

R. Ishmael's 13 מוסדות

Compiled by Steve Lipton.

In the 2nd century CE, partially in response to R. Akiba's attempts to use a very loose logic system to derive meaning from Torah, R. Ishmael limited the methodology to 13 ways of deriving meaning for the purposes of law. His method was so accepted the list of these methods is also part of the weekday morning liturgy. Other methods were allowed for biblical commentary.

- a) **Kal v'Chomer.** (א) **מקל וְחֹמֶר**) Kal v'chomer is *a fortiori*, or major to minor inference. This occurs when there are two connected cases, one lenient and one stringent. If the lenient case has certain restrictions, then by Kal v'chomer, the more stringent case does. Alternatively, if a stringent case has leniencies, then in the lenient case also has those leniencies. Kal v'chomer is found in both Talmud and Tanach, as in the case of Jonah(4:10-11): *And the Lord said: You pitied the Castor plant which you did not toil with and did not grow. Between a night it was and between a night it perished. Then should I not pity Nineveh the great city, more than twelve thousand people, who don't know between their right and their left and many animals?*
- b) **Gezira Shava:** (ב) **וּמִנְזוּחָהּ שְׁוֵהָ**.) Gezirah Shavah is a verbal analogy, based on an identical word or phrase found in two passages of Tanach. If there is a rule or outcome found in one of those passages, then the rule or outcome applies to the second, and to rules applying to the second passage. The exegetical Gezirah Shava is used to understand an ambiguous expression and the constructional Gezirah Shava is used to construct laws in reference to each other. The classic example was when Hillel the elder showed that Passover sacrifices should be offered on the Sabbath by noting that the phrase *in its season* occurs for both Passover sacrifices and daily sacrifices. As the Sabbath does not overrule daily sacrifices, then the Sabbath does not overrule Passover sacrifices.
- c) **Binyan Av:** (ג) **מִבְּנֵי אָב**) Binyan Av is interpretation by analogy. Unlike #2, this analogizes from theme and generalization instead of specific verbal phrase. There are types of Binyan Av. The first is simple analogy, if case A law X applies, then a similar case B law X also applies. Thus when there are certain things noted in case A then they are true too for case B. The second occurs when there is an objection to the comparison of A and B. A new case or cases are introduced linking A and B by analogy. The analogy is determined by the use of a general case expanded from a specific case, and identifying characteristics in the specific use of that case, creating case A. case B is analogous if it shares some characteristics as B, and thus shares other characteristics of A's generalization.
- d) **General and Specific.** (ד) **מִכְּלָל וּפְרָט**) When a generalization is followed by a detail, then the Generalization is limited in scope by the detail or details. This prohibits

illustration of the case by the specific example, and hence an improper analogy inference. For example *When playing a game (a general) of chess (a specific), one must follow the rules.*

- e) **Specific and General** (ה) וּמְפָרֵט וּבְלֵל. When a detail is followed by a Generalization, we follow the generalization, and do not limit the law to the detail as in #3 above. This allows for illustration of the case with a specific example. An example might be *Like chess (a specific), when playing any game (a general), one must follow the rules.*
- f) **General, Specific and General:** (בְּלֵל וּפְרָט וּבְלֵל) This is a combination of #3&4 above, allowing for two generalizations sandwiching a particular. In this case the generalizations are limited by characteristics of the particular. For example, *When Playing a game (general), chess, checkers, Monopoly (specifics), dice (general), one must follow the rules.* In the case, the specifics are all board games. Therefore this does not apply to games that are not played on boards like baseball, or for the dice games that do not require a board, such as craps.
- g) **A generalization that needs a detail, and a detail that needs a generalization,** (ז) מְבַלֵּל שֶׁהוּא צָרִיךְ לְפָרֵט וּמְפָרֵט שֶׁהוּא צָרִיךְ לְבַלֵּל. Unlike 3-5 above, where a specific or general dominates, these are cases where the detail and generalization are dependent upon one another for meaning. In these cases, both are considered part of a whole expression.
- h) **Something that was included in a generalization, but was explicitly specified to teach something, was intended not to teach about itself but about the entire generalization.** (ח) כָּל דִּבְרַר שֶׁהָיָה בְּבַלֵּל וְיָצָא מִן הַבְּלֵל לְלַמֵּד, לֹא לְלַמֵּד עַל. (עצמו יצא. אלא ללמד על הבבל בלו יצא.) In this case, if there is a set of rules involved in a generalization, and one of those rules has a specific point, then the point applies to all the rules, not as an illustration of the specific point.
- i) **Something that was included in a generalization, but was specified to discuss a provision similar to those that apply in the generalization was intended to be lenient rather than strict.** This is to identify specific cases in the generalization where exemptions or lighter treatment might occur.
- j) **Something that was included in a generalization but was specified as containing a provision different from those contained in the generalization, was intended to be both lenient and strict.** Here a specific and absolute criterion or measurement is set for a case within the generalization. Depending on circumstances, that measurement may be lenient for some and strict for others.

- k) **Something that was included in a generalization but was specified as something new, cannot be returned to its generalization until the Torah explicitly returns it to its generalization.** When a specific case changes a generalization radically, it is considered separate for the generalization, unless the Torah explicitly states that the Generalization is to be followed in all other ways, where the case is considered instead of a specific exception.
- l) **Something learned from its context, or from its end.** Ambiguities can be explained by its context of where it appears, or in terms of the statement of the next verse.
- m) **Two verses that contradict each other.** When two verses contradict each other a resolution may be found by introduction of a third verse.

Sources:

Mielziner, Moses. *Introduction to the Talmud* NY: Bloch Publishing Co. 1968

Steinstaltz, Adin. *The Talmud a Reference Guide* NY: Random House Inc. 1989

רבי ישמעאל אומר, בשלש עשרה מדות התורה נדרשת בהן: (א) מקל וחומר. (ב) ומגזירה שנה. (ג) מבנין אב ומכתוב אחר, ומבנין אב משני כתובים. (ד) מקלל ופרט. (ה) ומפרט וקלל. (ו) קלל ופרט וקלל, אי אתה דן אלא בפעין הפרט. (ז) מקלל שהוא צריך לפרט, ומפרט שהוא צריך לקלל. (ח) כל דבר שהיה בקלל ויצא מן הקלל ללמד, לא ללמד על עצמו וצא, אלא ללמד על הקלל בלוי וצא. (ט) כל דבר שהיה בקלל, ויצא למעון מעון אחד שהוא בענינו, וצא להקל ולא להחמיר. (י) כל דבר שהיה בקלל, ויצא למעון מעון אחר שלא בענינו, וצא להקל ולהחמיר. (יא) כל דבר שהיה בקלל ויצא לדון בדבר החדש, אי אתה יכול להחזירו לקללו, עד שיחזירנו הכתוב לקללו בפירושו. (יב) דבר הלמד מענינו, ודבר הלמד מסופו. (יג) ובן (נ"א ובאן) שני כתובים המכחישים זה את זה, עד שיבא הכתוב השלישי ויבריע ביניהם.