

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



תורה ואחריות

www.TorahLeadership.org

"Taking Responsibility for Torah"

WHY G-D'S SEMIKHAH IS MEANINGLESS

By Rabbi Aryeh Klapper

Perfect communication, my father a”h liked to say, requires a transmitter and receiver calibrated precisely to each other. For example, enunciation is an imperfect art. We distill meaning from speech not just by hearing the right sounds but also by filling gaps, resolving ambiguities, and ignoring or emending phonemes that seem out of place. The perfect Torah leining is an artifact of human signal processing; it allows us to hear what we want to hear, and only what we want to hear.

What happens when G-d is the Enunciator? I often argue that interpreting His speech and writing doesn’t require ignoring anything; rather every possible pun or mishearing or apparent grammatical or semantic infelicity contributes to meaning. Professor Yaakov Elman used the term “omnisignificance” for this approach to Divine language. It provides a way to appreciate the literary methods of certain kinds of midrashim that otherwise seem outlandish.

The Rabbinic concept of *ein mukdam umeuchar baTorah* (= “there is no earlier and later in the Torah”) seemingly contributes to an omnisignificant approach. If the Torah’s narrative is not chronological, then the Torah’s order must convey some other form of meaning.

However, this week I learned an alternative understanding of *ein mukdam umeuchar* that may fundamentally reject omnisignificance. On this understanding, “earlier” and “later” are literary rather than temporal categories; the Torah must be read **on the assumption that it has no order of any kind**. Each unit of Torah (however defined) has exactly the same relationship to every other unit. Like a dictionary or encyclopedia, the structure of Torah has no essential relationship to its content. Like a John Cage speech, its elements can be rearranged at random.

Here’s the kicker. This assumption may not apply to Sefer Devarim, because – unlike the rest of Torah – Mosheh Rabbeinu played a role in its composition. Order is presumptively meaningful in human language but presumptively meaningless in Divine language. Sometimes human language signifies more than the same language would if G-d were writing.

Let’s root that astonishing claim in the Talmud and commentaries.

Two Talmudic passages cite a statement of Rav Yosef claiming that Rabbi Yehudah was *doreish semukhim* (= “interpreted juxtapositions”) in Sefer Devarim but not in the rest of Torah.

TEXT 1

Devarim 22:11-12 juxtaposes the obligation to wear wool fringes on four-cornered garments with the prohibition against wearing wool-and-linen garments. What about a four-cornered linen garment? Yebamot 4a derives from the juxtaposition that one wears it with wool fringes.

Why not derive instead that linen garments may be worn fringelessly? RASHBA explains:

The Torah must have juxtaposed them in order to permit shatnez fringes,
as if the intent were to prohibit shatnez fringes,
let Scripture say nothing, and I would know (that it is prohibited),
since a DON’T is more severe than a DO.

Nonetheless, the wool-fringed linen garment becomes paradigmatic; when a DO and DON’T unavoidably conflict, the halakhic rule is that the DO pushes aside the DON’T. Perhaps because this seems counterintuitive – after all, a DON’T is more severe than a DO! – Yebamot 4a seeks to establish it as universally accepted. The proof is astonishing and byzantine. It begins from a statement by Rabbi Elazar:

What is the Biblical source for the meaningfulness of *semukhim*/juxtapositions?

Scripture says:

“*Semukhim* infinitely and forever, made with truth and integrity”. (Psalms 111:8)

A cursory glance at Psalms makes clear that the verse is describing G-d’s works not His words, and that *semukhim* in context means “supported” rather than “juxtaposed”. This seems weak evidence at best.

The Talmud next cites Rav Sheshet in the name of Rabbi Elazar in the name of Rabbi Elazar ben Azariah – a chain of tradents oblivious to geographic and temporal barriers – as follows:

From where in Scripture do we know that we don’t muzzle a *yevamah* (who does not wish to marry her brother-in-law, i.e., we do not force her to marry him)?

Scripture juxtaposes “*Don’t muzzle an ox in its threshing*” with “*when brothers dwell together ...*” (Devarim 25:8-9)

The analogy seems incongruous for many reasons. An ox is male; it is muzzled to prevent it from eating, not from speaking; and in what sense is the widow “threshing”? etc. But Rav Yosef comments:

Even a person who doesn't generally interpret juxtapositions
(as meaningful) –
does interpret them in the Book of Devarim
as witness that Rabbi Yehudah, who doesn't interpret them
generally,
does interpret them in the Book of Devarim.

It follows that Rabbi Yehudah must agree that the juxtaposition in Devarim of the law of shatnez with that of tzitzit is meaningful. (Ok, it doesn't actually follow, as Rabbi Yehudah is under no obligation to accept every interpretation of every juxtaposition in Devarim. But I digress...)

Rav Yosef's claims about Rabbi Yehudah are then rooted in *beraitot*.

Ben Azzai says:

Scripture says: "A witch – you must not keep alive",
and Scripture says: "Everyone who lies with a beast must
surely die".

These laws were juxtaposed to teach that
just as one who lies with a beast is executed by stoning, so too
a witch is executed by stoning.

Rabbi Yehudah said to him:

Because of a juxtaposition, you will take this one out to be
stoned?!

Rabbi Yehudah's protest seems a tad melodramatic, as he makes clear that the witch will be executed regardless; the juxtaposition determined only the method of execution. But precisely because the stakes are not so high, we can take his statement as a general rejection of the meaningfulness of juxtapositions.

However, in another *beraita* Rabbi Yehudah bans a man from marrying a woman raped or seduced by his father, and Rav Gidal in the name of Rav explains this position as derived from the juxtaposition of the law of rape and the ban on marrying one's father's ex-wife! Rav Yosef concludes that the relevant difference is that the law of the witch is in Exodus, while the ban on marrying a father's ex-wife is in Devarim. He further contends without evidence that no one is more skeptical than Rabbi Yehudah about the meaningfulness of juxtapositions. Therefore, everyone must concede that DOs trump DON'Ts, because that rule is derived from a juxtaposition in Devarim.

Let's grant all that. Why would Rabbi Yehudah think that juxtapositions are meaningful in Devarim but not elsewhere in Chumash?

Yebamot provides two answers for Rabbi Yehudah, "mufneh" and "mukhach". Most commentators plausibly understand these as related exclusively to his derivation of the prohibition against marrying the father's rape/seduction victim. In other words, they present Rabbi Yehudah as evaluating juxtapositions by their specific features rather than by what book they appear in. This seems to undermine Rav Yosef.

TEXT 2

Berakhot 21b begins from Rabbi Yehudah's statement in the Mishnah that a *baal keri* (= "one who emitted semen") may recite the blessings before and after saying the Shema. The

Talmud understands this to mean that he may recite the Shema itself out loud, whereas the anonymous first position in the Mishnah held that the *baal keri* can only think the words.

The Talmud challenges this understanding of Rabbi Yehudah. Devarim 4:9-10 reads in relevant part:

... and you must convey knowledge of them to your children
and your children's children.

The day on which you stood before Hashem your G-d at
Chorev ...

Rabbi Yehoshua ben Levi reads this as juxtaposing the obligation to learn Torah with the Reception of the Torah at Sinai/Chorev. He derives that just as a *baal keri* was excluded at Sinai (thus married couples separated three days in advance), so too a *baal keri* may not recite words of Torah aloud.

Given this derivation, how can Rabbi Yehudah allow the *baal keri* to recite the Shema out loud?!

The Talmud at this point interjects the unit from Yebamot about Rabbi Yehudah on juxtapositions, concluding with Rav Yosef's statement that Rabbi Yehudah

did not interpret juxtapositions in the entire Torah,
but in Sefer Devarim he did interpret them.

This leaves Rabbi Yehudah with no principled objection to the method used by Rabbi Yehoshua ben Levi to derive his halakhah. So why does he allow a *baal keri* to recite the Shema out loud?

The Talmud concludes that Rabbi Yehudah simply preferred a different interpretation of the juxtaposition. This leaves Rav Yosef's claim about the uniqueness of Sefer Devarim unchallenged.

Can the two sugyot be reconciled RITVA to Yebamot 4a makes a valiant attempt. He accepts the conclusion of Yebamot that Rabbi Yehudah interprets juxtapositions whenever at least one element is "mufneh", meaning unnecessary, or "mukhach", meaning out of context. However, he explains, the concept of "mukhach" does not apply to the rest of Torah, since

It has no earlier or later and is all like one unit
whereas Mishneh Torah (=Sefer Devarim) he understands as
having been written in order

The underlying rationale is spelled out by Shitah Mekubetzet:

The reason is that Mishneh Torah is the words of Mosheh,
even though all (the books of Torah) were said from the Mouth
of the Gevurah,

nonetheless, since they were originally said in one order, and
now he returns to say a different order,
certainly when he juxtaposes matters – this was done to be
interpreted,
since they are not ordered as in the first order

In other words, the text of Devarim signifies more as human-influenced language than it would as purely Divine language. I'm still trying to wrap my head around this idea; your thoughts about its implications are welcome.

Shabbat shalom!

The mission of the Center for Modern Torah Leadership is to foster a vision of fully committed halakhic Judaism that embraces the intellectual and moral challenges of modernity as spiritual opportunities to create authentic leaders. The Center carries out its mission through the Summer Beit Midrash program, the Rabbis and Educators Professional Development Institute, the Campus and Community Education Institutes, weekly Divrei Torah and our website, www.torahleadership.org, which houses hundreds of articles and audio lectures.