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 פותיל תכלת, 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/תנ"א 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\(^1\) and sold today by the Ptil Tekhelet Foundation qualifies as authentic tekhelet.\(^2\) 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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\(^1\) 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\(^{th}\) century.

\(^2\) 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.3 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 עון, 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.”4 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.

הַתְּכֵלֶת אֵינָהּ מְּעַכֶבֶת אֶת הַלָבָן, וְּהַלָבָן אֵינוֹ מְּעַכֵב אֶת הַתְּכֵלֶת. תְּפִלָה שֶל יָד אֵינָהּ מְּעַכֶבֶת שֶל רֹאש, וְּשֶל ראש אֵינָהּ מְּעַכֶבֶת שֶל 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.

3 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 א(QWidget does not match any words) blood. 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, 19th c., introduction to Seder Moed, כללי בגדי קודש לכהונה ד”ה水晶 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.

4 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:

וראותם את ה - 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.⁵ 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.

⁵ 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 Catalanian 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, דירש ואך/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.⁶

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 מְצְוָה הַמְּצוּיָה, in the words of the Pnei Yehoshua [at b. Bava Metzia 61a]. Perhaps that writer, R. Yehoshua Falk [Poland, 18th 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 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.⁷ Neglecting blue nowadays constitutes בָּדַא בֵּיתוֹ מְצֻּוָּה, 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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⁶ This is clear from SA OH 9.5 and this comment there by R. Israel Meir HaKohen, Mishnah Berurah n.7: פ”ד, ברצון[ו] שוחה חכמתו של ה’ והם רעים, בחינה של מצוות הלכות תלמוד, היא מצוות לעשות צמר בד הר.”⁷ “Tekhelet in Tzitzit: Optimal Performance or Genuine Obligation?” Tehumin 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.”

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 tekheket – is perfect, and many options can be good in different ways. There are always nuances, gradations and choices to make 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. And applies in our case. R. Yehuda Rock takes this view in a written response to R. Ariel. 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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8 “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.”
9 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.
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.\(^\text{11}\)

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 2nd 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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\(^\text{11}\) 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.