

## COMMUNICATIONS

### HALAKHAH AND REVELATION

TO THE EDITOR OF *TRADITION*:

In attempting to strengthen the Halakhic process, Rabbi Rabinowitz (*TRADITION*, Winter, 1964) would even make it the final arbiter as to what is Holy Writ; endow it with the ability to discriminate that which is the product of *Ruach Ha-kodesh*.

One feels impelled to ask the following: Does such a doctrine truly strengthen the Halakhic process or rather does it perhaps have the effect of weakening the foundations of Revelation!

It should be realized that this problem involves both an historical as well as a theological question. The former is: Were there writings in existence at the time of Yavneh (90 C.E.) whose inclusion in the canon was still in doubt? The latter is: What indeed was the process by which Scripture was recognized as such; writings written with *Ruach Hakodesh* distinguished from writings which did not bear the imprint of Divine Inspiration?

On the whole our historical sources would seem to indicate that it was the *Anshe Knesset Hagedolah* who, towards the beginning of their career, fixed the canon at 24 Books including the works of Solomon

which had at one time been doubted — Song of Songs, Proverbs and Kohelet. (*Avot De'Rabbi Natan* 1:4) The conviction that the age of prophecy had come to a close precluded the possibility of any works written after this period being divinely inspired. Works judged to be written without *Ruach Hakodesh* as well as Prophetic writings whose message was not deemed of timeless significance, were excluded.

The main source for the view that the canonical status of Kohelet was still in doubt at Yavneh is the *Mishneh* and *Tosefta* in *Yadayim* 2 and the *Mishneh* in *Eduyot* 5 which states that Bet Hillel and Bet Shammai disagreed as to whether Kohelet as all other sacred Scripture renders the hands unclean because it was said with *Ruach Hakodesh* or shall it not render the hands unclean "because it is only of the wisdom of Solomon." Rabbi Rabinowitz together with most commentators considers the issue in question — the canonical status of Kohelet!

If this were the case, a number of difficulties present themselves. If the *Anshe Knesset Hagedolah* already passed on the question (See *Avot De'Rabbi Natan* referred to above) why should it have been reopened? Or can any reason be given as to

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why these Books of Solomon should not have been examined and judged by the Men of the Great Assembly since they had already been compiled by Hezekiah and his circle? (Bava Batra 15)

I wish to suggest that the controversy between Bet Hillel and Bet Shammai was a purely Halakhic one and did not involve the question of the Divine inspiration of Kohelet. Furthermore, I wish to submit that this was the view of the Rambam. In his commentary on *Eduyot* the Rambam says: ונחלקו בקהלת אם . . . היא מכתבי הקדש לעוין זה או לא . . . implying that the issue did not involve the basic and overall canonical status of Kohelet. Again in his Code, Rambam rules in accordance with Bet Hillel but adds, most strangely, what was in effect the reasoning of Bet Shammai: . . . אלא כל כתבי הקדש אפילו שיר השירים וקהלת שהו דברי זכחה מטמאין את הידים . . . (ה' אבות הטומאות פרק ט הלכה ו')

The interpretation that emerges from all this is as follows: From the time of Hezekiah on, no one doubted that *Ruach Hakodesh* animated the Books of Kohelet, Proverbs and Song of Songs. (The attempts to place them in *Genizah* will shortly be explained.) What perturbed Rabbi Shimon ben Manasia, however, was his judgment that although *compiled* or written by Hezekiah with *Ruach Hakodesh* — i.e., he detected in *these* proverbs of Solomon, in *these* teachings of Kohelet, eternal truth, ability to inspire, timeless application, etc. — they were not *uttered* by Solomon with *Ruach Hakodesh* — i.e., they are of the wisdom of Solomon! Bet Shammai held that since Kohelet differed from

other Holy Writ *in this respect*, it was sufficient to give it a different Halakhah in the matter of rendering the hands unclean.

Thus Rambam accepts the historic view of Rabbi Shimon ben Manasia in regard to Kohelet that it is the wisdom of Solomon, but imposes the Halakhah of Bet Hillel — that it is nevertheless Holy Writ (written by Hezekiah with *Ruach Hakodesh*) and renders the hands unclean.

A somewhat different but related question is the significance of “hiding” the Book of Kohelet. Compare this with an inclination to do the same with the Book of Ezekiel. (Sabbath 13) Surely it cannot be maintained that an attempt to “hide” the Book of Ezekiel involved some question as to its prophetic authorship! The meaning therefore must be as follows — granted its prophetic character, nevertheless, if in places it appears to contradict the Torah, it can only lead to confusion and therefore should be taken out of circulation. A similar explanation can be given to the attempt to “hide” Kohelet.

Concerning the theological question, I wish to assert that the “safest” doctrine is the one which says that it requires *Ruach Hakodesh* in the full sense of the term to detect *Ruach Hakodesh*. Hence the Anshe Knesset Hagedolah, which body included many prophets and which themselves compiled with *Ruach Hakodesh* the Books of Chronicles, Esther, Daniel (See Z. Yavetz *Toldot Yisroel*, Vol. 3, p. 152 and the note on p. 20), were the last group able to pass on this important question.

Certainly Rabbi Rabinowitz is

correct that there is a "Divine hand guiding in some mysterious way" all Halakhic decisions. But it is not the *Ruach Hakodesh* of Revelation. The former is Providence working through a method — the method of Halakhic procedure as applied by Torah personalities. The latter is a charismatic extraordinary infusion of Divine aid or inspiration totally unrelated to any method.

The continuity of the *content* of Biblical and Rabbinic law is a most crucial principle which merits constant reiteration and elucidation. However, the *sources* of both are distinct and should not be blurred.

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#### RABBI RABINOWITZ REPLIES

I appreciate the difficulty which Rabbi Spero finds in my suggestion that there must have been an element of the same inspiration in the ability to discriminate between that which is the product of *Ruach Hakodesh* and that which is not, as in the works themselves, and I anticipated that it would not find universal acceptance.

Rabbi Spero, in order to overcome the difficulty that the fixation of the Canon was made after the cessation of *Ruach Hakodesh*, and was thus inevitably done by those who, except in the sense which I gave it, did not possess it, refers to the Mishnah in *Avot D'R. Natan* 1:4, which ascribes the final redaction of the Canon to the Anshei Knesset Ha-Gedolah. As included in this body were the last of the prophets, it was presumably they who provided the necessary element of *Ruach Hako-*

*desh* in order to determine which works were written under its inspiration. Such a theory is untenable. It would differentiate between the extent of the authority possessed in this matter by some members of this body as compared with others, a proposition for which there is no basis or justification.

In order to overcome the difficulty that it is clearly stated in the Mishnah that the status of Kohelet was a matter of dispute between the Schools of Shammai and Hillel, he suggests that the question of whether a work is מטמא את הידים is independent of the fact whether it was written with *Ruach Hakodesh*, and quotes Maimonides in support. According to him the addition of the words הלכות in שהן דברי חכמה (אבות הטומאות ט"ז) shows that the Rambam adopts the reason of Bet Shammai. (It should be noted that Maimonides applies the phrase to both Shir HaShirim and Kohelet). A reading of the original passage however does not support this view. In Tosefta Eduyot 2:14 R. Simeon b. Menasya contrasts Shir Ha-Shirim which is מטמא את הידים מפני שנאמרה ברוח הקודש with Kohelet אינו מטמא את הידים מפני שהיא מחכמתו של שלמה. This clearly indicates that מטמא את הידים depends on שנאמרה ברוח הקודש and vice versa. I therefore prefer the simple explanation of Bertinoro who says in his commentary to both *Eduyot* and *Yadaim* מפני שחכמתו של שלמה היא ולא ברוח הקודש נאמרה. In view of this it cannot be maintained that "no one doubted that *Ruach Hakodesh* animated the book of Kohelet."

Much less acceptable, however, is

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Rabbi Spero's ingenious attempt to get over the other difficulty, the statement that the sages wished to hide (*lignoz*) certain books, which has always been taken to imply the denial of their *Ruach Hakodesh*. Since, according to him, on the basis of the Mishnah in *Avot d'R. Natan* the final decision was taken by the Anshei Knesset HaGedolah, *lignoz* must have another meaning, and he gives it the connotation of "taking out of circulation" even though it was inspired by *Ruach Hakodesh*.

But Rabbi Spero seems to have overlooked the fact that it is just this word *lignoz* which is used in the Mishnah which he quotes with regard to the attitude of the Anshei Knesset HaGedolah to Proverbs, Shir HaShirim and Kohelet. And if there it clearly means "to exclude from the Canon" it must be given the same meaning in the other passages. Nor do I see any reason for giving preference to the *Avot d'R. Natan* over the explicit statement of Mishnah and *Tosefta*.

The conclusion appears inescapable that there was a final definitive establishment of the Canon at Yavneh at which all doubts were finally dispelled, and the Halakhah established.

Lastly, I did not maintain that it was the "Ruach Hakodesh of Revelation" which guided Halakhic decision, but just that "charismatic extraordinary infusion of divine aid" to which Rabbi Spero refers.

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### SUBJECTIVITY IN PROPHECY

TO THE EDITOR OF *TRADITION*:

I reluctantly take objection to a phrase in the "Survey of Recent Halakhic Periodical Literature" in the winter issue of '64-'65. The phrase reads, "The sages recognized this element [of Subjectivity] even in prophecy... All the prophets looked in a mirror which was not clear... But the other prophets received *and often conveyed* their message through visions that lacked the untarnished objectivity of a perfect mirror; to some extent their own personality colored the transmission of the truth as they saw it." (p. 86).

If we interpret *aspaklaria she'ainah me'irah* as visions which led to "tarnished subjectivity" and perversions of truth (be they only miniscule ones) because of the influence of personality, then we are, in effect, questioning the veracity of the 24 *sefarim* of *kitvei hakodesh*.

It is needless to elaborate that the *conclusion* I have drawn from the phrase in question is heretical. Will the editor of the department retract the phrase or reinterpret it in a light which shall not logically draw us to the above conclusion?

To my understanding, "an unclear or tarnished mirror," — as applied to the visions of the prophets other than Mosheh Rabeinu — simply means that they did not perceive their respective prophecies with the same clarity that Mosheh Rabeinu perceived his. One who does not see the minute hand of a clock and reports the approximate hour is not

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coloring the truth; — he is merely not reporting all of the facts shown to him.

Name withheld by request

### RABBI JAKOBOVITS REPLIES:

My critic's misgivings are based on a misinterpretation of my words. He identifies the Prophets' "visions that lacked the untarnished objectivity of a perfect mirror" (*my* phrase) with "perversions of truth" (*his* phrase). A subjective perception and transmission of the truth (implied by *aspaklaria she'einah me'irah*) are a far cry from its perversion.

The analogy with the clock is quite acceptable as an illustration of *my* point. Obviously, "one who does not see the minute hand . . . and reports the approximate hour" neither perceives nor conveys the whole truth accurately; his report is subjective and colored by the limitations of his senses, i.e. by personal factors.

Precisely the same applies to the visions of all Prophets other than Moses: since they beheld their visions "through a tarnished mirror," their message necessarily lacked the accuracy and complete objectivity peculiar only to Moses. There is nothing "heretical" in this view, particularly since it is, after all, authoritatively propounded by our Sages.

Immanuel Jakobovits