

The Disappearance of Tekhelet From Jewish Ritual Practice

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Table of Contents

Introduction	3
The Importance of Tekhelet for Jewish Ritual Practice	4
Renaissance of a Mitzvah	8
The Timing of Tekhelet's Disappearance	10
Theories as to the Cause of Tekhelet's Disappearance	
1. Roman Prohibition	15
2. Muslim Conquest	16
3. Rabbinic Rulings	17
4. Other Possible Factors	19
5. Limited General Observance	22
6. Limited Applicability	26
7. Natural Cataclysm	28
8. Nignaz (Hidden)	29
Concluding remarks	32
Rabbinic Reaction to Tekhelet's Disappearance	
Me'akev Dispute in the Talmud and Rishonim	32
Dispute Among Achronim	35
Objections to the Reintroduction of Tekhelet	40
Concluding Remarks	42
Bibliography	47

Introduction

This paper will examine the disappearance of *tekhelet* in late antiquity and the rabbinic reactions to its absence.

Tekhelet is an expensive blue dye that was prominent in the Near East in biblical and ancient times. Its distinctive hue was particularly color-fast when applied to woolen, and later silk, fabrics. The costliness of the dye ensured that fabrics colored with it – which in turn were also described as *tekhelet* – were available only to the very wealthy, and such garments (more expensive than gold, by weight)¹ were often used to demarcate individuals or artifacts imbued with sacredness, royalty or high honor. Its importance for Jews is emphasized by its prevalence in the Tabernacle and the Temple. It also constituted the key ingredient in *tzitzit*, a *mitzvah* which, several early rabbinic sources suggest, was considered to be one of the key symbolic rituals of Judaism.

Tekhelet disappeared from Jewish ritual practice, evidently in late antiquity or the early Middle Ages, although it is difficult to pinpoint the exact moment and circumstances of its disappearance. The rabbinic reaction to the disappearance was muted, even though its absence from *tzitzit* significantly altered both the meaning and the performance of that *mitzvah*. Considering *tekhelet*'s important religious role for Jews, its quiet disappearance is quite perplexing.

In this paper I will first explain the importance of *tekhelet* in biblical and ancient Judaism, in order to illustrate why the question of its disappearance is a significant problem in the

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¹ During certain periods – up to 20 times the value of gold (Born, 1937). This is not quite as impressive as it sounds today because gold, particularly in Egypt, was relatively plentiful and cheap.

first place. Then I will briefly touch on recent *halakhic* and scientific studies in this field to determine what in fact *tekhelet* is. These studies have led to a consideration of the rebirth of the *mitzvah* of *tekhelet* in *tzitzit*. I will then discuss the timing of *tekhelet*'s disappearance from Jewish ritual practice, and present several theories as to how this came about. Lastly, I will examine the rabbinic reaction to this disappearance, and to its reappearance in modern times.

The Importance of Tekhelet for Jewish Ritual Practice

The ancient Israelites did not invent *tekhelet*, nor were the Jews the last ones to use it (at least until its rejuvenation in modern times). It may have originated in Crete, where Minoans were producing it by 1750 BCE, and was eventually produced at numerous Phoenician and Canaanite sites all over the northeastern Mediterranean. In the Tel-el-Amarna Tablets (c.1500-1300 BCE) a garment of *tekhelet* (“takilti”) is mentioned as one of the precious articles sent by the king of the Mittani to an Egyptian prince as part of a dowry.²

In the Bible, *tekhelet* is usually mentioned together with *argaman*, the royal purple that was evidently produced in a fashion very similar to that of *tekhelet*, and often with *tola'at shani* (scarlet or crimson). All three appear quite often in the latter part of the book of Exodus, since they were among the precious materials used in the construction of the Tabernacle and its sacred vessels and garments.³ Presumably, most of the uses to which *tekhelet* was put in the Tabernacle were then continued in the Temple, when that structure superseded the Tabernacle. *Tekhelet* is also mentioned in the Bible as a precious commodity used by royalty of other nations⁴, and produced by them⁵.

² Serman, Baruch. “The Science of Tekhelet” *Tekhelet: The Renaissance of a Mitzvah* (1996) 63.

³ *Tekhelet* is often mentioned both in the lists of materials gathered for the Tabernacle (e.g. Ex. 25:4) and in the fabrics required for particular elements in the Tabernacle (e.g. the tent-coverings in Ex. 26:1 ואת המשכן תעשה עשיר and priestly garments (e.g. Ex. 28:31).

⁴ By Persian royalty and nobility (Esther 1:6, 8:15)

⁵ תכלת וארגמן מאיי אלישה היה מכסך (Ezek. 27:7). The islands (or coastlines) of Elisha might refer to Cyprus.

After the Second Temple was destroyed in 70 CE, a diminishment of the Jewish *tekhelet* industry is to be expected, since it was no longer needed for the many uses in that institution. But the importance of *tekhelet* for *tzitzit*, a ritual ornament used in everyday Jewish ritual life, mandated the continued manufacture and distribution of *tekhelet* during the centuries subsequent to the destruction of the Temple. *Tekhelet's* disappearance from Jewish life is therefore quite surprising.

The *mitzvah* of *tzitzit* is based on two texts in the Torah. In Deuteronomy 22:12 we read of the commandment to make *gedilim* – tassels or strings – on the four fringes of our cloaks:

גדילים תעשה לך על ארבע כנפות כסותך אשר תכסה בה.⁶

The exact nature of these *gedilim* is not described here, nor is *tekhelet* mentioned. Presumably the same *mitzvah* is described in greater detail in the famous passage of Numbers 15:37-41, best known as the third passage of the *Sh'ma*:

ויאמר יי אל משה לאמר: דבר אל בני ישראל ואמרת אליהם ועשו להם ציצית על כנפי בגדיהם לדורותם, ונתנו על ציצית הכנף פתיל תכלת. והיה לכם לציצית, וראיתם אותו וזכרתם את כל מצוות יי ועשיתם אותם, ולא תתורו אחרי לבבכם ואחרי עיניכם אשר אתם זונים אחריהם. למען תזכרו ועשיתם את כל מצוותיי, והייתם קדושים לאלוהיכם. אני יי אלוהיכם אשר הוצאתי אתכם מארץ מצרים להיות לכם לאלוהים, אני יי אלוהיכם.⁷

“Adonai said to Moses as follows: Speak to the Israelites and tell them that they should make for themselves tassels (“*tzitzit*”) on the fringes of their garments for their generations, and they should put on the tassel of the fringe a thread of *tekhelet*. This shall be your tassel, and you will see it and remember all of Adonai’s commandments and

⁶ Because I have not included the Hebrew vowels (ניקוד - “dots”) in my citations, most of the Hebrew is spelled with the modern “full script” (כתיב מלא) which slightly modifies the spelling of the original biblical text.

⁷ In consideration of religious sensibilities, for the Tetragrammaton (God’s personal name) I have substituted “י” in Hebrew and “Adonai” in English.

observe them, and you shall not be subverted after your hearts and after your eyes which you whore after. So that you should remember and you should observe all My commandments and you should be sacred to your God. I am Adonai your God that I have taken you out of the Land of Egypt to be your God, I am Adonai your God.”⁸

The term “*tzitzit*,” which I have translated as “tassel,” is not completely clear. Most authorities believe this comprises a frayed edge of a garment.⁹ The same term is used to describe the roots of hair¹⁰, and it suggests the place where thin elements “sprout” out of the larger fabric within which they are rooted¹¹. Second, the term *p’til*, which I translated as thread, can also be used to connote string or cord¹². Third, the term *kanaf*, which I translated as “fringe,” can also be translated as “flap,” “edge,” “corner,” “extremity” or “wing.”

A careful examination of the verses from Numbers reveals two important things about the significance of *tekhelet* for the *mitzvah* of *tzitzit* – both of which are subject to dispute by later rabbis. First, verse 39 (“and this shall be your *tzitzit*”) suggests that only once we add the thread of *tekhelet* to the tassel does it fully constitute a *tzitzit*/tassel with which we can obey the commandment. The implication is that without the *tekhelet* the *tzitzit* (tassel) is not a *tzitzit* that God is commanding. Second, when we are commanded to gaze upon “it” – in order to “remember all of God’s commandments” (which will prevent us from being lured into sin and keep us holy to God) – this “it” does **not** refer to the *tzitzit*. Objects in Hebrew are always gendered (there is no neuter, as in English, hence there is no “it”) and in this case the verse says וראיתם אותו – you should look upon “him.” This

⁸ Translations from Hebrew, unless noted otherwise, are mine.

⁹ Milgrom, Jacob. “Tzitzit (Tassels)” in humash *Etz Hayim* (2001) 1468.

¹⁰ ויקחני בציצית ראשי Ez. 8:3.

¹¹ Compare to ציץ, connoting something which has sprouted.

¹² Compare with Ex. 28:28: ולא יזח החושן מעל האפוד, וירכסו את החושן מטבעותיו בפתיל תכלת להיות על חשב האפוד, which suggests a string/cord. See below for a variant translation by Herzog when in reference to the Sanhedrin.

“him” can only refer either to the *kanaf* (the fringe of the garment) or – more likely – to the *p’til* (thread) of *tekhelet*, but not to the *tzitzit*, which is feminine¹³.

The rabbis attached great importance to this *mitzvah*, both in generalized sorts of statements such as “the *mitzvah* of *tzitzit* is equivalent to all the other commandments in the Torah” (שקולה מצות ציצית כנגד כל המצוות שבתורה)¹⁴ and also in some kinds of practical applications.¹⁵ It is important to note, however, that the Talmudic rabbis understood that what makes *tzitzit* special is the *tekhelet* in it, as is stated most clearly in the oft-repeated statement attributed to Rabbi Meir:

כל המקיים מצות ציצית כאילו מקבל פני שכינה... שהתכלת דומה לים, וים דומה... לרקיע ורקיע דומה לכסא
הכבוד...¹⁶

“Anyone who observes the commandment of *tzitzit* as if receives the face of the Divine Presence, for the *tekhelet* is similar to the sea, and the sea is similar to... the sky, and the sky is similar to the Seat of Glory...”

This talmudic assumption is in accordance with – and complementary to – the plain textual (*p’shat*) reading of the Numbers text: That when we gaze upon the *tekhelet* we are reminded of all of God’s commandments. What is so special about the thread of *tekhelet* that it produces this effect? – It is the color of the *tekhelet*. Without the *tekhelet*, the *tzitzit* would not have this special quality. As the medieval halakhist Rabeinu Asher noted, the essence of the *mitzvah* of *tzitzit* is the *tekhelet*.¹⁷

¹³ Recognizing this, some rabbis suggest allegorical interpretations to this verse. The statement by R. Meir immediately below is one such interpretation, as it is preceded by noting that what we are told to gaze at is not *אותה* (“her”) – presumably the *tzitzit* – or *אותם* (“them”) – presumably all the strings – but rather *אותו* (“him”), which must refer to something masculine such as the seat of glory. This singular form is also instrumental in the halakhic opinion that the *tekhelet* thread and the white threads together constitute one *mitzvah*.

¹⁴ BT Nedarim 25a, Shevuot 29a.

¹⁵ For example, artisans engaged in producing *tekhelet*, and even sellers of *tekhelet*, were considered *עוסקים במצוה* (engaged in a *mitzvah*) to the extent that they were exempt from other commandments, as per BT Sukkah 26a: כותבי ספרים תפילין ומזוזות, הן ותגריהן ותגרי תגריהן וכל העוסקין במלאכת שמים, לאתווי מוכרי תכלת, פטורים מקריאת שמע ומן התפלה ומן התפילין ומכל מצוות האמורות בתורה, לקיים... העוסק במצוה פטור מן המצוה.

¹⁶ PT Berakhot 3a. Similar statements appear, with variations, elsewhere.

¹⁷ תוס' הרא"ש, שבת כה ע"ב ד"ה סדין: דעיקר מצות ציצית תכלת הוא.

It follows that when we wear only white strings in our *tzitzit*, which is the norm today, we are missing the essential ingredient that, at least in biblical times, seems to have defined the *mitzvah* of *tzitzit*. It is ironic that today, as many Jews recite the above passage from the *Sh'ma* they gaze upon the *tzitzit* when they say וראיתם אותו¹⁸ and kiss the *tzitzit* each time they say ציצית,¹⁹ seemingly oblivious to the key element that is missing from most modern tallitot. It is not surprising that many *siddurim* (prayer books) gloss over this problematic point.²⁰

Renaissance of a Mitzvah

In the middle ages or late antiquity the art of producing *tekhelet* was lost, at least to Jews. This probably occurred between the early sixth and the mid-eighth centuries. In the many years since that time Jews have continued to wear *tzitzit*, but with white strings (“*lavan*”) only. This also allowed for various methods of tying the strings into tassels, which differ from the method/s prescribed by the Talmud.²¹

In the late 1880’s, Rabbi Gershon Hanoch Leiner of Radzyn – the Radzyner Rebbe – took upon himself the search for the lost *hilazon*²² – the sea creature that the Talmud describes

¹⁸ As per the custom cited by the Shulchan Arukh OH 24:4.

¹⁹ As per the custom cited by the Rama (Moses Isserles) ad loc.

²⁰ For instance, the full version of the Conservative Siddur Sim Shalom translates וראיתם אותו as “looking upon it,” which is technically correct even though someone reading only the English would not know that the “it” properly refers to the *p’til tekhelet* rather than the entire fringe (*tzitzit*). Later editions of this siddur – with separate volumes for Shabbat and Holiday and for weekdays – go further and mistranslate וראיתם אותו as “when you gaze upon *these tzitzit*” – which can be excused only as an homiletic interpretation, not as a translation. The recent Reform siddur Mishkan T’filah avoids the problem by omitting the entire first part of this passage, with its references to *tzitzit*, beginning the quote mid-passage from למען תזכרו (“So that you shall remember...”).

²¹ BT Menachot 39a: הפוחת לא יפחות משבע, והמוסיף לא יוסיף על שלש עשרה. The context indicates that this refers to the number of *חוליית* (bunches of loops), which should be no less than seven and no more than 13. Since these numbers allude to the heavenly firmaments, which are suggested by the color of *tekhelet*, most *Rishonim* later ruled that if no *tekhelet* is present then each tassel of *tzitzit* should consist of only four bunches, as is the common custom today.

²² In modern Hebrew *hilazon* means “snail”, but this of only marginal probative value since the meanings of many words have shifted over the centuries. See, for example, Judah Goldin “The Three Pillars of Simeon the Righteous” (1988) and Gilad Zuckerman “The Israelis Don’t Understand Bible” (2010).

as the source of the *tekhelet* dye.²³ His research led him to identify a particular cuttlefish (*Sepia officinalis*)²⁴ as the *hilazon*, and he proceeded to research how to best produce a suitable dye from it. His pronouncement was greeted with much skepticism and resistance in the *halakhic* world. Consequently, Radzyner hassidim began to wear a dark blue²⁵ string in their *tzitzit*, but few others followed suit.

This question – as well as the question of the source of *argaman* (purple) dye – was examined by Isaac Herzog, then the chief rabbi of Ireland, in his 1919 doctoral dissertation. Based on findings by French zoologist Henri de Lacaze-Duthiers and Austrian Egyptologist Alexander Dedekind, Herzog definitively identified the liquid extracted from the hypobranchial gland of the *Murex trunculus* snail as the source of the *argaman* dye. This accords with ancient (Greek and Roman) descriptions as well as archeological finding at several sites around the northeastern Mediterranean where vast mounds of cracked *Murex trunculus* snails were discovered, sometimes near vats with dye residue.²⁶ However, the dye that chemists extracted from these snails is – after processing with a base and exposing to the air – purplish in hue, and neither Herzog nor the scientists he based his research on were able to produce a *tekhelet*-colored dye. Based on one of the talmudic indicators of the *hilazon*,²⁷ Herzog believed that a related snail – *Murex janthina* – is a more suitable candidate to be the source of the *tekhelet* dye.²⁸

²³ Tosefta Menachot 9:16: שלא מן החלזון פסולה. תכלת אין כשרה אלא מן החלזון. But see below as to the opinion of the Tiferet Yisrael regarding alternative sources.

²⁴ “Tinte Fisch” as he described it (in German/Yiddish).

²⁵ Some variants produce a dark green thread, which corresponds to some talmudic and aggadic statements that the *tekhelet* resembles the grass.

²⁶ Burstein (1988) appendix A.

²⁷ גופו דומה לים – its body resembles the sea, as per BT Menachot 44a. *Murex trunculus* has a whitish shell, and so Herzog deemed it to have failed this test (Herzog, 1919, pp. 69-70) Yet Herzog had been studying shells of snails that had been killed and cleaned, whereas in nature *Murex trunculus* tends to become covered in sea-colored algae. Herzog also entertained the possibility that there might be a scribal error in the Talmud and גופו (its body) should rather read גוונו (its hue) or דמו (its blood), in which case *Murex trunculus* would be the leading candidate (Herzog, 1919, pp. 77-78).

²⁸ Herzog (1919) 69-75.

In the early 1980's Otto Elsner and Ehud Spanier discovered that, if the solution produced from *Murex trunculus* is exposed to sunlight while it is in a reduced state, the resultant dye is a deep shade of blue, evidently the biblical *tekhelet*.²⁹ Since 1993 the P'til Tekhelet organization, founded by Baruch Serman, Eliyahu Tavger, Joel Guberman and Ari Greenspan, has been producing strings of *tekhelet* for *tzitzit* based on this method.³⁰

Before Herzog and the P'til Tekhelet organization, several objections were raised against the Radzyner's attempts to rejuvenate this *mitzvah*. Some of these objections are grounded on theories of *tekhelet*'s disappearance. Therefore, the nature of the disappearance of *tekhelet* is important not only for historians, but indeed carry implications for all *halakhic* Jews today.

אימתי פסקה התכלת מישראל?³¹

The Timing of Tekhelet's Disappearance

The ancient sources indicate that *tekhelet* was clearly extant among Jews in Talmudic times.³² It seems that it was imported from Palestine to Babylonia, which conforms to the assumption of most sources that it was produced primarily, if not exclusively, in the northeastern Mediterranean, since that was the natural habitat of the *hilazon*. This would also explain a talmudic passage which suggests that Babylonian authorities were not familiar with the method of producing it, and a leading Babylonian authority inquired about it of an immigrant Palestinian scholar:

²⁹ Serman (1999) 190-191.

³⁰ P'til Tekhelet – the Association for the Promotion and Distribution of Tekhelet – is (as described on the association's website) an Israeli non-profit organization that provides educational programming and resources pertaining to *tekhelet*, and produces *tekhelet* for the express purpose of making *tzitzit* as the *halakha* requires. See also Serman (1999) 191.

³¹ The Hebrew heading of this topic is a time-honored name for compositions on this subject, first employed by Isaac Herzog in an article published in 1956 (a synopsis of chapter 11 of his doctoral dissertation), followed by Menahem Burstein in a heading of chapter 7 in his book *HaTekhelet* (p. 133) in 1988, and finally by Eliyahu Tavger in his 2007 article.

³² A few sources, which are probably significantly later, seem to dispute this. See below in my discussion of *nignaz*.

אמר ליה אביי לרב שמואל בר רב יהודה: הי תכילתא היכי צבעיתו לה? אמר ליה: מייתנין דם חלזון וסמנין
ורמינן להו ביורה [ומרתחינן ליה]...³³

“Abayei said to R. Shmuel son of R. Yehudah: ‘This *tekhelet* – how do you dye it?’ He told him: ‘We take the blood of a *hilazon* with additives (/drugs) and put them in a vat [and boil them]...’” Herzog notes that this conversation must have taken place in 337 or 338, after Shmuel b. Yehuda’s immigration and shortly before Abayei’s death.

The dependence of Babylonian Jewry on the importation of *tekhelet* from Palestine is illustrated by another, rather cryptic, story in the Talmud:

זוג בא מרקת ותפשו נשר ובידם דברים הנעשים בלז. (ומאי ניהו? – תכלת.) בזכות הרחמים ובזכותם יצאו בשלום. ועמוסי יריכי נחשון בקשו לקבוע נציב אחד ולא הניחן אדומי הלז, אבל בעלי אסופות נאספו וקבעו לו נציב אחד בירח שמת בו אהרן הכהן.³⁴

“A pair came from Reket [Tiberias] and they were caught by an eagle [Roman soldiers] and they were carrying things that are made in Luz³⁵. [Presumably a later insertion: “And what is this? – *tekhelet*”].] By virtue of Divine mercy and their own virtue they emerged unscathed. The offspring of Nachshon (Judeans) desired to establish a *netziv* (pillar/governor, i.e. added Hebrew month) but that Edomite (Roman governor) would not permit it. Nevertheless the masters of assemblies (Sanhedrin?) met and established a *netziv* (intercalated a month) in the moon (month) in which Aaron the Priest died” (i.e. Tammuz).

This story also suggests that the importation of *tekhelet* was becoming increasingly difficult in the period in which this story was set, which Herzog dates to the period under Emperor Constantius (337-362) due to the restrictive measures he enforced against Jews.

³³ BT Menachot 42b.

³⁴ BT Sanhedrin 12a.

Possibly the last reference to *tekhelet* being imported is the following talmudic statement:

מר ממשכי אייתי תכלתא בשני רב אחאי.³⁶

“Mar of Mashki (evidently the name of a town) brought *tekhelet* in the days of Rav Achai.”

Herzog believes that this Rav Achai refers to רב אחאי מאור עיני הגולה, who died in 506.³⁷

Herzog, like others, conclude that since the Talmud nowhere notes that *tekhelet* was not available, the presumption is that it continued to be available until at least the redaction of the Babylonian Talmud in the late sixth century.

In several places, the *Rishonim* say that *tekhelet* was no longer available in their day. The Rif³⁸ and the Mordechai³⁹ both state in similar language that “today that we don’t have *tekhelet*.” The Sefer Hachinukh goes so far as to say that “it is many years for Israel since we have heard of anyone who has had the benefit of *tekhelet* in his *talit*.”⁴⁰ Among the first *geonic* sources in which we would have expected to find mention of *tekhelet* – had it been extant – is the *Sheiltot* (responsa) of R. Achai Gaon. This has led Herzog to presume that the disappearance of *tekhelet* occurred some time between the redaction of the Talmud (c.570) and the writing of the *Sheiltot* (c.760).⁴¹

Nonetheless, there have been some attempts, particularly by the Radzyner, to argue that *tekhelet* was known to some early *Rishonim*, including the Rambam. The evidence for

³⁵ In rabbinic legend, Luz was a mythical Hittite city where *tekhelet* was produced and people never died (BT Sota 46b, in reference to Judges 1:26). It seems likely that Luz was a real city in northern Syria, which was deemed by some to be the original source of *tekhelet*, or at least was well known for its production.

³⁶ BT Menachot 43b.

³⁷ Herzog (1919) 144.

³⁸ Yitzhak Alfasi, Hilkhhot Tzitzit: והאידינא דלית לן תכלת.

³⁹ Mordecai, Menachot remez 940: דבומן הוזה שאין תכלת.

⁴⁰ Sefer Hachinukh, mitzvah 386: וזה ימים רבים לישראל לא שמענו מי שזכה לתכלת בטליתו. Considering the color-fastness of the *tekhelet* dye, it has been my assumption that even if *tekhelet* were not available for several decades, it would be possible to re-use threads of *tekhelet* from older *taleisim*. This statement by the Chinukh suggests that the *tekhelet* had been gone for so long that even that was no longer possible.

⁴¹ Herzog (1919) 144-145.

this is highly circumstantial. For example, there is a general principle that the *Rishonim* do not cite *halakhic* rules that are not of practical use (הלכה למעשה), so if a particular *Rishon* discusses *tekhelet*⁴² then – following this line of reasoning – it is presumed to be available in his day. Others have noted that this is not a very convincing argument, particularly since most *halakhic* treatises written in this period either avoided *tekhelet* entirely or addressed it by saying that we no longer have it.

Regarding the Rambam, the Radzyner notes that he includes a description of the *hilazon* that appears in no earlier source: ודמו שחור כדיו – “and its blood is black as ink.”⁴³ How could the Rambam make such a bold statement, asks the Radzyner, unless he actually saw a *hilazon*? The Radzyner assumes that a *hilazon* was brought to the Rambam after he had written elsewhere⁴⁴ that we don’t have it any more. Unfortunately, others have pointed out the treatise in which the Rambam wrote ודמו שחור כדיו was written before the statement that we no longer have *tekhelet*. As to where the Rambam got his idea of ink-black blood from, Herzog suggests that this came from Greek authorities, some of whom describe the mollusk in these terms.

My own opinion is that *tekhelet* might very well have disappeared from Jewish ritual practice as early as the late talmudic period. In the story quoted above about Mar of Mashki importing *tekhelet*, the odd phrase “in the days of R. Achai” suggests that this is an unusual event, whose moment in history is worth noting. It is possible that what was unusual was the fact that the *tekhelet* brought by Mar was suspected of being counterfeit (since the Gemara goes on to relate how the fabric was checked for authenticity), but I think it more likely that the unusual aspect was that *tekhelet* was imported at all. In other words, it seems to me that by the time this story was written in the Talmud in the form we have now – and certainly before the final redaction of the Talmud – *tekhelet* was no longer generally available, and the redactors might have had no knowledge of similar

⁴² R. Natronai Gaon and R. Shmuel b. Hofni Gaon wrote treatises dealing with *tekhelet*.

⁴³ Hilkhhot Tzitzit 2:2.

instances of *tekhelet* importation since “the days of R. Achai.” This would suggest that *tekhelet* was no longer imported into Babylonia by the early sixth century, or thereabouts.

It seems that *tekhelet* did not disappear entirely, however, even though most Jews may not have known of its existence. Evidently the purple and/or *tekhelet* dye industry was rejuvenated to a limited extent years later in Byzantium, but evidently the Jewish dye-makers never rediscovered how to make *tekhelet*. The industry was very limited throughout the Middle Ages, however, and was a closely guarded secret kept by the Byzantines. It was finally extinguished when that empire fell in 1453,⁴⁵ but may have been lost as early as the destruction of Constantinople by crusaders in 1204 (during the fourth crusade).⁴⁶

In the 13th century the Ramban (Nachmanides), in his commentary on the Torah, lamented that *tekhelet* was no longer accessible to Jews:

והתכלת גם היום לא ירים איש את ידו ללבוש חוץ ממלך הגויים.

“And the *tekhelet*, even today no one would dare wear it other than the king of the gentiles.”⁴⁷

Tavger identifies this “king of the gentiles” as probably a reference to the pope, since around this time the cardinals of the western church went to great lengths to obtain these highly prized fabrics from the eastern (Byzantine) empire.⁴⁸ In any event, the Ramban probably wrote this after the sack of Constantinople, so either (a) the Ramban was referring to garments that had been produced before 1204, or (b) the Ramban was writing from hearsay, and the pope by that time was not in fact wearing clothes dyed with true *tekhelet*, or (c) the regal clothes by this time were produced from imitation purple or blue,

⁴⁴ MT Laws of Tzitzit 2:9; and in a responsum – see שו"ת רדב"ז סי' תרפ"ה.

⁴⁵ Herzog (1919) 114.

⁴⁶ Bridgeman (1987) 162.

⁴⁷ Ramban Commentary on the Torah, Ex. 28:2, s.v. והמצנפת ידועה.

⁴⁸ Tavger (2007) 23.

such as indigo dye, or (d) the Byzantine dye industry survived the destruction of Constantinople after all.

Theories as to the Cause of Tekhelet's Disappearance

I. Roman Prohibition:

There were numerous Roman prohibitions against manufacturing, distributing and even wearing *tekhelet*, as well as royal purple. Both *tekhelet* and purple are produced from the same mollusk, in a similar fashion and with comparable expense, and were both known as *purpura*. Both were highly prized, and in Roman times the wearing of them came to signify high social and legal standing.

In Republican Rome only the two censors and triumphant generals were permitted to wear clothing dyed completely purple, whereas consuls and praetors were limited to purple-edged togas, and generals on campaign to a purple cloak⁴⁹. The use of *purpura* expanded considerably in the Imperial period, and at the same time there were growing restrictions on its use in official mode of dress. Beginning in the third century, in particular, Roman emperors restricted the manufacture of these dyes to industries owned and operated by the crown, centered around Tyre (in modern-day southern Lebanon). By the late fourth century, as Herzog notes, “an edict in the year 383 restricted the manufacture and sale of both *purpura oxyblatta* [*argaman* – purple] and *purpura hyacinthina* [*tekhelet* – blue] solely to the imperial factories.”⁵⁰

The legal prohibitions had the effect of making the *tekhelet* dye a very precious commodity indeed, which might have been at times impossible to obtain. In this context Herzog and others cite the aforementioned talmudic story of the pair from Reket who

⁴⁹ Bridgeman (1987).

⁵⁰ Herzog (1919) 111.

were arrested by Roman soldiers while they were carrying *tekhelet* (presumably from Palestine to Babylonia). But it is possible, on the other hand, that what the Roman authorities objected to was not the *tekhelet* they were carrying but rather the calendar they were attempting to determine⁵¹. The story, after all, goes on to discuss how the Roman governor didn't allow them to intercalate a month (i.e. add a month, effectively creating a *שנה מעוברת*). Herzog is probably correct in assuming that this pair consisted of the messengers whose task it was to inform Diaspora Jewry of the determination of the calendar. Evidently this was discouraged by the Romans, at least during certain times. Another possibility is that the Romans were objecting not to the *tekhelet* per se or the news of the calendar, but rather to the transport of goods to a foreign (/hostile) Persian-controlled territory.

Roman rules, however, were notoriously ill-enforced⁵², and the effect of any general prohibition depended largely on the local Roman authorities. Herzog cites an opinion that there might also have been exemptions from purpura restrictions accorded to Jews for ritual purposes.⁵³ Furthermore, there is evidence of continued use of *tekhelet* despite the Roman prohibitions. Even if the Roman prohibitions had an effect in limiting the use of *tekhelet* among Jews, it seems that this is not what killed the practice.

II. Muslim Conquest:

Herzog states that the Muslim conquest of Palestine and the coastal areas of Lebanon-Syria (in 634-638) brought about the total extinction of the imperial dye industry of royal purple and *tekhelet*-blue.⁵⁴ Others have noted that this conquest concluded a 20-year period during which the Jewish population in Palestine endured several massacres by the various factions, and that this tortured history could not allow for the conveyance of

⁵¹ I am reminded of Soviet authorities who, during the 1960s and 1970s, strictly curtailed the importation of Jewish calendars into the USSR. If one doesn't know the calendar, one cannot celebrate the holidays.

⁵² Herzog (1919) 110.

⁵³ W. Adolf Schmidt believes that *tekhelet* dyes were exempt from the restrictions placed on purple (cited in Herzog, p. 111).

⁵⁴ Herzog (1919) 145.

tradition.⁵⁵ The purple industry was rejuvenated years later in Byzantium, as noted above, but it seems that it was never reintroduced into Jewish practice.

There are some hints from medieval sources of Jews involved in the production of purpura. In the Cairo Genizah there is a letter that seems to refer to Jewish fisherman in Alexandria that hunted snails, but this may have been a mistranslation.⁵⁶ Benjamin of Tudelah also refers to Jews in the garment industry in Greece and Constantinople who were involved in producing purple garments⁵⁷, but it isn't clear if this refers to true mollusk-purple. In any event, it is quite possible that the art of producing *tekhelet*-blue had been lost even to those who continued to produce purple fabrics.

III. Rabbinic Rulings:

Even though the Torah describes the *tzitzit* as being composed of a string of *tekhelet* together with other strings (which the rabbis refer to as *lavan* – “white”), the Mishnah raises the question whether the *tekhelet* and the *lavan* are indeed both necessary ingredients, or whether one can observe the *mitzvah* without one or the other.

The Mishnah suggests that the latter is the case:

התכלת אינה מעכבת את הלבן, והלבן אינו מעכב את התכלת.⁵⁸

“*Tekhelet* does not inhibit the white, and white does not inhibit the *tekhelet*.”

The Gemara goes on to qualify this as only one opinion, citing the contrary opinion of Rabbi (R. Judah Hanasi). I will discuss this dispute in greater detail below, under the section dealing with rabbinic reactions. Although the dispute was never fully resolved (at least a rabbinical consensus did not develop until almost a millennium later) it is

⁵⁵ Sterman (1999) 186.

⁵⁶ Goitein, Dov *Hayishuv B'erez Yisrael B'reishit Ha'islam Uvitkufat Hatzalbanim*, p. 302, and contrast with Gil, Moshe *Eretz Yisrael Batkufah HaMuslemit Harishona*, p. 514.

⁵⁷ "ושם ימצא סיקר הטוב" דף ל' ע"ב. *מסעות בנימין מטודלא*, ed. Asher p. 30b. For further discussion see Herzog (1919) p. 112, and Tavger (2007) pp. 18, 20-21. Tavger argues that Asher's translation, upon which Herzog based these statements, is flawed.

⁵⁸ Mishnah Menachot 4:1.

important to note that there was a rabbinic opinion, dating back at least to the late second century and probably to the late first century,⁵⁹ that *tekhelet* is not absolutely required for *tzitzit* to be considered kosher. And if *tekhelet* is not an absolutely required ingredient, while at the same time it is prohibitively expensive, Jews might not go to great lengths to obtain it. This, therefore, was offered by some scholars as another possible reason for the decline of *tekhelet*.⁶⁰

Along the same lines, Rabbi David Greenstein suggests⁶¹ that the rabbis might have intentionally ruled that *tekhelet* is no longer required for *tzitzit* because they saw the proliferation of counterfeit *kela ilan* (indigo dye, from vegetable source), which is virtually indistinguishable from the “true” *tekhelet* dye produced from the *hilazon*.⁶² Since exhorting people from engaging in such counterfeiting was largely unsuccessful⁶³ and the tests to determine whether a particular batch of *tekhelet* is kosher are questionable⁶⁴, the rabbis chose to stop the use of *tekhelet* altogether, and in that way at least not reward the cheaters.

The problem with the theory that rabbinic rulings caused *tekhelet* use to decline is that the causal direction between these two events is not at all clear. This theory presumes that the rabbinic ruling that *tekhelet* is not required led to its decline, but it is just as likely that the non-availability or scarcity of *tekhelet* led to the rabbinic ruling that it isn't

⁵⁹ Although the *beraita* from BT Menachot 38a which mentions the dispute between Rebbi and *Chakhamim* can be dated to the end of the second or beginning of the third centuries, the gemara on Menachot 38b ultimately identifies the *Chakhamim* opinion (that *tekhelet* and *lavan* do not inhibit each other) as belonging to Rabbi Yitzhak (a contemporary of Rebbi) in the name of a chain of earlier authorities, culminating in R. Yohanan b. Nuri, who was a disciple of R. Gamliel at Yavneh and lived in the end of the first and beginning of the second century.

⁶⁰ Tavger (2007) 22.

⁶¹ Oral communication, 2010.

⁶² Of particular interest on this point is the opinion of the Tiferet Yisrael, brought below in my discussion of *nignaz*.

⁶³ From a baraita brought in BT Menachot 42b-43a comes the ruling that *tekhelet* may be purchased only from a reputable source (מומחה). Wool for *tekhelet* that has been found in caves associated with the Bar Kokhba forces has also been determined to be dyed with *kela ilan*. (Lamm p. 22-23 notes the discovery by Yigael Yadin).

⁶⁴ The Talmud in Menachot (ibid) suggests tests to ascertain whether the dye is authentic, but commentators differ as to the meaning of some of the materials, and to whether these tests are in fact effective. In any event, even if the dye is produced authentically from a mollusk, one can never be certain that it was not produced by a gentile, or disqualified at some stage by sampling (“tasting” - טעימה) of the dye.

required. Undoubtedly, by the time of the *Rishonim*, when rabbinic opinion seemed nearly united in the consensus that *tekhelet* is not required, *tekhelet* was no longer available to Jews. But as to the situation in the centuries between the late Talmudic period and roughly 1000 CE, we have only sparse evidence as to the availability of *tekhelet* and no definitive determination as to whether *tekhelet* was considered obligatory or not.

IV. Other Possible Factors:

Some scholars have cited other reasons as well for the decline of *tekhelet*. Quite often, several factors are cited together as contributing factors. Yaakov Leiner⁶⁵ mentions three:

1. Wanderings and dispersion of Jews in the exile led to a break from the Mediterranean, the habitat of the *hilazon*.
2. Prohibitive regulations by gentile governments prevented Jews from traveling to Palestine to trap *helzonot* and process the dye.
3. The lack of dealing with *helzonot* and producing *tekhelet* led to its high cost, until eventually the art was lost to Jews.⁶⁶

The various theories of *tekhelet*'s disappearance sometimes complement each other, but at other times they clash. They complement each other when we argue (as does Milgrom) that "following the two Roman wars, the Jewish community was so impoverished that many could not afford even the one blue-dyed cord required for each *tzitzit*. Moreover, the dye industry was shut down by Rome, which declared it a state monopoly; and the *tekhelet* became scarce... These factors contributed to the suspension of the blue cord requirement, and since then *tzitzit* have been totally white."

If I understand him correctly, Milgrom is arguing that Jewish impoverishment and Roman monopoly are the two factors that created the scarcity of *tekhelet* for Jews, which

⁶⁵ *Tekhelet B'Tzitzit B'yameinu* (1954).

consequently led to the *halakhic* suspension of the *tekhelet* requirement, which consequently led to *tzitzit* being only white.⁶⁷ The main flaw I see in Milgrom's narrative is that it doesn't seem to fit into any proper chronological timeline. The Roman wars occurred in 66-70 and in 132-136. The Roman imperial monopoly was only instituted beginning in the late fourth century. The suspension of the *tekhelet* requirement might be traced to the mishnah (Menachot 4:1, above - התכלת אינה מעכבת את הלבן), which can be dated to the late second century.⁶⁸ The disappearance of *tekhelet* from Jewish ritual practice did not occur before the latter part of the fifth century, and may have occurred much later. Five centuries is a bit too long a time span in which to argue for a cause-and-effect relationship.

In other words, while we can certainly appreciate the neatness of such package theories that mesh several factors together, we have to be careful in choosing which factors to mesh into one theory, and to ascertain that these factors don't contradict what we know from an examination of the historical record.

Sometimes, however, two or more factors – in and of themselves – clash with each other. Tavger mentions seven factors for the decline of *tekhelet*.⁶⁹ The first four apply to the general use of purpura (both *tekhelet* and *argaman*) and the last three apply specifically to the use of *tekhelet* in *tzitzit* by Jews:

1. Roman and Byzantine prohibitions on use and manufacture
2. Overfishing, caused by high demand from the government
3. Muslim conquest and extinction of the dye industry in those areas

⁶⁶ This third factor doesn't seem to follow economic theory. If the price is too high, new producers would be expected to join in until *tekhelet* was more widely available and the market reached equilibrium.

⁶⁷ I have omitted from the above quote a reference to *kela ilan*, which the rabbis rejected as unsuitable. It is possible that Milgrom is arguing that the availability of *kela ilan* is another factor that led to the suspension of the *tekhelet* requirement, which would put him in agreement with Greenstein. But I don't think that is what he is arguing.

⁶⁸ Although the ruling of this particular mishnah was not universally accepted as normative halakha until Geonic times. See my discussion below under rabbinic reactions.

⁶⁹ Tavger (2007) 21-22.

4. Availability of new, cheaper, dyes (such as indigo for *kela ilan*)
5. Dispersion of the Jewish population, and in particular away from the Mediterranean coastline
6. The *halakhic* ruling that *tekhelet* is not required in *tzitzit* (consequently, Jews did not go to great expense to obtain it).
7. Silk having replaced wool in the purpura industry (*tekhelet* is only kosher in wool)

The first two factors listed above don't go down well together. It is quite possible that overfishing led to a depletion of the natural supply of *helzonot*, which in turn led the Roman authorities to declare a state monopoly on the craft. However, once the production and use of purpura were severely constricted by state fiat we would expect to see a gradual recovery of *hilazon* population, bouncing back from the edge of extinction. Similarly, the overfishing caused by the high Byzantine demand for dyes (#1) does not jibe well with either the disruption of Byzantine production caused by the Muslim conquest (#3), or the commercial availability of cheaper dyes (#4). The availability of competitor dyes (#4) also makes it difficult to understand the prohibitions placed by the Romans on the production and use of purpura (#1).

I should add that I don't understand the logic behind factor #7, and Tavger does not say where he got it from. It is true that silk gradually replaced wool as the fabric of choice for garments dyed with purpura, whereas only woolen strings are kosher for *tzitzit*, but this should have no effect on the production of *tekhelet* for *tzitzit*. The assumption here seems to be that at first there was sufficient supply of woolen *tekhelet*, but this diminished as silk came to take the place of wool. But even before the dye is applied to the fabric, kosher *tekhelet* could never use dye produced in a non-Jewish facility, regardless of the fabric used, because the dye itself must be produced לשם מצוה – for the sake of the *mitzvah*, to the extent that even sampling the dye in the course of production (טעימה) ruins

the entire batch,⁷⁰ so for Jewish *tekhelet* purposes it doesn't matter what fabrics the gentiles tended to dye with their purpura.

The factors that could have led to the disappearance of *tekhelet* might be bunched into two groups: external factors and internal factors. External factors are those forces from without the Jewish community, such as forces of nature or foreign coercion, which have impacted the Jewish use of *tekhelet*. Internal factors are those ideas and trends from within the Jewish community that have led to the same result. Of the factors brought by Tavger, only the sixth factor is entirely internal; all the others were either completely or largely imposed upon the Jews by outside forces. I believe that many traditional Jews find it difficult to consider internal factors for the disappearance of an important Jewish ritual practice; they would much rather find external factors for this unfortunate result. That is why, I would suggest, Tavger mentions seven factors, but counts only six. The sixth factor – the *halakhic* ruling that *tekhelet* is not required – is not accorded its own heading because this internal factor almost seems like blaming the Jews for this loss.

It follows, therefore, that traditional Jews like the Radzyner, Herzog, Burstein and Tavger (upon whose writings the first part of this paper is largely based) are likely to have examined all the possible external factors exhaustively, but might have given short shrift to internal factors. In order to properly address the issue of *tekhelet*'s disappearance, therefore, I would like to focus primarily on other possible internal factors.

V. Limited General Observance:

Another possible internal reason is a general decline in Jewish ritual observance. In other words, is it possible that the Jewish *tekhelet* industry might have expired because at some point in time there were not enough observant Jews to sustain it?

⁷⁰ BT Menachot 42b.

This possibility is a particularly difficult one for most observant Jews to entertain. One of the underlying assumptions of modern-day Jewry, and of Orthodox Jewry in particular, is that Jews throughout the ages have always been largely observant of Jewish law, and that it is only when Judaism encountered modernity (beginning in the turn of the 19th century in Western Europe; later elsewhere) that observance levels have plummeted. This assumption – that Jews have always been largely observant – is more than just an academic conceit; it is a major theme that supports the ideological underpinnings of much Jewish religious observance.

Rabbinic Judaism is based upon *mesorah*⁷¹ – the person-to-person transmission of a diverse body of knowledge and tradition. This idea was aptly stated in the Mishnah in the beginning of Tractate Avot (“Ethics of the Fathers”):

משה קבל תורה מסיני, ומסרה ליהושע, ויהושע לזקנים, וזקנים לנביאים, ונביאים מסרוה לאנשי כנסת הגדולה... שמעון הצדיק היה משירי כנסת הגדולה... אנטיגונוס איש סוכו קבל משמעון הצדיק... יוסי בן יועזר איש צרדה ויוסי בן יוחנן איש ירושלים קבלו מהם... יהושע בן פרחיה ונתאי הארבלי קבלו מהם... יהודה בן טבאי ושמעון בן שטח קבלו מהם... שמעיה ואבטליון קבלו מהם... הלל ושמאי קבלו מהם... רבי יוחנן בן זכאי קבל מהלל ומשמאי... חמשה תלמידים היו לו לרבי יוחנן בן זכאי...⁷²

Moses received Torah from Sinai, and passed it on to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets passed it to the men of the Great Assembly.... Simeon the Righteous was of the remnants of the Great Assembly... Antigonos of Sokho received from Simeon the Righteous... Yossei b. Yoezer of Tzereidah and Yossei b. Yochanan of Jerusalem received from them... Joshua b.

⁷¹ This is also known as *kaballah* (lit., that which is received), but I am not using that term here because it is often used to denote a Gnostic/mystical body of literature and practice, which might confuse some readers.

⁷² Mishnah Avot 1:1, 1:2, 1:3, 1:4, 1:6, 1:8, 1:10, 1:12, 2:8. This lineage, which proceeds from Hillel and Shamai (1:12) to Yohanan ben Zakai (2:8), follows the second, more explicit, lineage presented in the Mishnah. The first lineage goes from Hillel and Shamai (mishnah 1:12) down through Hillel’s purported blood line: to Rabban Gamliel (1:16) – who was reputed to be the grandson of Hillel – to his son Shimon (1:17) to his grandson Shimon ben Gamliel (1:18) to his son Yehudah (2:1) to his son Gamliel (2:2). This princely family (of Gamliels, Shimons, Hillels and Yehudahs) presumably needed no introduction, and this lineage was probably the more obvious one to a Jew in the second, third or fourth centuries.

Perachia and Nitai the Arbelite received from them... Judah b. Tabai and Simeon b. Shetach received from them... Shma'aya and Avtalion received from them... Hillel and Shammai received from them... R. Yochanan b. Zakai received from Hillel and Shammai... R. Yochanan b. Zakai had five students...

The essence of this text is not to teach us a series of pithy statements made by sundry sages and rabbis. Rather it is to respond to an unspoken question that might have been raised by a Jew in the second or third centuries: “Who made up all this stuff that you rabbis are now presenting as sacred law?” The answer is that it is divine law, which Moses received from God at Sinai and passed on in a long chain of *mesorah* (heritage) from teacher to student, generation after generation of explicitly named sages until it reached the rabbinical leaders that were familiar to Jews of that time.⁷³

What the Mishnah does not say, but what many Jews have internalized anyway, is that this same theme of *mesorah* extends not only backwards in time – from the time of the Mishnah back to Sinai – but forwards as well. In other words, our Torah – our knowledge of Judaism – is based on the interpersonal transmission of this knowledge from parent to child and from teacher to student, throughout the ages and until our day.⁷⁴

Jewish law continues to be passed on this way, by direct interpersonal teaching and by observing what our parents and teachers have done. This kind of transmission, as distinguished from a dispassionate reading of texts, has been famously described by Haym Soloveitchik as *mimetic* tradition.⁷⁵ Soloveitchik decries how, in the last generation, many Jews have taken to rejecting the mimetic tradition in favor of a (often stricter) text-based legality.

⁷³ The fact that these rabbis and wise men have several pithy statements attributed to them only strengthens the links in the chain. I imagine that a Jew in late antiquity might have known many of these adages from word of mouth, even if they didn't know who first stated them, much less place any of the quoted rabbis in the chain of *mesorah*.

⁷⁴ This argument is stated explicitly in Judah Halevi's *The Kuzari* (Book III) among other places.

Soloveitchik is undoubtedly correct that the mimetic tradition has been hugely important over the ages, and in the last few centuries in particular (especially in eastern Europe). But every now and then we encounter a bit of historical evidence which flies in the face of this rule. In those instances, it seems, people had a mimetic tradition that was sharply at odds with a written textual source, and the mimetic tradition was rejected or corrected accordingly. Probably the two best known instances of rediscovery of rules based on textual sources (that are contrary to the mimetic tradition) are (a) the discovery of a book of instruction (ספר תורה) in the time of King Josiah⁷⁶ that led to the Josianic reforms⁷⁷ and to the observance of Passover⁷⁸, and (b) the discovery of the *mitzvah* of Succot (among other commandments) in the book that Ezra and his colleagues read to the Jews in Jerusalem in the mid-fifth century BCE.⁷⁹

It is not clear how widespread *halakhic* observance was in ancient times. The few Talmudic references to the silent majority of Jews who were outside of the circle of rabbinic society are overwhelmingly negative⁸⁰. It seems that the rabbis were not overly concerned with this larger Jewish society.⁸¹ In particular, the observance of rabbinic Judaism in the first and second centuries of the common era seemed to be centered around a small self-referential circle of rabbis⁸² who had limited impact on the Jewish society at large.⁸³

⁷⁵ Soloveitchik, Haym. *Rupture and Reconstruction* (1994).

⁷⁶ II Kings 22:8

⁷⁷ II Kings 23

⁷⁸ II Kings 23:21-23, and the text goes on to say: וכל מלכי ישראל ומלכי יהודה: כי לא נעשה כפסח הזה מימי השופטים... וכל מלכי ישראל ומלכי יהודה: כי לא נעשה כפסח הזה מימי השופטים...

⁷⁹ Nehemiah 8:13-18, and the text goes on to say: כי לא עשו מימי ישוע בן נון כן בני ישראל עד היום ההוא

⁸⁰ For instance, BT Menachot 43b states that in the morning one should bless God for “not having made me an ignoramus” – שלא עשאני עבד (a blessing which was subsequently modified to שלא עשאני בור). Evidently, the rabbis who composed this blessing did not expect that any ignoramuses might be interested in following halakhic dicta.

⁸¹ This issue is discussed in greater detail by Urbach *The Sages* (1971) in chap. 16, sub-chapter “The sages among their people.” (see Heb. bibliography)

⁸² Although the term “rabbi” was not yet in use, I am using this term here because there is a direct lineage from this early “wisdom” to the rabbinic tradition of the third centuries and later.

⁸³ These issues are discussed in Jaffee (1997), Neusner (1979) and Miller (2009).

Throughout the Middle Ages, to the best of my knowledge there is no extensive documentation on the level of observance among Jews in general. We do know, however, of certain *mitzvot*, such as *tefillin*⁸⁴ and *niddah*⁸⁵, which were neglected or radically modified at least in some places and at certain times.

Of more recent vintage, there is evidence that, popular perceptions to the contrary, Jews in the United States have until recently been overwhelmingly non-observant of *halakha*. Their religious practice, to the limited extent that it does exist, is better described as “folk religion.”⁸⁶ Only since the mid-20th century has there been a sharp rise in traditional Jewish religious observance among American Jews, and yet this is still limited to a relatively small minority.

VI. Limited Applicability:

Another possible “internal” cause is that *tzitzit* was perceived to be a commandment that is not applicable to the general population. Some commandments, even though they are stated in a general way and though there is no textual basis to limit them, might not have been intended to be observed by the rank and file of Jews. For example, it is doubtful whether the biblical commandment to write a Torah scroll⁸⁷ could reasonably have been applied to the vast majority of Jews, who were illiterate, in biblical times.

Tzitzit might also be a *mitzvah* that fits into this rubric. As noted above, *tekhelet* in the ancient near east was a sign of royalty or nobility, and accordingly some have suggested that wearing *tzitzit* with *tekhelet* was a way for Jews to identify themselves as nobility –

⁸⁴ Moshe of Coucy writes in *Sefer Mitzvot Gadol* (Mitzvat Aseh 3) that he traveled (in 1236) through many countries and tried to reintroduce the custom of wearing *tefillin*. A list of Rishonim who describe the lack of wearing *tefillin* can be found in Menachem Kasher’s *Shut Divrei Menachem*, vol. 1, pp. 67-80.

⁸⁵ Maimonides fought against the Egyptian custom to excuse the obligation of *mikvah* with a ritual sprinkling of water.

⁸⁶ Liebman (1976) chapter 3, and particularly pp. 52-59 on the lack of observance among immigrants in the large wave of 1880-1920. This phenomenon was first noted by Carol S. Liebman.

⁸⁷ Based on Deut. 31:19. Rishonim expanded this *mitzvah* to writing and even purchasing other sacred texts as well.

as servants of God.⁸⁸ But at the same time the very scarcity of these threads, and the expense involved in obtaining them, suggest that it is possible that this *mitzvah* was not widely observed.

Bereishit Rabbah includes a *midrash* that associates the string of *tekhelet* specifically with the Sanhedrin:

"ופתילך"⁸⁹ - זו סנהדרין, שהן מצויינין בפתיל, היך מה דאת אמר "פתיל תכלת".⁹⁰
"And your *p'til* [cord/string]" – this is the Sanhedrin, who are exemplified by a *p'til* as it is said "*p'til tekhelet*."

Herzog goes to great lengths to explain that the *p'til tekhelet* in this case refers to "a band or lace of *tekhelet* adorning the robes of the members of the Synhedrion somewhat after the manner of the Roman senators."⁹¹ It seems to me more likely, however, that *p'til tekhelet* means the same that it means elsewhere – a thread or cord of *tekhelet* (rather than a band) such as that is in the *tzitzit*.⁹² The fact that the Sanhedrin were noted as exemplary in that they wore a thread of *tekhelet* suggests that this was highly unusual. And since *tekhelet* (until its disappearance) was considered the key ingredient of *tzitzit*, I find it unlikely that people would have worn *tzitzit* without *tekhelet*. Hence I am suggesting that the Sanhedrin were among the few at the time who bothered to wear *tzitzit* at all. This is also suggested by Matthew 22:5, in which Jesus is reported to

⁸⁸ Milgrom (2001) notes that *tzitzit* is a symbol of both priesthood and royalty, epitomizing the divine imperative that all Israel become a "kingdom of priests and a holy nation" (based on Ex. 19:6).

⁸⁹ Gen. 38:18

⁹⁰ Bereishit Rabbah portion 85 s.v. ויאמר מה פתיל תכלת: ויאמר מה.

⁹¹ Herzog (1919) 110. More elaborate arguments against the notion that the *p'til tekhelet* refers to the *tekhelet* in *tzitzit* appear in Herzog (1956) 82.

⁹² Even though the term *p'til tekhelet* is not used exclusively with *tzitzit* (see Ex. 28:28,37 and Ex. 39:21,31) Tamar's demand of Yehudah (in Gen. 38) that he give her his identifying paraphernalia (staff, seal and cords) as collateral suggests that we are dealing with something akin to *tzitzit*, which had served for personal identification in the ancient near east. This interpretation is further strengthened by some versions of this *midrash* (Albek ad loc, and Yalkut Shim'oni on Vayeshev chap. 135 s.v. ויראה יהודה ויחשביה) which explicitly allude to the *p'til tekhelet of tzitzit*: היך דאת אמר ונתנו על ציצת הכנף פתיל תכלת.

criticize the insincere and ostentatiously devout Pharisees, who “make their phylacteries wide and the tassels on their garments long.”⁹³

This understanding might explain why women were presumed to be excluded from the community of *tzitzit*-wearers, and the rabbis struggled to find *halakhic* rationales to exempt them from *tzitzit* despite the plain meaning of the biblical text that seems to include them.⁹⁴ Interestingly, some of the earliest sources of *tekhelet* in non-Jewish society relate to women, such as a statuette of a Minoan princess who seems to be wearing *tekhelet*.⁹⁵ In late antiquity, as well, it was not uncommon for upper class Roman women to wear garments dyed with purple (produced from the same mollusks as *tekhelet*), and in most cases they were not subject to the same legal limitations that men were.⁹⁶ Contrary to that historical trend, I am arguing, in the fiercely patriarchal rabbinic society of the first centuries of the common era, it might have made sense to assume that a garment which is limited to the social elite would naturally not pertain to women.

VII. Natural Cataclysm:

There is a strong tendency of scientific inquiry to explain observable phenomena by discerning trends and developments⁹⁷. Historical events, we believe, don't just pop up out of nowhere. To understand history we must examine what led up to a particular event, and in this way we will understand how and why things happened the way they did.

But sometimes there are major events that just come to us straight out of left field:

⁹³ Admittedly, though, one might understand this verse as suggesting not that *tzitzit* was uncommon among Jews at the time, but that the Pharisees made their *tzitzit* particularly long and noticeable.

⁹⁴ Sifrei Bamidbar 115 s.v. *Vayomer*.

⁹⁵ Serman “The Science of Tekhelet” (1996) in *Tekhelet: The Renaissance of a Mitzvah*.

⁹⁶ Bridgeman (1987)

⁹⁷ Gould, Stephen Jay. “Jove’s Thunderbolts” (1995) 159. Gould explicated on the tensions between “catastrophism” and “uniformitarianism” in geology, cosmology and natural history, but I believe his point is equally valid to the study of human history as well.

*“On 9 July, A.D. 551, a large earthquake, followed by a tsunami, destroyed most the coastal cities of Phoenicia (modern-day Lebanon). Tripoli is reported to have “drowned,” and Berytus (Beirut) did not recover for nearly 1300 years afterwards. Geophysical data from the Shalimar survey unveil the source of this event, which may have had a moment magnitude (M_w) of 7.5 and was arguably one of the most devastating historical submarine earthquakes in the eastern Mediterranean.”*⁹⁸

This devastating event destroyed the coastal cities in the exact epicenter of the *tekhelet* industry. It is hard to imagine that it would not have also wiped out the production facilities of purpura dyes in these areas, and probably had a significant direct impact on the mollusk population as well.

I am suggesting that this event might have received less attention than it is due because natural history phenomena are usually unpredictable and not dependent upon human causes. But these should not lure us into assuming that they are not inextricably linked to human history.

VIII. Nignaz:

Rabbinic literature is almost completely silent as to the cause of *tekhelet*'s disappearance from Jewish ritual life. Although some sources hint at Roman prohibitions⁹⁹ and financial strain¹⁰⁰, late rabbinic sources that deal with the disappearance suggest that *tekhelet* was hidden (נגנז), presumably by divine decree. (Some rabbinic scholars use the term *nignaz* more loosely, to indicate something that has been lost or forgotten unintentionally¹⁰¹, but this does not seem to be the original meaning of the term).

⁹⁸ Elias, Ata et al (2007)

⁹⁹ As per the talmudic story from Sanhedrin 12a brought above.

¹⁰⁰ BT Menachot 44a לפיכך דמיו יקרם- “therefore its cost is precious”

In a few places the midrash states:

ועכשו אין לנו תכלת אלא לבן, שהתכלת נגנז.

“Now we don’t have *tekhelet* but only white [strings], for the *tekhelet* has been hidden.”

102

In an oft-repeated midrashic story, R. Yossi meets a *hilazon* trapper who describes the sea-creature as being protected by geological formations as well as poisonous anemones, to which R. Yossi remarks that this indicates that it is hidden for the righteous for the future to come.

ניכר הוא שגנוז לצדיקים לעתיד לבוא.¹⁰³

The *Nignaz* theory is of particular importance to the rejuvenation of *tekhelet* in *tzitzit* because, if indeed God has hidden the *tekhelet* until the end of days, then we are not entitled to seek that which God has hidden from us (nor will we be successful in our search). The other theories can be examined historically/scientifically, but the *nignaz* theory must be addressed and overcome on a religio-textual basis if a *halakhic* Jew is seeking to reestablish a lost *mitzvah*.

It is my contention that such midrashic *nignaz* stories are never intended to be taken literally. Instead, they suggest post facto rationalizations to explain situations that have already occurred. Such stories are often concerned with the divine justice involved with the disappearance of a prized religious artifact, or else they come to resolve a textual or *halakhic* difficulty. An example of the latter is the following fantastical story:

אמר ר"א בי רבי יוסה רבי אבהו ורבי שמעון בן לקיש בשם רבי מאיר: מין חיה טהורה ברא הקב"ה למשה במדבר. כיון שעשה בה מלאכת המשכן, נגנזה.

¹⁰¹ E.g., Yehoshua of Kutna in his responsa *Yeshuot Malko* (OH 2:1): ולפי הנראה נגנז בימי אחרוני האמוראים, even though from the context it is clear that this was unintentional.

¹⁰² Bamidbar Rabbah 17:5; Midrah Tanhuma, Sh'lach 15.

¹⁰³ Sifrei Devarim 354 s.v. Davar Acheir; Yalkut Shimoni, Vezot Habrakha 961; and elsewhere.

“R. Eliezer b. R. Yosa, R. Abbahu and R. Shimon b. Lakish said in the name of R. Meir: The Holy One created a species of pure animal for Moses in the desert. Once he had used it to fashion the Tabernacle, it was hidden.”¹⁰⁴

I would argue that, as with most (if not all) *midrashim*, this story was not intended to be taken at face value. Rather it is intended to resolve the problem of how the Israelites in the desert obtained certain fabrics for the Tabernacle. Interestingly, the Tiferet Yisrael¹⁰⁵ uses this story, among other sources, to support his opinion that kosher *tekhelet* does not need to be produced specifically from a *hilazon*.¹⁰⁶ The only criteria, according to the Tiferet Yisrael, are that the hue be correct and the dye be color-fast (*tekhelet* forms a strong chemical bond with wool). This opinion might find some support in the Rambam,¹⁰⁷ but it is not shared by other *halakhic* authorities,¹⁰⁸ to the best of my knowledge.

Considering all the evidence that there was *tekhelet* available in the mishnaic and talmudic periods, and especially in light of how chronologically late these *nignaz* stories are, it is safe to assume that they are not intended to be taken literally. In any event, there is a well-established principle that we do not draw *halakhic* conclusions from aggadic stories - אין למדין מן ההגדות -¹⁰⁹

¹⁰⁴ PT Shabbat chap. 7, 10c; and chap. 2, 4d. This in reference to the *tachash*, an otherwise unknown animal.

¹⁰⁵ R. Israel Lifschitz (1782-1860 Germany), author of the commentary on the Mishnah "Tiferet Yisrael" (aka Yakhin uBoaz) in his introduction to Seder Moed (Kontress Bigdei Kodesh).

¹⁰⁶ Lifschitz opines that the rabbis who stated that *tekhelet* is only kosher from a *hilazon* (see footnote below) did so because that was the only means they knew of that would satisfy these criteria. Presumably, then, Lifschitz would rule that vegetable-based indigo dye, which has recently been determined to be chemically identical to *tekhelet*, would be considered kosher, and the large-scale destruction of snails (roughly 30-40 per thread) in the process of extracting dye from “kosher” Murex snails would be unnecessary.

Even if it is not interpreted literally, the *midrash* in the *Yerushalmi* supports Lifschitz’s position because it presupposes a *halakhic* basis in which one might produce *tekhelet* from something other than a *hilazon*.

¹⁰⁷ Maimonides, Mishneh Torah Hilkhot Tzitzit 2:4. See discussion in Lamm (1996) 37.

¹⁰⁸ Other authorities adhere more closely to the Tosefta (Menachot 6:16) that *tekhelet* is only kosher from a *hilazon*: תכלת אין כשרה אלא מן החלזון. הביא שלא מן החלזון פסולה. שנאמר תולעת – מן התולעת שבהרים. הביאה שלא מן התולעת שבהרים פסולה. (In other words, the textual proximity of *tekhelet* to scarlet/crimson – *tola’at shani* – indicates that *tekhelet* must be produced from an animal akin to the hill-worm from which *tola’at shani* is produced). It is ironic that, as many *halakhic* authorities have noted and struggled with, the *hilazon* and the *tola’at shani* are not kosher to eat.

¹⁰⁹ PT Peiah, 2:4 (p. 17a)

* * *

Overall, *tekhelet*'s demise happened remarkably quietly. The fact that we cannot even pinpoint with any degree of certainty the century in which this happened is astounding, especially when we consider how significant *tekhelet* was deemed in biblical and early rabbinic texts, as noted above. How much louder would we expect to hear a hue and cry if Jews were prevented from observing *Shabbat* or *kashrut* or (in our day) even a non-*mitzvah* like wearing a *kippah*. In the case of *tekhelet*, the silence is deafening.

Rabbinic Reaction to Tekhelet's Disappearance

Even though, as noted above, the Torah seems to suggest that the key part of the observance of the *mitzvah* of *tzitzit* is the *tekhelet*, and even though early rabbinic sources played up the significance of *tekhelet*, *tekhelet* gradually lost its central place even in the observance of *tzitzit* itself.

Me'akev Dispute in the Talmud and Rishonim:

The biggest diminishment in the requirement of *tekhelet* appears in the Mishnah Menachot, also cited above:

התכלת אינה מעכבת את הלבן, והלבן אינו מעכב את התכלת.¹¹⁰

"The *tekhelet* does not inhibit the white, and the white does not inhibit the *tekhelet*."

The Gemara notes that this *mishnah* is not in accordance with the opinion of Rabbi (R. Judah Hanasi) and quotes the following *beraita*:

"וראיתם אותו"¹¹¹ - מלמד שמעכבין זה את זה, דברי רבי. וחכמים אומרים, אין מעכבין.¹¹²

¹¹⁰ Mishnah Menachot 4:1.

¹¹¹ Num. 15:39.

¹¹² BT Menachot 38a.

“And you should see it’ – this teaches that they inhibit each other, according to Rabbi. And *Chakhamim* (‘the Sages’) say, they do not inhibit.”

The Gemara suggests various ways in which the mishnah can be understood as following Rabbi’s opinion as well,¹¹³ and in doing so offers alternate ways to interpret the mishnah so that it does not say what it seems to say at first glance. The Gemara ultimately identifies the *Chakhamim* opinion as belonging to R. Yitzchak, based on another *beraita*:

ומאן תנא דפליג עליה דרבי? האי תנא הוא, דתניא: רבי יצחק אומר משום רבי נתן, שאמר משום רבי יוסי הגלילי שאמר משום רבי יוחנן בן גורי: אין לו תכלת, מטיל לבן.¹¹⁴

“And who is it that disputes Rabbi? It is this *tanna*, as we learn: R. Yitzchak says in the name of R. Natan, who said in the name of R. Yossi of Galilee, who said in the name of R. Yochanah b. Nuri: If he has no *tekhelet*, he casts white [only].”

The Gemara does not determine here whose opinion, Rabbi or *Chakhamim*, is binding *halakhically* in this case, but there are general rules of determination discussed elsewhere. The one pertinent to this case is:

הלכה כרבי מחבירו, ולא מחביריו.¹¹⁵

“*Halakha* follows Rabbi in dispute with another, but not with others.”

In other words, we follow the opinion of Rabbi when he is quoted as in dispute with one other sage, but not when he is in dispute with more than one.

Since in this case Rabbi’s opinion is disputed by “the Sages” – i.e. more than one – most *Rishonim* adopt the position of *Chakhamim* in the *baraita*, which also accords with the

¹¹³ The fact that the gemara went to such lengths to accord Rabbi’s opinion with the mishnah suggests that the Amoraim (Talmudic rabbis) might have favored that opinion. The textual arguments in support of Rabbi are also more persuasive.

¹¹⁴ BT Menachot 38b.

¹¹⁵ BT Bava Batra 124b, Ketubot 21a, Pesachim 27a. In some of these citations the Gemara is questioning whether the opinion at hand follows the more expansive הלכה כרבי מחבירו ומחביריו (that is, we follow Rabbi even when he is disputed by more than one other sage), but I have stated the rule as it was accepted by the post-talmudic *halakhic* authorities.

plain meaning of the mishnah that התכלת אינה מעכבת את הלבן. Thus, the Tur¹¹⁶, Rif¹¹⁷, Rambam¹¹⁸, Tosafot¹¹⁹, Ramban¹²⁰ and Rosh¹²¹ all are of the opinion that one can observe the *mitzvah* of *tzitzit* without *tekhelet*.

On the other hand, the 12th century halakhist R. Zerachia Halevi Girondi (the Baal Hamaor)¹²² argues that we should follow Rebbi's opinion in this instance, because the Gemara determines the "*Chakhamim*" opinion is in fact the sole opinion of R. Yitzhak, and therefore the general rule of מהבירי applies.¹²³ Further, he argues, the general thrust of the discussion in the Gemara seems to support the opinion of Rebbi in that it attempts to accord the text of the mishnah with him. The Baal Hamaor also suggests that the eighth century authority R. Shimon Keiara is of the same opinion, which he infers from the fact that the mishnah of מעכבת אינה was omitted from Shimon Keiara's composition, the *Halakhot Gedolot*.¹²⁴ The Ramban (Nachmanides)¹²⁵ offers several arguments against the Baal Hamaor, including the fact that several authorities are cited by R. Yitzhak, therefore the special rule of ולא מהבירי should apply. The Ramban also notes about the Baal Hamaor:

וכבר קבלנו עדותו שכל ימיו פטר עצמו מן הציצית כדבריו הללו.

"And we have received his testimony that all his life he exempted himself from *tzitzit*, according to these statements."

Norman Lamm infers from this that the Ramban knew that the Baal Hamaor indeed never wore *tzitzit*, because the absence of *tekhelet* would disqualify it.¹²⁶ I am not so certain that

¹¹⁶ Arba'ah Turim, Orach Hayim 301.

¹¹⁷ Rav Ilfas on BT Shabbat 25 (printed on p. 11b in most volumes).

¹¹⁸ Mishneh Torah, Laws of Tzitzit 1:4.

¹¹⁹ Tosafot on BT Menachot 38a, s.v. התכלת אינה מעכבת את הלבן.

¹²⁰ Milchemet Hashem on Shabbat 25 (see Rif, above).

¹²¹ Halakhot Ketanot of Rabeinu Asher, Laws of Tzitzit 7 (on BT Menachot 38b).

¹²² Hamaor Hagadol on Shabbat 25 (see Rif, above).

¹²³ As to the plural term of "*Chakhamim*", Zerachiah Halevi argues that is not determinative because it appears in a *beraita*, rather than a mishnah.

¹²⁴ Halevi cites this as הלכות ראשונות. Others attribute the *Halakhot Gedolot* to R. Yehudai b. Shemuel Gaon.

¹²⁵ Milchemet Hashem, ad loc.

¹²⁶ Lamm (1996) 28.

this is the case; I am more inclined to interpret this as an epithet of sorts, as if the Ramban were saying: “Following this line of reasoning, you seem to be suggesting that you, Baal Hamaor, have never worn *tzitzit*. How absurd!” The Ramban follows this tongue-in-cheek accusation with what I would argue is his strongest point:

והרי אבות קדמונים מימות הגאונים נהגו לצאת בטלית שיש בה לבן בלא תכלת.

“But all our early fathers since the days of the Geonim had the custom of wearing a *tallit* with *lavan* (white) without *tekhelet*.”

In other words, the Ramban is arguing that the Baal Hamaor cannot be serious in suggesting that the ancestors from *Geonic* times, whose custom it was to wear *tzitzit* without *tekhelet*, were transgressing a *mitzvah*.

It seems to me that the thrust of these opinions is to explain the Jewish observance in their day. In other words, as Haym Soloveitchik might say, because the mimetic tradition at the time of *Rishonim* supported wearing *tzitzit* without *tekhelet* – a valid *halakhic* reasoning must be found post facto for this custom. It follows that most *Rishonim* followed the opinion of *Chakhamim*,¹²⁷ and that no one (else) seriously questioned the legitimacy of wearing *tzitzit* without *tekhelet* until the recent reappearance of *tekhelet*.

Dispute Among Acharonim:

Over the many centuries in which *tekhelet* was absent from *tzitzit*, *halakhic* authorities handled this absence not only by determining (at least according to most) that the *mitzvah* can be observed even with white strings alone (תכלת אינה מעכבת את הלבן), but also by determining that the *mitzvah* only applies when one wears a four-cornered garment (בגד (ארבע כנפות).¹²⁸

¹²⁷ The exception to the rule, the Baal Hamaor, is widely respected as having a sharp Talmudic mind, but is also perceived as being unconventional and irreverent. It is possible that his young age – he was 19 when he started composing his *me'orot* books – led him to logical albeit unconventional conclusions.

¹²⁸ Thus, for instance, Yosef Karo in the *Shulchan Arukh* (OH 24:1) determines that if a person does not wear a four-cornered garment he is not obligated in *tzitzit*. אם אין אדם לובש טלית בת ארבע כנפות אינו חייב בציצית.

Consequently, I would argue, since one can avoid transgressing the *mitzvah* by not wearing an *arbah kanfot* – that is through avoidance (שב ואל תעשה) – this has the practical effect of turning a positive commandment (עשה) into a negative one (לאו) for all intents and purposes. But this raises a difficult question: If *tzitzit* is only required when a four-cornered garment is worn, how can one justify wearing *tzitzit* without *tekhelet*? If the Torah commands one to put *tekhelet* in the *tzitzit*, the fact that one is observing the *mitzvah* of the *lavan* (white) should not permit one to transgress the prohibition of wearing an *arbah kanfot* without *tekhelet*. After all, one can easily avoid this prohibition by not wearing a four-cornered garment at all.

The Shaagat Arieh¹²⁹ disagrees with my premise that the positive *mitzvah* of *tzitzit* has effectively turned into a negative prohibition of not wearing an *arba kanfot* without it:

אם לבש טלית בלי ציצית אין בלבישה שום איסור, אלא שחיסר מצוה של ציצית בשב ואל תעשה.

“If he wore a *tallit* without *tzitzit* there is no prohibition in the wearing, but rather he has missed the *mitzvah* of *tzitzit* through an avoidance of action.”

The Shaagat Arieh’s proof of his position is based on the rule that *tzitzit* can be observed with *lavan* alone, even though there is a clear *toraitic* requirement of *tekhelet*:

ואי סלקא דעתך כל היכא שלובש בגד בר חיובא בלתי מצוותו... עביד איסורא... – אם כן היכא שאין לו תכלת היאך מטיל לבן ולובש לטלית זה? הא קעביד איסורא בלבישתו, ועובר על מצות עשה דתכלת!

“And if you would think that anytime one wears a garment that requires [*tzitzit*] without the *mitzvah* [i.e. without the *tzitzit*] then one is transgressing a prohibition – if so then when one doesn’t have *tekhelet* how can one cast white [strings] alone and wear such a *tallit*? For this would involve a prohibition in wearing it, a transgression of the positive commandment of *tekhelet*!”

The Shaagat Arieh’s unspoken assumption is that anything which is commonly done must be halakhically correct,¹³⁰ hence there must be some way to legitimately wear *tzitzit*

without *tekhelet*. His solution – that transgressing a positive commandment is not the same as simply not fulfilling it – seems to me quite difficult conceptually. I share in his question, but I would turn his proof on its head and suggest that his assumption might be flawed.

On a practical level, the Sha'agat Arieh argues that because of this distinction:

היכא דלא איפשר ליכא למיחש בה, ולפיכך אין לו תכלת מטיל לבן וליכא למיחש בה.

“Where it is impossible [to observe the *mitzvah*] one need not be concerned, and therefore if one doesn't have *tekhelet* one should cast white [strings only] and not be concerned.”

The Pri Megadim¹³¹ also deals with this issue and comes to the same practical conclusion, that when no *tekhelet* is available there is no prohibition of wearing white only. He draws upon the opinion brought by the Beit Yosef¹³² and the Mordechai¹³³ and the (Tosafist) Ri¹³⁴:

לכך נראה לר"י דמצות עשה דציצית אינו אלא להטיל בו ציצית כשילבשנו, ולא אמר הכתוב בלשון "לא תלבש בגד שיש לו ארבע כנפים בלא ציצית" ... אלא מצות עשה גרידא להטיל בו ציצית.

“Therefore it seems to the Ri that the positive commandment of *tzitzit* is only to cast in [the garment] *tzitzit* when he wears it, and the Torah did not say ‘you must not wear a four-cornered garment without *tzitzit*,’ but rather that there is just a positive commandment to cast *tzitzit* in it.”

¹²⁹ Shaagat Arieh, Laws of Tzitzit 32.

¹³⁰ I believe that this is the basic assumption in the Shaagat Arieh (among others) but I admittedly have glossed over the point which he raises that the *Chakhamim/R*. Yitzchak opinion as cited in the mishnah (התכלת אינה מעכבת את הלבן) and the beraita (אין לו תכלת מטיל לבן) indicate that the normative practice of wearing *lavan* without *tekhelet* is proper. The Shaagat Arieh, as noted below, assumes this to be the case because *tekhelet* is not available; if *tekhelet* were available then one would not be allowed to transgress the *mitzvah* of *tekhelet*. The problem with this position is that at the time of the mishnah and the beraita we just cited *tekhelet* was in fact generally available, so the expression אין תכלת “he has no *tekhelet*” must mean that an individual does not have *tekhelet* readily available, or it might be too expensive. But this is not comparable to the situation at the time of the Shaagat Arieh that *tekhelet* was simply not obtainable at all.

¹³¹ Pri Megadim, SA OH introduction to Hilkhos Tzitzit

¹³² Beit Yosef OH 13.

¹³³ Mordechai 944.

¹³⁴ Cited in the Mordechai.

The Pri Megadim concludes that, just as the Beit Yosef and the Mordechai and the Ri held that on Shabbat one may wear a *tallit* whose *tzitzit* strings were detached (i.e. the *tzitzit* became invalid) because one is prohibited from tying new strings on Shabbat, similarly one may wear a *tallit* without *tekhelet* because we don't have *tekhelet* today.

ובשבת שאי אפשר שרי מפני כבוד הבריות. הוא הדין בזמן הזה דאי אפשר בתכלת דאין לנו.

Both the Pri Megadim and the Shaagat Arie, in allowing one to wear *tzitzit* without *tekhelet*, specifically posit a circumstance that *tekhelet* is not available. Hence if *tekhelet* were available, Norman Lamm¹³⁵ concludes that the Pri Megadim and probably the Shaagat Arie would rule against wearing a *tallit* with *lavan* only. I would go further and argue that not only is this definitive in both the Pri Megadim and the Shaagat Arie, but it also follows that the Beit Yosef, the Mordechai and the Ri would almost certainly concur. Although these latter three were not dealing with *tekhelet* specifically, their determination about dealing with the positive commandment of *tzitzit* when one is **not** prevented from observing it fully leaves no room for doubt. As the Beit Yosef notes:

ובחול ודאי עובר כל שעה שלובשו בעשה דהטל בו ציצית.

“And on a weekday [if the strings have become detached] he certainly transgresses the positive commandment of ‘cast *tzitzit* in it’ every moment that he wears [the invalid *tallit*].”

These authorities would probably apply the same ruling, I would argue, to any ordinary (white-only) *tallit* if *tekhelet* were available, so as not to transgress the positive commandment of *tekhelet*.

Another way to respond to the problem I presented in the beginning of this section, that one could avoid transgressing the *mitzvah* of *tekhelet* by simply not wearing a *begged arba kanfot*, is to consider the *tekhelet* to be only a *hiddur mitzvah* (a flourish on the

mitzvah) or a מצוה מן המובהר (particularly meritorious form of observance), but not a core element or a prerequisite of the *mitzvah* of *tzitzit*. This seems to be the attitude of some *Achronim* (halakhic authorities of the last few centuries) such as the P'nei Yehoshua:

הא קיימא לן תכלת אינו מעכב את הלבן... ותכלת דכתיב באורייתא – היינו למצוה מן המובהר.¹³⁶
“For we hold that *tekhelet* does not preclude the white... and *tekhelet* that is mentioned in the Torah – this is for a *mitzvah* done in a particularly meritorious fashion.”

But others, such as R.Y. Perla, have ruled otherwise:

לבן בלא תכלת לא הותר אלא כשאין לו תכלת, אבל כשיש לו... אסור ללבוש הבגד, דהוי ליה כמבטל עשה
דתכלת בידיים.¹³⁷

“White without *tekhelet* is not permitted except when he doesn't have *tekhelet*, but if he has... it is prohibited to wear the garment, since it is for him as one who actively nullifies a positive commandment of *tekhelet*.”

Shmuel Ariel¹³⁸ has argued convincingly that the position that *tekhelet* is only an added flourish to the *mitzvah* of *tzitzit* is untenable, and is not supported by earlier halakhic authorities. This has led Ariel to the contentious position that it is preferable to avoid wearing *tzitzit* in general than to wear *tzitzit* without *tekhelet*. So, for instance, if people are concerned that the expensive strings of *tekhelet* might be damaged if worn on a *tallit kattan*, it is better to put *tekhelet* on a *tallit gadol* only, and to forego wearing a *tallit kattan* altogether. To do otherwise, and wear *tzitzit* without *tekhelet* would constitute an active rejection of the positive commandment (דוחה מצות עשה בידיים).

¹³⁵ Lamm (1996) 31.

¹³⁶ P'nai Yehoshua on Bava Metzia 61b s.v. מיהו.

¹³⁷ Commentary on Saadia Gaon's *Sefer Hamitzvot*, Aseh 7, p. 171.

¹³⁸ Ariel, Shmuel in *Techumin* 21 (2001) 475.

Needless to say, the suggestion that people without *tekhelet* ought not to wear *tzitzit* at all has met with quite a bit of resistance, and is explicitly disputed by Yehudah Raak¹³⁹ as well as by Re'em Hacoen, the head of Ariel's yeshiva.¹⁴⁰

Others, such as Lamm¹⁴¹, seem to suggest an opinion in agreement with Ariel, although none have stated such an opinion explicitly. I assume that they are naturally reluctant to state an opinion that the majority of *halakhic* Jews in the world (who wear *tzitzit* without *tekhelet*) are transgressing a prohibition precisely when they believe they are fulfilling a *mitzvah*.

It should be noted, however, that Ariel was basing his ruling on the assumption that *tekhelet* is available today, hence it is now possible to observe the *mitzvah* fully. During the many centuries that *tekhelet* was not available there were no authorities, with the possible exception of the Ba'al Hamaor and the Behag (as noted above) who advocated what seems to me the obvious solution of avoiding wearing an *arba kanfot* entirely. Furthermore, the Baal Hamaor's position was based on the assumption that Rabbi's determination of *מעכבין זה את זה* was correct, whereas I am arguing that the avoidance of *tzitzit* sans *tekhelet* follows logically from the opinion of *Chakhamim* as well.¹⁴²

¹³⁹ Raak, Yehudah in *Techumin* 24 (2004) 436.

¹⁴⁰ Oral communication by Elad Lubitch, one of Shmuel Ariel's former students at Yeshivat Beit Vaad Hatorah in Otniel (2008).

¹⁴¹ Lamm (1996) 36-37.

¹⁴² The main difficulty, as I see it, with my argument is that it seems to contradict the opinion of *Chakhamim* in the *beraita* אין לו תכלת מטיל לבן – if he has no *tekhelet* he casts white (Menachot 38b). I offer two possible responses: First, the opinion of *Chakhamim* might not be in accordance with the opinion that one is only required to cast *tzitzit* when one wears a *begged arba kanfot*. In other words, at the time of the *beraita* it was assumed that one is required to always wear *tzitzit*, hence *Chakhamim* say that if one does not have both of the essential ingredients (*tekhelet* and *lavan*) then either one will suffice. But once the *halakha* developed to determine that one does not need to be constantly wearing *tzitzit*, then it follows that one cannot follow *Chakhamim*'s directive and wear *tzitzit* without *tekhelet*. A second possibility is to posit that at the time of the mishnah it was assumed that all outer garments were essentially *arba kanfot*. In such circumstances, neither Rabbi nor *Chakhamim* would demand that a person who does not have *tekhelet* must go around in their underwear. In our day, however, we have a choice in the matter, since most of our outer garments are sewn all around and we can avoid wearing an *arba kanfot* altogether.

Objections to the Reintroduction of Tekhelet:

In the late 1880's, when the Radzyner reintroduced the *mitzvah* of *tekhelet* in *tzitzit* (and instructed his own followers to do so) he sought the approval of the main halakhic authorities of his day, but was rebuffed. The best known objection to the reintroduction of *tekhelet* came from the foremost European *posek* of the late 19th century, the Beit Halevi,¹⁴³ who argued that all the circumstantial evidence as to what is the historical *tekhelet* is insufficient because there is no actual chain of *mesorah* (heritage) as to what constitutes *tekhelet*. In this case, we need exactly such a chain of *mesorah*, based on the verse שאל אביך ויגדך זקניך ויאמרו לך – “ask your father and he will tell you, your elders and they will instruct you.”¹⁴⁴

That, at least, is how the objection was explained by J.B. Soloveitchik, the Beit Halevi's great-grandson.¹⁴⁵ The Radzyner, however, explained that the Beit Halevi objected on somewhat different grounds: If we see that the tradition of observing a *mitzvah* was interrupted, and yet the conditions for observing the *mitzvah* seem to be present, then there is a presumption that there was a positive determination that the conditions are not suitable. In the case of *tekhelet*, if a particular fish were known to the sages throughout the ages and yet they stopped wearing *tekhelet*, then this is proof that the rabbis determined that this fish is not the proverbial *hilazon* from which *tekhelet* is made.

The difference between these two versions is important because, as Moshe Tendler has argued,¹⁴⁶ the *Murex trunculus* was indeed not known to the rabbis over the centuries,

¹⁴³ Yosef Dov Halevi Soloveitchik, a.k.a. the Brisker Rav. This last moniker also belongs to Yehoshua Leib Diskin, who preceded the Beit Halevi as the chief rabbi at Brisk, and later moved to Jerusalem in 1876. Herzog notes that the Radzyner communicated in Jerusalem with the Brisker Rav, referring to Diskin (see Herzog, 1919, pp. 115-116), but I have no other source for this Leiner-Diskin dialogue. It isn't clear to me if the Radzyner indeed communicated independently with both Diskin and Soloveitchik, or if Herzog had confused one Brisker Rav with another.

¹⁴⁴ Deut. 32:7.

¹⁴⁵ Soloveitchik, J.B. (1983) 228.

¹⁴⁶ Tendler, Moshe. “Identifying Tekhelet: Masoret and Yedi'ah” *Tekhelet: The Renaissance of a Mitzvah* (1996) 49-50.

hence the Beit Halevi's objection is satisfied if we accept the Radzyner's version of events.¹⁴⁷ Tandler, Navon¹⁴⁸ and Lamm¹⁴⁹ also suggest that when we have clear knowledge of something we do not require a chain of *mesorah* to substantiate it. At the time, of course, the Beit Halevi's objections were considered adequate to rebuff the Radzyner's identification of a cuttlefish as the *hilazon* of *tekhelet*, but probably would not suffice today to counter the slew of scientific arguments being offered today.

Objections to the Radzyner's attempts to rejuvenate the *mitzvah* of *tekhelet* were raised from other quarters as well. Primary among these were the traditions that *tekhelet* was hidden (*nignaz*), a tradition which finds special resonance in Hassidic literature and in Lurianic kabbalah.¹⁵⁰

The end result was that, while the Radzyner could instruct his own *hassidim* to cast a thread of *tekhelet* in their *tzitzit*, virtually no one else followed suit.

A century later, after Eliyahu Tavger carefully overcame all the *halakhic* problems in relation to producing *tekhelet* dye from *Murex trunculus*,¹⁵¹ there continues to be resistance to accepting *tekhelet*. While the list of rabbis who endorse *tekhelet* is growing, the (for the most part) silent majority of *halakhic* opinion suggests that using *tekhelet* in *tzitzit* is unnecessary, if not actually prohibited.

* * *

¹⁴⁷ It should be noted that in this case we do not have the Beit Halevi's written testimony as to what was said. The discussion in the Soloveitchik book is based on an oral lecture by his great-grandson J.B. Soloveitchik, and was written up several years later by his student (and son-in-law) Yitzhak Twersky. Furthermore, the allusion to *tekhelet* came up only incidentally as an illustration of the distinction between different kinds of *masoret* (received tradition) in a class by J.B. Soloveitchik.

¹⁴⁸ Navon (1993) 3.

¹⁴⁹ Lamm (1996) 21-23 (in *Tekhelet: The Renaissance of a Mitzvah*)

¹⁵⁰ For instance, the AR"Y in *Pri Etz Hayim*, *Tzitzit* chap. 5. See discussion in Herzog (1919) 115.

¹⁵¹ Tavger (1985) *Kelil Tekhelet*

At least since *tekhelet*'s disappearance, *halakhists* have downplayed its significance and have struggled in novel ways to justify wearing *tzitzit* without it. Similarly, there has been a surprising degree of resistance to *tekhelet*'s reintroduction. It is my contention, which I have tried to demonstrate above, that this mainstream approach is difficult to defend using standard *halakhic* criteria. What, then, has driven the mainstream approach to justify the use of white-only *tallitot*? I believe that there are two quasi-*halakhic* considerations that play a major role here.

First of all, there is the force of mimetic tradition. If we – and especially our ancestors – have (to the best of our knowledge) always been observing God's law in a particular way, then this must be God's law. Indeed, one might argue that *halakha* is not so much a determination of what one ought to do in light of the given statutes and rules, as it is a determination of what the way of life is that virtuous observant Jews live.¹⁵² Mimetic tradition, it might be said, is nine tenths of the law.

A second consideration, I would argue, is grounded on the assumption that the rituals that we deem significant are inherently important to preserve, even if the *halakhic* justification for them is technically absent. Something along these lines was hinted at by the Pri Megadim, when he wrote:

ומדרבנן אמרו דלעביד לבן שלא תשתכח תורת ציצית.

“And the rabbis decreed that one should use white [strings, even without *tekhelet*] so that at least the *mitzvah* of *tzitzit* will not be forgotten.”¹⁵³

This notion – that when a ritual cannot be observed in the proper way then we sometimes observe it in a technically invalid way for the sake of not forgetting the ritual – is not a

¹⁵² That is a question that I do not wish to explore here, but certainly much more can be gleaned from Haym Soloveitchik (1994) on this issue.

¹⁵³ Pri Megadim, *ibid.* The Pri Megadim was of the opinion that the *toraitic* commandment of *tzitzit* applies only when *tekhelet* is part of it, whereas our custom of wearing white alone is rabbinic.

new notion. The Talmud applies it in several instances to the commandments of *eiruv*,¹⁵⁴ *challah*,¹⁵⁵ and *arbah minim*.¹⁵⁶ For instance, the Rosh rules that a desiccated (hence invalid) *etrog* (citron) may be taken without a blessing, if a kosher *etrog* is not available, so that שלא תשתכח מהן תורת לולב ואתרוג.¹⁵⁷

The Ramban (Nachmanides) seemed to be using a similar idea, albeit in a radically expanded form, when he formulated his famous הציבי לך ציונים (“establish yourself markers”)¹⁵⁸ approach to living in the Diaspora. In his commentary on the Torah¹⁵⁹ the Ramban argued that the *mitzvot* are only truly observed while one is living in the land of Israel. The Ramban refers specifically to instances in which severe prohibitions such as idolatry and *arayot* (stringently prohibited sexual unions) were tolerated in the Diaspora, and he suggests that those who live outside of the land of Israel are essentially only observing remembrances of the *mitzvot*. Although clearly the main thrust of the Ramban’s argument is to play up the significance of living in the Land of Israel, a corollary is the notion that it is important to continue observing *mitzvot* even if we are not truly fulfilling them because we – as a people – need to remember how to observe *mitzvot* so that we will be prepared to observe them properly when we have the opportunity to do so (that is, when we are living in the land of Israel).

¹⁵⁴ BT Eiruv 70a.

¹⁵⁵ BT Bekhorot 27a.

¹⁵⁶ BT Succah 31b.

¹⁵⁷ Rabeinu Asher on Succah 3:4.

¹⁵⁸ This is a term used by Jeremiah (31:20) and interpreted by the Sifrei (Deut. 43) in this manner. The Sifrei, quoted by the Ramban, uses the example of a king who banishes his wife back to her father’s home, but instructs her to continue wearing jewelry so what when she returns they will not be on her as new. Similarly, the Holy One instructs Israel to be מצוינים “excellent” in *mitzvot* even as they are banished into exile, so that when they return the *mitzvot* will not be new to them. The term הציבי לך ציונים from Jeremiah is interpreted homiletically as referring to the *mitzvot* which Israel excel at. The main difference, as I see it, between the Sifrei and the Ramban is that whereas the Sifrei is attempting to play **up** the importance of *mitzvot* in exile for the sake of resolving a difficulty in the Deuteronomy text (If the Jews are exiled because of non-observance, what is the point of observing *mitzvot* in exile?) the Ramban on the other hand is playing **down** the importance of *mitzvot* in exile in order to resolve difficulties in Genesis texts (How could Rachel have idols? How could Jacob marry two sisters?).

¹⁵⁹ Nachmanides’ *Commentary on the Torah*, Lev. 18:25 s.v. ותטמא הארץ.

I am not arguing that the Ramban's opinion on this question is normative. What I am arguing is that his *לך ציונים* approach is emblematic of a consideration that forms the basis of a greater number of *halakhic* rulings, namely, that even if a ritual does not truly constitute the proper fulfillment of a *mitzvah*, it might have value anyway simply because if we were to exempt ourselves from it then an important ritual might be lost.

The case of *tzitzit*, however, has the added complication that the observance of the *mitzvah* involves also the violation of wearing a *begged arbah kanfot* without observing (the positive commandment) of *tekhelet*. It seems to be a *מצוה הבאה בעבירה* – an observance of a *mitzvah* that is accomplished through the breach of a prohibition, which ordinarily would preclude the *mitzvah*. It is my contention that it is precisely because *tzitzit* is so important, that the rabbis have strenuously sought ways to negate the prohibition so that the ritual does not fall under the rubric of a *מצוה הבאה בעבירה*.

An example of a *מצוה הבאה בעבירה* that is observed anyway is the custom in many congregations of kindling Shabbat candles during Friday night services even after dark – which involves transgressing the prohibition of kindling a flame on Shabbat. The fact that most such congregations are Reform might lead one to argue that it is precisely because these congregations do not feel constrained by many of the ritual prohibitions of Shabbat that they feel comfortable observing a positive ritual in this manner. And, indeed, I doubt whether any Reform rabbi has felt the need to grapple with the intricacies of *מצוה הבאה בעבירה* over this issue. But this argument overlooks the basic point that even in the Reform movement there is an evaluation of competing values, and in this case clearly the determination was made that the *mitzvah* of kindling Shabbat candles was important enough to warrant observing it even if doing so publicly transgressed a prohibition.

The Reform movement might be more comfortable in assessing relative weight to different rituals and *mitzvot*, but this phenomenon is not unique to the Reform. One might argue that the famous Conservative “driving *teshuvah*” – the responsum which allowed

congregants to drive on Shabbat to the nearest synagogue to attend services¹⁶⁰ – is based on the same principle.¹⁶¹

The basic rationale for wearing of *tzitzit* – that when we see it we are reminded of God’s commandments and this keeps us committed to observing¹⁶² – this rationale has not lost its potency even in the absence of *tekhelet*. The fact that the distinctive *tzitzit* can serve as a reminder of God’s commandments¹⁶³ ensures that they are as socially-religiously significant as if they contained *tekhelet*. For this reason, as well as the mimetic tradition I addressed above, *halakhists* have struggled to find ways to justify wearing *tallitot* without *tekhelet*.

But, as noted above, even a dead ritual can reclaim its preeminence if it is based on a well-established textual tradition and is backed by sufficient religious leadership.¹⁶⁴ For this reason, I believe, notwithstanding the long-standing efforts to downplay its significance, *tekhelet’s* time in the sun will soon arrive again.

¹⁶⁰ Adler, Morris et al “A Responsum on the Sabbath” (1950). This responsum deals with Shabbat much more broadly, but is best known for the controversial statement that “...the traditional interdiction of riding on the Sabbath for the purpose of attending synagogue service may, in the discretion of the local rabbi, be modified under the conditions we have described above.” The opinion received the support of a majority of the Rabbinical Assembly’s Committee on Law and Jewish Standards, but was not put to a vote at the RA plenum.

¹⁶¹ Interestingly, both the “driving *teshuva*” and the kindling of Sabbath candles after dark have been justified with (among other arguments) the principle of אין שבות במקדש – rabbinic *shevuth* prohibitions do not apply to the Temple. In the “driving *teshuva*” this was done more broadly, by setting aside a *shevuth* for the sake of any *mitzvah* generally, whereas in the case of Sabbath candles it was done tongue in cheek, drawing on the fact that Reform synagogues are referred to as temples.

¹⁶² As per Num. 15:39-40

¹⁶³ The Talmud alludes to this in several places, such as the story in BT Menachot 44a in which a Jew was saved from sin when, in the process of undressing, he was smacked in the face by his *tzitzit*.

¹⁶⁴ II Kings 23 and Neh. 8, as per my discussion above under “Limited General Observance.”

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מקורות בעברית

תנ"ך:

שמות יט: 6, כה: 4, כו: 1, כח: 28, כח: 31

במדבר טו: 37-41

דברים כב: 12, לא: 19, לב: 7

שופטים א: 26

מלכים ב' כב: 8, כג (ובמיוחד כג: 21-23)

יחזקאל ח: 3, כז: 7

אסתר א: 6, ח: 15

נחמיה ח: 13-18

מפרשי התנ"ך:

רמב"ן על התורה שמות כח: 2 ד"ה "והמצנפת ידועה"

ויקרא יח: 25 ד"ה "ותטמא הארץ" _____

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ספרי במדבר קטו ד"ה ויאמר
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רב אלפס (הרי"ף) הלכות ציצית
הלכות קטנות לרבינו אשר, הל' ציצית סי' ז (על מנחות לח ע"ב)
זרחיה הלוי גירונדי. המאור הגדול על הרי"ף, שבת כה (בדפוס וילנא מופיע בעמודי הרי"ף דף יא ע"ב)
יהודה הלוי. ספר הכוזרי, מאמר ראשון
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מרדכי בר הלל אשכנזי, ספר המרדכי, מס' מנחות, סי' תתקמ"מ, תתקמ"ד
משה בן מימון (הרמב"ם), משנה תורה, הל' ציצית, פ"א הל' ד, פ"ב הל' ב, ט
משה בן נחמן (הרמב"ן) מלחמת ה', מופיע בצמוד להמאור הגדול דלעיל
משה מקוצי, ספר מצוות גדול, מצות עשה ג
נטרונאי גאון, קונטרס בעניני תכלת
קארו, יוסף. שו"ע או"ח הל' ציצית סי' כד ס"ק א, ד
_____ . בית יוסף או"ח סי' יג

שמואל בן חפני גאון, מאמר בענין התכלת [שני הפרקים האחרונים מובאים ומתורגמים בספר של הרב הרצוג, נספח א]

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