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## 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.<sup>1</sup>

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 tradents 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.*”<sup>2</sup>

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.<sup>3</sup>

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*.<sup>4</sup>

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.<sup>5</sup> 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. Maharsha<sup>6</sup> 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"<sup>7</sup> 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.<sup>8</sup>

"Disputes" in this version seem not to refer to halakhic debate, but rather to violence and high-handedness,<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

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.<sup>16</sup>

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.<sup>17</sup>

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.<sup>18</sup> 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*]<sup>19</sup> increases and has become purified through the tribulations of exile.<sup>20</sup>

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 דוה 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.<sup>21</sup>

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;"<sup>22</sup> again: "the fingernails of the early ones are preferable to the bodies [literally, "bellies"] of the later ones;"<sup>23</sup> even more pointedly: "if the former generations were angels, we are men; if they were human, we are donkeys."<sup>24</sup> 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.<sup>25</sup>

### 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.<sup>26</sup> 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.<sup>27</sup>

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]"<sup>28</sup>—he distinguishes—in this case and others—between knowledge and access to it for useful purposes; in the language of medieval philosophy,<sup>29</sup> 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].<sup>30</sup>

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.<sup>31</sup>

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.<sup>32</sup>

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).<sup>33</sup>

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.<sup>34</sup>

Elsewhere,<sup>35</sup> 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, elsewhere<sup>36</sup> 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,<sup>37</sup> 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.<sup>38</sup> The Generation of the Wilderness and subsequent ones were unwilling to make such an effort. R. Zadok's proof-text is Tanhuma:<sup>39</sup>

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 (*betahtit*, 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.<sup>40</sup>

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.<sup>41</sup> 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,<sup>42</sup> 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 רוה"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 naught<sup>43</sup> 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.<sup>44</sup>

We have discussed elsewhere<sup>45</sup> 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