R. Yosef Engel’s Scholarship

By Dovid Markel

1.1 The Objective of the Study

R. Yosef Engel (1858-1920) was a brilliant and unique scholar—the likes of which the world rarely sees. Born in Tarna, Galicia in the year 1858 and living to the young age of 62, he dazzled the world with the breadth and depth of his writings, which span the entire corpus of Talmudic thought. Though Rabbi Engel was autodidactic and did not formally study in the traditional yeshiva setting, he developed a unique methodology of Talmudic study and was one of the pioneers of what was to become to be known as the Analytical School of Talmudic scholarship. Though only seventeen of the over one hundred works he is said to have authored are still extant, those works reveal a remarkable tour-de-force of depth, breadth and novel thought.

The importance of analyzing his work is fourfold:

Firstly, as Norman Lamm said of him, he is “one of the most brilliant and underestimated rabbinic figures of the pre-World War II Eastern European Generation.” Sadly, for the most part, he remains obscure and underappreciated. Though in the yeshiva world there is a degree of familiarity with some of his works, it cannot be said that there is much recognition of the nature of his contribution or his influence on his contemporaries or the Talmudic scholars of subsequent generations.

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1 N. Lamm, *Seventy Faces*. (Ktav Pub Inc, 2001) p. 61. It should be noted that though Engel was born in Galicia and operated in Poland his primary fame came when he served as the head of the Bet Din in Vienna which is not a part of Eastern Europe.
In researching this work I experienced firsthand the lack of interest in his work within the Hareidi-Yeshiva world.\(^2\) Upon commencing this study, I scouted the various bookstores in the Meah She’arim neighborhood of Jerusalem to acquire Engel’s books. I quickly realized that his most important works, such as *Lekach Tov*, *Beit Ha’Otzar*, *Gilyonei HaShas*, not to mention his lesser known works, are almost impossible to find. Eventually, in one bookshop I discovered their last remaining copy of *Lekach Tov*, but that too had been out of publication for quite some time. Though there has been a recent printing of *Atvan D’Orayta*, (with comments and footnotes) and a similar printing of *Ayin Panim LaTorah*, unfortunately that is the extent of the attention given to him. However, even this cannot necessarily be attributed to R. Engel’s popularity, but rather to the sociological reality in the Hareidi world that authors who desire their works to be published and purchased often attach their thoughts and commentaries to the works of famous authors\(^3\). This is surely at least part of the reason why works are at all published on Engel’s scholarship within the Hareidi world.

In academia, the state of affairs is even more unfortunate, as his scholarship has for the most part been overlooked and ignored, passing up research into his scholarship for research into the Lithuanian Talmudic scholarship of the same period. It is the aim of this thesis to bring the nature of the contribution of this great scholar to the fore in the hopes

\(^2\) An additional experience expresses as well the lack of focus on Engel. In researching Engel’s thought I contacted R. Tzvi Z’ev Friedman from Monsey who is an expert in Engel and has produced many fabulous works of his thought. After a discussion of R. Yosef Engel’s methodology, he asked me if I was a Chabad chassid. Upon asking him how he intimated this piece of information, he responded “that if I’m an American that is interested in R. Yosef Engel I must be Chabad.” This is because the R. Menachem Mendel Schneerson, the Lubavitcher Rebbe had a great affinity towards Engel’s work. It seems that he too—an expert in the field—is particularly cognizant of the lack of attention given to Engel’s work.

\(^3\) While *Atvan D’Orayta* is probably the most popular work of Engel’s in the yeshiva world, so it makes sense to be printed, *Ayin Panim LaTorah* is Engel’s most obscure work—dedicated to giving 70 answers to what seems to be a technical question on a Talmudic sugya. It is therefore interesting that this is the work that the individual chose to print passing over many more central works. Perhaps the author chose it as it was the first work that Engel printed as well.
that it inspires interest in his work and others will follow in researching Engel and other Chassidic Talmudists.

Secondly, in dealing with 19th century Talmudic scholarship, academia seems to have set their sights primarily on the Lithuanian scholarship of the time. The Yeshivot of Velozhin, Brisk and Telz and the scholars who learned and studied in them are indeed of paramount importance having greatly influenced the manner in which Talmud is studied. Their Yeshivot and methods have been greatly studied, discussed and scrutinized, but the great Talmudists of Poland and Galicia, who were no less important, have largely been overlooked.

Shaul Stampfer has written extensively about the various Lithuanian Yeshivot,\(^4\) and Norman Solomon has written on “The Analytical Movement in Rabbinic Jurisprudence”.\(^5\) Though from his title one would assume that he would also have included the Analytical Talmudists of Poland and Galicia, he focused instead on twelve Lithuanian Talmudists—mentioning only in passing that their methodology of thought was perhaps influenced from other quarters. The Brisker method has been repeatedly

\(^4\) *Hayeshiva Halitait Behithavuta*, (Zalman Shazar Inst. 1995)

\(^5\) Norman Solomon, *The Analytic Movement in Rabbinic Jurisprudence* (Ph.d Diss. Manchester, 1966). When the work was printed he changed the name to *The Analytic Movement: Hayyim Soloveitchik and his Circle. South Florida Studies in the History of Judaism*. (Atlanta Georgia: Scholars Press, 1993), but nevertheless, it seems a shame that he did not discuss the relationship between Polish analytics and Lithuanian analytics which had direct influence on this circle. It is interesting that in Solomon’s description of the work (http://www.normansolomon.info/analyticmovement.htm, accessed 28/06/16), he writes: “However, I now believe that the first consciously to develop the techniques of conceptual analysis that characterize the Analytic Movement was not Soloveitchik himself but his older contemporary at Volozhyn, Jacob Isaac Reines, a remarkable rabbi who fell out of favour with the Yeshiva establishment on account of his commitment to secular studies (though he opposed haskala) and his Zionist activity. I eventually concluded that the analytic technique employed by these rabbis was historically unsound, and I lost interest in the School.” It seems to me, that although Reines employed the conceptual method, what was more prominent in his methodology was systemization and historical context; as Amiel pointed out, (see further in the study) conceptualization began in the Polish Talmudic camps. For further discussion of Reines’ and Amiel’s contribution to Talmudic thought see Yosef Lindell, *A Science Like Any Other? Classical Legal Formalism in the Halakhic Jurisprudence of Rabbis Isaac Jacob Reines and Moses Avigdor Amiel*, *Journal of Law and Religion*, Vol. 28, No. 1 (2012-13), pp. 179-224
considered, reconsidered and reevaluated, but the Polish Talmudic giants—even those with similar Talmudic method—remain forgotten. Brilliant luminaries such as R. Menachem Zemba of Warsaw, R. Yosef Engel and R. Shneur Zalman Fradkin of Lublin, do not get a fraction of the attention they deserve.

Thirdly, R. Yosef Engel grew up in the Chassidic milieu and though he perhaps did not fit our standard conception of a Chassid, he was fully immersed in Chassidic thought and lifestyle. His mother was of Tzanz Chassidic stock and as a child she brought him to visit the Chassidic Rebbe, R. Chaim of Tzanz. In his youth Rabbi Engel studied in Chassidic study houses and was influenced in his Talmudic studies through his Torah discussions with Chassidic Rebbes and rabbis. Studying the life and works of R. Yosef Engel gives one an appreciation of the Chassidic Talmudic scholarship of the time and helps develop a clearer picture of what it meant to be a Chassidic Talmudist in that era.

While obviously, there were many Chassidim who were great Talmudists, their Talmudic studies are often viewed as something separate and apart from their Chassidism. They are

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often seen as Talmudists who just happened to be of Chassidic stock. However, is this really so? Or did their Chassidism permeate and affect their approach to Talmud, thus making them by definition “Chassidic Talmudists”? With this study I hope to shed some light as to whether such a concept as “Chassidic Talmudism” exists. In other words, did a specific approach to Talmudic study develop as a direct outgrowth of the Chassidic perspective and is there a Talmudic approach that is distinctly Chassidic?7

The fourth objective is to analyze the influence Rabbi Engel had on Talmudic study in general and specifically on the Lithuanian Analytical School that developed as well during that general time frame. R. Yosef Engel employed an analytical and conceptual method that in some aspects bore striking similarities to the methodology of the Lithuanian yeshivot. He defined Halakhic axioms and principles, classified Talmudic concepts and developed a distinct logical and systematic approach to Talmud study. Indeed, much of the lexicon that he uses in his various hakiroth resemble the prevalent terminologies of the Lithuanian Talmudists.

It is important to study both the similarities and differences between his methods and those of the Lithuanian schools of thought and to research whether his works had any significant influence on helping galvanize their analytical method and in the development of the conceptual method of Talmudic scholarship. It is also crucial to discern whether his method contained aspects not found in their methodology that could perhaps prove to be advantageous to the Lithuanian methods. Hopefully, this research should shed some new light on the origins of the analytical school and the influences that helped form it.

7 Meaning to say, not merely mystical considerations in halakhic ruling, but a difference in the manner of study, that was an extension or grew within Chassidism.
The explanation as to why the Lithuanian Talmudists have received so much attention while Polish Torah giants and luminaries remain unnoticed may be attributed to a number of reasons:

(a) The personalities that have been studied and analyzed were generally roshei yeshivot. They had students who studied under them and thus perpetuated their thoughts, methodology and memory in Jewish consciousness. On the other hand, most of the Polish luminaries, including Rabbi Engel, were not roshei yeshivot and did not have students to keep their memory alive. That is to say, there were definitely those who were influenced by them through studying their written works, but they lacked students to absorb their methodology and eventually become their intellectual heirs. This unfortunate circumstance surely played a role in the popularity of his work. Sadly, it is often extraneous circumstances that cause a work to be studied, not the value of the work or the importance of the author.

On the other hand, for various reasons, a scholar can often achieve greater personal development specifically when he studies outside the walls of the academy. Paradoxically at times, it may be specifically the individual outside the Talmudic academy whose works contribute to the development of the academy. Because of the nature of his position, a Rosh Yeshiva is forced to concentrate his focus on the narrow field of Talmudic tracts studied within the Yeshiva. Thus, his depth of knowledge in the entire corpus of Talmud

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8 Of the analyst that Solomon discusses is R. Moshe Avigdor Amiel who as well did not have a Yeshiva. However, his three volume work *HaMidot L’Cheker HaHalakha* have achieved fame for his tracing of halakhic principles and his categorization of Talmudic logic. Interestingly, Amiel suffers the opposite problem of not being particularly appreciated in the Yeshiva world. Due to his strong Zionist leanings he is persona-non-grata in many Hareidi circles.
could be somewhat deficient. Forcing his mind into a certain rubric of thought and not living outside of it makes it difficult for him to effectuate a true paradigm shift in Talmudic methodology. On the other hand, the individual outside the traditional academy and established methodology of thought often views Talmud with a fresh approach, thus giving him the ability to effectuate a tectonic shift in Talmudic reasoning and methodology. Ironically then, although the study of how Talmud was studied in the yeshivot is of tremendous importance, there should be more focus on understanding the method that Talmud was studied outside the walls of the yeshivot.

Additionally, the Roshei Yeshiva taught young undeveloped minds and their lectures therefore often depict a contraction of their pristine thought—often written by their students—instead of the full measure of their thought. It can perhaps be said that being in the Yeshiva environment hampered the full development and expression of the Rosh Yeshivot themselves. Their thought often became locked in a certain rubric—often due to their students expecting a certain type of lecture and their writings exhibit educational considerations that may have curbed their full expression.\(^9\)

A Talmudist outside the walls of the academy, on the other hand, had the leisure to study the Talmudic tractates of his choosing, write on the topics he deemed important, and develop thoughts and theories that were at times too abstract, broad or intricate for the budding Talmudic students of the yeshivot. With this in mind, the importance of studying the works of Talmudists outside the Yeshiva world is amplified, as it can convey a

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\(^9\) It seems that R. Yosef Engel himself was conscious that being a Rosh Yeshiva would hamper his Talmudic development and writing. Tzvi Zev Friedman, *Tiferet Yosef, Toldot R. Yosef Engel*, (Monsey, 2006) Pg. 56 FN 111 quotes an anecdote heard this from R. Mordechai Gifter the Rosh Yeshiva of Telz that R. Yosef Engel was offered the position to be Rosh Yeshiva of Telz but he turned it down saying “I am too old to deal with young students.” See as well *Shimush Chachamim*, pg. 142 R. Yaakov Yitzchak Ruderman the Rosh Yeshiva of Ner Yisroel of Baltimore that reports the same.
development of Talmudic thought and methodology unrestrained by the often narrow margins of the yeshivot.

(b) Part of the reason why these works have not been analyzed seems to be sociological as well. The student of Judaic academia tends to be predominantly from a Lithuanian educational background, rather than a Polish-Hareidi Chassidic one. Generally, a person undertaking a study of 19th century Talmudic thought, has a Yeshiva education as well as an academic one—given the nature of the form of research required in this field. Realistically speaking, someone with both sorts of educational background has more often than not been educated with a background that is more Lithuanian oriented than Polish-Chassidic oriented—as such, such a researcher will be more naturally drawn to works he is familiar with. This is to say that the average student of Bar-Ilan University, Yeshiva University or Hebrew University—where these works are usually written—is more likely to have studied in a Yeshiva with Lithuanian influence than Polish-Chassidic influence.

Practically speaking, not only were there not as many yeshivot in the traditional sense in Poland to perpetuate the thoughts of the Polish Talmudists, but in addition, Polish and Galician Jewry suffered the most and were more strongly hit by the Holocaust and World War II. Many who considered themselves students of Engel were slaughtered by the Germans and almost an entire generation of scholarship was lost. While we are keenly

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10 Maoz Kahana has studied Polish Talmudists in his work (2015). Additionally, in the various works of Levi Cooper he too has analyzed Chassidic Talmudists. However, both of these individuals have a Chassidic background.

11 Indeed, my own interest in R. Yosef Engel was initially piqued as young student in the Chabad Yeshivot system studying the Lubavitcher Rebbe’s Likutei Sichot. There many Chakirot and concepts are based on concepts found in Engel’s work.
aware of the loss of life that the holocaust wrought, the tremendous devastation to Judaic culture and Torah scholarship cannot be overlooked or overstated. R. Yosef Engel was a prolific writer, authoring—according to many accounts—over a hundred works; yet in the wake of the holocaust his unprinted works were lost and we are left with only seventeen of his works. This tragedy likewise occurred with the writings of R. Menachem Zemba, who was reported to have had a tremendous written output; sadly, his writings were lost in the holocaust as well. The effect is that not only were their works lost, but those who would be naturally inclined to research their works were the least likely to have survived the war—thus causing that, to an extent, their writings have been lost to history.

There have been three primary attempts to research R. Engel’s history, each with its own shortcomings from an academic perspective. The first is the work Rishumei Toldot that was printed by his grandson Dovid Morgenstern as an addendum to his work Sh’eirit Yosef. Though there are obviously advantages in a family member authoring memories of his grandfather, as he certainly had more access to information that an outsider would not have been privy to, it nonetheless is its own Achilles heel. Naturally, a family member will have positive biases towards his grandfather and will seek to depict him in the best light thus losing a degree of objectivity. Additionally, instead of his essay being based on research from several angles and perspectives, it is based on family reminiscences and his own perception of his grandfather. While it certainly is an

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12 She’eirit Yosef (Tel-Aviv 1979) is essentially the same as the work printed under the name Chossen Yosef. As the author writes in the preface to the work he was upset the original publisher has stolen the handwritten original of the work and made changes to his grandfather’s writing.
invaluable resource, it obviously is difficult to objectively ascertain the veracity of the anecdotes he reports.

The second biographical sketch was done by Ahron Sorski in his Marbitzei Torah Me’Olam HaChassidut.\textsuperscript{13} Although this piece is adequate as a general overview of R. Yosef Engel’s life, Sorski does not discriminate in the various anecdotes he imparts. It is rather a work of adulation in which the author chose to convey every laudable and admirable tale he could find concerning R. Engel at the expense of portraying an accurate depiction.

An additional issue with this work is that it is almost completely devoid of citations and footnotes. As such, while there must certainly be anecdotes from reliable sources included in the work, it is veritably impossible to separate folklore from fact and reliable sources from hearsay. Consequently, though it is surely a depiction of the legend of R. Yosef Engel, it nevertheless is a rather poor source for discovering the authentic R. Yosef Engel.\textsuperscript{14}

\begin{thebibliography}{99}
\bibitem{13} (Benei Berak, 1986) Vol. 2 Pg. 217-245
\bibitem{14} Additionally, the work deals with his life, but only touches on his method of study.
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The most valuable biographical composition on R. Yosef Engel is undoubtedly *Eleh Toldot Yosef* authored by Tzvi Z’ev Friedman\(^\text{15}\). Friedman runs an organization named *Machon Ohavei Torah* which is dedicated to the publication of R. Yosef Engel’s work and has devoted his life to the study and dissemination of Engel’s opuses.\(^\text{16}\)

What is advantageous about this compilation is that the author spent countless hours interviewing individuals who remembered R. Yosef Engel from Vienna and had a personal or familial connection with him. Extensive documentation was done and for each anecdote an exact citation is provided—often tracing back how the person relating the story is connected to it. In the course of his work Friedman has uncovered partial unprinted manuscripts from Engel, interviewed many individuals and combed the available printed sources for any available information; going through the various Judaic works that provide relevant information, as well as governmental archives and newspapers. As such, tracing his findings to establish the veracity of his sources is a fairly uncomplicated venture, and the work in indeed highly commendable.\(^\text{17}\)

It is therefore superfluous and redundant to provide a biographical sketch of Engel’s life in this paper. Instead, we will focus on painting an intellectual portrait of Rabbi Engel and his relationship to the scholarship of his time—only bringing those anecdotal details that are relevant to understanding his scholarship and methodology.

### 1.2 R. Yosef Engel’s scholarship

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\(^{15}\) Printed as an addendum to his work on R. Yosef Engel, *Tiferet Yosef, Bereishit* (New York 2004).

\(^{16}\) The name *Machon Ohavei Torah* is based on the *Chevrah Ohavei Torah* that was established by R. Yosef Engel’s son in law immediately after his passing to publish his works posthumously.

\(^{17}\) He includes a short conversation as well of various facets of Engel’s methodology of study which was a valuable resource in producing this study.
There are various typologies of Judaic scholarship; there are those who focus respectively on Talmud, Halacha, Agada, kabbalah, philosophy or Chassidut, as well as other streams of Judaic thought. However, usually these various fields remain separate rubrics without heavily influencing each other.

We often think of the description depicted in R. Josef Ber Soloveitchik’s *Halakhic Man* as a person who is totally absorbed in the legal aspect of Talmud—to the exclusion of all else—as being the consummate Talmudic thinker. Such an individual breathes Halacha, thinks Halacha and lives in a world in which everything is viewed within the Halakhic rubric.

While it is unclear exactly who Soloveitchik is describing in his work—or if Soloveitchik is describing an actual individual—even with a cursory reading we can surmise with certainty that Halakhic Man is no Chassid. On the contrary, Halakhic man is uncomfortable with mystical intent being the driving force of a law or a religious experience, apart from the Halakhic experience. Halakhic man cannot fathom why someone would weep while sounding the Shofar on Rosh HaShanah or would make it a practice to read Tehillim on Rosh Hashanah. Instead, his focus is singularly on Halakhic thought to the exclusion of the mystical factions of Torah.18

Upon the publication of Soloveitchik’s essay, it became the subject of a seminar held by Abraham Joshua Heschel. He strongly criticized Soloveitchik’s description, noting:19

*Ish Ha-halakha [Halakhic Man]? Lo haya velo nivra ela mashal haya [There never was such a Jew! It is only an example.] Soloveitchik’s study, though

brilliant is based on the false notion that Judaism is a cold, logical affair with no room for piety. After all, the Torah *does* say, ‘Love the Lord thy God with all thy heart and soul and might.’ No, there never was such a typology in Judaism as the Halakhic Man. There was—and is—an *Ish Torah* [a Torah man], who combines Halakha and Aggadah but that is another matter altogether. In Poland it was a foreign expression to me…

It seems though that both were correct; Soloveitchik was describing the *Mitnagdic* Jew of Brisk, while Heschel was describing the *Chassidic* Jew typical of the Polish environment he grew up in. If it is R. Chaim of Brisk or R. Josef Ber’s father, R. Moshe that represent the archetypical *Halakhik Man*, then in the same vein, R. Yosef Engel represents the consummate *Torah Man*. His scholarship weaves Talmudic logic with *Agada, Derush* and *Kabbalah*, philosophy and *chassidut*—often creating a unified tapestry from what on the surface seem to be two or more divergent streams of thought.

Engel is the consummate un-bifurcated *Gaon* who weaved several streams of Judaic thought into one cohesive whole. This type of Gaon seems more historically correct than the Rav’s depiction. The Rav romanticized a Halachic figure who only seems to have existed during a short blip of Judaic intellectual history—whereas historically, the idea of the supreme *Gaon* had always been of an individual who had mastered all areas of Judaic thought. The typical Lithuanian *Gaon*—perhaps because he was a product of the Yeshiva curriculum—was not necessarily cut from the same fabric as the *Gaon* of Vilna, Rabbi Chaim of Volozhin, or even Rabbi Naftali Zvi Yehuda Berlin, all of whom incorporated divergent streams of Judaic thought.
R. Yosef Engel likewise, to an even greater degree, employed Agada to explain Halakha, Halakha to explain Agada, and brought Talmudic proofs to explain Kabbalistic concepts\(^ {20} \). What was distinct about Engel was not the study of different sections of Judaic thought but viewing them as one cohesive whole. For him, Torah was a singular entity and the division between the different segments was artificial. Though at first glance, the relationship between them may not be apparent, according to Engel’s approach, from a deeper angle—their common denominator is revealed.

In this paper we will attempt to analyze some of the traits of Engel’s work, and trace their roots and development. What follows is a list of Engel’s printed works, together with an overview of the intent of each work:

**Kuntras Ayin Panim LaTorah:** Engel’s first printed work, was printed in Lemburg 1889 when he was 30 years old. In the preface he writes that he had written the work 5 years earlier, meaning that the work was composed when he was only 25 years old.\(^ {21} \) This work is a tour-de-force of Talmudic *charifut* (sharpness) and *bekiut* (proficiency)—attempting to address a single Talmudic question in 70 manners. In this early work one can already experience Engel’s creative perspective to Talmudic study and appreciate his astounding grasp of the corpus of Talmudic thought. Aware that not all of his responses are of the same quality, he writes in the preface of the interconnectivity between the various

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\(^ {20} \) In the preface to Engel’s *Agadic* work *Shev D’Nechemta* he writes “G-d should bestow his kindness upon me, and continue to support me to publish my many novella on halakha and agada.” This work is a prime example of Engel connecting the various facets of Torah. See for example *Mamar 3* (New York 2013) pp. 315-322 where Engel brings 14 halakhic proofs whether on *tosefet mikri akira* (that adding is considered uprooting) to explain an *agadic* thought.

\(^ {21} \) In the preface to *Ayin Panim LaTorah* (New York 2013) pg. 31 the author writes that he wrote the work when he was 20. This is a mistake though: Being that Engel was born 1859, the work printed in 1889, and Engel writing that he wrote it 5 years prior, it is clear that he authored it at 25 years of age.
elucidations, requesting of the writer to read the work in its entirety, as a single unit, instead of viewing it as disparate answers:

I request of any reader that he should not rush to come to a conclusion (about the work) after reading two are three gates, but until he reads the entire pamphlet from beginning to end. For the words of Torah are poor in one place and rich in another (JT, Rosh Hashanah, 3:5). At times it will seem to the reader to ask a question on my words from reading one answer; however, the reverse is the case, as this very question is brought in another answer as a base and foundation to build another answer…I did not seek approbations for the work from the sages of our time, as it is not a Halakhic work and is merely pilpul not worthy of approbation.

It would perhaps seem that some readers did not bother to read the preface, as we find that R. Gershon Stern expresses the exact critique that Engel forewarns, writing the following in his Yalkut HaGershuni:

Already, a pamphlet has been printed on this question entitled, Ayin Panim LaTorah, from the Rav who is famous for his sharpness, R. Yosef Engel of Tarna, who answers this question in seventy different ways. Going through the above mentioned pamphlet, reams of objections arose in my heart. However, I have desisted from printing them. For although the above mentioned rabbi did an incredible work in the above pamphlet and he has many good and new novella,

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22 פלפלת כל شيء, ואני זה דברי רבים
23 Vol. 2 (Paks 1895) Pg. 6. It should be noted that though R. Gershon Stern writes that R. Yosef was famous at the time of the printing, Engel was still a young man, and perhaps was not as renowned as a gaon—it is perhaps for this reason that Stern had no issue with disagreeing with Engel’s conclusions.
nonetheless, any reader will see that the dew of youth rests upon him and that the pamphlet was only intended to sharpen (the mind).²⁴

Stern seems to discredit the pamphlet for the very two reasons that Engel himself called attention to; the reams of objections and that it was written to sharpen the mind are the very points mentioned in Engel’s preface. Engel had already written that (a) the work builds on itself and the very objections one can ask become the foundation of an answer that follows and (b) the work was indeed intended for Talmudic discussion only, rather than for Halakhic finality. Indeed, it can be said, that rather than the work being seventy answers to one question, it is a single answer that goes through seventy alternative possibilities in order to prove its merit.

While further in this paper we will deliberate on the connection between the Lithuanian Analysts and Engel’s methodology, this type of work produced by Engel conveys a focal difference in their approach. While Engel is satisfied with producing a work with bountiful elucidations—some better than others—in Brisk the focus is to find the one true explanation. For Engel though, the process of producing answers itself, “for the sake of pilpul” is already a virtuous objective. The thought process itself enriches the mind and gives a deeper appreciation for the “true answer,” as Engel points out “as this very question is brought in another answer as a base and foundation to build another answer.” Indeed, throughout his many works (especially Atvan D’Orayta) he concludes his thought with the words “ולא באתי אלא להעיר,” my intent is merely to point out. Engel’s goal is to enrich the Talmudic discussion, not the finality of his ideas. To be sure, there is often an

²⁴ It is pertinent to note that this methodology is not only expressed in his earlier works, for his later work Gevurot Sh’Monim is written in a similar style—with a similar disclaimer in the preface.
interplay in his various works, in which he retracts previously made statements and offers new elucidations.\textsuperscript{25}

*Shev D'Nechemta*: is an *Agadic* work printed as an addendum to the *Ayin Panim L’Torah*. In the preface to his *Ayin Panim L’Torah* he writes that he wanted his first work to include *Agada* in addition to *Halakha*—conveying his dual focus in Talmudic study of both the parameters of *halakha* and *agadic* thought.

This work was composed in honor of his mother, whose funeral he had missed and for whom he had not had the chance to properly eulogize. It was therefore written in her merit in place of a eulogy.\textsuperscript{26} It revolves around seven *Agadic* statements that deal with the subject of mourning, all elucidated in a distinctly Engelian manner. The work exhibits a tremendous proficiency in Jewish Philosophy and Chassidut, and extensively quotes the Vilna Gaon—stating that he had authored a work to explain difficult passages in the *Gaon* of Vilna’s *Yad Eliyahu*.\textsuperscript{27} This conveys that Engel was not concerned by the denominational lines of chassidim and mithnagdim, as this work elaborates extensively on the thoughts of both the students of the Besht, and the works of the Vilna Gaon—often in the same chapter using both streams of thought to elaborate on an the idea he is elucidating.

Though Engel mentions in the preface to the work his *Chidushei Aggadot* that he desires to print them, he never merited to print them and they are no longer extant—as such, this

\textsuperscript{25} It is rumored that the Brisker family are not strong fans of Engel’s work, and discourage the study of *Arvan D’Orayta*. Perhaps a difference in methodology is expressed in Engel’s *Ayin Panim L’Torah*. It is perhaps due to the reason expressed above. In Brisk the goal is to find the *one true answer* rather than raise *seventy* answers that can be objected upon. For Engel though the Talmudic discussion—without a conclusion—was just as important as the conclusions themselves. It is no surprise than that this type of study was viewed negatively in the schools of Brisk.

\textsuperscript{26} From the preface to the work.

\textsuperscript{27} *Ma-amor 5, Ofan 3*
works serves as a window into Engel’s *Agadic* methodology. He employs Halachic conceptualizations to explain *Agada*, philosophical reasoning to explain *Agada*, and also includes Kabbalistic and Chassidic reasoning. For Engel, the notion that “the words of Torah are poor in one place and rich in another,” (JT, Rosh Hashanah, 3:5) is a guiding principle in the formulation of his ideas.

In the preface to Engel’s work printed posthumously by his son-in-law, he records that Engel had twenty works on *Kabbalah* “within which he shows the basis of *kabbalah* in the Babylonian and Jerusalem Talmud.” Though the bulk of Engel’s Kabbalistic writings are no longer extent, examples of where he sees Kabbalistic thinking in the Talmud can be found in his *Shev D’Nechemta*. There he writes:\(^{28}\):

> This fact, that *Michael* is the angel of kindness and *Gavriel* the angel of judgment, besides for being accepted in the *true wisdom*,\(^ {29}\) is expressed in many places in Talmud, Midrash Rabba, and Tanchuma. I have gathered them in another place in my *Agadic* writings. I will mention one example as there is a *chidush* in it.

He goes on to explain the Talmudic discussion (Bava Metzia 85b) that compares R. Chiya and his sons to the patriarchs, with the Talmudic discussion (Bava Batra 75a) that states that the angels on high have the same dispute as the sons of R. Chiya. He intimates from this that the “*Lishitatei*” of each opinion is due to their spiritual root either in the quality of kindness or the quality of judgment. So, besides for this work being an important *Agadic* composition of Engel, it as well is an important window into his perspective of Kabbalistic thought.

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\(^{28}\) *Ma-amar*

\(^{29}\) An epithet for kabbala.
*Lekach Tov*: Initially printed in Warsaw in 1891, is Engel’s first work for which he sought approbations. It carries the approbations of R. Avraham of Sochatchov, R. Yitzchak Elchanan Spektor, R. Shmuel Engel and others. The work is divided into seventeen Halachic principles—the numerical value of the word טו"ב—and is the first work in which R. Engel deals with conceptual *Halakhic* classifications.

In his preface Engel writes in poetic prose:\(^{30}\):

I thank G-d with all the feeling of my soul…that His wisdom is the thought of my heart, in it I contemplate from morning to evening, in His kindness he even provided me with a quill to write, to write the offspring of my inquiries on a tablet, I came to this point and today I reached here; the day that my present work is being published, which speaks of many general Halakhic concepts throughout the breadth of Talmud—with G-d’s help much of its objective is to clarify confusions of the roots of Torah and to find a source for them in the corners of the Babylonian Talmud according to my strength and ability with the help of my Living Redeemer…

As he writes, the intent of this work is to analyze the conceptual roots of Torah from all corners of Talmud, not just *localized sugyot*. The opening page likewise echoes this intent. He writes: “The work *Lekach Tov* will discuss general principles and roots of the Talmud.” Instead of focusing on specific laws, he discovers and elaborates on the axioms and principles that those laws are predicated upon, dealing with the “roots of the Talmud” rather than the tree that sprouts from them.

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\(^{30}\) This lends for awkward translation.
While in the preface R. Engel writes that in style it is similar to his work *Atvan D’orayta*, there is an important difference between the two compositions. Whereas *Atvan D’Orayta* deals with more specific Talmudic sugyot, his *Lekach Tov* deals with first-principles that have bearing on the entire gamut of Talmudic thought. While the questions asked in *Atvan D’Orayta* are generally asked by traditional Talmudists—particularly the achronim—the questions posed in *Lekach Tov* and the discussions there are specific to Engel and are an excellent exhibition of his particular Talmudic method.

Amongst the central legal principles discussed in *Lekach Tov* are: (1) the nature of Shlichut, (2) the legal parameters of a post factum action (di-avod), (3) if the legal responsibility of a commandment (chiyuv hamitzvah) commences at the time when the action must be performed or before the time of the commandment (zman hamitzvah), (4) if there are biblical restrictions that serve as preventive means, rather than an inherent prohibition, in and of themselves, (5) the nature of a mitzvah done through a sin—if it is an essential invalidation (psul atzmuti), or rather that it causes the action not to be accepted (sh’eino mitkabel l’ratzon). Similarly, are certain commandments an essential need (chiyuv atmuti) or the negation of its opposite (shlilat davar), (6) if the logic of modus ponens (mima nafshach) is applied to a rabbinical prohibition, (7) if quantity outweighs quality, (8) if quantity of time outweighs quality, (9) if a supplementary matter can at times be stricter than the primary substance (*iy matzinu tafel chamur m’ikar*).}

On each point Engel provides copious sources throughout the Talmud that not only exhibit his incredible proficiency, but more so, exhibit his creativity in his use of those

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31 See section 2.1 for more details of this discussion, and that Wosner mistakenly believed that this original question was first discussed by R. Shimon Shkop.

32 An example of this is the responsibility to eat in a suka, or not to eat outside of a suka. While it seems like a trivial difference, Engel shows the various halakhic implications of this differentiation.
sources and his ability to locate conceptual underpinnings in seemingly unrelated sugyot, which he masterfully employs to prove his notions.

*Atvan D’Orayata:* which means the letters of the Torah, is a book that contains 27 sections corresponding to the 27 letters of the Hebrew Alphabet. Though Engel writes in the preface to *Lekach Tov* that his work *Atvan D’Orayta* is similar to *Lekach Tov* “in its nature, quality, and structure,” in actuality they are somewhat different as mentioned above.

In his preface to the work, Engel seems to be cognizant that it is not on the same standard as *Lekach Tov,* writing:

The dear reader should not be surprised that I only brought before you this small (work), for I had troubles that prevented me from fulfilling my intent to produce a lengthy (work). I was forced to fulfill the expression, “if you have printed a little, you have printed.” It is my prayer to Him, blessed be He, that just as He has helped me in his mercy to compile the small amount I have compiled, so shall He help me to speedily publish my many other writings on Halakha and *Aggada.*

The primary differences between the two works are twofold: (a) While *Lekach Tov* focuses primarily on general discussions that have import to the totality of Talmudic thought, *Atvan D’Orayta* instead deals—for the most part—with localized sugyot. (b) While a prominent facet of Engel’s work is his copious proofs from throughout Talmud to prove his ideas, in *Atvan D’Orayta* the analysis is much more localized to the specific matter under discussion.

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33 The words דפסת מועט דפסת are a play on the expression תפסת מרובה לא תפסת, תפסת מועט תפסת.
Ironically, it is perhaps because of the differences Engel was unhappy with that made it so popular with budding Lithuanian Talmudists—as *Atvan D’Orayta* is by far Engel’s most popular work in the Yeshiva community. The localized discussion in the analytical method and a manner of discussion very similar to the Lithuanian method, engendered an affinity towards the work, causing it to be studied by young students in developing their Talmudical prowess.

R. Morderchay Gifter, the Rosh Yeshiva of Telz (Ohio), testifies that “*Atvan De’Orayta* was one of the works of *ritcha d’Orayta* (the debates of Torah) of the Yeshiva students” in his days in Telz\(^{34}\), and it still is Engel’s most popular work in the Yeshiva world. Friedman, as well, reports that the *Avnei Nezer* remarked, “One who regularly studies this work develops the best methodology of study\(^{35}\).”

Additional evidence to this is that, as opposed to other works of Engel that have not merited a super-commentary, *Atvan D’Orayta* has two super-commentaries devoted to it—one from within the Chassidic community and another from the Lithuanian mithnagdic community.

The first, entitled *Yosef Ometz* by R. Yosef Leib Litman, seeks to source Engel’s work, adds additional locations where Engel discusses the same concepts, at times retracting his statements\(^{36}\), brings from various works that discuss *Atvan D’Orayta*, both overtly and

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\(^{34}\) In a handwritten approbation to the work *Yosef Ometz*. See as well Moshe Shinovitz, *Ishim V’khilot* (Tel-Aviv 1990) Pg. 183 that as well claims that it was a popular work to study in the 19\(^{th}\) century Lithuanian Yeshivot.

\(^{35}\) Tzvi Zev Friedman, *Tiferet Yosef, Toldot R. Yosef Engel*, (Monsey, 2006) Pg. 42 in the name of the Gaon of Tchebin.

\(^{36}\) As mentioned, Engel’s works often convey halakhic analyses, not conclusions. As such, it is common for him to discuss the same concepts in his various works in different manners—often retracting previous statements.
surreptitiously, and adds his own notes and explanations. The second, published by R. Menachem Tzvi Goldbaum—a student of Rabbi Simcha Wasserman—re-published *Atvan D’Orayta*, with his own commentary, *Essek Atvata* which includes in the footnotes “thoughts, notes, sources and questions.”

**Beit HaOtzar:** Though his son-in-law wrote that R. Yosef Engel compiled 30 volumes of a Talmudic encyclopedia, only the first two volumes, printed in R. Engel’s lifetime are extent. In this work Engel creates creative categories not typically found in a Talmudic encyclopedia, and employs a vast array of works to prove his points—from Talmud to Midrash, from *Rishonim* to *Achronim*, from works of Jewish Philosophy to works of Kabbalah. Instead of being a typical encyclopedia it is more similar to his work *Lekach Tov*, as it is a thorough discussion of the various creative sections, rather than a mere compilation of ideas.

**Tziyunim L’Torah:** Is a work that was primarily written in R. Yosef Engel’s youth and, in his words, discusses general Talmudic principles in short-hand.

In the preface Engel writes:

37 From the authors description in the opening page. Printed as an addendum to *Atvan D’Orayta* (Jerusalem 2014)
38 From the opening page of the work (Jerusalem 2014)
39 The first was printed 1903 and the second 1908. From what his son in law writes, it seems that there were 30 additional works, making there being 30 unpublished volumes of the *Beit Ha’Otzar*.
40 What follows are some examples of a few section to get a picture of the type of creative categories he includes: His first section is built of a 24-part discussion as to whether the Israelites were considered *Bnei No’ach* before the giving of the Torah, the second section deals with if the Talmud (Berachot 15b) states that “we only call three individuals patriarchs,” why does the Mishna, Ediyot 1:4 refer to others as “avot ha’olam?” The forth section deals with the halachic classification of “father” begins at birth or if the father of a fetus is also referred to as a father as well. The seventh section deals with if a dead person can be referred to as an “adam.” The tenth section deals with a fetus can be called an “adam,” or if a person is only classified a person in birth. The thirteenth section deals whether a woman is referred to as “adam” in the language of the sages (*b’lashon chachamim*). Section twenty-two deals with if the space of a thing is considered the thing itself. Section 24-28 deal with the halachic concept of “ones, rachmana patrey,” and how it pertains to various mitzvot. Section 33 deals with the amount of times that Rabbi Yehuda HaNassi states the formula “omer ani, (I say)” and the significance of this curious formula. Section thirty-six deals with if swallowed food is still called food.
Tziyunim L’Torah discusses various general principles and is made of 40 sections, the vast majority of which are from my youth. I added to the work every once and a while, and now too, I went through its parts and added much. Also (I added) many complete and great sections that I conceived of recently, with G-d’s help. I called the work Tziyunim L’Torah, as I merely noted and marked places for researching the matter for the reader—giving him the right to come to (his own) conclusions.

Gevurot Shemonim: Is similar to his first work Ayin Panim L’Toraḥ, and gives eighty answers to a single Talmudic question, all interwoven to create—in essence—one answer. ⁴¹ Here too, in the preface he asks the reader not to come to conclusions about the work until he has read it in its entirety, instead of merely a few sections.

Ben Porat: Is a two volume work of R. Engel’s responsa. The second volume, printed in 1913, was the last of R. Engel’s works printed in his lifetime. While Engel’s other works provide insight into Engel’s study of Talmud, on a theoretical level, this work imparts understanding of Engel’s manner of ruling on Halacha.

Gilyonei HaShas: is a work compiled from the margins of R. Yosef Engel’s personal Talmud. Similar to Beit HaOtzar in which he includes thoughts from the gamut of the Judaic corpus, here too R. Engel records citations and references from the full scale of Judaic thought that shed light upon the Talmudic topics under discussion.

In R. Shlomo Zevin’s Sofrim V’Sefarim he describes three characters of this work:

There are three features to Gilyonei HaShas: references, novel ideas, and comparisons. The majority of the references do not say anything besides a

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⁴¹ Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 43.
citation…It is understood though, that when we check the sources we find matters pertaining to the understanding of the section…the novel ideas and comparisons nurse from each other. Each one has what the other one has, the difference is in their purpose. In his novella, whether he is intent on explaining or analyzing the Halakha, he supports his words with creative proofs that convey the unique proficiency (bakiut) of the author. In his comparisons, whether he states his intent clearly or not…we find a new light. In his novel ideas he inevitably, through clarifying the idea, is lead to comparisons; and in his comparisons it is the reverse; the novel idea is a derivative of the comparison…At times of need, the author also knows how to correct the text…

*Otzrot Yosef:* Is a five volume work printed posthumously. In truth though, it cannot be said to be one work but it is rather five different works under the same title.

The first volume is on *Yorah Deah* and includes *Halakhic* elucidation, as well as conceptual classifications of the laws.

The second volume is a pamphlet about the laws of *Shemita* as it applies in our times. He comes to the conclusion that *shemita* today is a rabbinic commandment and permits the sale of the land to a non-Jew (*heter mekhira*) to remove the laws of *Shemita* from it. This pamphlet was written in response to R. Yisroel of Kotz-Pilov’s pamphlet entitled “*Torath HaShvi’it*”, which came to the opposite conclusion on both of the above points.

An interesting facet of this work—besides its creative conclusions—is that it delivers a view of R. Yosef Engel’s learning vis-à-vis others. Engel goes through each point of the deductions of R. Yisroel of Kotz-Pilov and deconstructs his arguments, showing where
he is mistaken, both in his understanding of the Talmudic section under discussion and in his general methodology of learning.

The third volume includes a responsa to permit an aguna from the First World War to remarry and a derasha for Shabbat Shuva. The fourth volume includes eight derashot from various occasions; therein are the dersahot that he spoke in various synagogues, many written in the style of Maharal. The fifth volume includes the only extent Kabbalah works of Rabbi Engel, entitled Ma-amar HaLavana and Ma-amar David.

_Chosen Yosef_ (She’eirit Yosef42): Is a work on the tractate of Kiddushin, Chidushei Maharit, and Avnei Miluim.

In the beginning of _Otzrot Yosef_ volume 3, R. Yosef Engel’s son-in-law R. Yitzchak Menachem Morgenstern lists Engel’s various unprinted works that were ready to be printed—sadly funds were not raised before World War Two broke out and the manuscripts were lost during the war. Included in the list are 30 volumes of a Talmudic Encyclopedia similar to Beit HaOtzar; 20 volumes on Kabbalah showing how Kabbalah is rooted in the Babylonian and Jerusalem Talmuds; 15 volumes of central topics in Kabbalah; 8 volumes of a Kabbalistic interpretation of Tanach, 1 volume on the laws of Eiruv; 6 volumes of a Talmudic encyclopedia similar to Beit HaOtzar, but on the Jerusalem Talmud; 8 pamphlets of Derashot; 11 volumes of pilpul and chidushim from his youth on Talmud and an explanation on Tanach.

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42 His grandson, Dovid Morgenstern printed the same work under the title She’eirit Yosef in 1979. In the preface he writes that he did not appreciate how the publisher had changed the manuscript adding points that were not from Engel and that they never returned the original manuscript. He therefore decided to reprint the work himself under a different name.
While in all probability these works will never be recovered, it is surely of importance to appreciate the works that have survived. Studying Engel’s works reveals a novel and individualistic methodology of study that was both particular to him on the one hand, and influenced various great Talmudists on the other hand.

1.3 Methodology of Study

R. Yosef Engel’s methodology of study was highly original. Having never studied in a standard Yeshiva setting—being primarily autodidactic—he developed an idiosyncratic style with distinctive characteristics that are typical of all his works. Whereas the Brisker method of localized analysis is more accessible and replicate-able to those who do not have wide-ranging proficiency in the entirety of Talmudic thought, a student of Engel cannot truly replicate Engelian dialectics until he himself is proficient in the whole range of the Judaic corpus. Engel’s comparisons incorporate the entirety of Talmudic thought, and each concept is not derived from a single locale, but rather through a creative analysis of copious sources.

Indeed, it is perhaps due to this that the Brisker method gained popularity whereas Engel’s method did not reach the same fame. Though a student of Engel can gain greater perspective in his creative perception of Talmudic reasoning and develop a methodology that shadows Engel’s, he cannot truly be Engelian himself until he has thorough competence of Talmud, deductive and inductive reasoning, philosophical thought, Kabbalah, Chassidic thought, and the corpus of Judaic responsa and scholarship.
Though there are various facets constituting the nature of R. Yosef Engel’s scholarship—all of which necessitate in depth study—we will suffice with a brief overview of some of the most outstanding traits that, hopefully, will be researched at a future date in greater depth. We will deal with (a) creative proficiency, (b) organization and classification, (c) *Shoresh HaDin* and conceptual identification and his analytical method.

*Creative proficiency:* In the world of computers with searchable digital databases, it is often difficult to appreciate standard proficiency (*bakiut*) of Talmud and the corpus of Judaic thought. With a few clicks and some perseverance, any efficient researcher can locate the pertinent places throughout Talmud, *Rishonim* and *Achronim* in which a specific idea or topic is mentioned; add to this the various Talmudic Encyclopedias that familiarize the reader with the Halakhic discussion and any adequate researcher can have a basic proficiency of whatever subject he wishes to study. What this brings about is a world in which the trait of Talmudic *bakiut*-proficiency is not as important or appreciated as it was in the past.

However, Engel’s familiarity with Talmudic sources is a qualitative proficiency that surpasses both superficial proficiency and in-depth proficiency. For our purposes, we will refer to it as, “creative proficiency,” as it entailed bringing a fresh and creative perspective to the numerous citations he mentioned. Engel possessed the remarkable ability to mine the Talmud for precious pearls and cull ideas from it that even an attentive reader would not normally notice. Often his citations create a paradigm shift in the meaning and focus of the section he quotes, revealing a depth in a Talmudic section that had seemed straightforward, inconsequential and insignificant.
In Zevin’s *Sofrim V’Sefarim* he writes the following concerning Engel’s Talmudic proficiency:

There is a unique path that the author has in all his compilations; “independent proficiency” not found in those that are great in Torah and not common in (Torah) books. [He exhibits] proficiency of comparisons and surprises, revealing the point of comparison of the idea being analyzed in places that we would never have thought of. The reason is not due to the fact that “the words of Torah are impoverished in one place and wealthy in another,” for if the “one place” is revealed and articulated, the “wealth” is available to anyone who has “a hand in Talmud.” However, there are places that the “wealth” is covered and hidden; the “pearl” is concealed by “earthen shards.” Standard proficiency, even when it is great in the quantitative aspect, will not be sufficient to locate those hidden treasures. Through the unique sensitivity of the author, he recognizes a logical point that is hidden in a well-known idiom of Razal; he reveals it and displays it for all. His broad proficiency—in the normative delineation—assists him in adding to that point, copious references from the Babylonian and Jerusalem Talmud and from all of the “chambers of Torah” of the Talmudic library.

While many have the ability to locate the central theme of a Talmudic section, Engel had the ability to see how seemingly trivial aspects of a Talmudic section were actually central as well. This was due to his study of not only analyzing the section under discussion, but of locating the conceptual paradigms that were conveyed in it as they pertained to a general Talmudic clause. Engel did not only *know* Talmud, he was a

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43 R. Shlomo Zevin, *Sofrim V’Sefarim*, (Tel-Aviv 1959) pp. 150-151
master of Talmud and employed his keen ability to manipulate the data and bring out new modes of thought.

Organization and classification: In general, in the 19th century the style of locating Talmudic principles and analyzing them became popular in rabbinic literature (possibly due to the influence of Haskalah, in which similar projects were taking place). Such works as R. Avraham of Sochatchov’s Iglei Tal, R. Shimon Shkp’s Sharei Yoser, R. Moshe Avigdor Amiel’s HaMidot L’Cheker HaHalakha and the Talmudic Encyclopedia are prime examples of what became popular methodology. This approach, as well, is one that Engel strongly employed and it can be said that he was a pioneer in this practice, setting the groundwork for later projects.

In the works Lekach Tov, Atvan D’Orayta, Beit HaOtzar and Tziyunim L’Torah Engel conveys that his intent is to locate and explain “general principles and conceptual roots” of the Talmud. In doing so, he created bountiful categories found in works before him, including completely creative conceptions that had gone unanalyzed prior to him.

Lekach Tov locates 17 categories, Atvan D’Orayta locates 27 categories, Beit HaOtzar locates 237 categories, and Tziyunim L’Torah locates 40 categories; altogether locating 321 categories. This is besides the 30 additional volumes of a Beit HaOtzar type of work and 6 volumes of an encyclopedia of categories on the Jerusalem Talmud that his son-in-law informs us Engel had prepared for publication. It is safe to conclude that locating categories and developing them, was a central theme of R. Yosef Engel’s Talmudic approach. He wished to systematically locate the various Talmudic clauses, elucidate them in a clear manner and make them available to the student of Talmudic thought.
While cursory thought does not suggest that identification of categories is particularly distinct or unusual, it is in fact symptomatic of an especially unique and independent mind. Only an individual who does not see Talmud—or any thought for that matter—in its normative rubric, can cull from the corpus of Talmudic thought to locate new rubrics and categories. Classification is not merely to discuss rules and categories that every Talmudist knows exist, but primarily to creatively see entire classifications, rules, and categories in areas that had hitherto gone unnoticed.

This indicates a perspective toward Talmud unlike the vast majority of Talmudists who studied Talmud in the normative rubrics rather than creating new ones, and the ability to strip away the specific case under discussion and instead seeing the inherent logic that guides it. It was this aptitude that gave him the capability of creating new conceptual classifications culled from the corpus of Talmudic literature.

When one views the Talmud with a fresh mindset—escaping previously held rubrics—he is able to create a paradigm shift in Talmudic analytics and create new categories of thought where others saw nothing. While standard Talmudic study locates the central sugyot and within those sugyot, locates a central theme, Engel had the ability to view each Talmudic discussion—even those that seem minor or Agadic—as central because the inherent reasoning of these discussions often holds considerable importance in creating entirely new conceptual categories. What seems minor in one Talmudic section can be of utmost importance in entirely different discussion.

An additional facet in Engel’s method of learning that was constructive in developing new categories, was his profound in-depth knowledge, conceptualization and abstract reasoning of the various of Talmudic tractates—and other Judaic works. Whereas the
student of Brisk dealt primarily within the rubric of monetary law, laws of *Ishut*, and *Kodshim*—viewing Talmud from a narrow paradigm—Engel’s Talmudic study covered the full length and breadth of the Talmud. This gave him the ability to create abstract constructs and paradigms not found in the thought of the Lithuanian Talmudists. He was able to step back and look at Talmud from an all-encompassing vantage point, and see the grander picture and the underlying logical implications of the various Talmudic *sugyot* dispersed throughout the Talmud. As such, instead of viewing Talmud within a certain system of legal analysis, he was able to step back and cull the essential principles of the entirety of Talmud.

It is partially due to this that the types of categories he deals with are entirely different than the classifications of those who preceded him. Instead of discussing the same principles and rubrics as others he often created entirely new-constructs in a highly original manner—creating paradigm shifts in the very building blocks of Talmudic logic.

Whereas other Talmudists discussed logic and philosophical underpinnings without ever studying logic or Judaic philosophy, Engel studied—and quotes—the logical works of Maimonides’ *Milat HaHigayon* and Judaic philosophers from Maimonides, *Ikarim*, until Maharal and the works of Chassidic and Kabbalistic thinkers. He approaches Talmud with the tools of a logician and philosopher—not merely as a traditional Talmudist, only schooled in Talmud. This additional model of thought deeply supplemented his Talmudic reasoning and effected his manner of thinking and the conclusions he reached. So, although other Talmudists have a deficiency in discussing logic or philosophical underpinnings without ever having studied either field, when Engel discusses these underpinnings it is congruent with the works of Judaic philosophy and logic.
As an independent thinker and autodidactic he did not view Talmud from the parameters thrust upon him by teachers, nor was he limited by the usual schools of thought. Instead he created entirely novel conceptions, paradigms, questions and rubrics unhampered by notions that are taught not be questioned. Instead he analyzed each Talmudic concept, rediscovering it himself and attempted to plumb to the core of its essential reasoning.

Schooling is undeniably a double edged sword; for while an academy teaches a student how to think and study, it also creates a monolithic community, in which all its affiliates and constituents think in similar patterns and methods. It therefore is often the autodidactic who, being unbound by these strictures, can be creative and think “outside of the box” and create paradigm shifts in long held conceptions and thought constructs. It is the independent thinker, who was not taught how to think, but rather developed his own independent and particular method that has sufficient plasticity to challenge long held notions and ideas, replacing them for alternative constructs.

While it is clear from R. Engel’s works that he studied the Talmudic commentaries of the Achronim, there is anecdotal evidence indicating that he only did so after having become completely proficient in Talmud in his own right and having developed his own perspective.\footnote{Natan Gestetner, \textit{Sichot Melava Malka} Vol. 1 (Benei Berak 2006) Pg. 24}

An individual from the city of Bendin, Poland [where R. Yosef Engel lived] told me that once R. Yosef Engel traveled to Warsaw to purchase a large quantity of books. He was asked why he suddenly felt the need to travel to Warsaw to purchase books, since his regular habit was to sit at home writing Torah thoughts all day? He responded that as long as he was not completely proficient in Talmud
he had no desire to look into other books. However, now that he already was proficient in all of Talmud, he traveled to purchase the works of the *Rishonim* and *Achronim*.

While it is not possible to fully verify this story it is entirely congruent with his uniquely independent study style. For, rather than viewing Talmud through the preconceptions of other *achronim*, he approached it as a *tabula rasa* without preconceptions—thus giving him the freedom and ability to develop a novel approach to Talmudic study and develop innovative thought constructs.

*Shoresh HaDin:* Though Engel is not unique in the search for the conceptual roots of Halachic concepts, what makes him distinct is his search not only for the logic that drives *specific* cases, but in his search for the essential premises of Talmudic logic as a whole.

While R. Shimon Shkop’s work of legal theory *Sharei Yosher* consists of normative classifications and for the most part, is made up of the same categories of R. Aryeh Leib Heller’s *Shev Shmaitta*, Engel’s categories are both unique to himself and plumb the depth of Talmudic logic itself.

Engel’s uniqueness regarding his search for *shoresh hadin* and the conceptual underpinnings of Talmudic law will be further analyzed in the following section in its relation to the Lithuanian Analysts of Brisk.
2.1 R. Yosef Engel and the Lithuanian Analysts

One of the central characteristics of Rabbi Yosef Engel’s Halachic methodology is his persistent search for *Shoresh HaDin*—the philosophical conceptual roots underlying Halachic ideas. In Engel’s *Lekach Tov* and *Atvan D’Oraytha* he analyzed many of the same questions tackled in the Lithuanian analytical academies and he discovered and categorized Halachic axioms and principles that had never previously been identified.

In his *Lekach Tov* he analyzes the nature of the concept of *Shlichut*;45 whether the obligation of a time bound commandment commences at its actual time or prior to it, whether certain commandments are essential imperatives (*Chiyuv Atzmiyu*) or merely the negation of their opposites (*Shliha*), whether quality outweighs quantity or vice versa, whether the quantity of time outweighs quality, whether an effect can be more stringent than its causes and many other central and vital *Chakirot*—that have relevance throughout the length and breadth of Talmud.

In his *Atvan D’Orayta*, which is probably his most popular work in the “yeshiva world”, he likewise deals with many of the same questions posed by the Lithuanian Roshei Yeshivot. Whereas, for the most part, in this *sefer* he deals with specific *sugyot*, as opposed to general principles,46 he nonetheless discusses these matters using an analytical

45 Discussed by R. Shimon Shkop, see later for a discussion of R. Yosef Engel’s influence on Shkop.
46 However, see *klal yud*, which discusses whether or not time bound commandments or rabbinic edicts apply to the *chefza* (object) or to the *gavra* (person), *klal yud gimmei* on the definition of *ones*—whether it removes the obligation or whether the person is obligated although he is unable to perform his obligation, *klal choq gimmei* on the ramifications of the lack of intent (*kavana*) versus the negation of intent, *klal yud zayin* on the parameters of *hefker* and *klal choq* about prohibitions that are in the *pe’ula* (act) and the *kabalat hape’ula* (the effect).
method that bears remarkable similarities to the discussions of these issues as they appear in the works of the Lithuanian analysts.

An example of this is a study of the concept of *mit’asek be’chalavim v’arayot* as it is found in R. Yosef Engel’s *Atvan D’Orayta* and the manner in which the Lithuanian analyst, R. Elchonon Wasserman examines the same question in his *Kovetz Shiurim*.

The Talmudic discussion revolves around the verse (Vayikra 4:23) “If his sin that he has committed is made known to him, then he shall bring his offering; an unblemished male goat.” The Talmud (Krithuth 19a) understands that one is only responsible for a sin if there was intent, however, if a person committed a sin in a manner of *mit’asek*—an act that lacks purpose and intent—he is not responsible for his action.47

In discovering what type of action would be exempted as being without purpose, the Talmud (*ibid*, 19a-b) states:

R. Yehoshua stated: It says, “That *he* has committed”: it must be known to him wherein he sinned. And for what purpose does R. Eliezer employ the word ‘wherein’? — To exclude unpurposed action. To what kind of unpurposed action does he refer? If it is concerning chelev or incestuous intercourse, surely he is liable! For Rav Nachman said in the name of Shmuel: Unpurposed eating of chelev or unpurposed incestuous intercourse is subject [to an offering] because, after all, [the offender] has derived a benefit thereby. — It rather refers to unpurposed labor on Shabbat, in which he is exempt, because [on Shabbat] the Torah only forbade purposive work.

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47 *Mit’asek* means “absentminded action”. It connotes a transgression resulting from an unpurposed act in which there was no intention to commit the prohibition.
In analyzing the difference between *chelev* and incestuous intercourse (in which the offender is not exempt because, after all, “[he] derived benefit thereby”) and prohibitions that must be “purposive” for liability to apply, R. Yosef Engel explains:\(^{48}\)

This is only possible in a situation...where what the Torah forbade is the act itself. In such a case, when he had no intent it is as if he did nothing at all and did not transgress the Torah prohibition.

However, in regard to eating and incestuous intercourse the Torah was not particular about the action—but rather about the experience of pleasure; that a person should not derive pleasure from the consumption of *chelev* or from incestuous intercourse. In support of this notion, the Talmud (Shavuot 17b) states concerning a man who was cohabiting with a *niddah* and immediately withdrew with a “live” organ, that he is liable for *kareth*, since “his withdrawal is as pleasant for him as his entry,” (see there). What is understood from this is that although the separation is not an *act* of cohabitation (*biya*)\(^{49}\)—and on the contrary, it is a withdrawal—nonetheless, since it involves the pleasure of cohabitation (*biya*), it is forbidden.

The difference between an act in which Torah forbids the *action*, as opposed to an act in which Torah forbids the *pleasure* derived from the action, is used by R. Elchonon Wasserman, as well, in explaining this very Talmudic discussion.

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\(^{48}\) *Artan D’Orayta, Klal 24 ot 5. Ba’Inyan Mitasek Ba’Chalavim U’verayot Chayev, Sh’ken Nehene* (Jerusalem 2014) pg. 352

\(^{49}\) Literally translated as entering. What is understood is that the act of withdrawal carries the same prohibition as the act of entrance—though they are opposite actions. This is because here the Torah is not concerned about the *act*, per say, but about the pleasure of the act and the pleasure in withdrawing is similar to the pleasure of entering.
In his *Kovetz Shiurim*, R. Elchonon Wasserman explains:\(^{50}\)

We find that there are two types of commandments: a) In which the action done by the individual is the essence of the mitzvah. b) In which the main mitzvah is the *effect* of the action, for example, redemption of captives or procreation…\(^{51}\)

Similarly, this differentiation exists regarding prohibitions, for example when the [Torah] forbids the *act* from being done. However, if the act is done [absentmindedly] on its own, the Torah is not at all particular about it. An example is the labor of Shabbat and the like. In such a circumstance an unintentional act is permitted—as it cannot be considered that the *person* did the act, but as if the act was done of its own accord….

This can also be explained regarding unpurposed action (*mit’asek*); in such a case the verse teaches that it is regarded as if the act was done of its own accord and not through the individual. Therefore, there is no prohibition. However, concerning *chelev* and incestuous intercourse in which the *act* itself—irrespective of the individual—is forbidden, in that the he derives pleasure from the forbidden consumption; even if it cannot be considered that he [consciously performed the act] but that it was done of its own accord, nonetheless, the Torah was particular that a person should not derive pleasure from forbidden food. It is because of this

\(^{50}\) *Kovetz Shiurim* Vol. 2 23:6  *Ba’Inyan Mitasek, V’davar Sheino Mitkaven* (Tel-Aviv 1989) Pg. 44

\(^{51}\) He goes on to discuss the various ramifications of this conceptual difference. R. Yosef Engel also discusses the cases he mentions: See *Arvan De’Oryata, Klap* 22 Sec. 3 (Jerusalem 2014) pp. 337-339 that discusses the exact parameters of the commandment to procreate. There, R. Yosef Engel comes to the conclusion—similar to R. Elchonon Wasserman—that the mitzvah is the ultimate effect (*toz’ah*) of giving birth to children, whereas the essential action (*guf ha-ma’ase*) is only a preparatory act (*hechsher mitzvah*). During the discussion Engel comes to the same conclusion about circumcision as well. This is similar to the conclusion that Wasserman arrived at above and in a letter he wrote to R. Menachem Kasher, *Miluyim, Kovetz Ha’Arot* where he writes “in a situation where the primary command is the result of the action, such as procreation.” In the above letter R. Elchonon Wasserman also arrives at the same conclusion concerning circumcision (note 34), *Kovetz Ha’Arot* 11:1, and *Kovetz Shiurim Ketuvot*, 249-250.
that if a person derives unpurposed [pleasure] from chelev he is liable, because in such a case it is of no consequence that the verse teaches us that it is as if the act was done of its own accord.

Here Rabbi Wasserman’s analysis is almost indistinguishable from that of R. Yosef Engel who discriminates between a case in which the prohibition is the act and a case in which the prohibition is the pleasure derived from the act. The resemblance is not merely that they both resolved the issue in the same manner, but is rather indicative of a similarity in the methodology of analysis and study\(^52\). Both reclassified Torah’s prohibition to discover the exact parameters of what Torah forbade, the act itself (pe’ula) or the effect (totza’a) of the act. This is a type of analyses that is popular in the Lithuanian school of analytics, and as the above section from Engel expresses, employed by Engel as well.

In the Brisker school this kind of analysis of shtei dinim (two rules) is commonly used to resolve difficulties. Instead of answering a particular question directly, the root of the issue is analyzed. When the underlying intent of the law is understood, the question inevitably dissipates. Both Engel and Wasserman did this in the above case of mitasek b’chalavim. Rather than trying to explain that by its very nature pleasure connotes intent,

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\(^52\) Another example of the similarity between their analytical thinking is in Kovetz Inyanim, Chulin (Benei-Berak 1975) pg. 23. There R. Elchonon Wasserman differentiates between shechita and treifa in the same manner that R. Engel does in his responsa Ben Porat, Vol 1, 4:1 and 9:6. See as well Kuntras Divrei Sofrim (Tel-Aviv 1989) pg. 92 where R. Wasserman overtly quotes a question asked by R. Engel in Atvan D’Orayta concerning the law of demai. Kovetz Inyanim (Benei Berak 1983) pg. 6 also brings a conversation about demai discussed by R. Engel, Atvan D’Orayta, 6, Beit HaOtzar Vol. 1:122, 1:125 whether there is a prohibition of demai in a case that a person consumed demai (grain of an individual who is not known to be careful on terumot and ma-asrot), that in retrospect teruma was indeed given—though there had been no knowledge at the time of consumption. This same question and proofs are also employed by Engel. See as well Kovetz Inyanim, Chulin pg. 41 where the same logic is used by R. Engel in his Beit HaOtzar 1:37, Kovetz Inyanim, pg. 28 where a discussion of rubo k’kulo is the same as Engel’s discussion on the topic Lekach Tov 14:3
as others attempted to deal with the question, they defined the essential differences between the various Torah prohibitions and commandments, and the difficulty automatically dissolved.

R. Elchonon Wasserman was born in 1874 and began his studies in Telz when he was 15 years old, in the year 1890. His work Kovetz Shiruim was printed from a student’s notes of his shiurim. Engel’s Atvan D’Orayata—originally published in 1891—was popularly studied in Telz, especially by the younger students. It is therefore quite plausible that R. Wasserman was first exposed to R. Engel’s writings as a young student in Telz. Moreover, since the various works of R. Wasserman were indeed written by his students, it is very possible that Rabbi Wasserman was aware that he was using Engelian constructs in his lectures—though this may have either been unnoticed by his students or omitted when they wrote down his teachings.

Being that Engel’s writings were already published in 1891, when many of the second generation analysts were students, it is highly plausible that Engel’s various works

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53 See R. Yaakov Yisrael Kanievsky, the “Steipler Gaon” in his work Kehilat Yaakov, Shabbat 35 Ba’Inyan Mitasek Ba’Chalavim U’verayot Chayev, Sh’ken Nehene. (Benei-Berak 1989) pp. 97-99. There, after discussing the opinions of R. Yosef Engel and R. Elchonon Wasserman he disagrees with R. Yosef Engel and comes to the conclusion that hana’a achshavei—that the pleasure itself is important—and it is considered that one had intent for the pleasure. Meaning to say, instead of saying that there are commandments where the Torah is not particular about the intent (or act itself) but rather what results from the act (the pleasure), he explains that there is no essential difference in the type of commandment (there aren’t two dinim). Rather, when a person has pleasure, it is as if they had intent. This reasoning is a more standard method of reconciling the difference between chelev and Shabbat, and explaining the concept of “shken nehene,” (deriving pleasure).

54 He studied there under R. Eliezer Gordon and R. Shimon Shkop until 1897, studying afterwards in Brisk under R. Chaim Soloveitchik. In 1910 he was appointed by R. Yisroel Kagan, “the Chofetz Chaim” as the Rosh Yeshiva of the mesivta in Brest-Litovsk, serving as the head of various yeshivot until he was murdered at the hands the Nazi’s in 1941, may their memory be obliterated.

55 In a handwritten approbation to the work Yosef Ometz, R. Mordechai Gifter (Rosh Yeshiva of Telz) writes: “When I was young man in Telz (Lithuania) the work “Atvan De’Orayta” was of the works of ritcha de-orytta (the fighting of Torah) of the Yeshiva students. His chakirot in the roots of Halacha were a pleasurable source to add to and to be mepalpel in his proofs and disputations.” See as well Moshe Shinovitz, Ishim V’khilot (Tel-Aviv 1990) Pg. 183 which makes a similar claim.
influenced their methodology of thought.\textsuperscript{56} Sadly however, this influence—which is very important in understanding the cross-pollination of Polish and Lithuanian Talmudic scholarship—has yet to be researched in any serious manner.

While many authors and writers have analyzed the 19\textsuperscript{th} century analytical schools of Lithuania - their endeavors in Talmudic methodology and their significance in the \textit{olam haysheviot} - much less research has focused on Chassidic Talmudic thought during that era, or the interplay, overlap and cross-pollination of the two schools.

The typical Lithuanian Rosh Yeshiva did not deal with practical law, but with legal theory and conceptualization. This was distinct from the traditional Torah scholar whose proficiency in Torah often meant that he would need to arrive at practical Halachic rulings as the Rav of a town or city. The typical Lithuanian Rosh Yeshiva, on the other hand, did not necessarily see himself as a decisor of Torah law.\textsuperscript{57} Rather, the Lithuanian Rosh Yeshiva lived in the rarified world of legal theory, having little practical influence

\textsuperscript{56} In Norman Solomon’s, \textit{The Analytic Movement in Rabbinic Jurisprudence}. (Ph.D. Diss. University of Manchester, 1966) pp. 67-120 he discusses 12 analysts; of those analysts, it appears that at least 6 were students during the time that R. Engel’s works were published and others seem to have been influenced by his writing as well—as we will see further in this study.

\textsuperscript{57} See Marc B. Shapiro, \textit{The Brisker Method Reconsidered}, Tradition: A Journal of Orthodox Jewish Thought, Vol. 31, No. 3 (Spring 1997), pg. 91 that it “is known that R. Hayyim used to have the Dayyan of Brisk, R. Simha Zelig, decide matters of practical halakha.” He brings an anecdote quoted by Zevin, \textit{Ishim Veshitot}, Pg. 54 “It is well known that R. Hayyim once requested a pesak from R. Isaac Elhanan Spektor, but stated that he wished to hear only the conclusion and not the reasoning. Had he heard the reasons, it is likely that he would have had to reject them and together with this, the pesak. However, if he only heard the decision, he could rely on the authority of R. Spektor.” In explaining why R. Chayim would not rely on his own ruling Zevin states (\textit{ibid}, translated in Jacobs, Tree of Life, pp. 66-67) “R. Hayyim was aware that he was incapable of simply following convention and that he would be obliged, consequently, to render decisions contrary to the norm and the traditionally accepted whenever his clear intellect and fine mind would show him that the law was really otherwise than as formulated by the great codifiers. The pure conscience of a truthful man would not allow him to ignore his own opinions and submit, but he would have felt himself bound to override their decisions, and this he could not bring himself to do.”
on practical Halacha. Indeed, after years of Talmudic study many students were unqualified to rule in practical Halachic issues, but were legal theorists instead.58

This practice, in which the Talmudist operates in the abstract without having bearing on the practical dealings of Halakha, was foreign to the traditional Talmudic approach in general and to the method of the Polish Talmudists in particular—it surely was alien to R. Yosef Engel, who primarily served as a rabbinic judge. While conceptualization was very important to him, it had practical implications within Halacha as well and the theoretical was not separated from the practical.

Given the difference of approach—notwithstanding the similarities—it is safe to assume that the difference was the result of different notions concerning Torah study. Besides the probable axiomatic differences in their world view, it possibly is also due to the origins of their methods. While it has been postulated that the Brisker method and its extensions were a reaction to modernity and enlightenment, the methodology of R. Yosef Engel and his colleagues was rather an outgrowth of Chassidism and of the Maharalian thought—as we will attempt to demonstrate.

Various researchers have suggested that the analytical movement developed in the Yeshivot of Lithuania should be viewed as a reaction to modernity and the enlightenment movement, and is expressed in their method and students.59

In describing Brisk’s response to the Haskalah movement, Chaim Saiman writes: 60

The program of legal conceptualism initiated by the Briskers arose when Eastern European Jewry was undergoing radical transformation. In a few short decades, a movement of secularization and emancipation known as the Haskalah altered the face of European Jewry. Communities that for centuries had adhered to halachic lifestyles quickly assimilated and abandoned the traditions of their fathers. The Briskers’ less than fully conscious response to these radical structural changes emerged from deep within traditional culture. They went back to the Halachah—the very basis of traditional life—and retooled it to confront modernity. In the Briskers’ hands, Halachah was transformed from a seemingly endless collection of technical details concerning religious-legal practice, into an elegant system of interrelated legal concepts. This move increased the analytical depth of the legal system and gave it the wherewithal to stand up to the social and intellectual critiques advanced by the Haskalah. The program succeeded because it was able to at once reaffirm traditional theological commitments—the Divine origin and immutability of the Halachic legal system—while offering a response to the most trenchant critiques of traditional Jewish study and observance.


Echoing this belief is Marc Shapiro who writes in his review of the Brisker method that it was the strongly held belief of R. Josef B. Soloveitchik that Brisk and its environs were an answer to modernity:  

Solomon's assumption that R. Hayyim and the analytic school were engaged in a struggle with non-traditional forces for the soul of Jewish youth is not new. R. Joseph B. Soloveitchik claimed that it was precisely R. Hayyim's approach which showed talented youth that Torah study was not any less modern or intellectual than the secular studies of his day. Furthermore, R. Soloveitchik argued that without the method of R. Hayyim, we would no longer be able to spread Torah study. What the Rav no doubt meant is that without the attraction of R. Hayyim's method, the most talented students of then and now would have devoted their attention and skills to areas other than Torah study, areas which appeared more intellectually challenging. This idea also finds expression in Abraham Besdin's summary of the Rav's lectures: "It would be most difficult to study Talmud with students who are trained in the sciences and mathematics, were it not for his [R. Hayyim's] method, which is very modern and equals, if not surpasses, most contemporary forms of logic, metaphysics, or philosophy."

While it is hard to believe that R. Chaim himself was cognizant that he was creating a methodology that would stand up to the attractions of modernity or that it was the drive

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63 7, BeSod ha'Tahid ve-ha'Tahad, p. 213.
behind the formulation of his method, this does seem to have been in the conscious mind of the administration and yeshiva students who studied in Telz—an offshoot of the Brisker methodology. One can surely assume that R. Eliezer Gordon, who was proficient in the writings of the Haskalah and negated their ideas in his lectures, viewed the methodology of his yeshiva as a bulwark against the winds of modernization. Approaching Talmudic study as an organized science instilled in the students a sense of pride in their study that gave them the resolution to stand against the winds of modernity.

The milieu of thought in which R. Yosef Engel developed his methodology and the Chassidic court of Sochatchov did not operate under the same considerations as the Lithuanian Yeshivas. The response to Haskalah of the Chassidic strongholds of Galicia

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65 See 44 כ. על עמותה חלקית ישיבות ליטא – פרקי זיכרונות ' עמ 31 about the situation of the study of Haskala amongst the yeshivah students of Lita.

66 See 255 ב. דינור ישיבות ליטא, ' עמ that writes (translation mine) “The first one who awoke within me the desire to search out works of Haskalah and even showed me how to find them was R. Eliezer Gordon in his sermons; there he’d debate with the maskilim. Specifically, the rav would mention Gratz, Weiss and would often quote Wiesel and praise his work—Sefer Hamidot. He would love to mention in his sermons the names of the maskilim...I came to the conclusion that in the rav’s home there were many works of Haskalah. I befriended the rav’s son, Shmuel, who was somewhat younger than me and he regularly gave me works to read. He told me that they received a wonderful work called Uncle Tom’s cabin about the emancipation of black slaves translated by Avraham Zinger and that he can lend me the work for one night. I took the work and read it the entire night.”

67 See 282 כ. דינור ישיבות ליטא, ' עמ (translation mine.) “In the natural life of man we see that he always desires newness and the old is abhorred. He is attracted to anything new...what is surprising is that this is not only in clothing, food or dwelling, but this rule applies as well in the paths of understanding and wisdom. Old opinions and theories are abhorred, and when someone comes with a new theory he will immediately jump on it with both hands. With torrential speed the new theory takes hold throughout the world—even if it is against the stream of thought of the general culture...even if the originators have a political motive, the populace is attracted because of its newness. The old systems have lost their attraction by merit of their age. Accordingly, we can understand how the winds of liberalism and socialism have quickly been pushed to the side because of the new theory of fascism—by merit that (fascism) is new...Appreciating this clear perspective, we must ask ourselves; ‘how does our holy religion and Torah continue, as it is so old? Does not a person become disgusted with the old and desire the new?’ Indeed, this is the reason for the success of Reform in Germany and the specific reason that for many years the desire for mitzvot and Torah has been lost...According to the above we can begin to appreciate the great influence of our rabbi, R. Shimon Shkop who merited to renew Torah in Israel with his amazing lectures specific in their type and form...the old vessel is suddenly filled with newness.” The author clearly describes that the attractive newness of R. Shimon Shkop’s methodology is meant to serve against the newness of the various “isms” of the day.
was through a reinvigoration towards Chassidic texts, passion in prayer and a focus on holiness. While we find that an interaction with Haskalah texts was common in the Lithuanian Yeshivot, one can hardly find it—if at all—in the works of the Chassidic Talmudists of Poland and Galicia.

As such, the conceptualization of the Chassidic milieu was of a different nature. Whereas the Lithuanian Talmudist sought to analyze Talmud as a science, the Chassidic Talmudic conceptualizer was more traditional in his Talmudic approach—that is, it was a newness that was not based on rupture but on a continuation of the traditional and the old. In addition to his analytics and conceptualizations Rabbi Engel was a traditional posek and his students became rabbis in their own right.

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68 See Hayyim Bialik, Iggrot Rishonot mi-Volozhin, 2 Knesset (1937) that he was lured to Volozhin as he heard that it was a bastion of Haskalah. Instead he found “Talmud, Talmud, and more Talmud.” See Etkes (ibid) concerning the situation of Haskalah within the walls of Volozhin.


70 Indeed, due to the newness of this approach, which was considered not a true Torah approach but one of foreign influence, the detractors of this methodology labeled it despairingly as the chemical method. Interestingly, the supporters of the methodology referred to it in a similar manner as a praise. R. Yaakov Dovid Wilovsky (1845-1913), in his introduction to his Bet Ritdbaz (Jerusalem, 1908) writes (Translation Louis Jacobs, A Tree of Life (Oxford, 1984), pp. 59-60. Shaul Stampfer, HaYeshiva haLita’it beHithavuta (Jerusalem, 1995), p. 113) “A certain rabbi invented the "chemical" method of study. Those in the know now refer to it as "chemistry," but many speak of it as "logic." This proved to be of great harm to us, for it is a foreign spirit from without that they have brought into the Oral Torah. This is not the Torah delivered to us by Moses from the mouth of the Omnipresent. This method of study has spread among the yeshiva students who still hold a Gemara in their hands. In no way does this type of Torah study bring men to purity. From the day this method spread abroad, this kind of Torah has had no power to protect its students. ... It is better to have no rosh yeshiva than to have one who studies with the "chemical" method." In his ethical will he continues with this line of contempt saying ““Be careful, and keep far away from the new method of study that has in recent years spread through Lithuania and Zamut. Those knowledgeable in Torah refer to it as 'chemistry.'” See Shmuel Flasiker, יֵשָׁבִּית לָא לְהַמוּסָרִים: הָיוּ בָּנָי יְדִיבָה לְעָלָם (where he compares the analysis of R. Shimon Shkop to a scientist using a microscope). Ze’ev Friedman, Ele Toldot Yosef, (Monsey 2004) Pg. 16

71 The concept of a Rosh Yeshiva was something that was generally foreign to Poland and Galicia and most students that studied did so because they were completely absorbed in it. The marriage age amongst the Jews of Poland was considerably younger than those of Lithuania and if a young man did not show potential to be a great scholar, he would find a job. R. Yosef Engel himself got married at age 19.
At the time, the Talmudic method of Lithuania received much criticism from other quarters. In the preface to *Lev Aryeh*, R. Aryeh Karlin writes:\(^7^2\)

New times have come; numerous "methods" proliferate in the world of the Torah students. The Halakha does not, however, follow a "method." They lay claim to be pioneers and revolutionaries, the creators of the world of logical method in the study of Torah. One must strongly protest against this. These methods have altered the whole face of Halakhic studies. The "Telzer" method and "The method of R. Hayyim" which are now widespread in the yeshiva world have done far more harm than good... [The sages of years past] did not content themselves only with the words of Maimonides and Ravad, as now is customary in yeshivot. The roshei yeshiva teach that only Maimonides and Ravad are the basis for logic and Torah study and all discussion revolves around them; as if without Maimonides there is no Chiddush in Torah, and there is no need to explain and elaborate on the Talmudic opinions themselves and contradictions [in them] that are difficult to understand.

While Brisker analysis received much criticism, we do not find the same insults hurled at the methodology of R. Yosef Engel or Sochatchov that bears remarkable similarity to many facets of the Lithuanian analytical schools. While it is possible that the reason for this was partly because the above writers were not attentive to the approach, or viewed it as an insignificant manifestation or perhaps one that was not relevant to their realm of influence, it seems more probable that there was indeed much less resistance to their

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\(^7^2\) Quoted by Marc b. Shapiro, *The Brisker Method Reconsidered*. Tradition: A Journal of Orthodox Jewish Thought, Vol. 31, No. 3 (Spring 1997), Pg. 80. See there that many of the Brisker’s themselves did not consider their approach novel and felt that they were merely elucidating the words of the Rishonim.
approach. The reason can be as stated above, that while the Brisker approach was seen as being revolutionary, rather than a continuation of the old, the method of R. Yosef Engel was seen as part of the continuum of traditional methodology.

It is possible that this is because the critique to the general analytical methodology did not have the same deficiencies as the approach of R. Chaim of Brisk. In his critique of R. Chaim of Brisk, R. Yaakov Yechiel Weinberg famously wrote.

While the ideas of R. Hayyim Soloveitchik are true from the standpoint of profound analysis, they are not always so from a historical standpoint, that is, with regard to the true meaning of Maimonides, whose way of study was different than that of R. Hayyim Soloveitchik. This does not detract from the value of this intellectual genius, who is worthy of being called a "new Rambam," but not always as an interpreter of Rambam. Yet R. Hayyim, by means of his brilliance,

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73 Interestingly, R. Moshe Avigdor Amiel, HaMidot LaCheker HaHalacha, (Jerusalem, 1972) 2:12, (Mavo LeCheker HaHalacha) Pg. 22 in his defense of the methodology of the conceptualizations of Brisk seeks to prove that the methodology of Brisk is not new. He points to the Talmudic analytical thinkers of Poland and Galicia as proof, writing: “It is not correct, that merely a few Rosh Yeshivot in our generation created the “new analytical mehalech” artificially. It is a fact that we see an array of “prophets”, in various locals prophesizing as such—although not in the same language but in the same concepts. This indicated that in this path there is “the way of the king.” This methodology began, not from the Roshei Yeshivot of the academies of Lithuania, rather this path is found by such geniuses as: Rabbi Yitzchak Meir of Gur; Rabbi Avraham of Sochatchov; Rabbi Yosef Engel of Krakow. It is found in the works of Rabbi Meir Simcha HaCohen; Rabbi Yosef Rosen of Dinburg and others. All of these were not affected by the yeshivot and were distant from them. That we see that there are similarities between them, not only in many details, but also in their rules and their methodology of learning is a sign that this methodology is a natural outgrowth of Talmudic Thought like all creative thought from one generation to the next.”

74 Seridei Esh (Jerusalem, 1977), 11:14, Translation by Marc b. Shapiro, The Brisker Method Reconsidered, Tradition: A Journal of Orthodox Jewish Thought, Vol. 31, No. 3 (Spring 1997), Pg. 86. See in general at length about the Brisker method and the critique on it. He continues there noting: “There is a tradition in the Soloveitchik family that R. Hayyim did not "like" the twenty-four responsa of Maimonides to the sages of Lunel. This is not surprising. These responsa were written by Maimonides in order to explain a number of rulings in the Mishneh Torah. Had he thought along the lines of R. Hayyim, we would have expected learned answers in accordance with the analytic approach. Yet Maimonides gives short, non-analytical answers. In a number of these responsa he tells the sages of Lunel that there are mistakes in their copy of the Mishneh Torah. In one responsa he says that he has abandoned his earlier opinion.
arrived at the same conclusions Rambam reached through a different method of study.

There seems to be hardly any correlation between the Rambam of Mishna Torah and R. Chaim’s Rambam. When one studies the responsa of Rambam he, “gives short, non-analytical answers. In a number of these responsa, he tells the sages of Lunel that there are mistakes in their copy of the Mishneh Torah. In one responsum he says that he has abandoned his earlier opinion.” Though Maimonides employs a philosophical and analytical methodology in his Guide to the Perplexed, it is difficult to locate the same type of analytics in his Halachic work—at least at first glance. As such, the marriage between R. Hayim’s analytical methods and Rambam seems forced and hardly representative of the historical Rambam.

On the other hand, the origins of R. Yosef Engel’s conceptualizations are a natural and expected synthesis. R. Yosef Engel found roots for his conceptualizations in the works of Maharal—who frequently connected philosophical thinking to Talmudic thought. That being the case, his methodology is a continuation of Maharal and has clear roots in his Talmudic philosophy—rather than creating a new methodology that is difficult to locate

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75 by Marc b. Shapiro, *The Brisker Method Reconsidered*, Tradition: A Journal of Orthodox Jewish Thought, Vol. 31, No. 3 (Spring 1997), Pg. 87

76 It does indeed seem from Rambam’s preface to *Moreh Nevuchim* and his *Milat HaHigayon* that a person who lacks understanding of philosophy and logic will not understand Talmud either. Indeed, there is an overlap between concepts elucidated in the Guide and concepts in Mishneh Torah. (Compare for example what Rambam writes of man-made evils in the Guide 3:11 and what he writes of the messianic era, Laws of Kings, Ch. 12.) Mishneh Torah does exhibit exceptional logical coherence and cohesiveness between sections—the only question is the degree of philosophical conceptualizations and analysis that Rambam employed.
in the works of the author it claims to replicate, the origins of Engel’s method are found in Maharal and others.\(^7\)

This section will deal with the abstract philosophical conceptualizations of R. Yosef Engel, the origin of his method, and the possible influence that he had on the Lithuanian conceptualizations that developed during the same period—and seem to have been inspired and shaped by his works. Sadly, the influence of Polish Talmudists and their effect on their Lithuanian counterparts has been a neglected field of research. It is our hope to break some ground in this field and hopefully inspire other researchers to further investigate this connection and influence.

2.2 The Conceptualizations of the Analytical school and its relationship to Polish scholarship

While there were no doubt other Talmudic scholars who focused on logical analysis and philosophical conceptualizations, there is a marked philosophical rigor present in Rabbi Yosef Engel’s work that is not present in the writings of others.

\(^7\) While it cannot be said that all of R. Yosef Engel’s conceptualizations are from Maharal, as he often cites sources in Moreh Nevuchim, Milat Higayon and other Jewish philosophical writings, the essential methodology of connecting the two fields together seems to be directly influenced by Maharal, as we shall see throughout this thesis. Although there was an analytical methodology not found in Maharal, his structure of analysis is not “chemical” but broad; he highlights his proofs not from obsessing over a single Talmudic sugya but by highlighting his novel thoughts through his creative proficiency of Talmud. Additionally, though he uses Moreh Nevuchim and Milat Higayon etc. he does not usually attempt to force these explanations into Rambam’s writings in the Yad and seems to be cognizant of the fact that the Yad was perhaps written using a different methodological rubric.
Usually when one ruminates concerning the conceptual study of Talmud, one conjures the images of Reb Chaim of Brisk, Reb Shimon Shkop and the rest of what has been termed as the “Analytical School”.  

Rabbi Chaim of Brisk is considered to be the father of the analytical school, and Rabbi Shimon Shkop the father of locating conceptual underpinnings of the legal framework; a feature that was not present within the school of Brisk, which dealt with the classifications of the what rather than focusing on the why.

What this imagery elicits is perhaps a common misconception that the conceptual school of Talmudic study was a “Mithnagdic” development of the schools of Lithuania, and that even if later on it was adopted by Chassidim, its origin is nonetheless from the Mithnagdic Talmudists of Lithuania.

What we will attempt to demonstrate in this section is that this Talmudic methodology was a natural development of the Chassidic method of study—and the ultimate roots of this Talmudic perspective can be found in the Talmudic philosophy of the Judaic philosopher, Rabbi Yehudah Lowe of Prague (Maharal). This method of study seems to

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78 See for example Chaim Saiman, *Legal Theology: The Turn to Conceptualism in Nineteenth-Century Jewish Law*, (Journal of Law and Religion, Vol. 21, No. 1 (2005/2006)) pp. 39-100 throughout the entire analysis he only discusses the facet of Brisk—completely ignoring the influence of Polish Talmudists in this field. Though in passing, Solomon mentions the possible influence of Rosen in conceptual Talmudic methodology, he nevertheless completely ignores the Polish Talmudists.

79 See Norman Solomon, *The Analytic Movement in Rabbinic Jurisprudence* (Ph.d Diss. Manchester, 1966). Solomon himself though came to disbelieve in this writing on his site (http://www.normansolomon.info/analyticmovement.htm accessed 01/7/11) “However, I now believe that the first consciously to develop the techniques of conceptual analysis that characterize the Analytic Movement was not Soloveitchik himself but his older contemporary at Volozhyn, Jacob Isaac Reines, a remarkable rabbi who fell out of favour with the Yeshiva establishment on account of his commitment to secular studies (though he opposed haskala) and his Zionist activity.”

80 Reb Chaim is famously quoted as saying that his methodology is discover the “what” (v’os) as opposed to the why (farv’os). However, such is not the case regarding Reb Shimon Shkop who focuses on the why more than the what. See Shai Akavya Wosner, *Chashiva Mishpatit Beyishivat Lita, Braei Mishpato Shel Reb Shimon Shkop*, (Ph.D dissertation, Hebrew university 2005) Pg. 41ff.
have developed instinctively in the Chassidic camp due to their affinity to the works of Maharal and their intense study of his opuses.

In Norman Solomon’s doctoral thesis, *The Analytic Movement in Rabbinic Jurisprudence* (Manchester, 1966), he discusses the various characteristics of the school of analytical Talmudic study. Although one of its highlights is philosophical conceptualization, Solomon fails to discuss any Chassidic figures who were analysts or who employed philosophical conceptualization. Not only does he not realize that its beginnings commenced as a Chassidic enterprise, but he omits any Chassidic Talmudists who studied in this fashion.

While the subtitle of his work is indeed *A Study in One Aspect of the Counter-Emancipation in Lithuanian and White Russian Jewry from 1873 Onwards*, it is surely imperative to note that the roots of this Talmudic methodology may also be found within the circle of Chassidic rabbinical figures of the period, for to truly understand the roots of the methodology one must appreciate other personalities—of the same period—who studied in a similar fashion.

Indeed, on Pg. 149ff (*ibid*) Solomon notes that while conceptualism is one of the traits of the Analytical School, the use of philosophical language is strangely foreign to this school—and indeed something that Reb Chaim of Brisk intentionally refrained from using. He notes only one analyst who uses philosophical conceptualization, in the figure of Rabbi Moshe Avigdor Amiel, in his famed work, *HaMiddot LeCheker HaHalachah*.

Solomon writes (Pg. 158ff, *ibid*):
Though many of the Analysts, including Amiel’s own teacher, Shkop, often use haqiroth based on the cause/effect distinction, none of them stand back, as it were, to classify and evaluate those haqiroth in the abstract, except Amiel. Amongst the questions he discusses are: that every cause precedes its effect (shades of Aristotle!); that consequently, the cause of a legal liability cannot itself bear that liability; that two effects can proceed together from one cause; that a mental cause can come after the material effect it produces; etc. etc.

Solomon notes—with much excitement—the philosophical underpinnings of Amiel’s hakiroth; and their root in Aristotelian thought, but fails to note from whence Amiel himself developed this Talmudic methodology—as Solomon himself realized this approach to Talmudic reasoning is atypical to the Analytical School developed in Brisk. Surely then, the roots of this methodology have their roots elsewhere.

What Solomon failed to ascertain is that this methodology was found amongst the Chassidic Talmudists of the period. Meaning to say, that it was not the Chassidic Talmudists that adopted the approach of the Lithuanian analysts but vice-versa, it was the Lithuanian analysts that were influenced by the Chassidic Talmudists.

In fact, the very philosophical conceptualization that so excited Solomon, “that every cause precedes its effect (shades of Aristotle!)” was already discussed in the works of Rabbi Yosef Engel and Rabbi Yosef Rosen, the Rogatchover Gaon.
Already, in Amiel’s *Midot LeCheker HaHalacha*, he himself points out that Rabbi Yosef Engel had discussed the philosophical concept that “every cause precedes its effect.”

Amiel writes:

I saw afterwards in the work “Beit HaOtzar” from the *Gaon* Rabbi Yosef Engel, of blessed memory, that he discusses the concept of *ba’in keEchad* (coming as one) at length. He brings all the Talmudic sources that use this rule. From these places it seems that they *used this clause even in a cause*. However, after analysis, it seems that on the contrary this will strengthen our above mentioned rule.

Amiel mentions that R. Yosef Engel already discussed this clause using “*all*” the same Talmudic sources to prove the concept as Amiel does. While Amiel goes on to discuss Rabbi Yosef Engel’s proofs and disagrees with them to an extent, what is clear is that Amiel was quite aware that the discussion of whether the Talmud agrees to the reasoning that “every cause precedes its effect” or not, can be found in Engel’s Beit HaOtzar. Indeed, this style of discussing philosophical and logical rules as they apply to Talmud is a principle facet of Engel’s work which, one could assume, Amiel adopted and made his

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83 In contrast to “cause and effect” Rabbi Yosef Engel discusses if the Talmudic sages agreed with this principle, since many times they discuss halachic frameworks that “come as one.”
own—after seeing this type of discussion in R. Yosef Engel and the Rogatchover Gaon who both routinely dealt with these types of enquiries. 84

Indeed, throughout Amiel’s *Midot LeCheker HaHalacha* there are references to these 19th century Talmudic thinkers who transformed Talmudic study from a study of Talmudic caustics, *piplul* and technicalities, to an organized framework of philosophical principles, underlying conceptual axioms and a logically cohesive framework. They were pioneers in discovering the *midot* (principles) of Halachic analysis and sought to locate rational and conceptual rules that were applicable throughout the Talmud and the basis of its logical framework.

Although Amiel intimates that he was not influenced directly by Engel’s writing in developing this specific thought of the Talmud’s perspective of cause and effect, saying “I saw afterwards in the work ‘Beit HaOtzar,’” one would assume that Amiel was at least indirectly predisposed to think on these lines as a result of to Engel’s treatise on the topic—perhaps prior to actually studying it in full depth. Engel’s *Beit HaOtzar* was printed in 1903, thirty-six years before Amiel’s *Midot LeCheker HaHalacha* was published in 1939. 85 The popularity of Engel’s work was such that it altered the Talmudic discussion of the era, and his works and *hakirot* were debated in the Talmudic study halls of both Poland, Galicia and Lithuania. Whilst Amiel may not have directly studied this particular section of *Beit HaOtzar* prior to writing on the topic, the questions posed in Engel’s work permeated and altered the Talmudic conversation of the period—through

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84 See for example *Tzafnat Paneach* Vol. 2, Laws of Ishut 6:4. See as well Menachem Kasher, *Mifaneach Tzfunot*, (Jerusalem 1976) Ch. 10 “Ila VeAlul, Siba U’Mesuvav” Pg. 190ff where he discusses at length where this idea can be found in the thought of Rabbi Yosef Rosen.

85 Similar conversation can be found in Engel’s work *Lekach Tov* first printed in 1891. Menachem Kasher, *Mifaneach Tzfunot* (Jerusalem 1976) notes in his rule “Ila VeAlul, Siba U’Mesuvav” Pg. 191 an additional place where Engel discusses this idea in his work *Gevurot Shemonim* (Piyetrikov 1930) Sec. 38.
osmosis, ideas postulated by Engel surely percolated into the Talmudic dialogue of the day.

The manner in which Engel arrived at the question of how to apply the rule of “every cause precedes its effect” is through his study of Rambam’s *Milat HaHigayon*. This itself is a distinctive element that caused a transformation in the manner in which he studied Talmud (and by extension the general manner of Talmudic study). Whereas the vast majority of Talmudists had a singular focus on Talmud without studying logic or philosophy, Engel’s study of these works brought him to enquire concerning elementary questions others had ignored. His study of this brought about the desire to understand Talmud with logical coherence based on sound philosophical premises.

Rabbi Yosef Engel writes regarding the laws of *pigul*:86

The application of *pigul* begins only though the medium of the acceptance of the throwing of the blood. Therefore, consequently, this acceptance prefaces the *pigul*, a preacing of cause.87 This is akin to the preface of the spark to the fire that comes out from it. For although they are both one, nevertheless the spark precedes it, as it is its cause. Therefore, this too (the cause to the effect) is also first, as explained in the work *Milat Higyayon* of the Rambam.88 See there that he includes

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86 *Gevurot Shemonim* (Pyetrikov 1930) Sec. 38. It should be pointed out that this work was printed posthumously as Engel passed away in 1920 and this work is from Reb Yosef Engel’s earlier writings. It is clear then that Engel was delving into the logical and philosophical structure of *Halacha* long before this methodology was popular in the works of Lithuanian authors.

87 *Pigul*, which literary translates as disgusting is the halachic concept that a *korban* is disqualified for offering and eating due to improper thought on the part of the *cohen* who is offering it—having in mind to eat outside its appointed time and place. See Talmud, Zevachim 27a, *Sefer HaMitzvot* (Rambam) Positive commandment 91, Chinuch, Mitzvah 143, Rambam, *Pesulai HaMekudashin* Ch. 13

88 Rambam writes *Milat Higayon* (Ch. 12) Translation by, Israel Efros, (New York: American Academy for Jewish Research, 1938.) “We speak of one thing as prior to another in five modes. First, priority in time, e.g., Noah is prior to Abraham. Second, priority in nature, e. g., animal and man, because if you could remove the animal, the existence of man would cease, but if you could remove man, the existence of the
there the prefacing of the cause and nature, comparing it to the preface of time—and something that prefaces another matter in time; see there well. If so, the acceptance of the blood which causes atonement etc. contradicts its effect, which is derived from the acceptance. [Although they both come at once] it contradicts the concept of atonement which is its cause and nullifies it.

This is one of numerous examples in which Engel discusses the Talmudic concept of “coming at once, ba’in keAchat” vis-à-vis the logical axiom that “The cause must come before the effect”.

Indeed, Amiel himself is cognizant that it was not the Lithuanians who developed this methodology of study but Polish Chassidim. He points out in the second chapter of his Midot LeCheker HaHalacha that the philosophical conceptualization of Talmud has its intellectual roots specifically amongst the Talmudic thinkers of the Chassidic camp (primarily of Poland) and was not initiated by the Mithnagdim:89

It is not correct, that merely a few Rosh Yeshivot in our generation created the “new” analytical methodology artificially. It is a fact that we see an array of “prophets,” in various locales prophesizing as such—although not in the same language, but in the same concepts. This indicates that within this path is “the way

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89 HaMidot LeCheker HaHalacha, (Jerusalem, 1972) 2:12, (Mavo LeCheker HaHalacha) Pg. 22
of the king.” This methodology began, not by the *Rosh Yeshivot* of the academies of Lithuania, but rather the path was founded by such geniuses as; Rabbi Yitzchak Meir of Gur; Rabbi Avraham of Sochatchov; Rabbi Yosef Engel of Krakow. It is found in the works of Rabbi Meir Simcha HaCohen; Rabbi Yosef Rosen of Dinburg and others. All these were not affected by the *yeshivot* and were distant from them. That we see that there are similarities between them, not only in many details, but also is their *rules* and their methodology of learning is a sign that this methodology is a natural outgrowth of Talmudic thought, like all creative thought from one generation to the next.

Amiel clearly realized that the methodology “began not by the *Roshei Yeshivot* of the academies of Lithuania,” but in the works of other Talmudic geniuses. Although the point that he was expressing is that the fact that various Talmudists reached similar conclusions as each other, proves that their methodology is a natural outgrowth of Talmudic study, and is not particularly novel, it seems that he was not completely correct in this point. For, rather than concluding that the *later roshei yeshivot* developed their methodology independently from those that came before them, it is *more* probable to assume that due to these *roshei yeshivot*’s study of the earlier works (at least superficially), a paradigm shift was brought about in their own thinking.90

What is interesting about the collection of Talmudists that Amiel mentions is that all except Rabbi Meir Simcha HaCohen of Dvinsk, the author of *Ohr Sameach* on Rambam, were specifically of Chassidic persuasion. It is additionally possible that R. Meir Simcha himself was also influenced by the Chassidic method of study, as he shared a rabbinic

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90 Especially as there is testimony that these Rosh Yeshivot studied the works of Engel and other Chassidic Talmudists as expressed throughout this study.
post with the famed Rogatchover Gaon, R. Yosef Rosen, discussed Talmud with him, and was surely influenced to some degree by his prodigious personality. This fact that the early conceptualists were of the Chassidic camp, strongly suggests that there was something specific to this group that lead them to view Talmud as abstract conceptual concepts rather than merely pragmatic laws. One would assume that there was something particular to Chassidic thought or Chassidim that caused a shift in their Talmudic reasoning.

Although Amiel mentions this phenomenon to show that this methodology is “a natural outgrowth of Talmudic thought, like all creative thought from one generation to the next,” and not something that was particular to Chassidism, we would like to demonstrate that the study of Talmud in the methodology of philosophical conceptualizations and analysis is not merely coincidental to Chassidism, but is rather a direct outgrowth of the Chassidic approach to Torah study.

More particularly, the three figures of Rabbi Yitzchak Meir of Gur; Rabbi Avraham of Sochatchov; and Rabbi Yosef Engel were all adherents—to one degree or another—of the Chassidic school of Kotzk91. It seems probable that there was something specific to the thought process of this particular school of Chassidism that led to the development of

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91 Compare to an anecdote brought in Siyach Sarfei Kodesh-HaChadash. (Benei Berek 1989) Pg. 19 “The Sochatchover of righteous memory remarked concerning himself, “Just as the holy Ari was sent to this world to reveal a new path to studying esoterica, so too, I was sent from Heaven to reveal a new path in exoterica.” While it is impossible to know the authenticity of this report, it communicates the sentiment that the Avnei Nezer’s methodology of learning was a new and deeper methodology of study than had been heretofore applied to the study of Talmud.
this novel Talmudic methodology and the turn towards philosophical abstraction and the conceptualism of Talmudic reasoning.\textsuperscript{92}

For our purposes, in discussing Rabbi Yosef Engel, we will attempt to show how the Chassidic environment he studied in was conducive to his novel developments of his Talmudic logic.

We will posit that it was the Chasidic milieu of thought and the works of thought that they studied, especially the writings of Rabbi Yehuda Lowe of Prague (Maharal) that brought about this tectonic shift in Talmudic thought during the 19\textsuperscript{th} century.

The appreciation of this point is not only important to understanding the Talmudic methodology of Rabbi Yosef Engel, but also sheds light in appreciating the intellectual “parents” of the analytical school of Telz (and its relationship to Brisk) as influenced by Rabbi Yosef Engel (and others), as we shall see.

That R. Yosef Engel’s works were studied in Lithuanian Yeshivot is indicated by many first-hand accounts and in biographical sketches of R. Yosef Engel’s life. In the work \textit{Ishim VeKihilot}—in an article marking forty years of R. Engel’s passing—the author writes:\textsuperscript{93}

\begin{quote}
In truth, in the great yeshivot and amongst authentic Torah scholars—even in Lithuania—which was distant from the spiritual influence of R. Yosef Engel, they respected him as a \textit{gaon} of his generation who enriched the Talmudic library with
\end{quote}

\textsuperscript{92} Whereas Rabbi Yosef Rosen was an adherent to the Chabad school of Chassidus, the similarities between the schools plausibly helped him develop his novel methodology as well. Indeed, while philosophical conceptualization is a common theme in Rosen, his Talmudic methodology is vastly different than the other individuals mentioned.

\textsuperscript{93} Moshe Shinovitz, \textit{Ishim V’khitlot} (Tel-Aviv 1990) Pg. 183 (translation mine)
his many works…He was involved in all types of pilpul, with an individualistic approach…When there began to be communication between Poland, Lithuania and Galicia and the students of the Lithuanian yeshivot became aware of R. Yosef Engel’s works, they saw within them a great light in Talmudic pilpul. They began to study his works, his novel thought, and his chakirot. Indeed, they found in many of his ideas a basis and foundation to develop their talents in understanding the words of the Talmud and the Rishonim. His chiddushim were also of tremendous assistance to the younger yeshiva students because of the various chidushim with sevarot (arguments) and chakirot that were well explained in a crystal clear manner—easily understood by those who were just beginning to study proper Talmudic pilpul.

The statement that Engel’s writings were considered to be “proper Talmudic pilpul” is indicative of a perspective that viewed his style of pilpul as being of a similar method to the Lithuanian style.

Additional testimony—which carries more weight—comes from a handwritten approbation from R. Morderchai Gifter, the Rosh Yeshiva of Telz (Ohio), to the work Yosef Ometz which analyzes and comments on R. Yosef Engel’s Atvan De’Oryayta. There he writes that Engel’s work was popular amongst the students of Telz where he studied in his youth:

When I was young man in Telz (Lithuania) the work “Atvan De’Oryayta” was of the works of ritcha d’Orayta (the debates of Torah) of the Yeshiva students. His

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94 This seems to be an allusion to the method of analysis that was popular in Lithuania.
chakirot in the roots of Halacha were a pleasurable source of many arguments and discussions concerning his proofs and disputation.

Telz was considered the elite of the Lithuanian yeshivot; Gifter’s remark about R. Yosef Engel being respected there and of his work influencing their thought process is telling as to the similarity of R. Yosef Engel to the analytical approach of Lithuania and intimates that he greatly influenced the impressionable young minds of the Telzer yeshiva students. As these students later grew to be Lithuanian Rosh Yeshivot in their own right, it seems clear that Engel’s method had a deep influence on the second and third generations of Lithuanian Analytical Talmudic scholarship, as surely the study of Engel in their youth influenced and affected the mature thought of these Talmudists as well.

Indeed, there seems to have been a direct relationship between R. Yosef Engel and Telz, in that R. Eliezer Gordon offered Engel the position of Rosh Yeshiva of Telz but he turned it down saying “I am too old to deal with young students.” That Engel was offered the position of Rosh Yeshiva of this prestigious Lithuanian Yeshiva is indicative of the immense esteem the Lithuanian Talmudists had for his Torah learning. For notwithstanding Engel’s Chassidic leanings, which would surely have made him an odd member of the yeshiva, and although he had never studied in Lithuanian academies, he was nevertheless considered as a candidate for the position of dean of an institution that prided itself on its Talmudic method of organized Talmudic principles.

95 Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 56 FN 111 that heard this from R. Mordechai Gifter the Rosh Yeshiva of Telz. See as well Shimush Chachamim, pg. 142 R. Yaakov Yitzchak Ruderman the Rosh Yeshiva of Ner Yisroel of Baltimore.
What is perhaps most fascinating, is that R. Shimon Shkop himself is quoted as saying that his style of learning was developed through the study of R. Yosef Engel’s works.\textsuperscript{96} R. Shimon Shkop is recognized to be amongst the greatest Talmudists of the analytical school and therefore this testimony is of considerable importance when analyzing R. Yosef Engel’s relationship to and influence upon 19\textsuperscript{th} century Talmudic development.\textsuperscript{97} Indeed, there are aspects of Shkop’s methodology, and ideas that he discusses, that were first developed, examined and deliberated in Engel’s works. This evidence of Engel’s thought in Shkop’s works helps corroborate his own testimony that Engel’s writings had influenced him.

In describing the uniqueness of R. Shimon Shkop’s methodology, Wosner describes that his exceptionality was in his asking questions in a form that no other had asked before him\textsuperscript{98}:

In his desire to understand Halachic certainties, R. Shimon Shkop asked new enquiries that had not bothered the scholars in the older paradigm of thought. He suggested a new type of solution to the questions that arose in the sugya. He attempted to plumb the depth of the most essential roots of understanding—such as the concept of ownership, the concept of prohibition etc.

It seems likely that this type of study was a derivative of R. Yosef Engel’s influence—as opposed to Brisk. For while in Brisk there was analysis of the sugyot under discussion and their classification them into distinct categories (hagdorot), they made no attempt to

\textsuperscript{96} Tzvi Zev Friedman, \textit{Avrech I} (Rosh Chodesh Cheshvan 5774) from the diary of R. Yaakov Yitzchak Ruderman the Rosh Yeshiva of Ner Yisroel of Baltimore.

\textsuperscript{97} See as well \textit{שפט ז’ ורהפטיג "}, יסוד האחריות על נזקים במשפט העברי", בר אילן, ספר השנה יג (תשל”ו ), מחקרים במ עברי, ירושלים תשמ”ה, עמ’ 228-211.

analyze the essential underlying concepts, in and of themselves. In fact, initially this was the criticism directed against Shkop, from within the Brisker camp itself, that one should be involved in discovering the what, rather than the why.\(^9\) In contradistinction to this, R. Shimon Shkop’s *Sharei Yosher* is an encyclopedic work on the roots of the principle underpinnings of Halakha, in which he attempts to analyze and understand the very building blocks of Talmudic logic themselves.\(^1\)

Being that this type of methodology was not developed by Shkop’s teachers—and that they themselves eschewed it—but that it was particularly pronounced in Engel’s work, and given R. Shkop’s own testimony that he studied the works of Engel and that Engel was highly respected in Telz, one can reasonably assume that he developed this line of thinking, at least partly, through the influence of studying Engel’s work. Alternatively, even if he had a natural affinity and proclivity towards this methodology irrespective of Engel, Engel’s work must certainly have bolstered his own study, galvanizing his methodology and assisting in developing its hakirot and logical constructs.

Additional substantiation for this may be found in the nature of R. Shimon Shkop’s hakirot. Wosner attempts to identify novel questions in Shkop’s writing, saying: “An example of some of the queries that R. Shimon Shkop asked, that it seems to me were not asked in the manner beforehand…Is *shlihot* a transference of power or is it akin to a long hand?”

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\(^9\) See R. Shlomo Zevin, *Ishim V’Shitot* (Jerusalem 2006) pg. 35

\(^1\) In his youth R. Shimon Shkop was denigrated for his approach and it was said about him “that he knocks on open doors.” *Shai Akavya Wosner, Chashiva Mishpatit Beyishivat Lita, Braei Mishpato Shel Reb Shimon Shkop*, (Ph.D dissertation, Hebrew university 2005) Pg. 35 and FN 84
The nature of the question is that if, for example, an individual appoints an agent to betroth a woman on his behalf; is it that the sender is the one betrothing the woman, by extension of his emissary, or is it that it is the agent that is doing the betrothal by way of the fact that the sender invested within the agent the power to do so.

What is most interesting about this example is that though Wosner references it as a prime example of novel question that had gone unasked prior to Shkop, in actuality Engel deals with it at length in his work Lekach Tov—published almost 40 years before Shkop’s Shaarie Yosher. Being that Engel’s works were studied in Telz, and the length of time between Engel’s work and Shkop’s, it is safe to assume that Shkop saw what Engel wrote prior to his publishing on the same topic.

In describing Shlichut, R. Shimon Shkop writes:

“"We must explain why there cannot be shlichut in the case of chalitza—not for the man or for the woman. It would seem that the choletz (man) cannot have..."
shlichut as there is no action. This is based on Rosh (Nedarim 72b), that the hearing of a legal guardian is not considered as if the owner himself heard—by the same reasoning shlichut is invalid as well. In Ketzot HaChoshen (182) he uses this as an axiom for the whole concept of shlichut—see there. However, regarding chalitza it would seem that since intent is needed for the choletz, it is considered to be an action. For the entire concept of intent is that one has an intent that the action be for a purpose—since if there is no action what is the point of the intent? Additionally, this does not explain why there cannot be shlichut for the woman.

However, it seems to my humble understanding, concerning the principle idea of why there cannot be shlichut in Chalitza, that in the main principle of shlichut there are two concepts: One concept is that the action done by the shaliach is as if it was done by the appointer. This is derived from the verse (Bamidbar, 18:28) “So shall you too set aside a teruma (gift),” and concerning the Pesach offering that states (Shemot 12:6) “and the entire congregation of the community of Israel shall slaughter it.” It is for this reason that the Talmud discusses whether one should be responsible if someone damages through a person of normal intelligence, and comes to the conclusion that “there is no agent for sin.”

105 Talmud, Kiddushin 41a-b “From whence do we know [the principle of] agency?...we learned: If one instructs his agent. ‘Go forth and separate [terumah]’; he must separate according to the owner's intentions; and if he does not know the owner's intentions, he must make an average separation, [viz.,] one-fiftieth...How do we know this?...Scripture says, ‘also you,’ [the words] ‘also you’ [are added], to include an agent... R. Yehoshua ben Karchah said: How do we know that a man's agent is as himself? Because it is said, and the whole assembly of the congregation shall kill it [the Passover sacrifice] at evening. Does then the whole assembly really slaughter? Surely, only one person slaughters [the animal]: hence it follows that a man's agent is as himself.

106 Ibid, 42b “Now, when we learned: He who sends forth a conflagration by a deaf-mute, idiot, or minor, is not liable [for the damage caused] by law of man, yet liable by the law of Heaven. But if he sends it by a normal person, the latter is [legally] liable. However, why so? Let us say that a man's agent is as himself. — There it is different, for there is no agent for wrongdoing, for we reason: [When] the words of the master and the words of the pupil [are in conflict], whose are obeyed?”
However, in a situation in which the agent is unaware that it is a sin, the sender will be responsible according to many Rishonim. The other concept (of *shlichut*) is that which concerns acquisitions and similar matters. There, the *action* of the *shaliach* effectuates as if it was the act of the appointer *himself*. The principle of this is that the Torah considers the agent as if he were the owner himself—that his actions bring into effect as if he were the owner—as will be explained with the help of heaven.

Contrary to Wosner’s assumption that this question originated with Shkop, this is the very first *chakira* that R. Yosef Engel dealt with in his monumental work *Lekach Tov*.

There, not only does R. Engel ask the *same* question, but he breaks down the concept of *shlichut* further into *three* ways and deals directly with the various proofs that R. Shimon Shkop used—as well as many other additional proofs from throughout Talmud.

Engel writes:

I was unsure about this concept that the Talmud (Kiddushin 42a) states “a man's agent is as himself.” What is the intent in this? Is the intent that the *body* of the agent is considered the *body* of the appointer or is it that the agent is considered a separate entity, however the actions that he does in his agency are attributed to the sender—and it is considered that the sender did the action? Another possibility is that the action of the agent is not considered to be the sender’s, and it is

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107 See Tos. Bava Kama 10b V.S ly Ba-iy
108 Rabbi Yosef Shlomo Kahanamen, the Ponovitzer Rav, who also studied in Telz under R. Shimon Shkop, deals with this question in his lectures as well. (Sec. 12).
110 See his 6th proof that deals with the Talmud Kiddushin 41b about the slaughtering of the Pesach offering and his 8th proof that deals with the reasoning brought in the Rosh and the Ketzot HaChoshen.
considered that the action was done by the agent - however, the Torah decreed that although another individual did the act, and not himself, nevertheless, since he appointed him for this act the action works for the sender as if he did it himself.\textsuperscript{111}

From the various points mentioned above, it seems then that R. Engel had definite influence upon the school of Lithuanian Analysts, affecting the thought of R. Shimon Shkop, R. Elchonon Wasserman and others. While this point is clear, as indicated by the above arguments, further research is necessary to evaluate exactly how deep this influence went and the exact nature of the influence.

2.3 Chassidic Talmudic scholarship vs. Mitnagdic scholarship

When discussing Talmudic scholarship, it is obvious that just as there was an abundance of Talmudic scholarship within the Mitnagdic community, there were Talmudic geniuses within the Chassidic community as well. The caricature of Chassidim as being unlearned and unlettered is a grotesque perversion of reality, as should be clear to any student of history, for just as there were simple Jews within the Chassidic camp, there likewise were simple Jews within the Mitnagdic camp. So too, just as there were brilliant Talmudic

\textsuperscript{111} It is possible that Shkop does not like the third method of shlichut because, to the greatest extent possible, he attempts to explain concepts logically, instead of relying on the principle that they constitute a scriptural edict. In various places in his \textit{Likutei Sichot}, the Lubavitcher Rebbe discusses this \textit{chakira} of R. Yosef Engel. For example, see Likutei Sichot. Vol. 33, pp. 113-119 in context of the discussion Talmud, Kiddushin 41b of the law of \textit{shlichut} as derived from the mitzvah of \textit{terumah}. There he defines the concepts of \textit{shlichut} as (a) being in regard to the \textit{oseh} (doer) that he is considered like the body of the sender (b) the \textit{koach} (power of agency) or the \textit{action} of the agent that is considered to be the sender’s, and (c) the \textit{totza’ah} (effect) of the action; that although he is not considered to be the sender—at all—nevertheless he can affect the \textit{cheftza} in the same manner the sender would be able.
minds amongst the Mitnagdim, there were also brilliant Talmudic minds amongst the Chassidim.

The great Talmudic minds within the Chassidic community made an indelible mark on Talmudic and Halakhic scholarship and feature such individuals as R. Shneur Zalman of Liadi—the author of *Shulchan Aruch HaRav*, R. Yitzchak Meir Altar of Gur (the *Chidushei HaRim*), R. Menachem Mendel of Lubavitch—famed for his work *Tzemach Tzedek*, R. Chaim Halberstam of Tzanz, R. Shneur Zalman Fradkin—famed for his tremendous memory and his opus *Torat Chessed*, R. Yehuda Aryeh Leib Alter of Gur—the *Sefat Emet* and R. Avraham Borenstein of Sochatchov—known for his monumental work *Avnei Nezer*. These individuals are just a few of the many Talmudists that existed within the Chassidic camp.\(^\text{112}\)

However, though there surely were Talmudists who were Chassidim, the notion of what the meaning of a Chassidic approach to Halacha is far less clear. One may expect that stylistically “Chassidic Halacha” would tend toward stringency, per the Talmudic dictum defining a Chassid as someone who goes beyond the letter of the law. However this does not always seem to be the case.\(^\text{113}\) One may also expect Chassidic law to be more spiritually inclined or to have more inclusion of Kabbalah in it than their Mitnagdic colleagues. However, this too is not necessarily the case. The Gaon of Vilna—the archetypical mitnagid—was a great Kabbalist in his own right, who seems to have been

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\(^\text{112}\) For various Chassidic Talmudists see Ahron Sorski’s for volume work, *Marbitzei Torah Me’Olam HaChassidut*.

\(^\text{113}\) See Talmud, Avoda Zara 19a, Ramchal, *Messilat Yesharim*; Talmud, Nidda, 17a “Our Rabbis taught: Three things have been said about the disposal of fingernails: He who burns Chasid, he who buries them is a Tzaddik and he who throws them away is wicked.” See Tosafothes, S.V Sorfan, He is aChassid that he does so though this causes him bodily harm. The applied notion is that aChassid would go beyond what is necessary—causing himself damage—so as not to harm another individual.
of the opinion that a Halakhic desicor must be proficient in Kabbala.\textsuperscript{114} Though during the 19\textsuperscript{th} century the mitnagdic community studied less Kabbalah than during the time of the Vilna Gaon, it seems that this was due to sociological reasons, rather than to an essential disagreement with Kabbalah.

For the most part, the Chassidic Talmudists seem to have dealt with Halachic issues in much the same manner as their Mitnagdic counterparts and it is at times difficult to locate a difference in their methodology of Halakhic ruling. This causes doubt and reservation as to whether there is a notion of Chassidic Halachah altogether or if it is a meaningless construct that, for the most part, is insignificant, in that the differences between their Talmudic studies were mostly trivial. Perhaps Chassidism, in and of itself, had no specific effect on Chassidic Talmudic study and Chassidim simply continued to study Talmud in the traditional manner as they always had.

On the other hand, one would assume that being steeped in Chassidic and Kabbalistic texts would affect the general worldview of the Chassidic Talmudist. Chassidism is not merely a way of life, but a philosophy of life; surely the difference in perspective must have influenced their Talmudic study. More so, Chassidic philosophy surely conceived the nature of Torah differently than other Judaic philosophies. One would expect that this difference of essential perspective regarding Torah had an effect on the manner that it was studied.\textsuperscript{115}

\textsuperscript{114} One of the original debates between chassidim and mitnagdim was how Torah was to be studied and the meaning of proper intent (lishma). See Tanya, Ch. 4-5, Nefesh HaChaim_____???
I would like to postulate that the difference between the Chassidic manner of Talmudic study, as opposed to the Mitnaged manner, was not arbitrary, but rather was the direct result of fundamental differences in approach to Talmud.116 Due to the difference of approach, abstract conceptualism developed specifically within the Chassidic camp.

Already in R. Yosef Ber Soloveitchik’s, “Halachic Man”, he describes the different perception of reality that Chassidic Man feels as opposed to the perception of “Halachic man”—the pristine example of the Brisker Talmudist. In his famous account of the Chassid weeping as he blew the the shofar, while Rabbi Soloveitchik’s father looked on in bewilderment, he succinctly illustrated the chasm between the Chassidic weltanschauung and that of the Mitnagdic Talmudist.117

Once my father was standing on the synagogue platform on Rosh HaShanah, ready and prepared to guide the order of the sounding of the shofar. The shofar blower, a God fearing Habad Hasid who was very knowledgeable in the mystical doctrine of the "Alter Rebbe," R. Shneur Zalman of Lyady, began to weep. My

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116 For an interesting conversation of the underlying relationship between the various Talmudic methodologies that were developed in the 19th century and the camps they were developed in, see Yair Dreyfuss, *Torah Study for Contemporary Times: Conservatism or Revolution? Tradition: A Journal of Orthodox Jewish Thought*, Vol. 45, No. 2 (Summer 2012), pp. 31-47. Additionally, see R. Shagar (Shimon Gershon Rosenberg), *Be-Toroto Yehegeh: The Study of Talmud as a Quest for God* [in Hebrew], (Efrat: Mekhon Kittevei ha-Rav Shagar, 2009), 290 pages, which much of the above essay is based on.

117 For the type of figure Soloveitchik describes in Halachic Man see David Hartman, *The Halakhic Hero: Rabbi Joseph Soloveitchik, Halakhic Man*, Modern Judaism, Vol. 9, No. 3 (Oct., 1989), pp. 249-273, Allan Nadler, *Soloveitchik's Halakhic Man: Not a "Mitnagged"*, Modern Judaism, Vol. 13, No. 2 (May, 1993), pp. 119-147, Dov Shyarts, *Religion or Halakha: The Philosophy of Rabbi Joseph B. Soloveitchik* (Brill Press, 2007) Ch. 7 pp. 146-193. As an example, Hartman describes that, “Halakhic Man, as represented by Soloveitchik's father, rejects the Hasidic understanding of Divine commandments. The significance of mitzvot for him is anchored essentially in the human realm. From Halakhic Man's formalist perspective, there is no essential difference between the mitzvah of shofar and lulav. Halakhic man refuses to relate either mitzvah symbolically to a cosmic drama mirroring the inner life of Divinity; his religious outlook is infused exclusively by the intention to fulfill his duty.”
father turned to him and said: "Do you weep when you take the lulav? Why then do you weep when you sound the shofar? Are not both commandments of God?\(^{118}\)

This description demonstrates Halachic man as disinterested and rejecting of the “Chassidic understanding of Divine commandments”. For him, “the significance of the mitzvot is essentially anchored in the human realm.”\(^{119}\) It describes an individual who views everything through the rubric of Halacha—dissimilar in essence to the mystical, spiritualistic perspective of the Chassid.

Soloveitchik writes:

> When Halakhic man approaches reality he comes with his Torah, given to him at Sinai, in hand. He orients himself to the world by means of fixed statutes and firm principles. An entire corpus of precepts and laws guides him along the path leading to existence. Halakhic man, well furnished with rules, judgments and fundamental principles, draws near the world with an a priori relation. His approach begins with an ideal creation, and concludes with a real one.\(^{120}\)

> Halakhic man does not enter a strange, alien mysterious world, but a world with which he is already familiar through the a priori which he carries within his consciousness. He enters into the real world via the ideal creation which in the end will be actualized - in whole or in part - in concrete reality.\(^{121}\)

It is perhaps due to this essential difference between Halachic man and Chassidic man, that the Chassidic Talmudist was distinct from the Mitnagdic Talmudist. The difference

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\(^{118}\) Halachic Man, pp. 60-61

\(^{119}\) Harman, *ibid*

\(^{120}\) Halakhic Man, p. 19.

\(^{121}\) Halakhic Man, p. 72
of perception as to what the essence of Torah study is and what Torah means, led to differences in Talmudic reasoning as well. It seems that abstract, philosophical, conceptual Talmudic reasoning gained a foothold as a Chassidic endeavor, in that there was something in their general conception of Torah in the first place, that promoted abstract thinking in Torah study.122

To understand the Chassidic approach to Torah study it is pertinent to bring its description as elucidated in the Tanya of R. Shneur Zalman of Liady:

The Torah and the Holy One, blessed be He, are one. The meaning of this is that the Torah, which is the wisdom and will of the Holy One, blessed be He, and His glorious Essence are one, since He is both the Knower and the Knowledge, and so on, as explained above in the name of Maimonides...

Therefore, the Torah has been compared to water, for just as water descends from a higher level to a lower level, so has the Torah descended from its place of glory, which is His blessed will and wisdom; [for] the Torah and the Holy One, blessed be He, are one and the same, and no thought can apprehend Him at all. Thence [the Torah] has progressively descended through hidden stages, stage after stage...until it clothed itself in corporeal substances and in things of this world, comprising almost all of the commandments of the Torah, their laws...all this in

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122 See Moshe Avigdor Amiel, *HaMidot LaCheker HaHalacha*, (Jerusalem, 1972) 2:12, *(Mavo LeCheker HaHalacha)* Pg. 22 that writes: “It is not correct that merely a few Rosh Yeshivot in our generation created the ‘new analytical methodology’ artificially...This methodology began, not from the Rosh Yeshivot of the academies of Lithuania; rather this path is found amongst such geniuses as: Rabbi Yitzchak Meir of Gur; Rabbi Avraham of Sochatchov; Rabbi Yosef Engel of Krakow. It is found in the works of Rabbi Meir Simcha HaCohen; Rabbi Yosef Rosen of Dinburg and others.”
order that every thought should be able to apprehend them, and even the faculties of speech and action…

When a person understands and comprehends, fully and clearly, any *Halachah* (law) in the Mishnah or Gemara, his intellect grasps and encompasses it and, at the same time, is clothed in it. Consequently, as the particular *Halachah* is the wisdom and will of G-d, for it was His will that when, for example, Reuben pleads in one way and Simeon in another, the verdict between them shall be thus and thus; and even should such a litigation never have occurred, nor would it ever present itself for judgment in connection with such disputes and claims, nevertheless, since it has been the will and wisdom of the Holy One, blessed be He, that in the event of a person pleading this way and the other [litigant] pleading that way, the verdict shall be such and such—now therefore, when a person knows and comprehends with his intellect such a verdict in accordance with the law as it is set out in the *Mishnah, Gemara, or Posekim* (Codes), he has thus comprehended, grasped and encompassed with his intellect the will and wisdom of the Holy One, blessed be He, Whom no thought can grasp, nor His will and wisdom, except when they are clothed in the laws that have been set out for us. [Simultaneously] the intellect is also clothed in them [the Divine will and wisdom].

In the Chassidic conception of Torah, G-d and Torah are one; just as G-d cannot be apprehended, so too, the Torah, in its essential state is beyond human understanding. Only after the Torah “progressively descended through hidden stages, stage after stage”

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123 Tanya, Ch. 4
124 Tanya, Ch. 5
did it become “clothed…in corporeal substances and in things of this world, comprising almost all of the commandments of the Torah, their laws.” In this conception the Torah is not merely a conversation about money, cows or damages, but is completely abstract in its essential state—a level that cannot fully be grasped by man.

Torah is not merely a guide book for man to create a working civilization, but, in essence, all its laws are a glimpse into the “mind” of G-d Himself, so to speak. “When a person understands and comprehends, fully and clearly, any Halachah (law) in the Mishnah or Gemara,” even a monetary law such as, “Reuben pleads in one way and Simeon in another, the verdict between them shall be thus and thus”; to whatever degree, he has understood G-d Himself, so to speak. As Tanya, states: “he has thus comprehended, grasped and encompassed with his intellect the will and wisdom of the Holy One, blessed be He, Whom no thought can grasp, nor His will and wisdom, except when they are clothed in the laws that have been set out for us.”

What this perspective accomplishes is more than the sanctification of Torah study. It becomes not merely a study of applicable and practical law, but a mystical union with God and the grasping with one’s intellect of a matter that, in essence, is beyond human comprehension. More importantly to our discussion, it transforms the manner in which any particular law under discussion is viewed, as this perspective imparts to the student...

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125 Compare to the statement of Derashot HaRan, Derush 11, “I will explain this further by saying that our Torah is unique compared to the laws of the nations of the world, in that the role of our mitzvos and statutes is not at all connected to the improvement of civilization. Rather, their result is that the Divine influence rests upon our nation and that He adheres to us....I therefore reason that just as the statutes (chukim) have no role in the improvement of state order, in that they have their own reason closely related to the resting of the Divine influence, so also the judgments (mishpatim) of the Torah have a large role, as of sharing the reason of bringing about the resting of the G-dliness upon our nation and improving our society.”
that viewing the Talmudic discussion as merely being corporeal and pragmatic, is a flawed perspective and that, in essence, Talmudic logic is Divine logic—so to speak.

A Talmudic student with this kind of mindset views the concepts of the Talmud differently than how he would have otherwise appreciated them. When he realizes that the argument in which “Reuben pleads in one way and Simeon in another, the verdict between them shall be thus and thus,” is in truth the “thought of G-d” and by extension “no thought can apprehend Him [or the Torah] at all,” and only through “progressively descending through hidden stages, stage after stage,” did it become clothed in a discussion of corporeal matters – this gives rise to the desire to discover deeper levels of abstraction, for the closer one is to abstraction and philosophical constructs, the closer one is to the pristine state of Torah. The more conceptually abstract the concept is, the more the Chassid feels that he has attained a truer understanding of Torah126.

Whereas this perspective sometimes gave rise to interpreting Talmud in Kabbalistic terms, it also gave rise to interpreting it in philosophical terms and principles. The Chassidic Talmudist sought to strip the Torah of its physical husk and view it as abstract thought and conceptualization127. Philosophical thought was often seen as the bridge between Kabbalah and normative thought, and discussing Talmud in conceptual and

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126 See Yoetz Kim Kaddish Rakutz, Si’ach Sarfei Kodesh-Hachadash, (Benei Berak 1986) P. 81-83 concerning R. Simcha of Bunim of Peshischa, who attempted to show correlation between his Talmudic lectures and Kabbalah.

127 Just as R. Yosef Engel sought to explain the Talmud in philosophical terms, he explained it in Kabbalistic terms as well. (See for example Shev Denechemta, Beit HaOtzar etc.). This was also a feature of R. Yosef Rosen’s (the Rogatchover Gaon) methodology. See Menachem Kashar, Mifaneach Tzfunot, (Jerusalem 1976) pp. 13-14 that the Rogatchover Gaon attempted to find how Kabbalistic thought was rooted in the Talmud. There (pg. 14) he postulates: “I believe that the causes for his (the Rogatchover’s) new methodology in Halacha—as will be further explained—are not only built on the philosophical principles of ‘The Guide,’ but on Kabbalistic works as well, because also in Kabbalah there is discussion of fusion and separation.” Also see Yehoshua Mondshine, Migdal Oz (Kefar Chabad 1980) Pg. 98
philosophical terms, rather than merely corporeal ones, was considered a first step in approaching Talmud in its pure form as a Divine discussion.\textsuperscript{128}

Whereas the Mitnagdic Talmudist sought conceptualizations for the discovery of the legal principles the laws were predicated upon, the Chassid sought abstraction since, in concurrence to his perspective, the closer one is to abstraction and philosophical concepts, the closer he is to the true intent of Torah. It is no wonder then that many of the intellectual “fathers” and pioneers of Talmudic conceptualization—including R. Yosef Engel—were of Chassidic stock and studied within the Chassidic milieu.

A practical ramification of the difference between these two approaches can be seen in R. Shimon Shkop’s “Torath HaMishpatim,” which contrasts with the Chassidic conception of these laws. A focal point of R. Shimon Shkop’s legal theory is his belief that a fundamental divide existed between Torah law dealing with Mitzvot and prohibition, as opposed to Torah law dealing with monetary issues.\textsuperscript{129}

R. Shimon Shkop maintained that in contrast to prohibitions and commandments that are predicated on G-dly commands—and by extension have spiritual, Torah considerations—monetary law is established on human logic and does not depend on religion per-say.

\textsuperscript{128} This is perhaps predicated on the opinion of Rama, Torath HaOlaj, 3:4 that “the wisdom of Kabbalah is the same as philosophy, just in different language.” Whereas Maharal, Derech HaChaim 5:6 (London 1961) pg. 334 vehemently denounces this perspective, and writes, “this is due to the foolishness of those who do not understand. For if they understood the concepts they would know they are far with the ultimate distance.” Notwithstanding this condemnation of the claim that the opinions of the Kabbalists were the opinions of the philosophers, Maharal, was of the first to elucidate Kabbalistic concepts in philosophical language. Indeed, it is for this specific reason that Maharal was popular in the Chassidic schools of Peshisha and Chabad, in that they were intellectually oriented and sought to explain Kabbalah in conceptual terms. See Moshe Shlomo Kasher’s, preface to Pirushei Maharal MiPrague, L’Agadot HaShas, (Jerusalem 1967)

According to him, in addition to the sages’ status as religious arbitrators, they served as secular authorities in monetary matters as well. While surely the Torah wants us to follow these laws, they nevertheless are essentially secular considerations—the product of the human mind—and not fundamentally religious in nature.\(^{130}\)

The following are some excerpts from R. Shimon Shkop’s *Sharei Yashar*—mostly quoted by Wosner—that express this notion in Shkop’s thought:

Monetary law is different than all other Torah laws. For, the Achronim have already asked on this that it has been established that concerning all manners of monetary doubt, we apply the rule of “*hamotzi m’chaveiro alav hara’aya,*” that the burden of proof rests upon the litigant who makes a claim against his fellow. Why is this not the same rule concerning any uncertainty concerning prohibitions in the Torah; is not the prohibition of “don’t steal” the same as “don’t consume *chelev*”?

…The Talmud (Bava Kama 46b) says that this concept, that the individual who wishes to take from his friend must bring proof, is simple logic.\(^{131}\) It seems that it is a principle regarding the rubric of rights of monetary law that in any uncertainty that arises, it returns to the primary rubrics of the power of monetary rights…Just as the rubrics of monetary rights are not Torah laws, rather their basis is the intellectual consensus that when one finds an object it is his, and the fruit of his field are his…therefore whenever uncertainty arises one returns to this principle,

\(^{130}\) See Sagi who compares these laws to the concept of natural law.

\(^{131}\) R. Shmuel ben Nachmani stated: Whence can we learn that the burden of proof falls upon the claimant? It is said (Shemot 24:14): ‘If any man has any matters to do, let him come to them,” [implying] ‘let him bring evidence before them’. But R. Ashi demurred, saying: Do we need Scripture to tell us this? Is it not common sense that if a man has pain he visits the healer?
which is predicated on the logic of our sages that it is proper that the burden of proof should be on the claimant…

This is what Shmuel said (Talmud, Bava Batra 92b) “One is guided by the majority practice in ritual, but not in monetary matters.” The intent is that in laws the basis of which is Torah law, the Torah tells us to follow the majority. However, in monetary matters that are based on logical consensus, resolving uncertainties is dependent on intellect and logic…

When we rule on any right of acquisition we are not ruling regarding a mitzvah, but rather the reality of who owns the object—and who should own it according to the rule of law…

Shkop explains that even without the commandment of “Don’t steal,” there nevertheless is a “logical” imperative not to steal. Wosner explains that “in creating a legal code, the sages operated as judges and lawyers and not as men of Halacha who elucidate G-d commandments.” While Wosner is convinced that Shkop would consider the study of these laws “Torah study,” and a religious experience, he also realizes that according to Shkop these laws are fundamentally man-made human laws as opposed to G-d given ones.

In Shkop’s definition, monetary law is a basic human moral imperative and its laws are based on the human mind, rather than the Divine. For him monetary law is based on

132 Sharei Yashar 3:3 (Jerusalem 2012) pp. 23-25
133 Sharei Yashar 5:1 (Jerusalem 2014) pg. 2. See Wosner pg. 186-187 for various other examples.
134 Wosner, ibid pg. 183
135 See for example Sharei Yashar 5:2 (Jerusalem 2014) pg. 15 “Although superficially it seems strange that a person has an obligation to do something even without a Torah command, however, when we contemplate this properly we can understand this as the imperative to serve G-d and to fulfill His will is also predicated on a logical imperative and the recognition of G-d.”
human logic, whereas Torah prohibitions are based on Divine law and logic. Clearly, this viewpoint produces legal, as well as philosophical ramifications. The difference of how one views Torah law in general, and the fundamental axioms its laws are predicated upon—in that some are regarded as human laws—effect the manner of adjudication to be essentially different than when one focuses primarily on spiritual considerations and views Torah as an abstract construct.\footnote{See also Chidushei HaGrashash Vol. 4 Pg. 335 who writes: “This idea is laughable and it is akin to the pilpulim as to whether Pharaoh believed in shi’ibuda de’Orayta or not. However, these types of discussions were not uncommon in R. Yosef Engel and other Chassidic thinkers. See also Shimon Hirshler, Se LaBayit pg. 493 that R. Chaim was also adamantly against the style of learning “Lishitato” that was popular amongst Chassidic Talmudists such as R. Yosef Rosen and R. Yosef Engel.}

Examples of this are brought by Shkop himself. He cannot agree with R. Yonatan Eibshitz claim (\textit{Urim V’Tumim, Takfo Kohen Sec. 23}) that just as the Torah only forbids a \textit{sure} mamzer, the Torah only forbids \textit{sure} stealing—as such, the reasoning why the burden of proof is the responsibility of the claimant is because in such a case the theft would be permitted, as it is not clear cut theft. For Shkop—who believes that monetary law is fundamentally different than Torah law—this notion is absurd.\footnote{Sharei Yashar 3:3 (Jerusalem 2012) pp. 23} For him, even in a situation where the Torah states that demurring repaying a loan from a gentile is \textit{permitted},\footnote{הפקעת הלווה, see Talmud, Bava Kamma 114a} there nevertheless remains the \textit{moral imperative} to repay him. As in his legal premise that monetary laws are basic moral and logical premises, there cannot be any difference between the law as it applies to a Jew and the law as it applies to a gentile—since both are governed by the same logical considerations.\footnote{See Sharei Yashar 5:1-3 (Jerusalem 2014) pg. 1-37}

This clearly cannot be the case if monetary laws are viewed as religious and Divinely given, \textit{rather} than logical moral imperatives. When one views all the laws as being
Divinely ordained, it is quite reasonable that just as there are differences between Jew and gentile in religious law, so too there are differences in monetary and civil law, for after all, the same G-d who commanded the Jew to don Tefillin, likewise commanded that their monetary law be different than that of gentiles.\textsuperscript{140}

The Chassidic paradigm as expressed in Tanya views monetary law vastly differently than Shkop. Tanya states that when, “Reuben pleads in one way and Simeon in another, the verdict between them shall be thus and thus…since it has been the will and wisdom of the Holy One, blessed be He, that in the event of a person pleading this way and the other [litigant] pleading that way, the verdict shall be such and such…he has thus comprehended, grasped and encompassed with his intellect the will and wisdom of the Holy One, blessed be He, Whom no thought can grasp, nor His will and wisdom.”

What this statement expresses is that the monetary laws of, “Reuven pleading in one way and Shimon in another,” are the “wisdom of the Holy One, blessed be He”, at their root, “Whom no thought can grasp, nor His will and wisdom.”\textsuperscript{141} Tanya makes this statement, not in regard to religious law—in which it is clear that one is studying a religious, G-d given concept, but rather concerning judicial litigation in monetary matters. Accordingly, at their very root, the rulings in judicial monetary litigation are not based merely on human logic arrived at through normative logical arguments, but are rooted in the wisdom of G-d, “Whom no thought can grasp.”

\textsuperscript{140} See the argument between Rambam (Melachim 9:14) and Nachmanides (Bereishit 34:13) as to whether a gentile is obligated in all the judicial laws of a Jew, which has relevance to this discussion. Wosner and Sagi are in disagreement as to just how much of a universalist Shkop actually was—see at length in their respective papers.

\textsuperscript{141} This notion is common in Maharal too, who influenced Chassidic thought, as well as the Talmudic thought of R. Yosef Engel. See for example, Tiferet Yisrael. Ch. 6, 8, 9, 11, and 12 that the Torah laws are essentially spiritual paradigms that effect the corporeal plane of existence—and their inherent difference from normative law.
The resultant difference is that with this kind of approach one will attempt to delve deeply into the underlying philosophical principles motivating the laws. On the other hand, one who studies Torah law with the perspective that monetary laws are moral imperatives based on human logic, will search for those moral imperatives. For him, applying abstract philosophical or conceptual considerations to monetary law would be both illogical and preposterous. Rather, he will seek arguments that are referred to in the yeshiva world as “baal abatishe” (clear common sense), as opposed to philosophical thinking.142

Conversely, if someone studies with the premise that Torah begins as abstract G-dly wisdom, this will profoundly affect how he views Talmud, and he will be drawn to apply abstract philosophical concepts to understand it.143 Not only did the Chassidic Talmudist not have an issue with applying abstract philosophical concepts to monetary law, but on the contrary, he embraced it, because the greater the abstraction, the closer he believed he approached true Talmudic reasoning.

Another practical implication is that for Shkop the divide between Divine prohibition and monetary law is absolute—though they affect one another, they operate in completely different spheres. To him the division between dissimilar segments of the Torah is complete and an attempt to bridge them is nonsensical. Engel on the other hand views the

142 Compare to an anecdote brought by R. Shlomo Zevin, Ishim V’Shitot (Jerusalem 2006) pg. 35: “Once, a Torah scholar wished to suggest a novel idea to R. Chaim, but first apologized..saying ‘it’s a baal habatishe reasoning.’ ‘Don’t worry,’ replied R. Chaim ‘all my Torah is baal habatishe arguments.’” Though this statement seems to have expressed humility on R. Chaim’s part, in truth it expresses his distaste for the philosophical Talmudic reasoning that was popular in R. Yosef Rosen (and R. Yosef Engel). Indeed, as Zevin notes, though initially R. Chaim’s ideas seemed to be brilliant innovations, at the conclusion of his lectures the students were often were puzzled how their initial understanding of the Talmud had been any different. (This phenomenon was also reported in regard to R. Shimon Shkop’s lectures).

143 See the preface of Maharal, Be’er HaGolah as to his premise about Talmudic wisdom and the type of abstract, philosophical, thinking throughout his work.
matter quite differently; bridging the two worlds of monetary law and Divine prohibitions, of Halachah and agadah, is a common feature, not only in R. Yosef Engel’s work, but in the work of other Chassidic Talmudists as well. This is because from the Chassidic perspective, though externally the Talmud may be dealing with different matters, nonetheless, in essence they are both “the will and wisdom of the Holy One, blessed be He,” and “the Torah and the Holy One, blessed be He, are one and the same.” Just as G-d is one, to the Chassidic Talmudist, Talmudic law is one and inseparable from God.144

Accordingly, the difference between the Chassidic Talmudist and the Mitnagid Talmudist is not only in their different approaches to understanding the mystical teachings of Torah, but in their understanding of the exoteric parts of Torah as well. How they view Torah in general will profoundly affect their study of it. The Chassidic Talmudist will naturally gravitate towards abstract concepts, whereas the Mitnaged Talmudist will naturally gravitate towards logically coherent arguments based on “human” understanding.

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144 This idea of explaining Halacha using Agadah, Talmud using Kabbalah, or monetary law using religious law, is a common theme in R. Yosef Engel’s corpus, and seems to result from a mystical perspective and approach to Torah law and logic. See for example Shut Ben Porat, 8, Lekach Tov, Klal 12 (Benei-Berak 2002) Pg. 217, FN 18 “All of Torah is a single unit, as explained in works of Chochmah (a euphemism for Kabbalah) and it is all one mitzvah.” What is interesting is that the specific place where Engel mentions this idea indicates that he also had mystical considerations when writing regarding Talmudic law. This quote is from a responsa to a matter that he had written in what seems to be a purely Talmudic rubric of whether one applies the concept of chatzi shiur to a commandment. The Chassidic Rebbe, R. Pinchas Menachem Yustman of Gur (the Piltzer Rebbe), questioned part Engel’s hypothesis and Engel responded. What is fascinating is that though Engel does not mention any Kabbalistic reasoning in the initial composition, in the response to this Chassidic Rebbe, Engel felt quite comfortable to explain how it is rational and true according to Kabbalah. He uses this logic to explain the Talmudic statement (Sanhedrin 111a) “[the verse Yeshayahu, 4:14 states] ‘Therefore, the netherworld has expanded itself and opened its mouth without measure.’ Resh Lakish said: [It means] for him who leaves undone even a single statute. R. Yochanan said to him: It is not pleasing to their Master that you say this to them. But [say], who has not studied even a single statute.” Engel explains this according to Kabbalah that being that all of Torah is one, the question is if chatzi shiur of Torah has value. Resh Lakish believed it does not, whereas R. Yochanan believes it does. What is conveyed in this is (a) the use of Kabbalah to explain Talmud—and his mystical considerations and (b) his use of the Halachic concept of chatzi shiur to explain a section of Agadah. For him the concepts of Torah are one, and there can be a cross- references of seemingly disparate sections of the Torah.
There is the common tendency to separate Chassidic Talmudists, such as the *Avnei Neizer* or R. Yosef Engel's Talmudic study from their esoteric study. In truth however, it seems quite reasonable to postulate that their Talmudic approach and methodology was directly affected specifically by their mystical, Chassidic attitudes. In other words, they were not scholars who *happened* to be Chassidim; Rather, their Talmudic scholarship reflected Chassidic paradigms and perspectives. It was because of these attitudes that they viewed Talmudic law in a way of abstract concepts and principles, rather than as a legal system like any other.

As we will see Chassidim found a soul mate for this type of Talmudic abstraction in the Maharal and his conceptual approach to Talmudic study. It seems partly due to his influence that many aspects of conceptual Talmudic thought were developed amongst Chassidim and were a primary part of R. Yosef Engel’s Talmudic approach.

### 2.4 Abstract philosophical conceptualizations in the works of R. Yosef Engel

Just as Talmudic abstractions were found in Brisk, they were also found in R. Yosef Engel’s thought. In describing the philosophical methodology of Rabbi Yosef Engel, Rabbi Menachem Kasher writes in his *Mifane’ach Tzfunot*:

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145 In describing Brisk, R. Josef B. Soloveitchik writes, *Ma Dodekh MiDod*, 28 (Ha'Doar 1963) this translation is taken from Lawrence Kaplan, Rabbi Joseph B. Soloveitchik's Philosophy of Halakha, 7 Jewish L. Annual 150 (1988). 146“Torah scholars used to denigrate those who studied the laws of Kashrut [kosher laws]: only those who were about to enter the rabbinate would study this area of the law. Who could guess the day would come [with the development of the Brisker approach] that these laws would be freed from the bonds of facticity - external and common sense explanations, and become transformed into abstract concepts, logically connected ideas that would link together to form a unified system.... Suddenly,
Rabbi Yosef Engel zatzal of Krakow, in his works Gilyonei HaShas, as well as his other works, shows tremendous proficiency in all the “chambers of Torah” to their depth and breadth, similar to the Tzafnat Pane’ach. Before him were revealed many works of the Rishonim that the Tzafnat Pane’ach did not at all use. He employs the same methodology of “abstract conceptions that have large significance,” and accordingly based his amazing works, Lekach Tov, (Warsaw, 1893), the two volumes of Beit HaOtzar, Tzinuim LaTorah, and Atvan DeOrayta. In his analysis and logic, he is similar to the Tzafnat Pane’ach in tens of places…He likewise uses in his explanations The Guide to the Perplexed and Milat Higayon of Rambam…and elucidates (Talmud) in many places according to philosophical principles.

Philosophical conceptualizations abound in the thought of Rabbi Yosef Engel. One need only open any of his works and read a few pages before being faced with a novel, abstract, thought construct. We will suffice with two examples in which Rabbi Yosef Engel applied theoretical conceptualizations to Talmudic reasoning. These examples were chosen because they were later discussed by such individuals as Amiel. They thus will serve as an example of how Engel’s thought influenced later writers.

The pots and pans, the eggs and onions disappeared from the laws of meat and milk; the salt, blood and the spit (skewer) disappeared from the laws of salting. The laws of kashrut were taken out of the kitchen and removed to an ideal halakhic world... constructed out of complexes of abstract concepts.” In this example of the laws of Kashrut being more than practical law, but more importantly abstract conceptualizations, R. Yosef Engel is a peer to this approach, in addition to R. Yosef’s Engel’s section of Lekach Tov (klal 3) that deals with the conceptual roots of the halachic concept ta-am ka-ikar, whether or not tam is the essence, or is merely like it—which has little bearing on practical law, but is a chakira primarily for its own sake, R. Yosef Engel has a work dedicated to the laws of Yorah De-ah that deal with kashrut—Otzrot Yosef, Yorah De’ah. One would expect that the law would be dedicated to practical law, but here too, R. Yosef Engel is much more interested in the halakha as an abstract study than a practical one. 146 Jerusalem (1976) pg. 33 Mefane’ach Tzfunot is a work dedicated to the methodology of The Rogatzover Gaon and the author saw various similarities between the two figures, as will be discussed.
The first is the question of what is more potent, quality or quantity; this idea is found in R. Engel’s work, *Lekach Tov*,\(^{147}\) and the second is a discussion of the principle that a cause must precede the effect, from his work *Beit HaOtzar*\(^{148}\).

Though the query of the potency of quality vs. quantity is not a standard question in Talmudic literature, Rabbi Yosef Engel creatively shows that the Talmud actually discusses this concept in twenty-six places. In viewing the Talmud as conceptual dialogues rather than merely pragmatic ones, he was able to cull thought constructs from texts that others had overlooked. This thinking is indicative of an individual who not only saw the philosophical implications of Talmudic laws, but who had an incredible creative and independent proficiency in Talmud. While others viewed the conceptual implications of *specific* Talmudic sections, his works highlight that he viewed the entirety of Talmud from a conceptual perspective.

The first example revolves around a question as to whether there is truth in *Ran’s* statement concerning desecrating *Shabbat* for a sick person.

The scenario in question is whether it is better for a person to slaughter an animal for a sick person’s consumption on Shabbat or to feed him meat that had not been ritually slaughtered.\(^{149}\) *Ran* rules that it is better to slaughter kosher meat rather than to serve him non-kosher food. This is so, although slaughtering an animal on *Shabbat* is a capital offense, whereas eating non-kosher meat is merely a prohibition (*lav*). *Ran’s* reasoning is that although slaughtering the animal *seems* to be a stricter prohibition, it is only a *single* prohibition that is transgressed at the *moment* of slaughter, whereas eating non-kosher

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\(^{147}\) *Lekach Tov*, Sec. 15 (16)


\(^{149}\) Yuma___ citation needed.
meat is a prohibition that is transgressed with each kazayit swallowed. Though he does not explicitly say so outright, we can intimate that in his opinion, a single prohibition, no matter how strict, carries less weight than many prohibitions of lesser severity.

In dealing with this question, Rabbi Yosef Engel strips away the specific problem of this case, and views it as a purely conceptual issue, viewing the question as follows. “What is worse, one strict prohibition or many light prohibitions?” Or to put the question in somewhat more conceptual terms, “does an abundance of quantity outweigh quality?”

Though in this treatise it would be superfluous to bring all twenty-six Talmudic proofs cited by R. Engel to arrive at his conclusion, we will suffice with his sixth proof which, due to its simplicity, can be easily appreciated in context with the above question. This example will also shed light on how Engel read rabbinic sources, often seeing what they imply, rather than what they state superficially.

Rabbi Yosef Engel’s comments revolve around the Mishna (Avot 3:15) “All is foreseen and freedom of choice is granted. The world is judged with goodness, but in accordance with the amount of man's positive deeds.”

On this Rambam comments:

One’s greatness is not achieved in the measurement of the greatness of the action, but rather according to the quantity of actions. This is to say that greatness is accomplished in performing a good deed many times—with this the acquisition is acquired; not in a person doing one great act of the good deeds, for in this itself the acquisition is not acquired. An example of this: someone who donates to a

150 Yitzchak Shilat, Mesechet Avot, Im Pirush Rabbeinu Moshe Ben Maimon, (Jerusalem, 1994) Pg. 59
thousand dinar to a person in need, at one time and to one person, will not acquire
the trait of philanthropy through this one great act, as one would accomplish
through giving the same thousand dinar through a thousand small acts. In giving
each dinar he acts philanthropically a thousand times and attains it (the quality of
philanthropy) in a strong manner. However, in this one act, in which the soul was
awakened with a great awakening for a good act; afterwards (the inspiration
dissipates) …This is what is meant in the statement “all is in accordance with the
quantity of man's positive deeds and not according to the deed.151”

Engel understands from Rambam’s explanation that quantity has an advantage over
quality. It is for this reason that performing many small acts of charity is greater than one
single great act of charity.

Most interestingly, Engel himself was cognizant that how he viewed this Rambam is not
exactly what Rambam himself wrote—and that from Rambam himself one could not
prove this point. However, in seeing Rambam in conceptual terms he was able to intimate
an idea that Rambam himself was not cognizant of. In quoting Rambam, Engel writes:

In Avot (3:15) [it states] “all is in accordance with the amount of man's positive
deeds.” Rambam there explains that when one gives charity a hundred times, even
though each time he gives one peruta, his reward is greater than were he to give
one indigent a hundred peruta. This is so, though the excitement (hitpa’alut) of
giving a hundred peruta at once is a greater matter of philanthropy, nevertheless,
many excitements (hitpa’alut) are greater than one great excitement

151 In Maimonides version of the Mishna, the words “and not according to the deed” are part of the
Mishna’s formula.
(hitpa'aluṭ)—this is the case concerning all the mitzvot. This is what is meant by the statement “all is in accordance with quantity of man's positive deeds,” rather than saying, “according to the greatness of the deeds,” because many small actions are greater than one great action.

The focal difference between Rambam’s explanation and Engel’s explanation is that Rambam is discussing how to engrain a positive character trait into a person’s psyche, whereas Engel interprets it in regard to how G-d views the action and rewards him accordingly. According to Rambam there is no proof that quantity outweighs quality on an objective level—he only explains the subjective effect on the individual; whereas Engel, who interprets the Mishna to mean the way G-d judges and rewards the person for his actions, sees the Mishna as discussing the objective advantage of quantity over quality.152 Concerning this discrepancy between what Rambam actually wrote and what Engel derived from it, Engel writes:153

Although, according to the reasoning the Rambam, of blessed memory, gave in his explanation, there is no proof; (see there well,) nevertheless, according to the reasoning of the Ran, mentioned above, he is not forced to (explain the Mishna according) the reasoning of the Rambam of blessed memory. Rather, he can explain the Mishna similarly, not with his reasoning, but with Ran’s reasoning that “abundance of quantity outweighs quality.” It is for this reason that the Mishna states “all is in accordance with the quantity of man's positive deeds,” and

152 Engel does not explicitly say that his interpretation is not found in Rambam, as he posits his interpretation as if it were Rambam’s. He only hints that it is not actually what Rambam said in his discussion of applying this logic to Ran’s question.

153 Lekach Tov (Benei-Berak 2002) Sec. 6 Pg. 240
did not say “according to the greatness of the deeds;” this explanation is straightforward.

Engel is aware that he is reinterpreting Rambam creatively to explain the concept that “abundance of quantity outweighs quality,” although this interpretation is not conclusive in Rambam. He nevertheless employs Rambam’s explanation in a way that he adapts to Ran—as he sees no axiomatic difference in the essential explanation.

However, what this proof strongly exhibits is the remarkable conceptual creativity Engel employed when reading texts. He did not merely read them and master their content; he understood them at the root of their conceptual implications, thereby giving him the ability to apply them to entirely different thought constructs. When reading Rambam’s logic of how to acquire positive character traits, he saw the question of quality vs. quantity, not only the question of acquiring positive traits. Although Rambam’s own discussion was primarily on the psychological level, Engel plumbed the depth of the essential reasoning; this gave him the keen ability to reinterpret the thought and ingeniously apply it to a different question.

This proof then, serves as a perfect example of how Engel’s reading of Talmud and its commentaries was not limited to simply what the text said on a superficial level, but more significantly, he stripped the texts down to their philosophical and logical implications viewing them as thought constructs and conceptual points rather than seeing only the narrow specifics of the case.
The second place that we will mention is in Rabbi Yosef Engel’s work, *Beit HaOtzar*, regarding his rule of *Ba'in Ke'eched*.

The discussion there revolves around the verse (Shemot, 29:14) regarding the *chatat* offering that was brought to sanctify the *kohanim* and the altar: “But the flesh of the bull, its hide and its dung you shall burn in fire outside the camp; it is a sin offering.”

In explaining the reason this offering was burned outside the camp *Chizkuni (ad loc)* explains:\(^{155}\)

> The reason why this offering is burned is as the verse explicates, “it is a sin offering.” This is the reason why the offering is burned, because it is brought to purify the altar, as stated, (*ibid* 29:23) “you shall purify the altar.” Now, the altar is only completely consecrated with the blood (of the *chatat*). It therefore emerges that at the time of the slaughtering it was as if there was no altar and therefore it cannot be eaten and must be burned.

Rabbi Yosef Engel is bothered, as *modus ponens*, if the sacrifice is not valid, it has no ability to consecrate the altar, and if it is not invalid then why is it burned? Additionally, how can it indeed consecrate the altar when in order for the sacrifice to be validated, its blood must be sprinkled on an *already* consecrated altar?

To answer this question, Rabbi Yosef Engel employs the reasoning of *ba'in ke'eched*—that the two things are as if they happened simultaneously (something that he is aware is not actually possible—as will be seen):

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\(^{154}\) Piyetrikov (1908), Pg. 22, Sec. 2 *Ba-in Ka-achad*.

\(^{155}\) Another interesting aspect of this section is his use of biblical commentary to elucidate a Talmudic rule. This is somewhat atypical in Talmudists, who were not always proficient in all Biblical commentary.
However, so that Chizkuni’s reason not be completely illogical it can be explained that in truth the validation of the chatat is only due to the concept of “ba’in ke’e’chad.” The offering consecrates the altar, and through their being an altar, by derivative, the chatat is validated. However, this idea of ba’in Ke’e’chad is only employed to validate the chatat in terms of consecrating the altar for offering and sprinkling (blood), however, it does not have the ability to validate the offering for eating, being…that when there are two things in which one is a cause for the other, such as in our case, in which the validation of the chatat is the cause for the consecration of the altar and the consecration of the altar is the cause for the validation of the offering. This being the case, in truth, there is a logical absurdity, since a cause must preface the effect and the effect of a cause is akin to the preface of time. See this elucidated in Milat Higayon of Rambam (Ch. 12). By extension, the effect comes after the cause. It is therefore absurd that this effect will again be the cause to the effect that caused it. For how can something that happens later be a cause for something earlier (which can only be applicable in a conceptual cause, not an actual cause)? [However, the explanation is that logical absurdities] are only pertinent in a human being, who is under the constraints of time and the concept of before and after. However, concerning the Almighty, for whom all transcends time and (for whom) there is no concept of before and after, it is indeed possible that two matters can happen at once—even though one is the cause and the other is the effect.

156 This section deals with the origins of Rabbi Yosef Engel’s philosophical model of understanding Talmud and its relation to the thought of Maharal. It is interesting to point out that Maharal also (Gevurot HaShem, Ch. 22, and other places) elucidates that a cause must come before its effect and that they cannot happen simultaneously. Maharal writes: “When one nourishes and sustains, he is prior to the other; for he is
To explain the matter of how the chatat can be both a cause and an effect, Rabbi Yosef Engel discusses the philosophical principle as elucidated in Rambam’s Milat Higayon, in addition to the Kabbalistic principle that G-d is not limited by logical incongruity.\(^{157}\)

Instead of seeing a question of the chatat, in his philosophical conceptualization of Talmud Engel sees a discussion of cause preceding effect and views the Talmudic discussion as one that discusses that thought construct.

These two examples are merely a taste of the copious instances in which Engel strips away the external discussion to reveal core principles that the Talmudic discussion revolves around, since conceptualization of Talmudic dialogue is one of the basic traits of Engelian thought.

3.1 Maharal’s conception of Talmud

According to Maharal’s conception of Talmud the sages were masters of G-dly philosophy and the Talmud is an expression of that philosophy. In Maharal’s opinion, the

\(^{157}\) One would wonder how Rambam himself would elucidate on this principle, since Maimonides is of the opinion (See Guide to the Perplexed 2:13, 2:16, 2:25) that G-d is bound by matters that are logically absurd. However, perhaps in this case, in which the absurdity is the concept of time, Rambam would not consider it absurd that G-d is not bound by time, as according to Rambam, time—and perhaps the derivative of cause and effect are a creation as well.
sages concealed their conversations with strange arguments, though in truth, all their dialogues are philosophical in nature.\textsuperscript{158}

Maharal’s extensive writings are riddled with explanations of Talmudic ideas using abstract philosophical concepts—and he believed that many of the problems people had with Talmudic law and \textit{Aggada} were because they viewed it as normative, practical law. However, in his opinion, only when one realizes that it is a supernal philosophical wisdom do these questions dissipate.

It is with this principle that he opens his work \textit{Ba’er HaGola}, his defense of the Talmudic sages:

> Being that the perfection of man is in his knowledge and understanding of that which exists, one’s first order should be self-knowledge and not to be a fool in the understanding of oneself. In truth this understanding is not easy and not many are wise in this understanding of self-knowledge. However, theoretically it is simple on an essential level; for were one merely to open his eyes on himself - since “it is not in the heavens” to recognize one’s true self—being that there is nothing closer to a person (than himself). However, most individuals are mistaken to an extent. They compare themselves to their predecessors, saying, “I to have a heart and the days that preceded ours are not any better than our own; for the wisdom that (even) most ancient of all implanted is all from one place—in that the human race is one.” This is their great mistake. However, the sages knew their worth; they did not deal unjustly with their money and surely not with their “self”. This is referred

to as the self-assessment of the wise, as the Talmud (Eiruvin 53a) states: “R. Yochanan stated: The hearts of the ancients were like the door of the Ulam, that of later generations was like the door of the Heichal, but ours is like the eye of a narrow needle. R. Akiva is classed among the ancients; R. Eleazar ben Shammua among the last generations. Others say: R. Eleazar ben Shammua is classed among the ancients and R. Oshaia BeRibi among the last generations — ‘But ours is like the eye of a fine needle’ — And we, said Abaye, are like a peg in a wall in respect to Gemara. And we, said Raba, are like a finger in wax as regards logical argument. We, said R. Ashi, are like a finger in a pit as regards forgetfulness.”

They admitted and were not ashamed; they gave an assessment of the ancients and of the last generations and admitted to their own level. Now, see how they measured the generations. They explained that the ancients were completely intellect; For man is composite of body and mind; in the earlier generations the power of the intellect overpowered the body and had the upper hand, pointing out that they had an expansive heart to receive wisdom without the constraints of the body…if you will investigate this you will find that for a human, being is a receptacle for abstract wisdom and the receiving of G-dly holiness is a single concept, to the point that there is no difference between them.

He (Rabbi Yochanan) states that, “we are like the eye of a narrow needle.” This means that the level of man now is in a state of body; in which the physical overwhelms the intellect. The amount of intellect accepted is like, “the eye of a narrow needle,” which expresses the epitome of smallness, as no hole is smaller than it. So too, in our generations physicality overwhelms intellect and intellect
exists at the minimum needed to retain the form of man. For man, being man, it is impossible that he be completely devoid of intellect; since then he would be likened to a beast. Being that his intellect is only enough for “intellect to be called upon him, its measure is miniscule, enough to retain the classification of intellect. This is the measure of this generation, as we see that physicality overpowers intellect. However, what Abaye said that, “we are like a peg in a wall in respect of Gemara,” means that deep concepts and wisdom which man cannot arrive at on his own and are rather only from teacher to teacher, who received them as well, we can only understand very little of them. From these deep concepts, what enters our hearts is akin to a peg in hard wood; i.e., it only enters it in the place where the wood is weak and not the main aspect. Rava added “we are like a finger in wax as regards logical argument.” Meaning to say that the wisdom that a person can attain on his own without the assistance of a teacher, is merely logic and, “is like a finger in wax.” For just as when one places his finger in wax he can move it in the direction he chooses, so too our logic is not conclusive and can be bent to his choosing, for it is not a strong logical argument…

The words of the ancients are like a closed book before us; all the more so when they spoke in a way of deep wisdom, in which their wisdom and knowledge is hidden from us. Even if we understand something of their words, a person should not assume that he reached their end or even their middle…Therefore, if a person comes upon a matter in the words of the ancients that is far from the knowledge and wisdom engrained in us, and he thinks strange thoughts regarding the
ancients, it is only due to the foolishness of the thinker, in considering himself to be wise and a master of science.\textsuperscript{159}

Maharal elaborates that the wisdom of the sages was an abstract conceptual philosophy completely removed from our level of understanding. Contrary to normative logic which assumes that the Talmud is speaking in pragmatic terms we understand and in matters that we too can have mastery over, Maharal opines that the sages spoke in a pure philosophical manner and that we would be fools to believe we truly comprehend them. This viewpoint is the direct result of the notion that the wisdom of the Talmud is a G-dly wisdom and that a true appreciation of Talmud is an appreciation of the Divine.

Based on this premise Maharal responds to the various reservations posed about the veracity of Talmudic passages, responding to questions from the sciences, ethics, morality or what seems to be basic logic and the various Talmudic statements that seem to run contrary to these rules. In all these instances, the crux of his response is inevitably that the Talmud is discussing purely philosophical concepts, rather than speaking in

\textsuperscript{159} Similarly, Maharal writes \textit{Ba’er HaGola}, \textit{Ba-er} 2 “There is no doubt that the reason why the words of the Sages seem farfetched is due to the difference in types of wisdom. For, the Sages, of blessed memory, possessed a tradition of G-dly wisdom and it is upon this wisdom that they based their path. Therefore, an individual that does not possess this path and only has natural paths and human intellect, cannot fathom their words. It is for this reason that there is a discrepancy between their (the Sages’) opinions and the opinions of everyone else. This is similar in the Torah itself; that there are many things in Torah that are distant from human understanding, because the G-dly words of Torah are extremely distant from human comprehension.” Compare this to a similar sentiment in \textit{Derashot HaRan}, \textit{Derush} 11: “I will explain this further by saying that our Torah is unique compared to the laws of the nations of the world, in that the role of our \textit{mitzvos} and statutes is not at all connected to the improvement of civilization. Rather, their result is that the Divine influence rests upon our nation and that He adheres to us....I therefore reason that just as the statutes (\textit{chukim}) have no role in the improvement of state order, in that they have their own reason closely related to the resting of the Divine influence, so also, the judgments (\textit{mishpatim}) of the Torah have a large role, as if sharing the reasons of bringing about the resting of the G-dliness upon our nation and improving our society... Nonetheless, this creates no lacking, because whatever may be lacking would be fulfilled by (an ordinance of) the king. On the contrary, we have an advantage over the ordinances of the nations, because the \textit{mishpatim} of the Torah are righteous in and of themselves, as Scripture states, ”and they shall judge the people with a righteous judgment.” He expresses the idea that the logic of Torah law is not normative law, and in a certain sense, lacks the civil order that is created through normative law. This is because the ordinances are “\textit{mishpat tzedek};” coherent from a G-dly, philosophical perspective, but not necessarily from a practical perspective.
practical terms. In his opinion Torah law is a pure G-dly and conceptual law that at times goes against normative thought patterns.

A principal example of the non-traditional Talmudic methodology Maharal employs to answer questions of those who scoffed at Talmud, is Maharal’s discussion of the law of *zomemim* as elaborated in Talmud, *Makot* (5b).

The law of witnesses that are *zomemim* is as the verse (Devarim 19:19) states: “then you shall do to him as he plotted to do to his brother, and you shall [thus] abolish evil from amongst you.”

Now, the Talmud there states concerning false witnesses that if the witnesses succeeded in their plot and accomplished their goal they are not punished. This is because the verse states “Do unto him as he ‘proposed’ to do unto his brother”. The Talmud infers from this that “this clearly implies when his brother is still alive.” Therefore, in a case where the accused was executed, the witnesses are not at all punished is a terrestrial court.

This seems to make no sense. One would assume that if a *lesser* crime warrants punishment, certainly a *greater* crime should warrant punishment—all the more. However, the Talmud (Makot 5b) explains that regarding punishment of an individual, it cannot be derived using *a priori* logic; the Torah must specifically dictate it. The Talmud (*ibid*) states, “No penalty is inflicted on the strength of logical inference.”

This does not seem to make sense; if the testimony of the false witnesses failed and they did not accomplish their plot, they are punished. However, if their conspiracy was successful and they indeed brought about undue retribution upon an innocent victim, they receive no punishment whatsoever?
From a normative standpoint there are three justifications for capital punishment, incapacitation, deterrence, and retribution.\textsuperscript{160} Surely, according to any of these classical explanations capital punishment would be justified in this case; if the lighter crime is punished by death, would it not stand to reason that the more heinous crime be punished as well?\textsuperscript{160} The Maharal is bothered by this seemingly incoherent law and points out the sentiment of those who scoff at Talmud: “On this thing they wag their finger saying, ‘it is like vinegar to our teeth and smoke to our eyes to be strict on the person who did not do, more so than on the person who did do.’”

Whereas classical commentators attempt to explain the rationale of this law, Maharal’s explanation is indicative of his abstract, conceptual, philosophical perspective on Talmudic law.\textsuperscript{161}

Additionally, you should understand the deep and truthful words of the sages when they said, “what he plotted to do” and not “what he did”, for this is an act that involves thought (intent), because logically, there is no reason that the judgment for the zomem should be death, since only thought (intent) was involved. The fact that the Torah judges him with death is because it is proper that the thought he wished to perpetrate on his fellow should be reversed upon himself. He desired to kill him, therefore it is reversed and he is killed. This is

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\textsuperscript{161} See Kesef Mishna, Laws of Testimony, 20:1 “It is not proper to give them death in court that will atone for them, rather it is proper to leave them be so that they will be judged terribly after they die.” Ramban, Devarim 19:19 “If Reuven was killed, we consider that what the first set of witnesses testified is true, and that he was killed because of his sins; for if he was righteous, G-d would not have left him to their hands, and would not have found him guilty when judging him. In addition, G-d would not have let the righteous judges who stand before G-d, spill innocent blood, because “the judgment is upon the Lord” and “in the midst of the judges He will judge.” This all is a tremendous benefit of the judges of Israel, and an assurance that G-d agrees to their [judgment] and is together with them in judgment.”
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expressed in the verse (Devarim 19:19), “then you shall do to him as he plotted to do to his brother.” For why did the Torah need to make the punishment dependent on this? Rather, the Torah states (Esther 9:25) “his evil scheme that he had devised should return upon his own head.” This very thought is reversed upon himself, for it is conceptually befitting that the evil thought should returned upon the schemer. This is expressed in Esther (9:25) “his evil scheme that he had schemed against the Jews return upon his own head” - so too in all situations. This is because thought can be easily reversed upon the thinker when the thought has yet to be actuated b’po’el. This is analogous to a person who throws a stone at something. If the target does not absorb it, it is likely to bounce back and hit the thrower…When the matter is still in thought, the scheme can easily be reversed and that he (the zomem) be punished by it. Being that conceptually it readily can be expressed b’poel, it is expressed b’poel. However, in a case in which he succeeded, it becomes impossible for the scheme to be reversed. This is similar to Esther (7:9) “Also, behold the gallows that Haman made for… And the king said, "Hang him on it;” for the thought was reversed on Haman. However, when the action has already been fulfilled (and dissipated) it is impossible to reverse the plot and judge him with a death sentence.

Maharal’s conception of punishment is completely abstract compared with standard, considerations. In his formulation of eidim zomemim the punishment is not for the purpose of incapacitation, deterrence, or retribution. Rather, the punishment is an expression of the potential energy being reversed upon the false witnesses. In the transference of energy, it can only be reversed while it is still in the potential state (בכח.
however once the energy has been used up—and the plot has been accomplished—the potential energy has already dissipated and therefore is irreversible. This explains why although their sin is more grievous, the earthly courts cannot exact punishment upon them.\footnote{See as well \textit{Ba-er HaGola}, ch. 2 for further discussion of thought.}

This example epitomizes Maharal’s thought process, in that his considerations are based on philosophical underpinnings. Instead of dealing with the normative notions of punishment, he instead deals with a \textit{ko’ach} that was expressed \textit{b’poel}, as opposed to a \textit{ko’ach} that was not expressed \textit{b’poel}. The energy of a \textit{ko’ach} not expressed \textit{b’poel} can be reversed and manifested a different matter. However, once the \textit{ko’ach} no longer exists, discussion of punishment becomes meaningless.\footnote{It is understood that this is not in all manners of punishment, but specifically this punishment where the Torah expresses that they are punished due to their intent. This is because in the case of \textit{zomemim} it is an action-less crime, as the court are the ones who ruled and carried out the edict, not the witnesses. Their actions are merely a \textit{gerama}.}

Philosophical considerations abound in Maharal’s writings and are a basic tenant of his Talmdudic approach. He discusses that time bound mitzvot are not considered done upon completion but extend throughout the time of \textit{chiyuv},\footnote{\textit{Netivot}, Netiv Avoda. Ch. 19} that the visible cause is not the first cause,\footnote{\textit{Ba-er HaGola}, Baer 2} that cause always precedes effect,\footnote{\textit{Gevurat HaShem}, Ch. 22} that cause and effect are always in accordance to one another,\footnote{\textit{Pirushei Agodot}, Maharal, Shabbat 10b} that an effect can last even after the cause has dissipated,\footnote{Preface to \textit{Tiferet Yisroel}} that time is one continuum as opposed to being made up of parts,\footnote{\textit{Tiferet Yisroel}, ch. 10} what the concept of space is\footnote{\textit{Tiferet Yisroel}, ch. 7, Ch. 27} and many other philosophical topics.
In addition to the philosophical ideas that he discusses, he uses philosophical nomenclature that is often echoed in the works of Rabbi Yosef Engel and other 19th century Talmudic scholars.\(^{171}\) It is plausible that the Maharal’s terminology entered into Engel’s lexicon, and in turn had some degree of influence on the terminology of the Lithuanian analysts.

Some of the terminology common in Maharal are *Etzem vs. Mikreh*,\(^{172}\) *poel vs. nif’al*,\(^{173}\) *ko’ach vs. po’el*,\(^{174}\) *siba vs. mesuvav*,\(^{175}\) *heder hamaziot (mitzut hederi)*,\(^{176}\) *ikar va’yosod*,\(^{177}\) *mahut vs. metziut*,\(^{178}\) *ila vs. alul*,\(^{179}\) *tzurah vs. chomer*,\(^{180}\) and various other philosophical nomenclature.

Nonetheless, though Maharal employs the same terminology as the more philosophical inclined in the “Analytical School”, he does not use common analytical terminology such as—*gavra vs. cheftza, shtei dinim*—often employed by later Talmudic analysts. This language, while found in Talmudic literature, is particular to R. Chaim of Brisk and his students.\(^{181}\) This is because though Maharal’s Talmudic study was philosophical in nature, it would be difficult to define it as analytical.

Maharal does not deliberate about the *manner* of how he reached his conclusions or *debate* texts of the Talmud or the *Rishonim*. Instead he explains, elaborates and elucidates

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\(^{172}\) *Ba-er HaGola*, *Ba-er* 2 (Jerusalem, 1971) Pg. 90, *Gevurat HaShem*, *Ch. 8* (Jerusalem, 1971) pg. 45 amongst numerous other places.

\(^{173}\) *Gevurat HaShem, Ch. 56* (Jerusalem, 1971) pg. 246

\(^{174}\) *Ba-er HaGola*, *Ba-er* 4 (Jerusalem, 1971) pg. 83

\(^{175}\) *Hakdamah Rishona, Gevurat HaShem*, (Jerusalem, 1971) pg. 3

\(^{176}\) *Ba-er HaGola*, *Ba-er* 6 (Jerusalem, 1971) Pg. 105

\(^{177}\) *Ba-er HaGola*, *Ba-er* 6 (Jerusalem, 1971) Pg. 122

\(^{178}\) *Ohr Chadash*, Preface, (Jerusalem, 1971)

\(^{179}\) *Ba-er HaGola*, *Ba-er* 4 (Jerusalem, 1971) Pg. 60

\(^{180}\) *Ba-er HaGola*, *Ba-er* 2 (Jerusalem, 1971) Pg. 36

\(^{181}\) Engel as well speaks of *gavra* and *cheftzai* and other terminology similar to Brisk.
concepts without informing us about the process of how he arrived at his formulations. For him, his conclusions are the indisputable clarification of the given sugya and he does not deliberate with the reader to prove his assumptions. Though from his teachings alone it would be difficult to construct a systematic methodological formula of how he arrived at his conclusions, reflectively, after the analytical method has been introduced and developed, the philosophical conceptualizations he employs can be paired with the analytical method\textsuperscript{182}.

So, though it is far-fetched to view the Maharal as the intellectual father of the analytical method, it is not at all implausible to assert that he can be seen as the intellectual “forerunner” of approaching Talmudic discussion from a philosophical framework.

3.2 Maharal’s influence on Chassidic Thought

The writings of the Maharal were extremely popular in the budding Chassidic movement. As a young movement, it was devoid of internal texts and looked to Maharal as a source of Chassidic concepts\textsuperscript{183}.

Maharal filled this role, as his approach to Jewish thought was saturated with Kabbalistic influence expressed in a coherent, organized and logical manner. His focus on service of G-d and his many philosophical and mystical conceptualizations created an intelligible and articulate approach to the service of God.

\textsuperscript{182} What is expressed is that the analytical method is really made of two parts; (a) analytics and (b) conceptualizations. While Maharal is the intellectual father of abstract conceptualizations, it is difficult to see in him the source for analytical Talmudic study.

In order to understand Rabbi Yosef Engel’s connection to Maharal, it is important to understand the Chassidic school of Kotzk which had a special relationship to Maharal. Nonetheless, the beginnings of the use of Maharal within Chassidic thought begins with Rabbi Yisroel Hofshtein (1737-1814) The Magid of Kozhnitz.  

Rabbi Yisroel of Kozhnitz lived in the third generation of Chassidism and was a student of Rabbi Dov Ber, the Maggid of Mezritch and after the Maggid’s passing, of Rabbi Elimelech of Litzhensk. It was specifically through the efforts of Rabbi Yisroel that the works of the Maharal were reprinted at the end of the 18th century and the beginning of the 19th century, after being ignored for the most part and unstudied for generations.

Additionally, Maharal’s thought percolated into Chassidic thought through the school of Peshischa. The school of Peshischa, which was the forerunner of Kotzk, focused on the study of Chassidus with intellectual rigor and was intent on attracting accomplished scholars in addition to the simple folk; as such it saw the Kabbalistic-Philosophical works of Maharal as a perfect source of Kabbalistic thought and a path in the service of God, which had intellectual rigor and depth, in addition to the often simplistic thought of Chassidic aphorisms.

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185 Isaac Herschkowitz notes (*ibid*, FN 2) that although the work has an approbation from Rabbi Levi Yitzchak of Berditchev in addition to the Kozhnitzer Magid, it is clear that the impetus for the work came from the Kozhnitzer Magid, as the work was published by Reb Yaakov Moshe Yarislov, a student of the Kozhnitzer. This is in addition to the fact that Rabbi Yisroel of Kozhnitz’s affinity to Maharal is expressed in his work *Geulat Yisroel* (Warsaw, 1865) which deals with the thought of Maharal.

186 See Issac Hershwitz, (*ibid*) that notwithstanding this affinity, there was a certain ambivalence as well, being that in their conception, the Kabbalah of the Ari, of Blessed Memory, trumped the Kabbalah of Maharal. As such, certain axioms of Maharal fell by the wayside in light of Lurianic Kabbalah.
Rabbi Simcha Bunim of Peshischa\textsuperscript{187} is quoted as saying about himself that he was instrumental in disseminating the thought of Maharal:\textsuperscript{188}

He (Rabbi Yitzchak Meir of Gur) would say that the holy Rebbe of Peshischa (Rabbi Simcha Bunim) may his merit protect us, would visit the grave of the Maharal, of blessed memory and would say to him, that he (the Maharal) knows that he (Rabbi Simcha Bunim) disseminated his words. The Rebbe would conclude that indeed before, the world did not appreciate the “taste” of his words, but when the holy Rebbe of Parshischa learned the works of the Maharal, he gave flavor to his words.

Indeed, Rabbi Simcha Bunim set up a Chassidic school in which the writings of Maharal served a central role. In the work \textit{HaRabi M’Kotzk Veshitat HaGiborim Saviv Lo}, he writes of Reb Bunim’s school of chassidus:\textsuperscript{189}

Rabbi Bunim stated that a person must choose a Rebbe in this world and a Rebbe in the spiritual world—meaning to say, a Rebbe that has already passed away and has left his writings to study. For himself he chose the Maharal of Prague…\textsuperscript{190}

Rabbi Bunim created a new methodology of Chassidus. In place of the holy inspiration and supremacy of emotion of the original Chassidus, he created a

\textsuperscript{187} Rabbi Simcha Bunim Bonhard, (1765-1827) was a Chassidic Rebbe and student of Rabbi Yaakov Yitzchak Rabinowitz (The Holy Jew) of Peshischa. What is particular about the school of Peshischa is that whereas other Chassidic courts had large followings of simple folk, Peshischa had a small group of elite Torah scholars. While other groups focused on the value of the simple Jew, Peshischa had lofty idealistic values that were particularly unattainable for unlettered individuals. See Rabbi Dr. Michael Rosen. \textit{Quest for Authenticity - The thought of Reb Simhah Bunim, Jerusalem,} (Urim Publications, 2008.) Alan Brill, "\textit{Grandeur and Humility in the Writings of R. Simhah Bunim of Przysucha,}" in Hazon Nahum

\textsuperscript{188} Yoetz Kim Kadish Rakatz, \textit{S’i’ach Sarfei Kodesh} (Piyetrikov, 1823). Pg. 24 (Sec. 4) while the authors name sounds as if it is pseudonym in the work \textit{Nifalot HaYehudi} (1808) by the same author there is printed (pg. 37) the language printed on his tombstone where the same name is mentioned.

\textsuperscript{189} Yechezkel Rothenburg, Moshe Shanfeld, (Tel-Aviv 1959) Pg. 28

\textsuperscript{190} Yoetz Kim Kadish Rakatz, \textit{S’i’ach Sarfei Kodesh-HaChadash} (Benei Berak 1989) Pg. 136
place where the intellect reigned supreme. As an essential basis of this Chassidus he established that a person should study Talmud and the works of the Maharal in depth. On the other hand, he disregarded delving into Kabbalah and the secrets of the Torah.

Reb Bunim’s affinity to Maharal can be seen in the supremacy he gave Maharal’s writings over and above Kabbalistic texts.\textsuperscript{191} Since the school of Peshischa studied Talmud and Maharal over and above other texts, it is safe to say that this deeply influenced their Chassidic thought and approach. A student of this school would obviously have been deeply affected by Maharal’s thought and would learn to think along the lines of the Maharalian rubric.

So, though Maharal’s writings never penetrated Judaic world view until the mid-19\textsuperscript{th} century, being for the most part ignored, the school of Peshischa was instrumental in transforming normative Judaic and Chassidic thought, by making Maharal the cornerstone of their Chassidic philosophy. In raising a generation of thinkers to contemplate matters using Maharalian formulas, Maharal’s thought began to percolate into Judaic thought in general and his ideas began affecting matters beyond the parameters of strict Chassidism.

What followed from the special affinity of Rabbi Simcha Bunim for the Maharal was that it engendered a special appreciation for the works of the Maharal in his student, Rabbi Menachem Mendel of Kotzk. Rabbi Mendel is quoted as directing his student, R.

\textsuperscript{191} This was continued in Kotzk where the vast majority of Chassidim did not study Zohar.
Nachum Yisroel of Lipna, “that throughout his life he should not learn any works of Chassidut. Rather, he should only study the works of the Maharal”.

Whereas, the primary appreciation of Maharal in other Chassidic circles may have chiefly revolved around matters of Aggada or matters pertaining to the service of G-d and Kabbalah, it is conceivable that in Kotzk this appreciation spread to his Talmudic reasoning as well.

There are no extant written thoughts from Rabbi Menachem Mendel of Kotzk and, as such, it is impossible to ascertain his mastery of Talmud directly from his writings. However, from anecdotes and oral history told about him, by the students who basked in his presence and testified regarding his Torah knowledge, it is safe to assume that he had ample mastery of Talmud.

Indeed, two of his students, Rabbi Yitzchak Meir of Gur and Rabbi Avraham Bronstein of Sochatchov became world renowned scholars, and as Amiel (ibid) intimated, were protagonists in their own right in founding the new Talmudic methodology of Analytics. Being that two of the pioneers of this method were students of Kotzk, it is therefore not farfetched to postulate that the seeds of this methodology were planted in Kotzk under the tutelage of Rabbi Mendel of Kotzk.

Though there are many anecdotal stories testifying to the Kotzker’s Talmudic prowess, there can be no greater affirmation than the testimony of students who were themselves renowned Talmudic giants.

192 א. גוטסדינר, הארי שבחכמי פרג, עמ' רדנ, הע

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In the preface to Rabbi Avraham of Sochatchov’s work on the laws of Shabbat, *Iglei Tal*, he describes how it was his father-in-law, Rabbi Mendel of Kotzk who oversaw his Talmudic development. Surely, he would not point this out as a frame of reference, were it not abundantly clear that the Kotzker was a renowned Talmudic scholar.

Rabbi Avraham writes:

Avraham answered and said, this time shall I thank G-d that my portion is amongst those who sit in the study halls; and that from my youth I have been amongst those who seek Torah. Already when I was a *child*, my father, master, teacher and rabbi taught me the paths of *pilpul*; and when I was ten years of age I developed original ideas. Afterwards, I entered the sanctum sanctorum of my father-in-law, the Rebbe of Kotzk *zatzal*, the source of wisdom and understanding. From him I learned the methodology of depth and from him I discovered what can be considered to be truly novel Torah concepts, because not all *pilpul* can be considered novel (Torah). It is beyond belief, even if I told of the great devotion that he focused upon me with an open eye, including my manner of learning and novel thought…The students who study my work will learn a methodology of study. I mention this here, as I have heard that in our times, the main analysis of the youth is in *svarat*; not in the *peshat* or the clarification of the various *shitot* [How Talmud would be understood according to each *shita*]. However, these two elements are the basis of *Halacha*. Regarding this I heard from my father-in-law (Rabbi Menachem Mendel of Kotzk) that already in his 193 See further where we will expand on the methodology and influence of Rabbi Avraham of Sochatchov, as appreciating his methodology is pertinent to appreciating the influence he had over Rabbi Yosef Engel and the development of his unique methodology of learning.

194 כד היותו פליאא
time, he was dismayed that people did not study *Halachah* for itself. He warned me that I should delve into *peshat* as well; such as the works of *Maharsha*\(^{195}\) and *Maharsha Shach*.\(^{196}\)

As Reb Mendel of Kotzk personally directed and supervised his son-in-law’s learning, there is no doubt that elements of his style, as influenced by Maharal, were adopted by Rabbi Avraham of Sochatchov. It is somewhat inconceivable that R. Avraham of Sochatchov would use this method of Talmudic study if his father-in-law did not condone it, as he writes that his manner of study was taught to him by his father-in-law. More so, knowing of Rabbi Mendel of Kotzk’s great affinity for Maharal, it is safe to postulate that this manner of study indeed developed as an offshoot of Kotzk.

Evidence of the Maharal’s influence upon Rabbi Mendel of Kotzk can be gleaned from numerous sources. While it is difficult to objectively ascertain the authenticity of each and every source, the picture the composite data produces is that the Maharal served a focal role in Kotzk—including in the development of Talmudic ideas.

There are various quotes that intimate that in Kotzk the study of Maharal was an important feature in developing Talmudic concepts and methodology. Rabbi Menachem Mendel of Kotzk is quoted as saying, “One who studies the works of the Maharal of

\(^{195}\) Rabbi Shmuel Eidels (1555-1631). Authored a commentary on the Talmud *Chidushei Halachot, Chidushei Agadot* that focuses on analyzing the Talmud, Rashi and Tosafot. Much of his commentary tries to understand the basic reasoning behind the various questions and answers of Rashi and Tosafot. The study of Maharsha was largely ignored in the schools of Lita. Zalman Epstein, in his work *Yeshivot Lita – Pirkei Zichronot*, Pg. 74 describes his time in the *yeshivah* of Volozhin in the year 1875 “We did not at all learn the works of Maharsha or Maharam Shif in Yeshiva. To focus on understanding a “vedok” or a “ve’yesh leyashiv” of the Maharsha was considered silly and a waste of time. We studied the Talmud and Tosafot; the Alfas and the Ashri.” It is all the more so understood that this was the approach of the *yeshivot* of Brisk and Telz. See Shai Akavya Wosner, *Chashiva Mishpatit Be’Yeshivot Lita, Bre’at Mishnato Shel HaRav Shimon Shkop* (Ph.D dissertation, Hebrew University, 2005) Pp. 51-55

\(^{196}\) Rabbi Shmuel Schotten HaCohen (1644 – 1719) author of the work *Kos HaYeshuot* a work dedicated to elucidating the *peshat* of the Talmud, Rashi and Tosafot.
Prague receives concepts and sevarot to understand Talmud and poskim. \(^{197}\) “His son in law, the holy Genius of Sochatchov said that the novel ideas of his holy father-in-law followed the methodology of the Maharal of Prague”. \(^{198}\)

Clearly, Rabbi Mendel’s adherence to the Maharal greatly influenced Rabbi Avraham of Sochatchov and there are dozens of instances in his writings in which he relies on the Maharal’s explanations—including in arriving at Halachic decisions. \(^{199}\) This statement, that “One who studies the works of the Maharal of Prague receives concepts and sevarot to understand Talmud and poskim,” indicates that there was a particular Talmudic framework that Maharal imparted that was highly respected in Kotzk.

3.3 Rabbi Avraham of Sochatchov

Rabbi Avraham of Sochatchov, \(^{200}\) (1838-1910) was born in Bendin, Poland into a rabbinical family. \(^{201}\) He was both a Chassidic Rebbe and a Talmudic genius who had a great influence in raising the level of Talmudic study throughout Poland through his yeshiva. \(^{202}\) In the year 1866, after the passing of the Chidushei HaRim, R. Avraham

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\(^{197}\) Yoetz Kim Kadish Rakatz, Si-ach Sarfei Kodesh HaChadash Vol. 3 (Benei Berak 1989) pg. 198. See א.י ברומברג, מגדולי החסידות ה' עמ' לו that the Kotzker once expressed about his son in law, R. Avraham of Sochatchov that he has the mind and soul of Maharal—indicating that there was a similarity in their style of learning.

\(^{198}\) Yoetz Kim Kadish Rakatz, Si-ach Sarfei Kodesh HaChadash Vol. 4 (Benei Berak 1989) pg. 136

\(^{199}\) Indeed, it is quoted Avnei Nezer, Torah, Moadim Likutim, (Jerusalem, 1976) Pg. 170 that he ruled like Maharal on many issues—such as drinking a 5th cup at the Pesach seder. “The second night we drank five cups and on the 5th cup we said the great Hallel. This is per Maharal’s ruling, Gevurot HaShem, Ch. 60 and 65.

\(^{200}\) For a biographical sketch of Avnei Nezer, See Ahron Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 156-194

\(^{201}\) His father Rabbi Zev Nachum was the author of the work Agudat Ezov—a halachic work that is arranged in erchim in alphabetical order. He served as a Rabbi and Rosh Yeshiva in Poland. He was born into a Chassidic family, his father was a Chassid of the Chozeh and Reb Simcha Bunim of Peshischa.

\(^{202}\) Many of his students became prominent Talmudic and Rabbinical figures in their own right. Sadly, many perished in the holocaust. Indeed, in addition to the tragic loss of millions of lives, there was a tragic
founded a yeshiva in his home. It was there, and later in Sochatchov, that many of the
greatest Polish Talmudic scholars developed their methodology of study.\(^{203}\)

Though the focus of many Chassidic Rebbes was on prayer, Rabbi Avraham of
Sochatchov is quoted as saying: “Of all the paths of service of G-d, the path of the study
of Talmud and poskim in depth is best of all.\(^{204}\) Rabbi Yechiel Meir of Gustinin was
accustomed to calling him “The Torah Jew,” due to his singular focus on Torah study.\(^{205}\)

Interestingly, R. Avraham of Sochatchov writes in one of his responsa that his writings
must be studied in a manner similar to studying the Rishonim.\(^{206}\)

\(^{203}\) Ahron Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 168. In
describing his lectures, Sorski writes quoting a pupil: “We would listen to his classes from midnight
until four in the morning. The study was complete with fear and consternation. His eyes were closed and he’d
shake like a person engulfed in flame. When he’d get tired, the Rebbe would go to his room, take off his
shirt and shoes and rest for fifteen minut — he awakens with a jump, wash his hands, and continue the
class as if there had been no intermission. He’d speak with an abbreviated expression and only the sharp
students who were proficient were properly able to understand. When he had a question that no one would
be able to answer he’d say ‘if I knew that there was a Jew somewhere who could answer this question I’d
be willing to travel hundreds of miles.’”

\(^{204}\) Ahron Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 156

\(^{205}\) Ibid.

\(^{206}\) Shut Avnei Nezer, Even HaEzer 1:122 (Piyetrikov, 1912) Pg. 208: “One thing that I am disappointed
about is that you read my letter very hastily. I must inform you, not out of conceit, G-d forbid, that one
must be extremely meticulous in my words. One of the famous geonim of our country wrote to me once
when I sent him a compilation to peruse that ‘he always examines my work in the same manner that he
studies the Rishonim, and that at the moment he does not have the time. If you’d examine my words with
some depth, you’d gain much good.” Compare as well to a statement brought in Si-ach Sarfei Kodesh-
HaChadash (Benei Berak 1989) Pg. 19 that the Sochatchover remarked about himself “I am like one of the
Rishonim and the only difference is in time, that I am of a later generation. Were I to be in an earlier
generation, I would be like them.”
In his conception, one can only truly fulfill the mandate of cleaving to G-d if one’s mind is fully absorbed in the depth of Halachic study.\textsuperscript{207} Zevin classifies the methodology of Kotzk as a negation of the style of pilpul, and instead calls it, “Derech Hahigayon v’Hasvara.” In this it is akin to the methodology of Brisk, developed in Lithuania during the same era.\textsuperscript{208}

In describing the methodology of the Sochatchover, Yehoshuah Moshe Aharonsohn writes:\textsuperscript{209}

What was novel in the methodology of Sochatchov? The methodology of the Yeshivah of the Rebbe, the Avnei Nezer, was different than the methodology of learning in most of Poland. In place of pilpul and insights, in Sochatchov they toiled to plumb the depth of the sugya and to clarify the words of the Rishonim—each according to his Shita—to their root. In Sochatchov the desire was to understand the Sugya, not to drift around it. The methodology of the Chasidut of the Kotzker Rebbe—of searching for truth—became the methodology of study of his son-in-law and student, the Alter Rebbe of Sochatchov…In Sochatchov one clarified the Halachah to its depth, not to its breadth; to penetrate its depth and true essential point and find the root of why the various interlocutors argue.

Similar to Brisk and the schools derived from it, the emphasis was to analyze the depth and root of the sugya rather than pilpul.\textsuperscript{210} Indeed Rabbi Chaim of Brisk was friendly

\textsuperscript{207} Ibid.
\textsuperscript{208} Rabbi Avraham of Sochatchov had a Yeshiva where he guided students in his analytical method that focused both on understanding peshat of the sugyot—something that was somewhat ignored in Lithuanian Yeshivot, as expressed in various testimonies (see footnote ####)—as well as an analysis of the hagdror of the essential ideas. His work Iglei Tal which describes the essential hagdror of the malachot of Shabbat is an example of this methodology, as expressed in his preface.
\textsuperscript{209} Hosafot, Reishit Bikurim (Jerusalem, 1961)
\textsuperscript{210}
with various students of Sochatcov and is said to have praised the methodology of the Avnei Nezer.\textsuperscript{211} Sorski, in his biographical sketch of the Avnei Nezer relates:

The descendants of Rabbi Chaim of Brisk zatzal, relate that when the sefer, Bikurei Shlomo, (printed 1893) reached him, he opened it and flipped through it to see its contents. His eyes immediately fell on the responsa of the Sochatover printed there, included in one of the sections.\textsuperscript{212} This brought him much excitement; as he later expressed. This small section was enough for him to ascertain the Torah methodology (of the Avnei Nezer).\textsuperscript{213}

It was the logical coherence of Sochatcov that attracted budding scholars, including Rabbi Yosef Engel, to the doors of the Sochatcov Beit Midrash and Rabbi Avraham of Sochatcov had a deep effect upon the general level of Polish Torah scholarship.\textsuperscript{214}

\textsuperscript{210} The difference between pilpul and higayon is that while pilpul is inherently deductive, whereas higayon (analytics) is inherently inductive.
\textsuperscript{211} Ahron Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 180
\textsuperscript{212} I was not able to ascertain which Teshuvah this was, as there are various thoughts from the Avnei Nezer printed there. In Sorski’s work Marbitzei Torah Me O lam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 180 he connects this story to a Teshuva from the Avnei Nezer to R. Shlomo Marzikov (Orach Chaim, Sec. 517) “It is not proper in my eyes that you printed by responsa without my consent, before I had a chance to examine if it is proper to be printed throughout the world. The words of the Rambam in his response to what the Talmud says that what a person says publicly should be considered four times before saying it, are well known. How much more so, when it is printed, even a thousand is insufficient. Especially since what I wrote him, was not intended as practical Halacha, but rather as pilpul. Which is not the case when it is printed - people will rule from it in practical terms.” If Sorski is indeed correct, it is all the more interesting that R. Chaim was impressed with an unedited Torah thought.
\textsuperscript{213} An additional anecdote is quoted by Sorski, Marbitzei Torah Umusar. (Israel 1976) Vol. 4 pg. 51 in the name of Rabbi Eliezer Yehudah Finkel, the Rosh Yeshiva of Mir, that he heard Reb Chaim praise the Sochatover saying: “he is able to penetrate with the breadth of his intellect and reach the true intent of Torah.” Later Rabbi Eliezer Yehuda Finkel himself visited the Avnei Nezer. Allegedly they spoke in Talmudic depth for three and a half hours.
\textsuperscript{214} In addition to Maharal, it seems that Rabbi Avraham of Sochatcov was influenced by the Shulchan Aruch HaRav. Perhaps it is also from there that his analytical prowess was developed, as this is an area much less pronounced in Maharal, but strongly expressed in the Kuntras Achron of R. Shneur Zalman of Liadi. Various anecdotes that express this connection are quoted by Yehoshua Mondshine, Midal Oz, (Kefar Chabad, 1984) Pg. 92; “The Sochatover was accustomed to refer to the Vilna Gaon as “The Gaon” and to the Baal HaTanya as “The True Gaon.” He remarked to his grandson R. Shabtai Bornstein that in the Shulchan Aruch HaRav one can see greater depth than in the Biurei HaGra. He showed him fourteen places where the Gra said that the matter is tzarich iyun that are answered in the Shulchan Aruch.
Pertinent to our discussion is Rabbi Avraham of Sochatchov’s usage of Maharal’s library. 215 Of the anecdotes that are recorded that have bearing on this issue is that he made it mandatory for his students to study Maharal. 216 This is telling of the respect and usage that this Torah sage had for the Maharal’s modality of thought. Though examples abound in which the Avnei Nezer employs Maharal in Halachic discussion, we will suffice with one example: 217 The Avnei Nezer takes a matter discussed in Maharal on an entirely different topic and creatively applies it in a novel manner to the halakha that he deals with.

Maharal’s discussion revolves around the Talmud (Pesachim 49b):

R. Eleazar said: In regard to an ‘Am HaAretz, it is permitted to stab him [even] on the Day of Atonement which falls on Shabbat. Said his disciples to him, Master, do you mean to say that one should [ritually] slaughter him? He replied: This [ritual slaughter] requires a benediction, whereas that [stabbing] does not require a benediction. R. Eleazar said: One must not join company with an ‘Am HaAretz

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215 See הארי שבחכמי פרג, עמ' רסט א. גוטסדינר, “R. Avraham of Sochatchov would say that the ‘scholars of Blaski’ make a mistake in thinking that Maharal was too verbose, for one must analyze his words.”

216 See הארי שבחכמי פרג, עמ' רסט א. גוטסדינר, “Once, when R. Avraham of Sochatchov was sick, he sent a messenger to beseech mercy at the grave of Maharal and to state at the grave: ‘that when the Rebbe of Kotzk spread Maharal’s works and directed that they be printed, he (the Sochatchover) did a great thing, in that he made a mandatory edict that all Chassidim must study Maharal.’”

217 See Moshe Shlomo Kashar, Mavo, Derashot Maharal MiPrague. (Jerusalem, 1968) pp. 9 - 69 for a lengthy discussion of copious examples where Rabbi Avraham of Sochatchov derived his modality of thought from Maharal.
on the road because it is said (Devarim, 30:20), “for [the Torah] is your life and the length of your days”: [seeing that] he has no pity for his own life, how much more so for the life of his companions!” R. Shmuel ben Nahmani said in R. Yochanan’s name: One may tear apart an ‘Am AaAretz like a fish! R. Shmuel ben Yitzchak said: And [this means] along his back.

In explaining this curious Talmudic passage Maharal differentiates between etzem and poel. Though there are actions that may be “theoretically” suitable, in practice, the action is forbidden, because of the consideration that an am ha-aretz has the potential (koach) to become a Talmid Chacham. Only if in the end of his life he hasn’t changed can we retroactively know that he deserved the consequences of this law. The Maharal writes:

Additionally, one should know the true intent of this passage; in that it says, “it is permitted to stab him [even] on the Day of Atonement which falls on Shabbat.” This is because he is devoid of Torah—therefore it is permitted to stab him. However, since every person, even one who is not a Ba’al Torah, has the ko’ach (potential) to possess Torah, as long as it is within his ability to receive the Torah; therefore, being that it exists potentially, he is similar to any other person who possesses Torah, similar to an infant who is ignorant. Thus, because of this potential, that he is (potentially) disposed to Torah or to connecting to the sages, he departs from the verdict of an Am HaAretz. Being that he has the potential to become a Torah scholar, one cannot say that it is permissible to stab him. However, the law is still true, as theoretically it would be permitted to stab him, because in actually, he is an Am HaAretz. The intent of this Talmudic passage is

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218 Ba-er HaGola, Ba-er 7, (Jerusalem, 1971) Pg. 142
to teach us that at its core, the concept of an Am HaAretz is abhorrent and revolting.

Maharal’s understanding is that Talmud—especially in regard to Agadata—is discussing theoretical constructs rather than practical matters. This leads him to conclude that there is a conceptual difference between ko’ach and po’el. The conclusion of the Maharal here is that although something may be abhorrent in practice, it is not necessarily abhorrent in theory, since the potential for transformation exists.

Rabbi Avraham of Sochatchov employs this teaching of the Maharal to tackle a different question that superficially has no connection to the stabbing of an Am HaAretz. He creatively strips away the particulars of the discussion and derives a Halachic conclusion from the conceptual idea Maharal imparts.219

The question the Avnei Nezer deals with is a case of a Torah scroll that has an additional word in it. In the verse (Vayikra, 23:5) “In the first month, on the fourteenth of the month, in the afternoon, [you shall sacrifice] the Passover offering to the Lord.” The scribe had mistakenly written the verse as it appears in (Shemot 12:18) “In the first [month], on the fourteenth day of the month.” The verse in Shemot states the “on the fourteenth day of the month.” However, the verse in Vayikra states, “on the fourteenth of the month,” with the omission of the word “day”.

There are several Halachic opinions as to whether an additional word would invalidate the Torah scroll and the questioner sought Rabbi Avraham of Sochatchov for his ruling.

After a discussion of the relevant poskim that discuss the issue, the Avnei Nezer cites the Zohar (Tikunei Zohar, 25) that a Torah scroll must be complete and that when it is missing a word or has an additional word, it is not considered complete and is therefore invalid. Though one usually does not rule according to Zohar, the Avnei Nezer was of the opinion that if a matter is unclear in the poskim, one can rely on Zohar—especially in this case, in which most poskim agree with the Zohar.220

It is pertaining to this Zohar that the Avnei Nezer finds relevance in the above section of Maharal:

In all this, one must consider the Maharal in his work, Ba’er HaGola, Ba-er 7, concerning the Talmud’s statement (Pesachim 49b) that one is permitted to stab an Am HaAretz. Surely, its meaning cannot be taken literally and certainly, a person who kills an Am HaAretz is executed. Rather, the meaning is that though in regard to the etzem (essential) idea of an Am HaAretz he is deserving of stabbing, however, is he not able to accept Torah and become a Talmid Chacham?! If indeed this person died as an Am HaAretz, it can be said retroactively that it would have been permissible to kill him. See his reasoning at length. Now, if he explains an Aggadic section of Talmud in this fashion, then all the more so, the Zohar can likewise be explained that it is not discussing a practical Halacha. This means to say that just like the Pri Megadim validates the Torah scroll in accordance to Rashba, that when two letters are attached after being written, since the potential exists for (the extra letter) to be erased, if so, there is no proof from the Zohar. This is because the Zohar is discussing the etzem (essential) validity of

220 See as well שו”ת דברי יציב חלק אורח חיים סימן ב.
an invalidated Torah scroll. Nevertheless, in actuality (b’poel), it is kosher since it is erasable and the extra letter will no longer exist. This is exactly the same as the words of Maharal concerning an Am HaAretz; i.e., in his etzem (essential) state he may be stabbed, but because of his potential to accept Torah, whoever kills him is executed. So too, on an etzem (essential) level an additional letter invalidates (the scroll). However, because potentially the letter (or word) can be erased and the (scroll) will no longer have an extra word, the Torah scroll is kosher.

His application of Maharal is stylistically similar to Rabbi Yosef Engel, in that he applies the essential concept rather than the specific details. It is not at all difficult to assume that he passed on this conceptual understanding of Maharal to Rabbi Yosef Engel, who he apparently had a considerable influence upon, as will be discussed in the following section.

4.1 Rabbi Yosef Engel and R. Avraham of Sochatchov

Amongst those who have written biographical sketches of R. Yosef Engel, there is some contention about his relationship with R. Avraham of Sochatchov. Though some have written that their relationship was somewhat tenuous, the majority of documentations convey that in actuality they had a deep mutual respect for each other. In the Encyclopedia of Galician Scholars,221 the author writes, “his father-in-law was a Chassid of the Avnei Nezer and due to pressure from his teacher, he induced his son-in-law to come with him against his will. It is for this reason that he does not mention him in his

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221 מאיר וונדר, אנציקלופדיה לחכמי גליציה, חלק ראשון (ירוחישלם, תש”ח) עמ’ 101
works, and instead quotes him as ‘a certain gadol or scholar.’” However, this is not entirely true, as in R. Yosef Engel’s Otzrot Yosef he writes, “HaRav HaGaon HaTzadik, the head of the Bet Din of Sochatchov, writes concerning the law of eating after one consumes the afikoman…”

This being the case, the reason why R. Engel did not always overtly mention R. Avraham by name may have more to do with the specific responsum that he cites, rather than being indicative of a strained relationship, as will be demonstrated. An example in which R. Yosef Engel does not clearly quote the Avnei Nezer is in his Gilyonei HaShas (Kesovos, 110b), “I heard in the name of a certain gadol that he said that the main mitzvah of residing in the Land of Israel pertains to one who is sustained from the Land of Israel—meaning that his livelihood is there. However, regarding those who live there but whose

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222 The author writes that R. Yosef Engel did not consider himself a Chassid. However, this is highly unlikely, as he studied in Chassidic kloyz’s, visited Chassidic Rebbes, married into Chassidic families and quoted from the Besht and other Chassidic works copiously throughout his writings.

223 In R. Avraham of Sochatchov’s, Avnei Nezer Hamefu’ar, Even HaEzer, Vol. 1 Sec. 225, (Jerusalem, 2006) Pg. 156, he quotes R. Yosef Engel saying “V’chacham echad U’shmo R. Yosef Engel dacha al pi Tosafot…” (A certain scholar by the name of R. Yosef Engel negated this explanation according to Tosafot…). From the reference of R. Yosef Engel as a certain scholar it is clear that R. Yosef Engel was not well known at the time when this responsa was authored. (There is no date on this specific responsa, but the responsa before it was authored in the year 1900 and the one after it was written in 1884 before Engel had printed any works and was still in his twenties.) Indeed, inserted in brackets—presumably by his son, R. Shmuel Bornsztain who edited the work—are the words “Hu harav hamefursam zal.” (He is the famous rav of blessed memory). This edit indicates that though at the time of the authorship of the responsa it was proper to write “a certain scholar” the editors deemed it important to include an honorific in the title. This usage of “a certain scholar” does not particularly convey a denigration for Engel as (a) it is entirely possible that that responsa was written when Engel was not famous, and the very mention of his name, and being brought in the responsa indicates respect and (b) that R. Shmuel felt it necessary to add the title, indicates a degree of respect that the court of Sochatchov had towards him. As mentioned further, R. Shmuel’s own grandson was engaged to Engel’s granddaughter.

224 Otzrot Yosef, Yorah De-ah, Kuntras 2:6 (Warsaw, 1929) Pg. 8

225 See as well the biographical sketch of R. Yosef Engel from the grandson of R. Yosef Engel, Dovid Morgenstern, Reshimot Toldot Av, printed in the end of Sh’irir Yosef (Tel-Aviv 1979) Pg. 63. There the author writes that he found in the Otzrot Yosef, Yorah Deah that R. Yosef Engel erased the words, “of a certain gadol” and in its place wrote, “HaRav HaGaon HaTzadik the head of the Bet Din of Sochatchov.” Interestingly, initially the name was omitted. The source for this thought in Avnei Nezer is Orach Chaim, 381:4-5

226 (New York, 1959) pg. 62
livelihood comes from the support of people in the Diaspora, they do not fulfill the main mitzvah of dwelling in the land of Israel…”

In the responsa of Avnei Nezer, Rabbi Avraham writes:\textsuperscript{227}

In ruling, it seems clear that there is no obligation to ascend (to the land of Israel) in our times, unless the ascender fulfills a great mitzvah in his dwelling…the essential mitzvah in the ascension is when he has livelihood from the Land of Israel. However, if monies are sent to him from the diaspora, as at present, it seems to me that this is not the complete fulfillment of the mitzvah; although he does fulfill the commandment of dwelling in the land.

If one analyzes the Avnei Nezer’s actual words, it seems that there is a difference in the way he and R. Engel formulated them. Whereas the Avnei Nezer states, “this is not the complete fulfillment of the mitzvah,” R. Yosef Engel wrote “the main mitzvah of residing in the Land of Israel is when one is sustained from the Land of Israel.” There is a focal difference between the two: The Avnei Nezer would be of the opinion that though he does fulfill the commandment, he is not doing it in its complete manner. Therefore, he concludes regarding a person who receives his livelihood from the diaspora, “he does fulfill the commandment of dwelling in the land of Israel.” However, according to R. Yosef Engel’s formulation that “those who live there and whose livelihood comes from the support of people in the diaspora, do not fulfill the main

\textsuperscript{227} Yorah Deah, 1:454 (Piyetrikov, 1912-1934). He makes moving conditional on two main aspects, governmental permission, to negate the three swears of Talmud, Ketuvot 110a, and the livelihood come from the land of Israel. A third point that he seems to vacillate on is if the person is worthy from a religious standpoint; for if not, he is of the opinion that the person, while physically in the land, is not spiritually absorbed by it.
mitzvah of dwelling in Israel,” it can be said that they are missing the main commandment and therefore there is no reason to move there.

The difference in the language in R. Yosef Engel’s quote—as we can assume he wished to quote correctly—perhaps hints to the reason why he omitted the Avnei Nezer’s name. He begins his quote with the statement “I heard in the name of a certain gadol.” From this wording, it is possible to assume that he did not actually see the text of this responsum inside, but only heard about it, second hand. Indeed, this volume of Avnei Nezer it states that it was printed in the year 1912\textsuperscript{228}. R. Yosef Engel passed away in 1920 and the Gilyonei Hashas is a work of Engel that was culled from the margins of his Talmud. Therefore, it is entirely possible that he never saw the printed book at the time that he penned this specific margin\textsuperscript{229}. This would explain the discrepancy in his quote and why the name of the author is not mentioned. Being that Rabbi Engel only heard about it second hand, he did not wish to quote it directly, as he was not completely sure of the veracity of the report or its exact wording. On the contrary, perhaps this brings out an opposite point; that R. Yosef Engel quoted it, even though it was unconfirmed, specifically because he held the Avnei Nezer in high esteem. Not only does he quote the idea, but he brings a proof for it from another Talmudic source pertaining to the manner of how to author a gett.

Another possibility as to why R. Yosef Engel omitted the name of Avnei Nezer is because of the nature of the response.\textsuperscript{230} This particular responsum was written in response to a work by R. Chaim Yisroel Morgenstern of Kotzk-Pilov called Shlom Yerushalayim, in

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\textsuperscript{228} The work was printed posthumously by his son.

\textsuperscript{229} One must admit that this is conjecture, therefore we really on the other arguments as well.

\textsuperscript{230} For details of the Chassidic reaction to Zionism post Herzl see Menachem Kasher, HaTekufa HaGedola, 2 volumes. (Jerusalem 2001). 415-415.
which he encourages the Zionist ideal. There the Kotzer-Pilover Rebbe writes of a plan to purchase land in Israel—as he believed that doing so would herald the Messianic era. He supported this plan, though those involved in Zionism were secular Jews. He nevertheless saw this as a holy mission from G-d that they merited for whatever reason. He writes:

Although those who work on this are not such tzaddikim, we have already learned that G-d can receive satisfaction from them that, at times, is greater than he receives from perfect tzaddikim...we cannot decide from where G-d will decide who will actualize His will...I can tell you this: I remember in my youth there were old Chassidim—may their merit protect us—who were sitting and discussing the Land of Israel. One of them mentioned that the holy Rebbe, Rabbi Bunim of Peshischa inquired when Lord Montefiore of London began to become famous throughout the world. The Rebbe asked from those around him, “Why does this lord not purchase our land from the Turks?” When someone responded,231 “What will we do with it if we have it, since we have not been remembered by G-d to ascend and return there with mercy?” The holy Rebbe responded: “Do not speak like that; if the land departs from their hands and comes into Jewish hands, our salvation will be very close at hand and it will be established for us speedily in our days...We can appreciate that the previous generation, were great and holy geonim, whose hearts were dedicated to Torah. Yet, they were tolerant that the salvation could come through Lord Montefiore, although he was not involved in Torah and the service of G-d throughout his

231 In the originallichkeit. Perhaps a euphemism to his grandfather Reb Mendel of Kotzk who was close to Reb Bunim and would often speak his mind.
life—as known. Who are we to say in our orphaned generation from where salvation should come? As long as our land is redeemed through someone rooted in Israel…our salvation will come.

It was in regard to this project that R. Avraham of Sochatchov wrote his letter, mainly supporting the project; even supporting the fact that the notion came from Jews who were secular. He writes: 232 “It is therefore a mitzvah to put in efforts with the government that they should give permission to ascend…and therefore you ministers and influential amongst Israel who have the ability to put in efforts to get permission and bring this great idea into fruition, have this mitzvah incumbent upon you, and the reward is immeasurable.”

It is possible that it was specifically because of this Zionistic stance that R. Yosef Engel removed the context of the response. R. Yosef Engel opposed political Zionism and did not support the notion of Jews settling the land of Israel on any grand-scale. When one of his grandsons asked him about Zionism, he responded: “Listen up. What you are able to contemplate in a year, I can think in one day. What you have in your head, I have in my heel. I already thought about this idea and I am telling you, it is not a good one”. 233 It is plausible that due to his disagreement with the content of the responsum—which at the time, was an extremely controversial and emotional issue—he did not wish to quote the

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232 Ibid 454, 455 Pg. 290
233 Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 23. Notwithstanding this, he strongly forbade the Jewish community of Vienna to denounce the Balfour Declaration saying, “hayad hachotemet tiktzate,” the hand that signs shall be cut off. Menachem Mendel Kasher, Hatekufa V’Hagedula (Jerusalem, 2001) Pg. 706. See as well Sichot HaRav Tzvi Yehuda, Devarim (Jerusalem 2005) Pg. 153-154 that describes the story. In his description of the episode, he writes that those who were present were sure that he would sign the denouncement of the Balfour Declaration and were surprised when he uttered his sharp condemnation of anyone who signs it. This is surely indicative of a somewhat nuanced approach to Zionism, on one hand not supporting the venture, but on the other vehemently forbidding the denouncement it once legal steps had been taken towards the formation of a state.
Avnei Nezer, who he had a deep respect for, on a topic that he strongly disagreed with. Instead, because of the nature of the responsa, he chose to omit the author’s name.

The respect between the Avnei Nezer and R. Yosef Engel can be gleaned through an episode that occurred in Sochatchov. On a certain wintery Shabbat that R. Yosef Engel was in Sochatchov, he became so engrossed in his learning that he did not realize that everyone had left the synagogue for the Shabbat meal. When he realized this, he ran outside forgetting his coat in the synagogue. When the Avnei Nezer saw this he remarked to his son, “See how a Torah scroll is walking uncovered.” The Avnei Nezer then removed his own coat and gave it to R. Yosef Engel.

Additionally, Friedman provides a photograph of a handwritten letter from R. Yosef Engel in which he describes how he spent Rosh HaShana with "כ"ק אדמו"ר שליט"א מפאסאכטשאוו." Going to a Rebbe for Rosh HaShana is something that a Chassid does and would indicate that he considered himself—at least to some degree—to be a Chassid of the Avnei Nezer.

Their close connection is further evidenced in the marriages that were arranged between R. Yosef Engel and Kotzk and Sochatchov. R. Yosef Engel’s only daughter, Miriam, married R. Yitzchak Menachem Morgenstern the grandson of the Kotzker Rebbe.

Additionally, his only granddaughter, Chaya Yocheved, was engaged to the grandson of

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234 Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 19 reports that from time to time R. Yosef Engel would travel to Sochatchov to speak “in learning” with the Avnei Nezer. His source for this is HaPardes, תתש”ט חודש מנחם. However, in searching that edition of HaPardes and other issues, I found no mention of this. As he provides a direct quote of the article, it seems that there must have been a mix-up of the exact source.

235 Aharon Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1986) Vol. 2 Pg. 225

236 Some mistakenly write that he was the son of R. Yisroel of Kotzk-Pilov. However, his own son, Dovid, writes in his grandfather’s biography, Sh’erit Yosef (Pg. 24) “In the year 5658 (1898) his daughter married R. Yitzchak Menachem, the son of the Kiloba Rebbe, Rabbi Tzvi Hirsh Morgenstern, the grandson of R. Mendel of Kotzk.”
the Sochatchover. However, it was pushed off until the outbreak of the Second World War.\textsuperscript{237} Clearly this close connection is indicative of mutual respect.\textsuperscript{238}

The respect was not only for personality, but methodology of learning. Friedman quotes the \textit{Gaon of Tchebin}, R. Dovid Berish Weinfeld as saying in the name of the \textit{Avnei Nezer}, “Whoever establishes a regular session to learn this work (\textit{Atvan De’Orayta}) can acquire the best methodology of learning;\textsuperscript{239} high praise from the Sochatchover, a person who was noted for his methodology of learning.\textsuperscript{240} Being that the \textit{Avnei Nezer} praised Engels

\begin{itemize}
  \item \textsuperscript{237} Dovid Morgenstern, Reshimot Toldot \textit{Sh’eirit Yosef} (1979) Pg. 37
  \item \textsuperscript{238} See as well Shimon Hirshler, \textit{Se La’Bayit} (London 2009) pg. 536 an account (he traces the veracity of the account) that once R. Yosef Engel visited Sochatchov and was at the table of the \textit{Avnei Nezer}. Although at the table was the renowned \textit{gaon}, R. Yoav Yehoshua Weingarten, the author of the \textit{Chelkat Yoav}, the \textit{Avnei Nezer} spent the majority of the time in conversation with R. Yosef Engel. See there as well (pg. 35) a curious story that, at first glance, seems deprecate R. Yosef Engel—he traces the veracity of the story to R. Dovid of Sochatchov. Once, a telegram arrived in Sochatchov requesting that the Rebbe pray for R. Yosef Engel as he was dangerously sick. (The fact that he sent him a telegram is indicative of two things that negate the assumption that he was not a Chassid. (a) The fact that he sent this telegram to the Rebbe indicates that he was not at all against the Chassidic practice of a Rebbe praying for the ill. (b) The fact that the telegram was sent specifically to R. Avraham of Sochatchov, indicates that he considered him to be his Rebbe), Though the Rebbe did not like being disturbed while teaching a class, because R. Yosef Engel was dear to him, the students decided to interrupt the class. (This shows the close relationship between the two of them) When the \textit{Avnei Nezer} received the telegram he responded: “What is the surprise that a young man, who plays with \textit{Shas} as if it were a ball, should be affected by the ‘evil eye?!’” It seems odd that the Rebbe would choose to justify the sickness while R. Yosef Engel was deathly ill. However, R. Avraham of Sochatchov’s actions can perhaps be understood through an episode that occurred with the himself. In Sorski’s, \textit{Marbitzei Torah Me’Olam HaChassidut}, (Benei Berak, 1986) Vol. 2 Pg. 162 (as well as other places) a episode is mentioned, that after the Sochatchover was wed, he became ill with a lung sickness. When his father, who was a Kotzker Chassid, came to Rabbi Mendel of Kotzk, asking him to pray for him, he mentioned that “his soul desires to learn and that he studies with tremendous focus”. However, the Rebbe responded by dismissing his learning and saying “איך מיר גילערנט,” as if to say that his learning was not all it was made out to be. When the Sochatchover heard this response from his the Rebbe, his father-in-law, he said that it is akin to (Kiddushin 20a), When R. Tarfon was sick and his mother asked the sages to pray for him because of his great honor of his mother, they responded, “Even if he does a thousand times that, he still does not possess half the honor for his mother that Torah demands.” The \textit{Avnei Nezer} explained that what the sages were implying was that he still had not completed his service in this world and had much more to accomplish—this too seems to have been the intent here, in Rabbi Mendel’s response to the \textit{Avnei Nezer}’s illness. It can perhaps be said that \textit{Avnei Nezer} was himself intimating a similar concept in his answer to R. Yosef Engel’s illness. By comparing him to a child who plays with a ball, he was perhaps implying that he still had room for growth in Torah learning and should therefore get well. (Minus this or a similar explanation, it seems incredulous that the \textit{Avnei Nezer} would justify R. Engel’s illness, rather than pray for him.)
  \item \textsuperscript{239} Tzvi Zev Friedman, \textit{Tiferet Yosef, Toldot R. Yosef Engel}, (Monsey, 2006) Pg. 42
  \item \textsuperscript{240} In \textit{Shut Avnei Nezer, Even HaEzer} 225:5 he quotes R. Yosef Engel by stating, “A big Chacham by the name of R. Yosef Engel negates his words. Tzvi Zev Friedman, \textit{Tiferet Yosef, Toldot R. Yosef Engel}, (Monsey, 2006) Pg. 20 assumes that this responsa was written before R. Yosef Engel became well known,
methodology, one can assume that the two methodologies are interrelated in some way.\footnote{See \textit{HaPardes} (25:5) Pg. 29 concerning R. Yosef Blumenfeld, author of \textit{Gan Yosef}, which has a similar approach to R. Yosef Engel that R. Yosef Blumenfeld studied under R. Yosef Engel and would often visit Sochatchov. This seems due to the resemblance in their methodology of study.} For it would make no sense that the \textit{Avnei Nezer} would say that one “can acquire the best methodology of learning,” if this method of learning was considerably dissimilar from his own Talmudic methodology.

In praising R. Yosef’s Engel’s methodology, the \textit{Avnei Nezer} writes in his approbation to \textit{Lekach Tov}:\footnote{Warsaw, 1892}

\begin{quote}
\textit{Shalom} to my honorable friend, a father of wisdom and young in years, the great \textit{Rav} with awesome sharpness. His eyes are like doves on the horizons of the Talmud; he is a \textit{Sinai} and an \textit{Oker Harim}. A new vessel full of ancient wine…

I perused his work \textit{Lekach Tov} that he composed according to classifications. I saw in it awesome fluency (\textit{bekiut}) and it will be of assistance even to those with tremendous Torah knowledge.
\end{quote}

Notwithstanding an adequate explanation of why in these specific instances the name of \textit{Avnei Nezer} was omitted, it is nevertheless incredible that in all of R. Yosef Engel’s work, there is only one mention of the \textit{Avnei Nezer}—a world renowned Gaon, who operated in the same region, was the promulgator of a similar methodology and who had considerable influence on R. Yosef Engel. Though the above points seem to adequately show that the reason for the omission was not due to any discord between them, there

\footnote{as in his approbation he heaps great praise on him. Additionally, he points out that the \textit{Avnei Nezer}’s son, the \textit{Shem Me'Shmuel} added in parentheses on the above title, “He is the famous rav and \\textit{gaon}.” (The praise that the Shem M'Shmuel bestowed on him is also indicative of a close relationship.)}
nevertheless must be a reason—beyond what has been mentioned—for why R. Yosef Engel chose not to mention Avnei Nezer in his writings.

In *Encyclopedia of Chachmei Galicia (ibid)* the reason given is that R. Yosef Engel was not a Chassid and that he was forced to visit the Avnei Nezer against his will. This explanation is problematic for various reasons; (a) even if initially he visited him against his will, later he visited him on many occasions of his own volition, (b) the fact that R. Engel sought the Avnei Nezer’s approbation for his work *Lekach Tov* and that Avnei Nezer gave it, is indicative that they had mutual respect for each other’s Torah learning—as expressed in the various anecdotes mentioned and perhaps more importantly (c) it would seem incredibly childish that a Talmudic genius of the caliber of R. Yosef Engel would ignore the vast Talmudic discussions of a recognized sage (though he quotes from a vast array of sages) due to what seems to be a juvenile reason. The reason postulated by the *Encyclopedia of Chachmei Galicia*, that something so inconsequential would cause R. Yosef Engel to ignore R. Avraham of Sochatchov’s vast corpus of Talmudic literature is ludicrous at best.

I would like to postulate that it was not R. Yosef’s Engel’s discord with the Avnei Nezer that causes the omission, but the opposite—that it was his great respect for the Avnei Nezer that caused the omission. Whereas such a perspective seems counterintuitive in the standard teacher-student relationship, it is entirely understandable through the lens of the Chassidic perspective. In most instances a Chassid would rather not mention his Rebbe if this would mean that he would have to argue with him.243

243 In *Encyclopedia Lchachmai Galicia (ibid)* the author writes that R. Yosef Engel was not a Chassid. Additionally, Sorski, *Marbitzei Torah Me’Olam HaChassidut*, (Benei Berak, 1986) Vol. 2 Pg. 217 writes:
There is an anecdote concerning R. Simcha Bunim of Peshischa which follows the same lines in expressing the relationship between a Chassid and a Rebbe, which was very different than the relationship between student and teacher in the Minagdic camp. This anecdote conveys the notion that arguing with a Rebbe—even on Talmudic matters—was frowned upon within the Chassidic community:

Once, a young Minaged who was erudite in Talmud and poskim, came to Peshischa stating that from here on end, he was interested in becoming a Chassid…when the Chevraya Kadisha saw that he was learned…they told him that their Rebbe teaches an in-depth class and that he should come with them and listen in on the class…it is known that the class the Rebbe taught was an exoteric pilpul, but that it also was congruent with esoterica; therefore no one had the gall to question his words—all the more so to discount them…

Being that this young man was unaware of the paths of Chassidus, therefore in the middle of the class, he began posing questions and disregarding his holy words. When the

“additionally he was not connected to any Rebbe, or to a certain brand of Chassidut. However, he was raised in the ‘clay…that Chassidim grow’, meaning to say, in the atmosphere, the ideas of the path of the Besht and his whole identity declared Chassidus.” Though it may perhaps be true that a Talmudic and Kabbalistic genius of his caliber did not easily fit into the traditional rubric of a Chassid who wholly negates his opinions and identity to his Rebbe, it nonetheless seems that he had a deep affinity for the path of Kotzk-Gur-Sochatchov more than any other, and affiliated with it. This is clearly indicated by the fact that there are numerous stories of visitations and interactions with the Sochatchover. He studied in the Chassidic kloiz in Bendin, which was under the influence of Sochatchov. Moreover, R. Yosef Engel married his daughter off to a grandson of the Kotzker. Furthermore, the words of the Chidashei HaRim are constantly quoted in his work and he responds to questions on them (See for example Lekach Tov, 12 in the Kuntras Achron, a response to R. Pinchas Menachem Yustman of Gur responding to his grandfather’s words). Indeed, in his Kuntras HaShavi’it a responsa to the Kotzker Rebbe, R. Yisroel Morgenstern, he quotes an anecdote from R. Mendel of Kotzk as well. The rationale of this connection is fairly simple. Of all streams of Chassidism, the court that began in Peshischa was one that created a synthesis between Chassidut and in depth Talmudic study and thought. It makes sense therefore that R. Yosef Engel would be particularly attracted to this modality of Chassidism above all others.

244 Yoetz Kim Kaddish Rakutz, Si-ach Sarfei Kodesh-hachadash, (Benei Berak 1986) P. 81-83. As the work was originally printed in Piyetrikov 1926 it is possible that the ideas expressed therein effected R. Yosef Engel.

245 The author writes that this was the custom of the Koznitzer as well, who did not allow individuals to ask questions on his pilpul as he had Kabbalistic intentions as well.
Rebbe saw this he became very agitated, left the class and went to his room… When the students saw that he did not return they poured their anger on this young man for having ruined the class with his questions. He responded that he did not know that one does not argue with the pilpul of the Rebbe, because by the Minagdim, one can argue with their teacher if they have a question.  

Additional anecdotes are related about how the Chabad Gaon, R. Shneur Zalman Fradkin, author of the Torath Chessed, would never mention the words of his Rebbe, Rabbi Menachem Mendel of Lubavitch (The Tzemach Tzedeck):  

The Gaon, R. Leibish Veiber of blessed memory…related: “I once debated with R. Shneur Zalman of Lublin (the Torath Chessed) on the topic of Challah. In the middle of the conversation I (R. Leib) remarked in surprise, ‘Isn’t there a lengthy responsum in the Tzemach Tzedeck on this topic—why doesn’t the Rabbi mention it?! The Gaon responded: ‘There are times when one must disagree with the Rebbe, therefore I do not mention his opinion altogether,’ so that it will not be considered that I rule a Halachah against his holy opinion.”

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246 The story goes on to explain the Rebbe’s reasoning for becoming upset and that from then on he did not allow this individual to attend his classes.
247 Y. Chananel, (a pseudonym for חנניה יוסף אייזنكוק), Toldot HaGaon Rabbi Shnur Zalman M’Lublin (Jerusalem 1979) Pg. 22. Indeed throughout his responsa he never cites Tzemach Tzedeck, though he was a fervent Chassid. Concerning his relationship with Chabad see ibid, HaGaon M’Lublin Pg. 17-23, Sefer HaSichot, “Admur HaRayatz” (New York, 2002) Pg. 87
248 See as well Bita’on Chabad, # 30 (Etul 729) that he would rule against the opinion of the Tzemach Tzedeck. There was an episode with an eguna that the Torath Chessed toiled to permit in the company of R. Moshe Meshil Gelbshtein of Jerusalem. The gaon remarked to R. Moshe Meshil: “together we are two, with the Radvaz we are three that permit it. Since we are a court, let her get married in the presence of two Torah scholars.” When R. Moshe Meshil, who was also a Chassid of the Tzemach Tzedeck protested that he cannot permit her to marry, as his Rebbe, the Tzemach Tzedeck forbids remarrying in such a case, R. Shneur Zalman responded: “Nevertheless there is no kepeida, as the Rebbe appointed me to delve into responsa literature to permit agunot. In a responsa of the Tzemach Tzedeck (Even HaEzer, Sec. 41, HaArot) the Tzemach Tzedeck writes: I am very busy and it seems from your letter that you already received permission from HaRav HaGaon, Moreinu HaRav Zalman…therefore you can rely on him, as you too have found reason to permit. See Shalot Utshuvot Torah’s Chessed, Even HaEzer Sec. 3 that seems to be the
These stories are anecdotal, but they convey a true depiction of the sentiment and sensitivity of Chassidim to their Rebbe.250 A Chassid would rather not mention his Rebbe’s Halachic opinions than have to argue with them. R. Yosef Engel was an exceptionally independent thinker who allowed himself to argue with the greatest Talmudic minds, both of his time and before him. It was possibly his great reverence for R. Avraham of Sochatchov that prevented him from quoting him251.

A Chassid does not argue with the Talmudic teachings of his Rebbe. This is predicated on the belief that the Rebbe’s words include mystical and spiritual intentions and are not based on human logic alone, but are holy. It is quite likely, that as a Chasid, this was R. Yosef Engel’s reasoning as well. Were he to quote the Avnei Nezer’s words, he would be

questioner’s intent.” From here it is clear that the Tzemach Tzedek himself read the Torath Chessed’s works and relied on his rulings.

249 A similar practice is mention by R. Moshe Tzvi Neira, Besdei HaRaYa, (Kefar HaRoeh 1987) Pg. 255 about R. Avraham HaKohen Kook. “Rabbi Shmuel HaKohen Weingarten related: Once, I was in the house of the Rav. When the Rav saw me, he immediately called me to ask if I know how to operate a typewriter, as he has a responsa regarding permitting an aguna that he must rush to send—and his secretary was not in that day. When I responded that I knew how to operate one, he immediately sat me down to copy his response. As I was typing I remembered that the Chassam Sofer has a responsa where he deals with a similar scenario. I was surprised, for the Rav was generally proficient in the works of the Achronim, especially the Chassam Sofer—yet he did not mention it. After I finished my work, I permitted myself to ask the Rav about this. This was his reply; ‘Throughout this discussion I dismantle the various proofs of the Chassam Sofer. Therefore, being that I have deep respect for the Chassam Sofer, I decided not to mention him, so as not to diminish the honor of Torah.’”

250 See Yoetz Kim Kaddish Rakutz, Si-ach Sarfei Kodesh-hachadash, Toldot Shevach HaTzadikim (Benei Berak 1986) Pg. 18 that R. Avraham of Sochatchov himself said that the reason that he did not write down the thoughts of his teacher R. Mendel of Kotzk was because he was worried he may not understand them. Indeed, R. Avraham rarely quoted his Rebbe though he wrote explicitly of his brilliance in Talmud; the reasoning was the same. It was not because he did not respect him that he did not quote him, but the opposite. The intense respect is what made him fearful that he may not correctly express the Rebbe’s intent. See there, Pg. 19, that R. Avraham of Sochatchov, as well, intimated that his Talmudic thoughts correlate to his Talmudic thoughts.

251 Along the lines of the anecdote about being unable to argue with R. Simcha Bunim’s Talmudic lectures as they were rooted in Kabbalah, is an episode with R. Yosef Engel and the Avnei Nezer brought Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 65. “Once, our Rebbe was in Sochatchov and with holy emotion stood and listened to the words of Torah of the Holy Gaon, the Avnei Nezer, Zatzal. After the tish…the Chassidim each explained his words, one explaining it this way, and the other another way. Each one delved into his words according to their level. R. Yosef Engel said: ‘There is no doubt that his words are amazing, high and transcendent. What is truly amazing, however, is that for each secret and esoteric concept the Rebbe immediately finds proof in Shas and poskim—and weaves the words into the realm of peshat.
forced to analyze them and possibly argue against them. Rather than that, it is plausible that he instead chose to gloss over them. Indeed, this was the practice of several Chassidic Talmudic geniuses. They chose not to quote the words of their Rebbe in matters of Talmud and Halacha, lest they would be “forced” to disagree with them.

It is therefore possible that due to a combination of the above reasons, R. Yosef Engel chose to omit the opinions of R. Avraham of Sochatchov from his writings. From the Chassidic standpoint, not only does this not express a lack of respect, but quite the contrary; it expresses great respect. Given the many interactions between them and the fact that they both derived their methodology from the Maharal, it is reasonable to assume that the source of influence upon R. Engel in using the methodology of Maharal252 was the personality of R. Avraham of Sochatchov.253

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252 However, though R. Yosef’s Engel’s thought process bares much similarity to R. Avraham of Sochatchov, both in his conceptualizations and in his use of Maharal (and to an extent, other philosophical works) there is nevertheless considerable difference in their methodology. While Engel focuses on classification and lengthy analysis and is replete with philosophical analyses that covers the breadth of Talmud, this aspect is much less pronounced in the Avnei Nezer who is much more localized in his discussion.

253 An additional source for his use of Maharal is possibly from his relative R. Shmuel Engel. R. Shmuel Engel gives a glowing approbation to R. Yosef Engel’s Lekach Tov and was known as a tremendous gaon and charif and R. Yosef Engel studied together with him for a period of time. For a biographical sketch of R. Shmuel Engel see Sorski, Marbitzei Torah Me’Olam HaChassidut, (Benei Berak, 1987) Vol. 4 pp. 63-87. There (pg. 69), Sorski reports that R. Shmuel Engel used to say: “From the day that I acquired maturity, the words of the Maharal of Prague have been a guiding light for me. He has in his methodology of learning three qualities; length, breadth and depth.” Indeed, these are three qualities that were highlighted as well in R. Yosef Engel’s thought. There were however, several points of difference; whereas R. Yosef Engel often quotes the words of the Morah Nevuchim, R. Shmuel Engel refrained from studying it, out of fear that he would misunderstand the intent. (Sorski, ibid pg. 70) He would additionally encourage his students not to study works of Jewish Philosophy, something that R. Yosef Engel clearly studied. An additional difference is expressed in an anecdote of a conversation between the two. א. היילפרין, שוחחין של עבדי אבוץ (ירושלים תשס”ו) עמ, 33-329. There he records a first-hand account that R. Mordechai Engel once visited his cousin R. Yosef Engel. R. Yosef Engel asked his cousin to ask R. Shmuel Engel why, though he is a tremendous baki in Talmud and is akin to the Shagas Arayeh...he nevertheless, relies on the Noda B’Yehuda and the Chassam Sofer in adjudicating Halacha. R. Shmuel Engel answered “tell my dear Yosef that I have received from my teachers that the Noda B’Yehudah and Chassam Sofer were sent to this world to decide Halacha. I therefore rely on them instead of my own reasonings.” While this story is said to have influenced R. Yosef Engel’s proficiency in Chassam Sofer (See Tzvi Zev Friedman, Tiferet Yosef, Toldot R. Yosef Engel, (Monsey, 2006) Pg. 63, FN 193 that after this incident he purchased the works of Chassam Sofer, became proficient in his works and later remarked “indeed, they were emissaries who fulfilled their
4.2 Maharal’s thought in R. Yosef Engel’s works

The notion that R. Yosef Engel was influenced by Maharal, is common amongst his biographers. There are testimonies that recount that R. Yosef Engel himself remarked as such.\textsuperscript{254}

In describing Maharal’s influence on R. Yosef Engel, Menachem Kasher writes:\textsuperscript{255}

We should note that in the generation of the \textit{Tzafnat Pane’ach}, there lived another Gadol who was similar to him—Rabbi Yosef Engel \textit{zatzal} of Krakow. His work \textit{Gilyonei HaShas}, as well as his other works, show tremendous proficiency in all the “chambers of Torah” to their depth and breadth, similar to the \textit{Tzafnat Pane’ach}. Before him were revealed many works of the \textit{Rishonim} that the \textit{Tzafnat Pane’ach} did not at all use. He employs the same methodology of “abstract conceptions that have large significance,” and accordingly based his amazing works, \textit{Lekach Tov}, (Warsaw, 1893), the two volumes of \textit{Beit HaOtzar}, \textit{Tzinuim LaTorah}, and \textit{Arvan DeOrayta}. In his analysis and logic he is similar to the \textit{Tzafnat Pane’ach} in tens of places…in addition, in his explanations he uses the Guide to the Perplexed and \textit{Milat Higayon} of Rambam…and elucidates mission well,) and his works to exhibit respect to \textit{Achronim}, he nevertheless is considerably independent in his \textit{pesak}.

\textsuperscript{254} Sorski, \textit{Marbitzei Torah Me’Olam HaChassidut}, (Benei Berak, 1986) Vol. 2 Pg. 219 recounts a testimony that he seems to have had first hand: “The Belzer Chassid, the venerable R. Elimelech Romfler of London relates that he heard testimony \textit{ish mepi ish}, that once R. Yosef himself said that he was primarily influenced in his methodology by learning the Maharal and R. Menachem Azariah da Fano.” While there are quotes of R. Menachem Azariah da Fano in his printed works it is difficult to see how he was his main influence. Perhaps, if this testimony is accurate, R. Yosef Engel meant that in his Kabbalistic writings he was influenced by De Fano. Unfortunately, the overwhelming majority of Engel’s kabbalistic works are no longer extent and therefore it is impossible to verify this.

\textsuperscript{255} \textit{Mifane-ach Tzfunot} (Jerusalem 1976) Pg. 33.
(Talmud) in many places according to philosophical principals similar to the 
*Tzafnat Pane’ach*. However, there is one strong difference between the two. The 
path of the *Tzafnat Pane’ach* is one of extreme brevity and conciseness, whereas 
R. Yosef Engel is the opposite; he is lengthy and expansive and repeats and 
reiterates. (In general he was greatly influenced by the doctrine and methodology 
of Maharal.)

In describing the difference between the Gaon of Rogatchov and R. Yosef Engel, Kasher 
sees the point of difference in that R. Yosef Engel wrote in a style and method similar to 
Maharal and concluded that, “In general he was greatly influenced by the doctrine and 
methodology of Maharal.”

That he was strongly influenced by Maharal is expressed 
repeatedly in any biographical overview of R. Yosef Engel.

In truth, from any reading of R. Yosef Engel one can extract that he tended to write with 
great verbosity and clarity—both traits of the Maharal. Nonetheless, it is more difficult to 
locate the direct influence of the Maharal. Verbosity in writing is also displayed by many 
other writers who were not influenced by Maharal. Surely, long-windedness, in and of 
itself, does not demonstrate a correlation between Maharal and R. Yosef Engel. Surely, 
Kasher himself was aware that this, in and of itself, is not sufficient information to 
ascertain a connection and was only reflectively stated after Maharal’s influence had 
already been verified for other reasons.

Indeed, throughout R. Yosef’s Engel’s works there are many quotes from Maharal— 
some of which include his satisfaction at having arrived at the same conclusions as the

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256 Compare to Sorski, *Marbitzei Torah Me’Olam HaChassidut*, (Benei Berak, 1987) Vol. 4 pp. 69 about R. 
Shmuel Engel “From the day that I acquired maturity, the words of the Maharal of Prague have been a 
guiding light for me. He has in his methodology of learning three qualities; length, breadth and depth.”
Maharal. In fact, in the earliest of his works, *Shav Denechemta*, one already finds modalities of thought that are distinctly Maharalian.\(^{257}\) This connection to Maharal seems to have only intensified during the course of his life, as the area where Maharal’s influence is undoubtedly most pronounced is in R. Engels’s *Derashot* (sermons) which were delivered toward the end of his life, as a member of the Krakow and Viennese rabbinate.

Some of these sermons were printed posthumously in *Otzrot Yosef*. There, R. Yosef Engel completely absorbs the unique style of Maharal and entire sermons are given over in a distinctly Maharalian style.

In *Shav Denechemta, Ma-amar 7*, one sees an example of the Maharalian thought of R. Yosef Engel. Though R. Yosef Engel does not overtly quote Maharal in this specific thought, a careful and conscientious reader will recognize the overt undercurrents of Maharalian influence.

The section revolves around the Talmudic statement (Berachot 64a, Mo’ed Katan 29a), “One bidding farewell to the dead should not say to him ‘Go unto peace’, but ‘Go in peace’; one bidding farewell to the living [friend] should not say to him ‘Go in peace,’ but ‘Go unto peace.’”

R. Yosef Engel explains:\(^{258}\)

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\(^{257}\) Originally printed תרמ”ט when R. Yosef Engel was 30 years old. The work was written in honor of his mother whose funeral he was unable to attend and deals with 7 Talmudic passages that discuss mourning and death. Tzvi Zev Friedman, *Tiferet Yosef, Toldot R. Yosef Engel*, (Monsey, 2006) Pg. 40, footnote 28 brings an account that this was the first work that R. Yosef Engel intended to print, however, because he thought that there would be little interest in an aggadic work, he printed it together with his *Ayin Panim LaTorah*—a work that gives 70 answers to a single question.

\(^{258}\) Brooklyn, 2013 Pg. 371. In various other places in the work he discusses the difference between *tzurah* and *chomer* as well.
It seems that the reason is because the fusion of the soul with the body is a discordant connection, for the Chomer is contradictory to the soul, which is spiritual. All the drives of the body and its lusts are contrary to the soul. Therefore, when the soul separates from the body it becomes completely spiritual, without the admixture of the coarseness of the body and the body becomes completely coarse, without the admixture of the spiritual; it is therefore proper to call that state peace.

He goes on to elaborate that as long as a person is alive they are not completely at peace, therefore one can only say to the person “go unto peace,” however, once a person has passed on, one hopes that they have attained a completely spiritual state and one therefore says to them “go in peace.”

This concept, that man is a composite of chomer and tzurah is a common theme in Maharal. In his conception, all of one’s negativity is a derivative of the chomer of the body, whereas one’s good is a derivative of the tzura of the soul. This rubric is decidedly different from the more Chassidic and Kabbalistic perspective, in which the origins of both good and evil are both derivatives of the soul; the good from the G-dly soul and the bad from the animal soul.259

However, in Maharal’s conception, all of one’s good is derived from the tzura and their negativity from the Chomer. Man’s objective is to focus on the tzura and diminish the

259 See Tanya, Ch. 1-2, Rabbeinu Bachya, Bereishit 2:7, Shemona Perakim Ch. 1
power of the *chomer*. Though this is a common theme in Maharal’s literature, we will provide one example where this thought is pronounced:

Man is not completely physical; for he has a G-dly soul…For he has in his *tzura* something G-dly, as known to those proficient in the secrets of the Torah. In any event, there is in man a transcendent quality. Meaning that these two things are separate, one rules and has the importance of the body, and the second is something that is not physical and is transcendent…for in this world there is the *chomer* and the *tzura* which is transcendent…all sin is from the *chomer*, not from the *tzura*.

Already in R. Yosef’s Engel’s earliest works there is extensive discussion of the divide between *tzura* and *chomer*—and he employs the differences to elucidate various concepts. Though this alone may not convincingly prove that R. Yosef Engel derived these concepts from Maharal, when one reflects on the whole of R. Yosef Engel’s available corpus, one can see retroactively that the roots of Maharalian influence were already present in his first works.

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260 See Maharal, *Tiferet Yisroel*.
261 *Tiferet Yisroel*, Ch. 4 (Tel-Aviv 1985) Pg. 107
262 In Beit HaOtzar Vol. 2 Sec. 18 Pg. 38 V.S V’hineh, he writes a similar concept also based on Maharal: “The definition of man is that he is composite of *chomer* and *tzura*—therefore each part is only a half. It is known that without the intellectual soul man would be classified as an animal. So too as well, with the intellectual soul, on its own, without it being connected to the *chomer* it would be classified as an angel; only when there is the connection of the intellectual soul with the *chomer* can one be called man…this is explained by the Maharal in many places (see *Gur Aryeh*, Terumah 25:2 Ot 4, *Netivot Olam*, *Netiv HalaShon* Ch. 2) that a person is considered half *chomer* and half *tzura*. See as well Beit HaOtzar, Vol. 1 Sec. 10:3 V.S V’da and *Otzrot Yosef*, *Shabbat Shuva* 5670 pg. 10.
The area in which Maharal’s influence is most pronounced is in R. Engel’s Derashot. An interview from R. Shmuel Vosner (Shevet Halevi)—who remembered R. Yosef Engel from his youth—relates how he would give over his Derashot.²⁶³

I heard the following directly from his student, R. Dovid Kohen who already heard sermons from his holy mouth while he was in Krakow…He said that our Rabbi was a great Chassid of the sermons of the Maharal which were completely “machsava (abstract thought).” His custom was that when he would begin to speak, he would first quote—by heart—a complete chapter of Maharal and build his thoughts upon it.

Indeed, in his sermon from Shabbat HaGadol 5668,²⁶⁴ he begins by quoting extensively from Maharal and then elaborates on it in a Maharalian manner. There he writes:

The idea is as explained in Maharal, of blessed memory, in Gevurot Ch. 4 that the Egyptians were the concept of chomer and the Israelites were the concept of tzurah…The servitude of Israel in Egypt was a servitude of the tzura to the chomer. Therefore, also in man, this caused his tzura, which is the intellectual faculty of the mind, to be subjugated to the body…in man, the redemption (from Egypt) caused that his mind should not be subjugated to bodily lusts…

Throughout the discourse he continues in this fashion of enunciating the difference between tzura and chomer—the parts of man that are expressive of tzura and the manner in which the redemption is expressed. The language he uses throughout is highly

²⁶³ Tzvi Zev Friedman, Gilyon Avrech, Vol. 5 (Bet Cheshvan, 5776).
²⁶⁴ Otzrot Yosef, derush 3
reminiscent of Maharal. Also, the next Drasha there, which discusses the concept of shniyot, is heavily based on Maharal.

There he writes that the idea of witchcraft (the Talmud in Moed Katan 18a states that Pharaoh was a sorcerer) is the negation of the supernal pamalya as stated in Talmud. Aruch explains that the word pamalya is etymologically derived from the word family, which expresses unity. R. Engel explains that this idea of Pharaoh being a sorcerer, is that he negated the unity of God in creation. Indeed, based on Maharal, R. Yosef Engel explained that all impurity comes from a lack of unity. To negate this impurity, the verse (Shemot 12:21) states: “Draw forth or buy for yourselves sheep for your families and slaughter the Passover sacrifice.” To negate the impurity of shniyot there must be the unity of family. He bases this thought on an interpretation of Maharal.

This is what is explained by Maharal of blessed memory in Gevurot that the concept of Achdut HaShem was redeemed in the exodus from Egypt. Therefore…the Pascal offering is not eaten in two groups, so that there will not be sheniyyot—see there. It is for this reason that concerning the Pesach, the verse (Shemot 12:21) states, "Draw forth or buy for yourselves sheep for your families.” The concept of a “family” is the opposite of witchcraft, which negates the supernal “family.” The redemption from servitude was brought about as an extension of achdut being redeemed, as elucidated in Maharal…

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265 Otzrot Yosef, derush 4
266 While it seems like he’s basing himself on the word play of the phonetic similarity between פמליא and פאמיליע, the connection between the two concepts is deeper according to the Aruch.
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While the idea expressed by R. Yosef Engel is not explicitly in Maharal, he bases this thought—and many other thoughts in the Derasha—on concepts elucidated by Maharal. Throughout Beit HaOtzar, Gilyonai HaShas, and Lekach Tov, and his responsa Ben Poret—R. Yosef Engel’s Talmudic works—he quotes Maharal, debates and analyzes his words and employs Maharalian conceptualizations even when not directly quoting him.

We will bring an example of overt discussion of Maharal in R. Engel’s Talmudic works, as well as an example of an idea that seems to have conceptually begun with Maharal, although R. Engel does not clearly quote him.

In R. Yosef Engel’s Beit HaOtzar, his creative encyclopedia of classifications, under the category of achva, R. Engel brings a seemingly Aggadic thought of the Maharal to explain a Halachic concept.268

He begins his thought with an extensive quote of Maharal, bringing not only the point of the thought, but the details of it. This itself reveals his great affinity for Maharal.

Engel writes quoting Maharal:

> In the work Ba’er HaGola of Maharal of Prague, of blessed memory, in his 6th be’er he brings the statement of the sages (Talmud, Shabbat 145b) “[The verse (Mishlei 4:7) states] ‘Say to wisdom, you are my sister.’ If the matter is as clear to you as the fact that your sister is forbidden to you, say it; but if not, do not say it.” He states, “The meaning is say to wisdom, “you are my sister (achoti)” which is related to the word ‘friendship’ (achva).”269 The verse states that wisdom should be

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268 Beit HaOtzar Vol. 1, Ma’arechet alef, klal 50. (Piyetrikov, 1903) Pg. 110

269 It seems that R. Yosef Engel was quoting from memory—which reveals his proficiency in Maharal. R. Engel writes “lashon achva,” however, what Maharal actually wrote is “lashon achot, milashon ichuy.”
completely fused with the individual; meaning, with complete certainty—at that point the concept becomes connected to his mind with complete fusion. However, in matters that are uncertain…the concept is not fused with him. This is what it means “Say to wisdom, you are my sister:” That there is no greater connection than to a sister. It is for this reason that it is obviously forbidden—since forbidden relationships are specifically with those who are closely related to the individual—and are therefore forbidden. It states that if the matter is close to you, like your sister, being that this relationship is the closest, it is forbidden—since one’s sister is totally like one’s own flesh. However, in regard to a father to a son or daughter, being that one is a parent and the other a child, they are separate and not the same.270 However, a brother and a sister are the same; therefore, the word ach and achot are derived from the word ichuy (fusion). Consequently, if a matter is clear to you and close to you like your sister—that it is forbidden to you—you should say the wisdom and if not, you should not say it.

From this he derives that the relation between brother and sister is greater than any other relation—even that of parent and child. It is for this reason that when the Torah wished to express relation, it did so using the allegory of a brother and a sister, which is an absolute connection, as opposed to a daughter which is a more distant relation271.

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270 He seems to be discussing the conceptual concept of av and tolda, not their obvious physical relationship. He is explaining that conceptually the cause is separate from the effect.
271 It seems that this point is not completely proven, as Maharal is not directly discussing relation but rather a fusion and sense of sameness. Though a parent-child connection may not have the degree of fusion, since one is the cause and the other is a step removed from him, the actual relation can be closer, as the cause is expressed in the effect.
Engel takes this thought from Maharal—which seems to be purely *Aggadic*—and employs it to address a question of Tosafot (Nazir, 43b S.V *Keshehu Omer*). There the Talmud states:

R. Eliezer ben Yaakov said: ‘He defiles himself for her’, but he must not defile himself for limbs, thus excluding an olive's bulk of [the flesh of] a corpse…It might be thought that he is also forbidden to defile himself for the spinal column, or the skull, or the greater part of the bodily frame [of his sister's corpse] or the majority [of its bones], but since it is written, “and say unto them”, it follows that Scripture has permitted you an additional defilement (to defile himself for the spinal cord). It might be thought [further] that he is not to defile himself for the spinal column…of other [relatives], but I will tell you [why that is not so]. His sister is distinguished [from strangers] by the fact that her body depends on it (her body is connected to the spine and skull—so that the main body depends on the spine), and he is required to defile himself for the spinal column…likewise in all that the body depends on (i.e the skull).

Tosafot comments on this, “In truth, the Talmud could have stated that one would think that one can defile himself for other corpses—*even for their other limbs*—were it not that the Talmud is discussing his sister and uses the word “her” (which teaches us that one can defile oneself to for the spine, but not other limbs.” R. Yosef Engel explains that Tosafot

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272 R. Engel writes that this is written is S.V *Yachol*. While it is possible that this is because he was accustomed to write from memory and mistakes occasionally crept in, in this situation the mistake is in the Vilna print, as this is a separate Tosafot. Additionally, he did not use the Vilna print, but rather Zhitomer print—it is possible that it was due to this that this discrepancy arose. (In truth, this Tosafot belongs on the next folio. It is interesting how this was printed in the Zhitomer addition.)

273 This interpretation follows Rashi and is the manner that R. Yosef Engel understood this Talmudic section as expressed in the parentheses that he himself added. There is an interpretation that the words “the body depends on it - *shtaluy bo*” are not referring to the spine, but rather to the relative.
is bothered that the word “to her” is an exclusion that is only stated regarding the
Kohen’s sister—as such, why would one assume that others are stricter than the sister,
and not the opposite, that for other relatives one can defile himself for all their limbs?

Tosafot’s question is predicated on viewing the Talmudic logic as a mere technicality. In
his perception there is no conceptual reason why the Torah permits defiling oneself for
some limbs or other limbs—he only grasped the textual edict of the verse. As such, in a
situation where there is no textual edict, there is no reason to assume that it would be
stricter, and perhaps it is more lenient?

However, when one conceptualizes the teachings of the Talmud and understands that the
Torah is conveying a thought construct, the answer is clear and the answer falls away to
the point that it is not a question to begin with.

However, according to the thought of Maharal that a sister is the greatest relation
of all relatives—and for this reason the Torah compares wisdom specifically to a
sister…Accordingly Tosafot’s question is answered simply; certainly if the Torah
forbade a [Kohen] from defiling himself for his sister’s limbs, one can derive by
way of a kal vachomer [that other relatives’ limbs are forbidden as well]. For if
for one’s sister—who is the closest relative—the Torah forbade defilement for her
limbs, all the more so regarding other relatives. However, one cannot
[automatically] derive that a leniency that applies to one’s sister, of permitting
defilement for her skull and spine, is applicable to other relatives. Therefore, the
Talmud’s question that for other relatives this should be forbidden is understood.\textsuperscript{274}

This use of Maharal indicates R. Yosef Engel’s methodology of Talmudic study and his manner of using Maharal. When studying the Talmud without conceptualizing the concepts—as the Tosafists did—the question is a valid one. From a purely technical standpoint there is indeed no reason that from the reading of the verse itself other relatives should be any stricter than one’s sister. However, when one applies conceptual reasoning, the Talmud’s rationale becomes clear. Engel’s application of Maharal shows that when viewed conceptually, technical difficulties are easily answered. If one views the Talmud as a technical puzzle, on the other hand, it becomes a confusing labyrinth of ideas—however, when one understands the underlying principles that Talmud is conveying, matters become abundantly clear.

R. Engel’s use of Maharal in this case indicates his general methodology of seeking conceptual reasoning to resolve technical questions. It was this type of thought that seems to have brought R. Yosef Engel to the study of Maharal; as conceptualization is a primary feature of both Maharal’s and Engel’s Talmudic discussion.

What is interesting in this case is that though Maharal’s conversation here was centered in an Aggadic discussion, R. Yosef Engel applied it to a legal one—the matter being similar conceptually. This is a standard feature of Engel’s work, in that he ignores the divide between Halakha and Aggada.

\textsuperscript{274} He goes on to prove from various Talmudic sources and from the Ohr HaChaim that a sister is not necessarily the closest relation. As noted above, this is not the obvious intention in Maharal either.
A second example arises in *Lekach Tov, Klal* 12 concerning an idea postulated by R. Yosef Engel concerning the classification of *chatzi shiur*—performing half of a given prohibition. Concerning performing half of a prohibition, the Talmud (Yuma 74a) states, “Concerning the matter of half the legal minimum, R. Yochanan said: It is forbidden by Biblical law, while Resh Lakish said: It is permitted by Biblical law. R. Yochanan said, it is forbidden by Biblical law; Since it could be joined (chazi l’itztarufi) [to form a minimum] it is forbidden food that he is eating.”

In defining R. Yochanan’s opinion, of chazi l’itztarufi, Engel explains that this indicates that when one eats a full legal minimum he commits a complete prohibition (*issur b’shleimut*); however, when he does not eat the full legal minimum, he is committing an incomplete prohibition (*miktzat issur*).\(^{275}\)

Though the Talmud discusses whether part of a prohibition is forbidden, it does not have the same kind of conversation concerning a positive mitzvah—whether a partial mitzvah

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\(^{275}\) In *Beit HaOtzar* Vol. 1 Sec 127 (Piyetrikov 1903) Pg. 193-194 he explains this is more detail. R. Yochanan is of the opinion that the prohibition is a prohibition in the object (*issur cheftza*); therefore, if a complete legal amount is prohibited, it must be that the smaller amount is essentially forbidden as well—as it makes no sense to say that when one reaches a minimum the object in retrospect transforms into a prohibition. However, Reish Lakish believes that it is the person that is forbidden to do the action (*issur gavra*) and the action has no meaning until it is completely done. (See R. Elchonon Wasserman explains *Kovetz Shiurim Bava Batra* 376, (Tel-Aviv 1964) that seems to discuss the two sides of R. Yosef Engel’s claim. Though not mentioning him by name and writing *HaGeonim Achronim*, he seems to be clearly alluding to Engel’s opinion in his discussion—discussing the difference between *gavra* and *cheftza* in a *chatzi shiur* of a *shvu’a* which is also a topic discussed by Engel in *Lekach Tov*. As pointed out above these lectures were written by his students, so it is possible that in the lecture he clearly mentioned that this is Engel’s opinion.) Amongst the Talmudic analysts there are various manners to understand this argument. R. Yosef Rosen, *Mifane’ach Tzfunot* 11:4 argues that R. Yochanan’s opinion is that although there is less than a quantified amount in quantity (*kamut*) there is nevertheless a prohibition in the essential quality (*eichut*). Though this seems to be similar to Engel’s understanding, it explains in *Mifane’ach Tzfunot* that R. Yochanan and Reish Lakish are not arguing about *gavra* and *cheftza* but whether legal minimums are an amount of quality or quantity. R. Moshe Avigdor Amiel writes that it is a question of *Ra’uy*; that since the smaller quantity is technically able to be connected to a greater amount—in potential—it is forbidden even if this never actually happened. In his *Darkei Moshe* 4:1 he questions whether the definition of eating is in the “legal amount” but that there is a *gezerat hakatuv* that less than that is forbidden or the reverse; that the definition of eating is even in less than the “legal amount,” and that is an exemption that is lenient on less that amount not to be punished.
is considered to be a mitzvah. However, it is understood that the same question can be posed regarding positive mitzvahs. Is an incomplete mitzvah valueless or does it possess some inherent value in its own right?

Engel asks this question regarding a person who consumed only half a matzah, questioning whether in the same manner that a positive commandment negates a prohibition (ase’h docheh lo ta’aseh) that half a positive commandment negates half a prohibition. The theoretical question under discussion is in the case of an individual consuming less than the legal minimum of matzah made from tevel—grain that terumah was not separated from. Does the chatzi shiur mitzvah cancel out the chatzi shiur of the prohibition or not?²⁷⁶

Engel postulates that the above question is debated in the Talmud (Yuma 61a) concerning the sprinkling of the blood done during the Yom Kippur services:

The Talmud states:

[R. Meir said] If he sprinkled some of the sprinklings made within, and the blood was poured away, he shall bring other blood and start again from the beginning with the sprinklings within. R. Elazar and R. Shimon say: He shall start, but from the place where he stopped.

²⁷⁶ In context of Tosafot, Pesachim 35b, Shagat Aryeh 97, and a conversation in the Chidushei HaRim. Engel does not note where this conversation is in the Shut HaRim as he probably quoted it from memory. However, it is found in Shut HaRim, Pesachim 32b (Biyuezpuf 1867) Pg. 103
In the reasoning for this, Rashi comments:277 “R. Meir’s reasoning is that a service that was not completed is as if it is absent…” and “R. Elazar and R. Shimon who say that one continues from the place that he stopped...[believe] that we do not say that it is absent.”

R. Yosef Engel explains that R. Meir’s reasoning is that a mitzvah that was not completed in its legal amount is of no value at all. Being that the legal amount of sprinklings needed are eight, when one spills the blood midway it is not considered as if he had done a partial mitzvah; therefore, when other blood is brought he must begin anew—as his previous sprinklings are considered absent. Value is assigned to the first sprinklings only upon completion of the commandment, however, before completion, the initial sprinklings are meaningless. However, R. Elazar and R. Shimon believe that just as we apply the concept of chatzi shiur regarding a prohibition, we apply this concept in regard to a positive mitzvah as well. This being the case, the partial sprinkling of blood has the value of a partial commandment, and consequently, in a situation where the blood was spilled, one should continue from the point he left off.278

In a responsum to R. Pinchas Menachem Yustman279 (The Piltzer Rebbe), R. Yosef Engel responds to a query posed to him concerning this section.280 At the end of the responsum R. Engel addresses the essential question as to whether one applies the concept of chatzi shiur to a positive mitzvah—whether a mitzvah has composite value or absolute value that is only accomplished when the mitzvah is fully done.

277 Yoma, 61b S.V L’R. Meir and S.V U’L‘R. Elazar
278 R. Yosef Engel continues to discuss the various ramifications of this idea, and the various Talmudic discussions that can be explained based on this principle.
279 Ben Poret, Sec. 8 (Piyetrikov 1907) Pg. 68
280 Interestingly he brings many more Agadic references than in the actual work—possibly as the recipient was a Chassidic rebbe.
Engel writes:

Concerning the essential uncertainty whether a half shiur is considered a partial mitzvah…one should analyze the work Netach Yisrael (Ch. 8) from Maharal of Prague, of blessed memory, concerning the Talmudic statement (Ta’anit 29a) “The beginning of any misfortune is of greater moment”.

Saying: The beginning of misfortune is primary because the beginning is the bringing of the matter into action. On the 9th day [of Av] the matter was brought into action [and therefore the fast was set on the ninth]. This is not the case concerning positive expression; for we only follow the commencement in misfortune, as we see that Purim was instituted on the day they rested, not when they began to conquer their enemies. For in completion is the full good and the primary thing is when it is fulfilled. However, in something that is misfortune we follow the beginning.

R. Yosef Engel sees support in the fact that we only apply the concept of chatzi shiur concerning prohibitions—which he compares to misfortune—but not in regard to positive commandments—which he compares to Purim. Concerning the positive, we follow the completion, so that a partial mitzvah is considered as nothing, because in regard to good we follow the Hashlama and completion. However, the partial bad of misfortune is

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281 The Talmud is discussing the reason why the fast commemorating the destruction is on the 9th of Av, saying: “On the seventh the heathens entered the Temple and ate therein and desecrated it throughout the seventh and eighth [of Av] and towards dusk of the ninth they set fire to it and it continued to burn the whole of that day, as it is said, Woe unto us! For the day declines, for the shadows of the evening are stretched out. This is what R. Yochanan meant when he said: Had I been alive in that generation I would have fixed [the mourning] for the tenth, because the greater part of the Temple was burned on it. How will the Rabbis then [explain the contradiction]? — The beginning of any misfortune is of greater moment.”

282 It is not entirely clear how he derives that a partial good is not considered anything—as Maharal merely said that we follow its completion, not that it is worthless. His point perhaps is that were they to have begun conquering but never have won, the victories would have been worthless. However, even the beginning of destruction is negative. This expresses that a matter is considered good only when the matter is finished. One can in retrospect look at the beginning of the war and see that it began when the war commenced. The
already—at its beginning—considered to be the beginning of bad. By this logic, a *chatzi shiur* of prohibition is already prohibited as well.

Interestingly, R. Yosef Engel does not bring this concept in *Lekach Tov*. Though it is possible that this is because he did not think of it when he wrote that work, it is plausible that he had another reasoning as well. It seems that R. Engel was wary of printing *Agadata* in his initial works. While his work *Beit HaOtzar* is full of Agadic thoughts, *Kabbalah*, Jewish Philosophy and quotes from non-traditional Talmudic sources, his initial works are mostly devoid of such quotes. Though it is possible that in his mature work his attitude towards *aggadic* thought shifted, an interesting anecdote tells us that he exhibited this style of learning in his early studies as well.

Friedman, brings down an account as to the reason why Engel’s first works focused on Halacha rather than *Aggada*, stating that although he intended to print *Aggadic* work first, he thought that there would be little interest in it. For this reason, he merely included the *Aggadic* work *Shav D’Nechemta* as an addendum to his primary work *Ayin Panim LaTorah.*283 Perhaps this is the reason for his lack of Maharalic quotes in *Lekach Tov*. Although this may have been the conceptual source for his idea from the onset, he was hesitant to bring it directly into the work. Perhaps—if this notion is indeed true—there are many more Maharalian thoughts in Engel that are not readily apparent. An interesting subject for further research could be an investigation as to whether or not there indeed are

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same is in regards to sin and mitzvah. A partial sin is already considered bad, but a mitzvah is only good when it is completed and one can in retrospect see that the beginning of the mitzvah was good as well. What is not clear is why goodness must be absolute and cannot be partial, as the simile to a war is not complete. (Perhaps though he derives this from Maharal statement that implies that this is in all good things and not merely war.)

283 Tzvi Zev Friedman, *Tiferet Yosef, Toldot R. Yosef Engel*, (Monsey, 2006) Pg. 40, footnote 28
more seeds of Maharalian thought embedded in R. Engel’s works—even when the Maharal is not directly quoted.

However, it is clear that the conceptualizations of Maharal affected the Talmudic methodology of Rabbi Engel. It seems apparent from the various points of this paper that R. Yosef Engel’s abstract logical constructs, which influenced Lithuanian analysts, were a direct result from the desire to seek abstraction and philosophical paradigms on the part of Chassidic Talmudists. A natural source for this was the corpus of the Maharal’s thought, which was regularly studied in Peshischa and Sochatchov. It is because of this that the origin of the methodology of philosophical conceptualizations can be attributed to a great degree to the study regimen of the Kotzer dynasty and to the written works of Rabbi Yosef Engel.