

HAYIM N. BYALIK, recognized as the national poet of the Jews, is also famous for his prose writings. Spiritual heir of the ancient prophets, he also drank deep from the rich "sea of the Talmud." In the present essay, "Law and Legend," the poet, with his vast learning, endeavors to show that the two great branches of rabbinical learning go hand in hand. It is largely believed that the Halakah and Aggada demanded opposite gifts; they illustrate the natural opposition between Science and Poetry. In the present essay, Byalik aims to remove this rather doubtful conception. He finds the Halakah and Aggada complementing one another. In both of them the Jewish past is reflected. It is an emotional conception by which he discovered this past is like the past of others. In the Halakah and Aggada he finds that past existing and therefore alive. He revives the past to such a degree that it becomes the present actuality.

This entire essay is one of great interest with a fine enthusiasm for the subjects which the eminent poet endeavors to set before his readers' minds. It shows that thorough erudition, clear discernment and criticism for which Byalik is noted. Surely, it will go far to encourage the study of both, the Halakah and the Aggada.

J. B.

298  
B576L  
1923

# LAW and LEGEND

OR

## HALAKAH AND AGGADA

BY

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*Bialik Hayyim  
Vahman, 1828-  
'1934*

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1923

BLOCH PUBLISHING COMPANY

"The Jewish Book Concern"

NEW YORK

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(UNIVERSITY OF JUDAISM)

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## LAW AND LEGEND

### or Halakah and Aggada

Halakah wears an angry frown; Aggada, a broad smile. The one is the embodiment of the Attribute of Justice, iron-handed, rigorous and severe; the other is the embodiment of the Quality of Mercy, essentially lenient and indulgent, as mild as a dove. The one promulgates coercive decrees and knows no compromise; the other, presumes only to suggest and is sympathetically cognizant of man's shortcomings; she is shilly-shally and weak-willed. Halakah represents the body, the actual deed; Aggada represents the soul, the content, the fervent motive. Halakah enjoins a dogged adherence and imposes upon us stern obligations; Aggada, on the other hand, holds out the prospect of continual rejuvenescence, liberty and freedom.

So much for the difference of Halakah and Aggada as the spokesmen of two disparate modes of living. Their respective literary forms, however, also present differences eloquent of considerable, and added, qualifications. In the former we find a dry prose, a stiff stereotyped style, a monotony of language, eloquent of the Supremacy of Reason; but in the latter, that is, in the literature of the Aggada, we meet with a poetic buoyancy, a style fresh and fluent seasoned with colorful language, qualities pointing unmistakably to the Supremacy of the Imagination.

It is entirely possible to enumerate many other, assumed or real, differences between Halakah and Aggada and to discover a grain of truth in all of them.

And yet, one may ask, will all this evidence warrant the opinion held by many people that Halakah and Aggada are jealous rivals, and that they constitute a complete and absolute antithesis? Those who are inclined to think so seem to us to confound accident with permanence and form with substance. They may be compared to the person who considers the ice and the water of the river as forming two distinct elements. For, in fact, Halakah and Aggada are two elements that in reality are one; they are merely two phases of the same phenomenon.

They are to each other what the word is to the thought and the impulse; or what the deed, the plastic representation, is to the concept. Halakah is the crystallization, the necessary and ultimate consummation of the Aggada; whereas, Aggada is the real content, as well as the soul, of Halakah. The reverberations of the turbulent passions of a heart that yearns for the fulfilment of its desires and ambitions—that is Aggada. The Pause—the temporary gratification of this yearning and its quiescence—that is Halakah. Dreams press on to reality, the thought to the spoken word, the will to the deed, the flower to the fruit—and Aggada to Halakah. Hidden in the fruit, however, lies the seed of a new flower. Thus the Halakah that attains the lofty heights of concretized symbolism—and such indeed there is, as we shall see later—itself becomes the mother of a new Aggada, similar or dissimilar to it. A living Halakah is the embodiment of an Aggada of the past and the seed of the future, and so it is also conversely; for the beginning and end of these two are indissolubly joined and linked with each other.

What, pray, are all the Taryag Mitzwoth but the

final quintessence of ancient myths and customs—the living or Oral Law, the Law of the Heart—which were, so to speak, afloat in the air for thousands of years until the hour struck for them and they were ready to become stabilized in the form of laws, inscribed on rocks and written down on parchment? The sacrificial laws, the laws regarding defilement and purity, of pure and impure food, and the like, find their origin in the ancient lore of the priests; the Memorial Mitzwoth find theirs in the historical legends of the people, and the civil code was conceived in the conceptions of justice and mercy that dwelt in the hearts of the people and were expounded at all times by its men of genius.

Yet even after they were written down, these laws did not petrify and become dead, because the Oral Law, that is historical tradition, never ceased for a moment and its vitalizing current was ever infusing life into the letter, extending or narrowing its scope and application, and, at times, even annulling it—always in accordance with special needs or even newer ideas and doctrines. Not only “Moses wrote and Ezekiel annulled,” but even a “Daniel the Tailor” did not hesitate to attack sharply an important prohibition of the Torah and to express the hope that it would be annulled “in the world to come.” \*

These respective processes of Halakah and Aggada are quite obvious, especially in times of “revolution” and the giving of new laws. The discarded Halakah then sinks down again into the heart-crucible where it is melted into Aggada which in turn, cleansed and purified, returns to fill the moulds of thought and practice where it once more solidifies into Halakah in a new and improved form. Halakah, therefore, is a

\*Note I, p. 31.

creative force no less than Aggada. Its task is the greatest in the world. It embraces the art of living, the conduct of life. Its materials are man with all his emotional complexes; its means, individual, communal and national education. And its accomplishments: a long succession of days of virtuous living and good works, the path of life for the individual and the group successfully laid amidst obstructions and entanglements; in short, the orderly progression and well-measured cadence of life.

The creations of the Halakah do not possess the unity of matter, place and time like the creations of the arts, of architecture, sculpture or music. They take shape very gradually, slowly gathering in line after line from the entire course of man's life and deed, and presenting at the end one grand aggregate.

Halakah is the art of education, the pedagogy of an entire people; and all its teachings are determined by the Holy Spirit in man, by a divine wisdom which sees the remotest future in the present, the end in the beginning. Day by day, hour after hour, the Halakah is busy perfecting just one form; the true likeness of man, the image of God in man.

The Cathedral of Cologne, the Cathedral of Milan, and Notre Dame of Paris, were gloriously perfected and achieved through the united endeavors of immortal artists, each one of them in his own day dedicating his life and his best creative talent to the ideal so sacred to him. It is beyond a doubt that only the submission of all of them to the one central idea made possible the measure of success they attained in their holy task. The idea of building a "House of God" was ever before their eyes—in the sense of "like unto the vision which thou wert shown," spoken to Moses.

when he was about to build the Tabernacle—and caused the "Holy Spirit" to descend upon them, the spirit which guided the rule and chisel and brush in their hands and prompted every line and groove, every beam and board, which, after the centuries-long labor of many individuals separated from each other by space and time, constituted one imposing and glorious structure.

The Jews have a beautiful creation of their own—a holy day—the "Princess Sabbath," whom the imagination of the people endowed with a living soul, with a body and form, perfect in beauty and splendor. She is the Sabbath given by God to the world after six days of creation, so that the "embroidered and brocaded canopy shall not want for a bride." She was the treasure guarded by God in His chambers, the bride for whom He found no proper mate except Israel. According to the folk-tale she sits, the daughter of the king, "as a bride set among her maids" hidden in the place of Eden, in the innermost of seven chambers, her six hand-maids, the six work-days, in attendance upon her. When she enters the town, all turn their faces to the gate and greet her with a joyful blessing, "Enter, O Bride, enter O Bride, thou Princess Sabbath," while the early Chasidim went out into the fields to receive her. Once she appeared in a dream to Ibn Ezra and sent through him a pathetic letter to her mate, Israel; the well-known "Epistle of Sabbath."

All poets of Israel, from Judah Halevi to Heinrich Heine, dedicated to her their poems and songs. Is she not, then, a perfect Aggadic ideal? Is she not in herself a fountain of life and holiness for an entire people, a spring welling copious inspiration for poets

and singers? And yet who can say, or who will determine, whose handiwork she is and by what means she came to be what she is, Halakah or Aggada?

Tractate Sabbath contains one hundred and fifty-seven folios; Erubin, one hundred and five, and the Aggadic passages in these tractates are few indeed. They dwell mostly on elaborate investigations into the thirty-nine forms of forbidden labor and their branches and offshoots, the fixing of "Tchumin" (boundaries) for the Sabbath and the holidays and the like subjects. "With what may one light his house for Sabbath?" "With what may a beast go out?" "How may a partnership in Tchumin be effected?" and such. What a weariness of the mind; what a squandering of earnest thinking on every jot and dot. And yet, as I peruse these folios and watch groups upon groups of Tanaim and Amoraim at work, I exclaim, "Artists of life are these men; artists of life at work in the potter's house, at the potter's wheel." Such a tremendous labor of the mind—dwarfish and gigantic at the same time—done for its own sake, can come only out of a faith and love unbounded, and is quite impossible without the aid of the Holy Spirit in its full manifestation. Each of these individuals did his work according to his individual character and natural propensities; yet all of them bowed their heads in submission to a higher will that controlled them all. It cannot have happened otherwise than that one sublime idea, one divine and ideal form of Sabbath, was before the eyes of all these different individuals, which coordinated their work through many generations and made them co-partners in its creation and final perfection.

Each "point of objection," each "point of contradiction," each "fence" and definition is nothing else but

a new line, a new phase of the old form, both of them necessary to complete and perfect it. And what is the result of all this wearisome labor of the Halakah? A day that is an idyl of Aggadic splendor and beauty!

Examples such as this one are not wanting throughout the Talmud. There is the Day of Atonement, the Passover, and all the other holidays. They are all beautiful creations, full of vital and life-giving content, and noble, edifying thoughts, although they all are children of the strictest Halakah which surrounded them with her "fences" and restrictions on all sides. While the artists of other peoples sat in their studios and meditated with a delicate and dainty sensitiveness on the principles and proportions of harmony as applied to marble—to take an instance—for the gratification of man's senses, the Talmidei-chakamim sat in the House of Study and, with a holy inspiration and a clear vision, meditated on the principles and proportions of soul-harmony as exemplified by the charitable deed, performed for the gratification and betterment of man and for "the refining of mankind." I do not claim to know which of these two pursuits is the greater; but I do maintain that both are true creations; ideas that have materialized, thoughts that have become actualities through the creative genius of man.

The both of them afford opportunities for the revelation of beauty in all its splendor, while the Holy Spirit and Heaven's mercy are alike indispensable to both. They differ only in their materials and means, in the way that the several "legitimate" arts, painting and music for example, differ from each other. There is, however, a more fundamental difference. The creations of the legitimate arts, because they address

themselves to the individual and also because they possess the unities of matter, place, and time, as we mentioned above, are comprehended at once, immediately and directly; but not so the creations of the Halakah. These are intended for groups as well as for individuals, spreading over many lands and many years; and for this reason the entire phenomenon, of which they form parts and distinctive features, is apprehended only after profound contemplation and from the perspective of distance. If a city were to be built on any elaborate architectural plan, we could not visualize the entire plan nor appreciate the perfection of its beauty excepting as we study the prints or see it from some high tower, but in no conceivable case, by walking through the streets where the individual features preclude a full, comprehensive view. "Too many trees conceal the forest" is a wise old proverb; but shall the consummate beauty of the idea suffer on that account? To him who yearns to behold the sight, we say: Ascend the mountain!

Yet it often happens that one Halakic detail reveals to us a world of Aggada that is hidden within it. For instance, in the Tractate Sabbath and in the Tosefta there is embedded the following Halakah. "All books of the Holy Scriptures may be rescued from the fire on the Sabbath; if they are written in Aramaic, or any other language—Coptic, Median or Greek—they may also be rescued; Rabbi Jose says they may not be rescued." A petty detail of Halakah this, an unimportant question, is it not so? Yet who will fail to recognize at once that this unimportant Halakah presents, in extreme concision but potential fulness, a complete artistic formulation of the historical and psychological relations of the various national groups

to two of the most important of the people's possessions—its language and its literature? Who does not see that the difference of opinion in this Mishna is again the well-known "*Sprachenfrage*" which has continued with us from the remotest past to the present day?

"Do not deprecate the Aramaic language for the Lord has honored it," and on the other hand, "no one should pray in Aramaic, for the angels are not bound to be in his service." "When the Holy One, Blessed be He, came to give the Torah to Israel He spoke the language they understood, the Egyptian language" and yet we find 'so shalt thou speak to the children of Israel,' so, in the Hebrew which I speak with you." "When the Holy One, Blessed be He, revealed Himself to Israel, He spoke not one language but four languages: Hebrew, Latin, Arabic and Aramaic," and "the day when the Torah was translated into Greek was as portentous to Israel as the day when the Golden Calf was made, and there were then three days of darkness in Palestine." And again, we find it said that, "the day when Jonathan ben Uziel translated the Prophets into Aramaic, Palestine quaked four hundred by four hundred parsah."

Passages like these, and many others like them that may properly be considered as the echo of the people's divided outlooks, are the Aggadic form of the *Sprachenfrage* while the brief Mishna quoted above, also recording a difference of opinion, is the necessary and ultimate form of the Aggada on that subject, a practical summing up of the question in the form of a judgment or a definite decision. Here we find a lyricism that is tender and emotional; there an epic severely composed, chaste, clear and positive. Wis-

dom has chosen the instance of a conflagration as the subject of the Mishna's discussion, a moment of confusion and danger when one does not stop to think, but heeds the instinctive call of the heart and tries to save that which is dearest to it. Fire is only a poignant example, but the law applies as well to a flood, sudden exile or any other emergency.

Thus, this slight detail of the Halakic ordinance reveals to the student a great historical law which serves as instruction to a whole people, perplexed and in haste, unable to save all its treasures, yet loath to desert all of them, as to how and what to do in the hour of affliction and danger. The author of the Mishna surely did not speak in rhetorical figures, and intended nothing else than to lay down the law as it should be practiced, in a given emergency, or, at least, to give definite form in the case at hand to the will, or perhaps the custom, of the people as these were then known; the former through Aggadic legends, the latter through actual prescription. Similarly, those many thousands of individuals of all ages who laid down their lives in the hour of danger to save what they could from destruction, whether according to the majority opinion of the Mishna or according to Rabbi Jose, intended nothing more than merely to "live up to the law." And what came of it? Knowingly or unknowingly, all of them were in the service of the genius of the people, and if today we stand before our depleted treasure-chest and mumble in our misery, "We have nothing left but this Torah," we know right well in our heart that even this scant remnant was saved thanks only to those individuals who, each in his time and place, carried out the dictates of their hearts according to the law, "kehalakah."

An earnest and searching examination of the Halakah such as quoted above, is itself quite sufficient to raise it out of its prosaic associations and elevate it to the dignity of a symbol. The inquiring heart, however, is not so easily satisfied, but we must pass in review before our mind's eye, scene after scene, in relation to that self-same Halakah.

Together with Renan, we see with our mind's eye the ancient Priest-Levite going down into Babylonia with the exiles, walking along wearily beside his donkey, upon whose back are laden scroll upon scroll of prophetic literature. He it was who rescued the Scriptures from the conflagration.

We see Rabbi Jochanan ben Zakkai standing before the Emperor Vespasian and pleading with him, "Give us Jamnia and her wise men and the Patriarchate of Rabban Gamaliel." He also rescued a holy remnant from the conflagration.

And again; we see a venerable man of eighty, Rabbi Judah ben Babba, investing five elders between two great mountains, between Usha and Sforom, under the very arrows of the enemy, and saying to them, "My sons, flee for safety," while he remains lying there before the enemy, "like a rock which no one can lift," perforated like a sieve by the arrows.

And yet once more; the House of Study of Rabbi Judah the Prince and his disciples is all astir. All hands are busy searching for Halakoth, comparing oral versions, examining "witnesses," clarifying and annotating—they are writing down the Oral Law! They are aware that they are enacting a "revolution"—oral tradition may not be written down—but, "It is time to do for the Lord, for they have broken Thy laws." Interest is declining, the dispersion is

becoming wider and memory is failing. It is necessary to go to the rescue.

And again; the four captives bringing the Talmud to Spain; Rambam's work; the family of translators, the Tibbonites, in haste to translate books of great value to the people from foreign languages into Hebrew.

And once more; groups and groups of Jews, escaped from the sword and the massacre, generation after generation, wind their weary way, with the Torah tightly clasped in their arms. Many, very many individuals, just plain Jews, beadles, tailors and cobblers, lay down their lives before the Holy Ark in their attempt to protect that which is sacred to them. And how many men of piety and good deeds, modest saints and voluntary exiles, wander about from place to place with only their staves and knapsacks, some sacred, beloved volume hidden away in their Tallis-bag! And history boasts many of these.

All these scenes differ from each other only insofar as it concerns the actors, the nature and the method of the rescue, but the inner, the psychological content of all of them is always the same: the rescue from destruction of the most important national possession according to the predilection and views of the individual effecting the rescue. Here we may fittingly ask, which opinion shall we accept as law? The first one which says, "Only books written in Hebrew can be rescued" or the second that includes, "books written in any language?" The answer to this question must be sought in the history and in the life of the people, and there, perhaps, we may again find the same difference of opinion as that recorded in the Mishna. For our present purpose, however, this question is

unimportant. What is now important is to show how well it is possible for a slight, dry Halakic detail to rise to the height of a symbol in proportion as its hardened crust dissolves into Aggada in the crucible of the quick and living emotion. And I am entirely certain that even the Aggada relating to our present *Sprachenfrage*, will eventually become more and more clarified until in the end it will appear as a new Halakah and in accordance with the opinions and needs of the times, concisely and clearly phrased, it will read like this: "Hebrew shall be the only language of instruction, so say the Chakamim; Rabbi Ploni says that it may be in Hebrew or Aramaic or any language; Rabbi Almoni says that the question depends upon the subject in which instruction is to be given. Rabbi Palmoni differs with all these opinions and says that instruction should be given only in Jewish."

And the Rashi of the future will comment: "Jewish" here means Yiddish or Ivri-Teitch, which was the language spoken by the Jews at the time and place of residence of R. Palmoni; it cannot mean Hebrew as in the Scriptures (Isaiah, XXXVI, 11) because what, then, would be the difference between R. Palmoni and the Chakamim?

The Halakah, which was quoted above as an example, is not by any means an exception to the rule. There are many others like it. And, generally speaking, I doubt whether there is any Halakah at all which is not connected more or less with the world of speculation, deriving strength from some higher idea, personal, social or national. After all, it is but one of the forms in which the creative spirit of man takes shape,—and who knows the ways of the spirit?

"One may not go out on the Sabbath with a sword or a bow, a shield, staff or spear—R. Eliezer says, they are man's ornaments, and one may go out with them\*; The Chakamim say, they are his shame, for it is written: "and they shall beat their swords into ploughshares and the spears into pruning knives; nation shall not lift sword against nation, neither shall they learn war any more."

Here are opinions upon taste in the matter of apparel based upon passages respectively chosen from the kingly bard and the greatest of the Prophets. In what connection are they quoted? The prohibition of carrying burdens on the Sabbath. All the legal details of Tractate Berachoth are but the dress and adornment of the noble thought that is contained in the passage, "The Lord's is the earth and the fulness thereof"; of that constant feeling of wonder at the grandeur of nature and its changes. "The wicked are like the dead. They see the sun rise but do not recite 'the Creator of light,'"—the sun set, and do not say "He that bringeth the night"; but the righteous recite a blessing for whatever they eat and drink and see and hear" (Tanhuma, Beracha). "One who sees beautiful creatures and trees shall say in the way of a blessing: Blessed be He who hath such in His world."

This story is told of Rabban Simeon ben Gamaliel: Once, from the stairway of the Temple-hill, he saw a remarkably beautiful Gentile woman; in the way of a blessing he exclaimed, "How many are Thy creatures, oh Lord!" And we find: "he who says, how good is this bread, blessed be He who created it; he who says, how good these figs are, blessed be He who

\*Gird thy sword upon thy thigh, oh warrior, thy glory and thy majesty. (Psalm 45, 3).

created them—that is their blessing." And that same cruel and rigid Halakah which prohibits mourning on the Sabbath and permits the comforting of mourners only reluctantly, says with such delicate sympathy, "One who weeps on the Sabbath to sooth his sorrows—that is his Oneg-Sabbath." (Tosefta, Sabbath).

No, Halakah is by no means the negation of the emotions but rather their control. We see in it not the supremacy of Justice over Mercy, but the unified combination of both of them. The apparent cruelty of the Halakah is that of a creative, preservative force, of the category of "Strength in Mercy," which is the attribute of "Beauty."\* And that is most fitting for it and in keeping with its practical nature. Is there a severer punishment than the death sentence? Yet though, "the hanged is the accursed of God," "the likeness of the king, the image of God has been hanged." "When a man is in sorrow, in what manner does the Shechina speak? 'My head, my arm is weary.'" The Shechina, as it were, had struck itself and now complains against itself. There is the ordinary mercy and a mercy far and high above it; the mercy of a father, that sees with clearer vision and withholds itself temporarily for the sake of the future, and both of them are the mercies of a living God. Ask a child and he will quote you: "The Lord, the Lord, God, merciful and gracious," and yet, this notwithstanding, "He who says in his prayers, 'Thy mercies reach even the bird's nest' must be silenced; he makes the Commandments of God mercies, whereas they are stern decrees," or a higher mercy with an eye to the future good. Surely it is not without

\*An allusion to the seven Cabbalistic Attributes: Mercy, Strength, Beauty, Victory, Glory, Foundation, Kingdom.

reason that the Jewish people, or at least the greater part of it, put its neck into the iron yoke of the Halakah, and what is more, when it began its wanderings, took with it a heavy burden of laws and Halakoth and "preferred to leave behind it the poems and songs that make the heart merry," as Shadal says. This fact inspired Shadal so greatly in his day that he exclaimed, "How holy is this nation!"

And what does the Halakah itself say? "He who walks by the wayside studying, and breaks off his studies and says, 'How fine is that tree, how fine is that fallow,' is regarded by the Scriptures as if he had forfeited his life." Our aesthetes have spent the arrows of their criticism on this poor Mishna, but the men of understanding will read between its lines the heart-sigh and the anxious worry for the future fate of a people that is "walking by the wayside and carries in its hand nothing but a book of its own, and whose vital attachment to any of the lands of its sojourns is bought at the price of its soul."\*

It is, of course, entirely plain that not all Halakahs are of equal value or equal vitality. There are the barren Halakahs that represent nothing but mere command and ordinance, and there are others that are very fertile and perennially productive. Some are like an empty vessel that has been laid on the shelf waiting for the hour of its usefulness to arrive; others are like vessels that are in constant use, always emptied and refilled with some new content. There are also some Halakahs that are like coffins for the preservation of embalmed corpses and are known in the traditional terminology as "hukkim," that is, laws whose significance and origin are shrouded in

\*From Achad Ha'Am.

obscurity. The skeletons of very ancient myths and legends were laid to rest in them and their petrified remains have survived to this day, causing people to wonder and stimulating the fancy of the investigators into such mysteries. A dark tunnel that runs through the mountains very often enables us to gain a few miles on our journey, and thus brings us quite suddenly into new regions. And an unintelligible remnant of antiquity, when we enter into its very spirit and "cause its lips to speak," transports us just as suddenly and as if by a magic carpet, into the world of a thousand generations ago.

So, for instance, the attire of the Hebrew and the laws pertaining thereto, is, as an old Midrashic passage so wonderfully indicates (Jalkut Reubeni, Numbers XV), a perfect and concrete representation of—what do you think?—the Cain and Abel story.\*

In the same way the prohibition of the cooking of a kid in its mother's milk has its roots in the old sacrificial rites of the early Feast of Weeks, when it had not yet become "the season of the Giving of the Law" but was simply a harvest festival on which a kid (G'di), the symbol of blessing and bounty, cooked in its mother's milk, was offered as a sacrifice to Astarte, the goddess of fertility and prosperity. How wonderful a thing it is that, to this very day, it is a custom of Israel—and one that has given much trouble to those who search for "reasons"—to eat on the Feast of Weeks a dairy meal shortly after eating meat, contrary to the usual custom. Strictly observant people go one better and partake of meat cooked in almond milk. (Shulchan Aruch).

Such surprises are plentifully in store for people dabbling in these matters. We thus see how strongly

\* Note II, p. 32.

even such obscure "hukkim" are attached to the mythological and legendary symbolic system of the people. But, aside from these there are indeed many other important things that were the very substance, the very life, of our people in the past, that have retained their vitality to this day and give the promise of endless possibilities for the future. If these "vessels of life" have temporarily been relegated to the shelf, it does not yet constitute any evidence that they have become useless.

It is a great and general truth that any form of life and thought while yet in the process of creation, that is, when it is yet a growing thing, is its own content to the mind of its creator. When the creative process is complete, however, and the form is generally accepted it descends to the estate of a mere instrument, a vessel that has nothing essentially its own, but holds for every man just exactly what he puts into it, once and again and as he uses it. He who puts gold therein shall find gold, and he who puts dust therein shall find—dust. One who has nothing to put in it, is at liberty to let it rust; but let not such a man say, "The vessel is worthless, let us discard it"; let him rather say, "Alas, I am poor."

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Is it necessary to consider under a special head Halakah and Aggada and their reciprocal action as two distinct forms and styles of literature? What has been said above regarding Halakah and Aggada from the point of view of their very essence as two distinct forms or modes of life will be pertinent also to this question. For what is literature but *vita scripta*? However, on account of the tendency among our modern Aggadists to claim autonomy for literature

under the dictum of "art for art's sake" and to place it "above and beyond life," that is, outside of life, one cannot at all be sure that what has been said above will be sufficient to convince them. On the contrary, one is almost certain of the reverse; whether they admit the partial truth, at least, of those opinions or not, it is certain that any one claiming that the written Halakah, as well as the Aggada, can serve as material for an important department of literature, will risk the danger of being considered by them as one who had never tasted of "beauty," or be like that fervent Lithuanian Jew who sings on Simchas Torah, "An ox that gored a cow." Halakah—and literature, how strange! Is there anything more antithetical than these two? There is not a youth among us who does not know that literature is identical with Aggada of all kinds and all times: from the stories and the rhetoric of the Bible to our modern belles-lettres; but the Halakah! is there any life-sap in it, is there any beauty in it?

The claims which the Aggadists advance to disparage the Halakah are indeed not entirely novel, and have already been advanced a long time ago. The Talmudists knew a story or two pertaining to this question, with only this difference, that they reached the conclusion that Halakah was like "bars of gold" and the Aggada, like "small nuggets," whereas our Aggadists hold that Halakah is not comprehended in the name of literature at all. Are they right? Is it true that the entire Halakah, without exception, is like a fruitless tree as regards literature?

It seems that this severe judgment is the result of another confounding of form with substance and the taking of accident for essence. The fundamental

works of the Halakah, the Mishna and the Baraitas, as their very nature and purpose seemingly require it, bear the form of codes and collections of decisions, and that is the reason for their not being recognized as literature as the term is understood today. However, only those who "see with their eyes only," will pass such judgment. If these books contained only logical formulas and abstract principles of jurisprudence, the claims of the Aggadists would be well founded indeed; but who does not know that in the Hebrew Halakah there is hardly any room for abstractions, and that practically the whole of it is pictorial and concrete? "Two that are holding a cloak," "the potter who brought his wares," "one who leaves his pot"—this is the usual style of Hebrew Halakah. The whole extent of it, from beginning to end, is sprinkled with various descriptions, both short and lengthy ones, of the actual life of the Hebrews during a thousand years or more.

Aggada, which receives its inspiration from the world of ideas, is concerned with that which should be, and with that which is desired; and as I read it I know what the soul of the people meditated and what it yearned for. Halakah, on the other hand, fed by a world of reality, is concerned with that which is, with established life, and shows us convincingly, by short and impressive descriptions, the very life of the people and its actual substance. I see here plainly how the people gave expression to their vague cravings in well defined and well established forms of life, in facts and deeds. When you read the Mishna, let not your forehead contract in furrows. Pass gently among its chapters as one who rambles among the ruins of some ancient city. Roam among the Halakic

decisions that are closely arranged like bricks in a wall and resemble in their exactness some fine masonry. Consider with an open mind all the scenes and pictures scattered there in confusion by the thousand, and say then to yourself, are you not seeing before you the actual life of a nation which was arrested and petrified thus suddenly, in the very midst and height of its busy and bustling traffic?

I refer not only to the descriptions that you occasionally find there perfect and complete in all details, such as the description of the bringing of the first fruits, the order of the Atonement ritual, the order of court procedure, and the like. Such descriptive chapters are indeed veritable epics, and from this better class, I judge also the smaller and imperfect fragments of a petrified life, which are largely the material out of which the Six Orders of the Mishna were constructed. Are all of these of no value to literature? Are they really and absolutely worthless?

When a Jew is reading in the Division of Plants, for instance, does it not happen that suddenly he becomes aware of a spirit of life, the fragrance of the soil and its verdure; and that quite as suddenly he forgets that he is in the Beth-hamidrash studying. He sees the "people," the "people of the soil," busy with all the labors of the field and vineyard, the vegetable garden and the threshing floor. He sees the peasant and the Priest going the round of threshing floors, the poor and the tottering stragglers gleaning in the fields, throwing themselves or their garment on the Peah to gain possession of it, quarreling over it and dealing each other blows with the sickle; the dappled fields with their wheat and darnel, the fennel and the portulak; the vine leaning against the fig tree, and

the ant-holes in the flour; the wind rushing through the vines, the man who picks wet herbs, he who heaps up dry fruits, the vintager who cuts the grape cluster that had just then become entangled in the leaves, fallen from his grasp and crushed on the ground; the wheat-heap and the single ear of grain which serves as "Terumah" for the entire heap, the roe that was bought for the money of the second tithe, the tree that stands within but leans out, the ripe pomegranate round which a weed has been tied, the young doves that perch on the baskets, and many other similar scenes. And as one reviews the divisions of the "Seasons" and "Women," does he not see plainly the domestic life of the Hebrews and the many details of its routine? And coming to "Damages," does he not feel as if he were looking at the Hebrew street and marketplace that froze still suddenly one day while its busy bartering and noisy bustle was at its very height?

At times such a one feels that soon, and at any moment almost, some miracle man, a great artist, will come, pass the divine wonder-working staff—his creative talent—over this petrified existence, which will then return to a new life as a result of his wonderful creative genius. Even so, give us but a little bit of the "Holy Spirit" and the Halakah will be transformed by him into an epic. Were there not among us men "who saw the act and remembered the Halakah?" Then why should we not have men who "seeing the Halakah will remember the act?"

It is true that this is a rather poor epic, since the narrative strain is entirely absent. The whole of it is mere description; short notes on the customs of a drab world, the slow and ordinary work-a-day life.

And even these are given, not for their own sake, but in connection with other matters and just by the way. But what, in this case, is to be done? Such was the Jewish life in those days, and so was it preserved in the only national book that came out of that era. There was no other life, or at least there is now no memory of it. The heroic age, the age when the Biblical Epic was created, had already passed out of life and literature, never to come back. Life had become stationary; the days of guarding the walls, of defending that which had already been built, had come; the days when "fences" were raised to guard the older fences. Both the Halakah and Aggada of those days bear the impress of the age; a dull passivity. There is no greatness in them; they are both just fragments, fragments of thought and feeling, and fragments of action. Yet, the perfect and complete artist, he who does not have to suck his thumb for inspiration nor to lick it from others' plates, that he finds on some strange table, but immerses himself and draws his inspiration from the unfathomed depths of the soul of the people and the mysteries of its life—to an artist of this genre I say, it is not impossible to do great things even with such scanty materials, provided only that these great things dwell in his own innermost soul. What does the God-blessed artist need in order to create? Just a little "original matter," just enough for the mind to fasten on. If the material be poor, the artist will enrich it from his own treasure; if it be lifeless, he will give it life from the rich source of his own life. The consummate art, which is not a spade to dig with nor a crown of haughtiness on the head of fools intoxicated with self-love and false praise, is established, even like the

Torah, only by him who for its sake lays down his life in order to enhance life. The great essential thing is the vital, the living, relation of the artist to the forms of life before him. Anyone declaring himself in favor of the repudiation of any of these forms, ought first to be examined as to whether his own life had not suffered a serious defection, in-so-far as these important matters are concerned.

Shall we indeed draw living waters from the Halakah, that apparently barren rock? This will be the query of the astonished, the unbelieving men of this skeptical age. Even so shall it be if the rod of God be in your hand and a spring of life in your heart! Had we but true artists and God-blessed geniuses whose creative life had not been emasculated, they would give speech even to this rock, and with just a little talent, would transform the Halakah into a veritable epic. But our artists are at present quite content to labor with borrowed vessels and engage in the bad imitations of forms which they find ready at hand. This practice is not always honorable, but quite easy. For this reason is it that even in Aggada, which they ostensibly accept, they have not yet proven their real strength. The Aggada is still waiting for the Redeemer who will come and transform it into a national lyric; into a truly new poetry—a task which even the older "Paytanim" with all their labor did not accomplish on account of their meager talent and the absence of a really vital connection with this form of literature.

So then, shall we turn about and go back to—the Shulchan Aruch? Anyone interpreting my words in this manner has not understood me at all. The words "Halakah" and "Aggada," are of the Talmud and they have there a specific meaning; but in their essence and

scope they are much wider and include all cognate phenomena, both of the epochs preceding the Talmud and of those following it. They are two distinctive forms, two style variations that accompany each other in life and literature. Every generation has its Aggada and every Aggada, its own Halakah.

We are not talking of any particular Halakah, but of the concept; of the broad generality, as a determined, tangible form of substantial living that is not flimsy and ethereal, depending on mere emotions and fine phrases, but has body and fine substance as well as form. Great indeed is the Aggada that leads to Halakah; but Aggada without Halakah is as one bereaved, ending in utter futility and destroying the energetic vigor of its devotees. He who says, "I honor nothing but Aggada"—go now and see whether his Aggada is not a poor fruitless flower. He is very much like the man who plucks the blossom, but is heedless of the fruit. In the end he shall not find even blossoms any more. No fruit, no seed; whence then the blossom?

Aggada is a hesitating arrow circling through the air as if sent forth from a loose-stringed bow; Halakah, a true and faithful arrow darting forth directly and unwaveringly from a strong and taut-stringed bow. Aggada gives one air to breathe, Halakah, ground for the feet to rest on. The one contributes the fluid, the unstable elements, the other, the stabilizing and preserving elements of life. A people that is unpracticed in the combining of Aggada with Halakah exposes itself to everlasting perplexities and is in danger of forgetting the one direct way which leads from will to accomplishment, from yearning to realization.

Halakah that is joined with Aggada in a co-partner-

ship, gives ample testimony of a people's health and maturity. A widowed Aggada, however, is always an evidence of a people's decrepitude and shows that it is in need of invigoration. You who put form before content as a sign of nationhood, take especial notice of this!

Many generations and classes of Jews have grievously sinned against the Aggada by snapping the link that connected them vitally with it. The many innocent ones among them took the words of the Aggada at their face value and considered them as so many principles of faith, while many who were more sophisticated, also accepted them at the same value and condemned them as futile nonsense. Both of these classes possessed but a rudimentary knowledge and an imperfect taste, and for that reason their eyes were blind to the great poetic splendor as well as to the allegorical truth of the Aggada.

Today, we have lived to see a generation dominated exclusively by Aggada. Literature and life, the world itself, all is but one Aggada after another. Not a sign or remembrance of Halakah of any sort.

It matters not that many who are displeased with this phenomenon attempt to deny it, as the truth remains unshaken: our modern literature has been pleased to take up its residence on the lowest plane of cultural endeavor. For it, the fifty gates of wisdom are shut tight, and only a small wicket of "beauty"—a doubtful beauty, the Aggada of our day—remains open. A few stories, a few poems, is all you will find in its knapsack. Not a sign of the influence of any other and higher spiritual force. Halakah has ceased in Israel; and the worst of all is that in our modern literature one is unable to discern even a will or an

inclination to rise and come out of this noisome and fetid rut. Quite the reverse; the literati pride themselves on the odd position they occupy. And since common and ignorant fellows have considerably increased their ranks of late, one is aware of a conscious effort on their part to implant in the mind of the people the idea that nothing but belles-lettres is worthy of the name literature or creative art. The work of a foolish boy who has written twenty verses or two novelettes is hailed as a "creation," while the "Guide of the Perplexed of the Times," to take an instance—the only modern book which is the product of pure thought—is out of this class altogether.

Once more I iterate: I am not passing judgment either on Halakah or Aggada in order to show which is desirable and which is undesirable. I am considering Aggada and Halakah in a general way as twin-forms of life and literature. And I ask: What is going to become of an Aggada that has no Halakah near by and at its side?

The end thereof in literature—if indeed that is the end—is quite plain. For our Hebrew literature is as empty as a pond without fish. One who really and sincerely wishes to learn something must—even now, after one hundred and fifty years of its existence—betake himself to other pastures. And it is also to be feared that the little of the Aggada which is to be found in our literature—the "beauty"—will gradually deteriorate unless it is reinforced from time to time by other high spiritual bulwarks.

After all, belles-lettres as an institution derives its right of existence from the fact that, according to its peculiar characteristics and special means, it serves as a strong bond between the many who are open

to its influence and the few who exercise that influence. "Art for art's sake," singing "as sings the bird" is entirely suitable—during occasional pauses—for those who labor in the sweat of their brow, before and after singing, to build up an extensive literature in all the varied branches of man's cultural endeavor,—a literature that creates and builds life. Such a one it befits to sing; but what use have we for poetry springing out of tediousness and ennui?

Such is the condition of our literature. And what of life? Behold a generation that is growing up in an atmosphere charged with phrase and popular refrains and fed on things that are mere breath and wind. A Judaism of convenience is being created. People talk of a renaissance, literature, creation, Hebrew education and Hebrew thought—and all these depend upon the hair-breadth thread of some "love": the love of the land, the love of literature, the love of the language. What is the value of such airy infatuations? Love, you say? But where is duty? Whence shall it come and whence derive its nourishment? From Aggada? Ah, but is not convenience its very nature?

A Judaism that is all Aggada is like steel that has been in the furnace but has not been tempered in cold liquid. Ambition, good-will, enthusiasm and love—are all good and admirable qualities when they are crowned by action; iron-strong, determined action and cruel duty.

Do you indeed wish to build? "Make a covenant and subscribe to it; and let our princes and Levites and priests set their seal unto it."\* "Set up ordinances

\*Nehemiah 10.

for yourselves"\* for so did your ancestors begin to rebuild their home.

The lofty visions of the second Isaiah enthused the heart, but when the hour of reconstruction came, the two Prophets who were among the builders—Haggai and Zachariah—were the last of the Prophets and the first of the men of Halakah, while they who followed them—Ezra and his party—were purely and solely men of the Halakah.

Come now, let us set up ordinances for ourselves! Give us moulds wherein our soft, fluid will, may be minted and given definite and enduring form. We are thirsting for actual deeds. In life—give us a stronger disposition for performance than for talk, and in literature, a stronger proclivity for Halakah than for Aggada. We bend our neck: where is the iron yoke? The strong hand and the outstretched arm—why don't they come?

#### NOTES

I. Vajikrah Rabbah, XXXII. "But I turned and considered all the oppressions that are done under the sun, and behold, the tears of such as were oppressed," etc. (Eccl. 4,1) Daniel the Tailor interpreted this verse with regard to illegal children thus: "and behold the tears of the oppressed, the parents of these were transgressors, are these humiliated ones to blame?" "and on the side of the oppressors there was power"—on the side of the Great Synhedron of Israel, which comes empowered by the Torah and bars them from the congregation of God, "but they had no comforter." Then said the Lord, "I, even I, shall comfort them." In this world, it is true, they are considered illegal, but in the world to come it

\* Nehemiah 10.

shall not be so, as Zachariah proclaims in his vision of the latter days, "and behold, a candlestick all of pure gold." (Author).

II. The prohibition of the use of diverse sorts of material in one's clothing dates back to days when there was great enmity and antagonism between the shepherd tribes who clothed themselves in wool and the agricultural tribes who used linen. (Cain and Abel). Following this prohibition (Deut. 22, 11) is the commandment regarding the Fringe on the four corners of the garment, in the making of which the use of diverse sorts of material is permissible. Perhaps, the fringes with the knots and windings are memorial signs, like the signs found among many ancient tribes, to commemorate the covenant of peace between the antagonistic tribes—a peace that came about when their enmity decreased and the tribes began to mingle and intermarry. The early Hebrews, who were a mixed people, consisting of shepherd tribes—the House of Abraham and the House of Jacob—and agricultural tribes—the House of Isaac, for instance—observed in their manner of attire the customs of two distinct ages in their development, and the Deuteronomic lawgiver also recorded side by side these two customs without any explanatory comment, perhaps, because he considered the matter unimportant since the symbolism had even then lost its vital significance, or, perhaps, in order not to emphasize too strongly the inner inconsistency of the prohibition and the commandment. The explanation of the commandment given in Numbers was undoubtedly added at a later date in the same manner as "the remembrance of the delivery from Egypt" was added to explain the holidays.