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Personal Initiative and Creativity in *'Avodat Hashem*

The theme of this lecture is ambiguous and complex, for reasons that go beyond the specific formulation of the topic. The ambiguity derives in part from terminological confusion. The term "creativity" has multiple meanings and connotations. For example, the disparity between the creativity of **יש מאין** and the creativity of **יש מיש** springs immediately to mind as evidence of this. Moreover, in terms of some of the contexts which we will explore here, the terms "rediscovery," "personal initiative," "personal independence," "personal involvement," and even "personal input" relate more precisely to the themes at hand and should be substituted for "creativity."

The designation "*Avodat Hashem*" is also problematic, in terms of its encompassing scope. For the authentic ben-Torah, *Avodat Hashem* encompasses all domains of religious experience, without exception. And yet, it is undeniable that *Avodat Hashem* has a much more specific connotation as well, more limited to that of the **בין אדם למקום** sphere, and conjuring up images of the submissive mode of behavior associated with **עבדות**.

The complexity of this topic is therefore also due to the need to legitimately apply each of the aforementioned definitions of creativity to the multiple meanings of *Avodat Hashem*, recognizing the definitional adjustments that must be made for each theme to be treated independently with its own unique dynamic of tensions. Inasmuch as this has been advertised as a "Torah u-Madda lecture," I will begin briefly with that aspect of the issue although my primary intent is to pursue the internal Torah context of this theme specifically as it relates to halakhah and Talmud Torah.

The first encounter, the "Torah u-Madda" encounter, between personal creativity and *Avodat Hashem* refers to creativity in its strict sense of self-development - creating for and in this world. At stake in this context is man's purpose as a creative being, his self-image, and his obligation to his Creator in the broadest sense of the term *Avodat Hashem*.

Parshat Bereshit, which chronicles the act of creation, provides us with an immediate model. Man is created **בצלם אלקים**, with everything that is

implied by that particular term. In explaining the religious obligation of *imitatio dei* or להדמות לה, the Rambam writes in his *Sefer ha-Mizvot*, שצונו והלכה להדמות לו יתברך כפי היכולת (Deut. 28:9).¹ Rav Soloveitchik has suggested that *imitatio dei* is not restricted to specific activities or *midot* which govern interpersonal relations, such as ורחום אף אתה היה חנון ורחום etc. (Shabbat 133b), but rather that it relates to the broader sense of man's obligation to reinforce his own self-image בצלם אלקים. According to Rav Soloveitchik, this imperative specifically includes imitating God's most striking and dramatic attribute, namely creativity. Indeed, the first mandate man receives from God is מלאו את הארץ וכבשוה (Gen. 1:28) and, with respect to the Garden of Eden, לעבדה ולשמרה (Ibid. 2:15)-to conquer, control, develop, and be productive. The Rav presents the typological scheme of two crucial aspects of man that are reflected in the two *parshiot* of Creation. He develops the motif of creativity as the crucial personality component of what he refers to as "Adam I." "Adam II" is portrayed as the existentially insecure conventional man of faith whose primary focus is redemptive religious self-awareness and whose characteristic gesture is not majestic creativity but sacrifice. Indeed, although "Adam II" more closely approximates the ideal of a religious personality, it should be noted that "Adam I" is also a religious persona, and his attributes as well form an integral aspect of the religious ideal.²

It is on this basis that the Rav argues in this article and elsewhere that creative involvement in secular, scientific, and even aesthetic pursuits is not only a legitimate enterprise, but one which should be encouraged as religiously meaningful.³ Indeed, this theme of creativity in the form of self-perfection or self-development is, according to some Rishonim including the *Sefer ha-Hinukh*, reflected in the first *mizvah* required of newborn male children, that of *milah*. It seems that the fulfillment of human potential represents an affirmation of צלם אלקים, and thus constitutes, at least in part, the telos of creation.⁴ The second phase of the interaction between "creativity" and *Avodat Hashem* relates to a more focused sense of the latter as the relationship between man and God, although not yet specifically dealing with the content which governs that relationship. At present I will only delineate the issues involved in this phase, but will not explore them in depth. This second phase involves true related yet independently significant issues, both of which are endemic to any religious world view.

The first issue focuses on the relationship between human autonomy and theonomy. While *Avodat Hashem* implies a measure of servitude and submission to the Divine Will which represents the ultimate form of

commitment in any religious system, there is also a religious value to human freedom and to free choice. This dialectic is reflected in such concepts as קבלת עול מלכות שמים representing true חירות inasmuch as the true culmination of the exodus from Egypt was the giving of the Torah⁵ and in the principle אין לך בן חורין אלא מי שעוסק בתלמוד תורה⁶. At the same time, in a religious world view, it is important to establish the extent to which human initiative-as distinct from "creativity" or autonomy-is considered desirable, effective, or even necessary. On the one hand, there are ideals such as "bitahon" in its most obvious meaning of reliance, and the centrality of miraculous manifestacion, particularly the Ramban's pervasive notion of constant נס נסתר⁷, both of which tend to accentuate human passivity. These, however, are counterbalanced by other legitimate principles such as אין סומכין על הנס which asserts the demand for human responsibility and initiative,⁸ and the Kabbalistic motif of איתערותא דלתתא, which proclaims that human activism is indispensable to and even influences or manipulates the realm of *Hakadosh Barukh Hu*. The fine line which separates בטחון from אין סומכין על הנס, for example, is illustrated very dramatically by the opposing views of the Ramban and the פירוש ר' יונה על התורה regarding the story of Avraham and Avimelekh, and the apparent lie Avraham tells to safeguard Sarah. What is perceived by the Ramban as a catastrophic lack of בטחון⁹ is described by Rabbenu Yonah as classic סומכין על הנס¹⁰. Another example is the institutions of prayer and prophecy, which represent in a sense, opposite poles of the active/passive motif as it applies to lines of religious comunicacion. To be properly clarified, these issues require more extensive treatment, but they do nevertheless reflect a definite motif in the encounter between "initiative" on the one hand and *'Avodat Hashem* on the other.

The third phase of this encounter relates to that level of *'Avodat Hashem* which, for the religious Jew, has a much more specific meaning, i.e., to *mizvot*, halakhah, and Talmud Torah. These are the vehicles of our religious expression, the embodiment of our ideals. It is especially on this level that we find the most complex dimension of this interaction.

Let me first analyze the issue of initiative and individual input in the realm of *mizvot*, in a certain sense the most limited area to which the term "initiative" is applicable. Here, of course, the notion of creativity in its strictest sense, as "creating," "manufacturing" or "fabricating" is not a factor, but the concept of personal involvement and expression certainly is.

The very notion of a relationship between man and God is philosophically problematic. The distance that stands between the

omnipotence, omniscience, and infinity which characterize *Hakadosh Barukh Hu*, and finite, limited, inferior man, appears at times to be insuperable. Doctrines of negative theology, in which even the use of language with respect to God is seen as being at best ambiguous if not wholly inadequate, clearly reflect this theme. [11](#) And yet, the belief that man can attain a relationship with his Creator is the first assumption of any religion.

In Judaism, we believe that God Himself supplied the solution by providing man with the mechanism and means to establish a divine and directed relationship with Him, namely halakhah and *mizvot*. The structure of these two is such that it both allows for and objectifies the religious experience by guiding it punctiliously at every step. This strict attention to structure and detail, however, can frustrate individual expression and, further, wholly delegitimizes any attempt to sidestep the structure or to substitute for it, even if one is spiritually and sincerely motivated. This insistence upon halakhah has made Judaism vulnerable to certain criticisms and abuses, such as ritualism. This tendency of performing *mizvot* by rote is decried by the prophet as מצות אנשים מלומדה (Isa. 29:13), and formed the basis for the ancient Christian critique of Pharisaism as well as the modern critiques of the Reform and Conservative movements. Their stated opposition to halakhah derives from their perception of the limitations of its structure.

In his introduction to *Major Trends in Jewish Mysticism*, Gershom Scholem, the famous historian of Kabbalah, suggested that the mystical impulse in any religion is generally associated with a definite stage in the historical development of that religion. As the abyss between man and God is being institutionalized and structured by the religion in question, there occurs a revival of mystical thought. Moreover, once a religious system has reached the point at which new impulses do not break through the shell of the old religious system but, rather, become confined within its borders, new expression must be found in the old values by means of radical reinterpretation. If the system is sufficiently flexible so as to allow for this, Scholem argued, mystics will stay within the tradition. If the religion is unable to sustain this, however, then the mysticism will always lead to heresy or, at best, antinomian behavior. [12](#) Thus, revelation for the mystic is an ongoing and unfolding process, not a one-time historical event. For the religious mystic, the impulse for individual or multi-dimensional expression which enables him to flee the stifling effects of total structure without compromising the process of that structure itself, is an essential element of his being.

Of course, for the exoteric adherent of Judaism who has no access to or inclination toward the mystical dimensions of halakhic content, this solution is not acceptable. And yet, it cannot be emphasized too strongly that a commitment to the structure of halakhah is indispensable to our world view. The Rav, both generally and specifically in his recently published *The Halakhic Mind*, has written persuasively of the dangers and religious illegitimacy of religious subjectivism.¹³ Such a notion undercuts the centrality of God and His will by shifting the focus to man's needs and desires. It constitutes, in essence, a form of self-worship and is irrelevant to the authentic spiritual act, inasmuch as it is undirected by God. Religiously inspired conduct which takes place outside the confines of halakhah, as well as attempts to alter halakhic structure, however sincerely motivated, are fundamentally inconsistent with the revelational and divine character of halakhah. However, rejection of creativity in religious performance notwithstanding, halakhah itself provides us, at least in part, with the wherewithal to infuse meaning and even initiative and individual input into its structure. This is provided for through Talmud Torah and through the performance of the acts of the *mizvot* themselves.

Contributing to the establishment of a more personal orientation in *mizvah* observance is the pursuit of *טעמי המצוה*, whether on philosophic, kabbalistic, or historical levels. This pursuit is encouraged by a large majority of Rishonim and it is frequently accompanied by the assertion that there are a plethora of conceptual bases for any given *mizvah*, any of which might strike a chord in a particular individual—a kind of multiple-truth theory.¹⁴ In addition, the demands for levels of *כוונה* and *לשמה* in actual observance, some of which are *מעכב* the *קיום המצוה*, also serve to enhance personal involvement.¹⁵ In the Kabbalistic system, this enterprise also represents great individuality and personal initiative.

In the case of some *mizvot*, the individualistic component not only enhances the *קיום המצוה* in its broadest sense, but actually serves to transform the objective status of the act of the *mizvah* itself. For example, the halakhah of *התנאה לפניו במצוה* – *זה קלי ואנוהו* (Ex. 15:2; Shabbat 133b), or the notion of *הידור מצוה*, often changes the definition of the *mizvah* itself, as many halakhists have shown. A case in point is the opinion of Rashi at the beginning of *פרק לולב הגזול* that *לולב היבש* is *פסול* because it constitutes a lack of *הידור*, basing himself not on the requirement of *פרי עץ הדר* but on the *din* of *זה קלי ואנוהו*.¹⁶ Similarly, the position of the Rambam, as Rav Soloveitchik explained it, that because *לולב צריך אגד*—which is based on the principle of *זה קלי ואנוהו*—the halakhah of *בל תוסיף* would apply to anything contained within the structure of that *אגד*.¹⁷ Here again, *זה קלי ואנוהו* serves not simply as a

nice way to enhance a *mizvah*, but actually changes the definition of the *mizvah* itself; in this case, the *חפצא של מצוה*. And while it is true that all these instances, and the many more like them, refer to halakhically defined levels of *זה קלי ואנוהו*, they do reveal the halakhic weight of the personal component of that concept—the more general and undefined theme of *במצות לפניו* - as well.

It should be noted that the phrase *זה קלי ואנוהו* parallels but maybe also contrasts with the second half of the *pasuk*, *אלקי אבי וארממנהו* (Ibid.). In a sense then, one constructs a personal relationship with Hashem—a "זה קלי" as opposed to an "אלקי אבי" relationship—precisely by showing initiative and by enhancing the objective structure of the *mizvah* through personal input.

A further reflection of this theme is the Rambam's understanding of the last Mishnah in Masekhet Makot, which lauds the great volume of *mizvot*—as being based on the ability of different individuals to select and perfect the particular *mizvot* which are most conducive to them.¹⁸ Another example of this with regard to the halakhic process generally is the well known Hassidic interpretation of *אדם כי יקריב מכם קרבן* (Lev. 1:2), that one has to integrate oneself into the process of *קרבנות* and *קיום המצוות*,¹⁹ not in spite of the objectivity of halakhah but precisely due to its imposing and objective structure. The idea of *חידוש* which justifies *תפלת נרבה* is another instance where, within a specific setting and under strict conditions, this dialectic is again captured.²⁰

We come finally to the most crucial aspect of this topic: for *posekim*, the formulation of halakhah; for most of us, the pursuit of Talmud Torah. What, if anything, is the role of personal creativity and initiative in this particular sphere, both in terms of capacity for and desirability of individual contribution?

The dilemma we confront inheres in the very crux of our system of *תורה שבעל פה* as rooted in the concept of Masorah which is elaborated by the first Mishnah in 'Avot: *משה קבל תורה מסיני ומסרה ליהושע ויהושע לזקנים וזקנים לנביאים וכו'.* In commenting on a verse in Exodus (24:12), the Gemara states: *ואתנה לך את לוחות האבן, והתורה והמצות אשר כתבתי להורותם. 'לוחות' – אלו עשרת הדברות; 'תורה' – זה מקרא; 'והמצוה' זו המשנה; 'אשר כתבתי' – אלו נביאים וכתובים; 'להורותם' – זה* ²¹ *גמרא. מלמד שכולם נתנו למשה מסיני* The formulation in the Midrash is even more striking: *כל מה שתלמיד ותיק עתיד לחדש* - has already been revealed to Moshe at Sinai.²² On the surface, these kinds of statements, and there are others, may preclude any real initiative and certainly exclude a notion of creativity in most of the meanings of that word. Of course, for *posekim* who are

challenged to apply halakhah to an ever-changing world of reality, creative analysis is always a necessity. But from this perspective, halakhic creativity would constitute a rather limited enterprise.

At the same time, the objective evidence for a measure of individual input and initiative in תורה שבעל פה is much too overwhelming to ignore. Clearly, doctrines in halakhah have been subject to exhaustive debate and have undergone reevaluation and transformation, as a comprehensive analysis of any *sugya* would demonstrate. The very fact that individuals are associated with particular positions, and that halakhah demands this attribution even in the face of disagreement and dismissal of those positions, clearly represents an acknowledgement of some sort of individual contribution. Examples of this can be found in the Mishnah in 'Eduyot (I:5-6; although perhaps in a negative sense), and in the obligation to credit the propounder of any particular view: כל האומר דבר בשם אומריו מביא גאולה לעולם ('Avot VI:6; Megillah 15a). Furthermore, the sensitive observer can discern whole methodological revolutions in the areas of דרכי הלימוד, *mahashavah*, and *pesak*. Examples of this would be the dialectical revolution of the *Ba'alei ha-Tosafot* in the medieval period, the methodological school of *pilpul* in the 15th and 16th centuries, the "*Brisker derekh*" in the 19th century, and the healthy diversity which flourishes even in our own day. In the area of *mahashavah*, different trends of philosophy, Kabbalah, and Hasidut have each dominated in different eras, each led by different individuals.

How can such transformations be conceivable, given the comprehensive Masorah basis for תורה שבעל פה? Jewish intellectual historians point to the phenomenon, particularly in 16th-century Kabbalah, of גלוי אליהו—the revelation of Eliyahu—which claims an augmented Masorah to justify clear-cut departures from previously maintained doctrines and interpretations.²³ Some have viewed with cynicism the claim of historically revolutionary theorists that their radical doctrines in fact represent the authentic and original intent of ancient texts, be they verses in Humash, *sugyot* in Gemara, or commentaries by Rishonim.²⁴ The authors of a recent article suggest that Rav Soloveitchik's enthusiastic characterization of his grandfather, Rav Hayyim, as having revolutionized Talmud study through the "*Brisker derekh*" represents the significant impact of modernity on his thought, inasmuch, they imply, as the traditional perspective perceives of halakhah only in terms of strict continuity.²⁵ This suggestion illustrates the pervasiveness of the common misconception that *hiddush* is, in essence, antithetical to the notion of Masorah.

The fact of the matter is that halakhah admits of, encourages, and admires *hiddush*. The Gemara (Pesahim 92a) explains that a certain part of Jerusalem was called החצר החדשה because שחדשו בו דבר - it was there that חידושי תורה were said. We find a much more explicit source in the Talmud (Hagigah 3a): ת"ר מעשה ברבי יוחנן בן ברוקה ורבי אלעזר בן חסמא שהלכו להקביל פני ר' יהושע בפקיעין. אמר להם, מה חידוש היה בבית המדרש היום? What new innovation, what initiative took place in the Bet ha-Midrash today? אמרו לו תלמידיך אנו. ומימך אנו שותין. How can we come up with anything? We are your students. We depend upon you. אמר להם אעפ"כ, אי אפשר לבית המדרש בלא חידוש. Rabbi Yehoshua rejected this particular notion, as flattering as it was, in favor of the doctrine of *hiddush*.

The appellation "מחדש" represents the highest form of praise and respect, with deep roots in the tradition of Talmud Torah. This high regard for *hiddush* represents a central theme in the works of the Neziv and in Rav Soloveitchik's classic depiction of the ideal "*ish ha-halakhah*" as the creative persona *par excellence* who builds and fashions concepts within the abstract and yet real world of Torah and halakhah to most approximate its truth.

The question, then, is even more acutely sharpened. How does all this unbridled enthusiasm for *hiddush*, for creativity and initiative, square with the doctrine of Masorah? I believe that the basis for the answer is built on two central premises of Judaism which, while conceptually independent of each other, are at the same time linked in terms of their ultimate design. They are the almost infinite depth and multi-dimensionality of Torah- שבעים לתורה - and the uniqueness and singularity of individuals with regard to their own capacities, talents and predilections.

The first premise, the depth of Torah, is illustrated by the famous Gemara (Eruvin 13b) describing the argument between Bet Shammai and Bet Hillel : שלש שנים נחלקו בית שמאי ובית הלל, הללו אומרים הלכה כמותנו והללו אומרים : הלכה כמותנו. יצאה בת קול ואמרה אלו ואלו דברי אלקים חיים. For three years a battle was fought between Bet Hillel and Bet Shammai until finally a בת קול determined that both were in fact correct. The Ritva's understanding was that this phrase- אלו ואלו דברי אלקים חיים - goes far beyond tolerance and non-responsibility for mistakes to assert a theoretical multiple-truth theory, *pesak* notwithstanding.

שאלו רבני צרפת ז"ל האיך אפשר שיהו אלו ואלו דברי אלקים חיים וזה אוסר וזה מתיר. ותירצו כי כשעלה משה למרום לקבל התורה, הראו לו על כל דבר ודבר מ"ט פנים לאיסור ומ"ט פנים להיתר. ושאל להקב"ה על זה ואמר

שיהא זה מסור לחכמי ישראל שבכל דור ודור ויהיה
הכרעה כמותם. 26"

Indeed, despite the skepticism of the *Ba'alei ha-Tosafot*, both opinions are correct in a certain respect. The Ritva sustains the equality of these truths. He maintains that while each generation has the ability, indeed the obligation, to determine which position appeals to it as the most authentic, on a purely objective level there is no one truth. The Gemara (Sanhedrin 17a) which declares, אין מושיבין בסנהדרין אלא מי שיודע לטהר את השרץ מן התורה, although understood differently by the *Ba'alei ha-Tosafot*, may possibly also refer to the demand that judges have the capacity to see this complex picture of multiple truths.

The Gemara elsewhere (Hagigah 3b) presents this notion in an even more explicit manner. Commenting on a verse in Kohelet (12:11), the Gemara draws a very interesting picture of Talmud Torah and the role of חכמים.

פתח ודרש, 'דברי חכמים כדרבונות וכמסמרות נטועים בעלי אסופות נתנו מרועה אחד'. למה נמשלו דברי תורה לדרבן? לומר לך מה דרבן זה מכוין את הפרה לתלמיה להוציא חיים לעולם, אף דברי תורה מכוונין את לומדיהן מדרכי מיתה לדרכי חיים. אי מה דרבן זה מטלטל אף דברי תורה מטלטלין? ת"ל 'מסמרות'. אי מה מסמר זה חסר ולא יתר, אך דברי תורה חסירין ולא יתירין? ת"ל 'נטועים', מה נטיעה זו פרה ורבה אף דברי תורה פריין ורביין. 'בעלי אסופות' אלו תלמידי חכמים שיושבין אסופות אסופות ועוסקין בתורה, הללו מטמאין והללו מטהרין הללו אוסרין והללו מתירין הללו פוסלין והללו מכשירין. שמא יאמר אדם היאך אני למד תורה מעתה? תלמוד לומר כולם 'נתנו מרועה אחד', אל אחד נתנן, פרנס אחד אמרן, מפי אדון כל המעשים ברוך הוא דכתיב, 'וידבר אלקים את כל הדברים האלה'.

Up until this point, the Gemara simply justified again this notion of multiple truths, but then it goes on to offer some practical advice. What is the individual who is exposed to this cacophony of truths supposed to do with them? אף אתה עשה אונך כאפרכסת וקנה לך לב מבין לשמוע את דברי מטמאים ואת דברי מטהרים. Your ears should be able to sift through these multiple truths so that you may ultimately come to the truth which relates to you as an individual.

The Maharal explains this Gemara, echoing the position of the Ritva in Eruvin mentioned earlier but going even a step further: אמר 'בעלי אסופות' פי' כי אי אפשר שיהיה דעת החכמים על דרך אחד ואי אפשר שלא יהיה חלוק ביניהם כפי מה שהם מחולקין בשכלם. כי כל דבר ודבר אי אפשר שלא יהא בחינה יותר מאחת לדבר אחד. שאף אם הדבר טמא, אי אפשר שלא יהיה לו צד בחינה אל טהרה של מה. It would have been impossible for the Hakhamim to agree about such issues. Just as they, by their very natures, are differentiated, so too the issues to which they address themselves are complex and of multiple themes. The Maharal continues:

אלא ר"ל כמו שהש"י אדון כל המעשים וממנו נמצא עולם המורכב שיש בו דברים מתחלפים ויש אחד הפך השני, וכן הוא דבר זה שכל דבר יש בו בחינות מתחלפות שאין העולם פשוט שלא יהיה בו חילוף בחינות. א"כ המטמא והמטהר זה למד תורה כמו השני . . . רק לענין הלכה למעשה, אם ספק שהאחד יותר עיקר מן השני . . . אל תאמר כי דבר שאינו עיקר אינו נחשב כלום. זה אינו כי השומע כל הדעות הרי השיג הדבר כפי מה שיש לדבר בחינות מתחלפות והרי למד תורה כפי מה שהוא הדבר שיש לו בחינות מתחלפות. רק לענין הלכה אחד מכריע על השני. ולפעמים הבחינות שוים לגמרי בצד עצמו ואז שניהם מן הש"י בשוה ואין מכריע. וזהו מחלוקת הלל ושמאי שיצא בת קול אלו ואלו דברי אלקים חיים. [27](#)

In essence then, what emerges from the Maharal once again, is the doctrine of multiple truths, significant especially outside the area of *pesak*, and related to individual intellect and the capacity of each individual to discern the complexity and subtlety which exists in every aspect of life.

Still, how is it possible for there to be multiple truths, but only one *pesak*? The Maharal argues that while there may be multiple truths, all truths are not equal. Life is complex and everything created does obtain of more than one combination of different components. So, for example, it is possible for an object to possess a sense of *tum'ah*, but its sense of *taharah* overwhelms the *tum'ah*. The case of Bet Hillel and Bet Shammai, he argues, is one of those rare occurrences where absolute equality does apply, where the essences of both opinions appear to be of equal strength. But, in most situations, while *pesak halakhah* doesn't deny the *shitat yahid* and considers that it may be possible to rehabilitate it in a different context, there clearly is a decisive determination. [28](#)

The Ramban, in his introduction to his commentary on the Humash, develops in a slightly different fashion this notion of

infinite levels of Torah. On this basis, some have interpreted the Mishnah in 'Avot (V:22), הפוך בה והפוך בה דכולה בה, not in its traditional sense that everything you require can be found in Torah, but in the sense of asserting the infinite depth of Torah itself.²⁹

The second premise, in addition to that affirming the depth and multi-dimensionality of Torah, is that of the uniqueness and singularity of individuals with regard to capacity, talent, and predilections. The Mishnah (Sanhedrin 37a) clearly develops the theme that man is created as a singular being in order to accent the inherent worth of each individual as a member of the species: לפיכך נברא האדם יחידי ללמדך שכל המאבד נפש אחת מישראל מעלה עליו הכתוב כאילו איבד עולם מלא וכל המקיים נפש אחת מישראל, מעלה עליו הכתוב כאילו קיים עולם מלא. But the Mishnah pursues this even further, adding a dimension which underscores not only the significance of each individual but also the differentiation of each individual as well. ולהגיד גדולתו של הקב"ה, שאדם טובע כמה מטבעות בחותם אחד, כולן דומין זה לזה. ומלך מלכי המלכים הקב"ה טבע כל אדם בחותמו של אדם הראשון, ואין אחד מהן דומה לחברו. Is this merely an impressive device by Hashem to show His skill, or is there content and substance to this decision to underscore individuality? The very next words in the Mishnah seem to provide the response: לפיכך כל אחד ואחד חייב לומר בשבילי נברא העולם. I interpret the "לפיכך" to refer to this section as well. Unless there is inherent value in the singularity of each individual, this statement is meaningless.³⁰

This motif is expressed more explicitly in the *Midrash* and other sources: הלכה. אם ראה הרבה אוכלוסין של בני אדם, אומר ברוך אתה ה' אלקינו מלך העולם חכם הרזים; כשם שאין פרצופותיהן דומין זה לזה, כך אין דעתן ³¹שוין זה לזה. It is surely no coincidence, as the commentators have pointed out, that מתן תורה addresses itself in the singular, to each individual-אלקיך-as does קריאת שמע with its theme of קבלת עול ³²מלכות שמים.

I submit that these two themes, the infinite depth of Torah and the infinite distinctiveness and singularity of individuals, are not unrelated. The Maharal, in the same section already quoted, links the two issues as part of his explanation of the *sugya* in Hagigah cited earlier. He characterizes the בעלי אסופות as each striving to mobilize his particular talents and inclinations to uncover the multiple dimensions of Torah in his depiction of the ideal role of *talmidei hakhamim*. In the same context, the Maharal notes that דברי חכמים and Torah are described as both נטועים

פרים ורבים-fixed and unyielding-and at the same time conducive to constant growth and expansion. Thus, there is no contradiction between the notion of Masorah and that of *hiddush*.

A close examination of the text of the Midrash itself would also indicate the truth of this complimentary relationship: כל מה שתלמיד ותיק עתיד לחדש נאמר למשה מסיני. Despite the fact that whatever a student suggests has already been revealed in the Masoretic tradition, it is still referred to as "*hiddush*." Torah, then, even as Masorah, is neither monistic nor simplistic. It has infinite capacity for being studied and analyzed, and that which is legitimately discovered through proper methodology and rigorous analysis is also a "*hiddush*," perhaps not in the sense of creation, but in the sense of discovery or rediscovery of that which is implicit in the Masorah. *Hiddush*, in this sense of rediscovery which is extracted from Torah through individual initiative and through personal and unique perspective and inclination, enhances Israel's familiarity with the depth of the Masorah itself. This, of course, is something to be lauded and encouraged, and attributed to the individual, for indeed it is מביא גאולה לעולם.

It is in this context that the Gemara (Hullin 6b-7a) establishes the capacity for *hiddush* through the principle of מקום הניחו להתגדר בו. The Gemara relates:

העיד רבי יהושע בן זרוז בן חמיו של רבי מאיר לפני רבי על ר"מ שאכל עלה של ירק בבית שאן והתיר רבי את בית שאן כולה על ידו. חברו עליו אחיו ובית אביו אמרו לו מקום שאבותיך ואבות אבותיך נהגו בו איסור אתה תנהוג בו היתר? דרש להן מקרא זה, 'וכתת נחש הנחשת אשר עשה משה.' כי עד הימים ההמה היו בני ישראל מקטרים לו ויקרא לו נחוששתן אפשר בא אסא ולא ביערו בא יהושפט ולא ביערו והלא כל עבודה זרה שבעולם אסא ויהושפט ביערום. אלא מקום הניחו לו אבותיו להתגדר בו אף אני מקום הניחו לי אבותי להתגדר בו. מכאן לתלמיד חכם שאמר דבר הלכה שאין מזיחין אותו ואמרי לה אין מזיחין אותו ואמרי לה אין מזיחין אותו.

The *talmid hakham* who presents you with an innovation should not meet with the responses of מזיחין, מזניחין, מזיחין, which probably refer to accusations of arrogance, feeding one's ego, stupidity, or falsehood, because he is revealing or suggesting something novel and unique. Rather, the reaction should be on the basis of מקום הניחו להתגדר בו.

Once the capacity for initiative in Torah and halakhah has been established, surely it becomes obligatory as well. It would be absurd for *imitatio dei* to apply to every single area but that considered to be the most spiritually significant. Additionally, an unambitious and mediocre posture regarding Talmud Torah is never to be advocated; the passion for the truth and depth of Torah militates precisely against this. Rather, this passion for truth which takes the form of commitment to personal initiative and innovation in Talmud Torah is responsible for and often reflected by the sometimes stormy relationship that exists between combatants in the classical מלחמתה של תורה. It can even be seen as responsible for the strident language which is sometimes employed in those battles and which has often been misconstrued and misunderstood by the uninitiated. This reality is captured by the very term מלחמתה של תורה-war-and finds expression in the Gemara (Kiddushin 30b):

ואומר, 'אשרי הגבר אשר מלא את אשפתו מהם לא יבושו
כי ידברו את אויבים בשער.' מאי, 'את אויבים בשער?'
אמר רבי חייא בר אבא, אפי' האב ובנו הרב ותלמידו
שעוסקין בתורה בשער אחד נעשים אויבים זה את זה ואינם
זזים משם עד שנעשים אוהבים זה את זה שנאמר, 'את והב
בסופה.' אל תקרי 'בסופה' אלא 'בסופה.'

The adversarial tone, motivated by mutual passion for truth, masks and even contributes, in a certain sense, to mutual love and respect. In the pursuit of theoretical truth, the relationship between *rebbe and talmid* never requires a *talmid* to yield his opinion to that of his *rebbe*. *Pesak*, of course, is a different matter.

Even in the domain of *pesak*, Hakhmei Provence who were critical of the Rif and other predecessors rationalized their harsh criticism of people whom they greatly respected. They based their behavior on the principle that כבוד שמים חביב. Modesty and reverence are never legitimate justifications for lack of personal initiative and aggressive involvement in the pursuit of truth when the stakes are so high.³³

Clearly, the capacity for critical pursuit of truth in Talmud Torah must be seen as an obligation as well. It is told that the Vilna Gaon rejected the offer of a "dream maggid" to reveal to him the entire corpus of Torah with

immediacy and lack of effort. He preferred, instead, to engage himself in the process, using his own personal inclinations and talents as his tools.³⁴

The recognition of the importance of individual involvement in the process of Talmud Torah and halakhah is also demonstrated by the debate which surrounded the formal codification of halakhah in the time of the Geonim, the Rambam, and the *Shulhan Arukh*. Rav Paltoi Gaon, for example, waged a campaign against *pesak* rooted only in *sifrei posekim* removed from their original sources.³⁵ While others, such as the Ri Migash, preferred such *pesak* to its alternative, namely the risk of faulty analysis of sources,³⁶ clearly the ideal always has been and still is an analytically based notion of *pesak*.

In the sixteenth century, the compilation of the *Shulhan Arukh* intensified this element of the debate. The brother of the Maharal of Prague, R. Hayyim b. Bezalel, leveled a severe critique against the *Shulhan Arukh*, specifically citing the concern that were it to become universally accepted, the halakhic process would lose the unique perspective of each individual as brought to bear on the multi-faceted and multi-dimensional halakhah itself: וכמו שטבע היצירה עושה עוד היום שפני כל האדם משונות זו מזו, כך יש להאמין שחכמה נחלקת עדיין בלב כל אדם זו משונה מזו.³⁷ In any historical era, just as human beings differ physically, so too does their capacity for creativity and perspective differ. R. Hayyim dismisses the notion of excising rejected minority opinions as being counterproductive to halakhic creativity. Thus, what emerges is a remarkable statement advocating a pluralism of halakhic ideas, even in *pesak*-quite an extreme position. Again, one need not reject codification in order to accept the argument of individual creativity. The benefits of codification may warrant the trade-off in any case.

The Maharal of Prague himself also rejected reliance on *sifrei pesak* as being an insufficient substitute for personal analysis. Remarkably, he posits that the integrity of the halakhic process is such that even the risk of a potentially incorrect *pesak* is outweighed by the dangers of uncritical reliance on *sifrei pesak*. In a celebrated passage, the Maharal actually states:

אבל הפירוש כמו שאמרנו. כי עיקר התורה כאשר הוא מורה הלכה למעשה ודבר זה ראוי שיהיה יוצא מן התורה אשר התורה היא שכלית ודבר זה הוא התלמוד שהוא שכלי. ומזה ראוי שיהיה יוצא הלכה למעשה. ובדבר זה בודאי קיום העולם שעומד על התורה, ולפיכך התנאים שמורים הלכה מתוך המשנה הם מבלי עולם. אבל בדור הזה, אם היו פוסקים הלכה מתוך המשנה, היה זה די. כי המשנה היא ראשית לתלמוד והתחלה אליו. אבל אין פוסקים הלכה מתוך המשנה, שהיא עשויה לתלמוד. כי התלמוד הוא פירוש המשנה. רק שהם פוסקים הלכה מתוך

הפסקים אשר נתחברו להורות הלכה למעשה שלא נעשו ללמוד אותם, רק לפסוק מהם. ודבר זה יותר רחוק מן הדעת. והראשונים כמו הרמב"ם ז"ל והטור, אף על גב שחיברו הפסקים בלא ביאור, לא היה דעתם רק להורות סוף ההלכה. ואשר הוא עולה מתוך התלמוד. אבל לפסוק אדם מתוכם, בלי שידע מאיזה מקום יוצא הדין רק הלכתא בלא טעמא לא עלה על דעתם ועל מחשבתם. . . ואף כי יש לחוש שלא ילך בדרך האמת ולא יפסקו הדין לאמיתו שתהיה ההוראה לפי האמת, מ"מ אין לחכם רק מה שהשכל שלו נותן ומבין מתוך התלמוד. וכאשר תבונתו וחכמתו תטעה אותו, עם כל זה הוא אהוב אל ה' יתברך כאשר הוא מורה מה שמתחייב משכלו ואין לדיין רק מה שעניו רואות והוא יותר טוב ממי שפוסק מתוך חיבור אחד ולא ידע טעם הדבר כלל שהולך כמו עור בדרך. [38](#)

This very radical statement, expressing sentiments similar to those expressed by his brother, is only radical with regard to *pesak halakhah*; it is clearly acceptable regarding Talmud Torah and its implications for initiative and personal input.

The abuses feared by critics of codification and of summary have alas never been more clearly felt than in our own time. The proliferation of *sifrei pesak* of a summary nature and English "how-to" books and the almost exclusive reliance on even as important a work as the *Mishnah Berurah* have almost succeeded in rendering the *Shulhan Arukh*, the *Taz*, and the *Magen 'Avraham* obsolete. Never has the need for such works been greater than in our own era, and never have the abuses that they generate been as obvious either.

The relationship, then, between individual singularity and distinctiveness on the one hand, and the infinite depth of Torah on the other, is a reciprocal one, allowing for the establishment of the unique relationship of each individual *qua* individual to Hashem and to His Torah. It is the manifestation of זה קלי ואנוהו in its strictest sense, the idea of an individual מלכות שמים and an individual מתן תורה, and at the same time, by virtue of the unique talents possessed by distinctive individuals, it ensures that all aspects and facets of Torah are explored.

What about the more practical questions, such as propriety and presumptuousness? Can we seriously strive to add to, take issue with, or judge critically the efforts of previous generations? After all, אם ראשונים בני מלאכים אנו בני אנשים, ואם ראשונים בני אנשים אנו בני מלאכים (Shabbat 112b). And what of ירידת הדורות, in whatever

form one chooses to understand it? Surely there is a hierarchy of authority-Gemara, then Rishonim, then Aharonim, etc. In a sense, these concerns were already dealt with in the *מזיחין, מזיחין, מזיחין* of the Gemara (Hullin 7a) which we discussed earlier. These terms are interpreted as referring to problems of presumptuousness and foolishness in believing that one can advance a theory which hitherto has never been explicated or explored.

In terms of Talmud Torah, and even with regard to *pesak*, a response can be found within the guidelines of accepted authority if one has abiding faith in the progression of ideas, in the continuous unfolding of an implicit Masorah, and in the ability of new insights to continuously provoke reevaluation of the entire corpus. The theme of *חמור נושא ספרים* as described by Bahya ibn Pakudah³⁹ or the notion of *עומדים על גבי ענקים*, of dwarfs standing on the shoulders of giants who although shorter are able to see a greater distance because they are raised higher,⁴⁰ are common justifications of medieval and modern commentators. The critical factor is the progressive momentum of careful and reasoned analysis, irrespective of the stature and self-image of one generation *visa-vis* another. The evolution of doctrines follows certain patterns. Dramatic bursts of insight and creativity are followed by their moderation, and then their application and assimilation into the broader corpus, with a ripple effect on the entire scheme and system. This then spurs a period of summation and retrenchment, followed by critical evaluation of the new reality that has emerged as a result of the entire process. We work primarily through exposure to insights; we integrate them into a whole system, juxtaposing them to our own experiences and thus insuring a constant, meaningful reappraisal.

There is also another relevant factor. Specific historical eras may enhance the potential sensitivity of individuals to certain concepts, thereby contributing again to the process of an unfolding Masorah. In an era of technological achievement, for example, concepts such as *אש* and *גרמא* may be more acutely and creatively analyzed than in eras past. This is also true for dilemmas that arise out of historical circumstances, which can often serve to sharpen debate and accent hitherto unexplored aspects of a particular problem.

What about the "personal initiative" of *talmidim* who are less talented than their peers, or less experienced? Is this not, at best, a superfluous and futile pursuit-at worst, ביטול תורה? My emphatic answer is, no. Here again, the singularity of the individual is a crucial factor, raw talent and experience aside. Human complexity is such that different forces and exposures stimulate different responses in individuals. The student may have an inclination for *pilpul*, another for the formal mathematical nature of *Brisker hakirot*, a third for the practical orientation of *peshat*. This is also true in the area of *mahashavah*. The philosophy that appeals to one may not appeal to the other; Kabbalah, which leaves some unmoved, provokes ecstasy in others. A line in a Rishon, or a particular juxtaposition of two positions, may be striking to one person, obvious to another, and totally meaningless to a third. Moreover, a whole complex of different sensitivities and nuances is developed in time through various exposures, some perhaps accidental, and even through the coincidental order of those particular exposures.

In any clash between seemingly antithetical doctrines, the methodological question that must always be asked is, which position represents the rule and which represents the exception. The answer to this question often dictates and shapes even entire schemes. Personal intuition or the order of exposure may subconsciously be decisive in an individual's determination and, consequently, may affect the way in which he perceives an entire problem.

Every individual, then, brings to any serious pursuit his unique nature, his preconceptions, the sum and the order of his exposures and experiences. This sense of inevitable subjectivity, and we must underscore the word "inevitable," which is neither pragmatic nor conscious, is rejected by some as playing any role in halakhah. But, undeniably, when pursued with sincerity and conviction in an effort to seek the truth, it is wholly legitimate and inevitable, perhaps even rooted in design and *hashgahah* and constitutes a central component in the quest to uncover multi-dimensional Talmud Torah by means of individual initiative.

The spirit of this enterprise, though, does impose certain restrictions which simultaneously serve to legitimize it. These restrictions include fidelity to the text and to the integrity of the inquiry. As much as possible, one attempts to surrender one's

prejudices to the pursuit of *'Avodat Hashem*, and to consciously challenge one's objectivity at all times. Moreover, innovation for innovation's sake is simply self-worship and aggrandizement. It is food for the ego and should scrupulously be guarded against and rejected. Also it is vitally important that one perceive of oneself, especially in the area of Talmud Torah, as part of the chain of Masorah and as enhancing that chain rather than breaking with its previous links.

Earlier, I noted the Gemara (Sanhedrin 17a) which stipulates that אין מושיבין בסנהדרין אלא מי שיודע לטהר את השרץ מן התורה. Tosafot rejects the simple *peshat* of that Gemara inasmuch as there is no redeeming value to what he terms חריפות של הבל - meaningless intellectual games.⁴¹ The Maharal, despite his ardent advocacy of initiative in Talmud Torah and even in *pesak*, as mentioned earlier, railed vociferously against what he considered contemporary abuses in the study of Torah in the sixteenth century. He refers to them as פלפול של הבל, and believes them to be without substance and meaning.⁴²

This issue, in another form, is a central concern of modern Talmud Torah as well, especially in terms of the question of *hinukh* at the developmental stage. Lack of experience and of methodology and knowledge dictate that unbridled initiative, the quest for creativity without limits is doomed from the start and contributes only to the notion of חריפות של הבל and ביטול זמן. Certainly, then, a balance must be achieved which avoids, or at least minimizes, these dangers, while at the same time training for and underscoring the notion of independence and initiative in Talmud Torah as an ideal.

In a broad sense, several considerations should prevail. The first is a minimum level of knowledge. By this, I do not mean the entire corpus of Gemara, or even necessarily the entire tractate which is being studied but, rather, an acquaintance with all the relevant facts of a *sugya* and the ability to discern fact from interpretation. The second consideration is an acquaintance with basic methodology, both in terms of analysis-know what questions to ask, possible methods of resolution, how to determine test cases, etc.-and in terms of the nature of sources-where to look, how to determine the facts, how to pursue treatments, etc. Thirdly, and perhaps the most elusive, is the development of a minimum intuition of the parameters of

conceptual plausibility as it relates directly to *lomdus* in the area of halakhah, and its counterpart in *mahashavah*. This kind of intuition, of course, can only be attained through exposure to *rebbeim*, either real or textual, and a fidelity to a particular methodology.

At the same time, *talmidim* should be encouraged and trained to think independently; to initially analyze a text critically without the mediation of interpreters, especially with regard to Rishonim and Aharonim; to learn to challenge an interpretation, or at least to be discerning of its status as only one of many possible approaches until analysis is confirmed or resolved otherwise. *Talmidim* should be trained to pursue truth with passion and initiative on the one hand, and with a spirit of integrity and an abiding respect for previous treatments, which avoids abuses both of ego and of limited knowledge. In this manner, individual creativity and initiative will surely attain the status the Midrash refers to, i.e., כל מה שתלמיד ותיק עתיד לחדש נאמר למשה מסיני.

NOTES

- [1.](#) Mizvat 'Aseh #8.
- [2.](#) Rabbi J. B. Soloveitchik, "The Lonely Man of Faith," *Tradition* VII (1965), 54-5.
- [3.](#) In addition to the article cited above, see, for example, *idem.*, *The five Addresses* (Jerusalem, 1983), 115-16.
- [4.](#) *Sefer ha-Hinukh*, Mizvah #2.
- [5.](#) See, for example, *Mekhilta*, Yitro, Chapter V; Rashi, Shemot 20:2; *Sifra* and Rashi, Vayikra 22:33; *Sefer ha-Hinukh*, Mizvah #273.
- [6.](#) 'Avot VI:2.
- [7.](#) See *Ramban 'al ha-Torah*, Bereshit 17:1, Shemot 6:2.
- [8.](#) See Pesahim 64b.
- [9.](#) *Ramban 'al ha-Torah*, Bereshit 12:10.
- [10.](#) *Derashot u-Perushei Rabbenu Yonah 'al ha-Torah*, ed. S. Yerushalmi (Jerusalem, 1980), 32. See too pp. 66, 77.
- [11.](#) See, for example, Maimonides, *Moreh Nevukhim* I:58, II:17, III:20. Gersonides' radical views regarding Divine knowledge of particulars accent this theme in a more extreme way.
- [12.](#) G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1960), 7-10.
- [13.](#) Rabbi J. B. Soloveitchik, *The Halakhic Mind* (London, 1986), 78-91.

[14.](#) For a general discussion about the pursuit for טעמי המצות in rabbinic literature, see Y.

Heineman, *Ta'amei ha-Mizvot bi-Sifrut Yisrael* (Jerusalem, 1956).

[15.](#) See, for example, Rambam, Hil. Kri'at Shema II:1; Hil. Tefillah IV:15, X:1; Hil. Shofar II:4; Hil. Megillah II:5.

[16.](#) Rashi, Sukkah 29b, s.v. *yavesh*.

[17.](#) See Sukkah 33a; Rambam, Hil. Lulav VII: 7.

[18.](#) Makkot 23b; Rambam, *Perush ha-Mishnayot*, *ad. loc.*

[19.](#) See *Torat Moshe 'al ha-Torah* and *Sefat 'Emet 'al ha-Torah* on Vayikra 1:2.

[20.](#) See Berakhot 21a; *Shulhan Arukh, Orach Hayyim* 107:1.

[21.](#) Berakhot 5a.

[22.](#) See Yerushalmi Hagigah I:8, Pe'ah II:4. The text there reads: כל מה שתלמיד ותיק עתיד להורות. In the introduction to his commentary on the *She'iltot*, entitled *Kidmat ha-'Emek*, Rav Naftali zevi Yehudah Berlin cites the Midrash as the source of the more striking formulation See also Megillah 19b: ...מלמד שהראהו הקב"ה למשה דקדוקי תורה ודקדוקי סופרים ומה שהסופרים עתידין לחדש

[23.](#) For a brief discussion of this phenomenon, see G. Scholem, "Religious Authority and Mysticism," *On the Kabbalah and Its Symbolism* (New York, 1970), 19-21.

[24.](#) See, for example, *idem.*, "Revelation and Tradition as Religious Categories," *The Messianic Idea in Judaism* (New York, 1978), 289.

[25.](#) See D. Singer and M. Sokol, "Joseph Soloveitchk: Lonely Man of Faith," *Modern Judaism* II (1982), 237.

[26.](#) Ritva, Eruvin 13b, s.v. *'elu ve-'elu*.

[27.](#) Maharal of Prague, *Be'er ha-Golah* (Jerusalem, 1971), 19-20. See also the formulation of the Maharshah, *Yam Shel Shlomoh*, introduction to Baba Kamma He links the issues on the basis that the initial act of מעמד הר סיני was designed to be received by a multitude of singular minds.

[28.](#) The precise relationship between a pluralistic view of halakhic truth and the institution and methodology of *pesak* is an extremely complex one. I intend to elaborate on this theme elsewhere.

In terms of the concept of *hiddush*, see also the different perspectives reflected in *Derashot ha-Ran*, #7 and in Neziv's *Kidmat ha-'Emek*, introduction.

[29.](#) See, for example, the explanation of Rabbenu Yonah, *ad. loc.*

[30.](#) Parenthetically, I should note that the Gemara itself (Sanhedrin 38a) somewhat trivializes this whole theme. In explaining the Mishnah, the Gemara states: ומפני מה אין פרצופיהן דומין זה לזה, שלא יראה אדם דירה נאה ואשה נאה ויאמר שלי היא... בשלשה דברים אדם משתנה מחבירו: בקול במראה ובדעת. בקול ובמראה משום ערוה ובדעת מפני הגולנין והחמסנין.

[31.](#) *Bamidbar Rabbah XXI:2; Midrash Tanhuma*, Parshat Pinhas, #10. See also Berakhot 58a.

[32.](#) See R. Moshe Alshikh, *Torat Moshe 'al ha-Torah* on Devarim 6:4.

[33.](#) See I. Twersky, *Rabad of Posquières* (revised edition: Philadelphia, 1980), introduction xx-xxv; *idem.*, "The Beginnings of *Mishneh Torah* Criticism," *Biblical and Other Studies* (Cambridge, 1963), 161-82.

[34.](#) For a general discussion of the Gra's position, see H. H. Ben-Sasson, "Ishiyuto shel ha-Gra ve-Hashpa'ato ha-historit," *Zion XXXI* (1966), 45-53.

[35.](#) See *Sefer ha-'Eshkol*, ed. by Z. Auerbach (New York, 1962) II 50.

[36.](#) See *She'elot u-Teshuvot Ri Migash*, #114.

[37.](#) R. Hayyim b. Bezalel, *Vikuah Mayyim Hayyim* (Amsterdam, 1712), 5b.

[38.](#) Maharal of Prague, *Netivot 'Olam*, Netiv ha-Torah, Chapter XV.

[39.](#) R. Bahya, *Hovot ha-levavot*, Sha'ar 'Avodat 'Elokim, Chapter IV.

Cf. Megillah 28b.

[40.](#) See R. K. Merton, *On The Shoulders of Giants* (New York, 1965). [For a discussion of this theme in a Jewish context, see D. Zlotnick, "The Commentary of Rabbi Abraham Azulai to the Mishnah," *PAAJR XL* (1972), 163-67.-ED.]

[41.](#) Tosafot, Sanhedrin 17a, s.v. *she- yode'a*.

[42.](#) See *Kitvei Maharal mi-Prag* (Jerusalem, 1982) II, 323-28.