tent of Meeting you shall not exit" (Lev 10:7). And this prohibition is repeated for the High Priest, as it says: "From the Sanctuary he shall not exit" (Lev 21:12).[126]

These verses discuss the case of a priest who has suffered the death of a close relative, and prohibit him from abandoning the service due to personal tragedy. Principle #5 addresses the continuation of Lev 21:12,

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כשיחטא איש לאיש לא ישטמנו וישתוק כמו שנאמר ברשעים 'ולא דבר אבשלום את אמנון מאומה למרע ועד טוב כי שנא אבשלום את אמנון' (שמואל ב יג, כב), אלא מצוה עליו להודיעו ולומר לו למה עשית לי כך וכך ולמה חטאת לי בדבר פלוני, שנאמר 'הוכח תוכיח את עמיתך'...המוכיח את חבירו תחלה לא ידבר לו קשות עד שיכלימנו שנאמר 'ולא תשא עליו חטא', כך אמרו חכמים יכול אתה מוכיחו ופניו משתנות ת"ל 'ולא תשא עליו חטא', מכאן שאסור לאדם להכלים את ישראל.

Manifesting a characteristic Maimonidean biblical orientation (otherwise unusual in the halakhic tradition; see discussion in chapter nine, sec. 1 below), he turns to a biblical source, II Sam 13:22—taken according to *ẓāhir al-naṣṣ*—to explain the rationale for the obligation to rebuke one's kinsman. Reflecting the disparity between *ẓāhir al-naṣṣ* and the rabbinic halakhic reading of Lev 19:17, Maimonides uses the expression אמרו חכמים ("the Sages said") to introduce the latter, as if to say that this interpretation does not emerge naturally from the text itself. Compare the distinction between "the text" (*naṣṣ*) and its rabbinic "transmitted interpretation" (*tafsīr marwī*) discussed below in chapter five, sec. 4.1.

[125] Kafih ed., 19–20. The reference is to *Sifre Numbers* §161 (Horovitz ed., 222).
[126] Kafih ed., 257.

"From the sanctuary he shall not exit, and he shall not profane [the sanctuary of His God]," on which Maimonides comments: "implying that if he exits, he profanes." In other words, this is the rationale for the prohibition: the High Priest must not abandon the Holy service due to a personal tragedy, because doing so would "profane" the Temple Service by demonstrating that it is not his supreme concern.

Notwithstanding this singular reading of the clause "and he shall not profane," later in Negative Commandment #165 Maimonides mentions an opposing rabbinic interpretation:

> It is deduced from that [verse] that he is permitted to minister on the day that he suffers the death of a close relative (lit. someone died for him). And…in [b.]*Sanhedrin* [84a], they said: "From the sanctuary he shall not exit, and he shall not profane"—but [i.e., implying that] someone else who does not exit does desecrate [i.e., invalidates the service], meaning an ordinary priest, who is not permitted to minister when he is an *onan* [i.e., a mourner before burial of a close relative]…[127] Clearly…they made the dictum here "and he shall not profane" (ולא יחלל) into a negation (*nafy*), not a prohibition (*nahy*), [i.e.] that his ministering does not become profane (חולין) even though he is an *onan*. But the apparent sense of the text (*ẓāhir al-naṣṣ*)[128] is that the dictum "and he shall not profane" is an explanation for the preceding prohibition: that he must not exit, *in order that* he should not profane. Either way (lit. in both cases), this "Do not" (לאו) ought not be enumerated as a separate [commandment] as is clear to one who understands the introductory principles in this treatise.[129]

Maimonides provides two reasons for not enumerating "and he shall not profane" as an independent commandment. (1) The Talmud takes it as a statement of fact, implying that other priests "profane" the service, i.e., *invalidate* it,[130] making this clause a negation (*nafy*), rather than a prohibition (*nahy*), which is excluded from enumeration according to Principle #8. (2) Or, as explained in Principle #5, "and he shall not profane" is the *reason* for the prohibition to exit the Sanctuary, i.e.,

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[127] Here Maimonides does continue, remarking that the Rabbis inferred from this a prohibition for a simple priest: "And this prohibition (lit. he is warned about that), I mean that he [a simple priest] must not minister while he is an *onan*, is from this inference (lit. extrapolation; *istikhrāj* [see below, chapter five, at n. 91])."

[128] Ibn Tibbon here (Heller ed., 139) renders *ẓāhir al-naṣṣ* פשט הכתוב. Ibn Ayyub (ms) does so likewise.

[129] Kafih ed., 258.

[130] Maimonides here uses the talmudic term חולין (in his Judeo-Arabic) to indicate this special status: מא תציר עבודתו חולין ועלי אנה אונן.

since doing so shows a lack of respect (= "profanes" it). Here, though, Maimonides labels this reading *ẓāhir al-naṣṣ*, as opposed to the talmudic reading, which he accepts implicitly. Despite this conflict, he does not reject *ẓāhir al-naṣṣ*, which is the reading that is supported by the immediate literary context, since the entire clause reads: "he shall not profane *the sanctuary of His God*."[131] Moreover, in Principle #5 he cites it alone, implying that it is a completely valid interpretation.[132]

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The current chapter has laid out the range of meanings that the term *ẓāhir al-naṣṣ* has when used by Maimonides in exegetical contexts, all of which more or less follow a pattern that can be found in his Geonic-Andalusian heritage. Like his predecessors, Maimonides grappled with the divergence of the halakhic tradition from the philological-contextual reading of Scripture, a tension reflected in his equivocal use of the term *ẓāhir al-naṣṣ* in halakhic contexts. At first glance, given the absolute authority of the Oral Law, one would think that *ẓāhir al-naṣṣ* is merely the *superficial sense* in such cases. But it sometimes appears that he allows *ẓāhir al-naṣṣ* to co-exist with the "transmitted interpretation" despite their divergence. In that case, the *ẓāhir* is the *basic* sense of the text, worthy of study in its own right—an avenue Maimonides explores at great length in the *Guide*, as we shall see in the next chapter.

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[131] Maimonides' affinity for this reading is consistent with his admonition to respect "what precedes and follows" a biblical text to be interpreted (above, n. 30). Compare Nahmanides on Lev 21:12.

[132] It is conceivable that in Negative Commandment #165 he changed his mind about this reading and that now he does indeed mean to say that the talmudic reading, in the end, overrides *ẓāhir al-naṣṣ*, much as we inferred in Negative Commandment #46 ((3) above). It is also conceivable that in his introduction he was not careful when citing examples to illustrate his principles and relied on the reader to regard only the actual enumeration as definitive.

RATIONALE FOR THE COMMANDMENTS

In the third section of his *Guide of the Perplexed*, Maimonides devotes a good deal of effort to explain "the reasons for the commandments," often referred to as *ṭaʿamei ha-miṣwot* in medieval Jewish literature.[1] For the purpose of this analysis, he develops a comprehensive account of biblical law based on the Pentateuchal text alone that sidesteps the Rabbis' midrashic halakhic interpretations, thereby demonstrating his abilities as a contextual-philological exegete in the Andalusian mold. In fact, his forcefully original legal exegesis of the Pentateuch (Torah; the "Law") represents a unique contribution to the Rabbanite *peshat* tradition.[2] Ironically, it almost seems that the great codifier's talmudic erudition endowed him with a special capacity for legal conceptualization that enabled him to formulate his own theoretical analysis of biblical law in parallel to the talmudic system. Yet Maimonides does not employ the term *peshat* in this endeavor; instead he refers to *ẓāhir al-naṣṣ*, the term he used in his *Book of the Commandments* to connote *what is apparent from the language of the text alone* in his occasional exploration of how Scripture might be interpreted independently of the Rabbis' halakhic interpretations, as discussed in the previous chapter. That relatively minor note in his early halakhic work is

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[1] On Maimonides' approach to this subject in general, see Heinemann, *Reasons*, 46–96; Twersky, *Code*, 373–471; Dienstag, "Reasons"; Kreisel, "Reasons"; Davidson, *Maimonides*, 377–383; Goodman, "Law," 96–101. In the *Guide*, Maimonides refers to this endeavor as *taʿlīl al-sharāʾiʿ* ("giving reasons for the laws"; *Guide* II:39, Munk-Joel ed., 269). Alharizi renders that expression *ṭaʿamei ha-miṣwot* (Munk-Scheyer ed., 563); Samuel Ibn Tibbon renders it *ʿillat ṭaʿamei ha-miṣwot* (Ibn Shmuel ed., 336; this convention was followed by his son Moses Ibn Tibbon in his translation of the *Book of the Commandments*; see Heller ed., 189). In the section of the *Guide* devoted to this subject, Maimonides consistently uses the Arabic term *ʿilla* (reason, cause) to denote the *reason* for a law, which Alharizi renders *ṭaʿam* and Samuel Ibn Tibbon renders *sibbah*. Maimonides himself evidently viewed the Hebrew term *ṭaʿam* as the proper equivalent of Arabic *ʿilla* in this context; see *Hilkhot Meʿilah* 8:8 (דבר שלא ימצא לו טעם ולא ידע לו עילה); *Hilkhot Temurah* 4:3 (ליתן לו טעם). See also below, n. 149.

[2] A comparison with Karaite approaches to biblical law, which diverged from rabbinic halakhic exegesis almost by definition, would be a worthy avenue for further research, but goes beyond the scope of our current study.

transformed into a systematic and wide-ranging legal-exegetical proj-
ect in the *Guide*.

### 1. *Programmatic Statements*: Ẓāhir al-Naṣṣ *vs.* Fiqh

Maimonides' study of *ṭaʿamei ha-miṣwot*, to which he devotes *Guide*
III:26–49, can be divided into four sections: (1) the principles under-
lying his conception of the rationale of the Law and its fundamental
goals (III:26–29); (2) the preliminary assumptions that will guide his
detailed investigation of the commandments (III:30–34); (3) a division
of the 613 commandments into fourteen categories roughly parallel to
the fourteen books of *Mishneh Torah* (III:35); (4) fourteen correspond-
ing chapters in which he carries out his detailed analysis of the *miṣwot*,
interpreting numerous biblical texts and conceptualizing the legal sys-
tem that emerges from them (III:36–49).[3] Maimonides acknowledges
in two programmatic statements within these fourteen chapters that
his entire analysis of the Law is independent of talmudic *halakhah*.
The first of these appears in his discussion of biblical tort law, which
he begins with a general principle:

> The punishment meted out to anyone who has done wrong to somebody
> else consists in general in his being given exactly the same treatment that
> he has given to somebody else. If he has injured the latter's body, he shall
> be injured in his body, if he has injured him in his property, he shall be
> injured in his property.[4]

He then delineates three separate categories:

> The owner of the property may be indulgent and forgive. To a murderer
> alone, however, because of the greatness of his wrongdoing, no indul-
> gence shall be shown at all and no blood money shall be accepted from
> him: "And the land cannot be cleansed of the blood that is shed on it,
> except by the blood of him who shed it" (Num 35:33). Hence, even if
> the murder victim remains alive for an hour or [more]…and pardoned

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[3] Our focus will be on these chapters of the *Guide*, which contain his exegesis of
the legal sections of the Pentateuch. In *Guide* III:50 Maimonides provides an explana-
tion for the moral-educational purposes of the narratives in the Pentateuch. In *Guide*
III:51–54 he describes a higher, more spiritually advanced level of worship than the
basic model outlined in the preceding chapters, and some have viewed this as an
alternative or complementary rationale for the commandments; see Stern, *Problems*,
68–76; see also chapter four below, at n. 89.

[4] *Guide* III:41, Pines trans., 558.

[his killer], this cannot be accepted from him. For necessarily there must be a life for a life…

He who has deprived someone of a limb, shall be deprived of similar limb: "[If a man causes a blemish in his fellow, as he has done, so it shall be done to him…eye for eye, tooth for tooth.] The injury he inflicted on another shall be inflicted on him" (Lev 24:19–20)…

He who has caused damage to property shall have inflicted upon him damage to his property up to exactly the same amount: "Whom the judges shall condemn, he shall pay double to the other" (Exod 22:8)—that is, the thing taken by him and an equal amount taken from the property of the thief.[5]

The structure here is well delineated: murder is punishable by death, injury by injury, monetary damage by monetary restitution, and for each a biblical prooftext is cited. Maimonides was well-aware that the Talmud takes "eye for eye" (in Lev 24:19, which repeats Exod 21:24–25) to mean monetary restitution—as codified in *Mishneh Torah*.[6] Addressing this disparity he writes:

You should not trouble your mind with the fact that in such a case we punish by imposing a fine, for at present my purpose is to give reasons for the [biblical] texts (*al-nuṣūṣ*) and not to give reasons for the *halakhah* (*al-fiqh*).[7]

But apart from the rabbinic interpretation, Maimonides must also address a biblical verse that would seem to indicate a different punishment:

A fine was imposed in the case of wounds in requital of which exactly similar wounds could not be inflicted: "He shall pay only for the loss of his time and shall cause him to be thoroughly healed" (Exod 21:19).[8]

On this reading, "eye for eye"—literally—is the norm. It is only in the exceptional case, i.e., where such a punishment could not be administered by the court, that monetary compensation is an acceptable alternative. This resolution, according to Maimonides, best fits the biblical

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[5] *Guide* III:41, Pines trans., 558–559. See below at n. 146 for a clarification of how these laws fit into Maimonides' overall scheme of the biblical legal system.

[6] See *Hilkhot Ḥovel u-Mazziq* 1:2–3, cited in chapter five, sec. 4 below.

[7] *Guide* III:41, Pines trans., 558; Munk-Joel ed., 409. In his enigmatic way, Maimonides goes on to say: "Withal I have an opinion concerning this provision of the *halakhah* which should only be expressed by word of mouth" (ibid.), a comment that has raised speculation about how he might have reconciled the two readings of Scripture. See Levinger, *Philosopher*, 56–66.

[8] *Guide* III:41, Pines trans., 558.

texts themselves. In *Mishneh Torah*, on the other hand, he follows the tradition of the *halakhah* and takes Exod 21:19 as the rule, which then indicates that the verses seemingly mandating *lex talionis* were not meant literally.[9]

It is illuminating to compare Maimonides' reading in the *Guide* with other interpretations in the Geonic-Andalusian tradition. Ibn Ezra on Exod 21:24–25 ("Eye for eye, tooth for tooth, hand for hand…burn for burn, wound for wound, bruise for bruise") comments:

> Rav Saadia said: We cannot interpret this verse literally (*ke-mashmaʿo*), for if a man struck the eye of his friend and his eyesight was diminished by a third, how would it be possible for the injurer to be injured to this degree precisely? For it might blind him entirely! And [it would be] even more difficult to [do so in the case of] a burn, wound or bruise, for if it is in a dangerous place [of the body] he might die [from the punishment]. And this would be unreasonable (lit. reason cannot bear [this])…
>
> And the rule is: we cannot interpret the laws of the Torah accurately (lit. fully), unless we rely on the words of the Sages, of blessed memory, for just as we received the [Written] Torah from our forefathers, so too we received the Oral Torah, and there is no difference between them [i.e., in their authority].
>
> And the meaning of "eye for eye" is: he deserves to [be punished] "eye for eye," unless he makes restitution (lit. gives his ransom [כפרו]).[10]

In accordance with his fundamental exegetical axiom, Saadia—followed by Ibn Ezra—posits that this verse cannot be taken according to its *ẓāhir* (rendered *mashmaʿ* by Ibn Ezra), because the halakhic tradition contradicts it. Saadia endeavors to support the rabbinic interpretation by pointing out that in some cases it is impossible to apply *lex talionis* equitably. Assuming that the same principle must be applied in all cases, Saadia concludes that "eye for eye" must mean monetary compensation. A similar line of reasoning is cited by Bahya ben Asher (Spain, late thirteenth century) in the name of R. Hananel (North Africa, early eleventh century) as well.[11] It is likely that Maimonides knew what Saadia and R. Hananel—and perhaps even Ibn

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[9] See reference in n. 6 above.

[10] Ibn Ezra, long comm. on Exod 21:24, Weiser ed., II:152.

[11] See Bahya on Exod 21:24, Chavel ed., II:224. Zucker (*Translation*, 341) argues that Hananel took his interpretation from Saadia. That may be the case; but it indicates the popularity of Saadia's approach, which increases the likelihood that it was known to Maimonides.

Ezra—had to say on this matter.[12] In the *Guide* he uses the very same idea, i.e., that sometimes talion cannot be applied precisely, except that he applies it to explain Exod 21:19 (which mandates monetary compensation) as an exception rather than the rule, which alleviates the contradiction with the literal reading of "eye for eye."

Maimonides' second reference to his non-halakhic exegetical program appears in connection with the cleanliness of the Israelite military camp, as mandated by Deut 23:10–15, which reads:

> (10) When you go out as a troop against your enemies, be on your guard against anything untoward. (11) If any one among you has been rendered unclean by a nocturnal emission, he must leave the camp, and he must not reenter the camp. (12) Toward evening he shall bathe in water, and at sundown, he may reenter the camp.

> (13) There shall be an area for you outside the camp, where you may relieve yourself. (14) You shall have a spade with your weapons, and when you have squatted you shall dig a hole with it and cover up your excrement.

> (15) Since the Lord your God walks in the midst of your camp to protect you and to deliver your enemies to you, let your camp be holy; let Him not find anything unseemly among you and turn away from you.

This pericope includes two laws: (i) a man who has a nocturnal emission must exit the camp and may not return until purifying himself with water the next evening (vv. 10–12); (ii) a place outside the camp must be designated for excrement, which is to be buried with a spade carried by each soldier (vv. 13–14). The explanation given in v. 15 for these laws is that God Himself "walks in the midst of your camp," which therefore must be holy. Maimonides explains this connection in the following way:

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[12] It is conceivable that Saadia's commentary on this verse was known to Maimonides, as it is cited in his name by Abraham Maimonides (comm. on Exod 21:24–25, Wiesenberg ed., 343–344). This is not absolute proof, however, since Abraham may have known Saadia's remark only from Ibn Ezra, upon whom he often relies; and it is not certain that his father had Ibn Ezra (see introduction above, sec. 5). Yet it is worth noting a parallel between Ibn Ezra's words (והנה יהיה פי׳ עין תחת עין ראוי להיותו עינו תחת עינו, אם לא יתן כפרו) and Maimonides' language in *Hilkhot Ḥovel u-Mazziq* 1:3:

זה שנאמר בתורה כאשר יתן מום באדם כן ינתן בו אינו לחבול בזה כמו שחבל בחבירו אלא שהוא ראוי לחסרו אבר או לחבול בו כמו שעשה ולפיכך משלם נזקו, והרי הוא אומר (במדבר לה לא) ולא תקחו כופר לנפש רוצח, לרוצח בלבד הוא שאין כופר אבל לחסרון איברים או לחבלות יש כופר.

[We are commanded] to prepare a [secluded] place and a spade, for one of the purposes of the Law consists…in cleanliness and avoidance of excrements and of dirt and in man's not being like the beasts. And this commandment also fortifies, by means of the actions it enjoins, the certainty of the combatants that the *shekhinah* (divine presence) has descended among them, as is explained in the reason given for it: "Since the Lord your God walks in the midst of your camp" (Deut 23:15), this being against that which, as is well known, is widespread among soldiers in a camp after which they have stayed for a long time away from their homes. Accordingly, He, may He be exalted, has commanded us to perform actions that call to mind that the *shekhinah* has descended among us so that we should be preserved from those actions. And He said: "let your camp be holy; let Him not find anything unseemly among you…" (Deut 23:15). He has even commanded that a man who has polluted himself by night (*baʿal qeri*) should go out of the camp until the sun sets; and afterward he may come into the camp. Accordingly everyone should have in his mind that the camp is like a Sanctuary of the Lord and not like the camps of the Gentiles destined only to destroy and do wrong and to harm the others and to rob them of their property. On the contrary, our purpose is to make people apt to obey God and to introduce order into their circumstances.[13]

Maimonides begins by explaining the laws intended to keep excrement covered and outside the camp in hygienic terms. But he then speaks in a different vein with respect to the other law pertaining to the sanctity of the camp. With psychological insight, Maimonides notes that the circumstances of military life and battle—in which soldiers are away from home for extended periods—naturally lend themselves to immorality. To counter this tendency, the Law is devised to instill within all Israelite soldiers the belief that their camp is equivalent in its sanctity to the "Sanctuary of the Lord," and that God's presence is in their midst.[14] For this reason, a man who has had a seminal emission—known in talmudic literature as a *baʿal qeri*—must leave the camp, a measure intended to sanctify it by minimizing promiscuity therein.

   Upon concluding this seemingly straightforward analysis, Maimonides goes on to remark:

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[13] *Guide* III:41, Pines trans., 566–567. This would fit under the category—defined by Maimonides—of biblical laws aimed at fostering a harmonious society guided by moral virtues; see below, at n. 147.

[14] Maimonides' language implies that he regarded this as a "necessary belief" rather than a "true opinion"; i.e., it must be believed by the people "for the sake of political welfare"; on this distinction, see below, n. 145.

I have already made it known to you that I shall give reasons for the [biblical] text according to its apparent sense (*ẓāhir al-naṣṣ*).[15]

The great talmudist felt a need to make this disclaimer because the law that a *baʿal qeri* must exit "the camp" is interpreted in rabbinic literature as referring only to the "encampment of the divine presence (*shekhinah*)" on the Temple mount—and presumably not to a military camp,[16] an approach reflected in *Mishneh Torah*.[17]

It is important to emphasize that this characterization by Maimonides ("I shall give reasons for the [biblical] text according to its apparent sense") relates to this section of the *Guide* as a whole, not only the two places where he specifically mentions his divergence from the *halakhah*. Indeed, throughout his discussion of the rationale of the commandments in the *Guide*, Maimonides ignores talmudic interpretations more subtly, without announcing his adherence to *ẓāhir al-naṣṣ*. For example, he remarks that

the commandment…"You shall not turn over to his master a slave [who has escaped to you]" (Deut 23:16), besides manifesting pity, contains a great utility…[as] it makes us protect and defend those who seek our protection.[18]

This ethically oriented explanation seems reasonable enough. But it is not consistent with the talmudic ruling (b.*Giṭṭin* 45a) that limits the application of this law to a slave who escapes to the Land of Israel from his master residing outside the Holy Land. Indeed, it is in this

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[15] *Guide* III:41, Pines trans., 567; Munk-Joel ed., 415.

[16] See, e.g., b.*Pesaḥim* 68a. Nahmanides (comm. on Deut 23:10, Chavel ed., II:457–458) builds upon Maimonides' interpretation (without attribution) to establish the correct interpretation "according to the way of *peshat*" (see Halbertal, *Truth*, 293), though he goes on to note the alternative rabbinic midrashic interpretation. For Nahmanides, both *peshat* and midrashic derivation yield laws of biblical authority, as discussed in chapter seven below.

[17] See *Hilkhot Biʾat ha-Miqdash* 3:1–8; compare *Book of the Commandments*, Positive Commandment #31, Negative Commandment #78, Kafih ed., 74, 222. Having embraced that rabbinic halakhic reading, Maimonides does not make any analogous ruling about removing a ritually unclean person from the military camp. He does, however, codify law (ii) based on the obvious sense of Deut 23:14–15, i.e., relating to the military camp; see *Hilkhot Melakhim* 6:15; compare *Book of the Commandments*, Positive Commandment #192 and #193. There is, however a rabbinic source for this ruling; see above, introduction, n. 30.

[18] *Guide* III:39, Pines trans., 554. This, too, would belong in Maimonides' category of biblical laws aimed at fostering a harmonious society guided by moral virtues; see below, at n. 147.

spirit that the law is explained by Maimonides himself in his *Book of the Commandments*, where he writes:

> We were prohibited from returning to his master a slave escaping to the Land of Israel…since he ran away from outside the Land to the Land of Israel, he must not be returned to him…And this is His dictum, may He be exalted, "You shall not turn over to his master a slave[…]." [And] in the fourth chapter of *Giṭṭin* it is made clear that Scripture speaks of a slave who escapes from outside of the Land to the Land [of Israel]…He must not be returned to servitude because he has come to seek refuge in a pure place chosen for the excellent nation.[19]

The talmudic reading made an impact (though it was not adhered to precisely) in the Geonic-Andalusian exegetical tradition, as we see in Ibn Balʿam:

> You shall not return a slave to his master—this obligation applies only if he converted to Judaism. And therefore the author of the *Tafsīr* [i.e., Saadia] added in his translation: "who has escaped to you [=אשר ינצל אליך] *from his religion*."[20]

Characteristically, both Saadia and Ibn Balʿam posited that rabbinic halakhic traditions override *ẓāhir al-naṣṣ*, as did Maimonides in his *Book of the Commandments*. But in the *Guide* he interprets this verse as it appears in Scripture alone, where no such limitation is mentioned.[21]

The very possibility of interpreting the Law independently of rabbinic tradition was controversial and even seems to lead Maimonides to an internal contradiction. As the fifteenth-century Spanish commentator on the *Guide* Shem Tov ben Joseph Ibn Shem Tov remarks:

> I am absolutely amazed by the Master [i.e., Maimonides] for saying that his intention was to give reasons for the biblical verses, rather than the reasons for what is stated in the Talmud. For the biblical verses have no meaning (lit. are not true) except according to the tradition that our Rabbis received and as they explained in the Talmud. And this is what the Master [Maimonides himself] taught us: that [even] if the King Messiah comes and says that the meaning of Scripture is according to its *peshat* (*ha-katuv ke-fi peshuto*)—"eye for eye" literally—he is punishable by death. Why? Because that contradicts the Talmud. And I do not know

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[19] Negative Commandment #254, Kafih ed., 301; See Twersky, "Yisrael," 288; this law is codified in *Hilkhot ʿAvadim* 10:8.

[20] Ibn Balʿam, comm. on Deut 23:6, Perez ed., 56 (Ar.); 108 (Heb.); see also Zucker, *Translation*, 434–435.

[21] For other examples of such silent divergence, see Levinger, *Philosopher*, 177–181 and the discussion further in the current chapter.

how our Master and Teacher turned [i.e., took a wrong turn], for he did not teach us thus. And God should forgive him and us.[22]

By Maimonides' own account elsewhere in his writings, *ẓāhir al-naṣṣ* (what Shem Tov calls *ha-katuv ke-fi peshuto*) is subordinate to the interpretations given at Sinai and transmitted by the Rabbis.[23] Of course, Shem Tov's reliance on Hebrew translations created the illusion that Maimonides used the term *peshat* in these contexts, whereas, in fact, he uses only the term *ẓāhir al-naṣṣ*, which does not carry the same authoritative connotation in his terminological system. Maimonides no doubt deliberately avoided using the label *peshateh di-qera* in his non-talmudic legal analysis of Scripture, because that would conflict with his rule of *peshat* primacy in the *Book of the Commandments* (as we shall discuss in chapter six below). Instead, he uses the term *ẓāhir al-naṣṣ*, which has a more tentative connotation. And yet, Shem Tov is correct in pointing out that Maimonides states unequivocally that the transmitted interpretations of the Rabbis always override *ẓāhir al-naṣṣ*, i.e., the interpretation that would have seemed reasonable based on the biblical text alone.

There is no easy answer to the question Shem Tov raised: given Maimonides' belief in the authority of the rabbinically transmitted Sinaitic interpretation, there does not seem to be any point in elucidating *ẓāhir al-naṣṣ*. We will return to discuss this issue at length in chapter nine below, after a fuller discussion of Maimonides' halakhic exegesis and construal of the rule of *peshat* in chapters five through eight of this study. At this point it is illuminating to simply note important parallels to Maimonides' endeavor within the *peshat* tradition, some aspects of which have received a good deal of attention in recent scholarship. Our exploration of those parallels, in turn, will solidify our understanding of the exegetical methods Maimonides manifests in his analysis of *ẓāhir al-naṣṣ* and the ways in which those connect to him the medieval movement of *peshat* exegesis at large.

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[22] Shem Tov on *Guide* III:41; 52b. He seems to refer here to Maimonides' discussion of a false prophet who is punishable by death for ruling according to the literal sense of the Law and against rabbinic tradition; see citation in chapter two above, sec 3.1. In that context Maimonides actually discussed Deut 25:12 ("You shall cut off her hand"); however, it is reasonable to assume that he would apply the same rule to the verse Shem Tov cites.

[23] See chapter two, sec. 3 above.

## 2. *Precedents in the Tradition: Ibn Janah and Rashbam*

Ibn Janah, as we saw in chapter one above, devised a dual hermeneutic based on the rule that "a biblical verse does not leave the realm of its *peshat*," which he took to mean that *peshat* is inviolate, even where it conflicts with rabbinic interpretation. Paraphrasing the Talmud, he states that "the *peshat* of a verse is one thing, and the *halakhah* is another," on the basis of which he proceeds to engage in his independent contextual-philological exegesis.[24] Since Ibn Janah was certainly known to Maimonides, it is conceivable that this manifesto inspired him to interpret the biblical text apart from the *halakhah*. Unlike Ibn Janah, however, Maimonides does not invoke the talmudic rule of *peshat* in this context, probably because he had already used it for a different purpose in his *Book of the Commandments*, as discussed in the second part of this study. Instead, Maimonides uses the terms *ẓāhir al-naṣṣ* and *al-nuṣūṣ* to replicate Ibn Janah's dual hermeneutical model. In this context, then, the term *ẓāhir* can be regarded as a sort of proxy for the term *peshat* as used by Ibn Janah, which allows us to define the features of Maimonides' "*peshat* exegesis" (as others might characterize it) based on his endeavor to analyze *ẓāhir al-naṣṣ*.

One could, of course, ask how Ibn Janah himself took the liberty to forsake rabbinic authority and engage in his *peshat* exegesis. As we saw in chapter one above, he takes this bold step relying (1) on the talmudic *peshat* maxim (which he appropriated for his purposes, though it meant something else originally—as discussed in chapter seven below) and (2) the tradition of philological-contextual exegesis established by Saadia and Samuel ben Hofni, whose commentaries Ibn Janah characterized using the label *peshat* (which they themselves did not do). While Ibn Janah's interpretation of the talmudic *peshat* maxim itself seems to have been revolutionary (at least as far as the extant record indicates), he uses it to support an exegetical practice that, de facto, was already common and had been applied at least since Saadia's time. Indeed, it was inevitable that the adoption of the philological-contextual method would lead to a conflict with the rabbinic halakhic interpretive tradition, which clearly followed other rules. Ibn Janah simply borrowed

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[24] Other than Ibn Janah, exegetes in the Geonic-Andalusian school tended to emphasize that rabbinic halakhic traditions override *ẓāhir al-naṣṣ*, as discussed in chapter one above.

the talmudic term *peshat* to grant official recognition to this phenomenon. Following in his path, Maimonides states his program openly, even though he cannot use the term *peshat* to support it.

While Ibn Janah provides a theoretical basis for Maimonides' endeavor, in practice the former rarely dealt with matters of *halakhah*. The Pentateuch commentary of the great twelfth-century *pashtan* Rashbam, on the other hand, provides a closer parallel to Maimonides, as he energetically interprets its legal sections independently of talmudic *halakhah*.[25] Admittedly, we have no indication that Maimonides was aware of Rashbam's exegetical work, or even that of his grandfather Rashi, for that matter;[26] so this resemblance seems to reflect independent thinking, motivated perhaps by parallel circumstances. Like Maimonides, Rashbam was a talmudist and therefore would have seemed an unlikely candidate for devising a non-halakhic interpretation of the legal sections of the Pentateuch. But the fact is that both authors—who were quite original and creative as halakhic scholars—channeled their intuitive understanding of the biblical text into commentaries seemingly at odds with the Talmud itself. Since the methodological similarities between the two are so striking, we will digress to discuss Rashbam at length, a step that will prove quite helpful in establishing Maimonides' credentials as a practitioner of the *peshat* method.

As Rashbam tells it, the story of the northern French *peshat* school began with the work of his grandfather Rashi, before whom midrashic exegesis was regarded as the only legitimate tool for interpreting Scripture:

> Let lovers of reason (*sekhel*) comprehend and understand that our Rabbis taught us that "a biblical verse does not leave the realm of its *peshat*," even though the essence (*ʿiqqar*) of Torah comes to teach and inform us—through the hints of the *peshat*[27]—the *haggadot, halakhot* and *dinim* by way of redundant language and through the thirty-two hermeneutical rules of R. Eliezer…and the thirteen rules of R. Ishmael. Now the early generations, because of their piety, tended to delve into the *derashot*, since they are essential (*ʿiqqar*), and therefore were not accustomed to the deep *peshat* of Scripture.…Now our master, Rabbi Solomon, the father of my mother, luminary of the Diaspora, who interpreted Torah,

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[25] It is conceivable that Rashbam's older northern French contemporary Joseph Qara (with whom he evidently studied, together with Rashi) already engaged in this sort of analysis; see below, n. 48.

[26] See introduction above, n. 52.

[27] On this locution, see below, n. 29.

Prophets and Writings, aimed (נתן לב) to interpret the *peshat* of Scripture. And I, Samuel, son of Meir, his son-in-law (of blessed memory), debated with him personally, and he admitted to me that if he had the opportunity, he would have to write new commentaries according to the *peshat* [interpretation]s that emerge anew (*ha-mithaddeshim*) every day.[28]

In speaking of the genesis of the *peshat* revolution in northern France, Rashbam first briefly addresses the hermeneutical methods of the Rabbis, based on "hints" and redundancies in the biblical text,[29] which yield the "*haggadot, halakhot* and *dinim*," i.e., the speculative-ethical and practical legal norms of Judaism. Rashbam acknowledges the latter as being "the essence of Torah," thereby explaining why "the early generations" focused exclusively on midrashic interpretation. Oblivious to the older contextual-philological school in al-Andalus, Rashbam credits his grandfather Rashi for pioneering a new method based on the authority of the talmudic rule of *peshat*.[30] Like Ibn Janah (though seemingly independently), Rashi and Rashbam believed that this rule calls for the independent study of the biblical text according to the hermeneutics of *peshat*.

Yet, even a cursory glance at Rashi's commentaries reveals his heavy reliance on rabbinic exegesis, with only sporadic original interpretations

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[28] Rashbam, comm. on Gen 37:2; compare comm. on Gen 1:1; see Touitou, *Exegesis*, 98–104. See also below, n. 29 and cf. below n. 37. Throughout his writings, Rashbam uses the term *peshat* in three senses: (1) an interpretation (correct or incorrect); (2) the biblical text itself; (3) the most reasonable interpretation of the text according to the rules of language. The third usage is most prevalent in Rashbam's lexicon (and on this basis we speak of him as a *pashtan*); but the other two indicate that Rashbam still does not have a finalized, consistent terminological system. See Touitou, *Exegesis*, 29–30.

[29] When speaking of "the hints of the *peshat*" Rashbam uses the term *peshat* in the sense of *the biblical text itself*. In his comm. on Gen 1:1, he likewise writes: שנכתב פשוטו של מקרא בלשון שיכולין ללמוד הימנו עיקר הדרשה.

[30] Rashbam's failure to mention exegetes such as Saadia and Ibn Janah in this context would suggest that neither he nor Rashi knew of the Geonic-Andalusian exegetical school. Although they do both cite the Andalusian linguists Menahem and Dunash (who wrote in Hebrew), as does Qara, there is no mention of other Andalusian grammarians or exegetes (whose work was accessible only in Arabic) in any of their writings. Notwithstanding this lack of direct evidence, A. Grossman has argued that some Andalusian influence must have penetrated the northern French school and should be considered as one of the factors that contributed to its sudden emergence. Touitou, on the other hand, dismisses this possibility, and I tend to agree with his view. On this debate, see Grossman, "Literal Exegesis," 327–328; Touitou, *Exegesis*, 46–47; Cohen, "Rashbam Scholarship," 391–394; idem, "Spanish Source," 353–374.

"according to the *peshat* of Scripture."[31] Two explanations for this disparity emerge in Rashbam's comment cited above. To begin with, his characterization of Rashi's revolutionary endeavor ("Rabbi Solomon … aimed to interpret the *peshat* of Scripture") implies the inevitably unfinished nature of any first attempt to break out of an entrenched authoritative mold. Rashbam gives Rashi credit for simply recognizing the need for establishing a *peshat* method, as well as its occasional application, though it would be fully implemented only in the next generation by Rashi's followers. While Rashbam certainly had his own work in mind, there can be no doubt that he was also referring to the fundamental development of the *peshat* method by his older colleague Joseph Qara, whom he mentions occasionally in his commentaries. According to Rashbam's testimony here, Rashi lived to see these subsequent developments and refinements, and even acknowledged the shortcomings of his own work by comparison; hence, he "admitted … that if he had the opportunity, he would have to write new commentaries according to the *peshat* [interpretations]s that emerge anew every day."

Rashbam's words also imply a second explanation for Rashi's reliance on Midrash. Given that Rashbam characterizes the "*haggadot, halakhot* and *dinim*" as the essential purpose of the Torah—an outlook that Rashi presumably shared—neither one would advocate eliminating the midrashic dimension from the purview of biblical interpretation. Accordingly, the new commentaries that Rashi purportedly had in mind to write would have incorporated additional *peshat* interpretations to supplement rather than supplant his original midrashic ones. The ultimate model for Rashi would be a commentary that includes both *peshuto shel miqra* and *midrasho*, as indeed attested numerous times in his commentaries, in the so-called "double interpretation" phenomenon.[32] Rashbam, likewise, hardly intended to supplant midrashic exegesis; his intention, rather, was to provide a *peshat*

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[31] לפי פשוטו [של מקרא]; consequently, there is a debate among Rashi scholars regarding his success in implementing his stated goals; see Ahrend, "Concept," 244–261. Rashi used only the form *peshuto* (i.e., with the possessive pronoun suffix), but never the term *peshat* by itself, which is ubiquitous in Rashbam; on this terminological shift, see Kamin, *Categorization*, 58, 266–268.

[32] See Kamin, *Categorization*, 158–208 and below at n. 83.

commentary that would co-exist as an alternative to the authoritative midrashic reading within a dual hermeneutical framework.[33]

It is in this spirit that Rashbam writes in his introduction to the first major law code of the Pentateuch in Exodus 21:

> I have not come to explain *halakhot*, even though they are essential, as I explained in Genesis [above, at n. 28], for the *haggadot* and *halakhot* can be inferred from the redundancies of the Scriptures, and some of them can be found in the commentaries of Rabbi Solomon my grandfather (may the memory of the righteous be blessed). But I have come to interpret the *peshat* of the Scriptures. And I shall interpret the laws and *halakhot* according to the way of the world (DEREKH EREṢ). And yet, the *halakhot* (i.e., as interpreted by the Rabbis) are essential (ʿiqqar), as our Rabbis said: "*halakhah* uproots Scripture" (b.Soṭah 16a).[34]

Since Rashi had already interpreted the legal portions of the Pentateuch based on rabbinic halakhic exegesis, Rashbam was free to devote his energies to the neglected area of "the *peshat* of the Scriptures," which he characterizes as being "according to the way of the world (*derekh ereṣ*)," an expression he uses throughout his Pentateuch commentary to describe his rationally inclined, linguistically sensitive exegetical approach.[35] And indeed, as modern scholars have shown, he manifests considerable ingenuity and originality in his careful readings of the biblical text, which are also quite independent of—and even at odds with—rabbinic interpretation.[36] While the seeds of this approach were sown by Rashi, this aspect of Rashbam's application is truly unprecedented, as he effectively creates an alternative, non-talmudic "shadow" system of *halakhah* based simply on a contextual-literary reading of Scripture itself. In justifying his bold course of non-halakhic legal exegesis, Rashbam refers to his programmatic statement on Genesis 37:2, where he cited the talmudic rule of *peshat*. Here he augments this with an important disclaimer: in the realm of *halakhah* the midrashic interpretation is authoritative, as "*halakhah* uproots Scripture," i.e., it

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[33] Rashbam makes this clear in his concluding remark on Exodus, which leads into his introduction to Leviticus; see Kislev, "Preface."

[34] The talmudic maxim is: הלכה עוקרת מקרא; on the textual problems associated with its citation by Rashbam, see Touitou, *Exegesis*, 105.

[35] See below, n. 67.

[36] See Touitou, *Exegesis*, 126–139; Japhet, "Tension."

overrides any conflicting *peshat* interpretation,[37] which is nonetheless valid on its own.[38]

Having addressed the theoretical basis of the northern French *peshat* method, we can now turn to its principal characteristics. While our primary interest, for the sake of comparison with Maimonides, will be in Rashbam, we will note important dimensions of this method manifested by Qara and even Rashi. Based on recent scholarship on this subject, we can identify four inter-related characteristic features of the northern French *peshat* method:[39]

(i)   *Independence from rabbinic interpretation*—an over-arching pre-disposition that allows for interpretations that manifest the following three characteristics.
(ii)  *Philological-Contextual interpretation*—an endeavor to interpret Scripture based on a systematic philological analysis of biblical language, its literary context and stylistic conventions, all of which rabbinic exegesis seems to disregard.
(iii) *Rationalism*—preference for interpretations that are based on, and accord with, common sense, reason and scientific observation, a tendency that often leads to a naturalistic reading of Scripture, as opposed to rabbinic supernaturalism.
(iv)  *Historical sensitivity*—preference for interpretations that take into account the historical circumstances and societal norms of biblical times, as opposed to the midrashic tendency to read Scripture anachronistically based on its perception as a timeless text.

Before proceeding to illustrate these characteristics in detail, an overall remark about the northern French *peshat* school is in order.

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[37] Rashbam here uses the term *miqra* (Scripture, a biblical verse) interchangeably with *peshat*; see Kamin, *Categorization*, 40–41 and above, n. 28.

[38] Does this bring Rashbam to Samuel ben Hofni's principle (chapter one, sec. 2 above) that a conflict with rabbinic tradition calls for abandoning *peshuto shel miqra*? Despite the seeming similarity, the two are quite different on this matter. For Samuel ben Hofni, *peshuto shel miqra* is equivalent to *ẓāhir al-naṣṣ*, which has no standing when *taʾwīl* is indicated. Rashbam, on the other hand, adopts a stronger reading of the talmudic rule of *peshat* to preserve its integrity as an alternate interpretation of the text—even though it plays no role in determining *halakhah*. This, of course, raises the question of the very purpose of investigating *peshuto shel miqra* (a matter discussed in chapter nine below), which does not apply to Samuel ben Hofni.

[39] See, e.g., Ahrend, "Concept," 248; Grossman, "Literal Exegesis," and references in the notes below.

E. Touitou, in a series of studies addressing the sudden emergence of this school, has compellingly argued that it was inspired in part by the so-called twelfth-century renaissance in France, a broad revival of Latin learning in grammar, rhetoric, science, and history. New confidence in human reason (*ratio*), which would ultimately compete with the previously unquestioned authority (*auctoritas*) of the Church Fathers, sparked interest among Christian scholars—most notably in the Parisian school of St. Victor—in the literal-historical sense (the "letter") of Scripture, aside from the spiritual senses (the "spirit") long hallowed by Church tradition.[40] Even though neither Rashi nor his students seem to have read much Latin, the striking parallel between their work and the Christian exposition of Scripture's *sensus litteralis* suggest that a common cultural outlook played a critical role in the development of the two movements.[41]

These two twelfth-century interpretive schools manifested, among other things, a sheer love of intellectual innovation. Christian scholars would come to acknowledge the learning of the "moderns" (*moderni*) alongside that of the "ancients" (*antiqui*) in a broad array of disciplines, including science, language, literature and hermeneutics. Jewish learning in France was not as broad, but it did extend beyond the realm of biblical studies to produce the revolutionary Tosafist school of talmudic analysis—in which Rashbam participated alongside (and was overshadowed by) his younger brother, the brilliant talmudist Jacob Tam. Although talmudic study by nature is structured within strict authoritarian legal boundaries, the twelfth-century Tosafists made ample room for creativity in their celebrated "new [interpretation]s"

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[40] Touitou, *Exegesis*, 24–25. Compare Smalley, *Study*, 83–106; Ziolkowski, "Authority." Rashi predates the great Victorine exegetes; but it would seem that their work had its roots in exegetical developments in eleventh-century northern France. See Kraebel, "Bruno." (My thanks to Alastair Minnis for bringing that study to my attention.)

[41] See Touitou, *Exegesis*, 30–31, 37–39, 112, 134. Touitou addresses the ways in which Rashi and his students might have learned about Christian Bible interpretation: actual conversations with Christian neighbors (of the sort attested by the polemical literature), religious art and popular dramatizations (important media for educating the largely illiterate medieval public), and early translations of Latin works on biblical topics into Old French. Touitou tends to dismiss the possibility that Rashi actually read Latin. We have better evidence of Rashbam's knowledge of Latin, since he cites—and disputes—the Latin translation of Gen 49:10 and Exod 20:13. Yet the extent of his proficiency in reading Latin is unclear; see Japhet, "Latin," 296–297, 309. It is evident that Hugh of St. Victor, Rashbam's Christian contemporary, consulted Jews to interpret the literal sense of Scripture; see Smalley, *Study*, 102–105.

(ḥiddushim) of ancient rabbinic legal texts.[42] Rashbam's references to "intellectuals" (maskilim) and "lovers of reason (SEKHEL)" in his Pentateuch commentaries likewise indicate that his biblical exegesis responds to the needs of a new class of Jewish scholars thirsting for innovative readings of Scripture matching the intellectual interests and curiosities of the twelfth-century renaissance.[43] It is in this spirit that we must appreciate the self-assessment of the revolutionary *peshat* movement ("the *peshat* [interpretation]s that emerge anew every day"; above at n. 28), which Rashbam attributes to Rashi. As Touitou observes, the perception of *peshat* as a new discovery in relation to the authoritative rabbinic reading of Scripture mirrors the vitality of twelfth-century Latin learning, and the innovations it sparked in Christian biblical exegesis.[44]

The openness of the northern French scholars about the innovation of their methods is especially striking when we consider that their colleagues in the much older Geonic-Andalusian tradition tended to downplay their (often substantial) departure from traditional rabbinic exegesis. While Rashi's students celebrated their ḥiddushim in both Talmud and Bible, Saadia's followers tended to emphasize that their methods were not, in fact, new and can be traced to the Rabbis, who themselves were transmitting traditions from Sinai.[45] The latter strategy was, no doubt, colored by their need to respond to ideological threats unique to the Judeo-Arabic cultural scene: the Karaite claim that talmudic exegesis represents a rabbinic innovation that distorts the true

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[42] See Touitou, *Exegesis*, 103, citing recent studies by I.M. Ta-Shma; see also below, n. 45.

[43] See Touitou, *Exegesis*, 22, 103–104. This social context helps explain Rashbam's occasional boastful claims of having discovered apt *peshat* interpretations that had eluded his predecessors, especially pronounced in a fragment of his commentary on Deuteronomy published by M. Sokolow, cited in Touitou, *Exegesis*, 75–76.

[44] See Touitou, *Exegesis*, 22, 32–33, 178–179.

[45] A similar observation can be made regarding the disparity between the spirit of French and Geonic-Andalusian talmudic scholarship. As a reflection of the latter, Maimonides' *Mishneh Torah* exudes a sense of reverence for tradition and, as a definitive code, seems to close the door to further innovation in talmudic scholarship and legal thought, whereas the very nature of French talmudic commentary lent itself naturally to further discussion and debate. See Ta-Shma, *Commentary*, 62–83, 196–208. As H. Soloveitchik remarks:

> Sometime late in the second quarter of the twelfth century, Europe declares her independence of Babylonian tutelage and within the wondrous span of sixty years achieves it. North of the Loire it was the dialectical revolution of Rabbenu Tam which heralded the advent of European Halakhic thought, south of the Loire it was the commentarial labors of Rabad [of Posquières]…

sense of the Bible, and the Muslim claim that the Jews had replaced the original Mosaic text given by Moses with a forgery that they now call "the Torah."[46] Hence, despite some important methodological similarities between the northern French and Geonic-Andalusian *peshat* schools, their ideologies of interpretation were at times quite different.

On the basis of these introductory remarks, we can now proceed to illustrate the four characteristics of the northern French *peshat* method enumerated above, which find clear parallels within the Geonic-Andalusian school, as we shall note where relevant.

## 2.1. *Independence from Rabbinic Interpretation*

In the intellectually vibrant spirit of the twelfth-century French renaissance, exegetes of Rashi's school developed an interpretive method based on *ratio*—their own interpretive reason—rather than the *auctoritas* of the rabbinic interpretive tradition. While this is evident in the above-cited passages from Rashbam, the value placed on such intellectual independence is especially manifest in the following comment by Qara:

> Prophecy [i.e., Scripture] was written...in a complete manner with all that is necessary for its interpretation....And there is no need for corroboration from elsewhere, nor Midrash, for the Torah is perfect (תמימה) as given...and lacks nothing. But anyone who...leans toward the Midrash...is like one who was swept away by the river current...and

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While Maimonides was hewing in granite the upshot of Talmudic discussions, a new Talmud was being written in northern France: Dialectic, dormant for some three-quarters of a millennium, was rediscovered by Rabbenu Tam and R. Isaac of Dampierre. ("Rabad," 14, 19)

Rabad actually saw *Mishneh Torah* late in his lifetime, when he was already an accomplished talmudic scholar, and understandably took issue with the very notion of a final, definitive code of talmudic law. Responding to this challenge, Rabad penned his now famous "strictures" (*hassagot*) on the great legal compendium of his younger Andalusian contemporary; see Soloveitchik, "Rabad," 21. See also below, n. 180.

[46] The Karaite threat is mentioned explicitly, e.g., by ha-Levi (*Kuzari* III:22) and Ibn Ezra (Pentateuch comm., standard introduction, "the fifth way," Weiser ed. I:10); see chapter five below. On the Muslim claims of Jewish forgery of the Torah, see Lazarus-Yafeh, *Intertwined Worlds*, 19–74. In Christian anti-Jewish polemics one occasionally finds the claim that the Jews altered the biblical text, but the scope of this claim is rather limited. The more typical argument was that the Jews continued to adhere to the laws stated in the Pentateuch in its literal sense and failed to acknowledge the Christian spiritual sense that superseded it; see Talmage, *Apples*, 194–196; Kamin, *Jews and Christians*, 89–112; see also Ibn Ezra, Pentateuch comm., standard introduction, "the second way."

grabs anything that comes to hand to save himself. But if he put his heart to the word of God, he would reveal the meaning of the matter and its *peshat*, fulfilling what it says: "If you seek it as you do silver and search for it as for treasures, then you will understand the fear of the Lord and attain knowledge of God" (Prov 2:4–5).[47]

Qara ardently maintained—as formulated here in religiously charged language—that an intelligent exegete, using his own reasoning ("if he put his heart to the word of God"), can find solutions to all interpretive questions within the text of Scripture itself, without relying on midrashic literature.[48] While Rashbam never expresses himself quite as forcefully (or poetically),[49] Qara's quest certainly can be said to motivate the former's singular devotion to *peshat*, i.e., to interpret Scripture philologically and contextually, rather than relying on Midrash—as Rashi often did.[50]

## 2.2. *Philological-Contextual Interpretation*

The advent of the *peshat* method—as applied by Ibn Janah and Ibn Ezra, as well as the exegetes in Rashi's school—implied, first and foremost, adherence to a contextually-based philological analysis of Scripture. This became commonplace in the Judeo-Arabic exegetical tradition founded by Saadia and transplanted to al-Andalus late in the tenth century. The fruits of that tradition, however, were unavailable to Jews in Christian lands, with the exception of the linguistic works of Dunash and Menahem, which were written in Hebrew and did exert substantial influence in the northern French *peshat* movement.[51] For

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[47] Comm. on I Sam 1:17. The depiction of the Torah as perfect (תמימה) is taken from Ps 19:8.

[48] See Grossman, "Literal Exegesis," 351–352. It is intriguing to consider the implications of this statement for the interpretation of the legal sections of the Pentateuch. Did Qara advocate independence from halakhic midrashic interpretation there, as well? Unfortunately, on the Pentateuch we have nothing more than Qara's marginal notes on Rashi's commentary (see, e.g., below, n. 86). It is possible that Qara composed a Pentateuch commentary of his own, and recently discovered fragments of such a commentary have been attributed to him; see Grossman, "Literal Exegesis," 348; idem, *France*, 290–302. However, neither these, nor his marginal glosses on Rashi, yield a clear, comprehensive interpretive approach to the biblical legal system, as Rashbam's commentary does.

[49] In fact, Rashbam probably avoided making this sort of anti-midrashic comment because he wished to present Midrash as a valid parallel method of interpretation (just as Ibn Janah had presented it); see Touitou, *Exegesis*, 52.

[50] See Greenberg, "Relationship."

[51] See references cited in n. 30 above.

adherents of the *peshat* method, the meaning of any given biblical word or expression must be determined systematically in light of its immediate context, as well as its usage elsewhere in Scripture.

What is striking about Rashbam in this respect is that he dares to apply his *peshat* analysis even when it results in a conflict with rabbinic halakhic interpretation and even the *halakhah* itself. For example, with regard to a Hebrew slave who refuses to go free after six years of labor, as is his right, Exod 21:6 states: "He [the master] shall bring him to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall serve him forever (לעולם)." Rabbinic tradition establishes that in such a case the servitude lasts only until the jubilee year, as stated in Lev 25:28. Accordingly, Rashi, following the Talmud, interprets לעולם to mean "until the jubilee year" (comm. ad loc.; see b.*Qiddushin* 15a). This construal of the term לעולם, however, does not accord with its use elsewhere in Scripture, which motivates Rashbam (ad loc.) to write:

> According to the *peshat*, [this means] *all the days of his life*, as it says in Samuel "and he will dwell there forever (לעולם)" (I Sam 1:22).

This interpretation conflicts with the *halakhah*, since it implies that the slave whose ear is pierced does not go free in the jubilee year. To be sure, in light of his programmatic statements, Rashbam did not intend to legislate *halakhah* accordingly. He merely clarifies that "according to the *peshat*" the verse would be interpreted differently. Interestingly, this is one of the few cases in which Ibn Janah also adopts an interpretation that conflicts with the *halakhah*, as he writes: "And he shall serve him forever—the entire lifetime (lit. all the days) of the servant or the master."[52] While Ibn Janah no doubt knew the rabbinic interpretation, he believed that it did not preclude the validity of an independent philological one. In taking this step, he diverges from no less an authority than Saadia, who adjusted his translation of לעולם to conform to rabbinic tradition,[53] an approach adopted by Ibn Ezra as well.[54]

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[52] *Roots*, s.v. עלם; see Maman, "Linguistic School," 271.

[53] See Zucker, *Translation*, 335. This is somewhat ironic because Saadia was the authority that Ibn Janah cited (along with Samuel ben Hofni) for the license to interpret Scripture philologically, even when this puts him at odds with rabbinic interpretation (see above, chapter one, sec. 4). Elsewhere, however, it is Saadia's precedent that Ibn Janah follows in diverging from the halakhic tradition; e.g., his interpretation of Deut 23:18 diverges from the halakhic reading (though not the *halakhah* itself), following Saadia's *Tafsīr*; see Ibn Janah, *Roots*, s.v. קדש; Zucker, *Translation*, 477.

[54] See his short comm. on Exod 21:6. The implications of this and similar examples within Ibn Ezra's model of *peshat* are discussed in chapter seven below. Maimonides

At times the philological-contextual method calls for a consideration of stylistic conventions, in other words, a poetics of biblical literary expression. As discussed in chapter one above, this tendency is already well-attested in Ibn Janah, and reaches its pinnacle in the work of Moses Ibn Ezra, who explicitly identified the poetic techniques that endow Scripture with its aesthetic quality. While those two Andalusian authors drew upon the terms and concepts of Arabic poetics for this purpose, the northern French *peshat* exegetes Qara and Rashbam were guided solely by their keen literary sensitivity in discerning what they called *derekh/hilukh ha-miqra'ot* (lit. the way/stride of the Scriptures), and successfully identified a number of distinctive biblical stylistic conventions and structural techniques.[55]

Once again, Rashbam boldly applies this aspect of his method even when it leads to a conflict with the rabbinic halakhic interpretation. For example, it is assumed by the Rabbis (b. *Menaḥot* 34b–37b) that the obligation to don phylacteries (*tefillin*) daily is referred to in Exod 13:9, "And this shall serve you as a sign on your hand and as a reminder between your eyes—in order that the teaching of the Lord may be in your mouth—that with a mighty hand the Lord freed you from Egypt." Rashi (comm. ad loc.), following the Talmud, interprets this verse accordingly, i.e., that the phylacteries are the "sign" placed literally on the arm and head (roughly "on your hand and…between your eyes"), as a reminder of the Exodus from Egypt. Yet the rabbinic interpretation does not accord with the surrounding biblical pericope (Exod 13:3–10), which is devoted exclusively to the annual celebration of the unleavened bread festival to commemorate the Exodus from Egypt. Rashbam therefore offers an alternative:

> "As a sign on your hand"—according to its deep *peshat*: it will always be on your mind (lit. a memory for you), as if it were written on your hand. Like [the verse] "Make me like a seal on your heart, [like a seal on your arm]" (Song 8:6).

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adopts the rabbinic interpretation in *Hilkhot ʿAvadim* 3:7. Nahmanides (comm. on Exod 21:6), on the other hand, is sensitive to its divergence from the obvious sense (*mashmaʿ*) of the text and therefore devises a kabbalistic interpretation to explain this verse. In so doing, he evidently wishes to offer a philologically sound *peshat* reading that does not conflict with the *halakhah*. On Nahmanides' tendency to use Kabbalah as the key to *peshat*, see Berger, "Miracles," 112–113.

[55] See Ahrend, *Job*, 13–22; Touitou, *Exegesis*, 134–139, 146–164; Japhet and Salters, *Qohelet*, 48–55; Japhet, *Job*, 160–208; Grossman, *France*, 320–322. For a comparison between Rashbam and Moses Ibn Ezra in this respect, see Cohen, "Two Perspectives," 203*–217*.

"Between your eyes"—like an ornament or a gold chain that is customarily put on the forehead for decoration.[56]

Rashbam's solution is based on the awareness of the stylistic tendency of Scripture to speak metaphorically, which allows him to argue that these phrases simply connote continual awareness, as if the memory of the Exodus were imprinted "on your hand" and an adornment "between your eyes." Manifesting philological rigor, he cites a prooftext from Song 8:6, which uses similar poetic imagery to express the beloved's desire that her lover remember her constantly.[57] Having taken this interpretive step, Rashbam preserves the contextual unity of Exod 13:3–10, which is simply about keeping the Exodus from Egypt in mind constantly. Rashbam here expresses satisfaction in having discovered the "deep *peshat*"[58] of this verse by accounting for it in context more successfully than the rabbinic interpretation does.

Rashbam's independence from rabbinic authority in his commentary on Exod 13:9 stands out by comparison with Ibn Ezra, who criticizes this non-rabbinic understanding of this verse:[59]

Some disagree with our holy forebears and say that "as a sign…and reminder" is like "for they are a graceful wreath on your head, a necklace about your neck" (Prov 1:9).…Accordingly, "for a sign…and reminder" means that it should be constantly on your tongue "that with a strong hand the Lord brought you out from Egypt."[60]

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[56] Rashbam, comm. on Exod 13:9. This would seem to be an adaptation of the interpretation of Menahem ben Saruq on Deut 6:8; see his *Maḥberet*, s.v. טפ.

[57] As Rashbam glosses ad loc., "Regarding this type [of love] I plead before you, that you make me 'like a seal on your heart'—like a seal stamped in the place of its sealing. And 'like a seal on your arm'…in order that my love for you be a remembrance" (Japhet ed., 277).

[58] On the expression "its deep *peshat*" (עומק פשוטו) and others like it in Rashbam's lexicon (עיקר פשוטו, אמיתת פשוטו), see Kamin, *Categorization*, 268. On literary context as a critical ingredient in the northern French concept of *peshat*, see Rashbam on Lev 19:26; Japhet, *Job*, 56–78, 148–149; Ahrend, *Job*, 13–14; Harris, "Literary Hermeneutic," 280–301.

[59] It is unclear whether Ibn Ezra knew Rashbam's commentaries; on this question, see Mondschein, "Inter-Relationship" and below at n. 88. The figurative interpretation of Exod 13:9 might have been known to him otherwise; see above, n. 56 and below, n. 60.

[60] Long comm. on Exod 13:9, Weiser, ed., II:87. The prooftext he cites (Prov 1:9) is closer to that of Menahem ("Bind them about your neck/Write them on the tablet of your heart"; Prov 3:3) than to Rashbam's (Song 8:6).

Favoring the rabbinic interpretation, Ibn Ezra concludes "that it is in its literal sense, to make phylacteries (*tefillin*) of the hand and phylacteries of the head."[61] Revealing his ideological allegiance, he writes:

> Since the Sages, of blessed memory, transmitted thus, the first interpretation is void, for it does not have trustworthy witnesses as the second interpretation has.[62]

Notwithstanding his dedication to "the way of *peshat*," in matters of *halakhah* Ibn Ezra tends to defer to the authority of the Rabbis,[63] highlighting the audacity of Rashbam's more consistent application of the *peshat* method.[64]

## 2.3. *Rationalism*

Rationalism, as we have seen in the preceding two chapters, was particularly characteristic of the scientifically and philosophically oriented Geonic-Andalusian school. But it emerges in the northern French *peshat* school as well, albeit in a more rudimentary form.[65] The level of scientific and philosophical learning in Christian Europe was not nearly as advanced as it was in Muslim lands; nor did Rashi or his students seem to have had direct access to Latin writings, as mentioned above. Nonetheless, as Touitou demonstrates, the Jewish *peshat* exegetes seem to have known of the twelfth-century Christian endeavor to explain Scripture according to the laws of observable nature, sometimes termed *secundum physicam*, and other branches of secular learning. Particularly revealing of this sort of endeavor is the following prefatory remark by Thierry of Chartres (early twelfth century) in his *Hexemeron*, which discusses creation:

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[61] Short comm. on Exod 13:9, Weiser ed., II:264.

[62] Ibid. In the continuation of his long commentary ad loc. (Weiser, ed., II:87; cited in chapter two above, n. 6), on the other hand, Ibn Ezra bases his adherence to the rabbinic halakhic interpretation on Saadia's rule that a biblical verse must not be interpreted figuratively unless its literal sense contradicts reason.

[63] This feature of Ibn Ezra's exegesis and its theoretical implications for his notion of *peshat* will be discussed at length in chapter seven below.

[64] This is a matter highlighted by Japhet, "Tension," who also cites other examples of this methodological difference between Rashbam and Ibn Ezra; see also Lockshin, "Struggle."

[65] See Touitou, *Exegesis*, 180–187. This dimension of the *peshat* method is already evident in Joseph Qara's work; and indeed, in some respects, his rationalism is more pronounced than that of Rashbam; see Ahrend, *Job*, 17–18; Grossman, *France*, 302–305, 318–320; idem, "Literal Exegesis," 352–353.

I am going to expound the first part of Genesis, and the seven days and the division between the six works in relation to physics and the literal sense (*secundum physicam et ad litteram*)...I shall proceed to the exposition of the historical literal sense, so I shall completely leave beside the allegorical and moral readings, which holy expositors have lucidly accomplished.[66]

The parallel to the above cited passage from his Jewish contemporary Rashbam is striking: both authors pay homage to the earlier traditional interpreters, while focusing their own attention on a newer scientific approach. In fact, Thierry's conceptual combination *secundum physicam et ad litteram* resembles Rashbam's association of *peshat* (=*ad litteram*) and *derekh ereṣ* (lit. the way of the world), a term he uses to express the notion of rational thinking.[67] Occasionally Rashbam reveals the particular coloration he gives to this term by adding other expressions to it: "*derekh ereṣ* and a matter of wisdom (*devar ḥokhmah*)"/"*derekh ereṣ*, according to the wisdom of people (or: human wisdom; *ḥokhmat benei adam*)."[68] As these phrases suggest, Rashbam's rationalism is based on common sense and rudimentary scientific observation, rather than a body of scientific or philosophical literature.[69]

Although Rashbam does not articulate Saadia's axiom that Scripture must be interpreted in accordance with reason, he at times applies a similar principle intuitively. For example, Gen 11:4 tells of the intention of the builders of the tower of Babel: "Let us build a city, and a tower with its top in the heavens, to make a name for ourselves; lest we scatter all over the world." The midrashic tradition, recorded by Rashi (comm. on Gen 11:1), took these words literally as a plan to actually scale the heavens and battle with God. But Rashbam (ad loc.) writes:

According to the *peshat*, what sin did the generation of the dispersion commit? If [you think it is] because they said "with its top in the heavens," does it not say: "cities great and fortified *in the heavens*" (Deut 1:28, 9:1)? But rather, because God commanded them: "Be fertile and increase

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[66] See White, *Nature*, 77.
[67] See Touitou, *Exegesis*, 139–146 and citation above at n. 35. As Touitou notes, Rashbam also uses the term to indicate biblical literary conventions. The term *derekh ereṣ* is originally found in rabbinic literature, but Rashbam recasts it (like the term *peshat*) for his own purposes.
[68] See Touitou, *Exegesis*, 145.
[69] The same can be said about Qara's rationalism (above, n. 65).

and fill the earth!" (Gen 1:28, 9:1), but they chose a place to dwell there and said "lest we scatter"; therefore He scattered them by His decree.

Rashbam evidently regarded the irrational nature of the rabbinic reading as being inconsistent with *peshat*. Citing evidence from elsewhere in Scripture, he argues that the expression "with its top in the heavens" is merely hyperbole.[70] And, in this case—which does not encroach upon *halakhah*—Ibn Ezra concurs.[71] Having rejected the midrashic interpretation, Rashbam was forced to attribute a different sin to the tower builders. Following Qara's directive to interpret Scripture exclusively from within, Rashbam turned to God's command to Adam and Noah to "fill the earth" rather than settle in one place only. As evidence for this conjecture, he notes that this would render the punishment especially fitting: the tower-builders' intention was to remain together, but "the Lord scattered them…over the face of the whole earth" (Gen 11:8).

At times Rashbam's *peshat* interpretation reflects a scientific orientation that puts it at odds with a mythical midrashic one adopted by Rashi in the spirit of the Rabbis. For example Gen 1:2 describes how "the רוח (lit. wind, breath) of God moved over the water," on which Rashi glosses:

> The throne of [divine] glory was standing in space, hovering over the water by the breath of the mouth of the Holy One, blessed be He, and by His command.

Rashbam, on the other hand, takes רוח to mean wind and explains this step of the creation story in naturalistic, scientific terms:

> A wind blew over the water. And the wind was needed for what is written below, "And God said: Let the water below the sky be gathered into one area…" (Gen 1:9), for the water was gathered by means of the wind, just like the splitting of the Red Sea, when the dry land became visible by means of [the wind]: "and the Lord drove back the sea with a strong east wind all that night and turned the sea into dry ground" (Exod 14:21).[72]

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[70] On Rashbam's scientific sensibilities, see Touitou, *Exegesis*, 123–124, 183; Japhet, *Job*, 134; on Qara's more pronounced rationalist outlook, see above at n. 65.

[71] See his (standard) comm. on Gen 11:4. In fact, Ibn Ezra's rationalist concern is more pronounced; see Cohen, "Two Perspectives," 199*–200*.

[72] Comm. on Gen 1:2.

In his commentary on the prooftext (on Exod 14:21) Rashbam uses the term *derekh ereṣ* in connection with this observation. Not surprisingly, a similar scientific explanation of "the wind" in Gen 1:2 was already offered by Saadia and is adopted by Ibn Ezra as well.[73]

Elsewhere, Rashbam's expression *derekh ereṣ* connotes a sense of morality, which he evidently regarded as an aspect of human reason. It is in this vein, for example, that he writes regarding the biblical law (Deut 22:6) that one must chase away a mother bird before collecting her eggs or chicks:

> According to *derekh ereṣ* and as a response to the *minim* (sectarians, i.e., the Christians), I have already explained on [the verse] "You shall not cook a kid in its mother's milk" (Exod 23:19), and also on "No animal shall be slaughtered on the same day with its young" (Lev 22:28), that it is a sort of (lit. resembles) cruelty and gluttony to take, slaughter, cook or eat a mother and its young together.[74]

In this remark, Rashbam finds a common purpose in these three biblical laws, on which he elaborates with respect to the biblical prohibition (Exod 23:19) to cook a kid in its mother's milk:

> It was common for the goats to give birth to two kids at once, and they would typically slaughter one of them. And since goats have much milk, as it says "the goats' milk will suffice for your food" (Prov 27:27), it was customary to cook it in the milk of its mother. And Scripture spoke of the usual occurrence.[75] And this is a disgrace…and gluttony to eat the mother's milk with the young. And similar to this is the prohibition to slaughter an animal and its young and [the commandment] to chase away the mother bird. And Scripture commanded this to teach you ethical (or: refined) behavior (*derekh tarbut*).[76]

Rashbam's term *derekh tarbut* would seem to be another aspect of *derekh ereṣ*; in other words, human wisdom includes proper, refined behavior.[77]

Rashbam goes on in this gloss to comment on the placement of this law within the biblical law code:

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[73] See Saadia, comm. on Genesis ad loc., Zucker ed., 29 (Ar.); 214 (Heb.); Ibn Ezra, (standard) comm. ad loc., Weiser ed., I:14.

[74] Rashbam, comm. on Deut 22:6. On the expression "as a response to the *minim*," see below.

[75] לפי ההוה דבר הכתוב, an expression based on the rabbinic maxim דבר הכתוב בהוה (see, e.g., m.*Bava Qamma* 5:7).

[76] Rashbam, comm. on Exod 23:19. We do not have his commentary on Lev 22:28.

[77] See Touitou, *Exegesis*, 144.

> And since it was common on the festivals to eat many animals, [Scripture mentioned] that we may not cook or eat a kid in its mother's milk in the section dealing with the festivals. And this law applies to all meat in milk, as our Rabbis clarified.[78]

Rashbam interprets this prohibition in a strict literal sense, i.e., to cook a kid in its mother's milk, even though the Rabbis construed it broadly to include cooking any meat with milk—as he dutifully mentions. Much as Maimonides would do in the *Guide*, Rashbam provides a rationale only for what is stated in Scripture, without taking the rabbinic interpretation into account.

In his commentary on Deut 22:6 cited above, Rashbam uses the phrase, "an answer to the *minim*," which is a reference to the Christians, who criticized the Jews for keeping the Law as written literally in the Pentateuch. This phrase appears a number of times in Rashbam's commentary, e.g., on Lev 11:34, where he offers a rationale for a biblical law for "one who wishes to give a reason (*ṭaʿam*) for the commandments[79] according to *derekh ereṣ* and as an answer to the *minim*." An illuminating case of this type is his explanation for the prohibition to eat certain ("non-kosher") animals:

> According to the *peshat* of Scripture and as a response to the *minim*: all of the animals, beasts, birds, fish, and types of locusts and swarming things that God prohibited to Israel are referred to as "impure," since they are disgusting. They also harm and heat the body. And the great doctors say so as well, and in the Talmud (b.*Shabbat* 86b) [it is also written]: "Gentiles who eat insects and reptiles harm themselves."[80]

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[78] Maimonides would also note the unexplained connection made in Scripture between this prohibition and the pilgrimage during the festivals; see below, n. 116.

[79] Rashbam's formulation טעם במצות is otherwise rare in the northern French exegetical tradition. This term is absent also in Joseph Qara's endeavor to offer a rationale for the laws of the Torah (see Grossman, *France*, 302–304), of which, admittedly, we have only fragmentary evidence (above, n. 48). Cf. Rashi on Gen 26:5, כגון...חקותי אכילת חזיר ולבישת שעטנז שאין טעם בדבר אלא גזירת המלך וחקותיו על עבדיו. This seems to be Rashi's terminological innovation vis-à-vis his rabbinic sources, where the term *ṭaʿam* does not appear in this context. See Touitou, *Exegesis*, 182, who remarks: "There is here a fixed linguistic expression suggesting that in Rashi's days they dealt a great deal with *ṭaʿamei ha-miṣwot*." This may be an overstatement though, since, after all (and as Touitou himself acknowledges), Rashi acknowledges the absence of a rationale for the *ḥuqqim*.

[80] Comm. on Lev 11:3. Compare with the similar hygienic explanation given by Maimonides in *Guide* III:48.

From the connection he makes between "the *peshat* of Scripture" and
"a response to the *minim*" it would seem that Rashbam discussed Scrip-
ture with his Christian neighbors and found the rational *peshat* method
congenial for portraying the virtue of its Jewish interpretation.[81]

## 2.4. *Historical Sensitivity*

As part of their rationalist approach, exegetes of the new *peshat*
schools sought to explain Scripture within its historical context. This
represented a substantial departure from the Rabbis, whose endeavor
to seek moral and religious relevance in the biblical text typically led
them to blur the chronological gap between their own circumstances
and the historical world of the Bible. Rashi and his students inherited
this hallowed tradition and lived their Jewish lives by it. But the *peshat*
method prompted them to make sense of Scripture independently as a
literary reflection of ancient Israelite circumstances. In this respect, as
well, their work mirrors the movement among twelfth-century Chris-
tian exegetes to interpret Scripture according to its historical "literal"
sense, as opposed to the allegorical and spiritual senses otherwise cel-
ebrated within Church tradition.[82]

   This dimension of *peshuto shel miqra* is already found in Rashi,
for example, in his dual commentary on the "covenant of the pieces"
(ברית בין הבתרים), in which Abraham cuts animals in half to confirm
God's promises to him, as recounted in Genesis 15. To explain this
curious ritual, Rashi cites the symbolic midrashic explanations that
these animals represent the sacrifices that Israel would bring later in

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   [81] Touitou, *Exegesis*, 143–144. In one instance Rashbam acknowledges that he can-
not use human reason or observation to explain biblical law:

> All of the sections [describing] plague spots [i.e., leprosy] on people, on clothes
> and on houses, as well as their appearances, the time they must be sequestered,
> the white hairs, the black and yellow hairs—there is no way for us to explain
> them [lit. we have nothing] according to the *peshat* of Scripture, nor according
> to the human wisdom of *derekh ereṣ*. Rather, the Midrash of our Sages and their
> laws and traditions from the early Sages is essential. (Comm. on Lev 13:2)

What Rashbam seems to say here is that since leprosy as described in Scripture no
longer occurs, we cannot draw upon experience or reasoning (=*derekh ereṣ*) to explain
the biblical texts devoted to it. (I thank Baruch Schwartz for clarifying this point.) But
this exception proves the rule: elsewhere Rashbam believes that he can explain biblical
law based on his own experience and reason, without resorting to rabbinic tradition.
   [82] See Smalley, *Study*, 100–102, 145–149; White, *Nature*, 79.

history or, alternatively, the nations that will oppress Israel and ultimately will be destroyed (i.e., "cut to pieces"). Yet Rashi adds:

> But the biblical verse (*ha-miqra*) does not leave the realm of its *peshat*. Since [God] was making a covenant with him to keep His promise to give the land to his children, as it says, "On that day the Lord made a covenant with Abraham saying" and so on (Gen 15:18), and the manner (*derekh*) of those who made covenants [in biblical times] was to split an animal and to pass between its pieces, as it says further [in Scripture]: "[the people of the land,] who passed between the pieces of the calf" (Jer 34:19). So too here: "A smoking oven and a flaming torch which passed between those pieces" (Gen 15:17)—that was the agent of the divine presence (*shekhinah*), which is fire.[83]

Without questioning the symbolic validity of the midrashic interpretations, Rashi insists on elucidating "the *peshat* of Scripture," i.e., an interpretation that accounts for the biblical events within their historical context. In this case, Rashi cites the parallel in Jer 34:19 as evidence that this was the normal way of making a covenant in biblical times.[84]

Rashi's historical sensitivity evidently resonated with Rashbam, who applies a similar mode of thinking independently to explain why Abraham orders his servant: "Put your hand under my thigh and I will make you swear by the Lord" (Gen 24:2). Rashi, applying the midrashic approach alone, interprets this as a reference to Abraham's circumcision, following the assumption that one must hold a sacred object (a Torah scroll in Rabbinic times), when taking an oath.[85] Rashbam, however, adopts a more historical outlook based on internal biblical evidence:

> Various ways of establishing a covenant are found in the Bible: (1) "the calf which they cut in two [so as to pass between the halves]" (Jer 34:18); "[a flaming torch] which passed between those pieces" (Gen 15:17)—this is [one way of] establishing a covenant; (2) "Is the palm of Zebah and Zalmmuna in your hand?" (Judg 8:6), "[My son, if you have stood surety for your fellow], given your hand to another" (Prov 6:1); this, too, is [a way of] establishing a covenant. (3) And placing a hand on [i.e., beneath]

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[83] Rashi on Gen 15:10. This is a fine example of the "double interpretation" phenomenon in Rashi, i.e., the juxtaposition of a midrashic interpretation and another according to "the *peshat* of Scripture"; see above, at n. 32.

[84] On the implications of this passage for Rashi's dual hermeneutic and his understanding of the rule of *peshat*, see Kamin, *Categorization*, 122–123.

[85] Rashi, comm. on Gen 24:2, drawing upon *Genesis Rabbah* 59:8 (Theodor-Albeck ed., 636) and *Tanḥuma Buber, Ḥayyei Sarah* §6 (Buber ed., I:120).

the thigh, we find with a son—Joseph; and Eliezer, a servant, when the
father or master made them take an oath. And a son's honor [for his
father] was equated with a servant [for his master,] as written: "A son
should honor his father and a slave his master" (Mal 1:6). And this was
their practice in those days.[86]

While one could certainly argue with some of the details of this analy-
sis, the method Rashbam employs is clear enough: following Qara's
directive, he seeks biblical evidence to reconstruct the various conven-
tions that governed the establishment of a covenant in biblical times.
Moreover, Rashbam, in his closing words ("And this was their prac-
tice in those days"), indicates a keen awareness of the historical gap
between his own circumstances and those in biblical times.

Intriguingly, Ibn Ezra offers an explanation similar to Rashbam's
about the oath Abraham administered to his servant, except that
he adds that "this custom is still [in practice] in India."[87] This par-
allel raises the intriguing question of whether Ibn Ezra was actually
influenced—here and elsewhere—by Rashbam, although it is also
plausible that two *peshat* exegetes, using the same biblical evidence,
might arrive at similar conclusions.[88] It is equally important, however,
to note the cultural disparity that emerges between the two authors
here: having lived in Muslim Spain, Ibn Ezra (whose own son Isaac
traveled to Egypt and possibly even Iraq[89]) had extensive knowledge
of the East and could therefore cite practices current there to support
his conjectures regarding biblical times, whereas Rashbam had only
the internal biblical evidence to utilize for this purpose.

For a variety of reasons, the historical awareness of Jews in Mus-
lim lands tended to be better developed than that of their brethren
in Christian lands during this period. Within the Geonic-Andalusian

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[86] This comment is attributed to Rashbam in a marginal note on Rashi's commen-
tary on Gen 24:2 in MS Vienna 23 (thirteenth or fourteenth century), where many
such comments by Rashbam, Qara and others appear in the margins; see Touitou,
*Exegesis*, 192. In the printed edition, Rashbam's commentary on Gen 24:2 is much
briefer, though it reflects the same basic approach:
　"Put your hand under my thigh"—and similarly with Joseph when he swore to
　Jacob (Gen 47:29). The making of a covenant and an oath of a son [to his father]
　and a servant to his master was thus, for it resembles the idea of servitude...How-
　ever, a handshake or cutting something into two and passing between its halves
　was practiced by other people.
[87] Ibn Ezra, (standard) comm. on Gen 24:2, Weiser ed., I:74.
[88] See Simon, "Method," 131; see also above, n. 59.
[89] See Schmelzer, *Poems*, 9–11.

tradition shared by Ibn Ezra and Maimonides, Moses Ibn Chiquitilla seems to have manifested the greatest historical sensitivity in his biblical exegesis, which was expressed in two primary ways.[90] While rabbinic tradition tended to apply the wondrous, seemingly supernatural prophecies appearing in Scripture to messianic times, Ibn Chiquitilla generally interpreted them naturalistically by taking them figuratively rather than literally, which enabled him to link them to events in biblical times. For example, Isaiah's prophecy regarding a righteous Davidic ruler "from the stump of Jesse" who will restore justice and peace to Israel (Isa 11:1–10) was traditionally assumed be a reference to the future Messiah. But Ibn Chiquitilla identified that righteous ruler as Isaiah's younger contemporary King Hezekiah, who is described elsewhere in Scripture as a righteous king.[91] It is within this prophetic oracle that Isaiah utters his famous, seemingly super-natural prophecy, "The wolf shall dwell with the lamb, the leopard lie down with the kid…" (11:6–10), which obviously could not have occurred in Hezekiah's days. To resolve this problem, Ibn Chiquitilla argues that these words were said figuratively, and that Isaiah merely meant that there would be peace in Hezekiah's day, as indeed described in Kings and Chronicles, an interpretation Maimonides invokes in his *Treatise on Resurrection*.[92]

Exhibiting a second sort of historical exegetical strategy, Ibn Chiquitilla advanced a rather audacious view regarding the authorship of Psalms. According to the Talmud (b.*Bava Bathra* 14b), King David composed the Psalms assisted by "ten elders"; hence, psalms that relate to events after David's time were traditionally assumed to have been written by him prophetically. Yet Ibn Chiquitilla argues that the Psalms are prayers, rather than prophecies, and hence could not have been written before the circumstances they reflect. He therefore maintains that some psalms were written well after David's time; for example, Psalm 79, which depicts the destruction of the Temple in

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[90] While most of Ibn Chiquitilla's commentaries have been lost, his views are known from citations by later authors, including Ibn Ezra and Maimonides, who both held him in high esteem.

[91] See II Kings 18–20, II Chronicles 29–32. Ibn Chiquitilla (whose commentary on Isaiah is not extant) is cited by Ibn Ezra on Isa 11:1, who notes that his interpretation fits the context (כי הוא דבק עם הפרשה), since the preceding prophecy is clearly about events in Hezekiah's time. For other such interpretations by Ibn Chiquitilla, as well as the controversies they sparked, see Simon, "Medievalism."

[92] See introduction, above, sec. 5.

Jerusalem, and Psalm 137, which depicts the Babylonian exile.[93] While
Ibn Chiquitilla's views were considered radical even in al-Andalus, he
represents a way of thinking shared—albeit in more muted tones—by
other Andalusian exegetes.[94]

<p style="text-align:center">*   *   *</p>

Having digressed to discuss earlier manifestations of what became
known as the *peshat* method in the twelfth century, we are now in a
position to evaluate the exegetical dimension of Maimonides' analy-
sis of the reasons for the commandments. We have already cited his
programmatic statements indicating his adherence to the biblical text
alone in this endeavor, without regard for the rabbinic halakhic tradi-
tion, which parallels the first element of the northern French *peshat*
school that we have identified. Indeed, one immediately apparent
characteristic of Maimonides' presentation is the way in which he
describes the legal system of the Torah by citing biblical texts exten-
sively and almost exclusively. In other words, his primary tool for
interpreting Scripture is Scripture itself. It is also important to observe
the comprehensive nature of his analysis: within his discussion of the
fourteen categories of *miṣwot* and their rationale, Maimonides covers
every major area—and even most of the details—of biblical law, bring-
ing almost the entire corpus of legal texts in the Pentateuch within his
purview. We can now turn to the Maimonidean manifestations of the
remaining three characteristics of the *peshat* method defined above
for Rashbam.

### 3.  *Reliance on Internal Scriptural Evidence*

The first, most apparent feature of Maimonides' analysis of the Law in
the third section of the *Guide* is his consistent and wide-ranging use
of biblical texts to support his interpretations. Characteristic of his
treatment in this section are his formulas, "You know from the texts
of the Torah (*nuṣūṣ al-Torah*) figuring in a number of passages" and
"It is explicitly stated in the text of the Torah (*naṣṣ al-Torah*)."[95] By

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[93] See Simon, *Four Approaches*, 122–132.
[94] See Simon, *Four Approaches*, 114; Cohen, "Qimhi," 407–413.
[95] *Guide* III:29, Pines trans., 517; Munk-Joel ed., 377.

contrast, Maimonides is generally unwilling to follow Rabbinic inter-
pretations, which are typically acontextual. This principle can be said
to have motivated his literal reading of the law of *lex talionis* (above,
n. 7), as opposed to the figurative rabbinic reading, which is not indi-
cated within the immediate context. This aspect of his methodological
departure from the spirit of rabbinic interpretation is perhaps most
clearly illustrated by the fundamental principle he formulates with
respect to the following case:

> As for the four species that constitute a *lulav*, the Sages, may their mem-
> ory be blessed, have set forth some reason for this in the manner of
> the *derashot*, whose method is well known by all those who understand
> their discourses. For these have, in their opinion, the status of poetical
> conceits; they are not meant to bring out the meaning (*maʿna*) of the
> text (*naṣṣ*) in question.[96]

This comment about "the manner of the *derashot*," typical of Geonic-
Andalusian thinking, reveals an important link between Maimonides
and what came to be known as the *peshat* school.[97] He refers to this
principle elsewhere in the *Guide*, as well as in his other writings.[98] But
in this context, the principle has a special coloration that comes to
light when we consider the midrashic explanations of the command-
ment to take the *lulav* and *etrog* on the *Sukkot* festival ("On the first
day you shall take the fruit of the *hadar* (beautiful) tree, branches of
palm trees, boughs of leafy trees and willows of the brook"; Lev 23:40).
Although Maimonides does not cite these explicitly, it would seem
that he was referring to the various interpretations found in *Leviticus
Rabbah* on this verse, which use associative verbal links to suggest that
the "four species" symbolize God, the three forefathers, the four moth-
ers, or even the entire nation of Israel. To cite one example:

> "The fruit of the *hadar* tree" symbolizes Israel; just as the *etrog* has taste
> as well as fragrance, so Israel have among them men who possess
> scholarship and good deeds.

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[96] *Guide* III:43, Pines trans., 572; Munk-Joel ed., 419. Part of this passage was cited
in the introduction above.

[97] Compare, e.g., ha-Levi, *Kuzari* III:73 (chapter five below, sec. 3); Ibn Ezra, intro-
duction to Lamentations (chapter one above, sec. 7); Elbaum, *Perspectives*, 47–94. See
also Nahmanides, *Kitvei Ramban*, Chavel ed., I:308; Septimus, "Open Rebuke," 15.

[98] See, e.g., below at n. 106 and *Guide* II:30, Pines trans., 353; Munk-Joel ed., 248;
see also chapter five, sec. 4.3; chapter six, sec. 2.

"Branches of palm trees (*lulav*)" symbolize Israel; just as the palm tree has taste but not fragrance, so Israel have among them such as possess scholarship, but not good deeds.

"Boughs of leafy trees" symbolize Israel; just as the myrtle has fragrance but no taste, so Israel have among them such as possess good deeds but not scholarship.

"Willows of the brook" symbolize Israel; just as willows have no taste and no fragrance, so Israel have among them people who possess neither scholarship nor good deeds. What then, does the Holy One, blessed be He, do to them? To destroy them is not possible. But, says the Holy One, blessed by He, let them all be tied together in one band and they will atone one for another…Accordingly, Moses exhorts Israel: "On the first day you shall take the fruit" and so on.[99]

Perhaps reacting to the prevalence of this type of associative symbolic explanation in rabbinic literature,[100] Maimonides digresses here to elaborate on his view that such *derashot* are not to be taken as a proper "interpretation of the…text" (*sharḥ…al-naṣṣ*) and do not reveal "the purpose of the commandment[s]" (*gharaḍ…al-miṣwah*).[101] Instead, he offers a different sort of explanation for this case:

What seems to me regarding the four species that constitute a *lulav*, is that they are indicative of the joy and gladness [of the Children of Israel] when they left the desert—which was "no place of seed, or of figs, or of vines, or of pomegranates; neither was there any water to drink" (Num 20:5)—for places in which there were fruit-bearing trees and rivers. For the purpose of commemoration, the finest fruit of these places was taken and the one that was most fragrant, as well as their finest leaves and finest verdure, I mean the willows of the brook. Three things are found in common in these four species. The first one is that at that time they were plentiful in the Land of Israel so that everyone could procure them. The second is that they are beautiful to look at and full of freshness; and some of them, namely, the etrog and the myrtle, have an excellent fragrance…The third is that they keep fresh for seven days, which is not the case with peaches, pomegranates, asparagus, pears and the like.[102]

While he refers to some qualities of the "four species" highlighted by the Midrash, Maimonides' explanation derives from what is stated in Scripture itself as the purpose of the festival of *Sukkot*:

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[99]  See *Leviticus Rabbah*, 30:12 (Margulies ed., 709–710); Slotky trans., 392–393.

[100]  See Heinemann, *Reasons*, 31.

[101]  *Guide* III:43, Pines trans., 573; Munk-Joel ed., 420.

[102]  *Guide* III:43, Pines trans., 573–574.

Mark, on the fifteenth day of the seventh month, when you have gathered in the yield of your land, you shall observe the festival of the Lord seven days…On the first day you shall take the fruit of the *hadar* tree, branches of palm trees, boughs of leafy trees and willows of the brook, and you shall rejoice before the Lord your God seven days…You shall live in booths [*sukkot*] seven days…in order that future generations may know that I made the Israelite people live in booths when I brought them out of the land of Egypt. (Lev 23:39–43)

The connection between gathering the yield and commemorating the sojourn in the desert is explained by Maimonides in the following way:

One must leave the houses and dwell in tabernacles, as is done by the wretched inhabitants of deserts and wastelands, in order that the fact be commemorated that such was our state in ancient times: "that I made the Israelite people live in booths" and so on. From this we went over to dwell in richly ornamented houses in the best and most fertile place on earth, thanks to the benefaction of God.[103]

Within this contextual understanding of *Sukkot*, Maimonides' explanation for the four species is entirely natural: with their beauty and fragrance, they commemorate the joy of the Israelite entrance into the Land of Israel after their forty-year sojourn in the barren desert.

In the preceding example, Maimonides succeeds in demonstrating that his interpretations are based on a straightforward contextual reading of Scripture and in this respect are distinct from the Rabbis' *derashot*.[104] At times the "context" Maimonides takes into consideration is not the immediately adjacent verses, but rather laws appearing elsewhere in Scripture that are conceptually linked. An illustrative example of this type is his analysis of the laws regarding the construction of the altar in Exod 20:21–22, "Make an altar of earth for Me and sacrifice on it your burnt offerings…and if you make an altar of stones for Me, do not build it of hewn stones; for by wielding your tool upon them you have profaned them." On this Maimonides writes:

As for the prohibition against hewing the stones of the altar, you know the reason [the Sages] have given for this in their dictum: "It is not fitting for that which shortens [human life] to be lifted up against that which

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[103] *Guide* III:43, Pines trans., 572. Maimonides also offers another rationale for the festival of *Sukkot* that is of a more political nature; see below, n. 153.
[104] The same can be said about his interpretation of the laws pertaining to the military camp, cited in section 1 of this chapter.

prolongs it."[105] This is good in the manner of the *derashot*, as we have
mentioned.[106] However, the [true] reason for this is manifest, for the
idolaters used to build altars with hewn stones. Accordingly...in order
to avoid this assimilation to them it was commanded that the altar be
of earth...If, however, it was indispensable to make it with stones, the
latter must have their natural form and not be hewn. Similarly, it is for-
bidden to set up a figured stone (אבן משכית)[107] and to plant a tree beside
the altar. In all this there is one and the same purpose, namely, that we
should not worship God in the form of the particular cults practiced by
them with regard to the objects of their worship; and this is the meaning
of the prohibition in general. It says: "How did these nations serve their
gods? Even so will I do likewise" (Deut 12:30). The meaning is that one
must not act in this way with regard to God.[108]

Maimonides begins by citing a rabbinic explanation for this law, but
characterizes it as a mere *derashah*,[109] whereas he seeks an explanation
suggested by the biblical text. He also silently ignores another rab-
binic interpretation of a different sort—which he elsewhere regards as
halakhically authoritative.[110] Responding to the contradiction between
the requirement to build an altar of earth (Exod 20:21) and the pro-
hibition to build the altar of hewn stones (Exod 20:22), which implies
that unhewn stones are permitted, the Rabbis explain Exod 20:21 as
a requirement that the altar must be *attached to* the earth. This inter-
pretation is cited in Maimonides' *Book of the Commandments* and is
actually codified as law in *Mishneh Torah*.[111] In the *Guide*, however,
Maimonides works only with *ẓāhir al-naṣṣ* and resolves the contra-
diction in a different way, arguing that the biblical preference is for
an altar made completely of earth (clearly contradicting rabbinic

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[105] M.*Middot* 3:4.
[106] See above, at n. 98.
[107] See below, n. 113.
[108] *Guide* III:45, Pines trans., 578.
[109] It is worth noting that Nahmanides actually embraces this *derashah* and sup-
ports it from Scripture itself (based on the words כי חרבך הנפת עליה ותחלליה); see
his comm. on Exod 20:21.
[110] Indeed, Maimonides (*Guide* III:43, Pines trans., 573; Munk-Joel ed., 420) insists
that the *derashot* do not have the same status as the transmitted laws (*al-akhkām al-
marwiyya*; on this category, see below, chapter five, sec. 4). The latter are not "poetical
conceits," though Maimonides chooses to ignore them in his investigation of *ẓāhir
al-naṣṣ* in this section of the *Guide*.
[111] See sources and discussion in chapter six below, sec. 3.9.

*halakhah*), but if that is not possible, then stones are permitted for this purpose, as long as they are not hewn.[112]

To explain the rationale behind this law regarding the altar, Maimonides draws an analogy with other rules related to the rituals of divine worship. He cites the prohibition to bow down upon "a figured stone" (אבן משכית) from Lev 26:1, "You shall make no idols nor graven image, nor erect a pillar, nor shall you set up a figured stone in your land to bow down upon it; for I am the Lord your God." The juxtaposition here clearly indicates that the "figured stone" is related to idolatry.[113] Likewise, the prohibition of planting a tree beside the altar (Deut 16:21) can reasonably be viewed as a way of differentiating the worship of God from the other nations, who "served their gods, on the high mountains, and on the hills, and under every green tree" (Deut 12:2). Citing the general rule in Deut 12:30, which clearly indicates the desire to make this differentiation, Maimonides argues that this motive is also behind the prohibition to make an altar of hewn stones and the preference for an altar made without stones at all.

Maimonides' adherence to biblical evidence—starting with the immediate literary context—at times leads him to build upon the same observations made by Rashbam. For example, regarding Exod 23:19, "You shall not cook a kid in its mother's milk," Maimonides writes:

> As for the prohibition against eating meat in milk,[114] it is in my opinion not improbable that...idolatry has something to do with it. Perhaps such food was eaten at one of the ceremonies of their cult or at one of their festivals. A confirmation of this may, in my opinion, be found in the fact that the prohibition against eating meat in milk, when it is mentioned for the first two times (Exod 23:19, 34:26), occurs near the commandment concerning pilgrimage, "Three times in the year" and so on (Exod 23:17, 34:23). It is as if it said when you go on pilgrimage and

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[112] Abraham Maimonides noted this divergence; see his comm. on Exod 20:22, Wiesenberg ed., 326–327; see also Levinger, *Philosopher*, 179. In the *Book of the Commandments*, Positive Commandment #20, Maimonides mentions a similar non-rabbinic interpretation of this verse as *peshateh di-qera*; see chapter six below, sec. 3.9. That reading, however, does not actually contradict the rabbinic *halakhah*, because he explains there that the verse itself "speaks about the time when outside altars (*bamot*) were permitted," i.e., before the Temple was built, whereas the rabbinic halakhic interpretation relates to the altar in the Temple specifically.

[113] In the *Book of the Commandments*, Negative Commandment #12, Maimonides explains that אבן משכית refers to a stone with designs on it, used for the purpose of idolatry, an interpretation that can be traced to Saadia; see Zucker, *Translation*, 463–465.

[114] בשר בחלב. See below, n. 116.

enter the house of the Lord your God, do not cook there in the way they used to do. According to me this is the most probable view regarding the reason for this prohibition; but I have not seen this set down in any of the books of the Sabians that I have read.[115]

Like Rashbam (above, at n. 78), Maimonides takes the context of this prohibition as evidence that it relates to the specific circumstances of the pilgrimage.[116] There are, of course, differences between the two interpreters: whereas Rashbam took an ethical approach to this connection, Maimonides conjectures that the link is related to the practices of idolatry.[117] More significant, however, is the fact that he refers here to evidence of another sort: "the books of the Sabians," i.e., extra-biblical evidence unavailable to Rashbam that provides a historical window into the world of Scripture. It is to this source of Maimonides' outlook that we now turn.

## 4. *Historical Thinking and Sources*

We have already seen that Maimonides, citing biblical evidence, argues that a central goal of biblical law is to distance Israel from all practices associated with idolatry.[118] However, at times the Torah simply legislates prohibitions without explaining them; these are known as *ḥuqqim* in rabbinic literature and were regarded by some Jewish thinkers as arbitrary laws. Rejecting this view as inconsistent with divine wisdom,[119] the great philosopher argues that many of them were intended to combat idolatrous practices. While he could sometimes make his case based on the biblical text alone (as in the examples cited

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[115] *Guide* III:48, Pines trans., 599.

[116] As noted above, Rashbam's explanation of this prohibition applies only to what is mentioned explicitly in Scripture, i.e., actually "cooking a kid in its mother's milk." Maimonides, however, refers to this prohibition with the Hebrew expression בשר בחלב (using the Hebrew words within his Arabic text; Munk-Joel ed., 440), reflecting the rabbinic idiom based on the broader halakhic interpretation. In this case, then, he was (subconsciously?) taking the *fiqh* (=halakhah) into account, notwithstanding his programmatic statements to the contrary. It is conceivable, however, that he meant to write גדי בחלב אמו ("a kid in its mother's milk") and this was a slip of his pen.

[117] A Ugaritic text has been cited as an indication that this practice was indeed associated with the cult in the ancient Near East; but that reading of the ancient text has been questioned; see Haran, "Kid."

[118] This is a key theme in Maimonides' account of biblical law, as it would appear from Scripture itself; see Heinemann, *Reasons*, 91–93.

[119] See below, nn. 138, 139, 140.

above), Maimonides also marshaled another literary source: purport-
edly ancient documents describing beliefs and practices prevalent in
the ancient Near East, available in Arabic translation.[120] We now know
that these were, in fact, medieval fabrications; but for Maimonides this
was ample historical evidence of the world of the Bible.[121] The most
important of these documents depicted the so-called Sabian culture,
which was portrayed as the very same idolatrous system that Abraham
knew in Mesopotamia and rejected in favor of monotheism.[122] In light
of his historical orientation, Maimonides regarded this literary source
as an invaluable key for unlocking the secrets of the *ḥuqqim*. As he
remarks:

> The meaning of many of the laws became clear to me and their causes
> became known to me through my study of the doctrines, opinions, prac-
> tices and cult of the Sabians, as you will hear when I explain the reasons
> for the commandments that are considered to be without cause.[123]

Maimonides fulfills this promise throughout the subsequent chapters
of the *Guide*. For example:

> The shaving of "the corner of the head and of the corner of the beard"
> has been forbidden (Lev 19:27) because it was a usage of idolatrous
> priests. This is also the reason for the prohibition of "mingled stuff"
> (*shaʿaṭnez*; Deut 22:11), for this too was a usage of these priests, as they
> put together in their garments vegetal and animal substances bearing at
> the same time a seal made out of some mineral; you will find this set
> forth explicitly (*manṣūṣ*) in their books. This is also the reason for its
> [i.e., Scripture's] dictum: "A woman shall not wear man's armor, neither
> shall a man put on a woman's garment" (Deut 22:5). You will find in
> the book of *Tumtum* the commandment that a man should put on a
> woman's dyed garment when standing before Venus and that a woman
> should put on a cuirass and arms when standing before Mars.[124]

Interestingly, this extra-biblical source leads Maimonides to accept a
rabbinic interpretation of the words כלי גבר in Deut 22:5 as weaponry

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[120] See *Guide* III:29, Pines trans., 518–521.
[121] See Pines, *Guide*, cxxiii–cxxiv; Twersky, *Code*, 431.
[122] *Guide* III:29, Pines trans., 514–515. It would seem, however, that Maimonides
actually was creative in reconstructing the practices and beliefs of the Sabians based on
a variety of (purported) records and reports; see Stroumsa, *Portrait*, 84–105.
[123] *Guide* III:29, Pines trans., 518.
[124] *Guide* III:37, Pines trans., 544.

and armor ("of a man") specifically.[125] Rashi and Rashbam, however, seem to take it to mean a man's clothing, parallel to שמלת אשה ("a woman's clothing").[126]

At times, the Sabian perspective leads Maimonides away from rabbinic interpretation—and close to Rashbam's, for example, with respect to Lev 19:26, "Do not eat upon blood." To understand what is meant by this strange locution, Rashi (ad loc.) drew upon rabbinic tradition:

> This text is interpreted in many different ways in [b.]*Sanhedrin* [63b]: a prohibition of eating sacrifices before blood has been sprinkled; and as a prohibition to him who eats of the flesh of a non-consecrated animal (חולין) before life has entirely left it, and many other interpretations are there given.

Rashbam (ad loc.), however, relies exclusively on biblical evidence:

> According to its *peshat*, [it is] a matter understood from its context (דבר הלמד מענינו),[127] [as the beginning of the verse says:] "Do not practice divination or soothsaying." This, too, means following the manner of the [pagan] nations, who eat next to the grave of a murdered person for the purpose of witchcraft, so that [the death] shall not be avenged, or some other type of witchcraft…
>
> But our Rabbis interpreted it (*derashuhu*) to have a number of meanings in tractate *Sanhedrin*.

Based on the immediate literary context, Rashbam concluded that "eating on blood" must be some sort of practice related to divination, though, as he acknowledges dutifully, this interpretation diverges from the talmudic halakhic reading of this verse.

Following his usual course, Maimonides interprets "do not eat upon blood" in his halakhic writings according to its talmudic applications;[128] but in the *Guide* he takes it to be a practice of divination. While the contextual factor Rashbam relied upon exclusively was no doubt one of his considerations, he also drew upon Sabian material for this purpose:

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[125] This rabbinic interpretation is reflected in Onkelos and Saadia; see Zucker, *Translation*, 432.

[126] See their commentaries on Deut 22:5.

[127] This is a rabbinic expression (see, e.g., b.*Sanhedrin* 86a) that Rashbam borrows to express his *peshat* ideal of contextual interpretation.

[128] See *Book of the Commandments*, Principle #9, Negative Commandment #195; *Hilkhot Sheḥiṭah* 1:2; *Hilkhot Sanhedrin* 13:4; *Hilkhot Mamrim* 7:1.

Know that the Sabians held that blood…was the food of the devils and that, consequently, whoever ate it fraternized with the *jinn* (=spirit, demon) so that they came to him and let him know future events…There were, however, people there who considered it a hard thing to eat of blood…Accordingly, they used to slaughter an animal, collect its blood in a vessel or in a ditch, and eat the flesh of this slaughtered animal close by its blood. In doing this they imagined that the *jinn* partook of this blood…In this way fraternization was achieved because all ate at the same table and in one and the same gathering….Consequently, as they deemed, these *jinn* would come to them in dreams, inform them of secret things, and be useful to them…

Thereupon it [i.e., Scripture] forbids gathering around the blood and eating there, saying: "You shall not eat on blood."[129]

But Maimonides does not stop there. The Sabian beliefs and practices, in his opinion, help to explain all of the biblical laws regarding animal blood:

Thereupon the Law…began to put an end to these inveterate diseases. Consequently it prohibited the eating of blood, putting the same emphasis on this prohibition as on the prohibition against idolatry. For He, may He be exalted, says: "I will set my face against that soul who eats blood" and so on (Lev 17:10), as He has said with regard to him "who gives of his seed to Molekh" (Lev 20:4–6): "I will even set my face against that soul" and so on (Lev 20:6). No such text occurs regarding a third commandment other than the prohibition of idolatry and of eating blood…

It [Scripture] also commands the sprinkling of blood upon the altar and causes the whole act of worship to consist in pouring it out there, not in gathering it together…"and the blood of your sacrifices shall be poured out on the altar of the Lord your God" (Deut 12:27). And it commands pouring the blood of every beast that is slaughtered, even if it was not offered up in sacrifice; it says: "You shall pour it out on the ground like water" (Deut 12:16, 24).[130]

Maimonides' interpretation of *ẓāhir al-naṣṣ* emerges here as a literary-contextual study of the biblical text within its ancient Near Eastern cultural milieu.

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[129] *Guide* III:46, Pines trans., 585–586. A similar interpretation is given by Ibn Ezra, which might have been Maimonides' source. There is a reference to a violation of this prohibition in I Sam 14:33, though Maimonides does not cite it. On the other hand, Ibn Ezra does, and aims to show how it supports the notion that this prohibition is directed against worship of demons.

[130] *Guide* III:46, Pines trans., 586.

This particular type of historical-sociological analysis of biblical law can perhaps be traced to specific precedents that Maimonides would have known from the Geonic-Andalusian tradition. For example, we have already seen (in chapter one, above) Judah Ibn Balʿam's comment on Deut 24:16, "Fathers shall not be put to death for children, nor shall children be put to death for fathers," which bears repeating here:

> The early [Sage]s applied it to testimony, i.e., that testimony of relatives for or about each other is invalid…But the apparent sense of the text (ẓāhir al-naṣṣ) is that it is impermissible to take [i.e., punish] the father for the sin of the son, or the son for the sin of the father. For you see the language of Scripture, "But he did not put to death the children of the assassins, in accordance with what is in the Torah, in the book of Moses, where the Lord commanded: Fathers shall not be put to death for sons, nor sons be put to death for fathers" (II Kgs 14:6). And our master Saadia, of blessed memory, acted well in saying that Scripture had need to mention this, even though it is clear from reason, since the Arabs used to make such rulings in pre-Islamic times (jahiliyya; lit. time of ignorance), I mean that they would kill a relative for a relative, and God prohibits the likes of this.[131] And you should not have misgivings about the words of the early [Sage]s in the matter of testimony which contradict the apparent sense of the text (ẓāhir al-naṣṣ), for this is not unusual in their work, for you see that they interpreted "Do not eat upon blood" (Lev 19:26) in many ways, and all are acceptable in their view.[132]

The parallel to Maimonides' analysis in the third section of the *Guide* is striking, especially given Ibn Balʿam's influence on his exegetical thinking in general. Citing Saadia, Ibn Balʿam explains the rationale for Deut 24:16 according to ẓāhir al-naṣṣ, rather than according to the rabbinic halakhic interpretation—exactly Maimonides' program. Moreover, the explanation given is based on what was presumed to have been the cultural reality in biblical times, which Saadia projected based on early Arab practices known to him. In a similar vein, Ibn Balʿam continues:

> It was likewise necessary [for Scripture] to mention "You shall not bring the hire of a harlot…into the house of the Lord your God in fulfillment of any vow" (Deut 23:19), although it is clear from reason [and would thus seem pointless to spell out], because in the Indian islands now

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[131] Such a law has indeed been found to have applied in the ancient Near East; see Greenberg, "Postulates," 20–25.

[132] Deut 24:16, Perez ed., 58–59 (Ar.); 110–111 (Heb.).

women prostitute themselves to passers by and whatever they receive from that they offer to their idols.[133]

Although Ibn Balʿam does not have concrete evidence for ancient times, he infers from the practice of remote idol worshippers what would have been a cultural norm in ancient Canaan.

Yet Maimonides moves substantially beyond his predecessors in this respect. To begin with, from the extant exegetical literature, it would appear that the scope of this comparative historical analysis of *ẓāhir al-naṣṣ* in the earlier tradition was rather limited. Neither Saadia nor Ibn Balʿam engaged in it regularly, nor is it discernable at all among other Geonic or Andalusian authors.[134] By contrast, Maimonides applies it systematically to the entire range of biblical law. Moreover, his interpretations are strikingly bold, and he does not hesitate to interpret even the most central aspects of biblical law in light of ancient Near Eastern cultural practices and beliefs.[135] Perhaps the most controversial of his historical-sociological explanations is his well-known account of the institution of animal sacrifice, which is essential to Israelite worship as described in the Bible. In the great philosopher's view, prayer and contemplation are purer forms of worship; but God did not eradicate the animal sacrifices because these were universally regarded as the highest form of worship in the time of Moses. Hence, the commandments related to the sacrifices and even the building of an altar and the Holy Temple itself, represent a sort of concession to the beliefs of the people at the time that the Torah was given.[136] It is not surprising that this entire approach—and especially

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[133] Ibid., 59 (Ar.); 111 (Heb.).

[134] In light of Ibn Chiquitilla's historical sensitivity (as mentioned above), it is conceivable that he engaged in this type of analysis, though we cannot know this for certain since his Pentateuch commentary is not extant.

[135] The historical sensitivities manifested in this respect by Maimonides, and by his predecessors (to varying degrees) in other contexts, call for a qualification of the generalization by Simon ("Historiography") that the medieval exegetes did not have a clear sense of historical development, and that they essentially underestimated the radical changes in human society from biblical to medieval times. While Simon marshals substantial evidence for such anachronistic thinking (e.g., the projection of a medieval philosophical outlook onto biblical characters), we must acknowledge that at times the medieval *peshat* interpreters manifest historical awareness in their endeavor to interpret the biblical text according to the philological-contextual method.

[136] See *Guide* III:32, Pines trans., 525–528. See also Twersky, *Code*, 389–391, 432, who summarizes this aspect of Maimonides' project and characterizes it as being based on the notion of "historical causation." With respect to the animal sacrifices in particular, he refers to this as an "inevitable concession to ubiquitous pagan practices."

its application to the sacrifices—was harshly criticized by subsequent rabbinic scholars; and their attitude would suggest why no one before Maimonides had applied the historical method in such a sweeping manner. Indeed, as I. Twersky has shown, Maimonides himself speaks in a very different tone in *Mishneh Torah*, which accords with the more traditional ahistorical understanding of Torah law.[137] Yet, having adhered to the talmudic mode in his Code, it would seem that in the *Guide* the great philosopher felt that he had the license to engage in a separate, historically informed, non-halakhic analysis of biblical law based on *ẓāhir al-naṣṣ*.

## 5. *Rationalism and Universalism*

Rationalism is certainly a key component—if not the most central one—in Maimonides' analysis of biblical law. To begin with, the very notion that there is a clear reason behind every commandment reflects his rationalist outlook, and is hardly to be taken for granted.[138] Maimonides goes to great lengths to reject the alternative view that God's will alone is a sufficient reason for the commandments, a position espoused by the influential Ashʿarite branch of Muslim thought, which also seems to be reflected in some rabbinic sources.[139] He even takes issue with his philosophically oriented Jewish predecessors, such as Saadia, who divided the laws of the Torah into "laws of reason" and "laws of revelation," a division accepted by Andalusian Jewish authors such as Bahya ibn Paquda and Judah ha-Levi.[140] For Maimonides, all of the commandments, without exception, are dictated by reason.[141]

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Nahmanides (comm. on Lev 1:9, Chavel ed., II:11–12) criticizes Maimonides quite harshly for this explanation of the sacrifices.

[137] Twersky, *Code*, 407–459.

[138] See Heinemann, *Reasons*, 80–82.

[139] See *Guide* III:26; III:48; compare III:31.

[140] See Saadia, *Beliefs and Opinions*, III:1–2; see also Altmann, "Conception"; Hyman and Walsh, *Philosophy*, 350–355; Heinemann, *Reasons*, 49–65. Saadia does endeavor to show how even the "laws of revelation" manifest some "purpose" (*taʿlīl*) and produce "benefits" (*munāfiʿ*) for human beings, although he insists that ultimately "God's wisdom is above this"; see *Beliefs and Opinions*, Kafih ed., 121–122; Altmann, op. cit., 9.

[141] On Maimonides' position and how he differs from his philosophical predecessors (especially Saadia; see previous note), see Kasher, "Division"; see also below, n. 177.

In order to substantiate this sweeping claim, Maimonides establishes a rubric within which every biblical commandment can be placed. Using the vocabulary and conceptions of Aristotelian ethics and politics,[142] he defines two major goals of the Law: (1) perfection of the individual, what Maimonides calls "welfare of the soul," i.e., development of the intellect, accomplished through the acquisition of proper beliefs and opinions about God; (2) perfection of society, i.e., regulation of human conduct to create a thriving community. Since "man is political by nature" and his physical and emotional needs can be met only within a viable society, Maimonides' speaks of this second goal as "welfare of the body." He explains that this is a stepping-stone for the first goal, since it allows each member of society to live in peace and prosperity and thus be able to pursue his own intellectual perfection.[143]

On the basis of these two fundamental goals, Maimonides reduces all of the laws of the Torah to four categories:[144]

(a) Commandments regarding belief in and understanding of "true opinions," such as God's existence, unity, etc.[145]
(b) Conversely, commandments that distance people from idolatrous practices, so that they do not absorb the associated incorrect opinions.
(c) Commandments aimed at "abolishing reciprocal wrongdoing," e.g., the prohibition of murder, stealing, lying, etc., all of which would undermine society.[146]

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[142] See Harvey, "Political Philosophy," 198–199; Kraemer, "Sciences," 90–104 and references to the Arabic Aristotelian school cited there.

[143] *Guide* III:27; Heinemann, *Reasons*, 83.

[144] For these formulations, see *Guide* III:28, 29, Pines trans., 513, 521–522. See also Twersky, *Code*, 387–388.

[145] See Hyman, "Principles," 119. Maimonides acknowledges that these beliefs themselves, while of primary importance, are not spelled out at length or in great detail in Scripture. See Harvey, "Political Philosophy," 205–207. There are, however, many commandments associated with them that are intended to inculcate such beliefs in the minds of the people. Maimonides also lists a related category, namely "necessary beliefs" which are indispensable for motivating the masses to obey the Torah. It seems clear that Maimonides does not regard these beliefs to reflect truths, but they are "noble fictions" necessary for political reasons. See Hyman, "Principles," 139 and above, n. 14.

[146] See, e.g., at n. 5, above.

(d) Commandments that foster the development of "noble moral
qualit[ies] leading to a good social relationship."[147]

What stands out immediately from this presentation is the universal
humanistic nature of Maimonides' account of biblical law. Indeed, his
anthropologically oriented explanations would, in theory, be appli-
cable to any human society seeking the perfection of its members—as
defined within the Aristotelian tradition.[148] By contrast, rabbinic dis-
cussions of the commandments (where the term *ṭaʿamei ha-miṣwot* is
not used)[149] convey a different tone, and tend to portray the *miṣwot* in
ahistorical, spiritual and even mystical terms, uniquely applicable to
Israel as God's holy nation.[150] Indeed, other medieval Jewish thinkers,
such as ha-Levi and Nahmanides, were more faithful to that outlook
in their accounts of the *miṣwot*.

The explanation in the *Guide* for the festivals illustrates this distinc-
tion, especially by comparison with ha-Levi's *Kuzari*, to which Maimo-
nides may have been responding. As part of his overall argument that
the commandments are meant to bring the nation of Israel into a mys-
tical union (*ittiṣāl*) with God (or "the divine element"; *al-amr al-ilāhi*;
*ha-ʿinyan he-elohi*), ha-Levi differentiates between the festivals of other
nations, which are merely holidays agreed upon by society, and those
mandated by the Torah, which Scripture termed "the appointed times
of the Lord" (מועדי ה׳) because of their unique spiritual qualities that

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[147] See, e.g., at nn. 13, 18 above.
[148] On the social benefit of the commandments, especially as highlighted in the
*Guide*, see Twersky, *Code*, 443–447. Naturally, this approach opens Maimonides to
the critique that he viewed the laws of the Torah as little more than a political guide
to the ideal state as envisioned by Aristotle; see Heinemann, *Reasons*, 96; Harvey,
"Political Philosophy," 198–200; Davidson, *Maimonides*, 379–380.
[149] Instead we occasionally find טעמא דקרא, טעמי תורה; see Heinemann, *Reasons*,
26, 29; see also Novak, "Jurisprudence," 225–240. This makes Rashbam's locution טעם
במצוות (see above, n. 79) especially noteworthy, even though it seems to be unique in
the literature of Rashi's school. In the *Guide*, Maimonides used the Arabic term *ʿilla* to
denote the reason for a commandment, but in *Mishneh Torah* he used the term *ṭaʿam*;
see above, n. 1. See also the citation from Ibn Ezra, below at n. 176.
[150] See Heinemann, *Reasons*, 22–35. On this opposition, see Twersky, *Code*, 430–
439. As Twersky observes, in *Mishneh Torah*, Maimonides' explanations for the *miṣwot*
come closer to the tenor of the rabbinic portrayal. We have already seen Maimonides'
purely moral explanation for the prohibition to return a slave to his master (i.e., to
develop the virtue of pity) in the *Guide*, which diverges from the more particularistic
coloration this law has in rabbinic interpretation—and as codified in *Mishneh Torah*;
see above, nn. 18, 19. The mystical dimension of the *miṣwot* is developed, of course,
by Nahmanides; see Matt, "Mystic," 379–382.

endow "the nation of the Lord" (עם ה׳) with sanctity.[151] Maimonides, on the other hand, is happy to cast the festivals of the Torah in universal terms by highlighting their political benefit:

> The festivals are all for rejoicing and pleasurable gatherings, which in most cases are indispensable for man; they are also useful in the establishment of friendship, which must exist among people living in political societies.[152]

For the author of the *Guide*, the wisdom of the biblical law can best be illustrated by showing that it finds a parallel in values universally recognized:

> The [festival of] *Sukkot*, which aims at rejoicing and gladness…the reason for its taking place in the season in question is explained in the Torah: "When you gather in the results of your work from the field" (Exod 23:16); this refers to the season of leisure when one rests from necessary labors. In the ninth book of the *Ethics*, Aristotle states that this was the general practice of the religious communities in ancient times. He says literally: "The ancient gatherings and sacrifices used to take place after the harvesting of the fruit. They were, as it were, offerings of gathering and leisure."[153]

Given his humanistic orientation, Maimonides can cite Aristotle's observation of the behavior of ancient societies to illuminate the purpose of the divine commandments. In other words, Maimonides regards sociological advantage as a central goal of biblical law; but other peoples share the same goal and would understandably devise similar laws.

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[151] See Lobel, *Mysticism*, 21–53. In *Kuzari* II:16 ha-Levi distinguishes between the divinely ordained holy days, and celebrations devised by human societies based on agreement (*iṣṭilāḥ*). (Elsewhere, however, ha-Levi does speak in a different, more political tone about the festivals; see *Kuzari* III:19.) The term *iṣṭilāḥ* (agreement, convention; Heb. *haskama*) that ha-Levi uses to describe the nature of the festivals of the other nations is noteworthy. Compare Maimonides' claim that "languages are conventional (*iṣṭilāḥiyya*)," i.e., created by human beings based on arbitrary agreement, "not natural, as has sometimes been thought" (*Guide* II:30, Pines trans., 358; Munk-Joel ed., 251); in fact, Maimonides there seems to be referring to ha-Levi's mystically-oriented view that the Hebrew language is God's creation; see Levinger, *Philosopher*, 94–99; Stern, "Language," 175–178; 197–199.

[152] *Guide* III:43, Pines trans., 570.

[153] *Guide* III:43, Pines trans., 571–572. As Pines notes, this actually occurs in Book VIII (1160a5–28) of the *Nichomachean Ethics*. The disparity is due to the alternate division in the Arabic version of this work; see Harvey, "Sources," 99–101, esp. n. 51.

To be sure, as mentioned above (at n. 103), Maimonides acknowledged that the festivals mandated by Scripture also have a particular national coloration, stemming from the specific Israelite historical circumstances that they commemorate. But even these are cast in general philosophical terms in the *Guide*, where he explains that the festivals

> inculcate both an opinion and a moral quality…In the case of *Sukkot*, the opinion consists in the perpetuation of the memory of the miracles of the desert through the periods of time. As for the moral quality, it consists in man's always remembering the days of stress in the days of prosperity, so that his gratitude to God should become great and so that he should achieve humility and submission. Accordingly…one must leave the houses and dwell in huts.[154]

Indeed, it is not rare for Maimonides to attribute multiple purposes to the commandments. In his view, for example, "the Sabbath is…of universal benefit, both with reference to a true speculative opinion [i.e., the creation of the world] and to the well-being of the state of the body."[155] As he explains further in quite pragmatic terms: "Because of it the seventh part of the life of every individual consists in pleasure and repose from the fatigue and weariness from which there is no escape either for the young or for the old."[156]

A similar sociological tone dictates Maimonides' discussion of the laws pertaining to marriage, divorce and family life. In connection with these laws as a whole, he prefaces:

> It is well known that friends are something that is necessary for man throughout his whole life. Aristotle has already set this forth in the ninth book of the *Ethics*.[157] For in a state of health and happiness, a man takes pleasure in their familiar relationship with him; in adversity he has recourse to them; and in his old age, when his body is grown weak, he seeks their help. The same things may be found to a much greater extent in the relationship with one's children and also in the relationship with one's relatives…and the attainment of these things is a very great purpose of the law.[158]

For this reason, Maimonides explains, harlotry is prohibited by the Torah, which aims to promote strong family bonds that are necessary

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[154] *Guide* III:43, Pines trans., 572.
[155] *Guide* II:31, Pines trans., 360.
[156] *Guide* III:43, Pines trans., 570.
[157] As Pines notes, this actually occurs in Book VIII (1155a3ff) of the *Nichomachean Ethics*. See n. 153 above.
[158] *Guide* III:49, Pines trans., 601–602.

for a thriving society—a universal concern of pragmatic value. It is not surprising, then, that Maimonides later describes the law of levirate marriage as a vestige of an ancient, obviously non-Jewish practice perpetuated by biblical law:

> As for the reason of the levirate, it is stated clearly (*manṣūṣ*) [in Scripture] that this was an ancient custom that obtained before the giving of the Torah and that was perpetuated by the Law.[159]

He is probably referring here to the episode of Tamar and Judah's family in Genesis 38, as his son, Abraham Maimonides, would explain in his biblical commentary.[160] Following his program of explaining "the texts" (*nuṣūṣ*) of Scripture, Moses Maimonides argues that this law simply reflects a universal concern to protect the childless widow, a concern that originated in pre-Sinaitic society that the Torah saw fit to incorporate.[161]

## 6. *Assessment of Maimonides' Method*

Given the Aristotelian tenor of Maimonides' analysis, we might question its association with the notion of *peshat*, in the spirit of M.H. Segal's critique of his exegesis as "philosophical *derash*," which implies that Maimonides simply replaced Midrash with Aristotelian philosophy, projecting it onto Scripture rather than letting the biblical text speak for itself.[162] The answer to this challenge depends on the complex issue of the very definition of *peshat*. Clearly, Maimonides' philosophical concerns prevent him from appreciating what historical-critical scholarship now regards as mystical, mythical elements of the biblical text.[163] But the medieval "way of *peshat*" is not the historical-critical method; nor can it be regarded as "objective" interpretation that reflects the

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[159] *Guide* III:49, Pines trans., 603; Munk-Joel ed., 443.

[160] Comm. on Gen 38:12, Wiesenberg ed., 144–145.

[161] Nahmanides, on the other hand, emphasized the mystical dimension of the levirate marriage; see his commentary on Deut 25:6. As for Maimonides' proof from Genesis 38 that this law predated the giving of the Torah at Sinai, Nahmanides argues that the kabbalistic secret was already known from ancient times; see Nahmanides on Gen 38:9.

[162] See the introduction above, n. 13.

[163] In this respect, Nahmanides—through his kabbalistic approach—often seems more faithful to the spirit of Scripture itself. See Stern, *Problems*, 83–86; compare Japhet, *Job*, 56.

original intent of the biblical text. Apart from the fact that modern literary theory questions the viability of that notion itself, it is clear that the medieval *peshat* schools were, in fact, driven by culturally determined—and distinctly extra-textual—factors, one being an overarching rationalism, i.e., a desire to understand Scripture within a scientific and philosophical framework.[164] While this applies most obviously to the overtly philosophical Geonic-Andalusian school, a parallel tendency can be discerned within the northern French *peshat* school, as discussed earlier in this chapter.[165]

It would, of course, be enticing to characterize the medieval *peshat* revolution as a precursor of the *Sola Scriptura* doctrine, especially in light of Joseph Qara's manifesto about the autonomy of Scripture ("written…in a complete manner with all that is necessary for its interpretation"; above, at n. 47). But the Sacred Text must always be placed within a certain ideological and intellectual framework that dictates the assumptions and methods governing its interpretation.[166] It would therefore be more accurate to characterize the medieval *peshat* movement—in its varied manifestations—as a method of interpreting Scripture powered by a new outlook that sought to replace the traditional midrashic interpretive mode with new forms of learning, such as grammar, philology, poetics, history, science and philosophy. This was the intellectual impetus of the *maskilim* in northern France to whom Rashi and his followers addressed their revolutionary *peshat* commentaries. When Qara formulated his manifesto, he intended primarily to free biblical exegesis from the yoke of midrashic authority, but not to deny that other forms of knowledge are valuable—and even crucial—for proper biblical exegesis. The same would have certainly

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[164] Also worthy of mention is the presumption of the *pashtanim* that Scripture presents a perspective that is distinctly Jewish—and not, for example, Christian or Muslim. This at times led to readings that we can now identify as being polemically motivated, as recent scholarship of the northern French tradition in particular has shown; see, e.g., Kamin, *Jews and Christians*, 22–57 (regarding Rashi); Grossman, "Literal Exegesis," 353–355 (regarding Joseph Qara); Japhet, "Polemic"; Touitou, *Exegesis*, 241–255 (regarding Rashbam).

[165] See above, sec. 2.3 in the current chapter.

[166] See further discussion of this matter in the concluding chapter of this volume. While we have focused here on medieval Jewish interpretation, the same point can be made about Protestant Bible scholarship, which was actually guided by the *Sola Scriptura* motto; see Childs, "Sensus Literalis," 86–93. A similar point has been made even about modern Bible scholarship; see the studies by Berlin and Sweeney cited in the introduction above, n. 7.

held true for Ibn Ezra and Maimonides, whose rich Andalusian exegetical heritage included the avid use of Greco-Arabic learning to illuminate biblical grammar, philology and poetics, as well as the ideology expressed by Scripture. Ibn Ezra remarked: "the Torah was not given to those devoid of reason, and the angel mediating between man and his God is his mind," by which he means (among other things) that secular learning, the product of human reason, is crucial for biblical interpretation "by way of *peshat*."[167]

In fact, Maimonides' use of Aristotelian ethics and politics to illuminate the reasons for the commandments may not be as much of a foreign projection onto the Bible as it seems. From his analysis of *ẓāhir al-naṣṣ*, Maimonides reasonably concludes that the Law aims to create a harmonious society that provides optimal conditions for each individual to attain correct beliefs about God.[168] Aristotle provides a sort of convenient shorthand for expressing these values and their concomitant implementation, which in many cases can be said to stem intuitively from human reason—e.g., the importance of friendship and leisure for a thriving society. As such Maimonides' use of secular learning in this case might not be all that different from what Rashbam termed *derekh ereṣ* and *ḥokhmat benei adam* (above, at n. 68).

There is, of course, a supposition upon which Maimonides must rely in order to use intuitive political and ethical notions to reveal the rationale for the commandments, i.e., that they were, in fact, intended to further universal humanist goals, as opposed, for example, to serving mystical, theurgical or other sorts of goals. Yet Maimonides provides a biblical basis for his supposition when responding to those "who consider it a grievous thing that causes should be given for any law; [and] what would please them most is that the intellect would not find a meaning for the commandments and prohibitions."[169] To

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[167] See chapter two above, sec. 2.

[168] This observation is less applicable to other cases of Maimonidean biblical interpretation, in which Greco-Arabic philosophy seems less compatible with the biblical text, e.g., his analysis of the "Account of Creation" in light of Aristotle's *Meteorologica* (see chapter two, sec. 1.3, above), or the book of Job in light of the philosophical approaches to theodicy current in Maimonides' time (see chapter four, sec. 3 below). It is noteworthy, though, that in each of those cases, Maimonides does address—and provide some account for—the disparity between *ẓāhir al-naṣṣ* and his analysis, as mentioned in our discussion of those topics.

[169] *Guide* III:31, Pines trans., 523.

refute this view, Maimonides cites Deut 4:5–6, said by Moses to the
people of Israel:

> See, I have imparted to you laws (*ḥuqqim*) and rules (*mishpaṭim*)…Observe
> them faithfully, for that will be the proof of your wisdom and discern-
> ment to other peoples, who on hearing all these laws will say: Surely that
> great nation is a wise and discerning people.

As Maimonides explains:

> It states explicitly that even all the *ḥuqqim* will show to all the nations
> that they have been given with "wisdom and discernment." Now if there
> is a thing for which no reason is known and that does not either procure
> something useful or ward off something harmful, why should one say
> of one who believes in it or practices it that he is "wise and discern-
> ing"?…Rather…every commandment…exists either with a view to
> communicating a correct opinion, or to putting an end to an unhealthy
> opinion, or to communicating a rule of justice, or to warding off an
> injustice, or to endowing men with a noble moral quality, or to warning
> them against an evil moral quality. Thus all are bound up with three
> things: opinions, moral qualities and political civil actions.[170]

As Maimonides demonstrates, this biblical passage implies not only
that the *ḥuqqim* have reasons, but also that their wisdom should be
evident to all people.[171] They must therefore yield benefits that can
be demonstrated empirically, as opposed to mystical or magical ones
perceptible only by, or applicable only to, Israel. It is this assumption
that justifies Maimonides' invoking Aristotelian ethics and politics to
illuminate the aims of biblical law, since these disciplines represented
"wisdom and discernment to other peoples" in Maimonides' intellec-
tual world.

 The implications Maimonides draws from Deut 4:5–6 are linked in
a revealing way to the exegetical tradition he inherited, as I. Twersky
has shown.[172] In the Talmud, as Maimonides cites elsewhere, these
verses were interpreted differently; specifically, the antecedent of the
pronoun "that" ("for *that* will be the proof of your wisdom") is taken
to refer to "the science of cycles and planets" used to calculate the

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[170] *Guide* III:31, Pines trans., 524.
[171] One could, of course, draw other conclusions from this verse (as Maimonides'
predecessors, in fact, did); but that point might be raised regarding any sort of inter-
pretation—including one "by way of *peshat*" (see Cohen, "Reproducing the Text").
[172] *Code*, 380–387; idem, "Influence," 28–32. This parallel was already noted by
Heinemann, *Reasons*, 96.

Jewish calendar.[173] Within the Andalusian tradition, which could not accept such an acontextual reading, another interpretation is reflected by Bahya Ibn Paquda, who argues that the proof of Israel's wisdom is the soundness of their theological reasoning, not necessarily the reasonableness of the specific commandments.[174] Abraham Ibn Daud (Cordoba, Toledo, c. 1110–1180) reveals why Bahya avoided the alternatives:

> It did not say this about the commandments from revelation, for they do not have anything wondrous in the eyes of someone who is not of our nation. And it did not say this about the commandments related to political institutions and ethical virtues [mandated by the Torah], for those, too, any reasonable person could institute them.[175]

Ibn Ezra, however, departs from this tradition and uses this verse as proof that all of the commandments have reasons that can be demonstrated rationally, as he explains:

> Moses said about all of the commandments: "[…] Surely that great nation is a wise and discerning people." And if they do not have reasons (ṭeʿamim)—the nature of which can be known—why would the nations say that they are "laws [and rules] that are perfect" (Deut 4:8) and that those who keep them are "wise"?[176]

The distinctive parallel to Maimonides is clear, and Twersky points to this as possible evidence of Ibn Ezra's direct influence on his thinking.[177] Be that as it may, this is a further indication of the great philosopher's link to the *peshat* school.

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This chapter has demonstrated that Maimonides' analysis of *ẓāhir al-naṣṣ* in the context of explaining the rationale for the commandments yields far more than the obvious sense of Scripture. He does not

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[173] See b.*Shabbat* 75a, cited by Maimonides, *Book of the Commandments*, Principle #2 (Kafih ed., 14); see below, chapter six, sec. 2.

[174] See Bahya, *Duties of the Heart* I:2, Kafih ed., 50–51; Twersky, *Code*, 383–384.

[175] *The Exalted Faith*, introduction, Weil ed., 4; Samuelson and Weiss ed., 369 (read המצוות השמעיות [following the Weil ed.], rather than המעשיות השמעיות). See also Twersky, *Code*, 384, for other authors who followed this approach. On the "commandments from revelation," to which Maimonides refers to as *ḥuqqim*, see above, n. 140.

[176] *Yesod Mora* 8:1, Cohen and Simon ed., 155–156.

[177] Philosophically as well as exegetically; see Heinemann, *Reasons*, 65–66 and above, at n. 141.

treat *ẓāhir al-naṣṣ* as the naïve superficial sense, nor does he invoke it to "devalue" *peshat*. On the contrary, its careful analysis serves as the basis for a sophisticated account of biblical law within its literary and historical contexts, informed by Aristotelian ethics and politics. In using the term *ẓāhir*, Maimonides means that he is not bound by rabbinic interpretation—neither *derashot* (which he deems "poetical conceits"), nor the otherwise authoritative "Oral Law." The *ẓāhir* is the "apparent" sense—*by comparison with* the rabbinic reading, which is not evident from the text, and derives from an extra-textual tradition. This resembles what Ibn Janah and the northern French exegetes called *peshuto shel miqra*.[178] Maimonides' term *ẓāhir* is thus a proxy for the *peshat* as used by those *pashtanim*.

We have also seen that this common endeavor entails intellectual creativity and even audacity. Neither *peshat* nor *ẓāhir* can be defined simply as "objective" or "correct" (or "simple"!) interpretation, nor do the authors we have studied make this claim. On the contrary, they emphasize the authority of the rabbinic reading, which frees them to analyze the biblical text according to their own exegetical sensibilities, yielding readings that are necessarily subjective and even conjectural. Each interpreter chooses which connections to make among biblical texts and how extra-biblical knowledge illuminates their meaning and purpose. Driven by diverse intellectual backgrounds and cultural circumstances, the great *peshat/ẓāhir* interpreters reach different conclusions, notwithstanding shared methodological assumptions. Rashbam's *peshat* readings reflect a brand of rationalism current in twelfth-century northern France, his own religious notions (which were not very different from those of Rashi), as well as the need to respond to Christian anti-Jewish polemics (above, n. 164). Maimonides' analysis of *ẓāhir al-naṣṣ* emerges from his Greco-Arabic intellectual milieu that favored rationalism over mysticism and universalism over particularism. This, however, does not make it "philosophical *derash*" characterized by a "devaluation of *peshat*," since his analysis, like that of Rashbam, is a product of a careful reading of the biblical texts themselves within their historical context.

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[178] The case of Ibn Ezra is more complex: he views *peshuto shel miqra* as being the single authoritative interpretation of the text. He therefore cannot accept the possibility of a conflict between it and the authoritative rabbinic halakhic interpretation. See chapter seven, sec. 5 below.

Beyond simply linking Maimonides to the *peshat* school, his analysis of biblical law represents a unique contribution to this medieval exegetical revolution. While earlier Geonic-Andalusian exegetes devised sporadic interpretations of this sort—which may have sparked Maimonides' thinking—his account of the reasons for the commandments is unprecedented in its scope, vigor and originality. Maimonides does not hesitate to interpret numerous biblical texts according to his own carefully devised methodological criteria and to arrive at conclusions at odds with talmudic *halakhah*. The closest precedent is Rashbam, whose audacity equals that of Maimonides in consistently departing from rabbinic exegetical authority. But Rashbam does not go as far as Maimonides in the scope of his non-halakhic analysis, in part because he did not have the same arsenal of historical evidence, but also because he lacked the philosophical framework within which to interpret the entire gamut of biblical law from a rational perspective. As it stands, Rashbam's non-halakhic legal exegesis is remarkable for its occasional boldness, but does not go beyond the interpretation of individual verses to create a comprehensive account of biblical law.[179] Maimonides, by contrast, engages biblical law in its entirety, digesting its principles and showing the "wisdom" of its manifold applications in detail.

Maimonides' study of the reasons for the commandments in the *Guide* opens a new interpretive vista, an account of the spirit of biblical law in its entirety as it emerges from the text of Scripture, against the backdrop of what was known (or believed to be known) of its ancient Near Eastern cultural context.[180] This novel account stands as an alternative to the system of Talmudic law, which, ironically,

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[179] There are, of course, some exceptions; see, e.g., above at n. 78. But these are few and far between, especially when compared with Maimonides' truly comprehensive outlook. A similar point can be made about Rashbam's occasional, brilliant literary observations—powered only by his keen intuitive sense of poetics, by contrast to the systematic, comprehensive analysis of Scripture's literary features by Moses Ibn Ezra, who drew heavily on Greco-Arabic poetics for this purpose; see above, at n. 55.

[180] Unlike his northern French colleagues (above, nn. 42, 43), Maimonides does not celebrate the novelty of his revolutionary interpretations and method. He could have, e.g., said something akin to Rabad's remark, "I have nothing in these [matters] from either teacher or guide" (כי אין עמי בכל אלה לא מפי רב ולא מפי מורה), cited in Soloveitchik, "Rabad," 14, as a "proclamation…[that] describe[s] in the broadest sense his entire life's work"). Maimonides simply states what, in his opinion, emerges from *ẓāhir al-naṣṣ*, without taking credit for his discoveries. His reluctance to do so may be attributable to his cultural outlook, as discussed above, at nn. 45, 46. Elsewhere in the *Guide*, however, we do hear Maimonides' individual voice—tacitly rejecting

Maimonides himself codified in *Mishneh Torah*. In this section of the *Guide*, the great philosopher-talmudist combines extensive, detailed and penetrating scrutiny of individual biblical texts with a conceptual legal analysis in an attempt to describe the overall principles of biblical law, a meta-textual investigation comparable, for example, to modern studies of this subject.[181] Maimonides was guided by what now is known as the "hermeneutic circle": the need to understand the text as a whole by reference to its parts, and to understand the individual parts by reference to the whole, yielding a comprehensive reading of the text in light of its cultural and historical context.[182]

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earlier authorities and claiming to have discovered "the intention of the Book of God and the books of our prophets" (*Guide* III:17;471); see Cohen, "Disagreement," 73.

[181] It is instructive to compare Maimonides' analysis with the seminal modern study of M. Greenberg, "Some Postulates of Biblical Criminal Law."

[182] To be sure, Maimonides' exclusion of the *halakhah* from this analysis raises questions that remain unanswered. To begin with, he offers no justification for making *ẓāhir al-naṣṣ* the focus of his analysis and sidestepping the authoritative halakhic interpretation. Unlike Ibn Janah and Rashbam, Maimonides does not describe his analysis as *peshuto shel miqra*, nor does he invoke the talmudic rule of *peshat* to establish its legitimacy. In fact, as we shall see in the second part of this study, Maimonides' super-strong reading of the *peshat* maxim would seem to preclude any sort of legal analysis of the Pentateuch based on *ẓāhir al-naṣṣ*. This, then, leads to another question: even if Maimonides could justify interpreting *ẓāhir al-naṣṣ* in the legal sections of the Pentateuch, what would be his motive for doing so? These are matters to which we shall return in chapter nine below, which is devoted to the overall relationship between *peshat* and *ẓāhir* in the great talmudist-philosopher's hermeneutical system.

## *MASHAL* AS HERMENEUTICAL MODEL

While Maimonides energetically focuses attention on *ẓāhir al-naṣṣ* in the legal sections of the Pentateuch in the third section of the *Guide* (as we saw in the preceding chapter), he does not dwell there on its theoretical relationship to the authoritative halakhic reading. But he is more forthcoming in describing the literary and hermeneutical assumptions that guide his interpretation of the *mashal* genre, which is ubiquitous in Scripture in his view. In his introduction to the *Guide of the Perplexed* in particular, Maimonides devotes much attention to the recurrent disparity between the apparent sense (*ẓāhir*) of the wording (*lafẓ, kalām*) of the biblical text (*naṣṣ*) and its true meaning (*maʿna*), intention (*qaṣd*) and purpose/intention (*gharaḍ*). In other words, proper biblical interpretation is not simply a naïve transla-tion of the words of Scripture taken at face value. While some have associated this view with a Maimonidean "devaluation" of *peshat*, we have already seen in the preceding chapters that, in fact, a willing-ness to apply *taʾwīl* places him directly within the main currents of the Geonic-Andalusian exegetical movement and what would come to be known as "the way of *peshat*." His interpretive sophistication also powers a number of unique contributions that Maimonides makes to the tradition of *peshat* exegesis.

### 1. *Theory*: Ẓāhir *and* Bāṭin

The challenge that prompted Maimonides to write the *Guide of the Per-plexed*, as he explains in his introduction to that work, was the dispar-ity between the "apparent sense[s] (*ẓawāhir*) of the Torah (*al-sharīʿa*)" and what is known from science and philosophy.[1] This disparity, he

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[1] *Guide*, introduction, Pines trans., 5; Munk-Joel ed., 2; part of this passage was cited in chapter two, sec. 1.3 above.

argues, results from an incorrect or incomplete interpretation of the biblical text, which he aims to rectify by fulfilling two goals:

> The first purpose of this treatise is to explain the meanings of certain terms [i.e., words; *ismā*; sing. *ism*] occurring in the books of prophecy. Some of these terms are equivocal (Ar. *mushtarika*; lit. shared); hence the ignorant understand them according to [only] some of the meanings in which the term in question is used. And some of them are metaphorical (Ar. *mustaʿāra*; lit. borrowed); hence they understand them as well according to the original meaning from which they are derived (Ar. *ustuʿīrat*; lit. borrowed).[2]

This "first purpose" entails a philological method of analysis applied in the "lexicographic" chapters of the *Guide* that make up the bulk of its first part, as discussed in chapter two above. The unit of analysis here is the individual word or "term" (*ism*), which prompts Maimonides to adopt a dictionary format, as we shall see presently.

Another analytic method is employed by Maimonides in pursuing what he describes further in the introduction as his second goal:

> This treatise also has a second purpose, namely the explanation of very obscure parables (Ar. *amthāl*; Heb. *meshalim*) occurring in Scripture (lit. the books of Prophecy)…an ignorant or heedless individual might think that they are said only according to their apparent meaning (*ẓāhir*) and there is no deeper meaning (*bāṭin*) to them.[3]

The method Maimonides employs in this connection applies to larger textual units, not individual words (or: "terms"), but rather "parables," referred to in Arabic as *amthāl* (sing. *mathal*, cognate of Hebrew *mashal*).[4] This category includes texts that portray a fictional tale or state of affairs, or a prophetic vision.

## 1.1. *Philological Analysis*

Although both of Maimonides' exegetical goals stated in the *Guide* entail going beyond *ẓāhir al-naṣṣ*, the reading strategies he employs

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[2] *Guide*, introduction, Pines trans., 5; Munk-Joel ed., 2. Maimonides here also lists "amphibolous terms" (Ar. *mushakkika*), on which, see Wolfson, "Amphibolous Terms." But this is a relatively minor category in the *Guide* and therefore will not be discussed in this context.

[3] *Guide*, introduction, Pines trans., 6; Munk-Joel ed., 2.

[4] Given the closeness of these cognates, and since we will discuss Maimonides in the context of other authors in the Jewish literary tradition who used the Hebrew term *mashal*, we will use that term as well in speaking of this genre.

to achieve them differ substantially. In his study of individual biblical terms, he develops a system of linguistic analysis that fuses two streams of learning: the philology of Ibn Janah and the logic of Alfarabi. The latter provided him with a theoretical framework for explaining the complex ways in which words signify meanings and how those significations change over time. In chapter thirteen of Maimonides' *Treatise on Logic*, a work heavily influenced by Alfarabi, he defines the critical notion of an "equivocal term" (*al-ism al-mushtarik*), i.e., a word (or: term) with multiple meanings. There he defines the chief sub-category of equivocality employed in the *Guide*, namely "metaphor" (*istiʿāra*; lit. borrowing; *al-ism al-mustaʿār*), i.e., the borrowing of a term with one sense to be used in a new sense.[5] Drawing upon the template of his *Treatise on Logic*, Maimonides could rely in his *Guide* on these Farabian concepts and posit that multiplicity of meaning is a natural feature of words in all languages.

While Alfarabi provided the theoretical basis for the assumption that equivocal terms occur in Scripture, Maimonides turns to his rich Andalusian philological heritage—dominated by Ibn Janah's work—to fill the entries of his dictionary in the first part of the *Guide*.[6] This fusion of Alfarabi's logic and Ibn Janah's philology can be illustrated with the following example, from the entry of the *Guide* on BH כנף (lit. wing):

> כנף is an equivocal term, with most of its equivocality (*ishtirāk*) due to metaphorical usage. Its first meaning (or: coinage) is *a wing of the living things that fly*. Thus: "Any winged (כנף) bird that flies in the sky" (Deut 4:17).
>
> Subsequently it was used metaphorically to denote (*ustuʿīra li-*; lit. borrowed for) *the extremities* and *corners* of garments. Thus: "on the four *corners* (כנפות) of your garment" (Deut 22:12).
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> Next it was used metaphorically to denote *the farthest ends* and *extremities* of the habitable parts of the earth.... Thus: "that it may take hold of the *ends* (כנפות) of the earth" (Job 38:13), "from the *ends* (כנף) of the earth, we have heard songs" (Isa 24:16).
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> Ibn Janah says that the term also occurs with the meaning of *concealing* (or *guarding*), akin to the Arabic, in which one may say, "*kanaftu*

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something," meaning: *I have concealed it*. He accordingly interprets the
verse, "Yet shall not your teacher יכנף" (Isa 30:20), as meaning: your
enlightener shall not be *concealed* and *hidden away* from you. And this
is a nice explanation. And from this, in my opinion, [we can explain
that] "he shall not uncover the כנף of his father" (Deut 23:1) [means]: he
shall not uncover of his father *that which is concealed*. Similarly, "Spread
כנפיך over your handmaid" (Ruth 3:9) its meaning, in my opinion is:
spread your *protection* over your handmaid.

In my opinion, it is in this sense that כנף is metaphorically said of the
Creator...Accordingly, the interpretation of..."you have come to seek
shelter under כנפיו (lit. His wings)" (Ruth 2:12) should be: you have
come to be sheltered under *His protection*.[7]

Although Ibn Janah's name is mentioned only in connection with his
rather original interpretation of Isa 30:20, the philological analysis
in this entire entry—like many others in the *Guide*—is taken largely
from the great linguist's dictionary, *The Book of Roots*.[8] But Maimo-
nides adjusts Ibn Janah's grammatical terminology to conform to
Alfarabi's logical categories.[9] This terminological shift suggests Mai-
monides' allegiance to the Arabic discipline of logic, the practitioners
of which considered it superior to grammar since it is a "universal
grammar of thought," rather than that of an individual language.[10] In
the *Guide*, then, Maimonides devises a philological analysis of Scrip-
ture founded on the fundamental principles of language in general
defined by Alfarabi, as well as the actual usages of BH in particular, as
determined by Ibn Janah.

Maimonides' analysis of the term כנף also reveals another important
facet of his philological exegesis. As he demonstrates, this term is used
in BH in three metaphorical senses, apart from its original literal sense,
i.e., *wing*. His need to make this observation, of course, stems from its
appearance in Ruth 2:12, which seems to speak of God's "wing" and
conflict with the doctrine of divine incorporeality. Yet Maimonides
does not begin there. Rather, he first demonstrates that the term is
otherwise used metaphorically in BH, so that by the time the reader

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[7] *Guide* I:43, Pines trans., 93; Munk-Joel ed., 63–64.
[8] See *Roots*, s.v. אבל; Cohen, *Three Approaches*, 104–108. Usually Maimonides
draws upon Ibn Janah without attribution; but in this case he cites him by name,
perhaps because of the play on words (*janāḥ* means *wing* in Arabic), or because his
analogy with Ar. *kanaftu* is unusual and requires the great linguist's authority.
[9] This is reflected in terms such as *ishtirāk* (equivocality) and *al-waḍʿ al-awwal* (the
first meaning [or: coinage]); for further details, see Cohen, "Imagination," 423–438.
[10] See references in chapter two above, n. 108.

gets to Ruth 2:12, it is clear that כנף does not necessarily mean *wing*. Furthermore, his philological analysis shows that often when this term is used metaphorically, its original sense is completely obscured and it cannot be rendered *wing* at all, but rather must be understood contextually.[11] In other words, the *ẓāhir* in such a case is a superficial—and completely incorrect—reading. As discussed in chapter two above, this observation does not imply a "devaluation" of *peshat*; on the contrary, it places Maimonides squarely within the Geonic-Andalusian philological tradition, which he augmented with Alfarabi's logical-analytical approach to language.

### 1.2. *Literary Analysis*

Our chief interest in the current chapter is Maimonides' literary analysis of the *mashal*, the key features of which emerge by contrast with his linguistic analysis. In pursuing his goal of interpreting biblical *meshalim*, philological analysis plays a relatively minor role; in fact, in such cases *ẓāhir al-naṣṣ* is a correct semantic construal of the language, which tells an imaginary tale or describes a (usually prophetic) vision. Getting at the deeper meaning (*bāṭin*) of a *mashal* does not entail any revision of the *ẓāhir*; it is, rather, an investigation of what might be symbolized by the picture that the *ẓāhir* conjures up. *Mashal* analysis does not relate to the semantic meaning of the language, but rather to what the tale or vision symbolizes. We can illustrate this with the classic example of a biblical *mashal* cited in rabbinic literature, the "poor man's lamb" parable used by the prophet Nathan to communicate to King David the moral repugnance of his taking Bathsheba from Uriah:

> There were two men in one city; the one rich, and the other poor. The rich man had very many flocks and herds; But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up; and it grew up together with him, and with his children; it ate of his own food, and drank of his own cup, and lay in his bosom, and was to him as a daughter. And there came a traveler to the rich man, and he was unwilling to take from his own flock and of his own herd, to prepare

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[11] On this aspect of Maimonides' metaphorical analysis, see Cohen, *Three Approaches*, 108–118.

for the traveler who came to him; but took the poor man's lamb, and prepared it for the man who came to him. (II Sam 12:1–4)[12]

The greedy rich man represents King David, who had six wives and took Uriah's only wife. Not realizing this correspondence, David decrees death upon his imaginary doppelganger, whereupon Nathan reveals to him: "You are the man!" (II Sam 12:7). What makes this tale a *mashal* is (a) the fact that it is fictional, and (b) that it conveys a deeper message, symbolized by the components of the story. But not a single word in this tale is subject to philological reinterpretation. In this case, then, *ẓāhir al-naṣṣ* is not incorrect; it is, rather, the *basic sense* of the text (as defined in chapter two above), which must be supplemented by some further intention.

This conception of dual meaning is reflected in the brief definition Maimonides offers for the biblical term *ḥiddah*, which he also seems to have applied to the closely related term *mashal*:

> [It] is a saying in which the intention (*gharaḍ*) is its hidden sense (*bāṭin*), not its apparent sense (*ẓāhir*).[13]

This is quite different from Maimonides' conception of the "equivocal term," as he does not speak here about linguistic signification ("the first coinage" and "borrowed" meanings). In a *mashal* and *ḥiddah*, the language retains its literal sense; i.e., the *ẓāhir* is not incorrect. Rather, the objective is to determine the *point* or *purpose* of the tale that it tells or the scene it conjures up. This deeper purpose, which is the ultimate intent of the *mashal*, is called the *bāṭin*.

Maimonides derived his theoretical model of the *mashal*/*ḥiddah* genre from Greco-Arabic learning.[14] Yet he goes to great lengths to

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[12] See b.*Bava Bathra* 15a (cited below, at n. 177), where this example is cited as a prototype of the *mashal* genre.

[13] See chapter two above, at n. 77. It would have been nice had Maimonides consistently used different terms to connote different types of meaning. The natural choice to express semantic meaning (i.e., the meaning of the words) would have been *ma'na* (cognate of Hebrew 'inyan; "meaning"), as opposed to the deeper "intention" (=*qaṣd*) or "purpose" (=*gharaḍ*) of a *mashal*. But Maimonides, in fact, uses all three terms interchangeably. See, e.g., citations below at nn. 18, 23, for his use of *ma'na* to connote the deeper intent. For his use of the terms *gharaḍ* and *qaṣd* for semantic meaning, see citations in chapter five below, esp. nn. 129, 130. While this may seem to reflect imprecision, it should be noted that the English word "meaning" is likewise used in a variety of ways: to connote semantic meaning ("the word X *means* Y"), as well as a deeper intention ("what he really *meant* to say was…"); see Alston, *Language*, 10–11.

[14] See Klein-Braslavy, *Solomon*, 15–30.

show that similar conceptions can be found in rabbinic sources, as he writes:

> Our Rabbis say: A man who loses a *selaʿ* (a coin) or a pearl in his house, can find the pearl by lighting a taper worth an *issar* (a coin of little value). In the same way, a *mashal* in itself is worth nothing, but by means of it you can understand the words of the Torah.[15]

Maimonides explains this rabbinic analogy (*mashal*)[16] using the Arabic *ẓāhir-bāṭin* dichotomy:

> The hidden matters (*bawāṭin*; pl. of *bāṭin*) of the words of the Torah are the pearl, whereas the *ẓāhir* of [its] *meshalim* is worth nothing. They likened the matter … to a man who let drop a pearl in his house, which was dark and full of furniture … until … he lights a lamp—an act to which an understanding of the meaning of the *mashal* corresponds.[17]

Although the *ẓāhir* is "worth nothing" independently, it is a necessary conduit to discern the *bāṭin*. The interpretation of a *mashal* thus requires two steps: first one must employ normal philological-contextual analysis to establish the *ẓāhir*, at which point one can begin to contemplate the symbolized "hidden matter."

While the details of Maimonides' *mashal* analysis vary from case to case as he discusses throughout the *Guide*, he establishes a fundamental rule in his introduction to the work:

> Know that the prophetic parables are of two kinds. In some of these parables (1) each utterance corresponds to an[other] idea, while in others (2) the parable as a whole (*jumlat al-mathal*) indicates the whole of the symbolized idea (*jumlat al-maʿna al-mamthūl*). In such a parable very many utterances are to be found, not every one of which adds something to the intended idea (or: means something [*turīdu maʿna*] in the symbolized idea). They serve rather to embellish the parable and to render it more coherent, or to conceal further the symbolized idea, hence the speech proceeds in such a way as to accord with everything required by the parable's apparent meaning (*ẓāhir*).[18]

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[15] *Guide*, introduction, Pines trans., 11. The citation is from *Song of Songs Rabbah* 1:8 (Dunski ed., 5–6).

[16] On this rabbinic *mashal*, which the Rabbis devised (as one among a number of similar *meshalim*) to explain the purpose and nature of the biblical *mashal* genre, see Stern, *Problems*, 63–67.

[17] *Guide*, introduction, Pines trans., 11; Munk-Joel ed., 7.

[18] *Guide*, introduction, Pines trans., 12; Munk-Joel ed., 8.

The first type of parable must be interpreted detail-by-detail to extract its deeper meaning, whereas analysis of the second type is based on an understanding of the *ẓāhir* as a coherent literary unit with its own compositional logic independent of the *bāṭin*.

Maimonides goes on to illustrate these two basic types of *meshalim*. He begins with Jacob's visionary dream of a ladder ascending to heaven (Gen 28:12–15):

> An example of the first kind of prophetic parable is the following text: "And behold a ladder set up on the ground" and so on. In this text, Scripture's saying (*qawluhu*)[19] "ladder" indicates one idea (*maʿna*); its saying "set up on earth" indicates a second idea; its saying "and the top of it reached to heaven" indicates a third idea....and its saying "and behold the Lord stood above it" indicates a seventh idea. Thus every expression (*lafẓa*)[20] occurring in this *mashal* refers to an additional subject in the complex of subjects represented by the *mashal* as a whole.[21]

Without revealing its deeper meaning here, Maimonides establishes that this vision is a *mashal* simply by claiming that it represents *something* beyond what Jacob saw. Later in the *Guide* (I:15), he explains what each detail represents: the "angels of God" are the prophets; their "ascent" is their perception of a prophetic message, their "descent" bringing that message to the people. The ladder is thus a symbol for prophetic inspiration, by which the prophet "ascends" to spiritual heights, and "descends" back into the mundane world.[22]

It appears that the first type of *mashal* is defined primarily as a foil for the second, which Maimonides regards as dominant in Scripture. As he writes later in his introduction:

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[19] Pines renders *qawluhu* "the word" (Munk, "*le mot*"). The literal translation ("its saying" = אמרו in Hebrew, as rendered by Ibn Tibbon and Kafih; cf. Schwarz: דברו), though more awkward, avoids the impression that Maimonides is thinking about philological analysis. To avoid this awkwardness, Pines elsewhere renders *qawluhu* "its dictum" or "His dictum," a convention we follow elsewhere in this study.

[20] Pines' translation, "word" (compare Munk's *mot*), like Hebrew מילה (Samuel Ibn Tibbon and Kafih), is misleading. Schwarz's translation, ביטוי, is preferable. Elsewhere I have argued that Maimonides does not intend to analyze this type of *mashal* philologically, i.e., as a "mosaic of equivocal terms" (פסיפס של שמות משותפים), as described by S. Klein-Braslavy; see Cohen, *Three Approaches*, 130–133.

[21] *Guide*, introduction, Pines trans., 12–13; Munk-Joel ed., 8.

[22] For further analysis of Maimonides' reading of Jacob's ladder vision, see Klein-Braslavy, "Ladder"; Diamond, *Concealment*, 85–130, who both note that Maimonides offers other readings of the ladder vision elsewhere in his writings. They maintain, however, that *Guide* I:15 reflects the one he had in mind in the introduction to the *Guide*.

> When you find that in…this Treatise I have explained the meaning
> (*maʿna*) of a parable and have drawn your attention to the general
> (lit. whole) idea it symbolizes (*al-jumla al-mamthūla*), you must not
> seek (*la taṭlub*) [meaning in] all of the details occurring in the parable
> and wish to find something corresponding to them in the symbolized
> matter…Rather, in most parables, your purpose should always be
> an understanding of the whole (*al-jumla*)—which is what was meant
> (*maqṣūd*) to be understood.[23]

And, indeed, it is difficult to find even a single example of a biblical
*mashal* of the first type discussed in the *Guide*, other than the one cited
in the introduction, i.e., Jacob's ladder vision.[24]

Maimonides illustrates the prolix second type of parable with a
lengthy passage from Proverbs 7 that offers sound advice to avoid a har-
lot, including a tale of seduction, in vv. 6–21:

> At the window of my house I looked through my lattice, and beheld
> among the simple ones, I discerned among the youths, a young man
> void of understanding, passing through the street near her corner; and
> he went the road to her house, in the twilight, in the evening, in the black
> and dark night; And, behold, there met him a woman dressed as a har-
> lot, and wily of heart. She is loud and stubborn; her feet do not remain
> in her house; now is she outside, now in the streets, and lies in wait at
> every corner. So she caught hold of him, and kissed him, and with an
> impudent face said to him, "I have had to sacrifice peace offerings; this
> day have I paid my vows. Therefore came I forth to meet you, diligently
> to seek your face, and I have found you. I have decked my bed with cov-
> erings, with tapestry of fine linen from Egypt. I have perfumed my bed
> with myrrh, aloes, and cinnamon. Come, let us take our fill of love until
> the morning; let us delight ourselves with love. For my husband is not
> at home, he has gone on a long journey; He has taken a bag of money
> with him, and will return home at the full moon." With her very pretty
> speech she seduces him, with her smooth talk she compels him.

Maimonides takes this tale to be a *mashal*:[25] it is not a true story, nor
merely advice to a youth to avoid the seductive harlot; both are charac-
ters symbolizing a deeper message:

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[23] *Guide*, introduction, Pines trans., 14; Munk-Joel ed., 9.

[24] For an opposing view, see Klein-Braslavy, *Creation*, 44, n. 37א; see also Cohen,
*Three Approaches*, 181n, 217n. The first model of *mashal* does govern Maimonides'
own use of this genre, e.g., in his famous "palace *mashal*" in *Guide* III:51; see Kasher,
"Palace."

[25] On this approach and its detractors, see Talmage, *Apples*, 122–123.

The gist (*al-ḥāṣil*) of this whole [text] (or: totality; *jumla*) is a warning against the pursuit of bodily pleasures and desires. Accordingly, he [Solomon] likens matter, which is the cause of all these bodily pleasures, to a harlot…for all the hindrances keeping man from his ultimate perfection, every deficiency affecting him and every disobedience, come to him from his matter alone…This is the whole [point] (or: totality; *jumla*) that can be understood from this entire (*jamīʿ*) parable, I mean that man should not follow his bestial nature.[26]

Once he has explained the general intention that emerges from this *mashal* as a whole, Maimonides insists that no further deeper meaning be sought in the details of the biblical text:

Now since I have explained this to you and have disclosed the secret of this parable, you should not hope [to find some meaning corresponding to every subject occurring in the parable][27] so that you could say: what is behind (lit. beneath) the dictum "I have had to sacrifice peace offerings; this day have I paid my vows"? And what meaning (*maʿna*) is included in the dictum "I have decked my bed with coverings"? And what meaning (*maʿna*) does the dictum "For my husband is not at home" add to this general (or: whole) [proposition]? The same holds good for the other details in this chapter.[28]

This is precisely Maimonides' point in defining his second type of *mashal*: once its general intent is identified, one must not seek further meaning in its details. Anticipating the question of why such details would have been employed in that case, he continues with the following justification:

all of them figure only in the consistent development of the parable's apparent meaning (*ẓāhir*), the circumstances described in it being of a kind typical for adulterers. Understand this well, for what I have said is a great and important principle with regard to matters that I wish to explain.[29]

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[26] Note the parallel use of the term *jumla*: the parable taken in its totality (as a *jumla*) indicates one general idea (a *jumla*). This echoes Maimonides' definition of the second type of *mashal*, in which "the parable as a whole (*jumlat al-mathal*) indicates the whole of the symbolized idea (*jumlat al-maʿna al-mamthūl*)" (citation above, at n. 18).

[27] The words in brackets appear only in Samuel Ibn Tibbon's Hebrew translation (Ibn Shmuel ed., 12), but not in the printed Arabic editions of the *Guide*, nor are they reflected in Alharizi's translation (Munk-Scheyer ed., 38). On the phenomenon of additions and other alterations in Ibn Tibbon's Hebrew version and the possibility that they reflect a more accurate version of Maimonides' Arabic text of the *Guide*, see Fraenkel, *Transformation*, 60–61, 75–80, 85–89; see also Kraemer, "Guide," 351–363.

[28] *Guide*, introduction, Pines trans., 13–14; Munk-Joel ed., 9.

[29] *Guide*, introduction, Pines trans., 14; Munk-Joel ed., 9.

By acknowledging the artistic dimension of Scripture, i.e., the need for the literal tale to have its own literary logic independent of the deeper meaning, Maimonides can dismiss the need to analyze every detail of a *mashal* for some deeper significance, yielding what he terms "a great and important principle."

Maimonides' celebration of this "great and important principle" reflects the crucial role it plays in his interpretive system. Placed strategically in the introduction to the *Guide*, it signals a significant departure from rabbinic interpretive doctrine, which has been characterized by J. Kugel as "omnisignificance," i.e., that every detail of Scripture is laden with meaning and significance.[30] As a rabbinic scholar, Maimonides was well aware of this tendency; but he criticizes contemporary authors who applied it themselves.[31] He explains that seeking meaning in every detail

> would lead you in one of two ways [i.e., erroneous paths]: either into turning aside from the intended subject (*al-gharaḍ al-maqṣūd*) of the parable, or into assuming an obligation to interpret things not susceptible to interpretation (*taʾwīl*) and that have not been inserted with a view to interpretation (*taʾwīl*)…[and] result in extravagant fantasies (*hadhayān*) such as are entertained and written about in our time by most of the sects of the world, since each of these sects desires to find meanings for expressions whose author in no wise had in mind (*lam yaqṣid*; lit. did not intend) the significations wished by them.[32]

Revealing his "intentionalist" view of the goals of interpretation, Maimonides here states his aim to reveal the purpose (*gharaḍ*) and intent (*qaṣd*) of the biblical authors.[33] He therefore limits his quest to identifying the general proposition that emerges from a parable as a whole, since this is what one can know with some degree of certainty. As for finding meaning in the many details, this endeavor, in Maimonides' view, is so speculative and subjective that it cannot be regarded as

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[30] Kugel, *Idea*, 104–109.

[31] Maimonides does not criticize the Rabbis themselves, toward whom he generally manifests the utmost respect. Presumably he would have said that applications of the omnisignificance doctrine in talmudic and midrashic literature represent mere *derash* or "poetical conceit" rather than genuine interpretation.

[32] *Guide*, introduction, Pines trans., 14; Munk-Joel ed., 9. On the term *taʾwīl* in this context (which Pines renders *interpretation*), see chapter ten below.

[33] On the implications of this view of interpretation—including the modern challenges to it, see chapter five below, n. 130.

legitimate interpretation, but amounts merely to *hadhayān*, i.e., "extravagant fantasies."[34]

To which contemporary "sects of the world" was Maimonides referring in this critique? It is perhaps instructive that, elsewhere in the *Guide*, he speaks dismissively of the *hadhayān* of certain Arab authors, *ahl al-bāṭin* ("the folk of the hidden sense"), evidently a reference to Ismāʿīlī thinkers who sought elaborate deeper meanings in the Qurʾan and in the miracles performed by the prophets.[35] But Maimonides would not have spared Jewish authors from such critique. In particular, his wrath here was probably directed against midrashically-oriented Bible interpreters, in the spirit of his critique of the "wretched preachers" of his time who took all midrashic comments literally, rather than analyzing them critically as they should.[36] It is likely that Maimonides was aware of midrashic commentaries composed by such preachers adhering to the doctrine of omnisignificance.[37]

Intriguingly, it is even possible that Maimonides had in mind a target within the philologically-oriented Geonic-Andalusian school: Isaac ben Samuel al-Kanzi, an Andalusian émigré who became a *dayyan* in Fostat a generation before Maimonides.[38] As U. Simon observes, al-Kanzi's exegesis reflects the assumption that

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[34] In the words of Maimonides' fourteenth-century Provençal devotee Joseph Ibn Kaspi: "I call 'interpretation' only that which calls forth the intent of the author." On the other hand, "if we put into the composition…something not intended by the author, this, then, is not an interpretation. It is a new and original work" (Ibn Kaspi, commentary on Song of Songs [1504 ed., n.p.]; English trans. from Berlin, *Poetry*, 106).

[35] See *Guide* II:25, Pines trans., 328; Munk-Joel ed., 229. See also Stroumsa, "Ravings," 156–159.

[36] See *Guide* II:29, Pines trans., 347 and introduction to *Pereq Ḥeleq*, Shailat ed., 363–364 (Ar.); 133 (Heb.) (both cited in chapter two above). Midrashic compilations continued to be written throughout the medieval period.

[37] In *Guide* III:26 Maimonides insists that general reasons only must be given for the commandments, but that their particulars are often necessarily arbitrary. Accordingly, he criticizes "all those who occupy themselves with finding causes for something of these particulars," saying that they "are stricken with a prolonged madness (*hadhayān*) in the course of which they do not put an end to an incongruity, but rather increase the number of incongruities" (Pines trans., 508–509; Munk-Joel ed., 370; see also Stroumsa, "Ravings," 156–157). In that context, it would seem that Maimonides was referring to contemporary Jewish authors who followed a midrashic path in giving reasons for the commandments; compare *Guide* III:43, Pines trans., 572 (cited in chapter three above, sec. 3). On the parallel between Maimonides' assertion that reasons ought not be given for the details of the commandments and his directive not to interpret the details of most biblical *meshalim*, see Cohen, *Three Approaches*, 183–186.

[38] See the introduction above, sec. 5.

there is perfect correspondence, down to the most minute details, between a parable and what it refers to, [which] leads him to miss completely the element of disguise in the parable of the poor man's ewe lamb; the idea that there is an unambiguous link between a metaphor and its tenor engenders his pedantic deciphering of the ideas behind the ten metaphors in the beginning of David's song (II Sam 22:2–3), which he cites from Saʿadiah Gaon.[39]

This contrast with Maimonides is illuminating because al-Kanzi was otherwise immersed in the philological tradition of Hayyuj, Ibn Janah, Ibn Chiquitilla and Ibn Balʿam.[40] Yet al-Kanzi turns to a midrashic mode when interpreting parables, whereas Maimonides is guided by a literary outlook that precludes such a detailed—and necessarily speculative—interpretive endeavor.[41]

Although Maimonides does not use the expression *peshuto shel miqra* in this context, his "great and important principle" brings to light a central value of the Andalusian method that would come to be known as "the way of *peshat*."[42] In addition to devising a systematic philological method to supplant the ad hoc, non-philological midrashic readings of Scripture, exegetes of the Andalusian tradition drew upon the sophisticated literary notions offered by Greco-Arabic learning to grasp the underlying poetic rules that guided the biblical authors and to thereby circumvent the midrashic doctrine of omnisignificance. Abraham Ibn Ezra provides a useful reference point in this respect, since he often responded to midrashic readings motivated by the omnisignificance doctrine. Two important parallels to Maimonides' "great and important principle" emerge in a methodologically revealing remark by Ibn Ezra in his commentary on Zechariah's prophecy of divine retribution against Babylon (1:15), which was conveyed to the prophet in a vision of "a man riding on a red horse standing among the myrtles…and behind him

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[39]  Simon, "Al-Kanzi," 376.

[40]  See Simon, "Al-Kanzi," 372–373.

[41]  As we shall see below (in section 2 of the current chapter), Maimonides' contemporary (and acquaintance) Joseph ben Judah Ibn Aqnin of Fez applies such a speculative, detailed approach in his philosophical commentary on the Song of Songs. (That commentary was written after Maimonides had left Fez; but perhaps Ibn Aqnin already shared his thoughts on the interpretation of the Song of Songs with Maimonides, in which case he, too, may have been a target of Maimonides' critique of those who seek meaning in the details of biblical *meshalim*.) Like al-Kanzi, Ibn Aqnin relies heavily on the Geonic-Andalusian philological tradition in his literal interpretation of the Song.

[42]  In this respect, al-Kanzi should perhaps be classified outside the mainstream of the Andalusian interpretive tradition. The same might be said of Ibn Aqnin (see previous note).

were red, black and white horses" (1:8). Ibn Ezra explains this imagery
in general terms as a symbolic medium that graphically represents God's
control over earthly affairs, much as a human king receives reports from
messengers riding throughout his kingdom. He was aware, however, of
those who sought more specific meanings in the imagery of this vision,
a tendency that he rejects forcefully:

> On a red horse—this is what he saw. And there is no need (*ein ṣorekh*)
> to seek a meaning (*levaqqesh ṭaʿam*) why it was red, and similarly we do
> not seek a meaning (*ṭaʿam*) for why [it was] "a loaf of barley bread" (Jud
> 7:13) and not wheat. And he who interprets "barley" (*seʿorim*) to mean
> "a storm" (*seʿarah*), and "red" (*adom*) like "blood" (*ha-dam*), i.e., to spill
> blood, this is nothing but *derash*.[43]

The readings dismissed here as *derash* can be found in rabbinic lit-
erature, both on this verse and on Jud 7:13 (also a symbolic dream),[44]
which Ibn Ezra cites to establish pattern of midrashic exegesis. The
opposing *peshat* principle he articulates: "there is no need (*ein ṣorekh*)
to seek a meaning (*levaqqesh ṭaʿam*)," i.e., in the details of the pro-
phetic vision is strikingly similar to Maimonides' directive (in Arabic):
"you must not seek (*la taṭlub*) [meaning in] all of the details occurring
in the parable."[45] As Simon observes, Ibn Ezra is usually driven by
the thinking behind the phrase "there is no need (*ein ṣorekh*)," which
expresses a spirit of exegetical economy.[46] In addition to sharing this
outlook, Maimonides clarifies two important aspects of this value as it
applies to the analysis of parables and symbolic visions: (1) the need to
derive the general meaning of the *mashal* from the image as a whole;
and (2) the ancillary (usually literary)[47] role of the details of a *mashal*,

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[43]  Ibn Ezra, comm. on Zech 1:8.

[44]  For the midrashic reading on Zech 1:8, see b.*Sanhedrin* 23b; interestingly, Rashi
(comm. on Zech 1:8) rejects this reading because it does not, in his view, correspond
sufficiently to the language of Scripture. Unlike Ibn Ezra, however, Rashi registers an
objection to this specific reading without rejecting the principle of omnisignificance that
motivated it. For the midrashic reading on Jud 7:13, see *Leviticus Rabbah* 28:6 (Margu-
lies ed., 660–661); a version of this midrash is cited by Rashi ad loc.

[45]  See citation above, at n. 23; Samuel Ibn Tibbon renders *la taṭlub* לא תבקש (Ibn
Shmuel ed., 13).

[46]  See Simon, "Two Approaches," 230–231; idem, *Four Approaches*, 180–182, 196,
273; Cohen, *Three Approaches*, 77–82; 233–238.

[47]  In the case of a prophetic vision, the details obviously do not serve a *literary* role.
Yet Maimonides' "great and important principle" can be modified to fit that case as
well, by saying, e.g., that the graphic medium requires details to provide a full image,
and some of those details may not be meaningful. See Cohen, *Three Approaches*,
196–198.

which follow the logic of the *ẓāhir* rather than conveying some deeper meaning. While Ibn Ezra's *mashal* exegesis reflects these assumptions,[48] it is Maimonides who spells them out, thereby furthering the goal of exegetical economy.[49]

Ibn Ezra is, however, more explicit about the literary role of another biblical tendency, namely the use of seemingly redundant language, which also inspired the creativity of interpreters adhering to the midrashic omnisignificance doctrine. In fact, it is conceivable that Ibn Ezra's comments on this matter were spurred by Rashi's glosses, which regularly reflect the midrashic outlook.[50] On Ps 1:2 ("the Torah of the Lord is his delight, and in His Torah he meditates day and night"), for example, Rashi comments:

> "In his Torah (ובתורתו) he meditates"—first it is called "the Torah of the Lord," but after he worked to study it, it is called "*his* Torah."

What is the referent of the possessive pronoun suffix in the word ובתורתו: the Lord or the one who meditates in His Torah? The Talmud (b.*Qiddushin* 32b) adopts the latter reading, which Rashi weaves into his gloss—thereby showing that the seemingly superfluous verbiage in this verse (the repeated word "Torah") comes to teach a lesson. Ibn Ezra, on the other hand, comments here:

> "In His Torah he meditates"—now it did not say [more succinctly] "and in it (ובה) he meditates." [This is] the way of literary elegance (*ṣaḥot*), just as we find the word "Israel" five times in one verse (Num 8:19).

Identifying the redundancy of the word *Torah* as the motivation for Rashi's reading,[51] Ibn Ezra undercuts the need for such elaboration by arguing that it merely serves to enhance Scripture's literary beauty.

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[48] See Cohen, *Three Approaches*, 248–263. On the exceptions to the rule in Ibn Ezra, i.e., cases in which he does find meaning in the details of a *mashal*, see ibid., 263–271.

[49] It is noteworthy, for example, that Radak relies on Maimonides' rule of *mashal* exegesis (which he naturally identified also with Ibn Ezra); see Cohen, *Three Approaches*, 276–279, 299–301.

[50] On the claim that Ibn Ezra, generally speaking, was prompted by a polemic with Rashi over the proper definition of *peshat*, see Mondschein, "Rashi."

[51] Compare, e.g., Rashi on Gen 23:1, "The years of Sarah were one hundred years and twenty years and seven years." Although Ibn Ezra on that verse is silent, Radak (after citing the midrashic interpretation recorded by Rashi) applies the principle his Andalusian *peshat* mentor had formulated in his Psalms commentary and writes:

A similar notion leads Ibn Ezra to recognize the phenomenon known as "synonymous parallelism" in modern biblical scholarship, i.e., two brief clauses in a single verse that repeat the same idea in different words.[52] Whereas the Rabbis often aimed to distinguish between such seemingly synonymous clauses, Ibn Ezra recognized this form as a biblical literary convention.[53] For example, the Rabbis relate the following reading of Deut 32:7, "Ask your father and he will inform you/ Your elders, they will tell you":

> Ask your father and he will inform you—these are the prophets, as it says [about Elijah] "and Elisha saw and cried, 'My father, my father'" (II Kgs 2:12).
> Your elders and they will tell you—these are the elders (i.e., the Sages), as it says "Gather for me seventy of the elders of Israel" (Num 11:16).[54]

But Ibn Ezra views this repetitive biblical language as a literary device and therefore comments:

> Your elders—the idea is doubled (*ha-ṭaʿam kaful*), for this is the way of elegance (*ṣaḥot*).[55]

Viewing synonymous parallelism as a biblical stylistic tendency, Ibn Ezra advocates seeking the shared meaning of the repeated versets. This emerges, for example, in his comment on Deut 32:2, in which Moses poetically introduces his parting address to Israel:

> Let my teaching drop like the rain/My speech flow as the dew
> As droplets upon the sprouts/And as showers upon the grass.

Characteristically, Rashi (comm. ad loc) assigns a unique meaning to each of these sentences by distinguishing between the subtly different similes they employ. Ibn Ezra, on the other hand, writes (comm. ad loc):

> The idea is doubled (*ha-ṭaʿam kaful*) for emphasis, as is the custom of all prophecy. And the essential meaning (*ʿiqqar ha-ṭaʿam*) is that Moses

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Although [mentioning the word "years"] once would be sufficient…and similarly "Israel" five [times] in one verse…and they [i.e., Ibn Ezra] have said that this is the way of literary elegance (*ṣaḥot*) in the Holy Tongue. (Radak, comm. on Gen 23:1)

[52] See Kugel, *Idea*, 1–15. The basis of this approach is the form-content dichotomy that characterized the Andalusian *peshat* school; see Cohen, "Best of Poetry," 25–33.

[53] See Kugel, *Idea*, 174–181.

[54] *Sifre Deuteronomy* §310 (Finkelstein ed., 351).

[55] Although Ibn Ezra here may have independently sought to account for the seeming redundancy in this verse, it is conceivable that he is responding to Rashi's commentary, which records the detailed reading offered by *Sifre*.

prayed that his words should be like dew and rain, [i.e.,] that they "should not return empty, but rather they will drench the land," as written (Isa 55:10–11). And the intent (*ṭaʿam*) is that his words should enter the hearts of the listeners, just like the rain on the land.

For Ibn Ezra, the redundancy that prompted Rashi's elaborate reading is nothing more than a stylistic convention that requires no further explanation. Instead he aims to reveal the "essential meaning," i.e., the general proposition that can be gleaned from what is common to the four images. Although Ibn Ezra does not actually use a Hebrew cognate of the term *jumla* used by Maimonides, he has a similar notion in mind: one must seek meaning from the group of images taken as a whole, rather than analyzing them piecemeal.

It is conceivable that Ibn Ezra was a source of exegetical guidance for Maimonides;[56] but this literary outlook, reflecting the value of exegetical economy, was readily available to him from earlier Andalusian sources. Ibn Janah, for example, devotes chapter twenty-five of *Kitāb al-Lumaʿ* to the many words in Scripture deployed merely for emphasis or other stylistic reasons.[57] As he writes:

An example of that which was added by way of emphasis and eloquence (*faṣāḥa*): "Who has wrought and achieved this?" (Isa 41:4), there is no meaning (*maʿna*) in the dictum "and achieved" more than what is in the dictum "wrought," but it is [employed merely for the sake of] eloquence and stylistic beauty (*faṣāḥa wa-balāgha*). Similarly is the verse, "I have *created, fashioned* and *made* him" (Isa 43:7); there is no meaning in "fashioned" and "made" beyond what is [already] in "created"…and you must treat all similar examples analogously.[58]

Ibn Janah's choice of Isa 43:7 to illustrate this point may not be coincidental, as a midrashically oriented interpretation of this verse in the spirit of the omnisignificance doctrine is recorded by Moses Ibn Ezra,[59] and Ibn Janah elsewhere mentions opposition to his *peshat* method from

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[56] This, of course, depends on whether or not Maimonides actually had Ibn Ezra's commentaries, and at what point in his career; see the discussion in the introduction above, sec. 5. It is interesting to note that Abraham Maimonides combines his father's literary conceptions with the terminology of Ibn Ezra's rule of interpreting repetitive language; see citation and discussion in Ilan, "Assumptions," 62–63n.

[57] This was mentioned above in chapter one, sec. 4 and in chapter two, sec. 3/4.

[58] *Lumaʿ*, 288–289; *Riqmah*, 303. This passage was cited above, in chapter one, sec. 4.

[59] *Book of Discussion* 87a; see Kugel, *Idea*, 180, 290; Cohen, "Aesthetic Exegesis," 295–296.

midrashically minded scholars.[60] Evidently anticipating an objection from that quarter, he goes on to explain:

> And if one should ask, if there is nothing in [i.e., meant by] "and he made" other than "he has created," then why is brevity not preferable? We would answer him that in the art of rhetoric, elaboration is more fitting, eloquent and proper (*aḥkam ablagh wa-afṣaḥ*).[61]

Using the terms *faṣāḥa* and *balāgha*, Ibn Janah refers in general to the Arabic notion of literary elegance.[62] It was, of course, Moses Ibn Ezra who most attentively demonstrated the Bible's literary elegance in his *Book of Discussion* by drawing upon Arabic poetics to reveal the aesthetic values that guided the biblical authors—a project that necessarily implies that Scripture must be interpreted in accordance with those values.[63]

We can thus say that Maimonides' programmatic comments about the *mashal* genre are formulated precisely in the spirit of the aesthetically informed Andalusian *peshat* school. Like Ibn Janah and Abraham Ibn Ezra, he countered the midrashic omnisignificance doctrine with the value of exegetical economy. And, like Moses Ibn Ezra, he drew upon Arabic theory to define biblical literary conventions. To support his claim that "very many utterances" in a parable need not be interpreted, he argues that they "serve…to embellish the parable and to render it more coherent, or to conceal further the symbolized idea" (above at n. 18). Three factors are mentioned here: (a) embellishment; (b) coherence; (c) concealment. The first two of these are aesthetic literary values, i.e., the need to present a beautiful, coherent tale, akin to values Moses Ibn Ezra describes in his *Book of Discussion*. The third factor, concealment, reflects a distinct (though related) aspect of Greco-Arabic literary thinking, namely the notion of the parable as a genre used by ancient authors to hide deep philosophical concepts from the masses—as noted by Moses Ibn Ezra as well.[64]

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Beyond simply reflecting the values of the Andalusian *peshat* school, Maimonides' principles of *mashal* analysis represent a uniquely detailed

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[60] *Lumaʿ*, 2–3, 8; *Riqmah*, 11–13, 19; the latter source was cited in chapter one above, sec. 4.

[61] *Lumaʿ*, 289; *Riqmah*, 303.

[62] See chapter one above, n. 103.

[63] See above, chapter one, sec. 6.

[64] See above, chapter two, sec. 2.3.

and pointed formulation of its underlying literary orientation. Indeed, his "great and important principle" describes the exegetical practice of Abraham Ibn Ezra, who never quite articulates this rule with the same level of theoretical sharpness and clarity.[65] In this respect, then, Maimonides made a substantial contribution to articulating the theory of the literarily sophisticated Andalusian *peshat* school. But his input goes yet further, as there are striking instances in which his application of the "great and important principle" opens new interpretive avenues within that school. The remainder of this chapter will be devoted to two such instances: Maimonides' interpretations of the Song of Songs and Job, both texts that he analyzes as *meshalim*.

## 2. *Song of Songs*

The Song of Songs has long been treated in Jewish tradition as a unique biblical text, since, on its face, it is a collection of love lyrics, seemingly a subject unfit for the biblical canon. The Song's two young lovers converse amorously, graphically, even erotically, drawing comparisons from fragrant spices, beautiful plants and graceful animals. Some commentators identify a story-line in the Song's scenes that take the reader from city to countryside to a dream-world, portraying budding love in springtime and its maturation with the fruits of the field in summertime.[66] To explain the inclusion of this charming little book in Scripture, it was allegorized within Jewish tradition, as it was in Christian tradition.[67] Moses Ibn Ezra reflects this orientation when citing its authority as a biblical

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[65] See Cohen, *Three Approaches*, 245–247.

[66] On the various views in modern scholarship regarding the dramatic unity of the Song, see Fox, *Song*, 202–226; Gordis, *Song*, 10–18. On this question within the Jewish exegetical tradition, see Alster, "Love," 23–69.

[67] For an overview of rabbinic and medieval Jewish interpretation of the Song, see Pope, *Song*, 93–112; Halkin, "Ibn Aknin," 389–401. For an overview of the parallel tradition of Christian interpretation of the Song, see Pope, *Song*, 112–125. There were sporadic exceptions to this rule in both traditions—and they were generally condemned. The late-fourth-century bishop Theodore of Mopsuestia, e.g., took the Song literally, theorizing that it was written by King Solomon in honor of one of his wives, and therefore ruled that it should be excluded from the biblical canon; see Pope, *Song*, 119–120. His view, however, "carried little weight for subsequent Latin exegetes" (Matter, *Voice*, 4). On literal expositions of the Song in Jewish tradition, see below. Most modern scholars reject the allegorical reading and interpret the Song exclusively as a work about human love; see Pope *Song*, 34–85.

text to defend the widespread use of erotic language and imagery by Hebrew poets of his day:

> The love and passion … [depicted by] the poets of our people are not repugnant since this is found in the Holy Writings, even though the meaning of [that which is] hidden in that speech (*maʿna bāṭin dhalik al-kalām*) is not the apparent sense (*ẓāhir*) of the language.[68]

This notion that the Song requires an interpretation that goes beyond its apparent sense is quite old, and is reflected in the following rabbinic comment:

> Originally they said that Proverbs, Song of Songs and Qohelet were [to be] concealed [i.e., excluded from the biblical canon], because they said that they were merely secular poems (or: parables; *meshalot*) and are not [genuine sacred] scriptures and they decided to conceal them. Until the Men of the Great Assembly came and interpreted (*pershu*) them.[69]

Thus began a long tradition of "interpretation" of the Song of Songs, which in post-rabbinic Judaism typically took the form of allegorical commentary. In order to appreciate Maimonides' unique contribution within this tradition, it is important to survey the various ways the Song of Songs was read by other medieval Jewish interpreters.

### 2.1. *Pre-Maimonidean Readings: National Allegory*

Identifying the *bāṭin* in the Song of Songs was a perennial challenge, as reflected in a remark found in the opening of a commentary on the book attributed to Saadia:

> I have seen people who have become absorbed in its interpretation. And it is indeed proper that they be absorbed in it [i.e., spare no effort in its interpretation], since it truly resembles a lock to which the key has been lost, and a jewel that surpasses any price.[70]

In this commentator's view, the Song's proper understanding requires the application of great interpretive skill. Throughout the history of Jewish biblical exegesis various keys were offered to unlock its hidden meaning. The most common strategy in early Jewish interpretation

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[68] *Book of Discussion* 143a.
[69] *Avot de-Rabbi Nathan* 1:1 (Schechter ed., 2).
[70] Kafih ed., 26. Kafih (ibid., 9–10) presents arguments for and against the attribution of this work (which appears in a 1357 Yemenite manuscript) to Saadia. He concludes that it is based on a commentary by Saadia, expanded by later hands.

was the national allegory, which is most clearly attested in the Targum (redacted around the seventh century), but is also reflected in earlier midrashic literature. On this reading, the lover represents God and Israel His beloved, the Song telling of their close relationship—with its high and low points—throughout history.

The Targum and Midrash, however, focus almost exclusively on the deeper allegorical meaning, leaving the literal sense of the Song uninterpreted.[71] Breaking sharply from that tradition, Rashi applies the talmudic rule of *peshat* to assert the integrity of the literal sense, notwithstanding the authority of the midrashic reading. As he writes:

> You do not have a biblical verse that leaves the realm of its *peshat* and literal sense (*peshuto u-mashma'o*);[72] and even though the prophets uttered their words in allegory (*dugma*), one must settle the allegorical meaning (*dugma*) on its basis and sequence, according to the sequence of the verses. Now I have seen many aggadic *midrashim* on this book…that fit neither the language nor the order of Scripture. I therefore decided to establish the literal sense (*mashma'*)[73] of the verses…and the rabbinic *midrashim* I shall set,[74] one by one, each in its proper place.

Engaging in a philological-contextual analysis, which he terms *peshuto shel miqra*, Rashi devises a sophisticated account of the narrative, positing that the persona telling the story is a woman separated from her husband recalling the days of their courtship and marriage, and longing for their reunion.[75] Rashi's reading evidently spurred interest in the literal

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[71] For the exceptions to this rule, see Alster, "Love," 8–10.

[72] אין לך מקרא יוצא מידי פשוטו ומשמעו, a paraphrase of the talmudic rule of *peshat*. This is the text in the printed edition of the Rabbinic Bible (*Miqra'ot Gedolot*). JTS MS Lutzky 778 here reads אין לך מקרא יוצא מידי משמעו; see Kamin and Saltman, *Secundum*, 81; see also Kamin, *Categorization*, 77, 131; Halivni, *Peshat & Derash*, 197, n. 59. Although MS Lutzky 778 dates to the thirteenth century and is considered especially reliable (see Kamin and Saltman, *Secundum*, 37), to me it seems that the printed edition here best captures the spirit of Rashi's method elsewhere. Even according to the Lutzky MS text, Rashi clearly intends to evoke the talmudic rule of *peshat*.

[73] This is the text in MS Lutzky 778; the printed edition reads: משמעות. See Kamin and Saltman, *Secundum*, 81; Kamin, *Categorization*, 77.

[74] אקבעם, appearing in the printed text of the Rabbinic Bible. As Kamin (*Categorization*, 82n) observes, this reading best characterizes Rashi's method in this commentary. MS Lutzky 778 reads: והמדרשות רבותנו קבעום איש איש במקומו ("the Rabbis have set the *midrashim* each one in its place," i.e., in the various midrashic compilations); see Kamin and Saltman, *Secundum*, 81; Kamin, *Categorization*, 77.

[75] See Kamin, *Jews and Christians*, 22–57. Rashi's allegorical reading corresponds to the situation of Israel in exile, longing for reunion with God—a reunion that occurs in the Song as the result of Israel's fidelity to the Torah (see Rashi on Song 8:3–4). As Kamin shows, this reading is a polemic against the Christian view that Israel had been

sense of the Song of Songs, as a number of commentaries on the book focusing on its depiction of human love were produced in the northern French *peshat* school, including one by Rashbam.[76]

Parallel to the interest in the literal sense in the French *peshat* school, we find an exposition of the literal tale in the Song in the commentary of Abraham Ibn Ezra.[77] Wary of the spiritually depraved erotic poetry of the Arabs, Ibn Ezra is quite clear about the danger of interpreting the Song exclusively according to its literal sense, as he comments:

> Heaven forbid that the Song of Songs is about matters of desire, except by way of *mashal*.[78]

This concern seems to reflect a cultural predicament unique in Ibn Ezra's milieu, as the eleventh-century Andalusian Muslim anti-Jewish polemicist Ibn Hazm derided the Jewish claim that the Song was written by Solomon, citing its obviously unholy nature as erotic love poetry. Taking the Song literally, Ibn Hazm asserts that none of its Jewish readers understand its meaning (*murādihi*), though he mentions some who believed that it speaks of "the secrets of the experts on alchemy" (*rumūz ahl al-kīmiya*).[79] There are also references within the Judeo-Arabic tradition to individual Jewish readers who interpreted the Song as love

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rejected permanently by God. In her view, Rashi fashioned his *peshat* reading (especially his theory of the persona of the wife separated from her husband) specifically for that purpose. Alster ("Love," 62–69), however, argues that Rashi's *peshat* reading was motivated primarily by exegetical factors.

[76] See Japhet, *Song*, 9–51; idem, "Revolution"; Walfish, "Bibliography," 549–550. Most of these commentaries assume that the Song of Songs has a deeper meaning, which is expressed as a national allegory. But two anonymous northern French commentaries—intriguingly—interpret the Song only on the literal level; see Japhet, "Revolution," 218–221.

[77] Surprisingly, Rashi's comprehensive analysis of the literal narrative in the Song of Songs seems to be the only extant precedent for Ibn Ezra's sustained exposition of the literal sense of this book in Jewish tradition. Early Karaite commentators sporadically address the literal sense (*ẓāhir*) of particular phrases, but generally focus on the deeper sense, i.e., the national allegory; see Frank, *Search*, 145–164. The commentary attributed to Saadia, likewise, is primarily allegorical.

[78] Introduction to the Song, standard version, printed in the Rabbinic Bible. This commentary was written in France around 1156. Ibn Ezra wrote an earlier version between 1140 and 1145 in Italy, which was published by Mathews; see Sela and Freudenthal, "Listing," 18, 21, 26, 44–45. Ibn Ezra expresses a critical attitude toward secular love poetry in the introduction to the early recension of his commentary on the Psalms; see Simon, *Four Approaches*, 166–167, 310–311.

[79] See Halkin, "Ibn Aknin," 392n; idem, *Mysteriorum*, 491n; Marciano, "Al-Fawwal," 21–23.

poetry,[80] which naturally would have been a source of embarrassment in light of Ibn Hazm's critique.

Despite these challenges, Ibn Ezra did not deny that the Song has a literal sense; he merely argued that it also conveys a deeper message. This leads him to compose a multi-layered commentary, as he explains in an introductory poem:

> And, that I may be perfect in its ways, I have made three expositions:
> In the first I shall reveal every obscure word
> In the second I shall point out its natural meaning after the *peshat*
> In the third I shall comment on it after the Midrash[81]

The first exposition is a narrow grammatical-philological analysis of individual words and phrases. In the second, Ibn Ezra interprets the Song in its literal sense as the love story of a "small girl who saw a passing shepherd and desire was aroused (lit. fell) in the heart of both."[82] Throughout this layer of his commentary, Ibn Ezra traces the love relationship as it matures and the lovers finally unite.[83] In his third exposition, Ibn Ezra offers a detailed allegorical interpretation of the history of Israel and their relationship with God from the time of Abraham until the messianic era.

Although Ibn Ezra follows the path paved by the Rabbis in taking the Song as a national allegory, he makes vague reference to earlier commentators who interpreted the book philosophically about the relationship between the human body and soul and about astronomy and astrology.[84] Together with Ibn Hazm's reference to Jews who believed that the Song expressed "the secrets of the experts on alchemy," this would seem to indicate a tradition of scientific-philosophical reading of the Song, for which some additional fragmentary evidence has come to light in recent scholarship.[85] In particular, Sh. Rosenberg and Y. Marciano have identified a tendency in the early Judeo-Arabic tradition to draw upon verses

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[80] See Halkin, "Ibn Aknin," 391–392; idem, *Mysteriorum*, 490–491; Marciano, "Al-Fawwal," 34–36.

[81] *Ibn Ezra on Canticles*, Mathews ed., 3 (Hebrew section); 1 (English section). The poem appears in that early version as a separate preface to Ibn Ezra's commentary. In the later "standard" version of the commentary, it is woven into the body of the introduction; see Alster, "Love," 177n; Cohen, *Three Approaches*, 48n. On the phrase "that I may be perfect in its ways," see Alster, "Love," 180–181 and below, n. 118.

[82] Introduction to the Song, standard version.

[83] See Alster, "Love," 31–35.

[84] See Marciano, "Al-Fawwal," 29–33.

[85] See Marciano, "Al-Fawwal," 33–34.

from the Song—in poetry and in philosophical works—to express the religious quest for closeness to God.[86] Yet these references to the Song do not present a clear, comprehensive interpretive program, much less a full commentary on the book. Rosenberg therefore refers to this trend as the "pre-history" of the philosophical reading of the Song of Songs, which paved the way for Maimonides' approach, which would become quite influential in the later interpretive tradition.

### 2.2. *Maimonides' Philosophical Reading*

Despite the fact that Maimonides did not write a running commentary on the Song of Songs, he does present a clear interpretive program of the book in a number of comments throughout his writings.[87] Of these, the most important is found in *Mishneh Torah*:

> What is the love of God that is befitting? It is to love the Eternal with a great and exceeding love, so strong that one's soul shall be knit up with the love of God, and one should be continually enraptured by it, like a lovesick individual, whose mind is at no time free from his passion for a particular woman, the thought of her filling his heart at all times, when sitting down or rising up, when he is eating or drinking. Even more intense should be the love of God in the hearts of those who love Him…This Solomon expressed allegorically (*derekh mashal*) [saying,] "For I am sick with love" (Song 2:5). And the Song of Songs in its entirety is a *mashal* for this idea.[88]

The deeper meaning of the Song that Maimonides identifies here is quite different from the one found in rabbinic sources and adopted

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[86]  See Rosenberg, "Song," 134–138; Marciano, "Al-Fawwal," 23–28.

[87]  Marciano, "Al-Fawwal," 42–56, provides a comprehensive review of Maimonides' treatment of the Song, including his interpretations of individual verses from the Song of Songs throughout his writings. In the discussion that follows we focus on Maimonides' comments that reflect his understanding of the book as a whole, and its proper method of interpretation.

[88]  *Hilkhot Teshuvah* 10:3. This would seem to be Maimonides' definitive statement about the correct interpretation of the Song of Songs, and it is confirmed by his remarks about the work in the *Guide* discussed below. However, in his *Epistle to Yemen* (*Letters*, Shailat ed., 128–129, 166) and elsewhere he cites verses from the Song and interprets them according to the historical allegory; see Marciano, "Al-Fawwal," 42–45. It is likely that Maimonides did so merely for rhetorical purposes (not uncommon in his epistles; see Soloveitchik, "Law and Rhetoric," 305–319) and regarded those readings as mere *derashot*, i.e., useful for homiletics, but not genuine exegesis. Alternatively, it is conceivable (though in my opinion less likely) that he attributes more than one *bāṭin* to this biblical *mashal*; compare Klein-Braslavy, "Ladder." (Ibn Aqnin, e.g., felt no contradiction in giving both interpretations; see Halkin, "Ibn Aknin," 407ff.)

by Rashi and Ibn Ezra. The beloved is no longer the nation of Israel expressing faith in God, with God responding by protecting Israel; instead, the beloved is the individual longing for spiritual closeness to God. Maimonides harnesses the powerful emotions of desire expressed in the Song to describe the extent to which a person must strive for this proximity.

Maimonides develops the implications of this reading in a section of the *Guide* (III:51–54) devoted to the highest form of "worship" (*ʿibāda*), i.e., religious devotion—"the ultimate human purpose."[89] In the immediately preceding section, *Guide* III:26–49 (discussed in chapter three above), he had offered his account of the rationale of the commandments and showed how the laws of the Pentateuch were designed to bring man to know "true opinions" about God, in addition to creating a well-functioning, just society. Upon completion of that exposition, the great philosopher identifies a further level of religious devotion:

> If…you have apprehended God and His acts in accordance with what is required by the intellect, you should afterwards engage in totally devoting yourself to Him, endeavor to come closer to Him, and strengthen the bond between you and Him—that is, the intellect.…
>
> The *Torah* has made it clear that this ultimate worship…can only be engaged in after apprehension has been achieved. It says: "To love the Lord your God, and to serve him with all your heart and all your soul" (Deut 11:13). Now we have made it clear several times that love is proportionate to apprehension. After "love" (אהבה) comes this worship to which attention has also been drawn by [the Sages]…who said: "This is worship (lit. service) in the heart (עבודה שבלב)" (b.*Taʿanit* 2a).[90]

Maimonides goes on to describe this higher form of worship in terms of "desire," connoted by the Hebrew term *ḥesheq*, which he equates with Arabic *ʿishq*, offering the following explanation of the verse "Because he has loved (or: desired) Me passionately" (כי בי חשק; Ps 91:14), said by God of the one who worships Him:

> You know the difference between the terms אוהב (one who loves) and חושק (one who loves passionately; one who desires). Passionate love

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[89] אלגאיה אלאנסאניה (lit., "the end of man"); *Guide* III:51, Pines trans., 618; Munk-Joel ed., 454. For a discussion of this religious goal from a philosophical perspective see Shatz, "Worship."

[90] *Guide* III:51, Pines trans., 620–621; Munk-Joel ed., 457. Such an individual merits God's constant providence; see below, n. 174.

(ʿishq) is an excess of love, so that no thought remains that is directed toward a thing other than the beloved.[91]

This is the type of passionate love that Maimonides depicts in *Mishneh Torah*, where he cites the precedent of the Song of Songs to apply this human state to the religious quest for God.

This application, however, would have been quite controversial in the great philosopher's intellectual and religious milieu. As S. Harvey shows, earlier Jewish authors specifically avoided using the term ʿishq in this context,[92] which would seem to be a reflection of Arabic criticism of such usage, based on the argument that the term ʿishq must be limited to the passionate love a man feels for a woman. As one Muslim writer remarks, it is "applicable only to that with which one can copulate."[93] On the other hand, some mystically inclined Muslim thinkers specifically adopted this usage in order to demonstrate the personal and overpowering nature of their love for God.[94] Furthermore, Avicenna, in his *Risāla fi al-ʿIshq* ("Epistle on ʿIshq") uses this term to connote intellectual love for the "Absolute Good" (which he identifies with the "First Cause"), and he claims that the attainment of this love is the highest form of perfection man can reach.[95] As Harvey argues, it would seem that Avicenna—who is otherwise known to have influenced Maimonides—is the source of this notion in the *Guide*.[96]

Given its provocative implications, the use of passionate love as a model for devotion to God required an unassailable authoritative source—for which Maimonides turned to the Song of Songs, as we have already seen in the above-cited passage from *Mishneh Torah*. In this vein, he draws two additional inferences in the *Guide* about divine worship from this biblical book.[97] The first describes the behavior of a person whose soul is "knit up with the love of God" (as prescribed in *Mishneh Torah*):

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[91] *Guide* III:51, Pines trans., 627; Munk-Joel ed., 462.
[92] Harvey, "Terms," 181–182.
[93] Ibid., 182.
[94] Ibid., 183.
[95] Ibid., 184.
[96] Ibid., 184–185.
[97] Apart from his analysis of these two verses (to which we shall turn presently), Maimonides does not really elaborate on the details of the Song of Songs (see also below, n. 117). As discussed below, this would seem to reflect his assumption that it is a *mashal* of the second type, in which "the parable as a whole indicates the whole of the symbolized idea" (see below at n. 119), and that it therefore should not be interpreted detail by detail. This, in any case was how Ibn Kaspi understood Maimonides; see below at n. 115.

he talks with people and is occupied with his bodily necessities while his intellect is wholly turned toward Him, may He be exalted, so that in his heart he is always in His presence, may He be exalted, while outwardly he is with people, in the sort of way described by the poetical parables that have been invented for these notions: "I sleep, but my heart is awake; it is the voice of my beloved that knocks, and so on" (Song 5:2).[98]

The verse cited from the Song describes how the beloved's psyche is split: although she is asleep, her heart—and passionate desire for her lover—is "awake," a bifurcation Maimonides projects onto the worshipper who singlemindedly pursues the love of God.

Later in the same chapter of the *Guide*, Maimonides draws an inference from the Song based on the rabbinic motif of the "death by a kiss" (מיתת נשיקה):

> When a perfect man approaches death…joy over this apprehension [of God] and a great love for the object of apprehension become stronger, until the soul is separated from the body at that moment in this state of pleasure. Because of this the Sages have indicated with references to the deaths of Moses, Aaron and Miriam that the three of them "died by a kiss"…Their purpose was to indicate that the three of them died in the pleasure of this apprehension due to the intensity of passionate love. In this dictum the Sages, may their memory be blessed, followed the generally accepted poetical way of expression that calls the apprehension that is achieved in a state of intense and passionate love for Him, may He be exalted, "a kiss," in accordance with the dictum [of Scripture]: "May he kiss me with the kisses of his mouth" (Song 1:2).[99]

Sh. Rosenberg notes the audacity of the application of this image to the worship of God and terms it "erotic"—and not merely "romantic"—since it goes beyond the desire for closeness to God and conjures up an image of God actually coming into physical contact with man as an expression of passionate love.[100]

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[98] *Guide* III:51, Pines trans., 623; Munk-Joel ed., 459. On the expression "the poetical parables that have been invented for these notions" (אלאמת׳אל אלשעריה אלתי צ׳רבת להד׳ה אלמעאני), see below, n. 117.

[99] *Guide* III:51, Pines trans., 627–628; Munk-Joel ed., 462–463; compare *Song of Songs Rabbah* 1:16 (Dunski ed., 16). On the expression "the generally accepted poetical way of expression" (אלטריקה אלשעריה אלמשהורה), see below, n. 117.

[100] Rosenberg, "Song," 138–139. While it is true that Maimonides, in one respect, neutralizes the grossly anthropomorphic implications of the divine "kiss" (devised by the Rabbis) by interpreting it spiritually and intellectually, at the same time he emphasizes distinctive elements of that very erotic image, namely the pleasure derived from intense passion and physical contact.

As mentioned above, there were precedents for Maimonides' philosophical understanding of the Song of Songs. Yet his powerful programmatic statements represent an important new phase of methodologically aware interpretation in this vein. In this regard it is instructive to consider the Song of Songs commentary by Joseph ben Judah Ibn Aqnin of Fez, who knew Maimonides as a relatively young scholar during his sojourn there. Indeed, Ibn Aqnin lamented Maimonides' departure from Fez in 1165, and composed verses of poetry in his honor at that time.[101] Ibn Aqnin's commentary comprises three levels: the first a literal exposition, the second a midrashic allegorical one, and the third—the most original—a philosophical reading, with the lover representing the Active Intellect and the beloved the rational soul of man.[102] Ibn Aqnin seems well aware of the gamut of earlier commentaries on the Song; and he claims to be the first to have interpreted it philosophically.[103] Within his commentary, Ibn Aqnin makes references to Maimonides' works, including *Mishneh Torah* and the *Guide*, which indicates that it was penned after 1185. Nonetheless, there does not seem to be any direct Maimonidean influence on Ibn Aqnin's commentary.[104] In any event, we can learn from Ibn Aqnin that Maimonides' philosophical interpretation of the Song was, in fact, innovative within Jewish tradition. It is conceivable, of course, that the time was ripe for such a reading—a desideratum that Ibn Aqnin aimed to fulfill independently.

### 2.3. *Post-Maimonidean Philosophical Readings*

Once the philosophical approach to the Song of Songs was endorsed by Maimonides, it became quite popular and spurred a "post-Maimonidean" wave of philosophical allegorical commentaries. This commentarial wave had two geographically diverse manifestations. One occurred in Provence, where philosophical commentaries on the Song with a distinctive Aristotelian outlook were written by Moses ben Samuel Ibn Tibbon (thirteenth century), Joseph Ibn Kaspi (1279–1340) and Gersonides (Levi Ben Gershom; Ralbag; 1288–1344).[105] In the Muslim east (Egypt, Syria), on the other hand, a variety of authors (perhaps including

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[101] Halkin, *Mysteriorum*, 430–431; see Kraemer, *Maimonides*, 116–117.

[102] Halkin, "Ibn Aknin," 404, 408.

[103] Halkin, "Ibn Aknin," 399; Marciano, "Al-Fawwal," 59.

[104] Halkin, "Ibn Aknin," 399; Marciano, "Al-Fawwal," 59–60.

[105] Kellner, *Song*, xv–xvii.

descendents of Maimonides himself) penned commentaries on the Song with a pietist, Sufi bent.[106] While an exploration of these commentaries, per se, goes beyond the scope of the current study, a brief comparison with Maimonides is called for here, since it reveals the important contribution he made to the exegetical tradition.

What immediately becomes apparent is that most of the post-Maimonidean philosophical commentaries on the Song diverge substantially from the spare and simple analogy Maimonides draws in *Mishneh Torah* and his brief references in the *Guide*. To cite one example, Gersonides reads the Song specifically as the striving of the soul of man, which he equates with man's intellect, to cling to the Active Intellect, i.e., God. Accordingly, he divides the Song into six sections, among which the final three describe the stages of this intellectual achievement: (1) the study of mathematics, depicted in Song 3:1–4:7; (2) the study of physics, in Song 4:8–8:4; (3) the study of metaphysics—the ultimate goal, Song 8:5–8:14.[107]

Typical of Gersonides' commentary is his interpretation of the sporadic references in the Song to mountains perfumed with spices. For readers focused on the Song's love lyrics as such, these provide a pleasant, fragrant backdrop for the lovers' exchanges; but Gersonides argues that they symbolize man's intellectual ascent toward God through various type of study.[108] For example, on the verse, "When the day blows gently and the shadows flee, set out my lover, swift as a gazelle or a young stag for the faraway mountains" (2:17), he comments:

> By "faraway mountains" he means division and abstraction, which are the mathematical sciences. This is so because with them one renders the abstract in speech that which is not abstract in existence. He uses the plural here because the mathematical sciences are many.[109]

The lover's praise for the beloved, "You are all fair, my love, and there is no blemish in you" (Song 4:7), is interpreted in a similar vein:

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[106] Fenton, "Commentary."
[107] See Kellner, *Song*, xx.
[108] Introduction, Kellner ed., 68; English trans., Kellner, *Song*, 14–15.
[109] Comm. ad loc., Kellner ed., 103; English trans. from Kellner, *Song*, 47. The notion of something "far away" perhaps signified, for Gersonides, the idea of abstract types of learning. He associates these "faraway mountains" (הרי בתר) with the "mountains of spices" (הרי בשמים) in Song 8:14 (comm. ad loc., Kellner ed., 155; English trans., Kellner, *Song*, 94); compare Pope, *Song*, 409.

He said, praising her for what she presented to him from the mathematical sciences, that she is entirely fair, without blemish or deficiency. This indeed is possible with those sciences because of their limited entanglement with matter.[110]

The beloved's praise for the lover, "His hands are as rods of gold… his body is as polished ivory" (Song 5:14), receives this allegorical interpretation:

In that the intellect is divided into the speculative and the practical…she came to praise him in this verse concerning each of these activities. "His hands" hints at the practical intellect since the hands are the most distinctive and most perfected of the organs for the accomplishment of all the practical arts. She said by way of allegory that he is endowed with this faculty in an absolutely beautiful way and compared them to the beauty of "rods of gold"…"His body"—meaning (lit. it is) his heart—hints at the speculative intellect, and she said by way of allegory that he was endowed with this part in an absolutely beautiful way.[111]

Throughout Gersonides' commentary, almost every detail of the Song of Songs receives a specific corresponding meaning in the story of the relationship between the soul and the Active Intellect.[112]

Among the post-Maimonidean philosophical interpreters, Ibn Kaspi alone follows the methodology set out by the author of the *Guide* in his brief commentary on the Song of Songs, which he prefaces with the following remark:

I have no need to explain the words, for they have been explained well already; therefore I will speak only of the meaning of this book in general and will make suggestive remarks about the particulars.

Even the general meaning is not my own [original interpretation], for the luminary who enlightens the earth [Maimonides] enlightened our eyes when he dealt with this specifically in [*Guide*] III:51. His allusion there is sufficient for us.[113]

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[110] Comm. ad loc., Kellner ed., 115; English trans. from Kellner, *Song*, 58.

[111] Comm. ad loc., Kellner ed., 128; English trans. from Kellner, *Song*, 69.

[112] While, in principle, Gersonides acknowledges that some details may have no deeper meaning (introduction, Kellner ed., 67; English trans., Kellner, *Song*, 14), in practice he does not apply this rule often. Ibn Aqnin goes even further in assigning a specific deeper meaning to every detail of the Song; see Halkin, "Ibn Aknin," 409–412. This tendency is likewise pronounced in the mystical post-Maimonidean commentaries written in the Muslim east; see Fenton, "Commentary."

[113] Ibn Kaspi, comm. on Song of Songs (1504 ed., n. p.); English trans. from Berlin, *Poetry*, 105.

Ibn Kaspi briefly presents his understanding of the deeper philosophical meaning of the Song in light of Maimonides' discussion in *Guide* III:51. He also explains the brevity of his commentary:

> Having explained the general idea, we have no need to explain the specific expressions. Only a few of them attest to the [allegorical] meaning. Most are but decorative refinements in the style of poetic art and rhetorical science.[114]

This literary point is derived from Maimonides' "great and important principle," as Ibn Kaspi acknowledges:

> I have no doubt that this book belongs to the second type of *meshalim* that "the Guide" [i.e., Maimonides], of blessed memory, mentioned at the beginning of his book, in which not every word in the *mashal* applies to the *nimshal* [i.e., the allegorical level].[115]

Ibn Kaspi's comment is important for the light it sheds on Maimonides' interpretation of the Song of Songs, which indeed appears to be predicated on the assumption that this is a *mashal* of the second type. This impression emerges most clearly from his formulation in *Mishneh Torah*, where the closing phrase "the entire Song of Songs is a *mashal* for this idea" echoes his description in the *Guide* of the case in which "the *mashal* as a whole indicates the whole of the intended meaning."

The difference between the more elaborate post-Maimonidean philosophical interpreters of the Song and their great predecessor is not merely a difference of quantity, with his successors interpreting more details and Maimonides fewer. Rather, a unique way of understanding the relationship between the *ẓāhir* and *bāṭin* is implied by Maimonides' general treatment of the Song of Songs, which is forfeited by the more detailed commentaries. The claim that the meaning of a *mashal* derives from its entirety (*jumla*) implies that it must first be read from beginning to end according to its apparent sense before considering its deeper sense. In the case of the Song, this means that the reader must absorb the powerful picture of human love it portrays and identify with the "love-sick individual[s], whose mind[s are] at no time free from" their passionate love for one another (see citation from *Mishneh Torah* above). All of the details of the Song serve primarily to enhance this picture and

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[114]  Ibid.
[115]  Ibid.

heighten its emotional impact. It is this sketch, in turn, that symbolizes the human quest for spiritual proximity to God. For Maimonides, a comprehensive and deep appreciation of *ẓāhir al-naṣṣ* always remains an integrally necessary vehicle for grasping the *bāṭin*.

The detailed post-Maimonidean philosophical readings of the Song, on the other hand, develop elaborate correspondences that ultimately replace and obscure the *ẓāhir*, which becomes an incidental conduit for the true philosophical meaning. When Gersonides, for example, takes the "mountains of spices" to symbolize the mathematical sciences, the human love story—with all of its passion—recedes into the background and becomes insignificant. In accordance with his "great and important principle," Maimonides would argue that such an analysis is simply "extravagant fantasy," i.e., midrashic elaboration rather than genuine exegesis.[116] He would, no doubt, view the "mountains of spices" within the context of the Song as a whole as a detail that provides a pleasant and beautiful setting for the human love relationship.[117]

Maimonides' "great and important principle" does not merely free him from interpreting the Song's many details; it affords him an appreciation for its literary charm that is rare in the medieval allegorical tradition. To be sure, other commentators were sensitive to the passionate love story in the Song, but their allegorical interpretations, by and large, disrupt its integrity. Rashi, for example, lavishes much attention upon the literal sense and imaginatively constructs a love story from its lyrics; yet his allegorical reading, which makes every verse another "window" into an episode of Jewish history, treats the Song piecemeal. Even the great poet Abraham Ibn Ezra, who normally appreciates Scripture's

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[116] See citation from Ibn Kaspi in n. 34 above.

[117] It is true that Maimonides interprets specific details of the Song and endows them with allegorical meaning, as discussed above. However, these interpretations still highlight the image of human love and passion. Moreover, he hints—in the above-cited passages of the *Guide*—that those "readings" are midrashic. Consider his formulations: "the poetical parables that have been invented for these notions" (above, n. 98); "the generally accepted poetical way of expression" (above, n. 99). In addition to these remarks, Maimonides applies another two verses of the Song (1:4, 6) to divine worship elsewhere in the *Guide* (III:33, 54, Pines trans., 532, 636), but these are only loosely associated with his primary allegorical reading and therefore are not relevant for our discussion. It would also seem that he intended those to be truly associative readings, akin to the "poetical conceits" devised by the Rabbis in their midrashic commentaries; see Marciano, "Al-Fawwal," 49–51. Verses from the Song are cited elsewhere in the *Guide* and in other writings of Maimonides for philological purposes, but these do not relate to the allegorical reading at all; see, e.g., *Guide* II:43, 47, Pines trans., 393, 407 (citing Song 2:15, 1:16); see also Marciano, "Al-Fawwal," 42n.

aesthetic dimension and eschews omnisignificance, employs a similar model and attributes meaning to each verse inasmuch as it illuminates the historical relationship between God and Israel.[118] Maimonides' simple and spare allegorical analysis, on the other hand, invites the reader to appreciate how the picturesque details in the Song "embellish the *mashal* and…render it more coherent." Ironically, by dismissing its details as being devoid of a deeper meaning—in the spirit of the value of exegetical economy, he grants *ẓāhir al-naṣṣ* independence as a Gestalt that must be appreciated for its literary merit. A more beautiful and complete *ẓāhir* more powerfully evokes the emotionally charged image of youthful love that is ardent and tempestuous, playful yet painful. Not all of the animated sensations in the *ẓāhir* need be projected into the realm of divine love since it is the overall emotional impact of the image, not its details, that conveys the *bāṭin*.[119]

### 3. *Job*

The book of Job posed a different sort of interpretive challenge than did the Song of Songs, one that was especially acute within the philosophically informed Geonic-Andalusian exegetical tradition. Unlike the Rabbis of the Midrash and the exegetes of the northern French *peshat* school, Judeo-Arabic interpreters familiar with the treatment of the problem of evil and questions regarding divine providence in Muslim philosophy naturally regarded Job as an expression of the biblical position on such issues.[120] Furthermore, unlike the Song of Songs, the book of Job, as a rule, was not interpreted as a *mashal* within the pre-Maimonidean tradition, probably because that possibility was raised

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[118] On this anomaly, see Cohen, *Three Approaches*, 263–265. Alster, "Love," 175–182, suggests that Ibn Ezra himself knew that a more concise allegorical reading (akin to that of Ibn Kaspi, for example) would have been required by his normal exegetical principles. However, out of respect for the importance of this biblical book (in order to be "perfect in its ways"; see above n. 81), he bent his rules and wrote a fuller commentary. See the following note.

[119] We can therefore surmise that if Maimonides had chosen to write a running commentary on the Song of Songs, he would have done so only for the literal sense (akin to Ibn Ezra's first two "expositions": the grammatical and *peshat* levels), and expressed little more than the general features of the allegorical meaning, precisely as Ibn Kaspi did.

[120] One would be hard-pressed to find such analysis in any systematic way in rabbinic literature; see Mack, *Job*. Within the northern French school a distinctly non-philosophical approach was adopted; see Cohen, "Rashbam on Job," 130–132.

but specifically rejected in the Talmud (see below). Maimonides' decision to revive and develop this position thus represents a new literary perspective on the book.[121]

In the opening chapters of the book (Job 1–2), the narrator presents Job as a completely righteous person, with wealth and success to match. But Satan questions whether Job's devotion is genuine, and is granted God's permission to afflict him with terrible calamities: the loss of his wealth and his children, and ultimately deforming disease. Within these chapters Job does not question God, and remains silent when his three friends, Eliphaz, Bildad and Zophar, arrive to console him. At that point, the narrator's voice recedes into the background and the dialogues that make up the bulk of the book (Job 3–31) ensue among Job and his three friends. While Job insists that his sufferings are undeserved, the friends endeavor to reconcile his predicament with divine justice and providence. Once their discussion dies down, a fifth interlocutor, Elihu, enters the fray, criticizing the others for failing to arrive at the truth, which he proceeds to expound (Job 32–37). Finally, God Himself speaks to Job "from out of the whirlwind," rebuking him for challenging God (Job 38–41), whereupon Job responds contritely to God (Job 42:1–6). From that point onward the narrator takes over, recounting how God scolds the three friends for speaking harshly against Job, instructing them to ask Job to pray for them. The story closes with the restoration of Job's health, wealth and new children (Job 42:7–17).

### 3.1. *Saadia's Commentary*

In order to appreciate the contribution Maimonides makes in his reading of Job, it is necessary to outline the ways the book was interpreted in the tradition he inherited. In the case of Job, the natural place to begin is the commentary of Saadia, which was evidently quite influential in al-Andalus.[122] Saadia's commentary includes a lengthy introduction that includes a detailed overview of the book. Positing that its purpose is to present possible solutions to the theodicy, not unlike those proposed by Muslim thinkers of his day, Saadia calls Job "The

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[121] Once Maimonides embraced this view, it became acceptable to other post-Maimonidean interpreters as well; see Greenberg, "Issue."

[122] The commentary of Ibn Ezra, e.g., bears Saadia's imprint, as discussed below.

Book of Justification."[123] The problem he faced was that this biblical book does not present its content in analytic form, as he remarks:

> I have found that many of our nation look upon the Book of Job as an enigma,[124] difficult to interpret and construe in several respects [i.e., for several reasons]....[What justifies] the suffering of the prophet Job, the book attests that he was a "blameless, upright and God-fearing man" (Job 1:1)?...What is the course of the argument between him and his companions and Elihu? What did each of them claim? How did they answer one another and where did they object to one another?[125]

In making sense of the "course of the argument" in this biblical book, Saadia identifies four approaches to the problem of evil in the world. The first is simply that God is unjust; but Saadia argues that none of the characters in the book of Job represent this view.[126] In Saadia's opinion, another three views—current in his day—are attested in the book of Job, and these form the basis of his outline.

> (1) Job maintained that God acts according to His will alone and therefore cannot be judged by humans. Even though this does not imply divine injustice, Job complains that his suffering lacks any reason, as he has done nothing to deserve it. Noting that this philosophy was current in his time, Saadia seems to make reference to his contemporary Abu al-Hasan Ali al-Ash'ari (Basra-Baghdad, c. 873–935), founder of the influential Ash'arite school of Muslim theology, who maintained this view.[127]
>
> (2) The three friends infer from Job's suffering that he must have sinned, even if he appears righteous to other people. Saadia notes that this, too, was an approach held in his day, and Maimonides would later observe that it emerges from a literal reading of Scripture.[128] Citing verses from the speeches of Eliphaz, Bildad and Zophar to this effect, Saadia notes that this idea is common to all three, "even though they are divided

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[123] Or: "the book which confirms divine justice"; Comm. on Job, Kafih ed., 19; see also Goodman trans., 130, 146n. It is conceivable that Saadia gives this name to his commentary, and not the biblical book; see Ben-Shammai, "Introduction," 372–373. But even in that case, he reveals the primary topic of his interest in the book.

[124] Consider the parallel to his preface to the Song as being a lock the key of which is missing (above, at n. 70). This may suggest the Saadianic origin of the Song of Songs commentary cited above.

[125] Introduction, Goodman trans., 130, with slight changes according to the Arabic original appearing in Kafih ed., 19–20.

[126] Introduction, Kafih ed., 16.

[127] Introduction, Kafih ed., 16–17. This identification is made explicitly by Maimonides and is confirmed by modern scholarship; see Goodman, *Theodicy*, 141n.

[128] Introduction, Kafih ed., 17–18; on Maimonides, see below, n. 162.

in their words," i.e., each expresses himself in a different way. In mak-
ing this remark, Saadia applies what would become a basic tenet of the
*peshat* school, namely the dichotomy between form and content, which
implies that the very same idea might be expressed in different formula-
tions, but that those differences are merely incidental.[129]

(3) Elihu maintains that in some cases God brings suffering to a man
without blemish to test his faith, and, if he maintains it, to grant him
additional reward in the world to come.[130] Saadia does not explicitly iden-
tify this as a view current in his day, but it was, in fact, the Muʿtazilite
approach, and Maimonides notes Saadia's dependence on that school in
this matter.[131]

Apart from simply presenting the three views that emerge from the
dialogues, Saadia must also determine which is correct. Since God
rebukes Job in His speech from the whirlwind, Saadia reasons that
his view is to be rejected. The three friends, likewise, were scolded
by God, who addresses Eliphaz saying, "I am incensed at you and
your two friends, for you have not spoken of Me what is right of My
servant Job" (Job 42:7).[132] The opinion of the friends, therefore, must
be in error. Elihu, on the other hand, was spared from divine wrath,
which indicates that his view is correct, a conclusion Saadia confirms
by pointing to parallels between the words of Elihu and those of the
divine vision.[133] As it turns out, then, Saadia embraces the Muʿtazilite
solution to the problem of evil.

The disparity between Saadia's well-ordered outline and the actual
dialogues in Job becomes especially evident in light of modern schol-
arship. As M. Pope remarks:

There is not here the give-and-take of philosophical disputation aimed
at the advancement of understanding and truth. Rather each side has a
partisan point of view which is reiterated *ad nauseam* in long speeches.

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[129]  See above, n. 52.
[130]  Introduction, Kafih ed., 18.
[131]  See below, at n. 166; Goodman, *Theodicy*, 143n; Eisen, *Job*, 242n. Maimonides
identifies a possible rabbinic source for that view; see *Guide* III:17, and Cohen, "Dis-
agreement," 76.
[132]  Saadia renders this verse אד׳ לם תקולון בחצ׳רתי אלצואב פי עבדי איוב ("for
you have not spoken regarding me that which is correct of [or: about] my servant
Job"; commentary on Job, Kafih ed., 206–207), evidently based on the *Vorlage*
בעבדי איוב (about my servant Job) rather than כעבדי איוב (like/as my servant Job),
which appears in most attested manuscripts of the MT. On the textual basis for
Saadia's reading, see Kafih's note ad loc.; compare Driver and Gray, *Job*, 348. See also
below, n. 144.
[133]  Introduction, Kafih ed., 19.

There is no real movement in the argument. Attempts to find progres-
sion in the debate and subtle differences in the character and personality
of the three friends are forced and unconvincing.[134]

Saadia's rendition might thus be regarded as a philosophical rewriting
of Job.[135] Having laid out the general three-fold outline in his intro-
duction, Saadia interprets the entire text of the dialogues as a well-
ordered line of argument, in which he explains that the first statement
of Eliphaz (Job 4–5) is directed against Job's initial statement (Job 3),
followed by Job's rejoinder (Job 6–7), and then Bildad's response to
that (Job 8), etc. He applies this mode to the three rounds of argu-
ments that make up Job 3–31. Furthermore, Saadia argues that the
four speeches of Elihu (Job 32–33, 34, 35, 36–37) are directed against
Job's four major philosophical arguments in his speeches.[136]

Saadia was aware that his reading—or rewriting—does not emerge
naturally from the text, and he actually addresses this disparity in the
introduction. Following the presentation of his basic tenet that the book
spells out distinct philosophical positions (above at n. 125), he notes the
difficulty of identifying them because

> the purpose (or: intention; *gharaḍ*) of each speech...[was] concealed in
> the plethora of talking...to the point that the language inserted as open-
> ing and closing flourish and poetic padding covered the language[137] that
> [conveys] the intention (*al-qaṣd*).[138]

Making a point about biblical interpretation that would be reiterated
throughout the Geonic-Andalusian tradition (as discussed in sec. 1
of this chapter), Saadia notes that biblical language used for rhetori-
cal purposes must not be taken at face value. In the case of Job, this
implies that such rhetorical flourish must not be confused with the
substance of the essential philosophical dialogue. In order to transform
the jumbled discussions into reasoned arguments, Saadia must there-
fore do more than merely interpret the language of the text; he must
isolate the conceptual point in each speech, which is often obscured
by the prolix rhetoric of the interlocutors.

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[134] Pope, *Job*, lxxv.
[135] See Goodman, "Technique"; on the notion of the "rewritten" Bible (in more
literary forms), see Boitani, *Rewriting*.
[136] Saadia lays out this plan in his introduction (Kafih ed., 21).
[137] אמא בתשביב או בתשייע וחשו עלי אלכלאם. On the meaning of these literary-
exegetical terms, see Cohen, "Literary Approach," 246.
[138] Introduction, Kafih ed., 19–20.

In this interpretive endeavor, Saadia essentially applies his method of *taʾwīl* (chapter one above). In fact, earlier in his introduction to Job he refers to the axiom in his introduction to the Pentateuch that Scripture must be taken at face value, i.e., according to the "well-known meaning (*mashhūr*) of the words," unless doing so would lead to a contradiction with reason or tradition, in which case *taʾwīl* is required.[139] He then continues:

> Based on these introductory remarks…I shall begin [expounding]…each speech…of Job and his friends with [i.e., by identifying] the verses that contain the intent (*gharaḍ*)…so that they will be distinguished from the language that is poetic padding, whether as opening or closing flourish.[140]

A reading of Job according to its *ẓāhir* would result in a pointless biblical text; Saadia therefore applies *taʾwīl* to transform the text into a rational, analytic dialogue.[141]

## 3.2  *Abraham Ibn Ezra's Commentary*

In the tradition of Job commentary, Abraham Ibn Ezra represents an important intermediate step between Saadia and Maimonides. Although his linguistic analysis reflects the work of Andalusian predecessors such as Ibn Janah and Ibn Chiquitilla, Ibn Ezra builds his philosophical understanding of the book on Saadia's model,[142] indicating the latter's enduring influence in twelfth-century al-Andalus. Ibn Ezra begins with an extensive verse-by-verse philological commentary, *perush ha-millot* (lit. interpretation of the words), followed by a briefer exposition, *perush he-ṭeʿamim* (lit. interpretation of the meanings) that outlines the philosophical views expressed in the dialogues in accordance with Saadia's basic three-fold template.[143]

To be sure, Ibn Ezra departed from Saadia on a number of points, at times offering important innovative readings. One critical example relates to Job 42:7, in which God scolds the three friends for

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[139]  Ibid., 20–21.

[140]  Ibid., 21; for a discussion of the technical literary-exegetical terms in this passage, see Cohen, "Literary Approach," 247.

[141]  This is comparable to the assumption that seems to have led to the allegorical reading of the Song of Songs: since it is a canonized biblical book, it cannot simply be love poetry, but must rather have some deeper religious significance.

[142]  See Gómez Aranda, *Job*, lxxxi–lxxxix.

[143]  Gómez Aranda ed., 6*, 90*–94*.

misrepresenting divine justice. Both Saadia and Ibn Ezra inferred from this verse that the theological position articulated by the three friends is erroneous. But Saadia read it according to a variant biblical text, whereas Ibn Ezra follows the prevalent version of the MT: "I am incensed at you and your two friends, for you have not spoken of Me what is right, as My servant Job [did]."[144] But this implies that Job's position was correct, and Ibn Ezra, like Saadia, believed that Job, like his three friends, was mistaken. To solve this conundrum, Ibn Ezra argues that Job recanted his erroneous position. In the end, then, he indeed "spoke correctly."[145]

The Talmud itself was concerned with this issue, as the following contradiction is raised there:

> "Job speaks without knowledge, and his words are without wisdom" (Job 34:35) and [yet] it is written: "You have not spoken of Me what is right, as My servant Job [did]." Raba said: This teaches that a man is not held responsible for what he says when in distress (אין אדם נתפס בשעת צערו).[146]

Citing a verse from Elihu that criticizes Job for his theological error—presumably making him no different from his three friends—the Talmud questions why he is judged more favorably than they by God in 42:7. Raba responds by saying that Job, unlike his friends, was excused for his error because of his suffering. This approach was adopted by Rashbam on Job 42:7, who glosses:[147]

> For you have not spoken of Me what is right, as My servant Job [did]— for you did not utter for me a correct (or: appropriate) argument, as did my servant Job, for he did not sin toward Me, except for what he said "He destroys the blameless and the guilty" (9:22), by means of the

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[144] See above, n. 132.

[145] Ibn Ezra, comm. on Job, *perush ha-ṭeʿamim*, Gómez Aranda ed., 94*.

[146] B.*Bava Bathra* 16b. In some talmudic manuscripts, Job 42:7 is not cited in this connection, and the problem is raised simply from Job 34:35, though it appears that the medieval commentators—such as Meir ha-Levi (Ramah) Abulafia (Burgos, Spain c. 1170–1244)—had a talmudic text that included this verse; see *Diqduqei Soferim* ad loc. See also below at n. 149 (regarding Rashbam) and n. 170 (regarding Maimonides).

[147] This gloss appears in the printed text of Rashi's commentary, in a section at the end of Job that he evidently never completed, and which was filled in with Rashbam's commentary. See Japhet, *Job*, 16–19. There are only small variations between the text of the commentary on 42:7 attributed to Rashi in the *Miqraʾot Gedolot* and Rashbam's commentary ad loc., Japhet ed., 445.

Satan…as it says "When the one who roams (i.e., Satan)[148] slays sud-
denly, he mocks the calamity of the innocent" (9:23). And even if he
continued to speak, he only spoke [in that vein] because of the sufferings
that were heavy and overpowered him.[149]

Citing some of Job's more blasphemous words, Rashbam explains that
he was nonetheless deemed innocent because they were uttered as a
result of his great suffering.

   While Rashbam found the talmudic solution helpful, it was unsuited
for exegetes who adhered to the philosophical template. The Talmud
manages to explain only why Job is not blameworthy; but it cannot
render Job's theological position *correct*. For Saadia and Ibn Ezra, on
the other hand, the purpose of the book of Job is to ascertain the cor-
rect doctrine of divine providence and resolve problem of evil. The
only relevant question, then, is whether Job spoke correctly or incor-
rectly, and it is within those parameters that they had to resolve the
crux of Job 42:7.[150]

### 3.3. *Maimonides' Commentary*

Although Maimonides did not actually write a running commentary
on Job, the detailed analysis of the book that he provides in *Guide*
III:22–23 encapsulates his understanding of its philosophical content,
much like Saadia's introduction and Ibn Ezra's *perush ha-teʿamim*.
Job, in fact, is the only biblical book that Maimonides found neces-
sary to interpret in its entirety,[151] evidently because it touches upon
matters of critical theological significance. His analysis of Job follows

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[148] See Rashbam on Job 9:22, Japhet ed., 364.

[149] This interpretation also appears in Qara's commentary on 42:7, Ahrend ed.,
130; according to Japhet ( *Job*, 36–48), this is an interpolation in that text from Rash-
bam's commentary. The commentary of R. Tam on this verse reads: לא דברתם בעדי
נכון כאשר עבדי איוב נכון, אשר הרשעתם אותו והוא צדיק וישר (Shoshana ed.,
375). It would seem that he does not construe the verse to imply that Job *spoke* נכונה
(rightly, properly), but rather that he *is* נכון (a modifier he equates with צדיק וישר,
i.e., righteous and upright). This resembles Saadia's approach, although there is no
evidence that R. Tam based his interpretation on the variant text בעבדי איוב.

[150] For the same reason, Ibn Ezra's resolution—rather than that of the Talmud—
was adopted by Maimonides (as discussed below) and Nahmanides (comm. on 42:7,
Chavel ed., 126). On the implications of the disparity between the philosophical and
non-philosophical resolutions of the problem raised by Job 42:7, see Cohen, "Rashbam
on Job."

[151] See citation below, at n. 176.

his detailed discussion of divine providence and knowledge in *Guide* III:16–21 and opens accordingly:

> The story of Job, which is extraordinary and marvelous, belongs to the kind of things we are discussing now, I mean that it is a parable (*mathal*) intended to set forth the opinions of people concerning providence.[152]

Right at the outset, Maimonides defines Job as a *mashal* (something that neither Saadia nor Ibn Ezra did), basing himself on talmudic evidence:

> You know the explicit statement of some of [the Sages] "Job never existed and was never created, but was only a *mashal* [i.e., a fictional tale]" (b.*Bava Bathra* 15a). Those, on the other hand, who believe that he "existed and was created" and that the story [really] happened, do not know at what time and in what place he lived. For some of the Sages say that he lived in the days of the Patriarchs, whereas others say that he lived in the days of Moses; again others say that he lived in the days of David; again others say that he was one of those who came back from Babylon. This confirms the opinions of those who say that "he never existed and was never created."[153]

Ironically, while Maimonides' source material here is talmudic, he does not truly adhere to rabbinic authority in characterizing Job as a *mashal*, since this view was actually rejected in the Talmudic source to which he refers (see below at n. 178). Rather, he engages in a historical analysis of the time-frame of Job, using the talmudic discussion as evidence, which he evaluates independently and critically.

In viewing Job as a fiction, Maimonides hardly intended to diminish its importance and essential truth, as he continues:

> Whether he [i.e., Job] existed or not, with regard to cases like his, which always exist, all reflecting [i.e., thinking] people become perplexed; and in consequence such things as I have already mentioned to you are said about God's knowledge and His providence. I refer to the assertion that a righteous and perfect man, who was just in his actions and is most careful to avoid sins, was stricken—without his having committed a sin entailing this—by great and consecutive calamities with respect to his fortune, his children, and his body.[154]

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[152] *Guide* III:22, Pines trans., 486; Munk-Joel ed., 351.
[153] Ibid.
[154] Ibid.

Maimonides here speaks in the spirit of Aristotle's notion that "poetry is more philosophical than history" because it expresses universals rather than particulars.[155] Hence, even if the story of Job is fictional, it relates a distressing and recurring reality that calls into question the fundamental notions of divine justice and providence. For this reason, Maimonides goes on:

> It is not a parable like all others, but one to which extraordinary notions and "things that are the mystery of the universe" are attached. Through it great enigmas are solved, and truth than which none is higher becomes clear.[156]

As for the source material he will use to elucidate this weighty parable, Maimonides—not uncharacteristically—is silent about his immediate exegetical predecessors and refers only to the venerable rabbinic (i.e., talmudic) tradition:

> I shall mention to you the words of the Sages (כלאם אלחכמים) that have drawn my attention to everything that I understand of this great parable.[157]

The impression Maimonides creates here, i.e., that he primarily follows rabbinic exegesis, is somewhat misleading, since his major inspiration is, in fact, the template of philosophical interpretation established by Saadia and endorsed by Ibn Ezra. Indeed, the heart of Maimonides' analysis is his outline of various philosophical positions articulated in the book of Job, a program he announces with the following words:

> I intend to explain to you the opinion ascribed to Job and the opinion ascribed to each of his friends, using proof[text]s that I gleaned from the discourse of each of them. You should not, however, pay attention to the dicta rendered necessary by the order of the discourse (nasq al-qawl), as I explained to you in the beginning of this Treatise.[158]

Referring here to his "great and important principle," Maimonides, like Saadia before him, acknowledges that he is selective in construct-ing his philosophical analysis (a matter to which we shall return below). But whereas Saadia and Ibn Ezra identified three philosophies in the book, Maimonides identifies five. He begins by presenting the

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[155]  Aristotle, *Poetics*, chap. 9, 1451b (Bywater trans., 1464).
[156]  *Guide* III:22, Pines trans., 486; Munk-Joel ed., 351.
[157]  Ibid.
[158]  *Guide* III:22, Pines trans., 490; Munk-Joel ed., 355. On the term *nasq* in Saadia's lexicon, see chapter one above, n. 47.

four positions represented by Job and his three friends (before turning later to the fifth—and most correct—view expressed by Elihu and confirmed in the divine vision):[159]

(1) *Job* concludes from his suffering that God simply ignores human affairs, allowing the righteous to suffer the same fate as sinners: "It is all one; therefore I say: He destroys the blameless and the guilty" (Job 9:22).

Unlike their unfortunate companion, the friends each seek a way to preserve the notion of divine providence notwithstanding Job's suffering:

(2) *Eliphaz* maintains that God rewards and punishes people according to their actions and thus concludes that Job's suffering must be deserved: "Your wickedness is great and your iniquities have no limit" (22:5). To reconcile this argument with Job's manifest righteousness, Maimonides points to an earlier speech (4:17–18) in which Eliphaz argues that no human being—even the most righteous—can ever be absolutely blameless before God and "that the deficiencies for which we deserve punishment...are hidden from our perception."[160]

(3) *Bildad* was willing to accept Job's innocence by suggesting that his suffering may have been intended to increase his reward in the next world: "If you are blameless and upright, He will protect you...Though your beginning be small, in the end you will grow very great" (8:6–7).

(4) *Zophar* argues that God's actions need not conform to human conceptions of justice or reason since they are the product of His unfathomable will: "Would you discover the mystery of God? Would you discover the limit of the Almighty? Higher than the heaven—what can you do? Deeper than Sheol—what can you know?" (11:7–8).

After summarizing the opinions of Job and his three friends, Maimonides correlates their views with those he had defined earlier in the *Guide* based on Greco-Arabic philosophical and theological learning:

The opinion attributed to Job tends toward the opinion of Aristotle;[161] the opinion of Eliphaz tends toward the opinion of our Law [i.e., the

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[159] What follows is a summary of Maimonides' reading of Job in *Guide* III:23, as outlined in Levinger, "Job." For further detail, see Kravitz, "Method"; Kasher, "Image"; Rosenberg, "Job."

[160] *Guide* III:23, Pines trans., 493.

[161] In *Guide* III:17 Maimonides clarifies that Aristotle does not deny divine providence altogether; he merely maintains that it does not govern the everyday lives of individual human beings.

Torah];[162] the opinion of Bildad tends toward the Muʿtazila, the opinion of Zophar tends toward the doctrine of the Ashʿariyya. These were the ancient opinions concerning providence.[163]

Among these are views articulated in Saadia's commentary, though Maimonides presents them in a new configuration, as the following chart illustrates:

|  | According to Maimonides | According to Saadia |
| --- | --- | --- |
| Job | God ignores human affairs (Aristotle) | Suffering caused by God's unfathomable will (Ashaʿari) |
| Eliphaz | Suffering consequent upon sin ("our Law") | Suffering consequent upon sin |
| Bildad | Suffering to increase reward (Muʿtazila) | |
| Zophar | God's will is unfathomable (Ashaʿari) | |
| Elihu | Providence consequent upon intellect[164] | Suffering as a test to increase reward (Muʿtazila) |

To the three positions identified by Saadia, Maimonides first adds the Aristotelian view—attributed to Job—that God's providence does not extend to human beings as individuals. And while Saadia had equated all three of the friends, Maimonides distinguishes among them.[165] According to his reading, Eliphaz expresses the simple view of reward and punishment, a view that Saadia attributed to the three friends collectively. To Bildad Maimonides attributes the Muʿtazilite notion that God brings undeserved suffering to the righteous in order to increase their reward in the next world. Saadia had considered this to be most correct philosophical position—and therefore saved it for Elihu, but Maimonides rejects it. He does, however, acknowledge its acceptance by his great geonic predecessor: "Some of the latter-day geonim, may

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[162] "Our *sharīʿa*"; by this Maimonides means a literal, superficial reading of Scripture, but not the true biblical view on providence; see Cohen, "Disagreement," 70–73.

[163] *Guide* III:23, Pines trans., 494.

[164] This view will be discussed below.

[165] This compelled Maimonides to devise a strategy for explaining away Saadia's proofs that the three friends all shared one view; see below, at n. 188.

their memory be blessed, have heard it from the Muʿtazila and have approved of it and believed it."[166] In Maimonides' opinion, Zophar expressed the Ashʿarite view (attributed by Saadia to Job)—which he likewise rejects.

Having spelled out four of the five philosophies in the book of Job, it was important for Maimonides to assess their merit. Job's denial of individual providence is, of course, problematic on its face, and Maimonides might have simply said so. But he prefers to invoke rabbinic authority to make this judgment:

> You know the dictum of the Sages that this opinion of Job's is most unsound…. They say (b.*Bava Bathra* 16a): "Job denied the resurrection of the dead." They also say of him: "He began to blaspheme" (ibid.).[167]

But the Rabbis do not assess the views of the three friends quite as clearly.[168] Following in the footsteps of Saadia and Ibn Ezra, Maimonides maintains that Elihu discovered the correct view on providence, which is then reiterated in the divine vision.[169] By implication, then, the solutions offered by the other three friends must be incorrect.

It stands to reason that Maimonides regards Job 42:7 as evidence for this assessment, since there God scolds the three friends for their error ("I am incensed at you and your two friends, for you have not spoken of Me what is right, as My servant Job [did]"), but spares Elihu. Although Maimonides does not cite the verse directly for this purpose, he does discuss the problem it poses that we have already noted, i.e., its implication that Job spoke "correctly." Not uncharacteristically, Maimonides first records that "the Sages…say, 'A man is not to be blamed for [what he does when] suffering,'—meaning that he was excused because of his great suffering."[170] But the great philosopher rejects this solution, saying:

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[166] *Guide* III:17, Pines trans., 471.

[167] *Guide* III:23, Pines trans., 492.

[168] Some brief, scattered comments in rabbinic literature regarding the views of Job's companions are gathered by Mack, *Job*, 103–105. But these do not match the clarity and forcefulness of their remarks regarding Job himself cited by Maimonides.

[169] *Guide* III:23, Pines trans., 494–496.

[170] *Guide* III:23, Pines trans., 492; Munk-Joel ed., 357. The citation of the talmudic source אין אדם נתפס על צערו (rather than אין אדם נתפס בשעת צערו) follows a variant talmudic text recorded in *Diqduqei Soferim* on b.*Bava Bathra* 16b; compare above, at n. 146.

However, this kind of speech has nothing to do with this parable. But the reason is…that he retracted that opinion, which is completely erroneous and had demonstrated that he had been mistaken therein. [171]

As was the case with Saadia and Ibn Ezra, Maimonides' philosophical approach prevented him from adopting the talmudic interpretation. The alternative he offers (i.e., that Job recanted) is the explanation already given by Ibn Ezra, who may well have been his source here.

Maimonides—again following Saadia and Ibn Ezra—identifies Elihu's view as the correct understanding of providence. Guided by his doctrine of esotericism, however, he argues that its full exposition would be harmful to the uneducated masses, and therefore it was concealed by the author of Job.[172] Maimonides accordingly offers little more than veiled hints at its content in his exposition of Job, but elsewhere he clarifies that "providence is consequent upon the intellect," i.e., it is limited to the rare individuals who constantly contemplate God.[173] For all other people, however, providence is intermittent, and applies only when they are actively engaged in the contemplation of God.[174]

After presenting the philosophical solution to the dilemma of Job's situation, Maimonides states that "this is the purpose (or: intent; *gharaḍ*) of the book of Job in its entirety (*bi-jumlatihi*)—I mean the establishment of this foundation (or: principle) of belief."[175] Having laid out the doctrines presented in the biblical text, Maimonides concludes his analysis with the following words:

> When you see all that I have said…and study the entire book of Job…you will find that I have included and encompassed its entire content (or: the totality of its ideas; *jumlat maʿānihi*). Nothing has escaped us, except that which comes for the structure of the elements and the coherence of the parable (*mathal*), as I have explained often in this work.[176]

These comments echo Maimonides' definition of the second type of *mashal*, in which he advocates analyzing "the parable as a whole" (*jumlat*

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[171] *Guide* III:23, Pines trans., 492.

[172] See Kravitz, "Method," 151.

[173] *Guide* III:17, Pines trans., 474. For a detailed analysis of this Maimonidean doctrine and its application to Job, see Raffel, "Providence"; Cohen, "Literary Approach," 225–227. For a different understanding of Maimonides' analysis of Elihu, see Kasher, "Image," 81–87.

[174] I.e., when they engage in the type of worship described above, at n. 90.

[175] *Guide* III:23, Pines trans., 497; Munk-Joel ed., 361.

[176] Ibid.

*al-mathal*; above at n. 18) in order to reach "an understanding of the whole (*al-jumla*)—which is what was meant (*maqṣūd*) to be understood" (above at n. 23). To account for the many details in the *mashal* that he does not deem relevant for the deeper meaning, he invokes the "great and important principle," thereby hinting at the crucial role that his literary perception of the book of Job plays in his analysis.

When presenting the rabbinic precedent for viewing Job as a fictional tale (citation above, at n. 153), Maimonides implicitly continues a dialogue in b.*Bava Bathra* 15a, in which Samuel bar Nahmani responds negatively to his student who raised this possibility: "For you Scripture said, 'There *was* a man in the land of Uz, Job was his name' (Job 1:1)." The student persisted, since, after all, Nathan, in his classic *mashal* (see above, at n. 12) also speaks of fictional characters as if they "existed":

> What about, "The poor man had nothing but one small lamb..." (II Sam 12:3); did he exist? Rather he was merely a *mashal*; this too then is a *mashal*.[177]

The Talmud closes the discussion by rejecting this analogy: "If so, why [cite] his name and the name of his town?"[178] Unlike Nathan's anonymous "stick-figures" obviously fabricated to teach a lesson, Job's biographical details indicate that he existed. If not, why would Scripture waste words on them?

Most medieval interpreters accepted the Talmud's conclusion that Job is a historical book.[179] Ironically, it is the great talmudist Maimonides who manifests critical independence from talmudic authority in this respect, arguing that the wide disparity of opinions regarding Job's time period casts doubt on the historicity of this tale (above at

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[177] The "poor man's lamb parable" is the classic case of a parable cited in rabbinic literature.

[178] In some early talmudic manuscripts this final argument is attributed to Samuel bar Nahmani (*Diqduqei Soferim* ad loc.). But in the Vilna edition—following most manuscripts—it is recorded without attribution, suggesting that it is the collective view of the rabbinic editors of the Talmud (late Amoraim or Savoraim), making it an authoritative conclusion, not merely the view of one sage.

[179] This includes Maimonides' predecessors, Saadia (comm. on Job 1:1) and Ibn Ezra (comm. on Job 1:1). Their view was adopted in the subsequent tradition, as well; see, e.g., Nahmanides on Job 1:1, Chavel ed., 27. For other biblical interpreters who reaffirmed the talmudic conclusion and resisted Maimonides' reading of Job as a *mashal*, see Greenberg, "Issue"; Cohen, "Literary Approach," 244.

n. 153)—a consideration never raised in rabbinic sources.[180] Moreover, his literary notion of the *mashal* genre provides a rejoinder to this closing argument. The assumption that the details of a biblical tale must either serve a didactic purpose or provide historical information is exactly the point he disputes. Since Scripture couches its philosophical message in a story about a righteous sufferer, Job had to be made life-like in a realistic tale. Verses that serve this literary aim are thus not considered "wasted," since they "figure…in the consistent development of the *mashal*'s apparent meaning." And, as we have seen, Maimonides makes reference to that rule twice in his analysis of Job:

> (1) You should not, however, pay attention to the dicta rendered necessary by the order of the discourse, as I explained to you in the beginning of this Treatise (above at n. 158).

> (2) Nothing has escaped us, except that which comes for the structure of the elements and the coherence of the parable (*mathal*), as I have explained often in this work (above at n. 176).

Having undercut the Talmud's argument, Maimonides could avoid its conclusion that Job is a historical tale. But why did the great philosopher feel compelled to diverge from the consensus of his era and take advantage of this option? While it is conceivable that Maimonides made this determination based upon his own literary sense of the biblical text,[181] it would seem that a more urgent motive stems from his philosophical reading, which is actually predicated on the assumption that Job is a work of fiction. Maimonides reveals this dependence when discussing Elihu, whose unique wisdom, as it turns out, is difficult to demonstrate, since he repeats ideas already expressed by the others.[182] As the author of the *Guide* notes:

> If someone considers his [i.e., Elihu's] discourse he wonders and thinks that he does not in any respect make an addition to what was said by

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[180] A compromise view—that Job was a historical figure, but that the biblical tale about him is fictional—is raised elsewhere in rabbinic literature (j.*Soṭah* 5:6; *Genesis Rabbah* 57:4 [Theodor-Albeck ed., 617]); but Maimonides does not rely on that view, as he endorses the more extreme position that "Job *did not exist* and was not created."

[181] This, e.g., was the view of the thirteenth-century post-Maimonidean scholar Zerahiah Hen; see Greenberg, "Issue"; Eisen, *Job*, 114–116.

[182] Modern scholars argue that Elihu has no new solution and take textual indications to the contrary as evidence that his chapters were added to the original book of Job; see Pope, *Job*, xxvii; Greenberg, "Job," 296–297.

Eliphaz, Bildad and Zophar, but merely repeats in different terms and with amplifications the notions contained in their speeches. For he does not go beyond blaming Job, [and] ascribing the attribute of justice to God…now all of these notions had been expressed by his companions. However, when you consider the matter, the additional notion that he introduced will become clear to you.[183]

Maimonides goes on to identify a single new idea—which leads to the correct philosophy—within Elihu's lengthy speeches. To be sure, both Saadia and Ibn Ezra had identified a new insight in Elihu's speeches; but Maimonides alone frankly acknowledges that otherwise his words repeat what the four original interlocutors had already said. Most significantly, Maimonides offers a new literary explanation for this confusing repetition:

> Together with that notion, however, he [i.e., Elihu] says all they have said, just as each of all the others—namely, Job and his three friends—repeats…the notion expressed by another among them. *This is done in order to hide the notion that is peculiar to the opinion of each individual,* so that at first what occurs to the multitude ( *jumhūr*) is that all the interlocutors are agreed on the selfsame opinion.[184]

Maimonides' solution here is dependent on his view that the story of Job is a fiction and that an author put words into the mouths of his characters: it was the author of the tale who deliberately wished to conceal Elihu's unique view in a plethora of extraneous chatter that simply repeats what the others had said.

A comparison with Nahmanides, who was sensitive to the very same question, will help illuminate the uniqueness of Maimonides' strategy of reading Job. Nahmanides also manages to identify one passage in the Elihu chapters as the correct solution to Job's dilemma (in his view), namely that he is being punished for sins in an earlier incarnation ( *gilgul*).[185] But Nahmanides (who was well aware of Maimonides' treatment of Job in the *Guide*) was then compelled to explain why Elihu repeats the other views even though he had found a better solution:

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[183] *Guide* III:23, Pines trans., 495.

[184] *Guide* III:23, Pines trans., 495 (emphasis added [MC]); Munk-Joel ed., 359. Despite its disparaging connotations, the term *jumhūr* in Maimonides' lexicon can include rabbinic scholars who are not philosophers; see Cohen, "Disagreement," 72.

[185] See Nahmanides on Job 33:17–30, Chavel ed., 99–101; Cohen, "Literary Approach," 238.

> Elihu answered Job's questions well and properly, and Job was silent
> [i.e., acknowledged that Elihu was correct]. But afterwards Elihu went
> back and spoke in the manner of his friends because he could not be
> certain if Job really was completely righteous, and he therefore said that
> there are many reasons that people suffer.[186]

Elihu's singular solution is needed only to explain why a completely
righteous person suffers; otherwise, one could simply explain suffer-
ing as a punishment for sin. Now Job himself knew that he had no
sins (as Satan admits to God in Job 1:10);[187] but Elihu could not be
certain of that. Therefore, to cover all of his bases, he must repeat the
conventional explanation as a possibility to explain Job's predicament.
Unlike Maimonides, Nahmanides viewed the book of Job as a histori-
cal account; the literary option presented in the *Guide* was therefore
closed to him and he had to devise a solution to the problem of Elihu's
repetition that would be appropriate for a historical character.

  Returning to Maimonides, it is important to emphasize that his
words regarding Elihu reflect his overall strategy for interpreting the
Book of Job. Indeed, the Elihu section underscores a larger problem
in the dialogues: far from presenting intelligible opinions on evil and
providence, all of them are confused, repetitious ramblings from begin-
ning to end (see above, at n. 134). This problem had even plagued
Saadia (see above, at n. 138), who maintained the basic agreement of
Eliphaz, Bildad and Zophar; but it was compounded for Maimonides,
who assigned three distinct philosophies to them. In discussing Elihu,
Maimonides addresses this problem as well when stating that Elihu
repeats "all they have said, just as each of all the others—namely, Job
and his three friends, repeats . . . the notion expressed by another among
them." Rather than skirt this problem, he frankly admits that the inter-
locutors do indeed repeat one another: not only the three friends, but
even Job and Elihu as well.[188] Maimonides argues that this is a writing

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[186] Nahmanides on Job 36:11, Chavel ed., 109–110.

[187] As Nahmanides comments on that verse: "Satan raised every reproach that he
possibly could and still did not disparage him by recounting his sin or transgression;
this proves that he was absolutely righteous and that his sufferings occurred without
his being guilty of any injustice" (השטן ילמד על איוב כל חובה שיוכל ולא ספר
בגנותו שיהיה עליו חטא או פשע, וזה יורה כי היה צדיק גמור ויסוריו על לא חמס
בכפיו; comm. ad loc., Chavel ed., 30). Nahmanides here makes an important point
about why Satan (i.e., the prosecuting angel, whose function is to identify man's sins)
is necessary for the story: only he can prove conclusively that Job, in fact, has no sin
whatsoever; see Cohen, "Searchings," 230.

[188] See above, n. 165.

strategy employed by the author of the biblical book, who hid five distinct philosophies within the words of the characters he fabricated. As such, the repetitiveness is indeed a correct observation regarding *ẓāhir al-naṣṣ*, whereas Maimonides uncovers the deeper intent (*bāṭin*) of the author.

Maimonides' *mashal* model provides the necessary framework to make room for both the *ẓāhir* and the *bāṭin*, the former having a logic of its own. In the case of Job, the composition of the literary tale was dictated by what can be termed a "political" rather than artistic aim, a strategy Maimonides hints at when explaining that many otherwise meaningless details may be deployed in the *ẓāhir* to "conceal…the symbolized idea" (above, at n. 18).[189] This is precisely the notion he refers to when writing that the tale of Job was fashioned by its author in such a way that "at first what occurs to the multitude is that all the interlocutors are agreed on the selfsame opinion" (above, at n. 184). As for the purpose of this subterfuge, Maimonides writes: "This is done in order to hide the notion that is peculiar to the opinion of each individual" (above, at n. 184).[190] The philosophies that make up the *bāṭin*, i.e., "the notion that is peculiar to the opinion of each individual," on the other hand, must be derived by isolating specific verses in their speeches, as Maimonides puts it, "…using proof[text]s that I gleaned from the discourse of each of them" (above, at n. 158). The remainder of the book, while literarily significant, is philosophically extraneous.

We now know why Maimonides was compelled to posit that Job is a *mashal*, i.e., a fictional rather than historical work. Only in a

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[189] On Maimonides' view of the political use of the *mashal* genre, as it relates to Job and in biblical literature in general, see Rosenberg "Exegesis," 122; idem, "Job," 156; Klein-Braslavy, *Solomon*, 23–30.

[190] One might therefore ask: What lesson would "the multitude" learn from Job if they are to remain ignorant of the secret solution to the problem of evil hidden in Elihu's words? It is conceivable that, for Maimonides, the book would indeed have little religious value for those who do not fathom its deeper meaning. The book of Job would then be an example in which "the *mashal* in itself is worth nothing" (above, at n. 15); i.e., its value lies exclusively in the *bāṭin*, whereas the *ẓāhir* ("the *mashal* in itself") is simply a tale; see Cohen, *Three Approaches*, 123–124. On the other hand, one could suggest that Maimonides took Job to be a *mashal* of the type in which the *ẓāhir* also "contains wisdom that is useful in many respects" (see citation from the *Guide* in chapter two above, at n. 52), since even the *ẓāhir* in Job presents theological principles essential for the religious education of the masses (e.g., God's justice and omniscience), which Maimonides enumerates in *Guide* III:23, Pines trans., 490–491, 495. (My thanks to Robert Eisen for this suggestion.)

*mashal* could he attribute an ulterior motive to the author in choosing which words to assign to the interlocutors. In a historical account, on the other hand, the biblical author would be bound by their actual speeches. The *mashal* genre thus entails a great deal of literary freedom and creativity—for artistic, political or other purposes—unavailable in a historical narrative. This assumption about the composition of a *mashal*, in turn, allows the interpreter to ignore many elements of the text when seeking to uncover the inner meaning intended by the author.

To be sure, Saadia had already noted the disparity between his philosophical reading of the book of Job and the obvious sense (*ẓāhir*) of the dialogues. The cause of this occlusion, according to Saadia, is: "the language inserted as opening and closing flourish and poetic padding covered the language that [conveys] the intention (*qaṣd*)" (above, at n. 138). Accordingly, he devised an exegetical solution, by endeavoring to isolate "in each speech…the verses that contain the intent (*gharaḍ*)…so that they will be distinguished from the language that is poetic padding, whether as opening or closing flourish" (above, at n. 140). In other words, to determine the intention (*qaṣd, gharaḍ*) of each interlocutor, Saadia posits that one must disregard the language he employed for rhetorical flourish.

While this may seem like a precedent for Maimonides, his is actually a more radical and sophisticated reading strategy. Saadia took Job as a historical record of actual speeches. Accordingly, he seeks to discover the intention of the interlocutors themselves, which he discerns by disregarding the "padding" *they* had employed for the sake of *rhetorical* flourish. Maimonides, on the other hand, distinguishes between the fictional world of the characters and the intentions of the author of Job. In his view, the latter is responsible for the extraneous, non-philosophical material, which serves a *literary* function,[191] i.e., to produce a tale depicting a righteous man's suffering and the heated, rambling and repetitive debates over divine justice that ensue between him and his companions.[192] Maimonides conceives the Book of Job as a fiction

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[191] The difference between Saadia and Maimonides can thus be described in terms of the distinction made in Arabic theory between *khitāba* (rhetoric) and *balāgha* (literary embellishment); see Bonebakker, "Rhetoric," 75–76.

[192] To be sure, the *mashal* is ultimately employed here to accomplish what has been termed a "political" goal, i.e., to hide the true philosophy from the masses (above at n. 189). Yet this political goal is achieved through literary means, i.e., by fabricating a tale that is complete from a poetic perspective (although it may be flawed philosophically,

in which the characters' speeches were fashioned by an author intending to create a text with two levels of meaning. For Saadia, the biblical text of Job has only one legitimate meaning, and failure to disregard the elements added within it for the sake of embellishment will yield an incorrect reading. In other words, Saadia's *ta'wīl* supplants *ẓāhir al-naṣṣ*. Maimonides' choice to classify Job as a *mashal* allows him to preserve the integrity of the literal reading—unencumbered by the philosophical template—as an accurate contextual-philological analysis intended for the masses. In his model, *ẓāhir al-naṣṣ* maintains its legitimacy, though it must be supplemented by *ta'wīl*, which leads to the *bāṭin*.

Maimonides was well aware of Saadia's axiom and applied a similar approach in his philological exegesis in the *Guide*. But where he applies the *mashal* mode he enjoys greater flexibility in what amounts to a dual hermeneutic, not unlike that of Rashbam, who makes room for *peshuto shel miqra* alongside the authoritative halakhic midrashic reading of Scripture. That model allowed the great northern French *pashtan* to explore *peshuto shel miqra* freely, without taking the halakhic interpretation into consideration. Analogously, Maimonides' analytic reading of Job can certainly be viewed as "philosophical *derash*";[193] but the *mashal* model allowed him to account for *ẓāhir al-naṣṣ*—i.e., the contextual-philological reading—without the need to adjust it to fit into his theological template.

The view that the book of Job embodies an orderly theological deliberation was firmly entrenched within the interpretive tradition Maimonides inherited, as it would remain in the subsequent tradition.[194] While participating in this tradition, the great philosopher-talmudist opens a novel literary approach by fusing rabbinic sources (which he uses critically) and Arabic poetic theory to devise a dual hermeneutic uniquely sensitive to the non-philosophical dimension of the text,

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which is presumably the hint to the sophisticated reader to uncover the *baṭīn* and not be satisfied simply with the *ẓāhir*).

[193] On this characterization, see the introduction above, sec. 2.

[194] This trend is most noticeable in the wave of thirteenth- and fourteenth-century interpreters who explicitly identified themselves as Maimonideans in this respect, e.g., Samuel ibn Tibbon, Immanuel of Rome, Zerahiah Hen, Gersonides and Simon ben Zemah Duran. On these interpreters, see Eisen, *Job*, chapters 4–7. But the philosophical template was also adopted by the great kabbalist Nahmanides; see Cohen, "Searchings," 224–233. In a similar vein, the celebrated thirteenth-century Christian scholastic Thomas Aquinas described the dialogues as a *disputatio* in his commentary on Job, which was influenced by Maimonides; see Aquinas, *Exposition on Job*, 4–5, 25, 68–69.

which emerges from a straightforward contextual-philological reading of the biblical text, i.e., *ẓāhir al-naṣṣ*. While Saadia had to deny the validity of this dimension altogether, Maimonides' *mashal* model enabled him to recognize its important role as a literary medium through which Scripture conveys its philosophical content.

## 4. Conclusion

We have now completed the first part of this study, which is our primary discussion of Maimonides' use of the term *ẓāhir al-naṣṣ* and its role in his interpretive system. As we have seen, even without using the term *peshat*, Maimonides' construction of *ẓāhir al-naṣṣ* generates important points of contact with the methodology that came to be known as "the way of *peshat*." Chapters one and two demonstrated his essential connection with the rationalist, philologically-oriented Geonic-Andalusian school, in which *ẓāhir al-naṣṣ*, while significant, does not necessarily carry ultimate authority and must often be reinterpreted by use of *taʾwīl*. Within that school, the language of Scripture is merely one key to its meaning, which is discernable only by putting it in the context of other sources of knowledge, i.e., reason and tradition.

In chapters three and four we identified a number of important innovations in Maimonides' analysis of *ẓāhir al-naṣṣ* that enriched and advanced the *peshat* tradition. Most striking in this respect is his historical-sociological analysis of the legal texts of the Pentateuch in the third section of the *Guide*, which is substantially independent from—and even at odds with—talmudic *halakhah*. While his precedent for engaging in this sort of analysis was probably Ibn Janah's rule that "the *peshat* of a verse is one thing, and the *halakhah* is another" (which the latter applied only sporadically), the fullest parallel to this audacious endeavor can be seen in Rashbam, who likewise freed himself from the constraints of talmudic exegesis when he explored *peshuto shel miqra* in the legal sections of the Pentateuch. Maimonides, however, drew upon an array of relevant extra-biblical disciplines—such as Aristotelian ethics and politics, as well as (what were believed to be) accounts of ancient Near Eastern religious practices and beliefs—to offer a comprehensive account of the biblical law code as it emerges from *ẓāhir al-naṣṣ*, which goes far beyond what Rashbam accomplished in this area drawing only on *peshuto shel miqra* and what he termed *derekh ereṣ* and *derekh ḥokhmat benei adam*.

In the current chapter, we turned to Maimonides' more developed theoretical bifurcation of the *ẓāhir* and *bāṭin* in his *mashal* analysis. While ascribing greater value to the *bāṭin*, taking it to represent the purpose (*gharaḍ*) and intent (*qaṣd*) of Scripture, he nonetheless grants substantial independence to the *ẓāhir*, recognizing its literary merit (as Moses Ibn Ezra had noted for his own purposes a generation earlier). This prompted Maimonides to formulate his "great and important principle" of *mashal* analysis that powerfully crystallizes the aesthetic exegetical outlook of the Geonic-Andalusian school and its opposition to midrashic interpretation motivated by the omnisignificance doctrine. Aside from the very articulation of this crucial principle, its applications to the Song of Songs and the book of Job represent Maimonidean contributions so unique that they at once set him apart from other medieval exegetes while at the same time demonstrating his keen abilities as a contextual-philological reader of Scripture in the spirit of the Andalusian school. Maimonides' reading of the Song of Songs grants a special importance to its literary artistry and the emotive impact of its love lyrics, which in his view must first be appreciated as a whole, independent of the deeper philosophical level. In the case of Job, Maimonides' philosophical reading is predicated on his distinctive view of Job as a fiction, a move that allows him to ascribe value to *ẓāhir al-naṣṣ* as an independent non-philosophical signification of the text. Perhaps the very fact that biblical exegesis was not Maimonides' main occupation freed him from conventional assumptions that bound others in the Geonic-Andalusian school, allowing him to devise fundamentally new strategies of reading these complex, multifaceted biblical texts.

PART TWO

*PESHUTO SHEL MIQRA*

## HALAKHIC EXEGESIS AND MUSLIM JURISPRUDENCE

In contrast to his use of the term *ẓāhir al-naṣṣ*, which adheres to the parameters of earlier Judeo-Arabic exegesis, Maimonides' construal of the talmudic rule of *peshat* and even his use of the term *peshuto shel miqra* itself is innovative and unique. To begin with, he casts this rule exclusively as a legal principle that effectively links *halakhah* to biblical exegesis integrally, whereas the term *ẓāhir al-naṣṣ* was used by him in all realms of interpretation, both halakhic and non-halakhic. An appreciation of Maimonides' innovation in this respect is possible only in the context of the Geonic-Andalusian tradition of jurisprudence that he inherited. Therefore, in order to understand the nexus of issues that his rule of *peshat* was intended to address, we must examine the earlier Rabbanite tradition of legal hermeneutics, beginning for our purposes with Saadia, while also taking into account the Karaite and Muslim legal conceptions to which Rabbanite authors responded, and which at times necessarily shaped their own legal thought.

### 1. *The Geonic-Karaite Debate*

The widely held Geonic-Andalusian position—guided by Saadia's model—that halakhic traditions can override *ẓāhir al-naṣṣ* faced a formidable challenge from the robust scripturalism of the Karaites. Judah ha-Levi acknowledges as much in his apologia for Rabbanite Judaism, known as the book of the *Kuzari*, where he places the following question in the mouth of the inquisitive Khazar King:

> Explain to me now your arguments against the Karaites, for I see that they exert effort (*ijtihād*) in the worship of God more than the Rabbanites, and their arguments seem superior and more often in keeping with the texts (*nuṣūṣ*) of the Torah.[1]

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[1] *Kuzari* III:22, Baneth and Ben-Shammai ed., 112. Ha-Levi here articulates a common Rabbanite perception. Recent scholarship, however, has shown that despite the

Ha-Levi uses Muslim legal-religious concepts to describe the cogency of the Karaite method of deriving *halakhah* from Scripture. The term ITIHĀD (lit. to exert effort) in this context connotes expert application of reason to determine the Law, in contrast to TAQLĪD (lit. imitation), i.e., blind faith or the adherence of non-experts to the *mujtahid* (an expert jurist capable of *ijtihād*).[2] What the Khazar King is saying, then, is that the Karaite method of legal biblical exegesis seems most sound and well founded. By contrast, he goes on to remark, the Rabbis of the Talmud

> interpret verses of the Torah—at times laws, at other times in *derashot*[3]—in ways distant from common sense,[4] for we intuitively know (lit. our soul testifies and our heart tells us) that the intent (*qaṣd*)[5] of that verse is not what they mentioned…. Only rarely is their interpretation in keeping with common sense and the obvious meaning (*ẓāhir*) of the language.[6]

The fact that ha-Levi could write these lines—even if they are attributed to a non-Jew—underscores the new intellectual currents that drove the Judeo-Arabic Rabbanite school. Unlike the Rabbis of the Talmud, who seem sanguine about applying midrashic methods to interpret Scripture, their adherents in the Geonic-Andalusian school actually shared the Karaites' belief in the centrality of grammar, philology and reason for interpreting Scripture properly.

The problem ha-Levi articulates troubled many Rabbanite exegetes, requiring them to maintain a dual allegiance to the contextual-philological sense of the text (*ẓāhir al-naṣṣ*) and the rabbinic interpretive tradition. Ibn Ezra, for example, professes his adherence to "grammar

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Karaites' professed scripturalism, their interpretive methods did not always yield a straightforward, contextual-philological reading of the biblical text; see Frank, "Scripturalism"; Erder, "On the *Peshat*."

  [2] See Lobel, *Mysticism*, 55–57, 65–68; compare Hallaq, *Origins*, 146–147; Schacht, *Introduction*, 69–75.

  [3] A distinction between legal (halakhic) and aggadic exegesis was often made in the Geonic-Andalusian tradition; see chapter one, sections 2, 6 above.

  [4] יבעדהא אלקיאס might also be rendered "that logical reasoning makes unlikely (lit. distant, remote)." The term *qiyās*, as discussed below, was often used in the specific sense of legal analogy or syllogism; but it also connotes *correct reasoning* and *common sense*, as in this context; see Blau, *Dictionary*, s.v. קיאס; Lobel, *Mysticism*, 62; compare Maimonides, *Guide* II:24, Pines trans., 322, n. 1.

  [5] On this term, see below, n. 128.

  [6] *Kuzari* III:68–72, Baneth and Ben-Shammai ed., 142–143. Ha-Levi here is using the term *ẓāhir* to connote the *manifestly correct* interpretation of Scripture; see chapter two, sec. 1.2 above.

and…reason," as opposed to Jewish Bible commentaries he found in Christian Europe, which "do not regard the rules of grammar (משקל מאזנים; lit. weights of the scales), but rely on the way of *derash*."[7] Still, he pledges allegiance to "the transmitters [of tradition], who were all righteous" and promises to "rely on their [words of] truth"; "heaven forbid" would he "join with the Sadducees [i.e., Karaites] who say that their tradition contradicts Scripture and grammar."[8] To balance these opposing values, he posits that Rabbinic exegesis must be read critically: "one who has a mind (lit. heart) will be able to discern when they speak *peshat* and when they speak *derash*, for their words are not all of one type."[9] For Ibn Ezra, the Rabbis themselves "knew the *peshat*," whereas their far-fetched "readings" of Scripture were never intended as serious exegesis, but merely as *derash*, i.e., fanciful homiletics.[10]

Ibn Ezra's solution can be traced to Saadia, who devised his hermeneutical model using Arabic terminology rather than the *peshat-derash* dichotomy. The *halakhah* itself, he argued, was faithfully transmitted from the time the Torah was given. Saadia, in fact, leaves little room for post-Sinaitic rabbinic legislation in his sweeping application of this claim to every detail of talmudic law. As he writes in his essay that "establishes the tradition known from the Mishnah and Talmud":

> Just as the fundamental principles (*uṣūl*; lit. roots) of the law have come to us in the same way that they came to our ancient authorities, by way of [the senses], and they then transmitted to us, so the applications (or: derivatives; *furūʿ*; lit. branches) [of the law] have come to us from knowledge which the forefathers knew by way of the senses.[11]

Using a standard dichotomy of Muslim jurisprudence, Saadia argues that the *halakhah* in its entirety—both the principles ("roots," *uṣūl*)

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[7] Pentateuch commentary, standard introduction, poetic preface and "the fourth way," Weiser ed., I:1,7; see also Simon, "Ibn Ezra," 378.

[8] Pentateuch commentary, standard introduction, "the fifth way," Weiser ed., I:10; see also Maori, "Approach," 43, 50n; idem, "Attitude," 208–215.

[9] *Yesod Mora* 6:1, Cohen and Simon ed., 130–131; see Maori, "Attitude," 213.

[10] See citations in chapter one, sec. 7 above; see also Simon, "Ibn Ezra," 381; Harris, *Fragmentation*, 82–85.

[11] See Sklare, *Samuel ben Hofni*, 160–161 (Arabic text and English translation; the text was originally published in Zucker, *Saadya on Genesis*, 13 [introduction]). Saadia makes this claim elsewhere; see, e.g., Commentary on Genesis, Zucker ed., 13–17 (Ar.); 181–190 (Heb.). This theme is repeated by Ibn Ezra; see his comm. on Lev 25:9, Weiser ed., III:94; *Yesod Mora* 1:3, 6:1, Cohen and Simon ed., 70, 130–131.

and applications ("branches," *furūʿ*)—were given at Sinai.[12] Ever con-
cerned with epistemology, Saadia makes this claim in order to confirm
the validity of the *halakhah* as a true reflection of God's will. For this
purpose he invokes the Muʿtazilite idiom "knowledge of the senses," by
which he means something that one actually witnessed, which yields
*ʿilm ḍarūri* (immediate or compelling knowledge), as opposed to *ʿilm
muktasab* (acquired knowledge), deduced through *naẓar* (speculation,
reflection).[13] The latter might be subject to debate; but the former is
incontrovertible. Saadia thus establishes the truth of talmudic law by
arguing that the generation that stood at Sinai heard it completely for
themselves, and then transmitted it orally over the centuries until it
was recorded in writing in the Mishnah and Talmud.

On the other hand, Saadia regarded the midrashic activity of the
Rabbis to be a later development intended to artificially link the laws
known from tradition to Scripture. Speaking about the "thirteen *middot*
by which the Torah is interpreted" he writes:

> The Rabbis, of blessed memory, did not write down these thirteen
> because they infer (*yastadilluna*) [anything] through them, but rather
> because they found that the laws they had correspond to (lit. tend
> toward) these thirteen types [of inference], not that they...are the foun-
> dation that established [i.e., the true source of] the laws. And just as we
> say about the *Massorah* (the discipline of counting words in Scripture)
> that it clarifies that תיעשה [appears in Scripture] ten [times], בטוב nine,
> בבבל eight [etc.]...these words did not come into being because of the
> *Massorah*, but rather it counted and found thus.[14]

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[12] The *uṣūl-furūʿ* dichotomy was used widely in Judeo-Arabic discussions of
*halakhah*; see Libson, *Custom*, 197–198; Ravitsky, "Development," 215; Zucker,
"Ḥefeṣ," 9 and below at nn. 42, 85. It was also applied outside the context of juris-
prudence. Maimonides, e.g., distinguishes between "the particulars (*furūʿ*) of the reli-
gion," i.e., its legal details, and "its roots," i.e., fundamental principles of belief, which
he also calls *qawāʿid al-sharīʿa* ("foundations of the Law [or: Torah]"); see *Letters*,
Shailat ed., 320 (Ar.); 340–341 (Heb.). Moses Ibn Ezra uses the *uṣūl-furūʿ* dichotomy
in distinguishing between the nature of literal vs. figurative language; see chapter one
above, sec. 6.

[13] See Sklare, *Samuel ben Hofni*, 146–147, 161; compare Hallaq, *History*, 61; see
also n. 38 below. Regarding "acquired knowledge," Sklare writes: "Such knowledge is
acquired through reflection on an indication (*dalīl*) placed in the world by God, which
leads to a conclusion based on it...If this act of reflection meets all the requirements
for soundness (*naẓar ṣaḥīḥ*) it will generate certain knowledge" (*Samuel ben Hofni*,
147). Sklare (ibid.) also notes that *ʿilm muktasab* is used interchangeably with *ʿilm
istadlālī* in Judeo-Arabic sources. This terminology will be significant in our study of
Maimonides below.

[14] Zucker, "*Taḥṣīl*," 378 (Arabic text with Hebrew translation). On *istidlāl*, see pre-
vious note and below, n. 34.

By arguing that the oral tradition is the exclusive source of the full range of Rabbanite *halakhah*, Saadia denies that the *middot* serve any creative legal function.[15]

Karaite scholars, on the other hand, viewed the *middot* as exegetical tools by which the Rabbis derived *halakhah* from Scripture, akin to what was known in Muslim jurisprudence as QIYĀS, i.e., legal derivation based on analogical inference, which Karaite scholars likewise used to create their system of *halakhah*.[16] Obviously, this was based on *naẓar*, i.e., rational speculation to ascertain the will of God. Responding to Saadia's criticism of that endeavor, the tenth-century Karaite scholars Abu Yusuf Yaʿaqub al-Qirqisani and Yefet ben Eli accused him of hypocrisy, since he rejected the validity of *qiyās* while accepting the Rabbis' analogous use of the *middot*.[17] Evidently, Saadia's claim regarding the *middot* was intended to undercut the Karaite accusation by characterizing the *middot* as nothing more than a method for classifying laws transmitted through an authoritative ancient tradition that the Karaites lacked.[18]

## 2. Uṣūl al-Fiqh *(Muslim Jurisprudence)*

Saadia's debate with the Karaites (as well as subsequent discussions of halakhic theory in the Andalusian tradition, including those of Maimonides) can be understood in light of the discipline of UṢŪL AL-FIQH (the roots [i.e., sources] of the law), which aimed to account for the development of Islamic law from the Qurʾan to the prevailing legal system centuries later.[19] By the tenth century, legal scholars recognized four primary sources of Muslim law (*fiqh*).[20] The first two sources—

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[15] See Harris, *Fragmentation*, 76–80; see also below, n. 37.

[16] See Zucker, "Fragments," 321–331, 342; Faur, *Studies*, 89–99; Frank, *Search*, 9, 24–25. On *qiyās* in Muslim jurisprudence, see below, n. 31. It is has been suggested, based on the terminological similarity to the talmudic term *heqqesh* (analogy), that this notion was borrowed from rabbinic jurisprudence; see Libson, *Custom*, 5, 192–193.

[17] See Zucker, "*Taḥṣīl*," 374–375.

[18] Ibid., 373–379.

[19] See Weiss, *Search*, 13–15, 24–28. For a revisionist account of this discipline (which also summarizes the traditional approach), see Jackson, "Functional Analysis."

[20] See Weiss, *Search*, 151–157; idem, *Spirit*, 38, 66–68, 122–127; Hallaq, *Origins*, 122–128; Schacht, *Introduction*, 59–61, 114–115; Lowry, "Shāfiʿī." The term *fiqh* was also used by Judeo-Arabic authors to refer to *halakhah*; see Schwarz, "Fiqh," 349; Blau, *Dictionary*, s.v. פקה.

regarded as the "foundational texts"[21]—were the Qur'an, a written record of the divine word itself, and ḤADĪTH, oral "narratives" or "reports" of the practice (*sunna*) of the Prophet and his companions, which were subsequently committed to writing.[22] The proliferation of *ḥadīth* narratives, which were often fabricated, made it necessary to establish their authenticity based on the principle of TAWĀTUR (lit. continuity, constant recurrence), i.e., the notion that reports transmitted through numerous conintuous and recurrent channels could not possibly be fabricated (and only these were deemed genuine).[23] Beyond the Qur'an and *ḥadīth*, further laws were established based on IJMĀʿ (consensus), i.e., legal decisions accepted by a consensus of Islamic scholars, or, according to some, the Muslim community.[24]

What came to be regarded as the fourth source of law—*qiyās*—has a long, controversial history. Before the absolute authority of the *ḥadīth* was established (at the end of the eighth century), many jurists made legal decisions based upon what was stated explicitly in the Qur'an, supplemented by their own discretionary legal intuition and reasoning, referred to as RAʾY (lit. opinion).[25] As the body of *ḥadīth* grew, however, a split divided two schools of Islamic legal scholars: traditionalists known as *ahl al-ḥadīth* (lit. the folk of *ḥadīth*), who asserted that all laws must be based on what was stated explicitly by the Prophet (as recorded in the Qur'an) and his Companions (as reported in the *ḥadīth*), as opposed to rationalist legal thinkers known as *ahl al-raʾy* (lit. the folk of *raʾy*), who believed that law could also be determined independently based on legal reasoning.[26] Once the authority of the *ḥadīth* had been firmly established, the traditionalists took the upper hand and *raʾy* suffered a decline, its very validity questioned.

The place of rationalism in Muslim jurisprudence would be restored, albeit in a more circumscribed form, in what is termed by W. Hallaq

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[21] See Weiss, *Spirit*, 38; Hallaq, *Origins*, 119.

[22] See Weiss, *Search*, 161–180; Hallaq, *Origins*, 69–76, 128–134.

[23] See Weiss, *Search*, 271–282; Hallaq, *Origins*, 102–109, 134–138; idem, *History*, 58–68. Aiming to reflect the proportion of authentic to inauthentic reports, Hallaq writes: "Indicative of the range of such forgeries is the fact that the later traditionists—who flourished during the third/ninth century [AH/CE]—accepted as 'sound' only some four or five thousand *ḥadīth*s out of a corpus exceeding half a million. This is one of the most crucial facts about the *ḥadīth*, a fact duly recognized by the Muslim tradition itself" (*Origins*, 104).

[24] See, Weiss, *Search*, 181–258; Hallaq, *Origins*, 138–140.

[25] See Schacht, *Introduction*, 37.

[26] See Hallaq, *Origins*, 53–54, 74–76, 113.

the "Great Rationalist-Traditionalist Synthesis" that took hold finally toward the end of the tenth century and signaled the maturation of Muslim legal theory. The roots of this synthesis can be traced to the seminal Muslim legal theorist Muhammad b. Idris al-Shāfiʿī (d. 819), who argues that *raʾy* on its own, as broadly defined, i.e., pure legal reasoning, is arbitrary and cannot be used as a source of law. On the other hand, Shāfiʿī acknowledged the validity of *qiyās*, a more strictly defined form of legal inference based on laws stated explicitly in the Qurʾan and *ḥadīth*.[27] This type of reasoning, alone, can truly ascertain the will of the Divine legislator.[28] But, as Hallaq has shown, the terminological differentiation between *raʾy* and *qiyās* is somewhat misleading, since the former term originally was used for all types of legal reasoning, including those that would come to be known as *qiyās*.[29] Effectively, then, Shāfiʿī defined the type of *raʾy*—i.e., the subset that met the standard of what he termed *qiyās*—that could be regarded as a valid source of law. While influential, Shāfiʿī's view was not universally accepted, and some important theorists rejected even the more restricted category of *qiyās*, insisting on basing Muslim law only on the other three sources. It was only toward the end of the tenth century that these traditionalist opponents of legal rationalism were truly marginalized, and the four-fold system of *uṣūl al-fiqh* became generally accepted in the mainstream of (Sunni) Muslim jurisprudence.[30]

The term *qiyās* (lit. to measure) itself was borrowed to connote legal inference by analogy, which was conceived as "measuring" one thing (i.e., a legal case) against another. Much effort was expended by Muslim legal theorists to define the parameters of this procedure precisely.[31]

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[27] See Hallaq, *Origins*, 114–120.

[28] See Weiss, *Spirit*, 66–87.

[29] As Hallaq, *Origins*, 114, writes:
The concept [of *qiyās*] was already known, without its later name, as early as (if not long before) the beginning of the second/eighth century [AH/CE]. The Iraqians used it, without calling it such, extensively; indeed, Shāfiʿī repeatedly calls them "Folk of *Qiyās*."…A characteristic feature of jurisprudential terminology before Shāfiʿī is that most *qiyās* reasoning was not labeled as such but operated under the general guise of the term "*raʾy*" and its derivatives. When later jurists, including Shāfiʿī, looked back at the contents of earlier *raʾy*, they discerned therein unambiguous forms of *qiyās*.

[30] See Hallaq, *Origins*, 122–128. Shiʿi legal theory, as well as some other minor schools (including the now extinct Ẓāhiri school), did not accept *qiyās*; see Weiss, *Spirit*, 70.

[31] See Weiss, *Search*, 155, 551–558, 633–654; idem, *Spirit*, 66–87; Hallaq, *Origins*, 140–145; idem, *History*, 61, 82–107; idem, "Non-Analogical Arguments."

In applying *qiyās*, a jurist would use reasoning (or: speculation; *naẓar*) to draw an inference from an established law (termed the *aṣl*, i.e., root) stated in the Qurʾan or *ḥadīth*, or one accepted by consensus. Upon determining the rationale (ʿILLA; lit. reason) for the established law, he could then apply it to a new case to yield the appropriate derivative law (the *farʿ*, i.e., branch). The classic example cited to illustrate this procedure is the determination of the status of date-wine. Drinking grape-wine is prohibited explicitly in the Qurʾan, presumably because it is intoxicating. Since this ʿilla applies to date-wine, it, too, is prohibited. Apart from simple analogy, other logical forms of reasoning were also subsumed under the category of *qiyās*, such as the *a fortiori* argument. For example, the Qurʾan prohibits disrespecting parents by saying "Fie!" to them; from this it is deduced *a fortiori* that striking a parent is prohibited.

The notion of *qiyās* was of interest not only in the field of jurisprudence. In the Greek-influenced Arabic discipline of logic (*al-manṭiq*; ordered language; lit. speech), the term *qiyās* was used specifically to denote the *syllogism*, i.e., a structured formal argument that draws a conclusion based on specific premises—expressed in at least two propositions—in accordance with the rules of logic.[32] Maimonides, for example, describes the workings of this form of deduction in chapters six through eight of his *Treatise on Logic*, where he largely draws on Alfarabi. The so-called demonstrative syllogism (AL-QIYĀS AL-BURHĀNĪ), which is incontrovertible, was the gold standard in the eyes of the logicians and had to adhere to strict criteria; e.g., its premises must be known with certainty, and its conclusions apodictic. By contrast, the dialectical syllogism (AL-QIYĀS AL-JADALĪ) allowed for a wider range of premises and modes of reasoning, including analogy, and therefore is not as compelling. Since many Muslim legal theorists were themselves also experts in logic (as Maimonides, e.g., was), it is not surprising that the syllogism as a form of reasoning eventually made its way into *uṣūl al-fiqh*. In fact, the logicians referred specifically to the category of the "juridical syllogism" (AL-QIYĀS AL-FIQHĪ).[33]

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[32] While *qiyās* ultimately became the standard term for the *syllogism* in Arabic logic, we do find an occasional reference to this Greek notion as *sulujismus* (سولوجسموس); see Lameer, *Syllogistics*, 42. For an overview of the syllogism in Arabic logic, see Black, "Logic"; compare Maimonides, *Treatise on Logic*, chapter eight.

[33] See Lameer, *Syllogistics*, 233–258. Maimonides uses this term as well; see *Treatise on Logic*, chapter six, Efros 1938 ed., טו (Ar.); 47 (Eng.); *Book of the Commandments*, introduction, Kafih ed., 54–55; *Letters*, Shailat ed., 380. See also below, n. 97.

Many legal theorists, however, insisted on restricting the legal notion of *qiyās* to the categories listed above (analogy, *a fortiori* reasoning, etc.), and regarded the syllogism merely as *istidlāl* (lit. adducing a *dalīl*, i.e., an "indicator" or proof), a broader category that includes miscellaneous types of derivation outside of the main four sources.[34]

The rationalist-traditionalist divide in *uṣul al-fiqh* in the early tenth century helps to define the debate between Saadia and his Karaite contemporaries. According to Qirqisani, the Karaites—adopting a rationalist legal approach—relied on three sources to establish their *halakhah*: Scripture, consensus (of the Karaite community), and *qiyās*.[35] Saadia, on the other hand, held a view similar to that of the traditionalist Muslim camp, arguing that authentic Jewish law is based only on Scripture and the oral tradition alone, to the exclusion of *qiyās*. Indeed, in his introduction to the Pentateuch, Saadia lists and disqualifies four types of *qiyās* for determining *halakhah*: logical (*manṭiqī*), dialectic (*jadalī*), juridical (*fiqhī*), and "the *qiyās* of the sectarians" (i.e., Karaites).[36] By arguing (in the passage cited above, at n. 11) that the *halakhah* in its entirety—both "roots" and "branches"—was given at Sinai, Saadia removes *naẓar* from the picture.[37] Another component of Saadia's theory was clarified by Samuel ben Hofni, who was asked about the legal status of consensus (*ijmāʿ*) as a source of *halakhah*. Confirming the primacy of the oral tradition, he responded that consensus alone cannot yield *halakhah*, but that laws agreed upon in the Jewish community are authoritative because they fulfill the requirement of *tawātur*, i.e., their preponderance indicates that they reflect genuine ancient oral traditions.[38]

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[34] See Hallaq, "Logic"; Weiss, *Search*, 655–660. The terms *dalīl* and *istidlāl* will be discussed in chapter six, sec. 1, below.

[35] See sources cited in Faur, *Studies*, 80–94; Frank, "Literature," 529–530.

[36] Commentary on Genesis, Zucker ed., 16–17 (Ar.); 188–189 (Heb.); compare Zucker, "Taḥṣīl," 394. For analysis of this classification, see Ravitsky, *Logic*, 32–43.

[37] It is true that Saadia invalidates *qiyās* specifically with respect to the "revelational" commandments (*al-samʿiyya*); see Zucker, "Taḥṣīl," 388–404. Theoretically, one might infer from this that the Gaon accepted the use of *qiyās* in the "rational" commandments (*al-ʿaqliyya*; on this opposition, see chapter three above, sec. 5). However, as Ravitsky (*Logic*, 43–44) argues convincingly, in practice Saadia excluded *qiyās* altogether as a method of determining *halakhah*. On the possibility that Samuel ben Hofni allowed for limited use of *qiyās* see Sklare, *Samuel ben Hofni*, 218–220.

[38] See Sklare, *Samuel ben Hofni*, 161–165. See also Hallaq, "Corroboration," 10, who writes: "The *mutawātir* report, whose authenticity is absolutely certain, reaches us…[from] people witnessing the Prophet saying or doing a particular thing…[and is thus] based on sensory perception (*maḥsūs*).… Epistemologically, this report yields necessary or immediate knowledge (*ʿilm ḍarūrī*)…in contradistinction to mediate

### 3. *Theories of* Halakhah *in al-Andalus*

The "traditionalist"—and thus largely static—Geonic conception of
*halakhah* continued to have some adherents in Muslim Spain even
though it is difficult to reconcile with the tenor of talmudic literature,
where the thirteen *middot* and other midrashic methods do seem to
be used to interpret Scripture and derive new laws.[39] However, a more
balanced approach did emerge, as evident in the following account
by Bahya Ibn Paquda, the eleventh-century Saragossa theologian and
religious judge (*dayyan*).[40] In his religious-ethical work *Duties of the
Heart*, he speaks in passing about the juridical procedures of the "pious
early forefathers," i.e., the Sages of the Talmud:

> When a question occurred regarding the applications (*furūʿ*) of the laws
> and their peculiarities (i.e., unusual cases), they reflected (*naẓarūʾ*) upon
> them (i.e., the laws) at that time with their analogical reasoning (*qiyās*),
> and they extracted (*istanbaṭūʾ*)[41] the law from the principles (*uṣūl*) that
> they safeguarded [i.e., as part of the sacred tradition]…. When the need
> arose to implement the law, if the law was plainly clear from the prin-
> ciples (*uṣūl*) transmitted by the Prophets, peace be upon them, then they
> would implement the law accordingly. And if the question was [a matter]
> of the applications (*furūʿ*), the laws of which are to be extracted from the
> principles (*uṣūl*) of the transmitted tradition, they applied their *raʾy* and
> *qiyās* to them. And if all of the leading scholars agreed (פאן אתפק ג'מיע
> רוסא אלעלם) about their law, then it was decided according to their
> word. And if their *qiyāsāt* (pl. of *qiyās*) disagreed over the law, then the
> opinion of the majority among them was adopted. And this is based on
> their dictum regarding the *Sanhedrin* (the high court in Jerusalem): "If
> a question was posed before them and they had (lit. heard) [a tradition
> about the matter] they told [it to] them [i.e., to the questioners]. And
> if not, they took a vote, if the majority declared it ritually clean, they
> declared it ritually clean, if the majority declared it ritually unclean, they
> declared it ritually unclean" (b.*Sanhedrin* 88b).[42]

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knowledge (*ʿilm muktasab* or *naẓarī*)." Some Muslim thinkers, however, disputed
this and maintained that knowledge from a report cannot be regarded as immediate
knowledge; see Schwarb, "God's Speech," 127*.

[39] See Blidstein, "Tradition," 15–20; Harris, *Fragmentation*, 80–86; Halbertal,
*People*, 54–59.

[40] For the little that is known about Bahya's biography, see Lobel, *Bahya*, 1. To the
references cited by Lobel, we can add that Ibn Ezra cites him as "R. Bahya, the Rav,
the *Dayyan*" in *Yesod Mora* 6:1, Cohen and Simon ed., 131.

[41] On this term in Muslim jurisprudence and exegesis, see Sviri, "*Istinbāṭ*," 381–
388; on its use by Alfarabi, see Ravitsky, "Development," 220–221.

[42] *Duties of the Heart*, introduction, Kafih ed., 28–29; see also Sklare, *Samuel ben
Hofni*, 161n.

To conceptualize his talmudic source, Bahya borrows terminology from *uṣūl al-fiqh* (in which, by his time, the synthesis of rationalism and traditionalism—and the place of *qiyās*—was well established); accordingly he describes how the applications (*furūʿ*) of the law not already known from the received sources (which are the *uṣūl*) are derived through *raʾy* and *qiyās*.[43] As a religious judge, Bahya presumably was quite familiar with this halakhic process himself. But since he evidently did not write works of legal theory or even positive law (i.e., *halakhah*), we do not get much further detail from him. In fact, it is reasonable to assume that Bahya did not depart from Saadia's model on his own authority, since he was not known as a particularly distinguished or innovative talmudist.[44]

Until recently, it was difficult to clarify this matter further due to the fragmentary nature of the extant halakhic literature from eleventh-century al-Andalus.[45] However, from the riches of the Cairo Genizah a fresh outlook on this question has emerged in recently discovered (and soon to be published) fragments of *Kitāb al-Ḥāwī* by David ben Saadia ha-Ger (the Proselyte), who served as a *dayyan* in Granada in the mid-eleventh century.[46] This work, which was evidently influential for over a century in the Judeo-Arabic world, included substantial discussions of both positive law (*halakhah*) and jurisprudence, i.e., the "sources of the law" in the spirit of *uṣūl al-fiqh*.[47] David b. Saadia outlines three major sources of Rabbanite *halakhah*:

(1)  the text of Scripture (lit. the revealed book; *naṣṣ al-kitāb al-manzūl*);
(2)  the transmitted tradition (*al-ḥadīth al-manqūl*);
(3)  interpretation of the matters (*sharḥ al-maʿāni*) by the Sages (lit. folk) of the Talmud.[48]

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[43] Although some Muslim scholars distinguished between these two terms, Bahya here evidently uses them synonymously; see above, at nn. 27, 29; see also below, at n. 50.

[44] As mentioned above (n. 37), it is conceivable that Samuel ben Hofni was already more open than Saadia to the use of *qiyās*. It is also possible to explain Bahya's positive attitude toward *qiyās* simply as a reflection of what seems to occur in the Talmud itself. In other words, Saadia—for polemical reasons—ruled out what would otherwise be the most natural way to interpret the legal process of the Rabbis. (I am grateful to Michael Schwarz [private communication] for this suggestion.)

[45] See Ta-Shma, *Commentary*, 160–185.

[46] Sklare, "*Ḥāwī*," 109–123.

[47] Ibid., 103–109.

[48] Stampfer, "Jewish Law," 221.

This tripartite division seems to be based the talmudic dictum "A person must always divide his years [for study] into three: a third in Scripture, a third in Mishnah and a third in Talmud" (b.*Qiddushin* 30a).[49] David b. Saadia identifies Mishnah with the category of *ḥadīth* in *uṣūl al-fiqh*. The Talmud, which seems to be cast here as an interpretation of the Mishnah and perhaps Scripture, is regarded by David b. Saadia as being composite:

> And as for the interpretations of the matters by the Sages (lit. folk) of the Talmud, this occurs in two ways: some of them are (a) interpretations transmitted (*manqūl*) explicitly; and others are (b) interpretations extrapolated (*mustakhraj*) through unadulterated judgment (*ra'y*) and sound analogy (*qiyās*). And about this they say: "If it is a tradition (*halakhah*) we must accept it; but if it is a logical inference (*din*), there may be an objection to it" (m.*Keritot* 3:9).[50]

Using the mishnaic categories of "tradition" and logical inference, David b. Saadia distinguishes between two sorts of *sharḥ* (interpretation): some interpretations derive their authority from tradition, while others are the product of independent judicial reasoning—which he term *ra'y* and *qiyās*. This clear statement by David b. Saadia, coupled with Bahya's remarks, suggest that the dynamic model of *halakhah*, powered by concepts from Muslim jurisprudence, had taken root in al-Andalus by the end of the eleventh century.

Whereas Saadia's static model of talmudic *halakhah* was tacitly rejected, his characterization of (at least some) rabbinic "readings" of Scripture as secondary projections onto the biblical text rather than genuine exegesis continued to exert influence in al-Andalus. Judah ha-Levi, in response to the challenge of the disparity between the *ẓāhir* of Scripture and rabbinic exegesis (mentioned above, at n. 6), suggests that the Rabbis at times may have

> used the verses by way of [an artificial] prooftext (*isnād*) which they called *asmakhta* (lit. support), used as a sign (ʿALĀMA) for their tradition. As they made "And the Lord God commanded the man, saying: Of every tree of the garden you are free to eat" (Gen 2:16) a sign for the seven commandments commanded to the children of Noah:
> "And [He] commanded"—these are the social laws.
> "The Lord"—this is blasphemy.

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[49] See also below, chapter ten, sec. 3.6.
[50] Stampfer, "Jewish Law," 223. On the notion of *istikhrāj* see n. 91 below. Regarding the rule in m.*Keritot* 3:9, see Jastrow, s.v. הלכה.

"God"—this is idolatry.
"The man"—this is bloodshed.
"Saying"—this is adultery.
"Of every tree of the garden'—this is robbery.
"You are free to eat"—this is [the prohibition to eat] a limb [torn] from a living animal. (b.*Sanhedrin* 56b).

How divergent are these meanings (or ideas; interpretations)[51] and this verse! But these seven commandments were transmitted to the nation by tradition, and they attached it to this verse as a sign (SIMAN) to make it easier to remember.[52]

Ha-Levi here uses the talmudic term *asmakhta*, which he renders ISNĀD in Arabic, to characterize this type of artificial prooftext (or "sign"; *siman* [Heb.], ʿalāma [Ar.], i.e., mnemonic device) for laws that are known through tradition, as his younger colleague and friend Abraham Ibn Ezra would do.[53] But ha-Levi knew that this account is difficult to project onto all rabbinic halakhic exegesis and therefore adds that in some cases another procedure seems to be at work:

They [must have] had secrets hidden from us in their ways of interpreting (*tafsīr*) the Torah, which came to them as a tradition in the usage of the "thirteen *middot*." … And perhaps both methods [i.e., this and *asmakhta*] were used by them in the interpretation of the verses.[54]

Unlike David ben Saadia and Bahya, ha-Levi resists recognizing the validity of *qiyās* as a source of *halakhah*—in order not to validate the parallel Karaite endeavor;[55] yet he recognizes that the thirteen *middot* were used by the Rabbis to create new legislation. But since they do not resemble any rational exegetical method, ha-Levi is at a loss to explain precisely how these rules worked, and therefore characterizes

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[51] *Aghrāḍ* (sing. *gharaḍ*; see below, n. 126).
[52] *Kuzari* III:73, Baneth and Ben-Shammai ed., 143.
[53] See chapter one, sec. 7, above. While this concept has its roots in the Talmud, the term *asmakhta* is used there for laws of rabbinic origin artificially "attached" to a biblical verse. But ha-Levi and Ibn Ezra use the term *asmakhta* in association with laws of biblical authority, i.e., ones given orally at Sinai together with the Written Law, i.e., the Pentateuch. For a similar depiction in Maimonides, see below, n. 127. Maimonides, however, rules that such laws do not have biblical authority, notwithstanding their Sinaitic origin; see *Responsa* #355, Blau ed., II:632 (cited in chapter six below, sec. 1).
[54] *Kuzari* III:73, Baneth and Ben-Shammai ed., 143.
[55] See *Kuzari* III:23–37; III:49 and the discussion below. See also Lobel, *Mysticism*, 58–68. As Lobel notes, however, ha-Levi is not entirely consistent in this matter, as he does at times refer to *qiyās* being applied by the Rabbis; see *Kuzari*, III:49, Baneth and Ben-Shammai ed., 129–130.

them as a mysterious cipher.[56] Still, this account of the *middot* (unlike Saadia's) implies that the Rabbis were empowered to apply them independently to interpret Scripture and create new legislation.[57]

Embroiled in an anti-Karaite polemic, ha-Levi took great pains to distinguish between novel rabbinic legislation through the *middot* and the method of *qiyās* used by the Karaites. To begin with, he emphasizes tradition as the preponderant source of *halakhah*, stating that "the great majority of our religious laws (*sharā'i*) are based on the authority of (lit. are supported by; *musnada*) Moses, [as the Talmud says:] '*halakhah* to Moses from Sinai,'" whereas only "some of our laws are 'from the place that God will choose' (Deut 17:8, 10)."[58] In citing this biblical phrase, ha-Levi refers to the following passage in Deuteronomy that he understands to be the basis for post-biblical (rabbinic) legislation:

> If a case is too baffling for you to decide, be it a controversy over homicide, civil law or assault—matters of dispute in your courts—you shall promptly repair to the place that the Lord your God will have chosen, and appear before the levitical priests or the judge at the time, and present your problem. When they have announced to you the verdict in the case, you shall carry out the verdict that is announced to you from that place that the Lord chose, observing scrupulously all their instructions to you. You shall act in accordance with the law they legislate to you and the ruling they tell you; you must not deviate from the decision that they announce to you either to the right or to the left. (Deut 17:8–11)

This passage was taken traditionally to refer to the high court in Jerusalem, known as the *Sanhedrin*. According to ha-Levi, this judicial body was authorized to legislate new laws because the Sages of the *Sanhedrin* were not only wise, they also had divine guidance:

> the *amr ilāhi* (divine matter) was most certainly attached to them, either through prophecy (*nubuwwah*) or divine support (*ta'yīd*) and inspiration

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[56] In using the term *tafsīr* (interpretation) in this context, ha-Levi implies that the *middot* were used to discover the original intent of Scripture, a view Maimonides would challenge, as discussed below. Ha-Levi thus represents a sort of modification of Saadia's system: he acknowledges the creative use of the *middot*, though he endeavors to differentiate them from *qiyās*, which is based on human reasoning. As Sagi ("Praxis," 306–309, 313–317) shows, ha-Levi believed that in applying the *middot*, the Rabbis were *discovering* the meaning of God's word, adhering to what Sagi terms the "discovery model" of truth, as opposed to the "creative model"; see also below, n. 95.

[57] Cf. Harris, *Fragmentation*, 82, who remarks: "Halevi denies to rabbinic halakhic midrash any creative role in the fashioning of the halakhic system." In light of ha-Levi's reference to the *middot* as *tafsīr al-Torah*, this statement ought to be qualified. I.e., he *limits* the creative role of rabbinic halakhic midrash.

[58] *Kuzari* III:39, Baneth and Ben-Shammai ed., 122.

(*ilhām*), as it was in the Second Temple… And thus the law of *Megillah* and *Purim* and the law of *Ḥanukkah* are obligatory and we are permitted to say "[Blessed are You, O Lord…] Who has commanded us to read the *Megillah*" and "[…]to kindle the light of *Ḥanukkah*"…. And others like it. Now if these religious practices of ours had come out after the exile [when prophecy had ceased], they would not have been termed "religious duty" ( *farḍ*; i.e., a *miṣwah*), and we would not have been obligated with a blessing [over their performance], but it would have been said of them that they are an "enactment" (*taqqanah*) or "custom" (*minhag*).[59]

For ha-Levi, the authority of the ancient Sages of the *Sanhedrin* is rooted in a special connection with the divine spirit located in the Temple. Unlike Karaite *qiyās*, which is based primarily on human legal reasoning and is thus fallible by nature, Rabbanite laws (aside from the distinct lesser category of enactments and customs) that are not explicit in the Torah are either transmitted from Moses or at least have the authority of later manifestations of prophecy.[60]

## 4. *Maimonides' Theory of the "Sources of the Law"*

Despite differences between David ben Saadia and Bahya, on the one hand, and ha-Levi, on the other (most notably regarding the validity of *qiyās*), these three Andalusian scholars represent a more dynamic model of *halakhah* than the one portrayed by Saadia. It is against this backdrop that Maimonides must be evaluated, since he operated within their intellectual sphere and seems to have been influenced by their writings.[61] Like ha-Levi, he sought to provide a justification for the tenuous rabbinic midrashic "readings" of Scripture, not least in light of the Karaite challenge spelled out quite clearly in his Mishnah Commentary:

> The heretics we call Karaites in Egypt, referred to by the Sages as Sadducees and Boethusians… began challenging the tradition (*naql*) and interpreting the [biblical] texts (*taʾwīl al-nuṣūṣ*) according to what seemed most cogent to each individual without yielding to a Sage at all, in violation of His dictum, may He be exalted: "[You shall act] in

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[59] *Kuzari* ibid. On this passage, see Lobel, *Mysticism*, 132–133. Ha-Levi refers here to the talmudic ruling that a blessing is to be recited even when performing a *miṣwah* of rabbinic origin, such as kindling the Hanukkah light; see b.*Shabbat* 23a. On the categories of *taqqanah* and *minhag*, see below, at n. 135.

[60] See Lobel, *Mysticism*, 132–133; Arieli, "Halevi," 45–47.

[61] See Kreisel, "Influence"; Cohen, *Three Approaches*, 180, 208–212. On David b. Saadia's possible influence on Maimonides, see Stampfer, "Jewish Law," 223n.

accordance with the law they legislate to you…You must not deviate
from [it]" (Deut 17:11).[62]

Rather than responding to the Karaites on empirical grounds,[63] he
argues simply that legislative authority was granted only to the Rab-
bis, undercutting the validity of independent legal exegesis. Maimo-
nides based this argument on Deut 17:11, as he explains more fully in
*Mishneh Torah*:

> The Torah placed trust [in]….the [Sages of the] great religious court
> (בית דין הגדול) in Jerusalem…as it says: "[You shall act] in accordance with
> the law they legislate to you"—this is a positive commandment…Who-
> ever does not act according to their ruling violates a negative command-
> ment, as it says: "You must not deviate from the decision that they
> announce to you either to the right or to the left".… Whether it be mat-
> ters they expounded based on the tradition (*MI-PI HA-SHEMUʿAH*), which
> are the Oral Law (*Torah she-be-ʿal peh*), or matters they deduced through
> their own understanding with one of the *middot* by which the Torah is
> interpreted.[64]

Maimonides makes a critical distinction between two aspects of rab-
binic legislative authority. On the one hand, the Rabbis are faithful
transmitters of the "Oral Law" (*Torah she-be-ʿal peh*, a term often used
in rabbinic literature), i.e., the interpretations of Scripture transmitted
in an unbroken chain from Sinai. Indeed, among the thirteen cardinal
principles of faith Maimonides lists in the Mishnah Commentary, we
find, along with the divine origin of Scripture itself, the belief that "its
transmitted interpretation (*TAFSĪR MARWĪ*) is also from the Almighty."[65]
This would make the Rabbis' biblical exegesis superior to that of the
Karaites because it is based on an interpretive tradition (*shemuʿah* as
Maimonides terms it) from God Himself.

  But Maimonides also acknowledged the creative role the Rabbis
played in applying the thirteen *middot*. In order to undercut the analo-
gous Karaite system of *halakhah* based on *qiyās*, he argues that Deut

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[62] Comm. on m.*Avot* 1:3, Kafih ed., IV:410. On the Karaite-Sadducee link, see Erder,
"Karaites."

[63] I.e., by claiming the rational or philological superiority of rabbinic tradition over
Karaite analysis, as Ibn Ezra seems to do; see Pentateuch comm., standard introduc-
tion, "the second way," Weiser ed., I:2–6.

[64] *Hilkhot Mamrim* 1:1–2.

[65] Introduction to *Pereq Ḥeleq*, Shailat ed., 372–373 (Ar.); 144 (Heb.). Compare the
locution אלתפאסר אלמרויה ען משה ("the interpretations handed down/transmitted
from Moses"), Introduction to the Mishnah, Shailat ed., 338 (Ar.); 40 (Heb.).

17:11 grants exclusive legislative-interpretive authority to the Rabbis—
a strategy employed by ha-Levi. Yet Maimonides adamantly excludes
prophecy—in any form—from the process of deriving *halakhah* from
Scripture, either by direct interpretation (*tafsīr*) of the text, or by
applying the *middot*, which (as we shall see presently) he character-
izes as *qiyās*, in the spirit of David b. Saadia and Bahya. Maimonides
articulates this fundamental principle of his legal theory in his intro-
duction to the Mishnah:

> Know that prophecy is of no utility in speculation (*naẓar*) regarding
> the interpretation (*tafsīr*) of the Torah, and extrapolating (*istikhrāj*) the
> derivative laws (*furū*ʿ) through the thirteen *middot*…[66]

The great talmudist derives this separation of powers from a biblical
verse:

> And this is the dictum [of Scripture about the law]: "It is not in the heav-
> ens…[No, the thing is very close to you,] in your mouth and in your
> heart" (Deut 30:12–14). The meaning is: the texts (*nuṣūs*) preserved [i.e.,
> committed to memory] in the mouth, and the [legal] syllogisms (*qiyāsāt*)
> extrapolated through speculation, which…originates in the heart.[67]

Maimonides goes on to explain that the prophet—invested with divine
authority—is empowered to make ad hoc religious, military, politi-
cal or social decisions with legal implications, as evident throughout
Scripture. The great codifier regards these as extra-judicial decrees for
a moment of need alone. It does not, however, imply that a prophet
has any special judicial status, for

> in this respect alone [i.e., prophecy], he is different from other people.
> However, with respect to speculation (*naẓar*) and legal syllogism (*qiyās*)
> and study of the Law (*tafaqquh fī al-sharīʿa*), he is like all the rest of
> the sages, who do not have prophecy. Now if he devises an interpreta-
> tion (*taʾwīl*) and another who is not a prophet devises an interpreta-
> tion (*taʾwīl*), if the prophet says, "God told me that my interpretation
> is the correct one," we must not listen to him. [Even] if a thousand
> prophets—all like Elijah and Elisha—would devise an interpretation
> (*taʾwīl*), and a thousand-and-one sages would devise an opposing inter-
> pretation (*taʾwīl*), [we must] "follow the majority" (Exod 23:2), and the
> law is according to the thousand-and-one sages…for God did not direct

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[66] Introduction to the Mishnah, Shailat ed., 329 (Ar.); 29 (Heb.). On the term
*istikhrāj*, see below, n. 91.

[67] Ibid., 330 (Ar.), 31 (Heb.). On the translation of *qiyās* as syllogism, see below.

us to the Prophets [for determining the law], but rather directed us to none other than the Sages (ʿulamāʾ), [who are] the "folk of qiyās."[68]

Maimonides, by contrast with (and perhaps reacting to) ha-Levi, emerges as a decisive rationalist: the original body of *halakhah* is based on a one-time Mosaic prophecy—that included the text of the Pentateuch itself ("Written Law") and its oral interpretation ("Oral Law"), both transmitted through the channel of tradition—but this original core of laws was then subject to augmentation through purely human exegetical and legal reasoning.

A major contribution of recent Maimonidean scholarship has been the identification of this two-tiered legal system as a fundamental element in his theory of the sources of the *halakhah*, i.e., a Jewish version of *uṣūl al-fiqh*,[69] a matter addressed in important studies by Y. Levinger, J. Faur, J. Harris, D. Henshke, M. Halbertal, A. Ravitsky and—most extensively—G. Blidstein.[70] As Blidstein writes:

> The term Oral Law…denotes only the divine explanation of Scripture given explicitly at Sinai [as opposed to] subsequent interpretation and legislation…That which is Oral Law is historically Sinaitic, but rabbinic interpretation and legislation are no less historically man's deed… Maimonides…anchors much of the Talmudic tradition in objective human creativity.[71]

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[68] Ibid., 335 (Ar.); 36 (Heb.); compare the medieval Hebrew translation by Alharizi, Rabinowitz ed., 27–28. The term * taʾwīl* here connotes an interpretation that goes beyond what is stated explicitly in the text, i.e., an inference from the text—specifically through *qiyās*. Accordingly, Alharizi renders *taʾwīl* in this context *sevara* (i.e., logical reasoning)—the very term he uses to render *qiyās* (which other medieval translators rendered *heqqesh*, its Hebrew cognate; see chapter ten, n. 31 below). As noted a number of times earlier in this study, the term *taʾwīl* was often used in the Judeo-Arabic tradition to connote *a non-literal interpretation*; see, however, below, n. 72. For further discussion of the nuances of this term as used by Maimonides, see chapter ten below.

[69] See Blidstein, "*Halakhah*," 13. On Maimonides as a Jewish *uṣūlī*, see Faur, *Studies*, 9. Maimonides' familiarity with Muslim jurisprudence per se has been amply demonstrated in recent scholarship; see, e.g., Libson, "Parallels"; Kraemer, "Influence"; Bloomberg, "Legal Terms."

[70] See Levinger, *Techniques*, 34–65; Faur, *Studies*, 13–49; Harris, *Fragmentation*, 86–90; Henshke, "Basis"; Halbertal, "Architecture," 457–473; idem, *People*, 54–63; Ravitsky, "Arguments"; idem, "Development"; idem, "Logic," 64–79; Blidstein, *Authority*, 34–45; idem, "Tradition," 14–20; idem, "Oral Law," 108–114.

[71] Blidstein, "Oral Law," 110–111. Maimonides does at times appear to use the term "Oral Law" in a more general sense to connote all laws that are not explicit in the biblical text, including those newly enacted by the Rabbis. See Blidstein, *Authority*, 27; idem, "Tradition," 13n; cf. Henshke, "Basis," 128n, who argues that the term "Oral Law" in Maimonides is always used in the restricted sense.

This focus on human creativity distinguishes the dynamic Maimonidean halakhic model from Saadia's static one, as the above-mentioned scholars have emphasized. Building on their work, we will examine the hermeneutical terms and concepts that he employs in presenting his model.

Few great talmudists devoted as much space to *uṣūl al-fiqh* as Maimonides. Above we have cited a brief passage on this matter from Maimonides' mature halakhic work, *Mishneh Torah*, his great code of law. But in his earlier works, written in Arabic, he presents his theory more fully. Indeed, in the introduction to his very first major halakhic work, the Mishnah Commentary, he already presents a fully formed system of *uṣūl al-fiqh*. It is this presentation that will be our focus for the remainder of the current chapter. In the next chapter we will turn to *The Book of the Commandments*, where he refines his halakhic theory and correlates it with an exegetical theory based on the talmudic rule of *peshat*.

## 4.1. *Transmitted Interpretations*

Maimonides begins his Mishnah Commentary by reconstructing how the laws of Torah were received at Sinai:

> Know that every law that God revealed to Moses our master was only revealed to him with its interpretation. God told him the text (*naṣṣ*), and then told him its *tafsīr* and *taʾwīl*…And they (i.e., Israel) would write the text and commit the [interpretive] tradition (*naql*) to memory. And thus the Sages, peace be upon them, say: "the Written Law" and "the Oral Law," and…[that] "all of the commandments (*miṣwot*), their general principles, their details and their particulars (כללותיהן ופרטותיהן ודקדוקיהן), were said at Sinai"…[thus for all] six hundred and thirteen laws.[72]

The first distinction Maimonides makes here is between the text of the Torah and its original oral interpretation given at Sinai (which itself can be divided into two parts, *tafsīr* and *taʾwīl*, as discussed below). The text (*naṣṣ*) was copied physically, while the oral interpretation was

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[72] Introduction to the Mishnah, Shailat ed., 327–328 (Ar.); 27–28 (Heb.). Part of this passage was cited in chapter two, sec. 3 above. On Maimonides' juxtaposition of *tafsīr* and *taʾwīl* here, see below, n. 81; see also the discussion of this passage in chapter two, and in the dedicated study of the term *taʾwīl* in chapter ten below. The medieval Hebrew translator Judah Alharizi renders *tafsīr wa-taʾwīl* as פירושה וענינה (Rabinowitz ed., 9).

preserved through "transmission" (*naql*), i.e., a tradition by word of mouth. This sharp distinction between *naṣṣ* and *naql* is of fundamental significance for Maimonides and is reflected in his carefully crafted terminology in his other writings—in both Hebrew (*Mishneh Torah*) and Arabic (the *Book of the Commandments*)—which enables him to specify which laws derive directly from the text Scripture ("Written Law") and which depend on the oral tradition ("Oral Law") to interpret the text, as the following chart illustrates:

| | Written Law | Oral Law |
|---|---|---|
| Maimonides' Arabic: *Book of the Commandments* [medieval Hebrew trans. by Moses Ibn Tibbon] | נץ אלתורה [=לשון התורה] "the language (or: very wording, text) of the Torah" <br> נצת אלתורה [=בא לשון התורה] "the Torah stated explicitly"[73] <br> ג'א אלנץ [=בא הכתוב] "the text [i.e., Scripture] came [to say]" <br> ביין אלנץ [=ביאר הכתוב] \ תביין פי אלנץ [=התבאר בכתוב] "the text made clear"/"it was made clear in the text"[74] | ג'א פי אלתפסיר אלמרוי [=בא בפירוש המקובל] "it came [to us] in the transmitted (Heb. received) interpretation"[75] <br> ג'אנא אלנקל פי תפסיר הד'א אלפסוק [=ובאה הקבלה בפירוש זה הפסוק] "the tradition has come to us in the interpretation of this verse"[76] |

[73] The term נץ can be a noun) vocalized *naṣṣ*) meaning *text* or *the very wording, formulation, language of a book* (as reflected in the Hebrew translation לשון), or a verb (*naṣṣa-yanuṣṣū* [=masc.]; *naṣṣat-tanuṣṣū* [fem.]; past participle *manṣuṣ*) meaning *to specify, to state explicitly*. See Lane, s.v., نصّ; compare Blau, *Dictionary*, s.v., נצץ. Accordingly, נצת אלתורה means *the Torah stated explicitly*, whereas נץ אלתורה (in the construct state) means *the language (or: very wording, text) of the Torah*. The term *naṣṣ* can also connote a perfectly clear text that is not subject to interpretation; see Weiss, *Spirit*, 122; Hallaq, *Origins*, 209.

[74] See, e.g., *Book of the Commandments*, Positive Commandment #46, #52, #54, #55, #88, #89, #110, #128, #236, #239, Negative Commandment #5, #90, #192, #195, #228, #318, #328, #355. Compare the locution נץ ג'לי בביאן ("a clearly explicit [biblical] text") in Negative Commandment #194. Maimonides uses similar phraseology dozens of times in his Mishnah Commentary. In *Guide* III:41, Munk-Joel ed., 409, 415, he uses the term *naṣṣ-nuṣūṣ* in his endeavor to interpret Scripture independently of the *halakhah* (which derives from the transmitted interpretation); see chapter three above, sec. 1; see also Twersky, *Code*, 437n; Blidstein, "*Halakhah*," 15–16, and below, n. 116. In his halakhic works, of course, he accepts the "transmitted interpretation" implicitly; see below, n. 80.

[75] The term *tafsīr marwī* might be rendered more literally "handed-down interpretation." Ibn Tibbon renders it *perush mequbbal*, i.e., "received interpretation."

[76] See, e.g., *Book of the Commandments*, Positive Commandment #6, #8, #32, #33, #109, #153, #157, #159, #164, #173, #177, #198; Negative Commandment #20, #21, #30, #132, #336. These expressions occur numerous other times in *The Book of the Commandments*, as well as in the Mishnah Commentary.

Table (*cont.*)

| | Written Law | Oral Law |
|---|---|---|
| Maimonides' Hebrew: *Mishneh Torah* | מפורש בתורה, בפירוש...בתורה<br>"explicit...in the Torah"[77] | מפי השמועה למדו<br>"based on the tradition they expounded"[78] |

The terminology in the left-hand column reflects Maimonides' spirited endeavor to demonstrate, wherever possible, that the laws he codifies are among "the commandments written clearly in the text of the Torah,"[79] which even the Karaites would be hard-pressed to reject in light of their professed scripturalism. The price he pays is the implicit admission that in other cases the Rabbanite legal system requires faith in the Oral Law. And, indeed, as a number of scholars have observed, wherever Maimonides employs the phrases "transmitted interpretation" and "based on the tradition they expounded" he tacitly acknowledges that his reading of the biblical prooftext is not a straightforward philological analysis.[80] In other words, it is not *ẓāhir al-naṣṣ*.[81]

Maimonides' initial account of the Oral Law would seem to echo Saadia (above, at n. 11), especially since he cites the rabbinic dictum regarding the "general principles...details and...particulars" of the commandments (above, at n. 72). For him, the "transmitted

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[77] See *Mishneh Torah*, *Hilkhot Deʿot* 6:10; *Shabbat* 20:2; *Shofar* 7:22; *Issurei Biʾah* 12:10–11; *Sheḥitah* 5:3, *Maʾakhalot Asurot* 6:1; *Shevuʿot* 5:2; *Shegagot* 10:5, *Ḥovel u-Mazziq* 4:9. In Responsum #355, however, the term is used in a different sense, as discussed in chapter six, sec. 1, below.

[78] This expression, which appears over a hundred times in *Mishneh Torah*, has its origins in geonic literature; see Halivni, *Peshat & Derash*, 83; Elbaum, *Perspectives*, 58. The equivalence of *mi-pi ha-shemuʿah* and *tafsīr marwī* can be seen, e.g., by comparing *Book of the Commandments*, Principle #9, Positive Commandment #198 (Kafih ed., 40, 159) with *Hilkhot Sanhedrin* 18:3, *Malweh we-Loweh* 5:1, respectively. See also Henshke, "Basis," 138–144; cf. Ettinger, "Legal Logic," 21n.

[79] אלמצוות אלמנצוצה פי אלתורה בביאן (=המצוות הכתובות בתורה בבאור); *Book of the Commandments*, Principle #2, Kafih ed., 14 (cited below, chapter six, sec. 2); Hebrew translation by Moses Ibn Tibbon (Heller ed., 8, 13–15).

[80] See Levinger, *Techniques*, 40; Neubauer, *Divrei Soferim*, 87; Ettinger, "Legal Logic," 21.

[81] Maimonides might be alluding to this by using the pair of terms *tafsīr* and *taʾwīl* when initially describing the Sinaitic interpretive tradition given to Moses by God (above, at n. 72). Indeed, when we first discussed this passage in chapter two (sec. 3) above, we suggested that the term *taʾwīl* refers specifically to such interpretations, which override *ẓāhir al-naṣṣ*. It should be noted, however, that Maimonides does not usually make this terminological distinction, as he uses the term *tafsīr marwī* (*tafsīr* in a broad rather than restrictive sense) to include cases that do not accord with *ẓāhir al-naṣṣ*; i.e., they are based on *taʾwīl*.

interpretation" was comprehensive, and left no biblical text unclear. There are, however, some new aspects in Maimonides' account. Unlike Saadia, he does not use the *aṣl-farʿ* (root-branch) dichotomy to describe the range of laws covered by the "transmitted interpretation," a matter to which we will return shortly. Maimonides also refines Saadia's theory by clarifying the interpretive nature of the Oral tradition, regarding it not merely as a body of laws, but as an actual commentary on the Written Law. More significantly, he makes an additional—and rather striking—claim, which he deems a principle of critical importance: "that the interpretations transmitted from Moses, there was no debate about them at all…at any time, from Moses to R. Ashi [the last of the talmudic Sages]."[82] The implications of this claim—and why it is incompatible with Saadia's model—become clear when we turn to the next source of law that Maimonides describes.

## 4.2.  *Derivations through the* "*Thirteen* Middot"

Maimonides, using language that echoes David b. Saadia and Bahya, goes on in his account of the development of *halakhah* to explain how it expanded after Moses' time:

> Whatever…the elders received [from Moses] was not subject to discussion or disagreement. But the applications (*furūʿ*) not heard from the Prophet were subject to discussion, the laws being extrapolated (*tustakhraju*) through *qiyās*, with the thirteen rules given to him at Sinai, and they are "the thirteen *middot* by which the Torah is interpreted." And among those extrapolated [laws were] matters that disagreement did not occur in them, but rather there was consensus (*ijmāʿ*) about them; but in some of them there was disagreement between the two syllogisms: for this one devised a syllogism and maintained it strongly, and the other devised a[nother] syllogism and maintained it strongly, for this typically occurs with the dialectic syllogisms (*al-maqāyīs al-jadaliyya*).[83] And if such a disagreement arises, the majority is followed, because of the dictum of God: "Follow the majority" (Exod 23:2).
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>     …And when Joshua, peace be on him, died, he transmitted to the Elders (a) the interpretation (*tafsīr*) that he received, (b) what was

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[82]  See below, at n. 104.

[83]  The plural form *maqāyīs* used by Maimonides here and elsewhere (e.g., in his *Treatise on Logic*, chapters six through eight), is found in Alfarabi's writings; see Lameer, *Syllogistics*, 42–43. The more usual form *qiyāsāt* is used, e.g., by Bahya (above, at n. 42) and Maimonides himself at times (see, e.g., above at n. 67). See also Blau, *Dictionary*, s.v., קיאס, מקיאס.

extrapolated (*ustukhrija*) in his time about which there was no disagreement, and (c) what was subject to disagreement and was decided according to the opinion of the majority.[84] And it is about them [i.e., those Elders] that Scripture says: "and all of the days of the elders who lived on after Joshua" (Josh 24:31). After that, those Elders transmitted what they received to the Prophets, peace be upon them, and the Prophets one to another. And there was no time at which there was no study of *halakhah* (*tafaqquh*) and [legal] creativity (*tantīj*; or: bringing forth new things, drawing new conclusions). And the people of each generation made the words of those who came before them a principle (*aṣl*), and [laws] would be extrapolated (*yustakhraju*) from it, and new conclusions would be drawn (*yuntaju natāʾij*); and [as for] the [original] transmitted principles (lit. roots; *al-uṣūl al-marwiyya*) [i.e., from Moses], there was no disagreement about them.[85]

Whereas Saadia had argued that all of talmudic law—*uṣūl* and *furūʿ*—can be traced directly to Sinai, Maimonides argues that only a relatively small core of laws—the "transmitted principles" (*al-uṣūl al-marwiyya*)—was given there, in the text of the Torah with its "transmitted interpretation." But much of *halakhah* was left to be extrapolated through the *middot*, yielding derivative laws, i.e., *furūʿ*.[86] As he would clarify in *The Book of the Commandments*, the number of *uṣūl* is fixed at 613, whereas the *furūʿ* number "in the many thousands."[87]

The terminology Maimonides uses to describe this dynamic process is revealing. He refers to the constant creative legislative activity of the Sages as TAFAQQUH and TANTĪJ. The first term can be rendered simply "the study of *fiqh*"; but it also seems to have the connotation of the original sense of the root *f-q-h* (understanding, comprehension), which in this form of the verbal noun would yield the notion of

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[84] On the importance Maimonides places on the distinction between categories (b) and (c), see below at n. 98.

[85] Introduction to the Mishnah, Shailat ed., 328, 335 (Ar.); 28–29, 36–37 (Heb.).

[86] Much has been made of Maimonides' supposed originality in this respect. Halbertal, e.g., writes: "He is the first to claim that the Sages introduced novel interpretations of the Torah of their own invention alongside the received tradition from Moses" (*People*, 59). This claim, however, must be adjusted in light of the above-cited passages from David b. Saadia, Bahya and ha-Levi, which point to a pre-existing dynamic halakhic model in his Andalusian heritage. Of course, it is not unreasonable to suppose that Maimonides, a master of innovative conceptualization, refined and sharpened this model; yet the extent of his originality is difficult to gauge since we still have only fragmentary knowledge of early Andalusian talmudic scholarship.

[87] *Book of the Commandments*, Kafih ed., 14.

probing, aiming for a deep understanding, i.e., of *halakhah*.[88] The term *tantīj* means to draw new conclusions;[89] but it also has a figurative overtone of creativity that brings to mind B. Weiss' characterization of Muslim jurisprudence:

> The Arabic term *uṣūl* literally means "roots." The rules [i.e., laws; MC] that the jurists produce are called, on the other hand, "branches" (*furū'*) or "fruit" (*thamara*). The extraction of rules from the sources is often called "harvesting" (*istithmār*). The work of the jurists is thus described by means of agricultural metaphors. Only the roots (that is, the sources) are given; the branches, or fruit, are not but rather must be made to appear; and for this human husbandry is required. The jurist is the husbandman who must facilitate the growth of the law…out of the roots.
>
> In carrying out this task, the jurist must first explore…the meaning of the texts in order to determine what rules are contained within that meaning. This task requires him to employ the skills of a philologist and to be well versed in Arabic lexicography, morphology, syntax and stylistics…When he is satisfied that he has harvested whatever rules of law lie within the text's meaning thus conceived, he may then…attempt to see what further rules may be gleaned by way of *qiyās* with rules already determined.[90]

Although Maimonides does not use the language of harvesting, he does make a clear distinction between the two types of legal analysis delineated by Weiss. For Maimonides, the laws stated in Scripture—according to its transmitted interpretation—are the *uṣūl*, from which further laws are derived using the *middot*. He refers to this process

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[88] For a similar usage of the term *tafaqquh* in Muslim jurisprudence together with *istikhrāj* and *istinbāṭ*, see Sviri, "*Istinbāṭ*," 385–387. Alharizi here renders *tafaqquh* התבוננות (Rabinowitz ed., 28). Maimonides elsewhere identifies this legislative activity with what is referred to in rabbinic sources as *pilpul* (dialectics, probing study) and *diqduq* (scrutiny; as in דקדוקי סופרים [=scrutiny by the scribes/sages]); see *Book of the Commandments*, Principle #2, Kafih ed., 15. On the definition of *fiqh* and its relationship to the notion of understanding and intellectual probing, see Weiss, *Search*, 24–25; Yunis Ali, *Pragmatics*, 1–2; Goldziher-Schacht, "*Fiḳh*." In the *Book of the Commandments* Maimonides speaks in a different vein of Scripture (rather than the Rabbis) engaging in *tafaqquh* (תפקה אלנץ), by which he means that the biblical text *specified the laws* in a particular area; see Principle #7, Positive Commandments #128, #138 (Kafih ed., 22–24, 123, 129); in those passages the medieval translator (Moses Ibn Tibbon) rendered תפקה אלנץ as דקדק הכתוב (Heller ed., 13–14, 68, 70). Compare Blau, *Dictionary*, s.v. פקה, V ("to treat the specifications and ramifications of a religious law"); see also Schwarz, "*Fiqh*."

[89] Alharizi renders this term חידוש ענינים; see Rabinowitz ed., 28; compare Shailat's modern Hebrew translation הולדת תולדות (p. 37).

[90] Weiss, *Spirit*, 22–23.

as "extrapolation" (ISTIKHRĀJ; lit., bringing out, extracting[91]), but not *tafsīr*, indicating that it was not used to simply explain the words of the biblical text (what we might call interpretation in its most restricted sense). Indeed, for Maimonides that would be superfluous because, by his account, the written Torah was given at Sinai already with a comprehensive oral interpretation that did exactly that. Rather, the *middot* are principles of *inference* from the laws (*uṣūl*) stated in the biblical text, by which new laws (*furūʿ*) not specified therein are "extrapolated."[92] Maimonides calls this process *tantīj*, i.e., "bringing forth" new laws.[93]

As M. Halbertal has shown, this crucial distinction can be regarded as the centerpiece of Maimonides' hermeneutical theory.[94] Indeed, in making this distinction, Maimonides finds a powerful new solution to an old dilemma. When faced with the inappropriateness of the *middot* for determining the intent (*qaṣd*) of the biblical text, ha-Levi (above, at n. 56) had suggested defining them as a mysterious cipher entrusted to the Rabbis for interpreting (*tafsīr*) the biblical text. Maimonides—a superior talmudist with a better understanding of rabbinic legal hermeneutics—alleviates the problem in a more rational way by distinguishing between two types of interpretation: (a) determining the original intent of the language, i.e., *tafsīr*, as opposed to (b) inferring new laws from those stated explicitly, i.e., *istikhrāj*, *tantīj* and *tafaqquh*. By viewing the *middot* as a counterpart to *qiyās* in *uṣūl al-fiqh*, Maimonides removes them from the first category altogether.

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[91] Alharizi (Rabinowitz ed., 13, 28) renders *istikhrāj* in Hebrew using the root *y-ṣ-ʾ* in *hifʿil* (להוציא).

[92] For illustrations of this distinction between interpretation and inference, see below, n. 119, and chapter six, n. 81.

[93] For further discussion of the distinction between the restricted sort of interpretation that Maimonides termed *tafsīr* and the more creative interpretive activity he associates with the terms *istikhrāj, tantīj* and *tafaqquh*, see chapter ten, sec. 3.8 below. A. Ravitsky ("Development," 219–220) argues that Maimonides' dynamic model of *halakhah* can be traced to Alfarabi, who defines the science of *fiqh* as the derivation (*istinbāṭ*) of new laws from the original ones (*uṣūl*). Admittedly, Alfarabi may have had some influence on Maimonides in this respect. Yet, it would seem that a larger impact on his legal thinking came from *uṣūl al-fiqh* and perhaps Jewish authors like David b. Saadia and Bahya who embraced its categories. His terminology, for example, does not match that of Alfarabi: while the latter uses the term *istinbāṭ*, Maimonides normally speaks of the derivation of new laws as *istikhrāj, tantīj* and *tafaqquh* (although he occasionally uses the term *istinbāṭ* as well).

[94] See Halbertal, "Architecture," 468–473; idem, *People*, 59–63; idem, *Truth*, 47–52. On the implication of the term *istikhrāj* in this connection in particular, see Halbertal, "Architecture," 469; compare Weiss, *Spirit*, 88–89.

In his view, when the Rabbis applied the *middot*, they never thought that they were engaging in textual exegesis and uncovering the original meaning of the text; instead they were drawing inferences from it to create new legislation.[95]

Maimonides' conception of *qiyās*—and by extension, the *middot*— would, of course, have also been colored by his background in the discipline of logic. As we have already noted, he devotes three full chapters (six, seven and eight) of his *Treatise on Logic* to *qiyās*, where the term is clearly used to denote the *syllogism*. Echoing the standard hierarchy in Arabic logic, he explains in chapter eight of the *Treatise* that the most forceful type of *qiyās* is the "demonstrative syllogism" (*al-qiyās al-burhānī*), which is incontrovertible, as opposed to the looser and weaker "dialectical syllogism" (*al-qiyās al-jadalī*).[96] In the above-cited passage of the introduction to the Mishnah, Maimonides clarifies that the type of *qiyās* used in *halakhah* (which he refers to elsewhere as the *qiyās fiqhī*) falls under the latter category, and therefore is subject to debate by its very nature.[97]

This does not mean that all derivations through the *middot* were, in fact, debated. As Maimonides notes, some such legislation was accepted universally at the time it was introduced, in which case it enjoyed the special authoritative status of "consensus" (*ijmā*ʿ).[98] However, the very

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[95] We can define this distinction in terms of the two theories of legal hermeneutics defined by Sagi, "Praxis," 305–309: the activity of *tafsīr* fits what he calls the "discovery model," whereas *istikhrāj, tantīj* and *tafaqquh* are the hermeneutical operations of the "creative model" (which ha-Levi wished to avoid as part of his anti-Karaite polemic; above, n. 55). On the important implications of this distinction in the realm of legal theory, see below at nn. 97, 132.

[96] *Treatise on Logic*, Efros 1966 ed., 23–24 (Ar.; English in Efros 1938 ed., 48–49).

[97] See above, at n. 33. In Muslim jurisprudence, as well, some authors noted that *qiyās*—as a source of law—is inherently subject to debate, referred to as *jadal fiqhī* ("juridical disputation"); see Hallaq, *History*, 94. On the relationship between the notion of *burhān* (demonstration) and the juridical *qiyās*, see Hallaq, "Logic," 320–330, 336–339. In acknowledging the inherent subjectivity of legal reasoning, Maimonides seems to deny that there is necessarily a single correct answer to every halakhic question. On this matter and its theoretical implications, see Sagi, *Discourse*, 88–117; Ettinger, "Controversy." See also Ravitsky, "Arguments," 197–205, who discusses the precise nature of the relationship between the *qiyās fiqhī* and *qiyās jadalī* in terms of Maimonides' syllogistic categories.

[98] As Bahya described (above, n. 42). Indeed, when speaking of the legal tradition in this introduction, Maimonides twice places such laws in a separate category, once in the above-cited passage (see at n. 84), and again when speaking of the laws codified by Rabbi Judah ha-Nasi (Shailat ed., 336 [Ar.]; 37–38 [Heb.]). In both cases, he delineates three categories: (i) the laws given to Moses in the Written Torah and its oral interpretation; (ii) laws derived through the *middot* that were accepted by consensus;

possibility of debate over applications of the *middot* contrasts sharply with the 613 "root" laws contained in Scripture (as explicated by the "transmitted interpretation"), which were never subject to debate according to Maimonides. This strong claim is quite revolutionary, and—as later talmudists noted—overlooks talmudic evidence to the contrary.[99] We must therefore ask why it was so important for Maimonides to make this assertion, which he reiterates in a later passage by vociferously rejecting the alternative:

> Those who suppose that…disagreement occurred…in laws transmitted from Moses…through error of the traditions (or: reception) or forgetfulness…This, God knows, is a very repugnant and disgraceful statement…And the thing that prompted this corrupt belief is a deficient grasp of the words of the Sages found in the Talmud…and [a failure to] distinguish between the transmitted principles (*uṣūl*; lit. roots) and the new conclusions that were extrapolated.[100]

As M. Halbertal has shown, this rejected position was articulated by Abraham Ibn Daud, following the geonic view that limited the creative legislative role of the Rabbis and conceived the halakhic process exclusively "as the transmission from generation to generation of an orally revealed body of Halakhah."[101] Consequently, debates found in talmudic literature could only be the result of a "crisis in the transmission of tradition."

Highlighting rabbinic legislative creativity, Maimonides could offer an account of halakhic debate that does not apply to the original laws given at Sinai, thereby bolstering the "Oral Law" by arguing that its transmission was never compromised. What comes to mind is the notion of *tawātur* that guaranteed the authenticity of the *ḥadīth* in *uṣūl al-fiqh*. As we have seen, Samuel ben Hofni invoked this notion explicitly in reference to the oral tradition. Although Maimonides does not use this specific term, the idea of *tawātur*—namely that identical

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(iii) laws derived through the *middot* which were originally subject to debate and decided based on a majority. In so doing, he reinforces the notion that *ijmāʿ* yields a separate category of legislation akin to its role in *uṣūl al-fiqh*. Nonetheless, for Maimonides, these still represent a subset of laws derived through *qiyās*, and cannot be counted as an independent source of *halakhah*. For other manifestations of the notion of *ijmāʿ* in Maimonides, see below, chapter ten, sec. 2.3; see also Libson, *Custom*, 198–199 and studies cited there.

[99]  See Levinger, *Techniques*, 63–65, 183; Blidstein, *Authority*, 46–54.

[100]  Introduction to the Mishnah, Shailat ed., 339 (Ar.), 40–41 (Heb.).

[101]  Halbertal, *People*, 54–59; see also Blidstein, *Authority*, 38; Harris, *Fragmentation*, 292n.

oral accounts from multiple sources guarantee authenticity—would seem to inform his claim that the transmitted interpretations were never debated.[102] Most basically, then, his halakhic model reflects the dichotomy in *uṣūl al-fiqh* between laws known through a chain of transmission (*naql*), i.e., those appearing in the Qurʾan and *ḥadīth*, which have the epistemological status of *ilm ḍarūrī*, as opposed to new legislation by jurists applying their powers of intellect and speculation (*ʿaql, naẓar*) to infer God's will without a direct indication from the sources of revelation.[103] For Maimonides, likewise, our certitude regarding the original laws given to Moses is based on the authenticity of the transmission (*naql*) that can be traced to divine revelation. On the other hand, all further laws were derived by the application of legal reasoning (*naẓar, qiyās*), the "correctness" of which is based on the legislative authority granted to the Rabbis and the soundness of their legal speculation (*naẓar ṣaḥīḥ*).[104]

Maimonides acknowledges one respect in which his model is difficult to reconcile with the talmudic evidence, since the Sages often apply the *middot* and other midrashic methods to establish the meaning of the biblical text, which, according to him should have already been clarified in the "transmitted interpretation." Moreover, such "interpretations" are debated, contradicting his claim that the "transmitted interpretations" enjoyed unanimity. To address these issues, Maimonides writes:

> This is a principle that you must understand . . . There is no debate whatsoever about the "transmitted interpretations" from Moses. [For example,] we never found a debate . . . among the Sages, at any time from Moses to Rav Ashi, where one of them said that one who blinds the eye of a[nother] person his eye should be blinded because of the dictum of God "eye for an eye" (Deut 19:21), and the other said that he is liable only to pay monetarily. And we likewise did not find a debate about the dictum of God "the fruit of the *hadar* tree" (Lev 23:40), such that one said that

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[102] Levinger, *Techniques*, 183, regards this as a manifestation of the notion of *ijmāʿ*. However, as recent scholarship of *uṣūl al-fiqh* has demonstrated, the authenticity of *ḥadīth* reports are guaranteed by *tawātur*, not *ijmāʿ* (a concept Maimonides applies to some laws "extrapolated" through the *middot*, as mentioned above); see Zysow, "Economy," 19–31, 198–216; see also Hallaq, "Corroboration," 21–24.

[103] See above, n. 27; Hallaq, "Logic," 338n; Weiss, *Search*, 43–45, 259–260.

[104] See Sklare, *Samuel ben Hofni*, 147; compare Bahya's formulation נט'רוא בקיאסהם...פיהא (above, n. 42). Maimonides elsewhere invokes the *naql-qiyās* dichotomy explicitly; see *Book of the Commandments*, introduction, Kafih ed., 15 (discussed in chapter six below, sec. 1).

it is the citron (*etrog*), and the other one said the quince or the pomegranate or something else.... And anything else like this with respect to any of the commandments—there is no debate about it, because they are interpretations transmitted from Moses, and about these and those that are like them it is said, "All of the Torah, its principles and details were said from Sinai."[105]

Yet the Talmud does feature discussions and debates over the ways in which these very matters can be derived from Scripture, not by any sort of linguistic analysis, but rather through midrashic methods. To deflect this seeming contradiction to his theory, Maimonides asserts that these details were, in fact, well established in the original "Oral Law" given at Sinai. However, the Rabbis sought to augment this by seeking further support for these interpretations within the "Written Law." As Maimonides explains:

> Due to the wisdom of the revealed word (i.e., Scripture), these interpretations can be extrapolated from it by means of *qiyāsāt, isnādāt* (proof-texts), *talwīḥāt* (allusions), and *ishārāt* (hints) that occur in the text.[106] And when you see the [Sages] in the Talmud debating (*yatanaẓarūna*) and disagreeing in the manner of speculation (*naẓar*), and they bring a proof for one of these interpretations...it is not because the matter is in doubt for them such that they required to bring these proofs for it...but rather they sought a hint (*ishāra*) occurring in the text for this transmitted interpretation.[107]

Maimonides argues that the *middot* are sometimes used in the Talmud to confirm laws known through the tradition, rather than to derive new laws. In such cases, the law was never actually in question; the Sages merely applied tools of legal inference to demonstrate that the "transmitted interpretation" theoretically could have been extrapolated independently from the biblical text.[108] In other words, laws known through *naql* can be confirmed by legal reasoning and speculation (*ʿaql, naẓar*). This, for Maimonides, manifests the "wisdom of

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[105] Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38 (Heb.).

[106] On these three new terms—rendered אסמכתות, ראיות, רמזים respectively by Alharizi here (Rabinowitz ed., 32) and elsewhere—see discussion below.

[107] Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38 (Heb.).

[108] Despite some similarity to Saadia's theory of the thirteen *middot* (above, at n. 14), this account is actually quite different, since Maimonides always views the *middot* as logical methods of inference. A closer parallel to Saadia's rule can be found in Maimonides discussion of *asmakhta*, below, at n. 127.

the revealed word," i.e., that Scripture was written in such a way that it contains indirect allusions to matters clarified in the oral law.

But in addition to *qiyās*—which is a clear-cut technical term with a fixed meaning (or at least a fixed range of meanings)—Maimonides introduces another set of terms in this passage—*isnād, talwīḥ*, and *ishāra*—that require some comment. The term *isnād* is used by Maimonides (and other Judeo-Arabic writers [see above at n. 52]) in the sense of *a prooftext*, derived from the Arabic root *s-n-d* (form IV), which means *to lean on something, to be supported by something*.[109] The corresponding Hebrew root is *s-m-kh*, yielding the term *asmakhta*, i.e., a textual support, which was indeed used to render *isnād* by some medieval Hebrew translators (above, n. 106). As for TALWĪḤ, and ISHĀRA, these seem to be more or less interchangeable terms that connote *allusion* or *textual hint*.[110] The trouble is that these are not technical terms, and their parameters (unlike *qiyās*) are not defined clearly in any of Maimonides' writings. Indeed, in some instances he uses *isnād* to connote a completely artificial prooftext (i.e., an *asmakhta*), which he contrasts with a genuine indication in the biblical text (see below, at n. 127); so the only way to know what type of *isnād* Maimonides has in mind is from the context.[111]

Given the vagueness of some of his terminology, perhaps the best way to clarify what Maimonides has in mind when speaking of the "*qiyāsāt, isnādāt, talwīḥāt*, and *ishārāt*" that provide support for the "transmitted interpretations" is by investigating the actual examples he mentions at this point in this introduction to the Mishnah.[112] The

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[109] See Blau, *Dictionary*, s.v. (אסנאד) סנד. This term is used in quite a different sense in Muslim jurisprudence, namely to denote the chain of transmission of a *ḥadīth* report from scholar to scholar over the generations, which is intended to endow it with authenticity (i.e., "support" it); see Weiss, *Spirit*, 13.

[110] See Blau, *Dictionary*, s.v. (אשארה) שור; s.v. (תלויח) לוח. In non-exegetical contexts, *talwīḥ* (*l-w-ḥ*, form II) means *to make a sign, to intimate, to insinuate*; and *ishāra* (*sh-w-r*, form IV) means *to point out, to signal*. In the spirit of Alharizi's translation (above, n. 106), in this context we render these two terms *allusion* and *hint* respectively. For Maimonides' use of these terms elsewhere, see references in Bacher, *Bibelexegese*, 29n; Davidson, *Maimonides*, 131n, 134n. Indeed, in some instances, Maimonides uses the term *ishāra* to connote *a clear indication* (as he would use the term *dalīl*, for example); see, e.g., below at n. 127. This is comparable to the use of the term *ishārat al-naṣṣ* in Muslim jurisprudence, see Hallaq, "Non-Analogical Arguments," 291.

[111] Maimonides uses the term *isnād* (and verbal forms derived from it) quite frequently; see references cited in Bacher, *Bibelexegese*, 29n.

[112] Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38–39 (Heb.).

first is the law of *lex talionis* in Exod 21:24–25 ("eye for eye, tooth for tooth, hand for hand...burn for burn, wound for wound, bruise for bruise") and Lev 24:19–20 ("if a man causes a blemish in his fellow, as he has done, so it shall be done to him...eye for eye, tooth for tooth"), which was interpreted traditionally as monetary compensation, a reading that the Rabbis—in the *Mekhilta* and Talmud—base on a number of alternative midrashic inferences.[113] In Maimonides' scheme, however, the meaning of these verses—fundamental for the legal system—would have had to have been determined already at Sinai. If so, why would the Rabbis have needed to derive it through midrashic inference? He therefore argues although the rabbinic interpretation was received at Sinai and thus known from tradition (*naql*), the Rabbis sought to demonstrate that, due to the "wisdom" of Scripture, it also could have been inferred independently through *naẓar*.

The specific way in which this reading might be inferred is actually described by Maimonides in *Mishneh Torah*, where he writes:

> "Eye for eye"—based on the tradition (*mi-pi ha-shemuʿah*) they expounded that when it says "for" it is to pay money...
>
> For it says: "you shall take no ransom for the life of a murderer" (Num 35:31)—for a murderer alone there is no ransom, but for loss of limbs or wounds there is ransom....
>
> And how do we know that..."eye for (תחת) eye..." is payment? Since it says in this matter "bruise for (תחת) bruise" (Exod 21:25), and it says explicitly (בפירוש) "If one strikes another with a stone, or with his fist...he shall pay only for the loss of his time and shall cause him to be thoroughly healed" (Exod 21:18–19), you may deduce that "for" said in connection with a wound is payment. The same rule applies to "for" said in connection with an eye and other limbs.
>
> Even though these matters are apparent[114] from the sense of the Written Law, they are all clearly stated (or: explicit) from Moses our Master from Mount Sinai. All of them are practically applied law[115] of ours; and

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[113] See *Mekhilta Mishpaṭim*, *Neziqin* §8 (Horovitz-Rabin ed., 277); b.*Bava Qamma* 83b-84a. This blatant contradiction of the literal sense would have been troubling for authors living in the shadow of Karaite literalism (compare *Kuzari* III:46–47), as Maimonides was well aware; see below, n. 116.

[114] נראין. Even though this word normally means *obvious*, here it seems to have the sense of something that can be inferred through logical analysis, as opposed to what was stated explicitly to Moses (what he elsewhere refers to as *meforash*; see chapter six below, at n. 36).

[115] הלכה למעשה, as attested in the early manuscripts; see note in Kafih ed. here. Some printed editions (including the standard one) erroneously read הלכה למשה; see the note on textual variants in the Frankel edition here.

thus our forefathers witnessed being ruled in the court of Joshua and the
Court of Samuel of Ramah and in every court that arose from the days
of Moses our Master until now. (*Hilkhot Ḥovel u-Mazziq* 1:2–6)

In theory, Maimonides could have simply codified this law based
solely on the authority of "the tradition" (*shemuʿah*)[116] which was
"clearly stated from Moses our Master from Mount Sinai" and trans-
mitted in an unbroken chain that guarantees its certainty. Yet, follow-
ing the talmudic precedent, he chooses to demonstrate that it can also
be inferred from the "sense of the Written Law"[117] using the logical
methods of legal reasoning.[118] To begin with, as Maimonides explains,
a restrictive reading of Num 35:31 (in his paraphrase: "for a murderer
alone there is no ransom") implies that monetary compensation suf-
fices in lesser offenses.[119] He then notes that an explicit verse—Exod
21:18–19—indicates that "bruise for (תחת) bruise" in Exod 21:25 must
mean monetary compensation and not literal talion; by analogy, the
same would apply to all of the offenses listed in Exod 21:24–25, begin-
ning with "eye for eye." At first glance, Maimonides' analysis of the
word תחת resembles the talmudic *gezerah shawah* from Exod 21:36,
"He shall surely pay ox for (תחת)...ox" cited in the Talmud (b.*Bava
Qamma* 83b) to prove that "eye for eye" is not literal. But Maimonides
actually is making a stronger legal-logical argument by demonstrating
that the word תחת in Exod 21:25 can only mean monetary compen-
sation because of the law stated explicitly elsewhere.[120] While tacitly
acknowledging that this is not a literal—or straightforward—reading

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[116] As noted above, in using the expression "based on the tradition they expounded"
he acknowledges that the "transmitted interpretation" does not accord with the
straightforward literal reading of Exod 21:24 and Lev 24:20. Maimonides actually dis-
cusses the implications of the literal reading in *Guide* III:41; see chapter three above,
sec. 1.

[117] Maimonides occasionally makes this type of observation with respect to other
laws; see *Hilkhot Nedarim* 3:8, *Miqwaʾot* 1:2, *Shegagot* 10:5, *Melakhim* 9:1; see also
discussion of these examples by Twersky, *Code*, 57; Rabinovitch, *Studies*, 135–138;
Henshke, "Reason," מח-סח.

[118] The endeavor to rationalize the rabbinic interpretation of *lex talionis* was quite
common in the tradition Maimonides inherited; see Saadia, comm. on Exod 21:24,
Ratzaby ed., 115–116; ha-Levi, *Kuzari* III:46–47, Baneth and Ben-Shammai ed., 127;
Ibn Ezra, long comm. on Exod 21:24 (cited in chapter three above, sec. 1).

[119] This inference is mentioned in b.*Bava Qamma* 83b. This is a good example of
the difference between an *inference* (from A we *infer* B) as opposed to the *interpreta-
tion* of the words "eye for eye" (the expression X *means* Y); see above, n. 92.

[120] Maimonides' divergence from the Talmud in this respect is noted by *Lehem
Mishneh* on *Ḥovel u-Mazziq* 1:5. It is possible, however, that his source is *Mekhilta
de-Rabbi Shimon bar Yohai*, Epstein-Melammed ed., 176.

of the biblical text, the great talmudist does show that it can be supported through reasonable legal inference.

The type of legal reasoning Maimonides employs in the preceding example would seem to fall under the classification of *qiyās*, even though he does not actually use the term in connection with that case specifically. Indeed, the point Maimonides seems to make in *Mishneh Torah* is that even if there were no received interpretation informing us that "eye for eye" means monetary compensation, such a judgment theoretically could have been inferred from Scripture independently, i.e., through the application of the *middot*. But a different type of support for a received interpretation emerges when we consider the various rabbinic prooftexts Maimonides cites (from b.*Sukkah* 35a) in his introduction to the Mishnah with respect to his second example, namely that "the fruit of the *hadar* tree" (Lev 23:40) is the citron (*etrog*):

> They said: פרי עץ, a tree that tastes the same as its fruit. And another said: a fruit that remains (lit. dwells; דר) on its tree from one year to the next. And another said: a fruit that dwells upon water.[121] Now this is not because the matter was problematic [i.e., unclear] to them such that they had to bring a proof for it from these proofs…[rather] they only sought the hint (*ishāra*) occurring in Scripture for this transmitted interpretation.[122]

It would appear that Maimonides is careful to characterize these "supports" as types of *ishāra* and not as *qiyās*, because they do not reach the standard of a legal syllogism (*qiyās fiqhī*).

We can delineate the following hierarchy in Maimonides' halakhic hermeneutical system. [1] The *middot*—which he classifies as *qiyās*—clearly had a special status in his view that goes beyond the other types of prooftexts he mentions in this context.[123] While it is true that the juridical syllogism (*qiyās fiqhī*) does not reach the level of certitude of the demonstrative syllogism (*qiyās burhānī*), it nonetheless follows a line of logical legal reasoning and can therefore be used by the Rabbis

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[121] This appears to be Maimonides' paraphrase of the following talmudic view: "Ben ʿAzzai said: 'Read not *hadar*, but *hudor* for in Greek water is called ὕδωρ (*hydor*). Now what fruit is it that grows by every water? Say, of course, it is the *etrog*'" (b.*Sukkah* 35a).

[122] Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38 (Heb.).

[123] Compare his characterization of inferences based on the *middot* as "more clear" and "more worthy" than mere *derashot* (*Book of the Commandments*, Kafih ed., 14, cited below in chapter six, sec. 2).

not only to support transmitted interpretations, but also to derive
new laws from what is stated explicitly in Scripture. [2] On the next
level is a broader category of "proof" (*istidlāl*) from Scripture—what
Maimonides here terms *isnādāt, talwīḥāt*, and *ishārāt*. The great codi-
fier does not recognize them as methods for creating new legislation;
they merely can be used to support a "transmitted interpretation." [3]
But there is yet another category, of which Maimonides speaks in a
completely different vein; these are even more tenuous rabbinic "read-
ings" of Scripture, which—as he describes in the *Guide*—are said in "the
manner of the *derashot*...[which are] poetical conceits...not meant to
bring out the meaning (*maʿna*) of the text (*naṣṣ*) in question."[124] It is
to this next category that we now turn our attention.

## 4.3. Derashot

Maimonides clarifies his view regarding this final category of rabbinic
halakhic "readings" of Scripture in connection with the special cat-
egory of laws referred to occasionally in the Talmud as "*halakhah* to
Moses from Sinai" (הלכה למשה מסיני). Ha-Levi, as we recall, used
this label to categorize the majority of Jewish law, aiming to adhere
as closely as possible to the Saadianic notion that *halakhah* is based
on traditions from Sinai rather than innovative rabbinic legislation.
While Maimonides devised a similar category of "transmitted inter-
pretations," he could not justify applying to it the label "*halakhah* to
Moses from Sinai," since that phrase is actually used in the Talmud
for a very small body of laws, and only under limited circumstances,
namely when the Rabbis cannot find a textual source for a given law.
Accordingly, Maimonides defines "*halakhah* to Moses from Sinai" as
a purely oral tradition from Moses that has no link whatsoever to the
Written Law (unlike the "transmitted interpretations," i.e., of the writ-
ten law).[125]

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[124] This is his characterization in *Guide* III:43; see full citation in chapter three
above, sec. 3, with further references in the discussion that follows there. See also
below, n. 128. While Maimonides uses the label *derash* (pl. *derashot*) to designate
fanciful, non-philological rabbinic readings, the term "Midrash" in his lexicon denotes
a genre of literature, which—in his view—includes exegetically sound readings of
Scripture. See Bacher, *Bibelexegese*, 31n. For a similar terminological distinction by
Rashi, see Kamin, *Categorization*, 136–157.
[125] Introduction to the Mishnah, Shailat ed., 337–338 (Ar.); 39–40 (Heb.). On this
category, see Levinger, *Techniques*, 50–65. Ha-Levi (above, at n. 58), being much less

To illustrate this point, Maimonides refers to a talmudic discussion regarding *shiʿurin* (שיעורין), i.e., the set of legal standard measurements (the size of an olive, a wheat grain, etc.) used in rabbinic halakhic discussions. The Talmud itself classifies this as a "*halakhah* [to Moses from Sinai]," but then cites evidence that would seem to indicate otherwise:

> R. Hiyya bar Ashi stated in the name of Rab: *shiʿurin*…are *halakhah* to Moses from Sinai. *Shiʿurin*? [Are they not known] from the Torah? Since it is written: "A land of wheat and barley…" (Deut 8:8) and R. Hanan stated that this entire verse was said [to teach the] measurements. (b.ʿ*Eruvin* 4a)

What emerges from this discussion is a dichotomy between the "*halakhah* to Moses from Sinai" category and what is derived from a biblical verse. The Talmud continues with the exposition of R. Hanan:

> "Wheat"—[comes] for what was expounded: "If a man entered a leprous house…wearing his clothes, had his sandals on his feet and his rings on his fingers, he becomes unclean forthwith but they remain clean unless he stayed there [as much time] as is required for the eating of half a loaf of wheaten bread, but not of barley bread…"
>
> "Barley"—as was expounded: "A bone of the size of a barley grain causes defilement by contact and carrying, but not by cover."
>
> "Vines"—the quantity of a quarter [of a log] of wine [the drinking of which constitutes an offence] of a nazirite.
>
> "Fig-trees"—the size of a dried fig in respect of carrying out [from one domain into another] on the Sabbath.
>
> "Pomegranates"—as was expounded: "All [defiled wooden] utensils of householders [become clean if they contain holes] of the size of pomegranates."
>
> "A land of olive-trees"—…A land in which the most common legal measurement is the size of an olive.
>
> "Honey" [i.e., date honey]—the size of a big date [that constitutes the offence of eating] on the Day of Atonement [when one is obligated to fast]. (b.ʿ*Eruvin* 4a–b)

To this the Talmud answers:

> Is it logical to say that *shiʿurin* are indeed written in Scripture? But rather they are *halakhah* [to Moses from Sinai], and the Rabbis supported them (אסמכינהו) from the Scriptures. (b.ʿ*Eruvin* 4b)

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of a talmudist than Maimonides, was evidently not sensitive to the disparity between his broad construal of the "*halakhah* to Moses from Sinai" category and its limited talmudic application.

The Talmud recognizes that this is not a genuine interpretation of the
biblical verse; hence the law must be one that was known from tradi-
tion and attached secondarily to Scripture.

Unlike the Talmud, which distinguishes only between what is written
in Scripture and *asmakhta*, Maimonides must correlate these catego-
ries with his more complex classification, as evident in his paraphrase-
commentary on this talmudic discussion:

> When we [i.e., the Rabbis of the Talmud] said that *sheʿurin* are "*halakhah*
> to Moses from Sinai," we objected and said: How can you say about
> them that they are *halakhah* to Moses from Sinai, for measurements do
> have an indication (*ishāra*) in a verse, in the dictum "a land of wheat and
> barley…" (Deut 8:8)? The answer to this is that it is indeed a "*halakhah*
> to Moses from Sinai," and it has no essence (lit. root) that can be extrap-
> olated through *qiyās*, nor is there any indication (*ishāra*) for it in all
> of the Torah, but the verse was used only for support (*isnād*) as a sort
> of sign (*siman*) so that it would be retained and remembered, but that
> is not the intent (*gharaḍ*)[126] of the Book (i.e., Scripture), and this is
> the meaning of their [i.e., the Rabbis'] dictum "the verse is merely an
> *asmakhta*" wherever they said this.[127]

Maimonides here differentiates between *qiyās* and *ishāra* on the one
hand, which can be used to show that a "transmitted interpretation"
is truly anchored in the Written Law, as opposed to *asmakhta* read-
ings which do not reveal the intent of the biblical verse to which
they are attached. In other words, the "hints" adduced by the Rab-
bis in b.*Sukkah* 35a point to a transmitted interpretation that reveal
the intent of Scripture in the words "the fruit of the *hadar* tree" (Lev
23:40), i.e., the citron (*etrog*). But the atomistic, acontextual "reading"
of Deut 8:8 does not reveal the intent of Scripture in that verse.

These comments regarding the *derashot* would seem to sug-
gest a sharp dichotomy between fanciful homiletical readings and a

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[126] The term *gharaḍ* (*purpose* or *goal*) is often used by Maimonides and other
medieval authors in the sense of *intent* (see n. 51 above), more or less interchangeably
with the term *qaṣd* (goal, aim, intention); see nn. 128, 130 below. See also citations in
chapter four, at nn. 32, 138 above.

[127] Introduction to the Mishnah, Shailat ed., 337–338 (Ar.); 39–40 (Heb.). (Shailat,
338n, notes that *sheʿurin* is vocalized with a *ṣere*—rather than a *ḥiriq*, i.e., *shiʿurin*—in
the manuscript of Maimonides' introduction to the Mishnah.) The concept of
*asmakhta* (which the Talmud [b.*Eruvin* 4b] actually invokes in connection with this
reading), was often applied to such far-fetched midrashic readings in the Andalusian
tradition; see, e.g., citation from ha-Levi above (at n. 52); and discussion of Abraham
Ibn Ezra in chapter one, sec. 7 above. On our translation of the term *ishāra* in this
context, see n. 110 above.

circumscribed exegetical method that aims only to reveal the *intent/ purpose* (*gharaḍ*; elsewhere: *qaṣd*)[128] and *meaning* (*maʿna*)[129] of Scripture, in the spirit of Ibn Ezra's distinction between *derash* and *peshat* (above, at n. 9). Indeed, the terms *gharaḍ* and *qaṣd* do reflect the hermeneutical axiom—well attested in Andalusian tradition—that equates the meaning of a text with its author's intent.[130] B. Weiss likewise points to this terminology in characterizing Muslim jurists as "intentionalists" committed to "a hermeneutics that focuses on authorial intent as the object of all interpretation."[131]

But it is only partially accurate to speak of Maimonides as an intentionalist in this sense. While he seems to concur that the meaning of the biblical text itself is limited to the (divine) author's intent, as a staunch talmudist he championed the right—indeed the obligation— of the Rabbis to construct a legal system through expansive analysis and inference, i.e., *qiyās*, which unquestionably goes beyond Scripture's original intent.[132] The difference between this type of legal interpretation and mere *derash* is more subtle: both go beyond Scripture's original intent, but the former is a genuine, logical process of derivation, whereas the latter is merely an artificial or poetic secondary projection onto the text. In classifying the talmudic "reading" of Deut 8:8 as an *asmakhta*, Maimonides is thus not merely arguing that it does not reflect the original intent of this verse. His point is that it cannot be regarded even as a genuine inference from Scripture. We must therefore assume that the law of measurements was known from a purely oral tradition, and was associated with this verse secondarily, as a way to remember it.

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[128] See, e.g., *Guide*, introduction, Munk-Joel ed., 9 (ll. 17, 20: אלגרץ' אלמקצוד...לם יקצד); compare the citation from ha-Levi above, at n. 6. Similar language can be found in Abraham Maimonides, comm. on Gen 25:29 (Wiesenberg ed., 66–67; ומא אחלי בעץ' אלדרשות...ואן לם יכן קצד אלנץ); see also Elbaum, *Perspectives*, 146–148.

[129] In theory, one might distinguish between the *meaning* of a language expression and the *purpose* for which it is used, i.e., the speaker's *intention*. But Maimonides, in fact, uses the term *maʿna* interchangeably with *gharaḍ* and *qaṣd*, which suggests that he did not make any such distinction; see chapter four, n. 13.

[130] The terms *gharaḍ* (purpose, goal) and *qaṣd* (goal, aim), used by Maimonides in the sense of *meaning*, imply intentionality; see Cohen, *Three Approaches*, 231, 324–326; Stern, "Philosophy," 216–224. This notion is challenged in modern literary theory, where it has been termed "the intentionalist fallacy"; see Stallman, "Intentions"; see also below, n. 132.

[131] Weiss, *Spirit*, 52–58; the citation is from p. 53.

[132] On the modern debate over intentionalism in legal theory and its relevance to Maimonides, see Halbertal, *People*, 46–48, 59–63, 157–161.

In sum, Maimonides delineates three primary types of "readings" of Scripture recorded in rabbinic literature:

(1) Original interpretations of Scripture received at—and transmitted from—Sinai[133]
(2) Logical inferences from Scripture using the thirteen *middot*
(3) Artificial readings devised as mnemonic aids (*asmakhta*) or poetic elaborations

This three-fold hermeneutical classification is most important for our purposes, as we turn in the next chapter to Principle #2 of *The Book of the Commandments*, which is predicated upon it.

*Excursus: Another Classification of the "Sources of the Law"*

We digress at this point and conclude this chapter with a different classification that Maimonides gives by way of summary after laying down the principles we have seen at the beginning of his introduction to the Mishnah. Our three-fold classification of the sources of the *halakhah* reflected in the Maimonidean system is drawn along exegetical lines; but Maimonides himself speaks of a five-fold classification based on legal categories ("divisions of the precepts of the Law") that will be important for our discussion in later chapters:

> The first category: Interpretations transmitted from Moses which have an indication (*ishāra*) in the text, or that can be extrapolated through *qiyās*. And there was never any debate in these laws. Once someone said: "so I have received," the discussion ceases.
> The second category: Laws called "*halakhah* to Moses from Sinai," which have no proof (*istidlāl*) [from Scripture], as we have explained. These, too, are not debated.
> The third category: Laws extrapolated by means of *qiyās*. And debate may occur in them, as we have mentioned. And the law is decided by majority vote, as we have explained. Such conflicts will occur when there is a difference in speculation (*naẓar*).[134]

Maimonides now turns to two additional categories:

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[133] In some cases, these are confirmed secondarily by applications of the *middot*, or through other types of "proof"—hints, prooftexts or allusions.
[134] Introduction to the Mishnah, Shailat ed., 338–339 (Ar.); 40 (Heb.).

The fourth category: the Laws that the Prophets and Sages decreed throughout the generations by way of creating a fence and precautionary measure upon the Law (*sharīʿa*). And this is what God commanded to do in a general statement, and this is His dictum: "You shall guard My charge (lit. guarded object)"—and the tradition has come [to us that this means]: "guard My guarded object [i.e., the Law]" (עשו משמרת למשמרתי; Lev 18:30). And these are what the Sages call *gezerot* (decrees)…

The fifth category: The laws that were made by way of examination and bringing benefit with regard to matters that pertain between people, in matters that neither add nor detract from the Law (i.e., the Laws of the Torah), or in matters that are an improvement for people in matters of the Law. And these are the [laws] that the Sages call *taqqanot* (enactments) and *minhagot* (customs).[135]

Unlike the first three categories, which are either originally Sinaitic (the first and second) or inferences based on what is written in the biblical text (the third), the last two categories are new (i.e., post-Sinaitic) rabbinic legislation that is not based in any way upon Scripture or even linked to the biblical text.

In the following chart we correlate Maimonides' own five-fold classification of the sources of the *halakhah* with our three-fold exegetical delineation (of the ways Scripture can be interpreted or "read") above:

| Three exegetical categories | Five legal categories |
| --- | --- |
| (1) Original interpretations of Scripture from Sinai = | First: "Interpretations transmitted from Moses"[136] |
| | Second: "*halakhah* to Moses from Sinai" |
| (2) Logical inferences from Scripture using the middot = | Third: "Laws extrapolated by means of *qiyās*" |
| (3) Artificial readings (*asmakhta*) | |
| | Fourth: *gezerot* (decrees) |
| | Fifth: *taqqanot* (enactments) and *minhagot* (customs) |

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[135] Ibid., 340 (Ar.); 41–42 (Heb.).
[136] Maimonides stipulates that some laws essentially based on transmitted interpretations are shown by the Rabbis to have a "hint" in Scripture, or that they could have actually been inferred from the text using the thirteen *middot*.

While there are some equivalences between the two classifications, they are not identical. The second, fourth and fifth legal categories have no Scriptural basis, and therefore are not represented among the exegetical categories we delineated for Maimonides. On the other hand, an *asmakhta*—which does not indicate a genuine textual basis—might be attached to laws within any of those three categories.[137] In the discussion in the following chapters Maimonides' five-fold legal classification will be relevant at certain points, since his hermeneutical *peshat* model is integrally related to his theory of jurisprudence.

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[137]  See, e.g., above at n. 127; see also chapter eight below, sec. 2.3.

## MAIMONIDES' RULE OF *PESHAT* PRIMACY

After completing the Mishnah commentary in 1168, Maimonides began planning *Mishneh Torah*, his comprehensive code of Jewish law, to which he would devote the next decade of his life. As a preliminary step, he composed a separate work, the *Book of the Commandments* (*Sefer ha-Miṣwot*), to enumerate the 613 commandments that form the core of Jewish law.[1] Although the Code would be written in Hebrew, Maimonides penned this preliminary work—like the Mishnah commentary—in Arabic, a decision he would later profess to have regretted.[2] Be that as it may, its composition in Arabic, sprinkled with citations in Hebrew and Aramaic, highlights his use of technical talmudic terminology against the backdrop of his own formulations, a stylistic matter of significance when we seek to define his understanding of the talmudic expression *peshuto shel miqra/peshateh di-qera*.[3] Additionally, Maimonides' Arabic prose in the *Book of the Commandments* renders transparent his use of terminology from *uṣūl al-fiqh* in his analogous quest to delineate the sources of Jewish law.

In his preface to the *Book of the Commandments*, Maimonides goes to great lengths to justify its very composition, which might have seemed redundant in light of the many earlier enumerations of the 613 commandments in the Geonic-Andalusian tradition. Most influential among those was the one appearing in the introduction to *Sefer Halakhot Gedolot*, a work penned by the ninth-century Babylonian

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[1] On the Hebrew title of this work (and the possibility that it had an Arabic one), see Neubauer, *Divrei Soferim*, 91–99. The notion that the commandments number precisely 613 is based on the dictum of R. Simlai in b.*Makkot* 23b, and was generally accepted as normative, though it would be contested by some in the medieval tradition, as discussed below.

[2] See *Responsa* #447, Blau ed., II:725; Twersky, *Code*, 333–336.

[3] This is an important feature of Maimonides' Arabic writings in general, which helps to distinguish between his own voice and the rabbinic statements and coinages he cites. It is important to note the subtle differences between some of his Arabic terms and the corresponding Hebrew/Aramaic ones; e.g., Torah and *sharīʿa* (see below, n. 26); בהן נדרשת שהתורה מדות עשרה שלש (below, n. 25) and *qiyās*; *siman/asmakhta* and *isnād* (terms discussed in the previous chapter).

author Simon Qayyara.[4] As Maimonides observes, the enumeration by
*Baʿal Halakhot Gedolot* ("the author of *Halakhot Gedolot*") is far from
systematic. To make matters worse, almost all subsequent enumera-
tors of the commandments accepted it, especially authors who penned
*azharot*, i.e., poetic listings of the commandments, a genre popular
in al-Andalus. Though critical of *azharot*, Maimonides excuses their
authors, since they were "poets rather than legal experts."[5] This char-
acterization might apply, for example, to the *azharot* of the great
poet-philosopher Solomon Ibn Gabirol; but it should be noted that
Saadia—certainly expert in *halakhah*—follows a similar listing-system
in his enumerations of the commandments.

   Notwithstanding its influence, the list of commandments appear-
ing in the *Halakhot Gedolot* prompted critique by authors pre-dating
Maimonides. Perhaps most important among these was the late tenth-
century geonic author Ḥefeṣ ben Yaṣliaḥ, who penned *Kitāb al-Sharāʾiʿ*
(= *Book of the Commandments*, in Judeo-Arabic) to rectify the pre-
vailing unsystematic enumeration. This work has come down to us in
fragmentary form, supplemented by citations in the writings of later
authors, including Ibn Janah, Bahya, Alfasi and Ibn Balʿam—a distribu-
tion that reflects this work's impact on Andalusian Jewish scholarship.[6]
Indeed, Maimonides acknowledged his own debt to *Kitāb al-Sharāʾiʿ*
in a number of places in his writings.[7] Ḥefeṣ ben Yaṣliaḥ criticizes ear-
lier enumerators of the commandments who "made roots (*uṣūl*) into
branches (*furūʿ*), and branches into roots," i.e., they failed to create
a logical distinction between general and particular commandments,[8]

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   [4] See *Book of the Commandments*, introduction and Principle #10 (Kafih ed., 4–5,
43); Brody, *Geonim*, 223–230. This introductory list of the 613 commandments, now
published as *Haqdamat Sefer Halakhot Gedolot*, seems to have actually been written
by another author and later appended to the *Halakhot Gedolot* proper; see Sklare,
*Samuel ben Hofni*, 183n, 222n. Since the medieval authors discussed in this study
assumed that the introduction was an integral part of the original work, we shall speak
of it as the enumeration of *Baʿal Halakhot Gedolot* ("the author of *Halakhot Gedolot*").
On the substantial influence of *Halakhot Gedolot* on Franco-German Talmudic schol-
arship, see Reiner, "Halakhah," 316–317.
   [5] *Book of the Commandments*, introduction, Kafih ed., 5.
   [6] See Halper, *Precepts*, 101–105; Bahya, *Duties of the Heart*, introduction, Kafih
ed., 17–18.
   [7] See Shailat, *Letters*, I:295; II:647. In both places Maimonides states that he was
swayed by Ḥefeṣ ben Yaṣliaḥ's mistaken views, which he later retracted. Nonetheless,
he acknowledges the latter's substantial influence on his formative thinking.
   [8] See Zucker, "Ḥefeṣ," 14 (Ar.); 19 (Heb.); see citation below, at n. 68.

an essential criticism that would inspire Maimonides' thinking about this project.

A more radical departure from *Halakhot Gedolot* emerged in a segment of the Andalusian school that challenged the inviolability of the sum of 613 commandments. Inspired by the critical remarks of Ḥefeṣ ben Yaṣliaḥ, Ibn Balʿam boldly argued that this sum is merely an estimate. Making a fundamental distinction between commandments given for specific occasions in biblical times and those meant to be applicable eternally, Ibn Balʿam observes that the latter category includes fewer than 613 commandments, whereas the inclusion of the former yields many more than 613.[9] Abraham Ibn Ezra comes to a similar conclusion in his extensive discussion of the proper method of enumerating the commandments in his theological work *Yesod Mora*. In addition to echoing Ibn Balʿam by excluding commandments stated for particular moments in biblical times,[10] he picks up on the *uṣūl-furūʿ* dichotomy of Ḥefeṣ ben Yaṣliaḥ and creates his own legal-conceptual hierarchy, distinguishing between the generalities (or principles) of the commandments and their details, which he refers to in Hebrew as *kelalim/ʿiqqarim* and *peraṭim*, respectively. Echoing Ḥefeṣ, Ibn Ezra notes that earlier enumerators of the commandments were not systematic about this distinction, for at times they limited their enumeration to general commandments (which exempted them from enumerating the subsumed details), but in other cases they enumerated the details as well—presumably in order to reach 613. Ibn Ezra, however, asserts that the general commandments barely reach a tenth of that sum, whereas their details are virtually innumerable.[11] On the other hand, some biblical verses enumerated as commandments by his predecessors are so general that they express nothing more than a duty to keep the (other) commandments; such a "high principle" (*kelal gavoah*), in Ibn Ezra's view, ought not be enumerated as a separate commandment.[12]

Maimonides, likewise, regarded the revisions by Ḥefeṣ as inadequate; yet he refused to abandon the project of identifying exactly 613

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[9] Ibn Balʿam, comm. on Deut 30:2–6, Perez ed., 63–64 (Ar.); 115–116 (Heb.).

[10] *Yesod Mora* 2:7, Cohen and Simon ed., 98–99.

[11] *Yesod Mora* 4:4, Cohen and Simon ed., 95–96; see also Ben-Menahem, "Jurisprudence," 183.

[12] *Yesod Mora* 2:6, Cohen and Simon ed., 97.

commandments, as Ibn Balʿam and Ibn Ezra had done.[13] Accordingly, he aims to radically reframe the entire enumeration in a more systematic way than had ever been done before. To this end, he prefaces his *Book of the Commandments* with fourteen logical-legal principles that form the basis of his new system.[14] Some of these suggest the influence of Maimonides' predecessors. For example:

> Principle #3: the 613 commandments include only those that are eternally applicable, as opposed to those that applied exclusively at a certain point during biblical times.[15]
> Principle #4: verses so general that they merely confirm the importance of keeping the Law are not to be enumerated, e.g., "You shall observe my laws" (Lev 19:19).[16]
> Principle #7: the detailed laws of each commandment ought not be enumerated separately.[17]

Yet Maimonides' first two principles reveal an unprecedented biblical orientation within the project of enumerating the commandments.

> Principle #1: "It is not proper to count in this sum [i.e., 613] commandments that are rabbinic (DE-RABBANAN)"; i.e., it must be limited those that are biblical (DE-ORAYTA).[18]

Talmudic jurisprudence already distinguished between *de-orayta* laws, i.e., those of biblical authority, and those that are *de-rabbanan*, i.e., legislation by the Rabbis that have rabbinic status only. Various legal distinctions are made on this basis; for example, "a doubt regarding [a prohibition] *de-orayta* [is decided] stringently," whereas "a doubt regarding [a prohibition] *de-rabbanan* [is decided] leniently" (b.Beṣah 3b).[19] Yet Maimonides uses this classification in a new way, as a criterion for enumerating the 613 commandments. On this basis, he

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[13]  *Book of the Commandments*, introduction, Kafih ed., 5. Neither Ibn Balʿam nor Ibn Ezra are mentioned explicitly by Maimonides in this connection. Yet we know from elsewhere that he had Ibn Balʿam's commentaries. As for Ibn Ezra's *Yesod Mora*, the many striking parallels between that work and Maimonides' *Book of the Commandments* do suggest influence (see, e.g., discussion below), although the matter is subject to scholarly discussion; see introduction above, sec. 5.

[14]  *Mishneh Torah* is likewise divided into fourteen sections, as is the *Treatise on Logic*. On Maimonides' fondness of the number fourteen (his "numerical signature"), see Kraemer, *Maimonides*, 70, 73.

[15]  See sec. 3.8 below.

[16]  See also below at n. 150.

[17]  See sec. 3.9 below.

[18]  *Book of the Commandments*, introduction, Kafih ed., 9.

[19]  See, e.g., chapter eight, sec. 1.1 below.

criticizes predecessors who enumerated rabbinically instituted laws such as kindling the Hanukkah lights and reading the scroll of Esther. Maimonides even considers the need to make such an assertion superfluous,[20] were it not for the fact that this tendency was so widespread, appearing not only in the *Halakhot Gedolot*, but also in the enumerations of Saadia, Ḥefeṣ ben Yaṣliaḥ and Ibn Gabirol.[21] Even the great *pashtan* Ibn Ezra followed this trend and considered rabbinic and biblical commandments equally worthy of enumeration.[22] As D. Sklare has suggested, the emphasis—motivated by polemics with the Karaites—that the Geonim and their followers placed on the role of the Rabbis as faithful transmitters of the tradition, seems to have caused them to blur the line between rabbinic and biblical commandments.[23]

Toward the end of his discussion of Principle #1, Maimonides adds a fundamental further stipulation:

> Nothing rabbinic may be counted in the sum of 613 commandments because this sum is entirely [i.e., consists solely of the] texts of the Torah (*nuṣūs Torah*).[24]

In rabbinic literature it is never clearly stated that only laws written explicitly in the Pentateuch have *de-orayta* status. Hence, in his focus on the "texts of the Torah" Maimonides takes a bold new step to fuse the realms *halakhah* and exegesis, signaling a revolutionary biblical orientation that emerges with full force in his next principle.

### 1. *Principle #2*

In light of Principle #1, it was essential for Maimonides to determine which laws in the halakhic system are biblical (*de-orayta*) and which are rabbinic (*de-rabbanan*). But how can one determine which laws

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[20] He notes that this is clear from the talmudic statement דרש רב שמלאי שש מאות ושלש עשרה מצוות נאמרו לו למשה (n. 1 above), which seems to preclude later rabbinic legislation (*Book of the Commandments*, introduction, Kafiḥ ed., 7). But the statement cited in *Haqdamat Halakhot Gedolot* reads: דרש רב שמלאי שש מאות ושלש עשרה מצוות נצטוו ישראל (Hildesheimer ed., 24), perhaps reflecting a different talmudic text.

[21] See Kafiḥ, 9n, and Zucker, "Studies," 97–100.

[22] See *Yesod Mora* 3:1, Cohen and Simon ed., 113 (with editors' note) and the discussion in chapter seven, sec. 5 below.

[23] Sklare, *Samuel ben Hofni*, 159–160n.

[24] Kafiḥ ed., 12. See below, n. 26.

are, in fact, *de-orayta* and which are *de-rabbanan*? To clarify this matter he continues:

> Principle #2: It is not proper to count everything known through one of the "thirteen *middot* by which the Torah is interpreted" or a redundancy (*ribbuy*).[25]

As he goes on to clarify:

> We have already explained in the introduction to our commentary on the Mishnah that most of the precepts of the Law (*sharīʿa*)[26] are derived through the "thirteen *middot* by which the Torah is interpreted," and that disagreement may occur about a law derived from one of those *middot*.[27]

On the other hand,

> Some laws are transmitted interpretations (*tafāsīr marwiyya*; pl. of *tafsīr marwī*) from Moses our Master about which there is no disagreement, but they offer a proof (*istidlāl*) for them by one of the thirteen *middot*, for it is the wisdom of Scripture that it is possible to find in it a hint (*ishāra*) that indicates (*yadullu*) that transmitted interpretation, or a syllogism (*qiyās*) that proves (*yadullu*) it.[28]

Maimonides goes on to make his bold and novel critical distinction (which he did not clarify in his introduction to the Mishnah), stating that only laws based on Scripture and its transmitted interpretation are biblical, whereas those derived through the *middot* are merely rabbinic. Yet one cannot automatically assume that all laws presented in the Talmud as being based on the *middot* fall under the latter category, since the *middot* were sometimes used to confirm laws known from transmitted interpretations. The great codifier therefore formulated his distinction circuitously:

> And since this is so, not everything that we find that the Sages extrapolated by one of the thirteen *middot* is to be classified as biblical (lit. do we say that it was said to Moses at Sinai), nor do we classify as (lit. say

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[25] Kafih ed., 12. Maimonides here uses the Rabbinic Hebrew expression שלש עשרה מדות שהתורה נדרשת בהן, which he elsewhere refers to in Arabic as *qiyās*.

[26] In Maimonides' usage, *sharīʿa* (usually rendered Torah by the medieval translators), can mean Jewish law in the general sense (as it does here; compare Blau, *Responsa*, II:446n); elsewhere it refers to Scripture, or the Pentateuch specifically—to which he sometimes refers using the Hebrew term תורה (e.g., above at n. 24). See above, chapter two, n. 31.

[27] Kafih ed., 12.

[28] Ibid. On the translation of Arabic *yadullu* as *proves*, see below.

that it is) rabbinic (*de-rabbanan*) everything for which we find the Sages bringing a prooftext (*isnād*) from one of the thirteen *middot*, because it may be a transmitted interpretation (*tafsīr marwī*).[29]

Maimonides thus devises an indirect test to ascertain the status of such laws:

> Anything which you do not find as a[n explicit] text (*naṣṣ*) in the Torah (*Torah*) and you find that the Talmud deduces it through one of the thirteen *middot*, if they [i.e., the Sages] themselves clarified and said that this is a Torah principle (*guf Torah*) or that this is a biblical law (*de-orayta*), then it is proper to enumerate it, since the transmitters of the tradition said that it is biblical (*de-orayta*). But if they do not clarify this and do not say anything explicit about this, then it is rabbinic (*de-rabbanan*; lit. of the Rabbis), since there is no text (*naṣṣ*) indicating (*yadullu*) it.[30]

To understand these passages, we must clarify the meaning of the Arabic verb DALLA-YADULLU (lit. point to [d-l-l, form I]), which was used in *uṣūl al-fiqh* to speak of how the law is "indicated" by its sources. The source of a law is called a DALĪL, i.e., an *indicator*. When the law is explicitly written (*manṣūṣ*) in the Qurʾan or *ḥadīth*, its indicator—which is a prooftext (*naṣṣ*)—is a DALĪL NAQLĪ, i.e., a transmitted *dalīl*. For laws not explicit in the written texts (*ghayr manṣūṣ ʿalayha*), but rather derived through *qiyās*, the indicator is a DALĪL ʿAQLĪ, i.e., a rational or intellectual *dalīl*.[31] That type of *dalīl* is not a prooftext, but rather the legal reasoning (juridical syllogism) that underlies the law. As B. Weiss observes, the two types of "indicators" function differently.

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[29] Kafih ed., 13.

[30] Ibid. For the expression *guf torah*, see, e.g., m.Ḥagigah 1:8, b.Ḥagigah 11b. The view that Maimonides articulates here seems quite radical within the universe of talmudic learning, and was sharply criticized, e.g., by Nahmanides (see below, at n. 73). Maimonides' talmudic defenders, in a tradition dating to the fourteenth century, suggested reinterpreting his words to mean that the laws derived through the *middot* are indeed of biblical force, and that when Maimonides classifies them as "rabbinic" (*de-rabbanan*) he only means to say that they cannot be enumerated among the original 613 commandments given at Sinai; but in all other respects they enjoy biblical authority. For a detailed survey of this tradition, see Neubauer, *Divrei Soferim*, 30–75. This, of course, is not how Nahmanides understood the matter (as indicated in his critique), and modern scholars generally agree that Maimonides meant that such laws are indeed *de-rabbanan*; see Neubauer, *Divrei Soferim*, 24–30, 81–86; Levinger, *Techniques*, 46–50; Halbertal, "Architecture," 464n. Kafih, in the notes of his edition of *Mishneh Torah, Hilkhot Ishut* (V:13–14, 17–18), likewise vehemently rejects the traditional apologetic reinterpretation of Principle #2. Interestingly, that reinterpretation has been revived in a more nuanced form in some recent studies; see Halivni, *Peshat & Derash*, 83; Ben-Menahem, "Roots," 20–25.

[31] See Weiss, *Search*, 42–46; Hallaq, "Non-Analogical Arguments," 290.

*Dalālat al-naṣṣ* ("what the text indicates") is a direct "indication" since the law is stated explicitly by the text. But for laws derived through *qiyās*, the *dalīl* is adduced to *prove* or *demonstrate* the validity of the law; in that case the English translation "to prove" best captures the sense of the verb *dalla-yadullu*, as we have rendered for Maimonides.[32]

The distinction between the *dalīl naqlī* and *dalīl ʿaqlī* underlies Maimonides' claim that the 613 biblical laws are those stated clearly (*manṣūṣ*) in Scripture, i.e., each has a "text indicating it."[33] On the other hand, laws extrapolated through the *middot* are merely rabbinic, since their *dalīl* is a product of human reason, not the divine word itself. However, in many instances the *middot* are used to confirm what is already known from a transmitted interpretation, i.e., of the biblical text. In that case, as Maimonides clarifies later in this principle,

> we indeed count it, for it was known through tradition (or: transmission; *naql*), not through a syllogism (*qiyās*), but its syllogism and proof (*istidlāl*) through one of the thirteen *middot* was [adduced] only to reveal the wisdom of the text (i.e., Scripture), as we explained in the Mishnah commentary.[34]

In this case, the true basis of the law is a *dalīl naqlī*, i.e., the underlying transmitted interpretation, whereas the *qiyās* merely shows that it could have been demonstrated rationally as well.

At this point we must observe a certain terminological inconsistency (perhaps a calculated sleight of hand?) in Maimonides' use of the term *naṣṣ* in reference to the biblical text. As mentioned in chapter five above (section 4.1), he employs this term throughout his writings to connote that which is explicit in the Written Law, without any

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[32] This semantic range applies to the verb *istidlāl* (*d-l-l*, form X; to adduce a *dalīl*), which can mean *mentioning* (*dhikr*) *the prooftext* that states the law explicitly, but is also used in the sense of *seeking a rational proof* for a law with no textual basis; see Weiss, *Search*, 655; cf. Kraemer, "Guide," 384–387. Maimonides' medieval Hebrew translators rendered *istidlāl* הביא ראיה (bringing a proof ). The verb *yadullu* was rendered יורה (lit. to point to), which can mean either *to indicate* (i.e., with an explicit direct prooftext) or *to demonstrate* (through a rational argument). *Dalāla*, of course, also means *to guide someone*, i.e., indicate the proper path, as in *Dalālat al-Ḥāʾirīn* (*Guide of the Perplexed*; Heb. מורה הנבוכים).

[33] ניץ ידל עליה. Admittedly, Maimonides uses this phrase in the opposite connection, i.e., in referring to a law that does not have biblical force, because it lacks "a text indicating it." The corollary, however, can be inferred: a law is of biblical force if and only if it has a text indicating it.

[34] Kafih ed., 15. For the references in the Mishnah commentary; see above, chapter five, at n. 107.

need to consult its "transmitted interpretation" (*tafsīr marwī, naql*).
But Maimonides could not have had this connotation in mind when
establishing that the 613 commandments consist only of "the texts of
the Torah" (*nuṣūṣ Torah*; Principle #1), since he goes on to exclude
laws derived through the thirteen *middot* (Principle #2), *unless they
are also known from the transmitted interpretations*, in which case
they are to be counted. The implication is clear: a law that derives
from Scripture according to its transmitted interpretation is biblical,
even if it is not clear from the biblical text alone (what he elsewhere
refers to as *naṣṣ*). This is confirmed by the many entries in the *Book
of the Commandments* in which the biblical prooftext is accompanied
by a transmitted interpretation—specifically labeled as such.[35] When
using the term *naṣṣ* in connection with Scripture in Principles #1 and
#2, Maimonides evidently means *the biblical text, as elucidated by the
transmitted interpretation*.

Having seen how Maimonides presents his rule regarding laws
derived through the *middot* in the *Book of the Commandments*, we
should now turn to Responsum #355, where he reiterates the rule in
Hebrew for the benefit of a non-Arabic reader:

> No matter derived by analogy (*heqqesh*), *a fortiori* reasoning (*qal
> wa-ḥomer*), verbal congruity (*gezerah shawah*) or through any of the
> "thirteen *middot* by which the Torah is interpreted" is biblical unless the
> Sages say explicitly that it is from the Torah…And…even a matter that
> is a "*halakhah* to Moses from Sinai" must be regarded as rabbinic (lit.
> from the words of the Scribes; *mi-divrei soferim*).
>
> [In sum], nothing is biblical except for what is explicit in the Torah
> (*meforash ba-Torah*), such as *shaʿaṭnez*, *kilʾayim*, the Sabbath, and the
> forbidden sexual unions, or something that the Sages said is from the
> Torah—and those are but three or four things.[36]

Maimonides here elucidates a matter left unclear in Principle #2 of
the *Book of the Commandments*, namely the status of laws transmitted
purely orally, i.e., "*halakhah* to Moses from Sinai."[37] Even though these

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[35] See chapter five, n. 76.

[36] *Responsa* #355, Blau ed., II:632. (This text was also published by Shailat, *Letters*,
II:451–454.) This responsum was first mentioned in the introduction, sec. 2 above.
As we noted there, *qal wa-ḥomer* and *gezerah shawah* are actually two of the thirteen
*middot*. The "three or four" exceptions will be discussed below in sec. 5 of the current
chapter.

[37] On this category, defined by Maimonides in his introduction to the Mishnah, see
chapter five, sec. 4.3 above.

were not new (i.e., post-Sinaitic) legislation by the Rabbis, they do not meet Maimonides' strict criterion for the status of a biblical law, which is based only on "the texts of the Torah" (*nuṣūṣ Torah*), as stated in Principle #1 of the *Book of the Commandments*. It is also important to observe that the ambiguity in Maimonides' use of the Arabic term *naṣṣ* applies to the Hebrew term *meforash ba-Torah*: in *Mishneh Torah* it connotes *that which is self-evident from Scripture* (what he might in Arabic call *ẓāhir al-naṣṣ*, or *naṣṣ jalī*); but in this responsum it is evidently used in a broader sense, to connote *that which is stated in the Torah—according to its transmitted interpretation.*[38]

Armed with Principle #2 and its clarification in Responsum #355, we can now revisit the five-fold classification of the halakhic system delineated by Maimonides in his introduction to the Mishnah (cited above in the excursus at the end of chapter five):

1. Interpretations of the text of Scripture transmitted from Moses at Sinai
2. "*Halakhah* to Moses from Sinai"
3. Laws extrapolated from Scripture by means of *qiyās*
4. Rabbinic *gezerot* (decrees), i.e., precautionary measures to safeguard Torah laws
5. Rabbinic *taqqanot* (enactments) and *minhagot* (customs)

It goes without saying that categories (4) and (5) are merely rabbinic, even if they are supported in talmudic literature by a biblical verse. In such cases it was universally assumed (indeed, based on evidence within the Talmud itself) that the verse was cited merely by way of *asmakhta*.[39] Maimonides' innovation is his exclusion of categories (2) and (3), which leaves only category (1) as the source of the original 613 biblical laws. Principle #2 of the Book of the Commandments was formulated specifically to exclude category (3), which by Maimonides' own admission makes up "most of the precepts of the Law." Furthermore, in Responsum #355 he clarifies that "*halakhah* to Moses from Sinai" cannot be considered biblical, even where supported by the biblical text by way of *derash*. For the great codifier, the laws of *de-orayta*

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[38] See Levinger, *Techniques*, 40. On Maimonides' use of the term *meforash ba–Torah* (in opposition to "based on the tradition [*shemuʿah*] they expounded"), see chapter five above, n. 77.

[39] See, e.g., b.*Yoma* 74a, b.*Sukkah* 28b, b.*Yevamot* 21a, and many other cases.

status, which number 613, must be based only on what is stated in Scripture itself—according to its transmitted interpretation, the only class of exegesis that Maimonides recognizes as a genuine construal of the biblical text itself.

## 2. *Invoking the Rule of* Peshat

Maimonides continues in Principle #2 to undercut the methods of enumeration in the *Halakhot Gedolot* and works of like-minded authors by invoking the talmudic rule of *peshat*:

> When they found a *derash* on a verse that…requires performing certain actions or avoiding certain things, and all of those are undoubtedly rabbinic (*de-rabbanan*), they counted them in the sum of the commandments, even though the *peshat* of Scripture (*peshateh di-qera*) does not indicate (*yadullu*) any of those things.[40]

A law based on *derash* does not have a genuine textual indicator (*dalālat al-naṣṣ*); i.e., it has no source in "the *peshat* of Scripture." Consequently, *Baʿal Halakhot Gedolot* violated the famous rabbinic dictum:

> The principle that the [Sages], peace be upon them, taught us, and that is their dictum: "a biblical verse does not leave the realm of its *peshat*," and the Talmud in many places inquires: "the verse itself (*gufeh di-qera*), of what does it speak?"[41] when they found a verse from which many matters are deduced by way of commentary (*sharḥ*) and inference (or: bringing a proof; *istidlāl*).[42]

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[40] Kafih ed., 14. On the term *yadullu* in this context, see above, n. 28. The word *peshateh* is spelled פשטיה in most of the manuscripts throughout the *Book of the Commandments*; but MSS Paris, Ecole Rabbinique 134 and Alliance Israélite Universelle H 32 A read פשאטיה here. This *plene* spelling is also found in Samuel ben Hofni and Ibn Janah (see citations in chapter one above, sections 2, 4). It appears in a small minority of the manuscripts elsewhere in the *Book of the Commandments*; see below, nn. 79, 117, 137.

[41] As Kafih here notes, this precise expression (גופיה דקרא במאי קמדבר, attested in all of the manuscripts that I checked) is not found in rabbinic literature. This type of inquiry is certainly attested in the Talmud, usually with other locutions: פשטיה דקרא במאי כתיב (see chapter seven below, sec. 1). The expression גופיה דקרא is talmudic and is used to indicate the source of a law stated explicitly in Scripture. Compare also the common talmudic locution משתעי קרא ("Scripture/the verse speaks [of]…").

[42] Kafih ed., 14. Noting that Maimonides does not invoke the rule of *peshat* immediately at the beginning of Principle #2, Lawrence Kaplan (personal communication) maintains that Maimonides did not, in fact, base this principle in its entirety on the

The Talmud at times offers an expansive reading of a verse, but then inquires what "the verse itself" says. Based on the talmudic rule of *peshat*, Maimonides argues that the Rabbis ascribed biblical (*de-orayta*) authority only to what "the verse itself speaks of." Evidently he construed the *peshat* principle to mean that "the [biblical] authority of a verse does not go beyond its *peshat*," i.e., *peshateh di-qera* is the sole "indicator" (*dalīl*) of biblical law.[43]

What does the term *peshat* itself mean for Maimonides? If these words were penned by Ibn Ezra or Nahmanides, we could have assumed that *peshat* means the *straightforward* or *philological-contextual sense*. But Maimonides accepted the "transmitted interpretation" of Scripture implicitly, even while acknowledging its divergence from the straightforward sense, which he at times referred to as *ẓāhir al-naṣṣ* (as discussed in chapter two). We must therefore seek an alternative definition of the term *peshateh di-qera* that reflects his usage. Some basic observations can be made based on what we have already seen in Principle #2, to which we add evidence from references to this rule later in the *Book of the Commandments*.

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rule of *peshat*, but invokes that rule only to criticize earlier enumerators for relying on truly tenuous *derashot*. As Kaplan understands Maimonides, these *derashot* must be excluded because they "remove the text of Scripture from its *peshat*," i.e., its contextual-philological sense. Accordingly, the rule of *peshat*, by itself, does not imply that laws derived through the *middot* are to be excluded from enumeration—which is the major thrust of Principle #2. In my opinion, as the discussion below indicates, there is ample evidence that Maimonides, in fact, based Principle #2 itself on the talmudic rule of *peshat*—as he interpreted it. It is also worth noting that this understanding of Maimonides' intention is reflected in Nahmanides' critique of Principle #2:

> Now the Master [Maimonides] based this incorrect opinion on a tenuous source (lit. suspended this fallen mountain on a strand of hair; compare m.Ḥagigah 1:8; Job 14:18), saying: "The principle that the [Sages], of blessed memory taught us, and that is their dictum: 'a biblical verse does not leave the realm of its *peshat*,' and the Talmud in many places inquires: 'the verse itself (*gufeh di-qera*), of what does it speak?'" (*Hassagot*, Chavel ed., 44).

The conclusion of this criticism by Nahmanides is cited the following note. See also below, n. 66 and at n. 74.

[43] Compare Nahmanides' paraphrase of Maimonides' construal of the *peshat* principle in his critique of Principle #2:

> They did not say אין מקרא אלא כפשוטו ("a biblical verse means nothing but its *peshat*"); rather both its *midrash* and its *peshat* [are viable] and it does not leave the realm (lit. hands) of either one of them. (*Hassagot*, Chavel ed., 44–45)

See chapter seven, sec. 6 below, and Appendix A.

(1) Maimonides equates *peshateh di-qera* and *gufeh di-qera.*

a. This is evident in his paraphrase (deliberate misquote? [above, n. 41]) of the talmudic query "the *peshat* of Scripture, of what is it written?" (פשטיה דקרא במאי כתיב), which he renders "Scripture itself, of what does it speak?" (גופיה דקרא במאי קמדבר).

b. This equivalence is confirmed by Maimonides' interchangeable use of the two expressions elsewhere in the *Book of the Commandments*.[44]

(2) The Arabic equivalent of *peshat* in Maimonides' lexicon would appear to be *naṣṣ.*

This emerges from a comparison of the following two locutions:

> "*peshateh di-qera* does not indicate (פשטיה דקרא לא ידל) any of those things"
>
> "…there is no [biblical] text (*naṣṣ*) indicating (ליס ת'ם נץ ידל) any of those things"[45]

This parallel suggests that when Maimonides uses the term *peshateh di-qera* he is speaking about nothing other than the textual *dalīl* itself.

(3) Maimonides, later in the *Book of the Commandments*, uses the locution "*peshateh di-qera* speaks about (יתכלם פי) [such and such]":

פשטיה דקרא פהו יתכלם פי…Positive Commandment #20
פשטיה דקרא יתכלם פי… Negative Commandment #4 [46]

It would not be reasonable to render *peshateh di-qera* "the straightforward interpretation (or: sense) of Scripture" in this locution.[47] It seems, rather, that when Maimonides uses the term *peshateh*

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[44] In three other places in the *Book of the Commandments* he uses the term *gufeh di-qera* to invoke the rule of *peshat* primacy: twice in Negative Commandment #45 (below, nn. 85, 118), and once in Negative Commandment #165 (below, n. 91).

[45] See citations above, at nn. 30, 40. Compare the locution פידל הד'א אלנץ במפרדה ("and this text by itself indicates") in Positive Commandment #140, Kafih ed., 130.

[46] See below, at nn. 97, 137.

[47] The other Maimonidean locutions that include the term *peshateh di-qera* would theoretically allow for its translation as *the straightforward sense*, but the term can also be rendered *the verse itself*, as we see from the remaining examples from the *Book of the Commandments* (all discussed below). In one case: "the gist of the verse itself" (תחציל פשטיה דקרא; Positive Commandment #94). In the following four cases פשטיה דקרא "is about…" or "is not about" something:

Principle #3: פשטיה דקרא ליס הו פי ד'לך = the verse itself is not about this.

*di-qera* he means *Scripture itself* (*gufeh di-qera*) or *the biblical text* (*naṣṣ*), which "speaks about…" (Compare his Hebrew locution: יתכלם פי [.Ar] גופיה דקרא במאי קַמדבר being equivalent to [מדבר ב…], which replaces the talmudic expression גופיה דקרא במאי כתיב.) If *peshateh di-qera* were the straightforward *interpretation*, he would say: "*according to* its *peshat* (לפי פשוטו), the verse speaks about such and such," as other authors do.[48] This would suggest that *peshateh di-qera* is the object of interpretation, not its result.[49]

Based on the evidence cited here, we can conclude that for Maimonides the term *peshateh di-qera* does not connote any type of interpretation at all, but rather *Scripture (or: the verse) itself*, just like the term *gufeh di-qera* or *naṣṣ*. All three of these terms refer to the divine text that "indicates" (i.e., communicates) God's will. Of course, the natural question is: how does one know the meaning of "the text itself"? In theory, the meaning of the text—at least in some cases—should be clear (consider Maimonides' locutions *naṣṣ jalī bi-bayān; meforash ba-Torah*);[50] but in practice, Maimonides relies heavily on the transmitted

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Principle #8: לא אן פשטיה דקרא פי הד'א אלגרץ' = not that the verse itself is about this matter (lit. purpose).

Negative Commandment #179: פשטיה דקרא הו פי אלשרץ פקט = the verse itself is about a swarming thing only.

Negative Commandment #299: פשטיה דקרא הו פי מא ד'כר אול = the verse itself is about what was mentioned first.

[48] See, e.g., Nahmanides on Lev 6:23 (ועל דרך הפשט, אין הכתוב מדבר אלא לפי פשוטו לא), Rashbam on Exod 28:38 (בחטאות הפנימיות שצוה כבר בשריפתן), Radak on II Sam 23:20 (דיבר הכתוב בטומאת קדשים וכל אלה דברים רחוקים מדרך), (הפשט כי הכתוב מספר גבורות כל אחד מהם). For all of these authors, it is Scripture (הכתוב) that "speaks"—according to "its *peshat*" or "the way of *peshat*."

[49] Kamin (*Categorization*, 40–41) notes that Rashi explains the usage of the term *peshat* in the Talmud similarly: "What emerges from Rashi's formulation [in his Talmud commentaries] is that *peshateh [di-qera]* is the object of the act of interpretation, not its result. This is implied by the linguistic combinations: דריש פשטיה (he interpreted its *peshat*), דאתא פשטיה לאשמועינן (the *peshat* comes to teach us)." It should not be surprising, then, that Maimonides understood the term in a similar way. See also chapter seven, sec. 1 below, on the original talmudic sense of the *peshat* principle.

[50] Compare the curious and perhaps somewhat garbled reference to the same idea in Responsum #310: כבר בארנו בכלל העיקרים שביארנום שהדברים כלם שלא הוזכרו מן התורה כך נראה מהתרגום מותרים מהתורה אלא מה שנתאמת אסור ("We have already explained among the principles we established [lit. explained], that all matters that were not mentioned in the Torah—as [?] apparent from its [lit. the] translation—are permitted biblically, except for what is verified as prohibited"; Blau ed., II:575–576). Maimonides here states that, as a rule, biblical authority extends only to prohibitions that are "mentioned in the Torah"—*as evident simply from its translation*, i.e., without the need for any sort of extra-textual rabbinic halakhic interpretation. (The exclusion of "what is verified as prohibited" seems to refer to

interpretation to make this determination.[51] Evidently, then, Maimonides would define what "the text itself says/indicates" (*dalālat al-naṣṣ* or *dalālat al-peshat*) as: what is known for certain to be the meaning of the text, either because the text is explicit or because it is an interpretation from Sinai transmitted through a tradition about which there never was—nor could be—any debate.[52] This incontrovertible tradition reveals how *peshateh di-qera* was originally "interpreted"—i.e., assigned an exclusive, practical meaning—by God Himself.[53]

Maimonides thus interpreted the talmudic *peshat* maxim in the following way: Only what is indicated by Scripture itself—as interpreted by the Oral Law given at Sinai—has biblical authority, whereas further derivations by the Rabbis, which use the biblical text as a springboard, do not. Maimonides is not making a distinction between strict philological interpretation and non-philological interpretation (because he knew well that the *tafsīr marwī* is often at odds with the former); he is, rather, distinguishing between laws originally communicated by God Himself through the biblical text (revealed via *tafsīr*) and those created by the Rabbis by drawing further inferences from it (via *qiyās* and *istidlāl*).

Philologically speaking, we can surmise that Maimonides' understanding of the term *peshateh di-qera* is linked to one of the common senses of the root *p-sh-ṭ*, namely something *simple* (*pashuṭ*) as opposed to something complex or composite. In *Hilkhot Yesodei ha-Torah* 4:7, for example, Maimonides describes how a physical entity is either simple (*pashuṭ*), i.e., it contains only a single element, or composite

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the exception he mentions elsewhere; see below, at n. 160.) Admittedly, the text here is rather garbled and is a medieval Hebrew translation, for which we do not possess the original responsum in Judeo-Arabic. When using the term תרגום, it is likely that Maimonides means Saadia's *Tafsīr* (and that might have been the term in the original Judeo-Arabic responsum), though he might be referring to the Aramaic Targum.

[51] Compare the observation of M. Halbertal ("Architecture," 472n) that Scripture "does not need any interpretation; it is clear, either through regular reading or through the tradition." Halbertal, however, does not correlate this assumption with the meaning of the term *peshat*.

[52] I am grateful to Josef Stern for his suggestions in formulating this definition. On the epistemological certitude Maimonides associated with the "transmitted interpretation" and its Muslim context, see chapter five above, at nn. 102, 103.

[53] I am grateful to Baruch Schwartz for suggesting this formulation. See citation from the Mishnah commentary in chapter five above, at n. 72. Maimonides speaks there of the two components being *naṣṣ* (text) and *naql* (tradition). Where the text is clear by itself, presumably the tradition simply confirmed that fact. Even in such cases, then, the interpretation was originally fixed by God Himself.

(*meḥubbar*), in the case that it is made up of more than one element. In the *Guide* Maimonides expresses a similar dichotomy using the cognate Arabic term *basīṭ* (simple), as opposed to *murakkab* (composite).[54] Indeed, for him this was an elementary convention, well established within his philosophical purview, as he remarks:

> A proposition universally agreed upon, accepted by Aristotle and all those who have philosophized, reads as follows: It is impossible that anything but a single simple (*basīṭ*) thing should proceed from a simple thing. If the thing is composite (*murakkab*), there may proceed from it several things according to the number of simple things of which the compound is composed.[55]

Analogously, *peshuto shel miqra* would be "the simplicity of Scripture," i.e., the text by itself (rather than its interpretation, "simple" or otherwise), with no further inferences added to it.[56] On this basis, we can render the term *peshateh di-qera/peshuto shel miqra* in Maimonides' lexicon *Scripture itself*.[57]

For Maimonides, then, only *dalālat al-naṣṣ*—what Scripture itself (*peshateh di-qera*) "indicates/speaks about" (*yadullu/yatakallimu fi [= medabber]*)—has biblical authority, to the exclusion of the further hermeneutical activities that he refers to as "commentary and inference" (*sharḥ wa-istidlāl*, above, at n. 42). What categories does he intend to exclude in this remark?[58] To answer this question, we now

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[54] The medieval Hebrew translators Samuel Ibn Tibbon (Ibn Shmuel ed., 276) and Judah Alharizi (Munk-Scheyer ed., 479) rendered the latter term *murkav* (cognate of Ar. *murakkab*), unlike Maimonides who used the term *meḥubbar* in *Mishneh Torah*.

[55] *Guide* II:22, Pines trans., 317; Munk-Joel ed., 221; see Hyman, "One and Simple." Compare also *Guide* I:51, Pines trans., 113; Munk-Joel ed., 76.

[56] The application of this notion of "simplicity" in connection with Scripture can be found already in Saadia's equation of *peshuto shel miqra* with *basīṭ al-naṣṣ* (discussed in chapter one above).

[57] Modern readers accustomed to the usage of the term *peshat* by Rashi, Ibn Ezra and their followers will no doubt regard this as unusual; but, as we shall see in the following chapter, it is quite close to the usage of this term in talmudic literature, as demonstrated in recent scholarship (see chapter seven, sec. 1 below). Given Maimonides' rabbinic background, it should not be surprising that he would follow suit; see also n. 49 above.

[58] Semantic analysis of these terms themselves is not sufficient here, because they are used in a number of ways by Maimonides. *Sharḥ* is rather vague and can refer to various types of exegesis. While Maimonides here seems to use it in reference to mere *derash* (as we shall document presently), elsewhere it connotes philological-contextual analysis; e.g., he refers to his own Mishnah commentary as *sharḥ al-mishnah*. He also uses this term to connote a "transmitted interpretation" that he deems authoritative (see, e.g., below, n. 97). Even *istidlāl* is used in a number of ways, both to label what

turn our attention to his subsequent discussion in Principle #2, which is meant to illustrate his distinction. Armed with his rule of *peshat*, Maimonides criticizes the author of *Halakhot Gedolot* and those who followed in his path, because

> they enumerated…visiting the sick, consoling mourners and burying the dead, on account of the *derash* regarding His dictum, may He be exalted: "And you shall…show them the way in which they are to go, and the practices they are to follow" (Exod 18:20). And [the Sages] said regarding this:
>> "'The way'—this is deeds of loving kindness; 'they are to go'—this is visiting the sick; 'in which'—this is burial; 'and the practices'—these are the laws; 'they are to follow'—this is [to go] beyond the margin [i.e., letter] of the law." (b.*Bava Qamma* 99b–100a).
>
> Now [the earlier enumerators of the commandments] mistakenly thought that every single one of those actions is a separate commandment, and did not realize that all of those actions and the like are included in the single commandment…stated explicitly (*manṣūṣ…bi-bayān*) in the Torah…"Love your fellow as yourself" (Lev 19:18).[59]

Based on what is stated (*manṣūṣ*) in Lev 19:18, Maimonides enumerates the single commandment of acting kindly toward others.[60] On the other hand, the specific acts of kindness enumerated in the atomistic, acontextual talmudic reading of Exod 18:20 do not have a genuine basis in the biblical text and must therefore be regarded as rabbinic enactments. As specified in *Mishneh Torah*: "Even though all of these *miṣwot* are rabbinic (מדבריהם), they are included in 'Love your fellow as yourself'" (*Hilkhot Evel* 14:1). For the great codifier, only the general principle is biblical, but its implementation in the specific types of activity mandated in the Talmud is merely rabbinic.[61] It is worth

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he regards as reasonable inferences using the thirteen *middot* (see, e.g., above, at n. 28) and *derash* that is cited in the Talmud as an artificial support for a rabbinic law, i.e., an *asmakhta* (see below, n. 90).

[59] Kafih ed., 14. See also *Hilkhot Evel* 14:1. On Maimonides' tendency to seek a cogent biblical source where the Rabbis engaged in *derash*, see below, n. 101.

[60] See *Book of the Commandments*, Positive Commandment #206, Kafih ed., 163. Maimonides does not cite a specific rabbinic source for this straightforward reading, nor can it be traced to any of the (rather remote) legal derivations in rabbinic literature; see, e.g., b.*Ketubbot* 37b, b.*Qiddushin* 41a, b.*Sanhedrin* 45a, 84b, b.*Niddah* 17a. Lev 19:18 is, however, cited by Ibn Ezra as one of the general commandments (presumably worthy of enumeration); see *Yesod Mora* 2:6, Cohen and Simon ed., 98.

[61] The precise implications of this distinction are difficult to grasp in this case, since, after all, when one performs the rabbinically required activity, one is presumably also fulfilling a biblical obligation. Perhaps Maimonides means to say that the biblical obligation itself leaves room for subjective interpretation, i.e., by granting each

comparing Maimonides' exegetical sensibility here with ha-Levi's assessment of the atomistic talmudic reading of Gen 2:16 ("And the Lord God commanded the man, saying: Of every tree of the garden you are free to eat") as a source text for the seven Noahide commandments.[62] In ha-Levi's view, this is merely an artificial "sign" (*siman*) for a law known from an oral tradition. But Maimonides goes beyond ha-Levi by arguing that without a genuine source text, the laws attached by the Rabbis to Exod 18:20 by way of *derash* must be deemed rabbinic.

A similar acontextual analysis is cited by Maimonides in Principle #2 in the next example that he considers to have been improperly enumerated:

> And in this very way they counted calculation of the seasons (intercalation) as a commandment because of the *derash* that [the Sages] mentioned with regard to His dictum: "for that will be the proof of your wisdom and discernment to other peoples" (Deut 4:6). And their dictum [is]:
>> What wisdom and discernment is observable by the other peoples? Say that it is the science of seasons and planets! (b.*Shabbat* 75a).[63]

In Maimonides' view, this *derash* can hardly serve as the genuine source for a biblical commandment. In its original context, Deut 4:6 is part of Moses' exhortation to Israel:

> See I have imparted to you laws and rules, as the Lord…has commanded…Observe them faithfully, for that will be the proof of your wisdom and discernment to other peoples, who on hearing all of these laws will say: "Surely that great nation is a wise and discerning people." (Deut 4:5–6)

Maimonides elsewhere reveals how he understood these verses: all of the "laws and rules" given to Israel are wise, and their observance will thus bring recognition among the nations to Israel for their wisdom.[64]

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individual leeway to decide which type of activities are most important. E.g., helping a disabled person with household chores might be more important than visiting the sick. The Rabbis, however, made the latter a definite obligation. I am indebted to my friend Jordan Mann for this suggestion.

[62] See chapter five above, at n. 52.

[63] Kafih ed., 14.

[64] See *Guide* III:31 and the discussion above in chapter three, sec. 6. In Principle #2 itself Maimonides does not say how he interprets *peshateh di-qera* in this instance.

This, for Maimonides, is the correct construal of *peshateh di-qera*, i.e., what the verse itself "indicates/speaks about," whereas the notion of intercalation is merely an idea projected onto the text by way of *derash* that draws its authority from Scripture.

The fanciful rabbinic *derashot* on Exod 18:20 and Deut 4:6, of course, made easy targets for Maimonides' exclusionary principle based on the rule of *peshat*.[65] However, he goes on to apply this exclusion to the more serious methods of inference that underlie rabbinic legislation:

> And had he [i.e., the author of *Halakhot Gedolot*] counted what was more clear (אבין; i.e., firm, substantive) than that, which could be considered more worthy to be counted, namely everything known through one of the "thirteen *middot* by which the Torah is interpreted," the number of commandments would reach many thousands.[66]

Unlike mere *derash*, the *middot*—in Maimonides' view—are logical inferences. Yet even these must not be counted because doing so would go beyond the sum of 613. Nonetheless, Maimonides is quick to emphasize the validity of this hermeneutical activity and the laws derived thereby:

> And lest you think that we refrain from counting them because they are not certain (*mutayaqqina*; i.e., authoritative), and that the law derived from such a *middah* may be valid (*ṣaḥīḥ*) or may be invalid, that is not the reason. But the reason is that everything [so] derived are applications of the principles (*furūʿ min al-uṣūl*; lit. branches from the roots) that were told to Moses at Sinai explicitly, and they are the 613 commandments.[67]

For Maimonides, the derivation of new laws—"branches from the roots"—through *qiyās* is essential to the halakhic system. Here he adds, however, that since such derivatives are based on inference rather than what is stated in Scripture itself (*peshateh di-qera, dalālat al-naṣṣ*), their authority is rabbinic rather than biblical.

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[65] This point is made by Lawrence Kaplan; see n. 42 above and the following note.

[66] Kafih ed., 14. In returning at this point to address the laws derived through the *middot*, Maimonides implies that they, too, are excluded from enumeration by the rule of *peshat*, as Nahmanides understood Principle #2, in contrast to Kaplan's understanding (above, n. 42).

[67] Kafih ed., 15. On the legal implications of this distinction, see Levinger, *Techniques*, 78–87.

We must recall that the *uṣūl-furūʿ* ("roots-branches") metaphor (which was quite common in Muslim jurisprudence) was used by Ḥefeṣ ben Yaṣliaḥ in his critique of earlier enumerators of the commandments for their haphazard approach. In devising his own system, Ḥefeṣ sought to distinguish between the principle commandments, the *uṣūl*—which are to be enumerated, and their detailed applications, the *furūʿ*—which are not. His remarks are worth citing at this point because of their reverberation in Maimonides:

> With thorough scrutiny you find more than a thousand laws (*sharīʿa*). However, those among them that exceed 613 have the status of "branches" that extend from the "roots," which are [limited to] 613, and they are not [true] "roots." For example, the [various] components of Tabernacle [e.g., the holy ark, altar, candelabrum], each one of them is a single broad law (*sharīʿa*), from which [a number of] "branches" and regulations (*qawānīn*) stem. And similarly, the components of the [various] sacrifices [e.g., the burnt offering, sin offering, etc.], and further components of other [law]s, which we shall mention in their places.[68]

Following in Ḥefeṣ's footsteps, Ibn Ezra (as noted above) insisted on the importance of this distinction, although he cast it in Hebrew terms: *kelalim/iqqarim* vs. *peraṭim*—and arrived the more radical conclusion that the former do not reach a tenth of the sum of 613, while the latter are innumerable. Notwithstanding their divergent conclusions, both Ḥefeṣ and Ibn Ezra used logical criteria to distinguish between the "roots/generalities" and "branches/details" of the commandments.[69] Echoing these calculations, Maimonides, too, limits his sum of 613 to the "roots" and excludes the "branches," which "reach many thousands." But he devised a new criterion for making this distinction: the "roots" are the laws stated in *peshaṭeh di-qera*; the "branches" are those derived through midrashic means,[70] making Maimonides the first (and in fact the only) author to make Scripture alone the basis of his enumeration of the commandments.

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[68] Zucker, "Ḥefeṣ," 14–15 (Ar.); 19 (Heb.).

[69] Ibn Ezra, in fact, goes to great lengths to describe the basis of his classification in *ḥokhmat ha-mivṭa*, his Hebrew term for *ʿilm al-manṭiq*, i.e., logic; see *Yesod Mora* 2:1–9, Cohen and Simon ed., 91–103.

[70] This is not to say that he rejects the logical distinction Ḥefeṣ made between general laws and their details, which forms the basis of Principle #7 in the Book of the Commandments (above, at n. 17). But Maimonides does not use the *uṣūl-furūʿ* opposition in that connection.

Having clarified precisely which types of "commentary and inference" Maimonides excludes from enumeration, we can now correlate the halakhic implications he draws from the rule of *peshat* with his hermeneutical distinction in the introduction to the Mishnah between (a) the original transmitted interpretation (*tafsīr marwī*) of Scripture, and (b) further legal inferences (*istikhrāj, istidlāl*) from the biblical text. As noted in the preceding chapter, Maimonides is not a pure "intentionalist" because he accepts the notion of rabbinic legal creativity—using their methods of inference—that goes beyond the original intent of Scripture (as reflected in the *tafsīr marwī*). In Principle #2, however, he does reveal a degree of intentionalism by arguing that only category (a)—which is known exclusively through the tradition (*naql*) from Sinaitic revelation—has biblical authority, since it reveals the meaning of *peshateh di-qera*, i.e., Scripture itself. Category (b), on the other hand, is merely rabbinic since it "leaves the realm of *peshuto shel miqra*"; i.e., it is not a legal construal of Scripture itself, but rather represents the "creation of meaning" through human reasoning (*'aql, qiyās*), rather than direct revelation.

The hermeneutical distinction that Maimonides makes based on his rule of *peshat* primacy can be characterized in three ways: historical, epistemological and legal.

(1) Historically speaking, this maxim (as interpreted by Maimonides) separates the *original* interpretations of the Pentateuch given or understood at the time of the Sinaitic revelation from *subsequent* inferences from the text or projections onto it.

(2) From an epistemological perspective, the certainty of the former is absolute—since the meaning of *peshateh di-qera* is either self-evident, or has been transmitted in an unbroken and uncontested chain of tradition that originates in the meaning of the text assigned by God. By contrast, legal inferences from the text, which are based on human reasoning (*naẓar, 'aql*), are subject to debate and their correctness therefore cannot be known for certain.

(3) The legal authority of *peshateh di-qera* is biblical, whereas further laws derived from the text have only rabbinic authority. While the distinction between laws of biblical and rabbinic authority in itself is talmudic, Maimonides innovatively correlates it conceptually with the above-mentioned historical and epistemological distinctions, which he derived from *uṣūl al-fiqh*.

For Maimonides, the rule of *peshat* does not necessarily (i.e., by definition) imply—or depend upon—a methodological criterion, i.e., the notion of the "plain" or "straightforward" sense of the text, as it does for other *pashtanim*.

The conclusions we have drawn so far about Maimonides' conception of *peshateh di-qera* are based primarily on his presentation in Principle #2 itself. But a more definitive picture will emerge from an examination of the explicit applications of this principle—using the term *peshateh di-qera/gufeh di-qera*—throughout the *Book of the Commandments*.[71] Indeed, since the term itself appears only nine more times in that work, it is feasible to conduct an exhaustive study that will place our conclusions on a firm methodological footing. A clear and accurate definition of Maimonides' concept of *peshat*, in turn, will enable us to situate him within the constellation of the *peshat* tradition.

## 3. *Applications*

Almost from its inception, Maimonides' Principle #2 sparked controversy among talmudists. Abraham Maimonides had to respond to the harsh critique of this principle by his contemporary Daniel ben Saadia ha-Bavli, a student of the Gaon Samuel ben Eli of Baghdad, who had sparred with Moses Maimonides.[72] A generation later, Nahmanides, who would become the most important critic of Maimonides' *Book of the Commandments*, says that "this book…[is] 'sweetness and entirely delightful' (Song 5:16)," but decries "this principle…[as] evil and bitter," adding that "it should sink [into the ground] and never be uttered."[73] In his words, Maimonides seems to conclude from the talmudic *peshat* maxim that "the truth is the *peshat* of Scripture (*peshateh di-qera*)," to the exclusion of midrashic interpretation, a position

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[71] As a rule, Maimonides does not invoke the rule of *peshat* explicitly with this terminology in his other major writings. We have therefore limited ourselves here to the nine additional occurrences of the term *peshateh di-qera/gufeh di-qera* in the *Book of the Commandments*. In Appendix B we explore how he uses the term *peshat* in his responsa and in *Mishneh Torah*—although in those contexts it is not linked to the rule of *peshat*. In chapter eight below we will consider applications of Principle #2 in which Maimonides does not actually use the term *peshat*.

[72] See *Maʿaseh Nissim*, Responsum #1, Goldberg ed., 2–9. On Samuel ben Eli, see Kraemer, *Maimonides*, 412–415. See also below, chapter eight, sec. 1.1.

[73] *Hassagot*, Chavel ed., 51.

seemingly at odds with talmudic legal hermeneutics.[74] We must recall that Nahmanides used the term *peshateh di-qera* to connote the philological-contextual sense of Scripture. Projecting this definition onto Maimonides, he took Principle #2 as a directive to apply an empirical test to rabbinic halakhic exegesis, in the vein of Ibn Ezra's remark that "one who has a mind (lit. heart) will be able to discern when they speak *peshat* and when they speak *derash*."[75] This understanding of Maimonides is reflected in the following assessment by Sh. Ettinger:

> Regarding the question: According to what principle and based on what criterion does Maimonides determine if a given law that was derived from Scripture is biblical or rabbinic? One can answer simply: A derivation that appears to Maimonides, according to **his logic and reasoning**, to emerge from Scripture **according to its *peshat***, or at least is a derivation that fits Scripture—is biblical. Conversely, a derivation that appears far from the *peshat* of Scripture and one cannot regard it as being included in the meaning of Scripture, must be merely an *asmakhta* and its status is rabbinic.[76]

On this view, Maimonides judged the status of a law according to its exegetical merit, i.e., how consistent it is with the *peshat* method.

But this characterization oversimplifies—and thus misrepresents—Maimonides' true position, since it is based on a definition of the term *peshat* incompatible with his actual usage in the *Book of the Commandments*. As we have seen in chapter two, Maimonides might use the term *ẓāhir al-naṣṣ* to connote the straightforward, philological-contextual reading of Scripture, i.e., *peshateh di-qera* in Nahmanides' lexicon. But in Principle #2 Maimonides uses the term *peshateh di-qera* to connote *the text of Scripture itself*, which must be understood according to the

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[74] *Hassagot*, Chavel ed., 31. As mentioned above (n. 30), Maimonides' talmudic defenders reinterpreted Principle #2 in a way that removed this sharp edge.

[75] *Yesod Mora* 6:1, Cohen and Simon ed., 130–131; see discussions above in chapter one, sec. 6 and chapter five, sec. 1.

[76] Ettinger, "Legal Logic," 20. Translation my own; bold in the original. On the equivocal phraseology "…or at least…fits Scripture," see below, n. 175. Ettinger's Hebrew text reads:

לשאלה מהו העקרון ומהו קנה-המדה שעל פיו הרמב"ם קובע אם הלכה פלונית שנדרשה מן הכתוב דינה כדאורייתא או כדרבנן—יש להשיב בפשטות: לימוד הנראה לו לרמב"ם, לפי הגיונו וסברתו, כנובע מן הכתוב לפי **פשוטו**, או לפחות כלימוד ההולם את הכתוב—הוא דאורייתא. ומנגד: לימוד הנראה רחוק מפשוטו של הכתוב ולא ניתן לראותו ככלול במשמעות הכתוב, הרי הוא אסמכתא בלבד ודינו דין דרבנן.

"transmitted interpretation"—and that is not necessarily equivalent to the straightforward sense. The simple *peshat-derash* dichotomy of Ibn Ezra and Nahmanides does not suit the Maimonidean model, which is predicated upon a different hermeneutical classification. He invokes the talmudic rule of *peshat* to isolate *dalālat al-naṣṣ*—i.e., the Written Law as originally interpreted at Sinai—from other laws associated with Scripture by way of "commentary and inference," i.e., *derash* and the *middot*.

In order to settle this matter, we now turn to the nine additional instances in the *Book of the Commandments* in which Maimonides uses the terms *peshateh di-qera* and *gufeh di-qera* in applying Principle #2. When studying these examples, it is important to keep two points in mind about the nature and role of Maimonides' biblical exegesis in the *Book of the Commandments* in general. First, in accordance with his statement in Principle #1 that the 613 commandments consist entirely of "the texts of the Torah" (*nuṣūṣ Torah*), every entry in this work includes a biblical source-text with a commentary explaining its halakhic (i.e., legal) implications.[77] Second, this commentary is usually drawn from rabbinic exegesis. Yet Maimonides cites the rabbinic material selectively and critically. The Talmud and *midrashim* present a largely undifferentiated mass of readings of the biblical text, lacking clear methodological labels. Typically, a verse (or part of a verse) X will simply be cited by the Rabbis with an interpretation Y in the form "X means Y," "from X we deduce Y," or some variation thereof. In sorting out such readings according to his well-defined classifications, Maimonides reveals his exegetical sensibilities, since he must decide whether a given reading is to be regarded as a "transmitted interpretation"—and hence a genuine construal of *peshateh di-qera*—as opposed to an inference or mere *derash*.

In each of the following nine examples, Maimonides cites a biblical verse with a rabbinic reading that, in his opinion, is not a genuine construal of *peshateh di-qera*, to which he juxtaposes another reading of the same verse that meets this criterion. These examples can be divided into two categories, the first of which must be further subdivided into two:

> Category 1 (examples 1–6 below): Maimonides' interpretation of *peshateh di-qera*—like the reading that he excludes—is drawn from rabbinic sources. This, in fact, represents his general tendency in the *Book of*

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[77] On the rare ("three or four") exceptions to this rule, see below, at n. 160.

the *Commandments*, except that these examples are unique in that they feature the term *peshateh di-qera* or *gufeh di-qera* explicitly.

Category 2 (examples 7–9): Maimonides offers an interpretation of *peshateh di-qera* without any clear source in rabbinic literature. While this represents only a minor trend in the *Book of the Commandments*, we have already seen two such examples within our discussion of Principle #2 itself, i.e., his interpretations of Lev 19:18 ("Love your fellow as yourself") as a commandment to behave kindly with others (see above, n. 60) and Deut 4:6 ("for that will be the proof of your wisdom and discernment to other peoples") as an indication that all of the commandments have a humanly discernable rationale (see above, n. 64)—both in opposition to rabbinic interpretations that he excludes from the parameters of *peshateh di-qera*.

The first group, as mentioned, can be further subdivided:

Category 1a: Maimonides' reading of *peshateh di-qera*, while derived from rabbinic sources, can be regarded as a contextual-philological interpretation, i.e., what he might otherwise call *ẓāhir al-naṣṣ*. Examples 1–3 fit comfortably into this classification.

Category 1b: Maimonides' identification of what "*peshateh di-qera* indicates/speaks of"—based on rabbinic exegesis—does not accord with *ẓāhir al-naṣṣ*. In such cases he evidently took the rabbinic reading that was his source to be an interpretation transmitted (*tafsīr marwī*) from Sinai—which overrides *ẓāhir al-naṣṣ* in his view. This description clearly applies to examples 4 and 5. Example 6, though, seems to be a borderline case, as we shall discuss. Indeed, generally speaking, the precise demarcation between categories 1a and 1b is sometimes less than clear, much as the question of determining the "straightforward" reading of many biblical verses is subject to debate among other commentators (medieval *pashtanim* and modern scholars alike).

## 3.1. *Lev 11:43*

Our initial example, which we have chosen to discuss first because of its relative simplicity and clarity, is found in Negative Commandment #179:

We were prohibited from eating any swarming thing at all, whether a flying swarming thing, or a swarming thing of the water, or a swarming thing of the land. And this is His dictum, may He be exalted: "Do not make yourselves abominable with anything that swarms; you shall not make yourselves unclean therewith and thus become unclean" (Lev 11:43).[78]

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[78] Kafih ed., 265.

This is certainly a straightforward construal of this biblical verse, i.e., *ẓāhir al-naṣṣ*. Yet, by itself, this does not necessarily indicate Maimonides' independent exegetical sense, since he cites as his source the talmudic discussion in b.*Makkot* 16b that takes Lev 11:43 as a prohibition against eating worms, eels, insects and the like. But he then notes that the same talmudic source records other readings of this verse that imply further prohibitions:

> Now they also said:
>> One resisting responding to the call of nature (lit. delaying his openings [from excreting]) violates "do not make [yourselves] abominable," and similarly "he who drinks water out of the surgeon's horn"—which is the vessel for drawing blood—violates "do not make yourselves abominable."
>
> And the same applies by analogy (*qiyās*) to eating dirty and disgusting things and drinking disgusting things from which most people recoil. All of this is prohibited, but one does not incur liability of lashes (*malkot*; punishment for a biblical violation) for it, since the verse itself is about a swarming thing only (פשטיה דקרא אנמא הו פי אלשרץ פקט). But [instead] they beat him *makkat mardut* ("blows of rebelliousness" for violating a rabbinic injunction) for this.[79]

A simple reading of the Talmud might suggest that these further prohibitions are presented as being included in the meaning (*maʿna*, *gharaḍ*) of the phrase "Do not make yourselves abominable"; and, indeed, some talmudists regarded these as biblical violations.[80] But Maimonides insisted on interpreting this phrase in the context of the entire verse: "Do not make yourselves abominable with (i.e., by eating) anything that swarms…" This prohibition alone can be considered *dalālat al-naṣṣ*, to the exclusion of all others, which were inferred by analogy.[81]

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[79] Ibid., 269. MS JTS 6998 here reads פשאטיה; see above, n. 40.

[80] See Ritba, *Makkot* 16b (Ralbag ed., 189), in the name of Meir ha-Levi (Ramah) of Burgos; see also Menahem ha-Meʾiri, *Beth ha-Beḥirah*, ad loc. (Strelitz ed., 93n).

[81] Maimonides uses the term *qiyās* only in reference to the additional "disgusting things" not mentioned in the Talmud; but we can assume that he considered *qiyās* to be the basis for the talmudic expansion of this prohibition itself. This is a good example of the distinction between an *inference* from Scripture (from prohibition A we can *infer* prohibition B), as opposed to an *interpretation* of the language of the biblical text itself (the verse X *means* Y); see above, chapter five, n. 92.

To be sure, Maimonides does not deny the legitimacy of these additional laws, which are codified in *Mishneh Torah*, as he remarks there:

> All of these things are included in (בכלל) "Do not make yourselves abominable." And one who eats these things, they beat him *makkat mardut*.[82]

In the *Book of the Commandments* Maimonides provides the exegetical basis for his legal distinction between the prohibition stated in Scripture itself (i.e., *peshateh di-qera*), which is biblical, as opposed to its extension to other matters by analogy, which is merely rabbinic. This example thus illustrates how he invokes the rule of *peshat* primacy to make a halakhic ruling based on his exegetical sensibilities.[83]

## 3.2. *Deut 14:1*

Maimonides likewise reveals his exegetical sensibilities in Negative Commandment #45, which is based on Deut 14:1, "You shall not gash yourselves (לא תתגודדו), nor shave the front of your head for the dead":

> We were prohibited from wounding ourselves as idol worshippers do, and this is His dictum, may He be exalted, "You shall not gash yourselves." And this prohibition is repeated in different language, and that is the dictum [of Scripture], "You shall not make a gash (שרט) in your flesh for the dead" (Lev 19:28). And it has been made clear in . . . [b.] *Yevamot* [13b] that the verse itself (*gufeh di-qera*) "is needed for its own prohibition (lit. itself; מיבעי ליה לגופיה), [i.e.,] as the Merciful One said: Do not *make a wound* for the dead." And in *Gemara* [b.]*Makkot* [21a] they said that שריטה and גדידה are one and the same . . . as it says in the prophetic books, "and they gashed themselves (ויתגודדו) after their custom with knives and lances" (I Kgs 18:28).[84]

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Maimonides opens his discussion of Deut 14:1 with a contextual-
philological analysis. At issue is the meaning of the clause לא תתגודדו.
The immediate context, i.e., the remainder of this verse ("nor shave the
front of your head *for the dead*"), indicates that this prohibition relates
to a practice of mourning. As for the verb תתגודדו, he cites another
occurrence of the root ג-ד-ד in *hitpaʿel* form in I Kgs 18:28, which
indicates that it means *to gash oneself*. While this analysis is certainly
consistent with the philological methods of the Andalusian exegeti-
cal school, Maimonides actually draws it from the Talmud, and he
even cites the talmudic paraphrase of this prohibition "Do not make
a wound for the dead."

Reflecting his rabbinic orientation, Maimonides goes on to record a
second talmudic reading of this verse, which makes it a source of the
prohibition to "split into many groups" (i.e., to engage in divergent
religious practices within the same community):

> Now they [i.e., the Sages] have said that prohibition also includes the
> prohibition to divide the community…: "לא תתגודדו—Do not split
> into many groups (אגודות אגודות)" (b. *Yevamot* 13b), but the verse itself
> (*gufeh di-qera*) is as they have explained…, "Do not make a wound for
> the dead," whereas this is a sort of *derash*.[85]

This prohibition, according to Maimonides, is not one of the 613
biblical commandments because it has no source in Scripture itself,
i.e., *gufeh di-qera*, and its attachment to Deut 14:1 is merely "a sort
of *derash*." According to Principle #2, this would be a rabbinic
prohibition.[86]

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[85]  Ibid.

[86]  In *Hilkhot ʿAvodat Kokhavim* 12:13 Maimonides cites Deut 14:1 as the source for
the prohibition to gash oneself. This is followed in 12:14 with the following additional
law: "included in this prohibition (בכלל אזהרה זו) is that there should not be two
religious courts in one city, this one following one practice and the other another, for
this creates great divisiveness, as it says: לא תתגודדו—do not split into many groups
(אגודות אגודות)." Surprisingly, he does not label this second reading *derash*, nor does
he specify that it is merely a rabbinic prohibition. It is conceivable that that he simply
assumed that this would be clear to the reader. (It is not unusual for him to employ
*derash* in *Mishneh Torah* [see, e.g., below, n. 102]. Furthermore, the expression בכלל
אזהרה זו does not imply that the "included" prohibition is biblical [see above at
n. 82]). Nonetheless, it is possible that Maimonides changed his mind about this mat-
ter and actually considered this to be part of the biblical prohibition. On the well-
known tendency of Maimonides to revise and change his opinions, see Henshke,
"Basis," 114–117, 144–147; see also below, chapter eight, sec. 3.

At this point we might ask: how did Maimonides decide to classify the אגודות אגודות reading as *derash* and embrace the first reading as a genuine construal of *gufeh di-qera*? It would appear that here (as in the preceding example) Maimonides' Geonic-Andalusian exegetical heritage influenced his thinking. Contextually speaking, the אגודות אגודות reading does not fit the remainder of this verse, which prohibits shaving one's forehead as a sign of mourning. Moreover, as philological analysis based on the assumption of an underlying three-letter root was a hallmark of the Andalusian Hebrew grammatical school, he would have naturally distinguished between the verb תתגודדו (*g-d-d*, *hitpaʿel*, imperfect) and the noun אגודות ('-*g-d*, derived from the *qal* form of the verb).[87] The prooftext from I Kgs 18:28 was therefore decisive in his eyes, unlike the playful association ("poetical conceit") of תתגודדו and אגודות.

Ever the talmudist, Maimonides seems intent on invoking the authority of the Rabbis in regarding only the first reading as a genuine construal of "the verse itself" (*gufeh di-qera*). But a closer look at his source indicates that he reinterpreted the talmudic discussion for his purposes:

> Resh Lakish said to R. Johanan: לא תתגודדו…—Do not split into many groups! But this [verse] לא תתגודדו is needed for its own prohibition (lit. itself; מיבעי ליה לגופיה)…"You shall not *make a wound* for the dead!" If so, the verse should have said לא תגודדו. What is תתגודדו? From that we deduce this] second prohibition[. Perhaps the entire [verse] refers to this only? If so, the verse should have said לא תגודו. What is לא תתגודדו? From that we deduce both. (b.*Yevamot* 13b)

The Talmud refers to the prohibition to "make a wound for the dead" as *gufeh*, in the expression "[it] is needed for its own prohibition"; but it is Maimonides who renders this an exegetical observation by rephrasing this as *gufeh di-qera*, i.e., what Scripture itself indicates. Apart from this terminological innovation, Maimonides departs from

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[87] Hayyuj established the (minimum) three-letter root as a rule without exceptions (his predecessors believed that some verbs had two-letter roots); but the distinction between the two roots in this example was recognized already by Menahem ben Saruq; see his *Maḥberet*, s.v. גד ,אגד; see also Ibn Janah, *Kitāb al-Uṣūl*, s.v. גדד ,אגד. On Maimonides' familiarity with the concepts of the Andalusian Hebrew grammatical school and the verb system in particular, see introduction, above, sec. 5.

the Talmud in a more substantive way as well. In the Talmud, the fact that Deut 14:1 "is needed for its own prohibition" does not preclude the derivation of a second prohibition from the verse through a quasi-grammatical analysis. The Talmud thus assumes that the verse communicates two laws equally: "its own prohibition," and the prohibition to splinter into groups. For Maimonides, on the other hand, only the first is indicated by *gufeh di-qera* and can be counted among the 613 biblical commandments, whereas the second is excluded according to his rule of *peshat* primacy.

### 3.3.  *Lev 21:12*

In Negative Commandment #165, Maimonides similarly invokes his rule of *peshat* to distinguish between two alternative rabbinic interpretations of Lev 21:12. He begins by citing two verses conveying the same prohibition, one for all priests, the other specifically for the High Priest:

> The priests were prohibited from exiting the Temple during the time of the service, and this is the dictum [of Scripture], "and from the entrance of the Tent of Meeting you shall not exit" (Lev 10:7). And this prohibition is repeated for the High Priest, as it says: "From the Sanctuary he shall not exit" (Lev 21:12). And the very wording (*naṣṣ*) of *Sifra* is:
>> You might think [it applies] whether during the time of service and not during the time of service. Scripture therefore comes to teach: "From the Sanctuary he shall not exit, and he shall not desecrate [the Sanctuary]"—this indicates that [it applies only] during the time of service.[88]

These two verses (as discussed in chapter two above) appear in contexts that discuss the case of a priest who has suffered the death of a close relative. As Maimonides explains, these verses prohibit the priest from abandoning his service due to personal tragedy, but do not prohibit exiting the holy Sanctuary absolutely, i.e., once the service has been completed. As a basis for this understanding he provides a rabbinic source from *Sifra*, which makes a reasonable inference from the remainder of Lev 21:12, i.e., that exiting the Sanctuary is prohibited

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[88]  Kafih ed., 257. The citation is from *Sifra, Shemini* 1:42 (Weiss ed., 46a).

because doing so would amount to a desecration of its sanctity by showing that the service therein is not his supreme concern.[89]

Yet Maimonides also records that the Talmud derives a separate law from this verse:

> Know that for the High Priest there is an additional matter, that he may not accompany the bier [of his relative] and this is the apparent sense of the text (*ẓāhir al-naṣṣ*)…"and from the Sanctuary he shall not exit," [as] clarified in the second [chapter] of *Sanhedrin* that if a death occurs for him, that he does not go out following the coffin, and this was inferred (אסתדל עלי ד'לך; lit. a proof [*dalīl*] for this was brought) from the dictum [of Scripture] "and from the Sanctuary he shall not exit."[90]

Maimonides here refers to the Mishnaic comment:

> If a death occurs for [the High Priest]…Rabbi Judah said: he must not leave the Sanctuary [to participate in the funerary procession], because it is said: "and from the Sanctuary he shall not exit" (m.*Sanhedrin* 2:1).

On this view, Lev 21:12 enjoins the High Priest from exiting the Sanctuary to join the funeral procession even after completion of his service. Yet Maimonides does not enumerate this prohibition among the 613 commandments:

> Even though… [the prohibition] repeated for the High Priest obligates a new matter as we have explained, this does not increase the number of commandments [in light of]…what I have prefaced, for the verse itself (*gufeh di-qera*) [indicates] nothing other than [the prohibition] that he should not [exit]…while serving.[91]

In his view, only the restricted reading in *Sifra* reflects what the verse itself (*gufeh di-qera*) says; the additional law adduced by Rabbi Judah therefore cannot be deemed biblical and is not to be enumerated

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[89] As Nahmanides writes:
The essence (*'iqqar*) of this verse [comes] to admonish the High Priest not to leave the Sanctuary while he is ministering, on [becoming apprised of] the death of any near relative, and he is not to desecrate the Sanctuary by leaving its service to honor the dead. Instead, the honor of the Sanctuary and its service is to be greater to him than his honor of and love for the dead, and it follows all the more so that if he left his ministration for no reason at all and went out of the Sanctuary that he has violated this negative commandment. (Comm. on Lev 21:12, Chavel ed., II:135)
Compare also Maimonides' comments in Principle #5 of the *Book of the Commandments* (cited in chapter two, sec. 3.6 above).

[90] Kafih ed., 258.

[91] Ibid.

among the 613 commandments.[92] In other words, the "proof" brought
for R. Judah's view in the talmudic discussion is simply an *asmakhta*.

Maimonides in this case chose one rabbinic reading as a genu-
ine expression of what Scripture itself (*gufeh di-qera*) indicates, as
opposed to the other reading, which was said "by way of commentary
and inference." While the law derived through the latter method
is valid and binding in Maimonides' view, it is merely of rabbinic
status—according to the rule of *peshat* established in Principle #2.
In this case, however, unlike the previous two examples, it is quite
evident that Maimonides' assessment can be traced to the Talmud,
which states that the prohibition for the High Priest to accompany
the bier is merely a rabbinic precautionary measure, lest he defile him-
self by actually touching it.[93] Here we see a corollary of Maimonides
rule of *peshat*: if a law is merely rabbinic, then it cannot be indicated
by *peshateh di-qera* (because then it would be biblical). Maimonides
would have therefore concluded that R. Judah's "reading" is merely an
inference from the wording of the biblical text.[94]

*   *   *

In the preceding three examples, the reading that Maimonides draws
from rabbinic literature and endorses as the correct construal of
*peshateh di-qera* is reasonable in itself and might even be regarded as
*ẓāhir al-naṣṣ*, in the sense of a philological-contextual analysis of Scrip-
ture.[95] Maimonides' talmudic allegiance is evident in these cases merely
from the fact that he credits the Rabbis for these readings, which are
otherwise consistent with the prevailing Andalusian exegetical method
of his time. In the following three examples, on the other hand, this
will not be the case. While the readings Maimonides excludes here

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[92] Kafih (n. 23) understands that Maimonides here refers to Principle #9 (that two
verses that repeat the same law must not be counted separately; see below, n. 104).
But this principle is relevant here only because Principle #2 precludes regarding Rabbi
Judah's derivation from Lev 21:12 as a "new matter" (which would merit separate
enumeration).

[93] See b.*Sanhedrin* 19a and the discussion in chapter eight, sec. 2.3 below.

[94] Maimonides classifies R. Judah's reading as *ẓāhir al-naṣṣ*; but he uses that term
in this context to connote the superficial sense, rather than the sense indicated by
a philological-contextual analysis; see chapter two, sec. 1.3 above; on the important
implications of the distinction between *ẓāhir al-naṣṣ* and *peshateh di-qera* in this
example, see chapter eight below, sec. 2.3.

[95] This is to exclude Maimonides' usage of the term *ẓāhir* in example (3) above,
where it connotes the superficial sense of the text.

from the purview of *peshateh di-qera* do indeed flagrantly violate the
norms of the Andalusian school, the ones he endorses as such—and
thus uses as the basis for biblical commandments—do not themselves
adhere to those norms. In these cases, then, Maimonides seems to show
his colors as a talmudic reader of Scripture, which he evidently did not
consider incompatible with his absolute commitment to *peshateh di-
qera/gufeh di-qera*.

### 3.4. *Exod 20:20*

Negative Commandment #4 discusses Exod 20:20, "You shall not
make with Me gods of silver, nor shall you make for yourselves gods of
gold," which was originally said to the Israelites following their hear-
ing the Ten Commandments from God Himself at Mount Sinai:

> We were prohibited from making a human image from metals, stones,
> wood and the like, even if they were not made to be worshipped…and
> that is His dictum, may He be exalted "You shall not make with me gods
> of silver, nor shall you make for yourselves gods of gold" (Exod 20:20).
> And [this is] the very wording (*naṣṣ*) of *Mekhilta* about the meaning of
> this prohibition by way of commentary (*sharḥ*):
>> …so that you should not think "I am making [these] for decora-
>> tion [and it is permissible]…"; [this verse] teaches us: you shall not
>> make for yourselves.[96]
>
> And it has been made clear in *Sanhedrin* that this prohibition…—I
> mean…"You shall not make with me gods of silver"—includes other
> matters that diverge from the intention (*gharaḍ*) of this commandment.
> But the verse itself (*peshateh di-qera*) speaks [only] of (יתכלם פי) what
> we have mentioned.[97]

Maimonides cites—and accepts—one rabbinic interpretation of this
verse and refers to another that, in his opinion, does not represent
what *peshateh* speaks about. Evidently he had in mind the following
comment:

> "You shall not make with me gods (אלהים) of silver…or gods of gold"—
> gods of silver and gods of gold are not to be made, but of wood are

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permitted? [But rather,] R. Ashi says, [it means] a judge appointed on account of silver and a judge appointed on account of gold.[98]

It is important to observe that the rabbinic sources do not differentiate between the two readings methodologically, leaving it to Maimonides to do so according to his own exegetical sensibilities. It is not difficult to see why he did not regard R. Ashi's "reading" as a genuine construal of *peshateh di-qera*, for even though the term אלהים elsewhere in Scripture does denote *judges* (see n. 98), that seems unlikely in this context given the proximity of Exod 20:20 to the Decalogue and the verbal similarity to its opening: "I the Lord am your God.... You shall have no other gods besides Me. You shall not make for yourself a sculptured image or any likeness...You shall not bow down to them or serve them" (Exod 20:2–5). Maimonides, like other exegetes in the Andalusian school would have regarded R. Ashi's reading as a "witty poetical conceit," even though it is not labeled as such in the Talmud.

Maimonides' exegetical assessment regarding R. Ashi's reading of Exod 20:20, however, does not imply that the prohibition against such judicial appointments is rabbinic in his view, since it would be included in Negative Commandment #284:

> the prohibition...to appoint a judge who is not expert in the science of the Law because of other qualities that he possesses.... This is the dictum: "You shall not be partial in judgment" (Deut 1:17)...and the very wording (*naṣṣ*) of *Sifre* is:
>> ...this is [i.e., refers to] the one responsible for appointing judges...that you should not say, "So and so is handsome, I shall appoint him as a judge," "So and so is courageous, I shall appoint him as a judge," "So and so is my relative, I shall appoint him as a judge," "So and so lent me money, I shall appoint him as a judge."[99]

Since Deut 1:17 appears in the context of Moses' instructions to the newly appointed Israelite judges, it would seem to be a more cogent source for this prohibition than Exod 20:20. This example represents a trend in Maimonides' halakhic writings noted by Barukh ha-Levi Epstein:

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[98] B.*Sanhedrin* 7b. R. Ashi thus explains the point of specifying gold and silver. He takes אלהים in this verse in the sense of *judges*, which is attested elsewhere in Scripture; see, e.g., *BDB*, s.v. אלהים.

[99] Kafih ed., 313–314. The citation is from *Sifre Deuteronomy* §17 (Finkelstein ed., 27–28).

> One familiar with Maimonides' composition [i.e., *Mishneh Torah*] will find in almost every *halakhah*…that he bases [talmudic] laws…on a biblical verse in that context, even though the Gemara used a different source…because the one he brings is straightforward (פשוט) and reasonable.[100]

This important observation is often cited as evidence for Maimonides' "commitment to *peshat*." But we should add that the "straightforward and reasonable" alternate biblical source he chooses is usually drawn from rabbinic exegesis.[101] Significantly, such readings often diverge from the contextual-philological exegetical tradition that he inherited. Indeed, his reading of Deut 1:17 based on *Sifre* is at odds with the contextual understanding reflected by Saadia's translation of this verse in his *Tafsīr*, as well as Abraham Ibn Ezra's analysis, i.e., that this is Moses' admonition to judges he selected to adjudicate fairly in cases that come before them.[102]

We must now turn our attention back to the *Mekhilta*'s reading of Exod 20:20 that Maimonides endorses as the correct construal of *peshateh di-qera*. While the verse itself, taken at face value, seems to speak only of the prohibition to make *gods* of gold and silver, the *Mekhilta* takes it as a prohibition to fashion any graven images—even for other purposes. To be sure, this interpretation seems closer than R. Ashi's comment to a contextual reading of this verse; yet it is not identical with its understanding by others within the Geonic-Andalusian school. Both Saadia and Abraham Ibn Ezra interpreted Exod 20:20 as a prohibition to make images *for the purpose of worship*, as the parallel in the Ten Commandments would suggest.[103] Why, then,

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[100] *Torah Temimah*, Lev 10:6. See also Halivni, *Peshat & Derash*, 200n. Zucker, "Fragments," 315, notes a similar tendency in Saadia.

[101] See, e.g., *Hilkhot Melakhim* 1:10 with commentary of Radbaz and other examples cited in Twersky, *Code*, 57. In some instances, however, Maimonides does devise an independent biblical derivation for a talmudic law; compare, e.g., *Hilkhot Melakhim* 10:7 with b.*Sanhedrin* 20b and above, n. 59.

[102] In *Hilkhot Sanhedrin* 3:8 Maimonides acknowledges as much, appending the expression "based on the tradition (*shemuʿah*) they expounded" to his reading. Interestingly, he goes on there to record the homiletical reading of Exod 20:20, though he prefaces it with the label "the Sages said" (perhaps an indication that, in Maimonides' view, this is a rabbinic "poetical conceit," rather than a genuine construal of *peshateh di-qera*).

[103] Ibn Ezra (long and short comm. ad loc., Weiser ed., II:141–142, 287) clarifies the connection with the preceding verse: "You yourselves have seen that from the heavens I spoke with you," i.e., directly, without an intermediary; therefore, you have no need to worship idols as intermediaries between you and God. Saadia renders this

did Maimonides endorse the *Mekhilta*'s interpretation? It seems likely
that this reflects an application of his Principle #9, i.e., that the repeti-
tion of a commandment is not to be enumerated separately, except if
the Rabbis specify that the seemingly repetitive verse actually indicates
an additional law. In the latter case,

> it is proper to enumerate [the repeated command] without a doubt, for
> then it is no longer for emphasis (*taʾkīd*), but rather for the addition of a
> matter, even though the apparent sense of the text (*ẓāhir al-naṣṣ*) is that
> it is about a single matter.[104]

In this case, then, the rabbinic commentary (*sharḥ*) is an authorita-
tive "transmitted interpretation" that overrides *ẓāhir al-naṣṣ*, i.e., the
philological-contextual reading that would have been correct other-
wise.[105] Maimonides here invokes the rule of *peshat* to choose the
rabbinic interpretation that is more reasonable, though it is not quite
*ẓāhir al-naṣṣ* (i.e., *peshat* according to the criteria of Ibn Ezra), as
opposed to other laws attached to the text by way of *derash*.[106]


### 3.5. *Lev 19:14*

Maimonides' willingness to endorse a reading at odds with *ẓāhir
al-naṣṣ*—and to regard it as the correct construal of *peshateh di-qera*—
is perhaps nowhere more evident than in his presentation of Negative
Commandment #299:

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פלא תצנעו מעי מעבודאת מן פצ'ה ומעבודאת מן אלד'הב verse literally in his *Tafsīr* (לא תצנעו לכם; Derenbourg ed., 110); see Zucker, *Translation*, 331–332. But Abraham
Maimonides (comm. on Exod 20:22, Wiesenberg ed., 326–327) mentions a tradition
that Saadia distinguished between the two halves of this verse: "You shall not make
*with me* gods of silver" prohibits *belief* in other deities; "nor shall you make *for your-
selves* gods of gold" prohibits fashioning images. But the latter is prohibited presumably
for the sake of worship, and thus does not support Maimonides' interpretation based
on the *Mekhilta*. Abraham Maimonides observes that Saadia's double interpretation
accounts for the redundant language in this verse; but Ibn Ezra remarks: "Do not
wonder why לא תעשו is written twice, for this is the poetic way (*ṣaḥot*) of the Sacred
[Hebrew] tongue" (long comm. ad loc., Weiser ed., II:141; on the notion of *ṣaḥot* in
this context, see chapter four, sec. 1.2, above).

   [104] Kafih ed., 33; this rule was discussed in chapter two, sec. 3.4, above.
   [105] For this usage of the term *ẓāhir*, see above, chapter two, sec. 3.
   [106] This is reminiscent of the description of Rashi's selection among midrashic read-
ings based on the one that is "close to *peshuto shel miqra*"; see Kamin, *Categorization*,
63–66.

We were prohibited from causing one another to fail (lit. stumble) in matters of opinion, that is, if someone should inquire…in a matter in which he is inexperienced (or: gullible), it is prohibited to (lit. a prohibition has come) to misguide him…and that is His dictum, May He be exalted, "And before a blind man you shall not place an obstacle" (Lev 19:14). And the very wording (*naṣṣ*) of *Sifra* is: "and before a person who is blind in a particular matter, if he seeks advice from you, do not give him advice that is not fitting for him."[107]

This is the basic law that Maimonides derives from Lev 19:14; but he goes on to explain the applications of this law specified in the Talmud:

This prohibition, they [i.e., the Sages] said, also includes one who assists or causes [another to commit] a sin, because…that person's desire blinded his discernment.…They said (b.*Bava Meṣiʿa* 75b) about one who lends with interest and one who borrows with interest that both violate "And before a blind man you shall not place an obstacle"…And they say about many similar things "he violates 'before a blind man you shall not place an obstacle.'" But the verse itself (*peshateh di-qera*) is about what was mentioned first.[108]

Maimonides thus clearly delineates two levels within this prohibition: (1) what is indicated by *peshateh di-qera* and is thus the original intent of Scripture; (2) further logical inferences from the original prohibition.

What is perhaps most striking about this example is the fact that the acontextual, figurative rabbinic reading upon which Maimonides relies to define what "*peshateh di-qera* is about" can hardly be regarded as the straightforward sense of this verse. Saadia, in his *Tafsīr*, for example, renders it literally, as Maimonides would have been well aware.[109] Maimonides evidently considered the reading in *Sifre* to be a "transmitted interpretation," which overrides *ẓāhir al-naṣṣ*.[110] Yet the further applications of this verse in the Talmud are excluded by Maimonides

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[107] Kafih ed., 320–321. The reference is to *Sifra, Qedoshim* 2:14 (Weiss ed., 88b).

[108] פשטיה דקרא הו פי מא ד'כר אול. Kafih ed., 321.

[109] ובין ידי אלאעמי לא תציר מעת'רא (Derenbourg ed., 172). The literal reading is indicated by the context: לא תקלל חרש ולפני עור לא תתן מכשול (and Maimonides accepts the literal sense of חרש, i.e., one who is deaf; see Negative Commandment #317).

[110] It is surprising that he does not use one of his typical formulas to indicate that this is a "transmitted interpretation" (which would suggest that it diverges from the plain sense). Nor does he use the label מפי השמועה למדו in this connection in *Hilkhot Roṣeaḥ* 12:14 (ולפני עור לא תתן מכשול—הבא ליטול ממך עצה תן לו עצה ההוגנת לו). It is also noteworthy that Maimonides never codifies the prohibition to actually place a stumbling block in front of a blind man; see *Minḥat Ḥinnukh, Miṣwah* 332, sec. ד (II:114); see also Halivni, *Peshat & Derash*, 88.

from the parameters of *peshateh di-qera*, and he regards these as deriv-
ative laws, which are presumably rabbinic according to Principle #2.
He does not invoke the rule of *peshat* here to favor the contextual-
philological reading, but rather to distinguish between *dalālat al-naṣṣ*,
the "root" (*aṣl*) law that is prohibited biblically, and its further applica-
tions (*furūʿ*) by the Rabbis, which are merely rabbinic.[111]

### 3.6. *Num 17:5*

As a preface to this next example, which is used by Maimonides to
illustrate Principle #8 in the *Book of the Commandments*, it is helpful
to turn to the second chapter of his *Treatise on Logic*, where he divides
all linguistic propositions into two categories:

> Every proposition either affirms something of something, e.g., "Zayd is
> wise"…or negates something of something, e.g., "Zayd is not wise".…
> The proposition which affirms something of something is called "the
> affirmative proposition" (*al-qaḍīya al-mūjaba*); that which negates
> something of something we call a "negative proposition" (*al-qaḍīya
> al-sāliba*).[112]

This distinction illuminates Principle #8: "it is not proper to enumer-
ate negation (*nafy*) as we do (lit. with) prohibition (*nahy*)."[113] As he
explains—invoking experts "on the art of logic"—a prohibition is a
prescriptive statement (command; *amr*), whereas a negative propo-
sition—i.e., "negation of a predicate from a subject," is a descriptive
statement and thus cannot be the source of a commandment.[114] To
illustrate the implications of this principle, he cites Num 17:5, "And
there will never again be like Korah and his company (לא יהיה כקרח
וכעדתו), as the Lord said to him by the hand of Moses," which is sub-
ject to the following talmudic commentary, as Maimonides records:

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[111] Maimonides' choice to differentiate between the *aṣl* and *furūʿ* here is surpris-
ing since the talmudic discussion implies that all of these violations are biblical. In
*Mishneh Torah* he seems to have changed his mind accordingly; see *Hilkhot Kil'ayim*
10:31; compare *Hilkhot Roṣeaḥ* 12:14, *Hilkhot Gezelah wa-Avedah* 5:1. See also Mai-
monides' commentary on m.*Terumot* 6:3, where he rules similarly that the derivative
violation is biblical.

[112] *Treatise on Logic*, Efros 1938 ed., 6 [Heb. section] (= Ar.; English, 35). For more
on Maimonides' concept of a "proposition," see below, at n. 133.

[113] This principle was discussed briefly in chapter two, sec. 3.3 above.

[114] Kafih ed., 26–27.

We find…in *Gemara Sanhedrin* [110a]…: "Anyone who sustains a quarrel violates a negative commandment, as it says: 'There will never again be like Korah and his company.'"[115]

But the great codifier argues that this talmudic statement cannot be taken as a genuine interpretation:

> [However,] this [was said] only by way of warning (variants attested in the medieval Hebrew translations: *asmakhta/derash*),[116] not that the verse itself is about this matter (lit: intention; לא אן פשטיה דקרא פי הד'א אלגרץ').[117]

Later in the *Book of the Commandments*, Maimonides has occasion to reiterate this evaluation:

> …their dictum, "Anyone who sustains a quarrel violates a negative commandment, as it says: 'There will never again be like Korah and his company'"…[is] by way of *derash*, whereas the verse itself (*gufeh di-qera*) is a threat as the Sages have explained, and it is negation rather than prohibition.[118]

Maimonides' choice not to regard the talmudic reading of Num 17:5 as an expression of the intention of *peshateh di-qera* seems straightforward in light of his logical distinction. Since "There will never again be like Korah and his company" is a negative proposition, it cannot be the source of a prohibition. In this respect, Maimonides' allegiance to the discipline of logic places him in the camp of the *peshat* school.

Yet while his classification of the talmudic reading of Num 17:5 as *derash* seems consistent with the Geonic-Andalusian exegetical method, his actual analysis of this verse in Principle #8 may tell a different story:

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[115] Ibid., 29. I am following Maimonides' understanding of this verse, which naturally highlights the logical implausibility of the talmudic reading. The Talmud seems to construe these words differently—with the verb יהיה taken in (what would in English be) the subjunctive mood ("there should never again…."); see the discussion below.

[116] Ar. 'ועט (with no variation in the Judeo-Arabic manuscripts I consulted). Ibn Tibbon (Heller ed., 16) renders this *asmakhta*, Ibn Ayyub *derash*. It is conceivable that they had a different Arabic text, since 'ועט cannot be construed as either (cf. the explanation offered by Bacher, *Bibelexegese*, 30n). Nahmanides (*Hassagot*, Chavel ed., 91) reflects the extant Arabic text ('ועט), since he reads על דרך תוכחה. It seems that he either used a different translation of the *Book of the Commandments* or translated it independently; see introduction, above, n. 31.

[117] Kafih ed., 29. MS Paris Ecole Rabbinique 134 and Bloch (perhaps based on that MS) read פשאטיה here; see above, n. 40.

[118] Negative Commandment #45, Kafih ed., 204.

The Sages explained that it is a negation (*nafy*) and they clarified its meaning and said: that He, may He be exalted, said that any rebel who revolts against the priesthood and claims it for himself, what happened to Korah and his company—namely being swallowed up and burned— will not happen to him, but rather his punishment will be "as the Lord said to him by the hand of Moses," namely leprosy, and that is His dictum, may He be exalted, to him [Moses]: "bring your hand into your bosom" (Exod 4:6), and they brought a proof from what was told about Uziah, King of Judah (II Chr 26:19).[119]

Here we see that Maimonides' understanding of Num 17:5 as a negation rather than a prohibition is not based on his independent analysis, but rather a rabbinic source (in this case, Midrash *Tanḥuma*). The great codifier's innovation vis-à-vis rabbinic exegesis is manifested here in his willingness to select a single rabbinic reading as the correct construal of *peshateh di-qera* and relegate the other to the status of mere *derash*—which therefore cannot be the source of a biblical law.

It is worth noting that Maimonides actually cites Num 17:5 only partially, and that a more reasonable alternative interpretation might be suggested if one views this verse in its entirety, as well as the preceding one, which together read:

(4) Eleazar the Priest took the copper fire pans which had been used for offering by those who died in the fire [participants in Korah's rebellion]; and they were hammered into plating for the altar—(5) a reminder to the Israelites, so that no outsider, one not of Aaron's offspring, should presume to offer incense before the Lord, *in order that there should never again be like Korah and his company* (ולא יהיה כקרח וכעדתו)—as the Lord said to him by the hand of Moses (כאשר דבר ה' ביד משה לו).

Here it would seem that ולא יהיה כקרח וכעדתו is a subordinate clause, the meaning of which would be expressed in English in the subjunctive ("in order that there should never be like Korah..."), rather than the indicative ("there will never be like Korah..."). As Nahmanides remarks in response to Maimonides' reading:

This is certainly not the *peshat* of the verse (*peshateh di-qera*), nor an essential midrash (*midrash ʿiqqari*) of our Rabbis. But rather, the *peshat* of the verse and its essential [meaning] (*ʿiqqar*) [is][120] that he commanded

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[119] Kafiḥ ed., 29; his rabbinic source is *Tanḥuma Ṣaw*, §11 (19–20).
[120] וזה ודאי אינו פשטיה דקרא ולא מדרש עיקרי לרבותינו. אבל פשט הכתוב ועיקרו... Nahmanides' use of the term *ʿiqqar/ʿiqqari* is distinctive to him. He often

that "the hammered…plating for the alter" be "a reminder to the Isra-
elites" for two things: (1) "that no outsider […] should presume to offer
[incense]" and to offer [animal] sacrifices, and also (2) that no person
should dispute Aaron's priesthood, to say that it was not from God.
Both of these are actually prohibitions (lit. deterrences; *menivot*), even
though they are stated as facts (lit. by way of recounting; *be-derekh ha-
zikkaron*)…[121] And [thus] ולא יהיה כקרח וכעדתו must be enumerated
[as a commandment].[122]

It is true that the very broad prohibition against inciting any sort of
quarrel is merely *derash*, as Maimonides had argued; but, Nahmanides
argues, the words "in order that there should never again be like Korah
and his company" express a specific prohibition to dispute Aaron's
priesthood, as Korah's company had done. Returning to Maimonides'
reading, he remarks:

> What he said about the matter of leprosy, which is in Midrash *Tanḥuma*,
> is said by way of warning and aggadic *derash*, linked by way of *asmakhta*
> to the word "by the hand of Moses." But it is not the *peshat* of the verse,
> nor an essential midrash, since "by the hand of Moses" is a common
> biblical expression (לשון תורה הוא ברוב המקומות).[123]

In Nahmanides' lexicon, the term *peshat* connotes *a philological-
contextual interpretation*, and in his view the reading Maimonides
adopted from Midrash *Tanḥuma* does not meet that criterion. In fact,
Nahmanides insists that it is not even an "essential midrash," by which
he means that it is a mere *asmakhta*, rather than a genuine derivation
through the *middot*.[124]

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uses the coinage עיקר הכתוב, by which means *the essential meaning of Scripture*
(see, e.g., his comm. on Lev 10:6, 19:2, 21:12 [above, n. 89], Deut 3:9, 18:21). This
passage reveals that, in his lexicon, this term is synonymous with *peshateh di-qera/
peshat ha-katuv*. Compare his locution *midrash ʿiqqari* with his language elsewhere:
אין זה עיקר מדרש הכתוב שהוא עיקרי במצוות מדרש (*Hassagot*, Chavel ed., 44),
(comm. on Exod 23:18).
    [121] As prooftexts, Nahmanides cites על כן לא יאכלו בני ישראל את גיד הנשה (Gen
32:33; where he takes לא יאכלו to mean *they must not eat* rather than *they will not
eat*) and לא יעבד ולא יזרע (Deut 21:4, which he takes to mean *it must not be worked
nor sown*, rather than *it will not be worked nor sown*).
    [122] *Hassagot*, Chavel ed., 90–91.
    [123] Ibid., 90.
    [124] See n. 120 above. That distinction is particularly important within Nahmanides'
hermeneutical system, since in his view derivations through the *middot* have biblical
authority; see chapter seven below, sec. 6.

This raises the question of what Maimonides was thinking when embracing the *Tanḥuma* reading as a genuine construal of *peshateh di-qera*. One the one hand, it is possible that in his view this rabbinic interpretation is a cogent philological-contextual analysis of Num 17:5, i.e., what he might call *ẓāhir al-naṣṣ*. If so, this example would resemble examples 1, 2 and 3 (category 1a) discussed above.[125] Yet it is also conceivable that Maimonides was not acting here as a blind rabbinic reader of Scripture, but actually recognized that this reading diverges from *ẓāhir al-naṣṣ* and nonetheless accepts at as a "transmitted interpretation." In other words, when determining whether Num 17:5 is a prohibition or negation, Maimonides consults the authoritative transmitted interpretation rather than deciding based on his own sense of *ẓāhir al-naṣṣ*.[126] In that case this example would belong with examples 4 and 5 (category 1b). The lack of clarity regarding this matter reflects the normal subjectivity involved in establishing the most plausible "straightforward" (contextual-philological) reading of any given verse.[127] In either case, the six preceding examples clearly include examples of both categories, which certainly reflects the overall situation in Maimonides' exegesis: at times the rabbinic readings upon which he relies can be said to conform to *ẓāhir al-naṣṣ*, but at other times they do not.

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Having seen six cases in which Maimonides selects his reading of *peshateh di-qera* from among those provided by the Rabbis, we now

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[125] Maimonides' construal of the words ולא יהיה כקרח וכעדתו as a negation ("there will not be…"), on its own, is defensible from a philological perspective and might legitimately be regarded as *ẓāhir al-naṣṣ*, and this is not necessarily dependent on the more tenuous construal of "by the hand of Moses" as a reference to leprosy. It is possible that Maimonides regarded only the first part of the *Tanḥuma* reading as an authoritative "transmitted" interpretation, but not the second. That would make this example closer to the others in category 1a.

[126] This possibility is illustrated dramatically (with respect to another verse) in Negative Commandment #46, where Maimonides specifies that the apparent sense (*ẓāhir*) of Exod 14:13 would make it a negation, but that he accepts the authoritative rabbinic interpretive tradition that construes it as a prohibition; see chapter two, sec. 3.3 above.

[127] To be sure, Nahmanides' reading seems compelling. And even Rashi on this verse—according to the Berliner edition and the standard printed text—labels the *Tanḥuma* interpretation *midrasho*. However, one Rashi manuscript cited by Berliner reads: לפי פשוטו לא יהיה עוד בלוע ושרוף כקרח וכעדתו, אך כאשר נעשה לו למשה בידו שלקה בצרעת. So it is conceivable that Rashi read this verse in the same vein as Maimonides did—and labeled this reading *peshuto*!

turn to three cases in which he invokes the rule of *peshat* to reject
the rabbinic reading of a given verse—even when he does not have
an alternative one upon which to rely, but rather interprets the verse
independently.

### 3.7. *Deut 23:24*

Maimonides reveals what would seem to be one of his fundamental
interpretive axioms in the course of analyzing Deut 23:24 in Positive
Commandment #94:

> We were commanded to fulfill everything that we have obligated our-
> selves to do verbally, whether it be an oath, a vow, sacrificial offering or
> anything else, and that is His dictum, "That which is gone out of your
> lips you shall keep and perform; [even a freewill offering, according to
> what you have vowed to the Lord your God, which you have promised
> with your mouth]" (Deut 23:24).[128]

The halakhic conclusions that Maimonides draws from this verse are
certainly not at odds with the way it was understood by the Rabbis, but
he expresses an important reservation about their analysis:

> Although they separated the language of this verse and ascribed to each
> of its utterances a meaning, the intention (*gharaḍ*) is [generally speak-
> ing]…to fulfill any sort of obligation that a person undertakes ver-
> bally…And [as for] the wording (*naṣṣ*) of *Sifre* "That which is gone out
> of your lips—this is an affirmative precept […],"[129] you know that no
> meaning is implied by the expression "that which is gone out of your
> lips" alone; but the intention (*gharaḍ*) is only the gist of the verse itself
> (תחציל פשטיה דקרא) that I mentioned to you, which obligates doing
> all that a person utters with his lips.[130]

Here Maimonides does not invoke the notion of *peshateh di-qera* to
draw any legal conclusion, but simply to note that the interpretation
of this verse in *Sifre* is mere *derash*. In this case, he does not offer an
alternative rabbinic source, as he seems to regard this verse itself as a

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[128]  Kafih ed., 109.
[129]  The remainder of this commentary in *Sifre* (abbreviated by Maimonides)
reads:
> "You shall keep"—[this is] a negative precept; "And perform"—this is an injunc-
> tion to the court to force you to do; "According to what you have vowed"—this
> is a vow. (*Sifre Deuteronomy* §265 [Finkelstein ed., 286]).
A similar commentary appears in b.*Rosh ha-Shanah* 6a.
[130]  Kafih ed., 109.

"clearly manifest text" (*naṣṣ jalī bi-bayān*, to borrow a Maimonidean coinage),[131] which he interprets independently.

On what basis does Maimonides reject the rabbinic reading? Here he does not do so on the authority of an opposing rabbinic interpretation (as he did in the previous six examples), but rather based on his view of the exegetical deficiency of the only rabbinic commentary he knew on this verse—as attested in *Sifre* and echoed in the Talmud (see n. 129). This commentary, for Maimonides, simply cannot be a genuine reflection of what *peshateh di-qera* indicates. Anyone familiar with rabbinic exegesis would immediately recognize the analysis in *Sifre* as a typical rabbinic exegetical mode, in which each phrase of a given verse is assigned its own separate meaning. In rejecting this type of interpretation, Maimonides reveals his allegiance to the grammatically-oriented Andalusian exegetical school.[132]

But another influence on Maimonides' thought must be also considered, namely the discipline of logic, which included a clear notion of sentence structure. Indeed, in the first chapter of his *Treatise on Logic*, he comments:

> The noun which the Arab grammarians call a "beginning," the logicians call "a subject" (*mawḍūʿ*) and that which the grammarian calls "information concerning the beginning," the logicians call "a predicate" (*maḥmūl*). It does not matter whether the information is a noun, a verb, a particle, or a phrase…nor is there any difference as to whether the information affirms or negates…
>
> The entire expression…, i.e., the subject and the predicate together is called "a proposition" (*qaḍīya*).… The proposition always has two parts: the subject and the predicate, even if it consists of many words. For example, when we say "Zayd of Basra, who resided in the house of Amr, killed his son Abu Bekr of Egypt," we say that the subject of this proposition is "Zayd of Basra, who resided in the house of Amr," and its predicate is "killed his son Abu Bekr of Egypt."[133]

For Maimonides, the basic unit of meaning is a complete sentence (a "proposition"), which requires a subject and predicate. He therefore would have been compelled to regard the atomistic reading in *Sifre*

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[131] See Negative Commandment #194, Kafih ed., 276.

[132] Maimonides elsewhere recoils from endorsing such atomistic rabbinic readings; see, e.g., above at n. 59 (regarding the atomistic rabbinic reading of Exod 18:20); see also the discussion below in chapter eight, sec. 1.2.

[133] *Treatise on Logic*, Efros 1938 ed., 5–6 [Heb. section] (= Ar.; English, 34–35).

as mere *derash*, since "no meaning is implied by the expression 'that which is gone out of your lips.'"

### 3.8. *Num 4:20*

At times Maimonides adduces evidence from the words of the Rabbis themselves to conclude that a given rabbinic reading must not be regarded as a genuine construal of *peshateh di-qera*. In Principle #3 of the *Book of the Commandments*, as mentioned above, the great codifier establishes that the sum of 613 commandments includes only laws that are applicable permanently. He thus criticizes his predecessors for enumerating Num 4:20, "They shall not go in to see when the holy things are covered, lest they die," which was said of the Kohathites regarding the dismantling of the Tabernacle by the priests during the travels in the desert.[134] Maimonides acknowledges, however, that the Rabbis derived another prohibition from this verse relevant in later times, which requires him to explain further:

> Even though it was said (b.*Sanhedrin* 81b): "They shall not go in to see" [and so on] is an allusion (*remez*) to [death at the hands of zealots] for one who steals the קסוה (a holy measuring vessel used in the Temple). Now it is sufficient in their saying *remez* [to conclude] that the verse itself is not about that (פשטיה דקרא ליס הו פי ד'לך).[135]

Maimonides on his own would have probably excluded this acontextual talmudic reading from the purview of *peshateh di-qera*. But here he could support this judgment by pointing to the term *remez* (= hint, allusion) used in the Talmud itself to label this analysis of Num 4:20, indicating that it is some sort of secondary association or—at most—an inference from the verse.[136] He therefore concludes that it does not

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merit enumeration as one of the 613 biblical commandments. As for his own understanding of *peshateh di-qera*, it stands to reason that Maimonides took Num 4:20 literally, i.e., according to *ẓāhir al-naṣṣ*, as he does not cite a specific alternative rabbinic interpretation.

### 3.9. *Exod 20:21*

In the preceding two cases, Maimonides manifests his exegetical independence from the Rabbis primarily by rejecting rabbinic readings that he regarded as midrashic. His own construal of *peshateh di-qera* in those cases is less remarkable, since the meaning of the verses in question is rather straightforward. In our next and final example, however, Maimonides' analysis of *peshateh di-qera* entails a more involved independent resolution of an exegetical difficulty. In Positive Commandment #20, he records the obligation to build a Holy Sanctuary based on Exod 25:8, "And they shall make for Me a sanctuary," a biblical verse that is followed by detailed instructions for constructing the Tabernacle (Exodus 25–31), which Maimonides (following the Rabbis) took to be a prototype for the Holy Temple ultimately built by King Solomon. The great codifier argues that all of the Tabernacle's components described in those chapters, e.g., the candelabrum, ark, table, etc., are subsumed under the rubric of this single commandment—and he had already established in Principle #7 (as mentioned above) that the details of any given commandment must not be enumerated separately. The commandment to build an altar, however, might have merited separate enumeration, because it appears in an earlier narrative, unconnected with the Tabernacle. As Maimonides explains:

> With respect to His dictum regarding the altar: "Make an altar of earth (מזבח אדמה) for Me [and sacrifice on it your burnt offerings]" (Exod 20:21), about which it could be thought that this text is a commandment in its own right that stands apart from the commandment of a Holy Sanctuary, the matter is as I shall describe to you. As for the verse itself (*peshateh di-qera*), it speaks (יתכלם) about the time in which outside altars (*bamot*) were permitted, that it was permissible for us then to make an altar of earth in any place and offer sacrifices.[137]

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as he does with some Arabic terms of this type, e.g., *isnād, ishāra*; see chapter five, sec. 4.2. Nahmanides (*Hassagot*, Chavel ed., 53–54) demonstrates that in the Talmud many laws derived from exegesis termed *remez* are regarded as biblical.

[137] Kafih ed., 69. The Bloch ed. here reads פשאטיה דקרא; see above, n. 40. Our translation ("that it was permissible *for us* then…") reflects an emendation of Kafih's

Maimonides first presents a contextual analysis of the verse itself (*peshateh di-qera*): based on its appearance in the narrative of the revelation at Sinai (which occurs well before the Tabernacle is even mentioned), he assumes that it relates to the pre-Tabernacle period (which corresponds to later periods when there is no central Temple) when "outside altars" were permitted, during which time this verse indicates a preference that these be made of earth, rather than stones.[138] On this reading, the prescription in this verse is a temporary law and therefore must be excluded from enumeration based on Principle #3 (as mentioned above), a matter that Maimonides clarifies in discussing the alternative rabbinic reading of this verse:

> But they [the Sages], peace be upon them, have said that the meaning (*maʿna*) of this is that it is a command to build an altar attached to the ground and that it should not be mobile as it was in the desert. And this is their dictum in *Mekhilta* of R. Ishmael as commentary (*sharḥ*) on this verse: "When you enter the Land [of Israel], make Me an altar *attached to* the ground (מזבח מחובר באדמה)." And if the matter is thus, then this is a command that applies forever [lit. for all generations; לדורות], and it is one of the parts of the Temple, I mean that an altar must necessarily be built of stones.[139]

On this reading, the command in this verse applies eternally and therefore cannot be excluded based on Principle #3; however, since it is simply a part of the larger commandment to build the Holy Sanctuary, it must excluded from enumeration based on Principle #7.

It is important to compare the two readings that Maimonides juxtaposes here. Since the Rabbis in the *Mekhilta* identified the "altar" in this verse with the one in the Temple, which was indeed built of stones, they reinterpreted "an altar of earth" as "an altar *attached* to the earth," i.e., the ground. Maimonides, however, does not classify this as a genuine construal of *peshateh di-qera*, evidently because it

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text (read 'אלד'י כאן מבאח לנא חיניד, not 'אלד'י כאן מבאח חיניד) based on the manuscripts listed in the bibliography, as well as Bloch's text.

[138] Compare Maimonides' reading of these verses in *Guide* III:45 (cited in chapter three above, sec. 3; see also Abraham Maimonides, comm. on Exod 20:21, Wiesenberg ed., 327). This reading has no precedent in rabbinic literature, though it may be based on earlier Andalusian exegesis. Compare Abraham Ibn Ezra (long comm. on Exod 20:21–22), who interprets the verse as a reference to the temporary altar Moses built at the foot of Mount Sinai, and dismisses the rabbinic halakhic reading as an *asmakhta*. Saadia, on the other hand, follows the halakhic reading in his *Tafsīr*; see Zucker, *Translation*, 332.

[139] Kafih ed., 69. The reference is to *Mekhilta Yitro* §11 (Horovitz-Rabin ed., 242).

does violence to the language of the verse and takes it out of context entirely. This reading, then, would be regarded by Maimonides as a matter deduced "by way of commentary (*sharḥ*)," rather than being stated explicitly in Scripture itself (*peshateh di-qera/gufeh di-qera*)— precisely the distinction he makes in Principle #2.[140] Normally he would turn to another rabbinic source to interpret *peshateh di-qera*; but in this case he chose to record what would seem to be his own contextual interpretation of Scripture (see n. 138).

### 4. *Unique Definition of* Peshateh di-Qera

Based on the preceding analysis of Principle #2 and the nine additional occurrences of the term *peshateh di-qera/gufeh di-qera* in the *Book of the Commandments*, we can now draw definitive conclusions regarding Maimonides' unique definition of this term, which has eluded modern scholarship. Prior attempts to pin down Maimonides' conception of *peshuto shel miqra* have been flawed for a variety of reasons, in some cases due to a failure to address all of the pertinent examples, in others for the opposite reason, i.e., the use of too much data, as conclusions were drawn based on the Hebrew translations of the *Book of the Commandments*, which feature the term *peshat* in an additional six instances. But in those cases, Maimonides actually used the term *ẓāhir* specifically to avoid the strong halakhic implications of the term *peshat*.[141] Furthermore, it is often assumed that *peshat* in Maimonides' lexicon can simply be equated with its use by other exegetes, without taking into account the extent to which his model of *peshat* was deeply rooted in his system of *halakhah*, which itself draws upon

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[140] In theory, then, Maimonides could have argued that the *Mekhilta* reading of Exod 20:21 cannot serve as the basis for a separately enumerated commandment based on Principle #2, i.e., because it is not stated in *peshateh di-qera*. It would seem that he chose to invoke Principle #7 because the fact that the altar is one of the components of the Holy Sanctuary is self-evident, whereas the status of the *Mekhilta* reading might be subject to debate. E.g., Saadia seems to have endorsed it (see above, n. 138). Interestingly, Maimonides himself records the *Mekhilta* reading in *Hilkhot Beit ha-Beḥirah* 1:13. It is conceivable that even he changed his mind and regarded this as the "transmitted interpretation" of Exod 20:21. But even that is not clear-cut, since Maimonides elsewhere in *Mishneh Torah* adduces readings of Scripture he seems to have regarded as mere *derashot*; see, e.g., above, n. 102.

[141] See chapter two above, sec. 3.3, 3.4, 3.5, 3.6; n. 90 above in the current chapter; and chapter eight, sec. 1.5 below.

conceptions from *uṣūl al-fiqh*. The current study was designed to rectify these shortcomings, first by laying out (in the previous chapter) his legal hermeneutical halakhic classifications in light of their roots in *uṣūl al-fiqh*, and then (in the current chapter) by addressing the entire corpus of Maimonidean passages that feature the term *peshateh di-qera/gufeh di-qera*, as distinct from the term *ẓāhir*.

The conventional assumption that Maimonides used the term *peshat*, as others did, to connote the simple, straightforward sense of the biblical text—reflected by Nahmanides in his critique of Principle #2 (above, at n. 74), as well as Ettinger in his characterization of Maimonides' legal hermeneutics (above, at n. 76)—is not borne out by the relevant data, i.e., the great codifier's use of the term *peshateh di-qera/gufeh di-qera* in connection with twelve verses (as seen in the preceding two sections), to judge whether or not a given reading is what *peshateh di-qera* genuinely indicates. In most (but not all) cases, he compares two readings in this respect, granting this superior status to only one of them, while relegating the other to the lower status of inference or *derash*. The following table lists these examples in the order originally presented above: three from Principle #2 (discussed in sec. 2 above, now labeled i, ii, iii), and nine from elsewhere in the *Book of the Commandments* (discussed in sec. 3 above, labeled here according to their original enumeration).

| Example | Biblical verse | What *peshateh di-qera/gufeh di-qera* indicates | "additional matters deduced by way of commentary and inference" |
|---|---|---|---|
| i | Exod 18:20, "And you shall…show them the way in which they are to go, and the practices they are to follow." | | "'The way'—…deeds of loving kindness; '…to go'—…visiting the sick; 'in which'—…burial…" (b.*Bava Qamma* 99b–100a) |
| ii | Lev 19:18, "Love your fellow as yourself." | To perform "all of those actions [of loving kindness]"…i.e., visiting the sick, etc. | |
| iii | Deut 4:6, "For that will be the proof of your wisdom and discernment to other peoples." | [that the rationale for the commandments (their "wisdom") is discernable to all nations (*Guide* III:31)] | "What wisdom and discernment is observable by other peoples? Say that it is the science of seasons and planets" (b.*Shabbat* 75a) |

Table (*cont.*)

| Example | Biblical verse | What *peshateh di-qera/ gufeh di-qera* indicates | "additional matters deduced by way of commentary and inference" |
|---|---|---|---|
| (1) | Lev 11:43, "Do not make yourselves abominable with anything that swarms." | "We are prohibited from eating any swarming thing" (based on b.*Makkot* 16b) | "One resisting responding to the call of nature…and who drinks water out of the surgeon's horn…violates 'do not make yourselves abominable'" (b.*Makkot* 16b) |
| (2) | Deut 14:1, "You shall not gash yourselves (לא תתגודדו), nor shave the front of your head for the dead." | "We were prohibited from wounding ourselves as idol worshippers do" (based on b.*Makkot* 21a) | "[Not] to divide the community…: 'לא תתגודדו—Do not split into many groups [אגודות אגודות]'" (b.*Yevamot* 13b) |
| (3) | Lev 21:12, "From the Sanctuary he shall not exit." | "The priests were prohibited from exiting the Temple during the time of the service" (based on *Sifra*) | "If a death occurs…he does not go out following the coffin" (m.*Sanhedrin* 2:1) |
| (4) | Exod 20:20, "You shall not make with Me gods of silver, nor shall you make for yourselves gods of gold." | "We were prohibited from making a human image from metals, stones, wood and the like, even if they were not made to be worshipped" (based on *Mekhilta*) | "A judge appointed on account of silver and a judge appointed on account of gold" (b.*Sanhedrin* 7b) |
| (5) | Lev 19:14, "And before a blind man you shall not place an obstacle." | "We were prohibited from causing one another to fail (lit. stumble) in matters of opinion" (based on *Sifra*) | "One who assists or causes [another to commit] a sin" (based on b.*Bava Meṣiʿa* 75b and elsewhere in Talmud) |
| (6) | Num 17:5, "There will never again be like Korah and his company, as the Lord said to him by the hand of Moses." | "Any rebel who revolts against the priesthood…what happened to Korah and his company—namely being swallowed up and burned—will not happen to him" (*Tanḥuma*) | "Anyone who sustains a quarrel violates a negative commandment" (b.*Sanhedrin* 110a) |

Table (*cont.*)

| Example | Biblical verse | What *peshateh di-qera/gufeh di-qera* indicates | "additional matters deduced by way of commentary and inference" |
|---|---|---|---|
| (7) | Deut 23:24, "That which is gone out of your lips you shall keep and perform." | "…doing all that a person utters with his lips." | "That which is gone out of your lips—this is an affirmative precept […]" (*Sifre*) |
| (8) | Num 4:20, "They shall not go in to see when the holy things are covered, lest they die." | [literal reading, presumably] | "An allusion (*remez*) to [death at the hands of zealots] for one who steals the קסוה" (b.*Sanhedrin* 81b) |
| (9) | Exod 20:21, "Make an altar of earth (מזבח אדמה) for Me." | "When outside altars (*bamot*) were permitted…it was permissible for us then to make an altar of earth in any place and offer sacrifices." | "Make Me an altar *attached to* the ground מזבח מחובר) (באדמה" (*Mekhilta*) |

As this table illustrates, there are ten readings that Maimonides directly classifies as genuine construals of *peshateh di-qera*, and eleven that he excludes from this category.[142] His exclusion of the latter group (in the right-hand column of the table) reflects the values of the Andalusian school, since he evidently made his determination based on the fact that those readings do not adhere to (a) the immediate literary context, (b) the rules of grammar/logic (in particular the requirement that a verse be interpreted as a whole rather than atomistically) or (c) philology.[143] It would, of course, be convenient to focus on these

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[142] Examples (1)-(9) each include a reading that is not a valid construal of *peshateh di-qera*, and another that is. (We are assuming that he read Num 4:20 literally, as mentioned in connection with that example above.) In Principle #2 he mentions two readings (of Exod 18:20, Deut 4:6) that "*peshateh di-qera* does not indicate," while referring to the obligation to engage in acts of kindness in Lev 19:18 as a "commandment…stated explicitly in the Torah"; by implication, then, "*peshateh di-qera* indicates it." (In *Guide* III:31 he specifies how he interpreted Deut 4:6, though he does not use the term *peshateh di-qera* in that context.)

[143] Maimonides elsewhere makes similar exegetical judgments. See, e.g., his remarks about the rabbinic "reading" of Deut 8:8 (chapter five above, at n. 127); and about midrashic "poetical conceits" in *Guide* III:43 (cited in chapter three above, sec. 3). He likewise rejects *gimatria* as a genuine exegetical tool; see Mishnah Commentary on

cases and declare Maimonides a *pashtan* in the spirit of Ibn Ezra's "way of *peshat*"—as Nahmanides and Ettinger imply.

Yet the readings Maimonides endorses as genuine construals of *peshateh di-qera* (the third column in the table above) yield a mixed picture, as the following summary chart—illustrating the classification of the examples in the preceding section—makes clear:

| 1. Maimonides relies on rabbinic exegesis | | 2. Interprets Scripture independently |
| --- | --- | --- |
| a. adhering to *ẓāhir al-naṣṣ*: (1), (2), (3), (6?) | b. diverging from *ẓāhir al-naṣṣ*: (4), (5), (6?) | always adhering to *ẓāhir al-naṣṣ*: (7), (8), (9), ii |

While the readings in categories 1a and 2 adhere to Andalusian exegetical values, those in category 1b betray a different orientation. Most striking among these is his figurative, acontextual reading of (5), Lev 19:14; but a similar assessment applies to (4), Exod 20:20, and perhaps (6), Num 17:5, as well. Nor is it rare for Maimonides elsewhere in the *Book of the Commandments* to rely on rabbinic interpretations that Ibn Ezra and Nahmanides would exclude from *peshat* since they defy the philological-contextual method.[144] Although in many such cases (unlike the ones discussed until now in this chapter) Maimonides does not actually use the term *peshat*, every reading cited as the source for one of the 613 commandments is, in his opinion, an accurate construal of *peshateh di-qera* by definition, according to Principle #2.

The conventional assumption regarding Maimonides' definition of *peshuto shel miqra* thus leads to a stark contradiction within his system, as some modern scholars have noted.[145] The alternative definition we propose, on the other hand, avoids these contradictions and thus seems to reflect Maimonides' usage more accurately. On this account, *peshateh di-qera* is not the philological-contextual reading (which he at times labels *ẓāhir al-naṣṣ*), but rather the text of Scripture itself,

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*Nazir* 1:3; see also *Book of the Commandments*, Principle #3 (Kafih ed., 16). Compare Abraham Ibn Ezra's negative view of *gimatria*; see Mondschein, "Attitude."

[144] See, e.g., at nn. 99, 102 above and at nn. 151, 155 below. Further examples will be discussed in chapter eight, sec. 1 below.

[145] See introduction above, sec. 2.

the meaning of which is self-evident in some cases, but in others is determined by the original Sinaitic interpretation (*tafsīr marwī*) transmitted by the Rabbis, as Maimonides seems to posit, e.g., with respect to examples (4), (5) and perhaps (6). The distinctions the great codifier makes using the term *peshat* are not fundamentally exegetical, as conventionally assumed, but rather jurisprudential (in terms borrowed from *uṣūl al-fiqh*), i.e., between the *uṣūl* and *furūʿ* ("roots and branches") of the *halakhah*, and between laws known through *naql* (tradition), as opposed to those that originate in *ʿaql* (human legal reasoning).

## 5. *The Rule and Its Exceptions*

The question that remains, of course, is how Maimonides—without strict exegetical criteria—actually goes about deciding which rabbinic readings of Scripture to include in the parameters of *peshateh di-qera* and which to regard as mere inference or *derash*. On a basic level, one might conclude from the examples cited above that the great codifier generally preferred to choose among rabbinic readings the ones that are closest to the philological-contextual reading. But this does not cover all of the cases, because there are some instances that clearly violate this rule, i.e., where he attaches one of the 613 commandments to a rabbinic reading that flouts that rules of philological-contextual analysis. To tackle this issue, it is helpful to begin with the words of Ettinger, who specifically addresses the problem posed by such instances:

> Why does Maimonides regard these laws as biblical laws, as they do not stem from the simple sense (*peshat*) of the scriptures? The answer is indeed found in the words of Maimonides, in the second principle of the *Book of the Commandments*, where Maimonides notes that if the Sages say explicitly that a given law that they deduced midrashically is a biblical law, then we must enumerate it as such despite the fact that the *derash* does not correspond to the *peshat* of Scripture (*peshuto shel miqra*).[146]

Ettinger here refers to the "escape hatch" that Maimonides provided in his initial formulation of Principle #2:

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[146] Ettinger, "Legal Logic," 21.

> Anything which you do not find as a[n explicit] text (*naṣṣ*) in the Torah (*Torah*) and you find that the Talmud deduces it through one of the thirteen *middot*, if they [i.e., the Sages] themselves clarified and said that this is a Torah principle (*guf Torah*) or that this is a biblical law (*de-orayta*), then it is proper to enumerate it, since the transmitters of the tradition said that it is biblical (*de-orayta*). But if they do not clarify this and do not say anything explicit about this, then it is rabbinic (*de-rabbanan*; lit. of the Rabbis), since there is no text (*naṣṣ*) indicating (*yadullu*) it.[147]

In other words, only where the Talmud provides no clear evidence regarding the status of a given law is Maimonides truly free to apply his exegetical criteria. But where the Rabbis specify that a law is biblical, his hands are tied and he must make an exception to his "rule of *peshat*."

Ettinger notes further that Maimonides will cite a biblical "prooftext" with nothing more than a midrashic reading even where the Rabbis do not say explicitly that the associated law is biblical, but merely indicate as much implicitly.[148] At times, in fact, Maimonides will do so even where the talmudic evidence is not compelling, but simply based on his own legal sense that a given law must be part of the essential core of the 613 original Sinaitic laws.[149] Using the categories the great codifier appropriated from *uṣūl al-fiqh*, we can say that he believed the law in question to be a "root" (*aṣl*) and not simply a derivative or "branch" (*far'*), and, as such, it must have been known through tradition (*naql*) from the original Sinaitic "transmitted interpretation," and could not have been derived only subsequently through *'aql*, i.e., an inference from Scripture by way of *qiyās*.

A prime example cited by Ettinger is Maimonides' analysis of Deut 11:13, "and to serve Him [i.e., God] with all your heart," which is the basis of Positive Commandment #5:

> We were commanded to serve Him, may He be exalted. And this commandment was repeated may times, as He said: "You shall serve the Lord your God" (Exod 23:25), and He said "you shall serve none but Him" (Deut 13:5), and He said: "and to serve Him [with all your heart]" (Deut 11:13). And even though this commandment is also one of the very general commandments [that ought not be enumerated as one of the 613], as I have clarified in the fourth principle,[150] it does have a

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[147] Kafih ed., 13. This passage was cited above, at n. 30.
[148] Ettinger, "Legal Logic," 21n.
[149] See Ettinger, "Legal Logic," 21–23.
[150] See above, at n. 16.

specificity [i.e., a specific manifestation], as it is the commandment to pray [daily]. And the very wording (*naṣṣ*) of *Sifre* is: "And to serve Him: this is prayer."[151]

Maimonides is well aware that the verses he cites would seem to express nothing more than a general commandment to worship God, presumably by obeying all of the other commandments. As such, this would not be enumerated as one of the 613 specific commandments in accordance with Principle #4. Yet he does enumerate a commandment based on these verses since he accepts the rabbinic reading that interprets Deut 11:13 as the source for the obligation to pray daily. It is in this vein that he writes in *Mishneh Torah*:

> It is a positive commandment to pray every day, as it says: "You shall serve the Lord your God" (Exod 23:25)—based on the tradition (*shemuʿah*) they expounded that this "service" is prayer. As it says: "and to serve Him with all your heart" (Deut 11:13). The Sages said: "Which is the service that is 'in the heart'? That is prayer!"[152]

Using the expression "based on the tradition they expounded" (his Hebrew equivalent for *tafsīr marwī* [see chapter five, sec. 4.1]), Maimonides indicates that he takes this rabbinic reading to be the genuine construal of *peshateh di-qera*.

Ironically, it is Nahmanides (in his critique of Positive Commandment #5) who takes Maimonides to task here for straying from the way of *peshat*, since the rabbinic readings that he cites fall into the category of *asmakhta*—in Nahmanides' view. On top of that, the latter cites ample evidence to suggest that even the Talmud regarded daily prayer as a rabbinic rather than biblical obligation.[153] As Ettinger points out, Maimonides here reveals his true colors both as an independent halakhic thinker and, at the same time, a talmudic reader of Scripture. The great codifier seems to have arrived at his halakhic conclusion

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[151] Kafih ed., 60–61; the reference is to *Sifre Deuteronomy* §41 (Finkelstein ed., 87–88). Maimonides does go on to cite (what he regarded as) another early rabbinic source, *Mishnat R. Eliezer ben R. Jose ha-Gelili*: "From whence [do we know] that the essence of prayer is among the commandments? From here: 'The Lord your God you must fear and Him you must serve' (Deut 10:20)" (Enelow ed., 228). Some scholars regard this halakhic-midrashic work as a product of Geonic times (perhaps penned by Samuel ben Hofni), while others maintain its antiquity; see Zucker, "*Mishnat R. Eliezer*"; Steiner, "*Hysteron Proteron*," 39–40.

[152] *Hilkhot Tefillah* 1:1. The reference is to *Mekhilta de-Rabbi Shimon bar Yohai* on Exod 23:25, Epstein-Melammed ed., 220.

[153] *Hassagot*, Chavel ed., 154–158.

based on his own religious legal thought, within which daily prayer is a necessary component in the worship of God. And, to support this legal position, he was forced to rely on rabbinic readings that Nahmanides excluded from the realm of *peshat*.[154]

Ettinger notes a second example of this phenomenon in connection with Maimonides' reading of Deut 28:9, "And you shall walk in His [i.e., God's] ways," about which he writes in the *Book of the Commandments*, Positive Commandment #8:

> We were commanded to resemble Him to the extent of our ability, and this is His dictum, may He be exalted: "And you shall walk in His ways"… and the interpretation (*tafsīr*) of this came [to us]:
>
>> The Holy One, blessed be He, is called "merciful"; you too should be merciful. The Holy One, blessed be He, is called "gracious"; you too should be gracious. The Holy One, blessed be He, is called "righteous"; you too should be righteous. The Holy One, blessed be He, is called "kind"; you too should be kind.
>
> This is the very wording (*naṣṣ*) of *Sifre*.[155]

Maimonides presumably knew that a contextual ("straightforward") reading of the clause "you shall walk in His ways" would yield a different interpretation.[156] He therefore invokes the transmitted interpretation (*tafsīr*) of this verse. And similarly in *Mishneh Torah*:

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[154] Ettinger, "Legal Logic," 22–23. Maimonides' view regarding prayer may have been shaped by the earlier tradition, as both Saadia and Ḥefeṣ ben Yaṣliaḥ in their commandment enumerations attach it to biblical verses and seem to regard it as an obligation *de-orayta* (see Appendix C below). Yet this influence ought not be overstated since Maimonides was otherwise quite willing to dismiss the views of earlier enumerators of the commandments.

[155] Kafih ed., 62–63. The reference is to *Sifre Deuteronomy* §49 (Finkelstein ed., 114).

[156] The complete verse reads: "The Lord will establish you as His holy people, as He swore to you, if you keep the commandments of the Lord your God and walk in His ways (והלכת בדרכיו)." The final two words, והלכת בדרכיו, which Maimonides (following *Sifre*) cites in isolation, are part of a condition in the entire verse, but are transformed by him into an independent clause, in which the verb is taken as a command (i.e., as if it were in the imperative sense: "You must walk in His ways"). Furthermore, from the context it would seem most likely that "walking in His ways" is equivalent to "keeping the commandments of the Lord." In other words, it is a general imperative to observe God's Law, and as such would be excluded from enumeration based on Principle #4. Both of these points were actually posed in a critique of Positive Commandment #8 to Abraham Maimonides, who addressed them in a detailed responsum; see below, n. 168.

> We are commanded to walk in...the ways of goodness and integrity, as
> it says "And you shall walk in His ways." Thus the [Sages] expounded
> the interpretation of this commandment: "Just as He is called gracious,
> you too should be gracious. Just as He is called merciful, you too should
> be merciful."[157]

With regard to these two examples (Positive Commandments #5, #8),
Ettinger remarks:

> When we scrutinize the language of Maimonides we find that in these two
> commandments Maimonides uses expressions that indicate the **distance**
> of the midrash[ic derivation] from the *peshat* of Scripture..."Thus the
> [Sages] expounded the interpretation of this commandment"..."based
> on the tradition they expounded." Despite this, Maimonides defines
> these as biblical commandments, even though there is no indication in
> the words of the Sages that they are biblical commandments.[158]

What, then, motivated Maimonides? To this Ettinger answers:

> According to the conception [of Maimonides]...it is necessary to regard
> these as biblical commandments since they are fundamental in the wor-
> ship of God. Therefore, even though the *derashot* that indicate their
> sources do not conform to the *peshat* of Scripture, and even though
> the Sages did not indicate—either explicitly or implicitly—that these
> laws are biblical, Maimonides established them as such based on his
> understanding.[159]

To sum up Ettinger's position: Maimonides strives to limit his enu-
meration of the biblical commandments to those that are based on the
*peshat* of Scripture, but will often make exceptions and rely on *derash*
where compelled to do so by evidence in the Talmud or his own legal
thinking. This sort of case, according to Ettinger, is what Maimonides
had in mind when formulating the exception to his rule of *peshat* in
Principle #2.

While Ettinger is undoubtedly correct about Maimonides' frequent
reliance on rabbinic midrashic readings, there are a number of dif-
ficulties with his explanation for this phenomenon, specifically its
attachment to the escape hatch built into Principle #2. To begin with,
a careful look at Responsum #355 reveals an important qualification
to his exclusionary rule:

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[157] *Hilkhot Deʿot* 1:5–6.
[158] Ettinger, "Legal Logic," 22. (Emphasis in the original.)
[159] Ettinger, "Legal Logic," 23.

No matter derived…through any of the "thirteen *middot* by which the Torah is interpreted" is biblical unless the Sages say explicitly that it is from the Torah…

   [In sum], nothing is biblical except for what is explicit in the Torah (*meforash ba-Torah*), such as *sha'aṭnez*, *kil'ayim*, the Sabbath, and the forbidden sexual unions, or something that the Sages said is from the Torah—and those are but three or four things.[160]

Here we see that Maimonides limits the exclusion to "three or four" instances, which precludes its wide applicability in the way that Ettinger describes. In fact, there are precisely three entries in the *Book of the Commandments* in which the great codifier states that he cannot find a specific scriptural source for a given law (and that he nonetheless regards it as biblical because of the talmudic evidence), and instead cites only its derivation through one of the *middot*: Negative Commandments #135, #194, #336.[161]

   Among these three exceptional cases, Maimonides relates to the last at greatest length, thereby illuminating his thinking about this category in general. The preceding entry, Negative Commandment #335, states "the prohibition…of intercourse with one's daughter's daughter, and this is the dictum [of Scripture]: 'the nakedness of [your son's daughter or] your daughter's daughter, you shall not reveal their nakedness, for they are your nakedness' (Lev 18:10)."[162] Negative Commandment #336 continues:

The prohibition of intercourse with the daughter herself—this was not clearly stated in the text of the Torah (לם תבין פי נץ אלתורה). For it did not state "the nakedness of your daughter you shall not reveal." But the only reason [Scripture] was silent about her was because the matter is clear and obvious, for the prohibition of the daughter of the son and daughter of the daughter is further removed from the daughter. And in *Gemara* [b.]*Yevamot* [3a] they said: "a daughter, the very essence of the prohibition (עיקר איסורא) arrived through a midrashic derivation

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(*derashah*), as Raba stated: R. Isaac b. Abdimi told me: הנה הנה occurs [in parallel verses] and זמה זמה occurs [in parallel verses]."[163]

The great talmudist goes on to explain the details of this double *gezerah shawah*,[164] after which he explains the implications for his theory of *uṣūl al-fiqh*:

And *Gemara* [b.]*Keritut* [5a] says explicitly: "Do not minimize the importance of a *gezerah shawah* (lit. let a *gezerah shawah* not be insignificant in your eyes), for [the prohibition regarding] one's daughter is one of the essential Torah laws [*gufei Torah*], and Scripture taught it only through a *gezerah shawah*: הנה הנה occurs, and זמה זמה occurs." Now contemplate their dictum "Scripture taught it only[…]" and they did not say: "We only deduced it," because all of these matters were transmitted from the Messenger [of God; i.e., Moses], and they are a transmitted interpretation, as we have explained in the introduction to our composition, the commentary on the Mishnah. Now Scripture refrained (lit. was silent) from mentioning them because they can be deduced (lit. known)

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[163] Ibid.

[164] The entire text of his discussion reads:

Meaning, that it says about "your son's daughter" and "your daughter's daughter": "they are your nakedness" (ערותך הנה). And it says about the prohibition of [intercourse with] a woman and her daughter, and her son's daughter and her daughter's daughter, "they are kindred; it is depravity" (שארה הנה זמה היא; Lev 18:17). And just as a woman and her son's daughter and her daughter's daughter were prohibited, so too, her daughter [is included]. Analogously, in the prohibition of one's own son's daughter and daughter's daughter, the daughter [herself] is prohibited. And it says in the punishment, "and if a man takes a woman and her mother, it is depravity (זמה); they shall be burned with fire…" (Lev 20:14), and similarly also [having intercourse with] a woman and her daughter, and her son's daughter and her daughter's daughter is punishable by burning, because it says about them (למא ג'א פיהן) > זמה. And they deduce through a *gezerah shawah* זמה זמה. And the same law applies to the punishment for [intercourse with] one's daughter and son's daughter and daughter's daughter, for they are deduced from the *gezerah shawah* הנה הנה, for about one's son's daughter and daughter's daughter it is written > הנה, just as what its says about (מת'ל מא ג'א פי) a woman and her daughter. (Kafih ed., 333–334.)

The lines inside the notation <> are missing in the Arabic text (the editions of Kafih and Bloch, as well as all of the manuscripts listed in the bibliography) and in Ibn Ayyub's translation (mss). They are filled in here based on Heller's ed. (182; see n. 25) of Ibn Tibbon's Hebrew translation. Although these indications might suggest that this was an interpolation by Ibn Tibbon, to me it seems that these lines are original, since they serve a necessary function in the flow of Maimonides' argument. It is conceivable that these lines were dropped due to homoeoteleutons (the scribe's eye jumping from למא ג'א פיהן to מת'ל מא ג'א פי) in an early copy of the *Book of the Commandments* that served as the basis for the extant manuscripts of the Arabic text and Ibn Ayyub's translation.

through a *gezerah shawah*. And their dictum "one of the essential Torah laws" is sufficient [evidence for this].[165]

Maimonides acknowledges that this prohibition has no specific proof-text, and can be inferred from Scripture only by means of a *gezerah shawah*. Normally, a law so derived would be rabbinic, and not be enumerated among the 613 biblical commandments. However, since the Rabbis explicitly state that this is "one of the essential Torah laws," Maimonides makes an exception for it.[166]

The exceptional example from Negative Commandment #336 and the other two specified in the *Book of the Commandments* are all cases in which one of the *middot* is used to derive a specific enumerated commandment. There are only three such cases in that entire work, and they alone represent exceptions to Maimonides' rule of *peshat*. But the general case Ettinger seeks to explain takes a different format: there Maimonides says that the commandment in question is based on a specific biblical text—albeit according to its interpretation transmitted by the Rabbis, rather than *ẓāhir al-naṣṣ*. Yet, as we saw in chapter five above, Maimonides emphasizes the difference between the *tafsīr marwī*, which is the original interpretation of Scripture itself, and the *middot*, which are merely inferences from the text. This explains why he adds exegetical remarks to demonstrate—to the extent possible—the cogency of the (seemingly tenuous) rabbinic readings upon which he relies, e.g., his note that "to serve Him with all your heart" (Deut 11:13) refers to prayer, which is "service in the heart."[167] For Maimonides, then, these are not exceptions to his rule of *peshat*, since the

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[165] Kafih ed., 334.

[166] On the other hand, he does say that its derivation is part of the original transmitted interpretation (*tafsīr marwī*) of Scripture at Sinai (unlike other derivations through the *middot*, which were subsequently extrapolated by human legal reasoning alone). Nahmanides suggests that according to Maimonides, the Rabbis have a tradition (a "transmitted interpretation") that Scripture itself intended for this law to be derived through a *gezerah shawah*; see *Hassagot*, Chavel ed., 31–32. It is important to note that this interpretive tradition cannot simply have the status of a purely oral tradition (in other words, it must be deemed as part of the interpretation of a given verse), because, if it were, it would be no different than the category of "*halakhah* to Moses from Sinai"—which, according to Maimonides, does not have biblical authority. See Neubauer, *Divrei Soferim*, 83–87; Henshke, "Basis," 124–129.

[167] See above, at n. 152. We shall see other examples of this tendency in chapter eight, sec. 1 below.

interpretation handed down by the tradition (*tafsīr marwī*) reveals the correct original sense of Scripture (*peshateh di-qera*).[168]

Maimonides certainly knew that in such cases he was diverging from the straightforward sense of the text, what he might call *ẓāhir al-naṣṣ*. A clear example is his treatment of Lev 19:17 in Negative Commandment #303:

> Embarrassing one another…This prohibition…[is from the verse]: "You shall surely rebuke your kinsman, and you shall not bear a sin for him (ולא תשא עליו חטא)" (Lev 19:17). And in *Sifra* [it says]:
>> …Should you rebuke him even until he becomes ashamed (פניו משתנות; lit. his face changes)? [No, for] the verse [lit. teaching] says (תלמוד לומר): "and you shall not bear a sin for him."
>
> However, the apparent sense of the text (*ẓāhir al-naṣṣ*) is that it prohibits you to charge him with a sin in your heart and remember it.[169]

Maimonides anchors this law in a biblical text based on its interpretation in *Sifra*, and which, as he notes, diverges from *ẓāhir al-naṣṣ*. But *ẓāhir al-naṣṣ* is not equivalent to *peshateh di-qera* in his lexicon and therefore this example does not break his rule of *peshat*. Yet if one reads the *Book of the Commandments* in any of its Hebrew translations (as Ettinger seems to have done), this entry creates confusion, since the term *ẓāhir* is rendered *peshat* therein.[170] That creates the erroneous

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[168] Compare Abraham Maimonides' responsum aimed at defending his father's reliance on the rabbinic interpretation of Deut 28:9, "And you shall walk in His ways" in Positive Commandment #8 (cited above). Yet when read in context, this verse appears to be a general prescription to obey the Law rather than a specific commandment, and therefore should have been excluded from enumeration according to Maimonides' own Principle #4 (above, n. 156). Addressing this criticism, Abraham Maimonides writes:

> There is a great principle in the Law (*sharīʿa*) in which we the Rabbanite community are distinguished from the Karaite school…namely that we do not rely simply on what Scripture alone (*mujarrad al-naṣṣ*) indicates (*yadullu*), but rather on what Scripture and the tradition (*naql*) together indicate.…And even if the apparent sense (*ẓāhir*) of this scriptural text (*naṣṣ*) definitively indicated that its intent is to obey the Law in its entirety, we would be obligated to believe that it is a specific law, since the tradition clarified about it [that the true sense is]: "Just as He is called gracious, you too should be gracious" and so on. (Abraham Maimonides, *Responsa* #63, Freiman-Goitein ed., 65–68)

[169] Kafih ed., 322–323. See chapter two, sec. 3.5, where this example was discussed at length.

[170] This is done by both the medieval and modern translators; see the discussion and footnotes above in chapter two, esp. sec. 3.

impression that somehow Negative Commandment #303 is an excep-
tion to Maimonides' rule of *peshat*.[171]

Now we see the importance of the examples in category 1b dis-
cussed above. In these cases Maimonides relies on rabbinic readings
that other *pashtanim* regarded as midrashic, and he himself knew as
much. Yet, he specifically classifies these readings as accurate constru-
als of *peshateh di-qera*, despite their divergence from *ẓāhir al-naṣṣ*.
This, then, proves decisively that Maimonides did not regard such
examples as exceptions to his rule of *peshat*. Ettinger was correct in
recognizing that the great codifier allowed halakhic considerations to
influence his exegetical determinations, but he did not recognize that
Maimonides actually redraws the parameters of *peshateh di-qera* in
his halakhic hermeneutics. While Maimonides shared the exegetical
values of the Andalusian philological school,[172] he was also swayed
by the need to achieve results consistent with the halakhic system, in
accordance with his theory that "the texts of the Torah," i.e., *peshateh
di-qera*, are the exclusive source of the original core of biblical laws
(with only "three or four" exceptions). This tension manifests itself in
a number of ways.

- Sometimes the talmudic evidence seems to have forced Maimonides'
  hand exegetically, as we saw on Lev 19:14, where he was willing to
  embrace the acontextual reading of *Sifra* as *peshateh di-qera*, i.e.,
  classify it as a transmitted interpretation, because he regarded the
  law derived from it to be biblical. Conversely, if the talmudic discus-
  sion indicates that a given law is merely rabbinic, then Maimonides
  will be forced to deem its derivation from Scripture an application
  of the *middot* or even mere *derash*, as he argues in connection with
  Rabbi Judah's reading of Lev 21:12 (above, at n. 91).
- Yet, in other cases Maimonides allowed his exegetical sense to shape
  the *halakhah*, classifying as rabbinic laws presented in the Talmud
  as though they are derived directly from Scripture. In the great codi-
  fier's opinion, their talmudic "derivation" is not, in fact, a plausible
  construal of the biblical text (*peshateh di-qera*), e.g., the prohibition

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[171] See, e.g., Feintuch, *Piqqudei Yesharim*, 49.
[172] This emerged quite clearly in the first part of this study, where we saw Maimo-
nides' ability to determine *ẓāhir al-naṣṣ* unencumbered by the *halakhah*.

to resist the call of nature—presented in the Talmud as a commentary on Lev 11:43.[173]

These two extreme options, however, are exceptional, since Maimonides usually finds more subtle ways to balance his exegetical sense and the talmudic halakhic system. In most cases he needed to make only a minor adjustment to the latter—in one of two ways:

- At times he could simply find a more cogent prooftext for a given biblical law than the tenuous one given in the Talmud, as he does, e.g., when identifying Lev 19:18 as the genuine source in *peshateh di-qera* for the obligation to engage in acts of kindness—which was attached by the Rabbis to Exod 18:20 by way of *derash*. In some cases, Maimonides drew the more cogent alternative source from rabbinic literature, as he does, e.g., when marginalizing the acontextual talmudic reading of Exod 20:20 as a prohibition to appoint judges on account of "gold and silver," and pointing to *Sifre* on Deut 1:17 as the genuine source for that law (see above, at n. 99).
- The last example points to what is perhaps the most pervasive pattern in Maimonidean halakhic exegesis, for although *Sifre*'s reading of Deut 1:17 is not quite as problematic as the talmudic reading of Exod 20:20, it still cannot be regarded as a true philological-contextual interpretation. It would thus appear that his preference was to remain within the universe of rabbinic halakhic readings of Scripture, and from among these—wherever feasible—to endorse the most plausible as the "transmitted interpretation." To borrow a locution used to describe Rashi's exegesis, Maimonides aimed to select from among the rabbinic sources the interpretation that *comes closest* to the philological-contextual sense.[174] Maimonides will thus often embrace readings that entail relatively minor infractions of the rules of the philological-contextual method (e.g., an unnecessary assumption that nonetheless does not take the verse completely out of context) and classify the associated laws as biblical.[175] Without

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[173] See above, n. 80; see also nn. 83, 111, 136.
[174] קרוב לפשוטו של מקרא; see above, n. 106.
[175] Perhaps Ettinger hinted at this in his oblique phraseology "or at least is a derivation that fits Scripture" (above, at n. 76). Distinguishing these "minor infractions" from mere *derash* is admittedly sometimes difficult, and is a matter that requires further research. For now, see the preliminary classification in Greenberg, "Interpretation," 32–33.

this willingness to bend the strict rules of the philological-contextual method, it is hard to imagine any other way for him to have upheld the fundamental structure of talmudic *halakhah*. In other words, his need to find prooftexts for the hundreds of laws assumed to be *de-orayta* by the Rabbis (and codified as such in *Mishneh Torah*) forced him to regard their derivations from Scripture as "transmitted interpretations"—and valid construals of *peshateh di-qera*—though he might otherwise have viewed them as inferences or *derash*.

<p style="text-align:center">*   *   *</p>

For Maimonides, the rule of *peshat* primacy is nearly absolute, with merely "three or four" exceptions (as specified above in sec. 5). But his commitment to *peshateh di-qera* does not imply consistent adherence to the "straightforward" sense of Scripture, which he at times refers to as *ẓāhir al-naṣṣ*. As an accomplished talmudist and an inheritor of the Geonic-Andalusian exegetical tradition, he was well aware that the *halakhah* is based on readings that diverge from *ẓāhir al-naṣṣ*, as he reveals in his discussion of the rationale for the commandments (chapter three above) and even at times in the *Book of the Commandments* (above, chapter two, sec. 3). In taking *halakhah* into account when determining how to interpret *peshateh di-qera*, Maimonides renders Principle #2 less anti-midrashic than Nahmanides feared. He did not invoke the rule of *peshat* primacy to make a methodological distinction, i.e., between readings that adhere to the philological-contextual method and those that do not (as Ibn Janah and Ibn Ezra did). Rather, he aimed to separate the sources of the *halakhah* based on tradition (*naql*)—Scripture and its transmitted interpretation—from those based on independent reason (*ʿaql*), i.e., further legal extrapolations. The former are known to be correct with certainty and therefore were never subject to debate (or at least so Maimonides claimed), and they produce the 613 biblical commandments which are the "roots" of the *halakhah*, as opposed to the thousands of "branches," i.e., further derivative laws, the status of which is merely rabbinic.

## TRANSFORMATION OF THE *PESHAT* PRINCIPLE

At first glance, Maimonides' boldly stated Principle #2 in his *Book of the Commandments* would seem to be a manifesto that runs in tandem with Ibn Ezra's "way of *peshat*." Indeed, the great codifier's rule of *peshat* primacy played a central role in his endeavor to sharply delineate various categories of halakhic exegesis and differentiate between readings that reveal the original intent of Scripture, and those that are merely inferences or *derash*. Yet many of Maimonides' interpretations of *peshateh di-qera* are dictated by halakhic considerations, which seems to distance him from the characteristic feature of the *peshat* tradition, i.e., adherence to the philological-contextual sense of Scripture. Maimonides himself acknowledges that *ẓāhir al-naṣṣ* (the term that he at times uses to connote Scripture's straightforward philological-contextual sense) cannot be regarded as the correct construal of *peshateh di-qera* when it conflicts with a transmitted interpretation of Scripture recorded in rabbinic literature. So where does his *peshat* model stand vis-à-vis the Geonic-Andalusian philological exegetical school? And, by extension, how does it compare with the northern French notion of *peshat* and that of his Catalan critic Nahmanides? To answer these questions, we will explore how Maimonides' version of the rule of *peshat* fits within the trajectory of its transformation from relative obscurity as a minor talmudic maxim to great prominence as the motto of the powerful *peshat* exegetical movement.

Before embarking on this comparative exploration, a philological note is in order regarding Maimonides' use of the term *peshuto shel miqra/peshateh di-qera* in the *Book of the Commandments*, which appears to be out of step with the Geonic-Andalusian tradition. As delineated in chapter one above, his predecessors used this term to connote some type of interpretation: *peshuto shel miqra/peshateh di-qera* means *an interpretation of Scripture that meets criterion x*, with the variable x being filled in differently by the various authors in the Geonic-Andalusian school. For Saadia, *peshat* might be a simple, uncomplicated interpretation (*basīṭ*); Samuel ben Hofni and Samuel ha-Nagid explicitly equate it with the obvious interpretation (*ẓāhir*;

usually a literal reading); for Ibn Janah and Ibn Ezra it is the most reasonable contextual-philological interpretation. On the other hand, as we have seen in the preceding chapter, Maimonides uses the term *peshateh di-qera* in his *Book of the Commandments* interchangeably with *gufeh di-qera* and Arabic *naṣṣ* ("text") to refer essentially to *the text of Scripture itself*, not an interpretation of any sort. This seemingly idiosyncratic usage is given a context when we take a closer look at the Talmud—the only exegetical source Maimonides cites explicitly in the *Book of the Commandments*.

## 1. *Talmud*

While the talmudic maxim that "a biblical verse does not leave the realm of its *peshat*" became the motto of the philological-contextual exegetical schools that flourished from the twelfth century onward, recent scholarship has revealed that it was used quite differently in the Talmud and that the medieval exegetes endowed it with a new meaning in accordance with their hermeneutical conceptions. This conclusion was demonstrated in a ground-breaking study by S. Kamin (aimed primarily at clarifying Rashi's hermeneutics), whose views were refined in subsequent studies by D. Weiss-Halivni and M. Ahrend.[1] Before turning to the modern scholarship, however, it is helpful to first explain how exegetes such as Rashi and Ibn Ezra could claim that the Rabbis privileged (or at least acknowledged) the philological-contextual sense of Scripture and that they referred to it as *peshuto shel miqra*. As noted by Rashi's grandson Rashbam (in his commentary on Gen 37:2), this understanding emerges from a talmudic discussion (b.*Shabbat* 63a) of the mishnaic dispute between the majority view that "a man must not go out with a sword or bow [on the Sabbath]," since carrying in the public domain is prohibited, and the dissenting opinion of R. Eliezer, who maintains that this is permitted because "they are ornaments for him"—and one is permitted to wear ornaments, just as one wears clothing. This prompts the inquiry:

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[1] See Kamin, *Categorization*, 23–48, Halivni, *Peshat & Derash*, 53–79; Ahrend, "Concept," 237–244. Kamin herself drew upon earlier studies, most notably Loewe, "Plain Meaning." See also Garfinkel, "Clearing," 132; Sagi, "Relationship," 584–585; Schwartz, "*Peshat* and *Derash*," 74–75.

> What is R. Eliezer's reason…? Because it is written, "Gird your sword on
> your thigh, O hero, Your glory and your majesty" (Ps 45:4). R. Kahana
> objected to Mar bar R. Huna: But this refers to the words of the Torah!
> He replied: "a biblical verse does not leave the realm of its *peshat*."

The verse cited from Psalms indicates that a sword is considered glori-
ous and majestic, which supports R. Eliezer's opinion. R. Kahana evi-
dently had been taught—and accepted—an allegorical interpretation
of this verse, according to which the "sword" is taken to refer to "the
words of Torah." On this basis, he argues that the verse actually does
not refer to weaponry at all. At this point, the Talmud records that
Mar bar R. Huna states the rule that "a biblical verse does not leave
the realm of its *peshat*." From this example, as Rashbam observes, it
would appear that the Talmud means to say that the figurative reading
is not meant to supplant the literal or "straightforward" sense of the
verse, i.e., "its *peshat*."

Notwithstanding the widespread citation of this principle in the
*peshat* school, the talmudic evidence hardly reflects a rabbinic prefer-
ence for—or even acknowledgement of—the philological-contextual
sense of Scripture. To begin with, in all of talmudic literature the prin-
ciple itself is cited only twice more, which suggests that it was not
generally accepted as a binding rule. In fact, in the talmudic source
cited above, R. Kahana responds: "By the time I was eighteen years
old I had studied the whole Shas (i.e. the Talmud), yet I did not know
that 'a biblical verse does not leave the realm of its *peshat*' until today."
As Halivni remarks, "R. Kahana was surprised that despite his broad
knowledge of the Talmud he did not know of the dictum till late in
life. The dictum was either not too well known or not honored by all
scholars."[2] Indeed, in the other two occurrences of this maxim in the
Talmud, it is cited only to note a supposedly exceptional case in which
a given verse indeed "leaves the realm of its *peshat*." For example,[3]
b.*Yevamot* 24a discusses the laws of levirate marriage in connection
with the following biblical verses:

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[2] Halivni, *Peshat & Derash*, 63. "Rabbinic exegesis," of course, is a widely varying
corpus of interpretations offered by different scholars over a number of centuries. It is
therefore hardly surprising that a maxim formulated by one scholar as a methodological
rule might not be adopted—or even known—by the others.

[3] The other example is in b.*Yevamot* 11b.

If brothers live together and one of them dies and has no child, the wife of the dead shall not marry outside to a stranger; her husband's brother shall…take her…for a wife…And it shall be that the firstborn that she bears shall succeed to the name of his brother who is dead, that his name be not blotted out of Israel (Deut 25:5–6).

The verses themselves seem clear: the child born from this marriage will somehow take the place of the deceased, perhaps by being given his name. But the Talmud takes a different course, engaging in an atomistic reading of the second verse to derive a number of specific laws:

Our Rabbis expounded:

(1) "And it shall be that the firstborn"—implies that the commandment of the levirate marriage devolves upon the [surviving] elder brother.

(2) "Which she bears"—excludes a woman who is incapable of procreation, since she cannot bear children.

(3) "Shall succeed to the name of his brother"—with respect to inheritance…

(4) "That his name not be of blotted out"—excludes a eunuch whose name is [already] blotted out.

With respect to the third derivation, the Talmud mentions and rejects the straightforward reading:

You say, "with respect to inheritance"; but perhaps it does not [mean that], but rather, "with respect to the name": [If the deceased was] Joseph [the child] shall be called Joseph; if Yohanan he shall be called Yohanan! Here it states, "He shall succeed in the name (על שם) of his brother" and elsewhere it is stated, "They shall be called after the name (על שם) of their brethren in their inheritance" (Gen 48:6). Just as the "name" mentioned there is inheritance, so too the "name" mentioned here is for inheritance…

Raba remarked: although normally (lit. in all of the Torah) a biblical verse does not leave the realm of its *peshat*, here the *gezerah shawah* came and removed it from its *peshat* entirely.

Here Raba makes a special point of noting that the *gezerah shawah* overrides the *peshat*, by which he seems to mean the straightforward contextual reading.[4] In theory, this would support the claim made by

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[4] As noted by *Tosafot* (ad loc., s.v. או אינו אלא לשם), if it were not for the *gezerah shawah* the Talmud would have read the entire verse as a single unit, i.e., taking "the first-born" to refer to the child born of the levirate marriage. In other words,

some *pashtanim* that the Rabbis—as a rule—seek to protect the integrity of the philological-contextual sense. But the truth is that the supposed "exception" seems to reflect the rule in the Talmud, which often invokes a *gezerah shawah* or another one of the *middot* to interpret Scripture and forsake the straightforward sense.[5]

More fundamentally, an empirical examination of the term *peshateh di-qera* (in Aramaic)/*peshuto shel miqra* (in Hebrew) in rabbinic literature suggests that it does not even connote a contextual-philological interpretation. This term—with slight variations—appears fourteen times in rabbinic literature, twelve in the Babylonian Talmud and two in the Jerusalem Talmud.[6] In six instances it appears in the phrase פשטיה דקרא במאי כתיב ("The *peshat* of the verse, about what is it written?"), to introduce a reading as an alternative to another that, by implication, does not represent what *peshateh di-qera* "is written about." In only one case is the non-*peshateh di-qera* reading explicitly labeled *derash*;[7] elsewhere, the root ד-ר-ש simply means *to interpret*, without any methodological implication.[8]

A number of early twentieth-century scholars already noted that many readings labeled *peshateh di-qera* in talmudic literature cannot be regarded as straightforward interpretations.[9] To cite just one example:

> R. Gamaliel and his Court took a vote concerning the slaughtering by a Cuthean, and declared it invalid... For what reason did the Rabbis proscribe them? Because of the following incident; R. Simeon b. Eleazar was sent by R. Meir to fetch some wine from among the Cutheans. He was

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it is because of the *gezerah shawah* that the Talmud interpreted the entire verse atomistically; otherwise, it could all be read as a unit in a straightforward way: the firstborn of the levirate marriage shall be given the name of the deceased so that his name will not be blotted out.

[5] To explain this apparent inconsistency, Nahmanides argues that the *peshat* rule does not disqualify midrashic readings that diverge from the straightforward sense, but merely indicates that they do not supplant the straightforward sense (*peshuto shel miqra* according to his definition). See *Hassagot*, Chavel ed., 44–45.

[6] Three examples are cited above (b.*Shabbat* 63a; b.*Yevamot* 11b, 24a); the other eleven (b.ʿ*Eruvin* 23b; b.*Ketubbot* 111b; b.*Qiddushin* 80b; b.*Sanhedrin* 100b; b.*Zevaḥim* 113a; b.*Ḥullin* 6a, 133a; b.ʿ*Arakhin* 8b, 32a; j.*Sanhedrin* 1:1, 10:2) are cited in the discussion and notes below.

[7] B.*Sanhedrin* 100b, in connection with a verse from Ben Sira. See Kamin, *Categorization*, 45–46; Halivni, *Peshat & Derash*, 73–74; Ahrend, "Concept," 244.

[8] Indeed, it is used interchangeably with the verb פ-ש-ט meaning *to interpret*; see Kamin, *Categorization*, 27.

[9] See Kamin, *Categorization*, 28–29.

met by a certain old man who said to him: "Put a knife to your throat, if you are a man given to appetite" (Prov 23:2). Whereupon R. Simeon b. Eleazar returned and reported the matter to R. Meir who thereupon proscribed them. Why? R. Nahman b. Isaac explained: Because they found a figure of a dove on the top of Mount Gerizim and they worshiped it; R. Meir therefore, consistent with his principle that the minority must be taken into consideration, proscribed all Cutheans because of this minority, and R. Gamaliel and his Court also held this principle.

The *peshat* of the verse, about what is it written (פשטיה דקרא במאי כתיב)? A student sitting before his master, for R. Hiyya taught:

> "When you sit to dine with a ruler, consider well who is before you. And put a knife to your throat, if you are a man given to appetite" (Prov 23:1–2). [The verses should be interpreted thus:] if the student knows that the master (="ruler") is capable of answering the question, then he may ask it. Otherwise, "consider well who is before you, and put a knife to your throat, if you are a man given to appetite"—and leave him.
> (b.*Ḥullin* 5b–6a)

While the first reading of this verse—as a basis for invalidating the slaughtering by a Cuthean—is certainly nothing more than an *asmakhta*, the second reading can hardly be viewed as a philological-contextual (or "straightforward") interpretation.[10] The same can clearly be said for another four instances in which the phrase *peshateh di-qera* appears.[11]

If so, what does *peshuto shel miqra* mean in talmudic parlance? Early twentieth-century scholars who dealt with these cases took it for granted that the term itself denotes *the straightforward sense of Scripture*, and therefore argued that Rabbis of the Talmud simply had a different conception of "straightforward" interpretation. In other words, they did not live up to the hermeneutical standard they nominally acknowledged, or they were simply confused about what constitutes a straightforward interpretation. Kamin, however, questions this very premise and argues that the term's meaning must be derived empirically from the way in which it is actually used in the Talmud, without preconceived notions.[12] On this basis she concludes that *peshateh*

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[10] Ibid., 33–34. See below, n. 21 for Halivni's explanation of what the Talmud means by using the label *peshateh di-qera* in connection with this reading.

[11] B.*Ketubbot* 111b; b.*Zevaḥim* 113a; b.*Ḥullin* 133a; b.ʿ*Arakhin* 8b; see Kamin, *Categorization*, 34–37, 44–45; Halivni, *Peshat & Derash*, 63–71.

[12] Kamin, *Categorization*, 28–29. In this respect, Kamin acknowledges that R. Loewe (above, n. 1) had already challenged the prevailing view as inadequate.

*di-qera* does not connote a method of interpretation at all, but rather *the text (or: verse) itself*. This usage, she conjectures, is derived from the meaning of the root פ-ש-ט as *spreading*, yielding "*the text as it is spread out* [before us]."[13] Kamin summarizes her definition in the following words:

> From a detailed examination of [the terms] *peshuto shel miqra* and *peshateh di-qera* in their contexts…[it is evident that] the basic meaning of these Hebrew and Aramaic terms is *Scripture itself* (הכתוב עצמו). Just like the terms מקרא, פסוק, כתוב, so too פשוט and פשט denote the linguistic unit. *Peshuto shel miqra* and *peshateh di-qera* mean the biblical text (משמעם הכתוב המקראי).[14]

This would make *peshateh di-qera* equivalent to *gufeh di-qera*, and the two expressions are indeed used synonymously in rabbinic literature.[15] As Kamin remarks, "*peshateh* [*di-qera*] is the object of the activity of interpretation, not its result."[16]

We can now decode the question arising in talmudic literature, "The *peshat* of Scripture, of what does it speak?" (פשטיה דקרא במאי כתיב). For Kamin, this simply means: What does *the verse itself* speak of? But this question does not imply the primacy of any particular method of interpretation. "The verse itself" may be interpreted literally or metaphorically, philologically or non-philologically, contextually or acontextually, atomistically or as a unit. While it is understandable that a literal or philological-contextual interpretation could be used to answer this question,[17] it now becomes clear how the Rabbis also might have construed "the verse itself" in a manner quite inconsistent with the medieval *peshat* method, as is the case with R. Hiyya's reading of Prov 23:1–2 and others like it in the Talmud. As Kamin shows, the question "What does the verse itself speak of?" is usually prompted by the application of a verse to a new situation, whereupon the Rabbis inquire: How was the verse itself understood before being applied to

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[13] Kamin, *Categorization*, 46–47. It is worth noting a parallel development in Latin, in which the verb *explicare*, which originally meant *to unroll*, i.e., to open up and spread out a scroll, eventually came to mean *to interpret*.

[14] Ibid.

[15] Ibid., 31.

[16] 'פשטיה' הוא המושא של פעולת הפירוש ולא תוצאתה. *Categorization*, 40–41.

[17] Ibid., 31. Kamin herself includes in this group the five readings labeled *peshateh di–qera* in b.*Sanhedrin* 100b, b.ʿ*Eruvin* 23b, b.*Qiddushin* 80b, b.ʿ*Arakhin* 32a; j.*Sanhedrin* 1:1. I would add the reading in j.*Sanhedrin* 10:2, though Kamin (*Categorization*, 46) does not. See also below, n. 19.

the new situation? But that primary or "original" understanding is not necessarily a straightforward interpretation of the verse.[18]

A problem with Kamin's interpretation is the difficulty of imagining what it means for Scripture to "leave the realm (lit. hands) of its *peshat*" (יוצא מידי פשוטו)—which in her construal would mean "to leave its own realm" or simply "to leave itself." Similarly in the parlance of the above-cited source from b.*Yevamot* 24a, the *gezerah shawah* is said to "remove the verse from its *peshat* completely" (אפיקתיה מפשטיה לגמרי). In other words, the rule that "a biblical verse does not leave the realm of its *peshat*" seems circular (Scripture does not leave itself?); and if this were the intent we might have expected a different term that would have better indicated the reflexive nature of this rule (e.g., אין מקרא יוצא מידי גופו \ עצמו).[19]

This problem is addressed by Ahrend and Halivni, who offer alternative interpretations of the term *peshat*, though they share Kamin's premise that *peshateh di-qera* in the Talmud does not connote a straightforward contextual-philological interpretation. Pointing to the fact that the verb root פ-ש-ט can mean *to extend*, Halivni contends that *peshat* means the *extension of the text*, the words immediately preceding and following any given biblical phrase, i.e., its immediate context.[20] Hence, the rule that "a biblical verse does not leave the realm of its *peshat*" means that however a phrase or verse is interpreted (whether literally or figuratively, philologically or non-philologically), it must always be interpreted within its immediate context, from which it cannot be plucked or "removed" (though, as mentioned above, this rule is often broken by the Rabbis). Likewise, the question "The *peshat* of the verse of what is it written?" is prompted by a reading that does not meet this criterion, which invites the question of how the verse should be interpreted within its context.

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[18] See Kamin *Categorization*, 32–34.

[19] Kamin (ibid., 41–43, 47) attempts to solve this problem by equating the notion of a verse "leaving…its *peshat*" with the rabbinic phraseology "uprooting the verse/ Scripture" (עקרת את המקרא, אתיא גזירה שוה עקרה קרא), i.e., to ignore a verse— taken in its literal sense. She thus acknowledges that in the *peshat* maxim itself the term *peshat* connotes a verse *in its literal sense*, which must not be ignored. Ahrend ("Concept," 240, 242) regards this as an inconsistency in Kamin's theory: in some cases the term *peshat* refers to Scripture itself, while in others it refers to its literal sense. Kamin (*Categorization*, 43) argues, however, that this does not change the *semantic* meaning of the term *peshat*, i.e., the text itself, just as the term מקרא in the phrase עקרת את המקרא refers to *the verse in its literal sense*, although the term *miqra*, semantically speaking, simply means *a biblical verse/Scripture*.

[20] Halivni, *Peshat & Derash*, 52–53.

We must emphasize that this type of "contextual" interpretation is not a *philological* or *straightforward* one. It only means that every word in the immediately surrounding context must be "covered" by the interpretation in question, which is not the same as requiring that the interpretation stem naturally from the literary and historical context. One example suffices to illustrate this distinction. Jacob's words in his death-bed prophecy to his son Judah in Gen 49:11–12, "He tethers his ass (עירה) to a vine … he washes his garment in wine … His eyes are dark from wine (חכלילי עינים מיין), and his teeth are white from milk (ולבן שנים מחלב)"—presumably foretelling his bountiful portion in the Land of Israel—are discussed in b. *Ketubbot* 111b:

> R. Dimi … said: "What is the meaning of the verse: 'He tethers his ass (עירה) to a vine'? There is not a vine in the Land of Israel that does not require [all the inhabitants of] one city (עיר) to harvest it … In case you should imagine that it [i.e., Israel] contains no wine, Scripture teaches: 'He washes his garment in wine.' …. And in case you should think that it is tasteless, Scripture teaches: חכלילי עינים מיין [meaning], any palate (חך) that will taste it says, 'To me, to me' (לי לי; i.e., 'Give me more'). And since you might say that it is suitable for young people but unsuitable for old, Scripture teaches: וּלְבֶן שַׁנִּים מחלב—read not, 'teeth white' but 'to him who is advanced in years' (לְבֶן שָׁנִים)."
>
> The *peshat* of the verse, of what is it written? When R. Dimi came he explained: "The congregation of Israel said to the Holy One, blessed be He, 'Lord of the Universe, wink to me with Your eyes, which are sweeter than wine, and show me Your teeth which are sweeter than milk.'"

According to Halivni, the first interpretation of חכלילי עינים מיין ולבן שנים מחלב is not regarded by the Talmud a genuine construal of the "the *peshat* of the verse" only because it does not account for the final word (מחלב), as the second reading does.[21] But the latter—awarded the label *peshat*—is neither straightforward nor truly contextual, since these words in Genesis 49 were part of Jacob's benediction to Judah, and were not said by "the congregation of Israel" to God. Accordingly, Halivni (echoing Kamin) concludes that "peshat in the sense of the plain, simple meaning is entirely the invention of the medieval exegetes [… with] no basis in the Talmud."[22]

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[21] Ibid., 62–65. In the example from b.*Ḥullin* 5b–6a above, the second reading is classified as *peshateh di-qera*—according to Halivni—because it accounts for Prov 23:2 in light of the preceding verse (ibid., 68–69).

[22] Ibid., 53.

Ahrend demonstrates that Halivni's interpretation does not fit every occurrence of the term *peshat* in rabbinic literature.[23] He therefore returns to what can be regarded as a version of Kamin's theory, rendering *peshuto shel miqra/peshateh di-qera* almost equivalent to *gufeh di-qera*. He does, however, offer an alternative philological derivation from the use of this term in the expression נהרא כפשטיה \ ופשטיה (= "the river flows according to its course"):

> There is no doubt that the word *peshat*, that denotes the place in which the river runs and flows, also denotes the place in which Scripture runs and flows.... This "place" is nothing other than the text spread in front of the reader, laid out (or: spread; פשוט) in front of him.... In exegetical discussions, this includes the verse being discussed and its context....[24]
>
> In the end, *peshuto shel miqra* is the riverbed of Scripture, the channel in which it "flows its course." In the Talmud, this figurative expression denotes neither the meaning of the words, nor the interpretation of Scripture, and certainly not any sort of defined method according to which it is "proper" to interpret it. *Peshuto shel miqra—peshateh di-qera*—is the Scriptural text itself, in consideration of the syntactic connections among the words...and sentences...which are like the waters of the river in its channel.[25]

For all three of these scholars, the sense of the term *peshat* is connected to some aspect of Scripture as a textual unit: the verse itself (Kamin), its "flow" (Ahrend), or the surrounding words (Halivni). In talmudic usage, they assert, it is not a method of interpretation.

The conclusion of these scholars helps to place Maimonides' conception of *peshateh di-qera* into its proper context. The great talmudist's commitment to *peshateh di-qera* in Principle #2 of the *Book of the Commandments* does not imply adherence to the literal or philological-contextual sense of Scripture, which he referred to occasionally as *ẓāhir al-naṣṣ*. In the Maimonidean lexicon, *peshateh di-qera* connotes only *the text of Scripture itself*, reflecting what appears to be talmudic usage.[26] As Kamin notes, the talmudic inquiry "The *peshat* of the verse of what is it written?" implies a distinction between what the text itself (*peshateh di-qera*) says and further applications, which is parallel to the distinction Maimonides makes in Principle #2 between what

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[23]  Ahrend, "Concept," 241.
[24]  Ibid. (my trans. from Hebrew).
[25]  Ibid., 244 (my trans. from Hebrew).
[26]  Maimonides seems closest to Kamin and Ahrend, since he equates *peshateh di-qera* with *gufeh di-qera*.

*peshateh di-qera* indicates (פשטיה דקרא ידל עליה) and the "many matters…deduced by way of commentary and inference." For both the Talmud and for Maimonides, *peshateh di-qera* is not the straightforward sense of the text, but simply the text itself, as interpreted originally, before further derivations are superimposed upon it.

Philologically speaking, then, Maimonides' usage of the term *peshateh di-qera* can be traced to the Talmud.[27] Indeed, his construal of this term seems more faithful to its talmudic usage than that of other authors in the Geonic-Andalusian tradition. Furthermore, by emptying this term of any methodological connotations (i.e., it connotes only *the text*, but does not tell us how to interpret it), the great talmudist widens the range of readings he can project onto the text, including—at times—rabbinic readings that do not accord with its "straightforward" philological-contextual interpretation. This perhaps raises the following question: Is Maimonides' exegesis simply a throwback to the Talmud, notwithstanding his professed commitment to *peshateh di-qera*? I do not believe this is the case. To begin with, even though Maimonides does not define *peshateh di-qera* as the interpretation that results from a philological-contextual analysis, he clearly does take those values into account when seeking to answer the question, "The verse itself (= *peshateh/gufeh di-qera*), of what does it speak/of what is it written?" As demonstrated in the preceding chapter, when determining whether a given reading recorded in rabbinic literature is a *tafsīr marwī* or *qiyās* (or mere *derash*), he generally seems to use criteria similar to those employed by the philological-contextual school. Moreover, in selecting sources for the 613 biblical commandments among possible rabbinic exegetical data, Maimonides endeavors to conform to the Andalusian exegetical method to the extent possible.

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[27] One might argue that Kamin and Ahrend are incorrect in their analysis of the Talmud. But in that case, Maimonides was simply making the same mistake they made. To put it more positively, we have demonstrated that this is one reasonable way that the term *peshateh di-qera* can be understood in talmudic usage. For this point, I am indebted to David Berger (personal communication). Admittedly, the derivation of this usage that I suggested for Maimonides in chapter six (based on an analogy with Arabic *basīṭ*), is different from those by Kamin and Ahrend. Yet this does not seem crucial; the key point is that Maimonides—like the Talmud—uses the term to connote *the text itself*, even if they reach this conclusion based on different senses of the root פ-ש-ט.

A further—and perhaps more significant—departure from the Talmud emerges in Maimonides' new use of the *peshat* principle. This innovation manifests itself in three ways. (1) The rule of *peshat* in the Talmud is truly marginal, whereas Maimonides makes it a cardinal principle that colors all of his halakhic exegesis in his *Book of the Commandments*. (2) While it is cited in the Talmud twice (out of a total of three times!) just to make an exception and violate the principle, Maimonides presents it as an absolute rule.[28] (3) Most dramatically, the great codifier daringly recruited this talmudic maxim to make a distinction that is nowhere even hinted in the Talmud, namely that only what "*peshateh di-qera* says" has biblical force, whereas the further laws derived from Scripture by way of "commentary and inference" are merely rabbinic.[29] As these differences reveal, Maimonides appropriated the talmudic rule of *peshat* to support his novel halakhic theory (which he might have termed *uṣūl al-fiqh*), within which the sole source of biblical law is the text of Pentateuch (*nuṣūṣ Torah*), as opposed to further legislation through the midrashic *middot*.

Maimonides was not alone in reinterpreting the rabbinic *peshat* principle. In fact, his use of the rule must be viewed within the trajectory of its transformation in the Geonic-Andalusian school from its humble origins as a marginal and obscure talmudic maxim.[30] Apart from suggesting possible influences on Maimonides' hermeneutical system, this comparative survey will also help to show that the great codifier represents an important link in the exegetical tradition that ultimately made the rule of *peshat* a guiding principle of biblical interpretation.

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[28] He begrudgingly acknowledges only "three or four" exceptions, as noted in Responsum #355. It is instructive to consider how Maimonides treats the cases in which the Talmud itself makes exceptions to this rule. As mentioned above, in b.*Yevamot* 24a the Talmud acknowledges an exception with respect to Deut 25:6; but Maimonides seems intent on upholding the rule there; see chapter eight below, sec. 1.2; see also Halivni, *Peshat & Derash*, 83–85.

[29] See Halbertal, *Truth*, 44–46.

[30] In the survey of this trajectory below in the current chapter, we draw upon our initial sketch of the Geonic-Andalusian school in chapter one above.

## 2. *Saadia and Samuel ben Hofni*

Departing from the patterns of rabbinic exegesis, Saadia Gaon had installed a new philological-contextual method of biblical interpretation that would exert great influence among Jews in Muslim lands and be carried over to al-Andalus in particular. Saadia professed adherence to *ẓāhir al-naṣṣ*, the apparent or obvious sense of the biblical text, which includes a preference for avoiding far-fetched midrashic readings. He never explicitly cites the maxim that "a biblical verse does not leave the realm of its *peshat*," choosing instead to rely on Arabic hermeneutical concepts and terms. The importance of the rule of *peshat* would emerge in the work of his successor Samuel ben Hofni. In a glossary of terms that he included in his introduction to the Talmud, Samuel ben Hofni asserts that *peshateh di-qera* means *ẓāhir al-naṣṣ*.[31] Based on this understanding, he invoked the talmudic *peshat* rule to support Saadia's axiom that a verse must be understood according to its obvious sense (*ʿala ẓāhirihi*). At that point the *peshat* maxim came to represent a methodology of biblical interpretation that—at least in principle—privileged the apparent sense of the text. Samuel ben Hofni's version of the *peshat* principle was applied by Samuel ha-Nagid and others in the Andalusian school and was therefore probably well-known to Maimonides. Indeed, this would help to explain Maimonides' desire to remain as close as possible to *ẓāhir al-naṣṣ* when seeking to determine which laws are actually indicated by the *peshat* of Scripture.

Yet Samuel ben Hofni's usage cannot be viewed as a genuine precedent for Principle #2 in Maimonides' *Book of the Commandments*, since the former did not deem *peshateh di-qera* uniquely authoritative. Following Saadia's fundamental exegetical axiom, Samuel ben Hofni believed that *ẓāhir al-naṣṣ/peshateh di-qera* is often little more than a first assumption, a point of departure, from whence further interpretation—*taʾwīl*, which "removes Scripture from its *peshat*"—must be applied in order to prevent contradictions with reason, other

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[31] See chapter one, sec. 2 above. His understanding of the derivation of this usage can be inferred from the preceding entry of the glossary, where he writes regarding the talmudic term *peshiṭa*: "its meaning is that this matter (lit. utterance) is self-evident (lit. apparent and revealed; ‏טّאהר מכשוף‎)." See Samuel ben Hofni, *Prooemium Talmudis*, Abramson ed., 159 (Ar.); 184 (Heb.).

biblical verses and the rabbinic interpretive tradition.[32] In such cases, *peshateh di-qera* (i.e., *ẓāhir al-naṣṣ*) has no standing; it is simply a superficial or even an incorrect interpretation of Scripture. By contrast, Maimonides distinguished between *ẓāhir al-naṣṣ* (which, for him, as for Samuel ben Hofni, was not always authoritative) and *peshateh di-qera*, which he deemed inviolate.

### 3.  Ibn Janah

A new hermeneutical stance emerges in the work of Ibn Janah, whose stronger reading of the *peshat* principle guaranteed the legitimacy of *peshateh di-qera* under all circumstances. Moreover, Ibn Janah, like Maimonides, was particularly concerned about the interplay between *peshateh di-qera* and halakhic midrashic exegesis. He thus prominently invokes

> the dictum of our early [Sage]s, may God be pleased with them: "a bib-lical verse does not leave the realm of its *peshat*," and…further, "the *peshat* of a verse is one thing (lit. alone), and the *halakhah* is another (lit. alone)." For it is not impossible that one language expression can bear two correct meanings and more than that, as the early [Sage]s, may God be pleased with them said (b.*Sanhedrin* 34a): "One verse can have (lit. go out to) a number of meanings, but one meaning cannot come out from two verses."[33]

Although he goes on to invoke the precedent of "the *peshat* com-mentaries of Rav Saadia and Samuel ben Hofni,"[34] Ibn Janah actu-ally departs from the geonic terminological usage since he no longer equates *peshateh di-qera* with *ẓāhir al-naṣṣ*. For the great Andalusian linguist, *peshateh di-qera* is not simply a first assumption to be revised if it conflicts with rabbinic interpretation; rather, it is the most rea-sonable linguistic reading, which stands correct even in the face of an opposing rabbinic one—an assurance provided by his version of the rule of *peshat*.

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[32] Samuel ben Hofni might be said to simply be following the talmudic precedent in this respect, since, as noted above, in the Talmud itself the rule of *peshat* was hardly treated as absolute.

[33] *Lumaʿ*, 8; *Riqmah*, 19; this passage was cited above in chapter one.

[34] *Lumaʿ*, 8; *Riqmah*, 19.

Ibn Janah's model is helpful for tracing the trajectory of how the talmudic *peshat* maxim was understood in al-Andalus in Maimonides' time. The great linguist's distinction between *peshateh di-qera*, a philological-contextual reading that stems from Scripture itself, and *derash*, the non-philological methods used in the Talmud to establish *halakhah*, resembles Maimonides' model in some ways. He, too, invokes the *peshat* maxim to distinguish between what Scripture itself says and rabbinic applications of the thirteen *middot* to legislate *halakhah*. Although Maimonides often relies on rabbinic tradition to determine the former, he does seem to select rabbinic readings for this purpose that are as close as possible to the contextual-philological method advocated by Ibn Janah (as we have seen in chapter six). Ibn Janah's view of *derash* as a separate but valid method likewise is partially parallel to Maimonides' conception of the *middot* as valid methods of legal-logical inference that nonetheless must be distinguished from what is stated by the text itself, which he terms *peshateh di-qera*.

Maimonides, however, actually draws much stronger conclusions from the *peshat* maxim and sharpens the distinctions only inchoate in Ibn Janah's model. The latter avoids making any value judgment regarding the relative authority of *peshat* and *derash* and instead devises his elaborate theory that Scripture "can bear two correct meanings."[35] As we saw in chapter one, Ibn Janah repeats this notion often enough in his writings to indicate that he envisions *peshat* and *derash* as co-existing, equally valid parallel methods of interpretation, both aiming to reveal a meaning legitimately "carried" or "borne" by the biblical text.[36] But Maimonides creates a clear hierarchy when distinguishing between two sorts of textual analysis: (1) interpretation (*tafsīr*) that reflects the intent (*gharaḍ, qaṣd, maʿna*) of Scripture itself, i.e., *peshateh di-qera*, as opposed to (2) applications of the *middot*,

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[35] The Arabic reads יחתמל מעניין ג'איזין; Ibn Tibbon renders this: יסבול הלשון האחד שני ענינים נכונים (*Riqmah*, 19), but one could render יחתמל as ישא (bears, carries, also the meaning of יסבול in medieval Hebrew). Cf. *Lumaʿ*, 346, והו איצ'א ענדי והוא אצלי נושא ענין אחר נוסף על זה מחתמל מעני אכ'ר, which Ibn Tibbon renders הענין (*Riqmah*, 363).

[36] If it were not for such repeated statements that clarify this matter, one could perhaps argue that Ibn Janah means to say that *peshateh di-qera* is the original interpretation of Scripture, which the Rabbis augmented with a secondary level of interpretation that the text can "bear," but which ultimately does not reveal its true intent, akin to Ibn Ezra's conception, as discussed below; see esp. n. 50.

which are simply inferences from the biblical text and therefore have only rabbinic authority. Ibn Janah invokes the rule of *peshat* to insure the validity of the method that he calls by this name; Maimonides does so to assert the exclusive halakhic status of that which is indicated by the biblical text.

## 4. *Rashi, Rashbam*

In order to explore this theoretical difference between Maimonides and Ibn Janah, we must consider the implications of the latter's dual hermeneutic. Unfortunately, Ibn Janah does not provide much more detail in this regard, as he largely ignores rabbinic exegesis.[37] Intriguingly, important light can be shed on his theory by its application in the *peshat* school pioneered a generation later by Rashi in northern France. The possibility that Ibn Janah's formulation actually served as a source for his younger colleague across the Pyrenees is an intriguing historical question; but for our purposes the theoretical parallel itself is significant, even if Rashi arrived at a similar conception independently.[38]

The programmatic statements that punctuate Rashi's commentaries indicate a clear interest in a new method—labeled *peshuto shel miqra*—that diverges from midrashic interpretation. For example:

> There are many midrashic *aggadot*, and our Rabbis have already arranged them in their appropriate place in *Genesis Rabbah* and in other Midrashim. But I have come only for [i.e., to relate] *peshuto shel miqra* and the [sort of] *aggadah* that conforms to (lit. settles) the words of Scripture" (המיישבת דברי המקרא).[39]
>
> There are many midrashic *aggadot* but I come only for [i.e., to relate] *peshuto [shel miqra]*.[40]
>
> Our Rabbis interpreted midrashically (*dareshu*).… But I have interpreted it according to *peshuto [shel miqra]*.[41]

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[37] See above, chapter one, sec. 4.
[38] See Cohen, "Spanish Source," 367–374. We are exploring this parallel here to clarify the implications of Ibn Janah's construal of the *peshat* principle, of which Maimonides would have been aware. We are not claiming any influence by Rashi or Rashbam on Maimonides, who never mentions these great French *pashtanim* (see introduction above, sec. 5).
[39] Comm. on Gen 3:8. On the importance of this and the other programmatic statements within Rashi's exegesis, see Kamin, *Categorization*, 57–110; see also Grossman, "Literal Exegesis," 334–336.
[40] Comm. on Gen 3:24; see Kamin, *Categorization*, 75.
[41] Comm. on Isa 28:20; see Kamin, *Categorization*, 102.

Yet, despite his new interest in *peshuto shel miqra*, it is evident that Rashi did, in fact, rely heavily on midrashic interpretation.[42] Rashi's great innovation—at least as far as Franco-German Jewish scholarship was concerned—was the value he placed on *peshuto shel miqra*, by which he meant a philological-contextual interpretation. But his intention was not that *peshuto shel miqra* should displace midrashic interpretation, which, among other things, he recognized as the basis of Jewish law.

The theoretical basis for the co-existence of these two levels of interpretation is hinted at by Rashi a number of places in his writings, but is stated in greatest detail in his introduction to Song of Songs:

> "One thing God has spoken; two things have I heard" (Ps 62:12)—"One verse can have (lit. goes out to) a number of meanings" (b.*Sanhedrin* 34a), but in the end Scripture does not depart from its *peshat*…And even though the prophets uttered their words in allegory (*dugma*), one must fit the allegorical meaning (*dugma*) on its basis and sequence, according to the sequence of the Scriptures. Now I have seen many aggadic *midrashim* on this book…that fit neither the language nor the order of Scripture. I therefore decided to establish the literal sense (*mashmaʿ*) of the Scriptures…and the rabbinic *midrashim* I shall set, one by one, each in its proper place.[43]

In the great northern French exegete's view, the midrashic reading reflects the ultimate meaning of the Song of Songs; and yet he introduces what in his intellectual milieu was a revolutionary contextual-philological analysis of the literal love tale depicted in the Song, which he terms *peshuto shel miqra*. To defend the legitimacy of this endeavor, Rashi combines the same two talmudic statements (appearing in the Talmud quite separately) that Ibn Janah had fused: "one verse can have a number of meanings" and "a biblical verse does not leave the realm of its *peshat*."[44]

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[42] Indeed, in his programmatic statement on Gen 3:8 he seems to acknowledge as much when he adds that he will include in his commentaries "the *aggadah* that conforms to (lit. settles) the words of Scripture"; see the studies cited in n. 39 above.

[43] The latter part of this remark was cited and discussed in chapter four, sec b (i) above.

[44] This combination actually implies a modification of the maxim that "one verse can have *a number of* meanings." Whereas the Talmud refers simply to multiple interpretations, Rashi (following Ibn Janah) uses this maxim to assert that two distinct methodologies of interpretation must be used to discern two (and only two) different layers of scriptural signification: *peshuto shel miqra* and *midrasho*. See Kamin, *Jews and Christians*, xxxii–xxxiii (English section); Cohen, "Spanish Source," 360–361, 368–369.

In citing the talmudic *peshat* maxim, then, Rashi does not intend
to assert the exclusive validity of the philological-contextual method,
but merely to find a talmudic basis for its very legitimacy alongside
midrashic interpretation. Rashi's grandson Rashbam took the next
logical step and composed commentaries exclusively devoted to *peshat*.
Yet even he professes allegiance to midrashic exegesis and actually goes
further than Rashi in emphasizing its primacy. As he remarks:

> …our Rabbis taught us that "a biblical verse does not leave the realm of
> its *peshat*," even though the essence (*'iqqar*) of Torah comes to teach and
> inform us—through the hints of the *peshat*—the *haggadot, halakhot* and
> *dinim* by way of redundant language and through the thirty-two herme-
> neutical rules of R. Eliezer…and the thirteen rules of R. Ishmael.[45]

Within the northern French *peshat* school, "the essence of Torah"
remained identified with the realm of *derash*.[46] While Rashbam's pro-
nouncement would seem to diminish the status of *peshuto shel miqra*,
the great northern French *pashtan*, in fact, relied on this hierarchy
to freely interpret Scripture contextually and philologically without
regard for the halakhic exegetical tradition, as discussed in chapter
three above. By asserting the theoretical superiority of the *derashot*,
he could draw conclusions on the level of *peshuto shel miqra* without
concern over conflicts with Jewish law, which is determined by the
midrashic signification of Scripture.

Rashbam brings out an ironic theoretical implication of the dual
hermeneutic: the freedom he takes to interpret Scripture indepen-
dently of—and often at odds with—the *halakhah*, is made possible by
his devaluation of *peshuto shel miqra* vis-à-vis Midrash *halakhah*. This
seems to have been precisely what Maimonides wished to avoid.[47] For
the great codifier, *peshat* is the ultimate source of the *halakhah*, i.e., the
"roots" that are the 613 biblical commandments, whereas the *middot*
are only secondary, as they generate the "branches," the thousands of

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[45] Comm. on Gen 37:2. This passage was cited in full in chapter three, sec. 2
above.

[46] This pronouncement by Rashbam can be viewed as a (preemptive) defense
against the charge that he does not submit to the authority of talmudic tradition. To
some extent, a similar observation might apply to medieval Christian exegetes such as
Hugh of St. Victor who focused attention on the literal sense of the Old Testament,
even while emphasizing the superiority of its spiritual sense. See Kamin, *Jews and
Christians*, xxiii–xxvii (English section).

[47] Although Maimonides almost certainly did not have Rashbam's commentary, he
would have known of the dual hermeneutic from Ibn Janah and could have worked
out the implications from there.

derivative laws that make up talmudic *halakhah*. Rashbam, by contrast, recognized that the midrashic *middot*—and not *peshuto shel miqra*—are the true source of talmudic *halakhah*. Maimonides, no less of a talmudist than Rashbam, acknowledged that "most of the precepts of the Law (*sharī̔a*) are derived through the 'thirteen *middot* by which the Torah is interpreted.'"[48] But he wished to create the opposite conceptual hierarchy by arguing that *peshateh di-qera* is the fundamental source of *halakhah*, i.e., the 613 biblical laws, with the *middot* yielding nothing more than secondary derivations. He thus used the talmudic rule of *peshat* to establish a singular hermeneutic.

## 5. *Abraham Ibn Ezra*

Given Maimonides' avoidance of the dual hermeneutic advanced by Ibn Janah (and applied by Rashi and Rashbam), it is worth turning to the very strong reading of the *peshat* maxim by Abraham Ibn Ezra, who regards *peshat* alone as "the straight path," "the truth" and "the essence," i.e., the essential meaning of Scripture.[49] In his view:

> The words of any author, whether a prophet or a sage, have [but] one meaning (*ta̔am*), although those with great wisdom (lit. broad hearted; i.e., the Rabbis) augment [this] and infer one thing from another thing…at times by way of *derash* or by way of *asmakhta*. About this the early [Sages], of blessed memory, said: "a biblical verse does not leave the realm of its *peshat*."[50]

From the talmudic *peshat* principle Ibn Ezra concludes that Scripture has but one genuine meaning, derived "by way of *peshat*," whereas the words of the Rabbis by way of *derash* and *asmakhta* are merely superimposed on the biblical text. This claim regarding the singularity of *peshuto shel miqra*, coupled with the exclusion of the "way of *derash*"

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[48] *Book of the Commandments*, Principle #2, Kafih ed., 12. This passage was cited in chapter six, sec. 1, above.

[49] See citations below and in chapter one, sec. 7 above.

[50] *Yesod Diqduq*, Allony ed., 86. This passage was cited in chapter one, sec. 7 above. Ibn Ezra might exclude allegorical texts from this rule; see Cohen, *Three Approaches*, 46–47. Ibn Ezra pays lip service to the traditional notion of multivalence in his introduction to the Pentateuch בעבור הדרש דרך הפשט אינה סרה כי שבעים פנים לתורה (standard version, "the fifth way," Weiser ed., I:10). But it appears that he makes that comment apologetically and means to say only that midrashic superimpositions onto the text (valid as such because שבעים פנים לתורה) do not impinge upon the *peshat*, which remains the correct and exclusive genuine meaning of Scripture.

from the purview of genuine exegesis, bears a striking resemblance
to Maimonides' separation of derivations through the *middot* from
*peshateh di-qera*.

Ibn Ezra's very strong reading of the talmudic *peshat* principle
represents a departure from Ibn Janah, who acknowledged rabbinic
midrashic exegesis as an equally valid, though separate, alternative
interpretive methodology. The contrast with the northern French
model is even sharper, as evident from the following remark by Ibn
Ezra:

> Our early [Sages]…interpreted sections, verses, words and even letters
> [of Scripture] by way of *derash* in the Mishnah, Talmud and Baraitas.
> Now there is no doubt that they knew the straight path as it is and
> therefore expressed the rule: "a biblical verse does not leave the realm of
> its *peshat*," whereas the *derash* is an added thought (or: superimposed
> meaning; *tosefet ṭaʿam*). But the later generations made all *derash* essen-
> tial (*ʿiqqar*) and fundamental, like Rabbi Solomon, of blessed memory,
> who interpreted Scripture by way of *derash*. He thought that it is by way
> of *peshat*, but the *peshat* in his book[s] is less than one in a thousand.
> Yet the sages of our generation celebrate these books.[51]

Ibn Ezra mentions only Rashi here by name, but his reference to the
conception of *derash* as "essential" (*ʿiqqar*) intriguingly points to the
possibility that he was aware of Rashbam's work.[52]

While Ibn Ezra's singular *peshat* model naturally leads him to
apply the *asmakhta* principle and relegate rabbinic halakhic exegesis
to the status of mere *derash*,[53] at times he feels compelled to adjust
his *peshat* interpretation to accommodate rabbinic halakhic exegesis.
In the introduction to his Torah commentary, after boldly asserting
that he will normally pursue an independent philological method ("in
Torah I shall not show favoritism," i.e., to earlier authorities), Ibn Ezra
prominently makes an exception in halakhic exegesis:

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[51] *Safah Berurah*, Lipman ed., 4b–5a; Wilensky ed., 288. This passage was cited in
chapter one, sec. 7 above.

[52] It is equally plausible, however, that Rashbam himself was simply articulating
the overall spirit of northern French biblical interpretation, with which Ibn Ezra came
into contact late in his life (and to which he was reacting in *Safah Berurah*). On
the possibility that Ibn Ezra actually knew Rashbam's work, see Mondschein, "Inter-
Relationship"; see also Cohen, *Three Approaches*, 12–13.

[53] See citation at n. 68 below.

However, with respect to the laws, statutes and decrees, if we found two interpretations for the verses, and one interpretation is according to the words of the transmitters [of tradition], who were all righteous, then we shall undoubtedly rely on their truth confidently (lit. with strong hands). And heaven forbid that we should join the Sadducees [i.e., Karaites], who say that their tradition contradicts Scripture and grammar. But our early [Sages] were correct (lit. true), and all of their words are true.[54]

Whereas Rashbam could embrace non-halakhic and even anti-halakhic *peshat* interpretations because his dual hermeneutic allowed for an alternative—and even superior—midrashic layer of scriptural signification, Ibn Ezra's singular model excluded this option. Unless he was willing to regard the rabbinic halakhic system as entirely spurious (the Karaite position he rejected), he needed to incorporate it somehow into his *peshat* exegesis. As U. Simon observed, Ibn Ezra's "extreme adherence to the exclusivity of the *peshat*"—paradoxically—is responsible for his tendency to defer at times to rabbinic halakhic exegesis, even at the expense of forgoing a more reasonable philological-contextual interpretation.[55] In the case of such a clash, Rashbam's dual hermeneutic had allowed him to maintain both as correct interpretations simultaneously, one as *peshat*, the other as *derash*. But Ibn Ezra's very strong reading of the *peshat* principle implies that there is but one single valid interpretation: *peshuto shel miqra*.

By itself, the singularity of Ibn Ezra's hermeneutical model, which forced him to accommodate rabbinic halakhic exegesis, was not new within the Geonic-Andalusian tradition. That very notion is already evident in Saadia's axiom that extra-textual factors, including rabbinic halakhic traditions, must be taken into account to arrive at the (single) correct sense of Scripture. Ibn Ezra's new step consists of identifying it as *peshuto shel miqra*. By contrast, Samuel ben Hofni, whose view seems to have been influential in al-Andalus, identified *peshuto shel*

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[54] Pentateuch commentary, standard introduction, "the fifth way," Weiser ed., I:10. Ibn Ezra's distinction between *halakhah* and non-halakhic *derash* can be traced to Samuel ben Hofni; see chapter one above, sec. 2.

[55] Simon "Method," 138. For examples of this tendency, see ibid., 130–138; Japhet, "Tension," 407–413; see also above, chapter three, sec. 2.2 and below, chapter eight, sec. 2. Ibn Ezra at times acknowledges this disparity, as he remarks ובדרך הסברא נכון היה לולי קבלת האמת הנגמרת (e.g., long comm. on Exod 12:24); elsewhere he uses other formulas, such as: לולי הקבלה \ ואם קבלה נקבל; see comm. on Exod (short) 21:2, 14, 22:2; Lev 15:11, 21:2–4 (discussed in chapter 8, sec. 2.1 below), 23:14; Deut 13:10, 25:2, 32:14. See Maori, "Attitude," 203.

*miqra*—in the talmudic *peshat* principle—with *ẓāhir al-naṣṣ*, i.e., the apparent sense of the text, which is correct in theory unless it conflicts with another verse, reason or rabbinic tradition. Ibn Ezra articulates that Saadianic rule, as well;[56] but for him *peshuto shel miqra* is the final correct interpretation that incorporates all relevant textual and extra-textual factors, rather than what is merely the apparent sense.

Ibn Ezra's very strong reading of the *peshat* maxim is a direct precedent for its construal by Maimonides, as the notion of the singularity—and authority—of *peshuto shel miqra* seems unique to the two of them. Even the great talmudist's willingness to interpret *peshateh di-qera* in light of rabbinic halakhic tradition corresponds to a similar feature in Ibn Ezra's exegesis, albeit in different proportions.[57] It remains an open question whether Maimonides had Ibn Ezra's writings, which were composed in Italy, France and England in the 1140's and 1150's.[58] For our purposes the question is more pointed: could they have influenced him before he articulated his rule of *peshat* in the *Book of the Commandments*, which was written in 1168? Intriguingly, the work of Ibn Ezra's that seems to have the most bearing on the *Book of the Commandments* is his *Yesod Mora*, penned in London in 1158 or 1159. That work, as mentioned in chapter six above, lays down principles for properly enumerating the commandments, some of which closely resemble those formulated by Maimonides.[59] Those parallels, in the opinion of H. Ben-Menahem, "create the clear impression that Ibn Ezra's work was in front of Maimonides when he wrote the *Book of the Commandments*."[60] To be sure, in many instances Maimonides rejects positions articulated in *Yesod Mora*, but even here the parallel formulations and concerns might suggest that he was reacting specifically to Ibn Ezra. It is difficult to know if the span of a decade was sufficient in the twelfth century for *Yesod Mora* to travel from extreme northwestern Europe to Egypt. Moreover, it is conceivable that the two authors devised parallel systems independently, especially since they drew upon a common Andalusian tradition—of which we know only partially. But apart from the question of Ibn Ezra's possible

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[56]  See chapter one, sec. 7 above.

[57]  This disparity will be amply illustrated in chapter eight, sec. 1 below.

[58]  See the introduction, sec. 5 above.

[59]  See Perla, *Sefer ha-Miṣwot*, 15; Cohen and Simon, *Yesod Mora*, 34–35; Harvey, "First Commandment," 209–211.

[60]  Ben-Menahem, "Jurisprudence," 178.

influence on Maimonides, the parallels between *Yesod Mora* and the *Book of the Commandments* merit consideration because they high-light subtle differences between two otherwise similar models of the *peshat* principle and its relation to *halakhah*.

In *Yesod Mora*, Ibn Ezra presents the following three-fold classifi-cation of the commandments and how they relate to the text of the Pentateuch:

> (1) There are commandments that are explicit in the Torah (מבוארות בתורה), and (2) there are commandments [stated in the Torah] of which we know their true interpretation only from the Holy Transmitters (הקדושים המעתיקים), who received son from father and student from teacher, and were it not for the tradition a person would interpret them differently. And (3) there are commandments that we received from them and there is no mention of them in the Torah.[61]

As with many other aspects of Ibn Ezra's work, this classification can be traced to Saadia. In the course of an anti-Karaite polemic in the introduction to his commentary on Genesis, Saadia had argued that the oral tradition of the Rabbis is necessary for extracting the law from Scripture because the latter is insufficient by itself. In particular, many laws are merely hinted at in a vague way but are not clearly stated (*manṣūṣ*); others are stated clearly, but their details are not defined. Yet other laws—universally accepted by the Jewish people, including the Karaites—are not even stated in Scripture at all.[62]

Ibn Ezra goes on in *Yesod Mora* to illustrate his classification by cit-ing examples of categories (2) and (3).[63] As an example of a law men-tioned in Scripture but requiring rabbinic clarification, he points to

> the *lulav* (palm branch taken on *Sukkot*), because the only thing explicit in the Torah is "You shall take [the fruit of the *hadar* tree, branches of palm trees, boughs of leafy trees and willows of the brook; and you shall rejoice before the Lord]" (Lev 23:40), but without the tradition it would have a different meaning.[64]

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[61] *Yesod Mora* 6:1, Cohen and Simon ed., 130.

[62] See Saadia, comm. on Genesis, Zucker ed., 13–15 (Ar.); 181–184 (Heb.). Ibn Ezra likewise raises this point in an anti-Karaite polemic in his Pentateuch comm., standard introduction, "the second way," Weiser ed., I:2–6.

[63] Presumably, he regarded category (1) as self-evident. The list of Ibn Ezra's exam-ples from which we will draw here is actually quite lengthy and is not without its difficulties. It is therefore cited in full and analyzed in detail in Appendix C below.

[64] *Yesod Mora* 6:2, Cohen and Simon ed., 133.

Although this law has a specific source-text in the Pentateuch, it hardly suffices to clarify the many laws of the *lulav* and the other three species used in the ritual of the *Sukkot* festival. Ibn Ezra continues with other examples:

> And similarly counting the ʿ*omer*, for they distinguished between "You shall count for yourselves [... seven full weeks]" (Lev 23:15) and "She shall count for herself [seven days]" (Lev 15:28).[65]

The obligation upon each individual to recite the count of each day during the forty-nine day ʿ*omer* season, as Ibn Ezra demonstrates, is not completely clear from Lev 23:15, the prooftext cited in the Talmud (b.*Menaḥot* 65b–66a). Were it not for rabbinic tradition, that verse could be taken as nothing more than an obligation to calculate the seven weeks in order to fix the date of the "offering of new grain" (Lev 23:16), just as in Lev 15:28 the obligation is merely to wait for seven days to become eligible for purification (and not to recite the count of each day). While aware that these texts are subject to other interpretations, which he might have otherwise preferred based on philological and contextual factors, Ibn Ezra defers to rabbinic authority to arrive at their true interpretation, i.e., *peshuto shel miqra*. This, of course, is a direct precedent for what Maimonides refers to in the *Book of the Commandments* as a *tafsīr marwī*, which determines the correct construal of *peshateh di-qera* within his system.

Since Ibn Ezra deems *peshuto shel miqra* the single legitimate meaning of Scripture, where he accepts the validity of the rabbinic interpretation, he must regard it as *peshuto shel miqra* by definition, even though "a person would interpret ... differently" without the rabbinic tradition—as he states with respect to category (2). It is this lack of autonomy that Ibn Janah, followed by Rashbam, avoided with their dual hermeneutic, which allowed for a valid midrashic interpretation parallel to *peshuto shel miqra*. Ibn Ezra, on the other hand, must always make a choice whether to regard any given rabbinic reading of Scripture as the valid construal of the biblical text, i.e., *peshuto shel miqra*, or mere *derash*, which is simply an artificial projection onto the text, but not genuine exegesis.

The latter possibility is discussed by Ibn Ezra in *Yesod Mora* in connection with category (3), i.e., the commandments that have no

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[65] Ibid.

genuine biblical source text. He illustrates this category with the following example:

> Now Jeremiah said, "Do not carry a burden out of your houses on the Sabbath day" (Jer 17:22), and this is not mentioned in the Torah.[66]

Ibn Ezra assumes that Jeremiah did not legislate a new Sabbath prohibition, but merely recorded an existing ancient tradition. He thus cites this case as evidence that some laws given at Sinai were not recorded in the Pentateuch itself. Ibn Ezra makes a similar assessment with regard to laws that the Rabbis associated with a biblical text only by way of *asmakhta*. As he comments:

> And I have already explained "and he shall inherit it [lit. her]" that it is a mere *asmakhta*.[67]

This is a reference to the fundamental principle he had already established in his Pentateuch commentary:

> There are known places in the Torah that the Sages made into a sort of *asmakhta*, though they knew the essence (*ʿiqqar*). For example, "and he shall inherit it (lit. her)" (Num 27:11): it was known through tradition that a man inherits his wife['s possessions], and they used this verse as a midrashic inference (דרשו זה הפסוק) to be a reminder (*zekher*). For every Jew knows the interpretation of this verse, which is according to its literal *peshat*... Rather, the correct [approach] is that the verse is [meant] according to its *peshat*, and they added a thought (or: idea; *ṭaʿam*) as a matter of tradition.[68]

By making ample room for laws not known from the text of the Pentateuch, Ibn Ezra can safely undercut the validity of *derash* as a genuine method of biblical interpretation, and thereby preserve the integrity of *peshuto shel miqra* as the exclusive meaning of Scripture.

In deciding which rabbinic readings reveal the actual meaning of the biblical text (=*peshat*), and which are mere *derash* (a distinction rarely made in rabbinic literature), Ibn Ezra argues that one must rely on rational discernment:

> Sometimes they [i.e., the Rabbis] find a clear attestation (עדות ברורה) from the Torah [for a given law]; but sometimes [they use] the way of

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[66] Ibid., 131.
[67] Ibid., 134.
[68] Short comm. on Exod 21:8. This passage was cited above in chapter one, sec. 7, where we also noted that this stock example is cited elsewhere by Ibn Ezra.

*derash*, or the way of mere *asmakhta*. And one who has a mind (lit. heart) will be able to discern when they speak *peshat* and when they speak *derash*, for their words are not all of one type. And the Lord Who gave them wisdom will give them full reward.[69]

We can coordinate Ibn Ezra's two-fold exegetical categorization with his three-fold halakhic one in the following chart:

| Exegesis | Halakhah | |
|---|---|---|
| | Laws with clear attestation (עדות ברורה) from the Torah: | |
| *Peshat* = | (1)  Explicit in the Torah (מבואר בתורה) | (2)  Not explicit in the Torah; require rabbinic interpretive tradition, which reveals the authentic meaning of the biblical text |
| *Derash* = | (3)  Laws not mentioned in Scripture; can be associated with the text only by way of *derash* or *asmakhta* | |

Where the Rabbis "speak *peshat*," they reveal the genuine meaning of the biblical text and identify the "clear attestation from the Torah" for a given law, whether (1) that meaning is evident from the text of the Torah alone or (2) requires the rabbinic interpretive tradition to reveal it.[70] But where they "speak *derash*" the law is (3) one of those not mentioned in the written Torah at all, and the "readings" of the Rabbis are meant only to link the otherwise completely oral law with the biblical text artificially.[71]

   Like Ibn Ezra, Maimonides distinguishes sharply between Scripture's single essential meaning, what *peshateh di-qera* "indicates"

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[69]  *Yesod Mora* 6:1, Cohen and Simon ed., 130–131.

[70]  It would seem that with the words יש שימצאו עדות ברורה מהתורה in the above-cited passage from *Yesod Mora*, Ibn Ezra refers to his first two categories, i.e., laws that have a definite biblical source-verse, even though the oral tradition may be needed to clarify its meaning. If we equate עדות ברורה מהתורה with only the category of מצוות מבוארות בתורה (admittedly a close match), his second category would be left with only *derash* as its source, which seems unlikely.

[71]  In the above-cited passage from *Yesod Mora* Ibn Ezra at first seems to imply some sort of distinction between the categories of *derash* and *asmakhta* (akin to Maimonides' distinction between the *middot* and *asmakhta*; or perhaps ha-Levi's distinction?). But he does not develop this distinction elsewhere (although it is repeated in *Yesod Diqduq*, above, n. 50). In the very next line he goes on to simply divide rabbinic exegesis into two, i.e., *peshat* and *derash*.

( *yadullu*), by contrast with further derivations from and projections onto the biblical text by way of *derash*. Furthermore, for both authors, *peshateh di-qera* ultimately has halakhic authority—an assumption that compels them to tread carefully when deciding on the *peshat* status of a given reading. Neither Ibn Ezra nor Maimonides views the rule of *peshat* as a directive to interpret Scripture according to its philological-contextual sense alone. Rather, for them it indicates the need to determine its single correct sense in light of other sources of true knowledge, including science, philosophy—and the halakhic tradition. Yet Maimonides goes a step beyond Ibn Ezra in this respect, as he makes the more forceful argument that *peshat* is the sole source of biblical law—adopting what we can call a super-strong reading of the *peshat* rule, i.e., that the authority of biblical law is limited to the purview of *peshateh di-qera*. As a result, he was forced to find a specific source-text for every one of the 613 core biblical laws in *peshateh di-qera*. On the other hand, by allowing for laws transmitted orally, Ibn Ezra was still largely free to invoke the *asmakhta* principle and thereby could usually (though not always) preserve the philological-contextual integrity of his *peshat* system. But within the Maimonidean system, all exegetical questions in the legal sections of the Pentateuch carried with them halakhic implications, because the nature of a given law's derivation from Scripture determines whether its level of authority is biblical or rabbinic. He therefore had to apply the notion of a "transmitted interpretation" (*tafsīr marwī*)—which diverges from *ẓāhir al-naṣṣ*—so widely that he effectively uses different criteria than Ibn Ezra for determining what *peshateh di-qera* truly communicates.

Maimonides diverges from Ibn Ezra in yet another important way. In *Yesod Mora*, the latter goes on in his list of laws of which "there is no mention…in the Torah" to enumerate some that are clearly of rabbinic origin:

> And similarly the seven days of nuptial celebration, and [the seven days] of mourning, and visiting the sick and burying the dead and the *Hanukkah* lights and reading the *megillah* [of Esther on Purim] and [drinking] four cups [of wine at the Passover *seder*].[72]

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[72] *Yesod Mora* 6:2, Cohen and Simon ed., 134. Theoretically, it is possible that he considered the obligatory seven day mourning period to be biblical, though that view was marginal in Andalusian halakhic scholarship (this geonic view, based on Gen 50:10, is cited but rejected by Alfasi, *Berakhot* 9b [Alfasi pagination; Zaks ed., I:11]); but the other laws are clearly rabbinic.

Ibn Ezra here follows the geonic approach to which Maimonides vigorously objected, namely the conflation of biblical and rabbinic law, as attested in the enumerations of the *Halakhot Gedolot*, Saadia and Ḥefeṣ ben Yaṣliaḥ.[73] Indeed, earlier in *Yesod Mora* he makes this point:

> We received all of the commandments from the holy forebears (i.e., the Rabbis), and there is no difference in the matter of the commandments between their words and the words of Torah, for they are also given to us, and [they are] also a received tradition from their fathers, and their fathers' fathers from the prophets, and all is from God to Moses.[74]

As it turns out, Ibn Ezra, like Ibn Janah (and Rashbam), largely cuts the link between *peshuto shel miqra* and *halakhah*. To be sure, he views *peshuto shel miqra* as the single genuine intention of the biblical text—and as such it cannot be at odds with the *halakhah* (and in this respect he disagrees sharply with Rashbam). However, Ibn Ezra actually connected Scripture and *halakhah* rather loosely, as he did not regard the Pentateuch itself (the "texts of the Torah" as Maimonides put it) as the sole source of the biblical commandments, since some were transmitted orally. Consequently, the *peshat-derash* dichotomy does not demarcate between laws of biblical and rabbinic authority, a distinction to which Ibn Ezra in any case does not grant great significance.

Ibn Ezra was not a talmudist; and while his singular model of *peshat* took *halakhah* into account, it was devised primarily for exegetical purposes, and he draws his *peshat-derash* dichotomy along exegetical methodological lines. Maimonides' rule of *peshat* primacy, on the other hand, served as a foundation upon which he built his theory of the "sources of the law," i.e., *uṣūl al-fiqh*. His primary goal in distinguishing between *peshateh di-qera* and "matters derived by way of commentary and inference" was a legal one, as he granted only the former biblical status, while relegating the latter to the status of rabbinic law. To be sure, Maimonides did take exegetical considerations into account when making determinations regarding *peshateh di-qera*; but those were necessarily secondary to his overarching requirement to identify sources for all of the 613 core biblical laws in the "texts

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[73] See Zucker, "Studies," 97–100.

[74] *Yesod Mora* 2:15, Cohen and Simon ed., 110; see also the editors' note ad loc. and discussion on p. 35. It was, of course, less critical for Ibn Ezra to make a specific determination in this regard because he did not adhere to an exact number of 613 commandments (see Cohen and Simon, op. cit., 32–33).

of the Torah." While Maimonides may have drawn upon Ibn Ezra's singular hermeneutic, he refashioned it for his own purposes and drew his *peshat-derash* dichotomy largely along halakhic rather than exegetical lines.

## 6. *Nahmanides*

The bold implications of Maimonides' unique construal of the *peshat* maxim are brought out by his successor Nahmanides, whose critique and alternative model are therefore relevant here. Though ostensibly returning in spirit to the dual hermeneutic first formulated by Ibn Janah, Nahmanides actually incorporates elements from the Maimonidean system. This dependence is reflected, in part, by the fact that his clearest statement regarding the rule of *peshat* appears in his *Hassagot* (criticisms, strictures) on Maimonides' *Book of the Commandments*, where he comments:

> The second principle…is shockingly beyond my comprehension, and I cannot bear it, for…if so…then the truth is the *peshat* of Scripture (*peshateh di-qera*) alone, not the matters derived midrashically, as he mentions from their dictum, "a biblical verse does not leave the realm of its *peshat*." And as a result we would uproot the thirteen *middot* by which the Torah is interpreted and most of the Talmud that is established upon them.[75]

Nahmanides, however, argues:

> They did not say אין מקרא אלא כפשוטו ("a biblical verse means nothing but its *peshat*"); rather both its *midrash* and its *peshat* [are viable] and it does not leave the realm (lit. hands) of either one of them. But Scripture can bear all [meanings], both being true.[76]

His formulation here echoes Ibn Janah:[77] he takes the talmudic *peshat* principle to imply the validity of *peshateh di-qera* without negating the equal validity of the midrashic interpretation. As he conceives it, the

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[75] *Hassagot*, Chavel ed., 44. Parts of this passage were cited in the introduction and chapter six above.

[76] *Hassagot*, Chavel ed., 45; on Nahmanides' dual hermeneutic, see Wolfson, "Truth," 126–129.

[77] Note especially the parallel between his language יסבול הכתוב את הכל ושניהם אמת and Ibn Tibbon's Hebrew translation of *Sefer ha-Riqmah* (above, n. 35); see also Cohen, "Spanish Source," 368.

principle teaches that the *peshat* reading *is not negated* by midrashic ones, notwithstanding their halakhic authority.[78]

Unlike Ibn Janah, Nahmanides elaborates on the status of rabbinic exegesis and argues that matters deduced through the thirteen *middot* are equivalent in halakhic status to those "explicit in the Torah."[79] Accordingly, he views them as actual methods of *interpretation*, rather than being merely types of inference.[80] Nahmanides was well aware that the *middot* are far from philological-contextual rules of analysis (a point made amply by ha-Levi, for example) and he therefore acknowledges that they cannot be subsumed within *peshuto shel miqra*. But, as M. Halbertal has shown, Nahmanides—adhering to a model of interpretation as the creation of meaning rather than its discovery alone—maintains that Scripture was given as an open text, with the Rabbis empowered to fix its meaning using the *middot*.[81] Accordingly, the *middot* create a level of scriptural signification equal in its legal authority to *peshuto shel miqra*. However, like Maimonides and Ibn Ezra before him, Nahmanides certainly regarded *peshuto shel miqra* as the primary basis of the *halakhah*, placing him squarely within the Andalusian tradition, and quite apart from Rashbam, whose dual hermeneutic precluded the halakhic relevance of *peshuto shel miqra*.

Indeed, Nahmanides even accepts the conceptual hierarchy Maimonides established, viewing *peshuto shel miqra* as the original intent of Scripture and the *middot* as methods for subsequently expanding its application and creating new legislation. The only difference is that Nahmanides regards such applications as having biblical authority. It was therefore crucial for him to distinguish between genuine applications of the *middot* and mere *asmakhta*, which does not yield interpretations of Scripture in any sense, nor does it create laws, but merely supports those already known from elsewhere. (For Maimonides, on the other hand, this distinction was not crucial to make, since neither yields laws of biblical authority.) And, like Maimonides, Nahmanides at times would point to the halakhic status of a given law to determine

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[78] See Schwartz, "*Peshat* and *Derash*," 74–75; see also Appendix A.

[79] המדות כולם אצלם כדבר מפורש בתורה ודורשים אותם מדעתם (*Hassagot*, Chavel ed., 32).

[80] עיקר שרשי התלמוד שכל הנדרשין בתלמוד באחת משלש עשרה מדות כולן דברי תורה והם פירוש תורה שנאמרה למשה מסיני (*Hassagot*, Chavel ed., 37); see Halbertal, *Truth*, 45. This would seem to be a refined version of ha-Levi's argument that the *middot* are a secret method by which the Rabbis interpreted Scripture.

[81] Halbertal, *People*, 63.

the nature of the associated rabbinic reading of Scripture, i.e., whether it is a legitimate application of the *middot* or a mere *asmakhta*.[82]

One example helps to illustrate the implications of Nahmanides' approach. In the *Book of the Commandments*, Positive Commandment #155, Maimonides writes:

> We are commanded to utter words on the Sabbath day when it enters... in which we speak about (or: mention) the greatness of that day.... And that is His dictum, may He be exalted, "Remember the Sabbath Day to sanctify it" (Exod 20:8), meaning: pronounce it sacred and great,[83] and that is the commandment of "the sanctification of the day" (*qiddush ha-yom*). And the very wording (*naṣṣ*) of *Mekhilta*: "Remember the Sabbath Day to sanctify it—sanctify it with a benediction."[84]

In *Hilkhot Shabbat* 29:1 he explains similarly:

> It is a biblical positive commandment to sanctify the Sabbath day verbally, as it is said, "Remember the Sabbath Day to sanctify it," that is to say, pronounce it praised and sacred.[85]

Abraham Ibn Ezra, on the other hand, argues that the specific ritual of uttering the *qiddush* is not indicated in this verse:

> And the meaning of "to sanctify it" is to give it a greater status than the other days, by not doing work on [that day], similar to the meaning of God's "sanctifying" it. And the words of our early [Sages] to pronounce it [sacred] over wine, that is also correct by way of *asmakhta*.[86]

Ibn Ezra interprets this command by noting the parallel depiction of the Lord Himself "sanctifying" the Sabbath, both at the end of this biblical pericope ("For in six days the Lord made heaven and earth... and He rested on the seventh day; therefore the Lord blessed the Sabbath day *and sanctified it*" [Exod 20:11]) and in the original creation story ("And God blessed the seventh day, *and sanctified it*, for on it God

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[82] See, e.g., *Hassagot*, Chavel ed., 154–156; see also comm. on Exod 12:16.

[83] Lit. mention it with a mention (*dhikr*) of sanctification and greatness. The Arabic root *dh-k-r* (form I)—cognate of Hebrew *z-kh-r*—here means *to mention, speak of*, whereas in BH the *qal* form of the verb means only *to remember* (in *hifʿil* it means *to mention*). Maimonides' construal of the biblical commandment זכור את יום השבת seems to be influenced by the Arabic usage.

[84] Kafih ed., 138. The citation is from *Mekhilta Yitro* §7 (Horovitz-Rabin ed., 229).

[85] Lit. mention it (זכרהו) with a mention of praise and sanctification. Although BH *z-kh-r* in the *qal* form means *to remember*, Maimonides' Medieval Hebrew here reflects the sense of its Arabic cognate *dh-k-r* (form I); see above, n. 83.

[86] Short comm. ad loc., Weiser ed., II:285.

ceased from all the work of creation that He had done" [Gen 2:3]). Pre-
sumably, God did not utter the *qiddush* upon completing the heaven
and earth; Ibn Ezra therefore argues that this "sanctification" is inher-
ently connected with the cessation of His labor: "He sanctified it—that
labor was not done on it, as on the other [day]s."[87] Notwithstanding
his own *peshat* interpretation of Exod 20:8, Ibn Ezra is willing to allow
for the rabbinic reading as an *asmakhta* to support the obligation to
recite *qiddush*, which in his view was transmitted orally, having abso-
lutely no basis in the text of Scripture.[88]

The citation above is from Ibn Ezra's short commentary on Exodus,
written in Italy in the mid-1140's. When revisiting this pericope in
his long commentary written in France a decade later he elaborated
on the nature of this law, i.e., the purpose of refraining from labor on
the Sabbath:

> Now the Sabbath was given to ponder God's deeds and to delve into his
> Torah...and on this day it is proper to detach oneself and stop working
> to honor God, and one should not involve oneself in thoughts of vain
> pursuits or even one's needs...or plans...And thus the prophet said:
> "[And if you honor it, not...] look[ing] to your affairs, nor speak words"
> (Isa 58:13). And the practice of Israel was to visit the prophets when the
> Sabbath arrived (lit. close to Sabbath), as it says "Why are you going to
> him [i.e., the prophet] today? It is neither the new moon nor Sabbath"
> (II Kgs 4:23).[89]

Ibn Ezra did not formulate these remarks as a reading of Exod 20:8
per se; but it would appear that they resonated with Nahmanides, who
incorporates them into his analysis of the command to "sanctify" the
Sabbath:

> By way of *peshat*...The meaning of "[Remember the Sabbath day] to
> sanctify it" is that our remembrance of it should be sacred, [i.e.,] that
> our resting from work should be because it is a sacred day, for us to
> turn away from mental preoccupations and the vanities of the times,

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[87] Ibn Ezra, (standard) comm. on Gen 2:3, Weiser ed., I:20. In his alternate comm.
ad loc., Weiser ed., I:165, Ibn Ezra records other interpretations of this verse. The
truth is that Gen 2:3 and Exod 20:11 do not provide compelling evidence that "sanc-
tification" *is defined as* cessation from labor, since those verses seem to say that God
sanctified the Sabbath *because* He ceased his labor. In *Yesod Mora* 2:15, Cohen and
Simon ed., 110–111, on the other hand, Ibn Ezra more cogently points to Jer 17:22, 24
to demonstrate that the commandment to "sanctify" the Sabbath in Exod 20:8 simply
means not to perform labor on the seventh day.

[88] See *Yesod Mora* 6:2, Cohen and Simon ed., 131.

[89] Long comm. on Exod 20:8, Weiser ed., II:136.

and instead to delight our souls in the ways of God, and to go to the sages and the prophets to hear the words of God, as it says "Why are you going to him today? It is neither the new moon nor Sabbath," for this was their custom.[90]

This is all included in *peshuto shel miqra* according to Nahmanides. But Nahmanides, unlike Ibn Ezra, still has room for another level of scriptural signification, which prompts him to add:

> But our Rabbis also have a Midrash…from the word "to sanctify it," that we should sanctify it verbally (lit. through mentioning), similar to the meaning of "Sanctify the fiftieth year" (Lev 25:10), which requires a pronouncement of sanctification by the religious court, to say in the Jubilee year: "It is sanctified, it is sanctified."[91] Here, too, it commands that we pronounce (lit. mention) the Sabbath day sacred in order to sanctify it. And thus they said in the *Mekhilta*: "…to sanctify it—sanctify it with a benediction"…and this is "sanctification of the day" (*qiddush ha-yom*), and it is a biblical law (*min ha-Torah*), not an *asmakhta*. And thus they said: "[even] women are biblically obligated [to recite] *qiddush*" (b.*Berakhot* 20b).[92]

Nahmanides agrees with Ibn Ezra that the rabbinic reading cannot be regarded as *peshuto shel miqra*, i.e., the "straightforward" sense of the text. Yet he regards the midrashic reading as more than a mere *asmakhta*; it is a genuine midrashic reading through which the Rabbis derived a law of biblical authority—the obligation to recite *qiddush*. Afforded a unique luxury by his dual hermeneutic, Nahmanides can argue that the text "bears" two meanings—both the *peshat* and Midrash.

Nahmanides' freedom in this example highlights the straitjacket that bound his predecessors. For Ibn Ezra, the *peshat* reading precludes the exegetical validity of a different midrashic one—although this does not close the door on the possibility of *asmakhta* and an associated biblical law known from oral tradition. The contrast between Nahmanides and Maimonides is even starker, since the latter had to make a similar choice that was also laden with halakhic implications. Maimonides

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[90] Nahmanides on Exod 20:8, Chavel ed., I:400. Nahmanides does not credit Ibn Ezra for this interpretation (though he does so later in this passage for an interpretation on the word זכור; see ibid., p. 401).

[91] Note how Nahmanides aims to support the rabbinic reading based on an analogy from another biblical verse, as one would expect from a *pashtan*.

[92] Nahmanides on Exod 20:8, Chavel ed., I:401.

shared Ibn Ezra's view that a verse can have but one legitimate mean-
ing; he therefore had one of two choices:

(1) He could interpret the verse itself (*peshateh di-qera*) contextually
    and regard the midrashic reading as a rabbinic inference or mere
    *derash*. In either case, the obligation of *qiddush* would be rabbinic
    rather than biblical.
(2) The only way to render the obligation biblical would be to argue
    that the rabbinic reading is the single correct interpretation of
    the verse, leaving no room for an alternative, contextually-based
    *peshat* interpretation.

Since Maimonides regarded *qiddush* as a biblical obligation (undoubt-
edly motivated by the talmudic evidence cited by Nahmanides), he was
forced to regard the rabbinic halakhic interpretation to be the single
correct construal of *peshateh di-qera*. In effect, he was a captive of the
halakhic reading which he had to assume to be the interpretation of
this verse transmitted from Sinai, thus precluding any other interpre-
tation of *peshateh di-qera* that he might otherwise have considered,
e.g., those of Ibn Ezra or Nahmanides.[93]

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Our survey of the post-talmudic trajectory of the rule of *peshat*—from
Samuel ben Hofni's weak reading to Ibn Janah's strong reading, to
Ibn Ezra's very strong reading—certainly suggests a potential source
for what we might call Maimonides' super-strong principle of *peshat*

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[93] Maimonides' son Abraham, on the other hand, does not adhere to his father's
singular *peshat* model. He thus allows for both the contextual interpretation of Ibn
Ezra (to abstain from labor)—labeled *peshateh di-qera*—and the halakhic interpreta-
tion: לקדשו—פשטיה דקרא מענאה אלאמתנאע ען עשית מלאכה...ואלנאקלון ז″ל
שרחוה אן ד′לך בקדוש היום מצוה מן המצות והו שרח משהור (comm. on Exod
20:8, Wiesenberg ed., 319). He similarly cites both the philological interpretation
(again, labeled *peshateh di-qera*) and the opposing rabbinic halakhic one in his com-
mentary on Exod 20:13, where he actually invokes the rule of *peshat*: לא תגנב—
פשטיה דקרא נהי ען כל סרקה אלד″י ידכ′ל אלנהי סרקה אלמאל וגירה...
ואלנאקלון ז″ל יכ′צצון אלנהי בגונב נפש מישראל אלד″י הו מן אלחמורות. ומע ד′לך
אין מקרא יוצא מידי פשוטו (Wiesenberg ed., 319–321). It thus appears that Abraham
Maimonides interprets the rule of *peshat* as Ibn Janah did, although this is a matter
that requires further investigation of his commentaries. Moses Maimonides, on the
other hand, adopts the rabbinic interpretation of Exod 20:13 exclusively, as consistent
with his singular halakhic *peshat* model; see *Book of the Commandments*, Negative
Commandments #243, 244.

primacy. The methodological preferences attached to this maxim by scholars such as Samuel ben Hofni and Ibn Janah—whose impact on Maimonides' thought elsewhere is clear—are reflected in his preference to adhere, as much as possible, to the philological-contextual reading when determining what *peshateh di-qera* indicates. Although Ibn Ezra's influence on Maimonides is subject to debate, his insistence on the singularity of *peshuto shel miqra* certainly reverberates in Principle #2 of the *Book of the Commandments*. Whether or not the great codifier actually drew upon Ibn Ezra for this purpose, this parallel is sufficient to indicate that he participated in a vital movement within the Andalusian exegetical tradition that celebrated "the way of *peshat*." Yet Maimonides goes a step beyond all of those predecessors by drawing strong halakhic conclusions from the rule of *peshat*, making it the exclusive basis of the fundamental core of Jewish law. Beyond merely harnessing the work of his exegetical predecessors, Maimonides actually makes a unique and substantial contribution to the Andalusian conception of *peshuto shel miqra*, which we will explore further in the next chapter.

## INTEGRATING *HALAKHAH* AND *PESHAT*

Having outlined the trajectory of the rule of *peshat* from its origi-
nal talmudic usage through the thirteenth century, we now revisit its
appropriation by Maimonides to fashion his uniquely integrated legal
hermeneutical system. The great codifier was well aware of the frequent
disparity between the rabbinic halakhic reading of the Pentateuch and
its philological-contextual sense, which he referred to as *ẓāhir al-naṣṣ*.
To a certain extent, his application of the *peshat* maxim represents an
attempt to bridge this gap. Yet in the Maimonidean system *peshateh
di-qera* (strictly speaking: "what *peshateh di-qera* indicates") differs
from *ẓāhir al-naṣṣ* in two critical ways: (1) it has halakhic authority;
and, as a corollary, (2) it incorporates the transmitted interpretation
(*tafsīr marwī*) of Scripture. Indeed, since Maimonides takes *peshateh
di-qera* to be the exclusive source of biblical law, he must proceed with
caution in his application of this label to arrive at results consistent
with his halakhic rulings. Our goal in the current chapter is to high-
light the exegetical features of his *peshat* model through a compari-
son with other philologically oriented medieval exegetes and thereby
define the contribution his integrated legal hermeneutics makes within
the context of the Geonic-Andalusian tradition.[1]

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[1] While some such conclusions were drawn in chapter six above, our analysis there
focused on examples in which Maimonides actually uses the term *peshat*. In fact, our
goal in that chapter was primarily philological, i.e., to determine the sense of that term
in his lexicon. In this chapter we broaden our analysis to address the many more cases
in which Maimonides applies his rule of *peshat* primacy (articulated in Principle #2
of the *Book of the Commandments*) without using the term *peshat* itself. Although the
great codifier actually formulated his *peshat* principle only in the *Book of the Com-
mandments*, the examples cited below make it clear that it guided his thinking in his
other major halakhic works—both the Mishnah Commentary (written earlier) and
*Mishneh Torah* (written later), even though he does not use the term *peshat* in this
connection in either work.

### 1. Halakhah *as Exegetical Determinant*

Perhaps the most obvious feature of Maimonides' halakhic exegesis
is its incorporation of rabbinic halakhic readings, which, by implica-
tion (based on Principle #2 of his *Book of the Commandments*), he
deems accurate for determining the correct sense of *peshateh di-qera*.
To a large extent, this extensive reliance on rabbinic exegesis is neces-
sitated by the singularity of his *peshat* model, which leaves no room
for an alternative philological-contextual analysis of *peshateh di-qera*,
though he does occasionally acknowledge it as *ẓāhir al-naṣṣ*. At first
glance, this seems to remove Maimonides from the mainstream of the
Geonic-Andalusian exegetical tradition. And yet, there are strong indi-
cations that he was guided by its values as he sought to demonstrate
that his halakhic readings might also be regarded as philologically rea-
sonable construals of *peshateh di-qera*, even where they diverge from
*ẓāhir al-naṣṣ*. The tensions created by these competing exegetical and
halakhic values are illustrated in the examples that follow.

#### 1.1. *Exod 16:29*

The Sabbath prohibition to travel more than two thousand cubits
beyond the city limits, known as "the Sabbath boundary" (*teḥum
shabbat*), is derived in the Talmud from Exod 16:29, "Let every one
remain where he is; let no one leave his place on the seventh day,"
with the following commentary: "these are the two thousand cubits"
(b. *Eruvin* 51a). However, in its original context in the narrative of the
Israelite sojourn in the desert, the verse would seem to have a different
meaning. At that time, the people were sustained miraculously by the
manna that fell daily from heaven outside the camp, but on the Sab-
bath none fell, and in preparation they would gather a double portion
on the sixth day. As God tells Moses to inform the people: "Mark that
the Lord has given you the Sabbath; therefore He gives you two days'
food on the sixth day. Let everyone remain where he is; let no one
leave his place on the seventh day" (Exod 16:29). This would appear to
be a prohibition limited to specific circumstances, namely to exit the
camp to gather manna, not to travel for other purposes, nor would it
seem to apply in later generations—in the absence of the manna.

   The tension between the rabbinic and contextual interpretations is
manifest in Ibn Ezra's commentary here:

Let every one remain where he is; [let no one leave his place on the seventh day]—We require the words of tradition to know the meaning of "where he is" and also of "his place"; and similarly of what Isaiah said "if you refrain from walking on the Sabbath" (Isa 58:13)—what distance? And what is "[not] look[ing] to [your] affairs," and which speech is prohibited and which is permitted [as Isaiah says: "And if you honor it, not...look[ing] to your affairs, nor speak words"]? And all of this is clarified for us in our Talmud. And may God double the reward of the ancient [Rabbi]s, who removed all doubt and established every matter in its place.[2]

But by way of *peshat* the commandment "Let every one remain where he is" [means] that they should not go out to gather [the manna] as they had done [on other days].[3]

Ibn Ezra recognizes that the *halakhah* is based on the rabbinic reading, even though "the way of *peshat*" yields a different interpretation. According to Ibn Janah, as discussed in the preceding chapter, it would be possible for these two readings to co-exist and for both to be regarded as valid construals of the biblical text. For Ibn Ezra, on the other hand, a biblical verse can have only one genuine meaning— determined "by the way of *peshat*."[4] We therefore must conclude from his words that he regarded the contextual interpretation alone as the correct construal of this verse, whereas the rabbinic reading is superimposed on the text to support a law known from tradition.[5]

Maimonides, who shares Ibn Ezra's belief in the singularity of *peshuto shel miqra*, discusses this verse in the *Book of the Commandments*, Negative Commandment #321:

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[2] This resembles the phrase Ibn Ezra uses in a similar connection in *Yesod Mora* (see chapter seven above, n. 69), except that in this case he says that God will *double* the reward of the Rabbis, a clever hint to the "double blessing" of Sabbath, which stems from the double portion of manna that fell in the desert on the preceding day.

[3] Short comm. ad loc., Weiser ed., II:274. Compare his comm. on Isa 58:13 in a similar vein.

[4] See chapter seven, sec. 5, above.

[5] This, then, would be a law in the third category of Ibn Ezra's three-fold classification of *halakhah* in *Yesod Mora* (as delineated in chapter seven, sec. 5, above), i.e., a law that is not mentioned at all in the Torah but was given orally. Admittedly, from Ibn Ezra's language when introducing the rabbinic reading in his commentary on this verse, it might seem that this law belonged to the second category, i.e., laws mentioned in the Torah based on a verse that must be interpreted according to the rabbinic tradition, though "were it not for the tradition a person would interpret them differently." But when Ibn Ezra uses the label *peshat* to characterize his own alternative interpretation, he makes it clear that he does not regard the rabbinic one as a genuine construal of this verse.

We are prohibited from traveling[6] on Sabbath, and that is His dictum: "Let no one leave his place on the seventh day." And the tradition has come [to us] that the boundary of travel is more than [i.e., beyond] two thousand cubits outside of the city…and the very wording (*naṣṣ*) of *Mekhilta* is: "Let no man leave his place on the seventh day—these are the two thousand cubits." And in Gemara *ʿEruvin* [17b] they said: "Flogging is incurred biblically (*min ha-Torah*) for [violating] the prohibition of boundaries (*teḥumin*)."[7]

We read similarly in Negative Commandment #10:

They said: "Flogging is incurred biblically (*min ha-Torah*) for…boundaries." And they brought an indication (*dalīl*, i.e., textual proof) for this from the dictum "Let no one leave his place on the seventh day."[8]

For Maimonides, Exod 16:29 serves as the textual *dalīl* indicating the prohibition of traversing the Sabbath boundary. According to Principle #2 (as discussed in chapter six above), for this prohibition to be a biblical one (as the Talmud states explicitly), it must be "what the *peshat* of Scripture is about"—to borrow a Maimonidean locution elsewhere (above, chapter six, sec. 2). In the *Book of the Commandments*, Maimonides does not actually use the term *peshuto shel miqra* in connection with the prohibition of the Sabbath boundary. But that critical term does appear in this connection in his later Responsum #310 (to which we shall turn shortly), in which he clarifies the thought process that generated the above-cited words. This sort of cross-reference is crucial for our purposes, since it demonstrates that the notion of *peshuto shel miqra* stands behind Maimonides' thinking in his halakhic writings even where the term *peshat* itself does not actually appear.

Some further background about the Sabbath boundary is required before we turn to the Responsum. Truth be told, Maimonides' presentation in the *Book of the Commandments* glosses over a complication

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[6] The prohibition is actually to traverse the boundary of the city, not simply "traveling" (Ar. *safr*) as Maimonides goes on to clarify. In his abbreviated Hebrew enumeration of the commandments in his introduction to *Mishneh Torah*, he is more precise, stating that the prohibition is "to walk outside the boundary of the city like travelers on the Sabbath" (שלא להלך חוץ לתחום מדינה כהולכי דרכים בשבת). (Maimonides evidently uses the term *medinah* in the sense of Arabic *madīna*, i.e., city.) Moses Ibn Tibbon, in his translation of Negative Commandment #321, follows the Hebrew enumeration and therefore writes שלא להלוך חוץ לתחום המדינה בשבת (Heller ed., 180).

[7] Kafih ed., 329–330. The first rabbinic reference is to *Mekhilta Beshallaḥ, wa-Yassaʿ* §5 (Horovitz-Rabin ed., 170).

[8] Kafih ed., 188. The Sabbath boundary prohibition is cited incidentally in this negative commandment (which deals with idolatry) to demonstrate a linguistic point.

in the status of this law, which actually is debated in talmudic literature. The dominant view within the Talmud itself would seem to be that "boundaries are rabbinic (*de-rabbanan*)" (see b.ʿ*Eruvin* 36a, b.*Ketubbot* 28b). In order to reconcile this with the seemingly contradictory remark in b.ʿ*Eruvin* 17b that this prohibition is biblical, Isaac Alfasi had argued that there are actually two stages within the Sabbath boundary prohibition: on a biblical level, one is permitted to travel up to twelve *mil* beyond the city limits, but the Rabbis enacted a further prohibition by reducing the permitted Sabbath boundary to two thousand cubits.[9] As an ardent follower of Alfasi, Maimonides relies on this distinction in *Mishneh Torah*:

> One who exits the boundary (*teḥum*) of the city on Sabbath is flogged, as it is said: "Let no one leave his place on the seventh day." That "place" is the boundary of the city. And the Torah did not give a measurement for this boundary, but the Sages transmitted[10] [the tradition] that this area is beyond twelve *mil*, corresponding to the [span of] the Israelite camp [in the desert]. And thus Moses said to them: "Do not exit the camp."[11] But from the words of the Sages [i.e., a rabbinic law] a person may go outside of the city only two thousand cubits…because two thousand cubits is the [measurement] of "the pasture of the city" (Num 35:5).[12]

We thus see that Maimonides' presentation in his *Book of the Commandments* was not complete; and indeed, in the introduction to that work he states that his intent there is merely to enumerate the commandments and not to go into their precise details.[13] His actual position is that only one aspect of the Sabbath boundary—traveling twelve *mil* outside the city—is biblical, whereas the two-thousand cubit prohibition is a further rabbinic enactment.

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9 Alfasi, ʿ*Eruvin* 5a (Alfasi pagination; Zaks ed., I:165). In the talmudic system of distance measurements, a *mil* is approximately a kilometer.

10 העתיקו. This loan-translation from Arabic (Heb. עתק =Ar. נקל; lit. to transport) is used by Abraham Ibn Ezra (see chapter one above, n. 178). The Hebrew equivalent for נקל that became standard was קבל (e.g., Maimonides here could have written קבלו); see e.g., *Book of the Commandments*, Kafih ed., 13, n. 95.

11 This is actually a paraphrase of Exod 16:29.

12 *Hilkhot Shabbat* 27:1. The explanation that the two thousand cubit limit is the "pasture of the city" (מגרש העיר), as indicated in Num 35:5, is from b.ʿ*Eruvin* 56b. In his commentary on m.*Soṭah* 5:3 (Kafih ed., III:262), Maimonides notes that the view of R. Akiva is that the application of this measurement to the Sabbath boundary is biblical, since he "believed that the prohibition of *teḥumin* is biblical and…that it is clarified in the text (בינת פי אלנץ)." But he goes on to state that the *halakhah* is according to R. Eliezer's view that "it has no boundary in the Torah; but rather the measurement of *teḥum shabbat* is merely rabbinic."

13 See *Book of the Commandments*, Kafih ed., 55; see also below at n. 16.

Subsequent to writing the Code, Maimonides was asked about the permissibility of long-distance Sabbath travel by boat on rivers, where it is unclear that the prohibition of the Sabbath boundary applies. Invoking the talmudic principle that a lenient ruling is required when a halakhic doubt emerges with respect to a prohibition that is merely rabbinic, Maimonides rules leniently in this case, citing the talmudic opinion that "boundaries are rabbinic."[14] This raised the ire of the Babylonian talmudist, the Gaon Samuel ben Eli ha-Levi of Baghdad, who criticized Maimonides for ignoring "the *peshat* of the Torah," i.e., the language of Exod 16:29, in ruling that the Sabbath boundary is merely a rabbinic prohibition.[15] In order to clarify his position, Maimonides penned Responsum #310, in which he chastises Samuel ben Eli for failing to fully research his halakhic writings:

> What is most surprising…is that he instructs us that it is not fitting to remove the verse "Let no one leave his place" from its *peshat* (להוציא הכתוב מפשוטו), as if we disagreed with this. But didn't we say in the *Book of the Commandments*…that His dictum "Let no one leave his place" is a prohibition against walking [outside of the boundary] on Sabbath?! And we brought a proof from their [i.e., the Rabbis'] words "Flogging is incurred biblically for the prohibition of boundaries."…Now I did not explain there the difference between two thousand cubits and twelve *mil*, because the aim of that book is not to know the talmud[ic exposition of] the commandment. But in the Code we explained this, in accordance with the aim of that work.[16]

As is often the case, the critique forced Maimonides to reveal the thought process underlying his codification and exegetical determination. As he explains here, when he cited the talmudic comment,

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[14] *Responsa* #308, Blau ed., II:567. (The identical responsum was also published by Shailat, *Letters*, I:273–279.) On the revolutionary nature of Maimonides' halakhic reasoning in this responsum, see Ta-Shma, "Travel."

[15] היה לו להביא ראיה מפשט הפסוק ויש לו לפרש מה שהוא פחות מזה השיעור. אם כן נתבאר לנו עתה שיש שם תחומין דאוריתא מפשטה התורה (*Responsa* #309, Blau ed., II:571). Samuel ben Eli's epistle appears in Blau's edition as preserved in a medieval Hebrew translation; the original was no doubt in Arabic; see following note.

[16] *Responsa* #310, Blau ed., II:574. The fragments of the original Arabic version of this responsum (Blau ed., III:171–172, IV:20–22; Shailat, *Letters*, I:275–276) unfortunately do not cover these lines, which include the critical term *peshat*. I have drawn conclusions based on the assumption that the term *peshat* is original here, since it conforms to its use by Maimonides in his Arabic writing elsewhere (i.e., to include the *tafsīr marwī*). I acknowledge that we cannot absolutely rule out the alternative possibility, i.e., that the term *ẓāhir*—and not *peshat*—was actually used in this exchange and was rendered *peshat* by the translator.

"flogging is incurred biblically for [violating] the prohibition of boundaries" in the *Book of the Commandments*, his intention was to demonstrate that the rabbinic reading of Exod 16:29 as a reference to the Sabbath boundary is a genuine construal of *peshateh di-qera*, since it is a *tafsīr marwī*, i.e., an original interpretation transmitted from Sinai. On the other hand, if the rabbinic reading were merely an inference through the *middot* or mere *derash*, then the prohibition would not carry biblical authority.

Let us take a moment to unpack the assumptions revealed by this line of reasoning. Bringing a proof about the correct construal of *peshateh di-qera* from the talmudic remark that "flogging is incurred biblically for [violating] the prohibition of boundaries" would work only within the Maimonidean system—based on his super-strong reading of the rule of *peshat*. Ibn Ezra, for example, can allow for this prohibition being biblical without a specific source in *peshateh di-qera* since it was transmitted orally from Sinai. And, indeed, working within his halakhic model, Ibn Ezra was able to interpret the verse "by way of *peshat*," i.e., contextually.[17] But this option was not available to Maimonides, who presumably knew that he was diverging here from the contextually indicated sense of the verse, i.e., *ẓāhir al-naṣṣ*. He would no doubt argue that the *tafsīr marwī* overrides that interpretation, an observation he specifies on occasion in the *Book of the Commandments*, as we saw in chapter two (sec. 3) above.

Like Ibn Ezra, Maimonides believed in the singularity of *peshateh di-qera*, which has but one genuine meaning, to the exclusion of "other matters deduced by way of commentary and inference," which must be regarded as rabbinic creations. In other words, he does not maintain, as Ibn Janah did, that the latter is an equally valid interpretation of the text. Hence, if Maimonides were to interpret Exod 16:29 contextually (i.e., according to *ẓāhir al-naṣṣ*) and regard this as the correct construal of *peshateh di-qera*, there would be no room for the rabbinic halakhic reading to be regarded as a valid construal of *peshateh*

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[17] Interestingly, even Rashi here interprets the verse contextually, though he assumes that the entire prohibition of the Sabbath boundary is rabbinic. As he writes: "'Let no one leave his place'—this refers to the two thousand cubits of the Sabbath boundary. But this is not stated explicitly (*meforash*), since [Sabbath] 'boundaries' are only rabbinic [lit. from the words of the Scribes]. And the essence of the verse (*ʿiqqar ha-katuv*) is said in reference to those who gathered the manna." The term *ʿiqqar ha-katuv* is not used frequently by Rashi; but it is characteristic of Nahmanides; see chapter six, n. 120 above.

*di-qera*—and a genuine indicator (*dalīl*) of a biblical law. This excluded possibility was actually adopted by his son Abraham, who writes in his commentary on this verse:

> It has two meanings: one is that they should remain in their place and not go out to seek the manna, and the second is a commandment that applies for generations, the prohibition to traverse the boundary (*teḥum*), as clarified…in the Mishnah and Talmud.[18]

It would seem that Abraham Maimonides wished to incorporate the readings of both Ibn Ezra and his father; but in doing so he followed neither fully, but rather returns to Ibn Janah's dual hermeneutic that allows for *peshateh di-qera* (the philological-contextual interpretation) and the halakhic reading to co-exist as equally valid interpretations of the text.[19]

Unlike his son, Moses Maimonides allows for only one correct reading of Exod 16:29, and since the Sabbath boundary is biblical, that must be what is indicated by *peshateh di-qera*. It would seem that for this very reason in *Mishneh Torah* (cited above) he augments the rabbinic reading by paraphrasing this verse as follows: "And thus Moses said to them: 'Do not exit the camp.'" As Maimonides explained there, the twelve-*mil* boundary reflects the span of the Israelite desert camp. He can thus interpret Exod 16:29 contextually simply as the prohibition to travel beyond the Sabbath boundary. In other words, in his view, the original law did not prohibit collecting the manna per se; it was a ban on all travel beyond the camp boundary.[20] In *Mishneh Torah*, then, Maimonides was able to co-opt the contextual reading of the verse and incorporate it into the single halakhic reading that reflects what *peshateh di-qera* indicates.

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[18] Wiesenberg ed., 288–289.

[19] As noted above (chapter seven, n. 93), Abraham Maimonides seems to have abandoned his father's singular *peshat* model and followed Ibn Janah's notion that "the *peshat* of a verse is one thing, and the *halakhah* is another." This would help to explain why he seems to use the terms *peshateh di-qera* and *ẓāhir al-naṣṣ* interchangeably. See, e.g., his commentaries on Exod 21:7, 24; 22:30 (below, n. 48); see also chapter ten, n. 29 below. The issues of Abraham Maimonides' *peshat* model and concomitant terminology are subjects worthy of further research.

[20] This interpretation depends on Maimonides' adoption of Alfasi's two tier model of the Sabbath boundary; but it would not work for the original rabbinic commentary "Let no man leave his place on the seventh day—these are the two thousand cubits" (cited by Maimonides in the *Book of the Commandments*). It is only in its modified form presented in *Mishneh Torah* that the Sabbath boundary—now defined biblically as being twelve *mil*—has relevance to the context of Exod 16:29.

## 1.2. *Deut 25:6*

Maimonides elsewhere endeavors to show that readings he takes to be the bases for biblical laws reflect reasonable construals of *peshateh di-qera*, even though they diverge from *ẓāhir al-naṣṣ*. A particularly telling example of this tendency relates to Deut 25:6. Not only was this verse interpreted acontextually and atomistically by the Talmud, the Rabbis themselves were aware that their reading does violence to the text, to the point that this case is acknowledged as an exception to the rule of *peshat*.[21] The preceding verse, Deut 25:5, reads: "If brothers live together and one of them dies and has no child, the wife of the dead shall not marry outside to a stranger; her husband's brother shall…take her…for a wife…" In that context, the meaning of our verse seems clear-cut: "And it shall be that the firstborn that she bears shall succeed to the name of his brother who is dead, that his name be not blotted out of Israel." Yet the Talmud gives the following reading:

> "And it shall be that the firstborn"—implies that the commandment of the levirate marriage devolves upon the [surviving] elder brother.

This reading seems to simply pluck the first words of the verse out of context altogether. Apart from the philological problem that בכור ("firstborn") does not mean "elder brother," these words do not form a complete sentence unless they are connected to the remainder of 25:6, which goes on to speak of the child that "she bears…"—i.e., the product of the levirate marriage.

Not surprisingly, Ibn Ezra cites this example as a classic case of *asmakhta*, which cannot be taken as a genuine interpretation, since "every Jew knows the meaning of the verse, which is according to its *peshat* and literal sense (*mashmaʿ*)." Accordingly, he concludes that the law "derived" from this verse in the Talmud was actually an oral tradition:

> "And it shall be, that the firstborn that she bears" is…according to its literal meaning (*mashmaʿ*). They also had a tradition that the eldest of the brothers must be the one who performs the levirate marriage, and they interpreted this verse midrashically [in that vein] as a reminder (*zekher*) and an *asmakhta*.[22]

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[21] B.*Yevamot* 24a; see chapter seven, sec. 1, above, where the talmudic discussion is cited in full. For the sake of clarity, we cite its pertinent sections here once again briefly.

[22] Short comm. on Exod 21:8. This passage was cited above in chapter one, sec. 7 and chapter seven, sec. 5.

This verse is also rendered contextually in Saadia's *Tafsīr*: "And the first-born they anticipate that she will bear from him…"[23]

Unlike Saadia and Ibn Ezra, Maimonides was compelled to find a biblical source-text for any law that he considered biblical. Unless he was willing to regard this law as rabbinic, he had to accept the talmudic exegesis of Deut 25:6 (although, in theory, he could have found a different prooftext for the law). But the disparity between the talmudic reading and *ẓāhir al-naṣṣ* seems particularly acute in this case. Indeed, as we saw in chapter six, it would seem to be this type of acontextual atomistic reading that Maimonides seeks to exclude based on the rule of *peshat* as presented in Principle #2 of his *Book of the Commandments*. In other words, he does have some exegetical standards for what can be regarded as a "transmitted interpretation" (and thus a genuine construal of *peshateh di-qera*)—and a reading like this does not meet them.

In light of this dilemma, his application of this verse in *Mishneh Torah* is revealing. He endorses the talmudic reading as a "transmitted interpretation" (with the expression "based on the tradition they expounded"), but augments it with an exegetical digression:

> One who died and left many brothers, the obligation is upon the eldest to perform the levirate marriage or *ḥaliṣah*, as it says, "And it shall be, that the firstborn that she bears…" Based on the tradition (*shemuʿah*) they expounded that it refers to none other than the eldest of the brothers…and "that she bears" (אשר תלד) means *the one borne by the mother [of the brothers]*, and it does not mean *the one that the levirate wife will bear*.[24]

Whereas the Talmud simply stated that this case is an exception to the *peshat* rule, Maimonides seems intent on demonstrating that the halakhic reading can fit into the context and thus be regarded as a genuine construal of *peshateh di-qera*. To do so, he argues that the subject of the verb תלד is the mother of the brothers mentioned at the beginning of v. 5.[25] In the Mishnah commentary he adopts this position as well, and adds an important further grammatical note:

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[23] ...מנה תלד אן ירג'ו אלד'י אלבכר וליכן (Derenbourg ed., 290); on the textual issues in the *Tafsīr* on this verse, see Henshke, "Character," יב.

[24] *Hilkhot Yibbum wa-Ḥaliṣah* 2:6. This passage, including a variant text attested in some manuscripts, is analyzed at length by Henshke, "Character," טו-ג.

[25] Yet he does record the talmudic reading אשר תלד—פרט לאיילונית, which is based on the (contradictory) assumption that the wife of the deceased is the subject

The commandment of the levirate marriage devolves upon the [surviv-ing] elder brother. This is because of the dictum of God, "And it shall be that the firstborn *that she bears*," since it means *that the mother of the deceased bore*. And תלד [= she will bear] substitutes for [i.e., is used in the sense of] ילדה [= she bore], as verbs in the future tense are some-times used in place of [i.e., in the sense of] verbs in the past tense.[26]

This certainly is not *ẓāhir al-naṣṣ*; but we now can at least reconstruct how Maimonides believed the verse as a whole would have been read according to the *tafsīr marwī*:

And it shall be that the firstborn [i.e., eldest][27] that she [i.e., the mother of the deceased] bore shall succeed to the name of his brother who is dead.

While such a construal would seem inconsistent with what Ibn Ezra might regard as "the way of *peshat*," it was actually advanced by the philologically oriented exegete Judah Ibn Balʿam, whose commentary was probably Maimonides' source:

"And it shall be, that the firstborn that she bears"—meaning, the first-born, the brother of the deceased. And "which she bears" refers to the mother of the levirate brothers, not the levirate wife herself, as it says "shall succeed to the name of his brother who is dead."

Now the translation of this phrase by the author of the *Tafsīr* [i.e., Saadia] is "and the first-born they anticipate that she will bear" (n. 23)…indicates that it is the levirate wife.

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of this verb. See Henshke, "Character," ג-ח. Ibn Balʿam notes this inconsistency (see reference in n. 28 below), but Maimonides chose to ignore it, which is surprising, since he seems to have used Ibn Balʿam's commentary (as discussed below).

[26] Comm. on m.*Yevamot* 2:8, Kafih ed., III:15. While its application here might be disputed, this grammatical observation was a commonplace in the Geonic-Andalusian tradition and is also embraced in modern studies of BH grammar. See e.g., Zucker, *Translation*, 260 (citing Samuel ben Hofni); Ibn Ezra, comm. on Exod 12:17 (short), Exod 33:7 (long); Deut 32:8; Joel 4:3; Ps 73:17, 103:7. See also Waltke and O'Connor, *Syntax*, 499–518.

[27] As for the unusual construal of the term בכור, Maimonides (drawing upon the Talmud) offers the following explanation elsewhere:

The one who performs levirate marriage on his brother's wife inherits all of the property owned by his brother…for Scripture called him a firstborn [who receives a double inheritance], as it says "And it shall be that the firstborn that she bears shall succeed to the name of his brother who is dead, that his name be not blotted out of Israel." (*Hilkhot Naḥalot* 3:7)

In other words, whichever brother performs this obligation inherits two portions of the father's property—his own and that of the deceased brother. The idea that "Scrip-ture called him a firstborn" is from b.*Bekhorot* 52a.

But the early [Sages], of blessed memory, said: "the commandment of
the levirate marriage devolves upon the [surviving] elder brother" and
they bring as proof the verse "And it shall be, that the firstborn that she
bears...."[28]

Ibn Balʿam mentions Saadia's contextual reading, which he knew well
must be regarded as *ẓāhir al-naṣṣ*. But Ibn Balʿam had established
that he would diverge from *ẓāhir al-naṣṣ* in the face of an opposing
halakhic reading of the Rabbis (as discussed in chapter one above),
and this is what he does here. However, in order to make some sense
of the talmudic reading, he offers the syntactic note upon which Mai-
monides relied in *Mishneh Torah*.[29]

### 1.3. *Deut 12:4*

Apart from providing exegetical source-material for Maimonides, Ibn
Balʿam also served as a hermeneutical precedent for his singular model
of *peshat*, for although Ibn Balʿam regularly relied on Ibn Janah's lin-
guistic teachings, he generally did not employ the notion of a dual
hermeneutic. Seeking to determine the single correct interpretation of
Scripture, he posits that in the case of a conflict, rabbinic halakhic exe-
gesis overrides *ẓāhir al-naṣṣ*, as we saw in the preceding example. As
noted in chapter one, Ibn Balʿam's departure from Ibn Janah is evident
in their respective interpretations of Deut 12:4, "Do not do thus to the
Lord your God." Ibn Janah cites the rabbinic halakhic interpretation
(the prohibition to remove a stone from the Holy Temple) alongside
his own contextual one (the prohibition to worship God outside of
the central Holy Temple), based on his understanding of the *peshat*
principle, i.e., that the *peshat* interpretation can co-exist alongside
the halakhic one. Ibn Balʿam, on the other hand, records Ibn Janah's
analysis, but only as *ẓāhir al-naṣṣ*, and embraces the Rabbis' interpre-
tation as "the most reliable." We can now add that Ibn Ezra, who also
rejects Ibn Janah's dual hermeneutic, adopts the opposite strategy and
embraces the contextual reading alone.[30] In his view, no doubt, the

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[28] Perez ed., 59 (Ar.); 111 (Heb.).
[29] This parallel suggests that Maimonides here was consciously following the
Andalusian tradition of philological interpretation—including its endeavor to remain
faithful to rabbinic *halakhah*. Cf. Henshke, "Character," יט-י, who argues that Maimo-
nides was motivated in this case by a desire to undermine the Karaite interpretation
of this verse (although he, too, notes the parallel to Ibn Balʿam).
[30] See his comm. on Deut 12:4, Weiser ed., III:249.

prohibition to remove a stone from the Holy Temple was transmitted orally, and its purported derivation from this verse is merely an *asmakhta*, although, as such, it is equally valid halakhically.

Maimonides did not have the luxury of either Ibn Janaḥ's dual hermeneutic or Ibn Ezra's *asmakhta* option; within his system, if the law is to be regarded as biblical, it has to be the single correct construal of *peshateh di-qera* and this forces him back to Ibn Balʿam's position, as evident in his reading of this verse in the *Book of the Commandments*:

> We were prohibited from destroying the places of the houses of worship of God, may He be exalted, and ruining the prophetic books and erasing the great names [i.e., of God], and the like. And the scriptural verse (*naṣṣ*) of this prohibition that came for this matter is His dictum, "Do not do thus to the Lord your God" after the preceding command to destroy the idol worship and obliterate its name and to entirely tear down their altars.[31]

For Maimonides, this is the single correct construal of Scripture, i.e., *peshateh di-qera*, and he therefore seeks to explain the verse within its context according to the rabbinic halakhic reading.

### 1.4. *Deut 24:16*

As discussed in chapter one, there is one case in which Ibn Balʿam accedes to Ibn Janaḥ's dual hermeneutic. In his commentary on Deut 24:16, "Fathers shall not be put to death for sons, nor sons be put to death for fathers, each person shall be put to death only for his own sin," Ibn Balʿam first notes the rabbinic reading that this verse teaches that "testimony of relatives for or about each other[32] is invalid." While he would normally accept the rabbinic reading alone as authoritative, in this case he could not ignore *ẓāhir al-naṣṣ*, i.e., that a father cannot be punished for the sins of the son and vice versa, which seems incontrovertible in light of II Kgs 14:6 ("But he did not put to death the children of the assassins, in accordance with what is in the Torah, in the book of Moses, where the Lord commanded: Fathers shall not be put to death for sons, nor sons be put to death for fathers"). Here Ibn

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[31] Negative Commandment #65, Kafiḥ ed., 215. Unlike Ibn Balʿam, Maimonides here does not even mention the alternative according to *ẓāhir al-naṣṣ*.

[32] בעצ'הם לבעצ' ועליהם (see full citation in chapter one, sec. e above). Maimonides (below) uses a similar formulation.

Balʿam uncharacteristically invokes Ibn Janah's dual-meaning theory, with the latter's signature stock example from Lev 19:26.[33]

Maimonides, ignoring Ibn Balʿam's precedent here, interprets Deut 24:16 exclusively according to the rabbinic reading:

> It is prohibited for a judge to receive testimony of relatives one for another or one about the other [i.e., negative testimony],[34] and this is His dictum, may He be exalted, "Fathers shall not be put to death for sons, nor sons be put to death for fathers." The transmitted interpretation (*tafsīr marwī*) has come in *Sifre*: that fathers shall not be put to death based on the testimony of the sons, nor sons based on the testimony of fathers.[35]

Maimonides knew that this interpretation is not *ẓāhir al-naṣṣ* and he therefore labels it a *tafsīr marwī*.[36] Unlike Ibn Balʿam, he is unwilling to concede the validity of any other interpretation, presumably because his super-strong rule of *peshat* primacy dictates that *peshateh di-qera* alone can serve as the source for a law *de-orayta*.

Nahmanides sheds light on this example from his perspective as a post-Maimonidean advocate of a dual hermeneutic, raising a two-fold objection to Maimonides' position. First, he shows that the Talmud

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[33] Ibn Balʿam here goes on to cite Saadia, who asks—based on *ẓāhir al-naṣṣ*—why Scripture would need to even state this apparently self-evident law. In response, Saadia pointed to the fact that in some ancient societies, vicarious punishment was actually mandated and it was therefore necessary for Mosaic law to indicate an opposing legal position. See above, chapter three, sec. 4.

[34] בעצ'הם לבעצ' או עלי בעצ'. This echoes the Arabic formulation of Ibn Balʿam; see above, n. 32.

[35] *Book of the Commandments*, Negative Commandment #287, Kafih ed., 314–315. The reference is to *Sifre Deuteronomy* §280 (Finkelstein ed., 297). Maimonides goes on to explain:

> And for this reason as well [Scripture] took for an example the closest of relatives, whose love is greatest, and that is the love of a father for a child and the love of a child for the father, and said that even the testimony for a father about a child even if it is to incur death—it is not accepted. And this is a "decree of Scripture" (*gezerat ha-katuv*) with no reason whatsoever.

Although he usually does not discuss the rationale of the law in the *Book of the Commandments*, here Maimonides takes the time to note that invalidation of negative testimony of the closest relatives does not seem intuitively reasonable and therefore deems this a "decree of Scripture," i.e., a law without any apparent rationale. This might be an echo of the dilemma for which Ibn Balʿam had cited Saadia (see above, n. 33), i.e., that this law—according to *ẓāhir al-naṣṣ*—is so reasonable that it should have been obvious and is therefore superfluous. Since Maimonides omits the non-rabbinic *ẓāhir* reading, he faces the opposite problem, i.e., the illogical nature of this law, which he therefore must deem a "decree of Scripture."

[36] In *Mishneh Torah*, he likewise prefaces this halakhic derivation with the formula "based on the tradition (*shemuʿah*) they expounded" (*Hilkhot ʿEdut* 13:1).

(b.*Sanhedrin* 27b–28a), expounding on *Sifre*, clarifies that this law is actually based on an inference from a *ribbuy* (textual redundancy), which would be rabbinic within Maimonides' system as articulated in Principle #2 and Responsum #355.[37] Second, Nahmanides argues that

> the *peshat* of the verse (*peshateh di-qera*) is that we must not kill the fathers for the sin of the sons, nor the sons for the sin of the fathers, as made explicit in the [biblical] tradition (*qabbalah*, i.e., the post-Pentateuchal books): "But he did not put to death the children of the assassins, in accordance with what is in the Torah, in the book of Moses…"[38]

Nahmanides returns to a version of Ibn Balʿam's understanding (though it is unclear whether he had Ibn Balʿam's commentary), but recasts it in hierarchical fashion that is fundamentally Maimonidean by differentiating between *peshateh di-qera* (a term Ibn Balʿam did not use) and the *ribbuy*. The difference, of course, is that Nahmanides views the latter as a valid source of biblical law, which frees him from the straitjacket that bound Maimonides, giving him greater latitude in determining *peshateh di-qera*, a term that for him connotes *the straightforward sense of the text*. On the other hand, were Maimonides to acknowledge the straightforward reading of Deut 24:16—based on II Kgs 14:6—as a valid construal of *peshateh di-qera*, it would undermine the biblical status of the prohibition "to receive testimony of relatives one for another."

## 1.5. *Exod 22:30*

The preceding examples are typical: once Maimonides determines the halakhic reading of a prooftext that serves as that indicator (*dalīl*) for a biblical law, it crowds out the possibility of an alternative co-existing philological-contextual reading of the prooftext. The latter can, at most, be cited as *ẓāhir al-naṣṣ*, which lacks halakhic authority; but it cannot be regarded as a valid construal of *peshateh di-qera*. The problem, however, arises: what if the Rabbis derive two laws based on different readings of the same biblical prooftext? In some cases, as we saw in chapter six, Maimonides could argue that only one law is legitimately

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[37] Maimonides, for his part, might conceivably argue that the *ribbuy* is cited in the Talmud merely as a secondary support for the "transmitted interpretation" of Deut 24:16. See chapter five, sec. 4.2 above.

[38] *Hassagot*, Chavel ed., 40.

derived from *peshateh di-qera*, whereas the other is derived by way of inference through the *middot* or is attached to the verse artificially (and actually derived from elsewhere, e.g., another verse).[39] There is, however, one case in which Maimonides concedes the validity of two different halakhic readings of a single verse; but he employs what for him is an unusual strategy. In Negative Commandment #181 of the *Book of the Commandments* we read:

> We were prohibited from eating an animal torn up (or: to pieces) by beasts, and that is His dictum: "You shall not eat flesh torn up (or: to pieces) by beasts in the field" (Exod 22:30). Now the obvious sense of the text (*ẓāhir al-naṣṣ*) is as mentioned in *Mekhilta*, and that is their dictum: "Scripture spoke of the usual occurrence (דבר הכתוב בהווה), the place where most animals are torn up by beasts."[40]

Maimonides here reacts to the legal question raised by the verse that is the source of this prohibition: since Scripture specifies "in the field," does the prohibition apply elsewhere? The *Mekhilta* already stipulates that this description is merely a reflection of typical circumstances, but is not in fact a restriction. This approach was commonly taken in the Andalusian tradition; it was adopted, for example, by Ibn Janah, Ibn Balʿam and Ibn Ezra.[41] Of particular interest is Ibn Balʿam, who argues that the verse merely cites the typical case (אלעאדה אלמתעארפה; "the known occurrence"), but that "the same law applies even if this [occurred] in the city." On the other hand, Ibn Balʿam criticizes those who would "take *ẓāhir al-naṣṣ* alone [and say] that torn flesh in the city is permitted … [which] is against the [Jewish legal] consensus (*ijmāʿ*)."[42] Here, the strict literal reading—*ẓāhir al-naṣṣ*—is unsound, as it fails to incorporate the legal logic of this prohibition.

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[39] See chapter six above, sec. 3.2, 3.4.

[40] Negative Commandment #181, Kafih ed., 270; the reference is to *Mekhilta Mishpatim*, *Kaspa* §20 (Horovitz-Rabin ed., 320–321). The rule that "Scripture spoke of the usual occurrence" is also applied in the *Mekhilta* (loc. cit.) to Deut 23:11, which states that a man who has a nocturnal emission is unclean; accordingly, the same applies to an emission by day. Ibn Tibbon here renders *ẓāhir al-naṣṣ* פשט הכתוב; Ibn Ayyub renders it פשט הפסוק.

[41] Both Exod 22:30 and Deut 23:11 are interpreted according to this rule by Ibn Janah; see *Lumaʿ*, 303, *Riqmah*, 317–318. Ibn Ezra follows suit: "It mentioned 'in the field' which is more usual (ההווה יותר), and the same law applies to an animal torn up by beasts in the midst of the city. And likewise 'a nocturnal emission' (מקרה לילה)"; see comm. on Exod 22:30, Weiser ed., II:157–158. For Ibn Balʿam see below.

[42] Comm. on Deut 23:11, Perez ed., 56 (Ar.); 108 (Heb.). On the notion of *ijmāʿ*, which is taken from Muslim jurisprudence, see chapter five, sec. 2.

Perhaps echoing Ibn Balʿam, Maimonides, too, relates to *ẓāhir al-naṣṣ* in this connection. Yet he does not apply this label to the unsound restrictive literal reading that must be dismissed, but rather to the one advocated by the Rabbis and endorsed by the subsequent philological exegetical tradition. If so, we must wonder why Maimonides uses that label here, since *ẓāhir al-naṣṣ*, in his lexicon (especially in his halakhic exegesis), usually implies something less than a full endorsement. The answer to this question becomes clear in his very next sentence, where he moves on to another rabbinic halakhic reading that supplements the first:

> However, a tradition has arrived [to us] that this verse also has an expansive reconstrual (*taqdīr*), which is thus: "Flesh in the field is *ṭerefah* and therefore you must not eat it"; and that means that any flesh that has gone out of its place (lit. exited its wall) becomes like a *ṭerefah*. For example, flesh of the holiest of holy [offerings] removed from the temple courtyard…or the flesh of the Paschal offering when it goes out of its company, or when the fetus extends its hand [out of the womb], as made clear in the fourth chapter of [b.]Ḥullin [68a–b]. All of these types of flesh are called *ṭerefah*[43] and one who eats them is flogged [for violating a biblical command].[44]

As the great codifier records, the Talmud cites this verse as the source of injunctions that are not included in the *ẓāhir* reading. To justify this exegetically, he invokes the notion of *taqdīr*, used in the Judeo-Arabic philological school—by Saadia, Ibn Janah, Ibn Chiquitilla and Ibn Balʿam, for example—to indicate semantic reconstrual dictated by exegetical considerations, i.e., that the text is elliptical, and the reader

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[43] טרפה תתסמי. Perhaps Maimonides means that they are treated by the *halakhah* in the same way as a *ṭerefah*, i.e., an animal torn up by beasts. I assume he is not making the (unreasonable!) philological argument that the word טרפה in this context actually *means* "flesh that has gone out of its place."

[44] Kafih ed., 270; see also b.Zevaḥim 82b. The application of the notion of *taqdīr* in this case is a novel approach Maimonides applies in his *Book of the Commandments*. By contrast, in his Mishnah commentary on *Zevaḥim* 8:12 (Kafih ed., V:67) Maimonides is less specific, and says merely that this verse is a "support" (*isnād*) for the law that flesh of the holiest of holy offerings removed from the temple courtyard is disqualified and therefore prohibited to eat. In theory, this would suggest that the law itself is rabbinic, since it has no genuine source in *peshateh di-qera*. Maimonides, however, does not draw that conclusion in his Mishnah commentary, nor would it conform with the presumption in the Talmud (in both *Ḥullin* and *Zevaḥim*) that this is a biblical law. It would seem, then, that this is an incongruity that the great talmudist left unresolved in his early work and sought to address subsequently in the *Book of the Commandments*.

must supply an implied word or phrase. As H. Shy has observed, Maimonides uses this term in his Mishnah commentary as an equivalent
of the talmudic expression חסורי מחסרא ("[something] has surely
been omitted") used to reconstruct the text of the Mishnah.[45] His use
of the term *taqdīr* to describe the halakhic reading of Exod 22:30 thus
implies the following reasoning: although a torn animal alone is mentioned explicitly, the intent of this verse is to include any analogous
case, in which "flesh…has gone out of its place."

Maimonides usually does not invoke the notion of *taqdīr* to defend
a rabbinic "transmitted interpretation"—evidently because it is a rather
drastic solution that he regarded as a last resort. What is important for
our purposes is that he did not classify the first reading as a construal
of *peshateh di-qera*, even though it has the support of the *Mekhilta*.
Instead, he granted it only the status of *ẓāhir al-naṣṣ*, which in this
case serves as a *dalīl* for a law of biblical force.[46] The more straightforward path in this case would have been for him to assume (as he
does elsewhere with rabbinic readings that are far more tenuous), that
the *Mekhilta* reflects what *peshateh di-qera* "indicates" (*yadullu*). But
he evidently refrained from doing so because of his conviction that
*peshateh di-qera* alone has biblical authority. Consequently, had he
believed that the talmudic reading (forbidding "flesh that has gone
out of its place") goes beyond *peshateh di-qera*, the laws it entails
would end up being rabbinic.[47] Maimonides assumed that these laws
are biblical; he therefore had to argue that they are based on *peshateh
di-qera*. What *taqdīr* accomplishes is to grant legal authority to both
*ẓāhir al-naṣṣ* (as the basic sense of the text) and the further expansive
reading that includes other "types" of *ṭerefah*.

This example is the exception that proves the rule within Maimonides' singular model of *peshat*. Here he had to use the label *ẓāhir
al-naṣṣ*, which does not imply finality; quite the contrary, it implies the
existence of another reading that is more authoritative halakhically.
On the other hand, for Maimonides, once the correct interpretation

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[45] See Shy, "*Taqdir*," 146, 149–150; see also idem, "Translation," 148–154. On the
term *taqdīr* in the Geonic-Andalusian tradition, see chapter one above, n. 98.

[46] While *ẓāhir (al-naṣṣ)* is occasionally cited as a source of biblical law in Maimonides' Mishnah commentary (see chapter two, sec. 1.1, 1.2 above), in the *Book of
the Commandments* the term is usually associated with a reading that does not carry
weight as a source of biblical law (as discussed in chapter two, sec. 3 above).

[47] This is the problem that emerges from his classification of this prooftext as an
*isnād* in the Mishnah Commentary; see above, n. 44.

of *peshateh di-qera* is fixed, there is no room for any further original
meaning to be attributed to the verse itself. All further interpretations
must be deemed inference (*qiyās, istidlāl*) or *derash*—a conclusion that
would reduce the associated laws to rabbinic rather than biblical status.
This is the straitjacket of Maimonides' system that did not constrain
adherents of the dual hermeneutic,[48] or even Ibn Ezra, who adopts a
singular model of *peshat*, but still was free to apply his *asmakhta* prin-
ciple without undermining the biblical status of any associated laws.


## 2.  Peshat *Re-shaping* Halakhah

Although Maimonides incorporates *halakhah* into his *peshat* model
to a greater extent than other Geonic-Andalusian exegetes, the very
notion of adjusting *peshuto shel miqra* in accordance with the *halakhah*
was not foreign within his exegetical heritage, as amply demonstrated
by Ibn Ezra, whose singular *peshat* model at times forced him to sus-
pend his interpretive sensibilities in the face of a possible contradiction
with rabbinic *halakhah*. In this respect Ibn Janah and Rashbam are
distinguished by their much freer *peshat* exegesis that readily admits
interpretations at odds with rabbinic *halakhah*. The price they pay for
this freedom is a theoretical diminution of *peshuto shel miqra*, which
they do not regard as the exclusive, halakhically authoritative sense of
Scripture. Here Maimonides at times opens a striking third path and

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[48] That alternative is, in fact, illustrated by two post-Maimonidean interpreters.
Abraham Maimonides (who otherwise allows for a dual hermeneutic; see at n. 19
above) uses the term *peshateh di-qera* in his commentary here to label the interpreta-
tion of the *Mekhilta* that his father introduced as *ẓāhir al-naṣṣ*. He then goes on to
say that the verse "has other meanings which they [i.e., the Rabbis] extrapolated," i.e.,
those cited in Negative Commandment #181 as stemming from the *taqdīr* of this verse
(comm. on Exod 22:30, Wiesenberg ed., 356–359). Another sort of application of the
dual hermeneutic is manifested in the interpretation of this verse in *Sefer ha-Ḥinnukh*,
a thirteenth-century work written anonymously in Barcelona, now believed to have
been penned by R. Pinhas ha-Levi, a brother of the great Barcelona talmudist R. Aha-
ron ha-Levi (see Ta-Shma, "Author"). Commandment #73 of *Sefer ha-Ḥinnukh*, the
prohibition of *ṭerefah*, features an elaborate discussion of Scripture's multivalence,
i.e., its "outer" and "inner" meaning (דברי תורה נדרשים לכמה פנים, יתלבשו מבחוץ
לבוש מלכות...ובפנים יש זהב ורב פנינים; Chavel ed., 132), a reflection of the overall
influence of Nahmanides on this work. This notion is applied by the author of *Sefer
ha-Ḥinnukh* to Exod 22:30 in the following way: the "outer" meaning (corresponding
to Maimonides' term *ẓāhir*) is the *Mekhilta* reading, and the "inner" one includes the
further prohibitions that, by Maimonides' account, are derived by way of *taqdīr*.

applies the rule of *peshat* to grant precedence to *ẓāhir al-naṣṣ*—i.e., a contextual-philological analysis of Scripture—over the conventional reading of the Talmud and regards a given law as rabbinic rather than biblical. He thus invokes the rule of *peshat* to reshape the *halakhah* itself, something he was capable of doing as a master talmudist, unlike Ibn Ezra, who shied away from any conflict with talmudic law—as conventionally understood. While admittedly infrequent in his system, this type of case reveals the potential of Maimonides' unique mix of a keen exegetical sense and mastery of talmudic reasoning.[49]

## 2.1. *Lev 21:2–4*

Leviticus 21 presents the laws of priestly defilement for close relatives:

> (1) The Lord said to Moses, Speak to the priests, the sons of Aaron, and say to them: There shall be none defiled for the dead among his people, (2) Except for his kin (שאר) who is near to him, for his mother, and for his father, for his son, and for his daughter, and for his brother, (3) and for his sister a virgin, who has had no husband.

While a priest may not come into contact with the dead, vv. 2–3 make an exception for family relations, assumed in talmudic tradition to include "seven close relatives" (שבעה קרובים) for whom a person is obligated to mourn.[50] In addition to the six mentioned explicitly in Scripture, the Talmud (b.*Yevamot* 22b) states that "his שאר is his wife." Saadia, on the other hand, renders שארו in his *Tafsīr* as נסבה ("his relative"). Ibn Ezra, likewise, observes that

> by way of *peshat*, the wife is never called שאר…Now [regarding] what [the Sages], of blessed memory, derived midrashically from the expression "except for his שאר who is near to him"—it is true that they received

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[49] While the examples in section 1 above could be multiplied many times over, the same cannot be said for those chosen in this section and the next (including n. 79 below), which together number about a dozen. Yet these examples are quite striking and show the remarkable liberty Maimonides takes in his reinterpretation of the Talmud in light of his exegetical sense.

[50] There is a debate among talmudic commentators whether the obligation to mourn is biblical or rabbinic. Maimonides—following Isaac Alfasi—maintains that there is a biblical obligation to mourn, but only on the single day of death and burial (whereas the week-long mourning period is of rabbinic origin; see chapter seven above, n. 72); see *Mishneh Torah, Hilkhot Evel* 1:1, with the commentaries of Radbaz and *Kesef Mishneh* ad loc. The expression שבעה קרובים is not stated explicitly in the Talmud, but it does appear in the early post-talmudic literature, e.g., the *She'iltot* of R. Aḥa of Sabḥa and the *Halakhot Gedolot*; see Brody, *Textual History*, 160–161.

this halakhic tradition. But Scripture did not mention the wife because a husband and his wife are considered "one flesh."[51]

Ibn Ezra endorses the rabbinic list of seven relatives as a genuine halakhic tradition and even argues that this reflects the intent of Scripture, which did not need to specify the wife because she is included implicitly. And yet, by rendering the talmudic reading *derash*, he argues that the wife is not, in fact, mentioned explicitly in Lev 21:2. This, then, would be a law of the third category listed in *Yesod Mora*, i.e., one that was received only orally.[52]

The exegetical price Ibn Ezra pays for his loyalty to this rabbinic legal tradition becomes evident when he reveals the considerations behind his interpretation of the next verse, "A בעל (husband) among his people shall not defile himself and so profane himself" (Lev 21:4), which seems to contradict the talmudic *halakhah*:[53]

> "Except for his שאר that is close to him"—It would have seemed to us that its interpretation is like "Each person, to his close relative (שאר בשרו)" (Lev 18:6), i.e., [that שאר] is a category, and it later specifies, "to his father and his mother[....]" And that the meaning of "A husband (בעל) among his people..." is that a husband may not defile himself for his wife. However, when we saw that our Rabbis transmitted [the law] that he may defile himself for his wife, and they made שארו a type of *asmakhta*...[we were compelled to conclude that] that commentary is invalid.[54]

Ibn Ezra here lets us into the laboratory of his mind, revealing how, on his own, he would have interpreted this set of biblical laws, i.e., that vv. 2–3 make an exception and permit the priest to become ritually defiled for six blood relatives, with v. 4 clarifying that the wife does not share this status. Ibn Ezra then explains why this path was closed to him. It was one thing to take the rabbinic interpretation of שאר as a mere *asmakhta* (which he indeed does); but it is quite another to contradict the *halakhah* attached to it. Refusing to take the latter step,

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[51] Alternate introduction to the Pentateuch, "the fourth way," Weiser ed., I:141. Ibn Ezra here invokes Gen 2:24, "Hence a man...clings to his wife, so that they become one flesh."

[52] See chapter seven, sec. 5 above.

[53] The Talmud (b.*Yevamot* 22b) resolves this contradiction by positing that "He may defile himself for his fitting wife" (אשתו כשרה)—according to the law stated in v. 2, whereas v. 4 teaches that "he may not defile himself for his unfit wife (אשתו פסולה)." This reading is adopted by Rashi and cited by Rashbam (see below).

[54] Weiser ed., III:72.

Ibn Ezra must adopt what he admits is a more tenuous interpretation of the word בעל in v. 4,[55] engaging in what he calls *tiqqun* (his Hebrew equivalent of the Arabic term *ta'wīl*) to "adjust" the biblical text in light of rabbinic tradition.

In stark contrast to Ibn Ezra's concern for harmonizing *peshuto shel miqra* and the *halakhah*, Rashbam in his commentary on v. 4 writes:

> "A בעל (husband) among his people (בעמיו) shall not defile himself"—No husband in the priestly class (בעם כהנים) may defile himself for [i.e., in order to bury] his wife; "and so profane himself (להחלו)"—because in doing so he profanes his priesthood.

Crossing the boundary Ibn Ezra had set and refused to traverse, Rashbam boldly interprets this verse in a way that contradicts the *halakhah*. In accordance with his programmatic statements elsewhere, however, it is clear that this, in his view, is simply *peshuto shel miqra* and therefore does not carry any legal implications. He therefore continues:

> But according to the words of the Sages—he may not [defile himself] for an unfit, "profaned" wife (לאשתו פסולה ומחוללת), but he does defile himself for his fitting wife (לאשתו כשירה).[56]

From a halakhic standpoint, he would certainly cede authority to the "words of the Sages," whose interpretations he regarded as the sole determinant of Jewish law.

Against this backdrop we can appreciate the new path that Maimonides forges. In *Hilkhot Evel* 2:1 he enumerates only six close relatives for the purposes of mourning (i.e., the general obligation that applies to priests and non-priests alike), with the wife being added merely by rabbinic decree:

> These are [the relatives] that a person must mourn according to Torah law: his mother, father, son, daughter, brother and sister. And from their words [i.e., rabbinic law] that a man mourns his married wife and likewise a wife for her husband.

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⁵⁵ Ibn Ezra could not endorse the talmudic solution (see n. 53), which assumes that שאר in v. 2 means *wife*. Instead, he draws upon a different rabbinic tradition to interpret בעל as "a great person, with authority over the people" (העתיקו רבותינו...ואמרו כי פירוש בעל גדול, שהעם ברשותו). Evidently, he is referring to Targum Onkelos—according to the version attested in Nahmanides (comm. on Lev 21:4): לא יסתאב רבא. The printed text of Onkelos reads לא יסתאב ברבא בעמיה, a reading adopted by Saadia; see Zucker, *Translation*, 387–388.

⁵⁶ This follows the talmudic reconciliation of vv. 2 and 4 (above, n. 53).

The biblical source for this list—Lev 21:2–3—becomes clear when Maimonides subsequently discusses the exceptions to the prohibition of priestly defilement:

> The law of mourning is so powerful that [the prohibition of] defilement is waived for it for close relatives so that [the priest] can be occupied with them [i.e., their burial]…as it says, "Except for his relative (שארו) that is close to him: for his mother [and for his father, for his son, and for his daughter, and for his brother, and for his sister a virgin, who has had no husband,] to her he shall be defiled," which is a positive commandment.[57]

Here it becomes clear that Maimonides, like Ibn Ezra, follows Saadia's *Tafsīr* in taking שאר in Lev 21:2 to mean *a relative* in general. Ibn Ezra, however, did not dare challenge the halakhic list of "seven close relatives" and assumed that the wife is included—by biblical authority[58]—even without an explicit prooftext. As for Rashbam, while he was willing to exclude the wife from the exemption according to *peshuto shel miqra* (in v. 4), he would not have drawn any halakhic implications from that reading. Maimonides alone boldly integrated exegesis and *halakhah* by reducing the list of biblical relatives for this purpose to only six based on *peshateh di-qera*—i.e., Scripture itself, and asserting that the wife was added rabbinically.

But this leads to a halakhic difficulty: how could the Rabbis allow the violation of a biblical law by permitting a priest to defile himself for his wife? To resolve this problem Maimonides suggests a novel understanding of the *halakhah* itself:

> A priest must defile himself for his wife. And this is based only on the words of the scribes (מדברי סופרים; i.e., it is a rabbinic enactment). They accorded her the status of (lit. made her like) an "obligatory deceased" (מת מצוה; i.e., one whom no one else is available to bury, a case that obligates even a priest to defile himself). Since he is her sole heir, no one else would be more diligent about burying her than the husband.[59]

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[57] *Hilkhot Evel* 2:6.

[58] Had Ibn Ezra assumed that this is a later enactment by the Rabbis, he would not have been forced to abandon what seemed to him the more reasonable reading of Lev 21:4 (above, at n. 54). It is true that Ibn Ezra at times minimized the importance of the theoretical distinction between biblical and rabbinic laws (see chapter seven, sec. 5 above); but he did acknowledge it and occasionally invokes it for his own purposes; see, e.g., below, n. 80.

[59] *Hilkhot Evel* 2:7. The notion that the Rabbis declared a wife מת מצוה is found in the Talmud (b.*Yevamot* 89b), but is applied in only a specific case—a priest who married a minor orphan (whose betrothal has only rabbinic force), and Nahmanides (in

By creatively reinterpreting talmudic law, Maimonides could uphold
the legal implications of the non-talmudic reading of Lev 21:2 embraced
by Ibn Ezra—even though the latter could not.[60] For Maimonides,
unlike Ibn Ezra—and certainly Rashbam, the rule of *peshat* was intri-
cately bound with *halakhah*: when denying the exegetical basis of a
law, he essentially denied its biblical authority. While generally hesi-
tant to take this bold step, he did have the talmudic authority to do
so where he saw fit.


### 2.2. *Num 31:23*

Num 31:23 describes the manner in which cooking vessels captured in
the battle with Midian are to be purified for Israelite use:

> Anything that can withstand fire you shall pass through fire and they
> shall be clean, except that they must be purified with the waters of נדה.

The cleansing through fire is clearly intended to remove any remnants
of prohibited ("non-kosher") foods in the Midianite cooking vessels.
But the purpose of the additional purification with "the waters of נדה"
is subject to discussion in the post-biblical tradition. The Talmud,
which treats the case of the Midianite vessels as a prototype for any
cooking vessels acquired from idol-worshippers, takes this verse as the
source for the law that such vessels be immersed in a ritual bath:

> From where is this [law] derived? Rabba said: Because Scripture states,
> "Anything that can withstand fire you shall pass through fire *and
> they shall be clean* (וטהר)." Scripture here has added for you an addi-
> tional "cleansing." Bar Kappara taught: Since it says "with waters of
> נדה"—...waters in which a *niddah* (menstruous woman) immerses, i.e.,
> forty *seʾah*. (b.ʿAvodah Zarah 75b)

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his talmudic comm. ad loc.) thus criticizes Maimonides for making this a general rule
without a clear precedent in the halakhic tradition. For an attempt to find some other
talmudic source for Maimonides' exclusion of the wife from the list of close relatives,
see Heller, *Book of the Commandments*, 47n.

[60] This very example also shows us that Maimonides is not an independent *peshat*
exegete. The road was open for him to adopt the interpretation of 21:4 that Ibn Ezra
was forced to abandon, namely "that a husband may not defile himself for his wife."
But he interpreted that verse according to the traditional Andalusian explanation
reflected in Ibn Ezra (reference in n. 54 above); see *Hilkhot Gezelah wa-Avedah* 11:18;
cf. Rashi b.*Bava Meṣiʿa* 30a.

Ibn Ezra in his commentary on this verse records an alternative interpretation:

> It shall be purified with "waters of נדה"—it would have seemed to us that this is the water of the ashes of the [red] heifer, just like "waters of sprinkling (נדה) were not thrown upon him" (Num 19:13).[61] But our ancient [Rabbi]s said that its meaning is: the amount of water in which the *niddah* bathes [i.e., immerses herself to become pure]. And their knowledge is greater than ours.[62]

Comparing the term "waters of נדה" here with the same phrase that appears in Num 19:13, Ibn Ezra deduces that this expression refers to the waters containing the ashes of the red heifer, which are sprinkled upon a person who has come into contact with a corpse. According to this reading, "waters of נדה" here means *waters of sprinkling*, as it does in Num 19:13, and this purification is intended only to remove the ritual impurity of the Midianite vessels that resulted in their coming into contact with corpses.[63] Yet after recording this as the most reasonable philological-contextual interpretation of Num 31:23, Ibn Ezra evidently defers to the rabbinic reading, since this is a halakhic matter.[64]

Ibn Ezra's constraint, as we have seen, is a function of his singular model of *peshat*; but his northern French colleagues, who adopted a dual hermeneutic, had a freer hand in this respect. We thus read in Rashi's commentary:

> "Except that they must be purified with the waters of נדה"—according to its *peshat*, this purification is to cleanse it from the defilement caused by [contact with] a corpse. He said to them: the vessels require scalding to cleanse them from the effect of forbidden food, and also purification to cleanse them from the defilement (טומאה) [caused by contact with the dead].

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[61] This would seem to be Saadia's understanding of this verse, as he renders it ואיצ'א יד'כא במא אלנצ'ח ("it must also be purified with water of sprinkling") in his *Tafsīr* (Derenbourg ed., 242).

[62] Weiser ed., III:202.

[63] Such ritual impurity is relevant only in limited circumstances (e.g., in the preparation of food to be used in the Temple precincts or by priests eating *terumah*); hence, this verse would not serve a source for the law requiring immersion for vessels acquired from idol-worshippers.

[64] One could conceivably read Ibn Ezra here differently, since he does not actually say (as he does in the previous example) that his own interpretation is annulled (בטל) by the rabbinic one. If so, he is simply recording the rabbinic reading out of respect for the Rabbis—and in his view it was said merely by way of *derash*. Compare his comment on Exod 16:29 (above, at n. 2).

Rashbam, who characteristically follows up on Rashi's *peshat* reading, clarifies:

> "Waters of נדה"—[mixed with the ashes] of the red heifer, to purify them from defilement of contact with the dead (טומאת הנפש).

Within the dual hermeneutical model, the *peshat* interpretation does not preclude a second, midrashic interpretation, which, in fact, determines the *halakhah*. Rashi thus continues:

> But our Rabbis deduced midrashically (*dareshu*) that even to make them fit for use from the forbidden food (להכשירם מן האיסור), [the law] requires immersion for metal vessels. And "waters of נדה" written here they interpreted to mean: "waters fit for a menstruous woman (*niddah*) to immerse herself in [for the purpose of becoming ritually clean]." And how much is that? Forty *se'ah*.

Yet, while both Rashi and Rashbam exclude the rabbinic reading from the purview of *peshuto shel miqra*, neither take this exegetical observation into the realm of *halakhah*, which, for them, is determined by the midrashic reading of Scripture.

  Indeed, it would seem that the conventionally held halakhic view—based on a simple reading of the Talmud, where this law is derived from a biblical verse—was that the immersion of vessels is a biblical requirement.[65] Ibn Ezra adjusted his *peshat* interpretation accordingly. For Rashi and Rashbam the divergence of *peshuto shel miqra* from the talmudic reading had no bearing on the *halakhah*. It is Maimonides alone who acknowledges this divergence and draws a halakhic conclusion from it. He thus writes in *Mishneh Torah*:

> This immersion, that one immerses utensils acquired from idol worshippers and only after that is it permitted to eat and drink from them, ... is [merely] rabbinic (lit. from their words). And a hint (*remez*) for it: "Anything that can withstand fire you shall pass through fire and they shall be clean" (Num 31:23) ... And since it says "and it shall be clean" [which is a redundancy], the Sages said: [Scripture] added another purification after its passing through the fire to render it permissible from the abhorrence of idolatry.[66]

As Maimonides notes, the "prooftext" cited in the Talmud is merely an artificial "hint" (*remez*);[67] consequently, according to the rule of

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    [65] See *ET*, s.v. טבילת כלים; see also Solomon Ibn Adret, *Responsa*, vol. III, #255.
    [66] *Hilkhot Ma'akhalot Asurot* 17:5.
    [67] See Maimonides' comment on the term *remez* in the *Book of the Commandments*, Principle #3 (cited in chapter six, sec. 3.8 above). Maimonides does not specify how

*peshat*, the associated law is merely rabbinic and not biblical. Admittedly, had Maimonides been absolutely convinced that this requirement of immersion is indeed biblical, he would have found a source for it in Scripture, or he might have even argued that the talmudic reading of Num 31:23 is a transmitted interpretation notwithstanding its divergence from *ẓāhir al-naṣṣ*. However, since the halakhic sources gave him leeway in this case, he took the bold step of reinterpreting talmudic law by arguing that this is a rabbinic rather than biblical obligation.[68]

## 2.3. *Lev 21:12*

Ironically, at times it is the Talmud itself that provides Maimonides with the ability to circumvent a rabbinic reading that Ibn Ezra deems authoritative. This can be seen in connection with Lev 21:12, a verse we have already analyzed partially in chapter six above. Unlike other priests, the High Priest is absolutely prohibited from coming in contact with the dead, even his close relatives: "He shall not go to any dead body, nor defile himself for his father, or for his mother. From the Sanctuary he shall not exit, and he shall not profane the sanctuary of his God" (Lev 21:11–12). On this Ibn Ezra remarks:

> And from the Sanctuary he shall not exit—the transmitters [of the tradition] (המעתיקים) said: "[he shall not exit] to follow the deceased [in the burial procession]"…It is also possible that he may not exit the Sanctuary except for the sake of a matter of a religious duty (דבר מצוה; lit. a matter of a commandment).[69]

On his own, Ibn Ezra seems inclined to interpret the verse as a general prohibition, i.e., that the High Priest may not leave the Sanctuary for any reason, except to perform another sacred obligation. But that reading does not have the same of authority in his eyes as the interpretation of the Rabbis in the Mishnah: "If a death occurs for [the High Priest]…Rabbi Judah said: he must not leave the Sanctuary [to participate in the funerary procession], because it is said: 'and from

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he interprets *peshateh di-qera* here, i.e., the words "Except that they must be purified with the waters of נדה." Presumably, he embraced Saadia's reading (above, n. 61), which Ibn Ezra would have preferred were it not for the halakhic reading that he felt compelled to accept as *peshuto shel miqra*.

[68] Interestingly, Nahmanides—perhaps influenced by Maimonides—entertains the possibility that this is a law entirely of rabbinic origin. See his comm. on Num 31:23.

[69] Comm. on Lev 21:12, Weiser ed., III:74.

the Sanctuary he shall not exit'" (m.*Sanhedrin* 2:1). On this view, the High Priest is allowed to exit the Sanctuary for other purposes, but is specifically prohibited from doing so to join the funeral for his close relatives. As explained further in the Talmud, "because of his bitter grief, it might occur that he comes to touch [the corpse and become defiled]" (b.*Sanhedrin* 19a). This interpretation is also incorporated into Saadia's *Tafsīr* on this verse: לא יכ'רג' וראהמא ("He must not go out following them"), and in some texts: לא יכ'רג' ורא אלג'נאזה ("He must not go out following the coffin").[70] Rashi, in his commentary on this verse, writes likewise: "From the Sanctuary he shall not exit—he does not walk behind the bier."

Maimonides adopted a different view of R. Judah's reading. As we saw in chapter six above, in his *Book of the Commandments* he embraced another interpretation of this verse from *Sifra*, which takes it to prohibit the High Priest from abandoning the service on account of his grief, though afterwards he is free to exit the Sanctuary. Yet Maimonides continues:

> Know that for the High Priest there is an additional matter, that he may not accompany the bier [of his relative] and this is the apparent sense of the text (*ẓāhir al-naṣṣ*)..."and from the Sanctuary he shall not exit," [as] clarified in the second [chapter] of *Sanhedrin* that if a death occurs for him, that he does not go out following the coffin, and this was inferred (*ustudilla*) from the dictum [of Scripture] "and from the Sanctuary he shall not exit"...[However] the verse itself (*gufeh di-qera*) says (lit. is) only that he should not [exit]...while serving.[71]

Maimonides undoubtedly knew that Saadia rendered this verse according to R. Judah's reading and therefore considers this to be *ẓāhir al-naṣṣ*. Yet he did not regard this as the authoritative original sense of this verse, i.e., what *gufeh di-qera* actually says, which is recorded in *Sifra*.

Maimonides was faced with two rabbinic readings of this verse: the one of *Sifra* and the other of the Mishnah in the name of R. Judah. How did he determine which is the "transmitted interpretation," as opposed

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[70] See Zucker, *Translation*, 389. Likewise, in the commentary on the thirteen *middot* attributed to Saadia (Schechter ed., 243), we read the following:
המדה האחת עשרה ודבר (!) הלמד מענינו: פי' דבר שהוא מכלל. ודנין אותו במקומו בדינו כמו שצוה הקב"ה לכהן גדול ומן המקדש לא יצא וג' אינו ר"ל שלא יצא מן המקדש על כל פנים אבל הענין...שלא יצא מן המקדש אחרי הגויה זה תלמד מענינו.

[71] Negative Commandment #165, Kafih ed., 258–259.

to the one that is merely an inference? It seems that he did so based on a careful reading of the Talmud, something Ibn Ezra hesitated to do or was not capable of doing.[72] R. Judah's reading is cited to support a law that the Talmud describes as a precaution, a *seyag* (lit. fence), the fourth legal category delineated in Maimonides' introduction to the Mishnah.[73] Since laws in this category are clearly of rabbinic origin, it stands to reason that this was sufficient evidence to indicate to Maimonides that this cannot be a valid construal of *peshateh di-qera*—which would yield a law of biblical authority. Nahmanides, in fact, classifies R. Judah's reading as an *asmakhta*. As he writes:

> And the Midrash in chapter *kohen gadol* [of tractate *Sanhedrin*] is nothing but a mere *asmakhta*, that they decreed that a High Priest must not go out after the bier of his dead [close relative] at all, lest he become defiled, being panicked over the death that occurred to him … and this is all a rabbinic decree (גזירה מדבריהם) and they supported it from this verse, but the essential [meaning] (*'iqqar*) relates to one who abandons his service and exits.[74]

Ironically, Nahmanides assumes that Maimonides mistakenly took the "added matter" to be a biblical prohibition. He begins by writing: "And I saw that the master, in Commandment #165 intended to combine the two *midrashim*." Nahmanides then cites Maimonides' language in Hebrew translation:

> Know that for the High Priest there is an addition[al matter] … and this is the apparent sense of Scripture (*nigleh min ha-katuv*)[75] in the dictum "and from the Sanctuary he shall not exit." And thus was clarified in the second chapter of *Sanhedrin*, with respect to these two meanings of this verse (באלו שני פנים לכתוב הזה), its *peshat* and *midrash*, and the priests were prohibited from doing both.

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[72] For Ibn Ezra, no doubt, Saadia's reading was sufficient evidence that R. Judah's reading speaks for the halakhic tradition.

[73] See the excursus at the end of chapter five above. In his commentary on R. Judah's statement in the Mishnah (m.*Sanhedrin* 2:1, Kafih ed., IV:153), Maimonides offers this talmudic explanation, but he does not state explicitly that this is a rabbinic law.

[74] *Hassagot*, Chavel ed., 75–76. He makes a similar observation in his Torah commentary on Lev 21:12. For Nahmanides, as mentioned in chapter seven, laws derived through the thirteen *middot* have biblical authority. Hence, the only way for him to account for the rabbinic nature of this law was to classify its derivation from Scripture as an *asmakhta*. By contrast, all Maimonides had to do was remove it from the category of *peshateh di-qera*. On Nahmanides' use of the term *'iqqar*, see chapter six above, n. 120.

[75] וזהו נגלה מן הכתוב. See below, n. 78.

After this, Nahmanides concludes: "But this is not the way [the matter appears] in the Talmud,"[76] since R. Judah's law is clearly rabbinic and its derivation must therefore be an *asmakhta*. But his citation of Maimonides is inaccurate in two respects. To begin with, he adds words that do not appear in the *Book of the Commandments*: "with respect to the two ways…its *peshat* and *midrash*…both."[77] Nahmanides evidently added these words to clarify Maimonides' intent. But if so, he mistook the label *ẓāhir al-naṣṣ* (which he renders *nigleh*)[78] as equivalent to *peshat ha-katuv*, which would indeed be the source of a biblical law. In fact, Nahmanides' own translation—the nuance of which he seems to disregard—more accurately captures the connotation intended by Maimonides: R. Judah's reading is merely the *apparent* sense of Scripture, which must be adjusted in light of the "transmitted interpretation" recorded in *Sifra*.

### 3. *Conflicting Values: Talmudic and Exegetical*

Although the examples in the preceding section illustrate a category that is not very large in Maimonides' halakhic exegesis,[79] they reveal

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[76] *Hassagot*, Chavel ed., 75.

[77] Chavel points this out in his note on this passage. Nor have I found it in any manuscripts of the *Book of the Commandments*. (Besides, it is not unusual for Nahmanides to take liberties in paraphrasing his sources; see Shmidman, "Rashba," 273; my thanks to Shalem Yahalom for referring me to this source.) The notion that both "*peshat* and *midrash*" are equally valid sources of biblical law is characteristic of Nahmanides' legal hermeneutics, but not that of Maimonides.

[78] Ibn Tibbon elsewhere renders *ẓāhir al-naṣṣ* הנגלה מהכתוב (Principle #9, Heller ed., 18); but here he uses the term פשט (Heller ed., 139). (Ibn Ayyub uses the term פשט in both passages to render Arabic *ẓāhir*.) Bloch, *Préceptes*, xi–xii, xxi, xxvii notes the similar rendering of this passage in *Sefer ha-Ḥinnukh* (וזהו נגלה בלשון הכתוב) and by Nahmanides, suggesting that both used the same (lost) translation; see introduction, above, n. 31.

[79] See above, n. 49. We can add another four examples, two of which were already discussed in chapter six above. In all of these examples, Maimonides applies his exegetical sense to classify as rabbinic laws presented in the Talmud based on biblical prooftexts. His argument in those cases is that the law is actually based on the application of the *middot* (*qiyās*) rather than *peshateh di-qera*, and, according to Principle #2, the resulting law is rabbinic.

(1) His reading of Lev 11:43, "Do not make yourselves abominable with anything that swarms"; see *Book of the Commandments*, Negative Commandment #179 (chapter six, sec. 3.1).

(2) His reading of Lev 19:14, "And before a blind man you shall not place an obstacle" in Negative Commandment #299 (chapter six, sec. 3.5).

the liberties that he alone was willing to take in reinterpreting tal-mudic *halakhah* in accordance with his sense of *peshateh di-qera* as articulated in Principle #2 of the *Book of the Commandments*.[80] This endeavor, however, was necessarily fraught with tension. It is well known that Maimonides, in general, changed his halakhic opinions on a number of matters over his long career. Of particular relevance for our purposes are the cases in which he was forced to reconsider

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(3) The prohibition of destroying fruit-bearing trees in Deut 20:19, from which the Talmud infers that all purposeless destruction is likewise prohibited; Maimonides rules that this expansion is merely rabbinic; see Negative Commandment #57, Kafih ed., 209–210 (see esp. n. 100) and *Hilkhot Melakhim* 6:10.

(4) The prohibition to adopt customs of idolaters—based on Lev 20:23—which was applied by the Rabbis to the type of hair-cut known as *belorit*; see comm. on m. ʿ*Avodah Zarah* 1:3 and *Responsa* #244, Blau ed., II:446, where Maimonides rules that this prohibition is rabbinic. Maimonides, however, seems to have changed his mind on this matter, as he rules in *Hilkhot ʿAvodat Kokhavim* 11:1 that this prohibition is biblical.

[80] I have found only one clear case in which Ibn Ezra does something similar, i.e., adjusts *halakhah* according to his exegetical sense. Exod 23:19, "You shall not cook a kid in its mother's milk," is taken by the Rabbis as a much wider prohibition to cook—and eat—all meat with milk. As we have seen in earlier chapters, Saadia wove this tradition into his *Tafsīr* and Maimonides regarded it as the "transmitted inter-pretation" of this verse (see above, chapter one, sec. 1, and chapter two, sec. 3.2). But Ibn Ezra preserves the narrow literal sense of this verse:

> The norm is that most people do not own a flock, and purchase milk in the mar-ket, and the milk is gathered from many goats. It may be that the purchaser of the kid does not know where its mother is. Now if he buys milk, it is possible that it contains the milk of the mother of the kid that he purchased, and he will violate [this prohibition]. And any doubt regarding a biblical law must be treated strin-gently…Our ancient [Rabbi]s were stringent to remove all doubt, and prohibited [cooking any] meat with milk. And may the Lord who gave them wisdom grant them complete reward. (Long comm. on Exod 23:19, Weiser ed., II:161–162)

(Ibn Ezra adds a concluding remark to this note: "And I will return to remark [and explain] why Scripture mentioned this commandment a second time, and a third time, each one in its place." As Weiser notes, however, we do not find any relevant discussion in Ibn Ezra's long commentary on the next occurrence of this prohibition in Exod 34:26, nor did he write a second commentary on Deuteronomy, so we do not have any relevant comment on the "third time" this verse appears in the Pentateuch [Deut 14:21]. It is conceivable that Ibn Ezra intended to address the rabbinic interpre-tations of the repetitions of this verse; but we do not know his opinion since he did not write it.) As conventionally understood, the entire prohibition to cook meat in milk is biblical. But Ibn Ezra here makes the novel claim that Scripture itself prohibits only what is mentioned in this verse explicitly, whereas the general prohibition to cook meat in milk is a precautionary measure (sometimes referred to as a *seyag*) instituted by the Rabbis. Naturally, this is difficult to square with the talmudic evidence, which is presumably why Maimonides (and Saadia before him) did not entertain such a pos-sibility. Ibn Ezra may not have had the talmudic erudition to recognize this problem. In any case, this example is quite exceptional. Ibn Ezra was no talmudist and normally did not dare diverge from the conventional understanding of the *halakhah*.

positions he had initially taken based on his desire to build his halakhic system upon a foundation as consistent as possible with the Andalusian philological-contextual method. Such cases attest to the boldness of the biblical orientation Maimonides sought to introduce in his halakhic system, to the point that even he ultimately had to take a step back in conformity with the conventional understanding of talmudic law. Notwithstanding his final position, the initial claims Maimonides makes are revealing because they demonstrate just how far he was willing to go in applying his rule of *peshat*.

### 3.1. *Deut 22:13, 24:1*

The legal sections of the Pentateuch never address the law of marriage as such. This institution is simply taken for granted in two legal passages dealing with specific cases, both of which begin in the following way: "If a man marries (lit. takes) a woman and cohabits with her…" (Deut 22:13, 24:1). In the Mishnah, however, we read: "A woman is betrothed (lit. acquired) in three ways…by money, by a document, or by intercourse" (m.*Qiddushin* 1:1). In his commentary on this Mishnah, Maimonides writes:

> We deduced that she is betrothed with money from what it says, "If a man marries (lit. takes; יקח) a woman" (Deut 22:13, 24:1) and it says in connection with [the field of] Ephron, "I have given you the money for the field, take it (קח) from me," one deduces [one] "taking" [from another] "taking" [by way of *gezerah shawah*]. And betrothal by a document…the allusion to it is the dictum "And when she has departed [out of his house, she may go] and be [another man's wife]"—it associates (by way of *heqqesh*; מקיש) "becoming" [betrothed] to "departing" [i.e., divorce]; just as the "departure" is by a document—as it says in Scripture: "and he shall write her a bill of divorcement"—so too "becoming" is with a document. And…betrothal by intercourse is the type stated most clearly…[and is] explicit in the Torah, and this is the most binding of them, and this is the one considered [lit. called] betrothal from the Torah (*de-orayta*), as it says "[If a man marries a woman] and cohabits with her" (Deut 22:13, 24:1)—with intercourse she becomes a married woman.[81]

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[81] Mishnah Commentary, Kafih ed., III:280–281. As Kafih notes, Maimonides—in his own autograph copy of the Mishnah commentary (see bibliography)—later crossed out the words יתסמי קידושין דאורייתא and added the words נצה פי אלתורה ("stated in the Torah") in the margin, evidently to reflect his more moderate view later in his career that there are other forms of betrothal recognized biblically (see below).

The three biblical prooftexts here are all taken from the Talmud (b.*Qiddushin* 4b–5a), where they are listed without any differentiation. But Maimonides imposes a hierarchy among them, distinguishing between the single mode of betrothal stated in Scripture and the additional ones derived through *gezerah shawah* and *heqqesh*, i.e., legal inferences from the text, which he regards as being merely rabbinic.

In this instance, then, Maimonides made his halakhic determination based on exegetical considerations: he decided which method of betrothal seems most consistent with the contextual-philological sense of Scripture, and relegated the rest to the lesser status of rabbinic legislation, derived from Scripture by way of *qiyās*. Just how novel this step was can be seen from the criticism it elicited, as well as Maimonides' own change of heart on this matter. Maimonides repeated his restrictive position on betrothal *de-orayta* in the *Book of the Commandments*.[82] In *Mishneh Torah*, however, he writes:

> Once the Torah was given, Israel was commanded that if a man wishes to wed a woman, he must acquire her first in front of witnesses and then she will be his wife, as it says "If a man takes a woman and cohabits with her." And this "acquiring" is a positive commandment. And in one of three ways a woman is acquired: with money, with a document or with cohabitation. With cohabitation and with a document biblically (*min ha-Torah*), but with money from the words of the scribes (i.e., rabbinically; *mi-divrei soferim*).[83]

This ruling reflects a change in Maimonides' position with respect to marriage by a document, which he now considers biblical. But he still rules that betrothal by money is rabbinic. Even this more circumscribed innovation was bound to stir up controversy, especially since *Mishneh Torah* was written in Hebrew and thereby made available

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[82] See Positive Commandment #213, Kafih ed., 167.

[83] *Hilkhot Ishut* 1:2. On the basis of this formulation, he revised his Mishnah commentary; see above, n. 81. This position is also reflected in *Hilkhot Ishut* 3:20, where Maimonides writes:

> One who betroths a woman through intercourse effects betrothal according to the requirements of the Torah. And likewise, one who betroths a woman with a document, she thereby becomes betrothed according to the requirements of the Torah . . . But [betrothal by] money is [merely] rabbinic [lit. from the words of the scribes] (אבל הכסף מדברי סופרים).

In that passage, however, we have textual evidence that Maimonides later changed his mind and revised the text to read וכן הכסף מן התורה ("and likewise [betrothal by] money is from the Torah"). See Kafih's note ad loc. (*Hilkhot Ishut* 3:23 in his ed.) and the discussion below regarding Maimonides' possible revision of *Hilkhot Ishut* 1:2.

in the great French centers of talmudic learning. Indeed, his most
prominent critic, Rabad of Posquières (c. 1120–1197/8), writes in
his strictures (*hassagot*) on *Mishneh Torah*: "This is a muddle, and
a muddled interpretation misled him."[84] A query on this matter was
actually sent to Maimonides from R. Pinhas the *Dayyan* of Alexandria
(originally from Provence).[85] This prompted Maimonides' now famous
Responsum #355 regarding the thirteen *middot* mentioned earlier in
this study. Since it deals with this case, we now cite it more fully. Mai-
monides begins by summarizing the question:

> Why did I say that betrothal by a document and intercourse is biblical,
> whereas betrothal by money is rabbinic? And you said: Aren't all of them
> deduced from the Torah, "How do we know [betrothal by] money? One
> deduces קיחה קיחה from the field of Ephron." This is the substance of
> the question.

Evidently, R. Pinhas did not read Arabic; hence, Maimonides guessed
that he had not read the *Book of the Commandments*, which provides
the basis of his response:

> I have a composition in Arabic on the subject of the enumeration of
> the commandments…and there I explained that nothing deduced
> from…any of the thirteen *middot*…is biblical unless the Sages say
> explicitly that it is biblical…[86]

Having clarified this theoretical point, the great codifier acknowl-
edges the seeming inconsistency in his classification of the methods of
betrothal in *Mishneh Torah*:

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[84] In his *hassagah* on *Hilkhot Ishut* 3:20, Rabad (who had the early version of that
passage; see previous note) clarifies this comment, stating that Maimonides built his
position on (what Rabad regarded as a mistaken understanding of) the talmudic
reasoning תינח קדיש בכספא; see, e.g., *b.Ketubbot* 3a. (Rashi ad loc. cites—and
rejects—the view of his teachers, who also inferred from the discussion there that
betrothal by money is merely *de-rabbanan*.) Maimonides knew of Rabad and praised
him as an important rabbinic scholar (introduction above, n. 87); but it is unclear
if he ever actually saw the latter's *Hassagot*; see Twersky, *Rabad*, 195–196. After his
death, Maimonides' position was criticized by Daniel ben Saadia ha-Bavli (a student
of Samuel ben Eli of Baghdad) in his correspondence with Abraham Maimonides,
prompting that latter to write a defense in his father's name; see Neubauer, *Divrei
Soferim*, 152–153.
[85] See introduction, n. 19 above.
[86] *Responsa* #355, Blau ed., II:631 (see full citation in the introduction above,
sec. 2).

Now one may certainly ask, saying to me: intercourse is certainly bibli-cal (*min ha-Torah*) because they did not derive it through one of the thirteen *middot*, but rather: "and he has intercourse with her—this teaches that she is betrothed through intercourse" (b.*Qiddushin* 4b). But since money and a document are both derived through *heqqesh*, why do you say that a document is biblical, but money is [only] rabbinic (*mi-divrehem*; lit. from their words)? The answer to this is that I certainly would have said this, [i.e.,] that money and a document are merely rab-binic (*mi-divrehem*) because they are derived by inference (*min ha-din*), except that it says (דאמרינן; lit. that we say) explicitly [in the Talmud] (b.*Qiddushin* 9b)…that there is a woman betrothed biblically (*min ha-Torah*) without intercourse…[but only] with a document…and on this I relied and rendered my legal decision.[87]

Here Maimonides states what would have been his exegetical—and resulting legal—preference if not for the talmudic halakhic evidence that forced his hand, namely to classify intercourse alone as the bibli-cal vehicle of betrothal. In light of the talmudic discussion, he must adjust this and regard betrothal by a document as biblical as well.

Even the modified position in *Mishneh Torah* was criticized, for example, by Rabad and R. Pinhas, as noted above. And with good rea-son, since the Talmud never indicates that a woman betrothed through money has a different status from one betrothed in the other two ways. Abraham Maimonides records that his father eventually modified his position even further and classified all three modes of betrothal as *de-orayta*, and that he changed the text of *Mishneh Torah* to reflect this position.[88] In the end, then, it seems that the talmudic evidence forced Maimonides to conclude that, in addition to the method of betrothal clear from the obvious sense of Scripture, the "transmitted interpreta-tion" specified another two ways in which "a man takes a woman." As for their "derivations" in the Talmud through the method of *heqqesh* and *gezerah shawah*, these were secondary associations meant to "show the wisdom of Scripture" and lend support to what was already known from tradition.

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[87] Ibid., 631–632.
[88] See *Birkat Avraham*, Responsum #44, Goldberg ed., 78. Surprisingly, some later scholars disputed this testimony. See *Kesef Mishneh* on *Hilkhot Ishut* 1:2 and Neu-bauer, *Divrei Soferim*, 153–154. Kafih, in his note on *Hilkhot Ishut* 1:2, acknowledges that virtually all of the extant early manuscripts reflect Maimonides' original position, although he accepts Abraham Maimonides' testimony absolutely, which is supported by textual evidence in *Hilkhot Ishut* 3:20 (see above, n. 83).

3.2. *Exod 22:30*

Another example that illustrates the complications arising from Mai-
monides' delicate balance of exegesis and *halakhah* involves the prohi-
bition in Exod 22:30, "You shall not eat flesh that is *ṭerefah* (= torn up/
to pieces by beasts) in the field."[89] Here we do not have the benefit of
a clear Maimonidean responsum on the matter; but some commenta-
tors have discerned a subtle shift in his position. In BH, the root ט-ר-פ
denotes *(an animal) tearing an(other) animal to pieces*; hence, this verse
prohibits explicitly the eating of an animal mortally wounded ("torn
to pieces") by beasts.[90] However, in talmudic law, the term *ṭerefah*
denotes a diseased animal that cannot live, which is prohibited to eat
even if slaughtered properly. The Mishnah (*Ḥullin* 3:1) thus lists the
defects referred to as *ṭerefot* and gives the following general rule: "If an
animal with this defect could not continue to live, it is a *ṭerefah*." In
the *Book of the Commandments*, as we have already seen earlier in this
chapter, Maimonides cites Exod 22:30 as the source of Negative Com-
mandment #181, where he begins with the following commentary:

> We were prohibited from eating an animal torn up by beasts, and that is
> His dictum: "You shall not eat flesh torn up by beasts in the field." Now
> the obvious sense of the text (*ẓāhir al-naṣṣ*) is as mentioned in *Mekhilta*,
> and that is their dictum: "Scripture spoke of the usual occurrence (דבר
> הכתוב בהווה), the place where most animals are torn up by beasts."[91]

In other words, the modifier "in the field" does not restrict the law to
that case alone; hence, an animal torn up by a beast is prohibited to
eat wherever that may have occurred. As we have also seen, Maimo-
nides goes on to list other prohibitions derived in the Talmud from
this verse and argues that these reflect its transmitted interpretation,
which entails *taqdīr* (above, at n. 44).

It is only toward the end of this entry in the *Book of the Command-
ments* that Maimonides addresses the standard way in which the term
*ṭerefah* is used in the Talmud:

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[89]  This example—from Negative Commandment #181—has already been discussed
above partially in sec. 1.5 of the current chapter. We now turn to another aspect of this
entry of the *Book of the Commandments*, in which Maimonides discusses a rabbinic
derivative of the biblical law of *ṭerefah*.

[90]  Saadia renders *ṭerefah* מפתרס (an animal torn up by beasts) in his *Tafsīr* on
this verse (Derenbourg ed., 114); see, however, below, n. 102. Nahmanides, likewise,
defines *ṭerefah* as an animal "torn up by a lion or bear, killed by them in the field"
(comm. on Lev 22:8).

[91]  Negative Commandment #181, Kafiḥ ed., 270.

As for an animal suffering from (lit. in which occurred) one of the *ṭerefot*
[i.e., defects, illnesses] derived though *qiyās* (*al-muqāyasa*), it is prohib-
ited to eat even if slaughtered properly, and one who slaughters it prop-
erly and eats of its flesh is given lashes for violating a rabbinic law.[92]

Exod 22:30 itself (i.e., *peshaṭeh di-qera*) prohibits eating the flesh of an
animal attacked ("torn up") by beasts (and the other cases included
by way of *taqdīr*), whereas the flesh of animals suffering from the
defects classified in the Mishnah as *ṭerefot* are forbidden only rabbini-
cally because that prohibition is derived through *qiyās*. The reasoning
behind this expansive legislation is clarified by Maimonides' words in
chapter four of *Hilkhot Maʾakhalot Asurot*:

(§6)  One who eats an olive-size portion of the flesh of an animal…that
was torn to pieces receives lashes [for violating a biblical prohibi-
tion], as it says "You shall not eat flesh torn up by beasts (*ṭerefah*)
in the field…" *Ṭerefah* mentioned in the Torah means: an animal
that was torn to pieces by a wild animal such as a lion…Now you
cannot say that it tore it to pieces and killed it, because if it is

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הטרפה האמורה בתורה היא הנוטה למות, ולא נאמר טריפה אלא שדבר הכתוב
בהווה כגון שטרפה ארי וכיוצא בו ושברה ועדיין לא מתה. ויש שם חלאים אחרים
אם יארעו לה תחשב טריפה והן הלכה למשה מסיני. ושמונה מיני טרפות נאמרו
לו למשה בסיני ואלו הן: דרוסה, נקובה, חסרה, נטולה, פְּסוקה, קרועה, נפולה,
ושבורה. אע"פ שכולן הלכה למשה מסיני הן, הואיל ואין לך בפירוש בתורה אלא
דרוסה החמירו בה, וכל ספק שיסתפק בדרוסה אסור, ושאר שבעה מיני טרפות
יש בהן ספקין מותרים כמו שיתבאר.

Maimonides differentiates here between the case stated in Scripture explicitly
(*meforash ba-Torah*), i.e., an animal mortally wounded by another, and the other types
of *ṭerefah*, which fall under the category of "law to Moses from Sinai," which—in
Maimonides' view (see *Responsa* #355, Blau ed., II:632)—do not have biblical status
(and therefore one would not rule stringently in a doubtful case). It is in this spirit
that Nahmanides (who follows Ibn Tibbon's version) interprets Maimonides' view in
Negative Commandment #181; see *Hassagot*, Chavel ed., 46. Admittedly, however,
Maimonides' exact legal ruling on this matter is unclear, since there is some inconsis-
tency in his position regarding the status of "Laws to Moses from Sinai"; see Henshke,
"Basis," 104–113.

dead then it is a *nevelah* (an animal that was killed without being slaughtered in the ritually proper way)…so it must be speaking of an animal that was hunted and wounded severely (lit. "torn to pieces") but did not die.…

(§7) *Ṭerefah* mentioned in the Torah is [thus] an animal that…was about to die but still has not died. Even if one would slaughter it properly before it died, it is prohibited because it is a *ṭerefah*, since it will not survive its wounds.…

(§8) The Torah prohibited an animal that died, i.e., a *nevelah*; and it prohibited an animal about to die…and that is a *ṭerefah*. Now just as one does not distinguish between an animal that died of its own…and one that was seized as prey by another animal, so too one should not distinguish in one about to die among one that was torn to pieces by a wild animal, one that fell from a roof and most of its bones were broken…or one that became sick by itself and developed a hole in its heart or lung…; since it is about to die in any event, it is a *ṭerefah*.… Why then did the Torah say "an animal that was torn to pieces" (*ṭerefah*)? Scripture spoke of the usual occurrence, because if you do not say that, then you would prohibit only the one torn to pieces in the field, but not if it was torn to pieces in a courtyard.…

(§9) The meaning of the verse (Exod 22:30) is that an animal about to die from its wounds…is prohibited. Based on this the Sages said: "This is the rule: if an animal with this defect could not continue to live, it is a *ṭerefah*."

Maimonides here clarifies the *ʿilla* (cause, reason) of the *ṭerefah* ("torn to pieces") prohibition "mentioned in the Torah" explicitly: one is not permitted to slaughter and eat the flesh of an animal about to die. This rationale can be applied to similar cases, i.e., an animal wounded in some other way or one that is mortally ill. While Maimonides deems this reasoning legally binding, it is not stated in *peshateh di-qera*, and—as established in Principle #2—the conclusions drawn thereby must be classified as rabbinic law, as stated in Negative Commandment #181.[93]

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[93] This position is adopted by Gersonides in his commentary on this verse (Levy ed., 294):

הטרפה...ענינה האמיתי הוא שיטרוף אותה בעל חיים אחר...וידמה שהחמירה
התורה בטרפה יותר משאר המכות והחליים הנופלים בה...לפי שרוב הטורפים
הם בעלי ארס ויבוא הדבר לידי סכנה. ואולם חכמים השוו בין הטרפה האמיתית
ובין הבהמה שאי אפשר לה לחיות מפני מכותיה...והנה ההבדל בין הטרפה

This ruling, however, is unexpected from a rabbinic scholar like Maimonides, since it is difficult to square with the tenor of the many talmudic discussions of the *ṭerefot*, which always seem to be treated as a *de-orayta* prohibition, as Nahmanides points out in his critique of the *Book of the Commandments*.[94] It is in the spirit of this talmudic outlook that Ibn Ezra, in *Yesod Mora*, includes this verse among those that must be understood in light of the rabbinic halakhic tradition.[95] In other words, without the rabbinic tradition he would have interpreted it literally, as a prohibition limited to eating an animal torn up by beasts.[96] But in light of the rabbinic definition of *ṭerefah* Ibn Ezra—characteristically—is willing to suspend his own judgment. Maimonides alone took the daring step of arguing in the *Book of the Commandments* that *peshateh di-qera* supports only the limited prohibition. In doing so, he is willing to embrace the straightforward sense of the biblical text and recast talmudic law by relegating the other types of *ṭerefot* referred to in the Mishnah to the status of rabbinic law—a position unique in talmudic scholarship.[97]

Yet it is conceivable that Maimonides actually retracted this extraordinary position, as a close reading of the above-cited section of *Hilkhot Maʾakhalot Asurot* reveals a subtle divergence from what he wrote in *The Book of the Commandments*. Maimonides begins this section with the blanket statement that one who eats an olive-size portion of meat from a *ṭerefah* is subject to lashes (the punishment for violating biblical law), and he never makes a clear distinction between different types of *ṭerefah* in this respect.[98] Furthermore, he employs the rule "Scripture spoke of the usual occurrence" here to include the cases not explicit in Scripture, i.e., an animal mortally wounded or ill from some other reason. He therefore sums up: "the sense of this verse is that an animal close to death…is prohibited," implying that the legal reasoning he applied is not classified as *qiyās*, but is actually a way of

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האמיתית ובין הטרפות שמנו חכמים כי האוכל כזית מהטרפה האמיתית לוקה ואין העניין כן בטרפות אשר הם מדרבנן.

[94] See *Hassagot*, Chavel ed., 46–47.

[95] See *Yesod Mora* 6:2, Cohen and Simon ed., 133 (see citation in Appendix C below).

[96] Saadia rendered the term *ṭerefah* literally (מפתרס) in his *Tafsīr* (above, n. 90); but he probably regarded the list of *ṭerefot* in the Mishnah as laws transmitted orally from Sinai.

[97] See Henshke, "Basis," 147.

[98] There is one indication here that this is all a rabbinic expansion: the comment מכאן אמרו חכמים ("based on this the Sages said") toward the end of this section in §9. Accordingly, some commentators argue that Maimonides maintained his position consistently; see Henshke, "Basis," 120–121.

deducing the intent of Scripture itself, i.e., *peshateh di-qera*, rendering this a biblical prohibition. It is therefore widely held that Maimonides changed his mind about this matter. In other words, in *Mishneh Torah* he rules that the biblical prohibition itself includes diseased animals classified as *ṭerefot* in the Mishnah.[99] If so, the reason is clear: the talmudic evidence treats the list of *ṭerefot* as biblically prohibited, and this was too much for Maimonides to ignore.[100] But this later retraction reveals just how far the great codifier was initially willing to go in using his exegetical yardstick to make halakhic decisions in the *Book of the Commandments*.

### 3.3.  *Lev 22:8, 17:15*

Lev 22:8 states regarding the priest: "He shall not eat *nevelah* (an animal that died) or *ṭerefah* (one torn up by beasts), thereby becoming ritually defiled." The rabbinic halakhic interpretation of this verse is reflected in the commentary of Rashi, who explains:

> With regard to defilement [rather than the prohibition of eating] Scripture prohibits here: that [the priest becomes ritually defiled and] is forbidden to eat of the holy things if he eats the *nevelah* (carrion) of a clean bird, which does not defile through being touched or carried, but only when eaten and swallowed.[101]

Saadia in his *Tafsīr*, however, takes this verse as it would appear: a prohibition to eat *nevelah* or *ṭerefah*, and not a specific reference to

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[99]  See Henshke, "Basis," 110–111.

[100]  Henshke, "Basis," 122–123 argues for a more nuanced reading of *Hilkhot Maʾakhalot Asurot* 4:6–9 based on Maimonides' statement in *Hilkhot Sheḥitah* 5:1–3 (above n. 92). Henshke proposes the following solution: in *Maʾakhalot Asurot* Maimonides included an animal *about to die* for whatever reason in the biblical law of *ṭerefah*, and this, indeed, represents a shift in his more limited interpretation in *The Book of the Commandments* (i.e., that only an animal torn up by beasts is prohibited). But the *ṭerefot* listed in the Mishnah are yet further removed from what is stated in Scripture itself, since they are diseases and blemishes from which an animal will ultimately die—but not imminently. This law, according to Henshke, is merely "a law to Moses from Sinai" (i.e., it has no Scriptural basis whatsoever) even in Maimonides' more stringent opinion in *Mishneh Torah*. In Henshke's view, then, Maimonides' final position entails a departure from the traditional reading of the Talmud, though one that is not quite as radical as first put forth in the *Book of the Commandments*.

[101]  See b.Ḥullin 100b; compare *Sifra* on Lev 17:15 (cited below, n. 107).

the ritual defilement caused by eating the *nevelah* of a clean bird.[102] In his Mishnah commentary, Maimonides evidently followed Saadia's understanding of this verse, as he writes in the introduction to *Seder Ṭohorot*, when enumerating the types of ritual uncleanliness legislated by the Rabbis, which are not *de-orayta*:

> The *nevelah* of a bird, whether clean or unclean, does not defile biblically, and they said clearly: "the [defilement caused by the] *nevelah* of a clean bird is not from the Torah."[103] But indeed it is merely a rabbinic law (lit. from the words of the scribes), a support (*isnād*) for which was brought from His dictum, may He be exalted, "He shall not eat *nevelah* or *ṭerefah*, [thereby becoming unclean]."[104]

Maimonides' reasoning reflects his rule of *peshat* primacy: this type of ritual uncleanliness is *de-rabbanan* since it lacks a source in *peshateh di-qera*. The passage cited just now is from the first version of Maimonides' introduction to *Seder Ṭohorot*. However, later he revised that work and wrote instead:

> The *nevelah* of a bird, whether clean or unclean, is not stated clearly in the Torah, and therefore I have included it among the categories [of ritual defilement] that are *de-rabbanan*. Now what has become clear to me is that this [i.e., the *nevelah* of a clean bird] is a biblical category, even though it is not stated clearly [in the Pentateuch]. And the proof (*dalīl*) for this is that a person is punishable by *karet* ("cutting off") for entering the Sanctuary [after eating it] (m.Ṭohorot 1:1). And a support (*isnād*) was brought for this from His dictum, may He be exalted, "He shall not eat *nevelah* or *ṭerefah*, [thereby becoming unclean]."[105]

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[102] ואלמיתה ואלסקימה לא יאכלהמא פיעצוני בהא ("He may not eat a dead or sick animal and thereby anger Me"; Derenbourg ed., 177). Since Saadia does not relate this verse to ritual defilement specifically, he takes the liberty of rendering לטמאה בה ("thereby becoming ritually defiled") figuratively ("and thereby anger Me"). Here Saadia renders *ṭerefah* סקימה (a sick animal), in accordance with the rabbinic halakhic tradition. However, in his *Tafsīr* on Exod 22:30 he renders *ṭerefah* מפתרס (above n. 90); he likewise renders *ṭerefah* פריסה in his *Tafsīr* on Lev 17:15 (Derenbourg ed., 170). On this disparity, see Zucker, *Translation*, 459.

[103] נבלת העוף הטהור אינה מן התורה. Although this statement is presented (in Hebrew) as a quotation from the Rabbis, Kafih here does not cite a reference for it, nor could I find it myself in rabbinic literature. Given that Maimonides later retracted this position, it is conceivable that he cited it here incorrectly from memory.

[104] Introduction to *Ṭohorot*, Kafih ed., VI:21n. See the following discussion and note.

[105] Introduction to *Ṭohorot*, Kafih ed., VI:21. (On the two versions of Maimonides' commentary on *Ṭohorot*, see Kafih's discussion on pp. 5–8 of the introduction to his edition.) The following table presents the two texts synoptically:

Here we see that Maimonides ultimately was compelled to revise his opinion regarding the status of the *nevelah* of a clean bird based on the halakhic evidence. Yet here he still has only an *asmakhta* (*isnād*) as a source-text.[106] However, in his commentary on m.*Ṭohorot* 1:1 (the halakhic source that proves the *de-orayta* status of the defilement caused by the *nevelah* of a clean bird) he writes:

> Know that the [ritual defilement] *nevelah* of a clean bird is not stated clearly (*bi-bayān*) in the text of Torah (*naṣṣ al-Torah*), and we already mentioned this in the introduction. But it is a tradition (*naql*), for which support (*isnād*) was brought from His dictum, may He be exalted, "Any person, whether citizen or stranger, who eats *nevelah* or *ṭerefah* shall wash his clothes, bathe in water and remain unclean until evening" (Lev 17:15). And the tradition (*naql*) has come to us that this verse speaks of the *nevelah* of a clean bird specifically, which is prohibited only because it has died or has been torn up [as opposed to an unclean bird, which would be prohibited in any event]—and this one defiles.[107]

| Text in revised version | Text in original version |
|---|---|
| 1. אן נבלת העוף בין טמא בין טהור | 1. אן נבלת העוף בין טמא בין טהור |
| 2. אין לו טומאה מן התורה **בביאן,** | 2. אין לו טומאה מן התורה. |
| 3. ולד'לך עדדנאה פי הד'ה אלאבות דרבנן. | 3. ובביאן קאלוא נבלת העוף הטהור אינה מן התורה. |
| 4. ואלד'י צח ענדי אנהא אב של תורה ואן כאן לם תג' בביאן. | 4. ואנמא הי מדברי סופרים, |
| 5. ודליל ד'לך כונה חייב עליה כרת על ביאת מקדש. | |
| 6. ואסנד ד'לך לקולה תעלי נבלה וטרפה לא יאכל. | 5. אסנד ד'לך לקולה תעלי נבלה וטרפה לא יאכל. |

The bold text indicates additions. It is evident that Maimonides endeavored to keep the changes in his revised version to a minimum even while reflecting his new opinion. He added a final word to l. 2 (or simply adjusted the first word of l. 3) of his original version. He removed the original ll. 3–4 and replaced them with the new text of ll. 3–5. He then kept the original l. 5 and simply added a *waw* to make it l. 6 of his new version.

[106] Normally he would need more that an *isnād*/*asmakhta* to serve as a source-text for a law that is *de-orayta*. It is conceivable that he wanted to keep his original proof-text in order to minimize the changes to his original version; see previous note.

[107] Comm. on m.*Ṭohorot* 1:1, Kafiḥ ed., VI:476. The rabbinic interpretation to which Maimonides refers is from *Sifra, Aḥarei Mot* 12:7 (Weiss ed., 85a): יכול אף נבלת עוף הטמא תהא מטמא בגדים בבית הבליעה תלמוד לומר אשר תאכל נבלה וטריפה, את שאיסורו משום בל תאכל נבילה, יצא עוף טמא שאין איסורו משום בל תאכל נבילה.

Maimonides consistently acknowledges that the defilement caused by eating the *nevelah* of a clean bird "is not stated clearly in the text of Torah"; i.e., it is not *ẓāhir al-naṣṣ*. Nonetheless, since this law is assumed in the Mishnah to be *de-orayta*, the great codifier posits that it must have a basis in a source-text from the Pentateuch—according to the transmitted interpretation, which, for him, determines the correct meaning of *peshateh di-qera*. In this comment, he abandons the original *isnād* from Lev 22:8 and finds a slightly more relevant source-text that speaks about ritual defilement in a more salient way, i.e., Lev 17:15, which he interprets in light of *Sifra*.[108] He writes similarly in *Mishneh Torah*, using his characteristic Hebrew terminology to indicate the authoritative "transmitted interpretation":

> The *nevelah* of a clean bird causes ritual defilement biblically (*min ha-Torah*). Based on the tradition (*shemuʿah*) they expounded that what is said, "Any person, whether citizen or stranger, who eats *nevelah* or *ṭerefah* shall wash his clothes, bathe in water [and remain unclean until evening]," speaks specifically of the *nevelah* of a clean bird, which is prohibited only because it has died or has been torn up.
> (*Hilkhot Sheʾar Avot ha-Ṭumʾah* 3:1).

In the Code, this law is one among many *de-orayta* laws anchored in *peshateh di-qera* based on the authoritative halakhic interpretive tradition. Yet Maimonides' early version of the Mishnah Commentary reveals that this represents a retraction of his initial inclination to apply his rule of *peshat* primacy to demote this type of ritual defilement to rabbinic status.

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In the vibrant medieval tradition of Jewish biblical interpretation, Maimonides most vigorously incorporated the novel conception of *peshuto shel miqra* into the system of talmudic *halakhah*, as he was uniquely capable of doing, due to his vast talmudic erudition, his understanding of *uṣūl al-fiqh* and his exposure to the Geonic-Andalusian exegetical school. To be sure, some of Maimonides' predecessors—Saadia, Ibn

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[108] See n. 107. By contrast, Nahmanides, in his comm. on Lev 22:8, upholds a version of Saadia's interpretation (except that he specifies that *ṭerefah* means *an animal torn up by beasts*), making that verse a general prohibition of eating *nevelah* or *ṭerefah*, which he labels *derekh peshuto*. Nahmanides then goes on to record the rabbinic halakhic interpretation that this verse refers to the ritual impurity caused by eating the *nevelah* of a clean bird, which he labels *midrasho*. In light of his dual hermeneutic, he would have no trouble regarding the latter as a law *de-orayta*.

Balʿam and Ibn Ezra—had incorporated *halakhah* into their bibli-
cal exegesis; but he alone invoked the rule of *peshat* to reshape the
*halakhah* based on exegetical considerations. The integration he sought
to achieve between the realms of Bible exegesis and legal hermeneutics
was not without substantial challenges, as later talmudists in centers
of Jewish learning from Baghdad to Barcelona would point out, and
as Maimonides' own retractions of some of his more controversial
exegetically-driven halakhic decisions suggest. Yet the great codifier's
very attempt to create an integrated model of *halakhah* and *peshuto
shel miqra* makes his an important voice within the community of
philologically-driven medieval Jewish Bible interpreters.

What remains to consider is how Maimonides actually went about
determining the correct meaning of *peshuto shel miqra* given its essen-
tial linkage to the *halakhah*. A complete analysis of this issue would
require a full-scale examination and tabulation of his halakhic exegesis
that is beyond the scope of the current study, which aims primar-
ily to lay out the fundamental structure of his hermeneutics against
the backdrop of the *peshat* movement. Yet we can achieve a certain
level of understanding of this matter by pondering how his contex-
tual-philological exegetical sensibilities—subsumed within his notion
of *ẓāhir al-naṣṣ* (as outlined in part one of this study)—would have
played a key role here. It is true that the terms *ẓāhir* and *peshat* must
not be conflated blindly, as demonstrated amply in this study. Yet,
once the two notions have been disentangled, we can return to explore
their complex inter-relation within Maimonides' exegetical system and
thereby gain a comprehensive picture of his biblical hermeneutics. It
is to this endeavor that we turn in the next chapter.

PART THREE

COMPREHENSIVE OVERVIEW

## COORDINATING *PESHAT* AND *ẒĀHIR*

The two major parts of this study have illuminated separate aspects of Maimonides' exegesis. Part one explored his exegetical theory and practice associated with the term *ẓāhir*, identifying points of contact with the Geonic-Andalusian tradition and intriguing parallels to the northern French *peshat* school. Part two clarified Maimonides' unique construal of the talmudic *peshat* maxim, from which he infers that only laws stated in Scripture itself have biblical authority, as opposed to those derived using the midrashic *middot*. At this point, a comparative analysis can provide a comprehensive picture of Maimonides as a biblical exegete, in relation to what came to be known as the *peshat* tradition. We will begin by assessing, based on chapters five through eight, how Maimonides went about ascertaining the correct interpretation of *peshateh di-qera*, at which point we will coordinate those findings with the Maimonidean exegetical strategies associated with the term *ẓāhir*, as discussed in chapters one through four.

### 1. *Integrated Legal Hermeneutics*: Peshuto Shel Miqra

Having revealed the complex trajectory of the *peshat* principle by surveying its various medieval interpretations in chapter seven, we can say that there are two ways to measure the value an exegete placed upon *peshat* and his adherence to it—one theoretical, the other practical. On the theoretical plane, each author endows *peshuto shel miqra* with a different status based on his reading of the *peshat* maxim vis-à-vis the tradition of rabbinic halakhic interpretation:

1. Samuel ben Hofni's weak reading: *peshat* as a first assumption, equivalent to *ẓāhir*, to be adjusted based on authoritative rabbinic halakhic readings.
2. Ibn Janah's strong reading (shared by Rashbam): *peshat* is inviolate, but completely separate from *halakhah*. A variation in Nahmanides: *peshat* is inviolate *and legally (i.e., halakhically) authoritative*, but exegetically separate from applications of the thirteen *middot*—which also are used to derive laws of biblical authority.

3. Ibn Ezra's very strong reading: *peshat* is the single correct mean-
   ing of the text, but is not the exclusive source of *halakhah* that has
   biblical (*de-orayta*) status, some of which was transmitted orally.
4. Maimonides' super-strong reading: *peshateh di-qera* alone expresses
   the intent of Scripture, and is the exclusive source of *halakhah* that
   has biblical (*de-orayta*) status. Laws derived through the midrashic
   *middot* are therefore of rabbinic authority only.

In theory, the stronger the reading of the *peshat* maxim, the more
importance one grants to *peshateh di-qera*. But on a practical level,
once we go beyond Ibn Janah's strong reading, further "strengthening"
of the status of *peshat* requires a widening of its parameters beyond
philological-contextual analysis to include rabbinic halakhic traditions.
This observation, as mentioned above (in chapter seven), was made by
U. Simon with respect to Ibn Ezra by comparison with Rashbam. But
even Ibn Ezra's very strong reading leaves room to limit the halakhic
implications of his *peshat* analysis. Not so Maimonides' super-strong
reading in Principle #2, which effectively makes every exegetical ques-
tion in the legal sections of the Pentateuch into a halakhic one. As a
result, he is often required to classify tenuous rabbinic readings as valid
construals of *peshateh di-qera*, readings that Ibn Ezra or Nahmanides
(and certainly Rashbam) could classify as *derash*. Because of his belief
in the singularity of scriptural signification, Maimonides' stance
precludes the possibility of embracing an alternative philological-
contextual reading of *peshateh di-qera*.

   Maimonides' heavy reliance on rabbinic interpretation reinforces his
portrait as a talmudic reader of Scripture. Yet he departs fundamen-
tally from the Talmud by creating a delineated hermeneutical system
that isolates a core of laws anchored in the biblical text itself (*peshateh
di-qera*), as opposed to those subsequently inferred from or artificially
attached to it. Here he borrows a distinction made in *uṣūl al-fiqh*
between *dalālat al-naṣṣ*, i.e., what the sacred text itself indicates, and
further inferences by way of *qiyās*. The distinction he makes is between
interpretations known to be correct with certainty—i.e., those transmit-
ted from Sinai—as opposed to those that are necessarily subjective—
i.e., the applications of the *middot*. For Maimonides, the *peshat* prin-
ciple teaches that only the former have biblical authority because they
are known through a tradition (*naql*) that can be traced directly to
the word of God Himself. By contrast, laws derived subsequently
through human legal reasoning (ʿ*aql*) are of rabbinic authority only.
Accordingly, he imposes his own three-fold classification (delineated

in chapter five)—(a) "transmitted interpretations," (b) applications of the *middot*, and (c) mere *derash*—onto the largely undifferentiated mass of biblical readings in the "sea of the Talmud."

Although the raw material of Maimonides' halakhic exegesis is drawn from rabbinic exegesis, he re-shapes the rabbinic corpus according to new hermeneutical principles that reflect, among other things, the emerging value of *peshuto shel miqra* within the Geonic-Andalusian exegetical school.[1] As demonstrated in chapters six and eight above, he endeavors to limit category (a) to readings that adhere as closely as possible to the principles of philological-contextual analysis, which shapes how he conceived *dalālat al-naṣṣ* for halakhic purposes. As discussed in chapters two and three, however, Maimonides acknowledges that category (a) does at times diverge from *ẓāhir al-naṣṣ*, which is therefore not authoritative halakhically. But by his very effort to clarify the *ẓāhir* in such cases, he manifests his ability to analyze Scripture independently of rabbinic exegesis, in the spirit of his Geonic-Andalusian exegetical predecessors.

What makes Maimonides exceptional within the Geonic-Andalusian school is his endeavor to apply exegetical sensibilities to reshape the system of *halakhah*. Admittedly, he often abandons *ẓāhir al-naṣṣ* in favor of a rabbinic halakhic reading (following Saadia's axiom); but in a number of striking cases, he invokes Principle #2 of the *Book of the Commandments*—based on the rule of *peshat*—to argue instead that Scripture itself (*peshateh di-qera*) must be understood in its contextual-philological sense, whereas the rabbinic "reading" is merely a legal inference or *derash*. This move often renders the associated laws rabbinic rather than biblical, an implication that does not follow for adherents of the dual hermeneutic, who separated the realms of *halakhah* and *peshat*, or even for Ibn Ezra, who avoided drawing halakhic conclusions from his "way of *peshat*" by stipulating that some laws were transmitted orally. Maimonides is thus unique in using the notion of *peshateh di-qera* to forge an integrated legal hermeneutics.

In chapter six we analyzed all of the cases in which the term *peshateh di-qera* and its equivalent *gufeh di-qera* appear in the *Book of the Commandments* in order to determine the precise meaning of these terms,

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[1] This resembles a point made in chapter four (at n. 157) about Maimonides' reading of Job: although he states that he interpreted this biblical book based on the "words of the Sages" (כלאם אלחכמים), and rabbinic interpretation is indeed the only source he cites explicitly, the reality is that he uses his source material critically, reviving, for example, the rejected talmudic view that Job is merely a *mashal*. Furthermore, his strategy of philosophical interpretation follows a model pioneered by Saadia and embraced by Ibn Ezra that is quite foreign to the older rabbinic understanding of Job.

as well as the "rule of *peshat*," in the Maimonidean system. Based on that philological study, we concluded that he uses the principle of *peshat* primacy to assert that every one of the 613 biblical commandments (allowing for only "three or four" exceptions [specified above, chapter six, sec. 5]) must be anchored in "the *peshat* of Scripture," i.e., the Pentateuch itself, as interpreted by the "transmitted interpretation" from Sinai. From this we can infer further that every exegetical remark in the *Book of the Commandments* (or *Mishneh Torah* for that matter) brought to support one of the 613 biblical laws (with only "three or four" exceptions) is considered by Maimonides to be the original construal of *peshateh di-qera*, and is not mere *derash* or an inference through the *middot*. In chapter eight we drew upon that conclusion to widen the parameters of our study to encompass halakhic readings not explicitly labeled with the term *peshateh di-qera*, but simply codified as biblical and attached to a scriptural prooftext. That enabled us to begin to clarify the criteria by which Maimonides determined how "the *peshat* of Scripture" is to be interpreted and how he balanced scripturalism and talmudic *halakhah* in comparison with other *pashtanim*.

At this point, we can consolidate our findings in chapters five through eight to reconstruct the procedure that Maimonides followed (at least in theory) in balancing exegetical and legal considerations when mapping out the *Book of Commandments*.

- His first source would have been Scripture itself, according to the rule stated in Principle #1, namely that the 613 laws are based exclusively on *nuṣūṣ Torah*. Presumably, his initial preference would have been to read these texts in their philological-contextual sense, i.e., according to *ẓāhir al-naṣṣ*.[2] This procedure is reflected where he specifically remarks that a given law is "stated explicitly" (*manṣūṣ*), is based on "a clearly manifest text" (*naṣṣ jalī bi-bayān*), or is "explicit in the Torah" (*meforash ba-Torah*).[3]
- Maimonides would then have consulted the Talmud and Midrash and their legal derivations to correlate rabbinic exegesis with what is "stated explicitly" in Scripture—according to *ẓāhir al-naṣṣ*.[4]

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[2] Maimonides' ability to read Scripture philologically and contextually (i.e., according to its *ẓāhir*) is amply illustrated in chapters two, three and four of this study. See also Twersky, *Code*, 57, who discusses Maimonides' use of Scripture as an independent source of law in *Mishneh Torah*.

[3] On these locutions in Maimonides' writings, see chapter five, sec. 4 above.

[4] Where there is a debate within the rabbinic sources, this preference at times manifests itself in Maimonides' choice to follow the view that conforms to *ẓāhir al-naṣṣ* to the exclusion of others that do not. See, e.g., *Hilkhot Melakhim* 7:15, where he rules

Now Maimonides would have pondered the following series of questions:

**Question A:** Does the rabbinic halakhic exegesis match *ẓāhir al-naṣṣ*? An answer of "Yes" yields what we can call **Outcome 1**—which Maimonides no doubt regarded as optimal—and the unification of *halakhah* and Scripture is a simple matter: *ẓāhir al-naṣṣ*, in fact, dictates what *peshateh di-qera* "indicates" for halakhic purposes, and the talmudic derivation can be deemed genuine exegesis. But where the answer to Question A is "No" and a disparity occurs between the talmudic derivation and *ẓāhir al-naṣṣ*, Maimonides had to consider a number of other options, based on further questions.

**Question B:** Can a clearer biblical source-text ("Verse Y") be found for the law that the Rabbis seemingly derived from Verse X—in which the rabbinic derivation does not match *ẓāhir al-naṣṣ*?
If the answer is "Yes"—**Outcome 2**—then Maimonides can claim that Verse Y is the true source of the law, and that the Rabbis merely attached it to Verse X secondarily. In that case, he retains the authority of *ẓāhir al-naṣṣ* as the correct construal of *peshateh di-qera* with respect to Verse X, and can still regard the law attached to it in the Talmud as biblical, since it is based on *peshateh di-qera* in Verse Y.[5] But if the answer is "No"—meaning that a clearer source-text cannot be found—then Maimonides would ask a final question:

**Question C:** Can the law be regarded as rabbinic, even though it is "attached" to a biblical text in rabbinic literature?

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that Deut 20:8 is to be taken *ke-mashmaʿo* (which corresponds to *ẓāhir* in his lexicon), following the opinion of Rabbi Akiva against R. Jose in b.*Soṭah* 44a. A striking counter-example reveals that Maimonides is prepared to abandon *ẓāhir al-naṣṣ* where the rabbinic halakhic sources are less flexible: in *Hilkhot Genevah* 9:7–8 Maimonides rules in opposition to the literal sense of Exod 22:1, following the halakhic interpretation of this verse in b.*Sanhedrin* 72a. While Maimonides admittedly is faithful to the rabbinic halakhic sources in this respect (as noted by *Kesef Mishneh* on *Genevah* 9:7), others in the post-talmudic tradition certainly considered other options. Rabad in his critique of *Genevah* 9:8, for example, argues that the verse "must not be removed from the realm of its *peshat*," by which he means that the literal sense is relevant for halakhic purposes and can co-exist with the talmudic tradition. Even within Maimonides' own tradition there was ample precedent for a literal reading, which Saadia adopts in his *Tafsīr* and commentary on this verse, an approach followed by Maimonides' son Abraham; see Zucker, *Translation*, 342–343.

[5] Maimonides employs this strategy, e.g., with respect to the obligatory acts of kindness derived by the Sages from Exod 18:20 (a derivation he evidently deemed an *asmakhta*), which he subsumes under the law "stated explicitly" (*manṣūṣ…bi-bayān*) in Lev 19:18; see chapter six, at n. 59 above.

If the answer is "Yes"—**Outcome 3**—then Maimonides maintains that *ẓāhir al-naṣṣ* is the single correct construal of Scripture itself (*peshateh di-qera/gufeh di-qera*) and regards the rabbinic halakhic exegesis as inference or *derash*, thereby rendering the law "derived" thereby to be merely of rabbinic authority. This, in fact, follows the rule stated in Principle #2 and reiterated in Responsum #355 that a law that is not "explicit in the Torah" (*meforash ba-Torah*) must be considered to be of rabbinic authority only, "since there is no text (*naṣṣ*) indicating (*yadullu*) it."[6]

But where the answer is "No," i.e., the talmudic evidence indicates that the law in question has biblical authority, the option of labeling rabbinic exegesis as *derash* was closed to Maimonides.[7] In that case—**Outcome 4**—he was forced to assume that the legal exegesis of the Rabbis is, in fact, the authoritative construal of *peshateh di-qera*, i.e., a transmitted interpretation (*tafsīr marwī*) from Sinai. The latter therefore overrides *ẓāhir al-naṣṣ* and must be regarded as the single correct and authoritative sense of the biblical text. This occurs quite frequently in Maimonides' halakhic works and admittedly would seem to distance the great codifier from other *pashtanim*. Yet in this respect he follows the clear precedent of the philologically-oriented exegete Ibn Balʿam,[8] and even of Ibn Ezra.[9] Moreover, Maimonides also endeavors to show how the transmitted interpretation can be deemed a reasonable reading of the text.[10]

It is important to emphasize that even in this last case (i.e., Outcome 4), Maimonides' rule of *peshat* primacy remains in effect, since the rabbinic interpretation dictates the correct construal of *peshateh di-qera*, which explains why he seeks to justify it exegetically.[11]

The Maimonidean thought-process described above is illustrated in the following flowchart, which begins with the two fundamental sources of *halakhah*—Scripture and the Talmud—followed by the three key questions and four possible outcomes we have delineated:

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[6] This outcome is illustrated by the examples in chapter eight, sections 2, 3 above.

[7] Conversely, if the talmudic sources indicated that the law is rabbinic, then Maimonides would be forced to regard *ẓāhir al-naṣṣ* as being an incorrect interpretation. See, e.g., chapter eight, sec. 2.3 above.

[8] This parallel tendency in Ibn Balʿam and Maimonides was noted in chapter eight, sec. 1, with respect to Deut 12:4 and 25:6.

[9] See chapter seven, sec. 5 above.

[10] See chapter eight, sec. 1.1, 1.2 above.

[11] In this respect, I take issue with Ettinger, who views such cases as the exception to the Maimonidean rule of *peshat*; see chapter six above, sec. 3.

| Outcome | Source of the law (*halakhah*) | Status of its talmudic derivation | Status of *ẓāhir al-naṣṣ* |
|---|---|---|---|
| **1** | *Peshateh di-qera* | *Peshateh di-qera* | |
| **2** | *Peshateh di-qera* — **alternate** source text | Application of the *middot*; *asmakhta* | *Peshateh di-qera* |
| **3** | Rabbinic inference, legislation | Application of the *middot*; *asmakhta* | *Peshateh di-qera* |
| **4** | *Tatsīr marwī* determines what *peshateh di-qera* "indicates" (*yadullu*) | | **Not** what *peshateh di-qera* "indicates" |

Scripture (according to its *ẓāhir*)

Derivation of the law in the Talmud

**Q A:** Do they agree? — Yes → 1; No →

**Q B:** Is there another source text? — Yes → 2; No →

**Q C:** Is the law Rabbinic? — Yes → 3; No → 4

This flowchart illustrates the extent to which Maimonides' legal herme-
neutical system aims to bring the halakhically authoritative reading of
*peshateh di-qera* in line with *ẓāhir al-naṣṣ*.[12] As this chart highlights,
the first three of the four possible outcomes result in the agreement
of *peshateh di-qera* and *ẓāhir al-naṣṣ* (or, strictly speaking, the con-
strual of *peshateh di-qera* according to *ẓāhir al-naṣṣ* rather than the
non-contextual, non-philological rabbinic reading). Admittedly, the
fourth category is the largest numerically within Maimonides' halakhic
exegesis; but the theoretical scheme itself represents a bold and unique
endeavor to integrate *halakhah* and exegetical propriety in the spirit of
the Geonic-Andalusian school.

In light of its exegetical orientation, this study has explored Mai-
monides' halakhic interpretation of Scripture primarily against the
backdrop of the *peshat* school. Yet the great talmudist-philosopher
also blazed a new trail within the halakhic tradition by virtue of his
*peshat* model. Guided by Principles #1 and #2 of his *Book of the
Commandments*, his monumental Code, *Mishneh Torah*, creates a
unique integration of *halakhah* and exegesis. As such, these two works
represent substantial departures from existing genres of halakhic lit-
erature, both in substance and style, among which is a new focus on
Scripture within a clearly delineated legal hermeneutics.

Earlier Rabbanite works enumerating the 613 commandments fell
into two basic categories: simple lists of the commandments, and more
elaborate works that included explanations of their details based on
Scripture and rabbinic literature.[13] As discussed in chapter six above,
Maimonides directs his sharpest critique at the listing in the introduc-
tion to the *Halakhot Gedolot*, which belongs in the first category. This
handy list became quite influential and inspired numerous poetic rendi-
tions known as *azharot*, a genre popular in al-Andalus in Maimonides'
time. The authors of these *azharot*, as the great talmudist-philosopher

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[12] In other words, Maimonides regarded *ẓāhir al-naṣṣ* as a key component in
determining the correct meaning of *peshateh di-qera*, and he did not ignore the close
relation between the two concepts, notwithstanding the distinction he made between
them in the *Book of the Commandments*. In fact, in his Hebrew writings, as discussed
in Appendix B, he at times does use the term *peshat* in the sense of Arabic *ẓāhir*,
which further indicates the link between the two concepts in his view.

[13] Karaite halakhic works often took the latter form, i.e., enumeration of the com-
mandments with elaboration based on Scripture and further inferences (though not
following rabbinic authority, of course), a tradition that can be traced to the *Book
of the Commandments* (*Sefer ha-Miṣwot*) composed by Anan ben David, the eighth-
century author often regarded by later Karaites as their spiritual founder (though
modern scholars dispute this assessment based on earlier Karaite writings). See Gil,
"Origins," 77–82; Astren, *Karaite Judaism*, 213–214.

notes condescendingly, were poets rather than jurists and therefore can be excused for following the poorly conceived enumeration in the *Halakhot Gedolot*. Talmudic expertise was not required to compose *azharot*, which included no halakhic analysis beyond giving titles to the commandments.[14] Maimonides' *Book of the Commandments*, by contrast, is of the second type, as it systematically offers details about the sources of each commandment. While less numerous, there were precedents for this sort of work as well within the halakhic tradition, among which Maimonides prominently mentions the *Book of the Commandments* by Ḥefeṣ ben Yaṣliaḥ. Related works of this sort were penned by Saadia and Samuel ben Hofni, and a more rudimentary precedent can be found in the *She'iltot* of the eighth-century geonic author Aḥa of Sabḥa.[15]

Some earlier analytic enumerators did endeavor to classify the 613 commandments systematically. Most notably, as Maimonides acknowledges, Ḥefeṣ ben Yaṣliaḥ criticized the haphazard enumeration in the *Halakhot Gedolot* and insisted on distinguishing between the "roots" (*uṣūl*) and "branches" (*furūʿ*) of the *halakhah*. There is also some indication that Ḥefeṣ wished to organize his enumeration (which has survived only in fragmentary form) according to the appearance of the commandments in the Pentateuch, and provide biblical source-texts for them where available.[16] This raises the following question: Given the fact that rabbinic literature is his primary exegetical source, and even his rule of *peshat* is drawn from the Talmud, would it not be more fitting to regard Maimonides as a sort of "organized talmudist" in the mold of other halakhic scholars who enumerated the commandments, rather than linking him to the Andalusian *peshat* school of his day?

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[14] Indeed, it was often noted that the *azharot* reflect a poor understanding of talmudic *halakhah*; see Reiner, *Halakhah*, 317, n. 22. Compare the polemical characterization of the "authors of the *azharot*" by Ibn Ezra in *Yesod Mora*, 2:3–15, Cohen and Simon ed., 94–112.

[15] On the works by Saadia and Samuel ben Hofni, see Sklare, *Samuel ben Hofni*, 167–189. Samuel ben Hofni's *Kitāb fī 'l-Sharāʾiʿ* (*Treatise on the Commandments*) deals with theoretical issues such as the sources of the Law and the classification of the commandments, but it does not include an enumeration of the commandments per se. The *She'iltot*, which is arranged according to the order of the Pentateuch (divided according to the weekly Sabbath Torah readings), is a much less systematic work, and includes discussions of only about 190 commandments. Written in Aramaic rather than Arabic, it is essentially a digest of talmudic discussions of selected commandments, each linked to particular biblical verses. See Brody, *Geonim*, 202–213.

[16] See Halper, *Precepts*, 57–58; Twersky, *Code*, 247.

On the one hand, there is something to be said for such a characterization, since Maimonides' interests were primarily halakhic, and the only post-talmudic authorities he mentions in the *Book of the Commandments* are *Halakhot Gedolot* and Ḥefeṣ ben Yaṣliaḥ. Yet the great codifier manifests a sharp departure from those halakhic predecessors by introducing an exegetical criterion into the halakhic system. He sets an entirely new course by limiting his enumeration to commandments specified in the "texts of the Torah" (*nuṣūṣ Torah*; as stipulated in Principle #1), a standard he enforces by identifying a source in *peshateh di-qera* for each of his 613 entries (with only "three or four" exceptions), to the exclusion of other matters derived by way of "commentary and inference" (as stipulated in Principle #2).[17] Although rabbinic literature provides his raw material, Maimonides selects only those rabbinic commentaries that illuminate *peshateh di-qera*—as he defined it.

The venture to distinguish systematically between "roots" (*uṣūl*) and "branches" (*furūʿ*) advanced by Ḥefeṣ ben Yaṣliaḥ in legal terms was recast by Maimonides alone in hermeneutical terms, with the former being based on *peshateh di-qera*, the latter on the *middot*. Imposing this hierarchy within a tradition that had heretofore been largely talmudic in orientation, Maimonides' *Book of the Commandments* yields a halakhic "commentary" on the Pentateuch shaped by *peshateh di-qera*. By contrast, the earlier works of this sort were composed in the spirit of geonic learning and used rabbinic halakhic commentary with far less discrimination. Maimonides' innovation might thus be compared with Rashi's endeavor to create a new commentarial genre by insisting on criteria—linked to his notion of *peshuto shel miqra*—by which to select midrashic interpretations, an endeavor that was a departure from the genre of un-self-conscious midrashic compilations prevalent among Jewish authors in Christian lands in his time.[18] Much

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[17] Ibn Ezra's *Yesod Mora* is less exegetically rigorous, as it, allows for commandments that have no Scriptural basis, as discussed in chapter seven, sec. 5 above. Ḥefeṣ ben Yaṣliaḥ likewise included rabbinic commandments such as the Hanukkah lights in his enumeration; see Zucker, "Studies," 99.

[18] See Kamin, *Categorization*, 264. Contrasting Rashi with earlier (and later) midrashic compilations, Kamin remarks that Rashi's goal was "the creation of a running commentary on Scripture [by selecting] from among different and even contradictory interpretations that were before him [in rabbinic literature], which were directed at one or another aspect of Scripture, mostly without any awareness of its context.... His commentary is not simply a collection of *midrashim*. His craft is the craft of selection and reworking, guided by the problems in Scripture, its language, its structure and its context"—i.e., the chief components of *peshuto shel miqra* according to Kamin's definition (op. cit., 14; compare Cohen, "Reflections," 17).

as Rashi is regarded as a seminal figure in the northern French *peshat* school, Maimonides' forceful application of the rule of *peshat* in his halakhic hermeneutics can be said to place him squarely within the constellation of the Geonic-Andalusian *peshat* tradition.

While Maimonides' *Book of the Commandments* represents an innovation within an established genre of halakhic literature, *Mishneh Torah* breaks entirely new ground by recasting the complete system of talmudic law within an original literary framework. Rather than following the arrangement of the Talmud, as Isaac Alfasi had done a century earlier in his monumental and influential digest known simply as "the *Halakhot*" (which covers only the aspects of *halakhah* relevant in the Diaspora at his time), Maimonides devised a completely new system of legal classification and arrangement that encompasses the entire range of talmudic law within its fourteen books. Each book comprises sections on specific halakhic topics (e.g., Laws of the Sabbath, Laws of Prohibited Foods, Laws of Sacrifices, Laws of Testimony, etc.) that are sub-divided, in turn, into individual chapters.[19] At the core of his system of classification stands his enumeration of the 613 biblical commandments, a brief list of which is included in his preface to *Mishneh Torah*.[20] Furthermore, each section of the work begins with a short list of the biblical commandments covered within it, an arrangement that supports Maimonides' tendency to address the biblical prooftexts of each set and sub-set of laws prominently as part of his halakhic exposition.[21]

The *Book of the Commandments* thus provided the exegetical scaffold necessary for Maimonides to erect the scriptural edifice that characterizes *Mishneh Torah*. Indeed, in his introduction, he presents the Code as a sort of halakhic companion-commentary to the Pentateuch:

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[19]  See Twersky, *Code*, 238–320.

[20]  In fact, Maimonides avers that he would have dispensed with the *Book of the Commandments* and simply provided this list by itself, if not for the fact that most people, who were familiar with the enumeration of the *Halakhot Gedolot* popularized in the *azharot*, would have then thought that he simply miscounted the 613 commandments. See *Book of the Commandments*, introduction, Kafih ed., 4–7.

[21]  As it turns out, then, Maimonides enumerates the 613 commandments three times: once in the *Book of the Commandments*, and twice in *Mishneh Torah* (in the introduction and distributed among the various sections of the Code). On the slight disparities among the three listings (some of which may indicate issues on which Maimonides changed his mind), see Feintuch, *Piqqudei Yesharim*, iii–iv.

> I have entitled this work *Mishneh Torah* (lit. Repetition of the Torah) for the reason that a person who first reads the Written Law and then this compilation, will know from it the whole of the Oral Law, without having the occasion to consult any other book between them.[22]

Maimonides envisions *Mishneh Torah* being read in conjunction with the "Written Law," i.e., the Pentateuch, as it provides a summation of the "Oral Law," a term he uses here in an expanded sense to include both the "transmitted interpretation" and further inferences through the *middot*, as well as other rabbinic enactments.[23] This might be taken to imply—as his critics maintained—that the great codifier intended for his Code to actually replace the Talmud.[24] Be that as it may, he emphasizes the need to continually consult the "Written Law," since it serves as the basis for his presentation of the *halakhah*.

While a full analysis of the ways in which Maimonides' exegetical sensitivities shape the halakhic contours of the Code is beyond the scope of the current study, we can illustrate this tendency here briefly in his exposition of the Laws of the Sabbath (*Hilkhot Shabbat*), which begins, in typical fashion, with a list of the relevant biblical commandments:

> The laws of Sabbath. They include five commandments, two positive and three negative. And this is their enumeration: (1) To rest on the seventh [day]; (2) Not to do work on it [i.e., that day]; (3) Not to administer judicial punishment on the Sabbath; (4) Not to exit the boundaries [of the city] on the Sabbath; (5) To sanctify the Sabbath verbally.

This enumeration, in and of itself, invites a logical, thematic organization of the Sabbath laws, from general to particular, within their scriptural framework. Accordingly, he opens his discussion with the most fundamental biblical requirements of the Sabbath:

> Abstention from work on the seventh [day] is a positive commandment, as it is said: "but on the seventh day you shall rest" (Exod 23:12). Therefore, whoever does work on the seventh day violates a positive commandment, and transgresses a negative one, for Scripture says, "You shall not do any work" (Exod 20:10). (*Hilkhot Shabbat* 1:1)

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[22] Trans. from Twersky, *Code*, 30.

[23] By contrast, the term "Oral Law" is otherwise used by Maimonides in a restricted sense, i.e., to denote the original interpretation given at Sinai, but not the later extrapolations through the thirteen *middot* (see above, chapter five, sec. 4). One must rely on the context to determine which sense of the term Maimonides has in mind.

[24] See Twersky, *Code*, 30–37.

After presenting the positive commandment to desist from perform-
ing labor and the negative commandment forbidding labor, Maimo-
nides specifies in the ensuing twenty chapters the definitions of such
Sabbath "labor" for halakhic purposes, as clarified in the Talmud. All
of these details carry biblical authority, and—in the great codifier's
model—amount to a "commentary" on Exod 23:12 and 20:10, which
fundamentally mirrors what he considered to be the interpretation of
these verses given initially at Sinai and transmitted through the gen-
erations of Sages.[25]

   After completing his discussion of the biblical laws relating to labor
on the Sabbath, Maimonides moves on to describe how these were
augmented by the Rabbis:

> It says in the Torah: "[…but on the seventh day] you shall rest" (Exod
> 23:12). [This implies] that one is obligated to refrain even from [doing]
> things that are not actual labor. And many such things were prohibited
> by the Sages under the category of *shevut* [lit., rest; i.e., prohibitions
> intended to preserve the spirit of the Sabbath rest]. Some of them are
> things that resemble types of labor, and others are forbidden as a preven-
> tive measure, lest a person come to [violate] a prohibition that incurs the
> penalty of stoning.
> (*Hilkhot Shabbat* 21:1)

After enumerating those prohibitions, Maimonides turns to another
class of activities prohibited on the Sabbath:

> Some things are forbidden on the Sabbath even though they neither
> resemble labor, nor lead to labor. And why were they forbidden? Because
> it is said, "If you turn back your foot [on account] of the Sabbath, from
> pursuing your affairs on My holy day," and it says: "And if you honor it
> and not go your ways, nor look to your affairs, nor speak words, [then
> you can seek the favor of the Lord and I will set you astride the heights
> of the earth]" (Isa 58:13–14). Therefore it is prohibited for a person to
> go anywhere on the Sabbath in connection with his business affairs, or
> even to talk about them, for example to discuss with his partner what
> to sell on the next day, or what to buy, or how to build a certain house,
> or where to take what merchandise. All this and similar things are for-
> bidden, because Scripture says "nor speak about them"; [i.e.,] speech is
> forbidden, though thinking [of business] is permitted.
> (*Hilkhot Shabbat* 24:1)

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[25] As he explains in his introduction to the Mishnah; see above, chapter five,
sec. 4.1.

Among this latter category, Maimonides includes the Sabbath prohi-
bition of *muqṣeh* (lit. cut off; i.e., items not to be handled) discussed
prominently in the Talmud:

> The Sages prohibited the moving of certain things on the Sabbath the
> same way they are moved on weekdays. Why did they enact such a pro-
> hibition? They said to themselves: the prophets have warned and com-
> manded us not to walk on the Sabbath in the way we walk on weekdays,
> nor to converse on the Sabbath in the way we converse on weekdays—as
> it is said "nor speak words" (Isa 58:13). Obviously, then, one should
> refrain from moving things on the Sabbath the way they are moved on
> weekdays, in order that one should not regard the Sabbath as if it were
> a weekday, and so be led to lift and rearrange things from one place to
> another or from one room to another, or to put stones out of the way,
> or do similar things. For since one is at leisure and at home, he would
> seek something to do, and it would turn out that he did not rest at all,
> and would nullify the reason for the Sabbath given in the Torah, namely,
> "so that [your male and female slave] shall rest [as you do]" (Deut 5:14).
> Furthermore, when one inspects and moves utensils used for labor, he
> might inadvertently handle them a little and thus be led to do labor. And
> also because some people have no trade or craft, but spend their whole
> life in idleness, such as loafers and loungers at street corners who refrain
> from doing work all their lives. If it were permissible to walk and talk
> and handle [articles on the Sabbath] in the ordinary weekday manner,
> it would turn out that [such people] would not be recognizably resting
> on the Sabbath. Therefore, abstention from these things is the one form
> of rest applicable to all people equally. It is for these reasons that [the
> Sages] enacted the prohibition of moving articles about and forbade one
> to move on the Sabbath any article not actually required.
> (*Hilkhot Shabbat* 24:12–13)

These passages illustrate Maimonides' conceptions of *istidlāl* (infer-
ence) and *qiyās fiqhī* (legal syllogism) at work, i.e., how the Rabbis
inferred new laws from their independent analysis of Scripture. For
the various classes of rabbinic Sabbath prohibitions,[26] Maimonides
identifies biblical sources—two from the Pentateuch (Exod 23:12 and
Deut 5:14) and one from Isaiah. Notwithstanding these biblical foun-
dations, these laws do not have *de-orayta* status because they are not
specifically stated in the Pentateuch (i.e., *peshateh di-qera*). The verse
from Isaiah, naturally, does not fall under the category of *naṣṣ Torah*.[27]
As for the prooftexts from the Pentateuch, Maimonides clarifies a line

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[26] The classification of these laws as rabbinic is not Maimonides' innovation, as
it can be inferred from their presentation and treatment in the Talmud itself; see
b.*Shabbat* 113a–b, 150a and *Tosafot* ad loc., s.v. ודיבור.

[27] For Ibn Ezra, on the other hand, a non-Pentateuchal source would not preclude
classifying the law as biblical (as discussed above in chapter seven, sec. 5). Within the

of reasoning that would count as inference (*istidlāl*; as opposed to an original interpretation), which produces laws that are merely rabbinic, according to Principle #2.[28]

The organizational principle of Maimonides' *Hilkhot Shabbat* seems so logical that its innovative nature might be overlooked. Indeed, it seems only natural to begin the laws of Sabbath with their fundamental biblical sources and to present further rabbinic legislation separately. Yet such an organization was, in fact, unprecedented in halakhic literature. Tractate *Shabbat* in the Talmud is structured in a very different way, which Alfasi (in typical fashion) adopts in his *Halakhot*. As the thirteenth-century talmudist Menaḥem ha-Meiri remarks:

> Prior to it [i.e., *Mishneh Torah*], there was no work like it among the works of the Geonim and Masters that arranges all of the matters of talmudic wisdom, each matter in its rightful place, in a completely proper arrangement…for the characteristic of this work and its marvelous arrangement…is to move matters from their incidental placement [in the Talmud] and to restore them to their most logical [lit. natural] place.[29]

Part and parcel of this "natural"—but at the same time novel—arrangement was the distinction between *halakhot* anchored in the text of Scripture and those legislated by the Rabbis.[30]

To be sure, there are exceptions to this organizational principle, in which Maimonides' presentation was evidently guided by other legal-logical considerations. Hence, in chapter 24, in the midst of discussing actions prohibited rabbinically on the Sabbath even though they are not, strictly speaking, defined as labor, Maimonides enumerates one that is biblical by his reckoning:

> Judicial punishment may not be meted out on the Sabbath, for even though administering punishments is a positive commandment, it does not override the Sabbath. Thus, if a person has been sentenced in court to receive lashes or be put to death, they do not lash or kill him on the Sabbath. For it is said: "You shall kindle no fire throughout your settlements on the Sabbath day" (Exod 35:3). This prohibition is directed

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Maimonidean system, however, only verses of the Pentateuch—but not other parts of Scripture—have *de-orayta* status.

[28] Compare with Nahmanides' comm. on Lev 23:24, which may have been inspired by Maimonides' presentation.

[29] Menaḥem ha-Meiri, *Beit ha-Beḥirah, Berakhot*, introduction, 25–26.

[30] In a detailed analysis of *Hilkhot Shabbat*, H. Soloveitchik demonstrates that the Maimonidean endeavor to highlight this legal-exegetical distinction at times causes the great codifier to adopt an otherwise less than logical halakhic arrangement. He argues, further, that Maimonides was motivated in this case by a desire to counter challenges posed by the Karaite model of *halakhah*. See Soloveitchik, "Art," 327–332, 338–340.

to the court—that they should not carry out the penalty of death by burning on the Sabbath, and the same applies to all other penalties. (*Hilkhot Shabbat* 24:7)

This reading of Exod 35:3, taken from rabbinic sources, does not accord with the philological-contextual sense of this verse; yet Maimonides took it as a "transmitted interpretation"—probably because he regarded this prohibition as a biblical one, which therefore must be based on *peshateh di-qera* by definition.[31]

A similar observation can be made with respect to Maimonides' analysis of the next two Sabbath commandments recorded in the later chapters of *Hilkhot Shabbat*, which deal with laws falling completely out of the parameters of labor:

> One who exits the boundary (*teḥum*) of the city on Sabbath is flogged, as it is said: "Let no one leave his place on the seventh day" (Exod 16:29). That "place" is the boundary of the city. (*Hilkhot Shabbat* 27:1)

> It is a biblical positive commandment to sanctify the Sabbath day verbally, as it is said, "Remember the Sabbath Day to sanctify it" (Exod 20:8), that is to say, pronounce it praised and sacred. (*Hilkhot Shabbat* 29:1)

In both of these cases (as discussed above in chapters eight [sec. 1.1] and seven [sec. 6], respectively), Maimonides accepts the acontextual rabbinic halakhic readings as "transmitted interpretations," evidently because he took the associated laws to be of biblical force.

As illustrated by the example from *Hilkhot Shabbat*, Scripture stands at the center of the halakhic universe in *Mishneh Torah*. Each section of the Code typically begins by establishing the foundation of the *halakhah* in the biblical text, which Maimonides terms *peshateh di-qera* in the *Book of the Commandments*. Furthermore, the Maimonidean legal system in *Mishneh Torah* prominently features a clear demarcation between biblical law anchored in *peshateh di-qera* and further laws derived through rabbinic inferences from Scripture, as well as other types of rabbinic legislation. To provide a basis for this innovative halakhic model from within the traditional sources, Maimonides turned to the talmudic rule of *peshat*, which he construed in a novel and unique way.

In fact, Maimonides applies his rule of *peshat* primacy only in the realm of *halakhah*, where its purpose is to differentiate between the

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[31] See *Book of the Commandments*, Negative Commandment #322, where Maimonides cites the rabbinic sources for his interpretation.

text itself according to the transmitted interpretation (*tafsīr marwī*) and further expansions through legal inference (*qiyās, istidlāl*), a distinction significant for determining whether a given law is of biblical (*de-orayta*) or rabbinic (*de-rabbanan*) force. It is thus unclear how—or even if—this principle could theoretically be related to non-halakhic contexts, where Maimonides applies neither the notions of "transmitted interpretation" nor *qiyās*, and the differentiation between *de-orayta* and *de-rabbanan* is irrelevant. To be sure, outside of the realm of *halakhah* Maimonides at times differentiates among rabbinic commentaries—regarding some as mere *derash*, i.e., artificial impositions onto the text,[32] and others as genuine traditions and interpretations.[33] Yet he does not invoke the term *peshat* to embrace the latter or marginalize the former, as Ibn Ezra, for example, did regularly. In other words, for Maimonides, *peshuto shel miqra/peshateh di-qera* is primarily a legal hermeneutical classification, not a purely exegetical one. In non-legal contexts, Maimonides relied upon other terms from his Geonic-Andalusian exegetical heritage to create his hermeneutical system, as we shall discuss currently.

## 2. *Independent Exegesis*: Ẓāhir al-Naṣṣ

Unlike *peshuto shel miqra*, the notion of *ẓāhir al-naṣṣ* is employed by Maimonides in all realms of his biblical interpretation—both halakhic and non-halakhic. The two interpretive terms differ in another important way, as well, within the Maimonidean system: inasmuch as *peshateh di-qera* carries legal authority, he was not completely free in establishing its parameters, which had to conform to the system of Jewish law presented in the Talmud. Often, the best he could do was to endorse halakhic readings most compatible with (or least objectionable to) the

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[32] See, e.g., the citations from *Guide* III:43 and III:45 in chapter three above, sec. 3. See also the observation cited in Maimonides' name in the commentary of his son Abraham on Gen 22:1.

[33] E.g., in his commentary on m.*Avot* 5:3 (Kafih ed., IV:452–455), when enumerating the miracles God performed for the ancient Israelites, Maimonides notes which are related by the "tradition" (*naql*), as opposed to those that are explicit in Scripture (*naṣṣ/nuṣūṣ al-Torah*); see chapter two, sec a (i) (3) above. See also *Guide* III:32 (Pines trans., 531; Munk-Joel ed., 388), where he refers to the "genuine tradition" (*al-naql al-ṣaḥīḥ*) that the Israelites in the desert were commanded regarding "Sabbath and the civil laws," as the Rabbis record in b.*Shabbat* 87b and b.*Sanhedrin* 56b, based on Exod 15:25. On the other hand, Abraham Maimonides (comm. ad loc.) differentiates between that rabbinic interpretation and "what the apparent sense requires" (*yaqḍihi al-ẓāhir*), which he regards as a viable alternative (see below, n. 34).

philological-contextual Andalusian method. The situation is quite different with respect to his determination of *ẓāhir al-naṣṣ*, where such constraints did not apply: here Maimonides was free to explore Scripture aided only by his exegetical sensibilities and interpretive ingenuity.

Maimonides' use of the term *ẓāhir* to connote the *apparent* sense of Scripture—which at times must be adjusted in light of rational or exegetical factors—is firmly rooted in the Geonic-Andalusian tradition, as discussed in chapters one and two above. According to the axiom Saadia had established, where *ẓāhir al-naṣṣ* conflicts with reason, another biblical text or rabbinic tradition, *taʾwīl* must be applied in order to determine the correct interpretation of Scripture. When cast in this way, *ẓāhir al-naṣṣ* is tentative at best, i.e., it is an interpretation that would have been correct, if not for some overriding extra-textual consideration that calls for *taʾwīl*.[34] Yet even within this framework, Maimonides makes a number of important contributions to the exegetical tradition by creating a niche within which the integrity of *ẓāhir al-naṣṣ* can be preserved and even highlighted.

The theoretical standing of *ẓāhir al-naṣṣ* is emphasized most prominently within Maimonides' treatment of the biblical *mashal* genre, as discussed in chapter four above. Although the ultimate purpose (*gharaḍ*) and intention (*qaṣd*) of a *mashal* is its hidden, deeper meaning (*bāṭin*), he insists on preserving the literary integrity of the *ẓāhir*. This leads him to formulate his "great and important principle" of *mashal* exegesis, namely that one need not find meaning in all of the details of a *mashal*, since those are often deployed for reasons relating to the *mashal*'s external literary form, either for aesthetic purposes, or to conceal the inner meaning. This principle enables Maimonides to formulate a philosophical allegorical reading of the Song of Songs that uniquely harnesses the powerful emotions of human love expressed in the book's lively lyrics. Deriving the inner message only from the "totality" (*jumla*) of the text—the passionate love which he projects toward God—Maimonides allows the details of the Song to be appreciated exclusively for their aesthetic effect.

In the book of Job, likewise, Maimonides' *mashal* model provides him with a strategy of reading that is uniquely sensitive to *ẓāhir al-naṣṣ*. In the exegetical tradition he inherited, which took the book

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[34] In other words, Maimonides does not simply regard *ẓāhir al-naṣṣ* and the reinterpretation required by reason or tradition as equally viable alternatives, as his son Abraham does, e.g., in his commentary on Exod 15:25 (n. 33 above). See also above, chapter eight, sec. 1.1.

as a historical narrative rather than a *mashal*, Job was assumed to convey philosophical content, i.e., that the dialogues between Job and his companions represented well-defined positions on the matter of divine providence and the problem of evil. Since these do not emerge naturally from a literal reading of the text of the dialogues, Saadia had employed *taʾwīl* to establish the single correct philosophical reading of the text by disregarding the extraneous matters added by the interlocutors for rhetorical flourish. While sharing the basic assumption about its inner philosophical content, Maimonides opened a new literary approach by classifying Job as a *mashal* and arguing that the book's author deliberately hid his philosophical message in the cloak of the fabricated tale of Job and his friends who engaged in dialogues with no clear analytic direction. Unlike Saadia's more heavy-handed reinterpretation to arrive at the single "correct" meaning, Maimonides makes room for two levels of signification: *ẓāhir* and *bāṭin*, which allows him greater freedom in acknowledging the existence of a non-philosophical *ẓāhir*.

Maimonides' two-tiered *mashal* model entails exegetical innovations; but his exploration of *ẓāhir al-naṣṣ* in the legal sections of the Pentateuch is truly revolutionary, shattering sacred barriers that his predecessors typically feared to cross. As discussed in chapter two, he will at times use the term *ẓāhir al-naṣṣ* in his halakhic writings to label a straightforward interpretation of Scripture that differs from the halakhic "transmitted" interpretation. But these are isolated cases in comparison with the wholesale analysis of the biblical legal system in his treatment of *ṭaʿamei ha-miṣwot* in the *Guide*, where (as discussed in chapter three above) he analyzes the entire spectrum of biblical law according to *ẓāhir al-naṣṣ*—and independently of rabbinic tradition. Drawing his evidence from (1) the biblical text itself, (2) its ancient Near Eastern cultural context (which he extrapolated from purportedly ancient sources), and (3) Aristotelian ethical and political theory, he describes the "wisdom" of biblical law in universal, rational terms. While sporadic precedents for this sort of analysis can be found within the Geonic-Andalusian tradition (as well as some striking methodological parallels in Rashbam), Maimonides' comprehensive, detailed, anthropologically informed analysis of biblical law opens a new vista within the medieval Jewish exegetical tradition.

It is not difficult to imagine why Maimonides' Rabbanite predecessors were deterred from this sort of analysis. The need to maintain the validity of the halakhic interpretation prevailed upon all Rabbanite

exegetes, and placed special restrictions on those who maintained the singular hermeneutical model, i.e., the belief that Scripture has one legitimate meaning. To be sure, adherents of this ideology such as Saadia, Ibn Balʿam and Ibn Ezra would sporadically investigate how Scripture might have been interpreted were it not for the authoritative rabbinic tradition.[35] But they could not engage in a sustained analysis of this sort. What would be the point? In the end, they believed that the halakhic interpretation is the single correct one and supersedes all others. Yet Maimonides dares to create an entire alternate reading of the Pentateuch's legal system that ignores its construal in rabbinic literature—as presented comprehensively in *Mishneh Torah*. Ironically, his analysis of *ṭaʿamei ha-miṣwot* in the *Guide* is arranged in fourteen categories (with one chapter devoted to each)—precisely the number of books in his great Code.[36]

Two authors provide a theoretical precedent for the legal "parallel world" Maimonides creates with his non-halakhic legal exegesis: Ibn Janah and Rashbam, both of whom justified such exegesis by invoking the talmudic maxim that "a biblical verse does not leave the realm of its *peshat*," which they took to mean that rabbinic midrashic halakhic exegesis does not preclude the validity of a separate contextual-philological reading (=*peshuto shel miqra*). Maimonides, however, could not invoke the maxim for that purpose, since he construed it quite differently: for him, *peshateh di-qera* is hardly separate from *halakhah*; on the contrary, it is the exclusive source of the core of laws deemed by the Talmud to be of biblical authority. He therefore had to assume that the Oral Law received at Sinai—and transmitted in rabbinic literature—was a vital key to a correct construal of *peshateh di-qera*. Were Maimonides to use the term *peshat* to characterize his exegesis in the third section of the *Guide*, he would effectively demolish the entire system of talmudic law (that he himself codified in *Mishneh Torah*) by reducing laws assumed to be *de-orayta* to rabbinic status because they are not anchored in *peshateh di-qera*.[37]

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[35]  See above, chapter 7, n. 55, and chapter eight, sec. 1.3, 2.1.

[36]  On Maimonides fondness for the number fourteen, see chapter six above, at n. 14.

[37]  This is precisely the fear Nahmanides expressed in his critique of Principle #2 in the *Book of the Commandments* cited in the introduction, sec. 2 above. Projecting his own definition of *peshat* onto Maimonides, Nahmanides evidently assumed that Maimonides would adhere consistently to *ẓāhir al-naṣṣ* in the *Book of the Commandments*.

Instead of invoking the notion of *peshat* in this connection, Maimonides engages in his non-halakhic analysis using the term *ẓāhir*, which lacks the same halakhic authority and thus gives him greater interpretive freedom. Yet even this move entails a theoretical difficulty because Maimonides makes it clear in his halakhic writings that the rabbinic "transmitted interpretation" represents the authoritative, genuine construal of the biblical text given at Sinai and thus overrides the "obvious" or "apparent" (*ẓāhir*) sense of the text. In other words, unlike Ibn Janah and Rashbam, he rejects the dual hermeneutic and maintains that the biblical text has only one legitimate original meaning. This is precisely Shem Tov's critique: "For the biblical verses have no meaning (lit. are not true) except according to the tradition that our Rabbis received and as they explained in the Talmud. And this is what the Master [Maimonides himself] taught us."[38] In other words, *ẓāhir al-naṣṣ* has no theoretical standing in the Maimonidean hermeneutical system when it contradicts the transmitted interpretation.

J. Levinger has proposed a solution to this conundrum by positing that Maimonides' doctrine that the rabbinic "transmitted interpretation" can be traced to the Sinaitic revelation does not reflect historical reality, but is merely a "necessary belief" (i.e., a sort of noble fiction)[39] aimed at bolstering the validity of the talmudic halakhic system.[40] This claim is evidently based on the bifurcation between the "halakhic Maimonides" and "philosophical Maimonides" posited by the "esoteric" school of Maimonidean scholarship, represented most forcefully in the twentieth century by L. Strauss, who argued that the great philosopher's true critical beliefs are hinted at in the *Guide*, whereas his adherence to traditional talmudic Judaism in his halakhic works is merely a veneer for the "masses" (including rabbinically trained scholars) that lack philosophical understanding.[41] Relying on this sort of approach, Levinger maintains that, according to Maimonides, the historical truth is that the Written Law alone was given at Sinai, and this text (*naṣṣ*) is what he seeks to interpret in the third section of the *Guide*. The Rabbis, however, reinterpreted the biblical text for legal purposes in

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[38] See citation in chapter three, sec. 1 above.
[39] As opposed to a "true opinion"; see chapter three above, n. 145.
[40] See Levinger, *Philosopher*, 56–66.
[41] See Strauss, *Persecution*, 60–94. This approach is put into historical perspective in Ravitzky, "Esotericism." On the inclusion of rabbinic scholars among the "masses" (*al-jumhūr*), note Maimonides' locution גמהור אלרבאנין ("the multitude of rabbinic scholars") in the *Guide* (Munk-Joel ed., 5); see Cohen, "Disagreement," 71–72.

accordance with subsequent circumstances, and this reconstruction
is dubbed the "transmitted interpretation," which forms the essential
basis of talmudic law.

On this interpretation, Maimonides' account of *ṭaʿamei ha-miṣwot*
is based on *ẓāhir al-naṣṣ* because he wishes to reveal the original
sense of the Pentateuch in its historical-cultural context, whereas his
halakhic writings deal with a later rabbinic stratum of interpretation.
It is worth noting that S. Japhet offers a similar explanation of Rash-
bam's hermeneutical system to resolve an analogous theoretical anom-
aly: Why would that devoted talmudist expend his exegetical efforts
entirely on *peshuto shel miqra*, which would seem—according to his
own account—to be a marginal dimension of scriptural signification?
While it is true that Rashbam (unlike Maimonides) cites the talmudic
rule of *peshat* to justify his non-halakhic interpretations, the ques-
tion still remains: if the *derash* is the essential meaning (*ʿiqqar*), what
could possibly be the purpose of investigating the *peshat*? According
to Japhet, Rashbam came to the conclusion that *peshuto shel miqra* is
the original sense of the text, whereas the *derash* represents later rab-
binic interpretation—which he regarded as authoritative.[42]

Japhet's account of Rashbam, however, is difficult to reconcile with
the medieval sensibilities that would have been ingrained in the thought
of the born-and-bred northern French talmudist. An explanation more
firmly anchored in his cultural setting was formulated by S. Kamin,
who pointed to the twelfth-century Christian notion of Scripture's
multiple signification that assumes the superiority of the "spiritual
sense" (transmitted by the Church Fathers), but encourages an inves-
tigation of the separate (and at times divergent) "literal" or "historical"
sense—according to the new forms of learning in the twelfth-century
renaissance. As a committed talmudist, Rashbam likewise would have
accepted the authority of the rabbinic reading as Sinaitic, but the wave
of new learning in the twelfth-century renaissance inspired him to also
read Scripture independently according to "the *peshat* [interpretation]s
that emerge anew (*ha-mitḥaddeshim*) every day."[43] His was the world
of the revolutionary tosafist school, which introduced a new dialectic
mode of talmudic study, in which the "novel interpretation" (*ḥiddush*)
was celebrated.[44] The new *peshat* mode of Bible interpretation likewise

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[42] See Japhet, "Tension," 413, 417, 420–422.
[43] See Kamin, *Jews and Christians*, xxi–xxxv (English section); Touitou, *Exegesis*,
11–33; Cohen, "Rashbam Scholarship," 391–394, 404–406.
[44] See Ta-Shma, *Commentary*, 58–117.

was devised to meet the needs of an emerging Jewish intellectual audience—which Rashbam refers to as *maskilim*—enamored with the spirit of new learning in twelfth-century France.[45] As E. Touitou, S. Kamin and A. Grossman have emphasized in recent studies, the *peshat* interpretations devised by Rashi, Qara and Rashbam are not simply literal readings of Scripture; those exegetes devised boldly creative *peshat* interpretations to define a Jewish reading of Scripture according to the spirit of their time and place—within the dominant Christian culture.[46] In light of this perspective, it is conceivable that Rashbam's non-halakhic legal exegesis is likewise an exploration of the potential meaning of the text in his "here and now" less than a historical claim about its original meaning at Sinai.[47]

This account of Rashbam's *peshat* program may be of help in illuminating Maimonides' non-halakhic exegesis in the *Guide*. While the Straussian bifurcation admittedly provides a convenient solution to the seeming contradiction in the great talmudist-philosopher's exegetical assumptions, recent Maimonidean scholarship offers an alternative. Rather than viewing the different—and at times contradictory—assumptions represented in his works as indications of a deliberate strategy of concealment, some scholars have suggested that "Maimonides presented his teachings in a fragmented, intermittent manner, occasionally even relying on contradictory premises, but rather than deny the possibility of knowledge, his goal was to emphasize its dialectic character.... [and] provide his reader with the greatest number of heuristic possibilities, relying on different and sometimes contradictory premises."[48] In this vein, we can suggest that Maimonides genuinely accepted the authority of the "transmitted interpretation" and its Sinaitic origin, though at the same time he could not ignore the cogency of the Andalusian exegetical method and the fact that a contextual-philological analysis of Scripture suggests a different reading. Much as the devoted talmudist Rashbam did not refrain from exploring *peshuto*

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[45] See Touitou, *Exegesis*, 102–104.

[46] See, e.g., Touitou, "Rashi's Commentary"; idem, *Exegesis*, 238–255; Kamin, "Song of Songs"; Grossman, "Literal Exegesis," 353–355. See also chapter three, sec. 2 above.

[47] See also the discussion in the conclusion below at nn. 8, 9. Compare this with the remark by Brevard Childs in connection with the Christian notion of the *sensus litteralis*:

> The literal sense of the text is the plain sense witnessed by the community of faith. It makes no claim of being the original sense, or even of being the best. (Childs, "*Sensus Literalis*," 92)

[48] Ravitzky, "Esotericism," 317–318.

*shel miqra* even where it is at odds with *halakhah*, Maimonides' creative analytic powers could not be deterred from exploring the how the avenues of biblical interpretation opened by his Andalusian predecessors might lead to a new understanding of the legal sections of the Pentateuch. The result was an exposition of *ṭaʿamei ha-miṣwot* in the *Guide* that is both meaningful from an ethical-philosophical perspective and convincing from an exegetical one.

Whereas Rashbam could invoke the rule of *peshat* to justify his independent analysis of the Pentateuch, Maimonides' halakhic model of *peshat*—as expounded in his *Book of the Commandments*—precluded that option. Yet Maimonides' *mashal* model may provide a theoretical basis for this Rashbam-like dual-hermeneutical exegetical endeavor that otherwise seems anomalous in his interpretive system. While the ultimate "intention" and "purpose" (*qaṣd, gharaḍ*) of a *mashal* is its *bāṭin*, Maimonides insists on preserving the integrity of *ẓāhir al-naṣṣ*; and even when he regards the latter as being "worth nothing," it can be the rightful subject of interpretation.[49] Furthermore, with respect to some *meshalim*, Maimonides posits that "their *zawāhir* contain wisdom that is useful in many respects, among which is the welfare of human societies…[whereas] their *bāṭin*…contains wisdom that is useful for beliefs concerned with the truth as it is."[50] His exposition of *ṭaʿamei ha-miṣwot* in the *Guide* reflects a similar supposition: although the rabbinic "transmitted interpretation" ultimately reveals the intent of Scripture (*peshateh di-qera*, as he defines it), this does not preclude analysis of *ẓāhir al-naṣṣ* in its own right, which embodies ethical-political wisdom, as Maimonides describes at length in Aristotelian terms. In other words, the singularity of signification implied by his rule of *peshat* primacy applies only for halakhic purposes, and does not preclude the independent validity of a distinct philological-contextual sense, which Ibn Janah labeled *peshuto shel miqra*, as Maimonides would have been well aware, though he himself referred to it instead as *ẓāhir al-naṣṣ*. While the great codifier would not say, with Ibn Janah, that "the *peshat* of a verse is one thing, and the *halakhah* is another," he could say that "the *ẓāhir* of a verse is one thing, and the *halakhah* is another."

What we are suggesting, then, is that Maimonides' sensitivity to the integrity of *ẓāhir al-naṣṣ* in the context of the *mashal* genre—in

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[49]  See citation in chapter four, sec. 1.2 above.
[50]  *Guide*, introduction, Pines trans., 11 (cited in chapter two, sec. 1.4 above).

which the *bāṭin* is ultimately most significant—would have made him particularly receptive to the idea of investigating *ẓāhir al-naṣṣ* in the legal texts of the Pentateuch, notwithstanding the ultimate authority of the "transmitted interpretation" in determining the halakhic sense of *peshaṭeh di-qera*. Admittedly, Maimonides never explicitly links his bifurcation of *ẓāhir al-naṣṣ* and *fiqh* (i.e., the *halakhah*) with the *ẓāhir-bāṭin* relation within his *mashal* model. Furthermore, in the case of a *mashal, ẓāhir al-naṣṣ* serves a well-defined literary function (beautification, or hiding esoteric wisdom), for which there does not seem to be a direct theoretical analog in the realm of *halakhah*. In other words, it is unclear why the *halakhah* would have been presented in the Pentateuch in a way that appears to communicate a different set of laws. The *mashal* model thus does not provide a complete conceptual justification for this investigation of *ẓāhir al-naṣṣ* in the legal sections of the Pentateuch.[51] And yet, Maimonides' desire to interpret every possible facet of the Divine text evidently motivated him to embark on this project. The great talmudist-philosopher's thoughts on the "opening" and "shutting" of the "gate(s) of interpretation (*taʾwīl*)"—a matter to which we turn in the next chapter—will further illuminate this aspect of his interpretive quest.

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[51] Maimonides' Aristotelian-inspired anthropological rationale for the system of biblical law in the *Guide* seems to provide "wisdom that is useful…[for] the welfare of human societies" (at n. 50) above. But one may question the genuine "usefulness" of the theoretical law code Maimonides constructs based upon *ẓāhir al-naṣṣ*, since it is not applied in practice—as the halakhic reading overrides *ẓāhir al-naṣṣ* within his system. In other words, whereas the *ẓāhir* of a *mashal* conveys moral value simply as a literary composition, the social benefits of a law code are dependent on its application in society.

THE GATES OF *TAʾWĪL* AND INTERPRETIVE CREATIVITY

The terms *ẓāhir* and *peshat* have been the two foci of this study, since the nexus of interpretive concepts they reflect in Maimonides' usage has enabled us to define his biblical hermeneutics against the backdrop of the Geonic-Andalusian exegetical school. As a final step, we explore some of his thoughts on the very nature of interpretation and on the inherent tension between the informed reader's individual creativity and the authoritative interpretive tradition. We can gain insight into this matter by tracing his use of the term *taʾwīl* already encountered in various contexts throughout this study. This Arabic term was commonly used in qurʾanic and Judeo-Arabic biblical exegesis, often in contrast to *tafsīr*, i.e., a *direct, simple interpretation*, almost a translation. As such, *taʾwīl* connotes *an interpretation that in some way goes beyond, or adjusts, the simple literal sense of the text*.[1] To be sure, this term was often used by Maimonides and others in the Geonic-Andalusian school to label a figurative or otherwise non-literal interpretation.[2] Yet, in the eight examples that follow, it acquires a certain distinctive coloration in Maimonides' usage that goes beyond that particular connotation and points to his larger hermeneutical conceptions.[3] As one would expect, these colorations are sometimes reflected by medieval translators themselves still suffused with Muslim culture and learning, whose work we shall therefore cite as well.[4]

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[1] See chapter one, sec. 1 above.

[2] This was illustrated amply in chapters one and two above.

[3] This list of eight examples is not exhaustive; rather, it is intended to illustrate the range of connotations that the term *taʾwīl* has in Maimonides' writings.

[4] Maimonides' works were translated by different hands, and some were translated more than once. For details regarding the translations of his major works, see the introduction above, nn. 31, 60, and the bibliography below. Here we review the details necessary to provide a background for the examples analyzed in the current chapter. (1) The *Guide* was translated both by Samuel Ibn Tibbon and Judah Alharizi. The latter translation is freer, and although modern scholars regard it as less than precise, it often captures the spirit of Maimonides' presentation and was used by medieval Latin translators. (2) The complete medieval translation of Maimonides' Mishnah commentary printed in the back of the standard [Vilna] editions of the Talmud is a composite.

## 1. *Tension of* Taʾwīl

Two critical passages in Maimonides' writings reveal the fundamental tension in his thought regarding the very permissibility of engaging in *taʾwīl*. These two passages are distinctive in that they feature a direct discussion of the "gate(s) of *taʾwīl*," an expression that reflects a characteristic Muslim overtone central to Maimonides' hermeneutical outlook. In the first he denies that these "gates" are shut, implying a license for interpretive freedom, whereas in the second he criticizes others for "opening" this "gate" to take such license.

### 1.1. *Opening "the Gate"*

As a prelude to his analysis of the "Account of Creation" (Genesis 1) in the *Guide*, Maimonides considers the possibility of adopting the Aristotelian view that the world is eternal:

> Know that our shunning the affirmation of the eternity of the world is not due to a text (*naṣṣ*) figuring in the Torah according to which the world has been produced in time. For the texts (*nuṣūṣ*) indicating that the world has been produced in time are not more numerous than those indicating that the deity is a body. Nor are the gates of *taʾwīl*[5] shut in our faces or impossible of access to us regarding the subject of the creation of the world in time. For we could apply *taʾwīl* to them, as we have done when denying His corporeality.[6]

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The general introduction was done by Alharizi; the commentary on *Avot* (including the introduction) by Samuel Ibn Tibbon; the commentary on the remainder of *Seder Neziqin*, which includes the important introduction to *Pereq Ḥeleq*, by a certain Solomon ben Joseph Ibn Yaʿqub of Saragossa. There are two other extant translations of the introduction to *Pereq Ḥeleq*, one of which is evidently by Alharizi, the other attributed to Samuel Ibn Tibbon by Isaac Abarbanel (though some scholars question this attribution); see Kupfer, "Translation," 59–60 and n. 58 below. (3) The *Treatise on Resurrection* was translated by both Ibn Tibbon and Alharizi (on the circumstances of the latter, see bibliography below).

[5] Ar. *abwāb al-taʾwīl*. Arabic *bāb* (pl. *abwāb*) means *gate*. This word is also used metaphorically in the sense of a book chapter. In medieval handbooks of Arabic poetics and qurʾanic hermeneutics it thus came to signify "types" of *majāz* or *taʾwīl*, each dealt with in another chapter. One might therefore consider the possibility that Maimonides here used what he considered a dead metaphor and simply meant to say that various types of *taʾwīl* could be employed in this instance if necessary. However, given the fact that Maimonides specifies that these gates are "not shut," it does appear that his intention is to revive this dead metaphor. See also below, nn. 11, 16.

[6] *Guide* II:25, Pines trans., 327–328; Munk-Joel ed., 229. This passage was cited in chapter two above.

Aristotle's opinion that the world is eternal, i.e., uncreated, would seem to conflict with the text of Genesis 1, taken literally. But Maimonides argues that this, on its own, would not preclude its acceptance, which would simply require the application of *ta'wīl* to reconcile it with the biblical text.

To be sure, the *ta'wīl* that Maimonides has in mind here would entail some sort of non-literal interpretation, as reflected here in Pines' translation ("figurative interpretation"). Yet other connotations of the term can be explored with the help of the two medieval Hebrew translations of the Guide, one by Samuel Ibn Tibbon, the other by Judah Alharizi, who both reflect medieval Arabic usage of this term. At its base, *ta'wīl* means *explanation*, *exposition* or *interpretation*, and Muslim scholars sought to differentiate this sense from that of the related term *tafsīr*, which likewise means *explanation* or *interpretation*.[7] Ibn Tibbon, in fact, consistently renders *ta'wīl* simply as *perush* ("interpretation"), although he does explain in the separate dictionary of "unusual words" appended to his translation of the *Guide* that it connotes a non-literal interpretation.[8] In Ibn Tibbon's translation, Maimonides here in the *Guide* asserts that "the gates of interpretation" are not shut, by which he means that he is not bound by the literal sense of the words of Scripture, but rather is free to interpret them as he sees fit using his own judgment. On this reading, the term *ta'wīl* is not used here simply as a methodological label, but primarily to express the notion of independent interpretive judgment.

The latter connotation is most strongly reflected by Alharizi (whose translation was generally freer than Ibn Tibbon's), as he renders *ta'wīl*—here and elsewhere in the *Guide*—more creatively as *sevara/le-hasbir* (reasoning, to explain/rationalize).[9] This translation accords in particular with the observation of J. Wansbrough that among certain Arab theorists

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[7] See Poonawala, "*Ta'wīl*," 390.

[8] ביאור בדבר שלא כפשוטו, *Perush ha-Millim ha-Zarot*, s.v. פירוש (Ibn Shmuel ed., 77). Ibn Tibbon's translation of the relevant line in *Guide* II:25 reads: ולא שערי הפרוש סתומים בפנינו (Ibn Shmuel ed., 286).

[9] ואין שערי הסברה גם כן נעולים בפנינו (Munk-Scheyer ed., 494); see also below, nn. 24, 30. This is not actually Alharizi's invention, as it is already attested in Judah Ibn Tibbon's Hebrew version of Saadia's *Beliefs and Opinions* 7:1, where ועלי אנהא אע״פ שיתכן לסבור ימכן אן תתאול תאוילאת כת״רה (Bacher ed., 102) is rendered בהם סברות רבות (Kafih ed., 328).

*tafsīr* was defined as transmission of authoritative witnesses…(*riwāya*)…
and *taʾwīl* as the product of research and expertise…in the interpreta-
tion of Scripture…(*istinbāṭ*).…

In contrast to *taʾwīl*, which involved investigation and research, *tafsīr*
depended upon tradition.[10]

In the *Guide*, then, Maimonides asserts that he is not bound by an
interpretive tradition and therefore has the right to arrive at his own
conclusions regarding the meaning of Scripture, even if they differ
from the literal sense of the text—and even if the literal sense was
conventionally accepted until his time.

## 1.2. *Shutting "the Gate"*

Maimonides invokes the metaphorical "gate of *taʾwīl*" (this time in the
singular) elsewhere in his writings—specifically to curtail interpretive
freedom. In his commentary on Mishnah *Avot* he makes the follow-
ing remark about the origin of the Karaite schism and its exegetical
manifestations:

…they made it appear to their followers that they believed in the text of
the Torah, and denied [only] the [rabbinic] tradition…and the gate of
*taʾwīl* was opened (lit. widened) for them.[11]

The heretics we call Karaites in Egypt, referred to by the Sages as Sad-
ducees and Boethusians…began challenging the tradition (*naql*) and
[engaging in] *taʾwīl* of the [biblical] texts (*al-nuṣūṣ*) according to what
seemed most cogent to each individual without yielding to a Sage at
all, in violation of His dictum, may He be exalted: "[You shall act] in
accordance with the law they legislate to you…do not deviate from [it]"
(Deut 17:11).[12]

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[10] Wansbrough, *Qurʾanic Studies*, 154, 156. On the connection between *istinbāṭ* and
*taʾwīl*, see Sviri, "*Istinbāṭ*."

[11] Comm. on m.*Avot* 1:3, Kafih ed., III:410. The last line reads: ויתסע להם איצ׳א
אלבאב לאלתאויל. (Compare the locutions cited below at nn. 19, 25.) Samuel Ibn
Tibbon renders this last line ועוד שהתרחב להם הדרך לפרוש (Rabinowitz ed., 8).
Maimonides' expression *al-bāb li-l-taʾwīl*, used together with the verb יתסע here, sug-
gests that he indeed conceived of a "gate" of interpretation that can be open or shut.
See above, n. 5.

[12] Comm. on m.*Avot* 1:3, Kafih ed., III:410. The relevant line reads: הם אלד׳ין]
אשרעוא אלטען פי אלנקל ותאויל אלנצוץ, rendered by Samuel Ibn Tibbon: הם אשר
התחילו להשיב על הקבלה ולפרש הפסוקים (Rabinowitz ed., 9).

In this passage, the benefit of Ibn Tibbon's translation of *ta'wīl* simply as *perush* becomes evident.[13] It is unlikely that Maimonides would criticize the Karaites for engaging in non-literal exegesis. In fact, as noted in chapter five above, his older contemporary Judah ha-Levi acknowledges that their interpretations are "more often in keeping with the texts (*nuṣūṣ*) of the Torah"[14] than those of the Sages, which rarely "are in keeping with…the obvious meaning (*ẓāhir*) of the language."[15] The Karaites rejected the authority of the Sages and simply *interpreted* Scripture freely, as they saw fit—whether literally or figuratively.

Unlike his liberal hermeneutical stance in the *Guide*, here Maimonides is critical of the Karaite endeavor to open "the gate of *ta'wīl*." In an attempt to reconcile these two conflicting sentiments, it is important to first explore the Arabic context of this metaphor, which seems to be Maimonides' creative adjustment of the maxim common in Muslim jurisprudence of his time that "the gate of *ijtihād* is shut" (*insidād bāb al-ijtihād*).[16] As discussed in chapter five above, by the end of the tenth century there were four recognized sources of Muslim law delineated in *uṣūl al-fiqh*: (1) the Qur'an, (2) *ḥadīth* (oral reports of the actions of Muhammad and his companions), (3) *ijmā'* (consensus of the nation or of legal scholars) and (4) *qiyās* (analogy, legal syllogism). Among these, the first three are transmitted through unquestioned tradition (*taqlīd*), but the fourth requires *ijtihād* (lit. to exert effort)—the "effort" of a legal scholar to apply his own reasoning to infer a new derivative law from those already canonized in the "foundational texts" (*nuṣūṣ*), i.e., the Qur'an and *ḥadīth*. From the eleventh century and onward, however, the assertion was made that the "gate of *ijtihād* is shut," i.e.,

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[13] See n. 12 above. We do not have a translation by Alharizi on this part of the Mishnah Commentary.

[14] *Kuzari* III:22, Baneth and Ben-Shammai ed., 112.

[15] *Kuzari* III:68–72, Baneth and Ben-Shammai ed., 142–143. See citation and discussion above, chapter five, sec. 1.

[16] See Hallaq, "Gate"; Schacht, *Introduction*, 69–75. Related metaphorical expressions can be found in rabbinic literature regarding the opening or shutting of "the gates of prayer," "the gates of tears," or "the gates of wisdom"; see, e.g., b.*Bava Meṣi'a* 59a; b.*Soṭah* 13b; compare Ps 118:19, "Open for me the gates of righteousness." However, there is a distinctive hermeneutical connection between Maimonides' usage and the Muslim notion of *insidād bāb al-ijtihād*, as the discussion that follows makes clear. The expression *bāb/abwāb al-ta'wīl* is found in the literature of Muslim jurisprudence. (My thanks to Gregor Schwarb of Cambridge for this information.) Its relevance for Maimonides' particular usage of this expression in a way that relates to the permissibility of *ijtihād* is worthy of further investigation.

that only the earlier legal scholars had the authority to apply their own legal reasoning, but that subsequent jurists no longer had such authority and therefore had to rely exclusively on prior legal decisions.

This delineation had important ramifications in the halakhic tradition Maimonides inherited, as discussed in chapter five above. The Karaites celebrated *ijtihād* and criticized the Rabbanites for their blind *taqlīd*. Saadia, in response, emphasized fidelity to the authentic tradition and rejected Karaite *qiyās*. Maimonides steers a middle path, allowing for both in his halakhic system. For him, the "Written Law" and "Oral Law," i.e., the Pentateuch and its original Sinaitic interpretation—both transmitted through rabbinic tradition—were fixed. Yet he makes room for further legislation based on independent legal reasoning (*ʿaql*) and speculation (*naẓar*), using the "thirteen *middot*," which he likens to *qiyās* and refers to as *istidlāl* (inference) and *istikhrāj* (extrapolation). Still, Maimonides draws a sharp distinction between the two classes of laws. The latter category is, by its very nature, susceptible to debate. Furthermore, such laws have rabbinic rather than biblical status, since they are not indicated by Scripture itself (*peshateh di-qera*). We can illustrate this system in the following chart:

|  | Muslim jurisprudence | Maimonides | Source of law | Status of Law (for Maimonides) |
|---|---|---|---|---|
| 1a. Text | *Qurʾan* | Written Law | *peshateh di-qera* and tradition (*naql*) | Biblical (*de-orayta*) |
| 1b. Oral tradition | *ḥadīth* | Oral Law |  |  |
| 2. Further inferences (*istidlāl, ijtihād*) | *qiyās* | 13 *middot* | independent reasoning (*ʾaql*), speculation (*naẓar*), extrapolation (*istikhrāj*) | Rabbinic (*de-rabbanan*) |

The text (1a) and oral tradition (1b) are given and unchanging; the creative dimension (2) is where debate and change emerge due to the subjective nature of legal reasoning.

This background sheds light on Maimonides' critique of the Karaites in his commentary on *Avot*. Citing Deut 17:11, he argues that the authority to engage in independent legal biblical interpretation is limited to the central Jewish religious leadership—the members of

the "High Court in Jerusalem" (or their successors, i.e., the Sages of
the Talmud)—the same leadership that is also responsible for trans-
mitting the original "Oral Law" given at Sinai. The Karaites, on the
other hand, rejected the authority of the Sages completely, both the
original Oral Law they transmitted (=1b) and the notion that only
they were empowered to engage in *qiyās* (=2). The result for the Kara-
ites was total interpretive freedom with respect to the establishment of
*halakhah*: they opened "the gate of *ta'wīl*," asserting the right of each
individual to interpret Scripture (literally, figuratively or otherwise) as
he saw fit, as well as engaging in *qiyās* to produce new legislation not
stated explicitly in Scripture.

When comparing Maimonides' pronouncements regarding *ta'wīl* in
*Guide* II:25 and in his commentary on *Avot*, a simple resolution might
be suggested. In the latter passage, Maimonides indicates that the "gate
of *ta'wīl*" is shut with respect to *halakhah*—where the authoritative
interpretation of the Sages is paramount. Indeed, as we have seen
throughout the second part of this study, Maimonides grants essential
halakhic authority to *peshateh di-qera*, and he determines its correct
meaning largely based on the *tafsīr marwī*, which (according to Wans-
brough's characterization), embodies the exact opposite of *ta'wīl*. This
would then leave room for Maimonides' assertion that the "gates of
*ta'wīl*" are not shut to apply outside the realm of halakhic exegesis. Yet
this simple dichotomy does not do justice to the complex role *ta'wīl*
plays within the Maimonidean system, since he does, in fact, allow
for—and at times insist on—the application of *ta'wīl* within his legal
hermeneutics, just as he establishes limitations for its admissibility in
non-halakhic contexts.


## 2. *Outside the Realm of* Halakhah

The following three passages illustrate some of the complexities of
Maimonides' application of *ta'wīl*. Standing in opposition to his appar-
ent assertion of interpretive freedom in *Guide* II:25, they indicate that
even in the non-halakhic realm, the permissibility of *ta'wīl* is limited
by a variety of factors.

## 2.1. *Limits Due to Consensus*

The limitations that Maimonides places on *taʾwīl* outside the realm of *halakhah* emerge clearly in his *Treatise on Resurrection*, in which he responded to accusations that he denied the traditional doctrine of the future resurrection. This accusation is not entirely misplaced, since Maimonides normally insists on interpreting Scripture in accordance with the natural order, even if this calls for the use of *taʾwīl*. In fact, by itself, this is hardly unusual within the rationally oriented Geonic-Andalusian school. However, with respect to the doctrine of resurrection (which Maimonides himself includes among his thirteen cardinal principles of faith in his Mishnah commentary), he explains that the application of *taʾwīl* is inadmissible:

> Resurrection [is] a widely accepted and well-known [doctrine] within our nation, agreed upon (or: subject to the consensus of; *mujmaʿ*) by all of our sects, and is mentioned extensively in the prayers and the narratives and the supplications composed by the prophets and great Sages…This is a matter about which there was never heard any debate in our nation, and there is no *taʾwīl* with respect to it.[17]
>
> We shall explain to you in this composition why we do not apply *taʾwīl* to these texts [that foretell the resurrection], as we had applied *taʾwīl* to many texts in the Torah and removed them from their apparent sense (*ẓāhir*).[18]
>
> Resurrection, which is the return of the soul to the body after death, was mentioned by Daniel in a way that does not admit *taʾwīl*, and this is his dictum: "Many of those that sleep in the dust of the earth will awake, some to eternal life, others to reproaches, to everlasting abhorrence" (Dan 12:2).[19]

In this case, there is a clear tradition regarding the future resurrection, and therefore Maimonides will not apply *taʾwīl* to a verse such as Dan

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[17] Shailat ed., 326. The last line reads: הד׳א מא לם יסמע פי אלמלה׳ כ׳לאפה ולא תאויל פיה בוג׳ה, which Ibn Tibbon renders עליו זה מה שלא נשמע באומה מחלוקת עליו וזה לא נשמע באומתנו חולק בו כלל ואין פרוש (Finkel ed., 15). Alharizi renders this עליו ולא מוציא אותו מפשוטו (Halkin ed., 141).

[18] Shailat ed., 326. The relevant line reads: לא תתאול הד׳ה אלנצוץ כמא תאוולת נצוץ כת׳ירה מן אלתורה ואכ׳רגת ען ט׳אהרהא. Ibn Tibbon renders this: לא נפרש אלה הפסוקים כמו שפרשנו פסוקים רבים בתורה והוצאנו אותם מפשוטיהם (Finkel ed., 15). Alharizi renders it: לא נוציא מפשוטם אלה הפסוקים כמו שעשינו בפסוקים רבים מהתורה (Halkin ed., 141–142), taking the liberty of abbreviating Maimonides' formulation since his translation of *taʾwīl* as להוציא מפשוטו renders the following clause (ואכ׳רג׳ת ען ט׳אהרהא) completely redundant.

[19] Shailat ed., 326. The relevant line here reads: לא יתסע תאוילה, which Ibn Tibbon renders: שאי אפשר לפרשו (Finkel ed., 15). Alharizi translates: שלא יוכל איש להוציא אותו מפשוטו (Halkin ed., 142).

12:2. Generalizing from this case, we can say that *ta'wīl* is inadmissible if it directly contradicts a view held in unanimity (*ijmāʿ*) by the prophets and Sages, as this would indicate that the matter is a received tradition—and thus a firm source of knowledge.[20]

It is instructive to consider how the term *ta'wīl*, which occurs a number of times in Maimonides' *Treatise on Resurrection*, is treated by the medieval translators.[21] Ibn Tibbon, who generally manifests terminological consistency, follows his usual convention of rendering *ta'wīl* as *perush* in this work. Alharizi, on the other hand, varies his translation here according to the context. In some instances, he renders *ta'wīl* using Hebrew *sevara/le-hasbir*, as he does elsewhere.[22] However, in other instances—e.g., in the three just cited above—he employs the paraphrase *lehoṣi'...mi-peshuto* ("to remove [the text] from its *peshat*") to render the term *ta'wīl*. This latter tendency, of course, reflects the particular point of this Maimonidean work: to clarify when Scripture must be understood according to its *ẓāhir*, as opposed to cases that call for *ta'wīl* to override the *ẓāhir*.[23] Yet this usage here highlights Alharizi's avoidance of that translation elsewhere in Maimonides' works, thereby granting salience to the other hermeneutical aspects of the Maimonidean notion of *ta'wīl*.

## 2.2. *Other Limitations*

There are also other limitations on engaging in *ta'wīl*, as Maimonides notes in discussing the proper methodology of *mashal* analysis in his introduction to the *Guide* (cited in chapter four, sec. 1 above). In a

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[20] *Ta'wīl* is not excluded for this reason from being applied to Genesis 1 in Maimonides' view, evidently because he did not regard creation *ex nihilo* a matter held unanimously in Jewish tradition. In *Guide* II:26 he cites a passage from *Pirke de-Rabbi Eliezer* that is predicated upon a version of Plato's theory that the world was created from eternally existent matter (as described in *Guide* II:13). See Kraemer, *Maimonides*, 383–387, 576–577 and references cited there. In *Guide* II:28, Maimonides also remarks that "many adherents of our Law have thought that Solomon, peace be upon him, believed in the eternity of the world" (Pines trans., 334).

[21] See nn. 17, 18, 19 above for the medieval Hebrew translations of the passages just cited. For other occurrences of the term *ta'wīl* in the *Treatise on Resurrection*, see Shailat ed., 319, 325 (cited below at n. 57), 328, 330 (cited below at n. 25), 332, 334.

[22] See, e.g., Halkin ed., 137, 143 (translation of the Judeo-Arabic in Shailat ed., 319, 328).

[23] As discussed in the introduction above (sec. 4), Maimonides himself did not use the term *peshat* in this sort of context, since—in his works written in Arabic—he was careful to use that term only in connection with his rule of *peshat* primacy articulated in Principle #2 of the *Book of the Commandments*.

*mashal*, the *ẓāhir* is a medium for conveying a deeper meaning (the *bāṭin*) that can be discerned only through *ta'wīl*. Yet Maimonides places limits on this interpretive process with his "great and important principle" that, as a rule, many details in a *mashal* are deployed merely for literary purposes and do not, in fact, convey any deep meaning. Ignoring this principle, Maimonides argues

> would lead you in one of two ways [i.e., erroneous paths]: either into turning aside from the intended subject (*al-gharaḍ al-maqṣūd*) of the parable, or into assuming an obligation to apply *ta'wīl* to things not susceptible to *ta'wīl* and that have not been inserted with a view to *ta'wīl*…[and] result in extravagant fantasies such as are entertained and written about in our time by most of the sects of the world, since each of these sects desires to find meanings for expressions whose author in no wise had in mind (*lam yaqṣid*; lit. did not intend) the significations wished by them.[24]

*Mashal* analysis, by its very nature, invites interpretive creativity, since the *bāṭin* and its relation to the *ẓāhir* is not explicit in the text. And yet, Maimonides argues that the interpreter must exhibit restraint and be bound by what can be reasonably assumed about the author's intentions, and if the author did not intend for *ta'wīl* to be applied beyond a certain point, then it ceases to be a legitimate interpretive operation.

Once again, it is worth noting how the term *ta'wīl* was rendered by Maimonides' medieval Hebrew translators. Ibn Tibbon, as we have come to expect, follows his usual pattern and renders *ta'wīl* as *perush/ lefaresh*; Alharizi here renders it *sevara/lisbor* (above, n. 24). Although *mashal* interpretation, by definition, diverges from the literal sense of the text (*ẓāhir al-naṣṣ*), it is evident why Alharizi did not use the expression *lehoṣiʾ…mi-peshuto* to render *ta'wīl* in this context, as he did in translating the *Treatise on Resurrection*. Maimonides here does not address the issue of whether to take the words of a *mashal* literally; rather, he is discussing the possibility of attributing symbolic significance to the details of a *mashal*. It is *creative interpretation* in this sense—aptly termed *sevara*—that Maimonides expresses with the

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[24] *Guide*, Introduction, Pines trans., 14, Munk-Joel ed., 9. When this passage was cited in chapter four (sec. 1) above, we used Pines' translation for *ta'wīl*, which in this case is *interpretation*. Ibn Tibbon's translation here reads: לפרש ענינים אין פרוש להם ולא הושמו בו לפרשם (Ibn Shmuel ed., 13). Alharizi's translation reads: למצא סברות שאין להם עיקר ולא נכתבו לסבר בהם הסברות ההם (Munk-Scheyer ed., 38).

term *ta'wīl*. Hence, in this instance, even Pines uses the English term
"interpretation" to render *ta'wīl* (n. 24 above), rather than rendering
it "figurative interpretation" as he did in *Guide* II:25.

## 2.3. *Subjectivity of Application*

In his *Treatise on Resurrection*, in a passage discussed in chapter two
(sec. 2) above, Maimonides makes an important observation not only
with respect to the permissibility of applying *ta'wīl*, but also about its
necessarily subjective nature. In the course of justifying his figurative
interpretation of Isaiah's famous prophecy that "the wolf shall dwell
with the lamb ..." (11:6–10), Maimonides makes a general observation:

> Know that our claim that these and similar [prophetic] promises are
> nothing but parables (*amthāl*) ... is not definitive, for revelation did not
> come to us from God and inform us that these are parables, nor did we
> find a tradition (*naql*) of the Sages from the prophets that they clarified
> that these particular things are parables.
>
>    But rather what compels us ... [is that] we desire to bring together [i.e.,
> harmonize] the Torah (*sharī'a*) and reason and to make matters run
> according to the natural order as much as possible ... except for what ... is
> clearly a miracle and *ta'wīl* is not possible with respect to it at all.[25]

Maimonides here acknowledges an important corollary of the inde-
pendence often associated with the application *ta'wīl*, i.e., that it tends
to be subjective and even tentative—even where it is theoretically per-
mitted. Unlike the halakhic sections of the Pentateuch, for most of
Scripture there is no detailed Sinaitic transmitted interpretation (*tafsīr
marwī*). The reader must therefore ascertain independently the most
fitting interpretation of the sacred text in accordance with reason,
which, as Maimonides notes, includes "mak[ing] matters run accord-
ing to the natural order"—and judiciously applying *ta'wīl* where nec-
essary. Yet he acknowledges that any such interpretation cannot be
regarded as definitive. Unlike interpretations transmitted by tradition,
which are known to be correct with certainty, *ta'wīl* is subjective and
thus potentially fallible by definition.

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[25] לא יתסע פיה אלתאויל בוג׳ה; *Treatise on Resurrection*, Shailat ed., 330. Ibn Tib-
bon renders this: לא יתכן לפרשו כלל (Finkel ed., 22). Alharizi renders it: שלא יתכן
להוציאו מפשוטו (Halkin ed., 144).

### 3. *Within the Realm of* Halakhah

The inherent subjectivity of *taʾwīl* that Maimonides highlights in his *Treatise on Resurrection* might, at first glance, seem to make it inappropriate for application in the realm of *halakhah*, which entails the fulfillment of God's will as expressed in His Law. Indeed, Maimonides' predecessors—from Saadia to ha-Levi—seemingly wished to preclude the possibility of a subjective dimension in *halakhah* when rejecting the use of *qiyās* (employed by the Karaites) as a legitimate tool of legal hermeneutics. Maimonides, likewise, criticized the Karaites for applying *taʾwīl* (which includes *qiyās*) to determine *halakhah* without regard for the authoritative tradition of the Sages.[26] And yet, as discussed in chapter five above, he departed from Saadia's conservative position and viewed *qiyās* as an integral part of the authentic halakhic process. Moreover, the epistemological distinction he makes in the *Treatise on Resurrection* between *taʾwīl* and traditions from the Sages mirrors precisely the distinction he makes within his halakhic system between the "transmitted interpretations" from Sinai which are known to be true with certainty, and *qiyās*, which is subjective and therefore susceptible to debate by definition. Accordingly, as we shall see in the examples that follow, Maimonides grants *taʾwīl* and the interpretive subjectivity it implies a critical role in his legal hermeneutics and halakhic interpretation of Scripture.

### 3.1. *As* Qiyās

The connection between *taʾwīl* and *qiyās* in Maimonides' thought becomes evident in the course of his description (in a passage first cited above, in chapter five) of the constant interpretive creativity applied to expand the scope of the Law given originally at Sinai:

> …there was no time at which there was no study of *halakhah* (*tafaqquh*) and [legal] creativity (*tantīj*; drawing new conclusions). And the people of each generation made the words of those who came before them a principle (*aṣl*), and [laws] would be extrapolated (*yustakhraju*) from it, and new conclusions would be drawn (*yuntaju natāʾij*); and [as for] the

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[26] To be sure, Saadia himself endorsed the application of *taʾwīl* to adjust *ẓāhir al-naṣṣ* in light of rabbinic halakhic interpretive traditions, as discussed in chapter one, sec. 1 above (compare example (7) below). In this context we are discussing the sort of *taʾwīl* that is applied without an interpretive tradition.

[original] transmitted principles (lit. roots; *al-uṣūl al-marwiyya*) [i.e., from Moses] there was no disagreement about them.[27]

While speaking of the "prophets and sages" taking part in this process, he emphasizes that the former did so based on their learning and reasoning, rather than their prophetic powers, for

> prophecy is of no utility in speculation (*naẓar*) regarding the interpretation (*tafsīr*) of the Torah, and extrapolating (*istikhrāj*) the derivative laws (*furū'*) through the thirteen *middot*…[28]
>
> …with respect to speculation (*naẓar*) and legal syllogism (*qiyās*) and study of the Law (*tafaqquh fi al-sharī'a*), [the prophet] is like all the rest of the sages, who do not have prophecy. Now if he devises a *ta'wīl* and another who is not a prophet devises a *ta'wīl*, if the prophet says "God told me that my interpretation is the correct one," we must not listen to him. [Even] if a thousand prophets—all like Elijah and Elisha—would devise a *ta'wīl*, and a thousand-and-one sages would devise an opposing *ta'wīl*, [we must] "follow the majority,"[29] and the law is according to the thousand-and-one sages…for God did not direct us to the Prophets [for determining the law], but rather directed us to none other than the Sages (*'ulamā'*), [who are] the "folk of *qiyās*."[30]

While Maimonides here makes a point about the role of prophecy in legal speculation, this passage is of interest to us now because he uses the term *ta'wīl* to describe the creative process of legal speculation (*naẓar*), syllogism (*qiyās*) and "study of the Law" (*tafaqquh fi al-sharī'a*), all of which go beyond *peshateh di-qera*, which (by his

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[27] Introduction to the Mishnah, Shailat ed., 328, 335 (Ar.); 28–29, 36–37 (Heb.).

[28] Ibid., 329 (Ar.); 29 (Heb.). This passage was cited in chapter five, sec. 4 above.

[29] אחרי רבים להטות. This citation is from Exod 23:2, taken by Maimonides according to its rabbinic interpretation, which he evidently assumed to be its *tafsīr marwī*; see *Book of the Commandments*, Positive Commandment #175. For support, he notes that the Rabbis explicitly classified the principle of majority as a biblical one (רובא דאורייתא; see, e.g., *b.Ḥullin* 11a), and, in accordance with Principle #2, this implies that it must have a source in Scripture, i.e., *peshateh di-qera* (see chapter eight, sec. 1). By contrast, Ibn Ezra (short comm. ad loc.), argues that this acontextual interpretation is merely an *asmakhta*. Even Rashi (comm. ad loc.) notes that this rabbinic interpretation cannot be reconciled with *peshuto [shel miqra]*, which he (unlike Maimonides) defines as a philological-contextual interpretation. Abraham Maimonides (comm. ad loc., Wiesenberg ed., 358–361) regards Ibn Ezra's interpretation (which he uses without attribution) as the *ẓāhir*, but then records the alternative interpretation of the "tradition" (*naql*), which he weaves into the verse by invoking *taqdīr*.

[30] Introduction to the Mishnah, Shailat ed., 335 (Ar.); 36 (Heb.). In this passage, Alharizi renders the term *ta'wīl* as *sevara*, the Hebrew term he uses to render *qiyās* as well; see Rabinowitz ed., 27–28. There is no translation by Ibn Tibbon on this section of the Mishnah commentary.

account) is known and given. This connection between *ta'wīl* and *qiyās* is made especially strong by Alharizi, the medieval Hebrew translator of Maimonides' introduction to the Mishnah, who renders both terms *sevara*, i.e., logical reasoning.[31]

Apart from noting the dynamic development of *halakhah* in historical terms in his introduction to the Mishnah, Maimonides emphasizes the everlasting importance of creative legal interpretation in *Mishneh Torah*, where he establishes it as a practical obligation incumbent upon every Jew as a necessary dimension of the daily obligation of Torah study:

> The time allotted to study should be divided into three parts: a third to the Written Law, a third to the Oral Law and a third [should be spent in] reflection, deducing conclusions from premises, developing implications of statements, comparing dicta, studying the hermeneutical principles by which the Torah is interpreted, till one knows the essence of these principles, and how to deduce what is permitted and what is forbidden from what one has learned from the tradition. This is termed *talmud*.[32]

As I. Twersky notes, Maimonides here makes a fundamental distinction between study of the Written Law and Oral Law,[33] on the one hand, and *talmud*[34] on the other: the former entails recounting traditions, whereas the latter is a creative interpretive activity that entails

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[31] See above, n. 30. An alternative medieval Hebrew translation of *qiyās* is *heqqesh*, used, e.g., by Moses Ibn Tibbon in his translation of the *Book of the Commandments* (following the practice of his father, Samuel Ibn Tibbon, in his translation of the *Guide*). Ibn Ayyub, however, follows Alharizi and renders *qiyās* as *sevara* in his translation of the *Book of the Commandments*. See Heller, *Book of the Commandments*, editor's introduction, 5.

[32] *Hilkhot Talmud Torah*, 1:11. In some printed texts of *Mishneh Torah* (including the standard edition) the term *gemara* appears instead of *talmud* (see note on textual variants in the Frankel ed. ad loc.). However, based on manuscripts and stylistic evidence, Kafih (editor's note ad loc.) regards this as a completely erroneous variant. On the significance of this Maimonidean passage, see Twersky, *Code*, 489. Maimonides here draws upon a talmudic source: לעולם ישלש אדם שנותיו שליש במקרא שליש במשנה ושליש בתלמוד ("A person must always divide his years [for study] into three: a third in Scripture, a third in Mishnah and a third in Talmud"; b.*Qiddushin* 30a).

[33] By "Oral Law" Maimonides here means all matters transmitted through tradition. Elsewhere he uses this term in a more restrictive sense, i.e., to denote only those interpretations originally given at Sinai to clarify the Written Law; see, e.g., at n. 46 below. On this dual usage in Maimonides' writings, see chapter nine, n. 23 above.

[34] As used by Maimonides in this context, the term *talmud* means *to study*. It is therefore presented in this discussion in italics (like other Hebrew terms) and without capitalization, in order to distinguish it from the multi-volume rabbinic work known as "the Talmud."

drawing new conclusions from the traditional sources.[35] In his Arabic writings, Maimonides refers to this latter type of scholarship as *tafaqquh, tantīj, istikhrāj, qiyās*—all of which fall under the rubric of *taʾwīl*.

While Maimonides first prescribes a three-fold study program (drawn from the Talmud; see n. 32), he goes on to clarify that the last category is the ultimate goal of Torah study:

> This [plan] applies to the period when one begins studying. But after one has become proficient and no longer needs to study the Written Law, or continually be occupied with the Oral Law, he should, at fixed times, read the Written Law and the words of the tradition, so as not to forget any of the rules of the Torah, and should devote all his days exclusively to *talmud*, according to his breadth of mind and maturity of intellect.[36]

For Maimonides, the study of the Written Law and its interpretations handed down by tradition (*shemuʿah*) serve as preparation for the more active, creative study by which an individual makes sense of the ancient texts, reading between the lines of the traditional sources, and drawing inferences from them using *qiyās* and *istidlāl*, as he characterizes in his Code: "deducing conclusions from premises, developing implications of statements, comparing dicta, etc."

The centrality of *taʾwīl* as a chief component of Torah study would, at first glance, appear to comport well with the dynamic picture Maimonides draws in his introduction to the Mishnah when describing how the original Sinaitic Oral Law was augmented by subsequent generations (as discussed in chapter five, sec. 4 above). As for his critique of the Karaites (cited above, at n. 12), his intent was not to reject the validity of *taʾwīl*, even in the realm of *halakhah*, but merely to disqualify its unbridled application to Scripture outside the framework of the Sinaitic transmitted interpretation and the accumulated subsequent rabbinic tradition. But within the proper parameters set by the

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[35]  See Twersky, *Code*, 489–493. As Twersky emphasizes, Maimonides substantially reinterprets the three-fold talmudic classification of learning (see n. 32 above), which is based on a distinction of content, not of method per se.

[36]  *Hilkhot Talmud Torah*, 1:12; trans. from Twersky, *Code*, 489. Maimonides was hardly alone in seeking to limit this talmudic mandate, which was effectively nullified by the northern French talmudist Jacob Tam who maintained that one who studies the Babylonian Talmud alone (which includes Mishnah and biblical citations) fulfills the three-fold program of study; see *Tosafot ʿAvodah Zarah* 19b, s.v. ישלש; see also Kanarfogel, *Education*, 79–80.

"Oral Law" * taʾwīl* is not only permitted, it is actually the essence of Torah study.

But there is a problem with this portrayal. The "gates of *taʾwīl*" would not—by Maimonides' account—have truly been open in his post-talmudic era, since he does, in fact, subscribe to a Jewish version of the Muslim notion that the "gate of *ijtihād* is shut." The vibrant innovation that he ascribes to the pre-mishnaic Sages (going back to the time of Moses himself)[37] diminishes in his account of subsequent halakhic scholarship. Once the Mishnah was codified, it—rather than Scripture—became the primary focus of further study and investigation.[38] Nonetheless, the Amoraim (talmudic Sages) still engaged in a creative sort of learning, clarifying the principles underlying the laws codified in the Mishnah and drawing new legal conclusions (*tantīj*) from them.[39] Maimonides also speaks of the Amoraim still being authorized to employ the midrashic *middot* independently and thereby infer new legislation from Scripture.[40] Once the Talmud was committed to writing, however, these creative avenues were restricted more drastically, as Maimonides writes:

> When all of the [talmudic] Sages, peace be upon them, died—the last among them being Ravina and R. Ashi—and the Talmud was already completed, then the sole aim of all who arose after them was nothing but

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[37] See *Book of the Commandments*, Principle #2, Kafih ed., 15.

[38] Introduction to the Mishnah, Shailat ed., 348 (Ar.); 51 (Heb.). See especially Maimonides' remark regarding all subsequent scholars: "the goal of each one was to understand (*fahm*) the words of the Mishnah, and incessantly, generation after generation delved into it deeply (*yatafaqqahu fīhā*) and interpreted it (*yufassiruhā*)."

[39] Consider Maimonides' references to אלתנתיג׳ אלד׳י נתג׳ עלמא כל עצר מן אלמשנה ואט׳האר אלאצול ואלאסתדלאלאת אלתי אסתדל בהא ואסתנד אליהא אלתנאין אלמתכלמין פי אלמשנה (Introduction to the Mishnah, Shailat ed., 349); note his use of the terms *istidlāl* (uncovering the reasoning of Mishnaic laws) and *tantīj* (creation of new laws based on inferences from the Mishnah). Alharizi's translation here reads: חידושי הענינים (=תנתיג׳) שהוציאו חכמי כל דור מן המשנה, וגלוי העיקר והראיות (=אסתדלאל) שהורו בהן וסמכו עליהן התנאים המדברים במשנה. (Rabinowitz ed., 64).

[40] In discussing the aims of R. Ashi in compiling the Babylonian Talmud and R. Yohanan the Jerusalem Talmud (see below at n. 52), Maimonides comments in his introduction to *Mishneh Torah*:

> The two Talmuds…clarify what is forbidden and what is permitted…in accordance with the traditions transmitted by the Sages in unbroken succession from [the Oral Law received by] Moses at Sinai…Additionally, [they contain] the judgments and rules not received from Moses, but which the Court of each generation deduced by applying the hermeneutical rules (*middot*) by which the Torah is interpreted and which were decided by those elders to be the law—all of which, accumulated from the days of Moses to his own time, Rav Ashi compiled in the Talmud.

the understanding (*fahm*) of the words that they set down alone, "Nothing is to be added to it, nor is anything to be detracted" (Qoh 3:14).[41]

Accordingly, Maimonides goes on to characterize post-talmudic halakhic scholarship primarily as commentary (*tafsīr, sharḥ*) rather than as *tantīj* or *qiyās*.

In light of this depiction, we might wonder how Maimonides believed that *talmud/ta'wīl*, i.e., the creative dimension of study, relates to his own time. Although the dynamic picture he drew of earlier scholarship epitomizes these notions, Maimonides evidently regarded analytic creativity as a crucial dimension of study even in his own era—as indicated by the above-cited rulings from *Hilkhot Talmud Torah* that require every Jew to engage in *talmud*. We must therefore assume that this third category of study is not limited to the actual creation of new laws, but can also be fulfilled by rehearsing—and striving to understand the subtleties of—the reasoning of prior generations in their creative legislation.[42] In other words, in-depth study of the fixed text that makes up the Talmud also entails creativity of a sort, as implied by Maimonides when he speaks, for example, of the "investigation and [scholarly] pursuit (lit. seeking; *ṭalab*), and exertion (*ijtihād*)" of his great predecessors, especially Joseph ha-Levi Ibn Megas (1077–1141), about whom he writes: "the mind of this man in [understanding] the Talmud is astonishing, God knows, [as evident] to anyone who delves into his words and his depth of speculation (*naẓar*)."[43] While this is not quite the same as the earlier Sages' free use of *qiyās* to extrapolate new

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[41] Introduction to the Mishnah, Shailat ed., 357 (Ar.); 61 (Heb.).

[42] Indeed, as Twersky observes, within the Maimonidean scheme the actual content of *talmud* need not necessarily differ from the immediately preceding category termed "the Oral Law"; the distinction between the two types of study relates, rather, to "method and form, [the latter] being apodictic and popular, while Gemara [=*talmud*] is analytic and technical…what rational demonstration (*mofet*) is to traditional belief (*qabbalah*)…[the] essence [of *talmud*] is independent reflection, conceptualization and interpretive elaboration" (*Code*, 490). As Twersky (ibid., 492–493) goes on to observe, the study of the Talmud (i.e., the rabbinic work by this title)—which delves into the reasoning behind the *halakhah*—would fulfill the obligation to engage in this third and highest dimension of study, whereas Maimonides' own Code, which presents the *halakhah* apodictically, without analytic discussion, would be classified as "Oral Law," i.e., data transmitted by tradition. Among other things, Twersky uses this conclusion to argue that Maimonides never intended for his Code to supplant the Talmud (as his critics claimed he did), as it would not fulfill what he regarded as the most important dimension of Torah study.

[43] Introduction to the Mishnah, Shailat ed., 357 (Ar.); 61 (Heb.). The term *ijtihād* is rendered השתדלות by Alharizi (Rabinowitz ed., 86).

laws directly from Scripture, Ibn Megas—by Maimonides' account—applied *ijtihād* in his study of the Talmud to fathom its depths.[44]

It would seem, then, that the obligation to engage in *talmud*, for Maimonides, is not dependent on actually producing new halakhic legislation, and can be fulfilled in scholarly endeavors that are purely interpretive. A prime example of this would be his account (in a different context) of the ways in which the Sages at times used *qiyās* and *istidlāl* to confirm *halakhot* already known from the transmitted interpretation by showing that they could have been inferred independently from Scripture. As discussed in chapter five above, for example, the Sages of the Talmud (followed by Maimonides) devised various strategies of logical inference to argue that the biblical *lex talionis* ("eye for eye"; Exod 21:24) is not to be taken literally, even though there was already a Sinaitic tradition that the biblical locution "eye for eye" actually connotes monetary compensation. Where independent interpretive reasoning yields no practical legal results—since the law itself was pre-existing—Maimonides asserts that the Sages engaged in it simply to reflect the "wisdom of the revealed [i.e., sacred] word."[45]

## 3.2. *As Transmitted Interpretation*

A further clarification of the range of connotations implied by Maimonides' use of the term *ta'wīl* can be gleaned from an important passage in his introduction to the Mishnah. While he usually refers to the original Oral Law given at Sinai simply as the *tafsīr marwī* ("transmitted interpretation"), he originally presents it as having two components:

> Know that every law that God revealed to Moses was only revealed to him with its *tafsīr*. God told him the text (*naṣṣ*), and then told him its *tafsīr* and *ta'wīl*…And they (i.e., Israel) would write the text and commit the [interpretive] tradition (*naql*) to memory. And thus the Sages,

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[44] Following in this tradition, Maimonides exhibits a good deal of ingenuity, originality and creativity in his recasting of the Talmud in his commentaries and Code, as noted, for example, by Twersky throughout his *Introduction to the Code of Maimonides*. Yet Maimonides seems more conservative and subservient to authority—at least in principle—by comparison with the Tosafists, who emphasized the value of *ḥiddush* as the epitome of scholarship, an outlook shared by Rabad of Posquières (see chapter three above, nn. 45, 180).

[45] חכמה אלכלאם אלמנזל; see Introduction to the Mishnah, Shailat ed., 337 (Ar.); 38 (Heb.); see also *Book of the Commandments*, Principle #2, Kafih ed., 12.

peace be upon them, say: the Written Law (*Torah she-bi-khtav*) and the Oral Law (*Torah she-be-ʿal peh*).[46]

The fundamental dichotomy Maimonides makes here is between the text (*naṣṣ*) and the set of interpretations passed down through an oral tradition (*naql*). But within the latter, i.e., the Oral Law, he initially discerns two dimensions: *tafsīr* and *ta'wīl*. While this internal distinction would not be repeated elsewhere (as both would be subsumed under the term *tafsīr marwī*), it is worth considering what Maimonides meant when invoking this dichotomy here. It is reasonable to assume that the term *tafsīr* in this context connotes Sinaitic interpretations that simply confirm the immediately apparent sense of the text (*ẓāhir al-naṣṣ*). As for the *ta'wīl*, we originally noted (in chapter five above) that it seems to connote those instances in which the Oral Law diverges from—and overrides—*ẓāhir al-naṣṣ*. As such, the term *ta'wīl* here might perhaps be rendered *non-literal interpretation*, in the spirit of Pines' translation of the term in *Guide* II:25 (cited above, n. 6). Alharizi, however, renders *tafsīr wa-ta'wīl* here *perusho we-ʿinyano* (=its interpretation and its meaning/matter).[47] While the two medieval Hebrew terms *perush* and *ʿinyan* were indeed often used synonymously, the latter connotes a broader sort of elucidation that goes beyond mere translation or explanation of the words. This type of elaboration is illustrated by Maimonides when he goes on to say:

> I shall give you an example: God told him [i.e., Moses] "You shall live in booths seven days" (Lev 23:42). And then He, may He be exalted, informed him that these "booths" are obligatory only for males and not females, and that a sick person is not obligated, nor are travelers, and that its covering can only be from material grown from the earth…This law [*sharīʿa*; i.e., text of the Written Law] was given to him [Moses] with its *tafsīr*. And thus for the 613 laws [i.e., commandments]—them and their *tafsīr*—[the former was] recorded in written texts (*nuṣūṣ*), and the *tafsīr* was transmitted (*marwī*) orally.[48]

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[46] Introduction to the Mishnah, Shailat ed., 327 (Ar.); 27 (Heb.). This passage was cited and discussed in chapters two and five above.

[47] See Rabinowitz ed., 9. It is in this vein that the modern translator Joseph Kafih renders these terms: *perusho u-bi'uro* (its interpretation and its clarification/elucidation).

[48] Introduction to the Mishnah, Shailat ed., 328 (Ar.); 28 (Heb.)

The legal elaboration Maimonides presents here (based on talmudic tradition) is evidently part of what he had in mind when speaking of the *ta'wīl* (which he now subsumes within the more general term *tafsīr marwī*) given to Moses along with the Written Law, as it goes well beyond the meaning of the words "You shall live in booths seven days." This sort of *ta'wīl* does not connote the creation of new legislation (since it refers to the original law given at Sinai); rather, it relates information not directly stated in the text, though it can be said to represent its divine author's intention.

### 3.3. *As "Deep Interpretation"*

The notion of *ta'wīl* as elucidation of a matter not stated explicitly in the text but that is nonetheless intended (as opposed to the more creative activity of *qiyās*, for example) is reflected in another Maimonidean usage. In describing his own goals in composing the Mishnah Commentary, the great talmudist remarks:

> We shall teach the precise *tafsīr* of the Mishnah and *ta'wīl* of its matters (lit. words),[49] for if you would ask even one of the greatest scholars about the *tafsīr* of a law in the Mishnah, he would not be able to tell you anything about it unless he recalls the Talmud[ic discussion] regarding that law…and no one can recall the entire Talmud. Moreover, one particular law of the Mishnah is sometimes subject to *tafsīr* over four or five folios, for matters enter into other matters with arguments, questions and answers, such that it is only possible for a person skilled in speculation to give the essence of the *ta'wīl* of that *mishnah* (i.e., passage of the Mishnah).[50]

When using the term *ta'wīl* here, Maimonides is not speaking about a non-literal interpretation, nor about drawing an original inference, but rather an in-depth analysis of the issues raised in the Mishnah and their implications—all of which are typically elucidated in the talmudic discussion. (By contrast, *tafsīr* would simply be a translation of the wording of the Mishnah itself.) It is for this reason that Alharizi renders the term *ta'wīl* here *be'ur*, i.e., elucidation.[51]

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[49] תפסיר אלמשנה עלי אלחקיקה ותאויל כלאמהא. Alharizi renders this line: פרוש דברי המשנה על נכון ובאור מליה (Rabinowitz ed., 87). He renders כלאמהא here in a slavishly literal way (מליה; its words); cf. Shailat's translation (דבריה, which can also mean *its matters*).

[50] Introduction to the Mishnah, Shailat ed., 358 (Ar.); 62 (Heb.).

[51] See n. 49 above. *Be'ur*, like *'inyan*, is often used interchangeably with *perush* in medieval Hebrew.

In this case, we actually have a hint from Maimonides himself as to how he might have rendered the term *ta'wīl* in Hebrew, since he writes in a parallel formulation in his introduction to *Mishneh Torah* regarding the interpretive activity of the Talmud with respect to the Mishnah:

> Rav Ashi was the one who compiled the Babylonian Talmud in Babylonia, about a hundred years after Rabbi Yohanan compiled the Jerusalem Talmud. And the purpose (lit. matter) of both Talmuds is the interpretation (*perush*) of the words of the *mishnayot* (pl. of *mishnah*) and an elucidation of its deep matters (or: complexities; *be'ur ʿamuqoteha*), and new matters that emerged from each court from the time of Our Holy Rabbi [Judah the Prince] until the compilation of the Talmud.[52]

Maimonides here divides the process of commentary into two: *perush* (a cognate of *tafsīr*) *divrei ha-mishnah* (an explanation of the words of the Mishnah) and *be'ur ʿamuqoteha* (elucidation of its deep matters), the latter being his Hebrew expression for *ta'wīl*.

<p style="text-align:center">*   *   *</p>

Taking all of the examples discussed in this chapter, we can illustrate the meaning and role of *ta'wīl* within the Maimonidean system in the following table:

| Usage | Translations | | Connotations, implications |
| --- | --- | --- | --- |
| | Ibn Tibbon | Alharizi | |
| 1) Gates of *ta'wīl* are not shut (*Guide* II:25) | *perush* | *sevara* | Opening "the gates of *ta'wīl*" connotes interpretive freedom—which is permitted |
| 2) Karaites opened gate of *ta'wīl* (Comm. on m.*Avot* 1:3) | *perush* | | Critique of Karaite "opening" of the "gate of *ta'wīl*," ignoring the Sages' halakhic authority |
| 3) *Ta'wīl* cannot be applied to resurrection (*Treatise on Resurrection*) | *perush* | *lehoṣi'…mi-peshuto* | Opposing consensus (*ijmāʿ*) precludes *ta'wīl* |

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[52] Introduction to *Mishneh Torah*. The continuation of this passage is cited in n. 40 above.

Table (*cont.*)

| Usage | Translations | | Connotations, implications |
|---|---|---|---|
| | Ibn Tibbon | Alharizi | |
| 4) "Things not susceptible to *taʾwīl*" in a *mashal* (*Guide*, Introduction) | *perush* | *sevara* | *Taʾwīl* ought not be applied when it misrepresents the author's intention |
| 5) *Taʾwīl* without tradition (*Treatise on Resurrection*) | *perush* | *lehoṣiʾ…mi-peshuto* | *Taʾwīl* is subjective and potentially fallible, unlike tradition |
| 6) *Taʾwīl* applied by the Sages, prophets to expand the law through inference (Introduction to Mishnah) | | *sevara* | *Taʾwīl* comprises: *qiyās, istidlāl, tafaqquh, tantīj* |
| 7) Original Oral Law as *tafsīr* and *taʾwīl* (Introduction to Mishnah) | | *ʿinyan* | By contrast with *tafsīr/perush* (direct translation), *taʾwīl* connotes elucidating, clarifying matters not explicit in the text, not necessarily new inference |
| 8) Maimonides' own Mishnah Commentary as *tafsīr* and *taʾwīl* (Introduction to Mishnah) | | *beʾur* | Maimonides' Hebrew equivalent: פירוש דברי המשנה וביאור עמקותיה |

Maimonides differentiates between two aspects interpretation: *tafsīr/perush* and *taʾwīl/beʾur ʿamuqot*, the former being a simple explanation of the words of the text, the latter a deeper analysis of the implications they communicate or that can be inferred from them. At times *taʾwīl* is creative and goes beyond the original intent of the text—as in the use of the *middot* to create new laws, in which case special religious authority is required to apply *taʾwīl*. Other manifestations of *taʾwīl* need not carry the same legal implications, but they do nonetheless entail in-depth study that goes beyond what is stated explicitly in the text.

The two great medieval translators' approach to this term is likewise revealing. Alharizi adopts a variety of translations in accordance with the context. In some instances, the primary connotation of *taʾwīl* is its opposition to a literal reading, hence the translation "to remove [a

verse] from its *peshat*" (notwithstanding the misimpression this creates about Maimonides' rule of *peshat* primacy; above, n. 23). But Alharizi's other translations—*sevara, ʿinyan, beʾur*—emphasize the creative, elaborative nature of *taʾwīl*. Ibn Tibbon's strategy, on the other hand, was to stick with the single term *perush*, i.e., interpretation. His notion of "interpretation," then, was a rather broad one, which is illuminated by the remarks of S. Rawidowicz, who uses the Latin terms *explicatio/ commentatio* and *interpretatio* in a way that corresponds to the *tafsīr-taʾwīl* opposition:

> *Explicatio* and *commentatio* follow the "text" step by step, "uncover" and explain it from the aspect of its form and content, language and historical background. *Interpretatio* is centered on the "soul" of the text, its *leitmotif*, its main purpose, its essence.... [It] assumes that there is a hidden layer both in the "form" and the "content" of the document to be interpreted; this "hidden" needs uncovering. There is a mystery between the words and between the lines, that which the document ought to have said and did not say, either because it could not say (for various reasons) or it did not want to say—this is which intrigues the *interpretator*, who will naturally dig in the hidden layers of the "text"....
>
> Needless to add, there are various degrees in *interpretatio*. Not in all of them does *interpretation* go all the way, manifest all the characteristics mentioned here. One may distinguish between perfect *interpretatio*, where it reaches its peak of fulfillment, and imperfect, partial, or unfinished *interpretatio*.[53]

It is in this respect that *taʾwīl* is fittingly rendered simply *perush*/"interpretation" without any modifier, since it is the ultimate form of interpretation for Maimonides, which brings out the fullness of the sacred ancient texts. There are, of course, a variety of forms it may take—the "various degrees in *interpretatio*" of which Rawidowicz speaks. Moreover, Maimonides places certain limits on its application, particularly in the realm of *halakhah*. The most far-reaching form of halakhic *taʾwīl*, i.e., the use of *qiyās* to legislate new laws based on inferences from Scripture, is limited to the members of the High Court in Jerusalem or those of similar judicial authority (such as the Sages of

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[53] Rawidowicz, "Interpretation," 86. As evident from his later discussion (ibid., 101–106), Rawidowicz regarded Maimonides' application of *taʾwīl* in the *Guide* (to reconcile Scripture with reason) to be the perfect sort of *interpretatio*—and it seems that this colors his definition given here. In light of the other examples we have delineated, we need not say that the less creative form of *taʾwīl* is imperfect; it is simply less far-reaching.

the Talmud). Yet even in the realm of *halakhah* the "gates of *taʾwīl*"
are not completely shut, as *qiyās* and similar methods of uncovering
the implications hidden "between the lines" are to be used by scholars
striving to fathom the depths (*ʿamuqot*) of the ancient texts.

### 4. *Necessity of* Taʾwīl

In theory, when studying the word of God, one might be tempted to
limit oneself to *tafsīr* alone and feel confident in the certainty of what
one has studied, and refrain from engaging in *taʾwīl*, which requires
using individual judgment and is potentially fallible.[54] But Maimo-
nides does not allow for this exemption, as evident in his critique of
the preachers who refuse to apply *taʾwīl* in reading Scripture:

> One should not act like the wretched preachers (*darshanin*) and commen-
> tators who think that knowledge of the explanation of the words (*sharḥ
> al-alfāz*) [alone] is science (*ʿilm*; i.e., proper understanding)…But rather
> it is obligatory to consider them [i.e., the words of Scripture]…after one
> has acquired perfection in the demonstrative sciences and knowledge of
> the secrets of the prophets.[55]

Maimonides writes these words in conjunction with his assertion that
"not everything mentioned in the Torah concerning the 'Account of
Creation' is to be taken in its apparent sense (*ẓāhir*) as the vulgar
imagine."[56] Indeed, in his *Treatise on Resurrection* he emphasizes the
necessity of *taʾwīl* as a general interpretive tool:

> Everyone knows that it is not suitable for the learned ones to recount
> the *derashot* and tales…literally, as women preach to one another in the
> house of mourning, but rather it is incumbent upon them to apply *taʾwīl*
> to them and to clarify their matters in order that they be in agreement
> with reason or be close to it.[57]

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[54] See Rawidowicz, "Interpretation," 88, 100–101, for the thinking of those who
reject *interpretatio*.

[55] *Guide* II:29, Pines trans., 347; Munk-Joel ed., 243. (This passage was cited in
chapter two, sec. 1.3, above.) The term *sharḥ alfāz* was actually used in Maimonides'
milieu to denote a genre of Judeo-Arabic literature—explanations for selected words
of the Bible, Mishnah and Talmud. See Tirosh-Becker, "Translations," 533–535.

[56] *Guide* II:29, Pines trans., 346; Munk-Joel ed., 243.

[57] *Treatise on Resurrection*, Shailat ed., 325. The relevant line here reads: אלמטלוב
מנהם תאווילהא, which Ibn Tibbon renders: המבוקש מהם לפרשם (Finkel ed., 12).
Alharizi translates: החפץ להוציאם מפשוטם (Halkin ed., 141).

This orientation can already be found in his earliest major work, the Mishnah Commentary:

> With respect to the words of the Sages…most [of the people] I have seen, and whose compositions I have seen and of which I have heard, understand them according to their apparent sense (*ẓāhir*), and they do not apply *ta'wīl* to them at all.[58] And what these *darshanin* (preachers) do mainly is to instruct the masses in what they do not understand themselves…And they publicize in front of the masses the *derashot* of tractate *Berakhot* and *Pereq Ḥeleq* and other [rabbinic texts] according to their apparent sense (*ẓāhir*), word for word.[59]

As Maimonides goes on to say, the Rabbis themselves often applied *ta'wīl* to Scripture itself, thereby serving as a model for later interpreters.[60] In his view, complete and accurate interpretation of any text—whether the words of the Sages or of Scripture—requires going beyond simply "what the words say"; the reader must apply analysis, thought and judgment, i.e., *ta'wīl*, to place the text within the nexus of other parts of the written and oral traditions, as well as reason and science. This encounter between reader and text is necessarily subjective, but it is unavoidable and indispensable for a full and meaningful interpretation.

In light of the centrality of *ta'wīl* in Maimonides' hermeneutical model, we can perhaps revisit the perplexing matter addressed in the preceding chapter, namely his audacious analysis of biblical law in the

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[58] ולא תתאולה בוג׳ה. We have three medieval Hebrew translations of the introduction to *Pereq Ḥeleq* (above, n. 4). Solomon ben Joseph renders this line ואין סוברין בהם פירוש נסתר בשום פנים (Rabinowitz ed., 118), which seems to be a conflation of Alharizi's *sevara* and the notion of a "hidden"—i.e., non-literal—interpretation (above, at nn. 8, 18). In the translation attributed to Ibn Tibbon by Abarbanel, this sentence is rendered ולא יפרשו בהם שום דבר כלל (Kupfer ed., 68), which is consistent with that translator's usual convention of rendering *ta'wīl* as *perush*. This lends support to Abarbanel's attribution, which some scholars reject (see Kupfer, "Translation," 60). In the third translation, this line is rendered ולא יסברו בם סברות בשום פנים (MS JNUL Heb. 8° 4280, 199). This version of the translation of the introduction to *Pereq Ḥeleq* is attested in a number of medieval manuscripts, usually without any attribution. One ms lists Samuel Ibn Tibbon as the translator, but in two others Alharizi's name appears—which is the attribution accepted by many scholars (see Kupfer, "Translation," 59). Support for the latter view can be brought from this passage, since it manifests Alharizi's convention of rendering *ta'wīl* as *sevara*, rather than *perush* as Ibn Tibbon does.

[59] Introduction to *Pereq Ḥeleq*, Shailat ed., 363–364 (Ar.); 133 (Heb.). This passage was cited in chapter two, sec. 2 above.

[60] Introduction to *Pereq Ḥeleq*, Shailat ed., 364 (Ar.); 134 (Heb.). See the citation in chapter two above, at n. 79.

third section of the *Guide* according to *ẓāhir al-naṣṣ* alone, independent of the rabbinic halakhic interpretation that he elsewhere regards as being exclusively authoritative in establishing the sense of *peshateh di-qera*. To begin with, we can now suggest viewing this highly innovative interpretive project as a sort of *taʾwīl*. While it is true that *taʾwīl* often implies an interpretation that is at odds with, or diverges from *ẓāhir al-naṣṣ*, in the context of interpreting the Mishnah (example (8) above) he uses the term (which can also imply an opposition to *tafsīr* and *naql*) to connote an exploration of the implications of the rulings therein, what he refers to in Hebrew as *beʾur ʿamuqot*. Analogously, his analysis of the rationale for the commandments in the *Guide* builds upon *ẓāhir al-naṣṣ* to elucidate the deep intention of the commandments and thereby offer a grand account of the system of law that emerges from Scripture. As such, this is a fulfillment of Maimonides' description of *talmud*: "deducing conclusions from premises, developing implications of statements, comparing dicta," except that in analyzing the legal system that emerges from *ẓāhir al-naṣṣ* he does not intend to legislate *halakhah* on this basis—as the Karaites did in their *taʾwīl*, which Maimonides rejects.

In the previous chapter we suggested justifying Maimonides' analysis of biblical law independent of the *halakhah* (reflecting a de facto dual hermeneutic) by analogy with his *mashal* model, in which the *ẓāhir* can convey practical and ethical wisdom independent of the *bāṭin*.[61] One question that remains, however, is why Maimonides would lavish so much attention on the *ẓāhir* in the case of the legal sections of the Pentateuch, whereas his interpretive energy in biblical *meshalim* invariably focuses on the *bāṭin*. Here is where his notion of *taʾwīl* may be helpful. Given Maimonides' commitment to a dynamic

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[61] It is true that this very analogy seems to militate against referring to the former as *taʾwīl*, since in the case of a *mashal* the term *taʾwīl* is used by Maimonides to refer to the process of deriving the *bāṭin* from the *ẓāhir* (rather than an interpretation that focuses on the *ẓāhir* on its own), as discussed in example (4) above. Nonetheless, I believe that *taʾwīl*, for Maimonides, might occur on a number of levels, including the endeavor to elucidate the "wisdom" of the *ẓāhir*. It should be noted that, from a methodological perspective, Maimonides himself evidently regarded his analysis of *taʿamei ha-miṣwot* as having much in common with his hermeneutical model of deriving the *bāṭin* in a *mashal*, for just as he formulated his "great and important principle" of *mashal* analysis to avoid deriving a deeper meaning (*bāṭin*) from every detail in the *ẓāhir* (see chapter four, sec a (ii) above), so too he argues that a rationale must be given for each commandment in its totality, but not for its details (as the Sages do at times midrashically); see *Guide* III:26; Cohen, *Three Approaches*, 182–186.

model of learning, he would have been particularly attuned to the legal interpretive possibilities with respect to *ẓāhir al-naṣṣ* opened by the philological-contextual historical method. In the *Guide* he grasped this opportunity to open this new avenue of interpretation that he was uniquely capable of pursuing as an expert jurist and philosopher. The gates of *ta'wīl* in the sense of applying the *middot* to legislate new laws were closed in the post-talmudic era; yet the obligation to engage in *talmud* and not to merely passively recount the traditional interpretations remained in place. This would have been a strong motive for Maimonides to open a new "gate of interpretation" in his novel legal exegesis that is founded upon *ẓāhir al-naṣṣ*, which, as he stipulates, is not intended to have any practical legislative application. Just as the Sages, by his account, used the *middot* at times simply to bring out the "wisdom of the revealed word" (above n. 45) rather than legislate new *halakhah*, Maimonides himself creatively endeavors to show how the legal sections of the Pentateuch can be interpreted by the philological-contextual method, purely to reveal what Moses of old described (in Deut 4:6) as the "wisdom and discernment" of the Law.

# MAIMONIDES IN THE EXEGETICAL CONSTELLATION

As is often the case in scholarly inquiry, the resolution of a particular dilemma has helped to illuminate a broader spectrum of issues. This study was driven primarily by the need to solve a conundrum posed to us by our examination of Maimonides: in his *Book of the Commandments* he professes adherence to *peshuto shel miqra*, seemingly linking him to the Andalusian philological exegetical school; yet his halakhic exegesis diverges from its principles, and he even "devalues" Scripture's literal sense (*ẓāhir*) when laying out his biblical hermeneutics in *The Guide of the Perplexed*. This dilemma made it necessary to develop a precise account of Maimonides' biblical interpretation, one that construes it as multifaceted. Armed with this account, we developed a more comprehensive and nuanced understanding of the *peshat* revolution in his Geonic-Andalusian interpretive heritage and the parallel development in the northern French *peshat* school. At this point we can appropriately bring this study to a close by charting Maimonides' place in the constellation of the great medieval Jewish exegetes.

Apart from disentangling the notions of *ẓāhir al-naṣṣ* and *peshuto shel miqra*, which are related in complex ways, this investigation has revealed multiple interpretive models constructed by the medieval exegetes on the basis of the talmudic rule that "a biblical verse does not leave the realm of its *peshat*." When viewed in broad brushstrokes and from a later perspective of the thirteenth century and onward—for example, the exegetical work of David Kimhi and Moses Nahmanides, who were already largely disconnected linguistically from the Judeo-Arabic heritage—the definition of *peshuto shel miqra* emerges rather uniformly as a philological reading of Scripture that co-exists with the non-philological interpretive traditions of the Midrash.[1] But in the exegetical revolution of the tenth through twelfth centuries, a variety of

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[1] Although the *peshat* method continued to develop after the twelfth century (Kimhi, e.g., incorporating midrashic values and Nahmanides a kabbalistic dimension; see Cohen, "Qimhi," 396–415; idem, *Three Approaches*, 295–331; Wolfson, "Truth," 103–153; see also below, n. 3), the rule of *peshat* and the term *peshat* itself were not recast

*peshat* models were advanced by exegetes such as Saadia, Samuel ben Hofni, Ibn Janah and Abraham Ibn Ezra in the Geonic-Andalusian tradition, and Rashi, Joseph Qara and Rashbam in northern France.

At first glance, Maimonides appears unconnected to this important exegetical movement. This is only partly because he did not write running biblical commentaries.[2] Ostensibly, what sets him apart more fundamentally is his overt tendency to recruit extra-biblical disciplines—logic, science, philosophy, talmudic law, etc.—to interpret the Bible. While capable of ascertaining *ẓāhir al-naṣṣ*, he does not view that as the ultimate goal of Bible interpretation, expressing contempt for those who limit themselves to a mere "explanation of the words" (*sharḥ al-alfaẓ*). Yet, it has become clear through the course of this study that the great medieval *pashtanim* likewise interpreted Scripture creatively within a nexus of other disciplines—including linguistics, logic, poetics, history, *halakhah*, science, philosophy and theology. Saadia, the father of the Geonic-Andalusian school, emphasized the need to harmonize Scripture with reason—which, for him, included science and philosophy—and the traditions of the Rabbis. Recent scholarship has brought into sharp relief the impact of various disciplines on the subsequent Andalusian *peshat* tradition, for example, by illuminating Ibn Janah's extensive use of Arabic linguistics, Moses Ibn Ezra's reliance on Arabic poetics and Abraham Ibn Ezra's incorporation of neo-Platonic thought and science—which included astrology in his conception—into his *peshat* exegesis.[3] All of this suggests that the medieval dedication to *peshat* ought not be viewed as a pure scripturalism resembling the *Sola Scriptura* doctrine of the Protestant Reformation in the sixteenth century. Although Joseph Qara comes close to expressing such a doctrine in speaking of Scripture's self-sufficiency, recent scholarship reveals that even his *peshat* model was complex and incorporated midrashic and polemical elements.[4] Moreover, his

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fundamentally. Nahmanides' construal of the *peshat* principle, for instance, combines elements from Ibn Janah and Maimonides; see chapter seven, sec. 6, above.

[2] This, by itself, would not be an exclusionary factor. Ibn Janah, for example, was one of the most influential figures in the Andalusian *peshat* movement, though he evidently did not write biblical commentaries per se. See Perez, "Vestige," 283–284.

[3] See references in the introduction, sec. 1 above. This tendency in Araham Ibn Ezra (which includes mystical, supernatural elements), in turn, can be seen as paving the way for Nahmanides to infuse Kabbalah into his exegetical system—as an integral part of his *peshat* project—two generations later; see Halbertal, *Concealment*, 34–48; 83–92; Berger, "Miracles," 112.

[4] See Grossman, *France*, 288–316; see also chapter three, n. 164 above.

northern French colleagues—including the celebrated *pashtan* Rashbam—more consciously assimilated extra-textual elements from rabbinic tradition, Latin learning and their own experiences into their *peshat* models.[5]

These development calls for a re-evaluation of the conventional view of *peshat* as an "objective" and static interpretive form, a view expressed, for example, by J. Fraenkel:

> *Peshuto shel miqra*, or in brief *peshat*, is a category of interpretation that is fundamentally at odds with the term "new," since it does not intend to be new…[but rather] simply wishes to reveal the original [meaning]…Such an interpretation might be "new" only in the sense that it rejects earlier interpretations that…did not correctly reveal the original meaning of the text. The meaning of the verb *derash*—in the context of Midrash Aggadah—is very distant from this type of "interpretation." The *Darshan* does not seek the original meaning…but rather seeks a way to express—with the help of the original text—the new ideas that are important in his eyes…He maintains that the sanctity of Scripture obligates him to find new meanings [in it].… The definition of *derash* would be: the connection, in a quasi-interpretive way, of Scripture to new ideas.[6]

Drawing upon Johan Huizinga's notion of intellectual "play" (to depict the creative dimension of culture and the study of cultural history), Fraenkel casts Midrash as a sort of interpretive "game" that follows particular hermeneutical rules, but ultimately must be regarded as an artistic rather than analytic form.[7] By implication, *peshat* is devoid of such creative dimensions, as it is simply an objective exposition of "the text itself."

It is becoming increasingly clear, however, that the *pashtanim* manifested a good deal of interpretive creativity. Rashbam refers proudly to "the *peshat* [interpretation]s that emerge anew (*ha-mithaddeshim*) every day," a reflection of the vibrancy of this innovative form of learning within his intellectual milieu, which also produced the revolutionary tosafist movement of Talmudic scholarship. To explain the possibility of how *peshat* itself can be creative, it is helpful to consider F. Kermode's discussion of the related notion of "the plain sense":

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[5] See Grossman, "Literal Exegesis," 358–369; Japhet, *Song*, 55–60; Cohen, "Rashbam Scholarship," 397–400.

[6] Fraenkel, *Aggadah*, 11–12.

[7] Fraenkel, *Aggadah*, 83–84. Compare Anchor, "Play," 63–93.

> …the plain sense, if there is one, must be of the here and now rather than of the origin…[as] the body of presuppositions which determines our notions of the plain sense is always changing.… [T]he plain sense…is always dependent on the understanding of larger wholes and on changing custom and authority.…
>
> [T]he plain sense depends in larger measure on the imaginative activity of interpreters. This is variously constrained, by authority or hermeneutic rules or assumptions, but it is necessary if the text is to have any communicable sense at all.…[as] our minds are not very well adapted to the perception of texts in themselves; we necessarily provide them with contexts, some of them imposed by authority and tradition, some by the need to make sense of them in a different world.[8]

While *peshat* exegesis aims, in some sense, to recover an original meaning, it also must bridge the chronological and cultural gap between the biblical text and the interpreter.[9] Huizinga's interpretive "game" model illuminates the creative balance that the *pashtan* must strike among the biblical text, tradition and reason—the last being a function of the interpreter's "here and now," including tools provided by his intellectual milieu and his own thought process. Indeed, different exegetes devised different *peshat* models, as the talmudic rule of *peshat* was interpreted in a variety of ways, depending on background assumptions that impelled its hermeneutical application.

Against this backdrop, we should rectify the lingering scholarly neglect of Maimonides' biblical hermeneutics and regard him, rather, as a bright star in the constellation of great medieval Jewish exegetes. As long as *peshat* was regarded as a static, monolithic rendering of "the text itself," it seemed reasonable to dismiss his hermeneutics as being extraneous to the *peshat* movement. But once we recognize its dynamic nature, Maimonides' essential links to the *peshat* tradition become manifest and his unique contributions shine forth. In devising his model of *peshat* and defining it in relation to other sorts of biblical interpretation (*ẓāhir, derash*), he grapples with the complexities of reading Scripture in his medieval cultural and intellectual context, complexities addressed either explicitly or implicitly by exegetes such

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[8] Kermode, "Plain Sense," 190–191. Compare the remark by B. Childs cited above, chapter nine, n. 47.

[9] Admittedly, it is difficult to ascertain the extent to which the medieval exegetes were cognizant of this historical gap. Modern scholarship certainly reveals that they often were, in fact, motivated by the need to make Scripture relevant to their own post-biblical Jewish cultural realities. Furthermore, there seem to have been differences among the various medieval exegetes in this respect. See above, at nn. 4, 5; see also the discussion in chapter nine above, at n. 47.

as Ibn Janah, Ibn Balʿam and Abraham Ibn Ezra in the Andalusian tradition, and Rashi, Joseph Qara and Rashbam in northern France. In fact, Maimonides often stands out in the originality and sharpness of his reading strategies, which also help to clarify the opinions of other exegetes by placing a spotlight on positions they avoided or were hesitant to explore.

It took someone with Maimonides' audacity, for example, to regard Job as a fictional tale, reviving a rejected talmudic view, or to say that he was prepared to consider reinterpreting the Account of Creation in accordance with the Aristotelian doctrine of eternity. And only a talmudist of his standing could make *peshuto shel miqra* a core value of the *halakhah*. Like other *pashtanim*, he was acutely aware of the disparity between talmudic law and the legal system that emerges from *ẓāhir al-naṣṣ*—which he defines energetically in the third section of the *Guide*. Yet Maimonides invokes the rule of *peshat* to devise an integrated legal hermeneutics, adapting concepts from Muslim jurisprudence to produce a stratified account of the "sources of the law" in a quest for legal scripturalism unique in the Rabbanite world.

In fact, given the clear obstacles to this integrated approach, which deterred others and even compelled Maimonides to retract some of its bolder applications, one must wonder: What could have motivated him to formulate his radical principle of *peshat* primacy in the first place? In other words, why did he, in fact, deem *peshuto shel miqra* the exclusive source of *de-orayta* (biblical) law, and demote to rabbinic (*de-rabbanan*) status the many laws derived midrashically in the Talmud, as he states in Principle #2 of the *Book of the Commandments*? This question can be answered only conjecturally, since Maimonides does not state his underlying motives, of which even he may not have been consciously aware. For this reason, we did not make an inquiry into his motivations part of the main body of this study. However, at this point, we can consider three factors that could have inspired Maimonides' *peshat* model.

(a) Some scholars may immediately point to the challenge to the Rabbanite system posed by the Karaites, a challenge with which Maimonides grapples explicitly in a number of places in his writings.[10] He was undoubtedly aware of the profound exegetical

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[10] There is a long tradition of Maimonidean scholarship that regards the desire to counter the Karaite threat as a prime motive of his *Book of the Commandments* and

achievements of the Karaites,[11] which lent force to their critique of the Rabbis for disregarding *ẓāhir al-naṣṣ*, i.e., the grammatical-philological reading of Scripture.[12] This certainly could have impelled Maimonides to endeavor to justify the Rabbanite system of *halakhah* in scriptural terms. Despite his professed disdain for Karaism, the great codifier builds his system by ceding key points to its critique of the traditional Rabbanite account of *halakhah*.[13] He thus acknowledges (as the Karaites averred) that the Rabbis used the midrashic *middot* to extrapolate from Scripture entirely new laws, rather than arguing (as Saadia had) that those laws were already known through an oral tradition and merely confirmed using the *middot*, a position that seems at odds with the evidence of rabbinic practice in the Talmud and midrashim. Nor could Maimonides return to a naïve reading of rabbinic literature and view the *middot* as genuine methods of interpretation, as talmudists unfamiliar with the *peshat* revolution might have been able to do. The possibility that remained for him was to create a stratified system to distinguish between the text of the Pentateuch (*peshateh di-qera*) and laws derived from it midrashically.

(b) Inspired by recent investigations of Maimonides' legal terminology, which reveal his substantial reliance on Muslim jurisprudence, others might point to this influence as the motivating factor behind Principle #2.[14] Indeed, distinctive elements of *uṣūl al-fiqh* feature prominently in his strong application of the rule of *peshat*: the

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*Mishneh Torah*. See Tchernowitz, *Codes*, I:197–208; Marmorstein, "Development," 163–170; Twersky, *Code*, 84–86. See also chapter nine, n. 30 above.

[11] On Maimonides' familiarity with Karaite learning, see Lasker, "Karaism," 146–150. Although Karaite writings would not have been part of the standard Rabbanite curriculum, a number of medieval Rabbanite scholars (particularly biblical interpreters, such as Abraham Ibn Ezra) were profoundly influenced by them. Furthermore, Maimonides displays a broad range of knowledge outside of his main areas of interest (philosophy, *halakhah*, biblical literature, rabbinic lore, medicine). In *Guide* III:29 (Pines trans., 520–521) he lists a veritable library of ancient "books of idolatry" which he regarded as the key to unlocking the purpose of the *ḥuqqim* that had perplexed his predecessors. See chapter three, sec. 4 above. See also Twersky, "Epistemology," 229–231.

[12] This critique was well-known to Maimonides' Rabbanite predecessors, e.g., ha-Levi (see *Kuzari* III:22, Baneth and Ben-Shammai ed., 112; see chapter five, sec. 1 above) and Abraham Ibn Ezra (Pentateuch comm., standard introduction, "the fifth way"; see chapter seven, sec. 5 above).

[13] Indeed, Maimonides' openly negative attitude did not preclude his adoption of certain Karaite views that he deemed reasonable. See Lasker, "Karaism," 150–161.

[14] See Levinger, *Techniques*, 183–184.

delineation of the various "sources of law"—Qurʾan and ḥadīth, on the one hand, and qiyās on the other; the concomitant distinction between uṣūl ("roots") and furūʿ ("branches"), and between manṣūṣ ("stated explicitly" in the Qurʾan and ḥadīth) and ghayr manṣūṣ ("not stated explicitly"); the classification of dalālat al-naql ("indicated by tradition") vs. dalālat al-ʿaql ("indicated by reason"). In the Talmud, Maimonides found a pre-existing delineation of laws of biblical (de-orayta) and rabbinic (de-rabbanan) force, with an often fuzzy correlation of the former to the text of the Pentateuch and the latter with rabbinic enactments. Muslim jurisprudence provided a set of theoretical categories which he could correlate with talmudic ones—peshateh di-qera vs. the middot—to construct a more systematic account of the de-orayta/de-rabbanan classification.[15]

(c)  Yet I believe that the most natural and immediate impetus for Maimonides' audacious application of the talmudic rule of peshat in Principle #2 would have come from the Andalusian exegetical school that had reached its zenith by his time. Invoking the precedent of the "peshat commentaries" of Saadia and Samuel ben Hofni, Ibn Janah had established the talmudic rule of peshat as the theoretical basis of his linguistic work, which spurred the commentarial activities of Ibn Chiquitilla and Ibn Balʿam—the two great exegetical authorities Maimonides acknowledges. The cogency of their interpretive enterprise led Abraham Ibn Ezra to conclude that peshuto shel miqra is the single correct construal of Scripture.[16] Maimonides came to share this perspective—either independently or under Ibn Ezra's influence—and, as a master jurist, draws the logical legal-hermeneutical conclusion that the halakhic authority of the Pentateuch (the Torah, orayta) can derive only from peshuto shel miqra/peshateh di-qera, i.e., the text of the Torah.[17]

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[15] Muslim jurisprudence does not make any comparable sort of legal distinction. Rather than slavishly following uṣūl al-fiqh, Maimonides adapts its categories to explain what he regards as the essential system of the Talmud.

[16] This was a step that even Ibn Janah did not take, as mentioned in chapter seven above.

[17] A. Hyman has recently argued for what might be a fourth factor motivating Maimonides' legal scripturalism: his philosophical belief that the "Law of Moses" (the Torah) is the result of a uniquely pure form of prophecy, in which the imagination plays no role and that is therefore as close to reason, i.e., philosophy, as any law can possibly be. In that case, the Torah itself should have a unique halakhic status. See Hyman, "Exegete," 10. While this may be an important factor, it would have to be

Ultimately, it may not be possible or even necessary to untangle these three influences on Maimonides' thought.[18] The Karaite critique would have made him dissatisfied with both the traditional reading of the Talmud and even the somewhat newer geonic account of how the midrashic *middot* were used, which itself incorporated elements from Muslim jurisprudence. But his knowledge of the *peshat* revolution in al-Andalus could have done so as well, and also would best account for his salient use of the rule that "a biblical verse does not leave the realm of its *peshat*," which the Karaites did not invoke. Maimonides' talmudic predecessors—from earlier enumerators of the commandments to the great jurists Alfasi and Ibn Megas—seem unaware of the *peshat* revolution. Maimonides, on the other hand, cites its great achievements and, as an integrated thinker, evidently took it into account by making *peshuto shel miqra* a key component of his legal hermeneutics. As for Muslim jurisprudence, while it is theoretically possible to view it as an independent impetus for Maimonides' stratification of Jewish law, it seems more likely that it played a supporting role in his endeavor to make *peshateh di-qera* central while still creating a space for the laws derived through the midrashic *middot*.[19]

  Since Maimonides' interpretive strategies were uniquely suited to the intellectual challenges and opportunities posed in his Judeo-Arabic setting, it is not surprising that his successors questioned and even rejected the more audacious elements of his interpretive system. This is particularly true of his demotion of *halakhot* to rabbinic status based on exegetical considerations. At the same time, many of the great codifier's interpretive determinations seem to be based on halakhic rather than exegetical considerations. As a result, his integrated path was dissatisfying to two constituencies: for other *pashtanim*, his exegesis was too talmudic, while for other talmudists his scripturalism was too radical—and Nahmanides criticizes him on both counts. Fate was not

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combined with some form of Ibn Ezra's strong reading of the rule of *peshat* in order to create the sharp distinction between the text of the Pentateuch and its rabbinic "interpretation" by way of *derash*, which is the critical point Maimonides makes in Principle #2.

  [18] Generally speaking, Maimonides was influenced by a dazzling array of intellectual and cultural forces, all of which contributed to the complexity and depth of his thought, as brought out recently by S. Stroumsa in her monograph *Maimonides in His World: Portrait of a Mediterranean Thinker*. This often makes it difficult to isolate one or another factor as the impetus for any of Maimonides' original views.

  [19] This is especially true in light of the observation in n. 15 above.

kind to Maimonides' innovative Principle #2, which was either rejected or reinterpreted by later scholars.[20] His bold and unique construal of the maxim that "a biblical verse does not leave the realm of its *peshat*" might thus be regarded as a branch of the *peshat* school that did not bear fruit in the later tradition.

Yet in some respects, the destiny of Maimonides' exegetical legacy is not unlike that of key *pashtanim* now recognized for their bold contributions. Joseph Qara's anti-midrashic attitude was tacitly discarded by Rashbam, who acknowledged *derash* as "essential" (*'iqqar*), at least in theory.[21] And even the latter's forceful *peshat* approach was not carried on more than a generation or two.[22] It appears that their bold exegetical foray was closely tied to the intellectual culture of the twelfth-century renaissance in France and withered when transplanted to other surroundings.[23] A similar point can be made about the highly original aesthetic exegesis of Moses Ibn Ezra, which was closely tied to Arabic norms of poetic ornamentation and therefore ceased to be of interest as the centers of Jewish learning migrated to Christian lands.[24] Indeed, in light of the dynamic inter-disciplinary dimensions of *peshuto shel miqra*, it stands to reason that this concept would assume different forms in different intellectual-cultural settings, and that a *peshat* model devised in one would not necessarily be embraced in another.

The critiques to which Maimonides' hermeneutics and exegesis have been subjected are probably a function of their innovative nature. I. Twersky has noted a similar phenomenon in connection with another Maimonidean doctrine—his negation of magic, especially for the purpose of healing, and his uncompromisingly positive attitude toward genuine medical practices, which required substantial reinterpretation of rabbinic texts:[25]

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[20] Nahmanides is a prime example of the former; see above, chapter seven, sec. 6. On the reinterpretation of Principle #2, see chapter six, n. 30.

[21] See Touitou, *Exegesis*, 51–53.

[22] See Grossman, "Literal Exegesis," 370–371.

[23] See Touitou, *Exegesis*, 11–45.

[24] See Cohen, "Aesthetic Exegesis," 300–301.

[25] From a number of rabbinic sources it would appear that Jewish tradition discourages reliance on medicine, and instead views health and sickness as being dependent on direct divine intervention and perhaps other supernatural forces; see, e.g., m.*Pesaḥim* 4:9, with Maimonides' commentary ad loc. (4:10 in his enumeration); *Mishneh Torah, Hilkhot Shabbat* 2:1; cf. Nahmanides, comm. on Lev 26:11.

> There is much that is novel in this position; it is established and sustained by sharp exegesis, innovative interpretation and unrelenting polemics.... An indication of how novel his position was in the history of its reception and rejection: it was periodically disavowed throughout the generations...
>
> The whole issue demanded concerted effort and considerable ingenuity. Many Talmudic passages had to be presented in new perspectives or transposed to new contexts or conceptualized in new ways....
>
> This process of interpretation and conceptualization...was [therefore] frequently challenged and criticized...Nahmanides could say...that "the texts are against it"[26].... Rabbi Abraham ben David [Rabad] said..."this author possess great (interpretive) powers and is thus able to interpret matters as he sees fit."[27] The critical intent of the remark does not invalidate the insightfulness of the characterization which underscores the central importance of the interpretive process.[28]

Maimonides recognized the creativity of this mode of interpretation—of both biblical and rabbinic texts, which he termed *ta'wīl*. While aware of its subjective and even fallible nature, the great philosopher-talmudist insisted that the "gates of *ta'wīl* are not shut in our faces" and that it is indeed essential for making sense of the traditional texts.

As a reflection of his self-awareness in this regard, the great codifier was constantly re-evaluating his own views and famously revised his opinions throughout his lifetime. As we have seen in this study, he also retracted certain of the more daring applications of Principle #2—though he steadfastly adhered to the principle itself. To be sure, Maimonides was fiercely independent and readily dismissed opinions of his predecessors; yet he recognized the subjectivity of his own interpretations and was willing to reconsider them. Interestingly, the combination of independence and self-evaluation characterizes two other medieval Jewish scholars known for their originality—the great northern French tosafist Jacob Tam and Rabad of Posquières, Maimonides' illustrious Provençal critic. As noted by I. M. Ta-Shma:

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[26] *Kitvei Ramban*, Chavel ed., I:380.

[27] המחבר הזה מופלג הוא ומפליג הדברים למה שירצה; *Hassagot* on *Hilkhot ʿAvadim* 1:5. Rabad uses the term מופלג (lit. "far off") in this context to mean *extremely clever, brilliant*, i.e., beyond the intellectual capacity of most scholars. He appears to use the related term מפליג (lit. "to go far away") in the sense of *giving one's own idiosyncratic—and likely mistaken—interpretation*. Both of these usages are attested in RH; see Jastrow, s.v., פלג \ הפליג.

[28] Twersky, "Epistemology," 234.

Rabad…truly internalized R. Tam's innovative, revolutionary form of learning…to the point that he might be dubbed "the Provençal R. Tam"…[but] he did not adopt his actual opinions, for the…innovation and independence that he acquired from R. Tam's method of learning enabled him to disagree often with specific French positions.…

This intellectual independence, and the awareness of the interpretive wealth embodied in the Talmud waiting to be extracted, made [Rabad] relate to his own innovative interpretations in the same critical way, and he did not hesitate in the least to retract things that he had said or written earlier…He even got a thrill out of powerfully deconstructing his own views with harsh words, in the same way that he did with the interpretations of others. In principle, choosing the path of innovation does not necessitate—and it even prohibits—stopping with the innovator himself, for just as another scholar might come and reject his innovative readings and offer new ones of his own in their place, so too must he do with respect to his own views.[29]

Ta-Shma regards this as a reflection of the thinking of the twelfth-century renaissance, beginning with Rashi, but more fully manifest in his successors:

A few retractions can be found in the words of the late eleventh-century scholars, some even in Rashi himself…but the "rule" of retraction as a consistent and completely standard phenomenon…evidently began with R. Tam…In this, as well, Rabad followed…—to an extreme.[30]

Since Maimonides' interpretive boldness was matched by a willingness to revise his own views (even if not quite as colorfully as Rabad did), the fact that his opinions in the realm of biblical interpretation were not accepted should not be regarded as a failure. Of equal or perhaps greater importance were the new issues and challenges that he raised, altering the hermeneutical sensibilities of subsequent interpreters. Rather than asking whether Maimonides' opinions were endorsed, it would be more pertinent to explore how he changed the trajectory of the development of the concept of *peshuto shel miqra*, especially as the Andalusian exegetical school was being transplanted to Christian lands. Different elements of his work, in fact, became embedded in the later tradition, since, in addressing key questions posed by the coordination of philological exegesis, *halakhah* and philosophy, he devised strategies that later exegetes had to contend with—even if they did not

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[29]  Ta-Shma, *Commentary*, 203.
[30]  Ibid.

wish to adopt the Maimonidean positions. Even Nahmanides' vehement rejection of Principle #2 thinly masks his adoption of a fundamentally Maimonidean legal-hermeneutical hierarchy,[31] much as his interpretation of Job—which features a kabbalistic solution to the theodicy—is based on the Maimonidean philosophical interpretive template.[32] One could argue further that the broad theological parameters of Nahmanides' Pentateuch commentary were set by interpretive issues Maimonides raised, especially in the *Guide*.[33]

Although biblical exegesis was only one component of Maimonides' vast output, and although he did not attempt to unify his multi-faceted views of the biblical text in a running commentary, throughout his life he was intensively occupied with interpretation—of halakhic and philosophical as well as biblical literature. Armed with his own penetrating analytic abilities and broad range of learning, which included exposure to the Geonic-Andalusian *peshat* revolution, Maimonides was a profound reader of Scripture who addressed perennial questions about interpretive theory and practice that set the agenda for exegetes in the *peshat* tradition in subsequent generations. Recognizing the creative nature of the encounter between the reader and ancient sacred text, Maimonides opened "the gates of interpretation" to portray the divine word as both historically bound and timeless.

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[31] See chapter seven, sec. 6, above. See also Halbertal, *Truth*, 21–22.
[32] See Cohen, "Searchings," 224–233.
[33] See, e.g., Stern, *Problems*, 67–86, 109–160; Idel, "Leadership," 59–72.

## MEANING AND TRANSLATION OF THE
### *PESHAT* PRINCIPLE

The originally talmudic principle אין מקרא יוצא מידי פשוטו—rendered "A biblical verse does not leave the realm of its *peshat*" throughout this study—has been understood and translated in a number of different ways in modern scholarship. To some extent, this variation reflects the fact that this principle was used in different ways within the medieval exegetical tradition. In light of this diversity, it is helpful at this point to offer a philological analysis of the principle itself and substantiate the translation we used, as well as briefly explaining why others commonly used in modern scholarship have been avoided.[1]

From a philological perspective, the crux here is to determine the sense of the locution יוצא מידי (lit. "leaves the hands of")[2] in accordance with talmudic usage. This idiomatic expression is related to other similar usages in RH that are rooted in BH. The term יד (hand) is regularly used metaphorically in the sense of *possession*, *control* or *dominion* in RH, following a convention in BH.[3] Accordingly, "to remove X from the hand of Y" means *to remove or release X from Y's possession, control or dominion*. In the Talmud, this occurs frequently in legal contexts. M.*Ketubbot* 8:1 speaks of the case of a woman who came into the possession of property after she was married (e.g., through inheritance), in which case the newly acquired property legally belongs to her husband. Hence, if she sells it (which she is not authorized to do), "the husband removes it from the 'hand' of the buyers" (מוציא מיד

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[1] As already mentioned (Note on Translations above), we refrain from translating the term *peshat* itself, which, as demonstrated throughout this study, is subject to such divergent interpretations (within the medieval tradition alone!) that no single translation covers all usages. The term מקרא in the talmudic *peshat* principle seems to mean *a biblical verse* (see Jastrow, s.v. מקרא), although some scholars take it in the sense of *Scripture*, which at times seems to reflect the way the principle was cited in the medieval tradition (sometimes expressed by adding the definite article [המקרא]; cf. n. 14 below).

[2] Garfinkel, "Clearing," 132n thus renders the principle "a biblical verse never leaves the hands of the *peshat*."

[3] See *BDB*, s.v. יד; Jastrow, s.v. יד.

הלקוחות), i.e., repossesses it, "removing" it from their *possession*.
B.*Qiddushin* 23a, likewise, speaks of "a slave who leaves his master's
ownership (lit. hand) into freedom" (עבד שיצא מיד רבו לחירות); and
b.*Giṭṭin* 88b addresses the possibility that a wife may "release herself
from her husband's control (lit. hand)" (מפקעת עצמה מיד בעלה).[4]

It is clear why יד—in the RH idiom יוצא \ מוציא מיד—would be
used to denote *possession*, since an object grasped in hand is under
one's physical control, usually an indication of ownership. In fact, this
metaphorical usage is so well-established that it has become "lexical-
ized," i.e., it is a standard meaning of יד that must be included in
the Hebrew dictionary (whether biblical, rabbinic or modern). Not
surprisingly, this linguistic convention can be found analogously in
Arabic (*yad*), Latin (*manus*) and even English (hand).[5]

But in RH we find a derivative usage—יוצא \ מוציא מידי, i.e., "to
the leave/remove from the hands of"—that seems most pertinent to
our case, in part because it uses the plural ("hands"). M.*Yevamot* 15:6
speaks of a man who stole an object from one of five people, but does
not know which was his victim—a status each of the five claims for
himself. R. Tarfon rules that the thief makes restitution by leaving
the object among the five, who must decide among themselves how
to apportion it. But R. Akiva rules: אין זו דרך מוציאתו מידי עבירה
(lit. "this way does not *remove him from the hands of transgression*").
Although transgression has no "hands," it is imagined as "possessing"
the thief. Since transgression is not a person and thus cannot possess
anything, it seems more apt to say that this idiom draws upon the gen-
eral notion of "possession" or "control" to indicate that, legally speak-
ing, the thief remains *in the realm or domain* of transgression until he
can be certain that he has made restitution to his victim. This sort of
second-order metaphorical usage of the expression יוצא \ מוציא מידי
is standard in RH, for example, in the talmudic principle אין ספק
מוציא מידי ודאי, i.e., "an uncertainty does not remove [one] from the

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[4] In the talmudic conception (which is obviously quite distant from modern West-
ern norms), betrothal is discussed (from a legal perspective) as a man "purchasing" a
woman; see m.*Qiddushin* 1:1–5.

[5] See Wehr, *Dictionary*, s.v. يَد.; *OED*, s.v. "hand." Latin *manus* is used in Roman
law to denote *control over people*, especially *a man's control over his wife*; see *OED*,
s.v. "manus."

realm [or: state] of certainty,"[6] and others that use יוצא \ מוציא מידי in a similar way.[7]

We have thus clarified that in RH, יוצא \ מוציא מידי means *to leave/ remove something from a particular legal or conceptual realm*.[8] On this basis we translate the *peshat* principle:

(1)  A biblical verse does not leave the realm of its *peshat*.[9]

Of course, the precise meaning of this disallowed "removal" remains unclear, and this presumably has generated some of the typical modern renderings of the principle:

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[6] See, e.g., b.*Pesaḥim* 9a, b.*Yevamot* 19b, 38a, b.ʿ*Avodah Zarah* 38b, 41b, b.*Ḥullin* 10a, b.*Niddah* 15b. While ספק means *a doubt*, in this context the word is used the sense of *an assumption about which there is a measure of doubt*, i.e., an uncertainty, or, more precisely: anything less than a certainty. The metaphorical "removal" from a particular legal realm or state to which this rule refers can be described as nullification. One might therefore render this principle: "an uncertainty cannot nullify a certainty." This can be compared with the two-fold rule in b.*Sukkah* 14a and *Qiddushin* 59b: מעשה מוציא מיד מעשה ומחשבה, מחשבה אין מוציאה לא מיד מעשה ולא מיד מחשבה, i.e., "an act can nullify [i.e., remove one from the realm of] both [prior] act and intention, but intention can nullify neither act nor intention." We similarly find מוציא משמע מיד משמע, "the sense of [one verse] nullifies the sense [of another]" (*Sifra, Shemini* 2:3 [Weiss ed., 48a]; b.*Yoma* 42b). On the use of יד in the singular here, see n. 8 below.

[7] See, e.g., see b.*Pesaḥim* 73a (מוציאו מידי אבר מן החי); b.*Menaḥot* 101a (יוצא מידי מזבח); b.*Meʿilah* 3b (מוציא מידי מעילה); b.*Ḥullin* 113a (יוצא מידי דמו); j.*Pesaḥim* 4:3 (מוציאן מידי ברכה); j.*Qiddushin* 2:8 (מוציא מידי איסורין). One might perhaps relate this to the mishnaic expression יצא ידי חובתו (= "he fulfilled his obligation"; see, e.g., m.*Ḥallah* 1:2, m.*Sukkah* 2:1, m.*Pesaḥim* 2:4, 10:5), although there the prepositional prefix *mi-* is absent.

[8] My teacher Richard Steiner notes that in later Hebrew יוצא \ מוציא מגדר (e.g., יצא מגדר ודאי, יצא מגדר האפשרי) is used to express a similar notion. RH tends to express this notion using יד in the plural (יוצא \ מוציא מידי). But there are exceptions: compare b.*Zevaḥim* 13b (מוציא מידי פיגול) with j.*Yoma* 5:7 (מוציא מיד פיגול). See also the later examples cited in n. 6 above. But the notion of removal from someone's possession is expressed almost always with יד in the singular—even when speaking of a group of owners (מוציא מיד הלקוחות). The lone exception I have found is in t.*Ketubbot* 4:18, where some manuscripts read: נכסים שיש להן אחריות בנים מוציאין מידי בנים ובנות מידי בנות, though other manuscripts read נכסים שיש להן אחריות בנים מוציאין מיד הבנים ובנות מיד הבנות (see Zuckermandel ed., 265). We can thus say that the strong tendency of RH is to use only the singular form (יוצא \ מוציא מיד) to express the notion of removal *from the possession of* someone, as in the examples cited above, reserving יוצא \ מוציא מידי to express *removal from the realm of something.*

[9] Compare the translation of A. Maman: "a verse does not leave its simple meaning" ("Linguistic School," 271), and of B. Schwartz "[a verse does not] leave behind, abandon [its *peshat*]" (below, n. 13). Both translations suggest that the metaphorical "hands" are dispensable here, since they reflect the *Vorlage* אין מקרא יוצא מפשוטו (without ידי); compare the talmudic locution מפקא לקרא מפשטיה ("it removes the verse from its *peshat*"; b.*Yevamot* 24a) and Maimonides' locution לא יצאתי מפשטיה דקרא ("I did not depart from the *peshat* of the verse [or: Scripture]"; Appendix B below, n. 2).

(2) A biblical verse cannot be deprived of its *peshat*.[10]

(3) A biblical verse can never lose its literal sense.[11]

(4) A biblical verse cannot be distorted from the meaning of its *peshat*.[12]

These translations are well suited for Ibn Janah, Rashi, Rashbam and Nahmanides, who (as we have seen in this study) all maintain some sort of dual hermeneutic and invoke the *peshat* principle to say that the midrashic reading of a verse—which they take to be a correct and authoritative interpretation—does not impinge on the validity of *peshuto shel miqra*.[13] But for this very reason, these translations are too restrictive, since they do not fit other construals of the *peshat* principle. Ibn Ezra, for example, invokes it to say that *peshuto shel miqra* is the only genuine interpretation of Scripture, and that midrashic readings are merely ideas superimposed on the biblical text. This would call for a different rendering of the principle:

(5) A biblical verse has no true meaning other than its *peshat*.[14]

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[10] See Halivni, *Peshat & Derash*, 54–58; compare Kamin, *Jews and Christians*, xxxi (English section).

[11] See Jastrow, s.v. מקרא.

[12] See Loewe, "Plain Meaning," 164.

[13] Compare the remarks of B. Schwartz:

> It would…seem that the sense of יוצא מידי in the statement אין מקרא יוצא מידי פשוטו is not so much "be deprived of" but rather "leave behind, abandon," literally, "exit the clutches of." I have always understood this to mean that no midrashic interpretation can invalidate one based on obvious, contextual exegesis. ("*Peshat* and *Derash*," 74–75)

This represents a thoughtful endeavor to tackle the problem of rendering the *peshat* maxim in English (which other scholars generally ignored) by considering a number of possible strategies. The concluding paraphrase: "no midrashic interpretation can invalidate one based on obvious, contextual exegesis" is a perfect fit for exegetes who maintained a dual hermeneutic. The translation we adopt is a variation of the one Schwartz favors: "[a biblical verse does not] leave behind/abandon [its *peshat*]"; see above, n. 9. Schwartz also relates to the literal sense of יוצא מידי, rendering it "exit the clutches of," taking a term from the semantic field of *hand* used in English to connote control; compare NJPS "from the clutches of Sheol" (Ps 89:49; מיד שאול). It seems to me that "clutches" has a diabolical connotation that may be natural in connection with Sheol, but is quite dissonant in the *peshat* maxim. Nonetheless, Schwartz's comment is a significant precedent for our treatment because he shows how the literal sense of יד was transformed in the idiomatic expression יוצא מידי and then used even more abstractly in the *peshat* maxim.

[14] Compare Ibn Ezra's paraphrase of the *peshat* principle: המקרא כפשוטו ("Scripture is according to its *peshat*"); see his introduction to Lamentations, cited in chapter one, sec. 7 above. As noted in our discussion in that section, Ibn Ezra elsewhere

While at first glance it might seem that such a translation would also suit Maimonides' understanding of the *peshat* principle,[15] our findings in chapter six above have demonstrated its inappropriateness for this purpose. To begin with, Maimonides does not construe *peshat* as a meaning of Scripture. In his parlance, *peshateh di-qera* is a synonym of *gufeh di-qera* ("the biblical text itself"). Moreover, he strongly affirms the right of the Rabbis to derive laws from Scripture by way of midrashic inference, using the thirteen *middot*. He invokes the *peshat* principle only to say that biblical authority (*de-orayta* status) is limited to those laws that have a source in *gufeh di-qera/peshateh di-qera* (that *peshateh di-qera* "indicates" [*yadullu*]). So, for the great codifier, the following construal would seem most fitting:

(6)  The [biblical] authority of a verse does not go beyond its *peshat*.

Additionally, we ought to consider the fact that Samuel ben Hofni used the *peshat* principle to support Saadia's exegetical axiom (as discussed in chapter one above) that Scripture must be interpreted literally, except where that would lead to a conflict with reason, another verse or tradition, in which case a non-literal interpretation (*ta'wīl*) is preferable. In that case, one might best render the *peshat* principle:

(7)  A biblical verse should [first] be taken according to its *peshat*.[16]

In order to allow for this diversity, the best strategy is to leave the talmudic *peshat* principle as undetermined as possible when discussing its use within the medieval exegetical tradition, i.e., to simply render it "a biblical verse does not leave the realm of its *peshat*," which makes clear that it must be explained further—by each exegete in his own way.

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equates *peshat* with "truth" (*emet*), which he regards as singular—in opposition to the dual hermeneutic of Ibn Janah.

[15]  I.e., his assertion that *peshuto shel miqra* is the exclusive source of biblical (*de-orayta*) law, whereas those derived through the midrashic *middot* are merely rabbinic (*de-rabbanan*). Nahmanides paraphrases the *peshat* principle on Maimonides' reading אין מקרא אלא כפשוטו, which fits for Ibn Ezra as well; see chapter seven, sec. 6 above.

[16]  This may seem identical to translation (5) given for Ibn Ezra; but it is less absolute and allows for the possibility that, upon consideration, a verse should not be "taken according to its *peshat*."

## THE TERM *PESHAT* IN MAIMONIDES' OTHER WRITINGS

Earlier parts of this work have included an exhaustive study of the term *peshat* in Maimonides' Arabic writings: its ten occurrences in his *Book of the Commandments*, where he applies his rule of *peshat* to delineate the *halakhot* that have biblical (*de-orayta*) status (chapter six above), and a single, closely related halakhic usage of the term in Responsum #310, written in Judeo-Arabic (chapter eight, sec. 1.1 above). As noted in the introduction above (sec. 4), among Maimonides' major works in Judeo-Arabic, the *Book of the Commandments* is the only one in which the term *peshat* is ever used; it does not appear even once in either his Mishnah Commentary or the *Guide*. For the sake of completeness we dedicate this Appendix to all of the additional occurrences of the term in his other writings (as far as I could determine), four in his responsa/letters written in Hebrew, and four in *Mishneh Torah*.

### 1. *Responsa and Letters*

Apart from Responsum #310 (of which we have only fragments of the Arabic original, though a full medieval Hebrew translation is extant), Maimonides uses the term *peshat* in four additional responsa/letters written in Hebrew. In the discussion that follows, it will be important to distinguish between his usage of the term in halakhic contexts—which seems consistent with its usage in his *Book of the Commandments*—(examples 1 and 2) and in non-halakhic contexts (examples 3, 4), where he uses the term in a different sense.

(1) Responsum #326. At issue in this responsum is the annulment of a woman's vows, a prerogative granted in Numbers 30 to her father (while she is in his household) and husband. The latter, however, has this authority only with respect to particular vows—those of "self-denial"—as stated in Num 30:14, "Every vow…of self-denial, her husband may uphold it and her husband may annul it." The halakhic midrash *Sifre*, however, applies the same restriction to the father,

based on a *heqqesh* from Num 30:17 ("between a man and his wife and between a father and his daughter").[1] Maimonides did not codify this last detail in *Mishneh Torah* and was called upon to explain his omission. In this responsum, he explains that the *heqqesh* in *Sifre* is a singular opinion not held by the majority of Sages in the Talmud. Hence,

> regarding the father, the Sages did not differentiate [among different classes of] vows, just as *peshateh di-qera* did not differentiate [in this way] regarding the father, but rather said: "none of her vows or self-imposed obligations shall stand" (Num 30:6). But with regard to the husband it did differentiate and said: "Every vow…of self-denial […]" (Num 30:14). According to this reasoning (lit. these words of mine) I grasped this issue and I did not depart from *peshateh di-qera*.[2]

Maimonides here uses the term *peshateh di-qera* as he does in the *Book of the Commandments*, i.e., to connote *Scripture itself*,[3] as opposed to the *heqqesh* which draws a legal inference to legislate further details not included in the original law as stated explicitly.

(2) Responsum #335. Maimonides was asked to explain the basis of his lenient ruling in *Mishneh Torah* that a *mezuzah* need not be affixed to a doorway (i.e., a plain opening) in the absence of a door. To justify this ruling he cites a biblical verse:

> Scripture made the essential [obligation] of *mezuzah* dependent specifically on the שער, as it is said: "inscribe them on the doorposts (*mezuzot*) of your house and on your שערים" (Deut 6:9)…And it is well-known that the [שער]ים are the doors, [as indicated by what] the Sages said

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[1] *Sifre Numbers* §155 (Horovitz ed., 207).

[2] *Responsa*, Blau ed., II:593–595. Citation from p. 595. The Hebrew text here reads:

לגבי האב לא חלקו חכמים בנדרים כפשטיה דקרא שלא חילק באב אלא אמר 'כל נדריה ואסריה אשר אסרה על נפשה לא יקום' ובבעל חלק ואמר 'כל נדר וכל שבועת איסר לענות נפש', לפי דברי אלו תפשתי סוגיא זו ולא יצאתי מפשטיה דקרא.

According to Maimonides' logic in the *Book of the Commandments*, the rule of *peshat* primacy would make the distinction of *Sifre* only a rabbinic restriction, since it is based on a *heqqesh*, rather than *peshateh di-qera*.

[3] Note, in particular, the Maimonidean locution פשטיה דקרא שלא חילק באב אלא אמר…ובבעל חלק ואמר. As he conceives it, *peshateh di-qera* "distinguishes" among classes of vows, and "says [such and such]." This would seem to indicate that the term *peshateh di-qera* connotes *the text of Scripture itself*, and not its interpretation. Compare the discussion in chapter six above, sec. 2.

[in the Talmud].... The obligation is [thus] dependent only on the door (שער) of a house, as [indicated by] *peshateh di-qera*.[4]

The verse obligates placing a *mezuzah* upon "your שערים," which Maimonides interprets as *your doors*—and not simple openings—based on evidence from the Talmud. Presumably, he was aware that independent philological analysis of the biblical evidence leads to a different conclusion, i.e., that שער can mean *a gate* without a door.[5] However, as we have seen in the *Book of the Commandments*, the great codifier typically accepted the rabbinic halakhic understanding of Scripture as the key to the correct construal of *peshateh di-qera*. His locution in this responsum, then, is consistent with his use of the term in that work, i.e., to connote Scripture itself according to the authoritative rabbinic halakhic interpretation, as opposed to *ẓāhir al-naṣṣ*, the term he might use to connote its apparent philological-contextual sense.

(3) *Letter to Obadiah the Proselyte*. A series of queries on theological matters was sent to Maimonides by a certain Obadiah, a convert to Judaism from Islam, who resided in Jerusalem.[6] Although it is reasonable to assume that Arabic was Obadiah's native language, he chose to correspond with Maimonides in Hebrew, the language in which the latter responded. Among the questions posed was the meaning of the talmudic statement "Everything is in God's power (lit. the hands of Heaven), except for the fear of God (lit. Heaven)" (b.*Berakhot* 33b), which seems to indicate a sort of determinism. Maimonides begins his response by rejecting determinism absolutely and regarding human freedom of choice as a cardinal principle of truth that is clearly indicated in Scripture. As for the talmudic statement, he explains that all human actions fall under the category of "fear of God," thereby

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[4] *Responsa*, Blau ed., II:607–608; citation from p. 608. The Hebrew text reads:
עיקר המזוזה לא תלה אותה הכתוב אלא בשער שנאמר ׳על מזוזות ביתך ובשעריך׳...והדבר ידוע שהשער הן הדלתות וכך אמרו חכמים ע״ה ׳אחד שערי בתים ואחד שערי דלתות׳ (בבלי, יומא יא ע״א), ולא אמרו ׳אחד פתחי בתים׳, שכל פתח שאין בו דלתות פתח איקרי שער לא איקרי, וכן מוכיח בעירובין ולא יסתפק דבר זה לחכם שבעולם לא דין החיוב תלוי אלא בשער בית כפשטיה דקרא.

[5] See, e.g., BDB, s.v. שער. Abraham Maimonides acknowledged this when seeking to justify his father's seemingly tenuous philological argument; see *Birkat Avraham*, Responsum #41, Goldberg ed., 71.

[6] See Shailat, *Letters*, II:231–241. According to Shailat, these three queries were sent to Maimonides as part of one letter, and he answered all three in a single letter as well. The three answers were published separately by Blau as *Responsa* #293, #436, #448.

limiting that which is determined by God's will to matters pertaining to the non-human natural world.[7] Having addressed this example, Maimonides forestalls further questions of this sort based on similar rabbinic comments that might imply otherwise:

> Anyone who sets aside the views that we have explained and…seeks some lone word of *aggadah* or Midrash…according to its *peshat*, to refute our words, which are words of wisdom and understanding, is simply committing suicide.[8]

He goes on to refer to one such rabbinic comment (cited by Obadiah) and then lays down his general principle, which echoes Saadia's exegetical axiom (chapter one above, sec. 1):

> One must always regard this matter [i.e., human freedom] that is explicit (*meforash*) in the Torah as the fundamental principle (*ʿiqqar*), a foundation not to be destroyed, and a fastened peg not to be removed. And when one finds a verse of the Prophets or a word of the Sages opposing this principle and contradicting this matter, he must investigate and seek with his mind's eye a way to understand the words of that prophet or sage. If their words can be reconciled with this matter explicit in the Torah, then it is good. And if not, he should say to himself: "I do not understand the words of this prophet or sage, since they are words with an inner [meaning] (*devarim she-be-gawwan*), and they are not meant according to their *peshat*."[9]

Maimonides here uses the term *peshat* in the sense of Arabic *ẓāhir* to connote *the apparent—and superficial—sense* of a verse or rabbinic statement, much as his Hebrew term *devarim she-be-gawwan* is his equivalent of Arabic *bāṭin*, i.e., *the hidden inner sense*.[10] In fact, the language in this passage finds close parallels in his Arabic writings,

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[7] *Letters*, Shailat ed., II:236.

[8] Ibid., II:236–237. The Hebrew text reads:

כל המניח דברים שבארנו…והולך ומחפש בהגדה או מדרש…עד שימצא מלה אחת על פשטה ישיב בה על דברינו שהן דברי דעת ותבונה, אינו אלא מאבד עצמו לדעת.

See also below, n. 11.

[9] *Letters*, Shailat ed., II:237. The relevant Hebrew text reads:

דברי הנביא הזה או דברי חכם זה איני יודע אותם, ודברים שבגון הם ואינם על פשטיהם.

Blau, *Responsa*, II:716 reads שבגו (*she-be-gaw*). See following note.

[10] Maimonides borrows the talmudic expression דברים בגו (there is a hidden matter in it); see b.*Ketubbot* 111a, *Qiddushin* 44b. According to Shailat's reading (דברים שבגון see previous note), the plural possessive suffix is added (compare the locution דאית ליה שותפות בגוה [b.*Ḥullin* 41a], with the feminine possessive suffix).

where he actually uses the *ẓāhir-bāṭin* dichotomy to make the very same point that Scripture and the words of the Sages must be reconciled with reason and not be taken literally.[11]

In his Letter to Obadiah, then, Maimonides clearly does not use the term *peshat* in the authoritative sense it has in the *Book of the Commandments*, in the spirit of his rule of *peshat* primacy. Quite the opposite; here he advocates abandoning "the *peshat*" where it conflicts with reason or Scripture. Interestingly, this usage accords with Samuel ben Hofni's construal of the *peshat* maxim (which seems to have circulated in al-Andalus in the eleventh and twelfth centuries), i.e., that Scripture must be taken according to its *ẓāhir* (= *peshat*), unless that would lead to a conflict with reason or Scripture.[12]

(4) *Letter on Astrology*. In this famous letter to the Rabbis of Provence, Maimonides again discusses, among other things, the importance of harmonizing Scripture and reason, epitomizing the rationalist Geonic-Andalusian exegetical outlook:

> You certainly know that many verses in the holy Torah are not according to their *peshat*. And since reason indicates definitively that the matter cannot be according to its *peshat*, the Targum rendered them in a way that accords with reason (lit. that reason bears). And a person must never ignore (lit. throw behind him) his intellect, for the eyes look forward and not backward.[13]

As in the previous example, Maimonides here uses the term *peshat* the way he would Arabic *ẓāhir*, i.e., to connote the literal sense of a verse, which must be adjusted when it conflicts with reason. It would

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[11] Consider, e.g., his remarks in his introduction to *Pereq Ḥeleq*, Shailat ed., 364 (Ar.); 134 (Heb.), cited in chapter two above, sec. 2.3. Note that in the Letter to Obadiah Maimonides uses the construction *ʿal peshateh/ʿal peshutehem* (nn. 8, 9 above), akin to Arabic *ʿalā ẓāhiri/zawāhiri*, as opposed to the talmudic locution *ki-peshateh di-qera* (see, e.g., b.ʿArakhin 32a), which he uses, e.g., in Responsum #326 cited above. This seems to be a further indication that Maimonides was using the term *peshat* here in the sense of Arabic *ẓāhir*.

[12] See chapter one above, sections 2, 3.

[13] *Letter on Astrology*, in *Letters*, Shailat ed., II:488. The Hebrew text reads:
הלא תדעו שהרי כמה פסוקים מן התורה הקדושה אינן כפשטן, ולפי שנודע
בראיות של דעת שאי אפשר שיהיה הדבר כפשוטו תרגמו המתרגם תרגום שהדעת
סובלת. ולעולם אל ישליך אדם דעתו אחריו, שהעינים לפנים הן ולא לאחור.
Some have questioned the attribution of the *Letter on Astrology* to Maimonides; but the general consensus of Maimonidean scholars is that he, in fact, wrote it. See Sela, "Queries," 90–91. In this case he uses the talmudic locution *ki-peshatan/ki-peshuto* (cf. n. 11 above), perhaps because he was writing to talmudic scholars.

seem that he took the liberty of using the term *peshat* in these contexts (and was not careful, e.g., to use the term *mashmaʿ* [below, at n. 27]) because he was not writing about a halakhic matter, where his rule of *peshat* carried legal implications. In any case, the fact that Maimonides uses the term *peshat* in this connection in these two examples of his Hebrew writings highlights its sparseness in his Arabic writings, though he frequently refers to the need to reinterpret *ẓāhir al-naṣṣ*. It is therefore safe to assume that if he had written his letter to Obadiah the Convert or the *Letter on Astrology* in Arabic, he likewise would have used the term *ẓāhir* instead of *peshat*.

## 2.  Mishneh Torah

(1) *Hilkhot Soṭah* 3:2. Maimonides here describes how the elders in the Temple must deal with a woman accused of infidelity:

> They tell her: "My daughter, many preceded you and were swept away [by passion]. And there were many great and important people whose desires overpowered them and they faltered." And they recount to her the episode of Judah and his daughter-in-law Tamar, and the story of Reuben with his father's concubine according to its *peshat* (ʿal peshato), and the story of Amnon and his sister [Tamar], in order to encourage her to confess.[14]

With respect to the biblical account of Reuben's failing ("Reuben went and he lay with Bilhah, his father's concubine"; Gen 35:22), Maimonides adds the qualifier "according to its *peshat*" (ʿal peshato). Evidently, his intention was to sidestep the well-known talmudic commentary:

> Whoever maintains that Reuben sinned is merely making an error … Then how do we interpret, "and he lay with Bilhah, his father's concubine"? This means that he transposed his father's couch, and Scripture imputes [blame] to him as though he had lain with her. (b.*Shabbat* 55b)

A debate over the authority of this talmudic remark is recorded by Abraham Maimonides, who notes that Saadia's interpretation is based upon "the *derash*," whereas Abraham Ibn Ezra followed "the *peshat* of

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[14] The Hebrew here reads:

ואומרין לה בתי הרבה קדמוך ונשטפו ואנשים גדולים ויקרים תקף יצרן עליהן
ונכשלו ומגידין לה מעשה יהודה ותמר כלתו ומעשה ראובן בפלגש אביו על פשטו
ומעשה אמנון ואחותו, כדי להקל עליה עד שתודה.

Scripture" (*peshateh di-qera*).[15] Does Maimonides' remark in *Hilkhot Soṭah* have any bearing on this question? It is conceivable that he uses the term *peshat* here in the authoritative sense that we find in *Book of the Commandments*, i.e., to invoke the rule that "a biblical verse does not leave the realm of its *peshat.*" If so, he is siding here with Ibn Ezra (as understood by Abraham Maimonides [n. 15]). Yet this would be the only case in which Maimonides applies the rule of *peshat*—which he formulates as a legal principle—in a non-halakhic context. It is therefore necessary to consider the possibility that Maimonides indeed accepted the authority of this rabbinic reading and uses the term *peshat* here in the sense of *ẓāhir*, to connote what is merely the apparent—and superficial (i.e., incorrect)—sense of Scripture.[16] Maimonides' reasoning in *Hilkhot Soṭah* would then be that the elders are advised to disregard the rabbinic reading—despite its veracity—and tell the Reuben episode in its more scandalous apparent sense in order to confront the reputedly adulterous wife with an account directly relevant to her situation.

<p style="text-align:center">✳   ✳   ✳</p>

The remaining three occurrences of the term *peshat* in *Mishneh Torah* are all clustered in its last two chapters (at the end of *Hilkhot Melakhim*), which discuss the messianic era. Digressing from the details of *halakhah* that are the mainstay of his great Code, Maimonides here addresses more general matters pertaining to Scripture and the Law, a context that affords him the luxury of using the term *peshat* that he otherwise avoided in this legal work.[17]

(2) *Hilkhot Melakhim* 11:3. Maimonides here remarks, in an obvious critique of Christianity, that

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[15] Abraham Maimonides, comm. on Gen 49:4; Wiesenberg ed., 196–197. We do not have Saadia's commentary on this verse; but in his *Tafsīr* he renders it literally (פלמא סכן ד'לך אלבלד מצ'י ראובן פצ'אג'ע בלהה אמה' אביה; Derenbourg ed., 55). See, however, Zucker, *Translation*, 241–242. Ibn Ezra's approach to this verse is actually rather unclear; see Mondschein, "Secret," 267–274.

[16] Here, too, Maimonides uses the Arabism ʿ*al peshato* (see n. 11 above). Indeed, since the talmudic reading specifically states that Reuben did not lie with Bilhah, one who accepts its authority must regard *ẓāhir al-naṣṣ* as actually being incorrect.

[17] Parts of these chapters, including examples (2) and (3) below, have been removed from the standard printed texts of *Mishneh Torah* for fear of censorship due to their anti-Christian polemics. These examples are cited below from the Frankel and Kafih editions.

the decrees and laws of the Torah are unchanging for everlasting eternity.... And anyone who adds or detracts [a law] or distorts the meaning of the Torah, removing the words (or: matters) of the commandments from their *peshat* is certainly a villain and a heretic.[18]

At first glance, it might seem that Maimonides here invokes the rule of *peshat* primacy precisely as he does in the *Book of the Commandments*.[19] But upon reflection it becomes clear that this is not the case. In the *Book of the Commandments* the term *peshateh di-qera* connotes Scripture itself—in opposition to further rabbinic inferences and *derash*. Here Maimonides rejects the "remov[al] of the words of the commandments from their *peshat*" in the Christian sense, i.e., by positing that the commandments of the Pentateuch are no longer binding in their literal sense, which has been superseded by the spiritual sense. Maimonides is thus using the term *peshat* here as a Hebrew equivalent of the term *ẓāhir*, i.e., to connote the literal interpretation of the text (which he deems correct), in opposition to its figurative interpretation.[20] Here he uses the term *peshat* to make an exegetical methodological distinction, in the spirit of Samuel ben Hofni's construal of the *peshat* maxim. This connotation becomes especially clear in the next example—taken from the passage immediately following in *Mishneh Torah*.

(3) *Hilkhot Melakhim* 11:4. In this passage, Maimonides notes the widespread study of the Bible among Christians and describes their fundamental assumptions about the commandments:

> They deliberate over...the commandments of the Torah, some saying: "These commandments were true but they are void today and were not applicable eternally." And some say: "There is a hidden meaning to them and they are not [to be taken] according to their *peshat*, and the Messiah has already come and revealed their hidden meanings."[21]

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[18] The Hebrew text here reads:

התורה הזאת אין חקיה ומשפטיה משתנים לעולם ולעולמי עולמים...וכל המוסיף או גרע או שגילה פנים בתורה והוציא הדברים של מצוות מפשוטן, הרי זה בודאי רשע ואפיקירוס.

[19] His language here הוציא...מפשוטן echoes the talmudic rule of *peshat* אין מקרא יוצא מידי פשוטו.

[20] It is conceivable that he wishes to hint at Samuel ben Hofni's construal of the rule of *peshat* (see n. 19), i.e., that the *ẓāhir* must be deemed correct unless it contradicts reason, another verse or tradition.

[21] For a fuller discussion of this passage, see Cohen, "Christian Hermeneutics." The Hebrew here reads:

Putting the Christian claims into Hebrew exegetical terminology, Maimonides here clearly uses the term *peshat* to mean *the superficial, apparent sense*, i.e., *ẓāhir al-naṣṣ*, which must give way to the *bāṭin* (Heb. *nistar*)—the truest sense of Scripture, according to the Christian view.

(4) *Hilkhot Melakhim* 12:2. In this passage Maimonides comments on the anticipated unfolding of events in the messianic era:

> It would appear from the *peshat* of the words of the prophets that at the outset of the days of the Messiah will be the war between Gog and Magog.[22]

Here he uses the Hebrew term *peshat* as he uses the term *ẓāhir*—to connote the elementary sense of the text, which requires no special interpretive analysis (see above, chapter two, sec. 1.1).

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We can sum up the preceding data in this appendix with the following observations. Among the eight examples of Maimonides' use of the term *peshat* in his Hebrew writings, the two relating to *halakhah* (in Responsa #326, #335) are consistent with his usage of the term in the *Book of the Commandments* to assert the unique authority of *peshuto shel miqra*. The example from *Hilkhot Soṭah* is ambiguous and might reflect the primacy of *peshat*, although it does not relate to a case of halakhic interpretation. In the remaining five examples, Maimonides uses the term *peshat* quite differently—as he would use the term *ẓāhir* (had he been writing in Arabic), in its various connotations: either to connote the superficial sense (Letter to Obadiah the Convert, *Letter on Astrology*, *Hilkhot Melakhim* 11:4), the literal sense—that must be regarded as correct (*Hilkhot Melakhim* 11:3), or the elementary sense (*Hilkhot Melakhim* 12:2).

As this summary indicates, in his Hebrew writings Maimonides did not feel the need to maintain the strict terminological distinctions

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הם נושאים ונותנים...במצוות התורה, אלו אומרים ׳מצוות אלו אמת היו וכבר בטלו בזמן הזה׳, ואלו אומרים ׳דברים נסתרים יש בהן ואינן כפשוטן, וכבר בא המשיח וגלה נסתריהם.׳

[22] The Hebrew here reads:

יראה מפשוטם של דברי הנביאים, שבתחילת ימות המשיח תהיה מלחמת גוג ומגוג.

he applied in the *Book of the Commandments*.[23] To a certain extent, this difference can be attributed to the change in linguistic medium. When writing in Arabic, it was a simple matter to distinguish between *ẓāhir* and *peshat*, the latter being a technical talmudic term Maimonides uses without translating. In his Hebrew writings, however, he was more limited linguistically, and this at times seems to have caused him to conflate the two concepts.[24] In this respect, he followed a convention established by other Geonic and Andalusian authors who used the term *peshat* in the sense of Arabic *ẓāhir*.[25] Outside the realm of *halakhah*, Maimonides evidently felt free to do so likewise because this did not relate directly to his rule of *peshat* primacy in the *Book of the Commandments*. But in halakhic contexts he never used the term *peshat* in any of his writings—in Arabic or Hebrew—in a way that would violate that rule, i.e., in reference to the apparent philological-contextual sense (*ẓāhir*) of a legal biblical text as opposed to its authoritative rabbinic halakhic interpretation,[26] because doing so would undercut the biblical (*de-orayta*) status of the laws derived from it.[27] Hence, whenever the term *peshat* is used by Maimonides in a legal context, it always connotes the text of Scripture itself—in its halakhically authoritative sense.

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[23] Indeed, it is noteworthy that Maimonides did not see fit to ever invoke the rule of *peshat* explicitly in *Mishneh Torah*. The reason for this absence is a matter of conjecture. However, even without using the term *peshat* itself, he did apply this rule—i.e., that *halakhot* without a source in *peshuto shel miqra*, and derived through the *middot* are merely rabbinic—in making legal decisions in *Mishneh Torah*, as noted amply in chapters six and eight above.

[24] Indeed, a similar linguistic handicap plagued Abraham Ibn Ezra; see Cohen, *Three Approaches*, 46–48.

[25] See chapter one above, sections 2, 3.

[26] See chapter two above, sec. 3.1, 3.3, 3.4, 3.5, 3.6.

[27] To avoid this type of contradiction, Maimonides was careful to use the Hebrew term *mashmaʿ* (rather than *peshat*) in a halakhic context in *Mishneh Torah* to denote the non-halakhic apparent sense of the text, i.e., *ẓāhir al-naṣṣ*. See chapter two above, sec. 3.2.

## IBN EZRA'S LIST OF EXAMPLES IN *YESOD MORA*

Ibn Ezra's three-fold classification of *halakhah* in *Sefer Yesod Mora*—
discussed in chapter seven above—includes a long, complex list of
examples. While the essence of that presentation was incorporated
into the main body of our study, we cite it here in full with some
explanation for the sake of reference, and to provide a more complete
picture of his halakhic system. Ibn Ezra begins chapter six of *Yesod
Mora* with a fundamental three-fold distinction among:

(i)   "commandments that are explicit in the Torah"—without any
      need for an extra-textual interpretive tradition
(ii)  "commandments [stated in the Torah] of which we know their
      true interpretation only from the Holy Transmitters…and were it
      not for the tradition a person would interpret them differently"
(iii) "commandments [of which]…there is no mention…in the
      Torah"[1]

The subsequent discussion begins with a single illustration of category
(iii):

> Now Jeremiah said, "Do not carry a burden out of your houses on the
> Sabbath day" (Jer 17:22), and this is not mentioned in the Torah.[2]

He then goes on to give a list of examples, in which he intersperses
categories (ii) and (iii):

> And the commandments received from the fathers (or: ancients, i.e.,
> Sages) that are mentioned in the Torah [are many], and so are the ones
> that have no mention. And I shall mention some of each:

> Such as (1) [the obligation to recite] one hundred benedictions each
> day, and (2) the prayers[3] and (3) grace after meals, and (4) [reciting]

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[1] *Yesod Mora* 6:1, Cohen and Simon ed., 130.
[2] *Yesod Mora* 6:2, Cohen and Simon ed., 131.
[3] והתפלות. One ms reads והתפלין (phylacteries; *Yesod Mora* 6:2, Cohen and Simon
ed., 131n), but from the context it seems that Ibn Ezra is referring here to liturgical
obligations.

the *hallel*. And Rabbi Bahya said [that the source is] "He is your praise (תהילתך) [i.e., the object of your praise], and he is your God" (Deut 10:21), and (5) reciting the *shemaʿ* and (6) *qiddush* and (7) *havdalah* and (8) eating three meals [on the Sabbath], and some say (9) the Sabbath light.

And similarly (10) sounding the *shofar* on the New Year (lit. the day of remembrance), because if not for the tradition it would seem that it would be similar to the new moon of *Nisan*…[but] they [i.e., the Rabbis] said that it is the day of judgment. And similarly (11) the *lulav* [palm branch taken on *Sukkot*], because the only thing explicit in the Torah is "You shall take […the fruit of the *hadar* tree, branches of palm trees, boughs of leafy trees and willows of the brook; and you shall rejoice before the Lord]" (Lev 23:40), but without the tradition it would have a different meaning. And similarly (12) counting the *ʿomer*, for they distinguished between "You shall count for yourselves […seven full weeks]" (Lev 23:15) and "She shall count for herself [seven days]" (Lev 15:28). And similarly (13) the *ṭerefah* [i.e., an animal torn up by beasts, the hazard of which is also known] from natural science.

And similarly the (14) seven days of nuptial celebration, and (15) of mourning, and (16) visiting the sick and (17) burying the dead and (18) the *Hanukkah* lights and (19) reading the *megillah* and (20) [drinking] four cups [of wine at the Passover *seder*]. And I have already explained that (21) "and he shall inherit it [her]" (Num 27:11) is a mere *asmakhta*.[4]

Some of these examples have been analyzed in chapter seven above; but the remaining examples in this list deserve some comment, especially since Ibn Ezra does not clearly delineate them according to his categories. Examples 10–13 seem to be cases in which he takes the rabbinic interpretation to be the authoritative analysis of the biblical text, i.e., they belong in category (ii), in clear opposition, e.g., to example 21, for which the biblical source is a mere *asmakhta*, making it an example of category (iii), i.e., a law with no genuine biblical source text. Presumably the same can be said about examples 14–20, which are generally assumed to be rabbinic laws—and Ibn Ezra does not cite any possible prooftexts for them. The complexity is thickest in examples 1–9, some of which are traditionally associated with particular verses and assumed within the medieval halakhic tradition to be clearly stated biblical commandments, e.g., (3) grace after meals and (5) reciting the *shemaʿ*.[5] The question then is: Does Ibn Ezra disagree? But other examples are generally assumed by talmudic scholars to be

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[4] *Yesod Mora* 6:2, Cohen and Simon ed., 131–134.
[5] See, e.g., the explicit rabbinic sources cited in Maimonides, *Book of the Commandments*, Positive Commandments #10, #19.

rabbinic (and would thus not have any biblical prooftexts at all), e.g., (8) eating three meals [on the Sabbath], and (9) kindling the Sabbath light. In some cases Ibn Ezra clarifies matters in his commentaries. E.g., in his commentary on Exod 20:8 (זכור את יום השבת לקדשו; taken in rabbinic literature to be the source for *qiddush*), he specifically classifies this derivation as a mere *asmakhta*.[6] The obligation to recite one hundred benedictions every day (1) is derived in the Talmud (b.*Menaḥot* 43b) from Deut 10:12, ועתה ישראל מה ה׳ א-להיך שואל מעמך, on which Rashi in his Talmud commentary glosses: קרי ביה מאה; we can assume that this would be regarded by Ibn Ezra as a mere *asmakhta*.

The commandments of (2) prayer and (4) *hallel* have a complex background within the Geonic-Andalusian tradition. The biblical source for the obligation of daily prayer is addressed by Saadia in a number of places. In his introduction to Genesis, he remarks: "prayer, that we agree is [obligatory] three times daily, is not explicit in the text (*manṣūṣ*)."[7] In his enumeration of the commandments and in his prayer-book, however, Saadia offers Deut 10:21 as a source for the basic obligation to pray; and this prooftext is also cited by Ḥefeṣ ben Yaṣliaḥ.[8] It would thus seem that Saadia means to say that the basic obligation is from Deut 10:21, but the details are not sufficiently clear from that verse. Ibn Ezra refers to Deut 10:21 as a possible source for the obligation to recite the *hallel* in the name of Bahya; but that association is not found in his *Duties of the Heart*.[9] It is therefore possible that Ibn Ezra was citing from memory and referring to the use of this verse either by Saadia or Ḥefeṣ ben Yaṣliaḥ in regard to prayer in general. In any case, he himself does not seem to regard this as a legitimate source for either *hallel* or prayer, nor does he explain it as such in his Pentateuch commentary.

Ibn Ezra's failure to distinguish between his examples of categories (ii) and (iii) is somewhat surprising. It is conceivable that in doing so he was making a quasi-halakhic point in the spirit of the geonic

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[6] See discussion of this example in chapter seven above, at n. 86.

[7] Commentary on Genesis, Zucker ed., 14 (Ar.), 183 (Heb.). The question of whether prayer is a biblical or rabbinic obligation is debated by Maimonides and Nahmanides; see chapter six above, at n. 153.

[8] Zucker, *Saadya on Genesis*, 183, n. 95; see also idem, "Fragments," 33.

[9] See Cohen and Simon, *Yesod Mora*, 132 (editors' note, s.v., וההלל). There was a debate among medieval halakhic scholars whether the obligation to recite the *hallel* is biblical or rabbinic. See *ET*, s.v. הלל.

tradition that included rabbinic laws in the enumerations of the commandments, i.e., that the oral traditions of the Rabbis are essential for following the laws of the Torah.[10] Maimonides, of course, wished to cut through exactly this imprecision when making his sharp distinction in the *Book of the Commandments* between laws anchored in *peshateh di-qera* and those extrapolated from Scripture by the Rabbis.

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[10] See chapter six above, at n. 22.

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translations, see the following section.
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J. Kafih (Jerusalem 1972); (2) *Le guide des égarés*, ed. and trans. [French] S. Munk
(Paris 1856–1866); (3) Arabic text only: ed. S. Munk and I. Joel (Jerusalem 1930);

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[1] It was beyond the scope of this work to check manuscripts for all medieval works
cited. Instead, I have relied in each case on the best published texts available. The
exception to this rule, in a limited way, is Maimonides, since he is the primary subject
of this study and I am proposing new interpretations of his views. In particular, I paid
special attention to the text of *The Book of the Commandments* because my claims
regarding his construal of the rule of *peshat* are based on a close reading of about
two dozen passages from that work. I have checked the text of every passage from
that work in the manuscripts listed below at n. 2. As for Maimonides' other works,
in which my analysis was less dependent on specific formulations, I generally relied
on the available printed editions, many of which are critically edited. Where possible,
I consulted manuscripts and checked multiple printed editions, as well as medieval
Hebrew translations, as listed below.

[2] Since the most detailed analysis of individual Maimonidean passages in this study
relates to his use of the terms *peshateh di-qera* and *ẓāhir al-naṣṣ* in his *Book of the
Commandments*, I have made an extra effort to insure the accuracy of these texts.
Therefore, in addition to the printed editions by Kafih and Bloch, the following manu-
scripts were consulted. For manuscripts on microfilm at the JNUL, the MSS R.R. Film
No. is also provided.

| MS | JNUL MSS RR Film No. | Date; Provenance |
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| NY Jewish Theological Seminary MS 6972 | | 13th or 14th ct.; Yemenite |
| NY Jewish Theological Seminary MS 6548 | | 14th ct. |
| NY Jewish Theological Seminary MS 6999 | | 1423; Yemenite |
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| Berlin Staatsbibliothek Or. Qu. 684 | F1799 | 1491 |
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| Israel Alei Teiman 14 | F40427, F44766 | 15th–16th ct. |
| Paris Ecole Rabbinique 134 | F4085 | 18th–19th ct. |
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above), another from the "Séminaire Israélite de Paris" (which may be the Ecole Rab-
binique MS listed above), and one from the Bodleian collection at Oxford.

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[3] Since some of Maimonides' works cited often in this study were translated by various hands, we deemed it helpful to arrange this bibliographic list separately.

[4] Ibn Ayyub's Hebrew translation is cited in this study according to the following manuscripts (with JNUL Library MSS R.R. Film No. also provided). Generally speaking, in the passages cited in this study there are only minor variations among the manuscripts.

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