CHAPTER AY: THE STUMBLING BLOCK PROHIBITION

Ki ThaVoH #2

ADMINISTRATIVE NOTE: *Although the Parshah this week is Nitzavim-Vayaylech, we are presenting a 2nd Rashi on Ki Thavoh, last week's parshah. First, this is a very important digest as it illustrates how to "handle" secular biblical scholarship and should be of interest to a wide audience; second, Niztavim Vayaylech is a very short Parshah without many Rashis.*

AY.1 – Overview: In this issue, we study the *stumbling block* prohibition, which occurs in two verses, one in Deuteronomy and one in Leviticus. Thus the study of these verses is an example of distant-verse parallelism. The main reason for studying this set of verses is that Halivni in his book *Peshat and Derash* uses the Talmudic commentary on this pair of verses as one of three main examples illustrative of the Talmud's lack of commitment to *peshat,* the simple straightforward meaning of the text. The analysis of this passage will afford us an opportunity on major techniques to deal with incorrect biblical scholarship.

As we have indicated many times, and as Grossman points out, the belief that Rashi methods are exclusively linguistic and grammatical, arises from a Rashi in Isa 25:11 which mentions these two methods. However, it is incorrect to see this Rashi focusing on a particular verse as applying systematically to all verses.

We are aware that *all* Rashi commenters believe that parallelism was not a major Rashi method. In previous chapters, we have, verse by verse, examined the proofs for this from several select scholars – Gelles, Kugel, and Gruber – and showed it incorrect. Moreover, a statistical analysis of Ex21 shows that Rashi used parallelism (comparing nuance differences in two similar verses) in roughly 14% of the cases. We therefore feel justified in asserting that Parallelism is a major Rashi method.

Finally, this review of parallelism, will afford us an opportunity to answer Kugel who while acknowledging that parallelism is a technique, it is coupled with what he calls omnisignificance, an exaggerated and unjustified attention to minutiae. As we have suggested several times, Kugel wrote his book on parallelism in 1980 prior to Berlin's book on parallelism, published in 1985 which focused on grammatical, syntactical and phonetic aspects of parallelism. Had Kugel used Berlin's methods he would not have had to invent the idea of omnisignificance.

AY.2 The Biblical Texts, The Parallelism, and the Rashi-Talmudic Comments: The nice thing about parallelistic Rashis is that they can be summarized succinctly in a table. Table AY.2 lists the two verses, enumerates the three/four differences, and indicates briefly laws derived from them. The following sections will further elaborate.

Verse	Introduction	Verb / Activity	Indirect object (to whom)	Indirect object (to whom)
Lv19-14	Do not	Place an obstacle	In front of a blind person	
Dt27-18	Cursed be he who	Errs (causes deviation to)	A blind person	On the road
Differences	#0	#1	#2	#3
Brief explanation	This is a biblical prohibition and the punishment is a national curse	The Lv. emphasis on *place* indicates a requirement of creating accessibility. Hence (Talmud) passing non-kosher food across a river is a violation; but passing a plate accessible to the transgressor on the table is not a violation of the stumbling block prohibition	The Lv. emphasis on *in front of* indicates a requirement of directness. Hence (Talmud) you cannot sell an idol to a non-Jew. But you can sell him an ox on his holiday because he *might* use it for food; the fact that he probably uses it for an offering is not a *direct in front of placement*	(Rashi) The Dt. emphasis *on the road* contrasted with the omission in Lv. implies that *both* i) physically stumbling a person and ii) giving bad advice are biblically prohibited.

 NOTES:
1) The brief explanations are indeed brief; they will be elaborated on in the sections below.
2) There is a further sequence difference between the two verses not captured in the above table: Lv. states *Before a blind,* do not place a stumbling block, while Dt. states, Cursed be he who errs a *blind* person on the road. We have ignored this sequence difference in order to create the above table.
3) In explaining differences we have relied on differences in broad grammatical categories following Berlin's approach to parallelism (and thereby answering Kugel). It *is not* that we argue omnisignificance about the extra words *on the road* in Dt; rather it *is* that one sentence/verse has an indirect object indicating place (Where?) while the other doesn't.

Figure Y.2: Review of the parallelism in the stumbling block verses.

AY.3 Difference #0 – Don't vs. Curse. This difference between the two verses which I had overlooked in my initial analysis was pointed out to me by Dr Resnicoff an expert in Jewish and Civil law who has written some excellent books on the subject. He asked, "How can you create parallelism between a prohibition and a curse; the two verses are fundamentally different." This is a good question. The answer is that parallelism looks at *nuance differences between pairs of similar verses.* In this case, both verses deal with *stumbling a blind person.* The *don't-curse* is simply one of the four nuance differences. It would indicate that the prohibition is punishable by a national curse.

AY.4 Difference #4, on the road: One verse has an indirect object answering the question *where did the activity happen* while the other verse omits this detail. Such contrasts using an omission are frequently used for *emphasis.* The emphasis inferred in this case is that the prohibition of stumbling a blind person applies whether it was done physically on the road or intellectually by giving bad advice.

At this point, it is appropriate to discuss some of Halivni's objections.

> Objection #1: But Rashi cites the prohibition of giving bad advice on Dt. the very verse which states the opposite, that the prohibition applies to a physical obstacle on the road.

> Response #1: Actually Rashi identically mentions the *bad-advice* comment on *both* Lv. and Dt. This in fact makes sense. Rashi had 4 differences to comment on. He chose to comment on the obvious one – the difference where one verse says something (*on the road*) while the other verse (*omits*). This type of difference is easier to explain than a difference in nuances (*curse-don't* or *place obstacle – err a person*). Thus, correctly, in Deuteronomy as the person reads the verse and is troubled that this verse adds *where the activity happened* (on the road) which is absent and omitted in Leviticus, Rashi explains the *difference* between the two verses.

Interestingly, although Rashi comments identically on the two verse, in the Leviticus verse, which is the source for prohibiting bad advice, Rashi *adds* illustrative examples such as discussing a sale with someone when you have no intention of going through.

> Objection #2: Halivni actually points out that:

> It would be one thing for the Talmud to *add* a prohibition of giving bad advice; but it never even seems to mention the simple meaning of physically placing an obstacle. This adds fuel and proof that the Talmud was not interested in the *peshat,* the simple straightforward meaning of the verse.

> Response #2: Curiously, this is not true. A priori, it does seem that as in English, the *primary* meaning of the word for obstacle is *physical* and the *secondary* meaning is *metaphoric* (to err). But statistically, this is not true. The biblical root meaning stumble – **caph-shin-lamed** – occurs about 7 dozen times in the Bible. In the *majority* of cases, the meaning is *clearly metaphoric.* The literal meaning is not used that often. Some illustrative verses are Ez33:12 (the wickedness of the wicked will not be an *obstacle* on the day he repents), Ez44:12, Ho05:05,Ho14:02 (obstacle of sin), Mal02-08 (But you (the priests) have deviated from the path, and obstacle many in the Law [Note the delicious pun: deviate-path; obstacle Law vs. deviate law vs. obstacle on path]. Even when the word appears literal it frequently retains its metaphoric meaning (e.g. Ps09-04 When my enemies retreat, they have *obstacles* and are lost before you).

> This phenomena of a word acquiring a new primary meaning and losing its original literal meaning is common in all languages. For example the word *google* in English, today, has a *primary meaning* of *to google, that is, to search;* the original meaning of the company founded in 1998 is secondary (it does occur but if for example you examined newspapers or Facebook or twitter you would find that today the primary meaning of *google* is the metaphoric meaning)

AY.5 Difference #1 and #2- in front of the blind; place an obstacle: First some background and review. We have stated many times, that *peshat* is the *instant, spontaneous reaction of a native speaker either expert in the subject matter of the verse or <u>culturally</u> <u>involved in that subject matter.</u>* The underlined phrase is an important component of *peshat. Peshat* does not exist in a vacuum; it rather exists in the context of what is spoken about. With this background let us look at some simple examples of people involved in day to day situations.

> <u>Example 1</u>: Suppose you sell oxen. Then people coming to you might when they purchase indicate why they are purchasing it. Here are some simple examples
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> <u>Example 1a</u>: Today is our idolatrous holiday; I need an ox to offer to my god. <u>Example 1b</u>: Without stating anything, the person requests an ox but it is on his non-Jewish idolatrous holiday.
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> <u>Analysis</u>: In example 1a you would be placing the obstacle (an ox offered to an idol) directly in front of the idolater (who is considered blind in the sense that he has undesirable habits and beliefs). Contrastively, in example 1b, all you can say is that the idolater *probably* wants the ox for worship; however, he might want it for food. There is no *direct* placement in front of the idolater
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> <u>Application</u>: Against this background, the biblical emphasis *in front of the blind* do not place an obstacle answers the natural questions arising from the day-to-day activities of the merchant. *Direct* placement of obstacles is biblically prohibited; *probable* but not direct placement is not biblically prohibited. We infer this from the contrastive emphasis in Table Y.2 *in front of the blind* vs. *blind.*

We can analyze the *don't place an obstacle* vs. *don't err the blind* similarly.

> <u>Example 2</u>: Suppose you frequent luncheons with non-religious Jews and have business relations with them.
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> <u>Example 2a</u>: A non-religious Jew asks you, while you are going out to purchase a lunch for yourself, "Can you pick me up a ham sandwich?"
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> <u>Example 2b</u>: While at a table (power business meeting) the non-religious Jew asks you to pass him the ham platter.
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> <u>Analysis</u>: In example 2a you are *creating access;* the non-religious Jew did not have access to the ham sandwich unless he went out and purchased it. So you are *placing* the obstacle before him. Contrastively, in example 2b the ham platter is already on the table. It might even be in reach of the non-religious Jew who doesn't, for example, want to place his elbow in front of you while reaching for it. Passing the ham platter to him would not be a *placement* since the ham platter would already have been placed.

Application: Example 2a is biblically prohibited; you are *placing an obstacle,* that is, *creating access,* to the ham platter. Contrastively, in example 2b, the obstacle was already placed. There is no biblical violation of *placing an obstacle* if you pass him what is already there; you are just being courteous.

In summary, it is important to emphasize why we consider these interpretations *peshat.* Even though they are *nuances* rather than explicit statements, they are *nuances* related to *day-to-day activities* of the native speaker culturally involved in the activities the verse is discussing. *In such a context, nuances* are indeed *peshat* since with the issues and problems already on your mind, the nuance instantly and spontaneously evokes the comment.

Interestingly, Rashi does not bring these two comments in his commentary. Perhaps because they are nuances rather than something more obvious, Rashi did not want to advocate them as *peshat,* consistent with Rashi's goal of only commenting on *peshat.* Contrastively, the contrast of omission-*on the road* is not a nuance but more explicit: It suggests the prohibition applies whether it is physically on the road or intellectual (bad advice).

AY.6 Summary: It is worthwhile to summarize the important techniques mentioned in this digest since they have wider applicability. We have shown that

- Rashi comments are not exclusively based on *grammar* and *meaning;* they can be based on other major pedagogical pillars such as *parallelism, symbolism, and figures of speech*
- Parallelism does not require omnisignificance, the attention to minutiae; the approach to parallelism advocated here emphasized contrasts in grammatical categories such as verb, and indirect object.
- We have seen two types of parallelistic inferences; statement vs. omission and two statements with differences of nuances.
- The treatment of nuances requires consideration of the day-to-day activities of the native speaker.
- We have emphasized that a priori conceptions of meaning, such as the primary and secondary meanings of words, must be tested against examples which may show otherwise.