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HIDDUSH* WITHIN THE BEIT MIDRASH: R. AHARON LICHTENSTEIN'S APPROACH TO LOMDUS AS AN ADAPTIVE IMPROVEMENT TO THE *BRISKER DEREKH

THE IMPORTANCE OF *HIDDUSH*

The Talmud relates a story (*Hagiga* 3a): R. Yehoshua asked his disciples what new ideas of Torah they had heard in the Beit Midrash. The disciples declined, as the notion that they could add to the knowledge of their great master seemed brash and in fact insulting. Nevertheless, R. Yehoshua insisted, "It is inconceivable that there is a Beit Midrash without new words of Torah." R. Yehoshua was certain that the cacophony of voices in the Beit Midrash must have produced some new halakha or idea. We can deduce from this is that a study hall without novel approaches is simply not regarded as a Beit Midrash.

Much to my dismay, there are many hallowed institutions of Torah learning whose goal is defined as repeating and occasionally refining the words of great masters of the Talmud. The Rosh Yeshiva feels himself unworthy of teaching anything that he has not heard from his great Rebbe. Furthermore, some *yeshivot* limit the scope of their curriculum; there is even one elite institution whose curriculum consists of less than a handful of tractates. This is a systemic failure to faithfully represent the notion of the Beit Midrash. The clear and errant message given by these institutions is that originality and *hiddush* so valued as the basic ethos of the Beit Midrash is actually brashness and impertinence. Much Torah might be learned and the students might advance greatly in various

religious spheres, but the philosophy of such an institution is fundamentally at odds with the notion of a true Beit Midrash.

The Beit Midrash is a place frothing with new ideas, some worthy and others not. Inevitably most will and probably should be forgotten. Nevertheless, the quest is not in vain, as expressed by the idiom, “*derosh ve-kabbel sakhar*,” “delve and you shall be rewarded.” Naturally the ultimate goal of such a quest is arriving at positive results, and as such we must strive to learn more comprehensively and profoundly. The incessant drive to learn more and delve into *torat Hashem*, to refine our understanding thereof and to offer new solutions to classical problems and to perhaps offer new questions with or even without answers, is never ending. That quest lies at the heart of the Beit Midrash.

R. Lichtenstein as a *Talmid* of Brisk and the Rav

This essay will consider the analytic approach propounded by R. Lichtenstein, with an eye towards the *hiddush* that it provides to the *Brisker derekh*, which itself is a *hiddush*-oriented approach to Torah learning.¹

Much of this essay’s analysis will not be based on published works but rather on my memory and impressions. I hope my observations will ring true to all those who have experienced these two giants. Those who have

¹ See several of Rabbi Elyakim Krumbein’s articles, “From Reb Hayyim and the Rav to *Shi’urei Rav Aharon-The Evolution of a Tradition of Learning*” in *Lomdut: The Conceptual Approach to Jewish Learning*, ed. Yosef Blau (Jersey City, Ktav, 2006), 229-297; and the response by Avraham Walfish, “The Brisker Method and Close Reading: Response to Rav Elyakim Krumbein”; and the rejoinder by Krumbein, “Beyond Complexity: Response to Rav Avraham Walfish”; Elyakim Krumbein, “*Peritsat Derekh be-Tehumei Kodashim ve-Toharot*,” *Maalin ba-Kodesh* 1 (1999); and “*Al ‘Shi’urei ha-Rav Aharon Lichtenstein-Dina de-Garmi*,” *Alon Shvut* (158), 115-128, translated and adapted into English and published as “On Rav Lichtenstein’s Methodology of Learning,” *Alei Etzion* 12 (*Shevat*, 5764), 23-46; as well as Alan Brill, “An Ideal Rosh Yeshiva: By His Light: Character and Values in the Service of God and Leaves of Faith by Rav Aharon Lichtenstein,” *Edah Journal*, Vol. 5, No. 1 (2005).

R. Krumbein has made some cogent and important comments comparing the different styles of R. Soloveitchik and R. Lichtenstein, particularly the role of textual problems and contradictions in the *shiurim*. I think his observations buttress my central argument below.

The current study has an advantage over these previous comparisons of the work of R. Soloveitchik and R. Lichtenstein’s methods in that it considers not only the small subset of published and somewhat atypical lectures, but a larger body of lectures that were unpublished “*torah she-beAl peh*.” Additionally, the body of published material from both R. Lichtenstein’s and R. Soloveitchik’s *shiurim* has grown since the earlier studies appeared.

not been so fortunate can read this paper as one student's impressions.² There is no doubt that *mori ve-rabbi* R. Lichtenstein has drawn his inspiration and fundamental ideas from the great tradition of Brisk, and in particular from his revered master Rabbi Joseph B. Soloveitchik *zts"l*. Nevertheless, in my estimation, he has made some material and systemic contributions to the analytic method. These additions and contributions are to be seen not as a criticism of the method but as the input of an adherent, as an adaptive improvement. As a true "*mehaddesh*," R. Soloveitchik *zts"l* was never satisfied with the explanation he gave the previous year or even the prior week; he always strove to rethink and reformulate issues, even those he had illuminated many times. R. Lichtenstein has followed the *derekh ha-limmud* of R. Soloveitchik – notwithstanding the greater internal consistency among his *shiurim* – while adapting and transforming it, seeking not only local improvements but also systemic and methodological novelties. This qualifies as not only true adherence to the Brisker method but also as adherence to the call of the Beit Midrash. The Beit Midrash certainly demands incessant and intense study but it also demands *hiddush*.

Introducing Brisk

For those who perhaps are not familiar with the basic Brisker methodology, a short introduction is in order. Various disputes and issues arise upon analysis of the Babylonian Talmud and its medieval classic commentaries, the Rishonim. Often, contradiction, inconsistency, and confounding laws need to be explained. These cases, as well as disputes and differences of opinion, provide grist for the Brisker's mill in producing reasonable explanations for various laws and opinions found among the Talmudic masters of previous generations. The logic of the analytic method, or "Lomdus," was developed in order to resolve and explain these difficulties. Within this school, certain classes of answers are repudiated and even denigrated. For example, historical or psychological differences are seldom used. In addition, positing that contradictions are due to unexplained technical distinctions between cases – the "*okimta*" method so favored by Tosafot and, in fact, by the Amoraim, to explain inconsistencies in the Mishna – is eschewed by Briskers. The Brisker methodology prefers the use of fundamental distinctions and precise

² I learned with R. Soloveitchik for five years and have read at least an equal amount of content in his published and unpublished notes. My period of study with R. Lichtenstein has been longer and allowed me varying perspectives. I engrossed myself in his *shiurim* as a beginning student in my youth but have also heard his *shiurim* fairly regularly as a more mature student of the Talmud. I have also edited his Talmudic lectures on eight different tractates, which has allowed for reflections in a way that hearing oral lectures sometimes do not allow.

conceptual classifications as the main tool to resolve these difficulties. In order to illustrate this method, I will offer one very telling example.

The Mishna at the beginning of *Zevahim* deals with the requirement that sacrifices be slaughtered “*li-shemah*,” that those who perform the sacrifice do so with the proper intent. The Talmud then posits that, as long as the acts are not performed with intention for another sacrifice, that “*stama li-shemah*,” no intent is equivalent to having the proper intent. This equivalence does not apply to the writing of a bill of divorce, where “*stam isha lav le-gerushin omedet*,” women are generally not destined for divorce. Why does this equivalence exist by ritual sacrifice and not bills of divorce? Rashi and Tosafot (*Zevahim* 2b, s.v. *stam isha*) seem to assume that it is based on the psychological estimation that a ritual sacrifice is probably destined for a proper process with the adequate intention, whereas a woman in general is not destined for divorce. R. Hayyim repudiates this psychological solution and delves into the nature of *stama li-shemah*. *Stama li-shemah*, in his opinion, is based on the prior status of the animal. The *kedushat ha-beftsa*, the sacred nature of the animal, continues in the absence of contradictory intent. Naturally there is no corresponding sanctified object prior to the writing of a bill of divorce and *stama li-shemah* is therefore inapplicable. Thus, while Tosafot understood *stama le-shemah* as a psychological estimation, R. Hayyim saw it as a fundamental halakhic concept. This is a classic illustration of a case where a Rishon understood a solution in psychological terms and R. Hayyim explains the same texts and conclusions using a halakhic idea.³

Having introduced the Brisker method, we will now explore four distinct areas where R. Lichtenstein builds upon and diverges from the Brisker method.

1) Developing Terms and Language

The language of *Lomdus* and the classic Brisker terminology is to a large extent found in the Talmud and the classic commentaries. Although Briskers use the terms in very different senses than their original application, most of the crucial terms are not original. Although other Aharonim of R. Hayyim’s milieu, such as Rav Shimon Shkop and Rav Yosef Rosin,

³ See in my work *Minha va-Zevah* (Alon Shevut: Yeshivat Har Etzion, 2013), 427, a general treatment of *stama li-shemah* and particularly these different interpretations of *stama li-shemah*. I cite several *sugyot* which, at least to my mind, are incomprehensible with the position of Tosafot. The main cases are *Zevahim* 60b, *Pesahim* 72a, as well as the rule of *de-lav minah lo mahariv bah* (e.g., *Zevahim* 3a).

“The Rogachover,” did use new terms, such developments are not generally accepted within the Brisker school.

We can see this opposition if we consider the interesting work *Iyyun be-Lomdus*⁴ by Rav Yitzchak Adler, which features an introductory letter written by Rav Yechiel Michel Feinstein, a proponent of the Brisker method.⁵ Usually such letters are canned endorsements of the author and the work, full of basically meaningless and endlessly recycled superlatives, but this letter is quite the exception. There is a heartfelt endorsement of the author as an erudite *talmid hakham* but also a harsh and thinly veiled criticism of the work, and particularly its terminology. R. Feinstein takes issue with use of terminology different than that found in the Talmud and the Rishonim. His letter is an explicit presentation and defense of adhering to accepted terminology; he even claims that language and terminology are essential to the method. R. Adler, on the other hand, uses new terminology because it is necessary to explain a new method of thought. While some innovative students developed new terms or borrowed from other fields of study including philosophy and science, R. Hayyim and others remained within the ambit of terms of the Talmud and Rishonim, but they imbued them with new and expanded meanings.

R. Lichtenstein has also diverged from this tradition. His series of *shiurim* published by Yeshivat Har Etzion is written in modern Hebrew language.⁶ In the introduction to his lectures on *Dina de-Garmi*,⁷ R. Lichtenstein writes about style and language and characterizes his language as “*lishna de-rabbanan*,” the linguistic style of the Sages. With more than a little trepidation I would suggest that R. Lichtenstein’s self-characterization is not quite accurate. In order to illustrate my claim I would like to cite a passage from an article of R. Lichtenstein’s in *Ma’amar ha-Zevah*, a collection of articles on Tractate *Zevahim*.⁸

A short introduction to provide context: The topic of the article regards the requirement of speech when *mahashava* thought is required. The Talmud speaks of various cases of improper intention (e.g., *le-shemah*,

⁴ Yitzchak Adler, *Iyyun be-Lomdus* (New York Beit Sha’ar Press, 1989).

⁵ He was a son-in-law of the Gr”iz and was chosen by R. Joseph B. Soloveitchik to head a kollel in Boston. He spent most of his life in Israel and his lectures are being published posthumously.

⁶ Although the published *shiurim* do not use R. Lichtenstein’s original language. The lectures themselves were conducted in Rabbinic Hebrew-Aramaic, with some modern Hebrew, English, and legal terms.

⁷ Aharon Lichtenstein, “Introduction,” in idem., *Shiurei ha-Rav Aharon Lichtenstein: Dina de-Garmi* (Alon Shevut: Yeshivat Har Etzion, 2000), 7-10.

⁸ Aharon Lichtenstein, “*Be-Inyan Mahashava ve-Dibbur be-Kodashim*,” *Ma’amar ha-Zevah* (Alon Shevut: Yeshivat Har Etzion, 2010), 15-35.

piqqul). In these cases Tosafot and others interpret “thought” as necessitating verbal expression. The *Eshkol* connects this question to the *sugya* of unstated thoughts (*devarim she-baLev*).⁹ R. Lichtenstein draws the following distinction: the *sugya* of *devarim she-baLev* is discussing the problem of allowing unsaid stipulations to impinge upon explicit agreements decided upon by two parties (by justifying the claim of error [*ta'ut*]), while *mahashevet li-shemah* is discussing the possibility of creating a new halachic status by the way of thought.

לאורך הסוגיה המתאמצת להתחקות אחרי מקור שיטת רבא לא נידנית כלל ועיקר שאלת היכולת לבצע מהלכים ולקבוע הלכות הלכתיות על ידי הגיון הלב. כדוח השני שברת דרכה הנקודה זאת: במישור קביעת דעת והסכמה- וממילא, לגבי הזכות לנשך שעות- כאשר לא מדובר בתכסיס הבעה אלא בהתקשרות ושידור מסרים ותנאים סמויים באיזה מידה ואם בכלל יש בדברים שעלו במחשבה או משוערים שהם תואמים את רצונו אך לא נאמרו ומכאן שהם מנוגדים לתכנים הנראים לעין ולהסכמה שלכאורה מונחת על השולחן.¹⁰

Anyone familiar with modern Hebrew and *lishma de-rabbanan* can tell that this selection largely fits into the former category.

In the cited passage one can locate certain phrases which are not to be found in Rabbinic literature:

מתאמצת להתחקות, כדוח השני, מישור תכסיס הבעה, תקשרות, שידור מסרים ותנאים סמויים, משוערים שהם תואמים, תכנים, מונחת על השולחן.

Furthermore, the syntax and vocabulary of the passage as a whole is very different from *lishma de-rabbanan* and I doubt whether it would have been comprehensible at all to R. Hayyim. And although the original oral *shiurim* might be better characterized as *lishma de-rabbanan*, even there R. Lichtenstein utilized many expressions – both in Hebrew and other languages – that were never used by previous generations of *talmidei hakhamim*.

In addition, phrases common to R. Lichtenstein’s lectures such as *a priori*, *de facto*, *de jure*, *meimad ekroni*, *tsedadi*, *shuli*, and *otsma* were all adopted by his *shiur* lexicon. Precise language is necessary for precise thinking and explanation. As is famously attributed to R. Hayyim, one who cannot explain a concept apparently does not understand it. Thus, the development of terms for *Lomdus* in modern, accessible language was a vital adaptation introducing a new generation of students to the great tradition of *Lomdus*. Some Torah luminaries of the previous generation had difficulty attracting or engaging students; while some were undeniably

⁹ This appears in chapter 13 of *Hilkhot Shehita*, only in the Auerbach edition.

¹⁰ “*Be-Inyan Mahashava ve-Dibbur be-Kodashim*,” 19.

successful, others had influence disproportionate to their knowledge, stature, or even charisma. Although it is probably a combination of factors which has led to R. Lichtenstein's phenomenal success, I would suggest that R. Lichtenstein's ability to develop a language which on the one hand has captured the essence of *Lomdus* but has expressed it in a modern and coherent dialect accessible to the new generation in Israel has been a factor that significantly contributed to his wide acceptance.

2) Dealing with the Topic Rather than the Local Text

a) *Comprehensive Treatment of the Topic*

Rabbenu Tam and the school of the *Baalei ha-Tosafot* brought a new understanding to the Talmud. As the Maharshal commented, "They (the *baalei ha-Tosafot*) made the Talmud as a sphere... The entire (Talmud) consistent and interrelated (*meyushar u-mekushar*)."¹¹ Since their contribution, commentaries have oscillated between treating the localized text at hand and treating the topic (*sugya*) along all its parallel texts. R. Lichtenstein treats the topic in its entirety. Nearly equal treatment is given to the text being learned and its parallels in the same or other tractates. The complex topic of witness for bills of divorce (*edei mesira o edei hatima kartei*) is dealt with in many places in the Talmud, and in at least three places it is dealt with extensively by the Rishonim and the super-commentaries on the Ri"ף. R. Soloveitchik *zts"l* treats the topic in his lectures to *Gittin*, and deals with it independently each time it appears in the Talmud or Tosafot; he does not deal extensively with the parallel sugya in *Ketubbot* (94b). In R. Lichtenstein's lectures all the *sugyot* were treated at length simultaneously. The text and the issues in the *sugya* in *Ketubbot* were dealt with as extensively as the local *sugya* in the second chapter in *Gittin* which served as the starting point of the discussions. In Rabbi Herschel Schachter's introduction to R. Soloveitchik's lectures on *Gittin*, he notes that it would be a worthwhile endeavor to collect all the different places that R. Soloveitchik dealt with a topic. R. Schachter's comment is sensible, and it would naturally make R. Soloveitchik's lectures much easier to understand and appreciate. Such a collection of R. Lichtenstein's lectures would be wholly superfluous.

b) *Not Always Beginning at the Beginning*

In most yeshivot, the starting point of the lectures on each tractate is at the beginning. In Yeshivat Har Etzion, due to the leadership of R. Lichtenstein, the starting point varies. In many tractates the beginning

¹¹ The introduction to his monumental work *Yam Shel Shlomo*.

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pages deal with topics not central to the main issues dealt with in the rest of the tractate or occasionally with topics that are difficult to understand without first understanding other topics explained in later chapters. In *Gittin*, for example, prerequisites to understanding the first mishna, “A messenger that brings a bill of divorce,” requires knowledge of *shelibut* (agency), *li-shemah* (intent in writing a bill of divorce), witnessing contracts generally, and witnessing bills of divorce in particular. The lecturer can either give a cursory and partial explanation of these topics or delve into each topic independently. Occasionally the seasoned lecturer will assume the students have basic knowledge of all these topics and continue without treating these logically prior issues directly, leaving those without the necessary background bewildered. Sometimes topics not deemed suitable for a lecture in *Lomdus* are dealt with extensively. In the first chapter of *Gittin*, a lengthy discussion of the geography of the Land of Israel appears. In general, topics dealing with such topics were not dealt with by R. Hayyim’s school. Some lecturers will skim those pages or focus on a side comment by Tosafot which might raise some fundamental issue. R. Lichtenstein prefers to skip the beginning and start the tractate at a point where the topics flow more coherently and naturally. For example, *Gittin* is generally started at the mishna on 17a, and *Ketubbot* at 9a.

c) Omitting Treatment of Textual Contradictions

As R. Krumbein outlined in his aforementioned article, R. Lichtenstein almost entirely omits textual contradictions, the main focus of many Talmudic commentaries, particularly Tosafot. One can argue about the nature of their role in the Brisker tradition, but their omission in R. Lichtenstein’s *shiurim* is clear.

These three differences point to the fact that the page of the Talmud is not the true topic of the lectures. Instead, the *sugya*, or the Talmud’s understanding of the relevant concept, is the true topic of the lecture. Rabbi Soloveitchik viewed *Gittin* 3b as the topic of the lecture, whereas Rabbi Lichtenstein viewed the witnesses for divorce (*edei mesira o edei hatima kartei*) as the topic of the lecture.

3) Expansion of the Library

R. Hayyim’s library seems to be limited to the Talmud and several basic commentaries: Rashi, Tosafot, Rambam, and Raavad. R. Joseph B. Soloveitchik followed this trend. In addition, for topics where Ramban in *Milhamot Hashem* and the Ba’al ha-Maor were involved, he analyzed those texts and ideas they raised. It is not obvious whether this

limited corpus was due to an education decision, technical difficulties (in an era when fewer commentaries were published), or some combination thereof.¹² Any explanation would be speculative, but I assume that R. Hayyim's creativity made the learning and analysis sufficiently interesting and challenging that other texts were not deemed necessary. Furthermore, R. Hayyim's willingness to entertain new ideas even in the absence of strong textual support made a vibrant method possible without resort to more obscure texts as a springboard for those ideas.¹³ There are many who criticized R. Hayyim and his grandson R. Soloveitchik on various grounds, but they never were accused of being fainthearted or reticent. Whatever the reason for R. Hayyim's limited library, it is indisputable and obvious. R. Lichtenstein, on the other hand, makes ample use of a broad range of Rishonim in his analysis and lectures.¹⁴ Aharonim played a more limited role and were as often as not a mere foil for the main theme or new idea of the lecture. Aharonim were almost completely absent from R. Soloveitchik's lectures and writing. Even such staples as the *Ketsot ha-Hoshen* and *Netivot ha-Mishpat* were rarely cited. R. Lichtenstein used these works relatively more frequently but they were usually relegated to a supporting role. Briskers were also the exception to the limitation: the written novella and oral traditions of R. Hayyim and his sons R. Moshe and R. Yitzhak Zev were cited frequently and often provided an important reference point in the lectures. Use of other Aharonim, however, was nearly nonexistent.¹⁵

¹² Although the availability of Rishonim and other texts at that time was much more limited than today, one can compare the library of R. Hayyim to that of the Netsiv and see that when there is a will there is a way.

¹³ The use of obscure texts as a springboard for novel approaches is an age-old technique perhaps made famous by the *Minbat Hinnukh*, but one that has been elevated to an art form by the ingenious and brilliant R. Yeruhim Fishel Perla in his purported commentary on *Sefer ha-Mitsvot* of Rav Saadia Gaon. The original "book" is in actuality a short poem of 2000 words, while R. Perla's commentary is approximately 1000 times as long, longer in fact than the entire Babylonian Talmud. One of the main challenges in using the book as a commentary is finding the two lines of verse in the original text that is drowned out by tens of pages of commentary. (In comparison, the *Minbat Hinnukh* is only approximately five times as long as the *Sefer ha-Hinnukh*. These comparisons are based on the word count utility in the Bar Ilan Responsa project.)

¹⁴ This can be ascertained upon a quick perusal of the indexes to his *sefarim*.

¹⁵ I would be hard pressed to remember a discussion outside the *Ketsot ha-Hoshen*, *Netivot ha-Mishpat*, R. Akiva Eiger, *Shaagat Aryeh*, and the *Keren Ora* on *Kodashim*. More often than not these citations were used as a foil, an errant approach to be

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If the use of Aharonim was expanded slightly by R. Lichtenstein, his broad use of Rishonim was revolutionary. It changed the whole texture and content of the lectures, in a numerous ways. Although it is not uncommon to find lectures dealing with the famous Rishonim on the page, R. Lichtenstein expanded the list to include Rishonim such as the Raavya, Raavan, *Sefer ha-Terumot*, *Or Zarua* and a host of minor Rishonim on individual *massekhtot*. In the wake of Rabbenu Tam's revolution, much of the style of Rishonim is in question-and-answer form, sometimes with multiple answers to a single question, the question being a seeming contradiction or inconsistency with another *sugya*.¹⁶ Not all Rishonim followed this question-and-answer format, particularly those books focused on halakhic decision such as Rosh or Raavya. However the various versions of Tosafot as well as the *hiddushim* of Ramban, Rashba, Ritva and others basically follow this format. The Brisker method used this style to deduce logical positions not only from the conclusion but also the question. The Rishon's premise is deduced from his question, whereas the answer is seen as rejecting an ancillary point or as only a partial repudiation of the original premise. While this method was used extensively by his predecessors, R. Lichtenstein expanded the use of this method. The combination of expanding the number of Rishonim and simultaneously allowing analysis not only of their conclusions but of all stages of their discussion created an extensive body of material on many *sugyot*.

rejected for a more precise and coherent position. I was always puzzled by the lack of use of some of R. Hayyim's disciples. While every word of R. Hayyim was deemed precious, various works of his disciples which quote or paraphrase R. Hayyim were hardly mentioned. Works such as the *Birkat Shmuel* by Rav Baruch Leibovitz or the various works of Rav Elhanan Wasserman were seldom if at all used. The *Birkat Shmuel* writing style is somewhat lacking in aesthetic style and clarity, but that would not seem to justify not using him at all. In addition, the less known work *Imrei Moshe*, an excellent and incisive work by Rav Moshe Sokolovsky, a disciple of R. Hayyim is also ignored. See in my work *Minha va-Zevah*, 108-112, an example of R. Baruch Leibovitz bringing a new understanding to R. Hayyim and *Minha va-Zevah* on pg. 225, regarding R. Elhanan Wasserman, *Kovets He'arot* 54:4,5, which quotes a very important interpretation attributed to R. Hayyim.

¹⁶ Perhaps the nature of these questions that required a degree of speculation to resolve questions not raised in either text made a multiplicity of answers possible and even necessary.

This revolution made its mark on halakhic works as well, and after the Tosafot a monolithic halachic work cannot possibly be completed. Instead we have the *Shulhan Arukh*, which incorporates multiple opinions, accompanied by the *Beit Yosef*. Also, one should note the difference between the considerable super-commentaries on Tosafot such as the Maharsha, *Penei Yehoshua*, and the like, which can be seen as a Tosafot on Tosafot.

This combination was useful for Rav Lichtenstein in two ways:

1. R. Lichtenstein's self-effacing manner and humility might serve as a deterrent to originality and *biddush*. The ability to find support for a novel approach in the words of any Rishon at any stage of discussion provided abundant pegs on which the *biddush* could be hung and subsequently analyzed. This method allowed R. Lichtenstein's originality to flourish without his appearing brash.
2. R. Lichtenstein is interested in posing a complete and comprehensive treatment of the topic at hand. This includes raising all the various possibilities to explain the *sugya* and its components. This inclination requires more fodder to feed the process, which is supplied by both the explicit conclusions and the give and take of myriad Rishonim. Occasionally, logical possibilities are raised without any peg in the Rishonim but R. Lichtenstein obviously prefers that any possibility raised be rooted at least in the initial supposition of some Rishon.

4) Structural and Logical Comparisons

R. Lichtenstein sometimes drew comparisons from a seemingly unrelated sphere; only after the comparison was made would it seem rather obvious. Obviousness can be sometimes misleading; true genius is often manifest in new ideas which seem obvious only after being pointed out. I will illustrate this with two examples from R. Lichtenstein's lectures.

Many areas of halakha consider whether two attached objects are considered two objects or one. One such area is *ubbar yerekh immo o lav yerekh immo* – is a fetus considered as the “hip” of its mother? In several areas where this question is cited, however, the conclusions are somewhat contradictory. R. Lichtenstein quoted R. Hayyim as saying that, even if the fetus is part of the mother, the mother is not part of the fetus.¹⁷ He further noted that one sees a similar notion in *Eruvin* 92a-b, where a small courtyard is part of the large courtyard but not the converse.¹⁸ The notion of asymmetric attachment (A is part of B, but B is not part of A) is the *obvious* common theme,¹⁹ R. Lichtenstein taught us.

¹⁷ See a similar formulation in the *Shah, Yoreh Deah* 267:75, and an almost identical formulation in *Bah* 267:38.

¹⁸ The conclusion drawn from this is that a *minyana* can be completed by nine in the large courtyard and one in smaller area but not vice versa. The *sugya* there also mentions other halakhic distinctions, including terms of acceptance of a bill of divorce, where a woman is in one courtyard and the *get* is thrown into the other.

¹⁹ See also *Tevul Yom* 3:1 that both opinions in the Mishna attachment is asymmetrical although in opposite directions.

There are many instances where halakha requires the contact of two objects, including immersion in a *mikveh*, where a *hatsitsa* separation nullifies the immersion. Thus the person (or vessel) must be free of all dirt and possible *hatsitsot*. R. Lichtenstein posits that there are really two dynamics here which often overlap but occasionally diverge. The Talmud in *Bekhorot* 9b explains that the contact between the mother's womb and the *bekhor* creates the sanctity of the first born. In a case of twins, Rav claims that, since *min be-mino eino hotsets*, like objects cannot comprise a *hatsitsa* for one another. However, Ramban ad. loc. places a caveat in the simple reading of the Talmud and rejects the simple reading of the text.

אבל מין במינו חוצץ בכבוד דפטר רחם אמר רחמנא וכל דלא נגע ברחם לאו פטר רחם הוא

R. Lichtenstein takes this to mean that even if there is no *hatsitsa* that does not mean there is absolute contact. In certain areas of halakha the absence of *hatsitsa* does not automatically entail direct contact.

He expands this to other areas such as *semikhat ge'ula le-tefilla*, where the prayers of Shema and Amida cannot be separated by an interposition but also need not be in full contact. The Talmud in *Berakhot* 4b discusses the requirement of the juxtaposition of the *berakha* of *ga'al yisrael* to the Amida for *maariv*. However the Rishonim seem to impose a different standard for *shaharit* than for *maariv*.²⁰ In the morning even saying a short passage is deemed inappropriate, whereas in the evening prayers long passages are allowed because they are *geula arikhta*, an extension of *birkat ha-ge'ula*. R. Lichtenstein explains that sometimes halakha only requires that no division be placed but there is no requirement of actual juxtaposition, and this is the case for the evening prayers. However, for *shaharit* actual juxtaposition is required, and thus potential extensions of *birkat ha-ge'ula* that are not separation would still be disallowed because they prevent actual contact. Thus R. Lichtenstein drew a connection between *semikhat ge'ula le-tefilla* and *kedushat bekhov*. Another dilemma that can be solved with this distinction is the difference between *mitsvat lulav* and *shofar*. The Talmud in *Sukkah* (37a) says that adornments do not pose a *hatsitsa* (*kol lena'otah eino hotsets*), and thus one can take the *lulav* placed in a golden handle. However the Talmud posits that such a separation is not allowed in *shofar*! (*Rosh ha-Shana* 27b) What is the difference? R. Lichtenstein explains that the blowing of the shofar requires actual contact, and while the gold might not be considered a separation, one's mouth is still not on the shofar. The taking of *lulav*, on the other

²⁰ See Tosafot there, s.v. *de-amar*, and others ad loc., including *Beit ha-Behira*.

hand, is only invalid if there is a separation, but there is no requirement of contact.²¹

CONCLUSION: R. LICHTENSTEIN AND ADAPTIVE IMPROVEMENT

Some of these methodological advances are difficult to imitate exactly or even proximately. Not many (if any) disciples or even *talmidei hakhamim* can match R. Lichtenstein intellectual and emotional make-up. His prodigious memory and uncanny organization I have always found simply amazing. Additionally, one should not underestimate his simple *batmada* and devotion to learning constantly and intensively. While few if any can match these qualities, all of us would benefit from improvement in these areas. One should choose or adapt one's method of learning to one's inclination and intellectual strengths; accepting and even embracing one's individual strengths and uniqueness is central to R. Lichtenstein's educational and religious philosophy. That being said, I am sure that almost anyone can improve their learning and comprehension by inculcating even a modicum of R. Lichtenstein's methodology and adapting them to one's inclinations and strengths.

In a certain sense, this notion of adaptation and improvement rather than simply parroting and refining is central to R. Lichtenstein's approach. For the disciples who have been lucky enough to bask not only in R. Lichtenstein's *shiurim* but in his personality, a certain coherence between his learning style and personality traits springs to mind. A balanced approach, carefully weighing all evidence wherever it might be, can be viewed as stemming from either intellectual or emotional tendencies. I assume it relates to both and that distinguishing between the two would be forced and unnatural.

One should neither overestimate nor underestimate these changes to the great tradition of Brisk. I see them as adaptations and improvements rather than an entirely new approach. This too is consonant with R. Lichtenstein's religious approach of building upon and imbuing new meaning to our hallowed traditions.

²¹ See also Tosafot, *Zevachim* 110a, s.v. *min be-mino*, which seems to ignore this possible distinction.