

The Degeneration of the Generations*

The encounter between Judaism and environing cultures has a long and honorable history. Our interest here is specifically the clash between those who insist upon the exclusive study of Torah--the "Torah Only" camp, who disqualify any intellectual discipline other than talmud Torah--and those who argue that, alongside it, one must enagage as well in worldly or secular studies. The latter, who advocate some form of accomodation between the study of Torah and the involvement in worldly wisdom, are generally known as the Torah im Derekh Eretz or Torah uMadda school. Most specifically, we will focus on one argument and rebuttal in the ongoing debate.

The latter point to the likes of Maimonides and a host of other luminaries in Jewish history who distinguished themselves both as talmudists and as philosophers or scientists and who are acceptable to all camps who are committed to the fulness of the Jewish tradition and especially the obligatory character of Halakhah. The "Torah Only" proponents rebut this argument by saying that what was permissible to these eminences of the past is not necessarily available to us precisely because they were so great in both intellect and spirit. They cannot serve as role models for our generation because, in the course of time, there has occurred a yeridat ha-dorot, an irreversible degeneration of the generations in their qualities of intellect and spirit. We are--as we often read in rabbinic literature--yatmei de'yatmei, "orphans among orphans": too inadequate, too weak, too vulnerable, to take risks permitted to the ancients.¹

* This is part of a chapter of a book, The Encounter of Torah and Wisdom: Religious Learning and Worldly Knowledge in the Jewish Tradition, now being prepared for publication.

This argument effectively undercuts any effort by proponents of Torah Umadda to justify their point of view: they either have no sources to support their thesis, or if they do find precedent it is disqualified because nitkatnu ha-dorot, the generations have become diminished, and therefore such precedents do not apply to us.

This criticism deserves to be treated seriously. The degenerative model of time--which is really a mirror-image of the modernist fallacy that all that is new is better than that which was--has respectable sources in the Jewish tradition. Indeed, it is a major theme in most of rabbinic literature. It is based upon reverence for earlier authorities because of their proximity to the time of Revelation; hence the superiority of their traditions. Thus, the Halakhah generally does not permit the Amoraim (Sages of the Talmud) to overrule the Tannaim (Sages of the Mishnah); and once the Talmud has decided an issue, it is impermissible for later authorities to diverge from that decision. In general, earlier authority prevails over later authority.

The Talmud gave expression to this principle in a number of direct statements. Thus,

The later generations are unlike the early generations: the early generations regarded their study of Torah as fixed, and their (worldly) labors as provisional and they succeeded in both. The later generations regarded their labor as fixed and their study of Torah as provisional, and they failed in both.²

Further: "The heart of the early masters was as broad as the gates of a chamber, and that of the later ones--like the eye of a needle."³ "Previous generations plowed and sowed--and we do not even have a mouth wherewith to eat."⁴ "If the early ones were angels, we are humans; and if they were humans, we are like donkeys--and not (special) donkeys, such

as those of R. Hanina b. Dosa and R. Pinhas b. Yair, but like ordinary donkeys."⁵ "Better the fingernail of the early masters than the waist of the later ones."⁶ Moses, whom the Torah describes as the most humble man on the face of the earth, was the most humble only in his generation; in earlier generations there were those who exceeded Moses in their meekness.⁷ The law of levirate marriage required a man to marry his deceased brother's wife if the brother died childless. If, however, the brother refuses to perform this marriage (yibbum), he must undergo a humiliating procedure called halitzah.

In the beginning, when people could be trusted (to perform yibbum) intending the act for the sake of the mitzvah (rather than out of lust, the Sages) said that yibbum takes precedence over halitzah; now, however, that people do not intend (their acts) for the sake of the mitzvah, halitzah takes precedence over yibbum. Said Rabba bar bar Hama in the name of R. Isaac, (the Sages) later reconsidered and said that yibbum takes precedence over halitzah. R. Nahman b. Isaac said to him: did, then, the generations become more perfect?

The answer is that, of course, they did not, and the reason for the changed ruling was not an observable improvement in the moral quality of the later generations, but a purely halakhic decision to favor one authority over the other.⁸

This theme continues, as is to be expected, in the rabbinic tradition of the Middle Ages. Thus, the 11th century Rashi says of the verse, "Say not, 'why were the former days better than these?,' for you do not inquire wisely concerning this" (Ecclesiastes 7:10), "the earlier generations were better and more righteous than the later ones, therefore the former times were better than ours; for it is impossible that the later [generations] were the equal of the early ones."⁹ The degeneration of the generations is thus taken as self-evident.

It would seem, therefore, that the issue is closed: the degeneration of the generations is total and invariable. And if, indeed, that is so, then we are forced to a number of inevitable conclusions. First, no Torah uMadda precedent, such as that of Maimonides or the many like him, is relevant for they are inimitable by virtue of their chronological priority to us and, hence, our inferiority does not permit us to risk the involvement in non-Torah disciplines that was permissible to them.

Second, it follows that all significant questions in life have been answered, and there is no place in Judaism for hiddush or creativity--neither philosophically nor halakhically; for how can we of an epoch so lowly, so humble, so mediocre presume to contribute anything of value and thus imply that it was overlooked by predecessors so vastly superior to us? There are, indeed, indications that such a grotesque view is beginning to make itself felt in contemporary Jewish life. While nothing of this nature has yet appeared in print explicitly, and it certainly is not now taken as standard doctrine by any group, murmurings of such nature ought not to be dismissed. Such an attitude is nourished by a failure to distinguish between authority and authoritarianism, and by suspicion that hiddush be'halakhah (innovation or creativity in halakhic exposition) can lead to hiddush be'dat (changes or reform in religious practice and doctrine).

Third, we are left with a decidedly pessimistic view of the future: the inexorable decline in the quality of our successor generations indefinitely into the future.

However, the matter does not end here, and there is not sufficient warrant for the technique of "kicking upstairs" all earlier authority whose differing and more permissive views we seek to circumvent by ascribing to them powers far exceeding our own. Nor is it conceivable that Judaism would

subscribe to such a narrow, constricting, suffocating view of human creativity and such a bleak and dismal view of the future development of our people and its qualities. We have six points to make in this regard.

For one thing, the talmudic sources we cited nowhere articulate a clear, unambiguous conception of the degeneration thesis; even the very terms yeridat ha-dorot (the degeneration of the generations) and nitkatnu ha-dorot (the generations have become diminished) are not mentioned explicitly. The idea is a mood, not a doctrine. Indeed, there are talmudic sources that are at least ambivalent, and implicitly or explicitly question the thesis of the total superiority of the past over the present. Thus, in implied disagreement with Rashi's interpretation just mentioned, Tosafot adds this gloss: "the former days were better than these, and therefore we must hearken to the earlier ones more than to the later ones"--say not thus, for it is incumbent upon you to obey only the judge in your own times."¹⁰ Tosafot is here apparently taking exception to the assumption of the necessary superiority of the past over the present.¹¹

Further, the Talmud does not take the leap of faith from the assumption of the superiority of the rishonim (earlier authorities) over the aharonim (later ones) to the dogma of the infallibility of the former but, on the contrary, regards the imperfections of the ancients as an act of divine grace, providing for their descendants a place in the sun of scholarly innovation and a sense of intellectual fulfillment. Thus, it is related¹² that "Rabbi" (R. Judah the Prince) heard reliable testimony that the illustrious R. Meir, a generation earlier, had eaten vegetables in Bet She'an without tithing them first. This flew in the face of the accepted practice of requiring vegetable produce to be tithed in that locale. On the basis of this report, presumably informed by the view that Bet She'an was not halakhically

considered as within the borders of the Holy Land, Rabbi permitted all such produce of that town to be consumed without offering the tithe. Rabbi's family was outraged by the decision. "How can you permit that which your fathers and their fathers before them prohibited?" His response was to demonstrate, by biblical references, that no generation, no matter how far back in time, is perfect, and it leaves to its successors to repair that in which it failed. Makom hinihu lo avotav le'hitgader bo--"his ancestors left him place to grow." The Talmud adds: from this the Sages concluded that one must not rebuke a scholar who offers a novel halakhic interpretation of his own.¹³

This is a far cry from the reactionary tendency to stifle all hiddush and regard halakhic creativity with suspicion by appealing to R. Moses Sofer's famous homiletic interpretation of the halakhic ruling that hadash asur min ha-torah--that all innovation is biblically proscribed. And it is a definitive rebuttal to the attitude that all questions have been answered and it is for us of the wretched present only to remember and repeat and apply what our forbears bequeathed to us.

Hence, even while agreeing with the doctrine of the moral and spiritual superiority of the rishonim and the subsequent degeneration of the generations, and the reverence owed by the aharonim to the rishonim, this does by no means preclude the gift and necessity for creativity by the hapless later generations, and certainly offers no solace or support for the assertion that the right (and even obligation) to engage in Madda was restricted to the likes of Maimonides and other such mental and spiritual giants but is forbidden to us of the benighted present. "Our ancestors left us place to grow."

Indirect evidence that the degeneration hypothesis was not accepted categorically comes to us from yet other talmudic sources. Thus, R. Eliezer was asked if the later generations

are better than the earlier ones or not, and he replied with verses indicating that the sinners whose malfeasance caused the destruction of the First Temple were less heinous than their equivalents in the Second Temple.¹⁴ The comparison of these two generations is given as an example of the deterioration of the generations, but it is an historical fact, not an inexorable law of the nature of moral retrogression; else the question was out of place.

Moreover, we find instances where the Talmud compares the later generations favorably with the earlier ones when it comes to being learned in the Law: "the earlier generations were not expert in (preparing a divorce) lishmah (with the proper intention of executing it for this specific man and woman); but the later generations are expert in lishmah"¹⁵

Another example: according to biblical law, the Sabbatical year releases all debtors from their debts. The result was that the economy came to a halt: the rich stopped lending and the poor were unable to borrow. Thus, the Torah's injunction to the well-to-do to lend to the needy and not begrudge them was being subverted. Hillel therefore ordained the prozbul, a document declaring that the creditor transfers his debts to the courts, which are exempt from the Sabbatical decree of the release of debts.¹⁶ The Talmud asks whether Hillel's takanah was meant to obligate his own generation or all subsequent ones.¹⁷ The difference is this: if his own, then any properly constituted court can later revoke it if social and economic conditions warrant such a change; if for all generations, only a court greater than Hillel's "in wisdom and numbers" can revoke the ordinance. Now, what conditions can one foresee that would justify cancelling the prozbul? Rashi¹⁸ comments: אי אפשר דרא, "if a (new) generation is (more) worthy," i.e., if there will arise a generation of greater moral fortitude that will be amenable to lending to the poor in adequate amounts despite the imminent cancellation of debts on the Sabbatical year and without the

protective benefit of the prozbul. Again, a later generation can be superior to an earlier one; the theme of the degeneration of the generations cannot be taken as an indisputable dogma.¹⁹

It is clear that the degeneration theme in talmudic literature refers to sociological facts and historical data of specific kinds, not to some general metaphysical truth or absolute moral norm. The Rabbis observed a deterioration in piety, morality, and devotion to study, and they drew therefrom certain legal consequences. When their observations proved otherwise--as in the case of writing a bill of divorce lishmah--they drew the opposite conclusions. They did not extrapolate from sociology to ontology. Hence, the tendency of our own "later generations" to create an ideology out of nitkatnu ha-dorot (a term not mentioned in the talmudic literature), so that examples from the past of intellectual breadth and openness are inapplicable to us, is misplaced.

Second is a halakhic point: not always may we assume the uncontested superiority in wisdom of the earlier over the later generations. Indeed, a well known passage in the Mishnah itself (referred to in the talmudic passage mentioned in the last paragraph) teaches that a court may not overrule the decision of another court unless it is greater than the previous one both in numbers (of judges) and in wisdom,²⁰ thus implying that a later court may in fact exceed an earlier one in wisdom. This contradicts the assumption of the necessary degeneration of the generations.

Indeed, the impermissibility for an Amora to disagree with a Tanna's decision should not by any means be taken as unconditional. Nahmanides²¹ lists a number of cases where Amoraim successfully overruled Tannaim and the halakhah was decided in their favor. R. Joseph Karo maintains that Amoraim do have the right to challenge Tannaim but by general agreement decided that, since the close of the Mishnaic

period, they would refrain from such challenges and generally accept the authority of the Tannaim; similarly, the authority of the Amoraim as accepted by later generations, after the publication of the Gemara.²² Hence the right in principle for an Amora to challenge a Tanna, or for a post-Amoraic authority to challenge an Amora, clearly contradicts the idea that the decline of the generations implies a diminution of inherent value. The consensus, in practice, not to exercise this right to overrule earlier authority undoubtedly indicates a desire to establish an official corpus or canon of law to avoid juridical chaos as, indeed, precedent is given weight in any functioning legal system; it says nothing of innate worth or worthlessness.

Moreover, in a conflict between earlier and later decisors (other than the two examples mentioned above, especially the authority of the Talmud), the Halakhah decides with the later authorities: halakhah ke'batrai. This is given as one reason for the higher rank universally granted to the Babylonian over the Jerusalem (or Palestinian) Talmud: the former talmudists came later in time and obviously knew the latter and found them wanting.²³

Justice Menahem Alon, in his monumental work on Jewish law,²⁴ makes the trenchant point that this legal maxim--halakhah ke'batrai--establishing the halakhah in favor of the later authorities, a rule formulated in the post-talmudic Geonic period, seems to run counter to the general tendency to defer to the superiority of the earlier sages. Prof. Yisrael Ta-Shma takes exception to Alon's broad use of the principle and prefers to see it in rather narrower terms: one legal rule amongst many, this one meant to decide between conflicting decisions in the Talmud itself and not intended to enhance the autonomy of later and therefore contemporary courts and decisors. It is only the Ashkenazi authorities, beginning with the 15th century R. Joseph Kolon (MaHaRIK), and including such distinguished halakhists as R. Israel

Isserlin, R. Jacob Pollak, R. Shalom Shachna, and R. Moses Isserles (RaMA), who applied the maxim to post-talmudic authorities "until the end of all generations." The Sephradi world did not go along with this extension of the Geonic innovation and its extrapolation to post-talmudic times.²⁵ The authority of the aharonim, i.e., the contemporary courts of each generation, derives not from halakhah ke'batrai but from the principle that "Jephtha in his generation was like Samuel in his generation"; granted the inferiority of aharonim to rishonim, the courts or decisors of each generation are empowered to decide the halakhah for its own time. The tradition of judicial and intellectual autonomy does indeed have a long and honorable history, according to Ta-Shma, one that is spelled out most explicitly by R. Isaiah the Elder of Trani, whose views we shall offer presently, but this is unrelated to halakhah ke'batrai.

Whatever the outcome of the debate between Alon and Ta-Shma, this much is certain: first, that Ashkenazi authorities over the last 500 years did broaden the applicability of the Geonic legal maxim to decide even for post-Talmudic eras with the later over the earlier authorities (provided the former were aware of the latter); this does, indeed, represent a counter-current, in the halakhic tradition itself, to the conventional assumption of the progressive devolution of the generations. And second, beyond the question of the exact interpretation of the significance of halakhah ke'batrai, there certainly existed a profound commitment, if not always articulated, to the authenticity of halakhic creativity and innovation. There is no more convincing proof than the most eminent of all Sephardi greats--Maimonides himself.

Third, it stands to reason that the ascription of superiority to the ancients derives primarily from their proximity to the sources of the tradition, i.e., to Revelation, as mentioned above, and therefore their reports are more reliable because they were less likely to have been distorted by the passage

of time and the transmission through so many more generations. The authority of the teacher and hence his superior position is thus linked to his role as an indispensable agent in the transmission of revelation to succeeding generations. This would account too for the preference for Mishnah over Talmud, because the Sinaitic tradition (or Oral Law) was indeed transmitted orally. Once the Oral Law was committed to writing, however, and especially with the advent of printing (dated to 1455, with the printing of the Guetenberg Bible), this explanation no longer serves to assume automatically the inferiority of the present to the past.²⁶ The text now stands as the authority, not the chronological position of the person. In this manner, creativity is salvaged, for otherwise all later generations are reduced to exegesis and, eventually, repetition alone.

Fourth, while as individuals we consider the ancients our superiors, collectively we may assume the reverse, for we have the advantage of having learned from them. This theme has been expressed in aphoristic fashion by Isaac Newton: "If I have seen farther, it is by standing on the shoulders of giants." (Actually, this statement by Newton, in 1676, goes back to the early 12th century French savant, Bernard of Chartres, and has been repeated in writing some 18 times until the beginning of the twentieth century.)²⁷ The first mention of the aphorism by talmudic authorities, and hence a counter-argument to the degeneration theme, is by the aforementioned twelfth century R. Isaiah de Trani,²⁸ and has been repeated often since. Thus, we may indeed be dwarfs compared to our predecessors, but we are the fortunate beneficiaries of the cumulative wisdom of the ages--bequeathed to us by them--and therefore have the capacity to see farther than they did.

Fifth, one must distinguish between different kinds of knowledge. There were centuries, in the history of Western

civilization, when religious devotion was normal and expected, and subsequently ages when religion went out of fashion for Western man and appeared alien to his very mentality. Similarly, in Jewish life the sensitivity to kedushah (sanctity) and the quality of religious experience were far more prominent in the past when life was perhaps less complex, less distracting, less fragmented, and thus more hospitable to the dimension of spirituality. Yet, granted that earlier generations were superior to us in the moral and spiritual realms, that does not exhaust the areas of human endeavor. The progress in science and technology is massive and demonstrable, and needs no elaboration here. That the fruits of such scientific and technological development can be and indeed have been used to destroy and threaten the existence of whole peoples and all of mankind is no reason to deny all the good that has been wrought by scientific progress. Modern no less than primitive technological achievements are but tools. The cave man could use fire to warm his primitive abode or to incinerate that of his rival; we have similar options with regard to the enormous power that modern technology has made available to us. Such progress, especially as it relates to the successful extension of longevity and the increase in health, quality, and dignity of life, is not to be derogated even from a spiritual point of view. On the contrary, it is a historic achievement that must be applauded and fostered.²⁹

Finally, there is the simple but critical element of intellectual integrity. Authority, whether of the past or any other kind, is unquestionably a major element in tradition and in law, especially in Judaism generally and in Halakhah specifically, and must be respected. But truth has a prior and stronger claim upon us as a matter of religious principle.

The twelfth century R. Isaiah de Trani (the Elder) is quite forthright in refusing to yield to prior authority simply

because of differences in chronology and thus stifle his own halakhic creativity and his perception of the truth. Thus,

What I can prove from the text is what I write... I recognize full well that "the fingernail of the early masters is better than the waist of the later ones," but this I hold true, that if because of the way I read a text I do not agree with a certain view [of an earlier authority], "even if Joshua the son of Nun were to tell it to me, I would not obey him,"³⁰ and I would not refrain from writing what I think is right. For this is the way of the Talmud: the last of the Amoraim did not refrain from criticizing the earlier [Amoraim] or even the Tannaim, and they fully contradicted Mishnayot, and often decided against the majority [of earlier³¹ authorities] and sided with the minority...

In a similar vein, the 12th century R. Abraham Ibn Ezra writes:

The spirit of God made us all and from matter were the early ones formed as were we... We know that Daniel was a prophet and that he was greater than all the wise men and magicians of Babylon, yet the Sages said that Daniel erred in his reckoning; and what is simpler than arithmetic?³²

R. Simeon b. Zemach Duran (1361-1444) is even more direct:

The aharonim--despite their acknowledgement that their hearts were so much narrower than those of the rishonim--were not reluctant to admit that they [occasionally] contradicted the words of the latter. For it is appropriate for every sage and scholar not to favor one who is greater than himself if he finds obvious errors in the words of the other.³³

Before citing other significant sources on the sensitive question of how distinguished authorities of the Jewish tradition treated the very issue of the authority of predecessors, it is necessary to make one unambiguous observation: the legitimate challenge to precedent and earlier authority must itself be authoritative. By this is meant that the right to counterpose one's own views or interpretations to those accepted by generations of observant

Jewry is reserved for those who assent to the fundamental principles on which the whole structure of halakhic life and community is built and who, in addition, possess the minimal scholarship necessary to make their own contributions credible. Halakhah is not a game for curious onlookers or untested tyros; amateurs should not be taken seriously in matters of such import.

Let us now return to our sources. Along the same lines as those previously mentioned, we hear the following from the 15th century R. Isaac de Leon of Toledo, author of Megillat Esther, a defence of Maimonides against the critique of Nahmanides:

It is possible for the aharonim to know more than the rishonim for two reasons: First, one of the aharonim may have taken it upon himself to specialize in one particular area, working on it in depth and so assiduously applying his intellectual efforts that he understands it better than the rishonim. Second, we of the later generations, despite our lack of adequate industriousness in our studies, attain more in a short time than did [our predecessors] in a much longer time. That is so because in their times [the various branches of] wisdom were unknown or incomplete, and they had to deduce them by dint of great intellectual effort, whereas we find all prepared ³⁴ for us [by them] like a table that is all set.

A century later we read similar sentiments by R. Eliezer Ashkenazi, the famous commentator on the Bible:

Each of us who underwent the covenant which He made with us--and our children and children's children after us to the end of time--are all obligated to inquire into the mysteries of the words of the Torah and to align our faith in accordance with [the Torah] in the most proper way that we can. We must accept the truth, after we have come to know it, from whoever propounded it; and we should not allow the opinions of others, even though they preceded us, to deter us from inquiring. On the contrary, we ought to learn and accept from our predecessors in the sense that just as they chose

to accept some of what their predecessors said and not to accept other things they said, so is it appropriate for us to do as they did. There is no doubt that that not one of them, when writing his book, intended to say to all his successors: you must accept my opinion. Rather, it is clear that his intention was only to convey to us his view so that those who follow him will see and then choose for themselves; for only by gathering all different opinions can the truth be determined...

I have committed all this in writing to you because I have seen that in these generations there are many who follow this path [of unquestioning subservience to the authority of predecessors] because of either [intellectual] laziness or fear--which they consider proper--but you ³⁵ should not choose this path and not go close to it.

Le plus ca change, le plus c'est le meme chose!

Even in modern times, with a more conservative tendency prevailing as it has since the Enlightenment and its excesses encouraged such a reaction, we find scholars who display remarkable intellectual courage despite their acceptance of the degeneration thesis and their unlimited reverence for the founders and transmitters of the halakhic tradition. Thus, two examples come to mind. First, the famous head of the Yeshiva of Volozhin, R. Naftali Zevi Yehuda Berlin (known by his acronym, "the Netziv") who considers profound investigation into Torah and the discovery of new insights and interpretations as the fulfillment of the commandment "to keep and do all the words of the Torah":

Just as it is impermissible for a natural scientist to feel complacent about having discovered all the secrets of nature and, moreover, it is even possible that his colleague or [a scientist] a generation later will demolish the results of his investigation--as long as he has no decisive proof--[despite the fact that he is contradicting the] view of a predecessor; so may not the scientist of Torah be complacent that he knows all there is to know of Torah--all the details and distinctions that require serious thought. There is

no proof that his explanations conform to the truth³⁶
of Torah; whatever, we must do the best we can.

The second such example is that of R. Abraham Isaiah Karelitz ("the Hazon Ish") who writes:

I have taken it upon myself to search in the Talmud as best I can, even though [my conclusions] may go against the rishonim. I must rest content with the awareness that the words of our Rabbis are most important, and we are but the orphans of orphans. Nevertheless, one must never desist from clarifying and refining [his views] as best as is possible given his limitations, even to the point of deciding the Halakhah [according to his own interpretation], provided there is no explicit contradictory ruling of the rishonim. Were it not so, I would be lacking in the involvement in Torah study.³⁷

Perhaps the most outspoken advocacy of intellectual integrity in the face of the necessary reverence for past authority comes to us from the son of Maimonides himself. R. Abraham excoriates those who seek to have the opinions of an authority prevail whether or not they are true:

You must know that it is injurious to strive to cause a certain view to prevail because one reveres the one who propounded it and therefore wishes to accept it without pondering and understanding it, regardless of whether it is true or not. This is forbidden both from the point of view of Torah and the point of view of reason. Reason cannot accept it because it implies a lack and deficiency in understanding that which we are required to believe in. And from the vantage of Torah--because it diverges from the way of truth and and departs from the path of integrity. The Almighty said: "... you shall not respect the person of the poor, nor favor the person of the mighty; but in righteousness shall you judge your neighbor" (Lev. 19:15). There is no difference whether we accept an opinion without [adequate] proof or whether we [accept it because we] believe the one who uttered it and

respect him and assert that he must undoubtedly be right because he is a great man... Not only is this not [adequate] proof, but it is forbidden.

Our author concludes this simple but powerful argument for honesty and truth by referring to the dispute between Jewish and non-Jewish sages which R. Judah the Prince, compiler of the Mishna, decided in favor of the Gentile sages.³⁸ R. Judah was called "our holy master" specifically because of this: "for a man who casts away falsehood and establishes the truth and decides truthfully, and is willing to change his mind if he is proven wrong--such a person is undoubtedly holy."³⁹

This fearless respect for truth and intellectual audacity are not confined to rationalists (and their family!). Thus, the Gaon of Vilna advises against any submission to higher authority when one must render an objective decision. His student, R. Hayyim of Volozhin, decries exclusive reliance upon the Shulhan Arukh, the accepted standard code of Halakhah, without investigating the original talmudic sources. He follows his own thinking, and if he finds some other author opposed to his views he neither abandons his own position nor does he necessarily dispute the other authority. He relies, instead, upon his readers to judge for themselves. "For when it comes to Torah, which is called Truth, we look only for truth." He is grateful to the Creator for the fact that men's opinions differ, and he seeks only the truth in every problem that confronts him. "It is forbidden for a student to accept his teacher's words if he finds them deficient, for at times the truth is with the student." When we disagree with a teacher, or some earlier authority, we are engaged in a "holy war," a milhemet mitzvah. Of course, this passionate search for truth, even in defiance of established authority, must be conducted with humility and respect.⁴⁰ There should be no conflict between reverence for predecessors and the pursuit of truth. This is a view that characterizes the greatest of halakhic minds, and it is meant

to be normative for all of us--even intellectual and spiritual dwarfs...

Of course, the right to challenge precedent in practical halakhic decision-making is not available to anyone. Judicial office in any legal system, and especially in one that is anchored in Revelation, is reserved for those who demonstrate high competence in the discipline and who subscribe to the premises of the law and are committed to its integrity; it is not an activity recommended for amateurs. But the duty to understand by questioning without being intimidated by sacred predecessors into mindless submission is a universal obligation; "the shy will never learn" is a famous teaching of the Mishnah.⁴¹

For all these reasons, the nitkatnu ha-dorot or degeneration of the generations argument cannot be employed uncritically.

Not all questions have been resolved for all time. "Our ancestors have left us place to grow."

Not only is there place for hiddush, but intellectual, scientific, halakhic, and philosophic creativity are positive goods, part of the unending search for truth which, as we have seen, is characteristic of the striving for holiness.

And the right and duty to engage in intellectual exploration is something we most certainly can and should learn from our sacred predecessors despite and because of their acknowledged spiritual excellence. It is a tribute to them that we imitate their intellectual and spiritual independence and thus seek to reconcile kevod hakhamim with bakashat ha-emet, reverence for the Sages with the quest for truth.

Thus, Maimonides was indeed a giant amongst men, probably the most illustrious Jew and luminous thinker since the close of the Talmud. But the succeeding generations have built upon his historic contributions, and they have developed expertise in numerous areas that gives them insights that were not available to him, even as he had information that was not available to those who preceded him. It is no tribute to him that we refuse to act on his advice (in this case, relating to the value of philosophic and scientific studies) because we are dwarfs and he was a giant.

He would, it seems, simply invite us to climb on his shoulders and proceed from there.

Notes

1. The theme is widespread in the popular Musar literature of the past few generations. R.Hayyim of Volozhin, without explicitly citing the terms yeridat ha-dorot or nitkatnu ha-dorot, effectively endorses the idea in his conception of the irreversible constriction of halakhic freedom through the ages; see Nefesh ha-Hayyim, Part I, chapter 22, and my Torah Lishmah: Torah for Torah's Sake (New York:1989), pp. 75-6 and p.96, n.98.

2. Berakhot 35b.

3. Eruvin 53a.

4. J.T. Shekalim 5:1.

5. Shabbat 112b, and elsewhere.

6. Yoma 9b.

7. Avot de'Rabbi Nathan 9.

8. Yevamot 39b; and, in another context, in Hullin 93b, the same question is asked, implying the obvious impossibility of entertaining a notion of moral progress in time.

9. Rosh Hashanah 25b.

10. Ad loc. s.v. she'ha-yamim.

11. Rashi's gloss is consistent with the context of the talmudic passage. However the simple, literal meaning of the verse is the reverse: it is unwise to attribute superiority to the past just because it is the past. Cf. Ibn Ezra ad loc., and Mordecai Zer-kavod's remarks in the Mossad Harav Kook edition (Jerusalem: 1973), p. 40.

12. Hullin 6b, 7a.

13. Rashi's comment, ad loc.: "If our children who come after us will find nothing to contribute, how will they achieve fame?"--a radically honest insight into the legitimate ego needs of scholars to put their own imprint on their times in a creative fashion. The subject of creativity from a halakhic perspective deserves more comprehensive treatment. Rabbi Joseph B. Soloveitchik holds that creativity is the telos of the Halakhah. "The dream of creation finds its resolution in the actualization of the principle of holiness. Creation means the realization of the ideal of holiness." In the halakhic norms "is embodied the entire task of creation and the obligation to participate in the renewal of the cosmos. The most fundamental principle of all is that man must create himself. It is this idea that Judaism introduced into the world." ("Ish ha-Halakhah, translated by Lawrence Kaplan as Halakhic Man, Philadelphia: 1983, pp. 108,9; and see Marvin Fox, "The Unity and Structure of Rabbi Joseph B. Soloveitchik's Thought," in Tradition [Winter 1989] vol. 24, no.2, pp. 55,56.)

14. Jerusalem Talmud, Yoma 1:1.

15. Gittin 5b.

16. Mishnah, Sheviit 10:3.

17. Gittin 36b.

18. Ad loc., s.v. li'vetuleih.

19. This holds true for halakhic authority in succeeding generations too. Thus, Rabbah can surpass Rav Judah; Taanit 24 a and b, and see in detail in Kessef Mishneh to Hil. Mamrim 2:2, s.v. hayah gadol.

20. Eduyyot 1:5. The Moroccan Talmudist, R. Abraham b. Mordecai Azulai, saw in this Mishnah a challenge to the accepted thesis of the superiority of the earlier authorities, and responded with the medieval parable, to be mentioned presently, of the dwarf riding on the shoulders of the giant. See Dov Zlotnick, "The Commentary of Rabbi Abraham Azulai to the Mishnah," in Proceedings of the American Academy for Jewish Research (Vol.XL, 1972), p.163.

21. See his commentary to B. Kamma, end.

22. Kessef Mishneh to Hil Mamrim 1:1, s.v. Beth din.

23. R. Isaac Alfasi to end of Eruvin.

24. Ha-mishpat ha-Ivri (Magnes Press: Jerusalem, 1973), vol. I, p. 233.

25. Y. Ta-Shma, "Halakhah ke'Batrai...," in Shenaton ha-Mishpat ha-Ivri, vols. 6-7 (1979-80), pp. 405-423. In n.16, Ta-Shma traces this difference in legal philosophy between the Ashkenazim and Sephardim to the different communal realities that prevailed. Ashkenazi communities were generally decentralized, scholars in one community did not encroach upon the prerogatives of the scholars of neighboring communities, and tended to advocate a large measure of halakhic independence and judicial autonomy. The Sephardi communities were far more centralized and inclined to invest single authorities of eminence with the power to decide for all communities, and hence the phenomenon of the outstanding roles played by such personalities as R. Isaac Alfasi, Maimonides, and R. Joseph Karo.

26. See Lehem Mishneh to Hil. Talmud Torah 5:4 who reads this opinion into the ruling of Maimonides, ibid., and who cites authority that the prohibition of a disciple ruling on

Halakhah in the presence of his teacher no longer applies today, "because we learn from books, and the books are our teachers."

27. Robert K. Merton, On the Shoulders of Giants: A Shandian Postscript (N.Y. and London: Harcourt Brace Janovich, 1965), p. 268f. The entire book is an attempt to trace the development of the aphorism. For the history of the aphorism in Jewish literature, see too Dov Zlotnick's article (Heb.) in Sinai (No.77, 1975) pp. 184-189; Tuvia Preschel's articles (Heb.) in Hadoar 53 (1973-1974), p. 425, and 55 (1975) p. 136 and in Sinai 78 (1975-1976), p. 288; and Hillel Levine, "Dwarfs on the Shoulders of Giants: A Case Study in the Impact of Modernization on the Social Epistemology of Judaism," in Journal of Social Studies 40 (1978), pp. 63-72. I am indebted to Prof. Sid Z. Leiman for these references.

28. Teshuvot ha-RID, ibid., and pp. 301-303.

29. On the verse, "One generation to another shall laud (yeshabah) Thy works" (Psalms 145:4), the commentator Malbim writes, "the more each succeeding generation ponders the works of the Lord and the secrets of Nature, it recognizes in them wisdom and wonders that were hidden from the earlier generations, and it improves (probably a play on words: yeshabah=will praise/yashbiah=will improve) His works by increasing its goodness and wisdom over what prevailed in the past, so that every new generation will see that the generation before it did not properly understand the works of the Lord."

30. Hullin 124a.

31. Teshuvot ha-RID (Jerusalem: 1967), pp. 6-7. This streak of intellectual independence is characteristic of the greatest halakhic authorities of all generations. See, inter

alia: B.B. 130b; R.Asher to Sanh. chap.4, no.10; ReMA to Sh.A. H.M. 25:1; my Torah Lishmah: Torah for Torah's Sake, pp.7-9 on this quality in the school of the Gaon of Vilna.

32. See his Commentary to Ecclesiastes 5:1.

33. For this and other relevant passages in the same vein, see S.Z. Havlin's illuminating article in Mehkarim be'Sifrut ha-Talmudit (Jerusalem:1973), pp. 175-176, especially n.20.

34. See above, n. 33. This second reason may well refer to the "giant and dwarf" idea discussed above.

35. In his Maasei Hashem, chapter 31.

36. Introduction to his commentary on the Pentateuch, Haamek Davar.

37. See above, n.33.

38. Pes. 94b.

39. See above, n.33.

40. For references to the Gaon and R. Hayyim here cited, see my Torah Lishmah..., pp. 7-9 and p.29.

41. Avot 2:6.