



January 2002

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Recommended Citation

Magid, Shaul. "The Brokenness (and Sacrality) of the Human Voice: A Response to Aryeh Cohen." *Journal of Textual Reasoning* 1, no. 1 (2002): 113-117. <https://doi.org/10.21220/s2-xzt1-7e48>.

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THE BROKENNESS (AND SACRALITY) OF THE HUMAN VOICE: A RESPONSE TO ARYEH COHEN

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In “Why Textual Reasoning?” Aryeh Cohen offers us an interesting reading of a Talmudic *sugya* that subverts, even as it affirms, the all-encompassing nature of *talmud torah*. Aryeh’s reading argues that the fullness of *talmud torah* as a religious act is one that must include the voice that calls from outside – outside the courtyard, outside the study hall, outside the comforts of one’s social class. When the voice of Torah drowns out the ethical call of the Other, Torah study ceases being a devotional act and becomes an act “not for its own sake.”

Somewhat uncharacteristically, the rabbinic rebuke is expressed through the disappearance of the prophet Elijah. I say “uncharacteristically” because the Talmud generally likes to subdue the prophetic voice, especially in so far as it enters into the study house and disturbs those engaged in the devotional act of study. However, citing Rashi and then reading him through the lens of Levinas, Aryeh cleverly ties together Elijah’s prophetic “voice” with the notion of “calling” in general, calling out to God and the calling out of the impoverished

neighbor. The sages, who are ordinarily staunch advocates of the all-encompassing nature of Torah study (“*talmud torah* is equal to all other mitzvot!”¹), nevertheless read this lack of attentiveness to the voice of the “outside” as deserving of punishment. The act of study without an ear to the outside, to the voice, is an act without merit. Thus, while the voice from the outside, e.g. Elijah’s voice, may have no place in the study hall, when the study hall exists without the attentiveness to the voice from the outside it ceases to be a sacred space.

I would like to use Aryeh’s reading to suggest another component that may widen the implications of the centrality of the voice. My suggestion is to think through and problematize the categories of the divine and the human in relation to the voice (of Torah) and its place in the covenantal experience of study and ethics. Many who have devoted themselves to the act of *talmud torah* see the human voice engaged in study as a supplement, albeit a necessary one, to the divine voice in the text being studied. Even the oral law is envisioned as “divine” in the sense that its origins stem from the theophany at Sinai. On this reading the human voice serves merely as a vehicle or cipher for expressing the divine voice of Torah. Perhaps we should re-consider the differences between the divine and the human and, in doing so, make room for the divine in the human voice, that is, the divinity of the human voice as the voice of Torah. Once the human voice takes on a divine valence, even as an expression of human brokenness and frailty, it must be heard in the study house even if it comes from outside the study house. This is because, as I will argue, the voice of the human is not outside the text but embedded in the brokenness of the text that exists only in shards – the shattered tablets of the first covenant. These shattered tablets are not, as one might think, discarded, but are placed side by side with the Tablets of the Law and serve as its foundation (“the tablets and the shards of the broken tablets are placed in the Holy Ark”). What I will argue is that the human voice, when heard, makes the divine voice audible and, more strikingly, makes the divine voice understandable. To illustrate this point I will use a short comment by

¹ B. Shabbat 127a.

Rabbi Hayyim Elazar Shapira of Munkatz, a leading Hungarian Hasidic master who died in 1936.

His comment, taken from his two-volume collection of sermons *Sha'ar Yesakhar*², reflects on the strange way Rashi chooses to end his commentary to the Torah. Commenting on the final words of Deuteronomy “to the eyes of all of Israel” (Deut 34:12), Rashi states: “Moses strengthened himself (*nas'ao libo*) to break the tablets in front of their eyes, as it says, *I will break them in front of your eyes* (Deut. 9:17). God agreed with Moses' decision. On the verse, *that you broke them* (Deut. 10:2) God says, “Congratulations (*yashar koah*) that you broke them.” The obvious linguistic justification for Rashi's strange comment here is the use of the word “eyes” in *to the eyes of all of Israel* in Deut. 34:12 and in *in front of your eyes* in Deut. 9:17 describing Moses' shattering the tablets. Rabbi Shapira (known as the *Minhas Elazar* for the title of his legal *responsa* by that name) remains disturbed by Rashi's choice to conclude his Torah commentary with an event that is seemingly a low point in the history of Ancient Israel (i.e., the episode of the Golden Calf). He states as follows:

We must understand why God said (and Rashi cites) “Congratulations that you broke them (i.e., the tablets).” It is because if Moses did not break the (first) tablets Israel would not have needed the oral law because everyone would have known, merely by reading, the meaning of the Torah without any (oral) deliberations about the meaning of the law. By shattering the first tablets [the need for, and existence of, the] oral law was created (*na'aseh v'nithaber ha-torah sh'b'al peh*). What the oral law revealed was the playfulness (*sha'ashuah*) and complex beauty (*pilpulah*) of the Torah. This is why [God said to Moses] “Congratulations that you broke them.”

The sages say, and Rashi cites the dicta “*In the beginning ... because of the Torah that is called 'beginning' (reshit) and because of Israel, who are called 'beginning' (reshit).*” Both of these options work well together, one referring to the written law and the other to the oral law. This is because the oral law requires Israel, who receive it orally (lit. “by the mouth”). With it they will learn and innovate things that were not given in writing

² *Sha'ar Yesakhar* (Jerusalem, 1968), vol. 2, fol. 415a/b.

by God. Therefore there is no possibility for the existence of the oral law without Israel. "Because of the Torah and because of Israel," is really one thing, that is, the written and the oral law. This may be what inspired Rashi to end his commentary with "Congratulations that you broke them." This shattering brought forth the existence of *talmud torah* of the oral law (*talmud torah sh'b'al peh*) and connected it with "In the beginning (Genesis 1:1), because of the Torah that is called beginning and because of Israel who are called beginning." That is, [with the oral law] Israel can be an active participant in Torah. Therefore the numerical value of "that you broke them" (*sh'shibarta*) is equal to the numerical value (1,202) of *In the beginning God created (b'reshit bara elohim)*.

There are two primary tropes in R. Shapira's reading of Rashi. First, brokenness is the pre-condition of the oral law: "by shattering the tablets the need for the oral law was created." Second, this orality reveals the playfulness and complex beauty of the Torah which leads Israel to actively participate in the covenantal experience through *talmud torah*; orality enables Israel to innovate things that "were not given in writing by God."

Rabbi Shapira implies that it is the voice of human beings (and not the voice of God) that stands for the fullness and texture of Torah. He uses a strange locution when describing the consequence of brokenness; he mentions "*talmud torah* of the mouth (*sh'b'al peh*)." "Of the mouth" can surely be read as a noun referring to a body of literature (i.e., Mishna, Talmud, Midrash). But it can also imply simply an act of speech, human speech, the voice of the other engaged in the creative act of interpretation or simply human speech that calls out "Torah!" What is the origin of that voice that makes it so compelling? Its origin is in brokenness, in the shattering of the tablets, the destruction of the absolute and the certain. Moses breaks the tablets because he was broken. Coming down from meeting God he was confronted by the (misguided) passion and human frailty of the Golden Calf episode. He shattered the tablets in despair of humanity. And then in the midst of Moses' despair God intervened and said "Congratulations [Moshe] that you broke them." Unlike Moshe, God knew it was the passion and, more importantly, the brokenness of those Israelites in despair who danced around the calf that could complete "by the mouth" what God only transmitted through writing.

The broken human voice, and not only the pristine divine letter, is what God wants to hear and perhaps also what God wants us to hear. The voice that cries out "Torah!", that is, "to help me is Torah," "to listen to me is Torah," "to see to my brokenness is Torah," this is the oral law that was embedded in the shards of the broken tablets that, as tradition teaches, were cherished and placed in the Ark beside the second tablets. Without the shards of the broken law the second law is incomplete because it does not contain the brokenness of humanity. And, I would suggest, a Torah that is not (also) human and a divine that is not (also) human is a divine not worth hearing and a Torah not worth protecting. There is no correlate in Rabbi Shapira's homily to "*talmud torah* of the mouth" that states "*talmud torah* of the letter." This is because study is from the mouth, the human mouth, and study is sacred when it listens to the human mouth, to the voice that calls out and says "help me, I am broken."