ALL THE MORE

A Merged List of 72 *Qal Vachomer* Arguments in the Tanakh

Avi Sion

An essay composed by **Avi Sion, Ph.D.**
Based largely on literature research by **R. Yaacov Gabay**

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Abstract

ALL THE MORE, by Avi Sion, Ph.D., comprises a merged list of 72 *qal vachomer* arguments in the Tanakh, i.e. of a fortiori arguments in the Hebrew Bible. This listing brings together lists proposed in past rabbinic literature and in more recent studies by the author.

The literature research for it was carried out mainly by R. Yaakov Gabay, who looked into works in Hebrew by five rabbis who had proposed lists, namely: R. Shmuel Yaffe Ashkenazi (*Yefeh Toar*, 1597), R. Zvi Hirsch Katzenellenbogen (*Netivot Olam*, 1822), R. Zeev Wolf Einhorn (*Midrash Tannaim*, 1839), R. Mattityahu Strashun (*Mattat Yah*, 1892), R. Chaim Hirschensohn (*Berure HaMidot*, 1928). The author of the present essay brought additional information from the Tanakh commentary of R. Shlomo Yitzchaki (Rashi, 11th Cent.) and an essay by R. Louis Jacobs (2005), as well as from his own past works (*Judaic Logic*, 1995, and *A Fortiori Logic*, 2013).

The information thus gathered is here presented in a systematic manner, after careful evaluation by the author of each case with reference to narrative context, language used, and logical form. Efforts are made to identify which cases were known to each of the past authors, and to determine who found each case first and whether subsequent listings of the case (if any) were independent or derivative.

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1. A synthesis of old and new information

After I distributed my essay "The 46 *Qal vachomer* Arguments in the Tanakh" (drawn from my 2013 book *A Fortiori Logic*[1]) to many people in my mailing lists, one of the recipients, R. Yaacov Gabay[2], responded by pointing out to me the existence of older lists of a fortiori arguments found in the Jewish Bible, lists given in traditional Jewish literature, which might contain cases that I was not aware of and did not mention in my said essay. I asked the rabbi to research this literature for me, because my knowledge of Hebrew is insufficient for such a demanding task, and he kindly accepted to do that. I told him that I would, for my part, process and report the information.

Note that the present study has two goals. Its primary purpose is to draw up a list of all Biblical a fortiori discourse discovered by anyone to date; to achieve this, one must grasp the forms of a fortiori argument and be able to interpret Biblical text accurately. The secondary goal is historical – to find out who first discovered each instance of such discourse; and as far as possible to find out whether eventual subsequent listings of the case were independent or influenced by a predecessor. Both these tasks require extensive reading in the (mostly Hebrew) sources. The a fortiori arguments might be flagged by authors in scattered commentaries; or they might be collected by them in lists. The authors might reveal the predecessors that influenced them explicitly, or only by allusion.

Most of the literature research for the present study was carried out by Gabay; after which I analyzed, evaluated, and compiled, the findings. We have to date identified **a total of 72 instances of *qal vachomer* in the Tanakh**. This is already a larger number than any previously published by anyone (to our knowledge). My previous list included only 47 instances; so, the present research has added 25 cases to it. I count in my lists as instances of a fortiori argument only those that are clearly enough intended as such within the Biblical text and, of course, are also logically valid.

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[1] I often refer to books by the initials of their titles. Thus, for my books: Judaic Logic = JL, A Fortiori Logic = AFL, All The More = ATM.

[2] Currently the rabbi of the Hekhal Haness congregation in Geneva, Switzerland (where I reside). Hereinafter, I refer to the rabbi simply by his last name, as is customary in academic papers.

Gabay thought of and investigated five rabbinical works with lists of Biblical a fortiori arguments, namely: *Yefeh Toar* by R. Shmuel Yaffe Ashkenazi (16th Cent.), *Netivot Olam* by R. Zvi Hirsch Katzenellenbogen (19th Cent.), *Midrash Tannaim* by R. Zeev Wolf Einhorn (19th Cent.), *Mattat Yah* by R. Mattityahu Strashun (19th Cent.), and *Berure HaMidot* by R. Chaim Hirschensohn (20th Cent.). For my part, I thought of and investigated Rashi's *Commentary on the Tanakh* (11th Cent.), and R. Louis Jacobs' "The Qal Va-Homer Argument in the Old Testament" in *Rabbinic Thought in the Talmud* (20th Cent.).[3]

All the credit for finding 23 of the additional cases belongs to Gabay. To be precise, he did not discover these cases, since they were already known to past commentators; but he certainly re-discovered them for the purpose of our modern cumulative listing. His research has also made it possible for me to clarify who (at least apparently) discovered each case first. The research work relating to Rashi was, however, done by me; and this added one more case (of Rashi's) to our expanded list. A second added case was found by me by analogy to a case listed by Hirschensohn. Additionally, of course, I brought over findings by Jacobs and myself mentioned in my past books. Otherwise, my job in this project has consisted merely in critically evaluating and organizing the data and in composing the present paper.

The following, briefly put, is **the full list of 72 Biblical occurrences** of *qal vachomer* proposed in the present essay: **Genesis 3:22-23**, **4:14, 4:24, 6:3, 11:6, 14:23, 17:17, 18:12, 39:8-9, 44:8; Exodus 6:12, 6:30; Numbers 12:14; Deuteronomy 31:27, 32:39; Judges 14:16; 1 Samuel 14:29-30, 14:39, 17:37, 21:6, 23:3; 2 Samuel 4:10-11, 11:11, 12:18, 12:21, 16:11; 1 Kings 8:27; 2 Kings 5:12, 5:13, 10:4, 18:23-24, 18:35; Isaiah 1:3, 10:11, 20:6, 36:8-9, 36:20, 66:1 (a & b); Jeremiah 2:11, 8:7, 12:5 (a & b), 25:29, 45:4-5, 49:12; Ezekiel 3:4-7, 14:13-21, 15:5, 33:24; Jonah 4:10-11; Psalms 25:8-9, 78:20, 94:9 (a & b), 94:10; Proverbs 11:31, 15:11, 17:7, 19:7, 19:10, 21:27; Job 4:18-19, 9:13-14, 15:15-16, 25:5-6, 35:13-14; Esther 9:12; Daniel 2:9, Nehemiah 13:26-27; 2 Chronicles 6:18, 32:15**.

See chapter 3 (below) for a more detailed listing and explication of these 72 cases, and chapter 17 for a detailed tabulation of them.

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[3] Einhorn and Hirschensohn were briefly mentioned in my AFL, following mention of them in Jacobs's essay.

Note in the above list that there are **15 instances in the Torah proper**. The statistics per Biblical book (so far as we know to date) are as follows: Genesis (10), Exodus (2), Numbers (1), Deuteronomy (2), Judges (1), 1 Samuel (5), 2 Samuel (5), 1 Kings (1), 2 Kings (5), Isaiah (7), Jeremiah (7), Ezekiel (4), Jonah (1), Psalms (5), Proverbs (6), Job (5), Esther (1), Daniel (1), Nehemiah (1), 2 Chronicles (2); the other books have none.

Of the above listed 72 cases, 47 cases were already listed in my 2013 study (AFL, appendix 1); these are again presented and explicated below in chapter 3. The **25 cases newly encountered in the present (2023-4) study** are the following[4]: **Genesis 3:22-23**, **4:14, 6:3, 11:6, 14:23, 17:17, 18:12, 39:8-9; Exodus 6:30; Deuteronomy 32:39; 1 Samuel 14:39; 2 Samuel 11:11, 12:21; 2 Kings 5:12, 18:35; Isaiah 1:3, 10:11, 20:6, 36:20; Jeremiah 2:11, 8:7; Ezekiel 3:4-7; Psalms 25:8-9; Proverbs 17:7; Job 35:13-14**; these are also presented and explicated below in chapter 3.

The following table specifies the **logical forms** of these 72 cases, the symbols meaning: **s** for subjectal, **p** for predicatal, **+** for positive, **-** for negative, and **&** for proportional (see chapter 2 for a full explanation of these terms).

A fortiori argument form		Quantity (all)	Of which, a crescendo (**&**)
positive subjectal	**+s**	28	5
negative subjectal	**-s**	20	3
positive predicatal	**+p**	18	1
negative predicatal	**-p**	6	0
Total		72	9

I have classified all cases in each author's listing in the following categories of authorship: (A) 'historic first' (the author concerned is apparently historically the first to have mentioned or listed this case); (B) 'independent' (the author concerned

[4] Thus, to be sure, the 25 cases comprise: 8 cases from Genesis, 1 case from Exodus, 1 case from Deuteronomy, 1 case from 1 Samuel, 2 cases from 2 Samuel, 2 cases from 2 Kings, 4 cases from Isaiah, 2 cases from Jeremiah, 1 case from Ezekiel, 1 case from Psalms, 1 case from Proverbs, and 1 case from Job.

is evidently *not* historically the first to have mentioned or listed this case, but apparently found it independently); and (C) 'derived' (the author concerned is known to – or may reasonably be assumed to – have learned of this case from another who preceded him).

In a few cases, classification into one of these three categories is rather difficult, because someone may have noticed that a Biblical passage has an a fortiori intent, but either not formulated what the *qal vachomer* might look like or wrongly formulated it. In such cases, when I formulate the argument for him or correct him, should I count the case as one of my findings, even though I did not notice the case by myself, or still consider it as his? And what if my understanding of the narrative is based on some commentary, say by Rashi? I have tried to be as fair to all (including myself) as I could. In any case, I am always transparent.

The following table summarizes the **achievements of the various authors/works**.

Author/Work		All	A	B	C
Eliezer b. Jose / Baraita 32 Midot	EbJ	3	3	0	0
Oshaya b. Hama / Genesis Rabbah	GR	11	8	0	3
Rashi / Commentary on the Tanakh	R	25	14	0	11
S. Y. Ashkenazi / Yefeh Toar	SYA	24	8	5	11
Z. H. Katzenellenbogen / Netivot Olam	ZHK	31	9	11	11
Z. W. Einhorn / Midrash Tannaim	ZWE	24	0	1	23
M. Strashun / Mattat Yah	MS	52	14	7	31
Ch. Hirshensohn / Berure ha-Midot	HH	41	8	1	32
Avi Sion / Judaic Logic	AS	34	5	18	11
L. Jacobs / Rabbinic Thought in the Talmud	LJ	33	2	7	24
Avi Sion / A Fortiori Logic	AS	47	1 (+5)	21	20
Avi Sion + Yaakov Gabay / All The More	AS+YG	72	0 (+6)	21	25+20

It is worth listing the historic-first discoveries (i.e. column A) of each of the authors mentioned in the above table. The sum of the totals is, of course, 72 cases. **Genesis Rabbah** (all possible authors and commentators lumped together[5]): Genesis 44:8, Exodus 6:12, Numbers 12:14, Deuteronomy 31:27, 1 Samuel 23:3, Jeremiah 12:5

[5] Including: Eliezer b. Jose, 3 cases: Jeremiah 12:5 (2 cases), Esther 9:12.

(a & b), Ezekiel 15:5, Proverbs 11:31, and Esther 9:12. To which must be added, from another place in the same document, at least: Genesis 4:24; total: 11 cases. **Rashi**: Genesis 6:3; 2 Kings 5:13; Ezekiel 14:13-21, 33:24; Proverbs 15:11, 17:7, 19:7, 19:10, 21:27; Job 9:13-14, 15:15-16, 35:13-14; Daniel 2:9; Nehemiah 13:26-27; total: 14 cases.

Ashkenazi: 1 Kings 8:27; 2 Kings 10:4; Isaiah 20:6; Jeremiah 25:29, 45:4-5, 49:12; Job 4:18-19, 25:5-6; total: 8 cases. **Katzenellenbogen**: Deuteronomy 32:39; 1 Samuel 14:29-30; 2 Samuel 4:10-11, 12:18, 12:21, 16:11; 2 Chronicles 6:18; Psalms 25:8-9, 78:20; total: 9 cases. **Einhorn**: 0 cases known. **Strashun**: Judges 14:16; 1 Samuel 14:39; 2 Samuel 11:11; 2 Kings 5:12, 18:23-24, 18:35; Isaiah 1:3, 10:11, 36:8-9, 36:20; Jeremiah 2:11, 8:7; Ezekiel 3:4-7; Jonah 4:10-11; total: 14 cases. **Hirschensohn**: Genesis 3:22-23, 4:14, 11:6, 14:23, 17:17, 39:8-9 and Exodus 6:30. Plus Genesis 18:12, added on; total: 8 cases. **Sion in JL**: 1 Samuel 17:37, 21:6; Psalms 94:9 (a & b), 94:10; total: 5 cases. **Jacobs**: Isaiah 66:1 (a & b); total: 2 cases. **Sion in AFL**: 2 Chronicles 32:15; total: 1 case. **Sion and Gabay in ATM**: 0 cases.[6]

R. Eliezer ben Jose ha-Gelili (2nd Cent. CE), in the *baraita* on the 32 hermeneutic rules of Biblical interpretation, in rules 5 and 6, distinguishes between **explicit *(meforash)* and implicit *(satum)*** *qal vachomer*. This is an important distinction, which I support wholeheartedly. My lists of Biblical a fortiori arguments therefore only include explicit cases, to the exclusion of implicit ones. The reason for that policy is that explicit cases are based on literal reading of the text, i.e. reading wholly 'out of' the text; whereas implicit cases are based on overly interpretative reading of the text, i.e. reading partly 'into' the text. The latter readings add something to the text, some narrative or homiletic element; they involve 'reading between the lines', i.e. interpolation. These are only general criteria; more specific criteria can and will be posited as we go along.

That does not mean that 'explicit' cases are always entirely explicit; often some part of the intended a fortiori argument (in most cases it is one of the premises, usually the major, though in some cases it is the conclusion) is unstated – but the a fortiori *intent* of the literal text is quite evident or unavoidable. And that does not mean that 'implicit' cases are not as a fortiori as claimed – the problem with them is only that the a fortiori argument proposed is not strictly part of the received text, because the text *can be read in some other way(s)* than the a fortiori way proposed.

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[6] Note that the cases listed in brackets in AFL (+5) and ATM (+6) are so listed to indicate that they are still historic firsts (A) in my name. I could not list them as mere independent findings (B), being the same author of these different books.

Thus, my lists may reject a case for one of two reasons: either because the proposed a fortiori argument is not explicit, but merely implicit, even though it is formally valid; or because it is not a formally valid, even though intended or claimed as a fortiori, or because it is not at all a fortiori in intent.

Note that proposed cases judged by me to be merely implicit or invalid or not a fortiori are relatively rare. I am solely responsible for the ad hoc judgments made here; Gabay was occasionally consulted, but the final judgment was always mine. Sometimes, as will be seen, my judgment differs from that of some other commentator; but I can justly claim my decisions to be the more reliable because of my comprehensive theoretical studies in a fortiori argument as such in my books *Judaic Logic* (1995) and *A Fortiori Logic* (2013). See chapter 2, below, for a brief review of the formalities of a fortiori reasoning which I elaborated in these past works. I always, of course, give precise reasons for such decisions; they are never arbitrary. In some cases, the decision is explicated at length, being based on hours of narrative, linguistic and logical analysis[7].

The only exception I have made in the past to the said principle of only accepting explicit *qal vachomer* cases in my lists is the case of Esther 9:12. Although I personally doubt that its original intent was *qal vachomer* – because its language is exceptional and its a fortiori form is not manifest[8] – I have kept it in my lists anyway because it is included in the classical GR list of ten cases.

Thus, I have categorized the few cases left out from the list of 72 valid and explicit cases as either (D) 'judged as at best implicit only' or (E) 'judged as invalid' (the latter meaning 'apparently a fortiori but not really so' or 'not at all a fortiori'). Of all potential cases encountered, 7 cases were classed as D, namely: Genesis 6:9, 17:20-21; Leviticus 10:19; Habakkuk 2:4-5; Psalms 15:4, 15:5; Job 28:17. And 7 cases were classed as E, namely: Genesis 3:1, 27:37; 2 Samuel 10:16; Ezekiel 23:39-40; Proverbs 6:30, 10:17, 19:7b.

It should be clear that rejection of a proposed case is just as important as acceptance of one. Obviously, one cannot accept offhand all cases proposed, but must subject each one to careful scrutiny. When an author proposing a dud case specified in what

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[7] The reader should take the time to read such occasional detailed exegeses, as they are very instructive in various ways.

[8] Here, the Hebrew sentence *meh assu*, literally: [in the provinces] "what have they done?", which in the context most literally means: "how many people have they killed?", is taken by a fortiori advocates to mean: "how many *more* people have they killed?" Clearly, the assumption that the king thought that *more* people were killed is not inevitable; he could have been asking an open question.

way he thought the verse(s) concerned could be read as a fortiori, or I could at least guess what reading he may have had in mind, I could analyze the proposal and state precisely why I rejected it as either implicit (7 cases) or invalid (4 cases). But when the author did not clarify his reading, or maybe Gabay did not report his exact reading to me, then if I could not see a possible a fortiori interpretation, I just declared the case as not a fortiori by default (3 cases). Of course, I am not infallible, and have occasionally made mistakes of appreciation in my past works. But I keep an open mind and am always open to being corrected.[9]

In the following chapter, I offer the reader some background in formal logic, needed for better understanding of the findings in the present study. In chapter 3, I list the 72 (47+25) recognized cases, and briefly paraphrase them to show more clearly their a fortiori intent. In subsequent chapters, I examine, in chronological order, the lists attributed to the various commentators here considered. These are based, to repeat, on the work of the following authors: the author(s) of Genesis Rabbah, Rashi, S. Y. Ashkenazi, Z. H. Katzenellenbogen, Z. W. Einhorn, M. Strashun, Ch. Hirschensohn, A. Sion (1995), L. Jacobs, and A. Sion (2013).

There may, of course, be still other literary sources which mention Biblical a fortiori arguments that we have not yet come across and examined; maybe even many of them[10]. There may even, of course, be scattered mentions of such arguments that we have overlooked in the sources already examined. Our list therefore must be said to comprise *at least* 72 cases, those found by us *so far*.

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[9] For example, in JL I erroneously reject Genesis 3:22-23, 11:6, and 17:7; whereas in the present study I accept them after learning just how Hirschensohn interpretated those cases.

[10] S. Goltzberg, in his 2010 essay "The A Fortiori Argument in The Talmud" mentions "the forgotten a fortiori arguments," without however saying how many he thinks there are or listing them. Apparently, he draws this information from Moshe Koppel's *Meta-Halakha. Logic, Intuition And The Unfolding Of Jewish Law* (Northvale, NJ, Jason Aronson, 1987). I did find this book (in English), and looked into it; but I found no reference to, let alone listing of, Biblical a fortiori arguments in it.

2. The valid forms of a fortiori argument

Before proceeding further, the reader should get a theoretical grounding in a fortiori logic, by studying the valid forms of copulative argument listed below, on which all analyses, classifications, and listings, in the present essay are based. **The symbols P, Q, R, S, refer respectively to the major, minor, middle, and subsidiary terms.**[11]

With regard to *structure*, an a fortiori argument consists of three propositions: **a major premise, a minor premise, and a conclusion**. The major premise compares the major and minor terms (P and Q, respectively) by means of the middle term (R); the minor premise relates the minor or major term to the subsidiary term (S) through the *sufficiency* (or not) of the middle term; and the conclusion accordingly relates the major or minor term to the subsidiary term through the sufficiency (or not) of the middle term.

This applies to *'pure' (non-proportional) a fortiori*; in the case of *'a crescendo' (proportional) a fortiori*, there is an additional premise (called the premise of **proportionality**) describing the concomitant variation of R and S, which (note well) affects the quantity of S in the conclusion.

There are two *figures* of a fortiori argument: the subjectal and the predicatal; the difference between them is one of orientation. In the former, P and Q are subjects and S is a predicate; in the latter, P and Q are predicates and S is a subject; R is a predicate in both figures. Each figure has two *polarities*: in the positive one, the minor premise and conclusion are positive propositions; and in the negative one, they are negative.

The following are the **valid moods** of copulative a fortiori argument:

a. The **positive subjectal** {symbol **+s**} mood (= minor term to major, i.e. Q to P):

P is more R than (or as much R as) Q (is R),

and Q is R enough to be S;

---

[11] P is called the major and Q the minor, because usually P is greater than Q relative to R, though in some cases P and Q are equal in magnitude.

therefore, all the more (or equally), P is R enough to be S.

Given the same major premise, inference from P to Q (is R enough to be S) would be *invalid*. Except in cases where P and Q are equally R, of course.

Above is the *pure* mood; the corresponding *a crescendo* mood (added symbol **&**) would add:

If, *moreover*, (for things that are both R and S,) we find that:

S varies in proportion to R, then:

knowing from the above minor premise that: if R = Rq, then S = Sq,

it follows in the conclusion that:

if R = *more than* Rq = Rp, then S = *more than* Sq = Sp:

i.e. from Q is R enough to be S conclude that P is R enough to be more than S.

b. The **negative subjectal** {symbol **-s**} mood (= major term to minor, i.e. P to Q):

P is more R than (or as much R as) Q (is R),

yet P is R *not* enough to be S;

therefore, all the more (or equally), Q is R *not* enough to be S.

Given the same major premise, inference from Q to P (is R *not* enough to be S) would be *invalid*. Except in cases where P and Q are equally R, of course.

Above is the *pure* mood; the corresponding *a crescendo* mood (added symbol **&**) would state (note that the conclusion is no different than in the pure mood):

P is more R than Q (is R),

and P is R *not* enough to be *more than* S;

and S varies in proportion to R;

therefore, Q is R *not* enough to be S *at all*.

Clearly, the conclusion *cannot* merely be that Q is R not enough to be *more than* S, because if Q were still R enough to be S (though not more than S) that would contradict the claim that S varies in proportion to R, because P would then be R enough to be S and indeed proportionally more than S. Of course, if the premise of proportionality is denied, then the conclusion *would* be that Q is R not enough to

be more than S; but in that case, the subsidiary term is not really just ‘S’ but ‘more than S’.

c. The **positive predicatal** {symbol **+p**} mood (= major term to minor, i.e. P to Q):

> More (or as much) R is required to be P than (as) to be Q,
>
> and S is R enough to be P;
>
> therefore, all the more (or equally), S is R enough to be Q.

Given the same major premise, inference from (S is R enough to be) Q to P would be *invalid*. Except in cases where P and Q are equally R, of course.

Above is the *pure* mood; the corresponding *a crescendo* mood (added symbol **&**) would add:

> If, *moreover,* (for things that are both R and P or Q,) we find that:
>
> R varies in proportion to S, then:
>
> knowing from the above minor premise that: if S = Sp, then R = Rp,
>
> it follows in the conclusion that:
>
> if S = *less than* Sp = Sq, then R = *less than* Rp = Rq;
>
> i.e. from S is R enough to be P conclude that less than S is R enough to be Q.

d. The **negative predicatal** {symbol **-p**} mood (= minor term to major, i.e. Q to P):

> More (or as much) R is required to be P than (as) to be Q,
>
> yet S is R *not* enough to be Q;
>
> therefore, all the more (or equally), S is R *not* enough to be P.

Given the same major premise, inference from (S is R not enough to be) P to Q would be *invalid*. Except in cases where P and Q are equally R, of course.

Above is the *pure* mood; the corresponding *a crescendo* mood (added symbol **&**) would state (note that the conclusion is no different than in the pure mood):

> More R is required to be P than to be Q,

and *less than* S is R *not* enough to be Q,

and R varies in proportion to S;

therefore, S *at all* is R not enough to be P.

Clearly, the conclusion *cannot* merely be that *less than* S is R not enough to be P, because if S were still R enough to be P (though less than S not so) that would contradict the claim that R varies in proportion to S, because S would then be R enough to be Q and indeed proportionally less than S would be so. Of course, if the premise of proportionality is denied, then the conclusion *would* be that less than S is R not enough to be P; but in that case, the subsidiary term is not really just 'S' but 'less than S'.

Note that, in all the above four (or eight) moods, the comparative expression in the major premise may be "P is *as much* R as Q" in lieu of "P is *more* R than Q;" this is because the former 'egalitarian' possibility is in fact the limiting case of the latter 'superior' formula (i.e. > here means ≥). The comparative premise is sometimes expressed in the form "Q is *less* R than P;" this is of course okay provided that in such case too P refers to the greater quantity of R, and Q refers to the lesser.

It is useful to remember that a valid a fortiori argument goes "from minor to major" (i.e. from the minor term, Q, to the major term, P) if it is positive subjectal or negative predicatal, and it goes "from major to minor" (i.e. from the major term, P, to the minor term, Q) if it is negative subjectal or positive predicatal. Thus, if an argument goes from minor to major and is positive, we know it is subjectal; but if it does that and is negative, it is predicatal. Whereas, if it goes from major to minor and is positive, we know it is predicatal; but if it does that and is negative, it is subjectal.

Also remember that the difference between a crescendo argument and purely a fortiori argument depends on whether the subsidiary term (S) and the middle term (R) vary together; variation in the middle term alone is not indicative of a crescendo. The concomitant variation of these two terms, usually proportional, may on occasion be inversely proportional. In the latter cases, of course, the a crescendo arguments must be modified accordingly, with one of these terms increasing while the other decreases.

The above are, to repeat, the eight valid logical forms of *copulative* a fortiori argument, including four pure moods and four corresponding proportional moods. There are another eight valid moods, resembling these, of *implicational* a fortiori argument. In implicational a fortiori argument, categorical propositions are

replaced by hypothetical ones, meaning that the terms are replaced by theses and the copula (is) is replaced by words of implication (if-then). Note that implicational arguments can usually be re-formulated in simpler, copulative form.

Regarding **objections** to a fortiori arguments. These often occur in Talmudic and other debates, and therefore need to be understood. A *qal vachomer* (if correctly formed) is a deductive argument, meaning that the conclusion necessarily follows from the premises. But like all deductive arguments (including syllogisms, for instance), you can put its premises in doubt: i.e. you can show one or more of them to be factually untrue or at least uncertain. This does not affect the formal *validity* of the argument, but it does impact on its factual *credibility*.

The following example illustrates this point. Deuteronomy 31:27 reads (Moses is the speaker): "Behold: while I am yet alive with you this day, ye have been rebellious against the Lord; and how much more after my death [ye will be rebellious]?" This can be paraphrased as follows: People are more unfaithful after their leader's death than while he is alive (major premise); the Israelites during Moses's lifetime are unfaithful enough to rebel (minor premise); therefore, they will after his death be unfaithful enough to rebel (conclusion). The Maharsha[12] credibly objects that the people might well repent and become more faithful after Moses's death, as a result of their realization that he is no longer there to pray on their behalf. This objection effectively puts the major premise in doubt, showing that it could turn out to be factually untrue. A retort to this objection is possible, by saying (as the Maharsha himself effectively does) that even if Moses's worry might in the future (as indeed happened eventually) turn out to be unjustified, the way things looked at the time Moses uttered his reproach justified it.

The logic of a fortiori argument was first correctly formulated by me in my 1995 book *Judaic Logic* (JL), and further developed in my 2013 book *A Fortiori Logic* (AFL). Readers are referred to my book AFL, chapters 1 and 2, for more details, including the precise procedures for *validation or invalidation* of all moods of such argument. These procedures are obviously important, but too long-winded to be repeated here.

It is important to be aware that a fortiori argument differs significantly from **argument by analogy**, in that a fortiori depends for its inference on there being a *sufficient* quantity of the middle term ("R enough"), implying that *a threshold value* of it (i.e. R) must be reached or passed in the minor premise for the conclusion to

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12 R. Shmuel Eidels (Poland, 1555-1631). In *Chiddushei Aggadot* on Sanhedrin 37a.

be validly drawn, whereas this feature is absent in mere analogy. As a result of this difference, a fortiori argument is deductive (meaning that given the premises, the conclusion is 100% sure), whereas analogical thinking is inductive (meaning that given the premises, the conclusion is only probable). One should therefore be careful not to confuse these two forms of reasoning.

The following are, simply put, the valid moods of analogical argument. Keep in mind, however, that, because such argument is inductive, equally valid conflicting analogies are possible. Note that here (unlike in a fortiori argument) P and Q are interchangeable throughout; i.e. the argument holds in either direction. Analogy may be qualitative or quantitative:

Qualitative analogy (this resembles pure a fortiori argument somewhat, note):

Positive subjectal (**+s**): P and Q are alike in some respect, e.g. in that both have R. And Q is S; so, P is probably S. (Or: And P is S; so, Q is probably S.) Negative moods (**-s**): Same major premise. And Q is not S; so, P is probably not S. (Or: And P is not S; so, Q is probably not S.)

Positive predicatal (**+p**): P and Q are alike in some respect, e.g. in that R has both. And S is Q; so, S is probably P. (Or: And S is P; so, S is probably Q.) Negative moods (**-p**): Same major premise. And S is not Q; so, S is probably not P. (Or: And S is not P; so, S is probably not Q.)

Quantitative analogy (this resembles a crescendo argument somewhat, note): given that R and S vary jointly:

Positive subjectal (**+s**): If P is greater than Q with respect to R, then if Q is S (Sq), it follows that P is probably proportionately more S (Sp>Sq) (from inferior to superior). If P is equal to Q with respect to R, then if Q is S (Sq), it follows that P is probably proportionately as much S (Sp=Sq) (from equal to equal). If P is lesser than Q with respect to R, then if Q is S (Sq), it follows that P is probably proportionately less S (Sp<Sq) (from superior to inferior). Negative mood (**-s**): Whether P is greater than, equal to, or lesser than, Q with respect to R, then if Q is not S, it follows that P is probably not S, and conversely, if P is not S, it follows that Q is probably not S.

Positive predicatal (**+p**): If P is greater than Q in relation to R, then if S (Sq) is Q, it follows that probably proportionately more S (Sp>Sq) is P (from inferior to superior). If P is equal to Q in relation to R, then if S (Sq) is Q, it follows that probably proportionately as much S (Sp=Sq) is P (from equal to equal). If P is lesser than Q in relation to R, then if S (Sq) is Q, it follows that probably proportionately less S (Sp<Sq) is P (from superior to inferior). Negative mood (**-s**): Whether P is

greater than, equal to, or lesser than, Q with respect to R, then if S is not Q, it follows that S is probably not P, and conversely, if S is not P, it follows that S is probably not Q.

All this is briefly presented here to make sure the reader does not confuse a fortiori argument with analogical argument. See my work *The Logic of Analogy* (2023) for more information on this interesting topic.

3. Merged list of 72 *qal vachomer* arguments in the Tanakh

The following is the listing and brief analysis of the 72 *qal vachomer* arguments so far known by us to occur in the Tanakh, including the 47 cases that I listed in 2013 (in AFL, appendix 1), and the 25 cases newly found in the present study (all but two of them outcomes of Rav Gabay's research in the literary sources)[13]. I here give, for each case, a brief analytic paraphrase, consisting of only the minor premise and conclusion (by means of an if-then statement), since the major premise is easy to construct given these two components. The logical form of the argument is indicated symbolically in brackets {}, as **s** or **p**, **+** or **-**, and where applicable **&**. The first discoverer, to our knowledge so far, of each case is indicated by means of his name's initials[14]. When I have substantially amplified or modified or replaced an author's reading, I may add my initials AS to his. Cases newly identified in the present study are marked as NEW.

Genesis 3:22-23. God: "Behold (*hen*), the man is become as one of us, to know good and evil; and now (*ve-atah*), lest he put forth his hand, and take also of the tree of life, and eat, and live forever. Therefore (*ve*), the Lord God sent him forth from the garden of Eden, to till the ground from whence he was taken." {**+s**} If man having already eaten of tree of knowledge of good and evil is excessively godlike enough to have to be expelled from Eden, then if man additionally now ate of the tree of life, he would be even more excessively godlike enough to have to be expelled from Eden. (NEW – First found by HH/AS.)

Genesis 4:14. Cain: "Behold (*hen*), Thou hast driven me out this day from the face of the land; and (*ve*) from Thy face shall I be hid; and (*ve*) I shall be a fugitive and (*ve*) a wanderer in the earth; and it will come to pass (*ve-hayah*), that whosoever findeth me will slay me." {**+s&**} The four listed curses alone are severe enough to

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[13] The sources of my Biblical quotations (of translations) vary. For the cases I listed in the past, see there. For cases recently added, my main source was (as I recall) https://mechon-mamre.org/p/pt/pt0.htm, However, in some cases, I preferred https://www.chabad.org/library/bible_cdo/aid/63255/jewish/The-Bible-with-Rashi.htm. But note that in some cases, I modified the received text somewhat, usually with a more literal rendering, if I deemed this necessary for highlighting the a fortiori intent of the verse or even just its meaning. Sometimes, I added some text in brackets to the given text.

[14] GR=Genesis Rabbah, EbJ=Eliezer ben Jose HaGelili, R=Rashi, SYA=S.Y. Ashkenazi, ZHK=Z.H. Katzenellenbogen, ZWE=Z.W. Einhorn, MS=M. Strashun, HH=Ch. Hirschensohn, LJ=L. Jacobs, AS=A. Sion (1995, 2013).

fully punish Cain's crime of murder of Abel; therefore, the four curses plus the said threat to life are severe enough to punish that crime and more. (NEW – First found by HH/AS.)

Genesis 4:24. Lemekh ben Methushael: "If (*ki*): Cain shall be avenged sevenfold, then (*ve*): Lemekh [shall be avenged] seventy and seven-fold." {**-s&**} If an intentional killer is not abhorred enough to be punished immediately, then an unintentional killer will remain unpunished for a much longer time. (First found by GR.)

Genesis 6:3. God: "My spirit shall not quarrel concerning man forever, in that also (*beshagam*) he is flesh; and (*ve*) his days shall be a hundred and twenty years." {**+s**} Unrepentant sinning. by a high powerful creature made of fire or some hard substance, is insubordinate to God enough to merit annihilation in 120 years; all the more, unrepentant sinning, by a lowly weak creature made like man of mere flesh, is insubordinate to God enough to merit annihilation in 120 years. (NEW – First found by R/AS.)

Genesis 11:6. God: "Behold (*hen*), they are one people, and they have all one language; and this is what they begin to do; and now (*ve-atah*) will it not be withheld from them, all that they have planned to do?" {**+s**} The people beginning to build a city and a tower are rebellious enough to be opposed by God; therefore, the people succeeding to build a city and tower would be rebellious enough to be opposed by God. (NEW – First found by HH/R/AS.)

Genesis 14:23. Avram: "I will not (*im*) take a thread nor a shoe-latchet nor aught that is thine, so that (*ve*) thou shouldest not say: I have made Avram rich." {**-p**} If Avram wishes to avoid being indebted enough to refuse what is due to him, then perforce Avram wishes to avoid indebtedness enough to refuse what is not due to him. (NEW – First found by HH.)

Genesis 17:17. Avraham: "Shall (*ha-le*) a man a hundred years old beget? and shall (*ve-im*) Sarah, a woman of ninety, bear?" {**+s**} If Avraham (a hundred-year-old man) had a younger wife (of naturally childbearing age), it would be difficult enough for him to beget; all the more so, with his actual wife Sarah (a ninety-year-old woman, way past childbearing age) it would be difficult enough, indeed even more difficult, for him to beget. (NEW – First found by HH.)

Genesis 18:12. Sarah: "After I am waxed old, will (*hayta*) I be rejuvenated? Also (*ve*) my lord being old?" {**+s**} Sarah (now ninety years old, past menopause) would, with Avraham (now one hundred years old) if he were currently younger than he is, have had difficulty enough having a child; all the more so, she can expect, with

him now in fact quite aged, have difficulty enough, indeed even more difficulty, to have a child. (NEW – First found by HH/AS.)

Genesis 39:8-9. Joseph: "But he refused, and said unto his master's wife: 'Behold (*hen*), my master, having me, knoweth not what is in the house, and he hath put all that he hath into my hand; he is not greater in this house than I; neither hath he kept back anything from me but thee, because thou art his wife. How then (*ve-ekh*) can I do this great wickedness, and sin against God?'" {**+s**} If Joseph stole any property that he was permitted to use, he would be dishonest enough to be committing a grave sin; all the more, if Joseph stole any property that he was not permitted to use (such as his master's wife), he would be dishonest enough to be committing a grave sin. (NEW – First found by HH.)

Genesis 44:8. Joseph's brothers: "Behold (*hen*): the money, which we found in our sacks' mouths, we brought back unto thee out of the land of Canaan; how then (*ve-ekh*) should we steal out of thy lord's house silver or gold?" {**+p**} If the accused were honest enough to return found goods, then they must have been honest enough not to steal anything. (First found by GR.)

Exodus 6:12. Moses: "Behold (*hen*): the Children of Israel have not hearkened unto me; how then (*ve-ekh*) shall Pharaoh hear me?" {**-s**} If the Israelites, who have much faith, have not had enough of it to hearken to a prophet like Moses, then the chief of the Egyptians, who has far less faith (if any), will not have enough of it to do so. (First found by GR.)

Exodus 6:30. Moses: "Behold (*hen*), I am of uncircumcised lips; so how (*ve-ekh*) will Pharaoh hearken to me?" {**-p**} If Pharaoh would have patience not enough to hearken to Moses were he not handicapped; all the more, Pharaoh will have patience not enough to hearken to Moses he being in fact handicapped. (NEW – First found by HH/AS.)

Numbers 12:14. God: "If (*ve*) her father had but spit in her face, should she not (*ha-lo*) hide in shame seven days? [Similarly, since God is angry with her,] let her be shut up without the camp seven days." {**+s**} If someone causing paternal anger is culpable enough to deserve seven days isolation, then someone causing Divine anger is culpable enough to deserve seven days isolation. (First found by GR.)

Deuteronomy 31:27. Moses: "Behold (*hen*): while I am yet alive with you this day, ye have been rebellious against the Lord; and how much more (*ve-af ki*) after my death [ye will be rebellious]?" {**+s**} If the people during Moses's lifetime are unfaithful enough to rebel, then they after his death will be unfaithful enough to rebel. (First found by GR.)

Deuteronomy 32:39. "See now (*reu ata*) that (*ki*) I, even I, am He, and there is no god with Me; I kill, and I make alive; I have wounded, and I heal; and (*ve*) there is none that can deliver out of My hand." {**+p**} If no one other than God is powerful enough to kill and revive, to wound and heal (like He does, alone); then surely, no one other than He is powerful enough to deliver out of His hand (i.e. to stop Him killing and reviving, Him wounding and healing, at will). (NEW – First found by ZHK.)

Judges 14:16. Samson to his wife: "Behold (*hine*), I have not told it [the solution to my riddle] to my father nor my mother, and (*ve*) shall I tell [it to] thee?" {**-p**} If Samson was not trusting enough to tell the secret to his parents, then he won't be trusting enough to tell it to his wife. (First found by MS.)

1 Samuel 14:29-30. Jonathan: "See (*reu*): because (*ki*) I tasted a little of this honey, how (*ki*) mine eyes are brightened. How much more (*af*): if (*ki*) haply the people had eaten freely today of the spoil of their enemies which they found, then (*ki*) would there not have been a much greater slaughter among the Philistines?" {**+s**&} If someone eating a little honey is energized enough to have his eyes brighten, then people eating lots of food are energized enough to do that and much more. (First found by ZHK.)

1 Samuel 14:39. Saul: "Though (*ki*) it [the crime of eating despite the king's prohibition] be in Jonathan my son, (*ki*) he shall surely die." {**-s**} If my son is not worth enough to me to escape my killing him if he ate, then no one else is worth enough to me to do so. (NEW – First found by MS.)

1 Samuel 17:37. David: "The Lord who saved me from the paw of the lion and the paw of the bear [= innocent animals], He will [surely] save me from the hand of the Philistine [= willful enemy]." {**+p**} If David had spiritual credit enough to be saved from innocent creatures, then he has credit enough to be saved from evil ones. (First found by AS[15].)

1 Samuel 21:6. David: "'Of a truth, (*ki im*) women have been kept from us about these three days; when (*be*) I came out, at that time (*ve*) the vessels of the young men were holy, though (*ve*) it was but a common journey; how much more then (*ve-af ki*) to-day, when there shall be holy bread in their vessels [have we avoided women]?'"{**+p**} If we were virtuous enough to practice abstinence on a common

[15] Actually, noticed by one Mark Leroux in 2001, though not formulated by him. Also, long before that, the 19th Cent. commentator Malbim thought that this verse has a fortiori intent, but he did not correctly formulate it.

journey, then we are virtuous enough to do so on a special day like today. (First found by AS.)

1 Samuel 23:3. David's men: "Behold (*hine*): here in Judah, we are afraid; how much more if (*ve-af ki*) we go to Keilah against the armies of the Philistines [will we be afraid]?" {**+p**} If we lack confidence enough that we feel fear while on our own territory (Judah), then we will lack confidence enough that we will feel fear when on enemy territory (Keilah). (First found by GR.)

2 Samuel 4:10-11. David: "When (*ki*): one told me saying, 'behold, Saul is dead' and (*ve*) he was in his own eyes as though he had brought good tidings, then (*va*) I took hold of him and (*ve*) slew him in Ziklag in the way of reward. How much more when (*af ki*) wicked men have slain a righteous man in his own house upon his bed, then now (*ve-atah*) shall I not (*ha-lo*) require his blood of your hand and (*ve*) take you away from the earth?" {**+s**} If someone who merely announced the death of Saul, David's respected adversary, was judged wicked enough to deserve execution, then the people who actually killed a respectable man, Ish-bosheth, the son of Saul, who did David no harm, must be judged wicked enough to deserve execution. (First found by ZHK.)

2 Samuel 11:11. Uriah to David: "The ark, and Israel, and Judah, abide in booths; and my lord Joab, and the servants of my lord, are encamped in the open field; shall (*va*) I then go into my house, to eat and to drink, and to lie with my wife?" {**-s**} If the rest of the army etc. are not worthy enough to merit the listed pleasures, then I am not worthy enough to merit such pleasures. (NEW – First found by MS.)

2 Samuel 12:18. David's servants: "Behold (*hine*): while (*be*) the child was yet alive, [David's sorrow was so great that] we spoke unto him, and (*ve*) he hearkened not unto our voice; how then (*ve-ekh*) shall we tell him that the child is dead, so that (*ve*) he do himself some harm?" {**+s**&} If David while his child still lived was sorrowful enough to be utterly distracted, then David now that the child has died will be sorrowful enough to cause himself some harm. (First found by ZHK.)

2 Samuel 12:21. David's servants to him: "What (*mah*) is this thing that thou hast done? Thou didst fast and weep for the child, while it was alive; but when (*ve-ka-asher*) the child was dead, thou didst rise and eat bread?" {**+s&**} If David while the child still lived was sad enough to fast and weep, then David after the child died should have been (but was not) sad enough to do same and even more. (NEW – First found by ZHK.)

2 Samuel 16:11. David: "Behold (*hine*): my son, who came forth from my body, seeketh my life [still, I do not react]; how much more (*ve-af ki*): now [in the case

of] this Benjamite, should [I order] you: let him alone and let him curse [me]; for the Lord has bidden him." {**+p**} If David was self-controlled enough to avoid reacting under attack from his own rebellious son, then David will be self-controlled enough to avoid reacting under attack from a more remote enemy. (First found by ZHK.)

1 Kings 8:27. Solomon: "But (*ki*) will God in very truth dwell on the earth? Behold (*hine*), heaven and the heaven of heavens cannot contain thee; how much less (*af ki*) in the case of this house that I have builded." This is repeated in 2 Chronicles 6:18. {**-s**} If the heavens are not big enough to contain God, then an earthly house is not big enough to do so. (First found by SYA.)

2 Kings 5:12. Naaman: "Are not (*ha-lo*) Amanah and Pharpar, the rivers of Damascus, better than all the waters of Israel? may I not (*ha-lo*) wash in them, and be clean?" {**-s**} If the rivers of Damascus, in which I have often bathed, were not good enough to heal me, the waters of Israel cannot be good enough to do it. (NEW – First found by MS.)

2 Kings 5:13. Naaman's servants: "Had the prophet bid thee do some great thing, wouldst thou not (*ha-lo*) have done it? how much more when (*ve-af ki*) he [merely] saith to thee: wash and be clean [you should do it]!" {**+s**} If the prophet making some difficult request would have seemed powerful enough in your eyes to succeed in healing you, causing you to obey him, then his making an easy request suggests he may be more powerful than you expected and indeed powerful enough to heal you, and should cause you to obey him. (First found by R.)

2 Kings 10:4. The rulers of Jezreel in Samaria: "Behold (*hine*): the two kings [Joram and Ahaziah] stood not before him [Jehu]; how then (*ve-ekh*) shall we stand [before him]?" {**-s**} If the two kings (who were powerful men) were not strong enough to resist Jehu, then we (who are comparatively weak) are not strong enough to do so. (First found by SYA.)

2 Kings 18:23-24. Rabshakeh (emissary of the king of Assyria): "Since (*ve*) thou puttest thy trust on Egypt for chariots and for horsemen, I will give thee two thousand horses if (*im*) thou be able on thy part to set riders upon them. [But you are not able to do even that, and so cannot hope to defeat us.] How then (*ve-ekh*) canst thou [without gift of horses] turn away the face of one captain, even of the least of my master's servants?" {**-s**&} This is repeated in Isaiah 36:8-9. If you had 2000 horses, you would not have enough power to defeat the Assyrian army, then without such a gift you surely do not have enough power to do so, not even to defeat a minor captain of it. (First found by MS.)

2 Kings 18:35. Rabshakeh, in the name of the king of Assyria: "Who are they among all the gods of the countries, that (*asher*) have delivered their country out of my hand, that (*ki*) the Lord should deliver Jerusalem out of my hand?" {**-s**} If the gods of the already-conquered other countries were not strong enough to prevent my conquests, then Israel's God is not strong enough for that. (NEW – First found by MS.)

Isaiah 1:3. God: "The ox knoweth his owner, and the ass his master's crib; but Israel doth not know, My people doth not consider." {**+s**} If the said animals are smart enough to obey their masters, then the people should (in principle, though they are not so in fact) be smart enough to obey their master (God). (NEW – First found by MS.)

Isaiah 10:11. God reports the thoughts of Sennacherib (the Assyrian king): "Shall I not (*ha-lo*), as (*ka-asher*) I have done unto Samaria and her idols, so (*ken*) do to Jerusalem and her idols?" {**+s**} If Samaria's idols were weak enough to allow its and their own destruction, then Jerusalem's idols [being the same graven images] will be weak enough for the same outcome. (NEW – First found by MS.)

Isaiah 20:6. God quoting the inhabitants of around Ashdod: "Behold (*hine*), such is our expectation [viz. to be led away captive like Egypt and Ethiopia], whither we fled for help to be delivered from the king of Assyria; and how (*ve-ekh*) shall we [the Judeans, who are weaker than the other nations,] escape?" {**-s**} If Egypt and Ethiopia, nations to which we are wont to flee for help, were not strong enough to avoid defeat from the king of Assyria, then we Judeans are surely not strong enough to do so. (NEW – First found by SYA.)

Isaiah 36:8-9. Rabshakeh (emissary of the king of Assyria): "[Since] thou puttest thy trust on Egypt for chariots and for horsemen, I will give thee two thousand horses, if (*im*) thou be able on thy part to set riders upon them. [But you are not able to do even that, and so cannot hope to defeat us.] How then (*ve-ekh*) canst thou [without gift of horses] turn away the face of one captain, even of the least of my master's servants?" {**-s**&} (First found by MS.) This is the same narrative as 2 Kings 18:23-24.

Isaiah 36:20. Rabshakeh, in the name of the king of Assyria: "Who are they among all the gods of these countries, that (*asher*) have delivered their country out of my hand, that (*ki*) the Lord should deliver Jerusalem out of my hand?" {**-s**} If the gods of the already-conquered other countries were not strong enough to prevent my conquests, then Jerusalem's God is not strong enough for that. (NEW – First found by MS.) This is the same narrative as 2 Kings 18:35.

Isaiah 66:1. God: "The heaven is My throne, and the earth is My footstool; where (*eizeh*) is the house that ye may build unto Me? And where (*eizeh*) is the place that may be My resting-place?" {2 instances, both **-s**} There are clearly two antecedents and two consequents here; so. there are really *two* arguments, intertwined, though their intent is roughly the same[16]; viz.: (a) If His heavenly throne is not big enough to house God, then an earthly house is not big enough to do so; and (b) if the entire earth is not big enough as a resting-place for God, then a delimited place is not big enough for that. (First found by LJ.) Note that their narrative is comparable to 1 Kings 8:27 and 2 Chronicles 6:18.

Jeremiah 2:11. God: "Hath a nation changed its gods, which yet are no gods? But (*ve*) My people hath changed its glory for that which doth not profit." {**+s**} If the gods of other nations are credible and worthy enough to remain unchanged by their nations, then Israel's God is (i.e. should be) credible and worthy enough to remain unchanged by His nation. (NEW – First found by MS.)

Jeremiah 8:7. God: "Yea (*gam*), the stork in the heaven knoweth her appointed times; and the turtle and the swallow and the crane observe the time of their coming; but (*ve*) My people know not the ordinance of the Lord." {**+s**} If the said animals are cognitively efficacious enough to know certain facts relevant to them, then God's people are (i.e. should be) cognitively efficacious enough to know certain facts relevant to them. (NEW – First found by MS.)

Jeremiah 12:5. God: (a) "If (*ki*) thou hast run with the footmen and (*ve*) they have wearied thee, then how (*ve-ekh*) canst thou contend with horses [and not be wearied]?" (b) "and if (*u*) in the land of peace, thou dost [only just] feel secure; how then (*ve-ekh*) wilt thou do so [feel secure] in the wild country of the Jordan?" {2 instances, both **-p**} If you are not strong enough to cope with the easier challenges, then you are not strong enough to cope with the more difficult ones. (First found by EbJ.)

Jeremiah 25:29. God: "For (*ki*), lo (*hine*), I begin to bring evil on the city whereupon My name is called, and (*ve*) should ye [who are less virtuous] be utterly unpunished?" {**-s**} If those calling on my name are not absolved enough to escape my wrath, then you less virtuous folk are not absolved enough to escape my wrath. (First found by SYA.)

Jeremiah 45:4-5. God: "Behold (*hine*), that which I have built will I break down, and that which I have planted I will pluck up; and this in the whole land. And (*ve*) seekest thou [who is less valued] great things for thyself?" {**-s**} If the things I

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[16] I wrongly conflated them in AFL, as did Jacobs. They are two instances, not one.

worked for are valued by Me not enough to escape being undone, then the things you work for are valued by Me not enough to escape being undone. (First found by SYA.)

Jeremiah 49:12. God: "Behold (*hine*), they to whom it pertained not to drink of the cup shall assuredly drink; and (*ve*) art thou [who is more guilty] he that shall altogether go unpunished?" {**+s**} If people who are not reprehensible are implicated enough to be punished, then people who are reprehensible are implicated enough to be punished. (First found by SYA.)

Ezekiel 3:4-7. God to Ezekiel: **"**Son of man, go, get thee unto the house of Israel, and speak with My words unto them. For (*ki*) thou art not sent to a people of an unintelligible speech and of a slow tongue, but to the house of Israel; not to many peoples of an unintelligible speech and of a slow tongue, whose words thou canst not understand. Surely, if (*im lo*) I sent thee to them, they would hearken unto thee. But (*u*) the house of Israel will not consent to hearken unto thee; for (*ki*) they consent not to hearken unto Me; for (*ki*) all the house of Israel are of a hard forehead and of a stiff heart." {**+s**} If dimmer peoples would be intelligent enough to listen to the words I send through you, then the house of Israel is (i.e. should be) intelligent enough to listen to My words. (NEW – First found by MS.)

Ezekiel 14:13-21. God: "Son of man, when (*ki*) a land sinneth against Me by trespassing grievously, and I stretch out My hand upon it… and send famine upon it… [Or] if I cause evil beasts to pass through the land… Or if I bring a sword upon that land… Or if I send a pestilence into that land… though Noah, Daniel, and Job, were in it, as I live, saith the Lord God, they shall deliver neither son nor daughter; they shall only deliver their own souls by their righteousness… How much more (*af ki*) when I send My four sore judgments against Jerusalem, the sword, and the famine, and the evil beasts, and the pestilence, to cut off from it man and beast." {**-p**} If such holy men lack sufficient spiritual credit to prevent the execution of each of the four negative decrees (penalties for sins committed) separately, then they lack enough to stop all four of these decrees together. (First found by R/AS.)

Ezekiel 15:5. God: "Behold (*hine*): when (*be*) it [the vine-tree] was whole, it was not meet for any work; how much less when (*af ki*) the fire hath devoured it and (*ve*) it is burned, shall it then (*ve*) yet be meet for any work?" {**-s**} If when whole the vine-tree was not in good condition enough to be useful; then now when damaged it is not in good condition enough to be useful. (First found by GR.)

Ezekiel 33:24. God: "They that inhabit those waste places in the land of Israel speak, saying: Avraham was one, and he inherited the land; but (*va*) we are many;

the land is given us for inheritance." {**+s**} If one man is important enough to inherit the land, then many men are important enough to inherit the land. (Obviously, though God is reporting this argument, He is not its author. It is not very credible, and rightly rebutted in the verses 25 and 26: it is not numbers but moral worth that makes possible inheritance of the land.) (First found by R.)

Jonah 4:10-11. God: "Thou hast had pity on the gourd, for which thou hast not laboured, neither madest it grow, which came up in a night, and perished in a night; and (*va*) should I not have pity on Nineveh, that great city, wherein are more than sixscore thousand persons that cannot discern between their right hand and their left hand, and also much cattle?" {**+s**} If a mere gourd etc. can be appreciated enough to be cared for (as by Jonah), then a great city etc. can be appreciated enough to be cared for (by God). (First found by MS.)

Psalms 25:8-9. "Good and upright is the Lord; therefore (*al ken*) doth He instruct sinners in the way. He guideth the humble in justice; and He teacheth the humble His way." {**+p**} The proposed a fortiori reading seems to be: If God is good and upright enough to instruct sinners in the way; then He is good and upright enough to guide the humble in justice and teach him His way. (NEW – First found by ZHK.)

Psalms 78:20. Asaph: "Behold (*hen*): He struck a rock, then (*ve*) waters flowed and (*u*) streams burst forth. In that case (*gam*): bread He can give; is there any doubt that (*im*): He will prepare meat for His people?" {**+p**} If God is powerful enough to draw water from a rock[17], then He is powerful enough to feed His people with bread and meat. (First found by ZHK.)

Psalms 94:9-10. Moshe: "He who implanted the ear, does He not (*ha-lo*) hear?" "If (*im*) He formed the eye, does He not (*ha-lo*) see?" "He who chastises nations, does He not (*ha-lo*) reprove [the individual]?" (3 instances, all 3 {**+p**}) If God is powerful enough to implant the ear and form the eye, then He is powerful enough to hear and see. If God is powerful enough to chastise nations, then He is powerful enough to reprove individuals. (First found by AS.)

Proverbs 11:31. Solomon: "Behold (*hen*): the just man shall be recompensed on earth: how much more (*af ki*) the wicked and the sinner [shall be recompensed on earth]." {**+s**} If the just man is imperfect enough to be recompensed on earth, then the wicked and sinner are imperfect enough to be recompensed on earth. (First found by GR.)

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[17] The subject of "he struck a rock" could be Moses, but the cause of the water gushing from it must be God. Likewise, it is God that provides bread and meat. This is obvious from the Torah account (Ex. 17:6, 16:12).

Proverbs 15:11. Solomon: "Hell and destruction are before the Lord; how much more (*af ki*): the hearts of the children of men [are before the Lord]?" {**+p**} If God is powerful enough to look into hell and destruction, then He is powerful enough to look into people's hearts. (First found by R.)

Proverbs 17:7. "Overbearing speech becometh not a churl; much less (*af ki*) do lying lips a prince." {**+p**} If wrongful speech is unbecoming enough in a churl, then it is unbecoming enough in a prince. (NEW – First found by R.)

Proverbs 19:7. Solomon: "All the brethren of the poor do hate him, how much more (*af ki*): do his friends go far from him?" {**+p**} If the poor man is disliked enough that his brothers avoid him, then he is disliked enough that his friends avoid him. (First found by R.)

Proverbs 19:10. Solomon: "It is not seemly for a fool to have luxury; how much less (*af ki*): for a servant to have rule over princes [would be seemly]." {**+s**} If for a fool to have luxury is inappropriate enough to be unseemly, then for a servant to have rule over princes is inappropriate enough to be unseemly. (First found by R.)

Proverbs 21:27. Solomon: "The sacrifice of the wicked is an abomination; how much more (*af ki*): brought with a bad intention?" {**+s**} If the sacrifice of a wicked person brought with a good intention is abominable enough to be rejected, then the sacrifice of a wicked person brought with a bad intention is abominable enough to be rejected. (First found by R.)

Job 4:18-19. Eliphaz the Temanite: "Behold (*hen*): He puts no trust in His servants, and (*u*) His angels he charges with folly; how much more (*af*): those who dwell in houses of clay, whose foundation is in the dust [does He distrust and charge with folly]?" {**+p**} If God is perspicacious enough to judge His servants/angels as untrustworthy and unwise, then He is perspicacious enough to judge mere human beings as untrustworthy and unwise. (First found by SYA.)

Job 9:13-14. Job: "God will not withdraw His anger; the helpers of Rahab did stoop under Him. How much less (*af ki*) shall I answer Him, and choose out my arguments with Him?" {**-s**} If Rahab's helpers were not worthy enough to argue with God, then Job is not worthy enough to do so. (First found by R.)

Job 15:15-16. Eliphaz the Temanite: "Behold (*hen*): He puts no trust in His holy ones; and (*ve*) the heavens are not clean in His sight. How much less (*af ki*): one who is abominable and filthy, man, who drinks iniquity like water [does He trust or consider clean]!" {**+p**} If God is demanding enough to judge His holy ones as untrustworthy and the heavens as unclean, then He is demanding enough to judge mere human beings as untrustworthy and unclean. (First found by R.)

Job 25:5-6. Bildad the Shuhite: "Behold (*hen*): even the moon has no brightness, and (*ve*) the stars are not pure in His sight; how much less (*af ki*): man, who is a worm, [is bright and pure in His sight]?" {**+p**} If God is perfectionist enough to judge the moon as obscure and the stars as impure, then He is perfectionist enough to judge mere human beings as obscure and impure. (First found by SYA.)

Job 35:13-14. Elihu: "Indeed (*akh*) God will not hear vanity, neither will the Almighty regard it. Yea, when (*af ki*) thou sayest thou canst not see Him – the cause is before Him; therefore, wait thou for Him." {**+s**} If God ignores the vain ones for a while, then He will ignore the doubters for as much (or maybe more) time. (NEW – First found by R.)

Esther 9:12. Ahasuerus says: "In Shushan the capital, the Jews have slain and destroyed five hundred men and the ten sons of Haman; in the rest of the king's provinces, what (*meh*) have they done? [i.e. surely many more!]" {**+s**&} If the Jews in Shushan have found and destroyed as many as 500 anti-Semites, then the Jews in the provinces have found and destroyed many more than 500 of their enemies. (Doubtfully a fortiori intent, in my view; but I kept the case because it is traditionally taken for granted.) (First found by EbJ.)

Daniel 2:9. Nebuchadnezzar: "Thus (*lahen*): tell me the dream, and (*ve*): I shall know that you can declare its interpretation to me [since it is more difficult to tell it than to interpret it]." {**+p**} If Daniel is powerful enough to tell the dream, then he is powerful enough to interpret it. (First found by R.)

Nehemiah 13:26-27. Nehemiah: "Did not Solomon king of Israel sin by these things? yet among many nations was there no king like him, and he was beloved of his God, and God made him king over all Israel; nevertheless even (*gam*) him did the foreign women cause to sin. Shall we then (*ve*) hearken unto you to do all this great evil, to break faith with our God in marrying foreign women?" {**+s**} If king Solomon, who was not very weak, was weak enough to be brought to sin by foreign women, then we, who are much weaker, are weak enough to be brought to sin by foreign women. (First found by R.)

2 Chronicles 6:18. Solomon: "But will God in very truth dwell with men on the earth? Behold (*hine*), heaven and the heaven of heavens cannot contain Thee; how much less (*af ki*): in the case of this house that I have builded?" {**-s**} If the heavens are not big enough to contain God, then an earthly house is not big enough to do so. (First found by ZHK.) This is the same narrative as 1 Kings 8:27.

2 Chronicles 32:15. Sennacherib, king of Assyria (through his messengers) says: "For (*ki*): no god of any nation or kingdom was able to deliver his people out of my

hand, and out of the hand of my fathers; likewise therefore (*af ki*) shall your God [presumed by the speaker as no different from other gods] not be able to deliver you out of my hand." {**-s**} If other national gods were not powerful enough to deliver their respective nations, then the God of Judah is not powerful enough to deliver his nation. (This of course wrongly equates God with non-gods, but it is how the Assyrian king thinks.) (First found by AS.)

4. MISHNA and 2 TALMUDS

There may be mentions of some Biblical a fortiori arguments in the **Mishna** (redacted and closed ca. 200 CE by R. Judah HaNasi, abbrev. M) – but so far, I have not looked into the matter (nor has anyone else, to my knowledge).

I published ten years ago[18] a list of 46 a fortiori arguments in the Mishna, based largely on work done by a Prof. Alexander Samely, with a few (minor) modifications by me. Looking now at this list, I see no passage that is of interest to the present research – that is, none that mentions Biblical a fortiori argument. The arguments listed are a fortiori argument, all right, but not Biblical; they are all Mishnaic. It is still possible that elsewhere in the Mishna there is reference to some Biblical verses as having a fortiori intent. If so, we need to eventually find them and place them first in our chronological listing.

Regarding the Mishnaic era, the 2nd Cent. CE Tanna **R. Eliezer ben R. Jose HaGelili**[19] (abbrev. EbJ) deserves mention. In a *baraita* on the 32 hermeneutic rules of Biblical interpretation he distinguishes between explicit (*meforash*) and implicit (*satum*) *qal vachomer* arguments (rules 5 and 6). He gives two Biblical examples of each[20]; namely, for the explicit, **Jeremiah 12:5 and Esther 9:12**, and for the implicit, Psalms 15:4-5. The two explicit cases, much later, appear in the *Genesis Rabbah* list of ten (see below), and the implicit cases are, later still, commented on by Rashi (see below).

It is notable that one of the two examples of 'explicit' a fortiori argument given here is Esther 9:12, which is arguably more credibly 'implicit'. In this case, the term *meh* (what) is interpreted as saying 'how much more', although the simplest reading is that it is merely intended as a question mark (i.e. *how many* more anti-Semites were slain?), without prejudice as to whether the answer is more or less (were slain). The fact that an alternative reading of the text is possible is sufficient,

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18 See AFL, appendix 2 (see also chapter 23).

19 HaGelili means the Galilean.

20 I got this information from L. Jacobs, who draws attention to the mention of these Biblical a fortiori arguments in the said *baraita* in his essay "The Qal Va-Homer Argument in the Old Testament," (in his book *Rabbinic Thought in the Talmud*, on p. 111). Note however that the given examples might not be part of the original *baraita*, but part of a later commentary added to it. See: https://jewishencyclopedia.com/articles/2500-baraita-of-the-thirty-two-rules. In Heb. hermeneutic rules are known as *midot*.

in my view, to classify it as implicit rather than explicit *qal vachomer*. Nevertheless, I have kept this case in the list of explicit cases because it is so very widely accepted as such in rabbinic tradition.

Next chronologically is probably the Midrash *Genesis Rabbah* (abbrev. GR). It was probably started by the Amora R. Oshaya ben Hama, who flourished in the 3rd Cent. CE, including Tannaitic material with writings by that author, and then expanded over time with input by other editors and authors, until it was effectively closed in ca. 300-500 CE[21].

As regards the two Talmuds, to date I know of only one or two Biblical a fortiori arguments mentioned in each of these documents. Further research is of course needed to draw up exhaustive lists of such mentions in those two documents (and indeed, in others of that era).

The **Jerusalem Talmud** (Heb. Talmud *Yerushalmi*, abbrev. JT), in tractate *Sanhedrin* 10:1 (27d), mentions[22] the *qal vachomer* of **Genesis 4:24**. Going there, I see it says: "One argument *de minore ad majus*: For Cain would be avenged sevenfold, etc."[23].

The **Babylonian Talmud** (Heb. Talmud *Bavli*, abbrev. BT). We have found to date two cases. In BT tractate *Sanhedrin* 108a, a *qal vachomer* is perceived in **Genesis 6:9**. The relevant passage there is as follows[24]:

> "These are the generations of Noah: Noah was a just man, and perfect in his generations. R. Johanan said: In his generations, but not in other generations[25]. Resh Lakish maintained: [Even] in his generations — how much more so in other generations[26]."[27]

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21 https://jewishencyclopedia.com/articles/3056-bereshit-rabbah.

22 This is pointed out by Louis Jacobs in fn. 3 of his said essay.

23 https://www.sefaria.org/Jerusalem_Talmud_Sanhedrin.10.1.10?lang=bi&with=all&lang2=en.

24 English Texts based on the Soncino Talmud Edition, online at Halakhah.com.

25 Footnote in the Soncino ed.: "So Noah: by comparison with the rest of his generation, who were exceptionally wicked, he stood out as a righteous man; in other generations he would not have been superior to the average person."

26 Footnote in the Soncino ed.: "Thus, if Noah was righteous even when his entire surroundings were evil, how much more so had he lived amongst righteous men!"

27 The passage continues: "R. Hanina said: As an illustration of R. Johanan's view, to what may this be compared? To a barrel of wine lying in a vault of acid: in its place, its odour is fragrant [by comparison with the acid]; elsewhere, its odour will not be fragrant. R. Oshaia said: As an

I analyze this a fortiori argument further on in the present essay, in the section (chapter 6) on Rashi[28]. I there assess it as implicit, not explicit.

Tractate *Baba Qama* 25a mentions the *qal vachomer* of **Numbers 12:14**, in relation to the Mishna *Baba Qama* 2:5, which introduces the concept and principle of *dayo* (sufficiency) for rabbinic a fortiori inferences. BT comments on this Mishna as follows, citing the said Torah passage:

> "Does R. Tarfon really ignore the principle of *dayo*? Is not *dayo* of Biblical origin? As taught: How does the rule of *qal vachomer* work? And the Lord said unto Moses: 'If her father had but spit in her face, should she not be ashamed seven days?' How much the more so then in the case of divine [reproof] should she be ashamed fourteen days? Yet the number of days remains seven, for it is sufficient if the law in respect of the thing inferred be equivalent to that from which it is derived!"

The Gemara goes on at length on this matter. I have analyzed its discourse in great detail, and very critically, in my work *A Fortiori Logic* (AFL, chapters 7 and 8), and need not repeat myself here. Briefly put, this commentary fallaciously (contrary to logical theory and to actual practice in the rest of the Talmud) assumes that *all* a fortiori argument is a crescendo in form; moreover, it thus refers to only one of the two arguments formulated by R. Tarfon in the said Mishna (blithely ignoring the second, which is definitely not 'proportional'). Evidently, the Gemara is here trying to ground the Mishna's *dayo* in the said Biblical passage; but that is logically impossible because the *dayo* principle concerns inference from a Torah/Divine law to a rabbinic/human one, whereas the Numbers narrative is entirely Divine.

To repeat, there may be other mentions of Biblical a fortiori arguments in these two massive documents, but we have yet to look for them systematically.

Gen. 4:24 and Num. 12:14, found in JT and BT respectively, also appear in GR (though only the latter one as part of the list of ten). Gabay thinks the GR list probably came first, in which case it may have influenced the Talmuds. It is possible, however, since the Talmuds were completed (according to historians) respectively in ca. 350-400 CE and ca. 500 CE, but took centuries to develop (as of the Mishna's completion in 200 CE), that parts of them preceded GR, or overlapped

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illustration of Resh Lakish's view, to what may this be compared? To a phial of spikenard oil lying amidst refuse: [if] it is fragrant where it is, how much more so amidst spices!"

[28] We found this case through Rashi, and the Rashi commentary through Hirschensohn. The English translation of the Rashi commentary in Chabad.org cites, as well as San. 108a, Gen. Rabbah 30:9 and Tan. Noach 5.

with it. In that event, the authors of GR may have had privileged access to early drafts of the Talmuds, or perhaps heard of them by word of mouth. Indeed, it is even possible that some of the authors of GR were among the authors of JT and BT. So, it is very difficult for us to hypothesize the chronological order of these documents. In consequence, I am treating GR as the earlier document, but also treating findings in JT and BT as found independently of it.

It should be relatively easy for us to find cases of Biblical a fortiori argument in the Mishna and the two Talmuds if there exists *an index* with such information. In such case, we could for a start immediately check out, for each of the 72 Biblical verses already known to us, whether it is indexed in any of these three documents. We would then examine the Mishnaic or Talmudic passage concerned, and see whether it explicitly mentions, or even merely alludes to, the a fortiori character of the indexed Biblical verse. After that, we might pursue the matter further, by painstakingly checking out every other index entry (there may be hundreds of them) looking for additional cases of Biblical *qal vachomer* not yet known to us.

5. GENESIS RABBAH and after

In the Midrash *Genesis Rabbah* (Heb. *Bereshith Rabbah*, "Major Exegeses of Genesis" abbrev. GR)[29], which dates from ca. 300-500 CE, R. Ishmael (2nd Cent. CE), is quoted (GR 92:7) as saying that **Genesis 44:8** is "one of the ten *qal vachomer* arguments given in the Torah" (the term 'the Torah' being here understood as 'the Tanakh', as becomes evident). Then nine more instances are listed in the received text, namely: **Exodus 6:12, Numbers 12:14, Deuteronomy 31:27, 1 Samuel 23:3, Jeremiah 12:5 (2 instances), Ezekiel 15:5, Proverbs 11:31, and Esther 9:12**. This is the oldest known claim concerning the number of a fortiori arguments in the Jewish Bible. We may and will assume that all subsequent commentators on Biblical a fortiori argument were aware of this list (even if some partly disagreed with it).

I have analyzed these ten classic cases of *qal vachomer*, and demonstrated their a fortiori status, in my previous works on this subject[30]; they are, furthermore, listed and briefly clarified in chapter 3 of the present essay. I will not go into detail regarding these, or indeed other, cases listed in the present paper if I have already sufficiently dealt with them in my past works; the purpose of the present essay is to deal with 'new' cases (that is, cases only brought to my attention in the course of the present study).

This list of ten cases is put in doubt by some commentators, as we shall see further on. For a start, some have contested the equal antiquity of the nine additional cases (besides the first mentioned Gen. 44:8), suggesting that they may have been added afterwards in the way of an editorial, or even as a later gloss[31], since R. Ishmael is not explicitly identified as their author. Furthermore, many commentators have realized that there are, in fact, more than ten instances of *qal vachomer* to be found in the Tanakh; and some have sought to explain this surprising yet undeniable fact, somehow.

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[29] https://en.wikipedia.org/wiki/Genesis_Rabbah. The traditionally presumed author (or maybe just initiator) of this book is R. Oshaya ben Hama. The Heb. text can be downloaded at https://hebrewbooks.org/14385.

[30] Namely in JL chapters 5-6, and in AFL, appendix 1. See also my essay "The 46 *Qal vachomer* Arguments in the Tanakh" (which was drawn from AFL in 2023).

[31] See Jacobs's previously cited essay; in fn.2, he refers to a lengthy note by Theodor-Albeck suggesting that the given list is a gloss.

It is important to note that R. Ishmael is quoted as saying *without qualification* that there are ten (i.e. precisely ten) instances of *qal vachomer* in the Tanakh. He does not suggest that the ten he has in mind (whichever set of ten is ascribed to him) are, in some way, the most significant or the most informative; and imply thereby that he is aware of other instances – whether a few or many more. Surely, if he (or whoever wrote this passage of GR in his name) was aware of additional instances, he would naturally have said so, and either mentioned their quantity, or listed them, or explained (however briefly) why he did not do either. For this reason, all attempts to claim that the number ten was intended as selective in some way, and that in fact R. Ishmael (or whoever) knew of all other instances, is engaged in anachronistic projection of hypothetical information into the given text – i.e. in fiction-writing, not in serious scholarship.

It is clear, then, that the number ten was originally meant as exhaustive; moreover, the number ten was apparently considered as exact throughout antiquity and well into the medieval period. As we shall see, Rashi, in his running commentary to the Tanakh, also mentions the number ten, even as he elsewhere explicitly draws attention to some more cases. Evidently, the rabbis were emotionally attached to the round number of ten from the beginning and very reluctant to deviate from it[32].

And yet... two other a fortiori arguments are mentioned in GR, namely **Genesis 4:24** and Genesis 17:20-21[33]. Thus, GR apparently mentions 12 cases in all. Assuming a single author is responsible for the whole work, this contradicts the GR 92:7 claim to only ten a fortiori arguments in all. Granting that these two cases were not among the original list of ten, we can well ask why they were excluded from it. It seems that although Gen. 4:24 is technically a valid and explicit case, the fact that the argument is spoken by an unsavory character (viz. Lemekh) and may be an attempt to somewhat justify an evil act (viz. killing) disqualified it on ethical grounds (in rabbinical eyes) from inclusion in the listing[34]. As for Gen. 17:20-21 its exclusion, at whatever stage, was probably due to the recognition that it is implicit rather than explicit.

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[32] They could equally well have focused on seven cases or thirteen cases, or any other number popular in their midst; and we would have been asking the same questions!

[33] I base this information on Jacobs. See footnotes 3 and 4 in his essay.

[34] Allen Wiseman (in his doctoral 2010 thesis, *A Contemporary Examination of the A Fortiori Argument Involving Jewish Traditions*, pp. 174-6) suggests that this case falls under a rabbinical category of "evil" *qal vachomer*. He does not list other members of this class, but it is easy to suggest some; for example, 2 Chronicles 32:15 would be one. Needless to say, even if an a fortiori argument is "evil" in this sense, it retains its logical status as a valid a fortiori argument. However distasteful or incredible the content, it is the form that counts not the content.

We should therefore focus on Gen. 4:24, and ask the obvious question: why was it not included in the classic list of ten? Many answers are conceivable. GR may have been a compilation of different documents by the same or different authors; and the editor(s) who put them together may not have noticed the inconsistency, or perhaps did not want to tamper with the merged text even if such abstinence meant that an inconsistency would remain. Even a single author might have first found and listed the ten cases; and then at a later time discovered the eleventh case but was loathe to rewrite the list. (Remember, authors in those days did not have word processors like we do!) Or the author may have known the Gen. 4:24 case before drawing up his list of ten, but then accidentally overlooked it when composing his list; or maybe he left it out intentionally, so as to have a list of exactly ten cases (a nice, round number). Still other explanations might be offered.

Genesis 4:24 reads: "If (*ki*): Cain shall be avenged sevenfold, then (*ve*): Lemekh [shall be avenged] seventy and seven-fold." Lemekh is apparently saying: An intentional killer is more abhorrent than an unintentional one (tacit major premise); whence it follows that if an intentional killer is not abhorrent enough to be punished immediately, then an unintentional killer will remain unpunished for a much longer time. This is *a negative subjectal a crescendo argument* (**-s&**); and it is reasonably explicit (one could hardly read it otherwise).

Genesis 17:20-21 reads: "And as for Ishmael, I have heard thee; behold (*hine*), I have blessed him, and will make him fruitful, and will multiply him exceedingly; twelve princes shall he beget, and I will make him a great nation. But (*ve*) My covenant will I establish with Isaac, whom Sarah shall bear unto thee at this set time in the next year."

Gabay notes, concerning these verses, the need to see Rashi in the name of Midrash Rabbah (GR 47:5), and Maharzu on the Midrash "that the reason why a KV is evident is because there is a repetition here of what was already said in v19," which reads: "And God said, 'Indeed (*aval*), your wife Sarah will bear you a son, and you shall name him Isaac, and I will establish My covenant with him as an everlasting covenant for his seed after him."

Rashi mentions the Midrash Rabbah passage (47:5) with the *qal vachomer* reading for v. 21 in his commentary to v. 19:

> "'And My covenant.' Why is this written? Is it not already written (verse 9): 'And you shall keep My covenant, you and your seed, etc.?' But because He said (verse 7): 'And I will establish, etc.,' one might think that the sons of Ishmael and the sons of Keturah are included in the establishment [of the

> covenant]. Therefore, Scripture states: 'And I will establish My covenant with him,' and not with others. Now, why does it say [again in verse 21]: 'But My covenant I will establish with Isaac?' This teaches us that he was holy from the womb. Another explanation [for the repetition of verse 19]: Said Rabbi Abba: Scripture here derives an a fortiori (*qal vachomer*) conclusion regarding the son of the mistress from [what is written regarding] the son of the handmaid. It is written here: 'Behold I have blessed him, and I will make him fruitful, and I will multiply him.' This refers to Ishmael. How much more so (*qal vachomer*), 'But My covenant I will establish with Isaac!' (*Gen. Rabbah* 47:5)."

The a fortiori argument proposed in GR is thus: If Ishmael, the son of the handmaid, will be blessed with fruitfulness and multiplication (minor premise), then *qal vachomer* Isaac, the son of her mistress, will be blessed equally much, and moreover with My covenant (conclusion). The tacit major premise here is: Isaac (P), the son of Sarah, is more worthy (R) than Ishmael (Q), the son of Hagar; and the tacit premise of proportionality is that the more worthy one is, the more blessed (S). So, the argument form is positive subjectal a crescendo (**+s&**).

The purpose of the a fortiori reading is, first, to argue that Isaac is, just as Ishmael is (in v. 20), being blessed with descendants; second, to argue that Isaac is being blessed (in v. 21) more than Ishmael. But the inference that Isaac will have descendants is clearly not needed here, since v. 19 already *explicitly* informed us that Isaac will have "seed after him" who will also be subject to the "everlasting" covenant. The intensification of the pure conclusion into an a crescendo conclusion is also clearly not needed here since Isaac is already *explicitly* blessed with God's covenant in v. 19 and again in v. 21, whereas Ishmael is not (there is no mention of him in these two verses or elsewhere in this regard).

So, there is no need for the proposed inferences since they are textually given. Therefore, contrary to the above-mentioned comment of Maharzu (i.e. Einhorn), v. 19 does not make the *qal vachomer* interpretation "evident," but *redundant*! What is not necessary for the comprehension of a text is a useless embellishment. Why then is Isaac's blessing with the covenant mentioned twice here? We can refer to the Midrash for answers to this question. According to it, v. 19 serves to exclude Ishmael and the sons of Keturah from it (by a *davka* reading): "'And I will establish My covenant with him,' and not with others;" and v. 21 serves to explain why the blessing is said before Isaac was born, viz. because: "he was holy from the womb."

That there are authoritative alternative interpretations to the a fortiori reading by R. Abba confirms my reasoned contention that this reading is implicit (*satum*) rather

than explicit (*meforash*). It is noteworthy that the author of the GR 92:7 list of ten *qal vachomer* arguments in the Tanakh also saw the Gen. 17:20-21 *qal vachomer* proposed in GR 47:5 as implicit, since he did not include it in his listing. Note also that *Avot de-Rabbi Nathan* does not count Gen. 17:20-21 in its list of five *qal vachomer* in the Torah, even though this case is mentioned in the earlier document (i.e. in GR). These absences show that I am not alone in my contention[35].

It should be noted, however, that ***Avot de-Rabbi Nathan*** (abbrev. ARN), a haggadic work (author uncertain) dating from the geonic era (ca. 650-950 CE)[36], counts Gen. 4:24 as one of the five *qal vachomer* arguments in the Torah (here meaning the Pentateuch), together with the four instances listed in GR (shown above), whereas it does not count Gen. 17:20-21 in this list[37]. This confirms that, even in relatively ancient times, the former case was recognized as valid and explicit, while the latter was not so viewed. But the main historical significance of ARN is that it groups Gen. 4:24 with the four Torah instances mentioned in GR.

To complicate matters further, the much later Midrashic work called ***Yalkut Shimoni*** (abbrev. YS), which means "[The] Gathering of Simon," compiled (authorship uncertain) in the medieval era, sometime between the 11th and 14th centuries[38], says that there are ten instances of *qal vachomer* in the Tanakh, but it apparently lists only nine instances, leaving out Ezek. 15:5[39]. This deficient list by the YS has given rise to some controversy. Objectively, it could simply have been an unintentional omission by the author, or more likely a scribal error at some later time. These are the most reasonable explanations of the omission. Since the *qal vachomer* implied by this verse is technically flawless, there was no logical reason to reject it.

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35 Note that I previously, in AFL 16:4, made the same judgment, arguing that, while the argument can indeed be read into the text, the text can also be read more simply. Note also that, as I there point out, Louis Jacobs regards this case as "extremely doubtful."

36 https://en.wikipedia.org/wiki/Avot_of_Rabbi_Natan.
https://jewishencyclopedia.com/articles/355-abot-de-rabbi-nathan.

37 Jacobs gives as references: "(version B) 44; *Gen. Rabbah* 4:24 and Gen. 17:20-1 (ed. Theodor-Albeck, p. 225) and Jerusalem Talmud *Sanh*. 10:1 (27d)." Note also, in passing, that ARN does not mention three other Torah *qal vachomer* cases, viz. Gen. 3:22, 11:6-7, 17:17, later advocated by Hirschensohn (but rejected by Jacobs and me as at best implicit).

38 https://en.wikipedia.org/wiki/Yalkut_Shimoni.
https://jewishencyclopedia.com/articles/15057-yalkut#anchor4.

39 https://www.sefaria.org/Yalkut_Shimoni_on_Torah?tab=contents. In section 132, a commentary on 1 Sam. 23:3.

But some commentators[40] have interpreted this omission as an *intentional rejection* of the Ezek. 15:5 case from the GR list of ten by the author of YS (implying it to have been a late addition); and even proposed a replacement for it. Personally, I do not agree with the latter opinion. In my view, if the YS author had been critical of the inclusion of Ezek. 15:5, he would have naturally said so and explained his rejection of the case (and maybe suggested another case in its stead); he would not just have ignored the case and effectively expected others to follow suit on his authority alone, without justification. Was such an explanation made and in time mislaid? It is easier to assume that the Ezekiel case itself was accidentally left out of the *Yalkut Shimoni* list, than to assume (as one would otherwise have to) that the required and missing explanation for its absence was what was lost accidentally!

The *Yalkut Shimoni*, by the way, is one of the commentaries that sought to explain why GR only listed ten cases of *qal vachomer* in the Tanakh, even though there are evidently very many more. Gabay informed me that YS proposes that each of the ten cases listed teaches us some 'novelty' (*chiddush*), some lesson that would have remained unknown without the given *qal vachomer*. For examples: but for Exodus 6:12 we might have supposed that Pharoah would listen to Moses; from Numbers 12:14 we learn the *dayo* principle; and so forth.

To my mind, this explanation is far too undefined and unsubstantiated. To be credible, every case included in the GR list of ten would have to be clearly and convincingly explained in the proposed manner; and moreover, every case *not* included in that list would have to be shown *not* to have this didactic property. Since the differentia claimed is very vaguely identified (effectively, as 'some sort of lesson'), the task is in fact impossible to apply in practice[41]. That this research method was not used by the author of that commentary is obvious anyway from the fact that he does not propose (as he would need to) a complete list of all the cases of *qal vachomer* in the Tanakh, let alone a detailed analysis of all cases (both the included and the excluded) proving his farfetched thesis.

Clearly, this theory was just formulated in the way of a speculative trial balloon, a mere act of faith and hope. It was just an expression of the author's wish to find some solution to the problem at hand, one which would confirm the putative infallibility and omniscience of the ancient rabbinical author of *Genesis Rabbah* concerning *qal vachomer* arguments in the Tanakh (albeit his short listing of only

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[40] Notably, the 19th Cent. commentator Zeev Wolf Einhorn, as will be seen further on in the section devoted to him.

[41] In truth, every Biblical verse teaches something; so, such a vague criterion is useless. A more precise criterion has not been specified by YS.

ten cases). The truth is that nothing really distinguishes the ten cases listed in GR 92:7 from all other cases of *qal vachomer* in the Tanakh. Neither logical form, nor language used, nor content, nor utility, can be pointed to as distinctive of these ten cases, and as requiring all ten cases. It follows that we can only honestly and safely assume that the author of GR only knew of the cases he actually listed (at the time he listed them).

A thought occurs to me: maybe this has something to do with the Talmud? Maybe the list of *qal vachomer* arguments in GR is a list of Biblical instances of a fortiori mentioned as such in the Talmud? We have seen above that each of the two Talmuds mentions at least one Biblical a fortiori argument. Maybe there are other such mentions in JT and/or BT; maybe all ten of those in GR. It is possible, assuming chronological order does not preclude this hypothesis, that the GR listing is intended to reflect Talmudic information. This issue is certainly worth investigating.

It would anyway (as already suggested) be interesting to research, for its own sake, all mentions, explicitly or by allusion, of Biblical *qal vachomer* in both Talmuds. There may be less or more of them than the 10 or 12 cases mentioned in GR. We might even learn of new cases, cases which no one has rediscovered since then....

Some of the assumptions of the above discussion will be considerably overturned later in the course of the present study, when we examine (in chapter 11) the work of Chaim Hirschensohn, because he apparently had the genial idea of reading R. Ishmael's statement (in GR 92:7) that there are "ten *qal vachomer* arguments given in the Torah" as meaning literally in *the Torah* (the Chumash), and not as everyone else has assumed for centuries as meaning in *the Tanakh*. Moreover, Hirschensohn managed to muster ten Torah instances (and indeed more than ten), thus confirming his interpretation. We will look into and discuss this reset in more detail later in this volume, when we have more data at hand.

6. R. Shlomo Yitzchaki (RASHI)

R. Shlomo Yitzchaki, better known by his acronym Rashi (abbrev. R, b. 1040 in Troyes, France, d. 1105)[42], wrote a running commentary on the Tanakh[43] in which he occasionally draws attention to a fortiori discourse, using the Hebrew expressions *qal vachomer* and/or *kol sheken* as flags.

I do not know whether anyone has previously made a list of all the cases he flags; but it occurred to me that I could, at least, check whether any or all of the 67 cases we identified thus far through other authors in the present study (listed in chapter 3) were flagged by him earlier. This approach would not necessarily reveal all the cases known to Rashi, since he might have spotted cases not on our list (and so not yet known to us). Moreover, he might also elsewhere, in his running commentary on the Talmud or some other work, have revealed some cases unknown to us. But we could at least by this means identify which cases *among those we found* should be attributed as 'historic firsts' to Rashi, since he lived and wrote long before the other writers we have investigated.

And indeed, it turns out that Rashi discovered at least **14 instances** of *qal vachomer* in the Tanakh before anyone else we know about (14 instances besides the 11 instances given in Midrash GR, of course). Namely: **Genesis 6:3; 2 Kings 5:13; Ezekiel 14:13-21, 33:24; Proverbs 15:11, 17:7, 19:7, 19:10, 21:27; Job 9:13-14, 15:15-16, 35:13-14; Daniel 2:9; Nehemiah 13:26-27**. These, then, are all to be categorized as 'historic firsts'. Rashi flags verses as a fortiori argument by use of the terms *qal vachomer* (or *q"v*) and/or *kol sheken* (or *k"sh*)[44], usually only on the basis of the verse concerned involving a typical expression like *af ki*.

Note that the listed Job 35:13-14 case was not one of the 67 cases found by later authors, but was found by me in the course of the present research (see below).[45]

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[42] https://en.wikipedia.org/wiki/Rashi. https://jewishencyclopedia.com/articles/12585-rashi-solomon-bar-isaac.

[43] https://www.chabad.org/library/bible_cdo/aid/63255/jewish/The-Bible-with-Rashi.htm.

[44] We can, I think safely assume that Rashi means the same by both expressions, even if in his comment to Ezek. 14:21 he uses a conjunction of both for some reason (supposedly just to emphasize).

[45] Another case I discovered recently was Gen. 18:12. I attributed this case to Hirschensohn, because it was inspired by one of his findings.

In most cases, Rashi is content to flag arguments in this way, without analyzing them further; that is, without sufficiently identifying the terms and propositions involved, some of which may be located in verses other than the one he is directly commenting on. Sometimes, these missing details are obvious enough; but sometimes, a more detailed presentation would have been didactically useful. This shows that Rashi's comprehension of a fortiori argument was intuitive rather than formal (which of course is not surprising, as formal studies of a fortiori argument developed much later historically in Jewish circles).

Note that Rashi proposes three more cases as *qal vachomer*, but these I reject for reasons given below.

Derived cases. All 14 cases of *qal vachomer* above attributed to Rashi can be regarded as 'historic firsts' until and unless some earlier commentator is found to have mentioned them. On the other hand, the 11 cases mentioned in GR can all be regarded as 'derived', i.e. as learned by Rashi from that (or some other) earlier source.

Concerning the latter cases, the following is worth noting. (a) Rashi does not offer any comment on three of those cases, namely: Deut. 31:27, Jer. 12:5b, and Esth.9:12; nevertheless, it is safe to assume that he knew and approved of these GR cases. (b) Rashi does in his commentary explicitly flag as a fortiori seven cases, viz.: Gen, 4:24, Gen. 44:8, Ex. 6:12, Num. 12:14, Jer. 12:5a, Ezek.15:5, and Prov. 11:31. The remaining case of 1 Sam. 23:3 is flagged indirectly: there is no comment *ad loc*., but the comment to Ezek. 14:21 refers back to it[46] as also a fortiori.

(c) In one case, namely Gen. 44:8, Rashi explicitly states: "This is one of the ten *qal vachomer* [arguments] spoken in the Torah, and all of them are enumerated in *Bereshith Rabbah*;" thus showing his acquaintance with GR, and indeed repeating its primary focus on Gen. 44:8 and its peculiar use of the word 'Torah' in the sense of 'Tanakh'. Rashi's comment to Ex. 6:12 reads only: "This is one of the ten *qal vachomer* [arguments] that are in the Torah;" without mentioning GR (although there is a reference to GR 92 in brackets, which I suspect is merely an editorial gloss). In the remaining nine GR cases, there is neither mention of GR nor of the number ten. Thus, Rashi clearly specifies only two cases as being among the ten listed in GR (and both are Torah cases).

Rashi offers more lengthy comments on the contents of some of the 11 GR cases, namely on Gen. 4:24, Ex. 6:12, Num. 12:14, Jer.12:5 (a &b), Ezek. 15:5, and Prov.

[46] It also refers forward to Ezek. 15:5, though the latter also has a direct comment to same effect.

11:31. Some of his detailed a fortiori readings differ somewhat, but not radically, from mine. For example, he interprets in Jer. 12:5a as saying: "If even your brethren the priests come to kill you, surely the princes of Judah will rise up against you to kill you," thus giving more specific meanings to the terms used in the text.

One of his fuller readings is, however, especially noteworthy, being very different from mine. It is that regarding Num. 12:14, because in it he reiterates the interpretation of this Torah narrative found in BT *Baba Qama* 25a, which has the a fortiori argument going a crescendo from a confinement of 7 days to 14 days, whereafter the penalty is reduced back to 7 days by application of the *dayo* principle. This claim, as I have explained in detail in AFL, is not a literal (*pshat*) reading of the verse, but a fanciful interpolation open to much criticism. See my brief comment on this case in chapter 4 (above).

It is interesting to note that Rashi does not reject Ezek. 15:5 as a genuine a fortiori (and thus, by implication, as not a true member of the list of ten cases in GR). This deserves notice, because (as we have mentioned earlier) the YS does not mention this case as one of the GR ten (listing only nine cases in all) and this omission has led some commentators (notably Einhorn, as we shall see) to doubt its credibility as a fortiori discourse. Rashi's treatment of this case without any suggestion that it is abnormal effectively contradicts that skeptical thesis.

Since the YS is considered by historians as dating from some time in the 11th to 14th centuries, and Rashi is dated specifically as 1040-1105, we can safely assume that Rashi antedated the YS and never read it. Unless it is discovered that Rashi does clearly mention YS somewhere, in which case historians will have to date the YS more narrowly, to before or during Rashi's lifetime[47]. But in the latter case, we would expect Rashi to give his opinion on the absence of Ezek. 15:5 in the YS listing, which (unsurprisingly) he does not do.[48]

Furthermore, we should take note of the fact that Rashi nowhere (to my knowledge) questions the claim by GR that there are (only) ten *qal vachomer* instances in the Torah (Tanakh), even though he himself has cheerfully discovered many more

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[47] There is an editorial suggestion to that effect in the online edition I have used, in the English commentary to Gen.4:24. Where Rashi says "So did Rabbi Tanchuma explain it," there is a comment in square brackets saying: "This does not appear in extant editions of Tanchuma, but in Yalkut Shim'oni it is quoted from Tanchuma." However, to my mind, this editorial suggestion should not be taken as advocating that Rashi read the YS, but rather more simply as saying that there were editions of Tanchuma at the time the YS was written, and therefore also in Rashi's probably earlier lifetime, which included the explanation concerned.

[48] In https://jewishencyclopedia.com/articles/15057-yalkut#anchor4, it is clearly stated that Rashi nowhere mentions the YS.

instances! Indeed, commenting on Gen. 44:8, he states: “This is one of the ten *qal vachomer* [arguments] spoken in the Torah, and all of them are enumerated in *Bereshith Rabbah*,” giving the impression that he agrees unreservedly with the claim made in GR. Yet, paradoxically, he advocates at least 14 more valid explicit cases, 3 more implicit ones, and one invalid one. It would be surprising that someone so perceptive and intelligent as Rashi, a thinker willing when necessary to express criticism, would fail to notice the discrepancy, and at least mention it, if not offer some explanation for it. Maybe he does so somewhere, unbeknownst to me. This is an open question.

Historic firsts. Let us now look more closely at the 14 valid and explicit cases of Biblical a fortiori first discovered by Rashi. I will briefly note and sometimes comment on Rashi’s remarks. All but three of these cases have already been analyzed by me in my 2013 list of 47 cases (in AFL), reproduced in the present essay (in chapter 3). The three cases new to me, viz. Genesis 6:3, Proverbs 17:7, and Job 35:13-14, will here be analyzed by me for the first time and therefore in a bit more detail. Nevertheless, I shall also review the other 11 cases so as to relate them to Rashi’s commentary.

Genesis 6:3. “And the Lord said: ‘My spirit shall not debate concerning man forever, in that also (*beshagam*) he is flesh; and (*ve*) his days shall be a hundred and twenty years.’”

Our attention was drawn to this case through Hirschensohn’s listing. Gabay reports that Hirschensohn refers to Rashi’s reading of this verse as *qal vachomer*. He (i.e. presumably Gabay) summarizes Rashi’s interpretation as follows: “And the Lord said: My spirit shall not contend [in Me] forever [i.e., interminably] concerning man, [whether or not to destroy him,] in that [this,] too, [is in him, that] he is flesh, [and not a hard substance — and even so he does not humble himself before Me!] and his days shall be one hundred and twenty years, [at which time, if he has not repented, I shall bring a flood.]”

Looking at Rashi’s actual commentary, the a fortiori perceived by Rashi relates to the sentence בְּשַׁגַּם, הוּא בָשָׂר, with Rashi taking the first word as בְּשֶׁגַּם (changing a vowel). This sentence is translated (at the Chabad.org site online) as “because this is also in him that he is [only] flesh.” Rashi adds the comment: “and nevertheless (*af al pi*), he does not subordinate himself before Me. What if (*umah im*) he were fire or a hard substance?” Which the translator explains in square brackets as meaning: “[i.e., How much greater would his insubordination be!].”

"My spirit shall not quarrel (*yadon*) concerning (*ba*) man forever" signifies that God has come to a decision concerning man's fate. "In that also he is flesh" involves the expression בשגם, which can be viewed as the sum of: in (*be*) + that (*she*) + also (*gam*). The words 'in that' can be rendered as 'because'; but what is the intent here of the added word 'also'? I think *gam* here rather means 'especially', and thus read the sentence as: "especially because he is flesh." This reading implies that if man was *not* made of flesh, God's decision might be in some way different. The underlying reference to a creature 'not of flesh' justifies Rashi's introduction of 'fire or a hard substance' as a descriptive antonym.

"And his days (*yamav*) shall be one hundred and twenty years." This spells out the decision God has taken. The first word of this sentence is the conjunction *ve*, generally meaning 'and', but in the present context obviously meaning 'therefore', because it provides a needed link to the preceding sentence, which does not yet specify what God's verdict is. Moreover, the 'especially' (*gam*) in the preceding sentence suggests that the inference implied by the 'therefore' here is made through an a fortiori argument. That is, 'especially' can be read as 'all the more'. This seems to be Rashi's cue for formulating a *qal vachomer*. Note that this is the only place in the whole Tanakh where the expression בשגם (*b-sh-g-m*) is used.

A simple (*pshat*) reading of the term 'his days' would be that the life expectancy of mankind is henceforth to be 120 years (presumably at most, though perhaps occasionally less). But Rashi insists on a more complex interpretation, viz. "Until a hundred and twenty years I will delay My wrath towards them, but if they do not repent, I will bring a flood upon them...." In that case, 'his days' refers to the survival of humanity as a whole (except for Noah and his family, as it turns out). This sentence, then, is a call for repentance and a threat of punishment if that call remains unheeded.

One could argue in favor of the simpler explanation by saying that man's sinfulness is due to his feeling invulnerable in view of his expecting enjoyment of a long life, so that reducing human lifespan drastically will limit his *chutzpah*, his hubris. But the same argument could be made in favor of Rashi's thesis by saying that the threat of a deadly flood within the specified delay might cause people to repent. Rashi's interpretation of the 120 years has the advantage of mentioning the flood as the essence of God's decision, whereas the simpler interpretation does not so much as allude to the flood even though it is contextually the main subject-matter.

In view of the above interpretations, it is clear that if we want to cast the Biblical narrative in a fortiori form, we must use *lèse-majesté* against God (the motive for God's decision) as the middle term (R) and destruction of humanity within 120

years (God's decision, introduced by *ve*) as the subsidiary term (S). Unrepenting sin must be mentioned in the major and minor terms, as the condition for the said eventual penalty. Finally, man made of flesh must appear in the conclusion (since it is about him that God's decision is made); and therefore, the creature made of fire or some hard substance, more invulnerable than man and thereby closer to divine, which is hypothetically proposed by Rashi, must appear in the minor premise.

So, the argument runs as follows: Unrepentant sinning, by a high powerful creature made of fire or some hard substance, (Q) is insubordinate to God (R) enough to merit annihilation in 120 years (S) (minor premise); all the more, unrepentant sinning, by a lowly weak creature made like man of mere flesh, (P) is insubordinate to God enough to merit annihilation in 120 years (conclusion). The tacit major premise here is: unrepentant sinning by a lowly weak creature, made like man of mere (*beshagam*) flesh is more insubordinate to God than unrepentant sinning by a high powerful creature, made of fire or some hard substance. The argument is positive subjectal a fortiori argument (**+s**).

However, the *qal vachomer* here formulated, though based on Rashi's commentary, is not the one Rashi had in mind. He has[49]: "because this is also in him that he is [only] flesh, and nevertheless, he does not subordinate himself before Me. What if he were fire or a hard substance? [i.e., How much greater would his insubordination be!]." This *qal vachomer* is inadequate because it does not reflect the full meaning of Gen. 6:3, but only seeks to understand the phrase "in that also he is flesh;" it does not mention the judgment God is consequently making. Moreover, it argues a fortiori wrongly from a creature of 'flesh' being insubordinate to one of 'fire and hard substance' being more so, whereas the argument should be in the opposite direction, because obviously God seeks to draw a conclusion about man and not about some hypothetical more invulnerable creature that man will never become.

For these reasons, Rashi's *qal vachomer* reading of Gen. 6:3, though significant, can only be admitted as implicit (*satum*). An explicit (*meforash*) a fortiori reading is nevertheless possible, as I have shown above; this should be regarded as the full and accurate rendition of the given verse. Rashi may be said to have drawn attention to it, but not to have fully verbalized it.[50]

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[49] The explanatory additions in square brackets are given by the translator in the Chabad.org edition.

[50] This is why, in the general list of Biblical a fortiori arguments given above in chapter 3, I identify this case as "First found by R/AS."

2 Kings 5:13. Naaman's servants: "Had the prophet bid thee do some great thing, wouldst thou not (*ha-lo*) have done it? how much more when (*ve-af ki*) he [merely] saith to thee: wash and be clean [you should do it]!" (brackets mine).

This is a positive subjectal (**+s**) a fortiori argument. My paraphrase: If the prophet making some difficult request would have seemed powerful enough in your eyes to succeed in healing you, causing you to obey him, then his making an easy request suggests he may be more powerful than you expected and indeed powerful enough to heal you, and this should cause you to obey him. Rashi's analysis: "Would you not do it even if he ordered you to do something requiring exertion? *Qal vachomer* (a fortiori), since he said to you to do an easy thing, [viz.] immerse yourself and become clean."

Ezekiel 14:13-21. God: "Son of man, when (*ki*) a land sinneth against Me by trespassing grievously, and I stretch out My hand upon it… and send famine upon it… [Or] if I cause evil beasts to pass through the land… Or if I bring a sword upon that land… Or if I send a pestilence into that land… though Noah, Daniel, and Job, were in it, as I live, saith the Lord God, they shall deliver neither son nor daughter; they shall but deliver their own souls by their righteousness… How much more (*af ki*) when I send My four sore judgments against Jerusalem, the sword, and the famine, and the evil beasts, and the pestilence, to cut off from it man and beast" (brackets mine).

This is a negative predicatal (**-p**) a fortiori argument. My paraphrase: If such holy men lack sufficient spiritual credit to prevent the execution of each of the four negative decrees (penalties for sins committed) separately, then they lack enough to stop all four of these decrees together. Rashi's commentary states that *af ki* is "*lashon qal vachomer ve-k"sh*" (language of a fortiori and all the more so); but it does not point out verses 13-20 as premises for the conclusion in v. 21.

Ezekiel 33:24. God: "They that inhabit those waste places in the land of Israel speak, saying: Avraham was one, and he inherited the land; but (*va*) we are many; the land is given us for inheritance."

This is a positive subjectal (**+s**) a fortiori argument. My paraphrase: If one man is important enough to inherit the land, then many men are important enough to inherit the land. (Obviously, though God is reporting this argument, He is not its author. It is not very credible, and rightly rebutted in the verses 25 and 26: it is not numbers but moral worth that makes possible inheritance of the land.) Rashi's interpretation is notably different: he reports the reading of R. Shimon ben Yochai as "Avraham, who was commanded with only one commandment [namely circumcision]

inherited the land. We, then, who have been commanded with many commandments should surely have the land given to us for an inheritance (*Tosefta Sotah*, 6,7)." He states that this reading differs from that of R. Akiva, but he does not spell out the latter's version. Rashi then reads v. 25-26 as the prophet's reply: which he paraphrases as "Though you were commanded [many commandments] you do not keep [them].

Proverbs 15:11. Solomon: "Hell and destruction are before the Lord; how much more (*af ki*): the hearts of the children of men [are before the Lord]?" (brackets mine).

This is a positive predicatal (**+p**) a fortiori argument. My paraphrase: If God is powerful enough to look into hell and destruction, then He is powerful enough to look into people's hearts. Rashi just says that *af ki* is indicative of *q"v* (*qal vachomer*).

Proverbs 17:7. "Overbearing speech becometh not a churl; much less (*af ki*) do lying lips a prince."

This is a positive predicatal (**+p**) a fortiori argument (at least). My paraphrase: More unbecoming behavior is expected of a churl than of a prince (tacit major premise); whence it follows that if wrongful speech is unbecoming enough in a churl (minor premise), then it is unbecoming enough in a prince (conclusion). Note that I have here used the term 'wrongful speech' as the common ground of the terms 'overbearing speech' and 'lying lips'. If we regard lying lips as more unbecoming than overbearing speech, as seems intended, the *qal vachomer* here would be a crescendo (**+p&**). Rashi reads *af ki* as meaning *k"sh* (*kol sheken*). Note that *nadiv*, above translated as 'prince' can also be understood more broadly as referring to anyone of 'princely' character.[51]

Proverbs 19:7. Solomon: "All the brethren of the poor do hate him, how much more (*af ki*): do his friends go far from him?"

This is a positive predicatal (**+p**) a fortiori argument. My paraphrase: If the poor man is disliked enough that his brothers avoid him, then he is disliked enough that his friends avoid him. We can infer from the friends' 'distancing' that the brethren's 'hatred' is also expressed by avoidance. There is not necessarily an intent to say that the distancing is a worse reaction than the hatred; i.e. the argument need not be read as a crescendo (**&**). Rashi reads the expression *af ki* as meaning *kol sheken* (all the more so).

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[51] This is another case that I somehow missed in my past research, albeit its use of the key expression *af ki*.

Proverbs 19:10. Solomon: "It is not seemly for a fool to have luxury; how much less (*af ki*): for a servant to have rule over princes [would be seemly]" (brackets mine).

This is a positive subjectal (**+s**) a fortiori argument. My paraphrase: If for a fool to have luxury is inappropriate enough to be unseemly, then for a servant to have rule over princes is inappropriate enough to be unseemly. Rashi reads the expression *af ki* as meaning *q"v* (*qal vachomer*, a fortiori).

Proverbs 21:27. Solomon: "If [even brought with a good intention] the sacrifice of the wicked is an abomination; how much more (*af ki*): brought with a bad intention [is it abomination]?" (brackets mine).

This is a positive subjectal (**+s**) a fortiori argument. My paraphrase: If the sacrifice of the wicked brought with a sincere intent is abominable enough to be rejected, then the sacrifice of the wicked brought with an insincere intent is abominable enough to be rejected. Notice the 'mirror' effect used to convey information briefly: 'the sacrifice of the wicked' and its 'abomination' are mentioned in the first half of the dictum, but not the second; whereas the quality of 'intention' is mentioned in the second half (bad), but not the first (good). Rashi reads the expression *af ki* as meaning *k"sh* (*kol sheken*, all the more so).

Job 9:13-14. Job: "God will not withdraw His anger; the helpers of Rahab did stoop under Him. How much less (*af ki*) shall I answer Him, and choose out my arguments with Him?"

This is a negative subjectal (**-s**) a fortiori argument. My paraphrase: If Rahab's helpers were not worthy enough to argue with God, then Job is not worthy enough to do so. Rashi's comment is just to read the expression *af*[52] in v. 14 as *k"sh* (short for *kol sheken*), i.e. as 'all the more'; but he does not explicitly relate this to v. 13.

Job 15:15-16. Eliphaz the Temanite: "Behold (*hen*): He puts no trust in His holy ones; and (*ve*) the heavens are not clean in His sight. How much less (*af ki*): one who is abominable and filthy, man, who drinks iniquity like water [does He trust or consider clean]!" (brackets mine).

This is a positive predicatal (**+p**) a fortiori argument. My paraphrase: If God is demanding enough to judge His holy ones as untrustworthy and the heavens as unclean, then He is demanding enough to judge mere human beings as untrustworthy and unclean. Rashi's commentary to v. 16 states that *af ki* means *kol*

[52] No mention of *ki* in the Chabad.org rendition of Rashi.

sheken (all the more so); but he does not explicitly mention this verse's relation to v. 15.

Job 35:13-14. "Indeed (*akh*) God will not hear vanity, neither will the Almighty regard it. Yea, when (*af ki*) thou sayest thou canst not see Him – the cause is before Him; therefore, wait thou for Him."

This a positive subjectal (**+s**) a fortiori argument (or possibly an a crescendo one, **&**). The speaker is Elihu, note. The intended meaning, following Rashi's brief explanations, seems to be as follows: God is not immediately (*akh*) moved by the expectations of vain persons, still less (*af ki*) by the demands of persons who doubt Him; nevertheless, He does in due course respond to all causes presented to Him for judgment if one is patient. The a fortiori argument, then, would be roughly: Doubters of God who make demands of Him are more annoying to Him than vain persons with sundry expectations (tacit major premise); whence it follows that if God ignores the vain ones for a while (minor premise), then He will ignore the doubters for as much (or maybe more) time (conclusion). Rashi flags this case, with reference to the expression *af ki* in it, as *k"sh* (*kol sheken*).[53]

Daniel 2:9. Nebuchadnezzar: "Thus (*lahen*): tell me the dream, and (*ve*): I shall know that you can declare its interpretation to me [since it is more difficult to tell it than to interpret it]" (brackets mine).

This is a positive predicatal (**+p**) a fortiori argument. My paraphrase: If Daniel is powerful enough to tell the dream, then he is powerful enough to interpret it. Rashi reads the expression *lahen* as meaning *k"sh* (*kol sheken*, all the more so).

Nehemiah 13:26-27. Nehemiah: "Did not Solomon king of Israel sin by these things? yet among many nations was there no king like him, and he was beloved of his God, and God made him king over all Israel; nevertheless even (*gam*) him did the foreign women cause to sin. Shall we then (*ve*) hearken unto you to do all this great evil, to break faith with our God in marrying foreign women?"

This is a positive subjectal (**+s**) a fortiori argument. My paraphrase: We are morally weaker than the great king Solomon (tacit major premise); whence it follows that if even (*gam*) a man of Solomon's spiritual caliber was weak enough to be brought to sin by foreign women (minor premise), then we who are spiritually at a lower level are weak enough to be brought to sin by foreign women (conclusion);

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[53] I found this case during the present research effort by looking for Biblical verses involving the key phrase *af ki*. I somehow missed it in my past research, even though I looked for cases involving that expression. Most likely, it didn't look a fortiori to me at the time; it is only through Rashi's explanation that I now perceive it as such.

therefore, to avoid sinning and thus breaking faith with our God, we must not marry foreign women (implication of the conclusion). Rashi reads the expression *gam* as meaning *kol sheken* (all the more so).

Influences on later commentators. Rashi discovered 5 cases before Ashkenazi, namely: Proverbs 15:11, 19:10, 21:27; Job 9:13-14, 15:15-16. Rashi discovered 3 cases before Katzenellenbogen, namely: Ezekiel 33:24; Proverbs 17:7, 19:7. Rashi discovered 1 case before Einhorn, namely: Nehemiah 13:26-27. Rashi discovered 1 case before Strashun, namely: 2 Kings 5:13. Rashi discovered 1 case before Hirschensohn, namely: Genesis 6:3. Rashi discovered 2 cases before me (1 in JL and 1 in AFL), namely: Ezekiel 14:13-21; Daniel 2:9.

Because Rashi's Biblical a fortiori discoveries are scattered throughout his running commentary, and maybe elsewhere too, and there is no listing of all of them together: (a) one cannot suppose that someone who lists one of Rashi's cases learned it from Rashi (unless, of course, he mentions having done so); and (b) one cannot infer from the fact that someone (by his own admission) learned one or more cases from Rashi that he knew of all Rashi's other cases; and indeed, (c) one cannot infer from the fact that someone lists some but *not* all of Rashi's case that he did *not* learn any case from Rashi.

As a matter of fact, looking at the results of the present research, no commentator (until the present) has shown acquaintance with all of Rashi's 14 cases. Ashkenazi's list has 5 cases found in Rashi, but lacks 9 others. Katzenellenbogen's list has 7 cases found in Rashi, but lacks 7 others. Einhorn has 1 case found in Rashi, but lacks 13 others. Strashun's list has 10 cases found in Rashi, but lacks 4 others. My 1995 list has 7 cases found in Rashi, but lacks 7 others. Hirschensohn's list has 8 cases found in Rashi, but lacks 6 others. Jacob's list has 8 cases found in Rashi, but lacks 6 others. My 2013 list has 11 cases found in Rashi, but lacks 3 others. We can conclude that Rashi has not been studied as a source of Biblical a fortiori cases, at least not in a systematic manner, by any of the commentators here investigated (myself included).

Rejects. Besides the above-mentioned 14 valid and explicit cases of Biblical a fortiori, Rashi apparently proposed another 5 cases – which, however, I do not recognize as valid and explicit, and therefore have deliberately excluded from our listing. These are: **Genesis 6:9, Ezekiel 23:39-40, Habakkuk 2:4-5, and Psalms 15:4, 15:5**. I will now analyze them at length and explain why they deserve rejection (the second one as not a fortiori, and the other four as at best implicit a fortiori).

Genesis 6:9. "These are the generations of Noah. Noah was in his generations a man righteous and whole-hearted; Noah walked with God."

Gabay reports that Hirschensohn cites Rashi, who in his *ad loc*. commentary writes, concerning the term 'in his generations' (*bedorotav*):

> "Some of our Sages interpret it [this term] favorably: How much more so (*kol sheken*) if he had lived in a generation of righteous people, he would have been even more righteous. Others interpret it derogatorily: In comparison with his generation, he was righteous; but if he had been in Avraham's generation, he would not have been considered of any importance [Sanh. 108a, Gen. Rabbah 30:9, Tan. Noach 5]."

Rashi is referring to BT *Sanhedrin* 108a. Note that Rashi has the positive reading before the negative, whereas the Talmud has the negative one before the positive. Note also that the Talmud explicitly points to a *qal vachomer* in the positive thesis, saying "how much more," but does no such thing for the negative one. The relevant passage there is as follows[54]:

> "These are the generations of Noah: Noah was a just man, and perfect in his generations. R. Johanan said: In his generations, but not in other generations[55]. Resh Lakish maintained: [Even] in his generations — how much more so in other generations[56]."

The Biblical text states that Noah is righteous etc. 'in his generations', implying a *qualification* of some sort of the attribute of righteousness. This qualification cannot be ignored; its intention must be clarified; so, the commentaries by the Talmud and Rashi are quite justified. The word 'in' (*be*) is taken to mean 'compared to others in'. Note also that the term 'his generations' is plural, presumably to suggest that Noah spans two or more generations.

The positive reading is: since Noah was righteous among unrighteous people, then a fortiori he would be righteous even in a generation of righteous people, and indeed more righteous in that hypothetical environment than in his actual environment. The negative reading is: Noah was counted as righteous only in comparison to other

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54 English Texts based on the Soncino Talmud Edition, online at Halakhah.com.

55 Footnote in the Soncino ed.: "So Noah: by comparison with the rest of his generation, who were exceptionally wicked, he stood out as a righteous man; in other generations he would not have been superior to the average person."

56 Footnote in the Soncino ed.: "Thus, if Noah was righteous even when his entire surroundings were evil, how much more so had he lived amongst righteous men!"

people in his generations, but if compared to people like Avraham he would not merit such high status.

First question: what exactly is the *qal vachomer* proposed in the positive scenario? It is that if Noah (S) made a moral effort (R) enough to be righteous while living in a vicious environment (P) (minor premise), then he would perforce have made a moral effort enough to be righteous living in a virtuous environment (Q), and even more so (conclusion). The tacit major premise here is that more moral effort is required to be righteous in the midst of a vicious environment (where temptations to vice are widespread) than to be righteous in the midst of a virtuous environment (where the good example of others facilitates virtue). This is positive predicatal a fortiori reasoning (**+p**). The argument is not a crescendo, even though environmental influences affect the scale, as well as the potential, of vice or virtue, because the subsidiary term (S), viz. Noah, remains per se unchanged.

Next question: what form of reasoning is involved in the proposed negative scenario? It is argued that though Noah was worthy enough to be counted as righteous while living in a vicious environment, *it does not follow that* he was worthy enough to be counted as (particularly) righteous living in a virtuous environment. The assumption here is that the attribute of 'righteousness' is not absolute, but only relative. Given that someone is worthy to a certain extent, he may appear as 'righteous' if he is compared to very unworthy people, and yet appear as not (particularly) 'righteous' if he is compared to very worthy people.

In the positive formulation, the fact of righteousness is regarded as more difficult to attain in the vicious environment than in the virtuous one, whereas in the negative formulation, the appearance of righteousness is regarded as more difficult to earn in the virtuous environment than in the vicious one. These rival theses point in opposite directions, so they are in conflict somewhat. And yet they both seem reasonable. They are not in strict contradiction because the term 'righteousness' is treated differently in them. Nevertheless, the negative thesis dampens the enthusiasm of the positive one, calling for a more critical assessment.

The objection raised is that appearances may be illusory. The moral effort required by someone to appear righteous among the unrighteous may not in fact be sufficient to make that person stand out as (particularly) righteous in a righteous society. *The same amount* of moral effort may give an appearance of righteousness in a relatively morally poor context and not do that in a relatively morally rich context. Indeed, one may even exercise less virtue in the former case, and seem righteous, and more virtue in the latter case, and not seem (very) righteous. This insight does

not deny the truth of the previous argument's major premise, but it calls for a more subtle approach.

Thus, if we tried to build an a fortiori argument for the negative assessment, using the middle term 'seem righteous' instead of 'righteous', we would obtain the following: More moral effort (R) is required to appear comparatively righteous in a virtuous environment (P) than in a vicious one (Q) (major premise in opposite direction). Noah (S) made enough moral effort to seem righteous in a vicious environment (similar minor premise); but not enough, *ceteris paribus*, to seem righteous in a virtuous environment (dissimilar 'conclusion'). Clearly, this attempt is a failure because the argument is positive predicatal and so cannot go from the minor term (vicious) to the major term (virtuous).

However, to repeat, it remains possible that Noah would generate a different amount of moral effort in the two environments, and thus indeed seem to be, and indeed be, virtuous, or vicious, in both. That is why the two theses are not strictly contradictory: the positive one assumes *variable* effort in the two milieux, whereas the negative one assumes a *like* effort in them.

Clearly, the interjection "in his generations" requires explanation; but it is not clear which of the two explanations offered by the Sages is to be preferred. The purpose of the first is to heap praise on Noah, the virtuous father of post-deluge humanity; while that of the second is (dixit Rashi) to salute Avraham, the virtuous patriarch of the Jewish people. Both suggestions being authored by the Sages, they are both intended as true.

In conclusion, while the Biblical verse hints at a valid a fortiori argument, a credible counterargument is also compatible with it. This implies that the stated a fortiori argument is only implicit (*satum*); it cannot be taken as explicit (*meforash*) because, as Rashi himself (and the Talmud) informs us, it is not the only possible reading of the given text. The equivocation inherent in the given text means that neither reading can be declared with certainty as the exclusive interpretation.

Ezekiel 23:39-40. 39 For when they had slain their children to their idols, then they came the same day into My sanctuary to profane it; and, lo, (*ve-hine*) thus have they done in the midst of My house. **40** And furthermore (*ve af ki*) ye have sent for men that come from far; unto whom a messenger was sent, and, lo, (*ve-hine*) they came; for whom thou didst wash thyself, paint thine eyes, and deck thyself with ornaments...

I do not see any a fortiori argument in these two verses, explicit or implicit, valid or invalid, even taking their contexts (verses before and after) into account. What

would be the assumed a fortiori argument? The people's behavior decried in v. 40 is implied to be *worse than* that decried in v. 39. This could be used as a major premise; but I see no argument whatever intended, no further discourse leading us from a minor premise to a conclusion. Yet, Rashi reads the expression *ve af ki* as here equivalent to *kol sheken* (all the more), implying that an a fortiori argument is intended[57]. But he does not clarify what he considers as the premises and conclusion of that argument.

The English translation of Rashi's commentary here has "And surely, worst of all is that they would send to bring to them [invite] some of the princes of the nations, their lovers, and these see the profanation with which they profane My sanctuary." This typically translates *kol sheken* as "surely." But all English translations of the verse itself that I have seen[58], including the one shown above, translate *ve af ki* here more vaguely as "And furthermore" or as "Moreover." This translation is, in my opinion, inadequate, because it suggests mere conjunction whereas the context suggests that an intensification is occurring. Thus, *ve af ki* here should rather be read as "And worse still." But this expression, in itself, carries no connotation of a fortiori argument; it merely implies progress from bad to worse.

Rashi rightly often interprets the use of *af ki* as indicative of *qal vachomer*, namely in the following 12 cases: 1 Samuel 23:3; Ezek. 14:13-21, 15:5; Prov. 11:31, 15:11, 17:7, 19:7, 19:10, 21:27; Job 9:13-14, 15:15-16, 35:13-14. I can name 9 more cases which he does not mention, where *af ki* signals a fortiori discourse: Deut. 31:27; 1 Sam. 14:29-30, 21:6; 2 Sam. 4:10-11, 16:11; 1 Kgs 8:27; Job 25:5-6; 2 Chr. 6:18, 32:15. But Rashi goes further, in his comment to Ezek. 14:13-21, and overgeneralizes by saying *af ki* that "it is the language of *qal vachomer* and *k"sh* [i.e. a fortiori and all the more] *throughout Scripture*" (my italics).

Yet, clearly, the 21 examples just listed do not prove Rashi's general claim, for the simple reason that there are at least two Biblical verses where *af ki* is used and there is clearly no a fortiori intent. Indeed, Rashi comments on both of them, without suggesting that any *qal vachomer* is intended. The cases are Genesis 3:1, where Rashi takes *af ki* to mean "even though" (*af al pi*, with no suggestion of a fortiori intent); and Nehemiah 9:18, where Rashi makes no comment (and the Eng. translation rightly reads *af ki* as "although").

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57 Gabay drew my attention to the commentary of *Metzudot David* (by R. David Altschuler of Prague, 1687-1769) having the same reading. Later, Strashun (19th Cent., see below) offers the same a fortiori interpretation. Perhaps these two were merely following Rashi's claim.

58 Jerusalem Bible in print; and online: Chabad, Mechon-Mamre, JPS, and Sefaria.

It is therefore quite legitimate for me to say that Ezek. 23:39-40 does not contain an a fortiori argument even though it uses the *af ki* expression which is admittedly often indicative of such argument. It is clear to me that Rashi interpreted *af ki* as meaning *kol sheken* in this case a bit hastily; it is, in this instance, inaccurate.

I asked Gabay to find some rationale for Rashi's position, and he pointed out to me that several commentators[59] focused on the larger picture and suggested that v. 46 (among others), which describes the horrific consequences of the grave sins listed in v. 39-40 (and earlier), could be the conclusion of the putative *qal vachomer* argument. This later verse in Ezek. 23 reads:

46 For thus saith the Lord God: An assembly shall be brought up against them, and they shall be made a horror and a spoil.

Based on Gabay's response, the intended *qal vachomer* could be formulated as follows: Inviting people to watch the profanation of God's sanctuary, etc. (v. 40) is a greater sin than only profaning the sanctuary, etc. (v. 39 and earlier) (tacit major premise); whence it follows that if only profaning the sanctuary, etc. is sinful enough to bring about the severe punishments spelled out (in v. 46 and on) (minor premise), then inviting outsiders to watch such profanation is sinful enough for these same punishments or worse (conclusion). This would be a positive subjectal (**+s**) a fortiori argument, or possibly an a crescendo one (**+s&**).

However, looking at this proposal, I am still not convinced. I would like to follow suit but cannot honestly do so. It is clear enough that we are told that publicizing the desecration is worse than mere desecration (v. 39-40), and that heavy punishments are promised (v. 46). But nowhere in the received text is there a hint that the penalty for the publicity is *inferred* (whether in equal or greater measure) from the penalty for the desecration. Even if the list of misdeeds is clearly progressive from bad to worse (v. 39-40), it is clear that the prescribed penalty (v. 46) is intended for *all* the misdeeds *lumped together*. If the intent of the text had been otherwise, it would have indicated that the stated punishments (v. 46) are due *specifically for the earlier, lesser sins* (v. 39), and left it for us *to infer* similar or greater punishments for the later, greater sins (v. 40). The given text clearly makes no such division.

A comparative proposition does not by itself necessarily give rise to an a fortiori argument. More information is needed for that task. We are indeed given what

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[59] He mentioned David Kimchi (Radak, 1160-1235), Isaac Abarbanel (1437-1508), and Meir Lob Ben Yehiel Michal (Malbim, 1809-1879), and Mattityahu Strashun (1817-1885). I have not seen what they say precisely.

could have been a major premise; but we are not also given a minor premise from which to draw the putative conclusion, or a conclusion from which to back-engineer the minor premise. I therefore maintain that there is no *qal vachomer* argument intent in this Biblical passage, whether explicit or implicit; that is, Ezek. 23:39-40(, 46) does not belong in our listing.

Let me now add a comment regarding Habakkuk 2:5. Even though it involves the expression *af ki*, and so might (following Rashi's usual assumption) thereby be intended as *qal vachomer*, it was not in fact flagged as such by Rashi. Nevertheless, it is worth examining more closely.

Habakkuk 2:4-5. 4 Behold (*hine*), his soul is puffed up, it is not upright in him; but the righteous shall live by his faith. **5** Yea, moreover (*ve af ki*), wine is a treacherous dealer; the haughty man abideth not; he who enlargeth his desire as the nether-world, and is as death, and cannot be satisfied, but gathereth unto him all nations, and heapeth unto him all peoples.

As already mentioned, Rashi's commentary on v. 5 does not flag it *qal vachomer* (or *kol sheken*). That in itself does not prove that Rashi did not view it as such; but the assumption that he did so would be speculative. If we look at what he does say, we see that he relates the narrative to historical persons and events. I do not however, for my part, perceive any a fortiori intent in his analysis. But if there was such intent, we could only at best say that he was construing an implicit a fortiori argument, because the terms it would involve (Belshazzar, drinking wine with the vessels of the Temple, etc.) are not explicitly given in the verse. Surely, the wording of the verse is rather vague.

Looking for some sort of a fortiori argument in this passage, I would construe the following more literal – and more general (ethical rather than historical) – reading, using v. 4 as well as v. 5: 'Certainly (*hine*), the puffed-up soul, lacking inner uprightness, [shall not survive,] unlike the righteous who by his faith shall live; all the more so (*ve af ki*), a haughty man, afflicted by drunkenness, and full of unlimited, insatiable desires, will not abide'. If this interpretation is correct, then the intended *qal vachomer* would be as follows: A man who is haughty etc. (P) is more wicked (R) than one who is puffed-up etc. (Q) (tacit major premise); whence it follows that if the puffed-up man is wicked enough to deserve a shortened life (S) (minor premise), then the haughty man is wicked enough to deserve a shortened life (conclusion). That would be a positive subjectal (**+s**) a fortiori argument. Rashi's commentary would then seem to be an application of this general argument to the historical circumstances he specifies.

Should we then count this case (in its proposed more general format) as an explicit *qal vachomer*? If so, it would not be attributable to Rashi, as he does not explicitly flag it as a fortiori. Although, as we have seen, he has made the sweeping claim that all Biblical verses involving the expression *af ki* are a fortiori, we cannot assume that he had in mind this case since he does not identify it as such *ad loc*., and moreover we have found other such cases that he clearly did not consider as a fortiori. In that event, I would be the discoverer of this new case.

I hesitate to claim it, however, because one could also read the two verses as separate statements, with *af ki* merely serving as an intensifier[60] rather than as a signal of inference. That is, because the terms used (puffed-up, haughty, etc.) are very vague, the two verses might be referring to one and the same foolish man, at the same time or over time, with v. 4 describing some (bad) aspects of him, and v. 5 adding some more (even worse) aspects of him[61]. In that case, I could not claim an explicit (*meforash*) *qal vachomer* intent, but only at best an implicit (*satum*) one.

Next, let us consider the Ps. 15:4 and 15:5 cases. As already mentioned (in chapter 4, above), these two cases are presented as examples of implicit (*satum*) *qal vachomer* in the *baraita* of R. Eliezer ben R. Jose HaGelili (or at least in the commentary attached to that *baraita*). So, these two cases cannot be attributed to Rashi. But because he uses the expression *q"v* (*qal vachomer*) in his commentary to both verses, but does not flag them as implicit (*satum*), it is appropriate for me to analyze them here.[62]

Psalms 15:4. He swears to his own hurt and does not retract (his oath).

Rashi comments: How much more (*q"v*) does he not retract if it concerns something that is not to his hurt![63] His a fortiori reading is thus: avoiding hurt to oneself is normally more pressing psychologically than doing oneself good (tacit major premise); whence it follows that, for a virtuous man, if avoiding hurt is not pressing enough to make him go back on his word (minor premise), then doing himself good

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[60] Notice, in support of this thesis, the above translation of *ve af ki* as "yea, moreover."

[61] Or the foolishness in the first verse might be more generic and that in the second more specific, i.e. the former might be inclusive of the latter.

[62] Note that I already analyzed these two cases in AFL, chapter 16, because Louis Jacobs drew attention to them in his previously cited essay. Jacobs rejects them, and I agree with him. He mentions the said *baraita* as their source, but he does not mention Rashi.

[63] In his previously cited essay, Jacobs translates the verse as: "He sweareth to his own hurt and changeth not;" and interprets it as meaning "if he 'changeth not' (i.e. does not go back on his word) where it is to his own hurt how much more will he not change where it is to his own good." This looks like a paraphrase of Rashi's comment.

is not pressing enough to make him go back on his word (conclusion). The argument form is negative subjectal (**-s**).

Why is this classified as implicit rather than explicit? Because, while it is true that if once having sworn an oath a good man does not revoke it even when it to his disadvantage, it is all the more true that he will not do so when it is to his advantage, nevertheless the verse is not making this larger statement. The verse is not intended to present an a fortiori argument aimed at the said implicit 'conclusion'; it is only concerned with making the explicit statement which we have used as 'minor premise'. The context shows that it is describing the various virtues *specific* to a good man[64]. The act of 'not revoking an advantageous oath' is found in bad men too; so, it is not of interest to this list of a good man's specific virtues.

Thus, Ps. 15:4 is not meant to communicate a *qal vachomer* to us. So, Rashi's *q"v* comment must be assumed to refer to the implicit *qal vachomer* which can eventually be read into it. The presentation of this verse by R. Eliezer as an example of implicit *qal vachomer* confirms this assessment.

Psalms 15:5. Nor did he accept a bribe against (*al*) the innocent.

Rashi's commentary reads: (Nor did he accept a bribe) "against a poor man, to condemn him in judgment by judging perversely. Our Sages explained it further to mean that he would not accept a bribe to exonerate him in judgment, and he a fortiori (*q"v*) will not take a bribe to pervert the judgment." So, the proposed *qal vachomer* here is: a bribe to condemn an innocent in judgment is more unethical than a bribe to exonerate an innocent in judgment (tacit major premise); whence it follows that if a judge views a bribe offered to him to exonerate an innocent in judgment unethical enough to refuse it (minor premise), then he will view a bribe offered to him to condemn an innocent in judgment unethical enough to refuse it (conclusion). The argument form is negative subjectal (**+s**).

The above translation reads the word *al* as 'against'. Louis Jacobs uses another as translation[65]: "Nor taketh a bribe to side with (*al*) the innocent;" and he takes this to mean: "if he refuses to take a bribe to support the innocent how much more will he refuse to take a bribe to support the guilty." Here, as Jacobs points out, the word *al* is interpreted as meaning 'on behalf of', rather than as 'against'. In Jacobs's interpretation, the minor term (support an innocent) is the same, while the major term (support the guilty) is slightly changed, suggesting a conflict between two

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64 Defined in v. 1 as one "who shall sojourn in [God's] tabernacle, who shall dwell upon [His] holy mountain."

65 In his aforementioned essay.

parties. Obviously, if a corrupt judge took a bribe to exonerate (or be more lenient to) the truly guilty party, he would effectively be condemning (or being more severe to) the innocent party. So, the a fortiori argument is essentially unchanged (still **+s**).

This verse, however the expression *al* is read, may be classified as an implicit rather than explicit *qal vachomer* for the same reason that the preceding one was. There is evidently no intent to build an argument here – there is just a single statement. If an argument were intended, an additional statement would have been made (the major premise or the conclusion for that minor premise) in order to stimulate an inference, a reasoning process. *If a single statement were sufficient to claim an a fortiori argument, then every single statement could be turned into such an argument, and there would be no end to it*.

Here again, the context shows that our verse is merely descriptive, part of a list of the virtues specific to a good man. Such a man will not accept a bribe, whether in support of or in opposition to the innocent, or for that matter the guilty. The statement "Nor taketh a bribe to side with or to oppose (*al*) the innocent" is meant as all-inclusive. This is in implied contrast to the bad man, who is easily tempted for one or the other of these nefarious purposes (even if he might regard one or the other of them as easier or harder, so as to pretend to himself that he has a working conscience).

Here again, then, since Ps. 15:5 is not meant to communicate a *qal vachomer* to us, Rashi's *q"v* comment must be assumed to refer to the implicit *qal vachomer* which can eventually be read into it. The presentation of this verse by R. Eliezer as an example of implicit *qal vachomer* confirms this assessment.

Incidental a fortiori discourse. Besides Rashi flagging cases of Biblical a fortiori discourse, he frequently resorts to such argument in his running commentary, for homiletic or halakhic purposes. In such cases, it is not his intent to draw attention to an a fortiori intention in the Biblical narrative, by rather to discuss some tangential issue. Although he sometimes spins such argument by himself, he often draws on Midrashic or Talmudic sources where such argument has been used. There are very many examples of this, as can easily be ascertained by using, in search facility of the online edition of his commentary to the Tanakh, the following search strings: קַל וָחֹמֶר; ק"ו; כָּל שֶׁכֵּן; כ"ש.

To give one example: commenting on Gen. 1:12, Rashi claims, in the name of the *haggadah* of Tractate *Chulin* (60a), that although the herbs were not commanded by the Creator to grow "according to [their] kind," when they heard that the trees had been so commanded, they applied a *qal vachomer* argument to themselves, i.e.

considered themselves as subject to the same obligation. Here, there is no *qal vachomer* intent in the Biblical verse itself, but it is used as a springboard for an additional claim.

Sometimes there are more than one such incidental a fortiori arguments in a chapter, or even within a single verse; so, it is necessary to carefully follow every lead returned by the search engine to make sure one sees all the cases involved. It must be said, however, that there may well be among these numerous incidental cases of a fortiori discourse, one or more cases of direct *qal vachomer*, i.e. of Biblical verses having themselves clear a fortiori intent, which we have not so far spotted and recorded in the present study. So, it is a research task worth pursuing, if not mandatory, to look at all cases mechanically found. But I have not found the time to do this arduous work myself.

7. R. Shmuel Yaffe ASHKENAZI

R. Shmuel Yaffe Ashkenazi (SYA, b. 1525, in Bursa, Ottoman Turkey, d. 1595)[66] wrote ***Yefeh Toar*** ("Beautiful of Form," abbrev. YT), published in Venice, 1597 (composed ca. 1560-80)[67]. Note that the late 16th Cent. is already, intellectually, the 'modern' era; this is not an 'ancient' or 'medieval' listing.

Gabay reports that **thirteen instances** of *qal vachomer* in the Tanakh are listed in this work (besides the 11 instances given in Midrash GR). These 13 are: **1 Kings 8:27[68]; 2 Kings 10:4; Isaiah 20:6; Jeremiah 25:29, 45:4-5, 49:12; Proverbs 15:11, 19:10, 21:27; Job 4:18-19, 9:13-14, 15:15-16, 25:5-6**.

It appears that *8 of these cases are 'historic firsts'*, viz. 1 Kings 8:27; 2 Kings 10:4; Isaiah 20:6; Jeremiah 25:29, 45:4-5, 49:12; Job 4:18-19, 25:5-6. The remaining 5, namely Proverbs 15:11, 19:10, 21:27, and Job 9:13-14, 15:15-16, may be considered as 'independent' finds. The latter 5 are all found in Rachi's Torah commentary; but since there are 8 other cases listed in it that are *not* listed in YT, we cannot infer that Ashkenazi based his list on the scattered comments of Rashi. To be sure, Ashkenazi may have derived one or more of these cases from Rashi; but unless he specifically mentioned doing so, we cannot suppose he did so.

My list of 2013 (reproduced above, in chapter 3) includes (of course, long after) and analyzes all the YT cases, except Isaiah 20:6; so, there is no need for me to here analyze any case other than the latter. Isaiah 20:6 is not at first sight clearly a fortiori, which is no doubt why some listings (my own and that of Jacobs) failed to include it. However, Ashkenazi, and (as we shall see) others after him, did include it. To grasp its a fortiori intent, one needs to look at the narrative context, i.e. the preceding five verses[69]. We then obtain the following reading; notice the language suggestive of Biblical a fortiori argument (*hine – ve-ekh*)[70]:

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66 https://www.jewishvirtuallibrary.org/jaffe-**s**amuel-ben-isaac-ashkenazi.

67 https://beta.hebrewbooks.org/42241.

68 Interestingly, 2 Chronicles 6:18 (a repetition of 1 Kings 8:27, but for one letter *heh*) is *not* included in the YS list. It only begins to appear in the Katzenellenbogen's listing (see next section).

69 Gabay clarified the text to me on the basis of the commentaries of David Altschuler (aka *Metsudat David*, 1687-1769) and Meir Leibush ben Yehiel Michel Wisser (aka *Malbim*, 1809-1879).

70 Compare the very similar argument of 2 Kings 10:4. In view of its language, I think I must have seen this case back in 1995, but evidently I failed to see its a fortiori character.

Isaiah 20:6. And the inhabitant of this coastland [around Ashdod, cf. v. 1] shall say in that day: "Behold (*hine*), such is our expectation [viz. to be led away captive like Egypt and Ethiopia, cf. v. 4-5], whither we fled for help to be delivered from the king of Assyria; and how (*ve-ekh*) shall we [Judeans, who are weaker than them,] escape?" (brackets mine).

My paraphrase: God is predicting how the Judeans will argue: If Egypt and Ethiopia, nations to which we Judeans are wont to flee for help, were not strong enough to avoid defeat from the king of Assyria, then we are surely not strong enough to do so. More formally put: Egypt and Ethiopia (P) are stronger (R) than Judea (Q) (tacit major premise); whence it follows that if Egypt and Ethiopia were not strong enough to avoid defeat (S) (minor premise), then Israel is not strong enough to avoid defeat (conclusion). This is a negative subjectal (**-s**) a fortiori argument.

8. R. Zvi Hirsch KATZENELLENBOGEN

R. Zvi Hirsch Katzenellenbogen (ZHK, b. 1796, in Vilna, in Russian Lithuania, d. 1868)[71], wrote ***Netivot Olam*** ("Ways of the World," abbrev. 'NO'), published in Vilna, 1822[72]. Note that we are here already in the early 19th Cent.[73]

Gabay reported that **twenty instances** of *qal vachomer* in the Tanakh are listed (p. 30) in this work (besides the 11 instances given in Midrash GR). Initially, he found 16 cases, viz. **1 Samuel 14:29-30; 2 Samuel 4:10-11, 12:21, 16:11; 1 Kings 8:27; 2 Kings 10:4; Ezekiel 33:24; Proverbs 15:11, 17:7, 19:7, 19:10, 21:27; Job 4:18-19, 15:15-16, 25:5-6; 2 Chronicles 6:18** (repeat of 1K8:27). But later, after finding them mentioned in Hirschensohn's work, he found four more cases, viz. **Deuteronomy 32:39; 2 Samuel 12:18; Psalms 25:8-9, 78:20**.

Note that these four additional passages were not initially reported by Gabay, when he first investigated Katzenellenbogen's work. But he later reported that Hirschensohn listed these passages as instances of *qal vachomer* found in Katzenellenbogen's work. I asked him therefore to look again at Katzenellenbogen's listing, and he confirmed he had previously missed them and now saw them there. But when I asked him to tell me how Katzenellenbogen or Hirschensohn formulated the supposed a fortiori arguments, I got no further reply.[74]

It appears that *9 of the 20 valid cases are 'historic firsts'*, viz. Deuteronomy 32:39; 1 Samuel 14:29-30; 2 Samuel 4:10-11, 12:18, 12:21, 16:11; 2 Chronicles 6:18; Psalms 25:8-9, 78:20. The remaining 11 cases may be considered as 'independent' finds. Of those, 3 cases were previously flagged by Rashi but not by Ashkenazi, namely, Ezekiel 33:24, and Proverbs 17:7, 19:7; 4 cases were previously flagged

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71 https://yivoencyclopedia.org/article.aspx/Katzenellenbogen_Tsevi_Hirsh.

72 https://beta.hebrewbooks.org/24940.

73 This about the same time as the 'Science of Judaism' movement was taking shape in Berlin.

74 I am assuming here that Gabay cited the four cases correctly, although he has occasionally made errors of inattention or typing. I have no way to personally verify the data he transmitted to me. Note that he additionally mentioned three other passages as Katzenellenbogen *qal vachomer* findings, namely: Proverbs 10:17, Job 28:5-6, Daniel 14:16. But he omitted Proverbs 10:17 from a later listing, presumably intentionally (but maybe unintentionally). Job 28:5-6 was probably a typing error, intending Job 25:5-6. And Daniel 14:16 must have been a typing error, as the book of Daniel has only 12 chapters! I looked at verses 14-16 in all chapters which have verses so numbered but spotted nothing resembling a fortiori argument there.

by Rashi and later by Ashkenazi, namely, Proverbs 15:11, 19:10, 21:27, and Job 15:15-16; and 4 cases were previously flagged by Ashkenazi but not by Rashi, namely, 1 Kings 8:27, 2 Kings 10:4, and Job 4:18-19, 25:5-6. One or more of the said 7 cases attributed to Rashi might have been derived from his scattered Torah commentary by Katzenellenbogen; but there is no way for us to know it if he did not mention the fact. As for the said 8 cases previously flagged by Ashkenazi, we cannot assume that Katzenellenbogen derived them from his listing, since there are 4 other cases listed in YT that are *not* listed in 'NO', namely Jeremiah 25:29, 45:4-5, 49:12, and Job 9:13-14. For these reasons, we must consider the said 11 cases as 'independent' finds by Katzenellenbogen (unless, of course, information is eventually found to the contrary).

Note that Katzenellenbogen's discovery of Deut. 32:39 is the first finding of an additional *qal vachomer* in the Torah proper (i.e. the *Chumash*) since Rashi discovered Gen. 6:3 in the 11th Cent. Apparently[75], Katzenellenbogen was not aware of the Gen. 6:3 case.

My list of 2013 (reproduced above, in chapter 3) includes (of course, long after) and analyzes all the 'NO' cases, except Deuteronomy 32:39, 2 Samuel 12:21, and Psalms 25:8-9; so, there is no need for me to here analyze any case other than those three.

Deuteronomy 32:39. "See now (*reu ata*) that (*ki*) I, even I, am He, and there is no god with Me; I kill, and I make alive; I have wounded, and I heal; and (*ve*) there is none that can deliver out of My hand."

The proposed a fortiori reading is presumably: If no one other than God (S) is powerful (R) enough to kill and revive, to wound and heal (like He does, alone) (P); then surely, no one other than He is powerful enough to deliver out of His hand (i.e. to stop Him killing and reviving, Him wounding and healing, at will) (Q). The tacit major premise is that the acts of killing and reviving, wounding and healing, require more power than (or at least as much power as) deliverance from these acts does. This is a positive predicatal a fortiori argument (**+p**). This can be counted as an explicit, as well as valid, case.

2 Samuel 12:21. "Then said his servants unto him [David]: 'What (*mah*) is this thing that thou hast done? Thou didst fast and weep for the child, while it was alive; but when (*ve-ka-asher*) the child was dead, thou didst rise and eat bread?'" (brackets mine).

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75 Assuming the list of cases reported by Gabay was correct.

We can infer from the text what/how king David's servants were thinking. After the death of a child, one's behavior should be sadder (R) than while the child lived (tacit major premise); whence it follows that if David while the child still lived (Q) was sad enough to fast and weep (S) (minor premise), then David after the child died (should be sad enough to do same and even more (>S) (conclusion). This is a positive subjectal (**+s&**) a crescendo argument (which may be characterized as explicit, although it refers to an inferred thought, because there is no other explanation of their statement). But to the servants' surprise David's behavior was less sad. In v. 22, he explains to them why (thus rebutting their major premise).

Psalms 25:8-9. "Good and upright is the Lord; therefore (*al ken*) doth He instruct sinners in the way. He guideth the humble in justice; and He teacheth the humble His way."

The proposed a fortiori reading seems to be: If God (S) is good and upright (R) enough to instruct sinners in the way (P); then He is good and upright enough to guide the humble in justice and teach him His way (Q). The tacit major premise is that instructing sinners in the way requires more goodness and uprightness than guiding the humble in justice and teach him God's way. This is a positive predicatal a fortiori argument (**+p**). This can be counted as an explicit, as well as valid, case.

Rejects. Katzenellenbogen reportedly claims as *qal vachomer* at least two other Tanakh passages, namely: **Leviticus 10:19**; **Proverbs 6:30**. I must reject these cases, the former as merely implicit and the latter as not a fortiori.

Leviticus 10:19. "And Aaron spoke unto Moses: 'Behold (*hen*), this day have they offered their sin-offering and their burnt-offering before the Lord? And (*ve*) there have befallen me such [tragic events] as these; and (*ve*) if I had eaten the sin-offering today, would it have been pleasing in the sight of the Lord?'" (brackets mine).

Rashi offers a lengthy explanation of this passage and its context (verses 16-20). It has to do with laws of sacrifice and laws of mourning for priests. If I understood correctly, the following are the main points of Rashi's commentary. Two of Aaron's sons, Nadab and Abihu, died that day (v. 2), making Aaron and his surviving sons, Eleazar and Ithamar, *onanim* ("mourners for a close relative on the day of that relative's demise"). Moses reproves them for burning (v. 16) and not eating (v. 17) the sin-offering. Aaron retorts that neither his sons nor he could legally eat it. If the surviving sons, being ordinary *kohanim* (priests) in mourning that day, had sprinkled the blood of the sacrifice they would have invalidated it, and therefore could not eat it. But it was not they who performed the sin-offering,

it was Aaron himself, as *Kohen Gadol* (High Priest), who did so. The law is different for him: he could ordinarily have performed the sacrifice and eaten it, except that the sin-offering under discussion was special, relating to *Rosh Chodesh* (the New Month), and in such case Aaron was legally forbidden to eat of the sacrifice during the day he performed it (though he could after nightfall).

Katzenellenbogen reportedly proposes a *qal vachomer* reading; but I have not seen it. However, based on Rashi's commentary I assume that the proposed reading was as follows. Performing the sin-offering by Aaron's sons (Q), would for various reasons have been legally inappropriate (R) enough to stop them eating of it (S) (minor premise); just as surely, performing the sin-offering by Aaron (P) was for various reasons legally inappropriate enough to stop him eating of it (conclusion). The tacit major premise would be that, in the given circumstances, even though the reasons for inappropriateness are different in the two cases, Aaron offering this sacrifice is as legally inappropriate as his sons' offering it. This would constitute a positive subjectal a fortiori argument (**+s**). Notice that I have cast it as egalitarian (saying, 'just as surely'), because the law is just as strict in both cases, even though the reasons for it are different.

Even so, the proposed a fortiori argument seems to me contrived, because we are not really engaged in inference from the said minor premise to the said conclusion, because the latter is known to be true independently of the former. The major premise, which is needed to justify the inference, is only known to us because we are already given (as Rashi's explanations make clear) both the minor premise and the conclusion. So, while the proposed argument is formally valid, it is rather artificial and can hardly be considered explicit (*meforash*). I would therefore declare it merely implicit (*satum*) – assuming I got it right, i.e. assuming that was indeed the *qal vachomer* that Katzenellenbogen had in mind and advocated.

I can reinforce this assessment as follows. Let's step back a moment and ask: what is the narrative about? It is a discussion between Moses and Aaron. The former criticizes the behavior of the priests, and the latter justifies it. Both are referring to the same body of laws, but apparently (so Rashi remarks regarding v. 29) Moses forgot some laws and Aaron reminds him of them. Aaron's retort is twofold. First, he exonerates his sons, second, himself, by showing that the law in either case forbids them, albeit for different reasons, from eating of the sin-offering in the specified circumstances, contrary to what Moses assumed. Aaron is not arguing from the prohibition applicable to his sons to that applicable to him. He is reminding Moses of two *separate, unrelated* sets of law; both so complex that neither of them can be deduced from the other. This is probably the most accurate rendition of the

narrative. An a fortiori argument might be constructed (as above done by me or some other way), but the very fact that a reading without a fortiori argument is possible means that any proposed a fortiori reading is bound to be merely implicit. It could be explicit only if it was the only possible reading.

Proverbs 6:30. "Men do not despise a thief, if (*ki*) he steal to satisfy his soul when (*ki*) he is hungry."

Rashi comments at length on this verse, placing it in context (verses 29-35). The context is adultery, and a hungry thief is mentioned in this context to provide a contrast: whereas a hungry man stealing food can be forgiven and could eventually compensate the victim by repayment, an adulterer has no excuse for his act and cannot make up for it ex post facto. So, the former is not as despised as the latter. But I do not see what *qal vachomer* argument could be constructed on the basis of this statement; I would call the discourse a contrario rather than a fortiori. Maybe Katzenellenbogen has succeeded, but until I see what he wrote, I cannot confirm that it is both valid and explicit. So, I must for now reject this case.

9. R. Zeev Wolf EINHORN

R. Zeev Wolf Einhorn (ZWE, a.k.a. *Maharzu* or *Maharzav*, b. 1813, in Grodno, in Russian Lithuania, d. 1862)[76]; wrote ***Midrash Tannaim*** ("Exegeses of the Tannaim," abbrev. MT), published in Vilna, 1839[77].

The following is a translation by Gabay of the relevant passage of that book (KV here is short for *qal vachomer*).

> "This is one of ten KVs. This teaching is a mystery, why are only ten KVs enumerated, while many more can be found in the books of the Prophets and the Writings, I have compiled a list which I have written in a *kontras* (a notebook) of about forty more KVs besides these ten.
>
> I reasoned that the main intention of the Sages who enumerated these KVs was that we would learn the principle of the KV how to reason from a minor premise to a major premise and from a major one to a minor one as a convincing argument. This is unique to these ten enumerated here, while the many other examples are just to reinforce the subject and not intended to convince and cannot be used as a learning model.
>
> After having written this I discovered that all the above is already contained in the words of the *Yefeh Toar*, therefore I am keeping my remarks brief. My only difficulty with *Yefeh Toar*'s explanation is the verse "If the wood of a grapevine has little use when it is whole, it obviously has no value when it is charred!" (Ezekiel 15:5), which is obviously just to reinforce the subject rather than to be convincing (since we see it is charred, it obviously of no value) and it is therefore not similar to the nine other examples.
>
> It seems that *Yefeh Toar* is right that this was never part of the original Midrash but rather a later addition from one of the scholars. I believe, after some research, that the tenth KV to complete the list is from the end of Nehemiah 13:26-27 "Did not Solomon king of Israel sin…shall we then

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[76] https://he-m-wikipedia-org.translate.goog/wiki/%D7%96%D7%90%D7%91_%D7%95%D7%95%D7%9C%D7%A3_%D7%90%D7%99%D7%99%D7%A0%D7%94%D7%95%D7%A8%D7%9F?_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=en-US.

[77] https://www.hebrewbooks.org/7058.

> hearken to you…" which would seem to be an argument designed to convince."

I now comment on the above. The "teaching" referred to above is the claim in the Midrash *Genesis Rabba* 92:7 that there are 10 *qal vachomer* arguments in the Tanakh. In ancient times, it was apparently always assumed that the number of instances is literally *only* ten; significantly, no larger number is mentioned in any known text from that era. It is only in more recent times that commentators have noticed other instances of *qal vachomer* than those initially listed in the Midrash and begun to wonder why the Midrash did not include them. That question is, of course, very pertinent. Einhorn tries to answer it by claiming without any written evidence whatsoever that the authors of GR knew that there are more than ten cases, but intentionally limited their list to ten.

Let us first address Einhorn's boast of having himself found about 40 instances of Biblical a fortiori argument, in addition to the ten given in GR. Note that this claim was made in the first half of the 19th Cent. Unfortunately, Gabay did not find a list of those alleged forty cases; presumably it was never published; or if it was, the relevant text is now lost. In the absence of a written list, we cannot reasonably take for granted that Einhorn did indeed find forty more cases. Keep in mind that we cannot assume offhand that Einhorn's alleged forty new cases were all indeed formally valid and explicit a fortiori arguments; some may have been merely implicit, and some may have been invalid. Why does he say "about forty" rather than give an exact number? This is suspicious, suggesting he did not carefully consider the apparent cases but only glanced at them superficially. We need to see them before we can admit them. An unverifiable claim is an irrelevant claim.

Looking at the rest of Einhorn's commentary, if we read his statement that "all the above is already contained in the words of the *Yefeh Toar*" as an explanation of why he did not publicly propose a list of 40 additional *qal vachomer* cases, i.e. as a suggestion that these cases were all already listed by YT, we find it factually wrong. The YT list known to us includes only 13 extra cases, far from the 40 he claims to know. We can assume from his discourse that he did indeed read YT (published over two centuries earlier). If he really had 40 cases listed in his notebook, he would have surely hastened to inform his readers of the 27 cases not found in YT. His not doing so is itself "a mystery."

Note in passing that there is no evidence that Einhorn knew of the list published relatively recently by his older contemporary and compatriot Katzenellenbogen (in *Netivot Olam*, 'NO'), which included 5 new cases not listed in YT. Maybe he did, since he lived in Vilna simultaneously for many years (from 1830 till his death),

and since the two writers published their work there (respectively, in 1822 and 1839); but he does not apparently (to my knowledge) mention it anywhere. In any event, even if he did mention it somewhere, it is still a mystery why he did not make public his list of 22 additional cases (40 minus 13 of YT minus 5 of 'NO'). I mean, it would have only taken him a few minutes and a few lines to add this valuable information to his book.

Perhaps, then, Einhorn's "all the above" does not refer to the statistical information, but only concerns his reflections concerning "the main intention of the Sages who enumerated these KVs," i.e. the ten cases in GR. Einhorn claims (perhaps he was following and improving on the suggestion made centuries before in *Yalkut Shimoni*) that these ten are "unique" in their ability to teach us "how to reason" by means of a fortiori argument. Other examples just serve "to reinforce the subject" and were "not intended to convince and cannot be used as a learning model." These claims are all bunkum, sorry to say so bluntly. He certainly does not clarify them or demonstrate them. It is clear from them that he did not fully understand the nature of a fortiori argument.

It is additionally clear from Einhorn's description of a fortiori argument[78], as reasoning "from a minor premise to a major premise and from a major one to a minor one," that he did not really understand it. This misunderstanding on Einhorn's part raises doubt regarding his ability to judge what is a fortiori and what is not. To be precise, a fortiori inference proceeds from a major premise and a minor premise to a conclusion. Such inference may be, for a given major premise, from the minor term in the minor premise to the major term in the conclusion, or from the major term in the minor premise to the minor term in the conclusion.

Einhorn's proposed explanation why the Midrash lists only ten instances of *qal vachomer* is that these ten were necessary and sufficient to teach a fortiori argument, while those not enumerated were useless or at least unnecessary in this regard. I would criticize that explanation as follows. On the surface, it is mere apologetics, designed to defend the myth of infallibility and omniscience of the rabbis of antiquity; but its practical motive is to allow Einhorn to look for and find new cases without seeming to contradict traditional belief in just ten cases. Whatever its motive, it is methodologically mere conjecture on Einhorn's part that the past rabbis (whoever among them authored GR) knew of his putative forty additional cases; he cites no ancient text in support of that claim, and without such evidence it is gratuitous.

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78 Assuming Gabay's translation accurate.

Moreover, analysis of the ten cases, *with regard both to logical form and to language used*, does not confirm the special status of didactic models that Einhorn claims they have. In my 1995 book *Judaic Logic* (JL), chapter 3, I show that there are only four forms of logically valid a fortiori argument: the positive and negative subjectal forms (in which the major and minor terms are subjects) and the positive and negative predicatal forms (in which the major and minor terms are predicates). The fact is that the GR list of ten cases (luckily) does indeed include samples of all four valid forms (viz. **+s**, **-s**, **+p**, **-p**). However, if the purpose of listing ten was a logical teaching, four cases would have sufficed and six cases were obviously redundant.

In JL, chapter 5, I engage in linguistic analysis of the ten cases. The language used in them includes various if-then expressions like *hen* or *ki* with *ve-ekh*, *hen* or *hine* with *af ki* or *ve-af-ki*, and *ve* with *ha-lo*. I there used these expressions to find additional cases of *qal vachomer* argument, so they were indeed useful as models in my research. However, some of these expressions are repeated in the list of ten (e.g. *hen/ve-ekh*), so the ten cases were not all needed. Furthermore, I found many additional cases which did *not* involve the language used in the ten, so that list was *not* linguistically comprehensive and capable of pointing us to all other cases.

Therefore, Einhorn's claim that the given ten cases were intended and needed as models is spurious.

As regards Einhorn's claim that cases of Biblical *qal vachomer* not included among the ten of GR just serve "to reinforce the subject" and were "not intended to convince" or to be "used as a learning model" – it is quite meaningless. What does "reinforce the subject" mean? What subject is he referring to? And don't the ten cases "reinforce the subject," whatever that means, too? What does "not intended to convince" mean? Don't all arguments intend to convince? Also, in what way are the features of "reinforcing the subject" and "not intended to convince" tied together? Why are only the ten cases able to be "used as a learning model"? What is missing in the others for that didactic purpose? Bizarre claims like those are just make-believe, just fanciful nonsense. They were invented by Einhorn *ad hoc* in order to give a false impression (to the uninitiated) that abstract logical criteria were applied by him.

Note well that nowhere does Einhorn actually show how his alleged categories (viz. reinforcing subject, not intending to convince, not useable as learning models) would apply literally and exclusively to all cases of Biblical *qal vachomer* not included in the ten. He applies them to only one case, namely Ezek. 15:5. Clearly, he made them up and tailored them only for that specific purpose. To clarify and

truly prove his theory, he would have had to actually list literally all cases, or at least the 40 he claimed to know; and then shown the said categories to be applicable to them all. This he evidently never did. Thus, not only were his categories meaningless, but his theory was not properly tested and verified.

In conclusion, so far as we know from the extant published evidence, Einhorn can only claim a single Biblical a fortiori finding of his own, viz. the **Nehemiah 13:26-27** case. However, though he apparently thought this was an original finding of his (which, however, as we shall soon see, he paradoxically tried projecting into the ancient GR list of ten), because it was not included in the list of his predecessor Ashkenazi (which he knew of – nor for that matter in that of Katzenellenbogen, which he did not apparently know of), he was *not* in fact the 'historic first' to mention it. The first commentator to ever mention it was none other than Rashi, as we have seen (in chapter 6, above). Since he apparently (so far as I know) does not mention Rashi as his source for this case, we can reasonably regard it as an 'independent' finding of his (unless information to the contrary emerges in time).

Let us now consider Einhorn's treatment of Ezek. 15:5. As we have seen earlier, the 11th-14th Cent. Midrashic work called *Yalkut Shimoni* (YS) declares that there are ten *qal vachomer* arguments in the Tanakh, but then lists only nine of those given in GR, leaving out Ezek. 15:5. As already pointed out, this omission may have been quite unintentional and most probably was. But Einhorn pounces on it, apparently following a suggestion in *Yefeh Toar* (YT) that this case might have been an addendum by some later scholar. He pushes the speculation further, claiming the omission by YS was intentional and pretending to know precisely why. In his opinion, this case is "obviously" distinct from the other nine and should on this basis be dropped out and replaced by another. Here is the verse in question:

Ezekiel 15:5. "Behold (*hine*): when (*be*) it [the vine-tree] was whole, it was not meet for any work; how much less (*af*): when (*ki*) the fire hath devoured it and (*ve*) it is burned, shall it then (*ve*) yet be meet for any work?" (brackets mine).

My paraphrase: The speaker is God and He is forewarning the inhabitants of Jerusalem (here symbolized by the vine-tree) of coming destruction. He says: A whole vine-tree (P) is in better condition (R) than a thoroughly burnt one (Q) (tacit major premise); whence if when still whole the vine-tree was not in good condition enough to be useful (S) (minor premise), it follows that now, when thoroughly burnt, it is not in good condition enough to be useful (conclusion).

This is a formally valid and sufficiently explicit negative subjectal (**-s**) a fortiori argument. Note that the argument does not seem intended as an a crescendo one,

judging by the Hebrew original; that is to say, the wood was just as useless (not meet) in the minor premise (when the wood was still whole) as it becomes (rhetorically put, yet meet?) in the conclusion (when the wood is burned out) – i.e. the subsidiary term involved remains the same. But even if we take the argument as a crescendo, as Einhorn seems to, and assume that the whole wood still had some utility, whereas the burned wood has none left, there is no logical basis for rejecting the argument. It remains valid (**-s&**).

The fact that the wood is finally *valueless* does not make the argument less formally valid – it is merely a material issue. The form is not affected by the content, contrary to what Einhorn seems to imagine. The zero value of the end result does not cause the subject to be "reinforce[d]," whatever that might mean (he does not say), and the argument is no less "convincing" than it would be if there was some residual value. Einhorn's attempted differentiation of this case from the others is pure fantasy. Moreover, there is one other negative subjectal (**-s**) case in the GR list of ten cases – namely Ex. 6:12. In this case, the conclusion is that Pharaoh will not 'listen' to Moses, either not much or not at all. Here, too, as in Ezek. 15:5, the result could be viewed as valueless; yet Einhorn does not reject this formally similar case.

In truth, every valid a fortiori argument is equally informative and forceful. As I fully demonstrate in my detailed 2013 study of a fortiori logic (AFL), this form of reasoning allows for any value whatever in the conclusion (as indeed in the minor premise) – a positive value, a zero value, and even a negative value[79]. All that matters logically is that the comparison declared in the major premise (which may even be egalitarian, of course) is adhered to in the minor premise and conclusion. There is no formal control over the material content. Einhorn evidently did not realize that.

The motive behind Einhorn's elaborate spin concerning Ezek. 15:5, the real reason for his attempt to eject it from the GR list of ten, is that he wants to replace it with the one case he believes he discovered, namely Nehem. 13:26-27. His downgrading of the former is merely a pretext to make possible his upholding of the latter. He claims that "after some research" he came to believe that this new case ("which would seem to be an argument designed to convince") was the most fitting replacement for the one he (willfully) ejected. What "research" exactly? He does

[79] "An (inclusive) range R may have any value from minus infinity through zero to plus infinity" (AFL, chapter 1.4). R here refers to the middle term, which in the major premise relates the major (P) and minor (Q) terms, and in the minor premise and conclusion relate these two terms, through sufficiency of the middle, to the subsidiary term (S).

not say. What sort of "research" could conceivably result in such a conclusion? He does not say.

Moreover, he does not state why he chose this one particular argument, i.e. Nehem. 13:26-27, as a fitting substitute for Ezek. 15:5, *rather than any of the other 39 or so arguments* he claims (without providing evidence) to have found. He does not say in what way this pet *qal vachomer* of his is to be viewed as superior to them all, and thus more worthy of inclusion in this ancient list of ten than them. All he says to justify his choice is that it was made: "after some research" – but such a vague statement is obviously insufficient. His proposal must therefore be regarded as arbitrary and without credibility.

And of course, we must question Einhorn's right to modify the list of ten given in a Midrash (GR) written a millennium and a half before he was born! Earlier on, he was seemingly defending the received GR text; now he is trying to put it in doubt and correct it, effectively denying an ancient tradition, basing his initiative on very tenuous grounds.

It is also worth noting the fact that Einhorn does not just propose the Nehemiah case as an eleventh case, but tries to insert it as one of the original ten. This shows incidentally that he is aware that the ancient tradition of ten was a tradition of *davka* ten, i.e. 'only ten' – and not 'ten and more'. Moreover, since, as far as Einhorn knew, the Nehemiah case was an original discovery of his (indeed the only one he explicitly presented), because predecessors known to him did not mention it before him, he should have reasoned that it was very unlikely that this case would have ever been part of the ancient list of ten!

A better candidate, surely, would be Gen. 4:24, which was known centuries before the *Yalkut Shimoni* omission, having been mentioned in GR outside the list of ten, then in the *Avot de-Rabbi Nathan* (ARN) as one of five instances of *qal vachomer* in the Pentateuch, and in a commentary *ad loc.* by Rashi. But the safest course, I suggest, is to leave well enough alone and accept Ezek. 15:5 as one of the ten cases. The reason cited for wanting to eject this case is simply too flimsy.

One more note concerning Einhorn. In my 2013 list of Biblical a fortiori argument (in AFL), I wrongly attributed all the cases listed by Louis Jacobs (other than those of GR) to him, labeling them all as WE (for Wolf Einhorn). This error was due to my misreading Jacobs's essay on this subject (see my fuller explanation further on, in the section devoted to Jacobs). I relabel the cases concerned as LJ in the present essay.

10. R. Mattityahu STRASHUN

R. Mattityahu Strashun (MS, b. 1817, in Vilna, in Russian Lithuania, d. 1885)[80] wrote ***Mattat Yah*** ("Gift of God," abbrev. MY), published posthumously in Vilna, 1892 (composed 1838-78)[81]. This author can be credited as the one, among those here considered, who has listed the most Biblical a fortiori arguments.

Gabay reports that **twenty-three instances** of *qal vachomer* in the Tanakh are listed (p. 21) in this work (besides the 11 instances given in Midrash GR), and so can be attributed to Strashun. But another twenty instances can be added to his list, namely all those included in Katzenellenbogen's list (see chapter 8, above), because we know that Strashun read and commented on the latter's work.

The 23 claimed by Strashun are: **Judges 14:16; 1 Samuel 14:39; 2 Samuel 11:11; 2 Kings 5:12, 5:13, 18:23-24, 18:35; Isaiah 1:3, 10:11, 20:6, 36:8-9 (repeat of 2K18:23-24[82]), 36:20 (repeat of 2K18:35[83]); Jeremiah 2:11, 8:7, 25:29, 45:4-5, 49:12; Ezekiel 3:4-7,** 23:39-40**; Jonah 4:10-11; Job 9:13-14,** 28:17**; Nehemiah 13:26-27**. However, I do not recognize as valid and explicit two of these cases, namely: Ezekiel 23:39-40 and Job 28:17; so, the real count for Strashun is only 21 cases. To which, of course, we can add Katzenellenbogen's 20 cases, making 41 in all. Add to that the 11 of GR, the grand total is 52 cases.

With regard to the 21 cases, it appears that *14 of them are 'historic firsts'*, namely: Judges 14:16; 1 Samuel 14:39; 2 Samuel 11:11; 2 Kings 5:12, 18:23-24, 18:35; Isaiah 1:3, 10:11, 36:8-9, 36:20; Jeremiah 2:11, 8:7; Ezekiel 3:4-7; Jonah 4:10-11. Another 7 are possible 'independent finds' by Strashun, namely: 2 Kings 5:13, Isaiah 20:6; Jeremiah 25:29, 45:4-5, 49:12; Job 9:13-14; Nehemiah 13:26-27; because they were not listed by Katzenellenbogen. The first and last of these were first flagged by Rashi; and the other five were previously listed by Ashkenazi, but since we cannot yet determine whether Strashun was aware of those earlier

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[80] https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/strashun-mathias.
Also, https://publishup.uni-**p**otsdam.de/opus4-ubp/frontdoor/deliver/index/docId/41778/file/pardes24_S.27-45.pdf.

[81] https://beta.hebrewbooks.org/6310.

[82] Word for word, except that Isaiah has *ha-melekh*, where Kings has *et-melekh*.

[83] Word for word, except that Isaiah has an extra word, *ha-eleh*.

discoveries, we must categorize them as 'independent'[84]. Additionally, as already mentioned, we can attribute to Strashun, under the heading of 'derived', the 11 cases of GR and the 20 cases of Katzenellenbogen.

We now need to look more closely at the above-mentioned 14 'historic first' cases. My list of 2013 (reproduced above, in chapter 3) includes (of course, long after) and analyzes 4 of them, namely: Judges 14:16, 2 Kings 18:23-24, Isaiah 36:8-9, and Jonah 4:10-11; so, these need not be examined again here. This leaves us with 10 new cases to examine here, namely: 1 Samuel 14:39; 2 Samuel 11:11; 2 Kings 5:12, 18:35; Isaiah 1:3, 10:11, 36:20; Jeremiah 2:11, 8:7; and Ezekiel 3:4-7.

1 Samuel 14:39. "Though (*ki*) it [the crime of eating despite the king's prohibition (in v. 24)] be in Jonathan my son, (*ki*) he shall surely die" (brackets mine).

My paraphrase: Saul is apparently saying: My son (P) is to me worth (R) more than anyone else (Q) (tacit major premise); whence it follows that if my son is not worth enough to me to escape my killing him if he ate (S) (minor premise), then no one else is worth enough to me to do so (conclusion). This is a negative subjectal (**-s**) a fortiori argument. Note that, according to Gabay, Strashun views it as "*satum*" (only implicit); but I disagree, because there is no alternative interpretation of Saul's words (his mention of Jonathan) – so, I take it as explicit.

2 Samuel 11:11. "And Uriah said unto David: 'The ark, and Israel, and Judah, abide in booths; and my lord Joab, and the servants of my lord, are encamped in the open field; shall (*va*) I then go into my house, to eat and to drink, and to lie with my wife?'"

My paraphrase: Uriah is saying: The rest of the army etc. (P) are more worthy (R) than me (Q) (tacit major premise); whence it follows that if they are not worthy enough to merit listed pleasures (S) (minor premise), then I am not worthy enough to merit such pleasures (conclusion). This is a negative subjectal (**-s**) a fortiori argument.

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[84] Unless Strashun has somewhere written having learned one or both of the said 2 cases from Rashi's Torah commentary, we must assume that he did not. Likewise, regarding the 5 cases previously found in Ashkenazi's work, we do not know at this stage whether or not Strashun knew the work of Ashkenazi. If we find that he did, then these 5 cases should be counted as derivative; but if we find that he did not, they should be counted as independent. I have assumed the latter until the matter is settled. Note that all cases found in Ashkenazi are found in Strashun, so it may well be that the latter got them from the former; but it may also be a coincidence. With regard to the Nehemiah case, note that Strashun may have learned it from Einhorn, since both lived for many years in Vilna and published there, and Einhorn published well before Strashun.

2 Kings 5:12. "'Are not Amanah and Pharpar, the rivers of Damascus, better than all the waters of Israel? may I not (*ha-lo*) wash in them, and (*ve*) be clean?' So, he turned, and went away in a rage."

My paraphrase: Naaman is saying: The rivers of Damascus (P) are better (R) than all the waters of Israel (Q) (major premise); whence it follows that if Damascus rivers, in which I have often bathed, were not good enough to heal me (S) (minor premise), the waters of Israel cannot be good enough to do it (tacit conclusion, implied by his turning away angrily without bathing). This is a negative subjectal (**-s**) a fortiori argument. Note the use of the key word *ha-lo*, often found in Biblical *qal vachomer* argument.

This reading is based on that of the 10th Cent. commentator ibn Janakh, in *Sefer Harikma,* p. 21, which Gabay has drawn my attention to and clarified[85]. At first sight, Naaman's statement seems to imply that he will (future tense) go back to Damascus and try bathing there, instead of in Israel's Jordan river. That is, he is saying (with the same major premise): If the waters of Israel are good enough to heal me (tacit minor premise), then Damascus water is good enough for that (conclusion); so, I prefer to go there. This would make it a positive subjectal (**+s**) a fortiori argument. However, Ibn Janakh understands[86] Naaman as rather saying that he has (past tense) often before bathed in Damascus waters without getting healed and therefore does not believe bathing in the Jordan, whose water he believes less powerful, would heal him. I agree that this interpretation makes more sense. As ibn Janakh points out, Naaman at this stage imagines the promised healing is a physical power of water; although later when he bathes in the Jordan and is healed, he clearly realizes the cure was a miracle from the God of Israel.

2 Kings 18:35. "Who are they among all the gods of the countries, that (*asher*) have delivered their country out of my (the king of Assyria's) hand, that (*ki*) the LORD should deliver Jerusalem out of my hand?'" (brackets mine).

My paraphrase: Rabshakeh, in the name of the king of Assyria: The gods of the already-conquered other countries (P) are stronger than or as strong as Israel's God (Q); whence, if the gods of the already-conquered other countries were not strong (R) enough to prevent my conquests (S), then Israel's God is not strong enough for

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85 Gabay also draws attention to Redak's comment on this verse, which presumably goes in the same direction.

86 Ibn Janakh takes the letter *vav* (the word 'and' in our translation) as indicative here of a fortiori argument, i.e. as meaning 'all the more so' (*kol sheken*). That is, the if-then couple are here *ha-lo/ve*.

that. This is a negative subjectal (**-s**) a fortiori argument. The tacit major premise of course reflects the Assyrian's belief system.

Isaiah 1:3. "The ox knoweth his owner, and the ass his master's crib; but Israel doth not know, My people doth not consider."

My paraphrase: God is saying: The people of Israel (P) are (i.e. should theoretically be) smarter (R) than lowly animals like oxen or asses (Q) (tacit major premise); whence it follows that if the animals are smart enough to obey their masters (S), the people should (in principle) be smart enough to obey their master (God). This is a positive subjectal (**+s**) a fortiori argument, which can be regarded as explicit because only thus can the mention of ox and ass be explained.

God goes on, saying effectively that since His people are not smart enough to obey Him, they are less smart than animals. That is, by denying the conclusion of the *qal vachomer*, He refutes the major premise of the theoretical argument initially put forward. This is not an additional a fortiori argument, but only the neutralization of one. The purpose of such discourse is to shame the people for their bad behavior, and entice them to improve their ways.

Isaiah 10:11. "Shall I not (*ha-lo*), as (*ka-asher*) I have done unto Samaria and her idols, so (*ken*) do to Jerusalem and her idols?"

My paraphrase[87]: according to God, Sennacherib (the Assyrian king) is thinking that if Samaria's idols (Q) were weak (R) enough to allow its and their destruction (S) (minor premise), then Jerusalem's idols (P) will be weak enough for the same outcome (conclusion). The tacit major premise is that Jerusalem's idols are the same as Samaria's (and therefore they are equally weak). This is a positive subjectal (**+s**) a fortiori argument. Notice that the proposed major premise is *egalitarian*, based on Rashi's commentary (to v. 10) that the graven images of the regional nations were "from Jerusalem and from Samaria;" which is why the king reasoned: "since the worshippers of the graven images of Samaria and Jerusalem fell into my hands, and their graven images did not save them [i.e. the nations], so will Samaria and Jerusalem not be saved." Samaria having fallen, Jerusalem was bound to likewise fall. Rashi does not flag v. 11 as a fortiori discourse. Note in passing the use of the keyword *ha-lo*.

Isaiah 36:20. "Who are they among all the gods of these countries, that (*asher*) have delivered their country out of my hand, that (*ki*) the Lord should deliver Jerusalem out of my hand?"

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[87] Gabay told me that the *qal vachomer* involved is clarified in the commentaries Redak and *Metzudot David* to v. 10. But I have not seen these commentaries so far.

My paraphrase: This verse is the same as 2 Kings 18:35, and in both Rabshakeh effectively says, in the name of the king of Assyria: The gods of other countries are, in their powers, equal to or greater than the God of Jerusalem (tacit major premise); whence it follows that if the other gods (P) were not strong (R) enough to prevent my conquests (S) (minor premise), then Jerusalem's God (Q) is not strong enough for that (conclusion). This is a negative subjectal (**-s**) a fortiori argument.

Note additionally, in this context, 2 Kings 19:17-18: "Of a truth, Lord, the kings of Assyria have laid waste the nations and their lands, and have cast their gods into the fire; for they were no gods, but the work of men's hands, wood and stone; therefore, they have destroyed them." This statement by Hezekiah, while admitting the minor premise of the preceding a fortiori argument, refutes its tacit major premise, so as to reject its conclusion. Needless to say, the earlier argument was formally valid, even if it involved false content; Hezekiah is not making an a fortiori argument, but only neutralizing one.

Jeremiah 2:11. "Hath a nation changed its gods, which yet are no gods? But (*ve*) My people hath changed its glory for that which doth not profit."

My paraphrase: God is saying: Israel's God (P) has more credibility and worth (R) than the gods of all other nations (Q) (tacit major premise); whence it follows that if the gods of other nations are credible and worthy enough to remain unchanged by their nations (S) (minor premise), then Israel's God is (i.e. should be) credible and worthy enough to remain unchanged by His nation (conclusion). This is a positive subjectal (**+s**) a fortiori argument. The explicit a fortiori intent of this verse is evident from the comparisons it makes.

God pursues his argument by observing that His people have abandoned Him for lesser values. This denies the conclusion of the *qal vachomer*, and thus refutes the major premise initially put forward, thereby implying that Israel does not value its God as the other nations value their gods. This is not an additional a fortiori argument, but only the neutralization of one. The purpose of such discourse is to shame the people for their bad behavior, and entice them to improve their ways.

Jeremiah 8:7. "Yea (*gam*), the stork in the heaven knoweth her appointed times; and the turtle and the swallow and the crane observe the time of their coming; but (*ve*) My people know not the ordinance of the Lord."

My paraphrase: God is arguing: His people (P) is, in principle, more cognitively efficacious (R) than animals like the stork, the turtle or the crane (Q) (tacit major premise); whence it follows that if the said animals are cognitively efficacious

enough to know certain facts relevant to them (S) (minor premise), then God's people are (i.e. should be) cognitively efficacious enough to know certain facts relevant to them (conclusion). This is a positive subjectal (**+s**) a fortiori argument.[88]

God goes on to point out that His people in fact do not know certain facts relevant to them (denial of conclusion), and thus puts in doubt the theoretical claim that they are intellectually superior to animals (refutation of major premise). This is not an additional a fortiori argument, but only the neutralization of one. The purpose of such discourse is to shame the people for their bad behavior, and entice them to improve their ways.

Ezekiel 3:4-7. "**4** And He said unto me: 'Son of man, go, get thee unto the house of Israel, and speak with My words unto them. **5** For (*ki*) thou art not sent to a people of an unintelligible speech and of a slow tongue, but to the house of Israel; **6** not to many peoples of an unintelligible speech and of a slow tongue, whose words thou canst not understand. Surely, if I sent thee to them, they would hearken unto thee. **7** But (*u*) the house of Israel will not consent to hearken unto thee; for they consent not to hearken unto Me; for all the house of Israel are of a hard forehead and of a stiff heart."

My paraphrase: God is saying[89]: The house of Israel (P) is more intelligent (R) than certain other peoples (Q) (major premise, in v. 5); whence it follows that if these other peoples are intelligent enough to listen to the words I send through you (S) (minor premise, in v. 6), the house of Israel is (i.e. should be) intelligent enough to listen to My words (tacit conclusion). This is a positive subjectal (**+s**) a fortiori argument.

God goes on to predict that His people in fact will not obey Him (denial of conclusion, in v. 7), and thus puts in doubt the theoretical claim that they are more intelligent (refutation of major premise). This is not an additional a fortiori argument, but only the neutralization of one. The purpose of such discourse is to shame the people for their bad behavior, and entice them to improve their ways.

Now, regarding the two cases in Strashun's list that I have **rejected**:

Ezekiel 23:39-40. "For when they had slain their children to their idols, then they came the same day into My sanctuary to profane it; and, lo, (*ve-hine*) thus have they done in the midst of My house. And furthermore (*ve af ki*) ye have sent for men that

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88 Compare Isaiah 1:3 and other similar arguments.

89 Note that Strashun has only 3:6-7; but I think that 3:4-5 are necessary to fully grasp the argument.

come from far; unto whom a messenger was sent, and, lo, (*ve-hine*) they came; for whom thou didst wash thyself, paint thine eyes, and deck thyself with ornaments..."

This case was previously advocated by Rashi. I have already shown in the section concerning him (chapter 6, above) that it does not qualify as a fortiori argument, explicit or implicit.

Job 28:17. "Gold and glass cannot equal it [i.e. wisdom]; neither shall the exchange thereof be vessels of fine gold" (brackets mine).

My analysis: This verse is stating that gold and glass *are inferior in value* to wisdom, and moreover[90] that wisdom *cannot be purchased with* vessels of fine gold. I do not see an a fortiori argument in that. Simply read, in the first half wisdom is estimated as worth more than gold and glass, and in the second half it is declared that wisdom cannot be obtained by means of vessels of pure gold. The two halves of the verse are not in opposition, but merely reiterate the same thought in different ways, namely that wisdom is not a material commodity. There is no indication here that 'gold and glass' are somehow inferior to 'vessels of fine gold', leading to some sort of a fortiori argument with these terms in the major premise[91]. The verse does not aim to compare these two terms, and then formulate an a fortiori argument, but only to variously weigh them against wisdom.

The context of this verse is all poetic praise of wisdom, in a way typical of Hebrew poetry (saying something and emphasizing it with another similar statement in other words, and in some cases with a superlative). The form and message of the adjacent verses, before and after it, seem no different: "It cannot be gotten for gold, neither shall silver be weighed for the price thereof. It cannot be valued with the gold of Ophir, with the precious onyx, or the sapphire... No mention shall be made of coral or of crystal; yea, the price of wisdom is above rubies. The topaz of Ethiopia shall not equal it, neither shall it be valued with pure gold." In short: wisdom is priceless. If v. 17 is spun as an a fortiori argument, then so might verses 15, 16, 18, and 19, be. Certainly, anyway, if an a fortiori argument was intended, it could only at best

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90 Note that the translation applies the same initial negative, *lo*, to both halves of the verse. It is not repeated in the original Hebrew but (credibly) taken as tacitly intended.

91 We could say that the proposition 'wisdom cannot be bought with vessels of fine gold' implies the proposition 'vessels of fine gold are less valuable than wisdom'. Or we could say that 'gold and glass are less valuable than wisdom' implies 'wisdom cannot be bought with gold and glass'. In either event, the two halves of our verse become comparable. But since 'gold' is a generic term and 'vessels of fine gold' is a specific one, they still cannot be placed as respectively minor and major terms. We would have to take 'gold and glass' together as the minor term – but what does this compound term signify? Clearly, any attempt to formulate a major premise with these terms seems incredible.

be classified as ‘implicit’ (*satum*), in view of the possibility of interpreting the text very differently; that is, as simply not a fortiori.

I asked Gabay to respond to these doubts of mine. He brought to bear several possible explanations given in commentaries and some of his own. However, as I replied to him in detail, none of these suggestions succeed in credibly turning v. 17 into an a fortiori argument. I do not include the full conversation here, because it is rather long-winded and finally not very important. Every attempt to force this verse into some sort of a fortiori format is artificial. People tried and tried, apparently because someone first suggested this verse was *qal vachomer*, but it is a silly quest. The natural reading is poetic, as mentioned above. To conclude: I do not accept Job 28:17 as an explicit *qal vachomer*.

11. R. Chaim HIRSCHENSOHN

R. Chaim Hirschensohn (HH, b. 1857 in Safed, d. 1935)[92] wrote ***Berure HaMidot*** ("Clarifications of the Hermeneutic Principles," abbrev. BM), published in Jerusalem, 1928[93]. This seems to be the earliest 20th Cent. author on this subject.

Gabay reports that Hirschensohn's work (on p. 41) lists **19 instances** of *qal vachomer* **in the Torah**. However, as I show in detail further on, this number is misleading. Five cases were already known since antiquity (GR, ARN), namely: **Genesis 4:24, 44:8; Exodus 6:12; Numbers 12:14; Deuteronomy 31:27**. Two other cases were derived from Rashi, viz. **Genesis 6:3** and 6:9, the former being valid and explicit, but the latter rejected by me as only implicit. Two other cases were derived from Katzenellenbogen, viz, Leviticus 10:19 and **Deuteronomy 32:39**, the former rejected by me as at best implicit, while the latter was admitted by me as valid and explicit. Another three cases were upon examination rejected by me: one (mentioned long ago in GR), viz. Genesis 17:20-21, because only implicit; and two (newly proposed by Hirschensohn), viz. Genesis 3:1 and 27:37, because I could not see any a fortiori intent in them.

Consequently, in my estimate, *only 7 cases* can be attributed, wholly or partly, to Hirschensohn as '*historic firsts*', namely: **Genesis 3:22-23**, **4:14, 11:6, 14:23, 17:17, 39:8-9,** and **Exodus 6:30**. Note that all these cases are from the Torah proper, not from the Tanakh. This is not accidental. As Gabay observed: "H is trying to find 10 KV in the Torah itself – not in the Prophets and writings, so he does not expend that much energy on Nakh." We shall return to this central feature of Hirschensohn's research further on.

However, the above attribution of seven new cases to Hirschensohn is a generous assessment that needs to be qualified considerably. As I show below, only three of these cases are entirely attributable to him, viz. Genesis 14:23, 17:7, 39:8-9. Four other cases, viz. Genesis 3:22-23, 4:14, 11:6, and Exodus 6:30, were rightly flagged

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92 https://en.wikipedia.org/wiki/Chaim_Hirschensohn.

93 https://hebrewbooks.org/3094.

as *qal vachomer* by Hirschensohn, but wrongly formulated by him and had to be rectified by me to be made credible.[94]

I would add to Hirschensohn's list of '*historic first*' Torah cases, *an 8th case*, viz. **Genesis 18:12**. Although it was *not* (to my knowledge) spotted by him, I propose to add it to his list because it is thanks to his discovery of Genesis 17:17 that I noticed the analogous argument in 18:12.[95]

It should additionally be noted that, until we learned from Hirschensohn of the *qal vachomer* in Genesis 6:3, we were not aware that Rashi had spotted this case. Therefore, although Hirschensohn did not discover this case, he should still be credited with drawing our attention to it (in Rashi's name). This case falls under the category of 'derived' for Hirschensohn, of course. It should be noted that Hirschensohn evidently did not systematically look for all the cases flagged by Rashi (see chapter 6), and so missed many he could have learned from him. However, the explanation may be that Rashi did not find any new Torah cases, and these were the cases of principal interest to Hirschensohn.

The majority of other cases mentioned by Hirschensohn were derived from Ashkenazi and Katzenellenbogen; surprisingly, however, he does not mention all the cases flagged by these two authors (see chapters 7 and 8), which suggests that he did not fully peruse their work (assuming Gabay's research was thorough). He also refers to Einhorn, with much admiration, but it is not clear what he learned from him since Einhorn has not published a list (see chapter 9). Surprisingly, Hirschensohn nowhere mentions Strashun's work, so he does not seem to have known of this author's many discoveries (see chapter 10)[96].

As already mentioned, Hirschensohn did not apparently search for new instances of *qal vachomer* **in the Nakh** (the Biblical books after the Torah), because he was especially interested in the Torah proper. Instead, he referred briefly to work in this field by Ashkenazi and Katzenellenbogen. According to Gabay, he only mentioned (on pp. 44-45) the **22 cases** found in these two authors' works listed below. The fact that these are not all the cases listed by these authors means that we cannot assume that Hirschensohn was aware of those not specifically listed.

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94 For these reasons, in the general list of Biblical a fortiori arguments given above in chapter 3, I identify the former three cases as "First found by HH" and the latter four as "First found by HH/AS."

95 I therefore, to be fair, label this case as "First found by HH/AS."

96 I specifically asked Gabay to double-check this fact and he confirmed it.

Gabay reported that Hirschensohn cited 5 cases found *in Ashkenazi's work*, namely: **Isaiah 20:6; Jeremiah 25:29, 45:4-5, 49:12; Job 9:13-14**. These are all cases already known to us and validated. One of them, viz. Job 9:13, was found by Rashi before Ashkenazi; and the other four were newly found by Ashkenazi. It is interesting to note that these five cases in Ashkenazi, and only them, were not later mentioned by Katzenellenbogen[97].

Gabay also reported that Hirschensohn cited 18 cases found *in Katzenellenbogen's work*, namely: **Deuteronomy 32:39; 1 Samuel 14:29-30; 2 Samuel** 10:16, **12:18, 16:11; 1 Kings 8:27; 2 Kings 10:4; Ezekiel 33:24; Psalms 25:8-9, 78:20; Proverbs 15:11, 19:7a, 19:10, 21:27; Job 4:18-19, 15:15-16, 25:5-6**, plus one of the following two: initially, Gabay listed Proverbs 10:17 (without specifying its a fortiori intent) as the 18th case, but in a later listing he omitted it without explanation, and instead listed Proverbs 19:7b (again without specifying its a fortiori intent) as the 18th case. I asked him to clarify this inconsistency, but he did not reply[98].

Of the said 19 cases, I confirm 16 as valid. Two valid cases, viz. Deuteronomy 32:39 and Psalms 25:8-9, we did not have in our listing for Katzenellenbogen (or anyone else), and added them on to it ex post facto. Two valid cases, viz. 2 Samuel 12:18 and Psalms 78:20, we did not have in our listing for Katzenellenbogen, but did have them for Strashun and me (in JL), respectively. Two more valid cases are already known to us as first appearing in Katzenellenbogen's listing, viz. 1 Samuel 14:29-30 and 2 Samuel 16:11. Ten more valid cases were already known to us as listed by Katzenellenbogen but not as the first: two preceded by Rashi only: Ezekiel 33:24 and Proverbs 19:7a; four preceded by Rashi and Ashkenazi: Proverbs 15:11, 19:10, 21:27; Job 15:15-16; and four preceded by Ashkenazi only: 1 Kings 8:27; 2 Kings 10:4; Job 4:18-19, 25:5-6. The three remaining cases, viz: 2 Samuel 10:16, Proverbs 10:17, and Proverbs 19:7b, which are new to us, I reject because I see no a fortiori intent in them.

As can be seen, Gabay did not previously include 4 cases in Katzenellenbogen's listing, viz. Deuteronomy 32:39, 2 Samuel 12:18, and Psalms 25:8-9, 78:20. I therefore ex post facto added them to it, as well as to Hirschensohn's list (and

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97 I asked Gabay to look for an explanation; he replied: "I have no idea why K missed these."

98 I must mention Gabay's non-reply to certain queries, to explain why there are some lacunae in my treatment of Hirschensohn. Unfortunately, after six months of friendly and fruitful cooperation, before the job we set out to do together was finished, R. Gabay suddenly stopped communicating, without any forewarning or apology, claiming (after I requested an explanation) to be too busy!

Strashun's and my accounts were accordingly corrected too, as appropriate). Also note that Hirschensohn did not always find the earliest mention of cases he listed. Thus, he did not notice various cases to have been previously known to Rashi only (2 cases), to both Rashi and Ashkenazi (4 cases), and to Ashkenazi only (4 cases). His missing out on 6 cases in Rashi shows that he did not always check out Rashi's commentaries; his missing out on 8 cases in Ashkenazi shows that he did not read his work very carefully and was content instead to accept Katzenellenbogen's claims without verification.

Summing up the above findings, we can say that Hirschensohn presented a list of 41 instances of Biblical a fortiori passages; of which, 19 were in the Torah and 22 were in the Nakh (5 in Ashkenazi and 17 in Katzenellenbogen). Hirschensohn regards these numbers as probably minima, since (Gabay told me) he says: "who can tell how many more *qal vachomer* can be found after more profound research?" (p. 44).

However, after careful scrutiny, I have recognized – as valid, explicit a fortiori argument – only the following cases. A total of only **15 cases in the Torah** proper, including the 5 from GR, 1 from Rashi, 1 from Katzenellenbogen, 7 historic-firsts by Hirschensohn, and **1** additional historic-first added on by me. To this we may add a total of only **26 cases in the Nakh**, including the 6 remaining cases from GR, 5 cases he found in Ashkenazi's work and 15 more he found in Katzenellenbogen's work. Thus, of the cases proposed by Hirschensohn, I have for one reason or another, *rejected 8 cases*, of which 5 Torah cases (1 from GR, 1 from Rashi, 1 from Katzenellenbogen, and 2 newly proposed) and 3 Nakh cases (also newly proposed). Thus, his valid list comprises only **40 cases** (not counting the **1 added** on by me) instead of 48 cases that he originally proposed (according to Gabay's reports).

The following is my **detailed analysis** – narrative, linguistic, and logical – of the above-mentioned eight historic-first cases of Biblical a fortiori argument in Hirschensohn's listing. Other cases mentioned by him, which I rejected for one reason or another, will be considered in equal detail after that.

Genesis 3:22-23. "Behold (*hen*), the man is become as one of us, to know good and evil; and now (*ve-atah*), lest he put forth his hand, and take also of the tree of life, and eat, and live forever. Therefore (*ve*), the Lord God sent him forth from the garden of Eden, to till the ground from whence he was taken."

Gabay reports that Hirschensohn, based on the Vilna Gaon's claim that use of the expression *hen* in a Biblical verse is indicative of *qal vachomer* intent, proposes the following reading of v. 22: "Behold, man has become like one of us, knowing good

and evil, even before eating of the tree of life – now, should he put forth his hand and take also of the tree of life – he will certainly become even more like us, and live forever."

The a fortiori argument proposed by Hirschensohn, more formally stated, is thus: Man prior to eating of the tree of life is godlike enough to know good and evil (minor premise); therefore, man after eating of that tree would be godlike enough to live forever (conclusion). The tacit major premise here is: Man after eating of the tree of life will be more godlike ("as one of us") than he is already before doing so; and the proportionality premise is that one's power may grow from 'knowing good and evil' to 'living forever' as one becomes increasingly godlike. This is a positive subjectal a crescendo argument (**+s&**).

However, as regards the language used in this passage, it is not *hen* alone, but the combination of *hen* and *ve-atah*, which together signal an if-then statement, that here indicate (if at all) an a fortiori discourse. Clearly, v. 22 cannot logically be comprehended without v. 23, because v. 22 says "and now (*ve-atah*)" implying some consequence, but leaves it unspecified, and it is only in v. 23 that the intended consequence is told. The sentence "lest (*pen*) he put forth his hand, etc." cannot be the intended follow-up of "and now (*ve-atah*)." So, there is an ellipsis at the end of v. 22, and v. 23 must be mentioned with it to make its intent explicit.

Note that Hirschensohn's *qal vachomer* reading does not mention or take into consideration v. 23. So, his interpretation is deficient and cannot be an accurate rendition of the narrative. We therefore need to formulate an a fortiori reading that integrates the whole narrative. But before proceeding further, let us take a look at the wider context.

The trees of life and of knowledge of good and evil are both first mentioned in Gen. 2:9. Then, in v. 16, man is allowed to eat of all trees; but in v. 17 eating of the tree of knowledge of good and evil is forbidden and the penalty for doing so is said to be death on that day. Note that the tree of life is not mentioned in this interdiction, so is presumably among the allowed trees. Gen. 3:1-5 tells the story of the temptation of Eve by the serpent, which ends in v. 6 with Eve and then Adam eating of the tree of knowledge of good and evil (this tree being alluded to v. 5 and in v. 6). Adam is then condemned to toil in verses 17-19. Finally, God in v. 22 reasons that if man, who has now acquired knowledge of good and evil, also eats of the tree of life, he will also life forever; so, in v. 23, man is expelled pre-emptively from Eden, and in v. 24 precautions are taken to prevent his return there.

I would infer from this narrative that the sentence of death (in 2:17) for eating of the tree of knowledge is in fact carried out by man's expulsion from Eden (in 3:23), to prevent him from eating (or continuing to eat) of the tree of life, making him mortal outside of Eden. Since eating of the tree of life was apparently not initially forbidden (being apparently allowed in the general statement of 2:16), it can be supposed that man would have eaten of the tree of life quite legally and lived forever if he had not eaten of the tree of knowledge. It is not stated whether man when he leaves Eden retains or loses the knowledge of good and evil illicitly acquired. And it is not made clear just what "knowledge of good and evil" means. But this lack of information need not concern us here.

In view of the above, we should interpret the narrative by means of the following a fortiori argument (instead of the one proposed by Hirschensohn). Minor premise: Man having already eaten of tree of knowledge of good and evil (Q) is excessively godlike (R) enough to have to be expelled from Eden (S) (in retribution). Conclusion: if man additionally now ate of the tree of life (P), he would be even more excessively godlike enough to have to be expelled from Eden (pre-emptively). The tacit major premise here is: Man after eating of both the tree of knowledge of good and evil and the tree of life is more excessively godlike ("as one of us") than man after eating of the tree of knowledge of good and evil but before eating of the tree of life. This is a positive subjectal a fortiori argument (**+s**).

We could read it as a crescendo (**&**), if the appropriate proportionality premise were added, increasing the subsidiary term (S) from 'expulsion from Eden' to some still more severe penalty (say, for example, 'expulsion and homelessness'). But the text (v. 22) does not mention such increasing penalty. We can however note accessorily that whereas the penalty for eating of the tree of knowledge is retributive, that for additionally eating from the tree of life is pre-emptive. But the subsidiary term (S) remains essentially the same: expulsion from Eden (as decided in v. 23). Clearly, our reading here is far more accurate than Hirschensohn's, even though inspired by it[99].

In sum, I accept Hirschensohn's claim that there is an a fortiori intent in Gen. 3:22, but I beg to differ regarding its precise form because he fails to take v. 23 into consideration in his formulation. The a fortiori argument proposed by me may be counted as explicit, even though it is not immediately apparent and relatively

[99] It is interesting to note, in passing, the similarity in language between the verses Gen. 3:22-23 and Gen. 11:6; namely, the use of the expressions *hen/ve-atah* in both. Hirschensohn rightly spots a fortiori intent in both; but whereas he correctly formulates the argument in 11:6, he does not quite get it in 3:22, because he fails to see that *ve-atah* here refers to 3:23.

complex, because it accurately rephrases the Torah passage in question and no other interpretation does so. Admittedly, I have in the past[100] assessed this verse as "at best implicit," following the opinion of Jacobs[101], who viewed it as "extremely doubtful." But that was before I was informed by Gabay of Hirschensohn's insightful interpretation. Note in passing that Rashi does not signal a *qal vachomer* here; so, it is not quite so obvious.

Incidentally, concerning the word *hen*, usually translated as 'behold', Gabay reports that the Gaon de Vilna says, in his book *Aderet Eliahu*, that *hen* is "an expression of KV" (i.e. of *qal vachomer*). While it is empirically evident, just by looking at a concordance, that *hen* is *often* associated with a fortiori discourse, it is equally evident that this is *not always* the case. For this reason, I wonder whether the Vilna Gaon actually claimed that there is *necessarily* an a fortiori intent in Biblical text wherever *hen* is used – it could be that Hirschensohn, or maybe Gabay, misunderstood him.

In fact, in the Pentateuch, there are 45 instances of *hen*; and in the rest of the Tanakh, another 273 instances[102]. Looking at these verses, it cannot by any stretch of the imagination be said that they all involve a fortiori discourse! One certainly cannot assume a priori, just because the Vilna Gaon said so, that if a verse contains the expression *hen*, it necessarily involves a *qal vachomer*. The Gaon de Vilna would have had to first show through ad hoc analysis that each and every one of these 318 instances of *hen* involves a fortiori discourse, *before* he had the right to make such a sweeping claim – and I very much doubt he ever did the required exhaustive research (surely Hirschensohn or Gabay would have mentioned it if he had). One may appeal to an authority if the person has evidently done the homework; but relying merely on someone's name and fame is *ad hominem* argument with zero weight of rational conviction.

Genesis 4:14. "Behold (*hen*), Thou hast driven me out this day from the face of the land; and (*ve*) from Thy face shall I be hid; and (*ve*) I shall be a fugitive and (*ve*) a wanderer in the earth; and it will come to pass (*ve-hayah*), that whosoever findeth me will slay me."

Gabay reports that Hirschensohn interprets the verse as: "If I am banished 'now', when You have already cursed me (v. 12: 'When you till the soil, it shall no longer give her strength to you'), *kol sheken* (a fortiori): if 'from Your face I am to be

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100 In my AFL, chapter 16:4.

101 In his previously mentioned essay, fn. 7.

102 See here: https://www.blueletterbible.org/lexicon/h2005/wlc/wlc/0-1/.

hidden' then I will be cursed 'I am to be unsettled and a wanderer on the earth; whoever finds me, will kill me'".

Note that Rashi does not flag this verse as *qal vachomer*, nor even at all comment on it. However, the verse does use language, viz. *hen/ve*, which is in some cases indicative of *qal vachomer*. This may well signal that an if-then statement is intended here, though its antecedent and consequent need to be identified. However, it is not clear exactly what Hirschensohn has in mind when claiming an a fortiori argument occurs here. What is 'the more' (the major term, P) and what is 'the less' (the minor term. Q), and what are they more or less *of* (the middle term, R), and what is the intended predicate for these subjects (the subsidiary term, S)?

We must ask: is the proposed a fortiori argument really intended, or even at least implied, by the given text? Or is it artificially read into the text? I think it is fair to say, looking at the context, that Cain is overwhelmed by all the curses befalling him as a result of his murdering Abel. The curses can well be perceived as going from bad to worse. But does a *progression* necessarily signify an a fortiori argument? No – unless an *inference* from one thing to another is arguably intended. I think in this case not only is a progression intended, but also indeed an inference.

The purpose of Cain's speech is to alert God to the likelihood that someone (though the Torah narrative does not mention the existence of other people yet, other than Adam and Eve) will eventually kill him, given the many ways that God has cursed him (in v. 14, banished, not looked after, fugitive, wandering). This is evident from the next verse (v. 15), which reads: "And the Lord said to him, 'Therefore (*lachen*), whoever kills Cain, vengeance will be wrought upon him sevenfold', and the Lord placed a mark on Cain [so] that no one who finds him slay him." This shows that God received Cain's complaint as an argument leading to a conclusion. God's response begins with a 'therefore', implying that He is following up on Cain's said plea.

Here, note well, the premise is indicated by the expression *hen* (behold) and the conclusion is indicated by the expression *ve-hayah* (and it will come to pass). This linguistically distinguishes this last item from the preceding list of four curses tied together by three *ve* (and) conjunctions. The last item (the danger of being killed) is thus not an added curse by God, but a predicted result of the preceding. God did not decree it, but Cain inferred it as a likely effect of God's decrees. He feared that as someone with no social status he would be in a very risky position.

What was Cain's argument, then? It was that God sentenced Cain to a number of curses; but these curses would likely produce an *additional* penalty (being killed by

someone) that God had not explicitly decreed and therefore presumably did not intend; therefore, since the death of Cain (killed by some random perpetrator) was apparently not God's will (at least not immediately), Cain appealed for its prevention, and God duly responded by issuing a threat to potential killers. This would seem like a fair assessment of the reasoning involved.

Now the question is: can this discourse be cast into an a fortiori argument? There is certainly an element of sufficiency (which is essential to a fortiori reasoning) in this discourse: the four curses mentioned are perceived as punishment *enough* for Cain's crime; so that adding a fifth curse (namely, being killed off) would (according to Cain's appeal) amount to *too much* punishment. In other words, if the four said curses suffice to punish the crime, then allowing Cain to be killed would be an excessive further punishment.

This analysis suggests the following compound argument: The four curses listed plus the said threat to life (P) are a more severe a penalty (R) than the four curses without that endangerment (Q); and these four curses alone (Q) are severe enough to fully punish Cain's crime of murder of Abel (S); therefore, the four curses plus endangerment (P) are severe enough to punish that crime and more (>S). Moreover, since what fully punishes is just, whereas what punishes more than that is unjust, it follows that adding threat to life to the four is unjust. Therefore, if God has not intended such endangerment as part of his sentence, He should somehow ensure its prevention.

Cain's appeal would thus consist of a positive subjectal a crescendo argument (**+s&**), corresponding to v. 14, followed by application of a couple of if-then principles to its result, the first to judge endangerment unjust, the second to prescribe its prevention, corresponding to v. 15. We can therefore admit Gen. 4:14 as involving an explicit a fortiori argument, in that the text cannot be correctly understood without such interpretation.

Now, let us return to Hirschensohn. He can be credited with having vaguely pointed to the presence of an a fortiori argument in this verse. But he cannot reasonably be said to have correctly formulated that a fortiori argument. It does not suffice simply to insert a *kol sheken* somewhere in the middle of the verse and hope for the best. The interpreter must be able to say exactly where that connective phrase belongs and why it belongs there. Looking at Hirschensohn's commentary, his interpretation is far from clear. It certainly, anyway, does not correspond to the correct interpretation proposed above.[103]

[103] For these reasons, I claim part of the credit for this case and label it HH/AS.

Genesis 11:6. "And the Lord said, 'Behold (*hen*), they are one people, and they have all one language; and this is what they begin to do; and now (*ve-atah*) will it not be withheld from them, all that they have planned to do?'"

Gabay reports that Hirschensohn, based again on the Vilna Gaon's guideline that use of the expression *hen* signals a *qal vachomer* intent, proposes the reading: "If what causes them to come together to rebel against Me is the fact that they feel a togetherness because 'they are one people, and all of them have one language' (v.6), then so much more so [would they be inclined to rebel] should they succeed in 'building for ourselves a city and a tower with its top in the heavens, and let us make a name for ourselves' (v.4) – therefore they should certainly 'be withheld from all that they scheme to do'.

The a fortiori argument proposed by Hirschensohn, more formally put, is thus: The people united only by a common language (Q) are rebellious (R) enough to be opposed by God (S) (minor premise); therefore, the people further united by building a city and tower (P) would be rebellious enough to be opposed by God (conclusion). The tacit major premise here is: People further united by a city and tower will be more rebellious than people united only by a common language. This is a positive subjectal a fortiori argument (**+s**). In my opinion, there is no need for an a crescendo reading here; it is conceivable that God's opposition to 'united by common language' (implied by the minor premise) alone would suffice to make Him scatter the people, in which case their 'building a city and tower' would be just added cause.

Note that, although the Vilna Gaon reportedly regards *hen* as a general indicator of *qal vachomer*, it is not *hen* alone which is indicative here of such argument, but *hen* combined with *ve-atah*. The expressions *hen/ve-atah* together signify an if/then statement; the sentence after *hen* is the antecedent, and the sentence after *ve-atah* is the consequent. We should additionally draw attention to the next verse (v. 7), although it is not part of the *qal vachomer* as such. This reads: "Come (*habah*), let us go down, and there confound their language, that they may not understand one another's speech." The expression *habah* amplifies the *ve-atah* consequent; the sentence after it tells us more precisely how what the people's intentions will be countered – viz. by confounding their language.

While Hirschensohn's proposed a fortiori reading is credible, a better reading is possible, as I will now show. Although Rashi does not signal a *qal vachomer* here,

his commentary is pertinent. He interprets[104] "they are one people, and they have all one language" as "goodness (*tovah*)," i.e. as something positive and therefore *not* disapproved of by God – whereas in Hirschensohn's reading (assuming Gabay has correctly rendered it) these factors are given a negative twist. Following Rashi's reading, the initial problem (the minor term, Q) is not the people being united and able to speak to each other, but rather "this is what they begin to do," with the word 'this' pointing to 'building a city and tower' (the plan mentioned in v. 4). The intensification of the problem (the major term, P), which God wants to forestall, is then 'succeeding to build a city and tower'.

Thus, the *qal vachomer* should rather be worded as follows: The people beginning to build a city and a tower (Q) are rebellious (R) enough to be opposed by God (S) (minor premise); therefore, the people succeeding to build a city and tower (P) would be rebellious enough to be opposed by God (conclusion). The tacit major premise here is: People succeeding to build a city and tower will be more rebellious than people beginning to build a city and a tower. This is a positive subjectal a fortiori argument (**+s**). The reading is not a crescendo because God is clearly determined to intervene (presumably in the specified way) already at the early stages of construction, without waiting for the completion of the projects.

This seems to me a more credible formulation, because of Rashi's said remark and because Hirschensohn's explanation does not take into consideration the words "and this is what they begin to do" in the verse. This reading, then, perceives God's anger as directed, not at the unity and monolingualism of the people of Babel, but at their building projects (which they have started but not yet completed). His statement "will it not be withheld from them, all that they have planned to do?"[105] tells us His decision to pre-empt these building projects, and the means for that is specified in the next verse (v. 7) to be to "confound their language," adding "[so] that they may not understand one another's speech." Regarding the latter addition, note that the people will be made to cease understanding each other as a *pragmatic* way to obstruct their building projects – not because (as suggested in Hirschensohn's reading) God disapproves *in principle* of monolingualism and unity.

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[104] Based on *Seder Eliyahu Rabbah*, chapter 31, according to the English translation in Chabad.org.

[105] Rashi remarks that "will it *not* be withheld..." is intended as a question; this is of course correct, but the question is rhetorical; it means: "it *will* be withheld."

To conclude, Hirschensohn's reading is formally acceptable, but this alternative reading based on Rashi's comments looks to me like a materially closer fit[106]. I fully agree with Hirschensohn's claim that an explicit a fortiori argument is to be found in Gen. 11:6, but I beg to differ regarding its precise terms. The fact that there are two possible *qal vachomer* readings should not lead us into viewing both as implicit, because whichever reading is adopted the verse will still *in fine* be characterized as a fortiori in intent. Note that I now accept the argument as explicit, even though in the past[107], before Gabay informed me of Hirschensohn's formulation, I assessed it as "at best implicit," following the opinion of Jacobs[108], who viewed it as "extremely doubtful." I am always open to correcting my errors on the basis of new information.

Genesis 14:23. "I will not (*im*) take a thread nor a shoe-latchet nor aught that is thine, so that (*ve*) thou shouldest not say: I have made Avram rich."

Gabay reports that Hirschensohn proposes a *qal vachomer* reading, as follows: "The King of Sodom said to Avram (v. 21) 'give me the souls, the wealth you can have'. Hirschensohn understands that the king of Sodom did not just mean that Avram should keep the wealth that was the spoil of war – this is not a present but Avram's right as a victor. Rather the king wanted to offer him wealth that he had hidden in his storehouses in his kingdom that the four kings had not captured in battle – this is a true gift. Avram's response was that [since he] had not taken even a shoelace or a sandal strap from the spoil of battle, to which he was entitled, he would certainly not accept the further gift of wealth that the king wished to bestow on him."

I assess this claim as follows. The proposed a fortiori argument is: If I have not accepted from you the spoils of war to which I was entitled, then obviously I will not accept gifts from you which would make you seem to have enriched me. More precisely put: if Avram (S) wishes to avoid being indebted (R) enough to refuse what is due to him (Q) (minor premise), then perforce Avram wishes to avoid indebtedness enough to refuse what is not due to him (P) (conclusion). The tacit major premise here is: More willingness to be indebted is required to accept things not due to one than to accept things due to one. The a fortiori argument is negative predicatal (**-p**), and quite valid.

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106 For these reasons, I claim for Rashi and myself parts of the credit for this case and label it HH/R/AS.

107 In my AFL, chapter 16:4.

108 In his previously mentioned essay, fn. 7.

The question now is: is this a fortiori argument explicit (*meforash*) or implicit (*satum*)? Note first that Rashi, though he comments on this verse, does not flag it as *qal vachomer*. Second, note that there is no word or phrase in the Biblical verse suggestive of *qal vachomer*. However, these missing indices are not determining. The main issue is: is there any way to understand this verse other than through the proposed *qal vachomer* reading? I would say not.

The a fortiori argument clearly reflects Avram's thinking, albeit unspoken; it explains his de facto reluctance to accept anything from the king of Sodom, be it due or gifted; otherwise, there would be no explanation for his attitude. Therefore, we must admit Hirschensohn's novel insight of an explicit a fortiori argument here.

Genesis 17:17. "And Avraham fell upon his face, and he laughed. And he said in his heart: Shall (*ha-le*) a man a hundred years old beget? and shall (*ve-im*) Sarah, a woman of ninety, bear?"

Gabay explains Hirschensohn's inclusion of this case in his listing as follows: "This can also be read as a KV. Even had Avraham had a young wife [of childbearing age] it would be impossible for him at the age of one hundred to father a child. Now that Sarah was an older woman of ninety years it is certainly impossible that she could bear a child."

Thus, the proposed *qal vachomer* here is: If Avraham (a hundred-year-old man) had a younger wife (of naturally childbearing age) (P), it would be difficult (R) enough for him to beget (S) (minor premise); all the more so, with his actual wife Sarah (a ninety-year-old woman, way past childbearing age) (Q) it would be difficult enough, indeed even more difficult, for him to beget (conclusion). The tacit major premise here is that an older man with an older woman has more biological difficulty begetting than the same older man with a younger woman. This is a positive subjectal a fortiori argument (**+s**). The argument is not a crescendo, because the subsidiary term (S) remains the same, viz. Avraham begetting.

Rashi does not signal an a fortiori argument here, but he makes some interesting comments. He interprets Avraham's two statements differently: for himself, he wonders whether "such kindness was done to anyone else" by God; while for Sarah, he wonders whether she shall be "worthy of giving birth." Thus, for Rashi, the issue is not primarily biological (one of age), but rather one of merit and kindness. Nevertheless, Rashi does draw attention to the biological aspect, when he points out that in past generations (according to the Bible) people were having children at much older ages, but by Avraham's time people had to hasten and beget much earlier.

There is no doubting the empirical truth of the three premises and of the conclusion of Hirschensohn's proposed *qal vachomer*. But we might well ask: was that *inference* Avraham's thinking process? Could he not have been having successive thoughts without intending to formulate such an inference? He could have simply thought to himself that it is unlikely for a hundred-year-old man to beget; and then, separately, reflected that it is unlikely for a ninety-year-old woman to bear a child. This would be a mere conjunction of two thoughts, not a process of inference. Note that no language commonly associated with a fortiori discourse is involved here.

I was at first sight skeptical of Hirschensohn's a fortiori reading, judging it a bit forced. But I was convinced by taking into consideration Avraham's 'laughter' at the announcement. Though Rashi interprets this as rejoicing, it can also be considered as an expression of surprise and wonder. We can easily imagine Avraham (as well as rejoicing) contemplating the enormity of what he is being promised, thinking: "What? Not only am I rather old for this at age 100 (even with a younger woman), but *on top of that* Sarah is also rather old for it at age 90!" Remember, Avraham had indeed begotten Ishmael with a younger woman, namely Hagar, at 86; but now he was 100. As for Sarah, she had until now, even when much younger, been unable to bear a child.

So, there is definitely a movement of thought from the unlikelihood of an old man like Avraham begetting to the *compounded* unlikelihood of such a man doing so with an old woman like Sarah. I therefore finally agree with Hirschensohn's original insight that there is an a fortiori argument here, and that it proceeds through comparison to a younger woman. This is to be counted as an explicit (*meforash*) case, since it takes more evidence into consideration than the simpler reading above described.

Note that Louis Jacobs assessed this case as "extremely doubtful"[109]. I followed suit judging it as "at best implicit"[110], but I did not at the time know Hirschensohn's proposed *qal vachomer*. Once informed of it, I saw its power of conviction, and changed my assessment accordingly.

Genesis 18:12. "And Sarah laughed within herself, saying: 'After I am waxed old, will (*hayta*) I have smooth flesh [i.e. get pregnant]? Also (*ve*) my lord being old?'"

I propose, after reflection, the following *qal vachomer* reading for this verse: Sarah (now ninety years old, past menopause) would, with Avraham (now one hundred years old) if he were currently younger than he is, (Q) have had difficulty (R)

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[109] In his previously mentioned essay, fn. 7.

[110] In my AFL, chapter 16:4.

enough having a child (S) (minor premise); all the more so, she can expect, with him now in fact quite aged, (P) have difficulty enough, indeed even more difficulty, to have a child (conclusion). The tacit major premise here is that an older woman would have more biological difficulty having a child with her husband in his actual aged condition than she would with her husband had he hypothetically been younger. This is a positive subjectal a fortiori argument (**+s**). The argument is not a crescendo, because the subsidiary term (S) remains the same, viz. having a child.

Although Hirschensohn did not, to my knowledge, point out this verse as *qal vachomer*, it is clear that we can perceive it as such once we have, following his lead, perceived Genesis 17:17 as such, because it is *a mirror image* of it from the female point of view. Sarah seems to be thinking: "Not only am I rather old for begetting at age 90, but *additionally* Avraham is also rather old for it at age 100!" Note that the previous verse (v. 11) reads "Now Avraham and Sarah were old, coming on in years; Sarah had ceased to have the way of the women."

However, note well, I have intentionally formulated this *qal vachomer* differently than the one in Gen. 17:17, for the following reason. I could have had, by analogy, in the minor premise, Sarah having a child with some younger man just as previously Avraham is presented as having a child with some younger woman. But obviously, this narrative would have invalidated the argument, since a virtuous and loving wife like Sarah *would surely not even for a moment imagine herself* coupling with a man (of whatever age) other than her husband Avraham. It was culturally possible and legitimate for Avraham to have thought of another woman, but incredible that Sarah would ever call to mind another man.

This may explain why Hirschensohn and perhaps others did not point to this verse as an a fortiori argument – if they at all spotted it. Sarah could not possibly have had the said immodest thought. So, if such thought was essential to the a fortiori interpretation, such reading had to be abandoned; and instead, Sarah's thinking would have to be described as a conjunction of two separate thoughts (as earlier first proposed for Gen. 17:17).

However, it occurred to me after a while that the a fortiori interpretation can still be upheld if we simply assume that Sarah is comparing reproductive performance with a contra-factually younger Avraham and the factually older Avraham. We know, of course, that they tried having children in the past, when both of them were younger than they are now, and that they unfortunately failed. But though this past performance lowers the chances that they today succeed, it does not reduce them to zero; so, the *qal vachomer* remains credible.

In sum, we have here, in Gen. 18:12, found an additional instance of Torah *qal vachomer*, which we can consider as explicit (*meforash*) since it is the best reading, indeed the only fully accurate reading, of the given text. This finding was inspired by Hirschensohn's genial interpretation of Gen. 17:17, which I could not see without his guidance; but I can fairly claim the case as mine since neither he nor anyone else (to my knowledge) discovered it before me[111].

Genesis 39:8-9. "But he refused, and said unto his master's wife: 'Behold (*hen*), my master, having me, knoweth not what is in the house, and he hath put all that he hath into my hand; he is not greater in this house than I; neither hath he kept back anything from me but thee, because thou art his wife. How then (*ve-ekh*) can I do this great wickedness, and sin against God?'"

Gabay reports Hirschensohn's a fortiori exegesis of this verse is as follows[112]:

> "Again, using the indicator Hen, following the Vilna Gaon, this could be read as follows: Behold, my lord has given me full confidence and responsibility for everything in the house, and all that he has he has placed in my hand, he has withheld nothing from me but you, in that you are his wife. So, if I were to take advantage of him and steal an item from the contents of the house, I would be committing a sin in the eyes of G-d, even though nothing in this house has been withheld from me. Kol sheken if I would take advantage of his wife, that he has indeed withheld from me, I would certainly be committing a grave sin in the eyes of G-d."

Thus, Hirschensohn here proposes the following a fortiori argument: If Joseph stole any property that he was permitted to use (Q), he would be dishonest (R) enough to be committing a grave sin (S) (minor premise); then all the more if Joseph stole any property that he was *not* permitted to use (such as his master's wife) (P), he would be dishonest enough to be committing a grave sin (conclusion). Its tacit major premise is: "stealing something one is *not* permitted to use is more dishonest than stealing something one is permitted to use." This is a positive subjectal a fortiori argument (**+s**).

It is clear to me that Hirschensohn is right, and an a fortiori argument is intended here; I would even advocate an a crescendo reading (**&**), meaning that the gravity of the sin increases from the minor term (Q) to the major term (P) – except that Joseph's statement is not emphasizing such intensification. The language used in

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111 I consequently label this case as HH/AS, giving both of us part of the credit.

112 This is presumably a paraphrase, rather than a quotation, of Hirschensohn's position by Gabay. Kol sheken means 'all the more', i.e. it is indicative of a fortiori argument.

this verse, viz. *hen/ve-ekh*, does suggest a *qal vachomer*; *hen* introduces its minor premise and *ve-ekh* introduces its conclusion. The *qal vachomer* can safely be declared explicit (*meforash*), as no other interpretation is conceivable: Joseph is evidently presenting a reasoning process from things permitted to him to something not permitted to him, to explain to his master's wife his vexing resistance to her frequent advances (but, of course, she is not reasonable).

Exodus 6:30. "But Moses said before the Lord, 'Behold (*hen*), I am of uncircumcised lips; so how (*ve-ekh*) will Pharaoh hearken to me?'"

Gabay reports that Hirschensohn, in his notes on Katzenellenbogen, cites this verse [as *qal vachomer*] 'in the name of Rashash'[113]. Rashi equates this verse with v. 12, saying: "Scripture repeats it here because it had interrupted the topic, and this is customary, similar to a person who says, 'Let us return to the earlier [topic].'"

Ex. 6:12, remember, has Moses arguing that since the children of Israel did not hearken to him, Pharaoh will not do so either, he (Moses) being of closed lips. But the present verse (v. 30) has Moses arguing that since his lips are closed, Pharaoh will not hearken to him. It does not mention the Israelites, so it is not identical. Rashi's identification of the latter verse with the former is reasonable from a literary point of view, but from a logical point of view it is only hypothetical. This means that if we followed Rashi, we could postulate the same *qal vachomer* here as in v. 12 – but this *qal vachomer* would have to be considered as here only implicit (*satum*), rather than as it is in v.12 explicit (*meforash*).

In my reading of v. 12, Moses's speech impediment, though mentioned by him, is not the operative middle term. I there propose the (tacit) major premise as effectively: Someone who has much faith in God (as the Israelites do) will hearken to a prophet (here, Moses) more likely than someone who has little or no faith in God (viz. Pharaoh). Whence the reasoning, using degree of faith as the middle term: If the Israelites did not have enough faith to hearken to the prophet Moses, then Pharaoh will not have enough of it to do so. This constitutes a negative subjectal a fortiori argument (**-s**).

If v. 30 is intended as a repetition of v. 12, albeit in abridged form, then the *qal vachomer* in the latter could be considered present in the former. But I do not think Rashi's explanation here tells the whole story. The earlier verse, v. 12, mentions the Israelites primarily, and Moses's speech impediment only accessorily, as an

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[113] This presumably refers to Samuel ben Joseph Strashun (Vilna, 1794-1872), the father of Mattityahu Strashun. But it could also point to R. Shalom Sharabi (Yemen. 1720-1777). Both are known by the acronym Rashash.

additional excuse: whereas the later verse, v. 30, does not at all mention the Israelites, and focuses entirely on Moses's impediment. Whereas the impediment was mentioned in passing before, but logically ignored as incidental; here Scripture returns to it presumably to draw attention to its previously overlooked significance. That is, v. 30 is not merely a literary prop, a reminder of v. 12, but adds something extra to the narrative.

Here, in v. 30, if we are to formulate an a fortiori argument – and the language used, *hen/ve-ekh*, does suggest a *qal vachomer* – we must focus directly on Moses's handicap, as follows: More patience (R) is required to pay attention to someone with speech difficulties (P) than to pay attention to someone without such a handicap (Q) (tacit major premise); Pharaoh (S) would have patience not enough to hearken to Moses were he not handicapped (tacit minor premise); all the more, Pharaoh will have patience not enough to hearken to Moses he being in fact handicapped (given conclusion). This is a negative predicatal a fortiori argument (**-p**). I believe we can view this *qal vachomer* as explicit (*meforash*), even if both its major and minor premises are tacit, because one can hardly interpret Moses's statement differently.

We could admittedly read v. 30 as a mere statement of fact in hypothetical (if-then) form. It is reasonable to suppose that if someone (here, Moses) has speech difficulties, then people (here, Pharoah) will not hearken to him – though they might possibly indeed hearken to him if he did *not* have speech difficulties. But the a fortiori reading goes further: its minor premise and conclusion together suggest (by dilemmatic reasoning) that Pharaoh would likely not listen to Moses *anyway* (i.e. categorically, with or without handicap); and this intensification makes sense considering that Moses knew Pharaoh to be an arrogant and busy monarch.

Note that, although neither Hirschensohn nor Rashi before him formulated the *qal vachomer* proposed here, but assumed that the one in Ex. 6:12 is just repeated in Ex. 6:30, I do not claim this case as entirely my finding, because without Hirschensohn's suggestion that there is an a fortiori here, I would not have formulated one.

Rejects. In addition to the above-mentioned eight cases of Torah *qal vachomer* that Hirschensohn was the first to propose, and are recognized by me as valid and explicit, we need to consider another two cases which he was the first to propose, but which I reject (as not a fortiori), namely: **Genesis 3:1** and **27:37**.

Genesis 3:1. "Now the serpent was more subtle than any beast of the field which the Lord God had made. And he said unto the woman: 'Yea, hath (*af ki*) God said: Ye shall not eat of any tree of the garden?'"

Commenting on the sentence with the *af ki* expression, Rashi writes: "Did He say to you, 'You shall not eat of any, etc.?' Even though he saw them eating of the other fruits, he spoke to her at length in order that she answer him and come to speak of that tree." Note that Rashi does not say (as is his wont in similar situations) that *af ki* here means *qal vachomer*, nor does his reading suggest such argument.

Gabay reports that Hirschensohn interprets the verse as: "If the tree whose fruit is pleasing to eat, Hashem did not permit you to eat of it, you may certainly (*af ki*, i.e. *qal vachomer*) not eat from the fruits of the other trees." Hirschensohn then comments that "obviously the *qal vachomer* is false, because the Tree of Knowledge had good and bad in it."[114] The question we need to answer here is: is Hirschensohn's proposed a fortiori argument explicit or implicit, or even at all present in the given text?

The proposed argument runs: If the (more pleasing) fruit of the Tree of Knowledge is not pleasing enough to be permitted by God (minor premise), then the (less pleasing) fruit of all other trees is not pleasing enough to be permitted by Him (conclusion). The (tacit) major premise is that the fruit of the Tree of Knowledge is more (or at least as much) pleasing to eat than the fruits of other trees. The form of the argument is negative subjectal (**-s**). Hirschensohn's refutation of it is that the major premise is false, since the Tree of Knowledge is defined as 'having' both good and evil (not only good) in it.

But this proposal is a gross misrepresentation of the Biblical narrative! This can be seen if we consider the rest of it, i.e. verses **3:2-5**. They read: "And the woman said unto the serpent: 'Of the fruit of the trees of the garden we may eat; but of the fruit of the tree which is in the midst of the garden, God hath said: Ye shall not eat of it, neither shall ye touch it, lest ye die.' And the serpent said unto the woman: 'Ye shall not surely die; for God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as God, knowing good and evil.'"

In my 2013 book *A Fortiori Logic*, appendix 6, dealing with teachings of logic implied in the Torah, I comment on this passage as follows:

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[114] Gabay told me that Hirschensohn 'brings many proofs' that *af ki* signifies *qal vachomer* intent, without spelling out these 'proofs'; but presumably they are simply other contexts in which *af ki* signifies *qal vachomer*.

> In Genesis 3:1-5, the serpent tries to tempt Eve by means of the following argument (here paraphrased): "since God did not say 'you shall not eat of any tree of the garden', then you may eat of this tree;" to which Eve rightly retorts, briefly put: "He said we may eat of all trees except this one." We can discern in this a teaching of logic, namely that the serpent's inference from 'not all X are Y' (i.e. 'some X are not Y') to 'this one X is not Y' is fallacious, and learn from Eve's reply that a proposition may be general and exceptive, i.e. have the form 'all X except this one are Y'.

Clearly, I do not interpret the passage as a fortiori, because there is no hint of such reasoning in it. Rather, I explain argument as a fallacious implication (by the serpent) from a particular negative categorical proposition (viz. that not all fruit trees are forbidden) to a singular one (therefore, this fruit tree is not forbidden), to which the correct retort (by Eve, evidently not so easily fooled) is that all fruit trees were permitted, although only one (the specified one) was exceptionally forbidden. The serpent is not trying to manipulate Eve through a complicated a fortiori train of thought – the thrust of his argumentum is much simpler.

This shows that Hirschensohn's proposed a fortiori argument is just fantasy: it does not reflect what the serpent is saying. The serpent is not, in the Biblical text, talking about the good taste (or pleasantness to eat) of the fruits of diverse trees, nor suggesting that God's forbidding consumption of a specified tree's fruit relates to its taste. Also, Hirschensohn's alleged refutation is based on a misreading of Gen. 2:9, where the forbidden Tree is defined as "of Knowledge of good and evil," and not as 'having' both good and bad taste!

Furthermore, Hirschensohn does not make explicit the tacit implication of the serpent's alleged conclusion, which would be a *reductio ad absurdum*: since you obviously *are* permitted to eat of all other fruits (as per 2:16, contrary to the a fortiori conclusion that you are not), it follows that you *are* permitted to eat fruits of the Tree of Knowledge (contrary to the a fortiori minor premise, 2:17). Obviously, the serpent's goal is not to prevent Eve from eating fruits of permitted trees (as the a fortiori argument has it), but to get her to eat fruit from the forbidden tree (as the unstated *reductio* has it)!

But most important, the logical form of the serpent's argument is not at all a fortiori, as above explained. Therefore, we may not acknowledge Hirschensohn's reading of Genesis 3:1 as *qal vachomer*, nor even admit it as an implicit case. Should we count anyone's arbitrary projection of a fortiori into a text as at least implicit? Surely, there has to be some sort of hint in the text in support of such interpretation; it cannot be mere spin.

Clearly, Hirschensohn regards this case, and all others which he proposes, as explicitly a fortiori; he does not to my knowledge identify any case as merely implicit. I asked Gabay to look into Hirschensohn's book and tell me whether he anywhere discusses the traditional distinction between explicit (*meforash*) and implicit (*satum*) *qal vachomer* and formulates some relevant criteria; but Gabay did not reply to this query, so I cannot say what Hirschensohn thought on this subject.

Genesis 27:37. "And Isaac answered and said unto Esau: 'Behold (*hen*), I have made him thy lord, and all his brethren have I given to him for servants; and with corn and wine have I sustained him; and for thee, then (*apo*), what shall I do, my son?'"

Gabay reports Hirschensohn's a fortiori exegesis of this verse is as follows[115]:

> "Using the indicator Hen, following the lead of the Vilna Gaon, this could be read as follows: If you Esau, that I love you dearly, and that you are my eldest, I have still made Jacob a master – Gevir – over you, kol sheken your other brothers [that are younger and less worthy than you] have I given to him as servants. H then analyses this KV that this seems to contradict the principle of Dayo, because the KV should read: if Jacob is a Gevir over you, he should certainly be a Gevir over your brothers, but why should they be servants; Esau was never said to be a servant of Jacob. Unless the reading is: If he is a Gevir over you, even though you are eldest, then the younger children, who are less worthy, must be worse off – they are to be servants. H explains that the simple solution in untenable – namely that the KV should be simply: if Jacob is a Gevir over you [who is a favourite], he should certainly be a Gevir over your brothers [who are less]. This cannot be because the blessing Heveh Gevir le'akhekha – means be a master over [all] your brothers (Akhekha is plural, as opposed to Akhikha in the singular). Therefore we must read the KV as above, that the other brothers are to be considered servants, and we will not invoke the principle of Dayo if the KV will be invalidated – lo amrinan dayo lemifrakh KV."

Thus, Hirschensohn first proposes the following a fortiori argument: "If Isaac has made Jacob a master over his beloved eldest son Esau, then all the more he has given over as servants to Jacob his other brothers, who are younger and less worthy." Then Hirschensohn reflects that this argument may contradict the sufficiency (*dayo*) principle, because the minor premise states that Jacob is master

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[115] This is presumably a paraphrase, rather than a quotation, of Hirschensohn's position by Gabay. H refers to Hirschensohn and KV means *qal vachomer*. Kol sheken means 'all the more', i.e. it is indicative of a fortiori argument.

over Esau, but does not say that Esau is a servant of Jacob, whereas the conclusion does not mention that Jacob is master over the other brothers, but does declare the other brothers to be servants. He then proposes instead the following a crescendo argument: "If Isaac has made Jacob a master over his eldest son Esau, then he has made his other brothers, who are less worthy, worse off by making them his servants." Hirschensohn rejects the simple reading: "If Isaac has made Jacob a master over his favorite son Esau, then all the more he has made Jacob a master over his (lesser) other brothers," arguing that (earlier, in v. 29) Isaac blesses Jacob by saying "be master over thy bothers," using the plural, from which Hirschensohn concludes that the other brothers are to be considered as servants, as he proposed initially (as in v. 37), thus ignoring the *dayo* principle in this case (as applying it would 'invalidate' the said a fortiori argument).

To my mind, all this is *pilpul* based on bogus logic.

Firstly, because Hirschensohn sets up a quite artificial hierarchical distinction between having someone as one's master (or lord) and being someone's servant (or slave). The terms master and servant are obviously intended as correlative[116]. Rashi, in his commentary on this verse implies it clearly: "If you acquire property, it will be his, for I have made him a *master* over you, and whatever a *slave* acquires belongs to his master[117]."

This means that the 'simple' reading of v. 37 that Hirschensohn rejects, namely: "If Isaac has blessed Jacob enough made him a master over his favorite son Esau, then all the more he has blessed Jacob enough to make him a master over his lesser remaining brothers," is quite appropriate. Its tacit major premise is: "More blessing is required to be made master over a favorite son than over a lesser son." This is a positive predicatal a fortiori argument (**+p**).

Anyway, v. 29, where Isaac blesses Jacob by saying "be master over thy brothers," using the plural, clearly applies to all Jacob's brothers, including Esau, which confirms the said 'simple' reading from Esau to other brothers that Hirschensohn considers 'untenable'. It is hard to see, then, how Hirschensohn manages to infer that the other brothers are to be considered as servants (lowlier than having a master). Surely, this is muddle-headed thinking by Hirschensohn (assuming Gabay has correctly described his discourse).

Moreover, v. 29 can used to construct a syllogism: All brothers of Jacob will be under his mastery; Esau is a brother of Jacob; so, Esau will be under his mastery"

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116 That is, if X is master of Y, then Y is servant of X; and vice versa.

117 *Pesachim* 88b.

(1/ARR). That is, if any inference is to be drawn between these terms, it is rather this earlier syllogism than the a fortiori argument suggested by Hirschensohn with reference to v. 37. Since this inference from brothers in general to Esau is obvious, there is no need to look for a questionable *qal vachomer* from Esau to other brothers.

And who are the "other brothers" referred to here? Is it not true that Isaac has only had two sons, namely Esau and Jacob? Yet, as Hirschensohn remarks, "over thy brothers" (v. 29) is plural; and here "all his brethren" is also plural – so, these terms cannot refer to Esau alone. I presume this question has already been asked and answered by knowledgeable commentators, but I do not know the answer. Perhaps 'brethren' is used in a large sense, as a reference to non-family members of Isaac's household. I mention this side issue in passing, but it does not affect the main issue at hand.

Hirschensohn brings up the *dayo* principle (found in the Mishna and elaborated in the Gemara), claiming that it is here apparently contradicted, and ends up by claiming that it may exceptionally be ignored in this case because (this is a subsidiary principle, formulated in the Gemara) invoking it would effectively 'annul' the a fortiori argument. I submit that both these claims are out of place in the present context (because it is not specifically one of inference of law from the Torah). It is clear that Hirschensohn has not adequately studied the two principles he cites. His referring to them at all in the present context is theatrical nonsense.

The *dayo* principle is based on Mishna *Baba Qama* 2:5; it is then examined in BT *Baba Qama* 25a. I examine these two texts in great detail in my 2013 work *A Fortiori Logic*, in chapters 7 and 8. This topic is far too complex to review briefly here; interested readers should read my detailed analyses and conclusions in the said work. What needs be said here is only the following. (a) A fortiori argument is not limited to pure (non-proportional) reasoning, but is also valid in some cases that are a crescendo (proportional) in form; this is clear from the said Mishna and from other Gemara passages (even though 25a erroneously excludes proportionality). (b) The view expressed in the said Gemara that the *dayo* principle may be ignored conditionally, specifically "when it would defeat the purpose of the a fortiori," is based on gross misunderstanding of a fortiori logic and not to be taken seriously.

Hirschensohn's discussion here around the applicability or not of the *dayo* principle is due to ignorance of the full content of the said Mishna, and to further confusion induced by the said Gemara. What he is actually asking is whether the Biblical verse should be read as purely a fortiori or as a crescendo. In truth, both these forms are formally valid, the difference between them depending on the truth or falsehood

of a (usually tacit) premise of proportionality concerning the subsidiary term; but he has not studied a fortiori argument enough to know that. His discussion is thus based on fake logic and is mere blah-blah.

Let us now turn to the bottom line: is there an a fortiori argument in Genesis 27:37; and if so, what form does it take? The language used in this verse, viz. *hen-apo*, is certainly suggestive of a *qal vachomer* (*apo* derives from *af*, note). If there is an a fortiori argument here, its antecedent and consequent must be determined with respect to that wording. That is, any interpretation must have *hen* as pointing to the premise, and *apo* as pointing to the conclusion. The sentence following the word *apo* should be viewed as a rhetorical question; put in assertoric form, Isaac is denying that he can do anything for Esau.

Our hypothetical (if-then) reading is thus: If (*hen*) I have made Jacob master and you Esau and all his brethren his servants, and given Jacob sustenance with corn and wine, then (*apo*) there is nothing much left for me to bless you with. However, I see no way to turn these antecedent and consequent propositions into the minor premise and conclusion of an a fortiori argument. Therefore, I am obliged to deny that there is any *qal vachomer* intent in this verse. Note that Rashi does not suggest one, though he does comment on this verse.

Notice that I make no distinction between Esau and 'all the brethren' – Esau is one of them, but is singled out here because he is the one being addressed; that is, 'all his brethren' simply refers to all *other* brethren, *because* Esau has already been mentioned. My reading is therefore very different from Hirschensohn's. Unlike him, I do not at all acknowledge an inference from Esau to the other brothers (whoever they might be), and therefore have no recourse to any eventual distinction between having a master and being a servant. My reading includes in the antecedent not only Jacob's mastery, but also his corn and wine sustenance which Hirschensohn blithely ignores. The consequent about Isaac lacking a leftover blessing for Esau is confirmed in the next verse, where he replies: "Hast thou but one blessing, my father? bless me, even me also, O my father."

In conclusion, I very much doubt that we should admit Hirschensohn's a fortiori interpretation(s) of Gen. 27:37. His readings, including inference 'from Esau to other brothers' and distinction between having a master and being a servant, are mere spin. The given text does not intend them; it can certainly be credibly understood without getting into them. They are not even implicit; they are artificially tagged on.

There are three more Torah passages that Hirschensohn considers as having a fortiori intent, but which I **reject**, namely: **Genesis 6:9, 17:20-21; Leviticus 10:19.** These cases were proposed by other commentators before Hirschensohn, as he admits. I have analyzed them where they previously occurred: the first of these in the chapter on Rashi, the second in that on Genesis Rabbah, and the third in that on Katzenellenbogen[118]. So, I need not say more about them here.

Additionally, according to Gabay, Hirschensohn considered **2 Samuel 10:16** as having a fortiori intent. Maybe also one or two other cases... initially Gabay listed **Proverbs 10:17** as a case; but in a later listing he omitted it without explanation, and instead listed **Proverbs 19:7b** as a case. I asked Gabay to clarify for me Hirschensohn's *qal vachomer* formulations of these verses, but got no reply from him. Looking at the said passages, I see no a fortiori intent in any of them, and therefore reject them.

Judge for yourself. The first reads: "And Hadadezer sent, and brought out the Arameans that were beyond the River; and they came to Helam, with Shobach the captain of the host of Hadadezer at their head." The second reads: "He is in the way of life that heedeth instruction; but he that forsaketh reproof erreth." The third reads: "All the brethren of the poor do hate him; how much more do his friends go far from him! He that pursueth words, they turn against him;" the first half of this verse, being already known to Rashi as *qal vachomer* and easy to validate, presents no problem – it is presumably the second half (whose meaning is far from clear) which is here newly proposed as a second *qal vachomer*.

Regarding Proverbs 19:7b, which reads "He that pursueth words, they turn against him," maybe the proposed *qal vachomer* is: A man who is poor but does not 'pursue words' is despised enough to be avoided; a man who is poor and 'pursues words' is despised enough to be 'turned against' (i.e. more than just avoided). That would be a positive subjectal a crescendo argument (**+s&**); but it would be at best (if at all a fortiori) implicit. Rashi does not flag this sentence as *qal vachomer*. There is no linguistic indicator of a fortiori argument. The meaning of the term 'pursuing words' is in any event unclear and variously interpreted, so that an a fortiori reading is at best conjectural.

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118 Gabay does not flag Katzenellenbogen's case Proverbs 6:30 as also being claimed by Hirschensohn. I do not know whether this was an oversight on Gabay's part, or Hirschensohn indeed did not mention this case even though it is claimed by Katzenellenbogen together with another case, viz. Leviticus 10:19, that Hirschensohn does mention. I did not ask Gabay this question because I stopped expecting him to reply.

Concerning the tradition of ten *qal vachomer*.

As we have seen in the course of this study, the number of *qal vachomer* instances in the Tanakh became an issue and a scholarly quest sometime after the Midrash *Genesis Rabbah* (GR) was first published in ca. 300-500 CE, because this document quotes R. Ishmael (2nd Cent. CE) as saying that Genesis 44:8 is "**one of the ten *qal vachomer* arguments given in the Torah**" (GR 92:7). Moreover, *because* this same document (or a common, extant version thereof) lists nine more instances of *qal vachomer* **in the Tanakh**, viz. Exodus 6:12, Numbers 12:14, Deuteronomy 31:27, 1 Samuel 23:3, Jeremiah 12:5 (2 instances), Ezekiel 15:5, Proverbs 11:31, and Esther 9:12, the statement by R. Ishmael mentioning ten cases 'in the Torah' has always been taken to mean 'in the Tanakh' (reading the word Torah in its larger, colloquial sense).

An important problem was the discovery, at least from the time of Rashi (11th Cent.), that there are in fact ***more than ten*** instances of *qal vachomer* in the Tanakh. This put in doubt the said authoritative statement in GR 92:7. Was the number ten to be taken as meaning 'some large number', or perhaps 'at least ten, maybe more'; or were the ten mentioned in this document deliberately selected based on some unspoken criterion or criteria? No one dared accuse GR of simply being in error, even if other passages of the GR document itself mention additional examples of *qal vachomer* in the Tanakh, because the implication of error by an author from the Talmudic era would be devastating (even if, as is the case here, it is merely haggadic, not halakhic).

Hirschensohn showed awareness of this problem when he wrote (in BM, vol. 1, p. 40, translation by Gabay): "The interpreters struggled with this Midrash when they found in the Bible many more than the number of KV considered here," and went on to remind readers that Ashkenazi, Katzenellenbogen, and Einhorn found new cases (without mention of Strashun, as already noted).

As regards the apparent inconsistency in GR itself, this could be explained away (I suggest) by viewing GR as a compilation of work by different authors, or by the same author at different times. But the number ten specifically in GR 92:7 could not be dismissed so easily. On the positive side, the ten cases listed in that passage included only four cases from the Torah, the other six being in the Nakh, thus confirming the interpretation of R. Ishmael's statement "in the Torah" as meaning "in the Tanakh." But on the negative side, even this list of four cases in GR 92:7 was incomplete – since it did not include, for instance, Gen. 4:24 (which is mentioned elsewhere in GR and in the later (7th-10th Cent.) work *Avot de-Rabbi Nathan* (ARN)).

A much later Midrashic work, *Yalkut Shimoni* (YS), dating from the medieval era (11th-14th Cent.), reiterates the tradition of ten instances of *qal vachomer*, but it apparently lists only nine instances, leaving out Ezekiel 15:5 without any explanation. Note in passing that from the nine cases that it does list, corresponding to cases listed in GR, it is evident that the author of YS read Ishmael's "in the Torah" as meaning "in the Tanakh,". The omission of one case (in the editions of YS that have come down to us) could easily, I daresay, have been an error of inattention by the author or by a later scribe. There was nothing logically wrong in the a fortiori argument implied by Ezek. 15:5, no technical reason to omit it. But this became a minor '*cause célèbre*', giving rise to considerable controversy in some quarters.

It was suggested, in due course, especially in more recent times, that the list of nine cases in GR 92:7, following Ishmael's comment about Gen. 44:8 being one of the ten cases in the Torah, might just be a later commentary, a gloss appended by someone else to the original statement by Ishmael. That would leave open a possibility for controversy over what 'the other nine' cases might be, but it would not of course resolve the issue of why only ten cases in all were officially acknowledged when many more were in evidence. Nevertheless, it meant that if some appropriate criterion or criteria of selection could be found, both issues might be resolved by judicious choice of nine cases to make up the number ten, and ten only, with Gen. 44:8. However, since the criteria proposed were too vague and not particularly exclusive, the selections proposed were not very convincing (at least not to exacting observers like me).

As we have seen (in chapter 9) Einhorn strongly supported the thesis that Ezek. 15:5 was a later addition, and he claimed that Ashkenazi was of the same opinion. Note that this is different from saying that the listing of all nine additional *qal vachomer* cases is a gloss (as Theodor-Albeck later proposed[119]). Hirschensohn accepted the exceptional doubt placed on Ezek. 15:5, when he wrote[120]:

> "What is even more astonishing is that, according to this Midrash, it seems that one was added by one of the publishers to complete the list of ten. It seems that the list in the Midrash originally only had nine items, as can be seen in *Yalkut Shmuel* I, Chapter 23. See [in] the comment from the

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119 Cited by Jacobs in his essay "The Qal Va-Homer Argument in the Old Testament," fn.2.

120 Gabay clarified for me that *Yalkut Shmuel* refers to the *Yalkut Shimoni* (on Samuel) and that *Yafeh Mar'eh* refers to S. Y. Ashkenazi's *Yefeh Toar*. He reported that Hirschensohn identified (on p. 45) the R. Kalonymus here mentioned with "with the scholar who was a contemporary of Rashi and is quoted in Rashi on *Beitsa* 24b".

> esteemed Baal *Yafeh Mar'eh* a note from Rabbi Kalonymus from Rome, who adds the tenth KV from Ezekiel 15."

As we have also seen, Einhorn advocated replacing Ezek. 15:5 with Nehemiah 13:26-27. Hirschensohn, on the other hand, advocated replacing it too, but with Gen. 4:24, citing its mention in the Midrash Rabbah (23:5)[121] and in the Jerusalem Talmud (*Sanhedrin* 10:1). In my view, Hirschensohn's candidate is more credible than Einhorn's – but both are quite speculative.

The fact that Rashi's commentary opposite Ezek. 15:5 does not mention the YS list of GR cases as being deficient (i.e. mentioning only nine cases instead of the declared ten), nor mention the identification by his contemporary Kalonymus of the Ezekiel case as the missing one, suggests (granting the implied early date for YS) that this whole issue is overblown by certain later scholars (notably Einhorn).

The simplest interpretation of events is that (a) the Ezek. case was indeed included among the ten by the author of GR 92:7; or (b) it was possibly added by some anonymous editor soon after him, together with eight other cases to the Gen. 44:8 case originally mentioned by R. Ishmael; and that (c) centuries later, the author of YS accidentally omitted it; or (d) a scribe sometime after him did; and that (e) the said Kalonymus in some gloss corrected the latter error; (f) presumably based on some earlier source no longer extant; so that (g) Rashi subsequently regarded all the preceding as so obvious and insignificant that he felt no need to even mention this matter in his commentary on the case!

As we have seen, Hirschensohn's research focused on finding additional instances of *qal vachomer* in the Torah proper. According to Gabay's account, he was "trying to find 10 KV in the Torah itself – not in the Prophets and Writings." This was a revolutionary undertaking; it was something that no one had tried to achieve, let alone achieved, before. It appears that, consciously or subconsciously[122], Hirschensohn took Ishmael's statement about ten cases "in the Torah" as meaning in the Torah proper (i.e. the Five Books of Moses), not the Tanakh as a whole. This was *a brilliant, novel idea* that no one else, including me, had thought of before him or since (so far as I know). All of us have taken for granted that R. Ishmael's

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[121] "Where," Gabay noted, "it is called 'a KV of darkness' because it is flawed," adding that Hirschensohn "goes on to explain the flaw in the KV is not a flaw in the logic of the KV, its logic being perfectly sound, rather there was a tradition that Cain would be punished seven generations after his murder of Hevel. The 'darkness' in this KV is not in its logical construction but in its conclusion which did not consider the element of Divine justice."

[122] I cannot say which, since Gabay does not mention it and has stopped replying to my queries.

statement in GR that Gen. 44:8 is "one of the ten *qal vachomer* arguments given in the Torah" really means (as the list of nine more cases in GR clearly implies) "in the Tanakh."

Hirschensohn's attempt to find ten instances of *qal vachomer* in the Torah could thus be explained as an attempt to justify the hypothesis that Ishmael's statement was intended *literally*. And since five cases are already known since antiquity, and at least one more was found by Rashi and one more by Katzenellenbogen, he would only need to find three more cases to prove his point! And, to my amazement, he *did* succeed in finding three more. In fact, as I have above confirmed, he found *more than* three more! This was not so good, because Ishmael had apparently specified that there are only ten cases in the Torah. So, while the hypothesis that Ishmael's 'in the Torah' might mean 'in the Torah proper' was confirmed, the hypothesis that there are 'ten' cases in it was simultaneously refuted *anew*!

Actually, as we have seen, Hirschensohn listed four Torah cases, proposed by Rashi and Katzenellenbogen; not just two. So, he must have thought he needed just one more Torah case to make up the needed ten. However, by my reckoning, while Gen. 6:3 and Deut. 32:39 are valid explicit cases, Gen. 6:9 and Lev. 10:19 are only implicit; that is why I say he objectively needed three more cases to make the count ten. Also remember, in this context, that two of the cases that Hirschensohn himself proposed, Gen. 3:1 and 27:37, I have rejected. Nevertheless, he did propose seven new cases that I consider valid and to which I have added an analogous case, making eight; so, he did more than succeed in his quest.

Gabay reports that Hirschensohn "goes on for tens of pages with a theory why only 10 in the Midrash were selected (out of at least 40)." I asked him to try and write a brief summary of how Hirschensohn explicates this discrepancy, but he did not respond. I do not, therefore, know Hirschensohn's thoughts on this matter. He has managed to surprise me thus far, by noticing seven Biblical a fortiori arguments that I could not see by myself; so, he might well surprise me again. But until I become acquainted with his thesis, I am very skeptical that the discrepancy is explicable in a convincing manner and therefore assume offhand that his wordy discourse on this issue is mere apologetics.

To conclude, Hirschensohn's contribution to the field of Biblical *qal vachomer* enumeration is quite impressive, even if he only focused on the Torah. If he had also independently researched the Nakh with equal zeal, he would no doubt have found many new cases in it.

12. Avi SION in *Judaic Logic*

I published my book *Judaic Logic* (JL) in Geneva in 1995[123]. This book developed a list of **23 instances** of *qal vachomer* in the Tanakh (besides the 11 instances given in Midrash GR). The 23 instances are: **1 Samuel 14:29-30, 17:37, 21:6; 2 Samuel 4:10-11, 12:18, 16:11; 1 Kings 8:27; 2 Kings 5:13, 10:4; Jonah 4:10-11; Psalms 78:20, 94:9 (a & b), 94:10; Proverbs 15:11, 19:7, 19:10, 21:27; Job 4:18-19, 15:15-16, 25:5-6; Daniel 2:9; 2 Chronicles 6:18**.

We can at present categorize these findings as follows. Of the 23 cases identified, *5 cases are 'historic firsts'*, namely: 1 Samuel 17:37[124], 21:6; Psalms 94:9 (2 cases), 94:10. Another 18 cases are 'independent' findings, namely: 1 Samuel 14:29-30; 2 Samuel 4:10-11, 12:18, 16:11; 1 Kings 8:27; 2 Kings 5:13, 10:4; Jonah 4:10-11[125]; Psalms 78:20; Proverbs 15:11, 19:7, 19:10, 21:27; Job 4:18-19, 15:15-16, 25:5-6; Daniel 2:9; 2 Chronicles 6:18. And the remaining 11 cases are 'derived', namely: the GR list of10 cases plus Gen. 4:24.

My list of 23 Biblical a fortiori arguments in JL was, I thought at the time I formulated it, *entirely* a 'historic first', because I developed it completely independently. That is, I did not compile these cases from any rabbinic or secular sources (for the simple reason that I knew of no such sources), but systematically researched and discovered them by myself. It is only in the course of the present study that I found out (sadly, I must admit) that 18 cases had already been discovered by others before me, and that I could only still claim 5 cases as new.

I describe in that book exactly how I proceeded. For a start (in JL, chapter 3), I investigated and established *the formal logic of* a fortiori argument wherever it occurs; this I later referred to when deciding whether a given possible a fortiori argument was to be declared valid or not. Secondly (in JL, chapter 5), I looked at *the language of* Biblical a fortiori arguments included in the GR list (e.g. *hen*

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[123] The book was written, as I recall, in 1992-95. I first self-**p**ublished it in 1995, in small quantity for distribution to libraries; then published it through Editions Slatkine, Geneva, in 1997. I posted it in my website TheLogician.net about 2001. Later, I self-**p**ublished it through online publishers, first Lulu.com, then Amazon.com, and eventually others.

[124] This case was formulated by me and added to subsequent editions of JL in 2001, after being pointed out to me by a reader called Mark Leroux.

[125] This case was discovered fortuitously by me and added to subsequent editions of JL in 1998.

(behold)/*ve ekh* (how then); *hine* (behold)/*ve af ki* (then also if), etc.), and on that basis I sought out other uses of similar language in the whole Tanakh by means of a printed concordance of the Bible.

This was patient manual work – there was no Internet at the time, and I knew of no computer readable editions of the Bible I could search through. I looked at some 500 verses that used such expressions and selected among them 21 cases that were visibly a fortiori in intent. The originality of the work done deserves recognition. Two further cases came to light later[126], making 23. Evidently (as I discovered later), I missed many cases, either through inattention or because they did not involve the key words and phrases I sought or because I could not see their a fortiori intent at the time.

A few words regarding **1 Samuel 17:37**. There David says to Saul concerning Goliath: "The Lord who saved me from the paw of the lion and the paw of the bear, He will save me from the hand of the Philistine." This case was in fact noticed and pointed out to me by a reader of JL named Mark Leroux in 2001, and added by me to subsequent editions of JL. I only therefore claim credit for interpreting it as saying: "If David had spiritual credit enough to be saved from innocent creatures (the lion and bear), then he has credit enough to be saved from evil ones (the Philistine)," and then publishing it.

However, Gabay recently (2023) informed me that Malbim[127], in a commentary *ad loc*, had already considered this verse as *qal vachomer*, having read it as saying: "Just as David triumphed over lions and bears through the power of his divine soul, he will similarly, and even more so, prevail over the Philistine warrior with this strength" (translation by Gabay). But, as I wrote back to him, this reading is not accurate, because it posits David as active subject and does not mention God's role, whereas the verse clearly posits God as the active subject and David as a mere passive recipient of His salvation. An interpretation must always reflect all the terms used in the verse being interpreted. Thus, although Malbim may be credited with having vaguely noticed the a fortiori *intent* of this verse, he cannot be said to have fully understood it.

Gabay considers Malbim's reading as at best implicit (*satum*). He proposes instead the following, not a fortiori, reading: "In the same way that God has protected me in the past from other dangers, he will protect me now as well." Now, as I replied to him, this reading is reasonable, in that it connects the two parts of the verse in

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126 In 1998 and 2001, as already mentioned.

127 R. Meir Lob Ben Yehiel Michal, 1809-1879.

the way of an *analogical* argument; but such argument is *logically weaker* than a fortiori argument. If Gabay's intent was to put the two halves of the verse on an equal footing, it could be done better through an *egalitarian a fortiori* argument: "*As much* (instead of 'more') spiritual credit is required for God to save someone from animals as for God to save someone from an evil man; and David had enough spiritual credit to be saved by God from animals, therefore he had enough of it to be saved by Him from Goliath."

This alternative *qal vachomer* interpretation is clearly quite credible, and in general an a fortiori reading is preferable to an analogical one because it offers more explanation for the bond between minor premise and conclusion. In the present case, the a fortiori reading adds David's 'spiritual credit' (implied by the surrounding narrative) as explanation of God's acts of salvation in both situations, thus denying them to have been mere happenstance. The egalitarian reading differs from my original reading in that in the latter the (tacit) major premise is that *more* spiritual credit is required to be saved from animals, who are relatively morally innocent creatures since they just follow their natural instincts, than to be saved from a willful enemy like Goliath, who being quite evil deserves to be opposed by God anyway. The given text could be interpreted either way: take your pick.[128]

[128] I devote so much space to this one case, not because it is particularly important, but because the discussion provides some valuable lessons in interpretation for eventual readers.

13. R. Louis JACOBS

R. Louis JACOBS (b. 1920, in Manchester, UK, d. 2006)[129] wrote an essay entitled "The Qal Va-Homer Argument in the Old Testament," included as chapter 12 in his book *Rabbinic Thought in the Talmud*, published in London, UK, 2005[130].

In this essay, Jacobs lists **twenty-one instances** of *qal vachomer* in the Tanakh (pp. 111-113) (besides the 11 instances given in Midrash GR[131]). The 21 are: **Judges 14:16; 1 Samuel 14:29-30; 2 Samuel 12:18, 16:11; 1 Kings 8:27; 2 Kings 10:4; Isaiah 66:1 (a & b); Jeremiah 25:29, 45:4-5, 49:12; Ezekiel 33:24; Jonah 4:10-11; Proverbs 15:11, 19:7, 19:10, 21:27; Job 4:18-19, 9:13-14, 15:15-16, 25:5-6; Nehemiah 13:26-27**.

Only two of these cases are 'historic firsts', namely: Isaiah 66:1 (a & b). Another 7 are apparently 'independent finds', namely: Judges 14:16; 1 Samuel 14:29-30; 2 Samuel 12:18, 16:11; Ezekiel 33:24; Jonah 4:10-11; Proverbs 19:7. The remaining 18 can be assumed to be 'derivative'.

Isaiah 66:1. God: "The heaven is My throne, and the earth is My footstool; where (*eizeh*) is the house that ye may build unto Me? And where (*eizeh*) is the place that may be My resting-place?" {**-s**} There are clearly two antecedents and two consequents here; so. there are really *two* a fortiori arguments, intertwined, viz.: (a) If His heavenly throne is not big enough to house God, then an earthly house is not big enough to do so; and (b) if the entire earth is not big enough as a resting-place for God, then a delimited place is not big enough for that. I counted this verse as only one argument in AFL, and so did Jacobs in his said essay; but there are clearly two, though their intent is roughly the same. Note that their narrative is comparable to 1 Kings 8:27 and 2 Chronicles 6:18.

Since Jacobs mentions Ashkenazi (*Yefeh Toar*)[132], we can assume that he found the following 12 cases mentioned in his list in that work: 1 Kings 8:27; 2 Kings 10:4; Jeremiah 25:29, 45:4-5, 49:12; Proverbs 15:11, 19:10, 21:27; Job 4:18-19, 9:13-14, 15:15-16, 25:5-6. However, Jacobs does not have the Isaiah 20:6 case, which is listed in YT; this was probably an accidental omission, but may have been (for

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129 https://en.wikipedia.org/wiki/Louis_Jacobs. More on Jacobs at: https://louisjacobs.org/.

130 https://archive.org/details/rabbinicthoughti0000jaco.

131 He lists 10 instances on pp. 109-110; and he mentions Gen. 4:24 in fn. 3.

132 In fn. 6.

some unstated reason) intentional. Also, since Jacobs mentions Einhorn[133], we can assume he got the Nehemiah 13:26-27 case from him. It is certain, however, that Jacobs did not derive any other case from Einhorn, since the latter does not have a published list (though he claimed to have compiled a list in his private notebook). It is possible that Jacobs derived some cases from Rashi, maybe Ezekiel 33:24 and Proverbs 19:7; but since he does not tell us his sources, we cannot assert it other than speculatively.

After mentioning Einhorn, Jacobs writes[134] that Hirschensohn "adds the following examples (but these are extremely doubtful)" and he lists Genesis 3:22, 11:6, 17:17. These three cases are in fact (as we determined in chapter 11, above) valid and explicit; so, Jacobs was wrong in his rejection of them. One might think that Jacobs mentioning these three cases implies that he actually read the whole of Hirschensohn's book; but there are too many cases (8 of them, to be precise)[135] that the latter lists which Jacobs does *not* mention for such an assumption to be credible. So, while one might be tempted to assume five of the cases listed above as independent, namely: 1 Samuel 14:29-30; 2 Samuel 12:18, 16:11; Ezekiel 33:24; Proverbs 19:7, to have been derived from Hirschensohn (since he too has them), it is wiser not to do so.

It can safely be denied that Jacobs, for all his erudition, studied the relevant works of Katzenellenbogen (ZHK) and Strashun (MS) when he drew up his list. If we look the 7 cases above labeled as apparent 'independent finds', we see that 4 of them, viz. 1 Samuel 14:29-30, 2 Samuel 16:11, Ezekiel 33:24, and Proverbs 19:7, are found in ZHK, and thence in MS; while 3 of them, viz. Judges 14:16, 2 Samuel 12:18, and Jonah 4:10-11, are found in MS alone (i.e. but not ZHK). We might thus think that Jacobs could have learned of these cases from those authors. However, there are 1 case listed by ZHK alone[136], 4 cases by ZHK and thence MS[137], and 14 cases by MS alone[138], that Jacobs lacks in his listing – which tells us that Jacobs was not (or not fully) acquainted with these two sources. He might conceivably have rejected the 19 missing cases without saying why, but it seems very unlikely since they are numerous and clearly valid.

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133 On p. 111.

134 In fn. 6 (citing pp. 39-60) and 7 (citing pp. 40-45).

135 Namely: Gen. 4:14, 6:3, 14:23, 39:8-9; Ex. 6:30; Deut. 32:39, Isa. 20:6, Ps. 78:20.

136 Namely, Deut. 32:39.

137 Namely: 2 Sam. 4:10-11, 12:21; Prov. 17:7; 2 Chron. 6:18.

138 Namely: 1 Sam. 14:39; 2 Sam. 11:11; 2 Kgs 5:12, 5:13, 18:23-24, 18:35; Isa. 1:3, 10:11, 20:6, 36:8-9, 36:20; Jerem. 2:11, 8:7; Ezek. 3:4-7.

Note furthermore that of the 21 cases of Biblical a fortiori argument listed by Jacobs (besides the 11 traditional ones) in 2005, 12 were already analyzed and listed in my book *Judaic Logic* (JL) ten years earlier, but 9 were new to me when I came across his essay in 2013 and I analyzed and listed these in my book *A Fortiori Logic* (AFL). It is evident, however, that Jacobs did not refer to my earlier work (JL) at all, since he does not mention it. As an objective and honest researcher, he surely would have cited it if he had known of it and read it. In 2005, the initial limited edition (1995) of my book was available in certain university libraries, the more public Slatkine edition (Geneva, 1996) was on sale, and most significantly the whole book was posted (since 2001) on my website www.TheLogician.net. It is therefore surprising that Jacobs did not come across it. Apparently, he did not research the field very thoroughly.

In AFL, chapter 16, I examine Jacobs's work in this field in considerable detail. I demonstrate, for a start, that he did not master the formalities of a fortiori argument. He describes such argument as either *simple* (If A has x, then B certainly has x) or *complex* (If A, which lacks y, has x, then B which has y certainly has x); but this is a superficial formula, lacking many important formal features and therefore incapable of strict validation. Nevertheless, he did intuitively manage to compile a list of 21 valid cases, as already mentioned. The question is: how did he do it? In his essay on the subject, he writes (p. 111):

> "But the commentators to the Midrash and other scholars are puzzled by R. Ishmael's reference to only ten Scriptural cases. In fact, they point out, there are many more instances of an explicit *qal va-homer* in the Bible. Wolf Einhorn of Grodno observes that his researches have yielded no fewer than forty instances and other commentators come up with similar results. Some of these must be rejected as far-fetched and dubious, but the following list contains all the definite references."

And he goes on to list 21 instances of Biblical a fortiori. Unfortunately, Jacobs exhibits a surprising lack of precision for a scholar of his caliber, failing to specify the source(s) of each of the 21 Biblical a fortiori arguments he goes on to list, and failing to explain why he selected these as "definite references" and rejected others as "far-fetched and dubious." I assumed in AFL, as a working hypothesis, not without misgivings, that all the cases Jacobs listed had been included in Wolf Einhorn's alleged list of "forty instances," because Einhorn's was the only name he mentioned in the paragraph just cited[139], and because he added that "other commentators" (left unnamed) had "come up with similar results." I thus ended up

[139] Although he did mention other authors in fn. 6, notably Ashkenazi and Hirschensohn.

erroneously labeling all of Jacobs's cases with Wolf Einhorn's initials, WE. Of course, having now learned that Einhorn did not in fact publish a list of 40 cases, I am in the present paper relabeling Jacobs's 21 cases with his initials, LJ.

Lastly note, in his essay (on p. 111), Jacobs draws attention to the *baraita* of R. Eliezer ben R. Jose the Galilean, which distinguishes between explicit (*meforash*) and implicit (*satum*) *qal vachomer* arguments, and gives two Biblical examples of each; namely, for the explicit, Jeremiah 12:5 and Esther 9:12 (both these given in the *Genesis Rabbah* list of ten) and for the implicit, Psalms 15:4-5 (2 cases). I have analyzed the latter two cases in the Rashi chapter (6, above). I there agree, as does Jacobs in his essay, with R. Eliezer that they are at best implicit a fortiori argument.

14. Avi SION in *A Fortiori Logic*

I published my book *A Fortiori Logic* (AFL) in Geneva in 2013[140]. This book developed a list of **36 instances** of *qal vachomer* in the Tanakh (besides the 11 instances given in Midrash GR). The 36 instances are: **Judges 14:16; 1 Samuel 14:29-30, 17:37, 21:6; 2 Samuel 4:10-11, 12:18, 16:11; 1 Kings 8:27; 2 Kings 5:13, 10:4, 18:23-24; Isaiah 36:8-9, 66:1 (a & b); Jeremiah 25:29, 45:4-5, 49:12; Ezekiel 14:13-21, 33:24; Jonah 4:10-11; Psalms 78:20, 94:9 (a & b), 94:10; Proverbs 15:11, 19:7, 19:10, 21:27; Job 4:18-19, 9:13-14, 15:15-16, 25:5-6; Daniel 2:9, Nehemiah 13:26-27; 2 Chronicles 6:18, 32:15**.

We can at present categorize these findings as follows. *1 case is a 'historic first'*, namely: 2 Chronicles 32:15. This lone case being in addition to the 5 'historic firsts' listed by me in JL, namely: 1 Samuel 17:37, 21:6; Psalms 94:9 (2 cases), 94:10, making a total of 6 for me at time of writing. Another 3 cases are 'independent finds', namely: 2 Kings 18:23-24; Isaiah 36:8-9; Ezekiel 14:13-21. These 3 cases being in addition to the 18 'independent finds' listed by me in JL, namely: 1 Samuel 14:29-30; 2 Samuel 4:10-11, 12:18, 16:11; 1 Kings 8:27; 2 Kings 5:13, 10:4; Jonah 4:10-11; Psalms 78:20; Proverbs 15:11, 19:7, 19:10, 21:27; Job 4:18-19, 15:15-16, 25:5-6; Daniel 2:9; 2 Chronicles 6:18. And the remaining 20 cases are 'derived', namely: the GR list of 10 cases plus Gen. 4:24, and 9 cases that I found in Louis Jacobs's 2005 listing, namely: Judges 14:16; Isaiah 66:1 (a & b); Jeremiah 25:29, 45:4-5, 49:12; Ezekiel 33:24; Job 9:13-14; Nehemiah 13:26-27.

Regarding Ezekiel 14:13-21, which I thought was a 'historic first' finding of mine, until I discovered during the present study that Rashi had beat me to it (thanks to Gabay, who drew my attention to the fact). I have analyzed it briefly in the Rashi chapter (6, above); but I will review it here in a bit more detail. It reads as follows:

Ezekiel 14:13-21: "Son of man, when a land sinneth against Me by trespassing grievously, and I stretch out My hand upon it… and send famine upon it… [Or] if I cause evil beasts to pass through the land… Or if I bring a sword upon that land… Or if I send a pestilence into that land… though Noah, Daniel, and Job, were in it, as I live, saith the Lord God, they shall deliver neither son nor daughter; they shall

[140] The book was written, as I recall, in 2010-13. I immediately posted it in my website TheLogician.net about 2001 and self-published it through online publishers, including Amazon.com, Lulu.com, and others.

but deliver their own souls by their righteousness… How much more (*af ki*) when I send My four sore judgments against Jerusalem, the sword, and the famine, and the evil beasts, and the pestilence, to cut off from it man and beast" (brackets mine).

My paraphrase: The words are spoken by God. Their meaning is: More spiritual credit is required to prevent the execution *together* of several negative decrees than to prevent their execution *separately* (tacit major premise); whence it follows that if holy men (such as Noah, Daniel, and Job) lack sufficient spiritual credit to prevent the execution of each of the four negative decrees separately (minor premise), then they lack enough to stop all four of these decrees together (conclusion). This is a negative predicatal (**-p**) a fortiori argument.

I discovered this new case of *qal vachomer* in the Tanakh back in 2013, when I was close to completing AFL. What made its discovery difficult until then was the exceptional length of this argument, due to its complicated listing of four separate decrees and then drawing a conclusion about them together. I came across this case fortuitously and was quite surprised when I found it. I was proud of myself for realizing it. For this reason, I am sorry to now 'lose' it.

In his commentary, Rashi only mentions the last verse (v. 21, the one containing the expression *af ki*), without drawing attention to its antecedents (v. 13-20); so, I have wondered if he was aware of the relevance of preceding verses, or he declared the final verse as indicative of *qal vachomer* merely on the basis of its language. Nevertheless, I must *ex post facto* acknowledge him as an earlier discoverer of this case, because I do not see how v. 21 could be read out of context and interpreted in any way other than as the last leg of a long a fortiori argument. Rashi must have been at least somewhat aware of the premises to the conclusion in v. 21, even if he did not spell them out.

I am therefore obliged to classify Ezek. 14:13-21 in my list as an 'independent find' instead of as a 'historic first'. I nevertheless propose, in view of Rashi's incomplete presentation and my more thorough analysis of the case, to label it in the merged list in chapter 3 as R/AS.

15. The language of Biblical a fortiori discourse

In my book *Judaic Logic*, chapters 5 and 6, I studied Biblical a fortiori discourse empirically, without preconceptions, by examining the language used for it in the cases I had encountered thus far. I found that certain Hebrew verbal expressions, which I called key words and phrases, were used repeatedly, apparently as indicators of *qal vachomer* intent. However, there were different key words and phrases, not just one or one set of them; sometimes, too, there was no indicator at all. Moreover, while the verbal expressions were sometimes, or even often, indicative of a fortiori discourse, they were not used exclusively in such contexts. That is, they did not necessarily imply a fortiori argument, but merely suggested it as possibly present. Even so, the indicators I gradually identified helped me find new cases of Biblical a fortiori discourse; so, they were very useful.

I began my search with reference to the language used in the ten cases given traditionally as exemplary. These cases involved the expressions: *hen/ve-ekh* (2), *hen/af ki, hen/ve-af ki, hine/af ki, hine/ve-af ki, ki/ve-ekh, u/ve-ekh, ve/ha-lo*, and *meh*. *Hen* and *hine* are translated as 'behold', *ve-ekh* means 'how then', *af ki* means 'then when' or 'then if', *ha-lo* means 'is it not then that' (a rhetorical turn of phrase), and *meh* means 'what' or perhaps 'how many'. I searched for these expressions in a printed concordance, and then looked at about 500 Biblical references with a fortiori potential. I thus found a score of new (new to me) cases. Some of them involved other phraseology, which I discovered incidentally, such as *ki* (if, when, since, because), *lahen* (thus), *reu* (see), *im* (if), *gam* (also).

What transpired was that the terms used served as if/then operators. For instances, *hen* or *hine* has the semantic value of 'if', and *ve-ekh* or *af-ki* signifies 'then', so that combined together they announce respectively an **antecedent** clause and a **consequent** clause. The resulting if-then statement might often constitute an a fortiori argument, usually the minor premise and the conclusion of one; but sometimes it might not. Only *close scrutiny of the narrative, and careful linguistic and logical analysis, often aided by past rabbinic commentaries*, permit an ad hoc judgment as to whether or not a given text has or lacks a fortiori intent. This method has been used in the present study and gives our current expanded listing its credibility.

I recently discovered an excellent **online concordance of the Bible** at blueletterbible.org. This is a Christian site, but it includes the Hebrew Bible[141]. One can search in it for a Hebrew word (using Hebrew letters), and it will provide a list in English of all the chapters and verses where it appears[142]. One can also search for two or more words, and it will return where they appear together and separately. Moreover, not only is the relevant location in the Bible listed, but the textual content in Hebrew can be read on the same page without needing to go looking for it elsewhere. Also, statistical summaries are given, showing how many times the word string(s) occur in each book of the Tanakh, and in the whole Tanakh. This tool should, obviously, greatly facilitate the finding of new *qal vachomer* cases, if any.

Looking now at the 72 Biblical a fortiori valid and explicit cases listed in the preceding chapter, we can propose the following **list of key words and phrases**. (A dash '-' means no verbal indicator is used.)

Reference	Type	Antecedent	Consequent
Genesis 3:22-23	**+s**	*hen*	*ve-atah*
Genesis 4:14	**+s&**	*hen*	*ve-hayah*
Genesis 4:24	**-s&**	*ki*	*ve*
Genesis 6:3	**+s**	*beshagam*	*ve*
Genesis 11:6	**+s**	*hen*	*ve-atah*
Genesis 14:23	**-p**	*im*	*ve*
Genesis 17:17	**+s**	*ha-le*	*ve-im*
Genesis 18:12	**+s**	*hayta*	*ve*
Genesis 39:8-9	**+s**	*hen*	*ve-ekh*
Genesis 44:8	**+p**	*hen*	*ve-ekh*
Exodus 6:12	**-s**	*hen*	*ve-ekh*
Exodus 6:30	**-p**	*hen*	*ve-ekh*
Numbers 12:14	**+s**	*ve*	*ha-lo*
Deuteronomy 31:27	**+s**	*hen*	*ve-af ki*
Deuteronomy 32:39	**+p**	*ki*	*ve*

[141] N.B. when searching for an expression in this site, one must specify WLC as the book to search in. WLC refers to the Westminster Leningrad Codex.

[142] One should of course remain vigilant for Biblical chapter and verse references that differ in Christian editions of the OT, compared to the Jewish Bible. I cannot predict whether this issue will ever in fact arise in our research.

Reference	Type	Antecedent	Consequent
Judges 14:16	**-p**	*hine*	*ve*
1 Samuel 14:29-30	**+s&**	*reu (ki... ki)*	*af (ki... ki)*
1 Samuel 14:39	**-s**	*ki*	*ki*
1 Samuel 17:37	**+p**	-	-
1 Samuel 21:6	**+p**	*ki im*	*ve-af ki*
1 Samuel 23:3	**+p**	*hine*	*ve-af ki*
2 Samuel 4:10-11	**+s**	*ki... va*	*af ki... ve ha-lo*
2 Samuel 11:11	**-s**	-	*va*
2 Samuel 12:18	**+s&**	*hine*	*ve-ekh*
2 Samuel 12:21	**+s&**	*mah*	*ve-ka-asher*
2 Samuel 16:11	**+p**	*hine*	*ve-af ki*
1 Kings 8:27	**-s**	*hine*	*af ki*
2 Kings 5:12	**-s**	*ha-lo*	*ve*
2 Kings 5:13	**+s**	*ha-lo*	*ve-af ki*
2 Kings 10:4	**-s**	*hine*	*ve-ekh*
2 Kings 18:23-24	**-s&**	*im*	*ve-ekh*
2 Kings 18:35	**-s**	*asher*	*ki*
Isaiah 1:3	**+s**	-	-
Isaiah 10:11	**+s**	*ha-lo ka-asher*	*ken*
Isaiah 20:6	**-s**	*hine*	*ve-ekh*
Isaiah 36:8-9	**-s&**	*im*	*ve-ekh*
Isaiah 36:20	**-s**	*asher*	*ki*
Isaiah 66:1a	**-s**	-	*eizeh*
Isaiah 66:1b	**-s**	-	*eizeh*
Jeremiah 2:11	**+s**	-	*ve*
Jeremiah 8:7	**+s**	*gam*	*ve*
Jeremiah 12:5a	**-p**	*ki*	*ve-ekh*
Jeremiah 12:5b	**-p**	*u*	*ve-ekh*
Jeremiah 25:29	**-s**	*ki hine*	*ve*
Jeremiah 45:4-5	**-s**	*hine*	*ve*
Jeremiah 49:12	**+s**	*hine*	*ve*
Ezekiel 3:4-7	**+s**	*ki*	*u*
Ezekiel 14:13-21	**-p**	*ki*	*af ki*
Ezekiel 15:5	**-s**	*hine*	*af ki*
Ezekiel 33:24	**+s**	-	*va*

Reference	Type	Antecedent	Consequent
Jonah 4:10-11	**+s**	-	*va*
Psalms 25:8-9	**+p**	-	*al-ken*
Psalms 78:20	**+p**	*hen*	*gam*
Psalms 94:9a	**+p**	-	*ha-lo*
Psalms 94:9b	**+p**	*im*	*ha-lo*
Psalms 94:10	**+p**	-	*ha-lo*
Proverbs 11:31	**+s**	*hen*	*af ki*
Proverbs 15:11	**+p**	-	*af ki*
Proverbs 17:7	**+p&**	-	*af ki*
Proverbs 19:7a	**+p**	-	*af ki*
Proverbs 19:10	**+s**	-	*af ki*
Proverbs 21:27	**+s**	-	*af ki*
Job 4:18-19	**+p**	*hen*	*af*
Job 9:13-14	**-s**	-	*af ki*
Job 15:15-16	**+p**	*hen*	*af ki*
Job 25:5-6	**+p**	*hen*	*af ki*
Job 35:13-14	**+s**	*akh*	*af ki*
Esther 9:12	**+s&**	-	*meh*
Daniel 2:9	**+p**	*lahen*	*ve*
Nehemiah 13:26-27	**+s**	*gam*	*ve*
2 Chronicles 6:18	**-s**	*hine*	*af ki*
2 Chronicles 32:15	**-s**	*ki*	*af ki*
No. of valid explicit cases	72		

Our next task is to find out how often each linguistic expression is repeated in the above list of 72 cases. Expressions which are very rarely used are of little interest to us. What we need to look at are the expressions that are relatively often associated with a fortiori argument. Knowing them, we can look for and perhaps find new cases of *qal vachomer*.

It is worth first noting in passing the uniformities of language found in the different books of the Bible. Thus, notice the use of *hen/ve-ekh* in the adjacent cases from Gen. 39:8-9, 44:8 and Ex. 6:12, 6:30. From Deut. 31:27 to 2 Kgs 5:13, we see frequent use of *af ki*, *ve af ki*, *ve, ki*, in the consequent. In Jeremiah, the consequent is signaled by either *ve* or *ve-ekh*. In Proverbs, Job, and Chronicles, the consequent

is almost always indicated by *af ki*. Such linguistic uniformities perhaps reflect different historical periods or different document authors. But we should perhaps not make too big a deal of them.

Let us first consider the frequency of each combination of antecedent and consequent in the 72 cases known so far: *hen/af* (1), *hen/af ki* (3), *hen/ve-af ki* (1), *hen/ve-atah* (1), *hen/ve-hayah* (1), *hen/ve-ekh* (5), *hen/gam* (1), *hine/ve* (3), *hine/ve-ekh* (3), *hine/af ki* (3), *hine/ve-af ki* (2), *lahen/ve* (1), *ki/u* (1), *ki/ve* (2), *ki/ki* (1), *ki/af ki* (2), *ki im/ve-af ki* (1), *ki/ve-ekh* (1), *ki hine/ve* (1), *ki... va/af ki... ha-lo* (1), *reu (ki... ki)/af (ki... ki)* (1), *akh/af ki* (1), *u/ve-ekh* (1), *ve /ha-lo* (1), *ha-lo/ve* (1), *ha-lo/ve-af ki* (1), *ha-le/ve-im* (1), *ha-lo ka-asher/ken* (1), *asher/ki* (1), *im/ve* (1), *im/ve-ekh* (2), *im/ha-lo* (1), *gam/ve* (3), *beshagam/ve* (1), *hayta/ve* (1), *mah/ve-ka-asher* (1), *-/meh* (1), *-/af ki* (6), *-/al-ken* (1), *-/eizeh* (2), *-/ha-lo* (2), *-/va* (3), *-/ve* (1), -/- (2). As can be seen, some combinations are more frequently used than others, but no combination can be claimed as *the only* verbal formula used in Biblical a fortiori argument.

If we look at the antecedents alone, we get the following statistics: *hen, hine, lahen* (25), *ki* (11), *im* (5), *ha-lo, ha-le* (4), no sign (18), others (10). If we look at the consequents alone, we get the following statistics: *af, af ki, ve-af ki* (23), *ve-ekh* (12), *ve, u, va,* etc. (23), *ha-lo* (4), others (10). Here again, we can well say that some expressions are more frequent than others, but we cannot claim any expression to be a consistent indicator of *qal vachomer* in the Tanakh. And of course, we have yet to see empirically whether any of the many expressions here used are *exclusively* used for a fortiori discourse. I very much doubt it offhand; but we shall see when we look into a concordance.

Regarding the 14 cases rejected, 7 because I judged them only 'implicit' (D), and 7 because I judged them 'invalid' (E), the following two tables show the key words/phrases, if any, used in them.

Reference	Type	Antecedent	Consequent
Genesis 6:9	**+p**	-	-
Genesis 17:20-21	**+s&**	*hine*	*ve*
Leviticus 10:19	**+s**	*hen*	*ve*
Habakkuk 2:4-5	**+s**	*hine*	*ve-af ki*
Psalms 15:4	**-s**	-	-
Psalms 15:5	**+s**	-	-
Job 28:17	**+s**	-	-

Reference	Type	Antecedent	Consequent
No. of cases judged implicit	**7**		

Reference	Type	Antecedent	Consequent
Genesis 3:1	**-s**	-	*af ki*
Genesis 27:37	**+p**	*hen*	*apo*
2 Samuel 10:16	**?**	*ve*	*ve*
Ezekiel 23:39-40	**+s**	*ve-hine*	*ve-af ki*
Proverbs 6:30	**?**	*ki*	-
Proverbs 10:17	**?**	-	*ve*
Proverbs 19:7b	**+s&**	-	-
No. of cases judged invalid	**7**		

As can be seen, some of the rejected cases, whether implicit or invalid, use the key words/phrases found in valid explicit cases; many of them do not involve any verbal indicator. This just goes to show that the key words and phrases concerned are not infallible indicators of a fortiori discourse. As for cases that involve no verbal indicators, there are such cases in the group of valid explicit cases, in that of implicit cases, and in that of invalid cases: so, this tells us nothing either.

Given the above listed key expressions, used so far in valid explicit cases, I would now look into the online concordance in search of more cases. I would (to begin with, at least) limit my investigation to a few of them, those most likely to produce new a fortiori results. The terms *hen* and *hine*, and maybe also *ha-lo* and *im*, found in many antecedents, and the terms *ve-ekh*, and *af*, *af ki*, *ve-af ki*[143], found in many consequents, seem to me good bets. The terms *ki* and *ve*, occurring alone, being found in both antecedents and consequents of a fortiori discourse, and in many other contexts, would require far more work and are, I'd say, less likely to yield interesting results[144].

The following table contains statistics on the occurrence of some promising key expressions. This is not intended as an exhaustive listing, but it just serves to show how big the task at hand is.

[143] Needless to say, *ve-af ki* is a subset of *af ki*, which is a subset of *af*. However, note, the concordance treats *ve-af* as one word, not as a conjunction of two.

[144] There are over 4000 occurrences of *ki*, and as for *ve* the concordance gives no statistic presumably because in Hebrew this word does not stand alone.

Hebrew expression	English translitern.	Occurs	Verses in Tanakh	Verses in Torah
הֵן	*hen*	111	106	45
הִנֵּה	*hine*	518	495	96
הֲלֹא	*ha-lo*	127	125	17
אִם	*im*	812	760	172
וְאֵיךְ	*ve-ekh*	18	17	5
אַף	*af*	177	166	33
אַף כִּי	*af ki*	42	41	8
וְאַף כי	*ve-af ki*	19	8	2

Of course, one can also look for combinations, and that may be the most fruitful method. For example, the combo *hen/ve-ekh* yields only three occurrences; namely, Gen. 44:8, Ex. 6:12, 6:30; *hen/ve-atah* occurs only in Gen. 3:22, 11:6; *hen/ve-af ki* occurs only in Deut. 31:27; *hen/af ki* or *hen/af* occurs only in Prov. 11:31; *hine/ve-af ki* occurs only in 1Sam. 23:3, 2 Sam. 16:11. All of these cases are, as it happens, already known to us, and accepted by me as both valid and explicit. But there could well have been new cases, so the search was informative.

On the other hand, *hine/ve-ekh* occurs four times in all; three of them are familiar, viz.: 2 Sam. 12:18, 2 Kgs 10:4, Isa, 20:6; but one is new to us: Gen. 26:9. We must ask: is the latter a new case of *qal vachomer*? It reads[145]: So, Abimelech called Isaac, and he said, "Behold (*hine*), she is your wife; so how (*ekh*) could you have said, 'She is my sister'?" And Isaac said to him, "Because I said, 'Lest I die because of her.'" Offhand, I do not see an a fortiori argument here; but maybe I could spin one. Similarly, *hine/af ki* occurs five times in all; four of them are familiar, viz.: 1 Kgs 8:27, 2 Chron. 6:18, 28:13, Ezek. 15:5; but one is new to us: Ex. 4:14. However, the latter differs in the separation and the order of the three words: *ki*, *af*, and *hen*, so that a *qal vachomer* is less likely in it.

I shall make no attempt, here, to look into the above two possible new cases, or any others like them, to find out whether any contains a valid and explicit *qal vachomer*, or an implicit one, or none at all. I leave these and further questions open because my intent here has only been to demonstrate that new cases *might* emerge from such

[145] The sentence of concern to us is the one uttered by Abimelech.

research. I have decided not to push this research further at the present time. It is truly outside the scope of the present work, which is a study and merger of certain past *qal vachomer* lists.

But it is clearly worth eventually looking into the occurrences listed by the concordance (see there), one by one, in search of new a fortiori cases. I may yet find the time to do it myself someday; but if I don't, I invite any interested person to do the job. The task is not daunting; it just requires time and patience. However, the evaluation stage requires some logical skill and experience: it is not easy or infallible.

It should be stressed that the occurrence of a verbal expression which is often indicative of a fortiori argument does not constitute sufficient proof that the Biblical passage in question does indeed involve a valid and explicit *qal vachomer*. Such expressions are mere indices, serving at best as an incentive to look more carefully at the given text and see what it might intend. As I have shown throughout the present work, each case needs to be analyzed in detail, with attention to the narrative context, and linguistic and logical considerations, as well as traditional interpretations, before a verdict can be made with any degree of certainty.

Needless to add, there may be cases of Biblical a fortiori argument that we have not yet discovered which might involve new indicative expressions. These might in turn help us find still more new *qal vachomer* passages.

Keep in mind, however, that there is no *mitzvah*, no religious obligation, to multiply the number of *qal vachomer* arguments in the Tanakh! Our goal here, as scholars, is merely to observe and record, objectively and without ulterior motives, what is manifest in the text. When in doubt, it is safer to let the case pass, rather than to get acquisitive and try to force feed it with an a fortiori interpretation.

In rabbinic writings, dating from the Mishnaic and Talmudic eras, and thereafter, unlike in the Tanakh, a fortiori arguments are indicated by means of reserved verbal expressions, viz. *qal vachomer* (lit. light and heavy), *kol sheken* (all the more so), and *al ahat kama ve-kama* (how much more so). These expressions are not found in Biblical era texts.

16. The point of it all

In the course of this research, we have come across some commentators (notably Rashi, but others too) who have in passing noticed some Biblical a fortiori arguments, but have not made a systematic effort to develop a list of such discourse. A few commentators, on the other hand, have tried to draw up lists of Biblical a fortiori arguments; we have found more than half a dozen of those. No doubt, there are commentators whose work we have not mentioned here.

In any event, what has become evident is that *none* of the commentators we came across have discovered, in either a scattered or systematic way, *all* existing Biblical a fortiori arguments known to us so far. Our present merged list of 72 *qal vachomer* in the Tanakh is thus (so far as we know) the first, and to date the most thorough, truly cumulative listing. There may well, of course, be yet more cases to be found; it is even very likely. Unfortunately, Gabay opted out of this project before its completion, leaving many questions I had put to him unanswered. All the same, his research efforts over some six months are to be saluted.

Also noteworthy is that there is no *integral* traditional list of Biblical *qal vachomer* dating from way back; no ancient 'tradition' exists in this respect. The Midrash *Genesis Rabbah* seemingly purported to be such a list, but obviously it fell far short, even if some rabbinical commentators have tried (very unsuccessfully, in my view) to explain and excuse that deficiency. The idea that the oral tradition is omniscient and continuous, and is wholly and efficiently transmitted across the generations, is not confirmed in our specific area of interest (which does not mean that such transmission is not present in other fields).

What we observe objectively, as well, is that is that there is no *accumulation* of knowledge in this field over time. Surprisingly, each commentator we came across knew (or mentioned) only part of the work done by some (but not all) of his predecessors. Some were aware of some of the work of some of their predecessors, but even then they somehow failed to register all the work of these predecessors. Some were not at all aware of any of the work of certain of their predecessors. As a result of this broken continuity, there has been no cumulative knowledge base.

Most surprisingly, although some commentators after Rashi referred to his work occasionally, it seems that none of them thought to find and list all the cases flagged as *qal vachomer* by him! Evidently, anyway, although Rashi was apparently the

first to flag many cases, he certainly did not flag all existing cases. He did not attempt to draw up an exhaustive list, but was content to here and there note in passing the *qal vachomer* intent of some verses. No doubt that was because his workload was already massive, and he had no time for such a relatively minor issue.

One may well ask: what is the point of it all? Who cares exactly how many a fortiori arguments there are in the Tanakh, and who found which first? In truth, these are not a very important issues in themselves; they are just minor topics in Judaic studies and Jewish intellectual history. From a religious viewpoint, of course, any kind and amount of Torah study is of some value; Torah study is one of the forms of Jewish meditation. Similarly, from a scientific perspective, such studies – finding out facts, sorting them, ordering them systematically – always constitute a good intellectual exercise for both the researchers and the readers, with unpredictable eventual benefits.

However, viewed in a larger context, more value can be ascribed to our present study. The larger context referred to is the scientific study of Judaism, including all its written documents (Tanakh, Mishna, Talmud, Midrash, etc.) and all its practices. I am referring to empirical studies, not dogmatic studies, of course. It is not enough to learn, for instance, the 'thirteen hermeneutic principles of R. Ishmael' or other such traditional accounts of 'Talmudic logic' – this is dogmatic study. One must analyze and evaluate them, and find out exactly how often they are in fact used in the Talmud, and also look for logic in the Talmud that is not mentioned in traditional accounts – this is empirical study.

The grand project of systematic scientific – empirical, analytical, and evaluative – research, through all texts and practices, is not limited to Judaism, of course, but is aimed at all religious traditions, as indeed at all human thought and endeavor. The scientific method is a marvelous, broadly applicable tool; and it is highly productive. Though this project is 'modern', it is not merely contemporary, but has been proceeding with growing intensity roughly since the Renaissance in Europe. With regard specifically to the Jewish experience, we can of course mention the 'Science of Judaism' (*Wissenschaft des Judentums*) movement which emerged in Germany in the early 19th Cent.

My own main area of interest is logic. My work in this field over the last three decades and more has been vast, including valuable original work in deductive and inductive logic (most of it still unknown to most academics and to most of the general public). I have made contributions in modal logic, the logic of causation, a fortiori logic, the logic of analogy, and many other important domains. I am interested in the reasoning powers of mankind, in theory and in practice. Naturally,

as a practicing Jew, I also have looked at the implications of such general research on the specific field of Judaic studies. I have focused much attention on the search for logic in the Torah, the Talmud. and other Jewish religious documents. Needless to say, I am neither the first to do so, nor the only one, nor (I hope) the last. But I do consider my work as more significant because it is based on wider original research in logic.

Thus, to return to the initial question, the present research on the number of Biblical a fortiori arguments and the history of their discovery is one small brick in a much larger project – determining the presence and development of logic in Jewish thought and life in the course of history (and beyond that, of course, in humanity's thought and life). The earliest sources of information are, of course, the Torah and the Nakh. Then we have the early 'rabbinic' era, with Mishna, Talmud, and associated documents. Followed by the Geonic period, the Rishonim (the earlier authorities), and the Acharonim (the later authorities), until the rabbinical and secular researchers of the present day. In this long and broad view of the matter, the value of the present study becomes evident.

My hope is that my work will inspire and guide others to do further research of the same sort.

Postscript. *I am confident that I correctly and fully processed the data that I received from Gabay, but I cannot guarantee that it was entirely accurate and exhaustive. I therefore invite any reader who finds any gap(s) or error(s) in the present study to kindly inform me by e-mail at avi-sion@thelogician.net.*

17. Tabulation of detailed results

The following snapshot not only shows (read vertically) the 72 valid explicit a fortiori cases that each author/book identified, as (apparently, to date) either the historic-first to do so (A), or independently but not the first (B), or derivatively (C), but also clarifies (read horizontally) the degree to which transmission of information to an author from his predecessors (A) occurred (C) or failed to occur (B or blank)[146]. This table, developed in a spreadsheet, has been very useful as an aid to accuracy and consistency in the composition of the present essay.

AS + YG / ATM	Type	AS/ AFL	LJ/ RTT	AS/ JL	HH/ BM	MS/ MY	ZWE /MT	ZHK /NO	SYA /YT	R/ CT	GR+
Genesis 3:22-23	+s				A						
Genesis 4:14	+s&				A						
Genesis 4:24	-s&	C	C	C	C	C	C	C	C	C	A
Genesis 6:3	+s				B					A	
Genesis 11:6	+s				A						
Genesis 14:23	-p				A						
Genesis 17:17	+s				A						
Genesis 18:12	+s				A						
Genesis 39:8-9	+s				A						
Genesis 44:8	+p	C	C	C	C	C	C	C	C	C	A
Exodus 6:12	-s	C	C	C	C	C	C	C	C	C	A
Exodus 6:30	-p				A						
Numbers 12:14	+s	C	C	C	C	C	C	C	C	C	A
Deuteronomy 31:27	+s	C	C	C	C	C	C	C	C	C	A
Deuteronomy 32:39	+p				C	C		A			
Judges 14:16	-p	C	B			A					
1 Samuel 14:29-30	+s&	B	B	B	C	C		A			
1 Samuel 14:39	-s					A					

[146] Obviously, each row must have an A cell, and may only have one.

AS + YG / ATM	Type	AS/ AFL	LJ/ RTT	AS/ JL	HH/ BM	MS/ MY	ZWE /MT	ZHK /NO	SYA /YT	R/ CT	GR+
1 Samuel 17:37	+p	A		A							
1 Samuel 21:6	+p	A		A							
1 Samuel 23:3	+p	C	C	C	C	C	C	C	C	C	A
2 Samuel 4:10-11	+s	B		B		C		A			
2 Samuel 11:11	-s					A					
2 Samuel 12:18	+s&	B	B	B	C	C		A			
2 Samuel 12:21	+s&					C		A			
2 Samuel 16:11	+p	B	B	B	C	C		A			
1 Kings 8:27	-s	B	C	B	C	C	C	B	A		
2 Kings 5:12	-s					A					
2 Kings 5:13	+s	B		B		B				A	
2 Kings 10:4	-s	B	C	B	C	C	C	B	A		
2 Kings 18:23-24	-s&	B				A					
2 Kings 18:35	-s					A					
Isaiah 1:3	+s					A					
Isaiah 10:11	+s					A					
Isaiah 20:6	-s				C	B	C		A		
Isaiah 36:8-9	-s&	B				A					
Isaiah 36:20	-s					A					
Isaiah 66:1a	-s	C	A								
Isaiah 66:1b	-s	C	A								
Jeremiah 2:11	+s					A					
Jeremiah 8:7	+s					A					
Jeremiah 12:5a	-p	C	C	C	C	C	C	C	C	C	A
Jeremiah 12:5b	-p	C	C	C	C	C	C	C	C	C	A
Jeremiah 25:29	-s	C	C		C	B	C		A		
Jeremiah 45:4-5	-s	C	C		C	B	C		A		
Jeremiah 49:12	+s	C	C		C	B	C		A		
Ezekiel 3:4-7	+s					A					
Ezekiel 14:13-21	-p	B								A	
Ezekiel 15:5	-s	C	C	C	C	C	no	C	C	C	A

AS + YG / ATM	Type	AS/ AFL	LJ/ RTT	AS/ JL	HH/ BM	MS/ MY	ZWE /MT	ZHK /NO	SYA /YT	R/ CT	GR+
Ezekiel 33:24	+s	C	B		C	C		B		A	
Jonah 4:10-11	+s	B	B	B		A					
Psalms 25:8-9	+p				C	C		A			
Psalms 78:20	+p	B		B	C	C		A			
Psalms 94:9a	+p	A		A							
Psalms 94:9b	+p	A		A							
Psalms 94:10	+p	A		A							
Proverbs 11:31	+s	C	C	C	C	C	C	C	C	C	A
Proverbs 15:11	+p	B	C	B	C	C	C	B	B	A	
Proverbs 17:7	+p&					C		B		A	
Proverbs 19:7a	+p	B	B	B	C	C		B		A	
Proverbs 19:10	+s	B	C	B	C	C	C	B	B	A	
Proverbs 21:27	+s	B	C	B	C	C	C	B	B	A	
Job 4:18-19	+p	B	C	B	C	C	C	B	A		
Job 9:13-14	-s	B	C		C	B	C		B	A	
Job 15:15-16	+p	B	C	B	C	C	C	B	B	A	
Job 25:5-6	+p	B	C	B	C	C	C	B	A		
Job 35:13-14	+s									A	
Esther 9:12	+s&	C	C	C	C	C	C	C	C	C	A
Daniel 2:9	+p	B		B						A	
Nehemiah 13:26-27	+s	C	C			B	B			A	
2 Chronicles 6:18	-s	B		B		C		A			
2 Chronicles 32:15	-s	A									

The above table concerns the 72 valid explicit cases found. The following table concerns the 7 valid implicit cases (D) and 7 invalid cases (E).

AS + YG / ATM	Type	AS/ AFL	LJ/ RTT	AS/ JL	HH/ BM	MS/ MY	ZWE /MT	ZHK /NO	SYA /YT	R/ CT	GR+
Genesis 3:1	-s				E						
Genesis 6:9	+p				D					D	D
Genesis 17:20-21	+s&				D						D
Genesis 27:37	+p				E						
Leviticus 10:19	+s				D			D			
2 Samuel 10:16	?				E						
Ezekiel 23:39-40	+s					E				E	
Habakkuk 2:4-5	+s										
Psalms 15:4	-s									D	
Psalms 15:5	+s									D	
Proverbs 6:30	?							E			
Proverbs 10:17	?				E						
Proverbs 19:7b	+s&				E						
Job 28:17	+s					D					

Explanation of the column headings and statistical summaries of the above raw data are all given in chapter 1.

18. Main references

The following are the works from which most of the information needed for the purposes of the present study was drawn. Note that the books mentioned can all be downloaded, or at least read, at the web addresses given below.

ASHKENAZI, R. Shmuel Yaffe. *Yefeh Toar* (*Beautiful of Form*). Composed in Bursa, Ottoman Turkey ca. 1560-80; published in Venice, 1597.

https://beta.hebrewbooks.org/42241

EINHORN, R. Zeev Wolf. *Midrash Tannaim* (*Exegeses of the Tannaim*). Published in Vilna, Russian Lithuania, 1839.

https://www.hebrewbooks.org/7058

*GENESIS (*or *BERESHITH) RABBAH*. Midrash composed ca. 300-500 CE. Authors unknown; R. Oshaya ben Hama was possibly one of them.

https://hebrewbooks.org/14385

HIRSCHENSOHN, R. Chaim. *Berure HaMidot* (*Clarifications of the Hermeneutic Principles*). Published in Jerusalem, Mandatory Palestine, 1928.

https://hebrewbooks.org/3094

JACOBS, R. Louis. "The Qal Va-Homer Argument in the Old Testament" in *Rabbinic Thought in the Talmud*. Published by Vallentine Mitchell in London, UK, 2005.

https://archive.org/details/rabbinicthoughti0000jaco

KATZENELLENBOGEN, R. Zvi Hirsch. *Netivot Olam* (*Ways of the World*). Published in Vilna, Russian Lithuania, 1822.

https://beta.hebrewbooks.org/24940

RASHI, R. Shlomo Yitzchaki. *Commentary on the Tanakh*. Composed in Troyes, France, before 1105; published Reggio di Calabria, Italy, 1475.

https://www.chabad.org/library/bible_cdo/aid/63255/jewish/The-Bible-with-Rashi.htm

SION, Avi. *Judaic Logic*: *A Formal Analysis of Biblical, Talmudic and Rabbinic Logic*. Self-published in Geneva, Switzerland, 1995.

https://www.academia.edu/51587434/JUDAIC_LOGIC_A_Formal_Analysis_of_Biblical_Talmudic_and_Rabbinic_Logic_entire_book_

SION, Avi. *A Fortiori Logic: Innovations, History and Assessments*. Self-published in Geneva, Switzerland, 2013.

https://www.academia.edu/51592132/A_FORTIORI_LOGIC_Innovations_History_and_Assessments_entire_book_

STRASHUN, R. Mattityahu. *Mattat Yah* (*Gift of God*). Composed in 1838-78; published in Vilna, Russian Lithuania, 1892.

https://beta.hebrewbooks.org/6310

There are very probably many more works, other than these, containing additional references to Biblical a fortiori discourse (not to mention non-Biblical discourse of this form), either by purposeful, ordered listing, or in a scattered, incidental manner. The extensive literature of the Mishnaic, Talmudic, and early post-Talmudic eras is very likely to be a rich lode of new information on this subject. Tosafot and other medieval commentators still need to be investigated, too. And of course, probably other authors not so far considered. So, there's still a lot of work to be done in this field! I hope that the methodology used in the present study serves as a model for future researchers.

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