Texte und Studien zum Antiken Judentum

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David Instone Brewer

Techniques and Assumptions in Jewish Exegesis before 70 CE

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Herausgegeben von
Martin Hengel und Peter Schäfer

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Preface

This book was originally submitted as a PhD thesis at Cambridge, England. I would like to acknowledge the assistance and encouragement of Dr William Horbury of whose breadth of knowledge I have yet to discover the limits. He is truly "a plastered cistern which loses not a drop" (mAv.2.8). His suggestions have been acknowledged occasionally, but every page has been influenced by his careful and balanced scholarship.

I would also like to thank Barnabus Lindars and Raphael Loewe for their careful reading of the complete text. I have followed Raphael Loewe's advice about translation of Mishnaic Hebrew at many points, but the literal and 'un-English' translation style is my own. This style is intended to facilitate the recognition of rabbinic formulae and to help those who are not very familiar with Hebrew to follow the original text. Martin Hengel and Nicholas De Lange also kindly read large portions of this work and their comments have resulted in much rethinking and enrichment.

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My wife, Enid, has proof-read the whole work and Sharon Rice corrected the final manuscript. Their help was invaluable and I doubt that I could have finished the task without them.

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Foreword

G.F. Moore (1927 I:249f.) characterised Jewish exegesis as:
"atomistic exegesis which interprets sentences, clauses, phrases and even single words independently of the context or the historical occasion, ... combines them with other similarly detached utterances and makes use of analogy of expressions, often by purely verbal association".

He added that:
"The interpretation of the Scriptures in the New Testament is of precisely the same kind.".

Sixty years later most scholars still agree with his assessment, and the consequences are profound. R.N. Longenecker (1987:8), having repeated Moore's conclusions, warns that we cannot therefore emulate the NT exegetical methods:
"Let us admit that we cannot possibly reproduce the revelatory stance of pesher interpretation, nor the atomistic manipulations of midrash, nor the circumstantial or *ad hominem* thrust of a particular polemic of that day – nor should we try."

The results of the present study show that the predecessors of the rabbis before 70 CE did not interpret Scripture out of context, did not look for any meaning in Scripture other than the plain sense, and did not change the text to fit their interpretation, though the later rabbis did all these things.

If the conclusions of this work are correct it demands a fresh examination of the New Testament, which may yet provide a model for the modern exegete.

General Introduction

The backbone of this study is a survey of exegeses preserved in rabbinic literature which are likely to have originated before 70 CE. These exegeses have been analysed with regard to their exegetical techniques and assumptions. The conclusions from this survey are compared with the exegesis of contemporary Jews, particularly in Alexandria and Qumran.

The exegetical techniques and assumptions used by the Jews of the late Second Temple Period should help us to understand the exegesis of the Old Testament in the New.

The term "Scribes" will be used in this study to refer to authorities before 70 CE who were regarded by the rabbis as their predecessors. This term is used simply as a short-hand way of referring to a group which has no distinct name and which is very difficult to define. It does not imply that all the exegeses in rabbinic traditions from before 70 CE come from Scribes or that the Scribes of this period are linked with the Scribes or Sopherim of the Great Assembly associated with Ezra, although both may be the case.

Although the Tannaim themselves did not use the term 'Scribe' [סופר] (G.G. Porton 1986:60), it is possible that it was used by the Amoraim to refer to early Tannaim. The phrase "words of the Scribes" is used frequently to refer to anonymous pre-mishnaic rulings (references in Schürer 1973 III:324f.) which can be as late as Beth Hillel (yBer.1,3a), and which were regarded as Oral Law (mSanh.11.3; bEr.21b). It is therefore possible, as S. Safrai (1987c:148–153) and J. Jeremias (1964) conclude, that the rabbis used 'Scribe' and 'Sage' synonymously when referring to the period before 70 CE.

It is also likely that the Scribes were the main exegetes of the Law before 70 CE (E.E. Urbach 1957). The Scribes were a profession rather than a religious party because there were 'Scribes of the Pharisees' (Mk.2.16 cf. Lk.5.30; Act.23.9), Scribes who were Zealots (War.2.17.8f.(433,445)) and presumably Sadducean Scribes, although there were probably very few of the latter. M. Black (1962) suggested on the basis of Mk.7.1ff. that the Scribes represented the majority of the Jerusalem Pharisees, and therefore led the party. Neusner (1973c) has also suggested that the predecessors of the rabbis included the Scribes, in order to explain the origin of the common rabbinic

theme that Torah study is equivalent to worship, which is not found in any Pharisaic traditions.

This does not of course suggest that the non-scribal Pharisees were not exegetes, nor that the Scribes always taught halakah based on Scripture. However the Scribes were clearly more important than mere copyists because they are often pictured as leaders of the people (IMacc.7.12; IIMacc.6.18; Ecclus.38.24ff.; War.2.433[17.8]) and they were known as teachers or interpreters of the Law (Lk.5.17; Act.5.24; War.1.648[33.2] = Ant.17.149[6.2]).

The links between the scribes of the late Second Temple and those of the time of the Great Assembly are more difficult to assess. These scribes or 'Sopherim' are generally attributed with the emendations of the Torah, both those listed (GenR.59.7 etc) and those inferred (M. Fishbane 1985) and even with the beginnings of the Masorah (I. Harris 1888, M.J. Mulder 1988b), while some scholars have regarded them as primarily exegetes (e.g. Lauterbach 1914–). However they should probably be regarded separately from the later scribes, if only because the early scribes were primarily priests (E.E. Urbach 1975: 568–71).

However, the use of the term "scribe" in the present study does not imply any conclusions concerning the ancient Sopherim, the NT Scribes or even the rabbinic 'words of the Scribes'. It is used merely as a way of distinguishing between the rabbis after 70 CE and those whom they regarded as their predecessors.

Jewish exegesis is usually termed midrash, but this has a variety of definitions. The traditional Rabbinic Midrashim are late collections of individual exegeses which are attributed to the Scribes, Tannaim, and Amoraim, but most of which are anonymous. In modern times the term has become used in two senses: to describe a method of exegesis, and to describe the genre of literature which employs this method.

R. Bloch (1957, following L. Zunz 1892) characterised the midrashic method as exegesis of Jewish Scripture which is homiletic (i.e. popular, not academic), attentive to the text, and which 'actualises' Scripture so that it addresses the text to the problems of the present. She identified this not only in the traditional Midrashim but in many types of Jewish literature such as the OT itself, the ancient translations such as the LXX and Targumim, the OT Apocrypha including especially the Apocalyptic literature, the NT and all Rabbinic exegetical haggadic and halakic literature.

A.G. Wright (1966) refined the characterisation of the midrash method in order to define the literary genre of Midrash (see also E.E. Ellis 1969, B.S. Childs 1972, G.G. Porton 1981, A. Goldberg 1985). He pointed out that Bloch's characterisation was so broad that almost all Jewish literature could be described as midrashic. He distinguished between citations or allusions which were made for the sake of the text which was referred to and

those which were made for the sake of the text being created. Those which were made for the sake of the text being referred to attempted to elucidate the message of that text and could properly be called midrash, but those which used a text merely to provide Scriptural language or imagery for the sake of the text being created were better called the 'Anthological' style (as characterised by A. Robert 1957).

However, as R. Le Déaut (1969) pointed out, these attempts at defining literary genres has not resulted in much greater understanding of the mentality behind them. Bloch succeeded in highlighting the inter-relations between different types of Jewish exegetical literature (which has spurred much fruitful work – G. Vermes 1961), but the genre, even after being refined by Wright, was still too broad and appeared to contain a variety of different genres. Le Déaut suggested that the underlying assumptions represented the real sub-divisions in the literature. M. Kadushin identified the pursuit of such assumptions as the new trend in rabbinic research set by I. Heinemann's *the Methods of the Haggadah* (M. Kadushin 1951) and his own work (1952) set out to clarify how the Rabbis thought rather than what they did with the text.

The present work attempts to compare and contrast the assumptions concerning Scripture behind the exegeses of the Scribes with those of contemporary Jews, by examining the specific hermeneutic techniques employed by them.

Studies of rabbinic exegetical techniques have rarely taken into account the dating of the source materials. Such studies are mainly concerned with the collection and illustration of the Middoth, or "Rules" of exegesis. The very first of these studies can be said to be that attributed to R. Eliezer b.R. Yose the Galilean (mid. 2nd C.), which consists of a list of 32 middoth, including the 7 rules attributed to Hillel (1st C. BCE) and the additional rules in the list of 13 attributed to R. Ishmael (early-mid. 2nd C. CE) The original list of 32 middoth may possibly be Tannaitic (as H.G. Enelow 1933 argues) but the commentary which explains and illustrates them is certainly much later. The total number of middoth recognised in rabbinic sources continued to grow, so that Malbim (R. Meir Loeb ben Yehiel Michael, 1809–1880), in his commentary on the Sifra, was able to make them number 613 to agree with the number of precepts in the Torah (H.L. Strack 1931:93; W.S. Towner 1982:130).

Modern studies include the important ground-work by H.S. Hirschfeld (1840:123ff., 1847:382ff.), W. Bacher's *Die Agadah der Tannaiten* (1884) and *Die Exegetische Terminologie* (1905 cf. also W. Bacher 1902,1904), A. Schwarz's works on Talmudic exegesis (1897,1901, 1909,1913,1916), sections on the middoth in introductions to the Talmud by M. Mielziner (1968, 1st ed. 1894) and by H.L. Strack (1931, 1st ed. 1887), and useful contribu-

tions by J.Z. Lauterbach (1904b, 1905, 1906a), L. Jacobs (1971a–b, 1973, 1984) and others (e.g. D. Hoffmann 1903, J. Weingreen 1951, W.S. Towner 1982).

Recently the middoth have been neglected while the wealth of Qumran and targumic material has been explored. These studies have highlighted the wider context in which rabbinic exegesis existed, suggesting that at least some of the middoth were used by Jewish exegetes long before Hillel, and that the Jews learnt them from the Hellenistic world (J.Z. Lauterbach 1910-, D. Daube 1949,1953,1961,1980a, S. Lieberman 1950:47ff., F. Maass 1955, E.E. Halevi 1959,1961, H.A. Fishel 1973, H. Dorrie 1974) or even from the Ancient Near East (F. Maass 1955, J. Koenig 1982:379ff., S. Lieberman 1950:75f., M. Fishbane 1985).

However, by the first century these middoth were thoroughly Judaised and evidence for at least some of them has been found in the Targumim (J.W. Bowker 1969, G.J. Brooke 1985:25ff.), the Qumran texts (G.J. Brooke 1985, W.H. Brownlee 1951, L.H. Silberman 1961), Philo (Z. Frankel 1854:33ff., C. Siegfried 1875 p168ff.), the Septuagint (J. Koenig 1982) and the Old Testament (M. Fishbane 1985, I.L. Seeligman 1953, G.R. Driver 1960, J. Weingreen 1976).

These and many other studies which illustrate the close relationships between the Targumim, Qumran literature, Philo, and later Midrashim (e.g. G. Vermes 1969b, 1975, D. Rokeah 1968), demonstrate that the interest in midrash (i.e. exegesis) is at least as old as the interest in Mishnah (i.e. the collection of halakot), and the work in the Hebrew Bible summarised by M. Fishbane (1985) pushes back the origins of both activities to at least the Exile.

This lays to rest the debate concerning the priority of mishnah or midrash, in which S. Zeitlin and J.Z. Lauterbach represented opposing viewpoints. Zeitlin (e.g. 1953) argued that midrash was a later justification from Scripture of halakot which had been established by custom, while Lauterbach (e.g. 1914–) replied that the Pharisees had introduced midrash as a method for deriving new halakot to supplant the Sadducean traditions. J. Neusner has given support to both sides, arguing both that form-critically the Midrashim must be considered later than the Mishnah (e.g. 1984) but also that large portions of Mishnah are founded on Scripture (e.g. 1975b, 1980a), although some are manifestly not (R.S. Sarason 1980). Ultimately this is a 'chicken and egg' question: exegesis produces new halakot, and new halakot provoke exegesis, and it is meaningless to discuss which one has the priority or to determine the time when either of them emerged.

The origin of the middoth is still a subject of debate. The traditional view that these middoth were introduced to Israel by Hillel has been energetically defended in different ways and to different degrees by A. Kaminka (1926:

Hillel learned them during time spent in Alexandria), I. Sonne (1945, after A. Geiger 1857: Hillel introduced them in order to establish the Oral Torah on Scripture and deflect Sadducean criticism) Daube (1949: Hillel learned them from his teachers Shemaiah and Abtalion who spent time in Alexandria, or from the Sadducees who were open to Hellenistic influence), L. Jacobs (1961: criticising especially Schwarz's comparisons of the first three middoth with Arisotelian logical methods), S. Zeitlin (1961,1963: Hillel gave the names to techniques already present in Scripture), and A. Guttman (1970: 74ff.: Hillel introduced Scriptural exegesis during the leadership vacuum created by Herod's massacre of the Sanhedrin).

However there is little reason to regard the attributions of the lists of 7 middoth to Hillel or the 13 middoth to Ishmael as historical.

Hillel is supposed to have introduced his seven middoth after using them to prove to the Bene Bathyra that Passover over-rides the Sabbath prohibitions. However the tradition recording this dispute with the Bene Bathyra (tPis.4.13) and the list of his seven middoth (tSanh.7.11) are clearly separate traditions, because they are recorded separately in pre-Talmudic sources and because they preserve different versions of his opponents' title ("Bathyra" in tPis, "Pathyra" in tSanh). The Passover dispute is also unsuitable for demonstrating the use of the seven middoth because Hillel uses only two of the seven (Qal vaHomer and Gezerah Shavah) to prove his point, as well as one rule which is not in the list (Heqesh). This dispute was probably chosen because it is the only one in which Hillel used any of the rules attributed to him.

Ishmael's list of middoth poses similar problems because, as M. Chernick (1980) and G. Porton (1976- IV:160ff.) demonstrated, in all the numerous exegeses preserved in Ishmael's name, only six of the 13 rules attributed to him are employed while many others which are not in his list *are* used, including some rules which were espoused by his 'opponent' Aqiva.

It therefore seems likely that these lists of middoth did not originate with Hillel and Ishmael. It would appear that these lists represent either a justification of these middoth by attribution to a former authority, or a gross simplification of the methods and principles of these two famous promoters of biblical exegesis. However this does not mean that these rules were later inventions nor that they were unknown to Hillel or Ishmael.

S.K. Mirsky (1967) suggested that Hillel may not have invented the middoth, but that he systematised them. W.S. Towner (1982) and Brooke (1985: 12f.) suggested that these lists represent a growing acceptance and recognition of exegetical techniques by the authorities. Many more techniques were known and used by Jewish exegetes, but only these few were officially sanctioned. These techniques would have been learned from contact with Hellenistic and other influences, and would have been developed by the homiletic preachers of the Synagogue in Palestine and the Diaspora.

This conclusion, that the lists of middoth represent a limited acceptance of

a widespread use of many different exegetical techniques, means that it is almost impossible to pinpoint the origin of these techniques, and that the best way to discover which ones were actually used is not by studying the lists of middoth but the exegeses themselves. The purpose of the following survey of Scribal exegesis is therefore not to discover what exegetical methods were known to the Scribes, but which ones were being *used*. This will provide an insight into their underlying exegetical assumptions.

Part I

Exegeses in Scribal Traditions

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