

MOSLEM, CHRISTIAN, AND JEWISH
CULTURAL INTERACTION IN SEFARDIC
TALMUDIC INTERPRETATION

For Z'ev Brinner

Daniel Boyarin
University of California at Berkeley

The general participation of Iberian Jewry in the scholastic culture of the high middle ages is very well known. Less well known is the continuing influence the Aristotelian tradition had on Spanish and Sefardic Jewish intellectual life in the fifteenth and sixteenth centuries, including its most particularly Jewish of activities, the interpretation of the Talmud. In this period, there appears a new theory and practice of Talmudic hermeneutic, which is called *'yyun*, "speculation:"¹ Talmudic interpretation as an application of the Aristotelian theory of language.

From the point of view of the history of Jewish culture, one of the most salient aspects of *'yyun* is the integration it brings to Jewish culture in two ways, vertically in that it integrates the different branches of intellectual life among Jews in this culture and horizontally in that it integrates Jewish textual practice with the literary culture of the other elements of contemporary society. After discussing evidence for this thesis in the first part of the paper, I will have something to say about its implications for our general modeling of Jewish cultural history.

Two of the most important methodological works of the school of *'yyun* are *Darkhe hattalmud*² by the father of the method, R. Yitzhaq Kanpanton (d. 1493), the last great spiritual leader of Spanish Jewry before the Expulsion³ and *Kelale Shmuel*, by R. Shmuel Ibn Sid

¹ In the technical sense.

² Isaac ben Jacob Canpanton and Shemuel al Valensi, *Darkhe Ha-Talmud*, Y. Sh. Langeh, ed. (Jerusalem, 1980). All translations herein mine.

³ For the little that we know of his biography, see Abraham David, "On R. Isaac Canpanton, One of the Great Fifteenth Century Scholars," in *Kiryath Sefer* 51, pp. 324-326 (Hebrew).

(d. 1520). Studying these works carefully enables us to discern different scholastic “influences” at work in them, suggesting that the Iberian pattern of interaction between Jewish sages and scholastic philosophy continued up until the *gerush* and even beyond into the sixteenth century. In particular, specific Thomist elements can be detected in the later work.

Kanpanton’s greatest achievement was the revival of talmudic learning as an important intellectual pursuit of the Iberian Jewish intelligencia, after a period of close to a century during which this pursuit was not highly regarded. It can reasonably be hypothesized that one of the reasons he was so successful in this endeavor was his ability to express talmudic learning in the language of the scholastic philosophical discourse so highly regarded by that very intelligencia and to show that talmudic logic was in many respects comparable to Aristotelian logic or more specifically Aristotelian linguistic doctrine. His method of interpreting the Talmud became, through his disciples who founded Yeshivot all through the Ottoman Empire, *the* dominant method of study and interpretation in the Sefardic diaspora for the two centuries following the Expulsion. His little handbook for talmudic interpretation, *Darkhe hattalmud* [*The Ways of the Talmud*] was so influential that it is quoted almost entire in the sixteenth century Polish halakhic classic, *Shnei Luhot Habberit* as an illustration of the way that Sefardim study Talmud and a recommendation to the author’s Ashkenazi fellows that they follow its example. *Kelale Shmuel* is an alphabetical encyclopedia of talmudic terminology together with examples of the usage of the terms, drawn from actual texts and some discussion of problems related to the terms and the specific texts cited. As such, it reveals the systematization and scientific method so beloved of the Spanish Jews influenced by scholasticism. However, the most interesting part of the book is the introduction, in which the author sets out a methodology for the study and interpretation of the Talmud, following the theory and practice of *‘yyun*. This introduction is together with *Darkhe hattalmud* itself one of the two most important theoretical documents of the school that are preserved.

1. *Logic and the Perfection of Speech*

Several of the most important aspects of *‘yyun* can be shown to be applications to talmudic studies of ideas about language and semiotics current in the Arabic logical literature from Al-Farabi and on.

One of the key methodological principles of *'yyun* was to demonstrate that each and every word of the Talmud was necessary. This principle has sometimes been derived by scholars from the talmudic method of interpreting the Mishnah and from the midrashic method of interpreting the Bible.⁴ While I do not deny the relevance of these models, the comparisons I will make show that the proximate theoretical sources were rather in scholastic linguistic philosophy. This principle can be organized into several sub-categories, in each case showing the connection with Arabic predecessors.

The key to the method of *'yyun* was the intimate relation of logic and language in the Middle Ages. This connection lies in the fact that one of the major tasks of the logician, perhaps the first task, is to determine what linguistic signs mean, and in order to do so, one must first have a theory of *how* linguistic signs mean. The dominant theory of meaning in scholastic logic is the theory of *intentio* or mental language. This doctrine has been well summarized by E.J. Ashworth:

It was held that for a spoken or written proposition to have meaning, it had to be subordinated to a mental proposition, and such properties as synonymy and equivocation were explained by means of the relationships between these three types of proposition. If a spoken or written proposition was equivocal, this meant that its tokens could be subordinated to more than one mental proposition. On the other hand, if two different written or spoken propositions were said to be synonymous, this meant they were subordinated to the same mental proposition. A corollary of these claims was, of course, that no mental propositions could properly be called either equivocal or synonymous. All mental propositions were explicit and distinct from one another. . . . Moreover, any written or spoken proposition was supposed to have some mental analogue.⁵

This doctrine was crucial in forming the interpretive methodology of *'yyun*, for it leads to an understanding of interpretation as the determination of the relationships of written language to mental language or intention within a text, and it was this understanding which generated the methodology of *'yyun*. That this was indeed the interpretation of meaning held by the *'yyun* can be shown by the following quotation:

⁴ Israel Ta-Shema, "Tosefot Gornisch," in *Sinai* 48, p. 159.

⁵ E.J. Ashworth, "The Doctrine of Exponibilia in the Fifteenth and Sixteenth Centuries," in *Vivarium* 11 (1973), pp. 139-140.

Always investigate and search every interpretation which they interpret or explication of a biblical verse or of the language (i.e., the Talmud) to see if it is correct and properly fitting from the aspect of the language or the intention or both, for that is the ideal.⁶

That is to say: the ideal commentary explains the written language in such a way that it fits perfectly with mental speech, i.e., that no elements of the outer speech have been ignored or distorted in arriving at the explication and that nothing need be supplied that is not, in fact, implied by the language. Moreover, the mental discourse thus hypothesized must be coherent. The ideal is, of course, for both of these conditions to be met fully.

The search for an interpretation of a text which shows that there is a perfect fit between outer and inner speech or between written and mental language is implicated in a doctrine that denies that there is systematic redundancy in language. Thus, when Kanpanton introduces his hermeneutic rule that every part and particle of the language must be proven to make an independent non-redundant contribution to the meaning, he does so in the following way:

A great principle of *‘yyun* is that you must be very exacting with the language and make great effort if there is any superfluous language or duplication of intention, . . . and, moreover, be very exacting with any change in the language . . . from subject to subject [asking] why is it? And you shall investigate and search diligently to bring out meaning from all of the language in such a way that every word and every particle will signify something new not understood from all that came before.⁷

There are, in fact, three types of redundancy listed by Kanpanton here. The first two are self-explanatory. “Superfluous language” must mean linguistic signs within the text, which are apparently unnecessary to signify the intention of the text. “Apparently” is the crucial word here, for, in fact, by the doctrine I have cited above, “any term which appeared in a written or spoken proposition was supposed to have some mental analogue.” Therefore, the interpreter must “make great effort” if there appear to be any terms that do not have such analogues, interpreting them as well, and showing how the meaning would suffer were they absent. Similarly, when the

⁶ *Darkhe hattalmud*, p. 57.

⁷ *Ibid.*, p. 22.

text seems to repeat itself (“duplicate its intention”), one must find a way to excise the apparent redundancy. So far, so good, but what is the meaning of “be exacting” with any change in the language, and what has that to do with superfluity or redundancy? As we learn from the interpretive practice of Kanpanton’s disciples, what is meant here is that when different language is used in different passages apparently to express the same meaning, one must “be exacting” and show that in fact they have differing intentions behind them. That is to say, Kanpanton rejects the possibility of complete synonymy, not only in mental language, but even with regard to written and spoken language, for this would lead to a defect (superfluity) in the linguistic system, which is deemed to be perfect.

The doctrine of non-superfluity in language, on both the discourse and the systemic levels belongs to an important philosophical tradition. Looking just at sources that were probably well known to Kanpanton, we find the fourteenth century Provençal logician, R. Joseph Ibn Kaspi claiming, “In general, nearly all synonyms have a difference in meaning between them, when examined exactly.”⁸ Similarly, Kaspi’s countryman, R. Moshe Narbonni claims, “Now synonyms are not employed in the demonstrative sciences,” and uses this as an exegetical principle, by which he explains that when Al-Gazzali says “ignorance and error” he must mean two different things.⁹ In truth, these are slightly different positions, Kaspi denying that there is any synonymy at all, while Narbonni seems to say that it exists but is avoided in scientific writing. Either view is sufficient to explain Kanpanton’s doctrine.

The second sort of redundancy too was rejected on sound logical grounds. First of all, as we have already seen, it was a generally held principle that any term in written or oral speech had its analogue in mental speech. Kanpanton refers to this principle when he says, “Every word and every particle must signify something new.”¹⁰

⁸ Text cited in Shalom Rosenberg, *Logic and Ontology in Jewish Philosophy in the Fourteenth Century* (Jerusalem Dissertation, 1973), p. 17 (Hebrew). See also Rosenberg, “Logic, Language and Biblical Exegesis in the Writings of R. Joseph Ibn Kaspi,” in Halmish and A. Kasher, eds., *Dat Wesafah* (Ramat Gan, 1979), pp. 105-113 (Hebrew).

⁹ G.B. Chertoff, *The Logical Part of Al-Ghazali’s Magasid al-Falasfia, in an Anonymous Hebrew Translation with the Hebrew Commentary of Moses of Narbonne* (Columbia University Dissertation, 1952), p. 16.

¹⁰ *Darkhe hattalmud*, p.

Moreover, it was a commonly held view that logic is a science of language, the function of which is to teach one to use language in an exact manner. Indeed, in Hebrew, before being called *higgayon* (which also means speech), logic was called *hokhmat haddibbur*, literally, *scientia sermocinalis*.

The connection between logic and the perfection of speech is well established in the thought of Maimonides, a major source for Jewish scholasticism. Let us see then how Maimonides defines “*dibbur*,” and how he, thereby, relates language to logic:

The word “*dibbur*” is a homonymous term by imposition of the ancient peoples, which signifies three intentions.

The first is that faculty, by which man is distinguished, with which he conceives concepts (intelligibles) and learns sciences and distinguishes between the contemptible and the appropriate. This intention is also called “the faculty of speech” or “the speaking soul.”

The second intention is the concept itself, already conceived by the man. This intention is called “the inner speech.”

The third intention is the utterance in speech of the intention (concept) impressed upon the soul. This intention is also called “the outer speech.”¹¹

We see, according to Maimonides, that language is the product of an innate capacity for articulate speech, “the speaking soul.” Now, this innate faculty is, in fact, none other than the faculty of reason, for it differentiates humans and enables them to learn and distinguish what is correct from the incorrect. Moreover, by virtue of this faculty, concepts are “already” conceived in “inner (mental) speech,” prior to their formulation in “outer speech,” talking and writing. It follows then that “outer speech,” a product of the rational faculty, ought to be made so that it will be a perfect representation of logical form. This indeed, according to Maimonides, is the work of logic, “the science of speech:”

This science gives rules common to all languages, by which outer speech is guided toward what is correct, and guarded from error, *such that what he utters in his speech corresponds to what is in his mind and is equiv-*

¹¹ Moses Maimonides, et al., *Maimonides' Treatise on Logic (Makalah Fi-Sina'at al-Mantik) the Original Arabic and Three Hebrew Translations*, Israel Efron, ed. and trans. (New York, 1938), p. 59. This passage is practically a quote from Al-Farabi's introduction to logic, as has been pointed out by Efron.

*alent to it, and the utterance does not add to the intention of his soul, nor subtract from it.*¹²

Maimonides' statements of the nature of language and of its functions are echoed by R. Shmuel Ibn Sid in such a way that we are left with little doubt as to their being a major source for his linguistic philosophy and the interpretive practice of the Sefardic school:

Now it is well known that words signify intentions in the soul, and if the practitioner of *'yyun* wishes to express the intention of his soul, *it ought to be by means of words which signify what is in his soul, and there must not be any addition or subtraction*, in such a way that the image in his soul will be well expressed . . . and when there is a discrepancy between them, then we can object, for the *tanna* [the author of the Mishnah] was (seemingly) not exact with his language.¹³

This statement of Ibn Sid's teaches us three things: 1) that the method of *'yyun* had its roots in the scholastic theory of meaning, particularly in its Maimonidean-Farabian formulation; 2) that *'yyun* as an interpretive method follows from the assumption that one trained in logic can use outer speech so as to make it a perfect signifier of inner speech, with no extra or missing linguistic signs for the expression of the inner speech; and 3) that the authors of the talmudic texts are such logicians, and therefore one can apply these canons of interpretation to their language.

2. *The Concept of Understanding by Sub-audition.*

One of the outstanding methods of talmudic interpretation developed by Yitzhaq Kanpanton was the method known as *sebara mibbaḥutz*, which I will translate here, for reasons that will become apparent, "understanding by sub-audition." Here is the rabbi's description of the force of this technique:

Diligently investigate in any utterance or sentence what you would have thought from your own reasoning or understood from your intelligence before the *tanna* or the *amora* intervened. For you will have a great benefit from this, namely that if you would have understood of your own as he does, then you can ask of him, what has he come to

¹² Ibid.

¹³ *Kelale Shmuel*, p. 1.

communicate to us. On the other hand, if your own reasoning is opposed to his, then you must investigate to find what forced him to say what he did and what is the weakness or fallacy in what you had thought. And this is what is called “*sebara mibbahutz*” (p. 26).

The *sebara mibbahutz* is then that which would have been understood by the commentator from the language of the Torah or of the Mishnah without the necessity for an interpretive intervention on the part of the tannaim or amoraim. The origin of the term, itself, however, is not totally established. I would like to propose that the *sebara mibbahutz* is a calque on an Arabic logical term, ultimately going back to a Greek term in the commentaries on Aristotle. In that literature, we find the Greek term ἐξῶθεν in the sense of that which is not expressed explicitly in language, because it is understood by the intelligence of the hearer or reader without a need for it to be expressed. So we find it used in Ammonius’s commentary on Aristotle:

What is required in a modal proposition is not merely a verb which includes the copula, but the copula itself, either explicit or supplied to the proposition from outside by subaudition (ἐξῶθεν τη προτασει υπακο-
νομενου), for we say: either “It is possible that Socrates will go,” or “It is possible that Socrates will be a musician” with the copula expressed. But we can also express these propositions without the copula thus: “Possible that Socrates will go.” We hold that in the latter case, the copula is understood.¹⁴

We find here that Ammonius uses precisely the term “from outside” to refer to a linguistic sign that does not need to be expressed in the language in order for the sentence to be understood. It is not a difficult step to imagine a talmudic thinker inquiring why is it ever used if it need not be. An even more exact correspondence to our usage is found in Al-Farabi, who frequently uses the expression *admarahu wa-fahimahu min khārīj*. As Farabi’s editor, F.W. Zimmerman remarks, “*min khārīj* presumably is an exegetical concept, and as such occurs in a *set phrase* literally rendering the Greek in the glosses of the Baghdad Organon.”¹⁵ As Zimmerman further explains:

The expression *admarahu wa-fahimahu min khārīj* [to supply in the mind and understand it from the *outside*] doubly translates (first idiomatically,

¹⁴ Ammonius 223.30-4.10, quoted F.W. Zimmerman, *Al-Farabi’s Commentary and Short Treatise on Aristotle’s De Interpretatione* (London, 1981), p. lxi.

¹⁵ *Ibid.*, p. lxii.

then literally) ἐξῶθεν τη προτασει υπακουομενου τι an expression frequently found . . . in the Greek commentaries.¹⁶

In short, the Greek ἐξῶθεν calqued by the Arabic *min khārīj* provides an exact source for Yitzhak Kanpanton's uses of *mibbaḥutz*. The correspondence is even more exact in the case of interpreting a commentator, such as Rashi, for then the question is, given that I would have understood a given point *mibbaḥutz*, because it is implied in the language, then why did Rashi have to tell me it explicitly. It is, of course, most significant and interesting to see that the term, once appropriated takes on a life of its own and develops several variant meanings, among them some that are used in Ashkenazi *pilpul* as well.¹⁷

3. *The Use of Falsity as the Royal Road to Truth*

Certainly one of the most misunderstood elements of *'iyyun* already in its own time was the insistence on producing false interpretations of the talmudic text only to disprove them in the end. This was misunderstood by contemporaries and near contemporaries as a type of merely academic show of prowess and roundly attacked by such figures as the author of *Alilot Debarim*.

This method had, however, several sound bases in the logical thought of the later Middle Ages. The first has to do with the very reason that interpretation is necessary in Kanpanton's view. In a key passage, he states (p. 57):

Alternatively, the commentator will interpret the matter, in order to exclude another opinion or another interpretation, which would be *possible in the potentiality of the language*, for according to the simple meanings of the words and the syntax, it would be *possible to err* and entertain another view, and in order to *guard against it* and repulse it from the minds of the *mé'ayyenim*, since in truth it is a falsehood, for that reason he interprets.

The key phrases in Kanpanton's explication are all of them couched in the language of Hebrew scholasticism. The most important phrase

¹⁶ Ibid., p. cxxxi.

¹⁷ Incidentally, this explanation strongly suggests that the direction of influence was from the Sefardic scholars to the Ashkenazic ones, since it is hardly likely that Ashkenazim would have had direct access to Arabic logical terminology.

is “possible in the potentiality of the language, *bekoaḥ hallashon*, that is to mean, that which we would have understood by ourselves from the language without the necessity for it to be expressed, or for that which we would have understood erroneously from the language itself before the commentators disabuse us of our error. This phrase, “potential in the language” is accordingly very similar in force to *sebara mibbaḥutz*. It can also develop the sense of that which is implied in the language, as in the following usage of Shmuel Ibn Sid, “A Mishnah or baraita which he could have objected from using that which is explicit in the language, but instead used that which is implicit,” that is, in the more usual terminology of talmudic scholarship, the *diyyuq*. And indeed, *bekoaḥ* and *bepo‘al* are used in both Hebrew and Arabic [*bi-l-kuwra bi-l-fi‘l*] logical writings to mean, “explicit” and “implicit.”

As stated above in the quotation from Ashworth, equivocation in the Middle Ages is defined as a single verbal proposition being subordinated to more than one mental proposition. This generally results from the polysemous nature of terms within the proposition. Now, for most medieval semanticists—Bacon is perhaps an exception—the meanings of polysemous or homonymous terms are fixed, that is to say, they have been fixed by an “imposition” or a series of impositions on the part of the ancient peoples. (Remember the explanation of the homonymy of *dibbur* in the above citation from Maimonides.) Therefore, a given proposition in a text has a limited number of possible interpretations, of which the parameters are the various possibilities which are potential in each of its terms. One of the functions of determining possible false readings of the text, then, is to show the necessity for the comment of the interpreter as excluding those false readings which exist in the potential of the language.

Kanpanton’s doctrine is explicitly connected (by his terminology) to the scholastic analysis of sophisms or fallacies. His use of the terms “err” and “to guard against” in the above citation point in this direction, for both are terms of art of the Hebrew literature on sophisms. Most revealing, however, is Kanpanton’s use of the term sophisms or fallacies (*hata‘ot*) to mean the false interpretations of a passage rejected by the canonical commentators. Sophisms were analyzed by Aristotle into two types: “sophisms in speech” and those “out of speech,” or in the terminology of Hebrew scholasticism *hata‘ot ‘asher bammillot* and *hata‘ot ‘asher ba‘inyanim*. Now, it is quite clear that Kanpanton is referring to sophisms of speech, defined as the falla-

cious acceptance of one of the possible significations of an equivocal expression, when in fact, another is correct. By referring to the incorrect, rejected interpretations as *hata'ot*, he is drawing an analogy between the commentator and logician, whose common job is to teach people to "guard themselves" from the snares of seductive fallacy.

As we have seen, Maimonides, following Al-Farabi, defined the purpose of logic as giving, "rules common to all languages, by which outer speech is guided toward what is correct, and guarded from error *yismerehu min hatta'ut*." It is hardly surprising, therefore, that what a commentator does is referred to in all branches of *pilpul* by the root *shmr*, e.g., *Rashi nishmar mizze*, and the pilpulistic method of analyzing commentaries is called universally *derek hashshmirot*.

We can see now that the setting up of false interpretations is an integral part of the system of thought and interpretation of R. Yitzhak and his follower. These false interpretations are required both to show why it was necessary for a commentator to comment at all, by showing the sophisms possible in the text, and also to serve as proof for the ineluctability of his interpretation. The lengths gone to to show the plausibility of the false interpretations served the first purpose, for if there be no true *causa apparentia*, there is no true fallacy, hence no need to interpret. Moreover, it is necessary to eliminate all possible sophisms in order to prove that only one interpretation is possible and therefore correct. Dialectical sophistry is thus conceived of as the only way to achieve truth and certainty in exegesis. As Kanpanton remarks, "the truth cannot be known, except through its opposite."

This view was not merely an eccentricity of talmudists. The fifteenth-century Spanish Jewish philosopher and logician, Abraham Shalom, articulates it as well when he says:

A man is not called a hero of wisdom, until he can demonstrate a proposition two ways, once positively and once negatively, for a matter is only known through its opposite.¹⁸

It is surely no coincidence that Shalom here uses the term "ways," *derakim*, a technical term of *'yyun* as well meaning the alternative interpretations possible in the text.

¹⁸ Abraham Shalom, *The Translator's Preface to the De Interpretatione of Marseille*, A. Jelinek, ed. (Vienna, 1838), p. 7.

The ultimate seriousness of this philosophy can be shown by citing two contemporaneous texts. The first, by R. Yitzhak Aboab, claims that God himself uses the method of sophisms to teach humans the truth, i.e., he explains by this principle the age-old question of why the Mishnah enunciates wrong opinions together with correct ones:

All of them were given by the same shepherd (Eccl. 12). He wants to say that most often we understand a matter well only via its opposite, and we understand it from its opposite; and, therefore, the Holy One, Blessed be He, wished to give us the differing opinions, so that when we arrived at the truth, we would understand it clearly.¹⁹

The necessity of dealing in falsehood, of setting up and knocking down fallacies, is a feature of the human condition. Only one to whom truth is vouchsafed by revelation can escape it. Another of Kanpanton's disciples, R. Yoseph Taitazak, expresses it beautifully:

The influence of blessed God was so great upon Adam that he knew the truth without struggle or effort, and everything was before him like a set table. As for primordial Adam, since the truth grew by itself, there was not need to weed out and cut down the false divisions, for they were cut down of themselves.²⁰

We see clearly, once more, that a major principle of talmudic interpretation of Yitzhak Kanpanton is simply a basic epistemological principle of his age brilliantly applied to the discipline of talmudic hermeneutics.

4. "Conception, Judgment and Ordering" in *Kelale Shmuel*

In *Kelale Shmuel*, we also find elements that are not derived from Kanpanton but are a direct continuation of much the same cultural pattern. I believe that this document, despite its rather arcane subject matter, is a cultural monument of very great interest, which testifies to the continued fruitfulness of inter-religious intellectual exchange on the Iberian Peninsula in the very waning of Jewish life there, that is, just before the expulsions from both Spain and Portugal at the end of the fifteenth century. Since it was produced in Safed

¹⁹ *Meharrerei Nemerim* (Venice, 1509), p. 16 [erroneously paginated 19].

²⁰ Quoted in Simon Shalem, "The Hermeneutic Method of Rabbi Joseph Taitazak and His Circle," in *Sefumot* 11, p. 121.

after the expulsions and was enormously influential in the following generations, it testifies as well to the effectivity of that Iberian cultural openness in the intellectual life of the Sefardic diaspora as well.

Moreover, the Iberian rabbis and their Sefardic descendants were not only open to Arabic influences. Christian scholasticism also had major effects on the development of their philosophy of interpretation. One of the most strikingly specific instances of scholastic influence on Ibn Sid comes right at the very beginning of the work, where he defines *ʿiyyun* as being composed of three elements, called by him, *tziyyur*, *ʿimmut*, and *siddur*, conception, judgment, and ordering (1):

Know that any *meʿayyen* of any subject which comes to mind must think and be exact in three categories. The first category is with regard to *conception*. The second category is with regard to *judgment*. The third category is with regard to *order*.

As for the *conception*, It is known that words signify *intentions* which are in the soul. . . . Afterwards you must perform a second investigation into the language with regard to the *ʿimmut*, which is the second category, and you will investigate and think, if the intention in the *tziyyur* of these words is true or false. . . . After you must perform a third investigation with respect to the third category, which is the *siddur* . . . and investigate with regard to order, whether the words are ordered in a true *siddur* [or not].

Now the first two of these terms are very well known from the Hebrew tradition of scholastic logic. They are, as shown by H.A. Wolfson, calques of the Arabic terms, *tazawwar* and *tatzdiq*, which were also calqued into the Latin scholastic tradition as *conceptio* or *formatio* and *fides*, *verificatio* and others. Virtually all works of Hebrew logic in the middle ages begin with the statement that the subject of logic is divided into these two parts. To take but one example, thus begins the standard work, *Kol Melekheth Hahiggayyon* (Riva-di-Trento, 1559):

All theses which one desires to know in all the mental disciplines are in two parts—the *tziyyuri* and the *ʿimmuti*. The *tziyyur* is the nature of the thing itself, or rather that which he thinks is its nature, and it is generally asked about with the question “what.”. . . . The *ʿimmut* is the proof or disproof of the proposition . . . and it is generally asked about with the question “if.”

There is, therefore, no question that the source of Ibn Sid’s *tziyyur* and *ʿimmut* are to be found in the general Aristotelian tradition of the Middle Ages. The question is only, therefore, what is the origin

of Ibn Sid's third division, *siddur*, "order," namely the investigation of the order of discourse. The answer, it seems, may be found in the Proem to Thomas's commentary on the *De Interpretatione* which opens:

There is a twofold operation of the intellect, as the Philosopher says in *III De Anima*. One is the understanding of simple objects, that is, the operation by which the intellect apprehends just the essence of a thing alone; the other is the operation of composing and dividing. There is also a third operation, that of reasoning, by which reason proceeds from what is known to the investigation of things that are unknown.

It is clear from the form of this passage that Thomas regarded the third operation, ratiocination, as an innovation with respect to the pure Aristotelian tradition, and, in fact, as mentioned above, so it seems to be. There seems to be, therefore, a clear *prima facie* case for regarding the three-fold division of investigation or *'iyyun* in Ibn Sid as having been derived or influenced by the Thomistic tradition. However, this identification is not wholly unproblematic, for Thomas is speaking of the process of reasoning from the known to the unknown, while Ibn Sid speaks of the order of words in the sentence and the order of topics in a text as the subject of the third category. We must address ourselves to this difference an attempt to bridge it for our argument of influence to be acceptable. Moreover, through the process of bridging itself we will be able to more adequately define the nature and source of scholastic influence on *'iyyun*.

The first step is that Thomas, himself, in various places, adds to the above description of the third operation, the term *discurrere*, discourse, as in the following sentence from the introduction to his commentary on the *Posterior Analytics*:

Tertius vero actus rationis est secundum id quod est proprium rationis, scilicet discurrere ab uno in aliud.

The third act of the mind is according to what is suitable to the mind, that is discourse from one thing to another.

Now, while it is clear that Thomas is still speaking of the process of deduction, the issue of the *order of discourse* is more prominent here, already. We have evidence that Thomas was indeed understood thus. In the curriculum of the University of Alcalá, we find the study of logic divided into three areas: Simple Awareness, Judgment, and Discourse. It seems, therefore, that in the wake of the Thomists this

had become a commonplace of Iberian intellectual culture, and it is this commonplace that is reflected in Ibn Sid's division.

Finally, it may be remarked that Thomas's own definition of this "third operation of the intellect" was too restricted, because of his commitment to an exclusively deductive, Aristotelian discourse. Ibn Sid, who wishes to apply the three-fold division of *'yyun* to a textual discipline would have found it necessary in any case to redefine the analysis of discourse, as being the study of the movement from one sentence to the next, whether they are the terms of a deductive argument or not. Nevertheless, it must be admitted that his definition of the third operation of *'yyun* would have been more satisfactory had he included something like the necessary ordering of the refutations and resolutions of the Talmudic pericope, an omission all the more surprising since this type of *'yyun* is very prominent in all the actual interpretive work of his school.

We are thus left with some questions about the formulation of the definition of Ibn Sid's third division, but the fact of its scholastic origin is not, therefore, made less plausible. As a final support for this contention, I should like to adduce a further parallel between his text and Thomas's *De Interpretatione*:

<i>Kelale Shmuel</i>	Thomas
<p>Be careful to precede your <i>'yyun</i> of <i>tz'yyur</i> first, and then the <i>immot</i> and after that the <i>siddur</i>, for the necessity of prior knowledge of [one of these] will force the priority of its <i>'yyun</i>, and this is because knowledge of the intention of the language is necessary for knowledge of its judgment, and knowledge of its judgment is a prior necessity for knowledge of its ordering.</p>	<p>The first of these operations is ordered to the second, for there cannot be composition and division unless things have already been apprehended simply. The second, . . . in turn, is ordered to the third, for clearly we must proceed from some known truth to which the intellect assents in order to have certitude about something not yet known.</p>

I believe that this comparison strengthens my argument in three ways. First of all is the coincidence of this placement of this statement of the necessary ordering at the very beginning of the two texts.

Secondly, the very incoherence of Ibn Sid's arguments suggests that he is borrowing a *topos*. For, since his formulation of the operation of *siddur* is that one is studying the order of the topics considered in a text, it is not necessary that it follow upon proof of the truth or falsity of the judgments. In fact, in the actual commentaries of Ibn Sid's predecessor (and father-in-law), R. Yitzhaq Aboab, this is the first subject treated. Ibn Sid, it seems, has therefore, modified the order of study, in order to conform formally to the *topos* of the ordering of the three operations of the intellect with respect to each other. Finally, and this is perhaps, most significant, Thomas, himself, is here discussing the order to justify Aristotle's ordering of three of his works one to the other:

Since logic is called rational science it must direct its consideration to the things that belong to the three operations of reason we have mentioned. Accordingly, Aristotle treats those belonging to the first operation of the intellect, i.e., those conceived by simple understanding, in the book, *Praedicamentorum*; those belonging to the second operation, i.e., affirmative and negative enunciation in the book *Peri Hermeneias*; those belonging to the third operation in the book *Priorum*. . . . And since the three operations of reason are ordered to each other so are the books.

This forms, of course, a perfect parallel to Ibn Sid's requirement that we, "Say, for example, that he might have placed Chapter *Shenaim Ohazim* before Chapter *Elu Metsiot*," and then, of course, demonstrate why this is not so and the present order is proper and necessary. There is no question that Ibn Sid is referring to the same logical tradition which Thomas is using as well and since this is an aspect of logical theory which does not belong to the common scholastic tradition of Moslems, Christians, and Jews but to a particular Iberian Christian Scholasticism, it is equally clear that Ibn Sid and his teachers in Spain were conversant with the best of logical thought of their time and applied it in their theory and practice of talmudic interpretation. This should not, of course, be taken as evidence for a derivativeness in their tradition but rather for their desire to apply the best thought of their times to the study of Torah, both to understand the Torah better and to show that the Talmud is not inferior in its logical to any production of the Aristotelian tradition. We have here in the *ḥyyun*, inspired in Spain and carried on in all of the Sefardic diaspora, what may be called without hesitation a truly scientific approach to the study of Written and Oral Torah.

5. *Towards a New Model of Jewish Cultural Poetics*

Most “Science of Judaism” research is carried out under a paradigm of the Jews as a separate cultural entity whose presence in other cultures is abnormal (from the point of view of Jewish existence). Such interaction between Jewish and circumambient culture as I have documented here can then only be accounted for as influence from the surroundings. This paradigm is a carry-over, I would claim, from a Central and East European cultural situation and is even exaggerated from that perspective. A more appropriate model, certainly for the study of Jewish culture in Mediterranean societies, is that of the polysystem, studying the ways in which specifically Jewish cultural practices, such as Talmud study, interact with other signifying practices in which Jews and others are involved together.

The concept of the polysystem, a product of the “Tel-Aviv” school of poetics sees culture (and the products of culture) not as a closed signifying system but as the interaction at one and the same time of different signifying practices and systems that are all current within the culture.²¹ This dynamic is what allows for cultural change and renewal, for the different systems within the culture interpenetrate and modify each other. An excellent example of this process from an area entirely different from what we are studying here would be the way that jazz developed in American culture out of the interaction between American and African musical traditions and ultimately fructified even the practice of “classical” music-making in America, such as in George Gershwin’s work. This dynamic is not understood on polysystem theory as a special case but as the typical and ever-present process of cultural creation and development.

Coming closer to home, the examples of such Sefardic giants as the Naggid and Maimonides come quickly to mind. It would be extremely misleading were we to speak in their cases of Islamic or Spanish influences on their work. They are Spaniards contributing to and participating in Ibero-Arabian culture as fully and as importantly as any other figures in medieval Spanish history. At the same time, much of their cultural practice is specifically Jewish in content, whether halakhic, hermeneutic, theological, or poetic. In order for us to see the one part of their work as authentic and Spanish and

²¹ Itamar Even-Zohar, *Polysystem Studies*, Poetics Today (1990).

the other part as Jewish work influenced by Spanish culture, we have to schizophrenize them, split them into two distinct personalities, as it were. There is, of course, not the slightest shred of evidence for such split personalities in either the Naggid or the Rambam. Rather, the model of polysystems allows us to see that different signifying systems that co-occur within culture interpenetrate each other in entirely expectable (and indeed to a certain extent predictable) ways.²² This is true, whether the practitioners of the culture are its great figures, as in these two examples, or whether they are lesser or even quite insignificant figures. The continuation of this cultural pattern by the later Iberian Jews as well, and indeed its elaboration into areas of cultural practice that to the best of our knowledge had not been developed by earlier Spanish Jews, should be considered as a survival of the particular polysystemic structure that the Jews participated in in Spain. Moreover, there is no reason to see it as abnormal within Jewish history. All Jewish sub-cultures can be understood as sub-systems of the general cultures where the Jews lived. Of course, there will be a typology of such Jewish sub-cultures as more or less integrated with other sub-cultures, but in any case having just as much right to the name of culture as the others. This is true of any cultural polysystem; the sub-systems will be more or less interactive with each other. One of the most relevant factors in the typology will be the question of language-use. Obviously Jews using the culture-language current where they live will be more integrated in the polysystem than Jews who use Hebrew exclusively as a culture language. Be that as it may, it seems to me that the cultural pattern of Iberian Jewry and late-Iberian Jewry and even into the post-exilic period can fruitfully be adopted as a precursor for our own practice of cultural integration as Jews in Western culture where our general and Jewish cultural practice interact in similar ways in the university or even in the modern yeshiva.

Appendix: The Introduction to Kelale Shmuel

Said Shmuel Ibn Sidilio: It has entered my heart to make this collection, which contains no novellae for reading, but which I col-

²² Rina Drory and Itamar Even-Zohar, *Reshit Ha-Maga'Im Shel Ha-Sifrut Ha-Yehudit Im Ha-Sifrut Ha-'Arvit Ba-Me'ah Ha-'a'Sirit* (Tel-Aviv, 1988).

lected for myself, in order to relieve myself of the trouble of searching, and I took from the books, from here and from there, any utterance or principle, which my soul delights while learning it. For after extreme age has descended upon me, and also, because of my sins, the light of my eyes has left me, I am not able to go and search for that which my heart desires. For this reason, I have collected here principles for the *gemara*, which are a *vade mecum* to the method of *‘yyun*.²³ [Some of] these principles are of the canons by which the Torah is interpreted, which were transmitted at Sinai, and [others are] from joining together places in the *gemara* and in the commentaries to the *gemara* and the rabbis. And in our time, a sage of the *Maghreb* arranged them into sections and chapters, and I have gathered them here to complete the composition and to ease the trouble of searching. Some I have learned from my teachers and some from my pupils, and for what I have collected and labored for this work, I have called on the name of God for help.

Kelale Shmuel teaches that aside from Him, be He blessed, there is no reality at all.²⁴ May the reader not be amazed if he find some principle enunciated briefly without a reference to a place in the Talmud. And also may he not be amazed if it be enunciated in unbeautiful language, and also may he not be amazed that I have not extensively analyzed the *gemara* or the principles, for it was my intention to do so and revise it in every possible way, but my sins have interrupted me. They have smitten me and wounded me and made me to sit in darkness and did not allow me to complete it, as was in my heart. Accordingly, I have become reconciled to the shortcomings which are in what I have written, for they do not prevent understanding, for not by virtue of a principle's being brief or in unbeautiful language will its understanding be confuted, for whether it is without a citation or in unbeautiful language its intention may be clear. And behold! One who opposes a blind man is in error, and after him a voice cries out and protests, whether he be young or a fool?.

Introduction. Great is the value of the methods of *‘yyun* in the *gemara* and its commentators. In order to increase the understanding, in this

²³ This Hebrew term is generally translated "speculation," that is, deductive reasoning. As the term "speculation" is misleading in its modern sense, I have left the term in Hebrew here.

²⁴ I.e., from studying the Talmud in accordance with the principles of the *‘yyun*, one comes to realize the greatness of God.

introduction I will place before the reader the way in which I would learn the first *Mishnah* of *Chapter Hazzahav*. If the *me'ayyen* [wishes] to enunciate that which is in his soul, it is appropriate that it should be by means of words which signify that which is in his soul, and that there should not be in them any superfluity or lack, in such manner that his *conception* should be enunciated well with words which signify his *intention*. In any other way it is impossible for his *intention* to be enunciated.

This may be either words which signify one *intention* or words which signify many *intentions*. An example of words which signify one *intention* is that in the *Mishnah* which is before us it says "Gold acquires silver," and the *intention* of these words is to make known that physically taking golden coins effects the acquisition of silver coins. To signify that intention, he enunciated "Gold acquires silver." In truth, however, these words do not signify the intention in his soul, for there is a difference between, "gold acquires silver" and "physically taking golden coins acquires silver coins," which is in his soul. Now, since there is a difference between them, we may object that the *tanna* was not exacting with his language, in accordance with that which we have postulated: that one who enunciates his intention must do so with words that signify the intention of his soul, but these words do not signify the intention of his soul.

And now for words which signify many intentions. It is as if you were to say that you wish to know what was the intention of the *tanna* in the *Mishnah*, and you will say, his intention is to enumerate those things which effect acquisition. And you will wish to make an investigation and thus say, if it is really the intention of the *tanna* to make known those things which effect acquisition, are there any things in the world which effect acquisition that he has not mentioned, or are there no things in the world which effect acquisition except for these which he has mentioned. You must investigate whether the words which he employed are complete, lacking nothing, or did he employ them in an [in]complete fashion, and they are lacking a *division*²⁵ or *divisions* besides those he has mentioned.

²⁵ This is a technical term of *ḥyyun*. Subject matters were considered as genera divisible into their *infimae species* by the method of diresis or division. Each one of the species discovered in this way was called a "division." Since the *tanna* must have performed such an operation in order to determine the sub-divisions of his discourse, the clauses of the *Mishnah* may also be termed "divisions." For further discussion of this crucial technical term, cf., Daniel Boyarin "Studies in the Talmudic

And even if we will say that he employed them in complete fashion, and there is nothing lacking in them, it is appropriate to investigate if he added something. For example, if he articulated three subjects, and it would have been enough had he articulated one of them, and from it the others which he mentioned could have been deduced by us.

It has been made clear to you from what we have said that it is appropriate to examine closely every utterance [to establish] that it has no superfluity or lack but is perfect. One must examine closely, therefore, every utterance in regard to its *conception*, whether it contains superfluity or lack in two ways: whether in words or in subjects. "In words" [means] that there are superfluous words for enunciating the intention, or that they are lacking, i.e., that the enunciation does not contain the necessary words. "In subjects" [means] that there is a superfluous subject, i.e., that from the law of one subject, another of them could have been understood and it is not necessary to enunciate it; or that there is another subject which could not have been understood from the law of the subject enunciated, and it was necessary to enunciate it. So we find in the language an objection of *superfluity* and an objection of *lack*. We see that the objections which occur in the *conception* of the language/or, in the text of the *conception: bilshon hatztziyur*, in general are two: either to object that he added what was not necessary or to object that he omitted what was necessary.

If you find the language perfect with regard to its *conception*, having no superfluity or lack, then you must perform a second investigation with regard to the language, with regard to *judgment*, which is the second category. And you must investigate saying, whether the *conception* of these words is true or untrue. And even if it is true, it should not be so true that we do not need it to be made known, but that it is appropriate for it to be made known.

And if its making known is necessary, then it is appropriate to investigate; perhaps you will find in it objections of "*why*," which are in regard to the speaker of falsehood, and this objection includes *lying*²⁶ because the intelligence contradicts him or because there is a

Commentary of the Spanish Exiles, I; The Method of Diuresis," in *Sefunot*, New Series, Vol. 2, pp. 165-184 (Hebrew).

²⁶ This is the technical term for speaking falsely in scholastic logic and philosophy without regard to the intention of the speaker.

law in another place that is the opposite from a *Mishnah* or a *baraita* or a *memra*, or if he contradicts himself, whether because of what he said in another place or what he said in this place, in which case we can object: "It itself is contradictory."

From this species is the objection: "When he said it, why did he say it?" for, as we have said, he knows the *Mishnah*, and if he said a law which is the opposite of the *Mishnah*, the *gemara* is amazed at him; how come he said thus? Did he not know the *Mishnah* that contradicts him?! And likewise is the *objector* who asks an objection whose refutation is obvious and is known to him, the *gemara* is amazed at him; how come he objected thus? Did he not know the refutation which contradicts him? And it is as if he contradicts his [own] words. And similarly, one who refutes [an objection] in such a way that the objection [deriving from his very solution] is obvious and was certainly known to him, the *gemara* is amazed at him thus: "When he said it, why did he say it?" The principle which emerges is that the objection is on the *speaker of falsehood*, whether by virtue of that which is *in actu* or *in potentia*, that is a *diyyuq*.

And even if it is true, perhaps you will raise an objection of "*obvious*." And this is in one of two cases; either it is obvious to the intelligence and it is not necessary to make it known, or he has already said it. And if it is because he already said it, it is in two cases; either he already said it in this statement itself or in another statement. And this [may be] whether he mentioned it *in actu* or *in potentia*, namely via a *diyyuq*.

And if you have found the language perfect, having no objections of "*why*," nor objections of "*obvious*," afterwards you should perform a third investigation of the language, with regard to the third category, which is the *order*. Be careful to put your *'yyun* of the *conception* first, and afterwards the *judgment* and afterwards the *order*, for the necessity of its preceding knowledge will make necessary its preceding *'yyun*. This is because preceding knowledge of the intention of the language is necessary for knowledge of the *judgment*, and preceding knowledge of the *judgment* for knowledge of the *order*.

And you shall investigate with respect to the *order* whether the words are ordered in a true *order*. And it is fitting that you should pay attention to this in respect to words which signify one *intention*: for example, one might say of "gold acquires silver," that these words are in order. And not in order would be if one would say "silver acquires gold." In respect to subjects, unordered would be if you

were to say that he should have enunciated *Chapter Shenaim Ohazim* after *Chapter Elu Metsiot*. And similarly in a *Mishnah* in which there are two clauses, where the *tanna* should have placed the latter clause before the former clause.

The distinction that obtains between poor ordering with respect to words that are about one *intention* and poor ordering with respect to subjects is that when words that signify one *intention* are unordered it is possible for understanding to be confounded, and even if it is not confounded, it will only be known to us after much *'iyyun* and research of great effort, and therefore the words must be ordered in a true order to *guard the me'ayyen from error*.²⁷ If the poor order is with respect to subjects, however, it will not occasion that its understanding will be confounded, and what will follow from good order with respect to subjects is the broadening of the intelligence of the *me'ayyen*.

*The upshot is that for every language which will be investigated, there are only six types of doubts.*²⁸ And even though the objections²⁹ in the *Gemara* are of many species and all of them can be enumerated by the *faculty of division*,³⁰ I have chosen the path of brevity, namely, that under each of these three genera,³¹ there are two [species]. As for the genus of *conception*, they are *superfluity* and *lack*. As for the genus of *judgment*, they are "*why*" and "*obvious*." And as for the genus of *order*, they are poor order in the words or the subjects that occur in the paragraph of law, which therefore also produces two divisions.

²⁷ This is an important technical term of medieval logic, specifically in this case of the Farabian-Maimonidean tradition. The former had defined the purpose of logic as teaching universals of language such that the philosopher would be "guarded from error" in his speech, and the latter, in his handbook of logical terminology followed the great master. [Rambam, *Millot Hahiggayon*, I. Efros, ed., pp. 19-20] This term and concept became one of the great motivating forces in the development of both Sefardic and Ashkenazic *pilpul*.

²⁸ This is another important scholastic logical term. See, for instance, Judah Halevi, *Sefer Ha-Kuzari*, Yehuda Even-Shmuel (Tel-Aviv, 1972), p. 10, and compare *Darkhe hattalmud*, pp. 46-47. Ibn Sid uses it as a synonym (or near synonym) for *qushiot*, the usual Talmudic term. However, it may also have been specified in his usage for precisely those objections generated by the scholastic assumptions about language, as opposed to the normal sort of objections of Talmudic scholiasts.

²⁹ *qushiot*, cf., previous note.

³⁰ Ibn Sid's use of the scholastic method of dichotomous division is extensive. Along with many of his generation, he believed that division in its various applications was the royal road to certainty of knowledge. For full discussion of this method and its application in Sefardic (and to a lesser extent Ashkenzic) *pilpul*, see my "Studies in the Talmudic Commentary of the Spanish Exiles."

³¹ I.e., conception, judgment, and order.

With this you may obtain all of the *doubts* which there can possibly be in the halakhah,³² in this fashion:

The *doubts* that fall are either by way of *question* or by way of *wonderment*.

And if it is by way of *question*, that is, when the questioner wants to know that which is unknown to him, it is divided into two:

Either the *law* of the subject is unknown to him, or the *reason* for the law is unknown.

Now as for the *reason* for the law being unknown to him, this may not be divided, but if the *law* is unknown, this may be divided into two:

Either the law is totally unknown to him, or he has before him laws which may be [decided] leniently or stringently, and he does not know whether the true law is lenient or stringent.

Now if it is the true law which is unknown to him,³³ this is divided into two possibilities.

Either the law's being lenient or stringent are equal [possibilities to the questioner], and whether the respondent responds with a leniency or a stringency, he will have no further question; or even when he answers, he will still have a question. For example: the questioner asked a question, "What is the true law, lenient or stringent?" If you will answer, "lenient," he will have no further question,³⁴ but if you will answer, "stringent," he will have another question. The first type of question is when the *Talmud* asks one question, and the second type is when the *Talmud* asks many questions, according to the method of "If you will be able to say,"³⁵ as I will write in the second chapter on questions.

And if the *doubt* is by way of *wonderment*, this is an inclusive [category]. {Behold, I have learned this method in the method of *'yyun*, when I was studying the *Mishnah*.}³⁶

The way we can enumerate the objections by means of division is the following:

³² In this context, he means the legal portions of the Talmud.

³³ That is the latter of the two possibilities.

³⁴ That is, not in general, but in a specific, hypothetical case, where the questioner has some reason to believe that the lenient option is the correct one (but not definitive, for if it were definitive, he would not have asked). It could just as easily be the opposite, i.e., that the stringent answer would leave him no question.

³⁵ This is a technical term of talmudic dialectic, by which a complex series of branching questions are set up. This technique may, itself, be related genetically or typologically to diarsis, however the question requires a separate study.

³⁶ This sentence is erroneous here and reappears later in its proper place.

(One must know, that in any subject which lies before him, obtaining all the interpretations which are possible in it is only possible via the *faculty of division*. And when you begin the division, do not make more than two divisions, and then divide the two divisions each into two more, if they both are divisible. If you begin with three divisions, e.g., if you will say, "It could be this or this or this," it will be impossible for you to obtain all the interpretations which could be in the subject you are investigating.)

And this is the method of *division* of the *doubts*:

The *wonderment* includes all types of objections, for in every type of objection, the *objector* wonders and objects.³⁷

Now we will divide the *wonderment* first into two:

Either he wonders at the speaker that he speaks a *lie*, or not.

If he wonders that he speaks a *lie*, this may be divided into two:

Either he wonders at the speaker of a *lie* because the intelligence contradicts him or because there is a *Mishnah* or a *baraita* or a *memra*³⁸ which contradicts.

If it is a contradiction,³⁹ this may be divided into two:

Either he objects from that which is *actual* or from that which is *potential* (that is, from a *diyuuq*).

And if he does not wonder because he is speaking a *lie*, this may also be divided into two:

Either he wonders that he has contradicted himself (that is, the objection of "It itself is difficult"),⁴⁰ or not.

If he wonders that he has contradicted himself, this may be divided into two:

Either he contradicts himself in one utterance, e.g., the end of his words contradicts their beginning, or he contradicts himself from what he said in another place.

If he contradicts himself may be divided into two:

³⁷ His point seems to be that "wonderment" is an appropriate name for the category that includes all types of objections, because this is the psychological state of the "objector." "Objector" here is, itself, a technical term for one of the two actors in the dialectic, namely the one who is attempting to refute the thesis of the "refuter."

³⁸ These are terms for authoritative statements from either the Mishnah and related literature or from rabbis of the Talmudic period.

³⁹ I.e., the latter case of contradiction from a text.

⁴⁰ A standard talmudic dialectical term for a text which contains a contradiction.

Either he contradicts himself from that which is *actual* or from that which is *potential*.

If he contradicts himself from that which is *potential*, may be divided into two:

Either the *diyyuq* of the beginning contradicts the *diyyuq* of the end or not.

If not⁴¹ is divided into two:

Either the *diyyuq* of the beginning contradicts that which is actual in the end, or the *diyyuq* of the end contradicts that which is actual in the beginning.

If he does not raise an objection that he [contradicts] himself is divided into two:

Either he objects to the *objector* and the *answerer* that the refutation of him [i.e., the refutation of his objection or his answer to an objection] is obvious, and why did the *objector* raise an objection whose answer is obvious and why did the *answerer* refute with a refutation whose objection is obvious? (and this is the objection of "When he said it, why did he say it?")⁴² or he does not object in this manner.

If he does not object in this manner is divided into two:

Either he raises an objection against the choice, e.g. there is a *Mishnah* which contains a dispute of *tannaim* and of two *amoraim*, one decided like the first *tanna*, and one decided like the second *tanna*, and he wonders why did one choose the first *tanna* and one the second *tanna*, or he does not object in this fashion.

And if his does not object in this fashion is divided into two:

Either he wonders at a *lack*, namely the *enunciator* did not *enunciate* something that is necessary to say, or he objects to that which he did *enunciate*.

If he wonders at a *lack* is divided into two:

He wonders that there is lacking a word or words which it is necessary to say in that subject, or that a subject is lacking, and this is in a case where he did enunciate subjects and left out one that he should have said.⁴³

⁴¹ I.e., if it is not the case that the *diyyuq* of the beginning contradicts the one of the end.

⁴² The standard talmudic term for this type of objection.

⁴³ That is, where the structure of the text indicates that the author wishes to be comprehensive.

Behold, I taught this method in the method of *ʿyyun* when I studied the *Mishnah Hazzahav*, in order to increase the disciples' understanding of the method of *ʿyyun*,⁴⁴ and in order that this method shall be absorbed in the intelligence of the *scholar*, I have taken the trouble to write the objections which fall in *Mishnah Hazzahav*.

And thus which would be this method for any *Mishnah* or *baraita* or *memra*,⁴⁵ to strive in *ʿyyun* by means of these objections.⁴⁶ For, in my opinion *verification of the intelligible* is impossible other than by means of objections, for by their means may the truth be apprehended.⁴⁷ Therefore, the *scholar* must seek every possible objection in order to arrive at truth.

In pursuing the objections which occur with regard to the *conception*, as we have prefaced, in the case of words which signify one *intention*,⁴⁸ we have, for example in the *Mishnah*, "Gold acquires silver," but the *intention* is to say that pulling golden dinars acquires silver dinars,⁴⁹ but this *intention* is not *enunciated* in the words of the *Mishnah*.

This objection must be before you with regard to any interpreter of a *Mishnah* or a *memra*, or any other text, namely that if the *intention* is as the interpreter has said of the language, why did the [author] not *conceive*⁵⁰ in his language those words which would *signify* his *intention*,

⁴⁴ This may also be translated as "to increase the disciples' understanding [of the mishnah] by means of the method of *ʿyyun*."

⁴⁵ These are technical names for different types of utterances quoted in the Talmud.

⁴⁶ That is, the objections he has detailed above under his rubrics of *conception*, *order*, and *judgment*.

⁴⁷ This statement of Ibn Sid's reflects a basic scholastic epistemological position discussed above that truth may only be achieved through dialectic.

⁴⁸ He is not speaking here of univocity, as we shall see below, but contrasting simple propositions with texts that contain many propositions, the difference being that in this case, what we may ask is whether there are additional or lacking words to communicate the proposition, whereas in the latter case, we may ask whether or not entire categories or subjects are superfluous or lacking, as he will show below.

⁴⁹ According to talmudic law, a sale is executed, not when the money changes hands, but when the goods change hands. In a sale of gold for silver, therefore, it is important to establish which is the money and which the goods, to determine whether a sale has taken place. When the *Mishnah* states that "gold acquires silver," it means to say that in an exchange of golden coins for silver ones, the gold is considered goods and the silver currency, and accordingly, taking possession of the golden coins effects the acquisition of the silver one. "Pulling" is the technical term for taking physical possession.

⁵⁰ It would be more idiomatic in English to say "express." However, the verb used is the root which forms the noun for *conception*, as used by Ibn Sid as well, an I wish to capture this in my translation, because it is this polysemy which has encouraged him to formulate his material as he has.

and it is extremely forced to assume that he should have not *enun-
ciated* words which *signify that intention*.⁵¹

Incline your ears to hear a principle in this matter, namely that it is important that you investigate whether the words which the commentator has written with regard to a certain utterance contradict the words that are written in that utterance or do not contradict. If they do contradict, then the objection is strengthened, for the *intention* is the opposite of what he interpreted. But if they do not contradict, then there is room for the commentator to interpret as he did.

In the Mishnah, in which it says, “gold,” and the interpreter⁵² wrote “golden dinars,” “golden dinars,” are not words that contradict the word “gold,” for the word, “gold” includes both the minted and the unminted, and when he interprets that the intention of the Mishnah is the minted, he does not contradict the word “gold.” But if you will say, in the final analysis, he [the author of the Mishnah] ought to have said, “golden dinars,” and not “gold” alone, one may answer if it were impossible to interpret the word, “gold” as referring to minted gold, then your objection would be indeed an objection, for he should have said “golden dinars.” But since the force of his words is that one must interpret that he is referring to the minted, one may not object that he ought to have said “golden dinars.” I will say to you, moreover, that it is the way of the *tanna* to be brief, and therefore he said, “gold,” and did not say “golden dinars,” and when something is self understood, brevity is appropriate.

Now, if you will object that if it is *necessary*⁵³ to interpret that which he said, “gold” as referring to minted, then why was the interpreter

⁵¹ This constitutes, then, an objection against the interpreter. In our case, as we shall see immediately below, it is the commentator, Rashi, who supplied the information that “gold acquires silver,” means that “pulling golden dinars acquires silver dinars,” and the question is, if that is what the author meant, why did he not say so?

⁵² That is, Rashi, the classic commentator on the Talmud, who may be called, accordingly, “the interpreter.”

⁵³ This term refers in the authors of our school to logical necessity. An interpretation which was the only possible one for a given utterance, or which had been proven to be the only possible one in the context was called “necessary,” just as the conclusion of a correct syllogism is necessary. Accordingly, in my translation, I will use the word “necessary” only when Ibn Sid uses the Hebrew technical term for logical necessity, and otherwise I will use required or the like. Thus in this passage, the interpreter was not required to write anything because the interpretation of the language is *necessary*.

obligated to write something that is self-understood? And you may raise this objection in regard to any utterance for which it appears that they words of the interpreter are not required, since the language is self-explanatory (i.e., that it refers to that *intention*). Now you will know and apprehend the answer to this objection, that the situation of the interpreter who comes to interpret is like the situation of one who has sharp vision as opposed to one whose vision is dull, and both of them are looking at a form inscribed.⁵⁴ For example, you could say, that the inscriber inscribed a horse on the wall, by means of lines. He did not bring material and stick it to the wall, thus forming it into the shape of a horse, but he brought a tool and with it made lines, and those lines signify a horse, even though he has not put any material inside of the lines, but left the wall as it was. Even so, it is recognizable that it is a horse, but the lines are very fine and unrecognizable to one who has dull sight, and therefore he said there is no form of a horse there. One who has sharp sight perceived that there is there the form of a horse, and in order that the dull-sighted one should perceive that there is there the form of a horse, brought a tool and broadened the lines. And then the dull-sighted one recognized what he had not before when the lines were fine. Similarly, it will happen with one whose intelligence is sharp and one whose intelligence is dull, for the one whose intelligence is dull does not perceive the *intention* of the *enunciated*⁵⁵ language, and because of the smallness of his intelligence, he errs in understanding it. The one who is sharp of intelligence interprets it in language that the dull-witted one can understand its *intention*.

In this case, when he has said "gold," one whose intelligence is dull does not understand that it is about golden dinars that he is speaking, but since it says "gold," he thinks that it is unminted gold. From this cause, there will result such a great confusion in his understanding that he will object that the Mishnah contradicts itself from its beginning to its end, for in the beginning it says that, "Gold acquires silver and silver does not acquire gold," but in the end it says "all chattels acquire one another," implying that also silver

⁵⁴ The word "inscribed" or "engraved" used here is precisely the same word that Ibn Sid has been using for enunciation. The polysemy of the Hebrew word has certainly contributed to the making of this simile.

⁵⁵ I.e., inscribed. Cf., previous note.

acquires gold.⁵⁶ Accordingly, the sharp-minded one⁵⁷ enlightened him that the beginning is referring to minted gold, and there is, therefore, no contradiction between the beginning and the end, and the *Talmud* is full of examples such as this.

As for that which Rashi has written, “*pulling* golden dinars,”⁵⁸ the word, “pulling” is *necessary*, for if you will say that there is here no “pulling,” how can there be acquisition, since the methods of acquisition are by money, document, or taking possession, as is explained in a few places, and without these there is no acquisition, and the method of acquisition of chattels is by “pulling.” Therefore that which he has taught, “gold acquires,” is by the method of “pulling,” for that acquisition which is by money, document, or taking possession is only for real estate.⁵⁹ Now indeed, it should be clear to you when the words *signify one intention*.⁶⁰

Now, if the words *signify many intentions*,⁶¹ that is to say, that the *tanna*⁶² wished to make known to us all of the *subjects* in which acquisition is possible, it will be clear after only a little examination, that in this Mishnah there are: gold, silver, copper, invalid and valid coins, tokens and chattels, and it is clear, therefore, that he wished to make us know the methods of acquisition for many subjects.⁶³ Since this has been established, an investigation becomes relevant,

⁵⁶ For unminted metal is a chattel like any other.

⁵⁷ Rashi.

⁵⁸ Having explained why Rashi interpreted that “gold” means “golden dinars,” here, Ibn Sid wishes now to explain why it was necessary for Rashi to add the word “pulling,” i.e., what ambiguity there is in the formulation as it is in the Mishnah, which would conceivably lead the dull-minded into error.

⁵⁹ Ibn Sid’s phrasing here is awkward, and he would undoubtedly have corrected it had he revised his work. Nevertheless, his point is clear, namely that we must be talking about “pulling,” that is, transferring the goods into the possession of the new owner, since that is the only method of acquisition which is effective with regard to chattels.

⁶⁰ That is, it should be clear to you how to proceed in questioning and answering the adequacy of the language to the *conception*, when dealing with a single proposition.

⁶¹ That is, that we have a complex utterance with several propositions, and now the task is to examine the *superfluity* or *lack* of propositions within the category detailed by the author.

⁶² Author of the *mishnah*.

⁶³ That is, since the author of the *Mishnah* has included a variety of categories in his utterance, we may reason that the purpose of the utterance is to make known the methods of acquisition in a general way.

i.e., if there are in the world other subjects⁶⁴ aside from those he has mentioned. And if there are other subjects aside from them, namely real estate, an objection with regard to the *conception* of *lack* occurs, for the *tanna* did not *conceive* in the words which are required for all of the subjects in which there is acquisition. But perhaps there is no subject aside from the ones he has mentioned, because the *intention* of the *tanna* was not to speak of the acquisition of real estate but only of chattels, which he *divided* into two categories:

minted chattels and unminted chattels, and he began with minted chattels and said, "gold acquires," and he ended with unminted chattels and said, "all of the chattels."

Since the minted belongs to three metals, gold and silver and copper, and in these metals it can be that the coin is perfect⁶⁵ or imperfect, therefore he began with perfect coin and said, "gold etc.,"⁶⁶ and ended with the imperfect, and said "invalid coins and tokens."

And it was appropriate to begin with the perfect, for most purchases are with it. And even with the imperfect, he began with the more perfect of it, which is the invalid coins and ended with the least perfect, the token. From this you should learn that in any place where there are many subjects, one should begin with the more perfect of them, for that is the *virtue of speech*.

Now, even if you say that we do not have any subjects other than the ones he has mentioned, there still may be raised the objection of *conception*, that is *lack*, for acquisition by gold is in five situations; gold of silver, of copper, of invalid coins, of tokens, and of chattels. And similarly acquisition by silver⁶⁷ is possible in five situations; silver of gold, of copper, of invalid coins, of tokens and of chattels. And similarly the copper has five situations; copper of gold, of silver, of invalid coins, of tokens and of chattels. And likewise the invalid coins have five situations, and likewise the token has five ways, and likewise the chattel. In sum, then, for these six subjects there are thirty possible situations, and the *tanna* did not choose but only five situations alone, and left out twenty-five situations. And

⁶⁴ Belonging to this category, of course.

⁶⁵ That is, current legal tender.

⁶⁶ Meaning golden coins of legal tender.

⁶⁷ It is quite unclear to me why Ibn Sid feels it necessary to repeat all of the categories each time.

accordingly, the objection of *lack* is raised, with regard to his teaching that “copper acquires silver,” and not teaching the law of its acquisition with regard to gold.⁶⁸

And you may also raise an objection of *superfluity*, which is also with regard to the *conception*, i.e., whether there is an unnecessary subject or not,⁶⁹ or if there is an unnecessary word. And in any matter that will come before you, if there is an unnecessary subject or an unnecessary *division* of a subject or an unnecessary law⁷⁰ or an unnecessary word. And this may be in two ways: either it has been added *in actu* or it has been added because of a *diyyuq*.⁷¹ And also in the case of *lack*, it may be that there is lacking a subject, or a *division* of a subject, or the law of the subject is missing, as in the example we have mentioned.⁷² Or there may be *lacking* a word in the subject.

Similarly, with regard to the *judgment*, you must examine carefully whether he his speaking *lies* by virtue of the intelligence,⁷³ or by virtue of that which he has said, either in the same place or in another place, and whether the contradiction is by virtue of that which is *in actu* or that which is *in potentia*, and in this order you should also raise the objection of obviousness.⁷⁴

Similarly with regard to the *order*, you must examine carefully whether the clauses are ordered appropriately and the words.

Behold, this is what it is appropriate to examine carefully whether these deficiencies or some of them appear in the Mishnah, and I did not speak at length with regard to this *Mishnah*, since I only put it before you in order to make known to you the methods of *ḥyyun*. What I have said is a guide to you for any subject which comes

⁶⁸ And this is, indeed, a valid objection, for we do not know whether gold was more current legal tender than copper or not, but Ibn Sid does not answer it here, for he is only interested in exemplifying the method and not solving all of the problems of this particular text.

⁶⁹ That is, a subject which is already included or implied by another one mentioned.

⁷⁰ That is, the subject is necessary, but once having mentioned the law for part of it, the law for another part is implied and, therefore, unnecessary, but he mentions it anyway.

⁷¹ Linguistic implication. See discussion above in body of paper.

⁷² That is, the *subject* is mentioned, i.e., we know that there is gold, silver, copper, etc. What is not mentioned is the *law* for part of the subject.

⁷³ I.e., whether it is common sense that contradicts what he is saying.

⁷⁴ That is, that it is obvious by virtue of the intelligence, or by virtue of that which is said here or somewhere else and *in actu* or *in potentia*.

before you to use the *dialectical method*⁷⁵ in every way possible. And in every legal passage⁷⁶ be careful to search for the objections which may be raised whether with regard to the *conception*, the *judgment*, and the *order*, and let all this be routine in your mouth, for in any legal passage you will require it.

⁷⁵ Hebrew *pilpul*.

⁷⁶ Halakhah, as opposed, apparently to narrative passages, aggadah.

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