

למדות:

*The Conceptual  
Approach to Jewish  
Learning*

edited by

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# 3

## Polyphonic Diversity and Military Music

*Shalom Carmy*

Indeed it is the glory of our holy, pure Torah, for the entire Torah is called a song (*shirah*) and the glory of song is when the voices vary; that is the primary pleasantness. Whoever sets sail in the sea of Talmud will discover varied melodic pleasure in all the varied voices.

(R. Yehiel Mikhal Epstein)<sup>1</sup>

Every thing is what it is, and not some other thing.

(attributed to Joseph Butler)<sup>2</sup>

The purpose of study is the conquest of content and new forms. He must cast his novellae in his own forms, impressing his own thought upon them.

(R. Joseph B. Soloveitchik)<sup>3</sup>

My task is to examine some effects of the dominant *derekh ha-limmud* in Talmud (variously known as “Brisk,” *lomdut*, the Lithuanian

method, or the analytic school) on the study of Jewish thought and Bible. In order to do so, it will first be necessary to define those salient aspects of the regnant approach that have been paralleled in Jewish thought and our study of Bible. We will have the opportunity to spell out both implications of the Brisker approach that affect the world of *mahashavah* and fruitful analogies between various fields in Torah. It will also be our duty to point out the difficulties that arise when a method successful in one area is mobilized to govern other domains of Torah, in which alternative legitimate modes of reading are available and appropriate. Lastly, we shall discuss convictions the internalization of which are, I believe, important for the continued flourishing of Torah study oriented to *lomdut*.

## I

The phrase “two *dinim*” (or “two *halakhot*”) is the popular hallmark of the analytic school. What does it mean? A first attempt at definition would, in effect, equate the method of “two *dinim*” with the linguistic phenomenon of polysemy. Much language, including words and phrases that play an important role in Talmudic discourse, carries multiple meanings. Failure to distinguish between the meanings can lead to conceptual muddle and textual difficulties. Clarifying the different meanings illuminates the reality underlying the vocabulary and the textual obscurities. Thus, for instance, according to R. Hayyim, the word *kavvanah* (translated as “intention,” itself a notoriously knotty philosophical term), means one thing when it refers to the awareness that one is engaged in performance of a mitzvah, another when it defines paying attention to the words of a prayer, another when it specifies the consciousness that accompanies prayer (that one is “standing before the King”), and still another when it refers to the kind of purposive activity that counts as work on Shabbat (*melekheth mahashevet*).<sup>4</sup> Each concept is a separate “*halakhah*” respecting *kavvanah*. Similarly, when the Rambam rules differently in a case of *edim zomemim* (perjured witnesses) who caused the defendant to be killed and a case where they caused him to be flogged, R. Hayyim’s distinction implies that the naive notion of punishment (*onesh*) is misleading. In truth, punishment designates

two different halakhic institutions: capital punishment intends to put the offender to death; corporal punishment to humiliate the offender (and the judicial flogging is merely the prescribed vehicle of humiliation).<sup>5</sup>

The above delineation is insufficient because not every multiplicity of meaning encountered in Talmudic study comes under the purview of *lomdut*. A clear-cut example: the term *shaveh kesef* (equivalent of money) in *Bava Kamma* 1:3 is interpreted as real estate; elsewhere it denotes movable goods. The existence of two almost contradictory senses to one term is curious. The historian of language may wonder how it came about, and the literarily sensitive student will ask about the unusual usage in this particular *Mishnah*.<sup>6</sup> As far as I know, however, this lexical situation is not viewed as the starting point for further conceptual analysis. So recognition of multiple meaning does not a Brisker make.

Let us propose that the multiple senses in a Brisker *hakirah* differ from those found in any dictionary because they are typically interrelated in some intimate way. At a simple intuitive level, we do not find it at all curious that a word like *kavvanah* includes a variety of psychological states. We do not perceive the sort of oddness that accompanies our realization that the English word “ear” can describe both part of a human face and a vegetable, or that *shaveh kesef* sometimes refers to land and sometimes to movable objects. It seems perfectly natural that languages like Hebrew (or English, for that matter) permit one word to mean so many things. We strive to refine, and to maintain, the distinctions among the various meanings, much as analytic philosophers seek to weed out equivocation by assigning subscripts to common polysemous terms like “intention,” in the hope that this procedure will effectively keep the different shades of meaning logically sequestered. Yet, unlike the more technical-minded of the analytic philosophers, we don’t really consider the polysemy of *kavvanah* or *onesh* as a logical-linguistic misfortune muddying the waters of Gemara and *Rishonim*, from which only R. Hayyim can rescue us.

Why not? Because, in spite of the subtle distinctions, the *lamdan* does not question the underlying unity of meaning implied by

ordinary language. Like the English philosopher J.L. Austin, one can acknowledge a wisdom in the common vocabulary (which can only be enhanced by the occurrence of this vocabulary in sacred, canonical textual contexts). If the polysemy in Talmud and *Rishonim* is not simply an accidental result of language's limitations, but reveals some deep truth about the reality plumbed by language, then the *lamdan* is not merely a lexically adept jurist, making the law more precise with his fine distinctions and abstract generalizations, deftly smoothing out bumps in the legal corpus. Rather, the *lamdan* is engaged in categorizations that articulate the divine world of Halakhah. If he<sup>7</sup> seems to be forever multiplying *dinim*, it is not that the language bequeathed to him is poor and inadequate, but that the reality he is struggling with is rich and complex.<sup>8</sup>

The conclusion we have arrived at may appear, to many readers, both obvious and overstated. Obvious, because close reading of the most important texts, with an eye for the distinctions between formulations, does not characterize the Brisker alone. Though there is room for disagreement about the exact nature of the care called for in specific cases, it would be hard to imagine any traditional authority condoning imprecise reading. The ideal of *diyyuk* was neither invented nor refined in the nineteenth century. Obvious, because it is virtually axiomatic that the Torah is "longer than the measure of earth, and wider than the sea (Job 11:9),"<sup>9</sup> An awareness that Torah is multi-faceted and multi-layered underlies the distinction between *peshat* and *derash* in *parshanut ha-Mikra*. As the epigraph from *Arukh ha-Shulhan* demonstrates, the culture of dispute (*mahloket*) in traditional Talmudic study is readily understood in terms of a complex divine truth to which the different sides of a *mahloket* contribute partial approximations, much as a symphony orchestrates a musical ideal that no individual musician can achieve. Yet the story I have told may appear overstated, insofar as it places a great deal of emphasis on the impact of reading, whereas we are accustomed to think that the "analytic school" gives priority to conceptualization over purely textual attentiveness.

If I have said what I have about the connection between ontological complexity and the Brisker method, it is in part out of

solicitude for the issues pertaining to *Tanakh* and *Mahashavah* that will occupy us soon. Even in the realm of *lomdut* proper the *lamdan's* elegant dualistic structures may be vulnerable to the imputation of excessive abstraction and formalism advanced by pragmatically-oriented philosophies of law, impelling him to make explicit the nature of his interaction with the text and its significance for the world outside the text. In any event, those of us who utilize kindred modes of analysis when we study Biblical passages or the phenomenology of the human condition, unfortified by the entrenched authority the *derekh ha-limmud* enjoys in the *beit midrash*, certainly feel called upon, from time to time, to think through our commitment to that methodology.

Likewise the implications for the literary-theological study of *Tanakh*, no less than an interest in the continued prosperity of *lomdut*, lead me to question the commonplace that Litvish learning is inherently indifferent to the pressure exerted by literary sensitivity.<sup>10</sup> This can be illustrated by examining part of a *shi'ur* transmitted in the name of R. Soloveitchik on the nature of acquisition.<sup>11</sup>

The problem initially posed is the absence of a proof-text for R. Yohanan's view that, in biblical law, the buyer's handing over of money completes the purchase of a movable object (*metaltelin*). The *Rav* argues that no verse is required to support R. Yohanan's position. That is because money may effect acquisition in two distinct ways: sometimes money is a formal instrument of acquisition (*kinyan*); sometimes money serves as the means of payment (*peira'on*) and the purchase is complete insofar as the object has been paid for. In buying land, the money achieves *kinyan*; this function requires textual proof, which the Talmud indeed supplies. In buying movable goods, the money is simply a means of payment, the efficacy of which needs no proof-text. The discussion goes on to apply the principle of the "two *dinim*" respecting the purchasing power of money to several other texts and *halakhot*.

What drives the distinction between the two aspects of money? Let us consider three possibilities:

1. The distinction arises from an examination of several *halakhot*, all of which are explained once we recognize that purchase

money has two very different conceptual faces. This motivation for the *hiddush* is clearly based on content rather than literary analysis.

2. The absence of a proof-text for R. Yohanan is both a halakhic problem (how do we know the law?) and a literary question (why doesn't the Gemara furnish the verse?). Some *Rishonim* fill in the gap by proposing a supporting text: they solve the halakhic problem but skirt the literary one, namely, why the commentators must produce the knowledge that is ordinarily given by the Gemara itself. The *Rav*, following one approach in *Rishonim*,<sup>12</sup> resolves both: the Gemara doesn't list the proof-text for R. Yohanan because there is none, because there is no need for one. The attraction of the *Rav's* approach is thus both halakhic and literary.

3. One may also point to a datum not mentioned in the published summary of the *shi'ur*. The *locus classicus* for the various modes of acquisition is the first chapter of *Kiddushin*. The direct acquisition of *metaltelin* through money (in accordance with the view of R. Yohanan) is a conspicuous exception: the *Mishnah* (*Kiddushin* 26a) alludes only to physical transfer of the object, which is effective only by rabbinic ordinance. While the Gemara in *Kiddushin* points this out, the fuller discussion of the dispute about *kinyan metaltelin*, in *Bava Metzi'a* (46ff) ignores the *Mishnah* in *Kiddushin*. Why the discrepancy, asks the student alert to questions about the arrangement of the Talmudic discussions. This purely literary concern could motivate the *lamdan* to probe the conceptual character of *kinyan metaltelin* that differentiates it from other acts of acquisition.

The belief that *lomdut* doesn't care much about the literary aspects of the text seems to come from two directions. Opponents of the *derekh ha-limmud* dismiss the exegesis of Gemara and Rambam so beloved of the Brisker tradition as high quality *derush*, a reading into the source of preconceived concepts. Take R. Hayyim's discussion of two types of *kavvanah* pertinent to prayer. Its point of departure is ostensibly a difference between two statements of the requirement for *kavvanah*. Yet this apparent contradiction can easily be explained (as *Hazon Ish* remarks in his critique of R. Hayyim's thesis<sup>13</sup>) by assuming that the first statement, according to which

*kavvanah* is required for prayer in general, serves as an introduction to the topic, while the second, according to which *kavvanah* in the first *berakhah* is sufficient to validate the prayer, is the specific application of the law. Hence, many students conclude that R. Hayyim had the two *dinim* in *kavvanah* in mind independent of the textual crux, and that the supposedly difficult Rambam is really a pretext for the presentation of his own conceptual insight.

Proponents of the *derekh ha-limmud* sometimes reinforce this impression by regarding a focus on literary issues as a less noble undertaking than unadulterated conceptual analysis. One recognizes, of course, that the literal sense of the words in the text is inviolate and provides the first line of defense against false interpretation. At the same time, however, in assessing the cogency of an analysis, a concentration on logical coherence and conceptual power, to the exclusion of philological and stylistic factors and considerations of literary form and structure, is often felt, rightly or wrongly, to be the highway to “yeshivish” respectability. It is as if one were to adopt, in a very literal way, the *Ba'al ha-Tanya*'s dictum that the sanctity of *Torah she-be'al Peh*, by contrast with that of *Torah she-Bikhtav*, resides in the ideas expressed by the words, rather than in the language itself.<sup>14</sup>

The written and oral vehicles whereby high level *lomdut* is made known to its audience may obscure as much as they reveal about the intellectual matrix of its creativity. The genre of commentary or *hiddushim* on a chosen text inclines the author to assign prominence to the promptings of the text. The delivery of a *shi'ur* may likewise determine the lecturer's decision to begin with, and build on, one type of inquiry as opposed to another. No less an authority figure for the Lithuanian school than R. Isser Zalman Meltzer recognized that teaching or lecturing often privileges certain problems, insights and modes of discourse at the expense of other legitimate, and for certain purposes superior, types of presentation and understanding.<sup>15</sup> Similar links, and tensions, between the pressures of pedagogy and other considerations in the search for truth, have been chronicled with respect to the study of literature.<sup>16</sup> The barrier to reconstruction, posed by the gap between the creative process and its official presentation, has increasingly occupied historians and philosophers



of science in their areas of investigation. Such factors must be kept in mind by students of *lomdut* as well.<sup>17</sup>

Back to our excerpt from the *Rav's* discourse. The framework in which the *shi'ur* is transmitted does not encourage us to speculate whether the literary question expounded under the second possibility played a formative role in precipitating the *hiddush* at its center. Surely we have no indication that the *Rav* was concerned about the editorial issue I proposed as a third possible spur to the analysis. What is clear, nonetheless, is that the literary matters, once brought up, are not mere adornments to or diversions from the analytic work. In this case, they make the *Rav's* thesis more interesting to students who notice such phenomena.

Whatever conclusion the reader may draw about the desired degree of integration between conceptual categories and literary concerns in approaching Talmud and *Rishonim*, the student of *Tanakh* does not have the luxury of separating the two. In *Torah she-bi-Khetav* the mode of expression, the language itself, the words, cannot be viewed as no more than an instrument toward a conceptual end. Whoever would introduce conceptualization in the study of *Tanakh*, and deploy formulas reminiscent of the "two *halakhot*" of the Briskers, must do so in the name of literary perception. With this thought in mind, we turn to that tendency in Biblical study and to its theological parallels.

## II

In recent years, the group associated with R. Mordechai Breuer has contended that the Torah frequently inscribes multiple accounts of events and legal institutions.<sup>18</sup> Whether these versions are interwoven in the same section, or juxtaposed in successive sections or different books, their multiplicity reflects the complexity of the Torah's message. If, for example, the laws pertaining to Jewish servitude are presented in different ways in *Shemot* 21, *va-Yikra* 25 and *Devarim* 15, that is because each section discloses a different aspect of the institution. The *peshat* reader is called upon to recognize the distinct character of each text, and the contemporary *peshat* exegete to define the various aspects, even as *Torah she-be'al Peh*, together with much

of the classic *parshanut*, provides the framework for integrating the different versions in a practical-halakhic and historical context.

From the evidence of R. Breuer's early writings, his method was modeled on Kabbalistic doctrine, not on the paradigm of Lithuanian *lomdut*. In the classical mystical tradition, attention to the plural *middot* (aspects) of God, as He is experienced by human beings, does not diminish our commitment to His unity, but rather testifies to His infinity, which cannot be captured in univocal formulation. The other major impetus to his work is, of course, the challenge of Biblical Criticism, according to which inconsistencies in the text betray the presence of multiple authors. R. Breuer's theory of aspects purports to explain the same phenomena as expressions of God's univocal utterance, which we humans can only grasp in multivocal form: "Once spoke God; twice I heard it (Psalm 62:12)." Moreover, as noted above, polyphonic diversity is native to Jewish thought prior to the full flowering of the Brisker *derekh ha-limmud*.

Nevertheless, the convergence between R. Breuer's pluralistic approach and the distinctive method of contemporary Talmudic learning is noteworthy. There is some justice in a student's remark that "R. Breuer taught us the *Ribbono shel Olam* is a Brisker." Those of us who take R. Breuer's methodology for granted might well remember how enigmatic his early descriptions of it were, even as those of us who are versed in Brisker terminology can wonder at the awkwardness which even erudite academic scholars of Talmud experienced in trying to speak about Lithuanian *lomdut*.<sup>19</sup> It seems to me that R. Breuer's thesis attained clarity and reached a receptive audience only when the similarities between his work and that of the *yeshivot* were discerned.

At least one famous polyphonic exposition of a Biblical text did not engender the initial puzzlement that greeted R. Breuer's pioneering work, perhaps because it addressed the human condition so directly, and did not offer itself as a methodological prolegomenon to any future Biblical theology. R. Soloveitchik's "Lonely Man of Faith" reads the two creation stories (*Bereishit* 1–2) as depicting two aspects of man: the man of majesty and the man of faith. The two Adams juxtaposed in *Bereishit* become the framework for an

investigation of the human condition.<sup>20</sup> Each human being must respond to the claims of both Adams, despite the impossibility of creating a seamless harmony between them.

The *Rav's* essay is too well-known to require detailed rehearsal. Neither its exegetical thesis about the two creation stories, nor its fundamental ontological insight into the duality of human existence, presuppose any particular methodology of Talmud study. (Indeed, I see no impediment to imagining a person with no exposure to Talmud at all subscribing to these ideas.) And yet there is an affinity, if only of temperament, between the *Rav's* tough-minded commitment to the mysterious human condition, an outlook that refuses to obliterate incommensurable distinctions between aspects of things, preferring authentic dialectical tension to artificial harmonization, and the approach to halakhic reality that multiplies and sharpens its categories in order to better partake of a complex and elusive truth.<sup>21</sup>

### III

When the impact of *lomdut* on non-Talmudic *mahashavah* is discussed, the previous two examples, and others like them, immediately come to mind, although, as we have seen, neither R. Breuer's approach to Torah nor the *Rav's* typological explorations of the human personality and the Biblical text, are strictly entailed by one's way of learning Talmud. Our next set of examples is more tightly connected to the world of halakhic discourse.

The naive, or monistic, mode of thinking always identifies an object or process the same way, regardless of differences in perspective and category. By contrast, the pluralistic or polyphonic principle underlying the *derekh ha-limmud* is often applied to two aspects of the same object or process. One pays attention to the differences between what an entity is, or does, in one context, and what it is, or does, in another. This has import for the study of *Tanakh* and other texts, and has singular significance for the halakhic and experiential analysis of *hovot ha-levavot*, the commandments addressed to man's inner life.

A crucial determination in the study of *Tanakh* involves the

delimitation of literary units and themes. Naturally, decisions about these matters both reflect and influence the way one reads the text. I have elsewhere argued that the project of reading the Bible in isolation from the clouds of exegesis that trail it is delusive, in addition to deviating from normative Judaism.<sup>22</sup> *Peshat* approaches cannot avoid standing in relationship to the entire tradition of exegesis, even when the perspectives are not identical, insofar as non-*peshat* dimensions of Torah are also part of the overall structure of Torah.<sup>23</sup>

One often unnoticed aspect of that interaction pertains to the use which Halakhah and *minhag* make of Biblical texts. Our collective awareness of *Humash* is surely marked by its division into weekly *parashot*, to some extent by the division of *aliyot*, and even by the coincidence of our lectionary cycle with the seasons and festivals of the year. The *akeidah*, for example, is inseparable from our experience of *Rosh ha-Shanah*, which is why its juxtaposition with the expulsion of Ishmael makes a greater impression than the mere *semikhut ha-parashiyot* in the *Humash* would have accomplished. As we tend to associate Abraham's early rising that morning with our own *tefillat ha-shahar*, so too the twilight shadows of *Shir ha-Shirim* evoke the setting sun that ushers in the Shabbat.<sup>24</sup> And in a community that continues to neglect the study of *Tanakh* in its entirety, who can deny that those chapters chosen as *haftarot* are better known (and known in the context of liturgical use rather than their place in the *Navi*) than those that are not?<sup>25</sup>

Authors who valued the liturgical function of Biblical texts did not need to wait for Brisker terminology to plumb the relationship between *haftarah* and *parashah*, as witness the commentary of R. Mendel Hirsch to the *Haftarot* and the popular *Binah ba-Mikra* by R. Yissakhar Yaakovson, and scattered remarks throughout Hassidic homiletical literature.<sup>26</sup> Yet the language of *lomdut* permits us to talk about the liturgical function of the text in a way that reinforces the legitimacy of such study: one may speak about two aspects of the *haftarah*, or of *mizmorim* incorporated into the *siddur* as *hallel*, *pesukei de-zimrah* and so forth. The text is a *heftza* of *kitvei ha-kodesh*, that is to say, it is part of a particular book in *Tanakh*, hence to be studied as part of that book; it is also a *heftza* of *haftarah*, a

text borrowed from its original context and designated to be read at a specific time. In his later years, the *Rav* was especially eager to demonstrate, with his customary intellectual passion, the import of *haftarot* for the occasions to which they are assigned.<sup>27</sup>

The significance of the “two *halakhot*” principle is even more pronounced in the analysis of those *mitzvot* addressing human inwardness. As the *Rav*’s contributions in this area have become so familiar that they are taken for granted, let us consider for a moment R. Hutner’s approach to repentance in his many *ma’amarim* devoted to *Rabbeinu Yonah*’s *Sha’arei Teshuvah*.<sup>28</sup> Much of the first section of this classical medieval work is a meditation on Psalm 51: David’s depiction of his own repentance is presented as a paradigm for the life of repentance in general. Thus it becomes the way of repentance to pray and cry out, to influence others and so on. To an earlier generation this would simply convey the idea that prayer, a good in itself, is especially good for the *ba’al teshuvah*. R. Hutner’s characteristic strategy is to posit two aspects of prayer: one is the prayer of *kol ha-Torah kullah*, so to speak; the other is prayer experienced within the context of penitence. He then proceeds to investigate in depth the distinctiveness of the latter. Though this intellectualization of *mussar* has sometimes been accused of blunting the traditional hard edge of reproach, it has the virtue of phenomenological precision, due to the successful employment of rigorous halakhic terminology in the study of subjects and authors who had not previously been approached intellectually.

#### IV

Several statements of R. Soloveitchik and other representatives of his tradition have been taken as a rejection of *ta’amei ha-mitzvot* in general, with the strong insinuation that this hostility is entailed by the *derekh ha-limmud* they champion. To evaluate these claims, we must distinguish two different theses appearing in *Halakhic Man*:

1. Theological voluntarism: All that exists, including Torah, is ultimately to be explained by virtue of God’s will. This idea is ascribed to R. Hayyim.<sup>29</sup> It is consistent, of course, with the tendency in *Halakhic Man* to equate scientific method with the

model of mathematical physics, with a consequent dismissal of teleology.

2. Suspicion of subjective interpretations of *mitzvot*: As an example the *Rav* cites a story about his father's displeasure at a *ba'al toke'a* who, in his opinion, was inordinately moved by contemplation of Hasidic motifs related to the blowing of the *shofar*.<sup>30</sup> Likewise, at the end of *The Halakhic Mind*, he distinguishes between an attempt to comprehend the structure of the *mitzvah*, which can be derived from the corpus of Torah sources, and most crucially from the Halakhah, on the one hand, and extraneous rationales for the commandments, on the other hand. He asserts that the reasons offered in many medieval Jewish philosophical classics, including Rambam's *Guide*, belong to the latter category.

Though both stories are recounted in the same section of *Halakhic Man*, the two theses are not identical. The first addresses the fundamental question about the *why* of creation and God's relation to the world and to us.<sup>31</sup> The second provides guidance in analyzing the *meaning* of the *mitzvot*. Let me illustrate with the *Beit ha-Levi's* famous discussion about the *mitzvah* of *matzah*. He insists that the commandment derives from God's will rather than from historical occurrence. It was God who providentially arranged the exodus from Egypt in such a way that the Israelites, having left hastily, would eat unleavened bread, not that the manner of their leaving Egypt caused God to commemorate the occasion by commanding the eating of *matzah*. This discourse exemplifies the voluntaristic thesis: the commandment derives from the eternal divine will; it is not determined by anything else. Yet the meaning of the *mitzvah* clearly cannot be disconnected from commemoration of the historical event.<sup>32</sup>

Furthermore, suspicion of subjectivity does not entail that its investigation is utterly without value. One dimension of *peshat* study is an understanding of the *mitzvah* in its original historical context, even when such an exercise yields results that are not entailed by the perennial halakhic structure. R. Kook believed that this is why Rambam, in the *Guide*, offered *ta'amei ha-mitzvot* suited to the generation of the recipients of the Torah, but not to our own.<sup>33</sup> Even as he proposes a Halakhah-based philosophy in preference to

the medieval rationales constructed out of “Greek” materials, the *Rav* states explicitly that he is not denigrating those elements in the work of the medievals:

What, for instance, is of halakhic nature in the *Guide* and the *Kuzari*, and what merely an echo of Platonic-Aristotelian philosophy? The purpose of such an analysis is not to eliminate non-Jewish elements. Far from it, for the blend of Greek and Jewish thought has oftentimes been truly magnificent. However, by tracing the Jewish trends and comparing them to the non-Jewish, we shall enrich our outlook and knowledge. Modern Jewish philosophy must be nurtured on the historical religious consciousness that has been projected onto a fixed objective screen.<sup>34</sup>

In other words, the *Rav* advocates dethroning the “Greek,” extraneous features of *mitzvah* explanation in favor of those rooted in Halakhah, not dishonoring and rejecting them *in toto*.

Following this line of thinking, we arrive at another ontological pluralism. There is both the Jewish thought arising from the sources of Halakhah, itself a complex, polyphonic affair as well as at the same time there is the history of human appropriations of the Halakhah, beginning with *peshat* in *Humash*, in the sense just defined, and continuing through later Jewish thought. If one were to borrow the *Maharal*’s terminology, we would speak of the Torah glimpsed from the aspect of the Giver (*mi-tzad ha-Noten*) and the same Torah grasped from the perspectives of the recipients (*mi-tzad ha-mekabbelim*).<sup>35</sup> Using the *Rav*’s own vocabulary in *U-Vikkashtem mi-Sham*, we might contrast the revelational consciousness with the natural consciousness, where the latter connotes the human point of departure in the search for God.<sup>36</sup> Naturally, it is the former that is central to the articulation of authentic Jewish thought. Yet there is nothing in the *derekh ha-limmud* that entails total delegitimation of the latter. Unfortunately, as we shall see, this point is often lost on some enthusiasts of the contemporary “*yeshivah* spirit.”

## V

The theme of *lomdut* in the study of *Tanakh* and *mahashavah* often suggests an even more specific infiltration of the former into the latter. We may call it a movement of halakhization. The study of *Tanakh*, *aggadah* and the like is reduced to the analysis of halakhic concepts discovered in these texts. The following instances demonstrate how genuinely illuminating this approach is when it is successful:

1. Most of Psalm 114 (“When Israel went out of Egypt”) is built around questions and answers: the sea fled. The psalmist asks why and responds that the sea fled the presence of God. R. Hutner, in turn, asks why the *mizmor* is structured this way. His response is that Halakhah mandates the question and answer form for the recounting of the exodus. Insofar as the *mizmor* is a performance of the “*haggadah*,” the story is told in the language of dialogue.<sup>37</sup>

2. Was it indeed necessary – and if so, why – to send spies to report on the situation in Canaan on the eve of its proposed conquest? R. Soloveitchik explained, with a stunningly simple analogy: Just as it is prohibited for a man to betroth a woman he doesn’t know, it was necessary for the Jewish people to make the acquaintance of the land they were about to occupy.<sup>38</sup>

3. When Adam and Eve discover that they are naked, they sew themselves fig leaves, yet when they hear the approach of God, they hide because they are naked. The *Griz* (R. Yitzhak Zeev Soloveichik) observes that the halakhic standard of physical modesty for prayer is higher than that required for the recitation of *shema*, because prayer is defined as standing before God as one would before a king. Therefore a mere girdle of fig leaves, that does not cover the heart, would be inadequate in the divine presence.<sup>39</sup>

Not all intrusions of halakhic categories into narrative or philosophical passages are as enlightening as the examples just cited. Often the applications are mechanical, and one gets the impression that their authors are tone-deaf to the inner life of the biblical drama and its leading protagonists. One wonders whether the authors, feeling an obligation to spend time with *Tanakh*, to teach it and write about it, but lacking the intellectual tools (and sometimes



the emotional orientation) to do so essentially, are taking refuge in the halakhic stratosphere where one can feel at home. Whence the cascade of erudite articles and books on *Tanakh*, seizing upon the slightest provocation to substitute a halakhic discourse on suicide for an appreciation of Saul's tragic end, a technical treatise on the commandment to destroy *Amalek* for a sober contemplation of the confused disobedience that was the beginning of his end, an essay on the absolution of vows to conjure away the human actuality of Jephthah's rash oath and its terrifying aftermath, a query about Deborah's formal suitability to serve as a judge instead of a reflection on her self-image as a female leader and its effect on Barak and on others. This is hardly the way to continue the enterprise of halakhic *parshanut* as practiced by Rashi and Ramban, Netziv and R. Meir Simhah of Dvinsk. I am loath to turn the spotlight on individual writers, partly because the genre is well-intentioned and not without value, partly because the lackluster performances are numerous. The harm is not their mediocrity by itself but the accompanying failure of imagination and nerve. If one has already discharged one's duty to *Tanakh* or to *aggadah* via such learned exhibitions, one need not think, or dream, of all that has been left out.

## VI

Sinéad de Valera loved to sing, and her husband, the by then venerable Irish revolutionary and statesman, was partial to one of her songs. This ballad told of a young couple whose union was opposed by their respective families. They agree to meet at a certain crossing, from whence to elope. But the hour arrives, the day is foggy, the one waits at the northeast corner, the other at the southwest; eventually they return home and never summon up the daring again. Dev said that he liked the song because of its educational value: in the underground it is extremely important to designate the exact place for a rendezvous, to forestall the kind of error that doomed the young lovers.

We have so far proceeded on the understanding that polyphonic diversity in the service of a complex, realistic vision is a virtue. The musical analogy of the *Arukh ha-Shulhan* celebrates the

mingling of different voices, as does the literary analysis of *peshat* and *derash*, at their many levels, as does the theological dialectic that recognizes, without flinching, the plural dimensions in the human relationship to God as well as to one's world. The dry comment that hearing a romantic ballad teaches a lesson for practical life suggests another side to the story. Most human beings have little patience for complexity and mystery, especially when actions have to be carried out. The purpose of military music is not to elevate or educate the soul, but to get the body marching at the right pace, to the right place, at the right time.<sup>40</sup>

Among the *Rav's* many philosophical "two *dinim*," none is more momentous than the distinction, elaborated in *U-Vikkashtem mi-Sham*, between two aspects of religious experience: the natural consciousness (*havayah tiv'it*) and the revelational consciousness (*havayah gilluyit*). The former is rooted in the human being's natural search for transcendence; the latter comes into being when God chooses to confront us. In the course of clarifying his categories, the *Rav* contrasts the impact of revelation with the natural intellectual quest:

The realization of Halakhah as a prolonged activity of *mitzvah* performance is exoteric from beginning to end. The realization of Halakhah through the profound and comprehensive study of Torah and bold venturing into the riddle of the universe is granted to the elite. In this realm it is impossible to equate the *Ga'on* of Vilna with the shoemaker or watercarrier of Vilna. Individuals are elevated above the congregation of God. The human being lives with the community while performing the simple commandment – the foundation of religious existence – and at the same time is alone with his Creator...in the four cubits of a lonely, isolated personality withdrawn from the public.<sup>41</sup>

Much has been made of the Brisker propensity to shy away from the conventional occupation of the rabbinate – the rendering of practical rulings. The *Rav's* depiction of *Ish ha-Halakhah*,

ensconced in perfectionist theoretical pursuits, reluctant to plunge into the business of *pesak*, does not reflect the image of all, or most, *Gedolei Yisrael*, including those whose work is cherished by the Lithuanian trend in *lomdut*. And when proponents of *halakhah le-ma'aseh* criticize the preeminence of that school, it is easy to infer that the objection is to the neglect of *pesak*, and/or the excessive (in the opinion of the critics) attention devoted to discussions and topics with few immediate practical ramifications or none.

If this were indeed the only issue at stake, two lines of argument could be mobilized to neutralize the critic. On the one hand, one could point to normative discussions of *Torah li-shmah* (Torah for its own sake) that would confirm decisively the principle that study should not be limited to matters of practical import, or to those opinions in Talmud, commentators and decisors, that carry weight in discussions oriented to practical ruling. On the other hand, one might wish to demonstrate that *lomdut* does have down to earth consequences worthy of consideration even by students disinclined to undertake learning for its own sake.

I suspect, however, that modern piety's discontent with the still regnant analytic outlook is more than a preference for bottom line *pesak* over theoretical abstraction. The student of whom I am thinking believes implicitly that *lomdut* is not only an inefficient way of arriving at the *humrot* and / or *kulot* which make up the substance of practical life, but that it is also an inefficient way of fulfilling the requirement of *Torah li-shmah*. I can imagine such a person reading, with incomprehension, the *Rav's* distinction between the *Ga'on* of Vilna and the shoemaker of Vilna, and then turning with relief to the words of the historical *Ga'on* of Vilna: "each individual word is a great *mitzvah*... and is it not better to fulfill a hundred *mitzvot* than to fulfill one *mitzvah*?"<sup>42</sup> This almost Stakhanovite reckoning of the merit accumulated through Torah study is purely quantitative, and the *Ga'on* of Vilna's superiority over the computer programmer or the attorney of Vilna derives solely from the physical and mental stamina and commitment of the learner, not from his intelligence or creativity.

Note that the student of whom I am speaking need not reject

the official *derekh ha-limmud* explicitly. He is not necessarily *pe-sak*-obsessed, to the point where everything must affect practical conduct. He may be more than willing to learn the jargon of Lithuanian learning, and to employ it gainfully in the *beit midrash*. Since, however, the criterion of achievement is quantitative rather than qualitative, the application of the technique is mechanical. As each word of Torah accrues additional merit, so too, it stands to reason, does each *sevarah* and each *hakirah* cranked out. Nor need this student be averse to novelty in the subject matter of his learning. To the contrary, he may be more ready to move with the times than his presumed role models. Where, for instance, the halakhic personality extolled by the *Rav* in the eulogy for his uncle is pleased to make do with a small, essential library, in which he invests intense personal involvement, the contemporary practitioner of *lomdut* may exult in the burgeoning number of newly printed *Rishonim* and *aharonim* on his table, all of whom become grist for the methodological mill: is it not better to go through a hundred texts than a handful?

## VII

The gap between the vision of Brisker *lomdut* articulated by the *Rav* and the implicit *weltanschauung* of much contemporary study is further illustrated by another of the encomia in *Mah Dodeikh mi-Dod*. For the *Rav*, the ideal *lamdan* insists on putting his *hiddushim* in his own language, imposing the stamp of his own individuality on the subject matter. His unwillingness to settle for the well-made cliché, his distaste for routine repetition, so that reliance on what he had worked out last week, or last year, struck him almost as a form of dishonesty, have become legendary.

But this comportment, tales of which often raise a smile and bring a tear to the veterans who remember the *Rav* in his glory, is puzzling to a new generation. For if *lomdut* claims to be genuinely like science, like physics or chemistry, why repeat one's work, why go back to the beginning? If one is truly a perfectionist, it is argued, why not build on results already assured? From this point of view, of course, constantly renewed effort is to be commended as a religious duty, as fulfillment of the mitzvah of *talmud Torah*, and vindicated

intellectually, when further review improves on formulations already attained. Yet the *Rav's* way of speaking about study seems to go beyond these justifications. He seems to value precisely the personal, individual relationship forged between the student and the Torah, the perpetual sense of adventure and creativity that makes the encounter new, even in revisiting scenes of earlier struggles and triumphs. The concept of truth implicit in this quest differs, therefore, from that postulated by the perplexed reader, who assumes an ultimate, optimal, unchanging formulation of halakhic reality.

Taking this last point together with the last section, we may indicate two characteristics distinguishing the kind of *lamdan* who emerges from our discussion, the representative of polyphonic diversity, from the *ben torah* for whom *lomdut* speaks univocally. 1) The former is predisposed to value complexity as a royal road towards comprehending the "riddle of the universe," even when such insight stands in the way of simple solutions. The latter, though prepared to accept complication, if that is what the sources dictate, has his eyes fixed on doing, and saying, the right thing at the right time, and is annoyed when his study fails to yield direct instructions of the sort appropriate to fully planned military maneuvers. 2) To the extent that the latter is committed to *Torah li-shmah*, to *lomdut* for its own sake, he strives for an optimal and impersonal analysis which, once reached, does not intrinsically demand rethinking. The former, however, impresses his own thought, his own individuality, on the categories, and therefore experiences each new rendezvous with Torah as an invitation to new exploration and new discovery.

These two distinguishing marks are not without corollaries. Whether one tends to recognize, and respect, complexity in moral situations, or to find it threatening and distasteful, will no doubt have a significant bearing on how one responds to such situations. Typical of the polyphonic consciousness is the *Rav's* assertion that, when human beings are faced with many crucial dilemmas and orientations of value, Halakhah "tries to help man in such critical moments," but does not provide a formulaic "synthesis, since the latter does not exist."<sup>43</sup> The student of Torah who resists this insight

is more likely to seek unambiguous, clear-cut, authoritative solutions even in cases where these are elusive, with an attendant risk of insensitivity, especially with respect to interpersonal relations, and to find refuge in a duty-driven but mechanical spirituality.<sup>44</sup>

A scholar who has learned to exhibit the method, but has avoided learning to appreciate the complexity and infinite depth of religious existence, will often gravitate to a monochrome outlook. He is prone to take pleasure in the one-sided voluntarism we referred to earlier, which is a part of halakhic experience, but not the whole. He thus feels liberated to conceive of God and Halakhah as utterly indifferent to ordinary human intuitions about morality or rationality: everything is reduced to *gezerat ha-katuv*, to brute, inscrutable imperative. He is liable to adopt disdain for natural ethical responses as a proud insignia of militant devoutness, worthy of the applause of his fellows. Thank God this phenomenon, in its full-blown form, is not as prevalent as the mechanical spirituality out of which it grows. But where it finds agreeable soil, it is far more dangerous.<sup>45</sup>

The second feature of the polyphonic diverse *lamdan* is his sense of the infinite challenge that defines the human endeavor to study Torah. Consideration of this theme brings us back to a matter we discussed at the beginning of this essay. The tendency to dissociate *lomdut*, which is defined in purely conceptual terms, from literary analysis, along with the scientific paradigm, for which the underlying conceptual structures of Halakhah are worthy of a preoccupation that the superficial literary structures and verbal forms do not receive, predisposes the mechanical *lamdan* to be satisfied with an optimal, repeatable formulation. An approach that is not quick to dismiss the literary and verbal features of the Gemara and the *Rishonim* is more apt to recognize the work of analysis as inherently unfinished and infinite, and the truth about a particular *shittat ha-Rishonim* as poised between the conceptualizations rather than simply and finally instantiating one or another, which is why the master *lamdan* may grasp the reality differently on different occasions. For this reason I was eager to point out the interaction between textual sensitivity and analytical acuity.

## VIII

Like other participants in this volume I have the good fortune to spend my days and nights in an environment of Torah. Unlike them my full time occupation is not the teaching of Talmud. I am an amateur: in the literal etymological sense, a lover; in everyday usage, not a professional. My commitment to *havayot de-Abbaye ve-Rava*, such as it is, both nourishes, and is fed by, other central elements in my religious and intellectual life. My conviction that the Brisker *derekh*, as it was taught to me, or something identifiably like it, offers the best guide for penetrating to the heart of the religious-intellectual world of Halakhah, is confirmed in my experience, and reinforced by the example of my mentors. I fear flirtation with new-fangled methods and seasonable agendas as liable to diminish commitment to the *derekh ha-melekh* of conceptual learning and that over-involvement with curricular innovation of this sort may undermine our religious orientation and intellectual priorities. And yet, looking ahead to my own future activity, and even more so to that of my *talmidim*, I perceive new challenges and opportunities. If carried out vigorously and honestly, confrontation with these issues can only deepen and fortify our experience of *talmud Torah*. If, however, we evade or misread the nature of the challenge, we will not succeed in transmitting properly the religious and intellectual riches that were entrusted into our willing hands.

One arena for further scholarly and philosophical inquiry centers on questions of literary structure and the nature of interpretation. From our present tendency to concentrate primarily on the *Rishonim* we may be impelled to study more carefully the structure of the Talmudic *sugyot*, the manner in which various Talmudic sources interpret the Tannaitic sources before them, and similar problems. These questions are simply too important to be abandoned to the academic scholars, whose methods and goals are liable to omit, or deal obtusely with, those dimensions of study that are most crucial to us, religiously and intellectually.

Such investigation is valuable not only in order to elucidate local problems of interpretation or in response to the questions raised by students particularly sensitive to these issues. It is also

worthwhile to trace the tacit assumptions about study as they appear in the Talmudic corpus itself. What are we to make of the fact that the Talmud, far from being a tightly organized code, is a tissue of conflicting opinions, locked in fruitful, though often inconclusive, debate, which the editors deliberately chose to record for posterity, thus guiding in advance the style of standard discourse through the centuries?<sup>46</sup> How is our *derekh ha-limmud* foreshadowed in the increasingly abstract formulation of disputes within the Talmud, as one moves from the earlier generations to the era of Abbaye and Rava?

Philosophical issues concerning the interpretation of texts have, of course, engendered a vast contemporary literature. Much of this immense theoretical outpouring has been anarchic and “deconstructive,” as well as being fashionably obscure. To the study of literature and to the law schools, this trend has contributed no small amount of nonsense, while distracting students from the actual reading and understanding of the great works that are, presumably, a major justification for the existence of the humanistic disciplines. Surely it is intolerably irresponsible to permit such heavy-handed frivolity to inundate our study of Torah. At the same time, however, it is incumbent upon our philosophers to meet the challenge, to winnow those questions currently being raised in the academic world, separating those that ought to interest us from those that do not deserve sustained attention, and to prepare our students to think through the former, while understanding why they are justified in ignoring the latter.

Another area where philosophical clarification is beneficial involves the nature of creativity in learning. As we have seen, the kind of study which the *Rav* promoted and dramatized so memorably is inseparable from his image of the creative individual. Most people, unfortunately, are rarely creative in this sense, particularly when it comes to Torah study, where creativity is the residue of great talent and enormous application. Where do they all belong?

The accountants and professors and clinical psychologists of Teaneck and Riverdale cannot be treated like the shoemakers and watercarriers of old-time Vilna. Though their command and



concentration are insufficient to elevate them to the front ranks of Torah creativity, they are too cultured to be satisfied with a learning experience that fails to engage their intelligence, that falls short of the excitement and interest provided by their secular activities, that is, in the end, little more than the discharge of a duty. There is something spiritually lame in a life that is sophisticated in one direction but virtually undeveloped in the other, infinitely more important one.

Moreover, as any successful teacher can testify, the gap between the elite and the *hoi polloi* is not as absolute as it appears to be on paper. The *geschmack* and substance of creative learning are not beyond communication. Individuals of mediocre ability and limited dedication can be caught up in the exhilaration of the teacher's quest, thinking along with the teacher, often articulating provocative questions that lead to further refinement and discovery. The *ba'al bayit* can truly become a partner in the creative process, and the partnership, if properly cultivated, should inspire the student's learning at times when he is not attending a *shi'ur* but communing in solitude with his book.

To be sure, the intellectual exhilaration experienced in responding to someone else's labor is often illusory, because founded on shallow attainments and unearned enjoyment. All too frequently, the ostensibly effective teacher, who can spend a pleasant hour walking his class through a *Ketzot* or a R. Hayyim, knows in his heart that many seemingly eager students are unready and unwilling to do so on their own. "Saying over" analytic highlights can provide the mechanical *lamdan* with a substitute for genuine confrontation with the problems posed by the text, and it can provide the accommodating *rebbe* with an even better excuse to close his eyes to his students' inability to read tenaciously, or to read at all. Everyone has a good time, while a congenial spirit of guarded complacency shields routines of mental inertia and covers up deficiencies requiring vigorous remedy. However, such rectification, as difficult as it may be under present social and cultural circumstances, is possible. The defects are those of preparation and study habits, not the absence of extraordinary ability and commitment. Passion and patience offer a live alternative to passivity and total dependency, even for the individual who

lacks the singular intellectual gifts and single-minded devotion of the master.

As other writers in this book examine more fully the educational problems just adumbrated, I will focus on more general questions about the nature of creativity. One obstacle to realizing the role of creativity in learning is the confusion between creativity and originality. Being original entails saying something that nobody has said before. Originality is essential when patenting an invention; it must be exhibited, or feigned, for academic advancement; and it is, of course, useful in attracting attention to oneself. Creativity, by contrast, reflects the inner experience of the individual overcoming a challenge. Creativity is not diminished when one achieves, “by strength and submission,” what has already been discovered, “by men whom one cannot hope to emulate.”<sup>47</sup> To contend with a *sugya* or a passage of *Tanakh* and forge in the smithy of one’s consciousness the same understanding that animated Ramban or Seforno or R. Shimon Shkop, is a triumph of human creativity.

Awareness of this distinction helps to bridge the gap between the master of Torah and the serious but mediocre student. It also supplies a response to some of the criticisms of the Brisker *derekh* which we touched upon earlier. Against the more mechanical employer of the methodology, the creative individual is inevitably engaged in a subjective gesture, he is internalizing the ideas that he is expressing, and the creativity, the individual personal stamp, is intrinsically bound up in making the Torah his own. Against the academician, who values only original results, the *lamdan’s* powers are consecrated to the creative quest, which is renewed in each encounter.

In this connection, we should also be wary of the facile identification of creativity with novel interpretations that delight their inventors by virtue of their imperviousness to philological and literary discipline. We are used to hearing such claims from academicians who are enemies of creativity. The error is just as energetically perpetrated by some exuberant advocates of *lomdut*, who believe that originality is of the essence, and who fear scholarly criteria of truth as obstacles to *hiddush*. To such a position one must reply

that originality is not essential to the creative experience. On the contrary, originality that feeds upon capricious or arbitrary interpretation is unsatisfying, in the final analysis, both aesthetically and epistemologically.<sup>48</sup> The utility of a key is that it turns in a lock, not that it can be rotated in a lake, and the benefit of the key is that it enables us to discover something of value behind the door, something we could not have obtained otherwise. When we are tempted to become apostles of innovation, we would do well to aim at nothing more sophisticated than the simple truth, in the hope and confidence that *sof ha-kavod la-vo* – that God, in His good time, will reward us with the crown of originality as well.

Another, not unrelated pitfall is what might be called the paradox of personalization. The creative individual, as we have just observed, is usually not preoccupied with his own creativity. Instead he is propelled ahead by the challenge of the problems confronting him. To the extent, however, that creativity itself is recognized as a virtue and a value, the personality of the creative individual becomes the cynosure of the entire enterprise. In the minds of acolytes, admiration for the creative personality substitutes for immersion in the matters that impel the master to creative activity. This paradox is not unknown in other intellectual fields, in philosophy, for instance.<sup>49</sup> When I encounter dismissive attitudes towards Brisker *lomdut*, particularly on the part of persons who idolize academic Talmud study, I often suspect that we have become victims of our own emphasis on personalization. Students who cultivate hortatory talk about the greatness of the masterly personality more sedulously than they undertake a thorough exposition of the actual work that the creative personality does, and that awaits them too, if they are fortunate enough to follow in his footsteps, may not altogether surprisingly assert that, in our time and place, the *derekh* can only be applied by rote, or that the *derekh* has exhausted itself, and no longer has anything to offer to young sophisticates.

In one of his most important, and most personal documents, the *Rav* spoke of a new breed of *benei Torah* in modern America, committed to a life of *kiyyum ha-mitzvot* and conscious of the central role of Torah study in that life. Nevertheless, the *Rav* laments, this

younger generation, which sometimes displays “frightening rigidity” in certain areas, is often guilty of neglect with respect to more significant matters. The kind of *ben Torah* the *Rav* diagnosed then possessed *knowledge* of Torah, but was deficient in *experience* of Torah.<sup>50</sup> Forty years later, in defining the meaning of the proper *derekh ha-limmud* of Talmud and *Rishonim* for us, and its implications for other branches of Torah learning and life, we are touching upon both the substance and method of knowledge and the very fabric of our religious existence. In our time and place, what we know, and how we know it, has a great deal to do with who we are.

### NOTES

My thanks to Rabbi Yitzchak Blau, David Polsky, Rabbi Jeffrey Sacks, Moshe Simon and especially Rabbi Avraham Walfish for helpful comments on an earlier draft of this paper. I studied several of the *sugyot* discussed here with Aaron Liebman.

1. Introduction to *Arukh ha-Shulhan, Hoshen Mishpat*. Torah is likened to *shirah* in *Nedarim* 38a (compare Netziv, introduction to *Ha'amek Davar* on *Bereshit*).
2. This form of the citation, applying Butler's aphorism about self-examination to the discipline of philosophical analysis, is the motto of G. E. Moore's *Principia Ethica*.
3. *Mah Dodekh mi-Dod*, translated in Jeffrey Saks, “Rabbi Joseph B. Soloveitchik on the Brisker Method,” *Tradition* 33:2 (1999): 50–60.
4. *Hiddushei Rabbeinu Hayyim ha-Levi al ha-Rambam, Hil. Tefillah* 4:1 and *Hil. Shabbat* 10:17.
5. *Hil. Edut* 20:2.
6. See Hanokh Albeck, commentary on *Nezikin* (Jerusalem: 1959) 406, and David W. Halivni, *Mekorot u-Masorot, Bava Kamma* (Jerusalem: 1993) 50–1, who suggests a possible semantic development with the Mishnah under consideration reflecting an earlier stage of Hebrew usage. To Halivni's references to previous scholarship add R. Yehiel Weinberg, *Seridei Esh* vol. 4 (Jerusalem: 1969) 70–72.
7. In this essay I have consistently, in deference to present social reality, and against the grain of attitudes reinforced by many years of teaching women, depicted the *lamdan* as male. I trust that female readers will be able to adjust the discussion to their own circumstances.
8. I do not hold that the average *lamdan* is conscious of the presuppositions discussed in my essay. In fact, many fit the profile of militant monochromaticism depicted in section VI below. It may be that methodological self-consciousness, in this area, is correlated with a liberal arts education. Certainly it seems that the articulation of these insights is facilitated by educational breadth. Yet I am reluctant to deny

self-understanding to *lamdanim* innocent of a thorough secular education. I find it helpful to think of Gerald Blidstein's apt observation in an analogous context. Discussing the Rav's distinction between two aspects of *Beit Din ha-Gadol*, as transmitters of *Torah she-be'al Peh* and as representatives of the people, Blidstein notes the parallels between the second category and modern political theory. He then points out a similar distinction in *Hiddushei ha-Griz* and wonders, "is even R. Velvel a child of modernity?" See his "On the Jewish People in the Writings of Rabbi Joseph B. Soloveitchik," in *Exploring the Thought of Rabbi Joseph B. Soloveitchik*, ed. M. Angel (Hoboken, NJ: Ktav, 1997) 321 n.28. The substance of the investigation, within the borders of Torah, need not depend on the encounter with modern ideas; the expression of these ideas in formulas that address the modern consciousness presumably benefits from a disciplined confrontation with the language and problems of general culture.

9. See also *Eruvin* 21a.
10. See William Kolbrener, "Towards a Genuine Jewish Philosophy," in *Exploring Thought*, 179–206. Though I was critical of Kolbrener's attempt to project concern for questions of interpretation into R. Soloveitchik's theoretical writings (see 206 n.21), I consider the concern itself important. For a discussion of the Rav's philosophy of language against a German romantic background, see B. Ish-Shalom, "Language as a Religious Category in the Thought of Rabbi Y.D. Soloveitchik," in *Sefer ha-Yovel la-Rav Mordekhai Breuer* (Jerusalem: 1992), 799–821.
11. Transcribed as "*Shittat ha-Rambam be-Din Ma'ot Konot*," *Masora* 2:46–7. Even if the second-hand version of the material is not identical with the Rav's original presentation, I trust that the basic components of the discussion are his; in any case, we are examining only one portion of the *shi'ur*. See, for further analysis of the Rav's *hiddush*, R. E.M. Ha-Kohen, *Baddei ha-Aron* (Or Etzion: 5753), 266–282.
12. *Shittah Mekubbetzet Bava Metz'ia* 47b, s.v. *devar Torah*, citing Ramban, Rashba and Ran. See also *Nimmukei Yosef* ad.loc.
13. See his marginal notes on *Hiddushei Rabbein Hayyim ha-Levi* and *Avi Ezri I to Hil. Tefillah* 4:15. See, however, my remarks in "I Have Set God Before Me Ever (Psalm 16:8): On Rambam's Approach to Halakhah and Aggadah," in *Kuttonet Yosef: Memorial Volume for Rabbi Joseph Wanefsky*, ed. David Gottlieb et al. (New York: 2002), 427–431. I argue that Rambam's choice of Talmudic sources for the idea of *kavvanah* in prayer, which R. Hayyim does not adduce as evidence for his thesis, supports that view more convincingly than his own proof, which is vulnerable to *Hazon Ish's* rebuttal. My point thus tends to confirm the belief that Brisker presentation is sometimes guided by considerations of contemporary style and pedagogy, appealing to prevalent expectations as to the nature of a good analytic trigger. This insight is crucial for R. Elyakim Krumbein's exciting new perspective on the evolution of Brisker creativity with which I was not familiar when I wrote that article (reprinted in this volume).
14. Shulhan Arukh ha-Rav, Hil. Talmud Torah 2:12–13.
15. See his preface to *Even ha-Azel*, vol. 3 [*Kinyan*] (Jerusalem: 5698).

16. See, for example, Gerald Graff, *Professing Literature* (Chicago: Univ. of Chicago, 1987) on the teaching of English literature in the United States in the past hundred years.
17. In the past generation a large literature has developed, comparing the notebooks and other records left by scientists with the final published results. For a popularly written account of research over a period of time at a contemporary biology lab, see June Goodfield, *An Imagined World* (New York: 1981).
18. See S. Carmy, *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson, 1996), especially chapters 6–8 (147–187), containing papers by Breuer, Shnayer Z. Leiman and me, for a fuller analysis and critique of R. Breuer's contribution. See also Meir Ekstein, "Rabbi Mordechai Breuer and Modern Orthodox Biblical Commentary," *Tradition* 33:3 (1999): 6–23.
19. Thus Boaz Cohen, *Jewish and Roman Law*, vol. 2 (New York: 1966), 511 n. 178, writes "R. Mordecai Epstein is of the opinion that the Talmudic law of restitution is based primarily on the concepts involved in Exodus 22.3 and Lev. 5. 23, cf. *Levush Mordekhai* to *Bava Kamma*, Warsaw 1901, p. 112b, no 35," as if implying that R. Moshe Mordekhai was the first reader of *Humash* to discover this fact. What is meant, of course, is that the two passages in the Torah are the source for two different conceptual frameworks relating to the way *shinnui* (change in a stolen object) affects the obligation to restore the stolen object.
20. Here, too, one may ask whether the *Rav's* textual insight nourished his philosophical outlook, or whether his understanding of the human condition guided his attentiveness to the text. By the same token, one would like to know the extent to which *Hazal* and earlier commentators, presumably innocent of the *Rav's* twentieth century philosophical vocabulary and agenda, anticipated his treatment of the two stories as separate, rather than as one continuous narrative. I hope to discuss this matter in future writing.
21. One Israeli reviewer of the Hebrew "Lonely Man," presumably accustomed to a more harmonistic religious ideology, complained that, in positing irreconcilable dimensions of human existence, the *Rav* was inflicting his two *halakhot* "on the living flesh" (*ba-basar ha-hai*).
22. Carmy, *Modern Scholarship*, ch. 1.
23. Another reason is that delineation of the *peshat* often requires full comprehension of the way in which other readings have, in fact, affected us. But this type of interaction is not mandated by the other readings qua Torah. We must also distinguish *peshat* from many influential readings that infiltrate our consciousness from cultural sources extraneous, even inimical to Torah. Hence it is irrelevant to the present discussion.
24. Cf. the overture to R. Soloveitchik's *U-Bikkashtem mi-Sham, Ha-Darom* 47 (1978).
25. In this connection, a friend informs me that his grandfather, blithely oblivious to *Nakh* in general, scrupulously reviews each week's *haftarah* with Malbim.
26. One might add Franz Rosenzweig's meditations on the *haftarot* for the festivals in his *Star of Redemption*.

27. See, for example, R. Soloveitchik's *Divrei Hashkafah*. For other examples, see S. Carmy, "Zion Extended Her Hands..." in *Bein Kotlei ha-Yeshivah* 7: 19–28, which expands an observation of the *Rav* (*Divrei Hashkafah*, 88ff) about not reading certain sections of Yehezkel into a thesis about the prophetic presentation of shame; also R. Zadok ha-Kohen, *Peri Zaddik* (Jerusalem: 1965) *Va-Ethannan*, no.16, who asks why the *haftarah* for *Shabbat Nahamu*, which is meant to communicate consolation, ends where it does, and not at some more appropriate point, a question that could inspire *peshat*-oriented analysis, though the author resorts to a Kabbalistic resolution.
28. *Pahad Yitzhak, Yom Kippur* (Brooklyn: 1984), no. 1 inter alia.
29. R. Soloveitchik, *Ish ha-Halakhah, Talpiyot* 1 (1944): 685.
30. *Ibid.* 689–90. In later years the *Rav* indicated that he himself would not have admonished the *Hasid*. Moreover, in the text he stresses that the *shofar*, for the *Hasid*, symbolized an idea of otherworldliness, which would make it particularly alien to the halakhic man.
31. One existential effect of the voluntaristic streak in the *Rav's* thought has to do with the dialectic between the meaningfulness of *mitzvot* and the inscrutability of God's will. God's commands do not always appeal to the *logos* and *ethos* of the human being; at times we are summoned to sacrifice the realization of goals that are, in themselves, worthy and legitimate. See, *inter alia*, R. Soloveitchik, "Catharsis," *Tradition* 17:2. This insight has implications for the problem of the "general rule (*al derekh ha-rov*)," where the accepted rationale for a law does not apply; see E.S. Rosenthal, "The General Rule," *Perakim* 1: 183–224); Shalom Rosenberg, "Again 'the General Rule,'" in *Manhigut Ruhanit be-Yisrael*, ed. E. Belfer (Tel Aviv: 1982), 87–103; H. Shayn, "'The General Rule': An Imaginary Dispute," *Da'at* 13: 55–58.
32. See *Beit ha-Levi on Torah, Parashat Bo* (New York: 5733), 18. He maintains that the historical reason is both secondary to the divine will and incomplete (albeit not incorrect) as a rationale of the *mitzvah*.
33. *Arpelei Tohar*, 22.
34. R. Soloveitchik, *Halakhic Mind* (New York: Seth Press, 1986), 102.
35. See, for example, *Tiferet Yisrael* 43.
36. See Section VI below.
37. *Pahad Yitzhak, Pesah* (Brooklyn: 1987), no. 5.
38. Oral presentation, early 1970's.
39. *Hiddushei Rabbeinu Gri"z ha-Levi Soloveichik mi-Pi ha-Shemu'ah al ha-Torah* (New York: 5733), no. 2.
40. When the *Arukh haShulhan* explained the complexity of Talmudic study by comparing it to polyphonic music, he no doubt expected his readers to think of polyphony as an attractive model for religious thought. After completing this essay I was surprised to discover that certain early modern Christian sects discerned an analogy between polyphonic music and theology. But unlike the *Arukh haShulhan*, these groups deplored polyphony. Thus the historian John Bossy writes that the Hussites regarded polyphony as "a cacophony of self-absorbed voices giving au-



- dible witness to the disintegrated state of Christendom” (*Christendom in the West*, (Oxford: Oxford University Press, 1985), 164–5).
41. *U-Bikkashtem mi-Sham*, 28–9.
  42. *Shenot Eliyahu to Pe’ah* 1:1. I do not imply that this statement, as presented here, exhausts the *Ga’on’s* teaching on the nature of *Torah lishmah*. Particularly relevant is the report, by R. Hayyim of Volozhin, that the *Ga’on* rejected tutelage by intermediaries (angels) which stresses, it would seem, the individual’s own striving. For a nuanced discussion of this element in the *Gra’s* outlook, see H.H. Ben-Sasson, “The *Gra’s* Personality and Historical Influence,” *Zion* 31: 45ff and I. Etkes, *Yahid be-Doro: Ha-Gaon mi-Vilna – Demut ve-Dimmuy* (Jerusalem: 1998), 34–36.
  43. R. Soloveitchik, “Majesty and Humility,” *Tradition* 17:2 (Spring 1978): 26.
  44. It should not be inferred from the above that Brisk is forever shy of explicit, unqualified commitments. R. Ahron Soloveichik, in this context, once remarked that it is an error to reduce Brisk to the existential notion of “two *dinim*.” In analyzing a *din*, he said, one makes as many distinctions as necessary, whether two or three or more. And sometimes there is only one *halakhah*.
  45. On the co-existence and interaction of moral and halakhic imperatives, see R. Aharon Lichtenstein, “Is There a Morality Independent of Halakhah?” in *Modern Jewish Ethics*, ed. Marvin Fox (Ohio State University: 1972), 62–87. On the plurality of normative spheres and the *Rav*, see my “Pluralism and the Category of the Ethical,” in *Angel*, 326–346. On R. Kook, see R. Yehudah Amital, “The Significance of Rav Kook’s Teaching for Our Generation,” in *The World of Rav Kook’s Thought*, ed. B. Ish-Shalom and S. Rosenberg (New York: 1991), 423–435. On R. Shimon Shkop, see Avraham Sagi, “The Religious Commandment and the Legal System: a Study in the Halakhic Thought of R. Shimon Shkop,” *Da’at* 35: 99–114.
  46. See, for example, M. Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: 1997). See also, on the unsystematic nature of halakhic discourse, the following remarks by my revered teacher R. Aharon Lichtenstein: “I love Gemara passionately; and part of what I love, over and above its status as *devar Hashem* (the Divine word), is precisely its disheveled character. Its student is not confronted by the judicious formulations of Justinian or Coke. Rather, he enters a vibrant *beit midrash*, hears and, with reverential vicariousness, participates in discourse animated by dynamic interaction, frequently marred by associative digression, and rarely formulated with integrative thoroughness. For the initiate, it is all very exhilarating, and the sense of the pulsating vibrancy of living Torah is pervasive.” (R. Aharon Lichtenstein, “Torah and General Culture: Confluence and Conflict,” in *Judaism’s Encounter with Other Cultures: Rejection or Integration?* ed. Jacob J. Schacter (Northvale NJ: Aronson Press, 1997), 228.
  47. Quoted phrases from T.S. Eliot, “East Coker,” in *Four Quartets*. See also my “To Get the Better of Words: an Apology for *Yir’at Shamayim* in Academic Jewish Studies,” *Torah U-Madda Journal* 2.
  48. One is reminded of Robert Frost’s well-known criticism of *vers libre*, that it is like playing tennis without a net.



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49. Alexander Nehamas, in his recent *Art of Living*, champions the figure of the philosopher as a heroic personality. See Martha Nussbaum's critical review "The Cult of the Personality," *The New Republic*, 4–11 January 1999, p. 32–7 which insists that even those philosophers, like Nietzsche, who can be identified with Nehamas's aesthetic personal ideal, are philosophically interesting only when discussing philosophical issues.
  50. R. Soloveitchik, *Al Limmud Torah u-Ge'ullat Nefesh ha-Dor*.