

Mr. Elman is Associate Editor at Ktav Publishing House, Inc., and teaches Bible at Stern College.

R. ZADOK HAKOHEN ON THE HISTORY OF HALAKHA

*To the memory of my father, who brought
me to both worlds (TB B.M. 33a)*

I

Moses received Torah at Sinai, and transmitted it to Joshua, Joshua to the Elders, the Elders to the Prophets, and the Prophets handed it over to the Men of the Great Assembly.¹

In the introduction to his *Mishneh Torah*, Maimonides amplified this short schematic of tradition with the names of Biblical personalities, and extended the chain of traditions from the Men of the Great Assembly to Rav Ashi. He also made explicit what is perhaps only implicit in *Avot*—that “Torah,” which appears here without the definite article, refers primarily to the Oral Torah, in line with R. Yohanan’s dictum that:

The Holy One, blessed be He, made a covenant with Israel solely for the sake of the Oral Torah, as Scripture states, “*for in accord* [lit., “by the mouth”] *with these words have I made a covenant with you and with Israel.*”²

This doctrine of the primacy of the Oral Torah, and its direct transmission from Sinai, raises two major historical problems. First, if Halakha comes to us directly from Sinai without interruption, why did the Tannaim disagree on so many points? Second, why is there such a paucity of early traditions preserved in the Oral Torah, as compared to the wealth of later Tannaitic material? Regarding the first issue, several solutions were proposed by the Rabbis, two of which follow:

From the time of the increase [in number] of the arrogant, disputes have multiplied in Israel.³

From the time of the increase [in number] of the disciples of Shammai and Hillel who had not served [their masters] sufficiently, disputes have multiplied in Israel and the Torah has become as two *torot*.⁴

These two anonymous statements, coupled in *Sotah* 47b but quoted separately in TB *Hullin* 7b and *Sanhedrin* 88b, are part of a long litany of complaints which recall the glory of a golden age before the destruction of the Temple. Some of the complaints are quoted in the Mishnah; few can be dated precisely. These two have often been understood in tandem, with intellectual arrogance leading to the neglect by the disciples of Hillel and Shammai of the more menial aspects of the master-disciple relationship. That relationship, in turn, is seen as the basis for a true mastery of Torah.

According to this view, then, the increase of traditions given in the name of individual Tannaim is attributed to human fallibility. No earlier disputes are known simply because there were none.⁵ The first statement takes a direct view of the matter, without introducing an intervening mechanism. As Rashi has it, intellectual arrogance led to carelessness; the easy assumption of mastery led to its absence. Divorced from a particular historical context as it is, this statement need not refer to the era of the Houses' debates, but its association with the latter is natural, given the vast increase in disputes reported from that time. Maharsha⁶ identifies the "arrogant" with the Sadducees, an interpretation which, while possible, would make that statement irrelevant to the matter of tannaitic disputes and, more important, somewhat out of place in its present context.

By contrast, the second statement does not necessarily posit an increase in arrogance, intellectual or otherwise. Economic or political instability could have shortened "academic careers"⁷ in the time of the Houses. The force of "*kol zorkan*," "sufficiently," does however seem to lay the onus on the disciples themselves. It implies negligence, and not lack of choice; the latter would require "*lo hispiq beyadan*."

The general context in Tosefta supports our interpretation that the disciples themselves were guilty of negligence. Tosefta lists a number of aphorisms detailing the effects of haughtiness, not necessarily tied to any particular time. The Vienna manuscript not only separates the two statements, but adds a phrase to the first that gives it a whole new meaning.

From the time of the increase [in number] of the arrogant, disputes have multiplied in Israel, and they are the spillers of blood.⁸

"Disputes" in this version seem not to refer to halakhic debate, but rather to violence and high-handedness,⁹ themes which are asso-

ciated with other passages in Tosefta *Sotah*. The Erfurt manuscript couples the two statements and adds a phrase which ties them inextricably together.

From the time of the increase [in number] of the arrogant, disputes have multiplied in Israel, and two *torot* have been created [thereby].

Whether the focus of these statements is moral or historical, they certainly are rooted in, and derive their force from, the awareness of a departure from an ideal situation of halakhic surety. Moreover, as noted above, the lack of early attributed traditions is understood as reflecting a general agreement by the early Tannaim. It is only with the increase of disputes that names must be attached to individual opinions.¹⁰

Another, perhaps earlier, solution to this problem was proposed by R. Yose.

R. Yose said: At first there was no dispute in Israel; the Court of Seventy-One [sat] in the Chamber of Hewn Stones, and the other Courts of Twenty-three [met] in the towns of the Land of Israel. . . . If in need [of judicial advice], the [inquirer] would go to the court in his town; if there were none in his town, he would go to the court in the next town.¹¹

The appeals process culminates in an appearance before the Great Sanhedrin:

If they had a tradition, they would give it; if not, they would vote. . . . From there halakha would spread [to all] Israel. With the increase of the disciples of Shammai and Hillel who had not served [their masters] sufficiently, disputes multiplied in Israel and the Torah became like two *torot*.

Since the mechanism outlined earlier in this passage provides a solution to the problem of increasing disputes, we may assume that the repetition of the statement about the disciples of Hillel and Shammai represents a conflation of sources. The basic thrust of this passage, attributed to R. Yose, is that the increase of disputes is bound up with the breakdown of the central authority represented by the Great Sanhedrin. This breakdown may be, and has often been, connected with the following statement:

Forty years before the Destruction, the Sanhedrin went into exile and settled in Hanut.¹²

With the lapse of central authority, the natural human tendency to dispute was allowed free play, resulting in the extensive disputes recorded in Tannaitic literature.¹³ Whether that suffices to account

for the presence of disagreements on fundamental issues is to be doubted, however.

Although aware of both solutions, Maimonides gave more weight to the second. He limited the negligent-disciples solution to matters of halakhic detail; the lapse of central authority solution he enshrined in the Mishneh Torah.¹⁴

There is yet a third Talmudic statement that may be taken as constituting a partial solution to our problem. R. Judah b. Nahman is quoted as having stated the following, possibly on authority of R. Simeon b. Laqish:

It is written "*write these words*" and it is [also] written "*for in accord* [literally, by the mouth] *with these words* [have I made a covenant with you and with Israel]." How [are both] possible? [The distinction is as follows:] Words [transmitted] in writing (*devarim shebikhtav*) you may not recite by heart (*al peh*); words [transmitted] orally (*al peh*) you may not write.¹⁵

The same theme is quoted in the name of the School of R. Ishmael:

"*These*"—those you may write, but you may not write halakhot.

These statements would explain the absence of written halakhic material from Biblical times: it was only with R. Judah the Prince that a written collection of halakhot such as the Mishnah ultimately became permitted.¹⁶

What all these projected solutions lack is an explanation of the historical (and theological) necessity for these factors to have come into decisive play just in early Tannaitic times; after all, the First or Second Destruction, or the Greek wars, would have seemed to have been more "suitable" for such a cultural discontinuity. They also assume—as does *Avot* 1:1—that Rabbinic values prevailed in Biblical times. However, the relative lack of importance assigned to learning, in the Rabbinic sense, in Biblical texts remains a serious problem, as do the instances of un- or counter-halakhic acts attributed to Biblical figures.¹⁷

Another doctrine has a bearing on our problem—the dogma of "devolution of the species" (*mitqattenim hadorot*). In its least sophisticated form this refers to physical degeneration. Biblical figures are pictured as literally "larger than life." Other versions emphasize the moral, spiritual and intellectual decadence of later generations (see below). It is a simple matter to account for a defective transmission of the Oral Torah in the context of such a process. Needless to say, however, this doctrine is open to the same objection raised above—and others besides.

The subject of this paper—the historiosophy of R. Zadok of Lublin—allows for a process of progressive revelation which adheres to the letter of the (devolutionary) law. R. Zadok suggests an alternative solution of the historical problems we enumerated above: lack of evidence for an early Oral Law, positive evidence for deviations from halakha in Biblical times, and the problem of Tannaitic controversy.

II

Rabbi Zadok haKohen Rabinowitz of Lublin (1823–1900) was born to a family of Mitnagdim in Latvia, where his father served as a rabbi. A prodigy, he reportedly began the study of Talmud at age three-and-a-half, and completed it for the first time at eight. As a young man he became a Hasid, and a follower, of R. Mordecai Yosef Leiner, the “Izhbitzer,” one of whose successors he eventually became. He was incredibly prolific, and many of his books, none of which was published in his lifetime, were lost in the destruction of the Lublin ghetto; what remains, however, runs to thousands of closely-printed pages in a terse, elliptical style.¹⁸ He died childless, but his teachings have had an impact on a number of important Jewish thinkers, such as the late R. Yitzhak Hutner and R. Gedaliah Shorr. R. Zadok, in turn, was influenced by the “Izhbitzer” and the Maharal in particular, in addition to the usual panoply of traditional talmudic, kabbalistic and hasidic writings. Our purpose here is to outline his history of Oral Torah and some of its ramifications, without necessarily tracing its sources.

The Great Divide in Jewish history, according to R. Zadok, occurred not with the destruction of either Temple, but with the cessation of prophecy, which involved not only a change in leadership from prophet to sage, but a change in access to Torah. R. Zadok develops a comprehensive theory of the changing relationship of the Jewish people to the Oral Torah, in which the traditional view outlined in Section I is in several significant ways reversed.

... שמעתי מרבינו הקדוש זצ"ל שאמר בשם הרב' ר' בונם זצלה"ה שאמר שאף
שהדורות המוחות מתמעטין בכל פעם אבל נקודת החיים שבלב מתרחב תמיד ונעשה
מזוכך בכל פעם בגלות יותר. ...

I heard from our Holy Teacher in the name of R. Bunim [of Parshischa] that even though intellectual abilities decline with each generation, understanding and appreciation of truth [*nequdat haḥayyim shebalev*]¹⁹ increases and has become purified through the tribulations of exile.²⁰

R. Zadok continues:

ואמר רבינו הק' שהי' לו זה לדבר חדש כששמעו בפרשיסחא ואח"כ מצא הדבר מפורש בכמה דוכתי ולא פי' לן אי' מקומן וכבר אמרנו שורש לזה (ונת' במ"א). . . .

Our holy master told [us] that this was something new to him when he had heard it in Parshischa, though he found this point explicitly explained in several places. He did not [at that time] elucidate the sources, but we have already traced the root of this principle (as is explained in a number of places).

R. Zadok, and R. Bunim before him, were well aware of the radical departure which his idea posed. R. Zadok quotes R. Bunim as admitting that his doctrine was a novum when he first learned it in Parshischa.

The same point is made with a different emphasis in an earlier work:

כידוע דכל דבר שכבר הי' אחד שהרגיש בירור אור זה על בוריו כבר נפתח שער אותו האור בעולם. והוא פתוח אח"כ לכל דוח כל ענין עסק הדורות שקבע הש"י. אע"פ שהם מתקטנים והולכים. לפי שכל האורות שנפתחים בכל דור ודור ע"י אנשי סגולה מחכמי ישראל אין נסתמים עוד והם פתוחים לעולם ונעשים הלכות קבועות לכל ישראל. ולפיכך אע"פ שדורות אחרונים קטנים מ"מ יש להם מעלה זו דנגס ע"ג ענק . . . והם מחדשים והולכים לפתוח שערים אחרים. אע"פ שהם קטנים מאד מ"מ הם במעמקים יותר. כי הם כבר עברו שער בנפשם שנפתח לראשונים.

As is known, whenever anyone understands any matter clearly, the light of that Gate [of knowledge] becomes open to the world and is open to all, for this is the principle that God established for all the generations, even though they continually decline in ability. For once these lights are made available to every generation by the great ones among the sages of Israel, they are not sealed up; they remain open forever, and become fixed laws for all Israel. Therefore, even though later generations are inferior [to earlier ones], they nevertheless maintain their awareness [of knowledge], as dwarfs [on the shoulders of] giants . . . and they themselves continue the process of this opening of new Gates. Even though they themselves are greatly inferior [in comparison to their forebears, their insights] are *more profound*, for they have already passed through the Gates opened for the earlier generations.²¹

This commonplace of Western thought, that is, the continual accretion and increase of knowledge in time, is radical in the context of rabbinic Judaism. As is well known, the dictum of R. Yohanan is taken in full seriousness and quite literally: "if the intellectual powers of the earlier generations can be likened to the entrance to the *Ulam* [in the Temple], and that of the later ones to the entrance to the *Hekhal*, ours are as the eye of a fine needle;"²² again: "the fingernails of the early ones are preferable to the bodies [literally, "bellies"] of the later ones;"²³ even more pointedly: "if the former generations were angels, we are men; if they were human, we are donkeys."²⁴ This doctrine served later to nullify, in a practical sense, the rule laid down in *Eduyot* 1:5, which allows a later court to void the decree of an

earlier one, if it were larger in number and greater in wisdom; the latter requirement was held to be impossible of fulfillment. While R. Zadok did not draw any halakhic conclusions from this dramatic limitation of R. Yohanan's principle, he definitely held, as must any follower of Lurianic Kabbalah, to this theory of progressive revelation.

The stage is now set for a reconstruction of Jewish intellectual history radically different from the one generally understood as "traditional." In the latter, the entire system of Halakha was revealed in minute detail to Moses and continued in force from then on to the present time, albeit with occasional losses which were, in the main, restored. Jewish intellectual history thus becomes a tale of degeneration from the high level attained at Sinai, caused by defects in the system of transmission. There is a tendency to limit the human contribution to the development of Torah. R. Zadok's view, on the other hand, allows much greater room for a dynamic human involvement in the post-Biblical halakhic process, guided by Divine inspiration.²⁵

III

According to R. Zadok, Moses's perception of Torah was unique to himself, just as his prophetic powers were *sui generis*. His knowledge of Torah was not an intellectual one:

For forty days Moses would learn Torah and forget it, until it was presented to him as a gift.²⁶ This is what they said in *Menahot* (29b), that Moses did not understand R. Aqiva's words, and in *Midrash Rabba* (*Huqat* [4]), that R. Aqiva beheld what Moses himself had not.²⁷

Although R. Zadok naturally accepted the Talmud's explicit statement that attributes to Moses knowledge of the whole Torah—"even those innovations which a mature disciple will make [in the future]"²⁸—he distinguishes—in this case and others—between knowledge and access to it for useful purposes; in the language of medieval philosophy,²⁹ between "potential" and "actual" knowledge. Thus, while knowledge of Torah reached its apogee with Moses, he was later to be surpassed in some way by R. Aqiva. This is of course in stark contrast to the regnant view outlined above. Nevertheless, it is not without midrashic support, as we shall see.

R. Zadok makes the distinction between Moses' (prophetic) knowledge of Torah and that of the Sages in this way:

Even though "no [prophet] like him arose" [based on Deut. 34:10], that is from the point of view of intuitive understanding (*mizad hassagato derekh re'iyya*),

not intellectual comprehension (*hassaga sikhlit*), such as those who can innovate [in Torah have].³⁰

Similarly, he differentiates between Moses' prophecy and that of the other prophets:

... וכמ"ש (במ"ר חקת) ע"פ וכל יקר ראתה עינו דדברים שלא נגלו למשרע"ה נגלו לרע"ק וחבריו. כי כל שהשגה קטנה באיכות היא גדולה יותר בכמות . . . דתוקף האור מכהה עיני הלב, אבל היושב בחושך הוא יכול לראות . . . מרחוק. . .

. . . as is written (Midrash Rabba *Huqat* [4]) on the verse, "for all glory has his eye seen" (Job 28:10), things that were not revealed to Moses were revealed to R. Aqiva and his colleagues. *For all comprehension which is of lesser quality is greater in quantity.* . . . For the strength of the light dims the "vision of the heart," but he who sits in darkness can see light from afar.³¹

For Moses, and, by extension, his generation, Torah was still "in Heaven," and the human intellect was irrelevant to its understanding. Those who had received the Torah were not destined to be its cultivators. The Talmudic story that Moses, when shown R. Aqiva and his work, failed to comprehend his lecture, R. Zadok takes literally; it is crucial to his argument, and he mentions it repeatedly.³²

ואמנם עדיין לא יצאו לפועל כולם בעת מתן תורה וכמשו"ל ביבמות (ס"ב א') שהמשך יציאת כולם לפועל בעולם הוא עד ביאת בן דוד, והיינו כי אעפ"י שכבר ניתנה תורה ונתגלית כולה בעולם מ"מ אותם חכמות גנוזות בהעלם בדברי תורה . . . וכך התורה שבכתב היא כוללת בהעלם כל מיני חכמה . . . שרצה שתתגלה לברואים, וכמשו"ל בתענית (ט'). ליכא מידי דלא רמיזי באורייתא ואמרו בב"ק צ"ב מנא הא מילתא דאמרי אינשי כו'. שכל מין חכמה דאמרי אינשי רק שהוא חכמה אמיתית ושפת אמת היא רמוזה בתורה (הכל) אבל הכל ברמוז והעלם רק אח"כ בהמשך הדורות הוא יוצא לאור ע"י חכמי דור ודור ודורשיו וע"י כל הנפשות פרטיות אשר כל אחד מחדש דבר חכמה אשר אליה הוכן בפרט. וזהו הנקרא תורה שבע"פ שהוא מה שחדשו סופרים ונובעים מלבות בני ישראל ומה שתלמיד ותיק עתיד לחדש. . .

. . . שבכללותם הם ספרי וספרא ומשניות וברייתות שבהם רמוזים כל דברי התלמיד שבו רמוז כל דברי הפוסקים ראשונים ואחרונים כנודע. רק ששם בהעלם ואח"כ חוזר ומתפשט לגלוי וגילוי אחר גילוי. . .

However, at the time of the giving of the Torah all [areas of wisdom] were not yet *in actu* (*bepo'al*), as our sages note in *Yevamot* (62a): the process of bringing them all to maturity in [this] world [will extend] until the time of the Davidic Messiah. That is, although the Torah has already been given and altogether revealed in [this world], those areas of esoteric wisdom are [still contained] within the words of Torah in hidden form (*behe'elem*). . . Written Torah includes in hidden form all types of wisdom . . . which God wished to reveal to [His] creatures, as is stated in *Ta'anit* 9a: "there is nothing which is not hinted at in the Torah," and in *Bava Kamma* 92: "from where [in the Torah] do we know that which people say etc. [followed by various popular proverbs—thus indicating one of the types of wisdom alluded to]." All types of wisdom uttered by people—so long as they are true—are hinted at in the Torah, but all are hidden

in hints, and only in the course of the generations do they see the light of day through the sages of each generation and through each individual soul which reveals the innovations in Torah which have been prepared for it. This is called "Oral Torah," which is what the sages (*soferim*) innovate, and which flows from the hearts of Israel, [and this is what the Talmud refers to as] "all that a mature disciple will in the future innovate [in Torah was revealed to Moses at Sinai] (*Pe'ah* 2:6, see *Lev. Rabba* 22:1).³³

All that is inherent in Written Torah, was revealed to Moses in potential form, and to R. Aqiva *in actu*.

All the words of [that mature] disciple, as found in the halakhic midrashim formulated in R. Aqiva's school, are hinted at in the words of the Earlier and Later Authorities, as is known, but there [in the *mishnayot* and *baraitot*, they are] in hidden form, and afterwards they became progressively revealed [*umitpashet begillui*], revelation after revelation.³⁴

Elsewhere,³⁵ R. Zadok explains R. Aqiva's superiority in other terms. One of R. Zadok's cardinal principles, which will be discussed below, relates achievement to failure: the latter must precede the former, and in direct proportion. Moses had not (to this point) stumbled, i.e., sinned; moreover, though the most humble of men (*Num.* 12:3), he lacked something of the humility of R. Aqiva, who was descended from proselytes. These factors, by this rule of inversion (which, we note in passing, is of profound psychological significance), prevented him from understanding R. Aqiva's lecture.

The term "Oral Torah" in R. Zadok's work should sometimes be understood as referring to the *method of transmission* rather than the content of that which is transmitted. This will enable us to reconcile an apparent contradiction in R. Zadok's discussion of the nature of Moses' comprehension of Oral Torah. While in most places he calls attention to Moses' failure as the prophet—in contrast to the sage—to follow R. Aqiva's reasoning, elsewhere³⁶ he sees in Moses the quintessential sage. Thus, we may say that as far as the content of his learning goes, Moses was privy to all Oral Torah and is thus to be classified as a sage, but the means of transmission to him was prophetic and not intellectual. Even his analytic ability as applied to Torah (*pilpul*) was of heavenly origin,³⁷ and this he passed on to Joshua and the Elders.

With Samuel and the prophets, however (see below), the old flight from responsibility returns, one which devalues the pilpulistic lifeblood (in the positive, Talmudic sense) of Torah in favor of prophecy.

In R. Zadok's system, two modes of acquiring knowledge are counterposed; they cannot easily coexist. These two are the prophetic and the intellectual. By rejecting, or attempting to reject, the discipline

of the Oral Torah, the Israelites were opting perforce for the second mode, prophecy. The conflict between prophecy and the human intellect began at the very start of Torah, at Sinai.

It is the very human disinclination to take responsibility for one's decisions which necessitated a coercive aspect to *Mattan Torah*. The Talmud represents this symbolically by describing God as suspending Mount Sinai over the Israelites in threat. R. Zadok, following Midrash Tanhuma (see below), explains this as referring to their grudging acceptance of the Oral Torah, which requires great mental effort to master and to extend.³⁸ The Generation of the Wilderness and subsequent ones were unwilling to make such an effort. R. Zadok's proof-text is Tanhuma:³⁹

Israel did not accept the Torah until the Holy One, blessed be He, suspended the Mount [over their heads] like a roof, as Scripture states: "They stood beneath (*betahlit*, at the bottom, interpreted as 'in the underside of') the mount." Said R. Dimi b. Hama, "The Holy One, blessed be He, said to Israel: if you accept the Torah, good; if not, your burial ground will be here." And if you say, it was on account of [their reluctance to accept] the Written Torah [that] he suspended the mount on them, . . . did they not all answer "we will do and obey"? [This ready acceptance of Written Torah came] because there is no effort and pain [attendant on its study], and it is [relatively] small [in extent]. No, rather, he threatened them on account of [their reluctance to accept] the Oral Torah, which contains details of the commandments, light and severe; it is strong as death and its zeal is strong as She'ol [based on Song of Songs 8:6].

Given this natural reluctance of Adamic man, we can easily understand R. Zadok's interpretation of the ill-fated mission of the spies. The spies' mission to Canaan was initiated by Moses, with God's reluctant concurrence. R. Zadok sees this as representing Moses' wish to initiate the era of the Oral Torah *par excellence*, a task which, as we shall see, was actually accomplished by the Men of the Great Assembly. In R. Zadok's system, the Land of Israel is the place of Oral Torah, which, in contrast to the Written one, has a direct relevance to life in a natural mode. The changeover from the manna of the desert to agricultural products thus represents the attempt to pass from the regime of Written Torah to that of the Oral one. That the spies' mission proved in the end abortive represents the failure of Moses' efforts. But because of his spiritual stature, Moses' command to the spies became itself part of *Written* Torah, and his wish to initiate the era of Oral Torah was fulfilled, at least in part and for a time, through his disciple Joshua.⁴⁰

Elsewhere, R. Zadok traces the beginnings of Oral Torah to the Book of Deuteronomy, which was composed by God's agent, Moses, with His agreement.⁴¹ Deuteronomy is, of course, the *Mishneh Torah*, "reprise of Torah," and a reinterpretation and restatement of Exodus

and Numbers, with additions and supplementary material, quite in the role if not in the style of the Oral Torah. This implantation of the roots of Oral Torah in Israel was only a partial success. Though R. Zadok does not explicitly make this point, we may nevertheless see this in the very fact that Deuteronomy was written down, and became part of the Written Torah.

Another incident illustrates the struggle between prophecy and intellect during the period following Moses' death. According to the Talmud,⁴² many halakhot were lost with Moses' death, and the Israelites came to Joshua to demand that he restore them by means of the *Urim veTumim*, which were actuated by prophetic inspiration. Joshua refused to accede to their demand, and eventually the lost halakhot were restored by Otniel b. Kenaz in a way which prefigured the restoration, or rather, the *establishment*, of the Oral Torah in the Second Temple period; that is, he derived them from the Written Torah by the use of his intellectual acuity (*pilpul*) guided by divine inspiration. Otniel represents the sage as contrasted to the prophet, and every true sage has a modicum of prophetic inspiration to direct his intellectual endeavors. One of R. Zadok's favorite proof-texts is Nahmanides' comments on TB *Bava Batra* 12a, wherein the latter concludes that the sage is superior to the prophet for just this reason.

Nevertheless, the sage's understanding has one defect that rendered it all but contemptible in the eyes of the Israelites—the sage lacked the absolute certainty which prophecy alone could give. Prophecy partakes of some of the features of Holy Writ: it provides knowledge which is absolutely true. As such, however, it is ultimately unsuited to this world of falsehood. According to R. Zadok, moreover, the prophet's knowledge extends only to particular cases; only the sage can derive general principles which can be applied to all ages and cases.

It was absolute certainty which won the day after Otniel's time. Samuel inaugurated the era of prophecy, and the use of the intellect fell into disfavor. With the ready availability of prophecy and prophets—twice six hundred thousand—it was easier for an inquirer to resort to a prophet for legal or personal advice than to a sage.

ואע"פ שהיו חכמים ג"כ מ"מ מפאת שפע הנבואה וגילויי שכינה שהי' אז בישראל לא הי' נחשב השגה דרך חכמה מעצמו לכולם כי זה השגה מסופקת ואפלה מצד העוה"ז שאין יודעים אם היא השגה אמיתית דע"כ אמרו בסנהדרין (כד.) במחשכים הושיבני על תלמוד בבלי. וזהו כל חכמת תושבע"פ להשיג האמת מצד האופל והעלם. וזהו בזמן ההעלם אבל בזמן שהי' השראת השכינה בישראל לא היו גבנסים להשגות של מחשכים כלל כי הי' אז כל ההנהגה ע"פ נבואה דהיו נביאים כפלים כיוצאי מצרים מלבד בעלי רוח"ק לאין שיעור אלא שנבואה שלא צריכה לדורות לא נכתבה (מגילה יד.). אבל כל ההנהגה דלפי שעה הי' ע"פ נביאים.

Even though they (the prophets) were sages as well, nevertheless, intellectual means of perception were considered as naught⁴³ in comparison with the

overwhelming plenitude of prophecy and revelation which existed in Israel at that time. For [intellectual understanding] is subject to doubt and dimness because of its origin in this world; its truth cannot be determined. It is for that reason that [the Talmud (TB *Sanh.* 24a) applies] to the Babylonian Talmud [the verse]: "He sat me down in darkness." All the wisdom of Oral Torah [consists] of apprehending truth from darkness and hiddenness. But that applies to a time of hiddenness, but in the era of the indwelling of the Divine Presence in Israel, the [Israelites] did not condescend to perception through darkness at all, for all guidance [of public and private affairs] was in accordance with the [command] of the prophets. For there were twice 600,000 prophets [alive during the Biblical period], aside from others without number who were divinely inspired. [We do not hear of them] because prophecy not needed for future generations was not written down (TB *Megillah* 14a). All decisions for that time (*lesha'a* as opposed to *ledorot*, for future generations as well) were made by prophets.⁴⁴

We have discussed elsewhere⁴⁵ the halakhic problems such a view of the Biblical period brings in its wake, and have substantiated the fact that this view is indeed R. Zadok's. Our concern here is rather with the next step in the process of the education of Israel: the establishment of the Oral Torah, and the union of these two modes of acquiring reliable knowledge: prophecy and intellectual endeavor, a union which yields a Torah more at home in an imperfect world. While for R. Zadok reliable knowledge comes not from the intellect, but from divine, prophetic or mystical illumination, such knowledge is at odds with the falseness of this world. Only the mediation of the human intellect can provide the requisite guidance, at least when the intellect itself is aided by that inspiration. The Biblical period had prophecy, in the main; human reason could not come into its own until the cessation of prophecy, after the Babylonian Exile.

IV

The neglect of Oral Torah throughout the era of prophecy had grave consequences. R. Zadok takes literally Neh. 8:14–17, which describes the returned exiles' celebration of the Sukkot holiday:

They found written in the Torah that God had commanded Moses that the Israelites must dwell in *sukkot* during the festival of the seventh month. . . . The whole community returned from exile made *sukkot* and dwelt in *sukkot*—for the Israelites had not done so from the days of Joshua son of Nun to that day—and there was great rejoicing.

Torah was thus completely forgotten during the exile, at least on the part of the common folk.

וידוע כי הולדת כל דבר הוא בהכרח להיות תחלה נפסד וכאין כמו שהזרע נפסד
בארץ טרם יצמיח. וכן בגלות נשכח לגמרי התורה מהם בכלל האומה עד

שמצאו כתוב לעשות סוכות כי לא ידעו מזה. ואע"פ שלבבם נכון עם ה' ביותר מ"מ עסק התורה הי' שם בבח' שינה והעלם. . . .

It is known that [at] conception a thing must first be in a decayed state (*nifsad*) and as nothing; just as the seed in the earth before it sprouts. So in the [Babylonian] Exile, the Torah was completely forgotten (*nishkah legamrei*) from the generality of the Nation, to the point of [its having to] discover [anew] the [commandment] to make *sukkot*—for they knew nothing of this. Even though their hearts were faithful to God, nevertheless the study of Torah was as though in hibernation.⁴⁶

It was at this low ebb, in accordance with the principle of Darkness before Light (see below) that the Oral Law had its first "flowering." The Men of the Great Assembly *ruled* by virtue of their mastery of the Oral Torah; that is, they not only mastered it intellectually, but they exercised authority *over* and *through* it. And, in contrast to the prophets, they raised *true* disciples, who attained maturity only through their discipleship.⁴⁷ It was at that point that the emphasis on proper methods of transmission of Torah became important.

. . . ומהם והלאה שייר הקבלה פה אל פה דברים שבע"פ א"א רשאי לאומרם בכתב (גיטין ס:) שא"א להשיג האמיתות שבלב החכם אלא בקבלה מפה אל פה.

And from then on oral tradition became relevant (*shayyakh*), [and the rule that] "oral traditions may not be written down" (*Gittin* 60b) [came into force], for it is impossible to comprehend the truth in a sage's heart except by oral transmission.⁴⁸

This last statement regarding the importance of *oral* teaching requires elaboration. It is only God Who can write a Word that retains its freshness; mortals can transmit their ideas accurately only through the medium of the spoken word—the deadening effect of writing leads to distortion. In speech a man can communicate by gesture and intonation; in writing these are lost.

. . . הברל בין כתיבה לדיבור כי בכתיבה הוא רק התגלות החכמה שבמוחו ומחשבתו אבל הדיבור הוא התגלות הבינה שבלב שזה נגלה בדבור כפי איכות הדבור ותנועתו ניכר עליו מה שבלבו, כידוע שיש הכרה בדברים אם יוצאים מן הלב ואם מדבר בתוקף או בנחת, בכעס . . . משא"כ בכתיבה מלוכש רק בחכמה. . . .

The difference between writing and speech [consists of this]: writing reveals the mind's knowledge (*hokhmah*) and thought, while speech discloses the understanding of the heart. The latter is indicated by the character of the speech; from the gestures [of the speaker] one may discern his intent, whether he speaks with sincerity, whether vehemently or quietly or angrily . . . in contrast to writing, which expresses knowledge [but not understanding of the heart].⁴⁹

This idea is to some extent parallel to Maimonides' short discussion of the disadvantages of written transmission in the *Guide*,⁵⁰ in

which he notes that it leads to misunderstanding and misinterpretation. Both he and R. Zadok see oral transmission, which depends on the *personal* involvement of student and teacher, as the more reliable method. Thus, “it is impossible to comprehend the truth in a sage’s heart except by oral transmission.”

The one exception R. Zadok allows to this rule is in the written transmission of Torah. The regulations concerning the writing of the Pentateuch he considers as guarding and preserving its freshness and life; and the Divine origin of the Oral Torah in general insures some semblance of freshness to it now that it too has become, of necessity, a sort of written Torah.

This aspect of the work of the Great Assembly is extremely important, for it is primarily as legislators that R. Zadok sees them. The phrase *hathalat Torah shebe’al peh* (“beginning of the Oral Torah”) which nearly always accompanies any mention of them in his writings, is also found with a description of their task as *yissud Torah shebe’al peh*, the “establishment of Oral Torah.” He cites TJ *Sheqalim* 5:1 which refers to the ordinances which the Great Assembly made.⁵¹ Moreover, as we have already noted above, he emphasizes in his description of the state of Oral Torah during its eclipse that

... וכל זמן שלא קבלוה מרצונם לא נמסרה עדיין להם לגמרי והיו מתנהגים ע"פ
נביאים הכל בכתב מיד ד'.

As long as they did not accept [Oral Torah] willingly, it was not *yet* handed over to them entirely, and they conducted themselves through prophets, “all in writing by God’s hand.”⁵²

R. Zadok, following Tanhuma *Noah* 3, understands the Talmudic interpretation of Esther 9:27, “they fulfilled and accepted”: “[that is] they fulfilled that which they had already [at Sinai] accepted”⁵³—as referring to Oral Torah. Now, with the full-hearted acceptance of the Oral Torah in the time of Esther and Mordechai (the latter is counted as one of the Great Assembly), the power to legislate for all times and situations, *to establish precedents*, was given to them. But this became possible in its fullest sense only with the end of prophecy. While the loss of Moses and the high degree of divine inspiration which he had attained threw the Israelites on their own resources, we see that they had not yet progressed enough spiritually to assume the responsibility which the Oral Torah’s decision-making procedures required. Prophecy was called upon to fill the gap. With the spiritual gains following in the wake of the salvation represented by the Purim miracle, which came at the end of a period of decline and assimilation, the Jews, as we may now call them, were spiritually invigorated and able to accept the discipline of the Oral Torah.

The spiritual decline which preceded the rise of Haman is bound up with R. Zadok's great theme of "Darkness and Light."⁵⁴ The universe exists in a state of dynamic equilibrium; the systole/diastole of the beating of Israel's heart is in tune with the pulsations of the spiritual universe. Darkness preceded light, historically, in Creation; the enslavement in Egypt preceded the giving of the Torah. This process operates not only historically, but in the spiritual, psychological and intellectual realms. "No one has a true understanding of the words of Torah until he 'stumbles' over them first"⁵⁵—the path to true and thorough knowledge must be prepared by the exploration of blind alleys. Not only must darkness precede light, but the intensity of the light that follows is determined by the darkness which comes before. Failure is the breeding-ground of success; light acquires meaning only against a backdrop of darkness. A repentant sinner can achieve that which a perfectly righteous man cannot.⁵⁶

There is yet more to this process. The elimination of obstacles carries with it an "opportunity cost." A child never challenged never learns to deal with challenge. When, with the best of intentions, the men of the Great Assembly nullified the inclination to idolatry, great opportunities for spiritual gains were lost, among them the light of prophecy.⁵⁷ This loss, in turn, led to further gains. The Talmud interprets Esther 9:27: *qiyemu veqibbelu*, "they undertook and irrevocably obligated themselves," as referring to a renewed acceptance of Torah.⁵⁸ With this renewed acceptance and the defeat of Haman's machinations, a new era began.

R. Zadok understands this renewed acceptance as including in particular the Oral Torah, that Torah only reluctantly agreed to at Sinai. With this willing acceptance of the burden of responsibility or human decision-making came the explosive development of the Oral Torah, the great extension of the Halakha to all areas of life by means of *gezerot* and *seyagim*, the "protective fencing" of the laws of the Written Torah.⁵⁹ The Torah now passed into the hands of the sages, and with it, the leadership of Israel.

ותושבע"פ היא מה שחדשו חכמי ישראל וכנ"י ע"י השגת לבם ומוחם מרצון השי"ת
והוא ההשגה שחלק להם השי"ת כפי צמצום לבם ומוחם. . . .

Oral Torah is what the sages of Israel and *Keneset Yisra'el* innovated by their own perception of heart and mind of the will of God, and that is the understanding that God apportioned to them according to the limits of their capacity.⁶⁰

It is instructive to contrast R. Zadok's later views as presented here with those of his youth. In his strictures on Abravanel's temerity in expressing his disagreement with Talmudic sources on the question of the authorship of the Book of Joshua, he writes:

The sages, apart from their personal stature, were [in addition] the heirs of an unbroken tradition stretching from Moses to Rav Ashi, as is set out in detail in Maimonides' *Introduction [to the Mishneh Torah]* and therefore they understood all these things properly . . . the truth cannot be displaced by intellectual hypothesizing (*qushyot sikhliyyot*).⁶¹

Most significantly, he then proceeds to employ the Talmudic account of that "mature disciple" as a paradigm of the relative uselessness of intellect against tradition. This is in stark contrast to his use of this story in his later works in which this incident is interpreted in the opposite fashion,⁶² as showing how the eternal Torah can yet incorporate within itself radically new interpretations which themselves then become part of it (see below).

There was yet a further, major stage in the history of the acceptance of Oral Torah. With the completion of the Babylonian Talmud, and its reduction to written form, came the same mystical linkage of each Jewish soul to Oral Torah as to Written Torah.⁶³ In kabbalistic terms, just as each soul has its root in a letter or stroke of Written Torah, so too, with the promulgation of the Babylonian Talmud, did each soul find its root in its words. Moreover, with its appearance in written form came the Oral Torah's *inclusion* in the Written one.

The process did not end here. Each successive effort of codification of Oral Law added to the Written Torah, and each code, as it became part of Written Torah, generated still more layers of innovation in Oral Torah. In practical terms, each portion of Oral Torah as it was reduced to writing generated new commentaries whose authors approached the newly *incorporated* work as the sages of Oral Torah had approached the original Written Torah. Thus, if we may be permitted to draw out the line of reasoning a step further, the Amoraim applied to Mishnah methods similar to their creative reinterpretation (*derasha*) of Written Torah, the Rishonim continued the process on Talmud as a whole, and the Aharonim used the works of the Rishonim as a point of departure and treated them the same way. And the process continues apace. Progressive revelation continues through the medium of sage and text.

V

What are the sources for R. Zadok's revisionist history of the Oral Torah? Most have already been discussed. They include Tanhuma *Noah*, TB *Menahot* 29a, *Shabbat* 88a, TJ *Sheqalim* 5:1, and Num. Rabba *Huqat* 4. But his basic text is not Talmudic at all. In several places⁶⁴ he paraphrases *Pirkei Hekhalot*.⁶⁵

דאע"פ שלא שרתה שכינה בבית שני מ"מ עיקר התורה וזיוה והדרה לא הי' אלא בבית
ב' שלא רצו לבנות עד שהבטיחם הש"י לגלות להם רזי התורה.

Even though the Divine Presence did not rest on the Second Temple, nevertheless the basic manifestations of Torah and its glory occurred only during the Second Temple period. They would not agree to build [the Temple] again without God's promise to reveal the secrets of the Torah to them.

"The secrets of the Torah" R. Zadok identifies with Oral Torah, and its "founders" he sees in the men of the Great Assembly. As he puts it still elsewhere:

ועיקר יסוד תורה שבע"פ התחיל אז מאנשי כנה"ג . . . שהם מייסדי כל הגזירות ותקנות
חכמים וכל הדרשות והלימודים, שכל שלשלת לימוד תורה שבע"פ היא מאנכנה"ג . . .
ובאותו הדור היו אחרוני הנביאים . . . כי במיתת אותו דור נסתם חזון ונאסרה הכתיבה
לדברי תורה, כי נפסק גם כתיבת דברי קבלה שהוא כדברי תורה . . . ואע"פ שהוא
העלם הוא התגלות יותר . . . וכפי תוקף ההעלם כן הוא תוקף ההתגלות. . .

The basic founding of Oral Torah began then with the men of the Great Assembly . . . who established all the *gezerot* and *takkanot* of the Sages, and all the *derashot* and teachings derived from Torah (*limmudim*), for the whole chain of tradition of teaching the Oral Torah is from [them]. . . . In that generation lived the last prophets . . . for with the demise of that generation prophecy was stopped up and the *writing* of the Torah became forbidden, just as was the writing of prophecy. . . . Even though this is a type of concealment, it led to greater revelation. . . . for according to the strength of the concealment is the strength of the revelation.⁶⁶

The institution of non-prophetic methods of arriving at halakhic decisions led eventually to greater revelations. This is because prophecy, though surer in result, is nevertheless seriously limited in directions which the human intellect is free to explore. The prophet can perceive only what he is shown; he cannot use his revelation to achieve greater insights (*medammeh milta lemilta*). Thus, as noted above, prophecy cannot provide general rules to govern future eventualities.

We have seen the sources on which R. Zadok based his reconstruction of the history of Oral Torah. But what were the considerations which impelled him to undertake so radical a reconstitution of traditional views? Nowhere does R. Zadok state them, but to the present writer two seem of particular weight:

1. According to TB *Yoma* 9b, the First Temple was destroyed because of the prevalence of the three cardinal sins, i.e., murder, incest and idolatry, but the Second Temple period was one of Torah study. Despite the conviction of the Slobodka Musar school that idolatry was an exception to the general piety of the First Temple period, R. Zadok apparently could not accept such a view of human nature. The prevalence of idolatry is evidence of a widespread and thoroughgoing rejection of those values later to be seen as typifying the Second Temple era.

2. The obvious tension between prophet and sage, and their divergent means of achieving true insight, precludes the subsuming of the former with the class of the latter. If the Biblical period was the era of prophecy, this must indicate, again, a rejection of the workings of the Oral Torah.

These two considerations suffice to cast a new light on the religious character of the First Commonwealth; once this step is taken, it is relatively easy to date the promulgation of the Oral Torah to the period of the end of prophecy.

This turning point in the history of Torah had another dimension: the tentative nature of Oral Torah, which is represented by darkness in contrast to the light of prophecy, due both to the doubt which accompanies it ("it is impossible to reach clarity in innovations of Torah, that one side or another of a question will not have its own justifications"⁶⁷) and to other, Kabbalistic reasons. It is also associated with the darkness of Exile. While R. Zadok does not go into the reasons for this association, we may speculate that the Oral Torah is particularly suited to the problems faced in Israel's exile. It requires the use of the human intellect to adapt Halakha to new conditions and challenges; it enhances the human element in Torah, which prophecy stifled, and in this way purifies it.⁶⁸ With it, God's Torah can become man's: "Said Rava, 'First it is called God's, and at the end [when the student has mastered it] it is called his.'"⁶⁹

We should at this point make mention of one of R. Zadok's grand themes, that of *zeh le'ummat zeh*: parallel development. According to this, there are similarities between processes operating in Israel and in the Nations. To reverse a popular Yiddish proverb, *vi s'yidelt zich, azoi kriselt es zich*: as the Jews, so the Gentiles. In this instance, with the Great Assembly's work, which initiated a period of explosive growth and acceptance of the Oral Torah, came the maturation of Greek philosophy,⁷⁰ as represented by Aristotle. Just as the roots of Oral Torah are to be sought in Moses' prophecy, so the origin of Greek Wisdom is found in Balaam's, whose status as the greatest Gentile prophet is equated in the Midrash with Moses' as the greatest Jewish prophet.⁷¹ Greek Wisdom is identified with Edom;⁷² Edom in turn is related to Amalek, and Amalek to Haman the Agagite (i.e., midrashically, he is descended from Agag, King of Amalek, whom Saul slew).⁷³ Thus both Purim and Hanukkah in R. Zadok's thought share this theme of the flowering of Oral Torah and of Greek, or Amalekite, Wisdom. Had Adam not sinned, all humanity would be heirs to the Torah, and there would be no need for Oral Torah or Wisdom; all would be understood equally by all.⁷⁴ At any rate, Balaam, Moses' equal in prophetic power, represents the root of Greek Wisdom

which, though in essence false, issuing as it does from man's animal appetites,⁷⁵ nevertheless contains kernels of truth.⁷⁶

R. Zadok's writings are replete with repetitions which are seldom considered in exactly the same manner. A statement will often be given a different weight and nuance in the differing contexts in which it is found. Our survey may seem too schematic, and, by attempting to give a complete account, hides something of the protean nature of his work. For example, at various times R. Zadok connects the beginning of Oral Torah—*hathala*—with the incidents of the Golden Calf,⁷⁷ the spies,⁷⁸ Moses' composition of Deuteronomy,⁷⁹ Joshua's compilation of his book,⁸⁰ or even with Solomon's time.⁸¹ He even refers to the flowering (*hitpashtut*) of Oral Torah during the days of Rav and Samuel with the laying of the foundation of the Babylonian Talmud.⁸² Most often he refers to the initial flowering as occurring during the time of the Great Assembly, with the cessation of prophecy. And, as we have seen, this dovetails with his important principle of light and darkness. Thus we may see these temporary flowerings as part of a cyclical process, the "sine-curve" of human creativity. Each flowering was followed by a decline, until the major surge which resulted in the Babylonian Talmud, and the process will find its final culmination in Messianic times, when the Torah of this world will be accounted as "vanity" when contrasted with "that of the World to Come."⁸³

With all this in mind we can easily account for lack of halakhic rules and decisions in the prophetic books, and why the worlds of the prophet and sage seems so distant. According to R. Zadok, each decision was rendered separately, and applied only to the case at hand; no precedents were set, no rules handed down. When such heavenly certainty gave way to the uncertainties of the human intellect as manifested in Oral Torah, each principle had to be painfully established. Each case was investigated in its manifold aspects, and, naturally, disputes multiplied.⁸⁴ R. Zadok interprets the Talmudic statement, "On occasion, the nullification of Torah is itself its establishment,"⁸⁵ as follows: What may seem obfuscation is merely the only practical, human way available for attaining a truer understanding of matters, since it is by dialectical means that all aspects of the problem under discussion are brought out. This task the Tannaim began and the Amoraim continued; it continues to our day and beyond, until Torah will reach its ultimate fulfillment and all will stand revealed.

וכך יהי' לעתיד, דכל ימי עוה"ז הוא הזמן של התגלות כל התורה שבע"פ בשלימות ע"י
חכמי ישראל שבכל דור, כל אחד השייך לחלקו עד דורו של משיח שאז יתגלה הכל

ויבולע המות לנצח, לא כבמתן תורה שהי' רק לשעה שהי' אפשר להתקלקל אח"כ ע"י החטא. אבל אז לא יתקלקל עוד כי יבוטל היצ"ר . . . ואז ישוב העולם לגמר תיקונו כמו שהי' קודם חטא אדה"ר, ויוכלל כל התורה שבע"פ בתורה שבכתב. . . וע"כ לא ילמדו עוד איש את רעהו כי כולם ידעו . . . דלא יצטרכו ללימוד שבע"פ תלמיד לרב.

And so it will be in the future, for the duration of this world is the time of the revelation of all the Oral Torah in its entirety by the sages of Israel in every generation, each one in accord with his portion [in Torah], until the generation of the Messiah when all will be revealed, and Death will be destroyed forever. [This revelation] will not be as that of the giving of the Torah [at Sinai], which was only temporary, for it could be corrupted by sin afterwards. But [in the future] it will not [be susceptible] to corruption, for the evil inclination will be destroyed . . . and then the world will return to its pristine state as before Adam's sin, and the whole Oral Torah will be included in the Written one. . . . Therefore, "they will not teach each other [war, i.e., the cut and thrust of Talmudic debate, see Is. 2:4] . . . for there will be no need to teach Torah orally [as a] master to a disciple—for all of them will have [the necessary] knowledge.⁸⁶

May we all live to see that day!

ADDENDUM

The radical nature of R. Zadok's conceptions is readily apparent. R. Yitzhak Hutner, for whom R. Zadok was a constant inspiration, felt constrained to modify the outline presented here in significant ways,⁸⁷ though still implicitly allowing for halakhic progress. This was particularly striking in a talk he gave during Hanukkah 5740, though in private he cautioned against the use of the word 'development' in certain contexts.

As for R. Zadok, uncertainty plays a positive role in Jewish thought. The Tannaim, prompted by the uncertainties and ambiguities of the Torah they received, were constrained to clarify them. For R. Zakok this was linked to the end of prophecy; R. Hutner dates this to the aftermath of the Greek Wars of the Hasmoneans. The earlier system of transmission of Oral Torah was one which emphasized anonymous transmissions, *kelal Yisrael Torah*, The system which succeeded it, which continues day to our own day, he dubs *perat nefesh mi-Yisrael Torah*, individual Torah; it requires the citation of sources. The individual thus has a stake in Torah. This change R. Hutner relates to the educational purpose of the Hanukkah lights, that is, to strengthen each Jew's personal commitment to Torah, in order to prepare the coming generations to meet the challenges of Exile. Most important for our purposes, this can be seen, in the context of R. Hutner's presentation, as an elevation to a superior system, for he interprets *Bava Kamma* 61a to indicate that anonymity

of sources was itself a *punishment*, while “he who quotes a statement by name brings redemption to the world.”⁸⁸ Thus, while addressing himself to the historical dimensions of our problem, he makes a place for the transmission—anonously—of the Oral Torah in early Jewish history.

In a posthumously published letter,⁸⁹ R. Hutner dealt with a correspondent’s query regarding the contradiction between *Pahad Yizhak*, Hanukkah, n. 3, which speaks of forgetfulness as part of the process of refining Israel’s understanding of Torah, and Maimonides’ *Introduction to the Commentary on the Mishnah*,⁹⁰ in which the latter denies vehemently that possibility. R. Hutner answers by distinguishing between a lowering of the level of learning in general (*hamadrega beḥokhmat haTorah*), which he defines as the subject of his original *ma’amar*, or, in other words, “the loss of [proper] methodology in Torah-study” (*shikhḥat darkhei ha’iyyun vehalikhhot hamahshava beḥokhmat haTorah*), while, according to him, Maimonides denies only the role of forgetfulness in the loss of particular *halakhot*. But this distinction is contradicted by the thrust of the talk referred to above.

R. Hutner’s conception is thus a hybrid of R. Zadok’s view and that expressed in Talmudic sources. It may lose something of the power of R. Zadok’s system in the process, for the Greek War was hardly as disruptive as was the Babylonian Exile; moreover, the role of the Great Assembly becomes problematic. On the other hand, his view narrows the gap between the beginning of the reign of the Oral Torah and the consequent increase in disputes, a gap which extends over several centuries in R. Zadok’s construction. (This gap might be bridged by R. Zadok’s simile of the seed and flower in speaking of the growth of the Oral Torah. The germination might have taken centuries. But, as noted above, such painstaking literalness is false to R. Zadok’s conception.)

R. Hutner also adapted and modified R. Zadok’s view regarding the cessation of prophecy and proposed an entirely different mechanism to account for that cessation.⁹¹ The tendency to idolatry, according to him, was intimately connected with a quality which had its positive side: acceptance of authority (*qabbalat ol*—in this case, *sheqer*, “falsehood”) and obedience. This willingness, which at times led the Israelites to an acceptance of idolatry or idolatrous practices, also served to motivate them to accept prophetic reproof with some tolerance. Thus they merited the presence in their midst of prophets and prophecy.

In line with Maimonides’ principle—presumably R. Hutner here refers to *MT Hilkhhot De’ot* 2:2—that the suppression of one quality which is carried to an unhealthy extreme involves the overemphasis

of its contrary, with the forced removal of this inclination to obedience came an increase of skepticism and antinomian tendencies (*periqat ol*). This led to the subsequent increase of heretical sects—and the end of prophecy; people would no longer accept prophetic rebuke.

The artificiality of this conception is patent. Biblically, the Israelites were ever and anon a “stiff-necked people,” the prophets were *not* heeded and often found themselves in danger; the Jews of the Second Commonwealth were more malleable. But R. Hutner’s ingenious rearrangement of R. Zadok’s system does serve to highlight its radical nature.

ACKNOWLEDGMENTS

I wish to thank the following for discussing with me various aspects of this paper: Professors Dov I. Frimer, Bernard S. Jackson, Norman Lamm, S. Z. Leiman, and Bezalel Safran; Rabbis Irwin Haut, Levi Yitzkhak Rothman and Eliezer Weinstein; Rabbi Israel Zalisky for the loan of *Zidqat Hazadiq Hamale*, and to Rivka Haut and Rabbi Reuven Porcelan for obtaining for me several articles pertinent to this paper. Mrs. Els Bendheim helped in various ways. In particular, my thanks go to Professor Leiman, who not only took the time to read over an earlier draft of this paper, but has been a constant source of encouragement. None bears any responsibility for any misinterpretation which may be found herein.

NOTES

1. *Avot* 1:1.
2. *TB Git.* 60b, based on Ex. 34:27.
3. *Tosef. Sot.* 14:9; see *TB Sot.* 47b and *TB Hul.* 7a.
4. *Tosef. Sot.* 14:9, *Tosef. Hag.* 2:9; see *TB Sot.* 47b, *TB Sanh.* 88b; *TJ Sanh.* 1:4 includes the words “their masters” explicitly.
5. *Tosef. Hag.* 2:8, *TJ Hag.* 2:2.
6. *Ad TB Sot.* 47b s.v. *misheravu zehuhei halev*.
7. See Rashi *ad TB B.M.* 33b s.v. *biyme*.
8. See *Tosef.* ed. Lieberman, *Nashim* II, pp. 237–38, and n. 3 above.
9. See *TJ Shab.* 1:4, where halakhic debate led to bloodshed.
10. This apparent change in human nature may then be linked to Hellenization. This theory was proposed by R. Zadok haKohen, whose views on a kindred subject we shall discuss below. However, whatever their exact parameters and implications, these passages are clearly concerned with the moral decline preceding the Destruction. Whether or not our interpretation of these statements is correct, the possibility remains that, though not originally intended as historical statements, these passages can be viewed as providing a solution to the historical problems we have raised. Doubt and dispute may have arisen through a (culturally-induced?) change in the Jewish “national character.” The problem with this approach is that, by all accounts, the Jews of that time were more given to those

- "classic" manifestations of Jewish religious sensibility than their ancestors; see TB *Yoma* 9a, and the Addendum.
11. Tosef. *Hag.* 2:9, ed. Lieberman, *Mo'ed*, p. 383; see TB *Sanh.* 88b.
 12. TB *A.Z.* 8a.
 13. It is possible to understand "at first" as referring to the time during which the Sanhedrin's authority was unimpaired by any disputes between its members which would make the Torah "as two." But if so, the diagnosis reduces itself once again to a lack of thorough education, and not the absence of a central authority. The long description of the appeals process seems to point to a climax such as the following: "but now that there is no central authority which may be appealed to, disputes have multiplied." This has been replaced by the apothegm from Tosef. *Sotah*.
 14. MT *Hilkhot Mamrim* 1:4.
 15. TB *Git.* 60b, based on Ex. 34:27; see TJ *Meg.* 4:1.
 16. See Rashi *ad* TB *B.M.* 33b s.v. *biyme*.
 17. For a discussion of this problem, see the writer's "Reb Zadok Hakohen of Lublin on Prophecy in the Halakhic Process" in B. S. Jackson, ed., *Jewish Law Association Studies: The Touro Conference Volume* (Chico, California: Scholars Press, 1985), pp. 1–16.
 18. The books with which we will be primarily concerned in the following are these: *Peri Zadik*, 5 volumes (Lublin 5661–94) [hereafter *PZ*]; *Zidqat Hazadiq* (Lublin, 5662, repr. Bnei Brak Yahadut, 5733, but the best edition is *Zidqat Hazadiq Hamale*, Jerusalem: "A" Publisher, 5728) [hereafter *ZH*]; *Resisei Laylah* (Lublin, 5663, repr. Bnei Brak: Yahadut, 5727) [hereafter *RL*]; *Maḥshevet Haruḥ* (Pietrikov, 5672, repr. Bnei Brak: Yahadut, 5727) [hereafter *MH*]; *Divrei Soferim* (Lublin, 5673, repr. Bnei Brak: Yahadut, 5733) [hereafter *DS*], *Liqqutei Ma'amarim*, repr. Bnei Brak, n.d. [hereafter *LM*], *Responsa Tiferet Zevi* 2 vols. (Bilgoray, 5669, repr. Bnei Brak: Yahadut, 5727); *Zikkaron Larishonim* [hereafter *ZL*], published in *Sinai* 5707, 1–25, from a copy made by Rabbi David Alter, apparently in Lublin. Prof. S. Z. Leiman has kindly provided the following bibliographical information on its later publication history: it was reprinted in F. Gartenhaus, *Eshel Hagedolim* (New York, 1958), as an appendix, 1–25, and in H. Y. D. Azulai, *Shem Hagedolim Hashalem* (Jerusalem, 1979), II, Appendix, 2–25.
 19. The translation of *nequdat haḥayyim shebalev* as "understanding and appreciation of truth" may be questioned. However, the context assures this interpretation. R. Zadok continues: "and this is the great hope [vouchsafed to the Jews] in Exile . . . for all is for good in order to [allow them] to merit the light of the Messiah and the Oral Torah which will be revealed through him." Furthermore, *RL*, p. 155a, has: "[one's] life-force [*ḥayyuto*] in this world [corresponds] to the measure of his recognition of His truth, blessed be He" and further, on p. 163a, we read: "the eighth day [of Hanukkah] is the Root of understanding [*bina*] of the heart from which [issues] forth sources of life [*toze'ot ḥayyim*] of all types of the faculties of the soul [*koḥot hanefesh*] which execute all matters." Note especially the following from *MH* 3a (bottom):

יש הרגשה חיצונית שאינה במעמקי הלב ופנימיותו כלל כי הלב ממנו תוצאות חיים, והרגשה גמורה הוא מה שנוגע לעומק חיותו זהו שורש הבינה שבלב הנמשך מעומק החכמה שבמוח. ומחשבה כזו שעיקר נקודת החיות שבלב נתלה בה זהו עיקר האדם לא שאר מחשבות חיצוניות שהם לבושי המחשבה הפנימית והעיקרית.

There are external perceptions that do not proceed from the depths and inwardness of the heart at all, [in contrast to] the sources of life [which flow] from the heart. A completely [authentic] perception is what touches the depths of one's life-force, [and] that is the root of the understanding of the heart which proceeds from the depths of the knowledge of the intellect. And a thought such as this is the 'essential point of the life-force in the heart' [*nequdat ḥayyut shebalev*] which depends on it—that is the essence of a person, and not the other, "external" thoughts that are the "garments" of the inner, essential thought.

Prof. S. Z. Leiman points to *PZ* II, pp. 242a–b as contradicting this, but as I understand it the passage reads: "[Wisdom is] to feel the truth in the heart's depths [*binequdat ha'omeq . . . shebalev*] at the depths of the Good [*me'omeq tov*] implanted in the heart of every Jew." The concept is the same though the word *ḥayyim* does not recur.

20. *PZ* V, p. 39b (top).
21. *RL*, n. 13, esp. p. 14b.
22. *TB Eruv*. 53a.
23. *TB Yoma* 9b.
24. *TB Shab*. 112a.
25. See the writer's "R. Zadok on Prophecy," pp. 4–10.
26. *TB Ned*. 38a.
27. *PZ* I, p. 37b; see pp. 15–16 below and n. 61.
28. *TJ Pe'ah* 2:6.
29. See below, p. 15 note 55.
30. *RL*, p. 158b.
31. *PZ*, I, p. 37b.
32. See *RL*, p. 158b, based on *TB Men*. 29b. Throughout this paper only one citation will generally be given, despite the multiplicity of references in R. Zadok's writings to the points made. Because of the nature of those writings, which were never edited by the author, repetition is common.
33. *LM*, p. 81b.
34. *Idem.*, p. 81b. This is another proof, if such is needed, that progressive revelation applies to halakhic materials as well as to theological and kabbalistic secrets. For a fuller discussion of this point, see Section III of the writer's "R. Zadok on Prophecy."
35. *PZ*, V, pp. 124–27. See pp. 15–16 below.
36. *LM*, p. 97b.
37. *TB Ned*. 38a.
38. *TB Shab*. 88a; *AZ*, 2b.
39. *Parshat Noah* 3.
40. *LM*, pp. 7–8.
41. *PZ*, V, p. 21a; *RL*, p. 128b; see *Zohar* III 261a.
42. *TB Tem*. 16a.
43. Because this description is formulated in the passive ("even considered as naught"), it leaves open the question of the existence of a class of sages who were not prophets and maintained the pride of their caste. This understanding is ruled out by *MH* 142a–b, where R. Zadok again contrasts prophet and sage, and writes:

אלא שבדור הנביאים ה' עיקר החשק וההשתוקקות של ראשי ישראל וצדיקי הדורות
לנבואה שהוא השגה ברורה שהוא מן השמים.

But in the generation(s) of the prophets, the greatest desire of the Leaders of Israel
and the righteous man was [to attain] prophecy which [brings] with it a clear
comprehension which is from Heaven.

Even though, as he notes, R. Isaac Luria was the recipient of revelations of higher
degree than that of the prophets, they too could attain this knowledge "through the
wisdom [which is] divinely inspired, which [faculty] they possessed."

44. *RL*, pp. 160–61.
45. See "R. Zadok on Prophecy," Section IV.
46. *RL*, p. 130a.
47. *Avot* 1:1: "Set up many disciples."
48. *RL*, p. 161a.
49. *LM*, p. 104b.
50. I:71.
51. *RL*, p. 158a–b.
52. *RL*, p. 158b. The phrase "all in writing" is based on I Chron. 28:19.
53. *TB Shab*. 88a; see pp. 9–10 above.
54. *DS*, p. 41b.
55. *TB Git*. 43a. R. Zadok explains the process in kabbalistic terms as well, but this need not detain us here. This understanding of failure as a prerequisite for greater achievements is pervasive in R. Zadok's writings, and constitutes one of the basic teachings of his teacher, the Izhbitzer; see *PZ*, V, 126:

וכמו ששמעתי מרבנו הק' מאיזביצא זצ"ל על מה שא' (ויק"ר פ' ט"ו) מעשה ברוכל וכו' א"ר ינאי כל ימי הייתי קורא הפ' הזה ולא הייתי יודע היכן הוא פשוט וכו'. אף שהרוכל הזה אמר לו רק הפסוק כצורתו לא יותר. רק שהרוכל הזה שהי' מקולקל מקודם בעסק הרכילות וע"ש זה נקרא רוכל ואחר התשובה שעשה הרגיש הוא הטעם בהפ' הזה. וכששמע ר' ינאי הפ' הזה ממנו הרגיש גם הוא אותו הטעם שלא יוכל לידע מקודם. וכן משרע"ה שלא קלקל מעולם לא היה יודע מה רע"ק אומר שלא היה יכול להרגיש הטעם שהרגישו רע"ק וחבריו כיון שלא היה לו שייכות לזה. ושמע רק כמו ששמע מסיני. כל מה שתלמיד ותיק עתיד לחדש כמ"ש (מגילה י"ט: ושמו"ר פ' מ"ז) אבל הם שזה הי' חלקם זכו להרגיש הטעם. . . .

As I heard from our Holy Teacher of Izhbitz, may the memory of the righteous be a blessing, regarding [the following midrash]: A story is told of a spice-monger [who would peddle his wares in the villages near Sepphoris]. He would announce [upon entering a village], "Whoever wishes to buy a life-giving drug, come and take!" He entered the town of Akbara and approached the house of R. Yannai, who was sitting and studying in his reception room. He heard him call out: "Whoever wishes to buy a life-giving drug [. . .]. R. Yannai looked at him and said to him: "Come, enter and sell me [some]." Said [the peddler] to him: "You have no need of it, not you or anyone like you." He entreated him, and the latter came to him, and took out a Book of Psalms and showed him the verse: "Who is the man that wants life, [who] loves days of good fortune" (Ps. 34:13). What is written thereafter: "Keep your tongue from evil, and your lips from deceitful speech. Turn away from evil, do good, seek peace and pursue it." Said R. Yannai to him, "All my life I read this verse but did not truly understand it."

[Our Holy Teacher commented:] This peddler recited no more than this verse in its usual form. [What then did he teach R. Yannai? The answer is:] This peddler was corrupt with the sin of tale-bearing [a play on *rokhel-rekhilut*], and that "flavoring" experience is the reason for the effectiveness of his repetition of this verse. And when R. Yannai heard this verse from him, he too felt that "flavor," [play on *ta'am*, "flavor, reason"] which he could not have known before. So too Moses who had never sinned could not understand what R. Aqiva lectured—he could not perceive the "taste" that R. Aqiva and his colleagues perceived, for he had no connection to that [their state of penitence, which requires a prior sin]. He understood only what he had heard at Sinai: "all that which a mature disciple will innovate in Torah," as is written (TB Meg. 19b, Ex. Rabba 47), but [R. Aqiva and his colleagues] whose portion was [one of penitence] acquired [the ability] to perceive the "taste." . . .

56. *RL*, pp. 15–16, 30; *Avot* 6:6.
57. *DS*, p. 41b; *Yoma* 69b.
58. *RL*, p. 158b, based on TB *Shab.* 88a.
59. *Avot* 1:1.
60. *QM* 80b.
61. *Or Zaru'a Lazadiq*, Lublin, 5697, pp. 49b–50a.
62. *RL*, p. 160a; compare *Dover Zedek*, Pietrikov, 5771, p. 9a.
63. *RL*, p. 165.
64. See most explicitly *RL*, p. 158a.
65. Chapter 27.
66. *MH*, p. 139b.
67. *RL*, p. 18a.
68. *PZ*, V, p. 39b.
69. TB *A.Z.* 19a, based on Ps. 1:2; see *Dover Zedek*, p. 176b (bottom).
70. *PZ*, V, p. 16a.
71. Num. Rabba 20:1.
72. *RL*, p. 129f; see Lam. Rabba 2:13, based on Lam. 2:9.
73. See Targum to Esther 3:1.
74. *PZ*, IV, pp. 20a, 22b.

75. *LM*, p. 86a.
76. *LM*, p. 83a.
77. *PZ*, I, p. 41b.
78. *LM*, p. 85; see p. 10 above.
79. *PZ*, V, 20a; see pp. 10–11 above.
80. *LM*, p. 88.
81. *LM*, p. 82.
82. *PZ*, I, p. 144a.
83. *RL*, p. 160b, based on Eccles. Rabba 11:8.
84. Compare Maimonides' Introduction to his *Commentary to the Mishnah*, ed. Kappah, p. 11.
85. *TB Men.* 99a-b.
86. *MH*, pp. 118–119.
87. *Pahad Yizhaq*, Hanukkah (N.Y.: Gur Aryeh Institute, 5724), n.3, but in even more detail in his unpublished talks on Hanukkah, 5735 and 5740.
88. *Avot* 6:6, *TB Meg.* 15a.
89. *Iggerot Umikhtavim* (Jerusalem: Gur Aryeh Institute, 5741), no. 30.
90. Ed. Kappah, p. 10b.
91. In his talk of Hanukkah, 5725.