

למדות:

*The Conceptual
Approach to Jewish
Learning*

edited by

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THE MICHAEL SCHARF PUBLICATION TRUST
of the YESHIVA UNIVERSITY PRESS
NEW YORK



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The Conceptual Approach to Torah Learning: The Method and Its Prospects

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To the average *ben yeshivah*, the very thought of a methodology of learning is, at best, a two-edged sword. On the one hand, he finds it alluring. On the objective plane, it holds out the promise of greater rationality and order, not to mention approximation to truth – values much sought and appreciated; and subjectively, it elicits the hope of a more efficient and effective direction of his most cherished activity. And yet he senses a discordant note. Its unfamiliarity is threatening, its pursuit potentially unsettling, and its occasionally technical formulations jarring. Moreover, the perception that a systematic impulse characterizes the academic community, which the budding *talmid hakham* possibly suspects, only intensifies the discomfiture.

There are, however, deeper and more genuine roots for the ambivalence. These relate, primarily, to anxiety over the loss of pas-

sion and the jading of awe. Concern that efficiency will be attained at the expense of reverence touches a raw nerve. A *beit midrash* is not a shoe factory, and its occupants are not indentured to the bottom line. It is the epicenter of their existential orbit, and their study there is animated by a simple petition: גל עיני ואביטה נפלאות מתורתך, “Open Thou mine eyes, that I may behold wondrous things out of Thy law” (*Tehillim* 119:18).

In this respect, the ambivalence is analogous to the Romantics’ reservations (one recalls Watts-Dunston’s designation of the movement as “the renaissance of wonder”) about speculative thought. “Do not all charms fly,” asked Keats,

At the mere touch of cold philosophy?
 There was an awful rainbow once in heaven:
 We know her woof, her texture; she is given
 In the dull catalogue of common things.
 Philosophy will clip an angel’s wings,
 Conquer all mysteries by rule and line
 Empty the haunted air, and gnomed mine
 Unweave a rainbow

(*Lamia*, II, 229–237)

It is exacerbated, however, by two disparate and yet complementary factors. First, one senses that at stake is not just mystery but sacred mystery, its apprehension to be accompanied, consequently, with tremor no less than with wonder. This, on the view of R. Matya b. Harash, was the thrust of the summons to Moshe Rabbenu at Sinai, לא בא הכתוב אלא לאיים עליו כדי שתהא תורה ניתנת באימה ברתת ובזיע שנאמר¹ “The purpose of the Scripture here was to inspire him with fear, so that the Torah be given with fear, with trembling, and with sweat, as it is said: ‘Serve the Lord with fear and rejoice with trembling’” (*Tehillim* 2:11) and its echoes have reverberated for posterity. Second is the visceral quality that *Hazal* ascribed to *talmud Torah*. In characterizing it, they resorted to metaphors relating to the most elemental of physical and psychic experiences:

א"ר שמואל בר נחמני מאי דכתיב אילת אהבים ויעלת חן וגו', למה נמשלו דברי תורה לאילת לומר לך מה אילת רחמה צר וחביבה על בועלה כל שעה ושעה ראשונה, אף דברי תורה חביבין על לומדיהן כל שעה ושעה כשעה ראשונה. ויעלת חן שמעלה חן על לומדיה דדיה ירייך בכל עת למה נמשלו דברי תורה כדד? כל זמן שהתינוק ממשמש בו מוצא בו חלב אף דברי תורה כל זמן שאדם הוגה בהן מוצא שהתינוק ממשמש בו מוצא בו חלב אף דברי תורה כל זמן שאדם הוגה בהן מוצא בהן טעם.

R. Shmuel bar Nahmani said: What [is the meaning] of the [biblical verse]: "Loving hind and graceful roe," etc. [*Mishlei* 5:19]? Why were the words of Torah compared to a hind? To tell you that as the hind has a narrow womb and is loved by its mate at all times as at the first hour of their meeting, so it is with the words of the Torah. They are loved by those who study them at all times as at the hour when they first make their acquaintance. "And a graceful roe." Because the Torah bestows grace on those who study it. "Her breasts will satisfy you at all times" [*Mishlei* 5:19]. Why were the words of the Torah compared to a breast? As with a breast, however often the child nurses, it finds milk in it, so it is with words of Torah. As often as a man studies them, so often does he find relish in them.²

Would one expect an infant to suck by the book? A bridegroom to make love per his manual's instruction?

These reservations are neither idiosyncratic nor novel. Indeed, on one view, they were expressed by one of the early *Amora'im*:

אמר עולא מחשבה מועלת אפילו לדבר תורה שנאמר מפר מחשבות ערומים ולא תעשינה ידיהם תושיה.

Thought affects even words of Torah, as it is said, "He abolishes the thought of the skilled [i.e., scholars], lest their hands perform nothing substantial."³

Rashi explains, as a possible interpretation:

ל"א מחשבה שאדם מחשב כך וכך תעלה בידי מועלת להשבית הדבר שאין מחשבתו מתקיימת אפילו לדבר תורה כגון האומר עד יום פלוני אסיים כך וכך מסכתות בגירסא.

Another interpretation: [The] thought that a man calculates, that such-and-such will I succeed in, is effective in negating the matter that his thought is ineffectual – even for matters of Torah, as when one says: “I will complete such-and-such [number] of tractates in reciting by this date.”

Nevertheless, the benefits of a modicum of planning are so self-evident that hardly a *maggid shi'ur* opens a *zeman* without at least the equivalent of a tentative syllabus. And concern over *mahshavah mo'ëlet* is presumably allayed by Rabbah's qualification:

אמר רבה אם עוסקין לשמה אינה מועלת שנאמר רבות מחשבות בלב איש ועצת ה' היא תקום עצה שיש בה דבר ה' היא תקום לעולם (שם).

Rabbah said: “[But] if they study [Torah] for its own sake, [such study] is not adversely affected, as it is said, “There are many thoughts in a man's heart, but the counsel of the Lord, that shall stand.”

Spirit and motivation are the key. Where these are truly religious, the claims of productivity and spontaneity can be reconciled; and the votary of Torah can enter its forests both in order to traverse them and because the woods are “lovely, dark, and deep.”

Analogously, while the specter that analysis of methodology will have a deadening effect upon vibrant learning cannot be precluded, it is not inevitable. Properly animated, a measure of goal-orientation conjoined with reflexive awareness – grounded not in the self-conscious proclivities of an “age of analysis” but in the joyful quest for mastery of Torah – can genuinely enhance one's appreciation of *devar Hashem* and the process of studying it. Knowledge of technique can improve performance in swimming without diluting, indeed, possibly stimulating, its joy; and so may it be with respect to *yam ha-talmud*. It is with this hope and in this spirit that the following remarks are presented.

Upon embarking on a discussion of the methodology of *talmud Torah she-be'al-peh*, we need to distinguish between two sets of issues, each of considerable practical significance, but nevertheless quite different in character and substance. We confront, on the one hand, questions of method, narrowly defined: how should topics be approached, texts read, terms defined, concepts analyzed? On the other hand, we are charged to deal with questions largely subsumed under educational, or possibly even pedagogic, strategy. These often relate to the “what” of learning no less than to the “how,” with curriculum the core: the emphasis upon range and depth, respectively; to which *massekhtot*, or segments thereof, ought priority be assigned; is general *beki'ut* best attained by learning *Shas cum* Rashi, its digest in the Rif, or its systematic codex in the Rambam? Obviously, in many respects, how and what overlap. Determination of the extent to which the learning of *Bavli* and *Yerushalmi* should be interwoven involves a substantive, and not merely tactical, decision. Nevertheless, the areas can be distinguished. The choice of learning *Bava Kamma*, *Berakhot*, or *Menahot* is ordinarily determined by factors little related to how any of these is to be studied. Our focus here shall be upon the mode of learning as such, specifically with reference to the conceptual approach, while the educational aspects will only be dealt with marginally.

Methodology generally revolves around three primary foci. It designates or delimits the tools to be employed and the disciplines to be engaged. It determines what kind of intellectual and ideological solutions are suitable for the questions raised. First and foremost, however, it defines the questions, particularly the types of concerns to be assigned priority. While full mastery of a topic obviously requires the interactive application of a number of disciplines – and responsible advocates of any given approach can hardly afford to rely upon it exclusively – it is self-evident that almost no one is, in practice, desirous or capable of addressing all issues equally. And it is the choice of emphases that, more than anything else, defines a *derekh*.

This bears directly upon the presentation of the conceptual approach to *talmud Torah*. Upon opening a Gemara, we are confronted

with a dual task. We are charged with learning a *daf*, on the one hand, and a *sugya*, on the other. Or, to put it differently, we wish to learn the text and the subject-matter of the text. The distinction between *iyyun* and *beki'ut*, currently in vogue in the yeshiva world but with firm roots in *Hazal*, largely turns on this point.⁴ At issue is not just the immanent antithesis of depth versus range. The heart of the matter lies in the definition of primary responsibility. One mode demands traversing a given text, regardless of how loosely related its components might be; the other, mastering a topic – largely by excising adventitious segments but, compensatorily, incorporating into one's learning relevant sections imported from elsewhere and organically engrafted.

Awareness of this distinction is meaningful with respect to a range of intellectual pursuits, but is particularly significant with respect to the learning of gemara. Books on history or geology are almost invariably organized thematically, so that the gap between text and topic, if any, is usually minimal. As any neophyte can attest, however, the meandering character of the gemara, especially the *Bavli*, generates a very substantial gap; hence, the far greater need for definition of the material of study and of its telos.

The distinction is reflected in various genres of *sefarim*.⁵ *Me-farshim* are intrinsically geared to texts. *Sifrei mizvot*, by contrast, are oriented to topics; and so, for the most part, are *sifrei psak*. This obviously does not hold with respect to the overall world of *psak*, broadly defined. Of the triad cited by the *Beit Yosef* as his guiding lights, two, the Rif and the Rosh, pursue the course of the gemara, their conclusions constituting the final stage in the presentation and analysis of a given *sugya*; and a number of the central works of *hakhmei* Ashkenaz in this field – Ravan, Ravyah, *Sefer Ha-Terumah*, or, at an earlier stage, the cluster originating in Rashi's *bet mid-rash* – are, at best, haphazardly organized. Nevertheless, thematic structure certainly was the hallmark of the Sephardi tradition, and in this respect, it subsequently carried the day. The Rambam's *Mishneh Torah*, of course, bestrides all else, and it set the tone for the more constricted codices of the *Tur* and the *Shulhan Arukh*. However, the systematic impulse is also evident in classical texts – *Torat Ha-*

Bayit and *Sefer Ha-Terumot*, both models of lucid exposition, fusing comprehensive presentation and trenchant analysis – emanating from the milieu of the Ramban; and that impulse has become fairly standard in *sifrei psak*.

Hiddushim, on the other hand, straddle intermediate ground. They generally follow the sequence of the Gemara, and thus lack an overall organizing principle. Nevertheless, in the tradition of *ba'alei ha-Tosafot*, while lacking a master plan, they strive to treat each major crux thematically – pulling together far-flung relevant texts, analyzing central terms, resolving presumed contradictions. The net effect is often an archipelago of islands that need to be melded into a continent; and it serves to highlight awareness of the importance of the distinction between study of texts and mastery of their subject-matter. Hence, in charting the course of one's *talmud Torah*, the need to determine emphases and establish priorities.

The significance of this distinction is not confined to the choice and organization of material. It relates, equally, to the mode of dealing with it; and it serves, consequently, as a point of departure for delineating the conceptual approach to *lomdut*. This approach, virtually by definition, is oriented to working around the exposition of themes rather than the explication of texts; and it does so with an eye to probing their ideational content rather than limning their bare presentation, even if systematic and comprehensive. It takes its cue from the opening thrust of the plaintful plea incorporated into the *berakhah* of *Ahavah Rabbah*, designated by *Hazal*⁶ as a halakhic variant of *Birkat ha-Torah*: אבינו אב הרחמן המרחם רחם עלינו ותן בלבנו להבין ולהשכיל. "Our Father, merciful Father, He who has mercy have mercy on us, and place in our hearts to understand and to comprehend." And it is mindful of the fact that the Rambam used this very formulation in defining Gemara:

ושליש יבין וישכיל אחרית דבר מראשיתו ויוציא דבר מדבר וידמה דבר לדבר ויבין במדות שהתורה נדרשת בהן...וענין זה הוא הנקרא גמרא.
And of the third [of a man's time devoted to Torah study] he should [strive] to understand and comprehend the end of a matter from its beginning, and differentiate a matter from a

matter, compare one thing to another, understand the principles by which the Torah is interpreted...and this matter is what is called gemara.⁷

Gemara, thus succinctly defined as a mode, is the heart of the conceptual approach to Torah; and it is no accident that Gemara, constituted as a corpus, stands at its epicenter.

In practice, upon opening a *massekhet*, the inquiring student embarks upon an enterprise whose resolution, if successful, will provide him with answers to questions about a given phenomenon – leading, in turn, to mastery of a broader area. From *Hazal* down, the Torah world has concerned itself with two kinds of questions that, for our purposes, I will designate as primary and secondary. The first category consists of points to be determined as part of any attempt to acquire the relevant data, raw or sophisticated, requisite for knowing a given phenomenon. These include issues of source (מנא (הני מילי, מנלן); of scope as regards persons, objects, or circumstances; of rationale in light of general principles (מאי טעמא); or of definition, not simply lexicographic but jurisprudential. And it includes, further, their interaction – source, scope, and character often being closely and functionally related. Such questions are sometimes difficult to answer, but fundamentally they do not constitute difficulties. They are not conceived as problematic, nor are they generated by accident or crisis. They are intrinsic, an immanent aspect of any serious learning endeavor, and neglecting them reflects superficiality and sloth.

Concurrently, the student of Torah expends much energy upon a second set of questions, which do arise as a matter of accident. These revolve around contradictions, and they occupy a prominent place – far greater than in most comparable disciplines, in the world of *talmud Torah*. Perceived contradiction is, to be sure, the stuff of which much intellectual discourse, legal or philosophic, is made. However, its position is obviously amplified in a system grounded upon reverence for sacral authority and veneration for the masters of a tradition. Confronted by apparent discrepancies between divergent texts, the secular jurist may be inclined simply to dismiss one. The *ben Torah*, however, while acknowledging the possibility

of irreconcilable conflict, is determined to strive for resolution; and to that end, he is prepared to devote much effort and to exercise considerable ingenuity.

The contradiction may vary. It may be between two equally authoritative texts, as between two *baraitot* or two *pesakim* of the Rambam. Alternatively, it may pit unequal dicta – an *Amora* against a *mishnah*, a *Rishon* against a *Gemara*. It may be direct or circumstantial, as when the *Gemara* states that only one of two propositions can be derived from a given *pasuk*, and the Rambam nevertheless cites both. In all these cases, however, one is not dealing with intrinsic tasks but with accidents; more with clearing a minefield than with erecting a structure.

Precisely for this reason, the conceptual approach to learning is relatively less concerned with secondary questions than more textually or technically oriented approaches. Its thrust is overwhelmingly tilted toward fundamentals – above all, to the most basic of intellectual chores: definition. Armed with sets of categories, the conceptualist strives, first and foremost, to grasp the essential character of a particular element and, hence, to classify it. He seeks both to map a given subject and to probe it. The mapping is itself dual, both local and general. On one plane, he surveys the specifications of an object or an action, determining which are essential and which accidental. Is *nevelah* that becomes unfit for human consumption no longer denominated as *nevelah*, or does it retain its identity but is no longer prohibited? Can one distinguish between the two cardinal qualities of a *mikvah*, that it be stagnant and contain a minimum of forty *se'ah*, regarding the former as determining whether a body of water is a *mikvah* at all, while the latter only qualifies its certification for certain purposes? On a second plane, the conceptualist will place a datum within a broader ambience, thus fleshing out the general category and sharpening understanding of a specific element by precise comparison with related phenomena. In dealing with the inedible *nevelah*, for instance, he will explore its status as an *av hatum'ah* alongside its *kashrut*; and he will probably incorporate this discussion into a fuller treatment of the concept of food as it appears in diverse halakhic areas.

The process of definition entails recourse to a set of keys – some master, others individual. Among the former, probably the most familiar is the distinction between subject and object, person and datum; but a number of others recur and figure prominently. Of virtually every *de-rabbanan* innovation, one will ask whether and how it is subsumed under a *de-Oraita*. With respect to positive and negative mizvot equally, one will often ask what is the prescribed or proscribed act and what the quintessential fulfillment or contravention of the divine will. The issue of essence and accident has already been cited; and closely akin is the determination of which specifications are mandated by which category. Is visiting one's *rebbe* on *Yom Tov* an aspect of *simhat ha-regel* or a dimension of *kevod ha-rav*?⁸ Is the conjunction of the wearing of *tefillin* and the reciting of *Keri'at Shema* an enhancement of the former or of the latter?⁹ Such points abound, inherently, in all areas of Halakhah, and they are grist for the mill of any aspiring *lamdan*.

Much of the foregoing is obvious if not rudimentary, but perhaps a brief example will, nevertheless, be instructive.

The opening *mishnah* in *Massekhet Sukkah* reads:

סוכה שהיא גבוהה למעלה מעשרים אמה פסולה ורבי יהודה מכשיר,
ושאינה גבוהה עשרה טבחים ושאין לה שלש דפנות ושחמתה מרובה
מצילתה פסולה.

A *sukkah* that is higher than twenty cubits is invalid; R. Yehudah declares it valid. And one that is not higher than ten handbreadths, and that does not have three walls, and whose sunlit portion is greater than its shaded portion is invalid.

Upon learning this *mishnah*, we shall obviously want to know the source and reason for these *halakhot*; and we shall duly find them in the Gemara. But we shall not be content to do so. We shall compare the disqualifications cited and ask, with reference to each, what is its character and level? Does the preponderance of sun over shade negate the very definition of a *sukkah*, it being, quintessentially, a shady nook? Is it only rendered an invalid *sukkah*; or perhaps neither, with the *pesul* only precluding the resident's performance of

the *mitzvah*, even though the *sukkah* itself is kosher? And perhaps all of these are correct, but with regard to different levels of light? Analogously, how radical is the concern about excessive height? And might this be a function of the source?¹⁰ If the halakhah is derived from למען ידעו דורותיכם, the problem being that awareness of presence in a *sukkah* is obviated by the distance from *sekakh*, that is presumably a narrowly technical issue. If it is grounded in the fact that so high a structure constitutes a permanent edifice more than a temporary shelter – and if it is assumed that transitoriness is indeed essential¹¹ – the very definition of *sukkah* may hang in the balance, permanence being characteristic of a house, to which the *sukkah* is antithetical. At the other end, what is the requirement of ten *tefahim*? Is it an application of the general halakhah that this is the minimal height for all *mehitzot* or a local specification for livable space – and again, possibly both, but with respect to different situations?¹² And finally, what of the need for three walls? Is this conceived as a numerical quota or as a level of enclosure? And is the need for enclosure itself a technical requirement or critical to the definition of a residence?¹³

On the other side of the ledger, has this quartet exhausted the list of specifications requisite for a *sukkah*, or might there be others?¹⁴ If so, why have they been deleted from the opening summary? The answers to these and similar questions are to be sought with sophistication and subtlety, through recourse to textual and logical proofs, with some of the latter – the determination that alternative A is correct because of its link to Halakhah B, which only makes good sense if A is assumed – hinging upon further proof of the *sukkah*'s character. The point here, however, is simply to sketch the scope and character of the agenda, taking note of what is at center stage and what, possibly of critical importance for other purposes, is omitted.

The theoretical bias of the conceptual approach is reflected not only in the question it poses and emphasizes but in the interpretations it prefers. It has several pronounced, and interrelated, proclivities. First, wherever possible, its devotees prefer to explain detail, or controversy about detail, in terms of an ideational construct rather

than with reference to factual or technical factors.¹⁵ Typical is the reluctance to acknowledge the existence of a factual *mahloket*. Thus, if *Amora'im* disagreed as to whether a debtor could be believed if he claimed that he had paid prior to the due date of his liability – Resh Lakish holding that he was not, inasmuch as *חזקה לא עביד איניש דפרע* – Resh Lakish holding that he was not, inasmuch as *חזקה לא עביד איניש דפרע*, גו זמניה, while Abbaye and Rava rejoin that his claim is valid, as *עביד עביד איניש דפרע* גו זמניה¹⁶ – the *lamdan* will abjure focusing the debate upon the evaluative description of debtor psychology and will direct it to the legal sphere. The issue is not what percentage of debtors might indeed prepay, but how high the number needs to be in order to establish the validity of a claim; and this, in turn, may depend upon halakhic considerations regarding the relation between debtors and creditors or the general level of probability needed to extract assets. Or again, upon encountering a *mahloket* as to whether the partial levy due if one's “innocent” animal has gored is to be viewed as a fine or as a discounted payment, this being grounded in the Gemara on the question of whether *סתם שוורים בחזקת שימור קיימי*,¹⁷ the *lamdan* will be inclined to view the discussion as related to the standard of responsibility and fault rather than to the normal mindset of oxen; and the standard may itself be a function of how one defines the basic source of liability for damage inflicted by one's property, whether the owner's negligence in failing to prevent the occurrence or the bare fact that it has been incurred.¹⁸

In some cases, the avoidance of a factual *mahloket* has a quasi-moral dimension. Given the esteem in which we hold *Hazal*, it seems inconceivable that, even in a pre-scientific age, they would have argued over what can be readily tested and determined. Thus, with reference to a *mahloket* concerning the edibility of certain vegetables, Rav Binyamin bar Levi asks:

דבר שאפשר לך לעמוד עליו חכמים חלוקים עליו?

Something that it is possible for you to determine yourself,
the sages dispute over?¹⁹

Similarly, the Ramban prefaces his *hiddushim* to the *perek* in *Hullin* that deals with *terefot* – and that cites, *inter alia*, discussions

as to whether an animal that has a *terefah* can survive more than a year – by asserting:

מה שנחלקו חכמי ישראל בטריפה אם היא חיה או אינה חיה תמוה הוא
 איך לא בדקו הדבר בנסיונות הרבה?
 That which the sages of Israel disputed about regarding a
terefah, as to whether it lives or does not live [with a year of
 its illness or injury] is puzzling; how could it be that they did
 not examine the matter with many experiments?²⁰

However, as is made clear by the previous examples, with respect to which convincing empirical evidence is not so readily available, the recoil from a factual *mahloket* goes beyond absolving *gedolei Yisrael* from possible charges of indolence. It is part of an effort, both subliminal and conscious, to channel halakhic debate into the realm of ideas.

This tendency is equally manifest in the exposition of halakhic elements wholly removed from the factual sphere. Quantitative standards, for instance, are recurrently translated into qualitative categories.²¹ If *Rishonim* disagreed as to whether the *kinyan* of *hagbahah* required raising the acquired object one *tefah* or three,²² the disagreement is not viewed as a choice between two stations on the same continuum but as concerning the definition of the basic conception.²³ Does *hagbahah* entail an act that demonstrates, and hence creates, mastery, in which case the lesser sum may (but need not, of course) suffice; or does it constitute a change of venue, in which case the object must be uprooted from its prior location, for which purpose, in light of the status of the *shi'ur* of three *tefahim* encountered in numerous halakhic contexts, only that will do.

In this respect, the *mahloket* between Rashi and Rabbenu Tam concerning *hagbahah* may be strikingly similar to another, between Rav and Shmuel, regarding the sister *kinyan* of *meshikhah*. Here, too, the quantitative issue arises: How far must the object be pulled?

איתמר ספינה רב אמר כיון שמשך כל שהוא קנה ושמואל אמר לא קנה
 עד שימשוך את כולה

As to a ship, Rav said: Once one has performed the act of pulling to the minimal extent, he has acquired it; Shmuel said: He has not acquired it until he has pulled all of it [i.e., its length].²⁴

And here, too, with respect to the horizontal plane, the same interpretation suggests itself. On the assumption that a demonstrative process requires less than an achieved result, one might assign the former view of *meshikhah* to Rav and the latter to Shmuel.

There is nothing necessary about this line of reasoning. One could contend, theoretically, that both *Amora'im* worked within the same framework, and that their *mahloket* was arbitrary, intuitional, the result of psychic differences, or of varying commercial practices in Sura and Neharda'a. No proof has here been suggested for either the interpretation herein developed of their disagreement, or for the premise that the standard applicable to a demonstrative process is less demanding than that requisite for effected change. The conceptualist is fully aware of this. Moreover, he freely acknowledges that not all halakhic cruces lend themselves to this kind of analysis. Nevertheless, his own predilection is clear. Of the aforementioned alternatives, he will regard some with ideological revulsion. But even of those which equally pass muster on that score, he has a clear preference. Recognizing that valid alternatives exist, he will opt, wherever possible, for theoretically oriented *lomdut* over a practical *ba'al batisher* approach.

Thus, to cite one further instance, the Gemara in *Bava Kamma* ascribes to Rav the position that *כל המשנה ובא אחר ושינה בו פטור*²⁵; that is, that if one deviates from normal behavior in a public setting and, as a result, suffers damage inflicted upon himself or his property by a second deviator, the latter is not liable. It then suggests that Rav Yohanan and Resh Lakish may disagree as to whether this only refers to more extreme situations, such as an animal lying down in the middle of a street, or may also include a more moderate anomaly, such as setting down a pile of clothing or utensils. Obviously, one could simply contend that we are confronted here by a factual issue over just how common such action might be; or, alternatively, by

a legal question regarding the definition of deviation and just how high the bar should be set. Both are legitimate options. Terms like “normal” and “deviant” cry out, *a priori*, for definition, and several alternatives could be reasonably offered with regard to any particular context. The *lamdan* will not be content with this, however. He will, at the very least, explore the theoretical underpinnings of different definitions, and he will tentatively advance the thesis that these spring from divergent views of the substance of the exemption of *kol ha-meshanneh*. If it is, in essence, a limitation of the responsibility of the *mazzik* – he cannot be expected to forestall unanticipated strange eventualities – such a radical formulation would require a more extreme deviation. If fundamental liability exists but is, in practice, suspended by the fault of the victim, this more moderate conclusion may be warranted by a lesser deviation. And in this, of course, as in many parallel contexts where two grounds for a given Halakhah may obtain, it is entirely conceivable that both may be tenable, so that we envision a two-tiered structure, each with its respective specification and ramifications.

I have spoken of sets of keys, master and individual, and I have briefly described some of the former. The latter are local and plentiful. Each area of Halakhah has its indigenous categories that serve to classify specific data and by which they may be tested. Once certain distinctions, and the respective constructs that flow from them, have been established, they become part of the conceptual baggage to be applied in mapping and analyzing a *sugya*, and its acquisition is one of the central aspects in the development of a *lamdan*. The distinction between *kedushat Eretz Yisrael* and *shem Eretz Yisrael* with respect to *mizvot ha-teluyot ba-aretz*; between a *get*'s specific character as a *sefer keritut* and its generic identity as a *shetar*; between form and function with respect to implements; between a type of *tum'ah*, abstractly conceived, and its physical manifestation; which details of a proscribed *melakhah* relate to the concept of *melekheth mahshevet* and which to the contours of, say, *keshirah* or *ketivah* – all these are questions that recur in the course of mastering the relevant tractates.

The acquisition of keys and their proper use is the staple of the

ordinary *lamdan*. At its highest plane, however, the conceptual approach finds expression in the cutting of new keys – some analogous to existing ones and extrapolated by transference, others perhaps wholly novel. These, in turn, enter the world of learning and enrich its vocabulary, providing fresh implements and fresh impetus for those engaged in the perpetual quest *lehavin u-lehaskil*.

The conceptual approach, as has been suggested, is inherently oriented to dealing with primary issues. Obviously, however, its practitioners can hardly be oblivious to secondary questions; and with regard to them, too, they are animated by a clear predilection. Contradictions between two authoritative texts can be resolved in several ways. One possibility is the emendation, where soundly based and legitimate, of either text. A second is the acknowledgment that the conflict is irreconcilable, but that both sources can be sustained by ascription to different persons or traditions. The third is the neutralization of one or the other text by confining it to a given case, either by recourse to previous knowledge or by the creative invention of a fresh limitation, suggested for the express purpose of resolving the difficulty at hand.

All of these methods are to be found in *Hazal*. *Eipukh* or *hasurei mehsera* alters the text; תרי תנאי ואליבא דרבי יהודה, תנא אתנא קא רמית; and תרי תנאי ואליבא דרבי יוחנן and תרי אמוראי ואליבא דרבי יוחנן, whatever its variation, confines one of the conflicting poles. None, however, relates to the world of ideas. Hence, the conceptualist's initial and instinctive thrust is in yet another direction. He will strive, wherever possible, to disarm the contradiction by portraying it as illusory. Even when affirmative and negative statements are diametrically opposed, the propositions need not be contradictory. They may refer, respectively, to different halakhic areas, each of which has its own set of definitions. Even when the nomenclature is identical, the terms may vary, depending upon their contexts.

This mode is both grounded in simple logic and rooted in *Hazal*. When Rav Yosef was asked whether a needle whose eye had broken off could still be regarded as an implement, so that it could be moved on Shabbat, he responded affirmatively. Thereupon, he was rebutted on the basis of the *mishnah* in *Kelim* which states that

such a needle is no longer subject to *tum'ah*, presumably because it is not a *keli*, a utensil; at which point Abbaye rejoined, *טומאה אשבת קא רמיית טומאה כלי מעשה בעינין לענין שבת מידי דחזי בעינין והא נמי חזיא למשקלא בה קוץ* “Have you, then, compared the laws governing purities to those governing Shabbat? As to purities, the requirement is that the vessel be one capable of accomplishing its work, [while] in regard to the laws of Shabbat [we require] something of some use, and this is useful for picking out up a thorn.” Rava dismissed this answer, contending that the same standard should prevail in both spheres: *אמר רבא מאן דמותיב שפיר קמותיב מדלענין טומאה לאו מנא הוא לענין שבת נמי לאו מנא הוא*. “Said Rava: He who raises the objection does so correctly, since it is not a utensil in respect to purities, it is not a utensil in respect to Shabbat.”²⁶ The interchange became the focus of a wide-ranging debate among the *Rishonim*, revolving around the question of whether Rava rejected the distinction between *tum'ah* and *muktzah* in general, or only opposed this particular application. Be that as it may, the discussion, equally relevant to additional areas in which the concept of *keli* figures, is an archetypal instance of the course upon which conceptual analysis thrives in resolving contradictions.

When resolution proceeds by simple application of known differences, it may be largely technical and mechanical in nature. When it engenders freshly conceived distinctions, however, it is the product of creative energy. As a scientist may be inspired by conflicting empirical evidence to suggest a novel theory that will take all the disparate phenomena into account,²⁷ so the *lamdan* will expound a distinction that will allow for harmonious coherence.

In this respect, primary and secondary questions are closely related. The quest for resolution serves as a powerful catalyst for renewed examination and deeper probing of halakhic material; and its upshot is frequently a revised and more precise understanding of basic categories. It would, of course, be naive to assume that the whole of *Hiddushei Rabbenu Hayyim ha-Levi* was composed purely in order to defend the Rambam. Unquestionably, many of the seminal ideas had been developed independently, as part of the process of understanding the Gemara, and here found application. But it is equally clear that much indeed was stimulated by the quest for

reconciliation; and in this, as in many other respects, it typifies the conceptual approach and the benefit that its primary plane – always the prioritized focus of *lomdut* – derives from the secondary. This is reinforced by the fact that the resolving conceptualist, ideally, is not content with a distinction without a difference. He will seek to buttress his distinction with proof, much of it in the form of the correspondence and coherence of salient points with the proposed conception; and this, in turn, often requires a thorough scrutiny of an entire halakhic realm.

The interaction may be briefly exemplified by a discourse upon a difficult *pesak* of the Rambam. The Mishnah states that real property is exempted from oaths, even in the case of disputes in which chattels would be subject to them.²⁸ The Rambam extends this to include payments for land,²⁹ even though what is at present being demanded is money, as when the land had been damaged. The Rabad challenges this, and adduces a *mishnah* in support of his critique.³⁰

א"א נראין דברים שתבעו למלאות החפירות ולהשוות החצירות אבל אם תבעו לשלם פחתו הרי היא כשאר תביעת ממון וכמי שאמר לו חבלת בי שתים והוא אומר לא חבלתי אלא אחת.

Abraham [i.e., Rabad] says: This would seem to be the case if [the owner of the land] demanded that he fill in the pits and make the fields level; but if [the owner] demanded that he pay the [field's] depreciation, this would be like any other monetary claim, similar to the case of one who said, "You injured me twice," while [the defendant] says, "I injured you but once."

The conclusion refers us to a *mishnah* which states that the category of *modeh be-miktzat*, imposing an oath for partial admission, applies if one has assaulted his fellow. Inasmuch as the Rabad assumes, as is likewise implied by the Rambam elsewhere,³¹ that for such exemptions a person is equated to real property, the demand for payment due to assault is the equivalent of *demai karka*, and the Mishnah therefore contravenes the Rambam's decision.

In response, after transferring the question, in effect, from

the arena of one *mishnah* to another, Reb Hayyim offers two radical distinctions.³² One is the differentiation between contexts and classes of oaths. *Shevu'at ha-dayyanim*, that which is administered by *bet din*, is a self-contained obligation, to be judged by the canons of oaths and of dispute as the source of the obligation. Hence, the root of the dispute is definitional. *Shevu'at ha-pikkadon*, on the other hand, administered by a party who claims he has been cheated, relates to the context of thievery, a false oath being regarded as a mode of embezzlement. In this case – and it is this situation that is discussed in the *mishnah* – what is denied and misappropriated is the just payment currently refused and withheld; and this, of course, is money rather than real property.

Alternatively, Reb Hayyim suggests a distinction between damage to property and assault on a person. With respect to the former, one's fundamental obligation is to repair or replace the damaged object; hence, it is the focus of the dispute. As regards the latter, repair is not usually feasible, as organs cannot be replaced, so that the obligation is fundamentally monetary, and its cause is of little moment. These distinctions clearly rest on a number of premises, some more firmly anchored than others. Each of these needs to be examined and, optimally, proven. And, of course, one needs to probe why and where the Rabad parted company with the explanations. Did he challenge the premises or only the inference from them? What is manifest is the impetus to cope with a secondary question by relating it to primary issues rather than by relatively incidental technical solutions. And what is equally manifest is the extent to which the understanding of entire areas is illuminated and fructified by the process of fundamental definition.

From the essentially ideational character of the conceptual approach there flow, almost as corollaries, several salient characteristics. The first concerns the timeless issue of the confrontation of text and reason – in part, a variant of the broader question of faith and reason; and in part, inasmuch as it arises in secular contexts as well, an independent concern. Instances in which the literal import of texts appears to contravene rational perception abound, and these invite a range of responses. In some, a consensus for reinterpretation

tion may prevail. Few today would challenge the Rambam's view that the grossly anthropomorphic attribution of physical elements to the *Ribbono Shel Olam* cannot be understood literally. Indeed, we would not regard this as philosophically motivated reinterpretation at all, but simply a manifestation of a form of symbolic expression. With respect to the attribution of emotion, by contrast, opinions will vary – reflecting theological differences, but also hermeneutic differences. With respect to aggadic material in *Hazal*, likewise, a spectrum of explication may obtain, and we recall the Rambam's classification of various tendencies in this connection, in his preface to *Helek*.

Much the same obtains with regard to the world of Halakhah, within which, at times, authoritative texts may seem to clash with one's understanding, inviting a range of responses. It should be clear that in the relevant spectrum, the conceptual approach leans, almost immanently, toward reliance upon rational principles and coping with the texts, rather than vice versa. This is not done eagerly – one would prefer that the confrontation did not exist – but within limits, it is done. Critics take understandable umbrage at the practice, but it is consonant with *Hazal* – admittedly, more in the *Bavli* than in the *Yerushalmi*. On one plane, it relates to the explication of *pesukim*. An Amora, convinced that his halakhic position is correct, may acknowledge that it runs counter to the simplest understanding of a *parshah*, and yet hold his ground and seek to expound the texts accordingly, asserting, שבקיה לקרא דאיהו דחיק ומוקים אנפשיה, “Leave the verse, for it is required to establish its own [particular] case.”³³ As one of the *Rishonim* explained, in analyzing whether *veha-met yihyeh lo* refers to the *mazzik* or the *nizzak*:

נראה לרבי דמשמעות דקרא משמע טפי דלמזיק קאמר דהכי משמע שלם ישלם שור תחת השור שור אחר תחת השור שהזיק והמת יהיה לו לעצמו למזיק ולא יחשב לו בתשלומיו אלא דסברא אינה נותנת לדורשו כפי המשמעות כמו שפירשתי שהדין נותן שהנבילה לניזק ודחיק קרא למידרשיה כפי סברת הדין.

It appeared to my teacher that since the implication of the verse tends toward [the interpretation of the one who holds

that the verse refers to the] *mazzik*, for this is what it means: “He shall surely pay for an ox in place of the ox” – a different ox in place of the ox that he damaged, “and the dead [ox] shall be his” – for himself, for the one who[se ox] did the damage, and it should not be considered as payment [for the ox]. However, his reason does not allow him to expound it according to its implication as I have explained, for logic argues that the *nevelah* [should belong] to the one whose property was damaged, and so the verse is interpreted in a forced way [to make it conform] to the logical argument.³⁴

On another plane, the same tendency is reflected in some of the *shinuyei dehkiki* advanced in order to sustain a position as viable, in the face of its apparent contravention by a *baraita*. When occasionally necessary, a similar inclination may be manifested by the conceptualist.

A related inclination concerns the attention – some might charge, the inattention – to detail. The *Rav* addressed himself to this facet in listing ancillary results of Reb Hayyim’s innovations:

שיטה זו של יצירת קונסרוקציות צרופות אינה מבחינה בין עיקר לטפל, בין כלל לפרט, הכל – מן המסד עד הטפחות – חשוב. גם אם הלמדן בטוח באמיתת תהליך החשיבה, בתבניתה ובצלמה, וגם אם מרגיש הוא, שהוא נמצא בדרך הישר וגם רואה הוא אורות מרחוק' לא ישקוט' ואם אפילו פרט קטנטן אינו מתיישב במערכת הקונצפציה הכללית.

This theory of the creation of pure constructs does not distinguish between an essential and an ancillary matter, between a rule and a detail, everything – from the foundation to the eaves – is important. Even if the *lamdan* is certain of the truth of his trend of thought in its shape and form, and even if he feels that he finds himself on the straight path, and even when he sees light emerging far off, he should not rest if even one tiny, minuscule detail does not conform with the array of his general concept.³⁵

I find myself only in partial agreement with the passage. In one

respect, as I have already indicated and exemplified, even technical details receive major attention in Reb Hayyim's world. However, this only applies to details related to conceptual issues, and through which, whether as evidence or as a possibly differential *nafke minah*, the issues can be refracted. Details that are neither here nor there with respect to principles are likely to be overlooked, for ultimately, as for Plato, it is the idea that is perceived as ultimate reality and evokes true interest, rather than the detail.³⁶

I likewise have some reservations about the second sentence; and I am not certain that its substance always conforms to Brisker practice. Unquestionably, for the *lamdan* as for the scientist, there are key contraindicating findings that may mandate discarding a much-cherished theory. However, there are also peripheral minutiae for the sake of which a deeply held conviction will not be abandoned, in the hope that the difficulty will be resolved by someone, somewhere, subsequently. In this respect, a remark attributed to Reb Hayyim may be instructive. The story is told of a questioner who pressed Reb Hayyim about a certain difficulty. Reb Hayyim referred the questioner to a certain *Tosafot*. Upon examining it, he was amazed to find that it was only a small section, opening with *teima* as an expression of difficulty, offering no subsequent resolution, and, what was worst, wholly unrelated to the topic about which he had asked. Puzzled, he returned to Reb Hayyim, who explained, "I just wanted you to see that one does not die of a *kashya*."

Third, pursuit of the conceptual approach has implications for canons of evidence. Pressed in the course of a *shi'ur* for the source of a point he had made, the *Rav* once responded, "A clear and logical mind." That was pithily and sharply stated, but it reflects a general tendency. As has already been suggested, definition is central to the approach, and it is a process frequently informed by various litmus tests. Their validity often rests, however, on the assumption of a link between a category and a characteristic, so that the presence or absence of the latter could help one determine whether a given phenomenon belonged to the former. The link is not always explicit, however, and its status is simply assigned by "a clear and logical mind." If, however, a differently minded opponent should

challenge the link, the evidence falls and the point it was summoned to buttress remains unsupported.

We return, by way of example, to the first *mishnah* in *Sukkah*. Arguing from Tosafot's view that if one sat under an opening of less than three *tefahim* in the *sukkah*, one could still fulfill the *mitzvah*,³⁷ Reb Hayyim sought to prove that the preponderance of shade over sun related to the *sukkah* proper rather than to the *mitzvah* of residing within it. The implicit premise is self-evident. Should one reject it and contend that, if the deficiency of sitting in a *sukkah* which has *hamatah merubbah mi-tzilatah* invalidates the act but not the *sukkah*, one could fulfill the *mitzvah* under an empty sky, there would be no explicit text to refute this. Only the perception that this thinking was perverse would clinch the evidence. And so it is in numerous areas, within which different levels of coherence and reasonableness – tested by consistency with other data as well as with general rationality – are marshalled in order to establish propositions. The litmus test itself may need to have its status established by another litmus test, in an ascending order of certitude, until we have reached incontrovertible contentions. The result is a significant degree of networking as part of the process of weaving a halakhic fabric.

The conceptual approach is no recent innovation. Its primary features are clearly present in *Hazal*, recurrently manifest in *Rishonim*, and amply exemplified by many *Aharonim* who were precursors of the Brisker tradition, with which the approach is now most familiarly associated. Much of this is only perceived in retrospect, however, and unquestionably Reb Hayyim, for whom this approach was not merely one of the many arrows in his quiver, but the central mode of learning, gave conceptualism great impetus toward preeminence. In this respect, he certainly effected a major sea change – particularly noteworthy when his achievement is contrasted with the overall direction of most of his immediate forerunners and contemporaries.

Much of their work, *parshanut* and *pilpul* apart, was devoted to surveying a topic, mapping it adequately, ferreting out the major *shit-tot* and distinguishing between them, and examining their relation to basic sources, finding support in some and coping with seeming

contravention in others. This was valuable, but it only went so far. Reb Hayyim did not content himself with surveying. He wanted to mine; and to that end he examined what he learned in the light of fundamental conceptual categories and finely honed distinctions. In the process, he brought to bear (in Coleridgean terms) not only fancy but imagination. In this undertaking, he surely had ample precedent and built upon predecessors. Just as surely, he was strikingly original.³⁸

During the century-plus that has elapsed since his advent as a major luminary of the Torah firmament, his *derekh* has attained wide provenance, at first as state-of-the-art *talmud Torah*, and subsequently as the standard *modus operandi* in the most prominent *yeshivot*. This is truer of Ashkenazi centers of learning than of Sephardi, and, furthermore, more characteristic of *mitnagdim* than of *hasidim*. On the whole, however, the gradual ascendancy has been both broad and impressive. Although most richly manifested in the sphere of *Kodashim* and *Toharot*, it has been successfully applied in all areas of Halakhah; and while most immediately identified with Brisk, its imprint is perceptible in many other pastures. For the *Rav*, Telshe in general and Rav Shimon Shkop in particular were the epitome of wrongheaded artifice. Yet the fact remains that the *Sha'arei Yosher* bears a closer affinity to Reb Hayyim than either bore to the Radbaz. Perhaps we should also note in this connection a remark apocryphally attributed to Rav Eliezer Gordon to the effect that if Rav Simha Zelig (the *dayyan* in Brisk and a close associate of Reb Hayyim) came to Telshe, he would be granted the yeshiva, but that if Reb Hayyim came, he would be given the whole town.

Nevertheless, the conceptual approach has not gone without opposition, and this from two divergent quarters, one firmly anchored in the Torah world, the other perched on its periphery. Almost from the outset, Reb Hayyim encountered resistance even in his own Lithuanian milieu, Volozhin included, from *yoshvei bet hamidrash*. Some was engendered by sheer innovation. This is clearly implicit, even in the next generation, in a passage from Rav Henoah Agus's preface to his *Marheshet*:

הקדמתי דברים אלה באשר ידוע הוא כי בזמננו נשתנו הרבה דרכי הלימוד בתלמוד תורתנו הק', שסגנון סברתם ואופן הבנתם פלסו להם נתיב בבתי מדרש התורה והתלמוד, וביחוד בבתי הישיבות בדורנו, ואני, כאשר כל ימי גדלתי בין חכמי ביה"מ הישן... בבואי היום להפיץ מעיינותי החוצה... ואירא כי עירום אנכי מכתנות האור וההגיון בתלמוד כאלה אשר חדשים מקרוב באו והביאו מסגנוני למודם, ואשר התלמידים הבאים אחריהם, שתו ממי מעיינות אלו והיו בפיהם כדבש למתוק... והליכותי בחדושי הלכות הנן בדרך הכבושה והסלולה מרבתינו קדמאי ובתראי ז"ל.

I have written this introduction in light of the well-known [development] that in our time the ways of study in the learning of our sacred Torah have changed considerably, and the style of their thought and manner of their understanding have made a place [lit., "way"] for themselves in the *batei midrash* of Torah and Talmud, and in particular, in the yeshivot of our generation. As for myself, all my life I grew up among scholars of the old *beit midrash*.... [And] when I come today to publish my novellae [lit., "my wellsprings"]... I see that I am naked of the robes of light and logic in the Talmud like these which are newly come from near, bringing with them the style of their learning, and the disciples who come after them, who drank from the waters of these wellsprings, which tasted as sweet as honey in their mouths.... And my paths in *hiddushei halakhot* are [created in the manner] of the well-maintained, well-trodden paths of our teachers, early and later, may their memory be blessed.³⁹

Some of the resistance, however, emanating from skeptics who somewhat condescendingly referred to Reb Hayyim as "the chemist," was strictly substantive. The criticism was two-pronged, denigrating conceptualism as both insufficient and erroneous, the two being perhaps related. The insufficiency was itself dual. One cannot labor on all fronts equally; and while all aspects of learning can conjoin in the harmonious quest for truth, psychological and practical exigencies mitigate the assignment of priorities. Hence, it was argued, the enormous emphasis placed upon analysis, and the palpable gratification deriving from its successful execution, inevitably came at the

expense of other goals. The conclusion of the debate in *Horayot*⁴⁰ was being reversed, the *oker harim* now gaining preeminence over the *Sinai*, and both *beki'ut* and the ambition to attain it were being adversely affected. “The Brisker,” Rav Elyahu Feinstein once observed to his grandson, the *Rav*, “are very impressed with fine *sevarot*. But as far as I am concerned, if one has forgotten a *mishnah* in *Ohalot*, he cannot be regarded as a *lamdan*.”

This objection, largely educational, is weighty per se. But the critique ran deeper, with a methodological cutting edge. Much of what Reb Hayyim superseded consisted of a literature of dexterous pyrotechnics of *pilpul* and ingeniously convoluted *hillukim*. However, knowingly or unwittingly, he likewise devalued works that elaborately or compendiously surveyed the various views regarding a given topic. And he also nudged aside the Maharsha and the *Pnei Yehoshua*, and even aspects of Rav Akiva Eiger’s *Derush ve-Hiddush* – nudged aside, that is, works more consistently concerned with textual explication, with charting the ebb and flow of *shakla ve-tarya*, with reconstructing the movement from a *Tosafot*’s opening to its conclusion.

Benign neglect of this material could be dangerous beyond the sheer constriction of range. For one thing, it might inherently be more prevalent. Perusal of much of this bookshelf is laborious, relatively mechanical, and often technical. For sheer beauty and excitement, tedious plodding through the Maharam Shif cannot hold a candle to Reb Hayyim’s soaring imagination and piercing insights. Radical conceptual analysis cracks open a *sugya* with illuminating force beyond the range of masters of combination and *heshbon*. But, second, such a gap was not only more likely but more deleterious. Ignorance of *mishnayot* in *Ohalot* is lamentable, but it will ordinarily have little impact upon one’s understanding of *Megillah* or *Menahot*. However, rush to analysis or judgment on the part of some who seek to run before they have properly mastered walking, leaves more than gaping holes in one’s overall knowledge. It may preclude mastery of the range of material, be it even in *Hazal* or in *Rishonim*, relevant to a topic. One cannot legitimately claim to present the full panoply of views regarding *hatikhah azmah na’asseit nevelah* if he has no

knowledge of the Ravan's extensive but obscure disquisition on the topic.⁴¹ Nor can one adequately discuss the issue of *hafrashat hallah* from dough owned by a Jew but kneaded by a Gentile if he is oblivious of the discussion of the problem by the Ravyah⁴² and the *Or Zarua*.⁴³ Worse still, constricted knowledge and relative ignorance of the tradition of *parshanut*, in all its manifestations, may lead to erroneous conclusion within the ambience of a given *sugya*, as one has not examined its turf properly.

Concurrently, the conceptual approach has come under fire in the halls of academia; and there, too, the attack has been dual. The acolytes of *Wissenschaft*, like the traditionalist critics, charge conceptualism with insufficiency and error, although in a quite different sense. From their point of view, the conceptualists are indifferent to fundamentals. They put little effort into establishing the exact text, are blithely oblivious to *realia*, and often pay scant attention to the internal or external development of a *sugya*. In a sense, it is charged, they do not so much learn the Gemara as use it.

Far more grievous is the second critique – that conceptualist conclusions are simply wrong. This contention rests upon two separate hypotheses. The first is that, *sans* scholarship, without an arsenal of philological, historical, and scientific tools, one just cannot arrive at sound conclusions even regarding ideational issues. The second is that the very rigor and illumination which is the pride of the conceptual approach attests to its falsity. Certain scholars simply refuse, *a priori*, to believe that *Hazal* could have attained or intended the degree of precision and sophistication achieved by nineteenth-century legists; and hence, as an article of faith, they decry *lomdut* as a gross misreading of the classical texts of *Torah she-be'al-peh*.

Other critics espouse a largely existentialist critique. The conceptual approach, they contend, is too rarefied, so that its votaries lose touch with visceral reality. One member of this group went so far as to suggest that the method may be all right for the Diaspora, where *lomdim* are insulated from the inner essence of their physical surroundings, but is wholly unsuitable for Israeli youth, to whom organic relatedness is crucial. This dilettante fusion of metaphysics and psychology borders on the preposterous, but the reservation

can be advanced within more rational parameters. In his summary presentation of Reb Hayyim's methodological breakthrough, the *Rav* points out, *inter alia*, that he had elevated *Hilkhot Ta'aruvot* from the realm of pots and pans to that of conceptual categorization:

כיוצא בזה במקצוע איסור והיתר...מי ניחש, כי יבוא יום, ועניינים אלו ישתחררו מכבלי העובדתיות, הסברי חוץ וסברות בעלי-בתיות וייעשו דברי הגות מופשטים ומושגים מסודרים, המצטרפים לשיטה אחידה בעלת רציפות ועקיבות. פתאום נעלמו מהלכות בשר וחלב הכפות והקדירות, הבצלים והצנון, מהלכות תערובת – המים הרוותחים והשמן שנפל לתוך היין והעכבר שנפל לתוך השמן, מהלכות מליחה – הדם והשמנונית, המלה והשפוד. ענייני איסור והיתר הוסטו מן המשק הביתי ונעתקו לספירה אחרת של הלכה אידיאלית שהכול בה מתגלגל בתכנים מחשבתיים. הכול נהפך ל"מציאות" הלכתית והכול נקלט לתוך מערכת מושגית מופשטת. ההוראה מושתתת על יסודות מוצקים, שכל הפורש מהם מורד בשכל ההלכתי ופורש מן החיים.

Similarly, in the area of *issur ve-heter*... who would have predicted that the day would come when these matters would be freed from the chains of facticity, explanations not intrinsic to the matter, and "baalebatische" ideas, and become matters of abstract thought and orderly concepts, which combine [to produce] a unified, consistent theory. The spoons and pots, the onions and radishes, have disappeared from the *halakhot* of meat and milk; boiling water and oil that has fallen into wine, a mouse that has fallen into oil – all have disappeared from the *halakhot* of mixtures; blood and fat, salt and spit have disappeared from the *halakhot* of salting. Matters of *issur ve-heter* have been moved from the kitchen and into another sphere, that of ideal Halakhah, which is entirely concerned with conceptual structures. All has been converted to "halakhic reality," and all has been absorbed into its array of abstract concepts. *Pesak* is based on solid foundations, so that whoever departs from them rebels against halakhic thought patterns and separates himself from life.⁴⁴

However, what the *Rav* noted with evident pride, others sim-

ply deplore. Neither Lorenzos nor Jessicas, they are not attuned to the music of the spheres. They need to hear dishes rattling and utensils clattering in order to feel connected with what John Crowe Ransom called “the world’s body.” They postulate of Halakhah what Archibald Macleish wrote of a poem, that it “must not mean but be,” and they sense, correctly, that Brisk points in a different direction. And still others, impelled by a holistic perception of metaphysical and spiritual reality, view analysis with a jaundiced eye, regarding it, with Wordsworth, as “that false secondary power by which we multiply distinctions.”

Collectively, these objections pose a formidable challenge; and it behooves *bnei Torah* who have encountered them as *lomdim* or as *melamdim* – albeit, in some cases, would that they had not! – to relate to them. Relation should be differential, however. The existentialist critique needs to be confronted on two planes. The first concerns fundamental personal orientation. How important, philosophically or religiously, is concreteness? On various levels, the question divides Platonists and Aristotelians, realists and nominalists, classicists and Romanticists; and while we all have our own inclination – one recalls Coleridge’s dictum that “every man is born an Aristotelian or a Platonist”⁴⁵ – I would be reluctant to answer it with a normative “must.” The second plane is factual. Conceptualization need not vitiate concreteness. The quest for abstraction certainly influences the direction and the character of intellectual endeavor during the process of learning. That having run its course, however, the emotional capacity to relate to a specific datum with a heightened sense of its immediacy is no more affected than the ability to listen to the *Eroica* intensely and appreciatively is eviscerated by having previously analyzed it. Whitehead’s critique of Lockean epistemology was, in this connection, unquestionably sound, but it related to a metaphysics that championed the denudation of nature rather than to the analytic enterprise *per se*.

As for the more strictly methodological objections, some we ignore at our peril, others we entertain at our peril. The relative neglect (worse, at times even the disdain) of *beki’ut* is certainly of grave import – particularly insofar as it not only leaves whole tracts

untouched but even dilutes or distorts the study of those that are. There is much to be said for the contention that an imbalance exists at present in much of the yeshiva world; and that, while the need to budget time will always exist, current priorities are somewhat skewed. Rav Yosef Baer Soloveitchik (of Jerusalem) once told me that Reb Hayyim, at one point, had two daily *sedarim*, each lasting six hours, and in each of which he covered eighteen blatt. When I remarked that this did not quite consort with the view I had entertained of him or his tradition, he responded, *דאס איז אלץ געווען שפע*, טער, “That all came later.” Adopting the method without a shadow of the background can indeed be problematic; and this needs to be acknowledged and, to some extent, redressed.

At present, moreover, the issue is greatly complicated by unfortunate educational circumstances. The store of basic knowledge, even of raw information, that many yeshiva students possess today ranges from limited to abysmal, often through little fault of their own. In many segments of the modern Orthodox community, the lack of a social impetus to serious learning, and the related waste of time and energy during childhood and adolescence, produces *talmidim* who may be capable and well-intentioned but whose infrastructure is shallow and narrow. This situation confronts their *rabbeim* with a dilemma, and it induces diametrically opposed responses. Some feel it is ludicrous to dwell upon the niceties of a fine discussion of a Rambam when, just a bit to the right or a bit to the left, there lurks a precipitous chasm of ignorance. Others contend, contrarily, that meaningful scope being beyond reach in any event, it would be best to heighten at least the qualitative dimension and expose students to the power and the glory of *lomdut*. The quandary is sad; and, while technology is increasingly helpful in reducing the gap, the problem shall continue to plague us for some time. Quite independently of this factor, however, greater breadth, particularly within the confines of a topic, shall enable us to derive maximal benefit from the conceptual approach while avoiding the possible pitfalls.

As to the lacunae regarding textual accuracy, philological precision, and knowledge of *realia*, these admittedly exist, but they need to be placed in perspective. I trust that no one questions the

significance of an accurate text of the Gemara as the base of its study or the legitimacy of checking manuscripts in order to establish it. The *Rishonim* engaged in this sphere, and while they may have differed concerning the scope of emendation, they never regarded time and energy devoted to *girsàot* as wasted. Likewise, a number of major early *Aharonim* – the Bah, the Maharshah, not to mention the Gra – were active in this area. And with good reason. All of us can recall instances in which a single letter – *mishàt ketivah* or *mishàt ketubah*, *nishba* or *ve-nishba*⁴⁶ – turned a major *sugya* on its head, and innumerable cases in which nuances were substantively affected by variant readings.

Nevertheless, it is true that in an era dominated by conceptualism, the average *ben Torah* – probably the average *gadol ba-Torah* – devotes relatively scant attention to this field. There are, I believe, several factors at play here. One is the fact that *girsàot* are currently regarded as a specialty. The ability to gather and collate manuscripts, to choose between variants, and to delve into their nuances, is deemed to require linguistic and paleographic expertise not ordinarily found in the aspiring *lamdan*. A second factor is the advent of printing, and the enormous provenance of the Vilna *Shas*. This has imposed a degree of standardization unattainable in the days of manuscripts, and lent an aura of sanctity to the *daf*, whose possible revision might be regarded as undermining faith itself.

Thirdly, the fact that textual variants are so heavily emphasized by the *Wissenschaft* community, which much of the Torah world, for entirely different reasons, mistrusts, has served to alienate many from what ought to have been appreciated. When the *Dikdukei Sofrim* first appeared, it was warmly greeted and freely cited by a number of *gedolim*. A century later, that had changed.

I offer these conjectures by way of explanation but not of justification. Indeed, the Torah world should pay more attention to this component. Even if few can or should acquire the specialized training needed for mastering the field, access to its findings can and should be more widespread than it is today. We need not exaggerate. The prevailing perception that the overwhelming majority of textual variants cited are of little or no substantive consequence is indeed

correct. Nevertheless, greater awareness is in order; and in some instances, it can serve as a conceptual tool in the hands of a *lamdan* seeking to establish a given position. In my view, progress has been made in this direction – witness the editions of *mishnayot*, the Frankel Rambam (with, additionally, *Bava Kamma* the first *massekhet* of *Shas* to be published), the modicum of *apparatus criticus* woven into editions of many *Rishonim* during the last two decades – and more progress can be anticipated. In this textual area, as opposed to the gutting of *Hazal's* world through conjectural evisceration and stratification, the *beit midrash* can reap benefits from work now largely initiated on the outside.

Many of the points that have been raised with respect to textual accuracy apply equally to knowledge of *realia*. This, too, is the province of experts but accessible to a wider audience. This, too, can obviously be of critical halakhic import in some cases; and in making a plea for greater sensitivity to the subject, Professor Sperber had little difficulty in culling such instances.⁴⁷ Yet, here, too, most of the specialized knowledge is of little conceptual significance, except insofar as one simply wants to know, as fully as possible, what is being depicted in the Gemara. I have recounted elsewhere Rav Saul Lieberman's shock upon discovering that an eminent *talmid hakham*, with whom he had discussed *redi'yat ha-pat*, did not know to which stage in the baking process the term corresponded. And I repeat here what I noted there. The shock is understandable, but the fact remains that one can discuss key issues regarding the phenomenon – such as the status of the category of *hokhmah she'ein immah melakhah*,⁴⁸ to which it belongs – without this information. Must one know the chemical composition of *hametz* in order to analyze the essence of the prohibition of *bal yera'eh* and *bal yimazei*? Or the biology of menstruation in order to determine whether a *niddah* is defined as an *ervah* and the relation between the *tumah* and the *issur* related to her? Obviously, for certain purposes, especially as regards *pesak*, knowledge of *realia* is often critical. While learning *Bava Kamma*, one can get by even if he thinks a *shor* is a donkey and a *hamor* an ox; but the same can hardly be said of learning *Kilayim*. For most of one's learning, however, approximation will suffice.

This is not to denigrate the importance of factual information or of those who labor to provide it. Anyone who engages in serious learning is indebted to them at some point, and the debt should be acknowledged. These remarks are intended to place this facet in proper perspective. To this end, we need to distinguish, without recourse to false antithesis, between central definitions and supplementary data. Finally, here too, one hopes that greater sensitivity to the value of factual knowledge can be integrated into the conceptual approach without significantly diluting it.

Admittedly, there are classes of information, especially literary and historical, that may bear more directly and substantively upon the structure and essence of a *sugya*. Full discussion of this element would, however, open up issues that lie beyond the scope of this paper. Here I shall content myself with stating again that this aspect likewise probably deserves more attention than the Torah world currently assigns it, but that it hardly deserves center court.

The second academic critique cuts much deeper – indeed, so deep that it challenges not Brisk alone but the whole tradition of the elucidation of *havayot de-Abbaye ve-Rava*. Bringing to bear its canons of interpretation and its historicistic orientation, it assigns limits to what can be reasonably denominated as the content and intent of primary texts and dismisses violators as out of bounds. Thus, Rabbenu Tam and the Rambam are rejected as expositors of the Gemara; and, *a fortiori*, Reb Hayyim as an authentic rendering of all. These are grave issues, inhering at the interface of methodology and ideology. It should be frankly asserted that the “Brisker derekh” (like the yeshiva world in general) is grounded upon clearly conceived and richly experienced articles of faith – in the pliancy and depth of multifaceted Torah, in the sagacity and depth of *hakhmei ha-mesora*ח, ויאמינו בה' ובמשה עבדו. This faith does not obviate the need to grapple with questions concerning the character of the Gemara and the Mishnah as texts, and its relation to the intentions of authors and the perceptions of interpreters – issues that lie beyond the scope of this paper. However, it provides the context for that discussion, precluding, above all, a Procrustean bed for that which is ארכה מארץ מודה ורחבה מני ים.

The interaction of methodology and ideology impinges upon the conceptual approach in two ways. On one plane, considerations of *emunot ve-de'ot* effectively bar the acceptance of certain modes of interpretation; specifically, those that denigrate *Hazal* and challenge their preeminence, thereby running afoul of a definition of the Rambam's which the *Rav* was much wont to quote:

שלושה הן הכופרים בתורה...וכן הכופר בפרושה והוא תורה שבעל פה
המכחיש מגידה כגון צדוק ובייתוס.

There are three who deny the Torah...also, one who denies its interpretation, namely, the Oral Torah, or denies its proponents, such as Zadok and Boethos [who rejected the oral teachings of the sages].⁴⁹

A talmudic critic might sit in superior judgment upon the Gemara because he can conjugate the aorist, while Ravina and Rav Ashi probably couldn't. Brisker scions harbor no such inclination.

This point, however, is not peculiar to Reb Moshe Soloveitchik or Reb Isser Zalman Meltzer. It serves to divide traditionalists, of whatever ilk, from more venturesome academicians. A second factor, however, does influence the choice of a specific *derekh*, setting off Brisk from some other, equally traditional camps. As I have already intimated, conceptualists freely concede that other modes are dogmatically feasible, yet firmly and fervently champion their own. Much of *pilpul* is rejected as either far-fetched and fantastic or diversionary and trivial; it simply does not address the central and critical issues. But what is the basis of the no less emphatic rejection of a pedestrian *ba'al batisher* approach?

In part, admittedly, there may be a subjective element. The latter approach is far less gratifying. Both the questions it raises and the answers it suggest lack the excitement and the sparkle of conceptual analysis. Its votaries do not mine deeply and do not roam widely. The creative urge animating the conjunction of precision and sweep manifested in the best of Brisk simply does not characterize grappling and groping within the confines of a pragmatic mode. A measure of relative independence, derived, in part, from the direct link to the

Gaon of Vilna, and, in part, from hashkafic inclination, was deeply rooted in Reb Hayyim personally, and it reverberates throughout his tradition. It found expression even in the relatively conservative area of *pesak*. The *Rav* once quoted his father to the effect that “one should *pasken* on the basis of the Gemara and the *Rishonim*, and control with the *Shulhan Arukh*” – a far cry from those for whom the *Peri Megadim* is categorically authoritative.⁵⁰ This quality has since been eroded somewhat, for Reb Hayyim’s spiritual heirs have often found themselves constricted by him. Nevertheless, it remains a hallmark, and was celebrated as such in *Ish Ha-Halakhah*.⁵¹ Moreover, it is not confined to Brisk, but is endemic and immanent in the conceptual approach. It surely is no accident that one of the most ringing affirmations of human engagement in the creative molding of Torah appears in the preface to *Ketzot Ha-Hoshen*, one of the seminal texts of nineteenth-century conceptualism.

This element is complemented by a seemingly, but only seemingly, opposite consideration. Jewish tradition is suffused with the faith that *talmud Torah*, as immediate contact with the most direct vehicle of revelation, can enhance both personal spirituality and relation to the *Ribbono Shel Olam*. Of course, in the process of study, one’s attention is riveted upon a text or an idea, but the text or idea is experienced in context. It is as if one were observing a painting or attending a concert in a royal palace. One focuses upon the art or the music, but the sense of relating to it in the palace, rather than at an auction or in a subway station, is crucial. The sensitive soul is caught up by the association of royalty – its majesty, its history – and is drawn into a more intense relation (at times, perhaps, negative) to it. And the more keenly one peers, and the more intently one listens, the fuller and deeper the impact; the more one may be affected by the totality of the experience. The student of Torah enters the portals of *Shekhinah*, and within its confines, is caught up by its power – and its glory. The sharper, more vivid and precise his perception of what he encounters, the more powerful, potentially, his response; the fuller, as a *homo religiosus*, his submissiveness.

There is also, however, an objective factor, and I submit that it has strong ideological roots. While *lomdut* may indeed enhance the

lamdan on one plane, it seems, first and foremost, to enhance Torah proper. We often speak, by analogy with a role ascribed in the *pasuk* to the *Ribbono Shel Olam*, of seeking *lehagdil Torah ule-ha'adirah*; and this entails not merely absorbing and then disseminating, but literally elevating and enriching. Torah that is perceived as grounded upon rational principles and marked by consistency and coherence, that is developed and perceived as an organic unity, is nobler than one that is a potpourri of practical directives. As Einstein rejected Heisenberg's indeterminacy because he could not imagine God playing dice with the universe, so, I believe, Reb Hayyim espoused conceptualism because he could not imagine *devar Hashem* as a pedestrian amalgam of incommensurate detail. There is power, majesty, and grandeur in Torah, conceptually formulated, that a patchwork of minutiae, largely molded by *ad hoc* pragmatic considerations, simply cannot match.

Admittedly, from a certain point of view, precisely because of its relative paucity, the study of "dull, sublunary" Torah may entail and reflect a profounder religious commitment than more exciting conceptual *talmud Torah*. Inasmuch as one derives less intellectual benefit, one's learning is more purely selfless – more, if you will, *lishmah*. However, while this point may be correct, it is beside the mark. The *mishnah* at the end of *Bava Batra* states, הרוצה שיחכים יעסוק, "whoever wishes to become wise should occupy himself with the laws regarding monetary matters."⁵² Ought we to suggest that the religious impulse should divert us from learning *dinei mamonot*, so that the self-willed desire for wisdom not be realized? At stake is the quality of Torah, not the merit of the learner. If, as is surely the case, the substance and the stature of Torah and the opus of *hakhmei ha-mesorah* can be enhanced and sharpened by a *lomdische* rendering, that rendering is optimal. If a simplistic reading reduces the Torah's stature, its status should be pegged accordingly. Torah may have seventy faces, but they need not be equally regarded. Unquestionably, this element needs to be weighed in the context of responsibility to truth. We must beware of golden error that may dazzle more than drab truth; and if ever we intuit that being wrongheaded is worse than being wrong, it is time to repent. The basic value judgment is, however, very much in order.

In the Rav's disquisition upon the Brisker method in "*Mah Dodekh mi-Dod*,"⁵³ the section on the quality of *lomdische* Torah appears to blend with the discussion of another characteristic much emphasized by him: its autonomy. I am not certain, however, that the connection is necessary. Clearly, where a set of principles is dominant in a system, they can be regarded as governing the determination of detailed cases. However, this offers no intrinsic assurance that the principles themselves might not be externally derived or influenced. Contrarily, nothing prevents a conglomeration of practical directives from being, each and every one of them, indigenous. Perhaps *lomdut* increases the likelihood of autonomy, but no more. I do not wish to harp upon this point in this connection; but the overall theme of enhancing the quality of Torah is crucial.

Over and above these considerations, some may be sorely tempted to relate the conceptual approach to a specific theological infrastructure. I am certain that Reb Hayyim would have resisted the suggestion vigorously; and I, for one, would take him at his word. I do not believe that his basic assumptions in the area of *emunot ve-de'ot*, or the quality of spirituality that characterized him, were much different from the tradition in which he was reared, or that any presumed differences significantly affected his innovation. Of course, he was much opposed to rationalizing tendencies or apologetics with respect to *taamei ha-mitzvot*, and unquestionably this fits in well with the focus upon definition. But the opposition was hardly peculiar to him. Certainly, his mode of interpreting *Humash* was very different from the Netziv's; but again, for reasons only marginally related to conceptualism. One can be a thoroughgoing conceptualist and still, as in the *Haamek Davar*, relate intensively to the human side of the Torah's narrative; and the Rav is a prime example. If contrasted with some aspects of *Hasidut* or with some formulations of Rav Kook, there are, of course, significant hashkafic differences. But viewed within its own ambience, the conceptual approach, in its modern manifestation, did not herald a theological transformation.

The last century has witnessed a triumphal ascendancy of the conceptual approach, in its Brisker visage. From its inchoate

gestation in *shi'urim* at Volozhin, through semi-private learning with a devoted band of family members and *talmidim* in Brisk, the *derekh* has gone on to captivate the imagination of much of the Torah world and to capture many of its bastions. In the process, it has undergone certain changes. Inevitably, some of the qualities that marked Reb Hayyim personally, and his imprint generally, have been somewhat attenuated. A great creative wave recedes in time, and it is unrealistic to expect a pioneering spirit to sustain itself after it has become the establishment. The spirit of independence that guided his bold originality has gradually become more muted. Of first-class *gedolim*, this has been true by dint of the sheer fact that they were no longer establishing a tradition but were firmly ensconced within it, very much in the shadow of its founder. As to ordinary *bnei Torah*, for many of them, independence has not been so much muted as consciously reversed, servile imitation and submissive acceptance of Reb Hayyim's *derekh* and of specific *hiddushim* adopted by many as the call of the hour. Reb Velvel is reputed to have sought a *Shas* without Rashi and a *Mishneh Torah sans nos'ei kelim*. Many presumed followers appear to seek editions with *Hiddushei Rabbenu Hayyim* and *Hiddushei Maran Ha-Griz* right on the page.

Concomitantly, the range of *sefarim* used has increased significantly. Reb Hayyim and his sons used relatively few; and in his *hesped* of Reb Velvel, the *Rav* noted this fact as a barometer of concentration and self-reliance. However, he himself ranged further afield than had Reb Moshe, and his brother, *mori ve-rabbi*, *Rav Aharon*, יבל"א, half a generation younger, casts a far wider net than he did. The same is true, for instance, of *Rav Moshe Sternbuch's Moadim U-Zemanim Ha-Shalem*, as compared with the *sefer* of his mentor, Reb Velvel. The change is partly due to the greater availability of material, but it also reflects a partial change of mindset. And the spate of monographs currently inundating the Torah world, some written in a Brisker context, reflects an Alexandrian aspect totally at variance with Reb Hayyim's emphasis. In the same vein, some purport to see a relaxation of the taut and relentless pursuit of *amitah shel Torah* and of the readiness to labor, mightily and intensively, in order to plumb its depths. Around fifteen years ago, *Rav Abba*

Berman remarked to Rav Yosef Baer Soloveitchik here in Jerusalem that he thought “*yegi'at ha-Torah* is going under.” “You are wrong,” was the pungent response, “it has already gone under.” And indeed, the recent rise in the study of *Halakhah le-ma'aseh* at the expense of learning *be-iyyun* may reflect this decline.

No less significant are the changes in substantive content. The sharp thrust and clear lines characteristic of so much of pre-World War II conceptualism at its best are now less prominent, and frayed edges and convoluted arguments more in evidence. And there has been variety from the outset. While the modern conceptual approach is most directly identified with Reb Hayyim, it should by no means be confined to Brisk and its direct spiritual progeny. *Rav* Shimon Shkop, with a quasi-philosophic jurisprudential bent, has already been cited, and his disciple, *Rav* Gustman, might be mentioned in the same breath. Or again, while the imprint of the conceptual tradition is clearly perceptible in the comprehensive treasure trove of *Rav* Shlomo Zalman Auerbach ל"צ – particularly in his remarkable *sefarim* on *Zera'im* – he was certainly no orthodox Brisker. And, of course, the *Hazon Ish* pointed in a different direction entirely.

Nevertheless, despite these changes, it remains a striking fact that over the past century, the approach and the content of conceptualism have remained remarkably stable. The key-rings have not become rusty. While vitality may have been sapped, the basic perspective and the fundamental ideas are very much with us. They have seeped into the learning and teaching of Gemara at advanced levels, and thereby invigorated the yeshiva world; and it is even arguable that the method has had an impact upon the realms of *mahshavah* and *Tanakh*, as reflected in the writings of the *Rav* and *mori ve-rabbi*, *Rav* Hutner, or of *Rav* Mordechai Breuer. What the future holds – and I have been asked to relate to this – I am reluctant to predict. I have long since forsworn prognostication and admit to entertaining reservations about peers who have not. Nevertheless, I recognize the value, particularly for educational planning, of some kinds of projections. So I shall conclude with some qualified remarks about our subsequent methodological direction, in no small measure extrapolating from present portents for this purpose. I presume that

the wish, to some extent, may be father to some thoughts; but I trust that my own admitted inclinations will not distort my perceptions.

I believe that the conceptual approach will continue, for the foreseeable future, to be a dominant force in the world of serious Torah learning. However, I also believe that its status will recede somewhat. And this, in several respects. First, the method itself is likely to be modified. Instead of pure distilled Brisk, we are likely to see more blended models – hopefully enriched rather than adulterated, but diluted nonetheless. Pure Brisker, who hang on to every scrap of the tradition, and perhaps on to little else, will continue to learn and possibly thrive, but their position will be less prominent. Trends previously cited will, in all likelihood, continue and possibly accelerate. We can anticipate greater awareness of factual points and recourse to a wider arc of sources. Moreover, the latter may be accompanied by thematic expansion. Classical Brisk tends to focus upon a narrow band of central *shittot* in any *sugya* – generally those that make the most logical sense or whose analysis poses the greatest challenge. In the spirit of *elu ve-elu*, however, the range can be extended to include not only extant peripheral views, but also those that inhere potentially, even if they have yet to be advanced. One might explore definitions or constellations that could be reasonably entertained on general grounds, analyze them, and examine whether and to what extent they conform with the textual and conceptual data relevant to a term or a topic.

Finally, the conceptual approach is likely to encounter greater competition than heretofore. Some of the initial momentum having been spent, and the *derekh* having become conventional, and in some cases even cliché-ridden, the danger of lapsing into what I.A. Richards called “stock responses” looms large; and these factors may erode the preeminence of the approach. This may be further affected by external developments. As we have seen, the focus of conceptualism is *lehavin u-le-haskil*. It aims to engage the aspiring *lamdan* in the sacred task of probing and mastering *devar Hashem*. Per se, it relates to the content of Torah, its “what” and juridic “why,” but not to a spiritual and philosophic “why.” Major figures in the Brisker tradition may, of course, choose to undertake this task, and

in doing so draw upon its central halakhic corpus. But this is not an indispensable component. Reb Moshe eschewed this task, whereas his sons pursued it vigorously. Those who feel an existential need for learning that is not only ultimately relevant but immediately, and often shallowly, so, may find themselves disaffected by conceptualism and seek more appealing alternatives.

This factor verges upon the interface of methodology and education. Reb Hayyim did not need to “sell” Torah. He taught it to eager and overawed *talmidim*. The motivation of a captivated audience was taken for granted, and all his energies could be poured into learning. Educators today, by contrast, devote much, if not most, of their energy precisely to the area of motivation. In Israel especially, there has been much talk recently, within the *dati-le’umi* community, of the flagging interest in Gemara. Many young people, looking for instant spiritual gratification (sometimes with the encouragement of some of their elders), feel they must be “connected” to what they learn, and they may have difficulty in linking with *havayot de-Abbaye ve-Rava*. In this climate, the prospect that some educators will look toward a more existential *derekh*, less demanding in every sense than the Brisker, is a real possibility.

Educational considerations are important, and need to be viewed with an open mind and a sensitive heart. Certainly, חנוך לנער על פי דרכו, properly understood and implemented, must be our polestar. Nonetheless, we must beware the easy temptation of a modish search for easier options. Whatever our educational course, however, we must be certain that for ourselves – deeply committed to *talmud Torah* and searching for the best means of realizing it – we not lose sight of the significance of our methodological choice. I firmly believe that for most, the quest for quality learning, in depth, will continue to be best served by the conceptual approach. There may be complements, but for the time being, no substitute. Speaking not only out of loyal allegiance but out of considered judgment, I conclude with the conviction that the conceptual approach remains the optimal mode of attaining the twin goals of *lehavin u-le-haskil* and *lehagdil Torah u-le-ha’adirah*.

NOTES

1. *Yoma* 4b.
2. *Eruvin* 54b.
3. *Sanhedrin* 26b.
4. See *Sukkah* 28b, *Ta'anit* 10b.
5. The largest single body of *sifrei Halakhah* is, of course, that of *she'elot u-teshuvot*. I have omitted reference to it here, however, because of its great variety.
6. *Berakhot* 11b.
7. *Talmud Torah* 1:11.
8. See *Rosh Hashanah* 16b and Rambam, *Talmud Torah* 5:7.
9. See *Berakhot* 15a and Rambam, *Tefillin* 4:26.
10. For various sources, see *Sukkah* 2a–3a.
11. A permanent residence is invalid as a *sukkah*, even if it meets all the technical specifications. See Rashi, *Sukkah* 8b, s.v. *penimit*, and 14a, s.v. *R. Meir*.
12. See *Sukkah* 4a and *Hiddushei Maran Riz ha-Levi*, 9a.
13. See *Sukkah* 6b. This question may lie at the heart of the *mahloket* between R. Shimon and *Rabbanan* as to the number of walls required; or, alternatively, may depend upon the source from which R. Shimon derived his view that the minimum is three plus part of a fourth.
14. No mention is made, for instance, of a minimal area; see, in contrast, Rambam, *Sukkah* 4:1.
15. This inclination is often manifested even with respect to phenomena, such as *minhagim*, that presumably have some historical grass-roots origins and need not be attributed to a formal legal mold. For instance, the *Rav* consistently sought to refer the various levels of *avelut* obtaining during the period of *sefirat ha-omer* to halakhic categories. Although he recognized that they had developed over time and due to assorted national tragedies, he preferred to integrate them, as far as possible, into a coherent whole rather than regard them as an accumulation of random elements. This approach rests, apart from its general conceptualist proclivities, upon certain assumptions regarding communal religious development; and these are not always readily tenable.
16. See *Bava Batra* 5a–b.
17. See *Bava Kamma* 15a.
18. It is conceivable, however, that the status of *keren*, in this connection, differs from that of other *avot nizkei mamon*.
19. *Yerushalmi*, *Terumot* 3:1.
20. *Hiddushei Ha-Ramban*, *Hullin* 42a.
21. In *Ish Ha-Halakhah*, the *Rav* emphasizes, to the contrary, the halakhic tendency to quantify, which he views as being in line with modern scientific tendencies, as opposed to the qualitative character of Aristotelian physics. There is, however, no contradiction. The passage in question deals with the nature of the system per se, whereas I am here concerned with the mode of its interpretation.

22. See *Kiddushin* 26a, Rashi, s.v. *ba-havilei*, and *Tosafot*, s.v. *i nami*.
23. The approach does very often cherish viewing two phenomena as different gradations along the same continuum, rather than as simply disjunct parallel tracks. This, however, obtains in situations in which the gradations are conceptual – being, in effect, two levels or two definitions of the same term – but not where the levels are purely practical.
24. *Bava Batra* 75b. On this view, one might conceivably differentiate between the *shi'ur* required for acquisition and that required for a *shomer* or a *gazlan*.
25. *Bava Kamma* 20a; cf. 24b and 32a.
26. *Shabbat* 123a. See *Tosafot*, s.v. *midi dele-inyan*; and cf. *Shabbat* 49b, *Tosafot*, s.v. *lo*, and *Zevahim* 93b, *Tosafot*, s.v. *minayin*.

The precise substance of Abbaye's rejoinder (and, possibly, of Rava's response) is not clear from Abbaye's formulation. Is he distinguishing between two kinds of *kelim*, *keli ma'asseh* and an ordinary *keli*; or does he hold that *muktzah* does not depend upon designation as a *keli* at all, but simply upon being fit for any use, regardless of the label?

27. See Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2nd ed. (Chicago, 1970), chaps. 6–9.
28. See *Shevuot* 42b and *Bava Metzi'a* 56a.
29. *To'en ve-Nit'an* 5:2.
30. See *Shevuot* 44b.
31. See *Mekhirah* 13:15.
32. *Hiddushei Rabbenu Hayyim Halevi*, *To'en ve-Nit'an* 5:2.
33. *Pesahim* 59b, *Kiddushin* 68a, *Niddah* 33a.
34. *Tosafot Talmid Rabbenu Tam ve-Rabbi Eliezer*, in *Shittat Ha-Kadmonim al Massekhet Bava Kama*, ed. Y. Blau (New York, 1976), p. 55.
35. *Divrei Hagut ve-Ha'arakah* (Jerusalem, 1981), p. 83. Strikingly, two pages later, the *Rav* writes: אין איש ההלכה משתדל לתרץ את כל הקושיות. הוא אינו שמח בתירוץ ואינו מצטער על הקושיא. תפקידו של האדם להבין. כשמבינים את הקושי וההסתבכות שלא ניתן להסך – דיינו
36. This has educational implications, particularly with respect to emphases, overt or subliminal, concerning retention. I presume that I am not the only one who repeatedly finds that he has forgotten much of the woof and warp of a particular *sugya*, but remembers the operative principles in light of which it was examined, and then uses them to reconstruct it.
37. See *Sukkah* 19a, s.v. *lo*. This is the prevalent view, as opposed to Rashi's, ad loc. Reb Hayyim's proof was cited in his name, orally, by the *Rav*.
38. *Rav Yosef Baer Soloveitchik* (of Jerusalem) told me that he once remarked to his father about the qualitative difference between the eye-opening character of Reb Hayyim's *hibbur* and the relatively conventional nature of the *Bet Ha-Levi*. Reb Velvel, eager to protect his grandfather's honor, responded heartily: "Listen, Berel, the *zayde* could have written a *sefer* just like father's; but he didn't want to." But the facts speak for themselves.

39. *Sefer Marheshet* (Vilna, 1931). While an element of critique is clearly perceptible (חדישים מקרוב באו) does not have favorable associations), it is fairly mild, as it appears as part of a hope and prayer that, despite its not being currently in mode, his work will be appreciated – and all this within a context of acknowledgment of methodological pluralism. Incidentally, during his sojourn in Vilna, the *Rav* established a personal relationship with R. Henoah Agus, and when the *Marheshet* appeared, sent him a list of comments to which he later responded.
40. See *Horayot* 14a. Some contend (I have heard the remark attributed to *Rav* Shlomo Kluger) that this conclusion only applied as long as *Torah she-Be'al Peh* had not been recorded. Now, however, the order is indeed to be reversed; *a fortiori*, one might add, since the advent of a phalanx of reference works. This is matter for another discussion, however.
41. See *Sefer Ravan*, ed. *Rav* S.Z. Ehrenreich, II, 301b–305b.
42. See *Sefer Ravyah*, ed. A. Aptowitz, I, 172–73, and the sources cited in the notes, as well as the discussion as to whether the *Ravyah* or his father had written the teshuvah.
43. See *Or Zarua* I:235, who also recounts how some *Rishonim* dealt with the issue in practice.
44. *Divrei Hagut ve-Ha'Arakhah*, p. 80.
45. *Table Talk of Samuel Taylor Coleridge*, ed. Henry Morley (London, 1884), p. 102; July 2, 1830.
46. See *Bava Batra* 176a and 128a, respectively.
47. See Daniel Sperber, “On the Legitimacy, or indeed, Necessity, of Scientific Disciplines for True ‘Learning’ of the Talmud,” in *Modern Scholarship in the Study of Torah: Contributions and Limitations*, ed. Shalom Carmy (Northvale, N.J., 1996), pp. 197–226. Compare *Rav* Avraham Eliyahu Kaplan, “Al Arikhat Perush la-Talmud Bavli,” *Be-Divrei Talmud* I (Jerusalem, 5708), pp. 10–17.
48. See *Rosh Hashanah* 29b; Rif, *Shabbat* 1b (in the Alfasi’s pagination); and *Ba'al Ha-Ma'or*, Ramban, and Ran, ad loc.
49. *Teshuvah* 3:8.
50. I trust I need hardly add that this license was not suggested for every neophyte. The “one” in question is a halakhic master.
51. See *Ish Ha-Halakhah: Galuy ve-Nistar* (Jerusalem, 1979), esp. pp. 70–73 and 83 ff.
52. *Bava Batra* 175b. Interestingly, the opening qualification implies that there may be other legitimate ends for learning – perhaps each with its preferred texts.
53. See *Divrei Hagut ve-Ha'Arakhah*, pp. 75–82.