

Response to Prof. Marc B. Shapiro

By: ASHER BENZION BUCHMAN

The most crucial issue that Dr. Shapiro raises in his response is his meaning in referring to the “Brisker” mode of study as “ahistorical,” and we look forward to his elaboration on the subject in a future *Hakirah* article. But for the present he “strongly rejects” my characterization of the position he presents as “ridicule,” and says that “Readers should examine my words and determine if I have engaged in any such ridicule.” While Dr. Shapiro uses only respectful language in his book, the fact that he labels the “Brisker” method the “hagiographic approach” is sufficient reason for me to consider his opinions “ridicule.” In this very response he clarifies his position by noting (footnote 6): “One observer has remarked that the Chazon Ish judged R. Chaim’s interpretations of Maimonides ‘by the wrong criterion; he wanted to determine if they were true!’” I consider the “observer’s” statement ridicule and am surprised at Dr. Shapiro’s apparent approval.

I also believe that a glance at the on-line reviews of “Maimonides and His Interpreters” suggests that most of his readers understood “ahistorical” along the lines that I did, and hence viewed it as a devaluation of “*lomdus*” as well as a claim that *Mishneh Torah* is not a work of great depth that demands the formulation of abstract principles in order to be properly understood.

One scholar titles his review “Maimonides: The Unmasking of a Godol (Sage),” and begins his essay with “Marc Shapiro’s latest volume contributes further to what might be considered a series of works that together constitute a programmatic assault on the ahistorical non-text-critical traditionalist rabbinic approach to its own intellectual legacy.” In a later paragraph he continues: “Shapiro demonstrates in the first essay, ‘Principles of Interpretation in Maimonidean Halakha,’ that what is often engaged in as the most noble of rabbinic endeavors, to resolve a problematic Maimonidean passage (in the pervasive Yiddish colloquial of the yeshivah, *tsu farentferen a shverer*

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rambam), can be simply an exercise in futility once human error, oversight, and reformulation are taken into account.”¹ Other reviewers express similar sentiments.²

While Dr. Shapiro’s language is not disrespectful, the message his readers gather is that the methodology used in “*lomdus*” is absurd. If his evaluation is correct, then indeed ridicule is called for. I never meant to criticize Dr. Shapiro for his tone, merely for the inaccuracy of his position.³

¹ James Diamond, *H-Reviews*, H-Judaic (December, 2008). See <<http://www.h-net.org/reviews/showrev.php?id=23048>>.

² On the *Tradition Seforim* blog the review by Dan Rabinowitz is titled “Forgetfulness and Other Human Errors.” The reviewer ends his description of the relevant part of his essay as follows:

“...although the Rambam concedes regarding a law in *Yad* that he erred, the Gra says that the Rambam was erring in saying he erred. The Gra explains that the original law in *Yad* is indeed contrary to the Rambam’s own position... The Gra’s position is somewhat tenuous, aside from the obvious issue of ignoring the statement of the original author, as ‘a number of *achronim*... provided what they believed to be better proofs for Maimonides’ decisions than he himself was able to supply” but it has been shown “that the *abaronim* who adopted this approach erred in almost every example.”

See <<http://seforim.traditiononline.org/index.cfm/2008/7/8/Forgetfulness--Other-Human-Errors-a-New-Monography-by-Marc-Shapr>>.

On the *Hirhurim* blog, R. Gil Student writes: “Essentially, this section is an extended argument against the approach of “*lomdus*” that is so prevalent in yeshivas.” The reviewer concludes that he found the book “extremely uncomfortable to me as a yeshiva product.” See <<http://hirhurim.blogspot.com/2008/07/lomdus-reexamined.html>>.

In *Kol Hamevaser: The Jewish Thought Magazine of the Yeshiva University Student Body*, vol. 2, issue 2, November 4, 2008, p. 15, the reviewer explains that Dr. Shapiro’s “perpetual mission [is] to expose what are in his eyes the manifold intellectual infelicities of traditional scholars” where “we are obligated to... employ even the most farfetched casuistry to rescue Rambam from error and if we fail it is we who are at fault.” See <<http://www.kolhamevaser.com/wp-content/uploads/2008/11/second-issue-politics-and-leadership-reduced.pdf>>.

³ But Dr. Shapiro is wrong when he claims that I use disrespectful language in referring to the “folly” of two *gedolim*. If he looks at the state-

Another central point of Dr. Shapiro's response is that he does align himself with a school of traditionalists. Indeed, in my essay, I also noted this, and my review was entitled a "hagiographer's review" because it is that school's part that I am taking against Dr. Shapiro's school. Traditional members of that school may very well have had great respect for Rav Chaim, but they did not believe that his method of study was correct. Just as Raavad may very well have had great respect for Rambam, still he refers to his position as *הבלי* in many a case. Though Ramban certainly held Rambam in great esteem, he felt that basic parts of his *hashkefah* and halachic methodology were seriously flawed. Opponents of the "Brisker" school have expressed their disdain in strong terms and there is no reason to not acknowledge this; and again, if they are correct, their displeasure is warranted. On the other hand, many "Briskers" have a similar disdain for the methodology of the other school,⁴ and the justification for this dis-

ment again, I'm sure he will realize that this is a sarcastic statement referring to what those of Dr. Shapiro's school must think—although most do not say it explicitly—of those who insist that the answer the Rambam gives in a *teshuvah* should be ignored. Also, Dr. Shapiro misinterprets me in thinking that I am accusing him of disrespect with regard to Rav Chaim Soloveitchik/Prof. Haym Soloveitchik. I always refer to him in the way his *talmidim* did forty years ago. Should I not note how he is now referred to in the academic world, very few readers would know to whom I am referring. Still, there is a note of whimsy in that reference, for Rav Chaim's *shiur* seemed to be an effort to incorporate the best of academia into the world of *lomdus* rather the reverse, which most academic scholars seem to propose.

⁴ Dr. Shapiro quotes some outstanding *talmidei chachamim* saying things that I claim would not be said by people who really knew Rambam, to prove that I am wrong on that point. However, one central point I believe I had made in my review is that one needs to be what Dr. Shapiro would consider a hagiographic "Brisker" to really know Rambam, and it is from that vantage point that I am speaking. With regard to Rav Kappach saying that "perhaps" Rambam made a mistake, that of course Rambam could not have made—well we can only say "Even Homer nods," and my attribution of this error to Rav Kappach is nothing compared to Dr. Shapiro's referring to his position (which I only echoed) that *Teshuvos Chachmei Lunel* are a forgery as showing a "lack of sophistication in dealing with Maimonides."

dain is an important element missing from Dr. Shapiro's book.⁵

Of course, the Rav, ז"ל, the ultimate "Brisker," would often explain that Brisk is concerned only with truth. It is for this reason that "Briskers," the Rav included, are often found to be practicing a *halachah* differently than others. על למוד על מנת לעשות is a primary principle. I think just about all his *talmidim* would agree that what went on in *shiur* was an attempt to understand what Tosfos, Rambam, and the Gemara meant—original intent. One quote from a student's notebook cannot serve to cast doubt on this. But the quote does seem accurate and gives a definition of "ahistorical" that even I can understand. Since we are all a product of our environment and think within the idioms of our language⁶ and are influenced by the conceptualizations within which we were raised, "it does not necessarily mean that Maimonides meant **just that**. If measured by halachic standards it is correct, that suffices." Indeed it suffices if our understanding matches sufficiently so that we would decide the *halachah* exactly as Rambam would. In this light, I must note that this runs contrary to what Dr. Shapiro believes is a proper dichotomy between *halachah* and Talmudic analysis. One who splits the two is being "ahistorical" in a pejorative way according to a "Brisker."

The statement of my Rebbe, Rav Lichtenstein, is also along the lines of the Rav, and certainly is far removed from the idea of validating explanations that are a function of misunderstanding what the Rambam said. Those of us who have studied by Rav Lichtenstein know that his constant focus has always been the intent of the *Risbon*—clarifying the details of opposing positions and understanding the underlying conceptualizations that cause them to differ. But at times, even a student is able to have a valuable insight based on the position of a *Risbon*, that is in fact his own *chiddush*, but Rav Lichtenstein explains that while the insight is worth developing, one must be careful to distinguish between the intent of the *Risbon* and the content of his position when dealing with extracting the *halachah*. Perhaps

⁵ Thus when Dr. Shapiro quotes traditionalists who support his position, it is not relevant as a rejoinder to my arguments. All that is relevant is who is correct.

⁶ See Prof. Faur's essay in this volume.

Rav Lichtenstein can be called upon to clarify his exact meaning when Dr. Shapiro writes his essay.⁷

As for the rest of Dr. Shapiro's criticisms of my criticisms, I agree with his basic assertion that "readers can judge for themselves" who is correct between us, and I would urge those interested in the correct assumptions to be made in studying Rambam to look back at Dr. Shapiro's book, at what I wrote in my essay, and at Dr. Shapiro's response to make their judgments. I would ask that they take special care in reading what I wrote with regard to the supposed errors Rambam made in *pesukim*, since I do not believe that Dr. Shapiro properly presents the many arguments that I made in this regard. Three points I will reemphasize is that: 1) Rambam may have generally refrained from writing more than three words of a *pasuk* consecutively, resorting to abbreviation of words and *pesukim*—and hence when scribes expanded them, this led to many cases of error,⁸ 2) Though Rambam used the Aleppo Codex to write his *Sefer Torah*, the scribes who copied *Mishneh Torah* may have used other texts as their sources—and without standardization, it is likely that they would be prone to correct what they perceived as errant quotes of *pesukim*, and 3) Though Rambam used the Aleppo Codex to write his *Sefer Torah*, he may still have debated with himself whether certain *pesukim* should perhaps have a variant reading. As Rambam reevaluated his Talmudic analysis throughout his life, he probably reevaluated this as well.⁹

⁷ Indeed, when Rav Lichtenstein printed this essay the words "probably not" were removed.

⁸ This is not because of the *halachah* of *sirtut* but related to other sources referred to in the essay. The fact that most *pesukim* are written correctly by the scribes only shows that the scribes normally expanded correctly.

⁹ An example of another place where a careful reading is called for is with regard to Rambam's position to making a *berachah* when reading from a *chumash*. I did not say that reading the *halachah* in *Mishneh Torah* as saying that a *berachah* is not made, shows an insensitivity to reading *Mishneh Torah*. What I said is that seeing a contradiction between a *teshuvah* and *Mishneh Torah* in this case shows "a lack of sufficient sensitivity to the nature of *Mishneh Torah*." The language in *Mishneh Torah* is sometimes purposely vague. In this case the language there commits fully to neither position. This is so, since Rambam feels that the Talmud itself was not fully clear on the issue. In the *teshuvah* he answers to what he believes the Talmud meant. Further, I would suggest the readers check the two *teshuvos* that Dr. Shapiro quotes to confirm his position. The

Finally, when I wrote that Rav Kappach's position that *Teshuvos L'Chachmei Lunel* are a forgery "is backed by Rav Chaim Brisker, the Gra, [and] the Chasam Sofer," my intent was not that they necessarily felt they were forgeries, but rather that they knew that what was written in some of the *teshuvos* is not consistent with Rambam's statements in *Mishneh Torah*. This is further support to Rav Kappach's position. The proof that these *teshuvos* are forgeries comes from an analysis of the relevant *halachos* in *Mishneh Torah* and the *teshuvos* themselves. Those who argue so vociferously for their authenticity have not done this. ❧

first certainly does not confirm his position and the second could be debated as well.