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CONCURRENCE TO “A THREAD OF BLUE” by Rabbi David Booth

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Rabbi Booth argues persuasively that with the renewed availability of the ancient blue dye, we should “permit and encourage” people to attach a *פִּתִּיל תְּכֵלֶת*, a thread of blue, to our *tzitzit*.

I concur in theory and in practice and wish to expand his claim a bit further. In this concurrence, I will advance two arguments which Rabbi Booth did not fully treat:

One: today’s blue thread provides a precious opportunity, enabling optimal biblical/דאורייתא fulfillment of the commandments of *tzitzit* for the first time in 13 centuries. Both in terms of technical *halakhic* details and as an aesthetic and religious phenomenon, the blue thread improves on *tzitzit* whose fringes are white alone.

Two: the advent of the superior new blue does not render white-only *tzitzit* forbidden. The existence of excellent options need not preclude good alternatives.

This latter point will enable me to address some points illuminating our methods and goals as heterodox *halakhic* Jews. During our discussion of this paper, some CJLS members expressed hesitation about fixing *tekhelet* as superior to white fringes alone, worrying whether this would undermine how congregants – most of whom will probably not spend the premium for blue thread or learn how to tie new fringes themselves – feel about their own practice and their *tallitot*. Would it inspire Jews to suggest that they should obtain better *tzitzit* or insult them? Does it undermine their sense of sanctity in the white fringes they and their parents and grandparents have always used? Analyzing this question will help us better understand our own heterodox *halakhah*.

*Halakhic* analysis of modern *tekhelet* begins but does not end with the identification of the proper mollusk. Let us postulate that dye from *murex trunculus*, as first proffered by R. Isaac HaLevi Herzog<sup>1</sup> and sold today by the Ptil Tekhelet Foundation qualifies as authentic *tekhelet*.<sup>2</sup> The identification of this mollusk as the *hilazon* is weighty but not necessarily dispositive for practical *halakhah*. For instance, Maimonides describes the dye of *tekhelet* as “the well-known color, whose beauty remains fast and does not fade [*Tzitzit* 2.1].” He

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<sup>1</sup> During his life, Herzog failed to produce the right color dye from the *murex* and so came to favor another genus, the *janthina*. But R. Herzog’s initial hope in the *murex* was fulfilled later in the 20<sup>th</sup> century.

<sup>2</sup> True, there remain dissenters, such as those who argue that given a 1,300-year absence of any continuous mimetic tradition, contemporary *Halakhah* is incapable of making this determination, as well as those who object that the *murex* cannot match all the characteristics described by *Hazal*. See R. Mendel Singer, “Understanding the Criteria for the Chilazon,” *Journal of Halakha and Contemporary Society*, v. 40 (2001).

describes its appearance and functionality without ever specifying that this blue derives exclusively from the *hilazon*.<sup>3</sup> Perhaps *hilazon* is a generic term for snails, in which case *murex trunculus* could be one qualifying source but not the only one. At any rate, a critical mass of rabbinic opinion, backed by archaeological and chemical evidence, considers the *murex* dye to be, at the very least, an authentic version of the blue thread prescribed in Numbers 15.

Once we endorse *murex tekhelet*, we must still analyze whether the blue thread elevates the performance of the mitzvah to complete דאורייתא fulfillment. And if so, would attaching *tekhelet* become a formal obligation, not merely a worthy exhortation? Would such an obligation logically entail banning white-only fringes?

Jews have worn exclusively white *tzitzit* for some 1,300 years, since the geonic era. The manifest reason for that leniency was the scarcity and expense of proper biblical dye. Its unavailability rendered the situation a kind of אונס, a circumstance beyond one's control. *Ought* implies *can*; and given the absence of the dye they *could not*, leaving no choice but to accept white-only *tzitzit*. As Maimonides ruled, “when one lacks *tekhelet*, one uses white alone [*Tzitzit* 1.4].”

But once again we *can*, so we *ought*. As we recite each morning and night, the Torah commands us to place a thread of blue in our fringes. Since proper blue dye is now available, as Rabbi Booth argued and the CJLS endorsed, Jews should add proper *tekhelet* fringes. How do we best understand the status of that imperative?

Let us begin with a responsum of Rashi, cited by Ramban: “The essence of the mitzvah is with *tekhelet*. One who fulfills the commandment without *tekhelet*, with white alone, has not fulfilled the mitzvah completely, rather only one of two.”<sup>4</sup> This quantitative language is understood by analyzing how many commandments are entailed in the wearing of fringes. Let us turn to m. *Menahot* 4.1.

התְּכֵלֶת אֵינָהּ מְעַכֶּבֶת אֶת הַלָּבָן, וְהַלָּבָן אֵינּוּ מְעַכֵּב אֶת הַתְּכֵלֶת. תְּפִלָּה שֶׁל יָד אֵינָהּ מְעַכֶּבֶת שֶׁל רֹאשׁ, וְשֶׁל רֹאשׁ אֵינָהּ מְעַכֶּבֶת שֶׁל יָד.

The [absence of] the blue does not constrain the white, nor the white constrain the blue. The phylactery of the arm does not constrain the phylactery of the head, nor that of the head constrain that of the arm.

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<sup>3</sup> In contrast to the positive assertion at *Menahot* 44a that *hilazon* blood is used for the dye, t. *Menahot* 9.15 makes the exclusive claim that it comes *only* from that source: תכלת אינה כשרה אלא מן החילזון. This is a fair assumption, given the Talmud's comment about its high price and the rule disqualifying vegetable-based indigo, which is visually – and we now know, chemically – indistinguishable from *murex* dye. However, Rambam's omission is suggestive. Why does he rely on purely descriptive, not prescriptive language? R. Israel Lifschutz, *Tiferet Israel* [Germany, 19<sup>th</sup> c., introduction to *Seder Moed*, אמנם, ד"ה לכהונה] advances exactly this interpretation: only the *hilazon* was known to produce an adequately enduring blue color; but if another source could match its fastness, that would also be acceptable, both for priestly garments and for *tzitzit* [Warsaw, 1863], 40b.

<sup>4</sup> Cited in *Milhamot Adonai*, Shabbat 12a [in Rif pagination].

However, this view of the independence of the different color fringes is not unanimous. The Talmud [b. *Menahot* 38a] presents this as a dispute between R. Judah haNasi and the Sages:

וראיתם אותו - מלמד שמעכבין זה את זה, דברי רבי. וחכ"א: אין מעכבין

*"And you shall see it. This proves that each element constrains the other; these are the words of Rabbi. The Sages say, they do not constrain."*

Rabbi's position seems determined by use of the singular pronoun for *tzitzit*: one sees *it*, not *them*. Implicitly he treats *tzitzit* as a single commandment with two components, each of which is indispensable. In contrast, the Sages view *tzitzit* as comprising two distinct obligations, one for blue and one for white fringes. Although these are performed together, they are logically independent, so the absence of one does not affect the other.

Maimonides is notoriously obscure on this question. Among his rules for enumerating the commandments [*Sefer HaMitzvot*, principle #11], he asserts that whenever two components אין מעכבין, "do not constrain each other," they should be counted as two distinct *mitzvot*. Indeed, m. *Menahot* 4.1 provides him with a paradigm example: the two phylacteries "do not constrain each other," so Rambam counts them as two precepts. But he gives the opposite ruling for the other example in that very same *Mishnah*, considering blue and white fringes as a single commandment [*Sefer HaMitzvot*, positive #14]:

Do not count this as two commandments, despite our basic principle that the blue does not constrain the white and the white does not constrain the blue. For they said in *Sifrei* [*Zuta* to Numbers 15.39]: *Is it possible that they are two mitzvot, the mitzvah of blue and the mitzvah of white?* The verse teaches: *it will be a fringe for you*. It is one commandment and not two.

Interpreters searched for reasons that could explain why Maimonides treated two parallel clauses in a single *Mishnah* differently. Nachmanides takes the simplest approach: Rambam is wrong [*Criticisms*, Principle #11]. The *midrash* Maimonides cites reflects only the minority view of R. Judah HaNasi that there is one *mitzvah* of two indispensable components. But the law follows the majority, his disputants, who regard *tzitzit* as two *mitzvot* which do not constrain each other.<sup>5</sup> In Nachmanides' approach – presumably held also by Rashi in the aforementioned responsum – white *tzitzit* fulfill only one of two biblical commandments. This is at best an incomplete performance. With the advent of modern *tekhelet* we can once again fulfill the second *mitzvah de'oraita* by attaching blue threads.

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<sup>5</sup> One medieval authority, R. Zerachya haLevi, the *Ba'al Ha'Maor* [1125-1186, Catalonia and Provence], ruled with Rabbi, considering the view of the "Sages" to reflect only the position of a single person, R. Yochanan b. Nuri. Nachmanides reports that since he held that *tekhelet* indeed constrains white fringes, in consequence the *Ba'al Ha'Maor* never wore *tzitzit*. While the elder figure died a few years before Ramban was born, they both came from Gerona, the same Catalonian town, so perhaps that report has some authenticity.

Alternatively, one might not be as bold as Ramban, and one might not dismiss Maimonides' enumeration of the 613 mitzvot, widely accepted ever since. In that case we might say that the Rabbis sanctioned white *tzitzit* in the absence of blue as a defective, בדיעבד/*ex post facto*, rabbinic fulfillment of the biblical *mitzvah*. But today we can fulfill that *mitzvah* in a more excellent, *de'oraita* fashion by attaching *murex tekhelet*.

Does this matter? Admittedly, there is probably only one practical difference – and not a very practical one at that – as to whether the fulfillment is of full Torah or of lesser rabbinic status. *Tekhelet* is, by definition, a woolen thread. Can it be attached to a linen garment, or would that violate the prohibition on *shaatnez*? Conforming to the principle that “a positive commandment supersedes a prohibition” [e.g. *Betzah* 8b et al], and as examined in b. *Menahot* chapter 4, in order to fulfill the commandment of *tzitzit* at the biblical level one can indeed supersede the typical *shaatnez* prohibitions and place woolen *tekhelet* on a linen garment, and/or combine woolen strings together with linen for the fringes. But in the absence of *tekhelet*, for more than a millennium, *shaatnez* prohibitions remained in force.<sup>6</sup>

Whatever its application, at least in theory, there seems no doubt that adding *tekhelet* either creates a full *de'oraita* fulfillment instead of a merely rabbinic one [the one-mitzvah theory] or fulfills a second *de'oraita* along with the original one [the two-mitzvah theory].

The mildest praise one can find in the halakhic record for *tekhelet* is that it is “optimal,” or מצוה מן המובחר, in the words of the *Pnei Yehoshua* [at b. *Bava Metzia* 61a]. Perhaps that writer, R. Yehoshua Falk [Poland, 18<sup>th</sup> c.], meant that *tekhelet* is merely desirable, but not itself obligatory; this is how many interpreters understand him. Or perhaps he was merely speaking in exhortative language, affirming that adding blue is religiously superior to white alone. But even this fairly modest language is clear: one should get *tekhelet* if one can. This is a precious opportunity for us contemporary Jews to resurrect an ancient practice as the Torah prescribes. Blue threads add devotional and even meditative qualities to the *mitzvah*, as we can weave our clothing with threads of ocean, sky and heavenly throne [b. *Menahot* 43b]. Wearing *tekhelet* is a wonderful aspiration for devout Jews.

But is it absolutely obligatory? Must everyone get new *tzitzit* and pay the premium price? Phrased differently: does the newly fulfillable biblical obligation logically nullify the practice of wearing white-only *tzitzit*? A contemporary Israeli writer, R. Shmuel Ariel, makes a strong argument that since *tekhelet* became available, it is now forbidden to wear white-only fringes.<sup>7</sup> Neglecting blue nowadays constitutes *עשה מצות ביטול*, the willful rejection of a positive commandment. Better to wear no *tzitzit* at all, Ariel wrote, than to wear defective fringes. *Tzitzit* are, after all, only a conditional obligation: if one simply

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<sup>6</sup> This is clear from SA OH 9.5 and this comment there by R. Israel Meir HaKohen, Mishnah Berurah n.7: פ'י דבזמן[ט] שהיה תכלת שהיה צריך להטיל ד' חוטין שני חוטי לבן ושני חוטי תכלת (הוא צמר צבוע בדם חלזון) והיה מתקיים עי"ז המצות ציצית כראוי התירה לנו התורה להטיל השנים של לבן בין מצמר או מפשתים בין בבגד צמר או בבגד פשתים ולהי"א שזכר רמ"א בס"א דכל מיני בגדים חייבין מדאורייתא אפילו בהם היה אז מותר לנו מן התורה ציצית של צמר ופשתים יחדיו אבל עכשיו דאין לנו תכלת נמצא דאין אנו מקיימין המצוה בשלמותה לא שרי לן כלאים

<sup>7</sup> “*Tekhelet* in *Tzitzit*: Optimal Performance or Genuine Obligation?” *Tehumim* 21 [2001], 475-485.

avoids wearing four-cornered garments the *mitzvah* does not apply. So, he says, play it safe: either do the *mitzvah* correctly *deoraita* with a blue thread, or simply avoid four-cornered garments. If you don't wear *tzitzit* at all, you're guaranteed not to wear them incorrectly. If you can only afford *tekhelet* for a large *tallit*, wear that one during prayer and simply desist from wearing a *tallit katan* during the day.

This position has a certain logic. But it calls to mind the comment Haym Soloveitchik paraphrased from Samuel Butler: "Only extremes are logical, but they are absurd."<sup>8</sup>

As a heterodox *Halakhic* rabbi, I think all-or-nothing arguments are terrible religious guidance. When it comes to Jewish observance, something is always better than nothing. Moreover, no *mitzvah* performance – even wearing beautiful *tekhelet* – is perfect, and many options can be good in different ways. There are always nuances, gradations and choices to make among about how to use scarce resources and how to fulfill multiple different values. If someone declined to spend extra money for premium *tekhelet* and devoted the extra funds to feeding the poor, would anyone say they were rejecting a *mitzvah*? If someone lovingly wore an ancestor's heirloom *tallit*, would we call this impious? There are always opportunities to grow, in every single *mitzvah* for every single person. I do not believe that Jews must either choose to be maximalist *halakhic* pietists or just give up. I believe that every *mitzvah* we do – however imperfect – wins us an advocate before God [m. *Avot* 4.11]. Do not let the perfect become the enemy of the good.

A full theory of heterodox *halakhah* should elaborate this with more argumentation. But this is not the place to do more than to sketch this argument with a few relevant points, applied to *tekhelet*.

First, let us ask about the definition of rejecting [דחה] or nullifying [בטל] a positive commandment? Is that the way to describe every inadequate action or every person who executes a norm only partially? Alternatively, might some Jewish behavior be flawed, but still constitute a *mitzvah*?

The latter position is obviously correct.<sup>9</sup> And applies in our case. R. Yehuda Rock takes this view in a written response to R. Ariel.<sup>10</sup> Rock refracts his argument through a learned analysis of the implications of a dispute between Rabbenu Tam and RI Dampierre over wearing torn *tzitzit* on Shabbat. Insightful though that is, such a level of specificity is unnecessary. Rock ultimately cites a decisive rule from Rambam: "If one garbs oneself in such a cloak [requiring fringes] without *tzitzit*, then one has nullified a positive commandment [*Tzitzit* 3.10]." But a conventional white-only *tallit* is not "without *tzitzit*." Under Rashi's and Ramban's two-mitzvah theory, white-alone threads still constitute a

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<sup>8</sup> "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition*, 28:4 (1994). The original quotation can be found in *The Way of All Flesh*, ch. 69: "This is illogical, but extremes are alone logical, and they are always absurd, the mean is alone practicable and it is always illogical."

<sup>9</sup> For instance, matzah *shemura* is *halakhically* superior; plain matzah still fulfills a *mitzvah*. *Tefillin* from a single piece of leather are superior; *peshutim* of pieces sewn together are still kosher.

<sup>10</sup> "Nullifying a Positive Commandment in the Absence of Tekhelet in Tzitzit," *Teḥumin*, 24 (2004), 436-444.

biblical commandment! Adding a blue thread is superior, rendering the plain version incomplete. But if Jews wear *tallitot* resembling the ones our ancestors wore for more than 1,000 years, it is outrageous to suggest they have done no *mitzvah* at all. It is ludicrous to suggest that Jews are better off reciting the third paragraph of the *Shema* while wearing no *tzitzit* at all rather than accept the imperfect version identical to those R. Yosef Karo and R. Moshe Isserles wore.<sup>11</sup>

Next, note that the very concept that the “blue does not constrain the white” cannot be limited to the sad post-Talmudic era when, in *extremis*, *tekhelet* was unavailable. The permission for white-alone dates from the 2<sup>nd</sup> century, when the optimal blue threads were ideal and available, but scarce and expensive. And yet the *Mishnah* still prefers wearing imperfect white-alone to wearing nothing. In fact, the Talmud describes that very reality, in which people might have to choose how much of the *mitzvah* they could fulfill. The following parable notes that while everyone could attach white threads, not everyone could afford the more precious blue:

Said R. Meir: the punishment for failing to attach white is greater than for failing to attach blue. A parable: What is this like? A king who instructed two servants. To one he said *bring me a seal of clay*. To one he said *bring me a seal of gold*. Both failed and did not bring. Whose punishment was greater? Surely the one who could not be bothered to bring a seal of clay [b. *Menahot* 43b].

Even during Mishnaic times, it took extraordinary effort and expense to perform the *mitzvah* at biblical levels. Still, R. Meir displayed an encouraging and understanding attitude to those who failed, stressing that even when blue was beyond someone’s means, everyone should wear white.

Third, I appreciate that the modern availability of *tekhelet* makes it possible for Jews – including our heterodox communities – to aspire to ritual excellence. Rabbi Booth considered, and we discussed in oral presentations, whether adding blue fringes risked *yuhara*, or “ostentatious piety” that might intimidate some people and permit others to be show-offs. That is a worthy concern.

At the same time, all too often we Conservative Jews strive no higher than mediocrity in our practice of Judaism. Where is our sense of *hiddur mitzvah*, our drive for the most beautiful, refined and skilled performance of the commandments? Our communities understand that a special Gibson guitar can help you make beautiful music and that Le Creuset pots can help you cook delicious food. With *tekhelet*, we have an opportunity for those who aspire to perform the *mitzvah* in an optimal way. That deserves celebration.

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<sup>11</sup> See b. *Berakhot* 14b and its parallel *Midrash Sekhel Tov* to Exodus 13.16, which suggest that reciting this paragraph wearing no *tzitzit* at all is tantamount to denying the divine commandment altogether.